SECURITIZATION AND RELIGIOUS DIVIDES IN EUROPE

Muslims In Western Europe After 9/11:

Why the term Islamophobia is more a predicament than an explanation

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Submission to the Changing Landscape of Citizenship and Security

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Introduction

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USE OF THE TERM "ISLAMOPHOBIA" IN EUROPEAN SOCIETIES

Although the first occurrence of the term Islamophobia appeared in an essay by the Orientalist Etienne Dinet in *L'Orient vu de l'Occident* (1922), it is only in the 1990s that the term became common parlance in defining the discrimination faced by Muslims in Western Europe. Negative perceptions of Islam can be traced back through multiple confrontations between the Muslim world and Europe from the Crusades to colonialism.[1] However, Islamophobia is a modern and secular anti-Islamic discourse and practice appearing in the public sphere with the integration of Muslim immigrant communities and intensifying after 9/11. The term has been used increasingly amongst political circles and the media, and even Muslim organizations, especially since the 1997 Runnymede Report (Islamophobia: A Challenge for All). However, academics are still debating the legitimacy of the term (Werbner 2005, Modood 2002, Vertovec 2002, Halliday 1999)[2] and questioning how it differs from other terms such as racism, anti-Islamism, anti-Muslimness, and anti-Semitism.

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[1] These confrontations were often phrased in terms of religion—Islam v. Christianity—as demonstrated by Maxime Rodinson, Daniel Norman, and Edward Said. See: Daniel Norman, *Islam and the West, the Making of an Image* (Edinburgh: Edinburgh University Press, 1980); Maxime Rodinson, *La fascination de l'Islam* (Paris: La Decouverte, 1978) ; Edward Said, *Orientalism* (New York: Pantheon Book, 1978).

[2] See Pnina Werbner, "Islamophobia, Incitement to Religious Hatred-Legislating for a New Fear?" *Anthropology Today*, vol. 21, no. 1 (2005), 5-9; Tariq Modood, "The Place of Muslims in

The term Islamophobia is contested because it is often imprecisely applied to very diverse phenomena, ranging from xenophobia to anti-terrorism. As Marcel Maussen points out in his chapter below, 'the term "Islamophobia" groups together all kinds of different forms of discourse, speech and acts, by suggesting that they all emanate from an identical ideological core, which is an "irrational fear" (a phobia) of Islam.'

However, the term is used with increasing frequency in the media and political arenas, and sometimes in academic circles. The European Monitoring Centre on Xenophobia and Racism (EUMC) report documenting the backlash against Muslims in Europe after September 11th was titled 'Summary report on Islamophobia in the EU after 11 September 2001.' In France it has been used in several important academic studies although it is still rejected by the Consultative Commission on Human Rights (France Report). In *Le Monde*, a premier news journal, the term has appeared in over thirty articles in the past year and more than 150 in the past ten. However, a search of *Der Spiegel*, a premier news journal in Germany shows only six uses in the past year. Another term in more regular usage seems to be 'Islamfeindlichkeit,' which expresses the anti-Muslim sentiment but does not imply the same fear. The term and even the idea have only recently become used in academic work, where previously the study had been about Muslim communities rather than German attitudes towards them (Germany Report).

The use of the word is very common in the United Kingdom (UK Report), where the aforementioned Runnymede Report of 1997 helped launch its popularity. An examination of the archives of *The Guardian* reveals that the term has been used hundreds of times within the last year, often by prominent politicians and commentators. Notable also is the existence of the group FAIR, Forum Against Islamophobia and Racism, created by Muslim activists. By contrast, in America, the term appears only twenty-six times in *The New York Times*, and except for editorials by Muslim activists, always refers to the situation in Europe. However, it has been used regularly by the group CAIR, Council on American Islamic Relations. Searching through

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British Secular Multiculturalism" in *Muslim Europe or Euro-Islam: Politics, Culture and Citizenship in the Age of Globalization*, ed. Nezar Alsayyad and Manuel Castells, 113-30 (Lanham: Lexington books, 2002); Steven Vertovec, "Islamophobia and Muslim Recognition in Britain" in *Muslims in the West: From Sojourners to Citizens*, ed. Yvonne Yazbek Haddad, 19-35 (Oxford and New York: Oxford University Press, 2002); Fred Halliday, "Islamophobia Reconsidered," *Ethnic and Racial Studies* 22, no. 5 (September 1999), 892-902.

other media, the usage of the term appears to be rising, perhaps partly due to its use by activist groups.

There have been several recent studies on European Muslims which relate to Islamophobia. The EUMC reports on discrimination against Muslim populations in Europe have been the first to generalize the term and thus give it some credibility at the European level (EUMC Reports 'Islamophobia in the EU after 11 September 2001' and 'The Impact of July 7 2005, London Bomb attacks on Muslim communities in the EU,' November 2005). The EUMC reports examine the European response towards Muslim minorities in their own countries, identifying attacks against Muslims, anti-Islamic rhetoric and the efficacy of the government in the European countries in minimizing community tensions. Both EUMC reports state a marked rise in anti-Islamic attitudes and attacks in European countries for a short period of time engendered by the events of 9/11 and 7/7. However, both reports state the level of physical acts of aggression against Muslims were disparate and isolated incidents and that hostile attitudes expounded in certain sections of the media and political spectrum were counterbalanced by concerted efforts by European government to make sharp distinctions between those who committed the acts of terrorism and that of the general populace. The report on the impact of the July 7 2005 bombings lauds the UK political and community leaders for their immediate reassurances to the Muslim community; government initiatives of engaging with the Muslim community through setting up Muslim consultation groups and the police for implementing reporting and communication mechanisms in order to de-escalate potential community tension.

However, the EUMC uses data gathered by national agencies that have different methods for quantifying discrimination, and whose home countries often have different policies toward recognizing ethnic minorities. In addition to these methodological flaws, the EUMC reports approach the term Islamophobia uncritically.

In the United States, the Congressional Research Service (CRS)'s report on Muslims in Europe describes the impact of different integration policies on Muslim populations after 9/11, and assesses their influence on extremism among Muslims. The report looks at the challenges faced by European countries in integrating their Muslim population due to their lack of a common legal or political framework on immigration, security or

integration. The authors state that British, French, German and Spanish integration strategies have failed to create a sense of loyalty to the national identity amongst their Muslim subjects and this coupled with the high levels of socio-economic disadvantages faced by the Muslim communities relative to indigenous population in most European countries have been exploited by terrorist elements. The report notes that European countries are reassessing their relationship with the Muslim communities in light of the threat posed by 'homegrown' terrorists through intensification of dialogue with moderate elements in Muslim communities, new anti-discrimination legislation, introduction of citizenship markers and tighter immigration and security policies.

These reports exemplify two separate trends in the field: the CRS analyses different state policies concerning the integration of Muslim populations, while the EUMC records levels of discrimination encountered by European Muslims. None of the above reports combine these approaches (analysis of state policies and analysis of discrimination) to develop a comprehensive framework for understanding post-9/11 Muslim populations.

In a unique effort to understand the status of Muslims in Europe, our report will amalgamate both methods of analysis. We will examine policies undertaken since 9/11 in fields such as immigration, security, and religion, and we will simultaneously assess the influence of these policies on Muslims. We will also address the structural causes of discrimination, such as the socio-economic status of Muslim populations or the legal status of racial and ethnic minorities. In doing so, we differentiate our approach from the dominant view, which defines Islamophobia solely in terms of acts or speeches explicitly targeting Muslims.

The principal aim of this report is to highlight the multi-layered levels of discrimination encountered by Muslims. This phenomenon cannot simply be subsumed into the term Islamophobia. Indeed, the term can be misleading, as it presupposes the pre-eminence of religious discrimination when other forms of discrimination (such as racial or class) may be more relevant. We therefore intend to use the term Islamophobia as a starting point for analyzing the different dimensions that define the political situation of Muslim minorities in Europe. We will not to take the term for granted by assigning it only one meaning, such as anti-Islamic discourse.

In Part One, we will present the principal characteristics of the European Muslim population, in order to understand their particular status as religious or ethnic minorities. In Part Two, we will review the key components of discrimination that may affect Muslims in Europe.

PART ONE: MAIN CHARACTERISTICS OF THE MUSLIM POPULATION IN EUROPE

Section I: Most Muslims are Immigrants or Have an Immigrant Background

According to the best estimates, Muslims currently constitute approximately 5 percent of the European Union's 425 million inhabitants. There are about 4.5 million Muslims in France, followed by Germany's 3 million, 1.6 million in the United Kingdom, and more than half a million in Italy and the Netherlands. Although other nations have populations of less than 500,000, these can be substantial minorities in small countries such as Austria, Sweden or Belgium. Approximately half are foreign born. In general, the population is younger and more fertile than the domestic populations (Savage 2004).

In France and the United Kingdom, Muslim populations began arriving in the middle of 20th century largely from former colonies, leading to a predominately North African ethnicity in France and South Asian in the United Kingdom. In Germany, the community began with an influx of 'guest workers' during the post-war economic boom, largely from Turkey. In the Netherlands, immigration of guest workers led to a largely Moroccan and Turkish population. Along with the other nations in the European Union, all of these populations have been substantially augmented by immigration flows over the last twenty years. Although immigrants have come from all over the world, the countries with existing populations tend to attract more of the same ethnic background. Among current European Union member states, only Greece has a significant indigenous population of Muslims, residing primarily in Thrace. Greece also has a substantial population of non-permanent residents from Albania, most of who are nominally Muslim but do not practice regularly. This makes it difficult to estimate the total number.

Muslims in EU Member States

	Inhabitants (thousands)	Ethnicity (thousands)	% of Country
Austria	200	Turkey: 120	4.2%
		Bosnia: 50	
Belgium	370	Morocco: 165	3.5%
		Turkey: 100	
Denmark	150	Turkey: 36	3.1%
		Iran: 6	
		Pakistan: 7	
Finland	20	Tartars and Turks	0.4%
France	4,000 - 4,500	Algeria: 1,500	8.3%
		Morocco: 1,000	
		Tunisia: 350	
		Turkey: 350	
		Sub-Sahara: 250	
Germany	3,040	Turkey: 2,300	4.3%
Greece	370	Albania: 250	3.4%
		Thrace: 120	
Ireland	7		0.5%
Italy	600	Morocco: 150	1.8%
		Albania:92	
		Tunisia:50	
Netherlands	696	Turkey: 284	6.0%
		Morocco:247	
		Surinam: 36	
Portugal	30 - 36		0.3%
Spain	300	Morocco: 170	2.3%
Sweden	300	Iran, Turkey, Bosnia	3.9%
UK	1,590	South Asia: 918	2.7%

Source: Brigitte Maréchal, Felice Dassetto, Jorgen Nielsen and Stefano Allievi (eds.), *Muslims in the Enlarged Europe, Religion and Society* (Leiden: Brill, 2003).

These numbers must be taken as estimates rather than firm counts. A number of the countries in Europe, including Belgium, Denmark, France, Greece, Italy and Spain, do not ask for religion of respondent in their census (Savage 2004). Even for the countries that do, it is difficult to decide exactly who should count as a Muslim and there is no leadership structure for guidance. For example, imagine a third generation individual of Turkish heritage living in Germany who may be secular and not identify to a questionnaire as Muslim. Should one include that individual in the research? There are good arguments either way. Also, many people identify primarily by ethnic background rather than Islam, and this raises thorny questions about identity. This is not simply academic, but goes to the heart of the questions about how Muslims are adapting to Western societies. Research shows that over time and in reaction to the social situation, more are beginning to consider Muslim the primary identity (Savage 2004). One can expect this to have long-term ramifications for how they are able to make their place in society.

The majority of Muslims in Europe come from three areas of the world. The largest ethnic group is Arab, with some 45 percent, followed by Turkish and South Asian. Although there are sizable populations of Turks in several countries, the majority is in Germany, while most of the South Asians are in the United Kingdom (Cesari 2004). Most European countries closed their doors to simple economic migration in the 1970's, but asylum and family reunification policies continue to allow in substantial numbers of new immigrant Muslims (Savage 2004). Muslims from several other locations have entered Europe in large numbers as refugees from violence. Bosnian and Kosovar Muslims fleeing the wars after the breakup of the former Yugoslavia generated large flows across Europe, with more than 300,000 fleeing to Germany. Violence in Somalia also drove many to emigrate.

This situation in which the categories 'immigrant' and 'Muslim' overlap is particular to Western Europe, as can be seen by comparison with the United States. In

2006 particularly, immigration became an important political issue in America. At the margins of the discourse, the issue can be connected to terrorism. The long unprotected border with Mexico can be seen as pushing the effective boundary of the United States to Mexican authorities, with the implication that it would be easier for suspect individuals to gain access. However, this is not the central issue in the debate. Instead, the immigration debate centres on economic and social concerns such as wages, assimilation, and language. In America, the prototypical immigrant is a low-skilled Mexican or Central American worker rather than a conservative Muslim. Of the 15.5 million legal immigrants who entered the United States from between 1989 and 2004, only 1.2 million were from predominantly Muslim countries. There was a sharp drop from more than 100,000 per year prior to 2002 down to approximately 60,000 in 2003, but this recovered somewhat to 90,000 in 2004.[3] Immigration in the United States is thus a topic in which the issues of Islam and terrorism are at best marginal parts of the issue.

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[3] Yearbook of Immigration Statistics 2004, U.S. Office of Immigration Statistics (January 2006).

Section II: Ethnic Diversity and Culture Tend to Be Subsumed under Islamic Identity

Immigrant Muslims have vastly different ethnicities and cultures. Of the five countries under review, each has a substantially different ethnic mix.[4] Among some four to five million Muslims in France, North Africans from Algeria, Morocco, and Tunisia are the dominant groups, with 1.5 million, one million, and 350,000 respectively. There are also 350,000 of Turkish ancestry and a quarter of a million from various other sub-Saharan countries. Of Germany's three million, more than two-thirds are of Turkish origin. The Netherlands has two large groups, about evenly split between Turkish and Moroccan at about 250,000, but individuals from former colonies such as Surinam and Indonesia are also substantial groups. More than half of the Muslims in Spain are from Morocco, with many of the rest also from North Africa. Italy also has a large Moroccan contingent among its 600,000 Muslims, but also has nearly 100,000 Albanians. Islam is often combined with these various national and cultural identities to help construct ethnicity.

Ethnicity here refers to a shared system of values and symbols among individuals who consider themselves members of the same group. It should not be seen as a fixed set of cultural attributes, but rather as a series of often fluid identifiers. These identifiers create boundaries between 'us' and 'them' that may vary from context to context. Thus, the Islams of North Africa, Sub-Saharan Africa, Turkey, and the Middle East all display different levels of personal agency, emotion, and sentiment in their practice and self-characterization. Collective memories of a country affect the practice of Islam within a group, and each group brings its particular characteristics to the universal community of Islam. Thus, divisions between Muslim groups are deeply coloured by national cultures. The identity of Muslim societies is often expressed in the name of Islam, for example by attributing cultural practices to Islamic tradition. Similarly, universal Islamic rituals such as prayer and fasting can have different significance in different cultures.

The ethnic-national cultures in question are often quite distinct from 'national cultures' as defined by the immigrants' country of origin. In certain situations, identity is

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[4] Estimates obtained from Brigitte Maréchal, Felice Dassetto, Jorgen Nielsen, Stefano Allievi (eds.), *Muslims in the Enlarged Europe, Religion and Society* (Leiden: Brill, 2003).

grounded in the nation-state. More often, however, it is based on regional or even village-level affiliations. Algerian immigration into Europe, for example, has been heavily Kabile in character. Thus, the expatriate Algerian community in Europe includes many aspects of Kabile culture, an ethnic group that was long suppressed by the majority in Algeria. For the most part, and especially in its early stages, Muslim immigration to the West has been a relocation of village communities. It is a well-known fact that the Pakistani population in Europe is comprised largely of immigrants from two regions in Pakistan—the rural northern and central plains of Punjab.[5] Similarly, the first waves of Turkish immigration to Europe came primarily from villages in Gorazde. These patterns are enabled by family ties, as well as networks of language, collective memory, and custom. The practice of Islam is thus infused with the specific characteristics of various cultural systems. Regional traditions such as ancestor worship, veneration of saints (in North Africa) or pirs[6] (in the Middle East and Asia), beliefs in magic, agrarian rites, and caste systems[7] are all reinterpreted through the universal language of religion.

Prevailing theories on immigrant culture maintain that ethnic identifications eventually disappear in later European-born or educated generations. Our own observations, however, along with those of several other scholars (Werbner 2005, Mohammed-Arif 2002), indicate that ethnic boundaries, though they may be reconstituted, do not disappear—even among second- and third-generation immigrants. While immigrants do acculturate and assimilate, this linear concept addresses only one aspect of integration.

It is necessary here to distinguish between ethnic culture and ethnic belonging (Jacobson 1998). The former is concerned with the perpetuation of linguistic differences, sexual practices, culinary habits and so forth. The latter is concerned with identification—however loose or faint—with a place of origin. Many analyses err by conflating these two types of ethnic identification. They therefore often assume that the disappearance of certain cultural practices denotes the disappearance of ethnic identity itself. Admittedly, newer generations of European-born or European-educated Muslims

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[5] Specifically, the villages of Mirpur, Attock, Nowshera, Faisalabd, Jhelum, Gujrat, and Rawalpindi.
[6] A pir is a sort of saint who possesses esoteric knowledge and has the power to mediate between man and God—in contrast to the Sufi, who, in the Tariqa order at least, transmits his knowledge to his disciples. See Donnan Hastings and Pnina Werbner (eds.), *Economy and Culture in Pakistan: Migrants and Cities in a Muslim Society* (London: Macmillan, 1991), 217.
[7] There are three castes for Muslims: Ashraf, Zamindar, and Kami. These caste designations determine marriages as well as political alliances.

find it difficult to preserve the same types of regional, village, or ethnic ties upheld by the first migrants. Nevertheless, the later generations often retain at least an emotional attachment to their ancestral place of origin. This attachment, which at times assumes an almost mythological character, contributes to the maintenance of the boundary between 'us' and 'them'.

Two relational fields in particular are shaped by the ethnic dimensions of Islamic culture: family relations and public life. This is where Islam as a religion and Islam as an ethnicity interact, which can be confusing for political agencies attempting to protect rights and fight discrimination. For example, arranged or forced marriages, and even excisions are cultural practices often legitimized by certain Muslims in religious terms. In such areas, the distinction between religious rights and cultural practices may be hard to discern and confusion may arise regarding Muslims' rights.

Section III: Muslims are Part of the Underclass of Europe

Because European Muslims tend to be socio-economically marginalized, much of the discrimination against them may be due to their class situation rather than their religion. Religion and discrimination may also interact in the formation of 'class'—for example in the formation of underprivileged classes of British Asian Muslims or French North African Muslims (Modood 2002 and Cesari 2004).

The EUMC completes regular reports summarizing their findings in this sphere. In 2003, the EUMC released a report on employment. In the United Kingdom, Pakistanis and Bangladeshis had unemployment rates higher than twenty percent, relative to only six percent in the broader population. Immigrants in general had a thirteen percent unemployment rate. In Germany, the largest Muslim group of Turks had unemployment rates of twenty-one percent, contrasted with only eight percent among others in Germany. Nationality statistics were unavailable for France, but immigrants had a twenty-two percent unemployment rate, compared to thirteen percent for the country as a whole. Immigrant unemployment rates tend to be at least twice that of natives. In the Netherlands, non-Western immigrants had an unemployment rate of nine percent, Western immigrants four percent, and native Dutch three percent. In Spain, the numbers were closer to equal, while in Italy migrants had only a seven percent unemployment rate compared to eleven percent in the broader population.

In France, Spain, Germany, and the Netherlands, OECD data shows that individuals with ancestry from majority Muslim countries have substantially poorer educational outcomes, while they are more equivalent in Italy and the United Kingdom. In Germany, about seventy percent of those with ancestry in majority Muslim countries have secondary education or less, while this is true for only about twenty-five percent of the rest of the population. Only five percent have advanced degrees, compared to nineteen percent of the broader population. In France, fifty-six percent of those with ancestry in majority Muslim countries have secondary education or less, compared to 46 percent in the broader population. Higher degrees are more equally distributed in France. In Spain, seventy-six percent have less than a secondary education, compared to sixty-three percent for others, while only eleven percent have advanced degrees, relative to twenty percent nation-wide. The Netherlands' numbers are divergent as well,

with fifty percent of those of Muslim ancestry having less than secondary education, with the balance going the other way in advanced degrees—thirty-one percent to twenty percent. In Italy, the numbers are roughly equal among the wider population. In the United Kingdom, the statistics are also relatively equal, although this conceals the difficulties of those of Pakistani and Bangladeshi heritage.

The EUMC 2006 report on housing shows that, although there have been some improvements, housing is overall much poorer for immigrants, and they often face discrimination and sometimes even exclusionary violence. In general, rigorous measures of these trends are not available due to reporting inadequacies in the countries mentioned. In Germany, the report states that minorities clearly live in spatially segregated areas with poorer quality housing. The problem has been recognized by the government in Spain, which is taking action to increase public support for housing. France is in a similar situation, although there is a more particular difficulty with declining conditions in the stock of public housing. In Italy, responsibility for housing laws is distributed at various levels, with the resulting patchwork being difficult to analyze, although generally more difficult for immigrants. In the Netherlands, although there have been reports of exclusionary violence, the best evidence available suggests that state policy on housing has worked fairly well in decreasing the significance of discrimination. The EUMC states that the United Kingdom has dealt with the problems of housing particularly well relative to other European states, with better support for public housing and more effective anti-discrimination initiatives. However, the largest groups of Muslims come from Pakistani and Bangladeshi backgrounds and statistics show that they live in much poorer conditions than the average Briton. Over two thirds live in low-income households.[8] Nearly a quarter live in overcrowded houses, while only two percent of white Britons do the same.[9]

The situation in Europe is in sharp contrast to that in the United States, where Muslims tend to be of higher education and income than the non-Muslim population. Because the U.S. Census does not ask about religion, and Muslims are too small a proportion of the population to be reliably measured in general national surveys, exact

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[8] Household Below Average Income Series, Department of Work and Pensions, 2003.
[9] Malcom Harrison and Deborah Phillips, *Housing and Black and Minority Ethnic Communities: Review of the evidence base* (London: Office of the Deputy Prime Minister, 2003).

information on their status is not easy to obtain. Special surveys done by Zogby International Polling in 2001 and 2004 provide the best demographic information. These surveys show that more than half of American Muslims earn at least $50,000 per year relative to a nationwide average of $43,000. Some of this difference may be due to the greater likelihood that Muslims live in urban areas with higher incomes and standards of living, but it is clear that they are doing at least as well as non-Muslims in the labour market. Fifty-eight percent of American Muslims are college graduates, while according to the Census Bureau that number was only twenty-seven percent among the population as a whole.[10]

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[10] *U.S. Census Bureau News*, "High School Graduation Rates Reach All-Time High; Non-Hispanic White and Black Graduates at Record Levels," June 29, 2004, http://www.census.gov/Press-Release/www/releases/archives/education/001863.html

Section IV: International Constraints

Muslim integration in Europe is occurring under the international constraint of the battle against Islamist terrorism. Over the last several years, as the states under review have responded to the threat of terrorism, most have updated and strengthened their security and anti-terrorism laws while placing further restrictions on immigration. It often appears as if immigration and internal and external security policies are conflated with one another. Terrorism can be characterized as neither entirely foreign nor domestic. If international terrorists based in foreign countries are recruiting among the disaffected populations of Europe, this becomes a simultaneously internal and external security problem. There is little in the way of systematic evidence, but there are suggestive clues. The September 11th plots were at least partially planned in Hamburg, and among the individuals imprisoned by the United States in Guantanamo Bay there are at least twenty Europeans.[11] Since 9/11, the nations of the EU have arrested more than twenty times the number of terrorist suspects as the United States.[12] Because of this threat, states can take a view of domestic Muslims as 'foreign enemies,' a classification that implies a much lower level of legal and social rights and privileges.

Although France did not substantially change its anti-terrorism framework after September 11th, the Law on Everyday Security passed November 15th, 2001. This measure expanded police powers, allowing stop and search of vehicles in the context of terrorism investigations, the ability to search unoccupied premises at night with a warrant but without notification, and much more extensive monitoring and recording of electronic transactions. A new immigration law in 2003 made it substantially easier to deport individuals who 'have committed acts justifying a criminal trial' or whose behaviour 'threatens public order,' along with increased penalties for illegal immigration, more temporary detention centres, and new limits on family reunification.

Germany developed new policies regarding civil liberties, immigrant rights, the freedom of churches, and law enforcement powers. These new policies were passed in

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[11] Timothy M. Savage, "Europe and Islam: Crescent Waxing, Cultures Clashing," *Washington Quarterly* 27, no. 3 (2004), 25-50.
[12] Jocelyne Cesari, *When Islam and Democracy Meet: Muslims in Europe and in the United States* (New York: Palgrave Macmillan, 2004).

two large packages, the first coming only on September 19th, 2001 and the second on January 1st, 2002. It thus became possible to ban religious groups for threatening the democratic order, and the idea of a threatening group was redefined to take more account of foreign concerns. Financial records, electronic and postal communications, and most forms of transportation records became available to the police. Authorities were allowed to use a previously extremely controversial data-mining search method called the 'grid-search'. The new laws also allowed a certain amount of eavesdropping and wiretapping in the course of an investigation. Police can now track the location and numbers of cellular phones. Military intelligence has received substantially more domestic powers, with easier searches, access to communication records, and the legal ability to communicate its findings with other law enforcement agencies. Since September 11th, Germany has substantially tightened its asylum granting procedures and established the legal principle that foreigners considered a threat to German democracy and security can be barred entry and deported.

The United Kingdom published a new Anti-Terrorism, Crime and Security Bill on November 13th, 2001. The law allowed the indefinite detention of foreign nationals whom it was not considered safe to deport to their country of origin, the freezing and confiscation of funds associated with terrorism or proscribed groups, and required individuals not to associate with suspected terrorists or proscribed organizations and report any suspicions to the police. Individuals can be detained and interrogated in anticipation of violence rather than in response to the action. After the bombings on the London subway on July 7th, 2005, the government introduced an updated Prevention of Terrorism Act (UK Report). This act proscribed several groups, criminalized the condoning of terrorism, allowed for detention of terrorism suspects for up to ninety days without charges, and proposed the possibility of stripping citizenship from naturalised Britons accused of terrorism. A study by the Institute of Race Relations[13] suggests that the anti-terrorism statutes have been used overwhelmingly against Muslim defendants. Few arrests have led to convictions and they have been used to cover routine criminal acts and immigration violations. Of the cases reviewed, one in eight was a Muslim arrested for terrorism violations and turned over to the immigration authorities without any prosecution for the alleged initial offences. Several Muslims have been arrested for

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[13] Arun Kundnani, "Stop and Search: Police Step up Targeting of Blacks and Asians," *IRR* (March 26, 2003).

crimes such as credit card fraud due to the expanded police powers provided by the anti-terrorism statutes.

Despite the attacks on the Madrid railway system in 2004, Spain did not make significant changes to its security and anti-terrorism laws. These had been well codified over the years as the Spanish government faced terrorism from Basque separatists. However, preventive detention of alleged conspirators increased dramatically. Most of these individuals are held for some time and later released due to lack of evidence (Spain Report). Immigration laws have been through several changes. Over the years in which the conservative government was in charge, restrictions on immigration of foreigners considered undesirable were increased and the ability of foreign nationals to exercise basic rights such as that of assembly was restricted (Spain Report). However, since the advent of leftist control of the national government, a proposal was adopted in January 2005 to regularize the status of the immigrants in the country. Efforts have been under way to improve social and economic conditions as well (Spain Report).

The Italian government passed what was known as the Pisanu package in 2005 to combat the threat of terrorism. This law expanded police detention powers and loosened the definition of terrorism to include training. The use of the military in emergency situations was legalized and new recordkeeping for electronic communications was mandated (Italy Report). Italian immigration law was somewhat unorganized prior to the passing of the Bossi-Fini law in 2002. This law tightly controls the entry and residency of immigrants, and an amendment in 2003 created tighter penalties for illegal immigration, mandated the building of more detention centres, and limited family reunification.[14]

The Netherlands has increased its focus on the threat of terrorism, although to date there have not been major legal changes (Netherlands Report). The increased focus has had two major goals, firstly that of security, and secondly the prevention of the radicalization of domestic populations. The government proposed new anti-terrorism laws to make it easier to arrest terrorist suspects and to hold them for up to two years prior to court dates. They have also responded with new policies on financial reporting, better intelligence coordination, and a stronger police and military. There are plans to make legislative changes such as the weakening of protections against searches of

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[14] International Helsinki Federation, *Report on Intolerance* (March 2005).

mosques, and the ability to search outside databases to profile suspects. Although there have been numerous proposals discussed in these regards, little legislative action has actually been completed (Netherlands Report). After much debate, various new immigration policies have been developed emphasizing the assimilation of immigrants to a common set of values, rather than the previous focus on multiculturalism. Laws passed in 2001 and 2004 have made family reunion more difficult by creating age and income restrictions, and there are proposals under review to make expulsion of foreigners easier. In 2001, the Netherlands passed an Aliens Act aimed at reducing the tremendous flow of asylum seekers that the country had accepted during the 1990s. This policy has been successful, as asylum requests have now dropped to one quarter of their previous number (Netherlands Report).

When considering the role of international terrorism in conditioning the situation of Muslims in Europe, it is useful to compare Europe to the United States. Since the attacks of September 11th, 2001, America has substantially changed its legal framework for dealing with terrorism and pursued various policies of questionable constitutionality and legality. The PATRIOT Act lessened the restrictions on surveillance, allowed various personal records to be obtained by authorities, reduced the privacy of attorney-client conversation, and broadened the definition of terrorism to include 'material support,' a concept which has not been fully defined. Along with these changes in the law, American citizens have been imprisoned without judicial review, mosques have been searched for radiation without warrants, phone calls and phone records have been obtained without court approval, and individuals have been abducted and sent to secret prisons, as well as foreign prisons where they could be interrogated with more violent methods. The severity of these policies compared to the European response does not seem, however, to have made the situation for Muslims worse in America than in Europe.

PART TWO: KEY COMPONENTS OF DISCRIMINATION AGAINST MUSLIMS AND ISLAM IN EUROPE

Because of the position of Muslims in Europe, Islamophobia overlaps with other forms of discrimination, and becomes a sometimes indistinguishable part of broader phenomena such as xenophobia, anti-immigration policies and political discourses, rejection of cultural differences and anti-terrorist measures. It can become difficult to untangle the threads of motivation behind them, and this may not ultimately be possible. Although there is clearly rising anti-immigrant sentiment across western Europe, one must wonder to what degree this is a result of the fact that so many of the immigrants are Muslims, and whether a different group of immigrants would have provoked such a strong reaction. It has been theorized that Islam is a particular threat to European national identities in a way that it is not in America, where language difference is considered more problematic to national solidarity.[15]

In general, we can see that aside from anti-Muslim sentiment, the primary factors driving discrimination in Europe are policies towards ethnic minorities in general, anti-terrorism policy, and legal changes in the immigration and naturalization frameworks. This discrimination is expressed in physical abuse, political, media and intellectual discourse, and in obstacles to religious practices.

Section I: Status of Ethnic Minorities

In Europe, the difficulties with integrating Muslims into the national societies have led many to question the merits of multiculturalism. Within the societies, rejection of cultural differences has become more common and more public. Especially in Europe, how Islam and multiculturalism are woven together is a key issue because multiculturalism is closely coupled to the immigration and settling of Muslims. Before there was significant Muslim immigration, there existed specific mechanisms and procedures that dealt with issues of linguistic and regional diversity. Mostly, these pre-existing frameworks have not lasted. Although an increase in religious diversity is a key issue, the status of cultural diversity is also at stake: as Muslim immigration to Europe

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[15] Aristide R. Zolberg and Litt Woon Long, "Why Islam is like Spanish: Cultural incorporation in Europe and the United States," *Politics and Society* 27, no. 1 (1999), 5-38.

increased, a specific integration process was also designed, distinct from the older systems such as regionalism in the UK or pillars in the Netherlands. Declining belief in the possibility of a successful multiethnic society has changed the nature of the ideas about integration of minorities. Initially, the idea of multiculturalism 'connoted compromise, interdependence, [and] a relativizing universalism' and was expected to lead to an 'intercultural community.' Over time, it began to seem more that multiculturalism meant an institutionalization of difference, with 'autonomous cultural discourses and separated interactional communities.'[16]

In the United Kingdom, the shock of the subway bombings of July 7th, 2005 by 'homegrown bombers' has led to the questioning of the entire possibility of cultural difference and the belief that Muslims must become more like some abstractly defined ideal British citizen (UK Report). However, this debate began earlier, as the Rushdie Affair in 1988 created the conditions for a critique of public culture. Like the race riots in 1958 and 1981, or Enoch Powell's speech in 1968, the Rushdie affair was a milestone in the evolution of race relations in Great Britain. Before the Rushdie affair, integration had been seen as the adjustment of minorities to dominant society; after the Rushdie affair, it was understood to be a mutual process which would also transform the majority population.[17] Muslim leaders campaigned for the extension of blasphemy law, previously oriented towards the Anglican Church, to Islam as well. This has been an ongoing debate in British society since that time. As a counterpoint to its new laws on terrorism and political radicalism, the Blair government pushed for the criminalization of incitement to religious hatred. The bill ran into serious opposition during 2004 and 2005 from free speech advocates, especially headlined by entertainment figures. As the debate wore on, the House of Lords restricted the application of the law, limiting it to threatening language rather than the broader rules on insults and abuse desired by the government. Despite the continuing efforts of the Blair government, Parliament maintained the weaker provisions, specifically prohibiting only intentionally threatening words (UK Report).

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[16] Jeffrey C. Alexander, "Theorizing the "Modes of Incorporation:" Assimilation, Hyphenation, and Multiculturalism as Varieties of Civil Participation," *Sociological Theory* 19, no. 3 (2001), 237-49.
[17] Bhikhu Parekh, "Integrating Minorities", in *Race Relations in Britain, A Developing Agenda*, ed. Tessa Blackstone, Bhikhu Parekh and Peter Sanders (London: Routledge, 1998), 19-21.

In the Netherlands, multiculturalism was the explicit policy of the government from the mid-1980s.[18]   Much of government policy was oriented towards using the benefits of the welfare state to assist with difficulties in education and labor market outcomes (Netherlands Report).   However, since the 1990s, immigrant and minority incorporation policies have placed much greater emphasis on cultural assimilation. 'Good citizenship' and 'civic integration' became important new policy goals (Netherlands Report).   Minorities are expected to assimilate to the dominant public culture and to maintain any divergent practices in the private sphere.   The 1998 Law on the Civic Integration of Newcomers made integration courses compulsory.   As part of the continuing debate, there was a parliamentary commission on Dutch Integration policies in 2004.[19] Although the report had some optimistic conclusions, the general public understanding is of a failure of multiculturalism (Netherlands Report).   Probably no European politician made this argument as decisively as the assassinated Pim Fortuyn of the Netherlands, who claimed that Muslims were undermining the traditional liberalism of Dutch culture.

A fundamental tenet of French political society is the idea that the republican ideal does not admit the importance of ethnic and cultural difference (France Report). However, faced with the difficulties of integrating its sizable minority population, France has made moves towards a more pluralist conception, with recognition of particular identities and some positive discrimination (France Report).   The Constitutional Council recognized in 2001 that sometimes difference must be recognized in the pursuit of true equality (France Report).   One solution has been to make nominal distinctions on a territorial rather than ethnic basis, so the ideal of individual equality can be maintained. Priority zones for education are a manifestation of this policy (France Report).   The state organization of the Muslim Council in 2003 can also be seen as an attempt to integrate immigrant populations, as can the creation in the spring of 2006 of a Ministry for Equal Opportunities (France Report).

The changes in France, the Netherlands, and the United Kingdom are the most clear, while developments in the other countries under review have been a bit more

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[18] Jonathan van Selm "The Netherlands: Tolerance Under Pressure," *Migration Policy Institute* (2003), retrieved June 7, 2005.

[19] See Parliamentary Inquiry Committee (*Tijdelijke Commissie Onderzoek Integratiebeleid*), 5 volumes, 2004.

muddled. In Germany, the 1990s were a decade of opening up towards a more pluralist conception, with the most notable change being that an ethnic conception of citizenship (based on *jus sanguinis*) to a new criteria of birthplace, as practiced in France or the United States. This allowed many descendents of the guestworkers from the 1960s and 1970s to finally obtain citizenship which had been denied to them for decades. Spain and Italy have only recently become net countries of immigration, and currently do not have such developed policies and discourse on cultural pluralism.

Section II: Anti-Terrorism and Security Laws

Earlier in the introduction, a basic outline of changes in the anti-terrorism and security laws was introduced, and more detailed explanations can be found in the individual country reports. These policies have cast a pall of suspicion over the Muslims of Europe, despite the fact that terrorism is not confined to Islamist radicalism in any sense. For instance, both Spain and France have arrested far more Basque nationalists than Islamists. Of the 358 inmates accused of terrorism in France, only ninety-four are radical Muslims, while the largest contingent of 159 is composed of Basques (France Report). Along with this effect on perceptions, there have been three major concrete effects on Muslims in Europe: increased surveillance and police activity, banning of groups, and the deportation of radicals.

In the United Kingdom, indirect incitement or glorifying terrorism has been made a criminal offence, and a number of formerly legal groups have been banned. The EUMC reports that the new surveillance and search laws have disproportionately been used against those of South Asian ancestry and that the special legal authority for terrorism related cases has been used for diverse other crimes such as credit card fraud.

The government has assumed the right to revoke the citizenship of individuals accused of fomenting radicalism, although this policy has been controversial and ineffective in practice (UK Report). In Germany a number of organizations were also banned, mosques face searches with little justification, and a new data-mining technique was instituted with formerly private personal records to identify the 'quiet' radicals (Germany Report). Although Spain has not gone nearly as far, the government has detained a number of Muslims for varying periods in a policy judged to be oriented

towards improving relations with the United States in the aftermath of the Spanish pullout from Iraq (Spain Report).

Section III: Immigration Policies

Across Europe, immigration policies have been tightening over the last few years. Part of this is certainly due to the difficulties with unemployment and economic conditions, especially relative to the 1960s and 1970s, when much of the first wave of immigration arrived. For the more developed countries, such as Germany, France, the Netherlands, and the United Kingdom, the prospect of admitting any significant numbers of low skill workers has become untenable. Instead, these countries have moved in the direction of policies oriented toward the acquisition of more highly skilled immigrants, who are seen as more economically helpful. In France, Nicolas Sarkozy's call for a more selective immigration policy has been heeded, as the policy was passed by the legislature in May 2006. However, without stating his intent, Sarkozy has made it clear that Islam is central to the legal changes, arguing that new immigrants must accept the publication of religious cartoons in newspapers and that women must take identity photographs without headcover and must accept treatment by male doctors. He has also linked the riots of 2005 to changes in immigration law (France Report). The rejection of difference does not come entirely from the right. The left is also unwilling to accept differences on core matters such as gender. In France, Malek Boutih, ex-president of anti-racist organization SOS-Racisme and prominent member of the Socialist Party, defended a policy of immigration with 'laïcité and the respect of gender equality as preconditions for migration (France Report).

Some of the changes and proposals in immigration and naturalization laws have been much more openly directed at Muslims. This is clear in a recent film made by the Dutch Ministry of Aliens Affairs and Integration, which is intended to help screen immigrants by showing them the extremes of Dutch gender relations and sexuality. The use of naked beachgoers, homosexuality in public, and assertive female characters present a not-so-subtle message against conservative Islam (Netherlands Report). Similarly, citizenship tests initiated in the German state Baden-Wurtenberg carried moral questions about the willingness to allow children in swimming lessons and other such

questions. Some were of course oriented towards law and the protection of individuals, but others seemed more to define differences from majority German culture as unacceptable. These were oriented towards Muslims, as could be seen in the state's decision to give the citizenship test broadly to individuals from Muslim countries and only selectively to others.

Marcel Maussen points out that changes in Dutch immigration law should be understood as 'part of a changing perception of immigrant integration and cultural diversity in the Netherlands' (Netherlands Report). Family reunification has become more difficult with new requirements preventing it for those who are under twenty-one or earn less than 120 percent of the minimum wage. As part of this, Muslim immigrants encounter new problems with residence permits, visas and nationalization. Discussions over immigrant policy now include the term 'cultural distance,' which can be understood as a response to the difficulties that have arisen with conservative Muslims.

The United Kingdom has had some political disturbance over asylum seekers, but this has not been focused on Muslims. Spain and Italy have only newly developed policies about immigration, and thus it may be too early to determine how these policies will be implemented with respect to Muslims.

In Spain in 2000, the spokesman of the Association of Moroccan Immigrant Workers (ATIME), Mustafa Mrabet, declared that only fifty-two percent of the regularization applications of Moroccans had been settled, while Latin Americans have eighty percent acceptance rates. However, this did not seem to extend into the regularization in 2005 (Spain Report).

Section IV: Physical Abuse

Effective and reliable accounting of violence, property damage and discrimination has been an ongoing deficiency across Europe.[20] This is made more difficult by the problem of determining the motivation for specific acts, as well as a general unwillingness of many victims to come forward. Although the problems can be overstated by a reliance on anecdotal evidence, often these are the only concrete signs

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[20] *Comparative Report Housing*, EUMC (2006).

of the underlying phenomenon. A brief review of the more detailed expositions in the individual country reports can provide some insight.

In the Netherlands, there were at least eighty incidents immediately following the attacks of September 11th. The murder of Theo Van Gogh in 2004 provoked many more responses. In November 2004, a bomb was placed at a Muslim school, another school was burnt down, and a place of worship in Helden was destroyed by a fire set by right-wing youth (Netherlands Report).

Although violent incidents are quite rare in Germany, the EUMC reports a notable increase in hostile speech and verbal abuse since 2001.[21]

In the United Kingdom in September of 2001, mosques in Scotland, Northern Ireland, and England were defaced. In separate incidents, a taxi driver, several women on buses, and a teenage boy were violently assaulted while the attackers yelled anti-Muslim epithets. Numerous incidents of graffiti, insults and verbal harassment were also recorded.

The Collectif Contre l'Islamophobie en France (CCIF) was established in 2003 to monitor anti-Muslim acts. In their first report covering the period from October 2003 to August 2004, 182 incidents were recorded. These included twenty-seven assaults, of which four were serious, and forty vandalizations of mosques and cemeteries.

The most important incidents in Spain were that of Terrassa in July 1999, which broke out after a quarrel during the town festival, and El Ejido in January 2000, after a Maghrebi murdered a woman who was shopping in a street market. Both outbreaks lasted several days. Less severe incidents took place in several other places over these months, contributing to a tense atmosphere for Spanish Muslims.

Section V: Role of Political Leaders and Political Parties

In Europe, the pressures of increasing immigrant populations and the erosion of national boundaries through the transnational force of the European Union have led to a rising incidence of nationalist rhetoric and policies and an essentializing approach to identity. In its more severe forms, this can be classified as xenophobia, a fear and hatred of the foreign. Sometimes, as in Italy, this becomes represented by claims such

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[21] *Ibid.*

as that by Forza Nuova that Italy is essentially Catholic, which naturally leads to the conclusion that Muslims cannot be good citizens (Italy Report). In Terrassa, Spain in 1999, after riots between immigrant Maghrebis and local youths led to several injuries, there were two responses. The Socialists proposed better ways of integrating the immigrants to lessen the social pressure, but the centre-right Popular Party diagnosed the problem as one of the immigrants' presence rather than of Spanish society's difficulty in coping with them. As these types of incidents pile up, the public mood shifts and the problems are interpreted as based in Islam (Spain Report).

Anti-immigrant sentiment is common in many countries as they face the difficulties of integrating culturally different populations.   However, in European countries, this can slide into what can be termed more accurately as Islamophobia. Over the years since immigration became an issue in Europe, extreme right-wing parties have found some success in pushing racist and anti-immigrant rhetoric. However, it seems clear that in recent years, this has become more anti-Muslim, as the parties have taken advantage of declining attitudes in the broader population. The Bradford riots in the United Kingdom, which could have been presented as a racial issue, were instead attached to the problems of international terrorism by the British National Party. In a continuing campaign, Chris Allen documents that the BNP was able to enlist fringe Sikh and Hindu allies in its anti-Muslim campaign, a dramatic shift from the general anti-foreign attitudes of years past. Similarly, Le Pen and the National Front in France have been able to play up fears of Muslims linked to fears of terrorism to push themselves towards a much more prominent place in French politics. The Lega Nord in Italy has switched its rhetoric to take advantage of anti-Muslim sentiment, deploying slightly modified versions of traditional anti-Semitic devices as weapons against Islam. The German DVO party has increased in strength as well.

This shift in the far right and its growing strength inevitably affect the more central public discourse on the issues. In Germany, the use of the term 'leitkultur,' which had been taboo for many years, has come back into regular politics and is used approvingly by members of the centre-right. Former Prime Minister Margaret Thatcher of the United Kingdom stated that all Muslims were responsible for terrorism, while the current government under Tony Blair made it a criminal offence to condone terrorism in speech either at home or abroad. Many Muslims (and non-Muslims) fear that the label

terrorist is being used to criminalize what they consider to be resistance or liberation movements. The definition of terrorism is highly controversial, and often results from political decisions more than from objective facts concerning movements or groups.

Italy's Silvio Berlusconi has made his famous comments about the superiority of Western civilization and the backwardness of Islam. Even in Spain, which has had fewer of these problems, former President of the Catalan Autonomous Government Jordi Pujol stated that 'in Catalonia, as in any European country, it is easy to integrate the Polish, Italians or Germans, but that is difficult to achieve with Arab Muslims, even not being fundamentalists.' In France, local politicians have used anti-mosque campaigns as tools for drumming up support. Perhaps the most dramatic change has been in the political culture of the Netherlands, where violence and death threats have become increasingly common in an acrimonious debate (Netherlands Report). Although policy has not yet followed, public debate now incorporates drastic ideas such as the forbidding of Islam, the deportation of second generation Moroccans or the banning of gender segregated mosques (Netherlands Report). The Netherlands is a prime example of the political changes across Europe. Increasingly it is possible to make anti-Muslim and anti-immigrant statements in common politics which would have been entirely inappropriate in previous years.

Two other trends in political discourse are worth mentioning. First, a distinction between radical (bad) Islam and law-abiding (good) Islam has become a common political framing of the difficulties. This has been led particularly by Nicolas Sarkozy in France and has become widespread in German politics (Germany Report). As Alexandre Caeiro astutely points out in the report on France, this is not a neutral characterization. The fact that Muslims must be named as good or law abiding means that there is an underlying assumption that Muslims are potential troublemakers. The second trend has been the use of Muslim spokespeople to criticize Islam and Muslims. As members of the minority, they can voice criticisms which would seem unduly harsh from the majority population. Probably the most famous of these is Ayaan Hirsi Ali, a Dutch legislator born in Somalia. She is positioned in Dutch discourse as an expert on Islam and thus a plausible critic. She has moved her political alliances from left to right as her prominence in this debate increased. She has declared even more moderate forms of

Islam fundamentally incompatible with liberal democracy and named the prophet Muhammad as 'a paedophile' and 'a perverse tyrant.'

Section VI: Media Coverage of Islam

The country reports display several broad themes in the media coverage of Islam in Europe. Most mainstream media are not openly Islamophobic, as noted in each of the country reports. Some extreme examples of anti-Muslim speech can be found in the reports as well, but these do not seem to typify the media environment. However, events have driven an increase in coverage along with more sensationalist reports that can be portrayed as about the threat of terrorism. This trend is evident in all of the country reports. In these sensationalist news stories especially, but also across the media overall, there is a tendency to mix foreign and domestic Islam together, thus extending the entire trope of politically radical Islam to immigrant Muslim populations. The European media also seems to show a particular interest in questions of gender power and politics, often a cultural flashpoint between secularized Europeans and more conservative Muslim immigrant populations.

Quantitative data cited in the UK report shows the dramatic increase of stories about Muslims and Islam. A study by Poole identified different patterns for 'British Muslims' and 'global Muslims' in *The Times* and *The Guardian*[22] As she stated, however, 'the associative negative behaviour [of global Muslims] is seen to evolve out of something inherent in the religion, rendering any Muslim [global or British] a potential terrorist.'[23] Similarly, in Germany, the topic of Islam is often an international story, but it is woven into domestic contexts in which international events are seen as probative on the attitudes and behaviours of German Muslims (Germany Report). Italian research in 1999 showed that the media tends to confuse between 'Islam as religion' and the 'Muslim world,' to portray the Muslim world as homogeneous and monolithic, and to simplify and define Islam with largely negative ideas such as the status of women's rights, the rise of fundamentalism, and practices some Europeans would find offensive, such as the sacrifice feast (Italy Report).

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[22] Elizabeth Poole, *Reporting Islam: Media representations of British Muslims* (London: IB Tauris, 2002).
[23] *Ibid.*, 4.

The sensationalism of much of the stories means that there are much fewer discussions of the successes of Muslim integration than of the problems. As noted in the report on Germany, honour killings are a large controversial topic, despite the fact that they are rare and not representative of the population as a whole. The oppression of females in general and a strong focus on the practice of forced marriages is notable. This means that German viewers can get a skewed picture of the prevalence of objectionable practices among Muslims. The daily life of Muslim migrant families are generally not portrayed. However, in 2006, a few new TV series placed both Muslim and German characters in realistic situations and have been lauded as a corrective to the media environment (Germany Report).

Islam has become a major media topic in the Netherlands (Netherlands Report). In December 2000, the opera *Aisha and the Women of Medina* in Rotterdam was cancelled because of threats by offended Muslims. This led to a debate about the influence of conservative Muslim associations and artistic freedom. Another notable media moment was the May 2001 broadcast of an interview with a Moroccan imam arguing that 'homosexuality was a contagious disease,' which if spread among Dutch youth would mean the end of the Netherlands, for 'if men marry men and women marry women, who will take care of procreation?'[24] Complaints were filed alleging anti-gay discrimination but the judge ruled against them, stating that the imam had expressed his religious beliefs.[25] However, it was followed by public debates about Islam, freedom of speech and religion, and anti-gay prejudice and violence.

A number of more detailed media studies have been done in France and are well documented by Alexandre Caeiro in the French country report. He cites a study by Geisser, which notes that the media tends to adopt public attitudes and prejudices rather than being informative, and typically presents Islam and Muslims in frameworks that suggest danger. A detailed study by Pierre Tévanian shows how the media helped construct the 'problem of the hijab' by deciding which voices would be included in the public debate. Social scientists, feminists, teachers, and civil actors not opposed to the hijab were excluded, helping to construct a narrative in which bearded foreign religious

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[24] Baukje Prins, *Voorbij de onschuld. Het debat over de multiculturele samenleving* (Amsterdam: Van Gennep, 2004).
[25] *Ibid.*

men defended the Muslim headscarf against women who had rejected the hijab, supported by native or emancipated male intellectuals.

Section VII: Role of Intellectuals

Along with the changes in political and media discourse above, intellectuals in the various countries have also been part of the difficulty for Muslims in Europe. Similarly to the political dialogue, more and more harsh rhetoric has become acceptable. Probably most notable has been the work of the famous political commentator Oriana Fallaci, whose book, *The Rage and the Pride*, attacks Muslims as members of a warlike religion bent on destroying Italy's Christian society (Italy Report). Her book sold at least 1.5 million copies and was adopted by various right-wing political movements (Italy Report). In Spain, political science professor Antonio Elorza argues that Islam is a 'religion of combat' that defends terrorism as a 'legitimate defence,'[26] a position shared by Professor Fernando Reinares, who opposes Muslim migration since it may allow the entrance of Islamist terrorists.[27] In the Netherlands, the prominent philosophy professor Herman Philipse has made numerous appearances claiming that Islam is a violent tribal culture incompatible with modernity and democracy, and ethics professor Paul Cliteur claims that religion causes violence, and that the only solution is secularization (Netherlands Report). In Germany, an academic area has been developed which focuses on the delegitimation of practices such as the wearing of the hijab, moving them from the area of protected religious expression to that of anti-state minority nationalism. In France, a pamphlet by Caroline Fourest warning of the fascination of the left with radical Islam won an award from the French Assembly (France Report). As Alexandre Caeiro points out in the report on France, this kind of speech is presented as courageous truth-telling in the face of moral relativists and dangerous Muslims (France Report).

As in the realm of politics, Muslim academics who repudiate aspects of Islam have prominent voices in the discussion over Islam in Europe. In Germany, Bassam

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[26] Antonio Elorza, "Terrorismo islámico: las raíces doctrinales" in *El nuevo terrorismo islamista*, ed. Antonio Elorza and Fernando Reinares Nestares, (Madrid: Temas de Hoy, 2004), 156-157. See also "Maniqueos e integristas," *El País*, September 28, 2001 and "El círculo," *El País*, November 23, 2001, among others.

[27] Fernando Reinares, "Al Qaeda, neosalafistas magrebíes y 11-M: sobre el nuevo terrorismo islamista en España", in Elorza and Reinares Nestares, *ibídem.*, 40-41.

Tibi, a professor of international relations at the University of Göttingen and a Muslim of Syrian origin launched the term 'Euro-Islam' in 1998 to express an understanding of Islam in a 'European culture of reference' (Leitkultur).[28] Although Tibi does not himself promote essentialist visions of Islam, his ideas about the incompatibility of Islam and Europe contribute to an understanding of Islam as foreign and dangerous (Germany Report).   Turkish-born sociologist Necla Kelek has criticized traditional marriage practices in a way few non-Islamic intellectuals would dare (Germany Report). In the Netherlands, the Iranian refugee and professor of law Afshin Elian has become an important voice warning of the dangers of Islamist radicalism due to his status as an 'expert witness' (Netherlands Report). Chadortt Djavann, born in Iran in 1967, wrote two critical books in France, named *Bas les voiles* ('Down with the Veils', Gallimard 2003) and *Que pense Allah de l'Europe?* ('What does Allah think of Europe?', Gallimard 2004).[29]

There have been other notable contributions by authors and intellectuals. In the Netherlands, the beginning of the questioning of multiculturalism is often attributed to an article by a leftist intellectual, Paul Scheffer, in 2000. He argued that the Netherlands policies were simply not working, and cited as evidence the poor socioeconomic condition of immigrants, the growing neighborhood tensions, and the increasing influence of more conservative strains of Islam (Netherlands Report). In France, a literary genre of anti-Muslim literature has become more popular over the last few years. The report on France lists titles such as 'Les islamistes sont déjà là: Enquête sur une guerre secrète,' 'La France malade de l'islamisme: Menaces terroristes sur l'Hexagone,' 'La tentation du Jihad: Islam radical en France,' and 'Sentinelle: Contagion islamiste en Europe, le vaccin.' The question of Islam has become a central part of the battles over contemporary French identity (France Report).

Section VIII: Religious Practices

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[28] According to Tibi, Euro-Islam incorporates pluralism, tolerance, secularity, civil society and individual human rights.

[29] Djavann published another book in 2006, a novel suggestively entitled *Comment peut-on être français* (Paris: Flammarion, 2006), which has however failed to sustain much media interest.

Although there is religious freedom across Western Europe, there have been difficulties for Muslims. The country reports indicate that most of the nations studied here have tried to adjust to the practices of Islam. However, they have done so largely within legal and social frameworks formed to accommodate the place of Christianity in European society. These frameworks have not always functioned as well in accommodating Islam. There have been several areas of difficulty, including the conflict over the hijab, which in Germany and France particularly has been interpreted as a political rather than a religious practice. Attempts to build mosques often run into resistance from local communities. There have also been particular problems with extending the practice of religious instruction in public schools to Muslims. The other significant problem has been the confluence of fear of international terrorism, which is associated with conservative and radical imams in domestic contexts.

Policies against the hijab can be couched in general terms, as in the French ban on religious symbols, but are still widely understood by Muslims are a move against Islam—in particular after the approval of a law prohibiting all religious signs in public schools (France Report). The case is different in Germany, where the hijab is allowed for public school students, but may be banned for public school teachers. In July 1998, the Minister of Baden-Württemberg upheld the decision made by a Stuttgart school not to recruit a Muslim woman as a teacher because she wore a veil. The Minister declared that in Islam the hijab was a political symbol of female submission rather than an actual religious requirement.[30] Since then, discussion on the legitimacy of the hijab has grown even more polemical. Based on a Federal Constitutional Court decision of 2003 that acknowledged the right of German states to enact such bans, seven German states declared in October of 2003 that they supported legislation barring teachers from wearing the headscarf. This declaration occurred at a meeting of sixteen regional ministers for culture, education and religious affairs in the German city of Darmstadt.[31] In late March 2004, the regional government in Berlin agreed to outlaw all religious symbols for civil servants. On April 1st, 2004, the southern state of Baden-Württemberg became the first German state to ban teachers from wearing the hijab. Another five out of sixteen states, including Bavaria and Lower Saxony, are in the process of enacting

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[30] *Germany Country Report on Human Rights Practices 1998* (US Department of State, 1998).
[31] "Seven German States Back Hijab Ban, Eight Refuse," IslamOnline.Net and News Agencies, http://www.islamonline.net/English/News/2003-10/11/article08.shtml

similar bans. An obstacle to such bans has recently arisen, however. On July 7th, 2006, the state court of Baden-Württemberg rejected the state's headscarf ban as discriminatory against Muslims, since veiled Catholic nuns were not forbidden to teach in the state's schools.[32]

Mosques are often opposed with pragmatic complaints about traffic and noise, but as the church bells ring across European cities, it seems inevitable that Muslims will see these kinds of complaints as Islamophobic in nature. In Spain, the fear of terrorism has been deployed in campaigns against mosques in a way that it had not been prior to the Islamist international terrorism of recent years. After the attacks of March 2004 in Spain, a new mosque in Sevilla faced significant problems as the site was vandalized and local community members organized a slaughter of pigs on the prospective site (Spain Report). Reports of these types of problems have also been noted in the Netherlands, France, and Germany.

In the countries which provide religious education in schools, there have been ongoing problems. Part of this is due to the lack of an official hierarchical clergy that can speak for Muslims as a whole. Accustomed to the organization of European Christian churches, negotiations stall when states cannot find representatives acceptable both to the community and to the state. In Germany, this has been a particular problem, and has coincided with controversies over the unwillingness of some Muslim girls to participate in physical education in the public schools (Germany Report). In Spain, the problem was thought to have been solved in the 1990s as the state came to an agreement for the provision of classes by Muslim teachers in the schools. However, in practice, the program has not been implemented across much of the country. There have been accusations of bad faith from Muslim leaders (Spain Report). Although the Netherlands was formerly seen as a model in this regard, in the wild rhetorical climate of contemporary Dutch politics extreme ideas such as banning Muslim schools have been proposed (Netherlands Report).

Across Europe, the worry over radical preaching in the mosques has led to some impositions on the practice of Islam. For instance, after the attacks of March 2004, the Spanish Minister of the Interior proposed a law to control the sermons of imams. The proposal was greeted with mixed reviews, denounced by the president of the Islamic

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[32] Although the Federal Administrative Court had ruled in 2004 that such legislation did in fact apply to nuns.

Commission of Spain, Mansur Escudero, but welcomed by the Maghrebi union ATIME (Spain Report). Both France and the Netherlands have been deporting imams for radical speech. Were this incitement to terrorism, it might be seen as simple law enforcement, but it has been extended to cases where the primary complaint is about attitudes towards women.

Section IX: Islam and European Secularism

Secularization means that political power is defined by its neutral interactions with religious institutions. We should remember that, with the exception of France, this principle of neutrality is not synonymous with separation of church and state. In fact, it is realized within a range of institutional structures, from a state religion or a concordat to strict separation. It is striking to notice that throughout Europe, Islam's arrival has re-opened a case previously considered 'closed:' the relationship between the state and religions. The multiplicity of European Islam's situations sheds more light on the specific political and cultural characters of individual European countries than it does on the supposedly monolithic nature of Islam. The secularization profile specific to Europe can be divided into three types: cooperation between the state and the churches, the existence of a state religion, and separation between the state and religion.

The institutional agreements between Islamic organizations and the secular state are only one aspect of the status of religions within Europe and the United States. Beyond the differentiation of the political and religious spheres and the notion of neutrality lies an ideological meaning to secularization, the origins of which lie with the philosophy of the Enlightenment. A common denominator of Western European countries is their tendency to consider that the sacred is misplaced and illegitimate within the civic context. The idea that religion cannot play a role in the general well-being of societies—a mark of the secularized mind—is, in fact, common throughout all of Europe, despite differences among the national contracts between states and organized religions. It is important to note here that there do exist non-Muslim religious groups that question certain tenets of mainstream secularism. Germany, for example, has seen some debate over Christian values in the public sphere, while the display of the crucifix in the classroom has sparked controversy in Italy. However, the main strands of public

culture in the political, media, and intellectual spheres are highly secularized, and tend to ignore religious dimensions and references that are still meaningful to some segments of society.

The consequence of the invalidation of the religious is that the various manifestations of Islam in Europe have become troublesome, or even unacceptable. The hijab controversy, the cartoons crisis, and the Rushdie affair shed light on the tension between Islamic claims and European conceptions of secularism.

Demands and requests made by Muslims are perceived immediately as suspect and sometimes as backward. As such, they provoke highly emotional reactions. The Islamic headscarf worn by women is interpreted as a sign indicating a rejection of progress and individual female emancipation, and provokes the wrath of those groups spearheading the defence of secular ideology: teachers, intellectuals, feminists, civil servants, and so forth. The French law prohibiting religious signs in public schools (March 2004) illustrates this secular ideology at its peak, although there are affairs of hijab or niquab all over Europe, as shown in the country reports. The arrival of Islam inside the boundaries of Europe re-launched the dispute over religion in general, as shown by the example of a Norwegian atheist association that sought the right to proclaim for several minutes daily the non-existence of God in order to compete with Oslo's muezzin.[33]

Throughout Europe, the presence of Islam has called into question the norms of the dominant secular culture. In France, the controversy surrounding the veil has renewed a long-dormant debate over the definition of a secular society. In the United Kingdom, the Rushdie affair sparked a new critique of British public culture. Until the affair, the British debate over multiculturalism had been dominated by members of the majority population, and had treated integration as all but synonymous with minority adjustment to majority standards. After the affair, integration came to be understood as a mutually effective process which would necessarily transform the majority population as well.[34] British Muslim leaders, for example, expressed their desire after the affair to extend British blasphemy laws to protect Islam and all other non-Anglican faiths. In the

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[33] The government authorized their request at the same time they authorized the request made by the Islamic association "World Islamic Mission" to sound a call to prayer. *BBC News*, 'Oslo's Rooftop Religious Rivalry,'March 30, 2002.

[34] Bhikhu Parekh, "Integrating Minorities", in *Race Relations in Britain, A Developing Agenda*, ed. Blackstone, Parekh and Sanders, Peter, *op. cit.*, 19-21.

terms of this request, political integration is understood as a bilateral relationship, in which the host society must negotiate a consensus respectful of the fundamentals of the minority's way of life. For British Muslims, conflating political adhesion with cultural adhesion constituted an attack on their moral and cultural integrity.

The protests of European Muslims against the cartoons of the Prophet Muhammad also illustrate the tension between the dominant secular public culture and the resistance of a religious minority. There are, of course, other religious groups (including Western Christians) at odds with the idea of a secular public space. But their dissatisfaction tends to receive less media attention than that of Muslims, and rarely has the same international dimensions.

Although conflicts with incoming non-European migrants may have been inevitable in any case, cultural differences between immigrants from Muslim countries and often secularized European populations have tended to make these disputes more dramatic. Interestingly, in contradiction to Huntington's thesis on the clash of political values between Islam and the West, the conflict does not occur over the nature of the state in Europe, nor Islamic governance, nor the accommodation of Shari'a in the common law. The clash concerns lifestyles, gender equality, and the question of homosexuality. In this regard, Inglehart and Norris are right to emphasize that the fight is over Eros and not over politics.[35]

Probably the most explicit case of cultural conflict has taken place in the Netherlands over homosexuality. Prior to his assassination, openly gay politician Pim Fortuyn ran a highly successful political movement against Muslim immigration due to what he described as Muslims' un-Dutch intolerance. Recently, the Netherlands has introduced a video for the socialization of immigrants into Dutch society. The video is clearly intended to press these cultural differences, with its emphases on homosexuality and portrayals of nude sunbathing. Although the Dutch case has been the most prominent, the work of Inglehart and Norris analyzing the social attitudes of Western and Islamic societies shows that the differences are broad in scope. Even controlling for numerous other potentially relevant factors, they find that attitudes in Muslim countries are notably more conservative with regards to abortion, homosexuality, gender equality, and divorce. They tend to attribute this to differences in economic development rather

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[35] Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide* (Cambridge: Cambridge University Press, 2004)*.*

than core cultural attributes. However, for European societies attempting to integrate Muslim minorities, this difference is likely hard to note, leading to further conflation of cultural conflicts with an anti-Muslim sentiment.

The differences in religiosity and social attitudes between the incoming Muslim immigrants and the European host societies are often substantial. Although data on the social views of Muslims in Europe are hard to come by, the World Values Survey produces polling on useful questions in the countries of origin and the host countries. seventy-seven percent of Turks, the largest group in Germany, consider themselves to be religious, while the number is only forty-nine percent in German society as a whole. Moroccans, of whom ninety-five percent consider themselves religious, are the largest group in the Netherlands, Spain, and Italy, with proportions amounting to sixty-four percent, sixty-five percent, and eighty-five percent respectively. These numbers are even more pronounced in France, where only forty-nine percent of the population considers itself religious. Algerians also are more religious at fifty-nine percent.

Substantially more conservative social views are normal in the Muslim countries. One difference can be seen in the number of people who considered a gay person an unacceptable neighbour. In the major countries of Muslim immigration to Europe, eighty percent of Algerians, ninety-two percent of Moroccans, and eighty-eight percent of Turks felt this was unacceptable, while only nineteen percent in France, twenty-three percent in Germany and Spain, twenty-seven percent in the United Kingdom, thirty-two percent in Italy, and eight percent in the Netherlands felt the same. Majorities in France, Germany, and the Netherlands considered homosexuality acceptable, and near majorities in Spain, Italy, and the United Kingdom agreed. In Turkey, Algeria, Morocco, Pakistan, Bangladesh, Albania, and Bosnia, substantial majorities felt that homosexuality was not acceptable. Attitudes towards abortion were slightly more mixed, although Algerians and Moroccans were extreme in their disapproval. Attitudes towards divorce were also mixed, although South Asians were likely to find it unjustifiable. When asked whether males should have more rights to jobs than females, seventy-nine percent of Pakistanis said yes; seventy-seven percent of Algerians, eighty-seven percent of Moroccans, sixty-two percent of Turks, fifty-six percent of Albanians, seventy-six percent of Bangladeshis and forty-four percent of Bosnians agreed. In the European countries under review, these numbers were twenty-nine percent for France, thirty-two percent

for Germany, thirty-nine percent for Italy, twenty percent for the Netherlands, and twenty-nine percent for Spain.

This conflict between the European secular mind and Muslim religious values highlights a broader challenge. Islam makes it necessary to rethink the principle of equality between cultures and to contextualize this principle, thus bestowing on the principles of tolerance and pluralism a whole other resonance. The multicultural policies that predominate in European societies do not really allow for equality and pluralism to be rethought along the lines of an incorporation of the minority culture's values. In order to create a place for different minority cultures, one solution would be the emergence of a 'societal culture,' i.e., organized around a shared language to be used in many institutions (both public and private). Such a culture would not imply that religious beliefs, family customs or lifestyles would have to be shared. Since 1965, American society has presented certain elements of this societal culture insofar as the plurality of lifestyles and religious beliefs is no longer considered an obstacle to successful integration within the nation. In such conditions, we might wonder whether agreement on shared cultural and social values is still possible.

CONCLUSION: MEASURES TO FIGHT DISCRIMINATION AGAINST MUSLIMS

Efforts to combat discrimination against Muslims are underway throughout the countries surveyed in this report. These efforts concern not only the economic arena, but also cultural and religious matters. There has been an increase in state initiatives to protect Muslim rights in different domains—such as the new French Ministry of Equal Opportunity, and new legislation against hate speech in the United Kingdom. Muslims have been strengthening their own organizations in the effort to keep records of incidents and push for helpful policies, as with the establishment of the Islamic Anti-Defamation League of Italy in 2005 (Italy Report). There have also been numerous efforts at interfaith dialogue between Muslims and Christians. Much of the debate over these issues has been about the extension of rights and protections already offered to other groups, especially Jews, but not yet applied to the situation of Muslims.

In Germany, there have been no national efforts yet to approach the problem. However, there have been important examples of Muslim organizations and interfaith dialogue. The Christlich-Islamische Gesellschaft is a national organization which sponsors interfaith dialogues. Chapters have been opened in cities across Germany (Germany Report). The Deutsches Islamforum is a Muslim organization which also attempts to document and battle anti-Muslim tendencies in the society. One of its main focuses has been to mediate between Muslim leaders and authority figures to peaceably defuse problems. Also, the Central Council of German Muslims has declared October 3rd, the day of German reunification, as Open Mosque Day, in which other members of the community are invited to visit mosques and encourage dialogue with other members of the community (Germany Report).

Spain and the Netherlands have ongoing state level attempts to battle racism and xenophobia in the respective societies. In 2006, a council was established in an advisory capacity by the Spanish state to work on the questions of immigrant integration. In March 2006, a Spanish Observatory on Racism and Xenophobia was established which seeks to present reports on racism and xenophobia in Spain, enable communication with like-minded national and international entities that are working in this subject and promote the principles of equality (Spain Report). The Netherlands has an established a Commission on Equal Treatment to help implement the Equal

Treatment Law of 1994. There is also a National Bureau Against Racial Discrimination established to provide expertise towards the prevention of racial discrimination. After the burning of a mosque in Helden following the murder of Theo Van Gogh in November 2004, Rita Verdonk, Minister of Aliens Affairs and Integration, established intervention teams to go into the cities to prevent further occurrences.

After the Rushdie Affair in the United Kingdom in 1988, the problems of Muslims in British society were highlighted. The issue of Islamophobia became a topic for wide discussion, and it remains so today in the current political climate (UK Report). This discussion culminated in a 1997 report produced by the Runnymede Trust and sponsored by the national government. This report outlined the problems, suggested possible approaches, and widened the public awareness and usage of the term Islamophobia. This has led to many local efforts, such as the cooperation between the Southwark police and Muslim community members to track and handle the problem of backlash incidents against community members (UK Report). There have also been joint efforts by community activist organizations, such as the 'Islamophobia – Don't Suffer In Silence' campaign, a crime reporting framework established by the ACPO, National Community Tension Team and the Muslim Safety Forum, The Islamic Human Rights Commission.[36] In the public sphere, FAIR, the Forum Against Islamophobia and Racism, has established itself as a prominent public voice urging action. Another notable effort by a Muslim organization is the Islam Awareness Week, which involves discussions, presentations, social and fundraising events nation-wide. It was established in 1994, but has become more important following the terrorist attacks of September 11th (UK Report).

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[36] For more information, see Islamic Human Rights Commission, http://www.ihrc.org

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United Kingdom

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Introduction

British Muslims today are no longer the migrants of old. Today they are an inherent part of the UK's religious and cultural landscape, contributing to the rich multicultural and multi-faith diversity that is modern Britain. Perhaps the most fascinating feature of the British Muslim community – more appropriately termed 'communities' - is its diversity, where Muslims from every part of the world are represented in the mosaic that is 'British Islam'. Whilst the larger communities originate from the Indian sub-continent - Pakistan, India and Bangladesh - there are also significant numbers of Arab, African, Eastern European and East Asian heritage Muslims. In addition, an emergent and growing community of indigenous converts to Islam is also present in Britain. Most recently, 'new' Muslim communities have begun to emerge as a consequence of the recent increase in asylum seekers and refugees. Without any doubt though, Muslims communities are today a part of the British 'way of life': from the most remotest locations and the smallest communities, such as those in the Outer Hebrides, to the most densely populated areas and the largest communities, as in the London borough of Tower Hamlets where Muslims account for almost a third of the population.

An insight into Britain's Muslim communities and British Islam can be better understood from the results of the 2001 Census. Following the inclusion of a 'religion' question, a question that many Muslim and other faith communities felt was

contemporarily necessary what with it reflecting the changing nature of society and the way people want to be classified and despite the question being 'voluntary', 92% of the population in England and Wales responded to it, thus providing extensive socio-economic data about Britain's faith constituency. The following data provides a brief overview of the Census and is based upon the analysis undertaken by Serena Hussain and the Muslim Council of Britain[32].

The 2001 Census showed that 77% percentage of people in England and Wales reported belonging to a religion. The largest faith group was Christian, accounting for 71% of the population, followed by Muslims at just under 3% of the population, numbering 1,591,126 people. Those with no religion made up 15% of the population.

As regards Muslim communities, it was shown that there were Muslims in every local authority throughout the UK except one, the Isle of Scilly. Birmingham had the highest count of Muslims with near 140,000 whilst Tower Hamlets had the highest percentage population with Muslims accounting for 36% of the borough's population. Whilst it was shown that large numbers of Muslims lived in and around London, the West Midlands, Lancashire and West Yorkshire, there were also other significant communities in the North East - Middlesbrough and Newcastle - and at the opposite end of the country in the South West - Gloucester and Bristol. Approximately 46% of Muslims living in England and Wales were born in the UK.

There are approximately 400,000 Muslims households in England and Wales, of which nearly half consist of either married couples or what are most commonly described as 'nuclear family' households. Muslim households have the highest proportion containing children, where the figure is twice that for all other households nationally. Muslim communities are however disproportionately young, with over half its population being under the age of 25. Muslims also have the highest percentage of dependent children and in some local authorities Muslims make up a third of all school age children.

Muslims have the highest percentages of people with no recognised education qualifications although they do have a higher percentage with degree level qualifications and above than Christians across all age cohorts. Similarly, Muslims also have the lowest proportion of people with professional qualifications. These trends apply to both males

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[32] Serena Hussain, "An introduction to Muslims in the 2001 Census" *Muslims in Britain Research Network*, September 2005 (Birmingham: University of Birmingham).

and females although the figure for female participation in education is smaller between the ages of 16 – 24. Whilst this could be misconstrued as evidence of less emphasis being placed on the pursuit of qualifications for Muslim women, it should be noted that the figures for Muslim women was higher than for all women nationally, including Christian women and those with no religion.

Whilst 51% of Muslims households are owner occupiers compared to the national figure of 69%, 28% of Muslim households continue to live in social rented housing. This figure is not only higher than the national average but the highest across all groups. Muslims also have the highest percentage of households that are overcrowded when compared to all religious groups, and four times more than the national equivalent.

Whilst Muslims are therefore vital to the 'British way of life', the results of the 2001 Census reinforce that research that has been undertaken since the late 1990s, that has suggested that they do however experience higher levels of disadvantage than other faith groups.

As regards Islamophobia, despite being a concept that pre-dates the Salman Rushdie affair in 1989, as a phenomenon it has more recently been defined and understood via the Runnymede Trust's highly influential report entitled, "Islamophobia a challenge for us all"[33]. Here it was defined as the "unfounded hostility towards Islam...to the practical consequences of such hostility in unfair discrimination against Muslim individuals and communities, and to the exclusion of Muslims"[34]. Since the report's publication and its raising of awareness of Islamophobia in the public and political spaces, the term itself has become much more discursively prevalent and one that many people would have some concept of even though there is some contestation as to what exactly Islamophobia might be. Since 9/11, both as a concept and a term, so this acknowledgement has been ever more recurrent and increasingly more prevalent. The long-term effect or legacy that this might have on Britain's Muslim communities is therefore immeasurable at present, especially what with the situation being further inflamed and intensified following the London underground train bombings on the 7 July

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[33] Runnymede Trust: Commission on British Muslims and Islamophobia, *Islamophobia: a challenge for us all: report of the Runnymede Trust Commission on British Muslims and Islamophobia* (London: Runnymede Trust, 1997).
[34] Ibid, 4.

2005 ("7/7"). Only once we get beyond this period of 'urgent history' will we be able to reflect upon this more adequately.

Whilst the long-term effect therefore remains both problematic and open to contestation, what can be substantiated is the reality that following the attacks of 9/11 a significant rise in Islamophobia was an unwelcome consequence. Whilst the European Union Monitoring Centre on Xenophobia and Racism ("EUMC") report for example, entitled "Summary report on Islamophobia in the EU after 11 September 2001"[35] clearly highlighted that a backlash of Islamophobia was apparent across the entire breadth of the European Union including the UK, those such as Dr Lorraine Sheridan at the University of Leicester noted similar in a report entitled "Effects of the events of September 11th 2001 on discrimination and implicit racism in five religious and seven racial groups"[36] that was much more nationally focused. A number of Muslim organisations also identified similar, with those such as the Forum Against Islamophobia and Racism ("FAIR"), the Islamic Human Rights Commission ("IHRC") and the Muslim News all compiling compelling dossiers of evidence. Beyond Muslim organisations, the Commission for Racial Equality ("CRE") offered similar evidence in its reports to the EUMC. In Britain therefore, the "naturalisation of Islamophobia [was] a cause for concern…a greater receptivity towards anti-Muslim and other xenophobic ideas and sentiments has, and may well continue to be tolerated"[37].

Before considering the aftermath of 9/11 in the British context in more detail, despite an upsurge in Islamophobia following 9/11, it is interesting that a poll conducted in 2002 showed that 87% of British Muslims unequivocally defined themselves as being 'loyal to Britain'[38].

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[35] Christopher Allen & Jorgen Nielsen, *Summary report on Islamophobia in the EU after 11 September 2001* (Vienna: European Monitoring Centre on Racism and Xenophobia, 2002).
[36] Lorraine Sheridan, *Effects of the events of September 11th 2001 on discrimination and implicit racism in five religious and seven ethnic groups: a brief overview* (Leicester: University of Leicester, 2002).
[37] Allen & Nielsen (2002), 43.
[38] YOUGOV, *Attitudes towards British Muslims*, Islam Awareness Week (4 November 2002).

Relations Between the State and Muslims[39]

In the UK, there are significant differences that exist as regards the relationship between the State and different faith traditions and communities: "each religious community, in its institutional form has a unique position in relation to the State"[40]. In the UK therefore, the Church of England is the established church in England and as such maintains a privileged position as regards the function and role of the State. The Sovereign, who must be 'in communion' with the Church of England[41], is also the Supreme Governor who appoints, in negotiation with government ministers, bishops and other senior figures in the church. The privileged status of the Church of England also means that there are automatic seats for some of its clergy in the House of Lords. In Scotland, there is no official established church although the Church of Scotland does fulfil the function of national church, a function that is established in the Acts of Union. In both Wales and Northern Ireland, there are no official churches. As regards Islam however, the UK acknowledges no formal recognition.

Despite this, there has been some significant shift in the way in which the State and the monarchy have begun to acknowledge both a multi-ethnic and multi-faith society. Tufyal Choudhury highlights this well by noting how during the Queen's Silver Jubilee celebrations in 1977 there were no visits to any mosques or any mention of a changing Britain in her speech to Parliament. Yet in the Golden Jubilee celebrations of 2002, her summer tour of Britain included a visit to a mosque and her Jubilee speech to Parliament paid tribute to "the consolidation of our rich multicultural and multi-faith society"[42]. Similarly, the heir to the throne, Charles the Prince of Wales, caused much debate and some controversy when in 1994 he announced that rather than being the 'Defender of Faith' that tradition dictated, he himself would prefer to be 'Defender of Faiths', a gesture and recognition of the religious diversity that is today's Britain. Whilst there is yet to be any formal debate and agreement on this matter, the issue has been

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[39] This section was produced in collaboration with Dilwar Hussain, a research fellow at the Islamic Foundation, Leicester. For a more detailed assessment of the situation see, Dilwar Hussain, The Holy Grail of Muslims in Western Europe: Recognition, Representation and Relationship with the State, *in* John Esposito & Burgat, *Modernizing Islam: Religion and the Public Sphere in the Middle East and Europe*, London: Hurst & Co. 2003.

[40] Jorgen S. Nielsen, *Towards a European Islam,* Basingstoke: Macmillan Press, 1999, p.39.

[41] Tufyal Choudhury, p.120.

[42] p.81.

met with approval by some Muslims groups and noted in a report into religious discrimination undertaken on behalf of the Home Office by the University of Derby[43].

All of this exists in the UK in the absence of any written constitution as is found in other countries. In the UK it is the various Acts of Parliament that form the 'constitution', establishing a situation that is much more fluid and adaptable than any given formal constitution. The UK therefore does not have a system of 'recognition' of religion as found in such EU states as Germany or Belgium. Instead the relationship is a complex one governed by various Acts that either may, or may not be of relevance to the faith community or group concerned. So for example, whilst Jews and Sikhs are recognised as ethnic groups and are therefore protected when it comes to discrimination, those such as Muslims and Buddhists are not. There are also some limited provisions for Jews to observe elements of Jewish law in personal matters. As regards citizenship, one's religion is quite irrelevant to the extent that most people from the minorities residing in the UK today are British citizens.

As regards the relationship between British Muslim communities and the British state, across the EU there are three main models by which individual states have tried to deal with its minority communities: the 'Guestworker', 'Assimilation', and 'Multiculturalism' models. The latter is the one adopted in the UK, where room has been established for the preservation of different cultural identities and where some degree of pluralism has been institutionalised. Of course, each of these models has its own distinct advantages and disadvantages to the extent that they are of continuous debate and discussion among academics and policy makers. However the multicultural model is described by Habermas as follows:

> "In multicultural societies, the equally protected coexistence of lifeforms means ensuring for each citizen the opportunity to grow up, and have his or her children grow up, in a cultural world of his or her own origins without being insulted because of this by others; the opportunity to come to terms with this culture – as every other – to perpetuate it in its conventional form or to transform it; and also the opportunity to turn his or her back on its imperatives out of indifference or to break away from them in a self-critical manner, to live

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[43] Paul Weller, Alice Feldman & Kingsley Purdam, *Religious discrimination in England & Wales*, Home Office Research Study no.220: London.

henceforth spurred on by having made a conscious break with tradition or even to live with a split identity"[44]

This model is not though without its critics with the Satanic Verses affair and, more recently, the London train bombings, widely reported as being undertaken by 'home-grown' terrorists, being repeatedly cited as examples of the failure of British multiculturalism. Not only has this initiated much contemporary debate about the 'death of multiculturalism' but similar arguments have been in evidence for many years, at least back to 1990 when Lord Tebbit criticised the shortcomings of multiculturalism through his 'cricket test': a test to see which those individuals and communities of Bangladeshi, Indian, Pakistani or West Indian heritages supported when England played the Bangladesh, Indian, Pakistan or West Indies cricket team respectively in test matches. If they supported England, then Tebbit suggested that they were 'British' and 'loyal', whereas if they did not – and in the proscribed situation very few would have supported England against the teams of their birth or heritage – not only was their 'Britishness' and 'loyalty' questioned, but also the social model of multiculturalism that 'allowed' these same individuals and communities feel that supporting their respective teams over and above the English team was acceptable. In this argument however, Tebbit appeared to overlook that supporting the 'English' team could not be seen to be a test of someone's 'Britishness' because very few from Northern Ireland, Scotland or Wales would have supported the 'England' team either, a point reinforced in the bitter rivalry that exists between the respective football teams of the home nations. Elsewhere, other critics have been more accepting of multiculturalism but critical of the disparity between privileges that are granted to some ethnic minorities and not to others (see the section entitled, 'Anti-Terrorism and Security Laws' for further details).

With the arrival of larger numbers of migrants in the 1960s and 70s a very pronounced debate started to take place very early on as regards the position and status of Britain's new migrant communities. The tone of the debate in the early stages was very similar to that in other parts of Europe. Possibly the most vociferous participants in the debate were Enoch Powell of the Conservative Party and Roy Jenkins of the Labour Party, both adopting bi-polar oppositional positions. It was however within

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[44] Habermas, Jürgen, 'Struggles for Recognition in Constitutional States', *European Journal of Philosophy*, Vol. 1, No. 2, 1993. p. 143.

this debate that the British notion of multiculturalism was crystallised by Roy Jenkins: "…a flattening process of uniformity, but cultural diversity, coupled with equal opportunity in an atmosphere of mutual tolerance"[45]

Contemporarily, the notion remains in currency though a close examination shows signs of evolution and adaptation. Most people in the UK including ethnic minorities seem to be quite proud of their multicultural arrangement. Perhaps this took root easier in the UK due to the distinct lack of a strong British identity what with the British not seeming to be as visibly proud of their 'national' identity as are, say, the Americans or French. Recent events have also led to a rise in increasing local awareness, or devolution, with the establishment of the Welsh, Scottish and Northern Ireland Assemblies. All of this has led to an ongoing debate on what it means to be British. Interestingly, elements from within ethnic minorities have been engaging in these debates for some time, the highly respected academic scholar Professor Tariq Modood at the Bristol University being a case in point. A recent survey conducted by the Policy Studies Institute showed that 66% of those of Pakistani heritage said that they think of themselves 'in many ways' as being British, at the same time 90% also said the same regarding being Pakistani. It seems therefore that what is evolving among the Pakistani heritage communities (and most likely other ethnic minorities) is a sense of hybrid or hyphenated identity (British-Pakistani)[46]. Thus far it is a unique situation among Muslims in Europe and will no doubt play an important role in the dynamics of representation and the future relationship with the state.

Another aspect of the relationship between Muslims and the state in the UK, or at least the participation of Muslims into the institutions of the British states, is the presence of three Muslims in the House of Lords and two in the House of Commons. There have also been a significant number of Muslims involved in local government as councillors, estimated to number over 200 nationally. Of significant note, Lord Nazir Ahmed of Rotherham asked for a prayer room to be set aside in the House of Lords whilst he and other Lords and MPs have facilitated the hiring of a room in the House of Lords for a monthly public debate and discussion. This direct political involvement is a recent development and though it has attracted very mixed and at times cynical

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[45] Jenkins, Roy, *Essays and Speeches.* 1967. Quoted in Lewis, Phillip, *Islamic Britain: Religion, Politics and Identity among British Muslims*, London: I.B. Tauris. 1994. p.3.
[46] Modood, Tariq et. al., *Ethnic Minorities In Britain*, London: PSI. 1997.

reactions from some Muslims, time will tell how this affects the Muslim community. It should be mentioned that all of these figures have entered the political system via the established political parties (in this case all those mentioned are from the Labour Party). Attempts at setting up separate Muslim political entities have had little or no support from the wider Muslim community as could be seen in the case of the Muslim Parliament and the Islamic Party of Britain, which have both dwindled considerably in recent times.

Status of Ethnic Minorities[47]

Even before the events of 9/11 and indeed since, despite racism on the basis of 'markers of race' – crudely defined and understood in the UK in terms of skin colour – continuing to be identifiable across a myriad of forms, a more recent shift has also been apparent and documented where the displacement of some of the more traditional and obvious markers have been substituted with newer and more prevalent markers of cultural, socio-religious significance, primarily those associated with Muslims and Islam[48]. However, whilst traditional 'race' markers have long been afforded legislative protection, the same is not true as regards 'religious' markers: protection being restricted only to ethnically definable religious communities. Because of this and despite Muslims being increasingly targeted with newer forms of racist prejudice and hatred, as Muslim communities are multi-ethnic communities they have remained outside existing legislation. Islamophobia has been therefore, to some degree at least, legitimate. Different ethnic minority communities in Britain therefore had, prior to 9/11, limited and differing protection under criminal law dependent upon the religious minority that they belonged to. At the time of the 9/11 attacks therefore, there was no full and comprehensive protection afforded to all ethnic minority communities, in particular those

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[47] This section draws upon the FAIR (Forum Against Islamophobia & Racism) submission to the House of Lords Select Committee on Religious Offences 2002 researched and written by Chris Allen. For more details see, <http://www.fairuk.org>.

[48] See for example: Martin Barker, *The new racism: Conservatives and the ideology of the tribe* (London: Junction Books, 1981); Amy E. Ansell, *New right, new racism* (London: Macmillan, 1997); Pnina Werbner, "Essentialising essentialism, essentialising silence: ambivalence and multiplicity in the constructions of racism and ethnicity, in *Debating cultural hybridity: multi-cultural identities and the politics of anti-racism,* eds. Pnina Werbner & Tariq Modood (London: Zed Books, 1997), 226-56; and Christopher Allen, (2005) "From race to religion: the new face of discrimination", in *Muslim Britain: communities under pressure*, ed. Tahir Abbas (London: Zed Books, 2005), 49-65.

that either were, or indeed chose to identify themselves in terms of a multi-ethnic religious affiliation. Muslims therefore failed to have the full protection of the law.

Under the protection afforded to ethnic minority communities in the UK by the Race Relations Act 1976 ("RRA 76"), protection was provided on the grounds of the statutory definition of 'racial group'. This included race, colour, nationality and national or ethnic origin as markers of race. However, neither religion nor belief were included as appropriate markers and became subsequently excluded. Case law under RRA 76 however extended the definition of 'racial group' in the early 1980s to include mono-ethnic religious groups as well. This afforded protection to mono-ethnic religious groups such as Jewish and Sikh communities, and potentially Hindu communities as well, but not multi-ethnic religious groups such as Muslims and Christians. It therefore became unlawful to discriminate against Blacks, Afro-Caribbeans, Asians, Pakistanis, Bangladeshis and so on, as well as Jews and Sikhs, but perfectly within the law to discriminate against someone on the basis of their being Muslim. This definition was again further developed in civil anti-discrimination legislation when the first criminal offence was introduced on racial hatred in the Public Order Act 1986. Here a situation developed where mono-ethnic religious communities such as Jews and Sikhs were protected from the incitement of hatred against them. Consequently it remained legal to incite religious hatred against other multi-ethnic religious groups, like Muslims.

Yet protection against religious discrimination did exist in the UK but only in Northern Ireland, where the legislation - reflecting the particular sectarian issues in that jurisdiction - focused primarily upon relations between the established Protestant and Roman Catholic communities. Whilst the Fair Employment and Treatment Order prohibited discrimination on the grounds of religious belief or political opinion in employment, higher education and the provision of goods, services and facilities, the Northern Ireland Act 1998 prohibited discrimination by the government and public bodies on the grounds of religious belief or political opinion, adopting a proactive approach to tackling religious discrimination. In the context of Northern Ireland as part of the United Kingdom therefore, legislation was successfully implemented that highlighted how and why such legislation was required, and possibly more importantly, that it was entirely workable.

The Labour Party in its 1997 election manifesto made a commitment to provide greater protection to 'black' communities through new criminal law provisions following the murder of African-Caribbean teenager, Stephen Lawrence. This commitment was fulfilled by Jack Straw through two clauses in the Crime and Disorder Act 1998. These included the first new aggravated offence of harassment and violence motivated by racial hatred and the second of criminal damage motivated by racial hatred, both of which were to carry a maximum of two additional years of custodial sentence. However, both once again fell short of extending protection to those non-ethnic religious communities that fell outside of the statutory and case law definition of 'racial group'.

The implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR") by the Human Rights Act 1998 ("HRA") provided within the UK the first direct protection from religious discrimination outside Northern Ireland. The Act provided for the enforcement in UK legislation of those rights secured by the ECHR known as 'convention rights': the right to freedom of thought, conscience and religion, including the freedom to change one's religion or belief, and the right to freedom, either alone or in community with others and in public or in private, to manifest one's religion or belief, limited to acts of worship, teaching, practice and observance. From this perspective, it could be argued that as Muslims and other multi-ethnic religious communities were not afforded equal protection under existing legislation that they were subsequently being discriminated against on the basis of religion. This also seemingly appeared to contravene Protocol 12 of the ECHR: protection against discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. However, despite 25 of the Council's member states signing up to Protocol 12, the UK unfortunately did not, which again left the same legislative anomaly in place. Consequently, under international human rights legislation, it was extremely difficult for those Muslim communities – and indeed other multi-ethnic faith communities - that were excluded from the rightful protection afforded to mono-ethnic faith groups to have any recourse.

Prior to 9/11 therefore, it was entirely legal in the UK to incite religious hatred against those communities and individuals that existed outside of the legal definition of 'racial group'. Following 9/11 and the anti-Muslim backlash to emerge from this and the

ensuing 'War on Terror', British Muslims became fair game to various sections of British society with impunity, occasionally resulting in outbursts of irrational and unfounded Islamophobic attacks against the whole Muslim community in Britain, which in turn incited others to abuse, harass and assault Muslims, as well as cause criminal damage to Muslims' property and their religious institutions and buildings. As this was on the basis of 'religious' hatred rather than any 'racial' equivalent, prosecutions could not be incorporated under the provisions of the Public Order Act 1986.

Shortly after 9/11 and primarily as a response to the alleged threat of terrorism and the subsequent need to tighten security on the British mainland, the Anti-Terrorism, Crime and Security Bill 2001 sought to address this legislative anomaly and remove the hierarchy of protection it produced. The Crime and Disorder Act 1998 was successfully amended to extend the two aggravated offences of harassment and violence, as well as criminal damage to property that was motivated by religious hatred. As a result, the custodial sentence was extended from a maximum of two to seven years. The Anti-Terrorism, Crime and Security Bill 2001 also attempted to legislate against instances of the incitement to religious hatred as well. This however, was flatly rejected by a number of prominent Muslim organisations. Following on so soon after 9/11, many felt that a Bill that addressed the issue of anti-terrorism was not an ideal legislative vehicle for simultaneously affording protection to religious communities, a view that was particularly resonant within Muslim communities what with having already become a target for vilification following the events in the US. Any additional association of 'terrorism' and 'Muslim' would have, and indeed was seen to be wholly unwelcome and entirely unnecessary with many prominent Muslims believing that the proposed legislation had been far from properly thought out. This viewpoint was expressed most conclusively by representatives from nine Muslim organisations, where they flatly rejected the 'benefits' that the Anti-terrorism, Crime and Security Bill 2001 had to offer. In a document submitted to the Select Committee on Home Affairs in November 2001[49], they argued that:

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[49] This document was signed by Dr Zaki Badawi (The Muslim College), Yousuf Bhailok (Muslim Council of Britain), Yousif Al-Khoei (Al-Khoei Foundation), Yusuf Islam (Association of Muslim Schools), Mohammed Abdul Aziz (FAIR), Sarah Sheriff (Muslim Women's Helpline), Dr Ghayasuddin Siddiqui (The Muslim Parliament), Fuad Nahdi (Centre for Muslim Policy Research) and Dr Syed Aziz Pasha (Union of Muslim Organisations). A transcript of this document can be located on the website of the United

"We have grave reservations about the introduction of legislation at this particular time...the extension of the legislation to cover incitement and conspiracy outside the UK specifically targets extremist Muslim groups. Investigation and detection will require law enforcement agencies (the police in particular) to cast their net wider which may have two significant consequences:

Heavier policing and investigation of the whole of the Muslim community - and visible Muslims - to detect/investigate suspected incitement offences; a deterrent and 'chilling' effect on the legitimate free speech of all Muslims who react defensively to uncertainty about which speech is legitimate (and unregulated) and which speech falls within the new legislation (and subject to up to a seven year criminal penalty)"

As such, the objection at this juncture was against the vehicle for affording the protection rather than the protection itself. Subsequently, the attempt to legislate was unsuccessful and as a consequence, multi-ethnic faith communities, including Muslims and various Christian denominations (including the Anglican Church), were again left unprotected against the offence of incitement to religious hatred.

Whilst some of those sections of the Anti-Terrorism, Crime and Security Bill 2001 that were passed into law provided protection against the second perpetrator (those that abuse harass and assault), the acts of the first perpetrator (those that incite others to do so) which in some ways constituted the cause of the rising hatred that was being shown towards Muslims, remained unchecked where the ability of the first perpetrator to create mischief at source thus remained. Indeed, many of the British National Party's ("the BNP") publications that could have been deemed to incite hatred against Muslims could not be dealt with by the Police or the Courts at that time as there was no law to deal with that particular type of incitement. In 2001, campaigning at the General Election had already seen how incitement by the BNP and other far-right and neo-Nazis groups was able to bring about unrest and tensions in a number of northern towns, some would say resulting in civil disobedience on the streets of Bradford, Burnley and Oldham. Consequently, the loophole in the protection afforded under the Public Order Act 1986 on the basis of race rather than religion was continued to be exploited. In the run up to the 2002 local government elections and in all elections since - at local, national and European levels - the BNP have run further explicitly Islamophobic

Kingdom Parliament at, <http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmselect/cmhaff/351/351ap16.htm>

campaigns that have continued to incite tensions and hostilities towards Muslim communities in a number of specifically targeted, high Muslim percentage population localities. Similar practices have also been identified amongst other far-right and neo-Nazi organisations although primarily at the 'grassroots' level as opposed to the 'mainstream' as the BNP has sought.

What with the legislative anomaly continuing to exist, in early 2002, Lord Avebury introduced the Religious Offences Bill 2002 in the House of Lords. On its second reading on 30 January 2002, the Bill was committed for consideration by a Select Committee where numerous faith and non-faith communities and organisations presented both written and oral evidence either for or against the Bill. The ensuing report of the Select Committee was released in June 2003 and made a number of very pertinent observations: that there was a continued inequality in the law in how it protected different faith and belief communities from different offences; that there was a legislative loophole as regards incitement to hatred on the grounds of religion or belief that observers from many different quarters agreed needed to be urgently filled; that any subsequent protection needed to meet the requirements of all faiths as well as those of none; and that the UK was in breach of its obligations under the European Convention of Human Rights, particularly Article 14. The report also detailed and provided examples of attacks on religion, incitement to hatred on grounds of religion or belief, and offences relating to sacred places.

The report did also note however that whilst the Government and all law enforcement agencies were in favour of legislation against incitement to hatred on grounds of religion or belief in principle, there was some concern about legislation. It was the issue of the right to 'free speech' that initiated the most opposition and arguments against the proposed legislation. Indeed it was a very significant objection and one that was played out in the liberal left-wing newspapers, namely the Guardian, Independent and Observer. As Elizabeth Poole wrote, "freedom of speech continued to be a significant issue for the Guardian and resulted in a number of negative articles about Muslims...it exaggerated [the proposed laws'] potential to discredit them"[50]. A further objection that surfaced was the notion that religion was something that was

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[50] Elizabeth Poole, *Reporting Islam: media representations of British Muslims* (London: IB Tauris, 2002), 11.

'chosen', whereas race was not. This argument therefore suggested that discrimination and/or hatred that was founded upon something that an individual either accepted or chose to be, was of less importance than when similar phenomena were founded upon something understood to be much more 'natural' or without choice. Such arguments however establish serious and quite unwelcome hierarchical structures of discrimination, hatred and victimhood.

In November 2003, the Home Office issued its detailed response to the report, in essence agreeing to its recommendations, in particular the need to introduce appropriate legislation against incitement to hatred on grounds of religion or belief. It provided no indication of commitment to a timeframe for such legislation though stating only that it would seek to bring about legislation if and when there was a suitable opportunity in the future. This opportunity was located in 2005 when the Racial and Religious Hatred Bill 2005 was introduced that again sought to make it an offence to stir up hatred on religious grounds whilst simultaneously amending the law on encouraging racial hatred. Its main provisions were: to extend the racial hatred offences in the Public Order Act 1986; to apply this to words or behaviour and the display, publication, broadcast or distribution of words or behaviour that is likely to stir up religious or racial hatred; and to apply it to believers in any or no religion, both mono- and multi-ethnic, or where the hatred is against a person or group that does not share the beliefs of the perpetrator. In addition, the offence would carry a maximum seven-year jail sentence. The provisions were originally included as part of the [Serious Organised Crime and Police Act 2005](#) although the Government chose to separate the Racial and Religious Hatred Bill 2005 from it so that the [Serious Organised Crime and Police Act 2005](#) could be passed before the General Election in May 2005.

It is widely accepted that this was done what with the Government expecting some opposition to the provisions of the Racial and Religious Hatred Bill, fearing that it would be blocked in the House of Lords because of concerns over free speech. Again this became a prominent issue in the arguments being posited against the Bill with many comedians expressing their concern that they would be barred from joking about religion. One of the most vociferous was the comedian Rowan Atkinson, famous for the character 'Mr Bean', who repeatedly argued that it would undermine free speech by inhibiting the discussion of religion, citing the view that religious groups had already

taken the government proposals as a green light to try to stamp out critical or irreverent commentary of their faith. In response, those such as the Home Office Minister Paul Goggins and the Home Secretary Charles Clarke, insisted that the legislation was to penalise only the incitement of hatred, and that satire, criticism and jokes will still be allowed.

The Bill became a Labour manifesto commitment in the May election and featured in the Queen's speech. Consequently, on the 11 July 2005 the Bill and the subsequent legislative protection it afforded was finally passed by the House of Commons in order that it could be passed up to the House of Lords. On 11 October the Bill was read in the House of Lords where despite forty-seven Lords speaking in the debate, from whom only nine vocally supported it, the Bill was eventually passed but with amendments. The subsequent amendments have the effect of limiting the legislation to, "a person who uses threatening words or behaviour, or displays any written material which is threatening ... if he intends thereby to stir up religious hatred", thus removing the concept of abuse and insult whilst requiring the intention to - and not merely the possibility of - stirring up religious hatred. At the present juncture, it remains to be seen how the Government will react to this amendment.

At the same time that the Bill was being read in the House of Lords, a group of protestors between 300 and 1,000 depending upon source, demonstrated against it in London's Hyde Park. Although the legislation had won support from many different faith groups, not all of Britain's faith representatives have since backed it. A spokesman for the Christian Evangelical Alliance for example has warned that it could "damage community relations and usher in a new climate of illiberalism and repression", whilst another Protestant evangelical pressure group, Christian Voice, a fringe group that first came to public prominence when it campaigned against the BBC's broadcasting of Jerry Springer The Opera, has warned that it will try to use the new religious hatred law to prosecute bookshops selling the Qur'an. "If the Qur'an is not hate speech, I don't know what is. We will report staff who sell it. Nowhere in the Bible does it say that unbelievers must be killed" said its director, Stephen Green[51].

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[51] *The Guardian* 12/10/2005, "Christian group may seek ban on Qur'an".

Following the amendments made in the House of Lords, the Racial and Religious Hatred Bill was finally presented to Parliament on 31st January 2006. Here, Government ministers proposed two amendments, both of which were seen to be compromises that would ensure people could debate, ridicule or insult religions as long as they did not intend to stir up hatred, or were 'reckless' about doing so. At the vote though, on both amendments the Government were defeated. The first vote, which saw the Government defeated by 288 votes to 278, was aimed at ensuring the new laws would not affect the current racial hatred laws. The second, which the Government lost by one vote - 283 to 282 - was to ensure that the law should only criminalise threatening' behaviour and not things which were just 'abusive and insulting', meaning that people could only be prosecuted if they intended to stir up hatred - not if they were just reckless. Having pursued the Bill for so long, the defeat was widely seen and subsequently reported through the media as an embarrassment for the Government. However, what made the defeat even more embarrassing was that the Prime Minister Mr Blair was in Parliament but failed to participate in the vote as he felt that he was not needed. The irony is that if had have voted, it would have been the one additional vote required to ensure that the legislation was passed. This embarrassment has since been described as a misjudgement of the opposition to the legislation[52].

Anti-Terrorism and Security Laws

Despite the eventual passing of the legislation to finally close the anomaly in the law, it was again overshadowed and played out alongside a backdrop of terrorism and security what with the 7/7 bombings. Since July, a number of Government announcements were made about future counter-terrorism legislation that again saw Britain's Muslim communities caught up in the ensuing melee surrounding the Prevention of Terrorism Act 2005. Under this Act, the Government repealed the powers available to it under Part 4 of the Anti-Terrorism, Crime and Security Act 2001 and proposed their replacement with a system of control orders that could be made against any suspected terrorist, whether a UK national or a non-UK national, or whether the terrorist activity was international or domestic. The Terrorism Bill contained

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[52] "Blair to push ahead with reforms", *BBC News Online* (1 February 2006)
<http://news.bbc.co.uk/1/hi/uk_politics/4668868.stm>.

measures designed to ensure that the police, intelligence agencies and courts had the necessary tools to tackle terrorism and bring perpetrators to justice, and contained three new offences: Acts Preparatory, Indirect Incitement, and Terrorist training in the use of hazardous substances. The Government stressed that the Bill was not a direct response to 7/7 as it had been announced that new terrorism legislation was to be forthcoming in the autumn anyway.

However as the Prime Minister, Tony Blair made clear on the 5 August 2005, the 'rules of the game are changing' so the Bill explicitly aimed to make it more difficult for extremists to abuse the 'cherished freedoms' of Britain. He set out a Twelve Point Plan which included further proposed legislative measures including:

- Creating an offence of glorifying terrorism, whether in the UK or abroad.

- Proscribing the group Hizb ut-Tahrir and the successor organisation of Al-Muhajiroun - and look at whether the grounds for proscription need to be widened (Hizb ut-Tahrir in Britain has since said that it would fight any ban through the courts).

- Creating new powers to close places of worship used to foment extremism.

- Powers to deport or deny entry to foreign nationals who "foster hatred", and an automatic refusal of asylum to anyone who has participated in terrorist activity.

- Consultation to strip citizenship from naturalised citizens engaged in terrorism

- The 90-day pre-charge detention of terrorism suspects.

- Consultation with Muslim leaders about drawing up a list of those not suitable to preach, who will be excluded from Britain.

Mr Blair also added that the Government was prepared to amend the Human Rights Act in respect of interpretation of the Article three of the ECHR if legal obstacles were to arise.

Following Blair's announcement, Charles Kennedy, the former Liberal Democrat leader, warned that such measures threatened the cross-party political consensus established after the London bombings, adding that proposals to ban Muslim

organisations and close mosques risked inflaming tensions. The Twelve Point Plan was unveiled a day after a video was broadcast showing one of the London bombers blaming Mr Blair for the 'destruction' in central London because of his support of the US, the 'War on Terror', and the wars in Afghanistan and Iraq.

Following 7/7, the Government also created a 'Muslim Taskforce' in an attempt to better engage with and seek collaboration with Muslims to combat extremism. From seven different working groups that were established, 64 recommendations were made that included the creation of a rapid rebuttal unit to combat Islamophobia, the need for a better reflection of Islam in the national curriculum, and the need to train imams in 'modern' skills. The findings were also sharply critical of 'inherent injustices' in British foreign policy that they said were a contributory factor in triggering 'radical impulses' among British Muslims. They were also scathing of the Prevention of Terrorism Act 2005 and made demands for a public inquiry into the underlying causes of the July attacks.

At the report stage of the Bill's hearing in the House of Commons on 9 November 2005, its proposal to allow the police to detain terror suspects for up to 90 days without charge was defeated but was later amended and reduced to a maximum of 28 days. Interestingly, this was Prime Minister Blair's first defeat in parliament since his election victory in 1997.

Immigration Policies

As mentioned at the outset, 'British Muslims today are no longer the migrants of old' and to describe Britain's Muslims as 'immigrants' would not only be considered highly offensive, but also something of an anathema to the progress that British society has made over the past 40 years. Muslims as 'immigrants' is therefore no longer a notion that would feature in the either the public or political spaces or indeed in common parlance, and so Muslim communities would no longer be included in what might be defined debates about 'immigration'.

Since 9/11 therefore, there has been little in the way of changes to immigration policies or legislation that has had a significant impact upon Muslim communities. The

only legislation to have been implemented since this time is the Nationality, Immigration and Asylum Bill 2002 which proposed the repealing of certain provisions conferred in the 1999 Immigration and Asylum Act including the allowing of asylum seekers the automatic right to a bail hearing. The then Home Secretary, David Blunkett announced that this legislation needed amending to allow 'wholly unfounded' claimants to be sent home without appeal. In addition, the Bill also included proposals for the children of some asylum seekers to be forced to attend separate schools in preference of the mainstream schools that they were previously allowed to attend.

However, a less obvious or acknowledged situation has evolved – albeit without any direct substantiation from the events of 9/11 themselves - where asylum seekers, political refugees and immigrants – all collectively termed 'asylum seekers' - have become more vulnerable and increasingly victims of hostility[53]. In the UK, for some time before 9/11 there was a sensationalist and often vitriolic campaign waged by many of the national tabloid newspapers against asylum seekers to the extent that in both the Daily Express and Daily Mail such stories were daily occurrences. Focusing on the perceived negative traits of immigrants and the detrimental effect that they were alleged to be having on British society - in particular the welfare state in terms of the National Health Service ('NHS') - asylum seekers were represented through the media, and also through the discourse in the political space, in dangerously vitriolic language as a 'threat', and more importantly, an unwanted and unnecessary one at that. Such discourse was given even greater impetus following the acknowledgement that some of the perpetrators of the attacks on the US were believed to have resided in some EU countries as asylum seekers.

Finding a similar resonance following 7/7, and even more sharply after the failed London train bombings two weeks after 7/7 on the 21 July 2005, so similar ideas again became apparent, primarily through the tabloid press. Under a headline in the Daily Mail, "Bombers came to UK as sons of asylum seekers", the article added without any apparent reason except that it would appear to substantiate its own agenda and

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[53] The use of the descriptive term 'asylum seeker' will from hereon be used as a representative term that includes not only asylum seekers but also political refugees and immigrants unless otherwise directed.

reinforce the stereotypes of asylum seekers that had already been codified through the tabloid press:

> "The news comes as it emerges that Omar [one of the alleged bombers] had been handed thousands of pounds in taxpayers' money. He was given £75 a week in housing benefit to pay for the one-bedroom flat where he has been the registered tenant since February 1999. His housing benefit stopped in May but he may have been given up to £24,000 over the last five years"[54].

A similar article a week later offered much the same, "Suspected bomber was illegal asylum seeker"[55].

The situation facing asylum seekers was further exacerbated by the disproportionately large media voice granted to some Muslims on the fringes of what might best be described as mainstream opinion. Having established many of these unrepresentative individuals as 'spokesmen' for the 'Muslim community', the tabloid press then sought to demonise these same individuals because they had entered the UK under asylum laws. In illustration, following 7/7 the leader of al-Muhajiroun, Omar Bakri Mohammad, fled the UK following a newspaper campaign against him whilst Abu Hamza al-Masri, the leader of the Supporters of Shar'iah, has since been imprisoned on a number of different charges. Much of the media coverage attributed to both in this period focused upon their status within Britain and the fact that they had originally come to Britain as 'asylum seekers'.

Consequently, there has been a narrowing of the distance between issues relating to asylum seekers and those of 9/11 and beyond, especially as regards who the 'enemies' of the UK are, even though this may have been largely unacknowledged or even unnoticed by the wider society. What with a large percentage of recent asylum seekers having arrived in Britain from Muslim countries – in part from the wars in Afghanistan and Iraq in which Britain itself has had a significant role - not only has the term 'asylum seeker' become a dangerously derogative and overwhelmingly negatively evaluated descriptor but asylum seekers have also become extremely crudely portrayed in largely de-humanised ways. Whilst asylum seekers were not a group that had become

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[54] Bombers came to UK as sons of asylum seekers, *Daily Mail*, 21 July 2005.
[55] Suspected bomber was illegal asylum seeker, *Daily Mail*, 1 August 2005.

vulnerable as a direct result or consequence of 9/11, a new impetus for hostility and intolerance against them may however have emerged.

Physical Abuse

In the British context, some interesting correlations and considerations can be explored to assess the extent to which 9/11 seemingly justified Islamophobia. In doing so, three particular spaces emerge that require more detailed consideration: the public space; the media space; and finally, the political space[56]. Before doing so however, some examples of Islamophobic events that were collated by the CRE are set out below (the list is indicative only and is far from exhaustive)[57]:

Physical Attacks

- Police in Livingston, Scotland stepped up patrols after the town's mosque came under attack from a gang of teenagers. [58]

- Blood was smeared over the doors of a mosque in Essex where ten pigs' heads were left also outside[59]

- A mosque in Belfast, Northern Ireland, had two of its windows smashed.[60]

- A Muslim taxi driver was assaulted and left paralysed from the neck down after an argument about the fare and about the events of Sep 11. The attackers shouted racial abuse before hitting the man over the head with a bottle and kicking him repeatedly.[61]

- A 19-year-old woman wearing the hijab was beaten around the head with a metal baseball bat by two white men in Swindon. Prior to the attack one of the men was reportedly heard to say "here's a Muslim".[62]

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[56] Amended from Christopher Allen, "Justifying Islamophobia: a post-9/11 consideration of the European Union and British contexts", *American Journal of Islamic Social Sciences,* vol. 21 no.3 (Summer 2004): 1-25.

[57] Examples gleaned from CRE data submitted to the EUMC

[58] *The Scotsman* 17/10/01

[59] *The Guardian* 22/09/01 "Backlash - Racists and Islamists exploit tragedy"

[60] *Independent of Sunday* 16/09/01 "Backlash heightens racial abuse 'tenfold'

[61] *The Independent* 18/09/01 "Three held after racist attack on Afghan taxi driver" ; *The Guardian* 18/09/01 "Race attack"; *Daily Telegraph* 18/09/01 "Islam leaders say extremists are stirring up hatred"

[62] *The Times* 27/09/01 "Racist wave of hate engulfs Islamic targets"; *The Guardian* 18/09/01 "Race attack"; *Daily Telegraph* 18/09/01 "Islam leaders say race extremists are stirring up hatred" *The Mirror* 20/09/01 "Straw Plea"

- A Muslim woman and her children were chased into their home in Swansea by a gang of men, who called them terrorists and threatened to bomb their house.[63]

- A 14-year-old Muslim boy had his face pushed into a toilet bowl by a gang, who then wrote "Osama" on his forehead and pushed a sausage into his mouth to force him to break his Ramadan fast.[64]

- A 20-year-old Muslim woman was assaulted on a bus with a bottle, and called "Muslim bastard" - onlookers, including the bus driver, appeared to ignore the incident.[65]

- A Muslim woman was attacked with a hammer on a train by a man who shouted "You should die. You want killing for what you did in America".[66]

- A gang of men armed with knives, baseball bats, CS spray and an imitation firearm were arrested in south London after police received intelligence that they were about to attack a mosque.[67]

- A Muslim woman in Gloucester was attacked by 15 white teenagers as she waited in her car at a railway crossing.[68]

Verbal Attacks and Threats

- By 7.30 pm on Sep 11, The Muslim Council of Britain had received hate emails with references to 'Islamic terrorism' and 'Islamic violence'.[69]

- Islamia primary school in Northwest London closed temporarily after receiving threatening phone calls. The school's secretary was also verbally abused while shopping.[70]

- Saudi Arabian Airlines staff at Heathrow were the target of offensive graffiti in the toilets, such as "Death to Allah", "Muslim skum [sic]" and "Kill Muslims".[71]

- The Muslim Welfare House in Finsbury Park, North London, received a lot of hate mail including one letter saying "When we've finished with Afghanistan you will be next".[72]

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[63] *The Times* 27/09/01 "Racist wave of hate engulfs Islamic targets"
[64] *The Independent Review* 28/12/01"Constantly exposed in the glare of the spotlights"
[65] *The Times* 27/09/01; *The Guardian* 08/12/01
[66] *The Guardian* 28/09/01 "Hammer attack on Asian woman"
[67] *Evening Standard* 02/10/01 "7 held over 'bid to attack mosque'"
[68] *The Times* 13/10/01 "Muslim attacked"
[69] *MCB Newsletter* Sep 2001
[70] *Morning Star* 15/09/01 "Islamic school shuts in fear of reprisals"
[71] *The Observer* 30/09/01 "Muslim community refuse to be victims of racism"

- Amin Hussain, a shop owner in Glasgow, reported that he was "warned on an almost daily basis that he is going to pay for last month's terrorist attacks".[73]

- Mohammed Saddique, a shop owner from Oldham, was regularly called "Osama" by his suppliers.[74]

The Public Space

In reflecting the wider European landscape, Muslim communities are not only the second largest faith community in today's Britain but probably also the most visually recognisable too, where traditional Islamic attire – or even just mere aspects of such - for both men and women can be easily identified across many of Britain's towns and cities. Consequently, Muslims can be relatively easily visually identified because of recognition of 'difference'. As has been noted elsewhere, from this difference has emerged a wider demarcation that embodies both notions of Otherness and inferiority[75]: more precisely, Otherness and inferiority to the 'norms' of British society. At the same time as the socio-religious icons of Islam and Muslims have acquired a much greater visual immediacy, so this immediacy has somewhat simultaneously been contextualised and understood via largely negative evaluations. Following 9/11 which acted as a catalyst for this same process, so the situation both intensified and deteriorated: intensified because the visual identification and subsequent difference came under greater scrutiny at the same time as becoming increasingly recognisable, whilst simultaneously deteriorating what with this same visual identification and difference becoming the focus for perpetrating denigratory and violent attitudes and acts. Such processes were therefore to not only reinforcing of each other, but self-perpetuating also.

Consequently, British Muslims have found themselves since the attacks, being identified in ever increasingly bi-polar ways, and even more dangerously, having to do the same in terms of self-definition. As Ziauddin Sardar suggested, Muslims are contemporarily identified as either 'terrorists' warring against the West, or 'apologetics'

[72] *Financial Times* 22/09/01 "Muslims sustain unwelcome attention"
[73] *The Glasgow Herald* 23/10/01 "Glaswegians who are caught in the middle"
[74] *The Guardian* 24/10/01 "Muslims fear racist backlash in town scarred by riots"
[75] Pnina Werbner & Tariq Modood, eds. *Debating cultural hybridity: multi-cultural identities and the politics of anti-racism*, (London: Zed, 1997).

defending Islam as a peaceful religion[76]. However, what with the populist and widespread monolithic and negatively evaluated visual immediacy that society has of Muslims, both of the 'bi-polar types' of Muslim have, through the same lens of acknowledgement and recognition, become somewhat indistinguishable by consequence of appearing virtually identical. Consequently, all Muslims have undergone processes of indiscriminate and homogenous definition and characterisation, where all Muslims are seen to have the capability of either being terrorists or at least supportive of terrorism, further exacerbating the 'them' and 'us'.

In an attempt to try and offer some theoretical underpinning of this, a better explanation might be understood in terms of what Martin Barker described in his authoritative work on 'new racism'[77]. Here Barker began to acknowledge a shifting focus away from more traditional markers of race to newer and legislatively unprotected markers based upon cultural and religious difference: the same markers of difference that have nowadays attained an immediacy of recognition and are subsequently employed to demarcate. Unlike older forms of racism therefore, 'new racism' exaggerates the differences identified in far less explicit ways, where the markers of difference do not underpin explicit hatred and hostility, but instead implicitly infer and establish direct challenges and threats, where 'difference' poses challenges and/or threats to 'our way of life'. The demarcation of difference therefore appears to be underpinned by differences that are either unacceptable or incompatible with the 'norms' of society: the norms relating to 'us' and definitely not 'them'.

The evolution of such a theoretical understanding can therefore be seen in the post-9/11 period in the UK where the visuality of Muslims was clearly presented in terms of being incompatible with the norms of 'our' society and 'our way of life' (where 'our' is entirely equitable with 'British'). In today's populist understanding, the 'threat' that Muslims were seen to present – not just in terms of terrorism or the widely convoluted 'clash of civilisations' theory – is one that has a myriad manifestations that includes 'our' standards, morals, ethics, values and so on. Since 9/11 therefore, questions about state Islamic schools, freedom of speech, the role of women, radicalism, multiculturalism, and community cohesion amongst others have been just a few of the issues that Muslim

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[76] Ziauddin Sardar, "The excluded minority: British Muslim identity after 11 September" in Phoebe Griffith & Mark Leonard, eds., *Reclaiming Britishness* (London: Foreign Policy Centre) 51-56.
[77] Barker (1981).

'difference' has been seen to be threatening or at least challenging in the 'British way of life'. Given that 9/11 cast a vast shadow over these issues, and indeed continues to fog them, the seriousness of the situation may not yet be able to be fully appreciated.

The markers of difference that are therefore seen to be presenting challenges to the British way of life are also the same markers of difference that demarcate Muslims. As such, that which is seen to be different is also seen to be problematic, and that which is problematic is seen to be challenging: a self-perpetuating and self-reinforcing cycle. The impact of 9/11 has therefore both heightened awareness of these differences, or problems depending upon one's particular perspective, and subsequently intensified the issues many times over. And so as the threats and challenges are nowadays seen to be much greater than ever before, so a sense of justification emerges that suggests that rather than Islamophobia being an unfounded hostility, such hostilities and hatreds have become a much greater informed reality. So when negatively evaluated meanings are disseminated in the public space, so a greater receptivity to such ideas not only means that they become increasingly normalised, but also that a greater rationalisation – and subsequent justification - emerges.

The Media Space

The language, terminology and ideas circulated in the public domain relating to Muslims however did not only emerge from the political elites and grassroots. The contemporary representation of Muslims in the media, largely within monolithic and non-differentiated frames that stereotypically embodied the same immediacies, differences and demarcations as elsewhere, also had a significant relevance to the ways in which post-9/11 Britain viewed and understood Muslims. Consequently, the media's role in the immediate post-9/11 era must be considered in order to fully understand how integral it was in this period.

Following 9/11, the newsworthiness of 'Islam' and 'Muslims' across a vast range of social, economic, political and cultural strata dramatically increased. Based upon the premise that Islamophobia "is an ingredient of all sections of the media"[78], the role and function of the media needs some contextualisation. In addition to research that has

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[78] Runnymede Trust (1997), 1.

identified the media as problematic, it is also true that the media is the primary source through which knowledge and information about Muslims and Islam in the West is gleaned[79]. As regards Muslims and Islam in terms of Islamophobia therefore:

> "the role and impact of the media is one that is contentious and debatable…to try and explain the media's role therefore remains difficult. None of the reports suggested that the media directly caused or, indeed, were responsible for any reported or identified act of aggression or significant change in attitude. However, this is not to dismiss their impact in any way, and despite there being no direct evidence to suggest otherwise, the media continue to play a major role in the formulation and establishment of popular perceptions in the public sphere"[80]

The media is therefore highly influential and important, but as yet, unproven as being responsible for the manifestation of Islamophobic actions or responses.

Quantitative data available from the period clearly substantiates the dramatically increased newsworthiness of Muslims and Islam. In the UK in September 2001, over 13 million people bought a national newspaper every day, of which record daily sales were being recorded, with many newspapers exceeding their normal daily page lengths, an example being the 136-page issue of the Daily Mirror, 48 pages more than normal[81]. In total, the Times, Telegraph, Guardian, Independent, Financial Times, Daily Mail, Daily Express, Daily Star, Mirror and Sun added an additional 2.5 million copies to their normal combined print runs, all selling out on a daily basis[82]. The disseminative audience of the British press was therefore much wider immediately following 9/11 than on what might be termed a 'normal' day at another time. The sharp increase in newsworthiness is highlighted by both Brian Whitaker[83] and Elizabeth Poole[84]. As per Whitaker, who focused upon online versions of British newspapers for articles incorporating either the

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[79] See both: Tjeuk A. Van Dijk, "New(s) racism: a discourse analytical approach", in *Ethnic minorities and the media,* ed. Simon Cottle (Buckingham: Open University press, 2000), 31-49, and YOUGOV (2002).
[80] Allen & Nielsen (2002), 46-8.
[81] Michael Bromley & Stephen Cushion, "Media fundamentalism: the immediate response of the UK national press to September 11th", in *Journalism after September 11,* eds. Barbie Zelizer & Stuart Allan (London: Routledge, 2003), 160-77.
[82] Ibid.
[83] Brian Whitaker, "Islam and the British press", in *The quest for sanity: reflections on September 11 and its aftermath,* eds. Abdul Wahid Hamid & Jamil Sharif (London: Muslim Council of Britain, 2002), 53-7.
[84] Poole (2002).

word 'Muslim' or 'Moslem'[85] but excluding those containing 'Islam' or indirect references to 'Muslims', Moslems' or 'Islam', from the 1 January to the 9 September 2001 inclusive, the number of articles identified for each of the national newspapers was[86]:

Newspaper	No. of articles
Guardian	817
Independent	681
Times	535
Daily Telegraph	417
Daily Mail	202
Mirror	164
Daily Express	139
Sun	80
Daily Star	40

Undertaking the same process from the 20 June 2001 to the 19 June 2002, including 9/11 and its aftermath, these numbers dramatically rose. Here the figures became[87]:

Newspaper	No. of articles	% increase
Guardian	2,043	250%
Independent	1,556	228%
Times	1,486	278%
Daily Telegraph	1,176	282%
Daily Mail	650	322%
Mirror	920	561%
Daily Express	305	219%
Sun	526	658%
Daily Star	144	360%

Whilst unfair to suggest that all of these articles were either negatively evaluated or specifically anti-Muslim, if the Runnymede report observation is correct that Islamophobia finds expression in the British press, then it might be fair to assume that Islamophobic content proportionately rose also.

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[85] The spelling 'Moslem' is bizarrely continued to be used by some British newspapers despite the more widely used and accepted spelling of 'Muslim', hence the reason for its inclusion in Whitaker's internet search.
[86] Whitaker (2002), 53.
[87] Ibid, 54.

Rather more analytical in her methodology than Whitaker, Poole approached the data quantitatively, drawing out a number of thematic strands. Here she identified different approaches being adopted towards 'British Muslims' and 'global Muslims' in the Times and the Guardian[88]. From a textual rather than an electronic analysis, between the 12 September and 25 October 2001, Poole identified 700 and 1,058 articles respectively relating to global Muslims in the Times and Guardian. For British Muslims the number was approximately one tenth of these. However, as she pointed out, "the associative negative behaviour [of global Muslims] is seen to evolve out of something inherent in the religion, rendering any Muslim [global or British] a potential terrorist"[89], not only reiterating Sardar's observation but also highlighting again how such Islamophobic content and meaning transcended geographical spaces and boundaries.

Baroness Thatcher's condemnation of Muslim leaders in The Times[90] therefore, insisting quite homogenously that all Muslims should take responsibility for the attacks, expanded upon this notion that all Muslims are the same irrespective of any internal difference or indeed any external location. For Thatcher, the assumption was that if you were a Muslim who did not apologise, then you were by consequence obviously supportive of terrorism, reflecting President Bush's you are either 'for us' or 'against us', and less explicitly, the 'them' and 'us' demarcation of Muslim difference. In the same newspaper a few days later, a further article entitled This war is not about terror, it's about Islam[91] followed. Not only did it praise Thatcher's stance, but it also confirmed that 'Western' fears about Islam were justified because "some three quarters of the world's migrants in the last decade are said to have been Muslims…", adding that these, "…escapees, victims, scapegoats, malefactors and 'sleepers' are awaiting their moment…". Similarly and as equally homogenously, it continued by speaking of 'the Islamic mind', explaining that whilst Westerners were honourable, 'Islamic' fighters were not, combining 'crude weapons' with 'appalling violence', preferring "ambush, surprise, treachery and deceit"[92]. Rooted in Huntington's 'clash of civilisations' thesis[93] whilst simultaneously employing Crusader and Orientalist terminology, it described the

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[88] Poole (2002).
[89] Ibid, 4.
[90] *The London Times*, 4/10/2001.
[91] *The London Times*, 7/19/2001.
[92] *The Daily Telegraph* 8/10/2001, "In this war of civilisations, the West will prevail".
[93] Samuel P. Huntington, *The clash of civilisations and the remaking of world order* (London: Simon & Schuster, 1998).

perpetrators of 9/11 as "appearing suddenly out of empty space like their desert raider ancestors…", the descendants of "…the horse riding raiders before Mohammed". Not only were all differences in the contemporary climate being overlooked by the article, but in doing so the writer was also stressing the uniformity and absence of change throughout history, drawing upon a narrative that suggested the threat that Muslims and Islam were purported to have posed to 'us' historically was again being posed contemporarily.

Other sections of the media highlighted different avenues of thought, highlighting how Muslim difference presented challenges to 'our - liberal - ways of life'. In the Guardian, Polly Toynbee reiterated her distaste for Islam and Muslims in her article, Last chance to speak out[94]. Having previously aired her views in the Independent newspaper - "I am an Islamophobe and proud"[95] - Toynbee referenced, in much the same way as the BNP did, highly selectively from the Qur'an to reinforce her arguments. Having noted what she described as the "blood curdling words of the Prophet…" Toynbee employed exactly the same Qur'anic references as the BNP did in their "I.S.L.A.M." leaflet. A similar situation arose in an editorial in the Daily Telegraph reiterating the exact phraseology of the BNP's, Islam: a threat to us all leaflet, dismissing "the lie to this imaginary Islamophobia", extolling instead the virtues of the British who were much more 'Islamophilic' instead[96].

Yet one article highlights perfectly the interaction and interchange of the immediacy and negative understandings associated with the demarcated difference projected onto Muslims; the implicitness of mainstream political rhetoric to identify and suggest the same inferences about Muslims as the far-right; and the role that the media plays in disseminating such ideas in the public domain: in other words, the justification of Islamophobia in the contemporary setting. In an article in the Daily Telegraph written by the former Conservative Chancellor of the Exchequer, Norman Lamont[97], having established that ongoing immigration was bringing about a loss of European identity, supporting these with praise for the ideas of the assassinated Pim Fortuyn, Lamont went on to deride Prime Minister Blair – who claimed following 9/11 that he always carried a

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[94] *The Guardian*, 5/10/2001.
[95] *The Independent*, 10/4/1997.
[96] *Daily Telegraph* 12/10/2001, "Islamophilia".
[97] *Daily Telegraph*, 10/5/2002, "Down with multiculturalism".

Qur'an with him - because of the confusing impact that it had on the British about their own sense of identity. For Lamont, the Qur'an obviously did not fit into his construct of what constituted British identity because as he goes on to explain, "we are forced to accept that people living in Britain cannot adhere to the values of one community…" before adding that, "…individuals cannot be left alone in their chosen communities, if that involves forced marriages, polygamy, book-burning, supporting fatwas and even fighting against our armed forces". He suggests that these obstacles – or demarcations of difference as has been employed previously - are the stark dangers that the British are faced with. In order to make his point absolutely clear, he states that it is not the "West Indians, Africans and Indians" that have failed in their part of building a successful multicultural society, adding that neither was it they who were presenting a challenge to the 'British way of life'. It is instead, those communities that are left un-named that Lamont clearly sees as being the primary threat to 'our way of life'. Coincidentally, Lamont names neither Muslims nor Islam in the article.

Yet the article was clearly referring to Muslims, identifiable through his employment of the socio-religious icons that have already been noted as having an immediacy of recognition in Britain's post-9/11 public space. For Lamont then, the failings and threat to 'our' multicultural society were attributable to one community only. For him, it was Muslims that were the problem challenging the very fabric of the British society. And as with the lack of differentiation that was associated with populist perceptions of Muslims, so Lamont's article insisted that all Muslims become incorporated into his particular (homogenous) frame of reference. Irrespective of whether considering the BNP, other political voices, other voices in the media or indeed the daily speech acts that were evident across the broad spectrum of everyday society, post-9/11 all Muslims came to be seen as the same – homogenous – where that sameness was also the problem at hand. The emergent line of thought therefore was not only one that was consensual in both its premise and message, but also consensual in its means to substantiate its reasoning and justification.

Muslims therefore did not need to be named in the media or overtly flagged up or identified in the media for the same homogenous and negatively evaluated meanings and understandings to become apparent but their difference most clearly did. This difference therefore neither explains nor justifies why Islamophobia occurred or indeed

has continued to occur since 9/11, but instead highlights how its embeddedness and receptivity affects the understanding and recognition of Muslims and Islam in the public space.

The Political Space

Similar processes can also be identified in other settings and contexts also, where as mentioned previously, since 9/11 the BNP have not only sought to bolster their own ideological capital but have also sought to attribute this with some societal legitimacy, undertaken on the back of an increasing receptivity to Islamophobia in the British, particularly English domain. Much of this has been highly inciting, encouraging insult, provocation and abuse, employing language and images that simultaneously encourage and invigorate hatred. Most galling though is that the BNP always stressed the legality of its actions. Under its most successful political campaign, Islam out of Britain, it declared its clearest objectives, seeking to expose "the threat Islam and Muslims pose to Britain and British society" in a leaflet entitled, The truth about I.S.L.A.M (employing 'I.S.L.A.M.' as an acronym for 'Intolerance, Slaughter, Looting, Arson and Molestation of women')[98]. Widely distributed, it suggested that "to find out what Islam really stands for, all you have to do is look at a copy of the Koran, and see for yourself…Islam really does stand for Intolerance, Slaughter, Looting, Arson and Molestation of Women". Dismissing the apologetics that Sardar previously identified, through the selective referencing of the Qur'an, the BNP constructed the most despicable picture of Muslims adding – in the discourse of new racism - that, "no-one dares to tell the truth about Islam and the way that it threatens our democracy, traditional freedoms and identity".

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[98] This leaflet was widely distributed across parts of the UK where high percentage populations of Muslim communities were in existence from early 2001 till mid 2002. It was also available to download from the party's website although this was removed once the BNP were reported to the House of Lords Select Committee on Religious Offences in October 2002. The BNP also removed all links to its 'Islam out of Britain' campaign. In addition to this leaflet, a full range of other equally inciting literature was also readily available from the website. At the beginning of 2004, a number of essays had reappeared on the website relating to 'Islam' and 'Muslims'. See, http://www.bnp.org.uk.

The BNP also argued that the Qur'an could provide context to both the 2001 Bradford disturbances in the north of England[99] and 9/11, two events they believed to be inextricably linked. By linking these – the local and the global respectively – the differences that were seen in each separate context also became subsequently attributed to the other, and as with the globally and locally perceived threats that the BNP suggested Muslims were posing to British norms, so the differentiation became even more blurred. The BNP therefore rooted the 'problem' in quasi-Islamic theology, one where an 'anti-kafir' framework sought to both reinforce and codify the demarcation of difference between 'Muslims' and 'kafir' - in more simplistic terms, 'them' and 'us' – as being rather more so derivative of and inherent of Muslims or Islam than it was of the BNP or indeed 'our way of life'. This shifting of the focus therefore sought to suggest that it was neither them nor indeed any non-Muslim that was saying that a 'them and us' dichotomy existed but instead, Muslims themselves: for the BNP it was Islam that was the problem, and for the benefit and wellbeing of all in British society, the BNP were merely seeking to benefit 'us'. The functional capability of 'new racist' forms to focus on differences that challenge and pose threats as cover and smokescreens to actually perpetuate and exacerbate hostilities and hatreds thus became evident.

As a direct consequence of the inroads made by the far-right and the deepening receptivity in society to anti-Muslim ideas and expressions, Muslims also became targeted by other minority communities too. Following anecdotal evidence that youth groups of Indian descent in Manchester were adopting overtly Hindu identities in order to deflect any potential anti-Muslim backlash, the BNP capitalised upon this and exploited 'intra-Asian' tensions by issuing an audio resource entitled, Islam: a threat to us all[100]. The venture, undertaken in conjunction with fringe Sikh and Hindu

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[99] Throughout the summer of 2001, a number of disturbances erupted across the north of England undertaken primarily by young Muslim men of south Asian descent. Primarily being in Bradford, Burnley and Oldham, smaller incurrences were also witnessed in Hanley and Leeds too. Despite various official reports into the disturbances, the role of the far-right including the BNP was largely dismissed as being irrelevant to the tensions that emerged. However the BNP were actively campaigning in all of these areas at the time of the respective disturbances, and the BNP leader, Nick Griffin, had been addressing a meeting of supporters in Bradford the night before the Bradford disturbances, incidentally the worst disturbances of their kind in recent British history. For a fuller consideration of the Bradford disturbances and its aftermath see, Christopher Allen, *Fair justice: the Bradford disturbances, the sentencing and the impact* (London: FAIR, 2003).

[100] This resource was widely distributed to the media and received significant media coverage across 2001 and 2002. Contemporarily though, and as with the earlier mentioned anti-Muslim literature, this resource is

organisations, was set up to validate from the 'inside' its own skewed view of Islam and the need to rid Britain of Muslims. As the press release stated, it sought to:

> "Give the lie to those who falsely claim that we are 'racists' or 'haters'. We sympathise and identify with every people in the world who want to secure or preserve a homeland for themselves, their traditions and their posterity. And we demand and strive for that same basic human right for the native English, Scots, Welsh, Irish and Ulster folk who together make up the British"

The markers of difference and the subsequent demarcation of Muslims from all others was clearly present, and by focusing upon the differences purported to threaten 'us' and 'our way of life' they also denounce any claims that they themselves are racists: 'racists' that is in terms of traditional rather than 'new' expressions. One way of seeing through this is to acknowledge that despite collaboration with Hindus and Sikhs, the BNP failed to identify or incorporate either Sikhs or Hindus as partners in what they defined as 'British'. Consequently, so great was the need to demarcate themselves from Muslims, that those Sikh and Hindu groups found adequate justification to join forces with an overtly racist organisation that had in very recent history been targeting Sikh and Hindu communities as well. Whether from the perspective of the BNP, those fringe Sikh or Hindu groups, or the growing numbers voting for the BNP and others, including the UK Independence Party that also campaigned on a 'British' agenda, a shift towards Islamophobia as justified was apparent.

A justified Islamophobia in the post-9/11 period has therefore been integral to the BNP's recent unprecedented growth and success. Emanating entirely from the successes gained on the back of their openly anti-Muslim campaigns in areas close to or with heavily Muslim populated areas in the north of England, the BNP have located a quasi-legitimacy that has seen their popularity mushroom into a party that seemingly presents a justified alternative, and more worryingly an apparently real opportunity for success in local, national and European elections. Targeting their seats directly and specifically, the BNP now have a total of eighteen elected councillors across the UK, spanning from Grays in the South, through Sandwell and Dudley in the Midlands, to its stronghold in Burnley in the north, where it holds a total of eight seats on the local

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very difficult to obtain due to the actions deployed by the BNP following the House of Lords Select Committee.

council. And on the back of these successes, other far-right groups that have for some time been largely ineffectual and primarily 'street' focused, have been reinvigorated by the BNP's anti-Muslim success. Consequently groups such as the NF, Combat 18, the White Wolves and the White Nationalist Party amongst others have developed similar anti-Muslim campaigns that have been to varying degrees focused more so on mobilising support or swelling their numbers.

Role of Intellectuals

In the UK, it would be unusual to define a commentator as an 'intellectual', so it is difficult to explain their role in the UK as regards Islamophobia. In this particular setting, it is more likely that media commentators and politicians – neither of whom might necessarily also be 'intellectuals' – would have had a greater resonance with public opinion in the public or political spaces respectively.

In preference to 'intellectuals' it might be more appropriate to consider 'academics'. In these spaces, those that have contributed to the debates and arguments about Islamophobia are relatively few. In alphabetical order: Chris Allen, University of Birmingham[101]; Professor Fred Halliday, London School of Economics[102]; Dilwar Hussain, Islamic Foundation[103]; Professor Jorgen S. Nielsen, Danish Institute formerly University of Birmingham[104]; Dr Elizabeth Poole, Staffordshire University[105]; Professor Steven Vertovec, Oxford University[106]; and Professor Pnina Werbner, Keele University[107].

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[101] "Endemically European or a European epidemic? Islamophobia in contemporary Europe". In *Islam and the West: a post September 11th perspective,* edited by Ron Geaves, Theodore Gabriel, Yvonne Haddad & Jane Idleman Smith, 130-145. London: Ashgate, 2004; "Justifying Islamophobia: a post-9/11 consideration of the European Union and British contexts", *American Journal of Islamic Social Sciences,* vol. 21 no.3 (Summer 2004): 1-25; "From race to religion: the new face of discrimination". In *Muslim Britain: communities under pressure*, edited by Tahir Abbas, 49-65. London: Zed Books, 2005; and Chris Allen & Jorgen Nielsen. *Summary report on Islamophobia in the EU after 11 September 2001.* Vienna: European Monitoring Centre on Racism and Xenophobia, 2002. See also <http://www.chris-allen.co.uk>.
[102] *Two hours that shook the world.* London: Saqi Books, 2002.
[103] "The impact of 9/11 on British Muslim identity". In *Islam and the West: a post September 11th perspective,* edited by Ron Geaves, Theodore Gabriel, Yvonne Haddad & Jane Idleman Smith, 115-129. London: Ashgate, 2004.
[104] Chris Allen & Jorgen Nielsen. *Summary report on Islamophobia in the EU after 11 September 2001.* Vienna: European Monitoring Centre on Racism and Xenophobia, 2002.
[105] *Reporting Islam: media representations of British Muslims.* London: IB Tauris, 2002.
[106] "Islamophobia and Muslim recognition in Britain". In *Muslims in the west: from sojourners to citizens,* edited by Yvonne Y. Haddad, 19-35. Oxford: Oxford University Press, 2002.

Elsewhere beyond the academic space, others such as Tariq Ramadan have found a place in the debates about the role of Muslims in the UK and wider Europe whilst those such as Sheikh Hamza Yusuf from the US has found increasing popularity in Muslim circles. Neither though has explicitly addressed the topic of Islamophobia.

Religious Practice of Islam

Muslim communities across the UK generally enjoy the right and freedom to practice their religion - as indeed do all other religious and faith traditions - enjoying both legal and practical access to places of worship. In 2004 therefore, British government and academic sources estimated that some 930,000 Muslims attended a mosque at least once a week against 916,000 regular weekly worshipers in the Church of England, the UK's state religion[108]. A recent survey of young British Muslims undertaken by ICM for the Guardian newspaper also showed that just over half of all Muslims prayed five times a day with women being slightly more devout than men although there was concern that schools and workplaces were not readily accommodating of the needs of Muslims[109].

As regards places of worship, there is no official estimate of the number of mosques in the UK but estimates range from between 1,000 to 1,500. As it is not necessary for state permission to be sought in order to establish a place of worship, so a lack of any central source exists. However, if a place of worship does seek official registration, so certain tax benefits are conferred upon it. As with the diversity of Muslim communities that exist across Britain, so the type of mosques and Islamic centres similarly reflect this: from rooms in ordinary residential properties – 'house mosques' – to converted residential and industrial properties; from converted churches and other disused properties to modest purpose-built buildings through to the splendour of the more grandiose central mosques in the UK's larger cities. Irrespective of the type of building or architecture involved, many mosques provide a visual symbol of the presence of Muslim communities across the UK's urban neighbourhoods[110].

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[107] "Islamophobia: Incitement to religious hatred - legislating for a new fear?", *Anthropology Today*, vol. 21 no.1 (February 2005) 5-10.
[108] UK Mosque Goers to Double Church Attendance: Study, *IslamOnline.net* (4 September 2005) <http://islamonline.net/English/News/2005-09/04/article06.shtml>
[109] Alan Travis & Madeline Bunting, British Muslims want Islamic law and prayers at work, *The Guardian* (30 November 2004) <http://www.guardian.co.uk/islam/story/0,15568,1362591,00.html>.
[110] Tufyal Choudhury, p.119

Some obstacles however do exist as regards the issue of practice for British Muslims. As Choudhury puts forward, these are largely due to the fact that many social practices and structures in the UK are established around Christian institutions, practices and assumptions. Consequently, whilst those of Christian heritage are largely accommodated, it does present problems for some of those from minority faiths. For example, public and school holidays are structured around Christian festivals, in particular Christmas and Easter, and employees have the right to object to working on a Sunday[111]. Social practices can also disadvantage and even exclude some Muslims, especially when in some professions it is usual practice for relationships and networks to be developed outside of the workplace in bars and other social gatherings where alcohol is widely available.

As regards the accommodation of Muslims' beliefs and practices, since 1764 it has been legal for Muslims to swear an oath in a court of law on the Qur'an and statutory exemptions have been maintained in order that animals may continue to be slaughtered in a manner suitable for the provision of halal meat. Elsewhere, whilst shari'ah law has not been afforded official recognition, informal Islamic courts have emerged through which settlements can be made that conform to the most basic of Islamic law. In 1978, the Islamic Shari'ah Council ('ISC') was established in London[112].

Significant National and Local Measures to Fight Islamophobia

A number of different programmes, events and activities were undertaken either as a result of 9/11, or were reinvigorated by 9/11 in order to try and combat Islamophobia. Most of these have taken the form of challenging the misconceptions and misunderstandings about Islam and Muslims. Set out here is a brief overview of some of the more prominent[113].

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[111] Employment Rights Act 1996, Part IV
[112] Tufyal Choudhury, p.119
[113] Many of these examples were originally set out in the unpublished CRE report to the EUMC concerning the aftermath of 9/11 in the UK.

Policing and crime prevention

The police forces across the UK responded in a number of ways at the local, regional and national levels in order to prevent any backlash or retaliatory attacks on Muslims and their communities as well as reducing the sense of threat felt by many Muslims at the time. In many locations, police patrols were stepped up around mosques and Islamic centres, and senior officers sought meetings with community leaders to both listen to their concerns whilst at the same time taking the opportunity to build bridges to Muslim communities and offer them reassurance.

An excellent example of such a project can be seen in the collaboration between the London Metropolitan Police and the Muslim communities in the London borough of Southwark. There 58 Muslim voluntary and community organisations mapped by Southwark Police were invited to participate in a collaborative meeting where it was decided that a special dedicated telephone line be set up to record any retaliatory incidents directed against Muslims, or indeed any other communities in Southwark who felt they were being targeted or affected.

In Scotland, Lothian and Borders Police Chief Constable Sir Roy Cameron called upon all communities to pull together to root out racism following a fire attack on a mosque in Edinburgh, whilst Strathclyde Police launched an intensive programme of community activities in a bid to calm rising tensions. Elsewhere, the Scottish Executive announced that mosques and other places of 'ethnic community worship' were to be given £1m to improve security at the same time that the Association of Chief Police Officers in Scotland ('ACPOS') were asked to identify what steps might be taken to pre-empt potential attacks on mosques and other places of worship.

A new scheme to help combat crimes against Muslim communities was also launched. Named, 'Islamophobia – Don't Suffer In Silence', this crime reporting scheme was a joint project by the ACPO, National Community Tension Team and the Muslim Safety Forum, covering three London boroughs as well as parts of West Yorkshire, Lancashire and Lincolnshire. 50,000 information packs were distributed to mosques, community venues and police stations giving information on: 'What Is Islamophobia?'; 'What Can I Report and How?'; a specially designed reporting form; information about Police 'Stop and Search' powers; and details of how to complain about the police. The main aim was to encourage Muslims to be more able and willing to report any such

crimes and related incidents. Most importantly, it was to reassure Muslims that the police service wanted to seriously deal with Islamophobia.

Non-Governmental and other Muslim Organisations

Muslim Non Governmental Organisations (NGOs) played a very important role in representing the views and interests of British Muslims, being responsible for and involved in, many of the examples of good practice listed here. The work of some of the more prominent is summarised here.

The Muslim Council of Britain[114]

The Muslim Council of Britain (MCB) was launched in November 1997, in London, with the backing of around 250 affiliate organisations with the following aims:

> 1. To promote cooperation, consensus and unity on Muslim affairs in the UK.
> 2. To encourage and strengthen all existing efforts being made for the benefit of the Muslim community.
> 3. To work for a more enlightened appreciation of Islam and Muslims in the wider society.
> 4. To establish a position for the Muslim community within British society that is fair and based on due rights.
> 5. To work for the eradication of disadvantages and forms of discrimination faced by Muslims.
> 6. To foster better community relations and work for the good of society as a whole.

Though the MCB is perhaps the most representative of the bodies available, it would be untrue to say it is representative of the whole Muslim spectrum in Britain. It is true however to say that it has been able to create a significant impact in the short time that it has been in existence. It has met with the Ministry of Health, Home Office, has facilitated regular meetings with the Foreign Minister and leaders from the Muslim community, and has also been able to facilitate receptions with the Prime Minister. The MCB has also spearheaded a number of campaigns such as the inclusion of a question on religious affiliation in the National Census (2001) and a recent initiative directed at affecting political party policy prior to the General Elections. This was coupled with its

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[114] For more information, see <http://www.mcb.org.uk>

encouragement of Muslims to participate in the electoral system and vote intelligently for their interests.

Immediately after the events of 9/11, the MCB along with nearly all other Muslim organisations and NGOs issued a statement condemning the attacks: "Whoever is responsible for these dreadful, wanton attacks, we condemn them utterly"[115]. Following shortly after this on 13 September, a press conference was organised with the intention of providing the media and general public with an accurate impression of the sense of deep shock and sheer anger felt by the Britain's Muslim communities. Since then the MCB and its representatives have held numerous meetings with various politicians, other faith groups and the police. Just a year after the events in the US, it published a collection of reflective writings by both Muslims and non-Muslims entitled, The quest for sanity: reflections on September 11 and its aftermath[116].

Following the Madrid train bombs, the MCB again made the headlines when it sent a letter to every mosque in the UK:

"To: Imams, Ulema, Chairs & Secretaries of Mosques, Islamic Organisations and Institutions

Dear Respected Colleague

As salaamu 'alaikum wa rahmatullah

The last few weeks and days have been fraught with tragedies and dangers. I am sure you are fully aware of the serious concerns expressed by the Prime Minister and the Police Authorities about the high probability of an imminent terrorist outrage in the UK.

I have no doubt that as a leader in the community you are already discharging your Islamic duty in helping to preserve the peace of the nation as well as protecting the community against falling into any trap or provocation.

Following the criminal terrorist attack on the Madrid trains, and despite our immediate, public and unequivocal condemnation of those atrocities some, however, continue to associate Islam with terrorism by using such misleading terms as 'Islamic terrorist'. The words of the Qur'an are clear:

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[115] Muslim News "Outpouring of Muslims' Grief"
http://www.muslimnews.co.uk/archives/paper.php?article=407
[116] Abdul Wahid Hamid, *The quest for sanity: reflections on September 11 and its aftermath*, London: MCB, 2002.

"He who killed any person, unless it be a person guilty of manslaughter, or of spreading chaos in the land, should be looked upon as though he had slain all mankind, and he who saved one life should be regarded as though he had saved the lives of all mankind."(5:32)

We therefore urge you to take the following actions:

To provide the correct Islamic guidance to the community, especially to our youth as to our obligation to maintain the peace and security of our country

To observe the utmost vigilance against any mischievous or criminal elements from infiltrating the community and provoking any unlawful activity

To liaise with the local Police and give them the fullest cooperation in dealing with any criminal activity including terrorist threat

"Help one another to virtue and God-consciousness and do not help one other to sin and transgression." (5:2)

To proactively engage with the media in order to refute any misconception about Islam and the Muslim community

To develop active contacts with other faith communities and civic organisations in order to help maintain social peace and good community relations.

In the event of any tragic incident taking place, give the fullest cooperation to the Police and other concerned authorities.

Lastly, but most importantly, seek Allah's help and support and pray for His guidance and protection all the time.

We also urge you to convey the above message in your Friday sermon and bring awareness to our community of our duties and obligations in combating any threat to peace and stability. By doing so, insha'Allah it will help to dispel the misrepresentation.

There is no need however to be daunted or intimidated by any Islamophobic propaganda and we should continue with our daily lives - normally and in accordance with the tenets of Islam.

All of us as Muslims will have been appalled to see some of the headlines in today's newspapers (for example 'Islamic Bomb Plot Foiled' - Daily Telegraph; 'The Truck Bombers of Suburbia', The Times 2004). This kind of sensationalised reporting has done immense damage to British Muslims as well as to community relations and we assure you that the MCB's Media Committee will be taking this matter up urgently with the editors concerned.

You will no doubt recall that in November 2002 the police made high-profile arrests of six Muslims accused of plotting to release cyanide gas into London's Underground system. Yet nearly 18 months later, none of the men have been charged with any crime, let alone being convicted of terrorist activity. There are other examples of incidents that have received prominent media attention only for the individuals to be subsequently released without any charges brought against them. The impact of such ordeals on the persons concerned and their families is unbearable. Therefore we urge against hasty pronouncements of guilt.

The Muslim Council of Britain is planning to organise a number of events and meetings of which we shall keep you duly informed.

"O believers, be patient and let your patience never be exhausted. Stand firm in your faith and fear Allah, so that you may triumph." (3:200)

May Allah protect and guide us.

Yours sincerely

Iqbal AKM Sacranie
Secretary General
The Muslim Council of Britain"

Despite some criticism from within Muslim communities, the move was largely applauded.

The Islamic Human Rights Commission[117]

The IHRC following 9/11 issued information and campaigning packages which aimed to put pressure on the government to take more action to deal with the increase in the number of religiously motivated hate crimes; provide safety tips for the Muslim community; encourage reporting of incidents to the police and Muslim monitoring groups; and to assist parents and teachers to address Islamophobia in schools.

Forum against Islamophobia & Racism[118]

FAIR shortly after 9/11 organised a conference at the University of Westminster entitled, Exploring Islamophobia: Deepening Our Understanding of Islam and Muslims[119] that brought together both Muslim and non-Muslim academics, scholars, practitioners,

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[117] For more information, see <http://www.ihrc.org>
[118] For more information, see <http://www.fairuk.org>
[119] 29 September 2001.

activists and parliamentary members and candidates to discuss what the MP John Denham described as the 'cancer' spreading in today's society. Beyond this, FAIR regularly campaigned for changes to legislation, submitting written and oral evidence to the House of Lords Select Committee on Religious Offences amongst others. On a daily basis, FAIR electronically distributed its 'Daily News Digest' detailing all the news stories in the British press for that particular day that had a relevance to Muslims or Islam.

On the 10 March 2004, FAIR organised a further conference entitled, Understanding Islam and a Challenge to Islamophobia that sought to consider such issues as media reporting of Islam and Muslims; the stereotypes about Muslim women; and faith based service delivery. Again, policy makers, journalists, health professionals and representatives of the different faiths all participated.

The Islamic Foundation[120]

The Islamic Foundation was established in 1973 in Leicester and has since become one of the leading Muslim academic institutions in the world, encouraging dialogue with other cultures, ideologies and religions, recognising the need for Muslims and non-Muslims to live together in peaceful co-existence. In recent years, the Foundation has started to collaborate with British Universities and other academic institutions to provide courses for the study of Islam and it has set up specialist research units in a host of different areas. In addition to its academic endeavours, the Foundation also provides essential community support services including the New Muslim Project that seeks to assist converts to Islam.

Since 9/11, the Foundation has supported various inter-faith dialogue initiatives; undertaken research into issues relating to citizenship; Muslim identity in the context of contemporary Britain; and the history of Muslims in Europe. In addition, it has offered cultural awareness and diversity training for non-Muslim professionals that has included the police, and has offered chaplaincy training courses for Imams and community leaders. In recognition of its endeavours, in January 2003 HRH Prince of Wales visited the Foundation to inaugurate the new academic building of the Markfield Institute of Higher Education. He praised the achievements of the Foundation by saying:

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[120] For more information, see <http://www.islamic-foundation.org.uk>

"I believe that this whole complex here at Markfield including the excellent library, has the potential to develop into one of Europe's leading centres for postgraduate study of Islam and the Muslim world…I am confident that the Islamic Foundation and the Markfield Institute of Higher Education will come to represent all that is to be admired about Islamic scholarship in the West and set a fine example for others to follow".

Elsewhere, the Foundation has been mentioned in a very positive light by the Foreign and Commonwealth Office in successive issues of its Muslims in Britain brochure, whilst the Cantle report on Community Cohesion (2001), commissioned by the Home Office, acknowledged the usefulness of its Cultural Awareness training for those professionals who have dealings with Muslim clients. Within the past few months, the Foundation has set up a Policy Research Unit that will: respond to government consultations and white papers; organise conferences and seminars; produce reports and short publications; and make interjections into public and popular debates. Often the generic term used for such policy research bodies is 'think tank'.

Other Muslim organisations

Following the events of 7/7 and the outrage following the publication of the cartoons of the Prophet Muhammad in Denmark that saw a small group of radical Muslims march through the streets of London with banners proclaiming such unwelcome statements as 'behead the enemies of Islam', many Muslim organisations and NGOs, including those listed beforehand, sought to condemn such actions as being against the 'true' nature of Islam. Beyond these, those such as the Muslim Association of Britain ('MAB')[121] and the Muslim Public Affairs Commission ('MPAC')[122] became increasingly active, raising their profile and greater awareness of their respective campaigns including the organisation of a number of 'peace marches'. These were organised in collaboration with the Stop the War coalition[123] in order to protest against British involvement in the 'war on terror', in particular Britain's role in Afghanistan and Iraq.

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[121] For more details see, <http://www.mabonline.info/english>
[122] For more details see, <http://www.mpacuk.org>
[123] For more details see, <http://www.stopwar.org.uk>

Islam Awareness Week[124]

Organised by the Islamic Society of Britain ('ISB')[125], this is an event that has been running since 1994 but took on greater significance following 9/11. Taking place between 5 and 11 November 2001, the first post-9/11 event involved a host of discussions, presentations, seminars, question and answer sessions, exhibitions and social and fundraising events across all parts of the country. It was launched at the House of Commons with contributions from a cross-political range of MPs and peers, both Muslim and non-Muslim.

The ISB defines the aim of the week as being "to invite all Muslims to work together during the week in sharing Islam with the public at large, providing information regarding its message and way of life, and removing misunderstandings in the process" adding that "Islam Awareness Week aims to create an awareness of Islam in our society by involving everyone throughout Britain, irrespective of their school of thought or group affiliation. Everyone is invited to come forward and join hands in practical efforts to rid Britain of Islamophobia"[126]. Since 2001, the event has run each year with the themes being 'Fasting to Remember' (2002), 'Muslim Heritage' (2003), 'Your Muslim Neighbour' (2004) and 'Past & Present: 1,000 years of Islam and Britain' (2005).

EMEL magazine[127]

In 2003 Emel, Britain's first Muslim lifestyle magazine that celebrates contemporary British Muslim culture was launched. Sarah Joseph, Emel's editor, states that she founded the magazine after finding herself 'firefighting' on behalf of British Muslims as tensions rose after 9/11. Emel now has a print run of 20,000, including 3,000 subscribers and has recently been re-launched following a surge in interest from non-Muslims. Whilst the magazine does not directly concern itself with Islamophobia, as the editor states, its aim is "to humanize, to be positive and to celebrate Muslim life...we try to eradicate the misconceptions that became increasingly prevalent after 9/11."

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[124] For more details, see <http://www.iaw.org.uk>
[125] For more details see, <http://www.isb.org.uk>
[126] For more details see, <http://wwwiaw.org.uk>
[127] For more details see, <http://www.emelmagazine.com>

Other Initiatives

The National Association of Schoolmasters Union of Women Teachers (NASUWT), the largest union to represent teachers and headteachers throughout the UK, shortly after the events of 9/11 compiled guidelines and advice for Schools and Colleges on the problem of Islamophobia and anti-Muslim prejudice and racism.

The Black Information Network (BLINK) organised a conference entitled, Crossing Borders, on the 15th and 16th November 2002. Included in this was a workshop on Islamophobia.

In November 2005, the Greater London Authority (GLA) produced a document about its Faith Equality Scheme that voiced its concerns about Islamophobia as well as other forms of religiously motivated discrimination. The Mayor of London Ken Livingstone noted in the introduction, "People should not be prevented from being Jewish, Muslim, Christian or any other religion. The right to practice ones religions and the right to religious freedom is not a secondary issue but a fundamental one". Prior to this, the Mayor offered support to London's Muslim communities making anti-Islamophobia statements as part of a wider commitment. The Hate Crime Project was also established by the Community Safety Team, and the Mayor contributed to the Standing Together Against Intolerance project that collaborated with the London Civic Forum against Islamophobia. The Mayor has also facilitated a number of cultural events that celebrated the diversity of London's different faiths including, as regards Muslim communities, events surrounding Eid-Ul-Fitr.

Conclusion

The situation since 9/11 therefore is a complex one and cannot be easily conceptualised or rectified. Attitudes to the attacks and its ongoing impact, further intensified by the events of 7/7 in the British context at least, continue to catalytically underpin the climate of heightened tension, increased fear and greater suspicion that continues to emerge from the metaphorical fog still rising from the twin towers, ongoing military action and further acts of terrorism. The situation faced by British Muslims is

such that they are increasingly under the spotlight, not only by the media and the political institutions, but also by the wider public as well. As a result, British Muslims have expressed their concern not only about the climate of hostility but also about the way in which their lives and communities are increasingly framed in terms of problematisation and criminalisation, and increasingly open to scrutiny. As was suggested following the disturbances in the north of England and the subsequent sentencing that accompanied them following 9/11, many saw this as a clear illustration that Muslims and their communities were no longer going to be seen on purely equitable terms with other communities, and that everything connected to them would be dealt with in terms of law and order[128]. Another example of this is how in the two months following the London 7/7 bombings and the subsequent failed bombings on the 21/7, for those of Asian heritage – of which the vast majority of Britain's Muslim population is – street 'stop and searches' in London alone increased twelvefold, whilst equivalent vehicle searches rose 193%. Using section 44 of the Terrorism Act 2000, none of the searches has resulted in a single arrest or charge related to terrorism[129].

With Islamophobia already causing concern prior to 9/11, following the overshadowing influence of the attacks themselves and the ever widening post-9/11 receptivity to such ideas, much of that which has emerged has merely codified and reinforced ideas and attitudes that were already pre-existent in the British setting. For many, contrary to the pre-9/11 Runnymede report into Islamophobia authoritatively stating that the phenomenon was a "dread…of all or most Muslims…[an] unfounded hostility towards Islam"[130], contemporarily it might be better argued that in some ways at least, these same fears, dreads and hostilities are rather more founded and justified: a view exacerbated even further since the July bombings, where some of the alleged threats and potential eventualities have since become social and political realities.

In the British context, the phenomenon of any post-9/11 Islamophobia is such therefore that it has been consequentially problematic. Through 9/11's occurrence, this one day became a rupture through which meaning and understanding about both Muslims and Islam has since been interpreted and framed. These explanations are therefore neither exhaustive nor conclusive but attempt to clarify some of the common

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[128] Allen (2003), 46.
[129] *The Guardian* 24/12/2005, @Surge in stop and search of Asian people after 7 July".
[130] Runnymede Trust (1997), 1-4.

trends and themes that have become apparent in the wake of 9/11. No single explanation can account for the fallout and consequences to have emerged out of these events, but hopefully these observations can provide some insight into this certain identifiable phenomenon. Nonetheless, what is hopefully highlighted is the deep-seated nature of Islamophobia and its – at times at least – far from explicit manifestation: Islamophobia is much more about the inferences and attitudes of everyday life rather than high-profile and widely publicised violent attacks and infringements. Islamophobia therefore emanated from a vast array of sources and took on a range of manifestations that built upon premises that were already pre-existent in British society, whether evolved from more traditional forms and processes of racism or whether in terms of the historical legacies that continue to inform and shape meanings about Muslims and Islam in the contemporary setting. Indeed, some of these may have even been strengthened because of it. If nothing more therefore, it is hoped that this overview will have established a foundation from which further investigation and consideration might be developed. What can be best concluded therefore is that beginning with the tragic events of 9/11 was a period of extremely urgent history that continues to necessitate further contextualisation and understanding before the full context and legacy of such might be more adequately or appropriately understood.

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<u>**The Netherlands**</u>

Anti-Muslim sentiments and mobilization in the Netherlands. Discourse, policies and violence

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1. Introduction

In recent years critical discourses on Islam and Muslim populations have proliferated in Western Europe, and they have beyond any doubt contributed to the occurrence of acts of violence against Muslim men, women and children or against symbols of Islam, such as mosque buildings and Muslim schools. In discussions on immigrant integration in Europe one more and more comes across people who argue that Muslim newcomers and their offspring from Turkey, North Africa, Asia and the Arab world, adhere to cultural values that are at odds with central democratic norms, such as tolerance, non-violence and equality. Especially since 9/11, Muslims are on the defensive in these discussions. Muslim citizens are called upon to re-invent their religiosity in the new environment, and to abandon customary practices that are perceived as conservative and archaic. Moreover, against the background of international conflicts, notably in the Middle East, and wars such as those in Iraq and Afghanistan, discussions have hardened in Western Europe and they have led to a growing climate of mutual distrust, hostility and fear between Muslim and non-Muslim populations.

'Islamophobia' or 'Anti-Muslim sentiments, mobilization, discourses, policies and violence'?

This chapter discusses recent changes in the attitude towards Islam in the Netherlands, focusing on trends for the worse, such as the proliferation of stereotypical images, demeaning pictures, acts of violence, discrimination, and hostility. The term which is commonly used for these kinds of discourses and acts of violence is 'Islamophobia'. However, this is a very unfortunate naming for a wide array of social

phenomena for three related reasons. In the first place, the term 'Islamophobia' groups together all kinds of different forms of discourse, speech and acts, by suggesting that they all emanate from an identical ideological core, which is a 'fear' or a 'phobia' of Islam. However, we should distinguish between different kinds of discourse, for instance between academic discussions on the relations between Islam and modernity, public discussions on whether Islam recognises the principle of separation of state and church, public outcries about Islam as 'a backward religion' or as a 'violent religion', and the forms of hate speech one can find on internet forums or in newspapers, such the speech of the late Dutch filmmaker Theo van Gogh, who systematically called Muslims 'goat-fuckers'. It may well be that these different kinds of discourse and speech are related and feed into one another, but we cannot simply equate them all and treat them as comparable illustrations of a core ideology named 'Islamophobia'. Moreover, it is equally crucial to distinguish speech and discourse on the one hand, from acts on the other hand. Discourse and speech – however disrespectful or demeaning- cannot be equated, for instance, with the implementation of policies which limit the religious freedoms of Muslims, or with acts of violence, such as burning mosques or attacking Muslim girls who wear the headscarf. These kinds of distinctions are all the more important if we analyse discourse from the perspective of forms of speech which are illegal and which are outlawed because of prevailing anti-racist legislation in Western Europe. In most countries, only *incitements* to violence and discrimination are illegal. Under conditions of free speech citizens have the right to criticize the values, ideas and beliefs of others, even if they do so in a demeaning or offensive manner.

In the second place, the term 'Islamophobia' embeds research on anti-Muslim discourse within the research tradition of ideology critique.[131] This neo-marxist approach to discourse analysis argues that "ideology is the means by which the ruling class consolidates and reproduces its advantage through representing its partial and sectional interests as the universal interests of the entire community" (Wetherell and Potter 1992: 24). Ideological discourses, then, are false, misleading or illusionary, and they should be 'unmasked as an illusion' by 'critical researchers' who point out how discourses serve the interests of powerful classes or of powerful groups in society. In this research tradition

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[131] For studies on Islamophobia which explicitly or implicitly use an ideology critical approach, see for example Shadid and Van Koningsveld 1992; 2002; Geisser 2003; Fekete 2004 , Werbner 2005.

the discourse-analyst is positioned as someone who knows the 'truth', allowing him or her to 'unmask' the ideological discourse as 'false', 'misleading' and as social constructs which serve to 'distract' attention from the 'real' (socio-economic) causes of societal problems and conflicts. Moreover, the researcher also acts as a moral judge towards those who persist in articulating discourses which have been 'unmasked' as racist, sexist or Islamophobic. Oftentimes researchers who work in this tradition of discourse analysis analyse their data not by trying to falsify their assumptions and presuppositions, but by seeking illustrations which confirm the hypotheses developed in their theoretical framework. Researchers often 'proceed by demonstration' and take every illustration of 'orientalist', 'prejudiced' or 'Islamophobic' speech as a corroboration of the hypothesis that a specific ideological discursive formation continues to be hegemonic.[132]

In the third place, the ideology-critical approach to discourse and especially the term 'Islamophobia' draw upon a problematic conception of democratic debate. Researchers working within this tradition tend to argue that more nuanced versions of critique of Islam are simply attempts to 'camouflage' prejudice and express 'Islamophobia' in a more acceptable language. Researchers are called upon not to be naïve, and not to confuse the respectable language at the front stage (*le devant de la scène*) with what is being said backstage (*dans les coulisses*). Moreover, the idea that citizens who articulate specific discourses and ideas about Islam are victims of a 'mental illness' (a phobia) easily leads to the argument that citizens should either be cured of their 'illusions' and 'prejudices', or that they should be punished for maintaining discourses which have already been 'unmasked' as false and demeaning (see Fennema and Maussen 2000). This conception of public debate is incompatible with the basic values and principles of democracy and equal citizenship. Besides, in an increasingly polarised societal context, the continued use of the term 'Islamophobia' to speak of all discourses which are critical of Islam has contributed to the emergence of a deadlock in public debate. By using the term 'Islamophobia' to discuss a variety of discourses, policies and acts which have emerged in Western European societies, a simplistic image is constantly being reproduced of the 'enemies of Islam' confronting the 'friends of Islam'. Those who want to voice concerns or critical observations about Islam or about

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[132] For this kind of ideological critical approaches to discourse see Van Dijk 1993, Fairclough 1992, and for a convincing critique see Wetherell and Potter 1992, and Van den Berg 1991.

Muslim populations in Western Europe refuse to be simply excluded as speakers in the debate by being put away as racists and as victims of unreflective prejudices and 'phobias'.

In this chapter I will therefore avoid the term 'Islamophobia' and instead speak of anti-Muslim sentiments or discourses, and of forms of discrimination and violence against Muslims and Islamic institutions or symbols. This report is concerned first and foremost with the ways Dutch public authorities and public opinion perceive of Islam and Muslims, and with important transformations over the past five years. I will focus both on public and political debate, and on policies and acts of violence against Muslims. Because I will only look at the perceptions of Islam and policy approaches to Islam and Muslim populations, the transformations and changes in Islam in the Netherlands are not discussed in this report.

Discussions on Islam and political changes in the Netherlands since 2001

Arguably, the changes in public and political opinion towards Islam and the presence of Muslim minorities in the West have been most spectacular in the Netherlands (cf. Prins 2002; Prins 2004; Célilia 2005; Kramer 2006; Maussen and Slijper 2006). This is so because in the past five years the dramatic events on the international scene – such as the terrorist attacks in the Western world in New York, Washington, London and Madrid and the wars in Afghanistan and Iraq – have coincided (and in turn influenced and reoriented) three political processes at the national scene. In the first place Dutch immigrant incorporation policies have begun to be increasingly questioned since the late 1990s. For many years the Netherlands had considered itself a 'guiding nation' (*gidsland*) in a number of policy domains, such as the equal treatment of gays, the consumption of 'soft drugs', and welfare state reform. The image of the Netherlands as a 'guiding nation' was perhaps most outspoken in the field of immigrant incorporation policies and the ways Dutch society sought to include cultural and religious diversity in a tolerant and non-discriminatory way. The Netherlands had – at least this was the national self image – been able to accept Islam and large scale immigration in a supportive manner, and extreme right parties had been effectively excluded from mainstream politics. Whereas in countries such as France, Germany or Austria, right wing extremist leaders were on the front stages of political and public debate since

almost 15 years, the Dutch could argue that at least in the Netherlands discussions on cultural diversity and Islam were carried out in a respectful manner.[133] However, this atmosphere of 'national self-congratulation' obtained a major blow when a wide public debate began in 2000 following a newspaper article by a social-democrat intellectual, Paul Scheffer, on what he labelled the 'Multicultural Tragedy'. Scheffer argued that far from being a positive exception in Europe, the Netherlands had simply closed its eyes to many problems, such as the levels of ethnic segregation in Dutch society, the socio-economic arrears among migrant populations, the growing tensions in 'the older neighbourhoods' between autochthonous and immigrant origin populations, and the growing influence of conservative Islam. Since 2000 public opinion has made a U-turn in the Netherlands, and the Dutch immigrant integration model is now often portrayed as one of the worst in Western Europe, and as too lenient and as having resulted in a 'multicultural tragedy'.[134]

A second process of change in Dutch politics and public opinion, which was directly related to this shift from 'national self-congratulation' in the mid 1990s to 'national self-critique' in the early 21st century, was the emergence of a new political elite, who arrived on the central stages of political life in the slipstream of the populist revolt initiated by Pim Fortuyn around the municipal and parliamentary election campaigns in 2001 and 2002. Fortuyn built his political campaign around two main themes. First, he argued that the Netherlands were governed by an inward-looking political elite and a bureaucratised governmental apparatus which was completely out of touch with the needs, concerns and problems of 'the ordinary people'. Instead of applauding the successes of corporate consensus politics - the so-called 'poldermodel' - and of the Purple Coalition governments which had been in power since 1994, Fortuyn spoke of the 'rubbish heaps of the Purple Coalition'.[135] The second theme of Fortuyn's

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[133] In the early 1990s Dutch radio stations organized a protest campaign, when asylum seekers centres in Germany were attacked by extreme right wing activists and youth. Dutch listeners sent postcards to the German government with the text 'I am furious'. In 2000, the Dutch were also forerunners in demanding sanctions against Austria because of the accession of the extreme right Freiheitliche Partei Österreichs (FPO) to the Austrian coalition government (see Maussen and Slijper 2006).

[134] See Scheffer 2000; 2003; and Prins 2004, Koopmans 2003. In 2003/4 a Parliamentary Inquiry Committee carried out a research on 30 years of immigrant integration policies in the Netherlands. Tijdelijke Commissie Onderzoek Integratiebeleid (2004, 5 volumes).

[135] The Purple Coalition Government (1994-1998 and 1998-2002) included the Social Democrats (PvdA), the Liberal Left (D66) and the Liberal Right (VVD). Fortuyn criticized the policies in his book *De puinhopen van acht jaar Paars* (2002).

political campaign was the failure of Dutch multiculturalism, which, so he argued, was based on naïve policies developed in a climate of 'political correctness', which had prohibited a more thorough and outspoken critique of Islam. According to Fortuyn, Islam was a 'backward religion' and in 1997 he spoke of the danger of an 'islamization of Dutch society' which would undermine key values such as tolerance, open-mindedness and equal treatment of women and gays.[136] The popularity and political success of Fortuyn allowed a new elite to enter political life in the Netherlands.

After the assassination of Fortuyn in May 2002 a great number of representatives of his party – the *Lijst Pim Fortuyn* (List Pim Fortuyn, LPF) – were elected in the National Parliament, whereas during the municipal council elections earlier that year local 'liveable parties' (*leefbare partijen*) obtained good electoral scores with candidates who positioned themselves as definitely *not* belonging to the 'political establishment' or to the mainstream parties.[137] Faced with the electoral success of Fortuyn on the right side of the political spectrum, new politicians also stood up in the mainstream parties who articulated a more polemic discourse on multiculturalism. Politicians such as Geert Wilders, Rita Verdonk or Ayaan Hirsi Ali thus managed to make a rapid political career in the liberal right party VVD by – so they argue – breaking out of a climate of 'political correctness', criticizing Islam and daring to 'say out loud what everybody was thinking quietly' to borrow a phrase of the French extreme right leader Jean Marie Le Pen. Nowadays public opinion on immigrant integration issues is dominated by politicians and conservative opinion-makers, who argue that Islam constitutes a major problem for immigrant incorporation and who see Islam as a major threat to Western civilisation (see below).

The third process of political change concerns the increasing importance of acts of violence and of death threats in Dutch political life. The dramatic beginning of this worrisome trend was the assassination of Pim Fortuyn by a left-wing animal rights activist in May 2002. The assassination meant another blow for the national self-image

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[136] See Fortuyn *Tegen de islamisering van onze cultuur. Nederlandse identiteit als fundament* (Against the Islamization of our culture. The Dutch identity as foundation) (1997). Because Fortuyn argued that what was at stake were progressive values, such as gay and women's rights, he could also mobilize progressive voters who would otherwise disagree with strong anti-immigrant political discourse (Maussen and Slijper 2006).

[137] Fortuyn started his own political party in February 2002 only after being dismissed as the leader of the newly founded political party *Leefbaar Nederland* (Liveable Netherlands) because of his statement that Islam was a 'backward religion' (see Van Bruinessen 2006).

of the Netherlands as a country of tolerance. In recent years, death threats and violent attacks on opinion leaders and politicians have become a deeply troublesome characteristic of Dutch politics and public debate. Moreover, the use of violence and threats against political opponents spread throughout the extreme wings of the entire political spectrum, and now involves the extreme left, the extreme right and Islamic radical movements.[138] The assassination of the filmmaker Theo van Gogh in November 2004 and the violent attacks on mosques and Islamic schools which followed the assassination, gave further food to the image of a country which was loosing its soul and was on the verge of civil war. But because van Gogh was murdered by a Muslim radical who justified his act in the name of 'a war' against the enemies of Islam and against those who dared to offend the prophet, this act of violence could also be linked to the themes which were already dominating public debate, such as 'Islamic terrorism', the 'multicultural tragedy', the attacks against the 'freedom of expression' and the 'failed cultural integration of Muslims' (see Hajer and Maussen 2004).[139] At the present day many Dutch politicians and public opinion leaders who criticize Islam receive full-time personal protection, because they continuously receive death threats. This is the case notably of the MP's Ayaan Hirsi Ali (VVD) and Geert Wilders (Group Wilders), of the columnists Afshin Ellian and of the Mayor (Job Cohen) and an alderman (Ahmed Aboutaleb) of Amsterdam. Several of these people were threatened in the letter the murderer of Van Gogh pierced to the victim's body.[140]

The development of public debate, acts of violence and policies towards Islam in the Netherlands in the past 5 years can only be understood in relation to these three political processes. Moreover, over the past 5 years there has grown a great discrepancy

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[138] In the 1980s and 1990s the use of violence against political opponents had, for instance, been part of the political strategy of left wing extremists, usually as part of a struggle against the extreme right. Radical anti-racist activists set fire to a hotel where a meeting was held of the extreme right party CP '86 in 1986, causing serious injury to the wife (Wil Schuurman) of the then leader of the extreme right (Hans Janmaat, deceased in 2002). Besides, anti-racist activists carried out numerous 'ludicrous' acts of violence, such as throwing cakes with dog excrement at politicians or threatening politicians with imitation blood. Before he was actually assassinated, Pim Fortuyn had been the victim of these kinds of acts of violence. The Belgian extreme right leader Philip de Winter was also attacked by 'anti-fascist' demonstrators during a television broadcast in the Netherlands in September 2000. Despite the fact that two political murders have occurred in the Netherlands in the past 4 years, some left-wing extremists still take pride in their own acts of violence. See for an example: http://kafka.antifa.net/dewinterbuiten.htm (last accessed May 2006).

[139] Hajer, M. and Maussen, M. (2004) "Betekenisgeving aan de moord: een reconstructie" Socialisme en Democratie 61 (12): 10-18.

[140] For an overview of the events surrounding the murder of Theo van Gogh see the website of Albert Benschop: http://www.sociosite.org/jihad_nl_en.php

in the Netherlands between, on the one hand, public and political debate and policy proposals, and on the other hand policy implementation and the more general legal framework. In a political debate 'gone wild', all kinds of drastic measures are announced and proposed – such as forbidding Islam, deporting second-generation Moroccan youth, or closing down all mosques 'where men and women worship separately'. But the pace of real change is far slower, as many proposals are blocked by constitutional and legal guarantees and international human rights charters. In understanding anti-Islam discourses, acts of violence and actual policies, we will have to be constantly aware of the difficulty of measuring the real historical impact of this dramatic period in Dutch society and politics.

Relations between the State and Muslims

The total Muslim population in the Netherlands is approaching the number of 1 million. However, much like in most other European countries, this number should be taken with some caution, because statistic are usually based on ethnic descent, and they also do not take into account differences in Muslim identity, belief, practice and respect for the various religious duties. The Muslim population in the Netherlands consists, besides a small number of converts, primarily of immigrants and their offspring. The most substantial groups are immigrants of Turkish and Moroccan origin, who came as labour migrants in the 1960s and 1970s. The numbers of 'Moroccan' and 'Turkish' 'Muslims' increased rapidly in the 1980s and 1990s due to family reunification and family formation (i.e. marriages with partners from Turkey or Morocco). The number of Muslims who originate from post-colonial migration is relatively small compared to other colonial powers such as France or Great Britain, and consists of a small community of Moluccan Muslims (families who arrived in the 1950s) and a larger number of Surinamese, who arrived before and after the independence of Surinam in 1975. Finally, there is a substantial Muslim population of different ethnic origin, who arrived as refugees, predominantly since the 1990s, notably from Bosnia, Somalia, Iran, Pakistan and Afghanistan.[141]

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[141] In Dutch statistics, terms such as 'Moroccans' and 'Turks' are used both to refer to people with Moroccan or Turkish nationality, but also to people with dual nationality (e.g. Turkish and Dutch) and to people with only Dutch nationality but one of whose parents was born abroad. These numbers on nationality and ethnicity are then taken as an indicator of the number of 'Muslims'. Recent estimates speak

State and Church and the freedom of religion

As in all other liberal democracies, the relations between state and religion in the Netherlands are organised around three key constitutional principles: the freedom of religion, the separation of state and church, and equal treatment. The freedom of conscience and the freedom of religious convictions were already engrained in the Dutch political system in the late 16th century, but the genuine equal freedom of collective religious practice and religious manifestation in the public sphere was only guaranteed by the constitution of 1848. The constitution of 1848 also laid down the principle of separation of state and church, implying for example that limitations to the founding of religious organisations were lifted and the state no longer intervened directly in the organisation of religious communities. Nevertheless, the struggles about the relations between state and religion continued in the second half of the 19th century, especially around the issue of primary education and on the question of whether the state should only finance the so-called common schools, or whether it should also finance denominational schools, which are schools that represent a specific religious identity, such as Protestant or Catholic. The contentious discussions on the funding of primary education (the so-called school struggle (*schoolstrijd*)) were resolved in 'the great compromise' of 1917. In the constitution of 1917 the full funding of schools for all faiths on par with the public schools was guaranteed (Monsma and Soper 1997: 60). 'The great compromise' of 1917 also further strengthened the organisation of Dutch society in a number of 'pillars' (*zuilen*), a term which referred to the situation in which the four prevailing ideological denominations (*richtingen*) – Catholic, Protestant, Socialist and Liberal – all founded a comprehensive community infrastructure, consisting of religious organisations, denominational schools and universities, unions, sports and leisure associations, newspapers and broadcasting associations, and political parties. Until the 1960s Dutch society was characterised by a high level of social and institutional segregation on ideological grounds, but it was also a stable society because the elites of the different 'pillars' managed to bridge differences by avoiding direct confrontation on

of 358,000 Turkish Muslims, 315,000 Moroccan Muslims, 70,000 Surinamese Muslims, 44,000 Iraqi Muslims, 37,000 Afghan Muslims, 29,000 Iranians, and 22,000 Somali Muslims, and finally about 10,000 Dutch converts (see Douwes, de Koning *et al.* 2005: 27; also Phalet and Ter Wal (eds) 2004, 5 volumes).

sensitive issues and by relying on the support of a fairly passive and subservient rank and file (cf. Lijphart 1968; Stuurman 1983).

This system of 'pillarisation' (*verzuiling*) started to crumble in the 1960s due to various social and political processes such as secularisation, the emergence of a more critical citizenry, and new forms of political contestation which challenged the prevailing climate of compromise and 'depoliticisation' of key issues. The trend towards secularisation also led to a more critical perception of the remaining financial ties between the state and religious organisations. Until the late 1970s the Dutch state financially contributed to the establishment and maintenance of church buildings, and it paid some of the pensions and salaries of religious personnel of Christian organisations. In the constitutional reform of 1983, these remaining financial ties were dismantled. The revised constitution of 1983 now lays down the freedom of religion and equal treatment in articles 1 and 6.[142] Article 23 of the constitution provides the freedom of choice in education, and reads "All persons shall be free to provide education…" and "Private primary schools… shall be financed from public funds according to the same standards as public-authority schools" (in Monsma and Soper 1997: 67). In the Netherlands denominational or 'particular' schools (*bijzondere scholen*) have their own administrative boards, and they have the liberty of choosing their own educational methods and deciding on extracurricular activities and religious education. Nevertheless, the basic core curriculum is similar and obligatory in all types of schools, and each school must produce a 'school plan', which has to be submitted to the Education Inspectorate for approval (Sunier and Van Kuijeren 2002: 146; Merry and Driessen 2005: 421).

The law on the separation of state and church and its genealogy in the Netherlands have not only led to particular legal arrangements, it also informs a specific 'spirit of the law', which has been extremely important with respect to the incorporation of Islam as a minority religion. Stephen Monsma and Christopher Soper (1997) describe the Dutch model as one of 'principled pluralism'. The Dutch model is based first and foremost on the principle of equal treatment. Equal treatment applies both to individual citizens and their religious beliefs, duties and practices, and to the different collective

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[142] Article 1 reads: "All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on other grounds whatsoever shall not be permitted." And section 1 of article 6 reads: "Everyone shall have the right to manifest freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law".

manifestations of religion or ideology, for instance in the form of religious and ideological organisations. Secondly, the Dutch model starts off from the assumption that a democratic public sphere consists of a plurality of religious and nonreligious denominations and ideologies. Instead of claiming that the state should itself establishes and maintain a 'neutral' public sphere – as it is assumed in the French Republican model for instance – the Dutch model is based on the assumption that so-called 'neutral organisations' are not truly neutral "but are yet another *richting*, or direction, equally legitimate but no more legitimate than a host of other religious and nonreligious philosophies or directions" (Mosma and Soper 1997: 80). Thirdly, in the Dutch model, religious and ideological associations are seen as valuable elements in the civil society. In principle, then, the state wants to approach these associations with goodwill, because these organisations personify organised citizens, who are willing and able to organise their own life, and such organisations can function as counterweights to the dominant position of the state and its institutions. Fourthly, the Dutch model attributes central importance to the freedom of choice of individual citizens. This implies that individual citizens should have several meaningful options to choose from. For example, in the domain of education they can choose from a number of different school types and are not obliged to send their children to one single type of state school. Moreover, "if religion is to be fully free, government must take certain positive steps to accommodate it so that religion, along with secular beliefs, can in practice be freely exercised" (Monsma and Soper 1997: 81). However, the importance of individual freedom of choice also implies that citizens are protected by the state if they decide to abandon their religious beliefs or step out of their religious community.[143]

This model of state and church relations engrained in the law and its spirit has been of key importance to the incorporation of Islam into Dutch society. When it became clear in the late 1970s that Muslims were no longer temporary 'guest workers' but immigrants who were settling permanently in Dutch society, the Dutch government began to make a number of legal and institutional provisions to guarantee the equal treatment of Islam as one of the minority religions in the Netherlands.[144] In the legal

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[143] See Maussen (2006), chapter 2.

[144] It was typical for the Dutch approach that a thorough study was made as early as 1983 to see what legal obstacles existed which might prevent the equal treatment of new ethnic and religious minorities. See H.Beune and A.Hessels *Minderheid – Minder Recht. Een inventarisatie van bepalingen in de Nederlandse*

domain a number of measures were taken in the 1980s to allow for Islamic practice and rituals: starting with an allowance for ritual slaughtering on par with Jewish rituals (in 1977), allowing for the call to prayer on par with the ringing of church bells (in 1988), the recognition of Muslim festivals and dietary rules (notably in the armed services and prisons), and the adjustment of legislation on funerary practices to allow for Islamic traditions (see Rath, Penninx et al. 2001: 52ff.).

The establishment of houses of worship was in the 1980s among the most basic and urgent needs for religious practice among Muslim newcomers. However, Islam in the Netherlands has not been able to benefit from the kind of subventions which were made available for Christian churches until the mid 1970s. This was due to the fact that Muslim newcomer arrived in a time that Dutch society was rapidly secularising. This in turn triggered demands for a more clear separation of state and church, which implied the dismantling of financial ties between state and religious organisations, and notably of the subventions for the construction and maintenance costs of religious buildings and for the salaries of religious personnel. One mosque was built in 1975 with a subsidy which resulted from an existing general regulation for 'church buildings' issued in 1962. Moreover, between 1976 and 1983 Muslims in the Netherlands could receive some public support for the establishment and refurbishment of prayer rooms and houses of worship. These subsidies were in part motivated in terms of the 'moral duty' of Dutch society and the Dutch state towards the 'guest workers', who were entitled to have adequate provisions allowing them to 'develop and maintain their cultural identity' whilst temporarily sojourning in Dutch society.[145] In the 1980s the government was advised by two different consulting committees to develop a new regulation for subsidies for the establishment of houses of worship. Both committees argued that it was appropriate to help Muslims to 'catch up' with the more established religious minorities, and that the state should compensate for arrears of financially weak communities in order to change the *de facto* unequal conditions for Islamic practice. However, partly because of the constitutional reform of 1983, these advices were never taken up by the government.

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wet- en regelgeving waarin onderscheid wordt gemaakt tussen allochtonen en autochtonen (1983) (see also Penninx 2005).

[145] Moreover, there have been subventions for the establishment of post-colonial Moluccan families, who had been soldiers in the Royal Dutch Indian Army. These mosques were built in 1986 and 1990. State support was motivated in terms of a 'moral duty' of the former colonial state towards the Moluccan families.

Nonetheless, local governments have on the whole been supportive of the establishment of mosques in the 1980s and 1990s, even though they have not given direct public subventions (cf. Landman 1992; Hampsink 1992; Shadid and van Koningsveld 1995; Rath, Penninx et al. 2001.)

Another major issue in the development of provisions and institutions for Islamic practice in the Netherlands was the establishment of Muslim schools, being the kind of denominational schools which already existed for established religions in the Netherlands. In the late 1980s the first Muslim primary schools opened their doors in Rotterdam, The Hague, Eindhoven and Amsterdam. In 2003 there were 40 Muslim primary schools and two Muslim secondary schools in the Netherlands (cf. Merry and Driessen 2005). Besides there are two new Muslim 'universities', one in Rotterdam, founded in 1997, and one in Schiedam, founded in 2001. These are still private institutions, but they aspire to become recognised as regular universities in the future.

In short, the development of institutions and provisions for Islam in the Netherlands since the 1980s was seen as a gradual and successful process of emancipation and institutionalisation. Moreover, the Dutch model seemed more able to rapidly incorporate Islam and stood out as a positive exception in Europe. As Rath, Penninx et al. concluded in a comparative study on Islam in the Netherlands, Belgium and the United Kingdom, published in Dutch in 1996: "Our comparison shows that the situation favours Muslims most in the Netherlands, where they have certainly achieved, *de facto*, the greatest scope for building up a religious infrastructure (2001: 280). This image of the institutionalisation of Islam in the Netherlands as an evolutionary process of emancipation did not only exist in academic discourse, it was also prevailing in public opinion. This can be illustrated by looking at the ways newly built mosques were represented in public discourse in the 1990s. In the late 1980s and 1990s the number of newly built mosques – mostly built by Turkish Mosque Committees – increased to a total number of 32 in 1995, and of these 32 mosques 23 had typical architectural characteristics such as domes or minarets (Dijker 1995). These mosques were usually represented as 'enrichments to the urban landscape' of Dutch towns, as 'symbols of emancipation and of recognition' or as buildings which gave Muslims in the Netherlands 'an appearance' (see Maussen 2004).

However, the prevailing representations about new mosques have radically changed in the last 5 years or so. Mosques are now no longer automatically represented as symbols of emancipation. Instead, mosques built in a 'traditional style' are said to be illustrations of the failure of immigrant integration. The mosque building in the Netherlands are said to be 'unimaginative', 'ugly' and 'cheap imitations', revealing that Muslims in the Netherlands do not care about their new societal environment and simply build 'nostalgia mosques' which remind them of the 'countries of origin'. These shifts in the meaning of mosque buildings are illustrative of the changes in the discourse about Islamic presence in the Netherlands. To understand this change we have to see more clearly how Islam was not only perceived as a matter of religious diversity. Muslim presence has also been made into a meaningful social phenomenon in terms of discourses on immigrant integration and cultural and ethnic diversity. To understand these processes we have to understand immigrant incorporation policy discourses and the status of ethnic minorities in the Netherlands.

Status of Ethnic Minorities

Immigrant incorporation policies and cultural diversity since the 1970s[146]

Until the mid-1970s policies towards labour migrants in the Netherlands were primarily about the recruitment of new 'guest workers', the regulation of working and residence permits, and the establishment of basic provisions for 'guest workers' (e.g. housing, medical care, leisure time activities). The underlying conceptual framework was based on what Han Entzinger has called the 'myth of a temporary sojourn' (see Entzinger 2003). State responsibility was minimal. Employers were held responsible for providing housing or medical care, whereas other forms of care were predominantly provided by volunteer associations. On the other hand, the temporary guest workers were, especially since the late 1960s and early 1970s, encouraged to 'maintain and develop their cultural identity'. Policies were primarily intended to avoid a further integration of 'guest workers' in Dutch society, to prevent a loss of 'moral orientation' and facilitate the 're-integration' of temporary workers and their families into their

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[146] For recent overviews of Dutch immigrant incorporation policies in English see Penninx and Vermeulen 2000; Entzinger 2003; Penninx, Garcés-Marscareñas et al., 2005; Penninx 2005; Doomernik 2005.

societies of origin upon their return. Within this perspective provisions were established for religious practice, but also for language courses in the mother tongue.

Around the beginning of the 1980s a shift was made towards immigrant incorporation policies, which were elaborated in the policy frame of Ethnic Minorities Policy. Local and national minority policies intended to encourage the integration of newcomers by recognising their status as permanent settlers in the Netherlands. Newcomers in Dutch society were seen as belonging to ethnic minorities, who faced serious deprivations in important areas such as language, education and access to the labour market. Minority policies were not only targeted at labour immigrants, but also at other underprivileged groups, such as post-colonial immigrants (Moluccans, Surinamese and Antilleans) and Gypsies and caravan dwellers. Minority policies were first and foremost based on welfare policy, meaning that the process of minority formation and marginalisation was to be prevented through general policies of integration in different societal spheres – notably the labour market, education and housing. Policy makers argued that some groups needed extra support to compensate for group-specific setbacks. Integration and more equal participation of newcomers also demanded reforms in the political sphere, which was encouraged through the establishment of consultation structures for ethnic minorities at the local and national level, and by granting active and passive voting rights to alien residents in local elections (introduced in 1985) (cf. Penninx 2005). Moreover, the Dutch nationality code was modified in 1986, making it easier for alien immigrants to obtain Dutch citizenship. The idea of group-based emancipation process combined with the emphasis on full equal treatment – especially in the legal domain – led to what leading expert Rinus Pennix has called 'multicultural policies *avant la lettre*' (2005: 4). The phrase 'integration with the maintenance of cultural identity' continued to float around in public and policy discourse until the late 1980s. Moreover, the idea of group-based emancipation of the new ethnic minorities could hook into the discourses on 'pillarisation', allowing some people to argue that multiculturalism was engrained in the Dutch socio-political model of integration and management of cultural and religious diversity.

Since the 1990s immigrant incorporation policies have been redirected. Policies continued to be firmly grounded in general welfare policy, which intended to fight arrears in education and labour market participation among migrant populations. But in

the domain of culture more emphasis was put on the need for more cultural assimilation and the encouragement of individual newcomers and their descendants to acquire the skills needed for successful emancipation in Dutch society. In the mid 1990s 'good citizenship' and 'civic integration' (*inburgering*) became new key policy concepts. This implied that newcomers not only needed to acquire specific skills - notably the Dutch language and knowledge of Dutch society -, in order to allow for a successful participation in Dutch society and the labour market, but also that integration required that individual newcomers would make an effort to genuinely integrate into Dutch society.[147] In 1998 the new Law on the Civic Integration of Newcomers (Wet Inburgering Nieuwkomers, WIN) made civic integration courses compulsory for new immigrants, and in the same year a policy was introduced that aimed at bettering the position of minorities in the sphere of employment (SAMEN Wet or Act for the Stimulation of Labour Market Participation) (cf*.* Guiraudon, Phalet et al. 2005; Doomernik 2005: 33). Besides, the lenient policy practices which allowed migrants to obtain dual nationality that had been introduced in 1992, were changed in 1997 towards a more restrictive naturalization policy practice (Entzinger 2003: 67; Penninx 2005).

The economic recession which set in in the late 1990s and early 21st century once again put the over-representation of immigrants in statistics on unemployment and school drop-out high on the public agenda. Moreover, the public debate on the 'Multicultural Tragedy' has more and more made it appear as if all policies up till then had been based on naïve and ineffective measures. The levels of socio-economic, geographic and cultural segregation were said to be far deeper in Dutch cities than anyone dared to say. A special parliamentary commission investigated Dutch Integration policies in 2004.[148] Despite the fact that the report concluded that there had been considerable successes in many domains, the prevailing image remains that of a total failure. Building on this image, the present government of Christian Democrats (CDA), Liberal Right (VVD) and Liberal Left (D66) pushes for more restrictive policies towards immigration (see below). Moreover, several policies have been developed to make

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[147] These objectives were laid down in the *Contourennota integratiebeleid etnische minderheden* (1994) (see Entzinger 2003: 72ff.).
[148] See Parliamentary Inquiry Committee (Tijdelijke Commissie Onderzoek Integratiebeleid), 5 volumes, 2004.

integration of newcomers more mandatory and demanding, also in the domain of culture (see ICMPD 2005).

Recent immigrant incorporation policies, Islam and Islamic practice

In a turbulent period of national and international debates, a new official government policy was introduced in 2003, called the Integration Policy New Style which intends to encourage common citizenship based on common norms and values (Penninx, Garcés-Marscareñas *et al.* 2005). The government suggested to introduce a system by which to measure the cultural distance (or nearness) of immigrants vis-à-vis Dutch society (Doomernik 2005: 35). Islam plays a key role in the ways the cultural and religious background of immigrant populations is being framed as a potential obstacle to 'immigrant integration'. Already in 1998 the then minister of Metropolitan Affairs and Integration, Roger van Boxtel, argued that there 'might exist' obstacles to integration policies because of 'opinions of an ideological or religious nature'.[149] Two years later the same minister argued that it 'could not be excluded' that religious organisations 'with roots in another country' might primarily focus on 'the (inflexible) preservation of norms and values of the country of origin without engaging in dialogue with their environment' or that these organisations might even be 'used for political goals in the country of origin'.[150] More recently, the minister of Integration and Alien Affairs, Rita Verdonk, has argued that the time that public authorities merely engaged with Muslim association by 'cozy tea drinking' was over, and that it was time that autochthonous populations and newcomers engaged in dialogue, and that they should not be afraid to mutually criticize one another.[151]

However, the suggestion that there should be more room for 'mutual critique' in practice results in more room for Dutch politicians and 'native' Dutch citizens to critique Muslims and Islam. In the past years this new stance towards Islam in immigrant incorporation policy discourses has resulted in a number of studies, policy reports and policy proposals. Since 2002 there are special civic integration courses which are

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[149] See Integratiebeleid betreffende etnische minderheden in relatie tot hun geestelijke bedienaren (1997-1998). Tweede Kamer vergaderjaar 97-98, code 25919, issue 2.

[150] See "Brief van de minister voor Grote Steden en Integratiebeleid". Kamerstuk II 1999/2000 code 2633, issue 13.

[151] See "Verdonk onderzoekt verbod op Burka" in *De Volkskrant*, October 10, 2005.

mandatory for imams (see below). There have been studies on whether Muslim schools are obstructive of immigrant integration and/or whether there are attempts by foreign Muslims associations or Muslim states to interfere with Muslims schools in the Netherlands. These reports have concluded that on the whole Muslim schools in the Netherlands do not obstruct immigrant integration.[152]. Moreover, many municipal authorities have encouraged public debates on issues related to Islam. In Rotterdam, for instance, a number of debates have been organised in 2004 and 2005 on Islam as part of a so-called 'action plan' on 'Islam and Integration'. Rotterdam has become one of the cities in the Netherlands where public discussions on Islam have been most polemic in recent years. According to the municipality the debates on Islam were necessary, since:

> "The behaviour of Muslims is becoming more and more linked to Islam, also because of the overt self-assured behaviour of Muslim immigrants of the second and third generations. Abstract subjects – the separation of State and Church, the equal treatment of men and women – and concrete subjects – from the low degree of participation of women on all sorts of levels to domestic violence, the headscarves, the nuisance caused by young people, parking near the mosque – are all mixed up together in the discussions which take place behind closed doors, and in the image forming amongst non-Muslims".[153]

This approach to Islam is illustrative of the ways discussions on Islam and Muslim populations in the Netherlands are more and more framed in terms of the 'need for civic integration'. Moreover, all kinds of societal issues – domestic violence, youth crime, bother because of parking cars – are lumped together as related to 'Islam'. What is even more worrisome in the above fragment, is that Muslims in the Netherlands, are represented as second or third generation *immigrants*. By consequence religious diversity and Islam are represented not as parts of a developing Dutch society, but as

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[152] See Ministry of the Interior and Kingdom Relations, Internal Security Service "De democratische rechtsorde en islamitisch onderwijs. Buitenlandse inmenging en anti-integratieve tendensen" (2002) and Education Inspectorate (Inspectie van het onderwijs) "Islamitische Scholen nader onderzocht" (2003).
[153] See City of Rotterdam, "Background and design of the conference", in English, May 2005. See also EUMC, "The situation of Islamic communities in five European cities. Examples of local initiatives" (2001).

resulting from 'immigration'. Many Muslims in the Netherlands increasingly wonder until when they will continue to be seen as second-class citizens or as 'immigrants'.

Anti-Terrorism and Security laws

The attacks on the World Trade Centre and the Pentagon, the terrorist attacks in Madrid (2004), the assassination of Theo van Gogh in November 2004, and the bombings in London (2005), have led to a proliferation of plans for anti-terrorist measures in the Netherlands. In addition, the trial of Mohammed Bouyeri, the assassin of Theo van Gogh who was sentenced to life-long imprisonment, and the arrests and prosecution of the members of the so-called Hofstad group which, according to the prosecutors and the secret services, is a terrorist cell operating in the Netherlands, have led to discussions on the adequacy of existing legislation to protect Dutch society against direct terrorist threats. Following the attacks in the United States the government presented an Action Plan to fight Terrorism and Security (*Actieplan Terrorismebestrijding en Veiligheid*). A central National Coordinator of Fight against Terrorism (*Nationaal Coordinator Terrorismebestrijding*) was established in 2004.[154] There have been regular reports on the security situation in the Netherlands and on the existence of a threat of terrorist actions.[155]

At the same time, there have been a number of initiatives to develop action programs to prevent further radicalisation. The national government published two policy memoranda on this issue in 2005.[156] Interestingly, the fight against radicalism is broadened to include - besides Muslim radicalism - extreme right radicalism and radical animal rights activism. The general framework of the fight against radicalism is presented as involving three related aims for local and national authorities: strengthening the attachments of individuals and communities to society and to the democratic rule of law; improving the capacity of society, individuals and communities to

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[154] See http://www.nctb.nl/

[155] See also a number of publications by the Central Intelligence and Security Service (AIVD), notably *Political Islam in the Netherlands* (by the Internal Security Service, 1998) and *From Dawa to Jihad. The various threats of radical Islam against the democratic rule of law* (2004) and recently *Violent Jihad in the Netherlands. Current trends in the Islamist terrorist threat* (2006). All available on: https://www.aivd.nl/

[156] Ministry for Aliens Affairs and Integration "Nota weerbaarheid tegen radicalisering van moslimjongeren" (March 25, 2005) and Ministry of Justice "Nota radicalisme en radicalisering" (August 2005).

be vigilant against radicalism; and active interventions against radicals and those who support them (Ministry of Justice 2005: 5).

The influence of radical Muslim movements and individuals, and the sensitivity of Muslim youth in the Netherlands to radical discourses and violence, have led to a variety policy strategies. Here again, we have to be careful not to mistake public and political statements with policy proposals, and with actual measures which are approved by the Parliament and which are actually implemented. There have been proposals to ban the 'apology of crimes'[157]. Shortly after the assassination of Van Gogh, the leader of the Christian Democrat (CDA) group in Parliament, Maxime Verhagen, argued on November 11 2004: "If it is about preventing an attack it is better to have temporarily ten innocent people in jail than one terrorist with a bomb on the street".[158] In 2004 the Minister of Justice, Donner argued that it should be possible to arrest people 'on the basis of a deviant look'.[159] But when in 2005 two young men were arrested in a train because they were wearing a traditional Muslim dress and 'behaved in a suspicious way', this new, more vigilant approach was questioned again.[160]

Immigration Policies

The regulation of immigration involves policy practices concerning issues such as: access to the national territory, visa policy, detention and expulsion of 'irregular immigrants', working permits, compulsory civic integration programs, rules applying to family reunification or family formation, or regulations concerning the acquisition of Dutch citizenship. In the 1960s and 1970s a large part of immigration to the Netherlands involved labour migrants, many of whom were recruited as guest workers. When it became clear, in the late 1970s, that many labour migrants were settling more permanently in the Netherlands, family reunification and marriage migration began in the 1980s. Besides there was an influx of asylum-seekers and refugees, which began to increase rapidly in the early 1990s.

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[157] See also *"'Apologie du terrorisme' and 'incitement to terrorism'"* Council of Europe, 2004.
[158] Cited in "Er is vandaag een Amsterdammer vermoord" in *Het Parool*, December 27, 2004.
[159] Piet Hein Donner "Acute dreiging vraagt om antwoord" in *de Volkskrant*, November 16, 2004. See also Britta Böhler 'Beseft Donner wel wat hij zegt?' in *De Volkskrant* November 27, 2004.
[160] "Arrestatie moslims opruiend" in *Het Parool* November 11, 2005.

For a long time, Dutch policy makers held on to the idea that the Netherlands should not be an immigration country, because the country was already overpopulated (cf. Penninx 2005). Until the mid-1970s migration into the Netherlands was only minimally regulated, and involved mainly measures concerning temporary working permits and residency permits (cf. Doomernik 2006). Moreover, there were special regulations for the immigration of post-colonial subjects, notably from Indonesia and Surinam. Over the past decade efforts have been made to make Dutch immigration policies more restrictive. Three different developments are being referred to in order to justify these measures.

In the first place, the so-called 'asylum-seekers crisis' in the mid-1990s. For a long time, the Netherlands had a protective stance toward asylum seekers. However, in the 1990s the great number of refugees and asylum applications, the difficulties in deterring unfounded claims for asylum, and the lengthy procedures (which included several opportunities for appeal), contributed to the emergence of a so-called 'asylum-seekers crisis'. The Aliens Act of 2000, effective April 2001, has made Dutch asylum law more restrictive, by changing and reducing the possibilities for appeal and by introducing the accelerated procedure for processing of asylum applications in the so-called reception centres (*aanmeldcentra*). In a report on Dutch asylum policy, Human Rights Watch concluded that the Dutch government had taken up "a restrictive approach that stands out among Western European countries".[161] Since the new Aliens Act the number of asylum requests has dropped to about a quarter of what it was during the latter half of the 1990s (Doomernik 2006).

In the second place, a number of measures have been taken to make regular immigration more difficult and to raise the requirements immigrant newcomers have to meet. These measures should be understood in the light of a changing perception of immigrant integration and cultural diversity in the Netherlands. Since 2004 the barriers for family reunification and family formation have been increased. The age at which a person can bring over a partner has been raised from 18 to 21, and the partner residing in the Netherlands should earn 120% of the legal minimum wage. Moreover, there have been a number of measures which tried to reduce the possibilities for illegal immigrants

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[161] See Human Rights Watch "Fleeting Refuge: the triumph of efficiency over protection in Dutch asylum policy' (2003): available at www.hrw.org

to work in the Netherlands, for instance through the Compulsory Identification Act which requires all employers to be able to identify all his or her employees (Doomernik 2006). Another set of measures involves the compulsory civic integration courses. The Integration of Newcomers Act (WIN) of 1998 stipulated that civic integration courses become mandatory. The act is currently under revision, and new proposals include: the newcomers should finance the programme themselves; the courses should also become obligatory for immigrants who are already settled in the county, and the integration starts in the country of origin, where the immigrant needs to pass a Dutch language test in order to get a visa in order to apply for a residence permit (in ICMPD 2005: 10). Several of these proposals still need to be implemented and/or are being (or have been) reviewed in the light of legal requirements, because of existing national and international law.[162]

In the third place, there are a number of proposals to create more possibilities to expel non-nationals who have committed criminal acts from the Netherlands. In December 2003 the Dutch Justice Minister, Piet Hein Donner, advocated a two-tier justice system in which foreigners who commit crime would be sentenced differently from Dutch nationals (in Stokrom 2003). Another proposal of the Minister of Aliens Affairs and Integration, Rita Verdonk, involved the possibilities to increase the possibilities to revoke the resident permits of non-nationals (aliens) who were convicted for repeated criminal acts, for domestic violence or for sexual violence.[163] Finally, there is a number of proposals to create more possibilities to deny access to the national territory to people who are suspected of criminal or terrorist activities.

We should be careful not to simply assume that these various measures to make Dutch immigration law and policy practice more restrictive are deliberately targeting Muslim immigrants. Nevertheless, Muslim immigrants do face new barriers when applying for a residence permit, a visa or for Dutch nationality. Moreover, the introduction of the term 'cultural distance' in the policy vocabulary has created possibilities to see 'Islam' as a major obstacle in the process of immigrant integration.

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[162] See also Advisory Committee on Aliens Affairs "Inburgeringseisen als voorwaarde voor verblijf in Nederland" (February 2004).

[163] See Advisory Committee on Aliens Affairs "Openbare Orde en Verblijfsbeëindiging" (April 2005).

Oftentimes policy makers and politicians claim that 'Muslims' need to make more efforts than other migrants coming to the Netherlands.

This becomes clear in a recent film which was made by the Ministry of Aliens Affairs and Integration, and which serves to inform potential newcomers about the Netherlands. The film includes a number of stereotypical images of the Netherlands as 'a free society' and tries to show how these 'values' might conflict with 'the values of immigrants'. Immigrants are informed that 'violence', 'female circumcision' and 'honour killing' are not allowed in the Netherlands. The film also shows gay men kissing and a bare breasted woman coming out of the sea. These images serve to inform newcomers about what they can expect when coming to the Netherlands. Critics have said the film aims to discourage foreigners - and Muslims in particular - from coming to the Netherlands. Minister Verdonk sarcastically commented: 'if they can't stomach it they need not apply'.[164] A spokeswoman of the Ministry, Maud Bredero, explained in a televised item broadcasted at Channel 4: 'we are still open but we want people to be like us. We don't want differences in Holland. We just want the same rights and the same opportunities'.[165] In the film an immigrant named 'Akim' is interviewed. His life is said to be 'different from how Akim had imagined it to be' and he then declares: 'if someone from abroad is planning to come here, I would tell them 'think hard about what you are doing'. It is obvious, then, that the films use a variety of techniques to communicate to its viewers that the Netherlands is among the least attractive destinations for Muslims planning to come to Western Europe.

Physical Abuse

The EUMC report on Islamophobia in the EU after September 11 noticed a significant number of 80 incidents, including insults, graffiti and threats (53 incidents), vandalism and acts of aggression against Muslims and Islamic symbols (13 incidents) in the Netherlands.[166] A report on racism and extreme right activism published in

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[164] See 'Immigrants have to pass a racy test. Netherlands show its liberal culture', March 16, 2006: available at: http://euro-islam.info/pages/nether.html

[165] See Channel 4, Special report 'Troubled Dutch' March 16, 2006. Available at: http://www.channel4.com/news/special-reports/special-reports-storypage.jsp?id=1964 Last accessed May 15, 2006.

[166] See "Anti-Islamic reactions in the EU after the terrorist acts against the USA. The Netherlands" (2002), also "Moslim is een besmet word. De interetnische wrijvingen in Nederland na '911'" (in *NRC-*

November 2004 reported several incidents in 2003, including graffiti on a Muslim school in Rotterdam ('Muslims fuck of', 'Muslim parasites') and graffiti on mosques in Venray, Weert and Bussum (Donselaar and Rodrigues 2004: 22).

The number of violent incidents after the assassination of Theo van Gogh has been even more worrisome. There were numerous small-scale attacks of vandalism against mosques and Muslim schools. On November 7, 2004 a small bomb exploded at the entrance of a Muslim primary school in Eindhoven.[167] On November 13, 2004 a small house of worship in Helden in the province Limburg was destroyed by a fire caused by radical right-wing youth (see Witte, Brassé et al. 2005). Muslims organised nightly surveillance of mosques in many Dutch towns to protect the buildings from vandalism.[168] Most dramatic was without any doubt the destruction by fire of a Muslim primary school in Uden on December 1 2004. The attackers, right-wing youth, had painted symbols of 'white power' on the building and referred to the assassination of van Gogh ('Theo Rest in Peace' (R.I.P)). This event caused great distress among the Dutch Muslim communities and led Dutch politicians – such as prime minister Balkenende – to publicly speak out against the attacks against Muslims. The Mayor of Uden stated at a speech during a protest march 'Those who attack our children attack our society'.

The London bomb attacks of 7 July, 2005 did not lead to a wave of new acts of violence, but the windows of a mosque in Naaldwijk were smashed on July 16 and on July 23 the windows of a Turkish community centre were broken.[169]

The assassination of van Gogh led to an outburst of violence, but the fear of Islam had already been steadily growing in the Netherlands (see Sniderman, Hagendoorn et al. 2003). An opinion pole in June 2004 showed that 68 percent of the respondents felt threatened by 'migrant or Muslim youth', 53 percent feared a terrorist attack by Muslim terrorists in the Netherlands and 47 percent feared that in due time

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Handelsblad May 17/18 2003. See also IHF (2005) "Intolerance and discrimination against Muslims in the EU. Developments since September 11. The Netherlands".

[167] The press reported numerous incidents involving vandalism and attacks against mosques in the week following the assassination of Theo van Gogh, notably in Rotterdam, Amsterdam, Breda, Huizen, Veghel.

[168] See *NRC-Handelsblad,* November 9, 2004.

[169] See "The impact of 7 July 2005 London bomb attacks on Muslim communities in the EU" (EUMC, November 2005: 35).

they would have to live according to Islamic rules in the Netherlands.[170] An opinion poll by a Dutch newspaper shortly after the turmoil around the Danish cartoons in 2006 showed that 70,7 % of the respondents thought that Islam was 'unfriendly to women', 55,9 % of the respondents thought that there was 'no room for humour in Islam', and 54 % thought that Islam and democracy were 'incompatible'.[171] Besides these acts of violence and negative public opinion towards Muslim populations, there have also been some cases of discrimination involving girls who wear the headscarf.[172] Presently a study is conducted in the Netherlands by researchers at the ISIM as part of a comparative project which aims to assess the consequences of the various response to September 11 and the murder of Van Gogh for Muslim communities and European societies at large.[173]

Media Coverage of Islam

In the late 1980s immigrants from Turkey and Morocco in the Netherlands were 'discovered' as 'Muslims (Sunier and Van Kuijeren 2002: 148). In the 1980s the fear of a growing influence of Islamic fundamentalism was projected on to Turkish Muslim movements such as the Süleymanli and the Milli Görüs. However, in the course of the 1990s the 'prime suspects' in discussions on Islamic fundamentalism have become Muslim associations which are linked to the Arab World (notably the Wahabite and Salafite movements) and Moroccan Mosque Committees. Since the late 1980s public debate on Islam in the Netherlands has been moving from incident to incident.

In the late 1980s the Iranian Revolution and the 'Rushdie-Affair' led to public discussions on the ideas and values of Muslims in the Netherlands. In reaction to pro-Khomeiny demonstrations and protests against Salman Rushdie, the commentator Gerrit Komrij argued in March 1989 that the fact that 'thousands of Mohammedans (*sic*)' went out on the street to shout and express their anger was illustrative of the 'entire failure of the multi-racial, multi-cultural policy which has always been praised by the politicians'.

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[170] See "Griezelen uit onbegrip. Angst voor moslims" *De Volkskrant,* June 26, 2004.
[171] See *Algemeen Dagblad,* February 18, 2006.
[172] See yearly reports Landelijk Bureau Racisme Bestrijding, and Landelijke Vereniging van Anti-Discriminatiebureaus en meldpunten (LVADB). See also G.Grubben *Een onfortuinlijke positie. Discriminatie van moslima's in Nederland* (LBR 2001). And Simon (ed.) "Étude comparative de la collecte de données visant à mesurer l'étendue et l'impact de la discrimination aux Etats-Unis, Canada, Australie, Grande-Bretagne et Pays-Bas" (Commission Européenne, 2004).
[173] See www.isim.nl and www.ethnobarometer.org

Couwenberg, a professor of law, wrote in the same year that 'Orthodox Muslims' in Western Countries had become 'the fifth column of the leaders of Islamic extremists, Khomeiny' (in Top 2002: 3).

Discussions on Islam in the Netherlands have proliferated in the first years of the 21st century. In December 2000 the performance of the opera *Aisha and the Women of Medina* in Rotterdam was cancelled because of threats of Muslims who argued that the play was offensive, leading to a wide public debate about Islam, the growing influence of conservative Muslim associations in the Netherlands, and the freedom of artistic expression. Debates also started when the editor-in-chief of the Dutch feminist monthly *Opzij*, Cisca Dresselhuys, declared that she would never accept a woman wearing a headscarf as an editor of the magazine (Meuleman 2001). In May 2001 the television program NOVA broadcast an interview with a Moroccan imam Mr. El Moumni, who argued that 'homosexuality was a contagious disease' which, if spread among Dutch youth, would meant the end of the Netherlands, for 'if men marry men and women marry women, who will take care of procreation?" (cited in Prins 2002: 373; see also Meuleman, 2001 and 2003). During his sermons the imam had also declared that Europeans 'were lower than dogs and pigs' because 'these animals at least do not know same-sex marriages' (in Hekma 2002: 241). Several organisations filed official complaints against the imam for discrimination against homosexuals, but when the imam appeared in court in April 2002 he was vindicated because the judge ruled that he had expressed his religious beliefs (Prins 2002: 375). Nevertheless the so-called 'El Moumni affair' caused a wide public debate about Islam, the freedom of speech, the freedom of religion, and anti-gay prejudice and violence in the Netherlands.

The terrorist attacks of 9/11 led to many contentious discussions in the Netherlands – as they did all over Europe-, especially after the weekly *Contrast* published the results of an opinion poll stating that a majority of the Muslim respondents showed 'understanding' for the attacks (Tops 2002, Fennema 2002). A public outcry followed the publication of the opinion poll, which according to some commentators showed that 'integration had failed' (cf. Fennema 2002: 239). Another opinion poll published in the newspaper *De Volkskrant* on September 26 showed that 60% of the respondents thought that Muslims who showed understanding for the attacks in the

United States should be expelled from the Netherlands.[174] Three days later the French-Dutch journalist Ephimenco wrote an 'Open letter to All Muslims of the Netherlands', calling upon the leaders of the Muslim community to "leave behind the familiar theories of 'victimism' so that the prejudices of non-Muslims can better be negated" and to speak out against radicalism and terrorism (Ephimenco 2001: 30). A journalist of the weekly *HP/De Tijd* argued in October 2001 that Islam should perhaps be forbidden in the Netherlands if it turned out that Islam did not fit in the state of law (in Tops 2002: 10).

Also, the murder of Theo van Gogh provoked a controversial public debate in the Dutch media (see Korteweg 2006). Theo van Gogh was killed by a Muslim radical because of the film *Submission* he had made together with Hirsi Ali. *Submission* dealt with the physical abuse of Muslim women and the ways physical abuse and domestic violence by Muslims was (supposedly) causally related to the text of the Koran (cf. De Leeuw and Van Wichelen 2005). Both the film and the assassination of its maker, have triggered new rounds of contentious discussion on Islam in the Netherlands. The assassin of van Gogh – Mohammed Bouyeri – pierced a knife with a note into Van Gogh's body. The note included a death threat to Hirsi Ali, and a death list with the names of three other politicians.[175]

The image that the Dutch media simply engage in Muslim-bashing cannot be maintained, however. In a study on public debate in national newspapers around the assassination of Van Gogh, Uitermark and Hajer conclude that "after an initial period of moral confusion and a search for new meaning-giving narratives, there was marked rise in the appreciation of several structural problems that face migrants in the Netherlands" (2005: 22).

Role of Political Leaders and Political Parties

After the first Gulf War the leader of the Liberal Right Party (VVD), Frits Bolkestein, argued that Islam was a threat to the fundamental political principles of European civilisation, and suggested that immigrant integration policies should be

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[174] See also EUMC "Anti-Islamic reactions in the EU after the terrorist acts against the USA. The Netherlands" (2002),

[175] Being Jozias van Aartsen (leader of the Liberal Right (VVD) in the Parliament), Job Cohen (the Mayor of Amsterdam) and Ahmed Aboutaleb (the alderman for diversity in Amsterdam and a practicing Muslim of Moroccan descent) (see Uitermark and Hajer 2005).

focussed more on cultural assimilation.[176] This theme was further developed by Pim Fortuyn in his columns in the weekly *Elsevier* and in his 1997 book *Tegen de islamisering van onze cultuur. Nederlandse identiteit als fundament* (Against the islamisation of our culture. The Dutch identity as foundation).

Since 2001, discussions on Islam have continued to rage in political debate in the Netherlands. An important figure in these discussions is Ayaan Hirsi Ali, a Somali-born refugee who left the Social Democrat Party (PvdA) to join the Liberal Right (VVD), and who became a member of parliament in 2003. The place of Hirsi Ali in Dutch public debate is extremely complex and continuously inflames public opinion. This specific position of Hirsi Ali in Dutch debate on Islam is related to two factors: *first*, her specific subject-positioning in Dutch public debate; *second,* the content of her political messages, her critique of Islam and the rhetorical style in which she chooses to express her opinions. I will briefly comment upon these aspects.[177]

Since her eruption into the Dutch public debate in the autumn of 2001, Ayaan Hirsi Ali, has subject-positioned herself and has been subject-positioned by others in various ways. She has been seen as the 'female Voltaire for Muslims in the Netherlands' who can voice a much-needed critique of Islam (cf. Prins 2004: 144). Moreover, she has positioned herself as an insider with 'expert knowledge', who as a former Muslim woman can claim particular knowledge about Islam and violence against women: "her status as victim of Islamic violence gives her an authoritative and powerful voice in resisting the source of that violence. Through her biographical accounts and essays, where she 'speaks out' about her circumcision and arranged marriage, she becomes the legitimate accuser through her own witnessing of the violence" (De Leeuw and Van Wichelen 2005: 330). She has also claimed to be the voice of oppressed Muslim women in the Netherlands who cannot speak or who are afraid to do so. This claim of being the representative or spokeswoman of 'oppressed Muslim women in the Netherlands' has led to fierce polemics, because many Muslim women do not in any way feel represented by Hirsi Ali. When discussing the film *Submission* in the news program *Nova* (October 13, 2004) with four Muslim women in a shelter home, the problematic aspects of this claim of representation became painfully clear. When one of the abused women left the

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[176] See Frits Bolkestein, 'On the collapse of the Soviet Union', Address to the liberal International conference, September 6 1991.

[177] For more elaborate discussion see Loewenthal 2003; Prins 2004; De Leeuw en Van Wichelen 2005.

discussion arguing that Hirsi Ali was not interested in any dialogue, Hirsi Ali responded with a dismissive gesture saying 'okay, goodbye then' (in De Leeuw and Van Wichelen 2005: 331). At another occasion Hirsi Ali tried to illustrate the dangers of Islamic fundamentalism by provoking 9-year old school children to give an answer to the question whether they would choose 'the Dutch constitution or Allah'. Hirsi Ali also positions herself as someone who has awakened the Dutch left-wing elites from their naïve and dogmatic 'multicultural slumbers'. Here the fact that she left the scientific bureau of the Social Democrats to become an MP for the Liberal Right is used to suggest that the Left parties are not genuinely concerned about 'the suppression of Muslim women'. Finally, Hirsi Ali has been the victim of serious and extremely violent death threats, including the gruesome fact that a note pierced into the corps of Theo van Gogh contained a threat directed at her. A group of rappers from The Hague were arrested in 2004 and convicted for a song about Hirsi Ali which included several death threats ('I will break your neck', 'we are preparing the assassination of Hirsi Ali'). Because of these threats Hirsi Ali has come to symbolise the need to protect the freedom of speech and the safety of politicians in the Netherlands. The fact that all these subject-positions are constantly being played out by supporters and opponents of Ayaan Hirsi Ali makes public debate about her statements and opinions extremely complex.

The content of Hirsi Ali's political message, on the other hand, is relatively straightforward. According to Hirsi Ali, Islam is fundamentally incompatible with liberal democracy, even in its more moderate or liberal interpretations. Moreover, she has declared that the prophet Mohammed was 'a paedophile' and 'a perverse tyrant', at least 'according to present day standards'. She continuously warns the Dutch not to be naïve and to understand that even Muslims who may seem modern and liberal are dangerous, because 'liberal Muslims' simply try to camouflage their adherence to a deeply illiberal and archaic religion.[178] Domestic violence by Muslim men is, as was made clear in the film *Submission* made by Hirsi Ali and Van Gogh, inevitable, because Muslim men simply follow up on religious commandments which are laid down in the Koran. Hirsi Ali has asked for a ban on denominational schools and especially of Muslim schools in the Netherlands. Moreover, in June 2004 she insisted that 'all Muslims' who would be

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[178] See for example Ayaan Hirsi Ali 'Strijd tegen absolute Allah is geboden' in *NRC Handelsblad* November 8, 2005.

applying for a job which had 'a security risk' should go through a process of 'ideological screening' because the Netherlands were 'at war'.[179] She accuses people who argue in favour of a more nuanced approach and who want to engage in a dialogue with Muslims, of being traitors and cowards. Recently she suggested that in dealing with Islam the West had the choice between heroic confrontation or cowardly appeasement. Those who refused to engage in a battle against Islam made a similar mistake as the British Prime Minister Neville Chamberlain did when Europe was confronted with the rise of the Nazis in the 1930s. Citing Churchill's statement that 'political appeasers' were 'sheep dressed in sheep's clothing', Hirsi Ali wrote sarcastically: 'everybody knows what Muslims do to sheep'.[180]

Hirsi Ali is not the only Dutch politician who features prominently in the headlines of Dutch newspapers and television, because of statements on Islam.[181] A number of national politicians, such as Geert Wilders, Joost Eerdmans, and Hilbrand Nawijn also repeatedly argue that Islam is a threat to Western civilisation. This has led some politicians, notably Geert Wilders, to ask for the deportation of Moroccan youth who engaged in petty crime, saying: 'if they have two passports we should take back the Dutch passport and expel them to Morocco'. At other occasions Wilders has asked for the immediate deportation of all the supposed suspects of Islamic radicalism in the Netherlands.[182]

A number of local politicians, notably in Rotterdam, have also been very visible in the Dutch media, because of their statement on Islam. Alderman Marco Pastors of Liveable Rotterdam (*Leefbaar Rotterdam*) spoke out in 2002 against the establishment of mosques in a 'deviating style'. According to the alderman, Islam did not recognise the separation of state and church and 'criminal Muslims used their religion to justify their

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[179] Hirsi Ali in *Buitenhof*, June 20, 2004.
[180] See 'Confrontatie, geen verzoening' in *De Volkskrant* April 8, 2006.
[181] In May 2006 Hirsi Ali resigned from parliament when her Dutch citizenship was revoked because of the fact that she had lied about her name and age on her asylum application in 1992. The decision to revoke the citizenship of Hirsi Ali was taken under the political responsibility of Minister Rita Verdonk and caused political and public turmoil, especially because the inaccurate information on Hirsi Ali's asylum application were publicly known since many years. Hirsi Ali declared that her decision to resign from parliament and apply for a job at the American Enterprise Institute, was also related to the fact that she would have to vacate her secure government apartment in September 2006, because her neighbours won a lawsuit complaining that her presence exposed them to risk.
[182] See for example "Den Haag laf tegen islamitisch extremisme" in *NRC-Handelsblad* July 22, 2005, see also http://www.geertwilders.nl

crimes'[183]. Another alderman of Liveable Rotterdam, Marianne van den Anker, also wrote an essay which was published by the city of Rotterdam, and which served to stimulate debate about Islam in Rotterdam. According to Van den Anker 'Muslims' were guilty of 'gang rapes' because they considered Western women to be 'whores anyhow', and she argued that 'Muslims' were guilty of 'stoning' women. According to the alderman there were seven 'plagues of Islam', including the 'cult of virginity', 'hatred of homosexuals', 'honour killing' and 'female circumcision'.[184] In February 2006 the same alderman argued that there should be a serious political discussion about the possibilities of making abortion obligatory, for instance for 'Antillean teenage mothers' and 'drug addicts'.[185] In January 2006 the so-called 'Rotterdam Code' was published by the municipality, which urged immigrants to adapt to Dutch norms and values. According to the municipality the rejection of discrimination was a central demand, but citizens should also 'stress the right of free partner choice', they should not insist that women should 'remain a virgin until they marry' and the municipality demanded everybody to speak Dutch on the street and in public places.

Role of Intellectuals

Politicians such as Ayaan Hirsi Ali, Geert Wilders and Marco Pastors do not stand alone in voicing their critique of Islam in public debate. A number of liberal and conservative opinion-makers have made a career in the Dutch public debate by bashing Islam. A professor of philosophy –Herman Philipse – has maintained that Muslims in the Netherlands adhere to values which are characteristic of a 'tribal culture'. Because of this 'tribal culture', immigrants legitimize the use of violence and destruction. According to Philipse, Islam is thoroughly incompatible with the separation of state and church or with 'Western civilisation' and modernity in general.[186] Other leading figures are Afshin

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[183] Because of these statements Pastors has been forced to step down from the board of Mayor and Aldermen in November 2005. See also "Fighting Islamophobia in a Region" speech by Ibrahim Spalburg, director of the Foundation Platform of Islamic Organisations in Rijnmond (SPIOR) in *The Fight against anti-semitism and Islamophobia. Bringing Communities Together. A Summary of three Round Table Meetings* (EUMC 2003: 83ff.)

[184] See City of Rotterdam, Islam and Integration series, 'Rapport interne debatten', April 2005.

[185] See 'Commotie in Rotterdam over verplichte abortus' in *Algemeen Dagblad,* February 18, 2006.

[186] See Herman Philipse "Stop de tribalisering van Nederland" in *NRC-Handelsblad* September 27/28 2003. Ironically, this professor was interviewed in 2003 by the French Stasi committee on *laïcité* as an expert on

Ellian, an Iranian refugee who is a professor of Law and a columnist of *NRC-Handelsblad*. In a similar way as Hirsi Ali, Afshin Ellian positions himself as an 'expert witness' who fled Iran because of the tyrannical regime, and now fears the growing influence of Muslim radicalism in the Netherlands. Another prominent speaker in public debate about Islam is Paul Cliteur, a professor of Ethics, who maintains that religion breeds violence ('the more religious people are, the more they are potentially dangerous' (Cliteur 2002: 52). These commentators argue that there is a need to return to the values of the Enlightenment, and that Islam constitutes a threat for secularism. Moreover, they criticize 'multiculturalism' and what they label 'moral relativism'.[187]

Religious Practice of Islam

In recent years there has been a great number of policy proposals and attempts to frame the development of Islam and Islamic practice in the Netherlands. Because of the highly politicised public debate and because of the continuing number of incidents related to Islam, it is difficult in any way to speak of a comprehensive policy. Nevertheless, the overall assumptions underlying several policy proposals are relatively clear: if left to itself there is no guarantee that Islam in the Netherlands will develop in a direction which is good and which will contribute to immigrant integration, social cohesion and to the continued existence of a peaceful, democratic society. On the one hand, the government and many local authorities argue that Muslim associations can provide a positive contribution to immigrant integration, and that Muslim associations and religious leaders can notably help in 'implementing policy objectives' in the domain of immigrant integration.[188] On the other hand, public authorities have expressed their desire to become less lenient and naïve in their attitude toward Muslim organisations. Public authorities intend to strengthen the ties with Muslim organisations, but simultaneously the leaders of these associations are called upon to show their true colours and reject Islamic radicalism. This approach finds an echo among many Muslim organisations, as many Muslim parents also worry about processes of radicalisation

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integration in the Netherlands. The members of the French committee concluded after an interview with the 'researcher' Philipse that there was a danger of 'tribalism' in the Netherlands.

[187] For discussions about the role of intellectuals in public debate about Islam, see Prins 2004; Van Bruinessen 2006; Peters 2006.

[188] See Brief aan de Tweede Kamer van Minister van Boxtel, kamerstuk II 1999/2000, code 2633, issue 13.

among their children. Besides, a national Council of Muslim Organisations (Contact Orgaan Moslims en Overheid (CMO)) was established in 2002, which brings together most of the Sunni Muslim umbrella associations in the Netherlands.

A number of problem definitions prevail at the present day. First, there is the idea that a generational gap exists within the Muslim communities and within the existing Muslim organisations in the Netherlands. Mosque Committees are mostly administered by first-generation men, many of whom have received almost no education and hardly speak Dutch[189]. Many policy-makers are convinced that it is necessary that women and the young will begin to play a more important role in Muslim organisations in the Netherlands. If Muslim organisations manage to become more attractive to younger Muslims, this might prevent young people to go astray and by consequence be seduced by the discourses of Islamic fundamentalism or radicalism. A second and related issue is the need for a more adequate training of imams in the Netherlands. The constant influx of foreign imams who are unfamiliar with Dutch society and with the specific needs of Muslims in the Netherlands, is seen as problematic. The imams are said to be unable to help young Muslims. The fact that the young might more and more abandon - what are now often labelled - the 'mosques of the fathers', is said to create opportunities for fundamentalist movements such as the Salafites, who offer an alternative religious infrastructure, and for so-called 'travelling imams' who are linked to international Islamic radical movements. A third aspect concerns the perceived tensions between Islam and key 'Western' values. Many policy makers argue that there should be more room for debate on issues such as the equal treatment of women or gays, and on the use of violence. Moreover, such an open debate should also include the possibility of questioning religious ideas or deeply held convictions. Whereas only some Dutch politicians maintain that Islam simply is incompatible with modernity and democracy, there is a more general idea that there is a need for more debate with Muslims and for discussions within Muslim communities in the Netherlands about sensitive issues. These general ideas about the development of Islam in the Netherlands have led to a number of proposals and plans in recent years.

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[189] This image needs to be handled carefully though, because the Turkish Muslim organisations in the Netherlands are administered by a highly qualified staff (see Sunier 1996; Canatan 2001).

Clergy

The Dutch government has, since the early 1990s, set out to tackle the issue of the training of Muslim religious personnel. This public sense of urgency of 'doing something about imams' has grown because of a number of incidents (cf. Shadid and Van Koningsveld 1999). In the town of Almere an imam refused to shake hands with the female alderman, which caused a small scandal. There was a strong reaction to the statements of a Moroccan imam who said that homosexuality was a contagious disease (see above). And there was an incident with an imam of a mosque in Tilburg who refused to shake hands with the (female) Minister of Integration and Aliens Affairs, Rita Verdonk. Besides, there have recently been a number of cases of foreign imams who are (or will be) expelled from the Netherlands because of their radical sympathies and discourses.[190] In an attempt to do something about imam training, three different policy tracks have been developed.

First, there is a continuing discussion on the need for a Dutch imam-training facility. According to many commentators this would help to solve several problems, but in practical terms these initiatives are constrained. First, because of the separation of state and church, the possibilities for a state-sponsored (let alone a state-controlled) imam training facilities are extremely limited. Second, many representatives of Muslim associations are sceptical about a new Dutch imam training facility, because of the importance of ethnic differences within the Muslim population in the Netherlands, and because of the specific demands of an imam training (which in most Muslim countries takes several years). Especially the Turkish Muslim associations who at present work with imams and who are employees of the Turkish Directorate of Religious Affairs (the *Diyanet*) are very reluctant to change their practices. Representatives of these organisations argue that if the aim is to prevent radical discourses, it is better to have well-trained imams who are educated in Turkey, than to find oneself with - what Olivier Roy has named – young self-styled imams who claim to be experts in religion because of their orthodox life-style (cf. Roy 2004: 148ff.). Moreover, many Turkish Muslim organisations want to maintain and develop the close, transnational cultural and religious ties with Turkey. These is no imam-training facility or university yet in the Netherlands, but in September 2005 a new master program for 'Muslim ministers' has

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[190] See "Moslimorganisaties ongerust over geplande uitzetting" in *De Telegraaf*, February 22, 2005.

started at the theology faculty of the Free University in Amsterdam, which is sponsored by the government.

A second proposal was to simply forbid the further admission of foreign imams to the Netherlands from 2008 onwards. This idea was proposed by the Social Democrats (PvdA) in the Dutch Parliament in 2004. However, because of the principles of religious freedom and of equal treatment, such a policy would require a general ban on the admission of foreign clergy to the Netherlands. A recent report on the matter advised against such a ban. The Advisory Committee on Aliens Affairs (ACVZ) argued that: "general prohibitions/requirements are incompatible with freedom of religion, in conjunction with the principle of equal treatment, and with the reserve which the government should exercise in relation to the choice of clergy made by a faith community".[191]

The third proposal, which is the only one which had actually been implemented, is the mandatory civic integration program for immigrant 'clergy'. Even though this civic integration training is officially destined for all kinds of immigrant religious personnel, it is in fact first and foremost destined for new imams and (to a lesser extent) Hindu teachers. This program exists since 2002. It includes a special track of ten meetings for imams which, among other things, should inform them about other religious communities in the Netherlands, and provide knowledge and expertise which may be of use for imams in their work of socio-spiritual guidance. This track exists alongside the regular language training (which however includes specific vocabulary training, which may be of use for religious personnel). After completing the course, imams receive a kind of certificate.[192]

Provisions for religious practice: Muslim schools and mosques

The second issue related to the need to steer Islamic practice in the Netherlands concerns mosque establishment and Muslim denominational schools. The mosque issue

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[191] See Advisory Committee on Aliens Affairs "Toelating en verblijf voor religieuze doeleinden" (July 2005). Also Hendrickx and de Lange "Religie, levensbeschouwing en vreemdelingen in Nederland. Een onderzoek naar de toelating van vreemdelingen voor religieuze doeleinden" (2004) and ICMPD "Comparative Study on the Admission of Clergy: Study on the Admission of Third Country Nationals for the Purpose of Carrying out Religious Work" (February 2005).
[192] See Ministerie van Binnenlandse Zaken en Koninkrijksrelaties "Inburgering van geestelijke bedienaren. Een handleiding voor gemeenten" (2001).

is primarily a matter that is dealt with by local authorities. There have been some politicians –such as the extreme right politician Hilbrand Nawijn – and journalists, who have called for a ban on mosques in the Netherlands. In Rotterdam, alderman Marco Pastors developed a policy proposal in 2004 to prevent the establishment of minarets and mosques built in an 'out of the ordinary style' (see Maussen 2004; 2006). However, these kinds of proposals, which are part of anti-Islam rhetoric, usually do not result in concrete measures, as they would imply a change of the constitution which guarantees freedom of religion and equal treatment. Alderman Marco Pastors, who proposed these measures, has been forced to step down from the board of Mayor and Aldermen of Rotterdam after declaring that Muslims often invoked their religion to legitimize their 'criminal behaviour'.

A second major issue is the demands to limit the possibilities for the founding of Muslim schools. Recent investigations by the Dutch Inspectorate of Education have concluded that almost all of the Islamic schools have an open attitude towards Dutch society, and play a positive role in creating conditions for social cohesion (Merry and Driessen 2005: 422). Speaking about the situation of Muslim schools in the Netherlands, leading experts Michael Merry and Geert Driessen write that there is a wider discussion about the Dutch school system, but:

"Muslims are commonly seen as a threatening political presence in a way that the other groups generally are not. Equality on paper, therefore, has not translated into equality in practice. Notwithstanding the positive reports issued by the Dutch Inspectorate of Education, Islamic schools continue to be viewed with distrust, and elections make Islamic schools easy targets for vilification, as unemployment and crime turn popular opinion against the presence of a visible minority groups. In the wake of the van Gogh murder, some mosques and Islamic schools became targets either for vandalism or arson" (Merry and Driessen 2005: 427).

In the spring of 2004, Minister of Education van der Hoeven determined that any new Islamic school must have a school board which comprises only members with Dutch nationality. A general ban on Muslim schools would demand a change of the Dutch

constitution and would imply that other denominational schools would also be closed down. At present there is a wide debate going on about this issue, which was put on the public agenda by Ayaan Hirsi Ali and others.

A third field of issues concerns proposals to ban certain symbols of Islam.[193] When the far-right MP Geert Wilders suggested in October 2005 that a ban on the burka was necessary for 'security reasons', Minister Verdonk happily took up the suggestion and promised to investigate the matter.[194] This investigation is still ongoing. Critics have argued that the number of Muslim women actually wearing the burka in the Netherlands is so small that a special 'legal ban on the burka' mainly serves political interests of politicians who want to show that they are 'tough on Islam'. On the other hand, in several Dutch cities, such as Amsterdam and Utrecht, there have been policy proposals to reduce the unemployment benefits for women who wear a burka. Local authorities argue that by wearing a burka, women seriously reduce their chances of finding a job in the Netherlands. Other recurrent discussions concern banning the Islamic veil in schools or for civil servants.

Significant National and Local Measures to Fight Islamophobia

The Netherlands has an extensive set of legal means to combat discrimination and racism.[195] The Commission on Equal Treatment was installed in 1994 as part of the Equal Treatment Act designed to "combat discrimination and unequal treatment in the sphere of civil law, and which is gradually becoming the most important instrument in the Netherlands to fight discrimination outside the sphere of the Criminal Code".[196]

The National Bureau Against Racial Discrimination (*Landelijk Bureau ter bestrijding van rassendiscriminatie*) (LBR) is a national centre of expertise for the prevention of racial discrimination. The bureau closely collaborates with several local

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[193] See also IHF (2005) "Intolerance and discrimination against Muslims in the EU. Developments since September 11. The Netherlands", pp. 112-113.

[194] See "Dutch unveil the toughest face in Europe with a ban on the burka" in *Times Online*, October 2005.

[195] See for an excellent overview 'Anti-discrimination Legislation in EU Member States. A comparison of national anti-discrimination legislation on the grounds of racial or ethnic origin, religion or belief with the Council directives' (EUMC 2002).

[196] See "Anti-discrimination Legislation in EU Member States. A comparison of national anti-discrimination legislation on the grounds of racial or ethnic origin, religion or belief with the Council Directives. The Netherlands" (Zwamborn EUMC 2002: 18).

bureaus for the prevention of discriminations, in order to monitor and prevent racism and discrimination. An exemplary project is called 'School without Racism'.[197]

Since the terrorist attacks in the United States in 2001 and especially since the murder of Theo van Gogh, there has been growing concern in the Netherlands about acts of violence against Muslims and against Islamic institutions such as mosque buildings and Muslim schools. After the burning of a mosque in Helden in November 2004 the Minister of Aliens Affairs and Integration, Rita Verdonk, installed a number of 'intervention teams', which served to advise municipalities on dealing with and preventing inter-ethnic tensions and violence (see Witte, Brassé et al. 2005). These initiatives have been carried out together with FORUM, the institute for Multicultural Development in Utrecht. This institute has developed several projects for Muslim youth in the Netherlands, and advised local authorities about ways to prevent ethnic tensions and to develop more understanding for the various ways of being Muslim in Dutch society.[198]

Finally, local authorities have, especially since 2004, been developing new policies to prevent further radicalisation of both Muslim and right-wing youth. In Amsterdam the municipality carried out several studies on 'ethnic tensions' at primary and secondary schools. Moreover, the fight against discrimination and prejudice is also part of the new 'anti-radicalisation' policies, which are developed by municipalities such as Amsterdam, Rotterdam and Utrecht (see Maussen 2006a). Amsterdam presented a plan to prevent radicalism and encourage mutual understanding, called 'We the people of Amsterdam' ('*Wij Amsterdammers*') in January 2005. Besides attempts to increase the possibilities of surveillance and control, there are also projects to enhance social cohesion, and notably to mitigate feelings of exclusion and discrimination among Muslim youth. In Amsterdam, for example, a key element of the campaign against radicalisation is the fight against discrimination and intolerance. In the district De Baarsjes the city district council and mosque committees joined together to establish a special centre to register complaints about discrimination of Muslims. Those who were involved argue that this special bureau was a way of lowering the threshold for Muslims to register discrimination.[199]

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[197] See: http://www.lbr.nl/?node=1257
[198] See: http://www.forum.nl
[199] See "Moslims: eigen meldpunt discriminatie" in *De Volkskrant* October 7, 2005.

Concluding remarks

In the course of the past five years there has been a worrisome increase in anti-Muslim violence and discourse in the Netherlands. Especially the assassination of Theo van Gogh in November 2004 has been an important factor in this trend. Sometimes it appears as though public and political debate on Islam in the Netherlands has 'gone wild'. Drastic and discriminatory policy proposals have been discussed by national and by local authorities, such as forbidding mosque establishment and Muslim schools. However, oftentimes political ideas flounder because of prevailing legislation and international agreements. Moreover, it often seems as if discussions about Islam and about Muslims in the Netherlands focus exclusively on issues related to terrorism and radicalism, and on issues related to 'civic integration'. By constantly addressing Muslims in the Netherlands as 'immigrants' and not as equal citizens, democratic values and norms, such as equal treatment and freedom of religion, are endangered.

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Germany

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First of all, the term Islamophobia as used in this country report has to be defined for the German context, as there is no more universally accepted definition of what Islamophobia is and how it is practiced. Islamophobia in Germany tends to be part of a more general xenophobia, so that people are seldom overtly rejected on account of their Muslim faith. Following a proposal for a definition of Islamophobia by Heitmeyer, this phenomenon can be defined as "the feeling of being threatened by, and a rejecting attitude towards, groups of Muslims, their culture and their public-political or religious activities" (Heitmeyer 2005, p.15- translation by the authors). This definition, which we adapt for our country report, includes all forms of latent and manifest, direct and indirect, forms of Islamophobia. It must be stressed that criticism against activities of Islamists who aim at overthrowing the democratic system is not considered as Islamophobia (Seidel 2003; Werbner 2005).

Islamophobia as a subject of scientific research is quite a new phenomenon in Germany. Until recently, religious attitudes and especially Islamist activities of Muslim communities were more in the spotlight of German social scientists than the anti-Islamic attitudes in the German society (Leibold/Kühnel 2003). There only existed a few significant studies concerning the media and their reporting on Muslims and Islam (Hafez 2002; Schiffer 2005). Islamophobic attitudes in the German society were only recently analyzed and reported annually on the basis of a longitudinal panel study (Heitmeyer 2002, 2003, 2005).

From small beginnings in the early 1960s, Islam has become the third-largest faith in Germany, after the two main Christian denominations. It has also increasingly become the subject of fears and resentment in German society, especially when it comes to the issue of women's role in society and the meaning of the veil (hijab) (see Blaschke/Sabanovic 2000, 131). Although the total number of people with a Muslim

background was estimated to be 3,2 million by the year 2000, that is approximately 3.5% of the total population of Germany[200] - the majority of society still remained surprisingly ignorant about them and their religion for a long time. Islam has been treated as an issue in schools only recently, and a number of Christian-Islamic circles have been established since the mid 90s. The rising xenophobia in the majority society after the reunification of the two German states at the beginning of the 90s, which targeted refugees and former work migrants ('guest workers') alike, was a starting point for several such initiatives, as the biggest Muslim community in Germany, that of migrants of Turkish origin, was very often the target of hostile attacks of some right wing groups of German juveniles. The Islamic issue – and in consequence, Islamophobia – are closely connected to the situation of the majority of Muslim migrants, constituting some kind of an ethno-religious sub-proletariat in Germany. In debates about Muslims in Germany, religion is often viewed as an obstacle to integration. Furthermore, the argument is made that being Muslim can hinder migrants to become good citizens of a democratic state and also to share in the common European values. This would appear to be based on a definition of integration that equates it with 'assimilation'. Islamic organisations are seen as forces that strengthen the bonds to the countries of origin. In fact some political actors, as well as many migrants and their organisations, did not focus on integration but on the preservation of cultural traditions, since for a long time the majority of migrants were supposed to go back to their countries of origin, and believed themselves that they would do so. Not only in German politics but also in the activities of some religious organisations, an engagement for integration is a rather new phenomenon. Major changes in the German citizenship law, enacted in 2000, were an important marker of this shift, as well as the discussion about integration policies in the framework of the new immigration law that after four years of debate was finally accepted by the German legislature in 2004.

Yet, questions of German attitudes to, and the integration of, Muslims, are not just cultural ones. The official political attitude both of the government and the population to migration policy and Islam as one of the most controversial cultural

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[200] This estimation is based on the number of all those people with a non-German citizenship from countries predominantly inhabited by Muslims who are currently living in Germany. Some 400.000 people are added, those who obtained a German citizenship as former citizens of countries predominantly inhabited by Muslims or as children of parents of this origin being born after the year 2000. Thus, this figure does not express any formal affiliation to Islam.

elements in discussions of migrant culture is of central importance (for details see Beauftragte der Bundesregierung für Migration. Flüchtlinge und Integration, November 2005 as well as documents on discussions on the presence of Islam in the Deutsche Bundestag: Deutscher Bundestag 2000, Deutscher Bundestag 2003).

Relations Between the State and Muslims

Muslim organisations in Germany function in a highly nation-specific political and legal context, which is characterised by a strong public presence of religions and a tight cooperation between the state and religious communities. The German concept of *Secularism* is not based on a radical separation of state and religion, nor on the latter's privatisation. Rather, the separation of state and religion in Germany, as it finds expression in the legal corpus concerning religion (*Staatskirchenrecht*), limits the state's right to intervene in and regulate religious communities who are encouraged to maintain a strong public presence and to partake in various tasks accruing to the state. Freedom of religion, guaranteed by article 4 of the German Basic Law, includes the right to believe or not to believe, to practise or not to practise one's faith in public, and to maintain religious institutions and organizations. More specifically, religious communities – as well as other ideological groups – can be recognized as corporations of public law (*Körperschaften des öffentlichen Rechts*) to whom the state cedes substantial parts of its sovereign rights (Art. 140 of the Basic Law in combination with Art. 137 of the Weimar Constitution). As a result, the Christian churches and also the Jewish community have their own official representatives; they are entitled to membership in various bodies to which the state has delegated certain tasks – like the Radio and Television Committee, and in some of the 16 German states the churches are a major provider of social services. A typical case is North Rhine-Westphalia, where 80 per cent of the kindergartens are run by non-governmental organizations, the predominant part of these being run by churches. In this context, it needs to be pointed out that corporations of public law – as partaking in the state's sovereign rights – are to a certain degree free to diverge from legislation concerning workers and employees and are entitled to appoint their own "civil servants" (*Beamte*). In all German states, Church taxes are collected by the state, and in most of them religious education is part of the

public (i.e. state) schools' regular curriculum. Teachers of religious education need to fulfill certain general conditions regarding teaching staff in German schools; however, according to current legislation, the content of religious education should be decided solely by the religious communities (see below for further discussion).

In summary it may be said that Germany's constitutional and legal framework concerning religion, which is based on an understanding of religious communities as highly organised hierarchical institutions, lays down a prominent public role for religious communities, particularly in the domain of education and social welfare. While the state's support for the public role of religion, whose rationale is summarized famously in the saying that "the liberal, secular state lives from presuppositions which itself cannot guarantee" (Böckenförde 1976, 60 – translation by the authors), has been regularly criticized by various groups and has been restricted more recently in some states of the former German Democratic Republic, it continues in general to enjoy strong support from the major political parties. Debates concerning the public recognition of Islam thus take place in an environment where the stakes, from the point of view of the state and the majority society, and the conditions of entry, from the point of view of Muslims, are high, i.e. higher than in many other European countries.

Status of Ethnic Minorities
In Germany, ethnic minorities can be defined according to their legal status as a group with or without special cultural and/or political rights, as follows:

Regional indigenous ethnic minorities (Sorbs, Danes and Frisians) possess a special legal status and the protection of minority rights. In the case of the Danes in the Land of Schleswig-Holstein a bilateral agreement (Declaration of Bonn-Kopenhagen, 1955) guarantees the right for Danish educational institutions, churches, organizations and special quotas to secure political participation on a regional basis. A member of the Danish minority is s/he who declares him- or herself to be a member of this minority group. Being a part of the ethnic minority is a matter of personal commitment and not something to be declared by the State (see Heckmann 1992, p. 6). Another indigenous ethnic minority are the Sorbs in the state of Berlin-Brandenburg and Saxonia with special cultural (schools, churches, organizations), but not political rights.

- **Indigenous religious minorities with statewide recognition.** The Jewish community is protected by special minority rights with respect to their religion. This goes back to the experience with the Nazi Regime and the prosecution of the Jews. By granting special minority rights to this non-regional religious minority, Germany accepts its special responsibility for the Holocaust. Another group that also suffered prosecution under the Nazi Regime, the Roma, has not yet gained the same minority status. The Central Council of the Sinti and the Roma, which lobbies for Roma rights, tries to change this in favor of the Sinti and the Roma in Germany, but it has not succeeded until now. It was only in 1982 that the German government acknowledged the crimes conducted against the Roma and Sinti during the Nazi-Regime (see Heckmann 1992, p.9).

- **Other groups.** The Sinti and Roma were acknowledged as an ethnic minority when Germany ratified the European agreement on national minorities in 1998 (Bundesgesetzblatt 1998, 57). Furthermore, the European Charter for Regional or Minority Languages has been accepted since 1999 (Council of Europe 1999). Thus Romany could be taught as a minority language (cf. Jonen / Boele 2001, 19)

New ethnic minorities like the former guestworkers from the Mediterranean and their descendents, or people who have come through the status of refugees or asylum-seekers, have no special legal minority status, but the state offers some concessions with respect to their cultural needs. In this framework it offers some optional services in

state schools to preserve the knowledge of the mother tongue. Additional courses in native languages of the biggest groups of the former 'guestworkers´ and ethnic Germans from the former Soviet union (like Turkish, Greek, Italian, Russian etc.) are provided in some state schools either by the state (like for instance in North Rhine - Westphalia or Berlin) or by the corresponding nation-states (Turkey, Italy etc.) (like in Bremen, Baden-Württemberg, Hessen).

The only **religious minority** with special rights for religious practice (for instance slaughter according to the rules of obtaining kosher-meal) and representation (for instance as a member of the German broadcasting council) is the Jewish community, this is due to the historical responsibility on the side of the German government as well as due to their capability to organize themselves in a central body (Central Council of Jews in Germany/Zentralrat der Juden in Deutschland). As explained earlier, Muslims do not have the same minority rights because of their organizational structure and the 'lack of a central representative to the state'.

Anti-terrorism and Security Laws

The 'Law to Combat Terrorism' (Gesetz zur Bekämpfung des Terrorismus) from January 2002 introduced amendments to approximately twenty laws and edicts, among them the Law on Aliens (Ausländergesetz) and the law on the registration of foreigners (Ausländerzentralregistergesetz) and the act for registered associations (Vereinsgesetz). This law especially affected the treatment of personal data of foreigners, and thereby the sphere of data protection and data exchange. The competences of the security agencies were extended, biometric data were introduced into documents for foreigners, like the permit of residence (Aufenthaltsgenehmigung), but also in passports of Germans. Immediately after 9/11 a dragnet investigation (Rasterfahndung) has been conducted to gather information on male persons from predominantly Muslim countries who studied or used to study at German universities. The amendments of the law on aliens augmented reasons for denial of visa and residence permissions and for expulsions of foreigners, in order to make sure that terrorists do not enter the country or that they can be expelled (Bundesgesetzblatt 2002).

After the Law To Combat Terrorism had been enacted, a former member of the IGMG[201] was fired because of this earlier engagement, which was the basis for denying him positions in security-sensitive areas of an airport. This was the first pertinent juridical instance decided in favor of the employer, because the employee had been a member of an organization accused of engaging in anti-constitutional endeavors. The second juridical instance agreed that the membership in such an organization poses the question whether the person should be allowed to work in sensitive areas. According to the Office for the Protection of the Constitution, this particular organization consists of different sections, a circumstance which needs to be taken into account in such a case. Therefore it decided in favor of the employee (Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration 2005, 391).

The German understanding of religious freedom also includes the idea that religious organizations need protection by the government. This led to the principle that religious organizations are not judged by the same standards as, for instance, political parties, and thus enjoy a greater freedom, for instance, of speech. After 9/11 the legal privilege of religious organizations has been lifted in order to prohibit extremist Islamic organizations. Until now use of this possibility has been made three times in the case of the Turkish-speaking group in Germany "Kalifatstaat" in 2001, the organization called 'Al-Aqsa' in 2002 and the globally influenced group "Hizb-u-Tahrir" in 2003. Since 2002 the debate about Milli Görüs started with the suggestion to ban this organization.

As one of the security measures established after September 11th, mosque organizations face an increase in control and search without apparent causes. This was reported to us by IGMG officials in November 2005. Searching in front of the mosques and in front of non-Muslim neighbors with a massive presence of police personnel is reported as causing unnecessary mistrust against the Muslim visitors of the mosque in the eye of the surrounding non-Muslim neighborhood. These controls of mosques are due to a recently established Anti-Terrorism-Law (For further information see Davy 2003; Hoffmann-Riem 2002; 2004 Huber 2002; Davy 2003, Marx 2002; Kugelmann 2003; Renner 2003).

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[201] Islamische Gemeinschaft Milli Görüs

Immigration Policies

The last 15 years were certainly the most crucial ones in the development of Germany from a country of temporary migration of foreign workers to a country of immigration. The implementation of a new Foreigners Law in 1991 opened the path for those foreigners who lived at least fifteen years (right to obtain the German citizenship) or 10 years (option to get the German citizenship) in Germany and their children to become German much easier than before. 16 to 23 year old foreigners have now obtained the right to be naturalized to the German citizenship when they have regularly lived 8 years in Germany, and have attended a German school for at least 6 years. This was a first step to the official acceptance of the growing tendency for permanent settlement of people of foreign origin in Germany. The former citizenship rules had still to be abandoned at that time, since the ius soli was still in force for children of foreigners being born in Germany, and the overwhelming part of foreigners living in Germany for more than 10 years still did not possess the German citizenship and were consequently excluded from political participation. Only foreigners with the nationality of an EU-country could participate in elections on the local level (*Kommunalwahlen*). Thereby, a great number of residents in Germany were excluded from the right to vote and the right to be elected. This was especially true for most of the Muslims living in the country, as they mostly come from non-EU-countries.

Following the collapse of the former Soviet Union in 1989, Germany had to face a growing immigration of ethnic Germans (Aussiedler) from this region. Steadily growing from that point on their number reached the mark of 400.000 persons/year in 1993. In reaction the German government established a new immigration law for people of German origin from the former Soviet Union to diminish the number of applications for permanent settlement in Germany. According to this new law (Kriegsfolgenbereinigungsgesetz 1993), the acceptance of the application was made dependent on the knowledge of German on the side of the immigrant and on the direct ties (and proofs) the applicant could present with respect to his or her German ethnic origin. Contrary to the former legislation concerning applications of ethnic Germans (Aussiedler) for permanent settlement in Germany, applications now had to be sent from the country of origin, no later than arriving at the German border. In addition to these new measures a new Asylum Law was established in 1993, which also aimed to diminish

the number of applications for Asylum. As a result of the Schengen Agreement now asylum seekers who come from so called "Safe-Third-Countries" are sent back to these countries. As Germany is surrounded by these kinds of "Safe-Third-Countries", asylum seekers can only enter the country by plane or by ship, while the controls on these entering points have been tightened.

A shift from jus soli to jus sanguinis finally marks the turning point in German immigration policy. In the year 2000 the new citizenship law was implemented after a vivid and most controversial political and public discussion on whether Germany really was a country of immigration or not. The new citizenship law now automatically grants all children of those foreigners who live at least eight years legally in Germany the German citizenship in addition to that of their parents until the age of 23. Then they finally have to decide whether they want to keep the German citizenship or that of their parents. Only in special cases where the country of origin does not allow to abandon its citizenship can both citizenships be kept.

In 2004, after nearly eight years of debate, the then coalition of SPD and the Greens introduced the first Immigration Law (Zuwanderungsgesetz) of Germany. It introduced an active integration policy with a focus on restriction of new immigration. According to the new Immigration Law, only temporary immigration of qualified individuals is legal besides immigration on the basis of family reunification.

New immigrants are obliged to attend so-called "Integration Courses", established since January 2005 by the newly introduced Federal Bureau for Migration and Refugees (BAMF), where they obtain general knowledge on Germany, the state system and the German language. A final test must be passed successfully. Those immigrants who have already lived in Germany for years (Bestandsausländer/resident foreigners) are allowed to attend these courses if they are not frequented enough by the target group of new immigrants.

The term 'integration' became one of the keywords in the discourse on foreigners and migrants in Germany only after the start of the discussions about the Immigration Law.

As integration and religious affiliation with Islam seems to keep its explosiveness in the eye of the German public and a part of the political decision makers the controversial

discussions on the naturalization of Muslims are going on. Naturalization has been denied, for instance, to members of the IGMG (Islamische Gemeinschaft Mili Görüsch) and members of other organizations on the grounds of ´strife against the constitution´ by these organizations as the commissioner for integration, migration and refugees writes in her report in 2005 Beauftragte der Bundesregierung für Migration. Flüchtlinge und Integration, 2005. Even acknowledged naturalizations were withdrawn after the Verfassungsschutz had given the information on such a membership. This practice has its foundation in the law for the fight against international terrorism (Gesetz zur Bekämpfung des internationalen Terrorismus) from 9.1.2002. In the case of a membership in IGMG courts have made different decisions in the different German states. Whereas a number of courts decided that the membership indicates an enmity towards the German constitution, others argued that the individual itself has to be found guilty of supporting actions against the constitution. A membership in the IGMG was not found sufficient to prove such an action. Thereby it has to be considered that the IGMG is not entirely extremist or against the constitution. Due to this ambivalent character of the organization, simple members are not to be denied the citizenship on these grounds (Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration 2005. p.345 f.). The diverse decisions in German courts in similar cases lead to different measures in the acceptance of naturalization in the various German states.

Another discussion, focusing on the guideline for consultations concerning applications for naturalization in Baden-Württemberg, was published in January 2006. After the first publication of the guidelines they were meant for all people that are suspected of dishonesty when pledging the oath of allegiance to the German constitution as required by the Citizenship Law. Later in the discussion it became obvious that only applicants from countries of the 57 member states of the Islamic Charta had to be interviewed with a special questionnaire on ´democratic and moral attitudes´. Other candidates would be subject to the procedure only in exceptional cases, when their honesty was doubted by the state official. This practice was heavily criticized, especially by representatives of the Green Party and the Social Democrats, as well as the Liberals. They focused on the demand that citizenship tests should be applied according to the principles of equality, with no special reference to the religion of the applicant. Subjects of the questionnaire were attitudes to and opinions on

religious freedom, equality of the sexes, homosexuality, freedom of expression, the concept of honor, forced marriage. Some of the questions are: "Do you think a wife should obey her husband and that he can beat her if she is disobedient?"; and "Would you allow your daughter to participate in sports and swimming classes at school?"; to "What do you think of the fact that parents forcibly marry off their children? Do you think such marriages are compatible with human dignity?". After a long and controversial discussion among the Secretaries for Interior Affairs of the German Lander (states), a final compromise was found on May 6, 2006. Now all German states will have the same criteria for naturalization. In addition to a successful test on the German language proficiency of the applicant, no more attitudes and opinions will be asked in a citizenship-test but only knowledge about Germany, its constitution and the democratic structure of the state. This knowledge can be obtained in special citizenship courses (Reuters, May 8, 2006).

At the same time, the present coalition government (CDU/SPD) decided to implement an Antidiscrimination Law, which goes beyond the directive of the European Commission for Antidiscrimination. Not only race, gender and ethnic origin (like in the European directive) but also disability, age, sexual orientation and religion will be protected by the new Law if it passes the Federal Council (Bundesrat) (Reuters, May 8, 2006). After a long period of discussion whether Germany should have an Antidiscrimination Law, this is more than was expected by those who argued for the necessity of such a measure to combat discrimination on different levels in Germany.

Physical Abuse

Officially there are no figures about verbal or physical attacks against Muslims in Germany available, since there is no institution in Germany that collects or analyzes acts of discrimination regularly, except those addressing Jewish people or institutions. The police keep no special records on verbal or physical attacks against Muslim individuals or institutions (Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration 2005. p.231 f.)

In the immediate aftermath of the events of September 11, reporting institutions saw "a rise in Islamophobia and more widespread physical tension" in Germany, but

they realized that in the meantime "such hostilities did steadily decrease". In general, physical attacks are "quite rare but the levels of verbal abuse increased significantly". Most often the targets of those attacks are women with headscarf and men with an 'Arabic outlook' (EUMC 2002b, p. 19).

The website *www.Islam.de* that is launched by the 'Central Council of Muslims in Germany' started after 9/11 a forum to register acts of violent discriminations against Muslims and Islamic buildings. The authors of the website emphasize that they can not cover all incidents of physical attacks. They gather information on attacks on the site only in the cases that are confirmed by one other side, whether by the media or the police. Since 2002 they counted ten verbal or physical attacks on Muslim women, men or mosques in Germany.

Many Muslims mention a perception of a certain growing mistrust against them, expressed in hostile behavior like "staring or whispering behind the back". According to a longitudinal empirical study on 'Group Based Humanophobia' (Gruppenbezogene Menschenfeindlichkeit), attitudes towards Muslims in the German society have been changed negatively through the years 2002 to 2004 (Heitmeyer 2005). The study analyzes Islamophobia in three dimensions: 1. general hostility against Muslims, i.e. hostile and fearful attitude, 2. cultural insult, i.e. general negative bias toward Islamic culture, 3. distancing attitude towards Muslims. Islamophobia shows a close correlation with Xenophobia and Anti-Semitism. The existence of a wide-spread latent, indirect form of Islamophobia in the German society can be concluded from the following figures: In 2004, 70% of the respondents think that Muslim culture does not fit into the western society, 58% do not want Muslims as neighbors, and 39% mistrust Muslims in general. One third of the German interviewees feel sometimes like a stranger in Germany because of the large Muslim community in Germany (cf. Heitmeyer 2005, p.20).

As Germany does not have an Anti-Discrimination-Law yet (see above about the discussion on how far the European directive should be implemented), discrimination of individuals or groups of people is not officially accounted and reported. Representative studies on people of Turkish origin may give an idea in how far Muslims (being predominantly of Turkish origin in Germany) are the targets of discriminatory practices in everyday life. According to a multi-target panel survey in North Rhine-Westphalia,

80% of the respondents in the year 2003, compared to 65% in 1999, feel unequally treated in their everyday life compared to Germans (Goldberg/Sauer 2003). Most cases of discrimination are reported in the field of access to the job market, in the administration, in neighborhoods, at the police and in courts.

Dealing with the issue ´Islam´ German officials tend to deliver the debate to the legislation related to national security. This was the fact in the case of the dragnet investigation (*Rasterfahndung*) in search of those people being probably sleepers of the al-Qaeda movement in Germany. A profile which included all male students of a certain age from countries with predominantly Muslim citizens has put a large part of the Muslim community in Germany under suspicion. We find similar patterns with regard to other issues concerning Islamic presence in the public arena, especially in institutions of education in Germany.

Media Coverage of Islam

Media are of high relevance in the development of an affirmative multicultural society, but they can also play a negative role by agitating in a particular way. Therefore it is not astonishing that the way in which media deal with migration and migrants has been in the focus of research in Germany since the late seventies. Such research has been conducted in different disciplines, such as sociology, political science, media research, linguistics, but also in (multicultural) education (cf., e.g. Butterwegge/Hentges/Sarigöz 1999; Jung/Wengeler & Böke 1997; Ruhrmann/Demren 2000; Schatz/ Holtz-Bacha & Nieland 2000; Scheffer 1997; Zentrum für Türkeistudien 1995). There are strong links between the study of the way in which media deal with migration and multiculturalism and Discourse Analysis, especially in its version of Critical Discourse Analysis (cf. Jäger 1993). Impulses were given by different organizations such as the 'Bundeszentrale für Politische Bildung' (Federal Institute for Political Education). The central topics of this research cover a rather broad range: there was – and still is – interest in the question whether the German media should provide broadcasting for migrants, e.g., in their mother tongues. Here, radio and TV have been researched, as well as print media (Geißler 2000; Geißler/ Pöttker 2006; Klitzke 1980). This research topic is related to the question about which media programs are consumed by migrants, especially since it became possible to watch national TV programs via satellite (cf., e.g.

Müller 2005a, 2005b). Most research is, however, interested in the question of how migration and migrants are reported in the German media. Due to many negative results, media are now often called the 'Fourth Power' in the state, since it is argued that media are able to strongly influence public opinion with regard to their attitudes towards migrants and thus gain further influence on politics (cf. Jäger/Link 1995; Schultz 1998).

Even if it turns out that media do not support migration and multicultural developments, they are in general not racist in their diction or topics, at least not openly. Yet, a covert or hidden negative attitude is assumed to be able to influence public opinion even more intensively than open racism. Special attention is directed to the role of right-wing groups and the way in which the media deal with their attitude towards migration (cf., e.g. Butterwegge 2001). Negative attitudes begin with the way in which migrants are referred to. The media follow in general the official political diction so that 'Ausländer' = foreigner is the label most often used for migrants – in contrast with the group of re-settlers (Aussiedler) who are the descendents of Germans who migrated to Czarist Russia about 200 years ago and are allowed to come to Germany as Germans, since they have suffered due to their Germanness in the Stalin-era. The term 'Ausländer' = foreigner certainly has an exclusive connotation, though it is formally correct (cf., e.g. Wengeler 1995). The notation is not the only link between politics and media, since we can clearly state that media only seldom follow topics on their own but they mostly seize the themes discussed on the political arena. Thereby they often deepen the impression of problems with regard to immigration and integration, even if they deal more extensively with them than politicians do.

While there is no open racism in the German media – not even in the rainbow press – there is some xenophobia as well as latent racism to be found. This is also due to the fact that migrants are negatively reported in most articles, reports or films, since they mostly only become a topic if problems have occurred. On the other side, this is not compensated with help of supportive reporting about migrants, migration and multiculturalism, since this kind of migration discourse is less often to be found in the German media (cf. Butterwegge et al. 1999; Schatz /Holtz-Bacha & Nieland 2000). Thus, German readers mostly learn about migrants – including the Muslims among them – in a negative context, like an example of failed integration, a criminal deed committed by a

migrant or a migrant group, school failures of migrant students etc., but they read only seldom about the daily life of migrants and/or Muslims, their struggle to cope in Germany and their success stories (which also exist!). For example, the media (as well as statements by politicians) focus on each forced marriage they find out about, but they only very seldom give reports about the normal marriages in Turkish families in Germany. The media as well as politics add far more to an exclusive attitude than to an inclusive one in the sense of a 'we in Germany' (cf. Luchtenberg/McLelland 1999 for a contrasting study on media in Australia).

When trying to differentiate between negative and positive events in the media with regard to Muslims in Germany, one has to keep in mind that often a standard is applied without clarifying what exactly would be positive, negative or just normal (cf. Müller 2000b for further discussion of this problem).

Xenophobia is the wider notation under which Islamophobia can be regarded as a sub-category. This is a problem insofar as xenophobia and Islamophobia are thus only with difficulty to be separated in many cases. Yet, here another difficulty has to be faced when wanting to explore Islamophobia in the German media with regard to the multicultural situation in Germany, since Islam is a topic in German media that is very often dealt with in international contexts, or international and national contexts are interwoven (cf., e.g. Gerhard/Link 1992; Hafez 1997; Pinn/Wehner 1995; Schiffer 2005). The latter is very much the case when Islamic terrorism is the topic. Here, it has to be stated that the German media do not try very hard to draw the distinction between international Islamic terror and the Muslim population in Germany. Often the reaction is found – by politicians as well as by the media – that Muslims in Germany are mainly urged to take a firm stand against international Islamic terror, but it is only seldom asked how they cope with this terror that misuses their religion. Furthermore, it is often difficult to figure out whether xenophobia with regard to Turks – who are the main migrant group in Germany and thus also the main Muslim group - or discrimination against them is due to their being Turkish or being Muslim.

This section is mainly restricted to the analysis of mass media, such as print media and TV, since the empirical studies are focused on these two media. Besides this, radio still plays an important role, though it is less used than TV or the more recent media like the

Internet. New means of communication on the world-wide-web also open new spaces for public discourse. This applies as well to the discourse against Muslim activities in Germany. Chain mails, even hoax mails, normal chat rooms, particular internet sites and their forums are being used by the various voices in the discourse about Islam and Muslims in Germany, which in some cases goes to extremes on both sides[202]. Some of them promote not only fear of but also resentment or even aggression against Muslims in Germany and Europe. Whereas extreme voices were always to be heard in private and public meetings of different circles and even in publications, the internet opens wider and more effective means of spreading texts and for building and maintaining networks. Mosque-conflicts often seem to give impulse to voice and publish resentments in the easily accessible space of the world wide web. Various internet-sites of citizen initiatives, launched during a mosque building conflict, or initiatives for the sake of 'saving democracy, homeland and human rights' (Bundesverband der Bürgerbewegungen zur Bewahrung von Demokratie, Heimat und Menschenrechten e.V.), could be cited as paradigmatic examples for such tendencies. They publish information on possible strategies and legal ruses to prevent the building of mosques.[203] As characteristic for the internet the mentioned websites refer to each other through links. Furthermore they quote extensively newspaper articles and books which are critical of Islam and Muslims, or even argue against Islam and Muslim presence in Europe. One of the major warnings of these sites is the Islamic project to conquer Europe and the whole Western world, 'to Islamize Europe'. This is expressed in very clear words on a site called 'future-Europe' (Zukunft-Europe), where it is claimed that this is planned to be achieved through immigration, naturalization, and a high birthrate of the Muslims already living in Europe. Dialogue with Muslims is a waste of time, moreover, since it is an Islamic duty to lie and deceive 'if this is in the cause of Allah'. The term 'taqiya' translated as 'caution' or 'dissimulation' is introduced and explained as an essential part of the Muslim faith and to be practiced where Muslims are not strong enough to take over power.' The ascertainment 'the Islam aims at world supremacy'[204] ends a long list of similar statements about Islam in general, and Muslim life in Europe

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[202] This is not the place to write about internet sites that are provided by Muslim or Islamist extremists, though it is of no doubt that they do exist and are comparably worth an analysis.

[203] Cf., e.g., http://bdb-handreichungen.blogspot.com/ ; http://www.moschee-wertheim.de/ ; http://www.moschee-schluechtern.de/ 29.11.2005.

[204] ‚Der Islam strebt die Weltherrschaft an[…].' http://www.zukunft-europa.de.tt/ 30.04.2006.

in particular.[205] But in contrast to German TV, radio or print media the internet sites also provide a forum for Muslims or Islamist extremists.

In order to deal with Islamophobia in the German media specific topics will first be identified that are related to Islam and which are often to be found in German media, i.e., TV, radio, newspapers and periodical papers (cf. Karakaşoğlu/Luchtenberg 2004; Schiffer 2005). The main topics which are dominant in the German media discourse on Islam – and in general also dominant in the political and societal discourse on Islam – are easy to identify:

- Islam as one of the important world religions
- Events with regard to the religion such as Ramadan or the pilgrimage to Mecca (the Hajj)
- Islam as characteristic for certain states such as Iran
- The role of women in Islam and/or in states that are predominantly Muslim
- Muslim individuals such as the boxer Muhammad Ali (a positive example) or the Caliph of Cologne (a negative example)
- Islamist terrorism

These are topics that result mainly in the occupation with international questions but we also find strong links to the life in Germany, such as the role of women or Islamist terrorism (cf. Hottinger 1995). Furthermore, it has to be taken into account that negative images of Islam somewhere in the world are transferred to Islam in Germany if no strict contradistinction is given. It is not surprising that the coverage of Islam has changed since 9/11, since "the media have, so to say, rediscovered Islam" as Ateş (2006, 154 – translation of the authors) puts it. The new view on Islam is mainly dominated by terrorism and thus fear not so much of Islam as of Islamism now takes centre stage in the media. It is not astonishing that the negative aspects can easily influence the image of Islam of many readers, especially when they only have a vague idea of this religion. Even more than before, the media avail of catchwords and slogans such as Freedom, Safety, Human Rights, Terrorism, etc., and make use of emotional

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[205] http://www.zukunft-europa.de.tt/ 30.04.2006.

pictures and symbols (cf. Ateş 2006; Trautmann 2006. See also Ruhrmann/Sommer/Uhlemann 2006).

Three years after 9/11 another event led to new and sharp reactions in the German media which led to a new hysteria in the public discourse on Muslim immigrants: the murder of Theo van Gogh in the Netherlands. The responses to the assassination in the Netherlands were as extensive and harsh as if the murder had occurred in Germany. Reports on the events in the Netherlands added to the already negative reception of Islam and related it to events outside of Europe. 'Jihad at the North Sea' is the headline of an article in the "Süddeutsche Zeitung" (SZ 09-11-04). Some of the serious newspapers have compensated this way of reporting by interviewing representatives of Muslim organisations in Germany. The Dutch events not only added to mistrust and fear of Islam, but they were also used to discuss the failure of multiculturalism in the Netherlands (and thus also in Germany) and the dangers of "parallel societies" into which the Muslim migrants are supposed to coalesce. The then German minister, Trittin (of the Green Party), has discussed the possibility of introducing a Muslim holiday which was meant as a kind of counterpart to the exclusive debate on migrants and Islam. This resulted in a photomontage with the German Government Minister with a Muslim beard and a turban in the German tabloid 'BILD' presented on its front page. The text said: "By the beard of the Prophet - Send Trittin into the desert!" (BILD 17.11.04). German readers recognize this phrase 'By the beard of the prophet' as a line from fairy tales on oriental life. Therefore it has the gout of discrimination. Another photomontage on page 2 shows the wide space in front of the Parliament building in Berlin filled with Muslims praying on their knees in a traditional manner, so that the reader only sees their backs. The reader reads beneath the photo: "Praying Muslims, the parliament behind them: The photomontage symbolizes the problem of different cultures in Germany". The comments on the page are full of rejection which can surely increase Islamophobia. This is an example of how the media can heat up the spirits of the readers without allowing a reflection on the background of a statement. It feeds from and feeds the widespread opinion that (Muslim) migrants have to adopt the culture of the host country (cf. the 'Leitkultur'-debate).

Since most Muslims in Germany come from Turkey, the development in this country is often part of Islamophobia in Germany, especially when religious questions are tackled. The possible membership of Turkey in the EU is a topic in which Islamophobia as well as xenophobia and fear of economic losses are intermingled.

With regard to Germany, more specific topics in the German media in the last years could be found:

- Muslim parallel societies (though parallel societies are also discussed in the more general context of ethnic communities) – Here the Dutch events have sharpened the discussion, which no longer allows for a discussion of the reasons of the developments of parallel societies or ethnic communities in general

- The headscarf debate – mainly with regard to Muslim teachers, but the debate is now broadened insofar as all educational workplaces are included, and to some extent even all state organizations. The discourse is slowly moving from the question, IF the headscarf should be forbidden, to the discussion WHERE, if at all, it should still be allowed.

- The oppression of Muslim females with a strong focus on forced marriages – this topic has attracted the attention of politicians as well as of the media in the last months partly due to some non-scientific publications. Here again we miss a balanced reportage and discussion. While there is no reason not to condemn forced marriages and the suppression of women, the media often tend to mix up forced and arranged marriages, and they furthermore give the impression that a very high number of Muslim marriages are forced marriages, though reliable data on this issue are not available.

- Crime that is – or seems to be – related to Islam such as 'honor crime/killing'. A case in Berlin – the murder of Hatun Sürucu by her younger brother due to her 'Western' life style - led to a broad discussion on such killings, which was deepened when the court did not sentence the elder brothers, who were supposed to have organized the murder, for want of evidence. While the murder certainly has to be condemned, the discussion in the media followed the political discussion of whether such persons who were not willing to accept Western

values should be forced to leave Germany. A generalization of this discussion could easily deepen Islamophobia.

- School problems with regard to the refusal of female Muslims (or their parents) to take part in co-educative sport or swimming classes or to participate in excursions. In many schools, pragmatic solutions have been found, but these solutions are only seldom discussed in the media.

- The difficulty of introducing Muslim religious instruction – mostly because of the traditional but complex German system as developed with the Christian Churches.

- The construction of mosques in German cities which has been a point of debate since the seventies (see Bahr 2006).

It is obvious that a substantial part of these topics is school-related which can – at least partly – be connected with an older discourse strand, i.e. the discussion whether the presence of migrant students will negatively influence the school careers of German students because migrants are slower learners; although there was no special focus on Muslim children in this related discourse. This point was partly picked up when the PISA-results were discussed, since it was argued that the bad results of migrant students had negatively influenced the German results as a whole. Meanwhile the focus is on the fact that many migrant students do not sufficiently master the German language – a fact which has been related to the existence of parallel societies in many media reports – again following the political discourse. According to this argumentation the (Muslim) migrants themselves are to be blamed for the bad school results of their children. These discourse strands are sometimes related to the discussion on the lack of acceptance of Western lifestyles, which altogether deepens the mistrust felt with regard to Muslims. Most recently, it is the Rütli School in Berlin-Neukölln, a traditional working-class district with a high amount of migrant (Turkish and Arabic) population, which has drawn the attention of politicians and the media after the teachers of this school wrote a letter for help since they felt unable to cope with their mainly Turkish and Arabic Muslim students who not only showed no interest in their teaching and spoke insufficient German but who also became more and more violent. It has to be admitted that this case has been discussed rather extensively in the serious media with a focus even more on the type of

'Hauptschule' which is regarded as outdated by many educationalists, than on the migrant population. It was even stated that no teacher with a Turkish or Arabic background has ever been employed. At the end of April, two school girls in Bonn have gained the attention of the media because they returned to school after their Eastern holidays wearing a 'burka'. They were sent down with the applause of the media who also confirmed the approval of the German Central Consistory of Muslims (Die Welt 28.04.06). It has to be stressed that the case of the two girls (one of them did not even wear a headscarf before this event) was partly discussed under the aspect of a failed integration of Muslims rather than as an attempt at provocation or to gain public interest by two pubescent girls.

Furthermore, the peculiarity of the German media discourse has to be taken into account at the start of any discussion concerning the issue of migration in Germany. This becomes very obvious when one looks into the topic of the construction of mosques, where a detailed analysis of newspapers in Berlin 1996-2005 clearly proves that the newspapers reflect the manifold concerns of the German population and their politicians, but only rarely deal with the reasons why Muslims want a proper mosque (Bahr 2006).

The list of topics can be amended by looking into topics that are focused on Germany and on the impact that the immigration of Muslim migrants has for the country. Different strands in the discourse can be identified, including the topic of foreign infiltration, with the fulmination point of the question being how much immigration (and thus integration) is possible. More recently, the topic of 'Leitkultur' (leading culture) has become a dominant element in this discourse strand (cf. Manz 2004). Here, it has to be emphasized how this discourse point can connect itself with many others, so that a kind of discourse network occurs where different 'peculiar' behaviors are put together into a more general pattern that describes the 'other' group and their culture. While the 'Leitkultur' debate gains new attention from time to time, a more complex kind of discussion has followed the recent events (Rütli-School, the murder of Hatun Sürücü and the general debate on forced marriages), which is mainly reported about as a discussion on values. This discussion is strongly related to the even more complex discussion about integration. In most contributions it is left unmentioned which values are referred to – though quite often the discussion is about Christian

values, but only rarely about modern secular values like human rights. Even if Muslims are not mentioned, their exclusion is often part of the discussion.

Topics in the media discourse have also to be compared with topics that are missing when looking at migration, Islam, etc., from a broader viewpoint. Here, a neglect of daily life in Muslim migrant families is obvious. This is important, since it deprives German consumers of media of the chance to learn about the normal life of their Muslim neighbors. TV was often thought to fill this gap, especially in series shown in the afternoon or early evening. There were several examples in the nineties, but in most series migrants played a victim's role either because they were badly treated by Germans or their community, or because they needed help. Migrants also often played the roles of offenders, but they were only seldom portrayed as citizens (cf. Butterwegge/Hentges/Saragöz 1999; Luchtenberg 1999). Although Bulut (2000) confirms that female migrants are mostly stereotyped and discriminated as 'alien', she nevertheless sees a positive development in their increasing presence in the German TV. In 2006, a few new TV series were welcomed by the serious media, because they present ways of integration in a humorous way where migrants – some are Muslims – and the German agents are taken seriously. Only recently a series named "Turkish for Beginners" (Türkisch für Anfänger) was launched, which tries to show the everyday life of a Turkish Family in Germany in a satirical but sympathetic manner. This kind of broadcasting could be a first step of a new development concerning the media's attitude towards the issue "Migration and Integration".

Thus, topics in the media discourse can reveal an attitude in the media, though differences within media can be found. Yet, besides the topics, the way in which they are dealt with is of high relevance, since media have many ways of creating differences and thus influencing users.

When it comes to the questions of how media deal with Islam and Muslims, language as well as the connection of language and images is in the centre of interest (cf. Jung/ Niehr/ Böke 2000; Schiffer 2005; Wengeler 1995). Many patterns are the same as what has been found in studies on xenophobia such as

- The use of frightening metaphors like "waves or flood of migrants" (cf. Böke 1997)

- The exclusive division into them and us (cf., e.g. Mannitz / Schiffauer 2004)

- The generalization and thus neglect of diversity within the Muslim groups

- The use of assertive cues and induction, i.e. the surrounding texts can influence the perception of a text on Islam, which holds even more true with regard to images (cf. Schiffer 2005)

- Stereotyping of Islam and Muslims, especially, but not only women (cf., e.g. Pinn/Wehner 1995)

- The connection of several topics, i.e. religion and terrorism

- The use of Turkish or Arabic names and notations where this is of no specific informative interest with respect to the news presented (cf. Schiffer 2005)

- The limitation of Muslim migrants to only a few roles, such as mainly offender or victim.

The media discourse on Islam and Muslims in Germany uses the same or similar pattern as the discourse on migration and migrants, but the form of presentation is, of course, different, albeit with some similarities, e.g. in the use of names.

Crime is a central topic in the discourse on migration and migrants in German politics, as well as in the media. Between April and August 2003, an analysis of German newspapers – mainly randomly chosen editions of 'Die Süddeutsche' and partly 'Die Frankfurter Rundschau' which could be described as liberal and independent - took place, based on 85 articles. Several articles deal with Islam or Muslims, and only two with other religions. Four of ten articles refer to the headscarf of the teacher Fereshta Ludin (for details see below), three articles deal with the 'Caliph of Cologne', the leader of a group of fundamental Muslims who was released from jail after four years. Here, Islam is fundamental and related to crime. This is also the case in a further article on a Muslim group – Milli Görüs – that claims to have changed from a fundamental group to a more democratic one, though the internal security organization contradicts this opinion. The journalist does not hide his negative opinion and formulates the headline: "Fundis auf Samtpfoten" (Fundamentalists on velvety paws; or: Fundamentalists tread softly), a metaphor with a meaning similar to the one of a wolf in sheep's clothing which clearly indicates the disbelief of the journalist (cf. Luchtenberg 2004 for further details).

The analysis of the media discourse is closely related to educational questions. Media education is a central task in German school education, and media competence is regarded as very important. To train students to recognize the mechanisms of the media discourse can be regarded as the most effective way to deal with the negative effects the present discourse may have in a multicultural and multi-religious Germany (cf. Karakaşoğlu/Luchtenberg 2004; Leiprecht 2002; Luchtenberg 2003).

To sum up: There is no open racism or open discrimination against Muslims in the German media (excluding right-wing media as well as the Internet), but we find many tendencies to make generalizations with regard to negative events or statements. Furthermore, utterances of politicians are sometimes reported without much critical reflection. The reluctance of inclusive journalism certainly adds support a latent Islamophobia.

Many studies are available on the media discourse on migration and migrants – some of which also tackle Islam and Muslims – , though it is difficult to decide whether the religious or the ethnic aspect is dominant. Furthermore, we find an overlapping structure of international reports on Islam and Muslim migrants in Germany. It becomes obvious that more detailed studies are necessary

- To find out the peculiarities of the different discourse strands
- To discriminate between different discourse events (such as a honor killing, a suicide of a Muslim woman or the murder of a person like the Dutch van Gogh) and the way the media react to these events and how they are integrated into the existing discourse
- To learn more about the differences between different media: press and TV on the one side, but serious and rainbow/private products on the other
- To gain more insight into the ways in which the media succeed in enhancing Islamophobia without being racist.

A further question has to be carefully looked at: the relationship between media and their perception by users, since users are active to a higher degree than it is sometimes believed (cf., e.g. Charlton & Schneider 1996; Großmann 1999). Their presumptions have also to be taken into account. Otherwise, Ruhrmann/Sommer/Uhlemann (2006,

68) have found that most recipients tend to choose those programs that are supposed to confirm their opinions – a way by which stereotypes are deepened. Furthermore, the methodology of studying the media with regard to Islamophobia needs more attention (cf. van Dijk 1997 for discourse analysis).

Germany has a 50 year old immigration history and only a short period of experience with Muslims to any considerable degree. Most, though not all Muslims in Germany have Turkish or Moroccan origins. These are points which have to be kept in mind when comparing the German media discourse on Islam and Muslims with other countries. Furthermore, the complex system of the interference of state and Christian churches in an otherwise secular state has to be considered, since it influences the way of dealing with Muslim religious groups. Finally, it is important to look into the media landscape in Germany before comparing the analysis results with other countries (cf. Hottinger 1995; Korda 1995; Niehr/Böke 2000 for a comparative approach). Comparative studies will then help to gain new insights as Australia-German comparative analyses have shown (cf. Luchtenberg1997a,b; Luchtenberg & McLelland 1999).

Role of Political Leaders and Political Parties

In fact, contrary to most other religious groups, notably the Christian churches and the Jewish community, relations between Muslim organisations and the state today are not taking place in this framework and as of today, Muslim religious practice in Germany does not fully enjoy the state's protection. Rather, the central question in public debates today is whether and how Muslim communities can become part of this arrangement and, more generally, which degree of religious pluralism Germany's majority society is willing to accept. Ultimately, it is this question which is directly or indirectly dealt with when matters pertaining to Islam are discussed in Germany. Whether it be the political and legal battle about headscarves in public institutions, the definition of a German culture of reference (*Leitkultur*) for immigrants, the multi-level scrutinizing – by media, state security agencies and politics – of Muslim organisations suspected of extremism, or the more recent emergence of counterterrorism policies, all turn around and contribute to shape the conditions of entrance for Muslims into German society.

Next to the federal and state governments and the principal political parties – Christian-Democrats (CDU), Social-Democrats (SPD), the Greens (Bündnis 90/Grüne), Liberals (FDP) and the alliance of former East-German Communists and dissident Social-Democrats (Left Party) - it is Germany's internal security agency, the Office for the protection of the constitution (*Verfassungsschutz*), and the two main churches which exercise a particularly strong influence on these debates. While the perception of Islam and of its place in German society differs considerably between the abovementioned actors, it is noteworthy that a perceived menace posed to Germany by 'extremist' trends in Islam has been a continuous feature of public debates since the 1990s. Post 9/11, in the context of the emergence of counter-terrorism policies, an increased number of actors has been identified as possible carriers of such a threat in parallel to a broader and often vaguer definition of 'Islamic extremism'. At the same time, the supposed opposition between the normative order of German society, understood as rooted in the Judeo-Christian or Christian-occidental tradition on the one hand, and Islam on the other, has become sharpened and stabilized, in particular through the laws promulgated in 2004 and 2005 prohibiting teachers and/or civil servants from wearing headscarves (we focus on this issue later in our report).

These debates, which have been of a comparatively limited scope until the late 1990s, take their starting point in the question whether Muslim organizations representing Muslims in Germany do fully adhere to the German Basic Law. The loyalty of Muslim groups has been questioned in various cases, most notably in the case of the Milli Görüş movement (*Islamische Gemeinschaft Milli Görüş, IGMG*), and to a lesser degree in the case of the smaller Islamic Community of Germany (*Islamische Gemeinschaft Deutschland, IGD*) because of its proximity to the Muslim Brotherhood and, since 2004 in the case of the Tablighi Jama'at, whose presence in Germany is very limited. The fact that these groups are perceived as Islamist – a label which, contrary to other European countries, effectively disqualifies a Muslim group in Germany as a legitimate partner in almost any discussion – is to a large degree due to their listing and assessment in the annual reports of Germany's state and federal offices for internal security (it must be admitted that the federal offices do differ in their perception, for instance of Milli Görüs and its members as extremist, see the reports of Berlin, North Rhine - Westphalia and Bremen). While the analyses in these reports have not yet been

systematically analyzed, the claims by Germany's internal security can be seen as an expression of a pre-existing fear of Islam. In fact, some of the practices or positions held by these groups and presented in support of their Islamist orientation – such as their critique of 'immoral' media presentations (see for one example Bundesministerium des Inneren 2004, p. 216) – are clearly not specific to 'political' Islamic movements. The fact that this evidence can be used today as proof of an Islamist ideology – and thus as argument for the exclusion of specific groups from the public sphere – can only be explained with reference to the more general uneasiness and fear of the Muslim presence in Germany, and the wide-spread desire to limit it. It is also interesting to point out that some of these reports (Berlin with its differentiation between Islam, Islamism and Islamic Terrorism is an exception) operate with a relatively undifferentiated concept of Islamism which, in its legalist form present in Germany, is presented as absolutely incompatible with the principles underlying Western democracies (see ibid, pp. 186f.). Current literature on the IGMG emphasizes the ongoing transformations inside the movement which is seen as internally diverse (see for example Schiffauer 2004, pp. 67-96; Jonker 2002, p. 50.). Nevertheless the claim that Milli Görüs is an institution of religious extremists appears to be exceptionally strong and in need of further scrutiny, given the relatively successful integration of legalist Islamist groups in the political system in countries such as Great Britain.

Both lines of argument are of great importance not only for the discourse of the internal security agency, but for current public debates and the discourse of politicians in Germany in general (as can be observed in two debates on Islam in Germany opened by the CDU/CSU parties with "Questions to the Government" (Große und Kleine Anfrage an die Bundesregierung; for details see Deutscher Bundestag 2000, Deutscher Bundestag 2003). Particularly with regard to the evidence used to prove an adherence to Islamism, numerous similar examples can be added, concerning for example the way in which huge parts of the majority of society perceive Muslim demands for exemption from co-educational sport classes or excursions. It needs to be pointed out that these patterns of arguments provide powerful reason against the recognition of some Islamic federations, notably the "Islamic Council" (*Islamrat*) which counts among its members the IGMG, as corporations of public law. While important technical obstacles prevent today, with one minor exception, the recognition of Islamic federations as corporations of public law, the

presumed Islamist orientation of some federations is an important argument precisely against the possible modification of German law in this domain.

The principal change in the perception of Muslim organizations in Germany in the post-9/11 context resides in the extension of the suspicion cast on Muslim groups with roots in Islamism to Muslims in general. While Muslims in general are not openly suspected of sympathies with terrorism, their rejection of it is not taken for granted any more, and an explicit disavowal of terrorism is thus today demanded. This demand was made in very strong terms by Cardinal Lehmann, head of Germany's conference of Catholic bishops, after the July bombings in London. He asked Muslims to demonstrate an "active commitment" to the German constitution, considering this to be a condition for citizenship, while urging them to cooperate more closely with security agencies in Germany. Although SPD and Bündnis 90/Grüne, at that time in power, criticized his demand, it was backed by Christian Democrats and has contributed to the ongoing elaboration of generalized surveillance policies concerning Muslim institutions in Germany and a campaign against extremist preachers. The necessity for such a policy was stressed in particular by members of the Christian Democrat party and the Christian Social Union in Bavaria. In the wake of the attacks in London, the Bavarian minister of the interior went so far to declare that "we need to know from every mosque what happens inside".

The identification of Muslims in general as a potential security problem – which had led after 9/11 to a nation-wide security check based on ethnic-religious dragnet investigation (see above) – is also reflected in the fact that the distinction between, as formulated by the Christian Democrats, "political Islamism" on the one hand and "law-abiding Muslims" (*verfassungstreue Muslime*) on the other, is increasingly being used in public debates (cf., e.g., Deutscher Bundestag 2004). While this distinction might suggest at first sight a differentiated view of Islam, it is in fact based on a generalized suspicion of Islam which precisely necessitates the introduction of the adjective "law-abiding". Certain parallels to developments in other Western European countries, such as Britain or France, are obvious in this regard.

While not directly related to the events of September 2001, the debate about the wearing of headscarves by teachers and/or civil servants, which had started in 1998, also entered into a new phase in this period. In the course of this debate, which entered

the parliamentary arena after the judgment of the constitutional court in September 2003 in the case of the Muslim teacher Fereshta Ludin, the postulate of a partial incompatibility of Islam with constitutional principles as laid down in the Basic Law has been entrenched in German law in a number of states (see later in this report).[206] This has been done in some of the German Länder (for instance Baden-Württemberg) by inscribing the German Basic Law, as the foundation of public education, in a Judeo-Christian or Christian-occidental tradition, while regularly including the Enlightenment heritage. By referring to this tradition as the basis of or as converging with German constitutional values and at the same time prohibiting the headscarf, the supposed conflict of values between Occident and Islam has now taken on, contrary to countries such as France, an explicit religious connotation, and it is framed with reference to the particular German tradition.

The different debates in the German Länder accompanying the legal and political battle around the headscarf, while limited in scope and moderate in comparison to France, have provided so far the most important forum for various actors to elaborate their vision of Islam's place in German society and for the ongoing construction of a German identity in relation to Islam. The previously mentioned rough right/left divide is valid here only to a certain degree. The opposition by Social Democrats to the prohibition of headscarves has in fact not been unanimous; in some states, the prohibition was actually supported by them, while in others their opposition was based on more technical considerations regarding how to deal with a public religious symbol which they saw as partly problematic in the context of public schools, too. The right/left divide needs to be further nuanced in the case of the Left party displaying a more generalized secularist position which concerns not only Islam, but also the major Christian churches. The opponents of the headscarf, as in other European countries, include heterogeneous groups of actors, ranging from conservative politicians and some Christian actors to liberals and leftist feminists. As to the Lutheran Church, the prohibition of the headscarf was supported by a relative majority of church leaders. However, a sizeable number of persons, particularly in former East Germany where Muslims do not constitute a significant group, did not have an opinion on this issue at all (Sonntagsblatt, 2 February, 2004). The leaders of the Roman Catholic Church, however,

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[206] With the exception of Berlin, where a coalition of Social Democrats governs with the Left Party, all these states are governed, solely or in coalition, by Christian Democrats.

expressed their opposition to a law and demanded that cases of Muslim teachers wearing a headscarf should be examined individually (Cardinal Lehmann, 4 March, 2004). It is interesting to point out that the prohibition of the headscarf is not based on the simple consideration that it constitutes a political symbol and/or is an expression of gender inequality. Rather, the today well-established diversity of meanings associated with it by Muslim women is taken into account in some of the laws and it is exclusively the perception of the headscarves by non-Muslims that is in contradiction with the Basic Law which is used to prohibit it (see for example the law adopted in Bavaria, 23 November 2004). In this sense, the power to define Islam has been taken over by the state (for more detailed information on the headscarf-discussion see the special paragraph of this report).

The fact, that the headscarf-case divides parties and breaks traditional right-left polarization can also be shown by the list of supporters for the 'Aufruf gegen eine Lex Kopftuch' (Public call against a lex headscarf) that was initiated by the former commissioner for integration of the federal government Marieluise Beck (Green party) in the year 2003. Members of all parties signed the paper from the Christian Democrats over Liberals, Social Democrats to Leftists, but a counter campaign got the support of members of all these parties as well.

Role of Intellectuals

Germany's national public debates concerning Islam are, in comparison to other European countries, of limited scope and a more recent phenomenon. This can be seen as a consequence of the absence, during the 1990s, of a clearly defined policy with regard to Islam and of the predominant role the judicial system has been playing in the incorporation of Islam (Amiraux 2001, 116f.). However, this situation has changed to a certain degree.

While German public debates remain sometimes dependent on those in neighboring countries, as could be seen after the killing of Theo van Gogh in 2004, which sparked the first nation-wide debate on 'multiculturalism' in Germany[207], the increased public interest in Islam has opened up a new space for debates and for a

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[207] In 2000, a short-lived debate on a German "culture of reference" was initiated by a Christian-Democratic politician, Friedrich Merz.

variety of intellectual actors. It seems that there have not only been different roles intellectuals can play in the discourse on Islam, but also different kinds of intellectuals: intellectuals who are involved in organizing the discourse and those contributing to the discourse; intellectuals of German or non-German origin and/or of Muslim or non-Muslim background.

Apart from gender-related debates (see below), these have focused notably on the role of Islamic organizations in the integration of Muslims. After 2001, a variety of other Islam experts, often representatives of relevant civic education institutions, acquired an increasing importance in public debates on the danger deriving from the so-called ´Muslim parallel societies´ for the process of integration of Muslims into the secular German society. With relation to the integration debate some of them acquired a nationally important role as Islam expert (for instance Johannes Kandel from the Friedrich Ebert Foundation or Christoph Müller-Hofstede from the Federal Center for Civic Education). They contribute to the discussion on integration and Islam by questioning the sincerity of the official policies defended by various Muslim organizations in Germany, notably Milli Görüş. The spotlight is kept in publications and conferences on the 'delegitimation' of certain religious practices, such as the Islamic headscarves, by analyzing them as part of "Islamist identity politics" which can lead to conflicts and further escalation (see Kandel 2002). In this respect the discourse is representative of a more general tendency to limit the right to religious freedom with reference to the presumed consequences of specific religious practices.

As in many other European countries, the importance of intellectuals and/or politicians of Islamic background has considerably increased in recent years. The influence which these intellectuals wield derives from diverse factors, and this is reflected in their dissimilar positioning in public debates.

In Germany, the role of 'Islam experts' has been for a long time relatively restricted to non-Muslim (regarded as ´neutral´) scientists and journalists in public debates. In debates relating to Islam in Germany for several years only one person, Bassam Tibi, a professor of international relations at the University of Göttingen, could make claims to national renown as both an expert on Islam and a Muslim as well. Tibi, a Muslim of Syrian origin, had initiated what was perhaps the only major debate on Islam in Germany before 2001 by launching the term "Euro-Islam" in 1998, designating an

understanding of Islam in conformity with a "European culture of reference" (*Leitkultur*)[208]. Tibi has written abundantly on the "civilizational conflict" between Europe and Islam and the means to tackle it, primarily through dialogue. While Tibi is often careful to refute essentialist visions of Islam, his strong insistence on civil incompatibilities between Islam and Europe has helped to strengthen generalized fears of Islam and the increasing perception of immigrants as Muslims.

The remarkable career of the Turkish-born sociologist Necla Kelek (see below) certainly owes a lot to the fact that she as a women and a Muslim and a scientist has voiced sharp criticisms against traditionalistic marriage practices (arranged marriages and forced marriages) of Turks in Germany, which she regards as a consequence of an Islamic way of life using popular expressions rather than proved statistical data. The exceptionally strong assertions made by Kelek derive their power specifically from the fact that they are made by an 'insider' who addresses, in terms of style and reasoning, a very broad audience without abandoning a certain claim to scientific probity.

However, the role of intellectuals of Islamic background cannot be reduced to this type, and the variation displays important similarities to cases in other European countries like France (Fadela Amara) or the Netherlands (Ayaan Hirsi Ali).

In the last years a number of highly acknowledged prominent 'honourably integrated prominent Muslims' (as the rather leftist newspaper TAZ called them), for example the authors Feridun Zaimoglu and Navid Kermani, the politicians Cem Özdemir and Dr. Lale Akgün and the actress Renan Demirkan, who previously had not presented themselves as being religious, publicly referred to themselves as Muslims. Their statements, in articles, interviews and essays in the most prestigious German newspapers, reveal reflections about an ongoing change of identity. Some of them criticize the current public discourse as being exclusive. The case of these politicians is complex. On the one hand, they consistently criticize those who directly relate counter-terrorism policies to the debate on 'integration' and who relate Islam to ´terrorism´ and call for necessary differentiation. On the other hand, they sometimes deliver, as Muslims, interpretations of what is Islamic and what is not – and which 'Islamic' practices thus deserve protection by the state, and which ones do not. Arguably, these claims, of which Akgün's defense of the prohibition of headscarves for teachers in public

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[208] According to Tibi, Euro-Islam incorporates pluralism, tolerance, secularity, civil society and individual human rights.

schools is only one example, carry a particular weight, since they are expressed by a 'Muslim' who furthermore claims to speak in favor of those Muslims who are not 'Islamist' but the silent secular majority (see for example http://www.qantara.de/webcom/show_article.php/_c-548/_nr-12/_p-1/i.html?PHPSESSID=586932399788bbaf8).

The orientalist and journalist Katajun Amirpur (2004 – translation by the authors) describes the feelings of secular Muslims as follows: '[E]ven we feel taken aback when watching the arrogance and lack of knowledge, which is the basis for judgments on our religion […]' The public discourse, Amirpur stresses, invokes a feeling of belonging to a group that she never before thought of and never before wanted to belong to.

Religious Practice of Islam

Attitudes Towards Mosque-Building and Attacks Against Mosques

Until recently, mosques were situated almost always in the industrial areas of large cities, or attached to housing complexes. This was in part because the Muslim communities had very limited financial resources to erect new buildings of their own. More important, though, were the reservations of the host society against buildings that looked recognizably 'Islamic'. The few ´real' mosques (with domes and minarets which for Turkish Muslims are very much part of the image of a real mosque) that were allowed in German cities, were almost always only built after mosque building struggles. This is only one example of Muslim migrants' pursuit of their constitutionally guaranteed cultural and religious rights coming up against various kinds of resistance (citizens' initiatives that organize public meetings and hearings, printed publications and Internet sites – see above). Objections raised by the host society included (1) the fear that the mosque would become a magnet, which could turn the neighborhood into a ghetto, so that the value of real estate properties would decrease; (2) the parking problem; (3) the argument that the architecture of a mosque would not fit in the overall city space; and (4) the argument that a mosque could foster the spread of Islamic fundamentalism (Leggewie 2000; Leggewie/Joost/Rech 2002). Though a lot of building projects have to face heavy criticism by citizens' initiatives, which are a well-known and frequently used

instrument of political participation in Germany, mosque building conflicts show the degree of acceptance for Muslim groups in population and administration on the local level. It has quite often been stated that conflicts appear whenever Muslims and Islam become visible in the German society and public sphere. The building of mosques furthermore manifests the permanence of Muslim life in Germany. Conflicts arising in this context are embedded in the framework discourses of xenophobia and the major changes of the understanding of Germany as a country of immigration and the German nation (community/society) as inclusive rather than exclusive. Thus we do regard examples like this one as a form of institutional Islamophobic discrimination, since it shows that Islam is not treated equally compared to other world religions in Germany (cf. Hüttermann 2003; Rohe 2000 for further information on the juridical framework).

Institutional Discrimination of Islamic Religious Activities at Schools

Due to a widespread identification of Islam with 'fundamentalism' by the majority of society, the needs of Muslims in the field of education have been ignored for a long time. This went hand in hand with an apparent failure on the part of state institutions to recognize and value Islam as equal to other world religions present in Europe – all this in the context of a growing xenophobic reflex aimed mainly at the Turkish population. This shows its effects in different fields of educational settings, described next, which may be understood as latent Islamophobia.

When integration of the biggest migrant community in Germany, the immigrants of Turkish origin, is discussed, the headscarf is often mentioned as a visible symbol of the Turkish-Muslim society's ignorance, its religious backwardness and its tendency to Islamic fundamentalism. Thus it is not surprising, that in a survey, conducted in the name of the German weekly magazine 'Der Spiegel' in September 2003, 53 per cent of the interviewed persons stated they were against the wearing of a headscarf by a teacher at a state school (Der Spiegel Nr. 40/2003, p.85).

This issue is also controversial in the Turco-German society itself. A representative survey, conducted by the Centre for Studies on Turkey among 2000 Turkish citizens in Germany in the Year 2000, showed that 27.2 per cent of this population thought Muslim women should wear a headscarf when entering the public

sphere. The predominant part of the interviewees rejected this demand (58.2 per cent) (Goldberg/Sauer 2000, p.72). In the same survey done in 2005, the percentage of those opting for a headscarf for women increased to 47% among the Turkish respondents in North Rhine-Westphalia (Stiftung Zentrum für Türkeistudien 14. November 2005, press release). This shows that the emotionally held discussion on the headscarf in Germany since 2000 has a polarizing effect on the Turkish Muslim minority itself.

Female Pupils With Headscarves In German Schools

Apparently, in questions of Islam, schools regard themselves as a necessary counter-pole to Muslim families, which are commonly regarded as too rigid. By doing this, school authorities conveniently ignore all those power structures that this institution represents and reproduces. Thus schools do not only offer scope for development in contrast to some traditionalistic families, but it is also unfortunately all too often the place in which pupils are confronted with personal and institutional discrimination, especially when it comes to the negative value attached to their religious background as a Muslim (Gomolla/Radtke 2002).

On the grounds of religious freedom by law Muslim students at schools and universities in Germany principally remain free to wear headscarves in the classrooms. Nevertheless, the issue repeatedly leads to very emotional debates at schools on the question whether it should be permitted or not. As some German teachers and school directors regard the headscarf as a symbol of backwardness, oppression of women and a symbol of disintegration in the host society, they practice different strategies to reduce the number of headscarves at their schools, regarding their actions as a means of supporting the better integration of Muslim girls into the majority society. A Protestant secondary school in Gelsenkirchen, for instance, only allows their female Muslim students to wear a headscarf a) after having reached the age of 14 (the official age of religious maturity in Germany) and b) after passing an examination by a school council on their reasons for wearing the scarf. The school director declared he wanted to find out by this means whether the girls have decided to wear the headscarf by their own and for pure religious reasons, or whether they were forced by their families or the surrounding Muslim community to do so. In other schools, psychological pressure is brought to bear on parents not to 'force' their daughters to wear this sign of

disintegration by suggesting they would otherwise face big problems in school and society.

Teaching Islam In German Schools

In most of the German states religious education is part of the public schools' regular curriculum. Teachers of religious education need permission by both the state and their church to practice. Until now this has been denied to Islamic organizations with reference to the lack of a hierarchy which is so characteristic of the churches' organizational structures. Because of this specificity, the issue of teaching Islam in German Schools is very controversial (see Bauer et al, 2004). While Muslim migrant associations regard themselves as representatives of the majority of Muslims in Germany, the German officials stress the point that only about 20% of all Muslims[209] in Germany are members of these organizations, so that from their point of view a clear representative of Muslims, analogue to the Churches, is still missing. Since states are in charge of education, religious education for Muslims in Germany is practiced very differently, mainly as part of mother tongue education (Behr et al 2003). Since 2000, various model projects have been installed in some states to test new possibilities for a religious education of Muslims in German. While in North Rhine-Westphalia and Bavaria these models were conducted by the state, in Berlin[210] and Baden-Württemberg Islamic organizations are involved in its development and realization. Bremen has recently started to establish religious instruction (Islamkunde) for Muslims in German as a state project without the participation of the Islamic lobby. As the state is not allowed to interfere in or rule on religious affairs of the communities, most of these models lack the authorization of Muslim representatives. The main reason to establish them was to build up a counterbalance against the conservative and sometimes Islamistic orientations of some Islamic organizations and their Quran courses which are – in the eyes of officials and the public – considered to have mostly anti-integrative effects on the children. In fact, no scientific researches proved this assumption until now. Even if this reason is

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[209] Though the definition of Muslim is derived from country of origin and leaves out any notion of self-definition.

[210] Relating to the so-called "Bremer Klausel" (clause of Bremen), Berlin has a different law according to religious teaching at public schools. Therefore the Islamic Federation in Berlin was able to obtain the right to carry out Islamic teaching in Berlin's public schools in the year 2003.

quite understandable, it can not cover up the fact that the state projects lack a legal basis (Klinkhammer 2002, 2003). The controversial discussions in Germany on this issue between state authorities, theologians and Muslim organizations still continue. Due to the abovementioned German concept of secularism no chair for Islamic theology was established at German universities until recently. To face the need for the formation of teachers for Islamic religion in the different concepts of the German states, three universities (University of Muenster, University of Frankfurt/Main, University of Erlangen/Nürnberg) have meanwhile started to establish chairs for the education of Islamic religious instruction (Islamkunde), though not Islamic theology.

Participation of Muslim Students in Physical Education

The High Administrative Court (Bundesverwaltungsgericht) declared as early as 1993 that pupils may not be forced to attend coeducationally held courses of physical education if they refuse to do so on religious grounds. In these cases schools have to offer separate physical education for girls and boys, or, if this is not possible because of organizational problems, to free them from attending the course. There is no general account of cases like this, but the Islamic organizations list numerous cases.

The decision of the high administrative court is still discussed animatedly at schools, and up to now there are still cases reported where girls (or boys) are forced to attend mixed courses in physical education (see Blaschke/Sabanovic 2000, pp. 106f.). If they refuse to do so, they would have to accept low grades for not having participated. School representatives bring forward their enlightened understanding of physical education as a reason for these measures. In this understanding, co-educational physical education is a part of teaching equality of sexes in the society. Since co-education is now seen more critical by German educationalists, concepts of 'reflective' co-education which demand separate education in some subjects, will reconcile Muslim and bureaucratic demands. While the case of being freed from attending sexually mixed courses in physical education may appear a 'conservative' phenomenon, the point to note is that it was pursued by and won on the grounds of European notions of rights.

Another field causing problems between traditionally oriented Muslim parents and the school is the attendance of class excursions. Some parents distrust the

teachers´ supervision abilities during overnight stays. The High Administrative Court of North Rhine-Westphalia decided in a case in the year 2002, that a girl from a traditional and practicing religious family, who herself was a practicing Muslim, can not be forced to attend school excursions with overnight stays if she feels extremely uncomfortable with the circumstances.

Wearing The Headscarf: University Students and Teachers

There are no exact numbers available on this issue, but several reports on discriminatory events with respect to the headscarf-debate (Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration 2005, p.234) make clear, that especially Muslim women with headscarves are victims of discrimination in public and on the job market. Due to a decision of the German Supreme Court from July 30, 2003, the wearing of a headscarf cannot be a reason for dismissal, yet in many cases it is a reason for not getting a job at all.

Fereshta Ludin, a young Muslim teacher of Afghan origin, whom we have already mentioned above, was at the centre of a controversy about the question whether Muslim female teachers have the right to wear an "Islamic dress" in German schools in Baden-Württemberg. According to their Ministry of Cultural Affairs the headscarf was at variance with basic Christian values and constitutional secularism alike. As a symbol of backward, fundamentalist Islamic attitudes, its message was opposition to the principles of freedom of thought and of the equality of the sexes. Against this image of the headscarf, Ludin emphasized in interviews that she would always defend those two principles of the society, that it was her own decision to wear it as a personal symbol of what Islam meant to her, and that she did not consider it a way of putting Muslim girls under pressure who did not wish to wear a headscarf. While public debate is still going on, the Federal Constitutional Court (*Bundesverfassungsgericht*) stressed in a final decision in September 2003 the necessity to treat all religions in Germany equally (cf. Mahlmann 2003 for further information); likewise it stated that the law did not constitute a sufficient basis for prohibiting teachers from donning headscarves. Thus the *Bundesverfassungsgericht* left the federal states the possibility to legally enact a ban.

The Ludin case turned out to be a key case for all the other states in Germany. The discussion gained power after the Christian Democratic Parties of North Rhine-

Westphalia and Bavaria decided to establish so-called ´anti-headscarf-laws´, which give Christian signs a privileged position compared to Islamic ones or others. The decision of the Supreme Court was followed by a still continuing, very emotionalized discussion among politicians, journalists and the wider public on the reasons why some young Muslim academics stick to wearing a headscarf, to what extent they were ruled by extremist organizations, and how far teachers at state schools should appear 'neutral' according to their outward appearance, etc. As a consequence of this continuing discussion, seven of the 16 states' parliaments are preoccupied with the preparation of a 'law against specific religious symbols which threaten to disrupt the political or religious concord in schools or a 'law against religious symbols with a demonstrative character' or a general 'law against all religious signs worn or used by teachers in state schools'.

Current Laws On Dress Codes At State Schools (Academic Year 2004/05) Concerning The Headscarf

The current laws on teachers´ "faith-neutral dress codes" at state schools differ slightly from state to state. They are more or less neutrally formulated, but in each case it becomes obvious that the legislation intends to ban only the Muslim headscarf.

Baden-Württemberg and Bavaria (both 2004) have established a school law against specific religious symbols worn by teachers which 'threaten to disrupt the political or religious concord in schools'. Christian signs are not considered to be threatening to disturb the political or religious school peace, with respect to the Christian tradition of society and school. Only recently (November 2005) a case occurred in the city Ebersbach an der Fils, where a teacher at a state kindergarten was dismissed because of wearing a headscarf. In a court decision the Muslim woman accepted a compromise: she cannot return to her job but the city has to pay 8.000 Euro "social compensation". As the current law does not yet include personnel in kindergartens, the state government of Baden-Württemberg announced a revision of the law to ban headscarves in kindergartens. The total ban of the headscarf only recently had to be eased in one case according to a new decision of the Administrative Court of Baden-Württemberg (Süddeutsche Zeitung 08.07.06). The judges argued that because in another state-run school of the same region nuns were allowed to wear their habit, this

German-born Muslim teacher cannot be restricted in wearing her headscarf. Both religious faiths had to be treated equally.

Hessen (2004) extended its law against specific religious symbols (except Christian signs and symbols) on all state personnel, i.e. not only teachers.

Saarland and Lower Saxony (2004) have established a law against religious or political demonstrations that are contrary to the neutrality of the state and the religious school peace. They do not directly mention exceptions for Christian symbols, but stress the Christian based values of education at state schools.

In Berlin, a law against all signs of religiosity which allow to identify persons as members of a specific religious group (no exception for Christian or "occidental" signs or symbols is mentioned) was put into power in 2005. The law includes personnel at schools, courts and police departments. Personnel at Kindergartens are treated differently. In case parents utter objections against the kindergarten teachers wearing religious symbols or signs, a mediation process would have to be conveyed. Measures have to be undertaken to secure the positive and negative religious freedom for both parties, if the objection remains. The Berlin law also includes the constitution of an antidiscrimination office that already started its work.

In Bremen (2005) the school law has been changed in so far as teachers in state schools now have to refrain from making their personal faith public, either by words or with signs or symbols, because it may disturb the religious feelings of pupils and their parents. School has to act against any form of religious or political intolerance. Thus symbols worn in a provoking manner are forbidden. The headscarf of female Muslim teachers is regarded as such. Not only teachers but also students in teacher training programs have to accept this restriction. As training programs are part of the academic teacher education, the consequence is that students with headscarves are not able to complete their training. It is highly questionable if this legal restriction is in line with article 9 of the German Basic Constitutional Law (freedom of choice in education). The Administrative Court of Bremen only recently (taz 21.06.07) rejected the application of the new anti-headscarf legislation in Bremen to a student in a teacher training programme.

North Rhine-Westphalia is actually on the way to establishing a law against specific religious symbols worn by teachers which 'threaten to disrupt the political or

religious concord in schools'. Here - like in Baden-Württemberg or Bavaria - Christian signs are not considered to disturb the political or religious school peace or 'threaten to disrupt the political or religious concord in schools', because of the Christian tradition of the society and school, and the restrictions therefore do not apply to these.

The five 'new states' (Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt, Thüringen and Brandenburg) are not preoccupied with this issue due to a still negligible part of the society being of Muslim faith (all in all, ca. 30-35.000 people with a Muslim background).

The Federal Commissioner for Migration, Refugees and Integration criticizes the current legislation against teachers wearing a headscarf at German schools in her last report on migrants as anti-integrative and biased against Muslims in general, especially against Muslim women (Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration 2005, p. 244).

All these laws are open to the interpretative question of how far a headscarf can be identified as a demonstration of religiosity or political demonstration against the neutrality of the state. But in consequence only Berlin has established a monitoring centre against discrimination on ethnic or religious grounds (for instance on the job or housing market) at the office of the Commissioner for Migration and Integration.

The Ludin case demonstrates that German state authorities, much like a considerable part of the population, still tend to regard the headscarf in general as evidence of an undemocratic, theocratic and thus dogmatic world view. Veiled teachers are suspected of imposing a backward world view on their pupils. They are considered as a potential danger for a democratic and tolerant education.

Non-Acceptance of Photographs with Headscarves in official Documents

According to a report of the Islamic Organization IGMG (Islamische Gemeinschaft Milli Görüş/Islamic Community Milli Görüş), delivered to us in November 2005, some veiled Muslim women face problems in getting official documents because of their photographs showing them with a headscarf. In spite of clear exceptions for veiled Muslim women by law, some civil servants - for instance in Unna, a town in North Rhine-Westphalia - , refused to deliver a residence permission to some Muslim women who insisted on presenting a photo where their hair was covered by a headscarf.

Islamic Slaughter (Halal Meat)

Unlike the Jewish community in Germany, the Muslim community is not generally permitted do slaughter according to the religious rules of Islam (halal). But due to a decision of the German Supreme Court of 2002, it is generally possible to get an exceptional permission for slaughter in a halal manner during high Islamic feasts without anesthetizing the animal. Yet, this exceptional permission is also restricted to a specific group of people. In North Rhine-Westphalia, for instance, it is based on the precondition that the customer is bound to this religious rule. This precondition seems to be quite open for personal interpretation (Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration 2005. p.246 f.).

Significant National and Local Measures to Fight Islamophobia

There are no significant national measures to fight Islamophobia (as the issue is not considered a crucial one to be tackled on a national level), but several measures exist on the local level. This report is not the place where all these local measures could be enumerated, but some of the significant ones should be noted as examples of several similar activities of other groups, not mentioned here on the local level. Here the Christian-Islamic dialogue cycles and communities (Christlich-Islamische Gesellschaft e.V., the center of which is based in Cologne but there exists at least one branch of the organization in each federal state), established in 1982, play a very important role as places where (mostly well-educated) Christians and Muslims get into deeper (also spiritual) contact with each other (for more information see: www.chrislages.de) and try to solve problems of misunderstanding by exchanges of ideas, discussion and getting to know each other's faith better (improving their knowledge of each other).

Another noteworthy institution for mutual understanding between Muslims and non-Muslims in Germany, especially after 9/11, is the German Forum on Islam (Islamforum). The German Forum on Islam (Deutsches Islamforum) is a council that was first established in 2002 by the German Intercultural Council and the Council for Citizens of Turkish Origin in the city of Frankfurt as a reaction to 9/11 and to the growing anxiety and hostility against Muslims. It now has several branches on the local

level in different Federal States of Germany where representatives of the local administration, religious organizations both of Muslim and non-Muslim communities, representatives of schools and other public institutions, etc., come together to discuss current problematic issues concerning the co-existence of Muslims and non-Muslims in the local communities and neighborhoods. It explicitly aims at fighting Islamophobic tendencies in the majority society by presenting a non-public platform for the discussion of everyday problems occurring between Muslims and non-Muslims – for instance in school, at the workplace, on the street or in administrative institutions. One of the main concepts of the work of the German Forum on Islam is to establish a mediation, monitoring and supervising system between representatives of Muslim communities/organizations and of the German public life and administration, to reflect on the reasons of problems occurring and to promote reasonable solutions for these problems (for more information see: http://www.interkultureller-rat.de/Themen/Islamforum/Islamforum_projektbeschreibung.shtml). As a result of the activities of the Islamforum Berlin quite recently a ´Neutrality Act´ was introduced, which includes the establishment of a commission for antidiscrimination and the draft for a Law against Discrimination on the federal level.

On the side of the Muslim umbrella organizations a noteworthy measure was brought into life by the Central Council of Muslims in Germany in the year 1996. That year the Central Council for Muslims in Germany declared the day of the German Reunification (3rd October) as "The Day of the Open Mosque". The date was chosen carefully because of its highly symbolic meaning. With the ´day of the open mosque´ Muslims aimed at showing that they were a part of the newly reunified German society and that they shared a positive feeling for their homeland Germany (for further information see: http://islam.de/2583.php) . Each year more than 1000 mosques in Germany open their doors for non-Muslim visitors from the neighborhood or the cities to show how the place for worship and community life of Muslims in Germany looks like, and to enter a dialogue with the surrounding society.

Conclusion

Almost all important Muslim organizations in Germany distanced themselves immediately from terror, extremism and violence in the name of Islam after 9/11, after the terror attacks in Madrid in March 2004, and after the violent reactions in some Islamic countries to the publication of the cartoons of the prophet Muhammad in a Danish newspaper in late 2005. But their call for peace on behalf of Muslims was only lately recognized in German media and public. Without question, Islamism should closely be watched in so far as it represents a form of political extremism, and should be banned in its violent form (see the case of the Caliphate State Organization as an example). Taking the official data of the German Federal Office for the Protection of the Constitution (Verfassungsschutz) into consideration, it is obvious that Islamists and those propagating extreme ideologies constitute only 1 per cent of all Muslims in Germany, most of them being member of the Milli Görüş movement, which as an organization does not call for the use of violence to reach their political aims. Estimations of the Federal Office for the Protection of the Constitution (Verfassungsschutz) assume that Islamic extremists willing to use violence do not exceed 200 individuals (Bericht der Bundesbeauftragten für Migration, Flüchtlinge und Integration 2005, p.229).

Muslim immigrants and their increasing demands for equal participation in every realm of society have done much to revitalize the debate on the role of religion within the German state. Extremely controversial views are held concerning the way religion relates to modernity. In this respect the position of Islam in a basically Christian yet secularized society is one of the most crucial issues. One of the questions is, to what extent Islam will be offered the opportunity to achieve a social position similar to that of the Christian churches. At least we may safely expect that the churches, given their many social and economic ties with the German state, will not willingly surrender their privileges in favor of a radically laic separation of state and religion.

Policy-makers in Germany still need to develop a code of practice for religious equality that will meet the challenge of religious pluralism that *de facto* already exists. The former German President Rau pointed out this very need when he intervened in his new years´ speech for 2004 in the current debate on veiled Muslim teachers. His

demand to treat all religious signs equal in banning them from school grounds was a criticism of those law drafts which aimed at banning only the Muslim women's veil, but not the cross or the Jewish skullcap. He received strong backlashes especially from the then parliament president Thierse and representatives of the churches.

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France

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The project on "The Consequences of Islamophobia after 9/11", carried out by a team of Europe-based scholars under Jocelyne Césari for Challenge, seeks to analyse the development of Islamophobia in a number of key European Union countries. Although any definition of the term is fraught with conceptual difficulties, Islamophobia is understood here as "a modern and secular anti-Islamic discourse and practice appearing in the public sphere with the integration of Muslim immigrant communities and has been intensified after 9/11."

France constitutes perhaps a particularly interesting case in this regard. It harbours the greatest Muslim population of Western Europe, estimated at between 4 and 6 million, and the presence of Islam has over the last two decades acquired a symbolic value even more dramatic than the demographic impact of Muslims (Benbassa 2004). Revealingly, the very concept of Islamophobia has been subject to heated discussion and polemics.

Despite the fact that Islamophobia is a highly contested term in France, a number of recent studies by social scientists, actors in civil society or non-governmental organisations (NGOs) have added to our general understanding of the phenomenon. Noteworthy among these are Vincent Geisser's La nouvelle islamophobie; the 2003 annual conference of the anti-racist Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) held at the National Assembly and dedicated to Islamophobia; Laurent Bonnefoy's 2003 thesis entitled La stigmatisation de l'islam et ses limites dans les discours et pratiques des institutions publiques en France et en Grande-Bretagne après le 11 septembre 2001. If the National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme) categorically rejects the term Islamophobia, it has produced a useful preliminary study on Intolerance of Islam in France (Intolérances a l'égard de l'islam) submitted to the Prime Minister in March 2004. This literature has been followed by a more general debate on the usefulness and limits

of the concept of Islamophobia which, although largely polemical, has been productive in some regards.

Vincent Geisser's pioneering study identifies a variety of manifestations of Islamophobia: "new", "latent", "professional", "municipal", "institutional", "media", "intellectual", "securitarian". Also included in Geisser's typology of Islamophobia are less intuitive, but nonetheless real categories such as "Ramadonophobia" (relating to the ostracism affecting Swiss Muslim intellectual Tariq Ramadan), "Islamistophobia" (referring to the often rhetorical distinction between phobia of Islam and hatred of the so-called Islamists, without properly defining these), and "Muslim Islamophobia" (those individuals of Muslim background whose public discourses serve to reinforce stereotypes and facilitate Islamophobia).

This chapter considers Islamophobic attitudes in a broad sense. It starts with a review of the legal and political framework which defines the status of Islam in France, focusing on the relations between the State and Muslims, multicultural and immigration policies, and the French anti-terrorist apparatus. In the second part it presents information on some aspects of Islamophobia, ranging from physical abuse and direct or indirect discrimination, to political, intellectual, and media manifestations of the phenomenon.

Relations Between The State and Muslims

France is a secular state. The complex regime of laïcité, established as a constitutional principle in 1946 and reiterated in the 1958 Constitution, postulates a separation between the church and the state. Although Article 1 of the 9 December 1905 law "guarantees the free exercise of religious worship" under the exclusive restriction of public order considerations, Article 2 stipulates that the Republic 'does not recognize, pay, or subsidize any [form of] worship' – it is arguably the tensions between these two inward and outward articles which have conferred laïcité its historical dynamics. Painfully constructed over more than one century, the legal corpus of laïcité was a compromise solution which attempted to heal a divisive political concept (Baubérot 2000). In juridical terms, religion is treated as part of the private exercise of public liberties.

The differentiation between religion and the State does not however mean that the two are not intermingled – in fact, it is quite the contrary, as a series of legislation has institutionalised a number of "exceptions" which minimize the impact of the separation between the two orders: the French State thus subsidises private (religious) schools, pays for religious personnel in key secular institutions (army, prisons), finances chaplains in public schools, provides grounds for religious celebrations, gives tax exemptions to faith organizations, etc. In some geographical areas, the separation does not take place at all: such is the case of Alsace and Lorraine, which were under Prussian control in 1905, where the Republic nominates the bishops. Likewise, in the overseas territory of Mayotte, Muslim Personal Law is applied by qadis (Islamic judges) designated by the State.

Islam occupies a particular place in this régime. From the outset, Muslim populations in Algeria, then a French territory, were excluded from the application of the 1905 law through a special clause, initiating a State-backed "Muslim exception to laïcité" (Frégosi 2001) which has survived well into the postcolonial period and remains an obstacle to the incorporation of Islam today.

French laïcité is a 'system of the institutional regulation of the religious' based on a 'denominational definition of religion' (Hervieu-Léger 1999: 213). Religions in the public sphere are requested by the state to present a single "privileged interlocutor". It is on this basis that they can negotiate the modes of their public recognition. Confronted with de-regularized practices, the French authorities – and the regime of laïcité – are ill-equipped to manage problems of public order triggered by religion.

The French model of integration has been perceived as failing since the 1980s, giving rise to a widespread perception of a "Muslim problem". French governments have proactively responded to this by engaging in a policy of institutionalization of Islam. This process culminated in 2003 in the formation of the Conseil français du culte musulman (Caeiro 2005).

The CFCM is an 'association' of the type defined by the law of 1901, a law, in principle, reserved for non-religious bodies. The aims of the CFCM have been defined in its own internal statutes as follows: i) to defend the dignity and interests of Islam in France; ii) to favour and organize the sharing of information and services between places of worship; iii) to encourage dialogue between religions; and iv) to provide the

state with representatives of Muslim places of worship. In addition to these four goals, the Conseils régionaux du culte musulman (CRCM) represent the CFCM at the regional level ('Projet de statuts du CFCM approuvé par la COMOR le 17 avril 2003' at http://oumma.com/article.php3?id_article=615). Despite some occasional resistance from local authorities, unsatisfied with the theological profile of Muslim leaders, it seems that the Conseils régionaux du culte musulman are now widely perceived as legitimate by public institutions at the local level.

Beyond this juridical definition of the Muslim body, however, there are also latent political and social expectations concerning the role of the CFCM. 'Organized Islam' is widely expected to act – sooner or later - as a religious body, defining the modalities of the adaptation of Islamic normativity to the secular context of France. In the post 9/11 context, as Bonnefoy (2003: 22) has remarked, the distinction between 'good' and 'bad' Muslims has come to permeate all levels of French public institutions, becoming a quasi-scientific category that is employed by political leaders and exploited in the media, structuring mainstream perceptions. The CFCM is expected to contribute to the formalization of 'good Islam' in France, disseminating a liberal doxa and marginalizing radical elements. In other words, the representative body of Muslims in France is being asked to become part of the solution to the problem of a 'socially controversial religion.'

The personal involvement of the Interior Minister Nicolas Sarkozy is consensually seen as crucial to the establishment of the CFCM. However, the urgency with which Sarkozy acted, repeatedly linking the process of institutionalisation of Islam to the terrorist threat and 9/11, did little to reassure French publics about the Muslim presence in the country. The process of institutionalization seems to participate in the stigmatisation of Islam and Muslims. Although Islamic traditions display comparable ambivalences to the social consequences of Muslim religiosities, the distinction between the good and the bad Muslim is a form of "selective stigmatization" which has replaced, after 9/11, the older, cruder, "total and immediate" stigmatisation of Islam (Bonnefoy 2003: 11). In this sense, the current stigmatisation of Islam is a modern and secular discursive practice discontinuous from, even if not totally possible without, the long historical processes of Islamophobia in Christian and Colonial France.

The relationship between laïcité and Islamophobia is complicated by the fact that the frivolous debates on Islam (and Islamophobia) are often framed as a defense of the

French régime of separation between religion and the State. This suggests indeed, as noted in the general findings section, that Islamophobia takes forms specific to the political culture of individual nation-states.

The (problematic) connection between laïcité and Islamophobia has been underlined by the comments of the Mayor of Nice, who refused to grant building permits to Muslims on the grounds that "mosques are not to be tolerated under French laïcité" (see below). As Jean Baubérot once argued, the very act of defining laïcité pertains to a power struggle between competing ideological actors.

Although the typical Islamophobic act is committed by a State agent, according to the Collectif contre l'Islamophobie en France most of the obstacles to the practice of Islam come less from the framework which regulates relations between religious denominations and the State than from deliberate individual or institutional attempts to curb Muslim practices which are widely shared – in this sense, refusals by Mayors to grant construction permits, like the exclusion of Muslim women by civil servants because of their headscarf, inherited from the same ideological construction that made possible a study by the national statistical office (Institut national d'études démographiques, INED) measuring the integration of Franco-Maghrebis by their lack of assiduity in Islamic practices and prayers (Tribalat 1996; see also Bowen 2004).

Status of Ethnic Minorities

There are, according to the French Republican ideal, only individuals and no communities. The transcendental link which connects the individual citizen to the Nation (and the State) regardless of her ethnic or religious origin does not allow (in theory) for mediators. The French State is thus an abstract Universal which cannot conceive of intermediaries.

The concept of "minority" is therefore foreign to the Republican grammar. The legal apparatus concerning the protection of minorities put forward by the European institutions constitutes indeed one of the most problematic areas for the French legal order. This principled objection to the concept of minority is sometimes translated differently in the realm of legal and social practice (Amiraux 2002). The legal implications of Republicanism cannot therefore be taken for granted.

The term "multiculturalism" in French public debate has a distinctively derogatory meaning – arguably the mirror-image of foreign understandings of laïcité. Multiculturalism is most often defined negatively, as the Anglo-Saxon reverse of the national Jacobin model (Schnapper 1994; see for a rare exception Wieviorka 1996). But this model of Republicanism has come under increased pressure in the last two decades.

Since the 1980s there has been, however, a re-orientation of French politics towards political and institutional pluralism, a stronger recognition of particular identities and in some cases measures of positive discrimination (Koenig 2003; Peter forthcoming). Today, the old French "hostility to cultural pluralism" (Safran 2003) has started to give way to a more pluralist ethos. The perceived failure of the French model of integration has led to innovative policies on a territorial basis, such as the establishment of areas of priority education (zones d'education prioritaire, ZEPs) and the Politique de la Ville undertaken by different governments. The territorial marker is designed to enable pro-active policies in areas where immigrant populations are concentrated without abandoning the Republican idea of an absence of communities. Since 2002, the initiative taken by the Institut d'Etudes Politiques (Sciences-Po), a prestigious tertiary educational institution, to make entry more accessible to minorities – on a similar territorial basis - is also remarkable. Similar measures have been taken by the police forces and the army, testifying to the inroads made by multicultural ideas in French institutions.

In a landmark 2001 decision, the Constitutional Council recognized that it is sometimes necessary to apply juridical differentiations in order to achieve real equality (Valls 2005: 155). To some extent, the organization of the Conseil français du culte musulman in 2003 represented an attempt to integrate immigrant populations considered under their religious identity – a symptom of the shift of the identity marker, in public policy and social perception, from "foreign" to "immigrant" to "Muslim."

Statistical data in France used to differentiate between citizens and foreigners. In the 1990s, however, a third category of "immigrants" (issue de l'immigration) was introduced. The collection of data on ethnic and religious affiliations remains nevertheless a highly sensitive and controversial issue. In reality, questions on these issues are not legally forbidden (as long as they are not compulsory) but remain socially discouraged.

The scarcity of data on ethnic and religious minorities has been criticized for a number of reasons, including its ineffectiveness in the fight against discrimination. If academic studies seem to have privileged "racism" as a category of analysis at the expense of more empirically-grounding researches on instances of discrimination (EUMC 2005: 48), a number of reports and non-governmental organizations have started to become more alert towards the rampant bias and inequity facing minorities at many levels. Based on nationality and birthplace data, a 2005 report by the European Monitoring Centre on Racism and Xenophobia (EUMC) highlights differences between mainstream and migrant or minority populations in terms of housing conditions, and speaks of "discriminatory practices…both direct, indirect and institutional" (EUMC 2005: 21). The authors of the report note furthermore an unwillingness to record and bring cases of discrimination to courts, resulting in a certain lack of awareness of discrimination, particularly at the local level (EUMC 2005: 48, 58). Here, as in other areas, more data on discrimination in housing is urgently needed. Low penalties for discrimination as well as the lack of resources for anti-discrimination initiatives are considered to be major obstacles for countering these practices (EUMC 2005: 78-9). The admissibility of testing as evidence in courts of law is nevertheless a positive step in the fight against discrimination (EUMC 2005: 50).

The priority in the application of the European anti-discrimination Directive seems to have been given to employment in France (EUMC 2005: 45), a move given much urgency following the late 2005 riots. The Haute Autorité de Lutte contre les Discriminations et pour l'Egalité (HALDE), a State body set up in 2005 following a recommendation by the Stasi Commission, has recognized employment as the main area of discrimination. Like the Stasi Commission, however, the HALDE refuse to consider religious discrimination or Islamophobia as an analytical category. Given the clear links by the Stasi Commission made between discrimination and the turn towards what in France is loosely defined as "Islamic fundamentalism", it is difficult to understand this attitude.

Discrimination against Muslims in the field of education is a reality which is difficult to quantify. Although data on the educational achievement and underachievement of minorities is not conclusive, huge inequalities persist in the field,

with the socio-economic status of parents providing a major factor in determining the length and level of education (EUMC 2004: 46).

Anti-Terrorism and Security Laws

The fight against terrorism has played a key role in debates about Islam in France. Public officials often linked domestic policies with fears of international Islamic terrorism. Implicitly, if not explicitly, the institutionalisation of Islam, which culminated in the establishment of the CFM, as well as the wider project of constituting a "French Islam" (un islam de France), have been related to domestic security concerns.

A recent survey conducted for the British Secretary of State for Foreign and Commonwealth Affairs on "Counter-Terrorism Legislation and Practice" outlines in detail the French anti-terrorist apparatus.

Terrorist acts are a criminal offence in France by virtue of articles 421-1 and seq. of the Penal Code. This was amended in Law 96-647 of 22 July, 1996. Acts of terrorism are defined as offences which are committed intentionally and undertaken by an individual or collective with the purpose of seriously disturbing the public order through terror or intimidation. These can be wilful attacks on life and the physical integrity of persons, the production or keeping or sale of explosive devices and weapons, financing of terrorist organisations and money-laundering operations.

Since 1986 the Trial Court of Paris has a section of prosecutors and investigating magistrates who specialise in cases of terrorism. This has led to the establishment of a specialised and expert corps of counter-terrorism magistrates, facilitating networking between the investigating magistrates and the domestic French intelligence agency, the Direction de la surveillance du territoire (DST). Following the terrorist attacks of the mid-1990s Law Number 96-647 of 22 July, 1996 stipulated that conspiracy to commit terrorist acts amounts to the act itself. Building on the codification of broader criminal conspiracy offences, this allows for investigating potential terrorist activity through the targeting of logistics networks that support terrorists. Furthermore, it provides the possibility for removing the French nationality of any person who has acquired it within the previous ten years and who has subsequently been convicted of an act of terrorism.

In addition, France has signed a number of international treaties such as the European Convention on the Suppression of Terrorism, the International Convention

against Hostage-Taking, the International Convention on the Suppression of Terrorist Attacks with Explosives and the International Convention on the Suppression of the Financing of Terrorism.

Unlike in other European countries, 9/11 thus did not play a significant role in the French anti-terrorist apparatus, which was elaborated after the attacks of 1986 and remodelled in the wake of those of the Summer of 1995. New measures were however introduced, and the links to Islamic terrorism were apparent to everyone. Although the legislation has been careful not to single out Muslims, the timing and occasioning of such laws – as well as the political debates around them - have made such links obvious. Following the attacks on the World Trade Centre and the Pentagon, the provisions seeking to prevent money-laundering have been extended to the fight against terrorism, with a number of national structures designed to counter money-laundering also now related to terrorist activities. Under the Criminal Code of Procedure, the time limits for pre-trial detention for terrorist offences are mainly the same as for other serious offences. Exceptions can nevertheless be made under the same Code for initial custody, pre-trial detention, searches and the limitation period.

From 9 October, 2004, under Law Perben II, covert investigation is allowed in cases of organised crime and terrorism, including undercover officers, listening devices and controlled deliveries.

Following the London attacks, Interior Minister Nicolas Sarkozy has rushed in a series of controversial laws which the French Parliament adopted in November 2005 (and which the Senate will review in January 2006). These include a 10-year increase in the prison sentences for the leaders of terrorist organisations and their accomplices, an extension of video surveillance in public sites, access to telephone and computer data bases, greater control of cyber-cafés and air passengers' lists. These laws, approved by an overwhelming majority of MPs, have been contested by Human Rights activists and the Green Party as violating Human Rights Conventions.

Recent figures provided by the Ministry of Justice shed some unexpected light on the width of the phenomenon. Contrary to common views, among the 358 inmates under terrorist charges, only 94 are presumed radical Islamists. At 159, the Basques comprise the largest single contingent of detained (real or potential) terrorists (Le Monde, "358 détenus pour activisme dans les prisons françaises," 08/09/2005).

Immigration Policies

Immigration has been an important component of political discussions in France, as in other European countries. At the centre of the debate on immigration lies Islam and the rhetorics of integration. As in other countries, talk of "sending back" Muslim radicals involved in the planning or carrying out of terrorist acts highlights the intricate links made between terrorism, immigration, and Islam.

The events of 9/11 in a French configuration are already marked by a reinforcement of anti-immigration policies at the national and European level. In France, the results obtained by Jean Marie Le Pen at the Presidential Elections of April/May 2002 sent a shockwave through the country, and signalled the beginning of a radicalization of discourses on immigration. For Roger Cukierman, president of the Conseil Représentatif des Institutions juives de France (the main Jewish umbrella organization), the rise of the Front National is "a message for Muslims to stay quiet". The right-wing government elected the following year embarked on a strict anti-immigration policy – under Interior Minister Nicolas Sarkozy, police repression is one of the key themes. The law related to the control of immigration, the stay of foreigners in France, and nationality was adopted on 26 November, 2003. The following year asylum-seeking is rendered more difficult, expulsion procedures are facilitated.

Events will spiral out of control in late October 2005 when youth riot in a number of French banlieues. Although analysts in France will privilege the social-economic lenses of marginalization in their reading of the events, right-wing politicians and members of the government conflate the violence with the problem of Islam and immigration, insinuating a manipulation by Islamist movements, invoking polygamy as a cause of the riots, and promising to expel any foreigners involved. The lingering effect of this discourse has been made clear by the Commission nationale consultative des droits de l'homme, which relates such insinuations to the growing hostility to Muslims shown in its quantitative surveys.

The long-term consequences of the riots are difficult to predict. In the short term, however, the violence has led to the re-positioning of immigration and integration concerns high on the political agenda – a place they are likely to occupy at least until the presidential elections of 2007. Whether this will benefit extreme-right parties in the

next elections, or whether mainstream parties will be able to curb the latter's share of the ballot, is uncertain. It is nevertheless a development that certainly contributes to the banalisation of the far right's theses.

The riots also put Islamophobia in France on the international map. The International Crisis Group produced in March 2006 a sharp report entitled "France and its Muslims: Riots, Jihadism and Depoliticisation," which identifies various forms of State violence and "the perceived vilification of Islam" as two underlying causes behind the troubles.

The riots have been directly linked by Nicolas Sarkozy to his second anti-immigration law, entitled "law on immigration and integration," presented to debate at the National Assembly in May 2006. The controversy centres around Sarkozy's call for a "selected immigration" ("immigration choisie", as opposed to what Sarkozy describes as the current situation of "immigration subie" – see Le Figaro, "Immigration: la gauche joue la surenchère verbale," 4 May 2006). But perhaps more stigmatizing is the emphasis on the integration contract to which all immigrants will be submitted – a contract hinted at in the report by the Stasi Commission (Commission preside par Bernard Stasi 2004: 147). Questioned on prime-time news, Sarkozy made it clear Islam is at the centre of the debate: immigrants will have to learn French and "learn to respect the country." For Sarkozy, this means "accepting French laws, even if they don't understand them," because "it is up for them to adapt, not for France." In barely-concealed references to the Muslim problem, Sarkozy argued forcefully that immigrants must accept the publication of religious cartoons in newspapers; women must provide uncovered photographs for identity cards, and they must accept to be treated by male doctors. (TF1, Le journal télévisé de 20h - 27 April 2006). Thus defined, the French integration contract seems strangely narrow – and quite stigmatizing of Muslims. This point was not lost on Fouad Alaoui, secretary-general of the Union des organizations islamiques de France (UOIF) who used his speech at the UOIF's annual meeting at the Bourget to criticize the Interior Minister's remarks. Earlier, the prompt reaction of Muslim leaders to the immigration proposal shows that the confusion between Islam and immigration has now become pervasive (See for example the press statement by Kamel Kabtane, "Le projet de loi sur l'immigration inquiète les musulmans de France," www.saphirnews.com).

Nicolas Sarkozy emerged with his popularity unscathed from the riots despite treating youth as "scum" ("racaille") and arguably contributing to the violence with his comments.

A report on immigration submitted to the French Parliament in relation to article 1 of the Law of 26 November, 2003 explicitly links anti-immigration policies of repatriation, euphemistically called "politiques d'éloignement", to the fight against international terrorism, referring to the expulsion of 30 radical Islamist activists from France (Rapport au Parlement – Les orientations de la politique de l'immigration: 12).

Malek Boutih, ex-president of the anti-racist organization SOS-Racisme and currently national secretary of the Socialist Party for social questions (secrétaire national chargé des questions de société), has recently defended "a moral criterion" underlying a left-wing policy of immigration via a system of quotas: "laïcité and the respect of gender equality" must be the precondition, according to Boutih's immigration policy, for potential immigrants (Le Monde, 27/01/2005). This barely-hidden reference to the "Muslim problem" emanating from the left is symptomatic of the turn of French political debates on immigration.

Physical Abuse

There is a relationship between discourse and practice - they feed on each other, sometimes occult disguise one another. The construction of Islam as a problem is thus almost inevitably bound to translate into physical abuse.

One of the most complete sources on Islamophobic acts in France is the information provided by the Collectif Contre l'Islamophobie en France (CCIF). Founded in October 2003 "in reaction to the essentialist presentation of a monolithic Islam in the French public sphere", the 15 volunteers working for the CCIF produced its first report in October 2004.

Noting the "ambivalence" (4) of the historical / conventional anti-racist organisations regarding the phenomenon of Islamophobia, the CCIF sets itself the twin aims of "improving the information concerning the social expression of Islamophobia in France" and helping its victims with legal advice (4). It acts as a centralising body for the collection of data, and tries to raise public awareness in order to organise a coherent

and efficient counter-strategy (6). The CCIF distinguishes carefully between ethnic/racist discrimination and Islamophobic acts (5).

It reports 182 Islamophobic acts targeting individuals (118) and institutions (64)`during the period running from October 2003 to August 2004, including 27 physical aggressions (four of which are serious), 29 degraded mosques and 11 vandalised cemeteries with more than 200 profaned tombs (8). Acts targeting Muslim institutions include expulsions (of religious personnel?), last-minute cancellation of conferences (often by Tariq Ramadan), the closure of mosques or freezing of mosque projects, (attacks against other) Muslim structures, cemeteries and vandalised mosques. The Islamophobic acts reported are mostly concentrated in Ile-de-France, Alsace and Rhone-Alpes: roughly 2/3 of all acts (14).

Based on the statistics accumulated for anti-Islamic manifestations against individuals, the CCIF distinguishes between three types of Islamophobic actors: public services (mainly administration, education and public enterprises); private companies (mostly in the medical, commercial and leisure sectors); and individuals. The CCIF identifies the typical Islamophobic act as an act of discrimination at a public institution (59% of the cases), or against a veiled woman (81% of the cases). This is not surprising, as it corroborates the EUMC's assertion that the headscarf is "the primary visual identifier" of Islamophobia in Europe (quoted in Amiraux 2005: 73, ft26). Although this Islamophobia is not seen as institutionally organised, it is facilitated by the climate of impunity of the concerned agents and by the wider social banalisation of Islamophobia (15). The most serious institutional cases include a highly publicised interdiction of marriage for veiled women at Nogent-sur-Marne (Le Monde 20 dec, 2003): Jacques Martin, UMP Mayor of Nogent-sur-Marne (94) has stipulated in November 2003, in a document sent to all prospective brides and grooms, that "no conspicuous sign of religious, philosophical, trade-unionist or political affiliation will be tolerated." Regarding individual acts, one will note an incident in Montpellier where a driver tries to run his car into a man he mistook for bin Laden - but instead of the reward of five million dollars, he gets a sentence of three-month imprisonment (avec sursis) and a 500 euro-fine (64).

The report also notes "a strong correlation" between the output of media coverage of Islam and the rise of Islamophobic acts (25).

Media Coverage of Islam

The media coverage of Islam is undoubtedly the most researched aspect of Islamophobia in France (and probably elsewhere). Drawing on Edward Saïd's Covering Islam: How the Experts Determine how We see the Rest of the World, social scientists have critically plunged into the world of representation of Islam in the media.

One of the earliest works was written by Sadek Rabbah (L'islam dans le discourse médiatique – comment les medias représentent l'islam de France, 1998). One of the most persuasive chapters in Vincent Geisser's book deals with Islamophobia in the media (Geisser: 23-56). More recently, Thomas Delcombe has made a valuable contribution to the debate through the publication of L'islam imaginaire: La construction médiatique de l'islamophobie en France, 1975-2005, which focuses on the medium of television. Concerning the recent "debate" on the Muslim headscarf, Pierre Tévanian has highlighted, in Le voile médiatique – un faux débat: l'affaire du foulard islamique (2005), the political and media construction of a problem which has been one of the most impassioned issues in France in the past years.

Geisser delivers a nuanced analysis of the media treatment of the Muslim question. Refusing the thesis of the pensée unique affecting the media, Geisser argues that the media discourse on Islam is not homogenous and constitutes just one element in a wider discursive field. Media do not create Islamophobia as much as they operate a "mise en ordre du sens commun" about Islam and Islamism. This is achieved through a number of procedures, including the selection of contents, themes and images; the cooptation of "legitimate" figures and "experts" (en)able(d) to interpret and give meaning to the event; finally, the production of Muslim heroes and anti-heroes. The "media common sense" ("le sens commun médiatique") contributes, according to Geisser, to the banalisation of Islamophobia. Some of the media failings in the treatment of Islam are structural and endemic: absence of thematic specialization; irregularity of the follow-up of the subjects; self-censorship. Geisser nevertheless reproaches the journalists' "total absence of critical distance towards popular emotions and passions". Islam is seen not as an "ordinary social object" but always as a "potential danger" – and the media have responded to fear by fear, meeting an implicit social demand: instead of knowledge on Islam and the social practices of Muslims, French audiences desire

expertise on the risks of infiltration by Islamic terrorism. In a striking illustration of this conception of Islam as a potential danger, Le Figaro ran a story at the height of the riots in the banlieues entitled on the front page "Survey on the role of Islam in the dissemination of the violence." It is reported there that following the explosion of a police gas bomb outside a mosque in Clichy-sous-bois, "families of Moroccan origin…called each other on the telephone"! The "survey" was not conclusive, however, and the journalist was forced to concede that "Islam does not play a determining role in the propagation of the riots" (Le Figaro, 5-6 November, 2005).

Focusing on the debate concerning the Muslim headscarf, Pierre Tévanian traces the way in which the "problem of the hijab" was politically constructed. Tévanian underscores the concerted role of the media in shaping the terms of the debate and in forging the "Islamophobic consensus" for the ban of conspicuous religious signs in public schools – ultimately adopted by an overwhelming majority of MPs - through a process of inclusion and exclusion of specific voices from the public debate. By excluding from the debate sociologists, as well as feminists, teachers and civil actors not opposed to the Muslim headscarf, the media (particularly the audiovisual outlet) contributed to the construction of a simplistic world whereby only bearded foreign religious men could defend the Muslim headscarf against women (necessarily opposed to it), who are supported in their rejection of the religious clothing by native or emancipated (male) intellectuals.

The study of audiovisual representations of Islam by Thomas Deltombe is set to become the reference in the field. Drawing on thirty years of 8 o'clock TV news coverage, Deltombe contextualizes the audiovisual construction of an "imaginary Islam" which reflects tensions and fears within the larger French society. Islam appears as an "evanescent phenomenon", disappearing as suddenly as it appeared in the news; the treatment of Islam is always partial, covered exclusively in its crises and through its problems; and television coverage progressively constructs a binary world where the gap between the West and Islam is steadily widening, making Muslims in France fall under the exclusive categories of moderate or Islamist.

Among the national daily print media there seems to be a graduation in the level of Islamophobia. Le Monde, and in particular its social and religious affairs journalist Xavier Ternisien, have been at the forefront of the denunciation of the phenomenon

(see "Le danger de l'islamophobie," 12-13/05/2002; "Du racisme anti-arabe à l'islamophobie," 10/10/2003; "En France, le terme « islamophobie » suscite un débat," 15/02/2004; "Une enquête sur la religion en Europe confirme la montée de l'islamophobie et de l'antisémitisme," 15/12/2004), but its reporting has not always followed consistently. Journalists at Le Monde have, perhaps unconsciously, participated in the confusion between Islam and Islamism, confusing legitimate religious needs with radicalisation - see for example "Peu de musulmans radicaux employés dans les aéroports, selon les RG," 26 April, 2006). By contrast, for the centre-right daily Le Figaro, Islamophobia seems to exist only as an "alibi" (see for example "Médias, pouvoir et responsabilité", 13 February, 2006).

Role of Political Leaders and Political Parties

Politicians in France are often ambivalent concerning the phenomenon of religion in general, and of Islam in particular. There are no specific studies – as far as the present author is aware – that would systematically deal with the role of political leaders and parties in the production and/or dissemination of Islamophobia in France. The following remarks are based on a reading of the media declarations of prominent political figures in France, as well as the analysis of political writings published as books by some leading politicians.

The anxiety and insecurity generated by the establishment of Muslim communities in France (as shown in a number of surveys) create a climate of impunity concerning Islamophobic remarks made by politicians. François Baroin, spokesperson of the Union pour un mouvement populaire (UMP, right-wing, in government), thus declared categorically on prime-time television: "One has to say it clearly, there is no Islamophobia in France!" (3 November 2003, "Mots croisés", France 2).

Since the 1980s local politicians at the municipal level have been willing to instrumentalise the fear of Islam as an electoral resource (Geisser 2003: 15). Refusal to allow the building of mosques has been one of the most common strategies. The Mayor of Nice, Jacques Peyrat (UMP) once argued that "mosques as such are inconceivable in a secular Republic" (AFP, 12 September, 2000, quoted in Geisser 2003: 16). In 2005 the same Mayor repeated he would use his veto powers to prevent the acquisition of land for the building of a mosque which he judged inappropriate. Meanwhile, one of his

delegates opposed the construction on the grounds that a mosque in the inner city centre, where Muslims are concentrated, would lead to further "ghettoïsation" (Le Monde, 12 November, 2005).

One of the effects of the rise of the extreme right-wing in France has been the adoption, by mainstream parties, of some of its rhetoric. The case of the aforementioned Mayor of Nice J. Peyrat – who moved from the Front national to the UMP - illustrates this shift most pointedly.

Although several politicians have clearly made Islamophobic comments, the official line of the conventional political parties disseminates a binary and simplistic representation of Muslims by systematically opposing a good "islam modéré" to an evil "islam intégriste" (Geisser 2003: 15). This "selective stigmatization" of Islam, studied by Bonnefoy (see above), has come to permeate all levels of French public institutions (Bonnefoy 2003: 22).

Nicolas Sarkozy has excelled in the discursive distinction between good (read French) and bad (foreign) Islam. The Minister of the Interior played an important personal role in the establishment of the Conseil français du culte musulman, a symbolic recognition of Islam in France, while multiplying the alarmist statements concerning Muslims, self-consciously linking the institutionalisation of the Muslim representative body to threats of international terrorism. Most recently, following the riots in the banlieues, Sarkozy blamed - in prime-time television - "immigration", "culture", "polygamy" and "social origins" for the troubles.

The Socialist Manuel Valls has in a recent book, La laïcité en face (Paris, 2005), laid out his vision of a new Republican pact. As the Mayor of Evry, M. Valls played an important role in the political outcry which led to the closure of the Halal Franprix (a supermarket chain) in Evry because its Muslim managers did not sell alcohol and pork – a form of "ghettoïsation" (sic!) which politicians and the media unequivocally combated. In his book Valls considers the institutionalization of Islam in France as the consequence of an absence of control of migration fluxes in the last thirty years (Valls 2005: 26).

The most extreme, but nevertheless revealing, case is that of Philippe de Villiers, leader of the Mouvement pour la France (MPF), who has made the struggle against "the Islamization of France" his political slogan. Philippe de Villiers published this year a book about an "Islamist conspiracy" to place the Paris-Charles de Gaulle airport "under the

shari'a" (De Villiers 2006). He has repeatedly linked Islam, Islamism and terrorism, arguing categorically that Islam is "incompatible with the Republic." While P. de Villiers acknowledges that there may be moderate Muslims, he rejects the possibility of a "moderate Islam." The reference to the "Islamic threat" allows P. de Villiers both to draw on a wide repository of popular anxiety and to distinguish himself from Jean-Marie Le Pen, the leader of the far-right Front National. The latter, though not totally unambiguous on this issue, has recently tended to dismiss the "problem" of Islam as a natural outcome of immigration influxes.

Role of Intellectuals

Intellectual discourses everywhere articulate relations between knowledge and power. The lack of reflexivity on the part of scholars involved in the production and dissemination of Islamic knowledge, and knowledge of the Muslim Other, is in this sense rather striking (for an exception see Amiraux 2004).

A distinctive literary genre which has emerged since the 1990s consists of alarmist and essentialist accounts of the Muslim presence in France, which lack any nuance or empirical grounding and reflect distinctively illiberal views. Titles such as "Les islamistes sont déjà là: Enquête sur une guerre secrète," "La France malade de l'islamisme: Menaces terroristes sur l'Hexagone," "La tentation du Jihad: Islam radical en France," "Sentinelle: Contagion islamiste en Europe, le vaccin," "Le jour où la France tremblera. Terrorisme islamiste: les vrais risques pour l'Héxagone," "La schizophrénie de l'islam," eloquently speak of the new market sustained by French anxieties regarding the Muslim presence in the Republic. They are usually vulgarisations of Islamophobic theses, sometimes posing as investigative journalism, even as scholarly discourse, but which find their source in the new discursive spaces in France, which rendered Islamophobia a mere opinion.

Although international figures of Islamophobia such as Oriana Fallaci have had important echoes in France, and their books have been bestsellers, I will focus here on two distinctively French cases: writer célebre Michel Houellebecq and Iranian exilé Chadvoort Djavann. This chapter is far from exhaustive, but will serve to highlight French declinations of what has become a much wider Western phenomenon.

The question of Islam, "almost existential" (Roy 2005: 8), has become one of the crucibles of contemporary French identity. Public figures who make Islamophobic comments often construct a world where they are supposedly single voices taking great personal risks in voicing criticism of Islam. The examples are numerous: Tribalat and Kaltenbach have authored a book which aims at "sober[ing] us from the state of exaggerated enthusiasm for Islam" (Tribalat and Kaltenbach 2002: 11). Emmanuel Brenner, who has edited a book on racism and anti-semitism in French public schools which can rightly claim to have had a decisive impact on the debate on banning the Muslim headscarf (the publishers present the book as "le livre qui a fait basculer le débat sur la laïcité"), associates talk of Islamophobia with a form of "accusatory stigmatisation" ("stigmatisation accusatoire") against which one "must not capitulate" (Brenner 2002: 12). The military jargon, so common in some media discussions of Islam, is in itself rather revealing of the state of war. Polemicists Caroline Fourest and Fiammetta Venner argue that the term "Islamophobia" was invented by Shi'a mullahs to prevent criticism of the Iranian regime (http://www.prochoix.org/frameset/26/islamophobie26.html). It is quite significant that Fourest's latest pamphlet, La Tentation obscurantiste, which warns against an alleged fascination of the Left with radical Islam, earned her the 2006 "political book of the year award" of the French National Assembly – sending shock waves through the academic circles (see for example the reaction in Le Monde, "Les lauriers de l'obscurantisme," signed by Jean Baubérot, Bruno Etienne, Franck Frégosi, and others, 17/04/2006).

This victimization is, as Annelies Moors has remarked in the Dutch context, rather astonishing on the part of these figures, "given their often strong political connections, privileged access to media, promiscuous relations with the world of experts, and wide popular support as gauged by, for example, book sales" (Moors 2005: 8-9). This peculiar characterization of the actors as a minority, fighting against the "fascination" of Islam, as another recent book by journalist Martine Gozlan tries to make believe, corresponds to a process of self- and collective denial that still awaits a more systematic analysis.

Chadortt Djavann is a paradigmatic if somewhat grotesque example. Born "revolted" in Iran in 1967, Djavann is the author of two bestselling books bearing the suggestive titles of Bas les voiles ("Down with the Veils", Gallimard 2003) followed by

Que pense Allah de l'Europe? ("What does Allah think of Europe?", Gallimard 2004). The first essay made her fame: published at the apex of the heated debate in France on banning or not banning the Muslim headscarf, Djavann's account added "the authentic voice" of a woman who, because of her Iranian past, "knew what she was talking about". Her book, chosen by women's magazine Elle as book of the year (!), quoted with approval in the French Senate, was received with applause by the French media, fitting in nicely with the terms of the debate as they had been politically constructed. Among her best-known quotes are: "Le voile, cette prison ambulante, cette étoile jaune de la condition féminine..., c'est le dogme islamique le plus barbare qui s'inscrit sur le corps des femmes et s'en empare." And « Chez les musulmans, une fille, dès sa naissance, est une honte à dissimuler...Elle est l'objet potentiel du viol, du péché, de l'inceste...Elle est l'objet potentiel du crime, égorgée par le père ou les frères pour laver l'honneur taché...Car l'honneur des femmes musulmanes se lave avec le sang des filles ! » Proving that in France intellectuals are never too far from daily politics, after the tour of the media C. Djavann was among the selected few invited for an audition at the Stasi Commission set up by Jacques Chirac to reflect upon the application of laïcité. Her vivid testimony, described by some of the eminent members of the Commission as the audition which made "the strongest impression," proposed banning the Muslim headscarf not only in public schools and institutions but also in the streets as "acts of physical, psychological, social and sexual abuse" (Libération 22/09/2003).

The case of Michel Houellebecq, probably the most controversial contemporary French writer, is a particular one. His style, devoid of stylistic superfluities, is singular and sarcastic. Houellebecq's books depict a miserable world of superficiality peopled by anti-heroes. The book that prompted 'l'affaire Houellebecq' was Plateforme, a novel of 350 pages which sold 240,000 copies by the date of its author's court case. The plot revolves around sexual tourism in Thailand. The Islamic religion is not the main theme of the book; there are in fact only three paragraphs about Islam. Nevertheless, an interview in the literary magazine Lire (monthly; 110,000 copies) just before the publication of the book in September 2001 focused on these passages, asking the author to comment on the remarks made by the narrator of Plateforme. Michel Houellebecq relates a personal experience of total rejection of all monotheisms while visiting the Sinai before declaring: "La religion la plus con, c'est quand même l'islam.

Quand on lit le Coran on est effondré... effondré!", "L'islam est une religion dangereuse, et ce depuis son apparition". These declarations led to an action in court against him for racial injury and incitement to religious hatred. The case brought by a heterogeneous group of lawyers from the Grande Mosquée de Paris, the Mosquée de Lyon, the World Islamic League and the French Human Rights association Ligue des droits de l'homme, started on 5 February, 2002 in Paris. On 22 September, 2002 the writer won the case as the Tribunal de Paris, which ruled that Houellebecq's remarks did not constitute an insult towards Muslims since a group of believers is not equivalent to the faith which they profess.

It is difficult to avoid mentioning here Cités, an academic review published by the Presses universitaires de France, which ran in 2004 a special issue on "Islam in France" edited by Yves Charles Zarka, Sylvie Taussig and Cynthia Fleury. The issue reads as a catalogue of French intellectual positions on the impassioned issue of French Islam, including a number of contributions by prominent academics, often in the form of interviews. The tone and presentation of the issue display definite Islamophobic (as well as plain racist) predispositions. Thus, in the general introduction, suggestively titled "The Constitution of a tyrannical minority", Yves-Charles Zarka argues that the clash between Republican citizenship and "the Islamic religious framework" is "inevitable," and denounces the "spirit of conquest which has always animated Islam" and against which one has to "develop the spirit of resistance." The questions put to scholars reveal an obsessive focus on jihad, secrecy in Islam, and radicalism in general. But it is perhaps the front cover to the issue which is the most symbolic: positing a crooked-nosed imam standing with the Qur'an and his back turned against a voluptuous Marianne holding the French Constitution, it is widely reminiscent of the Anti-Semitic propaganda of a century ago.

Religious Practice of Islam

Theoretically, the religious practices of Muslims are guaranteed legally by the French Constitution under the freedom of religious worship both in private and in public. The religious practices of Muslims are nevertheless rendered difficult by a number of social, legal and political factors, including public policies and some hostility towards

visible Islamic practices in France. As elsewhere, the balance between secularism – the doctrine of separation between religion and the State – and the respect of religious freedom is translated into an open-ended, contested process shaped by unequal power structures and is subject to negotiations and transformations.

Discrimination against Islam may be direct or indirect, as defined by European legislation (Amiraux 2005). There has been so far little consideration in France to indirect discrimination of Muslims caused by the application of apparently neutral norms and practices. In what follows, I will highlight a number of problematic areas where acts of Islamophobia have been most obvious.

One of the most prominent cases of both forms of discrimination relates to the construction of mosques, a complicated procedure which involves an arbitrary process of negotiation with local authorities and which is strongly dependent on shifts of public policy, contingent relations with Muslim organizations, the goodwill of individual politicians, and sometimes even public opinion – as in the notorious case of the Mayor of Libercourt who subjected the decision to a referendum in 1991, an idea also considered, but finally abandoned, in 2005 in Créteil. Ironically perhaps, the project of devising a "French Islam" has provided an impetus towards greater visibility of Muslim worship, including the building of mosques (but not of minarets which, although legally allowed, are usually socially discouraged) as transparent counterpoints to the "Islam of the caves". In practice, however, many obstacles remain. In Strasbourg, the Mayor recently demanded from Muslim organizations a more vigorous fight against delinquency as a pre-condition to any discussion on building a mosque; in Nice, the local authorities oppose the construction of a mosque in the centre of the town, where most Muslims live, on grounds that it would further "ghettoïsation". A recent study commissioned by the Fonds d'action et de soutien pour l'intégration et la lutte contre les discriminations (FASILD) establishes a typology of mayoral attitudes to the construction of visible Muslim places of worship: les volontaristes ambitieux, les visionnaires audacieux, les pragmatiques décomplexés, les téméraires clientélistes, les converties de la dernière heure, les pragmatiques prudents ou méticuleux, les réalists suspicieux ou sélectifs, les nostalgiques sécuritaires, les réfractaires (Frégosi 2004: 13). Beyond the idiosyncrasies of the classification, difficult to render in translation, it is the sheer diversity of attitudes which is remarkable, demonstrating that any explanation in terms of macro-sociological

models of State-Church relations is unable to seize the full complexity of the realities on the ground.

Intellectual discourses seem to play an important role in limiting religious freedom for Muslims in France. If the dominant French understanding of the Islamic Revival in terms of (wrong) responses to experiences of socio-economic exclusion is driving the attempt to combat various forms of discrimination, one wonders about the extent to which this insensitivity to the religious experience per se is effective in the long term in eradicating Islamophobia, or whether it just reinforces the perception of Islam as the religion of the immigrant, the poor and the marginalized, feeding into the continuation of representing Islamic practices as signs of the lack of integration. Furthermore, the widespread call for an Islamic Reformation, sometimes presented as the pre-requisite for the establishment of Muslims in the country, narrows down the scope for Islamic practice. The case of Abdelkader Bouziane was in this regard quite particular. A Salafi imam in Vénissieux (Greater Lyon), he was hastily – and illegally – expelled from France on 21 April, 2004 on grounds of constituting a major threat to State and public security ("nécessité impérieuse pour la sûreté de l'Etat et la sécurité publique"), after the publication of a controversial interview in a monthly magazine where he seemed to condone violence against women. Appealing against the decision, Bouziane was granted the right to return to France, before being expelled again. A note by the French Intelligence Service accusing Bouziane of having issued a fatwa against American interests in Iraq was invoked in court, but no evidence was presented to substantiate the accusation (Le Monde, "A Lyon, débat sur les motifs de l'expulsion d'Abdelkader Bouziane", 1 July, 2005). The case raised complicated questions of legal hermeneutics: the Correctional Court eventually decided that Bouziane's controversial declarations were made in the context of a reference to the Qur'an, and could not constitute an incitement to violate a person's physical integrity. "The Jurisdiction has no right, concluded Judge Fernand Schir, to intrude in a domain which belongs to religious conscience" (Le Figaro, "Violence contre les femmes: l'imam Bouziane relaxé", 22 June, 2005). Beyond the controversy, the Bouziane saga fits into a pattern of recent expulsion of imams, often on dubious grounds and anti-terrorist invocations, and highlights the precarious status of the profession.

The law of 15 March, 2004 banning conspicuous religious signs from public schools disproportionately affects Muslim girls – and can thus be considered discriminatory both on gender and religious grounds. The debates leading to the law revealed stark Islamophobic tendencies (Tévanian 2005; Gresh 2004). Obstacles to the wearing of the headscarf in France are not, however, restricted to public schools. According to figures provided by the Collectif contre l'Islamophobie en France (CCIF), the typical victim of an Islamophobic act is a woman who wears the hijab. In some cases, women donning the scarf have been prohibited from celebrating marriages in the local municipality, attending naturalization ceremonies, entering public buildings, consulting a doctor, going to a bank agency, participating in outdoor school activities, etc. While many of these refusals to admit Muslim women because of their headscarf have been considered illegal, and sometimes been legally overturned, they highlight a climate of insecurity and rampant discrimination. On 26 April, 2006 a proposal to ban the niqab from all "Republican territories" by Jacques Myard (centre-right) was recorded at the National Assembly under the title of "Law proposal seeking to fight against infringements to women's dignity resulting from certain religious practices (N° 3056). Invoking the same need to defend laïcité which underlined the 15 March, 2004 law, it proposes, in three articles, to criminalise both the practice and incitements to the practice, as well as to expel foreigners (!) found guilty of the offence.

The provision of religiously-compliant meals in public schools poses a number of practical and procedural problems. While school canteens cannot be expected to strictly respect religious dietary rules, the continuing widespread use of pork in school canteens – in the typical case of Villefranche-sur-Saône (Rhône), for example, only 4,000 out of 110,000 meals distributed by public authorities do not contain pork - demonstrates a patent lack of sensitivity to Muslim needs. Furthermore, occasional attempts by head schoolmasters and Mayors to force Muslim children to eat meat products from school canteens on grounds of "nutritional needs" and "education to taste" can be said to constitute acts of Islamophobia. In Villefranche-sur-Saône, local authorities have written to Muslim parents informing them that "sharing a meal is an act of life in society and children must respect its rules". The town's adjointe aux affaires scolaires, Andrée Chambefort, thus demanded in the letter that all children eat from each plate, even in small quantities, or they would be excluded from the canteen (Le Monde¸"Des parent

musulmans se plaignent que l'on oblige leurs enfants à manger de la viande à la cantine," 08/01/2005).

Obstacles to Muslim religious practices in jail are also numerous. Invoking the principle of laïcité, prison authorities justify the absence of halal meat (although kosher meat is often available), the insensitivity to changes in the scheduling of meals during the fasting month of Ramadan, the ignorance of the religious needs of prisoners such as access to water in order to perform ablutions (Khosrokhavar 2005: 171). The administrative barriers towards the integration of prison imams, severely under-represented, have been highlighted in the work of Farhad Khosrokhavar, who has argued that the presence of imams in prison reduces the potential attraction to radical forms of political Islam (ibidem). The hijab is proscribed outside the cell and in some prisons even the djellaba is prohibited as an infringement to laïcité. In many cases, Friday prayers are not held and sometimes even individual prayer mats are confiscated. Prison authorities continue to refuse the presence of outside imams for the celebration of collective prayers, invoking the fear of a dissemination of radical forms of Islam but at the same time lacking the competences necessary to evaluate an imam's "moderation" (Khosrokhavar 2005: 171).

The Commission nationale consultative des droits de l'homme has drawn up a catalogue of the difficulties faced by Muslims in the exercise of their freedom of religious expression. Its 2003 report dedicated to the Intolérances a l'égard de l'islam singles out the hesitations of Mayors and the reticence of public opinion concerning the building of mosques; the limited number of Muslim spaces in cemeteries; the scarcity of Islamic slaughterhouses; the insufficient number or non-existence of Muslim chaplains in the hospitals, prisons and the army. The Commission suggests fighting this intolerance by extending support for the victims of Islamophobia; interfaith dialogue; enhancing the visibility and recognition of Islam; educating the public; stopping economic, social and spatial exclusion.

The social obstacles to the practice of Muslim worship remain nevertheless formidable. The government has provided some staggering figures: despite wide reporting of the persistent obstacles to Islamic practices, only 39% of respondents in 2005 agreed with the statement that "the exercise of Muslim worship in France must be facilitated", with 56% of respondents explicitly disagreeing. 31% of interviewees

furthermore consider that French Muslims are not like other French citizens (Commission nationale consultative des droits de l'homme 2006: 101-124). While these numbers should be seen in the context of what the Commission calls a new "racisme décomplexé" (2006: 105), linked in part to the 2005 riots, it is significant that, as the Commission itself acknowledges, they have changed only very marginally since 2003. In this regard, the Commission's refusal to call the phenomenon plain Islamophobia (2006: 120) is problematic, since it clearly establishes a link between forms of racism and specifically Muslim practices.

Significant National and Local Measures to Fight Islamophobia

Despite the fact that Islamophobia remains a highly contested notion in France, as seen in the declarations of senior politicians and intellectuals, there seems to be a progressive awareness of the discrimination touching Muslims qua Muslims on the part of State bodies and private corporations. The anti-racist organisation Mouvement contre le racisme et pour l'amitié entre les peoples (MRAP) has been a drive-force behind this realisation, devoting in 2003 its annual meeting to Islamophobia. Despite the severe criticisms it received in the media, the proceedings, published in 2004 in Différences, testify to a growing recognition of the phenomenon. More significantly perhaps, the Fonds d'action et de soutien pour l'intégration et la lutte contre les discrimations (FASILD), a State body, recently commissioned a study on the practical conditions for the exercise of Muslim worship in contemporary France. Focusing on prayer facilities and cemeteries, the report points to a number of technical, administrative and intellectual obstacles, and it concludes that there is only a "conditional freedom of worship" for Muslims (Frégosi et al 2004: 3). Despite the growing implication on the part of the local authorities, the management of Muslim worship continues to be rendered difficult at the local level by a number of "psychological obstacles" concerning the presence of Muslim populations in the territory (ibid, 13). The report not only identifies problems but also suggests a number of policy-orientations to remedy them. Although the FASILD is a consultative body with no legislative power, it has been able to draw further attention to the phenomenon of discrimination against Muslims. It must be noted, nevertheless, that the refusal to recognise Islamophobia as a distinctive form of racism in organisations like

the Haut conseil à l'intégration and the Commission Nationale Consultative des Droits de l'Homme remains an obstacle to its eradication.

Public intellectual discourses on Islam, even from liberal thinkers and media, serve more often than not to reinforce established prejudices. However, as a recent volume has remarked, despite the frivolous debates in the public sphere, the integration of Islam in France seems well under way (Léveau and Mohsen-Finan 2005: 5). Driven by the growing awareness of pervasive discriminatory practices, State bodies in particular – municipalities, police forces, the army - are attempting to move away from a negation of religion towards a multiculturalist approach.

The controversy which arose from the Danish cartoons gave rise in France to two uncoordinated proposals to ban blasphemy against religion, submitted by deputies of the centre-right UMP (in government) on 28 February and 21 March. The Mayor of Raincy (Greater Paris), Eric Raoult, who submitted the second proposal aiming to introduce the word "cartoon" in articles 23 and 29 of the 1881 law on the freedom of the press, refrained from using the term "Islamophobia" because of "the indeterminacy of the term as distinct from racism" (Le Figaro, "Une deuxième proposition de loi contre le blasphème," 21 March, 2006). His willingness to submit to parliamentary debate a proposal emanating from a local Muslim organisation - the Union des associations musulmanes de Seine-Saint-Denis (UAM 93) – is nevertheless significant. Although the proposals have been coldly received and stand little chance of being adopted, they bear witness to an increasing capacity on the part of Muslim organisations to conflictualize their demands politically, which hails well for the incorporation of Muslims in political processes, from which they have so far been largely excluded.

There have also been some attempts to criminalise « Islamophobia ». The Conseil français du culte musulman (CFCM) launched a petition in the aftermath of the cartoon controversy. Khalid Merroun explained the need for a law against Islamophobia with reference to dubious media practices, pointing to the associations often made in prime-time news linking the beginning of Ramadan to the crimes of the Algerian GIA, focusing on the Qur'anic verses of a kamikaze's testament, or speaking of "fous de Dieu" to designate Muslims (« Beaucoup considèrent qu'avec l'Islam, tout est permis », www.saphirnews.com).

Given the widespread opposition to facilitating Muslim worship, as measured by a number of opinion polls (see above), it is remarkable that politicians sometimes take bold steps against Islamophobia. Highlighting the difficulties facing Muslims in the construction of mosques, Nicolas Sarkozy has proposed an amendment to the founding 1905 law (Sarkozy 2004; Le Monde, "M. Sarkozy plaide à nouveau pour "un toilettage" de la loi de 1905," 19/09/2005) in order to allow the State to directly contribute to the financing of Muslim places of worship. Although his call was rejected across the political spectrum, it is less innovative than the debate would make us believe. On the local level, Muslim organisations sometimes benefit from fiscal and other advantages granted by the municipality for the building of mosques.

Perhaps the most subtle shift occurring in France has been the impetus towards a reform of laïcité, largely due to the problematics of incorporating Islam. This transformation has been almost imperceptible: initially, the Muslim presence and the anxieties it caused led to a positive redefinition of laïcité: sociologists and historians have noticed that the French separation of religion and politics, initially a hugely divisive idea, acquired its contemporary consensual meaning mostly thanks to the Muslim presence and the widespread perception of an Islamic threat to French secularism. While the continuing emphasis on laïcité, often oversimplified, has policy implications in matters of immigration, anti-terrorism, etc., there is an on-going effort to promote laïcité as an "open," "negotiative," "tolerant" process which is also inclusive of Muslims. The controversial debate on whether laïcité can carry a qualifier is emblematic, seemingly crystallising the tensions of France's contemporary self-definition and identity. "Open" or "tolerant" laïcité is an unbearable proposition to some because of the implicit suggestion that laïcité could be the opposite, i.e., closed, intolerant. Beyond the polemical rhetoric, however, such discussions are attempts to formalize changes which testify to the increasing clout of liberal understandings of secularism. This, alongside the increasing bent towards un-avowed multicultural policies, ultimately hail well for the prospect of an inclusive France that starts to do more justice to its own Republican ideals.

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Spain

Report on Islamophobia in Spain

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Introduction

In this paper we will try to show that "Islamophobia" is not a useful concept in approaching the study of the relations between Muslim communities and the rest of the society, despite the fact that we can detect some elements similar to the idea of "Islamophobia" in a part of the Spanish society. But it is not the only force at work, neither is it the most relevant, probably. In our view, the problem is much more complex than that. The relationship between Muslim groups and the rest of society is under the influence of three major factors which should be considered in the historical, socio-economic and political fields.

From the historical perspective, we have to consider that the modern construction of the Spanish society is based on two parallel processes: first, the expulsion of culturally dissimilar groups (Jewish and Muslims) between 1492 and 1609; second, the elimination of the internal differences within the country or, to use the words of the first minister (valido) of King Phillip IV, the Count-Duke of Olivares, the "reduction of the Spanish Kingdoms to the law and customs of Castile". This was finally achieved at the beginning of the eighteenth century, under the reign of King Phillip V. Both events (the expulsion of the culturally dissimilar and the elimination of the domestic political differences), put together, contributed to the construction of two basic ideas, which still have an influence at present and affect our subject of study, namely that the Muslims are the enemy of society who should be kept out of the country; and that Spain is, and has been throughout its history, a homogeneous society. It is not by accident that far-right politics in Spain have turned the reign of the Catholic Monarchs into a legend, since, according to their view, they put in motion both processes of modernization/homogenization.

From a sociological perspective, we have to consider that Spanish society has suffered a notable change during the last half century. The political transition from dictatorship to a modern democracy, the economic development that followed that process, and the dramatic drop of the Spanish birthrate has converted Spain from a society of emigrants into a society of destination for present migratory flows. The point of inflection, as we will see, was reached in year 1991, when Spanish society was still suffering the effects of the economic depression of the eighties, changing the production system to the post-fordist model based on higher labour precariousness, and with a natural increase of the population that dropped from 378.449 in year 1976 to just 4.682 in 1998. From 1991 onwards, despite the fact that the percentage of foreign population was still very small in Spain, comprising an insignificant 0.91 % of the total population, the Muslim migration became increasingly visible, because at 17.84 % of the foreign population it constitutes the main immigrant group, apart from the (then) E.C. migrants who, taken together, represented the 44.78 % of the total foreign population.

From the political perspective, we have to consider the political transition of 1975-1982 and the new optimistic atmosphere that followed, and the political wish for the integration of the migrant population, who began to arrive in the country at that time.

The passing in Parliament of the Statute of Autonomy of Catalonia in 1979 and the creation of what is called La España de las autonomías (the Spain of the Autonomies, considered by some as near federalism) restored the domestic political diversity, which was abolished, first with the Decrees of New Plan (Decretos de Nueva Planta) by king Phillip V in 1707-1716, and more recently by the military coup of general Franco in July 1936. The 1979 changes contributed to the creation of an atmosphere more amenable to tolerate the cultural diversity arising from foreign immigration. Nevertheless, the two successive conservative Governments of 1996-2004, and especially the second term of 2000-2004, were characterized by an important legislative reaction, in the shape of the Criminal and Immigration Laws, passed due to the absolute majority of the Popular Party (PP) in Parliament. The attacks of September 11 in New York and March 11 in Madrid gave some degree of legitimacy to the security-driven policies of the Government of J.M. Aznar, which were accepted in part by the main opposition party, the Socialist Party (PSOE).

These three factors, combined in different ways according to each case, affect all the relationships and conflicts of the different social groups. As we said above, it would be too simple to attribute every conflict between communities to only cultural factors — although it is truth that they are important— as a too narrow focus on Islamophobia would require. That would imply accepting the premise of the Clash of Civilizations thesis which, as we make clear in the following pages, we do not share at all.

Islam in Spain: a historical perspective

The political groups of the far right in Spain have taken the Catholic Monarchs, Isabella I of Castile and Ferdinand II of Aragon, as the symbol who represent — according to them— 'Spanish National Unity', the formation of 'the first Modern European State', and the Reconquest launched against the Muslims who were expelled from the territory immediately thereafter. It is obvious that none of these ideals match the historical reality.

It is true that in 1492 the Catholic Monarchs defeated the Nazari Kingdom of Granada, and it is also true that they did not respect the capitulations which gave guarantees to King Boabdil and to the Muslim groups who remained in Granada, to preserve their culture and religion.[211] The reality of the Spanish (an anachronistic label when applied to that time) society was one of cultural and political diversity, since the marriage between Isabella I and Ferdinand II did not mean at all the unity of the different kingdoms, which in any case remained independent states.[212] This arrangement was maintained by the Catholic Monarchs' Habsburg successors. In the seventeenth century, the valido (first minister) of King Phillip IV recommended, albeit unsuccessfully, that his master takes the title of "the King of Spain", not being satisfied with "King of Portugal, of Aragon, of Valencia, count of Barcelona", and he worked covertly to "reduce those kingdoms that constitute Spain to the laws and customs of Castile".[213]

That kind of political, social, and legal unity, yearned for by Olivares, which would "reduce" all diversity existing in the Spanish territories, was achieved at the beginning of

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[211] Julio Caro Baroja, *Los moriscos del reino de Granada*, Madrid, Instituto de Estudios Políticos, 1957, p. 17

[212] John Lynch, *España bajo los Austrias/1*, Barcelona, Península, 1970, p. 14

[213] John Elliot, *El Conde-Duque de Olivares*, Barcelona, Crítica, 1990, p. 207

eighteenth century when, after the War of Succession, the kings of the Bourbon House succeeded the Habsburg dynasty, and King Phillip V published the New Plan Decrees (Decretos de Nueva Planta), which abolished the independent institutions of the kingdoms of Valencia (1707), Aragon (1711), Mallorca (1715), and Catalonia (1716).[214]

But the Catholic Monarchs are not only the symbol of a National Unity which never was, they also represent something more real and closer to the political thinking of the right-wing politicians of today. With them the destruction of heretical books began, as the burning of the Jewish books in Toledo (1490), by the Inquisitor Torquemada, or, again, the burning of Arabic books in Granada (1501).[215] With the Catholic Monarchs began also the forced large-scale conversions, as the ones organized by the cardinal Fray Francisco Jiménez de Cisneros from 1499 onwards.[216] And, finally, with them came the consolidation of the racist ideology of the purity of blood (of the old Christians, cristianos viejos) when they asked the Pope, in 1478, for the authorization to establish the Inquisition Courts in Castile for that purpose.[217]

Regarding the Muslim population, Islamic worship was abolished officially in 1526 in Aragon and Valencia, and the same year some regulations were also published which "prohibited the moriscos[218] from using the Arabic language, and their traditional clothes and baths", and which also "prohibited to have the doors of their homes closed on Fridays and Saturdays, and also during the celebration of their feast days."[219] All those intolerant regulations, in addition to the racist discrimination they suffered in the everyday life, caused the rebellion of the Muslims in Granada (1570) which ended up with their defeat and their subsequent expulsion from Spain in 1571. Finally, in 1609, King Phillip III published a Royal Decree of expulsion of all Muslims from Valencia and from the rest of the Spanish territories.[220]

It was during this time that the sad tradition of considering Spanish Muslims as the allies of Spain's enemies began. As the historian Joseph Perez put it, in the second half of the sixteenth century "the idea of the Muslim population as an internal enemy,

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[214] Joaquim de Camps i Arboix, *El Decret de Nova Planta*, Barcelona, Dalmau, 1963

[215] Henry Kamen, *La Inquisición española*, Barcelona, Crítica, 1999, p. 113

[216] J. Caro Baroja, *op.cit.* p. 14

[217] Benzion Netanyahu, *Los orígenes de la Inquisición en la España del siglo XV*, Barcelona, Crítica, 1999, p. 834

[218] "Moriscos" is the name of the Muslims who were (officially) converted to Catholicism and remained in the Spanish territories.

[219] J. Caro Baroja, *op.cit.* p. 20

[220] John Lynch, *España bajo los Austrias/2*, Barcelona, Península, 1972, pp. 62 ff.

ready to ally themselves with the Ottoman forces or with the Protestants of Béarn, began to spread among the Spanish population."[221] That idea of Muslims as the true enemy who must be defeated in order to build the Spanish Nation has been embedded in the traditional festivities of many Spanish cities, as it is the case of the "Moors and Christians" (moros y cristianos) festivities, where victories over the Muslim forces are celebrated.[222]

Some later historical events helped to keep in force this image of Muslims, as for instance the permanent threat to the Spanish coastline by the corsair attacks until the twentieth century,[223] the tragic (from the Spanish view) defeat of the Spanish army before the Riff forces of Abd el-Krim in 1921, known as the "disaster of Annual",[224] or the role of the Moroccan military forces in the Civil War (1936-1939) participating on the side of General Franco, which made the defenders of the democratic regime of the Spanish Republic to appeal to the values of the Reconquest in the fight against the moros (Moorish).[225]

In short, the construction of the Spanish Nation has been based on the expulsion of the culturally dissimilar, converted into true enemies, and upon the abolition of cultural and political differences inside the country. The parallelism of both processes, and the connections they have with the present time, was perfectly expressed by the historian and anthropologist J. Caro Baroja, when he wrote: "la 'algarabia' [Arabic speech] offended the old Christians, who were of clear Castilian speech but of low culture, as nowadays they are offended when hear someone speaking Basque, Catalan or, in general, any other language".[226] That this rancid feeling and thinking is currently in force, became evident when, in a concert in Madrid in remembrance of M.A. Blanco, a conservative town councillor of Ermua (Vizcaya, Basque Country) who was assassinated by the armed group ETA in 1997, the Valencian singer-songwriter and prominent anti-Franco activist, Raimon, began singing in Catalan. After being booed by the public for a

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[221] Joseph Perez, *Historia de España¸* Barcelona, Crítica, 1999, p. 281
[222] Eloy Martín Corrales, *La imagen del magrebí en España. Una perspectiva histórica, siglos XVI-XVII*, Barcelona, Edicions Bellaterra, 2002, pp. 49-50
[223] E. Martín Corrales, *op.cit.*, p. 41
[224] Antoni Segura i Mas, *El Magreb: del colonialismo al islamismo*, Barcelona, Publicacions de la Universitat de Barcelona, 1994, pp. 120-121
[225] The Prime Minister and minister of Defense of the Spanish República, Juan Negrín, declared in 1938: "[In Europe] they don't know that in seven centuries of Reconquest we saved the decadent Europe from a vigorous Oriental invasion". E. Martín Corrales, *op.cit.* p. 154
[226] J. Caro Baroja, *op.cit.* p. 121

long while, he had finally to stop and leave the stage.[227] That linguistic incident caused a strong sense of indignation in Catalonia, but the then Prime Minister, J.M. Aznar qualified the incidents as just an anecdote, and recommended to the offended people to occupy themselves with more important matters.[228]

Obviously, the "two Spains" (las dos Españas), to put it in a very simple way, still exist. In an ideal-typical account (the reality would be much more complex), one would be in favour of respect and convivence between different cultures and languages, and the other in favour of the monolithic values of the mythicized Catholic Monarchs' age.[229] The problem for Spanish politics nowadays, as the jurist Javier de Lucas put it, is that with present multiculturalism two different trends are converging simultaneously which, according to the conservative minds, are menacing the country. First, the "emerging of the cultures and national minorities which were subjugated in the process of homogenization imposed during the construction of Spain as a nation-state (from the 15th to the 18th centuries), probably the best defined model in the whole of Europe";[230] and second, the growth of the non-EU migration and the consequent presence of minorities with different cultures.

Political Transition and the visibility of immigration

During the political transition from the dictatorship of General Franco to a democratic rule of law, all political parties that were opposed to the old regime adopted an attitude in favour of the integration of migrant people (who were very few at that time, since Spain was a country of emigrants instead of immigrants), including Muslims. That made the institutions, and most of the media, adopt positions of political correctness. In the words of Martín Corrales:

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[227] "El público abucheó a Raimon por cantar en catalán, y a Sacristán, por comunista", *El País*, 11/9/1997

[228] "Aznar responde a Pujol que los abucheos a Raimon en Las Ventas son 'pura anécdota'", *El País*, 18/9/1997

[229] The extreme right-wing journalist F. Jiménez Losantos said in his program of *La Mañana de la COPE* (the Catholic radio channel, which has the second largest audience and belongs to the Spanish Episcopal Conference): "the Catholic Monarchs represent the Unity of Spain, the one that you [the Zapatero's Government] are breaking into pieces… what did the Catholic Monarchs do? They ended the Reconquest of the National Unity! What did they achieve? The formation of the first European Nation State!", *La Mañana*, 19/1/2006

[230] Javier de Lucas, "La sociedad multicultural. Problemas jurídicos y políticos" in R. Bergalli (*et alter*), *Derecho y Sociedad*, Valencia, Tirant lo blanch, 1998, p. 25

With the arrival of democracy, the respect and support shown to immigrants became the elements which constituted the canon of "political correctness" to the extent of establishing themselves as the institutional view of the migratory problems until today.[231]

This political correctness could give the false idea that the Spanish people were, in general, after the political transition, in favour of a positive integration of immigrants from different cultures, and particularly in favour of the integration of Muslims. Nevertheless, when migration became a relevant factor in Spanish society, some voices entered the political and social arena, warning of the perils that Muslim culture represents to society. In fact, it was in 1991 that Spain became a country of destination for immigrants, having for the first time a positive migratory balance.[232] From that year onwards, immigration has grown steadily. In 1991 there were around 350.000 foreigners in the census, a small figure, which by 2003 rose to 2.700.000 foreigners, and to 3.690.000 in 2005. That is, a growth of ten times in only 15 years.

The figures of the migratory balance are very illustrative: from 1981 to 1985 the balance was negative: −255.035; from 1986 to 1990 was again negative: −86.988; from 1991 to 1995 was, for the first time, positive: 551.851; and again from 1996 to 2000: 1.417.723.[233] From that year of 2000 onwards, the immigration has kept on increasing in a remarkably way, as we see in the following Chart:[234]

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[231] E. Martín Corrales, *Íbidem*, p. 228

[232] Asensi, 2004, p. 24

[233] A. Izquierdo and D. López de Lera, "El rastro demográfico de la inmigración en España: 1996-2002", Papeles *de economía española*, n 98, quoted by M. Villena Rodríguez, *Demografía, mercado de trabajo y política de inmigración*, 2004, Universidad de Sevilla, Eumed.net, full text accessible at www.eumed.net/cursecon/libreria/

[234] The following charts are made from data gathered from Municipal Registers of the years referred, at Instituto Nacional de Estadística, http://www.ine.es/ ; also Ministerio de Trabajo y Asuntos Sociales, *Anuario de Migraciones*, 2002; Instituto Nacional de Estadística, *Anuario Estadístico de España. 2 Demografía*, 2004; Consejo Económico y Social de España, *Informe sobre la inmigración y el mercado de trabajo en España*, 2004

Percentage of Foreign Population In Spain
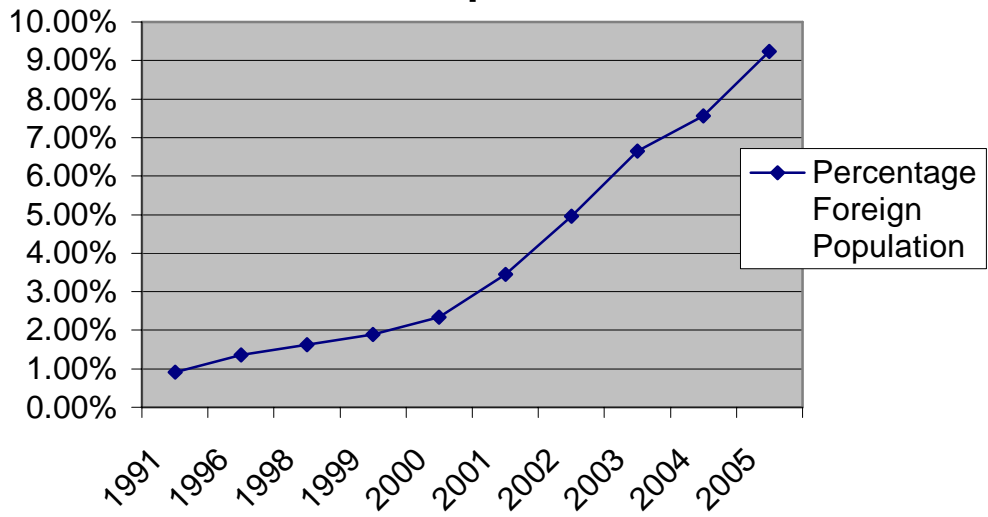
Main Foreign Groups
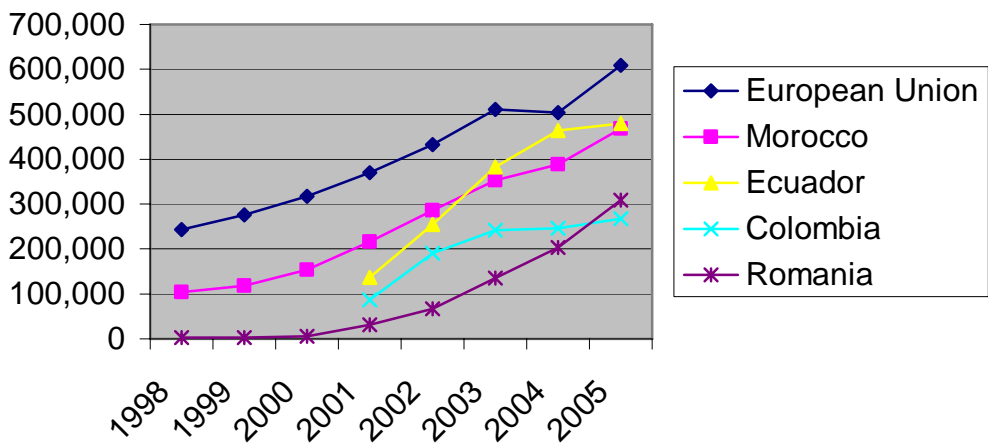
The increase in the percentage of foreigners regarding the total population was not only due to the action of the migratory flows, important as it is, but also to the insignificant figures of the natural increase in Spain from 1998 until today, with all the consequences derived from that fact:[235]

Evolution of natural increase of population in Spain 1976-2004
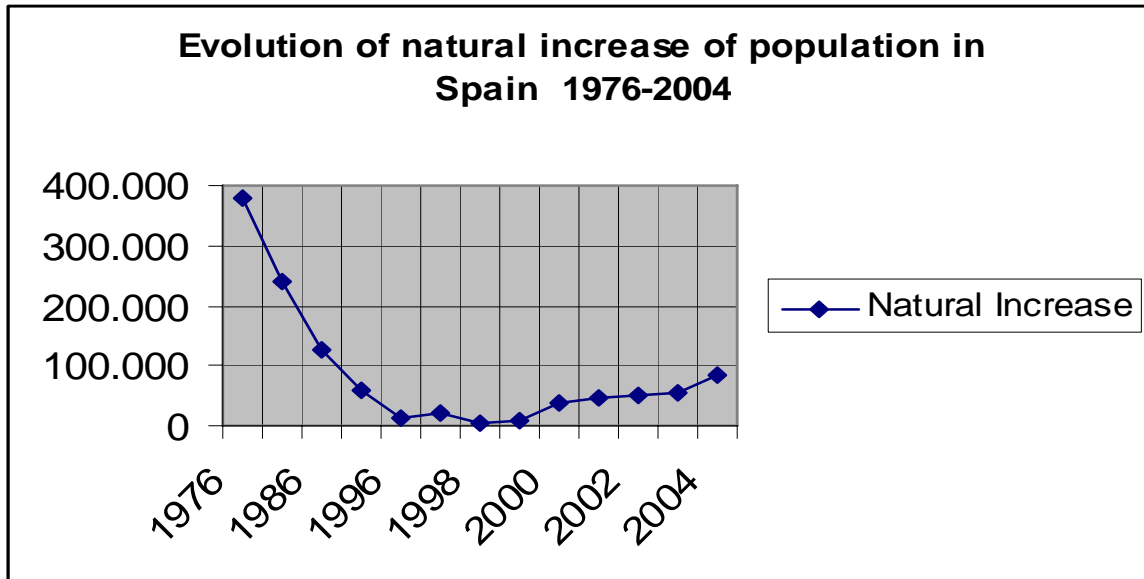
Regarding the visibility of migrants, and especially of Muslim (Moroccan) immigrants, it is interesting to see that, in 1991, nearly half of the foreigners in Spain were from the (then) E.C. countries, and that the migrants from Morocco became the main non E.C group, a position they have maintained until today, although losing relative weight with regard to the total population:

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[235] Instituto Nacional de Estadística, *Notas de prensa*, n. 376, 22/6/2005

Evolution of Migration in Spain by Percentages (the 2 main groups are represented) 1991-2005

Legend:
- Percentage Foreign Population
- % EU migrants regards to total foreign population
- % Morocco Migrants regards to total foreign population
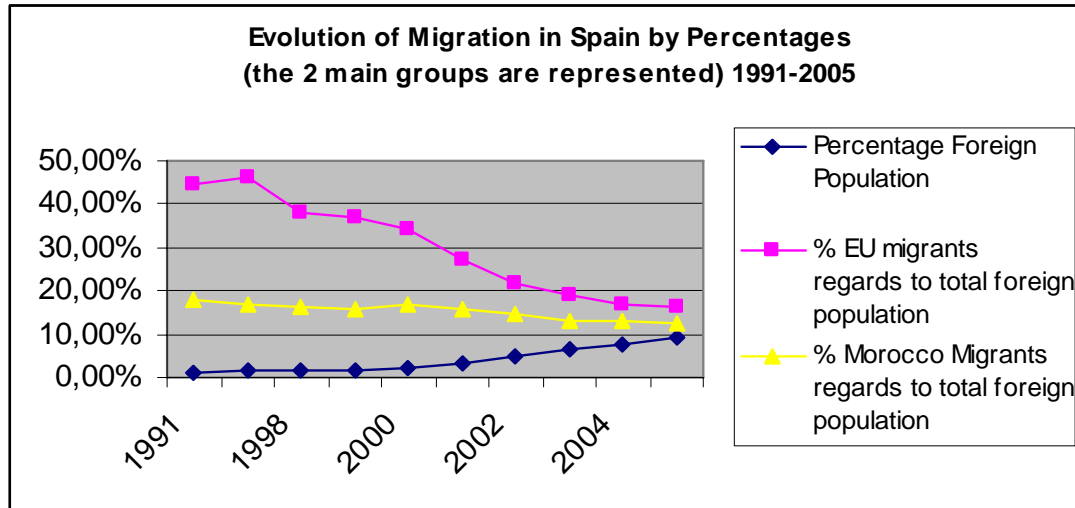
As the foreigners from Europe are, for obvious reasons, less visible when we talk about migrations,[236] the main visibility of migrants in Spain in 1991 was on the part of Muslims (Moroccans). The first references to Muslim migrants in political discourses appeared that year. That was the case of the former President of the Catalan Autonomous Government, Jordi Pujol, who in the symposium "Human migrations in the Mediterranean area", organized by the Catalan Institute of the Mediterranean (Institute Català de la Mediterrània), argued that "In Catalonia, as in any European country, it is easy to integrate the Polish, Italians or Germans, but it is difficult to achieve that with Arab Muslims, even with those who are not fundamentalists".[237] Throughout the nineties this feeling gained strength, as when Pujol's wife, Marta Ferrusola, stated that "if we, the Catalan people, are not concerned with the situation of Catalonia, the others [Muslim migrants] will destroy our society… because they are against our country [Catalonia]".[238] Another instance is when Heribert Barrera, the former General Secretary of the nationalist political party Esquerra Republicana de Catalunya (Republican Left of Catalonia), stated that "if the present migratory flows go on like this, Catalonia will disappear".[239]

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[236] Elspeth Guild, "Cultural and Identity Security" in E. Guild & J. v. Selm (eds.), *International Migration and Security*, Routledge, NY 2005, p. 204.

[237] J. Pujol, "Presentació" in M. A. Roqué (ed) *Moviments humans en la Mediterrània Occidental*, ~~Barcelona,~~ ICEM, 1990; quoted from Jordi Moreras, *Musulmanes en Barcelona*, Barcelona, CIDOB, 1999, pp. 118-119.

[238] "Ferrusola expresa su preocupación por el 'alud de la inmigración'", *El País*, 21/2/2001

[239] "Un ex dirigente de ERC dice que "Cataluña desaparecerá " si llegan más inmigrantes", *El País*, 27/2/2001

Nevertheless, the political correctness still existing at that time forced the Catalan President, Jordi Pujol, to qualify his wife's statements (she herself had to do it as well)[240] and to defend the social integration of migrants in an open society (although placing particular emphasis on the need to preserve Catalan culture),[241] as the leaders of Esquerra Republicana also had to do the same, regarding the declarations of their former general secretary, qualifying them as "personal opinions" and criticizing, by the way, the conservative reform of the immigration law (Organic Law 8/2000) which went against the social integration of migrants.[242]

But times were changing, and the image of a Spanish society in favour of the integration of Muslim migrants began to crumble. Since 1999 many conflicts between nationals and (Muslim) foreigners came to the surface to destroy that illusion. That was the case when, after a quarrel between national and Maghrebi youngsters in the district of Ca n'Anglada (Terrassa, in Barcelona province), the crowds began to hunt down, over several days, Maghrebi migrants, and one of them was stabbed and urgently hospitalized. Or also when in El Ejido (Almería), in January-February of 2000, several Maghrebi migrants were lynched (as well as some Government representatives) by the crowds after a murder committed by a Maghrebi man against a young woman.

The aforementioned xenophobic conflicts of Ca n'Anglada, El Ejido, and still others, were interpreted in different ways by the political parties. The opposition parties understood that xenophobia should be combated with a new reform of the immigration law that guaranteed the rights of migrants in order to facilitate their social integration, while, in the opinion of the conservative Popular Party, the problem was the irregular migration which should be legally fought, restricting the rights of irregular migrants in order to prevent fresh arrivals. These different interpretations gave rise to two immigration laws, with very different orientations, in just a few months' time. One was of liberal slant (OL 4/2000), achieved with the joint forces of all opposition parties, the other conservative (OL 8/2000), after the electoral victory of Political Party in March 2000, achieving absolute majority in Parliament. The first law granted rights to migrants,

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[240] Marta Ferrusola, "El pensamiento de Marta Ferrusola", *El País*, 7/3/2001

[241] "Pujol defiende las manifestaciones despectivas de su esposa hacia los inmigrantes", *El País*, 24/2/2001; "Discurso del presidente de la Generalitat, Jordi Pujol, previsto durante la presentación del libro de Heribert Barrera "Qué piensa Heribert Barrera"", *El País*, 2/3/2001

[242] "Un ex dirigente de ERC dice que "Cataluña desaparecerá " si llegan más inmigrantes", *El País*, 27/2/2001

irrespective of being regular or irregular, and the second granted rights only to the former.

The attacks of September 11 were, in general, covered by the media with political correctness, trying not to confuse Islam with terrorism. The main newspapers published articles and interviews to demonstrate that Islam was not contrary to peaceful coexistence or against the economic development, as for example in the case of the conservative La Vanguardia, which published an interview with Jeffrey Sachs, in which the director of the Harvard Institute for International Development argued that Islam does not prevent development, and that the underdevelopment of Muslim countries is due to other factors, as for example the lack of access to the sea, "as it is the case of Afghanistan, Iran and Iraq"[243] (which was said probably without looking at the map). Or, again, the article of Mohammed Abu-Nihmer, published also in La Vanguardia, argued that peace is not an alien concept to Islam.[244]

This attitude adopted by the media was facilitated by the general condemnation of the attacks of New York by Muslim groups in Spain.[245] But it is also true that at this time appeared some voices which echoed the political position of Giovanni Sartori and published articles in newspapers, as in the case of Professor Antonio Elorza, who argued that Islam was a religion that could promote terrorism.[246] Or, to cite another case, the journalist Josep Manresa published an article in La Vanguardia, where he argued that Islam deserved the bad image it had because of its tolerance of terrorist groups, and also stated that the Islam's clock had stopped 500 years ago.[247]

The war against Afghanistan was not well received by Muslim groups in Spain, and most of them opposed strongly the military campaign, something which placed them in a dubious position.[248] When, a few months later, in February 2002, a young girl was not allowed to wear hijab at the Catholic secondary school where she had been

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[243] "Entrevista a Jeffrey Sachs, Director del Instituto de Desarrollo de la Universidad de Harvard. "El islam no impide el desarrollo", *La Vanguardia*, 6/1/2002

[244] Mohammed Abu-Nimer. "Islam: el mensaje mal descrito", *La Vanguardia* 3/12/2001

[245] "REACCIONES ANTE EL CONFLICTO INTERNACIONAL. Temor y condena en el 'islam catalán'", *La Vanguardia*, 11/10/2001

[246] Antonio Elorza, "Maniqueos e integristas", *El País*, 28/9/2001. This argument is also exposed in detail in Fernando Reinares and Antonio Elorza (eds.), *El nuevo terrorismo islamista*, Temas de Hoy, Madrid, 2004; A. Elorza, *Umma. El integrismo en el Islam*, Alianza Editorial, Madrid, 2002; F. Reinares, *Terrorismo Global*, Taurus, Madrid, 2003.

[247] Josep Manresa, "La imagen del Islam", *La Vanguardia*, 10/12/2001.

[248] "El Albaicín, bajo la sombra de Bin Laden. La guerra en Afganistán enrarece y rodea de sospechas las relaciones en el barrio de Granada dominado por la comunidad musulmana", *El País*, 21/10/2001

surprisingly assigned, the lack of sympathies and of knowledge about Islam in a part of the Spanish society and of the Spanish government became all too apparent.[249] The Minister of Labour, Juan Carlos Aparicio, not only confused hijab with shador, but also made the surprising comparison of the use of shador with clitoridectomy.[250] Since terrorism was still not used as an argument against Muslim culture, and its opponents had to cite other reasons, the one preferred was the discrimination of women, which supposed the use of the hijab.[251]

The attacks of March 11, 2004 in Madrid gave force and arguments to the intellectuals who defended the Sartori line and the idea that Islam was a religion which promoted political violence. Some radio channels, like COPE, talked openly about the problems of Islam and that of Maghrebi immigration. That position was also held, although avoiding the xenophobic tone of the Catholic radio channel, by some influential intellectuals, as professors of Political Sciences, Antonio Elorza and Fernando Reinares in their books and also in their collaborations in El País, one of the most important newspapers. That position was reaffirmed by the attacks of July 7 in London.

After the attacks of S-11, and particularly after the attacks of M-11, with Spanish society under a terrible shock, the Muslims came under open suspicion, as it is evident with the controversy about the mosques. Before the attacks of M-11, whenever the Muslim groups tried to open a new mosque or oratory, their neighbours offered great resistance against it, arguing that the premises had no hygienic conditions or because of nuisances of a different nature; however, since M-11 2004, the possibility that the mosque could be used to prepare further terrorist attacks was also put forward as a counterargument.[252] The declarations of the Minister José Antonio Alonso, arguing that it was necessary to prepare a new law to keep the imams of the little mosques in check, supplied another argument to the people who opposed the mosques.[253] But that law did not arrive, and the arguments about the threat of terrorism are not used very often, at

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[249] Some journalists also mistook the *hijab* for the *shador*. "La niña cuyo padre exige que use chador será escolarizada provisionalmente", *El País*, 15/2/2002;

[250] "Aparicio compara el uso del chador con la práctica de la ablación", *El Mundo*, 16/2/2002

[251] "La Comunidad de Madrid ordena que la niña marroquí acuda el lunes a clase con pañuelo." *El País*, 16/2/2002

[252] "Vecinos de Sevilla intentan crear alarma por la mezquita", *La Vanguardia*, 28/11/2004

[253] "La mezquita del barrio. La actividad en los centros de oración islámicos que proliferan en España se ha convertido en foco de atención para el Gobierno", *El País*, 9/5/2004

least, by the leaders of the resident associations who oppose to the construction of oratories and mosques.[254]

The change of Government in March 2004, just a few days after the attacks in Madrid, meant also a change from the Islamophobic position of the Aznar cabinet to a more liberal position of the present Government of Zapatero, who prefers to talk about the Alliance (instead of Clash) of Civilizations and defends a political approach to Morocco. But that is opposed strongly by the Popular Party of Aznar and Mariano Rajoy. This position is also held by some relevant intellectuals, as the already mentioned Elorza and Reinares,[255] and others like the philosopher Fernando Savater, who proposed that the sermons of imams should be recorded.[256]

Nevertheless, it is also true that the conclusions of the Parliamentary Committee of Inquiry on the March 11 attacks, approved at the parliamentary session of June 30, 2005, proposed some recommendations which are not encouraging from the perspective of removing the criminalization suffered by the Muslim groups. In the section "Final Recommendations" we read that the fight against "international terrorism" (later in the recommendations the term "Islamic terrorism" is used profusely) will have to be grounded on five essential principles: 1) solidarity with the victims of terrorism; 2) the unity of all democratic political forces; 3) the cooperation between the state agencies and institutions, including also collaboration at the international level; 4) international and multilateral actions in order to remove the causes that promote international terrorism; and 5) the protection of civil rights and liberties.[257] Nevertheless, we cannot find any measure addressed to avoid the criminalization of the Muslim groups as if they were not part of society. In addition, we read that the Committee considers "necessary the development of information units specialized in Islamic extremism in localities that

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[254] Nevertheless, the leaders of the resident associations admit that there are among the neighbours some people who are really afraid of terrorism, but they attribute that feeling to ignorance. I have interviewed C.R, president of the residents' association that argues against the Mosque Los Bermejales in Sevilla (two interviews of a total of 2 hours on 15/2/2006 and 17/2/2006), and J. R., president of the residents' association of Gran Sol, Badalona (one interview of 30 minutes of duration) in 16/2/2006.

[255] Antonio Elorza, "Elogio de la precisión", *El País*, 8/5/2004

[256] "Zapatero respalda el control de los sermones", *El País*, 5/5/2004

[257] "Texto aprobado por el Pleno del Congreso de los Diputados, en su sesión del día 30 dejunio de 2005, resultante del Dictamen de la Comisión de Investigación sobre el 11 de marzo de 2004 y de los votos particulares incorporados al mismo", Boletín Oficial de las Cortes Generales, Congreso de los Diputados, n. 242, 14/4/2005, p. 88

have substantial migrant groups,"[258] which contributes to the image of Muslims as a dangerous group for the national security.

Relations between the State and Muslims

The Spanish Constitution (1978), in its section 14, guarantees that there can be no discrimination on religious grounds:

> Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

And, in its section 16 it also guarantees all rights related to religion and worship,[259] as well as the secular and non-denominational character of the State:

> 1. Freedom of ideology, religion and worship of individuals and communities is guaranteed, with no other restriction on their expression than may be necessary to maintain public order as protected by law.

> 2. No one may be compelled to make statements regarding his or her ideology, religion or beliefs.

> 3. No religion shall have a state character. The public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions.

The Organic Law 7/1980 of Religious Freedom developed this constitutional right, which guarantees that no religion would be object of discrimination. This law guarantees in its section 2.1.b the right to receive Islamic teachings; and, in its section 7.1, also provides for the possibility of formal agreements of co-operation with the different religious confessions that co-exist in the state. Regarding Islam, the agreement was reached in 1992, and was recognized by the Law 26/1992 Agreement of Cooperation with the

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[258] *Íbid*, p. 96

[259] In this subject, see Francisca Pérez-Madrid, *Inmigración y libertad religiosa. Un estudio desde la Ley de ExtranjeríaI*, Madrid, Civitas, 2004, p. 84

Islamic Commission of Spain (CIE for Comisión Islámica de España) of 10 November, 1992, and by the Royal Decree 2438/1994 of 16 December, by which the teaching of religion at the secondary schools came to be regulated.[260]

The CIS is composed of the Spanish Federation of Islamic Religious Entities (FEERI for Federación Española de Entidades Religiosas Islámicas) and the Spanish Islamic Comunities Union (UCIDE for Unión de Comunidades Islámicas de España), each one composed of several Islamic communities. But most of the Muslim communities at the local level do not belong to the Comisión Islámica de España, which was created in order to join forces when dealing with the State and to gain recognition for their constitutional rights in practice. Therefore, this is of little help, when the small congregations find problems with the resident associations or with the local town councils. In those cases, the best thing to do for them is to go unnoticed.[261] M.A. Narbona, the person in charge of these matters in the town council of Viladecans, told us that it is always advisable to hide the signs of the Islam-ness, for instance by placing the shoes inside the mosque instead of outside, in order to avoid conflicts. According to his experience, the necessity of being discreet in this sense is accepted by the Muslim community.[262] This proviso should serve to qualify the following information.

The law 26/1992 established the legal recognition of mosques and oratories, as well as of Islamic cemeteries, guaranteeing the observances of the traditional Islamic rules in all of them (art. 2); the recognition of the Imams as religious leaders, and guaranteeing to them the use of the professional secret or secret of confession (art. 3); the recognition of Al Koran and the Sunna as the essential religious sources of Islam (art. 6); the recognition of marriages established according to the Islamic Law (art. 7); the introduction of Islamic teachings at the elementary and secondary schools, with teachers appointed by the communities belonging to CIS (art. 9).

The law recognized also the religious character of the Islamic festivities (Al Hiyra, Achura, Idu Al-Maulid, Al Isra wa Al-Mi'ray, Idu Al-Fitr, and Idu Al-Adha) and established

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[260] *BOE*, 26/1/1995.

[261] M.T. imam of Badalona told us that in his district the oratory went unnoticed for years (this has been also confirmed by the president of the residents' association, J.S.), but that at present things are not only worse than they were before 2001, but in his opinion every year is worse than the previous. He considers that the Muslims' rights of freedom and worship have been stolen, because in theory they are protected by law, but in practice this is not so. (M.T., imam of the mosque of Àsia street, Badalona; J.S., president of the residents' association Gran Sol-Llefià, Badalona; they were interviewed separately, on 16 February, 2006).

[262] M.A. Narbona, interview held in the town council of Viladecans on 16 February, 2006.

the possibility of adjusting the timetables of school and workplaces in order to allow the religious practices of students and workers (art. 12); and the regulation to qualify the foodstuffs as Halal (art. 14). Finally, the Government committed itself to inform the CIS about any initiative on legislation that could affect the agreement of cooperation.

The implementation of the agreements recognized by this law, nevertheless, turned out to be problematic in practice. Except in the case of Ceuta and Melilla, were the Muslim population represents more than 30 % of the total population (with schools where 100 % of the students are Muslims), the teaching of Islam at the schools was not put into practice in Spain. The opening of oratories was also met with social and legal resistance, as we said above.

A new agreement for the implementation of the teachings of Islam at the schools was signed in March of 1996,[263] but in 1999 that implementation was still not in practice, and 50.000 Muslim students were still waiting.[264] As an illustration, in 1999, 150 Muslim families residing in Catalonia demanded unsuccessfully Islamic teachings for their children, and in 2003, 1.227 families made again unsuccessfully the same demand. In 2003, only the Evangelical community saw its constitutional right of receiving religious education satisfied. The official justification of that situation was the lack of teachers.[265]

According to the law, the Autonomous Governments of Spain should receive the request from the families who want Islamic education for their children, and, after checking the number of teachers needed, would transfer the demand to CIS. After receiving the demand, CIS should elaborate the lists of professors for each area, and communicate them for authorization to the Spanish Ministry of Education, which in turn would provide the definitive nomination. According to Riay Tatary, president of UCIDE, it should be necessary to have about 160 teachers to cover the religious education in Spain, although 40 could be enough to meet the most immediate needs.[266]

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[263] "La enseñanza de las religiones protestante y musulmana queda equiparada a la católica", *El País*, 26/3/1996
[264] "50.000 niños musulmanes recibirán clases de islamismo en los colegios públicos españoles", *El País*, 4/10/1999
[265] "1.277 familias de Cataluña pidieron clases de religión islámica sin obtenerlas", *El País*, 9/6/2003
[266] *Íbid.*

Islam and the immigration laws

There is no mention of Islam in the Spanish immigration law. In fact, one of the problems of Islamic culture in Spain is the frequent association made of it with immigration, as if that religion could only be professed by foreigners,[267] despite the fact that the secretary of CIS, the organization which represent officially the Muslim groups, is a Spaniard, Mansur Escudero.

The characteristics of the Spanish immigration laws, since the first one in 1985 (OL 7/1985), are: a) the social and legal construction of the "irregular migrant" which must be distinguished from the regular one, as if they belonged to different collectives, despite the fact that regularity and irregularity are usually different moments in time experienced by the same foreign immigrants;[268] and b) the establishing of an administrative condition (that of regularity) as a condition for the recognition of citizen rights. Although the immigration laws are not addressed specifically to the Muslim foreigners, they are the ones who most suffer from its effects, since the Moroccan group is the largest foreign group, representing, in January 2005, with 505.400 residents (regulars and irregulars) 13.7 % of the total foreign population.[269]

The first immigration law was the OL 7/1985 of July 1st on rights and liberties of the foreigners in Spain. That law was approved in year 1985, when Spain was admitted in the European Community, with the Socialist Party (PSOE) in Government, and was published in the Official Gazette on 26 May, 1986. Although its title is "on the rights and liberties of foreigners", the aim of the law was apparently to check the entrance and residence of immigrants and to speed up their expulsion. This law made the distinction, for the first time, between regular and irregular migrants, restricting or limiting the rights of the latter, including some of their fundamental rights, like the rights of assembly and association. Some of these restrictions (the rights of assembly and association) were declared null by the Constitutional Court in its sentence 115/1987,[270]

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[267] Jordi Moreras, *Musulmanes en Barcelona*, op.cit., p. 114
[268] Kitty Calavita 2005, *Immigrants at the Margins*, Cambridge University Press p. 101
[269] See Appendix A
[270] Aja, Eliseo, "Hacia la igualdad de derechos", *La Factoría*, 1998, n. 5, accessible at http://www.lafactoriaweb.com/articulos/Aja5.htm; E. Aja (Coord.), *La nueva regulación de la inmigración en España*, Tirant lo Blanch, Valencia. 2000, p. 17; Asensi Sabater, José, *Políticas de la sospecha. Migraciones internacionales y principios constitucionales*, Tirant lo blanch, Valencia, 2004, p. 157

and the limitation of rights of freedom of movements was also declared null by the SCC 94/1993.[271]

The OL 7/1985 introduced the possibility, also for the first time, of the creation of Centers of Internment for Foreigners which were planned for foreigners in the process of expulsion (particularly the Maghrebi foreigners, because it is easier and cheaper to repatriate a Maghrebi than an Ecuadorian).

The second immigration law was the Organic Law 4/2000 of January 1st on rights and liberties of the foreigners in Spain and their social integration. This law was approved in Parliament when all the opposition parties joined in voting to defeat the deputies of the Popular Party, then in Government. The law tried to guarantee the maximum of rights to migrants, regular and irregular, since it was understood that regularity was the best tool to integrate migrants in society. The expulsion of irregular migrants was reserved only in case of the commission of crimes qualified as very serious (art. 51.1), but, at the same time, establishing restrictions to the use of the sanction of expulsion (art. 51.2) . While the law of 1985 linked the entitlement of certain rights to the condition of regularity,[272] according to the law 4/2000 it was enough for the foreigners to be included in the municipal registers to enjoy those rights.[273] That Organic Law allowed in its art. 20.3 the attainment of temporary residence, after proving "a continuous stay of 2 years in the Spanish territory, being registered in a municipal register at the time of applying for, and having enough economic means for the subsistence".[274]

Nevertheless, as already mentioned, when the Popular Party (PP) got the absolute majority in March 2000, the Government undertook to reform the Organic Law 8/2000, from December 22nd, on rights and liberties of foreigners in Spain and their social integration.

The third immigration law was the OL 8/2000. Although technically it was a simple reform of the old law, the number of changes made by the OL 8/2000 was tantamount, in practice, to a new law, since only 10 articles of the old one were left

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[271] In Juridical Grounds second (statement as to the law), the SCC 94/119 says: "It is clear that the foreigner can be entitled to fundamental rights and reside and circulate freely, in accordance with the Constitution, Art. 19".

[272] Marta Monclús, *La gestión penal de la inmigración. El recurso al sistema penal para el control de los flujos migratorios*. Ph. D., University of Barcelona, 2005

[273] K. Calavita, *op. cit.* p. 103 and ff.

[274] LO 4/2000 art. 29.3

unchanged. In comparison with the OL 4/2000, the new law lacked legitimacy as it was passed without any political consensus. It meant an absolute change on immigration policy, going towards a more restrictive orientation, reintroducing again the sanction of expulsion to the irregular immigrants and conditioning several rights to the regular status. Therefore, in order to circumvent the sentence of the Constitutional Court 115/1987, the OL8/2000 recognised the entitlement of rights of association and assembly to all foreigners but reserved the exercise of both rights to the regular status (arts. 7.1 and 7.2 respectively), as if there was a constitutional sense of distinction between the entitlement of a right and its use.[275]

The OL 11/2003 was a reform of the 8/2000 which made easier the process of expelling irregular migrants who committed an offence.[276] And finally, the OL14/2003 was another reform which: a) made more effective the procedure of deportations and returns; b) recognized the centres of detention for foreigners as lawful; c) allowed the security forces to have access to municipal registers; d) compelled the travel companies to provide information about their passengers and to collaborate in the control of entrances at the airports; and, e) limited the rights to reunite the families of migrants.[277] Paradoxically, all that in a law entitled "on rights and liberties of foreigners in Spain and their social integration".

After approving the law, with the support of the Socialist Party, a regularization campaign was launched, this time with the Socialist Party in government, after winning the general elections three days after M-11.

The Additional Disposition of the Regulations for the Implementation of the OL 4/2000 modified by the OL 8/2000 and OL 14/2003, published in January 2005,[278] stated the conditions for regularization: a) the immigrant had to be registered at the town councils for a minimum of 6 months before the date the regulations came into force; b) the employer should have offered and signed a contract of employment for a

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[275] Asensi, *op.cit.* p. 162

[276] Ignacio Muñagorri "La imagen del delito y del delincuente a partir de las nuevas políticas e ideologías sobre la seguridad" in C. Manzanos (ed), *Servicios Sociales y Cárcel. Alternativas a la actual cultura punitiva*, Salhaketa, Gasteiz, 2005 pp. 9-22

[277] M. Monclús, *op. Cit.* P. 390

[278] "Real Decreto 2393/2004, de 30 de diciembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social", *BOE*, 7/1/2005

minimum of 6 months; and c) the compliance with several conditions, as, for instance, the absence of criminal records in the country of origin.

The number of applications submitted at the end of the whole campaign was 688.419, distributed through the following sectors: housework (33.4 % of the total), construction (21.2 %), agriculture (14.2 %), and hotel and catering business (10.8 %).[279] In the former campaign of 2000 there was, apparently, a discrimination against Maghribi foreigners, and this was denounced by the spokesman of the Association of Moroccan Immigrant Workers (ATIME), Mustafa Mrabet, who declared that only 52% of the applications of his compatriots were settled favourably, while 80% from Latin Americans were accepted. Mrabet declared that the difference "was due to religion or geographical origin [discrimination]".[280] Nevertheless, according to our calculations, that discrimination did not exist in the 2005 campaign,[281] although it is possible that a larger quantity of Maghrebi foreigners were excluded from the campaign for not meeting the requirements (to be inscribed at the municipal registers, to have a contract of employment, and to have a minimum of 6 months of residence in Spain). Maghrebi migrants work mostly in agriculture and construction sectors, where the black economy is widespread, and many live overcrowded in apartments and shacks far from the towns.[282].

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[279] Ministerio de Trabajo y Asuntos Sociales, *Balance del proceso de normalización de trabajadores extranjeros a 30 de diciembre de 2005.* p. 11. Availabe at http://www.mtas.es/balance/Proceso_norm.pdf
The Maghrebi population works mainly in the construction and agriculture sectors. "Hogar, construcción, campo y hostelería copan el 77 % de los contratos a inmigrantes", *El País*, 10/5/2005.

[280] T. Bárbulo, "La regularización del Gobierno discrimina a los inmigrantes por su lugar de residencia", *El País*, 23/12/2000

[281] We have calculated the foreign population by countries, after subtracting the number of foreigners with residence permits from the figures published by the National Statistics Institute (*Instituto Nacional de Estadística*) from the municipal registers. Then we compared the percentages of "irregularity" with the percentages of regularization by countries. See appendixes B and C. Nevertheless, M.A. Narbona, director of department of the Town Council of Viladecans, told us that the figures from the municipal registers are not totally reliable, since there are many duplications because of residents who move from one town to another and spell their name variously (this is a problem that affects particularly the Arab population, many of whom don't know how to spell) at the moment to be registered. Interview held in Viladecans on 16 February, 2006.

[282] Ubaldo Martínez Veiga, *Pobreza, segregación y exclusión social*, Icaria, Barcelona, 1999, pp. 94-95; According to A., about 25 years old, who have been working in greenhouses of Almeria, the employers of the agriculture sector can know in advance through tip-offs when a labour inspector is coming. They give the workers that day off and call in all their relatives to pretend that the greenhouse is a family enterprise, and needs or employs no external workers. Interview held in Barcelona, 28 March, 2006

The campaign for the regularization of 2005 was fiercely criticised by the conservatives, who stated that it would have a "call effect" for new migrants. In fact, according to the sociological barometers of the Center of Sociological Research, migration is seen by the Spanish population as the second main problem of the country, with a 34.6 % of those polled (January 2006), just behind the unemployment problem, despite of the historical minimum of the unemployment rate (8.42 % in the third quarter of 2005),[283] which, according to the experts (for instance those who write the economical reports of the Bank of Spain), is due to the positive effects of the immigration on the economy.[284] The reason of that would probably be the also historical level of labour precariousness,[285] but it is true that immigration is always seen as a problem instead of a solution.

Physical abuse

Although it is generally accepted that many of the conflicts in the host society between nationals and foreigners are the consequence of social and economic factors, like the precariousness of labour market or competition for social services, the xenophobic outbreaks in Spain came, as it is argued by Eloy Martín,[286] as a consequence of everyday coexistence. Obviously, the conflicts appear where the concentration of migrant (Muslim) population is higher. We have generated from official data the following table, where we see the main concentration of foreign population:

Source: National Institute of Statistics (INE) Municipal Registers, Year 2005					% Moroc. to Foreigners	% Moroc. to total Population
	Pop.	Foreigners		Morocco		

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[283] "La tasa de paro se coloca en el 8,42%, el nivel más bajo desde 1979", *El País*, 28/10/2005

[284] "Los inmigrantes atrasan la crisis del sistema público de pensiones a 2025" *El País*, 29/3/2006; "El Banco de España destaca la aportación de la inmigración al dinamismo económico", *España Exterior*, 4/4/2006

[285] "La temporalidad creció hasta el 32,5% en 2004 por la inmigración", *El País*, 29/4/2005

[286] E. Martín Corrales, *op. cit. p.* 244

Barcelona	5.226.354	569.305	10,89%	109.304	19,20%	2,09%
Toledo	598.256	40.564	6,78%	7.877	19,42%	1,32%
Cádiz	1.180.817	27.720	2,35%	5.728	20,66%	0,49%
Teruel	141.091	9.756	6,91%	2.095	21,47%	1,48%
Lleida	399.439	45.144	11,30%	10.418	23,08%	2,61%
Huelva	483.792	18.809	3,89%	4.572	24,31%	0,95%
Murcia	1.335.792	165.016	12,35%	44.781	27,14%	3,35%
Tarragona	704.907	84.088	11,93%	23.042	27,40%	3,27%
Girona	664.506	100.367	15,10%	28.438	28,33%	4,28%
Almería	612.315	93.058	15,20%	27.800	29,87%	4,54%
Jaén	660.284	11.388	1,72%	3.462	30,40%	0,52%
Cáceres	412.580	12.875	3,12%	7.646	59,39%	1,85%

The most important xenophobic outbreaks in Spain took place in the district of Ca n'Anglada (Terrassa, Catalonia) in July 1999, and in El Ejido (Almeria, Andalusia) in January-February 2000. The former broke out after a quarrel between national and Maghrebi youngsters during the town's annual festival, and the latter after a murder committed by a Maghrebí against a young woman who was shopping in a street market. Both outbreaks lasted several days and the Maghrebi migrants were chased and lynched by their Spanish neighbours. The events were condemned by all media,[287] and also by all political parties, although some leaders of the Popular Party argued that the reason of that outbreak was the new immigration law (OL4/2000), approved by the opposition parties in Parliament.

The events of Girona and Banyoles were not so serious, but as they coincided in time with the Terrassa outbreaks, they contributed to the elevation of society's level of alarm, and made the political forces react with promptness.

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[287] The very conservative ABC qualified El Ejido events in its leading article as a "shame on the whole Nation"; "Vergüenza nacional", *ABC*, 7/2/2000

Ca n'Anglada (Terrassa)

The xenophobic outbreak in Ca n'Anglada, a district of Terrassa, with 40.000 inhabitants (10 % of which are of Maghrebi origin), lasted three days, and was caused by a quarrel that took place during the town's annual fiesta. The national population residing in the district reacted by organizing a demonstration on 14 July, 1999 against the Muslim migrants. Around 1.300 neighbours, including bands of skinheads and neo-Nazis, took part in the demonstration. Many of them ended up attacking Muslim properties (butcher's shops, oratories, cars, etc.) and chasing Maghrebi people during the night. Some journalists who were covering the events were also assaulted. The shouts of protest were of xenophobic in nature, like "Moors not!" (moros no!), "bastard Moors!" (putos moros!).[288] Some others, a little more cautious, shouted "we are not racists but we want the Moors to go home!."[289] Some youngsters also told the journalists that they were not racists because they had nothing against the blacks, but they wanted all the "Moors" to go away.[290]

In the first day of the outbreak, a young Maghrebi man, 26 years old, was stabbed three times and was hospitalized in a serious condition. The outbreak went on for several days, with the Maghrebi population hiding in their locked-up homes. The oratory of the district was closed, since the Muslims did not dare to go there to pray.[291] The Maghrebi union ATIME described the events as the most important xenophobic outbreak that ever happened in Spain.[292]

In the following days, there was a general consensus to blame the skin heads for what happened, and 13 men, between 13 and 30 years old, were put under arrest, including the three men who stabbed the Maghrebi youngster.[293]

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[288] *El País*, "Una pelea en una verbena desata una ola de agresiones xenófobas a magrebíes en Terrassa", 15/7/1999
[289] *La Vanguardia*, "Erupción racista", 15/7/1999
[290] *El Periódico*, "El germen de la intolerancia", 18/7/1999
[291] *El País*, "Nuevos ataques xenófobos contra establecimientos de magrebíes en Terrassa", 16/7/1999; *Avui*, "Els àrabs de Ca n'Anglada s'amaguen a casa seva per por als linxaments", 16/7/1999
[292] *Avui*, "Terrassa tem que 'skins' de fora de la ciutat revifin els atacs xenòfobs", 17/7/1999
[293] *El País*, "La policía detiene a 11 'skins' por los incidentes racistas de Terrassa", 19/7/1999; *El Periódico*, "Prisión para tres cabecillas 'skins'", 19/7/1999; *Avui*, "Detingut l''skin' de Ca n'Anglada que va apunyalar un veí magribí", 18/7/1999

All the media condemned the outbreak[294] and called for the peaceful coexistence, blaming also the immigration law (OL 7/1985)[295] for criminalizing the migrant population.[296] The newspaper El País, in its leading article of July 16th, under the title "Chasing the Moors" (Cazar al moro[297]), declared the end of the fiction that there was no racism in Spain, and blamed the economic precariousness of the people involved in the outbreak and the degraded urban environment of the districts where the migrants live.[298]

A few days later, when there have already been xenophobic outbreaks in Banyoles and in Girona, the same newspaper denounced, also in its leading article, the racism and intolerance against Islam that existed in Spanish society: "It is not by accident that a few days before the house inhabited by migrants from Gambia was set in flames, the neighbours were collecting signatures against the mosque of the district, or that the mayor of Manlleu lost the municipal elections because he was accused of being in favour of Maghrebi migrants".[299]

Girona and Banyoles

As the events of Terrassa events were approaching their climax, two houses were set on fire in Banyoles and Girona, which also affected the Muslim migrants. On July 19th a building where 20 people from Senegal and Gambia lived was set ablaze. To escape from the fire, they had to jump through the windows to fall on a police car which was placed in a hurry under the balcony to lessen the consequences of the fall. Three women, one of them pregnant, were injured because of the fall from a two-story height. The town mayor declared that the event was not an act of racism but of vandalism, committed by hooligans.[300] However, the African migrants declared that they thought that the fire was connected with the signatures (around 300) collected by their neighbours against the oratory, which was running for eight years without town council permits. Many journalists and writers, like the writer Josep Maria Fonalleras, denounced

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[294] "En el país de aquellos «charnegos»", *El Mundo*, 21/7/1999; "El racismo dispara todas las alarmas", *El Periódico*, 21/7/1999; "Es racismo", *La Vanguardia*, 20/7/1999; "Racismo alarmante", *El País*, 20/7/1999
[295] At that time the opposition parties were preparing a more liberal law (OL4/2000)
[296] "La Generalitat pide otra ley de extranjería", *El Periódico*, 22/7/1999
[297] "Moro" is the contemptuous term to refer to Muslims.
[298] *El País*, "Cazar al moro", 16/7/1999
[299] *El País*, "Racismo alarmante", 20/7/1999
[300] *El Periódico*, "Dos incendios intencionados en Girona avivan la psicosis racista", 20/7/1999

repeatedly the racism existing in society.[301] A journalist who was covering the events reported what he was told by an angry woman: "if the fire affected white people you would not be here, you have too much concern for the blacks!".[302]

These events created a high level of social alarm, and all newspapers looked for the opinion of social researchers. The Catalan newspaper Avui published an article on Maghrebi presence in Catalonia and interviewed the anthropologist Jordi Moreras, author of the book *Musulmanes en Barcelona*, reproducing a map from his book where the mosques, oratories, and halal butcher's shops were represented.[303]

Premià

In this coastal town of Barcelona, a woman, mother of a youngster who had had a quarrel with a Maghrebi, organized a demonstration in 30 January, 2000 against the "violent migrants", in fact against the Maghrebi migrants. That woman called off the demonstration after being informed by the town council that she would face all the expense for the damages that may result. However, the demonstration took place and ended up with a violent quarrel between youngsters from a Platform against racism, who were there to escort the migrants on their way home, and a group of 20 skinheads who arrived with the purpose of attacking the migrants.[304]

Many neighbours declared that they agreed with the demonstration against migrants, because the latter were hogging all social services.[305] The day after the violent quarrel, the journalists reported that the inhabitants of Premià were pestering all the Maghrebi migrants they met in the street.[306] The general secretary of the union Comisiones Obreras declared that, in his opinion, the events of Premià were not "a xenophobic outbreak, but another case of violence between youngsters". Nevertheless, many neighbours shouted to the journalists: "we will have to take the law into our own hands!", or "we should get them all out of our neighbourhood!", and other more radical protests. [307]

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[301] Josep Maria Fonalleras, "El huevo de la serpiente", *El Periódico*, 20/7/1999

[302] "Es tenen massa miraments amb els negres", *Avui*, 20/7/1999

[303] *Avui*, "La Catalunya musulmana", 17/7/1999

[304] *El País*, "Batalla campal entre un grupo 'ultra' y antirracistas en el Maresme" 29/1/2000

[305] *El País*, "Calma tensa tras la tormenta en Premià de Mar", 30/1/2000

[306] *Avui*, "Veïns de Premià increpen els immigrants després de la violència 'skin' de divendres", 30/1/2000

[307] *El País*, "Calma tensa tras la tormenta en Premià de Mar", 30/1/2000

In order to counteract the rumours which said that the migrants were hogging all social assistances assigned for the poorest sections of the population, the mayoress of Premià made public the figures demonstrating that migrants received 35 % of the total social assistances, and the nationals 65 %.[308]

El Ejido (Almería)

At the end of January, El Ejido (Almería), a town with one of the highest income per capita of Spain due to its agricultural enterprises using greenhouses, and with a high percentage of immigrant population of Maghrebi origin, experienced the most important xenophobic outbreak in recent Spanish history. To make things worse, that outbreak took place only a few months after the abovementioned outbreaks.

El Ejido's population is about 45.000 inhabitants, who own more than 17.000 enterprises in spite of the fact that the active population only numbers around 18.000 people.[309] The enterprises obviously need abundant migrant labour. One of the migrant workers, of Palestinian origin, killed two employers on 23 January.[310] The Town Council of El Ejido organized a demonstration to protest against the murder, and around 10.000 people participated in it, including representatives of the agrarian unions, of the NGO Almeria Acoge, and also the representative of Maghrebi union ATIME, Hanza Al Hanafi.[311] In this demonstration there were many racist slogans, and the president of Almería Acoge, Antonio Puertas, was booed.

Fifteen days later, a 26-year-old woman was stabbed to death while shopping in a street market, when she tried to prevent her handbag being stolen. After the funeral, a demonstration was organized spontaneously where there were shouts against the police and many halal butcher's shops were assaulted. Several people were injured in this demonstration, included the Government's representative in Almeria and the sub-inspector of police who was escorting him, while the car of the President of the Provincial Council was violently shaken.[312] Immediately after that, the crowds attacked

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[308] *Avui*, "L'Ajuntament de Premià informa dels ajuts als immigrants", 29/2/2000

[309] *ABC*, "Vergüenza nacional", 7/2/2000

[310] *El País*, "Detenido un inmigrante tras el asesinato de dos agricultores en El Ejido", 23/1/2000

[311] *El País*, "10 000 manifestantes en El Ejido tras matar un xtranjero a dos agricultores" 31/1/2000

[312] *El País*, "El subdelegado del Gobierno en Almería, apaleadotras el funeral por la mujer asesinada", 7/2/2000; *La Voz de Almería*, "Representantes del Gobierno y de la Diputación fueron agredidos e insultados", 7/2/2000

any person with Arab features they met in the street, as well as the properties of Maghrebi people. Several offices of associations accused to favour migrants, like Almería Acoge or the Association of Progressive Women, were also assaulted.[313] The outbreaks went on for several days, with similar results.[314] In just a few hours, dozens of people were injured by the xenophobic attacks, and three people had to be hospitalized.[315]

The Minister Spokesman of the Government, Josep Piqué, argued that there was a connection between the outbreak of violence and the new immigration law (OL4/2000) approved by the opposition parties, although he qualified his words a few days later.[316] The opposition parties, on the contrary, argued that the outbreaks proved the need for the new law in order to favour the social integration of migrants.[317]

The media again was unanimous in its condemnation of the events of El Ejido. El País titled its leading article as "xenophobic outbreak" and demanded that the Government pass strong measures to stop the mobs, and pointing out the need for migratory policies which promote social integration.[318]

The conservative ABC, also in its leading article, described what happened in El Ejido as a real shame, denouncing the situation of the migrant workers who earned 15 euro per day, while the nationals received 30 euro for the same work.[319] The Arabist Gema Martín Muñoz put the blame on the image of the migration which was often associated with crime and violence.[320]

Other assaults

Apart from the attacks on Muslim immigrants, there have been some other minor incidents involving attacks on mosques, oratories or halal butchers which, although not

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[313] *La Voz de Almería*, "Máxima Tensión", 7/2/2000; Agencia EFE, "Inmigración-incidentes se reproducen cortes de carretera y manifestaciones en El Ejido", 7/2/2000

[314] *El País*, "Cierre total de comercios y 11 detenidos en otra jornada de violencia xenófoba en El Ejido", 8/2/2000

[315] *La Voz de Almería*, "El Hospital de Poniente atendió a 23 heridos aunque sólo tres quedaron hospitalizados", 7/2/2000; *La Estrella Digital*, "Vecinos de El Ejido intentan linchar a los inmigrantes y agreden a la autoridad", 7/2/2000

[316] *El País*, "La izquierda y CiU arremeten contra Piqué por sus palabras sobre El Ejido", 9/2/2000

[317] *Servimedia*, "CIU asegura que estos incidentes prueban la necesidad de la nueva ley de extranjería", 6/2/2000

[318] *El País*, "Explosión xenófoba", 7/2/2000

[319] *ABC*, "Vergüenza nacional", 7/2/2000

[320] Gema Martín Muñoz, "El Ejido o el fracaso de una política", *El País*, 10/2/2000

as serious as the incidents already mentioned, should also be taken into account.[321] Regarding individual attacks against people, is very difficult to present statistics since usually there are notable differences in people's accounts. For instance, on 23 April, 2003, three Moroccans were assaulted by a group of hooded men who beat them. One of the Moroccans, a 60-year-old man, later died in hospital from his injuries. According to the Moroccan union ATIME, the reasons for the assault were clearly racist, but the police authorities declared that it was just a fight between gangs.[322] Or again, when a Moroccan man, 30 years old, was assaulted by two hooded men armed with baseball bats, the meeting of residents' associations noted the aggression as "gratuitous violence" instead of a xenophobic aggression,[323] while the deputy mayor of the town declared surprisingly that the motive of the assault was to rob the victim of his watch.[324] What is worrying in this respect is that, according to last report of the NGO SOSracisme, in 2005 there has been a rise in the number of violent assaults of xenophobic motive in Catalonia, including the ones made by the security forces (with 34 cases, these make up one fourth of the total reported), with an increase of 15% in the reported incidents that went to court (151, against 131 the previous year).[325] But it seems that in the xenophobic assaults there was no particular bias against Muslims (although the percentage of aggression against Muslims is significant):

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[321] On 14 September, 2001, several on 4/09/01: Unknown people threw eggs and a quantity of red, blue and yellow paint against the façade of the M-30 mosque in Madrid. In 4 October, 2001 the wooden door of a mosque in Marbella (Málaga) was set on fire by unknown people. That was the third attack suffered by this mosque since 1999. On 6 March, 2002, a mosque and a *halal* butcher's shop were attacked with Molotov cocktails in Cervera (Lleida). On 12 March, 2002, the façade of a mosque in Ontinyent (Alicante) was covered by graffitti with slogans against Muslims, and with a drawing that reproduced the Twin Towers of NYC.

[322] "Gobierno y Junta discrepan de nuevo sobre el asesinato de Huelva" *El* País, 25/4/2003; "Temor entre los inmigrantes de Huelva ante una posible banda racista" *Webislam* 2/5/2003

[323] We assisted at the meeting held in Cornellá (Barcelona) on 26 January, 2006. On 21 January we also interviewed A., the victim, who insisted on his version of a xenophobic assault.

[324] "Tres agresiones a inmigrantes y jóvenes en el Baix Llobregat" *20minuts*, 21/1/2006; it is interesting to see that most of the comments made by the readers of this news in the digital forum were to justify the violence against immigrants. See http://www.20minutos.es/noticia/84940/0/agresiones/inmigrantes/Llobregat/

[325] These are only the figures for the cases that SOSracisme has reported to judge court. "SOS Racismo alerta del aumento de la violencia en las agresiones de carácter racista" *El País*, 22/3/2006. This report is available at the website of the organization: http://www.sosracisme.org/denuncia/Estadistiques.pdf

**Ethnic origin of victims of xenophobic
assaults and people who reports the case
(2005)** Source: SOS Racisme (2005)

	Person who reports	Victim
Arab	2	5
Asian	2	3
EU countries	42	32
Non EU	3	4
Gypsy	1	2
Latin American	49	49
Maghreb	29	33
Sub Saharan	22	22
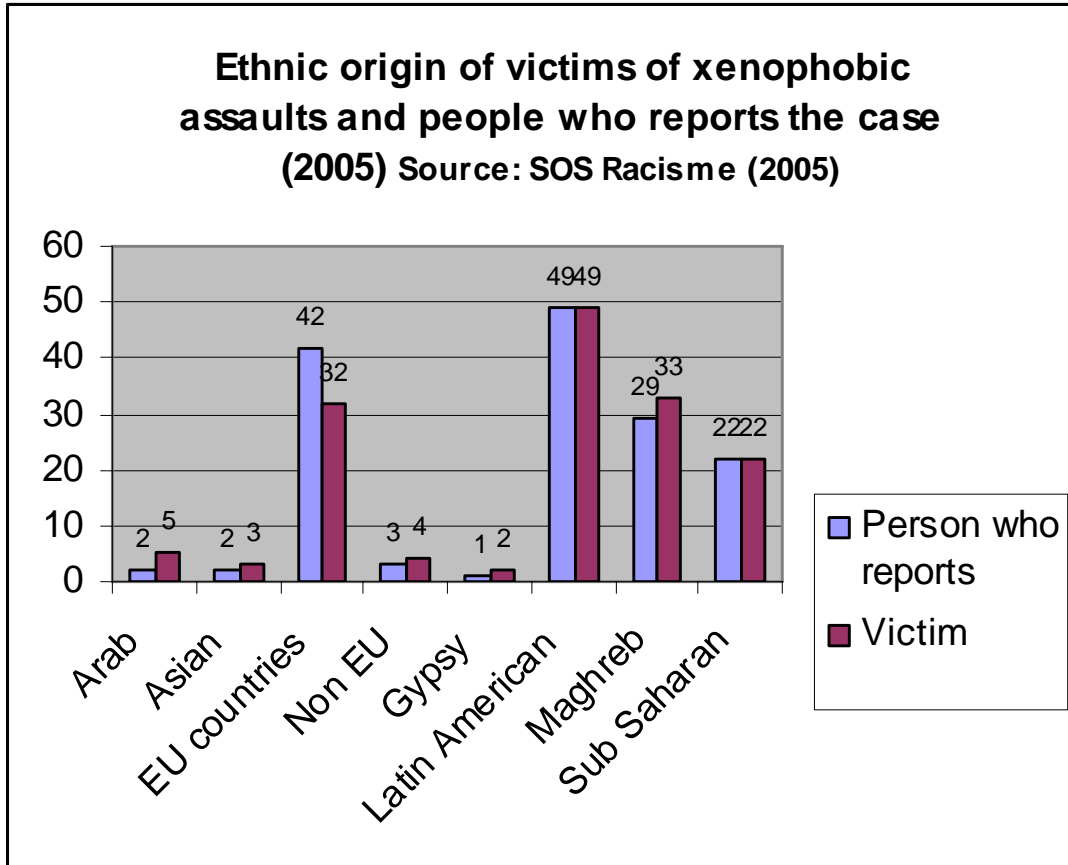
Role of political leaders

In their election manifestos, the political parties do not mention any measure aimed particularly at Islam, but only to migratory policies, a subject which deserves a particular rubric in manifestos.

Izquierda Unida (Left United, left-wing)

The political group Izquierda Unida (IU) considers that the Government's migratory policies are a setback for the human rights of migrants and also that the immigration laws implemented by the Government are of a restrictive and repressive nature, since they deny legal recognition to many migrants. This group also disagrees with the Government when the latter argues for a connection between immigrants and crime. The election manifesto of IU states that

IU will promote a number of measures orientated towards the recognition of equal social and political rights between Spaniards and the foreigners residing in our country, distinguishing between the concepts of nationality and citizenship, and abolishing any discrimination of nationality, ethnic group, or religious nature, as it is proclaimed by the Universal Declaration of Human Rights and in the Spanish Constitution.

This group also proposes the "promotion of associationism among migrants and intercultural activities between nationals and foreigners, and the participation of the latter in the local political life". [326]

Partido Socialista Obrero Español (Socialist Spanish Worker Party, Centre-left)

The Socialist Party recognizes the need for immigration, but also argues that it represents a challenge that must be faced from a responsible stance and with the interests of the whole State in sight. It considers that the management of the migratory flows must be done by taking into account the social and economic situation of the host society. It proposes the creation of a Spanish Agency of Migration "that draws together the competences ascribed to the ministries of Labour, Interior, Foreign Affairs and Health, with the object to rationalize, integrate and centralize the migratory policy," as well as the creation of an "office for the contracting of foreign workers at their country of origin, in order to arrange the migratory flows."

This political party also proposes the elaboration of a Statute for the integration of the migrants who reside legally in Spain:

Among other subjects, it will establish the basic criteria for the migrants concerning the education, social provisions related to their housing needs, the social salaries of the Autonomous Communities and Town Councils, the preservation of the cultural customs of their countries of origin, and the effective religious freedoms as they are recognized by the Constitution.[327]

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[326] http://www.danae.org.es/inmigr_iu.htm
[327] http://www.danae.org.es/inmigr_psoe.htm

Partido Popular (Popular Party, conservatives)

In the Popular Party's election manifesto of 2004, the party vindicates itself for its work in the Government and, in particular, for the Organic Law on rights and liberties of foreigners in Spain and their social integration, as well as for the program GRECO (Global Program of Regulation and Coordination of Immigration in Spain), which tackles the management of migratory flows and the social integration of migrants.

The Popular Party accepts the importance and the need of migration for the Spanish economy, and stresses the fact that there are 800 thousand foreign workers paying their contribution to the Social Security budget, and that they made an agreement of collaboration with the countries of origin of migration, through which it is possible to regulate the migratory flows, as it is the case with Colombia, Ecuador, Morocco, Dominican Republic, Romania and Poland.

The Popular Party also stresses the need for foreigners to adapt themselves to the rules of cohabitation and to the culture of the host society:

> We will promote initiatives to give impetus to the knowledge and respect of our rules of cohabitation, culture and democratic values, constitutional system and the regime of rights and duties, by the migrants who reside legally in our country.[328]

Esquerra Republicana de Catalunya (Republican Left of Catalonia, left-nationalists)

In migratory matters, Esquerra Republicana takes a gender perspective and says that the labour and residence permits should be kept by the immigrant in case of divorce or separation, and also that the Government has to implement preventive measures against humiliating behaviour. The ERC proposes the promotion of the cultural mediator, as well as the granting of citizenship rights to non-EU foreigners.

To fight the informal economy, ERC proposes the inspection of employers that could have irregular workers hired. [329]

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[328] http://www.danae.org.es/inmigr_pp.htm
[329] http://www.danae.org.es/inmigr_erc.htm

Convergència i Unió (Convergence and Union, nationalist, conservative)

CiU claims that it should be the Generalitat de Catalunya (Autonomous Government of Catalonia) that manages the migratory flows in Catalonia. For this it should implement a system of coexistence to guarantee the preservation of Catalan identity:

> To provide the newcomers who want to be rooted in Catalonia with a host society where they can be integrated, with good labour conditions and social services for all citizens. It is necessary to build a cohabitation space, with the full exercise of rights and a strict compliance with duties by all citizens, equality, social cohesion and the preservation of the Catalan identity.[330]

Partido Nacionalista Vasco (Basque Nationalist Party, nationalist, conservative)

PNV devote just a few lines to migration policies, and declare itself to be in favour of the social integration of migrants and of not seeing migration as a problem:

> An active policy in favour of the incorporation in society of the newcomers requires, in addition, a clear and active migration policy. Migration is not an evil to be avoided, but a new task we must meet. Migration is both a necessity and an opportunity that should be managed from the first moment, until the full incorporation of the newcomers is achieved, with equal rights and duties as all other citizens.[331]

Religious practices of Islam

Mosques and oratories

In March of 1992 the mosque of the Islamic Cultural Centre, known as "the mosque of M-30" after the place where it is located (the highway M-30) opened its doors. The mosque was built with funds received from king Fahd of Saudi Arabia (between 10 and 20 million euros) and it is considered one of the biggest in Europe. It

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[330] http:// www.danae.org.es/inmigr_ciu.htm
[331] http://www.danae.org.es/inmigr_pnv.htm

consists of a six-story building, with an auditorium with space for 485 people, a library with manuscripts and providing several cultural services.[332]

The mosques such as the M-30 one, built on the outskirts of towns, do not meet many problems in its provision of services. That is not the case of the oratories which are inside the districts of towns and cities, since they find usually a fierce resistance from their neighbours. The argument used against the oratories are generally related to their hygienic conditions or to the lack of space to accommodate a large quantity of people. That was the case of the oratory[333] in the district La Farga in Banyoles (Girona),[334] of the oratory of Lleida, where the neighbours congregate in front of it to prevent the Friday prayers,[335] of an oratory in Reus,[336] in Alicante,[337] in Logroño, in Málaga, or in Santa Coloma (Barcelona).[338]

After the attacks of 11 March, 2004, however, the argument about the danger that the mosques could be used to radicalize Muslims or even to concoct fresh terrorist attacks appeared for the first time. Such was the case of the mosque in Los Bermejales (Sevilla) where the neighbours made graffiti and posters with slogans connecting Islam and terrorism: "There are thousands of Islamists settled in Spain as a quarry for terrorists!".[339] In addition, some neighbours organized a pork slaughter just in the place where the mosque should be built.[340]

The Muslims who were trying to open an oratory in Badalona, finding the usual resistance of the neighbours against it, found it necessary to defend themselves by saying that they were not terrorists and that bombs are not produced in the mosques.[341] Nevertheless, the main objection in Badalona against the oratories from the part of the

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[332] "El Ramadán abre al culto la mezquita de la M-30 tras dos años de retrasos", *El País*, 23/3/1992

[333] The media use the term "mosque" in general, even in the case of the oratories.

[334] "300 vecinos de Banyoles contra la autorización de una mezquita", *El País*, 23/3/1999

[335] "Vecinos de Lleida rechazan una mezquita que tiene permiso municipal", *El País*, 21/4/2002

[336] "Aplazado el cierre de una mezquita de Reus que no tiene licencia municipal", *El País*, 10/12/2002

[337] "Díaz Alperi rectifica y dice que no cerrará la mezquita de Alicante", *El País*, 17/10/2001

[338] "Protesta vecinal en Santa Coloma contra una mezquita", *El País*, 21/10/2004

[339] "Vecinos de Sevilla intentan crear alarma por la mezquita", *La Vanguardia*, 28/11/2004. However, according to C.R., the president of the Association Against the Mosque in Bermejales, that is just the attitude of some neighbours with lack of information and of a minority of youngsters with far-right ideologies. She told us that she has a Muslim friend (an Spanish convert, O. F., who declined to be interviewed by us) who is helping in the association against the mosque, because out of the ten Muslim communities only one is in favour of constructing it at the Bermejales district, where there is a chronic lack of public services. Interview held by phone on 14 and 17 February, 2006.

[340] "Paso oficial de la mezquita de Sevilla", *El País*, 15/5/2005

[341] "Más de 150 musulmanes protestan en Badalona contra el cierre de su mezquita", *La Vanguardia*, 26/2/2005

neighbours, at least the main explicit one,[342] is the nuisance caused by the crowds that gather outside the oratory on Fridays, for the lack of space.[343] The town council offered the sports hall of the town so that the Muslim community could assemble for the Friday prayers, as a provisional solution until they find a more suitable place.[344] M.T., imam of the Muslims in Badalona, told us that they try to go home discreetly after praying, in order to avoid attracting the attention of the neighbours,[345] an objective that is not always achieved.[346] That seems to be a typical case, since M.A. Narbona, in charge of the relations of the town council of Viladecans (Barcelona) with Muslims and author of the book *Marroquíes en Viladecans*, told us that it is important to avoid visibility (such as to place all the shoes at the entrance of the oratories when praying) in order to prevent conflicts with the neighbours.[347] Another reason to avoid visibility is that the neighbours are afraid that the existence of mosques and oratories in their districts could devaluate the price of flats.[348] This matter cannot be taken slightly, since accommodation is one of the most important worries of the people in the country, which is not reflected properly in the opinion surveys. According to research conducted by the labour union Comisiones Obreras, the prices of flats have increased 14 times in relation to the salaries in the period 1987-2004 (130,3 % and 9,6 % respectively, deducing inflation index).[349] The

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[342] Interview with J.R., president of the association of residents of Badalona, held on 16 February, 2006.

[343] This has been admitted by M.E.H., the imam of an oratory that was closed because of the opposition of the neighbours, in an interview held on 14 February, 2006. But he demands a solution from the Town Council, since "we are citizens who pay taxes as everyone else". M.T., imam of the only oratory still open in Barcelona, told me that he has also heard that the neighbours say that the value of their flats decrease notably because of the presence of the mosques in the district. Interview held on 16 February, 2006.

[344] But the Muslims complain that they have been in the sport hall for more than eight months and they don't know yet where they will be able to open the mosque.

[345] Interview by phone on 16 February, 2006. M.T. told us that the oratory where he is the imam had been open for years without the neighbours knowing about its existence. This has been confirmed by J.R., president of the residents' association in the district, in an interview held by phone on 16 February, 2006.

[346] M.T., imam in Badalona told us the following about this subject: "when it is time to leave [the Friday prayers] and nearly 2.000 people get out to the street in 10 or 15 minutes, it is difficult to avoid a crowd, because people take advantage to greet each other and talk for a while… and, of course, the neighbours are worried because of that". Interview, 16/2/2006.

[347] Interview held at the Town Council of Viladecans on 16 February, 2006.

[348] M.T., imam of Badalona, personal communication. The argument about the depreciation of house prices is usually put openly in the discussions on this matter by the people.

[349] "El precio de la vivienda ha crecido casi catorce veces más que los salarios", Comisiones Obreras, *Gaceta Sindical*, 13/7/2005, available at: http://www.ccoo.es/diariodigital/20050713.pdf ; see also "La escalada del precio de la vivienda en España" *El País*, 20/4/2005, and "El precio de la vivienda nueva subió un 10,1% en 2005", *El País* 2/1/2006

price of a new flat in Barcelona rose from about 300 euros per square meter in 1985 to nearly 3700 euros in 2005, with a similar trend in Madrid and the rest of the country.[350]

As the economist J. García Montalvo pointed out, the price of the apartments tends to be the maximum value of indebtedness of families.[351] The purchase of new flats is quite impossible for a large part of the population, unless they can sell their old flat at a good price and then pay only the difference between the sales price and the price of their new flat. Obviously this strategy works only if the value of the apartments does not depreciate significantly. The arrival of immigrants in general, and particularly of Muslims, encouraged the natives to sell and get out of the district, raising prices outside the district in accordance with the laws in economics, in addition to other speculative reasons (in which the migrants also participate). The people left behind, once the "invasion" is obvious, will find it more difficult to sell their flats at a good price or, at least that is how they see it. This factor gains in importance when we note that half of the buyers of flats do it as an investment.[352] No doubt this is one of the reasons for the neighbours to demand the invisibility of Muslims in their districts.

All the debate about the opening of mosques and the freedom of worship, rights that are guaranteed by the Constitution, much deteriorated after the attacks of March 11th. Then the possibility that terrorists could come from the mosques, or could be radicalized there, overcame any other consideration. So, after the attacks the Spanish minister of Interior, with the support of the president Rodríguez Zapatero, proposed a law for the control of the imams and their Friday sermons. That plan was described as nonsense by the president of the Islamic Commission of Spain, Mansur Escudero, because it would criminalize the Muslims and because it is impossible, in practice, to control all the Friday sermons. However, the representatives of the Maghrebi union ATIME declared that it was a good idea, in order to "stop the tolerance of the imams who promote violence".[353] But that measure met the criticism of many judges and prosecutors, who argued that such a law would violate the section 16.3 of the Spanish

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[350] Sociedad de Tasación, *Síntesis del estudio de mercado de vivienda nueva en 2005*, December, 2005, p. 3. Available at the website: http://web.st-tasacion.es/html/menu6_2.php

[351] J. García Montalvo, "Algunas reflexiones sobre la tributación y las desgravaciones a la vivienda" in *Economistas*, March 2005, pp. 191-197; available at:
http://www.econ.upf.edu/~montalvo/vivienda/reflexiones.doc

[352] J. García Montalvo, "¿Son los precios actuales de la vivienda sostenibles?", in *Memoria Econòmica de Catalunya 2003*, 2004; available at the website:
http://www.econ.upf.edu/~montalvo/vivienda/V%E9rtigo%20inmobiliario.doc

[353] "La Comisión Islámica califica de disparate el control de los imames", *El País*, 3/5/2004

Constitution, which guarantees freedom of religion.[354] Nevertheless, the media coverage of the anti-terrorist operations contributes to promoting the idea of mosques as places for the radicalization and recruitment of future terrorists. This is apparent, for instance, in this fictional newspaper clipping:

> One of the imams introduced one day in his prayer a mention of the violent jihad. Bellil[355] raised his head to pay attention, a sign that was noticed by M.M.F[356], the alleged head of the cell of recruitment of terrorists for Al Zarqaui, which was dismantled this week.[357]

Headscarves

There has been only one important incident about the use of hijabs in schools. In February 2005, a 13-year-old Moroccan girl, Fatima Elidrissi was prevented from wearing a hijab in her school. The cause of the conflict should be found in the education policy implemented by the conservative Government of Aznar, which promoted the private schools at the expense of public schools. Fatima was assigned, because of the lack of public places, to a Catholic private school, were the hijab was not allowed. Nevertheless, in the first instance the media reported the event in the following way: the problem was that the father of the girl was responsible of the situation, because he forbade her daughter to go without the headscarf.[358] In addition, as in Spain the hijab is named "veil" (velo), in the news the hijab was confused with the shador, which gave the media image of a girl totally veiled by the desire of her father. To make things worse, the Minister of Labour compared the shador with the clitoridectomy.[359] The opposition parties fiercely criticized the declarations by the Minister, and the situation the girl was experiencing at the school, which, in their view, went against the Constitutional rights.

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[354] The criticism came from the liberal association of judges *Jueces para la Democracia*, the spokesman of the association of judges *Asociación de Jueces y Magistrados*, Francisco de Vitoria, and also from the spokesman of the association of prosecutors *Unión Progresista de Fiscales*. *Europa Press*, 03/05/2004.

[355] This was the name of the suicide assassin who killed 19 Italian soldiers and 9 Iraqi civilians in Nasiriya, and was a resident in this locality near Barcelona.

[356] The name of the imam is replaced here by the initials. His wife denies totally any link of her husband with terrorism.

[357] "Carnicero en Vilanova, suicida en Nasiriya", *El País*, 14/1/2006

[358] "La niña cuyo padre exige que use chador será escolarizada provisionalmente", *El País*, 15/2/2002; "FAMILIA DE ORIGEN MARROQUÍ. Un padre impide que su hija asista a la escuela si no va cubierta con 'chador'.", *Libertad digital*¸ 15/2/2002

[359] "Aparicio compara el uso del chador con la práctica de la ablación", *El Mundo*, 16/2/2002

The representative of the socialist party (PSOE), Carmen Chacón declared that it was "inconceivable to force the girl the take out her headscarf", and also declared that the Minister of Education "seems to have devoted less than two minutes to thinking about this subject" and demanded the resignation of the Minister of Labour for his declarations about clitoridectomy. The General Secretary of the left party, Izquierda Unida, declared that he was puzzled by the declarations of the minister, and the representative of the Maghrebi union ATIME said that "such declarations are an insult to intelligence".[360]

Some Maghrebi associations exerted a lot of effort to explain that the hijab and shador were not the same thing, and that hijab is also a cultural symbol of identity.[361] Fatima, in addition, declared that it was not a decision taken by her father, but by herself, and that she had no intention of going to school without her hijab.[362]

After a few days of tension, Fatima was assigned to a state school, but the director of the school declared that she was not prepared to accept a girl with hijab, which she understood to be a cloth that discriminates against women.[363] Finally, the director changed her opinion and the school accepted the girl. Fatima arrived at the school among dozens of journalists and TV-cameras, wearing her hijab, and the director of the school waited for her at the entrance and kissed her as a welcome. The conflict was finally over.[364]

Although it could seem that the director of the state school was adopting a very conservative position, she explained that she thought that private schools, which receive funds from the state, should accept their quota of migrant students, and that was the reason of her resistance to admitting the Maghrebi girl. It is true that in Spain, there have been many complaints about the privileged situation of private schools, because they, despite the public funds they receive, don't have a share of foreign students proportional to the importance of the sector (this was encouraged under the Aznar Governments), as we see in the followings charts. The Muslim families, on the other

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[360] "Duras críticas de la oposición y asociaciones a la postura del Gobierno", *El País*, 18/2/2002
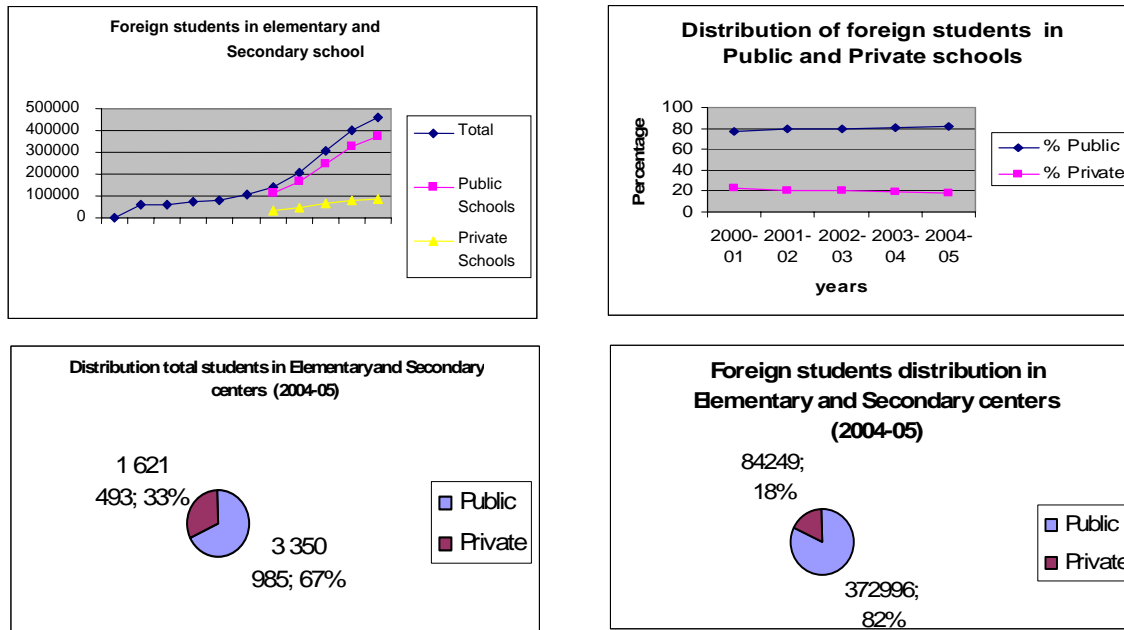[361] "Los marroquíes laicos de España defienden el pañuelo," *El País*, 17/2/2002
[362] "Fátima: "Quiero llevar el pañuelo a clase; nadie me obliga a hacerlo".", *El País*, 17/2/2002
[363] "La niña marroquí de El Escorial podrá ir a un colegio público, pero sin el pañuelo", *El País*, 16/2/2002
[364] "Fátima acude al instituto con su pañuelo en medio de una gran expectación", *El País*, 18/2/2002

hand, do not easily accept the option of sending their children to Catholic schools.[365] In Spain, there are no Muslim denominational schools.

Foreign students in elementary and Secondary school

Distribution of foreign students in Public and Private schools

Distribution total students in Elementary and Secondary centers (2004-05)

Foreign students distribution in Elementary and Secondary centers (2004-05)

Source: Ministerio de Educación y Ciencia http://www.mec.es

At present, the female student who wants to wear hijab, can do so unmolested, and no further controversy or conflict on this subject has arisen until present. But that does not mean that the Muslim culture (and cultural diversity itself) is totally accepted by the students at the secondary schools (13-17 years old). We saw that for ourselves in a small research we conducted in five secondary schools of Baix Llobregat region (Barcelona), organizing debates in the classrooms, and distributing enquêtes about migration and cultural diversity, in addition of some personal interviews.[366] 53 % of the students were in favour of cultural diversity without any objection (against a 26.5 % who were entirely opposed to it), and 30 % expressed their opinion that migration is connected to lack of safety.

These figures fit well with other more extensive researches, as the one done in Valencia by Movimiento contra la Intolerancia, among 1.200 students, 14 - 18 years old.

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[365] "Una familia musulmana rechaza enviar a sus hijos a un colegio concertado por ser católico", *El País*, 20/2/2002; "Un marroquí se niega a llevar a su hija a un centro católico", *El País*, 6/3/2002; see also F. Pérez-Madrid, *Inmigración y libertad religiosa*, Madrid, Civitas, 2004, pp. 105-106.
[366] Research made between January and May 2005.

In that research, 25 % of those polled were in favour of the expulsion of immigrants from their districts, 38.5 % rejected the idea of having Moroccan friends, and 27.5 % linked migration with crime.[367]

Furthermore, it is interesting to note that in our research the students who expressed their opposition to migration and cultural diversity admitted to having Muslim friends in nearly a double proportion than those who were in favour of cultural diversity (47.8 % against 26 %).[368] The way they rationalise that incoherence is very pragmatic: "My friends from Morocco are not like the others".

More recently, the newly created Spanish Observatory of Racism and Xenophobia published an opinion survey on racist and xenophobic attitudes in society. The survey was conducted by phone in December 2005, and covered a total of 2.400 people above 18 years of age and residents in Spain. According to this report, in "Spain there is a general rejection of any racist attitude, expressed openly".[369] The people who were polled (65 %) considered the existence of ethnic and religious diversity to be a positive thing, and (67 %) found the expulsion of a Muslim girl from the school because of her hijab to be unacceptable. Regarding the opening of mosques and oratories, the majority of the people polled (57 %) were against the demonstrations to prevent the opening of a mosque, but, nevertheless, there is a significant support for this kind of mobilisation (30 %). In addition, 45 % thought that immigrants should retain only those cultural aspects that do not represent a nuisance for the host society.[370]

Cemeteries

According to our informants, it is usual for the Muslim immigrants to have a life insurance that covers the expenses for the repatriation of the corpse in order to be buried in their country.[371] The reason for that practice, we are told by the local civil

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[367] Movimiento contra la Intolerancia, *Estudio sobre actitudes sociales ante la inmigración y minorías étnicas de los jóvenes valencianos*, Valencia, 2004. *Vid* Report of Raxen for Spain, 2005, pag. 31 www.gabinet.com/docs/RAXEN_ESPANA_**2005**.pdf

[368] We were able to see this for ourselves since a student girl, 15 years old, who defined herself openly as "racist", had as her best friend in class an amazigh (berber) girl. We were able to interview both of them in Martorell (Barcelona) on 21 April, 2005.

[369] Spanish Observatory on Racism and Xenophobia, "Summary of the Survey on Opinions of the Spaniards on Racism and Xenophobia Matters", 21/3/2006

[370] Spanish Observatory on Racism and Xenophobia, "Summary of the Survey on Opinions of the Spaniards on Racism and Xenophobia Matters", 21/3/2006, p. 10. Available at: www.tt.mtas.es/periodico/ inmigracion/200603/observatorio.pdf

[371] M.E.H., interview held in Badalona on 14 February, 2006

servants, is the land price, which makes it prohibitive indeed to have a large extension of land for being buried in the ground. A municipal expert of Badalona compared that practice of Muslims with the Chinese people, who return to their country when they are old, in order to die in the land of their ancestors.[372]

Status of ethnic minorities

There is no particular policy of protection of ethnic minorities, or of Islam. The only policy that affects Muslim foreigners is the one given by Local Governments to the impoverished sectors of the population in the form of social services, such as grants for books and for dinner at the dining hall of the schools, or a minimum payment called "minimum income for social rehabilitation" (renta mínima de reinserción). The criterion for receiving these is always having a very low income, and never ethnic or religious reasons.[373]

Anti-terrorism and security laws

In Spain, violent political crime[374], or terrorism, has been connected in the last 50 years with the violent actions committed by separatist armed groups, and particularly to ETA (Euskadi ta Askatasuna, Basque Country and Freedom). This kind of political violence comes out from the multinational character of the Spanish state, mentioned above, and from the feeling by some political groups that their nationalist aspirations can only be achieved by separating their regions from Spain by force. In Catalonia, the armed bands (Terra Lliure, EPOCA, ERCA)[375] disappeared years ago, and in any case they never had as many victims as the Basque.[376]

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[372] Joaquim Ortilles, Director of department of the Badalona town council. Interview held in Badalona on 16 January, 2006.

[373] Joaquim Ortillas, personal communication.

[374] On this subject see Alberto Montoro Ballesteros, "En torno a la idea de delito político. Notas para una ontología de los actos contrarios a Derecho", in *Anales de Derecho*, University of Murcia, num. 18, 2000, pages 131-156.

[375] EPOCA is the acronym for *Exercit Popular Català* (Catalan Popular Army); and ERCA is the acronym for *Exercit Roig Català d'Alliberament* (Catalan Liberation Red Army)

[376] ETA operations had 817 mortal victims since its foundation in 1959.

The Spanish Constitution, in its section 55.2,[377] envisages the creation of an "independent body under special law" to deal with the temporary suspension of the fundamental rights in order to fight the terrorist activities.[378] All the anti-terrorist laws of the former authoritarian regime were replaced by the Organic Law 11/1980 of December 11th, on cases envisaged by the section 55.2 of Constitution;[379] and subsequently by the Organic Law 9/1984, of December 26th, against armed bands and terrorist elements and as development of the section 55.2 of the Constitution. This Anti-Terrorist Law (as it is known) had all the characteristics of the exceptional laws and particularly of the Criminal Law of the Enemy, as theorized by Günther Jakobs[380] to distinguish it from the Criminal Law of the Citizens. As we know, according to the German jurist it is not legal to criminalize citizens prior to their committing an injury of objects or interests that are protected by law, but, according to him, this can be considered lawful when dealing with people considered as "enemies", that is, people who allegedly go against the Constitutional order.[381] In that case, the scope of the law can reach lawfully the private life of the person considered as "enemy" and punish behaviours instead of facts.[382]

In line with the exceptional legal orientation developed by Jakobs, the Spanish Organic Law 9/1984[383] prescribed special treatment for political crimes, consisting of an aggravation of the sentences envisaged by the legislator for the common crimes (sections 3 and 8 of the law) and on the advance and extension of the criminal action.[384] For instance, according to section 3.1 of OL 9/1984 the foiled terrorist crime would be punished as if the crime had in fact been carried out. The advance and extension of the criminal action in cases of terrorism did not seem to satisfy the admitted purposes of the

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[377] In its section 55.2, the Spanish Constitution states: "An organic law may determine the manner and the circumstances in which, on an individual basis and with the necessary participation of the Courts and proper Parliamentary control, the rights recognized in Articles 17, clause 2, and 18, clauses 2 and 3, may be suspended as regards specific persons in connection with investigations of the activities of armed bands or terrorist groups."

[378] J.R. Serrano-Piedecasas, *Emergencia y crisis del Estado Social. Análisis de la excepcionalidad penal y motivos de su perpetuación*, Barcelona, PPU,1988, p.188

[379] BOE n. 289 del 2/12/1980

[380] G. Jakobs-Cancio Meliá, *El Derecho penal del enemigo*, Madrid, Civitas, 2003.

[381] G. Jakobs, "Criminalización en el estadio previo a la lesión de un bien jurídico" in *Estudios de Derecho Penal*, Madrid, Civitas, 1997, p. 322

[382] In this sense, *the criminal law of the enemy* could be defined as the disregarding by the law of the necessary legal distinctions of the public and private spheres. See G. Jakobs, *íbid*, pp. 316 and 318

[383] BOE n. 3 del 3/1/1985

[384] J.R. Serrano-Piedecasas, *ibid*, p. 200

criminal law: the positive general prevention (to impose respect of the legal code), the general prevention of intimidation (to prevent the violation of a particular rule), and the special prevention of rehabilitation (to promote the social reintegration).[385]

Instead of the purposes of prevention, the aggravation of the sentences envisaged by the antiterrorist law of 9/1984 seemed rather to satisfy a symbolic purpose, in order to calm the public opinion which would feel terrified by the political crime.[386] In addition, in 1987 the policy of dispersion of ETA convicts in prisons far from Basque country was put into practice, in order to break the discipline and control that the organization could hold over them.[387] That was again an exceptional measure, which was allowed to contravene the Organic Law 1/1979, of September 26th, General Penitentiary, whose section 1 states that the fundamental purpose of the penitentiary centers is "the reeducation and social rehabilitation of those with custodial sentences", which is a constitutional mandate (section 25.2), and section 12.1 which recommends that the custodial sentences be carried out in prisons of the same regions in order to prevent the social uprooting of the prisoners. In any case, as we will see below, that strategy of dispersion would be applied later also to all Muslims accused of terrorist crimes and under preventative arrest.

In 1988, the general consensus that terrorism in Spain was caused by political reasons led to most of Basque political parties (including the Basque sections of AP, the precedent of Popular Party, and of the Socialist Party PSOE) to subscribe, in January, to the Pact of Normalization and Pacification of Euskadi at Ajuria Enea (seat of the Basque government), where they urged ETA to abandon their arms and defend their ideas through peaceful means; proposed social rehabilitation of members of the organization who renounced violence; this foresaw a dialogue at the end of the process of pacification; and proposed the abolishment of the existing anti-terrorist law, which took place in the same year, 1988.

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[385] L. Gracia Martín, "Consideraciones críticas sobre el actualmente denominado 'derecho penal del enemigo'", in *Revista Electrónica de Ciencia Penal y Criminología*, 07-02, 2005, p. 8

[386] J.R. Serrano-Piedecasas, *íbid*, p. 202-203. See also, W. Hassemer, "Derecho penal simbólico y protección de bienes jurídicos", in *Pena y Estado*, Santiago: Editorial Jurídica Conosur. It is also available in *Neopanopticum. Revista Electrónica de Derecho y Ciencias Sociales*. www.neopanopticum.com.ar/1/hassemer.htm

[387] M. Aranda, "Política de dispersión de determinados/as presos/as en el Estado español", 1999, Thesis for the grade of European Master in Penal Systems and Social Problems, University of Barcelona.

Nevertheless, the abolition of the terrorist law did not remove the exceptionality, but on the contrary, it encroached upon the ordinary code, as was feared by some jurists.[388] The OL9/1984 was replaced by the Organic Law 3/1988, of May 25th, of the reform of the Penal Code[389] which included in it some repealed dispositions of the former law, also by the Organic Law 4/1988 of the Reform of the Law of Criminal Proceedings,[390] and seven years later by the Organic Law 10/1995, 23 November, of the Penal Code, known as the "Penal Code of Democracy", since it replaced the former code of 1944.

Contrary to the political demands, the new Penal Code included the exceptional character of the old anti-terrorist laws,[391] something which was against what Jakobs recommended: "the Penal code of the enemies must be separated from the Penal code of citizens in the clearest way in order to prevent the risk that it [i.e. the rest of the code] could be filtered".[392]

But for the conservatives there was still much work to do in this respect, as it became clear when J.M. Aznar demanded in 1996, at Ajuria Enea, the full compliance with sentences for terrorists. That demand was opposed by the other political parties, since that kind of measure would go against some sections of the Pact of Ajuria Enea (rehabilitation of terrorists and the presumed end of the peace process by negotiations, known as "final dialogado"). But, after the general elections of March 2000, the Popular Party was finally able to implement its policies in the fight against terrorism and introduce some reforms of the Penal Code of 1995, such as the OL 7/2000, which introduced restrictions on the freedom of speech and included for the first time the bizarre concept of "individual terrorist", that is, an individual not connected with any band but capable by himself of disrupting the constitutional order.[393] A policy of firm

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[388] J.R. Serrano-Piedecasas, *ibid*, p. 216

[389] BOE n. 126 del 26/5/1988

[390] BOE n. 126 del 26/5/1988

[391] R. Bergalli, "Estrategias de control social y reforma penal", in *Mon Jurídic*, n. 127, 1996, p. 28; I. Rivera, "El sistema de penas y medidas de seguridad en el nuevo Código Penal", in *Mon Jurídic*, n. 127, 1996, p. 32; G. Portilla Contreras, "La legislación de lucha contra las no-personas: represión legal del "enemigo" tras el atentado de 11 de septiembre de 2001" in *Mientras Tanto*, 83, 2002 p. 77, and the same author "Fundamentos teóricos del Derecho Penal y Procesal Penal del enemigo" in *Jueces para la Democracia*, 2004, 49.

[392] G. Jakobs, "Criminalización en el estadio previo a la lesión de un bien jurídico" in *Estudios de Derecho Penal*, Madrid, Civitas, 1997, p. 323

[393] M. Cancio Meliá, "Derecho penal del enemigo y delitos de terrorismo" in *Jueces para la Democracia*, 2002, July, 44, p. 25

hand indeed against terrorists. In addition, the Socialist Party (PSOE) joined partially with PP in this trend, and both parties signed the Agreement for Freedom and against Terrorism (known as Pact against Terrorism), in December 2000, guaranteeing that both parties would follow a common antiterrorist policy when in government, and critizing PNV[394] for "having reached an agreement with ETA" (meaning under "ETA" all the left-wing nationalist organizations).

The two parties also agreed to pass in Parliament the Organic Law 6/2002 of Political Parties, which intended the banning of several left-wing nationalist parties (those parties which had the policy of not condemning terrorism, and of placing people with sentences for terrorism under the executive), including Herri Batasuna, which should be, according the Basque Autonomous Government, one of the mediators between the Spanish Government and ETA in case of opening a dialogue process.

But the reforms of the Penal Code did not end there and continued further, such as the Law of Reform for Full Compliance of Custodial Sentences (Organic Law 7/2003), which means exactly what it says in its title, something that goes obviously against the principle of rehabilitation guaranteed by the constitution; and also the addition in the Penal Code of the articles 506bis and 576bis (Organic Law 20/2003), describing the circumstances which would allow the imprisonment of civil servants, aiming particularly at the President of the Basque Government, J.J. Ibarretxe, and of the Basque Parliament, J.M. Atutxa, respectively, for their intention of calling a referendum in Basque country to submit their proposal for a new Autonomous Statute.

All this can explain why in Spain the idea of terrorism is deeply connected with ETA and with the pro-independence groups, and also why it was not necessary to implement wider fields of exceptionality in the legal codes in order to face the new "Islamic terrorism". No doubt, when the Spanish First Minister, J.M. Aznar, argued at the conference "Fighting Terrorism for Humanity: On the roots of evil",[395] held in New York in September 2003, that it was necessary to consider only the consequences and not the causes of terrorism, he was not thinking of September 11 but of the Spanish situation and, in particular, in the Basque Country and the terrorism of ETA.

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[394] Basque National Party, conservative and Christian Democrat. Since the creation of the Basque Autonomous Government, all regional presidents have belonged to this party.
[395] http://www.ipacademy.org/PDF_Reports/FIGHTING_TERRORISM.pdf

After the terrorist attacks in Madrid, on March 11th, the Spanish Government of Aznar (and later the Popular Party in the opposition) persisted in attributing the responsibility for the attacks to ETA. Even at present, they still suggest not only ETA responsibility but also a theory of conspiracy in which PSOE, ETA, Islamist terrorists and the Spanish security forces could be involved.[396] That conspiracy theory caused, of course, a political shock, and gives an idea of the high level of political tension at present.[397] When ETA announced a permanent cease-fire in March 2006, the conservatives suggested the possibility of some secret concessions from the Government to ETA.

But things changed with the attacks of Madrid on March 11th and the subsequent victory of the Socialists in the general elections three days later. The withdrawal of the Spanish troops from Iraq, ordered by the President J.L. Rodríguez Zapatero, had important political consequences, which were used with opportunism by the opposition and the media close to it, [398] as when Zapatero phoned President G. W. Bush and received harsh treatment from him.[399] Also, C. Rice avoided any private talk with the Spanish minister of Foreign Affairs, F. Moratinos, any time she met with him. The Spanish Monarchs traveled to the United States in order to contribute to the normalization of the relationships,[400] which were officially normalized by the meeting between Moratinos and Condoleezza Rice in April 2005.[401] That period of crisis coincided with the increase of detentions of alleged collaborators of international terrorism (70 detainees related to 11-M attacks and 69 related to Islamic terrorism). According to the

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[396] On 9 March, 2006, the TV channel Telemadrid broadcast a documentary about the March 11 attacks, in which it sowed the suspicion that the attacks were in reality a plot to overthrow the conservative Government, that the proofs that indicated the Islamic responsibility had been forged by the Spanish security forces, and that the suicide of an Islamic gang in the district of Leganés (Madrid), in which a member of the antiterrorist forces (GEO) died, were instead killed by the security forces in order to stop them from speaking out. This documentary broadcast in some Spanish Autonomies, where PP is in Government. "De la Vega tacha de irresponsable al PP por dudar de la investigación", *El País* 13/3/2006; "Rajoy cree que podría anularse el sumario del 11-M si 'la mochila de Vallecas' no estaba en los trenes" *El Mundo*, 13/3/2006; "Zaplana y Aguirre reiteran que el PP no se plegará a la verdad oficial" *El País*, 16/3/2006; "Un senador popular se disculpa tras llamar al presidente golpista y vincularle al 11-M", *El País*, 17/1/2006
[397] Ignacio Sotelo, "Las dos Españas", *El País*, 6/4/2006
[398] "Aznar y Rajoy vaticinan que España tendrá dificultades con EE UU tras el triunfo de Bush", *El País*, 5/10/2004
[399] "Bush lamenta la repentina salida de Irak en una conversación telefónica con Zapatero", *El País*, 20/4/2004; "Bush reprochó por carta al presidente que invitara a la retirada de Irak", *El País*, 1/10/2004
[400] "Los Reyes visitan a Bush en su rancho de Tejas para aplacar la tensión entre España y EE UU", *El País*, 24/11/2004
[401] "Moratinos aclara malentendidos con Rice y restablece la normalidad con EE UU.", *El País*, 16/3/2005

conservative opposition, that crisis was due to: 1) with the withdrawal of troops from Iraq, Spain became an unreliable allied of the United States, and 2) Spain had lost its important role in international affairs, compared with the times of Aznar, when Spain was on the side of the "very" important States (UK and USA).

That was the reason why, when Moratinos met C. Powell in December 2004, he explained to the latter that Spain was still a constructive ally, and that it will contribute firmly with the peace process in Afghanistan and Iraq. As a proof of that, Moratinos also informed Powell that Spain offered 20 million dollars to the Iraqi electoral committee, and that it had become the first European contributor to the reconstruction in Iraq.[402]

It could probably be true that such a delicate situation spurred the Spanish Government to greater efforts to normalize the relations with the USA. In addition, the Spanish society (included the relatives of the victims) expected from its Government a firm reaction to the tragedy of Madrid, which caused 192 deaths and thousands of injuries, and to punish those who are responsible for it. Finally, the Government also needed to prove that they were sincere when they demanded explanations from the conservative Government about the attacks in Madrid, and refused to accept the official version of ETA responsibility. In this respect it is interesting to note that now nobody speaks openly in the Spanish media about the possible connections existing between the tragedy of Madrid and the Iraqi war, the connection of which with the attacks has been denied persistently by the conservatives.[403] In his lecture at Georgetown University, former president Aznar explained to the audience that the attacks of M-11 were due mainly to the "hate of modernity and Western values" by Islamists, and because of their loss of Al-Andalus.[404] This interpretation (irrational hate against Western values) has been gaining ground, and with it the criminalization of Muslims, who found themselves suddenly under suspicion.

According to some intellectuals and professors, "the introduction in Spain of the Islamic terrorists was helped, without any doubt, by the construction of 30 mosques in

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[402] "Moratinos asegura a Powell que España es y será un aliado constructivo", *El País*, 10/12/2004

[403] "Acebes acusa al ministro del Interior de miserable, indecente, mediocre e incompetente", *El País*, 29/4/2004; E. Haro-Tecglen, "La verdad sospechosa", *El País*, 24/3/2004

[404] J.M. Aznar, "Seven theses on Today's terrorism", Georgetown University, 21/9/2004. http://www3.georgetown.edu/president/aznar/inauguraladdress.html

Spain during the nineties",[405] and by the "existence of dense migrant communities of North African origin".[406] That explanation was shared by most of political parties in Parliament, as we can see from the conclusions of the Report by the Parliamentary Committee of Inquiry on March 11th.[407]

The Spanish government needed, for the aforementioned reasons, to present (to both sides of the Atlantic and also to the Spanish society) a firm policy against terrorism. In fact, the detention of alleged "Islamic terrorists" grew after 11 March, as can be seen on the following chart:
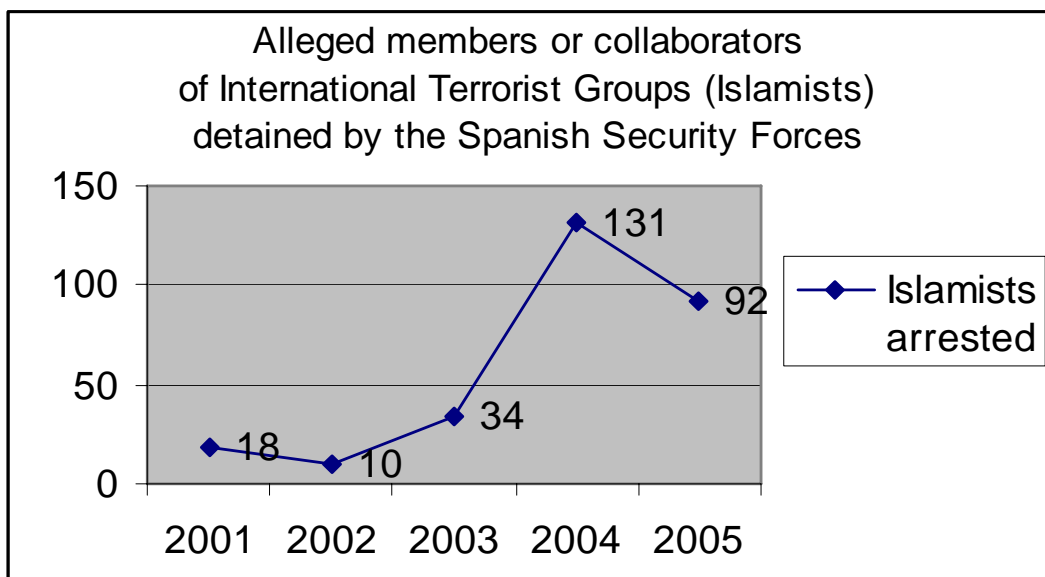
The guilt of all detainees was taken for granted before any sentence was passed,[409] as we can see in the Parliamentary Committee of Inquiry Report

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[405] F. Reinares, "Al Qaeda, neosalafistas magrebíes y 11-M: sobre el nuevo terrorismo islamista en España", in F. Reinares and A. Elorza, *El nuevo terrorismo islamista. Del 11-S al 11-M*, Madrid, Temas de Hoy, 2004, p. 30

[406] F. Reinares, *íbid* p. 37

[407] We find the following in this report: "it is necessary to create intelligence units specialized in Islamic terrorism in the localities where there are important migrant communities". Report of the Parliamentary Committee of Inquiry on the Attacks of March-11", *Boletín Oficial de las Cortes Generales. Congreso de los Diputados*, 14/7/2005, p. 96. Nevertheless, the Committee concluded that the attacks were connected to the "illegal war" of Iraq. See page 11, 12, 35 and *en passim*.

[408] Ministerio del Interior, *Actividades antiterroristas. Terrorismo Internacional. Balance 2005*. The data is available at the website of the Home Office:
www.mir.es/DGRIS/Balances/Balance_2005/Actividad_Antiterrorista/Actividad_Antiterrorista_INT.html

[409] Until present, the only firm sentences were handed out on 26 September, 2005 against 24 people of Syrian, Moroccan and Spanish origin. There were 6 verdicts of not guilty, and the rest were sentences of

mentioned.[410] The former Minister of Justice (2000-2002) and of Home Office (2002-2004), A. Acebes, justified the detention of some Muslim citizens with an important piece of evidence: "they owned similar cellular phones to the ones used in M-11".[411] Any doubt cast on the detentions from the part of the citizens and/or of the relatives of the detainees has been fiercely criticized by authorities, as did the Home Office of the Autonomous Government of Catalonia after a demonstration of friends and relatives of two detainees in a town near Barcelona. In an article published in *El País,* the Catalan Home Officer accused the demonstrators of supporting international terrorism. Just at the time when her article was published, the detainees were released without charges, after being held incommunicado in Madrid under the anti-terrorist law.[412] They were released without charges five days later in the outskirts of Madrid (600 kms far from home) with the money they had in their pockets at the moment of their detention, because "we don't have the obligation to take you home", as an officer told them.[413]

The defendant lawyers complain that their clients are *de facto* in a situation of defenselessness, since the summary is secret, and they cannot challenge the pieces of circumstantial evidence.[414] In this kind of proceedings the inquisitive principle governs on the principle of contradiction and the judge abandons the function of the arbitrator who settles the conflicts, to become himself a part in the conflict (he acts as a prosecutor). So, when there is a committal order, the defense is deprived of the necessary information and of the real opportunity to challenge the evidence or to assess

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conviction from 6 to 12 years. Audiencia Nacional (High Court with jurisdiction for all terrorism crimes), Court of First Instance Nr. 5, summary 35/01, roll 64/04. Available at the website: http://estaticos.elmundo.es/documentos/2005/09/26/sentencia.pdf. On 8 April three of those who were sentenced to 8 years in prison (Driss Chebli, Abdelaziz Benyaich and Sadik Merizak) won their appeal and were released by the Supreme Court. "Excarcelados tres islamistas tras ser absueltos por el Supremo", *El País* 8/4/2006

[410] *Íbid*. p. 35 and *passim*

[411] "Acebes acusa al ministro del Interior de miserable, indecente, mediocre e incompetente", *El País*, 29/4/2004

[412] M.Tura "Las huellas del 'chacal'", *El País* 19/1/2006. The defense lawyer of the detainees replied in a letter to the newspaper defending the right of manifestation and the defenseless situation of the detainees, Jaume Asens, "Respuesta a la consejera Montserrat Tura" *El País, cartas al director* 24/1/2006, as also did the Catalan wife of one of them, N.S. "Todos somos O.", *El País, cartas al director* 29/1/2006.

[413] Personal communication in a meeting with O.T., one of the detainees. Interview held in Barcelona on 15 February, 2006.

[414] We had access to a copy of a letter from a defendant lawyer to the Defense Commission of the Advocacy College, exposing his complaints in that sense. We conducted also a phone interview with him of 20 minutes duration, on 1 February, 2006, in which he confirmed to us the defenseless situation of his clients.

and interpret it in a different way than the prosecutor. In that situation, the appeal against the committal is really very difficult.[415]

In addition, once they are preventively arrested, the defendants remain in custody in penitentiary centers far from home, since they are systematically "dispersed" following the usual Spanish strategy against terrorism; a situation that, apart from what it means for their families and relatives, who must travel hundreds of kilometers in order to visit them for less than an hour per week, adds more difficulties for the exercise of the right of defense, making difficult the communication between defendant and his lawyer.

The measure of dispersion for Muslim preventive detainees was, sadly, one of the recommendations by the Parliamentary Committee of Inquiry on M-11,[416] which gave legitimacy to it. The Committee also proposed for the Muslim preventive detainees a special measure known as FIES (Special Prisoners Survey File), which is a penitentiary regime reserved for allegedly conflictive prisoners and which has been defined as a "prison inside the prison", reducing their visits and their movements in the penitentiary centers.[417] That means purely a real (and hard) sentence in advance of the trial. The presumption of innocence disappears totally since the people held preventively in custody are considered guilty in advance,[418] despite the fact that, as we will see, nearly half of the arrested people are usually set free without charges after some time. The symbolic function (of social appeasement) of the criminal law is therefore obvious.

According to some of our informants, the Muslim community feels itself under suspicion and "reads" any police operation as an evidence of it, as when 14 people were arrested under the "Jackal" police operation the night before the Sacrifice Day (*al 'ayd al 'aḍah*). That night, when the Muslim families were making the preparations for the celebrations of the following day, the anti-terrorist special forces (GEO) burst into their flats, blowing the doors with goma-2 (jelly explosive), and arresting them under the

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[415] Personal communication of Jaume Asens, defendant lawyer in several cases of Islamic terrorism. The interview was held on 5 April, 2006.

[416] "Texto aprobado por el Pleno del Congreso de los Diputados, en su sesión del día 30 dejunio de 2005, resultante del Dictamen de la Comisión de Investigación sobre el 11 de marzo de 2004 y de los votos particulares incorporados al mismo", Boletín Oficial de las Cortes Generales, Congreso de los Diputados, n. 242, 14/4/2005, p. 99

[417] Íbid. p. 99

[418] That become clear from the article of F. Reinares, "¿Quiénes son los 'yihadistas' en España?", *El País*, 11/3/2006. In this article, professor Reinares openly refers to all the arrested people as "jihadists" as if they had been already sentenced.

accusation of "training" jihadists for the Iraqi conflict, an accusation that the families and relatives deny.[419] The choice of that day for the detentions is taken by some as a message addressed to the Muslims to let them know that they are not welcome.[420] That message was reinforced by the situation in which the families were left, with their bank accounts blocked, something which made them depend on their (Muslim) friends for help.[421] Regarding the rest of society, that kind of police operation, with the deployment of police cordons, hooded security officers dressed in bulletproof jackets, and so on, sends the message to the neighbourhood that the Muslims are people who must be watched closely indeed.[422]

But what is true is that the detentions do not always follow the Muslim calendar, but sometimes the political one. That was the case when president Aznar made a political use of the detentions of 16 people in Catalonia, on 24 January, 2003, to give support to president Bush's campaign in favour of the military intervention in Iraq, since, according to the Spanish president, the detentions made clear the international ramifications of Al Qaeda.[423] However, all the arrested people were released after being held incommunicado (and dispersed in several prisons around the country) for two months.[424]

The release of the detainees is really a usual practice. Gathering information available at the website of the Spanish Home Office, we have made an exhaustive count of the number of people arrested during last five years: from September 26th, 2001 until February 27th, 2006, there have been 308 detainees. Of them, 147 (47 %), nearly one out of two, were released after a period of time held incommunicado under the terrorist law. Only 17 out of those were released on bail.[425] One of the defendant lawyers found

[419] "Els familiars dels detinguts a Vilanova neguen qualsevol vincle amb el terrorisme", *El Punt*, 15/2/2006. It is interesting to note that, although the Iraqi war has been considered openly illegitimate (as it is still considered so by the Report of the Parliamentary Committee of Inquiry on M-11), the alleged participation in the armed conflict is taken as a proof of "religious radicalism".

[420] This information comes from our interviews with K.A., on 15 February, 2006, and with Q.A., on 21 and 27 February, 2006, both from the Association of Relatives and Friends of the Detainees during that police operation.

[421] We know of at least one case in which the wife of an arrested man during the "Jackal" operation found herself the following day without money to buy milk for her youngest child.

[422] Personal communication of that situation in Vilanova by K.A., member of the Association of Friends and Relatives of Detainees during "Jackal" operation. Interview held on 15 February, 2006.

[423] "Aznar justifica su apoyo a Bush con las detenciones", *El País*, 26/1/2003

[424] "El juez libera a otros dos detenidos acusados de vínculos con Al Qaeda", *El País*, 20/5/2003

[425] We have gathered the information from the Spanish Home Office website. The data on police operations are distributed by years, months and days. We have visited every page, day per day, gathering all data

these data very relevant for Islamic detentions, but he still considers it even low, since, according to him, the rest of the detainees are in prison because of very weak evidences and it is to be expected that they will be set free in the future.[426] Again, three sentenced to 8 years in prison for membership of a terrorist band, were released in April 8th, 2006 after the Supreme Court announced that it was going to sentence favourably the appeal lodged by the defense.[427]

The relatives of the detainees are usually puzzled by the questions by the police after the detentions. The girlfriend of Y.G., who was arrested in June 2005 and is still in preventive detention, says that the police officers asked her if he was very religious, if he belonged to the Sunni or the Shiite branch, if he prayed five times per day, and questions like that, as if "that was a crime".[428] Obviously, since they are considered "enemies", for Muslims the principle of *cogitationis poenam nemo patitur*, which is valid only for "citizens", is not in force.[429] In this case, which is taken as typical, she does not know exactly the accusation against her boyfriend, and the circumstantial evidences that sustain it, but she suspects (from the questions put to her by police) that the detention was due to the money (100 euro) that Y.G. transferred to a bank account of a preventive detainee who asked him for financial help. Five years ago, that detainee provided accommodation to Y.G. when the latter arrived from Algeria, and that was the reason he felt obliged to help him. But she claims: "that detainee is preventive and it cannot be a crime to lend him money!".

It seems indeed that the money transfers are the most usual evidence for the police to make detentions, since many informants gave this reason to us. But, as the judges systematically put the summaries under secret, the relatives don't know exactly the reasons and evidences of the detentions, and neither do the defendant lawyers, as we said above.

Any Muslim can be under suspicion, as it is the case of R.E., arrested on 28 June, 2005 and still in preventive prison. R.E. worked for the son of the former president of

related to detentions and introducing them into a balance sheet. After that we have compared them with the data published by the Home Office in its yearbooks on anti-terrorism (Balances). There is a slight difference but we attributed it to the fact that some detainees do not appear in the yearbook as they were released without appearing before the judge. That was the case of O.T. and M., both detained in Badalona.

[426] Personal communication, Sebastià Salelles, in charge of the defense of about 30 detainees. Interview held on 1 February, 2006.

[427] "Excarcelados tres islamistas tras ser absueltos por el Supremo", *El País*, 8/4/2006

[428] Interview with N. on 11 March, 2006, held in Barcelona.

[429] G. Jakobs, "La criminalización…", 1997, p. 295.

the Autonomous Government of Catalonia, accused of training "jihadists" and of having fled during the police operation named "Tigris" two weeks before,[430] despite the fact that he was not missed by his employer.[431] According to his brother, R.E. has never held a gun in his hands, and he also suspects that the detention is because a bank transfer R.E. made to a friend.[432]

The statement of the present Home Officer of the Autonomous Government of Catalonia, after the detention, showed again the presumption of guilt at work, since she said "the terrorists try to infiltrate where they can obtain information… [they] usually are people rooted in society after having been residing for a long time, gathering information from the society where they want to perpetrate attacks".[433] That is again a clear expression of the internal enemy concept. Only someone who is taken as an enemy can be under the presumption of guilt, removed from their rights, and arrested under circumstantial evidences which probably would not be enough to arrest anyone else. In this respect, it was not encouraging to hear the words of the president of the Spanish Supreme Court, F.J. Hernando, justifying the killing of a person in London after the attacks of 7 July: "We are in the third world war, which is the war on terrorism… when the risk we have to avoid is so high, the death of innocents can be appropriate if we prevent that risk".[434]

The social consequences of that policy are obvious. After being put under arrest, according to our informants,[435] the detainees and their relatives do not receive any sign of support from society, but just the opposite: the 13-year-old daughter of a detainee during the police operation "Jackal" had to listen in the school to some of her classmates shouting angrily at her slogans against terrorism and Al Qaeda.[436] They are, as E. Walter would probably put it, "socially expandable… [since] their loss cannot affect the system

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[430] "Detenido un marroquí vinculado con una trama islamista que trabajaba como albañil en una casa de un hijo de Jordi Pujol", *La Vanguardia*, 29/6/2005

[431] This case is really puzzling because, if it was true that the detainee was under police surveillance as suspected of terrorism, it is difficult to understand why the family of the former president had not been alerted since they would have been under a notable risk for their safety. "La policía no alertó a la familia Pujol de que un presunto islamista trabajaba para ellos", *El Mundo*, 30/6/2005

[432] Interview with A.E., brother of R.E., in Barcelona, on 31 March, 2006.

[433] "Detenido un marroquí vinculado con una trama islamista que trabajaba como albañil en una casa de un hijo de Jordi Pujol", *La Vanguardia*, 29/6/2005

[434] "El presidente del Supremo justifica la orden de la policía británica de "tirar a matar"", *El País*, 27/7/2005

[435] Friends and relatives of the detainees and their lawyers.

[436] N. personal communication.

of cooperation".[437] In fact, we were informed that the pregnant wife of a detainee was visited by the local social assistant after the detention of her husband and recommended her to return to Morocco with the expenses covered by the town council.[438]

One of the functions of the migration laws is to deal with immigration as a problem instead of a solution, despite the nearly null natural increase of population from the 90's, as we saw above. But, in addition, the criminal system of the enemy, which is the legal orientation that governs the exceptional laws, creates the "otherness" of the Muslims under suspicion. That creates "a certain image of social identity by means of the definition of the authors of crimes as 'others' who do not have the same identity."[439] But, obviously, that feature is much more suitable for a "vindictive system"[440] than for the penal system of a democratic State of Law.

The cultural and sociological distinctiveness of Muslims, in addition to their historical image in Spain, makes them ideal to be presented as *hostis* (public enemy), that is, the embodiment of the extreme "otherness".[441] And in relation with that, they are also the target of what has been called the "Symbolic Criminal Law", since at present one of the functions of the criminal law is the appeasement of the worries on security matters by society.[442] That function, to be effective, needs to resort to very expedite actions. So, the function can be symbolic but, as Hassemer put it, the consequences are very real.[443]

It is also interesting to observe the connections that exist between the anti-terrorist and the migratory policies. We know from our informants of some cases where the migrants who were in contact with the detainees were expelled expeditiously from the country. For instance, when O.T. was detained he was sharing the flat with three Romanians. The police officers told him that he should give information about them

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[437] E. Walter, *Terror and Resistance. A Study of Political Violence*, New York, Oxford University Press, 1969, p. 341

[438] Personal communication from Q. A., member of the Association of Relatives and Friends of the locality. We have received this information from other people, as the case is very well known among the Muslim residents.

[439] M. Cancio Meliá, *op.cit.*

[440] R. Verdier, *La vengeance dans les sociétés extra-occidentales*, I vol. Paris, Cujas, 1980 p.25 ; see also N. Rouland, *Anthropologie Juridique*, Paris, Press Universitaires, 1988 p. 329.

[441] C. Schmitt, *El concepto de lo político*, Madrid, Alianza Editorial, 1991 p. 59.

[442] W. Hassemer, "Derecho penal simbólico y protección de bienes jurídicos", 1995, pp. 23-36; J.L. González Cussac, *El derecho penal frente al terrorismo. Cuestiones y perspectivas*, Servei de Comunicació i Publicacions, Castelló, 2005; M. Cancio Meliá, "¿Derecho penal del enemigo?", *op.cit.*

[443] W. Hassemer, *op.cit.*

without worrying about the consequences of it because "we are working now in something much more serious than migratory laws". Nevertheless, when O.T. was released five days later, the three migrants were already in Romania.[444] Again, the people who stayed in the flat of Y.G. were arrested when he was sent back to Algeria, despite the fact of being in regular situation and in possession of labour contracts to work in the agriculture sector in the province of Lleida (in fact, they were in transit to that locality at the time of Y.G.'s detention).[445] We can presume, then, that this is a systematic practice.

However, it is interesting to observe that Spanish society continues to regard the risk of an ETA attack as more worrying than an Islamic attack, with the latter as insignificant in the surveys of opinion made officially by the Center of Sociological Research (CIS). This is in spite of the coverage given by the media to Islamic terrorism, the attacks with tragic consequences of New York S-11 2001, Madrid M-11 2004, and London J-7 2005; and finally despite of the fact that last attack by ETA with mortal victims was on 31 May, 2003. The fear of an Islamic attack did not change after each of those attacks, as we can see in the following chart, although we expect a notable change after the announcement by ETA of a permanent cease-fire in March 2006:[446]

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[444] O.T. personal communication.

[445] N., girlfriend of Y.G., personal communication. This is a source of much anxiety, since, the detainees will probably find it impossible to renew their residence permits, since, as a consequence of their detention, they will lose their jobs. N. said to us: "Y.G. obtained the regularity condition with great difficulties five years ago, but now, his permit will expire next summer… I don't know what will happen".
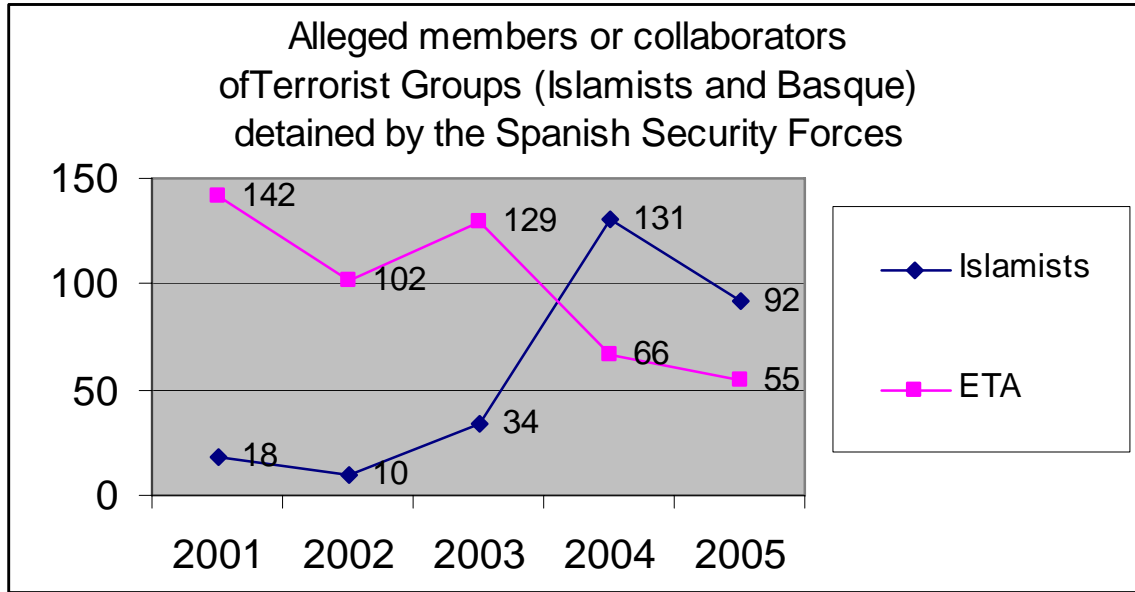
[446] We have gathered the data from the monthly sociologic barometers released by the Center of Sociological Research (CIS). The data are available at the website of CIS: http://www.cis.es/cis/opencms/ES/2_barometros/depositados.jsp

Center of Sociological Research (CIS)
Survey of opinion about the main problems (3 possible answers from a list) - Percentages

	Dec 00	Dec 01	Dec 02	Dec 03	Apr 04	Dec 04	July 05	Dec-05	Jan-06
Unemployment	62,9	66,8	64,9	62,9	59,9	57.0	54,4	48,9	53,0
Immigration	10,3	9,9	12,8	15,2	12,4	18.8	22,7	29,4	34,6
Terrorism, ETA	80,7	66,2	46,6	43,3	66,2	58.3	52,7	27,9	26,5
Citizen unsafety	9,9	15,0	18,6	23,3	16,4	18.7	15,3	22,6	24,8
Accommodation Problems	3,0	3,9	7,8	18,8	23,2	16.5	22,2	17,6	19,3
Economic Problems	12,3	11,1	11,6	12,7	10,4	11.8	18,4	17,5	18,3
Political problems	7,4	7,4	9,5	9,8	5,6	11.1	6,6	10,0	10,8
Precariousness of employments	2,4	1,2	2,2	3,8	5,3	3.4	6,3	8,4	9,0
Drugs	16,0	16,3	9,9	11,9	6,2	10.6	7,0	6,8	5,7
Public Health	3,3	4,7	3,1	5,4	5,5	6.5	4,4	6,1	5,5
Statutes of Autonomy (Catalonia or Basque Country)								2,4	4,4
Education	3,5	5,9	2,8	3,5	4,2	3.8	4,4	6,3	4,3
Gender violence	2,4	3,5	2,0	3,3	6,4	4.7	2,6	3,1	3,8
Social Problems	6,1	6,8	4,5	5,3	3,3	4.9	3,8	6,7	3,4
Retirement pensions	4,3	4,3	3,3	4,7	4,6	4.0	3,2	3,4	3,3
Nationalisms							2,4	2,8	2,7
Government, politicians and political parties							1,4	1,7	2,6
Crisis of values	2,8	2,3	1,5	2,2	2,0	2.5	1,5	1,9	2,3
Youngster problems	1,6	1,8	1,6	1,3	1,1	1.7	2,6	1,9	2,1
Justice Administration	1,0	2,0	2,0	1,5	1,6	1.6	1,3	2,4	1,6
Environment	2,1	1,3	4,1	1,0	0,9	0.6	5,3	2,0	1,0
Infrastructures	1,2	0,9	0,9	1,8	1,0	1.1	1,6	1,3	0,8
Corruption and fraud		1,4	0,8	0,7	0,4	0.7	0,4	0,6	0,6
Problems of agriculture, cattle raising & fishery	0,8	0,3	0,6	0,6	0,5	1.1	0,9	0,7	0,4
Racism	1,2	0,7	0,3	0,6	0,5	1.1	0,4	0,8	0,3
Problems related to women	0,2	0,2	0,4	0,7	0,4	0.3		0,3	0,3
Afghanistan war (Iraq war or wars)		1,8	0,3	3,7	5,7	1.2	0,3	0,3	0,3
Public Services coverage		0,0	0,3	0,4	0,4	0.6	0,1	0,4	0,3
Personal situation and worries							0,6	0,6	0,3
International terrorism							0,1	0,1	0,1
Attacks of M-11					1,5				
Prestige disaster			28,0	0,1		0.0			
Other answers	11,60	5,20	4,70	9,30	5,90	0,00	3,60	4,50	4,90
TOTAL (percentage)	100	100	100	100	100	100	100	100	100
TOTAL (answers)	2369	2333	2333	2290	2367	2324	2319	2371	2335

Nevertheless, the orientation of the police operations has been updated to the new political circumstances, and from 2004 they are much more active in the Islamic field:[447]

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[447] The data on the detentions of ETA members or collaborators have been gathered from the website of the Spanish Home Office: http://www.mir.es/DGRIS/Balances/ The Home Office releases that data yearly.

Alleged members or collaborators of Terrorist Groups (Islamists and Basque) detained by the Spanish Security Forces

Media coverage of Islam

When giving general information, the media have made efforts to not confuse Islam with terrorism, following the stream of "political correctness" we have referred to before, and also knowing that such identification (Islam and terrorism) would contribute to the criminalization of Muslim immigrants to Spain, around 800.000 people. But this is not the case when covering particular police anti-terrorist operations. In that case, the media gives systematically the police version of facts, and contribute to the creation of a social alarm on the dangers that come from the Muslim communities residing in Spain.

In fact, the role of the media in the construction of that "internal enemy" who deserves an exceptional criminal system which could be considered unsuitable in a democratic State of Law, is not insignificant at all. Some friends and relatives of the detainees defined every police operation as a "mediatic show". A relative of a detainee, she herself doctoring in anthropology, was told by a journalist friend of hers that they (the journalists) were notified about the police operation with time in advance to give coverage of it.[448] But the newspapers don't give the same importance to the detainees'

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[448] N., girlfriend of Y.G., personal communication.

release.[449] That is very usual, as was put by a department director of a town council of a city near to Barcelona, in charge of the relations with the migrant communities, and has the consequence of creating the image of Muslims as terrorists in the eyes of the rest of society.[450] That image can be used later sporadically by the neighbours to oppose the construction or the opening of oratories and mosques in their district.[451]

The relatives and friends of detainees are always complaining that much of the information published on the latter it is not true. When the media disclosed (as the state police also did) that nearly all of the arrested people during the operation "Tigris" had criminal records, that made the relatives very upset, some of whom said to us: "he has no criminal records here and neither in Algeria!". But the media accept automatically and uncritically the information released by the police. As it was put years ago by Grant Wardlaw: "it may reasonably be argued that the media are in large part responsible for the hysteria which surrounds terrorism and that it is the consequences of this hysteria which are more dangerous than the actual specific objections to media activities in covering terrorism".[452]

We could say that the anti-terrorist raids perform a function complementary to the "Symbolic Criminal Law". [453] That takes shape when the Penal code is used as a "showcase effect" in a way that goes beyond the primary function of protection of the objects and interests protected by law and it is (the code) used for the resolution of all kind of social conflicts. This symbolic function becomes obvious when the Penal Code is used to create a feeling of security and to show that the legislator is identified with the problems of the citizens. The legal consequences of that is the passing of "reactionary, activist, apparent, gratuitous, unwarranted, authoritarian, relieving and identifying laws". [454] In that way, the democratic State of Law as a synonym of "constitutional rights" of

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[449] "That is not news," said the journalist to N. Personal communication.

[450] Interview with Joaquim Ortilles, director of the Government relations, Town Council of Badalona. The deputy mayor of the city, E. Tortajades, was also present at this meeting, held in Badalona on 16 January, 2006. They provide me kindly with valuable information on this subject.

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[452] Grant Wardlaw, *Political Terrorism. Theory, tactics, and counter-measures*, Cambridge University Press, 1982, p. 82

[453] J.L. González Cussac, *El derecho penal frente al terrorismo. Cuestiones y perspectivas*, Servei de Comunicació i Publicacions, Castelló, 2005 p. 12 ff.; L. Morillas Cuevas, "Reflexiones sobre el derecho penal del futuro", *Revista Electrónica de Ciencia Penal y Criminología*, 04-06, 2002; J. Barquín Sanz, "El Código Penal de 1995, cinco años después", *Revista Electrónica de Ciencia Penal y Criminología*, 02-r3, 2000 .

[454] J.L. González Cussac, op.cit. p. 13-14

the citizens loses force in the political discourse in favour of the concept of "exceptionalities of those rights".

That entails the "breaking of the system of guarantees of a Social and Democratic State of Law," and heads towards the "criminalization in excess of certain behaviours and to the unthinking increase of the legal consequences derived from the crime." [455] In that sense, the media play a role inside this symbolic function, since they contribute to the propagation of "news institutionally produced", that is, news politically oriented in order to create in the public opinion the impression of a new need for security.[456] It is probably for that reason that the media are much more interested in reporting on detentions of people than on the subsequent release. The former contributes to the feeling of safety, the latter just to the opposite. But this demand of security is illusory and deceptive because it puts into motion a vicious circle, with an unending cycle of demanding safety in a society of risk.[457]

But the combination of the media coverage with the effects of the Symbolic Penal Law (with the restrictions of rights because of the application of the version of the Criminal Law of the Enemy) creates a deep feeling of injustice. An informant, brother of a detainee, said to us: "We fled from Morocco because of the lack of rights and opportunities and now, here, we have met with that. Where is justice?". The slowness of the legal process[458] contributes also to increasing that feeling of injustice.[459] But the State of Law also suffers when a part of society is criminalized and its fundamental rights are violated, as it happens with the presumption of innocence, which is the first pillar that crumbles when the risk managing policies are predominant.

In addition, there are media connected to the Popular Party which adopt positions very near to the far right. Such is the case of some programs of the radio channel COPE, like *La Mañana*, second in audience in Spain, a program that again and again argues that 1) Morocco is connected direct or indirectly with the attacks of M-11; 2) Islam, as a religion, goes against Western Civilization and against peaceful

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[455] L. Morillas Cuevas (2002)

[456] J.L. González Cussac, op.cit. 14; Ulrich Beck, *La sociedad del riesgo*, Barcelona, Paidós, 2002

[457] As it is put by J. Curbet: "In this field, that of the 'managing of emergencies', the State feels at home: it takes the lead… it becomes visible and deploys all the scenographic ostentation of the devices of emergency to renew its monopolistic offer of security", *Una seguridad ilusoria*, Universitat Autònoma de Barcelona, 2003, p. 10

[458] The people arrested in November 2001 had to wait until September 2005 to be judged.

[459] Nearly all of our informants complain about this: "they took him away, they threw him in the cell and then they forgot him", said to us A.E, brother of R.E. But this feeling is general.

coexistence; 3) Maghrebi migration can only bring problems (violence and terrorism) to Spanish society; 4) Any campaign of regularization of migrants will have a "calling effect".[460]

The far right and anti-Islam position of COPE, which belongs to the Catholic Church, becomes obvious every time there is a crisis in which Moroccan or Muslim people are involved. Such was the case recently when Subsaharan migrants tried to cross the border of the Spanish cities Ceuta and Melilla, in the North of Morocco. Jimenez Losantos, director of the program *La Mañana*, called them again and again "subsahas" (*subsajas*) which is the contemptuous term to refer the African black population, and accused the Morocco Government of promoting the "assaults" to the fence border in order to destabilize the Spanish cities.

This program went to the extent of making fun of migrants in its satirical section conducted by *Group RISA* (in reference to PRISA, a group that includes SER, the radio channel in competition with COPE, and owner of *El País*). On 5 September, 2005, when there have been already several deaths and a number of people injured, that program simulated the sport broadcasting of the 100 meters hurdles by 600 thousand Maghrebís in the "**Melilla**mping Pavilion Center" with the presence of the "president of the Olympic Migrant Committee Al-Hajj-**Samaranch**", using abundant contemptuous vulgarisms like that of "subsaja" instead of sub-Saharan (immigrants). On the following day, that same satirical section of the program broadcasted a very popular Spanish song with the lyrics modified to make it offensive towards the Muslim immigrants: "the fence was overcrowded, so I jumped over it and soon came a police of Ceuta and offered me aperitifs. Take your handkerchief [Hiyab] and put it on, let's go to Spain to be in full board. Shah-la-Shah-la-sha' la ma-le-con, Rama-Ramadan... ".[461]

The newspaper on the web, *Libertad Digital*, owned by the abovementioned journalist Jiménez Losantos, takes always the same position so openly Islamophobic of *La Mañana*. In this newspaper we can see opinion questions like this one:

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[460] "Do you know how Morocco helps to look for the culprits of 11-M that it promotes, that it promoted, that it controlled, and that perhaps it perpetrated? In no way! What you want, that they send a spy here and after that hand him over so that he speaks?". *La Mañana*, 26/9/2005

[461] *Grupo RISA*, 5/10/2005 y 6/10/2005. After numerous complaints by several associations, as SOSRacisme (http://www.sosracisme.org/sosracisme/atjoweb/copee.htm), COPE removed the audio recording of that program in its Website, although leaving the trace of its address: http://www.lamanana.com.es/index.php?/lamanana/ver-elgruporisa/la_valla_estaba_repleta/ .

¿What is it the reason of the wave of violence in France?

22% 1. A migration disorganized

49% 2. A lack of integration of Muslims

21% 3. Europe does not believe in its values

8% 4. The Alliance of Civilizations has not been properly explained

Or this other one:

4 October, 2005[462]

¿What will do the Government after the new assault of illegal migrants from Morocco?

4% 1. Ask for help from the king of Morocco

2% 2. Ask for help from the king of Spain

48% 3. To apply a lot of mood[463] to the crisis

47% 4. To hand out Ceuta and Melilla

Other right-wing [near far right] newspapers defend also the view about the incompatibility between Islam and Western democratic values, such as *La Razón*,[464] or *ABC* in which it is not unusual in the publication of cartoons like these ones:

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[462] http://www.libertaddigital.com/php3/pregunta.php3?fecha_edi_on=2005-11-06&num_edi_on=1454&pag=5

[463] Satirical reference to the president of the Spanish Government, Rodríguez Zapatero, who is said to have good moods (*talante*) in comparison to former president JM Aznar.

[464] Álvaro de Juana: "the incompatibility of Islam with the democratic Constitutional system is deep and wide" *La Razón* 01/12/04

We are going to talk about the Alliance of Civilizations. I beg all the caricaturists to leave the room, please. *ABC*, 18/2/2006

A committee of Muslim devouts wants to thank Mr. President for the facilities, even the encouragement, to open mosques in Spain. In gratitude, they promise that the next burning or blowing-up of a Christian chapel in some of their countries will be done without rancor, that is, without throwing stones at it previously. *ABC*, 15/3/2006


We are going to talk about the Alliance of Civilizations. I beg all the caricaturists to leave the room, please. *ABC*, 18/2/2006

But, in general, the main newspapers (*El País*, *La Vanguardia* and *El Periódico*) take care to demonstrate political correctness in all their articles on this subject, except, as we said above, when covering particular antiterrorist operations.

As an illustration, when the very well-known Spanish draftsman Nazario painted with Arab motifs in 1999 the poster for the Barcelona's annual festival, *La Mercé*, the archbishop of Barcelona, cardinal Ricard Maria Carles, claimed that "the Christian origins of the festival were not well represented in the poster". The mayor of Barcelona argued that the "cardinal expressed his opinion, we listened to him and now we do what we must". All Catalan politicians spoke in favor of the draftsman as well as did the main newspapers.[465]

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[465] "El cardenal Carles critica el cartel arábigo de Nazario El arzobispo de Barcelona lamenta que no refleje los orígenes cristianos de la fiesta y pide "reciprocidad" a los otros credos y culturas", *El País*, 25/9/1999
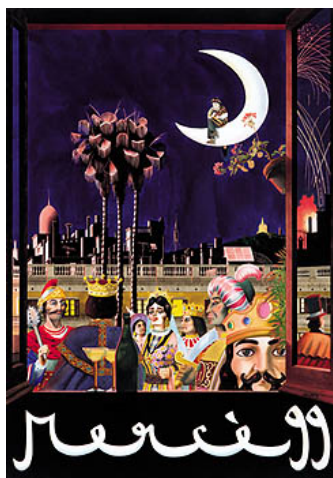
Role of intellectuals

The philosopher Fernando Savater spoke of "Islamist terrorism",[466] and gave support to Minister of Interior's proposal of law to control the imams,[467] but he is not very prolific on this subject. Much more prolific is the professor of Political Science, Antonio Elorza, who follows the line of Huntington and Sartori and argues that Islam is a "religion of combat" that defends terrorism as a "legitimate defence"[468]. This line is shared by Fernando Reinares, professor of Political Science, who claims that Muslim migrations allow the entrance of Islamist terrorists in the country.[469]

The Arabist Gema Martín Muñoz defends in her many articles published in *El País* the idea that "Islamist terrorism" should be replaced by the names of the groups involved in the attacks, as it is done with the terrorism of ETA in Spain, never described as "Basque terrorism".[470] That line proposed by Martín Muñoz has been accepted widely, to the extent that when John Vinocur, former editor of the *International Herald Tribune*, came to Madrid to participate in the International Summit on Democracy, Terrorism and Security (March 8-11 2005), he deplored that:

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[466] Fernando Savater, "La montaña y Mahoma", *El País*, 16/8/2005
[467] "Zapatero respalda el control de los sermones", El País 4/5/2005   .
[468] Antonio Elorza, "Terrorismo islámico: las raíces doctrinales" in F. Reinares y A. Elorza (eds), *El nuevo terrorismo islamista*, Temas de Hoy, Madrid, 2004, pp. 156-157; see also "Maniqueos e integristas", *El País*, 28/9/2001; and "El círculo", *El País*, 23/11/2001 among others.
[469] Fernando Reinares, "Al Qaeda, neosalafistas magrebíes y 11-M: sobre el nuevo terrorismo islamista en España", in F. Reinares & A. Elorza (eds) *ibídem p*p. 40-41.
[470] Gema Martín Muñoz, "Reflexiones tras el 11-M", *El País*, 22/3/2004.

In this country, you have a prime minister who announced in an interview with the magazine Spiegel, "I don't talk about Islamic terrorism anymore. It is only international terrorism". Shocking to me, but how do newspapers treat a speech by Zapatero in which he will not pronounce the words, that they are the truth, the words that deal with the problem as it really is.[471]

Finally, another illustration is the coverage of the many acts condemning terrorism organized by the different religious associations, as the one celebrated Muslims, Catholics and Orthodox in Madrid one month after the attacks of March;[472] or the prayer organized by the Christians of *Cristianisme i Justicia* (Christianity and Justice), in November 2001, in solidarity with Muslims who were celebrating *ramadan*.[473]

Significant national and local measures to fight Islamophobia

There is not any measure to fight particularly Islamophobia, aside what the general policies addressed to the social integration of migrants and their protection against discrimination.

On 4 April the *Royal Decree 345/2001, Regulating the Permanent Immigration Observatory* was published. This Observatory was issued by the Home Office through the Secretariat of State for Immigration and Emigration and has the functions of a) the gathering, analysis and exchange of information on migration affairs obtained by the General Administration; b) the analysis of the information gathered by other public and private entities; c) the promotion and the targeted spread of that information; d) the promotion of surveys, studies and publications of this subject; e) the maintenance of a data base with statistical information; f) to establish the criteria for the gathering of information in a standard way; g) the submission of proposals to the Government's Delegate for Migratory Affairs, in order to channel the migratory waves and the integration of foreign residents; h) the gathering and analysis of the information received from international sources on migration and refugees; i) the publication of an

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[471] http://english.safe-democracy.org/keynotes/media-and-terrorism-friends-or-foes.html
[472] "Tres religiones se unen para rendir homenaje a las víctimas del 11-M", *El País*, 12/4/2004
[473] "Ramadán para islam y cristianismo", *La Vanguardia*, 18/11/2001

annual report on the reality of migration; j) and any other function on this matter entrusted by the Delegate of the Government for Immigration.

On 16 January, 2006 the Royal Decree 3/2006 to regulate the composition, competences and functions of the Forum for the Social Integration of Immigrants was published.[474] This Forum is a consultative organ which depends from the Ministry of Labour and Social Affairs, trough the General Office for the Integration of Immigrants. The functions of this forum, which is composed of representatives of the Administration, of non-governmental organizations and of trade unions, are: a) the proposal of recommendations towards the promotion of immigrants integration in society; b) the gathering of information of programs and activities related to social integration; c) the gathering of proposals from society on migratory matters; d) the publication of an annual report on all interventions made by the forum; e) the publication of an annual report on the integration of immigrants and refugees; f) the redaction of reports on the proposals, plans and programs which could affect the social integration of immigrants; g) the promotion of studies and initiatives on all matters related to social integration; h) the cooperation with other similar institutions in the international or regional fields.

On 21 March, 2006 the Spanish Observatory on Racism and Xenophobia was created, which depends of the Ministry of Labour and Social Affairs through the Secretariat of State for Immigration and Emigration with the following objectives: 1) the periodical presentation of diagnoses on racism and xenophobia in Spain; 2) the creation of channels for the communication between national and international entities which are working in this subject; 3) the support and advice for the promotion of equality and non-discriminating treatment of people due to racial or ethnic reasons; and 4) the promotion of the principle of equal treatment.

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[474] *BOE* 17/1/2006, n. 14

Conclusions

An optimistic interpretation of the relations of Muslim communities in Spanish society would put the emphasis on the rights which are guaranteed by the Spanish Constitution to ethnic and religious minorities. In its section 16.1, the Constitution states that "the freedom of ideology, religion and worship of individuals and communities is guaranteed, with no other restriction on their expression than may be necessary to maintain public order as protected by law".

This constitutional right was later developed in abstracto by the Organic Law 7/1980 of Religious Freedom which recognizes the right to profess freely any religious belief (section 2.1.a), the freedom of worship (section 2.1.b), the right of receiving religious education (2.1.c), and the right of assembly and of association with religious purpose (section 2.1.d). The implementation of this Organic Law regarding the opening and recognition of mosques and oratories, and the rest of rights connected with religious practices was finally regulated by the law 26/1992.

Nevertheless, because of reasons which should be found not only in the cultural but also in the sociological and historical fields, the reality has been far from what was formally envisaged by the law. The opening of mosques and oratories has been (and still is) always a matter of conflict between Muslims and neighbours, who are usually opposed to it fiercely, and the right to receive religious (Islamic) education is something that still will have to come in the future.

On the other hand, although in the last quarter of the XXth century the Spanish population suffered a demographical drop of historical importance, with the natural increase in the middle of 1990's decade close to null, the laws and policies on immigration turned the immigrants into a problem instead of a solution. In spite of, in addition, the repeated insistence of many experts on the economic dynamism achieved because of the arrival of fresh (migrants) workers and consumers, solving temporarily the chronic problems of the system of retirement pensions, the image that Spanish society has about immigration is that of an invasion threatening the welfare state. Although the successive reforms of the laws of immigration, restricting the rights and liberties of an important part of migrants, have a part of the responsibility in the construction of that image, other factors have been also involved, such as the increase

of the precariousness in the labour market or the liberalization of the housing market, among others.

The terrorist attacks on New York, London and, particularly, in Madrid have contributed to the promotion of the violent image of Muslim culture and, consequently, of Muslim communities. In addition, the terrorist threat has been connected by many with the arrival of irregular migrants. That connection helped the construction of the concept of "internal enemy", radicalized Islamists hidden among the mass of Muslim immigrants. In the Spanish case it has not been necessary to prepare fresh exceptional laws to face the new threats, since such exceptionality had already been developed previously in the fight against ETA terrorism, particularly during the second term of office of Aznar's Government (2000-2004). Nevertheless, the political climate produced by the "war on international terrorism" has justified police practices that go even beyond what the exceptional laws would allow. The wave of detentions of Muslims suspected of terrorism, many of them from very weak pieces of circumstantial evidence and perceived by many as indiscriminate, have been sadly a common practice during last two years. The percentage of detainees (close to 50 %) who are set free after being held incommunicado under the antiterrorist laws for a period of time does not help to delete that perception.

Such exceptional antiterrorist measures produce clearly innocent victims but, in the security-conscious climate we live, those innocents are considered as "collateral effects" of a necessary war on terrorism. That idea became obvious when the president of the Spanish Supreme Court justified the killing by mistake of an innocent man in London after the attacks of July 7th, 2005 as an inevitable outcome of the third world war (on international terrorism) which it was necessary to win.

The social consequences of the criminalization of a part of society as the outcome of that war on terrorism is the loss of faith in the democratic state of law, especially by the people who are the targets of the security policies together with their relatives and friends. In addition, such exceptional measures promote a state of social alarm and the demands of further security policies operating on each other as in a vicious circle.

The legal consequence of that situation has been the expansion of the penal code, performing symbolic functions in order to calm down the worries of people in a

society of risk (what is called by jurists as "symbolic criminal law"), and the theoretical justification of the named "criminal law of the enemy" addressed to criminals which are not considered a part of society and of the constitutional order any more. Both legal orientations are based on the punishment of profiles and of behaviours (in addition to criminal facts, placed in a second order of priority), and on the configuration of the "otherness" of criminals as different from citizens.

The political consequences of using exceptional laws to defend paradoxically democracy, in addition to the aforementioned loss of faith in justice by many, is that the democratic State of Law is not so much perceived as a system of "constitutional rights" that protects the citizens from the abuse of authority, as an "exceptional mechanism" for punishing crime and criminals. When politicians, especially the conservatives but not only them, declare in the everyday life that "the state of law will be imposed with all its strength" they are using that notion to refer to all those exceptional mechanisms that suspend the constitutional rights (obviously they are not referring to the system of guarantees), which is in itself a political and legal paradox.

Appendix A

	Foreign population in Spain (data from Municipal Registers)							
	Population 1-1-2004			Population 1-1-2005	(provisional)			
		% Foreign Population	% total Population		% Foreign Population	% total Population	Difference 2005-2004	%
Total Pop. Spain	**43.197.684**			**43.975.375**			**777.691**	
Foreign Pop.	**3.034.326**	**100**	**7,02**	**3.691.547***	**100**	**8,39**	**657.221**	**0**
Morocco	420.556	13,86	0,97	505.400	13,69	1,15	84.844	-0,17
Ecuador	475.698	15,68	1,10	491.800	13,32	1,12	16.102	-2,36
Romania	207.960	6,85	0,48	314.300	8,52	0,71	106.340	1,67
Colombia	248.894	8,2	0,58	268.900	7,29	0,61	20.006	-0,91
United Kingdom	174.810	5,76	0,40	224.800	6,09	0,51	49.990	0,33
Argentina	130.851	4,31	0,30	151.900	4,11	0,35	21.049	-0,2
Germany	117.250	3,86	0,27	131.900	3,57	0,30	14.650	-0,29
Bolivia	52.345	1,73	0,12	96.800	2,62	0,22	44.455	0,89
Italy	77.130	2,54	0,18	94.500	2,56	0,21	17.370	0,02
Bulgaria	69.854	2,3	0,16	91.300	2,47	0,21	21.446	0,17
China	62.498	2,06	0,14	86.700	2,35	0,20	24.202	0,29
Peru	68.646	2,26	0,16	84.400	2,29	0,19	15.754	0,03
France	66.858	2,2	0,15	76.900	2,08	0,17	10.042	-0,12
Portugal	55.769	1,84	0,13	65.600	1,78	0,15	9.831	-0,06
Ukraine	52.748	1,74	0,12	65.100	1,76	0,15	12.352	0,02
Dominican Rep.	47.973	1,58	0,11	56.400	1,53	0,13	8.427	-0,05
Brazil	37.448	1,23	0,09	53.700	1,46	0,12	16.252	0,23
Venezuela	38.718	1,28	0,09	48.700	1,32	0,11	9.982	0,04
Algeria	39.425	1,3	0,09	45.800	1,24	0,10	6.375	-0,06
Cuba	39.674	1,31	0,09	44.600	1,21	0,10	4.926	-0,1

Source: Instituto Nacional de Estadística. Datos del Padrón (Municipal registers)
http://nerea.ine.es/htdocs/prensa/np370.pdf

Appendix B

	Rough Estimation of Immigrants in irregular situation arranged by Countries of origin (1/1/2005).		
	Residence Permits	**Municipal Registers**	**Estimation Irreg. Imm.**
Foreign Pop.	**1.977.291**	**3.691.547**	**1.714.256**
Morocco	386958	505.400	118.442
Ecuador	221549	491.800	270.251
Romania	83372	314.300	230.928
Colombia	137369	268.900	131.531
Argentina	56193	151.900	95.707
Bolivia	11467	96.800	85.333
Bulgaria	32244	91.300	59.056
China	71881	86.700	14.819
Peru	71245	84.400	13.155
Ukraine	27461	65.100	37.639
Dominican Rep.	42928	56.400	13.472
Brazil	17524	53.700	36.176
Venezuela	16622	48.700	32.078
Algeria	27532	45.800	18.268
Cuba	30738	44.600	13.862

Source: Our calculations. **Note**: This is a rough estimation since there is an unknown amount of people not registered at the municipal census. The immigration law of 14/2003 allowed the security forces to check municipal registers to detect the existence of irregular immigrants, which probably discouraged many people from being registered, despite the declaration by many town councils that they would never release that information. Nevertheless, in order to apply for regularization and to have access to Health and Education Public services, registration is an essential requirement.

Appendix C

Regularization Campaign (2005). Granted residence permits at 30/12/2005, with 100 % of the applications attended (688.419)*

	Total	%**	% of Irreg. by Countries***
Ecuador	122.636	22.3 %	45.4 %
Romania	95.993	17.5 %	41.6 %
Morocco	64.697	11.8 %	54.6 %
Colombia	48.355	8.8 %	36.8 %
Bolivia	37.286	6.8 %	43.7 %
Bulgaria	21.316	3.9 %	36.8 %
Argentina	20.307	3.7 %	21.2 %
Ukraine	11.570	3.4 %	30.7 %
Others	120.894	18.9 %	

** Percentage calculated dividing the permits granted by the total of 550.136.

*** Percentage calculated dividing the total of residence permits granted by the rough estimation of irregular immigrants by country. See appendix C

* **Source**: Our calculations from data released by the Ministerio de Trabajo y Asuntos Sociales, "Balance del proceso de normalización de trabajadores extranjeros", 30/12/2005. The total amount of favourable resolutions at that moment was of 550.136.

http://www.mtas.es/**balance**/default.htm

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Italy

Report on Islamophobia
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Introduction: Islam in Italy

To fully understand the issue of this research, first we must focus on what the situation of Muslims in Italy is, in order to know more about their origin and distribution in the country.

The second half of the 80s and the first of the 90s saw the important phenomenon of immigrant groups coming to Italy. The first law concerning immigration was created with the aim of regulating their work conditions. In 1986 the very first law explicitly created to deal with immigration was passed (L. n. 943/86): "Regulation on immigrants' working conditions and wages, and against illegal immigration". It established equal wages and rights for both immigrants and natives. During that period Islam was not considered to be a national issue yet: at that moment "the stranger" was considered, more than anything else, a homo economicus, generally defined as "Moroccan" (who were the poorest among the immigrants), the "non-EU citizen ".

The concept of homo islamicus was created during the first half of the '90s: at that time Moroccan and Tunisian immigrants were of a considerable number, and the flow of people coming from Senegal, Egypt and Somalia (especially women, because of the civil war) increased dramatically. These people worked mainly as farm labourers in south Italy, except the Egyptians, who mainly lived in Milan and Rome and worked in the tertiary sector. After the second half of the '90s, migration changed its form: the family units were integrated in the country, migration increased, especially from countries with a Muslim tradition (from Albania, Bosnia, Kosovo) where a moment of international crisis, together with social and economical problems, induced the people to leave their home country.

Islam arrived in Italy "unexpectedly": in fact there was no tradition of colonial and neo-colonial relationships between Italy and Islamic countries. "Strangers" had invaded Italy and their private lives were quickly coming to stick out: Islam showed

signs of stable settlement intentions (e.g. trough prayer halls, Islamic schools, Islamic butchers). New "national cases" increased: some of them in 2000 (public demonstration against a mosque in Lodi, Pivetti's non-Muslim rosaries, Biffi's declarations; Lega Nord's campaigns against Islam) and other cases after September 11th.

Plural Islam

In discussing a plurality of Islam in Italy we should refer to a series of factors in particular, such as nationality, gender, religion, ideological and political guidance, and generation.

Migrantes and Caritas[475] have estimated that nearly half of the immigrants are Christian (49,5%), due to an increase of orthodox immigrants (20,3%, while 22,6% are Catholic). Protestant are less numerous (4,7%), and so are 'other' Christian groups (1,9%). 33% are Muslim, and 0,3% Jewish. Adherents to Oriental religions constitute a small percentage (4,3%: 2,4% Hindu and 1,9% Buddhist). These estimates are based on the percentage of creeds existing in the immigrants' countries of origin; such a survey enables us to distinguish between a main religion and some minor ones.

But this way of defining Islamic immigration can generate some doubts about the data's reliability. The mosaic of this simplified Muslim world produces a new image of Islam, homogeneous and monolithic, not considering internal historical, national, cultural, linguistic, religious, political and ideological differences. Within this 'frame' called Islam there are different religious realities: this causes some fragments in the representation, and also generates protests about the nature of the legitimate acknowledgement that should be shown by Italian institutions.

In the last few years, some national organisations were set up that could represent Muslims. The most relevant ones are: the Ucoii (Islamic Communities and Organizations Union in Italy), which controls a big part of mosques and prayer halls in Italy; the Ami (Italian Muslim Association), representing Italians converted to Islam; the Islamic Cultural Centre in Italy (situated in a Rome mosque), which is a traditional centre linked to Muslim countries and their diplomacy. It was in 1974 that the last of these obtained the status of 'moral corporation', and at the moment it has diplomatic representatives in Italy and in Vatican city.

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[475] Caritas/Migrantes statistic dossier 2005 XV report on immigration, ed. Idos

There is no official or legal recognition of Islam in Italy, and this means that national and local assemblies simply do not take notice of the presence of Islamic representatives. In Italian Islam, difference is a major element, but it does not represent an obstacle to the aggregation of cross-cultural groups, which are also connected by having similar problems in common (national institutions' negative attitude or intolerance for migrant movements, a social exclusion policy towards immigrants, weakness in institutional social integration projects).

Migration produces definitive settlement of people, even when they do not obtain any institutional acceptance that could defend them and make their "settlement" easier. The result is that all protests claiming "integration" in Italy are always interpreted in the worst possible manner: Muslims' requests for new mosques to be built or for the introduction of culturally marked habits, together with the will of spreading their own traditions; everything is considered as a way of segregating and a sign of hostility towards the 'host society'.

Moreover, the discomfort felt by the natives is on the rise: in fact a large part of natives consider Islamic immigrants as invaders and cumbersome[476]. The relationship between Italy and Islam could be defined as pathological, because Italy does not admit that there is a problem. Islam remains unknown.

The Islamic Council

September 11th, 2005: Minister of the Interior Pisanu signed a decree establishing the creation of a Council for Italian Islam[477]. The new organ will be situated in Viminale with its consultative functions, "expressing opinions and proposing problems to the Ministry". "The fight against Islamic fundamentalism should be pursued in two ways: treating terrorists as enemies and moderate Muslims as friends". This is how at Viminale Mr. Pisanu introduced the "Islamic Council", an advisory body representing the

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[476] A research group from the 'Università di Roma *La Sapienza*', Department of Sociology, made a survey of 2,200 teenagers (14-18 years old) coming from 110 different Italian places. The survey underlined that "racism and stereotypes towards strangers, Jews and Muslims are increasing in north and south Italy, and overcoming religious and political guidance (particularly the centre-right wing)". Regarding prejudices against Muslims, 56% said Muslims have "cruel and barbarous laws"; 47% consider them "absolutist"; 33% said "they are invading Italy"; 64% declared "even when they have lived in Italy for many years, they are faithful to the Islamic world only"; 66% stressed that "women are not considered, they have no rights "; 29% claimed "they are enemies to progress"; and 52% think Islamic people "support terrorism".

[477] *Corriere della Sera* 11th September, 2005

Islamic community in Italy. The Minister acknowledged the possibility of having a religious dialogue "for Islamic immigrants' integration -but not assimilation - at the same time aiming at a peaceful coexistence of the Islamic and the Christian world"[478] .

"Thanks to the institution of the Council" Pisanu declared, "we took the first step towards the establishment of an Italian Islam, a community peacefully integrated in our socio-economical system, free to profess its religious belief and keep its identity, and at the same time respectful of our laws and values". A brief from Viminale states that research carried out by the Council will help the Government to find out about and to understand Muslim communities in Italy, and to find concrete solutions to their integration problems, in harmony with the Italian laws. Through another decree Pisanu will appoint members of Council determining their number; they will be chosen from Islamic people with proper competences, and some scholars will collaborate with the Minister himself.

Anti-terrorism measures in Italy

A special law providing "Urgent measures against international terrorism", briefly called "package Pisanu" (after the Minister of the Interior) was approved on 31 July, 2005, quickly and with a large majority. After Senate's approval on 29 July and the Chamber of Deputies' consent on the following day, President of the Republic Carlo Azeglio Ciampi promulgated the new law on 31 July. Not only the quickness of the approval, but also the large majority was significant; in fact Pisanu obtained 385 votes in favour, with only 20 voting against.

"Package Pisanu" consists of 19 articles. Here we provide a list of the most significant ones, and try to analyse their meaning.

-Article 1 "applies to terrorism the established methods of detective interrogation against organized criminality ", that is, interrogations without a defending counsel.
-In article 3 we find the possibility of "a quick expulsion measure by the Minister of the Interior and by the prefects, against foreigners who are considered dangerous to national security, or considered possible supporters of terrorism". The expulsion measure could be not applied to foreigners who collaborate with the police and other

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[478] Pisanu's words in *Corriere della Sera,* 25th July, 2005

agents of justice. In the case of the "Imam of Turin"[479] the prefect decided in favour of quick expulsions, without the request for a 'nulla osta' approval by magistrate, basing this decision on simple suspicions, without the possibility of a trial or a defence in Italy. Appealing to TAR is possible, in this case, but only after the expulsion has been executed.

-In article 6 we find measures concerning Internet and mobile phones: whoever buys a telephone card must show documents of identification; personal information must be kept until 31 December, 2007. Moreover, an archive of Internet data must be kept by network services companies. The Court of Appeal (and not the Final Court of Appeal) makes decisions on telephone tapping.

-Article 10 "extends police detention from 12 to 24 hours to identify suspected people. The Public Minister can give permission for a DNA test to be done through a sample of hair and saliva". These means are useful to identify suspected people who do not collaborate "respecting their personal dignity".

-Article 15 introduces the crime of 'terrorism' for 'training aimed at creating terror'. An identical measure is applied for disseminating 'terrorist activities know-how and procedures'. In the Penal Code we can also find European and international definitions of 'terrorism'.

-Article 18 allows the entrustment of security guards and private institutes with "the public security… to concentrate the police forces on matters of international primary safety. Public security is guaranteed in naval ports, railway stations, underground and public transport".

One of the most serious points of this package is introduced by article 18bis, and it modifies some aspects of previous laws 'Legge Reale' of 1975 and the 2001 "Legislative measures for the safety of citizens". This law allows "the use of the National Army in exceptional and urgent situations". Soldiers are allowed to stop and request identification from suspected people and to search their cars in order to check for weapons and explosives. Within the following 48 hours they then must inform the

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[479] Mr Bouriqi Bouchta, the Moroccan Imam of Turin, was forced to leave the country. The emergency measure was justified by Viminale by referring to a "serious perturbation of public order and danger for the State security". Bouchta had lived in Turin since 1986.

Procurator fiscal, who can finally validate all information within 48 hours. Moreover, if we read article 4 of 'Legge Reale', we notice that the possibility of using the army is much more dangerous than other anti-terrorist measures. In fact with this article (referred to "officials and officers of legal police and public force"), searches and stops are possible with "whoever may show an unjustifiable behaviour in specific situations".

Soldiers must also control so-called 'sensitive objectives', like city squares and monuments. In a memorandum by Pisanu, sent on 15 August to prefects and police headquarters, we can also find reference to surveillance cameras in subways, public transport, naval ports, and so on. Town councils and public transport companies are called on to co-operate with the Minister of the Interior.

A rule proposed and applied by 'Lega Nord' forbids the use of chador and burqua in public places on the grounds of Law 152/1975, which forbade circulation in public places with a masked face. The sentence was extended from 6 months-1 year to 1-2 years, the fine from 1,000 to 2,000 euros.

Implications and possible consequences of the "Package Pisanu"

"Package Pisanu", applied after terrorist attacks in London, follows the special measures applied by the USA and UK Governments after 11 September, 2001. This law was introduced as an anti-terrorism measure, but it cancels some legal conquests (like the right of being interrogated only in the presence of a defending counsel) and allows Army presence in public places as if it was a natural thing. Besides, we can ask ourselves: who decides whether an action can be considered suspicious or not?

In law 155 we can find some definitions for terrorist actions, but it does not give a precise meaning to "suspicion of terrorism"(at the moment there is no legal definition for Islamic terrorism in Italy), while the official definition given by the US government is about 'rousing fear, using violence against civilians to reach political or religious targets'. There are other similar definitions, all based on these concepts: fear and political or religious targets. These terms lead one to imagine that somebody actually attacked unarmed people and invaded their country, acting on his own interest and reaching political targets! Briefly speaking, we must reckon that special laws are a possible answer to the general need for national security, but at the same time they seriously limit everyone's freedom.

The introduction of the new crime "training and enlistment for terrorism", has brought to bear the use of detective interrogations in prisons. No trial is needed, no defense counsel can be requested, and 'repentant' Islamic terrorists are given the option of plea bargaining. These interrogations also present a way to get a residence permit, so they could create further problems (as Castaldi noticed) like, for example, a 'forced collaboration' of illegal immigrants who need to get the permit. In addition, as in the case of the immigration law, here again we find no difference specified for the treatment of those who have lived in Italy for many years, and those who have just entered our country illegally, and for a brief period.

Anti-terrorist army exercises in Italy

After terrorist attacks in London and Charm El Sheik, Minister of the Interior Pisanu proposed to apply some laws to face the particular situation, at the same time organising some days of anti-terrorism exercises in Milan, Rome and Naples. These exercises allowed "to test a complex organisational mechanism, based on human resources and highly technological resources", to test our resources' efficiency in the face of a general alarm. Other exercises are planned to follow this test, about which people will not be informed of in advance. The aim of these is to create "some routine procedures in the organizational machine, as if the terrorist threat will not disappear from Europe and our country, and we have to stay prepared to face everything"[480].

Verbal aggression/hate speech in politics

Italian Prime Minister Silvio Berlusconi

The West is morally better than the Islamic world and will prevail, eventually. This, very briefly, is what Italian Prime Minister Silvio Berlusconi said while on a visit to the German capital, Berlin. He made these comments in a conversation with journalists just before a press conference with German Chancellor Gerhard Schröder. Berlusconi commented: "We must consider the superiority of our civilisation, a system that has guaranteed well-being, respect for human rights and - in contrast with Islamic countries - respect for religious and political rights. The West is Superior", Western

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[480] From: Minister of the Interior, 29th Nov. '05

civilisation is superior, he added, because "it has at its core - as its greatest value - freedom, which is not the heritage of Islamic culture". The Italian Prime Minister predicted that "the West will keep on conquering peoples, even if it means a confrontation with another civilisation, Islam, firmly entrenched where it was 1400 years ago".

These remarks contrast sharply with the carefully worded statements of other Western leaders. They had, in fact, sought to avoid antagonising Islamic countries by making a clear distinction between their criticism of the Taliban leaders and of Islamic terrorism, and their efforts to maintain a continuous dialogue with Islamic leaders who also condemn terrorism. The leftist opposition in Italy accused Berlusconi of irresponsible behaviour. Some critics feared he could ruin an already tricky phase in the relationship between the Catholic majority in Italy and the 500,000 or so Muslims. Following his comments that Western civilisation is superior to Islam, the opposition leader Francesco Rutelli warned that such comments could easily encourage terrorists to try and find new recruits under fire at home. The opposition denounced Berlusconi's comments as "naïve" and "dangerous" at a moment when other Western leaders were being particularly careful in their phrasing. Berlusconi's remarks have been sharply criticised in Italy. "They have tried to hang me on an isolated word, taken out of context from my whole speech," Berlusconi told Italian Senators.

The 'Lega Nord' Party

At the moment the Lega Nord party plays a significant part in emphasizing xenophobia against Islam in Italy. According to this party, the absolute "Other" is represented by Muslims, and this attitude already existed before 11 September. The Lega Nord focused on the attack against immigrants and the Muslim world in particular, as the centre of its identity and political propaganda. This party uses a symbolism and a vocabulary that resembles some aspects of neo-Nazism- (they use expressions like "Padana race" and "stranger pollution" or "non-Islamic town")[481]. The Muslim is, thus, linked to the historical and anti-Jewish anti-Semitism. Lega Nord is clearly hostile to

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[481] During one of its congresses (March 2002) Lega Nord not only officially announced its opposition to a multi-racial society, as part of its policy in favour of the defence of a so-called "pure race of the Po Valley", but also overtly identified the "invasion of non-EU citizens" as the cause of the progressive increase of "corruption of customs and traditions", representing the main vehicle for the presumed "spreading of social disease and criminality" (from National Analytical Study on Racist Violence and Crime, 2002, Italy).

organisations like Caritas and Migrantes because, in its opinion, they encourage the "Islamic invasion"[482]. This attitude is also functional in the competition on the 'electoral market': emphasizing the "latent anti-Islamism in the Italian society", Lega Nord obtains a well-defined share of the electoral market.

Lega Nord members are waging a real fight against Islam in several ways: for example, by limiting the building and opening of new mosques[483] that represent the "Islamic invasion". Federico Bricolo, vice-president of the party, wanted to close Islamic centres because of the possibility that they may harbour Al Qaeda cells; he also asked Viminale to reduce Islamic citizens' entrance to the country, for security reasons. This group declares its hostility against any way of clearly linking the Italian state with Islamic communities. After Minister of the Interior Pisanu's announcement about the Islamic Council, Roberto Calderoli (Lega Nord national co-ordinator) declared it was a "huge mistake", adding, "We must use Lex Talionis with those who pretend not to respect our law because of religion! An Italian Islam does not exist, and we will never allow a religion like that, because its own principles are opposite to those of our Constitution. That is why integration will not exist, because their 'policy' is based on the overpowering of others' identity"[484].

Forza Nuova

There is also another political group in Italy, active and determinedly extremist, with clearly neo-fascist, anti-Semitic and racist overtones: it is the Forza Nuova. This organisation -at a local level- is on constant search for 'unity of action', especially with Lega Nord, in campaigns against immigration and Islam, in favour of 'national security'. Forza Nuova stands for a defence of religious and cultural traditions "threatened by the invasion of immigrants from the Third World". Its opposition to Islam, considered as an "ancient enemy" of Western and Christian values, is one of the party's mainstays: in January 2003 a group of its militants organized a raid on a TV channel during a live broadcast, in which the controversial leader of the Muslim Union in Italy, Adel Smith, appeared as a leading figure. After the violent attack against Smith and his secretary Massimo Zucchi, the authors of the raid – about fifteen young people led by the

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[482] R. Guolo: *Xenofobi e Xenofili* p. 63.
[483] September 2000: the most well-known instance is what happened in Lodi, where a mosque should have been built, but some members of Lega Nord, during a public protest, threw pig's excrements on the ground.
[484] *Corriere della sera*, 11 September, 2005.

secretary of Forza Nuova in Veneto – were arrested and charged with incitement to racial hatred[485].

Some comments

Editorial written by Roberto Calderoli, Minister of Institutional Reforms, about 'Padania', Lega Nord official organ, 8 July, 2005

"Islam outlaw, we answer with crusades...Islamic people must be considered 'outlaw' until they renounce their political and religious doctrine, based on violence and on the overpowering of other cultures and religions. Islam spreads hate and we spread love, that's why we must pursue crusades like in the battle of Lepanto. We can win battles not only with armies, but also with values, the same values we lost when we denied our Christian origins, identity and culture. The West is losing its battle. The world that is prosecuting Oriana Fallaci and praising the judge who leaves terrorists free has already lost its battle.

We are living a real war in which the enemy is using the weapon of terrorism and we are speaking the Hippies' language. Turning the other cheek is impossible, we must use the 'Lex Talionis': today we are crying for London's victims, today we are mourning with their families, but tomorrow we must react with the 'Lex Talionis'. Tomorrow we also must react with the withdrawal of troops from Iraq; we must use the resources which are now used for the mission of peace in Iraq, to prevent and fight terrorism in our own country. We have to get ready to show our power; maybe we will win the war without victims, if we are ready to inflict harm.

3) Roberto Calderoli's declaration (Minister of Institutional Reforms), 26 July, 2005

"War between the West and Islam is war of civilisation versus non-civilisation"

4) President of the Senate Marcello Pera' speech; CL meeting, Rimini, 21 August, 2005

"Population numbers are falling in Europe, it is the beginning of unregulated immigration and we are becoming half-castes. A strong alliance is required between the lay brothers and the faithful to save our western, democratic and liberal identity, because "a holy war" is being declared on us. We have to defend the West, because our freedom and democracy are not local issues, they belong to humanity. We must accept the challenge and play our part. We save ourselves through diplomacy, politics, culture, commerce, negotiations and agreements. We defend ourselves by offering respect and asking for respect. But we will finally defend ourselves with the power of weapons".

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[485] After the violence against Smith on TV, the Forza Nuova national office tried to justify what happened, declaring that it was the result of the hatred for our society and religion showed by Adel Smith, who was accused of legitimising Islamic terrorism against the West and denigrating Christianity.
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5) Minister of Justice Roberto Castelli's declaration, celebration of the 'Ceremony for Po Water' organised by Lega Nord, 18 September, 2005

"We are not against Islam, Islam is against us. They want to erase us, but we do not accept that. We must remember Lepanto! (from the stage a woman waves a rosary and clamours for a 'holy war').

Oriana Fallaci

After the attack to the Twin Towers on 11 September, 2001, the Italian writer Oriana Fallaci became a major critic of Islamism and Arabic culture; she rebuked the West, judging it incapable of reacting to fundamentalism. She criticized the tolerance and dialogue with the Islamic monks wanted by the Western world, she underlined the risk taken by the West because of Islam. Fallaci has been criticised because of her strong position against Muslims, and has been accused of personal racism. Nevertheless, her books had great success.

The pamphlet-books of this "querelle" published since 2001 include: 'La rabbia e l'orgoglio'[486] was edited in 2002; 'La forza della ragione' in 2004 (after the attacks to Madrid on 11 March); 'Oriana Fallaci intervista Oriana Fallaci' in 2004, and 'Oriana Fallaci intervista se stessa - L'apocalisse' in 2005. In her last book, Fallaci talks about 'Eurabia', a country that is incapable of defending its identity, and makes a comparison with Europe in 1938 and Hitler's time. She condemns 'new Nazism' and calls it 'nazi-Islamism'. She also criticized Pope John Paul II in the past, because of his intention of holding a dialogue and establishing a good relationship with Islam and other religions. The writer recently declared her appreciation for the current Pope, Benedict XVI. Even though he accused Europe of losing its identity and origins, in the first months of his papacy Ratzinger has considered Woytjla's inheritance, too.

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[486] **The Rage and the Pride** (*La Rabbia e l'Orgoglio* in <u>Italian</u>) is a <u>book</u> written in the wake of <u>September 11, 2001 attacks</u> by Italian <u>journalist</u> and <u>author</u> <u>Oriana Fallaci</u>. In it, she condemns <u>Islam</u> as a <u>totalitarian</u> power bent on destroying Western civilisation and attacks those in <u>Italy</u>, and other Western countries, who she believes have turned a blind eye to the threat of <u>Islamic fundamentalism</u>. The book was originally an article written for <u>Italian</u> <u>newspaper</u> <u>Corriere della Sera</u>. The book has been a bestseller in <u>Italy</u> and <u>Europe</u>, where it has sold over 1.5 million copies. The book has received criticism for being, according to Fallaci's critics, <u>Islamophobic</u>. In the wake of the article, Fallaci has received support from many right-wing political groups, receiving most criticism from the left wing. Some Muslim groups, in countries such as <u>France</u>, have evaluated the possibility of <u>banning</u> the book. However, the courts dismissed the request, as well as an additional request to have a 'health warning' style caution on the front of every cover.

Things changed after his visit to Colonia, where Ratzinger tried to save a positive relationship with Islamic communities, beginning with those in Europe. The Pontiff proposed a common pledge to fight terrorism and isolate the extremists who are against God. Thus the Pope invited religions to be 'active agents' in establishing peace, and asked all religions to respect human rights. Moreover, Ratzinger defined religious wars as a horrible shame. In other words, Benedict XVI[487] proposed a complex reading (interpretation) of the relationship with Islam, considering a possible opening to it. So we can say that Ratzinger, as a new Pontiff, became to consider the difficult moment Catholic Church is living, saving old relationships with many difficulties. A few months later, Ratzinger showed his personal point of view about these issues.

Mass media and representation of Islam in Italy

Talking about the Muslim world, Allievi says that the Italian public's lack of knowledge of its reality favoured the spread of a distorted image caused by mass-media: "Islam itself is questioned, through an essential and superficial interpretation of the relations between religious and political issues. Islam is also questioned on the grounds of some of its peculiar aspects, usually observable in Muslim countries in particular, like fundamentalism and the condition of women. Finally, it produces debates about fundamental social principles, about the possibility or impossibility of an "opening", about its limits and on different interpretations of "tolerance thresholds". Note that all this takes place without comparisons or discussions with Muslims, through internal debates within the 'host society', but about Muslims and Islam.

New research has shown that the media only offer negative images and stereotypes, especially the ones that picture Islam as a 'totalitarian order' and an enemy to Western society. They support the perception of Islam in Italy as a 'foreign affair', and this fact generates feelings of hostility and rejection.

Nation-wide research in 1999 (by G. Soravia, 1999) underlined the existence of two prejudices about Islam's image: the confusion between 'Islam as religion' and the 'Muslim world'; an erroneous consideration of the Muslim world as homogeneous and

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[487] On 31 August, 2005 Fallaci met Benedict XVI for a private audience at Gandolfo Castle, the Pontiff's summer residence.

monolithic[488]; a misrepresentation of the Muslim world resulting from simplification and negative stereotypes, supported by the introduction of commonplaces (the "chador" and the condition of women; fundamentalism; some practices like the 'sacrifice feast', defined as obscurantist).

Since 11th September the situation has become worse. Gritti[489] gave some examples of misinformation -very frequent from that date on- taken from news after the attack on the Twin Towers, creating what Gritti called "The myth of Islamic martyrdom and national fanatics". The terrorists from Al-Qaeda's suicidal action on 11th September started an unsound debate in the media. Many people declared that Islam (with no distinctions therein) provided a scornful conception of death: meaning that martyrdom is considered as a fundamental aspect of Islam.

At the moment there are about ten terrorist groups; some of them have a religious inspiration and all of them are Islamic: Hizbullah in Lebanon, the Egyptian Jihad and Gamaya, the Algerian GIA, Al-Qaeda; Hamas and the Palestinian Jihad add the national element to the religious one in the fight against Israel. The same can be said about the 'Barbar Khalsa' movement in India, focused on the creation of an autonomous state in the Punjab. Finally, there are organisations based on secular ideologies, especially ethno-national: the Tamil in Sri Lanka, and the Kurds in the PKK. From 1980 to 2000 there were 271 suicidal attacks; 183 of them (68%) were organised by ethno-national terrorism. The Tamil Tigers are responsible for 168 attacks, and this is the organisation that created the highest number of victims, including two leaders: Raijiv Gandhi in India, and Ranesinghe Premadasa in Sri Lanka. How could we possibly link this information with the image of Muslim fanatics?

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[488] In particular Soravia's research underlines that: "no journalist is interested in Islamism (…), in giving Muslim point of view there is the risk of spreading a too modern and positive image of Islam (…), there are always elements of non-information, easy irony, never thorough argumentations (…), news about women and Islam contribute to creating an image of Islam (…) news on terrorism are widespread and casual, and Islam is not only fundamentalism (…), few "cultural" news (…), this fact supports Islam's negative image, which is absent in the scientific and cultural world. The study finally underlines that "Islam is defined *tout court* and its image is only political (…) the Islamic countries are seen in the same perspective (…) its image is always as something foreign in comparison with the European world, old (…), motionless and incapable of changing (…), we are interested in an 'exotic and folk image' of Islam (…) an archaic image, so far from modernity (…) and democracy; anti-feminist, linked to old models of society and economy, repressive and reactionary (…), we are not interested in 'internal' differences within Islam (…). There is also the identification of terrorism as *Islamic* terrorism '*tout court*' (…), the adjective "Islamic" remains (…), titles are often tendentious (…) sensationalism is always preferred (…)".

[489] R. Gritti da " Torri crollanti. Comunicazioni, media e nuovi terrorismi dopo l'11 settembre" pp. 278-279

Let us finally consider 'the invention of anthrax'. In the weeks after the attacks of September 11 in the USA, the fear of a biological attack broke out. Many letters with traces of anthrax were sent to politicians, journalists, common people. These facts were linked with the Islamic terrorism threat (…). Nevertheless, letters with traces of anthrax have already been sent by American Christian fundamentalist cells and more pertinent could have been found in FBI annual reports. According to the Monterey WMD Terrorism Database, from the second half of the 90s there were 80-100 'anthrax attack' cases every year.

All wars are Holy: in the huge and varied Muslim world there are many conflicts: in Palestine, in Kashmir, in Chechnya. From September 11 on, the media have presented these political wars as religious ones, including them in a 'global' war between cultures. A research considering several national and local newspapers, television news and TV programmes in the period between 12th September, 2002 and 5th January, 2003[490], underlined that the mass media paid attention to the representation of attacks and immigration issues only in the first weeks after the attack on the Twin Towers. The word 'Muslim' was often linked to adjectives like 'fundamentalist' and 'Islamic'. We could find these words in articles about the terrorist threat to the nation, confirming a general trend towards the generalization of this automatic and dangerous equation with Islam.

In Italy the mass media do not encourage the debate among Muslims, it is rather preferred to have a 'fundamentalist speaker' (consider the 'media events' linked to the presence of Adel Smith on public and private TV networks[491]). Another relevant aspect is that the media do not refute news, once they are proved false, in the same way they first spread it. In fact some 'clamorous arrests' of probable terrorist cells, which usually turn out to be false, are only refuted with few lines in newspapers. Moreover, there were some events, relevant to media, subsequently refuted by the media themselves.

An example of this trend is the arrest of four Moroccan citizens in August 2002, charged with subversive association and terrorist attacks on the grounds of some recordings made in S. Petronio's Church in Bologna. "The precise reference they made

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[490] Cospe Research *Media and Immigration,* 2003.

[491] In November 2001, journalist Bruno Vespa, in his talk-show "Porta a Porta", invited Adel Smith -who absolutely does not represent Islam in our country- (he is the leader of a small party called UMI, in which we can just find a very small group of people) as representative leader of the Islamic community in Italy. Mister Smith provoked public opinion with offensive statements against Christians, thus confirming the stereotype spread about the Muslim world.

to an hour for their coming back to the church, the attention they paid to the cross on the high altar and their behaviour once they were at the police station were considered fundamental elements for the arrest. Three days later it was discovered that their statements had been wrongly translated and the Moroccan citizens really were simply visiting the church. All of them were set free, but without causing the same clamour as about the arrest"[492].

The case of "Kamikaze from Anzio": the Egyptians from Anzio who were accused of "subversive action and possession of explosives, aimed at preparing a terrorist attack against the American cemetery", had a similar story. In May they were subsequently acquitted by the Prima Corte d'Assise of Rome because "the fact was not valid". These are the 'facts': on 4 October, 2002, three Egyptian fishermen living in Anzio were out, working. Police officers broke into their house and found some explosives and a map. The three men who had lived in Italy for 18 years were arrested but they insisted that they were innocent. The defence counsel, Carlo Corbucci, demonstrated that getting in the house was very easy and anybody could have done it, and could have placed the explosives there.

Here we report what the "defensive observations for the release of supposed terrorists from Anzio" were: "the sentence declares the charge of Islamic terrorist association to be unfounded, that the information received from foreign and local detective services is inconclusive, contradictory and useless, because its origin is unknown and thus not verifiable". As for the other elements, the sentence declares: "they have been reconsidered with regard to the accusatory hypothesis". About the detention of weapons and explosives, the verdict says that "since it is equally possible that someone else had introduced them in the house, the fact is not valid".

The media did not pay attention to this verdict: maybe they just wrote some lines, which is very little if compared to the clamorous news about the supposed attacks a few months earlier.

By the way, we can also remember that 15 Pakistani people were arrested in Gela, and only released ten months later, on 12th September, after the charges were proved to be false. The main national newspapers wrote about "activists of Al-Qaeda", "terrorism in Gela", "search for a ghost-boat carrying Islamic terrorists", "very dangerous

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[492] Bencini- Meli *Rapporto alternativo Italia,* 2002.

men from Al-Qaeda" and had invented many false facts -using an imagination that would have been more properly used in writing a further chapter to Arabian Nights. On the contrary, the feared Islamic terrorists were stowaways, scared (and not scary) "ghosts", who only wanted to come into our country. The charges were only declared false last June.

The fight against 'Islamic terrorism' and hostility towards Muslims created and still creates new cases of Muslim immigrants (only come to Italy in search of job) accused and arrested on the basis of mere suspicion and hyped by the power of media. An outcry, followed by silence, once the immigrants are released, judged innocent.

Cases of discrimination and racist violence towards Islamic groups or individuals

Currently, in Italy there is no systematic way of monitoring cases of discrimination involving Islamic groups or individuals. Most of the cases regarding a racial or ethnic issue finally reported to the public opinion are mainly taken from media, and from the press media in particular, which is a somewhat privileged source of news and updated information. Different attempts at systemising these news items were made by non-profit organisations or by people who arbitrarily decided to gather relevant information, to denounce the more extreme situations and to inform public opinion.

The worst aspect is that most of these episodes feature public figures or Government representatives as protagonists, in particular belonging to the North League (Lega Nord) Party.

Here are some of the episodes that occurred between 2001 and 2005:

- 2001 : The province of Naples was given 5 billion (the currency was still Italian Lira) to build a mosque, a decision then withdrawn after protests and demonstrations by members of Alleanza Nazionale and the North League (extreme right wing).
- A handmade bomb was put in front of a Muslim citizen's house –a spokesman of a small Muslim community in Treviso (North-East Italy). The perpetrators were never found.

- A sit-in protest in front of the Islamic Cultural Institute (Istituto culturale islamico) of Milan was held, aiming at the permanent closure of the institute. During the demonstration -directed by members of the North League- many posters were displayed, which accused Islamic groups of terrorism.
- Palermo – Sicily- a stock-house used as a prayer hall was set on fire by unidentified perpetrators.

- 2003: in Varese the Imam Mohamed El Mahfoudi was arrested on the charge of "supporting clandestine immigration". Soon after, the place used by the Imam and his faithful was forced to close down because of "not respecting safety and hygiene norms". The order was approved by members of the North League and the Alleanza Nazionale.
- 2004: In Rimini (Centre-North) some hooligans during a raid spread pork fat on the front door of the mosque, leaving the words "Christ King".
- In Turin during a public demonstration against the war, the police used batons and tear gas, wounding people who belonged to the Islamic community. The magistracy launched an investigation into unjustified use of force.

We should also recall at this point the numerous measures taken to stop the wearing and carrying of Islamic religious symbols. [493]

Other episodes underlying the existence of an increasingly problematic situation related to the presence of Muslims in Italy include the expulsion of the Imam of Turin.

Bouchta arrived in Turin in 1986. There he ran three Islamic macelle in the Arabic quarter of Porta Palazzo. His strongly extreme opinions had caused him to be invited to some television programmes since 2001. After the attacks of 11th September, 2001, he was accused of having expressed his solidarity with bin Laden during a prayer in the Mosque. In fact after the attack on the Twin Towers Bouchta made some bombastic statements about Osama bin Laden's innocence, on account of the lack of evidence for his involvement in the attack. This and other objections and statements

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[493] "In the province of Como, an order of the Leaguist Mayor stated that wearing 'veils covering the face' was forbidden in public places, referring to a decree of 1931 that did not allow people to wear masques in public places. Similar orders have been issued in many other towns, especially where exponents of the North League play a relevant political role."

caught all Italian media's attention, allowing him to be invited to many chat shows. He again became an object of criticism after the expulsion of the Imam of Carmagnola, the Senegalese Abdoul Mamour, was criticised. In the last few years he demonstrated in favour of the release of the three body-guards kidnapped in Iraq. In November 2003 and Bouchta declared, 'we spread love and not hatred, as the Northern League says, speculating about immigrants. Italy is a democratic country and only expels people when they deserve it». As if to support his opinion, a year later the magistracy declared the of expulsion for the Senegalese Imam illegal.

Reports of Digos point out how Bouchta set up a meeting in 2000 to recruit volunteers for Chechnya. His Mosque had often hosted Ban Said Faycal, a Tunisian extremist.

This is the fifth expulsion of an Imam from Italian soil. Abdel Hamid Shaari, president of the Islamic Institute in Viale Jenner, Milan, considers the expulsion «surprising, a bit hasty, apparently related to mere matters of opinion, having nothing to do with terrorism».

The latest serious episode happened in February 2006: the North League exponent Calderoli had some T-shirts made with satirical comics on Mohamed printed on them, inviting Italians to do the same. No important measure taken by any Italian politician followed.

The practise of Islamic religion in Italy

The practise of Islam in the country mostly happens in makeshift places used by worshippers. Quite often these places are garages or stock-houses forcedly adapted, then used both as Islamic centres and prayer places. Through the years, the number of such places has certainly increased because of the increasing number of Muslims, but their growth has been pointed out by the media as somewhat dangerous. A title on one of the main national newspapers talked about a Mosque-mania, wishing a stop to this phenomenon and to underline the way in which these places were beginning to be considered as alarming, accused them of being "Madrasas, Islamic schools, attended by thousands of immigrants who are taught extreme versions of Islam". Furthermore, in 2005 an Islamic school in Milan was closed, officially because of hygienic problems –

while the media put much stress on the fact that some famous Islamic terrorists were 'suspected' to have attended.

The 'Crucifix issue'

Despite Italy being officially a secular nation, in state schools the crucifix is currently still found in most of the classrooms, not only meant to be a religious symbol but also representing a fundamental feature of Italian culture. A big clamour arose after a justice from the law court of L'Aquila (2003) ordered to take the crucifix away from the school in Ofena, as requested by Adel Smith. In particular, the order declared that a non-Catholic citizen could legitimately ask for the symbol to be removed from the school that his children attended, as no norm or law imposes the presence of a Catholic symbol – since Catholicism is no longer a 'state religion'.

The ordinance, causing an unanimous backlash in the political and Catholic world, led to the concession of an urgent review – which will be followed by a 'merit judgement' (giudizio di merito) that could lead to a different result – through several lines of reasoning. One of them is the principle of equality: it has a particular meaning in multiethnic, culturally variegated societies, where some minorities consider equality as « unique, firm principle against injustice, discrimination, racism. It stands as a pillar to the 'right of difference'». For this reason, the law court states, "it cannot agree with that opinion by which crucifixes could be left in state school's classrooms «when all the students (if majors, or else their parents) in a state school peacefully and implicitly get a common cultural meaning from the symbols (which besides having a religious meaning, only belongs to Christians). If this is not the case, and even if only one single student feels offended in his negative religious freedom, then the symbols should be removed».
As the case is about freedom of religion and about the neutrality of a public institution, prospecting a realization of the state's laity and, thus, of the freedom of creed 'on demand' is impossible; these principles should be deeply rooted in the administration's own function. Such a sentence was openly blamed by the President of the Republic Ciampi, who considered it a 'judicial mistake'. The Minister of Education, Moratti, also gave her clear opinion, defining the displaying of Crucifix in state schools as the appropriate thing to do.

To understand how this topic can cause internal conflicts within the student body, it is sufficient to remember a shameful episode in which a Muslim kid was forced by some of his classmates to kiss the Crucifix.

Fighting Islamophobia

On an institutional level, services at the disposal of victims of racism and discrimination are very few.

The most recent and meaningful initiative is that of 2005, when the Islamic Anti-Defamation League Italy was created. A group of intellectuals, workers, mothers and fathers, professionals students, all of them Muslim –most of them Italian citizens or people who have lived in Italy for years- decided to deal with the spreading phenomenon of anti-Islamism.

The aim of Islamic Anti-Defamation League Italy is to gather, analyse and spread information about the propaganda of hatred and racism, and then to monitor, point out and fight against the main phenomena, organizations and individual promoters of anti-Islamism in Italy, whatever the means they use for their activity. The immediate objective is to stop the defamation of the Islamic community and individual Muslims – when possible, through the use of sense and conscience and, if necessary, appealing to the law- implementing strategies, providing free assistance (including legal assistance, thanks to the 53 lawyers located all over the country, among them 14 barristers and constitutional lawyers), supporting and distributing resources pertinent to the safety of Muslim resident on the Italian soil, and reinforcing the legal mechanism to fight against serious threats that hang over the community.

The main objective is to guarantee justice and an equal treatment for all people living in the country, including the minorities. The Islamic Anti-Defamation League Italy follows art. 19 of the Italian Constitution, which protects the freedom of expression, and it uses legislative means to report cases of racist and anti-Islamic violence. To grant privacy to those who report such cases, and to avoid others taking advantage of the publicity resulting from subsequent legal actions – well knowing some individuals' will of self-promoting through this kind of shameful and nonsensical attacks – not all actions are made public.

So far this initiative seems to be the most concrete and focused one on fighting Islamophobia. There are also several cultural initiatives aimed at informing public opinion on this issue: in particular, Arabic language and culture courses are held; meetings and demonstrations for an inter-religious dialogue are continuously organised. It is, nonetheless, worth underlining how most of the initiatives receive very little publicity, and there is very small attendance by people who do not belong to the academic world.

Surely, the initiatives carried on in schools are highly remarkable, especially in the compulsory grades, to support mutual acquaintance and integration between different ethnic realities and cultures. Especially in Rome, such initiatives are wide-spread and they continue to achieve reasonable levels of success, which makes it possible to renew such projects over the years.

Other initiatives worth pointing out include private citizen activity by some who, mainly through the creation of web sites, try to publicise cultural and social features of Islamic communities, organising debates and meetings that all are welcome to attend.

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