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An Imam in France Tareq Oubrou

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One of the most remarkable developments affecting Islam in Europe are the efforts of secular institutions, state or other, to counter transnational beliefs and practices by promoting nationalized forms of Islam. The move, which has parallels in many countries, has been epitomized in France by the famous call for an Islam “de,” rather than “en,” France.¹ “French Islam” seems to be a *cultural, linguistic, political* and *theological* enterprise: Muslims are supposed to adopt French norms, i.e.,

they are expected to assimilate; Arabic will be stripped to the bare minimum, and Muslim actors and institutions in France will be conversant in Voltaire’s language; French Islam will be structured around a single organization, following the hierarchical pattern of the Catholic Church; finally, it will be distinctively “liberal,” its Way or sharia “*bien tempérée à la française*,”² and perhaps, like other things French, turn out to be an example to the world: *La France, chance de l’islam*. Muslim leaders have responded in different ways to these demands and expectations of the State and the wider society, often reproducing, instrumentalizing, or subverting them for their own purposes.

The Union des organisations islamiques de France (UOIF), a loose franchise of some 200 Islamic associations promoting an orthodox Islam, is an example of a Muslim institution replicating the call for an “Islam de France.” Decried as fundamentalist and operating in a climate of public hostility, the UOIF is one of the few Muslim institutions in France that positions itself as a religious authority, rather than a mere representative of Muslims. Following its policy of state recognition, the UOIF has tried to counter fears of its links to the Muslim Brotherhood by publicly distancing itself from Middle-Eastern religious authorities, such as Yusuf al-Qaradawi and Faysal Mawlawi, and by promoting French-based scholars as its “spiritual references.”

Biography of Oubrou

One figure, which has emerged as one of the UOIF’s most visible intellectuals, is Tareq Oubrou. Born in Agadir, Morocco, in 1959, in an intellectual milieu distrustful of religious institutions, Oubrou discovered “the intensity of faith” at 18; soon afterwards he came to France in order to pursue his university studies in medicine and biology. In spite of his lack of formal training in religious disciplines, the charismatic young man started officiating as an imam at an early age—in the cities of Bordeaux, Nantes, Limoges, Pau and—since 1991—full-time at Bordeaux’s El-Huda Mosque. Now a French citizen, Oubrou leads the prayer, delivers the Friday *khutbah*, interrogates would-be converts, gives religious advice, organizes imam-training seminars, receives journalists and answers social scientists. Although the world Oubrou inhabits is a very different one, the classical description of an Islamic scholar—who “studied, taught, and gave advice”—seems wholly appropriate.

Oubrou is almost unique in France in his attempt to rethink—in the French language—Islam from within. His most distinguished contribution is the concept of *sharia de minorité*, rehearsed at conferences since the mid-1990s, first printed in 1998,³ and developed in a longer 2004 essay.⁴ Three years ago Oubrou also published a series of lively e-mail exchanges with a secular Muslim intellectual, Leila Babès, on freedom, women, and Islam⁵—a rare example of a religious scholar leaving aside his traditional monopoly of interpretation to engage in a discussion with a Muslim social scientist who does not feel bound to the communities of meaning generated around the sacred texts.

Muslim collective identifications in Europe are to a large extent shaped by national dynamics. In France, the call for a French Islam which dominates public debates has forced Muslim leaders to re-position themselves. One of the most intriguing responses has come from Tareq Oubrou. This self-learned imam has been working within the Islamic tradition to establish a *sharia de minorité*, building the premises of a “legal Islam” adapted to the secular context of France and the religious practices of Muslims.

Relativizing the sharia

Oubrou engages in his work both the Islamic tradition and wider non-Muslim debates. His starting point is the same as most French observers: is Islam compatible with a secular democracy like France? How can Muslims be integrated? Oubrou’s answers seem to be a conditional yes: as long as Islamic normativity (*sharia*) is relativized.

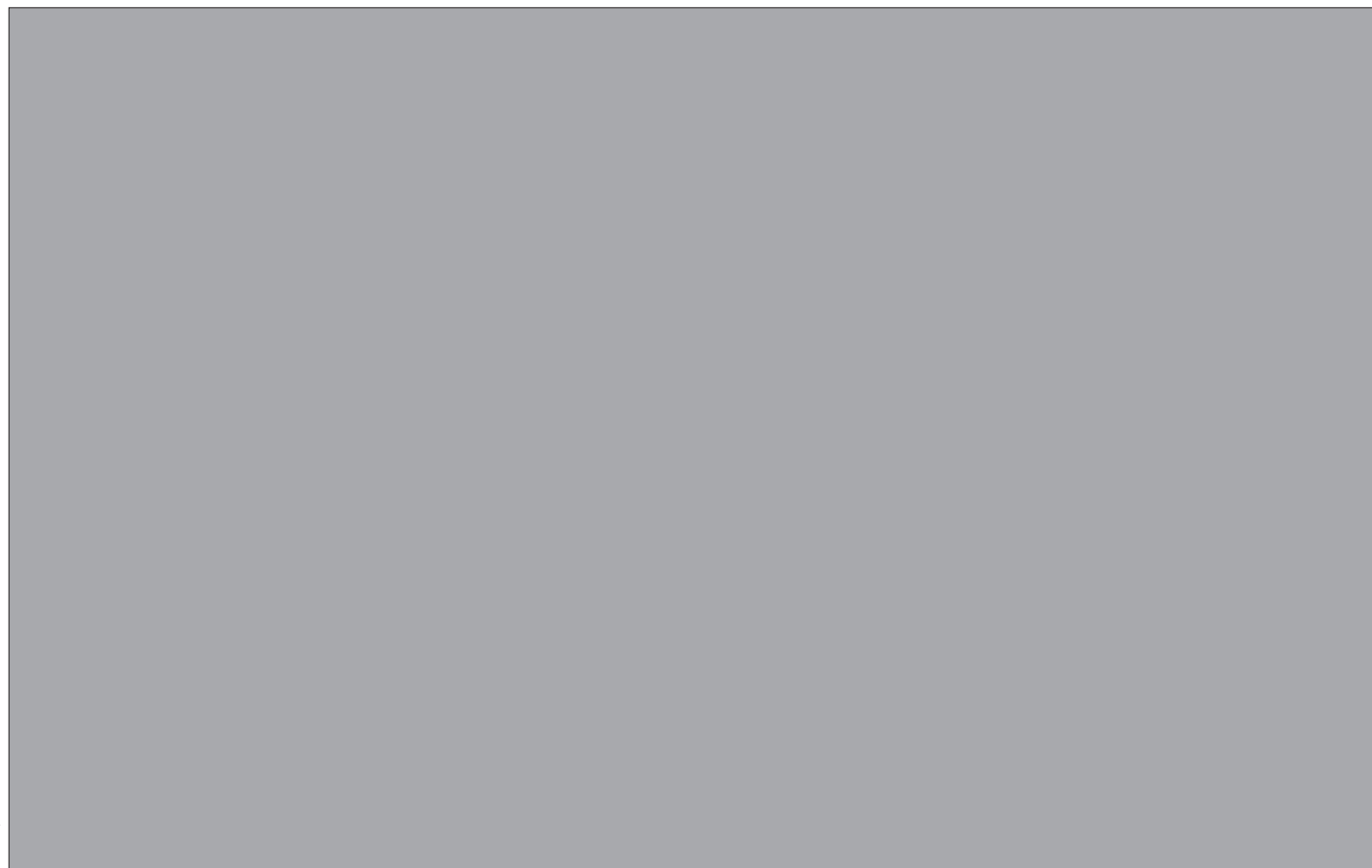
Oubrou’s construct could also be called *sharia relative*, unfolding as circles of variances and relativity. First of

all, the importance of the normative dimension is minimized by subordinating sharia to theology. For the imam of Bordeaux, the normative approach is predicated upon a hermeneutical posture that tries to decipher the meaning of the Text, which lies hidden in the form of its manifestation during the “Quranic moment.” At each point in time the Muslim scholar must search for the adequate equivalence between “the historical destiny” and “the normative will.” Given the Quran’s “foundational scriptural mutism,” Muslim scholars have constructed the science of *usul al-fiqh*. This science, according to Oubrou, is located between the reading of the names and attributes of God on one hand, and *fiqh* (law or jurisprudence) on the other. Since the sharia must “reflect the Legislator,” the sharia being “but one name and attribute of God,” one cannot know the Law if one ignores the Legislator. This is why, Oubrou concludes, theology is the foundation of sharia. In displacing the normative question into the theological realm (apparently sidelining the traditional *fiqh* schools), Oubrou argues for the pertinence of broader questions of free will and destiny in elaborations of the sharia: ideas about human freedom have thus consequences on the mechanisms of legal interpretation, allowing for the departure from “the substantial textual limits” in order to achieve “the realization of trans-cultural and trans-historical permanencies.” The synthesis must be both intrinsic (“an unchanging Islamic reason, with universal principles”) and historical (“since Islamic knowledge renews itself, expands, but also invents itself, in disciplines, techniques, perceptions, processes, and new applications”).⁶

The second level of relativity concerns the “ethicization of sharia,” reducing Islamic norms to the moral dimension and justifying recourse to French legal institutions. This is built on a distinction within sharia between law (*fiqh*), which necessitates an Islamic framework, and ethics (*akhlaq*), which does not. Here Oubrou is drawing upon, and resisting, contemporary Islamic thought on Muslim minorities. His carefully-worded *shari’a de minorité* is an implicit critique of the transnational construct of *fiqh al-aqalliyyat* (jurisprudence of minorities),⁷ which he considers “an inadequate description of the legal status of Muslims in Europe.” If the terminological difference may seem subtle, its applications—in terms of the relationship between Islamic normativity and French/European law—are important: whilst proponents of *fiqh al-aqalliyyat* call for the state recognition of Muslim personal law in Europe on grounds of legal pluralism, Oubrou rids Islam of its claims to legality by proposing to “incorporate French law into the metabolism and the economy of the sharia” through the means of juridical fictions (*fiqh al-hiyyal*). Furthermore, Oubrou universalizes the term “minority”—disagreeable to orthodox French political discourse—by relating it not to a “demographic category” but to a “posture of spatio-temporal exception,” devised in France but (arguably) legitimate worldwide.

Devising a “legal” practice of Islam

Given the wide French expectation of an Islamic *aggiornamento* (renewal), it is interesting to note that “reform” is a word virtually absent from Oubrou’s writings. Oubrou locates instead his thought firmly in



Tareq Oubrou

the Islamic tradition. As a mufti, he reflects within limits imposed by his scholastic tradition: he is concerned with adapting Islam to the French context as much as with maintaining the boundaries of legitimate religious authority.

The fatwa emerges as the central mechanism of Oubrou's theory. The classical distinction between *hukm* and *fatwa*, situated at opposite ends of the Islamic normative spectrum, constitutes the third level of relativity of sharia. While the former enunciates the rule, the latter adapts it to the circumstances. In principle, for Oubrou, the fatwa is *auto-biodégradable*, in that "it contains in its very formulation the ingredients and time-space criteria of its validity and life-length." The fatwa adapts Islamic normativity to the social and cultural foundations of the French society. In contrast to some earlier descriptions of the muftiship, which emphasized retreat from the mundane world, the mufti according to Oubrou needs to be geographically and sociologically implicated in his environment, in order to mobilize the appropriate "normative subjectivity." Among the criteria a mufti must fulfil beyond Islamic scholarship, Oubrou cites an accurate perception of the psychological reality of Muslim individuals, a strong grasp of French laws, and an awareness of European legal integration—conditions which would possibly disqualify most of the current practioners in the field.

Contemporary muftis often take into consideration the media impact of their work, choosing between targetting a specific individual and aiming at mass consumption. Oubrou partly echoes this distinction between private/individual and public/collective fatwas, but goes a step further, establishing an original typology of Muslim normative opinions. Oubrou's fatwas are of two types: "positive by articulation" or "negative by omission." Positive fatwas may be directed at a community, in which case they relate to an average level of religiosity—a community which, interestingly, Oubrou defines nationally: French Muslims, and the French [Muslim] national average religious practice (preferably, according to Oubrou, based on a scientific survey!). Or, alternatively, positive fatwas may be "situational," enunciating a norm that takes into consideration not only legal but also social constraints, and is individual in scope. Oubrou elaborates this distinction between legal and social constraints in relation to the problems caused by the visibility of Islam when discussing the building of minarets (*legally* allowed but sometimes *socially* rejected). He must also have had in mind the question of Muslim headscarfs in public schools.

Negative fatwas, on the other hand, should be seen as Oubrou's attempt to counter the proliferation of conflicting fatwas in the European market. Driven by fierce competition between domestic and transnational producers, and enabled by mass media, this market has

created the conditions for product diversification, with muftis marketing their—and each other's—work as "authentic," "moderate," "easy," "European." Tareq Oubrou is worried the resulting fatwa wars may lead to a normative saturation and erode all forms of religious authority, including "sincere and benign ones." Negative fatwas seek to break the spiral by refusing to materialize under the pressure of demand or by articulating "anti-fatwas," suspending norms in order to avoid burdening a community of believers already fragilized by its socio-economic condition. This is Oubrou's final degree of relativity of sharia.

Fatwas are Oubrou's tools in the elaboration of a minimalist orthodoxy (a "spiritual minimum wage," as Oubrou puts it) that is sensitive to "the moral state of the local Muslim communities." Hence to a non-practising Muslim Oubrou recommends one prayer a day, while to a youngster who spends the day in worship at the mosque, Oubrou advises he find a job. The *shari'a de minorité* allows the imam of Bordeaux to provide an Islamic cover for new and unorthodox Muslim practices, forging a "legal Islam" adapted to the current situation. This reordering of knowledge inevitably constructs a relation of discursive dominance: here, as in other theological discourses, the aim is not only to reconcile Islamic Law to the secular context, but also—and quite explicitly—to counter the secularization of Islam in Europe, ensuring Muslims remain connected to Islamic normativity as enunciated by authority figures. Seemingly, underlying Oubrou's work, is a much widely-shared distrust of the personalized—and therefore unmonitored and uncontrolled—religious practices of the Muslim individual.

Notes

1. Bowen, "Does French Islam have Borders?" *American Anthropologist* 106, no. 1 (March 2004).
2. This expression is borrowed from Jeanne-Hélène Kaltenbach in *L'islam en France*, ed. B. Etienne (Paris: Éditions du CNRS, 1990), 227.
3. T. Oubrou, "Introduction théorique à la chari'a de minorité," in *Islam de France*, no. 2 (1998).
4. T. Oubrou, "La shari'a de minorité: réflexions pour une intégration légale de l'islam," in *Lectures contemporaines du droit islamique-Europe et monde arabe*, ed. F. Frégosi (Strasbourg: PUS, 2004).
5. L. Babès and T. Oubrou, *Loi d'Allah, loi des hommes—liberté, égalité et femmes en islam* (Paris: Albin Michel, 2002).
6. T. Oubrou, "Islam d'Europe: Entre religion minoritaire et message universel," (Lyon, January 2003 (conference with Tariq Ramadan).
7. See Masud, *ISIM Newsletter* 11: 17; Caeiro, *ISIM Newsletter* 12: 26-27; Malik, *ISIM Newsletter* 13: 10-11.

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