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Religion and Incorporation: Islam in France and Germany

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This article attempts to examine religion, particularly Islam, as an emergent type of corporate ethnicity in France and Germany and how Islam is represented and recognized in relation to the established principles governing the interaction of church and state both in the histories of each country and in comparison to the United States. Although religion constitutes one element of pluralism and diversity in which Islam would be the “religion of a minority” among other ethnic groups in the United States, in Europe Islam emerges as a “minority religion” in European nation-states. Such a conceptual difference is reflected in the understandings and applications of multiculturalism and recognition in European countries and the United States. The question then is how to insure a historical continuity between principles and ideals of states on the one hand and how to integrate the religious diversity raised by Islam into the secularism of liberal European societies on the other.

Religion, like language, is closely related to national history. The same can be said about secularism. The philosophy of Enlightenment, the foundation of secular politics in Europe, specifically in France, has placed religion in the private domain of individual believers and opposed it to “public reason.” The movement of emancipation that followed the Enlightenment extracted the individual from religious and communal constraints and promoted integration into the political community comprised of individual citizens. In Germany, as a result of the long term influence of the reformation and religious wars, religious communities took a corporate character. Today the “return” of religion to public debate in Europe is associated with the settlement of post-colonial migrants, Muslims comprising a large majority.¹

¹They are mainly North Africans (820,000 Algerians, 516,000 Moroccans, 200,000 Tunisians), in France, migrants from India (689,000), the West Indies (547,000), and Pakistan (406,000) in Great Britain. The economic reconstruction of European countries also brought Turks to Germany (almost 2 million), to the Netherlands, Belgium, Sweden, Denmark and other European countries. Today, the post-colonial trajectories have been replaced by economic opportunities, and family networks and have led immigrants, whatever their historical relation to the country of immigration, throughout the European continent.

Those Muslims who have become citizens in the West today, but who have been outside the history of the relationship between church and state that shaped Western national character, are now demanding recognition and representation for Islam within national societies. This confrontation of populations having a collective identification with Islam with established European political traditions is one that blurs the accepted boundaries between private and public.

Further, the emergence of Islam as a transnational political force has become a source of tension and suspicion with regard to citizenship and loyalty. Some Europeans question Islam's compatibility with the West and the ability of its adherents to adopt Western "universal" values. A survey of French citizens reveals that the disquiet is not about immigrants, but rather Islam itself. In 1985, 42 percent of those questioned thought most immigrants (synonymous with North Africans) "will not be able to integrate into French society," an opinion that excludes Muslim migrants from national identification. But two "affairs" – the Rushdie affair in Great Britain and the headscarf affair in France – suggest that the issue is no longer the assimilation of immigrants but the recognition of a religion – Islam – and of a new emerging minority in individual European countries and the European Union as a whole.

Studies of immigrant integration have focused mainly on modes of integration in relation to principles of citizenship (Brubaker, 1992). Debates on religion, however, need to focus on the relationship between church and state in order to interpret and acknowledge diversity resulting from the immigration of Muslims. Their settlement tests the principle of secularism in the context of the emergence of multiculturalism and identity politics in different European countries. Public recognition and representation of Islam challenges democratic states' approach to diversity and multiculturalism and counters a dichotomist view opposing assimilation and multiculturalism (Freeman, 2004). In this age of the "politics of recognition," I argue that it is impossible for democracies to dissociate multiculturalism from assimilation and to maintain boundaries between social, cultural and political domains.

In order to resolve the conflicts that Islam brings to secularisms that have emerged in the public space and the political community, leading liberal democratic societies need to respond to two complementary pressures: one institutional and the other political. Institutionally, the secular state is under pressure either to reshape its institutions so as to provide for the general recognition of Islam or, as Biku Parekh suggests, to extend these

institutions to include the newly emerging Islam in European societies. At stake here is the institutional assimilation of diversity. Politically, states must find the means by which equal institutional representation and individual national citizenship can be reconciled. How can Muslims be integrated into the political community? How can common membership be promoted and a common civic culture defined that allows citizens to find adequate identification? What is at stake is the contemporary acceptance of Islam as part of Europe's historical continuity. The political approach strongly rejects the oft-stated argument that Islam and Western democracies are by definition "incompatible."

Both approaches suggest the necessity of a contextual analysis that focuses on how state institutions accommodate change in order to clarify the dynamics of citizenship in plural democratic societies. This article attempts to examine religion, particularly Islam, as an emergent type of corporate ethnicity in France and Germany. It seeks to address how Islam is represented and recognized in relation to the established principles that govern the interaction of church and state in the history of both countries, with an eye towards a comparison with the United States.

ETHNICIZATION OF RELIGION IN FRANCE AND GERMANY

Several studies of new immigrant groups in the United States indicate that religion has been a basis for shaping their communities in their new land. Often divided by nationality, churches comprised the center of efforts to maintain and transmit the values of the old country. Charles Hirschman (2004) claims that historically "immigrants become Americans by joining a church and participating in its religious and community life." A recent study shows how America succeeded in dealing with religious diversity because "the mills of ideological and definitional change grind slowly and that, consequently, the Americans and America-watchers of any given era, employing time-honored definitions, could easily refer to the United States as the showcase for religious pluralism" (Hutchison, 2003). Peter Schuck (2003) wonders "why is protection of religious diversity a constitutional value" and argues that religious diversity emerged in 1965 as a political ideal linked to immigrants' assimilation. He shows that historically "religious identities have played important, often decisive roles in orienting them to American civil society, effecting their integration into it, and eventually incorporating them into the polity."

One aspect of such an assimilation in France has been the acceptance

and internalization by immigrants of the separation between religion and public life. Historical studies have pointed out that the “cult of assimilation,” as the basis of national unity, produced in citizens an “indifference” to their separate linguistic or religious origins, which became obscured or suppressed in private life once they passed through the “mill of institutions” (Noiriel, 1987). The same was true in early twentieth century Germany, where “Germanization” meant forced assimilation with reference not to religion but to language.

However, as Georges Balandier (1988) correctly emphasized, “it is in religion, especially its cultural or ecclesiastical institution, that tradition finds its most solid anchor.” When newcomers arrive in a new society, religion responds to the loss of past common references and establishes social bonds. In the early days of immigration, immigrants, especially those from rural areas, structured their communities around religion. They were trying to maintain close relations with their homelands and extended families for as long as possible in order to ensure respect for their cultural traditions. Religion provided the most important components of moral and social order, ethnic pride, and “self-enhancement.” Such feelings led to a “defensive traditionalism,” which sheltered them from the “danger” of assimilation even when the religion of the immigrants was not different from that of the larger society. Using Polish immigration in France as an example, Janine Ponty has shown that the Church constituted “the soul of resistance.” The merging of Polish national and religious sentiment caused immigrant families in Pas-de-Calais to bring a priest from Poland to organize the local community (Ponty, 1988). Similarly, in the early 1970s, at the very beginning of their settlement, Muslim immigrants in France and Germany brought imams (Muslim religious leaders) from their homelands to manage the prayer halls in concert with municipal authorities. Those imams were to help the immigrants transmit moral values and identity by teaching extra-curricular courses on the Koran to the children, usually on Saturday afternoon or Sunday. Moreover, the imams stayed long enough to become central figures of the community, particularly when it was necessary to pray following the death of relatives, prepare their coffins, and send their bodies back to the homeland.

Religion in this context is limited to the private spheres of the family and local community. Even though Islam is defined by immigrants themselves in terms of practice, tradition and moral values, its perception as a “permanent difference” both by immigrants and public authorities constitutes a step toward the construction and recognition of an ethnic group,

generating an "awareness of belonging." This awareness found an institutional basis with the "right to difference" promoted by the socialist government in 1981. Promotion of this right was followed by the liberalization of the law allowing foreigners to create their own voluntary associations and therefore "institutionalize" such difference. Spontaneous gatherings of immigrants based on interpersonal relations in areas of concentrated settlement therefore found an institutional and formal structure in associations and have become true identity organizations. Ever since, foreigners acting in labor unions, political organizations, or parties (particularly the French Communist Party) have organized around special cultural traits that have been invented and reaffirmed through their relationship to politics. While in the 1960s or 1970s immigrants expressed their interests in terms of class, today the younger generation expresses such concerns in terms of cultural or religious "identities of origin," which have been reinterpreted within the framework of new collective actions. These associations were a refuge, sometimes even a sanctuary, where culture, religion, ethnicity, and nation of origin were interpreted, became manifest, and took root.

Public resources legitimized the organization of immigrant associations. The declared objective of public authorities has been to make public opinion accept differences and counter racism. By encouraging the institutionalization of collective identities through associations, the republican state intended to instruct the accommodation of differences into its ideological framework and structures. In this way, rhetoric converged with policy. From the point of view of association activists, identities are now the element structuring their communities in order to compete for state resources.

With the proliferation of associations in the 1980s, Islam became an agent in the discourse of action or reaction. Even the so-called secular associations integrated into their activities the celebration of Islamic holidays, like Ramadan, and animal sacrifice. Although the state officially does not support religious organizations, state funding for public service and community groups that incorporated Islamic identity and culture into their activities indirectly gave greater public value to religious organizations in the eyes of the Muslim population. From comprising only one component of culture in early secular associations, Islam has now come to signify culture in its entirety and has become another way of reappropriating identity.

Such an appropriation has crystallized around the so-called "headscarf affair." The issue shook French society for the first time in November 1989, when three teenage girls arrived at their public school wearing Islamic headscarves. The event unleashed a flood of commentary on identity: the identity

of the latest wave of immigrants and of the nation. The emphasis lay on Islam and its compatibility with the secular principles of French society. Moreover, the issue used *laïcité* to illustrate French differences from the secularism of other Western states.² Public opinion and public authorities were torn between defensive republicanism and a pluralistic liberalism. The political class and certain intellectuals took it upon themselves to remind society of the basic principles of the Republic, principles that constitute the “core of a national identity” and the “way of life” for immigrants in a *laïc* (secular) country.

Nevertheless, secularism, or *laïcité*, remains ambiguous about the boundary between culture and religion. Culture includes religious identity, while religion refers to beliefs or practices that may be culturally specific. Studies on French religious expression show a constant decline in practice, a statistic much easier to measure than more abstract cultural references. Since the principle of *laïcité* was established, such a decline has occurred for all religions that, like Islam today, have been outside the public sphere. In reaction to issues raised by the headscarf affair in 1989, the principle of *laïcité* has undergone several interpretations and has emerged as the “official religion” of France. Today, Islam is at the core of the redefinition of *laïcité* and serves as its mirror. The headscarf was perceived as challenging the long historical process of national assimilation and the transformation not just of “the peasant,” but also of the foreigner or the immigrant “into Frenchmen” (Weber, 1979).

The headscarf affair has situated Islam at the core of negotiations challenging the relationship between state and religion (Kastoryano, 2002). The case of the headscarf has made an issue of the balance of power between French perception of a national identity on the one hand, and the identity of the last waves of immigrants on the other. In this dichotomy, the former is remolded around *laïcité* and the latter around Islam, as if the law of the Republic were being challenged by the “law of the Koran,” as it is being spread and practiced by the local Muslim institutions in the suburbs (*banlieues*). Even though politicians rallied around the case of the headscarf in the name of *laïcité*, this mobilization reinforced Islam as the core of a collective identity of North African immigrants and their descendants, making religious identity paramount over that of national origins. As Hirschman (2004) mentions in reference to Oscar Handlin’s view of immigrant assimilation in

²In the remainder of the text I will use the word *laïcité* as a French form of secularism that has no exact translation in English.

America, "national origins blend into religious identities by the second or third generation." But in the French case, the same religious identification is a consequence of the interactions between public opinion, public authorities and immigrant groups, rather than the result of a generational process of assimilation as in the United States.

At the same time, the state's refusal to acknowledge associations of a strictly religious nature reinforced Islam as the locus of identity. Islam is perceived as a source of pride for action independent from supposedly secular, cultural associations subsidized by public agencies. Muslim religious institutions position themselves as an alternative to cultural associations and contribute to a withdrawal into their own circle, but in most cases they work alongside cultural associations when it is a question of their social utility. A "social division of labor" has been established between cultural and religious associations in immigrant neighborhoods: whereas the so-called secular associations are content dealing with social action, the religious ones address the issue of identity.

Mobilizations around the headscarf issue have strengthened the leadership of Islamic associations as representatives of a community taking shape around Islam. The imams, who have been sent by their countries of origin within bilateral accords giving them official status or who represent political parties such as the Islamic Salvation Front (FIS) in Algeria or the religious party (Fazilet at that time) in Turkey, have ordained themselves spokesmen for their "community." But the French state, by selecting imams of all ideologies as interlocutors in order to calm tensions, has inadvertently increased the negotiating power of the religious associations by excluding others or forcing them into the Islamic sphere. This emphasis on Islam as a new subject or object of French society and on Muslim populations within a cultural and ideological public discourse has facilitated Muslim families' choice of situating religious identity at the center of their political interests. The emergence of Islam in the public space corresponds with that of ethnic groups in the United States. The efforts to shape a religious community with its institutions claiming public recognition have engendered disputes over boundaries between political and ethnic community in France.

As France was suffering from an existential crisis caused by the challenge to secularism raised by the Islamic headscarf, the German political class regarded French concerns as an exaggeration. The German press often reported that, whereas the daily sight of girls dressed in headscarves caused unease among the French because it was seen as a threat to the republican

tradition, the wearing of headscarves was considered completely natural to people in Germany.

The surprise expressed by German public opinion to the scale of the headscarf debate in France affords us two interpretations. The first rests on a different conception of separation between church and state and on a more distinct internalization of religious pluralism in Germany. The second posits a general indifference about the dress codes of foreigners who are not regarded as part of the nation but as a separate population set. If Germany is not a country of immigration, as official discourse stated clearly for quite some time, there was little interest in the religious customs of the "guests" so long as they did not affect public order and remained within civil society.

During the 1980s, militants of Turkish immigrant origin appeared on the German public scene and demanded recognition of a collective identity. In 1981, the government created the Committee for Foreigners (*Ausländerbeauftragte der Bundesregierung*) in Berlin. This federal institution enjoyed freedom of action in all local decisions, principally in helping foreigners to create their own organizations (*Selbshilfe*). The equivalent of the Social Action Fund (FAS) in France, this committee finances immigrant association projects judged to be of social benefit, *i.e.*, designed to unite young foreigners of every nationality with Germans in common activities. Social benefit includes the salvaging of deviants, unemployed persons, delinquents, or young members of violent gangs. The idea is akin to community organizations in the United States that unite migrants by national or religious origin (or both) as a means of integrating them into the community structure. But in the German case, nationality became the primary source for (Turkish) ethnicity whereas in France religion became the basis of ethnicity. In 1998, when the laws concerning access to German nationality were debated, not coincidentally, the case of a naturalized German teacher of Afghan origin, who wore a headscarf at work as a civil servant in the *Land* of Baden-Württemberg, upset German public authorities just as much as the wearing of headscarves by students had in France. As a result of a federal court ruling in Karlsruhe, the teacher was banned from the school and excluded from public office.

Since then, there have been many public debates in Germany about the function of civil servants and the wearing of the headscarf, mainly by teachers. Whereas French authorities first encouraged negotiations between students' parents and teachers or school administrators, cases in Germany have been brought to the courts, whose decisions can vary from one *Land* to another. In some cases the arguments are focused on the competence and

skill of the teachers and in other cases on public education and the diffusion of Western education and norms (in Baden Württemberg and Leipzig) (Tietze, forthcoming). This debate must be seen as related to debates over citizenship and the inclusion of the foreign minority into the political community and civil society and whether they ought to remain *Ausländische Mitbürger*, foreign co-citizens, or become full citizens, with equal rights and duties.

Thus, in both countries the creation of a community became an “option” (Goulbourne, 1995) to define an identity that would be a basis for collective action and self-assertion. The preference of religion in France and the preference of nationality in Germany correspond to these states’ understandings of difference and ethnicity. From the perspective of migrant populations, their identities as minorities within Europe appear to be contiguous with their collective identities with their home countries. In North Africa, nationality and religion have been officially linked. In Turkey, secularization has been officially enforced and, ironically, Islam has become liberated from its national and political taboo among Turkish Muslims who have migrated to Europe. Nevertheless, the legitimacy of collective demands in both France and Germany relies on normative affirmation of multiculturalism and cultural diversity in liberal Western societies. The question they face is how to insure a historical continuity between the principles and ideals of secularism and at the same time integrate the religious diversity created by Islam.

Laïcité, Secularism and Islam

According to Article 2 of the French Constitution (1958), “France is an indivisible, secular (*laïc*), democratic, and social Republic. It insures equality to all of its citizens before the law without distinction of origin, race and religion. It respects all beliefs.” In this respect it is not different from the American Constitution, which emphasizes the “protection of religious diversity as a value” (Schuck, 2003). What is different between these countries is the organization of religious diversity, its relationship to the state, and the interpretation – not its juridical definition – of the principle of separation of church and state.

Interpretations and practices diverge according to national context – the dominant national, religious, cultural, and political projects of nation-state building. Established and internalized as a “reasonable” approach to religion, the concept, principle, and practice of secularism have come into public debate over the past twenty years as Western societies have been faced

with Islam within their national territories and societies. Although secularism has been represented as a fundamental value of Western societies, debate has made manifest an unresolved ambiguity in the concept and its establishment in the formation of liberal states. The ambiguity stems from the concept's loose definition and its lack of coincidence with social realities. In other words, there is a gap between the principle and its application when dealing with religions such as Islam that until now have been outside the history of the relationship between church and state.

Since the legal separation of church and state in 1905, the principle of *laïcité* has been taken for granted in debates over church and state relations. This separation began with the Enlightenment, when *laïcité* was first defined as both an "exit from religion" and the "public use of individual reason." In republican France, secularism has become a dogma expressed as the very definition of republican culture, in opposition to clericalism and to "Catholic culture." *Laïcité* was established after a century of struggle between church and state. For the French republic, it has been considered as progress, a step towards modernity, and a passage from community ruled by the church to society ruled by law. The new structure of secular power replaced the religious community with a political community, excluded religion from public political life, and gave rise to a still-present anti-religious and anti-clerical discourse which renders *laïcité* a "particular" experience.

In France, the separation of church and state confers institutional legal status on the Catholic clergy, the Protestants of the National Federation of Protestant Churches of France, and to the Jews governed by the Consistory created under Napoleon. The "universality" of secularism, however, relies on the principle of equality according to which there is no domination of one religion of the national majority over other religions in a *de facto* minority situation. Thus, the neutrality of the state towards religion shies away from religion but ensures that individuals can practice "freedom of conscience." The principle of a dichotomous separation of the private and religious from the public and political generated a significant amount of controversy from the outset because it questions the moral support of religion in public life and its replacement with "civic virtues" that are necessary to define a shared public space. Counter to the American "notion that social and civic integration is obtained through religious participation in ethnic churches," as underlined by Hirschman (2004), the principle of *laïcité* in France implies the participation of the individual in politics as a citizen, free of community and ethnic ties and equal before the law. Representative institutions have been adapted to the principle, and special status has been assigned to the

majority church and to the clergy as well as to “minority” religions existing in civil society.

In Germany, the philosophy of Enlightenment (*Aufklärung*) was not against religion, just as rationality was not against Protestant piety. The concern for equality consisted mainly of destroying the barriers between the clergy, the nobility, the middle class, and the peasantry. In this sense, *Aufklärung* refers to both secularization and modernization (Müller, 1995). After the formation of the federal state, the *Kulturkampf* was characterized by an effort to guarantee social cohesion by minimizing the role of the Catholic Church while also limiting Protestant influence on politics.

Traces of German secularism date back to the Treaties of Westphalia in 1648, which not only put an end to the religious wars, but also asserted the superiority of territorial allegiances based on the principle of *cujus regio, ejus religio* (whose realm, their religion) and the decline of religion relative to secular power. German secularism expressed itself in terms of a religious pluralism, recognizing the denominational duality of Protestants and Catholics in the public space. This recognition resulted in the interpenetration of ecclesiastical, social, and political structures that perpetuate the two churches’ denominational character to the present day. The Basic Law reinforces the article of the Weimar Constitution regarding “the freedom of conscience and religion” (art.137.4). In addition, the law integrates the principle of the separation between church and state and does not recognize an established church (Oédraogo, 1994). The religious freedom of Catholics and Lutherans assumed a corporative nature, “granting equal rights only to communities formed as corporations” and recognized by the public law (François, 1993). The historian Etienne François emphasizes the permanence of identities in the mentality of denominational behavior, giving them anthropological, social, and cultural dimensions which surpass the strictly religious sphere.

The difference between French and German secularism originates from their relation to public space and to civil society. Contrary to *laïcité* in France, which excludes religion from public life, secularization in Germany constitutes Catholic and Protestant churches as corporate bodies in public law. In Germany, the churches are recognized in legal terms by their social and moral functions, and the state levies a tax on their behalf which is paid by all citizens who are members of these congregations. Churches therefore constitute semi-public, “semi sovereign” institutions according to Peter Katzenstein (1988), and they enjoy an important role in the stability of German society. Relevant to this role, German churches and religious organizations

assisted foreigners during the 1960s, when the needs of workers from the entire Mediterranean basin were handled by denominational charities. The Catholic *Caritas* was mainly concerned with Catholic immigrants from Spain and Italy, while the Protestant *Diakonisches Werk* dealt with Orthodox Greeks and Serbs. The *Arbeiterwohlfahrt*, which was created in 1919 by the Social Democratic Party, introduced Turkish Muslims to the German welfare state.

Different national histories, interpretations, and definitions of social cohesion led to different institutional settings in France and Germany with regard to religion. But in both national contexts, the distinctions between private and public and the neutrality of the state regarding religion are sources of contradictions when the state confronts Islam. Although Islam constitutes one element of pluralism and diversity among ethnic groups in the United States, Islam emerges as a “minority religion” in European nation-states. Such a conceptual difference is reflected in the different understandings and applications of multiculturalism and the recognition of diversity in European countries and the United States.

RECOGNITION AND “INSTITUTIONAL ASSIMILATION”

Multiculturalist promotion of diversity in the public sphere is expressed in France and Germany in terms of recognition. If secularism is the exclusion of religion from the public sphere in the name of neutrality of the state and equality among all religions in the civil society, recognition brings religion – like cultural and ethnic identity in the United States – back to the public sphere for equal representation. As a result, there is no clear boundary between private and public since, as through identity politics, states penetrate into the private sphere and make a public affair out of the social reality of religious difference. This evolution leads to a reinterpretation of the notion of neutrality in light of multiculturalism, particularly when the politics of recognition positions the group to be “recognized” specifically by its religion. The question is not how to promote differences, but rather how to assimilate them institutionally. The task becomes integrating these differences into state institutions for equal representation along with other religions, preserving the public sphere from private expressions of belonging, and promoting a common civic culture internalized precisely through institutional assimilation.

Secularism is an element of national history that is related to the institutional setting of religion and its contextual accommodations. In

France, although the fight between church and state in 1905 never addressed the question of minorities, Islam today raises a double challenge: that of a minority in a republican state that rhetorically rejects the very concept of minority, and that of a religion in the public space. For the political class, the headscarf affair revealed that a minority religion has become established in society and its institutions, especially public schools. For the proponents of Islamist associations, the headscarf has become an affirmation of identity for a part of the immigrant population. It is nonetheless an issue that necessitates negotiation with the public authorities: the negotiation of the permanent cultural and structural presence of Islam and its cultural expression (Kastoryano, 2002).

Since 1990, following the passionate debates concerning the place of religion in French society aroused by the headscarf affair, successive Interior Ministers from both the Left and the Right tried to create representative Islamic institutions. In 1991, Pierre Joxe created a Council of Thought on Islam in France, the CORIF, in order to explore different means of adapting the requirements of Islam to the norms of society (or vice-versa). "Unable to represent Islam, I have withheld the suggestion of Jacques Berque, who stated that it was possible to symbolize Islam," he explained in an interview in *Débat* (Joxe, 1990). Subsequently, the next Minister, Pasqua, of the Rally for the Republic (RPR), created a Representative Council of Muslims, with the idea that "the issue of Islam must be treated as a French issue." He declared in *Le Monde* of January 11, 1995: "I have always wanted Islam to progress from the status of a tolerated religion in France to that of a religion accepted by all, and one that forms part of the French spiritual landscape." His successor, Jean-Pierre Chevènement (Socialist Party), recalled that the recognition of Islam was "not a question of Left or Right but a national question which affects the Republican state" and set up a commission called a "Consultation" that also gave its name to a journal. He declares in the first issue that his goal is to "help Muslims to form themselves into a religious minority in France." Finally, on April 16, 2003, Interior Minister Nicolas Sarkozy succeeded in creating a French Council of the Muslim Faith (Conseil Français du Culte Musulman), which elected its first national representative.

Thus, Islam has been integrated according to a logic that Danièle Lochak (1989) refers to as a "pragmatic management of differences." It is a logic that consists of "gradually introducing the minimum amount of institutionalization necessary to resolve in concrete terms the practical problems resulting from the existence of minority groups" with the objective of even-

tually achieving “an official recognition which in its turn would lead to the institutionalization of differences.”

This process clearly aims to organize a transition from Islam in France to an Islam of France; from the simple presence of Muslims and their visible practices in French space to an Islam that will express itself and grow within the framework of national institutions. The latter assumes its liberation from foreign influences, especially those of the homeland. But the discussion is far from over. “Nationalizing” Islam and making it a “French Islam” might introduce a liberating process. This was how the shift of the Jews of France to “French Judaism” took place, if only in terminology. In both cases, representation implies a legal protection more broadly guaranteed by all representative organizations initiated by the state. In this case, the state intervenes both as arbiter and as dispenser of official recognition. This experience makes existing representative organizations, particularly Jewish institutions, which are older and which were produced and developed with respect to secularism, the reference point for associations of Islamic immigrants. France-Plus, for example, proposes the creation of a Muslim Consistory, with one of its advocates arguing that “secular Islam is completely compatible with life in France.” The chairman of the Federation of the Muslims of France, on the other hand, rejects this plan precisely because of the argument advanced by France-Plus: “They want us to copy the model of the Consistory made up of people who are Jews but not religious.” Note that the same quarrel divided observant or believing Jews from secular Jews when the centralized Consistory was established and its leaders insisted on secularizing it by removing all religious content (Cohen, 1977).

It is interesting to note that while Muslims now refer to the legal status of Jewish institutions, some Jews increasingly draw on Muslims’ claims for recognition to express their sense of belonging to a “Jewish community” and signaling their rejection of the concept of “Jews of France.” Inspired by Muslim aspirations for a permanent redefinition of secularity, even the Catholic Church of France has revived the discussion of its relations with the state. Contesting the creation of the French Council of the Muslim Faith, Cardinal Lustiger criticized the initiative by declaring in *Le Monde* of April 14, 2003 that a “state religion is being created.”

Recognition of Islam has thus spawned a general revision of the place of religions in the public sphere, challenging not only the concept of republican secularity, its universalism, and its practices, but also the connection between church and state in France. As if to assert historic continuity, the state has taken refuge behind an “inclusionist” strategy and discourse that

encourages representative institutions to make their chairmen its collective spokespersons and to consider their members full partners in the political community. The greatest change, however, is the explicit reference to religion and its representation leading to the recognition of an implicit ethnicity in France even if its recognition remains taboo.

In Germany, the same question regarding the public recognition of Islam affects in a more complex way the status of Turks as an ethnic minority, based on both a Turkish national identity and a Muslim religious identity. As early as the 1980s, the German Commission on Foreigners had debated ways of including Islam in religious pluralism. The debate relied on the definition of a community given by the Commission as "a grouping of people who feel that they are linked to one or several deities and which eventually give rise to a faith." Such a definition refers to a religious conception of community and dates back to the nineteenth century when the religious freedom granted to both Catholics and Lutherans took on the corporate character of "granting equal rights to communities constituted into organized bodies" (François, 1993). Therefore, recognition by public authorities of a "Muslim community" was broadly proclaimed as a means of integrating Turkish immigrants into German society. The argument was firmly based on the official place of religion in German public space and the role of churches in taking care of foreigners in the manner of a "religious society" (*Religionsgesellschaft*). On March 1, 1979, the Confederation of Islamic Cultural Centers presented a request for recognition along these lines within the legal framework of the corporate body of public law (*Körperschaft des öffentlichen Rechts*) from which other religions in Germany benefit. The Islamic Federation of Berlin, hoping to gather all Muslim associations in the Land of Berlin, asked for recognition as *Religionsgemeinschaft* in 1980, and this status was finally given to them in 2000 (see *Deutsches Verwaltungsblatt*, July 1, 2000). After twenty years of fighting for representation, the federation obtained the authorization for Islamic instruction in Berlin in 2001 (*Süddeutsche Zeitung*, October 26, 2001). So far, this is the only such case in Germany, but it affected the organization of other Muslim associations in Berlin and other *Länder* (de Galembert and Tietze, 2002). Recognition, however, has raised questions about the place of Islam in public instruction, just as with the Christian faiths.

In both France and Germany the central or regional public authorities who have attempted to integrate Islam into an institutional, historical continuity have run into difficulties with the Muslim populations. The question of their representation has led to internal organizational negotiations over

ideological, ethnic, national, regional, and religious components of collective identity in order to reach a consensus on terms of representation. This has caused heads of associations in both countries to organize, go beyond internal divisions, and seek a legitimate collective representation among Muslims. The institutional structures in each country are different, but the issue is the same – that of democratic equality in societies that are *de facto* pluralist. The question of recognition is all the more important, as it is closely related to that of incorporation on the basis of equal citizenship. The negotiations around collective recognition are, in fact, related to negotiations of the terms of individual citizenship and of the new methods for including immigrant populations in the political community (Kastoryano, 2002).

An institutional approach maintains the role of the state as both a legitimate source of power and as a legal and democratic guarantor of equal representation and citizenship. This approach therefore emphasizes historical continuity and the importance of context in either a descriptive or normative analysis of identities. Asking for recognition as a minority allows a group that declares a specific identity to emerge from their political marginality and thus express a struggle for liberation. But unlike the liberation of the Enlightenment, which separated religion from public life and the individual from his community to guarantee his essential identification with the national community, the demand for recognition in this case is spawned by a desire for participation with equal rights for religious community identities within the structures of both the state and society.

While the political and normative issues remain justice and equality, the social issue is the ethnicization of a religious minority, with Islam as the main identity element, thus cementing a “legitimate” community. Although not all Muslims necessarily recognize themselves within such an institutional representation, they express their need for social and cultural inclusion and mobilize against racism, discrimination, or any other form of exclusion. The question is then: does institutional justice compensate for social injustice? Can the demand for recognition be limited to official representation when other institutions, such as schools, are not fulfilling their function in integrating and promoting “civic values” as a basis for social, cultural and religious equality? Religious diversity and its expression in the public sphere has imposed new realities on Western Europe and will require a continued redefinition of the relationship between religion and state in order to calm the tensions within society and the political community: a new social contract combining reason and religion.

Obviously, if religion appears empirically as the main cleavage, its

recognition in France or Germany can be seen as the means for incorporating Muslims. But this will require going beyond a solely institutional approach and developing tools for Muslims' identification within national institutions. Nevertheless, institutional assimilation constitutes an important step toward the acceptance of the "other," which is possible if mentalities open up along with the institutional changes. For this to occur, social and political discourse, along with discourse in the media, must help immigrants – the new citizens – to identify with the state and its institutions.

For Muslims, German or French national identification can help to liberate them from external political forces of the home country and transnational networks and to push them to participate fully in the political community. Through this perspective of liberation, the law banning "all conspicuous signs of religion in public school" should be understood. Law alone cannot help to liberate the individual – especially when the individual is a woman – from community pressures in concentrated areas like the *banlieues* in France. Still, such a law is important for liberating Muslims from Islam as a political force that weighs on Muslim migrant communities wherever they are settled.

SYMBOLIC ETHNICITY OR A TRANSNATIONAL ISLAM IN EUROPE

The international dimension of ethno-religious identification has been analyzed by Herbert Gans (1979) as a component of what he calls "symbolic ethnicity," defined as an ethnicity of last resort. In politics, such ethnic identification is expressed through international preoccupations, especially concerning the country of origin. This is true, for example, among Catholics in the United States, who consider Ireland an identity symbol, just as Israel is for the Jews. In American political life, Congressional lobbyists cite these symbolic ties to justify interest groups' influence on international policy decisions. In France or Germany, more broadly in Europe, even though the political identity of Muslim immigrants has been shaped and developed primarily according to their specific relations with each state, the international agenda for Muslims is expressed through transnational networks throughout Europe and beyond. Their scope is broad and expansive with regard to nationality of origin, regional identity, and even denominations. Sometimes, their agendas call for collective identification with the Muslim world in general.

The Muslim population settled in Western Europe participates actively

in the elaboration of transnational solidarity like other transborder professional, social or political networks covering the European space like a spider's web. They fit within Europe, defined by the Single European Act of 1986 as a "space without internal frontiers" in which the "free movement of goods, property, and capital is safeguarded." Some of the existing networks are formal, some informal; some are based on identity, some on interest; and some are based on both identity and interest. Some arise from local initiatives in countries of immigration, while others begin in the country of origin and extend through formal or informal international organizations – such as religious ones. Immigrants' networks have been initiated by European supranational institutions, such as the European Parliament or the European Commission (Kastoryano, 2003).

Such networks, built on common interests defined and formulated at the European level in terms of equality of rights, were intended to "liberate" immigrants from the politics of both their home and host countries and to express claims beyond nation states. According to the logic of the European harmonization of institutions, these networks were intended to define a common denominator for claims beyond their relationships with nation states. From this perspective, Islam has provided a basis for transstate and transnational organization, with the common identification and experience of being Muslim in Europe. Islamic associations use the European space in the same way as do cultural and social associations, but Muslims receive no support in the name of secularism, either by national or supranational institutions. Representatives of Islamic associations work mainly in connection with the home countries, with international organizations, or both. The home countries try to rally their nationals to achieve recognition from the European authorities, and they reactivate migrants' home country loyalties through religion and contributions to the creation of a transnational community. International organizations interested in Islam in Europe mobilize resources to allow Muslims to go beyond the national diversity in the various countries of the European Union and to create a single religious identification and a transnational solidarity based on this diversity. Because of this policy, international and denominational networks have fit into the European system and rival the sociocultural associations on a local level.

Although Islamic associations are autonomous with respect to European welfare states, they do interact with the public authorities of the countries where Muslims reside in a manner similar to so-called cultural associations. Although these Islamic associations are fragmented from within by various home and host national identities and denominations, more and

more, Islam represents a unifying identity among Muslim immigrants for asserting collective interest and structuring a transnational community that transcends the boundaries of member-states. The internal diversity to the transnational community is "recentered" demands for Islam's representation and recognition within the institutional framework of the European Union. The objective is to promote a common identification: to be Muslim in Europe.

An obstacle to Muslim unity arises from the diversity of the nationalities, sects, and ethnocultural groups among the Muslims in Europe. But some association groups, like the *Jamaat-Tabligh* (Faith and Practice) organization, are concerned with European representation and present themselves as "multinationals," collecting several nationalities of origin while branching out in the various countries of the Union. Indian in origin and first established in Great Britain in the 1960s, this Islamic movement has extended its networks into France and Belgium, and more recently into Germany and the Netherlands, and sent missionaries into local communities to promote the faith and organizational support of Muslims (Kepel, 1987). The movement "transcends not only material boundaries, but also sects, legal schools, and Sufi orders in their ideological conception," and its activists express the desire "to be good citizens" but avoid political positions because they believe, "politics divides Islam" (Diop, 1994).

Other Islamic associations openly express the political position of their home countries and represent associations of political parties organized in Europe where they serve as representatives. One example is National Vision, which has been an affiliate of successive religious parties in Turkey and which operates 28 foreign offices in Europe, ten of them in Germany. Algerian networks associated with the Islamic Front of Salvation and its armed branch (GIA) pursue political legitimization with Muslims abroad. If these networks are necessarily transformed into structures of absorption on behalf of the religious or political identification they share with Muslims of other countries, their presence affects both Europe and the home countries, especially the overall relations between Europe and a "Muslim bloc."

In short, Islam in Europe is seeking a unity in its diversity through a transnational solidarity based on religion. Yet, as with social and cultural networks, the strategy aims at the recognition of identities that are primarily national and ethnic. Despite the influence of the home countries or international organizations that endow them with political importance, their claims are adapted to the European context. But they also raise a question of representation in European institutions, especially since the European Con-

vention of Human Rights recognizes freedom of religion. Article 9 of the ECHR states that “every person has the right to freedom of thought, conscience, and religion. This right implies the freedom to have or adopt a religion or conviction of one’s choice, as well as the freedom to demonstrate one’s religion or conviction, individually or collectively, in public or in private, through worship and instruction, including the practice and performance of rituals” (Leveau, 1994).

The elaboration of transnational structures clearly reveals multiple references and allegiances: to the host country, to the home country, and to Europe through a constructed transnational community. Whether or not immigrants are citizens, their loyalty to the host country comes from sharing in its social and political institutions. The home country, despite its cultural and ethnic heterogeneity, provides emotional support and identity resources. A transnational community combining both host and home country ties represents a new reference of involvement that gives rise to the formation of a transnational identity as inspiration for political action and as an instrument for cultural and religious purposes beyond national borders.

Transnationality is, however, paradoxical. The consolidation of a transnational solidarity generally aims to influence the state from outside. Even if it contributes to the formation of “external communities,” transnational networks today are imposed on the states and their national public authorities, who define the limits of their legitimacy as indispensable structures for negotiation of collective identities and interest. Clearly, the objective of transnational networks is to reinforce their representation at the European level, but their practical goal is recognition at the national level. Shall we add that Islamic activists, even the most active ones at the European level, ultimately see the states as their “adversary”? The states’ predominance is visible in the difficulties that voluntary associations have in coordinating actions and claims that spring from their own initiative without the intervention of supranational institutions.

In other words, the ultimate goal is to reach a political representation that can only be defined at the national level. Rights and interests for non-European residents and citizens – for housing, employment, family reunification, mobilization against expulsion and other government programs and policies related to identity – can only be claimed from the state. But all claims at the national level imply a parallel pressure at the European level and, conversely, all claims on the European level aim to have an impact on decisions taken at the national level within each of the member states. For the Muslim populations in Europe, a transnational organization of interests

that employs identity in order to win recognition at the European level reflects the Europeanization of political action, but it does not involve the Europeanization of demands. The latter remain linked to the state, the body which remains the only solid framework of reference for mobilization and negotiations.

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