Jaan Islam
University of Edinburgh,

Corresponding Author

Jaan. Islam
jaan.islam@dal.ca

Theories of Muslim Identity in Liberal Democratic States: Recognizing Muslim Self-Agency through "Self-Conscious Reflexivity"

Abstract

This article examines contemporary conceptions of Muslim identity in studies of Muslims living in the West. It is contended that the various conceptions of western Muslim identity can be broken down into two main perspectives: (a) the essentialist perspective, which views Islam and Muslims as uniform and unchanging; (b) the reflexive approach, which overemphasizes aspects of Muslim identity as grounded in normative ideals, and includes liberal and conservative variants. Each approach seeks to define Islamic identity and practice according to the dominant ideology of the nation-state. As an alternative to these conceptions, it is suggested that self-conscious reflexivity – which takes into consideration both empirical realities and the non-inevitability of reform within Islam – is needed to fully grasp the plurality of Muslim identity. This article examines two divergent models of liberal democracy, France and Canada, and shows how the essentialist and reflexive narratives are utilized in the distortion of Muslim identity.

Keywords: Democratic theory, Islam, Multiculturalism, Identity Politics, Europe, Liberalism

Liberal Demokratik Devletlerde Müslüman Kimliği Teorileri: "Özbilinçli Refleksivite" Yoluyla Müslüman Özerkliğinin Tanınması

Öz

Bu makale, Batı'da yaşayan Müslümanlar üzerine yapılan çalışmalarda Müslüman kimliğine ilişkin çağdaş anlayışları incelemektedir. Batılı Müslüman kimliğinin çeşitli anlayışlarının iki ana perspektife ayrılabileceği iddia edilmektedir: (a) İslam'ı ve Müslümanları tek tip ve değişmez olarak gören özcü perspektif; (b) Müslüman kimliğinin normatif ideallere dayanan yönlerini aşırı vurgulayan ve liberal ve muhafazakâr varyantları içeren düşünümsel yaklaşım. Her iki yaklaşım da İslami kimlik ve pratiği ulus-devletin egemen ideolojisine göre tanımlamaya çalışmaktadır. Bu anlayışlara alternatif olarak, Müslüman kimliğinin çoğulluğunu tam olarak kavramak için hem ampirik gerçeklikleri hem de İslam'da reformun kaçınılmaz olmadığını dikkate alan öz-bilinçli düşünümselliğin gerekli olduğu öne sürülmektedir. Bu makale, liberal demokrasinin iki farklı modeli olan Fransa ve Kanada'yı incelemekte ve Müslüman kimliğinin çarpıtılmasında özcü ve refleksif anlatıların nasıl kullanıldığını göstermektedir.

Anahtar Kelimeler: Demokratik teori, İslam, Çokkültürlülük, Kimlik Politikaları, Avrupa, Liberalizm

1. Introduction

In the post-9/11, post-Islamic State West, scholars and policy makers alike have been concerned with answering the so-called 'Muslim question', what some have described as a thorn in the side of liberal multiculturalism (Kymlicka 2005; Emon 2018). While a commonplace understanding of multiculturalism in liberal societies entails the toleration of different religious beliefs and cultural traditions, it has been argued that Islam—that is, as practiced by Muslims as minorities in liberal democracies— is a unique problem, as it combines political and religious views that can make it fundamentally opposed to any separation of 'church and state', and as such, any accommodation of Muslims provided under the guise of pluralism or multiculturalism is in fact the granting of rights under the very legal systems that fundamentally oppose the 'peace and tolerance' in liberal democracies. In the words of conservative political commentator Tarek Fatah, the attempt by some democracies to accommodate Muslims is "multiculturalism run amock" (Kymlicka, 2005: 13)—and he is not alone in making that argument (Roy, 2007, 2014; Tibi 2008, 2012). Supporters of multiculturalism, to the contrary, are quick to establish that religious freedoms of belief and expression are fundamental to any healthy liberal and democratic society, and further argue that the labelling of Muslims as culturally or ideologically backward, patriarchal, or incompatible cannot be justified considering that according to the same criteria, many members of other cultures and religions are just as, if not more unacceptable by western standards (Esposito and Mogahed, 2007; Rane, 2018; Fernando, 2014).

There are many arguments that oscillate between these two sides and introduce concepts such as defending public order, reflexive and non-homogenous Islamic identities, and theories of radicalization. It is in this highly political framework that Muslim identity is theorized and portrayed. The question of whether "Muslims can be politically included into society at large" is one which entails a portrayal of Islam only insofar of its significance in the West (Mahmood, 2004; Fernando, 2014; Jahangeer, 2020). Many scholars have critiqued the politicization and legalization of Muslim identity as well as discourses which attempted to portray it as 'flexible' insofar as Muslims can be fit into a model they can 'be made tolerable' by espousing the ideology of the nation-state. As I intend to demonstrate in the following chapters, it is not a matter of political orientation, but rather the fact that the 'Muslim question' is set up in such as a way as to encourage misrepresentations of Muslim identity – whether these arguments are being made to encourage 'inclusivity' or the opposite.

Among writers both supporting and criticizing Muslim identity politics, the question of whether Muslim identity can be essentialized is a central issue. Far from merely establishing the existence of a plurality and reflexivity of identity (see: Emon 2012, Sayyid 2014, March 2019), I plan on advancing a unique conception by which Islamic identity can be problematized: self-conscious reflexivity. I argue that the western conceptions of Islam are motivated by an internal bias that either seeks to mold Islam into one deemed acceptable to the majoritarian political culture of a given

nation-state, or, to the contrary, call for the deliberate exclusion of Muslims because of their perceived incompatibility. An example of the first is echoed by Saba Mahmood, who remarks, "in these explorations by Muslim scholars, Islam bears the burden of proving its compatibility with liberal ideals," while "the line of question is almost never reversed" (Mahmood, 2004: 75). Building on the work of Saba Mahmood (2004, 2011, 2015), Mayanthi Fernando (2014), Salman Sayyid (2014), and Talal Asad (2004), I argue that self-conscious reflexivity is merely the portrayal of 'Muslim identity' in the absence of both attempts to 'marginalize' and 'include' Muslims in the body-politic. In the following review of French Republicanism and Canadian Multiculturalism, I argue that the biases of both right- and left-leaning reflexivists have defined discourse on Muslim identity. Whereas the former perspective seeks to portray Muslims as irrational and incapable of accepting liberal democratic principles, the latter shapes its discourse around the need to subject Muslims to liberal democratic values by arguing there was never any conflict to begin with. In both cases, the discourses result in the systematic exclusion of Muslim identity and suppression of the lived Islamic tradition.

To demonstrate this point, I give the example of two case-studies, each occupying a diverse range of the multiculturalism spectrum, to show how Muslim identity is distorted by the essentialist and reflexive approaches out of these political aims: republican liberalism (France) and pluralistic liberalism (Canada). I argue that while the French system still suffers from the acceptance of minority rights in general (and thus towards Muslims), the Canadian system, albeit willing to recognize minority rights, ultimately fails in its attempt at inclusion for two reasons: (a) it relies on the possibility for a reflexive as opposed to self-conscious Muslim identity;[1] and (b) it cannot resolve the problem of intersectionality in cases where two opposing systems of oppression are found in the same situation (e.g., patriarchy with minority rights).

My argument, however, is not merely identifying that liberal democracies exclude alternative Muslim conceptions of identity – which are detailed in various studies (e.g., Fernando, 2014; Mahmood, 2015; Mossiere 2016; Amiraux, 2016; Inge, 2016; Lépinard, 2020, etc.). Rather, I argue that Muslim identity in both academia and political discourse has focused on theorizing Muslim identity in a way that idealizes Muslims as either supportive of or opposed to the nation-state, which deliberately or undeliberately excludes expressions of Muslim identity that oppose the ideal narrative.

2. Muslim Identity in Studies of Islam: Essentialized or Socially Constructed?

The current debate surrounding the identity of Muslims in western liberal democracies is immersed in assumptions, anachronisms and political division. In this section, I attempt to show the portrayal of Muslim identity in the fields of political theory, anthropology, and Islamic studies. I examine the question of whether identity is social constructed as a cursory review prior to identifying the "three perspectives" of

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[1] That is, an identity that can be changed to operate within a liberal rights system of politics life, as opposed to one that changes to further and further reject any association with a liberal political system.

Muslim identity (Section 3), and their roles in subjugating Muslim identity in liberal-democratic nation-states (Sections 4-5).

In 1993, Samuel Huntington wrote during what he called the 'third wave of democratization,' and argued that while the entire world was heading toward fully democratic government, one of the largest roadblocks to overcoming this final progression was 'Islam'—Muslim ruling elites and populations willing to sacrifice anything for the implementation of Shari'a [Islamic law] in their countries. This understanding of progress, and of Islam acting as an obstacle to modernity is nothing new. Noah Feldman sums up the frustration of such sentiments in their desire to see universal, secular democracy: "But why has this sorry state of affairs not led to the emergence of domestic political movements seeking the creation of liberal democracy as we saw, for example, in Eastern Europe? What is different about [the] Muslim world?" There has been no shortage of literature that argues for democratization in various countries of the Muslims world (e.g., Baran, 2008 on Turkey; Arafat, 2017 on Egypt). The fundamental assumption hidden in this literature is that there are certain fundamental ideas—concerning religion and politics, gender roles, democracy, etc.— which compose an inseparable part of Muslim identity. This phenomenon is thought by scholars of western and comparative political thought to be 'carried over' by immigrants to western states (Esman 2010).[2] Some have argued that this incompatibility is observed in Muslims' desire to change definitions of minority rights and religion, which occasionally develop into more serious cases of radicalization and gender oppression (Roy, 2007; 2014; Tibi, 2008, 2012).

This conception of Muslim identity has been labelled as analytically incorrect by both conservative and liberal scholars, with some criticizing this conception as assumption-ridden and inaccurate, to the suggestion of some that this type of discourse as a category is morally abhorrent and threatening to Muslims' fundamental rights (Esposito and Mogahed, 2007). Such thinking has been called "block thinking" by the likes of Gaonkar and Taylor (2006), criticizing this overreaction as a fear-driven racist agenda to take something so mundane as women wearing headscarves as "issues that must be resolved at the highest level of government." The responses or conceptions of the non-monolithic Muslim identities branch out from this assumption.

The first response of both Muslim and non-Muslim academics grounds itself in the study of Islamic intellectual history as well as anthropology. The approach argues that it is utterly unhelpful of viewing Muslim identity—both in their native and new (western) countries—as monolithic for the mere fact that the history of Islam is plagued by political and intellectual division and polemic: between Sunni and Shiite, various ethnicities (e.g., Turk and Arab in the 20th century: Aydin, 2016), and differing legal interpretations (Ramadan, 2003; March, 2011). It has also been a major normal concern of Islamic historians and comparative political theorists to emphasize the 'human aspect' involved in interpreting sacred scripture over hundreds

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[2] This is also a view held by a number of far-right anti-Muslims groups, which identify Islamic culture as a threat to the values of 'western' society (Esman, 2010).

of years. These concerns have been spearheaded by the likes of Rumee Ahmed (2018), Anver Emon (2012), Khaled Abou Fadl (2006), Abdullah Ahmad al-Na'im (2009) and countless others,[3] and has become mainstream and remains largely unquestioned in western academia.

Let us Consider Andrew March's (2011) historical analysis of Islamic legal theory, where he attempts to find legal, conservative bases for concepts like democratic participation, 'loose' interpretations of legal texts (e.g., the Qur'an), and consensus-based government. March (2011, 2019) argues that it is possible to identify and expand aspects of Islamic law (shari'a) to include such concepts as democratic participation and liberal citizenship by drawing parallels between western and Islamic legal theory, as well as by exploiting the differences among Muslim clerics concerning these issues. Perhaps a more pertinent example to identity politics in the West is a study by Esposito and Mogahed (2007) of ideological and sociological evidence showcasing Muslims' acceptance of liberal political ideals in Muslim discourse. As an example, they make the case that polygamy—one of the 'barbaric' practices often associated with Muslims and which signals their incompatibility with western values—actually has a very weak basis in scriptural sources, and the fact that polygamy and other practices are rare among Muslims living in the West suggest it is not a major issue to begin with (Esposito 2002). Other theorists preferred to differentiate between 'culture' and what resembles an ideal type form of Islam, suggesting the practices like female genital cutting and the face-veil are cultural practices merely justified by religious scripture (Esposito and Mogahed, 2007; Korteweg and Yurdakul, 2009).

This type of emphasis on the so-called 'lived Islamic tradition' has also entered popular discourse. Yacoob's (2018) study, for instance, examines popular Muslim feminist discourse. Muslim feminist thinkers argue that concepts like the 'law' or 'divine law' are really just a manifestation or rationalization of existing social circumstances and norms. In Yacoob's (2018) words, this genre of literature and thinking represents a

> "turn to lived experience [that] confronts our assumptions about the category of "law," assumptions that function to restrict what the field considers legitimate objects of study... In theorizing lived experience, [Amina] Wadud places moral authority in lived life rather than the text" (Yacoob, 2018: 96).

Studies of Muslim history which 'confirm' that Muslim scholars have been dealing with texts in relation to their social circumstances is then taken to imply the existence of a disconnection between the concept of 'law' as a set of rules, and divine salvation. For Ayesha Chaudhry (2013) the Qur'anic verse which supposedly permits men beating their wives (4:43) has been interpreted as such because of the social circumstances of medieval Muslim live, as opposed to there being a problem with the text itself:

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[3] A glance into the Oxford Handbook of Islamic Law (2018) for instance reveals a dominant narrative shared among both historians and legal theorists. This reflects both a methodological turn in the study of history itself, as well as a change in contemporary interpretations of Islam.

> "Although pre-colonial legal and exegetical scholarship was often characterized by a multiplicity and diversity of opinions that reflected the polysemic nature of the Qur'anic text and prophetic reports, this creativity was stymied by a patriarchal idealized cosmology when it came to issues of gender" (Chaudhry, 2013: 222).

Another intellectual tradition builds on this existing ideological work and applies it to studying Muslims living in the West to understand their self-identity as residents and citizens. Many build on and explain survey evidence of Muslims in western nations, especially the US, UK, and Canada that indicate their attachment with the country and desire to linguistically and politically integrate with the national identity of their countries of residence/nationality (Mogahed and Esposito, 2007; Kazemipur 2014; Ramadan, 2003). Consider Kazemipur's (2014) exhaustive sociological study of Muslims living Canada, who conducted both quantitative and qualitative surveys of Muslims living in Canada and analyzed several different domains pertaining to identity construction, ranging from views of non-Muslims and various indicators of social integration to economic discrimination; one of his main arguments is that viewing the question of Muslim integration as a problem that needs to be solved on either side (i.e., the immigrants or 'natives') itself simplifies the various modalities of Muslim-non-Muslim experience, beyond the question of mere theological or ideological differences. The objective of Kazemipur (2014) and other scholars is the acceptance of a reflexive and socially constructed Muslim identity; one defined by such factors as institutional and economic discrimination, as portrayal in the media. This tradition uses rich theological and sociological evidence to propose ways to transform both Muslim and non-Muslim approaches of mutual recognition to 'achieve' societal inclusion.

The second approach also relies on the assumption of multiple identities but relies on a more static approach to categorizing intra-Muslim identity. Some of the most influential scholars of Islam, including Bassam Tibi (2009), Olivier Roy (2014), and Halim Rane (2018) argue along the same line of thinking. The force of their argument is not necessarily that Islamic identity is monolithic and anti-West, but rather that while Muslims can and do support integration in the West and are open to participation in the political process, there are others who are fundamentally opposed to any lifestyle not under Islamic, authoritarian law. Consider Bassam Tibi (2009, 154), who correctly makes the observation that "[t]here is no such thing as a monolithic, essentialist Islam", but at the same time claims that Turkish religious populism is a representation of fundamentalist autocratic rule disguised by the 'sheep's skin of democracy' and liberal-secular institutions (Tibi, 2008). Others, like Anver Emon (2012) and Faisal Kutty (2012) writing from a Canadian context, accept the existence of diversity within the Muslim community, and maintain that despite differences amongst the spectrum, a "rational" approach to reconciling Muslim and Canadian lifestyles demands the willingness to engage in ideal speech-like discourse for negotiation—thereby discounting those

Islamic identities which reject that from the start.[4] I will now situate the various theories of Muslim identity into the tripartite division proposed in the introduction.

3. Critique of Conceptualizations of Muslim Identity
3. 1. The Essentialist Approach

The essentialist approach is synonymous with the 'monolithic' conception in the previous section. While this approach highlights important aspects of the identities of Muslims living in the West, they ultimately anachronise Muslim identity by stripping it of its complexity and reflexivity in terms of all potential trajectories. That is to say, there is an important phenomenon that these approaches all collectively capture but also distort by limiting their conceptions through implicit assumptions that prevent them from capturing the full social reality. The first approach, I call the "essentialist" conception, fails to capture one of the most important aspects of any identity: the way in which one interacts with others is based on one's own social embeddedness. The view of there being a single 'Muslim agenda', 'belief', and 'practice' is simply factually inaccurate, and has been subject to extensive critique from all sides (Tibi 2012; Abou El Fadl 2005, 2014, etc.). In contrast with the essentialist approach, the "right-leaning reflexive" approach to conceiving Muslim identity acknowledges and studies divisions amongst Muslims on an intellectual and socio-political level, including conservative Islamic identities that reject the fundamental tenets of liberal democracy. Contrary to viewing these lines as uncrossable, however, theorists have proposed measures anywhere from open dialogue and discussion to anti-radicalization programs designed to identify and 'deradicalize' or 'normalize' those who pose a potential threat to public order (e.g., PREVENT Program in the UK: Mattsson and Säljö, 2017). This portrayal of Muslim identity and agency is necessary to justify government invention in religious and other freedoms: including religion-based family arbitration, deradicalization, and even the banning of Muslim women wearing headscarves all done in the name of preserving 'public order' (Agrama, 2012; Fernando, 2014).

3.2. Reflexive Theories

The "left-leaning reflexive" theory of Muslim identity holds the same fundamental assumptions as "right-leaning reflexivity" but often downplays the threat that Muslims pose to the public order (e.g., Kymlicka, 2005, Taylor, 2007, Esposito, 2003; Ramadan, 2003), by (correctly) pointing out how few Muslims really are threatening to the public order of western society. This line of thought is often accompanied by a reversal of the problematic: it is not about Muslims having to change to fit the sentiments of larger society to create public order, but rather that the public order is defined by majoritarian sensibilities which are themselves intolerant and often

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[4] Emon (2012) argues that the rational actor must be willing to consider and apply alternative (i.e., pro-negotiation) views of Islamic law - i.e., those potentially compatible with the Canadian legal system - and makes the point that "Islamic legal history is full of examples of how different legal schools and opinions met their demise for reasons ranging from their lack of substantive persuasiveness to historical factors involving the economics and politics of patronage" (216).

themselves disturb the security of society (Mahmood, 2011).

However, there is still a problem with the assumptions of the nature of Muslim identity. Oftentimes, the likes of John Esposito and critical theorists like Saba Mahmood and Mayanthi Fernando are confronted with only one side of reflexive identity, or the fact that many Muslims, regardless of their feeling of association to their country of origin and culture, indeed do oppose the very ideological foundations of western political institutions. This can be accompanied by active opposition to them and even the taking of 'the (Islamic) law' in one's own hands (as the Charlie Hebdo shooting and many other examples have shown).[5]

Theorists in this camp all understand that this is the case. Yet, instead of confronting the problem head-on, we are often left with a deafening silence which can only be interpreted to imply an implicit assumption of the unidirectionality of Muslim identity – a fundamental problem which lies in a confusion of 'ought' and 'is'. This is most clear in Mayanthi Fernando's (2016) study of the so-called "Muslim French" which deliberately leaves out those Muslims living in France who do not take pride in French political identity, or of certain religious sects whom she does not study – because they remain culturally unassimilated.

The way in which these scholars justify these biases in their characterization of Islam – including both those who subscribe to the left and right-leaning reflexive approaches – is by portraying the phenomenon of "unintegrated" Muslims as a matter of "inevitability", which indicate the eventual acceptance of western political ideals – or even a refusal to believe that post-colonial feminism and democratic theory are even western ideas to begin with, as held by many contemporary Islamicists (Abou El Fadl 2005, 2014, Khan 2019, Ayoob 2009, An-Na'im 2008, Moussalli 2003, Afsaruddin 2016, Voll and Esposito 1996). This is often accompanied by a strong plea on behalf of those scholars for these Muslims to 'wake up' or 'see the truth' about our degenerate 'old ways'. This case is perhaps best presented by Tariq Ramadan, who argued for the need to convince the various sects of illiberal Muslims of the need to reform their faith to make it compatible with a lifestyle that utilizes liberal-democratic institutions. Part and parcel of the argument is the assumption that the social transition to the 'western lifestyle' is inevitable. In Ramadan's (2003) words:

> "everything leads us to believe that without more vigilance, Western Muslims will increasingly experience the same difficulties as some of their fellow-citizens' families… We are not yet there, but all the statistical indicators show that Muslim families tend to settle toward the worse. This state of affairs should make them wake up to the need for a thoughtful and effective social engagement"

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[5] The Pew Research Centre found that the vast majority of Muslims in general, specifically Muslims living on the Indian Subcontinent (82-99%) supported the implementation of 'shari'a' in as the 'law of the land' in one way or another (Pew Research Centre, 2013). While the definition of 'shari'a' in such surveys is unhelpfully open to interpretation, what I am pointing out is that the portrayal of Muslim as overwhelmingly reformist or liberal is not necessarily accurate.

The notion of the inevitability of ideological and social transformation, accompanied by a plea to those conservative Muslims preventing this 'naturally'-occuring force, is also echoed by Olivier Roy (2007). In Secularism Confronts Islam, he argues that Muslims already accepted what he calls laicité, "not so much because of theological reform as because it has now learned to live as a minority". At the same time, Roy essentially pleads with those Muslims 'on the fence', so to speak, between accepting and rejecting the liberal arrangement of living, comparing it to the experience of Christian and Jewish fundamentalists in the transition to laicité (Roy 2007, 2014).

The problem with this understanding of identity is that it conceptually blocks out the possibility of understanding the political and social cultures and aspirations of Muslims who are not merely left 'back in the times' or are merely in need of convincing or engagement in the public sphere. In fact, the very portrayal of Islam along the lines of 'inevitability' is remnant of a liberal, Eurocentric worldview that views the triumph of its ideology, religion, political culture and lifestyle as inevitable, as best pointed out by Salman Sayyid (2014), who warns of attempts to "rearticulate the global hegemony of the West in the wake of the incomplete and inconsistent decolonisation of the world" (Sayyid 2014: 53). An understanding of Islamic identity that counters these biases therefore must take at face value and accept the reality of Muslims who fit in none of the categories designated by the likes of current theorists: the political and social identities of Muslims who actively uphold their conservative Muslim identity and reject participation in liberal society (Vidino, 2010; Inge, 2016; Emon, 2012; Fernando, 2014). While critical theory for the longest time has looked at the political exclusion of Muslims as a problem of a lack of recognition in the forms of mistreatment in legal/professional/social environments, violence, negative representation in popular culture, etc.—and these are all real problems as the next section shows—the view of 'the Muslim' as possessing a dynamic, reflexive, and non-passive identity contrary to the currents of liberalism vis-à-vis its contemporary implications, has remained scarcely examined. It is from this end-point that I will start my investigation, as while many forms of political exclusion can be understood merely through the western social construction and depiction of Muslims, a thorough analysis will likewise examine how Muslim identity itself mutually constructs 'the West', and their own demands upon and desires for non-Muslim society.[6]

3.3. Anomalies

What are the driving factors behind such different views from the general population? There is at least some sociological evidence that examines the lives of conservative Islamic identity in the West. Inge's (2016) thorough analysis of British Salafi women's identity is one of very few qualitative studies conducted on the question.

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[6] Consider the latest IPSOS poll on UK Muslims in which they were asked whether or not they would want to see forms of Islamic law implemented in British society; only 20% of Muslims stated that they would be against its application in any form (IPSOS 2018). While a reported 83% of Muslims in the UK feel a "strong sense of connection" to the UK, only 18% stated that they support the legality of homosexuality (Perraudin, 2016).

Inge (2016) looked at the stories and day-to-day experiences of Salafi women, some of whom were converts, and examined the ways in which they sacrifice participation in greater civil society out of an active embracement of 'patriarchal practices' (e.g., giving up working, wearing the face-veil) out of an active agency disconnected from their extended family, to return to the purest version of faith. What we see is not a matter of top-down patriarchal oppression (as the essentialists and some feminists would have it), nor is it women retreating from the public sphere due to society's exclusion of their identity as Muslims (many were converts), as the left-leaning reflexivists would argue. Any conception of identity requires for us to understand both the way that Muslims, and society at large socially construct forms of political exclusion—the reality is much more complex than it would at first seem.

3.4 Self-Conscious Reflexivity: Islam without the State

In the previous subsections, my cursory review attempts to clarify the deficiencies of essentialist and reflexivist approaches to Muslim identity – and shows how they are subsumed in assumptions regarding the nature of Muslims and Islam, and, most importantly, are inseparable from the political aims which define those characterizations. In contrast with these approaches, self-conscious reflexivity seeks to decouple Muslim identity as defined by Muslims, and thus consequently, apart from Muslims' attempts to justify religious identity and belief in a value-system separate to their own. In this sense, it is grounded in the rejection of defining Islam through the lens of the nation-state, but rather subjects the state and its 'secular values' to the value-system of Muslims—it is, in this sense, reminiscent of the turn made by Saba Mahmood (2015) and Talal Asad (2004, 2009) who "enabled scholars to make secularism and secularity not just the background condition of their intellectual work but instead an object of observation and analysis" (Fadil and Fernando, 2015: 65).

Understanding Muslim life through the lens of self-conscious reflexivity means acknowledging all the ways Muslims can either accept or reject participation in various aspects of society – and identify their source of this political exclusion and oppression in the public and private spheres. It is a recognition of the Muslim self—not as a citizen, subject, friend, or enemy, but as a recognition of Muslims from the perspective of an Islamic vocabulary and value-system. In this sense, it is inseparable from the work of Talal Asad (2003, 2009), Wael Hallaq (2012), Faisal Devji (2017, 2019), and Salman Sayyid (2014)—who together in a vast range of subjects—developed a model of political inquiry that reverses the parochialization of the Muslim self and seeks, in the broadest way possible, to acknowledge Muslim claims to normativity in a value-system native to itself. Self-conscious reflexivity thus renders futile attempts to change Islam through the totalizing force of the nation-state, and refuses to attach Muslims to the tropes and false dichotomies which define the totalizing normativity of the nation-state: 'rational/ irrational', 'parochial/universal', 'right/duty', 'equal/ unequal'. As such, this paper calls for a migration of our understanding of Islam into

studies which analyze Muslim identity, and particularly in analyses of Muslims living in the West.

In the following sections of this paper, I will show that the cases of France and Canada—despite their differing treatment towards multicultural ideals—demonstrate under a single heading the various ways Muslim identity has been portrayed as either antithetic to liberal democratic ideals, or fundamentally commensurate with them, thus resulting in a denial of Muslim conceptions of the self expressed in terms commensurate with Islamic morality.

4. French Republicanism: Exclusion 'All the Way Down'

French republicanism portrays itself as grounded in the universality of universal, inalienable rights, and defined by a stubborn 'neutrality' in matters of religion and ethnicity. The law does not see difference, it is 'blind', and refuses to speak of there being 'types' of law applied to different people based on their parochial characteristics—a view that is often contrasted with the 'multicultural approach' which upholds that legal pluralism is a necessary and effective method of granting full recognition (and thus, inclusion) into society since it acknowledges the different legal demands of different identities. Yet, as Fernando's (2014) analysis of the history of the French Republic and an understanding of the self, vis-à-vis 'the other,' they note that this conception of French national identity is contested by French history itself – taking a fundamental turn in the French colonization of Algeria. Historians have noted that under French colonial rule, one of the main purposes was not just 'imperialism' in terms of extraction of resources and domination, but also that it was a project of civilizing, or universalizing a backward and particularist people into model French citizens (many of whom were brought to France as immigrants) (Arneil, 2017: 23-32, 41-50).Yet, we see that the colonial imperative was to do this by "build[ing] an Algerian religious unity, under the control of the colonial state, on the basis of Islamic law" (Christelow, 1985: 20, cited in Fernando, 2014: 114). This was accomplished by attempting to mold Muslim identity, which they knew could not be separated from the demands of public life,[7] into one that neatly distinguishes from 'personal' or 'private' and 'public' law:

> "In Algeria, French colonial officials sought to make Islam compatible with secular colonial rule by limiting the purview of Islamic law and bureaucratizing legal and religious authority; to do so, they overhauled the entire Islamic justice system" (Fernando, 2014: 114).

Fernando (2014) compares this to the treatment of Muslims in France in the 21st century, and with Jews from the 19th-20th centuries and argues that this endeavor of

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[7] That is, similar to Judaism (but unlike Christianity), Islam does not distinguish between public living vis-a-vis law, schooling, self-government, etc., and that which is practiced in the private sphere. In the words of Saba Mahmood (2015), there is no difference between the "forum exturnum" and "forum inturnum"—a concept developed in Christian and especially protestant thought—in terms of religious practice.

the French government to transform religious identity viewed as 'too communalist' into one that accepts the application of the one, public and universal law—that is, of course, French law. Yet, the reality is that this 'universal' law is in fact steeped in parochialist bias: the very notion of separation between forum externum and forum inturnum as respectively being matters of law and religion, is a post-reformation Christian characterization of religion (Mahmood, 2015). Rather, the need to negotiate and incorporate religions and definitions of those with different understandings of religious practice is observed in French history; while Islamic law was bureaucratized and pushed into non-public areas of law in Algeria, the colonial government maintained the same legal pluralism between members of different religions (Jews, Christians, Muslims) (Fernando, 2014). How does the French idea of an 'imagined community' really function in depriving Muslims of their human rights and recognition?

While the issue of religious freedom—e.g., expression through wearing of the headscarf in schools—would on the surface be considered a simple manner that fits within one's universal rights, two challenges prevent practicing Muslims from realizing that freedom: (a) the right of the state to interfere with rights in the name of public order (expounded upon by Agrama, 2012 and Mahmoud, 2016); and (b) the ability of the state as embedded in legislation and legal interpretation to define what constitutes a religious freedom (i.e., what counts as 'religion' to begin with). Concerning the former, a number of theorists examining both western and Muslim-majority liberal democracies have studied and critiqued the concept of secular power, the government's ability to supersede religious freedoms for the maintenance of public order. Hussein Agrama (2012), for example, saw the matter of minorities and judicial exceptions to the religious freedoms as merely a function of particularist biases of the majority in a given society. He argues that the "sovereign exception" (borrowing from Giorgio Agamben), permits the state apparatus, functioning as an implementer of societal values, to use the judicial power of the state to assert its sovereignty through the interpretation of law. In the process, ways of life that do not conform the majority's sensibilities, "must be made analogous…translated and transformed into a bona fide religion so that it can be recognized and included" (Fernando, 2014: 133). However, Fernando (2014) does not stop there; it is not just the ability to interpret law that permits the selective dissension of human rights, but its ability to define what is considered religious in the first place (corresponding to point [b]). Fernando (2014) notes how the proponents of the ban on women's headscarves were not merely arguing on the basis of public order; their argument was that the wearing of the headscarf itself did not constitute a part of Islam as a religion. That is, if religion is about freedom of belief and practice through prayer, services, reading scripture, and so on, then a "ban on headscarves and other religious signs [were not] an attack on religious liberty at all" (Fernando, 2014: 165). There is also no doubt that these legal decisions and conception of the backward, dangerous 'Muslim' developed in French colonial history (Mahmood, 2015: 134) influences and reinforces these systems of exclusion.

This exclusion and parochialism does not merely manifest itself in the application of law, but originates in their inclusion in the public sphere – in discourses of Islam which blur the line between 'is' and 'ought'. The problem with deliberation and rights advocacy in the public sphere is compounded by the fact that Muslims are forced to use the language particular to the French Christian understanding of rights, equality, and religion, if they are to "translate" (to use the Habermasian term) the meaning desired to be universalized into something recognizable by the non-Muslim French public. Fournier and Yurdakul (2006) look into the lives of Muslim women wearing the headscarf and observe that the only way such 'translation' is possible is by using the language of the dominant discourses in society, almost always appealing to some form of identity politics centered around one's universal human right to freedom of expression. The problem with this is twofold. First, as Fournier and Yurdakul (2006) note, it reduces discussion of this 'right' to "an individual symbol of either gender oppression or political threat while simultaneously failing to address the broader collective role of constitutional liberal states in ensuring true and effective integration of immigrants at the socioeconomic level" (Fournier and Yurdakul, 2006: 178).

Secondly and more importantly, the demand put upon Muslims that they explain their religious duties like the headscarf in terms of a 'right'. Oftentimes, it necessitates the minimization of the problem to one of 'freedom of religion' that need not be a threat to the public order. In the words of one frustrated French Muslim high school student, "there are girls dressed in gothic style, in the latest fashion…but we, we aren't allowed the right to our veil. It's called 'a religious sign' even though it's just a piece of clothing. Where is the justice in this law?" (Chouder, Latrèche and Tevanian, 2008, cited in: Fernando, 2014: 171). In the case of the headscarf, Muslim women are forced to defend their choices as a right, freedom of conscience, and a choice. But this at the same time delegitimizes the religious identity of that individual: the headscarf is reduced to something as unimportant as a "piece of cloth". But the reasoning behind it is clearly must stronger: it is not merely a piece of cloth, it is an obligation to God whether or not she would choose to wear it otherwise, it is a duty, not a right, and not expression (Fernando 2014). Yet, when articulated as such, it becomes impossible to demand the right; and when it is demanded as a right instead of a duty, then it need not be a religious right guaranteed by the state! This 'catch-22' scenario exists because 'rights language' is the only way to legitimize living in French society as a Muslim.

How does this mischaracterization and repression of identity lead to mischaracterizing Muslim life in the approaches discussed earlier? Returning to the "self-conscious reflexivity" of Muslim identity problematic that I discussed in the previous sections, we see that it is necessary but not sufficient to identify the ways in which Muslim identity has been characterized and forced within the structures of liberal political thought. As such, the most important discourse pertains to the ability to define Muslim identity: right-leaning reflexive discourse identifies a version of Islam acceptable to French majoritarian standards, and subsequently disenfranchises

Muslim women from practicing their religious obligations.

This point is fundamental to my argument above: it is that biases towards Muslims – and the inability to understand Islam (and how it is different from Christianity, for instance) – leads to the systematic suppression of Muslims' religious practices, and that these practices are defined by discourse around Islam which portray it as in need of conforming to the French nation-state. The Muslim woman who seeks to defend her 'right' (read: duty) is required to lose a part of her identity through the 'translation' of the practice to one compatible with the French discourse that portrays women's rights as "dealing with diversity". Any theoretical bridging of the gap towards social inclusion requires reversing the direction of the discourses which have thus far been designed to regulate and define Islam in terms acceptable to French society and the nation-state. In contrast with the Canadian case where Muslim identity is forced to occupy a position of compatibility with Canadian law, French republicanism through the discourse of 'right-leaning reflexivity' confuses the difference between the normative possibility of French Muslims becoming 'fully French', and the reality that Islam for many Muslims is most certainly not compatible with parochial conceptions of religion.

5. Canada: Revealing the Incompatibly Between Islamic Identity and the State

In contrast with the previous case, multiculturalists tout Canada as the par excellence liberal state: capable of preserving unity and liberal values, and also recognizing difference demanded by minority groups—yet, this has been questioned and revisited by liberal and conservative academics alike (Kymlicka 2005). "The Sharia Debate," as it was called, ranged from 2003 to 2006 and revolved around the question of whether or not religion-based arbitration, which was brought into law in Ontario in 1991, should continue to exist (Korteweg and Selby 2012). The central question was surrounding the societal concern—media frenzies, political scandals, and protests—of Muslims applying "Sharia law" under the auspices of the Canadian government which made family arbitration made under consent legally binding. Concerns ranged from the worry that women would suffer under 'patriarchal' Islamic law, to the general concern that a legal system which rejected 'secular' ideals would be permitted to operate with the legal force of the state behind it (Razack 2007; Korteweg and Selby 2012).[8] I will investigate this issue in order to highlight some of the ways Muslim identity has been misrepresented through its framing as a political problem in compatibility with the nation-state.

The first objection with the application of the existing law (1991) was the general objection that applying it to Islam was a step too far for multiculturalism to take. The objection to the multiculturalists, however, could not do simply as they did in France—i.e., claim that the plurality of law for any parochial group cannot be accommodated in a secular liberal country—as Canada by then already had strong

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[8] This problem is intimately connected to the republican and liberal concern of there being one uniform law applied to all equally. This is the same problem identified in France and need not be repeated here.

multicultural laws including the Multiculturalism Act (1988), which included the legalization of legally binding arbitration based on religious principles (based on the 1991 Ontario Arbitration Act). Furthermore, both conservatives and feminist groups centered their arguments around the need to protect women, who were thought to be at threat considering the 'patriarchal' nature of Shari'a law (Korteweg and Selby 2012). While conservatives, feminists, and others all took part in the discourse of painting Muslims with stereotypes indicating the dangers of Islamic arbitration, scholars have also noted how the discourse itself paints a picture not just of the Muslim community but Muslim women. In order to claim that women would be pressured into accepting the arbitration (which would thus legitimize the religious cleric's [arbiter's] gender-repressive ruling), this would have to systematically deny agency to a large portion of Muslim women. As cited in Zine (2012, 298), "According to Tarek Fatah of the MCC, immigrant Muslim women are unable to exercise agency and choice: 'To have choice you must have the ability to make choice. To suggest that Muslim immigrants, Muslim women, who are among the lowest income group in the country have the ability to make the choice is absolute nonsense'". Furthermore, Razack (2007) notes that even genuine concern with women's rights was plagued by the "modernity/premodernity distinction" attributed to Muslims and of the well-known historical characterization of the aptly titled "eternal triangle of the imperilled Muslim woman, the dangerous Muslim man and the civilized European" (Razack 2007, 5.). It is precisely these discourses, and the particular representation of the Muslim man as the oppressor, terrorist, and misogynist conjured in the imagination of European and North American white society, that Kymlicka (2005) signals to in attempting to answer the question of why feminists only took issue with Shari'a courts—as opposed to other religious groups with similar gender-repressive laws.

The question is also compounded by two concerns raised by critics: is the Canadian government any less misogynistic in denying women's agency as to be a truly neutral arbiter (Korteweg and Selby, 2012)? Indeed, many women had claimed that they felt they received more rights under religious law (Korteweg and Selby, 2012). This is to say that there is plenty of reason to suggest that despite the attempts towards multicultural neutrality by the Canadian government, it can and does not escape the Eurocentric and Christocentric biases of problems engrained in the rule of law. This is demonstrated in the inability, as Razack (2007: 28) notes, of the legal and public discourse to separate its parochialist assumptions of Muslim identity, "deliberately invoking the spectre of a clash of civilizations and the necessity of keeping pre-modern peoples in line." As Jahangeer (2020: 138) remarks, this is grounded in a historical Canadian narrative portraying the racialized, "perilously imperilled veiled Muslim woman."

The Shari'a debates lead us again to the same problematic in defining Muslim identity. From one perspective, it is a matter of 'translation' of the right to religious arbitration, based on a perspective of Muslim identity which affirms the independence

of women and equality of Islam to other religions. In this perspective, Muslims are portrayed—and indeed portray themselves—as rightful beneficiaries of the right to religious arbitration, but being forced to do so in a way commensurate with Canadian values of consent, freedom, and gender equality. In contrast, the right-leaning reflexive approach upholds an interpretation of Muslim identity as gender repressive, and of women as lacking agency. On the one hand, the essentialist conception thrives on the image of Fadime Şahindal, a woman championed to embody the stereotype of "the imperilled Muslim woman and the dangerous Muslim man" (Razack, 2007: 4), in order to advance the narrative that only certain 'types' of Muslims and Islam can be accepted and tolerated by the nation-state. This is the same narrative that discounts or opposes accomplished professional women, who, after converting to Islam, chose to become obedient, face-covering wives (Inge, 2016) – as an act of volition and deserving of rights and laws pertinent to the lifestyle she has chosen. Even more so, the entire Shari'a debate overlooks the reality that there are, within the Muslim community, those who not only reject the application of state-sponsored courts, but reject the legal system of the state in its entirety based on its opposition to the Shari'a – the only guarantor of justice (Emon 2012).

Between these two idealizations, despite their grounding in empirical evidence or at least anecdotal examples, lies the unexamined substance of Muslim identity as defined by Muslims on their own terms—and an acceptance of their plurality, and further, an identity not bound to the rationalizations of Islam serving as an instrument for the nation-state's legal apparatus.

6. Conclusion

Section 4 overviewed discourse surrounding France's ban of the headscarf. For both proponents and detractors, Islam – and thus Muslim identity – is articulated and defined in a way commensurate with the political aims of each side. While proponents of the ban argued that the headscarf did not constitute a part of Muslim identity, Muslims arguing in favor of their freedom of expression were forced to portray their religious obligations on terms that did not reflect the reality of the obligation in Islamic terms. Likewise, in the Canadian case, Muslims advocating for the use of Shari'a arbitration were forced to use terms justifiable to the majoritarian values of the nation-state— that Islam is the 'same' as other religions, that it protects women's rights—despite the fact that many Muslims believe Shari'a-arbitration is the only just system of conflict-resolution, and not merely a compliment to the state's 'secular' arbitration. In contrast, detractors of religious arbitration argued that Muslims were incapable of delivering just outcomes – or had a higher risk than members of other religions – because of the Shari'a's supposed misogynistic and oppressive tendencies.

The reader will recall the three major conceptions of Muslim identity adopted in the literature: the essentialist perspective, and two branches of self-conscious reflexivity: left- and right-leaning. While essentialist conceptions of Islam and Muslim

identity were popular in the past, self-conscious reflexivity has defined analyses of Muslims living in the West today. In this paper, I argued that despite the best intentions both branches of the reflexive approach were deficient because they failed to take into consideration Muslim discourses outside the circle of normativity defined by the legitimizing force of the nation-state. In my reviews of French Republicanism and Canadian Multiculturalism, I showed that the biases of both right- and left-leaning reflexivists – confusing 'ought' and 'is' – have defined discourse on Muslim identity and portrayals of Muslim minorities. Whereas the former perspective seeks to portray Muslims as irrational and incapable of accepting liberal democratic principles, the latter shapes its discourse around the need to subject Muslims to liberal democratic values by arguing there was never any conflict to begin with. In both cases, the discourses result in the systematic exclusion of Muslim identity and suppression of the lived Islamic tradition, and calls for an approach of the Muslim subject which acknowledges and appreciates Muslim narratives made in Islamic terms.

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