

Racialization and the challenge of Muslim integration in the European Union

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Since October 2010 a number of European political leaders have made strong public statements regarding the 'crisis of multiculturalism', asserting the latter's failure in the European Union (EU). Angela Merkel, the German Chancellor from the conservative CDU party, launched the trend with a public declaration made on 16 October 2010, in which she expressed her conviction that the project of a multicultural Germany had failed. She attributed this failure to the lack of effort on the part of immigrants to integrate and, in particular, to learn German with sufficient fluency. On 4 February 2011, while delivering a speech on radicalization and terrorism at the Munich Security Conference, David Cameron criticized state multiculturalism and the ghettoization it produces, arguing that instead Britain needed to develop a stronger and more cohesive sense of national identity as a more effective strategy to combat home-grown terrorism and the attractiveness of extremism to Muslim youth. A few days later, on 10 February 2011, Nicolas Sarkozy, answering questions posed by a panel of French citizens on TV, contended that the failure of multiculturalism was primarily due to the fact that it privileged the identity of the immigrant over that of the host country. To illustrate his point he also referred to Muslims, citing, for example, how they pray 'in an ostentatious way' in the streets. The French President's declaration, which must be situated within the context of the countdown to the next presidential election, in fact triggered the initiative of launching a governmental and potentially nationwide discussion about Islam in France.

This overt anti-Muslim racism is what constitutes the challenge to Muslim integration in twenty-first-century Western European contexts.¹ Over the last 40 years the constructed articulation of the settlement of Muslims in the EU as a social and political problem has taken various forms, often uncovering the culturally circumscribed nature of the models of citizenship, the historical tradition of nation-building and the national specificities of the relationship between church and state (Fetzer and Soper 2005; Robbers 2005). Most of the debate related to Muslims in Europe has focused and continues to focus on the liberal governance of religious diversity (meaning the way in which nation-states accommodate religious differences) and Islam-related claims made by European Muslims, the latter buttressing the idea that the public and religious nature of Islam makes it 'an especially resilient type of identity' (Statham *et al.* 2005: 441). However, if for decades – roughly from the 1960s until the early 2000s – the situation

of Muslims was perceived as the more or less successful result of the nationally constructed tradition of the integration of immigrants,² perceptions and mainstream public opinion changed drastically after the terrorist attacks on the United States on 11 September 2001 (9/11). The attack against the World Trade Center marks the beginning of a convergence of European attitudes in framing Muslim citizens as incapable of fitting into the EU. Why have contrasted regimes of citizenship and traditionally opposed 'models of integration' (inter-culturalism, multiculturalism, Republicanism, assimilationism) since given rise to similar public discussions on the Islamic headscarf throughout the EU? How can the general adhesion to a restrictive standpoint (i.e. banning specific religious dress and signs) be understood? The thesis that integration fails whenever religious differences are visible remains a prominent one,³ and is systematically brought forth whether the societies in question define themselves as multicultural or not. What are its implications, subtexts and consequences? These are the questions that I address in this chapter. Answers are of course multi-faceted and tentative, as the debates surrounding these Islam-related topics involve numerous broader social, political, ideological and even economic issues. They question the 'challenge' to multiculturalism, the capacity of secularism to organize a conflict-free religious pluralism in Europe, the perception of [non-Western] cultural references as a threat (that is, as Brown (2006) puts it, the danger associated with too much culture as being a threat), increasing Islamophobia, anti-Muslim racism and the tangible discrimination it begets, the loyalty of Muslim European citizens, the impact of foreign affairs policies on domestic spaces, etc.

Writing about the debate on the challenge of Muslim integration 'into the West' can be done from a number of angles. The least demanding to adopt would be to embrace the separation of church and state descriptive and comparative perspective. It is also by far the most frequent approach employed, as it emphasizes both the role of European history and the role of regulation policies to understand the national situations of Muslims living in the EU (Triandafyllidou 2010). Such a perspective would be rooted in the dominant literature on the subject of Muslims in Western societies. This now substantive area of scholarship has produced, since approximately the late 1980s, myriad edited volumes in which national case studies serve the edification of a system of analysis based on the various types of relationships binding church and state. Instead of examining the hypothetical (in my opinion) relevance of national norms defining citizenship and the relationship between religion and the state (Modood *et al.* 2006), I wish here to elaborate on what I call the process of Europeanization through cultural boundary-making. I posit that the current 'burka-bashing' moment enables the analysis of the process of racializing Muslims in Europe because religion as a mode of subjective experience remains largely unintelligible to European public imaginaries and political classes. In addition, such cultural boundary-making provides a convenient marker distinguishing between desirable citizens and undesirable ones. I will present this thesis in three sections, starting with a succinct overview of the literature on Muslims in the EU. In the second section I will highlight how the many aspects of the Europeanization process and the backlash against the Islamic headscarf intersect. In the final section I will develop the idea that the institutionalization of such a cultural rather than territorial anti-Muslim boundary inside the EU exemplifies the process of the racialization of Muslim others.

The way Muslims are studied: when politics meets scholarship

In the EU, religion becomes contentious and defined as a problem when specific forms of religiosity are expressed or claimed by minority groups made up of individuals of immigrant background, most of whom are European citizens. In this context, 'Muslims' has become an

all-encompassing category commonly circulating in European public discourses without referring to anything precisely defined. The growing presence of Muslims and Islam raises geopolitical, political, social and cultural issues at various levels (local, regional, national, supra-national) and dimensions (individual and collective).⁴ These interrelated factors involved have obliged European societies to face the complex challenge of devising definitions of equality and integration whilst equally considering the religious facet of an individual's identity. However, as noted above, the difficulty lies in the fact that public discussions on the question cum problem of 'Islam and Muslims' continue to put forth secularism as a principle that must be reaffirmed as a core European value, a means of integration and a necessary regulatory principle of social life. It is increasingly conflated with, or at least seen as interwoven with, national identity (Baubérot and Milot 2011). In some cases it has been recast by the emergence of a postcolonial awareness in politics (Bhambra 2010).

In contrast to their tremendous visibility in public discussions, however, Muslims largely remain an invisible and silent population in most of the EU member states. In fact, with the notable exception of the United Kingdom since 2001,⁵ they are consistently absent from public statistics, in particular from the national census. They are thought to number around 20 million in the EU, but the lack of official data on religious affiliation constitutes a major and permanent obstacle in conducting research and devising public policies, for instance, assessing the reality of discrimination in access to public goods and services (Maréchal *et al.* 2003; Open Society Institute 2010). In effect, public policies in most of the EU member states do not officially distinguish between categories of citizens. Even if they may, in some cases, take into account the latter's immigrant background, and/or the place of birth of the parents, the religious affiliation of individuals does not form part of the information that may be gathered for legal reasons (Simon 2004). This lack of data creates very uneven situations when it comes to assessing, for instance, academic achievement (Meer *et al.* 2009), and more specifically the 'ethnic penalties' whereby members of specific groups are disadvantaged (Johnston *et al.* 2010: 578). This statistical invisibility obviously impacts on the attempt to provide potential legal solutions for redressing inequalities. For example, while the concept of discrimination (including discrimination due to religious belief) came to form a central notion of legal and political discourse and practice aimed at the promotion of equality and respect for difference(s), it has remained largely ignored and absent from the discussions about Muslims and Islam in Europe (Amirault 2005; Fekete 2009; Fekete *et al.* 2010). The discrepancy between the open and public expression of hostility towards Muslims and its absence from the discussions treating the practice of discrimination vis-à-vis Muslims stems from a certain logic of the political philosophy of integration and equality in the EU: religion is an intimate matter, belongs to the private sphere, and should therefore not be publicly visible.

Because Muslims as a group are still not defined in national data, the 'average data' put forward for Muslim populations in Europe are unfortunately always approximate calculations based on unsatisfactory methods of evaluation. When trying to estimate how many Muslims reside in a given country, two methods are usually employed. The first one uses ethnicity as a proxy, relying on ethnic criteria to determine who is Muslim on the basis of the country of origin and place of birth of the first family member to emigrate. However, what precisely constitutes religious affiliation and non-affiliation is both a highly difficult and politically charged question which, in many ways, resists quantification. Equating ethnic and religious identity therefore does not acknowledge the instability of belonging, the personal negotiation of the relationship to one's family's religious heritage, as well as the multiple factors leading a person to convert or even change religions several times during his or her lifetime (Bellah 1970; Davie 2002; Beckford and Wallis 2006). In short, this first approach is not equipped to factor in the

complex, plural and often shifting identities of modern (Muslim) citizens. The second method of calculating the number of Muslims in a given place that considers itself a quantitative approach attempts to count believers on the basis of religious practice (praying in a prayer room or a mosque, fasting, alms giving, etc.) or, instead, on that of their own religious self-identification or religiosity (Bréchon 2007; Dobbelaere and Riis 2003).⁶ In these types of surveys, the criteria for identifying Muslims depend on what can be called an 'institutional' perception of what defines a believer, except in the case of self-identification,⁷ that is, his/her relationship to practice and more specifically to worship. Both here relate to an institutional reading of religious belonging in which religion is associated with collective rituals and the public existence of religious buildings.

This reduction of religion to an institutional definition (believer = practitioner) has been partly nourished by the specific cultures of scholarship that have been produced by Western experts since the 1980s. The nature of the research still remains mostly qualitative today, establishing typologies and hierarchies (profiling) to map the social heterogeneity of Muslims living in the EU. Scholarship on Islam and Muslims living in the EU was first initiated by European experts on the Middle East who began investigating the potential parallels to be drawn between the rise of political Islam in the Middle East and in some of the EU member states (France, Germany, the UK) (Tessler 1999; Amiraux 2002).⁸ This generation and branch of experts, even if it no longer constitutes the primary scholarship of European Islam and Muslims, nonetheless informs us about the major trends that continue to structure the production of knowledge in the field, in particular the late incorporation of postcolonialism as an analytical variable in the field (Bhambra 2010). Another large portion of this 'expert literature' addresses the way Muslims had begun organizing themselves in the EU member states where they had settled as immigrants. It examines the associative networks and umbrella organizations that had begun to emerge in various EU countries along with public claims-making (associations, organization-building, first praying rooms, Arabic teaching, networking). These early, albeit still present, research agendas, often articulated in terms of the political need for information about the emerging 'Islamic problem', examine the institutional environments of the different EU societies producing nationally determined avenues for the incorporation of Muslims (Maréchal *et al.* 2003). These have been largely informed by a European representation of social order 'assuming a strong coupling of individual rights, formal membership and national identification – assumptions shared by most European countries regardless of their different codes of national identity, models of national citizenship and patterns of inclusion and exclusion' (Koenig 2007: 913–14).

More recently, in around 2000, scholarship adopting a comparative approach to issues associated with the public legal regulation of religious claims (state accommodations) emerged and began to use the wide concept of governance as a cogent means of extending the reflection beyond state initiatives and strictly legal regulatory mechanisms (Maussen 2007; Sauer 2009; Koenig 2007). This may be due in part to the fact that in the last decade the EU discourse on equality has been dramatically affected by the implementation of the European anti-discrimination provisions, which have contributed to recasting the vocabulary and the tools employed from a law-based perspective to assess places and levels of discrimination (Amiraux and Guiraudon 2010). These provisions were deemed necessary to supersede alternatives to the entrenched dominant state accommodation approach which, if considered the main way to negotiate the interaction between states and Muslim practices, nonetheless neglects other forms of social interactions between Muslims and the host society, including the most ordinary ones, that often go well. The Open Society Institute (OSI) 'At Home in Europe' project, an example of this approach, covered 11 EU cities. Challenging the myth of the segregation and alienation

of Muslims in the EU, it offers a positive picture of integration, particularly at the local level: 61 per cent of Muslims declare having a strong sense of belonging to their country of residence, and 72 per cent to their city (Open Society Institute 2010). However, their perception of how others esteem their relationship to their environment differs starkly, as 50 per cent of all Muslim respondents believe that they are not seen as belonging by the wider societies. Mirroring the literature, the contemporary governance of Islam in the EU moved from a political focus on international security threats to a juridical approach of its regulation (Koenig 2007). The impact of legal scholarship has been to shed light on the role of norms and principles in defining an EU of shared values that would delineate a common space for discussing the governance of religious diversity (Grillo *et al.* 2009; *Cardozo Law Review* 2009).⁹

Comparative research has also both uncovered and underscored the disciplinary uncertainty characterizing the field of study on Muslims and Islam in Europe and the difficulty of locating it, akin to how situating the 'Muslim problem' taxonomically was, for a long time, problematic: Does it classify as migration policy outcomes? Should it fall under the 'sociology of religion' umbrella? Does it belong to the field of Islamic studies? This uncertainty gave rise to a concerted growth of ethnographic work evincing a more sustained and diversified theorization, beyond the secularization paradigm (Asad *et al.* 2009). In the early 1990s, in an extension of research carried out in the Arab-Muslim (Mernissi 1987; Ahmed 1993), Iranian (Adelkhah 1991) and Turkish (Göle 1993) worlds, there emerged a new framing of the headscarf as a modern social phenomenon rather than as a backward legacy of the past. This was supported, on the one hand, by empirical studies in a number of fields, undertaken by scholars indebted to Talal Asad and Mahmood, and, on the other, by what generally fall under the rubric of post-colonial studies, and, more rarely, by the intersection of the two (Becci 2004). A gender-based perspective, usually conceptually rooted in feminist theory, has also reframed the headscarf as a symbol of the inequality and injustice suffered by Muslims in France and in Europe (Scott 2007; Kilic *et al.* 2008) rather than as a tool of misogynist oppression. Queer studies and intersectionality have made their entry into the field as they also now investigate religion. The recent reflection on homonationalism, inspired by the seminal work of Puar (2007), examines the intersection of broad structures of racism, neoliberalism and class exclusion that underwrite 'homonationalist configurations' in which the rehabilitated figure of the 'queer' is transformed into a border, differentiating in hierarchical terms Western liberal democracies from the rest of the world. More significantly, non-heteronormative sexualities also serve as a litmus test of citizenship, distinguishing between foreigners/immigrants capable of integrating into the West from those who, because they do not view homosexuality as normative, are not. Puar points out the racist or racial dimension of homonationalism as it tends to exclude specific groups, in her eyes most notably Sikhs, Jews and Muslims (Puar 2007). The figure of the homophobic migrant threatening the secularized gay body is one of the examples of this racialization process connected with homonationalist configurations (Haritaworn 2010). 'Intimate citizenship practices' have thus been erected into discriminating variables that measure the capacity of certain individuals to become European citizens or Europeanized. Concrete examples that clearly confirm the enmeshment of homonationalism with securitization, counterterrorism, nationalism and citizenship abound. Explicit publicity of homosexual sexual preference of leading EU political figures is deliberate in order to highlight Muslims' attitudes towards homosexuality. The best example is undoubtedly the gay, Dutch, anti-Muslim politician Geert Wilders and, in fact, Landman discusses the position Muslims should adopt towards homosexual rights in the Netherlands (Landman 2007). Its role in the Baden-Württemberg German tests of citizenship has also been crucial. Yet despite the reality of and scholarship on homonationalism, it must be reiterated that religious discrimination is still barely analyzed as specific to the experience of

injustice, or as distinct from racial and ethnic discrimination. As it remains under-politicized, and even euphemized as Islamophobia rather than as a specific form of racism, trying to distinguish the specific boundaries of religious discrimination of Muslims in EU member states from racial and ethnic prejudice thus becomes an almost unachievable task. This impediment to sound research on Islam and Muslims greatly inhibits the field.

Headscarf controversies as a European problem

Public manifestations of hostility against Muslims in the EU illustrate what I refer to as the contemporary ordinary trap in which European public opinion and opinion leaders seem to be locked.¹⁰ Since the Runnymede Trust report on Islamophobia published in Britain in 1997, a series of events have led to the intensification of explicit hostility towards Muslims, particularly in the EU. 9/11, the 7/7 bombings in London and the Madrid bombings first come to mind. However, the Danish cartoons episode, the murder of Theo van Gogh, the referendum against the construction of minarets in Switzerland and the anti-burkini campaigns¹¹ have also contributed to the consolidation of a boundary of resistance against and separation from Muslims in Europe. Within this sequence of events, the process of exclusion of the Islamic headscarf reveals itself as part of a continuum demanding more than a descriptive ethnographic narrative. While Muslims settled in the West are increasingly perceived as 'problems' in need of regulation, they are presented as epitomizing the conflict of interests between democracy and multiculturalism – both considered as principles and practices. Let us examine some of the controversies over burkas, minarets and burkinis from this perspective in order to chart the way in which panics about 'multiculturalism gone wild' circulate in a transborder manner, with situations occurring in one country very quickly becoming reality in another (Titley and Lentin 2011).

The *New York Times* reported on 1 December 2009 that the Swiss People's Party campaign posters (depicting a Swiss flag with black, missile-shaped minarets, and a woman shrouded in a niqab) demonstrate the 'determination of the right to play on deep-rooted fears that Muslim immigration would lead to an erosion of Swiss values'. The campaign was effective: 57.5 percent of the voters expressed their support for banning the construction of minarets, a collective decision that will become enshrined in the Constitution. Examining the situation of Muslims in Switzerland more closely and beyond the fear-mongering, one discovers that out of the total of 150 mosques or prayer rooms in Switzerland, only four bear minarets; two more minarets were being planned at the time of the vote but none of them were planning to serve for conducting the call to prayer (this information was mentioned by the *New York Times*). This illustrates the discrepancy between reality and perception. The Swiss episode confirms the contemporary re-emergence of the motif and iconography of the threat, no longer a phantasm situated beyond national borders but embodied in male and female co-citizens who typify behaviors considered antagonistic to national identity. Another example of policy propelled by the notion of threat is the Council of State's decision to deny French nationality to a Moroccan woman due to her niqab (considered a radical practice of her religion). As various observers from different disciplines have argued, the decision, clearly linking opposition to the burka and the discussion of French national identity, in fact exposes the ambiguity and even contradiction of a public policy which, while aiming to support a more equitable treatment of Islam in France, glosses over individual Muslims' experiences of mistreatment.¹² Both the Swiss and French examples were in effect made possible by the connection made between an iconic fantasy of otherness (the fully veiled Muslim woman) and a much more ordinary unease, arising from day-to-day interactions between Muslims and people ignorant

of or unfamiliar with Islam. The daily discomfort produced by such interactions help situate the declarations of European political leaders that opened this chapter but also illustrate what Younge (2011) calls the confusion between multiculturalism as fiction and multiculturalism as fact. In the first case, it is envisioned as a 'liberal state-led policy of encouraging and supporting cultural difference at the expense of national cohesion'. In the second case, multiculturalism is understood as the lived experiences of ordinary people. Younge describes the former as 'rooted in the fear of what has never been', explaining why, for example, in Switzerland, the regions most hostile to the minaret were those in which the fewest Muslims actually lived.

The stigmatization of the Islamic headscarf across Europe evinces how the governance of bodies is increasingly interconnected with other forms of 'racism in the name of feminism' (Razack 2008), although this aspect remains unacknowledged in mainstream public discourses. If, in France, it is clearly anchored in the French Republican tradition of control of the private space (Iacub 2008), it has devised other rationales to take root in other political cultures. There are nonetheless common underlying themes. Reading the headscarf controversies as a 'normative account of the relationships between citizenship and identity' (Laborde 2001: 718) reveals a shared conviction that the headscarf is a contaminating element, harmful for both national identities and the individuals who wear one. Such a consensus, however, contravenes principles such as equality and neutrality and religious freedom, as well as the right to carry private indicators of intimate convictions into the public sphere. The Islamic headscarf has become a sensitive issue across Europe, giving rise to legal disputes and political controversies of various natures in several EU member states, notably in France, Belgium, Germany, the Netherlands and the UK. The ubiquity of the debates has made headscarves, and by extension the Muslim women wearing them, signify 'everything that is thought to be wrong with Islam', generating moral panic and hysteria. More recently, the focus has turned from the headscarf to the burka as the main object of stigmatization in and rejection from European public space(s). The dominant trend emerging in EU member states, premised on political and legal discourse, tends towards imposing further limitations on specific minority religious practices (Pew Global Attitudes Survey 2010). The Pew Research Center's Global Attitudes Project released a survey on 8 July 2010, which revealed the massive and widespread support for banning the full Islamic veil in Western Europe. Vast majorities in France (82 percent), Germany (71 percent), Britain (62 percent) and Spain (59 percent) approve of a ban on Muslim women wearing full veils in the public sphere, including in schools, hospitals and government.¹³

From one country to another in the EU, similar fundamental rights are being challenged and redefined in the hijab controversies (freedom of expression, freedom of religion versus neutrality, freedom of 'the other' and public order), but the reactions of member states range from a complete ban (France, Belgium, the Netherlands), to a limited one (Germany), to a public discussion with no legal decision taken (as in Italy), or to a case-by-case approach (Britain) (Sauer 2009). National definitions of identity and citizenship certainly affect this variation, but two main positions towards the hijab can nonetheless be distinguished. First, the accommodating position (dominant in the 1980s but decreasing since the 1990s) of public authorities towards the requests made by Muslim women to wear a headscarf in their lives as European citizens, and second, the position adopted by those who wish to ban this behavior/garment from certain parts or all of the public sphere. Theoretically, the public neutrality of liberal states would support European legal receptiveness to religious and cultural diversity, but the current tendency is rather to move towards more restrictive definitions of cohesive citizenship. If, in culturally plural societies, anti-discrimination policies can be seen as a central element of the organization of the pacific coexistence between competing interpretative systems (as in the case

of religions) or between conflicting values (as in neutrality of the state versus individual freedom of religion), the tendency to curtail religious freedom (limiting the right to wear a headscarf in specific settings) expresses the felt necessity to curb visible religious practices in secular contexts. In some cases, the difference between types of secularism (established church, *laïcité*, concordat type of church and state relationship) or the various definitions given to 'disturbances of public order' provide the premise for European judges to plead for the limitation of the right to wear a headscarf. For example, the European Court of Human Rights (ECHR) deliberated that the restriction can sometimes be necessary in democratic societies on the basis that the wearing of the headscarf may negatively impact on others (Blair and Aps 2005: 7). It therefore supports the more restrictive member states on this matter,¹⁴ mostly on the grounds of the margin of appreciation that gives priority to the state assessment of its own situation (Hoffmann and Ringelheim 2004). The ECHR adopted, for instance, a contextual reading of the Turkish Sahin case by defending the Ankara University president's decision to forbid the wearing of the headscarf on campus. The interference with Miss Sahin's individual religious freedom was, relying on the reasoning on the margin of appreciation, deemed justified by the necessity to protect public order.¹⁵

The widespread debates and legal limitations imposed on the wearing of the headscarf make clear that in Europe the headscarf is viewed as an inadequate social object, a source of risk and iniquity, perceived simultaneously as an obstacle to integration (of the membership group and the individual), emancipation (of women), dialogue (between Muslims and non-Muslims, veiled and non-veiled women, men and women), as well as to public authority. The headscarf controversies that started in France in 1989 stand as the almost perfect incarnation of the interwoven tensions present in the Republic's integration plan born of a tradition that is at once political (Hazareesingh 1994), philosophical (Laborde 2008) and sociological (Schnapper 1991). Voicing disenchantment and detestation, French public opinion has in practice celebrated the headscarf daily, through its consistent omnipresence in the media (Bowen 2006). The 2004 law,¹⁶ entirely at odds with the original political discussions on the subject over a decade earlier, resulted from a general conviction that the headscarf harms both the Republic and the individual who wears it in several ways (Amiraux 2009). One, it breaches the principles of equality, neutrality and discretion required in terms of public expression of the private. Two, according to those who proposed the law, it fractures equality among students in the school setting by emphasizing difference. In addition, wearing the headscarf in state schools is considered to contravene the religious freedom of other children. Three, the headscarf is also perceived as detrimental in that it prejudices the school's civic role, restoring to the school environment a religious authority that had gradually disappeared with the process of secularization (Baubérot 2004).

France has certainly taken the lead in the recent overt hostility expressed towards Muslims in Europe with regard to the headscarf; the real distinction between France and other EU countries lies in the earliness and longevity of the debate in the public arena (1989–2004).¹⁷ In other countries it only became the subject of controversies several years later, after the mid-1990s. If the French republican tradition expresses a climactic and difficult struggle between disembodied political ideals and social issues expressed in conflict-laden, practical configurations, the emergence of debates over the wearing of the Islamic headscarf in state schools throughout Europe challenges the assumption of the particular nature of the French settings (MacGoldrick 2006). All the European contexts considered in this discussion on the headscarf have indeed reacted to the garment (Kilic *et al.* 2008), even though they have developed different traditions of debate and historicities. The French debate illustrates, albeit in an extreme manner, the tangible effects made possible by the constitutional principles underpinning public life (neutrality, equality) and

organizing the system of public freedoms. The continuous oscillation between a open *laïcité* recognizing differences and one claiming an absolute separation between the secular and religious domains is evident in the dispute over the wearing of the headscarf. If the persistence of women to wear the headscarf is seen as evidence of the intractability of believers in secular contexts, the way in which the Islamic headscarf is stigmatized in French society also illustrates a particular form of governance exercised over the body and bodily behavior rooted in the republican tradition of the control of private spaces and practices pre-dating 1989. To a certain degree, the 2004 legislation represents a culmination of this tradition. It restores public state authority by setting a penalty (exclusion of religious signs and those wearing them from public school) and restating the legislative principle (*laïcité*), which operates through institutions to enable and stabilize its effectiveness.

Akin to other 'Muslims in Europe'-related topics, much research has emerged on the headscarf. Two principal conclusions can be drawn from 20 years of scholarship. One is the recognition that a multiplicity of meanings is ascribed to the garment by those who wear it. The other is that the analyses are most often rooted in postcolonial and gender studies methodologies. They relate the wearing of the headscarf to a variable and contingent construction of hybrid, fluctuating identities. Deconstructing dominant representations, it frames the garment as a conscious choice made by modern women. The main effect of this interpretation, which relies on a contextualized reading of individual situations, has been the 'de-Islamization' of the headscarf thereby positioning it in wider practices and discourses of discrimination, such as racism and sexism. While positing individual choice as the only alternative narrative available to veiled Muslim women for giving meaning to their behavior in a secular environment has helped de-essentialize and deculturalize discourse on the wearing of the headscarf, it remains particularly problematic in the secular contexts. Fernando explains how reducing the wearing of the headscarf solely to personal choice divorced from the reality of religious authority makes the expression of this 'chosen' personal practice, evidently encompassing a religious dimension, impossible within public spaces that neither accept the religious nor equate it with individual choice (Fernando 2010). In a secular worldview, the idea of choice is difficult to reconcile with the concept of religious prescription (from the Qur'an) or obligation. Regardless of these new theorizations, the French state's desire to eliminate the supposed risk associated with the headscarf, for both Muslim women and the Republic, has thwarted the religious freedom of the main players. While the multiple meanings of the headscarf are now accepted – at least in academic circles – these do not necessarily result in the recognition of the role of religion in choosing to wear one.

The EU headscarf controversies post-9/11 bring back to the surface old and perhaps unresolved conflicts over the former close relationship between church and state throughout the EU. However, they completely disregard the 'religiosity' of individuals, namely the intimate and inventive way in which an individual performs his/her link to a corpus of dogma. Religiosity is what makes religion concrete and visible in society. It gives meaning to action, and it may help to recognize others as well as to be recognized. The idea of a believer performing his/her religion on a daily basis remains absent from the public debates over religion and religious practices, even though it is central to the establishment of collective albeit not necessarily national identities that signify to members of a group and to the world who they are, what they stand for and what kind of society they hope to create. This explains why the absence of the voices of headscarf-wearing Muslim women characterizes all of the European national public debates. To reconsider with some seriousness the gestures and emotions that belief makes present in society would constitute a means of doing justice to the subjects, indeed taking them and their subjective attachment and assent to a belief seriously. The legal process

could in fact constitute a way of taking seriously, in sociological terms, the meaning that the players give to their gestures and which includes for most veiled women an inherent religious dimension. This would mean that the wearing of the headscarf would neither be reduced, restricted to or amalgamated with other gestures, nor confused with other signs. At present, the real motivations of women for wearing the veil are irrelevant in that they don't change how the garment is perceived. The law provides the *modus operandi* to work on definitions, since it is a device for finding equivalents, for categorization, which obviates the dynamics of justification and qualification. It would then be possible to explore what the challenge of defining the religious offers as an option for knowing and acknowledging the legitimacy of religious beliefs, without neglecting the fact that in settling such conflicts the law seems to feel torn between two principles: on the one hand an aspiration towards equality, and on the other an aspiration towards liberty.¹⁸

How far is the headscarf-bashing movement indicative of Europeanization? Among its multiple meanings,¹⁹ the notion of Europeanization usually refers, in political science, to the impact of the European integration on domestic policies of EU member states (Krizsan and Popa 2010). In large part, it conveys the idea of the circulation of rules (formal or informal), procedures, policy paradigms from the European level to more national and local ones. It either emerges as a consequence of the implementation of European policies, or through appropriation by the effect of socialization to European norms and rules (Börzel and Risse 2003). Research has therefore extensively studied the effects of European institutions on policies and politics at both the international and national levels (Favell and Guiraudon 2009). However, religion is not a common EU area for policy with specific related institutions. The Europeanization process here encompasses the idea of the emergence of a transnational European public confronted 'with the norms and morals of European secular modernity' (Göle 2010: 109). It is, I argue, enacted through the transnational political affirmation of the existence of a cultural distinction between Muslims and non-Muslims. The reactivation of national identity discussions in EU member states is based on an intensified politics of exclusion of Muslim signs and practices from public spaces. The equation of national culture with national identity builds a symbolic wall²⁰ that defies and rewrites traditional boundaries. Europeans fantasize a no-border zone (this is, to some extent, the case in the EU), without though escaping the paradox of still needing to draw frontiers inside this borderless territory. The last section of this chapter will elaborate on this paradox, as it relates to the public stigmatization and racialization of gendered Muslim figures.

Is secular Europe fair to Muslims?

Since the end of the 1990s, EU secular public spaces have taken a radical turn when dealing with the growing visibility of Muslims. The headscarf and burka are not the exclusive supposed indicators of religious orthopraxis that European political leaders wish to stigmatize, demonize and therefore control. On 16 March 2011 the *Collectif de lutte contre l'islamophobie*, a Muslim non-governmental organization (NGO) working to counter religious discrimination of Muslim populations in France, reported the ongoing stigmatization of female Muslim students in a Saint Ouen high school (Lycée Auguste Blanqui, located in Seine Saint-Denis, a northern suburb of Paris). The school director had been ordering several Muslim students to come to her office on account of their wearing long, uni-colored skirts. All are Muslim and all wear the headscarf outside of school, taking it off inside as mandated by the 2004 law. Considering their long skirts ostentatious religious signs, the school head asked them to wear blue jeans and T-shirts like the other students, threatening them with expulsion if they did not comply.²¹ The politics of the

increased surveillance of private convictions and even personal tastes implies a rather restrictive definition of freedom.²² What is crucial in freedom is its principle, not the possibility to choose between options. Belief is not only about inner contemplation: it also has to be performed. The wearing of an Islamic headscarf certainly constitutes, in many if not most cases, an inherent part of such a performance of personal religiosity. It results from an individual choice about which there is no consensus from the religious authorities. In the headscarf controversies, however, political authorities and citizens intervene simultaneously to determine whether a religiously motivated gesture can be tolerated or not in European democratic liberal societies. Religious beliefs therefore cease to be a matter of purely personal preference as they transform into the subject of public arguments articulated in political and moral terms.

European public spaces have become increasingly intolerant towards Muslim forms of religiosity, regarding them as cultural, social and political pathologies. As Muslims have been made more public since 2001, it is imperative to historicize this process of stigmatization by pointing to the colonial period as a moment of racialization that made of the Muslim the quintessential outsider (Goldberg 2009: 163). If it is reductive to impute the full responsibility of contemporary forms of racism to the colonial experience and its corollary Orientalism, similarities in the public discourses can be observed in the way in which, for instance, cultural hierarchies are established and categorized through fantasies and iconographies of otherness and narratives of deviance.²³ However, the binarism underwriting these constructions not only traces a line between 'us and them', but also serves to distinguish between, in this case, good Muslims and bad Muslims. If this distinction always intensifies in the aftermath of terrorist acts and/or controversies related to Muslims, they nonetheless must also be linked to difficult daily interactions between citizens.²⁴ 'Racial distinctions become so routinized that a racial hierarchy is maintained without requiring the component of individual actors who are personally hostile towards Muslims' (Razack 2008: 9). The already discussed iconography of threat plays out and transpires in daily interactions. It is articulated through the erection of public transnational controversies and image, clichés that contribute to the production of a common stage on which similar dramas are being played and interpreted by standardized actors: 'Islam is staged in public by means of religious rituals and symbols, by gendered modes of address, by manifestations and collective prayers, and by new forms of jihadism and violence that challenge and threaten the consensual values and civilizational attributes of Europe' (Göle 2010: 109). The creation of an iconography of bad versus good profiles of Muslims was quite intense immediately after the US, London and Madrid bombings, but also increased with the murder of Theo van Gogh, the Danish cartoons controversies or the intensification of the headscarf discussions in the EU. Through this designation of bad and good Muslims, huge controversies (over the headscarf, gang rape, the urban riots or global insecurity) confirm the perpetuation of a 'philanthropic' attitude towards 'museumized peoples' who would be 'petrified into a lifeless custom', to take on Mamdani's words (Mamdani 2004). They need to be saved from the outside as they are incapable of working on their culture (Mamdani 2004). If the continuity of institutional practices (during and after the colonial Empire) is clearly apparent, the emphasis on contemporary iconic constructions of Muslims is rather ethnographic in its focus on the governance of bodies as the main sites for controlling, through sophisticated legal technologies, the modes of social reproduction and transmission of good practices, and best virtues.

I would like to argue that exactly as the 'fiction of race' has mixed science with common sense and traded on the complicity between them (Wacquant 1997), the 'fiction of religion' (here Islam) operates similarly: the external signs of belonging to Islam (headscarf and burka) serve to classify human beings by reference to selected embodied properties so as to exclude them.²⁵ They equally contribute to the emergence of unequal structures of citizenship, as

happened with the centrality of the figure of the Muslim woman in need of saving: 'As a practice of governance, the idea of the imperiled Muslim woman is unparalleled in its capacity to regulate' (Razack 2008: 17). Razack shows, for example, how the regulation of the marital age of consent and family reunification helped the Norwegian state to create a category of citizen whose private-life choices are controlled (as in Foucault's 'conducting the others' conduct'). The author, comparing various Western contexts (Canada, Norway), explores the way in which three allegorical figures (the dangerous Muslim man, the imperiled Muslim woman, the civilized European) 'animate a story about a family of white nations' (Razack 2008: 5). She points out the articulation between a process of eviction from law of certain racialized groups of people, the routinization of racial thinking to cope with Muslim others in the West and the revitalization of a 'colonial governance'. In most EU member states, legal banning has become the central technology for governing the conduct of the Muslim as dangerous person. Hence antidiscrimination law is a site where race and religion intersect, although, as has already been noted, religion is also protected under the freedom of religion constitutional clause. However, whereas both EU and French laws prohibit discrimination on the grounds of religion, it is race and ethnic origin (or color) that are in fact at the core of employment anti-discrimination in both contexts. In practice, in all the public discussions the issue is no longer that of harmonizing the freedom of everyone with the rights of anyone. What is specific to the religious and cultural symbols at stake here is that they expose the normative dimension of discourses on justice and equality, namely the impossibility of objectifying some of the social facts we are seeing coexisting in plural societies (Morag 2002). The thoroughly modern, anti-Muslim racism which characterizes European public opinion relies on 'the new incarnation of post-colonial imperialism, which makes Islam into the "other" who cannot be assimilated, confusing the self-determination of the autonomous subject with the subjectivity of the white, European male' (Laborde 2001: 721).

If in some ways we are all incompatible and Islam represents for Europeans a 'collection of lacks' (Goldberg 2009: 165), the major challenge for political liberalism is that we need to be reasonable (Rawls 1993, 1999). However, religion is still not an intelligible category for thinking diversity and EU states are, as has been demonstrated, not reasonable about it. The increased recourse to legal discourse and the application of rights not only characterizes the way in which European states resolve affairs involving the headscarf, but also now informs and structures research into minority groups and more widely into public policy on the promotion of equality and the fight against discrimination (Conant 2006; Cichowski 2006; Geddes and Guiraudon 2007).²⁶ This new presence of cultural issues in law arises from a much broader reflection on the legal protection given to individual cultural rights (Sachar 2001; Song 2007), which attempts to establish whether a legal culture of equality is enough to establish effective means of creating equality among believers. The initial negative response results from a reading of legal procedures as interlaced with the political cultures from which they arose, making it impossible to recognize the moral independence and composition of subjects of law embodying so-called 'illiberal' values (Brown 2006). Taking it a step further, Brown points out that some members of minority groups are a culture, while 'we' have culture. To a certain extent, law assigns identity just as subjectively as any other official source of authority. The contribution of the law to the analysis of the headscarf's transformation into a social issue is most beneficial to sociology in terms of the attention it gives to definitions. Defining religion forms probably one of the most hazardous exercises now facing national courts in Europe, frequently through compensation cases for obstruction of freedom of conscience and religious practice. Is it possible (and if so, how) to determine whether religious practices and convictions are authentic or not to a religion? What becomes of the 'sincerity' argument proposed by believers? What is the relevance of

the dual demand of discretion and respect for cultural spaces granted by systems regulating the religious, made to minority religious groups in a pluralist context? As a central and irrevocable condition of modern global realities, religious pluralism still has nothing 'natural' about it, and there is some value in observing how the experience of religious difference is formulated by the players who embody it (Bender 2007). There are legal implications arising from varying definitions of the religious, which also affect the assessment of the sincerity of religious expression. Hence, debates about belief and religious practices are inextricably linked to issues of *sincerity* which often, at their most basic and emotional level, emerge as accusations by one group against another, reproaching them for not being 'true' believers (Beamann 2008). Examining different EU contexts, I have demonstrated that religion has been quite absent from the public discussion around the headscarf and burkas mostly because Islam stands more for race and culture than for religion. Secularism in Europe, notwithstanding the specific national traditions, conceives of religion in terms of institution(s) rather than practice or experience, what Ammerman terms 'everyday religion' performed through everyday accomplishments (Ammerman 2006). This incapacity to take religion seriously is particularly well illustrated by the silence of anti-racist groups and their incapacity to take part in the headscarf or burka discussion. The cause of 'the Muslim woman' seems unappealing to anti-racist activists in Europe, perhaps because of the enduring of the woman to be saved narrative. Culture, as Claverie (2003) points out with regard to her work on appearances of the Virgin Mary, only becomes a 'problem' when it is manifested by practices, by perceptible manifestations. The discussions that took place in the EU about what Muslims can and cannot do were never really about religion defined as a system of beliefs and practices oriented towards the sacred or supernatural, affecting the way and perhaps quality of life of individual believers. Liberal secularism (radical in its French version, more flexible in the British one) is based on denominational freedom: people can believe what they want in the private sphere. As a consequence, the public space is conceived of as a realm based on a cultural consensus that overrides individual liberty and on the idea that practice can be reduced to preferences and choices. However, can practices be dissociated from convictions (or, in other words, should religion be relegated to the private sphere to make pluralism viable)?

Conclusion

At this stage, we are still left with a series of unanswered questions related to the issue of the 'justiciability' (Skach 2006) of religious freedom in secular contexts (i.e. restricting religious freedom in the name of religious neutrality in EU member states). If religion indeed forms a private matter, then why do states care about it? Is cultural distinction really a threat to liberal European democracies? From the legal viewpoint, the claims for equality made by Muslims living in Europe are put forward in a context where religious freedom is no longer deemed absolute. Religions are cultural and historical variables, and social and cultural interpretative systems. The consistent historical mistrust vis-à-vis particular expressions of diversity, even when purely part of the private individual life, exposes the unspoken nationalism underwriting discourses of identity and the cultural and ethnic boundaries they seek to reproduce.

In a so-called post-Westphalian order, boundaries and frontiers have to be redefined so as to be distinguished from the classical idea that a border is the line of separation between two competing territories and therefore delineating the existence of an inside and an outside. This conception is still prevalent; even the historical construction of secularism is based on this idea that church and state can be separated by a demarcating line. Several authors advocate the development of a new topology of the border (Bigo and Walker 2007) in light of the

'pixellization of frontiers' (Bigo and Guild, quoted in Bigo *et al.* 2009) or the border network (Arbaret-Schulz *et al.* 2004), and the obsolescence of the traditional notion of boundary as territorial line. Indeed, not only are national dramas made public issues in other contexts and hence transnationalized, but they all relate to each other, reconstituting internal racial and religious borders inside the EU which, ironically, represent or are thought to represent the achievement of a social, political and economic space devoid of territorial borders. The process of exclusion of Muslim bodies from certain liberties happens inside the nation-state, not at its limits. These pixel borders contain and defend, just as walls do not merely protect but produce the content of the nations they barricade (Brown 2010: 41). The articulation of the concrete procedure of access to citizenship impeded by barriers and forms of surveillance of private and public behaviors clearly blurs territorial boundaries, replacing them with national virtual lines of demarcation hierarchizing classes of citizens (Brown 2010: 15).

The religious diversity embodied by Muslim European citizens remained, in 2011, key, generating contemporary anxieties and social panics in the EU. As is clear from recent public debates over the legitimacy of religious signs or dress, religious legal systems within secular states, comic strip controversies, or still yet family law issues, Islam and Muslims are at the center of debates about modern European democracies and their futures. Mapping religious diversity is indeed frequently coupled with normative prescriptions about how modern citizens should engage with religious others. Over the past years, European politics of difference have been a mixture of hesitation, inconsistency and faithfulness to historical ghosts and abstract principles. There is a need to invent a new type of tie binding individual citizens to the political, since national belonging (citizenship) is increasingly disassociated from cultural belonging. Despite the substitution that can be identified between race and religion as elements of inclusion/exclusion from national contexts, they do not totally overlap, either in their legal treatment or their political outcomes. Both are regulated through constitutional politics; however, the regulations differ. Whereas the constitutional politics of race imply political struggles over the meaning of equality and the legal tools to implement them (affirmative action, ethnic monitoring, etc.), the constitutional politics of religion, and especially Islam, imply a renegotiation, or a reinterpretation of an historical compromise on secularism and its implementation. Whereas the principle of equality characterizing liberal constitutional states cannot tolerate the rule of exception, when it comes to religion there seems to be room for exceptional treatment or differential treatment at least.

Notes

- 1 This chapter concentrates on Muslims in the EU. For the United States see Esposito and Haddad 2000; Leonard 2003; Cesari 2007; Laurence and Strum 2008; and for Canada see Bramadat and Seljak 2005; Helly 2004, 2010; Korteweg 2008.
- 2 Integration remains a highly ill-defined notion as it moved from being a classical sociological concept into forming part of political and ideological vocabulary, used interchangeably to convey the projects of assimilation, incorporation or participation (Düvell 2009; Penninx *et al.* 2006).
- 3 Secularism is based on the assumption that the influence of religion would inevitably decline, as the authority of the church in Western societies would wane in the face of that of the empirical sciences. The diminishing impact of religion on social behavior is traditionally seen as an inherent part of modernization, linked in particular to an increased individualization of religious affiliations and practices (the 'do-it-yourself' perspective) and to 'privatization' of religion in Europe as the solution to cultural conflicts (Barry 2001). Politics, culture and social morality came to be conceived as independent of any religious influence. Morality has therefore become a personal as opposed to a collective concern. European citizens are supposed to relate to society as autonomous, responsible, reflective entities.

- 4 In addition, particularly since the 1990s, it also relates to issues of national security (Amiriaux 2010).
- 5 The introduction of a religious question in the UK census emerged after a long political discussion between different groups of actors, including members of religious communities. The data collected thus far reveal the heterogeneity of religious groups (Peach 2006). The 2001 census gave the following results: Christians represented 71.6 per cent of the British population, Muslims 2.7 per cent, Hindus 1 per cent, Sikhs 0.6 per cent and Jews 0.5 per cent. This appears to be particularly significant when discussing occupational attainment in relation to education: treating Muslims as a homogeneous group ignores important differences which may reflect a respondent's ethnicity as well as the characteristics of his or her home neighborhoods (Johnston *et al.* 2010: 586). For example, Muslims show different exposure to ethnic penalties when comparing between Indians, Pakistanis and Bangladeshis.
- 6 Some sources for quantitative data are the European values survey (www.europeanvalues.nl), the international social survey program (www.issp.org), and the European social survey (www.ess.ned.uib.no).
- 7 Given that secularization refers primarily to the idea that religious values and behaviors are shaped by individuals, it follows that attempts to quantify evidence of secularity rely mostly on an assessment of personal religiosity.
- 8 The visibility of political Islam in Muslim contexts probably contributed to the systematization of identifying Muslims on the grounds of institutional belongings (associations, mosques) and practices. The idea of transplantation, in which patterns of behaviors are understood as traces of the origins, constituted a major framework used to discuss political Islam among European Muslims (Bastienier and Dassetto 1984). It provides a method of analysis that considers path dependency and, more recently, the transnationalization of the political conflicts.
- 9 European constitutions, theoretically, provide nationally and transnationally through the European Convention on Human Rights (ECHR) protection for religion and religious beliefs.
- 10 The ordinary trap alludes to Mills' suggestion that people feel trapped when they become more aware, 'however vaguely, of ambitions and of threats which transcend their immediate locales'. He then fleshes out the articulation between 'the personal troubles of milieu' and 'the public issues of social structure' to illustrate the need for sociological imagination as the capacity to range from the most impersonal and remote transformations to the most intimate features of the human self – and to see the relation between the two (Mills 2000).
- 11 The burkini made headlines both in France and Italy in the summer of 2009. If the situations were in each case different, they usually involved burkini-clad bathers asked to leave a swimming pool or public beach. In some cases the burkini bathers were said to be scaring people, children in particular, as in a public swimming pool in Verona.
- 12 By a decision on 27 June 2008 (Mme Machbour, no. 286798), the French Council of State denied French nationality to a Moroccan woman living in France, married to a French citizen and mother of three children, because her religious dress was considered radical and incompatible with the core values of French society.
- 13 In February 2011 Iceland started to debate the possibility of preemptively banning the burka. According to some Members of Parliament, the question should be addressed before women wearing burkas arrive in Iceland. See *Rekjavik Grapevine*.
- 14 See, for instance, in *Dahlab c. Suisse* in 2001, and more recently *Leyla Sahin c. Turquie* in 2005; *Dogru v. France* December 2008.
- 15 Other decisions taken by Turkish courts have since been validated by the EHRC ruling.
- 16 The March 2004 law consists of the addition of a sentence to the Code of Education prohibiting the wearing of ostentatious religious signs in public schools. Since its approval, and in addition to being obliged to appear bareheaded on ID documents, Muslim women wearing the headscarf have also been excluded from courts of justice, universities, work places, hospitals and city halls, far beyond the domain of provision of the law.
- 17 There are other distinctions within the various countries: the actors affected by the ban are not the same (students in France, teachers in Germany); and the garment concerned – the 'type' of headscarf forbidden – also varies (the extreme veil, that is, the *jilbab* in England).
- 18 In the British context, this legal discussion forms part of a wider debate about tensions between feminism and multiculturalism (Moller Okin 1999; Abu Lughod 2002; Phillips 2007), which also refers to competing norms (freedom of expression/free speech and freedom of conscience).
- 19 Europeanization consists of 'processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared

- beliefs and norms, which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies" (Radaelli 2004: 3).
- 20 With tangible effects on Muslims living in non-Muslim contexts, the specific stigmatization attached to the headscarf has increased the social cost of presenting oneself, as Muslim cultural racism is not only a discourse, but also produces concrete and overt acts of discrimination in several areas of social life (employment, education, housing and health).
 - 21 This episode follows a series of state public declarations and announcements. The Interior Ministry declared in March 2011 that the users of public services (hospitals in particular) would soon be asked not to wear any religious signs. The Minister of Education wrote a note expressing his concern that all parents wishing to take part in school activities could not wear any religious signs, including and most particularly in the case of mothers accompanying their children to school or participating in extracurricular activities.
 - 22 Arendt in fact links freedom to the ability to act. In her view, public space means a guaranteed public realm where actors not only coexist but outwardly express the demonstrable fact of their freedom (Chaudhary 2005: 356).
 - 23 Colonialism is intrinsic to the contemporary scenes of European integration, though the colonial is rendered unseen in most representations of Europe. This is mostly operated through silencing voices that may challenge the posited universality of European narratives (Bhambra 2010).
 - 24 Many scholars have engaged in this type of analysis. The 'Arab boy' of North African origin, extensively publicized as responsible for insecurity in society at large, but also for that of the women of his own community, 'seems to be a ghost from the colonial past [...] like a clone of the indigène that turned into first an immigrant then a Muslim' (Guénif 2006: 118). The historical figure of the cruel Arab is updated in new scenes of confrontation and crime, nowadays often relating to deviant sexual practices (on gang rapes see Muchielli 2005; on the stigmatization of the Arab male as 'voleur, violeur et voleur' – thief, rapist and 'veiler' – see Guénif and Macé 2004), or violent radicalization.
 - 25 The burka ban targets men and women, both figuratively and literally. The sign is conflated with the oppressed woman and the male oppressor as confirmed by the French law project which suggests a fine to be paid by both the wife and the husband.
 - 26 The dual aspect of legal action and the framing of discourse on equality in legal terms around issues of religious rights highlights the difference in skills among minority groups (Sikhs and Muslims, for example) and the different ways in which they have dealt with European legal systems.

References

- Abu Lughod, L. (2002) 'Do Muslim women really need saving? Anthropological reflections on cultural relativism and its Others', *American Anthropologist* vol. 104, no. 3: 783–90.
- Adelkhah, F. (1991) *La révolution sous le voile. Femmes islamiques d'Iran*, Paris, Karthala.
- Ahmed, L. (1993) *Women and Gender in Islam: Historical Roots of a Modern Debate*, New Haven, CT, Yale University Press.
- Amiraux, V. (2002) 'Academic discourses on Islam(s) in France and Germany: Producing knowledge or reproducing norms?', in W. Ruf (ed.), *Islam and the West*, Münster, Agenda Verlag, pp. 111–38.
- (2005) 'Discrimination and claims for equal rights amongst Muslims in Europe', in J. Cesari and S. McLoughlin (eds), *European Muslims and the Secular State*, Aldershot, Ashgate, pp. 25–38.
- (2009) "'L'affaire du foulard" en France. Retour sur une affaire qui n'en est pas encore une', *Sociologie et Sociétés* vol. 41, no. 2: 273–98.
- (2010) 'Suspicion publique et gouvernance de l'intime: Contrôle et surveillance des populations musulmanes dans l'Union européenne', in D. Bigo, E. Guittet and A. Scherrer (eds), *Mobilités sous surveillance. Perspectives croisées Union européenne-Canada*, Montréal, Athéna, pp. 73–87.
- Amiraux, V. and Guiraudon, V. (2010) 'Discrimination in comparative perspective: policies and practices', *The American Behavioral Scientist* vol. 53, no. 12: 1691–714.
- Ammerman, N. (ed.) (2006) *Everyday Religion: Observing Modern Religious Lives*, New York, Oxford University Press.
- Arbaret-Schulz, C., Beyer, A., Piermay, J.L., Reitel, B., Selimanovski, C., Sohn, C. and Zander, P. (2004) 'La frontière, un objet spatial en mutation', *EspacesTemps.net*, available at espacestems.net/document842.html (accessed 12 May 2011).

- Asad, T., Brown, W., Butler, J. and Mahmood, S. (2009) *Is Critique Secular? Blasphemy, Injury and Free Speech*, Townsend Papers in the Humanities, No. 2, Berkeley, University of California Press.
- Barry, B. (2001) *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Cambridge, Polity Press.
- Bastienier, A. and Dassetto, F. (1984) *L'Islam transplanté: Vie et organisation de minorités musulmanes de Belgique*, Anvers/Bruxelles, EPO/EVO.
- Baubérot, J. (2004) *Laïcité 1905–2005, entre passion et raison*, Paris, Seuil.
- Baubérot, J. and Milot, M. (2011) *Laïcités sans frontières*, Paris, Seuil.
- Beamann, L. (2008) 'Defining religion, the promise and the peril of legal interpretation', in R. Moon (ed.), *Law and Religious Pluralism in Canada*, Vancouver, UCB Press, pp. 192–216.
- Becci, I. (2004) 'The veil debate: when the religious Other and the gendered Other are one', in G. Titley, *Resituating Culture*, Strasbourg, Council of Europe, pp. 139–49.
- Beckford, J. and Wallis, J. (eds) (2006) *Theorising Religion: Classical and Contemporary Debates*, London, Ashgate.
- Bellah, R. (1970) *Beyond Belief: Essays on Religion in a Post-Traditional World*, New York, Harper and Row.
- (1991) *Beyond Belief: Essays on Religion in a Post-Traditional World*, Berkeley, University of California Press.
- Bender, C. (2007) 'Rethinking religious pluralism', *The Immanent Frame*, available at blogs.ssrc.org/tif/2007/11/08/understanding-religious-pluralism (accessed 12 May 2011).
- Bhambra, G.K. (2010) 'Sociology after postcolonialism: Provincialized cosmopolitanisms and connected sociologies', in E.G. Rodríguez, M. Boatca and S. Costa, *Decolonizing European Sociology: Transdisciplinary Approaches*, Surrey/Burlington, Ashgate, pp. 33–47.
- Bigo, D. and Walker, R.B.J. (2007) 'Political sociology and the problem of the international', *Millennium* vol. 35, no. 3: 725–39.
- Bigo, D., Bocco, R. and Piermay, J.L. (2009) 'Logiques de marquage: murs et disputes frontalières', *Cultures & Conflits* vol. 1, no. 73: 7–13.
- Blair, A. and Aps, W. (2005) 'What not to wear and other stories: Addressing religious diversity in schools', *Education and the Law* vol. 17, no. 1–2, March/June: 1–22.
- Börzel, T. and Risse, T. (2003) 'Conceptualizing the domestic impact of Europe', in K. Featherstone and C. Radaelli (eds), *The Politics of Europeanization*, Oxford, Oxford University Press, pp. 57–78.
- Bowen, J. (2006) *Why the French Don't Like Headscarves*, Princeton, NJ, Princeton University Press.
- Bramadat, P. and Seljak, D. (eds) (2005) *Religion and Ethnicity in Canada*, Toronto, Pearson Education Canada.
- Bréchon, P. (2007) 'Cross-national comparisons of individual religiosities', in J. Beckford and J. Demerath (eds), *The Sage Handbook of Sociology of Religion*, London, Sage, pp. 463–89.
- Brown, W. (2006) *Regulating Aversion: Tolerance in the Age of Identity and Empire*, Princeton, NJ, Princeton University Press.
- (2010) *Walled States, Waning Sovereignty*, New York, Zone Books.
- Cardozo Law Review (2009) 'Symposium: Constitutionalism and Secularism in an Age of Religious Revival: the Challenge of Global and Local Fundamentalisms', vol. 30, no. 6.
- Cesari, J. (ed.) (2007) *Encyclopedia of Islam in the United States*, Westport, CT, Greenwood Press.
- Chaudhary, A.S. (2005) 'The Simulacra of Morality': Islamic veiling, religious politics and the limits of liberalism', *Dialectical Anthropology* vol. 29: 349–72.
- Cichowski, R. (2006) 'Courts, rights, and democratic participation', *Comparative Political Studies* vol. 39: 50–75.
- Claverie, É. (2003) *Les guerres de la Vierge: Une anthropologie des apparitions*, Paris, Gallimard.
- Conant, L. (2006) 'Individuals, courts, and the development of European social rights', *Comparative Political Studies* vol. 39: 76–100.
- Davie, G. (2002) *Europe, the Exceptional Case. Parameters of Faith in the Modern World*, London, Darton, Longman and Todd.
- Dobbelaere, K. and Riis, O. (2003) 'Religious and moral pluralism: theories, research questions and design', *Research in the Social and Scientific Study of Religion*, Leiden, Brill, pp. 159–72.
- Düvell, F. (2009) 'Migration, minorities, marginality: New directions in European research', in C. Rumford (ed.), *Handbook of European Studies*, London, Sage, pp. 328–46.
- Esposito, J. and Haddad, Y. (2000) *Muslims on the Americanization Path?*, New York, Oxford University Press.
- Favell, A. and Guiraudon, V. (2009) 'The sociology of the European Union: An agenda', *European Union Politics* vol. 10, no. 4: 550–76.

- Fekete, L. (2009) *A Suitable Enemy. Racism, Migration and Islamophobia in Europe*, London, Pluto Press.
- Fekete, L., Bouteldja, N. and Mühe, N. (2010) *Alternative voices on integration*, IRR, available at www.irr.org.uk/2010/july/ha000029.html (accessed 10 May 2011).
- Fernando, M. (2010) 'Reconfiguring freedom: Muslim piety and the limits of secular law and public discourse in France', *American Ethnologist* vol. 37, no. 1: 19–35.
- Fetzer, J.S. and Soper, J.C. (2005) *Muslims and the State in Britain, France, and Germany*, Cambridge, Cambridge University Press.
- Geddes, A. and Guiraudon, V. (2007) 'The Europeanization of anti-discrimination in Britain and France', in C. Bertossi (ed.), *European Anti-Discrimination and the Politics of Citizenship: France and Britain*, Basingstoke, Palgrave-Macmillan, pp. 125–42.
- Goldberg, T. (2009) *The Thread of Race: Reflections on Racial Neoliberalism*, Malden/Oxford, Blackwell.
- Göle, N. (1993) *Musulmanes et modernes*, Paris, La Découverte.
- (2010) 'European self-presentations and narratives challenges by Islam: Secular modernity in question', in E.G. Rodriguez, M. Boatca and S. Costa (eds), *Decolonizing European Sociology: Transdisciplinary Approaches*, Surrey/Burlington, Ashgate, pp. 103–15.
- Grillo, R., Ballard, R., Ferrari, A., Hoekema, A.J., Maussen, M. and Shah, P. (2009) *Legal Practice and Cultural Diversity*, Aldershot, Ashgate.
- Guénif, N. (2006) 'La Française voilée, la beurette, le garçon arabe et le musulman laïc. Les figures assignées du racisme vertueux', in N. Guénif (ed.), *La République mise à nu par son immigration*, Paris, La Fabrique, pp. 109–32.
- Guénif, N. and Macé, É. (2004) *Les féministes et le garçon arabe*, Paris, Éditions de l'Aube.
- Haritaworn, J. (2010) 'Wounded subjects: Sexual exceptionalism and the moral panic on "Migrants Homophobia" in Germany', in E.G. Rodriguez, M. Boatca and S. Costa, *Decolonizing European Sociology: Transdisciplinary Approaches*, Surrey/Burlington, Ashgate, pp. 135–51.
- Hazareesingh, S. (1994) *Political Traditions in Modern France*, Oxford, Oxford University Press.
- Helly, D. (2004) 'Are Muslims discriminated against in Canada?', *Canadian Ethnic Studies* vol. 36, no. 1: 24–47.
- (2010) 'Orientalisme populaire et modernisme: Une nouvelle rectitude politique au Canada', *The Tocqueville Review/La revue Tocqueville* vol. 31, no. 2: 157–93.
- Héritier, A. (ed.) (2002) *Common Goods: Reinventing European and International Governance*, Boston, MA, Rowman & Littlefield.
- Hoffmann, F. and Ringelheim, J. (2004) 'Par-delà l'universalisme et le relativisme: La Cour européenne des droits de l'homme et les dilemmes de la diversité culturelle', *Revue interdisciplinaire d'études juridiques* no. 52: 109–42.
- Iacob, M. (2008) *Par le trou de la serrure. Une histoire de la pudeur publique, XIX-XXIe siècle*, Paris, Fayard.
- Johnston, R., Sirkeci, I., Khattab, N. and Modood, T. (2010) 'Ethno-religious categories and measuring occupational attainment in relation to education in England and Wales: A multi-level analysis', *Environment and Planning* vol. 42, no. 3: 578–91.
- Jonker, J. and Amiraux, V. (eds) (2000) *Politics of Visibilities: Young Muslims in European Public Spaces*, Bielefeld, Transcript Verlag.
- Kilic, S. (2008) 'The British Veil Wars', *Social Politics* vol. 15, no. 4: 433–54.
- Kilic, S., Saharso, S. and Sauer, B. (2008) 'Introduction: The Veil. Debating citizenship, gender and religious diversity', *Social Politics* vol. 15, no. 4: 397–410.
- Koenig, M. (2007) 'Europeanising the governance of religious diversity? An institutional account of Muslim struggles for public recognition', *Journal of Ethnic and Migration Studies* vol. 33, no. 6: 911–32.
- Korteweg, C.A. (2008) 'The sharia debate in Ontario: Gender, Islam, and representations of Muslim woman's agency', *Gender and Society* vol. 22, no. 4: 434–54.
- Krizsan, A. and Popa, R. (2010) 'Europeanization in making policies against domestic violence in Central and Eastern Europe', *Social Politics* vol. 17, no. 3: 379–406.
- Laborde, C. (2001) 'The culture(s) of the Republic: Nationalism and multiculturalism in French Republican thought', *Political Theory* vol. 29, no. 5: 716–35.
- (2005) 'Secular philosophy and Muslim headscarves', *Journal of Political Philosophy* vol. 13, no. 3: 305–29.
- (2008) *Critical Republicanism: The Hijab Controversy and Political Philosophy*, Oxford, Oxford University Press.
- Landman, N. (2007) 'Too much Islam? Challenges to the Dutch Model', *Global Dialogue* vol. 9, nos 3–4, available at www.worlddialogue.org (accessed 11 May 2011).

- Laurence, J. and Strum, P. (2008) *Governments and Muslim Communities in the West: United States, United Kingdom, France and Germany*, Washington, DC, Woodrow Wilson International Center for Scholars.
- Leonard, K. (2003) *Muslims in the United States: The State of Research*, New York, Russell Sage Foundation.
- MacGoldrick, D. (2006) *Human Rights and Religion. The Islamic Headscarf Debate in Europe*, Oxford and Portland, Hart-Publishing.
- Mahmood, S. (2005) *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton, NJ, Princeton University Press.
- Mamdani, M. (2004) *Good Muslim, Bad Muslim: America, the Cold War and the War on Terror*, New York, Pantheon.
- Maréchal, B., Allievi, S., Dassetto, F. and Nielsen, J.S. (eds) (2003) *Muslims in the Enlarged Europe*, Leiden, Brill.
- Maussen, M. (2007) *The Governance of Islam in Western Europe: A State of the Art*, Amsterdam, IMISCOE Working Paper No. 16.
- Meer, N., Sala Pala, V., Modood, T. and Simon, P. (2009) 'Religion, culture, identity, and education in Western Europe', in J. Banks (ed.), *The Routledge International Companion To Multicultural Education*, New York, Routledge.
- Mernissi, F. (1987) *Le harem politique: Le Prophète et les femmes*, Paris, Albin Michel.
- Mills, C.W. (2000 [1959]) *The Sociological Imagination*, Oxford, Oxford University Press.
- Modood, T., Triandafyllidou, A. and Zapata-Barrero, R. (2006) *Multiculturalism, Muslims and Citizenship: A European Approach*, New York, Routledge.
- Moller Okin, S. (1999) 'Is multiculturalism bad for women?', in S. Moller Okin, J. Cohen, M. Howard and M.C. Nussbaum (eds), *Is Multiculturalism Bad for Women?* Princeton, NJ, Princeton University Press, pp. 1–27.
- Morag, P. (2002) 'Rights and recognition: Perspectives on multicultural democracy', *Ethnicities* vol. 2, no. 1: 31–51.
- Muchielli, L. (2005) *Le scandale des tournantes*, Paris, La Découverte.
- Open Society Institute (2010) *Muslims in Europe: A Report on 11 EU Cities*, Budapest, New York and London, OSI.
- Peach, C. (2006) 'Muslims in the 2001 Census of England and Wales: Gender and economic disadvantage', *Ethnic and Racial Studies* vol. 29, no. 4: 629–55.
- Penninx, R., Berger, M. and Kraal, M. (eds) (2006) *The Dynamics of International Migration and Settlement in Europe. A State of the Art*, Amsterdam, Amsterdam University Press.
- Pew Global Attitudes Survey (2010) *Widespread Support for Banning Full Islamic Veil in Western Europe*, July.
- Phillips, A. (2007) *Multiculturalism without Culture?*, Princeton, NJ, Princeton University Press.
- Puar, J. (2007) *Terrorist Assemblages: Homonationalism in Queer Times*, Durham, NC, Duke University Press.
- Radaelli, C. (2004) 'Europeanisation: Solution or problem?', *European Integration online Papers* vol. 8, no. 16: 57–82.
- Rawls, J. (1993) *Political Liberalism*, New York, Columbia University Press.
- (1999 [1971]) *A Theory of Justice*, Cambridge, MA, Harvard University Press.
- Razack, S.H. (2008) *Casting Out. The Eviction of Muslims from Western Law & Politics*, Toronto, University of Toronto Press.
- Religion Monitor (2008) *What the World Believes: Analysis and Commentary on the Religion Monitor 2008*, Gütersloh, Bertelsmann Stiftung.
- Robbers, G. (ed.) (2005) *State and Church in the European Union*, Baden-Baden, Nomos.
- Sachar, A. (2001) *Multicultural Jurisdictions: Cultural Differences and Women's Rights*, Cambridge, Cambridge University Press.
- Sauer, B. (2009) 'Headscarf regimes in Europe: Diversity policies at the intersection of gender, culture and religion', *Comparative European Politics* 75, vol. 1: 75–94.
- Schnapper, D. (1991) *La France de l'intégration: Sociologie de la nation en 1990*, Paris, Gallimard.
- Scott, J. (2007) *The Politics of the Veil*, Princeton, NJ, Princeton University Press.
- Simon, P. (ed.) (2004) *Comparative study on the collection of data to measure the extent and impact of discrimination within the United States, Canada Australia, the United Kingdom and the Netherlands*, Report to the European Commission, DG Employment and Social Affairs, Fundamental Rights and Anti-discrimination, Luxembourg.
- Skach, C. (2006) 'Leyla Sahin v. Turkey and "Teacher Headscarf Case" BVerfG, Case No. 2BvR 1436/02', *American Journal of International Law*, Centennial Issue, vol. 100, no. 1: 186–95.
- Song, S. (2007) *Justice, Gender, and the Politics of Multiculturalism*, Cambridge, Cambridge University Press.

- Statham, P., Koopmans, R., Giugni, M. and Passy, F. (2005) 'Resilient or adaptable Islam? Multiculturalism, religion and migrants' claims-making for group demands in Britain, the Netherlands and France', *Ethnicities* vol. 5, no. 4: 427–59.
- Tessler, M. (1999) *Area Studies and Social Science: Strategies for Understanding Middle East Politics*, Bloomington, Indiana University Press.
- Titley, G. and Lentin, A. (2011) *Crisis of Multiculturalism*, London, Zed Books.
- Triandafyllidou, A. (ed.) (2010) *Muslims in 21st Century Europe*, New York, Routledge.
- Wacquant, L. (1997) 'For an analytic of racial domination', *Political Power and Social Theory* vol. 11: 221–34.
- Younge, G. (2011) 'The multiculturalism the European right fears so much is a fiction – it never existed', *Guardian*, 14 March.