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MISLAM

Abstract

MISLAM stems from the observation of the current times of war and instability, when unresolved issues resurface in public and political debates. Accordingly, the project addresses knotty problems by investigating – through the prism of normativity – topical and usually overlooked dynamics occurring when the daily life of MMCs' (im)migrants unfolds on European soil.

Embracing a novel perspective aimed at making the invisible visible, MISLAM unpacks the complexities embedded in the fluid framework of the post-modern g-localised multipolarity. Flipping the current narrative, the project pays attention not only to (im)migrant men and women, but also to inter/national (non-)state socio-legal actors, who are playing crucial roles in legal, administrative, and healthcare environments – both in European countries (EuCs) and Muslim-majority countries (MMCs). By placing Italy under a magnifying glass, this country becomes a privileged (yet understudied) observatory to investigate internally developed dynamics, whose ripple effect reverberates at international and transnational levels.

Adopting a multi-/inter-disciplinary cross-national comparative approach, MISLAM unveils the matters arising when law is diffused, legal provisions are transplanted across different jurisdictions, and social praxes are translated into concrete actions, in diverse environments, in various countries. While deploying a typology of critical socio-legal issues specifically characterising MMCs' (im)migrants, the project sheds light on what happens in courts and beyond. It also investigates whether – in MMCs – the (extra-)judicial documentation produced in Italy (and in other EuCs) is granted legal (non-)validation, religious (non-)recognition, and/or social (non-)acknowledgement. MISLAM intends thus to reveal how these (mostly unperceived) dynamics impact on, and eventually mould, the migratory routes of MMCs' (im)migrants and their (long-term) settlement projects.

Keywords: Islam, migration, multiculturalism & interculturalism, human rights, family & minors, medicine & bioethics, international & special protection

Abstract

MISLAM nasce dall'osservazione dell'attuale periodo di guerra e instabilità, in cui questioni irrisolte riemergono nei dibattiti pubblici e politici. Di conseguenza, il progetto affronta problemi complessi indagando, attraverso il prisma della normatività, le dinamiche attuali e solitamente trascurate che si verificano quando la vita quotidiana degli (im)migranti MMC si svolge sul suolo europeo.

Abbracciando una prospettiva innovativa volta a rendere visibile l'invisibile, MISLAM svela le complessità insite nel quadro fluido della multipolarità postmoderna g-localizzata. Ribaltando la narrativa attuale, il progetto presta attenzione non solo agli uomini e alle donne (im)migranti, ma anche agli attori socio-giuridici (non) statali inter/nazionali, che svolgono un ruolo cruciale in ambito giuridico, amministrativo e sanitario, sia nei paesi europei (EuC) che nei paesi a maggioranza musulmana (MMC).

Ponendo l'Italia sotto la lente d'ingrandimento, questo paese diventa un osservatorio privilegiato (ma ancora poco studiato) per indagare le dinamiche sviluppatesi al suo interno, il cui effetto a catena si ripercuote a livello internazionale e transnazionale. Adottando un approccio comparativo transnazionale multi/interdisciplinare,

MISLAM fa emergere le questioni che sorgono quando la legge viene diffusa, le disposizioni giuridiche vengono trapiantate in giurisdizioni diverse e le prassi sociali vengono tradotte in azioni concrete, in ambienti diversi, in vari paesi.

Se per un verso il progetto sviluppa una tipologia di questioni socio-giuridiche critiche che caratterizzano specificamente gli (im)migranti dei MMC, per l'altro esso fa luce su ciò che accade nei tribunali e oltre. Esplora inoltre se, nei MMC, la documentazione (extra)giudiziaria prodotta in Italia (e in altri EuC) ottenga (non) convalida legale, (non) riconoscimento religioso e/o (non) riconoscimento sociale. MISLAM intende quindi porre in luce come queste dinamiche (per lo più impercettibili) influenzino e, alla fine, modellino i percorsi migratori degli (im)migranti dei MMC e i loro progetti di insediamento (a lungo termine).

Parole chiave: Islam, migrazione, multiculturalismo & interculturalismo, diritti umani, famiglia & minori, medicina & bioetica, protezione internazionale & speciale.

1. Introduction

In the current times of war and political turmoil, the dichotomy 'Islām versus the West'[1] is once again taking centre stage.[2] This clearly signals that thorny issues have not been effectively managed,[3] while the narrative depicting these as "the Others" can still be traced in media headlines *de facto* engendering ideological polarisations along with binary opposition.[4]

In the described scenario, European countries are left grappling with the challenges posed by a constantly growing Muslim population combined with a steady increase in South-North (forced) immigration flows.[5] Whereas projections indicate that Muslims could make up to 14% of Europe's population by 2050,[6] researches show that the willingness to accept asylum seekers is highly affected by anti-Muslim sentiment,[7] and unfavourable views of Muslims tend to spread parallel to immigration crises.[8] Consequently, security issues surface. On the one hand, politicians may emphasise the

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[1] Originally used in an essay-collection dating back to the early 1960s (Jameelah, 1962) this expression gained momentum and it eventually became a politicised expression associated deep polarisation (Fuller, 1995). Being one of the 'staggeringly fertile set of variations' (as highlighted by Said, 2016), this dichotomy is by someone equated to what has been described as a civilizational clash (i.e., Huntington, 1993); whereas others have recently objected to this binary opposition considering it a false colonial construct (see e.g., Dabashi, 2022).

[2] See *inter alia*, Khan et al. (2021: 458-476), Latif (2024: 1-17), and Wahid (2025: 162-181).

[3] When issues linked to serious threat to public policy or internal security are raised, EU Member States usually rely upon the possibility to reintroduce temporary border control in the Schengen area. See https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area/temporary-reintroduction-border-control_en (last accessed 10.12.2025)

[4] By way of illustration, see Rezaei et al. (2019: 55-73), and Hashmi et al. (2021: 1962-1981).

[5] Europe is among the world regions hosting the highest number of forcibly displaced people. In 2024, it counted 20.7 million refugees, asylum-seekers, internally displaced people (IDPs) and stateless people (UNHCR, 2025: 98-104).

[6] This percentage refers to a 'high immigration' scenario (PRC, 2017; Hackett et al., 2019).

[7] For instance, as pinpointed by the study of Bansak et al. (2016: 217-222).

[8] See *inter alia*, Wike et al. (2016).

connection between immigration, terrorism and criminal abuses;[9] on the other hand, the right of security can be presented as a solidarity right pertaining to the doctrine of human rights.[10]

The most challenging socio-legal complexities of today thus predominantly concern three bones of contention, which surface in the contemporary geo-political debates. First, the interaction between Muslim-majority countries (MMCs) and European countries (EuCs) in case of migrant nationals. Secondly, the implications – also on migratory routes – of European national states dealing differently with foreign *sharīʿah* compliant[11] legal provisions and social practices. Lastly, the possibility to reconcile Islamically inspired normativity with social justice and human rights in a way that resonates with both EuCs' and MMCs' legal systems and civil societies.

2. The study

The above-mentioned pressing issues are specifically tackled by the research project here presented, which is identified by the acronym MISLAM.[12] This abbreviation encapsulates two components: M and ISLAM.

The letter 'M' stands for both the adjective 'my' and the word 'migrant'. The latter is here used to refer to the 'people on the (cross-border) move' such as (economic or forced) migrants, immigrants, reunited family members, subsidiarity-protected persons, displaced persons, as well as the beneficiaries of international and/or special protection, including asylum seekers and refugees as identified in the Geneva Convention.[13] The adjective 'my' refers to the four religious dimensions and cultural variations of religiousness[14] – i.e., believing, bonding, behaving, belonging – combined with the "multiple ways" of being Muslim,[15] and/or a national of a Muslim-majority country (MMCs). The term 'ISLAM' is instead used as a synonym of the Arabic expression *al-islām* to identify the whole body of Muslim

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[9] Perocco and Della Puppa (2023: 1-18).

[10] If the receiving society has the right to be protected against the threats resulting from unmanageable immigration flows, (non-)voluntary immigrants have the right to seek protection in a secure way (Kosińska and Mikołajczyk, 2019: 83-116).

[11] *Sharīʿah* can be literally translated as the road to a watering place. This Arabic word refers to the canon law of *Islām* in addition to *Allāh*'s commandments; as such, it identifies the rules and the regulations – derived from the *Qur'ān* and the *Sunnah* – which govern Muslims' lives. The expression '*sharīʿah* compliant' indicates the Islamic or Muslim normativities observed by a Muslim (see *infra* footnotes Nos. 14, 15 and 47). For further details, see Schacht (1913-1936); Norman and Hooker (1954-2008).

[12] See www.mislam.unito.it and https://www.dg.unito.it/do/progetti.pl/Show?_id=nejl. This is a research-project selected and funded by the Italian Ministry of University and Research (MUR) via the Italian Science Fund (FIS 2); see Decreto Direttoriale No. 1236 of 1st August 2023. For further details, see https://fis-submission.mur.gov.it/bando-fis-2/ (last accessed on 10.12.2025); the research-team can also be contacted by writing at mislam@unito.it.

[13] This expression is commonly used to identify the United Nations Convention relating to the Status of Refugees, which was adopted on 28th July 1951 and entered into force on 22nd April 1954; see Resolution 429 (V) of 14th December 1950. The text builds on Art. 14, Universal Declaration of Human Rights (proclaimed by the UN General Assembly in Paris on 10th December 1948, General Assembly Resolution 217 A), and it has been enriched by the 1967 Protocol relating to the status of refugees and the Resolution 2198 (XXI) adopted by the UN General Assembly.

[14] Saroglou (2011: 1320-1340), and Saroglou et al. (2020: 551-575).

[15] In exploring these ways, Cesari (2013: 29-47) highlights that a tension exists between social and personal identification with *Islām*. See also *infra* footnotes No. 47 and 57.

peoples, countries, and states in their socio-cultural, political and religious spheres.[16]

Advancing topical, yet usually unanswered, questions, this research pays attention to what happens when the daily life of Muslim (im)migrants unfolds in minority contexts, more precisely on European soil. The manners in which individual (temporary) settlement-paths develop across diverse countries become evident while disclosing the impact of complex dynamics mostly occurring in the shadow. These comprise the crucial role played by often unnoticed (non-)state socio-legal actors, and the procedures through which European administrative, judicial and health professionals affect migration routes. Accordingly, MISLAM addresses concurrent knotty problems by exploring the actual prospects and implications should MMCs' nationals eventually relocate from a European country to another one, or travel back to Middle-Eastern (ME), North-African (NA), or South-Asian (SA) regions.

3. The modus operandi

How can this be achieved? Using a magnifying glass approach, I maintain. Geographically located at the core of the Mediterranean, Italy becomes the ideal laboratory to explore these contemporary cross-national relational dynamics impacting on nationals of MMCs emigrating to Europe. Being a country of arrival, transit, settlement, or departure towards other EuCs or MMCs,[17] Italy is indeed a privileged observatory. Despite being understudied and overlooked by international scholars, the courses of actions unfolding on Italian soil are worth exploring as these might develop internally, but their ripple effect reverberates at international and transnational levels. MISLAM problematises the so-called Italian specificities, including those concerning people's access to justice and to (inter-culturally sensitive) services, as moulded by its transition from emigration to immigration country.[18] Adopting a cross-national approach and relying upon multidisciplinary social-science research methods,[19] the project looks inward and outward by offering a multi-layered comparison at micro-, meso- and macro-levels.[20] Accordingly, MISLAM intends to reveal the most poignant issues arising when law is diffused, legal provisions are transplanted across different jurisdictions, and social praxes are translated into concrete actions in a dissimilar way, in diverse environments, in various countries.[21]

4. The approach

Meeting these targets requires deep multidisciplinarity coupled with highly interdisciplinary approaches.[22] When the complementary viewpoints of different disciplines – such as law, political

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[16] For an expanded definition, see Gardet and Jomier (1954-2008).

[17] For a historical overview, see among the others Pastore (2008: 105-128), Blangiardo and Ortensi (2019: 19-29).

[18] As highlighted by the CNR-based Istituto di Ricerche sulla Popolazione e le Politiche Sociali; see Bonifazi et al. (2009: 1-104). In-country migration is also growing (Bonifazi et al., 2021: 2331).

[19] For more details, see *infra* section 8.

[20] Further explanations can be found *infra* in section 8.

[21] The process of law diffusion is a complex one, 'often involving two or more reciprocally interacting change agents, crossing of levels, and repression, resistance, or avoidance', as clarified by Twining (2006: 507-515). See also Watson (1995: 469-476); Legrand (2001: 111-124); Graziadei (2009: 723-743).

[22] For further details, see *infra* section 8.

science, economics, sociology and anthropology – are not combined, the (im)migrants' personal (civil) statuses and life (long-term) projects remain unaccounted for.[23] The researchers' analytical lenses are thus to be broadened and deepened in order to unpack the lives of individuals embedded in multi-layered and multi-sited transnational social fields.[24] In reality, transnational processes are not only shaping socio-legal situations locally,[25] but they are also characterised by the triadic relationships involving host state, sending state, and minority/migrant groups.[26]

Polarised debates concerning Muslims living in the West as (transnational) ethnocultural religious minorities have resulted in a burgeoning demand for ethnographic data. This is aimed at reducing the social anxiety fostered by the fear stirred by the (potential) entrenchment of *sharīʿah* compliant (discriminatory) practices in the fabric of European national legal systems.[27] Whereas this led to an increasingly rich pool of available information, the published material remains highly fragmented having been collected by various researchers, in diverse environments and at different times, and having been examined to answer heterogeneous research-questions. MISLAM intends to precisely overcome these limitations by weaving multiple disciplines together. A uniquely cohesive analysis of first-hand freshly collected empirical data will then be provided by drawing upon the synthesis exercise undertaken by a consistent group of researchers whose areas of expertise spread across different disciplines.[28]

5. The invisible/s

The project makes visible the invisible through the prism of normativity.[29] In particular, MISLAM opens new horizons by flipping the current narrative on Muslims and (im)migrant from MMCs, while paying specific attention to (inter)national (non-)state socio-legal actors including key-intermediaries. These subjects are normally unnoticed despite playing crucial roles in the legal field, in healthcare environments, and during administrative processes – both in EuCs and in MMCs.

The study thus closes up on (im)migrants from MMCs along with the socio-legal actors impacting on their lives, whose visibility highly varies in the currently available literature. Three main categories

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[23] The need for further investigation specifically addressing these matters is stressed, among the others, by the recently published (Tiilikainen et al., 2023) which is one of the few exceptions embracing an interdisciplinary perspective.

[24] See *inter alia*, Levitt and Glick-Schiller (2004: 1002-1039). On positionality, see Gold (1958: 217-233), Chua and Massoud (2024).

[25] As clarified by Merry (1992: 357-379).

[26] Faist (2000). On this aspect, see also Faist (1998: 213-247).

[27] Broad transnational debates reached the wider public fifteen years ago, when specifically prompted by the Foundation Lecture delivered by the Anglican Archbishop Rowan Williams at the Royal Court of Justice in London (for instance, reported in Griffith-Jones, 2013: 20-33). In a rapidly growing demand for field-collected data, the academic literature engaging with the main *fatwā*-issuing body for Muslims living in a minority context — the so-called *fiqh al-aqalliyyāt* as well as the *sharīʿah* councils, courts, or tribunals (operating mostly on British soil) — has been proliferating over the last few years. Several relevant publications can be named; for the sake of brevity, these will not be reported here while I take the liberty to refer to the bibliography reported in Sona (2023a). See also *infra* footnote No. 30.

[28] For more details, see *infra* sections 8 and 9.

[29] The concept of 'normativity' here relied upon is related to – or derived from – legal, religious, customary, social, as well as individual provisions, which result into a correspondent behaviour. For an introduction on diverse philosophical and legal theories attempting to define the idea of normativity, see *inter alia* Plunkett et al. (2019).

can be identified. First, legal professionals operating in Italy and in other EuCs – whose activity results into case law and legal proceedings (i.e., lawyers, public prosecutors and judges) – deserve to be investigated. Secondly, attention is to be paid to legal professionals, diplomatic personnel, public notaries, civil registrars operating in the (im)migrant's MMCs of origin.

On European soil, voice is to be given to other socio-legal actors; specifically, the (*quasi*) official figures eventually impacting on (im)migrants' lives and their migration routes. These include: police officers and national gendarmerie (e.g., *carabinieri*), immigration authorities (i.e., territorial commissions and *questure*), translators, interpreters, cultural mediators, cultural experts, hospital workers and medical personnel (i.e., administrative staff, nurses and clinicians), public notaries, civil registrars, diplomatic personnel, and Muslim leaders (e.g., *imām*-s and *fatwā*-issuing individuals).[30]

These key-intermediaries have been examined to a very different extent by academia, and usually within some specific disciplines only. A transdisciplinary study specifically bringing into focus all the above listed middlemen – and exploring the manners in which their activities *de facto* affect (im)migration routes – does not exist. As a result, topical questions remain unanswered.

MISLAM aims precisely at addressing these issues, while building upon the underpinnings provided by the existing literature. By way of illustration, a precursory ethnographic legal investigation explored the role of Italian public notaries in attempting to accommodate the needs of foreign clients.[31] More recently, a series of comparative studies have been investigating the diverse typologies of cultural expertise ranging from expert witnesses, independent country experts, court-/part-appointed experts, cultural mediators, and informal experts.[32] Earlier Italian studies addressed cultural-linguistic mediation.[33] The ways in which translators, interpreters and (intercultural) mediators can bridge the gap between diverse cultures has also been scrutinised.[34] Intercultural mediation has then been examined with specific reference to the medical sector.[35] For instance, some studies have explored how to develop transcultural nursing and religiously-sensitive medical care in contexts where Muslims live as a minority.[36] With regard to the Muslim world, attention has been paid to the expert testimony released by clinicians, physicians and midwives.[37]

The crucial position, and related responsibility, linked to these key-intermediaries have also surfaced in the socio-legal analyses of the data unveiled by some ethnographic investigations I

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[30] An *imām* (singular form of the word *a'immah*) is the one who leads the prayer and can act as a spiritual guide, whose authority is recognised by the *Ummah*. A *fatwā* (singular form of the word *fatāwā*) is a formal legal opinion given by an Islamic scholar acting as a *muftī* in answering to a question submitted by a judge (*qāḍī*) or a private individual. For further details, see Macdonald (1913-1936); Tyan and Walsh (1954-2008); Messick (2007-2025).

[31] Ricca and Sbriccoli (2015: 1-49).

[32] Holden (2025; 2023; 2011). See also Perkins (2006: 79-83) and Fraser-Burgess (2010: 48-59).

[33] See for example, Castiglioni (1997); Casadei and Franceschetti (2009); Gavioli (2009).

[34] See among the others, Tonkin and Esposito (2010); Roig-Sanz and Meylaerts (2018); Katan and Taibi (2021); Busch (2023).

[35] For a comparative perspective ranging across twenty-five countries, see de Souza (2016). Quaranta and Ricca (2012) then recommend to foster the interplay among medical science, anthropology and law.

[36] These issues were raised by Tomkins et al. (2015: 1776-1785). To address these critical matters, in recent years, increasing attention has been paid to the ethnic, religious and cultural belonging of health-services' users. With regard to Muslim patients, see *inter alia*, Sheikh and Gatrad (2008); Rassool (2014); Basem et al. (2022). In Italy, see Caretta and Petrini (1999), Cuciniello and Branca (2020). See also the researches promoted by the Laboratory of Fundamental Rights (https://labdf.eu; last accessed on 10.12.2025).

[37] See e.g., Shaham (2010).

conducted. Cultural mediators and hospital staff can, for instance, impact on family planning when facilitating recourse to medically assisted reproductive techniques by (foreign) Muslim intended parents.[38] Interpreters can significantly affect the personal status – e.g., (non-)married or (non-)divorced – of MMCs' nationals by delivering carefully tuned translations of legalised documents to be submitted to diplomatic missions, civil registrars, and judicial bodies.[39]

Building upon these preliminary data, MISLAM aims at delving more deeply into these usually overlooked crucial middlemen. Attention is to be equally paid to public notaries and the judiciary. These legal professionals can (potentially) reconcile *shariʿah* inspired provisions with European domestic laws by fostering the privatisation of family matters. In this way, they can facilitate the creation of nationalised interpretation of foreign laws (including those of MMCs), which might, or might not, be validated in the (im)migrant's country of origin.[40] Whereas the media debate is predominantly focused on unofficial extrajudicial authorities – such as the highly contentious *Shariʿah* Councils and *fatwā*-issuing bodies –[41] the implementation of Islamically compliant provisions can *de facto* occur through private international laws, private agreements (e.g., the so-called optional civil law) and state legislation.[42]

The third layer is then represented by socio-legal actors located in MMCs. The social (non-)acknowledgement, religious (non-)recognition, and/or legal (non-)validation of the (extra–)judicial documentation produced in Italy, or in other EuCs, indeed remains particularly unknown and remarkably understudied. By way of illustration, a very limited number of scholars investigated the procedures of *exequatur* or of automatic recognition of the case law in the (im)migrants' MMCs of origin.[43] In the medical field, the cross-border reception and implementation of clinical protocols when a person (forcibly) relocates to a MMC is a severely under-researched topic despite impacting highly on (im)migrants' healthcare.

6. Post-modern g-localised multipolarity

When focusing on contemporary socio-legal actors, another component is to be taken into consideration; namely, the highly dynamic framework characterising the post-modern g-localised multipolarity.[44]

In the interplay of simultaneously co-present universalising and particularising tendencies – entailing a dichotomic process of globalisation of the local and localisation of the global – the local and

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[38] Sona (2019).

[39] Sona (2022: 293-325).

[40] For an illustration of this phenomenon with regard to divorce recognition and child's maintenance, see Sona (2023b: 253-282).

[41] See *supra* footnote No. 27. Amongst the latest sensationalist reports, see Kennedy (2024).

[42] This categorisation for the application of Islamic norms in the West had been suggested by Rohe (2010: 333-338).

[43] With regard to Morocco, for instance, some information can be found in Nössing (2020: 35-65), Foblets and Carlier (2005). Usually, private international law scholars provide useful comparisons of the manners in which the same law (issued in a MMC) is applied by the domestic judiciary in the MMC, and by the judiciary in EuCs, when requested by foreign nationals settled on European soil. The aspect of potential "reverse" recognition of EuCs' decisions in MMCs remains highly under-explored, as stressed, among the others, by Foblets (2016: 605-614).

[44] In sketching this framework, I build upon Drucker (2023(1996)); Peral and de Vasconcelos (2009).

the global interlock, and people experience a fusion of homogenisation and heterogenization. Facing the contemporary deterritorialization of time and space, socio-legal actors lose stability and perceive themselves as rootless. The fluid interaction of hybridity and heterogeneity implies quests for points of reference and clear boundaries against the backdrop of a rapidly changing society.[45] Accordingly, ontological security is increased through identity-signifiers.[46] Individual value-taxonomies – related to personal understanding of the *Ummah* belonging[47] – can thus influence the paths followed by a MMC's national in his/her daily life.

Judicial and (extra-)judicial personnel, along with key-intermediaries and middlemen, similarly do not act in a vacuum. Socio-legal formants can be explicit or implicit; some crypto-types may also be hidden in the jurist's mentality of a given country.[48] Semiotic connections tend to be similarly confined to the realm of invisibleness.[49] As a result, culturally sensitive accommodation might be opposed, or promoted, by emphasising the internal plasticity of domestic legal systems.[50]

7. Goals and objectives

Overcoming simplistic deductions while embracing a wide geographical scope, MISLAM intends to achieve three main overall goals. First, it will highlight how the above-described dynamics impact on the relations between EuCs and MMCs. Secondly, it will explore how European administrative, judicial and health professionals (in)voluntarily affect migratory routes. Thirdly, it will unveil the crucial role played by (non-)state socio-legal actors – including key-intermediaries – in *de facto* attempting to reconcile *sharīʿah* with human rights, while acting (if necessary) in the shadow of the law.

The operationalisation of these three overall main goals is achieved by pursuing clear and realistic objectives. First of all, MISLAM will develop a comparative and analytical mapping of the various thorny socio-legal issues raised by a growing Muslim presence on European soil, and the responses given by domestic judicial and administrative bodies. Secondly, the Italian judicial, legal and policy responses released in procedures involving MMCs' nationals will be documented and analysed in three main legal areas: immigration and asylum, family and minors, healthcare and bioethics. Similarly, the project intends to document and analyse the MMCs' legal (non-)validation, social (non-)acknowledgement, and/or religious (non-)recognition of the (extra-)judicial documentation produced in Italy and in other

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[45] As hinted at by Bauman (1997 and 2000); Volkan (1997); Kristeva (1982 and 1991).

[46] See Kinnvall (2002 and 2004: 741-767). Amongst those, nationalism and religion have the tendency to provide ready answers and powerful narratives; they might even serve as models of individual and collective identity. On these aspects, see Seul (1999: 553-569 and 2001: 131-152).

[47] Denny (2012), see also *supra* footnote No. 14.

[48] Legal anthropologists may thus discover implicit formants when confronted by the rules that have not been formulated in their own society (Sacco, 1991a: 9-10; 1991a: 1-34; 1991b: 343-401; 1995: 455-467).

[49] Accordingly, an intercultural use of law – combined with the transactional and translational mobilisation of an underlying implicitness – has been advocated for (Ricca, 2023).

[50] As highlighted by Friedman (1969: 11-64). This partly explains the no-need of creation of Islamic bodies specifically catering for the needs for Muslim family members like the *Sharīʿah* Councils or other *fatwā*-issuing Islamic bodies (Sona, 2023b). See also *supra* footnote No. 27.

EuCs. When scrutinising these case scenarios, the roles played by crucial, yet overlooked, socio-legal actors will be unveiled and duly studied.[51]

Relying upon an intersectional analytical framework,[52] the project will also unpack the perceptions and experiences among male and female migrants who are nationals of MMCs – either settled in EuCs, or relocated in MMCs – with regard to the (gendered) responsiveness and effectiveness of domestic legal (extra-)judicial tools, both in EuCs and MMCs. Accordingly, the effectiveness of judicial and (invisible) extrajudicial responses to issues raised by MMCs' (im)migrants will be juxtaposed in the examined three main legal areas,[53] in Italy as well as in other EuCs. As a result, MISLAM will establish a typology of domestic practices and cross-national models of governance of legal, cultural, ethnic and religious diversity.

Building upon inter-legality and intercultural theories, the project will then develop a plurality-conscious diversity–sensitive approach aimed at offering innovative, critical, sophisticated legal conceptualisations promoting better access to justice, and pre/anti-litigation legal education to MMCs' (im)migrants, also via digitally available information and contacts.

8. Research methods and methodology

The complexities embedded in the above-described case studies are disclosed and narrated by embracing deeply multidisciplinary and highly interdisciplinary research approaches. First of all, law and anthropology will be combined: the jurisprudential component of the study is thus enriched by cultural and social anthropology.[54] Islamic and legal anthropology,[55] as well as linguistic and semiotics, can indeed support a thorough study of the administrative, judicial and healthcare scenarios where the everyday life of MMCs' (im)migrants unfolds. In this way, the underlying linguistic structures rooted in diverse disciplines can be overcome, while the legal categories and vocabulary relied upon by socio-legal actors become more intelligible.

Relying upon a reality-conscious (extra-)judicial approach, furthermore, MISLAM investigates the manners in which *sharīʿah* compliant normativities can be entwined in the Italian fabric, and how the entanglement of religious and ethnocultural practices – as discursive traditions – affects the sensibilities of modern life.[56] In order to avoid Islamophobia, Orientalist attitudes, and exceptionalism, a clear line is then drawn between Islamic religious precepts and Muslim provisions; the latter being norms

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[51] See *supra* section 5, and *infra* section 8.
[52] As theorised by Crenshaw (1989 and 2017).
[53] Namely, immigration and asylum, family and minors, healthcare and bioethics. See *supra* and section 6.
[54] Attention is paid to the three main typologies – namely, descriptive legal ethnography, comparative legal anthropology and applied legal anthropology (see Donnovan, 2007). Starting from Pospisil (1971, 1978) and Moore (1978); the study refers to the categories identified by Rouland (1994), Cotterrell (2006), Nelken (2009), Nader (2002), Pirie (2013), and Goodale (2017); while it addresses relevant case-studies, such those pinpointed by Merry (2005), Sacco (2007), Mancini (2015), Ruggiu (2019), and Foblets et al. (2020).
[55] As done by Nakissa (2019), Rosen (2000 and 2023), Marsden and Retsikas (2012), and Ilias (2022).
[56] Asad (2009(1986): 1-30). See also Ahmed (1984: 2-4), McLoughlin (2007: 273-296).

endorsed by Muslim believers as well as Islamically inspired rules enacted in MMCs (e.g., the State's *qānūn*).[57]

The most pressing geo-political debates and challenging socio-legal complexities of today – such as those concerning the South-North (forced) migrations combined with a constantly growing Muslim population – will be investigated by shedding light on concurrent socio-legal developments. Accordingly, the project adopts a pluralistic approach[58] and embraces a (multicultural) inter-legal method.[59] In this way, the dynamics developing in what can be defined as a polycentric scenario[60] are scrutinized by combining top-down with bottom-up analyses. Studying multi-layered and multi-sited transnational social fields, MISLAM will therefore bring into focus the 'law in book', as juxtaposed to the 'law in action' and the 'living law'.[61]

Coping with the fluid backdrop sketched by the post-modern g-localised multipolarity,[62] the researchers contributing to MISLAM will rely upon qualitative social-science research methods,[63] as well as extended case method.[64] Therefore, light will be shed on principles negotiation together with the balancing exercise enacted by judicial, administrative and medical professionals. Furthermore, by identifying ethnocultural, religious and socially specific (potential) conflict situations, attention will be paid to groups' values of social cohesion along with individual value-taxonomies in intersectional analytical frameworks.

As highlighted, the project equally embraces a comparative perspective. The comparative analyses will be conducted at micro-, meso- and macro-levels,[65] when paying attention to legal transplants along with explicit or implicit socio-legal formants and crypto-types hidden in realm of invisibleness.[66] On that account, (un)published and (un)reported Italian case law and administrative proceedings concerning MMCs' nationals will be not only scrutinised, but also compared to the responses given to analogous situations in other EuCs.[67]

Additionally, the project will elucidate what happens beyond courts – e.g., in hospitals, clinics, police stations, territorial commissions, municipalities, diplomatic missions, worship centres and

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[57] The adjectives 'Muslim' and 'Islamic' are frequently used synonymously, but the IV form of the Arabic root SLM indicates that this is not correct. Muslim identifies the person professing *Islām*, whereas *Islāmī* identifies anything related to *Islām*. Accordingly, the adjective Islamic is accurately used when referring to Islamic sources. See also *supra* footnotes Nos. 14 and 47.

[58] Merry (1982: 68-89; 1988: 869-896; 2007: 149-168); Griffiths (1986: 1-55); Tamanaha (2008:376-411). See also Bobbio (1996).

[59] Sona (2023c). See *inter alia*, Teubner (1993); de Sousa Santos (1987: 279-302; 2020); Hoekema (2005: 1-28; 2006: 79-109; 2008: 1-14); Klabbers and Palombella (2019).

[60] Petersen and Zahle (1995).

[61] Pound (1910: 12; 1912: 114-150); Ehrlich (2002(1936)); Ehrlich and Isaacs (1922: 130-145); Tamanaha (1997; 2000: 296-321; 2011: 297-318). For a broad overview on the concept of law, see *inter alia*, Urscheler and Donlan (2014).

[62] See *supra* section 6.

[63] *Inter alia*, I am referring to Ringer (1997); Bryman (2001); Banakar and Traver (2005); Sarantakos (2005). The researches will be mostly qualitative ones, and build upon the methods identified by Denzin (1994); Lofland and Lofland (1995); Hollway and Jefferson (2000); Berg (2004). See also Weinberg (2002); Denzin and Lincoln (2017).

[64] The ECM as a method of data-collection, examination, and theory building has been launched by Gluckman (1958) and promoted by the so-called Manchester School (Evens and Handelman, 2006). For further details, see Burawoy (2009) and Englund (2018).

[65] Palmer (2005: 262-263); Reimann and Zimmermann (2006); Monateri (2012); Adams (2021).

[66] See *supra* sections 5 and 6, and footnotes Nos. 48 and 49.

[67] This is addressed in work-packages Two and Five; see *infra* section 9.

mosques, as well as in private offices such as those of lawyers, public notaries, interpreters, and translators. [68] Lastly, MISLAM investigates the manner in which the judicial or extrajudicial documentation produced in Italy, or in other EuCs, is treated in MMCs. A broad range of hypotheses will be examined, extending from religious (non-)recognition and social (non-)acknowledgement to legal (non-)validation.[69] Accordingly, the project will disclose if, and how, this potential cross-border accreditation – at legal, social and religious levels – impacts on the (e/im)migrant's lives and (long-term) life projects.[70]

9. Research design

The workplan is divided into six work-packages: two operational and four scientific. With regard to the operational work-packages, work-package One grants coordination, communication and management; while work-package Six provides dissemination and networking.

Among the four scientific work-packages, two have a thematic focus, and two have a geographical focus. More specifically, work-packages Two and Three embrace a thematic viewpoint. Investigating dynamics specifically affecting nationals of MMCs, the former focuses on judicial dynamics; the latter concentrates on (extra-)judicial dynamics.

The scientific work-packages with a geographic focus include work-packages Four and Five. The former focuses on selected MMCs – i.e., Morocco, Egypt, Pakistan, and Bangladesh[71] – while the latter concentrates on EuCs where MMCs' nationals live as minorities – i.e., EU Member States in addition to the UK and Switzerland.

Work-package Two concentrates on different legal fields – namely, immigration and asylum laws; family and minors' laws; healthcare laws and bioethics. Work-package Three focuses on groups of selected key-intermediaries and (*quasi*) official figures acting as middlemen.[72]

10. Expected impact

The main expected impact of the research here presented is to provide in-depth knowledge along with original tools, which are aimed at a more coherent and responsive management of the growing migrant

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[68] As investigated by work-package Three; see *infra* section 9.

[69] As studied in work-package Four; see *infra* section 9.

[70] And these dynamics will be scrutinised in work-packages Two, Three, Four and Five; see *infra* section 9.

[71] These have been identified in the countries of origin of the numerically relevant majority of MMCs' migrants settled in Europe and in Italy. Statics indicate that the flows of African origin are once again significant, in particular those from Morocco (beyond 15 thousand, equal to +23%, compared to 2020) and Egypt (8 thousand, +40%). Among the flows from the South Asian area, those from Bangladesh almost doubled (15 thousand, +87%) and the immigrants from Pakistan were also numerous (14 thousand, +48%). See ISTAT (2023).

[72] Among the selected key-intermediaries, the following ones can be named. MMCs diplomatic missions and Italian diplomatic premises (consulates/embassies, etc.) in MMCs; public officials such as public notaries in IT, EuCs and MMCs and civil registrars; public-order figures (police, *carabinieri*) and immigration authorities (territorial commissions, *questure*); translators, interpreters, cultural mediators, cultural experts (e.g., Italian CTU/CTP); hospitals and medical personnel (staff, nurses and clinicians); Italian mosques and worship centres, Italian Islamic associations, and overarching European *fatwā-*issuing bodies (e.g., the ECFR). For further details, see *supra* section 6.

Muslim population in Europe. Accordingly, MISLAM aims at stimulating and contributing to a scientific paradigm shift in the study of contentious diversity governance and immigration policies.

Evaluating the effectiveness of ongoing public and private initiatives intended to cope with emerging needs and to manage the specificities characterising (im)migrant individuals, the project is expected to be instrumental in evidence-based impact assessment of public policies specifically impacting on nationals of MMCs, along with relevant case law, administrative practices, public deeds, and private agreements. The project will indeed examine guidelines and opinions issued by relevant Italian and European religious authorities – acting collectively, or in their own individual capacity – and their impact on the activities of the personnel of MMCs' diplomatic missions, as well as the daily lives of Muslim migrants.

MISLAM will also identify the processes, discourses and (un)expected outcomes of judicial and extrajudicial proceedings together with social practices, while evaluating in which ways these (in)directly affect (e/im)migrations and migratory routes, including the so-called health tourism. Multiple mechanism of forum shopping and skilled (socio-)legal navigation[73] will be unveiled, while light will be shed on the crucial position and related responsibility endorsed by often unnoticed (non-)state socio-legal actors.[74] On that account, the outcomes of the project are expected to eventually assist legal professionals, public notaries, civil registrars, public prosecutors, judges, diplomats, along with clinic personnel, translators, interpreters, cultural mediators, and policy-makers in identifying suitable strategies and in implementing better practices.

Furthermore, the research intends to foster cross-border fruitful exchanges. With regard to the EuCs, this target will be met by juxtaposing different formulae and subsequently pondering whether the harmonisation of European domestic responses to Muslim minorities' needs is to be promoted, or whether the application of the *sharīʿah* inspired laws of MMCs (mostly via private intentional law instruments) is to be encouraged. Collaborations among EuCs and MMCs will also be facilitated by fostering the reciprocal recognition of legal and administrative proceedings between EuCs and MMCs, as well as among EuCs. This will contribute to avoid strategic forum shopping and involuntary legal discrepancies – such as the so-called limping statuses and marital captivity – which are impacting nationals of MMCs. Voice will thus be given to Muslim migrants by taking into consideration not only black-letter provisions and protocols, but also the word-of-mouth techniques developed to cope with the challenges faced when moving across national frontiers and promoting pre/anti-litigation legal education.

Lastly, providing a valuable source of information, data and material, MISLAM will fill a gap in the current scientific knowledge, while offering a comprehensive interdisciplinary, intercultural and comparative analysis of the implementation of *sharīʿah* compliant normativity via private international law principles, or via (un)official formulae including extrajudicial mechanisms.

11. Concluding remarks

In the current times of war and political turmoil, the dichotomy 'Islām versus the West' is once again taking centre stage, while European countries are grappling with the challenges posed by a constantly

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[73] Some examples can be found, *inter alia*, in Menski (2006: 395-411 and 2008: 1-25).
[74] See *supra* sections 5 and 6.

growing Muslim population coupled with a steady increase in South-North (forced) immigration flows. As a result, security issues surface, and pressing geo-political debates arise.

Aimed at unpacking the complexities embedded in the fluid framework characterizing the post-modern g-localised multipolarity, MISLAM addresses the most challenging socio-legal complexities of today. These specifically concern the interactions between MMCs and EuCs in case of migrant nationals; the implications – also on migratory routes – of European national states dealing differently with foreign *shariʿah* compliant legal provisions and social practices; the possibility to reconcile Islamically inspired normativities with social justice and human rights in a way that resonates with both EuCs' and MMCs' legal systems and civil societies.

MISLAM tackles these topical issues by investigating what is happening when the daily life of Muslim (im)migrants unfolds in minority contexts, more precisely on European soil. It also examines the manners in which individual (temporary) settlement-paths develop across diverse countries, as impacted on by what mostly occurs in the shadow of the law. Thus, the project timely addresses concurrent knotty problems by exploring the actual prospects and implications should MMCs' nationals eventually relocate from a European country to another one, or travel back to Middle-Eastern (ME), North-African (NA) or South-Asian (SA) regions.

These targets can be met by undertaking a novel research attitude intended at making the invisible visible through the prism of normativity. As clarified above,[75] this will be done by flipping the current narrative, by using a magnifying glass approach, and by adopting a multi-/inter-disciplinary cross-national intercultural comparative method. Moreover, by embracing an in-depth and wide geographical scope, MISLAM will attain three main overall goals,[76] whose operationalisation is achieved via clear, achievable and realistic objectives.[77]

By fostering and contributing to a scientific paradigm shift in the study of contentious diversity governance and immigration policies, the main expected impact of the research here presented is to offer in-depth knowledge along with original tools aimed at a more coherent and responsive management of the growing (im)migrant Muslim population, both at domestic and European levels. Evaluating the effectiveness of public and private initiatives designed for managing the specificities characterising (e/im)migrants, the project will also be instrumental in evidence-based impact assessment of clinical protocols, healthcare praxes, public policies, case law, administrative practices, public deeds, and private agreements, which are specifically affecting nationals of MMCs.

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[75] See *supra* sections 3-4.

[76] These are the following ones: unfolding the relations between European and Muslim-majority countries; unveiling the key role played by often unnoticed (non-)state socio-legal actors in potentially reconciling *shariʿah* with human rights; and exploring how European administrative, judicial and health professionals affect (im)migrants' migration routes.

[77] See *supra* section 7.

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