

*IMISCOE Working Paper*

**The governance of Islam in Western Europe**

**A state of the art report**

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## 1. Introduction\*

Islam has become a part of the landscape of European societies and has been high on public, political, policy and academic agendas for some time now. Estimates speak of more than 13 million Muslims living in Europe (Buijs and Rath 2002: 2).<sup>1</sup> The vast majority of Muslims living in Western Europe is of immigrant origin. In academic, policy, political and public discourses “Islam in Western Europe” is therefore often spoken of in the light of immigration, of settlement of immigrants and of integration and emancipation processes. The literature on Islam in Western Europe has grown considerably since the late 1980s, and the production of studies has accelerated in the past 10 years.

Overlooking the field of studies on Islam in Western Europe one can distinguish different research traditions and perspectives. One field concerns the dynamic of Islamic beliefs, values, everyday religiosity and practice. These studies analyse types of religious belonging, differences between generations, the possible emergence of a “European Islam”, gender differences, the role of the Internet etc. Researchers working in this field are usually sociologists and anthropologists of religion, or theologians (for a recent overview Peter 2006a). This field of research also includes studies on Muslim theology, Muslim movements (sometimes in a global and transnational perspective), doctrinal and theological differences within Islam in Europe, religious authority, and studies on Islamic fundamentalism, radicalism and extremism. Another field of study concerns the various aspects of the regulation of Islam or “the way in which societies create opportunities for the development of Islam, or oppose them” (Buijs and Rath 2002: 9). The overall dependent variable in these kinds of studies is the different patterns and forms of the “accommodation of Muslim religious needs” (Soper and Fetzer 2005: 23) or - if we focus on the outcomes of these (often contentious) processes - the various forms and shapes of Muslim presence, institutions, organisations and practices in Western Europe. In this field we find studies on issues such as mosque establishment, Islamic faith-based education, the founding of representative Muslim councils, the accommodation of various practices (e.g. dietary prescriptions, ritual slaughtering, burial) and symbols (e.g. headscarves, minarets), religious instruction and religious authorities. This report discusses some of the literature in this second field of social scientific research.

Also in the field of studies on the accommodation and regulation of Islam in Western Europe the number of available studies is massive, and new studies appear at a rapid pace. Therefore this report is out of necessity selective, it does not cover all studies on the above mentioned issues in all Western European countries. To understand how and why the report is selective it is good to spell out its main objectives. This report aims to contribute to the further development of a research agenda for theoretically guided, explanatory and comparative research on the regulation and accommodation of Islam in Western Europe.<sup>2</sup> To develop such

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\* I would like to thank Prof. Veit Bader and an anonymous reviewer of the IMISCOE editorial committee for their comments on an earlier draft of this report. Mistakes and omissions are solely my responsibility.

<sup>1</sup> Some estimates speak even of 15 million, cf. Laurence (2006: 254) and Klausen (2005).

<sup>2</sup> This aim has been formulated in cluster B6 “Ethnic, religious and cultural diversity and related policies” of the IMISCOE network of excellence.

an agenda it might be useful to use the concept of “governance” to analyse various ways and patterns of regulation, steering and accommodation of Islam in Western Europe. The literature on governance is about the analysis of the relationship between state intervention and societal autonomy. Different “modes of governance” can be located on a continuum between public authority and societal self-regulation (Treib et al. 2005: 6). An encompassing definition of governance “implies every mode of political steering involving public and private actors, including traditional modes of government and different types of steering from hierarchical imposition to sheer information measures” (Héritier 2002, cited in Treib et al. 2005: 6). Bader, in an attempt to apply the concept of governance to issues of religion and Islam, defines governance as those “mechanisms of action-coordination that provide active intentional capacities to regulation, co-regulation and self-regulation” (2007b). The shift from a focus on *government* to a focus on *governance* widens the analysis of action coordination beyond the state as an actor and beyond the regulations via legal rules or law-like regulations. To understand the actual process in which “*a society* creates opportunities and obstacles for Islam” we cannot exclusively focus on “*state* accommodation of Muslim religious practice” (Fetzer and Soper 2005: 1, my emphasis M.M.). Introducing the concept governance in studies on the accommodation of Islam also creates opportunities for a type of analysis that goes beyond the study of (formal) legal arrangements, and also looks at practices of application, implementation and interpretation. It includes the systematic study of customs, conventions and agreements that result in specific forms of regulation, and it widens the scope of actors and institutions that might be involved in one way or the other in the actual accommodation of Islam in Europe.

The use of the concept governance might be in particular fruitful and relevant for the study of Islam in Western Europe because of at least four reasons: *first*, this approach can help to come to terms with multi-level institutional systems, both supra- and transnational (i.e. institutional spheres cross-cutting or encompassing the boundaries of nation-states) and sub-national (federal, regional, local). The actual agents and institutions of governmental regulation of Islam in Europe can be found at the level of states, but also at the European level, at regional levels, and at the level of municipalities, city-districts and neighbourhoods. To understand patterns and processes of incorporating Islam and Muslim minorities in Western Europe we need an analytic perspective that takes into account “the changes triggered by the nation-state’s re-embedding in transnational institutional environments” (Koenig 2007b) as well as the importance of sub-national units of government (cf. Frégosi and Willaime (eds) 2001). *Second*, the accommodation of the various aspects of Islamic presence and practice involves a wide range of societal spheres and policy fields and cannot be understood by exclusively looking at “religious policies”. State policies do not only regulate religion in the “religious field” but also in many other fields (e.g. education, employment, enterprise, health) (Bader 2003: 64). As a result several policy fields are relevant for actual forms of accommodation of Islamic practice and presence, and we should also look at forms of regulation emerging because of concerns about urban planning, immigrant integration, welfare, health care, social work, education, security etc. *Third*, whereas the term “government” would almost inevitably lead to the analysis of governments, state-agencies and public authorities,

the term “governance” identifies a wider set of actors, institutions and instruments that play a role in creating specific opportunities and constraints for Islam in Western Europe. Thus we might study what the role is of NGO’s, non-Islamic religious organisations, corporations, school teachers and school directors, neighbourhood committees, prison administrators and staff etc. when it comes to the regulation of Islamic presence and practice. *Fourth*, we should not only take into account transnational institutional settings, but also the transnational dimension of contemporary society and politics. This seems to be extremely relevant when it comes to Islam because Muslims (more than some other religious communities in Europe) live their religious practices in a transnational context “in the triple meaning of demographic migration, of diasporas and of increasingly global public spaces” (Bader 2007b; Bowen 2004: 891; Grillo (ed.) 2004). .

These considerations were taken into account when the scope of this literature review was being defined. A *first* way of selecting the relevant literature to be discussed in this report, was to focus on those studies that introduce and use analytical frames, theories and concepts that seemed most helpful to develop a comparative research agenda. The aim of the report is theoretical, and by reviewing some of the literature it wants to tease out issues, theories and concepts that are promising for the development of an agenda for future research on the accommodation of Islam in Europe. A *second* way of drawing the boundaries of studies included in this report was by focussing primarily on the more recent literature. Several overviews and bibliographic essays on studies on Islam in Europe are already available (cf. Dassetto and Conrad (eds) 1996; Shadid and van Koningsveld 1995; Haddad and Qurqumaz 2000; Buijs and Rath 2002; Blaschke et al. (eds) 2002; Maussen 2005). This report is a contribution to these attempts to keep track of, and reflect upon, ongoing research on Islam in Western Europe. A *third* way of restricting the scope of this report was to focus primarily on studies on the accommodation of Islam in France, the United Kingdom, Germany and the Netherlands, being the four countries with the largest Muslim communities in Western Europe (cf. Vertovec and Peach 1997: 14). Some studies are discussed elaborately, whilst other are only mentioned and included in the bibliography that is added at the end of the report. *Finally*, the report aims to describe and reflect upon the available studies, and not to describe the actual processes of accommodation of Islam or the actual situation of Islam in the various countries of Western Europe.

## 2. Islam in Europe: country studies

Academic research on the “new Islamic presence” and on the “institutionalisation of Islam” in Western Europe began in the 1980s. We might speak of a first wave of publications of country studies on France, the Netherlands, Belgium, and Great Britain in the second half of the 1980s and first half of the 1990s. For France important overview studies were published by Étienne (1989) and (ed.) (1990); Kepel (1987, second edition 1991); Leveau and Kepel (eds) (1988); Cesari (1994) and (1997). Belgium: Dassetto and Bastenier (1984). The Netherlands: Landman (1992); Shadid and van Koningsveld (1990, second updated edition 1997); (1992)

and Shadid and van Koningsveld (eds) (1991); and Rath et al. (1996, English translation 2001). Britain: Anwar (1985) and (1988); Peach (1990); Lewis (1994, second edition 2002); Abedin and Sardar (eds) (1995).

Another important type of early publications were the various edited volumes, which covered the situation of Muslims in several Western European countries, such as Gerholm and Lithman (eds) (1988); Lewis and Schnapper (eds) (1994); Shadid and van Koningsveld (eds) (1996a) and (1996b); Nonneman et al. (eds) (1996); Dassetto and Conrad (eds) (1996); Vertovec and Peach (eds) (1997); Alsayyad and Castells (eds) (1997); and Vertovec and Rogers (eds) (1998). In addition several books (not edited volumes) described the situation of Islam in several European countries, notably by Jørgen Nielsen (1992, updated edition 1995, updated edition 2004) and (1999); Shadid and van Koningsveld (1991) and (1995); and Rath et al. (1996, English translation 2001).

The purpose of these country studies and edited volumes was to provide an overview of various aspects of the accommodation of Islam in Western European countries. They gave insight in the history of processes of institutionalisation, the ethnic and religious diversity and make up of the Muslim population and organisational diversity in each country, and described policies and issues in domains such as mosque establishment, Islamic schools and religious education, and the possibilities for Muslim women to wear the headscarf. Some twenty years later the set of country studies, which aim to map out the situation and history of Islam in the respective countries, has grown considerably.<sup>3</sup>

Besides, there is a growing number of overview studies on countries, which had been less well documented in the 1990s. Because these studies (in English) are presumably less well known, some are mentioned here. **Austria:** Stobl (1997) discusses the legal framework for Islam in Austria, which is in particular interesting because of the legacy of the Austro-Hungarian Empire. Kroissenbrunner (2003) discusses the processes of institutionalisation and organisation among Turkish Muslims in Austria, looking both at the legal framework and at socio-political networks and the role of Muslim leadership. **Belgium:** Foblets and Overbeeke (2002) discuss the importance of state intervention in the process of the institutionalisation of Islam in Belgium, in particular with respect to the legal position of Islam in Belgium and the neutrality of the state (also Torfs 2000). A key issue in this respect was the involvement of the Belgian government in the process leading to the establishment of a Muslim Executive Board. A more general discussion of the situation of Muslims in Belgium is provided in Dassetto (ed.) (1997); Panafit (1999); Kanmaz (2002); Bousetta and Maréchal (2003) and in El Battiui et al. (2004). Bousetta and Jacobs (2006) discuss the consequences of 9/11 for discussions on multiculturalism and Islam in Belgium, taking controversies on the headscarf as a case in point. **Denmark:** Simonsen (2000) discusses the situation of Muslims in Denmark and argues that a phase in which Muslims articulated a discourse of “defensive silence” has since the late 1980s made way for a phase of “creative participation” (see also Simonsen 2002a); Simonsen (2002b) analyses the

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<sup>3</sup> More recent overview studies are: France: Boyer (1998); Krosigk (1999); Ternisien (2004), Laurence and Vaïsse (2006); Frégosi et al. (2006). Britain: Werbner (2002); Ansari (2004) and Modood (2005). Germany: Tibi 2000; Spuler-Stegeman (1998) and (2002); Schiffauer (2000); Amiraux (2001). The Netherlands Rath et al. (2004); Douwes et al. (2005); Maussen (2006).

discrepancies and tensions between constitutional rights and actual religious freedoms for Muslims in Denmark; Mouritsen (2006) discusses public debates on Islam in Denmark, focussing in particular on the issue of Danish nationalism and on the construction of Islam as the “un-liberal other”. **Finland:** Sakaranaho (2006) discusses the situation of Muslims in Finland in a comparative perspective with Ireland. This book describes the establishment of Muslim communities and focuses in particular on issues related to Islam and education. See Martikainen (2000) for a discussion on Muslim groups in the city Turku and an introduction to the situation of Muslims in Finland, including the Tatar Muslim community. **Greece:** Akgönül (2002) describes the religious institutions of the Muslims in Western Thrace, and discusses the legal status of this indigenous Muslim community, which in many respects is unique in Europe. Antoniou (2003) discusses the situation of Muslims in Greece, explaining both the situation of the Muslim immigrant communities and of the indigenous Muslim population. **Ireland:** Sakaranaho (2006) discusses the situation of Muslims in Ireland in a comparative perspective with Finland (see above). Flynn (2006) describes the development of Muslim organisations and institutions in Ireland, focusing in particular on the situation of schools and mosques and on the participation of Muslims in public life and interfaith dialogues. **Italy:** Ferrari (2000a, in Italian) describes the situation of Muslims in Italy, in particular with respect to the legal regime and state-church patterns (also Musselli 2002; Allievi and Castro 2000). Saint-Blancat and Perocco (2005) discuss the ways Muslim representatives adjust to local socio-economic and political situations in Italy, focussing in particular on modes of interaction in Tuscany and Venetia (similarly but focussing on Turin and Trieste see Schmidt di Friedberg 2001). Triandafyllidou (2006) analyses discussions on mosques in Italy on the basis of an analysis of articles in four leading Italian newspapers in the autumn of 2000 (on mosques in Italy also Saint-Blancat and Schmidt di Friedberg 2005, also on visibility of Islam in Italy Allievi 2003). **Norway:** Naguib (2001; 2002) gives an overview of the situation of Muslims in Norway, in particular focussing on mosques (also Vogt 2002). **Portugal:** Tiesler (2001) gives an overview of the situation of the relatively small Muslim community in Portugal (estimated at 30,000 Muslims). Soares Loja (2002) discusses the legal status of the Muslim communities in Portugal, focussing on the regime of state-church relations. **Spain:** Martínez-Torrón (2000) describes the legal position of Islam in Spain. Moreras (2002) discusses the limits and contradictions in the legal recognition of Muslims in Spain (see also (in Spanish) Jiménez-Aybar 2004 and Motilla (ed.) 2004). Zapata-Barrero (2006) discusses the ways deep-rooted negative perceptions of the Moors (“Maurophobia”) are played out in discussions on Muslims in Spain. He shows the ways discourses on Spanish nationhood and on the history of Islam in Spain, the legal framework regulating the relationship between Muslims and the state, intersect around so-called “conflict-zones”, being cases of confrontation that develop when Muslims articulate demands to practice their religion and manifest their religious identity in the public space. Arigita (2006) analyzes the changing profile and structure of leadership in Spain’s Muslim communities, in particular focusing on renewed processes of interaction with the government and the increased public interest following the Madrid bombings.

**Sweden**<sup>4</sup>: Alwall (2002) describes the process of institutionalisation of Islam in Sweden and whether Islam might become seen as a “Swedish religion”, and concludes that Islam is beginning to find Swedish means of expression (also Alwall 1996; 1998, and Stenberg 2002). Other studies concern public debate and anti-Muslim discrimination (Otterbeck 2002; Larsson 2005), mosque establishment (Karlsson 2000), and the development of Islam and the mobilisation of Muslims in Sweden (Sander and Larsson 2002).

More recent (edited) volumes on Islam in Western Europe include Ferrari and Bradney (eds) (2000); Douwes (ed.) (2001); Höffert and Salvatore (eds) (2000); Hunter (ed.) (2000); Dassetto et al. (eds) (2001); Shadid and van Koningsveld (eds) (2002a and 2002b); Yazbeck-Haddad (ed.) (2002); Manço (ed.) (2004); Cesari 2004; Pauly (2004); Grillo (ed.) (2004); Potz and Wieshaider (eds) (2004); Aluffi and Zincone (eds) (2004); Cesari and McLoughlin (eds) 2005; Thériault and Peter (eds) (2006); Modood et al. (eds) (2006); Altermet et al. (eds) (2006); Wohrab-Sahr and Tezcan (eds) (2006); Bader (ed.) (2007); Al-Azmeh and Fokas (eds) (2007); Kilpadi (ed.) (2007).

Finally, I mention some of the recent country studies that are written by or for governments and policy makers at various institutional levels (local, national and EU): **Germany**: Lemmen and Miehl (eds) (2001) *Islamitisches Alltagsleben in Deutschland* (Bonn: Friedrich Ebert Stiftung); *Islam einbürgern. Auf dem Weg zur Anerkennung muslimischer Vertretungen in Deutschland* (2005) (commissioned by Beauftragten der Bunderregierung für Migration, Flüchtlinge und Integration); Spielhaus and Färber (eds) *Islamisches Gemeindeleben in Berlin* (2006) (on Berlin, commissioned by Beauftragter des Senats für Integration und Migration). **France**: Haute Conseil à l’Intégration (2000) *L’islam dans la République*; Open Society Institute (2002) *The Situation of Muslims in France*. Report of the *Commission de réflexion sur l’application du principe de laïcité dans la République* (Stasi commission) (2003); Frégosi et al. (2006) *L’exercice du culte musulman en France : lieux de prière et d’inhumation* (commissioned by FASILD); Report of the *Commission de réflexion juridique sur les relations des cultes avec les pouvoirs publics* (2006). **United Kingdom**: Open Society Institute (2005) *Muslims in the United Kingdom and Voices from the minarets. MCB study of UK imams and mosques* (Muslim Council of Britain) (2006); **The Netherlands**: Waardenburg (2001) *Institutionele vormgevingen van de islam in Nederland bezien vanuit Europees perspectief* (Scientific Council for Government Policy); Phalet en ter Wal (eds) (2004) *Moslim in Nederland* (5 volumes, SCP).

Recent policy related reports comparing several European countries include: Anwar et al. (2004) *State policies towards Muslim minorities. Sweden, Great Britain and Germany* (commissioned by the European Commission); Gallis (ed.) (2005) *Muslims in Europe. Integration policies in selected countries* (commissioned by CRS reports for Congress (US) (country reports on UK, France, Germany and Spain); Cesari (ed.) (2006) *Muslims in Western Europe after 9/11: Why the term Islamophobia is more a predicament than an explanation* (country reports on UK, Germany, France, the Netherlands, Italy and Spain); Open Society Institute/EU Monitoring and Advocacy Program (2007) *Muslim communities in European cities* (includes country reports on Belgium, Denmark, France, Germany, Sweden, the Netherlands and the

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<sup>4</sup> For a recent overview and discussion of the English and French literature on Islam and Muslims in Sweden see Larsson (2006).

UK). Finally, there are the reports of the EUMC, notably the recent report *Muslims in the European Union: Discrimination and Islamophobia* (2006).

### Observations

This brief overview of available country studies shows that the number of studies on the situation of Muslims and Islam in Western Europe is considerable and growing. Describing and analyzing “the history of Islam” or “the situation of Islam” in a monographic country study remains both interesting and valuable, and the same can be said for overview studies and reports that cover several European countries. Still, some observations are in place as to future prospects for these kind of studies as well as to their limitations:

- The analysis and description of all aspects of Islamic presence, institutions, organizational diversity and relevant policies in a particular country has become more difficult as the object of these studies (i.e. the situation of Islam) has become more diversified, more dynamic and better documented. Moreover, the growth of Muslim communities in several countries and the growing number of studies on the situation of Islam in smaller European countries, makes it more difficult for anyone to discuss the “situation of Islam in Europe” in a comprehensive way.
- Overseeing the available edited volumes on Islam in Europe several shortcomings have become visible. *First*, oftentimes the edited volumes do not treat the different countries that are included in a similar way. Typically one will find a chapter on country X dealing with “discussions on headscarves”, a chapter on country Y discussing “education”, and a chapter on country Z about “mosque establishment”. Many edited volumes therefore lack internal coherence and focus. *Second*, a major problem with the existing edited volumes that include country studies is that the comparative analysis is usually superficial and unsystematic. Because of a lack of theoretical framework issues are treated in a dissimilar way, and oftentimes the volumes are “(legal) surveys” that leave the comparative analysis to the reader (Rivers 2001).
- To further develop the country studies and their explanatory and theoretical strengths a number of options are available: *First*, because of the growing complexity and diversity of Islam in Europe it might be useful to develop comparative country studies that focus on specific aspects of Islamic presence or practice (e.g. mosque establishment, religious education etc.). Several recent edited volumes have tried to do this (see below). *Second*, it is possible to further develop the comparative theoretical framework and think of ways to compare a small number of countries more extensively, and/or a larger number of countries in a more focussed way. *Third*, there are good grounds to think more about the kind of “paired comparisons” that might be interesting for country studies. Criteria for these kind of comparisons can be different State-Church patterns, different polity models and different integration policies (cf. Rath et al. 2001; Koenig 2005b; Fetzer and Soper 2005, see below). But other criteria could be considered as well, for example, (a) comparing countries that have a colonial legacy because of their imperial presence in the Muslim World (Britain, France, the Netherlands etc.); (b) comparing countries with

“indigenous Muslim minorities” (Finland, Poland, Greece etc.); (c) comparing countries with specific characteristics because of them having been part of the Ottoman empire, of the Austro-Hungarian empire or under Moorish rule (e.g Spain, Portugal, Austria etc.); or (d) comparing countries with relatively recently established substantial Muslim communities (e.g. Italy, Spain, Portugal etc.). *Fourth*, besides country comparisons it is also possible to vary the level of analysis, comparing the situation of Islam in European municipalities or in federal states and regions.

### 3. Accommodation of Islamic presence and practice: domains and issues

As mentioned above several domains and aspects of the accommodation of Islam in Europe can be distinguished: the accommodation of mosques and houses of worship; schools and religious education; religious authorities, imams and chaplaincies; representative councils and political mobilization; halal slaughtering and cemeteries; and headscarves.<sup>5</sup> In this section I discuss some of the literature in each domain. First I discuss the various issues involved in each domain and discuss some of the relevant literature and mention other available studies. I conclude each section with some observations that are relevant for the development of a research agenda on the governance of Islam in Western Europe.

#### 3.1 Mosques

##### Issues

The establishment of Islamic houses of worship has been one of the key issues in studies on the accommodation of Islam in Europe. We can distinguish different aspects: *first*, the study of the different types of mosques and their societal, religious, socio-cultural and educational functions and meanings. *Second*, studies on various aspects of the accommodation of houses of worship and public policies, for example with respect to public subsidies and support for the establishment of mosques. *Third*, studies on debates and conflicts about mosque establishment and architecture in which mosques are seen as symbols of Islamic presence.

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<sup>5</sup> Three other aspects of the accommodation of Islam in Western Europe could not be included in the report because of time constraints. These are (1) issues of various forms of anti-Muslim discrimination and discourse, and policies that seek to address these issues (see reports by the EUMC 2002; 2005; 2006; International Helsinki Federation 2005; and also Halliday 1999; Allen 2004; Poole 2002; Vertovec 2002; Shadid and Van Koningsveld 2002; Werbner 2005; Deltombe 2005; Manço 2005; Cesari (ed.) 2006; Abbas 2005). (2) Processes of radicalisation and policies to combat radicalism and extremism (see Roy 2004; Kepel 2002; 2004; Khosrokhavar 2003; Buijs et al. 2006; Abbas 2007). And (3) issues of legal pluralism and sharia-rules. See Foblets (1996; 1999); Bowen (2001); Yilmaz (2002; 2005); Salah Eddine Ben Abid (2000) Rohe (2004a; 2004b; 2006); Caeiro (2003; 2006). Also Peters (2006) and the report by the Dutch Scientific Council for Government Policy (WRR) *Dynamics in Islamic activism. Reference points for democratization and human rights* (2006).

## Overview of studies

### *Functioning of mosques in Europe*

Studies on mosques and Islamic practice in Western Europe carried out in the first half of the 1980s often focussed on practices of daily religious life, such as mosque attendance, prayer, or the observance of the Ramadan and dietary prescriptions. Islamic religious practice was marked by the fact that in Europe Islam was an “immigrant religion” (Waardenburg 1988: 8) or a “transplanted religion” practiced in a non-Muslim and secularised context (Dassetto and Bastenier 1984). Mosques and Mosque associations in Western Europe were spoken of as “refuges” or “safe havens” (Diop and Michalak 1996; Nederveen-Pietersen 1997), as “a part of the country of origin”, as “a place of their own” (Mandel 1996), or as “a place of communal identity” (*lieu d'identité communautaire*) (Étienne 1984). Mosques fulfilled these functions primarily for adult men, if only because spaces for women were hardly available in the accommodations.

Researchers observed a search for proper mosques and a diversification of the functions and significances of Islamic houses of worship in Europe since the mid 1980s (cf. Vertovec and Peach (eds) 1997; Nielsen 1992). Shadid and van Koningsveld identified different stages in the history of mosques in Europe, developing from simple prayer halls to full fledged mosques (1995: 23ff.). Mosques often became the centre of networks of migrant organisations and communities, especially when emerging Muslim organisations started to compete with secular ethnic organisations for the representation of interests of migrants. Researchers working in the field of ethnic and migration studies became increasingly interested in the societal role of Muslim organisations and Mosque Committees (e.g. for the Netherlands, France and Germany Doornik 1991; Strijp 1998; Canatan et al. 2003; Canatan et al. 2005; Cesari 1994 and 2004; Pels et al. 2006; De Koning 2007). Other studies focussed on the role of Mosque Committees as one of the earliest and wide-spread forms of social and political forms of organization of Muslim immigrants (e.g. Sunier 1996; Canatan 2001).

### *Mosque establishment: public policies and subsidies*

An important aspect of policy responses to mosque establishment concerns the possibilities of providing public subventions for the founding and refurbishment of mosques, and for specific activities taking place in mosque buildings and/or organized by Mosque Committees. Besides the more formal legal arrangements, various issues must be taken into account to understand the various policies with respect to mosques in European countries and municipalities. *First*, there is the issue of discussing, negotiating and interpreting key constitutional principles such as the separation of State and Church, equal treatment and religious freedom. In the Netherlands, for example, the possibilities of subsidizing the refurbishment of mosques was a hotly debated issue in the late 1970s and throughout the 1980s. National subsidy schemes existed between 1976 and 1983 and some municipalities provided additional funds. An argument that was invoked was that the state had an obligation to guarantee the effective religious freedom of migrant communities.

Another argument was that the genuine “equal treatment” of religious groups implied that ethnic minorities and “new” religious groups should be compensated for historical inequalities and disadvantages (for example because Christian communities had benefited from subsidy schemes in earlier times) (cf. Shadid and Van Koningsveld 1995: 28-34; Rath et al. 2001). A *second* issue relates to existing general regulations for public support and subsidies for the establishment, maintenance and functioning of houses of worship, and discussing how these regulations should be applied to Islamic communities. In many European countries governments abstain from direct support for “religious activities”, “religious buildings” or “religious organizations”, but studies have shown a wide diversity of policies, measures, and decisions with respect to subsidizing mosques. Actual policies resulted from the different ways municipalities and other stake-holders interpreted national legislation and regulations. When it came to subsidizing mosques similar issues became subject to debate in European countries, for example the distinction between direct and indirect subsidies (e.g. tax exemptions for churches, or municipalities giving out real estate for a symbolic amount to religious organizations); defining what should count as “religious activities” as opposed to secular social, cultural or educational activities; defining what are “religious” and “secular” organizations; determining what the significance was of existing regulations to cover the maintenance costs of houses of worship that are part of the national “cultural patrimony” (usually Christian Churches, sometimes synagogues and mosques, for example the remaining Andalusian mosques in Spain and the Mosque of Paris). A *third* issue in political discussions on mosque establishment, relates to different ideas about the wider societal effects of governments financially supporting Islamic houses of worship, or refusing to do so. A recurrent issue in these discussions is the role of the foreign sponsors that are willing to make financial contributions for mosque building in Europe. These foreign sponsors include governments of “countries of origin of immigrants” (e.g. Turkey, Algeria, or Morocco), governments of other Muslim countries (usually Libya or countries in the Middle East), international Muslim organizations or private donors. Many European governments have been inclined to contribute to the costs of establishing mosque in order to hinder the influx of “foreign money” for the establishment of mosques in the West and the (assumed) political and ideological influence that goes with this form of financial support. Some people have argued that governments should acknowledge the claims for recognition of Muslim communities and that contributing to the costs mosque establishment or of activities set up by Mosque Committees can help to mitigate existing feelings of exclusion and marginalization among Muslims. A *fourth* issue in the development of municipal mosque policies and the further accommodation of mosque buildings in European cities involves issues that arise because of other policy concerns, such as urban planning, health, or safety. For example the need to include mosques in zoning plans, the need to discuss plans to built new mosques with the vicinity and non-Muslim residents, or how to relocate mosques because of urban renewal policies. Other issues involve safety and adequacy of houses of worship (parking facilities, fire regulations, hygiene) or mosque design and prevailing standards of architecture and building requirements.

A number of academic studies discuss the above mentioned issues (and others) in different European countries.<sup>6</sup> For the issue of subsidies see notably Nielsen (1992); Shadid and Van Koningsveld (1995) and Rath et al. (2001). More recent studies on financing of mosques include Ferrari and Bradney (eds) (2000); Aluffi and Zincone (eds) (2004); Fetzer and Soper (2005); Koenig (2003); Hafiz and Devers (2005); Frégosi et al. (2006); Maurer (2006). Other studies have looked in more detail at discussions on the role of public authorities when it comes to mosque establishment. In a study on discussions on mosques in Birmingham, Gale analyses how urban planning policy discourses constituted a framework for discussions on mosque establishment in the city. Gale shows how the City Council's stance in relation to the construction of mosques changed over time from an attitude of ambivalence and hostility towards such buildings, to a more recent endorsement of mosques as signifiers of Birmingham as a "multicultural city" (Gale 2004: 31). In a comparative study on public policies on Islam in the French cities Mulhouse and Strasbourg, Frégosi showed how these two municipalities framed the establishment of Islamic houses of worship in radically different terms in the 1990s. Whereas policy makers and politicians in Strasbourg favoured the establishment of a single large Islamic centre in the city which would stand as a symbol of a "French Islam", policy makers in Mulhouse opted for an approach in which the conditions for Islamic practice were improved through the establishment and renovation of several "neighbourhood mosques" (*mosquées de quartier*) (Frégosi 2001a). My own *Policy discourses on mosques in the Netherlands: Contested Constructions* (Maussen 2004) analysed discussions on mosque establishment in Rotterdam. The article argues that in the late 1980s policy makers in Rotterdam started to frame the issue of mosque establishment more and more in the vocabulary of urban planning and urban renewal. Policy makers, Muslim representatives and residents' associations could find a common course of action by seeing mosque establishment as a matter of providing adequate local amenities for the Muslim residents. This agreement became the basis for a local "mosque policy" that was implemented in the 1990s. However, the socio-cultural and political implications of a permanent Islamic presence in – and on- the urban landscape were more difficult to address within these local discourses. This became abundantly clear when newly built mosques, and their minarets, started to be built in the late 1990s. When anti-Islam discourses become more prominent in the Netherlands (not only after the events of 11 September 2001, but also as a result of the electoral success of the late Pim Fortuyn's Liveable Rotterdam party) the symbolism of large mosques became subject to increasingly heated debate. The celebration of diversity that had characterised discourses on mosque architecture in the mid 1990s then gave way to a critique of newly-built mosques as symbols of migrants' nostalgia and nonintegration (2004: 157; also Buijs 1998; Sunier 1996; Rath et al. 2001).

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<sup>6</sup> The issue of mosque establishment and the need and possibilities for public subsidy schemes is also repeatedly discussed in country reports for policy purposes (see above).

*Public debates about mosques*

Studies on the accommodation of Muslim practice in Europe have come across many incidences of public discussions on mosque establishment. Often the establishment of Islamic houses of worship was accompanied by protest of host society actors, such as public authorities, residents' committees, Christian organisations or politicians. The protests and discussions were usually interpreted as illustrative of the obstacles Muslim minorities encountered in their efforts to create a community infrastructure. Opposition against mosque establishment seemed to be inspired by concealed or overt forms of rejection of Islam or protests against the presence of migrant communities. Public authorities discriminated against the demands of Muslim organisations, by refusing to grant building permits for mosque buildings or by objecting against architectural designs which were represented as incommensurate with the built environment or simply as inappropriate. Representatives of conservative Christian organisations and extreme right parties drew upon a normative image of urban space in Europe as marked by a Judeo-Christian culture, in order to protest against the establishment of minarets (Schmitt 2003: 118-120). Especially in France, public authorities had a poor record in this respect: Mayors refused building permits on false grounds, and they obstructed demands of Muslim minorities to establish adequate accommodation for Islamic practice (Kepel 1987; 1994; Boyer 1998). Also in the Netherlands, Germany and Belgium, public authorities repeatedly obstructed mosque establishment (Shadid and van Koningsveld 1992; Beck 2002; Schmitt 2003; Hohmann 2003). In most Western European cities, residents' associations and individual autochthonous citizens drew upon all kinds of *ad hoc* argumentations to protest against mosque establishment. The argumentations of protesting residents usually included more practical concerns about noise pollution or about parking problems, but they also referred to issues related to cultural difference.

In recent years a number of elaborate case studies have been written that primarily focus on the production of meaning in discussions on mosque establishment. In a detailed study of 30 years of discussions on a Turkish mosque in a city district in Southern Rotterdam, Buijs analysed negotiations on the appropriate role and function of the mosque (Buijs 1998; also Buijs and Schuster 2001). Drawing on theories on ethnic competition, Buijs argued that the establishment of the new mosque was also an emblematic issue, around which a wider struggle about scarce resources, about the future of the neighbourhood, and about the sharing of public space by different groups, were played out. Similarly, Lindo analysed public discussions around the establishment of a Turkish mosque in a city district in the West of Amsterdam. The administrators of the sub-district saw the establishment of a large ethno-religious centre – represented by a city district administrator as a “Turkish fortress” - as a threat to public policies intended to develop an integrated multicultural district society. Policy makers favoured the establishment of a smaller house of worship and wanted Turkish residents to participate in the public welfare facilities that were available in the neighbourhoods. The Mosque Committee, however, argued that Turkish residents preferred welfare facilities of their own, and said that it was a fundamental right of Turkish-Dutch Muslim citizens to develop an Islamic centre as they thought appropriate (Lindo 1999, for a recent article on this mosque Sunier 2006c).

Recent studies have also shown how the dynamics of conflicts on mosque establishment depend on the various ways in which mosque establishment and the role and functions of mosques and Mosque Committees, are represented and framed in policy and public debate (see above Rath et al. 2001; Frégosi 2001a; Maussen 2004; Gale 2004). In a study of nearly 15 years of debate on the establishment of a mosque in Lyon, Battegay analysed the ways the symbolic meaning of the new mosque was discursively constructed by Muslim organisations, local and national politicians and representatives of a residents' association. The establishment of a mosque was initially represented as a local matter, involving a balancing of the interests of the Muslim and non-Muslim residents. In 1991 however, the Mayor of Lyon - Michel Noir - reframed the issue in terms of the fundamental rights of Muslims in France to have decent houses of worship. Moreover he argued that the establishment of a Grand Mosque was needed for the development of a "French Islam", and suggested to make the future president of the Mosque Committee into the main municipal spokesman for the Muslim community of Lyon. Thus the Mayor created the political momentum for the establishment of the mosque in 1994 (Battegay 1993 and 1995). Eade analysed discussions on mosques in London as discussions about the ways of belonging of Muslim minorities, arguing that: "The appearance of mosques and community centres has visibly reminded non-Muslims of the expansion of Muslim settlers in certain neighbourhoods. The construction and use of these buildings has been part of a process of making new demands upon public space, a process that has become embroiled with non-Muslim concerns over a visible and audible Muslim presence" (1996: 217). Especially purpose-built mosques are perceived by Muslim and non-Muslim residents as illustrations of the claims of minority communities to participate in the social and physical spaces of urban Europe. At the intersection of changes of the cityscape and discourses on cultural diversity, the establishment of houses of worship are analysed as negotiations over the "ethnic and religious expression of rights to belong in the city" (Gale and Naylor 2002: 389). Several studies now exist that analyse public discussions on Islamic houses of worship in terms of negotiations about cultural diversity, urban landscapes and the societal position of migrant-origin communities (Gebhardt 1999; Gale and Naylor 2002, Naylor and Ryan 2002, Peach 2002; Schmitt 2003, Nasser 2003; McLoughlin 2003; Hütterman 2003 and 2006; Papi 2004).

A recent special issue on *Mosque conflicts in European cities* (Cesari (ed.) 2005) takes the mosque as a focal point to examine the different forms of Islam emerging in European cities and the conflicts and regulations they engender, and analyses the consequences of the visibility of Islam within urban space in terms of public policy, as well as the redefinition of public space to incorporate Islamic elements (2005: 1017). Building on a shared methodology and theoretical assumptions research was conducted in Toulouse and Marseilles (Cesari 2005b), Berlin (Jonker 2005), Bradford (McLoughlin 2005b), Deventer and Driebergen (Landman and Wessels 2005), Lodi (Saint-Blancat and Schmidt di Friedberg). Articles on Mantes la Jolie (De Galembert 2005), Schaerbeek (Manço and Kenmaz 2005) and Birmingham (Gale 2005) were also included. The introductory article by Cesari mentions a number of differences and similarities in mosque conflicts in Europe. Every project that concerns the construction of a mosque entails time-consuming processes in which leaders of the Muslim community must negotiate with local and

regional authorities. The degree and form of resistance against the “islamisation of urban space” depends, amongst other things, on the degree of acceptance Islam enjoys in national and local contexts, the attitude of the municipality, and the demographic concentration of the Muslim population. In France and in Great Britain a new generation of educated Muslim leaders and of a Muslim middle class has advanced the level of negotiation. Resistance to new mosques continues to be strong in countries such as Spain and Italy where Muslim immigration is a relatively recent phenomenon, and in Germany where the realisation of the definitive nature of immigration is relatively recent. Another finding is that mosques in European cities have a new role in organising social and cultural activities aimed at the entire population (Muslim and non-Muslim) of neighbourhoods.

Finally, several studies analyse the meanings attributed to mosque establishment in European cities during colonial times (Morton 1998, Bayoumi 2002, McMaster 2002), sometimes in a comparative perspective with contemporary discussions (Naylor and Ryan 2002; Crinson 2002; Davidson 2004; Maussen 2005; 2007; Roose 2005 and 2006). In a study on the trajectories of meanings of the Fazl Mosque in London since its inauguration in 1926, Naylor and Ryan analyse the changes and transformations in the “appreciation of cultures of empire” in Great Britain in colonial and post-colonial times (Naylor and Ryan 2002). Similarly in France the mosque of Paris was established between 1922 and 1926 by the French State to stand as a symbol of France as a Muslim Great Power and as a monument for the colonial soldiers in the French colonial armies who had died on the European battlefields. Projects for colonial monumental mosques existed in other French cities as well, for example in Marseilles, Lille and Bordeaux in the 1920s and 1930s (Bayoumi 2000; Bergeaud 1999; MacMaster 2002; Bowen 2006; Maussen 2005; 2007).

### Observations

Mosque establishment and the functioning of mosques in European countries has received a lot of attention in studies on Islam in Europe. A few observations by way of conclusion:

- The role of public authorities with respect to mosque establishment and the possibilities for (financial) support remains a key aspect of the accommodation of Islam in Europe. Legal surveys and the comparative study of national regulations should be complemented by in-depth studies of actual negotiations and policies at the municipal and regional or federal levels. Studies should document the multiplicity or normative and constitutional issues, pragmatic concerns and study “best practices”. Many European municipalities are facing similar issues and this makes the comparison of municipalities interesting and valuable.
- Understanding the actual forms of accommodation of mosques in European municipalities, requires insight in the processes of framing in which specific meanings are attributed to houses of worship and in which the appropriate role of public authorities is being defined. Policy making processes are a good focus point for this type of analysis, as is shown in several studies (Frégosi 2001a; Rath et al. 2001; Gale 2004; Maussen 2004).

- Studies on the role of mosques have shown the development and diversification of the functioning of mosques, organisational diversity among Mosque Committees and the different types of mosques that now exist in European countries. Further studies might try and develop in more detail a “typology” of mosques in Europe, based on their different constituencies, their ethno-religious profile, the offer of religious, educational and cultural activities, and on the position of Mosque Committees in the field of migrant organisations and local immigrant integration policies. Moreover, in recent years policy makers in several European cities have shown a renewed interest in the role of religious institutions such as mosques, in the light of immigrant integration policies, the possible role of mosques (and other Muslim faith-based organisations) in providing specific social services (e.g. day care, remedial teaching); and also in the light of anti-radicalization policies. More critically, the study of the kind of “typologies” that are being developed in public and political discourse might become an object of study in itself. Within discourses about the need for “integration” of Muslim immigrants and “domestication” of Islam a vocabulary to speak of mosque in Europe is being developed in which specific types of mosques are defined as problematic and as illustrations of the closing in of ethnic communities on themselves (expressed in figures of speech such as “nostalgia mosques” or “communal mosques”), whereas other types are represented as symbols of integration (expressed in figures of speech such as “Cathedral mosques” or “modern mosques”).
- Mosques are often seen as symbols of Islamic presence. The fact that mosques in Europe have been built in different historical periods and in different settings, creates opportunities for historical comparative research, focussing on architecture (cf. Roose 2005 and 2006) or on practices of representation and regulation (Naylor and Ryan 2002; Maussen 2007).
- A more complex and multi-layered analysis of conflicts and debates about mosque establishment is needed to understand the various forms and degrees of the accommodation of “needs” of Muslims with respect to houses of worship and the different obstacles and opportunities they encounter. There is discussion and conflict about the appropriate role and architecture of mosques in Western Europe, within Muslim “communities” and organizations, as well as between Muslim representatives and neighbouring (non-Muslim) residents, public authorities and other stakeholders.

### 3.2 Islamic schools and religious education

#### Issues

A second domain of the accommodation of Islam and the incorporation of Muslim communities and their needs is education (cf. Daun and Walford (eds) (2004). Several aspects can be distinguished. *First*, the possibilities for establishing Muslim faith-based general educational institutions (primary and secondary schools, higher education and universities), the ways these institutions are

financially supported (public and/or private funding) and the ways the curriculum of these institutions is being established. *Second*, the possibilities for religious instruction in state schools, for example as part of general classes on religious traditions and history, or as possibilities for Islamic religious instruction (for example as part of released-time programs) in schools. *Third*, the accommodation of Muslim needs, values, requirements, wishes and practices in educational institutions, for example provision of halal meals, the wearing of Islamic clothes, school chaplaincy, absenteeism for religious reasons, spaces for worship and possibilities for prayer in schools, religiously motivated requests as to specific classes or activities (e.g. biology lessons, sports, school swimming). *Fourth*, the accommodation of other educational institutions, such as theology courses, specialised centres of Islamic religious learning and training, Muslim broadcasting organizations, manifestations and conferences. These and other aspects are discussed in a number of recent studies.

### Overview of studies

Several studies now exist that describe the situation in different countries, sometimes in a comparative perspective. Dwyer and Meyer (1996) discuss the establishment of Muslim schools in the UK, the Netherlands and Belgium. Rath et al. (2001) discuss both the establishment of faith-based schools and religious instruction in the Netherlands, the UK and Belgium (also Nielsen 1992; Shadid and Van Koningsveld 1995). Fetzer and Soper (2005) compare the situation in France, Britain and Germany. Willaime and Séverin (eds) (2005) discusses the situation of religious teaching in schools in Europe. For recent studies on the situation in Austria and Germany<sup>7</sup> see also Potz (2003); Potz et al. (2005). Belgium: El Battiui et al. (2004). France: see notably the studies by Lorcerie (1994) and Lorcerie (ed.) (2003); Debray (2002); Geisser and Finan (2002); and Willaime (2006). UK: Chapman (1998); Walford (2001; 2002); Parker-Jenkins (2002).

### *Islam and education in the Netherlands*

The situation of Islamic education in the Netherlands is particularly well documented, both in academic studies see for example Rath et al. 2001; Driessen and Valkenberg (2000); Meijer 2006; Vermeulen (2007) and in elaborate reports by the Dutch Inspectorate of Education.<sup>8</sup> I will briefly discuss two recent articles on the Netherlands to indicate what more recent studies on issues of education look like and what lessons for further research they might provide. In *Islamic Religious Education in the Netherlands* Shadid and van Koningsveld (2006)<sup>9</sup> discuss various possible forms of providing Islamic religious education in the Netherlands and the

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<sup>7</sup> For Germany also *Islamischer Religionsunterricht an staatlichen Schulen in Deutschland: Praxis-Konzepte-Perspektiven* (Beauftragte der Bundesregierung für Ausländerfrage, Berlin/Bonn, 2000).

<sup>8</sup> See Inspectorate of Education (1999) *Islamitische basisscholen in Nederland* [Islamic primary education in the Netherlands]; (2002) *Islamitische scholen en sociale cohesie* [Islamic schools and social cohesion] ; and (2003) *Islamitische scholen nadir onderzocht* [A further investigation of Islamic schools].

<sup>9</sup> The article is included in a special issue of *European Education* (volume 38 (2)) on immigration, integration and education in the Netherlands.

different opportunities and obstacles that Muslims encounter in this respect. Islamic religious education can be presented in three ways: *first*, in public schools parents may ask the municipality to create a facility for religious education on school premises and/or subsidize the religious teacher's salary to provide these lessons (in 7% of the public primary schools Islamic religious education is provided); *second*, in Christian primary schools with a substantial number of non-Christian students, there have been attempts to develop an interreligious model of teaching to create a dialogue between various confessions. No Christian primary school has until now created facilities for Islamic religious education; *third*, there are Islamic primary and secondary schools (the number of primary Islamic schools was 41 in total in 2005 (46 in 2006), the number of secondary Islamic schools is 2 (see also Driessen and Merry 2006)). Islamic schools can provide lessons in religious education, as well as express the denominational character of the school through the content of lessons or textbooks. As Shadid and van Koningsveld show, the actual opportunities for Islamic religious education depend on the law (in case the Dutch constitution which guarantees the freedom of education, and the Law on Primary Education); the attitudes of specific municipalities (which can be more or less supportive, for instance in giving financial support for religious education in public schools; cf. also Rath et al. 2001) or other governmental bodies such as the School's Inspectorate; the attitudes of school boards and parents' committees; and the existence and organisational power of umbrella organizations (such as the Islamic School Boards Organization (ISBO) founded in 1990). Moreover, Shadid and van Koningsveld show the importance of the wider public and political debate about Muslim schools. Following political debates on the "anti-integrative tendencies" in the educational activities of these schools in the Netherlands, a new memorandum was presented to the Lower House in April 2004, which stipulated, amongst other things, that Dutch nationality was a condition for membership of Muslim school boards, that new requests for the founding of Muslim schools should be accompanied by a school plan indicating what the school could contribute to the formation of citizenship, and requests as to the development of an adequate method of religious education (2006: 86). This shows not only that the actual interpretation of the law takes place in a wider political context, but also that we have to look beyond the mere regulations to understand various negotiations, which produce relevantly different outcomes of forms of Islamic religious education, and consequently in forms and degrees of religious and educational freedom of Muslims in the Netherlands.

Two other recent articles on Muslim faith based schools in the Netherlands are written by Driessen and Merry (2005 and 2006). In *Islamic Schools in the Netherlands. Expansion or Marginalization* (2006) they compare the prevailing ideas and public statements on Islamic schools in the Netherlands with available empirical studies on the functioning of these schools. Issues of concern in political debate are: the "fundamentalist character" of these schools, the school quality and achievement, foreign interference and anti-integrative tendencies, and the whether these schools contribute to or obstruct the student's willingness to actively participate in and identify with Dutch society (2006: 207-213). Driessen and Merry conclude: "From our review of empirical studies, we can draw the conclusion that students at Islamic schools do not do more poorly than students at schools with a comparable socio-ethnic disadvantage. The concern about the students'

performance being lower at Islamic schools has not been confirmed. However, compared with the students at the average Dutch school, students at Islamic schools lag far behind. This means that Islamic schools have yet to attain one of their central aims, which is to improve the school performance of their students” (2006: 216). Besides the national legislation concerning the founding of schools, the authors also identify a number of other instruments and agents of regulation, in particular the quality standards set by the Ministry of Education prescribing “the subjects to be studied, the attainment targets or examinations syllabi and content of national examinations, the number of teaching periods per year, the qualifications which teachers are required to have, giving parents and students a say in school matters, and planning and reporting obligations” (2006: 216).

#### *Islamic presence and practice in schools*

Another aspect of the regulation of Islam in the domain of education involves the accommodation of various aspects of Islamic presence, practice, religious needs and religiously motivated requests in schools. Two articles are mentioned here. In *Pluralism in education: the display of Islamic affiliation in French and British schools* (2000) Liederman compares the discussions on the headscarf in public schools in France to debates on the funding of Islamic schools in Britain in the 1990s. The author observes that the debates in the press in both countries touch upon common themes such as women’s issues and discrimination. An important difference is that “while in France issues relating to pluralism in education are debated in terms of religions and the principle of *laïcité*, in Britain they are discussed in terms of race and ethnicity, racial discrimination and ethnic relations” (2000: 112). The types of resolutions of these issues also differed because of the different organisation of education in the respective countries (centralised organisation in France contributes to direct government intervention, noncentralized organisation in Britain favours local mediation from Local Education Authorities). In *Laïcité et gestion de la diversité religieuse à l’école publique en France* (2000) Massignon discusses the legal framework and practical measures adopted in French state secondary schools with respect to four examples of religious expression: school chaplaincy, dietary requirements, absenteeism for religious reasons and the wearing of religious symbols (also Willaime and Séverin (eds) 2005; see also below).

#### Observations

- When studying the opportunities and constraints for the accommodation of Islam in the sphere of education a broad definition is needed of different forms and kinds of education and of different types of educational institutions (cf. Bader 2007b). Attention should in particular be paid to the situation of Muslim faith-based schools, religious instruction in schools, religious activities in schools, other educational facilities and the accommodation of Islamic practice and presence in schools.
- More recently education scholars and governmental organisations (such as the Dutch Inspectorate of Education) have taken an interest in the functioning of Muslim faith-based schools in Europe. These studies provide insight in the educational performance, the situation of pupils, organisational structure, the role of parents’ involvement, the content and

character of religious education etcetera. These studies are extremely useful for an empirical description of the actual practice of Islamic education in Europe.

- To explain differences with respect to the accommodation of Islam in the sphere of education a number of nation-specific institutional characteristics should be taken into account. These include amongst other things: State-Church patters; Education Legislation; patterns of structure and organization of education, including parent' involvement and representation of parents in school boards; the organization of public responsibilities for education at different institutional levels (state, federal, municipal); the existence and functioning of institutions such as the Inspectorate of Education (in the Netherlands) or the Standing Advisory Committee on Religious Education (SACRE in the UK); and the existence (or absence) of Muslim platforms and umbrella organisations.
- Public authorities have a number of different instruments of regulation at their disposal with respect to various forms of Islamic religious education. To understand the actual accommodation of Islam we should not only look at State-Church legislation, but also at legislation and regulation with respect to the founding and financing of schools, inspection and control, school's curricula, and the language of instruction in schools. Modes of governing pluralism in education also depends on prevailing models of (immigrant) integration (e.g. pluralist/multiculturalist versus monist/republican/ assimilationist). Moreover, more in depth studies of actual governing practices *within* educational institutions might be useful to understand the significance of nation specific forms of regulation, and relevant differences and similarities (cf. Bader 2007b: chapter 10).
- As is shown in recent developments in the Netherlands the actual opportunities and constraints for Islamic religious education are also influenced by the wider public debate. New studies might shed light on the relations between representations and ideas about Islamic religious education that are being developed in public and political debate in European countries, the prevailing ideas in policy discourse and institutions, and the actual situation and functioning of Islamic educational institutions.

### 3.3 Religious authorities, imams and chaplaincies

#### Issues

A third aspect of the accommodation of Islam concerns various aspects of religious authority, religious care and religious workers. I discuss three aspects of the regulation of Islamic practice in this domain: *first*, the establishment of Islamic religious authority in Europe and the various ways the role, functioning and training of imams has become a subject for debate and regulation. *Second*, the accommodation of the needs of Muslim communities with respect to religious personnel, in particular the prevailing immigration rules for ministers of religion in European countries. *Third*, the various aspects of the accommodation of religious

needs, such as the need for Muslim chaplains, in semi-public institutions, such as prisons and hospitals.

### Overview of studies

#### *Religious authorities and imams*

Several studies are available that discuss the tasks, functions and sociological profile of Muslim religious authorities and personnel in Europe, including: Frégosi (1998); Cherribi (2000); Boender and Kanmaz (2002); Cesari (2004); Boender (2007). A recent special issue on *Authorizing Islam in Europe* by Peter and Arigita (eds) (2006) brings a number of articles together on the theme of processes of authorization of Islam in Western Europe (also Gaborieau and Zeghal (eds) (2004); Krämer et al. (eds) (2006), Van Bruinessen and Allievi (eds) (2006)). Peter and Arigita argue that one reason for the heightened interest in study of Muslim religious authorities is the “widespread political concerns with Islam and its incorporation into European states” (2006: 537). Many policies and training programs relating to “Muslim religious authorities” are directed at imams who are often perceived as “Muslim ministers” with pastoral functions (Van Bruinessen 2003: 6; also Boender and Kanmaz 2002; Kraler 2007 (see below)). In many European countries the need for imam training programs is a hotly debated issue (see Peter 2003; Landman 1996).

In *Good imam bad imam: civic religion and national integration in Britain post-9/11* Birt ironically describes the particular series of attributes attached to the idea of the “good imam” in the UK: “The good imam is now to embody civic virtues, interfaith tolerance, professional managerial and pastoral skills, possibly become involved in inner city regeneration, work as an agent of national integration (most importantly on behalf of his young unruly flock), and wage a jihad against extremism. By contrast, the bad imam has become an agent of divisive cultural and religious alterity to be deterred by multiplying bureaucratic hurdles, defamed, deported or imprisoned” (2006: 687). The role of the good imam has been defined in reference to models of civic religion developed by the Church of England. Birt describes the historical development of the concept “civic religion” in British discourse, which absorbs religious diversity in the higher goal of social integration and moral renewal, and which judges the utility of religion by its performance with respect to government policy imperatives (2006: 692). After 9/11 the official discourse about imams changed dramatically, and policy is being formed within the policy context of interfaith dialogue, community cohesion and counter-terrorism (2006: 693).

For France the work of Bowen (2004a and 2004b) and Peter (2003; 2005; 2006b; 2006c) should in particular be mentioned. In *Une religion civile en quête d'autorités religieuses* (2006b) Peter argues that the emergence of a discourse on an “Islam of France” is closely related to different projects to train imams in France. The idea that a series of reforms should help bring about an “Islam of France” presupposes the construction of a vision of “France” that will serve as a guiding post for these reforms. Peter argues that in these debates the view of a homogenous nature of “France” is privileged, which is represented as fundamentally different from the “countries of origin” of immigrants and the

“Muslim world”. Specific homogenising conceptions of “the West”, “the Muslim World”, “French culture” and “French secularism” are constructed to develop an image of a “European Islam” and to identify the major obstacles to the emergence of a “domesticated form of Islam”. The broad consensus in France on the need for a training of imams in France should be understood in the light of (1) the way the present situation is constructed as a problematic one; (2) ideas about what would be an appropriate way of imams to function in France; and (3) ideas about the societal effects of an increased availability of “French imams”. Peter proceeds to discuss the resemblances between the discourses on integration and on the need for an “Islam of France” and ideas about the situation of young Muslims. The fact that “the young” want to hear a different religious message than their parents is interpreted positively as an illustration of their rootedness in France, but it is also feared as presenting a danger of radicalisation. Representatives of Muslim organisations, such as the Muslim Institute of the Mosque of Paris and the UOIF now present themselves as guarantees to stop radicalism, and argue that there is a need for a hierarchical structure of Islamic religious authority in France.

In *Leading the Community of the Middle Way* (2006c) Peter further discusses the dynamics of this debate about religious authority in French Islam by using Bourdieu’s field concept. The Muslim field, then, is seen as “a relational structure of positions which are defined and in turn determine the agents occupying them as part of the broader distribution of capital, i.e. potential sources of power” (Peter 2006c: 708). Within this field Muslim authorities are engaged in a competition for power. French policies regarding the institutionalization of Islam, especially with respect to the imamate in France and the establishment of a representative body of French Muslims, are seen as stimuli and constraints for the actors in the “Muslim field”. Peter argues there is a fundamental agreement between the French state and the major Islamic federations on the “need to educate ‘young’ Muslims and ensure their successful socialization into French society in order to prevent the spread of ‘radical’ Islam” (2006c: 708).

#### *Imams: admission and training*

Debates on Islamic religious authority in Europe and on the functioning of imams have developed in tandem with attempts to develop regulatory policy instruments in this domain. On the one hand there are several initiatives to create educational institutions to train imams in Europe. A recent report commissioned by the Belgian government provides an overview of the situation of imam training in a number of European countries (Husson 2006). On the other hand governments have looked at possibilities of further regulating immigration of foreign imams and Muslim religious personnel.

In *The Political accommodation of immigrant religious practices – the case of special admission rules for ministers of religion* (2007), Kraler discusses the results of a legal survey on special admission rules for ministers of religion in 8 European countries and Canada.<sup>10</sup> The article gives an assessment of practical needs and the current

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<sup>10</sup> See also ICMPD (2005) *Admission of clergy. Comparative study on the admission of Third Country Nationals for the purpose of religious work*. The study was funded by the Dutch Advisory Committee on Aliens Affairs. For the situation in the Netherlands see De Lange and Hendrickx (2004) and Zondag (2005).

legal situation across Europe and discusses the interlinkages between admission rules and other issues, such as the training of imams, religious instruction in the public school system and more general aspects of the institutionalisation of Islam. In recent years there has been more widespread concern about Islamic ministers of religion, in part because of debates on Islamic radicalism and on immigrant integration. European governments are concerned about the fact that (1) Islamic ministers of religion are recent and often temporary immigrants, who are oftentimes assigned to religious posts by their respective countries of origin or recruited through transnational networks; (2) that they have insufficient knowledge of the country of residence and do not speak the language of the country of immigration; (3) that Islamic ministers of religion are not familiar with the particular issues and challenges migrant minorities are facing in Europe and therefore cannot fulfil a role as community leaders or as interlocutors for governments; and (4) that they will view issues facing Muslims in European societies from the perspective of the society of origin and from a conservative or “Islamist” position, thus undermining the integration process and the “Europeanisation of Islam” (Kraler 2007). European governments have adopted a range of measures to address these perceived problems, for example by establishing institutions of higher learning for the training of imams (in Austria, Belgium, Germany and the Netherlands); by establishing centralized representative bodies; and by changing immigration rules for the admission of clergy. Specific immigration provisions exist for diverging categories of religious workers (e.g. professionals, laypersons, other religious workers) and they involve specific provisions for requirements and permits for work and residence, and integration requirements (such as language proficiency and civic education). Overall the existence of specific provisions for religious workers serves to facilitate the admission of third country nationals and not to obstruct it, because this type of work is seen as different from other types of employment. Migrant communities have a legitimate claim that their religious needs are addressed and to be able to exercise their religious freedom, especially when they are unable to produce sufficient numbers of ministers of religion among themselves. Special admission rules can be tied to formal eligibility criteria (who qualifies as a religious worker), the legal status of faith communities and official recognition of faith communities (which entails the risk of bias against smaller and less well established faith communities) and other conditions for admission, residence and removal. Kraler argues that trends to make admission for (Muslim) ministers of religion subject to tighter controls oftentimes fail to address the underlying reasons and structural conditions leading to the recruitment of foreign clergy, and impose undue constraints on faith communities without achieving the policy objective of “indigenisation” of Islam. Moreover, employment of foreign clergy can be seen as an expression of the inherently transnational nature of faith communities.

Kraler argues that there are important limitations of the legal survey he and his fellow researchers conducted, and suggests some lines of further inquiry to study admission and accommodation of ministers of religions. These are for example: (1) a detailed analysis of the intricacies of administrative practices in this domain and the ways issues of eligibility for preferential treatment as a “religious worker” are dealt with at the level of competent immigration authorities; (2) an analysis of the historical evolution of arrangements for immigrant clergy; (3) an

analysis of the dynamic interplay between local immigrant communities, organised faith communities, the state and other stake-holders (including for example institutions in countries of origin of religious workers, such as the Turkish Directorate of Religious Affairs); and (4) the analysis of further recruitment practices vis-à-vis religious teachers, for example for purposes of religious instruction in public or faith-based schools. The (new) admission rules for foreign Muslim ministers of religion are but one aspect of conscious attempts in various European countries to steer Islam in Europe in a direction of “indigenisation” (Kraler 2007) or “domestication” (Bowen 2004a).

*Islamic spiritual care and chaplaincies in (semi) public institutions*

Another aspect of the accommodation of religious needs and religious personnel involves chaplaincies, for example in hospitals (cf. Levy 2004) or in prisons. In *Muslims in the prisons of Britain and France* (2005) Beckford discusses the findings of a 3-year cross-national research project treatment of Muslims in prison in Britain and France, aiming to study and explain patterns of similarity and difference in the light of the British and French political and legal systems, and with respect to the place of religion in public life.<sup>11</sup> The purpose of the study was to examine the forces that condition the public response to the growth of religious and ethnic diversity. Two alternative hypotheses were tested: *first*, “that Muslims might receive better treatment in a country such as France where, as a consequence of the separation of religion and state, no Christian or other religious bodies can exercise much influence in the public sphere than in Britain where the Church of England is established in law and sometimes influential in public life” (2005: 287). *Second*, that the involvement of the National Church may have opened up more opportunities for minority faith communities to share favourable treatment in public institutions in Britain, whereas French secular republicanism would tend to marginalise them (*idem*). The research included in depth fieldwork and interviews with inmates, prison chaplains, prison officers and administrators in men’s and women’s prisons in Wales and England, and in France. In both countries, Muslims constitute the largest category of prisoners from background other than Christianity (2005: 289). The researchers found some points of similarity in the treatment of Muslim prisoners in both countries: Muslim inmates expressed concern about not receiving authentic halal food; they complain about their unhygienic and unsanitary living conditions, going against Muslim notions of decency and hygiene; and Muslims inmates felt they were the object of discrimination and prejudice compared to the situation of nominally Christian prisoners (2005: 290).

Major differences between the situation of Muslims in French and British prisons concern: (1) the role of chaplains, (2) the space for Muslim activities and (3) the concern about Islamic extremism. As to (1): In Britain Anglican chaplains have acted as “brokers” for other faith traditions over the past decade, but the degree of dependence on this Anglican brokerage has been reduced in recent years. This is because of the appointment of a full-time Muslim Advisor to the Prison

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<sup>11</sup> See the project ‘Muslims in prison: A European challenge’ funded by the Economic and Social Research Council (ROOO 23 8528). See: [http://www.warwick.ac.uk/CRER/research/muslims\\_in\\_prison.html](http://www.warwick.ac.uk/CRER/research/muslims_in_prison.html) (accessed December 13 2006).

Service of England and Wales, which gave prison staff an authoritative point of reference for all questions regarding Muslim inmates. The Chaplain General who took up this position has advocated a multi-faith model of chaplaincy. Finally, the provision for the needs of Muslim inmates has been improved because 23 imams have been appointed as full-time Muslim chaplains (2005: 291). In France the provision of Christian and Muslim chaplains is weak and there is no national co-ordination of imams who visit prisons, no training, no guidance and very little funding is available. According to the researchers this situation might improve because of the formation of a French Council of the Muslim Religion in 2003 (the research was conducted between 2001 and 2004). As to (2): In Britain newly built or refurbished prisons tend to have multi-faith rooms with moveable fittings and symbols (2005: 292). Overall there has been a significant improvement in the facilities and activities available to Muslims in Britain's prisons, and there seemed to be no in-principle objection to the cultivation of a Muslim way of life in prison. In France, by contrast, prisons contain very little space for acts of collective worship, prison directors tend to virtually exclude chaplains from their prison for fear of compromising the principle of *laïcité* and, especially in the case of Muslim chaplains, of encouraging "communalism" or the spread of Islamic extremism. As to (3): the level of perceived threat of Islamic extremism is higher in France, and the number of inmates held for terrorist actions is also higher in France. Besides, the absence of centralised controls, training, funding or co-ordination of imams who visit prisoners in France has had the effect that resources have been sought from Middle Eastern countries, which in turn has aggravated the suspicion among prison officials that foreign interests are fomenting Islamism in French prisons. Finally, French prison officials argue that proselytism should be excluded from prisons and that it should be avoided that collective spaces in prisons are appropriated for "communal" purposes (2005: 294).

When it comes to explaining the important differences between Britain and France with respect to the treatment of Muslims in prison, the researchers argue that their findings support the thesis that the key explanatory factor is the different modes of societal integration, being "the French state's insistence that citizenship admits of no distinctions between ethnic or religious identities in the public realm" and "the British state's recognition that the UK is a community of communities in which ethnic and religious minorities have a large role to play" (2005: 295). The French state's ideology of secular republicanism marginalizes minority faith communities, whereas in Britain the involvement of the National Church in Britain's public sphere has opened up more opportunities for minority faith communities. The researchers argue that recent developments, such as on the one hand the creation of an ministerial working group in Britain to consider the means to achieve greater involvement of faith communities in policy making and delivery and on the other hand the suggestions made by the French Stasi committee, indicate that both countries are "drifting in opposite directions in their respective strategies for responding to the growth of their Muslim population" (2005: 295-296).

The researchers do not oversimplify their explanations by focusing exclusively on the British and French "modes of societal integration", other aspects should be taken into account as well. *First*, the researchers argue that attention should also be paid to *other* relevant differences between the countries, such as the

centralised political system of France, the make-up of the prison population and the Muslim population, and the British and French legal and prison systems. *Second*, the ways nation specific modes of societal integration “determine” the accommodation of Muslim practice and provisions for needs of Muslim inmates is a result not only of regulations, directives, institutions or laws, but also works via the interpretation and application developed by key actors, such as prison directors, officials of the national prison service, or chaplains of other religious communities. Besides, the actual importance of the role of these actors depends on their mandates, and their institutional context (existence of national or regional coordinating bodies, state funding and control). This whole set of interactions should be taken into account to understand why and how “British prisons are much more hospitable toward religion than are their French counterparts” (2005: 292). *Third*, the study of these forms of “accommodation of Muslim practice” is (in this particular study) complemented by an analysis of the experience of being a Muslim prisoner in the respective countries. For further publications based on this research see (Beckford et al. 2005) and Khosrokhavar 2004 and 2005).

The accommodation of Muslim religious needs and chaplains in semi public institutions is also an issue in other European countries. In *Secularization and the role of religion in state institutions* (2003) Furseth, discusses the decline of religion thesis by looking at the role of religion in prisons and the military in Norway. The “secularization thesis” would suggest that on the one hand the power of the Church of Norway is weakened in institutions such as the prisons and the military, and on the other hand, that because of the retreat of religion into the private sphere, religious care will become a matter for each individual prisoner or military personnel (2003: 194). To verify these hypotheses Furseth discusses public policies relating to religious minorities in Norwegian prisons and the Army, and she conducted interviews with prison chaplains in the three prisons with the largest Muslim population as well as with people from the head office of the Norwegian Army Chaplaincy. The established Church of Norway historically provided services to the old institutions of prisons, hospitals and asylums through the local clergy. The Church of Norway still holds a dominant position in the military and prison chaplaincies (2003: 197). Furseth concludes that “although there are some openings for non-Lutheran clergymen to serve as military chaplains, and there are visiting ministers of other faiths, including imams, in Norwegian prisons, there are no signs that there is a withdrawal of the Church’s formal functions within the military or the prisons” (2003: 200). In Norway religious care in prisons and the military is considered to be a matter for prison and military authorities, and the appointed chaplains deliver pastoral and religious care, which is financed with public money. Military and prison chaplains have crucial roles as facilitators in the sense that they enable members of other faiths to practice their religion, and they also function as intermediaries (respectively between the Norwegian Army and the various non-Christian communities of faith and between inmates of Muslim faith, prison directors and the Ministry of Justice) .

### Observations

- The establishment of Muslim religious authorities and personnel is an important aspect of the incorporation and institutionalisation of Islam in

European societies. Understanding the dynamics of these processes requires a simultaneous study of (1) the wider context of global and transnational Islamic discourses on religious authority (2) the ways Muslim authority is being defined in a specific national “Muslim field” (Peter 2006c) characterised amongst other things by doctrinal and organisations diversity, inter-generation differences, and struggles for positions of power and authority among different “religious leaders” and (3) the wider societal and political context in which ideas are being developed about the appropriate functioning of Muslim religious personnel and religious authorities, often in the light of pleas for a further “domestication” of Islam in Europe and of concerns about the need to educate young Muslims.

- The role and functioning of imams has become a focal point for the involvement of governmental agencies. The establishment of imam training and education is being defined in relation to prevailing concerns about immigrant integration, social cohesion, transnational influences, and Islamic fundamentalism and extremism. Thus specific ideas about “good imams” inform practices of regulation and accommodation of Muslim religious authority in Europe.
- An important other form of governmental regulation are special admission rules for ministers of religion. Following the suggestions of Kraler (2007) several lines of inquiry with respect to the accommodation of Muslim religious personnel could be developed: an analysis of the intricacies of administrative practices in this domain and the ways issues of eligibility for preferential treatment as a “religious worker” are dealt with at the level of competent immigration authorities; an analysis of the historical evolution of arrangements for immigrant clergy; an analysis of the dynamic interplay between local immigrant communities, organised faith communities, the state and other stake-holders (including for example institutions in countries of origin of religious workers, such as the Turkish Directorate of Religious Affairs); and the analysis of further recruitment practices vis-à-vis religious teachers, for example for purposes of religious instruction in public or faith-based schools.
- The accommodation of Muslim chaplaincies in hospitals, the military and prisons has become an important issue in European countries. The study of Beckford et al. (2005) provides important lessons on the possibilities for comparative studies into Muslim chaplaincies. Studies on Muslim chaplains in European countries might look at: several nation-specific institutional variables (such as State-Church patterns, modes of national integration, organization of penal system or health care system etc.); at actual practices of interpretation and application of key actors within institutions (directors, officers, staff etc.); at the role of other stakeholders, and notably of coordinating bodies (e.g. advisors to prison services) and of representatives or chaplains of other religions who may act as “brokers” for Muslim communities. The actual accommodation of “Muslim needs” with respect to religious care in these institutions also requires a study of the experiences of Muslims in these institutions.

### 3.4 Representation and political mobilization

#### Issues

A fourth aspect of the accommodation of Islam is representation and integration in the political sphere. This aspect is about “the formation of Muslim political organizations or parties, the recognition of Muslim organisations as dialogue partners, and their participation in advisory and management structures at all levels” (Rath et al. 2001: 9). A typology of Muslim associations was developed in Vertovec and Peach (1997: 28ff.). I will focus here on some recent studies about (1) representative Muslim councils at different institutional level and the institutionalisation of relations between Muslim organisations and public authorities; and about (2) the social and political mobilisation by Muslims in Europe.

#### Overview of studies

##### *Representative Muslim councils*

The various forms of representation of Muslim communities and organisations at national and local levels have been a recurrent topic in studies on the institutionalisation of Islam (e.g. Feirabend and Rath 1996). In recent years a great number of European countries have been involved in efforts to establish representative Muslim organizations and councils (see Messner 1996; Frégosi 1998; 1999; 2001b; Foblets and Overbeeke 2002; Samers 2003; De Galembert 2001; 2003; De Galembert and Belbah 2005; Caeiro 2005; Koenig 2005b; Laurence (ed.) (2005); Laurence 2006; Arigita 2006). In *The secularity of the state and the shaping of Muslim representative organizations in Western Europe* (2005) S. Ferrari discusses initiatives in some European countries to provide a more precise legal status to Muslim communities and the limits within which public administration in secular European states can accompany this process. More in particular the establishment of Muslim representative organizations can be seen as a fundamental step “towards the development of an Islamic community in Europe that is able to establish a fruitful relationship of cooperation with the political and social institutions of nation states” (2005: 11). According to Ferrari states request Muslim communities to provide a representative organization at the national level which is capable of functioning as an interlocutor, to establish effective cooperation on the subject of the teaching of religion in schools, spiritual assistance, the financing of religious institutions and activities etc. This request has a specific cultural and legal background, being that in the secular state the two different institutions which have been placed in charge of disciplining the temporal and spiritual profiles of human life - the Church and the State - should interact through dialogue and cooperation (2005: 13). The formation of Muslim representative institutions is difficult because: (1) Muslim immigration is still a recent phenomenon, numerically considerable and in progress, and suitable representative institutions still have to grow; (2) Muslim communities have shown the tendency to diversify along a multiplicity of lines; and (3) Islam has no tradition of centralized, hierarchical organization and, hence, is ill-prepared to respond to the need for a structured representation at the national level (2005: 13). Nevertheless, many European governments consider that the legal status of Muslim communities should be

consolidated at the national level and that greater cooperation between the state and Islamic communities is necessary for various reasons, including the fear of Muslim communities drifting towards fundamentalism (2005: 14). Ferrari discusses experiments to organize Muslim communities in Austria, Spain, Great Britain, Italy, Germany, France and Belgium. In some countries the legal recognition of Islam was obtained some decades ago and this has made creation of Muslim representative institutions easier (for example in Austria, Poland and Spain). In other countries the establishment of formally recognized representative institutions has been much more difficult. There have been different attempts to establish national representative organizations and councils (e.g. through legal recognition of an institutions that already existed in fact (in Austria) or through democratic elections, as was the case in France). Ferrari argues that European states can channel the process of institutionalization of Islam, including the establishment of relations between the state and Muslim institutions and organizations by fully taking into account three fundamental principles underlying the relations between state and religion: freedom, cooperation and autonomy (2005: 18). Because the request for institutionalization directed at European Muslims concerns primarily the right of cooperation: “the public administration may legitimately request that Muslim communities provide themselves with a structure in the absence of which it is impossible to conduct effective interaction with the state” (2005: 19; cf. also Bader 2007b chapter 8 for a discussion on the dilemma’s of institutionalization).

#### *Political mobilisation*

Another aspect of the accommodation and institutionalisation of Islam in the political sphere concerns various forms of organisation formation, political mobilisation and interest articulation. Several studies discuss the various types of Muslim organisations, their functions and activities (e.g. Bouzar 2004), the existence of ethnic and religious umbrella organisation (e.g. Nielsen 1992; Shadid and van Koningsveld 1995), issues of leadership within Muslim organisations (e.g. Canatan 2001). Another aspect has been the study of organisation formation and mobilisation of Muslims within the perspective of social movement theory, “the politics of identity”, claims making, and political mobilisation (e.g. Sunier 1996; McLoughlin 1996; 2005b; Schiffauer 1998; Nielsen 2000; Werbner 2002; Kroissenbrunner 2003; Bonnefoy 2003; Modood 2003; Ammam and Göle (eds) (2004); Amiriaux 2005; Cesari and McLoughlin (eds) 2005; Modood et al. (eds) 2006). I will briefly discuss some more recent studies on political mobilisation of Muslims in Europe.

Statham et al. (2005) *Resilient or adaptable Islam? Multiculturalism, religion and migrants’ claims-making for group demands in Britain, the Netherlands and France* compares migrants’ claims making for group demands in three countries. Particularist group demands are defined as demands for special group rights, recognition, exemption from duties, and support from the state for cultural identities of migrant groups (2005: 428). Media-based data on public demands in one national newspaper per country were used covering the period 1992-1998. The authors conceptualize the differences between the countries under study in terms of “national variants of cultural pluralism”, being defined as a political contexts consisting of “integration policies” and “the political accommodation of religion” (2005: 432). Based on

these two aspects the countries are placed on a continuum: The Netherlands is said to provide a political context marked by the most open version of cultural pluralism; Britain is said to recognize group rights articulated in terms of racial identity, but not extending privileges to minority religions and Islam; and, finally, the French political context is characterized as one that opposes all differentialism because of its tradition of civic universalism and strict secularism (2005: 432-435).

The findings of this study showed that the proportion of claims-making about groups specific demands remained very modest (2005: 438). Besides, the level of group demands in all three countries was similar. However, the qualitative analysis of Muslims' group demands showed interesting differences. Several dimensions of groups demands are distinguished, including types of groups demands for rights ("exceptional" and "parity"), the motivational impetus of a group demand (pro-active/autonomous and reactive/in response to intervention by a state), action forms (conventional, demonstrative, confrontational, violent) and the strategic orientation of a group demand (acculturative or dissociative). In France, for example, the authors found evidence for the "defensive nature of group demands in response to an assertive state" and observed that oftentimes claims reaffirmed *laïcité* but simultaneously Muslims requested more space for the expression of cultural difference, not political recognition of religion. The authors also suggest that the Dutch state initiated many partronizing initiatives to accommodate group rights, without there being demands from the Muslim community. In Britain there were groups demands that were made within the race relations framework, but the authors think it is unlikely that British multiracial politics can accommodate Islam without ongoing conflicts and debates because of the "secular integration formula" and the assertive and sometimes violent ways of political mobilization by British Muslims (see also Koopmans et al. 2005; Duyvené de Wit and Koopmans 2005).

In *Religion and the political organization of Muslims in Europe* (2006) Warner and Wenner seek to explain why Muslims in Europe have had a difficult time collectively organizing to assert or defend their interests in the public arena, and why there are no dominant Islamic organizations in any Western European country nor any successful pan-European Islamic organization (2006: 457-458). The authors discuss a number of explanations that have been invoked to explain this lack of successful mobilization among European Muslims, such as: (1) the *de jure* exclusion of Muslims from the political process, for instance because most of them are not citizens of the countries they reside in; (2) the low level of religiosity of a large part of the Muslims in Europe might prevent political organization and mobilization around an Islamic identity; (3) constraints of existing institutions and resources that obstruct possibilities for political mobilization and organization of immigrants and/or on the basis of religion (for instance because of the strict separation of state and church); (4) state policy can obstruct specific forms of mobilization. Warner and Wenner argue that these explanations fail to take into account the structure and ideology of Islam itself. They argue that the structure of Islam in Europe impedes collective action because of the decentralized institutional structure of the Islamic faith and because of the diversity of national origins of Muslims in Europe (2006: 458). The second part of the article provides a comparison of Muslim organizations and organizing strategies in contemporary Germany and France. The authors conclude that in both countries Muslims are

divided and the organizations which exist to represent them reflect this diversity of views (2006: 471). This diversity in part results from the decentralized structure of Sunni Islam, but it is also enhanced by the political context of European states: “While European governments try to channel Muslims into representative peak organizations, the broader European context facilitates the multiplication of Islamic groups, rather than their consolidation or unification” (2006: 472). This situation has a number of important consequences. *First*, Islam in Europe is a religion that is vibrant and responsive to its followers and potential followers and the diversity of organizations, structures and goals can cater to the variations in religiosity and socio-political orientations of European Muslims. *Second*, Muslims as a bloc will have little political power and influence over European politics. *Third*, a “serious consequence of ineffectual political representation and interaction is that it facilitates the development of radicalized groups reacting to their sense of exclusion” (2006: 472).

In *Will a million Muslims March? Muslim interest organizations and political integration in Europe* (2006) Pfaff and Gill draw on collective action and the religious economies model to analyze Muslim interest organizations in democratic polities. The general theoretical propositions are applied to a case study of mosque-state relations in the federal state of Berlin, thus aiming to contribute to the study of the dynamics of conventional political engagement among Muslims in Europe. The authors observe that Muslims in Europe and in Germany share the same concerns involving issues such as “resentment of police scrutiny, restrictions on immigration, chronic unemployment, conflicts surrounding the wearing of religious attire, and the availability of Islamic instruction in public schools” (2006: 805). The literature on the sociopolitical integration of Muslims suggests that immigrant organization and political mobilization, and the accommodation of demands and interests of Muslims, depend on institutional variables including state-church institutions and the institutional structure of Islam itself. Building on collective action theory the authors seek to explain “why Muslims have yet to organize broad-based interest organizations” (2006: 807). They argue that “the highly decentralized nature of Islam complicates organizational strategies and creates an environment in which even a minority of cultural separatists (‘spoilers’) can undermine integration. These spoilers will seek to denounce integrationist leaders for assimilationism or secularism, thereby reducing the status and political benefits organizational entrepreneurs would receive in the immigrant community” (2006: 809). This explanation is broken down into three propositions: (1) the decentralized character of Islam imposes high costs of organization, reducing the likelihood of large-scale group cooperation even in the presence of state-provided incentives; (2) broad-based collective action among Muslims will be undermined by separatists that seek to raise the costs of cooperation between the state and the general Muslim population; and (3) Muslim religious leaders will prefer not to organize broad-based interest organizations if state-initiated recognition threatens doctrinal and organizational autonomy (2006: 810-811). The German case-study provides evidence for all propositions. Islam in Germany has a weak and divided voice, which can be explained by looking at institutional features of the German polity and of Islamic religion. Even though most Muslims in the Berlin state have a Turkish ethnic background, they are divided along homeland lines. “Separatists” can build their own organizational milieu drawing on transnational ties, diaspora

organizations and subsidies from the home country, thus undermining state-affirming interest organizations and attempts at further integration into German society and politics.

In *The Islamic challenge: Politics and religion in Western Europe* (2005) Klausen sets out to provide a political anthropology of the new Muslim leaders in Europe. The book is based on interviews with 300 members of “Europe’s Muslim political elite”<sup>12</sup> in Sweden, Denmark, the Netherlands, Great Britain, France and Germany. Klausen’s central thesis is “that Muslims are simply a new interest groups and a new constituency, and that the European political systems will change as the processes of representation, challenge, and cooptation take place” (2005: 3). Besides a broad brushed sketch of some aspects of the accommodation of Islam in the six countries under study, the book focuses on the sociological profile of the new Muslim elites and their opinions. Contrary to the common assumption that native-born descendants of immigrants take the lead in political integration, it turns out that the current political leaders (elected representatives of Muslim background or leaders of Muslim associations and groups) are immigrants (2005: 16-17). Besides, the Muslim leaders often identify with the “new line” in European Muslim politics, with a focus on national politics, emphasis on Muslim unity irrespective of ethnic and religious differences and playing by the rules of national political discourse. The various views on issues such as immigrant integration, gender, multiculturalism or extremism are discussed. Klausen distinguishes four templates for views on religious accommodation based on two basic questions: Is Islam compatible with Western value systems? Should Islamic religious institutions be integrated into existing frameworks regulating relations between church and state. By cross-tabulation four positions are distinguished: secular integrationist, anti-clerical, voluntarist and neo-orthodox (2005: 86-87). It turns out that Muslim leaders have very different views on the matter, but with a few exceptions all Muslim leaders are realists: “their common premise is that Islam is [a] minority religion in Europe, and that Muslims must find their place within the framework of liberal democracy” (2005: 205).

The above mentioned studies try to make use of social movements theory, literature on political mobilization of migrant groups and the “politics of identity” to analyze aspects of the accommodation of Islam in the political sphere and political action of Muslims in Western Europe. The possible problems of drawing on these theories are discussed in an article entitled *Making public space: opportunities and limits of collective action among Muslims in Europe* (2004). Salvatore considers Islam in Europe both from the viewpoint of groups and individuals and from the viewpoint of the “inherent aporias of norms regulating exchange and communication within European public spheres” (2004: 1014). Salvatore criticizes studies that describe the integration and inclusion of Muslims in European societies in terms of (1) the emergence of a “European Islam”, characterized by its orientation towards and enlightened European system of values and/or by the

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<sup>12</sup> Klausen uses a very broad (and contestable) definition of “Muslim elites”, including MP’s and municipal council members with a “Muslim background” and representatives of Muslim organizations and Mosque Committees. This leads her to conclude that the former Dutch MP Ayaan Hirsi Ali is part of this “European Muslim elite” and that the Hirsi Ali case shows that “it is possible for a Muslim to become a high-profile vote getter, in this case, curiously, by attracting the anti-Muslim vote” (2005: 27).

“individualization of religion”; and in terms of (2) claims raising and the politics of identity. He observes that both perspectives - out of fear to essentialize Islam - produce “an essentialization of Europe’s socio-political ‘normality’” (2004: 1022), for example by treating Islam like any other facet of individual choice (thus simplifying the multiplicity of ways of belonging to a religious tradition) or by emphasizing that Muslims are capable of integration and “normal” “European” forms of collective action. In the latter perspective Islamically inspired social action is seen as simply an instance of the current forms of “claims raising in the public sphere” and of the “politics of identity”.

In the *first* place, Salvatore suggests to conceptualize Islam as “a complex tradition in a continual state of transformation” and to study the various interventions to which the Islamic traditions (discourses, institutions and practices) have been subjected since their inception, and the ways these interventions are being authorized (2004: 1016). For example in the second half of the nineteenth century in the major centers of the Ottoman Empire Muslim reformers “examined traditional forms of Islamic reasoning in order to promote education, collective welfare, economic development and public morality” (2004: 1016). Salvatore thus opens up a research perspective that studies (potential) interventions in Muslim traditions in Europe and in Muslim majority societies, for instance around issues of gender and the public sphere. In the *second* place, Salvatore suggests to understand social and political mobilization and conflicts around Islam in Europe in the light of “perennial problems in the policing of the borders between religion and politics and the private and the public spheres” (2004: 1020). The “European formulas for the separation of religions and politics, and private and public spheres”, which are common (i.e. European) despite the varieties of national arrangements for state-church relations or government-religion relations, include the delegitimation of any pretension of religious authorities impinging directly on the political process, the incorporation of the practice of religion in a field with clearly delimited borders, the conception of religion as the “moral engine” of the private sphere, the idea that (Christian) religious institutions may play a role as providers of morality to society as a whole, and the idea that religion is considered only legitimate in the public sphere if it “fosters an ethical stance and helps to bridge boundaries between closed boundaries” (2004: 1020; cf. also Van der Veer 2001). However, Salvatore argues that when looking at the relations between religious traditions and the public sphere before the modern period or from outside Europe “there is no compelling reason to be conceptually tied to the same view of religion as good only if it helps overcome discord and moralizes public life”. Besides, the present-day presence of Muslims in Europe bears a relation both to the history of experience of colonialism and the wider genealogy of religiously inspired violence in Europe (cf. also Asad 1997; 2003).

Salvatore suggests to understand the activism of particularly Muslim women and youth in terms of “the reform and reconstruction of Muslim traditions” (2004: 1013 and 1023). Such an approach requires “a positive notion of religious traditions and a complex conceptualization of the public sphere” (2004: 1021). Thus, in discussing veiling as a public statement of Islamic identity in Europe, Salvatore criticizes “conceptualizing the cultural appropriation of traditions by the Muslim youth exclusively through a post-Protestant dichotomy between spiritual choice and unreflective orthopraxis” and advocates the analysis

of veiling in terms of “a laborious and daily work of reconstructing viable strategies of survival in settings characterized by tensions between different cultures or traditions, and even more between the state’s monitoring and educating functions and the partial autonomy of socio-religious actors” (2004: 1023; also Amir Moazami 2001; Nökel 2001). The activism of Muslim women and youth can also be seen in terms of “the simultaneous process of contesting authority in Muslim traditions within patriarchally dominated domestic spheres and of questioning official dogmas concerning the nature of the public sphere” (2004: 1025). The latter means also that the participation of religious groups in public spheres cannot exclusively be understood in the perspective of the recognition of (religious) rights and demands, because this would from the outset reify religion into a mere “discourse of rights” and implies the use of a definition of the European public sphere which reflects “a notion of secularity not able, by default, to contain the aspirations of Muslims (2004: 1029; also Asad 2003; Bader 2007b chapter 1).

### Observations

- The founding of Muslim representative councils and institutions is an important aspect of the accommodation of Islam in various European countries. Especially the founding of the French Council of the Muslim Religion has been widely discussed in the literature. To understand the various forms of organization and representation of Islam in European countries, future studies could look at: (1) the varieties of forms of co-operation between governments and Muslim organization on different levels; (2) the specificities of Islam in comparison with other religions; (3) the legal and political opportunity structures and their impact on self-definition, claims-making, self-organization, mobilization and strategies; and (4) the various attempts of government (at different institutional levels) to create “representative” and “reasonable” interlocutors.
- The use of theories and perspectives from social movements literature is extremely valuable, because they contribute to a clear theoretical conceptualization of processes of political mobilization and interest articulation of Muslims in Europe, and of the relevant differences between countries and the ways these might be explained. To further develop this theoretical perspective to study the accommodation of Islam in the political sphere three observations are in place: (1) oftentimes it is assumed that there is a self-evident set of “needs” and “claims” made by “Muslims” which leads up to the assumption that there is a self-evident reason for “Muslims” to mobilize as Muslims to articulate and defend their interests and ideas, and that the degree to which Muslims are able to achieve “their objectives” or the degree to which “their interests” are accommodated can be observed in a straightforward way (e.g. by counting the number of mosques or Muslim schools). The idea that there are self-evident “demands”, “needs” or “interests” of “Muslims” should be treated as a hypothesis, and these kind of studies might benefit from a more qualitative study of the actual ideas and needs that are articulated by individual Muslims and grass roots organizations; (2) As Salvatore (2004) has argued the risk of superposing social mobilization theory upon “Islam in Europe”

is that a set of normative assumptions is built into the theoretical framework, including ideas about religion, secularism, “normal political action”, the appropriate forms of political engagement, and about the public sphere; (3) a shortcoming of studies such as Statham et al. (2005) is that they lack causal theories and that the actual relations between the independent variables, i.e. nation-specific institutional characteristics (e.g. Legal and Political Opportunity Structures) and the dependent variables, i.e. outcomes (e.g. forms and degrees of migrants’ claims making, or the accommodation of Muslim needs) are not studied. Usually this gap in the research design is filled with narratives about the “intentions of policy makers”, with some anecdotal “examples”, and with ad hoc explanations (for example relating to differences between Muslims and members of other religions). It might be useful to complement these studies with more in depth case studies describing how institutional characteristics actually come to affect processes of interest articulation, for instance by looking at the internal dynamics of Muslim organizations; and the interpretation of legal and political opportunities by relevant stake-holders, politicians and bureaucrats in concrete processes of negotiation.

### 3.5 Halal slaughtering and cemeteries

#### Issues

A fifth aspect of the accommodation of Islamic practice concerns “other” religious needs and practices, for example the establishment of Muslim cemeteries and the regulation of ritual slaughtering and the provision of “religious food”.

#### Overview of studies

In *New challenges for Islamic ritual slaughtering: a European perspective* (2007) Bergeaud-Blackler describes the integration of Muslim ritual slaughtering into the national legislation of Western European countries and the ways the production of “religious food” has more recently become an issue of consumer rights. Many European countries have included an exemption clause in their laws and regulations for obligatory pre-stunning in the case of religious ritual slaughtering. The accommodation of religious slaughtering was at first an issue concerning the Jewish communities in Europe. Since the 1960s stunning animals before slaughter became compulsory in the majority of European countries. Not much later, due to Muslim immigration, the integration of Muslim religious slaughter into national regulations became an issue. Because of pressure from Muslim communities most European countries integrated Muslim ritual slaughtering into the regulations since the 1970s, and the ways they did depended, amongst other things, on the colonial history (notably in the case of the UK and France), the size of the Muslim community, the quality of migrant/host relations and the sensitivity of nationals to the question of animal welfare (2007). Another development in the 1990s was the development of the market for food intended for religious consumption in Muslim immigration countries. In most Western European countries ritual slaughtering is a contested issue and two dividing lines characterise the dynamics of debates in different countries: (1) in countries that have created exemptions from stunning

this is regularly disputed by a number of actors and militants, whereas countries that have not created exemptions are under pressure to harmonize food and slaughter legislation with EU and global market regulations; (2) in some countries controversies about ritual slaughtering have become public issues, involving defenders of animals, religious organisations, consumer rights' movements and extreme right-wing groups, whereas in other countries the debate remained a matter for experts. Bergeaud-Blackler discusses in more detail the cases of Switzerland and the UK. In Switzerland, a non-member state of the EU, the debate focussed both on the possibility of prohibiting ritual slaughtering without stunning and on the possibility of prohibiting the meat importation resulting from animals not pre-stunned. The latter proposal, however, would act against the principle of non-discrimination in several articles of the GATT Agreement. In the EU slaughter regulation is harmonized, aiming to ensure that food safety and animal standards are identical throughout the EU. The UK case shows an interesting discursive reframing of the issue of religious slaughtering because of wider discussions on consumer rights and food safety, and because of the growth and increased visibility of the markets for foodstuffs intended for religious consumption. Whereas in earlier days discussions focussed on whether Muslims and Jewish communities could legally slaughter according their rites, the discussions are now about whether consumers have the right, if they wish, not to buy and consume meat of animals resulting from non-stunned ritual slaughter (2007). New concerns and regulations concerning the traceability of food and consumer protection have created new opportunities and constraints. Anti- and pro-ritual slaughter lobbies are joining forces to ask for traceability of food intended for religious consumption, and the possibilities of developing a labelling scheme for halal food is being discussed. Agreement on a labelling scheme is made difficult because of uncertainty and disagreement about the degree of animal suffering and the use of stunning, and about the question of the Islamic legitimacy of stunning.

The development of a traceability system and the regulation of the market of food for religious consumption raises new questions and requires new forms of regulation, including issues such as the status of food, need for traceability and labelling controls, differentiating between halal and non-halal food etc. This creates both issues of public and private forms of governance and control, it also involves a reframing of issues of religious rights and freedoms, such as the question "whether ordinary and daily food for religious consumption can be regarded as a 'religious practice'" (2007). Bergeaud-Blackler argues that the European Union and member state have two possible options facing this situation: "Either they abolish the special status of ritual slaughter and renege on their commitment to take specific religious requirements into account, or they apply a 'farm to fork' approach to what I [F.B.] call "food for religious purposes" that is similar, in terms of traceability and labelling, to those that apply to all foods that are subject of ethnical concerns" (2007).

On Muslim ritual slaughtering see also: Kaye (1993); Shadid and van Koningsveld (1992); Brisebarre (1998); Bergeaud-Blackler (2001; 2003; 2004); (Pabel 2002) and the various country studies in Aluffi and Zincone (eds) (2004).

Other studies have looked at public debates about ritual slaughtering, sometimes comparing these debates to discussions on other aspects of Islamic

presence and practice. In *Integrating different pasts, avoiding different futures? Recent conflicts about Islamic religious practice and their judicial solutions* (2004) Wohlrab-Sahr discusses public debates and conflicts about the religious practice and visible presence of Muslim migrants in Western European societies. Law suits relating to Muslim religious practice in public “gain importance not only as instruments of setting disputes and solving conflicts” but also involve specific ways of ordering “the temporal implications of different pasts and possible futures” (2004: 55). Wohlrab-Sahr discusses in more detail the law suits and debates concerning Islamic matters in Germany, in particular a case about a Muslim female teacher who insisted on wearing a headscarf in school (the so-called Ludin case) and the law suit about Muslim butcher who wanted to butcher animals as prescribed by Muslim law. Comparing the two cases Wohlrab-Sahr concludes that they were treated very differently. One reason for this difference might be that the issues involved different social arenas: “Whereas ritual slaughter concerned private enterprises and issues of professional freedom there, the headscarf cases concerned state schools and the professional freedom of teachers (or the freedom of students there)” (2004: 62). However, looking more closely at the distinctions that were made in the course of the political debates and laws suits, and at the processes of social construction of meaning involving the headscarf and ritual slaughtering, reveals remarkable differences between the debates on these two aspects of Islamic presence and practice. These aspects of the debate can be analysed as involving a temporal dimension (distinction of past and future), a social dimension (distinction of ego and alter) and the factual dimension (relating to the question of social differentiation). (1) As to the temporal dimension: the German judges and politicians questioned whether the headscarf was authentically a part of the Islamic tradition, instead it was seen as a future oriented symbol of fundamentalism and of cultural and civilizational distinction; whereas in the case of ritual slaughtering this was seen as an aspect of Muslim tradition and not as an aspect of any kind of “fundamentalist” project for the future. As to the social dimension (2): in contrast to the symbols of other religions (e.g. crosses), the headscarf was considered an objective symbol of religious fundamentalism and the oppression of women, irrespective of the intentions and motives of the person wearing it. In the case of ritual slaughtering there was no such notion of the “objective meaning” of the ritual, nor of the possible interpretation of this act by an external observer. As to the factual dimension (3): the headscarf was seen as a sign of not belonging and cultural distinction, and as a signal of inequality and intolerance. Ritual slaughtering, by contrast, was not treated as an issue outside the religious field, it remained seen as the request of a distinct minority and did not become seen as a symbolic carrier of societal or political projects (2004: 59-64). The framing and social construction of meaning concerning aspects of Islamic practice and presence is a key element in understanding events and conflicts about religious and cultural difference and appropriate ways of accommodating them: “The implicit distinction between past-related and future-related religious practice served as a means to differentiate between what might be culturally acceptable and what might not be. Although up to now the wearing of headscarves in schools has not been accepted as an individual religious right, ritual slaughtering has been” (2004: 65).

With respect to the issue of Muslim burial, there are to my knowledge, only few studies available that are dedicated to this topic in particular. The issue is

discussed in overview studies such as Nielsen (1992); Shadid and Van Koningsveld (1995) and Rath et al. (2001). D'Adler's *Le cimetière musulman de Bobigny. Lieu de mémoire d'un siècle d'immigration* (2005) describes the history of the Muslim cemetery in Bobigny since its founding in 1937. Frégosi et al. (2006) discuss the situation of Muslim cemeteries in France. Jonker (1996) discusses the significance of burial for Muslim communities in Berlin, Burkhalter (2001) analyses public debates about a Muslim cemetery in Geneva. See also Aldeeb (2002); Saint-Blancat (2002).

### Observations

- The studies by Bergeaud-Blackler illustrate the ways the accommodation of (aspects of) Islamic practice can touch upon a variety of policy domains. Within each domain (animal welfare, food safety, religion) specific, sometimes overlapping representations of what is at stake and what are the relevant considerations are being discursively constructed. As a result different forms and modalities of regulation come into play that can be motivated (and contested) in different ways. The legitimacy of opportunities and constraints to the practice of ritual slaughtering, for example, is defined from within a variety of different discourses (religious and political discourses, ideas about public health and consumer rights, ideas about animal welfare). Acknowledging that defining what is at stake is a key aspect of practices of accommodation also means that researchers cannot from the outset argue that what is at stake is “essentially” issues of discrimination of Muslims, or to argue that those who object to aspects or forms of ritual slaughtering are always motivated by anti-Muslim prejudices.
- The study by Wohrad-Sahr shows that different Islamic practices or rituals (ritual slaughtering, headscarves, burial) are discursively represented in very different terms, depending on the wider societal and political context, on the social arena's that are involved and on the positioning of relevant stakeholders and legitimate speakers. These different representations are related to practices of regulation and to whether and how Islamic practices, rituals or symbols are being defined as problematic in public and political debate.

## 3.6 Headscarves

### Issues

One of the aspects of Islamic identity and presence that has attracted a lot of attention in public, political and academic discourse over the past 30 years is the headscarf. Different approaches can be distinguished and I will focus on two: (1) studies on the public debates about the headscarf and its meanings and what we can learn from public discussion in various European countries in terms of representations of and negotiations about cultural, religious, and gender differences, and the ways these debate are illustrative of prevailing forms of discrimination, stereotyping and power inequalities; (2) studies on the regulation of the wearing of the headscarf in specific institutions, mostly in (public) schools, about the various legal approaches to conflicts about the right to wear the

headscarf in Europe, and about different forms of public reasoning around the right to wear the headscarf.

### Overview of studies

#### *Debates on the headscarf*

Mandel's 1989 article *Turkish Headscarves and the Foreigner Problem: Constructing Difference through Emblems of Identity* was one of the first attempts to analyse the dynamics of public contention around the Islamic veil. Focussing on discussions on Turkish Muslims in West Germany, Mandel argued that the headscarf was essentially a polysemic symbol. It was a piece of cloth that carried several meanings which were constructed dialectically between Muslim women and all kinds of other people who interpreted its symbolic meanings. The Islamic veil had become "a locus for many levels of differentiations within the Turkish community and within German society, pointing as well to the more obvious conflicts between Turks and Germans" (1989: 29). The headscarf had come to symbolize Islamic practices of "sexism", the "backward and primitive patriarchal domination of women", and "repression" (1989: 38). It had also come to stand for the unwillingness of foreigners or Turks to assimilate to German societal standards, or for the alleged growing influence of Islamic fundamentalism. Judgements and evaluations about Muslim minorities also became attributed to the symbol. Thus the headscarf itself was talked about as "ugly", "un-German", "alien" or "offensive". But the headscarf had also become a symbol of resistance for young Muslim citizens in the West who protested against enforced assimilation. In research-analytical terms discussions on the veil could be seen as a focus to study how wider issues related to nationhood, identity, cultural diversity or integration and assimilation, were being played out in specific power configurations.

In the more recent *Muslim challenges to the secular consensus: A German case study* (2005) Schirin Amir-Moazami (2005) discusses public debates on the legitimacy of the headscarf in state institutions in Germany. According to the author, the headscarf only became a significant issue in public opinion when it became "visible" as a result of demands for recognition by young Muslims. Debates in the German printed press since 1997 are seen as a "magnifying glass", allowing for an analysis of discourses on Muslim otherness and the self-representations by actors involved in these debates. The article focuses in particular on discussions on the role and place of religion in Germany, on the way in which growing religious plurality constitutes a challenge to this status and on the normative values attributed to the German Basic Law (2005: 267-268). Within the dominant discourse it was argued, for example, that "a teacher wearing a headscarf constituted a threat to the "neutral" character of the constitution, represented to an important degree by the German state school" (2005: 270). In contrast with debates on the headscarf in France, the notion of the "neutral" public sphere in Germany was spoken of in terms of its Christian foundations, related to the claim that secularity is an inherently Christian-based idea. This emphasis on the collective self-understanding of Germany as a Christian-based society also explains why other religious symbols (namely those deriving from Christianity) were not considered a threat to the principles of the constitution. However, there are also voices in the

German debate that refer positively to the French example, claiming that religious matters should be isolated from public institutionalization and in favor of a de-institutionalization of the role of the Christian church. Amir-Moazami shows that in both argumentations the reference to the German constitution served as a marker to denote a common territory, onto which a number of principles could be projected (neutrality, Christian-occidental, tolerance, etc.) as demarcations of the “own” symbolic, cultural and political domain (2005: 272). In the dominant discourse two sets of reflections were used to define the problematic character of the headscarf: *first*, arguments in terms of the “political character” of veiling, arguing that the headscarf was not “Islamic” but that it had a “political” and “missionary” character or that it was a “forced sign, imposed upon women”. *Second*, claims that the headscarf was a symbol of cultural segregation. Amir-Moazami found significantly different interpretations of the role and implications of the German constitution in these debates on the headscarf. In one interpretation the constitution limited religious expressions in public spaces, restricted the principle of religious freedom to the defense of a dominant religion and emphasized the Christian origins and ties of the constitutions. Another interpretation argued that the constitution was a tool against any religious or cultural dominance, opened up spaces for the institutionalization of religious plurality and did not restrict the right to express cultural affiliations to the private domain (2005: 278). Finally, the author argues that the public debates on the headscarf can be considered as mirror images of ongoing struggles around the permanent settlement of Muslims in Europe and their social, cultural and political participation. The dominant discourse is “a symptom for a deep uncertainly vis-à-vis the rising cultural-religious pluralisation in Europe” and an attempt to reconstruct a consensus over welcome and illegitimate variants of religious expressions and norms (2005: 279).

In *Veiling, secularism, and the neoliberal subject: national narratives and supranational desires in Turkey and France* (2005) Gökarişel and Mitchell discuss debates on the headscarf in France and Turkey and the political significance the headscarf has taken on over the past several years. The comparison between the two countries is interesting because of the historical, international networks between the two secular republics, and because of the way both countries are part of supra state organizations and global economic systems (2005: 148). A similar discourse exists in both countries in which veiling is seen as the practice of outsiders who fail to assimilate effectively into the nation’s secular culture. However, in France this outsider is associated with Muslim *maghrebin* immigrants, whereas in Turkey it involves rural migrants who threaten the modern way of life. The authors discuss the ways French and Turkish secularism is constructed, implemented and contested and how this depends on the historical and geographic context. It is shown that the image of an unattached and unbiased neoliberal subject is drawn upon in discussions on the headscarf: “While women and migrants are often portrayed as hampered by the sticky particularities of religious and other place-based ascriptions (and in need of liberation by the institutions of the secular state), urban men are thus simultaneously constituted as free-floating, universalist and modern” (2005: 159). Drawing upon a Foucauldian theoretical perspective the authors also investigate the ways veiling is central to the disciplinary administration of bodies, the regulation of populations and to forms of contemporary neoliberal

governmentality in Turkey and France. The authors argue that state control over women's bodies has been crucial to the secularization and modernization process in Turkey (also Ahmed 1992; Göle 1996; Secor 2005; also on Egypt Mahmood 2004). In France a discourse of protection developed in which Muslim girls and women became subjects of the state in an attempt to "liberate" them from the subjection of home and family (2005: 156).

Dutch scholars Shadid and van Koningsveld have compared debates in different European countries (1995: 86-96). In *Muslim dress in Europe : debates on the headscarf* (2005) they give a more recent overview of various aspects of the issue of headscarves in Europe. They discuss the views of various Muslim scholars on the purpose and function of the headscarf, including the position of the so-called European Council of Fatwas and Research (Shadid and Van Koningsveld 2005: 35-39). The European rules regarding the freedom of religion and the jurisprudence of the European Court of Human Rights in Strasbourg are discussed via an overview of some important cases. Shadid and van Koningsveld conclude that in the jurisprudence of the European court the Islamic headscarf is mainly perceived as one form of the public expression of a religious conviction, related to principles of the neutrality of the state and religious freedom (2005: 42). The authors argue that the discussions on the headscarf have "perpetuated a considerable number of stereotypes about the women who wear them and the religion that prescribes them, as well as about Islam and the attitude of the Muslims towards Western civilization and their willingness to integrate" (2005: 43). Two categories of stereotypes are distinguished: (1) stereotypes that raise doubts about the genuinely Islamic character of the headscarf, or classify it as an expression of religious fundamentalism or as an act of religious propaganda; and (2) stereotypes that consider the headscarf as an expression of the oppression of women, as a sign of unwillingness to integrate and as a lack of loyalty to the public and constitutional order (2005: 43-48). According to the authors stereotypes are also used by Muslim women. The second part of the article discusses legal measures and debates on the headscarf in the Netherlands and Belgium. The authors conclude that the European Court has not questioned the religious status of the headscarf as a genuine Islamic obligation, while some courts in Belgium and many commentators in political debates across Europe have done so. The arguments used by opponents of the headscarves are "mainly based on stereotypes" that reveal political attitudes of acceptance or rejection of Islam. Thus the headscarf has become the central symbol expressing cultural distance between different groups and instrument of stigmatization and of justifying the penalization of Muslim individuals and groups (2005: 60-61). Shadid and van Koningsveld conclude that those who focus on the headscarf as a problem "obviate the need to address more critical issues" (2005: 61; for a similar argument see Shadid and van Koningsveld 1992; 2002)

Many of the themes and issues that arose in the above mentioned debates can also be found in other European countries. See: Gaspard and Khosrokhavar (1995), Panafit (1999); Dwyer 1999; Molokotos Lieberman (2000a and 2000b), Killian (2003); Amiraux (2003); A.Ferrari (2004); Oestreich (2004); Balibar (2004); Wohlrab-Sahr (2004); Tévanian (2005); Lorcerie (ed.) (2005); Thomas (2005).

*Legal perspectives*

In *Banning the Jilbab: reflections on restricting religious clothing in the light of the Court of Appeal in SB v. Denbigh High School* (2005) Gareth Davies observes that there is a “wave of bans and restrictions on religious clothing” in Europe. Despite the fact that each law and judgment takes place in a specific national legal context, the underlying issues are the same, being: (1) “religious freedom and equality come into contact with a fear of extremism and a desire to exclude religion from the sphere of the state or workplace or school” (2005: 512); and (2) the debates are all about Islam. Davies argues that the legal structure of the situations should be similar because national actions and rules need to fit within article 9 of the European Convention of Human Rights (ECHR) which sets out the permissible reasons for restriction on religious freedom. In an attempt to study the actual level of harmonization of European law on religious freedom and equality, Davies focuses on an English case concerning a student who wanted to attend school wearing a jilbab, which the school refused. Commenting on this case the author concludes: “What is striking is how weak the legal arguments for restricting religious clothing are. If one accepts the disciplines of human rights law, it is very difficult to show that the wearing of particular clothes represents a threat to any important interests. The threat is from extreme or unfair behavior, but proving that clothes entail behavior is, however much it may have political currency, extremely difficult to do – perhaps because it is often not in fact the wearers themselves who are seen as the danger but their communities, and above all their menfolk, yet judging an individual by their group is a fundamental rejection of human rights” (2005: 528). Davies raises the question whether Europeans are actually prepared to accept Islam and afford Muslims the same respect that they would to milder or more familiar beliefs, something which follows from article 9 ECHR and other religion-neutral guarantees of religious liberty. If not, it might well be that “Europe has tied itself to principles that it does not believe in, and its legal systems are now being strained by the resulting tensions” (2005: 528). For other studies on legal aspects of “headscarf affairs” see Davies (2005), Schiek (2004), Beller (2004), Gunn (2004) Mahlmann (2003) Gerstenberg (2005), Gallala (2005); Langenfeld and Mohsen (2005).

*Public reasoning and regulating headscarves in institutions*

In *Headscarves in the policeforce and the court: does context matter?* (2006) Saharso and Verhaar explore the possibilities of a contextual approach to questions of tolerance in conflicts about headscarves for police-officers and teachers in public schools in the Netherlands. The authors discuss a case brought before the Dutch Commission on Equal Treatment, concerning a trainee who insisted on wearing the headscarf and a primary school who insisted that she remove it, and the public debates about a plan to allow uniformed police-officers to wear a headscarf. The authors compare a deductive style of moral reasoning to a contextual style. Whereas the former is based on general principles that are applied to specific cases, the latter style of reasoning includes sensitivity to a range of issues that are relevant for specific cases, such as the meaning principles such as neutrality and autonomy acquire in the Dutch educational system or in the Dutch police-force. The authors conclude that a contextual approach offers more possibilities to take seriously the

actual particularity and complexity of moral reasoning, that it creates opportunities to arrive at reasonable agreements that can amount to “peace” (see also Saharso and Verhaar 2004).

In *Why the French don't like headscarves. Islam, the State and Public Space* (2006), John Bowen develops an “anthropology of public reasoning” on issues of state, religion, Islam and public space in France.<sup>13</sup> Focusing in particular on discussions on the headscarf, Bowen describes particular “collective narrative habits, which shape the ways in which members of a society attempt to resolve problems” (2006: 5). Bowen asks “how French public figures understand the proper relationships among religion, the state, and the individual, and show how they justify their arguments and policies in terms of concepts such as *laïcité*, Republicanism, and equality” (2006: 3). French Republicanism constitutes a way of thinking in which living together in a society requires agreement on basic values, and in which the state is required to construct institutions and policies designed to integrate newcomers into French society by teaching them certain ways of acting and thinking (2006: 11). Bowen distinguishes three characteristics of French ways of talking about issues of contemporary social life: the tendency to look for continuities in French history in order to explain contemporary policies; the idea that the state is expected to regulate and protect both public order and the freedom of the individual; and the importance of the distinction between organized religion (*culte*) and religion (faith, belief, *croyance*) (2006: 19-20). In the French political model, then, the state oversees the common good and organizes religion. In a chapter entitled “Regulating Islam” Bowen describes the “every day politics of practical *laïcité*” in three cases: the state’s role in financing mosques, the development of Muslim sections in cemeteries, and the creation of the French Council on the Muslim Religion.

Bowen’s book contributes to the understanding of French responses to what became a symbol of Islam (i.e. the headscarf), and in particular to understanding the reasons and political forces leading to the establishment of a law against religious signs in public schools in 2004. The concern about the headscarf in France can be understood by seeing how “a bit of cloth” became linked to three major social concerns: about communalism (the closing in of ethnically defined communities on themselves); about Islamism (a political project to reshape public life around Islamic norms) and the denigration of women (sexism). Banning the veil in order to defend *laïcité* became a way for politicians to show that they were responding to France’s new enemies (2006: 242-243). The history of the law against religious signs in public schools was also a result of a particular way of framing the issue in French media. What seemed to be at stake were fears “that the emergence of a public Islam challenges the particular institutions that guarantee life together in the Republic – a public space from which ethnic, religious, and other characteristics are erased, and the public schools that model for their pupils the erasure of differences and the collective embrace of the Republic” (2006: 246). The latter issue is intimately related to the ways newcomers to France should “integrate”. The ways Muslims in France demand the right to be visibly different is part of a contentious struggle over cultural notions of France, over differences

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<sup>13</sup> For the development of this approach see Bowen 2003 on Indonesia.

between citizens and residents of which the state should take account, and over what is “acceptably French”.

### Observations

- Discussions on the headscarf are a rewarding “magnifying glass” to study representations of a variety of differences (gender, religion, culture etc.), stereotypes, and discourses. Oftentimes these studies have focused on “public debate” (usually in newspapers), but it might be interesting to compare different arena’s of discussions (other than media debate) in order to juxtapose competing and overlapping interpretations on the significance of the headscarves, motivations for wearing the headscarf, varying representations about different types of headscarves etc. In particular attention could be paid to discussions occurring within specific settings and institutions (such as schools, hospitals, police forces, courts etc.) and the ways Muslim and non-Muslim students, teachers and administrators go about negotiating cultural and religious diversity in these institutional settings. To come to grips with the various aspects of practices of representation researchers should not from the outset argue that the headscarf is in essence a “non-issue” and that those who argue otherwise simply reproduce “stereotypes” and “prejudices” (cf. Shadid and van Koningsveld 2005)
- Studies on legal dimensions and court cases on headscarves constitute a good opportunity to study actual processes of what Koenig calls “legal transnationalism” (2007b). The suggestion by Davies (2005: 528) that Europe has tied itself to principles that it does not believe in and that national legal system are now being “strained” because of the European Convention of Human Rights suggests that there is ample opportunity to use (legal) controversies over the headscarf to study (1) converging and diverging interpretations of religious freedom, secularism, non-discrimination etc. in European countries; (2) the effects and consequences of transnational and European normative and legal pressures in the domain of religious governance; and (3) the ways legal reasoning and judgments develop in relation to wider public and political debate in different European countries.
- Also when it comes to headscarf, studies that focus on the complexities of public reasoning and on the intersections between practices of representation (and their wider political and societal context) and practices of regulation, are extremely interesting (Bowen 2006). Building on these studies new research might help to understand (1) the variety of meanings attributed to “a bit of cloth” by various actors in different institutional settings; (2) the relations between *representations* and specific *forms of regulation* of the wearing of headscarves in specific institutions (schools, courts, police forces) and with respect to different functions (teachers, school directors, judges, court clerks, lawyers, civil servants, doctors, police officers etc.) and the motivations of these forms of regulations; (3) the actual forms of negotiation and accommodation within schools and the ways administrators, teachers and students go about interpreting abstract

principles, religiously motivated demands and more pragmatic concerns on a day to day basis; (4) comparing the accommodation of symbols of Islamic identity and culture to that of other signs of cultural or religious affiliation.

#### **4. Governance of Islam in Europe: explaining patterns and outcomes**

This section discusses studies that have tried to compare and explain different features of the accommodation of Muslim socio-religious needs in Western Europe and to develop theories that allow for systematic description, comparison and historical explanations. Most studies have focussed on national variations and the historical context of the emergence of state-church regimes and national modes of integration. More recently studies have also tried to come to grips with the transnational, European and subnational aspects of the governance of Islam in Europe. In the conclusion of the report (section 5) I will try to integrate the various lessons from this literature review for a future agenda for studies on the governance of Islam in Western Europe.

##### **4.1 Opportunity structures, institutional state-church patterns and states**

The actual implications of different national State-Church regimes in Europe for the accommodation of Islam are described in a number of survey studies and edited volumes, notably in a volume entitled *Islam and European legal systems* by S. Ferrari and Bradney (eds) (2000). This volume contains case studies on the legal status of Islam in Spain, Belgium, France, the Netherlands, Germany, Italy and the United Kingdom. A more recent volume is called *The legal treatment of Islamic minorities in Europe* by Allufi and Zincone (eds) (2004) and includes overviews of the situation in Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Portugal, Spain, Sweden, the UK and Romania (cf. also Potz and Wieshaider (eds) (2004). These volumes are useful as overview studies and legal surveys, but they do not provide a theoretical framework to explain and systematically compare the differences in the actual patterns and dynamics of the accommodation of Islam in the respective countries. Here I will discuss a number of studies that seem more helpful for that purpose.

In *Western Europe and its Islam* (2001) Rath et al. study the responses to the demands of Muslim for recognition of their religion and its institutions in the Netherlands, Belgium and the United Kingdom. The development of Islamic religious communities and institutions in Western Europe is seen as the outcome of interactions between Muslim immigrants and the society in which they find themselves (2001: 2). The study focused in particular on the process of institutionalization of Islam in the Netherlands, being the “social process of the origin and development of institutions”, which was then put in a comparative perspective with experiences in the UK and Belgium. The creation of Muslim institutions in different spheres of life was studied, including: the religious sphere (e.g. religious leaders, places for worship), the legal sphere (e.g. recognition of

practices), the educational sphere (e.g. religious teaching and Islamic schools), the socio-economic sphere, the socio-cultural sphere, the sphere of health and social care and the political sphere (e.g. the formation of Muslim organizations or parties). The degree and form of institutionalization of Islam was seen as the outcome of the interactions between initiatives by Muslims, which might draw on foreign powers or international Muslim organizations, and the receiving society. At the institutional level three possible responses to the presence of Islam and claims by Muslims were distinguished: active promotion or support for the formation of new Muslim institutions; a passive and more or less neutral attitude; and active opposition to the development of new institutions (2001: 10-11). Different actors and factors were studied that, when taken together, constitute the response by “receiving society”. These actors and factors include: legislation and regulation, the judiciary, the government (local and national), organizations based on religious or ideological principles, organizations based on general principles, and other relevant institutions. Besides, the authors studied the wider ideological context in which processes of institutionalization and recognition of Muslim institutions take place, including: (1) ideas about the distribution of rights and obligations within the state (ideology of citizenship, ideology of residence, ideology of a plural society); (2) ideas about ethnic-cultural diversity (pluralist ideology, an ideology of assimilation and intergrationism); and (3) ideas about religious diversity and about the role of religion in the public sphere (2001: 16-20). Based on this heuristic model the institutionalization of Islam in the Netherlands was researched, both at the national level and at the local level with detailed studies on the cities of Rotterdam and Utrecht.

The authors found that at the national level in the Netherlands institutionalization mainly had occurred in the religious sphere, in the sphere of education and in the political sphere. The initiatives taken by Muslims are of decisive importance in the process of institutionalization, as well as the existing legislation and regulation, its interpretation and possible adaptation. The attitude of the government also changed over time, for example with respect to the possibilities for financial support for mosque establishment. Four general features of the way Dutch society has coped with Islam were identified: (1) few claims by Muslims have been categorically rejected; (2) claims based on equal treatment with existing groups seem to evoke fewer objections than claims which require special group-specific measures; (3) there are great differences between municipalities; and (4) there is an obvious, yet complex, relationship between ideologically inspired debate and practical politics (2001: 263-265).

As to the findings in Rotterdam and Utrecht, the authors concluded that “the local authority is always the pivot upon which everything moves” (2001: 193). At the local level the density and form of institutionalization of Islam depends, amongst other things, upon the extent and force with which Muslim initiatives were pursued, national legislation and regulation (which in the case of the founding of Islamic schools functioned as a legal guarantee allowing Muslims to protest against municipal councilors and officials who were opposed to Islamic schools) and secular migrant organizations which in both cities “did their utmost to thwart the development of Islamic religious communities” (2001: 194). On the whole, politicians and officials in Rotterdam were more supportive of Muslim organizations and institutions than their counterparts in Utrecht. The different

reactions are remarkable because “the municipalities were operating within the same national political system and legal framework, and were dealing with Muslims from more or less the same regions, with comparable histories of migration and socio-economic positions” (2001: 198). A key factor in explaining the contrast between Rotterdam and Utrecht was the difference in the implementation of Minorities Policy. In Rotterdam: “Muslims are no longer categorized and judged so much on their religious characteristics, but rather on their socio-cultural and socio-economic behavior – as is customary with ethnic minorities. The partnership extended to Muslims by Rotterdam first became possible after strict Islamic features were ideologically side-tracked or played down, and greater significance was given to their aspects as a minority” (2001: 199). Finally, comparing the process of institutionalization of Islam in the Netherlands to the situation in the United Kingdom and Belgium, Rath et al. conclude that: “the situation favors Muslims most in the Netherlands, where they have certainly achieved, de facto, the greatest scope for building up a religious infrastructure” (2001: 280).

In an article entitled *Incorporating Muslim Migrants in Western Nation States. A comparison of the United Kingdom, France, and Germany* (2005a) Koenig explores what “factors explain varying policy reactions to the public claims of recognition based on the religious identities of migrants” and the wider effect of immigration on the institutional transformations of the nation state in the religious field (2005a: 220). According to Koenig divergences in public policy responses to Muslim claims for recognition in the UK, France and Germany can be explained by the varying institutional arrangements of political organization, collective identity and religion, that result from distinctive historical paths of state-formation and nation-building (2005a: 222; also Koenig 2003 and 2007a). Based on the typology of polity models elaborated in neo-institutionalist research on citizenship regimes and other field of public policy, Koenig describes the implications of these models for institutional arrangements for *religion* and *political organization* for the three countries under study. The UK corresponds roughly to the liberal polity type, in which a pluralism of individual religious orientations in the public sphere is recognized, an associational and voluntary mode of religious organization is privileged and public religious policy is less seen as a state affair and more as a decentralized process of negotiation in civil society. France corresponds to the statist-republican model in which individuals are incorporated into a collective project of rationalization and in which particularistic identities are restricted to the private sphere and not represented or recognized in the public sphere. Finally, Germany corresponds to a state corporatist polity model in which individuals are incorporated via corporative intermediate units and in which religion is regarded as a component of the public sphere. These typologies are then used to systematically describe the “institutional environment”, which is in itself seen as a result of distinctive historical paths of state-formation and nation-building, and which is conceptualized as a key “independent variable” explaining patterns of “accommodation of Islam”. The latter is in turn conceptualized in terms of four different types of “claims for recognition” which can be accommodated in different ways and to different degrees. These four types of claims are: claims for *toleration* that contest the legitimacy of politicized symbols of national identity and request liberties for the articulation of other identities; calls for *autonomy* in organizational spheres of society; claims for *tolerance* calling for a recombination of the central symbols of

national identity (e.g. including religious holidays in the national calendar); and calls for *equal participation* in the organizational centre of the state (2005a: 225). In order to use this conceptual framework to explain different patterns of incorporation of Muslim immigrants one must also take into account differences in terms of formal citizenship status and typical patterns of immigration. In the UK “the incorporation of Muslim immigrants generally followed a pattern of continual negotiations of rights between actors of civil society and the government. Because of decentralized government, negotiations often took place at the local level” (2005a: 226). In France Muslim claims for recognition have encountered strong resistance, especially if these claims were framed in terms of the need to recognize a particularistic religious identity in the public sphere. However, the state has intervened vigorously in the politics of controlled organizational incorporation, for example around the establishment of the French Council for the Muslim Religion in 2004.<sup>14</sup> Finally in Germany, for a long time Muslim groups failed to accede to the system of privileged relations between the state and religious communities in order to obtain a similar status as one of the “corporation of law”. Besides, the particularistic and ethnic codes of national symbols in Germany have reinforced the public perception of Islam as an essentially foreign religion (2005a: 228). Koenig also argues that the “institutional environment” not only explains divergent patterns of organizational and symbolic incorporation, it also shapes the collective forms of organization and identification among Muslims themselves in the various countries. Finally, Koenig points to factors leading to convergence around more pluralistic modes of incorporation in all three countries in the 1990s. The transnational diffusion of ideas about human rights and of universal personhood, on the one hand, and the further specification of rights of equality and non-discrimination in UN and European declarations of rights, on the other hand, constitute a “normative pressure” that interact with historical path dependencies of nation states’ institutional arrangements (2005a: 230-231).

Fetzer and Soper’s *Muslims and the State in Britain, France, and Germany* (2005) develops a systematic theoretical framework to analyze the accommodation of Islam in Western Europe. The authors set out to explain how Britain, France and Germany have accommodated the religious needs of Muslims, and to explain why there is such a difference in how they have done so (2005: 2). Starting point is that Muslim citizens and permanent residents in these countries have identical goals (e.g. building mosques, establish religious schools, provide religious education) but that states have responded differently to those religious concerns.<sup>15</sup> Different theories to explain these disparate political responses are distinguished: (1) *resource mobilization theories* focus on the internal dynamics within the Muslim

<sup>14</sup> This state intervention is paradoxical if one takes French public and political discourse about the “radical separation of state and religion in France” at face value, but as Koenig (2005) and Bowen (2006) argue, the French laicist regime does lead to a great deal of governmental activity in the domain of “organized religion” (*le culte*) (Bowen 2006: 16ff).

<sup>15</sup> One might argue that this assumption of “identical goals and concerns” only holds at a very high level of abstraction. As we have seen Muslims might want (in general) to establish “houses of worship” or provide “religious education”, but there is great variety as to what kind of mosques, schools, educational facilities, burial facilities or religious authorities are actually asked for by “Muslims”. Moreover, there are disagreements and discussions within Muslim communities and organisations about these “demands”, and there are different ways political authorities can or cannot accommodate different wishes.

community and the capacity to form organizations and bargain effectively with the state; (2) *Political Opportunity Structure theories* argue that institutions and policies are important in shaping how groups are politically active and whether they achieve their goals; (3) *political ideology theories* focus on the effects of a nation's political ideology and ideas on citizenship, nationality and pluralism. Fetzer and Soper introduce another explanatory theory, being (4) *Church-State theories* that look at the policy legacy left by a country's history of church state relations in order to explain the types of demands that Muslims have proposed, the response of various actors to those needs, and the public policy that the states eventually adopted in the area of Muslim religious rights. The authors argue that in each country "Muslims inherited a web of church-state interactions based on constitutional principles, legal practice, historical precedent, and foundational conceptions of the appropriate relationship between church and state" (2005: 147; cf. also Madeley 2001; Bader 2003). To test the theory three public policy issues are investigated: the accommodation of Muslim religious practices and teaching in public schools; state funding for Islamic schools; and regulation of the building of mosques. The study showed that the degree of state accommodation of Muslim's religious practices was significantly higher in Britain compared to France, with Germany occupying a middle position (2005: 147). The difference cannot be explained by using resource mobilization theory, instead a combination of the other three theories can account for variations. The authors argue that church-state aspects should be more systematically considered in political opportunity and ideology theories, because they are a key aspect of institutional and policy responses and the wider opportunity structure for Muslims in Western Europe.

Besides this argument in favor of the inclusion of church-state aspects when applying Political Opportunity Structure theories to the accommodation of Islam, the authors also give some insight in the ways to study the actual processes through which the independent variables (e.g. policy legacy left by a country's history of church-state patterns) actually comes to affect the dependent variables (e.g. the forms and degrees of accommodation of religious needs). To analyze the causal relations at work within this "black box" we should study at least: (1) the more formal constitutional, institutional and legal framework, which creates robust constraints and opportunities; (2) the political argumentations and forms of public reasoning and the ways Muslims (and other stake-holders) (explicitly) make references to the "national model" and to prevailing church-state practices in order to legitimize public demands (or to oppose them) and the structuring of political arguments in national contexts that results from these ongoing processes of public debate (cf. 2005: 18-19)<sup>16</sup>; and (3) the ways interpretations and ideas about "national models" and church-state practices are being interpreted, drawn upon and applied by. public officials and administrators who occupy key positions when it comes to the implementation of policies in institutions where church-state conflicts around Islam arise (e.g. school principals, educational administrators, prison directors).<sup>17</sup>

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<sup>16</sup> This aspect might be further developed by drawing on studies that focus on processes of mobilization and claims making (cf. Statham et al. 2005) and public reasoning (cf. Bowen 2006).

<sup>17</sup> This aspect might be further developed by drawing on studies such as those by Beckford et al. (2005) on chaplaincies in prisons. It might be interesting also to look at the

A similar argument in favor of the study of processes of interpretation and application of institutional state-church patterns and opportunity structures is made by Thériault and Peter in the introduction to a special issue on *Islam and the dynamics of European national identities* (2006). This volume includes articles on the debates about teachers wearing the headscarf in Germany (Amir-Moazami 2006); on responses to the growth of the Muslim population in prisons in Germany and France (Beckford 2006); and on discussion on mosques in the Netherlands (Sunier 2006b) and in Slovenia (Dragos 2006). Thériault and Peter conclude that presuppositions “which are commonly expounded to account for the various responses to the growing Muslim presence in European countries, such as the importance of church-state relations or citizenship laws, cannot be taken as a matter of course. If citizenship laws and church-state legal provision seem, at first sight, to inform the nature of debates and practices, being attentive to what particular actors *make* of these traditions seems a promising way to approach the diversity of treatment of issues related to visible presence in Europe” (2006: 265, emphasis in the text). The mere description of state-church regimes, immigrant incorporation policies or citizenship laws, entails the risk that actual practices of interpretation, framing, and application are overlooked.

#### 4.2 State-Church patterns: historical dimensions

The above mentioned studies contain important lessons for the development of analytical frames and theoretically guided explanations to understand convergences and divergences of various forms of governance of Islam in Europe and of their causes and effects. Building on (neo)institutionalist theories, comparative sociology of religion and historical studies this road might be further explored (cf. Casanova 1994). One aspect could be to study different forms and patterns in the relationship between churches, states and nations as a consequence of different patterns in state formation (cf. Martin 1978; Madeley 2003; Koenig 2003; 2005a; and 2007a; Bader 2003; 2007). With respect to the analysis of the accommodation of Islam two paths towards a deepened historical analysis seem to begin to be explored. One is to focus on the history of accommodation of religion and religious diversity in Europe and to compare the incorporation of Islam to that of other minority religions in earlier times. The other path would be study the significance of colonialism and its legacies when it comes to more contemporary aspects of the accommodation of Islam in Europe.

Sunier’s *Religious newcomers and the nation-state* (2006a) develops an analytic framework to study the accommodation of Islam in the light of contentious processes about the nation-state. Sunier argues that the position of Muslims in Western Europe should not exclusively be treated in terms of the internal dynamic of migration or age-old stereotypes about Islam, but also within the framework of “the historical process of state formation and nation-building and the emancipation of religious minorities” (2006a: 242). Specific formative national narratives developed, for example, in France, the Netherlands and Turkey, in part

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accommodation of Islamic practices and needs in non-public organisations and institutions (e.g. in firms, corporations, supermarkets, factories etc.).

as an outcome of conflicts in the 19<sup>th</sup> and 20<sup>th</sup> century about (1) the secular or religious definition of the nation and the state and (2) the status of various groups who did not belong to the old dominant church (2006a: 245). Sunier understands a nation's political culture as the (contingent and dynamic) outcomes of struggles and negotiation processes to define a nation's peculiarities and the (re)production of narratives about the nation's past, present, and future. Political culture can also be seen as an argumentative repertoire, that is as the available political language that Muslim minorities (and other political actors) have at their disposal (2006a: 248). In political struggles actors can make (strategic) use of the available political culture and political language to articulate claims and demands.

Political cultures are being transformed in relatively brief episodes of political conflict, and thereafter persist during a longer period of "normal politics". In the processes of nation-building and the reaction to religious newcomers there are specific episodes of contention (e.g. about the political empowerment of religious minorities or newcomers). Different "episodes of contention" and "significant events" can thus be compared that involve different religious groups (e.g. Jews, Catholics, Muslims), different historical periods and different domains (e.g. education, public space). As a working hypothesis Sunier suggests that "the diverging reactions to Islam in different European nations are best explained by the different discourses of nationhood, the disparate political cultures in those countries, and the different paths emancipation takes" (2006a: 249). This hypothesis is then tested in a comparative analysis of France, the Netherlands and Turkey (also Stuurman and Sunier (eds) forthcoming 2007).

Sunier provides an explanatory framework to analyze contentious processes of the incorporation of Muslims in Western Europe that is different from the kind of national comparisons that are conducted in the studies discussed above (e.g. Rath et al. 2001; Koenig 2005a; Fetzer and Soper 2005). The latter studies focus on the internal dynamics of post-war migration processes, on the internal structure of Islamic institutions, and on state accommodation of Islam *per se*. Sunier suggest that other kinds of comparisons are possible as well, for example comparing the accommodation of Islam to "the way the European nations have coped with religious difference and the emergence of new religious actors in earlier periods of their history" (2006: 242). Sunier argues – contra authors who insist that the nation-state withers away in the era of post-nationalism –that the nation state still plays a crucial role as a powerful unifying agent and that distinct political cultures exist that tell apart European countries (2006: 245-246). Other studies that try to develop a historical perspective and compare contemporary issues in the accommodation of Islam to earlier processes of incorporation of minority religions in Europe are Benbassa (2004); Safran (2004); Lucassen (2005); Cohen (2001); (2006); and Jansen (2006).

A more long-term historical perspective and the comparison of the accommodation and development of Islam in Europe to the history of other religions might also shed new light on contemporary concerns about the relations between "Islam" and "democracy". In *Democracy and religion – theoretical and empirical observations on the relationship between Christianity, Islam and liberal democracy* (2007) Minkenberg addresses the issue of the compatibility of Islam and democracy from the angle of empirical democratic theory and in a historical and comparative perspective. Instead of drawing upon an exegesis of theological and dogmatic texts

and traditions, Minkenberg uses a historical and synchronous comparison of a variety of countries across the globe. Democracy's roots are lying in countries that are culturally shaped by Christianity. Religious tradition provide constraints and opportunities for processes of democratization, and within the Christian tradition distinctions between Roman Catholicism, Orthodox Christianity and Protestantism (and within Protestantism) matter, as do different degrees of secularization of specific patterns of church-state relations. The actual debates about the relations between religion and democracy in the West occurred in waves, and the debates about conflicting loyalties of Catholic immigrants because of their alliance to the pope, which occurred the American Republic, Germany and France in the 19<sup>th</sup> century may "tell us something about the prospects of the current debate on Islam and democracy in the West" (2007: 8). Minkenberg argues that "there is no historical automatism and determinism in the connection between Christianity and democracy" (2007). Religious traditions contain intellectual and organizational resources that can be mobilized for democratic as well as non-democratic purposes (also Bader 2007b). Minkenberg argues that to understand current trends we should not only look at the historically dominant religious tradition and its openness or closedness towards democracy, civil liberties and pluralism, but primarily at "the interaction between the institutional and cultural setting of a democratic system and the orientations and expectations of immigrants who constitute a religious minority" (2007). The new wave of cultural and religious pluralisation, which includes the forming of conservative and fundamentalist movements, the global growth of both Islam and Christian denominations, the growth of new sects and religious communities and the presence of new minorities of immigrant origin, leads to new challenges for democracy. These developments lead to the fact that "the established institutional and political arrangements to regulate the relationship between religion and politics in the framework of liberal democracies, long seen to have been solved once and for all, are challenged fundamentally and require new justifications" (2007). The secularist paradigm of a privatization of religion can be questioned and democracy can go along with a public recognition of religion. Finally, Minkenberg discusses the chances for democracy in traditionally Muslim societies. A "first glance at the current world map of religion and democracy" seems to confirm Huntington's view that Islam is an obstacle to successful democratization. However, closer analysis shows that the main reasons for the democratic deficit are found in patriarchal orders and in geopolitical and regional factors. Nevertheless, the constraints for political action that are imposed by particular religious traditions should not be overlooked. Minkenberg concludes by suggesting that "research on democracy and democratization needs to take into account under which conditions such an antagonistic relationship between a particular (empirical religion) [i.e. Catholicism, M.M.] and democratic principles and practices can be transformed into reconciliation" (2007).

### **4.3 Colonial legacies**

Finally, there is a number of studies that in various ways include the study of European colonialism in a historical and comparative analysis of the

accommodation of Islam in Europe. Juxtaposing studies on colonial policies towards Islam, for example in French Algeria, in French Africa, in British India, or in the Dutch East Indies, might shed new light on contemporary issues and on the historical context of emergence of various forms of Western state regulation of Islam. Early studies on Islam in Europe often already made allusions to the colonial period (e.g. Kepel 1987; Frémiaux 1990). Le Pautremat (2003) *La politique musulmane de la France aux Xxième siècle* describes French policies towards Islam in the colonies, the accommodation of Islamic practice in the French colonial armies, and the history of French diplomacy and politics in the Muslim World. Recent studies look the colonial period not as a kind of anecdotal “pre-history”, but as a period that is crucial for the emergence of specific patterns of government and of representations that need to be taken into account to understand ongoing processes of the accommodation of Islam in Europe. See for example Ansari (2004); Silverstein (2004); Bleich (2005); Luizard (ed.) (2006), Blanchard et al. (eds) 2005; Mas (2006); Maussen (2007).<sup>18</sup>

#### 4.4 Transnational, European and subnational dimensions

In the introductory article to a special issue on *Islam and transnationalism* (2004) Grillo describes transnationalism as referring to “social, cultural, economic and political relations which are between, above or beyond the nation-state, interconnecting, transcending, perhaps even superseding, what has been for the past two hundred years their primary focus” (2004: 864; also Soysal 1994; 1997). Grillo distinguishes three distinct ways of describing Islam as transnational: (1) Islam as lived within transnational circuits, for example because relationships between religious leaders and their followers operate across borders (cf. Grillo 2001; Werbner 2003; Riccio 2001; 2004; Soares 2004); (2) Islam as within a bi-national/plurinational framework, for example because Muslim migrants orient themselves towards two or more nation-states, such as the countries of origin and settlement (cf. Amiraux 2004b; Ewing 2003; Salih 2003; 2004; Kosnick 2004; Henkel 2004; Spellman 2004); (3) Islam as the “umma” referring to the orientation of Muslims to the imagined community of Muslims at large (cf. Werbner 2004; Bowen 2004). Taking into account the transnational dimensions of Islam does not imply that Islam is seen as “post-national” (cf. Grillo 2004: 868). Several aspects of identification, discourse, organization and orientation can be described as illustrative of Muslims “living lives across borders”, but in many ways Islam is lived, experienced, articulated, accommodated and regulated in local and national contexts and communities.

In *Beyond migration: Islam as a transnational public space* (2004b) Bowen argues that “Islam creates and implies the existence and legitimacy of a global public space of normative reference and debate, and that this public space cannot be reduced to a dimension of migration or of transnational religious movements” (2004b: 880;

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<sup>18</sup> In cluster B6 “Ethnic, religious and cultural diversity and related policies” of the IMISCOE network the idea has come up to organise a conference on the “Governance of Islam: colonial and post-colonial”. See also the ongoing research project “The Future of the Religious Past” funded by the Netherlands Organisation for Scientific Research, in particular the sub-program directed by R.Peters and M.Leezenberg.

also Mandaville 2001). According to Bowen the focus on transnationalism as referring to (1) demographic movements and (2) transnational religious institutions, has obscured the importance of a third aspect of transnationalism, namely (3) “the development of debates and discussions among Muslims about the nature and role of Islam in Europe and North America” (2004b: 882). Bowen considers the implications of this transnational public space for the question of Islam in Europe, and analyses conflicts between extra-national social norms, justifications and claims and national public claims in France. Bowen argues that: “Muslim public intellectuals who are engaged in serious discussions about how to adapt and adopt Islam to Europe are unwilling to cut themselves off from the transnational space that has, since the beginning of Islamic history, been the appropriate sphere for reference and debate” (2004b: 891).

In *Does French Islam have borders? Dilemmas of domestication in a global religious field* (2004a) Bowen argues that studies on Islam in France often framed the development of Islam in the light of processes of assimilation or the integration of immigrant newcomers. The significance of Muslim religious practice, or the fact that some Muslims abstained from certain practices, such as praying or wearing a headscarf, was represented in academic, public and policy discourse as an indicator of the willingness of immigrants to integrate and adapt to French culture, and of the degree of assimilation of Muslims (2004a: 44-46). Bowen further explores the dilemmas faced by Muslims in France who seek both to remain part of the global Muslim community and to satisfy French demands for conformity to political and cultural norms. Bowen argues that tensions arise because “French state officials and Muslim public intellectuals attempt to control transstate movement and communication by creating new, domesticated forms of Islam” (2004a: 43). Underneath the apparent consensus about the need to develop and “Islam of France” (as opposed to merely an “Islam in France”) lie diverging interpretations on what the “domestication of Islam” actually means. For non-Muslim French people and government officials it often means cultural assimilation, and the emergence of an Islam regulated by the state and bounded by the state’s borders, with French Islamic institutions and French-trained imams (2004a: 44). Bowen discusses the debates and tensions in the ways the French state and Muslim groups represent the “domestication” of Islam and the adaptation of Islamic texts, practices, and institutions to conditions within a state. The overall problem of boundaries and borders is articulated with respect to three clusters of issues: the behavior of Muslims, the control by the Republic, and the adaptation of Islamic norms to France and Europe.

In *Managing transnational Islam: Muslims and the state in Western Europe* (2006) Laurence compares how different national interior ministries in France, Germany, Italy, Belgium and the UK have used political and institutional processes to organize Islam for state-religion relations, and to “reassert their sovereign prerogative to manage the transnational threats associated with their citizen’s religious membership” (2006: 254). There is a Europe-wide effort to develop national and local Islam councils and to incorporate Islam into pre-existing institutional state-church relations and this is illustrated by the formation of the French Muslim Council for the Muslim Religion, the Spanish Islamic Commission, the Belgian Muslim Executive, the Italian Consultation, the Muslim Council of Britain and the Bavarian Islamic Community (2006: 256, see above). Laurence

argues that European governments have evolved from a *laissez-faire* policy of leaving state-Islam relations to Muslim diplomats (1974-1989) to a pro-active policy of incorporation (1989-2004). The active posture that national governments have assumed in state-religion affairs and the “de-transnationalizing” of the practice of Islam, are, according to Laurence, illustrations of both the recognition that Islam is a major factor of individual and group identity among the descendants of labor migrants, and a refutation of the thesis that the state would “fade away” in the face of globalization and transnationalism (2006: 271-272).

In a short article on the ways EU countries have dealt with demands coming from Muslim communities S. Ferrari explores the question if it is possible to speak of a West European pattern of Church and State patterns (Ferrari 2002). Traditionally Church-State systems in Western Europe are classified as: separation systems (France, Ireland, Belgium and the Netherlands), concordatary systems (Italy, Germany and Spain) and national Church systems (Norway, Denmark and England). However, according to Ferrari this tripartition is becoming less meaningful and is now “culturally and legally outdated” (2002: 6) because, on the one hand, the meaning of the secular State is changing and being redefined in different countries and because, on the other hand, underneath the national (formal) legal structures of Church State relationships one can detect a common European pattern. This European pattern, which results from and is being produced by the history of Europe (and its religious landscape and special bonds between Church and State) and by international and EU legislation<sup>19</sup>, is defined by three main features. These are: (1) the right to religious liberty (the right to have and manifest a religion or a conviction, also in community with others); (2) the religious incompetence of the State and the autonomy of religious groups; and (3) selective co-operation of states and religious groups (2002: 7-11). The core of the European model is “some basic freedoms are available to all, individuals and groups, but State co-operation can be graduated and religious groups that share the principles and values upheld by the majority receive more support than the groups that are based on a different *ethos*” (2002: 11). Ferrari’s article can be read as a plea for a study of the *content* of Church State relationship, which takes into account common (i.e. European) notions *and* significant national differences and exceptions to the European model, and which looks both at legal structures *and* at the application of principles, laws and regulations. The actual implications of church and state patterns for the accommodation of demands coming from Muslim communities in Western Europe is than discussed for three topics: the building of mosques and houses of worship, the recognition of religious holidays, and dietary laws. According to Ferrari the incorporation of demands of Muslims as a new religious minority in Western Europe does constitute a challenge to the European system of relationship between law and religion, but this can be seen positively as forcing nation states to adjust to a new social reality and contribute to the peaceful co-existence of different religious groups in Europe.

In *Europeanising the governance of religious diversity. An institutionalist account of Muslim struggles for public recognition* (2007b) Koenig discusses the emergence of institutional elements of religious governance at the European level and their

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<sup>19</sup> Notably art. 18 of the International Covenant on civil and political rights and article 9 of the European Convention for the protection of humans rights and fundamental freedoms.

impact on the organizational and symbolic incorporation of Muslims. Koenig argues that in order to understand the dynamics of Muslim incorporation the cross-national comparison of institutional arrangements for church-state-relations and political opportunities (e.g. Rath et al. 2001; Fetzer and Soper 2005) should be supplemented by the study of “transnational institutional processes within a multi-level framework of analysis” (2007b). This might also shed light on the debate about a possible convergence of European models around a shared set of principles including religious freedom, state neutrality and selective cooperation of state and religious communities (cf. Ferrari 2002, see above). Koenig argues that: “On the one hand, Europeanisation creates new legal frameworks, political opportunity structures, and cultural repertoires for claims of religious recognition. On the other hand, Europeanisation also strengthens established actors in the field of religious governance and gives new legitimacy to historical institutional arrangements by re-framing them as expressions of national identities” (2007b).

In Europe religious governance was intimately bound up with state sovereignty and national identity, but it has become subject to transnational social forces. The de-coupling of rights, membership and collective identity (in a “post-national” or “multicultural” paradigm of social order) can strengthen individual and sub-national actors “in making claims for religious recognition against the nation-state” (2007b). European integration includes new institutional elements of religious governance that were primarily designed to guarantee individual rights and respect religious diversity. This has provided minorities with new normative repertoires to make claims and specific particularistic categories of collective identity (including religion) have been legitimized. In the case of the incorporation of Muslim minorities, the institutionalization of religious freedom at a European level has strengthened the individual’s right to religious freedom and legitimated policies of equality and non-discrimination (2007b). Another aspect of the transformation of the national paradigm of social order is the “fragmentation of power within a multi-level system of local, regional, national and supranational regulation” (2007b). The Council of Europe, for example, has promoted the Europeanisation of immigration and integration policies since the 1970s, which included a strong emphasis on non-discrimination. In a report issued by the European Committee of Migration in 1991, for example, attention was drawn to the religious dimension of public integration policies, and the report pointed to the necessity to “adjust national legal systems so as to accommodate Muslim practices such as ritual slaughtering, Islamic funerals or the building of mosques” (2007b). European regulative bodies also developed their own forms of co-operation with religious organizations, which were positioned as representing the non-state sector. However, the presence and influence of Muslim organizations has been limited, compared to that of Church organizations. According to Koenig “Islam is more an object of regulations at the European level than a participant in it” (2007b).

The effect of attempts to construct new symbols of European identity has been different however. Attention for the common Jewish-Christian religious heritage has accompanied “accentuations of symbolic frontiers between Europe and Islam” (2007b). Moreover, European identity constructions have led to a symbolic re-interpretation of national identities. The latter includes attention for the ways state-church relations in different countries have developed as a result of

specific processes of state-formation and nation-building, and subsequently how these regimes can be seen as symbols of national identity.

European-level institutional processes thus trigger both logics of convergence and divergence of formal structures and public policies at the nation-state level. These logics should be taken into account when analyzing the “contemporary development of organizational and symbolic incorporation patterns of Muslim immigrants” (2007b). On the one hand Muslim gain access to transnational human rights principles as repertoires of contention strengthening their claims of recognition and find new opportunity structures for collective mobilization at the European level, but on the other hand the state’s sovereignty in governing religious diversity and the redefinition of church-state relations as symbols of national identity pushes them back into national public spheres (2007b). See also Kastoryano (1999; 2002) and Nielsen (2003).

Finally, studies that focus on municipal policies and the accommodation of Islam at the local level should be mentioned. Sometimes municipal policies towards Islam are mentioned in studies on immigrant integration policies (e.g. Ireland 1994; Joly and Candappa 1994; Bousetta 1997; Body-Gendrot and Martiniello 2000; Rogers and Tillie (eds) 2001; Moore 2001; Garbaye 2002; 2004; Penninx et al. (eds) 2004; Garbaye 2005; Alexander 2006). Several case studies on the above mentioned domains (mosques, Islamic schools, political representation etc.) discuss municipal policies.

More elaborate studies on the accommodation of Islam at the local level include Renard (2000) and Cesari (1994) on Marseilles; Rath et al. (2001) on Rotterdam and Utrecht in the Netherlands (see above); Werbner (2002) on Manchester; Brown (2002) discussing Muslim-Christian dialogue in Lille; Manço 2005; Manço and Kanmaz (2005) discuss the institutionalization of Islam in Brussels. The latter article is part of a special issue on *The recognition of Islam in European municipalities* Manço and Amoranitis (eds) (2005). *Le religieux dans la commune. Les regulations locales du pluralisme religieux en France* by Frégosi and Willaime (eds) (2001) discusses the accommodation of religions in various French cities, including the above mentioned study on Islam in Strasbourg and Mulhouse by Frégosi (2001a) and on the functioning of a multi-religious council in Marseilles by Étienne (2001). See also Wyvekens (ed.) *La gestion locale de l’islam* (2006). My own *Ruimte voor de islam? Stedelijk beleid, voorzieningen, organisaties* [Space for Islam? Urban policy, facilities and organizations] (Maussen 2006) compares recent municipal policies in four Dutch cities (Amsterdam, Rotterdam, Utrecht and Zaanstad). Four different policy domains are distinguished: religious facilities, Muslim organizations, Islam and integration and anti-radicalization policies (also Bader 2007a).

## **5. Towards a research agenda on the governance of Islam in Western Europe**

In this report some of the literature on the accommodation of Islam in Western Europe has been reviewed. By way of conclusion perspectives for future research are outlined here, building on the insights this overview has provided. The purpose

of this “research agenda” is to encourage theoretically guided, explanatory and comparative research on the regulation and accommodation of Islam in Western Europe. The progress of social scientific research in this domain would benefit from a more explicit focus on: (1) describing various forms of governance of Islam and their effects; (2) pointing out the causes of specific forms of governance and their historical contexts of emergence and institutional development (path-dependency etc.); and (3) more systematic theory driven, comparative research in Europe.

Several possible ways can be envisaged to further develop and reflect upon research on Islam in Europe, and to give more coherence to ongoing approaches and research projects: (a) This report might encourage researchers to reflect upon the strengths and weaknesses of their own research and perhaps incorporate insights and findings of other research, and theories and concepts that have been discussed in this report; (b) researchers working on case studies on specific cities, countries, domains and/or issues might use the wider perspective provided here to reflect upon their own findings (What is different? What is similar? And what are plausible explanations?); and (c) New comparative projects could be developed in which different research institutes address aspects of this research agenda on the governance of Islam. Five major challenges for future research can be identified:

### **5.1 Comparison: beyond (legal) surveys and case studies**

To understand the different patterns of the accommodation of Islam in European countries we need detailed descriptions of the national constitutional and legal contexts and policies; and of the actual situation of Islamic practice and the accommodation or non-accommodation of Muslim demands and practices (numbers of believers, numbers and types of facilities (mosques, schools, chaplaincies etc.). To understand the significance of the constitutional, legal and institutional context we also need insight in the social context and operation of laws, regulations and policies. Such insight is, for understandable reasons, usually not provided in “legal surveys” and large-n country comparisons. More qualitative case-studies on the actual practices of interpretation and application of regulations and policies within specific social contexts are valuable in this respect, but these kind of studies often lack a comparative and/or explanatory focus and run the risk of remaining singular “one-case narratives”. Building on the available studies several options for further improvement of theoretically guided research and comparative description seem available:

It is important to further develop theories and models to systematically describe relevant (institutional) differences between countries (for example in terms of different state-church regimes, (Political) Opportunity Structures, and models of political organization) and to develop instruments to measure and systematically describe the relevant dependent variables, such as different degrees and forms of the accommodation of Islamic presence and practice. The theories and models that have been developed for this purpose in different comparative studies (e.g Rath et al. 2001; Koenig 2003; 2005a; 2007a; Fetzer and Soper 2005; Koopmans et al. 2005) might be further developed building on theoretically guided inductive models. The latter type of “modeling” builds on case studies and small-n

comparisons, which may help to make country-level explanations more accurate and sensitive (Bader 2007c). Qualitative (anthropological) case studies could be designed as comparisons and then linked to more large scale analysis of institutions, outcomes and regimes. Also area-specific comparisons (for example studies on the accommodation of Islam in domains such as education, chaplaincy, religious authorities and imams, or houses of worship) can help to develop more complex medium-range theories. The study of Beckford et al. (2005) on chaplaincies in prisons in France and Britain is an example of such an approach.

Studies should not only describe the more formal (legal, constitutional, institutional) context, they should also study application, implementation and interpretation in order to understand the significance of legal and institutional differences. In other words, we should also look at what states (and other instances of government and governance) *actually do*, and study the ways relevant administrators, policymakers, officials and bureaucrats interpret and implement principles, rules and regulations on a day to day basis.

Case studies can also help to open up the “black box” of the actual relations between independent and dependent variables. How do institutional characteristics actually come to affect the opportunities and constraints for Islamic practice, or the ways Muslim representatives raise their claims, and how they articulate their ideas and interests? How can internal heterogeneity be explained and why are there significant differences between different municipalities or regions if (national) regime characteristics are defined as the key explanatory variable? Answering these questions requires the further development of explanatory, causal theories that most probably are (at least in part) domain specific (i.e. also determined by specific characteristics of institutions in the domain of education, in the penal system, or by differences at the level of municipalities etc.).

There is a need for a more subtle description of both the *input* and the *outcomes* of processes of interest articulation, mobilization and accommodation of Islamic presence and practice. This means that the idea (that one finds in many studies) that Muslims in Europe have common, or indeed identical “concerns”, “demands” and “needs” should be treated as a hypothesis, not as a given fact. The same goes for the outcomes of accommodation processes, which are not only a matter of accommodating demands or refusing to do so (banning versus allowing the wearing of headscarves; building or not building mosques) but a matter of different forms and degrees of accommodation. Researchers might study in more detail demands and outcomes in the light of different types of religious education, different kinds of houses of worship, different needs with respect to religious leaders or chaplaincies. Also the objections, concerns and responses of public authorities (and others) who accommodate (or refuse to accommodate) specific aspects of religiously motivated demands, aspects of Islamic practice or presence should be described in a sensitive way, and not in terms of a straightforward “zero-sum” game of accommodation versus non-accommodation (i.e. exclusion and discrimination).

## 5.2 Beyond the state

In the introduction to the report the use of the concept “governance” was advocated as a way of more adequately conceptualizing various forms of regulating and accommodating Islamic presence and practice and to understand the ways societies create opportunities and obstacles for Islam, or oppose them. Different forms of governance of religious diversity should be distinguished: according to (1) the different *actors, instances or units* of governance: (a) private hierarchies (firms, corporations); (b) specific organized forms of Islamic religious organizations (Muslim associations, Mosque committees) (c) networks of organizations, including Christian organizations (Churches), interfaith networks and NGO’s and (d) governments at different institutional levels (neighborhood, municipal, federal, state and supranational) and in different branches and departments; (2) The different *modes* of action-coordination, steering and regulation (hierarchical imposition, laws, law-like rules and regulations, internal forms of self-regulation in associations or networks etc.; and (3) corresponding to different policy *domains* (health care, safety, urban planning, penal systems, family matters) and domain-specific institutions (schools, hospitals, prisons) (cf. Bader 2007b and 2007c). To describe and explain the ways societies create opportunities for Islam or oppose them, a shift from the focus on *government* towards a focus on different units, modes and domains of *governance* seems helpful.

Another reason to reconsider the focus on *state accommodation* of Islamic presence and practice is because of the importance of transnationalism. The actual processes of accommodation of Islam is shaped by various dimensions of transnationalism, notably the changes triggered by the nation state’s re-embedding in transnational institutional environments, the transnational dimension of contemporary society and politics, and the transnational context of Muslim religious practices, religious authorities, organizations and discourses.

From the studies that have been reviewed in this report a number of issues have emerged, that could be better addressed in a theoretical approach that uses the concepts of governance and transnationalism. These are for example: (1) Divergent and convergent patterns of accommodation of Islam in Europe because of “Europeanization” and the normative, legal and institutional pressures stemming from European integration (Council of Europe and the EU) (cf. Koenig 2007b); (2) the comparative study of different attempts at “domestication”, “indigenisation” or “Europeanization” of Islam in different European countries and the ways these objectives give rise to forms of steering (and contestation) in different domains, notably the establishment of (hierarchical) representative institutions and Muslim councils, the training and admission of Muslim religious personnel and imams, Muslim education and faith-based schools; and accommodation of houses of worship (architecture, activities, functions); (3) the ways in which other organized religions act (or not) as brokers for Muslim communities, Muslim organizations or individual believers at different institutional levels (EU, national, local), for example in faith-based councils or representative organization, or by including (or excluding) Muslim representatives in existing institutions (e.g. chaplaincy services, advisory committees; or inter-faith dialogues).

### 5.3 Representation *and* regulation

The various ways in which Islamic presence and practice is discursively constructed and represented in public, political and policy discourse has been well documented. Studies have shown how and why specific aspects of Muslim requests, demands, symbols or practices have come to be seen as “emblematic”, and how different societal concerns (integration, emancipation, gender, culture, radicalism, terrorism) are being discussed (sometimes in a stereotypical way) around issues such as the right to wear the headscarf, the building of mosques, the functioning of imams or ritual slaughtering. There are important similarities and differences in this domain that become visible when comparing different time-periods, different issues (headscarves, mosques, ritual slaughtering), different domains (e.g. education) and different countries or cities.

The study of public and political debate and representational practices is of course valuable in itself, but it might also be useful to focus on intersections between practices of representation and practices of regulation. Several options can be thought of: (1) the analysis of policy-making processes and policy framing of issues related to Islamic presence and practice. In a variety of policy domains (urban planning, education, immigrant integration, social work, counter-terrorism) policy makers encounter “Islam” (practices, organizations, beliefs, attitudes, facilities) and define them in terms of policy related problems that can be acted upon. Understanding how, why and to what effect public authorities at different institutional levels (states, municipalities, neighborhoods) seek to regulate Islam might contribute to our understanding of the actual constraints and opportunities for Muslims in Europe; (2) There seem to be increasing tensions between *on the one hand* the ways Islam is defined as problematic in public and political discussions and the sometimes drastic measures that are proposed or implemented by governments (such as a proposal to install a moratorium on the establishment of houses of worship (in the Netherlands), the restriction of the wearing of religious clothing in schools, but also in other “public spaces” such as City Halls, courts, and in public transport (in France and in the Netherlands)) and *on the other hand* the existing legal and constitutional protection of religious freedom and non-discrimination, both in national constitutions and in the European Convention of Human Rights. Comparing the reasoning in legal settings and courts to prevailing ideas and representations in public and political discussions might shed more light on the claim of Davies (2005) that “Europe has tied itself to principles that it does not believe in”; (3) In the media of European countries there appears to be a lot of attention for events and controversies around Islam in other European countries. Media have reported extensively on controversies such as the Danish cartoons affairs, the French law against religious signs in schools, and the assassination of Theo van Gogh in the Netherlands. Another example would be the way “critics of Islam” such as Ayaan Hirsi Ali, Bruce Bawer or Oriana Falaci have obtained a European audience. One might even argue that around “Islam” a sort of European public sphere has emerged in which similar issues are being discussed more or less simultaneously in different European countries, and in which events in one country can trigger debates in other countries. The dynamics of this “European debate about Islam” might be an interesting object of study in its own right; (4) Ideas, representations and images that are produced in public and political

discourse are also available as “repertoires” and as patterns of “public reasoning” to citizens, administrators, policy makers, officials etc. The study of discussions, negotiations and forms of reasoning in institutions such as schools, prisons, neighborhood committees give more insight in whether and how demeaning images or stereotypes are being produced, reproduced and contested in settings in which more pragmatic matters and practical issues have to be solved.

#### **5.4 Explaining variation: the historical dimension and new comparisons**

From the available studies on the accommodation of Islam in European countries it has become clear that countries have responded in different ways to religious needs and demands of Muslims. Different paths are possible to further develop the understanding of these differences and possible explanations. (1) The selection of countries for comparison is usually based on criteria such as different state-church models, political organization or modes of integration. Several extensive studies have compared France, the UK, Germany, Belgium and the Netherlands. Similar studies could be conducted in other European countries. (2) Studies could focus on explaining the emergence, stabilization and reproduction of distinct patterns of relations between religions, societies, politics, nations and states and describe these in terms of models to make them suitable for descriptive and explanatory purposes (cf. Bader 2007c). A more historical focus could also lead to other kind of comparisons, for example comparing the accommodation of Islam to that of other (minority) religions of immigrant origin. Another option would be to select countries in a way that would allow the study of the importance of specific historical legacies, such as an imperial past, (legal) legacies of the Austro-Hungarian empire, and the presence of “indigenous” Muslim minorities. Several options for interesting “paired comparison” of European countries seem available; (3) It should be avoided that the focus on national models and variations between countries results in too static, reified and even stereotypical images of “country specific models”. It might be wise to study “internal heterogeneity” (i.e. differences between municipalities, regions or federal states) and to also compare supra-national clusters of countries, for example according to paradigms of institutional diversity of state-church relations (e.g. comparing Scandinavian countries to Southern European countries; countries with Lutheran legacies to countries with radical Reformed legacies, and/or countries with strong establishment to countries with weak establishment).

#### **5.5 Organizing and representing Islam in Europe**

An important aspect of present day processes of accommodation and institutionalisation of Islam in Western European countries is the way Muslim communities organize themselves, articulate their ideas and interests and become interlocutors for authorities and other societal actors. This process of organization, institutionalization and mobilization could be studied in different ways: (1) Studies could focus on the varieties of co-operation between governments and Muslim

organizations on many levels, in many countries. In particular attention could be paid to the “dilemma’s of institutionalizing religions”, such as the difficult trade-offs between associational autonomy and effectiveness or impact. Other aspects could be to study the specificities of Islam in comparison with Catholic and Lutheran Churches; resemblances with radical Protestantism; the specific difficulties of “new” religions; and the specific difficulties of representation and interest articulation on higher levels (state and EU). (2) Building on social mobilization theory, new studies might shed more light on the exact ways in which legal and political opportunity structures in the EU, in Member-States and at the local level impact on self-definition, claims-making, self-organization, mobilization and strategies of Muslims. Preferably this should be analysed in relation to attempts by different governments to create “representative” and “moderate” interlocutors. (3) It should be avoided that the various forms and aspects of activism of Muslims are being ignored because studies are based on strong assumptions about “normal politics”, about “objective interests of Muslims” or about the public sphere and the “normal” role of religion in public life. It might be wise be more aware that political and social mobilization theories contain specific ideas about what politics is and how people organize to defend their interests. However, this is not the only possible perspective and the dynamics of Muslim activism might also be understood in the light of the reform and reconstruction of Muslim traditions, or as efforts to redefine the notion of what is public, private and political.

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