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Explaining the Accommodation of Muslim Religious Practices in Western Europe

The government has been telling us that we are citizens of this country, that we have equal rights. But when we ask for equal rights, for our own schools like other faiths have their own schools, the government tells us that they will be divisive, and that they will create a ghetto mentality. It is Islam that has been ghettoized by the Establishment.

K. S. Butt (2001), chair of the Islamic Resource Centre, Birmingham

Muslims have become a part of this society. More than three million Muslims live in Germany permanently. They are not going to "go home." Their home is *here*.

Nadeem Elyas (2001), chair of the Zentralrat der Muslime in Deutschland, Cologne, Germany

Today, a French person is not necessarily Catholic, Protestant, etc. Otherwise, a French person would have a beret, a baguette – those are stereotypes. Today a person is French through an act of citizenship, by sharing certain common values and by [supporting] everyone's right to find happiness. . . . But in the end a French person can be a Muslim, can be a Catholic, can be a Jew, can be a Buddhist. . . . [Muslims should enjoy religious liberty] just as other [French] citizens do.

Saïda Kada (2001), president of Femmes Françaises et Musulmanes Engagées, Lyon, France

STATE ACCOMMODATION OF Muslim religious practices is an increasingly important political issue across Western Europe. More than ten million Muslims currently live in Western Europe, which makes them the largest

religious minority in the region. Islam is the third largest religion overall, and in most West European countries, it is growing much faster than the historically dominant Catholic and Protestant churches (Hollifield 1992; Nanji 1996; Nielsen 1999). In Germany, there are an estimated 2,200 mosques or Islamic prayer rooms, most of which have been organized in the past decade but which are still insufficient to meet the religious needs of Muslims in the country (Kusbah 1997; Spuler-Stegemann 1998:150). There are nearly as many religiously active Muslims as Anglicans in England and Roman Catholics in France (Brierley 2001; Caldwell 2000). Islam is a significant social and religious force in Western Europe.

The quotations at the beginning of this chapter suggest that Muslims want the state to recognize their religious status and accommodate them justly and fairly. As we will demonstrate in the pages ahead, however, what states view as equitable treatment for Muslim citizens and immigrants, what they consider to be reasonable and just in terms of accommodating Muslim religious practices, and how governments pursue the twin policies of recognizing the religious rights of Muslims while insuring their effective incorporation into the values of the host country vary widely in Western Europe. Although states face similar challenges, there is a notable cross-national divergence in policy related to how and whether Western European states recognize and accommodate Muslim religious practices. The aim of this book is to explain how three European states – Britain, France, and Germany – have accommodated the religious needs of Muslims, and to explain why there is such a difference in how they have done so.

Background

Muslims began immigrating to Europe in large numbers following the Second World War. They were part of a great wave of immigration that brought workers from the poorer countries of the Mediterranean, Eastern Europe, and the former colonies to the industrialized states of the West that were enjoying an economic boom and trying to rebuild in the war's aftermath. Private employers and governments across Western Europe actively recruited foreign workers to provide the labor necessary to continue the economic expansion (Bade 1983:59–95; Frémeaux 1991:209–75).

In the face of the economic recession of the early 1970s, however, European states gradually closed their borders to low-skilled workers but allowed for the possibility of family reunion and political asylum. Host countries assumed that immigrants were temporary workers who would

want to return to their country of origin, but many foreign-born residents had no interest in doing so. Ironically, this effort to restrict immigration had the unintended consequence of encouraging a "second wave" of immigration as family members and dependents of the original postwar economic migrants joined their families in Western Europe. This policy transformed the immigrant population from single migrants to families who wanted permanent settlement (Boyer 1998:87–104; Kettani 1996; Nielsen 1999:25–35). Since many of these immigrants were Muslims, the Muslim population in Western Europe expanded rapidly.

Family settlement also changed the political calculus; immigrants became concerned not simply with their political and economic rights as workers, but also with their cultural and religious needs as permanent residents or citizens. Vexing policy questions emerged related to the religious rights of Muslim immigrants and citizens. Governments were suddenly confronted with such issues as how or whether to accommodate Muslim religious practices in state institutions such as schools, prisons, and hospitals; how or whether to develop their communities; whether to pass laws specifically designed to protect Muslims against religious discrimination; and what efforts to take to stem native discrimination against them (Cesari 1997; Morsy 1992; Nielsen 1999:36–46; Özdemir 1999:244–59).

The result in every country in the region has been political controversy around issues of Muslim religious rights. Conflict in Britain has crystallized on the question of whether the state education system will fully finance private Islamic schools under the same conditions that apply to Christian and Jewish ones. Germany has contended with the question of how or whether to grant public corporation status *(Körperschaft des öffentlichen Rechts)* to Muslims as well as to Christians and Jews. Such a status would signal that Islam is a part of the country's religious landscape and allow Muslims' social welfare organizations to receive state funds. France annually struggles with the question of whether or not Islamic girls will be allowed to wear the *ḥijāb* in public schools. Each of the states has witnessed negotiations over such contested practices as regulations on building mosques and policy regarding the religious needs of Islamic workers. Finally, there is a vibrant debate in each of these countries on what the goals of public policy toward Muslims ought to be. On the one hand, governments sometimes pursue policies that encourage Muslims to assimilate themselves to the values of Western society, even when that means abandoning some of the particular features of their religious identity. At other times, states have encouraged Muslims and others to celebrate religious diversity and for Muslims to maintain their most deeply held religious values.

These concerns became more acute in the aftermath of the attacks on the World Trade Center in September 2001 by Muslim extremists. The realization that many of the terrorists in those attacks had lived and trained among a network of coreligionists in Western Europe raised significant questions among political leaders on how best to ensure the successful incorporation of Muslims into the values of a liberal democracy. Jean-Marie Le Pen of National Front scored a surprising electoral victory in France's presidential primary election of 2002, and the British National Party won its first two victories in over a decade in city council races that same year. In both cases, these far-right parties ran on anti-immigrant and anti-Muslim political planks. Governments throughout the region passed more restrictive immigration and asylum laws. Those policies are particularly salient to Muslims, who make up the largest percentage of immigrants and asylum seekers to Western European countries. What is clear is that disputes about the Islamic religion and Muslims are increasingly prominent in Western Europe.

While European states have faced a common set of challenges in accommodating the religious needs of Muslims, they have taken substantially different approaches in their accommodation of Muslims' religious practices. Britain[1] led the way in tightening immigration controls in the early 1960s and limiting the citizenship opportunities for residents in its former colonies. In more recent years, Britain has refused to extend the law against racial discrimination in employment, housing, and education to include religious discrimination, a key concern for Muslims (Islamic Human Rights Commission 2000), and the Blair Labour government has proposed a bill that would make it more difficult for immigrants and asylum seekers to gain citizenship (Hoge 2002).

At the same time, however, the state has been fairly open to accommodating the cultural and religious needs of Muslims (Spencer 1997). Britain embraced multiculturalism in state-supported schools in the 1970s; the curriculum in required religious-education classes includes an extensive treatment of not only Christianity, but also Judaism, Islam, and Sikhism (Keene and Keene 1997). When confronted with the issue of girls wearing the *ḥijāb* in state-run schools, British educational authorities quickly reached a compromise that allowed girls to wear the headcovering so long as it conformed with the color requirements of the school uniform (Liederman 2000). After

[1] This book will consider policy regarding state accommodation of Muslims' religious practices in England, as opposed to the policy in all four regions (England, Northern Ireland, Scotland, and Wales) that make up the United Kingdom.

many years of trying to win state aid for Islamic schools under the same conditions that govern aid to Christian schools within the state system, the government in 1998 approved two independent Islamic schools (Howe 1998). A recent Green Paper on education encouraged an expansion of the faith-based school system to allow many more religious schools to receive state aid (*Schools* 2001).

France began to place greater restrictions on immigration in the 1970s; in the early 1980s, the state initiated what turned out to be a wholly ineffectual policy of subsidizing migrants' return to their country of origin (Weil 1991). Most of these laws were repealed in the late 1990s. The legislature also passed laws that made it marginally more difficult for immigrants and the children of immigrants to gain citizenship, although most Muslims in France are citizens.

In contrast to Britain, however, France has been far less accommodating to the religious needs of Muslims. France has rejected multiculturalism as an appropriate educational model in the state schools. Aside from such short lessons on the "Muslim world" as those in the *cinquième* history and geography class (Marseille and Scheibling 1997:24–39), French secondary school students learn nothing about Islam. Despite the popular impression that the *Conseil d'État*'s decision on the "Scarf Affair" resolved the issue (Cesari 1997:108–21; de Wenden and Leveau 2001:78–9; Gaspard and Khosrokhavar 1995), French Muslim leaders estimate that "hundreds" of Muslim young women have been expelled from public schools for refusing to remove the *ḥijāb* (Kabtane 2001; Merroun 2001). These young women are then forced to study by correspondence, rely on volunteer Muslim tutors, or abandon their education altogether (Kada 2001). This strict version of *laïcité* is the dominant view in the most powerful teacher unions (Berguin 2001), which is significant because teachers are public officials who implement policy in the institution where church–state conflict around Islam most consistently arises: the schools. The state has been vigorously secular and opposed to the notion that public institutions should be made to assist the religious practices of Muslims (Peach and Glebe 1995).

A third country, Germany, represents something of a hybrid of these state responses. Only a very small percentage of Muslims in Germany are citizens, and until President Gerhard Schröder's reforms of 1999, very few immigrants had the right to become German nationals. The state has also used various measures to encourage immigrants to return home, though these have largely been ineffectual. Finally, the German government has urged states in the European Union to tighten domestic immigration controls (John 2002).

On the other hand, Germany has been more willing than France to accommodate the cultural and religious needs of its Muslim population. The state has funded some Islamic social welfare and cultural organizations and established an Islamic school in Berlin (Doomernik 1995). In the state of North Rhine-Westphalia, moreover, education authorities have mandated the teaching of Islam in required religion courses in public schools, and have even gone so far as to write the required textbook. The clear intent of this decision is to encourage Muslims to learn more about their faith in the public schools, and to ensure that the version of Islam they are taught is fully compatible with liberal democracy (Gebauer 1986, 2001; Pfaff 2001).

There have been a number of fine studies of immigration into Western Europe (Castles and Miller 1993; Collinson 1993; Joppke 1999; Soysal 1994). These scholars have focused much needed attention on a phenomenon that has, in the words of one analyst, "been more transformative in [its] effect" in Western Europe than any other since 1945 (Messina 1996:134). These accounts, however, tend to focus on economic and citizenship issues and largely ignore questions of the religious identity and needs of Muslims. Social scientists, in short, have devoted very little attention to the religious aspect of Muslim policy demands, despite the fact that social and political tensions have mounted in recent years over a series of religious matters.

One reason for this silence on religious questions has been a perception among social scientists, often assumed rather than stated, that Western Europe is essentially secular and that issues of church and state are no longer relevant to public policy. According to this view, religious disputes were historically important in Europe, but those issues were largely settled, or at least minimized, in recent decades as the state became more secular and began to treat religious groups more or less equally. As we will demonstrate in the country chapters that follow, there is something to this thesis. Religion, which was at the center of political conflict in Europe a century ago, became less important politically in the middle decades of the twentieth century. However, the migration and settlement of large numbers of Muslims into Western Europe poses a new challenge to the existing church–state arrangements in countries and has resurrected somewhat dormant religious disputes.

Theories To Be Tested

How can we explain the disparate political responses to the religious concerns of Muslims in Britain, France, and Germany? What have these states

done in terms of public policy to accommodate the religious needs of their Muslim populations, and just as importantly, what explains the different state reactions? There is very little literature and no consensus on this central question, but there is a very rich literature on the policy-making process as it relates to immigration and citizenship policies in Western Europe that can be applied to our primary concern. The dominant theories in the field are resource mobilization that views politics as a contest of competing actors, with the outcome affected by their relative resources. Political opportunity structure theory analyzes how political institutions shape the way that actors advance their interests and the ensuing policies. Ideological theories contend that preexisting ideas about the nature and purpose of government impact the development of public policy. We argue in this book that each of these theories sheds some light on state accommodation of Muslim religious rights in Britain, France, and Germany, but that none of them sufficiently explains important differences among the countries. We contend that the development of public policy on Muslim religious rights is mediated in significant ways by the different institutional church–state patterns within each of these countries.

Resources and Muslim Mobilization

One common approach in the literature on immigration is to focus on the origin, ethnic composition, and organizational patterns of Muslim communities within a particular nation-state (Anwar 1995; Bistolfi and Zabbal 1995; Kepel 1997; Nielsen 1995; Penninx et al. 1993). These accounts explain a state's policy on Muslim religious rights by analyzing domestic political considerations and the relative power of parties and movements that support Muslim religious rights against those that oppose them. Borrowing implicitly from resource mobilization theory, these descriptions accent the role of resources in mobilizing Muslim groups in Western Europe and stress the organizational structures that link individuals into a social movement.

Resource mobilization theory emerged in the late 1970s as a deliberate attempt to correct the psychological models of collective behavior that dominated sociology and political science in the 1960s (Gamson 1990; Zald and McCarthy 1987). This theory rejected the assumptions of the prevailing explanations that held that collective action was a spontaneous and disorganized activity and that movement participants were essentially irrational. By contrast, resource mobilization theory assumed the rationality of participants in a social movement and focused on the capacity of organized groups to acquire politically significant resources for their collective purposes (Ferree 1992).

According to this interpretation, the most important barrier to a movement's success is a lack of resources. Mayer N. Zald and John D. McCarthy (1987:11) note that the "transformation of social movement theory rests upon the recognition that the mobilization of resources (labor, materials, and money) for collective action is problematic." While people might identify with a set of social or political goals, absent political resources, there will be no effective collective action on behalf of those group goals; successful movements are those that overcome the barriers to collective action. The key features of an effective social movement are, first, a skilled cadre of leaders who can translate the amorphously held values of the group into political capital, and, second, a well-established institutional structure from which group leaders draw resources to form new organizations. It is through these internal networks that leaders are able to raise resources and recruit members for social movement organizations.

As we noted previously, a number of scholars implicitly use the insights of resource mobilization theory to explain the political outcomes of movements for Muslim religious rights in Western Europe. A common theme in these accounts is that Muslim groups have been politically ineffective because they lack the resources necessary to bargain effectively with the state. Wasif Shadid and Sjoerd van Koningsveld note, for example, that "Muslims in most Western European states have thus far been unsuccessful in creating representative organizations at national levels which can function as spokesman for the Muslim communities with the respective government" (1996:3). It is the absence of a representative organization, in their view, that explains why Western European states have failed to respond to the political demands of Muslim immigrants and citizens. Ronald Kaye (1993) echoes this theme in his comparison of the politics of Muslim and Jewish groups in Great Britain. He notes that the Muslim community is larger than its Jewish counterpart, but that Muslim groups have not been as effective as Jewish ones at winning state concessions on the policy issue of the religious slaughter of animals. Kaye contends that Jewish groups have three significant political resources that are generally absent in the Muslim community: communal unity, coherent organizational resources, and the strategic placement of communal personnel in elite positions. It is the presence of these resources among Jewish groups, and the absence of them among their Muslim counterparts, that explains the different policy outcomes.

Several analysts also note that the existence of ethnic, religious, national, and linguistic divisions within the Muslim community acts as a barrier to their political mobilization in Western European nations (Amiraux 1996;

Scantlebury 1995; Vertovek and Peach 1997). In Britain, for example, Muslims are divided by nation of origin (India, Pakistan, Bangladesh, and various Arab countries), major branches of Islam (Sunnism and Shiism), and Islamic schools of thought (Deobandis, Barlewis, and Wahhabism). Muslim groups in Britain have organized dozens of political organizations, many of which claim to speak for the Muslim community, but given the internal divisions among Muslims, it has been difficult for any one of these groups to become an effective national group. The division of Muslim groups is so great that some scholars point out that "the term Islamic community is inaccurate, and is better replaced by the plural form, religious communities" (Rath et al. 1999:67). Steven Vertovek and Ceri Peach (1997:30) correctly note that government authorities across Europe use this apparent disunity as a way of "refusing to respond to Muslims' socio-political overtures."

Muslims in Western Europe have for the most part failed to produce a native-born leadership, relying instead on religious and political leaders who are themselves immigrants or foreign born. An estimated 95 percent of all imams in France, for example, come from abroad (Le Breton 1998). The same appears to be the case for religious leaders in other West European countries as well (Cherribi 2001). The absence of native-born clergy and group leadership almost certainly means that Muslim groups lack key resources, particularly information about how best to use the political system to their advantage.

Finally, Carolyn Warner argues that there might be something endemic in "the structure and ideology of Islam itself" that limits the mobilization of the Muslim community; there is no counterpart in Islam to a Christian church, no formally instituted body to supervise the religious and political agenda for Muslims (1999:5). Warner claims that the absence of this religious hierarchy, particularly among Sunni Muslims, makes it difficult to organize the Muslim community as a whole. Individual mosques are important places of political mobilization for the Muslim immigrant community, she argues, but because they are locally controlled, often led by persons who are not themselves clerics, and frequently led by foreign-born imams, the capacity of Muslims to form a well-organized national political movement is limited.

Much can be said for using the insights of resource mobilization theory to explain the politics of state accommodation for the religious rights of Muslims in Western European nations. To the extent that there is disunity among Muslims (which is not surprising given their diverse origins), it does act as an obstacle to forming powerful organizations for collective political action. Our account of how European states have responded to the religious

needs of Muslims will thus pay attention to internal dynamics within the Muslim community that have limited its capacity to form organizations and bargain effectively with the state. On the other hand, a focus on resources alone is not enough to explain why states have responded as they have to the policy demands of Muslim immigrants. As we noted previously, Britain has been more generous in accommodating Muslim religious demands than has France. According to resource mobilization theory, the reason for this difference would have to be that British Muslims have had group leaders with access to some set of significant political resources that French Muslims have lacked. A closer look at the politics of Muslim groups in the two countries, however, will reveal that this is not entirely the case. The British Muslim community is smaller than the French one, it is no better organized, it does not enjoy a unified cadre of leaders, and it has failed to establish a single national political organization to represent the interests of Muslim immigrants. While divided in some important respects, Muslims in France are organized into central political and religious organizations through the Paris Mosque, the Union of Muslim Organizations, and the National Federation of French Muslims (Kusbah 1997). Yet it is Muslims in Britain, not France, who have won key concessions from the state. The reason, we will argue, has less to do with resources than with opportunities provided, or not provided, by the existing institutional structure of church and state in each state.[2]

Political Opportunity Structures and Muslim Mobilization

A second common approach in the literature on how European states have responded to the religious policy demands of Muslims focuses less on political resources and more on political institutions. Borrowing from political opportunity structure theory, this explanation highlights the direct and indirect ways that state officials and institutions influence the capacity of groups to engage in collective action, and examines the policy outcomes that follow from that political mobilization (Evans, Rueschemeyer, and Skocpol 1985; McAdam 1982; Tarrow 1998). The theory contends that key regime characteristics – such as whether it is a unitary or federal polity; the type of electoral system; the separation of powers between the executive,

[2] A resource mobilization theory also has the disadvantage of lending itself to arguments that have the flavor of blaming the victims of discriminatory treatment (Muslims in this case) for their political situation. The unstated assumption of such theories is that the Muslims would be better served if they were more like Christians.