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THE OBSTACLES TO THE INTEGRATION OF MUSLIMS IN GERMANY AND FRANCE: HOW MUSLIMS AND THE STATES IMPAIR THE SMOOTH TRANSITION FROM IMMIGRANT TO CITIZEN

> A Thesis Submitted to the Office of Graduate Studies College of Arts and Sciences of John Carroll University in Partial Fulfillment of the Requirements for the Degree of Master of Arts

> > By Yael R. Cohen 2011

This thesis of Yael R. Cohen is hereby accepted:

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#### <u>Abstract</u>

The place of Islam has been an ongoing debate for decades and still remains unresolved. Since the inception of the guest worker program initiated by European countries following the devastation of WWII, particularly France and Germany, Europe's largest economies, the unanticipated occurred; what was conceived to be a temporary imported labor force which would eventually return home, turned into permanent settlement. For France, the labor pool emanated from colonial holdings predominantly from Maghreb, North Africa. Germany had no such labor source, but had a long ongoing relationship with Turkey which dated back to the Ottoman Empire. The entrance of this particular labor force into the French and German space brought Muslim populations to countries which have very clear models of selfidentity and which are at odds with Islam. France's model of national ideology is based on jus soli— promoting the territorial notion of nationhood. It sheds any connection to religion, particularly in the public sphere, and is ideologically secular, promoting the concept of laïcité. Germany's national model is based on jus sanguinis, or blood-ties, and sees itself as Christian-Occidental. Both countries have promoted their specific models as a precondition to citizenship and belonging. Although changes have occurred, Muslims still find themselves viewed as aliens in both France and Germany, and are socially and economically marginalized. This situation has driven younger generations of Muslims, born and raised in France and Germany to find a place of belonging within their religious community rather than in mainstream society. Even so, some Muslim leadership in France is attempting to find a compromise between being both Muslim and French at the same time as a path towards integration, while in Germany, Turks have formed a parallel society through the strong organizations which they have developed to better serve the Muslim community and provide services which the German Government can't or won't.

# **Introduction**

The growth of Islam is one of the greatest internal catalysts for change in the whole of Europe, and has been for decades. Islam's impact has changed the way European society functions and thinks, stretching its arms to reach into the inner sanctums of states' political, religious, economic and social spaces, forcing them to rethink the relationship between religion and state in liberal democracies.

The cultural divisions and religious disparities between the states and their Muslim populations have created an environment where social and economic marginalization endures. This deprivation has caused Muslim resentment towards their host societies, particularly for the young. It has also contributed to their identity construction, and has driven many young Muslims away from normative French and German society.

Living within the framework of social and economic rejection strengthens an already existing insular structure, which triggers a refusal of sectors of marginalized populations to integrate, pushing them instead to seek acceptance and self-recognition among those with whom they can most identify. Rejection in the third generation, has unmistakably, brought about this trend among the young who, in opposition to their grandparents' refuse to hide and keep their religion relegated to the private sphere. Religion has become for them, a cultural and identity marker.

Islam has impacted Germany and France particularly, Europe's two largest economies, and the most formidable and central players in the centuries' long instability of modern Europe. The wars brought about by the enmities of these two countries caused the devastation of Europe, and launched a fundamental change by initiating guest worker programs from Muslim countries.

The depletion of manpower caused by war casualties, declining birthrates and emigration from Europe, all contributed to facilitating the need for labor importation (Rist, 1979). The arrival of Muslims on a large scale resulted from organized migration through agreements between countries of origin and the receiving countries. These agreements came in response to the increasing demand for cheap labor to drive the German and French industrial engines, as they emerged from World War II and into the reconstruction proces (Pauly, 2004).

Conceived of as a temporary work force, guest labor formed the basis from which these two states found the pool of human resources to fill their deficient labor force. Neither France nor Germany anticipated the long-term effects of this program. Little thought was given to the adoption of policies affecting imported laborers much beyond an anticipated rotation, whereby workers returned to their country of origin after a specified period of time, approximately two years.

Immigrant labor was not new to France and Germany, but until the 1950's and 60's workers primarily originated from other European countries, particularly Italy, Spain, Greece, Yugoslavia and North Africa. France's and Germany's unique historical backgrounds provided a different venue from which they recruited their postwar workforce. France often utilized manpower from its Maghreb protectorates as soldiers, or to fill labor needs, and had been doing so for decades. Until the late 1960's, "citizens of Frances colonies and former colonies were able to enter (France) freely" (Castles, 1986, p. 764).

Germany on the other hand, had no colonial holdings, and the full impact for the need of a foreign labor force came with the construction of the Berlin Wall in 1961, closing off the population from East Berlin, which until then provided a "large internal labor reserve-particularly refugees from the East" (Castle,s 1986, p. 768). Germany looked to its long-standing relationship with Turkey, which stemmed as far back as the Ottoman Empire, for its source of labor, and subsequently the countries signed a bilateral labor migration agreement (Rist 1979).

Today there are 13 million Muslims in Europe, approximately 3% of the population of the EU (Amghar, Boubekeur, Emerson, 2007, p.1), with the largest of these populations having settled in France and Germany. High Muslim birthrates are juxtaposed on the landscape of a declining European birthrate. A growth of 2.1 is needed to keep populations at replacement levels, but presently, the fertility rate stands at an average of 1.45 per European couple. Muslims living on the continent have three times as many children as the rest of the population, and in Germany onethird of all Muslims are under the age of eighteen, compared with less than one-fifth of the population as a whole (Franz, 2007, p.110). The increasing presence of Muslims has forced these societies to reassess themselves through the examination of their institutions and policies, creating structural reforms in laws that allow greater access to citizenship and accommodation of minority needs (Miller-Idriss, 2006) as they still struggle with the presence of groups that position themselves outside the society's identity.

There were many issues engendered in the importation of labor: the exploitation and underclass status of immigrant workers; the tensions between the immigrant workers and the indigenous working class; and the ambivalence of the governments of the host countries, "which could not clearly decide between rotation and resettlement or between a policy of integration and de facto apartheid" (Safran, 1986, p. 99). Much of the discussion focused on immigrants as a substratum of the working class that would over time be absorbed into the host society; relatively little attention was paid to noneconomic aspects of the immigrants' identity or relation to the host society.

Approximately half of the postwar immigrants to France, and more than a third of the immigrants to Germany, were Muslims. The foreignness and the alien social patterns of the Maghrebs and Turks have been an ongoing cause for concern to governments, trade unions, employers' associations, and researchers; and a range of approaches to integrate these immigrants and their children economically and linguistically have been contemplated. Still, the Islamic aspect of these immigrants has been widely ignored. Studies of immigrants in France give little note to the religious component; likewise, studies and government policies in Germany imply that Islam is not particularly relevant to the Turkish immigrant situation (Safran, 1986). Because Muslims arrived in the context of the guest worker programs, were expected to stay as long as their contracts allowed, and tagged as temporary immigrants, public policies on Islamic issues, that would accommodate Muslim communities, were never developed (Amghar et. al., 2007).

Islam is, however, making its presence felt in France and Germany in a way that is forcing these liberal states to rethink their cultural, social, religious, political and historical trends, pushing these societies to modify their comfort zones. As France and Germany move towards altering laws and providing accommodations for their Muslim populations, they are also revealing tendencies to retain some of their particular nationalistic tenor, if at all accepting of the other, then accompanied by demands of integration and adaptation of the immigrant to the respective society. The developments of the last sixty plus years could have not been predicted, nor was there any anticipation that what seemed to France and Germany as a benign issue of employment could emerge and develop into a multi-faceted challenge, encompassing a wide range of issues which has the whole of Europe occupied in debate.

What was understood to be a temporary economic venture soon shifted when, with the oil embargo in 1973, and the subsequent economic recession that followed, the guest worker program came to a grinding halt. [There] were specific trends in the development of the world economy which made guest-worker systems an appropriate form of labor mobilization for Western Europe from 1945 to 1974, and then made them superfluous. The former period was one of concentration of capital and production; the later period was one of global dispersal of industrial production, accompanied by revolutionary innovations in communications and control techniques. These new trends have transformed the role of the old industrial centers in the global division of labor, and have caused new labor migrations. The migrants of the previous phase, who are now settlers, have been left by the wayside (Castles, 1986, p. 771-772).

At the time, France and Germany did not hide their desire for the guest worker population to return home, even formulating one-sided return programs which were established unilaterally without serious consultation with the sending state. Money was offered as an enticement in order to expedite this initiative, but for the most part guest workers made no effort to return to their homelands, having by this time settled into their lives in the receiving countries. Immigrants enjoyed the economic benefits they reaped, oftentimes living a less restrictive life than in the sending countries. Moreover, employers understood the economic benefits of retaining these workers and, as a result, family reunification programs began being instituted.

Until the family reunification program was adopted, there was never a reason to deliberate over any religious, political or social accommodations for the guest workers beyond what they provided for themselves. Guest worker status implies the return of that individual to his country of origin. As Christian Joppke argues, "The assumption of return migration is the very rationale of a guest worker regime, which sees foreign labor as a conjuncturally disposable commodity without social reproduction and education costs" (1999, p. 65).

Temporary workers had no demands for religious institutions, schools, mosques, slaughter or burial rights—all that awaited them at home. They lived in substandard housing cloistered and closed off from the mainstream populations, who for the most part did not want to see them in the public spaces. But when their families joined, the demands for the normalization of daily life emerged and so did the obstacles to France's and Germany's ability to reconcile with their new reality.

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Since that time, integration and its obstacles have become a salient topic of discussion that is being addressed from the perspective of both the immigrant and the host countries. The obstacles to integration are seen through a variety of issues which have resurfaced for decades, including the headscarf debate, citizenship laws, and institutional marginalization which keeps this particular immigrant population within a cycle of social, economic and educational deprivation; all this within the context of unwavering, rooted historical traditions.

But Muslims, too, contribute to the debate in an attempt to fit Islam into the French and German paradigms. Some Muslims endeavor to retain the structure of Islam as a religion and way of life, while others strive to find their place in French and German society.

> The question of the relationship between Islam and modernity is as old as the confrontation of the Europe of the Enlightenment and the Arab and Muslim world. The arrival of Bonaparte in Cairo (1798) represented the symbolic moment of encounter between the west, the herald of modernity; and the peoples of the Muslim East, under Ottoman domain. The encounter stunned the Muslim world: a military and scientifically powerful West revealed itself and could no longer be identified as the old Christian enemy, because the Enlightenment rather than the Church inspired its actions (Cesari, 2005, p.93).

## **Historical National Ideologies**

France and Germany represent two varying models of national identity with diverse historical reference points shaping their ideology and limiting their ability to address the needs of their Muslim populations effectively. Integration, citizenship and inclusion rights face these widely divergent models, putting into question deeply rooted historical guiding principles of the separation of church and state, and national blood ties which formed the basis from which policies towards Muslims are still set (Joppke, 2009).

[T]he old Jew-hatred, based on phobias about the excessive Judaization (Verjudung) of French and German societies, is now supplanted by a phobia and hatred of Muslims. In France, this hatred has led to beatings and murders of Maghrebis, and in Germany, to insults, stoning of Turks, bombings of their stores, and the refusal to rent rooms to them or serve them in restaurants and recycling of Nazi terminology. On the overall, the overtly political expression of anti-Muslim sentiment has been limited, in Germany to manifestos against *Uberfremdung* overforeignization and in France, to the extreme right *Front National* (Safran, 1986, p. 110).

Conflicts exist where perceptions of Islam, its presumed threat to democracy, and its' very presence in the public space, have challenged the policy of the separation of religion and state and has brought those controversies into the political sphere, the courtroom and the media. Muslim challenges and the myriad of responses to them reveal inconsistent German and French practices regarding the concept of religious freedom, and the debate of individual vs. group rights (Ewing, 2004).

> [I]slamic presence might be explained somewhat differently with regards to France and Germany. In France, Islamic religious institutions have been characterized by relative underdevelopment and organizational weakness; leftwing political parties and intellectuals, government and trade unions have shared the conviction that Islamic or any other religious consciousness is artificial, temporary, and in the long run irrelevant, and the Arab identity of Maghrebi immigrants can somehow be politically and analytically divorced from their Islamic identity (Safran, 1986, p. 101).

## <u>France</u>

An enduring aspect of contemporary French politics is the neo-Republican deliberation on French identity, where inclusion in the national community implies an unconditional allegiance to the Republic and to its underlying values of equality and the separation of religion and state (Fournier & Yurdakul, 2006). Traditionally, France denies to any religion the status of a social and political ideology. A certain identity between secularism and the anti-clerical tradition has enshrined laicism in French legislation, beginning in 1901 by separating the Catholic Church from public education, and again in the Jules Ferry law of 1905, separating church and state. The strict separation between church and state in France is unequivocally affirmed in *Article* 1 of the *Constitution of October 4, 1958*, which holds in part that France shall

be an indivisible, secular, democratic and social Republic (Fournier &Yurdakul, 2006, p. 68).

"The French Republican tradition has actively combated any form of regional, ethnic, or religious identity that could weaken the link between the individual and the state" (Eldar 2006, p. 240). The French republican model of citizenship distinguishes between religious observance and ethnic origin practice as belonging strictly to the private domain. "The nation is first of all a political nation, based on contract and not on culture, be it multiethnic or multicultural" (Elder 2006, p. 240). The identity of Muslims in France is considered communitarian and is discouraged. The notion of assimilation is a crucial component of the French Republican creed, along with universalism, unitarianism, and secularism, rooted in the belief that citizenship should be based on a high degree of cultural cohesion and shared values which immigrants should partake in if they desire to become French citizens (Freedman, 2004, p. 20).

France is the archetypical example of the civic-assimilationist model of citizenship, which advocates inclusion through the adoption of republican values vis à vis integration. Assimilationist laws confer citizenship on the individual upon birth regardless of the parent's citizenship, based on the tradition of *jus soli*, a principle which originates from a republican, contractualistic and political definition of the state. It reflects a system of inclusion based on the primacy of the land, promoting the territorial notion of nationhood. Often a policy of immigrant receiving countries, it is used in an effort to integrate immigrants and allows those not of French origin to be absorbed on equal footing (Alba, 2009, p. 277; Giugni, 2004, p. 57). It is thought to reflect more adaptable ideological and political identities, and offers a more favorable setting for mobilization of immigrants and ethnic minorities (Giugni, 2004).

France is often called a "terre d'accueil," a welcoming country, but the acceptance of immigrants is wrapped up in the expectation that they will become French and not cling to hyphenated identities. The French method of integration implies a loss of ethnic identity. The supposition is that immigrants would, over time, adopt France's assimilation model, shun their religious and ideological alliances, abandon their cultural traditions, and conform to the civic culture of the prevailing system by shedding all alien characteristics.

All this has been dispelled by the emergence of the growing visibility of Muslims. The appearance of headscarves, on one level, is indicative of the fact that French-born Muslims, are, for a variety of reasons, adopting traditional behaviors, and as such, clearly reveals the challenges facing France. The French policy of Gallicization sees the ultimate outcome of integration as the privatization of religious practice, with Muslims becoming socially and economically assimilated. The reality is that historically, they are socially ghettoized and economically marginalized (Killian, 2007).

There is no concept of "minority group" in French legal texts; the "ethnic citizen" is not supposed to exist" (Killian, 2007, p. 307). This is legitimized when politicians weigh in, as did Jacques Chirac when he said, "We cannot accept that France becomes a pluricultural society in which our historical heritage would be placed on the same level as this or that other recently imported culture" (Killian, 2007, p. 307).

France continues to hold on to a past rooted in Catholic tradition and bound to an institution that has little desire or patience for diversity, wrapped up in secularism. Philosopher Michel Gurfinkiel explains the inherent obstacles ingrained in the French system, where multi-ethnicity includes a religious dimension in addition to racial and ethnic differences. Now France is facing a Muslim minority which exhibit foreign values, sees itself as a new nation and even aims at prevailing over a Judeo-Christian France (Garfunkiel, 1997).

Media and politicians present an image of ethnic minorities who take away others workers' jobs, sponge off social security, cause the housing problem, overwhelm the schools, and generally swamp our society and culture. Minority youth threaten public order through muggings, drugs and attacks on the police. Alien extremists create social unrest through violent demonstrations and terrorism. The Islamic minorities in France, Germany and Britain are portrayed as a threat to occidental Christian civilization (Castles, 1986, p. 776).

## **Germany**

At the other end of the spectrum, Germany is a society which thrives on political consensus and ethnic homogeneity. Acceptance into the German nation was based on differentialist laws, where filiations and direct decent from a German parent gave claim to German-ness, including automatic citizenship. This characteristic of emigration countries known as jus sanguinis is a method of preserving ties with communities abroad (Alba, 2009) through blood association, ensuring that the

majority of citizens were predominantly ethnic German. Nationalism has been at the core of German ideology since the mid 19<sup>th</sup> century, coloring the social and political landscape. It has shaped the ethno-cultural understanding of nationhood (Giugni2004), delineating ideological, political and cultural boundaries between citizens and foreigners (Dahlin, 2008).

"Nationalist ideologies", according to Iris Marion Young, tend to define their groups in either/or terms. They conceptualize the nation as strictly bounded between insiders and outsiders, and seek to define attributes of national identity or character that all members share. Claiming such an essence for the nation sometimes oppresses individuals within who do not conform to these national norms, and sometimes oppresses outsiders against whom these national members set themselves in opposition (Tebble, 2006, p. 467).

Moreover, by defining itself as religiously Christian-Occidental, Germany allows, through these two systems of belief, grounded in the German historical context, and ingrained deeply in the political and socio-economic structures of the state institutions, for the exclusion from citizenship of German born Turks and other ethnic minorities (Dahlin, 2008; Brubaker, 1990). The concept of jus sanguinis, at once entrance and barrier to German nationhood, has been reshaped over the years, but the debate continues in the political and social realms, on how to achieve Muslim integration (Fournier/Yurdakul, 2006).

Interestingly, it is Germany that offers clear religious liberty provisions in the Basic Law, including the protection of human dignity, rights of liberty, and equality before the law. Article 4 provides that freedom of faith, conscience, and freedom of creed, religious or ideological, cannot be violated and that the undisturbed practice of religion is guaranteed.

Moreover, Article 7 confirms that while the educational system is under the supervision of the state, a child's guardian has the right to decide whether the child will receive religious instruction, and that this instruction will form part of the ordinary curriculum in state and municipal schools in accordance with the tenets of the religious community. But, at the same time, Germany still abides by "concordatarian rapprochement whereby public status is assigned to the main religions in society" (Joppke, 2009, 122), specifically Protestants, Catholics, as well as Jews.

## The Social Condition of Muslims in France

Islam is the second largest religion in France, but

socially it is practiced by a group of people that is dominated, underprivileged and reduced to political silence. The negligible political participation of this sector reveals a minimal number of Muslims in established political parties. In the 2002 national elections there were only 123 beurs or blacks out of 8,424 candidates primarily in small sectarian extreme left parties, clearly on the fringe, signaling the continued exclusion from integration (Joppke, 2009, p. 128).

Faced with this situation, Islam has become, for some, a means of self-affirmation and resistance to the outside world, predominantly for the younger generations for whom religious practices are often seen as a form of self-identification, rather than a sign of real religiosity (Freedman, 2004, p. 8-9).

France's unfavorable perception of Islam stems from a variety of causes evolving through long adversarial and in many ways demeaning historical treatment of its colonial holdings. The stubborn non-compliance of Muslims to integrate continues to be a source of agitation for the French. Muslims are perceived as fundamentally confrontational, and those who are engaged in the validation of Islam are often accused of duplicity in relation to democracy and European citizenship (Boubekeur, 2007). Franz argues "that failed integration efforts of European states are contextualized for Muslims as a form of double exclusion, based on ethnic and economic factors" (2007, p. 90). The young of North African origin, particularly Algerians, still suffer from postcolonial syndrome and the "double bind," seeing themselves as French citizens yet connected to their parents in the context of Algerian history (Cesari, 2005, p. 97).

Integration policies aimed at assimilation encounter obstacles when confronted with populations that are socially and economically alienated. While the foulard (headscarf) affair exposed the constraints of cultural integration, the continuing economic exclusion of the immigrant-origin population, along with their lack of political representation, exposes the failure of the Republican model to promote any real solutions regarding the functional integration of immigrants (Freedman, 2004). Generations born in France still find themselves as part of the unskilled labor force which brought their families in search of a better life. They hold the undesirable jobs, which continue to root them in poverty, disenfranchisement, and as victims of institutional racism, an underclass made up of predominantly North African and Black youths from the *banlieues*. It was in part the reality that existed in 2005 when the riots broke out, a cry for recognition in an economic and social sense, and a wakeup call to the frustration brought on by marginalization (Joppke, 2009). The riots exposed economic deprivation and the racism embedded in the French nation, which permeates throughout the land of *liberté, égalité, fraternité*. The riots revealed that the "birthplace of *la Déclaration universelle de droits de l'homme* (the universel declaration of the rights of man) had become the setting of a rebellion by an underclass of have-nots" (Maurry, 2006, p. 27).

The 2005 riots triggered the worst social turmoil that France had seen since the student unrest of 1968. Over 9,000 torched vehicles and 3,000 people arrested in nearly three weeks of continuous rioting pointed to "living conditions of the most disadvantaged young Muslims in France against the backdrop of French assimilation policies that stress uniformity, and the existing widespread discrimination against Muslims. In France these policies resulted from state sponsored ghettoization" (Franz, 2004, p. 90).

Segregating Muslims in enclaves away from the majority population is particularly problematic in France, where the government classifies districts such as Paris' Clichy-sous-Bois as "sensitive urban zones" (Franz, 2004, p. 102). In these zones unemployment stands at 19.6-23 percent—double the national average at approximately 30-40 percent among twenty-one to twenty-nine year olds; incomes are 75 percent below the average (Joppke, 2009, p. 126).

The *banlieues* are dreary, isolated places comprised of unsightly post-war apartments which were, in part, constructed to house *les immigrés* upon their arrival as the much needed labor force; it was here that the disturbance took place (Murray, 2006, p. 29). Maghreb immigrants are over-represented among the populations living in the *banlieues*, and their children are often faced with social and educational challenges (Freedman, 2004).

The violence that broke out in the suburbs surrounding Paris, Lyons, Toulouse, Lille, and other cities, in the working-class neighborhoods where unemployment is high and education levels are low, had little to do with religion. Although the participants were predominantly Muslim, the inability of Muslim organizations (Murray, 2006; Franz, 2007), like the fundamentalist Tabligh, or the more mainstream *Union des Organisations Islamiques de France*, to halt the violence through fatwas issued went unheeded, suggesting a lack of religious influence. Tariq Ramadan, the iconic French Muslim leader, admitted the failure of organized Islam to be heard by the predominantly Muslim nonreligious rioters.

Christian and Jewish institutions were not sought out for vandalism; there were no proclamations about the hijab controversy, the Palestinian issue or the war in Iran, and Muslim university students did not go out and protest. Undoubtedly, the riots were exclusively about the ailments that plague the Muslim community, because of social and economic exclusionary and discriminatory practices (Franz, 2007, p. 102; Murray, 2006, p. 102). With an eye on the absence of Islam as a factor in the unrest, *The Economist* rightly spoke of an "angry rebellion of a beardless, Nike-wearing teenage underclass" (2005).

In this context, the issue of corporate racism is raised. Unemployment for French university graduates stands at 5 percent, but the figure for Muslim graduates is over 26 percent. When Muslim graduates endeavor to reach the middle and upper echelons of "France's companies, they find themselves trapped in something akin to those strange glass pyramids in front of the Louvre: a prism of glass ceilings where refracted colors become white" (Murray, 2006, p. 28).

The anti-racist organization, SOS Racisme, in an effort to expose discrimination in companies, uncovered the fact that given identical credentials, candidates with French, not foreign sounding, names were hired. Racism in job offers extends to profiling according to neighborhoods, as exemplified by prejudicial non-hiring practices against those from northern suburbs, known as the "neuf-trois (93)", after the first two numbers of the postal code, which are widely affected by this practice. "Even France's leading financial newspaper, Les Echos, recognized that 'in order to justify their reluctance to employ youths from the suburbs, employees stigmatize their qualifications" (Franz, 2007, p. 102).

To further emphasize the bigotry promulgated by the system, SOS Racisme points out that discrimination is particularly pervasive in the retail and hospitality industries, but also for jobs involving no contact with the public. It should come as no surprise that representation of those who are unemployed, and lack a meaningful education, wind up in jails in much greater numbers, nine times as many young men with North African fathers than those with French fathers. This same population of Muslim youth fall victim to daily targeted profiling and identity checks (Franz, 2007, p. 102).

Muslim minorities are severely underrepresented in all facets of institutional life, including the political sphere, labor unions that represent a labor force overwhelmingly populated by these minorities, and the corporate world. The evidence was clear when community leaders of the Seine-Saint-Denis *département*, where the uprisings began, stood before the cameras, following an emergency meeting about the disturbances. Every single one of them was white. Moreover, the fact that France's head of the "Commission of Racial Equality-la Haute Autorité de Lutte Contre le Discrimination et l'Egalité-is a white middle-aged male...an industrialist and former chairman of Renault, Louis Schweitzer...a bizarre choice to head an organization whose mission is to promote racial equality in the workplace" (Murray, 2006, p.29), where there was no token representation of the racial minorities for whom they speak.

State sanctioned aggressive measures against Muslims began well before the 2005 riots; the events of 9/11, the Madrid bombings and the domestic Algerian threat of terrorism opened up a flood-gate of anti-Muslim activities. Repressive policing actions were undertaken, and "[u]nder Interior Minister Nicolas Sarkozy, special police cells were built up in all the twenty-two regions of France, with stepped up surveillance of mosques, Islamic bookshops, long-distance phone facilities, halal butcheries, and ethnic restaurants" (Joppke, 2009, p. 126). Actions against the Muslim community were so excessive, and only seen in France, that even Amnesty International weighed in with an indictment (ICG, 2006, 9).

President Chirac, in his *Declaration aux Français* on November 14, 2005, spoke first about what punitive actions the state proposed in response to the uprising, then about familial accountability and immigration. Only afterwards, did he concede that the undercurrents of racism and discrimination colored immigrants' discontent. "But, then again, this is the same Chirac who, in 1991, spoke of the French people being driven mad by the noise and the smells emanating from the homes of their foreign neighbors" (Murray, 2006, p. 33).

France's Minister of Interior at the time, Nikolas Sarkozy, also stoked the fires of racism by referring to "the scum in the housing estates" (Murray, 2006). Although his inflammatory language provoked condemnation, nonetheless polls revealed that his popularity rose by 11 percent. As a result, the Ipsos-Le Point opinion poll noted that

he became the most popular political figure in France, with 63 percent of those surveyed supporting him, and 68 per cent condoning his management of the uprisings (Murray, 2006, p. 33). While in Nice, requests for mosque construction were blocked, or held up for long periods of time, as "[t]he mayor, Jacques Peyrot, defended his refusal to grant planning permission for a mosque in the language of the far right: faced with urban violence and the rise of radical Islam, it is not the right time to establish a place of Islam right in the heart of Nice" (Murray, 2006, p. 42).

After 9/11, French intellectuals and philosophers appeared in the media talking about urban violence, Islamic fundamentalism, radicalism, and in defense of western culture and values. Although they did not possess political power, their appearance in the media carried weight and the power to influence. The media's willingness to be the purveyor of xenophobia and racism helped preserve the national agenda, which denied that France was a multiracial and multicultural environment and needed to be looked at as such.

According to Franz, even though the vast majority of Muslims in France endeavors to acculturate and assimilate, those brought up in housing projects resent mainstream French society. The failure of assimilation, which encompasses finding one's self outside the orb of social and economic mobility, draws this group away from viewing themselves as a part of French society, and allows for them to align more prominently with their Muslim identities (2007). Franz frames the problem in terms of not being able to "overcome the *Fremdbild* ascribed to them by the majority society. On the other hand, to base one's identity (*Selbsbild*) on being Muslim allows these individuals to express their resentment in a cohesive way, not the least because society has provided them with the marker to begin with" (Franz, 2007, p. 100). As such, it is becoming evident that the radicalization of this population and their rejection of state institutions can be more greatly attributed to local and national influences than previously assumed (Franz, 2007).

One of the arguments of the French state depicts the conflict in terms of ethnoreligious communitarianism verses republican individualism. Joppke expounds on how both the riots and the jihad are individualistic acts not reflective of communitarianism. He suggests that there is an erroneous tendency by the French political elite to depict the discord in this way. Joppke sees it in reverse, where the motivating factors influencing the protests are individualistic and separate from organized Islam; by contrast, communitarianism is more precisely the unintended outcome of French state policies like the ethnic segregation of social housing where the attractive areas of the cities are reserved for whites and the peripheral rent controlled housing is allocated to North Africans (2009).

The social disjointedness is repeated in language usage referring to Muslims as émigrés or foreigners, and conveys a concept of exclusion, an entity separate from the French. A depiction by the media, heard during the riots where young Muslim rioters were portrayed as "foreigners leading an *'intifada des banlieues*' with France becoming 'Baghdad''' (Emerson, 2007, p. 18). At the same time the state produced the unfortunate "controversial Law of 23 February 2005, which stipulates that the school syllabi recognize, in particular, the positive role of the French presence overseas, notably in North Africa. On November 29, 2005 (less than a month after the uprisings) the French parliament voted to preserve this controversial law. So as French intellectuals sanitize French colonial history, the state follows suit" (Murray, 2006, p. 35).

In the 1990's, public discourse increasingly identified Islam as a major component of the problem, reflecting on the terrorist bombings in Paris, London and Madrid, the Rushdie Affair, and the violence perpetrated at the hands of young, European born Muslims. The discourse focused on the delinquency emanating from these economically deprived districts, principally addressing the social discontent of *'Beurs'*, children of North African immigrants, the resultant riots and the emergence of a 'crisis of Islam' (Emerson, 2007, 16-17). These events reflected decades of neglect by the political community to address the gap created by lack of social policies, and commitment to the Muslim communities victimized by being kept socially and economically at the periphery. As Murray explains, "If France wishes to encourage *l'assimilation*, it is going about it in rather a strange way: what better way to alienate and 'radicalize' its ethnic minorities than to continually ghettoize them as aliens and outcasts" (Murray, 2006, p. 42)?

> The apparent failure of 30 years of European social policies to integrate Muslims is directly related to the lack of Muslim political participation in European affairs at both national and local level on issues other than security and terrorism. Although the radicalization of Islam is an important and urgent issue, the policy relevant concerns of most Muslims in Europe instead involve day-to-day problems of Islamophobia; worship management; and social, cultural and political

exclusion—problems that tend to be ignored or poorly articulated at the policy level (Emerson, 2007, p. 17).

Both the left and the center-right parties set out to establish a secular representative Muslim organization or as Sarkozy, the Minister of Interior at the time, expressed "to create an Islam of France and not just an Islam in France" (Eldar, 2006, p. 242). The search for one representative Islamic organization to represent Muslims led to the selection of intermediaries to discuss with government representatives the practical problems of managing the religious domain, and led to the state-created Muslim federation, *Counceil Français De Culte Musulman* CFCM. Although eventually three Muslim federations voted to establish the CFCM, they were not able to claim success in that disputes and rivalries prevented a consensus in their representation of all Muslims. (Leveau, 2006)

Other organizations grew out of additional needs and beliefs. Political Islam found its representation in the *Union des Organizations Islamiques de France*, an extension of the Egyptian Muslim Brotherhood with a leaning towards militancy. Only recently have they moved towards "a softer, clientist stance toward the state, speaking for the educated middle class of Muslim origin in France but losing touch with the rougher reality of the *banlieues*" (Joppke, 2009, p. 126).

#### The social condition of Turks in Germany

Life in Germany has remained marginal for Muslims, who primarily find themselves at the lower rungs of the economic, social and political structures. This condition was, in part, forged by deficient policies on employment, housing, and education, along with the lack of integration mechanisms. The failure of integration created a framework of exclusion, based on both ethnicity and economic factors. The "myth of return," *Heimkehrillusion* (Safran, 1986, p. 101) endorsed the impermanence of the guest worker population in Germany. As a consequence of this belief, Islamic institutions were thought of as interim, and no effort was made to incorporate Muslims, or recognize Islam as a religion that could be suitably fit into the German cultural climate.

Turkish settlement occurred in great numbers in highly industrialized urban areas. Turks generally live on the periphery of urban centers in low rent, often dilapidated housing on the outskirts of Berlin, Munich, Frankfurt, Duisburg and Cologne, or in the industrial regions to which they came as guest workers. These patterns created ethnic and social class stratification which had an enormous impact on all aspects of this immigrant community, and the homogeneous make-up of the population magnified the opportunity for insularity. Segregation and socioeconomic deprivation resulted in the rise of a parallel, traditional Turkish society in Germany (Franz, 2007; Pauly, 2004). Peter Schneider explains, "Some hundred thousand Muslim immigrants were able to take up, in Germany, the life of their ancestors in Anatolia. Indeed maybe life in Anatolia was meanwhile more modern and secular than in the modern districts of Berlin. Thus, the guest workers turned into Turks, and the Turks turned into Muslims" (Franz, 2007, p. 107).

The media regularly focuses on forced marriages and the honor killings of family members who refuse to live in accordance with traditional customs. Heavily veiled women, wearing long coats even in the summer, has been a familiar sight in German Muslim neighborhoods. The revival of this lifestyle can be observed not just among those in lower economic levels who practice a more traditional lifestyle, but also in the middle class which is reverting to more traditional practices. Franz reveals that "[r]ental agencies that procure and prepare rooms for traditional weddings and circumcisions are the most booming businesses in Berlin's districts of Kreuzberg and Neukölln (Franz, 2007, p. 108).

As Pauly explains, "Most Turkish communities in German cities have retained distinctive elements of the culture of the original guest workers' national—and often regional and local—places of origin...[N]early three-quarters of Turkish residents in Germany 'live in ethnic enclaves with extensive Turkish networks of shops, restaurants, mosques and professional services. The advent of satellite television has kept the Turkish community updated on the Turkish language, political, social and cultural issues taking place in the homeland. Turkish cable television and TRT were available throughout Europe, and dozens of private channels soon followed" (Pauly, 2004, p. 70). "One study found that 74 per cent of Turks in Germany watched the Turkish news, and 40 per cent watched only Turkish TV. In addition, 95 per cent of Turks read Turkish newspapers and 55 per cent only Turkish newspapers. This explains why more than 200,000 copies hit the streets in Germany every day" (Ostergaard-Nielsen, 2003, p. 35). While suitable for older Turks comfortable maintaining their native culture, it hinders the capacity of members of the younger generations. Keeping submerged in Turkish culture in this manner is valuable in

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retaining connection to their roots, but simultaneously serves as an obstacle, creating a barrier to assimilation. The narrowness of the community created a host of problems, mainly centered on the inability to speak German properly, and has led to the failure of Turkish immigrants in the educational system.

German language deficits pervade the Turkish communities throughout Germany. Journalist, Ursala Sautter reveals in an interview with Dr. Ali Ucar that the language gap, the failure to learn German, is hurting young Turkish immigrants. "Most third generation Turks in Germany do not have a sufficient knowledge of German even though most of them have been born and raised here" (2001, p.102), says Ali Ucar, a professor of pedagogy at Berlins Technical University. In a study of 273 preschool children from immigrant families in Berlin's Keurzberg district, most of whom were of Turkish origin, Ucar found that 63% of the children spoke little or no German, as was found in other regions and for other age groups. For many Turks, the need for German is only necessary during school or work because of an extensive network which allows for the majority of their needs to be conveyed in Turkish. The language gap is one of the greatest barriers to advancement in the workforce, keeping them within the range of unskilled employment and sustaining an ongoing cycle of poverty (Sautter, 2001).

Young Turks often feel that they do not need proficiency in the German language, in part as a direct result of the insularity of their daily lives and social system, and in part because of their rejection by the majority population and their resistance to Turkish integration. The outcome of such a situation magnifies the disadvantage of not possessing strength in any language, cutting them off from German society and disconnecting them from Turkish identity. As young Turks find themselves excluded, they search out, or are sought out, and open to finding the place that will offer them a comfort zone. For many, this place is the Islamic social and religious setting, the demographic from which radical Islam is thought to emerge.

The lack of German language has impeded educational opportunities and exacerbated discrimination against immigrant children. The most recent data reflecting educational outcomes reveals that Turks are the group that is least likely to thrive, with stumbling blocks having been institutionalized within the educational system. Through the years that their status was ambiguous, with the expectation of their return home to Turkey, the educational approach was misdirected. Educational policies in Germany went in several different directions simultaneously. On one hand, it was thought that education should focus on serving the eventual return of these families to their homelands and the system subjected them to a special regime to fit these needs. On the other hand, minimal language skills were needed to navigate the system, including the job environment, and basic dealings with the establishment. As such, the authorities were inclined to offer German language classes. Attempts were made to become integrationist and assimilationist once the determination was made that Turks had settled permanently, and Germany, to a degree, succumbed to the pluralistic approach, acknowledging "the existence and legitimacy of a hyphenated German" (Safran, 1986).

Turks have the least success within the educational system; they have the greatest chances of dropping out, and are the least likely to pursue apprenticeships which lead to jobs. "Children from Turkish families are more likely to be sent to special schools for the learning disabled; elementary school officials frequently use ethnic background as a criterion to systematically direct children of Turkish descent toward special-ed. classes instead of regular classes. Thus, being Turkish has a significant negative correlation with graduating from high school (even in a good district)" (Franz, 2007, pp. 109-110).

By determining a child's impending educational career at an early age, Turkish students are directed towards vocational education, often ending up at "*Hauptschule*", where education generally ends at the age of 16, or "*Realschule*", where they are to learn a craft or a trade, but which essentially dilutes their educational opportunities. Immigrants all complain of not being given equal opportunity in the educational system which traps children early on, and extracting oneself from it is virtually impossible. Tremendous numbers remain without any training; the rate of unskilled Turkish young is five times higher than German youths, at about 40 per cent (Yurdakul, 2009, p. 3).

The problem of chronic and disproportionate unemployment pervades the Turkish community, where the rate is among the highest in Germany, with 50 percent of the young people of Turkish origin living in tentative and bleak economic conditions. This ethnic underclass of young does not have an optimistic future, with the lack of stable permanent employment or an occupation. In 2005, the unemployment rate for the Turkish immigrants in Germany was 31.4 per cent and 10 per cent for Germans, and they were the largest consumer of social assistance, with a concurrent representation within the welfare system. Nineteen percent of all immigrants drop out

of high school, and almost 20 percent of the prison population is foreign born (Franz, 2007, p. 108-109; Ostergaard-Nielsen, 2003, p. 34).

To think of immigrants as only welfare cases and those who deplete resources is erroneous. Turks contribute to the German economy, and as Yardakul points out,

> foreigners employ Germans, work in German businesses, and pay taxes to the German state. It is estimated that there are 61,300 Turkish companies in Germany. In other words many guest workers have transformed into employers, these companies most commonly in the retail sector (34.1 per cent) and in the food industry (23 per cent), employ approximately 319,000 people in Germany, and their yearly turnover is 28.9 billion EURO. The assumption that immigrants are a burden on the majority society is therefore an oversimplification at least in the case of Turkish immigrants in Germany (Yurdakul, 2009, p. 17).

Yet, economic deprivation and exclusion from the system has compelled Turks, who remain largely estranged from German society and politics, to look elsewhere for their self validation and identity construction. Even as far back as 1997 surveys indicate that segregation and discrimination not only tarnished the relationship between immigrant and German communities, but pushed the younger generations to align themselves with more radical ideologies, even to the point of sanctioning the use of violence. Of twelve hundred young Turks surveyed, one third believed that Islam should rise to power in every country and that violence against nonbelievers is warranted if it serves the greater good (Franz, 2007).

In the 1990's Ismail Kosan, a Green MP in Berlin's senate, argued that

Germany's refusal to integrate Muslims into society is driving them to the mosque...Religious fundamentalism is becoming more popular everywhere. The Turkish-speaking community here does appear to be becoming more religious, for the simple reason that Europeans are the true fundamentalists; they are the ones who have rejected them, who pushed them out and marginalized them into having an Islamic identity. In the 1970's very few women covered their heads and now you see them everywhere (Lebor, 1997, pp. 203-204).

Cem Ozdemir, Germany's first ethnic Turkish MP elected to the Green Party, concurred, explaining that

Islam is on the rise among Turkish youth. These people are not really integrated into society, they are in between; they are searching for another kind of identity because Germany never made it possible for them to feel part of society. There are two possibilities here, either to become a nationalist, a real Turk, or become religious. This is very interesting, it's a sign that some things are not going in a good way. It gives those people a feeling that they have something. They think: I am a Muslim; I have a mosque, community, security in this foreign world, foreign country (Lebor, 1997, p.209).

Public tolerance quickly declined as Turks began to affirm their Islamic cultural identities, foreign to the sense of conformity prevalent within mainstream German society (Pauly, 2004). Violence perpetrated against Turks, which rose at this time, did nothing but separate the communities further; moreover, the deaths in Solingen and Möslln only made it easier for radical Muslims to recruit in these communities. Yet, between the period of 1999 and 2000, surveys indicated that an increasing number of Turks, up from 30 to 40 per cent, feel equally attached to Germany and Turkey.

In part, an obstacle to integration can be found in the transnational connection of German Turks with Turkey, which is markedly strong and prolonged in the context of integration into the receiving country. It is for this reason that on his trip to Germany in February 2008, Recep Tayyip Erdogan, the Prime Minister of Turkey, thought it legitimate to comment on the situation that existed for Turkish Nationals. He specifically pointed to a suspected hate crime leading to the death of five Turks in a fire in the city of Ludwigshafen. This was preceded by the conservative premier of the state of Hesse Roland Koch's declaration, in a bid for re-election, promising to deport foreign criminals, specifically Turkish immigrants, two-thirds of whom did not have German citizenship. While in Ludwigshafen, Mr. Erdogan "reassured skeptical Turks that German police and firemen could be trusted. But then he seemed to urge them to hold themselves aloof from German society. Assimilation was a 'crime against humanity' he told a crowd of 16,000 in Cologne. Turkish children should be able to study in Turkish-language schools and at a Turkish university, [and with] that, he largely wore out his welcome. Politicians across the spectrum accused him of fomenting Turkish nationalism on German soil" (Economist, Apr.2000).

For Germany, this narrative of Turkey's leadership attempting to influence Turkish populations has persisted, even in the face of accommodations and radical transformations in Germany's citizenship law. While a change has taken place by the easing of the naturalization requirements, at the same time, the law does not allow for a smooth transition into citizenship (Miller-Idriss, 2006). Germany has one of the more liberal naturalization processes in Europe today, indisputably moving away from the famous chant, "We are not an immigration country." It has veered away from descend-based citizenship to naturalization provisionally based on *jus soli*.

Naturalization policies systematically excluding the young Turkish population from German citizenship brought to the forefront the controversial public discourse about the loyalty of Turks and their ability to be integrated culturally into the German collective identity, the "German *Lietkulture*," and sent a message of exclusion. It pointed to a wide social divide between this immigrant group and the host society, contributed to the already existing disparity in how Turkish immigrants envisioned themselves and the intolerance with which German mainstream viewed them. When in 2000 a new citizen law was passed, granting German-born Turks the rights of citizenship after five decades of settlement, an overwhelming number of immigrants did not take advantage of the opportunity to be naturalized (Franz, 2007).

> Throughout the 1990's, Germany ranked in the lower range within a group of European countries, with an average of 1.1 per cent of foreigners naturalized each year. Given that in Germany foreigners accounted for 8.9 of the population in 1998 and the naturalization rate in that year was 1.4 per cent, the overall naturalization rate was 0.13 per cent of total resident population, including German citizens. This is a relatively low figure and in stark contrast to France and other [European countries], where the overall naturalization rate is about twice as high (Minkenberg, 2004, p. 230).

The new citizenship law stipulates that conditional birthright citizenship is granted if at least one parent has lived legally in Germany for eight years. Individuals must decide by their twenty-third birthday whether to keep German citizenship or retain the nationality of their parents; dual citizenship is not accepted. Eventually, naturalization rates began increasing and today approximately 150,000 naturalizations are taking place per year (Joppke, 2009, p.120; Alba, 2009, p.280).

## **Anti-Headscarves Legislation**

One of the most salient debates that have captured the French and German stage is that of the headscarves. In many respects it is emblematic of larger issues that separate these states from their Muslim communities. Anti-headscarf legislation appeared in Germany and France simultaneously. Notably the first countries in Europe that legislated against the Islamic headscarf, each state interjected its own ideology into the debate.

On the surface, there seems to be an inconsistency in the French and German view on headscarves in the context of liberal democratic societies. However, John Gray explains, "Liberalism has two faces: that of a modus vivendi for reconciling many ways of life; and that of a way of life in itself—one that is conducted autonomously and rationally...one could say that French Republicanism is liberalism as a way of life. Prohibiting the headscarf in the name of Republicanism is thus within the ambit of liberalism" (Joppke, p. 2009, p. ix).

The wearing of the headscarf becomes reflective of the liberalism within the environment in which it dwells. "[I]n its ethical variant (France), liberalism risks to return to its repressive opposite, whereas in the procedural variant (Britain), liberalism encourages illiberal extremism" (Joppke, 2009, p. ix).

What has come to be known as "identity liberalism" is expressed by both the political left and right. As Adam James Tebble explains,

identity liberalism is "a right –wing national politics that is justified recourse to the ethical and rhetorical sources of multiculturalism...What makes identity liberalism distinctive and challenging is not its clear rejection of both multiculturalism and permissive integration policy in favor of assimilation and cultural selection, for it shares this with conservative nationalism. Rather the challenge lies in its appropriation of the very discourse and ethical reference points of multiculturalism in order to do so (2006, p. 471).

For France and Germany, justifying the headscarf proscription on the basis of separation of religion and state, or the ideology of secularism, was the matter of the absolute neutrality of the state, and national particularism. What differentiates the two states is that in France, the positions of state neutrality and national particularism tend to overlap, whereas they are starkly separate in Germany. "In the French

constellation it is described by a Republican intellectual, with characteristically overdrawn pathos: The French particularism is universalism" (Joppke, 2009, 119).

In France, the "state neutrality position argues that precisely because society is divided by many creeds, the state should not take sides in this, but leave creedal and lifestyle matters to the realm of private than public action" (Joppke, 2009, p. 115). In this regard, the veil ban in France is an infringement on the private choices and rights of the individual, perpetrated by the state. French universalism, captured in certain interpretations of *Laïcité*, focuses on belonging to a common nation through the creation of a cultural identity, in the course of an integration process. The inability to bring in French born Muslims illustrates the dilemma embedded in the coveted jus soli model of acceptance.

"The principle of *Laïcité* is nevertheless open to conflicting interpretations. It may be either particularistic, an almost sacralized condition of assimilation *a la Françoise*, or a liberal principle guaranteeing religious freedom to everyone, Muslims included" (Joppke, 2009, p.119). The headscarf has become the leading symbol of a conflict that stands in opposition to all that France sees itself as. For France, republicanism and laïcité, both variants of liberalism, frame the debate.

Germany too, is defined as a liberal democracy; its actions towards the "other", however, recount an historical past, placing Germany more in the realm of national conservatism. Tebble explains that

> [T]he constitutive nationalism and hence *unchosen* nature of the national ties means that also central to conservative nationalism are the ideas of authority, tradition and allegiance where inherited national institutions are to be respected. As Miller explains, in conservative nationalism "the nation is conceived of not merely in terms of horizontal ties to fellow members, past and present, who share whatever features are taken to constitute the common identity, but in terms of vertical ties to established institutions which are regarded as authoritative" (Tebble, 2006, p. 468).

In the German context, the residual effects of a nationalist identity, even paired with a liberalized naturalization law and more accommodations for the Muslim community, still reflects the nationalist ideology, which surfaces in the headscarf debate. '[H]aving such an identity brings with it not only the idea of membership but also of *non*membership. 'Since there is no "we" without a "they"...the possibility of enmity and fragmentation is contained in the very foundation of political existence.' The true cost of community, therefore, is sanctity, intolerance, exclusion, and a sense that life's meaning depends upon obedience, and also on vigilance against the enemy. More specifically, conservative nationalism views the appropriate stance of the state towards minority faiths and practices as certainly not one of multiculturalism or even liberal neutrality. Rather, for conservative nationalists formal recognition should only be given to the institutions that express the national identity (Tebble, 2006, 468).

But, no matter how liberal states respond to what they see as the Islamic challenge to liberal values, they cannot but violate some of their own liberal precepts when they repress religious liberties, as in the French and German banning of the headscarf.

#### **France**

The foulard (hijab) affair first occurred in 1989, when three Muslim girls were expelled from school in Creil, near Paris, for wearing the headscarf. The Ministry of Education turned to the Counci d'Etat for a response as to the authorization of a school administrator to expel students for wearing religious symbols. Although laïcité essentially allows for an individual to exercise freedom of expression including religion, wearing the hijab brought to the forefront issues emphasizing that secularism represents a crucial part in the definition of the French Republican identity and was looked at as an affront to Republican values. The foulard affair placed secularism in opposition to freedom of religion, questioned the practice of religion in the public versus the private space, and highlighted the matter of gender equality. It also revealed France's tentative relationship with her former colonies, along with unresolved animosities; Algeria particularly was a sensitive issue for France.

The residual effects of colonialism are an element that plays heavily into many facets of the French and Muslim relationship.

[A] nuanced and elegant account of the French headscarf controversy which is laudably sensitive to 'local context' and eschews lump-talk of a European Muslim problem, finds that a colonial view of Muslims as 'lesser people' undergirds the French aversion to the headscarf"; that "the 'fervent nationalism' of the champions of laïcité is really another mark for racism (Joppke, 2009, p. 108).

Joppke sees it differently; he explains that the symbolism of the veil controversy, and the fixation on it, is a metaphor for separation and exclusion. It deflects attention from the real obstacles which allow for marginalization, poverty and discrimination to persist. To some degree, religion provides a distraction from addressing the core problem (Joppke, 2009).

The debate about whether Muslim girls should be allowed to wear their headscarves in the secular schools so dear to the heart of French Republicans has exposed one of the fundamental difficulties that the French conceptions of nationhood and citizenship pose for immigrants, namely the residual assimilationism which demands some kind of cultural uniformity as part of its project of integration. As Brubaker comments, "While French nationhood is constituted by political unity, it is centrally expressed in the striving for cultural unity. Political inclusion has entailed cultural assimilation, for regional cultural minorities and immigrants alike" (Freedman, 2004, p. 6).

It appears that The 1905 Law on the Separation of Church and State, which was intended to protect religious liberties as part of the laic tradition, has, in France, been superseded by the quest for homogeneity (Joppke, 2009, p. 41). Moreover, the argument that the French Republic is under assault by influences antithetical to equality and freedom caused politicians and feminists to rally together against the veil (Killian, 2007).

The Debray Commission was subsequently established by the French National Assembly to advise on the veil and also to create a law on laïcité. The Law on Education of July 10, 1989 extended the neutrality principle, which had already been placed on teachers, to the students. Polls had consistently reflected an anti hijab bias, with the National Front being the first party to voice its views. Public opinion in 1989 echoed sentiments which were reflected in a poll published in Le Monde in November of the same year, revealing that 75 per cent of those questioned were averse to the idea that girls should be allowed to wear a headscarf in school, with subsequent polls strongly substantiating these results. The headscarf debate continued, and in 1994, the Bayrou decree established a distinction between moderate religious expressions, and ostentatious signs and dress which represent elements of proselytism (Joppke, 2009; Silverstein 2004). Although this law professed to be universal in its intent by encompassing all religions in this matter, the Jewish kippah, blatantly oversized crosses and the like, it was unmistakable that the target was the hijab, and by extension called into question the legitimacy of Islam in the French public sphere. Moreover, in the context of the global world, it was interpreted as a direct attack on Islam (Silverstein, 2004; Killian, 2007).

It was also in 1994 that Minister of Education François Bayrou published a circular recommending that no overt religious symbols be allowed in schools; his recommendation, however, blatantly excluded the crucifix and the Jewish kippah.

It is significant to note the timing of this ruling by the Minister, made as the political situation in Algeria was deteriorating, and the Front Islamique de Salut (FIS), an Islamic fundamentalist organization, was gaining power. Fears about the place of Islam in French society and the threat that fundamentalism posed, were growing in this context, as signaled by newspaper headlines such as, 'Fundamentalism attacks schools' (*Le Point*, 1994) and 'Headscarves, the Plot: how are Islamists infiltrating us? (*L'Express*, 1994)' (Freedman, 2004, p. 14).

The media played no small part in perpetuating these stereotypes. They persistently portrayed Muslims as radicals, who either aspired to destabilize the secular French state, based on the sacrosanct principle of the separation of church and state, as a legacy of the 1789 revolution, or were planning a fresh campaign of bombings on the Paris Metro as in 1995 (Lebor, 1997), an act resulting from lingering hostilities as France backed the Algerian military regime against the will of the Algerian people. Threats of bombing the Eiffel Tower were followed by the police killing of *banlieues* ' terrorist Khaled Kelkal. The 21<sup>st</sup> century ushered in the Palestinian intifada and global terrorism, none of which escaped French authorities. The one unvarying element in the French state's dealing with Islam was a profound fear of violence which perpetually colored the perception of the Islamic headscarf in terms of an equation- headscarf = Islam =terrorism (Lebor, 1997 p. 173).

Strengthening this stance were the initiatives by the right-wing to reform nationality and immigration laws, to clearly address issues of integration and citizenship. Under the leadership of Minister of Interior Charles Pasqua,

> Between May and August of 1993 Pasqua ushered into existence a cluster of laws designed to curb the entry of foreigners at the border and to assert greater control over the conditions of their legal residence in France. Described by *Le Monde's* Philippe Bernard as a "very severe toughening" of polices with respect to foreigners, the Pasqua legislation, crowned a twenty-four year effort by the French state to halt the influx of immigrants-particularly immigrants from North Africa, and other former colonies whose labor fueled the postwar industrial expansion (Scullion, 1995, p. 30).

Pasqua also connected the issue of nationality to the idea that in order to become French, an immigrant must rebuff any kind of religious fundamentalism. This reference to "religious fundamentalism" was unmistakably targeting the headscarf as a symbol of incompatibility, jeopardizing the French Republican values and its culture (Freedman, 2004).

The symbolism that is derived from the headscarf is not new,

[T]he Victorian colonial paternalistic establishment appropriated the language of feminism in the service of its assault on the religions and cultures of other men.' In turn, to the degree that 'the' occupier was bent on unveiling' Muslim society...With respect to the French in Algeria, the veil took on the new meaning of resistance, which it would recover in the 1980's Islamic revival, with the ironic implication that 'it is Western discourse that in the first place determined the new meaning of the veil. The Islamic headscarf has evidently been a central stake of conflict ever since the West has encountered Islam' (Joppke, 2009, p. 8).

Hamdan concurs that "support for the ban on the hijab originates from historical colonial discourse when the hijab was equated with degradation, ignorance of interlocking systems of cultural traditions, immigration psychology and religion" (2007, p. 11). He reveals that a majority of the French public supports the ban, with figures ranging from 57-70% in polls. Significantly, 70% of the French public and three quarters of French teachers who were defenders of the hijab ban view the reaffirmation of Muslim women adherent to the hijab, as a refusal to assimilate into

the French identity. Defenders of the ban find that a refusal to assimilate and reject the hijab is unacceptable (Hamdan, 2007, p. 12).

S.O.S. Racisme, an anti-racism organization which had previously supported the wearing of hijabs in school, was now turning its head on that position. "The leaders of the organization explained this stance by saying they believed that the growth of Islamic Fundamentalism was a real danger in some of the suburbs with large immigrant populations" (Freedman, 2004, p. 15). This was understood, on many levels, to be the end of the political model of *le droit à la difference*, and the return to the "primacy of a strict version of French Republicanism" (Freedman, 2004, p. 15).

The debate continued and in 2004 a commission headed by Bernard Stasi published the Stasi Report, resulting in an anti- headscarf law, making uniform what the Bayrou circular didn't. Since the Bayrou circular was not a law, teachers, until then made decisions on whether they would allow hijabs in the classroom or not on a random basis.

The Islamic headscarf has roused debate for two decades, and in 2004 a law was established forbidding religious symbols in the public schools. School, for the French authorities, was the central place for acquiring Republican values, stressing nation-building. The French system essentially allows for duality and as Regis Debray explained, "*Laïcité* is the possibility to lead a double life, from one's childhood on', with the school as a separate space where the particularisms and factual conditions [of life] are suspended. The public school allowed the child to emancipate herself from the confines of her social background and become a true citoyen" (Joppke, 2009, p. 42).

The Stasi Report laid the groundwork for the anti-headscarf law and focused on the school as the fundamental institution in which republican values can be disseminated, but also as a place of neutrality where no religious influences should affect the students. It also brought to the forefront the idea that non-veiled girls needed protection from the pressure of the veiled girls to adopt the head cover. Although there was evidence to the contrary, this argument kept France within European human rights standards by guarding against questionable religious articulation, which was to be suppressed, in order to protect the rights and freedoms of others (Killian, 2007; Freedman 2004).

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Against the growing specter of violence, liberal laïcité was a luxury that could no longer be afforded. As the Stasi Commission put it laconically, 'today the question is no longer the freedom of conscience, but public order. Its final report drew an almost paranoid picture of organized groups testing the resistance of the republic (Joppke, 2009, p.48).

Among other issues, the Stasi Commission reiterated the idea of the sacrosanct public space engendered in the public school which upholds republican values. Stasi touched upon the historical aspects of *laïcité*, and suggested steps in balancing "freedom of belief, the legal equality of religious group, and the neutrality of the state vis-à-vis religion" (Silverstein, 2004). The report recommended points of appeasement including the incorporation of *Yom Kippur* and *Eid al-adha* as official public holidays, adding more ethnic sensitive issues to the curriculum, including topics on religion, colonial history, decolonization and immigration. It recommended the inclusion of more immigrant language offerings to the curriculum, and the rehabilitation of urban ghettos which were seen to be a breeding ground for anti-secularist fundamentalism. Furthermore, the Stasi Commission suggested "the adoption of a Charter of *Laicité* to be invoked during the various public rights including the naturalization of immigrants" (Silverstein, 2004, p. 2).

While discussions on some of the points of the report continued, the only immediate component considered was for legislation against ostensible religious signs and dress in public schools. The report was officially proposed by President Jacques Chirac in December of 2003 and submitted for constitutional review by the Ministry of Education on January, 2004 (Silverstein, 2004, pp. 2 & 1).

The 2004 Law on *Laïcité*, resulting from the Stasi Commission Report strove to achieve national unity and cohesion at the unavoidable cost of encroaching upon certain individual rights (Joppke, 2009). The ongoing ideology of neutrality which once focused exclusively on the teacher was, by the headscarf ban, extended to include female students, in an effort to broaden the depth of integration and naturalization.

*Laïcité* is considered by supporters of the law proposal to be a fundamental, immutable pillar of the French Republic. Enthroned in the present constitution, it is variously cited in the Stasi report as the 'corner stone of national unity,' the 'guarantee of individual freedom,' the 'founding value of the republican pact,' and most colorfully, the 'leavening of integration.' For the authors of the report, *hijabs* worn in school—as clear markers of 'communitarianism'—threaten laïcité, and hence the 'social pact' of 'living together' that maintains the republic as an integral unit" (Silverstein, 2004, p. 2).

A poll taken during the time of the Stasi Report, in 2004, reflected similar results as previous polls, revealing that public opinion supports a law outlawing the head covering. "In a survey carried out by *Le Figaro*, 55 per cent of the respondents said, they were favorable to such a law, with the figure rising to 62 per cent for right-wing voters" (Freedman 2004, p. 13 & 17).

There were numerous reasons given for France's stringent position against the veil. In part, it was thought to be a buffer against globalization and pressures of the European Union. It was a way to affirm national identity while focusing on more stringent immigration policies, and as Killian points out "the defensive and punitive policies towards all visible signs of *Islam*' was a response to fears of an 'Arab-Muslim menace" (2007, p. 308).

Mainstream politicians have pushed for legislation which appears to have overtones of denial and rejection of the multicultural and pluralist society that has become France. Both Chirac and Sarkozy have been found wavering between nationalistic views and more open opinions. Alain Juppe, Prime Minister from 1995 until 1997, expressed during his tenure that,

integration which confers rights, all the rights of the French, of course, with naturalization, also implies accepting a certain number of rules for the common life, in particular performing national [military] service for France, when one wants to be French; accepting the role of the school as integrator and not multicultural...; and finally, [one must] accept certain modes of social and family organization (Killian, 2007, p. 308).

# <u>Germany</u>

The headscarf controversy erupted in Germany when the Stuttgart Supervisory School Authority refused to employ a Muslim teacher, Ferestha Ludin, claiming that she lacked qualifications, although she passed all her exams. Primarily however, everything pointed to the headscarf as the reason for the decision to deny employment. Germany's preoccupation with the veil ban applied to teachers; the right of students to wear the veil has never been in question (Joppke, 2009) as in France. Ludin went to court stating that her religious rights and right to equal treatment had been violated as provided in Article 4, paragraphs 1 and 2, of the Basic Law, and that her right to equal access to all public offices in accordance with Article 33 had also been violated. Even so, the administrative trial court of Stuttgart did not find in her favor, initiating a series of trials in the various state and federal courts (Benhabib, 2010, p. 460).

Ludin triumphed, however, in her appeal to the Federal Constitutional Court when it held that refusal to employ her violated her rights under the Basic Law. But Ludin's victory was brief. The court left the veil ban in place, stressing its "inherent polyvalence and multiplicity of meanings, which-in principle-could not be adjudicated by the neutral agnostic state" (Joppke, 2009, p. 124). Because of the diversity within the Muslim community, the court's opinion was that Ludin's head covering would not likely influence girls in her class nor would it affect her teaching. The FCC reached its decision on the insufficient statutory foundation of the Stuttgart School Authority for the denial of Ludin's employment application. Yet, while conceding that Ludin had fundamental rights, the court nevertheless ruled against her, and turned the matter over to the Baden-Wurttemberg legislature. The court thereby provided each Land with its own legislative power to deny a job to a teacher who insists on donning an Islamic headscarf, by simply enacting a statute that provides the foundation for such denial (Fogel, 2006/2007, Benhabib 2010). In Germany, by taking a teaching position, the individual chooses to place him or herself in the arms of the state.

A March 2000 court case upheld the state of Baden-Wurttemberg's resolution to deny the employment of "Mrs. Ludin. The administrative court of Stuttgart stated bluntly: From the value decision of the constitution of the *Land* it follows that non-Christian teachers can express their religious affiliation only *under narrower conditions* than Christian teachers. Indeed, Article 16 of the regional constitution stipulates the 'Christian character' of the public school" (Joppke, 2009, p. 54). Historically, German public schools were predicated on Christian cultural traditions, and were expected to educate children based on these values as stipulated in Article 16.2. Additionally, Islam was not a recognized religion and was not granted equal status and rights.

The headscarf controversy can be looked at as a battle over the meaning of the German state: Was it a liberal state duty-bound to treat the adherents of all religious creeds equally, or was it an ethnic state in which the Christian-Occidental majority had certain privileges which the Islamic minority did not enjoy? The first position was taken by constitution-watching courts which were more generous with their decisions in accommodating religious beliefs, the second, by popularly accountable regional parliaments legislating against the headscarf (Joppke, 2009).

Germany, in a series of sub-federal Lander laws passed in 2004 and 2005, prohibited public school teachers from dressing up religiously, but made a curious exemption for the adherents of the Christian faith (Joppke, 2009). "The German response is, not in name but in substance, nationalist, in that it draws a particularistic distinction between 'us' and 'them' as differently situated groups that cannot mix" (Joppke, 2009, p. x).

In Germany there is a clear separation between state neutrality and national particularism. With the Federal Constitutional Court's September 2003 landmark ruling in the *Ludin* case, pressure mounted from the Federal President, Johannes Rau, and from the then Cardinal Ratzinger, "Pope Benedict XVI. In a high- profile intervention in the political rush toward banning the veil that was spurred by this ruling, they argued that an adjustment needed to be made in the state's neutrality position—advocating treating all religions equally. Combining state neutrality with a headscarf ban and the removal of all religious symbols from the classroom, warned Rau, would in effect amount to the introduction of French-style *Laïcité* in Germany" (Joppke, 2009, p. 119). When speaking of neutrality, the German approach is to simply reject the validity of the Islamic headscarf, encasing the decision within the framework of the German culture's Christian-Occidental creed, where there is no expectation to treat any religion, not in the framework of the Judeo-Christian tradition, on equal terms (Joppke, 2009).

In 2003 and 2004 in south Hesse, and northern Lower Saxony, blatant violations of the equality principle emerged, as these Lander sought to reinforce national particularism untainted by any liberal neutrality constraint in targeting the veil, and explicitly allowing the display of Christian and Jewish wear by public school teachers. The argument repeated that the "German nation was Judeo-Christian, and the state representing this nation has the license to be partial and discriminatory against religions that were not traditionally a part of it" (Joppke, 2009, p. 120). Specifically, they argued about the political nature represented by the headscarf, looking to its alleged objective meaning, and having ascribed to it a political symbol of radical Islamic fundamentalism, oppression of women, and anti-western sentiment.

If headscarves stand prominently as a representation for the lack of integration, they also stand as an assertion of identity. According to Joppke, "not before the mid-1990's did claims-making on the part of Turkish Muslims occur in terms of being 'Muslim' rather than 'Turkish'" (Joppke, 2009, p. 59).

## French Muslims-Finding Home

It is often said that Islamic values are incompatible with those of the French secular Republic, but a May 2008 Gallop Poll shows that Muslims desire political inclusion, rule of law, and freedom of expression. As far as their identity is concerned, many Muslims think it unlikely to consider oneself equally Muslim and French. To a great extent, this conflict between being Muslim and being French is rooted in the clash between traditions. Research indicates that the West and Islam differ primarily on issues of "Eros," that is, self-preservation as regards moral issues, rather than "demos," democracy and governance (PEW, 2006; Al Arabiya, 2010).

Recognition by Muslims of the "Republican ideal" does not inevitably lead to their assimilation into French society. France's assimilation policy requires cultural homogeneity as a component of migrants' efforts to integrate into French peoplehood, whose identity strongly links republicanism with secularism (Franz, 2007). What makes Islam resistant to secularization can be found in its very foundation. Islam is rooted in the belief that it

> Completes and rounds off the Abrahamic tradition and its Prophets, and does so with finality... Islam has no separate sphere of mundane society from which there could arise an impulse for change...The 'greater social pervasiveness of Islam' is due to the conceptual completeness and finality of the divine message. Mohammad is the last prophet, through whom God has spoken to humankind *for the last time*. There is to be no addition, divine or human, to the revelation of God's word in the Koran. Being 'revealed not enacted', Islamic law cannot be changed in any way, and least of all by

human beings. Being resistant to secularization in these two ways, through extreme scripturalism and monism, Islam forces its believers to bow to the mores of eighth-century society which is perpetually frozen in it (Joppke, 2009, p. 9).

Secondly, Islam is constructed on a theocratic foundation, pervading society with no distinction between church and state. It is in fact a

blueprint for social order in direct contradistinction to the dualism existent in Christianity where the worldly and heavenly spheres are set apart. "The expression of this dualism is explicitly found in the Christian sources including Jesus' admonition in the Book of Matthew (22, 15-34) to render to Cesar what is due to Cesar and to God what is due to God.', reiterated in Augustine's distinction between the 'city of God' and the 'city of man'. This dualism, made Christianity, as the French historian Marcel Gauchet put it. The 'religion for departing from all religion', that is, of embarking on the road to secularization (Joppke, 2009, p. 10).

This suggests that in Christianity, there exists a foundation and an impulse for change which does not exist in Islam. The entry of Islam into secular democratic spaces that sanction the individual's free choice presents a real dilemma for immigrants.

In the 1970's and 1980's the signs of permanent Muslim settlement in Europe began taking root. Closely linked to their country of origin, the first generation of immigrants developed a community-minded sense of religion, based on the organization of worship of the sending countries, notably Algeria, Morocco and Turkey, which financed them and sent their own imams to manage them (Amghar, 2009).

The Europeanization of Islam began to evolve with the younger generations severing their identification with the Islam of their parents' country of origin, as they began identifying themselves in terms of being French and German. They also began to demand equal treatment within the construct of citizenship, and within the institutional life of their respective countries, in terms of the political, social and economic aspects. Muslim associations and Islamic religious organizations also joined in advocating for Muslims to take a dual road of maintaining their religious ties, while at the same time assuming the position of citizen. Concomitantly, European thinking regarding Muslims in this more liberal fashion was obstructed by a number of events, underscored by the rise of radical Islam, the headscarf controversy and 9/11. The focus on Islam and Muslims drew attention to Islamic terrorists, and exacerbated the view that Islam is ill-fitted to the European environment.

In their work, Eldar and Cesari elaborate on a shift taking place within Muslim communities, and the potential opportunities for integration of Muslims in Europe. Islam for them, supplants their historic and religious experience as a majority group in *Dar al-Islam* (the house of Islam), where Islam is far more than just a religion with its rituals. It is an essential part of the social framework, denoting a shared identity that defines social bonds, as well as national and political groupings which are closely interlaced. As Muslims find themselves in the minority in "*Dar al-Harb*, the House of War" among the "infidel Christian majority" (Eldar, 2006, p. 238), the change to the social model compels them to address their own *Dhimmi* or minority status, one which in the Muslim environment reflects inferiority and a move away from "the historic experience of the Muslim *umma* (nation). Finding itself in the European setting, forces Islam out of its status as a communal, cultural or social given. Religion enters the sphere of personal preference, and consequently that of questioning as Muslims attempt to reconcile their beliefs with their status as European citizens (Cesari, 2005, p. 94 & 96; Eldar, 2006, p. 238).

With this perception of inter-religious and majority-minority relations embedded in the Muslim paradigm, and the absence of a concept of a minority form of Islam, as other than provisional in Muslim thought, the Muslim minority in Western Europe has been exposed, at this stage, to a destabilizing environment, insofar as its own identity is concerned (Eldar, p. 38). Within this environment, changes have begun to occur.

Muslim communities are not homogeneous, and the diverse management of their daily lives can be seen throughout the religious and political spectrum; neither do they share a singular notion of integration. "Roughly 2 million of France's 6 million Muslims are French citizens; approximately 35 percent consider themselves to be practicing" (Franz, 2007, p. 100) the faith of Islam.

Three distinct groups of activist Muslims can be distinguished according to their views on the relationship between religion and politics. The first group looks for Muslims to act as a 'positive minority' while maintaining a close tie with Islam within the context of European society. They are engaged politically in that they vote primarily for traditional secular parties, participate in European political events such as the referendum on the European Constitution, and organize events related to globalization (Emerson, 2007; Cesari, 2005).

For the majority of Muslims, the bonds with their religion exist. The expression of this connection for European Muslims, who see themselves as "complete citizens, and highly 'Gallicized' as far as their moral understanding and practices are concerned" (Eldar, 2006, p. 243), manifests itself through observing traditions, but not participating in religious institutional practice. Much like secularization trends seen in Catholicism in Europe, an observable secularization process is taking place in Islam, which is experiencing a perceptible decline in mosque attendance, by 80% of young Muslims educated in France (Cesari, 2005, p. 96). Sociologist Chantal Saint-Blancat explains that "the stricto-sensu normative religious dimensions are progressively abandoned in favor of a more cultural identification. According to sociologists, the religious identity has, since the 1980's, become essentially a private familial affair—a new Islamic religiosity" (Eldar, 2006, p. 243).

Secularized Muslims comprise a "silent majority" in Europe, and they attempt to integrate Islamic precepts with the daily life in the society. They function under the realm of the privatization of Islam, and "envision their religion as a source of values that imbues their lives with meaning" (Cesari, 2005, p. 96). Islam is imprinted in traditions and family customs, ancestral and cultural legacy, connecting "non-practicing" believers, with the Arab and Muslim group and is in fact a "mark" of affiliation that positions this individual more in culture than in religion. This secularized Islamic belief system reveals the practice of Islam as a function of personal choice, what Cesari calls "loose Islamic Identity" (Cesari, 2005, p. 97).

Dalil Boubekeur, at the time, the rector of the Great Mosque, saw this phenomenon as "an attempt to synthesize republican laïcité with the modern Islamic conservatism that strives to preserve the Islamic tradition" (Eldar, 2006, p. 243). Those who are proponents of this phenomenon, see a shift in the Muslim conceptualization of *Dar al-Harb*, with France becoming "a piece of *Dar al-Islam*", a secure environment in which to practice their religion. "In gradually detaching themselves from considering France as *Dar al-Harb*, the Muslim silent majority may be defined as adaptionists in quest for some kind of religious space, prescribed by *darura* (economic necessity) and adapted to modernity" (Eldar, 2006, p. 243).

Diminishing connectedness affords new possibilities, as observed by the establishment of a network of Islamic institutions in Europe, a recent trend, substantially disparate than those who arrived earlier. It took more than a generation for Muslim immigrants to consider France a "Muslim land", and it is these subsequent generations, who have attempted to reconcile fidelity to a transplanted tradition, with a place in the French cultural sphere.

There are those Muslims, who developed a 'religious citizenship,' by rejecting all non-Muslim political systems. Among them is an ultra-radical minority that places jihadist Islam at the core of their political commitment. They "reject integration in totality, and look at the democratic process as a tool to promote a more radical Islam" (Emerson, 2007, p. 19). This small minority upholds a more stringent Islamic doctrine, which steers social and personal behaviors. In fact, "this Islamization responds by recreating the chain of believers to the deteriorating bonds in institutions and families" (Cesari, 2005, p. 97- 98). For this group, Muslim jurists continue to dictate behaviors, and only serve to confirm the political nature of Islam. They insist that religious identity supersedes national and ethnic identities, demanding that Muslims "promote the interests of a global Muslim nation, and that they excel as model Muslims" (Joppke, 2009, p. 112).

Egyptian Muslim jurist, Yusuf al-Qaradawi, the head of European Council for Fatwa and Research, is considered by many to be the most powerful theologian of the Islamic world. Al-Qaradawi has set three obligatory religious directives to which Muslim immigrants should subscribe: they must be firmly united, they must eschew assimilation, and if they are unable to veer their children in the way of Islam, they should return to their country of origin. Al-Qaradawi asserts that "Muslims in the West should be sincere callers to their religion" (Joppke, 2009, p. 113), and must proselytize. His message is that every devoted Muslim has the obligation of calling others to Islam; this should not be left only to intellectuals and religious leaders. Al-Qaradawi is a proponent of immigration, in-so-far as it is used as a weapon in the struggle between Islam and Europe. For the sake of self-protection, Islam acts as an

> imaginary transnational community, where the religious dimension is tied to immigration, and perhaps seems to be more open and evolving than a national ideology. Europe simply provides the "social mechanism" by which Islam can be practiced in its complete form. For Muslim jurists, Islam extends beyond religion, or tradition; it takes on the characteristic of an alternative type of nationality which claims jurisdiction over all aspects of human activities (Leveau, 2006, p. 266).

This ideology troubles European countries, who worry about the impact of this outlook on Muslim immigrant populations, and its influence on their collective identities. Attempts made by an overwhelming number of Muslims, to become integrated into the framework of European states, are impaired by the behavior of marginal members, who seek attention through their pronouncements or religious behaviors (Leveau, 2006).

Movements organized by the Islamist elite in exile from Middle Eastern and North African countries, like the Tabligh from Pakistan, the Salafi movement from Saudi Arabia, which are nonviolent and non-participatory where the political structure sits outside the realm of Islam, in part because of their social and economic exclusion, did not involve themselves with the riots in 2005; nor do they protest against the publication of the caricatures of the Prophet. Yet, these groups gain power because countries neglect inclusive integration policies, which drive followers away from mainstream society. France and Germany have already experienced occurrences of this development, as groups utilize a range of means in an effort to influence the ideological and normative landscape of Islam in Europe (Emerson, 2007).

Those who subscribe to the Jihadist movement and its violent ideology, generally acquire their reasoning for violence from their personal experience, social dejection and political injustice. They trust that Islam in Europe will be their protection against western threats, and use violence in order to make their voices heard.

In the 1990's France became a natural safe haven for militants from Algeria and Tunisia. The disadvantaged and depressed *banlieues* of Paris and Southern France became home and breeding grounds to groups such as the Algerian FIS and Tunisian an-Nahda. Coming out of the depravity of the banlieues already radicalized, an-Nahda leader, Rached Ghanouchi, viewed France as Dar al-Islam and promoted the idea at a 1993 meeting of the *Union des Organisations Islamiques de France* (UOIF), France's most prominent Muslim federation. He appealed for a reevaluation of the binary division between *Dar al-Islam* and *Dar al-Harb*, in order to realize genuine integration. (Eldar, 2006, p. 244) "Although it denies any formal link, the UOIF is inspired by the Muslim Brotherhood, an international movement calling for the "Islamization of society" (*The Economist*, 2004). Eldar believes that Ghanouchi was not looking to integrate an "individualistic Islam, but rather the integration to *Dar al-Islam* of a highly politicized structured Muslim community, which was permanently resident on French soil. These militants have perceived democracy and secular

republican ideology, as aiding in facilitating the evolution of a radical, purist and politically motivated Islam, committed to pursuing Jihad" (2006, p. 244).

European Muslim leaders such as Tariq Ramadan contributed to the development of the concept of religious citizenship (Emerson, 2007). Ramadan, a controversial thinker, suggests other options from which Muslims can reconcile life in Europe. While unable to escape the fact that he is the grandson of Hasan al-Banna, founder of the Muslim Brotherhood, as a European born Muslim, he attempts to facilitate a comfortable way in which European Muslims, who are in search of a modern culture and spiritual identity, can at once be European and still function within the legal constraints of Islam. Ramadan is offering Muslims a different way to think about their lives in Europe, "a third way between assimilation and insertion" (Eldar, 2006, p. 246).

Framing his model on integrating the binary vision of *Dar al-Isalm* and *Dar al-Harb*, Ramadan reaches back to the "theory of the *Dar al-'Ahd* (the space of the covenant), which dates back to the Imam al-Shafi'I (d. 820). It legitimizes the coexistence of Muslims within the space of a non-Muslim society, while consenting to laws that guarantee the preservation of personal and collective religious practice, without demanding the application of Islamic law" (Eldar, 2006, p. 245). He conceives of the legal integration of Muslims into the European state, modifying Islamic jurisprudence through the adaptation to a minority situation.

Ramadan is not alone in his quest for a way to be true to Islam, yet integrate into the French social setting. Diverging from Ramadan's position, Soheib Bencheikh, the Grand Mufti of Marseilles, is a proponent of" living in harmony in a modern and pluralistic society" (Eldar, 2006, p. 246). He advocates "making a distinction between religion and theology and between ethics and religion" (Eldar, 2006, p. 246). He has determined that the wearing of headscarves is not compulsory, as well as the sacrifice of lambs, during the religious festival of *Eid al-Kebir*. Bencheikh argues that the separation of religion from theology is a matter of identity. For him, the greatest evil of religion emanates from its theology if it stagnates.

Bencheikh believes that there "is a distortion of the ancient principle of *al-amr bil-ma'ruf* (literally, enjoying the good, referring to a meritorious religious commandment) as the guarantor of flexibility in studying the Koran. Today, only human rights, liberty of conscience and religious liberty are, according to Bencheikh, the real *ma'ruf*" (Eldar, 2006, p. 246).

Others like Amar Lasfar, the rector of the Mosque in the northern city of Lille, supports an 'Islam de France', advocating for a form of *laïcité* that allows for the possibility to be both French and Muslim, in the public space. Islamic intellectuals on every side of the religious spectrum are attempting to reconcile their constituency's religious resilience and the pull towards modernity.

Challenges stem from Imams arriving in France, not speaking the language, nor being familiar with the French Muslim experience. They bring with them a Middle Eastern form of Islam, and intellectuals like Bencheikh and Ramadan criticize these imams, because without always knowing the local situation, pronounce inconsistent fatwas and decrees not compatible with Muslims who consider themselves French. There is the fear that these imams and their practices may disrupt the integration process of Muslims in France.

Once, exclusively from Muslim countries, Imams are now being educated in French preparatory institutions. Muslim students affirm their commitment to impart an open Islam that is authentic and adapted to life in French society. It is believed that their approach to the teaching of the concept of Jihad is less political, as it is instructive and moralizing. According to Eldar, they are not necessarily radical or militant, and do not preach violence. Being more attuned to the social experience of Muslim adherents in a non-Muslim society, they emphasize such themes as the necessity to participate in the political life of the state (2006, p.251).

"Dalil Boubekeur president of the French sanctioned Muslim Council and the Rector of the Grand Mosque of Paris believes that the process of political modernization of Islam has already started in France, and that the religious practice of Islam should be in the context of French values. He rejects the notion of Islam as a political movement or as an ideology of power" (Eldar, 2006, p. 243). But as a moderate Muslim, he often finds himself at odds with Muslims who are more fundamentalist, and has even been the target of an attempted assassination by radical Muslims, for his views.

> The general re-evaluation of Islam with the success of the Iranian Revolution, and the local experience of Muslim immigrants of severance from their countries of origin without a compensatory insertion into the European space, may, in an informal and largely unconscious manner, have played into the attitudes of these populations (apart from the Turks), already acculturated by their colonial past and by their

former presence in the now transnational space of Europe" (Leveau, 2006, p. 262).

Both Islamization and the secularization of Islam contribute to the diverse Muslim identities that are a harbinger of the advent of European Islam into political and cultural pluralism (Cesari, 2005).

## **German Turks-A Parallel Society**

German segregation policies and relative socioeconomic deprivation resulted in the rise of a parallel traditional Turkish society (Franz, 2007). In their own way, Turkish immigrants have evolved into important and recognized political actors in Germany, through the associations that they have developed, or transported from the homeland. Recognizing that they aspire to integrate into the majority society through their own methods, rather than the ways imposed on them by state authorities, members endeavor to be accepted as citizens through civic involvement, transforming their own communities and the civic traditions of the receiving state in the process.

These associations have structure, and off-shoots have blossomed as a result, with sub-organizations taking root. There is evidence of political integration of immigrants via these organizations, through their inner dynamics. As a result of their ability to politically mobilize individuals and resources, they have become essential for immigrant communities, in order to strengthen appeals to state authorities. They provide the services that the state cannot or does not provide, thereby filling voids that would normally be provided by other social structures within a community. These organizations also operate as primary interlocutors, provide political representation, and petition in the name of the immigrant group (Yurdakul, 2009).

As Ostergaard-Nielsen clarifies, "studies and detailed work on immigrants from Turkey show that immigrants have indeed engaged themselves in the politics of their country of settlement, with increasing frequency, claiming their political and social rights as members of society" (2003, p. 3). In the early 2000's, progressive German policymakers found an appeal in liberal multiculturalism, encouraging ethnic associations, and drawing on their positive functions within immigrant communities. Ethnic associations provided a multidimensional function; assisting in social and cultural integration, while at the same time, empowering those who are organizing and aiding the community. Consultative foreigners' auxiliary councils emerged in many cities to facilitate immigrant integration. They lobbied for various multicultural policies, such as hiring more translators and staff familiar with immigrant backgrounds, expanding ethnic radio programming and providing Turkish language education, as well as for Islamic education in the public schools (Alba, 2009).

Yurdakul points out, that in Germany, immigrants are blamed for being the source of social disintegration, and are accused of being a burden on Germany society, with these negative images being promoted by politicians and the media (2009). As immigrants lose trust in the German state; in the ability for political parties and labor unions to protect their rights, they have become more politicized, and developed resistance through varied formulations. By having to challenge the majority society, Turkish immigrants developed associations, which were framed by their diverse ideologies.

There are hundreds of Turkish associations in existence which exhibit the diversity of the Turkish community, including student organizations, political mobilization, women's organizations, and the predecessor to all these—coffeehouses. They range from the extremely religious to secular left leaning, and those supported by Turkey, Germany, both or neither.

Organizations in the 1970's mimicked the politics of the homeland, ranging from the extreme right to the extreme left, with the gulf between the groups, often materializing in violent outbreaks on German soil (Ostergaard-Nielsen, 2003). Turkish Muslim groups, particularly the Islamic Welfare Party (Refah), set-up in Germany, provided a ready welcome, organizational infrastructure, and perhaps most importantly, an immediate identity. The Islamic revival in Turkey and the growth in support there for the Refah Party, are mirrored on the streets of Bonn, Cologne, Hamburg and Berlin; almost everything that happens in Turkey, reverberates through Germany (Lebor, 1997).

In the 1980's a shift took place for Turkish immigrants, when an increasing focus on 'immigrant political agendas', supplanted 'homeland political agendas', as immigrants began to understand that they would no longer be returning to Turkey. The shift in their status necessitated that certain demands and requirements for accommodation and inclusion, needed to be voiced. In the process, Turks and Kurds increased their efforts to redefine themselves as immigrant organizations, and some organizations attempted to merge, in order to gain power and strengthen their position, as representatives advocating for immigrant rights. As Ostergaard-Nielsen suggests, these events marked a change in the immigrant agenda, away from the homeland (2003).

The DITIB or Diyant, is a federation set up by the Turkish State's Directorate of Religious Affairs, in 1982. It is the largest Muslim umbrella organization founded in Germany, whose approach to integration includes intercultural dialogue. Its members do not articulate their political position, and they advocate a separation between state and religion. They do support Turkish state control of religious affairs, and are the Islamic representatives of the Turkish state. Their emphasis is on maintaining Turkishness and Sunni practice among immigrants. Moreover, they believe that religion is the glue that holds immigrants together; they are nationalist and support retaining a Turkish passport.

This form of Islam is not considered a threat to Germany, because it is controlled by the German state, which partnered early on with Turkey. In this sense, the intercultural dialogue emphasizes the cultural component of religion, believing that Muslims should enter into dialogue with the majority society in order to introduce the cultural components of Islam (Yurdakul, 2009).

Next to the DITIB, the most important Sunni organization in Germany, which stands out for its intense political activity, is the Islamic community Milli Görüş. As a European offshoot of Turkey's Rafah party, it came to think of itself neither as a religious community nor a political party, but rather as a mosque organization in the form of a cultural center. Islamic Cultural Centers are a product of Europe, and in a number of ways were born out of Turkey's secularism, taking on a religious persona, and applying for recognition as a religious community in Germany. The prevailing image of Milli Görüş is a negative one; portrayed by the German media as misogynistic, secretive, anti-social and elite minded, and in some severe cases it was referred to as being fascist and Islamic extremist (Jonker, 2005).

Milli Görüş is not supported by the German or Turkish states, and is in fact considered a security threat to both, as well as an obstacle to integration. Its antiintegration efforts are expressed variously through its pursuit and insistence of Islamic education for Children, and its promulgation of anti-German and anti-Semitic propaganda through its publication, the Milli Gazette. The social rejection felt by second and third generation Turks makes this movement very appealing.

The chief distinction between Diyanet and Milli Görüş, centers on their interpretation of Muslim life vis-à-vis integration policies. The Diyanet distinguishes

Muslim life as a cultural disparity between them and the majority society. Supported by the Turkish government, Diyanet controls 800 mosques in Germany and clearly follows the ideologies of the Turkish state, including utilizing the services of Turkish state appointed Imams. It does not express any political affiliation in Germany and did not give a public statement on the headscarf banning law.

Milli Görüş engages in attempts to incorporate the particulars of Muslim life into the German public sphere, attempting to exact some accommodation rights, essentially succeeding by affecting change through the courts. In its lawsuits, it has attained slaughter rights, the right to Muslim religious education in the public schools; the right of Muslim girls to withdraw from swimming classes when both sexes are present; and the right to attain Muslim names in a conversion. They were not successful in preventing the headscarf ban, but additional issues are in deliberation, such as all Muslim cemeteries, and the Islamic right to call to prayer (*ezan*). Milli Görüş controls 514 mosques in Europe (Yurdakul, 2009). In 2002, the Constitutional Court "Held that the production of halal meat via ritual slaughter was a matter of professional freedom and of religious freedom, both of which are guaranteed by the Basic Law. This ruling suggests a second larger point about Muslim integration, this time with respect to its legal mechanisms—the protections of individual rights in the constitutional state are a potent mechanism for accommodating cultural differences" (Joppke, 2009, p. 123).

This ruling by the Federal Administrative Court on halal slaughter rights was based on subjective views and was in direct opposition to the ruling by the Federal Constitutional Court, which took an objective stance in its ruling. The FAC held that there was "no absolute prescription of ritual slaughter to be found in Islam. The Constitutional Court overruled this decision, arguing that it was not up to the state to decide what a religion prescribes or is, but that this had to be left to the subjective views shared by the members of that religion" (Joppke, 2009, p. 123). The law has determined that parents have the right to refuse to allow their daughters to participate in certain activities that conflict with Islam; it also found in favor of allowing the wearing of headscarves to school. Muslims look at these court decisions as recognition of the fact that Germany is an immigrant society, and that immigrants need modifications in the law in order to feel more a part of society (Lebor, 1997).

Diyanet and Milli Görüş both offer social services to their constituents, including women and youth groups, Quran reading classes, have set up funeral funds, and,

Diyanet offers sewing and language literacy classes, funded by both Germany and Turkey (Yurdakul, 2009).

Trade unions were the first public spaces in which labor immigrants could express their political opinion. Guest workers, of which there were approximately 600,000 when the program ended in 1973, joined unions in large numbers. "Between 1973 and 1978, the number of immigrant workers in unions increased to 40 per cent, even though the migrant workers in the work placed decreased" (Yurdakul, 2009, p. 31). They participated in union activities, including standing at the front lines of strikes, expressing political views, and social engagement through this vehicle.

The Federation for Democratic Workers or the DIDF is a left wing association that supports workers' rights, and receives support from German unions. The organization was founded in 1980, in order to counter discrimination on the basis of race, language, gender and religion. Throughout its history, the DIDF has struggled to incorporate Turkish migrant workers into the German working class movement, through its relations with unions. It has dealt with ethnic divisions involving Kurdish workers, the rise of neoliberal policies, and political discourse from workers' rights to citizenship rights. The work of DIDF illustrates the transformation of immigrant mobilization from worker associations, to minority focused civil society initiatives, through many channels, including sponsoring conferences on social change and immigrant integration. The DIDF organizes a host of immigrant political activities, emphasizing their role as immigrants, rather than Turkish political representatives (Yurdakul, 2009).

The most prominent of these organizations include, the Turkish Federation of Berlin-Brandenburg or TBB, an ethnic oriented, secular immigrant organization, which advocates that religion be a private matter. As such, TBB supported the ban on headscarves, and discourages the wearing of religious symbols in the public sphere, believing that it is a barrier to immigrant assimilation, which is a position it backed throughout the debate.

> In its role as cultural interpreter of a Turkish Islam that is unknown to many Germans, the TBB warned Germans that wearing religious symbols in the public sphere hinder immigrant assimilation. Moreover, by calling the Muslim headscarf a threat to the religious neutrality of the German state, the TBB argued that one of the most important

principles of German democracy was under scrutiny by the Muslim communities (Yurdakul, 2009, p. 93).

The headscarf debate is representative of how Turks differ in their beliefs. It is also illustrative of how groups and individuals make adaptations and accommodations in their lives, in adopted societies.

The Turkish Community of Berlin or Cemaat, is a national religious oriented association which began in a coffeehouse and grew into a political organization, which demanded that members be better educated professionals, teachers, lawyers and engineers, and fluent in German. They are involved in community work, and have mediated between police and the community. Yurdakul explains, that Cemaat works with the TBB, and "Many German political authorities looked to the TBB and the Cemaat as the supporters and guardians of 'immigrant integration'. In turn, these associations maintain a close contact with parliament members and political parties" (Yurdakul, 2009, p. 84).

Recognition of minorities, particularly because of the work of these organizations, allowed for changes to occur. School policies increasingly yielded to the requirements of the Turkish Muslim population. Instead of separating Turkish students entirely, "the Bavarian double solution" was offered-- mainstreaming these students, while affording them several hours of Turkish language and Islamic studies, weekly. "This solution was given a considerable institutional boost when the government of Northrhine-Westphalia decided that, beginning in the school year 1983/84, elementary school pupils born in Germany would be given the option of choosing Islamic religious instruction" (Safran, 1986, p. 102).

Yet while states were offering Muslim communities education on a par with other accepted religious communities, the debate goes on as to the acceptance and legitimacy of Islam in Germany. The fact that Islamic studies are taught by imported imams and teachers, helps to perpetuate the posture that Islam is a foreign religion, inadequately suited to the German environment (Safran, 1986). Moreover, the intervention of Turkish authorities in the life and politics of Turkish-Germans helps promulgate this belief.

Turkish organizations in Germany are attempting to combat domestic German issues, most notably the fight against discrimination and xenophobia. Some of the work of Turkish organizations point to Germany's relationship with Jewish organizations, and they are quickly adopting this paradigm in their own relationship with the German state; often working with Jewish organizations to achieve common goals.

Turkish organizations point to rights allotted Jewish institutions in the attempt to establish Islam on equal footing. Muslim concerns parallel those of Jews in the past, primarily focusing on religious education in the public school, ritual slaughter, dress codes in public spaces, the demand for much needed mosques, cemetery space, and incorporation rights. Ongoing discourse led by Turkish Islamic organizations, demanding the endorsement of Islam as an official religion, alongside Christianity and Judaism, allowing for a special dispensation from the government to tax members on their behalf, was rejected. The fact that Islam does not mimic a church-like organizational structure, and the disunity among Islamic organizations, were among the reasons given.

The lack of impartiality and fair-mindedness of the German system's accommodation of Islam resurfaces with Islam's exclusion from public corporation status. Public corporation status was instituted during the Weimar Republic, with an emphasis on 'social utility' benefiting the state. "[I]n granting public corporation status to a religion, the state acts 'not altruistically but in its own interest' for the sake of 'self-preservation': the 'constitutional state' has to privilege the 'Christian heritage' on which it is based" (Joppke, 2009, p. 57). Loyalty to the state was a large component, but the court referred to Article 137 of the Basic Law, stating that '[t]he status of corporation of public was not the expression of a special 'nearness' to the state'; instead it was a mere means to further unfold religious liberty" (Joppke, 2009, p. 56). With this ruling freedom of religion transformed into a comprehensive basic right that extended beyond individual rights, to include the corporatist component.

A precondition of achieving corporation status was in the establishment of a central organization, which would officially represent Muslims. The effort made by three Muslim associations to unite under one umbrella organization, was rejected (Joppke, 2009). While the French government gave a hand, and supported the effort of forming Muslim organizations, the German government found obstacles. It cited that a 2007, second German Islamic Conference, where rivals, the Arab-dominated Central Council of Muslims, the Milli-Görüş-based Islam Council (*Islamrat*), and the *Diyanet Isleri Turk Islam Birligi* (DITIB, Turkish-Islamic Union for Religious Affairs put aside differences and merged their three organizations to form the Coordination Council of Muslims, was deemed unacceptable. The German government claimed,

that together, they only represented "at best 15 percent of German Muslims, which was not sufficient. But also, that they represent the extremely conservative factions at that; those that among other things, propagate the Islamic headscarf and gender separation in physical education in public schools" (Joppke, 2009, p. 58).

Germany's population of Turkish origin has the third highest birthrate, currently at 3.2 million-as Germany's native population declines by some 150,000 people annually (Fogel, 2006/2007, p. 627). Their ability to build organizations and leadership structures, places them in the unique position of political preparedness. As their numbers grow, so will their political standing. Ostergaard-Nielsen indicates that in Germany, Turkish origin voter's number 600,000, and perhaps while not defining, is not irrelevant (2009).

## **Conclusion**

Richard Alba asserts:

We are not yet living in a post national world; it is too early to declare the end of historically rooted national distinctions" (2009, p. 277).

Both France and Germany have been impacted by the effects of a labor force that had changed its status from temporary to permanent settlement. It has become increasingly less plausible to characterize French and German societies in culturally homogeneous terms, and although in partial denial, they are home to an extremely diverse landscape of Muslims and Islamic movements. This diversity is greater than in most Muslim countries, where ideological Islamic expression is often limited by the official ideology of the state.

The cultural divisions and religious disparities between the states and their Muslim populations have created an environment where social and economic marginalization endures. This deprivation has caused Muslim resentment towards their host societies, particularly for the young. It has also contributed to their identity construction, and has driven many young Muslims away from normative French and German society.

Living within the framework of social and economic rejection strengthens an already existing insular structure, which triggers a refusal of sectors of marginalized

populations to integrate, pushing them instead to seek acceptance and self-recognition among those with whom they can most identify. Rejection in the third generation, has unmistakably, brought about this trend among the young who, in opposition to their grandparents' refuse to hide and keep their religion relegated to the private sphere. Islam has become for them, a cultural and identity marker.

Radicalization and homegrown terrorism are of deep concern for France and Germany. According to Barbara Franz, "[i]t appears that local and national influences play a far greater role in the radicalization of populations than previously assumed. In other words many Muslim communities are turning inward and rejecting European institutions and traditions" (Franz, 2007, p. 89).

As Muslims became a permanent fixture in the European landscape, France and Germany were forced to address their national doctrines, a situation that the two states still struggle with today. Residual nationalistic tendencies, whether they are called Republican *laïcité* wrapped up in the *jus soli* model, or Christian-Occidental draped in the *jus sanguinis model*, still linger. They reveal the difficulties that nations have in shedding ideological rootedness; they also expose how difficult it is for them to accept those who do not fit into their national paradigm, creating obstacles to integration. Nonetheless, it is France's and Germany's responsibility to incorporate Muslims into the political framework in terms of genuine political participation, rather than an intermittent solicitation.

States are not the only actors in the integration drama; Muslims too, seem inflexible for a multiplicity of reasons, ranging from religious affiliation to suffering from social and economic marginalization, causing them to be less inclined to integrate more fully into the societies which they have made their home.

Yet, in both countries, Muslims are articulating their needs, demanding recognition of their religious particularities and for more social inclusiveness. Muslim demands are viewed through the specter of 'identity politics,' often positioning these liberal states at loggerheads with Muslim communities. Even so, and with occasional setbacks, state policies are changing, and accommodations are being made for flexibility in the states' approach to Muslims' needs, shifting paradigms for models of integration, assimilation and inclusion.

Muslims too are compelled to rethink Islamic theology and attempt to make it fit into the European context. Muslim intellectuals in Europe endeavor to reach a necessary compromise between faith and membership in communal life. They try to envisage how Islam can be made compatible with demands of a secular society, while guaranteeing at the same time freedom of belief and practice. To move forward, it is necessary for France and Germany to recognize that although Islamic self-perception is unmistakably associated with the consciousness of economic deprivation, even if that improved, Muslims are not expressing a desire to sever the ties with their religion.

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