

RECON Online Working Paper 2011/13

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Re-aligning Contested Concepts
via the Headscarf Debate

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RECON Online Working Paper 2011/13
April 2011

URL: www.reconproject.eu/projectweb/portalproject/RECONWorkingPapers.html

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RECON Online Working Paper Series | ISSN 1504-6907

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Issued by ARENA
Centre for European Studies
University of Oslo
P.O.Box 1143 Blindern | 0318 Oslo | Norway
Tel: +47 22 85 87 00 | Fax +47 22 85 87 10
www.arena.uio.no

Abstract

“Europe”, “Womanhood”, and “Islam” are concepts infused with what Ricoeur called a “surplus of meaning.” That is, they bear diverse and often contradictory significations for observers at different times and places. This paper compares the interplay of tensions between the concepts by unpacking how they align in the context of three different public philosophies, liberal modernism, and what the paper terms ‘atavistic’ and ‘cosmopolitan’ postmodernism. It does so, moreover, with reference to empirical debates over the headscarf in European and/or Europeanized contexts. It shows that when “Europe,” “Womanhood,” and “Islam” are read through a liberal modernist prism they can be aligned to reduce tensions; however, this requires a critical examination of several assumptions associated with liberal modernism. The paper goes on to show that atavistic postmodern readings point to the incommensurability of the three concepts, while cosmopolitan postmodern frames represent a promising platform for their reconciliation. In so doing, the paper also highlights the structural affinities in feminist and Islamist modes of response to liberal modernity such that it is possible to talk about first-, second-, and third-wave Islamism as well as feminism.

Keywords

Cosmopolitanism — Feminist Discourse — Gender Policy — Identity — Islamism — Political Science — Political Theory — Postmodernism

Introduction

Gallie (1956) famously coined the term “essentially contested concepts” to describe ideas which simultaneously defy dogmatism, scepticism, and eclecticism. There is little question that the notions of “Europe”, “Womanhood”, and “Islam” fall under this rubric. The substance with which they are associated varies not only in the eyes of the beholder and across space and time, but also in terms of how the categories are construed in relation to one another. At one level, this means there is an infinite plurality of visions of “Europe”, “Womanhood”, and “Islam” in the lifeworlds of individuals and collectives on our planet. At the same time, the concepts display what Freedon (1996) calls “ineliminable” components or perennial but by no means essential or static features. Any invocation of “Islam”, for example, will be associated with the idea of “submission”. But such ideas evolve over time and are relational. They interact with a constellation of other, “contingent” elements in any given context to acquire subtle shades of meaning. Thus the notion of “respect”, for instance, is a contingent concept with regard to Islam, intertwining with core elements like “submission” differently, say, in a fourteenth-century Anadalusian treatise than in the sermons of an Iranian ideologue in 1970. The goal of this paper is to understand the different ways in which both the ineliminable and contingent dimensions of what it means to be a European, a woman, and a Muslim interact. It does so with reference to the ongoing controversy over the permissibility or not of Muslim women veiling in secular European or Europeanised public spaces. In so doing, it will challenge the oft-heard claim that there is something irreconcilable about the aspirations of people for whom these three categories are important.

Analysis is organised, following O’Brien¹ (2009: 51), under the rubric of two “public philosophies” understood as “broad, integrated and moral outlook[s]” which proffer “a vision of what the public sphere should look like”. Such philosophies set the normative parameters within which intellectuals, politicians, and publics identify and articulate political preferences. They are, in effect, the explicitly political expression of broader social imaginaries. In this respect, however much preferences may be driven by material and instrumental considerations, they are also circumscribed by a particular vision of the good life to which we subscribe implicitly or explicitly, in part or in whole. The two public philosophies identified are liberal modernism and postmodernism. Recognising that the first – liberal modernism, served as a crucible from which the second – post-modernism, emerged, I suggest that there are at least two strands of post-modernist response to liberal modernism which I term “atavistic” and “cosmopolitan”. I go on to show how these public philosophies and their sub-strands inform actors’ engagement of notions like “Europe”, “Womanhood”, and “Islam”.

In so doing, I develop two parallel arguments. First, I show that the emancipatory promise but exclusionary subtext of liberal modernism meant that groups originally deemed beyond the pale of the project – such as women and Muslims – mobilised over time. There are thus affinities in the temporalities and logics if not the substance of the feminist and Islamist movements. Broadly, in three successive, but also overlapping, waves, women and Muslims have sought: (1) inclusion, by emphasising commonalities with the liberal modernist subject; (2) defection, by citing irreducible

¹ O’Brien himself builds on the work of Theodore Lowi. Others who use the prism include Walter Lippmann, Etienne Balibar, and Paul Shumaker.

difference from the liberal modernist subject, and; (3) reconstitution, by pointing to the possibility of new, hybrid subjectivities based on mutual recognition of both similarities and differences with the liberal modernist subject. This means we may plausibly talk about – and compare – what I call the first, second, and third waves of Islamism as well as of feminism broadly associated with the logics of inclusion, defection, and reconstitution.²

In tandem with this claim, I seek to demonstrate that there are two potential pathways via which the categories of “Europe”, “Womanhood”, and “Islam” might be aligned such that friction is manageable. One is via liberal modernist readings associated with “first wave” demands for inclusion on the part of feminists and Muslims. The second is via cosmopolitan post-modernist readings associated with the “third-wave” bid for creative reconstitution in feminist and Islamist thought and praxis. Yet another pathway, via atavistic post-modernism is associated with the “second-wave’s” privileging of difference in both feminism and Islamism and accordingly points to the irreconcilability of the concepts.

Meanwhile, it must be emphasised that this paper aims to develop a heuristic framework, which permits us to mix and match extant frames of reference so as to better understand how they interact. As such, the invocation of public philosophies and the three categories of “Europe”, “Womanhood”, and “Islam” is methodological, and not an attempt to develop in-depth commentary on the philosophies or constructs themselves. Furthermore, whilst this is a conceptual rather than empirical or normative enterprise, the article does substantiate analysis with reference to debates over the veil in EU national contexts, and at the European Court of Human Rights (ECtHR). There is also a normative subtext insofar as the attempt to develop a novel conceptual framework is underpinned by the implicit hope that insights generated might help us develop more convivial ways of organising our interactions in a shrinking but fragmenting world. Last but not least, in keeping with its broad scope, the piece draws upon insights from a range of fields many of which are themselves interdisciplinary (e.g. European studies, gender studies, human rights law, Middle

² To clarify, I use the “three waves” to refer to both temporality and to logics which often but do not always overlap. For example, whilst it is commonplace to denote the late nineteenth/first half of the twentieth century as the era of “first wave” of feminism, the logic underpinning first wave activism, namely the demand for formal enfranchisement, animated much later movements both in Europe (e.g. Switzerland) and beyond. Similarly, what I call the “first wave” of Islamism or Islamic modernism refers to intellectual and political movements, often launched in the late nineteenth/first half of the twentieth century, which sought to ensure that Muslims and their societies received equal rather than second class treatment on the part of European interlocutors/colonisers. However, to this day, there may be pundits who subscribe to the first wave logic of inclusion. The “second wave”, meanwhile, refers to attempts to address informal modes of exclusion on the part of the male and (post-)Christian/European mainstream, often by invoking the logic of defection based on claims of irreducible difference. Again, whilst this is typically associated with movements of the second-half of the twentieth century, the emphasis on difference characteristic of the second wave persists in many quarters to this day. The “third-wave” in both feminism and Islamism refers to the subsequent generation. In temporal terms, this wave is most discernible from the mid-1980s onwards, though again, it may not have nor ever will transpire in certain contexts. The logic of the third wave is one of seeking reconstitution through pursuit of hybrid, new forms of womanhood and Islam vis-à-vis the once hegemonic male and (post)Christian/European subject.

Eastern, and subaltern studies). This creates a number of challenges such as the fact that certain labels have different and loaded connotations in the various domains. For example, as Schleicher (2010) points out, on-going contests over the suitability of terms like "gender" versus "womanhood" shape the form and fruits of pursuit of gender equality in Europe and beyond. Given the broader, interdisciplinary scope of this piece, however, I use such terms fairly interchangeably and as shorthand. I have sought to signal cognisance of their contested status through the use of inverted commas.

Liberal modernism and "atavistic" vs. "cosmopolitan" postmodernism

Liberal modernism

The political project of liberal modernism emerged in tandem with and was empowered by western science, technology, capitalism and industry, a bundle of phenomena that yielded one of the most influential frameworks for organising economic, social, and political life ever formulated. Liberal modernism is predicated on the norms of individualism, rationalism, and humanism. Notwithstanding its parochial roots in natural law and Christian ecumenism, it advocates a secular and universalistic understanding of the human being as any agent capable of rational self-determination. This, in turn, suggests a capacity for self-government and a need to tear down dynastic and religious fonts of authority. Liberal modernism thus tends to define itself in opposition to past and present societies based on customary relations of "hierarchical complementarity" (Taylor, 2002: 97) between ruler and ruled, social strata, men and women, and generations. The grounding of legitimacy in popular sovereignty gave rise to the institutions of political modernity from the nation-state, democracy, and rule of law, to constitutions enshrining universal rights and freedoms. Liberal modernism is also associated with a conceptual distinction between state and society, and a divide between the public sphere - seen as a site of rational deliberation between citizens, and a private realm said to give succour to beliefs and passions. Given the assumption of universal reason, liberal modernism displays a teleological, linear, and progressive assessment of the capacity of "Others" to remake themselves in its image. In this sense, the liberal modernist framework is emancipatory but also coercive in that it dismisses as regressive alternative formulae for being and action.

Liberal modernism and "Europe"

Liberal modernism has supplied the normative underpinnings of at least two forms of governance, which are said to have shaped "Europe" for centuries. The first is the nation-state, the second a growing body of universal law and norms. The EU, in effect, combines the two. On the one hand, it operates as an inter-governmental organisation indirectly accountable to sovereign publics. On the other, it is premised upon and seeks to diffuse a regime of "EU-niversal" principles (Nicolaidis, 2008). The will to embrace such principles augmented after the world wars when European statesmen pledged to build the nascent European community on the basis of democracy, rule of law, and protection of human rights, and free markets. To this day, European leaders regularly invoke a humanistic liberal modernism as Europe's "true" heritage, dismissing fascism and communism as aberrations. This position leads former president of the European Commission Romano Prodi (2000: 56) to declare

that, “Our parents’ generation felt that the continent in which, against its very spirit, some of the greatest catastrophes in history had taken place, could and should constitute a bulwark for the peace and development of peoples, reviving its enlightened [...] spirit”.

In the spirit of liberal modernist universalism, the European peace project also informs EU foreign policy, which has been characterised as intrinsically “civilian” and “civilizing” or “normative” in nature (Duchêne, 1973; Manners, 2002; Nicolaidis and Howse, 2002). Such readings were particularly popular in the post-Cold War, pre-9/11 period when pundits touted the “European” model as a “beacon for...all humankind” (see, for example, Prodi, 2000). The normative agenda was promoted through the mechanism of conditionality. That is to say, the EU developed contractual relations with candidate countries, neighbouring states, and even trade partners on the condition that they display a degree of respect for European-cum-universal values (Tocci, 2005). A parallel plank in EU foreign policy has been the pursuit of a more robust international legal regime through the creation of bodies like the International Criminal Court and pursuit of the Kyoto Protocol. EU endeavours are also bolstered by the broader normative framework projected by the Council of Europe and its Court of Human Rights which is charged with upholding the European Convention of Human Rights.

Liberal modernism likewise infuses debates between intellectuals and policymakers and, to a lesser extent, publics (Fuchs, 2011). Such debates revolve around whether “Europe” should be defined as a community of citizens committed to civic values, or as an organic entity rooted in irreducible conceptions of geography, culture, and/or religious heritage. In recent years, and in conjunction with the fallout from 9/11, the second perspective appears to have gained salience. This has led some, including Muslims inside and outside Europe, to point to a gap between the civic image of “Europe”, which many elites seek to project, and preferences and practices, which obtain in many European societies. Defenders of the liberal modernist frame plead for the baby despite the bathwater; they argue – in good teleological fashion – that the project of instantiating European (liberal) modernity is “unfinished” (Habermas, 1997). Whether or not this is the case, the “success of this representation” is “a precondition for other actors to agree to the norms set out by the EU” (Diez, 2005: 614). Thus, we must “specif[y], scrutinize[...], and account” for the claim “regardless of whether we want to further substantiate, modify, or, in the end, reject it” (Sjursen, 2006: 236).

Indeed, critics have long regarded liberal modernism with suspicion. Scepticism was and is rooted in two broad phenomena. First, modernisation, i.e., rationalisation of economic, social, and political life, produced enormous numbers of losers as well as winners in material terms, and engendered a degree of existential malaise for all. Second, and belying its inclusive message, the white, European, heterosexual, (post-) Christian, bourgeois, male protagonists of the project regularly sought to deny the capacity of others for rational self-determination. As such, the emancipatory text of liberal modernity is accompanied by a subtext which Galligan and Clavero (2008: 6; 2010), drawing on Young, describe as “cultural imperialism” – a situation in which the dominant group(s) in society project their own experiences, interests and perspectives as representative of humanity, while those of marginalised groups are silenced or at best forced to be articulate in the languages of the dominant groups”. Sooner and later, the excluded, namely, peoples of colour, non-Europeans, bi-, homo-

and trans-sexuals, adherents of other religious faiths, workers, and women conspired, mostly within the context of their own in-groups, to challenge the project. One strategy was to demand a place within the liberal modernist paradigm.

Liberal modernism and "Womanhood"

In the case of women living in or originating from the European peninsula, for example, economic and social modernity ushered in conditions, which turned poor women into alienated cogs in the machine of capitalist industry. It also resulted in the legal and material confinement of middle- and upper-class women to a stifling domesticity valorised only in terms of service rendered to husband, home, and children (van Vucht Tijssen, 1994).

Yet, liberal modernism also provided those women who sought to avail themselves of its emancipatory message with "the strongest ideological weapons available" (van Vucht Tijssen, 1994: 155). Those who did inaugurate a tradition of liberal feminism, which subscribes to the notion of a universal human agent capable of self-actualisation. The liberal feminist goal, therefore, has been to compel authorities to practice what they preach by providing women with equal opportunities, first and foremost, through political enfranchisement. From the outset then, liberal feminism has been "assimilationist and reformist, not revolutionary" (Beasley, 2005: 34).

The quest for equality did not cease with acquisition of the vote as second-wave liberal feminists went beyond a focus on formal rules to emphasise informal practices in, for example, the workplace and household. If second-wave feminists thus gave credence to lived differences between women and men by mobilising for meaningful acquisition of civil rights, the next generation of liberal feminists has tended to be more individualistic. This may be because they enjoy a more even playing field as a result of the previous generation's labours. Many feminists in this vein accordingly de-emphasise structural obstacles, underline women's agency, and seek empowerment as agents of global capitalism, a trajectory exemplified by the successful career of Naomi Wolf. Their agenda, again, is one of assimilation and entails an implicit and sometimes explicit dismissal of women who see themselves as victims of patriarchy. This stance has been criticised as white, western, bourgeois, and (post-)(Judeo-)Christian hubris by women from less mainstream backgrounds. Their critique is that liberal feminism has become callous towards inequalities generated by liberal modernity, and seeks instead to ensure that privileged women are winners in the process.

An iconic figure for liberal feminists is Martha Nussbaum, who, despite (and, in a way, because of) her concern for global inequities, has been charged with Eurocentric arrogance. Nussbaum has articulated an agenda for global justice that reflects the internationalist impulse of liberal modernism. The seriousness with which her work has been received is testimony to the success of liberal feminists in incorporating their reading of womanhood into broadly accepted understandings of universal humanity. Nussbaum's platform is grounded in a vision of cosmopolitan law that is substantively western (rather than hybrid like the cosmopolitan post-modernism discussed below). On the basis of universal reason, she claims access to an Archimedean point from which to assess the permissibility of practices in and beyond

the West³. On one hand, this spurs her to challenge the relegation of vulnerable groups like women to “what conventional political philosophy has defined as the private sphere and so outside the scope of justice” (Holst, 2010: 13); on the other, it leads her to privilege (her reading of) women’s rights over customs which may obtain in non-Western worlds where the private/public distinction does not exist, at least as it is conceived in the West. For this reason, she is also distrustful of and castigates as irresponsible postmodern feminist views of “womanhood” which render the construct relative and divest it of any essence. Her concern is that this could undermine the category’s utility as a benchmark against which to measure discriminatory practices. Such a stance opens the door to calls for interventionism in the name of human and women’s rights.

This, in turn, raises the spectre of liberal feminists as proponents of western imperialism, a critique long articulated by both men and women in the (post-)colonial world. The trope can be vilifying, but can also be couched in a sophisticated deconstruction of the Orientalist frames, which infuse liberal modernist/liberal feminist conceptions of women’s rights (for a survey see Gandhi, 1998). The argument with specific reference to the “Muslim world” is that western women, like western men, tend to espouse a distorted vision of “Islam” as a backwards, dogmatic, and, patriarchal ideology that is antithetical to humanism and repressive of women in particular.

This view of “Islam” helps account for why liberal feminists may be troubled by the steep rise in demands to veil by Muslim women both inside and outside Europe. The tendency is to interpret such demands as a function of patriarchal pressure rather than individual choice, and thus as obstructive of women’s autonomy and development, and gender equality more broadly (Arat, 2005). This view of the veil as antithetical to freedom and women’s rights informs many court rulings on the headscarf in laicist France and Turkey, non-laicist Italy and Germany, and the European Court of Human Rights (Beller, 2004; Ssenyonjo, 2007; Mancini, 2009).

That said, some liberal feminists, especially in North America where relatively high levels of private religiosity co-exist with a liberal democratic framework, may equate demands to veil with the civic rights of pious women (for a survey of and critical intervention in North American readings, see Vojdik, 2010). This view also informed the dissenting opinion of the lone judge – a woman – in 2004 and 2005 ECtHR verdicts against a veiled plaintiff who contested Turkey’s ban on veiling in universities. By thus envisaging the veil through right-based frames – a strategy increasingly employed by veiled women’s activists in France, for example (Barras, 2009), it may be possible to tread a liberal modernist and liberal feminist path to recognition of the demands of Muslim citizens, women and men alike. This, in turn, necessitates a liberal modernist vision of “Islam”.

Liberal modernism and “Islam”

As noted, women were not the only group initially deemed beyond the pale of enlightenment. Indeed, women activists’ strategic responses to their exclusion from

³ For a comparison of Nussbaum’s approach to distributive justice which is based on a canon of ten, explicit if open-ended principles which she considers *sine qua non* to safeguard human dignity with Rawlsian proceduralism see, Holst 2010.

liberal modernity have displayed structural affinities to those of colonised subjects, albeit pursued in diverse geographic and temporal contexts. For “barbarians”⁴ too, were deemed lacking in rational faculties, rendering them candidates for at best, tutelage, at worst, elimination (Todorov, 1999). As European hegemony extended across the globe, this resulted in a two-tiered international system based on mutual recognition between first-class members and the subordination, in varying degrees, of everyone else (Keene, 2002). And yet in the process Europeans encountered once formidable empires like those of the Chinese, Ottomans, and Persians. The richness of their civilisations, the role they were able to play in intra-European power struggles, and their not insignificant capacity for resisting European incursions precluded total domination. It did, however, give rise to a host of encounters that led to a fascination with the “Orient” understood through frames that had little to do with the lifeworlds of so-called “Orientals. As Said (1978) has famously shown, Orientalist readings of “Islam”, in particular, portrayed the faith as monolithic, dogmatic, stagnant, irrational, fanatical, decadent, and effeminate. This, in turn, enabled characterisations of “Europe” as adaptable, vibrant, rational, measured, virtuous, and virile – typical features of Enlightenment man’s self-image. The “woman question” as it was projected onto the “Orient” reinforced this self-image. At one level, the trope of the supine odalisque was deployed as a metaphor for and invitation to western domination of the East⁵. At another level, the relatively greater visibility of European women in public spaces - though they actually enjoyed fewer legal rights than their Muslim counterparts (Bayes and Tohidi, 2001) – spurred the liberal European man forth in his civilising mission. It provided a mandate, in Spivak’s memorable words, for “white men to save brown women from brown men” (cited in Gandhi, 1998: 94). It is in this context that first-world feminists like Nussbaum have been charged with complicity in western imperialism.

Thus, in the liberal modernist reading, “Islam” and the ambivalent status of Muslim women has come to constitute a foil for some of the most important challenges facing “Europe” to this day, not least with regard to the integration of fifteen million citizens of Muslim background. Two questions stand out as of exceptional importance. The first is tied up in the view of liberal European modernity as a secular order in which religiosity must be privatised. The open question is whether Islam can conform to this division between private and public. At one level, and especially if one adopts a monolithic and decontextualised reading of “Islam”, the answer is negative because the faith is traditionally understood as “submission” to divine order in all avenues of life (for a critical survey of such readings, see Gumuscu, 2010).

Islam is not, however, static or unitary and one strand of response in the encounter with European modernity across the Muslim world has been the doctrine of Islamic modernism. I label this the first “wave” of Islamism insofar as it is the first of three patterns of Islamist response to liberal modernist hegemony, which displays striking

⁴ The “standard of civilization”, a legal code developed by Anglo-American jurists over the course of the nineteenth century, used the categories “semi-barbarian”, “barbarian” and “savage” to determine who in the non-European world was worthy of sovereignty (Gong, 1984).

⁵ European fantasies regarding Eastern women and harems were rooted in medieval travellers’ accounts of relatively permissive codes of sexual conduct in Islam according to which – and in sharp contrast to orthodox Christianity and Judaism – pleasure from sex within marriage is a God-given right of both men and women (Bayes and Tohidi, 2001).

congruence in form and logic, if not in content, to the demand for inclusion made by liberal modernist feminists. For, in much the way that liberal feminists have sought to affirm the rationality and capacity of women to serve as responsible citizens, Islamic modernism has entailed a sort of modernist apologetics for the faith. The project was launched by nineteenth-century figures like Namık Kemal in Turkey, and Jamal Al-Afghani and Mohammed Abdou in Egypt. The thrust of their argument was that Islam is not “in any essential manner anti-rational or incompatible with capitalism, nor [i]s it culturally traditionalist” (Turner, 1994: 10). The absence of a centralised Church along Protestant lines, particularly in Sunni Islam, has also been cited as a source of secularisation. Advocates of modernist Islam tend to blame Muslim societies purported “failure” to rise to the challenge of secular modernity on factors like the “closing of the gates” of *ijtihad* (critical reasoning) by medieval theologians, Sufistic mysticism, and authoritarian political traditions which are said to have precluded the emergence of a vibrant civil society to compliment extant receptivity to instrumental rationality. It follows that if Muslims, particularly Muslim minority communities living in Europe, are reconciled to privatising their faith, then the demand to veil is civic and cultural rather than religious. In this context, the veil is no more a threat to the secular public sphere than crosses or yarmakules. This is the liberal modernist pathway to reconciliation⁶.

If such a pathway exists, then the view that “Islam” is not amenable to secularisation, i.e., privatisation, is unjustified. How then may we account for its persistence? One possibility – and a perturbing one for many liberal modernist European men and women – is that “Europe” itself may not be as secular as believed. The institutions of European liberal modernity, after all, display striking continuities with pre-modern religious frameworks. The universal human rights canon is rooted in the Christian natural rights tradition, which equates the capacity for reason with the capacity for salvation. Similarly, early capitalism is said to have emanated from an inner-worldy aesthetic intimately linked to Protestantism (one which sociologists of religion also attribute to high cultural forms of Islam). Indeed, the very notion of tolerance, which underpins secularism, emerged out of an intra-Christian *modus vivendi* and is only in our era being tested by the demands of other faiths. To this day, Christian symbols remain omnipresent in public spaces from place names to days of rest and public holidays.

Recognising this (post-)Christian culturalist subtext to European secularism may help us account for court rulings in non-laicist settings where political leaders and judges openly affirm the Christian roots of European liberal modernity. Thus, in the same speech where Prodi (2000) invoked Europe’s true “enlightened” heritage he also

⁶ That said, whilst women faced subjection in virtually all pre-modern agrarian and nomadic pastoralist societies, Islamic modernist engagement of European modernity in the context of what I call Islamism’s “first wave” emanated from a once hegemonic set of codes and practices in region(s) that were eclipsed, in power political terms, by the agents of European modernity. Thus, even though the structural challenge of confronting modernity and the strategic response of demanding inclusion reverberates with first-wave feminism, the sources of Islamic modernism differ. This also means that Islamic modernist engagement of Western modernity has arguably been more selective than that of European/Western liberal feminists in that it entails openness to say Western science, technology, modes of production, and, to a certain extent, political institutions, at one and the same time as it seeks to preserve what are thought to be superior Muslim values and ethics (Fisher Onar, 2009a; Fisher Onar and Evin, 2010).

referred to the Christian legacy. Recent rulings in Italy (Veneto) and Germany (Bavaria) affirm the legitimacy of Christian symbols in public settings by characterising them as innocuous “cultural” symbols; Islamic signs, on the other hand, are banned for representing “religious” beliefs deemed at odds with liberal, democratic values, especially gender equality (Mancini, 2009: 2631). So long as such views endure, and regardless of whether one lays the blame at the door of an unsecularisable “Islam” or a “Europe” that is less secular than believed, the liberal modernist pathway to reconciling the notions of “Europe”, “Womanhood” and “Islam” will remain unworkable.

Postmodernism

The perception that the liberal modernist framework is intolerant towards certain types of difference has fed the emergence of identity politics on one hand, and an inter-related, post-modernist critique of the meta-narrative of Enlightenment on the other. Identity politics tend to emphasise in-group cohesion and, often if not always, the “Otherness” of out-groups. In this respect, they may be “postmodern” in terms of their emphasis on difference whilst still attributing positive, indeed, reductivist content to the identities in question. Alternatively, the critique of liberal modernity may be post-modern in terms of denying any fixed character to identities at all, as in Lyotard’s (1988) disgust with the promise of emancipation for the universal Human. In both its identity politics and its nihilistic/relativistic variants, postmodernism can give rise to a nostalgia for old categories, to a desire for retreat behind boundaries of shifting sands, and to an alarmist fear of manifold expressions of the “Other”. I characterise such expressions of postmodernism as “atavistic”.

Postmodernism, however, ricochets between this pessimistic variant and cautious optimism which tends to retain a modicum of empathy for the “universal” and the “human” even as it problematises, fills, subverts, and refills the content of such categories. According to this rosier prism, the insufficiency of liberal modernism is attributed to its status as:

a substantive doctrine advocating a specific view of man, society and the world and embedded in and giving rise to a distinct way of life. As such it represents a particular cultural perspective and cannot provide a broad and impartial enough framework to conceptualise other cultures or their relations with it.

Parekh (2000: 3)

In this reading, the shortcomings of liberal modernism reside in its totalising universalism and not in its promise of emancipation. This strand of postmodernism is associated with a celebration of multiculturalism and the empowerment of the marginalised, who seek to assert local-level histories and voices. The danger remains one of cultural relativism on one hand, and the abrogation of the right to dissent for individuals within groups. To meet this challenge, growing numbers of observers are calling for the instantiation of a middle way between postmodernist pluralism and liberal modernist individualism, a formula I label “cosmopolitan postmodernism”. In the remainder of this essay, I will address, in turn, both “atavistic” and burgeoning “cosmopolitan” postmodernist frames.

Atavistic postmodernism and “Europe”

The atavistic nostalgia of certain postmodernist approaches to “Europe” bear, at first blush, a family resemblance to old-fashioned organicist nationalism, though they can also be articulated at the local, supranational, and civilisational levels. Yet, whilst invocations of national identity and purity may appear modernist, they are fuelled by distinctly post-modern concerns regarding global capitalist interpenetration and interdependence, and transnational economic, environmental, and security challenges (Beck, 2006). Thus, political actors in the EU associated with atavism – such as parties from the radical right – thrive on platforms related to immigration or “national”/“European” identity, rather than modernist staples like distribution. Similarly, invocations of the legacy of Christendom as constitutive of European identity display a reflex comparable to other strands of atavistic fundamentalism which appear to be traditionalist but in fact are a product of and reaction to (late- or post-)modernity. As Çınar (2005) observes, fundamentalisms seek to displace disconcertion with today’s conditions by recovering from tradition a golden era with which to disrupt the present and reshape the future. In so doing, moreover, they use tools bestowed by the hyper-connected, post-industrial age.

Driving atavistic post-modernism in Europe is a pervasive but rarely voiced awareness of the “the possible emergence of a post-European” and perhaps even post-Western era in which the “goals and values which have been central to Western ‘European’ civilization can no longer be considered universal” (Smart, 1994: 27). Huntington’s reductivist “clash of civilisations” may be thought of as a realist expression of this sentiment, rooted, “not so much in the demise or exhaustion of the ‘modern’, as in a belated recognition of its geo-political relocation, the shift of its creative, innovatory momentum and influence to the Pacific rim and the developing societies of the East” (Smart, 1994: 28; Hefner, 1998).

Anxiety about “Europe’s” relative decline on the world stage coupled with disconcertion at rapid social transformation can lead to the stigmatisation of those associated with such processes. Evocative of this tendency is the right-wing Austria Freedom Party’s characterisation of veiled Muslim women as “female ninjas” – i.e., as aiming a weapon at the heart of Europe (Warner, 2009). Likewise, the prospect of Turkish accession to the EU is framed as the “end of Europe” by centre-right statesmen like Valerie Giscard d’Estaing, and a prelude to the final destruction of European civilisation by marauding hordes on the part of more vivid voices. Exemplary of the latter is the prose of the late Oriana Fallaci who described migrant Muslims as “sons of Allah” whose proclivity to “breed like rats” is turning Europe into “Eurabia,” a colony of Islam, where the Islamic invasion does not proceed only in a physical sense, but also in a mental and cultural sense” (cited in Fisher, 2006). Such discourses amplify the old modernist Orientalism and lambast cosmopolitan frames of reference as unworkable and naïve. This is because in the atavistic vision of Europe, the Islamic “Other” is attributed with an “unreformed”, not to mention “unreformable” character; that character, moreover, is deemed intrinsically gender-oppressive (Moghissi, 1999: 7).

Atavistic postmodernism and “Womanhood”

The emphasis on irreconcilable difference between in-group and out-group in atavistic post-modernist readings of “Europe” is reminiscent in logic if not in substance of certain strands of feminism which emerged around the second-wave and

which came to oppose the liberal (and socialist or Marxist) feminist demand for equality with men in order to highlight women's difference. In keeping with the atavistic search for comfort in "age-old" models, many such perspectives affirmed women's character as inherently caring, intuitive, and cooperative. This amounted to an inversion of sexist binaries in which women's "authentic" nature was revalorised as positive and men's as negative. In a similar vein, other feminists branched out in the name of lesbian identity, often articulated in Manichean opposition to a heteronormativity characterised as intrinsically brutal. Such moves sought to affirm rather than negate women's agency and were thus not entirely postmodern in nature, representing instead attempts to displace the content of patriarchal meta-narratives with other concrete content. As Dale Spender put it: "We can choose to dispense with male views and values... and we can make our own views and values authentic and real." (Spender, 1985: 142). As such, and despite being situated on the opposite side of the right/left spectrum as much "nationalist" and "civilisationalist" atavism vis-à-vis "Europe", the spirit of these interventions displayed a comparable will to essentialise difference at one and the same time as grand truths were questioned. That said, some forms of women's difference politics eventually fell into sync with a thoroughgoing postmodernism when the naturalised features of women's identity began to be problematised by Butler and others as socially constructed essentialisms. The evolution of feminist standpoint theory, which inquires into the diversity of subject positions displayed by those on the receiving end of a hegemonic ideology, displays a similar elision from pluralist modernist to more postmodernist frames.

Attentiveness to difference be it essential or constructed as well as empathy with the marginalised might lead some such feminists to feel sympathy for Muslim women agitating for the right to veil as a challenge to the hegemonic narrative of European liberal modernity. Yet, at least in the case of France, post-structuralist feminists have come down squarely on the side of the republican state's ban on the veil in secondary schools. In so doing, they equate "Islam" with other patriarchal religious traditions and display incredulity towards "Islamic feminist" claims that that the "true Islam" is empowering to women. The discomfiture is reciprocal as testified to by the demonisation of radical feminists – and indeed the tendency to portray all feminism as radical – in many Islamist discourses.

Atavistic postmodernism and "Islam"

I, and many others, have argued that religious fundamentalism including its Islamic variant is not traditionalist but a response to and empowered by the conditions of late or post-modernity (Habermas, 1997; Bayes and Tohidi, 2001; Bruce, 2001; Çınar, 2005; Patel, 2008). It is thus a case, *par excellence*, of atavistic postmodernism. In this respect, "second-wave" Islamist platforms display an affinity with second-wave feminists' atavistic will to find meaning in women's difference due to disillusionment in the liberal modernist promise of an emancipation that appears illusory. For, in lieu of the will to integration displayed by secularists of Muslim origin, Islamic modernists, and those in search of a *via media*, radical or fundamentalist Islamists reject a European modernity whose liberalism, they claim, masks a (neo-)colonial will to economic and political, but also social and cultural global domination. The critique of the West can take the form of a simple inversion of Huntington's "clash of civilizations" thesis, a trope which peppers the sermons of many a Hyde Park preacher. A more nuanced reading - which been voiced in various permutations across the colonised world - has been called "Occidentalism" (see, for example, Buruma and Margalit, 2004). It too

inverses the Orientalist “Europe”/“Islam” binary to condemn the excesses of “science, technology, rationality, individualism, city life, capitalism, globalization, [and] women’s liberation” (Aydın, 2006: 448). Occidentalism thus displays a measure of convergence between “postmodernist criticism of the hegemony of the West and an Islamic critique of Western materialism, media, hegemony, military power, and global dominance” (Turner, 1994: 12). A third strand of arguably post-modernist Islamist critique, as Aydın points out, displays affinities with the global left, drawing on the insights of the Frankfurt school and dependency theory, whilst incorporating the work of non-Western thinkers such as Gandhi and Tagore. Exemplary of this strand was the engagement of Ali Shariati, ideologue of the Iranian revolution, with European leftist thought. The Iranian revolution could be described as a turning point in the evolution of Islamism. It represents, I have argued, the pinnacle of Islam’s “second wave” aimed at mass political mobilisation in order to constitute an Islamic collective identity characterised as essentially non- and anti-Western. In this respect, it may be conceived of as a “resistance identity” based on “exclusion of the excluders by the excluded” (Castells, cited in Lyon and Spini, 2004: 339).

In the Iranian revolution, as in other modes of Muslim engagement and resistance of the West, women and their bodies have been cast as the last line of defence against “westoxification”. This is understood as the loss of Islamic identity due to blind imitation of western models which results in epistemological as well as economic and political subordination. As a Tehran journal put it:

Colonialism was fully aware of the sensitive and vital role of woman in the formation of the individual and of human society. They considered her the best tool for subjugation of the nations. [...] women serve as the unconscious accomplices of the powers-to-be in the destruction of indigenous culture.

Cited in Esposito (1998: xix)

The concern with women’s role displayed by Islamic (and other) fundamentalists is rooted in several factors. First, it speaks to the traditional and scripturally sanctioned role of women as caretakers of home and family. This renders Muslim women keepers of the family honour (*namus*) and the ultimate defenders of tradition and culture. As such, the *hijab* is a sign of modesty, but also of “defence of Islam, the Islamic family, and thus the Islamic identity of Muslim communities” (Esposito, 1998: xvi). This is not perceived to be discriminatory; rather, women are said to serve a role that is as important but different than that of men. Another source for the intense focus on women’s issues, Bayes and Tohid (2001) assert, may be a compensatory reflex, a will to discipline the vulnerable “Other” within under conditions when the “Other” without, namely European modernity, is beyond one’s control. One upshot of this is that “second-wave” Islamist nostalgia for the past is often “selective and male-centred” allowing for the abrogation of traditional Islamic prohibitions on practices like usury whilst “patriarchal family codes and traditions” such as “honour killings, stoning, veiling, and sex segregation” (Bayes and Tohid, 2001: 38) may be preserved⁷. For those who understand “Islam” in this fashion, women’s veiling is an

⁷ The prominence of the “woman question” in Muslim societies also accounts for why secularist nationalists tend to make women’s emancipation a cornerstone of their policies (Kanidoyoti, 1996). Indeed, what made the Kemalist cultural revolution in Turkey revolutionary was not its secularisation of economic and political life which had been

article of faith steeped in a religious ontology whose parameters are defined by narrow and male interpretations which brook no room for the autonomous choice of women (or men) and have little congruence with rights-based discourse.

Cosmopolitan postmodernism

If such platforms suggest irreducible conflict in visions of the European, womanhood, and Islam, there is a second and increasingly prominent framework for managing postmodern diversity. It entails the hope that postmodernist relativism will be a starting and not an end point, which “prepar[es] the way for going beyond the simple issues of equality of difference” permitting us to replace unitary notions of “identity with plural and complex conceptions” (van Vucht Tijssen, 1994: 162). In recent years, a host of observers across the arts, humanities, and social and political scientists have endorsed the “cosmopolitan outlook” as a promising formula for how to live together despite our differences. We accordingly see a plethora of labels with which advocates of the “new” cosmopolitanism have sought to brand the frame. A far from exhaustive list includes: “vernacular cosmopolitanism, rooted cosmopolitanism, critical cosmopolitanism, comparative cosmopolitanism, national cosmopolitanism, discrepant cosmopolitanism, situated cosmopolitanism, and actually existing cosmopolitanism” (Hollinger, 2002: 228). I have chosen to label the approach “cosmopolitan postmodernism” in juxtaposition to O’Brien’s (2009) term “hospitable postmodernism”. In any case, and in contrast to the “old” variant espoused by Nussbaum, which seeks to amalgamate humankind under one heading, the late- or post-modern variant of cosmopolitanism recognises the difference of the Other as constitutive of Self. It anticipates, moreover, that the act of mutual recognition will give rise to new and hybrid forms of collective consciousness, a state exemplified by the celebration of hybrid subjectivities in the work of Salman Rushdie. In effect, it seeks to adapt the emancipatory promise of liberal modernity to the late or post-modern condition of pluralism.

Cosmopolitan postmodernism and “Europe”

Given the motto of “unity in diversity” and its foundational principle of mutual recognition between age-old enemies, some have suggested the EU could act as agent of the “new” cosmopolitanism (Beck and Grande, 2007; Youngs, 2010). In the context of debates over the nature of EU governance and the character of its emergent polity, some advocate the abandonment of inter-governmental and supranational models in favour of a post-national cosmopolitan “Europe” (Delanty, 2005; Eriksen, 2006; Sjørusen and Wagner, 2010). Their motives may be pragmatic, as contemporary economic, security, and environmental opportunities and challenges point to a realist imperative for coordinating responses in a cosmopolitan fashion (Beck, 2006; Beck and Grande, 2007). There appears, moreover, to be a greater social base for cosmopolitan aspirations than ever before as many ordinary Europeans today are exposed to diverse cultures whilst at home, travel frequently abroad, and, as a consequence, are increasingly sensitive to the fallout of man-made or natural tragedies and inequities in far-flung corners of the globe. The slogan, “We are (fill in the blank)”, which has emerged in recent years as a sign of solidarity with victims of dramatic events from 9/11 to the Indian Ocean tsunami may be read as an expression

proceeding apace for over a century, but rather its adoption, wholesale, of European family law (Fisher Onar, 2009b; Fisher Onar and Müftüleri-Baç, 2010).

of this emergent cosmopolitan sensibility. Though some caution that cosmopolitan stirrings in Europe are to be found primarily amongst elites (Calhoun, 2002), and whilst there is evidence that cosmopolitan attitudes are especially salient in international hubs like Brussels (Suvarierol, 2008; 2009), others argue that an intuitive and grass-roots “visceral cosmopolitanism” characterised by attraction to the Other is infusing European consciousness (Nava, 2007). Moreover, there is also what I call the “*de facto* cosmopolitanism” of the migrant subaltern who has become an integral component of the European social fabric and whose perspectives and interactions, in turn, increasingly contribute to the reshaping of that fabric. In short, cosmopolitanism may be crystallising into both a political (and social scientific) agenda and a way of life. The emergent *weltanschauung* appears to be of especial relevance to the platform of the left-of-centre in Europe, above all, the Greens. Its prospects, however, must be measured against an empirical tableau of rising support for the extreme right and, in light of recent signals from quarters like the French Presidency, increasingly atavistic centre-right platforms.

Cosmopolitan postmodernity and “Womanhood”

A comparable engagement of cosmopolitanism appears to be afoot in feminist theory and praxis. Third wave feminism inaugurated a debate on the plural content of the signifier “woman” and acknowledged that women’s subjectivity is shaped not only by gender but by the constitutive power of and pressures related to structures like ethnicity, religiosity, and post-coloniality. Some theorists in this vein impute positive content to their pluralised understandings of “womanhood”, whereas others believe all such identities are constructed. The middle way of “strategic essentialism” has been prescribed by Spivak to ensure that subversive games regarding the category of “woman” do not undermine women’s activism (Beasley, 2005). In this respect, the notion of “third-world woman” or “gendered subaltern” has been both invoked and problematised in attempts to understand the modalities of “double colonisation” at the hands of both western and native patriarchies (Gandhi, 1998: 83).

Post-colonial feminism’s acknowledgement of women’s multiple subjectivities and situation at the nexus of the modern and post-modern is compatible with a movement some have touted as “Islamic feminism”. I render the label in quotation marks because it has been criticised as a western frame, which distorts the project. Ambivalence towards the label is also pragmatic because the term “feminist” can pique hostility in male counterparts, which these women can otherwise circumvent by flagging the movement’s “authenticity”. In any case, the term is used here to describe the theoretical contributions and activism of women in societies where Muslims are both the minority and the majority. Their goal is to re- or uncover a version of “Islam” that is gender equitable. The argument is that women’s unequal footing in traditional and radical readings of the faith emanates not from the Koran but from other, secondary factors. These include the legacy of practices from pre-Islamic Arabia where women’s position was dismal even by sixth century standards. By way of contrast, the Koran is lauded for having emancipated women of its era, not least by authorising property, inheritance, and divorce rights which, if not comparable to those given men, were more robust in many ways than rights enjoyed by European women until the twentieth century (Badran, 2007). A second source of “pollution” of the faith identified by “Islamic feminists” is misogynistic practices found in various societies that “Islam” colonised. A case in point, “Islamic feminists” argue, is female genital mutilation, which is practiced in some Muslim communities

but also by non-Muslims living in the same geographic and cultural context, whilst it is unheard of elsewhere in the Muslim world and appears nowhere in the Koran, the *hadith* (body of sayings attributed to the Prophet Mohammed), or Islamic jurisprudence pertaining to medical matters. Drawing again on the historical record, "Islamic feminists" also identify women role models in the Islamic canon from Mohammed's first wife – an older businesswoman, and his second wife – a religious scholar and military leader, to the large number of accomplished women scholars in the early Islamic era. In this respect, Muslim women theologians likewise condemn the closing of the gates of *ijtihad* three centuries after the foundation of Islam by conservative clerics. Invoking the principle today, they engage in a hermeneutic re-reading of Islamic scripture to contest interpretations developed by male clerics in the past millennium. They have also subjected the traditional obligation to veil – which has bases in scripture and which is endorsed by all the major schools of jurisprudence – to re-reading. This has led some, albeit a minority, to the heterodox conclusion that veiling may be desirable but is not obligatory. In effect, "Islamic feminists" see "true Islam" as an ethical and egalitarian rather than juridical message. They argue that Islam may have "instituted a sexual hierarchy" but that "it laid" at the same time "the ground, in its ethical voice, for the subversion of the hierarchy" (Ahmed, 1992: 238-9). They accordingly seek to extract from Islamic "tradition" pathways to emancipation, which, in keeping with the logic of post-modern cosmopolitanism, are in accord with both "thick" cultural codes and the "thinner" principle of women's dignity as upheld in today's European-cum-universal canon.

Cosmopolitan postmodernism *vis-à-vis* "Islam"

"Islamic feminist" discourses are embedded in a broader debate on "alternative modernities" taking place in sociology, social theory, and post-colonial theory. The argument is that societies within and beyond "Europe" have adapted to the structural exigencies of modernity, which first emerged in the northwestern corner of the Eurasian peninsula. They have done so, however, through the prism of their respective "social imaginaries" or, as Bordieu would put it, "habitus". This means that modern political and social institutions will bear a family resemblance to but also display substantive variation from comparable institutions in western Europe and that such "gaps" are perfectly appropriate in both functional and normative terms. This prism can explain, for example, why Japanese democracy is more consensus-oriented than competitive western democracy without devaluing the Japanese version. Perhaps due to this de-(Euro)centring and empowering subtext, the framework has been embraced explicitly by a number of intellectuals and implicitly by political leaders from Brazil to Malaysia. It is also invoked in EU candidate country Turkey to explain the apparent moderation and transformation of Turkish political Islam in the past decade in tandem with the *embourgeoisement* of Islamic constituencies and their apparent embrace of discourses of democratisation and globalisation (Gumuscu, 2010). This marks what might be thought of as a "third wave" in Islamism in Turkey and elsewhere, not least amongst many Muslim communities in Europe. In this context, Islamic actors are said to have learned how to:

blend into modern urban spaces, use global communication networks, engage in public debates, follow consumption patterns, learn market rules, enter into secular time, and get acquainted with values of individuation, professionalism, and consumerism, and reflect upon their new practices.

Göle (2002: 174)

Such trends may have enabled a dialogue and debate on how to balance the universal and the particular in readings of principles found in both the (post-)Christian European and Islamic canons. This includes the notion of women's dignity. Thus the Turkish Minister of State responsible for the UN-sponsored "Alliance of Civilisations" initiative can declare "if your religion doesn't have space for women's rights, then you need to read your religion in a different way, not dismiss women's rights" (personal correspondence). Such an approach, if sincere and followed through in practice, is in keeping with the cosmopolitan postmodernist plea for a "thin" canon of universal principles which stakeholders may flesh out in diverse but mutually intelligible ways informed by their respective subjectivities.

The "alternative modernities" prism accordingly authorises a sociological reading of the rise in demands to veil. It views veiling as a form of "creative adaptation" (Gaonkar, 2002) on the part of Muslim women who migrated relatively recently from traditional, rural contexts to modern, urban communities (e.g. Istanbul, Ankara, Berlin, Stockholm). For these women, wearing the veil is said to facilitate the transition from an organicist *Gemeinschaft* to an atomistic *Gesellschaft* whilst enabling them to preserve their traditional role as bearers of family honour and Islamic community and tradition – a role that may be a source of pride. As one empirical study has shown, both reformist and orthodox Islamist women believe the veil to be a religious obligation. In their enactment of this obligation, however, reformist women appropriate, yet invert, secular feminist ideas to celebrate the veil as an expression of "womanhood, freedom of movement, involvement in the public sphere", and freedom from "exploitation" (Aldıkaçtı Marshall, 2005: 111).

Seen through this prism, the debate on veiling can spur us to assess the limitations of present-day democratic frameworks and explore ways to raise their threshold for diversity. In Marramao's view (cited in Lyon and Spini, 2009: 341), this could give rise to a "narrative" as opposed to "argumentative" or "deliberative" understanding of the public sphere: "Our democracies need public spheres where different groups and individuals may come into contact and 'narrate' themselves to each other, thus making themselves accountable for their values and traditions"; a "narrative approach" would also enable "a kind of public dialogue that is not afraid to touch on values"; this, in turn, "could be a strategy to avoid the entrenchment of communities in self-centred models of identity".

For pundits in this vein, an exclusively rights-based rationale for the veil as condoned by the liberal modernist pathway is insufficient. Rather, dialogue across boundaries should facilitate an understanding of the existential dimension of veiling in both identity and religious terms. It may be an unwillingness to probe this dimension – or the presumption that it is atavistic – which characterises national (French, Turkish, Italian, German) and ECtHR jurisprudence readings of the veil. For Scott, such a move would require an ability to "envision an alternative concept of the person, a relational rather than unencumbered self". Benhabib, too, argues that to understand veiled women's choice, one needs to "overcome the tendency to oppose freedom of choice with tradition" (both cited in Bilsky, 2009: 2736).

A danger associated with this postmodern yet cosmopolitan pathway to reconciliation lies in the fact that modernities everywhere, regardless of cultural idiom, produce winners and losers. In social settings, where gender equality is already wanting, cosmopolitan postmodernist readings may be a form of wishful thinking which

obscure rather than dismantle inequalities. It is crucial then, that appreciation of alternative frames of reference does not become an apologetics for oppressive practices. This is particularly so when it comes to gender equality in communities that in both their traditional and modern expressions are socially conservative and pervaded by patriarchal assumptions and practices, as well as communitarian pressures which may obfuscate women's ability to invoke their right of dissent. For example, recent debates over Shari'a courts in Britain where some 80 tribunals adjudicate on the basis of Muslim family law have raised the possibility that women's rights could be violated under the rubric of "multiculturalism" (Patel, 2008). A similar tension is evident in the jurisprudence of Shar'ia courts available to Greece's indigenous (but, only exceptionally, its immigrant) Muslim minority on divorce and inheritance in which outcomes proved disadvantageous to women plaintiffs in comparison with settlements they would have received from secular civil courts (Dimosthenous-Paschalidou, 1996)⁸. A recent debate in Turkey over whether criminalisation of adultery would be empowering or disempowering to women likewise testifies to the challenges of reconciling "EU-niversal" and "alternative" modernities when it comes to women's well-being (Fisher Onar, 2009a; Fisher Onar and Müftüler-Baç, 2010).

Conclusion

To sum up, disagreements over what veiling means are embedded in different readings of what it means to be a "European", a "Woman", and a "Muslim". I have suggested that there are two broad approaches to these categories – liberal modernist and atavistic versus cosmopolitan postmodernist. I have also argued that the first and the last offer potential pathways with which to realign the three concepts so as to more fruitfully manage tensions amongst people for whom the categories are important.

A liberal modernist trajectory would require that Europeans – and feminists – divest themselves of any lingering Orientalist readings of Islam which project onto the faith a monolithic, retrogressive, and misogynistic character. Muslims living in Europe, in turn, would have to construct a privatised "European Islam". Such an alignment would be reflective of the demand for inclusion, which underpins "first-wave" feminism and Islam. This modernist pathway is associated with rights-based arguments for the veil (Barras, 2009). To date, European courts have viewed such arguments with suspicion due to the enduring view that Islam is not amenable to secularisation and/or an unwillingness to question the Christian cultural subtext of European secularism.

A second pathway to reconciliation would necessitate the alignment of post-modern visions of what it means to be "European", a "Woman", and "Muslim", tempered by a cosmopolitan outlook. This would entail an attempt to fuse the liberal commitment to equality with post-modern celebration of diversity, a project in keeping with the logic of reconstitution that underpins "third-wave" feminist and Islamist recognition of the ways race, religion, and post-coloniality circumscribe agents' room for manoeuvre. It could appeal to European advocates of pluralism whilst retaining a

⁸ Such courts were made possible by the 1996 Arbitration Act. *Beit Din* courts which deliver rulings in accordance with rabbinical law have been active in Britain for over a century.

basis for coming together, as well as to Muslims who explicitly or implicitly invoke the notion of “alternative modernities” to validate non-European trajectories of modernity which may eschew some core features of the former such as the private/public distinction. With regard to the veil, a cosmopolitan post-modern pathway to reconciliation is associated with attempts to fuse rights- and identity/religiosity-based arguments. This frame has, too, has found little favour in European courtrooms. In the medium to long-term, however, the approach may be more fruitful than a modernist pathway in that it acknowledges the components of Muslim subjectivity, which render liberal modernists uncomfortable whilst proposing ways to accommodate such differences. It could thus meet, as Lyon and Spini (2009: 340) argue, the “need for a ‘universalism of differences’ in which equality – judicial and political – becomes the condition for the assertion of those differences (religious, cultural, etc.) otherwise”.

Ultimately, tensions derive from the fact that liberal modernist “toleration” and its product, the secular public sphere, emerged as a formula for managing denominational diversity in a (post-)Christian context. Today, however, “Europe” is far more diverse and “Islam” is a permanent feature of European social life as well as a driving force in societies coming of age under the rubric of “alternative modernities”. Based on this re-reading of extent literatures what may be needed is a new social contract which accommodates the demands of Muslim citizens whilst ensuring a commitment to principles like human and women’s rights which are increasingly constitutive of visions of what it means to be “European”. Yet further research is needed to assess whether this is possible in practice, not least because interlocutors to the project are embedded in a series of complex power relationships, which may *de facto* privilege one group or subgroup to the detriment of others. This is attested to by the ambivalent implications for European/Europeanised Muslim women of legal pluralism or incorporation of aspects of Islamic law into civil or criminal codes in Britain, Greece, and Turkey.

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RECON is an Integrated Project financed by the European Commission's Sixth Framework Programme for Research, Priority 7 – Citizens and Governance in a Knowledge-based Society. Project No.: CIT4-CT-2006-028698.

Coordinator: ARENA – Centre for European Studies, University of Oslo.

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