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An exclusionist Europe? Islam and the reemergence of civic nationalism

¿Una Europa excluyente? El Islam y el resurgimiento del nacionalismo cívico

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Abstract

The fierce debates surrounding the ‘emergence’ of Muslim communities in Europe ensued in the resurgence of nationalism. The current article introduces an original criticism to the ongoing debates surrounding the return of Europe’s

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Articles Spektorowski, A. and SabanL.” Staying Alive- Genetics in the Service of the Welfare ‘People’s home’Israel and Sweden in Comparative Perspective” *Comparative Political Studies*. July 2010; Spektorowski, A. andIreni-Saban, LizaFrom ‘Race Hygiene’ to ‘National-Productivist Hygiene’ *Journal of Political Ideologies* Vol 16 Number 2 June 2011 pp 169-195; Spektorowski, A. “The French New Right. Multiculturalism of the Right and the recognition exclusion syndrome.” *The Journal of Global Ethics*. Vol 8 Number 1, April 2012.

national pride. This article suggests that Muslim demands for freedom of religion that were founded in Islamic theological perspectives, have catalyzed the restriction of liberal universalistic perspectives to such freedoms. In this study I present how such demands facilitated the advancement of a newly crafted liberal form of nationalism, best identified in Europe's progressing limitation of the right of freedom of religion in various European nations.

Key-words: Muslims; Europe; Euro-Islam; nationalism; freedom of religion.

Resumen

Los debates acerca de la inclusión del Islam y las comunidades Musulmanes en Europa han servido de marco para el resurgimiento del nacionalismo en Europa. Este artículo introduce un planteamiento crítico a los debates que rodean a este levantamiento cívico nacionalista. El artículo sugiere que las exigencias de libertad religiosa fundadas en principios teológicos por parte de los Musulmanes han catalizado una respuesta nacionalista secular que restringe el valor universal de las libertades liberales. Este artículo explica cómo las exigencias de los Musulmanes ha permitido el pasaje de un liberalismo universal a un liberalismo nacional que se expresa en muchos países como una limitación a la libertad religiosa.

Palabras-clave: Islam; nationalism; liberalism; religión; Europe.

In its recent study, the Pew Research Center concluded that government restrictions on religion have increased more in Europe than any other region in the world.² Europe's newly introduced restrictions consist of a variety of laws, policies and practices that all constitute a serious infringement of the right for freedom of religion. As one might have expected, the community most afflicted by these restrictions are European Muslims.

The emergence of Islamic terrorism and cultural radicalization in Western democratic societies has been, without a doubt, a dominant theme in political and academic debate during this last decade. One of the perplexing consequences of Islamic terrorism is that what was initially perceived as a battle against extremism has altered into a reshaping of Europe's understanding of nationalism, and the drifting apart from universal perspectives of liberalism.

The current article introduces an original addition to the ongoing debate about the revival of the national theme in face of the emergence of a European Islam. It is suggested that the dramatic developments in Europe are the result of a more sophisticated challenge than radicalism, advanced by a specific type of Euro-Islam that remains embedded in fundamental Islamist perspectives.

² "Rising Tide of Restrictions on Religion." The Pew Forum on Religion and Public Life. *Pew Research Center*. 2012.

The argument advanced throughout this article is that by advancing demands for cultural recognition based on theological concepts embedded in Islamic reformism and Islamism, a new brand of Muslim intellectuals attempts to establish a new understanding of what it means to be a Muslim, and in particular, a European Muslim. In contrast with Europe's assimilationist and isolationist approaches, their approach emphasizes the preservation of a visible religious Islamic identity and its non-liberal orientations. Thus, this realm of Muslims attempts to revitalize Islamist notions in a manner that challenges both Muslim theology and Western philosophy.³

In order to make this happen, as several researches have pointed out, some new brands of Euro-Islam adapted some of the classical characteristics of European civilization, others turned to reform their own tradition, while others attempted to revive old notions.⁴

This article makes one primary claim. It is argued that some of these Muslims initiatives, arguably best exemplified by the protests against Rushdie and the Danish caricatures and promoted by European Muslim intellectuals such as T. Ramadan, have formed apprehension among Western publics, which resulted in the resurrection of an assertive form of liberalism and the restriction of freedom of religion.

In contrast to works that focus on the socioeconomic differences and demographic size of Europe's Muslims as the trigger for a nationalist reaction in the West, this article suggests that this is better explained by the ideological challenge posed by Euro-Islamists to liberalism and its embedment in present day secularism.

The question thus should be framed in the following manner: what is motivating this liberal nationalist pushback? Is this merely a manifestation of racism and right-wing exclusionism? Or is it a particularly rejection of Islam? Indeed, a wide variety of liberal and left-wing multiculturalists view the rising support for nationalist values as a clear indicator to the return of racism and fascism. However, for others, the European response is a retort to a peculiar ideology that challenges the foundations of these societies.

In this article, I stress that a new Muslim discourse on citizenship advances legitimate claims for cultural recognition and religious equality. However, I center on the problematic ideological foundations of certain types of Euro-Islam, through a brief review of the case of Tariq Ramadan. Next, I address the prevailing manner in which Europe restricts Muslims' freedom of religion, as identified in various Western European countries, including Spain, France, Great Britain, The Netherlands and Switzerland. Finally, I discuss what motivates this rejection of Islam.

³ Ramadan, T. *To be an European Muslim*. (Leicester: The Islamic Foundation, 1999), p.186.

⁴ Mandaville, P. *Transnational Muslim Politics Re-imagining the Ummah* (London: Routledge, 2001), pp. 132-136.

Euro-Islam(s) and Euro-Islamism

Is this fear of Islam something new for Europeans? In reality, it is not. The contemporary growing tension is enrooted in a long history of conflict between Europe and Islam. However, the current debate on Islam is mostly assigned to the millions of Muslim immigrants that arrived to Europe since the 1960s.

The vast majority of Europe's Muslims came as immigrant workers, asylum seekers, and illegal aliens. Most came as individual "guest workers" to supply the growing demand for manual labor after World War II. Many of these newcomers did not expect - and were not expected - to stay permanently.

However, as time passed newcomers became permanent residents. The size of this community grew rapidly, especially under the 1970s and 1980s family reunification laws.⁵ A new and separate challenge evolved - how to administer the religious and cultural demands of a population that was showing particular difficulties in taking part in the modern secular European society.

Initially, the adherence of Europe's Muslims to homeland ideologies and theologies was perceived as desirable by European authorities. However, since the 90s, apprehension from such loyalties took center stage. What led to these developments? During the last decades of the 20th century European governments expected immigrants to keep their loyalty to their homelands. The underlying reason for that attitude is that governments expect newcomers to go back to their places of origin. Following this line of thought, European governments encouraged such associations, and gave the Turkish *diyanet* and similar ministries in Algeria and the Levant a free hand in administering the needs of their immigrants. As a result of that approach, a type of church-state dynamic that is common in the Muslim world was set.

However, beginning in the 1990s, as governments began to confront the reality that Muslim newcomers were to stay, governments began to sever Muslim communities from their transnational ties. This approach was radically intensified after September 11, 2001. Even before the terrorist attacks - European governments began to view the needs of Muslims through the lens of security considerations.⁶

As a result, European governments formed new reservations regarding the influence of foreign Imams and homeland religious organizations in Europe. Europe hoped that by severing the ties between Europe's mosques and religious organizations and institutions, and by the reduction of Arab states' financing and influence over such, issues of loyalty would be mitigated.

⁵ Carolyn M. W. and Manfred W. W. "Religion and the Political Organization of Muslims in Europe" *Perspectives on Politics*. September 2006. See also: Lewis, B. *The Muslim Discovery of Europe*. (New York: Norton, 1982).

⁶ Laurence, J. "Managing Transnational Islam: Muslims and the State in Western Europe." in: Parsons, C., and Smeeding, T. M. (eds.) *Immigration and the Transformation of Europe*. (New York and Cambridge: Cambridge University Press, 2006); Haddad Y. and Golson, T. "Overhauling Islam Representation, Construction, and Cooption of "Moderate Islam" in Western Europe", *J. Church and St.* 2007. pp. 487- 515

Europe's new approach to Muslim institutions in Europe facilitated various changes. European based- Muslim organizations took root, and it seemed that a Euro-Islam was emerging. However, in reality, there were many Euro-Islams. The new associations expressed dramatically different approaches to Islamic theology, homeland policies and European societies and governments.

European Muslims also greatly differ in their religious traditions and practices, generally influenced by the variations in religious, cultural and traditional beliefs and homeland customs. These distinctions form different approaches to religious duties, such as the observance of *halal* foods (the Islamic specific dietary requirements), women's wearing of the headscarf, and the participation in the *Salah* (Islam's five daily prayers). For example, a study by the Pew research center found that about half of the Spanish, British and German Muslim women wore the headscarf. Among French Muslim women, less than one seventh chose to do so.⁷ Most importantly, there are extensive and crucial differences in the manner in which such Euro-Islams approach the disadvantaged position of the community, and envision very different roles for Muslims in their European societies.

It can not be overlooked that for the new, young generation of right-bearing Muslims, Europe is their natural home, despite the fact that they feel discriminated and marginalized in it. It is clear that this new generation seeks for recognition and equality in this challenging environment.⁸ However, the different manners in which equality and recognition were defined and advanced were of major importance for European publics and authorities.

In this regard, one of the main question Europeans wonder about is what stands behind these emerging Muslim associations in Europe. Is it something intrinsic in Islam that drives Muslims to their vehement demand for public accommodation? Or do Muslims basically react to the discrimination and socioeconomic deprivation they encounter?⁹

While Europeans cannot deny that Muslims face discrimination at the socioeconomic level, in general terms, they explain that the increasing social mistrust of Muslims is due to the fact that they are perceived as non-loyal citizens ready to mobilize along transnational Islamic lines. In other words, what became crucial for Europe is that for some of the new representatives of this Euro-Islam, the defense of the *Umma* stands above the loyalty to Europe's liberal values.¹⁰

⁷ Morin, R. and Menasce-Horowitz J. "Europeans debate the scarf and the veil." Global attitudes Project. *Pew Research Center*. November 20, 2006.

⁸ See: Klausen, J. *The Islamic Challenge*. (Oxford: Oxford University Press, 2005), p. 25.

⁹ See, Statham, P. "New Conflicts about Integration and Cultural Diversity in Britain," in: Cuperus, R. Duffeck K.A. and Kandel, J. (eds). *The Challenge of Diversity: European Social Democracy Facing Migration, Integration, and Multiculturalism* (Studienverlag, Innsbruck, 2003). See: Samad, Y. "The Politics of Islamic Identity among Bangladeshis and Pakistanis in Britain", in: Ranger, T. Samad, Y. and Stuart, O. (eds). *Culture Identity and Politics: Ethnic Minorities in Britain*, (Aldershot, Avebury, 1996)

¹⁰ See: Zubaida, S. "Islam and nationalism: continuities and contradictions." *Nations and Nationalism*, 10(4), 2004, 407, Cited in: Mortimer, E. *Faith and Power: The Politics of Islam* (London: Faber, 1982), p.271.

Can Euro-Islam assign to liberalism?

Questions pertaining to the synchronization of Euro-Islam to liberal Europe depend greatly on the manner in which this Islam is defined. A variety of scholars and figures, with dramatically different approaches, have tried to become the voice of this Euro-Islam. Bassam Tibi, Tariq Moddod, Malek Chebel, as well as Amr Khaled and Y. Qaradawi perceive themselves as the representatives of this new Euro-Islam.

Although they promote dramatically different perspectives, they all try to contribute in defining the particular relation of Islam with Europe, and thus, provide different answers to Islam's relation to liberalism.

The most challenging position, however, is presented by Tariq Ramadan. This Swiss philosopher and Muslim intellectual is the grandson of Hassan al Banna, the founder of the Egyptian Muslim Brotherhood. Ramadan's enchantment with Islamic reformism has made him a highly contentious figure, and a primary source of concern for European governments. For his followers, he is a figure that represents a reformed and more enlightened Islam, but for most of Europe's authorities, he is perceived as a wolf in sheep's clothing.

What is in agreement is that Ramadan advocates and promotes the development of an independent Western Islam, which takes into account the cultural differences of present day Europe. Thus, in Ramadan's vision European Muslims, just like Asian or African Muslims, should read the Koran and interpret it in light of their own cultural background.

However, some of Ramadan's positions are disturbing to Europe. Indeed, Ramadan is highly familiar with the Western liberal discourse, however not fully endorsing all of its views, as one might sense from his books, *To Be a European Muslim* and *Western Muslims and the Future of Islam*. What is troubling for most is not the critic itself, as much as the fact that the critique comes from an Islamist standpoint. Even more concerning is that, in Ramadan's views, by endorsing a more culturally adaptable form of Islam, he believes he promotes the cultivation of a new Islam that will proof itself as a viable alternative to liberalism. He argues that the adherence to a 'foreign' Islam contributes to European Muslims' sense of inferiority and alienation from European culture.

Europe's primary concerns are whether Ramadan truly brakes away from the more rigid Islamic conservative positions, or utilizes a sophisticated use of euphemisms.

One the one hand, Tariq Ramadan challenges classical jurisprudential concepts.

Ramadan rejects the classical binary division of the world into *dar al-islam* (abode of peace: Muslim countries) and *dar al-harb* (abode of war: all other countries) and calls to revise such outdated concepts and the adoption of the term *dar al-shahada* (the abode of proclamation/testimony). For Ramadan, the West

is neither the 'abode of war' nor the 'abode of peace', but *dar al-shahada*, thus, the abode of testimony of Islam.

Ramadan's beliefs track many of those of Y. Qaradawi and Faysal Mawlawi who define Europe as the "Abode of Proselytizing" (*dar al-da'wa*). However, Ramadan claims to be less conservative than such scholars of Islam since he is more open to integration, as long as Muslims will continue to be loyal to Islam and the advancement of its message.

Still, like Qaradawi, and in contrast to progressive Islamic thinkers such as Mohammed Taleb or Malek Chebel, Ramadan adopts the language of *da'wa*, which troubles Europeans since it entails the conversion of non-Muslims and the ultimate Islamization of the West.¹¹

The central apprehension of critics is that, while speaking about accommodation and reform, Ramadan's ultimate aim is to change Europe, rather than accept it or recognize the liberal legacy that established it.¹²

Muslims and non-Muslim scholars have expressed their concerns about Ramadan's theological argumentations. Scholars such as Caroline Fourest, who analyzed Ramadan's works, has noted that his views are inherently developments of his grandfathers' (Hassan al-Banna) work which evolved into various contentious and violent form of Islam, including the global *jihadi* movement.¹³ Bassam Tibi argues that Ramadan's use of Salafi concepts to advance Islamization stands as proof to his inherent anti-liberal views.¹⁴

European governments and public figures have expressed similar concerns. Nicolas Sarkozy has accused Ramadan of defending the inhumane practices advanced under the Islamic penal code (*hudud*), the former head of the French organization SOS Racisme, Malek Boutih, has referred to Ramadan as a 'fascist' and a 'small Le Pen', and Bertrand Delanoë, mayor of Paris, and Dominique Sopo, head of SOS-Racisme, have all charged Ramadan of propagating anti-Semitic views. Daniel Pipes has accused Ramadan of having ties with Islamic extremist movements. In September 2006, the US government formally denied Ramadan's visa application since it concluded that Dr. Ramadan was inadmissible since he allegedly provided material support to a terrorist organization (a ruling later reversed in 2009).

In Europe and the US, authorities and scholars continue to perceive Ramadan as a somewhat unwelcome figure. Somewhat ironically, however, in Tunisia, Egypt, Saudi Arabia, Libya and Syria, he has also been declared as a

¹¹ Ramadan, T. *Western Muslims and the Future of Islam*. (Oxford: Oxford University Press, 2004), p.73.

¹² See: Kepel, G. *Allah in the West: Islamic Movements in America and Europe*. (Cambridge: Polity Press, 1997). See also: Kepel, G. *The War for Muslim Minds. Islam and the West*. (Cambridge, MA: Harvard University Press, 2004).

¹³ Fourest, C. *Brother Tariq: The Doublespeak of Tariq Ramadan*. [English translation of Frère Tariq: Discours, stratégie et méthode de Tariq Ramadan]. (New York: Encounter Books, 2008)

¹⁴ Tibi, B. "Europeanization, not Islamization", *Sign and sight*, (website), Published online on March 22, 2007. At: www.signandsight.com

persona non-grata due to his critic against the undemocratic practices of these countries.

In response to many of such claims, Ramadan responded that most Europeans have deserted their commitment to human rights. This accusation was presented to a variety of European scholars and public figures, including French intellectuals such as Alexandre Adler, Alain Finkielkraut, Bernard-Henri Lévy, André Glucksmann and Bernard Kouchner.

Indeed, the universalistic approach to liberalism stresses human dignity and recognizes and respects religious and cultural differences. According to this perspective, Ramadan's views are sustainable.

However, as will be presented, Europe is increasingly distancing itself from this approach.

The limitation of freedom of religion in Western Europe

For better or worse, treating Islam as a cultural or religious “partenaire,” or shareholder, seems to challenge the national identities of European societies as those societies perceive them. Despite the differences between Scandinavian countries and Britain, which have a national church, to France which defends *laïcité*, none is ready to recognize Islam as ‘equal’ *partenariare*.

The most prominent characteristic of this newly crafted assertive liberal nationalism is the progressing willingness to restrict freedom of religion. As will be presented in this section, across various Western European countries, authorities and publics express their disengagement from the values of universal liberal approach to human rights, mainly in regard to the freedom and equality of religion.

The most notable indication of this trend is that Muslims, unlike other religious groups in Europe, encounter great obstacles when trying to introduce Muslim symbols and places of worship to Europe's public spheres.

The classic human rights to religious liberty and freedom are enshrined by national constitutions and laws and international conventions and declarations. Several international human rights treaties specifically prohibit discrimination on the ground of Religion or belief, including Article 2.1 in the International Covenant on Civil and Political Rights (ICCPR), Article 2.2 in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 2 in the Convention on the Rights of the Child (CRC).

The protection of freedom of religion has also been integrated into European legislations. Article 14 in the European Convention on Human Rights, (ECHR) prohibits its affiliated nations from discriminating on the ground of religion, and has introduced a free-standing anti-discrimination clause that specifically bans discrimination on the ground of religion in regard to all legal rights. The European Social Charter (ESC) protects the rule of non-discrimination

on the ground of religion in various regards, as well as in the field of employment, education and health. Article 21 of The Charter on Fundamental Rights of the European Union proscribes any form of discrimination on the ground of religion or faith.

Nevertheless, the rejection of Islam has been fierce, as publics and parliaments across Europe expressed their clear refusal to grant Islam any further recognition in the public sphere through various expressions and legislations. In France (2010) and the Netherlands (2012), governments banned the wearing of the full face veil (often referred to as the *burqa* ban). In 2009, Switzerland banned the building of minarets.

Such legislations delivered over a clear message to Europe's Muslims: that is, that European publics and governments were not ready and willing to grant Muslims and Islam further recognition.

There were various social and political developments that preceded these legislations. In England, after the Northern England racial unrest of 2001, the British public was alarmed by the extent and pervasiveness of ethnic tensions. In the Netherlands, the murder of the filmmaker, Theo Van Gogh, by a young Dutch-born Muslim, shocked the nation. In France, following the rebellion in the *banlieues* in 2005, public expressed greater support for the affirmation of Republican values. Such events, in addition to the disturbing discoveries on terrorist plots, amalgamated the need to define the role religion, and Islam in particular, should have in these modern democracies.

Only a minute percent of Muslim women in Europe wear the *burqa*. In France, for example, it assumed that less than two thousand Muslim women wear the *burqa*. In the Netherlands, it is assumed that no more than 400 women wear the veil.¹⁵ Nevertheless, in recent years there have been numerous attempts to prohibit the wearing of full-face veils in several European countries, including Austria, Belgium, Bosnia and Herzegovina, Denmark, France, Italy, the Netherlands, Spain, Switzerland and the United Kingdom.

In June 2009, the National Assembly (Lower Chamber of the French Parliament) set up a Commission to investigate the extent of the wearing of full-face veils in France. The Commission found that the practice was marginal, yet at times resulting from community pressure to comply with certain norms. Nevertheless, the French proceeded with the legislation which entered into force in 2011. Under the French law, full face concealment can not be worn in public, including in religious institutions. A similar ban has been adopted in the Netherlands in 2012 and in Belgium, in which a vast majority of parliament members voted in favor of the face-veil ban, which entered into force in 2011.

Even though such bans are generally promoted under considerations pertaining to security, in countries such as Belgium, France, the Netherlands and

¹⁵ See: "Report on the wearing of full-face veils on the national territory", *National Assembly*, January 2010, p. 28; See: Moors, A. "The Dutch and the veil: the politics of discomfort", *Social Anthropology*, 2009, pp. 393-408.

Spain, domestic legislation already provided law enforcement agents with the power to undertake identity checks.

While the bans are generally designed in a neutral fashion, it is patently clear that they were fashioned for the case of Muslim women. As explained by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg: “The fact that the public discussion in a number of European countries has almost exclusively focused on what is perceived as Muslim dress has been unfortunate and created the impression of targeting one particular religion.”¹⁶

Similar developments are noted in the field of the construction of mosques. The UN Human Rights Committee has declared that “Places of worship are an essential element of the manifestation of the right to freedom of religion”, and therefore called to recognize that this requires “the existence of a place of worship”. In its statements and reports, the UN has noted that restrictions put on the access to worship may be considered as a broad violation of the right for freedom since it violates “the right not only of a single individual, but the rights of a group of individuals forming the community that is attached to the place in question.”¹⁷

Despite that restricting Muslims’ access to places of worship would be a clear violation of such European and nationally embedded constitutional rights, various European countries have expressed their willingness to infringe the right for freedom of religion when it comes to Muslims.

A dramatic example of such developments took place in Switzerland, in which the building of mosques has been subject to legal and political controversy since 2005. In 2007, the Swiss People’s Party (SVP) and the Federal Democratic Union (FDU) launched an initiative aimed at introducing a ban on minarets, which entailed the amendment of the Swiss Constitution. The initiative was signed by over 100 thousand citizens and then presented to the Swiss Parliament. The Swiss Federal Council (Swiss government) informed the Federal Assembly that the initiative may be perceived as a violation of the right to freedom of religion, as presented in the European Convention on Human Rights. However, the Committee against the Building of Minarets argued that minarets were not a manifestation of religion but a political statement. Thus, the initiative was found valid and presented to a referendum vote, although the Assembly recommended to vote against the ban.

In November 2009, more than half of the voters expressed support to the ban. All but four of the 26 Cantons (Geneva, Vaud, Neuchâtel and Basel City) voted in favor of it. As a result of the referendum, a third point was added to Article 72 of the Federal Constitution, which currently states that; “1) The regulation of the relation between the Church and the State is a competence of the Cantons. 2)

¹⁶ Commissioner’s Viewpoint, 8 March 2010.

¹⁷ See: “General Comment No. 22”. *Human Rights Committee*. Also see: Jahangir, A. “Civil and political rights”, *UN Special Report on the right to freedom of religion or belief*. December 20, 2004, E/CN.4/2005/61.

Within the boundaries of their respective competences, the Confederation and the Cantons can adopt measures aimed at maintaining peace among members of different religious communities. 3) The building of minarets is forbidden.”

Swiss authorities have acknowledged the problematic nature of the referendum. The consistency between the current prohibition, enshrined by the Constitution and the European Convention could be assessed by the Federal Tribunal, which is required to execute international law. Following the conclusions of two Federal Council reports, which were formulated to attend the potential collision between constitutional and European and international laws, both Chambers of the Swiss Parliament supported a motion mandating the government to formulate a proposal outlining the legal rationale by which this reform could overcome such challenges, while maintaining its primary prohibition.

No other European country has gone as far as Switzerland, which can not escape its blatant and discriminating limitation of Muslims’ freedom of religion. However, all across Western Europe, Muslims face various challenges in the establishment of places of worship. In Britain, the Netherlands, Germany and France, Muslim communities also seek relief for their overcrowded places of worship, with little success.

Even in countries in which there seems to be a greater willingness to recognize the role of religion, and Islam in particular, mosque construction is accompanied by great controversies.

Spain, for example, specifies the right to freedom of religion and the establishment of places of worship. In 2009, the Catalan adopted a more specific regulation, requiring municipalities to take into consideration in urban the planning communal needs, including the need to allocate space to places of worship.¹⁸ Still, in Catalan, the mere attempt to establish Muslim places of worship has resulted in severe disputes between local residents, Muslims and municipal authorities.¹⁹ Catalan authorities have openly declared that the establishment of Muslim places of worship is generally accompanied by great apprehension and protest by local citizens due to fear from Islam.²⁰ In several cases these protests were endorsed by parties who have a clear anti-Islam agenda such as Platform for Catalonia (PxC).

Europe’s reluctance to ensure freedom of religion is also noted in the field of education. The wearing of religious symbols in educational institutions has been an issue of controversy in numerous European countries, including Belgium, France, the Netherlands, Switzerland, Spain and the United Kingdom. International law permits certain restrictions to be placed on this right in regard to educational institutions, providing that certain provisions are met. Heiner

¹⁸ Article 4 of Law 16/2009. Decree 94/2010 of 20 July elaborates on Article 4.

¹⁹ Moreras, J. “Una mesquita al barri, conflicte, espai públic i inserció urbana dels oratoris musulmans a Catalunya”. 2009, p. 52.

²⁰ See: “Meeting with the DG Religious Affairs, Generalitat de Catalunya, 6 July 2011. Meeting with DG Immigration, Generalitat de Catalunya, 13 January 2011”, cited in: “Choice and prejudice. Discrimination against Muslims in Europe”. *Amnesty*. London, 2012, p. 85.

Bielefeldt, the UN Special Reporter on freedom of religion has noted that the fundamental assumption should rest on the understanding that pupils have the right to wear religious symbols in their educational institutions,²¹ and that any restrictions should be fashioned and applied in a non-discriminatory manner.

In Belgium, the concept of neutrality in education is protected by the Constitution in Article 24.1, aimed to insure the respect for the religious, ideological and political beliefs of both pupils and their parents. Despite that the concept of neutrality, as presented in Belgian and international law, is to be interpreted in a manner that protects diversity and pupils' basic right to wear religious symbols, many Belgian schools adopted internal regulations prohibiting the wearing of such symbols.

The development and adoption of such prohibitions emerged following controversies about the wearing of head scarves by Muslim girls, while the wearing of other symbols was generally accepted. In 2009, the Board of Education of the Flemish Community (GO!), which is tasked to provide neutral and non-denominational education, introduced a ban that prohibits the wearing of religious and cultural symbols by pupils and teachers. Belgian Muslims claim that they are affected more by this ban than other religious or cultural groups. Catholics and Jews generally wear religious symbols in their denominational schools, due to the extremely low number of Muslim private schools, Muslim pupils are forced to choose between home-schooling, compliance with the ban, or the relocation to schools of other denominations, which are legally capable of prohibiting the wearing of religious symbols that do not comply with the institution's religious view.

France adopted a similar ban to the wearing of religious symbols in educational institutions in 2004. In response, in 2007, the UN Independent Expert on minority issues noted that the "... 2004 on '*laïcité*' and the wearing of conspicuous religious symbols in public schools constitutes a limitation of the right to manifest a religion or a belief ... and has mainly affected certain religious minorities, and notably, people of a Muslim background."²²

As noted, European states and institutions are reluctant to address the violations of Muslims' right to freedom of religion, even in countries where such discrimination is prohibited under national laws.

Another contentious field, which concerns both Muslims and Jews is the dietary one. For example the the president-elect of the British Veterinary Association (BVA) John Blackwell said he wanted to discuss the issue of *halal* and kosher food with Jewish and Muslim groups in order to find a compromise that puts more emphasis on the welfare of the animal. This saga comes as an echo to debates in different European countries, especially in Denmark whose

²¹ "Report of the UN Special Reporter on freedom of religion or belief, Heiner Bielefeldt". *HRC*, December 2010.

²² "Report on the Independent Expert on Minority Issues, Mission to France (19–28 September 2007)", *HRC*, March 2008.

government has brought in a ban on the religious slaughter of animals for the production of halal and kosher meat, after years of campaigning from welfare activists. The minister for agriculture and food Dan Jørgensen told Denmark's TV2 that "animal rights come before religion".²³

Of no question, while the debate focuses on Muslims, the new initiatives against freedom of religion of Muslims affect also Jews. The other case in point is the debate around circumcision. The debate in its origins was related to female circumcision however, it did not take long till it drifted to male circumcision.

The Parliamentary Assembly of the Council of Europe (PACE) for example held a debate on circumcision in Strasbourg, France, in accordance with a resolution recognizing circumcision as a violation of bodily integrity and calling for public discussion on the matter. Before that resolution, a seemingly insignificant decision by a lower court in Cologne against a doctor who circumcised a Muslim boy, has triggered a spreading drive to criminalize a religious practice that is at the heart of Jewish and Muslim belief. Of no question, the dispute reflects the ever deeper liberalization of European life that, in the eyes of some religious leaders, has mutated into a form of intolerance.²⁴

Although the impact of the extending discriminatory practices is also affecting Jews, it must be stressed that it had a heavy impact on European Muslims, because in more sense than one, religious discrimination is accompanied by economic discrimination.

For example, according to a 2010 survey conducted by the Open Society Institute, Muslims were victims of religious and racial discrimination more often than non-Muslims, especially in the fields of employment and education.²⁵ In its recent reports, the European Network Against Racism announced that Islamophobia is prevalent in all European societies, specifically affecting Muslims in the areas of employment, education and access to goods and services.

Statistics bear proof to the harsh socioeconomic reality of the Muslims communities. In numerous European countries, Muslims have strikingly higher levels of unemployment in comparison to the 'native' population, but also other ethnic and religious minorities residing in such nations.²⁶ A study by the Institute for the Study of Labour on the position of ethnic minorities in Europe's labour market revealed that the participation rate among groups that are predominantly Muslim (Turks, Moroccans, Iraqis, Pakistanis and Bangladeshis) is lower than that of the majority population. It noted that such Muslim minorities "typically have significantly higher unemployment rates, lower labour income, and they are

²³ Withnall A. "Denmark bans kosher and halal slaughter as minister says 'animal rights come before religion'", *The Independent*. Friday, March 7, 2014.

²⁴ Ewing J. "Some Religious Leaders See a Threat as Europe Grows More Secular," *New York Times* September 19, 2012.

²⁵ "Muslims in Europe 2010: A report on 11 cities", *Open Society Foundation*, pp. 84-85, p.101.

²⁶ "Les immigrés en France," *INSEE*. Paris. édition 2005; "Documenting discrimination against migrant workers in the labour market," *ILO*. Geneva. 2000. At: www.ilo.org

less likely to find and keep their jobs than the majority population.”²⁷

Discrimination on the ground of religion manifests in various ways in the private and public sectors. In Belgium’s private sector, for example, companies are allowed to set restrictions on the wearing of religious symbols which may put-off clients. Banks and other service-providing companies operating in Belgium have applied such restrictions, which generally centered on the demand of their Muslim employees to remove their religious symbols and/ or scarves.²⁸

However, attempts to extend further protection to Muslims in the field of employment have failed. European Union anti-discrimination Directives provides only partial protection against different forms of discrimination. Although that the Race Directive (2000/43/EC) demands member-states to ban discrimination on the ground of race in various fields, the Framework Employment Directive (2000/78/EC) bans discrimination on the ground of religion only in the field of employment. Recognizing the problematical partiality in the Directive’s ability to assure freedom of religion in all areas, in 2008 the European Commission initiated a proposal for a new anti-discrimination Directive aimed to extent the protection against discrimination on the grounds of religion (and other orientations) in the areas of access to goods and services, education, social protection and social advantages. However, there is no consensus among European member states on the need to advance such extended anti-discrimination legislation.

It is patently clear that when European countries are faced by demands to allocate the protection of freedom of religion to the case of Islam, debates can not avoid returning to fundamental questions pertaining to the state – religion relationship, even when such are concealed under the notion of secularism or neutrality.

The question is what has caused this reaction? Is modern secular ideology inherently antagonistic towards religion? Or is Islam, as European publics often claim, inherently incompatible and incapable of accepting Europe’s traditional state-religion arrangements?

The resurgence of liberal nationalism

Undeniably, the arrangements between Christianity and the state, which are notable across various secular European countries, could serve as a path way for the incorporation of Islam.²⁹ However, there is a clear unwillingness

²⁷ Zimmerman K. F. et al. “Study on the Social and Labour Market Integration of Ethnic Minorities”. *IZA Research Report*. No 16, 2008. p. 11

²⁸ Adam, I. and Rea, A. “La diversité culturelle sur le lieu de travail.” *Pratiques d’aménagements raisonnables, Centre pour l’Egalité des Chances et la lutte contre le racisme (CECLR)*. 2010.

²⁹ For example, according to the 1988 General Comment of the UN Human Rights committee different religious traditions can legitimately be allocated special recognition by authorities, providing that such will not interfere with other individual religious freedoms or constitute any discrimination against members of other religious or ideological groups. See: Boyle, K. and Sheen, J. (eds.) *Freedom Araucaria. Revista Iberoamericana de Filosofía, Política y Humanidades*, año 16, nº 31. Primer semestre de 2014. Pp. 105-126.

to accommodate Muslims into such existing arrangements, which creates an even more tensed atmosphere. A variety of scholars have tried to explain why Europe's retort has centralized on the affirmation of liberalism as against its Muslim citizens.

Casanova argues that when Europe is faced with such Muslim requests, the liberal and illiberal facets of European secularism are revealed. Casanova concludes that "problem of religion in relation to democracy may not be a real problem intrinsic to religion itself, but rather a problem linked to widespread secularist assumptions about religion, democracy and their relationships".³⁰ For Casanova, thus, the challenge is not Islam per-se, but a new secularist ideology that aims to marginalize, if not eliminate, its old rivals.

In a similar vein, Jocelyne Cesari argues that the main challenges in present European societies stem out of the assignment of negative and violent stereotypes to religion under a secularist ideology, and not religion. Thus, for Cesari, the conflicts result out of the emergence of secular ideologies, and not Islamic ones.³¹

Silvio Ferrari presents a different understanding of this challenge. For Ferrari, current controversies result out of the challenges both Muslims and Europeans have in understanding the state-religion relations. He notes that this misconstrued relationship poses difficulties, "on the one hand, for the Muslims themselves who have to find a means of integration in a (secular) reality that is culturally alien to many of them, and on the other, for the Europeans who have to understand how far the secularity of the state can go in integrating this reality."³²

Indeed, both sides of this debate present a certain unwillingness to reform their primary understandings. The views of Tariq Ramadan and other popular Muslim preachers are clearly not in line with Europe's understanding of liberalism. For example, according to Ramadan, the reason women should be veiled is that "men are the weaker of the two and because the way men look at women is much more fragile than the reverse. This veil is a protection for the weakest of the two." Furthermore, Ramadan advocates a form of modesty that is based on rather problematical responsibility in regard to women's control over men's perceptions. He suggest that if women "attract men's look by your forms, your perfume, your appearance or your gestures you are not taking a spiritual path."³³

of Religion and Belief: A World Report. (London: Routledge, 1997), p. XXII.

³⁰ Casanova, J. "The problem of religion and the anxieties of European secular democracies." in: Motzkin, G., and Fischer, Y., (eds.) *Religion and Democracy in Contemporary Europe.* (Alliance publishing trust, 2008), p.63.

³¹ See: McLouglin S., and Cesari J., *European Muslims and the secular state.* (Ashgate Publishing, 2005).

³² Ferrari, S. "The secularity of the state and the shaping of Muslim representative organizations in western Europe." in: McLouglin S., and Cesari J., *European Muslims and the secular state.* (Ashgate Publishing, 2005), p.12.

³³ Fourest, C. *Brother Tariq: The Doublespeak of Tariq Ramadan...* op.cita, p.162.

The central point is, that according to Ramadan's understanding of Islamic obligations, all individual choices are subject to the perceptions of what Fourest referred to, as a 'communitarian concept of culture'.³⁴ From this perspective, there is no individual choice, but only collective obligations, which become dependant on the community's stance.

Europe has long departed from such understandings of culture while taking great pride in its commitment to liberalism. In the eyes of many European, Muslims have not, or not yet, affirmed their commitment to the basic liberal premises. However, behind this assumption, what can be concluded is that it is very difficult to disentangle Europe's liberal identity from its Christian background, as suggested by Joppke.³⁵ Christianity does not imply religiosity but it represents instead a particular historical-cultural reality.

It can not be overlooked that European societies generally sense that they have already solved the state-religion dilemma by choosing to adopt the liberal secular norm that demands the privatization of religion. A widespread feeling in European societies is that Islam has inherent problems with respecting the state-religion arrangements, putting forward questions on the essential link of the notion of secularism itself to Christianity and its embedment in Western culture.

Indeed, few can argue with the fact that secularism is a distinctively Western creation and a primary component in the development of European and American nations and states.³⁶ From a global perspective, it is also seen a primary component in the development and adoption of democratic practices as part of the manner in which such countries handled the tensions embedded in the relations between liberal, non-liberal and illiberal communities.

The promotion of a Euro-Islamic discourse, which assigns superior importance to the loyalty to a transnational religious community by relying on Islamist notions, is perceived as a clear infringement of Europe's longstanding approach to state-religion relations.³⁷ Europe's encounter with a form of Islam that challenges this alliance catalyzes the need to reaffirm such historical commitments, and therefore, distance itself from the universal approach to liberalism. As this article has shown, it is precisely because that the universalistic approach to freedom of religion accommodates the views of Islamist notions that Europe decided to reaffirm its alliance with a nationalistic type of liberalism.

One of the questions scholars attempt to deal with is whether liberalism or liberal society can fit Islam. Some liberal scholars are reluctant to consider Islam as incompatible with democracy. Noah Feldman, for example, argues that

³⁴ Fourest, C. *ibid*, p.202.

³⁵ Joppke, C. "A Christian Identity in a Liberal State?," *The British Journal of Sociology*, Vol. 64. 2003, p. 612.

³⁶ Shakman, S.H. *The politics of secularism in International relations*. (New Jersey: Princeton University Press, 2008), p. 23.

³⁷ Zubaida, S. "Islam and nationalism..."...op.cita, p. 407.

the concept of *Sharia* represents the idea of constitutional justice.³⁸ Thus, for such scholars, Western and Islamic concepts of justice can be compatible.

However, it is of no question that in order to coexist with Islam, Western liberalism should shift from color blind liberalism to a liberalism that understands differences. As noted by Tariq Modood, the growth of Islam in Europe calls for an expansion of the liberal model for coping with the understanding of racism. The concept of racism must be stretched in order to include under the concept those that attack religious values.³⁹ Scholars such as Andrew March, suggest that we have to shift from a principled liberalism to a Rawlsian overlapping consensus between different concepts of the good. That might, according to March, lead to a moderate Islamic acceptance of partnership in Western society.⁴⁰ In the same vein, under an overlapping consensus, Islamic religious values can be included as part of western democratic society. If that happens, Islam would be protected under anti-discrimination laws.

Indeed, one interpretation of anti-discrimination implies protection of cultural or religious groups that have been victimized by the majority society. In more sense that one, multiculturalism, and a complementary overlapping consensus seem to be the best strategy for that purpose. It implies a shift from color blind to color conscious policies. The underlying notion is preserving the particularism of minority groups. However, this is not the only meaning of anti discrimination. Indeed other definitions of anti-discrimination are universalistic, attempting to make minority groups invisible.⁴¹ This implies moving from identity into the world of interests, and from equality of differences to the hegemony of the majoritarian national culture which guarantees the protection of individual autonomy.

In that sense, a national culture appears as the basis protecting individual autonomous rights from ethnic or religious communitarian pressure. The question however, is how religious groups should react to state's demands against religious practices. Whether they can hold democratic arguments against it.

Indeed, religious groups like Muslims might be demanding the secular majority to accept exemptions for their religion under the reason of achieving a certain egalitarianism vis-à-vis the dominant culture. If we take in account that majorities enact laws in order to accommodate their own religious practices, then it would sound fair that minorities demand such exemptions.⁴²

³⁸ Feldman, N. *The Fall and Rise of the Islamic State.* (New Jersey: Princeton University Press, 2008), pp. 20-21.

³⁹ Modood, T. "Muslims and the Politics of Difference", *The Political Quarterly*. Vol. 74. Issue 1. January 2004, p. 109.

⁴⁰ March, A. "Islamic Foundations for a Social Contract in Non-Muslim Liberal Democracies," *American Political Science Review*, Vol. 101, No. 2, May 2007, p.235.

⁴¹ Joppke, C. "Minority Rights for Immigrants? Multiculturalism vs. Antidiscrimination." *Israel Law Review*. Vol. 43. No.1. 2010, p. 54.

⁴² White, S. "Religious Exemptions: An Egalitarian Demand?" *The Law and Ethics of Human Rights*. Vol. 6 Issue 1, 2012, p.101

However, in opposition to these view, what we are witnessing in Europe nowadays is the affirmation of a restrictive approach to freedom of religion and a tendency to disallow exemptions on base of religion. That suggests that the concept of anti-discrimination does not include protection of religious values, that are perceived as challenging the autonomy of the individual. Even when freedom of religion is affirmed and respected by the European Court of Human Rights, it is quite clear that the European Union is reluctant to punish violators. In other words, the nation serves as a protection of individual rights from communitarian claims.

In short, the defense of a public morality against *burqas* and of the individual rights against religious communities is what Europe stands for today. As is noted by Christian Joppke, European societies are abandoning the ideas of diversity tolerance and equal treatment, towards a more austere version of liberalism-as-autonomy. This version of liberalism fits the idea of liberal nationalism and a liberal individualistic concept of anti-discrimination.

In sum, I can conclude that the Muslim challenge in Europe has the set the path for the resurrection of a liberal form of nationalism and of a principled liberalism as against group rights.

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