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## Islam and the uncertainty principle



# **ISLAM AND THE UNCERTAINTY PRINCIPLE**

Inauguration Lecture  
for the Sultan of Oman Chair for Oriental Studies,  
in particular the Study of Islam in the Contemporary West

Leiden University, 4 November 2008

Prof. dr. Maurits Berger, LL.M.

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TO MY PARENTS



Your Excellencies, Mr Rector Magnificus, colleagues, ladies and gentlemen,

In 1927 the Dutch Islamologist Snouck Hurgronje established the Institute for Oriental Studies. In the same year, the German physicist Werner Heisenberg formulated what became known as the ‘uncertainty principle’. These two events appear utterly unrelated, in a geographic as well as scholarly sense. However, for the field of research that is assigned to the chair that I am presently holding – that is, the study of Islam in the contemporary West – their combination is of great relevance and importance.

I do not need to tell you how topical this chair’s research field is. Until twenty or thirty years ago, Islam was an interesting but obscure field of study, confined to libraries where old books were studied. How different that is from today, when Islam has become the focal point of attention. Islam has become part of our daily lives: it fills the newspapers, and the thirst for knowledge of Islam is almost unquenchable. I am surfing the waves of current events, so to speak. This is exciting, although not always desirable from a scholarly point of view, for the pace of developments denies us the time necessary for reflection.

The relevance of Islam to our everyday life shows in the many questions raised, questions that all start with ‘What does Islam say about...?’ – followed by topics ranging from domestic violence, informal marriages and medical treatment to terrorism, democracy, and the position of women. The questioners are just as diverse: the media, police, municipal civil servants, ministries, teachers, diplomats and medical staff.

Everyone seems desperate for knowledge of Islam these days, including the Muslims themselves. When I accepted this chair, many Muslims asked me – with a distinct sense of urgency, I must add – whether I was going to teach the ‘true Islam’. This question makes sense, since so much nonsense is being told about Islam. Muslims are in desperate need for a levelled, commonsensical discourse on their religion. ‘Tell the truth about Islam’, they implore me. That is, of course, a noble quest, and the ultimate challenge for any academic. But in pursuing the truth about Islam in the contemporary West, we enter an academic quagmire. And that is because of the uncertainty principle.

## *Tradition of Islamic Studies*

This chair stands in a long and lofty tradition of academic scholarship. The study of Islam at Leiden University can be traced back to 1593.<sup>1</sup> I am very much aware of my distinguished and eminent predecessors who have dwelt in these halls and who I sense will be looking over my shoulder at everything I do.

One of these predecessors is the aforementioned Snouck Hurgronje, one of the most prominent and internationally renowned Dutch Islamologists. He belonged to the category of scholars that did not linger in libraries but went out into the field. He did research in Mecca and Indonesia, and was very much involved in developing colonial and foreign policy regarding Islam in those regions.<sup>2</sup>

I intend to live up to the standards of these predecessors and to continue their scholarly tradition. However, they and I operate in distinctly different circumstances. For one, these predecessors stand accused of what has become as Orientalism, that is a tradition of scholarship that for centuries has openly or subconsciously harboured prejudiced views *vis-à-vis* Islam and the Muslim world.<sup>3</sup> Many colleagues of my generation have taken this criticism to heart. However, as a result of that, many of us now stand accused of having become less critical in our studies of Islam.

Another difference between now and the past is the almost revolutionary developments that have taken place in Islamic thinking and Muslim societies during the past century. The traditional monopoly on the interpretation of Islamic doctrine by the religious establishment

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1 After the establishment of Leiden University in 1575, the scholars Scaliger (appointed 1593) and Van Erpen (known as Erpenius, appointed 1603) were the first to study Arabic and Islam. However, the first professoriate chair for the study of Islam was established as late as 1881, with the appointment of Snouck Hurgronje.

2 He did so from the late 19th century until the 1930s, almost a century ago, but some of his opinions have even been considered relevant to the problems we are facing in our times: see Paul Scheffer, *Het Land van Aankomst*, Amsterdam: De Bezige Bij 2007, p. 183ff. I personally disagree strongly with this comparison, precisely because of the different context – that is, Islam in Indonesia was perceived by Snouck Hurgronje from a colonial perspective, an approach that seems not justified in the case of Islam and Muslims in the Netherlands in the early 21<sup>st</sup> century.

3 See Edward Said, *Orientalism*, New York: Vintage Books 1979.

of orthodox scholarship has been seriously undermined by the national legislatures of Muslim countries and, more importantly, Muslim laymen who claim to pursue the 'true' Islam. As a result, a Pandora's box of Islamic interpretation has been opened. Very interesting from a sociological and political point of view, but difficult from a theological point of view, for if Islamic doctrine appears to be in a phase of reconsideration and reinterpretation, what then is 'the' Islam everyone asks about?

These developments have changed the social, political as well as legal landscapes in many Muslim countries. Until forty years ago, individual Muslims were not held accountable for Islamic behaviour; now, films of that time are not televised anymore because the actresses are considered improperly dressed for contemporary standards, and some actresses have made the headlines for publicly donning the veil and denouncing their past ways. Until forty years ago, politics in Muslim countries was dominated by socialism, secularism and nationalism; now, the litmus test for national as well as international politics is Islam. And until forty years ago it was predicted that Islamic law was on the decline, except for Islamic family law;<sup>4</sup> the rise of Islamic legislation that we are presently witnessing must, to many, appear as resuscitation from death.

All these developments would be as unexpected as shocking to my predecessors. From my colleagues and me it demands new and interdisciplinary academic approaches to the study of Islam and its believers.<sup>5</sup>

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4 Norman Anderson, *The Study of Islamic Law*, The Inaugural United Arab Emirates Lecture in Islamic Studies series, The University of Ann Arbor, 18 October 1977, p. 5, 12. Coulson remarked that 'the fortress of traditional [i.e. Islamic] law has been breached beyond repair', but also made the prophetic observation that 'the complex structure that has taken its [i.e. Islamic law] place does not yet rest upon the same solid foundations, and in substance is almost volatile by comparison.' (N.J. Coulson, *A History of Islamic Law*, Edinburgh University Press 1964, p. 222).

5 For an insightful and critical survey and analyses of methods used by the early and modern scholars of Muslim societies and Islam, see J. Waardenburg, *Muslims as Actors: Islamic Meanings and Muslim Interpretations in the Perspective of the Study of Religions*, Berlin: Walter de Gruyter 2007.

But with regard to the study of Islam in the contemporary West, the most distinct difference with my predecessors is the physical presence of Islam. Until recently the study of Islam meant a trip to the library or to some faraway exotic land. But now Islam is here, in the West. Muslims are our lawyers and legislators, bankers and bakers, cleaners and criminals. There are over 450 mosques in the Netherlands alone, headscarves and *djellabas* have become common features of street life. Many of my students are Muslim. All of this affects the way that one talks and thinks about Islam. Why? Because of the uncertainty principle.

### *The Uncertainty Principle*

Let us now get to that uncertainty principle. It is a concept developed in physics, more particularly in quantum physics, and is therefore well out of our league here. Moreover, I must confess that I failed miserably when I studied physics in my first university year and quickly had to change my major. But let me try to explain the basic notion of the principle.

In physics one develops mathematical methods to describe our world as accurately as possible. In the case of Isaac Newton's famous apple falling from the tree, for instance, one can determine with great precision its momentum – that is, mass times velocity – as well as position at every given time during its fall.

However, when exploring the world of atoms, physicists discovered that this accuracy did not apply on a subatomic level; indeed 'the more precisely the position of a subatomic particle is determined, the less precisely the momentum is known in this instant, and vice versa'. This statement was made by the German physicist Heisenberg and became known as the uncertainty principle.<sup>6</sup>

Let me repeat this: the more accurately that one measures the position of a subatomic particle, the less accurately one can measure its mass and velocity; and vice versa. What is relevant for us, here,

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6 In German it is known as *Unschärferelation* and was first described in Heisenberg's article 'Über den anschaulichen Inhalt der quantentheoretischen Kinematik und Mechanik', 1927.

is that this is not a characteristic of subatomic particles, but of the measurement. The uncertainty principle's key notion is that the observer, in the process of taking measurements, directly influences what he wants to measure. Indeed, the same influence takes place when measuring the momentum and position of Newton's apple, but they are negligible due to its relatively large size.

This concept is of great relevance to our topic today. Because just like with subatomic particles, we are unable to determine accurately the position of Muslims in Western societies, by which I mean their opinions and behaviour, in particular in relation to Islam.

The reason for this inaccuracy is similar to that in quantum physics, as the observer is not an outsider to his field of research but is physically part of it and therefore influences it.<sup>7</sup> Muslims and Islam in the West are not confined to a glass sphere through which they can be studied.

In the Western world, we scholars of Islam share the same environment with our topic of research. We live together and therefore we influence each other. I am not only an academic; I am also a citizen, a Dutchman. I have my fears and preferences; I have read my Tintins and boyhood adventure books on the Crusades from cover to cover many times. How natural and unbiased am I with regard to Islam, to Muslims, to their behaviour and opinions? How neutral is my position in the current debates on Islam? And vice versa: how do Muslims regard me, a non-Muslim professor of Islam?

Mind you, I do not think it necessary to be a woman to study Womens Studies, or to be a gynaecologist, or to have experienced a broken leg in order to become a doctor. With a professional and academic approach, one should be able to overcome these petty differences. But in the case of Islam in the contemporary West, personal attitudes do make a difference.

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<sup>7</sup> Jocelyne Cesari is one of the few researchers that I have come across who points at the relevance of the interaction between Muslims and their environment in the shaping of their opinions and behaviour with regard to Islam: 'Islam in France: The Shaping of a Religious Minority', in Yvonne Haddad-Yazbek (ed.), *Muslims in the West: From Sojourners to Citizens*, Oxford: Oxford University Press 2002.

In the Netherlands, this became apparent several years ago, shortly after the murder of the filmmaker Theo van Gogh in Amsterdam by a Muslim extremist. It finally dawned upon the media that the scholars of Islam whom they had been interviewing ever since the tragedies of '9/11' did not represent a single, neutral, unbiased, academic point of view. It became clear that their academic opinions were laced with personal views.<sup>8</sup>

These personal convictions are only one of the many issues that need to be taken into account when studying Islam and Muslims in the Western world. There are many more, and they all underline my argument that we are dealing with the uncertainty principle. Or, in other words, exact and truthful measurements and observations are hard to make because we are all part of the same research environment.

In the following I will discuss the ways that Muslims influence their environment, and the ways that the environment influences them. The fascinating part, of course, is how these interact and counteract.

### *The Fear Factor*

The first point that we need to realize is that the current rise of interest in Islam is often prompted by security concerns. It is not only intelligence agencies and departments of justice that are worried about Muslim extremists or an intolerant and harsh interpretation of Islamic doctrine. So is the general public. But while these fears may very well be justified, they are compounded by the irrational fears that linger in Western subconsciousness.

For instance, there is the recurrent notion of an advancing and dominating Islam. We already see this in Western historical literature, but even more so on many Internet sites, describing early Islam, where we may come across phrases like 'Muslim hordes'<sup>9</sup> that 'surged' out of the Arab peninsula. The connotation of such phraseology is that

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8 *De Volkskrant*, 'Onder islamologen' ('Among Islamologists'), 20 November 2004.

9 See, for example, Konrad Zweigert and Hein Kötz, *Introduction to Comparative Law* (the chapter entitled 'Islamic Law'), Oxford: Clarendon Press, 1992 p. 304.

of the hordes of Attila the Hun that ravaged Eastern Europe. But the historical facts are different: the Muslims that swept through vast territories in the early seventh century were well-organized military bands that were out for conquest, not destruction.<sup>10</sup>

A similarly held and equally wrong notion is that Islam was spread by the sword. But the conquering Muslims generally did not force conquered people to convert to Islam. They demanded recognition of Muslim authority and the payment of a poll tax, and in exchange allowed non-Muslim peoples to pursue their own ways and to practise their own religions. Of course there were exceptions, but this was general practice. For a long time Muslims therefore constituted a tiny minority in their own Islamic empire. It was only through gradual conversion to Islam by native inhabitants that the Muslim population grew.<sup>11</sup> Why they converted is still debated among historians, but aside from purely religious motivations, conversion was also a means for non-Muslims to gain access to positions of power and, more importantly, to get rid of the poll tax.<sup>12</sup>

Still, general fear of the 'spread of Islam' is very much present nowadays, and for many seems to be realized by the actual presence of Muslims in Western Europe. What enhances this notion of the spread of Islam is that its presence was not a gradual process but a sudden fact, taking place in the 1980s and 1990s by mass migration and family reunification. Within a short time span, the percentage

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10 For a pleasantly written overall picture see Hugh Kennedy (*The Great Arab Conquests*, London: Weidenfeld & Nicolson 2007). For more academic studies see, e.g., C.E. Bosworth, *The New Islamic Dynasties*, Edinburgh: Edinburgh University Press 1996; and F.M. Donner, *Early Islamic Conquests*, Princeton: Princeton University Press 1981.

11 Youssef Courbage and Philippe Fargues, *Christians and Jews Under Islam*, London: Tauris 1997; and Richard W. Bulliet, *Conversion to Islam in the Medieval Period: An Essay in Quantitative History*, Cambridge MA: Harvard University Press 1979.

12 See, for example, Daniel C. Dennett, *Conversion and the Poll Tax in Early Islam*, Cambridge MA: Harvard University Press 1950.

of Muslims in Western European countries has risen to estimated figures of 1.4 per cent in Italy and to over 8 per cent in France.<sup>13</sup>

The total number of Muslims in the European Union is estimated at 13 to 16 million. And we hear dark forebodings of Muslims becoming a majority in Europe during this century.<sup>14</sup> Demographically these predictions make no sense. In some European countries like Albania and Kosovo Muslims indeed constitute a majority, and in some countries like Bosnia-Herzegovina and Bulgaria they are large minorities, but all in all Muslims in European societies – especially in Western-Europe – constitute such a tiny minority that they do not justify fears of becoming a majority.

Another way of looking at an ‘Islamic conquest’ of Europe may be by means of ideas, as is being hoped for by Muslim scholars like Yusuf Qaradawi.<sup>15</sup> This kind of militant language does sound threatening,

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13 Muslims in numbers and as a percentage of the total population of most West European countries, listed in order from the highest percentage (\*):

France:	4-6 million	(8-9.5%) (1)
Netherlands:	0.85 million	(5.1%) (2)
Denmark:	0.3 million	(5%)
Switzerland:	0.4 million	(4.3%)
Austria:	0.34 million	(4.1%)
Belgium:	0.4 million	(4%)
Germany:	3.2 million	(3.7%)
Sweden:	0.3 million	(3%)
United Kingdom:	1.6 million	(2.8%)
Spain:	1 million	(2.3%)
Italy:	0.8 million	(1.4%)

Sources: *CIA World Fact Book*; and the BBC's *Muslims in Europe: Country Guide*, December 2005. (\*) These figures are estimates, however, since none of these countries uses census counts on the basis of religion.

(1) The French Ministry of the Interior set the figure in 2000 at 4.1 million (6%).

(2) The Dutch Central Bureau for Statistics in 2007 lowered the figure for Muslims from 950,000 to 850,000, based on new methods of calculation.

14 Bernard Lewis predicted in 2004 that by the end of the 21<sup>st</sup> century Europe would have ‘Muslim majorities’ (Interview with *Die Welt*, 28 July 2004). Strictly speaking, he is right, of course, for Muslim majorities are already a fact in some European countries, but it seems unlikely that this is what Lewis meant when making a prediction with such an ominous undertone.

15 ‘Perhaps the next conquest [of Europe] will be the conquest of *da’wa* [preaching] and ideas. There is no need for conquest to be with the sword. We may conquer these countries without armies. We want armies of *da’wa* preachers and teachers.’ (Excerpt from television interview in Al-Jazeera program *Bi-la Hudud*, date unknown, lastly checked on 4 November 2008 on YouTube. Although the content of this quote is

although one may argue that, as long as the ‘conquest’ is indeed being pursued by means of ideological persuasion like teaching and preaching, it is up to people themselves whether they want to be convinced or not.

Nor do I think that fears are justified that Islamic extremist doctrines or so-called ‘Islamofascism’ will take over the West, just like the Nazi-minority succeeded in doing during the 1930s.<sup>16</sup> This comparison does not hold, for although some Muslims may experience Islam as an ideology with a distinct social and political purpose, most Muslims live Islam in very different, mostly a-political ways. For the same reasons we must dismiss the warning by some pessimists that Europe is turning into what they call ‘Eurabia’<sup>17</sup> – if it were only for the fact that the majority of Muslims in Western European countries are not Arab, but Berber, Turk, Pakistani or Bangladeshi.

Interestingly, we do not hear these kinds of warnings from Western countries that are built on the influx of migrants, like the United States, Canada or Australia. One can think of several reasons that may explain this difference. First and foremost, one could argue that a native population only becomes nervous of immigrants when a certain critical mass is being reached; this is apparently not the case in Australia, Canada and the United States, given the low percentages of Muslim immigrants in these countries.<sup>18</sup> Moreover, these countries are by nature of their migration origins much more heterogeneous societies than their European counterparts. Another consideration may be that the Muslim migrants to Europe are mostly of lower class background, while the Muslims in Australia, Canada and the United

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consistent with Qaradawi’s views, it must be remarked that this interview may be edited or have otherwise been tampered with.)

- 16 Bruce Bawer, *While Europe Slept: How Radical Islam is Destroying the West from Within*, New York: Broadway Books 2007; Mathias Döpfner, ‘Dein Namen ist Feigheit’, in *Die Welt*, 20 November 2004 (the English version ‘Europe – Thy Name Is Cowardice’ was published many times over on internet sites); Claire Berlinski, *Menace in Europe*, New York: Crown Forum 2006; Oriana Fallaci, *The Force of Reason*, Rizzoli Publications 2006.
- 17 Bat Ye’or, *Eurabia: The Euro-Arab Axis*, Madison NJ: Fairleigh Dickinson University Press 2005; and Bruce Bawer, *While Europe Slept ibidem*.
- 18 Australia: 310,000 (1.5%); Canada: 660,000 (2%); United States: 1.9 million (0.6%). Source: *CIA World Fact Book*.

States are mostly higher educated as a result of selective immigration policies.

### *Tsunami and the Borg*

We may dismiss these anxieties and fears of Islam as irrational, or the result of a lack of proper knowledge of Islam. To my opinion, both often amount to the same, for the lack of proper knowledge of Islam is mostly not the result of a shortage of available information, but the unwillingness to access that information. Since information cannot be force-fed, knowledge is dependent on the individual's choice and appetite. In the case of Islam, this appetite is generally wetted with stories and books that support the negative image of Islam.<sup>19</sup> While the media and publishers are generally blamed for disseminating negative information on Islam, I would argue that it is the consumers who determine what is being offered to them rather than the other way around.

But whatever the motivations and mechanisms of the fears of Islam, it is a deep-rooted emotion that needs to be reckoned with. Recent reports have warned against the Islamophobia that is sweeping Europe.<sup>20</sup> And it is, mind you, an emotion that is not confined to the riffraff of the population but is also present among intellectuals and academics who think that there are good reasons to be seriously concerned.

Certainly, some fears about Islam and Muslims may indeed be justified, but we must not let them cloud our observation when

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19 Hence the relatively large number of best-selling books by Muslim women telling their gruesome life stories. This is not to deny the terrible truth of these stories, but to indicate that these stories sell better than others.

20 See, for example, European Monitoring Centre on Racism and Xenophobia, *Muslims in the European Union: Discrimination and Islamophobia*, Vienna: European Monitoring Centre on Racism and Xenophobia 2006; International Helsinki Federation for Human Rights, *Intolerance and Discrimination in the EU: Developments since September 11*, Vienna: International Helsinki Federation for Human Rights, March 2005; and OSCE/ODIHR, *The Representation of Muslims in Public Discourse*, report of a roundtable, Warsaw, 9 May 2006, Vienna: OSCE/ODIHR, 2006. See also the country reports by the European Commission Against Racism and Intolerance.

studying Islam in Western societies. Because to brand all Muslims as the Borg people in Star Trek as has been suggested by one Dutch scholar<sup>21</sup> – the Borg being that imaginary race somewhere in the universe that live with a single, unified mind and whose sole purpose is to assimilate all other peoples and submit them to that single mind – such a preconceived notion may blur our vision.

However, there are additional, more realistic factors that catalyse anxiety about Muslims and Islam among the local population. First, their presence is visible, not only by the colour of their skin – unlike Poles or Americans, Turks and North Africans do stand out in a European crowd – but also because of mosques, *halal* restaurants, headscarves, *djellabas* and even *burkas*. In some neighbourhoods where Muslim communities are concentrated, one imagines oneself to be in little Morocco, Turkey or even Afghanistan.

An interesting aspect of the uneasiness or outright antagonism vis-à-vis Islam is how it focuses on the minaret, the ultimate symbol of Muslim dominance. In almost all Western European countries there are, or have been, incidents of demonstrations and civil legal actions by citizens who are against mosque construction. Much of this resistance focuses on the height of minarets – most interesting from a Freudian perspective.

There is another reason why subconscious fears of an advancing Islam are being triggered: the terrorist acts perpetrated by Muslim extremists in Western countries. These extremists were mostly well educated and well integrated into Western society – not some crazy men from the slums, but your and my neighbours. Now *that* is frightening, because it adds to the suspicion that any Muslim you meet could be a terrorist.

As mentioned before, we may dismiss some of the fears as irrational or unfounded, but this does not deny the fact that Islamic extremism is alive and present in Western societies. The question is to what extent this can be exclusively attributed to Islam itself. In this respect I think it is worthwhile researching the measure in which Islamic extremism in Western societies is a reaction to the way Muslims and

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21 Hans Jansen, *Islam voor varkens, apen, ezels en andere beesten* ('Islam for pigs, monkeys, donkeys and other animals'), Amsterdam: Uitgeverij van Praag, 2008, p. 105.

Islam are being treated.<sup>22</sup> That would be one of those typical effects of the uncertainty principle.

We must realize that the fear factor also applies to Muslims themselves. Some blame Western societies for all evil and wrongdoing in the world. Others see discrimination everywhere, even when it is actually not the case. And many Muslims in the West experience the pressure of integration as a need to assimilate – to shed their religion and identity and become one with the society in which they live. Whether rightly or wrongly is hardly of relevance: the fact that these emotions exist and persist is not to be dismissed offhand.

In turn, the reaction of Muslims – whether of isolation, an increasing identification with Islam, or militancy – may augment existing anxieties among the native population. Where Westerners may feel Islam coming towards them like a tsunami, Muslims experience the opposite – that it is the West that is aggressive and the dominating force in all fields, whether militarily, culturally, economically or politically. In short, we are experiencing a mutual fear of being absorbed by the other, of being taken over, with the other being the Borg people of Star Trek. This propels us in an ever-accelerating cycle of action and reaction that leaves us, the observers, with the difficulty of determining the causes and momentum of these developments.

### *Interactions and counteractions*

The fear factor may cause us to look in the wrong direction when we try to explain certain developments of Islam or Muslims in the West. But the uncertainty factor also has another trick in store for us – namely the way in which observer and research object may influence each other.

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22 The Dutch Minister of Home Affairs stated in a letter to Parliament on 10 March 2004 that a growing number of Muslims felt exposed to and marginalized by public opinion and insufficiently protected by government, which in turned led to radicalization among ‘a small group of politically radical Muslims’. (‘Background of jihad recruits in the Netherlands’, 10 March 2004 – available in English on the website of the Dutch Intelligence Agency ‘AIVD’.)

I will give you an example from my own experience. My colleagues and I recently conceived the plan of starting a journal to publish and discuss fatwas. Fatwas are rulings by Muslim scholars on specific questions put forward to them by individual believers who want to know what Islam says about certain issues. Muslims living in the West also make use of this typical Islamic instrument. Most of their questions are related to the specific situation of living in a non-Muslim environment, such as working in a restaurant and having to serve alcohol, or greeting by means of a kiss or handshake, or being married in accordance with civil rather than religious law.

It would therefore be very interesting to compile and analyse these fatwas in order to study the way that Islamic doctrine deals with the historically unique situation of large numbers of Muslims living in a non-Muslim environment.<sup>23</sup> Establishing a journal about fatwas suggests an objective approach from our side: we merely collect these fatwas and comment upon them. This assumption of neutrality, however, is false.

For, what if fatwas actually have very little influence on Muslim behaviour in Western societies? Would this journal not pay more attention to these fatwas than is justified by reality? And is it then not possible that Muslims, upon reading the journal, start to pay more attention and value to fatwas with the result that the journal becomes a catalyst in raising the status of fatwas among Muslims? Or let us take the opposite case and assume that fatwas are of great importance to Muslims in the West: would not the editorial board of the journal become instrumental in attributing authority to the fatwas it selects for publication? In other words, starting such a journal means that we step into the laboratory and possibly influence the processes that we are researching.

Let me give you another example. Nothing inflames emotions more than the notion of shariah. You perhaps remember the headlines in 2004 of Canada introducing shariah law. That this was not entirely

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23 Some of the Islamic scholarly organizations that issue fatwas regarding Muslims in the Western world are: European Council for Fatwa and Research; Fiqh Council of North America; U.S. Muslim Religious Council; High Islamic Council of Australia (Darulfatwa); International Islamic Fiqh Academy of the Organization of Islamic Conference; Rabita al-A'lam al-Islami.

accurate was a point missed by the media and the general public: it was not the entire shariah law, but limited to Islamic divorce rules; it was not Canada but Ontario; and most importantly, shariah law was not introduced by the state, but was allowed under Ontario's arbitration law to solve marital disputes.<sup>24</sup> A similar fierce reaction with an equal lack of nuance erupted when in 2008 the Archbishop of Canterbury and the Chief Justice of England and Wales mentioned possibilities for shariah principles being used in the English legal system.<sup>25</sup>

My point here is not whether these concerns and angry reactions are correct or justified. What is important to our discussion is that debates about the implementation of shariah in Western countries are usually not initiated by Muslims, but by non-Muslims. With the exception of some Muslim organizations in Canada and England, I am not aware of a need among Muslims in Western countries to have shariah law implemented parallel to national law. Mind you, there is a definite need among many Muslims in Western societies to live in accordance to shariah rules, but that is different from implementing these rules as part of national law. In the radio talk shows or seminars organized by lawyers that I have attended on this topic, I have never met a Muslim who is supportive of shariah in national law or national courts. They may very well be out there, but apart from England and Canada they have not – yet – voiced that wish. The commotion and debates about shariah in the West are therefore an expression of Western anxiety rather than of Muslim needs or actions.

### *Licet iovi non licet bovi*

A common factor in the angry responses to such incidents is that Islam is said to create difficult or troublesome situations that are unique to our society. Every time 'Islamic incidents' occur and the nation rises up in indignation, it is as if Muslims have come up with

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24 For a detailed analysis, see Maurits Berger, 'Shariah in Canada: An Example for the Netherlands?' in P. van der Grinten and T. Heukels (eds.), *Crossing Borders*, The Hague: Kluwer Rechtswetenschappelijke Publicaties 2007.

25 See, for example, BBC News, 'Shariah Law Row: Reaction in Quotes', 8 February 2008; and the speech by the Chief Justice for England and Wales, Lord Phillips of Worth Matravers, on 9 July 2008.

something Islamic that is alien and disrupting to society. But in most cases Muslims merely follow national laws and examples set by other religious communities.

Take again the example of the shariah courts in Canada and England. In these countries, arbitration law allows for solving marital disputes by using rules that people themselves see fit.<sup>26</sup> Under this arbitration law, Jewish and Christian communities had already established courts especially for this purpose, applying Jewish and Christian laws.<sup>27</sup> Muslims merely wanted to do the same. Mind you, I do not agree with the existence of such courts, but it strikes me as odd that the criticism only started when the Muslims initiated similar activities.

The debate about Islamic schools in the Netherlands is another case in point. When they were established they caused critical questioning in parliament, yet these schools fitted with the longstanding tradition of state-sponsored religious schools and fully complied with the regulations of the Dutch Ministry of Education.<sup>28</sup>

There are many similar examples. The incident of an imam in the Netherlands refusing to shake the hand of the visiting (female) Minister of Integration was considered an affront and made headlines for weeks. Not newsworthy was a similar incident that took place on the same day when Jewish rabbis refused to shake the hand of a visiting (female) parliamentarian. In July 2008 a Dutch Muslim lawyer refused to stand up when the judges entered the courtroom, claiming that this was against his belief. In the wave of criticism, it was a senior judge who pointed out that as a young and leftist lawyer

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26 In most Western countries this is not allowed because family law is considered to be the exclusive domain of national law and national courts. An intermediate position is sometimes allowed by means of 'mediation' whereby parties come to an agreement and submit that accord to the court for approval. This must be distinguished, however, from arbitration that constitutes an alternative to the judgment of a court.

27 A slightly different legal regime exists for religious family courts in countries such as Italy, Spain and Portugal.

28 Inspectie van Onderwijs, *Islamitische scholen nader Onderzocht*, October 2003 (Dutch Education Inspector in 2003). At present there are 40 Islamic primary schools and 2 Islamic secondary schools. However, many of these schools are criticized for their lacking in educational quality. According to the Education Inspector this is not related to the Islamic nature of the schools but to typical starter's problems. The Ministry of Education has announced a further review in 2008.

he and many colleagues also refused to stand up in court, without any repercussions.<sup>29</sup> In September 2008 a French court agreed to postpone a civil lawsuit by several days until after Ramadan upon the request of one of the parties who was Muslim and who was fasting.<sup>30</sup> In the ensuing national protest, it appeared to be forgotten that similar considerations have also been made for Jewish holidays, and are already institutionalized for Christian holidays

Muslims apparently create controversies that are not felt as such in similar situations when no Muslims are involved. As I mentioned before, we may agree or disagree with the issue at hand, and there may be very valid reasons to be critical or angry. But it is quite telling that such a critical approach is mostly taken when Muslims are involved.

### *Creating Truths: the Islamization of Society*

It is these small interactions that may lead to larger repercussions. Observations, even those made with the best of intentions or with academic diligence, may be blurred by our perceptions or preconceived notions. This is nothing new. Every anthropologist and sociologist will tell you the same. But my worry is that for some reason we do not want to acknowledge this to be the case with Islam and Muslims. The truth about them is still being pursued in absolute terms, as if we were physicists. We fail to recognize that at times we not only search for truth, but also create truth ourselves.

The most intriguing example of such self-creating truths is the way in which we speak of Muslims as if they are a separate entity, a specific group in society. Calling a Muslim 'Muslim' is perfectly fine when he identifies himself as such. It becomes an altogether different matter, however, when that is not the case. To identify people *a priori* as Muslim is, to my mind, not only wrong as a matter of principle, but also has some serious disadvantages.

For one, the name 'Muslim' presupposes that the person is a believer, and by implication that his actions are somehow related to

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29 Peter Ingelse, 'Laat Enait toch lekker zitten' ('Just leave Enait seated'), in *NRC Handelsblad*, 8 September 2008.

30 *Liberation*, 'Justice: ramdam sur le ramadan', 6 September 2008.

his religious beliefs. In terms of research, that limits our focus, for we will only wear one set of glasses when looking at this person: through the perspective of religion. We then run the risk of overlooking other factors that may explain this Muslim's actions.

The 'theological' approach is not limited to research: as I mentioned before, from all levels and directions of society I receive questions starting with 'What does Islam say about...?' followed by examples of behaviour by 'Muslims'. The police are confronted with Moroccan street gangs, municipalities are worried about Muslims retreating into isolation, medical staff wonder how to deal with Muslim nurses who refuse to wash patients of the opposite gender, etcetera. Sometimes Islam is indeed of relevance, but many times it is not. The point I want to make here is that in most of the cases it is *assumed* that Islam is of relevance.

Another disadvantage of identifying Muslims with Islam is that we may construct images of Muslims; that we may create truths based on our assumptions. This is the case, for instance, in the way that European governments and societies approach Muslims. Muslims' lack of unity, structure and organization, and their incapability to speak with one voice are sources of frustration for governments, media and Western societies at large. For that reason there is a mounting pressure on Muslims to unify, be a singular representative body, if only to make it easier to communicate with them as 'the Muslim community'. This community, however, is in many cases an imaginary community. For even when Muslims in European societies identify themselves as Muslims, they do not actually manifest themselves as a cohesive, let alone organised, community. There may be a shared Islamic identity, but linguistic, ethnic, national and even religious fault lines often run deep.<sup>31</sup>

The pressure on Muslims to organize and show unity is an interesting phenomenon, for it shows an unwillingness to recognize how individualized Muslims in Western countries actually are. It is also an intriguing process because it may have unexpected consequences.

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31 For a similar observation but with a more sociological analysis, see International Crisis Group, *France face a ses musulmans: émeutes, jihadisme et dépolitisation*, Brussels: ICG 2006, p. 22-23.

One is that the imaginary Muslim communities may become actual communities because they are approached as such.

Another consequence is that Western European governments are overstepping the basic rules of separation of church and state by pushing their Muslim populations to organize themselves. To list a few: In France, contrary to all its strict secularism, the Minister of Interior in 1999 gathered all large Muslim organizations to unite in a single body, resulting in 2003 in the establishment of the French Islamic Council (*Conseil français du culte musulman*). In a similar fashion, the Dutch Minister of Integration in 2001 took the initiative to gather all Islamic organizations to unite in a single body, resulting three years later in the establishment of two Islamic 'contact institutions' CMO and CGI serving as liaison between the Muslim community and the government. In both France and the Netherlands, Muslims criticized the institutions/councils for not being representative. In September 2006, the German government organized the German Islamic Conference gathering most Islamic organizations in Germany, and which is to last for two to three years in order to produce a single representative body. Much more directly involved was the Belgium government that established in 2003 a provisional Muslim Executive Council and organized elections among Muslim citizens to elect its members in 2005.

These efforts have indeed produced Muslim bodies in most Western European countries. In turn this has led Muslims to hotly dispute the representativeness of these formally recognized Muslim bodies. In short, Muslims have been set on the track of thinking of themselves as 'minorities', 'organizations' or otherwise communal bodies. Since this has not been a natural grass-roots process, I am rather doubtful whether these developments will contribute to the integration of Muslims in Western-European societies (which was the governments' interest in the first place when pushing the self-organization agenda).

It must be remarked that this development is typical for Western Europe. In the United States we see a relatively stronger self-help sentiment among Muslims. It is the Muslims themselves who have taken the initiative to organize themselves in many different ways,

whether as respondent groups to Islam-defamation in the media or organizations reaching out to government.<sup>32</sup>

The creation of truth about Islam or Muslims also takes place among Muslims. To my mind, this is part of the mentioned revolution that has been taking place in the past century, wherein not only the classical interpretation of Islam is being challenged, but also the classical authorities that had the monopoly on that interpretation.<sup>33</sup> The orthodox mainstream is being overtaken on the left and right by Muslims who claim to pursue true Islam. The result is a variety of contemporary Islamic interpretations, ranging from extremist to liberal, from Salafi to feminist, from conservative to reformist.

Unfortunately, the more intolerant strands of Islamic thought are the ones that make the headlines. They define themselves in negative terms by justifying all kinds of anti-social actions with Islam: not shaking hands with the opposite sex; not mingling with non-Muslims; wearing *burkas* or *niqabs*; nurses refusing to wash patients of the opposite sex; college students training to become teachers refusing to take the mandatory music classes, and so on.

And every time that we are confronted with yet another incident of such behaviour, all attention is directed towards the question of whether this behaviour is indeed truthfully Islamic. Responding in this manner is exactly the same as what the Muslim fundamentalists do: they claim that all truth comes from Islam, and we take them at face value.

And so, like them, we use the Koran as our point of reference to explain Muslims, unhindered by any lack of knowledge of religious or social or cultural context. It is like a Japanese Buddhist who wants to know more about us, Western Europeans, and therefore starts to read the Bible – for aren't all Europeans Christians? This focus on Islamic religious doctrine leads us into the tunnel of theological discussions, discussions that often do not provide us with the right answers to the questions that we are raising. By rendering Muslims

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32 See, e.g., Mohamed Nimer, 'Muslims in American Public Life' in Y. Haddad (ed.) *Muslims in the West: From Sojourners to Citizens*, Oxford: University Press 2002.

33 See, e.g. Maurits Berger, 'Sharia – a flexible notion', *Nederlands Tijdschrift voor Rechtsfilosofie en Rechtstheorie*, Vol. 35, Nr. 3, 2006.

into theological beings we deny them the social, political and other aspects of their humanity and identity.

We fail – or do not dare – to approach these incidents from other angles. In the case of the music lessons, for instance, we could simply argue that a student is perfectly free to decide what classes she does not want to take, but if she is unable or unwilling to follow the full curriculum – for whatever reason – she has simply chosen the wrong study. Rather than delving into the question of what Islam has to say about it, I would be more interested in why this student insists on following an educational programme when her religion forbids her to take some of its classes.

Religion is important, to individuals and to society at large, but we must be aware – as researchers, but also as politicians, teachers, doctors, and as fellow-citizens – not to make it our only form of discourse. For that is what I see happening: we are increasingly letting ourselves be trapped by religion. To continue our metaphor: religion permeates the walls of the laboratory and is tainting its environment. Islamization of our societies is indeed taking place, but not because there are an increasing number of Muslims; Islamization is taking place because so many people – whether Muslim or not – treat everything that Muslims do as being motivated by Islam.

### *Predictions*

From all these examples one would almost get the impression that we researchers can hardly do our work anymore. That is not the case. On the contrary, the research field of Islam in the contemporary West lies vast and open before us. There is much to be done. The uncertainty principle should not deter us, but provides us with the challenge to develop alternative methods and ways to understand this field. Just like it prompted the physicists to develop quantum physics.

Of course we are all very curious where this dialectic of ‘Islam’ and ‘the West’ will lead in the future. It is precisely the uncertainty principle that makes these developments hard to predict. But let me take a guess, and share with you a premature vision of what the future of Islam in the contemporary West may hold in store for us.

Contrary to general opinions, including those of Muslims themselves, the acceptance and integration of Muslims into Western

societies goes much quicker than has been the case with many other immigrant populations in history. Yes, many Muslims remain dangling at the lower ends of the social ladder, but there are plenty of examples of Muslims who have made the leap from there into successful positions, including those of government. Of course, the social and economic problems of many Muslims remain a source of serious concern. But upward mobility in these areas *is* possible and not necessarily hindered by being Muslim or immigrant.

The question, of course, is to what extent and in what form Muslims will retain their Islam. It appears that Muslims, especially the younger generation, attach more importance to outer meanings than inner ones. This shows, for instance, in the Islamic dress codes that we see nowadays. More importantly, it also shows in the way that Muslims deal with their religious doctrine: the rules are often considered more important than the reasoning behind these rules. Even Muslim scholars have expressed their concern about the lack of spirituality among Western Muslims, and their preference for a strict and loveless adherence to rules.

Such legalism reduces all actions of daily life to the question: is this Islamic, yes or no? Islam then becomes a quality marking that is comparable to that of Fair Trade: with it the product is good; without it it is bad. To my mind, this particular use of Islam is self-denouncing and self-destructive. A situation that cannot last – and therefore will not last. But it is a conflict within the Muslim community itself, and something that they alone can and have to solve.<sup>34</sup> For this they need thinkers, perhaps even reformers, Muslim men and women who are proud of and confident in their identity, who dare to look for new ways.

However, if that were to happen, we should not delude ourselves with the thought that Muslims, when exposed to Western values and societies, will inevitably embrace all the fruits of Enlightenment and liberal life. For it is very well possible that Muslims – many, or some, who can tell? – choose a life of isolated orthodoxy, as citizens

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34 A similar argument is made by Giles Kepel regarding Islam worldwide in *Fitna. Guerre au Coeur de l'islam*, Paris: Gallimard 2004 (translated in English as *The War for Muslim Minds: Islam and the West*, Harvard University Press 2004).

of Western nations but in seclusion, in religious self-righteousness, away from all the vices and moral decay that they claim to see. Are we to condemn these people, or deter them from taking this direction, or force them into modes of integration that we assume are more to their benefit? I am not sure, but we should not forget that secluded pockets of orthodox communities are something that the West is quite acquainted with.

Here, again, we see interesting differences between Europe and Northern America. The social issues that play such a major role in Western European countries, like an alleged lack of loyalty to and integration in these societies, are not met with similar concern in the United States and Canada. How come? An explanation is perhaps that these societies consist of migrants and are therefore by nature heterogeneous – a quality that is new to most Western European societies and that they are still struggling with. Another explanation may be that the United States and Canada demand from every newcomer that he or she works for a living, forcing immigrants to master the language and work themselves into the system as fast as possible in order to survive. Quite different from the welfare systems of Western European nations.

And let us not forget another important difference – perhaps even the major difference – between Western Europe and Northern America: the role of religion itself. Polls have shown how much more religious Americans are compared to Europeans, not only in personal life but also in society and politics.<sup>35</sup> The religious right and the ‘moral majority’ that dominate the American political arena have no equivalent in Europe. It is therefore very questionable whether the mentioned dialectic is one between ‘the West’ and ‘Islam’. In the case of Western Europe one could easily argue that, given the strong secular tradition of this part of the world, we are actually witnessing a dialectic between secularists (including Muslims) and believers

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35 See the transnational surveys conducted by World Values Survey and the International Social Survey Programme. These surveys are not specifically targeting the question of religion, however. For this one may also refer to *The Economist* special edition ‘In God’s name’, 1 November 2007; *Financial Times* / Harris Poll, special edition ‘Religious Views and Beliefs Vary Greatly by Country’, 20 December 2006.

(not only Muslims) who claim more space for their religion in the public domain.<sup>36</sup>

### Concerns

As I have indicated, I have opinions and prejudices too, which may very well influence my work and my position. So let me now, when we are coming to the end of this lecture, share with you two of my personal concerns about the future of Islam in the contemporary West.

One development that troubles me deeply is the creeping legalization of our discourse. This may sound rather odd from the mouth of a lawyer, but perhaps one must be a lawyer to see the danger of law. For what we are witnessing are legal positions being taken in all kinds of issues dealing specifically with Islam.

Let me limit myself to a few examples in the Netherlands. An advocate refusing to stand up before the judge in court defends his position with rules of Islam. Criticism against this behaviour is also voiced in legal terms, demanding that standing up before the judge must be made mandatory by law. Another example is the refusal to shake hands with the opposite sex, taken up by some Muslims as obligatory under Islam. This is a source of major controversy in Dutch society, and has recently prompted a populist – and quite popular – politician to call for a law on social behaviour (*'fatsoensnormen'*), which should include the rule to shake hands during social encounters.<sup>37</sup> So far, legislative action from the side of the government has only been undertaken by the Dutch Minister of Education who has recently presented a draft law banning the *burka* on school premises.<sup>38</sup>

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36 'Perhaps the issue is not so much a Muslim problem as a religious problem, a systematic failure by European elites to understand religious thought and motivation' (Philip Jenkins, *God's Continent. Christianity, Islam, and Europe's Religious Crisis*, Oxford: Oxford University Press 2007, p. 259).

37 Rita Verdonk of the *Trots op Nederland* Party [Proud of the Netherlands], during an interview on 26 August 2008 in *Knevel & Van den Brink*.

38 Letter of the Minister of Education to Parliament (*'Brief aan de Tweede Kamer: Gelaatsbedekkende kleding op scholen'*) of 8 September 2008.

‘Is this so wrong?’ you will ask. If people use or abuse religion to justify behaviour that is anti-social, should that not be addressed? Yes, definitely. But are these to be governed by legal rules? No, absolutely not. For there is a distinct difference between legal rules on the one hand, and social or normative rules on the other. Legal rules are to be implemented by the state to organize society. Social or normative rules, however, whether derived from religion or not, belong to the freedom of the individual. At least, that is the case in our society. And I would like it to stay that way. Laws on social behaviour, on how to behave or greet or dress, on what not to eat and drink – these are rules typical for a theocratic society, where the rules of moral and human conduct are decided by the state and not by its citizens. And I do not want our society to become a theocracy, not even a secular one.

But my greatest worry is of another nature. I am deeply concerned that our children will identify each other as either Muslim or non-Muslim. Such a religious dichotomy, to my mind, damages the social and political fabric of our societies, for it will introduce differences in our relations that are of no relevance most of the time. For why should I care if a mayor is a Jew or a student is a Muslim when the only thing that matters is whether he is a good mayor or a good student?

Such differentiation is counter-effective, because it reduces all identities that we may cherish to that of religion. It is also misleading, for talking about Muslims presumes a religious unity that does not necessarily exist. Finally, I find it reprehensible from a personal point of view, for why should I reduce myself to a non-Muslim, to something that I am *not* rather than to something that I *am*?

You see that this is something that upsets me greatly, not only for personal reasons, but also because of my concern for our future. Religion is a great source of inspiration, but also a source of strife and differentiation. When we make it central in our communication with each other, we run the risk of polarization. And I think that is a considerable risk at the moment.

If we are to use religious jargon, I prefer to be a member of what in Islam is called the *bani Adam*, the tribe of Adam, the human race from which we all sprout.

Ladies and gentlemen,

We are all curious about how Muslims and Islam will establish themselves in the contemporary West. Some of us will be anxious, worried or even hostile; others are optimistic, sympathetic or merely concerned. Interestingly, I still have to meet the person who is neutral about this. Apparently it touches all of us, and we all have our opinion about it. As I have said, it is not a process that takes place in a glass sphere with outsiders merely observing – no, we are all part of this process, and we all influence it, as we are continuously interacting.

## WORD OF THANKS

I want to express my deep gratitude to the Sultanate of Oman for making this chair possible. In the field of Arabic and Islamic studies, the Sultanate of Oman had already established similar chairs at the universities of Beijing, Georgetown, Harvard, Melbourne, Oxford and Cambridge.

I want to thank Her Excellency Rawiyah bint Saud bin Ahmed Al Busaidiyah, Minister of Higher Education in Oman, and her colleagues for having taken the effort to come all the way to Leiden to attend this inauguration lecture. I also want to express my gratitude to the the Ambassador of Oman for all her hard work that made this chair possible.

I want to make clear that this chair did not come out of thin air, but is the product of years of hard work by my predecessor, professor van Koningsveld, together with countless people and colleagues of the University and Dutch and Omani governments.

Finally I want to express my gratitude for having become staff member at the Institute for Religious Studies of the Humanities Faculty at Leiden University. The Institute has been inspiring and welcoming and I look forward to working closely together with other Institutes and Faculties and Universities, because Islam in the West is a field of study that goes way beyond Religious Studies.

## ABOUT THE AUTHOR

Prof. dr. Maurits S. Berger, LL.M (1964) is a lawyer and Arabist. He holds the chair of Islam in the contemporary West at the Institute for Religious Studies at Leiden University, and is a senior research associate with the Clingendael Institute for International Relations in The Hague. He has worked as a lawyer in Amsterdam, and as a researcher and journalist in Cairo and Damascus.

His fields of research include Islamic law, political Islam and freedom of religion. He is currently studying the role of the shariah in Europe.

Professor Berger is frequently invited for consultations and presentations at international forums like the European Parliament and the OVSE, and in the Netherlands by Parliament, various Dutch Ministries and municipality councils, the lawyers union and the public prosecutor's office. He acts as an expert for the media and writes regularly for newspapers.

Some of his recent publications include:

– *De sjeik in de Domkerk. Overeenkomsten en verschillen tussen de Arabische en Europese wereld* ('The shaykh in the Dome Church: Similarities and Differences between the Arab and European Worlds'), Amsterdam: Uitgeverij Contact 2008

– *Islam binnen de dijken. Gidsvoorgemeentebelief inzake islam, sociale cohesie en de-radicalisering* ('Islam within the Dikes. Handbook for Municipality Policy regarding Islam, Social Cohesion and De-Radicalization'), Utrecht: FORUM, Reeks Religie en Samenleving 2008

– *Sharia. Islam tussen recht en politiek* ('Sharia. Islam between Law and Politics'), Boom Juridische Uitgeverij: Den Haag 2006

– *Sharia and Public Policy in Egyptian Family Law* (thesis), Uitgeverij Hephausus: Groningen 2005

## **ABOUT THE CHAIR**

In the past years, the Sultanate of Oman has endowed chairs in the field of Arabic and Islamic studies at the universities of Beijing, Georgetown, Harvard, Melbourne, Oxford and Cambridge. In 2008, a similar chair was established at the University of Leiden. The Sultanate and the University of Leiden agreed that the chair was to focus on the contemporary issues of Islam in the West, hence the chair's full name: 'Sultan of Oman Chair for Oriental Studies, in particular the Study of Islam in the Contemporary West'.

The University of Leiden has established a trust fund to administer the endowment for the chair. The University is also exclusively responsible for the nomination of the chair's lecturer. The lecturer enjoys the same academic independence as his fellow Leiden professors.

The chair is part of the Islamic Theology programme of the Institute for Religious Studies (Faculty of Humanities). Presently, the chair is supported by assistant professors with expertise in theological, sociological and historical aspects of Islam in the Contemporary West.

