INTERCULTURALISM

EUROPE AND ITS MUSLIMS
IN SEARCH OF SOUND SOCIETAL MODELS

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PREFACE

This book forms part of a large, five-year research project of the 6th Framework Programme of the European Union, called 'Microcon', which stands for the *micro foundations of conflict* (www.microconflict.eu). The programme is structured around over a dozen work packages. The present contribution is the second and final component of a work package led by CEPS, concerning ethno-religious tensions and conflict in relation to Europe's Muslim minorities. It is the sequel to a first book published by CEPS in 2008, entitled *Ethno-Religious Conflict in Europe*, which is freely available online.[1]

While the first book focused on the causes and nature of conflict, the present study is concerned with the search for more adequate models of multiculturalism, using this term for shorthand for the moment – chapters 1 and 2 delve into the matter of definitions.

The studies seek to understand the movements in the societal models and policy sets currently at play in Europe in the relations between the majority populations and the new Muslim minorities. The research is based on five country case studies, for Belgium, the Netherlands, Germany, Spain and the UK. (Short summaries are also provided for France, Italy and Russia in view of their importance to the European scene: practical constraints prevented the undertaking of full studies for all.)

The more precise purpose has been to analyse, within a consistent framework, the societal and policy landscape in these countries pertaining to the familiar terminology and concepts of 'multiculturalism' and 'assimilation' with regard to Europe's new minorities of Muslim culture. To these two familiar terms are now added 'interculturalism' and 'integration' as crucial signposts or references to what may be happening between the

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[1] M. Emerson (ed.), *Ethno-Religious Conflict in Europe: Typologies of radicalisation in Europe's Muslim Communities*, 2009, CEPS, Brussels.

stylized polar opposites of multiculturalism versus assimilation. These broad and often politicized if not polemicized terms are not devoid of objective and observable foundations. Realities are highly complex, however, and the policy set that is relevant to these broad concepts has many objective constituent elements, with many possible compromise cocktails and ambiguities of interpretation. This is the material at the heart of our contribution, which lays out its constituent elements in an ordered manner to see how far they can justify broad characterizations of societal models and their movement.

There is also a chapter on the EU policies in this area, reflecting the relatively new but rapidly increasing activity in the fields of anti-discrimination, immigration and integration.

Overall policy conclusions are presented at the end of Chapter 1. They have been drawn at a time when the political debate concerning the term 'multiculturalism' has been virtually exploding in its intensity across the whole of the EU, with a succession of leaders having proclaimed it a failure. If this single word can identify a failure of society and of the policies of government, then there has to be a better model, concept and policy. This study tries to work towards a better solution, and uses the term 'interculturalism' to represent it.

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SUMMARY AND CONCLUSIONS
MICHAEL EMERSON

T he simmering debate in Europe about multiculturalism versus assimilation has now come to the boil. The German Chancellor, Angela Merkel, famously stated in November 2010 that "multiculturalism in Germany (*Multikulti*) has failed, completely failed". On behalf of Belgium, Prime Minister Yves Leterme immediately agreed with her. In February 2011, both Prime Minister David Cameron and President Nicholas Sarkozy could also be heard declaring that multiculturalism was a failure, although only the French President endorsed assimilation as the alternative. Professor Olivier Roy, an eminent French scholar of contemporary Islam, has broadened the critique, declaring that "both assimilation and multiculturalism have failed". These quite dramatic statements represent the challenge of interpretation and policy analysis to which this book is addressed.

Europe's relationship with its Muslim minorities has been under stress and changing for some years, under the impact of several driving forces. There is awareness that this substantial minority category (roughly 8% of the population) is here to stay, and not, as was earlier supposed, a matter of temporary immigration. Even if immigration rules are now progressively more restrictive, this minority is growing demographically. The emergence of radical Islam among a small minority in Europe's Muslim communities worries the population as a whole. The attacks by radical home-grown terrorists, such as those responsible for the Madrid and London bombings in 2004 and 2005, have added a major security dimension to the Muslim communities within Europe. There have also been spectacular instances of urban riots, such as those seen in the suburbs of Paris, also in 2005, which have had little to do with radical Islam, but which have fuelled societal tensions and awareness of the problems of the new Muslim underclasses. Combining all these factors, there is an

increasingly prevalent view that European multiculturalism is not working well, as Chancellor Merkel remarked (but without her spelling out what she meant by multiculturalism). In response to these factors there has been a widespread policy shift in favour of measures to integrate the Muslim minorities more effectively. While not incompatible with the values of tolerance and mutual respect for ethno-cultural-religious diversity, these integration policies nonetheless mark a move away from the earlier variant of multiculturalism, which at least in some European countries sought to encourage the distinctiveness of minority communities.

But before going further there has to be some clarification of terminology, notably four key terms: multiculturalism, assimilation, interculturalism and integration. We summarize our understanding of these terms here, with a fuller academic rendering and references given in Chapter 2. Alternative definitions for each can surely be debated, but we have to be clear in this publication, at least for ourselves.

Multiculturalism is a particularly hazardous term, since it is so widely used with so many different meanings; mixing analysis, political statements and emotions. Our sense of the term is strictly analytical, and we have in mind something more than mere pluralism in society. We understand multiculturalism to mean a situation where ethno-cultural-religious minorities are, or are thought of, as rather distinct communities, and where public policy encourages this distinctiveness. The term *communitarianism* is sometimes used with the same meaning.

Assimilation is the polar opposite of multiculturalism. It means that the individual who has come from a minority immigrant group has totally blended in with the landscape of the country of adoption – in terms of citizenship and mastery of the language, and as a matter of attitudes and perceived identity. The individual may think of him or herself as 'French' rather than 'Moroccan', 'British' rather than 'Indian' or 'German' rather than 'Turkish', and is perceived by the population of the host nation as 'one of us'. The assimilated person no longer has any wish to relate to his origins except as a matter of family history. In policy terms, assimilation means refusal to admit or recognize distinct communities. There is a monolithic concept of citizenship, and no policy measures should be based on minority ethno-cultural-religious differences. Assimilation suggests that the responsibility to integrate is entirely that of the immigrant.

Interculturalism is a new term giving a name to attempts to find a compromise between the polar opposites of multiculturalism and assimilation. It is sympathetic and respectful towards ethno-cultural-

religious minorities, and helpful with selected measures targeted at disadvantaged situations, yet it also aims at ensuring commitment to the values, history and traditions of the host nation. This may include the use of integration policies and efforts to water down excessive distinctiveness or segregation, for example in urban concentrations of minority groups. It is sympathetic towards people from immigrant families perceiving themselves as having a hybrid identity, who feel Anglo–Indian, or French–Algerian or German–Turkish for example.

Integration may be a process, rather than a supposed end-state like the three preceding terms: dynamics rather than statics. As a term it is now being used specifically in the present context to relate to active measures to improve the competence of minority groups in the host country's language, and to increase awareness of its values, history and traditions. It is also used with respect to a wide range of active policies to facilitate social and labour market inclusion. These policies and movements in society mark movement in a certain direction along the spectrum from multiculturalism towards assimilation, yet the end-point of these integration processes is not defined a priori. It could be a movement towards something in the category of either interculturalism or assimilation.

The European Commission has provided a reference, with its understanding of integration as follows:

> Integration should be understood as a two-way process based on mutual rights and corresponding obligations of legally resident third country nationals and the host society which provides for full participation of the immigrant. This implies on the one hand that it is the responsibility of the host society to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural and civic life and on the other, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process, without having to relinquish their own identity'.[2]

In trying to analyze how or to what degree actual situations correspond to these model types it has to be underlined that the people of Muslim culture who are resident in Europe are not at all homogenous, either among or within individual European countries. There is no pure

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[2] European Commission, Communication on Immigration, Integration and Employment, COM(2003)336, Brussels, 3 June 2003.

model type in practice in contemporary Europe, for either multiculturalism or assimilation. The policies have multiple components, each of which can be placed somewhere along this spectrum. Broad characterizations that country X is more multicultural and country Y is more assimilationist may be true, but this does not imply homogeneity in either case. At the micro level it is everywhere a matter of individual choice to assimilate or to withdraw into a separate community, or to integrate into society and the labour market, while maybe still marking one's ethno-religious-cultural identity with symbols or styles of clothing. Yet there will also be a macro reality in the most predominant societal model, and at the policy level explicit or implicit choices have to be made, which will fit somewhere on the spectrum between multiculturalism and assimilation.

In the five case studies presented in chapters 3 to 7 a more or less standard set of policy variables is examined, drawing on the detailed list in Box 1. The box shows that there is a mass of policy variables that can determine how the stance of policy may be assessed as tending towards the multicultural or assimilationist ends of the spectrum, or towards the middle ground of interculturalism.

A few examples serve to illustrate how these policy variables may relate to the three paradigms – multiculturalism, interculturalism and assimilation. At the same time it would be excessive and artificial to try to fit each possible setting of each variable into this straitjacket of categories. The realities are too complex. It is nonetheless still of importance to try to understand the broad direction and movement of policies and societal practice, for which the three-fold categorization is relevant.

As a first example, schooling systems are of crucial importance, for both shaping society and signalling the choice of governments in their policies towards minorities. The multicultural policy favours separate schools for minority communities, not just recognizing schools belonging to religious or cultural foundations, for example, but also extending subsidies to them on a par with regular state schools. The assimilationist policy excludes subsidies for such schools, while usually being willing to recognize them. The intercultural compromise may see state subsidies and support for the provision of special classes of religious instruction for minority groups, or special classes for the languages of immigrant peoples, but without state subsidies for separate schools.

Box 1. List of policy variables whose settings will contribute to shaping the societal model in the spectrum of multiculturalism-interculturalism-assimilation

1. Citizenship and political participation
    a. Ease of obtaining citizenship
    b. Practices of dual citizenship
    c. Integration course and tests
    d. Voting in local elections
    e. Role of ethno-religious representative organizations
2. Education
    a. State support of Islamic schools?
    b. State support for special classes (languages) within regular schools?
3. Housing
    a. Attempts to de-concentrate ethnic minorities
    b. Attempts to organise urbanization with regard to ethnic groups (gentrification)
4. Health care
    a. Meals
    b. Chaplaincy
    c. Translation services
5. Employment
    a. Affirmative action targeting ethnic groups
    b. The scope of the anti-discrimination legislation
6. Policing
    a. Ethnic profiling complaints, counter-actions
    b. Recruitment of minority groups to police
7. Allowance of Islamic practices and symbols
    a. Construction and recognition of mosques
    b. Muslim burials
    c. Provisions for halal slaughtering of animals
    d. Islamic call to prayer in public
    e. Restrictions or tolerance of headscarves or burkas, in public buildings or spaces
    f. Wearing of religious symbols

Source: This list draws on M. Alexander, "Comparing local policies towards migrants: An analytical framework, a typology and preliminary survey results", in R. Pennink, K. Kraal, M. Martiniello and S. Vertovec (eds), *Citizenship in European Cities: Immigrants, local politics and integrations policies*, Aldershot: Ashgate, 2004.

Another example concerns religious symbols in public buildings (schools and public administration) or public spaces (the street or public transport), especially regarding elements of clothing like the headscarf or full face cover (burka). The multicultural policy will tend to be supportive of such symbols, while the assimilationist policy will be restrictive or exclusionary. The intercultural compromise may be tolerant towards the headscarf but exclude the burka, for example, with many finer graduations of policy possible over the visual importance of the symbol or the borderline between the public and private space (a recent court case in France considered whether a taxi was a private or a public space).

Citizenship law, as a third example, is a major issue. The multicultural policy is liberal and offers citizenship automatically as a right depending on criteria such as length of residence. The assimilationist policy may subject the applicant to strict tests of language competence and knowledge of the country's history, institutions and values. The intercultural policy may favour integration programmes. This also concerns immigration and residence policies. The most restrictive policy, which may be described as assimilationist to the point of being exclusionary, requires language tests to be passed before entering the country of immigration (for individuals with little education the requirement to learn Dutch somewhere in Africa or Asia amounts to a policy of exclusion).

The role of migrant community associations is a fourth example. The multicultural policy favours the establishment of such associations and sees them as agencies for the empowerment of minority communities. The assimilationist policy rejects the need for such institutions or considers them to be even contrary to national values. The intercultural compromise may welcome the role of such institutions to facilitate confidence-building and the integration of the minority groups, but without seeking to empower them.

An interesting example of intercultural policy, seen in Canada, is the organization of courses and activities for the majority population to become more knowledgeable about the minority languages and cultures. The case for mutual intercultural learning is now receiving attention in Germany as well.

There is also a large range of policies aiming at labour market inclusion for unemployed people. Here the major distinction is between policies that amount to affirmative action in favour of immigrant communities or specific disadvantaged groups, i.e. discriminatory in a positive sense, and policies that are strictly colour-blind or non-

discriminatory. Such affirmative action may be described as multicultural or intercultural in intent, but they can also be described as facilitating integration to the point of assimilation. The EU's anti-discrimination law only excludes negative discrimination, and certainly does not discourage positive or affirmative action in favour of disadvantaged groups.

In any case these are stylized examples, with finer graduations of policy possible not only for each policy variable, but also for the complete policy set where given policy variables may be located at various points on the spectrum of multiculturalism to assimilation. The country case studies demonstrate such tendencies.

The Netherlands has moved most dramatically, from multiculturalism to interculturalism at the level of actual policy, but with influential, extreme right-wing politicians advocating the radical alternatives of assimilation or even expulsion. Dutch multiculturalism of the 1970s and 1980s was initially based on the long-established 'pillarization' of society, with different Christian faiths and secularists receiving state recognition and support, notably for Catholic, Protestant or secular schools. It was then natural to grant the new Muslim communities analogous status and support for their social, cultural and religious institutions. But from the late 1980s on the multicultural approach became subject to increasing criticism. It led to a new integration policy in 1994, based on the idea that immigrants should participate in mainstream institutions rather than their own, and adapt to Dutch norms and standards. This was followed in 1998 by the law *Wet Inburgering Nieuwkomers*. The word *'inburgering'* defies easy translation. The Dutch country study translates the law's name as the 'Newcomer Integration Law', but one may also detect the more emotive connotation of 'becoming a burger'. The policy set now includes off-shore integration programmes as prerequisites for would-be immigrants, notably learning the Dutch language and passing examination tests in their home country, even for cases of family reunion. This is in reality more of an extremely restrictive immigration policy than an internal integration policy. In the current decade the political atmosphere has become ever more highly charged, especially since the murder of the anti-Islamist filmmaker Theo Van Gogh in 2004 by a Dutch citizen of Moroccan descent. The growing electoral success of Geert Wilders, advocating an outright populist, assimilationist policy, has so far not driven actual policy away from its present hybrid intercultural character.

In **Belgium,** the country's complex federal structure directly affects how policies towards Muslim minorities are defined. The Flemish region inherited this same 'pillar' structure from its earlier history, shared with the Netherlands as part of the Low Countries, and explained in the chapter on the Netherlands. Meanwhile the Francophone part of the country has remained closer to the French tradition of the secular state, which recognised no such distinctions at the level of public policy, with the bi-lingual city of Brussels experiencing a complex blend of both. As in the Netherlands, the pillarization tradition has led to the requirement of an official representative body as a precondition for various state subsidies, notably for funding religious education in schools and religious personnel (imams). In Flemish Belgium, as in the Netherlands, the term *'inburgering'* has come to denote policies and programmes aimed at ensuring the integration of Muslim minorities, influenced in both cases by extreme right-wing political parties that would like to go further. In April 2010, Belgium's federal government almost unanimously adopted a law banning the *burka*, or full face covering in public spaces ("making the identification of the person impossible"). The fall of the government soon after has prevented this law entering into force, but this will presumably happen in due course. The wearing of the hijab (or headscarf) in schools and public administrations remains a subject of tension and some uncertainty among different jurisdictions, but the tendency is towards a ban. The study in this book uses the term 'mosaic' in its title to signal the multiple cleavages in Belgian society on grounds of language, faith and political parties; the issue of how to integrate Muslims is yet another dimension. In general the movement of the policy set is away from multiculturalism, but so far remains as some kind of intercultural compromise.

Germany is also a complex federal case, with separate competences involved at federal, state and local levels, which the case study included here illustrates with comparisons between Berlin and Hamburg. At the federal level the traditionally very ethnic condition for naturalization has given way to a more open, residence-based criterion, especially for those born in Germany of immigrant parents, i.e. a move towards an intercultural approach. Consultative structures have been created, with the German Islamic Conference, for example. Education policies are largely assimilationist in tendency, although in Berlin Islamic religious education has been introduced in state schools. Regarding religious symbols such as the headscarf, Berlin excludes these in public employment including schools, whereas Hamburg is more liberal and has no such general ban. For the most part, in both Hamburg and Berlin politics and civil engagement at

the local level show a different picture from what can be observed at the federal level. In varying ways both cities have a long history of familiarity with diversity and a general tendency towards more pragmatic and even inclusive policies at the local level can be seen. In Hamburg one can observe a switch in perspectives from looking at migrants' deficiencies to their potential and their intercultural competencies, and stressing the need for mutual intercultural learning in society as a whole. In Berlin a new law on integration and participation is being put into place, albeit against strong resentment from some segments of the political class.

Alongside these multiple and diverse developments, the major trends in public opinion and political discourse are going in a distinctly right-wing populist direction, with openly racist arguments about defending European values against the Muslim invasion. The large attention attracted by Chancellor Merkel's declaration that "multiculturalism has completely failed"[3] in Germany is interpreted by the authors of this chapter as symptomatic of this tendency, notwithstanding the fact that the Chancellor was at pains to say in the same speech that "Islam was now part of Germany", this latter phrase being largely ignored. But in March 2011, the new Minister of the Interior, Hans-Pieter Friedrich, declared on his first day in office that "Islam in Germany is not something substantiated by history at any point", and that successful integration required "a clear awareness of the Western Christian origin of our culture".

In the **British** case, in the early post-war period policy on immigration from the Commonwealth operated under a laissez-faire assumption of assimilation. This gave way to an integration policy, in 1968 defined by the then Home Secretary Roy Jenkins as 'cultural diversity, coupled to equal opportunity, in an atmosphere of mutual tolerance', with a strong emphasis on non-discrimination. Significant elements of multiculturalism were subsequently developed in areas of social policy, from education and employment to urban regeneration and policing. Yet the political context of the last decade, marked by radical Islamic terrorism, with the London bombings of 2005 keeping alive the threat perceptions generated by 9/11, has led to a complex recalibration of policy. On the one hand, the rules for acquiring citizenship have moved in an assimilationist direction from being based solely on the length of time of legal residence to

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[3] A. Merkel, at a meeting of young members of the Christian Democratic Union party, Potsdam, 16 October 2010.

including programmes and obligations aimed at developing 'a sense of civic identity and shared values', with tests of language competence and knowledge of the UK. At the same time, immigration policy has been progressively tightened, such that only individuals with valuable labour market skills have a chance, apart from asylum and family reunion cases, which are also becoming more restricted. On the other hand, the priorities of security policy in relation to terrorist threats have driven the authorities to work more intensively in a multicultural mode with representative organizations of Muslim communities, with a view to achieving better 'community cohesion'. These apparently divergent trends reveal the complex rationale of a hybrid interculturalism. David Cameron's critique of 'state multi-culturalism' in February 2011 appears to signal a shift in policy, but whether and to what extent this will be translated into actual policy is still unclear.

In **Spain** the Muslim minority groups are relatively recent compared with the other countries studied, with one consequence that there is no established policy doctrine or model. Spain is bound by its constitution to cooperate with religious confessions, and the Law on Religious Freedoms enacted in 1980 paved the way for establishing Muslim associations, which are the government's counterpart for regulating matters such as religious instruction in schools, the protection of mosques, the status of Islamic religious leaders, etc. This has given a certain multicultural content to the policy set, but only of a rather mild intensity. For example, there are no separate and distinct Muslim schools, only the guarantee of Muslim religious instruction in schools where this is demanded. Meanwhile, a political debate has arisen over the case for integration policies, which so far has not been translated into actual policy. The overall situation is one of hybrid elements of multicultural, assimiliationist and intercultural modes.

In **France** (although not the subject of a chapter in this book) there is an explicit adherence to the idea of assimilation, as seen for example in the conditions for naturalization, which read as follows: "No one can be naturalized if he does not justify his assimilation to the French community, notably by a sufficient knowledge, according to his condition, of the French language and the rights and duties conferred by French nationality."[4]

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[4] Article 21.24 of *Loi 2003-119 relative à la maitrise de l'immigration, au séjour des étrangers en France et à la nationalité*, quoted and recounted in detail in S. Carrera, *In Search of the perfect citizen? The intersection between integration, immigration and nationality in the EU*, Leiden: Martinus Nijhoff Publishers, 2009.

The framing of policy is also conditioned by the *laïcité* of the state. This is most clear in the education system, where the state schools provide no religious education and private schools created with religious foundations are not subsidised. Moreover, the wearing of religious symbols is excluded in state institutions, including schools and the public administration, as confirmed by the banning of the headscarf in 2004 (although discreet signs of faith are permitted) and reinforced by the banning of the burka in all public spaces in 2010.

During the present term in office of President Sarkozy, there have been various acts or expressions of intent to push the French model further in an assimilationist direction. At the beginning of his term of office he created a very symbolically named ministry of immigration and national identity, although this was dissolved and integrated into the ministry of the interior in November 2010. Also in 2010, the president proposed to make it possible to withdraw French nationality from naturalized citizens convicted of criminal offences, but to date this has not appeared in a legislative proposal.

These developments in France are taking place amid an increasingly tense political debate, with vocal contributions from the extreme right leading to a situation characterised as "a radicalised conception of *laïcité* opposite the emergence of Islam".[5] Again in 2010, there was the 'Roma affair', with the government instructing its *préfets* to target illegally residing Roma immigrants from Romania for expulsion. European Commission Vice-President Viviane Reding declared that she believed such measures to be inconceivable in post-World War II Europe, with implicit reference to Nazi Germany. This triggered a spectacular verbal conflict with President Sarkozy. The discriminatory references in the government circular were withdrawn and admitted to have been a mistake. Still, this incident saw the politics at the core of Europe over immigrant communities moving perilously close to crossing the red lines that define its central values. The debate in France has become politically very highly charged. While Marine Le Pen of the extreme right National Front party has described the presence of the Muslim minorities as "occupation", President Sarkozy has been returning to the language of 'assimilation' with references to the need to protect the Christian heritage.

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[5] S. Le Barts, « Les Musulmans indignés après les propos de Mme Le Pen sur l'occupation », *Le Monde*, 14 December 2010.

The situation of Muslim minorities in **Italy** (also not the subject of a chapter in this book) shares some features with Spain and France. Like Spain, it is a country without a long history of immigration; on the contrary it was a country of emigration until a few decades ago. But the immigrant population has risen fast in recent years, reaching around five million (without counting illegal immigrants). Their composition by country of origin and culture is very heterogeneous – the first three countries of origin are Romania (Christian and Latin), Albania (a highly secularised country of Muslim culture) and Morocco (a 'regular' Muslim country). As in Spain there have been several major waves of regularization of the residence status of immigrants (three in the 1990s), but without the granting of citizenship, which remains very restrictive. Also as in Spain, the relatively recent origins of this immigrant population explain why there has been little development of any political concept or model regarding their integration into Italian society. The implicit presumption seems to be assimilation, but without citizenship, which in due course will prove an inconsistent and undemocratic combination. There are no separate state-funded schools for immigrant communities, and little development of representative bodies or associations. As elsewhere in Europe, integration tests and conditions have been introduced as requirements for non-EU nationals to obtain residence permits (language texts and sponsorship by an employer). Right-wing parties within the coalition government have pushed hard for elements of repatriation policy, both in general and notably in bilateral relations with Libya, the geographically closest source of immigration. There is manifest tension between on the one hand right-wing politicians who are pushing an agenda of tighter restrictions on immigration alongside elements of repatriation policy, and on the other hand business interests in northern regions that need immigrants to make up for labour shortages.

There are also important and disquieting developments in **Russia** (the subject of a chapter in our first volume),[6] which is seeing tensions escalate between Muslim minority communities and extreme right nationalist movements. Russia has Muslim communities with very different characteristics in three geographical regions: first, the Northern

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[6] See A. Malashenko and A. Yarykapov, "Radicalisation of Russia's Muslim Communities" in our first Microcon volume, M. Emerson (ed.), *Ethno-Religious Conflict in Europe: Typologies of radicalisation in Europe's Muslim Communities*, CEPS, Brussels, 2009.

Caucasus, where there is widespread radicalization, the advance of sharia law and terrorist violence, alongside repressive measures by the Russian security services; second, the Tartar communities of the Volga basin, which are tranquil politically with leaderships maintaining loyalty to the state, albeit with gradually increasing Islamisation; and third, the new immigrant population from the Caucasus and Central Asia in major urban centres, and above all Moscow.

While the first two regional communities were analyzed in our first volume, it is the third category that is most relevant for the present study, since these are new immigrant communities that only started to take shape after the collapse of the Soviet Union in 1991. Of course the Soviet Union was a certain kind of multicultural society with many recognized nationalities. But the *propisk* system for controlling residence meant that there could be very little voluntary internal migration, and so the arrival of large numbers of Caucasian and Central Asian immigrants starting in the 1990s has been a new phenomenon, notably for Moscow and St Petersberg. In these cities inter-ethnic tensions have emerged, leading to violence. This was for a time largely a matter of individuals with dark skin being assaulted in the streets, but more recently there have been mass demonstrations by thousands of ethnic Russian, skinhead youths in Moscow, as in the Manezh square in December 2010, under the slogan "Russia for the Russians" and some explicitly neo-Nazi symbols.

Alongside these youth movements there are vocal political personalities sustaining a radical and racist nationalist discourse, which is gathering large-scale support among public opinion. These developments still seem to be escalating. Particularly ominous is that ethnic Russians are leading the action in terms of street violence. Little or nothing can be seen by way of active policies to facilitate the integration of the immigrant minority groups in Russia's major cities. In this respect there is a big difference in mainstream policies between the EU and Russia, but the extreme right political discourses are strikingly similar.

The policies of the **EU** itself have also been undergoing important developments. Following adoption of the Tampere Programme in 1999, which was the first multi-year action in the field of freedom, security and justice, in 2000 the EU adopted two non-discrimination directives, the first concerning racial equality and the second employment equality, which embodied a 'rights-based' approach. By the end of 2006, all member states had transposed these directives into national law, with significant impacts on norms, structures (such as 'equality bodies') and practices. Their

transposition also opened up a comprehensive legal basis for litigation over complaints.

This approach was extended with further proposals on the rights of family reunification and of status for legally resident third-country nationals. For this group of proposals, however, member states (with Germany, Austria and the Netherlands in the lead) moved beyond the liberal–multiculturalist, rights-based approach, insisting that these rights be accompanied by obligations or conditions under the heading 'integration conditions'. In the case of non-refugees, such obligations include satisfying certain conditions, such as language competence, before being granted immigration permits. This led to the second multi-year programme adopted in 2004 as The Hague Programme, which, while affirming that immigration policy was primarily a national competence, also set out a set of 11 'common basic principles' for immigrant integration policies. These principles amount to a compilation of various concepts, highlighting a 'two-way process of mutual accommodation' of immigrants and the host country population, with a mix of rights, obligations and active integration policy mechanisms. Overall they represent a move in an assimilationist direction. In 2007, the Council of the European Union adopted a European Commission proposal for a European integration fund endowed with a substantial budget of €825 million for the period 2007–13. Priorities for the fund include programmes in support of the common basic principles and 'intercultural competence building' in the member states across various levels of government.

In 2008, the French Presidency of the Council seized the occasion to push through a European pact on immigration and asylum. The pact is characterized by an essentially intergovernmental approach and emphasis on the need to regulate family reunification 'more effectively' by taking into account the capacity of families to integrate (i.e. their resources, accommodation and language knowledge), and the need for specific measures stressing the identities and values of the member states. This amounts to further momentum in an assimilationist direction. Yet another twist in EU policy may be in the making with the third multi-year programme for 2009–14 under the Stockholm Programme. This builds on the Lisbon Treaty's innovations, which are significant for this field in that the Charter of Fundamental Rights has become legally binding, and legislation is now subject to qualified majority voting. The Stockholm Programme places fundamental rights at the heart of integration policy, calling for 'proactive policies for migrants and their rights'.

Concluding remarks. How should one interpret the overall trend in policy-making in this broad field, where there are multiple policy mechanisms that represent different paradigms, which are being executed through multiple tiers of governance: the EU, national and sub-national governments? Some things are clear. The legal rights-based non-discrimination paradigm is deeply embedded at the level of EU and thence national law. This in itself can be described as either passive liberal multiculturalism or support for assimilation. But active multiculturalist policies on the part of member states are on the wane in countries such as the Netherlands and the UK where they were most explicit, and elsewhere (in France and Germany) such policies are being explicitly rejected at the highest political level. Immigration and citizenship policies have become more restrictive and more conditional on positive integration criteria and tests, which means movement in the assimilationist direction. On the other hand, some extremely exclusionary provisions have been moderated in favour of general rights (e.g. the shift in German citizenship law). The major terrorist acts of the last decade and the securitization of multicultural relations have had an impact, pushing in favour of active integration policies incorporating obligations alongside rights, while at the same time underlining the importance of organizations representative of Muslim minorities. Overall, this is looking like a political landscape favouring a compromise middle ground between the polar opposites of assimilation versus multiculturalism, driven by experience and comparisons, based on a combination of rights, obligations and active policies, and which for want of a better term may be called 'interculturalism'.

Still, there is clearly a powerful movement of public opinion and political action continuing to push the policy set more towards assimilation and away from multiculturalism. But so far this movement is only a limited tendency, with hybrid interculturalism occupying space between the two polar types. The movement towards assimilationist regimes seeking better integration is certainly understandable, but it is also a movement full of pitfalls for European politics and society. European centre-right parties in government see themselves competing for support with extreme right-wing parties that have racist and therefore undemocratic agendas. This is witnessed in both political discourse (Chancellor Merkel's statement about the failure of multiculturalism) and selective actions (President Sarkozy's campaign against the Roma and proposals to withdraw citizenship). Analogous positions can be observed in the politics of the Netherlands, Flemish Belgium and Italy.

Some writers are sounding the alarm bell, interpreting these current developments in European politics in more fundamental terms.[7] For Slavoj Zizek, the old political competition between centre-right and centre-left policies is giving way to a new configuration, in which a broad amorphous centre finds itself in competition with an extreme right on the rise. The governing class of the centre is sliding into increasing acquiescence towards moderate versions of the agenda of the extreme right on matters of immigration and citizenship policy. It is debatable how far this argument should be taken, yet it has sufficient credibility at least to reinforce the crucial need, as regards policies towards Europe's minorities and especially Muslims, for discourse and practice to coalesce around an intercultural compromise. If the European extreme right gains further support for racist and exclusionary policies (the French National Front leader is now ahead of President Sarkozy in the polls), the scene is set for the most fundamental challenge to European political values since the Second World War. Ominously, these movements towards the extreme right are now common to virtually the entire old core of Europe, or the founding states of the EU (France, Germany, Flemish Belgium, the Netherlands and Italy).

Even so, the 'explosion' of the internal European debate about multiculturalism looks relatively mild compared with the revolutionary implosion of authoritarian regimes in the Arab world. These two seemingly independent political movements are actually profoundly interconnected. Both are products of the inability of the North African states and even Turkey to have provided adequate living standards and opportunities to their peoples, leading to the masses of population that have resorted to migration, or would like to do so, as a means of escape.

The North African peoples are now insisting on democratic change, which is a movement that Europe wants to see succeed. The EU is now debating how it can best encourage and help Arab democracy. But if at home the EU develops increasingly exclusionary or populist assimilation policies towards the diaspora communities of these same countries, it will find itself entangled in a dreadful web of political contradictions and hypocrisy over its declared values. The promotion of an 'intercultural' compromise or model, with this term being used as a label for a careful and complex blend of policy instruments, is becoming ever more imperative.

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[7] S. Zizek, "Liberal Multiculturalism Masks an Old Barbarism with a Human Face", *Guardian*, 3 October 2010.

1. CONCEPTS OF MULTICULTURALISM AND ASSIMILATION
ZEYNEP YANASMAYAN

T‌he aim of this chapter is to offer a brief overview of the scholarly literature on multiculturalism and assimilation. In their least refined versions these two terms are posited as polar opposites; multiculturalism as the defender of an ideal of distinct cultural/religious communities living side-by-side, and assimilation as the defender of a model society connected as a whole. These are evidently simplified accounts that facilitate analytical distinctions. But there is more to both concepts.

While a recent arrival in political theory, multiculturalism as a term has become much used in both academic and political milieu. However it has different meanings. First, multiculturalism can be understood as a mere sociological reality, simply referring to the cultural pluralism of societies, which in Europe have often been amplified by migration flows due to the retreat of colonial empires or migration due to humanitarian and economic causes. Multiculturalism alters the modus operandi of *one* nation, *one* culture, which Kelly defines as the "context within which the problems raised by group differences arise and in which the issues addressed such as discrimination by the multiculturalist theorists can be located".[8] The acknowledgement of the fact of multiculturalism has led to the two other understandings of multiculturalism: as politics and as public philosophy.

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[8] P. Kelly (ed.), *Multiculturalism Reconsidered,* 2nd edition, Cambridge: Polity Press, 2005, p. 3.

Multiculturalist public philosophy is more than a simple acknowledgement of cultural diversity.[9] Rather it is an attempt to address inequalities that take place despite the principle of formal equality established by the liberal and secularist traditions. Multiculturalism seeks to offer a remedy to the imbalances and discriminations that stem from diverse ethnic, cultural or national backgrounds,[10] given the realization that "politics and law depend to some degree on shared ethical assumptions and inevitably reflect the norms of the society they are part of".[11] Multiculturalism thus promotes public 'recognition of difference',[12] largely opposing the liberal distinction between public and private spheres. Multiculturalism manifests itself through the intersection of two conceptual axes; culture and equality. While its opponents argue that culture and equality are inherently incompatible commitments,[13] its advocates believe in the idea of "a principled dialogue on the interrelated problems of

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[9] P. Kelly (ed.) (idem) for instance divides its protagonists into two groups; radical theorists (i.e. Iris Marion Young, Bhikhu Parekh) who take the social construction of the self as a starting point and liberal theorists (i.e. Will Kymlicka) who operate from an individual autonomy and choice perspective. A similar differentiation is offered by Squires (2005, pp. 117-118): impartiality politics focused on autonomy, identity politics focused on authenticity and diversity politics focused on transgression. J. Squires, "Culture, Equality and Diversity", in P. Kelly (ed.), *Multiculturalism Reconsidered,* 2nd edition, Cambridge: Polity Press, 2005.

[10] Initially, the theory was not concerned with religious groups as cultural groups *per se* but recent applications by several authors like Modood and Levey deal distinctly with them (particularly with Muslims). See T. Modood, *Still not easy being British*, Stoke-on-Trent: Trentham Books, 2010; G. Levey and T. Modood, *Secularism, Religion and Multicultural Citizenship*, Cambridge: Cambridge University Press, 2008; T. Modood, A. Triandafyllidou and R. Zapata-Barrero, *Multiculturalism, Muslims and Citizenship: A European Approach*, London and New York: Routledge, 2006.

[11] T. Modood and P. Werbner, *The Politics of Multiculturalism in the new Europe,* London: Zed Books, 1997, p. 17.

[12] C. Taylor, "The politics of recognition", in A. Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition*, Princeton NJ: Princeton University Press, 1994.

[13] B. Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Cambridge: Polity Press, 2001.

equality *and* culture".[14] Multiculturalism is also characterized by the principle of equal value of cultures, which has nonetheless been subject to stark criticism by liberal theorists like Barry and Joppke, arguing that it is logically impossible to recognize all cultures as equal because cultures have "propositional content" regarding what may be true and false, or right and wrong.[15]

Multiculturalist theory was initially developed in the context of the new world settler nations, with Will Kymlicka as one of its leading advocates. He seeks to reconcile liberal theory with multicultural citizenship by underlining the connection between individual freedom and cultural membership. Cultures do not have an intrinsic value but they are crucial in so far as they provide access to meaningful alternatives in life.[16] Kymlicka's liberal account relies on two basic distinctions, the first one being between multinational states from polyethnic states. Whereas in the former case cultural diversity arises from the incorporation of "previously self-governing, territorially concentrated cultures"[17] into a larger state, in the latter it stems from individual immigration. His conception of group-specific rights also flows from a second distinction between special representation rights attributed to national minorities and polyethnic rights to multiple immigrant communities.[18] The second distinction that is crucial to his analysis is between intra-group and inter-group relations. A liberal theory of multicultural citizenship attempts to balance the unfairness between the groups while contesting any limitation on the group members by the group itself. Hence, it seeks to promote external protection while opposing internal restrictions.[19]

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[14] J. Tully, "The Illiberal Liberal: Brian Barry's Polemical Attack on Multiculturalism", in P. Kelly (ed.) *Multiculturalism Reconsidered,* 2nd edition, Cambridge: Polity Press, 2005, p. 104.

[15] B. Barry, 2001, p. 270.

[16] W. Kymlicka, *Multicultural Citizenship*, Oxford: Oxford University Press, 1995, p. 83; W. Kymlicka, *Politics in the Vernacular Nationalism, Multiculturalism, and Citizenship*, Oxford: Oxford University Press, 2001, p. 228.

[17] Kymlicka, 1995, p. 11.

[18] See T. Modood, *Multiculturalism. A civic idea*, Cambridge: Polity Press, Chapter 2 for the theoretical and empirical shortcomings of this distinction, 2007.

[19] Kymlicka, 1995, p. 35.

Several authors within the multicultural school disagree with this emphasis on individual autonomy and the value of culture as the provider of a context of choice. One of the most prominent voices has been Tariq Modood, who has greatly influenced the way multiculturalism is understood both normatively and practically in contemporary Europe. Modood does not only apply multiculturalism to the context of Europe which is characterized by ethnic minorities stemmed from international migration or colonial connections rather than indigenous people, he also extends the initial frame of the theory to religious groups. His sociological departure point is not culture as such but the recognition of difference, also posited by Taylor[20] and Young.[21] Contrary to multiculturalism's sceptics, his idea of cultural differences is to turn "their negative and stigmatic status into positive features of the societies they are now part of".[22] He recognizes the difference between and within groups and hence 'multi'. Multiculturalism should be seen as "an accommodative form of integration which would allow group-based racialized, ethnic, cultural, religious identities and practices to be recognized and supported in the public space, rather than require them to be privatized."[23] Multiculturalist theorists join Modood in his postulation of multiculturalism as a claim of integration into, rather than withdrawal from, the majority society. Kymlicka for instance holds that multiculturalism seeks to renegotiate the terms of the state-imposed integration and to ensure a fairer inclusion.[24] Hence, contrary to common belief, multiculturalist theory embraces rather than rejects the coexistence of "a community of communities with a community of citizens".[25]

The first states to embrace an official multicultural form of politics were the new-settler nations. Canada became the first state to officially

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[20] Cf. idem note 5.

[21] I.M. Young, *Justice and the Politics of Difference,* New Haven, CT: Princeton University Press, 1990.

[22] T. Modood, *Multiculturalism. A civic idea*, Cambridge: Polity Press, 2007, p. 43.

[23] T. Modood, 2007, p. 61.

[24] W. Kymlicka, *Finding Our Way*, Toronto: Oxford University Press, 1998, p. 38.

[25] The Runnymede Trust, *The Future of Multi-Ethnic Britain: the Parekh Report*, London: Profile Books, 2000, p. 47. See also B. Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, 2nd Edition, Hampshire: Palgrave Macmillan, 2005.

enshrine multiculturalism into its constitution, followed by Australia.[26] In Europe, the cases of the Netherlands and to a certain extent the United Kingdom epitomized the multiculturalist trend. The main difference between the European multiculturalisms and their trans-oceanic precursors is that in Canada or Australia multiculturalism has been offered as a national identity option for society as a whole and not as a policy of integration.[27] Just a decade ago Nathan Glazer's famous statement "we are all multiculturalists now"[28] was finding acceptance in large circles. However, lately the drift away from multiculturalism that began in popular media in the Netherlands has (as noted in Chapter 1) spread into a mainstream political discourse in much of Europe.[29] While it is too early to claim a general retreat from multicultural policies in practice, it is clear that there is a widespread move in favour of civic integration measures, accompanied by the renewed emphasis on citizenship in European states. It is true that citizenship has made a surprising return to the political agenda and to the public debate.[30] At a time when it was losing its appeal as the bearer of rights,[31] it has come to be seen as *the* response to the challenge of

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[26] P. Kivisto and T. Faist, *Citizenship: Discourse, Theory, and Transnational Prospects*, Malden, Oxford and Carlton: Blackwell, 2007, pp. 36-37.

[27] C. Joppke, "The retreat of multiculturalism in the liberal state: theory and policy", *British Journal of Sociology*, Vol. 55, No. 2, 2004, pp. 237-257, P. Kivisto and T. Faist, 2007.

[28] N. Glazer, *We Are All Multiculturalists Now*, Cambridge: Harvard University Press, 1997.

[29] For the Netherlands see P. Scheffer, *Het Land van Aankomst*, Amsterdam: De Bezige Bij, 2007, P. Scheffer, "Het multiculturele drama"*, NRC Handelsblad,* January 2000 and for Germany see T. Sarrazin, *Deutschland schafft sich ab,* München: Deutsche Verlags-Anstalt, 2010.

[30] C. Joppke, 2004, p. 243. It should be borne in mind that in practice these measures are employed differently within each state, therefore what seems like a convergence on legislations might not be necessarily the case when implemented. See C. Joppke, "Beyond National Models: Civic integration policies for immigrants in Western Europe", *West European* Politics, Vol. 30, No. 1, 2007, pp. 1-22 for a pro-convergence argument and D. Jacobs and A. Rea, "The end of national models? Integration courses and citizenship trajectories in Europe", paper prepared for the EUSA-conference, Montréal, 17-19 May 2007 for anti-convergence argument, 2007.

[31] See for the most prominent example Soysal's postnational membership; Y.N. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe,* Chicago: University of Chicago Press, 1994.

cultural and ethnic diversity in European states. The frequency of amendments made to nationality laws in recent decades clearly reveals this trend. These legislative changes are for the most part marked by de-ethnicizing tendencies and expansion in the use of *jus soli* (whereby citizenship is determined by place of birth) attribution and acquisition of nationality (notably with introduction of *jus soli* measures in the formerly descent-based Germany) and an increasing tolerance towards dual citizenship.[32] Yet the prevalence of integration tests and courses as a *sine qua non* condition for becoming a citizen (or a resident, or even sometimes for entering the territory) underscores the idea that nationality has to be 'earned'. Bauböck et al. contend that the concept of 'naturalization as a means of integration' is being replaced by another paradigm of naturalization as the "crowning of a completed integration process".[33] This is precisely what Joppke points to when he talks about the retreat of multiculturalism. He claims that there is a growing sense of 'when in Rome, do as Romans do' as a maxim of immigrant integration because the rules that migrants are expected to adapt to are increasingly procedural and universalistic.[34]

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[32] C. Joppke and E. Morawska, *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States*, New York: Palgrave Macmillan, 2003, p. 19. See a few other examples of comparative studies dealing with nationality legislation; B. Baubock, E. Ersboll, K. Groenendijk and H. Waldrauch, *Acquisition and Loss of Nationality: Policies and trends in 15 European countries*, Amsterdam: Amsterdam University Press, 2006; R. De Groot and M. Vink, "Citizenship Attribution in Western Europe: International Framework and Domestic Trends", *Journal of Ethnic and Migration Studies*, Vol. 36, No. 5, 2010, pp. 713-734; B. De Hart and R. Van Oers, "European Trends in Nationality Law", in R. Baubock et al. (eds), *Acquisition and Loss of Nationality, Volume I: Comparative Analysis; Policies and Trends in 15 European Countries*, Amsterdam: Amsterdam University Press, 2006; P. Weil, "Access to citizenship: A comparison of twenty five nationality laws", in T.A. Aleinikoff and D. Klusmeyer (eds), *Citizenship Today: Global Perspectives and Practices*, Carnegie Endowment for International Peace, Washington, D.C., 2001.

[33] R. Baubock et al., 2006, p. 24. For a recent edited volume on the integration measures in different European states see E. Ersboll, D. Kostakopoulou and R. Van Oers, *A Re-definition of Belonging? Language and Integration Tests in Europe*, Leiden: Brill, 2010.

[34] C. Joppke, 2004, p. 255. Joppke further argues that language assimilation asked of the immigrants is compatible with liberal values and that elsewhere develops

Two further considerations are warranted before concluding too quickly on the demise of multiculturalism. First, multiculturalist policies that assist immigrants to cherish their cultural, ethnic or religious background usually take place at the local level and not at the national level. And this practice, as shown in the chapters that follow, has not been completely halted and in some cases even remained unchanged or furthered despite the rhetoric against it. Second, as Kivisto and Faist rightly state "part of the reason for the widely divergent assessments of the short history and potential future of multiculturalism, as well as why it has been a flashpoint of political contestation, is that the word is often used with widely disparate meanings."[35] In their view, multiculturalism in practice – either as official state policies or as implicit approaches to ethnic diversity – has implied that differences were not only to be tolerated but also valued. A certain level of 'multicultural sensitivity' is now ingrained in Europe's liberal nation states. Indeed, the fiercest critics of multiculturalism, such as Joppke, acknowledged that the very nature of liberal states allows immigrants to find recognition and protection for their distinct cultural practices through the individual rights and liberties protected by constitutions. Similarly, the principle of indirect discrimination comprised in the list of illicit discriminations in the EU Race Directive, establishes a de facto recognition of groups. This is evidently not to deny the move away from treating minorities as groups and the growing emphasis on individual autonomy in states' policies, most apparent in the Netherlands' spectacular reversal from policies of recognition of and support for communities, to policies of integration. Nevertheless, one can recognize what Joppke and Morawska call a situation of de facto multiculturalism,[36] which is different from an official multiculturalism that seeks state engagement for the recognition of immigrants as distinct ethnic groups. Therefore, depending on the definition, multiculturalism as an analytical tool can either represent an extreme end of differentialism/communitarianism or a middle way that

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that there is a general distancing from the old idea of assimilation. See also Brubaker on the development of the term 'assimilation'.

[35] P. Kivisto and T. Faist, 2007, p. 35.

[36] C. Joppke and E. Morawska, 2003, p. 2, 8.

is often re-baptized as interculturalism, interactive[37] or attenuated pluralism.[38]

Assimilation is largely understood to be a utopian end result; a desired outcome for a society where members would be culturally indistinguishable from one another. By definition it implies a process of becoming the 'same', hence the absorption of immigrants within the host society's culture. This understanding also relies on the supposition of an idealized homogenous society prior to the immigration. While this is a common view of 'assimilation', this term also deserves further scrutiny.

Classical assimilation theory, which was given its shape by the early Chicago school writings,[39] defines assimilation as

> a process of interpenetration and fusion in which persons and groups acquire the memories, sentiments, and attitudes of other persons and groups and, by sharing their experience and history, are incorporated with them in a common cultural life.[40]

But this classical statement of assimilation theory does not imply a uni-directional or forced assimilation process. It is presumed that acculturation would happen spontaneously or even unintentionally by the very nature of human contact. In this sense assimilation is viewed as an inevitable outcome.[41]

Another feature of assimilation theory is the interconnectedness of the different dimensions of assimilation (i.e. social, structural, cultural, cognitive), even though its proponents may disagree on which dimension should be of primary importance. The first dissection of the concept came from Milton Gordon whose typology includes seven different dimensions ranging from cultural, structural, marital, identificational, attitude-

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[37] D. Hartmann and J. Gerteis, "Dealing with diversity: Mapping multi-culturalism in sociological terms", *Sociological Theory*, Vol. 23, No. 2, 2005, pp. 218-240.

[38] A. Zolberg and L.W. Long, "Why Islam is like Spanish: Cultural Incorporation in Europe and the United States", *Politics Society,* Vol. 27, No. 5, 1999, pp. 5-38.

[39] R.E. Park and E. Burgess, *Introduction to the Science of Sociology*, Chicago: University of Chicago Press, 1921 (reprint: 1969). R.E. Park, "Assimilation, Social", in Seligman and Johnson (eds), *Encyclopedia of Social Sciences*, New York: Macmillan, 1930.

[40] R.E. Park and E. Burgess, 1969, p. 735.

[41] R.E. Park, "Human Migration and the Marginal Man", *American Journal of Sociology*, Vol. 33, 1928, pp. 881-893.

receptional, behaviour-receptional, to civic assimilation. Even though immigrants begin their adaptation to their new country through cultural assimilation, it is the structural assimilation that matters the most.[42] This leads into the central attack on assimilation by the transnationalism thesis, which asserts that the relationship between the different dimensions of assimilation should be decoupled given the current conditions of globalization.[43] In particular, it has become hard to maintain the ideal of cultural homogeneity as individuals more visibly subscribe to diverse and multiple identities. Structurally, socio-economic systems that immigrants are integrating into are also multiple and fragmented. Moreover, assimilation in the structural sphere does not necessarily lead to a similar outcome in the cultural sphere. For instance, immigrants perfectly integrated into the labour market may still feel attachment to their culture of origin and may want to keep their ties with their country of origin. There have been attempts to 'repair' this shortcoming from the assimilationists. One such approach speaks of 'segmented assimilation',[44] which acknowledges this decoupling and considers the assimilation process to be composed of at least three possible multidirectional patterns: the upward mobility pattern thus far advocated by assimilation theorists, the

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[42] For more on this, see M. Gordon, *Assimilation in American life: The Role of Race, Religion, and National Origins*, New York: Oxford University Press, 1964**,** or for a brief recap R.D. Alba and V. Nee, "Rethinking Assimilation Theory for a New Era of Immigration", *International Migration Review*, Vol. 31, No. 4, 1997, pp. 826-874.

[43] M. Bommes, "Transnationalism or Assimilation", *Journal of Social Sciences Education*, 2005 (http://www.jsse.org/2005/2005-1/transnationalism-assimilation-bommes.htm).

[44] This variant of assimilation theory was first introduced by Portes and Zhou: A. Portes and M. Zhou, "The new Second Generation: Segmented Assimilation and its Variants", *Annals of the American Academy of Political and Social Science*, Vol. 530, 1993, pp. 74-98. Ever since there is growing body of literature on segmented assimilation see few examples; M. Zhou, "Segmented Assimilation: Issues, Controversies, and Recent Research on the New Second Generation", *International Migration Review,* Vol. 31, No. 4, 1997, pp. 975-1008; R.D. Alba and V. Nee, 1997; A. Portes, P. Fernández-Kelly and W. Haller, "Segmented assimilation on the ground: The new second generation in early adulthood", *Ethnic and Racial Studies*, Vol. 28, No. 6, 2005, pp. 1000-1040; A. Portes, P. Fernández-Kelly and W. Haller, "The Adaptation of the Immigrant Second Generation in America: Theoretical Overview and Recent Evidence"**,** Princeton University, The Center for Migration and Development, Working Paper Series, 2008.

downward-mobility pattern which pushes in the opposite direction and thus leads immigrants to integrate into the underclass both culturally and economically, and finally economic integration into the mainstream alongside a lagged acculturation process with deliberate preservation of the immigrant community's values.[45]

On the policy side, assimilation means "encouraging immigrants to learn the national language and take on the social and cultural practices of the receiving community".[46] Several European states first emphasized assimilation when new waves of migration started after the Second World War. Nevertheless, to date the historical archetypes of assimiliationist policies are considered to be the Americanization movement of the early-20th century and homogenizing practices of Jacobin Republicanism in France.[47] This latter did not only consist of repressing internal diversity that was already present on French soil, such as different dialects, but also had a colonial aspect reminiscent of the idea of the *mission civilisatrice.* Today, such policies and programmes have come to be considered morally and politically unacceptable, not to mention ineffective. Moreover, thinking on assimilation has been confronted with the realization that communities that had developed as a consequence of international migration may wish to stress their cultural identity, notwithstanding the fact that their members might be fully incorporated into the surrounding society.[48] Therefore, assimilation as a normative term, presenting a pure ideal type to be reached, has generally been abandoned in the literature, and new expressions such as incorporation, acculturation, and integration have been employed. An exception to this comes from Rogers Brubaker,[49] who makes

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[45] M. Zhou, 1997, p. 984.

[46] S. Castles and A. Davidson, *Citizenship and Migration: Globalization and the politics of belonging*, New York: Palgrave, 2000, p. 60.

[47] R. Brubaker, "The return of assimilation? Changing perspectives on immigration and its sequels in France, Germany, and the United States", *Ethnic and Racial Studies*, Vol. 24, No. 4, 2001, pp. 531–548.

[48] H. Entzinger and R. Biezeveld, "Benchmarking on Immigrant Integration", Report for the European Commission under contract No. DG AI-A- 2/2002/006, 2003, p. 7.

[49] He is not alone in his defence of assimilation. See also R.D. Alba and V. Nee, 1997; E. Morawska, "In Defense of the Assimilation Model", *Journal of American*

the case for the return of assimilation. For him the core meaning is increasing similarity and the accent is on the process, not on some final state. Assimilation designates a direction of change, not a particular degree of similarity.[50]

Notwithstanding this re-positing, assimilation is still used to denote an antipode position when assessing state policies. Multiculturalism and assimilation both represent typological models standing at the two extremes, even though in practice it is hardly possible to observe them in their pure forms in contemporary Europe. The notions of assimilation and multiculturalism that have become part and parcel of daily life are indeed theoretically much more complex. This is important to keep in mind as our perception of these concepts significantly contributes to our appraisal of the phenomenon in hand and to our classification of the policies.

Ethnic History, Vol. 13, 1994, pp. 76-87; R. Kazal, "Revisiting Assimilation: The Rise, Fall, and Reappraisal of a Concept in American Ethnic History", *American Historical Review,* Vol. 100, 1995, pp. 437-472.

[50] R. Brubaker, 2001, p. 534.

2. IMMIGRATION AND INTEGRATION IN THE NETHERLANDS: FROM MULTICULTURALISM TO ASSIMILATION?
TINKA M. VELDHUIS & TITIA VAN DER MAAS

Introduction

Ever since the first immigrants arrived in the Netherlands in the years following the Second World War, the country has undergone a marked shift in its approach and attitudes towards minority issues. For years, the country had been celebrated for its tolerant approach, in which social and cultural diversity among societal groups was recognized and appreciated. There was little debate about minority issues and official policy lines stressed the preservation of cultural diversity and the emancipation of minority groups. It could be said that for a long time the prevailing attitude was one of conflict avoidance and compromise.[51] However, the last few decades have seen drastic changes in both the focus and tone of the debate.

Gradually, the liberal atmosphere of the 1960s and 1970s has developed into a rather tense climate in which minority issues dominate the political and public agenda, and in which tolerance for cultural and religious differences appears to be on the wane. There is an increasing demand for immigrants to take the responsibility to integrate and adapt to Dutch norms and standards, especially over the past decade. Whereas minority issues were previously given little political priority, today the debate is strongly politicized and appears to be dominated by very public incidents and controversies. In all, it has been argued that the Dutch discourse on

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[51] M. Bruquetas-Callejo, 2007; B. Garces-Mascarenas, R. Penninx and P. Scholten, *Policymaking Related to Immigration and Integration. The Dutch Case*, IMISCOE Country Report: Working Paper No. 15, IMISCOE, Amsterdam, 2007.

immigration and integration is now moving towards a perspective of assimilation.[52]

We take a closer look at this paradigmatic shift in the present chapter, and examine how the socio-political dialogue on integration and immigration has changed since the 1950s. We aim to shed light on the demographic and sociological developments that underlie these changes and examine whether and to what extent the changes in public and political dialogue are reflected in official policy lines towards immigration and integration. To illustrate developments we identify the most relevant incidents that have stirred up social and political debate, and examine how they have further affected both political discourse and the government's policy strategy. In doing so we focus primarily on issues involving Muslim minority groups, mainly because the contemporary debate tends to focus on this population and also because most ethnic minority groups in the Netherlands have a Muslim background.

We follow the categorization of integration models that has served as a guiding principle throughout the other chapters of the book. Accordingly, three different models of integration can be distinguished that encompass different expectations and demands from the immigrant and the host society. At one end of the spectrum a *multicultural communitarian* perspective can be found, according to which religious and cultural differences should be supported. The communitarian model seeks to achieve a balanced relationship between society and community on the one hand, and the rights and needs of the individual on the other. The *multicultural communitarian* model suggests that integration is best served by respect for religious and cultural diversity. At the other end of the spectrum an *assimilation* perspective can be identified, according to which differences between the characteristics of immigrant groups and the host society should disappear. To a large extent the responsibility to adapt is placed upon the immigrant, who is expected to integrate fully and adopt the dominant culture. Lastly, in the middle of the spectrum a *hybrid-intercultural* perspective can be identified, according to which individuals are expected to and aim to fully participate in the host society, while at the same time striving to retain elements of distinct cultural or religious identity. According to the hybrid model, otherness should be respected

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[52] E. Vasta, "From Ethnic Minorities to Ethnic Majority Policy: Multiculturalism and the Shift to Assimilationism in the Netherlands", *Ethnic and Racial Studies*, Vol. 30, No. 5, 2005, pp. 713–740.

without being over-emphasized. In the present chapter we suggest that the public and political discourse in the Netherlands has moved away from a communitarian perspective towards an assimilation perspective, and that minority issues are increasingly politicized and the subject of polarization. At the same time however, we argue that this paradigmatic shift towards assimilation does not – yet – reflect in official government strategies towards immigrants. Although the public and political debate on minority issues has intensified over the last years, no drastic policy changes have so far materialized.

To understand how the public and political discourse on immigrant issues has changed requires an understanding of the demographic and sociological developments in the Netherlands. The chapter therefore starts with a brief overview of the history of immigration in the Netherlands since World War II and gives an outline of the current state of affairs in immigration. Next, we will outline how the public and political discourse has evolved in recent decades. We examine the interplay between changing socio-demographic realities and policy lines. Subsequently, a series of public controversies will be discussed within the context of the integration debate, to further examine the development of the public and political discourse.

2.1 Integrating Muslims: Problem definitions and policy lines

From the time when the first labour migrants arrived in the post-war years and migration increased, integration and ethnic diversity have been matters of public and political concern. Over recent decades, the Netherlands has been home to a wide variety of ethnic and religious groups and is still growing in population and diversity. Between 2000 and 2009, the overall population grew by approximately 622,000 people, to reach a figure of almost 16,5 million people in 2009. Almost 1,8 million inhabitants (11%) stem from a non-Western background. Turks (378,000) and Moroccans (342,500) make up for the largest groups of non-Western inhabitants, followed by Surinamese (339,000) and Antilleans (135,000). Other ethnic groups are Iranians, Iraqis, Afghans, Chinese, and Somalians. Additionally, recent years have seen an increase in immigrants from Central and East-European countries like Poland and Hungary. To a large extent this rapid increase can be explained by the fact that as of May 2007, immigrants from countries like Poland, Hungary, Slovenia, and Slovakia

no longer needed a special permit to work in the Netherlands (*tewerkstellingsvergunning).*[53]

Currently, approximately one million Dutch inhabitants are Muslims, accounting for 5.8% of the overall population. The largest subgroups of Muslims consist of Moroccans and Turks, who make up almost 75% of the Muslim population. The remaining 25% is made up of Muslim Surinamese and people seeking asylum from countries like Afghanistan, Iran, Somalia, Bosnia and Pakistan.

The rapid demographic changes and their socio-economic consequences have affected both the public and political discourse on minority issues. In the following sections we describe how this discourse developed across decades, and examine the dominant patterns of immigration and integration policy. Over time, different phases can be distinguished in which both perceived dilemmas and policy paradigms regarding immigrants have changed considerably. In the coming sections we discuss these phases in detail. First, however, it is important to understand the sociological structure of 'pillarization' in which the first immigrants arrived in the post war years.

2.1.1   Pillarization

Since the 19th century, Dutch society has known a tradition of *pillarization,* a unique social arrangement in which society is segmented into different social groups, based on moral or religious denomination. Pillarization is characterized by the vertical stratification of society in which each pillar has its own authority and autonomy with full 'sphere of sovereignty'.[54] For decades there was a Catholic pillar, a Protestant pillar, and a Socialist pillar, together with some other, less easily defined pillars. Pillarization involved a sophisticated form of social organization in which each pillar defined its own organizations and institutions, which covered not only politics, but aspects of social life in general.

Each pillar had its own ideological representation by means of political parties, newspapers, and broadcasting companies, and could have fully or partly state-funded institutions like hospitals, schools, youth

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[53] SCP, *Jaarrapport Integratie* (*Annual Integration Report*), The Hague: Sociaal en Cultureel Planbureau, 2009.

[54] A. Kuyper, Souveriniteit in eigen Kring (in-house translation: *Sovereignty in one's own circle*), Amsterdam: Kruyt, 1880.

movements, and sports clubs.[55] This way, pillarization functioned as an arrangement that ordered the relationships between different societal groups and institutionalized their integration within the national state. It allowed different societal groups with incompatible religious doctrines to organize their own sub-society while reducing inter-pillar relations and conflicts.[56] When the first immigrants came to the Netherlands and introduced Islam as a 'new' religion to society, it seemed logical that Muslims would be allowed to create their own pillar. However, although pillarization had been successful for decades, this particular system of social organization had already started to erode in the post-war years as a result of secularization. The arrival of immigrants, which made the Dutch population increasingly religiously and ethnically diverse, probably only accelerated this process of de-pillarization. The fact that no separate pillar for Muslims was created was also partly because it was thought that the creation of such a pillar was unnecessary. Immigrants, it was believed, were not supposed to stay in the Netherlands.

2.1.2   The myth of return

A key feature of the discourse on immigration and integration had always been that the Netherlands did not consider itself to be a country of immigration. Before the war there had been little immigration to the Netherlands so it was practically an unknown phenomenon. The core assumption was that the few immigrants who arrived in the Netherlands would either stay for a short while and then return to their countries of origin, or would assimilate into their new environment.[57] Both in public and political debate, little attention was paid to immigration issues. From the 1950s on however, sociological circumstances started to change rapidly as the post-war years brought a growing influx of immigrants to the

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[55] R.B. Andeweg and G.A. Irwin, *Governance and politics of the Netherlands*, New York: Palgrave Macmillan, 2002.

[56] B. Spiecker and J. Sleutel, "Multiculturalism, pillarization and liberal civic education in the Netherlands", *International Journal of Educational Research*, Vol. 35, 2001, pp. 294-303; H. Entzinger, "The Rise and Fall of Multiculturalism", in C. Joppke and E. Morawska (eds), *Toward Assimilation and Citizenship*, New York: Palgrave, 2003.

[57] H. Entzinger and R. Biezeveld, *Benchmarking in Immigrant Integration*, Rotterdam: ERCOMER, 2003. Study carried out for the European Commission, DG Justice and Home Affairs.

Netherlands. Three distinct types of immigration streams can be identified that resulted in the arrival of different minority groups from various ethnic and cultural backgrounds.

Firstly, the independence of former colonies like Indonesia (in 1949) and Suriname (1975) gave rise to a stream of post-colonial immigration. At this time most immigrants were from the South Moluccan Islands, where they had served in the Dutch Indian Army (KNIL). Due to the political and military instability in the Moluccas the Dutch government saw itself forced to transport the remaining KNIL-soldiers and their families to the Netherlands. In 1951, approximately 12,500 Moluccans moved to the Netherlands.[58] Both the Dutch government and the immigrants themselves expected a return to the Moluccas as soon as the political situation in that region had stabilized, and their stay was thought to be only a short one. As a result, no measures were taken to integrate the Moluccans into Dutch society. They were housed in camps, often former concentration camps from WWII, and were not issued with work permits. However, the political situation in the Moluccas did not stabilize and for years, the Moluccan communities remained isolated and largely unemployed within the Netherlands, and feelings of frustration and deprivation mounted.[59] Similar waves of post-colonial immigration emerged with the independence of Suriname, paralleled by influxes from the Dutch Antilles. Unlike the Moluccans, however, these immigrants were not perceived as guests but as repatriates, and expected to integrate easily into Dutch society.

Secondly, the Netherlands saw a large influx of labour immigrants. The post-war years brought rapid economic growth and an increasing shortage of particular workers to the Netherlands. In response the Dutch government actively recruited foreign workers from countries around the Mediterranean such as Spain, Italy, Morocco and Turkey. Like the Moluccans, these so called 'guest-workers' were expected to stay in the Netherlands temporarily and return to their countries of origin as soon as their services were no longer required. Although many Italian and Spanish immigrants did indeed return to their home countries in the 60s and 70s, large communities of Turkish and Moroccan labour migrants remained in

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[58] M. Jansen, "Reverse of revised mission: Indonesian and Moluccan immigrant churches in the Netherlands", paper presented at the ISSRC conference in Princeton, 9-12 July 2006.

[59] K. Dalstra, "The South Moluccan minority in the Netherlands", *Contemporary Crisis*, Vol. 7, No. 2, 1983, pp. 195-208.

the Netherlands. Subsequently, a process of family reunification unfolded in which labour migrants brought their wives and families to the Netherlands. At the time, few restrictions were imposed on immigration and immigrants could obtain permits without too much trouble. As a result, large communities of Turkish and Moroccan immigrants settled in the Netherlands, numbering as many as to approximately 77,000 permanent immigrants in 1977.[60]

Thirdly, the 80s and 90s saw a sharp increase in asylum migration. The number of asylum migrants that arrived in the Netherlands grew from 8,000 in 1990 to approximately 20,000 in 1993, and has levelled ever since to an annual average of 17,000 individuals. An approximate total of 100,000 asylum migrants entered the Netherlands between 1990 and 1996.[61]

As a consequence of these demographic changes a paradoxical situation emerged. On the one hand, the socio-political standard remained that the Netherlands should not and would not be an immigration country.[62] Immigration was seen as a passing historical phenomenon dependent on specific contextual factors and therefore of a temporary nature. The government aimed to accommodate the basic needs of the 'guest' migrants and to make the return to their countries of origin as smooth as possible. Immigrants were granted access to all regular facilities of the welfare state, and, special measures were taken to preserve their identity. Children could take special classes in their mother tongue and social facilities were created to allow for cultural and religious expression. In line with the 'myth of return', a formal immigration or integration policy was for a long time deemed unnecessary, and up until the 1970s, the Dutch government remained reluctant to develop policies towards ethnic minorities.[63]

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[60] Wetenschappelijke Raad voor het Regeringsbeleid, *Etnische Minderheden (Ethnic Minorities)*, SDU, The Hague, 1979.

[61] H. Nicolaas, "Family-network migration after asylum migration in the Netherlands", paper presented at the European Population Conference, 30 August – 3 September 1999, The Hague.

[62] R. Penninx, "Bridges between research and policy? The case of post-war immigration and integration policies in the Netherlands", *International Journal on Multicultural Studies*, Vol. 7, No. 1, 2005, pp. 33-48.

[63] J.W. Duyvendak and P. Scholten, "Questioning the Dutch multicultural model of immigrant integration", *Migrations Société*, special issue on "Beyond models of

On the other hand, however, the sociological reality did not fit the non-immigration perception. Minority communities within the Netherlands were growing rapidly and created new ethnic and religious groups that did not fit within the existing pillars, while no policy was implemented that organized the integration of these minorities. In the late 70s it had become clear that large groups of ethnic minorities would remain in the Netherlands. This gave rise to a debate on how the immigration and integration of newcomers should be handled. In the years that followed, the Dutch government would pursue a prominent multiculturalism policy.[64]

2.1.3   Multiculturalism

Even after the realization had sunk in that minority groups had settled permanently in the Netherlands, the socio-political norm remained that further immigration should be prevented or limited. Within the political context of the time, minority issues still had relatively little political priority and restrictive immigration criteria were implemented with little political debate.[65] However, it had become clear that measures had to be taken to make sure that those immigrants who had already arrived in the Netherlands would be integrated into Dutch society.

In June 1979, the Scientific Council for Government Policy (WRR)[66] published a report on Dutch policy regarding ethnic minorities. The WRR pointed out that the Netherlands could no longer sustain the intention to remain a non-immigrant country, and urged the government to acknowledge that the Netherlands was confronted with a new situation in which the existence of large communities of ethnic minorities could no longer be denied.[67] According to the WRR, the new context of immigration

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integration: France, the Netherlands and the Crisis of National Models", No. 122, 2009.

[64] At the time, the government's policy line was not perceived as an explicit expression of a 'multiculturalist model'. Only since the late eighties and in later integration theories has the policy acquired its normative association with the multiculturalist framework (Penninx, 2005).

[65] M. Bruquetas-Callejo, B. Garces-Mascarenas, R. Penninx, and P. Scholten, "Policymaking Related to Immigration and Integration. The Dutch Case", IMISCOE Country Report: Working Paper, No. 15, 2007.

[66] Wetenschappelijke Raad voor het Regeringsbeleid.

[67] WRR, *Ethnische Minderheden*, Den Haag: Staatsuitgeverij, 1979.

demanded a new set of policy measures that would have to focus on improving equality among societal groups. In line with the philosophy of pillarization, the best way to do this would be by facilitating the sustainability of ethnic minorities and to respect different identities, while improving their social, economic, and political participation within society.

In response to the WRR-report, the government adopted nearly all of its recommendations and implemented the so-called Ethnic Minorities Policy (*Minderhedenbeleid*), which centred on the belief that the cultural emancipation of immigrant minorities would be an essential condition of their integration. This emancipation was envisaged within state-supported ethnic infrastructures. By improving the economic participation of immigrants whilst allowing them to maintain their own culture and identity, the government attempted to improve the socio-economic position and participation of both the individuals within the groups and the groups collectively.[68] Issues regarding moral and religious beliefs were considered to be a private matter. The Ethnic Minority Policy served as a welfare state policy for vulnerable groups with a low-socio economic status, which were perceived as ethnically and culturally different. It was targeted at specific segregated groups, among which Turks, Moroccans, Moluccans, Surinamese, Antilleans and refugees.[69]

Through rather substantial policy measures, particularly in the legal-political, socio-economic, and cultural domains, the government aimed at promoting and controlling the integration of immigrants. For instance, civil equity was addressed by strengthening the anti-discrimination legislation, granting non-Dutch citizens both active and passive voting rights in 1985, and easing naturalization legislation. In the socio-economic domain, measures were taken to embed immigrants in the labour market, decrease unemployment rates, raise the level of education among immigrants and improve housing conditions.[70] Measures were taken to improve the disadvantaged position of children in the education system by providing

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[68] A. Fermin, *Nederlandse politieke partijen over minderhedenbeleid 1977-1995 (Political parties on minority policy in the Netherlands 1977-1995)*, Amsterdam: Thesis Publishers, 1997.

[69] E. Vasta, "From ethnic minorities to ethnic majority policy: Multiculturalism and the shift to assimilation in the Netherlands", *Ethnic and Racial studies*, Vol. 30, No. 5, 2007, pp. 713-740.

[70] Bruquetas-Callejo et al., 2007.

financial assistance to schools with pupils from minority groups, and by providing special education that matched the cultural and linguistic background of the children. In the cultural domain, groups had the autonomy to organize their own cultural and religious emancipation. The government facilitated communities to develop their own social, cultural and religious institutions.

The multiculturalist approach of the 80s was a logical extension of the pillarized society. As stated above, when Muslim immigrants arrived in the Netherlands it seemed natural that they would be allowed to create their own 'Muslim' pillar and organize their own institutions based on their cultural identity.[71] The discourse was characterized by a tolerant and conflict-avoiding mentality, political correctness and a lack of debate about integration and immigration. It was believed that different groups could live harmoniously together under a nationally shared roof held up by separate pillars. The cultural emancipation of groups was perceived as a central tool to integrate ethnic minorities. As such, preserving cultures was no longer required to facilitate the return of immigrants to their home countries, but was perceived as essential for successful integration.

Throughout the late 80s the multiculturalist approach became the subject of increasing criticism. Concerns started to surface about the socio-economic conditions of minority communities. It turned out that immigrants generally lived in disadvantaged positions. They settled in segregated, low socio-economic status neighbourhoods, and unemployment rates among immigrants were – and are – significantly higher than among the 'autochthonous' Dutch.[72] It was argued that the integration of immigrants had failed and that their socio-economic position had barely improved. However, at the time immigrant issues were still on the periphery of social-political debate and the concerns about the integration of minorities received relatively little attention. It was only in the early nineties that the topic became a political priority. Triggered by yet another report by the Scientific Council for Government Policy (WRR) in 1989, a rather drastic change occurred within public and political discourse.

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[71] R. Carle, "From Pillarization to Assimilation. 'Demise of Dutch Multiculturalism'", *Society*, Vol. 43, No. 3, 2006, pp. 68–74.

[72] M. Bruquetas-Callejo, B. Garces-Mascarenas, R. Penninx, and P. Scholten, "Policymaking Related to Immigration and Integration. The Dutch Case", IMISCOE Country Report: Working Paper, No. 15, 2007.

The discourse now reflected a shift in focus from cultural perseverance to integration.

2.1.4   Integration

In 1989, the WRR published a second report in which in criticized the Ethnic Minorities Policy. The WRR argued that little progress had been made on the socio-economic participation of immigrants, while too much emphasis had been placed on the preservation of cultural and religious identity.[73] The WRR warned that liberal policies in the cultural and religious domain could hinder integration and individual socio-economic participation, and facilitate segmentation and separatism of societal groups.[74] In the years that followed, the socio-political discourse reflected a change in perception of the presence of immigrants and the introduction of Islam as a new religion into society. In a speech in 1991, Frits Bolkestein, leader of the right-wing Liberal Party (VVD) was the first to suggest publicly that Islam posed a threat to liberal democracy and a hindrance to the integration of immigrants. Bolkestein warned that Islam and democracy might be irreconcilable and he argued that integration should be handled with 'more courage'.

The government decided that a new policy line was necessary and in 1994, a new Integration Policy was implemented. This policy included drastic changes to the multiculturalist approach of the 80s. In previous years the focus had been on cultural preservation, cultural emancipation within an individual pillar, and respect for differences in culture, language and religion. The new integration policy, however, was based on the idea that immigrants should participate in mainstream institutions rather than their own, in order to improve their participation in society.[75] To be able to do so, immigrants would have to adapt to Dutch norms and standards, learn the language and participate in the labour market. As part of a broader political change, increased emphasis was placed on the duties rather than the rights of immigrants. Integration into the host society was now seen as the responsibility of the individual rather than the state. Policy-wise, attention shifted from the domains of culture and religion to

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[73] WRR, *Allochtonenbeleid (Policy towards foreigners)*, Den Haag: Staatsuitgeverij, 1989.

[74] Bruquetas-Callejo et al., 2007.

[75] E. Vasta, 2007.

that of socio-economics. Group-level interventions were replaced by area-based interventions aimed at disadvantaged individuals. The integration policy aimed at promoting the educational, employment and residential position of minorities, as a tool to facilitate their integration into Dutch society.

Within the Ministry of Home Affairs a special post was created in 1998 for the Minister of Urban Policy and Integration. In the same year the Newcomer Integration Law (*Wet Inburgering Nieuwkomers, WIN),* was implemented. Central to this new law was that new non EU-members became obliged to take extensive integration courses that were designed to prepare immigrants for integration into Dutch society. The curriculum of these 12-month courses included language training (600 hours) and education on the cultural and historical aspects of Dutch society, as well as information about the functioning of important institutions. The courses and tests were made mandatory for newcomers and a precondition for immigration. Refusal to participate in the course could result in financial penalties.[76] The WIN illustrates a changing perspective on the expectations and demands that were placed on the immigrant. However, as Joppke suggests, these first policy changes still reflect a greater focus on encouragement and service by the state, than mere coercion.[77] The state paid for the integration courses, and fines were rarely imposed. In the years that followed, however, this service-aspect started to erode as integration policy took on an increasingly demanding aspect. More emphasis was being placed on Dutch culture and language, and on the 'good citizenship' of individual migrants. The emergence of populist right-wing elements in the political arena led to a renewed and strengthened call for the cultural integration efforts of immigrants. From the start of the new millennium, the political climate in the Netherlands shifted to the right, which went hand in hand with more restrictive policy measures being applied to immigrants. As such, the 1998 Newcomer Integration Law marked the first step in what is referred to by some as a trend to assimilation, which was further advanced in the government's 'new style' integration policy'.

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[76] H.B. Entzinger, "The rise and fall of multiculturalism. The case of the Netherlands", in C. Koppke and E. Morawaska (eds), *Toward assimilation and citizenship: Immigrants in liberal nation-states*, Basingstoke: Palgrave Macmillan, 2003.

[77] C. Joppke, "Beyond national models: Civic integration policies for immigrants in Western Europe", *West European Politics*, Vol. 30, No. 1, 2007, pp. 1-22.

2.1.5   Integration 'New Style'

The turn of the millennium is perceived by many as a turning point in the Dutch discourse on immigration.[78] The debate about multicultural society became a top political priority and for the first time, politicians and intellectuals engaged actively in the debate. The multiculturalist approach was increasingly criticized for its alleged failure to bring about integration. The WRR (1989) had argued that integration policies had not managed to prevent the marginalization of minorities. Among the most prominent intellectual thinkers who spoke out on the matter was Paul Scheffer, who published a widely-debated article about the 'multicultural tragedy'.[79] According to Scheffer, due to the failing integration policy a new 'ethnic underclass' had emerged, which was strongly segregated in terms of residence and education, and characterized by high levels of unemployment and crime. Scheffer blamed what he called 'cosy multiculturalism' for the failure as it caused insecurity over the Dutch 'national' identity and created a climate of tolerance and political correctness regarding the unsolicited effects of migration. In 2002, the incoming Prime Minister Balkenende declared publicly that a multicultural society offers an inadequate foundation to integration.[80] Indeed, the socio-economic position of non-EU immigrants was much worse than that of natives. As Joppke states, "migration into the Netherlands (...) is often a direct march into welfare state dependency".[81] Relative to other EU countries, non-employment rates for immigrants in the Netherlands was exceptionally high, rising to 5.4 times higher than that of natives in 1999. Also, immigrants were generally poorly educated and with a higher chance of dropping out of school. Residential segregation is also extremely high in the Netherlands at this time.[82] The new millennium thus began with serious concerns about integration and the social position of immigrants in the Netherlands.

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[78] H.B. Entzinger, 2003.

[79] P. Scheffer, "Het multiculturele drama" (*The multicultural drama*), *NRC Handelsblad,* 29 January 2000.

[80] J.P. Balkenende, *De fundamenten van de Nederlandse samenleving (The foundations of Dutch society)*, speech delivered to the 30-year olds of the CDA, 24 January 2002.

[81] Joppke, 2007, p. 6.

[82] Ibid.

Within this tumultuous socio-political context, the right-wing populist Pim Fortuyn entered the political arena and, with strong anti-immigrant rhetoric, challenged the "Islamification of Dutch culture".[83] Months after the terrorist attacks on New York in 2001, which further accelerated the downfall of intercultural tolerance,[84] Fortuyn was assassinated by an environmental activist in May 2002. A few days later, Fortuyn posthumously became the unmistakable winner of the general elections by winning 26 seats in parliament. The centre-right government that was instated after these elections imposed restrictive measures on immigration and the integration of newcomers. Considerable focus was placed on the duties of the immigrant to adapt to Dutch 'norms and values'; a term coined by Prime Minister Balkenende and which became a guiding principle in the integration debate in the years that followed.

Generally, since the millennium the integration debate has become increasingly politicized and polarized. In addition to Pim Fortuyn, a number of public-political figures have emerged to shape the discourse in this area.

The first was Dutch filmmaker Theo van Gogh. Van Gogh, who was known for his anti-Islam statements and provocative manner, was brutally murdered in Amsterdam in 2004. His assassin, Mohammed Bouyeri, was a Dutch citizen of Moroccan descent who was born and grew up in the Netherlands. His killing of Van Gogh was perceived as the ultimate proof that integration policies and the integration of immigrants had failed. This was thought to be the case for Muslims in particular who, facilitated by Islamic schools and social institutions, were accused of segregating themselves from mainstream society.[85]

Second, the Somali-born Member of Parliament Ayaan Hirsi Ali took a prominent stance in the integration debate. Van Gogh's murderer had pinned a letter to his victim's chest enclosing a death threat to Hirsi Ali. She was a member of the Liberal Party (VVD) and had been known for her

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[83] P. Fortuyn, *De Islamisering van onze cultuur: Nederlandse identiteit als fundament (The Islamisation of our culture: The Dutch identity as a foundation)*, Uithoorn: Karakter Uitgevers B.V., 2001.

[84] M.P. Vink, "Dutch 'multiculturalism' beyond the pillarisation myth", *Political Studies Review*, Vol. 5, 2007, pp. 337-350.

[85] R. Penninx, "Dutch Immigrant Policies before and after the Van Gogh Murder", *Journal of International Migration and Integration*, Vol. 7, No. 2, 2006, pp. 241–254.

campaign against the intolerant aspects of Islam, cooperating with Van Gogh on a movie called 'Submission', in which concerns were expressed about women's rights in Islam. In 2006, Hirsi Ali found herself involved in a public dispute with her party member and Minister of Integration, Rita Verdonk. The outcome of this dispute was that Hirsi Ali left Dutch politics and moved to the United States in 2007.

Third, Rita Verdonk herself has been one of the main actors in the post-millennium integration debate. Verdonk, who had been instated as Minister of Integration since 2003, was known for her tough stance on immigration issues, earning her the nickname 'Iron Rita'. Verdonk clearly shaped the political discourse on immigration issues. In 2004, she was the initiator of the 'Integration Policy New Style', by which a new system of obligatory and demanding integration policies was implemented.[86] Strongly influenced by Verdonk, the atmosphere of political correctness was replaced by an open and politicized debate on immigration and integration issues. After being expelled from the Liberal Party in 2007, Verdonk started her own political movement, which lost its last seat in the parliament after the general elections of June 2010.

Fourth, following both Hirsi Ali and Verdonk, Geert Wilders is another former member of the Liberal Party who has been known for his populist and right-wing point of view regarding immigrant issues. After leaving the Liberal Party, Wilders founded his own party in 2006 under the name of the 'Partij voor de Vrijheid' (Party for Freedom, PVV). In 2010 he won the general elections by securing 24 seats in parliament. Wilders is known as a populist politician with a strong anti-Islam agenda. In 2009 he proposed a tax on veils, which he provocatively termed '*kopvoddentax*',[87] suggesting that Muslim women should obtain a permit to wear a veil for an annual fee of one thousand euro. Wilders further advocates a cessation of immigration from non-Western countries, the banning of the burka, and the closing of all Islamic schools.[88] At the time of writing, Wilders' party has agreed to give parliamentary support to a minority cabinet consisting of the Liberal Party (VVD) and the Christian Democrats (CDA).

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[86] *Tweede Kamer II,* 2003-2004. Countourennota Herziening van het Inburgeringstelsel, 29543, Nos. 1-2.

[87] The word "*kopvoddentax*" can be roughly translated as 'head-rag tax'.

[88] Elsevier, *Wilders: Sluit alle islamitische scholen (Wilders: Close all Islamic schools)*, 1 May 2007.

In sum, the cultural emancipation that had been valued and encouraged for years was now perceived to be a threat to integration. Rather than facilitating individual and collective integration, the focus on cultural diversity came to be thought to hinder integration and lay the foundations of political and socio-economic segregation. This new perception of minority issues went hand in hand with growing expectations of responsibility of immigrants, and an increasing demand for proof of loyalty to Dutch culture and identity.

2.2   Discourse and controversies

Especially over the last decade, the dialogue on minority issues seems to have been dominated by public controversies that illustrate the different political, ideological, religious or social positions of the government and other relevant actors. As such, these controversies illustrate the intensity as well as the focus and tone of the debate as it evolves.

In the coming sections we seek to illustrate the developments in the in public discourse and official policy lines. In doing so, we can determine the positions of a wide variety of actors, namely the *Tweede Kamer* (House of Representatives), the Parliament and the media, and examine whether and how these debates affected official policy lines.

2.2.1   Citizenship and participation

The domain of citizenship and participation has probably seen more drastic policy changes than any other. It is in this area that subsequent governments have installed new and increasingly restrictive measures on immigration and integration.

A shift in approach towards the integration of immigrants can be illustrated by the new law on *inburgering*.[89] In 2005, the Minister for Immigration and Integration (Rita Verdonk) initiated a law to make the existing integration trajectory mandatory for immigrants outside the EU. The law caused public and political discussion, gaining support in the House of Representatives, although the *Raad van State* (Council of State) advised negatively on its first draft. The Council of State has two functions,

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[89] *Inburgering* literally means 'becoming a citizen'. It is used in contemporary politics in the Netherlands to discuss the non-legal aspects of immigrants taking root within Dutch society. Examples of *inburgering* are knowledge of the Dutch language, culture and customs.

first, an advisory function towards the government and the parliament on legislation and governance, second, its Administrative Jurisdiction Division is the highest administrative court in the Netherlands.[90] According to the Council of State, the proposed law discriminated between *autochtone* (native) and *allochtone* (non-native) Dutch passport holders, by obliging only the latter to take integration courses.[91]

In 2007 the *Wet Inburgering* (WI) (law on the integration of immigrants) was introduced. Its objective is "to enhance the position of the autochthonous working population with a minimum amount of skills".[92] Effective as of January 2010, it obliges non-EU immigrants who legally reside in the Netherlands and aspire to settle permanently to complete a course on *inburgering*. This integration trajectory has to be completed within a few years. Immigrants who do not comply are excluded from the right to a permanent visa and can be given financial penalties.[93]

A different but related law, the *Wet Inburgering Buiteland* (WIB) (law on the integration in foreign countries), specifies that non-EU immigrants who apply for a visa from their home countries are obliged to take a test at the Dutch Embassy in their homeland as a precondition for entering the Netherlands. The test fee amounts to € 350, is carried out by telephone and can be requested as often as desired. The main focus of the course is listening and speaking skills in Dutch and topics regarding Dutch society such as history, state constitution, education and employment.[94]

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[90] For more information on the Council of State, see http://www.raadvanstate.nl/english_summary/.

[91] Brief van de Minister Vreemdelingenzaken en Integratie aan de Tweede Kamer (*Letter from the Minister of Foreign Affairs and Integration to the House of Representatives*), Regels inzake inburgering in Nederland (*Rules on how to become a citizen of the Netherlands* (19 June 2006) Vergaderjaar 2005-2006, 30308 No. 73, p. 1. and 25 August 2006, "Wet Verdonk lijdt schipbreuk (*Verdonk law shipwrecked*)", *Trouw*.

[92] Eerste Kamer Algemene politieke beschouwingen. Vergaderjaar 2007-2008 EK 4, 68-108 (16 October 2007) pp. 4-78.

[93] See "Integration Systems Compared 2010", a report prepared by the Dutch Ministry of Housing, Spatial Planning and the Environment (http://www.ind.nl/nl/inbedrijf/overdeind/veelgesteldevragen/Koppeling_inburgering_en_verblijf.asp).

[94] See the government questions and answers page on this exam (http://www.rijksoverheid.nl/documenten-en-publicaties/vragen-en-antwoorden/hoe-ziet-het-basisexamen-inburgering-eruit.html).

The *Wet Inburgering* and its related laws sparked much debate. In 2008, the Court of Amsterdam decided that in the case of family reunification, the government cannot oblige immigrants applying for a visa to take and pass the basic course on *inburgering* in their countries of origin.[95] However, when the case went to appeal, the Council of State judged that the test on *inburgering* was lawful and that the demand to pass it can remain obligatory in the case of family reunification.

At the time of writing, a renewed debate on integration courses has emerged in the Netherlands. During the talks to form the new government, it became clear that the outgoing cabinet intended to pursue further limitations on the budget for integration courses, which would imply that immigrants could become solely responsible for the costs of their courses.[96]

The issue of dual citizenship has also come under the spotlight. In 2007, Geert Wilders' PVV initiated a vote of no-confidence in two secretaries of state who held dual-nationality passports. Wilders cast doubt on their loyalty to the Netherlands and demanded their resignation.[97] The House of Representatives was appalled by the statement. Nevertheless, the official stance of the Cabinet was that dual citizenship needs to be limited, for reasons of loyalty and integration. Under pressure from the Cabinet, the Minister of Justice (who was a member of the Christian Democrats – CDA) drew up a law to limit dual citizenship. In a letter to the House of Representatives, the Minister emphasized that having Dutch nationality encompassed certain rights but also certain duties, and that loyalty and 'good citizenship' were expected of every Dutch citizen.[98]

As part of the same debate, in 2007 the WRR published a report entitled "Identification with the Netherlands". It concluded that identification with the Netherlands cannot be forced upon immigrants by obliging them to obtain a Dutch passport and dismiss their former

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[95] Court of Amsterdam. August 15th, 2007, *LJN: BD7189.*

[96] 15 September 2010, "Veel kritiek op bezuinigingen inburgering (*Much criticism on savings of becoming a citizen*)", *de Volkskrant.*

[97] 28 February 2007, "Wilders en zijn kruistocht tegen dubbele nationaliteit (*Wilders and his crusade against dual nationality), Nova online.*

[98] Brief aan de Voorzitter van de Tweede Kamer (*Letter to the Chair of the Second Chamber*), "Meervoudige nationaliteit en andere nationaliteitsrechtelijke kwesties (*Multiple nationality and other legal nationality issues)*" 5504725/07/6, 12 October 2007, p. 2.

identity.[99] Notably, Princess Maxima, herself an owner of both a Dutch and an Argentinean passport, was invited to give a brief introductory speech at the presentation of the report. In the speech Maxima claimed that during her stay in the Netherlands she had not found '*one* Dutch identity'. Although her statement did cause some discussion, it was dismissed along with the WRR report with the argument that "regardless of multiformity, there is a collective history and [there are] national symbols connecting the Dutch".[100]

2.2.2   Education

A predominant issue in the current debate on Muslims in Dutch society concerns Islamic schools. The Dutch constitution includes the much disputed Freedom of Education Act.[101] This unique equality of private and public schools in law is among the most influential achievements of the era of pillarization. Article 23 of the constitution guarantees the right to establish denominated schools and receive governmental subsidies. At the time, it was held firm that each pillar would be allowed to establish their schools and be protected from the undesired influence of the state. As such it made sense that Muslims were allowed to create their own Islamic schools. The focus of the debate has since changed, however, and today questions are raised about the potentially negative impact that Islamic schools might have on integration. One of the main concerns is whether such schools provide a sufficient cultural and socio-economic foundation to prepare their pupils for participation in Dutch society.

The debate on state funding of Islamic schools was revived by the 2002 report of the Dutch National Security Service on undesired foreign influence and anti-integrative tendencies in Islamic schools.[102] The National

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[99] Wetenschappelijke Raad voor het Regeringsbeleid, *Identificatie met Nederland*, Amsterdam, 2007.

[100] 25 September 2007, "Máxima: 'Nederlandse identiteit nog niet ontdekt (*Maxima: Dutch identity not yet found*)", *NRC Handelsblad*.

[101] Dutch private schools are not to be confused with Anglo-American private schools. Dutch state funding makes private schools freely accessible for all children.

[102] BVD, *De democratische rechtsorde en islamitisch onderwijs. Buitenlandse inmenging en anti-integratieve tendensen (The democratic legal order and Islamic education. Foreign intervention and anti-integration tendencies)*, February 2002, p. 21.

Security Service recommended to 'systematically analyse' the religious curricula at Islamic schools.[103] Despite the separation of church and state, the Ministry of Education adhered to the request. The educational audit services concluded after inspection that "nearly all [Islamic] schools have an open attitude towards Dutch society and fulfil a positive role in enhancing conditions which promote social cohesion".[104]

As a result of recurring incidents within Islamic school boards and questions about them in the House of Representatives, a new educational audit was completed in 2008 on board practices in Islamic schools. The outcome was shocking. The report showed that 65% of the boards had unlawfully appointed members. Also, unlawful claims for funding had been made and with 25% of the boards there was a serious lack of (parental) participation; an essential condition of government subsidies.[105] Additionally, the report showed that the quality of education was 'weak' at 35,9% of the Islamic schools (as compared to the national average of 9,2%), and 'very weak' in 12,8% of the cases (compared to the national average of 1,4%).[106] The report triggered a debate on state funding and the limits of state interference in private and religious schools. In this debate, the PVV was again strident in its demand that all Islamic schools in the Netherlands be closed. The lawful grounds for this abolishment would be that 'Islam' is not a religion but a political ideology, and as such should not be subsidized by the Dutch government.[107] Another remarkable plea came from the then Prime Minister Balkenende (CDA) who suggested the abolition of the 'Islamic pillar'. He warned that this could create a "prison of underdevelopment" within this pillar.[108] As a result of the public debate,

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[103] Letter from the Minister of Internal Affairs to the House of Representatives concerning the report by the Dutch National Security Service on Islamic schools, 20 February 2002.

[104] Rapport Onderwijsinspectie, *Islamitische scholen en sociale cohesie (Islamic schools and social cohesion)*, October 2002, p. 5.

[105] Rapport Onderwijsinspectie, *Bestuurlijke praktijken in het islamitisch onderwijs (Administrative practices in Islamic education)*, November 2008, p. 33 and pp. 40-41.

[106] Ibid., p. 49.

[107] Ibid., p. 4.

[108] 3 December 2006, "Islamitisch onderwijs verdient faire kans maar het moet die wel waarmaken (*Islamic education deserves a fair chance, but it needs to make the most of that chance*)", *Trouw.*

for the first time in Dutch history, the Secretary of State of Education introduced a policy of intensified improvement trajectories for weaker schools. Despite these measures, the Dutch cabinet remains very reticent over interference in confessional schools.

2.2.3   Housing

In 2007, Minister Ella Vogelaar of Housing, Neighbourhoods and Integration identified forty 'problem neighbourhoods' and proposed a grand urban renewal project for these areas. Over €250 million were invested to improve housing, employment, education, integration and security matters in these neighbourhoods. From the start the project had been dogged by controversy and financial problems. The list of selected neighbourhoods was heavily criticized for being biased and based on old and incomplete information. Moreover, partly due to the economic crisis, Minister Vogelaar failed to attract housing companies to sponsor the project and received harsh criticism for failing to achieve results. The affair was extensively discussed in the media and in November 2008, Minister Vogelaar resigned when her Dutch Labour Party (PvdA) formally withdrew its confidence in her.[109]

2.2.4   Employment

In the employment sector, measures have been taken to facilitate the integration and participation of minorities in the labour market. In order to enhance equal opportunities the Dutch governmental and semi-governmental services maintained a policy of 'positive discrimination' in the employment of underrepresented social groups. This policy aimed at promoting access to the political process and to increase the influence of these groups on policy-making. In this way, women, disabled people and *allochtonen* (non-Dutch citizens) were considered to have equal access to work and influential positions. In the case of job vacancies within the civil service an explicit call was made to these social groups to apply and, in the case of equal suitability, their appointment was preferred.

These efforts at positive discrimination have come in for considerable criticism. Studies have shown that such measures can also have adverse

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[109] 14 November 2008, Statement by Wouter Bos, retrieved 8 June 2010 (http://www.pvda.nl/politici/politici/wouterbos/Verklaring+bij+aftreden+Voge laar.html).

effects, in that members of ethnic minorities feel that their accomplishments are devalued and ascribed to general characteristics (gender, ethnicity) rather than personal achievements.[110] Half of the target group of minorities, especially Turks, Moroccans and Antilleans, are put off once a vacancy explicitly calls for '*allochtonen'* to apply.[111]

Recently, the policy of positive discrimination towards these groups has changed to a wider policy of diversity. The policy is no longer solely targeted at ethnic minorities, but now also includes both socio-economically disadvantaged and other underrepresented groups in the labour market. As such, a policy of broader diversity is pursued by encouraging the participation of people of different ages, sexual orientation, and different educational levels.[112]

2.2.5 Policing

Over the last few years, a few notable local incidents related to interethnic tensions have stirred up political and public debate at the national level. Although structural tensions between different ethnic or minority groups are present, the scale is limited. Anti-Semitism by means of name-calling, for instance by Moroccan or right-wing youths, are recurring events. So is the vandalism of synagogues.[113] Additionally, some neighbourhoods are under special police scrutiny for potential conflict between different local groups. One rare example in which riots became a fact is that of the neighbourhood Terweijde in the relatively small city of Culemborg. This quarter is peopled by large groups of Dutch citizens of Moluccan and Moroccan descent. During 2008 and at the end of 2009, clashes between

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[110] J. Klaver, J.W.M. Medissen and A.W.M. Ode, *Minderheden op de Arbeidsmarkt (Minorities on the Labour Market)*, Amsterdam: Regio beleidsonderzoek, 2005; J. De Koning, J. Gravesteijn-Ligthelm and O. Tanis, *Wat bepaalt succes van allochtonen op de arbeidsmarkt? (What determines the success of foreigners on the labour market?)*, SEOR Working Paper No. 2008/1, 2008, p. 19

[111] 8 June 2008, "Positieve discriminatie schrikt sollicitanten af. Allochtonen wil geen oproep om toch vooral te solliciteren (*Positive discrimination puts off applicants. Foreign applicants don't want an explicit call to apply*)", *Personeelsnet.*

[112] A clear illustration of the policy to pursue diversity in the labour market is provided by the city of Amsterdam (http://www.werkenbijamsterdam.nl/index.php).

[113] 22 June 2010, "Soms telt hakenkruis, soms niet (*Sometimes the swastika counts, sometimes it does not*)", *NRC Handelsblad.*

these two groups occurred and resulted in fights and vandalism directed at each other and each other's property. These incidents were taken seriously by both media and politicians and again sparked further debate on the state of affairs concerning integration.

However, incidents like these are rare in the Netherlands. In fact, research has been carried out as to why these kinds of riots only occur incidentally and why potential interethnic conflicts rarely escalate. The study concluded that an important factor is that the government's close cooperation with 'first-line' services, like partners in the field of social work and the police force. Additionally, the de-escalating approach of the Dutch police force, combined with prevention, repression, empathy and enforcement is decisive.[114] In sum, it appears that the government's policy and the police force's negotiating and understanding attitude towards ethnic groups is effective in preventing riots.

2.2.6   Islamic practices

An extensive debate has been held in the domain of religious practices. One of the questions to attract considerable attention is whether and to what extent Muslims should be allowed to wear religious clothing that covers the body and/or the face. In mid-2007, Geert Wilders' party, the PVV, initiated a law on the banning of burkas and niqabs in public areas. The proposed law received majority support in Parliament. However, before it was made law the cabinet fell. In the new government the post of the Minister of Integration, which was previously occupied by the right-wing Liberal Party (VVD), was now assigned to the Labour Party (PvdA). In her first hours as Minister of Integration, Vogelaar declared that "wearing a burka in public should very well be possible".[115] With this statement she contradicted the PvdA's support for the burka ban. Part of the new coalition agreement had been to enforce a ban on face covering clothes for purposes of public order and safety.[116] It had been agreed that a general

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[114] O. Adang, H. Quint and R. Van der Wal, "Zijn wij anders? Waarom Nederland geen grootschalige etnische rellen heeft (*Are we different? Why the Netherlands has no major ethnic riots*)", Apeldoorn: Politieacademie. Lectoraat Openbare Orde en Gevaarbeheersing, 2010, p. 160.

[115] "Wilders maakt wetsvoorstel boerkaverbod (*Wilders proposes a law on the burka ban*)", *De Volkskrant*, 23 February 2007.

[116] *Tweede Kamer II 2006-2007*, 30 891 nr. 4, p. 27.

ban on headscarves and burkas would be prepared by the Ministry of Education, and that negotiations on a ban in the public transport would be discussed.[117] However, the PvdA's Minister of Education was wary of this ban and never delivered the bill.[118] Also, the public transport sector regarded the ban as redundant.[119] It was this hesitation on the part of public and political bodies that deferred enforcement of the ban during the last cabinet of Balkenende (2007–10).

At the local level, dilemmas arise from this new cabinet stance against wearing headscarves or burkas. Some municipalities deny the right to social services to women wearing a burka.[120] When such a case went to court, the Court in Amsterdam judged in favour of the veiled women.[121] In the case of a swimming pool refusing women wearing covering swim wear, the *Commissie Gelijke Behandeling* (Commission for Equal Treatment, CGB), an independent commission overseeing the implementation of the law on equal treatment, judged objections to this case as just.[122] In public areas such as schools and public transport, discussions have arisen about the wearing of headscarves or religious crosses on necklaces, and on placing Christmas trees in public schools. On some occasions these discussions have resulted in house rules banning all kinds of religious symbols.

In 2004, the VVD Minister of Immigration and Integration (Rita Verdonk) visited a meeting of imams when one of the imams refused to shake hands with her. According to Imam Ahmad Salam, his religion did not allow him to shake hands with women.[123] Furthermore he argued that Verdonk aimed at coercing Muslims to abandon their religion by telling

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[117] *Tweede Kamer II 2007-2008,* Brief ministers aan de Tweede Kamer over een verbod op gezichtsbedekkende kleding (*Letter from the ministers to the Second Chamber on the prohibition of clothes that cover the face*), 31200-VII nr. 48.

[118] 27 november 2008, "Symbolisch boerkaverbod hoger onderwijs (*Symbolic burka ban in higher education*)", *Binnenlands Bestuur.*

[119] *Tweede Kamer II 2009-2010,* Handelingen nr. 29, 32123 XVIII. P. 29-2729.

[120] 28 September 2009, "Cohen: geen uitkering voor boerkadrager (*Cohen: no entitlements for people who wear a burka*)", *Trouw.*

[121] Court of Amsterdam. May 24th 2007, *LJN: BA6917.*

[122] Commissie Gelijke Behandeling, Case no. 2009-15.

[123] 22 November 2004, "Imam geeft Verdonk geen hand (*Imam does not shake hands with Verdonk*)", *NRC Handelsblad.*

them how they should experience Islam.[124] The incident drew much media attention and resurfaced in every debate regarding Muslims, integration or non-discrimination. Political parties felt the need to express their point of view on the matter and were outspoken in their opinions regarding the relationship between Islamic practices and integration. In a particular case the Commission for Equal Treatment said that a female Islamic teacher should be free to decide whether or not she wants to shake hands with her male colleagues. The statement was not met with unanimous agreement among the political parties, and the VVD, CDA and PvdA distanced themselves from the commission's statement.[125]

A case with comparable characteristics is that of the orthodox Muslim lawyer Mohammed Enait, who refused to stand up once the judge entered the courtroom. He was reprimanded by the *Raad van Discipline*, the disciplinary council, who considered his behaviour unacceptable.[126] In response, the PvdA Secretary of State of Justice suggested exploring the possibilities to make this an issue of common law – standing up for the judge in the courtroom – into formal, written law.[127] Both cases regarding the tolerance towards Islamic practices reveal the contemporary conflict between religious rights and anti-discrimination law versus the hardening standpoints of the political parties.

2.2.7 Freedom of speech

The changing tone in the discussion on Muslim practices and Muslim integration is clearly illustrated by the court case against Wilders (PVV). Wilders makes his core business his firm stance against what he refers to as the 'Islamification' of the Netherlands. In past years, many charges have been made against him by groups and individuals who feel discriminated against by his statements. In 2008, the Public Prosecutor (Openbaar Ministerie (OM)), decided not to prosecute Wilders and to dismiss the 40 charges against him, on the basis that European law allows public and

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[124] 24 November 2004, "Imam blijft weigeren vrouwen de hand te schudden (*Imam still refuses to shake hands with women*", *Nova tv online*.

[125] 9 November 2006, "Politiek wijst uitspraak handen schudden eensgezind af (*Politics declines statement on shaking hands unanimous*)", *De Volkskrant*.

[126] 5 November 2009, "Muslim lawyer ordered to stand up", *NRC Handelsblad, NRC International*.

[127] *Tweede Kamer II 2009-2010,* vragenuur 37, 15 December 2009. P. 3574.

political debates considerable scope of expression. In this context, the Public Prosecutor declared that Wilders had not crossed this line, since his remarks concerned Islam as a religion, not Muslims as such.[128] In early 2009, as a result of complaints about the first OM statement, the Court of Amsterdam called for the prosecution of Wilders for incitement to hate and discrimination against Muslims and their religion, which is forbidden under the first article of the Constitution.[129] Among other things, Wilders was prosecuted for insulting a group and spreading hate.[130]

Wilders objected and declared that he considered his statements to be "within the context of the public debate".[131] This argument was dismissed and the first hearing took place in January 2010. Wilders continuously appeals to the freedom of speech and the right to a fair trial, referring to these as virtues of the Dutch Constitution. The case against Wilders is perceived by many as the ultimate test of whether the current freedom of speech law in the Netherlands should operate within certain boundaries. The court case is ongoing.

2.3   Concluding remarks

Generally, two main trends became visible in the Dutch approach towards immigrants since the first immigrants arrived after World War II.

First, Dutch public and political discourse underwent a drastic shift in its attitudes towards immigrants. It can be said that the focus and tone of the dialogue moved from one end of the spectrum to the other. Up until the eighties, the Netherlands pursued a multiculturalist (communitarian) approach by which cultural and religious differences were encouraged and institutionalized. The climate was characterized by tolerance and respect for diversity. Over time however, this multiculturalist model became perceived as a threat to social cohesion within society. It so happened that this tolerant and conflict-avoiding approach failed to bring about integration and widened rather than narrowed the gap between minority

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[128] Bureau Discriminatiezaken Kennemerland, Rechtszaak Wilders.

[129] 21 January 2009, "Hof Amsterdam beveelt de strafvervolging van het Tweede Kamerlid Geert Wilders" (*Court of Amsterdam orders the prosecution of Geert Wilders, member of the Second Chamber*), *Rechtspraak.nl*

[130] 13 January 2010, "Vervolging Wilders mag doorgaan" (*Prosecution of Wilders may continue*), *NRC Handelsblad.*

[131] Ibid.

groups on the one hand and the dominant culture on the other. During the nineties, the focus moved away from the preservation of cultural and religious differences towards a demand for integration. Immigrants were expected to prove their loyalty to the Netherlands by adopting its culture and standards. This trend towards a demand for integration – by some perceived as a demand for assimilation – was further accelerated by the killings of Pim Fortuyn in 2002 and Theo van Gogh in 2004. To a large extent, these events changed the debate on immigration into a debate on Islam which is increasingly taking on symbolic connotations. Today, the right-wing populist agenda dominates political discourse and as a result, the social status of Islam in society has become a high priority. Geert Wilders has played an important role in advancing this movement towards an assimilation perspective, especially in recent years. A tendency towards polarization is visible, in which both ends of the spectrum find themselves locked in a public confrontation that might well last for a few more years.

Interestingly, the official policy strategies do not yet reflect the trend towards assimilation. Changes have been made, particularly during the 90s when the government decided to drastically change its strategy to prevent the perceived damage that the multiculturalist model of the 80s had inflicted on society. These changes however do not occur with the speed and intensity of the public discourse. The current state of policy affairs can probably be best described as a hybrid-interculturalist approach by which immigrants are expected to integrate but are at the same time allowed to maintain elements of their cultural and religious identity. Predominantly, policy changes have occurred within the domain of integration and citizenship, where increasingly coercive measures can be found that aim to integrate immigrants into Dutch society. These measures take the form of integration courses and preconditions for immigrants to be allowed to become a Dutch citizen. In other domains, few changes have been made.

To conclude, it can be said that although the debate has toughened considerably over the last few years, to a certain extent it appears that the Dutch government has been able to withstand populist, right-wing demands to delineate the boundaries between Muslims and non-Muslims. The tone of public debate on Muslim integration sometimes offers a gloomy outlook for the freedom and rights of Muslims in the Netherlands. Nevertheless, policy measures on these issues do not mirror the present-day debate; and continue to reflect a more tolerant attitude.

3. THE COMPLEX COMMUNITY MOSAIC IN BELGIUM
THEODOROS KOUTROUBAS, BENOÎT RIHOUX, WARD VLOEBERGHS AND ZEYNEP YANASMAYAN

Introduction

The Muslim presence in Belgium dates back to the bilateral labour agreements concluded in the 1960s, notably with Morocco and Turkey. Even though Belgium ceased these agreements in the 1970s owing to the global economic crisis, migration from countries with predominantly Muslim populations was sustained through other channels, such as family reunification and asylum-seeking.

The residential distribution of today's Belgian Muslim communities reflects an uneven pattern throughout the country, mostly in former industrial zones (Limburg and Charleroi) and large urban areas (Brussels, Antwerp, Ghent and Liège). Initially allocated residential housing by the state, they gradually moved to other apartments with their families and soon enough their own neighbourhoods emerged with a network of services, ranging from halal shops to mosques with Koranic schools.[132]

Today, various sources estimate that the Muslim communities in Belgium number between 400,000 and 600,000 members plus and thus constitute approximately 4–6%% of the population of Belgium. These estimations are seriously lacking in scientific credibility, however, since the country does not include religious affiliation in its official statistics. Most of

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[132] U. Manço and M. Kanmaz, "From Conflict to Co-operation between Muslims and Local Authorities in a Brussels Borough: Schaerbeek", *Journal of Ethnic and Migration Studies*, Vol. 31, No. 6, 2005, p. 1107.

the figures currently suggested tend to regard all persons with origins in a country with a Muslim majority as 'Muslims', ignoring the obvious right of each person to choose and change his or her religion. Furthermore, citizens of Belgian origin having converted to Islam along with children of naturalized parents and other categories are not taken into consideration in these numbers.[133] The same can be said of the great diversity characterizing the practice of and the faith in Islam in Belgium. In this chapter, we have chosen to use the term 'Muslim communities' rather than 'Muslim community' to underline the importance of that diversity.

In the following pages we proceed to discuss the institutional context relating to the integration of immigrants and to recognition of the Islamic religion in Belgium. We then report on the general situation of the Muslim communities in Belgium, commenting on a number of policies that are important to their general wellbeing and on areas of tension directly related to religious practices.

3.1 Federal legal framework

3.1.1 *Regarding nationality and integration*

Under Belgium's federal system, the federate entities (communities and regions) have many prerogatives, but the constitution has left decision-making on naturalization to the federal government and parliament. According to the Belgian Nationality Code promulgated in 1984 and revised several times, a foreign citizen can acquire Belgian nationality after just three years of residence in the country – the shortest period of residence required for naturalization among the EU member states.

Belgian naturalization policy has been extremely liberal, and citizenship by 'declaration' is also extended to anyone who has stayed lawfully on Belgian territory for seven years.[134] The procedure does not involve state discretion: after a foreigner declares him/herself to be Belgian, the only public authority involved is the public prosecutor (*procureur*), who needs to issue an opinion within four months. A negative

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[133] H. Bousseta and B. Marechal, *L'Islam et les musulmans en Belgique. Enjeux locaux & cadres de réflexion globaux,* Fondation Roi Baudouin, Brussels, 2003, p. 9.

[134] M.-C. Foblets and Z. Yanasmayan, *Country Report: Belgium*, EUDO Citizenship Observatory, European University Institute, Florence, 2009, p. 11 (http://eudo-citizenship.eu/docs/CountryReports/EUDO-2009-Belgium-linked.pdf).

decision needs to be duly justified and be based on the specific case of the individual applicant.[135] This declaration procedure is currently the most frequently used method by foreigners acquiring Belgian nationality.[136] The issue of dual nationality has never featured in public debate, in contrast to the condition of integration. The legislation does not specifically entail an integration condition, as this is presumed to be satisfied from the years of residence and from the mere fact of applying for naturalization. Prior to the amendments introduced by the legislation of 2000,[137] proof of the 'willingness to integrate' was sought as a condition for naturalization. In practice, this meant proof of sufficient knowledge of one of the three official languages (French, Dutch or German). Nevertheless, it was criticized for its vagueness and for the contradictory decisions to which it led.[138] The legislative changes of 2000 can also be explained by disagreements between Flemish- and French-speaking parties, in connection with the debate on the extension of political rights to non-EU nationals. Eventually, the facilitation of naturalization ended the deadlock.[139]

Yet there is now debate about revoking the reforms of 2000 and toughening the conditions for naturalization, in particular by reintroducing the requirement for proof of willingness to integrate.[140] But the failure of subsequent federal governments to stay in power for a full term, as well as continuing disagreements between Flemish- and French-speaking parties

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[135] Ibid., p. 10.

[136] B. De Hart and R. van Oers, "European Trends in Nationality Law", in R. Bauböck, E. Ersbøll, K. Groenendijk and H. Waldrauch (eds), *Acquisition and Loss of Nationality, Volume I: Comparative Analysis; Policies and Trends in 15 European Countries*, Amsterdam: Amsterdam University Press, 2006, p. 329.

[137] See the law of 1 March 2000, Loi modifiant certaines dispositions relatives à la nationalité belge, *Moniteur Belge*, 6 April 2000.

[138] See M.-C. Foblets, « Les changements de la loi sur la nationalité belge », in B. Khader, M. Martiniello, A. Rea and C. Timmerman (eds), *Penser l'immigration et l'intègration autrement,* Brussels: Bruylant, 2006, p. 226; see also B. Louis, « La loi du 1er mars 2000 révolutionne « par défaut » l'acquisition de la nationalité belge », *L'année Sociale*, 2000 (http://www.ulb.ac.be/socio/germe/documentsenligne/2lou00.pdf).

[139] See Louis (2000), *supra,* p. 94.

[140] In 2004 municipal voting rights were extended to all foreigners who have been residing in Belgium for last five years.

on these issues, has so far impeded any substantial reform. Even in the absence of a government some political parties are advocating tightening the conditions for naturalization.

Since 1994, integration policy has been administered through the federal regions.[141] The latter have consequently developed different measures but more importantly have endorsed different philosophies of integration throughout the years.

The region of Wallonia, which is closer to the French understanding of a 'republican' order, conceives society more in politico-civil terms and avoids addressing immigrants as ethnic communities. Its policies target social exclusion without addressing ethnic or religious groups specifically. In contrast, Flanders has long acknowledged the existence of ethnic minorities and their right to retain their culture. Since the early 1990s, Flanders has embraced a minorities' policy that provides funds for integration-specific measures and interest representation by the groups themselves. Recently the minorities' policy has been re-baptized as a diversity policy and it has been complemented by measures like those found in the Flemish *inburgering* [becoming citizens] policy, which puts more emphasis on learning the values and language of Flanders.[142]

As for the Brussels-Capital region, local authorities are striving to develop their own approach by combining elements from all of the

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[141] S. Gsir, « Belgique : intégration et cohésion sociale: Quelle intégration ? Welche Integration? », *Exposé dans le cadre la journée nationale de la Commission fédérale des Etrangers (CFE)*, Bienne, 2006 (http://www.ekacfe.ch/d/Doku/themen/gsir.pdf), p. 1.

[142] For more on this see P. Loobuyck and D. Jacobs, "The Flemish immigration society: Political challenges on different levels", in L. d'Haenens, M. Hooghe, D. Vanheule and H. Gezduci (eds), *New Citizens, New Policies? Developments in Diversity Policy in Canada and Flanders*, Ghent: Academia Press, 2006; see also C. Timmerman, J. Geets and K. Van Der Heyden, « Les Nouveaux Arrivants en Flandre? », in B. Khader, M. Martiniello, A. Rea and C. Timmerman (eds), *Penser l'immigration et l'intégration autrement*, Brussels: Bruylant, 2006; M.-C. Foblets and Z. Yanasmayan, "Language and integration requirements in Belgium: Discordances between the Flemish policy of '*inburgering*' and the federal legislators' view(s) on integration of newcomers and migrants", in E. Ersboll, D. Kostakopoulou and R. Van Oers (eds), *A Re-definition of Belonging? Language and Integration Tests in Europe*, Leiden: Brill, 2010.

available models.[143] This prompts the immigrants to go for different forms of collective mobilization – stressing either ethnic identity or neutral methods of social inclusion.[144] The situation in Brussels is also interconnected with strategies used by "the political establishment of both linguistic groups as contenders in the political field of Brussels".[145]

The region of Flanders thus appears to be the only governance level that has a mandatory integration measure, through its policy of *inburgering*. The aim of this policy is to contribute to the recognition of individuals as fully-fledged members of society by means of integration trajectories.[146] Newly arrived immigrants in Flanders are entitled (and some are obliged) to follow an integration programme, which is composed of language courses (Dutch), social orientation and vocational guidance. The programme is also complemented by an individual counselling system. The target group obliged to take these courses is quite diverse, including asylum seekers who submitted their asylum applications over four months previously, religious ministers, migrants coming through the channel of family reunification and sometimes established residents who depend on social assistance.

Unlike the practice in several other European countries, in Belgium there is no official test to assess the knowledge of the participants. The immigrants are expected to attend 80% of the courses and are granted their certificates accordingly. Failure to attend would result in an administrative fine or in the worst case scenario lead to the withdrawal of some social benefits, but in spite of some pressures in that direction (e.g. by some local

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[143] S. Gsir, M. Martiniello, K. Meireman and J. Wets, "Belgium", in J. Niessen, Y. Schibel and C. Thompson (eds), *Current Immigration Debates in Europe: A Publication of the European Migration Dialogue*, Migration Policy Group, Brussels, 2005, p. 11 (http://www.migpolgroup.com/multiattachments/2959/DocumentName/EMD_Belgium_2005.pdf).

[144] D. Jacobs, "Alive and Kicking? Multiculturalism in Flanders", *International Journal on Multicultural Societies,* Vol. 6, No. 2, 2004, p. 292.

[145] Ibid., p. 291.

[146] See Art. 2§1 of the 14 July 2006 Decreet tot wijziging van het decreet van 8 februari 2003 betreffende het Vlaamse inburgeringsbeleid, *Moniteur Belge,* p. 5999014.

authorities), this does not have any impact on the acquisition of nationality or any residence status for that matter.[147]

3.1.2   Regarding organized religious communities

As is the case for the majority of EU member states, Belgium has no established or official religion, and "[f]reedom of worship, its public practice and freedom to demonstrate one's opinions on all matters are guaranteed", according to Art. 19 of the Belgian constitution.[148] Although the separation between church and state is not specifically mentioned in the constitution, Art. 21 does stipulate that "[t]he State does not have the right to intervene either in the appointment or in the installation of ministers of any religion whatsoever or to forbid these ministers from corresponding with their superiors [or] from publishing the acts of these superiors". With regard to marriage, the same article makes it compulsory for a civil wedding to "always" precede the blessing of the marriage, but not without leaving a door open for "exceptions to be established by the law if needed".

Because of its political history, however,[149] and particularly because of the existence of a deep denominational divide (historically the Catholic church versus free-thinkers and secularists) that had to be settled by successive 'consociational' agreements,[150] the constitution does have a number of provisions relating to faith and ideology that are rather uncommon in the fundamental texts of European nations. Thus, Art. 11 guarantees the "rights and freedoms of ideological and philosophical minorities", but Art. 19 clarifies that "offenses committed when using this freedom [of worship]" will be punished, and a special article, Art. 20, is there to underline that "[n]o one can be obliged to contribute in any way

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[147] On this matter, see Foblets and Yanasmayan (2010), op. cit.

[148] See also the Belgian constitution (new translation in English, January 2009) (http://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/grond wetEN.pdf).

[149] See T. Koutroubas, W. Vloeberghs and Z. Yanasmayan, "Political, Religious and Ethnic Radicalisation among Muslims in Belgium", in M. Emerson (ed.), *Ethno-Religious Conflict in Europe: Typologies of Radicalisation in Europe's Muslim Communities*, Centre for European Policy Studies, Brussels, 2009, pp. 53-54.

[150] A. Lijphart, *Conflict and Coexistence in Belgium*, Institute of International Studies, University of California, Berkeley, 1981.

whatsoever to the acts and ceremonies of a religion or to observe the days of rest".

In matters of education, also as part of the consociational agreements (and unlike neighbouring France), Belgian fundamental law makes clear that the "neutral" schooling organized by the community respects the "philosophical, ideological or religious conceptions of parents and pupils". It requires that "[s]chools run by the public authorities offer, until the end of compulsory education, the choice between the teaching of one of the recognized religions and non-denominational moral teaching" (Art. 24). To strengthen this even further, another paragraph in the same article unequivocally establishes that "[a]ll pupils of school age have the right to moral or religious education at the community's expense" (Art. 24§3).

Following the same rationale, the remuneration (salaries and pensions) of ministers of religion is paid for by the state (Art. 181), as is the case in several other EU member states. Less common though is the establishment of equality of treatment between religious and "secular" ministers in that field, with the latter being defined as "representatives of organizations recognized by the law as providing moral assistance according to a non-denominational philosophical concept" (Art. 181).

3.1.3 The representation and rights of the Muslim communities as an organized faith

When Belgium gained its independence from the Netherlands in 1830, the majority of the new country's population was Roman Catholic. Small but significant Protestant and Jewish communities were also present along with a liberal, secular movement close to Free Masonry and very active at the political and academic levels. Hence Roman Catholicism, Protestantism and Judaism were the first religions to be recognized by the state, with Anglicanism being the fourth one to achieve that status and the privileges it entailed in 1870. Indeed, a core element of the Belgian consociational 'pacts' is that they allow each community (in this case defined in religious or philosophical terms) to be recognized and funded as such, on the imperative condition that it be driven by leaders who are conferred the legitimacy to represent their fellow believers through a stable organization (e.g. a church hierarchy).[151]

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[151] Ibid.

Afterwards, Belgium's religious–philosophical map remained pretty much unchanged until the 1960s, with the influx of Muslim immigrants. Official recognition of this new and organized religious community happened relatively quickly, in 1974, albeit for reasons dictated much more by concerns related to the nation's international relations and to the global economic context (the oil crisis of the 1970s).[152]

The absence of a central hierarchical authority within the Muslim communities was nonetheless a challenge for the administration. For this reason, and probably also for considerations linked to diplomacy, the government decided to confer to the Centre Islamique et Culturel de Belgique[153] [Islamic and Cultural Centre of Belgium], founded by Saudi Arabia, the responsibility of being the representative of Islam and of the Muslims in Belgium. Financed since 1982 by the Muslim World League, the Centre more or less maintained this status until 1990, when successive federal administrations launched a number of initiatives with the aim of setting up a (totally or partially) elected body to take over from it.

This eventually led to the establishment of an Exécutif des Musulmans de Belgique [Executive Body of the Muslims of Belgium, EMB], granted by ministerial decision (1994) and then by royal decree (1998 and 2005) all competencies normally attributed in the country to the leadership of a religious community. These include (among many others) the representation of the Muslim communities of Belgium vis-à-vis the Belgian authorities and third parties in general, the 'recognition' of the new mosques and the organization of Muslim religion classes in public schools.

It should be noted that the concept of recognition only extends to the worldly (temporal) aspects of a faith. The objective is obviously to give the state an interlocutor rather than to establish a theological authority. The governing council (general assembly) of this Muslim executive was elected for the first time in December 1998 by a college composed of all persons over age 18 who had declared themselves to be Muslim, could prove to have resided in Belgium for at least one year and had registered themselves to vote. Among them, eligible persons were those who had reached age 25,

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[152] C. Torrekens, « Le Pluralisme Religieux en Belgique », *Diversité Canadienne*, Vol. 4, No. 3, 2005, pp. 56-58 (http://www.ulb.ac.be/socio/germe/documentsenligne/pluralismereligieux.pdf).

[153] See the website of the Centre Islamique et Culturel de Belgique, Brussels (http://www.centreislamique.be/index.php).

had been living in Belgium for at least five years, could speak one of the national languages of the country (Dutch, French or German), had completed secondary education and were not in possession of a diplomatic passport. A declaration of loyalty to the constitution and the laws of Belgium was also requested of all candidates.

Yet the division of the EMB into colleges on the basis of ethnic origin (Moroccan, Turkish, other nationalities and 'converted' persons) has compromised the success of the EMB. So too has the role of the ministry responsible for religions and of the National Security Office in the process of candidature validation, and the lack of consideration for issues such as the differences among various schools of thought and traditions (Shia, Sunni, Wahhabi, Sufi, etc.).[154]

Elections for the renewal of its governing council took place again in March 2005, amid accusations of excessive state interference and boycotting by a segment of the communities in Brussels. The results reflected the success of the mobilization of the Turkish community, achieved with the help of Turkey's diplomatic authorities. They took 40 seats out of 68, with the rest divided among the Moroccans (20 seats), the converted (2 seats) and those having other national origins (6 seats) – a situation hardly representative of the real 'ethnic' composition of Belgian Islam, largely dominated by Moroccan immigrants and their offspring.[155] Among the persons of Muslim background in Belgium, only 43,000 voted, a figure that is slightly lower than that for the 1998 elections and far from close to the real number of those professing the Islamic religion in the country. Most of those participating in the elections came from Flanders and Wallonia, while the region of Brussels-Capital, where the majority of Belgium's Muslim population is established, was largely underrepresented.

Facing legitimacy-related challenges, the EMB presidium that came out of the 2005 elections had to resign in 2008 following serious allegations of financial mismanagement.[156] A new president was named by the general assembly but the EMB seems to have been too weakened to survive the crisis. At the time of writing a number of proposals to the state authorities

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[154] See for example L. Panafit, « En Belgique, les ambiguïtés d'une représentation ethnique », *Le Monde diplomatique*, June 2000 (http://www.monde-diplomatique.fr/2000/06/PANAFIT/13939).

[155] *Le Soir*, Thursday 24 March 2005 and Tuesday 29 March 2005.

[156] *Le Soir*, Thursday 28 February 2008.

for a fundamental reorganization of Muslim communities' representation are being studied by the federal minister responsible for religious affairs and a debate is underway on this issue within the communities themselves.[157]

The difficulties of setting up a functional body to act as an official *porte-parole* of the Muslim communities in Belgium has delayed the enactment of a number of rights linked to the status of a recognized religion, such as the nomination of (state-paid) Muslim chaplains for prisons. There are still no Muslim chaplains in the Belgian army, while chaplaincies for hospitals and the police are just being organized. With regard to Muslim higher education, the Université catholique de Louvain has run a programme for the intensive training of future cadres of Muslim institutions since 2006, albeit without the approval of the EMB, which was actually rather negative about the initiative.[158] The Faculty of Islamic Sciences of Brussels[159] also opened its doors in 2007, proposing a Master's programme recognized by the Islamic University of Rotterdam (private) and having a reputation of supporting a rather conservative approach of Islam.[160] Since there is no federal ministry of education in Belgium, Islamic classes at the level of secondary education are the responsibility of the federate entities and the municipalities. After a period of some tension in the late 1980s, when a number of municipal administrations that had been reluctant to provide courses on the Muslim religion in their schools had subsequently been forced to do so following irrevocable court judgments,[161] the situation has since normalized everywhere. Even so, while Christian and Jewish schools have been functioning for decades, official Islamic schools are non-existent and the possibility of opening any remains

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[157] *Le Soir*, Thursday 20 May 2010 and Friday 21 May 2010. See also the opinion article by Prof. F. Dasseto, « Exécutif musulman : voir plus loin… », *La Libre Belgique*, 3 March 2008 (http://www.lalibre.be/debats/opinions/article/405722/executif-musulman-voir-plus-loin.html).

[158] See *Le Soir*, Wednesday 21 February 2007; see also the website of the L'Université catholique de Louvain, Centre for Interdisciplinary Research on Islam in the Contemporary World (http://www.uclouvain.be/38784.html).

[159] See the website of the Faculté des Sciences Islamiques de Bruxelles (www.faculte-islamique.be).

[160] *Le Soir*, Tuesday 18 September 2007.

[161] *Le Soir*, Saturday 27 July 1991.

controversial despite recognition of the need for substantive education at both the community and the local authority levels.

With an officially recognized religion, the Muslim communities in Belgium are also entitled to a number of privileges relating to their places of worship. According to the latest data provided by the EMB, there are currently 328 mosques officially operating in Belgium (162 in Flanders, 89 in Wallonia and 77 in Brussels-Capital).[162] The status of official recognition entails the provincial budget taking charge of the imam's accommodation and other material costs (such as building maintenance). Official mosques have the obligation to elect a 'management committee' and submit their budget and annual accounts to the supervision of the local authorities. The delay in all things practical concerning the communities' status has affected this aspect as well. Hence, management committees for Walloon mosques were only elected in December 2009, and as a consequence Islamic places of worship in the territory of this federate entity did not receive any state subsidies in 2010.[163]

It is interesting to note that Belgium recognizes – and hence financially supports – six organized religions: Roman Catholicism, Judaism, Protestantism, Anglicanism, Islam and the Orthodox Church (the latter since 1985). Organized secularism is also officially recognized and enjoys the privileges linked to this status.[164]

3.2   The situation of the Muslim communities

When one talks about Muslim communities in Belgium there seems to be an inevitable association with a *'repli identitaire'*, a concept that is best translated into English as community withdrawal: a close interaction within their own communities and a reluctance to integrate into the majority society, or even an opposition to the latter. Residential segregation combined with the poor social and cultural capital of the newcomers and the economically precarious situation from which they currently suffer is believed to be behind this 'withdrawal'. It is true that these communities are heavily marked by the cultural and religious customs of their countries

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[162] *Le Soir*, Wednesday 9 December 2009.

[163] *Le Soir*, Friday 19 March 2010.

[164] See the official document on the website of the Belgian Senate, Le financement des communautés religieuses : Service des affaires européennes (September 2001) (http://www.senat.fr/lc/lc93/lc933.html).

of origin. For instance, in Brussels, where the majority of the Muslim communities live, there are neighbourhoods that can be tagged as Turkish or Moroccan. Taking the example of the Turkish community, it is safe to claim that the attachments to Turkey and to the Turkish neighbourhood in which they live remain strong for successive generations and do not diminish with the length of residence or with the internal diversity of the community.[165] This does not impede them from feeling equally close to their country of residence, however.[166] Kaya and Kentel (2007) also observe a transition in the new generations that predisposes moves to transcend the boundaries of the community.

Hence, summing up the Belgian situation in terms of community withdrawal would be an oversimplification. As De Changy, Dassetto and Maréchal (2006) demonstrate, there is an overall feeling of unease in society, emanating from the lack of interaction and the influence of misconstructions and stereotyping.[167] Different studies conducted at the level of individuals draw attention to the need of Muslim communities for recognition, a demand that is often identified in the literature by the multicultural theorists.[168] A number of Belgians of foreign origin reclaim their "Belgianness" but report not being treated as such.[169]

Foblets et al. (2004),[170] looking at three different groups of immigrants or Belgians of different ethnic origins (Sub-Saharans, Turks and Moroccans), conclude that Belgium is generally perceived to be a multicultural society. On the other hand, these three groups also all agree

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[165] A. Kaya and F. Kentel, *Belgian-Turks: A Bridge or a Breach between Turkey and the European Union?*, Fondation Roi Baudouin, Brussels, 2007, pp. 57-59.

[166] Ibid., p. 52.

[167] J.C. De Changy, F. Dassetto and V. Maréchal, *Musulmans et non musulmans: les noeuds du dialogue,* Fondation Roi Baudouin, Brussels, 2006.

[168] C. Taylor, "The politics of recognition", in A. Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition*, Princeton, NJ: Princeton University Press, 1994.

[169] See N. Clycq, *At Home in Europe: Muslims in Antwerp*, Report for the Open Society Institute (OSI), New York, London, Budapest, 2010; see also M.-C. Foblets, B. Djait, M. Martiniello, S. Parmentier and G. Vervaecke, *Wat denken personen van vreemde origine over recht en gerecht in België? Les populations d'origine immigrée face au droit en Belgique*, Ghent: Academia Press, 2004; and also Kaya and Kentel (2007), op. cit.; and De Changy, Dassetto and Maréchal (2006), op. cit.

[170] See Foblets et al. (2004), *supra*, pp. 314-315.

that there is a prevailing understanding in Belgium that confines the development of cultural identity to the private sphere. Cultural identity is seen as being maintained primarily through non-institutional channels, such as family members back in the country of origin (transnational links).

Muslim communities in Belgium are predominantly urban – 39% of all Muslims in Belgium live in Brussels.[171] Almost half the entire Moroccan population in Belgium is concentrated in only seven municipalities of the Brussels-Capital region.[172] These communities also face a vulnerable socio-economic situation: half of Belgian Moroccans, for instance, are estimated to be living below the poverty level.[173] This is the most important issue that needs to be dealt with at a policy level, among other things by facilitating more successful education trajectories.

There are serious indications that these difficult socio-economic living conditions, rather than the religious or cultural background, are the main explanation for socially deviant behaviour – an issue that remains problematic, especially in the cities. At the same time, a perceived Islamophobia – more pronounced in Flanders than in other parts of the country – increases the impression among Muslim communities that they are being systematically tagged and targeted in a negative or racist way.[174]

The difficulties engendered by this kind of stigmatization should not be underestimated, especially since this feeling is perhaps more pronounced among Moroccans born in Belgium (i.e. the second and third

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[171] C. Torrekens, "Concentration of Muslim populations and structure of Muslim associations in Brussels", *Brussels Studies*, No. 4, March 2007, p. 2.

[172] See A. Saaf, B. Sidi Hida and A. Aghbal, *Belgo-Marocains des deux rives. Une identité multiple en évolution*, Fondation Roi Baudouin, Brussels, 2009; see also H. Bousetta, *Belgo-Marocains des deux rives : un pas plus loin. Analyse et mise en perspective de l'étude visant à mieux connaître les communautés marocaines vivant en Belgique*, Fondation Roi Baudouin, Brussels, 2010; and M. Casier and S. Zemni, *Belgische Marrokanen: een stap verder. Analyse en vergelijking van het onderzoek om de Marrokkaanse gemeenschappen in België beter te leren kennen*, Koning Boudewijn Stichting, Brussels, 2010.

[173] See Bousetta (2010), *supra*, p. 14.

[174] See Casier and Zemni (2010), op. cit., p. 9; see also Clycq (2010), op cit., p. 42; and Bousetta (2010), op. cit., p. 16.

generations) than among citizens born in Morocco.[175] Moreover, it is a phenomenon that transcends the boundaries of Belgium.[176]

Disturbingly, having Belgian nationality (roughly 90% of the 250,000 Moroccans living in Belgium hold a Belgian passport)[177] does not seem to coincide with increased confidence in Belgian state institutions. In any case, only a minority trusts grass roots and civil society associations, even if they are staffed by Moroccans or Belgians of Moroccan background. Worse, the divide with Belgian society remains considerable for numerous citizens of Moroccan background, since about a quarter of respondents residing in Flanders declare that they never meet Belgian fellow citizens.[178] Belgian-Turks do not offer a much brighter picture in terms of trust measurements. The media, political parties and police rank as the least trusted institutions respectively, whereas health and social security institutions emerge as the most trusted ones.[179] What is more alarming is the rise in the levels of perceived discrimination and racism.[180]

Notwithstanding such serious ills, as reflected by consistent Human Development Index scores, Belgium does have convincing assets that appeal to (potential) immigrants. There is still some way to go with regard to Belgian Muslims having the sense that they are respected stakeholders of Belgian society and its future. This can be facilitated through a range of measures, from policies combating unemployment among Belgians of ethnic origin to non-discriminatory access to decent housing. Furthermore, the positive identification of immigrants from an Islamic cultural background with Belgium – currently hindered by a certain opportunism and ambiguity[181] – can be enhanced by tackling a number of problems rigorously.

Probably the single most important field of action is education, since the levels of attainment of higher education are still extremely low for both

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[175] Ibid., p. 9.

[176] See e.g. « Moi, Mustapha Kessous, journaliste au « Monde » et victime du racisme », *Le Monde*, 24 September 2009.

[177] Saaf, Sidi Hida and Aghbal (2009), op. cit., p. 31.

[178] Ibid., p. 126.

[179] Kaya and Kentel (2007), op. cit., pp. 46-47.

[180] Ibid.

[181] Bousetta (2010), op. cit., p. 17.

Turkish and Moroccan communities. In this respect, ensuring the availability of and access to high quality education, increasing the chances for successful learning and acknowledging the supportive role of parents should be(come) top priorities. A focus on education also includes strengthening the credibility of schools among Moroccan and Turkish communities,[182] participation from the kindergarten level onwards (not compulsory under Belgian law) and a plurality of cultures in the school curricula.

Notably, among all EU member states, Belgium has the highest unemployment figures for non-EU citizens.[183] It is particularly worrying that naturalization does not help to improve the situation, which hints that the problems may be more structural in nature. Launching 'target figures' and neutral recruitment policies, perhaps in collaboration with empowered grass roots organizations, has been advanced as a possible remedy. Simultaneously, the public sector has to set an example by increasing the number of persons it employs from ethnic minority groups[184] and in particular Belgian Moroccan women.[185]

Finally, since all these aspects are interrelated, measures addressing unemployment and housing as well as education and purchasing power should be enacted through an integrated approach at a local (neighbourhood or commune) level, but needs to be coordinated within a corresponding framework that is supported at a broader regional or national level (or both). The identification of the most appropriate channels to deliver the message needs to take place across all institutions: indeed schools and social security services matter much more in everyday life than integration policies.

3.3   Key policy sectors

3.3.1   Health care

Generally speaking, health care institutions have to prepare for a growing influx of older patients with particular linguistic and religious (including

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[182] Ibid., p. 16.

[183] See Casier and Zemni (2010), op. cit., p. 13 and Foblets et al. (2004), op. cit., pp. 109-124.

[184] Clycq (2010), op. cit., p. 73.

[185] Bousetta (2010), op. cit., p. 21.

culinary) needs and preferences. An extra effort could be made in this respect within hospitals.[186] Especially among the elder immigrants, language can prove to be a barrier when interacting with doctors and nurses. More psychologists of foreign background may also be needed.[187] It seems that Muslims do not want facilities of their own but rather prefer that the existing health care system be inclusive of patients regardless of faith. This may also apply to other policy fields.

3.3.2 Housing

While Brussels has long attracted a large number of nationalities, the dense ethnic ghettos are exceptions. These exceptions nevertheless tend to be highly problematic and often make (inter)national news. Yet generally speaking, urban planning and growth has generated a surprisingly diverse population in the Belgian capital with many nationalities sharing limited public space. In addition, there are concentrations of ethnic minorities in some cities in Limburg and in some neighbourhoods of large cities such as Ghent and Antwerp.[188] Implementing a sustained policy favouring residential blending[189] therefore remains an important effort, if only to combat discriminatory practices in the housing market – which have surfaced in Flanders vis-à-vis immigrants who do not speak Dutch. Gentrification policies are now actively applied, mostly in major cities such as Ghent, Antwerp and Brussels, so as to (re)shape urbanization in 'difficult' city areas.

3.3.3 Employment

The most intractable unemployment problems in the country concern low-skilled labourers and the long-term unemployed. Structural weaknesses in these respects overshadow the high unemployment rates among some ethnic groups in some urban centres. As a consequence, affirmative action is concentrated on the unemployed, be they ethnic minorities or not. Meanwhile, the unemployment rate among persons from non-EU countries

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[186] Clycq (2010), op. cit., pp. 81-86.

[187] See Casier and Zemni (2010) op. cit., p. 19 and Clycq (2010), op. cit., p. 87.

[188] Clycq (2010) op. cit.

[189] Bousetta (2010), op. cit., p. 22.

is five times higher than that of EU citizens,[190] with the highest figures for youth of foreign backgrounds (among whom are young Muslims) in Brussels.[191]

Authorities at various levels are committed to reflecting the proportion of immigrants in the body of civil servants they employ (through a diversity policy), and quite progressive anti-discrimination laws do exist. But the facilitation of the naturalization procedure (as discussed above) makes it much more difficult for 'new' Belgian citizens to have their complaints registered, and no stringent quota can be imposed in the private sector. Still, the (state-funded) Centre for Equal Opportunities and Opposition to Racism[192] has been active as an advocacy group with a strong impact on policy issues.

3.4   Current tensions

We now turn to survey several issues that have stirred the most controversy.

3.4.1   Islamic headscarf

Wearing the Islamic head covering during school hours or while working in the public sector is currently the most controversial issue relating to Belgium's Muslim communities. In Brussels and Wallonia, the absence of coordination or sometimes agreement between municipal and regional authorities on a clear policy concerning the right of pupils and teachers to wear visible symbols of their religious or ideological beliefs in class has somehow aggravated the existing tension between advocates and opponents of the hijab.

For instance, when a maths teacher decided to teach her classes while wearing an Islamic headscarf, the municipality in turn decided to forbid her from doing so and consequently fired her when she refused to follow this rule. The municipality's actions were found to be illegal by the court, on the grounds that such a prohibition could only derive from a general

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[190] VDAB, *Allochtonen op de Vlaamse arbeidsmarkt*, Kansengroepen in Kaart rapporteert, VDAB, Brussels, March 2009 (http://forum.vdab.be/trends/kik/doc/ KiK_Allochtonen200903.pdf).

[191] Clycq (2010), op. cit., p. 63.

[192] See the website of the Centre for Equal Opportunities and Opposition to Racism, Brussels (http://www.diversiteit.be/).

policy adopted by the ministry of education of the French-speaking community. The teacher thus returned to her school, only to be fired again once a consensus was reached among Walloon political parties to ban the wearing of religious symbols by school staff during working hours. Such a prohibition had already been applied in Flanders. At the time of writing, a number of municipalities, in both Brussels and Flanders, forbid members of their staffs who are in contact with the population from wearing religious symbols.[193]

A more prominent case was that of Mahinur Özdemir, a young female candidate of Turkish origin in the Brussels regional elections in June 2009. Wearing an Islamic headscarf on the campaign posters and in all her public appearances, she was elected as a regional MP for the CDH party (formerly the French-speaking Christian Democrats). There was some controversy over the fact that photographs of her on posters and other campaign material made her religious headscarf less visible.[194] The new rules of the assembly, requiring Ms Özdemir to co-chair the first session as the youngest female member alongside a veteran, female French-speaking MP (Antoinette Spaak), a vocal opponent of religious symbols in public functions, brought further heated discussions. Eventually, the argument that an MP cannot, by definition, be asked to be neutral in matters of religion prevailed and – in a typically Belgian way – it was Ms Spaak's insistence on addressing the (bilingual) house solely in French rather than Ms Özdemir's covered head that was criticized the most.[195] In the months that followed, the young Muslim MP remained largely unnoticed by the media, with the exception of a debate during which her strong anti-homosexual views where actively challenged by a female colleague (of Moroccan origin).

3.4.2   The proposed 'burka' law

In April 2010, the Belgian federal parliament (lower house) almost unanimously adopted a bill aimed at prohibiting the public wearing of clothes that make impossible the identification of the person. At the time of writing, this proposal has yet to be approved by the senate and promulgated by the king in order to become legally binding. The collapse

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[193] *Le Soir*, 23 June 2009.

[194] *Le Soir*, 26 May 2009.

[195] *Le Soir*, 23 June 2009.

of the federal government, which triggered new general elections in June 2010, has considerably delayed that process. This situation has also given rise to doubts about the final realization of the bill, since opinions differ on whether the newly elected parliament should vote again on the issue before the transfer of the proposal to the senate.[196]

Covering one's face in a way that makes it unidentifiable was already prohibited by most municipalities in Belgium (but without being a criminal offence) with the exception of the period of carnival festivities. Measures to clarify that this prohibition explicitly includes Islamic women's clothing completely covering a person were requested by a municipal councillor in the city of Brussels. Besides a demonstration called by the 'Muslim Rise' association and not authorized by the city of Brussels because of a high risk of counter-demonstration and a long-scheduled, annual outdoors event taking place the same day,[197] no great tension has been observed among the different components of Belgium's intercultural mosaic on the issue, except some threats by an obscure fundamentalist group.[198]

3.4.3   Ritual sacrifices

Most of the municipalities with a significant Muslim population are putting their abattoirs at the disposal of the Islamic community. In addition, in those areas with large Muslim communities, ad hoc abattoirs are set up for the occasion of Eid al-Adha, along with provisional markets for lambs. In general, during the last five years the 'feast of the sacrifice' has taken place in a rather orderly way everywhere in the country.[199] The decision of some municipal councils to put special containers at the disposal of the population in neighbourhoods with a significant North African or Turkish presence continues to cause controversy, however, as several environmentally minded associations point out that this encourages the old (and unlawful) habit of slaughtering an animal in private homes.[200]

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[196] *Le Soir*, 29 April 2010.

[197] *Le Soir,* 20 May 2010.

[198] *Le Soir*, 5 May 2010.

[199] *Le Soir*, 30 December 2006 and 9 January 2007.

[200] *Le Soir*, 29 December 2006.

3.4.4   Mosques, minarets and calls to prayer

Only 16 of the 328 mosques officially operating in Belgium have a minaret (8 in Wallonia, 2 in Brussels and 6 in Flanders).[201] According to an online opinion poll[202] carried out almost immediately after the referendum on the prohibition of the construction of new minarets in Switzerland, 59.3% of Belgians would support a ban on minaret building. Another 56.7% of Belgians would oppose the building of new mosques in their vicinity (and the country in general). Among the 38% of those who would not have a problem seeing new minarets being erected, 44% are Walloons, 34.3% Flemings and 40.3% live in the Brussels-Capital region. In addition, 55.4% affirmed that the "Islamic religion is not well integrated in Belgium".

On the ground, despite occasional controversies over plans for the construction of mosques, minarets or the installation of megaphones for the calls to prayer, both the Muslim communities concerned and the parties opposed to their projects peacefully use legal routes to advance their arguments and respect the final decisions of the authorities. The latter usually try to give fair consideration to the positions of all sides. Such has been the case, for instance, in a highly salient (though local) controversy over the construction of a mosque in Bastogne (Wallonia), where the Walloon minister in charge validated a compromise proposal submitted by the architect selected by the Turkish community: building a mosque, but no minaret. In several other Walloon municipalities, for some years the muezzin's calls to prayer from the top of the minaret have seemed to constitute an integral part of everyday life, making the mayors proud of their town's exemplary spirit of tolerance and coexistence.[203]

In that context, it is interesting to recall that those opposed to the construction of minarets at the local level are not necessarily 'Islamophobic' or supporters of extreme right-wing ideas. Indeed, some prominent Belgian Muslims, including some converts to Islam, have publicly taken a position against the erection of minarets for the new mosques, as they view this as an obstacle to the effort of making people understand the universality and openness they feel is at the centre of their religion.[204]

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[201] *Le Soir*, 9 December 2009.

[202] *Le Soir*, 8 December 2009 and 9 December 2009.

[203] *Le Soir*, 19 December 2009.

[204] *Le Soir*, 27 September 2008.

3.5   Concluding remarks: Muslim communities at the margins of a segmented society

The wave of Muslim immigration of the 1960s and 1970s has since become an enduring and well-identified component of Belgian society – mostly concentrated in urban areas. Two generations later, Muslim communities in Belgium still face many challenges, and in many ways have a long way to go to be fully accepted in Belgian society as well as in the country's institutions. In summarizing these difficulties, they can be grouped into three core dimensions.

First, with regard to the country's divided structure and institutional practices, even before the arrival of Muslim populations Belgium was a complex and 'segmented' society. Each major societal cleavage has crystallized in durable organizations and institutions, particularly the ethno-linguistic divide (between Dutch and French speakers), the denominational split (mainly Catholics versus 'free thinkers') and the strong divisions among political parties, with each major party (Socialists, Christian Democrats and Liberals) developing its own 'pillar' consisting of various powerful organizations. Therefore, Belgians of Muslim background are asked to choose sides and to fully integrate. For instance, given the high saliency of the language issue in Flemish society, the acquisition of language skills is viewed as a central element in the integration policy[205] (hence those 'new Belgians' who do not become proficient in Dutch are perceived as being responsible for their own lack of integration and lower socio-economic status).[206] Yet this is much less the case on the Francophone side.

Second, in terms of the institutional recognition of religions or confessional communities, Islam still lies at the periphery. It has encountered a 'fixed menu', which has been established since the 19th century to accommodate the conflicting interests of the powerful Catholic church, the broad atheist and secularist circles, as well as smaller religious communities (Jewish, Protestant, Orthodox and Anglican). This institutional formula has forced Islam to institutionalize following rigid rules, so that it could eventually be 'co-opted' as a recognized religion – and then gain access to various state benefits and considerations. This process has proved very problematic, however, not least because of the

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[205] Clycq (2010), op. cit., p. 57.

[206] Casier and Zemni (2010), op. cit., p. 14.

fragmented nature of Muslim communities in terms of national origin (e.g. Turks versus Moroccans) and traditions of observance (Shia, Sunni, Wahhabi, Sufi, etc.).

Third and finally, Muslim communities in Belgium (as well as individuals of Muslim descent who, even if secularized, are still identified as Muslim) are still doubly marginalized, in both socio-cultural and socio-economic terms. Concerning identity, while a majority of Belgian Muslims feels 'Belgian', a predominance of non-Muslim Belgians still perceives them as 'alien'. There are also deep prejudices against Islam in general, reinforced by radical populist parties (especially in Flanders). Muslims also score much lower in educational achievements and socio-economic status, resulting in a 'ghettoization' of some city areas. Naturally, various policy responses have been launched, especially in larger cities, but so far the results have not met expectations. An additional structural problem is that the policy packages differ a great deal among Flanders, Wallonia and Brussels.

Indeed, Belgian society comprises many cultures and communities, but they co-exist in a mosaic in which each community is guaranteed some basic rights as well as some share of public resources. There are actually very few historical examples of 'integration' – the notable exception being Italians in Wallonia, but the latter were either practising Catholics or active atheists close to left-wing circles, and therefore they could swiftly be absorbed by the respective societal 'pillars'.

Hence, today's Belgian Muslims are still very much on the societal margins, in many ways: socio-economically, culturally, politically and institutionally. To bring about change, some suggest that there is a need for an emerging group of young critical Muslims, as indeed younger generations born in Belgium do not always share the opinions of the imams and representatives speaking for 'them'. Others stress the need to foster the development of a group of youngsters of Muslim background with successful school achievements, who subsequently could go on to occupy important positions in the labour market and constitute role models. Apart from the imperative of increased opportunities for employment and social mobility, it is also essential for these communities to go beyond some traditional views and practices that, among many other factors, contribute to keeping them largely segregated from the ever more secularized 'mainstream' of Belgian society.

4. HAS MULTICULTURALISM COMPLETELY FAILED IN GERMANY?
NINA MÜHE AND ANDREAS HIERONYMUS

Introduction

This chapter about Muslims in Germany is based on data from the "At Home in Europe" project of the Open Society Institute (OSI). It reflects findings of the two city reports on Hamburg and Berlin,[207] compares the respective situations of the Muslim community together with the specific policy measures for integration and situates them within the overall German context.

A study that places its focus on Muslims as a group faces the challenge that Muslims are not a fixed group with defined boundaries, but rather a diverse set of individuals with different religious practices, ethnic attachments, and linguistic and cultural backgrounds.[208]

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[207] See A. Hieronymus, *At Home in Europe, Muslims in Hamburg*, Open Society Institute (OSI), New York, London, Budapest, 2010; see also N. Mühe (2010), *At Home in Europe, Muslims in Berlin*, Open Society Institute, New York, London, Budapest, 2010.

[208] The terms 'background' and 'migrant background' are used consistently throughout this chapter, as these are officially used terms for data collection in the context of the migration of parents or grandparents to the respondents' country of birth or current residence. The authors are nonetheless aware of the danger of a continuous marking of the migrant population as 'others' through these terms, and other vocabulary might be considered in the debate.

In contrast to other recently published studies[209] on migrants and Muslims, the OSI study focuses on their everyday life experiences, as well as the policy implications in two urban settings in Germany – Berlin–Kreuzberg and Hamburg–Mitte. These two districts have undergone fundamental changes and are home to large shares of the Muslim communities in Berlin and Hamburg.

Berlin, with 3.34 million inhabitants, and Hamburg, with 1.72 million, are the largest cities in Germany. The population holding a foreign passport is slightly higher in Hamburg (14.3%)[210] than in Berlin (13.9%).[211] Compared with other German cities, Hamburg and Berlin have a medium-sized foreign population.[212] Public data up to 2005 only distinguished between inhabitants with German citizenship (Germans) and those without it (foreigners). In 2005 the Federal Statistical Office changed the method of counting the population in the micro-census,[213] introducing the concept of a

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[209] See Bertelsmann Stiftung (ed.), *Religion Monitor 2008*, *Muslim Religiousness in Germany, Overview of Religious Attitudes and Practices*, Gütersloh, 2008; see also S. Beck and T. Perry, "Migranten-Milieus. Erste Erkenntnisse über Lebenswelten und wohnungsmarktspezifische Präferenzen von Personen mit Migrationshintergrund in Deutschland" [Migrants' milieu. Initial findings on specific lifestyles and house preferences of persons with migrant backgrounds in Germany], vhw FW 4, July–September 2007.

[210] Derived from the Hamburg Action Plan on Integration (HHAP), p. 10. For more basic information about Hamburg, see the website of the Statistical Office of Hamburg and Schleswig-Holstein (http://www.statistik-nord.de/uploads/tx_standocuments/Stadtportrait_2009_Englisch_01.pdf).

[211] Derived from Amt für Statistik Berlin-Brandenburg [State Statistical Institute Berlin-Brandenburg] (http://www.statistik-berlin-brandenburg.de); situation as of 30 June 2007.

[212] See the journal *Hamburger Abendblatt,* 2 July 2008. When comparing cities in Germany, the German federal structure has to be taken into consideration. Hamburg and Berlin are both cities and federal states (*Stadtstaaten*). Compared with other federal states, the share of foreigners is high. When compared with cities in other states (*Länder*), however, it is low.

[213] In comparison with a full census, the micro-census surveys are only a representative sample of 1% of the households in Germany, covering 390,000 households with 830,000 persons (http://de.wikipedia.org/wiki/Mikrozensus, in German).

'migrant background'.[214] Using this new methodology, the micro-census revealed that 26.8% of the population in Hamburg and 24% of that in Berlin has a migrant background.[215]

4.1   Muslims in Berlin and Hamburg – Basic facts

Migration has always played an important role in shaping the faces of both Berlin and Hamburg. The city of Hamburg and its evolution over an extensive period have been inseparably connected to migration movements long before guest-worker recruitment started at the end of the 1950s. In the 19th century, the nearby harbour was a main point of emigration from Europe.

Before the building of the Berlin Wall in 1961, Berlin was especially marked by internal German migration from the German Democratic Republic (GDR).[216] The growing German economy, owing to the reconstruction of large parts of the worn-torn country and the lack of skilled workers from the GDR after the wall was built, led to labour recruitment contracts with Italy, Greece, Spain, Turkey, Morocco, Portugal, Tunisia and Yugoslavia. This new immigration phase was dominated by working people from countries with Muslim-majority populations and it officially lasted until 1973.

After the building of the Berlin Wall, many firms and their personnel migrated out of Berlin to West Germany. Berlin's return to being the capital

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[214] For the definition of this new concept, the official statistical information available on the time of immigration, citizenship and naturalization of the interviewee and his or her parents is used. There is only a distinction between the first and second generations because of the apparent difficulty of making an exact statistical distinction between the second and the third generations. Lastly, the Federal Statistical Office assumes that all foreigners and all those who are naturalized, as well as their children, have a migrant background. See Statistisches Bundesamt, *Bevölkerung mit Migrationshintergrund – Ergebnisse des Mikrozensus 2005* [Population with an immigrant background – Results of the 2005 micro-census 2005], Fachserie 1, Reihe 2.2 [Specialist Series 1, Series 2.2], p. 5.

[215] See the Hamburg Action Plan on Integration, p. 10 and Amt für Statistik Berlin-Brandenburg, Press Release No. 297, 15 September 2009 (http://www.statistik-berlin-brandenburg.de/pms/2009/09-09-15c.pdf).

[216] R. Ohliger and U. Raiser, *Integration und Migration in Berlin. Zahlen-Daten-Fakten*, Commissioner of the Berlin Senate for Integration and Migration, Berlin, 2005, p. 10.

of Germany after the fall of the wall in 1989 did not lead to a reversal of this process. From the 1960s onwards the population of Hamburg also continually decreased, to the point that its size in the middle of the 1980s was similar to that of the 1950s. Immigration was therefore needed to stabilize the cities' populations.

In the 1990s immigration was dominated by asylum seekers from Eastern Europe and from war-torn countries, such as the former Yugoslavia, Afghanistan and the Palestinian territories. Together with the immigration of German resettlers (*Aussiedler*) from the former Soviet Union and inner-German migration from East to West after the reunification, the populations of Hamburg and Berlin, and especially the Muslim segment, increased considerably.

A combination of policies pursued by city planning, cheaper rents and the growing structures of ethnic economies (supplying specific food as well as religious and cultural infrastructure) facilitated the settlement of immigrants in West Berlin. This was particularly so in the inner city districts of Kreuzberg, Wedding and Neukölln.[217]

There are no official statistics on the number of Muslims in Berlin and Hamburg, but there is a wide range of proxies – for instance nationality, name or place of birth – that are unofficially used to obtain ethnic or religious information.[218] The largest group within the overall Muslim

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[217] For a differentiated discussion of the advantages and challenges of ethnically segregated districts and quarters, see A. Kapphan, "Migration und Stadtentwicklung. Die Entstehung ethnischer Konzentrationen und ihre Auswirkungen" [Migration and city development. The emergence of ethnic concentration and its effects], in F. Gesemann (ed.), *Migration und Integration in Berlin. Wissenschaftliche Analysen und politische Perspektiven* [Migration and integration in Berlin. Scientific analyses and political perspectives], Opladen: Leske + Budrich, 2001, pp. 89–108.

[218] A 2009 survey published on Muslim life in Germany, commissioned by the German Islam Conference and the Federal Office for Migration and Refugees (BAMF), comes to the conclusion that looking only at countries of origin of migrants to detect their religion might be misleading. It compared the numbers given by the CIA *World Factbook* (Central Intelligence Agency (CIA), *The 2008 World Factbook*, CIA, Langley, VA, 2008, https://www.cia.gov/library/publications/download/download-2008/index.html), which takes the national religious composition of Muslim countries to calculate the size of the Muslim population, with the figures of its own study and concluded that the religious composition in the country of origin does not reflect the religious composition in Germany

population of Germany is composed of migrants from Turkey or their families, who are estimated to make up one-third of all German Muslims.[219]

The Afghan diaspora in Germany is the largest in Europe,[220] and there is also a significant number of Pakistani immigrants to the country, as well as Indonesians and refugees from the former Yugoslavia and the Balkans. Most of the latter are Muslims arriving from Albania and the former Yugoslav republics. In 2002, the German-Arab population was approximately 290,000, of whom 60,000 were Palestinians. Beyond the group of labour migrants from Morocco and Tunisia, most of the Arab immigrants arrived in Germany as refugees or asylum seekers.[221]

According to a survey about Turks in Germany from 2001,[222] the differences within the Muslim community can be described as follows: 63% are Sunni Muslims,[223] 12% are Alevi,[224] 2% are Shia Muslims and 7% are Yezidi, Assyrian or Armenian Christians.

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because the migration pattern of the religious groups is often very different. See S. Haug, A. Stichs and S. Müssig, "Muslimisches Leben in Deutschland", in *Auftrag der Deutschen Islam Konferenz. Bundesamt für Migration und Flüchtlinge*, Bundesamt für Migration und Flüchtlinge, Nürnberg, 2009, p. 85. This hints at the problem of the lack of religious and ethnic data.

[219] J. Blaschke, "Tolerated but Marginalised – Muslims in Germany", in M. Anwar, J. Blaschke and A. Sander (eds), *State Policies Towards Muslim Minorities: Sweden, Great Britain and Germany*, Edition Parabolis Verlagsabteilung im Europäischen Migrationszentrum (EMZ), Kempten, 2004, p. 78.

[220] Ibid., p. 88.

[221] E. Schmidt-Fink, "Schwerpunkt: Araber in Deutschland" [Focal point: Arabs in Germany], *Ausländer in Deutschland* [Foreigners in Germany], Jg. 17, Nr. 2, 2001.

[222] U. von Wilamowitz-Moellendorf, *Türken in Deutschland – Einstellungen zu Staat und Gesellschaft* [Turks in Germany – Attitudes towards state and society], Working Paper, Konrad Adenauer Stiftung, Sankt Augustin, 2001, p. 3.

[223] Notably, Haug et al. (2009, op. cit., p. 97) count 74.1% Sunnis.

[224] Alevis are a cultural and religious minority in Turkey, who, because of their heterodox tenets, have been persecuted from the time of Ottoman rule until today. Therefore, Alevis did not outwardly identify themselves as such. Since the 1960s, Alevis have been coming to Germany as working migrants, like other Turks. After an era of dissimulation, Alevis started a revival of their identity in both Turkey and Germany. See M. Sökefeld, "Einleitung: Aleviten in Deutschland – von takiye zur alevitischen Bewegung", in M. Sökefeld (ed.), *Aleviten in Deutschland. Identitätsprozesse einer Religionsgemeinschaft in der Diaspora*, Transkript, Bielefeld,

The number of Muslims in Berlin was estimated at 212,723 in January 2005, representing about 6% of the population, while Muslims in Hamburg were estimated at more than 90,000. The Muslim population makes up around a third of the population in the districts in both Berlin and Hamburg where the OSI research was carried out, the large majority having a Turkish background, followed by considerable numbers of people from Arab countries, Afghanistan and Bosnia.

The majority of the Muslim religious centres in Germany are organized along national lines and about half of the communities in Berlin are members of one of the national or local umbrella organizations.[225]

Hamburg has a reputation as a refuge for religious minorities. One of the oldest Muslim organizations in Germany, the Islamic Centre of Hamburg, was founded there. The *shura*, a council of Muslim communities in Hamburg, was established in 1999 and survived the hard times in the aftermath of 9/11.

Outside the media and public discourse, everyday contact between Muslims and non-Muslims in the cities seems to be quite good. Muslims tend to feel safer and more comfortable in the inner city districts under study, Wilhelmsburg, Veddel and St. Pauli in Hamburg and Kreuzberg in Berlin, where a high percentage of the inhabitants are immigrants and the non-immigrant population is perceived to be tolerant. Fear of encountering far-right extremism and violence in general, and Islamophobic attitudes in particular, is much higher in other parts of the town, notably in the former eastern quarters of Berlin.[226]

The following section analyses the similarities and differences between the two cities in relation to the social situation of the Muslim communities, as well as the local policy sets concerned with it and how these differences and similarities relate to the rest of Germany.

2008, p. 7; see also in the same work, B. Hendrich, "Alevitische Geschichte erinnern – in Deutschland", p. 37.

[225] R. Spielhaus, "Organisationsstrukturen islamischer Gemeinden" [Organizational structures of Islamic communities], in F. Spielhaus, *Islamic Community Life in Berlin*, Institute for Asian and African Studies, Humboldt–Universität zu Berlin, 2007, pp. 12-17.

[226] OSI held focus groups and completed questionnaires with Muslim participants in Berlin-Kreuzberg.

4.2   Policy regimes in Berlin and Hamburg

4.2.1   Civic status: Residence, naturalization and citizenship

Considerable changes were made to the national citizenship law in 1999, when the first aspects of *jus soli* were introduced to the understanding of nationality and Germany was officially recognized as being an immigration country. Consequently, the children who are born in Germany to immigrant parents can become German citizens. This was an important legal step away from a purely ethnic understanding of nationality and towards the equality of all inhabitants before the law. The conditions for naturalization and other political regulations on migration and integration make it evident, however, that national politics are still very much dominated by an assimilationist approach.

In Hamburg and Berlin, local initiatives and policy measures can be found that aim at the inclusion of Muslims and individuals with migrant backgrounds in spite of the barriers of naturalization rules and laws. It can thus be stated that at the local level, where the question of citizenship can become an important issue of democratic legitimization in elections, if the non-German population reaches high percentages, politics attempts to move away from assimilationist and towards hybrid intercultural policies.

According to estimates of the ministry of the interior, 480,000 of the 3.2 million persons of Muslim background living in Germany have German citizenship[227] and approximately 1 million of Turkish origin hold a German passport.[228]

Since 1999–2000, the children of non-German citizens born in Germany have had access to German citizenship, subject to fulfilling certain requirements.[229] Yet for those born before 2000, access to citizenship

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[227] Blaschke (2004), op. cit., p. 74.

[228] See the speech by Federal Minister of the Interior Wolfgang Schäuble in Ankara on 4 February 2008, on the website of Konrad Adenauer Stiftung – Turkey Office (http://www.kas.de/proj/home/events/44/1/veranstaltung_id-29262/ index.html).

[229] A precondition for the children's naturalization by birth is a legal and unlimited residence permit being held by at least one of the parents for at least eight years. When aged 18–23, the child has to decide whether to adopt German or another nationality. This requirement is challenged by several jurists, however, who doubt

remains more difficult, because new rules and regulations increasingly stress the economic potential of those aspiring to immigration and naturalization.[230]

Other barriers to naturalization are local and national integration tests, like the one in Baden–Württemburg,[231] which reportedly excludes Muslims. Even the national test, which is applied in Hamburg and Berlin, is viewed as reflecting certain preconceived attitudes towards Muslims.[232]

Germany has also introduced language proficiency tests for spouses wishing to join their partners. The difficulty of obtaining the necessary language skills in rural areas of Turkey, combined with the fact that such requirements are not applicable to citizens from the US or Japan, have increased perceptions that the test is aimed at preventing family reunion and migration from Turkey.

This perception of exclusionary treatment is also one of several possible explanations for the decline since 2000 in the numbers of migrants seeking naturalization, particularly among those with a Muslim background. The number of naturalizations could be doubled if the regulations allowed dual citizenship.[233] In 2008, around 94,500 foreigners

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its compatibility with the German constitution, which generally does not allow the deprivation of citizenship in Art. 16 GG.

[230] Those born before 2000 had the possibility for one year to additionally choose German nationality if they were under ten years old.

[231] For a detailed critique of the naturalization test, see C. Joppke, "Beyond national models: Civic integration policies for immigrants in Western Europe", *West European Politics*, Vol. 30, No. 1, Routledge, 2007, p. 15.

[232] Question 295 of the test asks: Which religion has informed the European and German culture? (*Welche Religion hat die europäische und deutsche Kultur geprägt?*). Only one answer can be selected among the following: 1) Hinduism, 2) Christianity, 3) Buddhism, and 4) Islam. For a general catalogue of all examination questions permitted for use within the national naturalization test, see the document published on the website of the Federal Ministry of the Interior (http://www.bmi.bund.de/cae/servlet/contentblob/123028/publicationFile/132 16/Einburgerungstest_Allgemein.pdf;jsessionid=1415BAFB0B4BF38DF4C56A307F 8308AD).

[233] S. Worbs, "Die Einbürgerung von Ausländern in Deutschland" [Naturalization of foreigners in Germany], BAMF Working Paper No. 17, Federal Office for Migration and Refugees (BAMF), Nürnberg, 2008 (http://www.bamf.de/cln_180/ nn_432740/SharedDocs/Anlagen/EN/Migration/Publikationen/Forschung/

were naturalized nationwide. This is a decrease of 16% in comparison with 2007.

In Berlin, the naturalization rates for immigrants show an extreme drop – from over 12,000 naturalizations per year in 1998 and 1999 to 6,730 in the year 2000.[234, 235] Even if there has been an increase in the rate since 2005, which is partially ascribed to Berlin's naturalization campaign, the numbers of former Turkish nationals becoming German citizens dropped from 7,398 in 1999 to 2,350 in 2006, which can mainly be attributed to the abolition of dual citizenship.[236]

In Hamburg, the decrease compared with 2007 was even higher than the national one, at 31%.[237] The number of naturalizations has declined since 2002, after peaking at the end of Hamburg's first 'Red–Green' government[238] in 2000, which had run a naturalization campaign at that time. In 2006 the numbers increased slightly.[239]

The Hamburg Action Plan on Integration (HHAP) states that comprehensive legal and political equality can only be achieved through naturalization,[240] which is seen as a meaningful step in the process of integration. It is in the interest not only of the individual migrant but also

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WorkingPapers/wp17-einbuergerung,templateId=raw,property= publicationFile.pdf/wp17-einbuergerung.pdf).

[234] Derived from Statistisches Landesamt Berlin (http://www.statistik-berlin.de).

[235] The large drop in the number of naturalizations can also be attributed to the fact that from August 1999 onwards *Aussiedler* [ethnic German 'resettlers' from Eastern Europe] were no longer counted in these statistics but were automatically granted citizenship with their immigration and recognition as *Aussiedler*.

[236] S. Stalinski, "Nur wenige Türken wollen deutschen Pass – Piening erwartet weiter sinkende Einbürgerungen" [Only a few Turks want a German passport – Piening counts on dropping naturalization numbers], *Der Tagesspiegel*, 11 July 2007 (http://www.tagesspiegel.de/berlin/;art270,2337881).

[237] Federal Statistical Office, Press Release No. 223, Wiesbaden, 12 June 2009.

[238] The 'Red–Green' government was comprised of Social Democrats (SPD – Social Democratic Party of Germany) and the Hamburg Green Party (GAL – Green Alternative List).

[239] See the Hamburg Action Plan on Integration, 2007, p. 42.

[240] Ibid.

of the state to achieve a high degree of congruence between individuals (*Staatsvolk*) and the population, according to the German constitution.[241]

Nevertheless, national politics are sometimes perceived to represent an opposing perspective. Instead of acknowledging naturalization as the necessary requirement for integration, it is seen by conservatives as the last step of successful integration.[242]

In an effort to reduce the inherent conflict between these two political positions – naturalization as a prerequisite versus a reward for integration – in Hamburg there has been a political attempt to at least symbolically increase the value of naturalization. Since November 2006, naturalization has no longer been solely an administrative act, but an official ceremony that takes place in the town hall each year.[243]

4.2.2   Consultative structures

At the national level the dialogue with and inclusion of Muslim organizations is still only beginning. The German Islam Conference (Deutsche Islamkonferenz, DIK), introduced by the federal minister of the interior in 2007, has not yet led to official acknowledgement of the religion of Islam in Germany. While the first steps have been taken to reach this aim, it is the government that determines the invitees of the conference as well as the issues to be discussed.

Although great hopes were raised when the DIK was launched, it has not been able to define an equal status for Islam, thus leading to a new social contract and eventually a new representative body for German Muslims.

One area of criticism centres on the government's top-down approach and the lack of transparency and genuine dialogue with organizations represented at the DIK. The federal ministry of the interior decides not only who participates and the issues discussed, but also selects chairpersons for the working groups and finalizes all protocols. The selection of participants

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[241] See Art. 20, Abs. 2, Grundgesetz für die Bundesrepublik Deutschland [German constitution] (http://www.bundestag.de/dokumente/rechtsgrundlagen/grundgesetz/gg_02.html).

[242] See *"*Lammert-wirbt-bei-Migranten-fuer-Einbuergerung*"*, *Welt-online*, 14 February 2010 (http://www.welt.de/politik/deutschland/article6390232/Lammert-wirbt-bei-Migranten-fuer-Einbuergerung.html).

[243] See the Hamburg Action Plan on Integration, p. 43.

representing German Muslims has been particularly controversial. In the first round, half the delegates and in the second round one-third were representatives of the main Muslim organizations in Germany. The other half or two-thirds respectively consisted of government-selected 'experts', who were meant to represent the non-organized part of the Muslim population and which included a large number of former Muslims with strongly critical views towards Islam.

More resentment has been provoked by the decision of the new federal minister of the interior to exclude a large organization of Turkish origin, Milli Görüsm, along with its umbrella organization Islamrat [Islamic Council], one of the member organizations of the KRM [Coordination Council of Muslims], the latter being the major umbrella of Muslim organizations in Germany. The minister justified this exclusion on the grounds of preliminary investigations by the public prosecution of suspicions of tax fraud, forming a criminal organization and money laundering. Following this exclusion, another large umbrella organization – the Zentralrat der Muslime in Deutschland [Central Council of Muslims in Germany], also a member of the KRM – refused to continue participating in the conference, which left the second round of the DIK quite imbalanced in relation to the presence of Muslim representatives.[244]

At the local level the city administrations in both Hamburg and Berlin have made significant efforts to include Muslims and Muslim organizations in policy debates and to support their participation in society and its institutions. Hamburg is emphasizing the positive contribution of migrant communities to city life and the importance of policies that are mutually inclusive and reinforcing.

Hamburg has also fostered dialogue with the chief Muslim representatives from the *shura* on the creation of a legal instrument that gives Islam equal status to other religions – something that has not yet been achieved at the national level. The *shura* has established an annual *Iftar* reception, where representatives of the city council, civil society, senior

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[244] O. Schoeller, "Zentralrat boykottiert Islamkonferenz", *Berliner Zeitung*, 14 May 2010 (http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2010/0514/politik/0049/index.html).

politicians, Muslim leaders and organizations meet and dine together during the fasting month of Ramadan.[245]

Although national security policies also affect interactions in Berlin and Kreuzberg, a certain rapprochement between Muslim organizations and communities on the one hand, and public officials on the other can be observed within recent years. In 2005 Berlin established the Islamforum, which provides an opportunity for representatives of most Muslim organizations to meet with city officials four times a year. These include the senator of the interior and the commissioner on integration, and even representatives of the Agency for the Protection of the Constitution (Verfassungsschutz). Participants appreciate this opportunity for contact and communication. Some members have contrasted the approach taken in Berlin's Islamforum with the national DIK. In particular, they have noted that while critics of Islam have also been invited to Berlin's Islamforum, unlike the case of the DIK the critics have not been viewed as representatives of the religion.

4.2.3   Labour market

Muslims face a range of problems related to employment in Germany. The available data in Hamburg and Berlin indicate that Muslims are more threatened by unemployment and are less likely to be employed as full or part-time workers. The labour market is not open to non-EU citizens. Muslims and migrants with no legal status or a very weak legal status, *Duldung* [toleration],[246] such as asylum seekers or refugees, live in difficult circumstances with no access to the labour market. Until the end of 2009, those who had *Duldung* status could be granted a permit to stay (*Bleiberecht*) if they were able to obtain a job.[247]

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[245] *Iftar* is the evening meal eaten after sunset for breaking the fast in the month of Ramadan.

[246] Toleration is a status of a refugee or an asylum seeker, which gives the individual a minimum legal status to stay where s/he is, if deportation or repatriation is not yet possible.

[247] See "Ausbildung und Beschäftigung von Ausländerinnen und Ausländern mit einer Duldung" [Hamburg refuge, training and employment of foreigners with a toleration status], Fluchtort Hamburg (http://www.equal-asyl.de/fileadmin/dokumente/EP_Fluchtort_Hamburg_flyer_bleiberechtsregelung_arbeitgeber.pdf).

Therefore, the general policy approaches to labour market issues can be classified as assimilationist according to the framework applied here. Labour market issues related to anti-discrimination are slowly being raised since the implementation of the EU Directive 2000/78/EC[248] as the *Allgemeines Gleichbehandlungsgesetz* [General Equal Treatment Act] in 2006. Initial court decisions have challenged the new legislation, but it does not play an important role yet. For Hamburg and Berlin, a slight shift towards a hybrid intercultural policy is taking place, where affirmative action hiring and training programmes are being developed, intercultural competencies are valued and intercultural training is offered. Articulation of the political will by the conservative mayor of Hamburg to increase the percentage of migrants in Hamburg's administration to 20% in the coming year is another sign that this shift is occurring at the local level.

Berlin–Kreuzberg is one of the poorest districts of Berlin, with an overall unemployment rate of 41%. In comparison with Berlin, Hamburg is a rich city, with the highest number of millionaires in Germany. The areas under study in Hamburg–Mitte form part of the cluster of the most disadvantaged areas in Hamburg. The higher unemployment rates in these areas (up to 18%) correlate with the large proportion of Muslims making up the population there.

Economic integration requires opportunities for employment and jobs that are commensurate with an individual's skills and qualifications. Hamburg attributes employment problems to the lack of or low-grade educational qualifications, the poor language competencies of young persons and the lack of parental awareness about the 'dual vocational training system', where training is undertaken in businesses and vocational schools. Children, parents and teachers often do not know about all the possible paths within the complex system for an educational or vocational career.[249]

The difficulties of migrant youths with the same educational qualifications as native-born Germans in finding an enterprise where they

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[248] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303/16, 2.12.2000.

[249] Derived from an OSI interview with Dr. Nadia Nagie of the Berlin NGO Kumulus.

can do vocational training[250] indicates that there are discriminatory practices in recruitment. A majority of Muslim women in Berlin and Hamburg have experienced discrimination based on religion. The headscarf issue combines various aspects of gender, ethnic and religious discrimination.[251]

In relation to the headscarf in public employment, the two cities show alternative approaches. In the course of a young teacher's plea against her prohibition to work with the headscarf in the federal state of Baden–Württemberg, the *Bundesverfassungsgericht* [Constitutional Court] stated that there was no legal basis for the ban but that individual *Länder* [federal states] had to create their own laws and regulations in this area. Berlin responded to this by passing the *Neutralitätsgesetz* [Law of Neutrality], which prohibits the exposure of visible religious symbols by teachers in public schools as well as employees of the police and the judiciary, while Hamburg took no action on this topic. Yet even in Hamburg there are indications that visible forms of faith can be barriers to employment in public professional careers, including teaching and policing. Muslim women with headscarves seem not to be excluded when employed in administrative and low-skilled jobs but are underrepresented in leading and senior positions, which require higher qualifications and visibility. In large firms where there is a workers' council, religions and customs are more often respected. The strong position of these councils is due to the longstanding anti-discrimination clauses of the Industrial Relations Act (*Betriebsverfassungsgesetz*), which is a federal law applicable throughout Germany.[252]

The introduction of the Equal Treatment Act in 2006 strengthened the legal basis for anti-discrimination work by public bodies at the local level. This includes the creation of federal and regional Equal Treatment and Anti-Discrimination Offices (the Antidiskriminierunggstelle des Bundes in Berlin, the Landesstelle für Gleichbehandlung – gegen Diskriminierung for Berlin and the Arbeitsstelle Vielfalt for Hamburg). The offices work on a broad range of equality matters, with the discrimination faced by Muslims also being an issue in Berlin.[253] The office in Berlin has established a broad

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[250] Hamburg Action Plan on Integration, p. 18.

[251] OSI questionnaire, February–April 2008.

[252] For industrial relations law, see (http://www.betriebsverfassungsgesetz.de).

[253] Interview with Monika Brodehl, 1 April 2008.

network of NGOs and other partners to provide support and advice in relation to specific reasons for discrimination. Hamburg is way behind here. An anti-discrimination and gender-equality body (the Arbeitsstelle Vielfalt) has only recently been established at the Department of Justice (in 2009), but is already expected to face dramatic downsizing because of severe budget cuts.

It is estimated that between 1985 and 2005 the number of self-employed Turks in Germany increased from 22,000 to 61,000. One in ten Turkish-owned businesses is to be found in Berlin. The large proportion of highly educated persons in self-employment is partly a result of the difficulties they face in securing mainstream employment.

The rising number of small- and medium-sized enterprises has in turn created a significant number of new jobs in Berlin since the late 1990s, especially in the service sector. In Hamburg, several migrant self-help organizations exist, which support migrants becoming entrepreneurs or which specialize in getting migrant enterprises to take trainees for vocational training.

4.2.4   Schools

Education, especially in schools, is said to be one of the most important pillars of integration. The educational system provides individuals with the skills and qualifications for participation in the labour market and also plays a formative role in the socialization of young people with the unspoken rules and values of society.[254] The ways in which schools respond to and respect the needs of Muslim pupils is therefore likely to shape their feelings of acceptance and belonging to wider German society. Schools also contribute to integration by providing opportunities for interaction among pupils, parents and teachers of different ethnic and religious backgrounds.

The educational policies in Germany and in Berlin and Hamburg can generally be classified as following an assimilationist policy approach, where 'otherness' should disappear. But a shift in policy towards a hybrid intercultural approach, where otherness is not over-emphasized, can be

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[254] W. Schiffauer, "Staat-Schule-Ethnizität" [State-School-Ethnicity], in F. Gesemann (ed.), *Migration und Integration in Berlin. Wissenschaftliche Analysen und politische Perspektiven* [Migration and integration in Berlin. Scientific analyses and political perspectives], Opladen: Leske + Budrich, pp. 233–250.

noticed at a local level in Berlin and Hamburg. There is a high degree of segregation in the school systems and the focus is on learning the national language in many schools, but some schools provide both national language and home language tuition.

In Berlin, Islamic religious education at public schools has been introduced by the local umbrella organization, Islamic Federation (Islamische Föderation), which was accepted as a religious community for this purpose after 20 years in court.

Among the controversial issues concerning education in Germany is the role of pre-schools in preparing children for primary school and whether the existing three-track school system is still adequate. With the OECD Pisa[255] studies in 2000, it became obvious that the educational system in Germany was expensive, inefficient and highly selective. This was a catalyst for numerous changes and approaches in Berlin and Hamburg. Since then the educational system in Hamburg has undergone several reforms. In Berlin, primary school – unlike that in other federal states – already encompasses six classes of *Grundschule*. A similar system was recently put to a vote in a referendum in Hamburg, but the majority voted against it.

A key element in the policy of Berlin and Hamburg is the development of Scandinavian-style 'common' or 'comprehensive' schools (*Gemeinschaftsschulen*),[256] where pupils are kept together until they take the *Abitur* exam. The new schools ensure that various educational routes remain open for longer. They also provide an opportunity for disadvantaged children to overcome language difficulties before being locked into a certain type of educational career or drop out of the educational system.

Education is highly valued by Muslims[257] and is a core aspect in the lives of 94% of Muslims in Germany.[258] The experiences and concerns of

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[255] PISA is the OECD Programme for International Student Assessment (http://www.pisa.oecd.org).

[256] The latest policy in Berlin creates so-called *Sekundarschulen* (secondary schools), where pupils with different learning capacities are educated together in the same class (not only within the same school) and teachers have to develop ways of individually supporting the different pupils.

[257] See the two OSI studies, Hieronymus (2010), *Muslims in Hamburg*, op. cit. and Mühe (2010), *Muslims in Berlin*, op. cit.

Muslims in relation to the educational sector suggest that obstacles stemming from real and perceived discrimination, which are hampering academic achievement, are directly related to their experiences as Muslims and their ethnic group. Alongside reportedly questionable quality and selection processes within the educational sector, the impact includes low levels of educational attainment among Muslim pupils, the effects of racism on self-esteem and aspirations, and the role that a lack of recognition of a person's faith can play in ensuring that an individual cannot fully participate in society.

This importance of education and the experiences of stereotyping, discrimination and even racism may account for the growing number of Muslim parents seeking to enrol their children into the only Muslim *Grundschule* in Berlin–Kreuzberg. The school argues that it is making efforts to support integration through its emphasis on teaching the German language and employing a range of teachers (including many non-Muslims). The educational attainment in the school has improved over time.[259] Hamburg focuses on language acquisition and language support. Multilingualism is valued positively.[260]

4.2.5   Policing and security

Since 9/11, Muslims have come under increased police surveillance and at the same time have faced higher levels of hate crimes and violence directed at them. The issue of policing is quite central for Muslims in Berlin–Kreuzberg and Hamburg–Mitte. Parents worry about the effect on their children's future of the district's reputation as a high crime area, while many young persons have felt that they have been the targets of police attention and discriminatory treatment because of their ethnic and religious background.

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[258] Bertelsmann (2008), op. cit., p. 8.

[259] The recommendations for *Realschule*, the middle type of school, have stayed more or less the same in percentage terms throughout the years. Those for the lowest type of school, the *Hauptschule*, have declined consistently from 25% in 1994–95 to 4% in 2005–06.

[260] See the Hamburg Action Plan on Integration, p. 15. For general discussions about multilingualism, see the website of the Deutsher Bildungsserver (http://www.bildungsserver.de/zeigen.html?seite=3478).

Looking at the federal level, the policies at work in the area of policing can again be classified as assimilationist, characterized by an area-based policing system. This is true for Hamburg and Berlin as well, although shifts from an assimilationist to a hybrid intercultural policy can be observed. The local policies are ever more concerned with interreligious relations, like the close cooperation between some of the local police and mosques in Hamburg and Berlin.

According to the OSI study, in Berlin, only half of Muslims and non-Muslims trusted the police, while in Hamburg the majority of Muslims were satisfied with policing and trusted the police and courts. One explanation is the view that key political institutions, such as the government and parliament, can change policies and sway opinions but the police and law courts have to act according to rules and evidence; despite the conduct of individual police officers, general trust has not been undermined. This entails trust in the system, rather than in the individual representative. For many migrants, the image of a police officer is not someone who will discuss problems, but an authority figure who may even use physical force.

This image is sometimes reinforced by the behaviour of individual police officers. Even if the local police in Berlin and Hamburg have introduced intercultural training and other measures to prevent stereotyping, police violence – especially against persons with immigrant backgrounds – has been repeatedly reported by Amnesty International. In their report of July 2010, the human rights organization cited 15 cases of police violence in Germany and requested mandatory identification for police officers, which is supported by the Berlin senator of the interior.[261]

Muslims in Hamburg report crime less frequently than non-Muslims. Muslims had less contact with the police than non-Muslims. Some Muslims in Berlin had the impression of unfair treatment of foreign children and that specific groups were being more rigorously checked.

Another significant concern of Muslims in Berlin — especially parents — was the prevalence of drugs in their area and the risk this posed

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[261] See the Amnesty International website article, "Amnesty-Kampagne 'Mehr Verantwortung Bei Der Polizei': Breite Unterstützung Für Onlineaktionen", 4 August 2010 (http://www.amnesty.de/presse/2010/8/4/amnesty-kampagne-mehr-verantwortung-bei-der-polizei-breite-unterstuetzung-fuer-onlin?destination=node%2F2777).

for young persons and children.[262] There was some demand for more community outreach by the police with identifiable police officers developing trust by building relationships with local residents.

Muslims in Hamburg reported positive experiences with visible neighbourhood police (*Bünabe*).[263] But currently there are not enough well-trained multilingual *Bünabe* available.[264] A representative of the Hamburg police stressed that the lack of visible police officers of Muslim or migrant backgrounds is a problem for Muslims, especially women.

Instead of highlighting the positive outcomes of a diverse police force (creating a safe environment for all, providing ethnic minorities with positive role models), Germany's idea in recruiting ethnic minorities has been for specific tasks alone, utilizing them to target migrant populations.[265]

While other departments are increasing migrant trainees in Hamburg, the police have underperformed in this area. Migrants often do not pass the tests necessary to start police training.[266] Berlin has sought to increase the recruitment of employees from minority groups despite considerable protest from the police union, which has viewed this policy as a breach of neutrality.

Since 9/11, police in Germany have conducted mass identity checks on numerous occasions outside mosques, including those with the largest attendance in Germany.[267] Before 9/11, the police in Hamburg were obliged to keep in contact with mosques and Muslims, but this was abandoned after 9/11.[268] The agency now has closer contacts with Muslim communities again, because it is important for the police to understand

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[262] In 1991 in Berlin, 932 persons under age 21 were suspected of drug delinquency, but the number rose to 3,584 in 2003. The involvement of children under age 14 is growing even more rapidly. See the article by F. Ataman in *Spiegel Online*, 10 September 2005.

[263] This term is short for *Bürgernaher Beamter* – officers close to citizens.

[264] Derived from the OSI roundtable, June 2009.

[265] O. Karakus, *Recruitment of Ethnic Minority Police Officers*, University of Hamburg, 2008, p. 63.

[266] Derived from the OSI roundtable, June 2009.

[267] Open Society Justice Initiative, *Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory,* OSI, New York, 2009, p. 65.

[268] Derived from the OSI roundtable, June 2009.

what happens in the communities. A committee of imams is counselling the police and they work together with a network of Muslim organizations to prevent crime and Islamic extremism.[269]

4.2.6   Minority religious institutions

Nowadays Muslims make up the third largest religious group in Germany – after Catholics and Protestants – but Jewish, Hindu, Sikh, Buddhist and a variety of other religious groups can be found among Germans and migrants. Since 9/11 and other international terrorist attacks, Muslims have come to occupy centre stage in public debate; they are widely perceived as a potential security threat and to a much lesser extent as a religious minority group like others. Not inter-religious dialogue but secret service methods are increasingly used for the surveillance of Muslim citizens.

More studies on Muslims and their religious institutions are emerging in Germany. These studies conclude that while ethnic belonging, religion and migration history influence the subjects' everyday lives and cultural background, these factors are not central to their milieus and identity.[270]

In the city of Hamburg, two distinct aspects of the perception of Muslims and their organizations can be observed. On the one hand, there is the image of the events of 9/11 and the Hamburg cells around Mohammed Atta, one of the terrorists involved. On the other hand, there is the liberal image of Hamburg, home to one of the oldest mosques in Germany, and its reputation as a refuge for religious minorities.

Migrant organizations in Berlin have argued that even if organizations were willing to cooperate with Muslim associations (which have been stigmatized by the Verfassungsschutz), because the associations' work was appreciated at the local level, withdrawals of public funding have become a common means of preventing such cooperation.[271] Muslim organizations in Hamburg have similar problems. Until now none of the investigations has led to formal legal action by any state authority, but they

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[269] Ibid.

[270] Beck and Perry (2008), op. cit.

[271] Derived from OSI expert interviews.

make cooperation difficult.[272] This results in severe structural discrimination and might be one of the reasons Muslims do not play an active role in politics, are not active in criminal justice and turn away from participation and public debate. Even if the civic participation of Muslim and migrant associations/organizations seems to be increasing in Hamburg and Berlin, Muslims who had a political opinion or were engaged in some cause felt negatively stamped as extremist or fundamentalist,[273] because of a lack of differentiation between a radical fundamentalist and an ordinary Muslim.[274]

4.2.7 Public awareness

Recent studies and surveys suggest a deterioration in public attitudes towards Islam and Muslims in Germany. The number of those associating Islam with discrimination against women, fanaticism and radicalism and a disposition towards violence and revenge is increasing.[275] The representation of Muslims and Islam in the German media also shows a high prevalence of stories linking Islam and Muslims to terrorism, violence and other social problems. The role of religion in the public sphere is still an area where there is a struggle to find a common understanding, in which Muslims face choices between religious expression and integration.

In Germany, the policy is still more oriented towards an assimilationist approach and anti-racism is rarely an issue, let alone anti-Muslim racism (Islamophobia). In both Hamburg and Berlin, shifts from this assimilationist policy (solely emphasizing the fight against right-wing extremism) towards a more hybrid intercultural policy (stressing anti-racism and the new anti-discrimination legislation) can be observed. Intercultural projects are progressively supported.

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[272] About the development of the Milli Görüs in Germany and its situation of being under surveillance, see also W. Schiffauer, *Nach dem Islamismus* [After Islamism], Berlin: Suhrkamp Verlag, 2010.

[273] In German the term 'Islamist' has changed its meaning. Before 2001, it meant someone studying Islamic sciences; nowadays it has the connotation of 'radical fundamentalist'.

[274] Derived from the OSI focus group, June 2008.

[275] E. Noelle and T. Peterson, "Eine fremde bedrohliche Welt" [A foreign and threatening world], *Frankfurter Allgemeine Zeitung*, Nr. 114, 17 May 2006, p. 5.

A study on media coverage of Islam revealed that the predominant topic covered was Muslims as terrorists.[276] This negative atmosphere towards Islam is not only a product of media coverage, but also reflects the public discourse presented by politics. Parliamentary debates connected with Islam in the same period increased and discussion about equality and the positive features of Islam became less frequent.[277] There has also been a significant change in the political discourse over the last few years. Whereas discrimination against Muslims on the basis of their religious affiliation was one of the major topics between 2000 and 2001, the main debates of 2003 and 2004 concerned security – strongly linking Islam with terrorism and giving far less attention to issues of tolerance and anti-discrimination.

The effect of this change in the public discourse on Muslims in Germany is the reduction of the relatively high levels of acceptance and tolerance of Islam by the majority society. The positive feeling of trust towards their co-citizens was weaker in 2004 than in 2000.

The murder in July 2009 in a Dresden courtroom of the pregnant, 31-year-old Egyptian pharmacist, Marwa El-Sherbini, who had taken legal action against a man who had insulted her at a playground, is the latest Islamophobic event. The fact that this murder happened almost a week before it was reported in the mainstream media as a minor event was a sign that the media and society had a blind spot regarding hostility and racism towards Muslims.[278]

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[276] D. Halm, "Pauschale Islamfeindlichkeit? Zur Wahrnehmung des Islams und zur soziokulturellen Teilhabe der Muslime in Deutschland" [Overall hostility towards Islam? About the perception of Islam and the socio-cultural participation of Muslims in Germany], in S. Jäger and D. Halm (eds), *Mediale Barrieren. Rassismus als Integrationshindernis* [Media barriers. Racism as a barrier to integration], DISS/Unrast, 2006.

[277] K. Hafez and C. Richter, "Das Islambild von ARD und ZDF" [The image of Islam in the public broadcasting of ARD and ZDF], *Aus Politik und Zeitgeschichte. Beilage zur Wochenzeitung Das Parlament* [Politics and contemporary history. Supplement to the weekly newspaper, *The Parliament*], Bundeszentrale für politische Bildung, Frankfurter Societäts-Druckerei GmbH, Frankfurt am Main, 26-27/2007, 25 June 2007, pp. 40–46.

[278] See K. Schädler, "Mord mit islamfeindlichem Hintergrund?" [Murder with an Islamophobic background?], *die Tageszeitung*, 6 July 2009 (http://www.taz.de/1/politik/deutschland/artikel/1/mord-mit-

Other turning points for Muslims and migrants include the period before 9/11 and the unification of Germany, which brought the entire population of one state into the Federal Republic of Germany with the argument of having the same ethnicity.[279] Germany has since been going through several trends in discourses on migrants, beginning with the 'guest worker problem', then the 'foreigner problem', followed a couple of years later by a 'Turk problem' and nowadays it is a 'Muslim problem'. The racist and discriminatory attitudes have remained the same; the enemy has just been defined differently.[280]

4.2.8   Urbanization

The housing situation of Muslims in Germany's urban areas is largely shaped by the inner-city locations of their dwellings. Migrant communities have a strong tendency to stay and invest in their districts in order to improve their neighbourhoods even after climbing up the social ladder. In many ways, this pattern corresponds with a general lack of mobility and a strong identification with the local districts, the *Kiezkultur* [neighbourhood culture], found mainly in northern German cities.

For Germany and the two cities studied here, the policy approach in general can be described as assimilationist. Enclaves are usually considered a problem and in urban planning measures to disperse the inhabitants of such enclaves are applied. In Hamburg, a shift towards a more hybrid intercultural policy can be observed. There is an attempt to promote an ethnic mix and to safeguard existing residents. Notably, the effects of gentrification in certain renewed areas have led to a discussion of measures to enhance the safety of the existing population.

In the case of Muslim and migrant groups, the identification with their neighbourhood may be reinforced by feelings of exclusion from the wider society and experiences of discrimination in accessing housing in wealthier districts. There has been a feeling that the distribution of social

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islamfeindlichem-hintergrund/); see also readers' comments on the article (http://www.taz.de/1/politik/deutschland/artikel/kommentarseite/1/mord-mit-islamfeindlichem-hintergrund/kommentare/1/1/).

[279] N. Cil, "Türkische Migranten und der Mauerfall" [Turkish migrants and the fall of the Wall], *APuZ – Aus Politik und Zeitgeschichte*, Vols. 21–22/2009, 18 May 2009, pp. 40–46.

[280] Derived from an OSI focus group, June 2008.

housing has been used by policy-makers to restrict Muslims to certain districts and neighbourhoods. In part, this is grounded in earlier experiences of the official housing policies during the initial period of migration, when immigrants were restricted to particular areas of cities. In Berlin, the majority of OSI interviewees wished to live in ethnically mixed areas. Muslims valued the ethnically and socially diverse character of the district they lived in and many wished for ethnic Germans to stay and regretted them leaving their district. The attitude of those who particularly appreciated the ethnic familiarity, as well as of those who valued cultural diversity, appears to be strongly shaped by concerns about safety and fears of being 'otherized' or viewed as different in less ethnically mixed areas. Many Muslims feared that in other districts they could attract unwanted attention for being too loud, having too many children or visiting each other too much with too many people, or simply by looking different.

Also in Hamburg Muslim women wearing headscarves attracted stares when walking in wealthy neighbourhoods, the city centre or shopping malls. Many Muslims therefore felt uncomfortable and unwelcome.[281] Areas that are not culturally diverse are seen as problematic, as it is hard for non-native Germans or immigrants to feel a sense of belonging. Such areas are located at the fringes but also in some pockets in the centre of Hamburg, where there is no cultural diversity.

Muslims in Hamburg and Berlin live in social housing, while the majority of non-Muslims live in houses belonging to private landlords. Social housing is publicly financed housing, where rent increases are restricted. Private landlords have fewer restrictions, but they have to watch the local average rents. Muslims are also more likely than non-Muslims to live with their families, because of stronger family ties as well as greater difficulty in finding rental accommodation. Discrimination leads higher percentages of migrants and their families to live in overcrowded accommodation, which is in a worse condition and at the same time more expensive than that available to ethnic Germans.

While the framework for the whole of Germany can be considered assimilationist, Hamburg and Berlin are shifting to a hybrid intercultural policy. The assimilationist framework guarantees equal access, but ignores ethnic aspects. But ethnicity often plays a role in considerations, for instance on who shall be moving to a housing estate. Under the surface

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[281] OSI questionnaire, February–April 2008.

there seems to be a change in practice. To guarantee equal access, large housing companies have introduced measures to monitor inter-ethnic aspects in housing.

Discrimination is manifest in various ways, ranging from direct verbal comments to the lack of explanation for a refusal to provide accommodation, or more intense scrutiny of a person's creditworthiness or social status. The introduction of anti-discrimination legislation (the Equal Treatment Act) sent a strong signal about the unacceptability of discrimination on a range of grounds, including religion and ethnicity. There remain gaps in relation to housing, however. Property management companies can still refuse to rent rooms in cases where they perceive such discrimination is necessary to ensure a balanced socio-cultural mix.[282]

In Hamburg, rents have increased following the redevelopment of central areas of the district. This has led to a movement of poorer and larger families into the more affordable outer fringes of the district, where larger flats are still available.[283] In Hamburg, the housing market has the effect of creating residential segregation. Foreign and Muslim residents are being replaced by a new middle class. Neighbourhoods are evolving to the benefit of the more affluent, destroying existing diversity and tolerance. There are two different approaches in Hamburg. One favours the intensified use of urban space to stimulate economic growth,[284] while the other seeks to activate the potential of the population in order to increase economic growth.[285] Both recognize the importance of a diverse population for creativity, but still stress the needs of the new middle classes.[286]

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[282] See the website of Antidiskriminierungsverband Deutschland (advd) (http://www.antidiskriminierung.org/?q=wiki/Stellungnahme_zum_einj%C3%A4hrigen_Bestehen_des_Allgemeinen_Gleichbehandlungsgesetzes_%28AGG%29).

[283] B. Hallenberg, "Migranten und der Hamburger Wohnungsmarkt", *Forum Wohneigentum, 2*007.

[284] Statistisches Amt für Hamburg und Schleswig-Holstein, Monitor Wachsende Stadt 2007 [Monitor of the growing city 2007], Hamburg, 2007 (http://www.hamburg.de/contentblob/263100/data/monitor-wachsende-stadt-2007.pdf).

[285] See the website of Bündnis 90/die Grünen, GAL Hamburg (http://www.hamburg-kreativestadt.de).

[286] R. Florida, *The Rise of the Creative Class and How It's Transforming Work, Leisure, Community, and Everyday Life*, New York, NY: Basic Books, 2002.

4.2.9 Symbols

The German approach towards the religious symbols of non-Christian religions can be regarded as assimilationist. Several federal states have introduced laws banning headscarves for Muslim teachers in public schools, supported by the argument of school neutrality, while the keeping of crucifixes in certain public schools is supported by the federal government with an argument about the Christian roots of society. The handling of religious symbols nonetheless varies among the federal states.

The Law of Neutrality (*Neutralitätsgesetz*) applies this type of assimilationist policy to Berlin and excludes Muslim women with headscarves from several professions in public services, among them schools. In Hamburg, there is a greater tendency towards a hybrid intercultural policy concerning symbols. The intercultural meaning of symbols is stressed, there is no general approach towards religious or other symbols, and no legal ban has been adopted in relation to Muslim headscarves.

In the OSI study, more than 50% of the Muslims in Hamburg and 30% in Berlin were carrying visible signs. More than 80% in both cities were actively practising their religion. These numbers are in line with the findings of *Religion Monitor 2008*.[287]

Those Muslims actively practising demonstrate a diversity of practices and observances. Visible signs, such as dark skin, black hair, Islamic dress or headscarves, function as markers of difference. Many non-Muslims read these markers as signs that certain people do not belong to Germany. Such markers are not only related to appearance, but also to lifestyle.

Although no legal banning of religious dress in public service professions exists in Hamburg, in the private sector the acceptance of religious symbols depends on the firm and its activities. In Berlin, Muslims hold the opinion that employers do not respect other religious practices, and that they have difficulties in securing time during the workday for daily prayer.

In Berlin, schools are now allowed to forbid Muslim pupils to pray at school, after a Muslim boy went to court. The court ruling in May 2010 enables all public schools in Berlin to ban prayers.

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[287] Bertelsmann (2008), op. cit., p. 7.

4.3   Conclusions

At the time of finalizing this chapter, there has been a significant debate in the media and public institutions about a newly published book[288] by Thilo Sarrazin, a board member of the German Federal Bank. In this book the author openly declares that Muslims (mainly ethnic Turks and Arabs) are less intelligent than the average German population, and through higher reproduction rates they are endangering the intelligence level of the entire country in the future. Meanwhile, the world has been shocked by the statement of Federal Chancellor Angela Merkel, that multiculturalism "has failed, absolutely failed". At the same time, the Chancellor has endorsed the recent statement by Federal President Christian Wulff about Islam being a part of Germany, which was made on the anniversary of German reunification – a statement that was widely criticized by different public officials, especially those from the Christian Democratic Union (CDU). But this endorsement has gone unheard in the attention given to Chancellor Merkel's earlier statement.

The Chancellor's statement follows the political method of attempting to keep the public vote from moving further in a far right-wing and even racist direction by partially following these ideas. It is similar to the logic of fighting right-wing extremism by partially giving in to its demands that the then Chancellor Helmut Kohl (CDU) applied in 1992, when he tightened the asylum laws after the republic had been shaken by violent attacks and even the murder of asylum seekers by right-wing extremists in the aftermath of reunification.

The outcome and effects of this debate, which is somehow caught between a 'natural racism' reminiscent of Nazism and a 'cultural racism'[289] targeting Muslims as an inferior culture, cannot be fully foreseen. Yet it can already be said that these assumptions are not only feeding traditional, right-wing populist opinions, but also that their content – even if not their presentation – is not being rejected by the majority of the population. Political analysts speak of a high proportion of the electorate that would be prepared to support a modernized, openly racist party defending 'European values' against the 'Muslim invasion'. A recent survey by the

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[288] T. Sarrazin, Deutschland schafft sich ab [Germany does itself in], München: Deutsche Verlags-Anstalt, 2010.

[289] D.T. Goldberg and A. Quayson (eds), *Relocating Postcolonialism*, London: Blackwell, 2002.

Friedrich-Ebert Foundation[290] revealed not only a far-reaching Islamophobia, with more than 50% of the entire population and in some parts of Germany up to 75% desiring a considerable restriction of the right of freedom of religion for Muslims – thus giving up a basic human right and one of the most important principles of the German constitution. The researchers were also convinced that these findings would be even worse if the survey were repeated today, amid the heated debate about Thilo Sarrazin's book. Still, it remains to be seen whether the rejections of his and other similar statements will gain strength and bring a more positive change in the tone of attitudes towards Muslims and public perceptions, or if the opposite happens and racist, anti-Muslim stereotypes, which have already claimed one Muslim female victim in the Egyptian Marwa El-Sherbini, are heightened even more.

In Hamburg and Berlin, the politics and civil engagement at the local level show a very different picture from what can be observed nationally. In their distinct ways, both have long histories and familiarity with diversity. Even if the attempts to encourage the participation of all social groups – including the various Muslim groups and organizations – differ among German cities and even the individual districts of one city, a general tendency towards more pragmatic and even inclusive policies at the local level can be observed. Hamburg has made substantial efforts to include Muslims and Muslim organizations in policy debates and to support their participation in society and its institutions. In this city one can observe a switch in perspectives, from looking at migrants' deficiencies to their potential and their intercultural competencies, and to stressing the need for mutual intercultural learning across all of society. Even if in both cities concrete projects and policy measurements still have to be implemented on a broad scale, this change in vocabulary marks an important point of conceptual change. In Berlin, a new law on integration and participation is being put in place against the strong resentment of some parts of the political class.[291] Inter alia this city aims at a better representation of

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[290] O. Decker, M. Weißmann, J. Kiess and E. Brähler, *Die Mitte in der Krise. Rechtsextreme Einstellungen in Deutschland 2010* [The center in crisis – Rightwing extremist perceptions in Germany 2010], Friedrich-Ebert-Stiftung, Bonn, 2010 (http://library.fes.de/pdf-files/do/07504.pdf).

[291] Critics of the law perceive the backwardness of certain immigrants and their unwillingness to integrate as the main obstacles to integration. See O. Wedekind, "Prüefstelle kassiert Integrationsgesetz", *Aktuel Berlin*, 25 August 2010

migrants within the city administration and enables Muslims to bury their dead according to religious traditions.

The opening of an anti-discrimination office specializing in anti-Muslim discrimination and filling the gap of tackling discrimination on religious grounds had been recommended by the OSI survey and is actually the subject of serious consideration by the Berlin senate. Although in Hamburg issues of discrimination are still not openly articulated, the presence of the anti-discrimination body (Arbeitsstelle Vielfalt) has led to sensitivity on the equality issue within the administration.

The stigmatization of many Muslim organizations as extremists by German intelligence services is being dealt with in a different way by many local politicians compared with those at the national level. Nevertheless, the national practice of (non-)cooperation with many Muslim organizations hampers trust and many productive projects. At the local and individual levels, political participation and identification are hindered for many Muslims and persons with an immigrant background by the lack of voting rights for non-EU nationals, endangering the democratic legitimacy of entire districts where the non-German population reaches high percentages. Introduction of the right to vote in local elections for non-EU nationals as well as facilitated naturalization procedures and the possibility to hold dual nationality would be other important political steps towards greater participation and social cohesion.

Not least the high tendency[292] of educated young Germans with a Turkish background to emigrate to Turkey because of better job opportunities and civic participation shows the urgent need to strengthen equal treatment and anti-discrimination efforts. A change in the understanding of nationality is urgently needed, which is still very much ethnically determined.

The real challenge of contemporary German politics thus becomes evident. It is obviously not the repeatedly stated lack of will on the part of Muslims to integrate, but the heavily xenophobic and even anti-democratic trends at the core of society. The responsibility of Chancellor Merkel and

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(http://www.bz-berlin.de/aktuell/berlin/pruefstelle-kassiert-integrationsgesetz-article959304.html#bzRSS).

[292] A recent study showed that 38% of academics with a Turkish background were planning to emigrate to Turkey; see the website of the Futureorg Institut (http://tasd.futureorg.de/).

other public actors lies not in confirming xenophobic and anti-Muslim trends by declaring multiculturalism to be defeated or dead. On the contrary, the challenge is to find ways of enhancing an understanding of national identity that includes all members of an ever more diversified society, supports a positive view towards this diversity, and takes a stand against rising racism and Islamophobia. In the words of the Federal President, it means the Federal Chancellor acting for all residents, including Muslims.

5. EVOLVING MODELS OF MULTICULTURALISM IN THE UNITED KINGDOM
TUFYAL CHOUDHURY

Introduction

This chapter explores how integration policy has developed in recent years, as Muslims have become the focus of discussions on integration and multiculturalism. It begins with a brief overview of the key characteristics of the Muslim population in the UK, which provides the background context for this discussion. It then sets out the foundations for the British model of integration that were laid down in the 1960s in response to increased migration of black and 'coloured' workers from the Commonwealth. It explores how the central pillars of this framework – protection from discrimination and violence, data collection, immigration control and community relations – have underpinned multiculturalism and informed the approach taken to questions of integration of Muslim communities that have been at the forefront of public discussion in the past decade. The urban riots in 2001 and growing concerns about 'home-grown' terrorism have created a political backlash against multiculturalism and an apparent shift in policy towards 'community cohesion', with a focus on shared and common values. This chapter examines the extent to which this change in language has been accompanied by changes in important policy sets.

Most Muslims in Britain today are post-war migrants or their descendents. Yet the presence of Muslims in Britain can be traced back over 300 years. Early settlers included South Asian and Yemeni sailors working

in the merchant navy and for the British East India Company.[293] Prominent Muslims in Victorian Britain included William Quilliam, founder of England's first mosque (in Liverpool in 1889), and Marmaduke Pickthall, an Islamic scholar and translator of the Koran.[294] Hundreds of thousands of Muslims volunteered for the Indian Army to fight for Britain during the First and Second World Wars.

In the post-war period, migrants from the new Commonwealth came to fill shortages in the labour market. Muslim men arrived mainly from South Asia. Utilizing the moral economy of their kinship and village networks to find jobs and accommodation, these men survived in an unfamiliar environment. Increasing restrictions on opportunities for immigration in the 1970s ended chain migration, leading those who were here to settle and be joined by their families. The kinship networks through which chain migration operated meant that the communities the migrants left were sometimes reconstructed in the neighbourhoods of British cities where they settled.

One group for whom the migration pattern and integration context differed from their Commonwealth contemporaries during this period is East African Asians. They began arriving in the late 1960s and early 1970s under pressure from the 'Africanization' policies in Kenya and Tanzania, and in the case of Uganda, as a result of forced expulsion.[295] Many were skilled, urban middle-class professionals and entrepreneurs. Their experience of living in urban centres combined with their business and professional backgrounds ensured faster integration into economic and social structures. It is estimated that 20,000 of the group of 150,000 East African Asians were Muslims, mainly Ismaili Shias, with family roots in Pakistan or the Indian state of Gujarat.[296]

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[293] H. Ansari, *The Infidel Within: The History of Muslims in Britain 1800 to the Present*, London: Hurst and Co., 2004.

[294] R. Geaves, *Islam in Victorian Britain: The Life and Times of Abdullah Quilliam*, Markfield: Kube Publishing, 2010.

[295] See R. Hansen, *Citizenship and Immigration in Post-War Britain*, Oxford: Oxford University Press, 2000; see also M. Twaddle, "East African Asians through a Hundred Years", in C. Clarke, C. Peach and S. Vertovec (eds), *South Asians Overseas: Migration and Ethnicity*, Cambridge: Cambridge University Press, 1990.

[296] Runnymede Trust Commission on British Muslims and Islamophobia, *Islamophobia – A Challenge for Us All*, Runnymede Trust, London, 1997.

Around two-thirds of Muslims in the UK have ties to South Asia. The remaining third represent a wide range of communities from across the Muslim world. For example, there are an estimated 120,000 Turkish Cypriots and 80,000 mainland Turks and Kurds in the UK.[297] Oil wealth combined with political instability in the Middle East attracted investors and professionals from the Middle East from the 1970s onwards. During the course of the 1990s, increasing numbers of Muslims arrived in the UK as asylum seekers. These included Bosnians, Somalis, Kurds, Afghans and Iraqis. A recent estimate suggests that the size of the Somali population increased in the UK from 40,000 in 1999 to over 100,000 by 2009.[298]

The 2001 census counted the number of Muslims in the UK at 1.6 million. On this basis they constitute 3% of the total population of Great Britain (57.1 million) and are the largest minority faith group. This figure does not take into account the significant migration flows, particularly of skilled migrants from outside the EU that have occurred in the past decade. Recent estimates suggest that the Muslim population increased to over 2.5 million by 2010.[299]

The 2001 census finds that approximately half of Muslims living in Britain were born in the UK. They have a diverse range of ethnic backgrounds, however. Three-quarters of Muslims (74%) have an Asian ethnic background, predominantly Pakistani (43%), Bangladeshi (16%), Indian (8%) and other Asian (6%). One in ten Muslims (11%) are from a white ethnic group, 4% are of white British origin and 7% from another white background, including Turkish, Cypriot, Arab and Eastern European. A further 6% of Muslims are of black African origin.

The settlement patterns of Muslims reflect the nature of their initial migration. Coming largely as unskilled workers they settled in Britain's urban industrial conurbations. Around two-fifths of Muslims (38%) live in

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[297] P. Enneli, T. Modood and H. Bradley, *Young Turks and Kurds: A Set of "Invisible" Disadvantaged Groups*, Joseph Rowntree Foundation, York, 2005.

[298] J. Wynne-Jones, "Study reveals impact of immigration on faith", *Daily Telegraph* 13 December 2009 (http://www.telegraph.co.uk/news/newstopics/religion/6799755/Study-reveals-impact-of-immigration-on-UK-faiths.html).

[299] See the Pew Forum on Religion in Public Life, *The Future of the Global Muslim Population*, Pew Research Centre, Washington, D.C., 2011. Estimates by Pew for the Muslim population in the UK for 2010 are given in the online interactive map (http://features.pewforum.org/muslim-population/).

London, where they make up 8.5% of the population. After London, the regions with the largest share of the Muslim population are the West Midlands (14%), North West (13%), and Yorkshire and Humber (12%). Even within these regions, Muslims are highly concentrated spatially, and disproportionately represented in the most deprived urban communities. One-third of the Muslim population lives in the 10% most deprived neighbourhoods.[300]

5.1   Societal models

5.1.1   Integration and multiculturalism

The growing Muslim presence in the UK is part of a wider process of increasing ethnic and religious diversity in Britain shaped by processes of migration that have intensified in the past 60 years. By the 2001 census, almost 8% of the UK population, 4.5 million persons, were from a minority ethnic group.

Post-war migration began with the arrival of the Empire Windrush ship, bringing to England black workers from Jamaica. During the early period of post-war migration, public policy initially operated under a *laissez-faire* assumption of assimilation. Furthermore, most who arrived did not come with an intention of settling in Britain for the long term. And many, even after decades in the UK, maintained the 'myth of return'.

Antagonism against 'coloured' immigration was never far from the surface. It emerged into full public view in 1958 when 'race riots' took place in Nottingham and London's Notting Hill. These tensions were also played out in politics, the most infamous examples arising from Enoch Powell's 1968 "Rivers of Blood" speech and the rise of the National Front as a political force in the 1970s.

Unlike most other European countries, the UK developed its integration policy in the 1960s in response to such tensions. Integration was defined in 1968 by Home Secretary Roy Jenkins, "as cultural diversity, coupled with equality of opportunity, in an atmosphere of mutual tolerance". Jenkins emphasized that integration was not a "flattening process of uniformity". The policy framework created in this period continues to shape the British approach to integration today.

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[300] J. Beckford, R. Gale, D. Owen, C. Peach and P. Weller, *Review of the Evidence Base on Faith Communities*, Office of the Deputy Prime Minister, London, 2006.

Four central pillars to integration policy have evolved from the policy response of the 1960s: protection from discrimination and violence, data collection, controls on immigration and legal duties to promote good community relations. Together these four pillars have shaped the core of 'integration' policy and have in effect underpinned multiculturalism. All have remained a consistent feature of overall integration policy although each has also developed and changed over time.

Local level responsibility for the implementation of key aspects of integration policies ensured the survival of multiculturalism during the 1980s and early 1990s, when the national Conservative government was largely hostile to multiculturalism.

The Labour government elected in 1997 was viewed as being far more comfortable and at ease with Britain's multicultural and diverse society than the Conservative government of the 1980s and 1990s. During this period, Labour was the only party with MPs of black and minority ethnic backgrounds; several of its MPs were prominent activists in the anti-racist and anti-apartheid movements and most of the large multiethnic urban constituencies returned Labour MPs.

The Labour Party won three elections in the period 1997–2010. Policies towards integration and multiculturalism shifted in significant ways during each of these terms. The first term was marked by a celebration of Britain's ethnic and cultural diversity, the period of 'cool Britannia' when the Foreign Secretary identified chicken tikka massala as the new national dish. There was also recognition of the need to tackle institutional racism and religious discrimination. The start of the second term in 2001, marked by civic disturbances in the mosque and mill towns in northern England, led to a questioning of multiculturalism. It was argued that this approach to integration had contributed to a fractured society in which different ethnic and religious groups lived 'parallel lives' apart from one another. Reports on the causes of the unrest "identified segregation along racial lines as a growing problem and a significant contributory factor".[301] The 2001 Cantle report was "particularly struck by the depth of polarization in our towns and cities. Separate educational arrangements, community and voluntary bodies, employment, places of worship, language, social and cultural networks, means that many communities

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[301] J. Denham, *Building Cohesive Communities: A Report of the Ministerial Group on Public Order and Community Cohesion*, Home Office, London, 2001, p. 2.

operate on the basis of a series of parallel lives". [302] The need to promote 'community cohesion' emerged as a central part of the policy response to the disorders and signalled a shift away from multiculturalism. It placed emphasis on the need for more explicitly articulated 'shared values' and 'active citizenship'. The new policy was to have the greatest impact on the pillar of good relations and citizenship. Celebrations of Labour's historic, third election victory in June 2005 were soon punctured by the terrorist attacks of 7/7. For some, the involvement of British citizens in the attacks appeared to vindicate the increasing focus on the shared identity and values of the community cohesion policy. At the same time, the imperatives of national security and counter-terrorism policies following 7/7 and the need to prevent future attacks soon overrode objections to funding single groups and led to increased work with and funding for Muslim communities.

Indeed, engaging and strengthening cultural identities is seen by many service providers as important to effective service delivery. For example, research on engaging effectively with black and minority ethnic parents in children's and parental programmes found that engagement and attendance improved where there were "culturally specific programmes which strengthen cultural identity and aim at raising parents' confidence in their cultural heritage".[303] Strengthening cultural identity and raising confidence in their cultural heritage has been found to be critically important for asylum seeker families accessing preventative services.[304]

An evaluation of the effectiveness of the Sure Start programme[305] in engaging parents in the design and delivery of the programme criticized the initial 'colour-blind' approach to service delivery, for failing to take the specific needs of minority ethnic groups into account and to see the

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[302] T. Cantle, *A Report of the Independent Review Team*, Home Office, London, 2001, p. 9.

[303] J. Page, G. Whitting and C. McLean, *Engaging Effectively with Black and Minority Ethnic Parents in Children's and Parental Services*, Department of Communities and Local Government, London, 2007, p. 3.

[304] H. Beirens, P. Mason, N. Spicer, N. Hughes and R. Hek, *Preventative Services for Asylum Seeker Children: A Final Report of the National Evaluation of the Children's Fund*, Research Report RR780, Department for Education and Skills, London, 2006.

[305] A UK government initiative launched in 1998 to provide services to pre-school children and their families.

additional barriers to accessing services that particular groups may face.[306] It suggests that effective outreach, culturally sensitive and tailored services, and ethnic matching of staff to reflect the local service-user population are crucial for the success of the Sure Start programmes in reaching minority ethnic communities. It found that getting minority ethnic groups to use these services "required a combination of ensuring that 'generalist' mainstream services are accessible to these communities, but also providing specialist and targeted services, often depending initially on a variety of forms of outreach work".[307]

5.1.2   Accommodation of religion and religious practice

A key feature of the evolving model of multiculturalism in the UK has been the increasing recognition of religion and religious identity, particularly in relation to Muslims.

The existence of an established church has played an important role in maintaining space for religious organizations to participate in public life. In contrast to many European states, however, such participation is not contingent on an official recognition of minority faith communities. The Church of England is the established church in England. The sovereign, who must be in communion with the Church of England, is supreme governor. In Scotland there is no official established church, but the Church of Scotland is the national church; its position is guaranteed by the Acts of Union. There is no established church in Wales or Northern Ireland. The special position of the Church of England is also reflected in other ways. The monarch is identified as 'defender of the faith' and some bishops from the church sit as part of the upper legislative chamber, the House of Lords.

The accommodation of the rituals and practices of minority faiths is not new. As far back as 1764, Muslims were permitted to take an oath on the Koran in giving evidence before an English court. Laws allowing ritual slaughter, which already existed for kosher meat, were easily extended to allow for the requirements of halal meat. The existence of Christian chaplaincies in prisons, hospitals and universities has provided the basis for securing such services for Muslims. In general, the hijab has not

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[306] G. Craig, S. Adamson, N. Ali, S. Ali, L. Atkins, A. Dadze-Authur, C. Elliott, S. McNamee and B. Murtaja, *Sure Start and Black and Minority Ethnic Populations*, Department for Children, Families and Schools, London, 2007, p. 34.

[307] Ibid.

provoked controversies in the UK, in either education or public employment, equivalent to that found in other European countries. The UK Foreign Office, in partnership with British Muslim communities (through the Hajj Advisory Group), established the British Hajj Delegation to provide consular and medial support to British citizens undertaking the hajj.

The need to incorporate religion into the multicultural model has been strengthened by developments in critical features of integration policy in the last decade. Key among these are the extension of anti-discrimination law to religious discrimination and inclusion of religion in the 2001 census. Analysis of the census and other datasets has made it possible to identify specific areas of disadvantage that Muslims experience in employment, education and housing.

The census also made local authorities aware of the size of their Muslim populations. At the local level, municipal authorities with significant Muslim populations have developed initiatives recognizing that engagement with faith identities can be important in reaching parts of the community that may not otherwise be accessible to mainstream service providers. For example, Tower Hamlets Council in east London worked with local imams on the issue of truancy from school. Messages about the importance of ensuring children attend school were delivered by imams during Friday sermons. The local health service body also commissioned a local voluntary-sector organization, Maslaha, to produce videos about diabetes, which nurses and doctors could use with Muslim patients in discussions on managing diabetes. The videos featured local imams emphasizing the importance of moderation in eating through religious texts and stories. In another east London borough, Waltham Forest, the local hospital includes a Muslim chaplain, and leaders from across different faith communities have been trained to be 'health preachers' and provide advice on healthy living.

While opportunities for Muslims to participate and engage with institutions on the basis of their faith identity have increased, Muslim responses to these opportunities have also produced a backlash against identity-based social and political mobilization. Much of this has been based on the assumption that engaging Muslims on the basis of their faith identity reinforces strong Muslim identities, which in turn are viewed by some as a threat to social cohesion. Robert Furbey and Mary Macey are critical of the development of policies for engaging with faith communities in regeneration without reference to the "negative consequences for inter-

ethnic relations of an association between religion and ethnicity".[308] This concern was echoed in the government's public consultation on extending the duties of public bodies to eliminate discrimination and promote equality – which existed for the grounds of race, gender and disability – to religion and belief. The government noted that there were concerns that "extending the coverage of a single public sector duty to religion or belief might lead to particular groups being given too strong a voice in determining how public services are designed and delivered, which have a negative impact on public service provision generally and on community cohesion".[309]

At the national level, the government was criticized for failing to pay sufficient attention to the values of the Muslim organizations with which it engaged.[310] It was within this context that the government announced that it was "fundamentally rebalancing" its relationship with Muslim civil society to direct resources towards those that "uphold shared values and reject and condemn violent extremism".[311] The debate on extremism after 7/7 brought the views and positions of Muslim organizations to greater prominence and into sharper focus. New organizations were formed in response to the limited range of Muslim voices in the public sphere and helped by the government's commitment to broaden the range of organizations that it worked with to reach "those voices which too often have been excluded".[312] Some, such as the Sufi Muslim Council and British Muslim Forum, were created as alternative 'representative bodies' to the Muslim Council of Britain; others, such as the Progressive British Muslims (launched in November 2005) and the British Muslims for Secular Democracy (created in 2006), aligned themselves with particular values. Neither claim nor aspire to be representative bodies.

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[308] R. Furbey and M. Macey, "Religion and Urban Regeneration: A Place for Faith?", *Policy and Politics*, Vol. 33, No. 95, 2005, p. 107.

[309] Discrimination Law Review, *A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain,* Department for Communities and Local Government, London, 2007, p. 99.

[310] M. Bright, *When Progressives Treat with Reactionaries: The British State's Flirtation with Radical Islam*, Policy Exchange, London, 2007.

[311] Department for Communities and Local Government (DCLG), *Preventing Violent Extremism: Winning hearts and minds,* DCLG, London, 2007, p. 9.

[312] Ibid.

5.2   Pillars of the policy set

5.2.1   *Protection from discrimination and violence*

The fundamental pillar of integration policy is the prohibition on discrimination. English common law does not prohibit discrimination by private individuals. The 1965 and 1968 Race Relations Acts began to remedy this by outlawing direct racial discrimination in public places such as restaurants and hotels as well as in employment and housing. Direct discrimination was deemed to have occurred in cases where "on the grounds of colour, race, or ethnic or national origins", a person is treated less favourably than others.

In 1976 a new Race Relations Act (replacing previous legislation) introduced the concept of 'indirect discrimination' into the law. This was a significant step forward, as it covered any provision, criteria or practice that, while on its face treats everyone the same, has the *effect* of disadvantaging individuals who belong to a particular racial group. Measures having such an effect would be unlawful if they could not be justified. The concept of indirect discrimination established a legal tool that could be used for addressing structural or systemic discrimination, as it concerned the adverse impact on a particular racial group of an otherwise neutral provision, criteria or practice.

Two steps taken in the first months of the 1997 Labour government reshaped the British approach to tackling discrimination. The first was the decision to order a public inquiry into the police handling of the investigation into the racist murder of black teenager Stephen Lawrence. The second was to sign the Amsterdam Treaty, which paved the way for European anti-discrimination laws.

The report on the Stephen Lawrence Inquiry concluded that the failure of the police investigation into the teenager's death stemmed in part from "institutional racism".[313] This was identified as "the collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

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[313] S.W. Macpherson, *The Stephen Lawrence Inquiry*, CM 4621-I, London: The Stationery Office, 1999, para. 6.34.

The report recognized that such institutional racism could be found in other public institutions. In response to the findings of the report the government amended the 1976 Race Relations Act in two important ways. First, it extended the scope of the law to ensure that it covered the public acts of public bodies. Second, it imposed a duty on public bodies to tackle unlawful discrimination. This marked an important move towards shifting the responsibility for tackling discrimination away from those who suffered or experienced discrimination towards placing a duty on public bodies to ensure that their policies, practices and procedures did not discriminate in the first place. As a consequence of the new duty to tackle racial discrimination and promote racial equality, public bodies were required to undertake impact assessments on racial equality and to publish racial equality schemes and action plans.[314] The idea of positive duties on public bodies requiring them to take proactive measures to tackle discrimination was soon extended to gender and then disability.

When Labour was elected in 1997, with the exception of Northern Ireland, there was no prohibition on religious discrimination in the UK. The absence of legal protection against such discrimination became a focal point for campaigning by Muslim community and civil society organizations. The absence of legal protection was particularly jarring, because Sikhs and Jews received protection from discrimination under the Race Relations Act, as they were held to constitute a 'racial group'. In June 1997, the UK, along with other European countries, concluded agreement on the Treaty of Amsterdam, which amended the Treaty of Rome. It paved the way for a European directive requiring member states to prohibit discrimination on the grounds of religion or belief, disability, age or sexual orientation (hereinafter the 'Framework Directive').[315] Although limited to employment, the new regulations implementing the Framework Directive were significant in that they showed it was possible to overcome the technical difficulties often raised in response to the demands of legal regulation in this area. Muslim community and civil society organizations continued to campaign for extending the law to other areas to ensure that protection from religious discrimination was equal to the protection given to racial and ethnic discrimination. The Equality Act 2006 extended the

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[314] Race Relations Act 1976 (Statutory Duties Order) 2001, SI 2001, No. 3458.

[315] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303/16, 2.12.2000.

prohibition on religious discrimination to the provision of goods, services and facilities and to the public functions of public bodies. Finally, the Equality Act 2010 extended the duty of public bodies to tackle discrimination to all grounds on which discrimination was prohibited, including religion and belief. Religious discrimination now received the same protection as racial discrimination.

The duty to tackle discrimination and promote equal opportunities entailed a requirement for public bodies to adopt racial equality strategies. The government's racial equality strategy identified its overarching objective as one of "reducing race inequalities".[316] There were specific government targets to diminish perceptions of discrimination in a wide range of public services, reduce employment inequalities and monitor the progress of minority ethnic communities across major public services, from education to health. The strategy also acknowledged that "generic programmes of support are important but not always sufficient" and that "focused support is often appropriate in helping disadvantaged black and minority ethnic groups".[317] The Labour government's 2010 race equality strategy noted that "where groups face particular issues" the government will "initiate specific projects to work with communities to identify solutions".[318]

A further element of the integration framework is the provision of specific protection from violence directed at an individual because of his/her membership of certain types of groups, namely racial or religious groups. The Public Order Act 1986 makes it an offence to incite racial hatred. The extension of this law to cover incitement of religious hatred proved more controversial and faced resistance from many who argued that religion is different from race and that legislation in this area was an undue interference with freedom of expression. In the end, legislation was passed but differed in its scope to the law on racial hatred in order to give greater protection to freedom of expression. A further layer of protection from violence directed at a person because of his/her ethnic or religious background has been provided by the specification of racially and

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[316] Home Office, *Improving Opportunity, Strengthening Society: The Government's strategy to improve race equality and community cohesion*, Home Office, London, 2005.

[317] Ibid., p. 16.

[318] Department for Communities and Local Government (DCLG), *Tackling Race Inequality: A statement on race,* DCLG, London, 2010, p. 13.

religiously aggravated offences. These allow existing criminal offences, such as assault, to be given more severe punishment where a victim's race or religion was a factor in the crime directed towards them.

5.2.2 Data collection

Data collection is the second pillar of integration policy. A recommendation to compile ethnic data was first made by a government report into housing in 1969.[319] Yet it was the introduction of the concept of indirect discrimination and its focus on the *effect* of any provision, criteria or practice that gave a real impetus to monitoring. Data collection, in the form of ethnic monitoring, is vital to identifying structural disadvantage, systemic discrimination and the discriminatory effect of a neutral provision. Codes of practice, issued by the Commission for Racial Equality to promote compliance with the legislation, emphasized the importance of ethnic monitoring. This was done initially by some local authorities in employment, but was soon extended to housing, education and other areas.

Monitoring was further embedded in the policy framework by the inclusion of a question on ethnic identity in the 1991 population census. The census asked respondents to choose from one of nine options in identifying their ethnicity. The categories, conflating ethnicity and race, were white, black Caribbean, black African, black other, Indian, Pakistani, Bangladeshi, Chinese, and any other ethnic group. The ethnic question in the 1991 census largely established the categories and data that shaped public policy and debate on integration and multiculturalism. These ethnic categories found their way into other public surveys, including the Labour Force Survey, the British Crime Survey and many local authority surveys.

Policy-makers were soon analyzing this data to identify disadvantage and discrimination. For example, ethnic data from the Labour Force Survey allowed policy-makers to examine whether black and minority ethnic groups experienced an 'ethnic penalty' in the labour market. The categories used in the 1991 census were controversial. They homogenized large and diverse groups (black Africans) while rendering others largely invisible (Arabs, Irish and Turks). And of course it provided no account of the experiences of those from different religious groups. Policy inevitably

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[319] B. Cullingworth, *Council Housing Purposes, Procedures and Priorities*, Department of the Environment, London, 1969.

centred on those groups that were counted and often ignored those that were not.

The 2001 census for England and Wales continued with a question on ethnicity, but with 16 ethnic categories from which to choose. The main changes were an expansion of the 'white' category to cover white British, Irish and other, as well as four options within the mixed categories. More importantly, for Muslims, the 2001 census included a question on religious identity. As with the inclusion of a question on ethnicity in the 1991 census, the inclusion of the question on religion in the 2001 census paved the way for questions on religion to be asked in a wide range of other public surveys and questionnaires. Questions on religion were soon included in the British Social Attitudes Survey, the Labour Force Survey, the British Crime Survey and the Home Office Citizenship Survey. It also led other public bodies to supplement ethnic monitoring forms with questions on religion. Furthermore, the baseline data provided by the census allowed polling companies to undertake opinion polls of Muslim communities that could take the sample characteristics and demographics into account.

The importance of the inclusion of a question on religion in the 2001 census and subsequent data collection cannot be underestimated. Evidence-based policy requires data. Data that reveal structural disadvantage or systemic discrimination provide the basis for arguments for targeted interventions. The question on religion has significantly shaped public policy towards Muslims. For the first time it was possible to examine the situation and experiences of Muslims in the UK compared with other faith groups. Analysis of these data, for example, has allowed researchers to find "some evidence that, controlling for other factors, Muslims have lower employment rates than individuals with another, or indeed no, religion".[320]

5.2.3   Good relations and community cohesion

Promoting harmonious community relations is the third pillar of integration policy. From the beginning, integration policy assumed that good community relations did not emerge from the ether of good intentions but needed to be developed through support and appropriate public policy interventions. The 1968 Race Relations Act created a Community Relations Commission (CRC), with a duty to "encourage the

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[320] K. Clarke and S. Drinkwater, *Ethnic Minorities in the Labour Market: Dynamics and Diversity*, Joseph Rowntree Foundation, York, 2007, p. 48.

establishment of harmonious community relations", defined in this context as "relations within the community between people of different colour, race or ethnic or national origins". The CRC was empowered to provide training, hold conferences and collect information on community relations. The Race Relations Act 1976 replaced the CRC with a Commission for Racial Equality (CRE). This act also extended the duty to promote good race relations to local authorities and then in 2000 to all public bodies. While the duty existed in law, it lay largely dormant. The CRE nevertheless failed to interpret its duty "in a positive and proactive way" and local authorities "focused entirely on the 'rights agenda' and the tackling of discrimination and inequality, rather than attempting to change the attitudes and values of the white community".[321] Despite remaining largely dormant, a duty on public bodies to "foster good relations" among people of differing characteristics, including differences of religion or belief, was included in the Equality Act 2010.

Still, the most significant change in the area of good relations arose from the new emphasis on community cohesion. Ted Cantle, an influential figure in the development of community cohesion policy, distinguishes it from the broader notion of social cohesion. While the latter covers a range of socio-economic factors that affect groups or individuals defined by their social class and economic position, 'community cohesion' was concerned more directly with relationships between communities defined by ethnicity or religion.[322] Community cohesion also fitted in with the wider, New Labour social-capital thesis and approach to social exclusion, which focused on the characteristics of the individual and the capital s/he possesses rather than on structural inequalities.[323] It sought to promote 'shared values' and suggested a move away from funding for organizations that work with single ethnic or religious groups towards support for those working across different communities.

Cohesion policy was developed through the Community Cohesion Pathfinder Programme, which funded programmes that explored "the best

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[321] T. Cantle, *Community Cohesion: A New Framework for Race and Diversity*, Palgrave Macmillan: Basingstoke, 2005, p. 45.

[322] Ibid.

[323] C. Husband, *Social Cohesion and Counter Terrorism: A Contradiction?*, Bristol: The Policy Press, 2011 (forthcoming).

means of exploring the ways of increasing community cohesion".[324] Community cohesion was embedded further in the policy framework by imposing a specific legal "duty to promote community cohesion" on schools.

A notable line of criticism challenged the extent to which the accent on social capital in community cohesion policies turned attention away from the role of social and economic deprivation as well as that of inequality. Derek McGhee finds that

> the overwhelming emphasis on the failure of inter-community communication and the concern over the absence of established common values in cultural disharmonious areas in these documents de-emphasizes contributory factors such as poverty, exclusion from the workforce, exclusion from consumption. Perceived and actual material deprivation was acknowledged in places…[but] the overwhelming emphasis is firmly focused on cultural recognition and cultural respect and the opening up of the channels of communication between cultural groups rather than dealing with perceived and actual material deprivation.[325]

5.2.4   Immigration and citizenship

Immigration and citizenship form the fourth pillar of integration policy. For Britain, issues of race, nationality and immigration were closely tied to its role as a colonial state headed by a monarch. Individuals within the British Empire were subjects of the Crown. The 1948 British Nationality Act was the first to draw a distinction between two types of British subjects, citizens of the Commonwealth and citizens of the UK. Nevertheless, all British subjects, whether Commonwealth or UK citizens, were free to enter and settle in Britain. Despite this apparently open policy, the arrival in post-war Britain of the first black Commonwealth citizens led politicians and policy-makers to look at a way of limiting such migration – initially through administrative measures and eventually through changing the rules. The first formal measures of control were introduced through the Commonwealth Immigration Act 1962. Further restrictions on Commonwealth immigration to the UK were introduced in 1968. Most

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[324] Education and Inspections Act 2006 (c. 40).

[325] D. McGhee, "Moving to 'our' common ground – A critical examination of community cohesion discourse in twenty-first century Britain", *Sociological Review*, Vol. 51, No. 3, 2003, pp. 376, 392.

notoriously, the 1971 Immigration Act deprived UK citizens of the right to enter the UK free of any immigration controls unless they or their parents or grandparents were born, naturalized, adopted or registered as a UK citizen in the UK. This so-called 'patriality' rule, was "a polite way of allowing whites in and keeping 'coloureds' out".[326] In particular, the measure removed the right of entry to the UK from UK citizens of Asian origin living in East Africa. Primary immigration from the Commonwealth largely ended with the 1971 Immigration Act.

Restrictions on immigration were argued as necessary in allowing new immigrants to be 'absorbed' or 'assimilated' into the host society. Black immigration from the Commonwealth was viewed as giving rise to tensions in relations between those of different 'racial' groups. Measures controlling or restricting immigration were therefore justified as a prerequisite to measures supporting integration. This policy was most aptly described at the time by the Labour MP Roy Hattersley: "Integration without control is impossible, but control without integration is indefensible". Importantly, Commonwealth citizens who did make it into the UK had the right to vote in local and national elections. They were also eligible to apply for British citizenship after a period of time settled in the UK.

Nationality laws and (non-EU) immigration remain the parts of integration policy over which the central government has greatest control. This makes it an attractive policy area for government to show that it is taking effective action. The shift away from multiculturalism towards community cohesion after 2001 meant that the traditional liberal approach to citizenship – on the basis of time spent in the UK – was replaced by the use of citizenship as a policy tool for developing "a sense of civic identity and shared values".[327] Initial measures introduced to achieve this included civic ceremonies for new citizens, involving an oath of allegiance and a test on language and knowledge of life in the UK. In 2008 the concept of 'earned citizenship' was introduced. Underpinning this was the concern that "British citizenship is a privilege that must be earned" and that new migrants must earn this "by proving their commitment to the community

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[326] A. Kundnani, *The End of Tolerance: Racism in 21st Century Britain,* London: Pluto Press, 2007, p. 21.

[327] Home Office, *Secure Borders, Safe Haven*, White Paper, Home Office, London, 2002.

and the country".[328] To support this, a status of "probationary citizenship" was created as a bridge between temporary immigration status and either full citizenship or permanent residency rights.[329] Crucially, the length of this period could be reduced by two years in cases where a person demonstrated that they were contributing to the community through 'active citizenship'. This could be achieved through 'formal volunteering' or 'civic activism'. The idea of taking this further and developing a points-based system of citizenship was put forward in 2009. This included the prospect of "deducting points or applying penalties for not integrating into the British way of life, for criminal or anti-social behaviour, or in circumstances where an active disregard for UK values is demonstrated".[330]

5.2.5   Education and employment

Education is largely plural and multicultural. The existence of state-funded Roman Catholic and Jewish schools, alongside Protestant Church of England schools, allowed Muslims to argue for the state funding of Muslim faith schools. In 2010 there were only 11 state-funded Muslim schools in the UK.[331] The vast majority of Muslim pupils are therefore educated in the non-Muslim state schools; this includes both Christian schools and non-religious schools.

The impact of faith schools on social cohesion remains controversial. In 2005, David Bell, the head of the Office for Standards in Education (Ofsted) said,

> [f]aith should not be blind. I worry that many young people are being educated in faith-based schools, with little appreciation of their wider responsibilities and obligations to British society. This growth in faith schools needs to be carefully but sensitively monitored by government to ensure that pupils receive an

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[328] Home Office, *The Pathway to Citizenship: Next steps to reforming the immigration system*, UK Border Agency, London, 2008, p. 12.

[329] Borders, Citizenship and Immigration Act 2009 (c. 11).

[330] UK Border Agency (UKBA) Consultation, *Earning the right to stay: A new points test for citizenship*, UKBA, London, 2009 p. 17.

[331] See the website article under the heading "Faith schools" (http://www.teachernet.gov.uk/wholeschool/faithschools/).

> understanding of not only their own faith but of other faiths and the wider tenets of British society.[332]

Furthermore, Islamic schools in particular, were said to be a "threat to national identity".

The state regulates aspects of education relating to religion. State schools must provide religious education for all registered pupils, although parents can choose to withdraw their children from these lessons. In England and Wales, schools other than voluntary-aided schools and those of a religious character must teach religious education according to the locally agreed syllabus. Each agreed syllabus must reflect the fact that the religious traditions in Great Britain are in the main Christian, while taking account of the teachings and practices of the other principal religions represented in Great Britain.

Pupils in state schools are also required to take part in daily collective worship, which shall be "wholly or mainly of a broadly Christian character", although parents have the right to withdraw their children from attending collective acts of worship. Furthermore, schools can seek an exemption from the requirement for broadly Christian worship, for the school or for some pupils within the school where it is inappropriate because of the pupils' faith background. This approach to school prayers highlights how national policy frameworks have to be implemented locally, taking into account local contexts.

There are several aspects of education policy that reflect a multicultural approach. First, there is specific funding targeting the needs of pupils from minority ethnic groups. Additional funding for schools with pupils from minority ethnic backgrounds has been in place since 1968. Initially used to fund additional language support, in 1998 its scope was extended to include action to support achievement across all minority ethnic groups. The funding was renamed the Ethnic Minority Achievement Grant. Second, there is a distinct government strategy for raising achievement among ethnic minority pupils.[333] Third, there is recognition of the need for supporting and respecting different cultural identities.

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[332] T. Halpin, "Islamic schools are threat to national identity, says Ofsted", *Times*, 18 January 2005 (http://www.timesonline.co.uk/tol/life_and_style/education/article413752.ece).

[333] Department for Education and Skills (DfES), *Aiming High: Raising the Achievement of Minority Ethnic Pupils*, DfES, London, 2003.

"Aiming High", the strategy for increasing ethnic minority achievement, emphasizes the need for teachers to reflect diversity throughout their lessons. Nevertheless, a government-commissioned review of the approach to the education curriculum for diversity and citizenship found a lack of buy-in with respect to the importance of diversity in some schools and insufficient clarity about flexibility in the curriculum. It also found that pupils are not given a strong enough voice, and that "[t]he notion of racial hierarchies has not altogether disappeared and stereotypes still abound in society".[334] Fourth, racial equality targets are used to monitor and measure progress. Since 2009, schools have been required to set targets for raising the attainment of underperforming groups, including pupils from minority ethnic groups. Finally, action on racial equality is monitored and enforced through existing mechanisms that inspect the performance of public bodies. In the case of education, Ofsted, the body responsible for inspecting standards in schools, looks at the effectiveness with which the school promotes equal opportunity and tackles discrimination. Racial equality is likely to be taken seriously, as any school found to be inadequate in its equalities assessment will be rated inadequate overall.

Meanwhile, the shift in policy from multiculturalism to community cohesion and its focus on shared values and identity had a particular impact on education. For example, citizenship education was made a compulsory part of the national curriculum for students aged 11-16 in 2002. Concerns about the impact of de facto ethnic segregation in schools in some areas were also expressed in the reports on the 2001 'riots'. One response to this was to impose a legal duty on schools to promote community cohesion.[335]

Policy interventions targeted at particular communities were embedded in the implementation of social inclusion policies, including employment policies. Following a government review of the labour market position of ethnic minorities, an Ethnic Minority Employment Taskforce was created by the Department for Work and Pensions to address the specific barriers to labour market participation faced by individuals from different minority groups. The needs of ethnic minorities were also identified in policies on skills training. A strategy on skills development

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[334] Department for Education and Skills (DfES), *Diversity and Citizenship: A Review*, DfES, London, 2007, p. 6.

[335] Education and Inspections Act 2006 (c. 40).

acknowledged that "raising participation in training and employment by ethnic minority groups will be a major element of the reviews of skills supply which we are commissioning from the Sector Skills Councils".[336] The document notes that the National Employer Training Programme would take into account the needs of ethnic minorities, and that two new Centres of Vocational Excellence for Entrepreneurship would focus specifically on black and ethnic minority entrepreneurs.

5.2.6   Urban regeneration

The opportunities for Muslims to participate in the public sphere on the basis of their faith identity also expanded in the area of urban regeneration policy. This was supported by an increasing emphasis on the importance of consultation and engagement with communities in developing effective government policy interventions, and a move towards a neighbourhood-based regeneration strategy. In its national strategy for neighbourhood renewal, the Labour government stated that "communities need to be consulted and listened to, and the most effective interventions are often those where communities are actively involved in their design and delivery, and where possible in the driving seat. This applies as much to communities of interest as it does to geographical communities".[337] It recognized that faith communities are able to draw upon significant resources in terms of people, networks, organizations and buildings. Furthermore, government guidance for the initiatives on Local Strategic Partnerships, Neighbourhood Management, Community Empowerment Networks and the New Deal for Communities, mention the need to engage with faith communities.[338]

Within the context of engaging with faith communities, the needs of minority faith communities may be significantly different from those of the majority faith community. The 2002 Local Government Association report on the relationship between faith-based organizations and the government recognized that minority faith communities "have particular difficulty

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[336] Secretary of State for Education and Skills, *Skills: Getting on in business, getting on at work*, Cm 6483-I, London: The Stationary Office, 2005.

[337] Neighbourhood Renewal Unit, *Involving Faith Communities*, Office of the Deputy Prime Minister, London, 2004, p. 1.

[338] Neighbourhood Renewal Unit, "Diversity in neighbourhood renewal factsheet", Office of the Deputy Prime Minister, London, 2005, pp. 4-5.

engaging with existing consultation processes and accessing funds, yet they are likely to be in particular need of help: they are often concentrated in areas of severe deprivation, they coincide with minority ethnic communities and they may lack the skills required to engage with wider structures".[339] Faith community organizations may be the only community organizations in neighbourhoods where the social infrastructure has been eroded. Furthermore, "in terms of active membership churches, mosques, temples, synagogues and gurdwaras are often among the most substantial local community-based organizations, with as much right to be involved in discussion on neighbourhood renewal as, for example, residents' or tenants' organizations".[340] It is recognized that faith community groups may be the best means of reaching those in need within their faith community and sometimes those in the wider community.[341]

Within central government the role of engaging with faith communities was initially given to the Cohesion and Faith Unit in the Home Office. In 2004 the Home Office published a report that reviewed government engagement with faith communities. The review contains recommendations for national and local consultations by public authorities as well as advice to faith communities themselves. The government acknowledges that its recognition of the significant role faith communities can play in neighbourhood renewal and social inclusion "has yet to be reflected fully in local practice. The broad picture is still patchy, with enthusiasm in some areas matched by apparent reluctance to involve faith communities in others." They note that "there is a low level of involvement of faith communities other than the main Christian Churches…the principle that faith communities are valuable partners in regeneration is widely promoted, but the practice in translating this into substantial outcomes is 'work in progress'".[342]

The Labour government also enhanced its role in developing the capabilities of the faith community sector, principally through a capacity-building fund for faith communities launched in 2005. The fund has two main goals: capacity building and interfaith activity. The former

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[339] Local Government Association (LGA), *Faith and Community*, LGA Publications, London, 2002, p. 4.

[340] Neighbourhood Renewal Unit (2004), op. cit., p. 1.

[341] Local Government Association (2002), op. cit., p. 7.

[342] Ibid., p. 13.

encourages leadership, mentorship and good relationships with government bodies, while the latter promotes activities among faith communities, including implementing services and activities through a partnership approach. Almost 100 Muslim community groups and organizations are identified as having received grants from the first round of this fund and 46 from the second round.[343] The need for working across different groups was emphasized by the Commission on Integration and Cohesion, led the Communities and Local Government department in 2008 to shift its focus to cross-community work, as outlined in the document entitled *Face to Face and Side by Side: A framework for partnership in our multi-faith society*.[344] The framework sought to "create more local opportunities for both face-to-face dialogue, which supports a greater understanding of shared values, as well as an appreciation of distinctiveness, and for side-by-side collaborative social action, where people come together and share their time, energy and skills to improve their local neighbourhood". The strategy was accompanied by a £4 million "Faiths in Action" grant for funding programmes for faith and interfaith work in England.

Funding for developing the capacity of Muslim community groups has also been available through the community leadership fund. A variety of Muslim organizations received grants that totalled £1.6 million in 2009–10. These ranged from £3,000 to the Muslim Welfare Association to over £126,000 to the Kayaal Theatre.[345]

5.2.7   Policing and counter-terrorism

The British approach of 'policing by consent' requires the trust and confidence of the communities being policed. Experiences of unfair and discriminatory policing have often been the trigger for civic disturbances in black and minority ethnic communities. The challenge faced by the police was made clear by the finding of "institutional racism" in the police force by the report on the Stephen Lawrence Inquiry. Measures taken in response to that report include targets on recruitment and retention of police from black and minority ethnic groups.

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[343] See the *Hansard* source, HL Deb, 16 July 2008, c156W.

[344] Department for Communities and Local Government (DCLG), *Face to Face and Side by Side: A framework for partnership in our multi-faith society*, DCLG, London, 2008, p. 8.

[345] See the *Hansard* source, HC Deb, 09 Nov. 2009, c136WA.

After 9/11 attention turned to the need for greater engagement with Muslim communities through partnership work. The Metropolitan Police supported the creation of the Muslim Safety Forum, to provide an opportunity for Muslim civil society organizations to discuss policing and security concerns with the police. A Muslim Contact Unit was also set up by the police. It "worked with Muslim communities as partners rather than informants" and in taking this approach signalled a "radical departure from traditional counter-terrorism policing".[346]

After the 7/7 bombings the imperatives of security overrode the concerns about funding for groups concentrated on single communities or on community cohesion. In the aftermath of the bombings, several initiatives were developed exclusively for Muslim communities. These included the establishment of Muslim Forums against Extremism and Islamophobia (highlighting debate and ideas); a Mosques and Imams National Advisory Board "to promote a more open and modern role for mosques"; and the Radical Middle Way, a road show involving Islamic religious scholars.

In April 2007 an action plan to "step up work with Muslim communities to isolate, prevent and defeat violent extremism" was published, entitled *Preventing Violent Extremism: Winning hearts and minds* (hereinafter the 'PVE initiative').[347] It outlined four approaches: i) promoting shared values (e.g. through citizenship education in madrasahs and supplementary schools); ii) supporting local solutions (e.g. funding around 70 local authorities in their own work with local groups, including work with universities on student radicalism); iii) building civic capacity and leadership; and iv) strengthening the role of faith institutions and leaders (including raising the standards of governance in mosques, with the development of accredited professional development for imams). In June 2008, a further strategy document, *Prevent,* was published providing guidance to local authorities, police and other local agencies on how to prevent extremism.[348] A significant part of the prevent strategy is funding

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[346] B. Spalek, "Community Policing, Trust, and Muslim Communities in Relation to 'New Terrorism'", *Politics & Policy*, Vol. 38, No. 4, 2010, pp. 789, 791.

[347] Department for Communities and Local Government (2007), op. cit.

[348] See the Home Office website article under the heading "Counter-terrorism" (http://security.homeoffice.gov.uk/news-publications/publication-search/prevent-strategy/).

for local authorities to support and engage local civil society organizations in working towards the goals of the PVE initiative. The aim of the funding is the development of "resilient British Muslim communities". As a result, the fund is directed at "local authorities with sizeable Muslim communities".[349] An initial £6.5 million was allocated in 2007 to the PVE "Pathfinder" fund. A further three-year grant of £45 million for local authorities was announced for the period 2008–11. At the local level this has also involved support from the police for Salafist and Islamist groups that have proven effective in challenging recruitment by al-Qaeda.[350]

Most of the funding for the prevent strategy is given to local authorities. There are also a range of national projects that receive this funding, which include the "Contextualizing British Islam" project at Cambridge University and funding for the Schools Development and Support Agency for work on "Islam and Citizenship" education. Other examples of working with Muslim communities include the creation of a Muslims Women's Advisory Group and a Young Muslims Advisory Group. Both were developed in the context of preventing radicalization, and as such have no parallels in other faith communities.

5.3   Conclusions

The fundamental pillars of Britain's integration policies – protection from discrimination and violence, data collection, control of immigration and duties to promote good community relations – have been in place for over 60 years. Although established in a period when minorities were viewed primarily through the lens of race and colour, they have developed and become more deeply embedded in response to recognition of Britain's increasing ethnic and religious diversity. The concentration of minority groups in Britain's urban centres and local level discretion and autonomy in implementing key aspects of social policy have combined with the strengthening of these central integration pillars to create a context in which multiculturalism has largely persisted as a feature of policy design. This is the case for social policy fields spanning from education and employment to urban regeneration and policing.

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[349] Department for Communities and Local Government (2007), op. cit., p. 9.

[350] R. Lambert, "Salafi and Islamist Londoners: Stigmatised minority faith communities countering al-Qaida", *Crime Law and Social Change*, Vol. 50, Nos. 1-2, 2008, pp. 73-89.

Policy-makers have nonetheless had to react to growing concerns about the perceived impact of multiculturalism in contributing towards fractured societies in which minority groups are thought to live in segregated and 'parallel lives' to those of the mainstream. The main policy response to the civic disturbances of 2001 has been promoting community cohesion, in particular shared values and common identities. In policy areas such as education, this has forged an additional range of duties and activities for schools, citizenship classes and actions to promote cohesion, but these exist alongside policies with a more multicultural flavour. During the period of the Labour government the greatest change was in areas over which central government retains greatest control. First, in the area of immigration and citizenship, a liberal approach to the access of citizenship that had been based on time spent living in the UK was replaced by policies requiring active steps towards integration. Second, the Labour government became more selective in the organizations it was willing to engage with and support as civil society partners. Increasing emphasis was placed on the values of the organizations to which government funding was made available. A frequent criticism of multiculturalism was that it gave rise to funding for specific ethnic groups and in doing so had led groups to concentrate on their differences. After 7/7, however, attempts to shift funding away from organizations that work with particular ethnic or religious groups gave way to a programme of funding to prevent violent extremism, which was largely directed at Muslim civil society organizations. The developments in policing illustrate how the fundamental need for policy-makers to be effective makes them pragmatic, working with the communities and groups present in the local context.

The direction of policy under the coalition government formed in May 2010 remains unsettled. An apparent shift in the policy approach was signalled by Prime Minister David Cameron in his speech at a security conference in Germany in February 2011. There he argued that the root of the terrorist threat the UK faces lies in the ideology of "Islamist extremism", and he maintained that government policy needed to confront not only those who support violence but also those "who may reject violence, but who accept various parts of the extremist worldview, including real hostility towards Western democracy and liberal values".[351]

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[351] See the speech by D. Cameron, "PM's speech at Munich Security Conference" in Munich, 5 February 2011 (http://www.number10.gov.uk/news/speeches-and-transcripts/2011/02/pms-speech-at-munich-security-conference-60293).

The speech also makes an explicit connection between the threat from terrorism and multiculturalism, linking the appeal of Islamist extremism to the weakening of collective identity under "state multiculturalism".

Yet the practical implications of this continue to be unclear. One policy shift suggested in the speech was a "shrewder" approach to the organizations the government engages with and the identification of a series of questions that would be used for judging who the government works with, centred on support and belief in human rights, democracy and equality before the law. It is not evident how much further this will go than the previous government's strategy of directing support towards those who "uphold shared values and condemn or reject violent extremism".[352] A more significant policy shift may arise from rejecting the use of non-violent extremists in keeping young persons away from violent extremism. Although not mentioned explicitly, this appears to be a repudiation of counter-terrorism work with individuals and groups from Wahhabi and Salafi traditions. It remains to be seen whether this approach survives contact with the practical needs on the ground.

In his speech, the Prime Minister talked about the need for a shift from what was characterized as "the passive tolerance of recent years" to a "much more active muscular liberalism"[353] in which certain values are actively promoted, including freedom of speech, freedom of worship, democracy, the rule of law and equal rights regardless of race, gender or sexuality. Indeed, two policies towards which significant parts of the Conservative Party are hostile or sceptical – the Human Rights Act and the Equality Act 2010 – anchor "muscular liberalism" to the legal and policy framework through the duties they place on public bodies to respect the European Convention on Human Rights, tackle discrimination and promote equal treatment. The speech also leaves unresolved the tensions between efforts on the one hand to encourage greater interaction and integration, and those on the other hand under the 'big society' policy agenda to encourage groups, including faith-based organizations, to take a greater role in the design and delivery of a broad range of public services.

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[352] Department for Communities and Local Government (2007), op. cit.
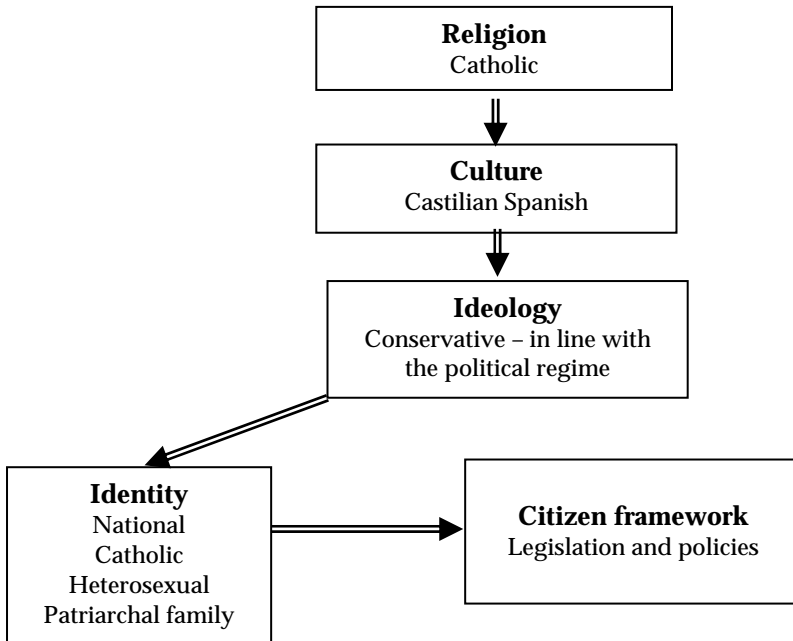
[353] Ibid.

6. EMERGING HYBRID INTERCULTURALISM IN SPAIN
PATRICIA BEZUNARTEA

Introduction – Spanish identity and religion

The Spanish religious context is essential to an understanding of the integration process of the Muslim population. During the dictatorship of General Franco (1936–75) in Spain, Catholicism was the official state religion and one of the elements contributing to national identity. Spain was a religious state where nationalist Catholic ideology prevailed. Indeed, until the passing of the Act Regulating the Exercise of Civil Law and Religious Freedom on 28 June 1967, Catholicism was the only religion allowed. From that moment onwards religious freedom was regulated differently, more specifically, Catholicism was public while all other religions were considered private, meaning that they could only be practised in private.
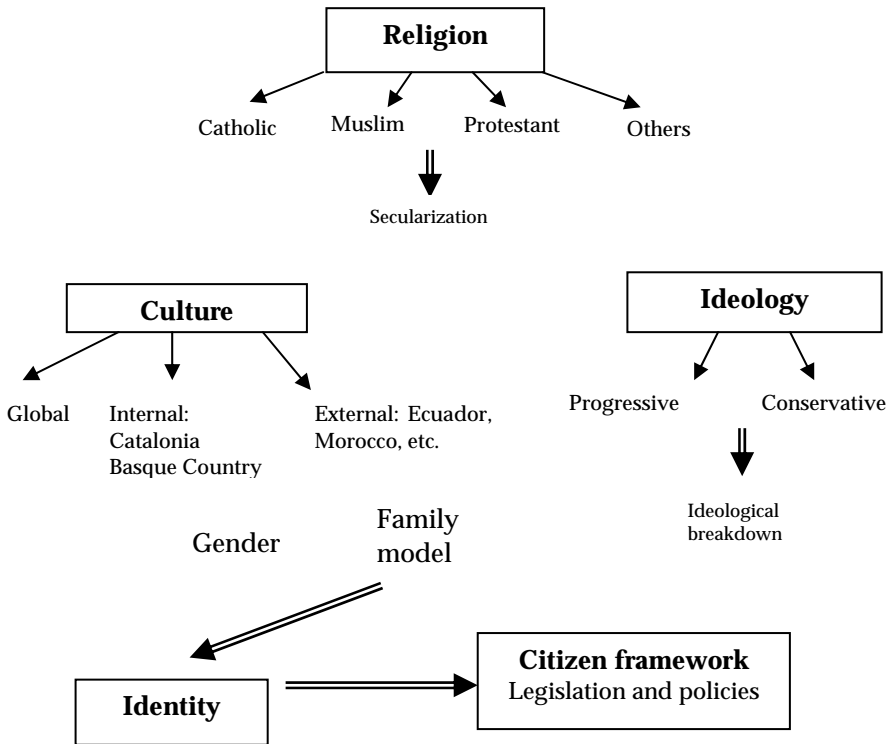
Looking back over the past 35 years, Spain's identity was clearly outlined and fundamentally based on three overarching factors: religion, culture and ideology (see Figure 6.1). This identity was the basis for a legal framework and a set of policies that were designed to uphold that identity, which was so strict that those not sharing all of these identity factors were considered illegal.

Figure 6.1 Spanish identity, 1970

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                    ┌─────────────────────┐
                    │      Religion       │
                    │      Catholic       │
                    └─────────────────────┘
                               ‖
                               ▼
                    ┌─────────────────────┐
                    │      Culture        │
                    │  Castilian Spanish  │
                    └─────────────────────┘
                               ‖
                               ▼
                    ┌─────────────────────┐
                    │      Ideology       │
                    │ Conservative – in line with
                    │  the political regime │
                    └─────────────────────┘
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Identity	Citizen framework
National	Legislation and policies
Catholic	
Heterosexual	
Patriarchal family	

These factors still exist today but operate in a much more open fashion, some carrying more weight than others. There is no doubt, however, that they are all undergoing a transformation process (see Figure 6.2). One only needs to pick up a newspaper to see the debates underway on the organization of the state – the flag, national anthem, language, gender, religion and family, and its relation to Europe.

While these changes have taken place in Spanish society, they have not yet settled into the mindset of Spanish identity. That is why most Spanish citizens consider Muslims 'outsiders' and fail to understand how someone can be both Spanish and Muslim. Spanish public opinion identifies Muslim with alien, which, while not causing problems for the first generation, can be a disruptive factor for the subsequent one.

Figure 6.2 Spanish identity, 2008

Religion

Catholic   Muslim   Protestant   Others

Secularization

Culture

Global   Internal: Catalonia Basque Country   External: Ecuador, Morocco, etc.

Ideology

Progressive   Conservative

Ideological breakdown

Gender   Family model

Identity

Citizen framework
Legislation and policies

Identity is a complex construction involving many factors, which can be classified under those helping to build *horizontal* and those contributing to *vertical* identity. Vertical identity has to do with family culture, origin, the beliefs passed down from parents to children and family customs, while horizontal identity relates to the era into which one has been born, the culture of the moment and what one observes from the surroundings. The intersection of these two gives rise to a complex identity. The horizontal factor is typically much stronger than the vertical one – the essence of intergenerational conflict – especially in Europe with its access to global information and cultural influences. The conflict is only 'generational' if adolescents identify with their social surroundings and if this is not the case a watered-down version of vertical identity takes

precedence. In the view of some authors (e.g. Sageman, 2008[354]), an internally perpetrated terrorist attack is more likely in Europe than in the US. For US residents, America is essentially a land of opportunity and a melting pot of cultures; regardless of whether this is actually true, that is what people believe and everyone can identify with it. A recent survey showed that 71% of the Muslims living in the US claimed to believe in the *American dream,* while the overall survey average was only 64%. European identity is much less inclusive and can be defined nationally by some characteristics with which it is hard for a Muslim to identify. This situation is especially magnified in Spain, where 'Catholicism' is a substantial part of the national identity; in short, it is difficult to be both Spanish and Muslim.

If we do not rethink the factors constituting identity, we could be in for a generation of Spaniards who profess the Muslim religion but who do not identify with the country. Young people who are familiar with modern information technology and who feel they do not belong are among the profile characteristics of the new jihadists.

6.1   The problem of integration

6.1.1   The first generation of Muslim immigrants

Some general observations regarding integration can be made now that a sufficient amount of time has elapsed during the second stage of immigration from the predominately Muslim countries. Theoretically speaking, immigration can be broken down into four dimensions: two classified as *socio-economic*, referring to the individual's integration into society from the viewpoint of assuring a dignified life; and two classified as *anthropological–cultural*, having to do with culture and identity. Table 6.1 presents the elements making up each of these dimensions.

Using computers as an example, we could associate the socio-economic dimensions with the *hardware* and the anthropological–cultural ones with the *software*. This analogy allows us to define some symbolic elements further on.

Integration in both dimensions develops simultaneously but not in all the various elements at the same time, and more significantly, not in a linear fashion. Let us trace the integration process of an immigrant who

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[354] Marc Sageman, *Leaderless Jihad- Terror Networks in the 21st Century*, Philadelphia University, Pennsylvania, 2008.

comes to Spain. Initially the individual will seek to satisfy the structural elements, i.e. procure the necessary documents, find work, look for housing (surely rental as opposed to ownership at the outset) and cover health necessities. This dimension will be the central element of concern but that is not to say that the individual is ignoring the other elements comprising the cognitive–cultural dimension (language, values, beliefs and lifestyle) or the identity dimension (sense of belonging and identification). The immigrant will certainly try to keep these elements stable and in so doing will use the most efficient and safe system possible – seeking out a social and cultural space similar to the home environment, a 'warm' place.

Table 6.1. Dimensions of integration

Dimensions	Elements
Socio-economic	Structural
	- Legal situation
	- Labour market
	- Housing
	- Health
	- Education
	Social
	- Social relationships
	- Participation
Anthropological–cultural	Cognitive-cultural
	- Language
	- Cultural values
	- Political values
	- Religious beliefs
	- Lifestyles
	Identity
	- Subjective sense of belonging
	- Identification with the society

Source: Author's compilation, based on Vidal (2006).

Normally the immigrant seeks contact with people from his/her home country and frequents places where one can keep in touch with what is going on back home, where they play the same sports, laugh at his/her jokes and eat the same food. In a certain sense, the immigrant is

simultaneously living in two societies.[355] If the person decides to regroup with the family back home or to form one, s/he will probably have to broaden social relationships (which often occurs through the school system), hence bringing about a change in the individual's social dimension.

Therefore, as the immigrant becomes more established, s/he will progressively extend these dimensions until a point is reached where one does not need to continue further or where the next steps are too great an added burden. (If the socio-economic dimension is thriving, one can live in a host society without ever having to fully complete the integration process.) Some French analysts have suggested that part of the crisis their model has experienced stems from practically all of their policies being focused on gaining access to the socio-economic dimension (albeit precariously). The model has been unable to withstand even the first indications of economic crisis affecting the structural aspects. A sense of belonging and identity has never developed and the second generation has no clue as to where it is from, with the prevailing attitude of "since the cars are not mine I couldn't care less if they burn".[356]

The experience of other European countries allows us to draw the conclusion that the policies to develop the *hardware* are necessary but insufficient and that other types of policies need to be applied to develop the *software*, especially concerning the second generation. This observation confirms that the migratory process within the EU has entered a new stage and it is within this ambit that effective, long-term policies need to be applied.

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[355] A clear example of this is the situation faced by Spanish emigrants in France, Switzerland or Belgium in the 1960s and 1970s. They established these sorts of relationships and those who have not returned continue in this way.

[356] The study on the *Social Situation in the European Union 2002* by the European Observatory on Demography and the Social Situation (published by the Directorate-General of Employment, Social Affairs & Equal Opportunities and Eurostat, Brussels, 2002) includes research conducted in Marseilles targeting young people born in France of Algerian parents. It showed that 84% felt that they were from Marseilles, 68% felt Algerian, 63% felt French, 66% felt Arab or Muslim and 22% felt like immigrants. These results give rise to some doubts, however, given that 84% plus 63% plus… add up to more than 100.

6.1.2   Perceptions of the first-generation Muslim population

As a follow-up to an initial 2006 study, a second one was conducted in Spain in 2007 to gain insight into the opinions held by the immigrant Muslim population. The study conducted by Metroscopia was funded by the ministries of justice, labour and social affairs, and the interior.[357]

The survey was conducted during June and July 2007 involving 2,000 persons from Morocco (57% of the sample), Senegal (12%), Pakistan (11%), Algeria (5%) and Gambia, Mali, Bangladesh, Mauritania and Nigeria (all under 5%).

The questions were designed to discover Muslim immigrants' perceptions of their integration process in Spain, their standard of living, their labour and family situations, their image of Spain and their expectations. The results showed a Muslim population that is integrated into Spanish society, westernized and tolerant. This mirrors the results of the study conducted by the Pew Research Center in Washington D.C., which in 2005 confirmed that Spain had a Muslim community that was very well integrated.

To put these results into perspective, the Metroscopia study pointed out that the population interviewed (aged over 16) was mostly made up of first-generation immigrants who tend to compare their current situation in Spain with the living conditions they endured in their countries of origin, which could account for such positive responses. The study also highlighted what is technically referred to as the "social desirability bias" of the responses, meaning that when faced with highly controversial questions the interviewee tends to respond according to what the individual considers the socially acceptable and valued norms of his/her surroundings. Bearing these initial aspects in mind, the Metroscopia study provides us with valuable information concerning the perceptions held by the Muslim population about their integration process in Spanish society.

According to available data, those who have been in Spain the longest express more positive opinions about the host society and their integration, while 56% of those who have been in the country for less than a year share that positive opinion. The breakdown by nationality shows that 91% of the immigrants from Bangladesh and 86% of those from Pakistan claim to feel comfortable in Spain. Regarding the reasons immigrants do not feel at

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[357] See Metroscopia, *Musulmanes de España. Segunda Oleada del Estudio de Opinión a Población Musulmana de Origen Inmigrante,* Metroscopia, Madrid, 2007.

home in Spain, the survey pointed to a lack of work (46% of those surveyed say that this is the main reason), distance from family and friends, difficulties encountered in procuring necessary documents, homesickness and a hostile attitude shown by the Spanish population (15% of the total).

The majority of those surveyed had a family member (48%) or a friend (21%) residing in Spain when they arrived. Of those who had a family member, 43% had a brother, 21% a father or mother and only 2% had a son or daughter. Only 12% of those surveyed claimed to live alone. The majority of the married immigrants have spouses of their same nationality, with marriages involving Spanish nationals accounting for only 5% of the total.

With regard to social participation, the vast majority (80% of those surveyed) claims not to belong to any association. Despite this low level of social participation, most (83%) of those surveyed considered themselves adapted to Spanish life and customs. Half of those surveyed said they could understand, speak and read Spanish without difficulty. The majority of the Moroccan (51%) and Algerian (54%) immigrants claimed to have no language difficulties while those from Pakistan (60%) and Bangladesh (59%) reported difficulties with the Spanish language. Among those surveyed, 80% considered language an important obstacle at the beginning and this is especially true of the Pakistanis, with a figure of 86%.

While 61% felt that their expectations had been met, 35% said that this was not at all the case; 53% of the Senegalese felt disappointed and while 57% of the Pakistanis felt that their expectations would be met over the long term, only 38% of the Senegalese believe this to be the case. The unemployment rate for Muslims as a group is higher than that of Spanish nationals, at 22% for the former and 7% for the latter. The unemployment rate for the immigrant population as a whole (12%) is also lower than that for the Muslim group. The study also points to a serious lack of job stability: 25% of workers have a permanent contract, around 60% have temporary contracts and 18% admit that they work illegally. Of those surveyed, 26% are skilled labourers, 20% are unskilled labourers, 14% are unskilled personnel, 13% work as store clerks/salespersons, 10% as business owners with employees and 8% as day labourers. The educational level is low: 36% of those surveyed dropped out of school at the age of 10 and only 9% have a university education.

Immigrants take a positive view of Spain: 88% feel that there is a great degree of freedom, 85% say that everyone is cared for equally at public hospitals, 83% hold that the living standard is very high and 78%

feel that everyone's religious beliefs are respected. Moreover, 75% feel that people are honest and respectful, 72% hold that there are no differences between men and women and 68% feel that immigrants are well received.

Concerning religion, 49% of those surveyed describe themselves as very religious, 34% practise their faith irregularly or on occasion and 16% consider themselves non-practising Muslims. Some 52% of those surveyed claim to fully or almost fully follow the advice and guidelines offered by the imam (Muslim ministers) of their mosques, while 38% claim to pay little or no heed to these guidelines. Only 13% claim to have encountered obstacles in practising their faith.

With regard to difficulties, a lack of mosques is the one most frequently mentioned (by 61% of those who claim to have come up against difficulties, 13% of the total). It is noteworthy that the longer the period of residence in Spain, the greater the negative perceptions on this subject. While only 7% of recent arrivals (less than a year in Spain) claim to have encountered difficulties practising their religion, this percentage rises to 12% among those who have been living in Spain for more than 10 years. From among the total group of 13% that has experienced obstacles, immigrants from Bangladesh and Pakistan are those with the lowest degree of integration. According to this study, this group is unhappier, feels that its expectations have not been met and expresses more serious doubts in relation to being able to meet these in the future. They also have a less positive image of Spanish society and feel that they have been victims of more acts of racism and xenophobia. And lastly, they value the Muslim religion over others and have a more positive image of Islamic countries than the rest of the interviewees. They are also more accepting of and likely to justify Islamic fundamentalism: 14% of this group feel that those who perpetrate terrorist attacks are martyrs for the cause of Islam and 11% consider Osama bin Laden as Islam's liberator from the grip of the West.

Among all the interviewees, only 28% felt that in 2007 in Spain the Muslim religion was rejected or mistrusted. The Metroscopia survey confirms the results of the study conducted in 2006 by the Pew Research Centre, i.e. in general terms those surveyed take a favourable view of Western society and its values. For example, only 12% feel that mixed marriages are unacceptable. Yet Spanish society is among those with the most unfavourable and critical views of the Muslim world.

Although this study indicates that the Muslim population residing in Spain has accepted Western customs, the study carried out by the Pew Research Centre shows that 83% of the Spanish population associate the Muslim religion with fanaticism, 70% with intolerance and 60% with

violence.[358] Here we find a key element in the analysis – the outlook of Spanish society.

6.1.3   Perceptions of Spanish society

In addition to the dynamics of the immigrant situation, we must also factor in those emanating from the host society. Spanish society is having difficulty understanding the changes it is undergoing and in these circumstances it is easy to put the blame on immigrants. As mentioned earlier, it is very significant that the perceptions of Spanish society held by the immigrants from predominately Muslim countries are better than the opinion the latter holds of these immigrants. There are a number of elements contributing to this situation.

On the one hand, we have the arrival of immigrants, and although this has been taking place over two decades, in the last few years there has been an 'avalanche'. In quantitative terms and considering the economic and demographic structure of Spain, the flow of immigrants can readily be absorbed but the public does not perceive it in this light. Another factor is that in Spain the *religious transition* did not coincide in time with the *political transition*. Indeed, some authors maintain that the latter would not have taken hold had the former not been postponed. In this context, despite an intense process of social secularization, Catholicism continues to form part of Spanish identity and therefore being Muslim, while respectable, is clearly 'not from here'. These two elements negatively reinforced one another in the aftermath of the Madrid attacks, adding an element of danger associated with immigrants and Muslims.

As could be expected, this subject has been on the political agenda but on many occasions only to exacerbate the problem. In the municipal elections of May 2007, some political parties included the Muslim issue on their platform. Probably the most glaring case was the city of Badalona, where the opposition party based its campaign on not conceding public land to the Muslim community for the construction of a mosque.[359] Spanish urban regulations include what is known as *land allocation for religious services*, which traditionally has been applied to Catholic parishes. When

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[358] Pew Global Attitudes Project, Pew Research Centre, Washington, D.C., June 2006 (www.pewglobal.org).

[359] A seven-minute video was recorded explaining this subject, called *"siete minutos"* (www.youtube.es).

the city council tried to apply this same principle to the Muslim faith, a number of local residents protested, giving the impression that there is only one religion in Spain.

In the March 2008 general parliamentary elections, immigration was one of the issues. In this context, there was a call to draw up an *integration contract* to guarantee that immigrants adopt Spanish customs and the ensuing discussion included the Islamic veil as an example of a 'non-Spanish element'. A large proportion of Spanish society took part in the debate, expressing the opinion that the veil is not Spanish.

Being Spanish today can mean complying with a whole list of requirements and not only those related to being Catholic, heterosexual, white and a speaker of Castilian (standard) Spanish. For example, it is common practice for the media to use the terms 'Muslim' and 'Spanish' to refer to two different worlds when the comparative terms should be 'Spanish' and 'Moroccan' or 'Catholic' and 'Muslim'. Language is of fundamental importance in this respect, because underlying this situation is the belief that being Muslim is incompatible with being Spanish.

6.1.4 *Religious communities as sources of identity*

Traditionally Spain has had a difficult time accepting 'things Arab', the result of centuries of troublesome border relations. This has created a less-than-favourable mindset towards North Africans and translated into dozens of verbal expressions that persist. This situation has usually been interpreted more in cultural than religious terms, although components of the latter have also played a role. After 9/11 and subsequent terrorist attacks, however, this interpretation changed, producing a qualitative leap with regard to cultural identity.

Up to the time of the attacks, immigrants from predominately Muslim countries represented a challenge for integration efforts owing to the cultural friction that, as already mentioned, forms part of the overall Spanish mindset. But since the attacks, religion has also formed part of this mindset. The term 'Moors' had typically been used, but not 'Muslims'. This change in the public discourse has had a powerful effect on this group, which has even gone so far as to accept this relationship between culture and religion as being true.

Evidence emerging in recent years focusing on Muslim communities in Spain is unanimous in affirming that religious communities are beginning to become welcoming sites for immigrants. Many immigrants from predominately Muslim countries, regardless of whether they practise

their faith or not, turn to religious communities for direction and to socialize. Muslim communities appear as a cultural oasis.[360] In places where the Muslim population is large enough, it groups together by nationality and we can thus identify, for example, the Pakistani religious community and its Moroccan counterpart a mere 200 metres apart but with clearly differentiated cultural realities. The need for cultural contact outweighs that of religion but in the final analysis it is the latter that is the feature of attraction. If transitory, this situation would not pose a problem; the danger is if it becomes permanent.

The integration policies of the different administrations are based on the fact that the municipalities and NGOs are the main centres of reception for these immigrants, but studies show that the religious communities (preferentially 'national' ones) are the true ports of entry through which services are obtained. These are likewise the places where immigrants are taught 'how one lives in Spain' or 'how to be Muslim in Spain'.

The media pressure exerted in the aftermath of the terrorist attacks and the incorporation of religion into the existing cultural conflict has caused communities to fold into themselves, making integration even more difficult.

6.2 Models and policies for the integration of Muslim communities in Spain

6.2.1 Religious pluralism in Spain

Religious diversity in Spain is not a recent phenomenon but one that has been present throughout the country's history, albeit in very different socio-political situations and circumstances. Nevertheless, the phenomenon has only become visible again in recent periods.

The increase in immigration in Spain in the 1980s and 1990s was a key factor in terms of galvanizing religious pluralism. It is nonetheless important to stress the futility of attempting to normalize religious pluralism solely on the basis of this premise and formulate measures to manage religious diversity through immigration policies alone. For as these immigrants acquire citizenship, migratory policies are no longer effective, and placing too much emphasis on origin as a factor determining identity

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[360] This is quite similar to what Spanish emigrants did in the Spanish parishes in Switzerland and Germany in the 1960s and 1970s.

does not facilitate the implementation of policies designed to promote social cohesion.

With regard to the Muslim communities in Spain, there are simply no real, specific data available on believers, but they are estimated to stand at 1.2 million persons. Broadly speaking, four groups can be distinguished: immigrants from Muslim majority countries, naturalized Muslims, converts and second-generation Muslims. Two aspects should be taken into account. First, individuals from Muslim majority countries should not automatically be identified as Muslims (13–18% of those polled do not declare themselves to be Muslims). And second, just like the children of believers of other faiths, second-generation Muslims are in the process of losing or changing their religious beliefs and practices.

The only source of objective information available is the Registry of Religious Entities (RER) kept by the ministry of justice, which reports a total of 792 Muslim communities registered in June 2010. It should nonetheless be noted that registration is not compulsory and the number of communities is in fact higher, approaching 1,000.

6.2.2   *Muslim communities in Spain and their institutionalization*

The institutionalization of Islam in Spain has grown swiftly in recent years. In April 2005 there were only 262 communities registered in the RER; by June 2010 there were almost 800. These are not newly created communities, but rather newly registered communities, essentially because registration in the RER allows them to apply for financial grants for developing projects, managed by the Fundación Pluralismo y Convivencia. Moreover, registration in the RER provides them a legal personality and facilitates interaction with the public administrations and the vicinity.

The geographical distribution of these communities encompasses the entire Spanish territory, although their presence in some autonomous communities is more marked than in others: 20% are in Catalonia, 14% in Andalusia, 12% in the Madrid region and 10% in Valencia.

Barring exceptional cases of highly developed Muslim communities, most share a series of common features:

- they are very young communities with relatively short trajectories;
- their situation can be qualified as precarious in terms of both places of worship and the management of their financial and human resources;

- they have very scant knowledge of the Spanish legal framework and of their rights and obligations; and
- they offer a basic catalogue of activities to their believers, and in many cases, to those in their immediate environment.

According to data compiled by the National Institute of Statistics, 2.18% of the resident population in Spain comes from Muslim majority countries and of these 13.47% now holds Spanish nationality. The number of these naturalized immigrants, coupled with the foreseeable increase of those born in Spain and therefore automatically entitled to Spanish nationality, makes it reasonable to assume that these figures will rise in the future.

The institutionalization of the Muslim communities in Spain began in the North African autonomous city of Melilla. The first Islamic religious association entered in the RER in 1968 was the Muslim Association of Melilla. In 1970, the Islam Jamaat Ahmadiyya, with headquarters in a Cordoba municipality, was registered, followed by the Muslim Zawiya Muhammadiyya of Ceuta and the Muslim Association of Spain (AME), with headquarters in Madrid, in 1971. Both the AME and Jamaat Ahmadiyya were created by students who arrived in Spain in the late 1960s and early 1970s from Libya, Syria, Palestine, Jordan and Egypt.

The Law of Religious Freedom enacted in 1980 subsequently paved the way for the emergence of new Muslim associations, which began to appear all over Spain. Many of them were championed by and made up principally of converts, who played an important role in the first phase of institutionalizing Islam in Spain.

Spain is bound by its constitution to cooperate with religious faiths and communities to the extent required by the religious beliefs of Spanish society, through the adoption of cooperation agreements. This possibility is provided for in the Organic Law of Religious Freedom presently in force. After this law was passed, the first steps were taken with a view to signing cooperation agreements between the state and the Jewish, Protestant and Muslim faiths.

The first requirement conditioning the signature of these agreements was recognition of the minority faith's *notorio arraigo* or deeply rooted status. In the case of Islam, the Advisory Board for Religious Freedom approved recognition of the Muslim religion's *notorio arraigo* on 14 July 1989 (a status that had already been granted to Protestants and Jews by then).

But the signing of the cooperation agreements also hinged on compliance with another condition laid down by the government, namely the existence of a sole interlocutor for each faith. Hence the constitution of the Spanish Federation of Islamic Religious Entities (FEERI) was initially made up of nine Islamic religious associations with headquarters in Madrid, Granada, Seville, Almeria, Ceuta and Melilla. A few months later, the Spanish Association of Muslims split to promote the creation of the Union of Muslim Communities of Spain (UCIDE), registered in the RER in October 1991.

The lack of harmony between FEERI and UCIDE coupled with the need for a sole interlocutor vis-à-vis the state led to the set-up of the Islamic Commission of Spain, with two secretaries-general (one for the federation and one for the union), and four members (two for each body). FEERI and UCIDE continue to function independently, a situation that has posed considerable difficulties in terms of representativeness and interlocution, and which remains problematic today. Nonetheless, in April 1992 the Cooperation Agreement between the state and the Islamic Commission of Spain was finally signed. This agreement regulates a number of matters, among which are the following:

- the status of Islamic religious leaders,

- legal protection of mosques as places of worship,

- the conferring of civil status to marriages held according to Islamic religious rites,

- religious assistance in public centres and establishments,

- Islamic religious instruction in schools,

- tax benefits applicable to certain assets and activities,

- commemoration of Islamic religious holidays, and

- conservation and <u>promotion of the Islamic artistic and historical heritage</u>.

The signing of such agreements marked a starting point in terms of guaranteeing the exercise of religious freedom. This framework is still being developed, however, insofar as numerous aspects – still not sufficiently guaranteed – have yet to be specified.

6.2.3   Socio-economic integration policies

According to the study *Inmigración y Mercado de Trabajo, Informe 2010* [Immigration and Labour Market, Report 2010],[361] one of the effects of the recession has been its impact on immigration flows. Data for 2009 show a drastic downturn in the flow of immigration – not yet apparent in 2008 – and a far stronger impact on foreign workers: employment fell 11.8% as opposed to 5% for nationals. The report also states that the rate of employment fell more sharply in the case of Moroccan workers, by 14.5%.

This reduction in employment has also translated into a fall in social security registrations, which also affects Moroccan workers in particular (the report uses Moroccan workers as a benchmark for Arab Muslim immigration). Moreover, foreigners are losing their jobs in all sectors, despite which the proportion of underground employment does not appear to be rising. The jobs covered by workers of immigrant origin are concentrated in so-called 'low qualification' positions and upward mobility by category continues to escape these workers.

The mobility of workers of foreign origin from town to town is three times higher than that of Spanish workers. Likewise, job offers for these foreigners are tailing off and demands for qualifications are increasing.

The scant growth of immigration in coming years means that the proportion of workers of foreign origin in the Spanish labour market will remain at a steady 15%. Normalizing the status of these immigrants and guaranteeing their socialization will be a key objective in the years to come. There is a call to highlight the swift incorporation of the immigrant population in the Spanish labour market, a population that has been systematically channelled towards poor quality jobs. As noted by Pajares (2010),[362] the outcome is that discrimination is the factor that determines the occupations and labour conditions of foreign workers, which in turn means that the ability of Spain's productive system to transform the capacities of these workers to good account is limited. Meanwhile, managing diversity is fast becoming the new paradigm for business management.

This social inequality is prompting positive actions targeting ethnic and vulnerable groups, also benefiting persons from Muslim majority

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[361] M. Pajares, *Inmigración y Mercado de Trabajo. Informe 2010*, Documentos del Observatorio permanente de la Inmigración No. 25, Ministerio de Trabajo e Inmigración, Madrid, 2010.

[362] Ibid.

countries. Financing by the European Social Fund in the context of its multiregional operational programme to fight discrimination, coupled with central, regional and local government funding, has contributed to the creation of employment services and active policies aimed at this population.

6.2.4 Education, public health and police

In the field of education, the Spanish state is developing a policy to facilitate the normalization of Muslim boys and girls in the network of public and semi-private schools. There are virtually no Muslim schools, the only case being the school linked to the M-30 mosque in Madrid, a private establishment financed by Saudi funds and catering for personnel at Arab embassies.

Art. 10.1 of the Cooperation Agreement with the Islamic Commission of Spain regulates the status of Islamic religious education as follows:

> Muslim pupils, their parents and any school governing bodies who so request are guaranteed the right of the first mentioned to receive Islamic religious teaching in public and private subsidised schools at the infant, primary and secondary education levels, providing, in the case of private institutions, that the exercise of such right does not conflict with the nature of the school itself.

According to data for January 2010, there are presently 45 Islamic religious-education teachers in Spain, all in primary schools, and 24 of them teach in Ceuta and Melilla. The transfer of decision-making authority for education to the autonomous communities appears to have undermined guarantees of this right as provided for in the cooperation agreements, insofar as Islamic religious education is only provided in those communities where the textbook series *Discovering Islam* is included in the curriculum. The Islamic Commission of Spain, with the support of the Fundación Pluralismo y Convivencia, is developing this series of textbooks for teaching this subject in primary schools. So far, the textbooks have been made available for years one, two and three of primary school where the state has retained authority for religious education.

Along these same lines, the same actors in collaboration with Casa Árabe are developing materials for teaching Arabic at school level. In accordance with the laws in force, any language can be taught as a third language in secondary schools, provided enough pupils request it. Four secondary schools already teach Arabic as a third language. It should be noted that these materials will also be used by religious communities.

In the field of professional training, specific courses are being developed. Among them, two notable ones are imparted by Spain's national distance-learning university (UNED) in association with the Fundación Pluralismo y Convivencia, targeting religious and community leaders. Their aims are to guarantee quality training provided by state/local government or government-approved institutions based on a curriculum approved by official institutions. These two correlative, 'professional expert' courses are attributed 19 credits each and have already been taken by 75 community leaders and imams.

It is also standard practice for local corporations and mosques to organize courses for learning Spanish.

In relation to health care, the agreement guarantees religious assistance in hospitals, primary care centres and other analogous public institutions, although this right is far from being guaranteed on a systematic and widespread basis.

With regard to police procedures, attention should be drawn to the initiatives of certain police and law enforcement corps to introduce protocols that eliminate ethnic profiles when identifying and frisking individuals, and their collaboration with public bodies and civil society organizations with a view to improving police management of diversity. In this respect, the local police forces in Fuenlabrada (Madrid) and Girona (Catalonia), and the Mossos d'Esquadra (regional police in Catalonia) have developed procedures for dealing with criminal acts motivated by hatred or discrimination and for eliminating discriminatory ethnic profiles. In June 2010, a platform for the police management of diversity was created, involving the national union of local police chiefs and organizations for intellectually and physically disabled people, ethnic minorities, immigrants, individuals with different sexual orientations, the homeless, etc.

Generally speaking, it is the local administrations that call the shots in terms of formulating policies to normalize religious pluralism and manage religious diversity in Spain. In the case of Islam, the management and intervention of local authorities has been erratic at best,[363] subject to the receptiveness and sensitivity of these authorities and the need to manage

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[363] C. de Galembert, "La gestion publique de l'islam en France et en Allemagne. De l'improvisation de pratiques *in situ* à l'amorce d'un processus de régulation nationale", *La revue internationale et stratégique*, No. 52, winter, 2004-2005.

affairs. These experiences, successful in some cases and not in others, have nonetheless been something of a novelty. That is because Spain, unlike other European countries, did not have any pre-established integration model to follow, given that the challenge of managing religious diversity is one that has only emerged recently.

Still, a state policy for governing religious diversity has clearly been taking shape in recent years. This policy is based on recognizing religious faiths and allowing them to take centre stage, improving practices for managing religious diversity at the level of the public administrations, and projecting a more accurate and inclusive vision of religious pluralism in general and Islam in particular. A few more years must nonetheless pass before the impact of these policies can be evaluated.

A controversial issue that has found its way into political, media and citizen debates has been the requirement for foreigners to take a test and follow courses to 'prove' the degree of their integration in Spain. Notwithstanding the media storm triggered by the announcement of this measure, it has not gone beyond the arena of debate or led to the implementation of measures of this sort. Nonetheless, these debates have not disappeared from the political arena, gaining momentum during pre-election periods.

6.2.5   Cultural and religious aspects of integration

Just as diversity has become part and parcel of Spanish society, manifestations of opposition by certain citizens to territorial policies with an impact on their immediate environment (i.e. NIMBY) have also become more commonplace. In the case of the Muslim community, these manifestations have been associated with the location of mosques and places of worship, although they have very occasionally spilled over into the public arena where they have been dealt with at the level of local management of religious diversity.

So far, Spain has not experienced situations similar to the emblematic case of the ban on minarets in Switzerland or symbolic conflicts linked with places of worship and prayer houses, beyond situations that have to be dealt with daily. The latter are triggered by the precariousness of these places of worship, the processing of opening licences, their distance from the nerve centres of cities and towns, etc.

The controversy and social debate that has sprung up in recent months in relation to the wearing of the Islamic headscarf in schools and the ban on wearing garments that cover the face in non-religious public

areas is something else altogether. Doubtless as a mirror effect of the French debate, some city and town councils have approved bylaws prohibiting the use of full-face veils. Yet the presence of these types of garments in Spain is very rare indeed and therefore does not justify legislative initiatives and policies of this nature on any account. The Muslim communities themselves should contribute to working out solutions for problems of this nature.

An emblematic case that made the headlines was that of a Muslim girl who was banned from going to school in the Madrid suburb of Pozuelo for wearing a hijab. The girl's refusal to remove her headscarf, her family's support, the school's prerogative to set a dress code that forbids the wearing of headscarves, the stand taken by the local education authorities in favour of the school and against the pupil, and the ensuing media storm combined to turn this incident into a national issue, dominating the social debate. Also noteworthy is that within 24 hours other schools changed their internal rules and regulations to avoid being faced with similar cases, changes that were instantly accepted by the education authorities.

The barometer or periodic survey conducted by the Real Instituto Elcano in July 2010 was very revealing in terms of gauging the reaction of public opinion to the Islamic headscarf issue. Sixty percent of Spaniards (two out of three) are against Muslim schoolgirls being allowed to wear the hijab in public schools. Conversely, only one in three (30%) claims to be against the exhibition of crucifixes in public schools.

6.2.6 Spatial integration

Since specific data on the beliefs of residents in Spain are not available, data relative to where believers live are not available either. The residential characteristics of the areas where these communities are located have nonetheless been identified and checked against sociological studies. Immigrants are generally concentrated in certain areas, either in city centres (e.g. Lavapies in Madrid and Raval in Barcelona) or in poor and run-down suburbs, both usually characterized by urban decay and a shortage of resources and facilities.

For several decades, the implementation of urban regeneration and deconcentration initiatives to provide specific facilities and services has been underway in neighbourhoods beset with social problems. These measures have also benefited immigrants from Muslim majority countries and other vulnerable population groups. But these lukewarm efforts have

hitherto failed to make any real headway in terms of turning residential equity into reality.

6.3 Concluding remarks – Towards a model of integration

The Spanish reality in terms of immigrant integration policies and particularly policies concerning immigrants from Muslim majority countries is both complex and heterogeneous, with various aspects of different models (assimilationist, communitarian and hybrid intercultural) existing side by side. All this should be considered in the light of the Spanish context, marked by a recent surge in immigration and the absence of what might be termed a 'Spanish model'. Positive or negative results of actual policies may provide clues as to the shape of a suitable social policy in this field.

The present challenge is a daunting one: acknowledging diversity and the need to manage it has become a powerful factor in the social and political reality of Spain. Still, it is also at the local level that imaginative and effective responses are starting to emerge to address issues of religious diversity.

Broadly speaking and at the risk of over-simplifying such an extremely complex issue, although practices representing the three models exist, in the general framework of social policy there is a growing tendency towards a hybrid intercultural model. Spain is in the process of defining a positive integration model based on promoting social cohesion and coexistence, one that does not repeat errors elsewhere and one that is geared towards bringing international recommendations into line with its historical, social and cultural reality.

In the future, we would like to see a strengthening of this hybrid approach for addressing the core issues of potential conflict and achieving greater integration of the Muslim community, in the conviction that if integration fails, the stage will be set for the growth of violent radicalization. In particular, the approach would be enhanced by measures in the following areas:

- a focus on rights to keep those from the Muslim communities from having to live in ghettos by promoting access to public services and the exercise of their civic and political rights;

- a more thorough application by the government and society in general of the 1992 Cooperation Agreement signed with the Spanish

Islamic Commission, with measures to speed up the establishment of their places of worship;

- the need for resources to support contextualized training of imams and other leaders of the Muslim communities to enable them to work in a more professional manner and communicate better with Spanish society, thus to become social agents of integration;

- greater awareness in the teaching of Islamic culture and religion, and its contribution to universal, European and Spanish culture with a view to overcoming stereotypes; in this regard, the reference in the Lisbon Treaty to Europe's roots (inter alia, religious) is a positive example, as no exclusive mention is made of Christianity or Judeo-Christianity;

- the establishment of channels for achieving greater participation of the Muslim communities in Spanish society, notably with representatives of all religions that have signed agreements with the government to join the Immigration Forum created by the ministry of labour and social affairs; and lastly

- measures to overcome the sense of disenfranchisement felt not only by immigrants but also and especially by the second generation, most of whom are now Spanish citizens.

7. TOWARDS A COMMON POLICY ON INTEGRATION IN THE EU?
SERGIO CARRERA &JOANNA PARKIN

Introduction

The integration of third-country nationals (TCNs) emerged as a key policy domain at the European Union level during the last decade. The entry into force of the Treaty of Amsterdam in 1999 transferred the domain of immigration from an exclusively national to a shared competence in the EU. In doing so, it unleashed a powerful, new, EU policy-making dynamic. As member states acknowledged the need to develop common policies on immigration, they simultaneously recognized that such policies should be backed up by an appropriate integration strategy that would address questions of social inclusion, access rights, and cultural and religious diversities, which are often ascribed to the phenomenon of immigration.

This recognition has seen the gradual development of a distinct policy framework for the integration of TCNs within the EU's broader, common immigration policy. Nevertheless, and perhaps not surprisingly for a domain so closely linked to sensitive questions of national identity and belonging, this process has been marked by profound tensions among certain EU member states over the transfer of powers to the EU level. These tensions have resulted in the emergence at the European level of an integration policy agenda of a peculiar character, which does not fall under the classical configurations of the European method of cooperation and EU law. The sum of the methods and tools developed within the framework on integration – the common basic principles on immigrants' integration, a series of reports and handbooks, networks of national officials and a forum for civil society and migrants' organizations – constitute a supranational structure that relies heavily on the exchange of 'good' practices, knowledge sharing and cross-national coordination by the European Commission's

Directorate-General (DG) for Home Affairs. This structure effectively amounts to an alternative, or 'quasi', open method of coordination.[364] The peculiarity of this framework of European cooperation is that it has developed largely outside the EU legal framework and does not impose any legally binding obligations on the member states. Still, a certain degree of Europeanization has taken place progressively through other means, notably the linking of soft governance mechanisms and policy coordination strategies with a common EU financial framework (i.e. the European integration fund).

The EU's agenda on the integration of immigrants is currently at a turning point. The entry into force of the Lisbon Treaty, combined with the endorsement of the Stockholm Programme[365] has marked the start of a new phase in developing common European policies on integration. Together they offer a substantially transformed legal and policy context with which to take forward EU cooperation in this field.

This chapter maps the EU's integration agenda as it has developed since 2002. At the same time it reveals the enduring sensitivities that surround the attribution of rights to and inclusion of third-country nationals (TCNs) in Europe. After this introduction, the first section traces the foundations of EU law and policy on integration that were laid with the entry into force of the Amsterdam Treaty and the Tampere Programme. The second section examines the attempt to apply the open method of coordination to measures on immigration – the failure of which has defined the current shape of the EU's framework on integration. The third section charts the development of this framework, showing how struggles between national and EU-level policy-making have ultimately shaped the framework's normative foundations. Certain elements of national integration programmes and policies have been transposed to the EU level, making it difficult to speak of a single and distinct 'European model of integration'. The chapter concludes by examining the potential future directions of the EU's integration policy in light of the new legal framework brought by the Lisbon Treaty and the policy agenda for the next five years as outlined in the Stockholm Programme.

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[364] S. Carrera, *In Search of the Perfect Citizen? The Intersection between Integration, Immigration and Nationality in the EU*, Leiden: Martinus Nijhoff Publishers, 2009.

[365] The third multi-annual programme setting a political agenda for the Area of Freedom, Security and Justice (AFSJ) during 2009–14 by the European Council in December 2009.

7.1 Amsterdam and Tampere: Integration as equal treatment and non-discrimination, using a rights-based approach

The integration of TCNs is not a new consideration at the EU level. The construction of a European internal market and the freedom of movement of persons that this has required have seen systematic endeavours to lower the barriers to human mobility by allowing EU nationals to move and reside freely under the same conditions as nationals of the receiving state.[366] Since the late 1960s, a number of legislative initiatives and the jurisprudence of the Court of Justice in Luxembourg have allowed EU workers and their families to enjoy a progressively wider range of substantive rights regarding employment, social welfare and security of residence. In this way, the integration of EU nationals (i.e. intra-EU migrants) into the fabric of the receiving societies was conceived as a process of equalization, of granting equal treatment and comparable freedoms in a non-discriminatory manner. This has been the approach that has defined the more classical EU configuration and understanding of 'integration' as one based primarily on the attribution of rights and equality of treatment while exercising the principle of free movement.

Principles of equal treatment were also reflected in early EU initiatives and official discourses related to the integration of TCNs from the 1970s onwards. The granting of rights to those qualifying for long-term residence and family reunification was regarded as a key source of stability and security of residence, and as effective 'integration factors'.[367] But it was not until the changes brought by the entry into force of the Treaty of Amsterdam that the mobility and status of TCNs became a focus of sustained policy-making and legislative processes at the EU level. The Amsterdam Treaty signified a historic turning point in the development of the EU's common immigration policy and its 'integration agenda'. By transferring responsibility for immigration from the intergovernmental

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[366] See C. Bernard, *The Substantive Law of the EU: The Four Freedoms*, 2nd edition, Oxford: Oxford University Press, 2007; see also M. Everson, "The Legacy of the Market Citizen", in J. Shaw and G. More (eds), *New Legal Dynamics of the European Union*, Oxford: Clarendon Press, 1995.

[367] Carrera (2009), op. cit.

sphere of decision-making to shared EU competence,[368] Amsterdam granted for the first time the necessary legal basis for EU institutions to develop policies in matters relating to immigration. These involved, under Art. 79 of the Treaty on the Functioning of the European Union (TFEU) (formerly Art. 63 of the Treaty establishing the European Community), measures on the "conditions of entry and residence…including those for the purpose of family reunion". The principles underlying this new policy domain were elaborated at a special European Council meeting held in October 1999 in Tampere, and resulted in the Tampere Programme, which formed the first multi-annual programme on the EU's AFSJ and established the political priorities to guide EU actions between 1999 and 2004. It was agreed that

> [t]he European Union must ensure *fair treatment* of third country nationals who reside legally on the territory of its Member States. *A more vigorous approach* should aim at granting these individuals rights and obligations *comparable to those of EU citizens*. It should also enhance *non-discrimination* in economic, social and cultural life and develop measures *against racism and xenophobia*.[369] (Emphasis added.)

Behind this bold political statement lay the recognition that an effective immigration strategy could not be developed without being backed up by an appropriate, common integration policy. The Tampere Programme indicated an interpretation of integration based on facilitating socio-economic inclusion and participation through countering discrimination and fostering equal treatment, and ensuring access to a set of rights "as near as possible to those of EU citizens". Consequently, the Tampere Programme consolidated and extended a rights-based integration template that can be traced in EU official discourses back to the 1970s. It paved the way for legislative responses at the EU level that could translate the fair-treatment paradigm into a re-framing of the position of TCNs within the EU legal order.

Furthermore, although this strategy was ultimately targeted at newly arriving TCNs, and not Europe's more established migrant communities,

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[368] Under the former three-pillar structure of the Treaty, immigration moved from the third pillar of the Treaty on European Union to the first pillar in Title IV of the Treaty establishing the European Community.

[369] European Council, Presidency Conclusions of the Tampere European Council of 15-16 October 1999, SN 200/99, Brussels, 1999.

an Intergovernmental Conference preceding Amsterdam had seen the member states agree on stricter anti-discrimination measures to counter racial and ethnic exclusion. Art. 19 of the Lisbon Treaty (TFEU), which had its origins in the Rome and Amsterdam Treaties, gave the Commission the authority to propose legislation to tackle discrimination based on race, ethnic origin, religion or sexual orientation. The Commission wasted no time in acting on its new Treaty competences and the mandate set at Tampere, proposing four legally binding directives that fulfilled a rights-based and inclusive integration agenda: two directives to combat discrimination and two directives regulating the rights of TCNs, which we subsequently examine.

7.1.1 The Non-Discrimination Directives

The adoption in 2000 of two directives regulating non-discrimination marked a watershed in the development of European anti-discrimination law and policy. The Racial Equality Directive prohibited discrimination on the grounds of racial or ethnic origin within the labour market and a variety of other societal domains, including social security and health care, education, and access to public goods and services such as housing.[370] The personal scope is broad, applying to TCNs as well as EU citizens. It has been noted, however, that protection for those in the former category is not complete, given that the personal scope excludes differential treatment on the basis of nationality and is without prejudice to provisions governing the entry and residence of TCNs, and their access to employment and to occupations.[371] The Employment Equality Directive, on the other hand, provides a general framework for combating discrimination on a wider

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[370] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000.

[371] Ibid., Preamble, Recital 13; see also R. Cholewinski, "Migrants as Minorities: Integration and Inclusion in the Enlarged European Union", *Journal of Common Market Studies*, Vol. 43, No. 4, 2005, pp. 695-716; and also M. Jesse, "Missing in Action: Effective Protection for Third Country Nationals from Discrimination under Community Law", in E. Guild, K. Groenendijk and S. Carrera (eds), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*, Aldershot: Ashgate, 2009.

range of grounds (including religion and belief, age, disability and sexual orientation) in employment and vocational training. [372]

By the end of 2006, all EU member states had adopted new legislative measures transposing the directives into their national legislation. Indeed, although a substantial degree of divergence in standards remains, commentators have heralded the "unprecedented round of anti-discrimination law reform across all 27 Member States" brought by the new legislation.[373] The process of Europeanization in this domain has seen a significant impact in some places on national norms, structures and practices in the field of discrimination. By way of example, under the Racial Equality Directive the obligation of national governments to establish independent 'equality bodies' to support those discriminated against on the grounds of ethnic or racial origin has given rise to an unparalleled infrastructure for sustained litigation on racial discrimination.[374]

The EU's legal framework on non-discrimination was subject to an important initiative for renewal in 2008 in the form of a Commission proposal for a directive on implementing the principle of equal treatment irrespective of religion or belief, disability, age or sexual orientation. A gradual convergence towards a common model for enforcing equality of treatment in Europe's multiethnic society would be further reinforced if the Commission's proposed new directive, which aims at addressing the gaps in the current legislative framework, is passed by the Council, although at the time of writing the future prospects for the so-called 'Equality Directive' are highly uncertain.[375]

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[372] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303/16, 2.12.2000.

[373] M. Bell, "The Implementation of European Anti-Discrimination Directives: Converging towards a Common Model?", *The Political Quarterly*, Vol. 79, No. 1, 2008, pp. 36-44.

[374] B. De Witte, "European Minority Rights" in M.C. Foblets, J.F Gaudreault-Desbiens and A. Dundes Renteln (eds), *Cultural Diversity and the Law,* Brussels: Bruylant, 2010.

[375] See M. Bell, "Advancing EU Anti-Discrimination Law: The European Commission's 2008 Proposal for a New Directive", *The Equal Rights Review*, Vol. 3, 2009, pp. 7-18. The Equality Directive would prohibit discrimination on the grounds of religion or belief, disability, age and sexual orientation in the fields of social protection, education, goods and services, thus addressing criticisms that the

7.1.2   The Family Reunification and Long-Term Residence Directives

A rights-based (near-equality) model also underpinned the Commission's proposals for directives regulating family reunification (proposed in 1999)[376] and the status of long-term resident TCNs (proposed in 2001).[377] Both pieces of legislation sought to enhance the rights of TCNs in terms of security of residence, mobility and family reunion. The first directive sought to lay down the conditions for the exercise of a right to family reunification by TCNs regularly residing in the EU.[378] The second aimed at establishing a common European status of long-term resident for those TCNs regularly residing in a member state for a period of five years and a package of related European rights and administrative guarantees.[379]

Yet in contrast to the non-discrimination legislation, whose adoption was remarkably rapid, the draft directives on the rights of TCNs faced a difficult reception in the European Council. It is important to take into account the post-9/11 political climate that formed the backdrop of the negotiations, during which a progressive trend towards securitization could be observed on the migration and integration agendas of several EU member states. The progress of the two draft directives through the Council was marked by long negotiations that saw a number of proposed provisions watered down and more restrictive elements 'uploaded' from

current framework affords certain groups more protection than others. Nevertheless, the negotiations in the Council on the European Commission's Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM/2008/426 final, Brussels, 2.7.2008) are currently blocked. The blockage stems from reservations on the part of the German government linked to concerns over subsidiarity and the lack of an adequate legal basis.

[376] Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251/12, 3.10.2003.

[377] Council Directive 2003/109/EC of November 2003 on the status of third-country nationals who are long-term residents, OJ L 16/44, 23.1.2004.

[378] A. Wiesbrock, *Legal Migration to the European Union,* Leiden: Brill/Martinus Nijhoff Publishers, 2010.

[379] K. Groenendijk, "The Long-Term Residents Directive, Denizenship and Integration", in H. Schneider (ed.), *Migration, Integration and Citizenship: A Challenge for Europe's Future*, Maastricht: Forum Maastricht, 2005.

the national to the European context.[380] Consequently, the legislation finally adopted in the Council is not fully reflective of the aims envisaged by the original Commission proposals or the spirit of the Tampere Programme. In particular, member states (notably the Netherlands, Germany and Austria) inserted into the directives a number of references to integration 'measures' and 'conditions' as requirements to be met in order to benefit from the rights and guarantees afforded by the legislation for TCNs.[381]

Hence, Art. 5(2) of the Long-Term Residents Directive stipulates that "Member States may require third-country nationals to comply with integration conditions, in accordance with national law". The wording of the provision was changed at the insistence of Germany and Austria from "integration measures" to "integration conditions", allowing member states to require immigrants to pay the financial costs of the integration measures, as opposed to attending courses financed by the receiving state.[382] Likewise, a reference to integration measures was inserted into the Family Reunification Directive in Art. 7(2). To this provision was added the qualification that, with regard to refugees or family members of refugees, integration measures may only be applied once the persons concerned have been granted family reunification. But stating that refugees may only be subject to integration measures *after* having been granted family reunion opened the door for member states to apply integration measures *before* granting family reunion rights to non-refugee TCNs, in other words, while still in the country of origin (for example, the 'integration abroad' tests now employed by the Netherlands).

Indeed, given that neither of the directives provides a definition of the term 'integration', member states have been left a wide margin of discretion in how they choose to interpret and apply these provisions. Still,

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[380] See S. Carrera, "Integration as a process of inclusion for migrants? The case of long-term residents in the EU", in H. Schneider (ed.), *Migration, Integration and Citizenship: A Challenge for Europe's Future*, Maastricht: Forum Maastricht, 2005; see also R. Cholewinski, "Family Reunification and Conditions Placed on Family Members: Dismantling a Fundamental Human Right", *European Journal of Migration and Law*, Vol. 4, No. 3, 2002, pp. 271-290; and K. Groenendijk, "Family Reunification as a Right under Community Law", *European Journal of Migration and Law*, Vol. 8, No. 2, 2006, pp. 215-230.

[381] Carrera (2009), op. cit.

[382] K. Groenendijk, "Legal Concepts of Integration in EU Migration Law", *European Journal of Migration and Law*, Vol. 6, No. 2, 2004, pp. 111-126.

it must be noted that the degree to which member states are free to use integration requirements in national legislation to condition access to the European freedoms, rights and administrative guarantees envisaged by the directive is constrained by the obligation to respect the general principles of EU law on proportionality, non-discrimination and fundamental human rights.[383] This was confirmed by the European Commission in the first evaluation of the national transposition of the Family Reunification Directive, and by the ruling of the Court of Justice in *European Parliament v. Council* (Case 540/03).

Nevertheless, the addition of new, more restrictive provisions by the member states in the Council had the effect of diluting the Commission's original proposals and re-framing EU discourses on (and conceptualization of) integration under EU immigration law and policy. In both directives, integration is seen to move from an approach aimed at facilitating a newcomer's inclusion in society through the granting of rights and a secure legal status, to one in which status and rights are awarded as recompense for "acculturation".[384] In the case of the 'integration abroad' measures, migrants are faced with the paradox of having to demonstrate their integration into a member state before having stepped foot onto the territory of the country in question.[385] Such measures reflect the tendency among certain governments (such as France, the Netherlands, Denmark and Germany) to employ integration as a means of regulating the entry of immigrants, and the increasing conflation of discourses surrounding migration, insecurity and social inclusion. This tendency is also manifested in the so-called 'civic integration' programmes, contracts and tests, which have increasingly become part of national immigration regimes. They serve as a mandatory obligation on TCNs to demonstrate that they know, understand and respect the receiving society's language, history and institutions as well as its common shared values and way of life as a condition for being granted entry, security of residence and family life. Thus in France for example, applicants for permanent residence permits or

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[383] S. Carrera and A. Wiesbrock, *Civic Integration of Third-Country Nationals: Nationalism versus Europeanisation in the Common EU Immigration Policy*, CEPS Liberty and Security Series, CEPS, Brussels, October 2009.

[384] Groenendijk (2004), op. cit.

[385] L.F.M. Besselink, "Integration and Immigration: The Vicissitudes of Dutch *'Inburgering'*", in E. Guild, K. Groenendijk and S. Carrera (eds), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*, Aldershot: Ashgate, 2009.

for family reunification are required to sign an integration contract and face sanctions if they fail to fulfil the conditions of that contract.[386] Denmark has recently followed the Dutch example, amending its legislation to provide for integration tests as both a condition for permanent residence and a condition for obtaining an entry visa.[387] In such cases, 'integration' is less a question of facilitating inclusion and more one of regulating immigration. By transferring such elements of policy to the EU level, member states have not only shifted EU discourses and the classical European understanding of integration as inclusion, security of residence, equality and access to rights, they have in turn legitimized the existence or justified the introduction of such restrictive practices at the national level.

7.2 Origins of the EU framework on integration: A proposal for using the open method of coordination on immigration

The strong, nationalized flavour characterizing the Family Reunification and Long-Term Residence Directives reflects the broader sensitivities – and resulting obstacles – that the Commission encountered when attempting to communitarize aspects of migration policy. The Commission's attempt to apply the open method of coordination (OMC) to policy-making on immigration in 2001 similarly reveals the underlying tension between the intergovernmental and supranational forces of European integration in this domain. Following Tampere, the Commission recognized that the development of a common immigration policy would require a coordinating mechanism resembling that which had recently been adopted to implement the European employment strategy. The OMC has been used at the EU level since 2000 as a key means by which the Commission can steer, support and coordinate member states' policies in sensitive areas

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[386] Y. Pascouau, "Integration Measures in France: An Evolving Process between Integration and Migration Issues", in R. Van Oers, E. Ersboll and D. Kostakopoulou (eds), *A Re-definition of Belonging? Language and Integration Tests in Europe*, Leiden: Martinus Nijhoff Publishers, 2010.

[387] E. Ersboll, "On Trial in Denmark", in R. Van Oers, E. Ersboll and D. Kostakopoulou (eds), *A Re-definition of Belonging? Language and Integration Tests in Europe*, Leiden: Martinus Nijhoff Publishers, 2010.

through the exchange of best practices, benchmarking, periodic reporting and multilateral scrutiny.[388]

In a Communication of July 2001, the European Commission presented a proposal to apply the OMC to Community immigration policy,[389] which built on the rights-based agenda set at Tampere. The proposal foresaw a central role for the Commission in overseeing the OMC. Moreover, it identified the integration of TCNs as one of the most important areas for the coordination of national policies through the OMC, announcing its intention to put forward

> a specific Community Action Programme…to support legislation and policy development within a European framework through the improving of knowledge, the strengthening of the capacity of all the actors involved and the raising of awareness with respect to integration strategies.[390]

Yet, such was the unwillingness of the member states to contemplate coordinating policies concerning the entry and treatment of legal migrants that the proposal did not even reach the Council table.[391] The blocking by member states of the traditional channels of policy-making forced the Commission to look at other means of establishing European cooperation in the field of migrant integration. Consequently, since 2002, a set of 'soft law' governance instruments has progressively been established, which rely on techniques of knowledge sharing, policy coordination and the exchange of information, operating through the medium of formalized networks, reports, handbooks and ministerial meetings. Together, the sum of these alternative coordination mechanisms forms what has been denominated as the European framework on integration.

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[388] C. De la Porte, "Is the Open Method of Coordination Appropriate for Organising Activities at European Level in Sensitive Policy Areas?", *European Law Journal*, Vol. 8, No. 1, 2002, pp. 38-58.

[389] European Commission, Communication on an Open Method of Coordination for the Community Immigration Policy, COM(2001) 387, Brussels, 11 July 2001.

[390] Ibid.

[391] H. Urth, "Building a Momentum for the Integration of Third Country Nationals in the European Union", *European Journal of Migration and Law*, Vol. 7, No. 2, 2005, pp. 163-180.

7.3 The EU framework on integration: A common European policy in the making

Despite a reluctance to cede control of integration policy, questions of integration and social cohesion were progressively moving up the domestic political agendas at the turn of the century and a degree of policy cooperation at the EU level was deemed necessary. In October 2002, the Justice and Home Affairs (JHA) Council called (for the first time) for coordinated action and greater policy coherence in member states' integration policies. As a first step, the 2002 JHA Council conclusions proposed establishing a group of National Contact Points on Integration (NCPs), a network of experts drawn from the relevant ministries of each member state, tasked with promoting information exchange, monitoring progress and disseminating best practices at both the national and EU levels.[392] In recent years, one of the core responsibilities of the NCPs has been to feed into the preparation of the *Handbooks on Integration*. The *Handbooks* are prepared by independent experts (the Migration Policy Group) on behalf of the European Commission and seek to facilitate the exchange of information among member states by providing a summary of what they call 'best practices' and recommendations to support practitioners and policy-makers.[393]

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[392] Justice and Home Affairs Council, 2455th Council meeting, Luxembourg, 14-15 October 2002.

[393] The first edition of the *Handbook on Integration* was published in 2004 (J. Niessen and Y. Schibel, *Handbook on Integration for Policymakers and Practitioners*, European Commission, DG Justice, Freedom and Security, Brussels, 2004). It highlighted 'best practices' in civic participation and courses for newly arrived immigrants, along with exploring the use of indicators and benchmarks. The second edition, published in 2007, again contains 'good practices' and 'lessons learned', and includes a thematic focus on practical measures that eliminate inequalities through civic citizenship measures and the acquisition of competences through language proficiency and education (J. Niessen and Y. Schibel, *Handbook on Integration for Policymakers and Practitioners*, European Commission, DG Justice, Freedom and Security, Brussels, 2007). The third edition was published in April 2010 and groups practices under categories that include "the mass media and integration", "acquisition of nationality and practice of active citizenship" and "immigrant youth, education and the labour market" (J. Niessen and T. Huddleston, *Handbook on Integration for Policymakers and Practitioners*, European Commission, DG Justice, Freedom and Security, Brussels, 2010.)

Following the JHA Council conclusions in 2002, the European Commission responded by presenting a Communication on immigration, integration and employment in 2003. Kostakopoulou (2010) notes that this document reproduces the "liberal-multiculturalist paradigm of equality" established in the Tampere discourse on the fair treatment of TCNs.[394] Indeed, the Communication calls for a "holistic approach" to the integration of TCNs, one that considers "not only the economic and social aspects of integration, but also issues related to cultural and religious diversity, citizenship, participation and political rights".[395] It also defines integration as a "two-way process" between the TCN and the receiving society, and establishes a link between integration and employment, identifying immigration as a positive solution to Europe's economic challenges and ageing population.

7.3.1 *Common basic principles for immigration and integration policy*

These themes were picked up and carried forward by the European Council meeting at Thessaloniki in 2003,[396] where heads of state and government confirmed their support for cooperation in this area, recommending the development of a set of common basic principles (CBPs) on integration and inviting the Commission to prepare an annual report on integration. The first such report was adopted in 2004,[397] and the annual reports on integration have since provided a regular overview of migration trends and integration policies in the EU member states, compiled in conjunction with the NCPs.

The adoption by the European Council in November 2004 of The Hague Programme[398] – the second multi-annual programme on the EU's

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[394] D. Kostakopoulou, "Introduction" in R. Van Oers, E. Ersboll and D. Kostakopoulou (eds), *A Redefinition of Belonging? Language and Integration Tests in Europe*, 2010, Leiden: Martinus Nijhoff, p. 13.

[395] European Commission, Communication on Immigration, Integration and Employment, COM(2003) 336 final, Brussels, 3 June 2003.

[396] European Council, Presidency Conclusions of the Thessaloniki European Council of 19-20 June, SN 1163/03, Thessaloniki, 1 October 2003.

[397] European Commission, Communication, First Annual Report on Migration and Integration, COM(2004) 508, Brussels, 16 July 2004.

[398] See Annex I, "The Hague Programme: Strengthening Freedom, Security and Justice in the European Union", in European Council, Presidency Conclusions of

AFSJ for the period 2005–09 – positioned integration (yet again) as a high priority on the Union's agenda. At the same time it affirmed national sovereignty in this domain, stating that "the development and implementation of integration policy is…the primary responsibility of individual member states rather than of the Union as a whole". Even so, the Council underlined the importance of a set of CBPs for immigrant integration policy that could serve as a reference point for the development of current and future integration policies. A list of 11 principles was subsequently adopted by the JHA Council (under the Dutch Presidency of the EU), which may be summarized as follows:[399]

- CBP 1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of member states.
- CBP 2. Integration implies respect for the basic values of the EU.
- CBP 3. Employment is a key part of the integration process.
- CBP 4. Basic knowledge of the host society's language, history and institutions is indispensable to integration.
- CBP 5. Efforts in education are critical to preparing immigrants.
- CBP 6. Access for immigrants to institutions, as well as to public and private goods and services, should be on a basis equal to national citizens and in a non-discriminatory way.
- CBP 7. Frequent interaction between immigrants and member state citizens is a fundamental mechanism for integration.
- CBP 8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
- CBP 9. The participation of immigrants in the democratic process and in the formulation of integration policies should be promoted.
- CBP 10. Integration policies and measures should be mainstreamed across all relevant policy portfolios.
- CBP 11. Clear goals, indicators and evaluation mechanisms must be developed.

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the Brussels European Council of 4-5 November 2004, SN 14292/1/04, Brussels, 8 December 2004.

[399] Justice and Home Affairs Council, 2618th Council meeting, Press Release 14615/04, Brussels, 19 November 2004.

The CBPs reflect the first real attempt at the EU official level to flesh out a common definition – and what some would term 'model' – of what integration means in an EU context. Nevertheless, as noted by Carrera (2009),[400] the list of principles rather appears to offer "a synthesis and compilation" of the various conceptualizations of integration that have appeared in EU policy and legislation during the past decades. The principles laid down are so broad as to be largely symbolic, and could fit almost any national context, policy or integration philosophy (from the most radical acculturation to the broadest intercultural paradigm) in the EU. They provide convincing proof of the argument that there is currently no single, coherent and consensual 'European model of immigrant integration'. Instead they offer a reflection of the varied approaches and competing understandings of integration across the national arenas of the EU member states. The wide scope of the CBPs can be seen as an attempt to accommodate the different public policy responses adopted by the EU member states for managing 'their diversities', whether these are rooted in traditional assimilationist or communitarian approaches.[401]

There is a good deal of debate surrounding the continuing relevance of national, theoretical models on integration, particularly in light of the tendency for approaches and official discourses to evolve with the changing policy context at the national level, shaped by contemporary realities, constructed insecurities and events. The EU itself is not impervious to such shifts. It could be argued, invoking Art. 167 TFEU, which enshrines respect for the diversity of European populations, that the

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[400] Carrera (2009), op. cit.

[401] The migration and citizenship literature alludes to a number of modes of migrant integration, which in turn correspond to differing citizenship models (see D. Kostakopoulou, "'Integrating' Non-EU Migrants in the European Union: Ambivalent Legacies and Mutating Paradigms", *Columbia Journal of European Law*, Vol. 8, No. 2, 2002, pp. 181-201). Broadly speaking, the assimilationist model requires the minority community to abandon important aspects of its identity (ethnic, cultural or religious) and to embrace the culture and values of the host community, a process that is viewed as necessary for political belonging, national cohesion and the preservation of the national identity. The communitarian model places emphasis on the maintenance of a community's distinctive identity, and strives to accommodate migrants' culture, language and ethnic identity. These models are explored in more detail elsewhere in this book.

EU is theoretically based on a multicultural or intercultural model.[402] But the declining popularity of 'multiculturalism' that has been detected throughout Europe, and the emergence of new (restrictive and acculturation-related) conceptualizations of integration in European countries have left their mark on the EU framework on integration.

It is also possible to trace a paradigm shift in the classic EU configuration of migrant integration within the CBPs.[403] Undoubtedly, the list of principles reflect a continuation of the inclusive integration agenda established at Tampere. They highlight the contribution of immigrants to the host society and set out a broad field of intervention, ranging from employment and labour integration, non-discriminatory access to public goods, and the protection of cultural and religious diversity to the promotion of civic and political participation. Yet the CBPs also include entirely new elements emphasizing migrants' obligations to respect the basic values of the EU (CBP 2) and to acquire basic knowledge of the host society's language, history and institutions (CBP 4). The inclusion of these two principles represents an entirely new discourse in the European framework on integration. It is one that echoes the insertion of integration conditions into the Directives on Family Reunification and Long-Term Residence and which chimes with the growing prevalence among an increasing number of member states to introduce 'civic' integration measures on domestic immigration agendas.[404]

The inclusion of CBPs 2 and 4 serves to legitimize and support a notion of integration based on conditionality, whereby newcomers are expected to meet certain mandatory requirements in return for the package of rights and benefits offered by member states. This could be seen to indicate an assimilationist turn in the EU's normative framing of integration, demonstrating the extent to which more restrictive national categories of integration have found their way into the European

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[402] Art. 167 TFEU provides that "[t]he Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore".

[403] Carrera and Wiesbrock (2009), op. cit.

[404] The Commission notes in its *Second Annual Report on Migration and Integration* that "there is a new emphasis on obligatory integration courses, containing both language instruction and civic orientation" (European Commission, Commission Staff Working Document, SEC(2006) 892, Brussels, 30 June 2006, p. 5.

framework.[405] By contrast, Spain's attempt to inject a more 'multicultural' stance into the CBPs by adding an explicit obligation to proactively further migrant languages and cultures was rejected by the other members of the Council.[406]

The new conceptualization of integration that emerges in the CBPs was taken forward and elaborated in the Commission's 2005 Communication on a Common Agenda for a Framework for the Integration of TCNs in the EU. The Communication recommends "[e]mphasizing civic orientation in introduction programmes and other activities for newly arrived third-country nationals with the view of ensuring that immigrants understand, respect and benefit from common European and national values".[407]

This action is just one of a number of practical measures set out in the Communication, which aims at providing guidance on how to implement the CBPs. These actions are divided between those to be implemented at the EU level and those to be undertaken at the national level. The Commission is careful, however, to note that the national level proposals are "indicative and not exhaustive and leave the member states to set priorities and select the actions as well as the way in which they are to be carried out within the context of their own national situations and traditions".[408] This serves as a reminder that the CBPs are not legally binding and their impact relies entirely on the political will of the member

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[405] D. Kostakopoulou, S. Carrera and M. Jesse, "Doing and Deserving: Competing Frames of Integration in the EU", in E. Guild, K. Groenendijk and S. Carrera (eds), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU,* Aldershot: Ashgate, 2009.

[406] See C. Joppke, "Beyond National Models: Civic Integration Policies for Immigrants in Western Europe", *West European Politics*, Vol. 30, No. 1, 2007, p. 4. Cholewinski has also discussed the preference of the EU to call for 'respect' of the language and culture of migrants, rather than making a clear commitment to take more positive measures that would signify a move towards a minority protection regime – a move that member states are reluctant to make. See R. Cholewinski, "Migrants as Minorities: Integration and Inclusion in the Enlarged European Union", *Journal of Common Market Studies*, Vol. 43, No. 4, 2005, pp. 695-716.

[407] European Commission, Communication on a Common Agenda for a Framework for the Integration of Third Country Nationals in the European Union COM(2005) 389 final, Brussels, 1 September 2005.

[408] Ibid., p. 4.

states. The Commission's 2005 Communication also proposed the creation of a European Integration Forum that would bring together stakeholders active in the field of integration at the EU level, as well as a European website on integration, designed to build a pan-European community of integration practitioners. These tools, both of which are now in operation, are geared towards facilitating the exchange of information among practitioners in the member states, and they complement the cooperation and information-sharing activities of the previously established instruments in the framework, including the handbooks, annual reports and NCPs.

7.3.2   European integration fund

None of the instruments described above imply enforceable obligations on the EU member states. These 'soft' policy tools have nonetheless been accompanied by a somewhat harder instrument with the adoption by the Council, in June 2007, of the Commission's proposal for a European integration fund (EIF).[409] The objective of the fund is to enhance member states' national efforts to enable TCNs, and especially those newly arrived, to "fulfil the conditions of residence and to facilitate their integration into European societies, in accordance with the CBPs".[410] The role played by the EIF should not be underestimated. With an overall budget of €825 million, the fund provides for concrete financial incentives to steer member states' integration strategies in a way that ensures their compliance with the CBPs. Essentially, by linking funding to integration programmes, the EIF is able to match policy ambitions with clear results.

Under the EIF budget, €57 million (7%) is reserved for actions at the Community level – initiatives of a transnational nature or actions that are seen to benefit the EU as a whole. Community actions tend to take the form of studies, communication campaigns and transnational networks for information exchange and are managed by the European Commission. Examples of such projects awarded funding in 2009 include the "Immigrants Citizens Survey", which aims at gathering migrants' views

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[409] See the Council Decision of 25 June 2007 establishing the European Fund for the Integration of Third-Country Nationals for the Period 2007-2013 as part of the General Programme "Solidarity and Management of Migration Flows" (2007/435/EC), OJ L 168/18, 28.6.2007.

[410] See Recital 10 of the Preamble and Art. 2.1 of the Decision, *supra*.

and establishing a needs assessment for their integration, and "Migrants in the Spotlight", a project training media professionals to improve the accuracy of media coverage of migration.[411]

The remaining €768 million (93% of the EIF) is distributed among the member states to finance national programmes. These national programmes encompass funding for pre-existing governmental integration and immigration policies as well as co-financing for projects at the local and regional levels, often involving civil society actors. The allocation of funds among the 27 EU countries is determined according to a scale that takes into account the number of legally resident TCNs in each member state. The European Commission has adopted strategic guidelines establishing a framework for intervention that gives priority to the promotion of the CBPs. On the basis of the strategic guidelines, member states present a draft multi-annual programme that will be implemented in annual programmes and which requires approval by the Commission.[412]

When defining their multi-annual programmes, member states are required to target at least three of the four priorities set by the Commission (of which the first and second priorities are mandatory):[413]

1)   implementation of actions designed to put the common basic principles for immigrant integration policy into practice;

2)   development of indicators and evaluation methodologies to assess progress, adjust policies and measures, and facilitate coordination of comparative learning;

3)   capacity building in policy, coordination and intercultural competence in the member states across the different levels and departments of government; and

4)   exchange of experience, good practice and information on integration between the member states.

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[411] European Commission, *European Fund for the Integration of Third-Country Nationals: 2009 Community Actions, Awarded Projects,* DG Home Affairs, Brussels, November 2010.

[412] S. Carrera, *Benchmarking Integration in the EU: Analysing the Debate on Integration Indicators and Moving it Forward,* Bertelsmann Foundation, Berlin, 2008.

[413] See Appendix 7A at the end of this chapter for further details on the four priorities.

With respect to priority 1, the Commission recommends that actions should be "designed to introduce newly-arrived third country nationals to the host society and to help them acquire basic knowledge about the host society's language, history, institutions, socio-economic features, cultural life and fundamental norms and values".[414] Accordingly, among the potential actions suggested by the Commission under priority 1 are developing language tuition, vocational training and civic orientation courses in both the country of origin and the receiving member states. The actions also include setting up information services for job seeking, legal assistance and access to social and economic provisions. In addition is the establishment of structures and mechanisms for consultation with migrant representatives and associations, such as intercultural and inter-religious platforms of dialogue. The latter is consistent with the Commission's emphasis on a partnership approach, with member states required to implement their multi-annual programmes in cooperation with civil society, such as NGOs and migrant organizations, as well as local and regional public authorities.[415]

Despite the framework provided by the strategic guidelines, it must be noted that the European Commission's supervisory role of the fund is limited. The member states enjoy a wide margin of discretion when it comes to allocating funding, and they define, within the priorities set by the Commission, their own criteria for awarding financing to particular projects. Thus, a glance at examples of projects co-financed by the EIF reveals highly varied actions. These range from a 2008 NGO-led project in Poland supporting the cultural and artistic activities of immigrants in Warsaw and a 2007 Greek project implementing educational programmes as pre-departure measures for potential migrants in Moldova, to the UK's use of EIF funds to implement a reform of the government's immigration admission procedures.[416]

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[414] Commission Decision of 21 August 2007 implementing Council Decision 2007/435/EC as regards the adoption of strategic guidelines for 2007-2013, OJ L 168, 28.6.2007.

[415] See Art. 10 of the Council Decision of 25 June 2007 establishing the European Fund for the Integration of Third-Country Nationals for the Period 2007-2013 as part of the General Programme "Solidarity and Management of Migration Flows" (2007/435/EC), OJ L 168/18, 28.6.2007.

[416] Information derived from preliminary research undertaken for the project "Integration as a Two-Way Process in the EU? Assessing the European Integration

These examples provide a taste of the kinds of projects supported by the EIF at the national level. Still, it is hard to draw broader conclusions regarding the use of the fund, given that information on EIF-funded actions by the member states is not systematically gathered and published by the EU. This lack of information makes it very difficult to assess the extent to which activities financed at the national level are actually in line with the guidelines established by the Commission. The absence of a quantitative assessment of national programmes under the EIF should soon be remedied, however, with the publication of the Commission's first evaluation of the EIF scheduled for early 2011.

7.3.3   The continuing immigration–integration policy debate

Running in parallel with the above-mentioned soft law initiatives launched and coordinated by the European Commission, the EU's integration agenda has been driven forward at the intergovernmental level through regular informal meetings held among the ministers responsible for integration in the member states. A ministerial meeting in Potsdam in May 2007 was aimed at renewing the political debate on integration strategies at the EU and national levels and the outcome of the Potsdam discussions fed directly into the JHA Council conclusions two months later, under the heading "Strengthening of Integration Policies in the European Union by Promoting Unity in Diversity".[417] The conclusions supported development of the so-called 'European Modules for Migrant Integration' to provide guidelines and common standards for fostering programmes for newly arrived immigrants and called for the creation of common indicators to be used by member states on a voluntary basis to assess the effectiveness of integration polices. Another key outcome of Potsdam was to launch an exchange of practices among the member states on "intercultural dialogue".[418]

Fund and the Common Basic Principles on Integration", coordinated by the Centre for European Policy Studies, Brussels.

[417] Justice and Home Affairs Council, 2807th Council meeting, Press Release, 10267/07, Luxembourg, 12-13 June 2007.

[418] The JHA Council stated that "intercultural dialogue has become an important instrument in fostering the successful integration of citizens of different origins, culture and religion in Europe and in counteracting racism and extremism".

The link between intercultural dialogue and integration was taken forward in a report drafted by the German government and annexed to the declaration produced by the follow-up ministerial meeting in Vichy in 2008.[419] While no definition of intercultural dialogue was provided, the report put an emphasis on "items such as common related values, the creation of a common identity, the promotion of civic participation through the acquisition of the main national language, etc." It is interesting to note that references to 'values' – both European and national – have appeared with increasing regularity in official EU documents concerning integration and raise a number of questions, including what exactly these values might constitute.

The Vichy Declaration focused on the promotion of European fundamental values, "such as human rights, freedom of opinion, democracy, tolerance, equality between men and women, and the compulsory schooling of children". While this statement refers to a set of standard, 'neutral', liberal democratic norms, often the concept of European values is left undefined and employed alongside terms such as national 'identity' and 'heritage', leaving room for ambiguity. One might question whether the emphasis placed on the migrant 'other' respecting a constructed set of national or European liberal democratic histories, principles and values puts into question the relation of such requirements to the very values they seek to impose, such as cultural and religious pluralism, tolerance and non-discrimination.[420]

The French Presidency in 2008 was keen to seize the political momentum that was building around a future strategy for EU immigration policy.[421] In autumn 2008 the French Presidency presented a European Pact

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[419] Official Declaration of the European Ministerial Conference on Integration, Vichy, 3 and 4 November 2008 (http://www.ue2008.fr/webdav/site/PFUE/shared/import/1103_Ministerielle_Integration/conference_integration_041108_Final_declaration_EN.pdf).

[420] E. Guild and S. Carrera, "Are Integration Tests Liberal? The 'Universalistic Liberal Democratic Principles' as Illiberal Exceptionalism", in R. Baubock and C. Joppke (eds), *How Liberal Are Citizenship Tests?*, EUI Working Paper No. 2010/41, EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies, European University Institute, Florence, 2010.

[421] See European Commission, Communication on the European Interest: Succeeding in the Age of Globalisation, COM(2007) 581 final, Brussels, 3 October 2007; see also European Commission, Communication on a Common Immigration

on Immigration and Asylum, which sought to steer approaches in the development of the EU's Area of Freedom, Security and Justice.[422] The Pact embodies an inherently intergovernmental approach, which has been contrasted with the Commission's earlier June 2008 Communication on a Common Immigration Policy in Europe: Principles, Actions and Tools.[423] Whereas the Commission's Communication places greater stress on the equal and fair treatment paradigm, the Pact mirrors a number of national priorities of the French government in the fields of immigration and integration. For example, the Pact calls on member states to regulate "more effectively" family reunification by taking into account the country's "own reception capacities and families' capacity to integrate, as evaluated by their resources and accommodation in the receiving country and their knowledge of that country's language". This is accompanied by a call for "specific measures…that will stress the respect for the identities of the member states and the EU and for their fundamental values". The Pact served once again to illustrate the ongoing tension between the establishment of a European immigration and integration policy and the perpetuation of member states' competences and power of discretion over these fields. As seen elsewhere, the specific dynamics characterizing the development of the integration agenda, embedded within the EU immigration policy and driven by a strong intergovernmental stance, has favoured the emergence of a new understanding of the integration of TCNs, uploaded from the national models of particular member states to the European sphere.

The common EU immigration policy has thus provided the means to strengthen the nexus between immigration and integration, and to reinforce particular national philosophies and integration policies of a rather restrictive nature. At times, the Commission has been seen to share and endorse more restrictive, national interpretations of integration. This is perhaps explained by the security-oriented agenda of DG Home Affairs

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Policy for Europe: Principles, Actions and Tools, COM(2008) 359, final, Brussels, 17 June 2008.

[422] Council of the European Union, European Pact on Immigration and Asylum, 13440/08, Brussels, 24 September 2008.

[423] See Kostakopoulou (2010), op. cit.; see also S. Carrera and E. Guild, "The French Presidency's European Pact on Immigration and Asylum: Intergovernmentalism vs. Europeanisation? Security vs. Rights?", CEPS Policy Brief No. 170, Centre for European Policy Studies, Brussels, September 2008.

(previously DG Justice, Freedom and Security), which is responsible for the integration dossier within the Commission and which is largely informed by the approaches prevailing in the national ministries of interior and home affairs. It is important to underline that certain, more restrictive elements of national models – notably those attempting to link access to rights and security of residence to immigrants' compliance with conditions (e.g. knowledge of the host country's language and society) – risk coming into conflict with general principles of EU law, such as fundamental rights and non-discrimination, upon which the European project has been built. The new framework established by the Lisbon Treaty and the Stockholm Programme now offers the possibility to counter such tendencies by establishing a stronger role for the EU in integration policy.

7.4 Towards a second generation of the European integration agenda: The Lisbon Treaty and the Stockholm Programme

The publication of the third *Handbook on Integration* in 2010 marked the completion of the set of measures foreseen by the common agenda for integration of 2005. With the consolidation of the first phase of the EU's integration agenda, Commissioner for Home Affairs Cecilia Malmström announced that the Union was "opening a new phase in the active promotion of diversity and migrant integration".[424] This second phase of the EU's integration strategy will take place under a substantially transformed legal and policy context. With the entry into force of the Lisbon Treaty and the adoption of the Stockholm Programme, there is a new legal and policy architecture with which to address some of the dilemmas and difficulties encountered so far in the elaboration of the EU's integration framework.

One of the most important changes brought by Lisbon is that it draws EU initiatives on integration under the formal treaty framework and within the scope of EU legal checks and balances. With the inclusion of Art. 79.4 TFEU, the Lisbon Treaty now provides an express legal basis for the Union to promote the integration of legally resident TCNs:

> The European Parliament and the Council, *acting in accordance with the ordinary legislative procedure*, may establish measures *to provide incentives and support* for the action of Member States with a view

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[424] See "Intervention by Commissioner Cecilia Malmström at the third meeting of the European Integration Forum", Brussels, 24 June 2010.

to promoting the integration of third-country nationals residing legally in their territories, *excluding any harmonisation* of the laws and regulations of the Member States. (Emphasis added.)

Although the new article stops short of providing for the harmonization of national laws on integration, by granting a clear Treaty basis, Lisbon offers the prospect of bringing real improvements to the current soft law framework. Two changes in particular must be highlighted.

First, integration policies will now be governed by the ordinary legislative procedure (formerly the co-decision procedure), giving the European Commission the right of initiative and establishing qualified majority voting in the Council. Crucially, the now binding consultation of the European Parliament could help inject a democratic dialogue that has so far been completely absent from the policy-making process on integration.

Second, the inclusion of a Treaty basis on integration means that this domain will now be brought within the jurisdiction of the Court of Justice in Luxembourg. Previously, activities taking place within the scope of the framework on integration remained (at least formally) outside the system of checks embodied by the EU legal system. Under the Treaty of Lisbon, the validity of the new measures adopted – and their national implementation – could be subject to judicial review and scrutinized for their compatibility with the general principles of EU law,[425] in particular the principles of proportionality and fundamental rights, the application of which should be strengthened by the now legally binding Charter of Fundamental Rights.

The Stockholm Programme, the EU's guidelines for the AFSJ for the period 2009–14, builds on the new configurations provided in the Lisbon Treaty. It offers a renewed policy framework in the domain of immigration and has identified the integration of TCNs as a crucial priority for cooperation during the five years it covers.[426] Among the concrete steps outlined to achieve this objective, Stockholm calls on the Commission to

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[425] T. Trimidas, *The General Principles of EU Law*, 2nd edition, Oxford: Oxford University Press, 2006.

[426] E. Guild and S. Carrera, "The European Union's Area of Freedom, Security and Justice Ten Years On", in E. Guild, S. Carrera and A. Eggenschwiler (eds), *The Area of Freedom, Security and Justice Ten Years On*, Centre for European Policy Studies, Brussels, 2010.

develop an official, joint 'coordination mechanism' – essentially formalizing the status of the current 'quasi' OMC process for integration matters. Furthermore, Stockholm places fundamental rights at centre stage of the EU's integration strategy. Under a new section entitled "Proactive policies for migrants and their rights", the Programme reaffirms the Tampere obligation to grant TCNs a set of rights "comparable to those of EU citizens", emphasizing that "this should remain an objective of a common integration policy and should be implemented as soon as possible, and no later than 2014". Accordingly, it calls on the Commission to review the Family Reunification Directive and particularly the provisions relating to integration measures.

The strong emphasis placed on 'rights' in the Stockholm Programme and the consolidation of the Commission's power in the domain of legal immigration offer a window of opportunity for bringing the European integration agenda back in line with the spirit of Tampere and for reinstating the Union's classic framing of integration in terms of equal treatment and equal rights. It is arguably in this respect that a 'European' role in integration policies holds the greatest potential value, through the articulation of a coherent and rights-based normative vision of integration, one that breaks with the dominant framing of the last years, which has been defined by its links to immigration law and management of the entry and residence of TCNs. A renewed, post-national framing of integration, supported by the Charter of Fundamental Rights and legal principles of non-discrimination, could act as an important counterweight to nationalist narratives that reflect a tendency towards more exclusionary discourses and mechanisms.

Despite the prospects brought by the new landscape of the Lisbon Treaty and the Stockholm Programme, articulating a genuine European policy on integration will not be straightforward. While the framework on integration is now officially covered by EU law, the precise governance mechanisms that will operate in this policy domain have yet to be clarified.[427] Furthermore, some caution should precede the heralding of a new era of European cooperation on integration, given the disjuncture between discourse and action that has come to characterize integration policy at the EU level. Indeed, when looking at the series of multi-annual

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[427] It is worth noting in this respect that current debates on developing indicators of integration are still being held at the informal level of ministerial meetings.

programmes in the AFSJ, from Tampere, through The Hague and now the Stockholm Programme, integration has consistently been ranked among the highest priorities. Although the member states – through the Council – have repeatedly called for greater coordination of national integration policies and EU initiatives in this field, they have shown reluctance when translating intentions into concrete policies.

Nevertheless, the new Treaty competence offers scope for the European Commission, the European Parliament and the Court of Justice to provide an institutional and legal counterweight to the JHA Council, which will no longer constitute the sole actor unilaterally deciding policy priorities in the field of integration. Only time will tell how this new framework will be developed in practice and whether it will generate a strong and consensual narrative on the inclusion of newcomers in EU member states.

Appendix 7A.

Table 7A.1 Priorities of the European Commission's strategic guidelines setting out a framework of intervention of the European integration fund for 2007–13

Priority	Title	Description*	Status
1	Actions to put common basic principles into practice	Actions under priority 1 to primarily target newly-arrived TCNs and may include programmes and activities designed to introduce newly-arrived TCNs to the host society and to help them acquire basic knowledge about the host society's language, history, institutions, socio-economic features, cultural life and fundamental norms and values.	Mandatory
2	Development of indicators and evaluation methodologies	Actions under priority 2 should facilitate the development of clearly-defined objectives and assessment instruments at all levels of integration governance, i.e. national, regional, local and European. This is expected to support the development of common models and standards at EU level.	Mandatory
3	Policy capacity building, coordination and inter-cultural competence building in the member states across the different levels of government	Actions under priority 3 should strengthen capacity at national, regional and local level to develop integration policies based on the CBPs, through for example training, information exchange and stakeholder consultations. Mechanisms should be developed to co-ordinate and exchange information and experiences among the different stakeholders who implement integration policies.	Optional
4	Exchange of experience, good practice and information on integration between the member states	Actions under priority 4 should facilitate the exchange of experience, good practice and information between the member states focusing on, inter alia, ensuring that integration is an important component of policy on economic migration, and on promoting the acquisition of basic knowledge of the host society, its language, history, institutions and respect for the basic values of the European Union. They should also foster cooperation between regional and local authorities from different member states and involve non-governmental stakeholders.	Optional

*Source: Synthesis of Annex to the Commission Decision of 21/VIII/2007 Implementing Council Decision 2007435/EC as regards the adoption of strategic guidelines for 2007-2013, OJ L 168, 28.06.2007, Brussels.

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