

# A Crucial Question for the Nation State

While Islam is still perceived by many as the greatest impediment to integration in European immigration societies, a team of scientists headed by **Matthias Koenig** has come up with a more differentiated approach. As a sociologist and Max Planck Fellow at the **Max Planck Institute for the Study of Religious and Ethnic Diversity**, he has led the “Governance of Cultural Diversity – Socio-Legal Dynamics” Research Group since December 2011.

TEXT **BIRGIT FENZEL**

**E**arly in March 2015, when Germany’s Federal Constitutional Court reviewed its “headscarf ruling” of 2003 and decided that a blanket ban on headscarves at public schools was unconstitutional as it represented an infringement of faith, conscience and creed, the debate surrounding the country’s relationship with Islam entered a new phase. For sociologist Matthias Koenig, controversies relating to the public visibility of religious differences are an interesting phenomenon.

Not only do they offer insight into the explosive political issues of the day, they are also an expression of more fundamental dynamics of macro-sociological change in European societies that are exposed to immigration. In addition to his role as Professor of the Sociology of Religion at the Georg-August University of Göttingen, Matthias Koenig,

as a Max Planck Fellow, also leads a research group that studies, from a comparative perspective, how modern societies deal with cultural diversity.

## RELIGION AS A FACTOR IN INTEGRATION

In principle, the crucial question of religion was long considered to have been resolved in European nation states. The violent religious conflicts of the early modern era were taken to have been laid to rest in the secular state. In the 19th century, a model emerged of national statehood that foresaw the maximum congruence between sovereign statehood and cultural or indeed ethnic community. Thereafter, in the 20th century, a dramatic process of secularization occurred in many places, resulting in the mainline churches losing members and public influence.

In the meantime, however, migration and globalization have changed the relationship between state, nation and religion. “The post-war migration of labor led to the formation of Muslim minorities whose religious identities, convictions and practices have in no way lessened in importance,” says Matthias Koenig. As a result, religion has become a significant dimension in the process of integration. In many ways, religious differences in Europe represent a barrier that is meanwhile publicly recognized.

When, some time ago, scientists at the University of Konstanz published a report describing an extensive experiment in which they explored discrimination against Muslims in the labor market, the media response was loud. As the results of the study showed, even Turkish job applicants with excellent references are clearly discriminated

A disputed symbol of faith, especially in schools: The headscarf worn by Muslim women and girls. Is it perceived as an expression of individual religious freedom, or as a mark of segregation and traditional gender roles?







against in Germany. “It really is striking that the most strongly disadvantaged groups in Europe’s labor markets – North Africans in France, Turks in Germany, Pakistanis in Great Britain – all originate from Islamic homelands,” continues Matthias Koenig, who has studied the causes of this phenomenon with his colleague Phillip Connor of the Pew Research Center using data from the European Social Survey (ESS).

Since 2001, on a two-yearly cycle, this study has provided insights into the attitudes and behavioral patterns of people in over 30 nations. In essence, the sociologist sees here confirmation of previous analyses that indicated that individual socio-demographic features, human capital and an immigrant background only partially explain the disadvantages Muslims suffered in the labor market. “Even if one considers all the relevant individual-level variables, Muslims remain clearly disadvantaged

in the market,” concludes the researcher – a finding that is also confirmed by various national surveys.

#### **SYMBOLIC BARRIERS AND THE FIGHT FOR RECOGNITION**

It is impossible, on the basis of this data, to definitively establish whether and to what extent Muslims are discriminated against as a result of subjective prejudice or calculated intent. For Matthias Koenig, however, the results indicate that the erection of symbolic barriers against Islam could be the starting point for the consolidation of social inequalities.

If, as in the case of the labor market, people are denied access to resources and social status on the basis of their religion, this doesn’t fit well with an integration policy aimed at reducing social inequality and realizing social justice. In this context, the con-

troversies being aired in the public arena on the issue of whether a teacher may wear a headscarf at school and the demonstrations by Patriotic Europeans against the Islamization of the West (Pegida) supporters are simply fresh indicators of symbolic barriers.

As Koenig’s colleague Marian Burchardt – who together with Ines Michalowski of the Berlin Social Science Research Center (WZB) recently published an anthology entitled “After Integration” – points out, this is by no means a purely German phenomenon. The empirical analyses from ten countries included in this publication provided a detailed overview of Muslim life in Europe. It becomes very clear how closely integration is linked with the recognition of their religion.

On the other hand, what it means to be a Muslim in Europe is also dependent on how individual institutions, organizations and social networks stand

Left	In other countries too, there is a dispute over whether civil servants should be allowed to wear religious symbols. There were demonstrations in Quebec in 2013 after the provincial government attempted to ban headscarves, skull caps and crosses.
This page	People in the province of Quebec not only consider churches, synagogues and mosques to be sacred, they hold religious neutrality and the equality of men and women in similar regard. The provincial government used this leaflet and the slogan "One Quebec for All" when seeking support for a charter of values.

on Islam, or indeed on religion in general. "These relationships differ fundamentally, so the impression one receives depends not just on which country one is looking at, but also which area of life," says Burchardt.

According to his observations, controversies about burqas or niqabs are always more intense where there is already a history of local conflicts – for instance over the building of mosques or the activities of radicals. "The burqa debate evidently mobilizes locality- or city-specific collective memories of conflict situations with a religious and political slant."

Another effect of these controversies is to advance the simple concept of showing one's face to the status of a basic cultural belief that then acquires normative substance. "An openly displayed face now appears as a cultural manifestation with a strongly civilizing import, in the sense that 'in our civilization, we show our face,'" Burchardt continues.

For him, one of the basic features of this debate is that two versions of Islam are revealed and contrasted in public argument: Describing the two poles of public perception of this religion, he explains that "on the one hand there is an Islam, symbolized perhaps by the headscarf, that is compatible with modern life and democracy, while on the other hand there is an Islam that tends toward segregation, intolerance of disagreement, and anti-democratic values, which may be symbolized by the full-face veil."

From the perspective of the researchers in Göttingen, however, the recurrent controversies surrounding Islam are indicators of a more funda-



mental change in the institutional arrangements of state, nation and religion. The fact that this process varies from one European country to another is, in their view, the result of the specific legal parameters that have emerged from the separation between secular and spiritual powers in the course of the history of each nation state. For example, the biconfessional German-speaking territories are characterized by a corporatist model in which religion is perceived to be inherent to the public sphere, where religious organizations may even be endowed with certain state functions. The demands made by religious minorities for recognition are aimed particularly at inclusion in the system of co-operative church-state relations.

In contrast, the French republic has embraced the model of laicism, in which, following the principle of strict separation between church and state, religion is considered to be a purely

private matter, and any form of religious expression in public – be it a cross, a headscarf or a skull cap – is forbidden by law.

"Public insistence on religion is easily perceived as contaminating the sacred core of the nation, namely its republican laicity," remarked Koenig in previous works. However, confining religion to the private sphere doesn't mean that the state excludes itself entirely from this area. In 2003, for example, with the support of France's then Minister of the Interior Nicolas Sarkozy, the Conseil français du culte musulman was established as the central national body representing Muslims in France.

In Great Britain, Muslim inclusion generally follows the negotiation of rights in civil society. Due to the high degree of autonomy enjoyed by local authorities, for example in education policy, conflicts are largely settled at the local level. >





Not every headscarf worn by a teacher constitutes a threat to school peace:  
The German Federal Constitutional Court has revised its original opinion.

The fact that the present controversies surrounding Islam are colored by memories of past religious and political conflicts is evident from a comparison with what may be termed stateless nations, such as Catalonia or Quebec, which are also under cultural pressure to assert themselves. In an ongoing project, Koenig's colleague Burchardt is investigating the influence exerted by collective memories of the complex relations between nation and religion on the regulation of religious diversity, including the various forms of expressing and practicing Islam.

Whereas Catalan nationalism is indifferent to the issue of religion, Quebec's national identity is, paradoxically, able to simultaneously invoke both a republican model of laicity and a legacy of Catholicism. "As a result, Catalan policy is to actively include minorities in its national independence project, whereas the ways in which religious diversity is dealt with in Quebec are far more likely to provoke conflict," says Marian Burchardt.

In the opinion of Matthias Koenig's Fellow Group, the institutionalization of the right to equal religious freedom

is of central importance in the present dynamic process of change affecting these dispositions. "Courts," says Koenig, "have become arenas for the battle for religious recognition." According to this point of view, the new ruling handed down by the judges in Karlsruhe in the headscarf dispute, in which they not only recognized the teacher's religious freedom as worthy of protection, but also debarred the unequal treatment of religions in schools, may be seen as another step toward the legal inclusion of religious minorities, of which there are numerous instances to be observed in Europe.

"We are basically witnessing new politics of religious recognition that are characterized by the inclusion of religion as a legally protected form of identity and the concomitant symbolic boundary shifts," says Koenig. To that extent, court rulings such as this also belie a far-reaching transformation of liberal democracies that no longer see themselves as committed to the collectivist project of a nation that is as homogeneous as possible, and are instead concerned with protecting individual rights.

"The fact that country-specific regulations are increasingly frequently coming under the eye of the European Court of Human Rights and its jurisdiction in matters of religious freedom, as well as falling foul of EU antidiscrimination policy, underscores the transnational character of present-day religious controversies," Matthias Koenig believes. Although the courts are able to act as important forces in driving the inclusion of religious minorities, at the same time, their effectiveness is always dependent on public reaction and the political balance of power.

Just as religion has become a legitimate vehicle for policies centered on identity and recognition, it can also be used to exactly the same extent in reinventing national or European identities. The integration of Islam is thus accompanied by constant tensions between the dynamics of law and politics. The Karlsruhe judgment won't be the final answer to the crucial question of where nation states stand on religion. ◀

#### TO THE POINT

- In European immigration societies, religion has become an important aspect of the integration process. Religious differences are frequently perceived as barriers.
- Current controversies surrounding religious diversity are defined by the historic paths followed by individual countries in the formation of a nation state, as well as by memories of religious and political conflict situations.
- Legal proceedings at the national and transnational level are a driving factor in the integration of Muslim minorities. However, the effects of court judgments are always dependent on public reaction and the political balance of power.