

Beyond Migration: Islam as a Transnational Public Space

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Recent studies of transnational religious phenomena have emphasised the importance of distinguishing between transnational processes of migration and movement, on the one hand, and diasporic forms of consciousness, identity, and cultural creation, on the other. While this distinction is useful, it risks directing the study of transnational social phenomena in certain, limited directions. Migration and diaspora insufficiently take into account the possibility of quite distinct self-understandings about boundaries and legitimacy on the part of both 'host' countries and 'immigrant' populations. Taking 'Islam in France' as an illuminating case in point because each of its two constitutive terms challenges the possibility of self-defining through migration and diaspora, I argue that transnational Islam creates and implies the existence and legitimacy of a global public space of normative reference and debate, and that this public space cannot be reduced to a dimension of migration or of transnational religious movements. I offer two brief ethnographic examples of this transnational public space, and maintain that even as it develops references to Europe it implies neither a 'Euro-Islam' nor a 'post-national' sense of European membership and citizenship. Rather, current directions of debate and discussion in France are strongly shaped by, first, French efforts to define Islam within national political and cultural boundaries, and, second, efforts by Muslim intellectuals to maintain the transnational legitimacy of Islamic knowledge.

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Recent studies of transnational religious phenomena have emphasised the importance of distinguishing between transnational processes of migration and movement, on the one hand, and diasporic forms of consciousness, identity and cultural creation, on the other (Levitt 2001a; Vertovec 2000). While this distinction is useful (and subtly deployed by these authors), it risks directing the study of transnational social phenomena in certain, limited directions. If 'transnationalism' is mainly about migration and its variable aftermaths, it is a short step to suggesting that it be subsumed under the category of cultural assimilation (as recently advocated by Kivisto 2001), leaving 'diaspora' to designate populations living outside putative 'homelands' as well as the self-understandings held by those populations (Saint-Blancat 2002; Vertovec 1999).

Migration and diaspora do, of course, define a wide range of social processes and experiences, but they do not exhaust transnationality. In particular, they insufficiently take into account the possibility of quite distinct self-understandings about boundaries and legitimacy on the part of both 'host' countries and 'immigrant' populations. I take Islam in France as an illuminating case in point because each of its two terms challenges the possibility of self-

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defining through migration and diaspora. First, *Islam* complicates current lines of transnational analysis by emphasising its own universal norms and its practices of deliberating about religious issues across national boundaries.¹ Secondly, *France* raises the stakes of diasporic self-definition by challenging the cultural, political, and even religious legitimacy of any sort of extension of a citizen's life beyond state borders. The one resists national assimilation; the other requires it; both question the legitimacy of 'diaspora' as a descriptive term for portions of their membership.

In what follows I argue that transnational Islam creates and implies the existence and legitimacy of a global public space of normative reference and debate, and that this public space cannot be reduced to a dimension of migration or of transnational religious movements. I offer two brief ethnographic examples of this transnational public space, and maintain that even as it develops references to Europe it implies neither a 'Euro-Islam' nor a 'post-national' sense of European membership and citizenship.

Three Transnational Dimensions of Islam

The phrase 'transnational Islam' can be used to refer to a variety of phenomena, among which I would emphasise three: demographic movements, transnational religious institutions, and the field of Islamic reference and debate. I will argue that a focus on the first two, and in general on phenomena of migration and movement, has obscured the importance of the third.

Muslims may move across national borders for social or economic reasons, and in this first respect can be said to participate in transnational movement in precisely the same way as do Haitians who move to North America or middle-class Europeans who live and work in more than one country. There is nothing necessarily 'Islamic' about these attachments and returns, although they *may* define or create trajectories along which religious ideas or forms are carried and changed. Many of the North or West Africans, Turks, or South Asians who migrated to European countries in search of work have remained profoundly attached to their countries of origin. Many of them make frequent trips to these countries; those who retained their original citizenship may return to vote; some have chosen to have their bodies 'repatriated' for burial: and in this sense these individuals participate in the transnational movements proposed for anthropology by Glick Schiller (1997), Portes (1999) and others.

Of course, different populations develop distinct trajectories: in France and Italy, West Africans seem to travel more frequently to origin countries than do North Africans, for reasons having in part to do with the greater participation by the former in transnational Sufi movements (Grillo 2001; Riccio 2001). In this respect Senegalese in Italy or France (and Turkish workers in Germany) resemble the now-classic cases of transnational movement between Caribbean countries and the eastern United States (Levitt 2001b; McAlister 1998).² To that extent, these Muslim populations fit quite well into the analytical category of transnational demographic movement.

Certain transnational practices *are* tied to religious practice, however, and these transnational religious institutions have been a second focus of study for those interested in 'transnational Islam'. Some Muslims belong to religious organisations that either promote cross-national movement as part of their religious practice, or encompass and promote cross-national communication within their religious hierarchy. One of the most prominent in France and elsewhere in Europe (and North America) is the Tablighi Jama'at (Kepel 1991; Masud 1999; Metcalf 1996, 2001). The movement has its origins and centre in northern India, and sends missions out to urge Muslims residing elsewhere in

the world to return to the correct practice of Islam. Diverse Sufi orders also maintain ties and communication between new places of residence and their centres, as they have been doing since the tenth century. Their devotions focus on a living or dead saint, and they carry that devotional orientation with them as they travel. Sufis in Manchester or Paris have local leaders, but they also maintain their ties of devotion to saintly leaders in Pakistan, Senegal, or elsewhere (Riccio 2001; Werbner 2003). These groups maintain particularly strong ties to a homeland and maintain these ties across generations. In that respect these transnational religious movements develop a diasporic character in the form of representations and imaginations of a homeland.

In studies about Islam and transnationalism in Europe, it is these transnational, diasporic religious movements that have received the most attention (Grillo *supra*). In Britain, for example, anthropological and sociological studies of Islam have focused on the perduring ties between local mosques or associations and home-country institutions, particularly those in Kashmir and Bangladesh (Lewis 2002; Werbner 2003). In Germany, a great deal of attention is paid to the ties between Islamic organisations in Germany and Turkish political parties (e.g. Schiffauer 1999). The reasons for this research concentration are probably multiple. These movements provide a sociologically clear entity to study, with members, leaders and group activities. They involve movement and communication across borders, and so are clearly 'transnational' in a way that links their study both to migration literature and to current writing about globalisation. Finally, the Sufi ties of some of these organisations may make them intrinsically more attractive to some anthropologists and sociologists, intellectually so because they have their own rituals and genealogies, and perhaps ethically so to the extent that many social scientists prefer Sufism to the more pared-down versions of Islam associated with modernist and (non-Sufi) reformist movements.

This emphasis within sociological and anthropological studies has led to the relative neglect of a third form of transnational Islam: namely, the development of debates and discussions among Muslims about the nature and role of Islam in Europe and North America. These debates and discussions have led to the creation of networks, conferences, and increasingly formalised institutions for systematic reflection among scholars. These activities and institutions focus on the dilemmas faced by Muslims attempting to develop forms of Islamic life compatible with the range of Western norms, values and laws—in other words, how to become wholly 'here' and yet preserve a tradition of orientation toward Islamic institutions located 'over there' (Grillo 2001).

This third sense of 'transnational Islam' as a public space of reference and debate draws, of course, on Islam's history of movement, communication and institutional innovation. Islam has an intrinsic universality (which it shares with Christian religions) and also more specific universalistic dimensions. The message of the Qur'ân was to turn away from localised deities and worship the transcendent God. The capitals of Islamic polities shifted from one city to another (Baghdad, Damascus, Cairo, Istanbul), meaning the caliphate was and is not limited to one particular region or centre—and indeed in some contemporary imaginings can be entirely deterritorialised (Kahani-Hopkins and Hopkins 2002). Mecca remains the religious focal point of Islam, but the Islamic era began with the flight or migration (*hijra*) from Mecca to Medina (Eickelman and Piscatori 1990).

Other features of Islamic religious practice promote the sense of a worldwide community, the *umma*, among ordinary Muslims. The perduring role of Arabic as the primary language of scholarship and the development of a global jurisprudence (albeit with several schools or traditions) made possible

international communication among scholars.³ The standardisation of the Qur'ân, the requirement to pray in Arabic, and the popular enjoyment of reciting and writing verses of the Qur'ân promote among ordinary Muslims the sense of participation in a universal message (Hirschkind 2001). The annual pilgrimage brings together a sampling of Muslims, and the Saudi government's quota system ensures that pilgrims will meet a geographically wide range of fellow pilgrims. Daily, theoretically five times daily, Muslims turn their bodies in the direction of Mecca in order to carry out the obligatory rituals of worship (*salât*). Even those Muslims who refer to their allegiance to a spiritual leader or to the Shiite legacy of `Ali more than to their membership in the worldwide *umma* would deny that Islam is or should be defined or bounded by local or national borders. This sense of Islam's transnational character is diffuse but powerful, and it derives its power from the ways in which rituals reproduce, and histories remind Muslims of, the shared duties and practices of Muslims across political boundaries. In its impulse to refuse particularistic loyalties to ethnic groups or to a nation-state, this consciousness first and foremost creates an imagination of an Islamic community transcending specific boundaries and borders.⁴

This consciousness in turn supports the legitimacy and indeed the imperative of searching anywhere in the world for the highest authority on Islamic matters. This imperative creates specific networks of authority, learning and communication that are more historically and sociologically specific than the general sense of global *umma*-hood. Some sources of religious authority—Meccan jurists, Cairene muftis—owe their status to their institutional associations and affiliations; they have been at least recognised, if not always acknowledged, by Muslims throughout the world and over the centuries. Other sources of authority, such as the currently *mediatique* Yûsuf Qardâwî of al-Jazîra television fame, have followed more specific paths to positions of authority, but nonetheless find audiences in many countries. Still others, such as the Syrian father and son al-Bouti mentioned below, have a smaller, but nonetheless enthusiastic body of followers.

The scope of influence of these authorities varies greatly, but in each case, and this is the critical point, it reaches far beyond the borders of the home country. The communications between these sites and Muslims living elsewhere in the world take many forms: newspaper columns, Internet sites, cable television, or books (Eickelman and Anderson 1999). Moreover, links to authority sites often demand a competence in Arabic and a familiarity with the genre conventions of the advice column or the fatwa. These sites are not the only ones available to Muslims, of course, and those in, say, northern India, Iran or Java require additional or distinct linguistic competencies and take different institutional forms. But to claim the highest level of scholarly expertise and authority, one must be able to read texts written in classical Arabic and perhaps be able to recite these texts as well.⁵

This orientation is more specific and can be more particularistic than that toward the *umma*, in that different populations of Muslims pay attention to different sources of authority (and scholars do so more than ordinary people) but it, too, draws on a general feature of Islam, namely, the idea that it is to the most learned, wherever they may reside, that the Muslim ought to listen. It has to do much more with the worldwide communication of ideas than with the movement of populations, and does not depend on it. Muslims may communicate and debate across political boundaries without necessarily migrating or forming transnational religious movements.

For the rest of this paper I wish to consider the implications of this transnational public space for the question of Islam's place in Europe, and I do so for the hardest case, that of France. Because the transnational public space

of Islam is based on a set of extra-national social norms—the many interpretations of *shari'a*, 'God's plans and commands'—one will expect a higher level of conflict between transnational and national public claims in those states that make the stronger demands on their members for normative conformity or homogeneity. As the first example suggests, the more successful states are in organising Islam internally, the more visible will be those conflicts.

Conflicts of Justification at *Le Bourget*

The scene is the 'Exhibition Park' at the former airport of *Le Bourget*, in April 2003, during the four-day annual assembly of the UOIF, the Union of Islamic Organisations of France (*Union des Organisations Islamiques de France*), an umbrella organisation of mosques and local Islamic associations in France. The UOIF is only one of several such national organisations; its main rivals are a network of mosques under the control of the Paris Mosque, which itself is financed and controlled by the Algerian government, and the FNMF (*Fédération Nationale des Musulmans de France*), controlled by Morocco.⁶

The assembly is part book fair, part marriage market, and part Islamic school, with speakers from several countries talking on spirituality, law and politics (for details see Bowen 2004). This assembly was the twentieth sponsored by the UOIF, and also occurred just after nation-wide elections for a new representative council of Muslims, the *Conseil Français du Culte Musulman* (CFCM). The previous December, the Minister of the Interior (who is also 'Minister of Cults'), Nicolas Sarkozy, had succeeded in convincing the major Islamic organisations to participate in these elections. One of the means by which he did so was to get all parties to agree that the first President of the Council would be the head of the Paris Mosque, Dalil Boubakeur, and that the leaders of the UOIF and the FNMF would supply vice-presidents. At the elections the latter two organisations, in some places in alliance with each other or with other groups (notably the Turks), crushed the Paris Mosque candidates. The UOIF/FNMF victories could be attributed to a number of factors, among them the Moroccan dominance of mosques (the electoral unit) and of Moroccan prominence in both the UOIF and the FNMF. But at *Le Bourget* the UOIF leadership celebrated the results and the large turnout as a vote of confidence in their organisation's willingness to follow Sarkozy's game.

The high point of this celebration was to be the prime-time moment, Saturday evening, when Sarkozy was to address the gathering—the first such visit by a minister. He arrived punctually and was loudly, repeatedly applauded (27 times, said one source), particularly when he called for treating all citizens equally, whatever their religion. But then came the moment that would dominate public discussion throughout France for the next 10 days (until debates over a new pension reform plan took the stage). Sarkozy said that because all are equal before the law, all must comply with the law that all residents must have their picture taken for identity cards with their heads uncovered: 'nothing would justify women of the Muslim confession benefiting from a different law'.

The booing and whistles took minutes to die down. The statement ruptured the mood, but logically it was merely an application of the general principles applauded moments before. The reasoning was impeccable: Muslims must obey the law, the law says no headcovering on identity cards, Muslim women must untie their scarves at such moments. The Minister simply recited a syllogism, a basic cultural fact of French mental life.

The UOIF officials immediately denounced the law in question, and said it was their right to work to overturn it—one official making the unfortunate comparison with what he saw as a similarly unjust law, the Nazi requirement that Jews wear

yellow stars. This remark also was covered in the press. Less remarked on was the equally clear-cut recitation of how Islamic law should be followed that occurred in the same place two days after the Minister's speech, delivered as part of the UOIF's report on Islamic law. The organisation's spokesman on Islamic law, Ahmad Jaballah, issued a fatwa on behalf of the UOIF and the broader European network of which it is part, to the effect that Muslim women must wear headscarves. His speech came in response to a question, in the form of question and answer that defines the work of a mufti. The question concerned the obligation to wear 'le *hijâb*,' which always means, in these discursive contexts, a headcovering. Jaballah said:

This question [about the *hijâb*] was invoked earlier and the media have spoken about it. Many families find themselves obliged to have their daughters take off the hijab at work or at school. And as you know, many officials would like to pass a law forbidding it. But I should make several points. First, Islam requires women to wear the hijab, and here all scholars, in the past and today, agree. Secondly, we consider wearing the hijab to be an act of choice by a woman and not something forced upon her. Families should not oblige a girl to wear it if she does not want to. Third, when a Muslim woman wears the headscarf, she does it as an act of faith, and not as a political act or to signal her separate social identity. Fourth, the Conseil d'Etat [France's highest administrative tribunal] has decided that wearing the headscarf is not incompatible with *laïcité* [here, applause from the crowd], and this decision is consistent with the European Charter of Human Rights, where it guarantees the expression of religious beliefs both in private and in public. Many denounce ostentation and proselytism, but these occur only when someone wishes to impose religion on someone else, and such practices are not found in Islam. Fifth, what must be done? Try dialogue and avoid confrontation. Some school principals have interpreted the Conseil's decision in the direction of permitting the headscarf. Cover the maximum possible with the *foulard*, and not just with a bandanna. Don't focus on the issue of its colour; the point is to cover up [more applause]. We need to have Muslim women in every sector of public life. Some work not because they have to but because they received education and want to contribute, and they need to do so with their headscarf. If you have to take it off at work because you are forced to do so, this does not mean that you should leave it off the rest of the time, only when obliged to. Finally, there is a decree regarding the identity cards, but we must emphasise that no statute forbids wearing the headscarf, and legal specialists agree that such a law would be in conflict with the European convention. In 1983 the UOIF asked Gaston Deferre, then the Minister of the Interior, to allow Muslim women to keep their headscarves on when photographed for their identity cards, 'because the foulard is a part of their identity', and he agreed. We have the letter on file and it could become part of the jurisprudence [more applause].

Both Sarkozy and Jaballah were categorical and explicit: each of the two systems of norms, one enforced by the 'chief cop of France', as he had been introduced to the UOIF crowd, the other enforced by God, is absolute. No exceptions or exemptions can be tolerated. Indeed, Jaballah had devoted his own speech, earlier in the meeting, to the precise topic of the conditions under which exemptions can be made to an Islamic rule (*ahkam*), and his exposé did not allow for exemptions in cases such as that of the *hijâb*. It is important to note that the fatwa was not limited to France; it was originally the product of a European assembly of scholars, all individuals of non-European origin, although most now living in European countries, and of which the leader is the Egyptian scholar, resident in Qatar, Yûsuf Qardâwî (on the European council see Caeiro 2003).

What I wish to emphasise here is that the two structures of justification are identical in form, and that they have entirely different starting points. Sarkozy and others in the French government start from the positive laws of France, but quickly proceed to deduce these laws, and perhaps others that need to be passed, from a conception of the Republic. In March 2004 the French National Assembly and Senate passed a law that will forbid public school students from wearing clothing that calls attention to their religious affiliation. The legislators

argued that the presence of the scarves contravened norms of gender equality and of *laïcité*, interpreted in the parliamentary debates to mean the absence of religious signs in the public sphere (see Baubérot 2000; Favell 2001). As I argue elsewhere (Bowen 2003), the deductive form taken by French arguments about *laïcité* make for particularly sharp confrontations with alternative ideas of justice or public comportment.

The UOIF, and many other Muslims, start from authoritative interpretations of Islamic norms ('all scholars, in the past and today, agree'). These interpretations are the more authoritative the less bound they are by space or time: better if they reflect the opinions of learned Muslims over the centuries, and across political boundaries. Indeed the more 'liberal' views of Islamic norms urge Muslims to begin their interpretations from the general principles of Islam rather than the specifics of time and place. The value of generality helps explain why, at the beginning of the Dar al-Fatwa session at which Jaballah spoke, the moderator was careful to emphasise that the session reflected the opinions of the European Council as well as the French one.

Now, as we saw above, the UOIF spokesman also refers to European norms of human rights and to the French Conseil d'Etat. This sort of reference has led Yasemin Soysal (2002) to argue that Muslims in Europe are justifying their claims to specific rights (to dress, food, or language) on the basis of 'natural' rights of individuals and human rights 'rather than drawing on religious teachings and traditions' (2002: 144). Although she points to occasional 'alternative' references to 'God's law', she states that these should not detract from the 'prevalent universalistic forms of making claims by Muslim groups that are commonly overlooked' (2002:145). This argument is part of the broader one that groups and states in Europe are moving towards 'post-national' forms of membership in Europe.

Soysal's claim usefully reminds us that some Muslims make such references, as Jaballah's discourse exemplifies. But we must ask what rhetorical position these references occupy in justifications of social claims made by key public Muslim actors. In trying to persuade other Muslims of the truth of their position on various religious matters, do Muslim public intellectuals base their justifications on general human rights grounds or on notions of European citizenship? No, they base them on Islamic norms, as did the UOIF with respect to headscarves. The normative force of wearing the foulard, its obligatory quality, comes from scripture, not from human rights, as is true for 'ordinary' women discussing their decisions to wear headscarves or not to do so (Souilamas 2001; Venel 1999). (Similarly, Sarkozy's counter-argument comes from French law, not from European laws or universal rights). The references to non-Islamic normative sources are purely instrumental in Jaballah's speech on behalf of the Dar al-Fatwa: the Conseil d'Etat has ruled that schoolgirls must be allowed to keep their headscarves on, and any new law that said otherwise would contravene the European Convention on Human Rights. These are useful ways to persuade French law-makers and school principals, but the specific norms invoked are entirely a function of the strategic advantages such citations will produce. If focusing on the contingencies of French court decisions best supports the case for the headscarves, then it is to those sources that most Muslim spokespersons and others will point. If that recourse becomes impossible because the law has changed, then the reference will change as well.

In any case, references to non-Islamic normative sources are secondary to a justificatory discourse that is based in Islamic jurisprudence, manifestly transnational, and not European. How precisely one interprets Islamic norms and jurisprudence is, however, open to debate, and Muslim public intellectuals

writing and speaking in France have proposed a range of alternative positions, from a traditional reliance on one legal tradition (*madhhab*) to an effort to rethink Islamic norms in terms of broad ethical principles (see Bowen forthcoming). Moreover, Europe may define a set of shared contingencies, as evidenced in the willingness of Qardâwî and his European Council to allow Muslims to take out first mortgages because of the ‘necessity’ created by high European house rental rates (Bowen forthcoming; Caeiro 2003). However, the space of reference and debate on normative questions is one that includes the sources of greater authority to be found in the Arabic-speaking world.

Speaking Through France in the 19th Arrondissement

Indeed, one sometimes finds debates taking place across Arabic countries, and in the Arabic language, with France providing a location and a public. One setting for such debates is the Adda’wa Mosque in Paris’s 19th Arrondissement, presided over by the Algerian-born Larbi Kechat. Kechat has devoted himself both to developing his mosque as an independent force among Muslims in Paris, and to fostering dialogue among Muslims and non-Muslims on current social topics. Since 1995, Kechat has organised and moderated panel discussions on topics ranging from Islamic spirituality to AIDS, and for each of the six or more panels that occur during the year he has recruited French-speaking Muslims, prominent non-Muslim French authorities, and well-known Islamic scholars who speak in Arabic (with French translations). Each session lasts a full afternoon, and offers the 100–300 people who attend the opportunity to write down questions for the moderator; some choose to come forward and speak, and often these disquisitions become mini-seminars themselves. I estimate that nearly everyone attending these sessions could understand the French, and that at least one-half of them also could follow at least some of the Arabic.

On 6 April 2002 the panel was devoted to Islamic jurisprudence; the ‘star’ speaker of the afternoon was the well-known scholar of Islamic law, Dr. Mohamed Tawfik al-Bouti, the son of the still more famous Sheikh Mohamed Sa’id Ramadan al-Bouti. Tawfik al-Bouti is chair of the Department of Islamic Jurisprudence at the University of Damascus, Syria. Other speakers included Dr. Shayma Sarraf, a woman from Iraq with a French doctorate in Islamic thought, a French legal scholar, and myself (I spoke on Indonesian law). The panel was moderated by a professor from Algeria.

I have described the event in detail elsewhere (Bowen 2004); here I wish to focus not on the formal speeches, but on the ensuing debates that involved members of the audience, and what they can tell us about the transnational character of Islamic debate in France. Al-Bouti set the tone for the afternoon in his Arabic-language talk, emphasising that although Islamic norms do change when new circumstances arise, matters once settled remain settled, and not just anyone may engage in the interpretation of scripture (*ijtihâd*).⁷

The gates of *ijtihâd* are not closed, but you must only refer to well-qualified experts to carry out *ijtihâd*. *Ijihâd* should be for new matters, and not for matters which have been examined thoroughly by the experts (the *mujtahidûn*). ... Another issue regards the rules [al-ahkam] that change according to the social environment, customs [*urf*] and interests that change also. As for rules based on the texts, they do not change even if the times change.

After the formal speeches came a series of five long speeches from the floor. The first to speak was a thin, older man, identified later by Larbi Kechat as Dr. Moussa, Dean of the Faculty of Islamic Studies at Oran, Algeria. Moussa argued that we must adapt Islam to a changing world and adopt a *fiqh* of

reality'. He cited, as so many do, the initial revelations of the Qur'ân ('Recite!'), and a *hadîth* of the Prophet Muhammad to the effect that 'the entire Qur'ân directs us toward *ijtihâd*. He mentioned the case of a young woman working as an engineer who was told she had to remove her head scarf at work; she came to him and he could not resolve the problem. 'These are questions from the real world for which we try *ijtihâd*. ... It is better that I support a clever young Muslim woman at work than cause her to leave her field'. With that Dr. Moussa started to step away from the microphone, but al-Bouti shot him a question: 'Did you give her a fatwa telling her to remove the *hijâb*?' 'No, we told her to wear whatever she could. ... We have to find a solution, it is better'.

The next speaker, an excited young mathematics student from Morocco named Idris, also spoke in Arabic, attacking the tendency to not face squarely the world that one finds in certain Muslim countries, and accusing Syrian scholars (implicitly including al-Bouti) of being corrupt. Another young man, Muhammad, spoke next (again in Arabic).

When Islam was attacked, mainly by the West, they did not succeed in destroying Islamic faith, but they worked hard on another issue, namely, relating religion to life. ... They started attacking the fixed Islamic rules, and their attack led to *fiqh al-waqî'* [*fiqh* based on circumstances or realism]. We hear these days that some scholars approve of 'making *halal*' things such as going without the *hijâb*, borrowing at interest (*riba*), eating meat that has not been properly killed.

He went on to denounce the idea that one could interpret through *ijtihâd* matters already settled by scripture:

We cannot say that interest is permitted and that women should not wear the veil, because our religion is obligation, because God will reward you based on how much hardship you undergo. Women should not decline to wear the *hijâb*, even if she leaves school and university, because there always are alternatives.

Finally, a woman wearing a long gown with matching headcovering came forward to speak (without giving her name). She began in Arabic but Larbi Kechat, apparently recognising her, told her that she should speak in French (the only time he did this). She is a medical doctor and always has worked wearing her headcovering.

The easiest solution is to take off the headscarf. ... I had to stop my studies for a year and change towns before I found a situation where I could resume my study covered. ... When looking for work I received a call from a professor of law, and I said excuse me but I wear the foulard, and he said that is perfectly alright, and I have lived what God said.

These speakers disagreed among themselves on a range of issues. Dr. Moussa most explicitly disagreed with al-Bouti's statement limiting the range of *ijtihâd*. Indeed, in his response, al-Bouti summarily dismissed everything that Moussa had said:

Dr Moussa spoke. I allow him to talk about profound medical issues, but when he talks about profound matters of the foundations [the *usûl al-fiqh*] I do not permit him to talk, because this matter has been discussed thoroughly by scholars.

Al-Bouti clearly had been irritated that Moussa would have dared to issue advice to the young woman faced with the question of covering her head at work. Muhammad, by contrast, went even farther than al-Bouti in attacking the idea that Islamic norms should adapt themselves to reality, and referred to the controversial fatwa by Yûsuf Qardâwî permitting mortgages as a prime example

of interpretations that simply aid the West in its efforts to destroy Islam (Conseil européen des fatwâs et de la recherche 2001).

Al-Bouti continued the line of reasoning initiated by Muhammad in his own follow-up, attacking the 'illegitimate innovation (*bid'a*) called *ijtihâd al-maqâsid*, that would replace adherence to Islamic rules based on scripture with developing new rules based on the 'principles' (*maqâsid*) of scriptures. The concept of *maqâsid* has become the key category used by French Muslim thinkers, including Larbi Kechat himself, in trying to rethink Islamic norms in a French, or European context (see Bowen forthcoming), and in choosing to formulate his criticism in this way, al-Bouti was subjecting that manner of reasoning to a frontal assault.

What can one learn about 'transnational Islam' from these glimpses into what was a nearly six-hour event? Let me underscore three aspects of the afternoon's conversations. First, the discussions were about the proper way to understand Islamic norms: what is *ijtihâd*? How do you know when a scriptural text is fixed and certain? How do we apply Islamic law to current issues? To some extent this focus was a product of the topic; other panels at the mosque have included more extensive reference to French laws and social norms. And yet it was notable that no one speaking this particular afternoon thought to justify a practice by referring to French, European, or international norms or laws. Secondly, although it was not a topic of the prepared presentations, women's head coverings continually surfaced as a key example. With one exception (a brief, exasperated remark by Dr. Sarraf, to the effect of 'it's up to each woman'), all speakers emphasised that wearing headcovering of some sort is an obligation for Muslim women. Third, the exchanges among speakers took place mainly in Arabic, and referred widely to events, writers, politicians and places in various Arab-speaking countries. (Intriguingly, the French translations usually omitted the more controversial portions of each speech).

This event, and the many others occurring weekly in French cities (and elsewhere in Europe) create and sustain a particular sort of transnational Islamic public space, where Arabic serves as the background language, Islamic texts and norms are the starting-point for all discussions, and local issues are discussed against that shared normative and linguistic background. Among those in the audience with whom I have spoken over the years, many live in and around Paris but many others have recently arrived for school or work, and some move back and forth across the Mediterranean. Al-Bouti could assume a rather remarkably high degree of familiarity among at least a good portion of his audience in matters of *ijtihâd*, *maqâsid*, and so forth.

What 'Post-Nationality'?

The two examples presented above indicate that the transnational public space of Islam in France is firmly anchored in Islamic norms of justification. Debates within that sphere concern the proper ways to interpret Islamic knowledge and to apply it to conditions today, in this case in France. Muslims participating in these debates may take account of norms, laws and conditions prevailing in France, as elements that are *normatively external but pragmatically internal* to the debates. Thus, Muslim actors may *not* cite French social and legal norms of gender equality or religious freedom as independent norms that might counter norms derived from scripture. Such an argument would immediately raise charges of seeking to fit Islam to reality, rather than the proper action of using Islam to reshape reality. Not even the most 'liberal' Muslim public intellectuals in France make such arguments (see Bowen forthcoming).

However, Muslims may be motivated by their knowledge of French social life or by their agreement with certain French norms to favour some pathways and strategies of Islamic interpretation rather than others. For example, some Muslim public intellectuals urge Muslims to rethink Islamic practices in terms of the broader objectives of the Qur'ân, or in terms of similarities between Islamic law and European legal systems, e.g., with respect to contracts (see Bowen forthcoming). Alternatively, they may cite features of French life as posing barriers to conduct that become Islamically relevant insofar as they redefine 'social interest' (*maslaha*) or create new forms of 'necessity' (*darurat*), both valid categories in Islamic jurisprudence. Such was Dr. Moussa's approach when he tells a young Muslim woman in danger of losing her employment to seek an accommodation with her employer that would allow her some degree of headcovering. It also was the approach adopted by Yûsuf Qardâwî in permitting mortgages on grounds of necessity for Muslims living in Europe.

Finally, French and European norms and laws may become strategically useful in developing arguments for consumption outside the public space of Islamic reference and debate. Thus, as do many others, Ahmed Jaballah emphasises that Islam allows free choice, that women are to make their own decisions as to whether or not to wear head covering, that in this respect Islam is in keeping with European conventions, and that a French law preventing women from exercising such choice would violate those conventions. Yet he also states that wearing such head covering is an obligation for women. In this view, Islamic norms are clear, but the process of individuals coming to accept them involves choice and freedom.

I have pointed out that this transnational Islamic space of reference and debate extends both across Europe (*vide* the European Council for Fatwa and Research) and beyond it, to include, most importantly, figures of learning and authority from the Arabic-speaking world. It is transnational without being either 'post-national', in the sense of succeeding an earlier space bounded by state boundaries, or 'European', in the sense of delimiting itself to a bounded European entity of normative value. Muslim public intellectuals who are engaged in serious discussions about how to adapt and adopt Islam to Europe are unwilling to cut themselves off from the transnational space that has, since the beginning of Islamic history, been the appropriate sphere for reference and debate.

We might most fruitfully consider this space to provide the social support for an 'alternative cosmopolitanism' (van der Veer 2001) among Muslims. This form of transnationalism differs markedly from the perduring ties to two or three specific places that mark many transnational religious movements (McAlister 1998; Schiffauer 1999; Werbner 2003). Al-Bouti was not present as a link to Syria, and he could have been speaking in Jakarta, Lahore or Chicago (as, indeed, he probably has done). The UOIF places into deep background precisely the bilateral ties or attachments to overseas communities that most transnational movements highlight. Both the UOIF and the Adda'wa mosque seek to develop reference and debate to 'Islam' as a deterritorialised set of norms and traditions, as well as to 'France' as a bounded set of obligations and rights. Sarkozy, Jaballah and al-Bouti all agree that 'French citizenship practices' (*citoyenneté* having this broad sense) are an appropriate, perhaps the only appropriate, intersection of these two conceptions, 'Islam' and 'France'—and it is probably only on this proposition that they could agree (see Favell 2001; Kumar 2002).

Migration and Islamic religious movements have played an obvious and perduring role in developing a Muslim presence in France and elsewhere. Islam's transnational public space is 'beyond migration', however, in that it is

dependent neither on specific migration patterns nor on the activities of particularistic transnational movements. This space has existed since the beginning of the Islamic era, and long before it extended to Europe it regularly defined and developed debates and references among scholars and public figures from Indonesia, Pakistan, Egypt and elsewhere. Just as the norms and laws that now define 'Europe' are reshaping the citizenship practices of particular European countries (Soysal 1994), so too the debates and challenges that are nurtured in and emerge from the Islamic transnational sphere already are demanding that state officials rethink what it means to be 'French' or 'German'. These challenges extend far beyond migration.

Notes

- [1] I should emphasise that the authors referred to here are well aware of these internal formulations within Islam; see Vertovec (2000).
- [2] On the ways in which the movements of Turkish workers, made mainly for economic reasons, nonetheless shape religious consciousness, see Amiraux (2001) and Schiffauer (1999).
- [3] I have been struck by this use of Arabic in what might otherwise be unlikely places. Two examples will illustrate the general point. The Fiqh Council of North America does use English at their meetings but participants are expected to be able to converse in Arabic as well, despite the group's inclusion of American converts and South Asians. In the Gayo highlands of Aceh, Indonesia, where I worked for many years, 'traditionalist' religious scholars, all speakers of the Gayo language, generally write down the conclusions of their meetings in Arabic, a language none of them converse in fluently.
- [4] I omit discussion of the debates among Muslims about the ways to conceive of the 'Islamic world' and the rest: should they be considered as two distinct realms (*dar*) based on the Islamic character of the society or the government? Or should one focus instead on the degree to which Muslims are free to pursue their religious activities in different countries? For historical and comparative perspectives on this question, see Abou El Fadl (1994); Bowen (forthcoming); Kahani-Hopkins and Hopkins (2002); and Ramadan (2002).
- [5] Zaman (2002) shows how scholarly writing and debates in today's Pakistan take place in Arabic, not in Urdu. Zaman has remarked (personal communication, 2003) that this fact explains the small number of Western scholars of Islam in South Asia competent to master the scholarly communications, in that Arabic has not been a regular part of the training of South Asianists.
- [6] In response to the North African domination of public Islamic activities, immigrants from Turkey formed their own grouping, as did a collection of Muslims from a broad array of places, including the Comoros, the West Indies, and West Africa. Because the strongest rivalries are among the three North African groups, sometimes mosques at which Muslims from more than one of these groups worship will choose someone from a smaller grouping to be the imam or mosque leader. In one mosque south of Paris, men from Algeria and Morocco laughingly (but meaningfully) recounted to me that only a Comoro man could have brought peace to their mosque. Mosques in the Paris region usually are multi-ethnic, and preach in Arabic or French and Arabic; in cities with large populations of non-Arabic speakers such as Marseille one finds ethnic-specific mosques.

[7] I would like to thank Mahmoud Abdallah for translating the Arabic speeches from my tapes.

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