



Policy Department  
Structural and Cohesion Policies

**ISLAM IN THE EUROPEAN UNION:  
WHAT'S AT STAKE IN THE FUTURE?**

CULTURE AND EDUCATION





EUROPEAN PARLIAMENT

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**STUDY**

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## **ISLAM IN THE EUROPEAN UNION: WHAT'S AT STAKE IN THE FUTURE?**

### **STUDY**

#### **Content:**

This report presents the current stakes concerning the Muslim presence in Europe. It addresses four main areas: organizational processes underway within Muslim communities; the questions of education and leadership; the juridical profiles and political management of Muslims; cohabitation as a decision to live together. Based on the findings of the study, proposals are made.

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## Executive Summary

**The reality of European Islam is very diverse. The differences** are related to national, cultural, religious and linguistic elements; they **definitely remain important**. On the one hand, the ethnic frame of reference remains quite significant, or is on the way to becoming so. And the many distinctions between groups of European Muslims continue to matter even at the level of mosques, and associations in Europe. On the other hand, even the second and third generation of Muslims in Europe have not produced many trans-national Muslims.

**Nowadays, discussions of European Islam may in fact refer to very diverse elements.**

Formerly, there were a certain number of common historical viewpoints taken up in a European context as regards the presence of Muslims. At first, this presence was an unexpected novelty. Later, after the colonial experience had played out further, and after the tendency to see the Muslim dimension only as a generic cultural frame of reference had proven inadequate, European perspectives towards this Muslim presence changed so that the religious dimension was eventually taken into consideration.

Muslims became increasingly visible upon the continent, and this phenomenon followed quite a similar rhythm across Europe.

Some common problems were confronted and discussed by Muslims. At a stroke, problems related to Muslims moved from the complex of social and cultural issues alone, into the realm of political and philosophical issues. On a global European scale, Muslims strive to get a legal status comparable to that given to other recognised religions. And there are facing quite many cases of unfriendly attitudes. Above all there is uneasiness, which is often expressed as a fear of the radicalization of European Islam.

At the level of faith, contrary to an assumption made by many about Muslims, including many Muslims concerning themselves, not all Muslims practice Islam in the same way, and not all Muslims have the same subjective experience of it. **Only about a third out of 15 million Muslims have, so to speak, made their self-reference to the Islamic faith active.** In the current state of affairs nothing allows us to say that this portion will or will not become larger. It is certain that the popular desire for Islamic religion has remained strong, and has indeed grown stronger during the last thirty years, but it is not at all certain that this will continue.

**It is also important to acknowledge that the Muslim presence in Europe is an uneven and unfinished process.** It is an ongoing process in the manner of all social facts. The internal articulation of European Islam is unfinished, leaders are rare, the leadership class is in the process of being constituted, the populations are still in the process of taking full possession of (their rights in) European public space, with many still rendered fragile because of the difficulty and precariousness of their entry into the space of the labour market.

Among others, two different dimensions of this Muslim presence were more especially taken into account and emphasised in the present report dealing with the integration of Islam in Europe. One focuses on diverse facets of the legal integration of Islam within European national realities. Another focus involves questions about the internal leadership of the Muslim communities and its fundamental role – and how this is to be implemented through long-term education.

## 1. The question of legal integration

Islam is undergoing a transformation process from an immigrants' religion into a religion that by full right is part of the European reality. **This process should be accompanied, in legal terms, by appropriate actions that will allow Muslim communities to fully integrate themselves into the European model of relations between States and religions.**

Although there is no single model of relations between States and religions in the European Union, three common principles – religious freedom, autonomy of religious communities, and cooperation between State and religious communities – recur in all Member States and constitute the hub around which they revolve. Islam can therefore find its own place within the different national systems of relations between States and religion, provided it respects that common core.

The establishment of Muslim organizations operating on a national scale, in a position to represent the Muslim communities settled in a State, is a preliminary condition for such a process. In most European countries, the legal regulation of religious communities is established on a national scale, and failing sufficiently representative organizations, the Muslim communities would be condemned to remain on the fringe of the relation system between States and religious groups. Bearing in mind this urgency, it is however advisable to proceed pragmatically and adapt strategies to the situation of each different country. The need to relate with a national Muslim counterpart may be met in different ways, on the basis of the laws applied in each State.

**Giving Islam a sound legal status in the EU countries means addressing a number of delicate issues raised by the Muslim presence in Europe. Many of them do not pose new or particularly difficult legal problems.** Questions like the building of mosques, religious assistance in prisons, hospitals and in military service can be solved by applying well-established rules which already apply to other religious communities.

**In some other cases** (ritual slaughtering, religious holidays, availability of separate sections in cemeteries, supply of religiously admitted food in the canteens of schools, prisons, etc.), **a little more caution is required: enlarging the area of exceptions to affect the general law is always a delicate matter and requires a careful analysis in which general interest and particular needs should be balanced. But EU Member States do not lack guidelines, which derive from their experiences with other religious communities on the same issues.**

There are other areas where a complete levelling of the Muslim community with the other religions characterized by a longer presence in Europe, will take longer. Teaching of Islam in State schools is an example, while questions connected with personal status and family law could provide other instances. In these sectors, the experimentation and research phase has not yet come to an end. It is thus advisable to encourage attempts that are being made in some European countries in order to have a pool of knowledge and experiences that will facilitate taking more considered decisions.

Analysis of the problems raised by the presence of Muslim communities in Europe does not confirm the assumption that Islam is incompatible with democracy and the secular State. On the grounds of the experience matured with other religions, the **European legal system of relations between States and religions already has available the necessary instruments to deal with and solve the problems raised by the presence of Muslim communities in Europe.**



The fact that the challenges posed by Muslims' presence in Europe may be met without breaking up European legal systems does not mean these systems are not bound to change under the pressure of Islamic demands. The adjustment is not an easy task, because it alters a long-standing balance of rights and privileges allotted to different religious communities: but it definitely remains within the boundaries of a physiological transformation process.

## 2. **Beyond organizational forms, the major and urgent question of education and intellectual leadership**

There is a whole range of currents of thought within Islam, and each current has its own sensibility. These currents are associated with organizations that have come out of the ancient and modern history of Islam. Most of the time, the activity of the members of such organizations gave rise to the establishment of a string of mosques and prayer rooms in Europe.

Beyond the past importance of creating places of worship, this **organizational picture is nowadays changing**: many other organizations have already been started up, tailored to the European space and able to display independence from Muslim countries, especially as regards their source of funds. Some youth movements take on a supple appearance, almost a la carte, and aim above all at the production of the meaningful and the moral.

But yet another step is still nowadays to be taken if the integration of Islam in Europe is to succeed: Muslims should succeed at creating higher institutions of education. Why? Because it is likely that **the greatest challenge in the future will be the constitution of an intellectual elite, capable of its own autonomous, original intellectual production**, to be established upon the experience of European Muslims in dialogue with the reality of European societies and their cultural and philosophical foundations.

It is likely that the harmonious development of Islam in Europe will depend, from now on, less upon institutional or organizational development than upon the development of intellectual dynamism, upon socio-cultural creations and interactions.

Indeed, the Muslim communities in Europe should be able to express intellectual and normative elaborations, adopting a European perspective able to deal with contemporary times and, above all, contemporary problems being faced by Islamic thought. This is nowadays **a basic requirement in order to acquire a higher profile in public places for Islam**. Is it also the only way to meet contemporary Muslims and non-Muslims' expectations.

And this requirement should be fulfilled through the appearance of new leaders, since **there now exists a shortage of trained leaders being produced in European space** and this situation is likely to worsen in the future.

As a matter of fact, contrasting tendencies are in operation: the younger generations that have grown up in Europe and have been educated there do not necessarily and gradually take responsibility for the community. For several reasons, **European Islam continues to be affected by the dynamics that exist in terms of world Islam, even if they are carried forward by actors who were born in European territory**. To explain that situation, we can mention the arrival, through marriage, of Muslim leaders trained in Muslim countries at the forefront of Islam. We also point to the return of members of the second generation of immigrants who studied Islamic sciences in Muslim countries since there was no place to carry out those studies in Europe. They too are also returning with Islamic baggage not always easily adaptable to the context in which they

find themselves. In that case, world Islam is not only imported, but is carried forward by actors who were born in European territory.

Thus, one of the top priorities in the future is the creation of institutions of higher training and education in Europe. If Muslims do not succeed in doing so on a short or middle term basis, it should be useful to consider possibilities to promote a strategy of development.

**In the long term**, the question of appropriate scholarship, leading to the constitution of a Muslim leadership, is also linked to the **question of the fight against terrorism**. The establishment of an appropriate education is the only means capable of diffusing **counter-arguments proposing alternatives to the literalist schools** that have dominated the scene since the 1970's. Of course, that particular aspect of the struggle against Islamic terrorism would also require continued focus on security (through dismantling networks and sources of the professionalization) and socioeconomic promotion which aims at reducing the level of relative deprivation. It would also require consideration of a profound crisis in masculine identity (connected with the desire to preserve those values that are emblematic of patriarchal society), with an eye toward promoting better self-regulation in the community.

There are already a number of initiatives in Europe as regards providing opportunities for higher education, but there is **no stable model** for the kind of programme that might constitute a reference point at this time. There is important work toward convergence left to do.

**In conclusion**, a dynamic of change has to be set in motion. In this process, it is important:

- **To take the Muslim dimension into consideration in any reflection upon a European identity** (as much in respect of the state of things at present as in respect of the question of the rootedness of identity in the past).
- **To find an equilibrium** between principles of equity and innovation in the political management of the reality of European Islam (meaning **equity with regard to the Muslim faithful in relation to the faithful of other religions**); the desire for integration in general must involve the integration of Muslims into European space, and also the education of non-Muslim European citizens as regards Muslim reality. **For all citizens of the European Union**, there should be an emphasis on **education about citizenship and democratic foundations** (which are often taken for granted) and a pluridisciplinary investigation concerning the place of the religious dimension in public space.
- **To avoid reducing questions about European Islam that arises to stock patterns of encounter and dialogue between religions.**
- **To avoid getting stuck in situations that are, on the institutional level, responses to current expectations**, expectations that may not yet have stabilized. Here, we need to be aware that some Muslim organisations consider themselves as the representatives of European Muslims and attempt to function, sometimes improperly, as their spokespersons. In this context, **it is important to find out what the expectations of the great silent majority are**, as these are sometimes situated quite far from the concerns of their "representatives".
- **To promote, with great caution and prudence, the development of tolerant and open Islam** through activities of elaboration and circulation of ideas (translations and communication).

- **To promote profound debates which do not hesitate to evoke themes that may make people angry.** They must be conducted in a spirit of openness and freedom to speak, without limitation, in an atmosphere of mutual respect, reciprocity, and “reciprocal co-inclusion”. It is a question of going beyond a relatively passive cohabitation in order to reinvent and render actively operational the promotion of interculturalism in the city, now often confined to expressive forms, cultural forms, or even the folkloric.

**It is only by facing reality and emphasizing positive processes that the clash of civilisations, that has nothing to do with destiny, may be avoided.**



## Foreword

This report, which is intended to answer specific inquiries made by the Committee on Culture and Education of the European Parliament, has a double objective.

On one hand, this report is intended to shed new light on data that have already been fully discussed, in 2003, in the book *Muslims in the Enlarged Europe – Religion and society*, edited by B. Maréchal, S. Allievi, F. Dassetto and J. Nielsen. This work set forth the state of knowledge at the time of its publication with regard to European Islam. It was also based on the work of S. Ferrari and M.-Cl. Foblets, and upon the work of a number of other European correspondents<sup>1</sup>.

Otherwise, the present report aims at identifying a certain number of current issues. It tries to point out areas that require attention at this time, or even very specific kinds of intervention. In this way, the authors of the present report have placed special emphasis on the questions which are most likely to assume importance in the future, as regards the development of Islam in Europe, viewed from a completely concrete and pragmatic perspective.

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<sup>1</sup> In 2004, this book was named by *Choice* magazine (published by the American Library Association) as an “Outstanding Academic Title” – “the best of the best in published scholarship”.



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## Introduction

### Historical background, and the results of an initially unexpected presence

At the beginning of the 1960s, European countries that needed more labourers began to be unable to recruit them in the countries of Southern Europe. European countries then signed immigration agreements with countries of the Maghreb region and with Turkey, or simply opened their borders until enough workers came in to fill the needs of their labour markets. However, no one appears to have thought much about the complex process that was being initiated – for reasons which can be elucidated today.

#### 1. The succession of waves of “Muslim”<sup>2</sup> immigration into Western Europe

The 1960s represented a golden period of growth for European economies, and the first large wave of “Muslim” immigration occurred at that time. Agreements regarding immigration were signed with countries of the Maghreb region, which had attained independence, and with Turkey, where the agrarian reform of the 1950s disturbed the economic equilibrium of traditional rural agriculture, such that it became impossible for many to continue farming in the traditional way. At the same moment, Muslims from the Indian sub-continent were in the process of immigrating to England to swell the number of Muslims already living there.

This watershed period was followed by another, beginning in the late 1960s and running until the closing of borders that occurred in all the Northern European countries after the first oil shortage crisis of 1974. This period was important from a quantitative point of view. During this time, immigrants were reassembling their families in Europe, while illegal immigrants continued to enter. All these people would eventually be granted legal status during the mid to late 1970s. But as soon as these new immigrants arrived, they were confronted with the effects of a period of rising crisis in Europe, marked by unemployment and hostility to immigrants. At the same time the closing of the borders gradually convinced these immigrants that they must remain within European space. Within the history of the migration of populations, this case stands out, because this gradual realization quickly turned the possibility of working in Europe for a few years only (in order to “make one’s fortune” and then return) into an illusion.

A third period in the relocation of Muslim populations into Europe extended from the mid-seventies to the mid-eighties. In Northern Europe family members rejoining immigrants in Europe, and marriages were responsible for the influx. In Southern Europe, Italy and Spain experienced increased immigration; these countries would quickly appear as constituting the weak links in the attempt to close Europe to immigration.

A fourth period is reckoned as running from 1990 to the present. Legal immigration since the end of the eighties has consisted mainly of family members that are reunited with someone living in Europe, but illegal immigration has been on the rise for some time.

Listing these great waves of immigration of Muslim populations into Europe allows us to point out that a stratification in time corresponds to a stratification in experience. People’s experience

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<sup>2</sup> We are not going to use quotation marks any more to set off the term “Muslim”, although they should really continue to be used, because of the diversity of ways of belonging to Islam, and the subjective life of European “Muslims”.

is different, according to the length of time they have lived in Europe, and according to the “wave” they arrived on. This stratification partly corresponds to the difference between two generations, since those who immigrated during the first period have had time to start families, see their children grow up, and see their grandchildren grow up as well. Later immigrants may still be in the process of grouping or regrouping themselves into families. Finally, there has been stratification as regards the availability of marriage partners, to the extent that during the latest (and current) period of immigration most immigrants have been men and these mostly single. Of course, the developments over time of this process of immigration, which has taken and continues to take diverse forms – all of this has a relatively important effect upon the expectations religious people have, as regards the practice of their religion outside their home country.

## **2. The contemporary presence of Muslims in Western Europe**

At the end of the process described above, consisting of the confluence of a number of demographic trends, about 15 million people either born in a Muslim country, or the children or grandchildren of people who were born in a Muslim country, are living in Western Europe, that is, in the area extending from Sicily to the Pole, and from Ireland to Berlin. This number is much higher than the one for Slavic Europe or the Balkans, which resulted from the implantation of Muslim populations associated with the Ottoman Empire – nine million.

This only amounts to 3-4 % of the total population of Western Europe, though the figure, taken country by country, varies from 6 % (France) to 0.5 % (Sweden). A preponderance of this immigrant population is urban, such that certain cities, such as Birmingham, Marseille, Brussels, Berlin, and Utrecht have a Muslim-origin population over 10 %. Demographic projections show this number increasing in the future...

These Muslims come from every corner of the Islamic world. Their distribution across European territory harks back to ancient history of the imperial and colonial variety. Immigrants who left the countries of the Maghreb have ended up mostly living in European countries bordering the Atlantic, from Spain to the Netherlands. They are also well represented in Italy and Germany. Muslims from the sub-continent and from Pakistan were most numerous in England at first, though they have begun to spread out into Europe. Muslims from sub-Saharan Africa, especially from West Africa, established their numbers in France, in Spain and Italy. Still other Muslim groups, coming from Turkey, established themselves in Germany and Austria, but also in France, Belgium, the Netherlands, Sweden, Norway, and Finland. More recently, Muslim immigrants have arrived from Kosovo, Bosnia, Chechnya, Egypt, and Iran.

In the course of Muslim immigration since 1960, Europe has experienced its third great encounter with Islam, following the move, during the first centuries of Islam, into Sicily and Spain, and following the Ottoman occupation of the Balkans and certain Slavic countries. Of course, this encounter is peaceful, unlike the others, which brought European powers into conflict with Islam during the colonial period. The current wave of immigration is also carried forward by more than one stratum of experience in the host country. It seems likely that this encounter between civilizations will eventually be seen as one of the great cultural events of history.

Such an historical novelty, the unforeseen consequence of certain migratory flows, found the world unprepared. This historic event has been associated with its share of conflicts, but they appear in retrospect to be accidents, not representative of underlying realities, even taking into

consideration the tragedies of the subway train attacks in Paris and London, or the attacks on the Atocha train station in Madrid. These events will remain incidents unless certain processes end up becoming more frequent in the future.

### **3. Varying perspectives on immigration and the emergence of religious reference points**

European countries took a long time to understand what was happening and what was at stake in Muslim immigration overall.

At first the immigrant was only considered as a worker. This utilitarian attitude considered migratory movements in terms of production requirements, as temporary relief from a labour shortage. But the reality of immigration quickly gave the lie to this bit of fancy, and the famous observation was made: “We wanted them to lend us a hand, but they had the whole man attached.” And these whole men had whole families too.

No one appears to have thought much about what the introduction of Muslim-origin populations into Europe would or could mean. This ignorance had at least two causes.

First, there was still a tendency to see non-European immigrants, especially Muslims, from a colonial standpoint, as if the culture of someone native to a colony could only be backward or meaningless. Under such conditions, the only imaginable outcome was that of assimilation, acculturation to the modern world, following a Western model. Not until the seventies did there appear a new attitude, itself related to the struggles toward dignity of the Muslim people of former colonies who had won their independence. The new face of the Muslim was also related to the emergence of a “post-modern” culture, in the practical and theoretical reflections of teachers, health workers, members of benevolent movements and associations, and researchers in the human sciences. The discourse itself concerning the experience and understanding of a culture that was “other” became an important part of the self-understanding of immigrants.

Second, failure to understand what was happening as a result of Muslim immigration was also due to a tendency to see the Muslim dimension only as a generic cultural frame of reference (it was not at once perceived as a religious one). Independence movements and campaigns for national identity were carried on in the name of cultures, of nations, of an Arab identity – and only secondarily in the name of religion. Even early direct immigrants from Muslim countries hardly emphasized Islam during the 1960s, and this continued through the mid-1970s. For example, consider the work of M. Catani<sup>3</sup>, one of the first French-language studies of the “experiences” of immigrants from Muslim countries. Not a word is said about Islam, other than a brief prayer for health and for a marriage partner. Islam was a very sketchy reference point, even a private one, for Muslims themselves as well as for the non-Muslims they were living beside.

Everything changed in the mid-seventies<sup>4</sup>. It was actually in Muslim countries where, in response to a renewed demand for Islam from the people, a number of projects appeared that aimed at inserting Islam into a certain political and even geopolitical context. Islam would again become a legitimate point of reference for individuals and for society. In the host countries, everything changed as well. On one hand Europe’s self-confidence had been shaken as a result of the first oil shortage and the increasing secularization of society. On the other, Muslims were

<sup>3</sup> Catani M. (propos recueillis par), *Le journal de Mohamed*, Stock, Paris, 1973.

<sup>4</sup> Many works have examined this. Among them: Dassetto F. (2004), Meddeb A. (2002), Merad A. (1992).

busy discovering their religious dimension for several reasons, having to do with culture and their personal identities. We shall return to this question in a chapter concerning social visibility. Thus a process took place, whereby people came to see men and women where they had once seen only workers. People with individual and social expectations and cultural particularities, religious people for whom Islam formed an important part of their identity, people who bore it aloft as a symbol, or even a banner. In the eyes of non-Muslims, the apprehension of these facts conferred a new complexity upon European Muslims.

## Part one

### The meaning of the development of Islam in Europe

#### 1. European Islam?

Muslims have begun a process of establishing roots in Europe, which is far from being completed. The geopolitical posture of Europe as a whole has changed because Europe has become a space containing a stable Muslim population. And it has begun to realize this.

The reality of European Islam is very diverse. It does not at all constitute a monolithic bloc, and this diversity partly explains the only gradual awareness of Europeans that prevailed... until fairly recently. Sociological research carried out in recent years has provided a better picture of the many distinctions between groups of European Muslims in cultural terms, and in terms of their belonging to the Islamic world. These variations in religious terms are in turn confronted with each other, in accordance with multiple dynamics that mean that the construction of European Islam is the locus of a fair amount of tension.

##### 1.1. Many origins, many nations, many cultures, many languages – all Muslim

Islam, in the transplanted/implanted form in which it is found in Europe, can be characterized by its extreme diversity, to the point where one may say that at the level of the entire Muslim world, European life is a novelty for Muslims entering it; seeing that in Europe Muslims experience the continuous version of the universality of the Umma<sup>5</sup> as it is exceptionally experienced during one's pilgrimage to Mecca. It is also novel for Muslims to live in a pluralistic society.

At any rate, the majority of the Muslims of Europe come from regions in which Sunni Islam is practiced: the Maghreb, Turkey, the Indian peninsula, and sub-Saharan Africa. These regions observe diverse doctrinal and ritual forms of belonging to Sunni Islam. Malekism in the Maghreb, Hanifism in Turkey, Pakistan and India. In Italy and in Scandinavian countries, there are significant numbers of Shi'ites from Iran, who are often linked to student movements or are political refugees. Finally, within the Muslim community in the largest sense, of a single faith, Islam is made visible in its cultural and linguistic traditions, Arab, Turk, Indian, Balkan, black African – each in turn further divided, sometimes along ethnic lines. We take culture as a totality of customs and ways of living, including eating habits, certainly, matrimonial customs, and artistic expressions – among many other forms. These new cultural expressions turn out to be significantly managed by a wider world of culture and education. In “world culture”, the doors are always open to diversity of expression.

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<sup>5</sup> Umma is understood here as “community of the Muslim believers” (this definition is probably nowadays the most common among Muslims, because of the influence of political Islam). Nevertheless, as M.Ch. Ferjani points out, it is important to acknowledge that this term “Umma” is often mentioned in the Coran (51 times in the singular form and 13 times in the plural form) and that its scope is variable. Thus, beside the rather exclusive meaning of “religious political supranational community of Muslims”, “Umma” is also often referred to as the community to whom God has sent some Prophets and witnesses (without making any difference between those who adhered to the message or not), or even referred to as the whole group of living persons (verse 6 sourate 38, or verse 7 sourate 38). See M.-Ch. Ferjani (2005), 85.

These classic dividing lines in Islam are emphasized still further by relations of Muslims with their countries of origin, especially if their country has gained independence. In concrete terms, the national feeling of Muslims is accentuated if their countries of origin display an assertive national identity, going almost as far as nationalism. Turkey, Morocco, and Pakistan have inspired such feeling, which becomes weaker with each generation, but never completely goes away, not even if particular groups of Muslims end up becoming citizens of an EU Member State, as is often the case.

For the rest, to the extent that these newly independent countries may have “nationalized” the practice of Islam, they use it to unify the country, or to bolster their regimes. As a result, those countries which are anxious to organize the populations of their countries tend to do so in religious terms. In Europe, this causes national, cultural, and linguistic differences between Muslims to continue to matter even at the level of mosques, federations, and associations in Europe. Even the second and third generation of Muslims in Europe have not produced many trans-national Muslims, in the sense of European Muslims that succeed in establishing their European identity and in reducing any need to fall back upon their own national origins (if not indeed European) or the national origins of their parents.

## **1.2. Emergence of an ethnic and political identity?**

These forms of national and cultural reference points are typical in the history of migrations. Today it really appears that they are being taken up in a logic of higher order, that of the construction of an identity in political terms, that is also called an ethnic identity<sup>6</sup>. It is not impossible that this identity should also take skin colour into consideration in its construction. This identity influences practices, especially people’s choices concerning people to associate with and do business with (community-based “ethnic business”). This identity also has an effect on political orientation, such that one may speak of an “ethnic vote”. This ethnic identity can be accompanied at times by a certain consciousness of marginalization or stigmatization, which in turn may lead certain people to stay within certain boundaries in order to feel at home.

Certain authors (Schulze, 1998; Vertovec and Rogers, 1998; Bastenier, 2004) view ethnic categorizations as part of the foundation of our ability to live together today, and some have spoken of an “ethnicization of social relationships”. Whatever the justice of this characterization, no one can deny that the ethnic frame of reference remains, or becomes, very significant. What we have here is a political identity that is easy to communicate with. One could almost call it pre-political, inasmuch as it calls out to “my people”, and my people can be identified through basic characteristics that allow mutual recognition that is simple and obvious – a culture, a language, skin colour, these things determine that one is Arab or black, Pakistani, Flemish, or whatever. These new ethnic frames of reference coexist alongside ancient European ethnicities, whether linguistic or cultural.

In concrete terms, the use of this kind of ethnic referential frame can be traced back in many ways to changes that occurred in European public opinion in the 1990s. In a number of countries, citizens were susceptible to fears generated by the de-structuring characteristics of economic globalization, and they became very sensitive concerning unfamiliar aspects of certain political and/or nationalistic identities.

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<sup>6</sup> See Bastenier A. (2004) for an in-depth and recent reflection on this question.



There are ethnic political parties that make use of these ethnic references, such as the *Vlaams Belang* of the Flemish region of Belgium, or the *Freiheitlichen Partei Österreichs* (Austrian Freedom Party) of Jörg Haider; there are analogies between these ethnic parties and the *Lega Nord* (Northern League) of Umberto Bossi. Further, mainstream political parties make efforts to channel “ethnic” actors of Arab, Turkish or Pakistani origin, etc., in order to damp down ethnic demands, but also in order to gain their votes.

On the side of political dynamics generated by immigrants themselves, we see that ethnic parties as such have not yet appeared in Europe. Attempts in this direction, such as those of Dyab Abu Jahjah in Antwerp (Belgium) have been unsuccessful. It is possible for such parties to form and be successful in the future. Already, however, it is apparent that the ethnic vote plays a large role in the success of men and women coming up from the immigrant community to appear on the electoral lists of various mainstream parties.

### 1.3. Diversity of allegiances and subjective experience at the level of religion

The emergence of a Muslim religious identity is specific, and relatively closely linked to other dimensions of identity and referentiality. This Islamic reference, in the sense of the Islamic religion, is placed beside previous references.

This reference does not involve all the persons who were born in a Muslim country – although it would be necessary to add in converts<sup>7</sup>. Those employing this frame of reference are as likely to be elderly as young, numbering many men but women as well, typically young women who take their identification with a religion to be a positive and active reference. This religious mobilization is the result of the desire to produce an identity that would assist social integration, particularly among members of the younger European generations, just as much as it is the result of a desire simply to affirm Islam or to keep up with trends in the world at large.

Contrary to an assumption made by many about Muslims, including many Muslims concerning themselves, not all Muslims practice Islam in the same way, and not all Muslims have the same subjective experience of it. Contemporary belief has gone through several transformations, especially because belief has tended to become more and more individualized (Babès, 1997; Césari, 1994, 2003; Roy, 1999; Tietze, 2002)<sup>8</sup>, although forms of community worship featuring the free decision of individuals to join are still popular<sup>9</sup>. However, persons of Muslim origin living in Europe do not all practice their faith with anything like the same level of intensity.

Some people of Muslim origin have opted to follow the path of agnosticism or religious indifference. Others continue to be Muslim in a cultural sense, while paying little if any attention to associated religious beliefs. These are considered as a sort of lay Muslim population, a group that has hardly emerged into view, although they seem to make their voices heard better than in the past (Fregosi, 2005).

There are no studies of any depth on the matter, but on the basis of a partial examination of the subject it appears that approximately two-thirds of the Muslim population falls into one of these two categories (non-practicing or agnostic, etc.) of Muslim self-identification.

<sup>7</sup> Allievi S. (1998) carried out an in-depth study on conversions to Islam in Europe. See also Roald A.S. (2004).

<sup>8</sup> See Peter F. (2006) for an account and some questions about the effect of this debate.

<sup>9</sup> See especially Dassetto F. (2000).

**This should lead us to say straight out that in terms of (intensity of) belief, there are not 15 million Muslims in Europe. There are only 15 million people who were born in a country where Islam was the majority religion (except in India). Only about a third of this number has so to speak made their self-reference to the Islamic faith active.**

Others make the substance of their beliefs explicit. But there are also many varied ways of doing so. Some place the highest value upon the construction of organizations and activity within community structures. Others place the highest value upon faithful attendance and participation in worship, nothing else. Still others have a private, individualized, and spiritual experience in mind.

This multiplicity of forms concerns the “first” generations as well as successor generations. Most of their number has become European citizens, and many use their Islamic reference to vitalize or activate their approach to civism. These people allow Islam to make the jump, from being associated with immigration to being associated with the reality of Europe today, in the fullest sense.

From this point of view one might say that Islam has successfully passed from one generation to another, as much for men as for women. The religious factor thus merits attention even if, in its pure form, it only occupies the attention of one third of all the people to whom the word “Muslim” may be applied.

#### **1.4. European Islam, going from low profile to high profile<sup>10</sup>**

Islam has become a visible presence in Europe progressively, more and more. And it is necessary to keep this historical process of profile-raising of Islam in view in order to get the most basic aspect of the facts straight, namely that **the reality of European Islam is not an accomplished fact, but rather an ongoing process – in the manner of all social facts.**

This process has followed a single rhythm across the continent, even if the events have occurred in different places at different times: there is a Muslim dynamic that spans the countries of Europe. This temporality can be summed up in four moments.

##### ***A. Silent and forgotten presence (through the mid-1970s)***

During the 1960s, Muslim populations mostly made up of immigrants who were first in their family to go, only expressed their belonging to Islam in weak ways. They defined themselves and were perceived above all in terms of their culture and their language. Signs of this membership appeared when people died or got married; even Ramadan came to be portrayed as a feast rather than as a devotional exercise. Only thirty or so worship facilities, certainly an index of properly religious interest, existed in Europe (all countries) at the beginning of the 1970s. The reasons for this weak attachment to Islam were found partly in the preoccupations of the immigrants of that time, worried above all about succeeding in getting established for the first time in Europe, and partly in a dynamic of the Muslim world itself, which, in the period of successful struggles for independence, assigned in truth only a secondary or subordinate place to Islam.

<sup>10</sup> On these matters see especially Dassetto F. (1996), Lathion S. (2003), Allievi S. (2005), Jonker G. and Amiraux V. (2006).

### ***B. Organization and establishment of institutions (mid-seventies and after)***

An important development occurred at the beginning of the seventies. The desire for the Islamic religion in Europe among Muslim populations changed as immigration itself changed. Stabilization of Islamic populations in Europe advanced along with the desire to establish certain kinds of infrastructure particularly places for religious socialization for the younger generation. Thus simultaneously in every European country, and above all at the urging of (male) heads of families, fathers, prayer rooms began to be opened up, and in time Koranic schools were established by their side. This activity of creation was able to spread out in Europe because of the great autonomy and responsibility for the propagation of the faith which Islam leaves up to each individual believer.

However, the need for a centre of social activity was not the only reason for these efforts toward providing worship facilities. Adult Muslims were also seeking, in a world in crisis, a place of solidarity. Some sought out a symbolically purified place within the secular city around them. Many fathers hoped to recover with Islam an authority over their own children the city seemed to be taking away from them. Still others were attempting to make sense out of a journey of emigration that had not, in the end, made them a fortune.

The internal demand among immigrant populations for Islam, its reasons and motivations linked to a particular “wave” in different ways, also grew greater as the “return to Islam” was occurring in Muslim countries. This movement both fed and lay at the foundation of several politico-religious processes: Saudi Arabia, Libya, and Pakistan all developed world-wide strategies involving Europe and the immigrant populations there. Turkey, via the activity of an agency of state control over Islam, attempted to control Turkish mosques in Europe. Turkish “centres” for Islam financed associations, the opening of prayer rooms, and publications related to Islam. But despite everything, their contribution appears at the end quite secondary compared with the financial and community effort generated by the immigrants themselves. During this period, Islamist movements increased their activity, and began to agitate for a re-Islamization of the Muslim populations of Europe. This involved currents of activity that harked back to the Muslim Brotherhood, or the Jamaat-i-Islami of Pakistan, or the Turkish Milli Görüş, or the missionary movement, Jamaat-at Tabligh.

### ***C. Between universal Islam and fathers in localities (mid 1980s to mid 1990s)***

Beginning in the middle of the 1980s, Muslim populations, religious or not, received a lot of attention from the media and from a worried public, which had them mixed up with the hostage takers in Iran or with other Muslim actors in the Middle East. Muslims were placed centre stage because of the Rushdie affair and because of the dispute over girls’ headscarves in school. In the absence of leaders or spokesmen able to formulate the significance of these debates, or to take part in them, active Muslims (especially in continental Europe) often preferred to retreat into the life of the Muslim community. Mosques and associations then became the main anchors for the local re-Islamization movement that took hold of Muslim populations, especially children and young people, Muslims, who found in Islam a means for constructing an identity, or a fixed point of reference in terms of morality. Many people built themselves a “patchwork” Islamic education, attending lectures and conferences, listening to taped speeches, watching videos, or more recently via the Internet, or through participation in training sessions. However this may be, it appears that Islam partially succeeded during the period in assuring the transition from one generation to another thanks to young people or with the help of young recruits who had come in with more recent waves of immigration, or through marriage, but who had been socialized in an Islamic context in their country of origin. The Islam of fathers was to be followed by the Islam of sons and

daughters – and grandsons and granddaughters. Little by little, Islam is separating from its association with migratory flows, with immigration, and now can be affirmed and even passionately avowed as such, that is, as “European Islam”.

***D. A visible part of society that can affirm and display itself almost without inhibitions (the situation since about 1995)***

At the end of 40 years of the new presence of Islam in Western Europe, we see that this religion has been able through the efforts of its adherents (supported by various other agencies) to become established in European space.

If we take up for example the number of prayer rooms and mosques as an indicator, we may observe (as previously mentioned) that there were only a few dozen such facilities at the beginning of the 1970s. In the mid-1980s, there were about 2000 (Dassetto & Bastenier, 1988). At the beginning of the 1990s the number had grown to about 3000. For the enlarged European Community, the number was 8000 at the turn of the century (Dassetto, 2001; Maréchal, 2002; Maréchal, Allievi, Dassetto, & Nielsen, 2003). In order to achieve this growth, Muslims used existing facilities (former shops and stores or workshops, garages, former public baths, etc.), but began even then to acquire lots for the construction of new facilities. All possible local resources are mobilized by Muslims in order to be able to establish the presence of Islam in their local neighbourhoods.

Symbolic issues arise in connection with this process of implantation, especially as concerns the appearance, in the public symbolism of European cities and institutions, of explicitly Islamic symbolic structures. The question of a higher profile in public places for Islam has not yet been resolved, and this is proven by the many hesitations in the matter of the construction of mosques<sup>11</sup> public employees.

Otherwise, Muslims are beginning to demand attention from institutional structures, as has been the case since the 1980s, especially as concerns the status of Islam, and the granting of rights in accordance with this status that match those granted to other religions. The claims made for Islam vary according to the particular legal situations of Islam in different European countries (Ferrari & Bradney, 2000). In this way the question of financing arises, stemming from the recognized status of the faith, to instruction in Islamic religion, opening Islamic schools, Muslim cemeteries, halal food served in public institutions' dining halls, etc. Such demands are met with hesitation and reluctance, but over time, they are taken into consideration and some concrete response occurs, in different ways according to the particular space or area involved.

## **1.5. Conclusion**

Far from being a compact and coherent ensemble of appearances, the reality of European Islam is diverse, and is so from a diversity of perspectives. It is important to remember that “belonging to Islam” comes in a number of very different types. It is an error to assume that all persons who are directly or indirectly of Muslim origin practice the religion of Islam. Only a portion of this group actively practices religion, and in the current state of affairs nothing allows us to say that this portion will or will not become larger. It is certain that the popular desire for Islamic

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<sup>11</sup> For a descriptive and analytical exposition of cases in various European countries, see the articles collected in a special number of the *Journal of Ethnic and Migration Studies*, titled “Mosque conflicts in European cities”; J. Césari deduces from this that conflicts are more virulent when political discourses place a high value on cultural homogeneity.

religion has remained strong, and has indeed grown stronger during the last thirty years, but it is not at all certain that this will continue. Nor would it be prudent to predict that the popular desire for religion will diminish in the near future.

Muslims have begun in Europe a process of putting down roots that is far from complete, but nonetheless the foundation of the Islam of Europe is visible. Beyond the many national differences and beyond European history, beyond the diversity of traditions and national feeling that have influenced the various ways in which European states have handled the growth and establishment of the European Muslim community, common problems have been described and discussed. Members of the Muslim community have begun to speak and write about the possibilities inherent in the arrival of this European Islam (Roussillon, 2002), and as a result new dynamics of common effort have been at work.

Thus, through their multiple diversity factors, Muslims tend to get what they want from these States, that is, a legal status comparable to that given other recognized religions. In some countries this equalization is written into law, as was the case in Austria as the result of an ancient law; Belgium was the first Western European country to accord Muslims a status equivalent to that of Protestants and Jews (1974); in Spain the state signed an agreement in 1992 with the Islamic community. One may infer that this tendency toward equalization of rights is operating in all European countries, at least in principle, because the fundamental right of religious liberty has been proclaimed in all European countries and in many European legal texts as an inalienable right. (Ferrari, 2003).

Through the demand for equal status, Muslims distinguish themselves from previous migrations. Those migrations (of Portuguese, Italians, Spanish, and Greeks) accepted public invisibility, individual assimilation in public space, while they maintained their culture of origin at home and within their ethnic community. In contrast, possibly as a result of influence from certain pro-Islamic agencies, Muslims arrived rather quickly at the point of pushing to integrate themselves as a separate group within European societies. At a stroke, Muslims moved from the complex of social and cultural issues alone into the realm of political and philosophical issues. Certain issues, raised but never yet resolved, may give rise to new questions, even more difficult to resolve than the first.

Contrasting tendencies are in operation – the indications of this are many. In the mid-1990s one might have thought that the process of raising Islam's public profile would follow an arithmetic progression. The younger generations that had grown up in Europe and had been educated there would take responsibility gradually and manage the development of Islam, which had begun to look more and more like an institutional and structured form of worship, similar to other religions, which could be adjusted to agree with the particularities of each European state. However, for several reasons, things were more complicated than that.

On one hand, Islam as articulated within European space appears to constitute itself through leaders, other actors, and groups, and through new phenomena that hasten this movement. The arrival, through marriage, of Muslim leaders trained in Muslim countries at the forefront of Islam, also means the appearance of new figures, new leaders, who bring into Europe the concerns and the vision of what is possible and current in Muslim countries, but not thought of by European society as being particularly functional. By the same token, we are beginning to see the return of members of the second generation of immigrants who studied Islamic science in Muslim countries, since there was no place to carry out those studies in Europe. They also are returning with Islamic baggage, not always easily adaptable to the context in which they will find themselves, especially

inasmuch as they may have been marked by salafist currents<sup>12</sup>. They are not that numerous, but they are definitely active. And they can manifest themselves even more, if they can develop in an atmosphere of complete freedom of expression and freedom of religious organization, things that are of course central to the functioning of European societies. In other words, European Islam continues to be affected by the dynamics that exist in terms of world Islam, but this time they are not only imported, but carried forward by actors who were born in European territory.

On the other hand, it is undeniably important to take the vicissitudes of world Islam into consideration, including the effects of the events of September 11, 2001 and its consequences<sup>13</sup>. Very different stances have come out of that consideration, some affected by a certain inability to act, but also many critical positions. These bear upon European foreign policy, but they also bear witness to a widespread rejection of the phenomenon of violence committed in the name of religion.

In fact it is clear enough that European Islam participates like any other social reality in the give and take between local dynamics and global dynamics. It participates, even though many factors give evidence of incompleteness. The internal articulation of European Islam is unfinished, leaders are rare, the leadership class is in the process of being constituted, the populations are still in the process of taking full possession of (their rights in) European public space, with many still rendered fragile because of the difficulty and precariousness of their entry into the space of the labour market.

## **2. Organizational dynamics and their evolution**

### **2.1. Diversity of organizations**

There is a whole range of currents of thought within Islam, and each current has its own sensibility. These currents are associated with organizations that have come out of the ancient and modern history of Islam. Most of the time, the activity of the members of such organizations gives rise to the establishment of a string of mosques and prayer rooms in Europe.

Classic organizations of the Muslim world can be categorized in the following manner<sup>14</sup>: religious brotherhood type<sup>15</sup> (Naqhsbandiyya, 'Alawiyya, Bouchichiyya, Muride, al 'Adl wal- Ihsân<sup>16</sup>, etc.), missionary type (Jamaat-at Tabligh<sup>17</sup>, Süleymanci, Nurgiu<sup>18</sup>, and even, though to a lesser extent, the Deobandi<sup>19</sup> and Barelwi), raising public awareness/political activist type (Frères musulmans<sup>20</sup>,

<sup>12</sup> There are three main salafist currents: apolitical and strictly piously devoted to the service of God, jihadist and angry against the West seen as a source of humiliation for Islam and Muslims, or politically aware and also committed to a rigorist approach of the sources of Islam. For an overview of various salafist tendencies in France, see Amghar S. (2006a) and for a very short historical perspective and the developments in Europe, see Escobar Stemmann J.J. (2006).

<sup>13</sup> Some references on Islamism in general, among others: Shepard (1987), Marty M. and Appleby R.S. (1991-1995), Burgat F. (1995, 2005), Roy O. (1999, 2004), Kepel, (2003, 2004), Almond G., R.S. Appleby and Sivan E. (2002).

<sup>14</sup> For detailed presentations on all these movements, see Maréchal B., "Mosques, organisations and leadership", in Maréchal, Allievi, Dassetto, Nielsen (2003), pp. 79-151

<sup>15</sup> For a general overview on Sufi movements, see Popovic A. & Veinstein G. (1996). Concerning the contemporary evolution of some of these movements in Europe, see Jonker G. in Cesari J. & McLoughlin S. (2005); Malik J. and Hinnels J. (2006).

<sup>16</sup> Concerning this movement and all Islamist movements in Morocco, see Zeghal M. (2005).

<sup>17</sup> On this movement, see among others Masud K. (2000).

<sup>18</sup> On the different Turkish movements, see among others Manço U. (1997) and Akgönül S. (2005).

<sup>19</sup> For an historical approach, see Metcalf B. (1982). For Europe, see for example King J. (1997).

Milli Görüs<sup>21</sup>, Jamaat-i-Islami), legal orthodox type (like the salafist groups) or organizations of the “jihadist” type, whether they express this dimension on the level of discourse only – such as the movement Hizb Ut-Tahrir does<sup>22</sup> – or go any further with action – such as those anonymous cells sometimes discovered in the process of organising violent actions. There are also organizations connected to Shi’ism (especially the Alevi and the Ismaili), and movements considered as religiously deviant in relation to a claimed orthodoxy of Islam (e.g., the Ahmadis and the Bahai).

In concrete terms, many things distinguish these organizations, one from another. These criteria of differentiation have to do with one’s position regarding the fundamental truths of Islam, certain visions of the world, ideological sensibilities, ritual and social practices, the variations in the respect or allegiance given to various leaders, the modalities in which religious action is considered, etc., even one’s position with regard to the West. Once they are implanted in Europe, these currents and counter-currents within the Muslim world experience the diversity of every part of that world. In this way, and thanks as well to their contacts in the society around them, it happens that they may modify certain modes of action, or of being, or of thinking about their religion. We have observed, for example, that members who have been integrated into the atmosphere of the Muslim Brotherhood have experienced a transformation of their organizational forms. They put more and more of their energy into publicly visible, formal organizations, while at the same time their formal traditional structures continue to exist, but are called into question more than formerly. Their project, of a gradual reform of society, now appears to concentrate on the level of the individual, or even the Muslim community, and no longer on society as a whole, at least not at the level of the State (Maréchal, 2006).

Many of the above-mentioned organizations situate themselves somewhere between European space and other Muslim spaces. This is a characteristic of jihadist groups with globalizing tendencies, but also applies to missionary groups such as the Tabligh or the Ahl-i-hadith, etc., or to brotherhood type groups. In accordance with different modalities, and at different levels of intensity, these groups activate their trans-national relationships. These may be limited to simple interpersonal relations, or at other times constitute real networks of solidarity consolidated by the active sharing of a common universe of reference and action.

The subjective motivations that appear to underlie membership in such groups appear to be of different types. On one hand there is the search for a structuring principle in respect of personal identity, or a framework for socialization in respect of relatively definite norms. This search can sometimes be found associated with a principle of the “reversal of stigmatization”. In effect, young people who desire, as a project, to live in European spaces in an atmosphere of complete insertion into and integration within those spaces, and who see that they are being stereotyped, as it were, according to the category of “Muslims”, or as Turks, Moroccans, Arabs, etc., can decide to reverse the polarity of this stereotyping by affirming that “Islam is beautiful”, more or less. Sometimes the refusal of stereotypes takes on an ethnic character, or assumes an anti-Western aspect.

In other cases, membership in groups appears to be guided by the desire to place greater emphasis on morality in the life of Muslim people, whose occasional apparent fall into deviance or criminality is observed with sorrow and regret. Islam in such cases becomes a source of integrative morality within European space.

<sup>20</sup> For an historical background, see among others Carré O. & Michaud G. (1983). For an overview on Muslim Brotherhood in Europe, see Maréchal B. (2006a). For the contemporary changes of the Muslim Brotherhood in Egypt, see Tammam H. and Haenni P. (2005).

<sup>21</sup> See for example Bilici F. (1997), Akgönül S. (2006).

<sup>22</sup> The best book so far on this movement is Taji-Faruki S. (1996). See also Mayer J.F. (2006).

## 2.2. Dynamics of the future

The organizations mentioned above result from diffusion over European space of organizations native to the country of origin, or already diffused over the space of the Muslim world.

It is likely that the current picture with regard to organizations will not remain unchanged, because many other organizations have already been started up, tailored to the European space, while still retaining a connection, sometimes fairly tenuous, to the country-of-origin versions of the organizations already mentioned. These Europeanized organizations have been created with regard to objectives related to one or another category of persons (students, women's associations, scouts, etc.) or in pursuit of definite goals of the humanitarian, social, educative type, etc. Such associations either adopt quite local forms or form part of groups with larger aims and a pan-European scope, e.g., the Femyso (Forum of European Muslim Youth and Student Organizations) based in Brussels. In a general way such organizations like to be able to display independence from Muslim countries, especially as regards their source of funds. Many are not quite able, but this is a goal that most of them set for themselves. It is remarkable that Muslims in France were actually able to obtain State support for this purpose. The Foundation for Islamic Works in France was established to provide a European source of funding for Muslim worship facilities. Private gifts (from French people or from outside) are to be managed in a transparent manner, for the purpose of financing the construction and maintenance of places of worship, and for supporting imams.

Overall, we have observed among the members of the younger generation a desire to institute renewed forms of belonging to Islam, and revamped organizational structures. These organizations will likely take the form of modern associations for study and spirituality, attempting to address questions that European Muslims are asking themselves. And in the urban spaces of Muslim countries, one may observe a development with certain analogies to this. Movements like Muslim Presence, an organization founded and led by Tariq Ramadan, are to be counted part of this dynamic. These movements are in effect confronted with a threefold challenge. It is a question of finding out who the trained leaders and intellectual and spiritual inspirations of these movements will turn out to be, of finding out if such movements can break out of the ethno-national frame in which they are still contained today (Turk, Pakistani, Arab, African, etc.). This is a bit paradoxical inasmuch as these young people gladly admit that they belong to Europe, and often disdain their relations with their parents' country of origin. Finally, it is a question of finding out how these movements will position themselves with regard to existing institutional structures. They could choose to stay on the outside or to engage them; and it seems likely that they will be obliged to make that choice.

These movements normally take on a supple appearance, almost a la carte, and they aim above all at the production of the meaningful and the moral.

Among these movements, particular attention should be given to those which are in the process of emerging, based upon an "Islamic feminism". Young Muslim women are trying by this means to answer criticisms which imply that their attitude, as believers, and their adoption of the headscarf seem still to indicate that they live under domination. Islamic feminists thus attempt to demonstrate that their identity is in being proud to be women, and proud to be veiled Muslim women.

In the same line we have observed that more emphasis is being placed on cultural events where large numbers of young Muslims meet to affirm Muslim culture, not only through participation



in rituals, but from now on also through their full participation in modern cultural productions. Music, fashion, and other things are used for the expression of new dimensions of the Islamic character of young people, more integrated into the Western culture of consumption.

### 2.3. A note on radical Muslims<sup>23</sup>

Articles written about terrorist movements in Europe are numerous. They arise most often from journalistic investigations or from reports issued by intelligence services or police departments, or even from court investigators, when people suspected of involvement in acts of terrorism are arrested. Social sciences can contribute to the study of terrorism by elucidating its contextual aspects, or by studying the events in the life of the persons implicated in such acts, by expanding interpretative paradigms for such conduct.

Regarding this phenomenon, several conclusions can be drawn immediately.

- There are indeed, within European space, cells that call for armed resistance against the West and its ideas, or against the powers in Muslim countries that are thought despotic by some, or impious. These groups can originate outside Europe, in order to function as rear guard support for groups in action elsewhere. They may also carry out actions of strategic support. They may arise from European sources or from an articulation between European and foreign sources.
- These cells, very few in numbers, are in part drawn from a reservoir of groups that subscribe to a politico-religious ideology which has been adequately discussed in the research on radical Islamism.
- Most of the actions of these cells are in the final analysis aimed at an audience outside Europe, for example, the conflicts in Algeria, Palestine, or Iraq (such was the case with the Kelkal network in the mid-1990s, and with the Madrid and the London attacks). However, certain actions – such as the assassination of the filmmaker Van Gogh in the Netherlands – also have causes that do belong to Europe, though the last named incident has remained up to the present moment an exception to the general rule. In other words, European space is a place that allows radical groups and terrorist cells to form, and their actions sometimes take place in Europe or affect European persons or interests – but the real issues behind the actions most often have to do with causes that exist outside Europe.
- Up to the year 2000 the organized part of the Muslim community showed only a very weak ability to police itself and control such groups. Such self-policing is rendered difficult in the first place by the way in which Islam functions sociologically. On the other hand, this same community did produce discourses against radical analyses or calls for violent action, even if this latter remained somewhat hesitant. After the attacks of September 11, this counter-discourse became louder, more explicit, and more demonstrative among certain Muslim actors. Still its conceptual elaboration encountered certain difficulties in finding a way to include affirmations of principle in opposition to terrorist acts, analyses of powers perceived as oppressive (the US, Israel, Russia, etc.), and the defence of Muslims perceived as “dominated”, “suffering”, or “martyred”.

<sup>23</sup> For a sociological approach to fundamentalism, see for example Pace E. and Guolo R. (1998). For reference books on jihadist networks in Europe, see Abou Zahab M. and Roy O. (2002), Allam M. (2002), Laïdi A. (2002). On al-Qaeda : Burke (2004), Khosrokhavar (2006), Coolsaet (2004).

- These analyses have allowed a better understanding of the modes of recruitment among these groups and cells, as well as the motivation of persons prepared to commit such acts. It is important to underline the multiplicity of causes at the root of such discourses and such practices. In this case, these may include:
  - A socio-economic or socio-political situation that includes lack of work, lack of money, or lack of social participation.
  - A cultural crisis or a crisis of civilization in the face of a perceived “domination of the West”.
  - A crisis of personal identity, especially among men, occurring because of some loss of “patriarchal” status or some injury to their honour.

These three causes merit some commentary:

- It is not only an “objective” situation of deprivation that must be taken into account, but also a situation of “relative privation” which results from a gap between expectations and objective possibilities. That explains why one sometimes finds cultured persons in among these cells and groups, sometimes quite committed. In other words, social policies of integration can contribute to the limited amelioration of situations: these policies belong in general to a principle of social justice, but they do not offer any guarantees as to the availability of an automatic solution to these questions.
- Closely associated with the social crisis, there is a crisis which must be taken into account regarding the relationship between modes of development in the West (there may be many Wests) and the rest of the world.
- But it is important as well to consider a dimension that is rarely taken into account; namely, the profound crisis in masculine identity and associated matters, connected with the desire to preserve those values that are emblematic of patriarchal society, and the logic of honour upon which it was supposed to depend (Dassetto, 2004). This identity crisis is less associated with Islamic dynamics than with the future of many Muslim societies. One may even say that the Islamic identity can contribute to superseding these forms of identity by proposing the identity of the believer and regulation of relations between the sexes by other means than patriarchal honour that is norms proposed through doctrinal elaboration. Unfortunately not many researchers looked in that direction.
- In other words, it is probably best to locate the causes of the decision to become a member of a radical group in the convergence of a triple crisis in social, civilizational, and personal terms.
- Sociologists have at any rate shown the rational dimension of choices involved in becoming a member of a radical group or cell. What they mean is that if one takes the entirety of the phenomenon into consideration, it is not necessary to consider these choices as nothing but deviant phenomena, the result of bad influences, but indeed one may do so in terms of rational choices, made by people who reach the conclusion that they have to do with the most reasonable options, relative to the ends they seek.

On the side of this first bundle of causes, that may be associated with dimensions of identity, other causes of a micro-social and organizational type must be identified.

- The implication, in interpersonal networks, of loyalty, and the influence of leaders. The role of core groups, and within these, of leaders, is vital for the channelling of expectations.
- A relative “professionalization” (and the financial providers associated with it) of radical behaviour and terroristic behaviour might also be mentioned. In Europe this may concern certain leaders, but it is not enough to explain certain mobilizations. Identity-related factors already discussed are more explanatory than this last named factor, which eventually plays the role of contextual cause.

For the rest, besides identity factors and social factors, it is also important to identify intellectual factors<sup>24</sup>:

- In a religious system intellectual elaboration – which produces a horizon of meaning and an ensemble of norms, and thus the notion of obligation – plays a determinant role. Radicalized groups and terrorist cells cannot exist without intellectual production which constructs their horizon of meaning and makes armed action seem rational.
- Thus one does perceive the importance of taking the history and the development of radical thought into account, especially its developments over the last thirty years. One perceives also how the struggle against radicalism can only take place through the analysis of meaningful productions and normative systems which are expressions of the interior of a religious system, via the elaboration of fundamental theological thought.

To sum up, we may say that policies which put emphasis on only one of these causes, in the effort to wipe out terrorism, will probably fail. The struggle against terrorism certainly requires action to provide security (which aims at the dismantling of networks and sources of the aforementioned professionalization); it also involves actions of socioeconomic promotion (which aim at reducing the level of relative deprivation). But the struggle cannot end in success if one does not elaborate in an in-depth manner, within Muslim populations, a mode of reflection and an educational system that are able to produce different masculine identities, and to diffuse in the most pregnant manner counter-arguments that propose other alternatives in the form of elaborated thinking, capable of answering expectations. While assuming, at any rate, that this same community does not eventually show itself capable of an advanced form of self-regulation.

## 2.4. Conclusion

Not only are the classic organizational dynamics linked to networks of specific sensibilities quite numerous, but we have observed that these are connected to new forms of organization that are emerging progressively within European space. The analysis of dynamics between Muslim groups thus cannot be centred exclusively on the question of the study of worship locations, since this would lead to our neglecting a large part of the vitality of the Muslim community.

Further, it is important to realize how much the leadership of the community has changed and grown beyond its classical forms of authority, traditionally wielded by imams and savants (ulemas). The question of leadership easily exceeds the scope of their traditional functions and

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<sup>24</sup> For an example of the intellectual production among Al-Qaeda members, see Kepel G. & Milelli J.P. (2005).

their statutes. Muslim leadership is polymorphous, and this complexity only appears the greater in a context of community destructure and technological innovation.

### 3. The question of leadership

#### 3.1. Diversification of Muslim leadership<sup>25</sup>

As in any human group, and most particularly in religious systems, the role of leadership is crucial in order to guide the development of the human group under consideration. Religious leadership fulfils a number of functions – social cohesion, the dynamization of resources, management of relations with the divinity, the production of knowledge, and transmission of the religion.

Relative to other religions, Islam has this difference as a religion, of not having a Church-type structure which holds a monopoly of legitimate power. In Muslim societies there certainly are authorities who draw their legitimacy from religious knowledge acquired (the ulema), who receive it as something delegated from a public authority (Muslim jurists, even if some of them are considered as ulema as well). There are those *Murchid*, Sufi masters<sup>26</sup> who are especially legitimated by their spirituality. But these are powers that operate *de facto*. They do not claim to form part of a monopoly as regards legitimate religious authority<sup>27</sup>.

The extension of schooling in our times, associated with the emergence of means of mass diffusion such as satellite transmission and the Internet, has significantly altered the pattern of development of leadership in Muslim countries. We have seen new leaders appear at the margins of the classic structures of Islamic universities and networks of brotherhoods.

#### 3.2. Leadership among immigrants

When the transplantation into the European context occurs, many religious leaders arrive upon the social scene. These leaders are all different, now as then.

Sometimes they are “imported” from the country of origin. These leaders have usually been trained in Islamic learning and they bring to Europe the cultural models of Muslim countries. They may turn out to be isolated leaders, known in the circles of immigrants only, or recognized leaders of specific Islamic organizations. Other leaders belong to the international Islamic agencies of the States from which they come, and they then are the extension of those agencies into Europe. In most cases these leaders fit the profile of those who carry with them a degree of bureaucratic authority, their effectiveness stemming from their connection to the structure that mandated their work, sometimes recognized by European states (Muslim World League, Bureau of Religious Affairs in Turkey, etc.).

Some leaders were once part of the political world of students who pursued advanced level courses or degrees in Europe, but who ended up getting back into Islamic activities (either as a main occupation, or in connection with separate professional activity). In some cases their Islamic training turns out to have been gained on the fly, or that they are self-taught, but they are

<sup>25</sup> See, among others Dassetto F. (1999).

<sup>26</sup> Sufi masters are spiritual masters: they are mystics providing an esoteric religious teaching. They guide their disciples in the right path, exhorting them to repentance, to the fear of God and to compliance.

<sup>27</sup> For a global overview on traditional authorities in Islam, see Gaboriau M. and Zeghal M. (2004).

also often more or less expert in disciplines such as medicine, economics, sociology, agronomy, informatics, etc.

Still another type of leader is seen in those persons who were trained more or less intensely in Islamic studies in Muslim countries, and who ended up getting political asylum in Europe. In some cases emigration from one's country is required, whether for religious or professional reasons. Another type is evident in leaders who gained entry via marriage, beginning in the 1980s. Since that time, the borders having been closed, immigration via marriage became a frequent means of obtaining entry into Europe. Among these people, we find some who had acquired their socialization in terms of religious dynamics in their country of origin during the 1980s. They transfer their knowledge and their religious know-how to their European life after they marry<sup>28</sup>.

Some leader-types have emerged from the European world itself.

From the first moment of the implantation of Islam in Europe, leader figures from the immigrant group have appeared. These have been older immigrants (often retired, sometimes persons who had been injured in work accidents), possessing Koranic training, more or less extensive, from their youth, and they assume organizational tasks as well as the role of the imam, in the early prayer rooms.

Since the mid-1990s young men and women, and boys and girls, all immigrants, but educated or even born in European countries, have taken a larger place upon the European Islamic scene. This has gotten to the point where a generational conflict seems to be appearing, between the pioneers and other "founding" immigrants, usually still in power, and the younger generation, whose leaders want to invest themselves in European Islam, and to give it direction.

Among these young Muslims, some travel to Muslim countries to study and train, thanks to scholarships. Training is available in classical universities (the Zeitouna in Tunis, al-Azhar in Cairo, Al-Qarawiyyine in Fez), or in Turkish universities, or in the Saudi universities of Jeddah and Medina, or in the madrassahs of Pakistan, or in other Muslim countries. Some of these young people are beginning to come back to Europe and become active within European Islam.

Another category is made up of European converts to Islam. Beside the most well known names, many persons, men and women, often young, find in their conversion a source of reasons to act. But in reality, these new adepts of Islam do not all become leaders. For many, conversion is desirable for spiritual or mystical reasons that lead away from action of that sort. Still others demonstrate a leadership that is intellectual, organizational, and political, guiding them, in their bi-positioning, into considerable roles of responsibility in the European implantation of Muslim populations, especially as concerns reflection relative to the relations between Islam and public space.

### **3.3. Lacks and future challenges**

These leaders have worked generously on behalf of the implantation of Islam in Europe. But while they have shown remarkable organizational qualities, they have also exhibited gaps in their education, whether because it was not a proper formal one, or because the training they

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<sup>28</sup> On the entire question of transnational connections, see especially Allievi S. and Nielsen J. (2003), Maréchal B. (2006).

received in Muslim countries fell short of expectations, of the needs of the European context, and/or young Muslims.

It is likely that the greatest challenge in the future will be the constitution of intellectual elite, capable of its own autonomous, original intellectual production, to be established upon the experience of European Muslims in dialogue with the reality of European societies and their cultural and philosophical foundations. Able as well in virtue of their studies and their training, and in virtue of their shared cognitive experience, to make up a diverse leadership group, albeit leadership that benefits from common frames of reference, and a part of which is up to the task of providing guidance for the entire community as a whole. In effect “local” leaders are quite numerous, but few of them are able to grasp the wider situation – involving Muslim communities, their debates, and conditions in contemporary society – while also remaining, themselves, independent from personal interests.

It is likely that the harmonious development of Islam in Europe will depend, from now on, less upon institutional or organizational development – upon which the Muslims have placed great hope, and through which, sometimes, political authorities hope to guarantee the control of Muslim populations – than upon the development of potential and intellectual dynamism, upon socio-cultural creations and interactions. Although part of Muslim intellectuals’ attention bears on normative aspects (what is licit and not licit, obligations, etc.), it is equally probable that the more important question will concern the overall meaning and the mode of its elaboration, in relation to texts and foundational sources. Remaining only at the normative level, not raising the question of meaning, not raising the question of interpretation, will probably lead Muslims to develop a complicated casuistry, capable of turning off many young people.

It is clear that the responsibility for all this rests with Muslims themselves. They have responded with gusto through many initiatives. They are numerous, distributed across Europe, partly competing – as is often the case with the implantation of Islam – and only partly able to respond to needs and expectations. One of the top priorities in the future must be to create institutions of higher training and education in Europe.

The creation of these facilities (departments, institutes) can only come about through the response to certain questions. Who will establish such academic institutes, and upon what human and intellectual resources can this group draw? What will its institutional status be? By what means will the institute receive a mandate, given the many agencies and actors who are paying attention to this question in Europe and in Muslim countries? What will be taught? Assuming there is a classical structure of higher Islamic education, how should it be adapted for Europe? And how can we properly take into account the multiple origins of different Muslims, and their various legal traditions?

There are no ready made answers to these questions. There are no European models available, even if all experience should be known and might be of use. Nor would it do any good to import a Turkish, Moroccan or any other already existing model, as such.

### **3.4. Conclusion**

For forty years many leaders have laboured in Europe to organize and to establish Islam. Their origins and even their preparation vary widely. Owing to the progressive transition of generations, it appears that there exists now a shortage of trained leaders being produced in European space, and this is likely to worsen in the future.

This lack has caused a weakness in intellectual and normative elaboration, one adapted to the questions that Islam and Muslims in Europe will be summoned to answer in their quality as full European citizens. If the lack or weakness of higher training structures that can be seen in Europe today continues, leaders from elsewhere, trained elsewhere outside Europe, will fill the vacuum, and this is happening now.

#### **4. Higher Islamic education and training in Europe**

European Muslims feel that it is urgent to create institutions of higher Islamic learning to train associative leaderships, teachers, and religious officials. For all that, there is no initiative that proposes at this time a global perspective covering the entire range of specific requirements which go along with that feeling. There are some partial efforts and initiatives. For the moment they appear to try to respond to first this, then that emergency, although some of them have begun to benefit from a certain amount of experience<sup>29</sup>.

##### **4.1. Type of institutions**

The creation of these training facilities takes place in different institutional frameworks.

A first typical figure, the most frequent, is the result of Muslim group initiatives which have been able to draw upon enough of the intellectual elite to win success for certain projects. In general, such initiatives are not trans-cultural, but remain affected by some particular cultural context (Arab, Turk, Indo-Pakistani, etc.). This private training emanates from specific currents of Islam, or the influence of networks of people more or less affiliated with these currents (Suleymancis, Muslim Brotherhood, Jamaat-i-islami, Déobandis, Nurcus, etc.). The experiences of the Universidad Averroes (Cordoba, 1995), Verband Islamischer Kultur Zentren (Munich), *Islamistische Universiteit Rotterdam* (IUR) in the Netherlands or the *Institut Européen des Sciences Humaines* (IESH, Château-Chinon) in France fall into this category.

In some cases these initiatives are more or less controlled by the State, as is the case with the *Islamische Religionspädagogische Akademie* (IRPA) in Vienna, Austria, whose goal is training personnel for religious functions.

Another typical case is afforded us by the more or less recent initiatives in European universities, offering training courses. Thus we have the University at Leiden, which has just offered a one year Master's level programme in Islamic theology (where the emphasis is on the study of contemporary Islam in the European context), and Amsterdam's Free University (*Vrije Universiteit Amsterdam*) has also begun cycles of course work in theology, in order to accommodate the installation of a school for imams. In England, relying on funds from the ministry of Education, we note that Cardiff University has created a centre for Islamic studies in the United Kingdom, and that Birmingham University has operated since 1976 its Centre for the Study of Islam and Christian-Muslim relations, which offers a post-graduate degree in Islamic studies. In Germany, The University of Münster has had a chair in Muslim theology since 2004, with a view to training imams, while the University of Goethe (Frankfurt) has opened a theology faculty with a course of Islamic studies for imams and teachers. These are the only schools at this time that can confer an accredited academic degree. Initiatives, which have been discussed for years, such as the project to create a programme in Islamic theology at the University of Strasbourg, have not yet born fruit.

<sup>29</sup> One of the first works on the subject: Frégosi F. (1998). See also El Asri F. (2006a), Cismoc (2006).

In an in-between situation as regards collaboration between universities and Muslims, two situations must be pointed out.

On one hand, the side of private Muslim initiatives that establish cooperation agreements with public agencies, as for example with the Islamic College for Advanced Studies (ICAS) which is recognized by Middlesex University in London, or also the Muslim College, created in 1987, associated with Birkbeck College of the University of London.

On the other hand, university initiatives financed by the State, though they were conceived and executed with Muslims. Such is the case with the continuing education cycle in “religious sciences: Islam”, offered by the Catholic University of Louvain since March 2007.

## **4.2. Specific observations about existing opportunities**

### ***A. Degree programmes and courses of study***

Depending on the professional result desired, a distinction is sometimes made between various programmes and courses of study, in which various objectives regarding training and education are pursued. For imams and preachers, what is needed is more in-depth training in religious sciences, and an insistence upon mastery of Arabic. For teachers, training must be adapted to their scholastic level, and a particular emphasis is placed on pedagogy. For counsellors in prisons and hospitals, existing training does not seem well adapted to these requirements yet. True, this situation has attracted attention, but that attention only rarely seems to end up creating real and specific programmes tailored to these occupations, which would take into consideration things such as psychology, communication theory, the ethical debates on medical matters, etc. This should probably be attributed to the voluntary character of these tasks, which most often are performed for no pay across the whole group of European countries. For persons who are part of the world of Muslim associations in general, and most particularly, for trained persons who want to understand more about the Muslim frame of reference, courses of instruction place emphasis on knowledge of the milieu, especially from a sociological or legal point of view.

### ***B. Targeted groups***

These offers are usually intended for Muslims but in certain cases (especially as regard university students) the programme is open to a wider public.

Such offers to study are generally intended for holders of a diploma from a secondary school or high school. The offers are open to men and to women, but in most cases there is a higher rate of participation by women.

In general, in Europe, there are a few hundred people enrolled in programmes of this type, but they are being instructed in what is often an uneven manner, and with a low success rate. This situation is due to the paucity of course offerings, to challenging schedules, and to students' social situation.

## **4.3. Conclusion**

There are a number of initiatives in Europe to provide higher education, but there is no stable model for this kind of programme that could constitute a reference point at this time.



These initiatives appear still to be fragmentary, either because their financial support comes from outside, frequently associated with institutional instability, or because their activity is all recent. They often remain closed off within the cultural-organizational entities that give rise to them.

There is important work toward convergence left to do; work toward intellectual elaboration and definition of pedagogical modalities and institutional profiles must be done before the proper manner of responding in the best way to the firm expectations of the younger generations of Muslims is decided on.

## **5. Current and likely future state of contemporary Muslim thought**

The debate about the renewal of Muslim thought has been running through the religion of Islam for at least 200 years. It is certainly since the period of European colonisation that is the time when Islam was confronted, at times in a dramatic manner, with Western modernity. In effect, the question of “reform” has been debated since the 19<sup>th</sup> century. It only picked up strength after the proclamation of the end of the Caliphate, which meant symbolic unity in all the Muslim world; and the question of reform has been pursued anew since the 1960s.

In a European context, the question of reform for Islam is inevitable. And it is asked in a new context because Muslims who call themselves Europeans and Muslims can no longer view the question in terms of a confrontation with modernity as if it were an external, imported reality. They must think of modernity from now on as forming part of their own identity (and a part of them already do). This questioning with regard to the subject of Islamic thought also emerges because of the impasses and violence brought on by radical Islamic thought whose grip, via its essentialist approach, has predominated and marked Islamic thinking for at least 50 years, transforming it into a political or radical thought.

In concrete terms the debate over reform implies above all a question of the interpretation of the founding texts and events of Islam. In that way it also implies a vision of the relationship between Muslims and non-Muslims, especially with Westerners. At the present time several elaborations of Muslim thought have appeared, though the boundaries between them are sometimes a little porous: the literalist path, the conservative-institutional path, the path of the neo-reformists, “modern” spiritualization, and lay Islam<sup>30</sup>.

### **5.1. The literalist path**

One first form of thought has been reformulated into a thought which prefers to read the founding texts in a literal manner, as well as the practices of the Prophet at the time of the foundation of the first community of Muslims. This path can lead to a very normative vision of being Muslim, and can govern every aspect of life. It can also appear as a strong will to return to the original purity of Islam. The literalist path is often imported into Europe by organizations and systems of thought native to countries outside Europe.

The literalist path has three main variants.

One of these concentrates on defending a ritual and moral goal. The ritual practices of prayer may be reinforced, respect for prohibitions is necessary, personal life, relations between the

<sup>30</sup> For a general overview of the contemporary debates that have stimulated the Muslim intellectual world, see Roussillon A. (2005), Benzine R. (2004), ‘Abu Rabi I. (2006).

sexes and the familial socialization of children are regulated. This traditionalist attitude is common with groups such as the Jamaat al-Tabligh (also called Faith and Practice in the French-speaking world), which is strongly implanted in populations of Arab or Indo-Pakistani origin, or, like the Ahl-I-Hadith, largely rooted in the Indo-Pakistani community. These groups first emerged in the 1930s. They represent mainly missionary organizations, where what matters is the construction of a way of life, and they are not primarily producers of thought.

On the other hand after the 1970s there was a current of literalist thought – often called salafist, but it would be more correct to say neo-salafist – which produced an important theoretical elaboration, which aimed at legitimizing the return to personal and collective practices which drew their inspiration in a relatively literal manner of speaking from the very foundation of Islam and from the interpretative methods of the very first believers.

The first groups were strong identity-creating instruments for the early generation of immigrants. The second groups fulfilled this function for the young of today. Both parts come to the conclusion that the presence of Muslims in Europe must keep to the margins of society, since it is according to them impossible to live Islam fully within European society.

Another literalist path may end up with a desire to confront society in a combative way, something that may even lead to armed struggle. This kind of thinking is careful about ritual and moral clarity, but owes most to the combative speech and armed struggle that are part of the founding history of Islam. Many contextual reasons can be used to justify this posture, from the Palestinian situation to the situation in Iraq, passing over many other examples. This is the thought qualified as “jihadist” or “salafist-jihadist”.

## 5.2. The conservative-institutional path

This path concerns above all instituted agencies of European Islam at the level of national organizations such as the *Muslim Council of Britain* (MCB), the Executive of Belgian Muslims (EMB) and the French Council of Muslim Worship (CFCM) or the *Federation of Islamic Organisations in Europe* (FIOE) and the *European Islamic Conference* (EIC) at the continental level. This path is above all desirous of protecting the institutional structure of Islam and its bond with tradition, and the institutional advantages a certain status quo could confer<sup>31</sup>.

In Muslim countries, Islamic hierarchies such as that found at the al-Azhar University, take this position. Moderate reformers of Islam of the Saudi-Wahhabite variation take the same position, and they will very probably offer new suggestions in parallel with the inevitable appearance of democratization of the authoritarian-patriarchal Saudi regime. Along these lines one might also situate the much listened to Yussuf al-Qaradawi, who presents a balanced vision of an ecclesiastified Islam. A more developed vision in the same line is for example that of Mohammed Charfi (*Islam et liberté. Le malentendu historique*; Paris, Albin Michel, 1998). Charfi asks questions about a new space for religion (that is, religious institution) within the modern State.

In Europe Muslim leaders speak of an easy adaptation of Islam (especially thought as a worship structure) within Western space, an easy integration of Islam into European space. This practical preoccupation still leaves unanswered the most fundamental questions concerning the

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<sup>31</sup> See McLoughlin S. (2005) for a discussion of the importance attributed to this management.

interpretation of the texts, and leaves its faithful disarmed on the intellectual battlefield when confronted with literalist positions.

### 5.3. The neo-reformist path

This path follows the idea of the realization of a Muslim society but it also seeks to take into consideration the question of knowing how to conciliate this idea with that of pluralism in society, even in visions of Islam. This attitude is able to confront the idea of democracy and a non-religious State. In this effort, neo-reformers must accomplish a major work of re-orientation as concerns the question of the interpretation of texts.

In the same line, certain authors, such as Tariq Ramadan, remain relatively cautious so as to be able to develop a discourse that does not separate them from the Muslim community. Others, such as Tareq Oubrou<sup>32</sup>, Ghaleb Bencheikh and Mohamed Mestiri, are equally desirous of maintaining their link to their base communities, but they go further in the re-interpretative effort.

This innovative current also has a connection in Muslim countries, such as the Tunisian thinker Abdelmajid Charfi, of Manouba University.

### 5.4. Postmodern spiritualization

This path appears today to concern only a minority, but it is certainly not without followers in Muslim countries, in Europe, or even in America. More than a current of thought, we have to do here with a practical attitude that is aimed at young people, for whom Islam presents itself above all as a religion and as a personal choice. For young people, this choice also consists of meanings, interpretations, and obligations. Thus they fit the description of a certain form of “post-modern” religiousness that refers to a certain mix and match attitude toward religion based on self-interpretation and one’s own subjectivity rather than on dogma.

This current also expresses the possibility of identity validation based on Islam. In this case, it takes particular forms such as in the musical expressions of Islamic rap music – as with the groups Ness & Cité or Abd al-Malik, and many others, such as The Silence of Mosques or with singers like Sami Yusuf<sup>33</sup> or Yusuf Islam.

This post-modern path has also been followed by certain mystical variants or by spiritual associations such as the ‘Alawiyya movement, which recommend spiritual practice and worship, personal piety and reflective intellectual activity, thus tilting toward a certain privatization of religious practice.

This way may above all concern the middle classes, but perhaps also a popular Islam that is often lived as a personal Islam. Or an Islam for oneself. This vision sometimes insists on the ritual dimension, or among more modernized strata, on the ethical dimension of Islam, including its involvement in the problems of the city, without going as far as to propose a specifically Muslim model of society. Being Muslim is part of people’s experience rather than in social organization itself.

Thinkers such as the Tunisian Mohamed Talbi or Mohamed Said al-Ashmawy, author of the book *L’islamisme contre l’islam* (Fr. tr. Paris, La Découverte, 1991), are in this line of development. This outlook is the prolongation of some far more ancient intuitions. Thus it was

<sup>32</sup> See for example Caiero A. (2005) or Frégosi F. (2004).

<sup>33</sup> Concerning this singer, see El Asri F. (2006).

Ali Abderreziq who in a book published in 1925 (Fr. tr. *L'islam et les fondements du pouvoir*, Paris, La Découverte, 1994), in fact soon after the end of the Caliphate, put forward the idea that it had only possessed a temporal function, and that Islam was not a reality shared between religion and the State. “*Islam is a message from God and not a system of government, a religion and not a State (...). The glorious text of the Koran, he writes, confirms the thesis according to which the prophet was not at all interested in political power.*” (p. 121) This book was bitterly condemned by the author’s peers at the Al-Azhar University, and he lost his post as a judge, and was forced to go into exile in London. The great thinker and poet, the Indian Mohamed Iqbal can also be considered in this group. Similarly with the Sudanese Mahmoud Mohammed Taha, who, in his book *Un islam à vocation libératrice* (Fr. tr. L’Harmattan, 2002), defends the idea already expressed by the Egyptian Ahmed Khafallah (1916-1988), of the existence of multiple strata and different literary genres within the Koran. For Taha, it is important above all to refer oneself to the spiritual level, that of the period at Mecca. Taha opposes the promulgation of the Islamic Penal Code in the Islamic Republic of Sudan. He was condemned to death for apostasy in 1983.

### 5.5. Lay Islam, or the misunderstanding

Beyond the writings of Mohamed Arkoun and those of Nasr Abu Zaid there appeared, in a European context, after the 1990s, a discourse related to an “Islam of lights”, a “lay Islam”, a concept that gave rise to many misunderstandings. It was a matter of promoting the civilization and the thought of the Muslim world in an above-all cultural context. This variant was inspired by rationalistic work in the history of the Muslim tradition.

This position supports agnosticism, and even a practical atheism. Still in the overall context of a growth of religious references to Islam, it does not promote itself in that guise. It thus introduces the notion of Islam into its intellectual posture, and above all in its effort to communicate with European society. This position is somewhat ambiguous because this particular dynamic is situated outside the space of belief. This could be taken to mean that a revitalization of the believing Muslim community could depend on its contribution, although its near-agnosticism means that its impact on the believing community is practically null. On the other hand, it does reach an interested audience of non-Muslims.

### 5.6. Conclusion

European Muslim thought is composed of multiple currents. But since the 1970s, literalist schools (and to a lesser extent institutionalists) have dominated the European scene, and indeed that of worldwide Islam<sup>34</sup>.

In the last ten years a reformist current has emerged, that tries to reach out and pull the Muslim world, including European Muslims, out of an impasse. In order to do this it must conduct a very large interpretative effort that requires the cooperation of high-level intellectuals who are prepared to carry out this work. The situation thus raises again the question of the emergence of intellectual leadership prepared to operate in European space.

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<sup>34</sup> See, among others Cherribi O. (2003).

## 6. The development of practices

In Islamic religion, there are classical practices that are recognizable and related to worship: prayer, fasting, charity, pilgrimage, sacrificial feast, etc. These practices today are taken up by many readings of Islam. They occupy a place in a range of possibilities. They range from rigorous respect inspired by a literal reading, or perhaps a little filling in of the literal reading, all the way up to a search for the spirit of duty in an effort to adapt practices to a contemporary context.

For example, there are different views of prayer, in that one side of this dichotomy supports frequent prayer, repeated five times a day, to be made as often as possible with the rest of a community, while the other side of things is much more permissive as concerns this kind of obedience.

In other cases, especially in the case of almsgiving, some Muslims maintain that the benefit of their almsgiving must be returned completely to poor Muslims, while still others reckon that this can be given to any charitable endeavour.

The practice of *Aid al-Kebir*<sup>35</sup> poses particular questions for public administration (especially the many organizational problems connected with slaughtering animals on a large scale, in a very brief period, requiring the creation of facilities specifically adapted for this purpose, allowing the slaughtering to be carried out in conditions that are sanitary to the required degree, that this is carried out by competent personnel, etc.)<sup>36</sup> that also arise in cities in Muslim countries. This ritual is the borderline between religious obligation and custom, since the kind of animal one is required to sacrifice differs according to regions. Some prefer that this sacrifice be practiced by families as a moral obligation based on the necessity of obeying a religious command. Some reinterpret this feast in a more spiritual sense and its dimension of social solidarity. While others have today given it an identity related meaning (Brisebarre, 1998).

In relation to classical practices, not much in-depth knowledge is available, in terms of a sociography of these practices. One may certainly recall that they do not even concern the whole population<sup>37</sup>. One may estimate that they concern on average a third of potential adult Muslims of the first generation, and perhaps only a fifth of young people (Marechal *et al.*, 2004).

This means that the practices are far from dying out. Certainly, they continue among the older generations, but they are still followed by young people. Among the young, a search for meaning is still part of the action, and this often causes a certain re-signification of the practices in accordance with their own sensibilities. In such a framework, innovative practices appear.

Further, these ritual practices are far from exhausting the range of the religious practices of European Muslims. Beyond this, there are still new identity-related practices.

On one hand they are assimilated to ludic-consumption practices, in which Islam becomes the support of an entire range of commercial and cultural practices. We note for example Islamic religious fashions in clothing, Islamic books and cassettes, Islamic singers, etc., some mentioned above. In this context some of the things that are offered are completely modern, such as the

<sup>35</sup> Litterarily, this term means “the great feast”, also called *Aid al-Ada* (sacrificial feast). It is the greatest feast in Islam, commemorating the alliance of Abraham with God. In order to remember that on the occasion of such religious events, an animal (usually a sheep) is ritually sacrificed.

<sup>36</sup> For new perspectives on this theme see Dassetto F. (2006).

<sup>37</sup> See the chapter above on diversity of forms of belonging and subjective experience.

Dawah Wear type of clothing (Boubekeur, 2005). In order to judge the importance assumed by this dimension, one has only to see the progressive separation of the commercial zone that has been opened since 2004 at the Salon du Bourget in Paris, where tens of thousands of French Muslims meet each year.

On the other hand there is more investment in the area of culture, more specifically as concerns cultural memory. Attempts to revivify the memory of Islamic heritage, or of particular Muslim communities, within European history only concerns some European Muslims, not all. These people are generally better educated and sensitive to symbolic issues, like the young Portuguese Muslims who are working to commemorate the positive heritage of al-Andalus in Lisbon, while many other Muslims do not know anything about these occurrences, since they did not participate in them (Tiesler, 2005).

This double procedure most often forms a part of a search for recognition of Muslims on the part of European populations. This recognition may go quite far because for certain young Muslims it extends all the way to the 60<sup>th</sup> anniversary of the opening of concentration camps in Germany, including Auschwitz (although such an attitude might be considered treason, by some Muslims, to the cause of the Palestinians). Some of the participants on the voyage organized by Emile Shoufani (the priest of Nazareth) among others in May 2003<sup>38</sup>, indicated that their own presence intended to signify their acceptance of European history in its entirety, even its darkest chapters, with the concentration camps during the Second World War, in the hopes of working to insure that no such disaster ever occurs again upon the European continent. And so a first step has been taken in search of a reciprocal recognition.

Such initiatives are still rare however, and there is overall certain awkwardness, even clumsiness of Muslims confronted with culture and contemporary cultural productions. For example, we must admit how difficult it seems to come up with truly modern Muslim architecture that is fully European, over and above the architectural traditions of Muslim countries. The question has certainly been discussed, but actual practices remain stuck with a sort of essentialized tradition. In fact it is with secondary manifestations, even temporary ones, things not really hallowed by religion, that we most easily identify modern re-appropriations (including ludic-consumption practices). However, insofar as the domains of human activity are concerned, upon which Islam has already left a clear mark, Muslims appear to feel some difficulty in gaining perspective and taking their distances.

## **7. Cohabitation: Islamophobia and beyond**

The presence of Muslim populations who are associated with meaningfully religious frames of reference is a considerable novelty in Europe. Allowance made for its new character and Islamic dynamics, this presence raises questions, most of them new questions, regarding cohabitation within European space. There are adjustments every day, within public institutions (schools and hospitals) and businesses. In some cases controversy has erupted (Rushdie, headscarves, Prophet cartoons, etc.). Extreme situations, as with terrorist acts or acts of vandalism, have been seen.

When we do take our distance with regard to all these events, we see several keys to reading this emerging cohabitation, and these translate themselves into attitudes and forms of action.

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<sup>38</sup> In May 2003, 500 young French and Belgian citizens, Muslims, Jews and Christians shared three days of commemoration of the Shoah at Auschwitz.

## 7.1. Cohabitation in terms of the extremes: terrorism, islamophobia, antisemitism

As far as European attitudes towards Islam are concerned, interpretative keys to the future of Islam in Europe and relations with non-Muslims are sometimes established beginning with extreme positions.

### A. *The danger of terrorists and networks*

Since the mid 1990s, since a series of tragic events in Europe (Paris, London, Madrid and elsewhere), the discovery of extremist or terror cells and the speeches of certain leaders showed that in European space the kernels of radical Islam have been planted. After a period of adjustment while they got to know these structures better, the intelligence services stepped up and coordinated their response at the European level toward the turn of the century.

An interpretation of the likely course of Islam's development in Europe, and its relations to its context, beginning with the extremist key, is thus still present, made visible by dramatic events. It has become a form of evidence through the extension of the security approach, indispensable for all that. In some cases it even retains a sort of monopoly of opinion in respect of the future development of Islam, and works to influence the formation of public opinion. Certain authors did in fact succeed in diffusing this security emphasis in millions of copies of books sold. The conclusion they supported was that in a substantial way Islam and its faithful tend to produce extreme forms of intolerance.

This exclusionary reading has a number of weaknesses. First, it is mistaken, since the development of European Islam cannot be reduced to these groups and these dramatic events, even if they have driven the agenda for some time, as much among Muslims as among non-Muslims. But by its abusive generalization, it cuts off an open investigation that Muslims themselves have begun to make, concerning the interpretation of texts: this includes, for example, reflective thought on the meaning of *djihad* in a European contemporary context.

Secondly, this monopolistic attention to Islam as extreme can be perceived as stigmatization by Muslims themselves. It could lead to a perception of rejection, even to a counter-reaction, which would no doubt take the form of withdrawal toward one's own community. Third, this exclusive reading paralyzes action in some ways. In effect since it is obvious in the eyes of some that the dominant tone of European Islam is that of radicalism, then the only issue is how to get rid of it.

### B. *Islamophobia*

Another angle on extreme forms is the one that takes the attitudes of non-Muslims to be "Islamophobic". This neologism from English has been the object of numerous debates. It refers to the fact that some non-Muslims feel a hostility to Muslims in principle, and this also extends to Islam. This hostility, this "phobia", is irrational in nature, as indicated by the suffix, –phobia<sup>39</sup>.

However, contrary to what has been written in some places, we continue to believe that there is no widespread or virulent current of "Islamophobia" in Europe. There is certainly no manifestation of deep-seated hostility toward Islam, no phobic hatred. There are reactions on the surface of society and situations that are sometimes translated by manifestations of hostility.

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<sup>39</sup> On this theme, see among others Geisser V. (2003), Massari M. (2006).

There are moments of hesitation, as when store keepers hesitate to hire young, headscarf-wearing girls as waitresses, for fear that the image of their store may change in the minds of the clients. Another example: when public authorities hesitate to authorize the construction of a mosque for fear of reactions among the members of the majority of the electorate. There are certainly enough cases of unfriendly attitudes, as we see in France, where tension still exists concerning episodes in the history of disputes between different segments of the French population (which includes Muslims). Above all there is uneasiness, which is often expressed as a fear of the radicalization of European Islam.

However things may be in reality, it is important to note that such acts are pointed out and publicized by some Muslim groups, and also by some public agencies. They subsequently become keys to a monopolistic reading of relations between Muslims and non-Muslims.

This approach has definite limits. Presenting itself as the key to a one-way reading of relations that are in the process of being established, it falsifies the situation. Further, this approach can appear erroneous because it tends to qualify all critical positions that are investigating Islam and its development, as forms of anti-Islamic phobia. In this respect certain investigations conducted to determine the existence of such Islamophobia deserve to have to answer questions in more detail about their methodology and their own presuppositions, before being allowed to broadcast figures concerning positions characterized as “Islamophobic”. In addition, some of the behaviour characterized as Islamophobic should receive a closer analysis. The third result of such a reading of the situation is that it legitimizes a we-are-the-victims reading on the part of Muslims themselves, something other Muslims denounce. When Muslims accept being characterized as victims, they only increase the isolation of their community. Final result – and not the least – this reading actually increases tension, since in the face of denunciations of Islamophobia, counter-denunciations begin to appear. Anti anti-Islamophobe websites appear even as the denunciations of Islamophobic speech are multiplying, and this speech is said to want to censor any criticism of Islam itself.

### **C.     *Antisemitism***

Confusion in some minds (including some young Muslims) between the positions of the government of Israel that are hostile to Palestine, and the presence in their own community of the Jewish religion and its public activity, has sometimes led people to conclude that the Muslims community is hostile to Jews in general.

It is clear enough that the Muslim populations of Europe do identify to a great extent with the struggle of the Palestinian people, just as Jewish populations identify with the struggle of Israel. It is also clear that the Palestinian question is one to which the conscience of a Muslim is particularly sensitive (even if one might hazard to guess that the associated analysis of that situation is relatively partial). But none of this should be allowed to legitimate the conclusion that Muslims in general are “Judeophobic”. That would be a very partial view. The same consequence, that is radicalization, reciprocal denunciation, etc., as discussed above having to be guarded against.

### **7.2.    Cohabitation as a relationship: multiculturalism, interculturalism and minority status**

Certain visions place emphasis on the whole fabric of social relations that is being woven at this time, unlike positions just discussed.



### **A. *Multicultural or multiethnic society***

Going up against a vision of Nation-states as culturally homogeneous, we may observe in the first place that from now on all European states and societies are going to be characterized as multicultural and multiethnic. The first term is a reference to the concept of “culture” that has come out of the anthropological and sociological tradition. It further refers to the expressive dimensions of experience (ideas, aesthetics, daily life, etc.). The concept of ethnicity appears rather to contain a reference to the fact that these “cultures” give rise to forms of social organization – eventually to political activity. These observations allow us to escape from a mindset that is implicitly or explicitly assimilationist.

Still, the emphasis placed on multiculturalism appears to overlook the fact that all societies and States have always been multicultural. There have always been different Christian churches, regional differences, differences between rural, mountain, and urban cultures, differences between social strata, ideological differences. We should therefore speak rather of a new multiculturalism, referring to the new existence of human groups whose presence in Europe gives rise to new questions about the organization of public space. For it is true, if these cultures only expressed themselves in private space, not as much attention would be paid to the multicultural character or the multiethnic composition of European society.

Evaluating everything in terms of multiculturalism shows at any rate the limits of this view in terms of the analysis of society. As a useful concept for describing the reality of our societies in non-conflictual areas (e.g., culture as food), this concept is sufficient. But when cultures raise questions about basic coexistence, or when cultural practices go up against principles that are considered universal, then discussions of pluralism are no longer helpful.

### **B. *Minorities***

Taking notice of the existence of a new group may lead some to apply the category of minority to the group, to think of it as a minority. The sense is that of a group that has a specific status within the whole of society. This specific status can manifest itself through the cultural expression of the supposed minority, or through its forms of social organization, or even its legal traditions. Some Muslims think in terms of this category in relation to the status of the Muslim presence in Europe. And some European authorities also use this category in envisaging the Muslim presence in Europe.

Tested against the facts, this category may collapse and prove worthless. First, in cultural terms, it is necessary to observe that in societies that are largely pluralist, as the European ones are, because of their history, everyone is a minority to everyone else. Besides, Muslims themselves, through the dynamics they have developed over the last forty years in Europe, have shown that they do not intend to think of themselves in terms of minority groups, but that they have every intention of considering themselves European citizens, and to be considered European citizens in the fullest sense. The category of minority or ghetto does not apply to European Muslims even if some of them have thought that it might be important to arrive at some sort of recognition, some sort of specific private right, especially in terms of families, for European Muslims.

The question should be debated more widely, because the risks inherent in these positions are easy to see. On one hand they contribute to the construction of a “separate” society; on the other hand they freeze in place the members of a human group by means of a specific status. Finally

this causes the founding principle of European societies to waver, the principle of the universality of rights in relation to all citizens. At any rate if the option of minority status is kept available, in the future the question will arise, concerning an adaptation of European law to the demands of new groups.

### **C. *The intercultural and the interethnic***

The limits inherent in the idea of “multi” by itself have been noticed, and so in the areas of teaching and cultural production an idea has been developed: that it is important to take into consideration the interactions between these cultures and different ethnic groups.

Taking these things into consideration is something that is often undertaken in terms of communication. But it is not enough to observe differences: it is also necessary to promote communication, to promote exchanges, and reciprocal acquaintance. And part of the work of education is given over to this effort to know the other culture, even to obtain mutual recognition.

It is in this sense that we can understand the idea of dialogue between different religions, on the hypothesis that coexistence for several religions, or coexistence between Islam and other religions, poses a problem.

### **D. *Beyond the intercultural and the interethnic***

When we look at the development of European and world Islam, we are led to make two statements.

First, Islam is not a culture and does not give rise to an “ethnic” group in the ordinary sense. The idea of culture, in the sense in which this word is currently used, emphasizes daily life, and expressive productions, often together in local realities. But Islam is a religion, in the sense that it refers to absolutes, to systems of thought and universal meanings. We are not confronted with a simple cultural expression. At all events Islam does not only give rise to a group marked by ethnicity and built up on the basis of a local culture. Rather it is something that gives rise to a very large human group on a global level, with tremendous historical depth. In other words, speaking of the case of Islam in Europe, we are facing a new human reality, which is also a religion and which is intimately bound up with the history of civilization. Now we understand better the most important issue that confronts Europe, that is, the outcome of a great encounter of different civilizations.

## **7.3. From cohabitation to the decision to live together**

Observations about pluralism and the effort toward communication are not sufficient when it comes to responding to the question of living together. These groups, Muslims and non-Muslims, do not live in walled ghettos, and they must find ways of managing their daily life together. The case of the “Islamic headscarves” is symbolic, because it raises the question of living together not only as regards daily life in public space, but also as regards public institutions and their functioning.

Faced with these questions, one way of making decisions is by passing regulations supported by a majority that stands apart for this purpose. At certain times this method of decision making is indispensable, but it cannot pretend to be able to solve all questions, nor to arrive at decisions in

the simplest manner at all times. In many cases the issues themselves are uncertain, and the reasoning behind them less than obvious. In many cases what is at stake is part of the daily life of citizens that cannot really be regulated by means of laws.

It is likely that unless we are to see situations becoming worse, we must come to see the beginning of a profound work of construction toward renewed cohabitation as urgent. It is not simply a matter of acknowledging that there is such a thing as pluralism, or of being in favour of communication. People must really get down to debating the questions that have been raised about living together. And this is true because Muslims are not a separated minority, and the reality of European Islam is more than an unimportant or secondary cultural fact. It is necessary to organize debates that examine these crucial questions in depth, questions that have remained in suspense for some time, or that continue to cause uneasiness in daily life. Such debates have already been initiated in Belgium and also at the European level, in various countries beginning in 2005. Indeed, research was organised for the King Baudouin Foundation, in the course of which diverse “reflection focus groups” were formed. People with diverse backgrounds met in order to discuss hot issues, in a spirit of openness and freedom to speak, without limitation, in an atmosphere of mutual respect, reciprocity, and “reciprocal co-inclusion”. The questions debated were Islam at schools (with teachers, among others), headscarves, the image of Islam in the media (with journalists around the table, face to face with Muslims), political Islam, youth and sexuality, confronting identities. Some results are already accessible on the Internet (De Changy, Dassetto, Maréchal, 2006); a book is also available in French (De Changy, Dassetto, Maréchal, 2007). As for the European results, they won’t be available before 2008.

#### **7.4. Conclusion**

Thinking the presence of Islam in Europe via the categories of “culture” and “ethnicity” is finally insufficient, because this does not take into consideration Islam’s density as a religion and a civilization. By the same token it is not enough to think Muslim groups in terms of the categories of minorities. Nor is it enough to think in terms of pluralism and communication, because there are issues that are at stake as regards everyone’s daily life.

Generalizations about an adversary and the condemnation of this adversary – implicit in the categories of Islamophobia and extremism – are not only false in their attempt to describe the totality, but still worse, they only promote an increase in tension and more raising of voices in confrontations.

It is urgent to promote wider debates and deeper reflection, and to use all available tools, in order to construct better arguments in favour of living together and working to meet the questions that are to come.



## Part two

### Juridical profiles and political management of Muslims' presence in Europe

#### 1. Islam and the European Model of Relations between States and Religions

Islam, as it is well known, is undergoing a transformation process from an immigrants' religion into a religion that by full right is part of the European reality. This process requires to be accompanied, in juridical terms, by appropriate actions in the position to allow Muslim communities fully integrating themselves in the European model of relations between States and religions. It is unlikely that a European Islam may take shape, substance and stability before this institutionalization process is completed. This process must be therefore pursued and carried out without delays and uncertainties, bearing in mind that, on the one hand, it will involve bringing relevant changes to the laws of most European Union Member States, and that, on the other hand, it will question traditional Muslim practices and doctrines that do not seem compatible with those laws.

The first step consists in identifying the basic features of the context in which State-religion relations develop in Europe, since just within this framework Islam has to find a place of its own. However, the European model of relations between States and religions should not be considered as a rigid and static scheme, a sort of straitjacket to be imposed to any new religious community appearing on the European scene. On the contrary, it should be intended as a dynamic reality, in the position to conform to the new requirements imposed by the changes occurring in European society.

No single model has ever been enforced in Europe to regulate the relations between States and religions. There are, instead, as many models as many are the States belonging to this region of the world. However, three common principles recur, although in different forms, in all of them.

The first principle consists in individual religious freedom. It implies that personal religious beliefs are irrelevant in relation to the enjoyment of political and civil rights (or, in other words, civil and political equality of all citizens, and ban of religiously-grounded discrimination). Individual religious freedom is ensured by international conventions signed by the European countries, as well as by their own constitutional laws. Of course, it does not mean that no religious discrimination exist: in some countries, for example, the major State authorities must profess the State religion. Although provided with a considerable symbolic value, these rules, however, concern an extremely limited number of people. In general, we can say that both in Western Europe and in Eastern Europe, among Roman Catholics as well as among Protestants and Orthodox Churches, an apostate, an atheist, or a follower of a minority religion, does not suffer on grounds of his/her religion or conscience any diminution of the civil and political rights due to any citizen.

Distinction between State and Church represents the second principle. On the one hand, it grants the autonomy of religious organizations and the absence of State interventions in the definition of their doctrines and internal organization. On the other hand, it asserts the State's independence from any form of religious legitimization of its own power, since the State is ultimately grounded only on the will of its citizens. The independence and autonomy of

religious organizations finds a solid foundation in the constitutional charters of the European countries, as well as in the different concordats and agreements that many of them have stipulated with some religious communities. There are certainly a few countries where the autonomy of religious communities is somewhat limited, where for example, bishops are appointed by the head of State and the ministers of religion are considered public employees. However, in those countries, too, the autonomy of religious communities is increasingly considered as a necessary consequence of the principle of collective religious freedom, and hence, a limit in front of which the authority of the State must come to a halt. The recent changes in role of State Churches in Finland and Sweden (which are going to be followed soon by Norway) are a significant example of this trend.

The third feature of the European model consists in cooperation between States and religions. This cooperation may have different aims, involve different subjects, and take diversified legal forms. But in any case, after the end of the Communist experience, a cooperation system between public authorities and religious groups has been enforced all over Europe. Cooperation between Church and State is often regulated through concordats and agreements stipulated by States with religious communities. However, also countries in which those agreements do not exist (such as Belgium and Ireland) are equally characterized by large cooperation and do not differ very much, from this point of view, from States in which a concordat has been signed. Even in the most “separatist” and secular countries, religious assistance is provided, for example, to the Army (at State expenses), and many worship places are maintained by the State.

These three elements – religious freedom, autonomy of religious communities, cooperation between State and religious communities – constitute the hub around which the system of relationships with religions prevailing in the European countries revolves. The ways in which these three elements combine are extremely diverse, but in all of them, these elements remain recognizable, and allow us speaking – even though in general terms – of a European model of relations between States and religions.

The significance and the value of this model lie in its attempt to find a correct balance between freedom, equal treatment, and cooperation. On the one hand, stands the safeguard of individual religious freedom and of the autonomy of religious communities: it opens an area of freedom available to all religious communities, including the new ones and those more distant from the social and cultural values traditionally shared by the populations of the European countries. This legal space ensures to all religious communities the possibility not only to survive, but also to grow, and therefore to offer (jointly with other religions and life philosophies) their own contribution to the development of European society. On the other hand, all European States are ready to cooperate with religious communities, but not indiscriminately. Europe is not certainly lacking in a history and a culture of its own, and therefore is not prepared to accept uncritically any religious experiment or experience. There are values and principles that constitute the very identity of the European countries, and are expressed through different levels of favourable acceptance with which society and State may welcome religions and life philosophies. The selective and gradual nature of the cooperation the States offer to different religions is an evidence of this insight and evaluation process. It is aimed at fostering, through cooperation, the particular behaviours that most contribute to the development of the values on which the political system and social peace are based: dignity of the human being, democratic citizenship, freedom of conscience, equality, and so on. However, this process should be indiscriminating and, through it, all religious groups prepared to accept these values should receive equal support and cooperation from the State.

Islam must therefore find its own place within this model, which in different forms is shared by all European Union member countries. This process involves a set of reforms that will be neither easy nor painless, since they affect a consolidated structure of rights and privileges granted to established religious communities. In the following pages, we will carry out an overall survey, pointing out from time to time the “status quaestionis” and the changes we consider appropriate.

## **2. Establishing Representative Institutions of the Muslim Communities**

### **2.1. The European Juridical Framework**

The European Union has not adopted uniform regulations concerning the legal status of religious communities. Each State follows its own rules. However, three issues are widely shared by EU Member States, although their application procedures differ from State to State<sup>40</sup>:

- In each EU Member State, religious communities can obtain legal personality as civil law association. This right is increasingly recognized as part of the collective right of freedom of religion<sup>41</sup>. As a consequence, religious communities are governed by the general law regulating associations, and they can perform the basic acts and activities essential to their life (opening a bank account, signing contracts, etc.).
- Several EU member countries (such as Spain, Belgium, Germany, Czech Republic, Romania, etc.) enforce a system of State recognition, or registration, of religious communities. To be recognized/registered, religious communities need to fulfil a number of requirements (which differ from State to State: among the most common ones, a minimum number of members, a minimum number of years in which the religious community must have been active in the country, some guarantee of financial solidity, etc.). Once they are recognized/registered, religious communities are regulated by a special law specifically addressed to them, generally more favourable than the common law for associations (for example, this special law may grant tax exemptions, give civil effects to religious acts, etc.).
- In some EU countries (for example, Portugal, Italy, Germany, Hungary) it is also possible to conclude concordats and agreements between the State and some religious communities. Once a religious community has signed this kind of agreement, its relations with the State are disciplined by the agreement provisions, which answer in the best possible way to the needs of the religious group.

### **2.2. Juridical Regulation of Muslim Institutions**

The establishment of organizations operating on a national scale, in the position to represent the Muslim communities settled in a country, is a preliminary condition for developing fruitful cooperation relations with the State<sup>42</sup>. In most European countries, the juridical regulation of religious communities is established on a national scale, and failing sufficiently representative organizations, the Muslim communities would be condemned to remain on the fringe of the relation system between States and religious groups.

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<sup>40</sup> On this topic, see Friedner L. (2007).

<sup>41</sup> See the case-law of the European Court of Human Rights and in particular *Metropolitan Church of Bessarabia and others v. Moldova*, 45701/99[2001] ECHR 860 (13 December 2001).

<sup>42</sup> About this issue, see Cesari J. and McLoughlin S. (2005).

### A. *The Experience of France and Belgium*

In both countries, the creation of a national-scale representative body has taken place through elections involving the members of the Muslim communities.

In France, the process leading to the creation of this kind of body started in the late 1980s. This representation role had formerly been played *de facto* by the Great Mosque of Paris, but since this institution was strictly connected with the Algerian community and government, it became increasingly less suitable to express the will of the other Muslim components, which, as from the 1980s, had begun to increase their weight within French Islam<sup>43</sup>. In order to overcome those difficulties, in 1989, the Ministry of the Interior promoted the creation of a first collective advisory body, which was followed by other ones until the elections that in 2003 gave rise to the *Conseil français du culte musulman*<sup>44</sup>.

A fundamental stage in the development process of Muslim representative bodies in France was the signature, in January 2000, of the *Principes et fondements juridiques régissant les rapports entre les pouvoirs publics et le culte musulman en France*<sup>45</sup>. This document, prepared by the Ministry of the Interior, sums up the basic principles of the relation system between State and religious confessions in France. In the introduction, it states that the Muslim groups and associations participating in the consultation process “solemnly confirm their attachment for the fundamental principles of the French Republic, and namely [...] for the freedom of thought and the freedom of religion, for Art. 1 of the Constitution stating the secular nature of the Republic and its observance of any creed, and finally, for the provisions of the law of 9 December 1905 concerning the separation of Churches and State”.

The action undertaken by the Ministry of the Interior brought a great deal of criticism, in particular because a similar declaration of adhesion to the “laïcité” of the State and to the principles of religious freedom and equality had never been requested to the representatives of other religious communities. The French government justified this difference in treatment on grounds of the exceptional nature of the situation and the difficulties encountered by the Muslim world in keeping religion apart from politics<sup>46</sup>. In any case, the process started by the French government was followed also by other EU member countries<sup>47</sup>.

In Belgium, though the creation of Muslim representative bodies has been devised in a similar way, it underwent however a less straightforward development process. Albeit Islam had been recognized since 1974<sup>48</sup>, the procedures aimed at electing a Muslim representative institution on a national scale were started only during the 1990s after a period in which the functions of such a body had been performed by the Islamic and Cultural Centre of Belgium (backed by Saudi Arabia)<sup>49</sup>. After long and complex negotiations between the Belgian administration and the

<sup>43</sup> Terrel H. (2004), 69.

<sup>44</sup> This event is described in detail by Sevaistre V. (2004), 33-48. See also Cesari J. (2001), 36-51.

<sup>45</sup> This document can be found at [www.pourinfo.ouvaton.org/immigration/dossierchenement/chevenement.htm](http://www.pourinfo.ouvaton.org/immigration/dossierchenement/chevenement.htm).

<sup>46</sup> See the speech made on 28 January 2000 by Jean-Pierre Chevènement: the full text is available at the aforementioned address.

<sup>47</sup> In Italy, for example, a “charter of the values of citizenship and integration” has been prepared in April 2007. Although it was signed by all the immigrant communities, it had been devised paying particular attention to Muslims. See [www.olir.it/news/archivio.php?id=1183/](http://www.olir.it/news/archivio.php?id=1183/)

<sup>48</sup> Belgium has enforced a legal recognition system of religions: up to now, six communities have been recognized (the Catholic, the Protestant, the Jewish, the Anglican, the Muslim, the Greek and Russian Orthodox communities). See Torfs R. (2005), 13-19.

<sup>49</sup> See Hallet J. (2004), 43-48.



Muslim communities<sup>50</sup>, a Muslim Constituent Assembly was elected in 1998. This event set the procedure to establish an Executive Committee in motion, but when the time came to present the candidates, a considerable number of them were rejected by the Ministry of Justice, which considered those candidates too much radically oriented<sup>51</sup>. A new Executive Committee was then elected in 2003, but in 2004 the Belgian Parliament approved a law that dissolved both the Constituent Assembly (before its natural expiration term) and the Executive Committee, and called a new election, which took place, among new conflicts, on March 20, 2005.

These interventions were justified by threat of extremist infiltrations in the representative bodies of the Muslim community, and by the conflicts rising within it between the groups of Turkish and Moroccan origin. However, some observers have underlined that these measures do not comply with the principle of religious groups' autonomy. Furthermore, dissolving a regularly established religious organization or precluding the presentation of candidatures to the steering committee of that organization, seem scarcely compatible with the case law developed on the basis of Art. 9 of the European Convention of Human Rights<sup>52</sup>.

### ***B. The Experience of Austria and Spain***

Some other countries have followed instead a partly different approach. These countries have focused on the creation of a single representative body as well, but have avoided resorting to elections, as they have preferred implementing a method based on State recognition of a Muslim organization. This is the case of Austria and Spain.

In Austria, the Muslim representative organization enjoys an extremely solid legal status, similar to that recognized to the Catholic and Protestant Churches<sup>53</sup>, a result largely depending on historical reasons. The Islamic community was recognized by a law of 1912, when Bosnia and Herzegovina, where a large Muslim community was settled, were still belonging to the Austro-Hungarian Empire<sup>54</sup>. Basing on that law, in 1979 was established the Islamic Religious Community of Austria, which holds the status of a public law corporation. In 1987, the Constitutional Court confirmed that the State recognition applies to any legal Islamic school and not only to the Hanafite school (which the law of 1912 referred to)<sup>55</sup>.

Muslims' presence is rather recent in contemporary Spain, and the creation of a single representative body dates back only to 1992, when the Islamic Commission of Spain was established. This body represents the outcome of the merger of two pre-existing federations of Muslim communities, which joined in view of the conclusion of an agreement with the Spanish State<sup>56</sup> (the agreement was signed in the same year). However, its enforcement pointed out some unresolved conflicts between the two member federations of the Islamic Commission of Spain.

<sup>50</sup> Ibidem, 44-45.

<sup>51</sup> Hallet J. (2004), 47; Foblets M.C. and Overbeeke A. (2004), 14-15.

<sup>52</sup> See Foblets M.C. and Overbeeke A. (2004), 16-18.

<sup>53</sup> See Wieshaider W. (2004), 31-32; Heine S. (2002), 28-30.

<sup>54</sup> In Austria, a law of 1874 establishes that the major religions must be recognized by law. Up to now, in addition to the Catholic Church, the Protestant Church (1961), the Orthodox Church (1967), the Jewish Community (1890) and the Muslim Community have been recognized. See Potz R. (2005), 396-401.

<sup>55</sup> See Jamila Abid L. (2006), 3.

<sup>56</sup> In Spain, registered religious communities deeply rooted (with "notorio arraigo") in the history of the country are entitled to conclude an agreement with the State, and obtain a more advantageous legal regulation than that provided for religious groups that have not signed any agreement. So far, the Spanish State has signed agreements with the Federation of Evangelic Religious Organizations, the Federation of Jewish Communities, and the Islamic Commission. The Catholic Church enjoys instead a special legal status, introduced through several concordats signed between 1976 and 1979. See Ibán I. C. (2005), 145-49.

Because of those conflicts, several provisions of the agreement could not be carried into effect<sup>57</sup>, and only in recent times, some significant steps forward have been made as regards religious assistance and Muslim religious education in schools<sup>58</sup>.

### ***C. The Experience of Sweden***

In Sweden, several Muslim organizations operate on a national scale. All these organizations are registered and benefit from State subsidies. This ever-growing plurality of representative institutions recognized by the State does not seem to have caused unfavourable consequences on the good relations existing between public authorities and Muslim communities, so far<sup>59</sup>.

### ***D. Further Experiences in Other European Countries***

Some representative national institutions, which benefit from State subsidies, can be found also in other EU Member States, such as Poland<sup>60</sup> and Italy<sup>61</sup>, while in other countries – for example, Germany<sup>62</sup> – they have not been yet established.

## **2.3. Evaluations and Prospects**

The creation of Muslim representative organizations has proved to be a particularly difficult task. In the first place, Muslim immigration is still a recent and ever-developing phenomenon in several member countries, which involves the presence of a very high number of persons. Quite often, Muslim migrants have not yet achieved a sufficiently long “sedimentation” period in the host countries, which may allow establishing appropriate representative institutions within the local Muslim communities. In the second place, Muslim communities have shown a tendency to diversify themselves into a variety of channels (nationality, ethnic origin, theological diversity, ideological divisions, etc.), which have hampered establishing a single representative body of the entire Muslim religious community as such. Finally, the need for a representative body structured on a national scale is completely unrelated to the Islamic tradition, and sounds unusual to many Muslims originating from countries where the relations between State and religion are not organized according to this model.

For all these reasons, it would have been advisable not to force the times required for the institutionalization of Islam in Europe. However, in recent years, many governments, in order to subtract the European Muslim communities from a radical drift, have deemed it necessary to consolidate on a national scale the legal status they benefit from, by approaching it to the status of other religious communities. This approach implies a greater State cooperation with the Islamic communities, which would be considerably encouraged by the presence of a sufficiently representative counterpart.

Bearing in mind this urgency, it is however advisable to proceed cautiously. Experience has proved that it is necessary to proceed pragmatically and adapt strategies to the situation of each different country. There is no single model in the position to be effective for all European

<sup>57</sup> See Mantecón J. (2004), 216-18; Motilla A. (2004).

<sup>58</sup> Cfr. *infra*, par. E.1.

<sup>59</sup> See Otterbeck J. (2004), 238-41; Alwall J. (1998), 184-87; Friedner L. (2006), 311.

<sup>60</sup> In Poland, the Muslim community was legally recognized by the State in 1936. The Muslim Religious Association, established in 1926, is regulated by a charter approved in 2004. See Rynkowski M. (2006), 258-59.

<sup>61</sup> In September 2005 a Muslim Council was appointed by the Ministry of the Interior: see Ferrari S. (2007).

<sup>62</sup> See Rohe M. (2004), 86-88; Puza R. (2001), 70-72.

countries. There are instead as many models as many are the historical, social and cultural realities characterizing the Old Continent. Therefore, the need to relate with a national Muslim counterpart may be met in different ways, on the basis of the laws enforced in each State. In some cases, it might be advisable to encourage the establishment of a single institution in the position to represent all Muslim communities on a national scale, while in other cases it might be preferable to respect the variety of Muslim institutions by recognizing all of them on grounds of equality. The adoption of a procedure based on elections should be pragmatically evaluated either, considering that in Belgium this choice gave rise to problems that instead did not come out in Austria, where Muslims were not called up to vote.

Only one limit must be observed in all European countries. Public authorities have the possibility to promote and encourage the establishment of a Muslim representative body (such as it happened in Belgium, France, and in other countries), but not to impose it. Apart from the difficulties involved in such an operation, it would in fact risk to affect the internal autonomy of a religious community, this autonomy being strictly related to the collective right of freedom of religion, and thus representing a fundamental principle of the relation system between States and religions in Europe.

### **3. Mosques and Places of Worship**

#### **3.1. The European Juridical Framework**

The possibility for the believers of any religious community to establish and maintain places where they can meet in order to practise their faith and hold religious meetings is explicitly envisaged as an essential part of the right of religious freedom by Art. 6 of the “Declaration of the United Nations on the elimination of all forms of intolerance and discrimination based on religion or conviction”, and is recognized, as part of this same right, by all the legislations of the European Union member countries<sup>63</sup>. Building and maintenance of places of worship belong to the fundamental rights of religious freedom due to all people residing in Europe, and cannot be violated whether directly or indirectly. The provisions of the Greek law, which had subordinated the opening of places of worship of other religious confessions to the opinion of a single religious community (the Greek Orthodox Church), were condemned by the European Court of Human Rights through the Manoussakis ruling of September 26, 1996<sup>64</sup>. In the same ruling, the attribution of an excess of discretionary power to public authorities in the required authorization procedure for the opening of a place of worship was also declared illegitimate.

#### **3.2. Problems in Connection with the Building of Muslim Places of Worship**

Though this issue implies a number of symbolic values, the construction of mosques or other Muslim places of worship neither does give origin to new legal problems, nor requires particular efforts of legislative imagination. This does not mean that Muslims (as well as other religious minorities) do not experience difficulties in trying to build a place of worship<sup>65</sup>. On the contrary. However, the bitter controversy aroused almost everywhere in Europe by the construction of

<sup>63</sup> See Motilla A. (2004), 82-83.

<sup>64</sup> See Konidaris J.M. (1994), 176. As to this ruling, see European Court of Human Rights, Reports of Judgements and Decisions, 1996-IV, n. 17, p. 1346 ff. More in general, on the problems connected to the building of mosques in Athens and in other parts of Greece (except in Thrace, where a large Muslim population is settled) see Tsitselikis K. (2004), 110-11, and Papastathis C.K. (2005). The Greek law mentioned in the text was recently amended and the authorization of the Greek Orthodox Church is no more required for the opening of non-Orthodox places of worship.

<sup>65</sup> See for example Khaliq U. (2004), 236-40.

mosques is mostly of a political nature, or linked to practical concerns (such as traffic management, parking difficulties, etc.) which are not different from those that might be caused by the construction of any other building planned to house a large number of people<sup>66</sup>. At times, disputes arise from using as places of worship buildings that do not have the characteristics required by the law for this purpose (this problem might be solved by the application of general rules, even though the courts of some countries proved reluctant to apply town-planning regulations to these places of worship<sup>67</sup>). In other cases, there is an emotional reaction to the building of a minaret and to the call to prayer coming from it every Friday afternoon, as it is perceived as a challenge to the church bell-tower and bell-ring<sup>68</sup>. In some circumstances, the construction of Muslim worship places has been opposed using the argument that they are not exclusively places of prayer, since in the Muslim tradition, a mosque is also a place reserved to cultural, social and even economic activities. However, also in the Christian countries the premises of a church frequently house offices reserved to social and charitable religious organizations, a cultural centre, or a place where young people use to meet and socialize. After 2001, Muslim worship places have been often charged of having turned into places of political propaganda pursuing even subversive activities. Such being the case, the legal provisions in force in each State should be applied without hesitation, but the fact that a mosque may be improperly used by a minority of Muslims is not a reason good enough to prevent the large majority of them from having a place in which they can pray. Finally, the construction of mosques has been opposed with the justification that some Muslim countries forbid building churches<sup>69</sup>. Though this statement is basically correct, it should not be used with the purpose to introduce in Europe a prohibition that is (rightly) criticized when applied in other countries.

All these objections reveal the uneasiness many Europeans feel when confronted with the radical and quick changes caused by Muslim immigration. These objections should not be underestimated, as any good politician knows. But, from a legal point of view, they are without foundation, as no specific limitations applying to the building of a Muslim place of worship exist.

### 3.3. Evaluations and Prospects

Basing on the rules laid down by the international and constitutional law in force in EU member countries, there cannot be any doubts on Muslims' right to have their own places of worship (obviously, in compliance with the regulations each Member State has enforced on this matter). Likewise, there cannot be too many perplexities on the advisability to promote the development of Muslim places of worship. In several European countries, the scarcity of appropriate structures drives Muslims to gather for their prayers in inadequate places (such as garages, basements, flats) or to pray in public areas (such as it regularly happens, for example, in Milan), thus causing serious troubles to the whole neighbourhood.

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<sup>66</sup> See, for an example of these concerns, Muckel S. (2004), 54-57.

<sup>67</sup> See van Bijsterveld S. (1994), 290-91.

<sup>68</sup> See in this regard the decision of the Administrative Court of Appeal of Koblenz of November 20, 2000. The Court decided that the law does not grant any protection of the cultural status quo, and therefore does not prohibit the building of minarets: see Rohe M. (2004), 89. Also in Austria, United Kingdom (with limitations) and The Netherlands, muezzins can call to prayer from the minaret: see Wieshaider W. (2004), 35; Khaliq U. (2004), 239 and Rath J., Penninx R., Groenendijk K., Meyer A. (2004), 175. In Switzerland a change in art. 72 of the Federal Constitution has been proposed in order to prohibit the building of minarets.

<sup>69</sup> See Abu-Salieh Aldeeb S.A. (1999), 97; Id. (2001), 113-15. However, most lawyers affirm that the principle of reciprocity cannot be applied when fundamental human rights are at stake, such as in this case. Of course, rejecting the application of the principle of reciprocity does not mean condoning the violation of religious freedom in the countries where the construction of places of worship (of whatever religion) is forbidden.

The question is actually, whether and how public authorities have to financially support the construction of mosques and Muslim prayer halls. Within Western Europe there are different rules in force, which in some cases (such as in Italy and Belgium)<sup>70</sup> privilege some religious confessions compared to others (the Muslim community being amongst the latter in both countries). In other cases, they exclude every form of financing (this is currently the situation in Netherlands and Ireland)<sup>71</sup>. Apart from isolated cases<sup>72</sup>, the building of mosques has seldom benefited from public financial support. However, things are slowly changing, and in 2005 the French Ministry of the Interior promoted the creation of a foundation aimed at raising funds and private donations for building Muslim places of worship<sup>73</sup>. These different national choices come within the scope of the selectivity and gradualness that, within certain limits, can legally distinguish the cooperation of the State with the different religious creeds. Since having a place of worship is a right directly affecting the core of religious freedom, this selective and gradual economic support offered by public authorities to the different religious communities must however be based on criteria that must be as far as possible objective, such as numerical consistency of the community requesting financial support to build its place of worship, or unavailability of other places for this purpose. Nevertheless, as a matter of fact, these criteria are not always respected in the case of mosques and Muslim prayer halls construction.

## 4. Religious Assistance

### 4.1. The European Juridical Framework

All European Union Member States recognize the right of believers who find themselves in hospitals, prisons, or serving in the Army, to receive religious assistance from a representative of their religion: once more, this right is considered as part of religious freedom. The concrete methods of organizing religious assistance differ from State to State, and range from the recognition of the mere right of access to a hospital, prison or military structure, granted to a minister of religion at the expense of a religious community, to the availability in the public

<sup>70</sup> In Italy some regional laws lay down economic support for the building of places of worship of religions that have stipulated an agreement with the State: a limitation of this type, in the law of the Abruzzo region no. 29/1988 was declared illegitimate by the Constitutional Court with ruling 195/1993 (this tendency was confirmed by decision 346/2002). However, not all regions have conformed to the indications of the Court (see Aluffi Beck-Peccoz R. (2004), 139-40). In Belgium, the building of mosques cannot be financed due to the lack of official recognition of local Muslim communities by the regional authorities (see Jean Hallet (2004), 57). In France, Catholic churches built before 1905 are owned by the State (which takes care of restoration and bears maintenance costs) and given to the Catholic communities in free use. To keep a balance, State and municipalities have sometimes financed the construction of mosques and synagogues: see Basdevant Gaudemet B. and Messner F. (1994), 128-29; Messner F. (1999), 102-03.

<sup>71</sup> As to The Netherlands, see Rath J., Penninx R., Groenendijk K., Meyer A. (2001), 42-52 and 134-59; van Bijsterveld S. (2000), p. 136 (but it is not impossible, in this country, to obtain economic support from local authorities). In France, there is no State support for the building of worship places, but local authorities have large discretionary power in this field and sometimes indirectly facilitate the construction of worship places (including mosques): see Basdevant Gaudemet B. (2004), 69-71; Messner F., Prélôt P.-H., Woehrling J.-M. (2003), 922; Basdevant Gaudemet B. and Messner F. (1994), 128-29. Indications on the current legislation in Belgium, Germany and Italy are contained in Ferrari S. – Bradney A. (2000); for Spain, the United Kingdom and Sweden see Motilla A. (2004), 94-98, Ansari H. (2004), 274-75 and Otterbeck J. (2004), 241-42. As regards Ireland and Austria, see Casey J. (1994), 195 and Schmied M. and Wieshaider W. (2004), 206.

<sup>72</sup> In Portugal, the building of the Lisbon central mosque was partly financed by the State: see Leitão J. (2004), 187. The same happened in France when the Paris mosque was built (see Messner F., Prélôt P.-H., Woehrling J.-M. (2003), 857). Some support has been given or promised in Spain and France for the construction of mosques in Madrid, Barcelona and Strasbourg (see Motilla A. (2004), 95-96; Mantecón J. (2004), 223; Basdevant Gaudemet B. and Frégosi F. (2004), 164-66).

<sup>73</sup> See Ferrari A. (2006), 125-36.

structure of permanently resident chaplains paid by the State. More frequently, there is a combination of these two systems, the former being applied to minority religions (including Islam), and the latter to major ones (this is the case of Spain, Portugal, Denmark and Italy, for example)<sup>74</sup>. Once again, – if the difference in the support the State offers to the different religions has a rational basis (for example the different numerical importance of the various religious groups) – these choices could conceivably fall within the legitimate scope of the discretionary power of the public authorities: but in Europe, this is not always the case.

#### 4.2. Spiritual Assistance to Muslims

The problems arising from the presence of Muslims in hospitals, prisons, and to a smaller extent, among the members of the Army, are once again problems *de facto* and not *de iure*. As already mentioned, some well-established national rules might be applied, without substantial modifications, also to the Muslim communities, but, for a number of reasons, Muslims are not always in a position to fully take advantage of them. Until a few years ago, for example, in Belgium imams working as chaplains in hospitals and prisons did not enjoy the financial support they should have been entitled to receive from the State as chaplains<sup>75</sup> and in 1997 there was no Muslim chaplain in the prisons of England and Wales, where about 9% of the inmates who had stated their religious membership had declared they were Muslims<sup>76</sup>.

Now, the situation is quickly changing both in these countries<sup>77</sup> and in other ones (Spain and Austria for example)<sup>78</sup>, where more stable forms of religious assistance are being planned.

#### 4.3. Evaluations and Prospects

In the case of religious assistance (as well as in the case of the places of worship considered in the previous paragraph), Muslim requests and needs can be met by simply extending to them the same provisions which apply to other religious communities. There are no specific elements depending on the Muslim religion, which prevent this from being done, or require the enactment of special provisions. In these areas, granting the Muslim communities equal treatment is not

<sup>74</sup> Concerning Denmark, see Garde P. (1994), 112-114. As to Portugal, as far as prisons are concerned, see de Sousa e Brito J. (1994), 248 and Leitão J. (2004), 189. Regarding Spain, see Ciaurris M.J. (2004), 137-65. As to Italy, see Musselli L. and Tozzi V. (2000), 285-92 (some hospitals recently concluded agreements with the local Muslim communities for the provision of spiritual assistance: see for example [www.olir.it/ricerca/index.php?Form\\_Document=2226](http://www.olir.it/ricerca/index.php?Form_Document=2226)). The situation in Germany is more complex: see Guntau B. (1996), 285-87. In a few States, Muslim religious assistance is supported by the State: for Sweden, see Otterbeck J. (2004), 250. In Switzerland only Reformed and Catholic chaplains are admitted in the Army: according to the regulations in force, they should provide religious assistance to soldiers belonging to any religious faith (see Aldeeb Abu-Salieh S. A. (2001), 117).

<sup>75</sup> See Hallet J. (2004), 52-53.

<sup>76</sup> In the prisons of England and Wales there were 215 chaplains and all of them were members of Christian Churches: religious assistance to Muslims was granted by visiting ministers who, differently from chaplains, are not paid by the State. See Beckford J.A. and Gilliat S. (1998), 25-55. On more recent developments and the appointment of a Muslim advisor to the prison service, see Ansari H. (2004), 275-76; Id. (2002), 26.

<sup>77</sup> See the “fiches” regarding Belgium and the United Kingdom published in the Appendix. In the prisons of Belgium some Muslim chaplains have been recently appointed: see Belgium: “Rejected” Muslim chaplains appeal to courts, in Human Rights Without Frontiers, May 8, 1997, available at <http://www.hrwf.org>

<sup>78</sup> For Spain, see the Real Decreto 710/2006, de 9 de junio, concerning religious assistance in prisons. The Austrian Ministry of Defence has disclosed plans to give the 3.5% of Army recruits who are Muslims their own service of religious assistance (see Army to cater for Muslims’ spiritual needs, March 25, 2006, in [www.hrwf.net](http://www.hrwf.net)). A similar plan has been announced in France (France. The State develops a strategy of integration of Islam, 17 February 2005, in [www.hrwf.net](http://www.hrwf.net)).

only possible but also highly advisable and urgent: any delay would probably deepen among Muslims the feeling of being discriminated.

## **5. Islam in Schools**

The presence of Muslim communities in Europe concerns in particular two profiles of the European school system: 1) religious education in public schools, and 2) creation of religious private schools. Both subjects are dealt with in this chapter.

### **5.1. Muslim Religious Education in Public Schools**

#### ***A. The European Juridical Framework***

In the European Union, three different models of religious education are enforced in public schools, which may be summarized as follows:

- Some countries do not provide any specific religious education during school hours: some notions concerning the different religions are taught within other kinds of subjects, such as history, literature and philosophy. This is, for example, the case of France (except for the departments of Alsace and Lorraine).
- In other countries, there exists a form of non-denominational religious education: this kind of education takes different names (science of religions, history of religions, etc.), is focused on learning the basic characteristics of the major religions, and is provided by teachers appointed by the State authorities, who hold the qualifications required by the law of the State. In different ways, Sweden, Denmark, England and Wales, Estonia and other countries inspire to this model.
- Finally, some other countries provide a denominational religious education focused on a specific religion which is provided by teachers who, in addition to the qualifications required by the State, must be in possession of a special authorization granted by the religious community they belong to. In the public schools of some countries only a single religion is taught, and the students who do not intend to follow religion classes may be exonerated (this is the case, for example, of Greece). In other States several religions are taught (this is the case of Belgium, Germany, Austria, Finland, as well as other countries) and students may choose the teaching they intend to follow.

In the cases described in a) and b), Muslim religion does not put any problem: it is taught like any other religion. Different and more complex is instead the situation of the countries providing for a confessional religious education.

#### ***B. Open Issues***

European Union member countries have followed different ways as regard Muslim religion teaching.

In Spain, the Islamic Commission signed an agreement with the State in 1992, which was followed in 1996 by another agreement concerning the appointment and economic treatment of persons entrusted with teaching the Muslim religion. According to these provisions, at the beginning of each school year, parents may apply to the school and request that Muslim religious education be given to their children. This request is then handed over to the competent

territorial Islamic communities, which in turn have the task to propose their teachers, who must hold the qualifications required by the Ministry of Education<sup>79</sup> and are subject to the Islamic Commission's approval. The costs concerning this teaching, if it is given to at least ten students, are borne by the State. This system is shaped according to the pattern provided for Evangelic religion teaching in the Spanish schools. However, while the latter has worked reasonably well from the very beginning, the mechanism concerning Muslim religious education has been hampered for a long time by the contrasts arisen within the Islamic Commission and its disagreement with the Ministry of Education in relation to the qualifications Muslim religion teachers must hold. Therefore, the teaching of this religion has in fact been almost exclusively limited to the schools of Ceuta and Melilla (where Muslims represent the majority of the population) and only since 2005, Spanish government has engaged itself to extend it to other regions of the country<sup>80</sup>.

In Belgium, the teaching of the Muslim religion in schools dates back to the mid-1970s. At the beginning, teachers were selected by the Islamic and Cultural Centre of Belgium affiliated to the Great Mosque of Brussels but, as soon as the representation capacity of this body began to be called into question (in the early 1990s), State authorities ceased using its services. Vis-à-vis an ever-growing demand for Muslim religious education (there are more than 54,000 students who choose this kind of education), this decision gave rise to several problems as regards teachers' selection (almost 700 teachers in 2001) and the definition of the educational contents<sup>81</sup>.

In Austria, the Muslim religion began being taught in the public schools of Vienna in 1982, and has been then gradually extended to other schools. Currently, there are about 150 teachers appointed (with the approval of the Islamic religious community) and paid by central or local State authorities (depending on the type of school)<sup>82</sup>.

More complex is the situation in Germany, where (compulsory) religious education in public schools is regulated by the laws of the different *Länder*<sup>83</sup>. There is no organized teaching of the Muslim religion, though in some regions students of Turkish origin may attend an Islamic education course within the context of Turkish language classes. As this solution has become increasingly less proportionate, some *Länder* have started implementing experimental courses of Islamic education in schools<sup>84</sup>.

In other countries, such as Italy, Muslim religion cannot be taught in public schools.

<sup>79</sup> On those qualifications, see Mantecón J. (2004), 227-28.

<sup>80</sup> As to this information, see Lorenzo P., Peña Timón M.T. (2004), 249-79; Mantecón J. (2004), 135-138. As to the latest developments, see Al-Amin Andalusi, "40 Spanish Schools Teach Islam", in [www.muslimvoice.net/mv/modules.php?name=News&file=article&sid=275](http://www.muslimvoice.net/mv/modules.php?name=News&file=article&sid=275); "The government seeks Islamic religion teachers", *EuForNews*, 2005/2, p. 8.

<sup>81</sup> See Foblets M.-C. and Overbeeke A. (2004), 10-12. For a detailed analysis of this subject, see Fondation Roi Baudouin (2004), 29-34.

<sup>82</sup> See Schmied M. and Wieshaider W. (2004), 213-215.

<sup>83</sup> For this reason particular regulations in some *Länder*, such as those of Bremen, Brandenburg and Berlin are enforced. On those situations and on the religious education system enforced in Germany, see Guntau B. (1996), 277-84; Puza R. (1998), 129-34; Rohe M. (2004), 95-96.

<sup>84</sup> An updated overall picture is given by Rohe M. (2006), B.II.d. As regards the latest developments, see German State to teach Islam in public schools, in [www.hrwf.net](http://www.hrwf.net), 6 September 2006.



### C. *Evaluations and Prospects*

After this short review, it is possible to conclude that, for different reasons, Muslim religious education does not find, for the time being, much space in the public schools of EU member countries where a denominational religious education exists. One might object that this situation is shared also by other religious confessions, which are emarginated or even excluded from the State educational system. However, those confessions are usually formed by small communities of believers, which in many countries are not numerically comparable with the Muslim community. The lack of Islamic religious education in public schools depends also on other causes, and above all, on the fact that in many European countries stable Muslim communities have settled only in recent times: consequently the actual requirements to ensure an effective functioning of the complex mechanism that regulates Muslim religious education in schools are still lacking.

The first of these requirements consists in the availability of a properly trained teaching staff in the position to teach the Muslim religion, and holding the essential qualifications for carrying out this educational function within public schools. In some States, the lack of properly trained and qualified teachers was remedied by “importing” teachers from foreign countries, such as in the case, for example, of Belgium and Austria. In the latter country, when in the 1980s the Muslim religion began being taught, there were about 150 teachers against about 30,000 students. Most of those teachers came from abroad and were consequently scarcely familiar with the German language and with the customs of a multi-confessional country such as Austria (while those customs were instead familiar to many second- and third-generation Muslim students). That situation was inconsistent with the aims of an educational system that, though respecting the culture and the religion of origin of Muslim migrants, was at the same time focused on encouraging their integration process in the country in which they were destined to live. To get out of this situation, in June 1998, the *Islamische Religionspädagogische Akademie* was established with the purpose to carry out an appropriate training of Muslim religion teachers employed in public schools<sup>85</sup>. It is too soon to estimate the results of this experiment (though the first steps appear quite encouraging), but surely this kind of approach – which is neither easy nor practicable everywhere in a very short time – seems to be the only one in the position to provide a non-temporary, definite solution to the problem of training a Muslim religion teaching staff in European schools. A similar approach has been started also by other European countries, such as France (as regards Alsace and Lorraine)<sup>86</sup>, Belgium<sup>87</sup>, Finland<sup>88</sup>, and Germany<sup>89</sup>.

The second major requirement consists in the presence of one or more institutions in the position to properly represent the whole Muslim community. The need for such an institutional structure is particularly urgent in countries where the selection of teachers and the choice of religion programmes and texts must be made and approved by the representatives of the

<sup>85</sup> See Potz R. (1999), 172; Wieshaider W. (2004), 32-33; Heine S. (2002), 30.

<sup>86</sup> See Machelon J.P. (2006); Une faculté de théologie musulmane pourrait voir le jour à Strasbourg, 22 September 2006, in [www.droitdesreligions.net/actualite/nouvelleactu/sept\\_2006/006.htm](http://www.droitdesreligions.net/actualite/nouvelleactu/sept_2006/006.htm). Concerning the precedents of this project, see Messner F. (1998), 141-67. About the Institut Avicenne of Lille see [www.avicenne.eu](http://www.avicenne.eu).

<sup>87</sup> The Catholic University of Louvain has created a training course on Islamic theology destined also to religion teachers; see “L’islam crea centri di studi superiori per la formazione degli imam”, *EREnews*, 2007/1, p. 3.

<sup>88</sup> Programmes backed by the State and aimed at training Muslim religion teachers have been started at the Faculty of Theology of the University of Helsinki (see Maréchal B., Allievi S., Dassetto F., Nielsen J. (2003), 68).

<sup>89</sup> See Rohe M. (2006), B.II.5.d.

religious communities. Typical is the case of Spain: the possibility to teach Muslim religion has been seriously hampered by the contrasts arisen among the different Muslim member organizations of the Spanish Islamic Commission<sup>90</sup>. Similar difficulties have been encountered in Belgium, while in Germany the attempts to start an educational programme devised for teaching the Muslim religion in public schools have failed when the representatives of the Muslim communities were not sufficiently involved<sup>91</sup>. These experiences let emerge all the difficulties encountered in dealing with the issue of Muslim religious education without recognizing at the same time a stable legal status to the Islamic communities settled in each member country.

## 5.2. Muslim Schools

### A. *The European Juridical Framework*

The basic principle inspiring the laws of the different European Union member countries concerning religiously oriented schools is included in Art. 2 of the First Additional Protocol of the European Convention of Human Rights, according to which “in the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”. From this principle follows the right to establish private religious (or non-religious) schools, on condition they comply with the minimum educational requirements laid down by the laws of each Member State. The European Court of Human Rights declared on several occasions that Art. 2 of the First Additional Protocol do not imply any Member States’ obligation to grant a financial support to private schools. However, in most EU member countries, these schools benefit from a considerable amount of public funds and in some of them (such as, for example, Ireland and Belgium) State funded private schools are more numerous than public ones.

### B. *Muslim Schools in EU Member Countries*

In principle, Muslim religious schools should not give rise to any particular problem. They may be opened on condition they observe the regulations laid down by each national law for private schools, and particularly denominational ones. In practice, there exist quite a few difficulties, and the evidence of those difficulties consists in the fact that in some countries where a large Muslim community is settled, the Muslim schools recognized and/or supported by the State are very few or do not even exist at all (such as in Germany<sup>92</sup>, Italy<sup>93</sup>, France<sup>94</sup>, Spain<sup>95</sup>, Belgium<sup>96</sup>). In Great Britain, some sixty Muslim schools have been established, but only four of them receive public financial support<sup>97</sup>. In other member countries, the presence of Muslim schools is more deeply rooted: almost 40 primary schools and two upper-secondary schools operate in The Netherlands<sup>98</sup>, while about twenty Muslim schools are currently operating in Sweden<sup>99</sup> and Denmark.

<sup>90</sup> See Moreras J. (2002), 57-59.

<sup>91</sup> See Rohe M. (2004), 97.

<sup>92</sup> See Rohe M. (2006), par. B.II.5.d) ; Robbers, G. (2006), 127.

<sup>93</sup> See Aluffi Beck Peccoz R. (2004), 145-46.

<sup>94</sup> See Messner F. (2006), 97: only the school opened in the Department of La Réunion is backed by the State.

<sup>95</sup> See Mantecón J. (2004), 229.

<sup>96</sup> See A unique Muslim school in Belgium, in [www.hrwf.net](http://www.hrwf.net), September 8, 2003.

<sup>97</sup> See Catto R. - Davie G. (2006), 163. The Jewish community, which is much smaller than the Muslim one, has 32 schools backed by the State: see Khaliq U. (2004), 254-56.

<sup>98</sup> See the fiche on The Netherlands in <http://www.euro-islam.info>

The problems that more frequently arise concern, in particular, educational contents<sup>100</sup>, and in general, the fear that this kind of schools may slow down Muslim students' integration process.

### ***C. Evaluations and Prospects***

Freedom to open private schools (including denominational ones) ensures plurality in educational projects and is a tool aimed at promoting and enhancing the diverse expressions of social coexistence. In this framework Muslim schools, too, can play a very useful role.

Most Member States provide for different private school categories: in general, the higher is the support granted by the State, the greatest is the control it can exert on teachers, programmes and textbooks. This pattern allows scaling State recognition of Muslim schools based on the level of adherence to the country's core values that may be legitimately requested to any social group. Therefore, freedom to open Muslim schools should be largely ensured, with the only limit of their full compliance with the laws concerning any private school. The financial support granted by the State for their functioning and the recognition of the titles issued by those schools may be subject to their commitment to develop their own Muslim identity according to the fundamental values of European society (such as, for example, man's and woman's equality).

## **6. Islam in Workplaces**

### **6.1. The European Juridical Framework**

In the European Union, the most relevant rules in this regard are included in Directive 2000/78/CE, which obliges all Member States to guarantee, within their national law systems, workers' equal treatment without any discrimination based (among other things) on religion. This principle is primarily aimed at safeguarding a subordinate worker against any discrimination on grounds of his/her religious belief, by establishing that such belief shall not be considered when a worker is hired or dismissed, and shall not give cause for any difference in treatment throughout his/her employment. Indirectly the same principle strengthens a worker's freedom to observe his/her religious duties throughout an employment, but in this case it is necessary that a worker's religiously-grounded behaviours do not hinder the regular progress and performance of his/her job.

One of the requests frequently advanced by Muslim workers is the right to abstain from working on Islamic feasts and the right to obtain during work hours a few short stops reserved to the accomplishment of their daily religious duties and prayers, as well as the right to attend the religious service at their mosques on Friday afternoon. Further problems that may rise in workplaces, such as the observance of Muslim food precepts, are dealt with in the following sections (see. par. 8).

#### ***A. Abstention from Work on Prayer Time and on Friday afternoon***

This problem refers to the right to abstain from work (or school attendance) on the day of the week declared as holiday by the religion a person belongs to (for example, Saturday, for Jews), or for the time required to fulfil religious duties (for example, Friday prayers in the mosque, for Muslims). The right to be granted the necessary time or to abstain from work, in order to fulfil

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<sup>99</sup> See Otterbeck J. (2004), 243.

<sup>100</sup> See, as to Germany, Rohe M. (2006), par. B.II.5.d.

one's religious obligations is part of the right of freedom of religion<sup>101</sup>. However, in some cases, this right may considerably affect the rights of third parties for example, in the case a systematic absence from work or school may cause difficulties in the organization of work or school activities.

This problem has been solved in different ways by the European countries<sup>102</sup>. In relation to the weekly holiday, some countries (among which, France)<sup>103</sup> do not grant the request made by the believers of some religious groups to abstain from work and school obligations in a day other than Sunday<sup>104</sup>. This attitude has produced some tensions with the members of religious groups (such as Adventists and Jews) who refused to send their children to school on Saturday<sup>105</sup>. Other countries, such as Italy, have instead recognized to Jews and Adventists the right to abstain from work (except for the need to ensure the operation of essential services) and school attendance on Saturday<sup>106</sup>, but there is no similar provision as to Friday afternoon, the day traditionally dedicated by Muslims to their prayers at the mosque<sup>107</sup>. In Austria<sup>108</sup> and in Poland<sup>109</sup>, the possibility to abstain from work on Friday afternoon must be granted in individual and collective employment contracts. The Netherlands has generalized this right, by recognizing it in the laws regarding civil service, opening and closing days of public concerns and shops, persons working in the Army<sup>110</sup>. Parents may obtain that their children are exempted from school attendance when it prevents them from fulfilling their religious obligations<sup>111</sup>. Portugal, too, has adopted a very liberal approach: the new law on religious freedom (Art. 14) exempts both students and workers (but only those who enjoy flexible work hours) from attending the school or from reporting for work "in the day of rest [...] and the hours prescribed by the religion they profess"<sup>112</sup>. In Great Britain there is a tendency to pragmatically solve this problem: following the U.S. case-law approach (but applying it in more restrictive terms), UK courts admit the possibility to abstain from work in the days of rest established by one's professed religion (or in the hours where religious obligations have to be fulfilled), if, in actual terms, job organization allows employers to grant this request without imposing any additional obligation to the other workers, or causing tensions in the company management<sup>113</sup>. The Employment Equality (Religion and Belief) Regulation 2003 favoured the possibility to observe Friday afternoon prayers and to abstain from work on the major Muslim feasts<sup>114</sup>. An equally flexible and

<sup>101</sup> See Art. 6 (h) of UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (GA Resolution 36/55 of 25 November 1981).

<sup>102</sup> See the "fiches" concerning the single European Union Member States published in the Appendix of this report.

<sup>103</sup> See EUMC (2006), pp. 48-49; Guimezanes N. (1993), 88-89. A government memorandum issued in 2002, which allows absence from work on grounds of religion, has not significantly changed this situation (see Katz C. (2005), 29-31).

<sup>104</sup> However, every country has its own peculiarities. In Greece, for example, the same rule is applied. However, if a company operates on a continuous process basis over the whole week, a worker has the right to request that his day of rest may coincide with the holiday of his religion (see Manitakis A. (1998), 153-54).

<sup>105</sup> See Messner F., Prélôt P.-H., Woehrling J.-M. (2003), 1139-40.

<sup>106</sup> The related regulations are included in the agreements signed by the Italian State with those religious confessions. As regards this issue, see De Oto A., (2007), 110-122.

<sup>107</sup> See Aluffi Beck Peccoz R. (2004), 144-45.

<sup>108</sup> See Wieshaider W. (2004), 33. The grant of time for praying may be established in individual and collective work contracts (see Potz R. (2006), 51).

<sup>109</sup> See Rynkowski M. (2006), 255.

<sup>110</sup> See Rath J., Penninx R., Groenendijk K., Meyer A. (2001), 55-57; Vermeulen B.P. (2006), par. 3.4.

<sup>111</sup> See van Bijsterveld S. (1994), 295.

<sup>112</sup> See Soares Loja F. (2002), 69.

<sup>113</sup> See Bradney A. (1993), 107-13; Slaughter I. and McClean D. (1993), 241.

<sup>114</sup> See Ansari H. (2004), 277-79. See also the recommendation published by the Advisory Conciliation and Arbitration Service, *Religion or belief and the workplace: a guide for employers and employee*, 2004.

pragmatic approach is followed in Germany<sup>115</sup> Sweden<sup>116</sup> and Northern Ireland<sup>117</sup>. Results seem encouraging (in Germany, the last dispute reported by judicial indexes concerning abstention from work for Friday prayers dates back to many years ago)<sup>118</sup>, even though Friday afternoon leaves still create some problems in the factories in which only few Muslims are employed.

## **B. Public Recognition of Islamic Feasts**

An equally varied picture emerges in relation to abstention from work and school attendance in the days in which other Islamic feasts are falling. In Italy and in Austria this right has been granted to some religious communities, but not to Muslims, so far<sup>119</sup>. The Portuguese law instead grants the right to abstain from work and school attendance on two Muslim feasts<sup>120</sup>. In The Netherlands, the Supreme Court established that any worker has the right to abstain from work during his/her religious feasts on condition that this abstention does not cause serious damages to the company<sup>121</sup>. In Spain, Muslims may abstain from school attendance and (subject to their employer's agreement) from work activities during their feasts<sup>122</sup>. In Germany, the law of some *Länder* allows the believers of a religion abstaining from work and school attendance on particularly important religious feasts (this rule applies also to some non-Christian religions)<sup>123</sup>. In Romania, Muslims, as members of a recognized religious community, are granted the right to abstain from work on some particular Muslim feasts<sup>124</sup>.

## **6.2. Evaluations and Prospects**

In order to avoid any difference in treatment, it would be necessary that, in each country, the requirements of the Muslim community were met in the same way as similar claims made by other religious communities have been met. It would be possible to divert from this line of conduct only if some important differences in actual circumstances were emerging, for example, in connection with the kind of request (in relation to the weekly day of rest, Muslim only ask to be granted the necessary time to fulfil their religious duties, differently from other communities requiring abstention from work for the whole day, such as in the case of Jews and Adventists), or with the day in which the holiday falls (Friday, which is a “full” work day, instead of Saturday, in which many production activities stop and many schools are closed).

In countries where labour and school organization systems are more flexible, Muslim workers' and students' requirements have not given rise to any particularly complicate problem. Other European countries, in which there is not the same flexibility, are instead reluctant to extend also to Muslims the applicable rules for Jews and Adventists. Since Muslims are more numerous, there is a widespread concern that the whole school and labour system would be

<sup>115</sup> See Rohe M. (2004), 98-99; EUMC (2006), p. 48.

<sup>116</sup> See Otterbeck J. (2004), 247.

<sup>117</sup> See the report published in March 2005 by the Equality Commission for Northern Ireland, *Promoting Equality in Intercultural Workplaces*, available at [www.equalityni.org/archive/pdf/PrમેqualinInterculturalworkplaces.pdf](http://www.equalityni.org/archive/pdf/PrમેqualinInterculturalworkplaces.pdf).

<sup>118</sup> See Rohe M. (2004), 99.

<sup>119</sup> As regards Austria, see Wieshaider W. (2004), 33; since 2006 negotiations have been started in order to acknowledge a Muslim feast (see Potz R. (2006), 51). As to Italy, see Aluffi Beck-Peccoz (2004), 145.

<sup>120</sup> See Leitão J. (2004), 186. Furthermore, a worker and an employer may agree to replace the optional patron saint holiday and the “Shrove Tuesday” holiday with a different holiday; see Sousa e Brito J. and Teles Pereira J.A. (1998), 361.

<sup>121</sup> See Rath J., Penninx R., Groenendijk K., Meyer A. (2001), 56; van Bijsterveld S. (1994), 294.

<sup>122</sup> See Mantecón J. (2004), 226-27.

<sup>123</sup> See Hollerbach A. - de Frenne A. (1998), 135.

<sup>124</sup> See Iordache R.E. (2004), 204.

seriously affected if Muslims were given leave to abstain from work and school attendance on Friday afternoon (though nobody knows how many Muslims would actually avail themselves of this opportunity). To solve these cases, it would be then advisable to seek a few solutions aimed at promoting arrangements similar to the model implemented in Spain. In this country, in fact, the agreement signed with the Islamic Commission provides (Art. 12) for Muslims the possibility to stop working on Friday afternoon from 1.30 to 4.30 p.m., subject to employers' agreement<sup>125</sup>, and to abstain from school attendance during those hours.

As regards public recognition of Muslim feasts, the requests made by the Islamic communities do not evidence any peculiarity in the position to diversify them from those made by other religious communities. Generally speaking, these requests should be included in the context of the solutions already adopted in the individual EU member countries, and should be given an answer similar to that already granted to other religions.

## **7. Islam and Family Law: Polygamy and Repudiation**

### **7.1. The European Juridical Framework**

Family law is an area in which the European Union has scarce competences. Therefore, each Member State has kept to a large extent its own law system. Underlying the different national law systems, there are, however, a few principles shared by all countries. Three of them prove particularly relevant in connection with the subjects considered in this paper: a) in no European country it is possible to celebrate a polygamous marriage; b) in no European country it is possible to validly dissolve a marriage through a declaration of repudiation; c) in every European country the rules concerning marriage celebration and dissolution inspire to the principle of man's and woman's equality. Since polygamy and repudiation are admitted by the Muslim laws (and by the laws of many States with a Muslim majority), several problems have emerged in this field, particularly as regards the guarantee of husband's and wife's equality. These problems have been tackled and solved mostly in jurisprudential terms. We shall mention in this paragraph the major trends followed by the courts of the European member countries.

### **7.2. Islam and European Family Law**

#### **A. *The Issue of Polygamy***<sup>126</sup>

Muslim communities in Europe are largely formed by immigrants who have not yet achieved the citizenship of a European country. Therefore, it may happen that a national of a State admitting polygamy, after having celebrated in his country of origin a valid polygamous marriage, requires the European State in which he resides to recognize his marriage. The international private law rules to be applied in this case differ from State to State and cannot be summarized in these pages<sup>127</sup>. However, with a fair amount of approximation, and except for some particular cases<sup>128</sup>, we can say that the general rule is to recognize the effectiveness of the foreign law system shared by the married couple (and hence, the validity of a polygamous

<sup>125</sup> See García Pardo D. (2004), 167-204. For an example of these agreements, see Convenio Colectivo del Sector de Hostelería de la Ciudad de Ceuta, para el período comprendido del 1 de enero de 2004 al 31 de diciembre de 2005, en expte. 11/2004, art. 11, available at [www.ciceuta.es/boletin/2004/bol4343/bol4343.htm](http://www.ciceuta.es/boletin/2004/bol4343/bol4343.htm).

<sup>126</sup> For an overall picture, see Césari J., Caeiro A., Hussain D. (2004), 30-36.

<sup>127</sup> For a concise report, see Foblets M.C. (1999), 167-181.

<sup>128</sup> One of them is the English law, which assumes as a basis the notion of domicile, instead of nationality. Consequently, a polygamous marriage celebrated by two foreigners in their country of origin, where polygamy is a lawful practice, will not be recognized in England if one of them (or both of them) had their residence in England at the time in which the marriage was celebrated. See Pearl D.S. (2000).

marriage celebrated under that law). However, on many occasions, the European courts have rejected such recognition by applying the public order clause<sup>129</sup>, which prevents a State from considering effective deeds and actions that may clash with the fundamental principles of its law system. Since polygamy clashes with some central provisions of the laws on marriage in European countries, a polygamous marriage will be never recognized in Europe, even though it was celebrated in a State admitting polygamy between two nationals of that State<sup>130</sup>. This attitude of rigorous rejection has been mitigated by applying the public order principle in a softer manner, with the aim of safeguarding some limited effects of a polygamous marriage (more precisely, the effects that – in themselves – do not clash with public order). Consequently, a child born from a polygamous marriage, can obtain, for example, the status of legitimate child<sup>131</sup>, a woman who is one of the partners of a polygamous marriage has the right to be maintained by her “husband”<sup>132</sup>. In addition, she concurs with the other wives to the husband’s reversion of the pension<sup>133</sup> and inheritance, and is entitled to compensation for damages due to the husband, in case of accidents<sup>134</sup>.

In recent years, the case law of some countries seems gradually less inclined to recognize legal relevance to polygamous marriages, by attributing greater importance to the law of the State of residence than to the law of the State of citizenship<sup>135</sup>. This tendency seems confirmed by the developments occurred in other areas of the law system. Polygamy has been appealed to as a legitimate cause for rejecting the grant of residence permits and citizenship, as it proves, in fact, that a polygamist is not rooted enough in the society of the country in which he has settled<sup>136</sup>. Even the policy of immigrants’ family reunifications has become more severe: in case of a polygamous marriage, reunification is only admitted for the first wife, but neither for the other wives nor for their children<sup>137</sup>.

<sup>129</sup> About the meaning of this clause and its application to the Muslim family law, see Lagarde P. (2006).

<sup>130</sup> As regards Spain, see Motilla A. and Lorenzo P. (2002), 145. In Italy, the case law in this regard is scarce but seems however oriented in the same direction: see Aluffi Beck-Peccoz R. (2004a), 190-91. The German case law seems more inclined to recognize the validity of polygamous marriages celebrated abroad (see Rohe M. (2004), 94; Muckel S. (2004), 62; Spellenberg U. (2000), 409), but in that case only a few particular effects are recognized. Sweden, too, has adopted a liberal attitude towards the recognition of polygamous marriages celebrated abroad by foreign citizens: see Otterbeck J. (2004), 251. As already remarked, in England the key notion is not that of citizenship, but rather that of domicile: a person residing in England, regardless of its nationality, cannot validly celebrate a polygamous marriage even in a State admitting polygamy (see Shah P. (2005), 97-99).

<sup>131</sup> As regards Spain, see Motilla A. and Lorenzo P. (2002), 146-47; as to Germany, Muckel S. (2004), 62; as to Switzerland, Aldeeb Abu-Salieh S.A. (2000), 85.

<sup>132</sup> As regards Germany, see Muckel S. (2004), 62; as to France, Basdevant Gaudemet B. (2004), 169; Lagarde P. (2006), par. II.A.1.

<sup>133</sup> This happens in Greece: see Tsitselikis K. (2004a), 122; as regards Spain, see Motilla A. (2003), 162. However, not in England: see Ansari (2004), 271-72.

<sup>134</sup> As regards Switzerland, see Aldeeb Abu-Salieh S.A. (2000), 85. The same regulations are enforced in France: see *Liberté religieuse* (2005), 666; Lagarde P. (2006), par. II.A.1.

<sup>135</sup> Foblets M.-C. (2003), 269-270.

<sup>136</sup> As regards France, see Basdevant Gaudemet B. and Fregosi F. (2004), 169; Basdevant Gaudemet B. (2004), 78 (as to law and case law references, see *Liberté religieuse* (2005), 666-673); Lagarde P. (2006), par. II.A.1; concerning Switzerland, Aldeeb Abu-Salieh S.A. (2001), 165-66; as to The Netherlands, Struycken A.V.M. (2000), 432-33.

<sup>137</sup> This is the situation in France since 1993 (see Basdevant Gaudemet B. and Fregosi F. (2004), 169; Basdevant Gaudemet B. (2004), 78; Lagarde P. (2006), par. II.A.1) and in Spain since 2000 (see Motilla A. (2003), 158). As regards Germany, see Rohe M. (2004), 94-95; as to United Kingdom, see Shah P. (2005), 110-18. Concerning Italy, see Corbetta F. (2004), 100-101. However, a woman who is a partner of a polygamous marriage is sometimes admitted to remain in the host country for different reasons: in Italy, for example, the right of a minor child to live within its family group induced a court to recognize to a mother – who was the second wife of a Muslim – the right to remain in the country (see Corbetta F. (2004), 103-04).

## **B. The Issue of Repudiation<sup>138</sup>**

The issue of repudiation – the other major theme in the debate aroused by the Islamic family law – has been dealt with in a similar way. The law of the European member countries does not admit repudiation, and therefore, it is impossible to validly dissolve in Europe a marriage through a declaration of repudiation<sup>139</sup>. For the same reasons that prevent from fully recognizing a polygamous marriage, also a repudiation pronounced between two foreign citizens in a State where this form of marriage dissolution is lawful, shall be recognized in a European country only on condition that it is not considered contrary to public order. With considerable changes in approach, depending on places and times, the courts of some European member countries have considered effective a repudiation pronounced abroad in the case it had been requested, or at least accepted, by the wife<sup>140</sup>, had been submitted to some kind of procedural control<sup>141</sup>, had observed the rights of defence<sup>142</sup>, had shown (in actual facts) that there were the conditions that would have proved enough for obtaining a divorce in the European country<sup>143</sup>, had provided for some form of pecuniary compensation in favour of the woman<sup>144</sup>. In this way, a few concrete consequences have been recognized to the repudiation declaration, which allow a repudiated wife to receive alimony from her husband or a share of his reversible pension<sup>145</sup>. In recent years, along with the jurisprudential changes occurred in the matters concerning polygamy, the courts of some European countries have taken a stricter attitude towards repudiation, denying that it may have any effect on the host-country laws because of its intrinsic contradictory nature with the principle of husband's and wife's equality<sup>146</sup>. This new approach has obtained an implicit approval by the European Court of Human Rights<sup>147</sup>.

### **7.3. Evaluations and Prospects**

Albeit in Europe reliable statistics on the actual number of polygamous marriages and repudiations are lacking, the debate on these themes represents one of more burning questions raised by the Islamic family law because polygamy and repudiation are associated to Islam by a large part of the public opinion and are considered incompatible with the European juridical tradition<sup>148</sup>.

The wavering case law of the European courts foreshadows a basic uncertainty in relation to polygamous marriages. Until recent years, it could be often heard that polygamy was

<sup>138</sup> About this issue, see Césari J., Caeiro A., Hussain D. (2004), 37-45.

<sup>139</sup> Some exception to this rule have been made when, by applying the regulation of the host member country, the marriage would have been dissolved in any case through a divorce: see Jayme E. (1999), 222.

<sup>140</sup> As regards Italy, see Aluffi Beck-Peccoz R. (2004a), 191 and Clerici R. (2004), 24; regarding France, Basdevant Gaudemet B. and Fregosi F. (2004), 170; as to Switzerland, Aldeeb Abu-Salieh S.A. (2001), 171-72; concerning The Netherlands, Struycken A.V.M. (2000), 432; as to Belgium, Christians L.-L. (2000), 201; as to France, el-Husseini Begdache R. (2002), 234.

<sup>141</sup> As regards the United Kingdom, see Pearl D. and Menski W. (1998), 87-106; as to France, Lagarde P. (2006), par. II.B.2

<sup>142</sup> See el-Husseini Begdache R. (2002), 157-60.

<sup>143</sup> As to Germany, see Muckel S. (2004), 63; Spellenberg U. (2000), 412.

<sup>144</sup> See el-Husseini Begdache R. (2002), 160-65.

<sup>145</sup> As to Germany, see Rohe M. (2004), 94; as to France, *Liberté religieuse* (2005), 683. For an opposite solution of a similar case in England, see Pearl D. (1999), 114.

<sup>146</sup> See, as regards the developments of the French case law, Fulchiron H. (2006), par. 1.b; Lagarde P. (2006), par. II.B.2.

<sup>147</sup> See the decision of Nov. 8, 2005, D.D. vs France.

<sup>148</sup> Female sexual mutilations too are frequently associated to Islam. But this association is basically incorrect, as these mutilations occur in non Muslim countries or among non Muslim population of Islamic countries.



incompatible with the Christian roots of the European family law<sup>149</sup>. Today, instead, after the legalization in some countries of homosexual marriages, this issue seems to weigh much less, because “the traditional Christian marriage is no more the only institution on which a family, in juridical terms, can be based”<sup>150</sup>. Postmodern family law is increasingly characterized by individualism, which in turn encourages a plurality of marriage and family models<sup>151</sup>. In law systems where radically different forms of marriage coexist on grounds of equal legitimacy, polygamy may appear as a further possible manifestation of this kind of unions, and not more unrelated to the traditional European family law than a homosexual marriage. The only objection that keeps – and even increases – its strength is that based on husband and wife equality. Polygamy is judged intrinsically discriminating because men only are allowed to have up to four wives at the same time. However, some scholars have questioned the value of this objection in the case a woman willingly chooses to celebrate a polygamous marriage. Can the choice of a person in favour of polygamy, a choice made in a well-informed, aware and meditated way, be included in the sphere of individual autonomy a State is bound to observe?

The question of the recognition of repudiation in Europe should be considered in the light of the changes occurred in European countries’ laws concerning divorce and those occurred in Muslim countries’ laws on repudiation. Since a few years, several law systems enforced in Muslim countries tend to submit repudiation to some forms of legal control, by limiting its nature of private deed subject to the exclusive will of the husband. In turn, the law and the case law in European countries are moving in the direction of granting to each married partner a “right” to divorce without any need to put forward particular reasons to justify his/her decision, and without any possibility left to the judge to deny the declaration of marriage dissolution to the applying party even in case of opposition of the other party. As a consequence, once the interests of the wife and the children are safeguarded by the intervention of the judicial authority, the distance between repudiation and divorce is no longer such as to prevent from recognizing the former in a European country law. Obviously, there remains the problem that, according to the Islamic law and the rules of Muslim countries admitting repudiation, this form of marriage dissolution is only accessible to husbands, while wives are obliged to resort to divorce in order to put an end to a marriage union. However, if repudiation is subject to legal control, this disparity does not seem to have the necessary strength to require the automatic application of public order clauses in the actual cases examined by the judge.

In conclusion, polygamy and repudiation remain open issues, which, despite the rapid developments occurring in European countries’ family law, are likely to find no permanent and shared solutions in the near future.

## 8. Islam and Food

Two are the major problems arising in this area: a) ritual slaughtering regulations, and b) observance of Muslim diet rules in the canteens of the public institutions.

<sup>149</sup> In 1965, Lord Devlin in a writing that became famous, stated that “in England we believe in the Christian idea of marriage and therefore adopt monogamy as a moral principle. Consequently the Christian institution of marriage has become the basis of family life and so part of the structure of our society [...]. It would be useless for [a non-Christian] to stage debate designed to prove that polygamy was theologically more correct and socially more preferable; if he wants to live in the house, he must accept it as built in the way in which it is” (The Enforcement (1965), 9, quoted by Shah P. (2005), 95).

<sup>150</sup> Jayme E. (1999), 226.

<sup>151</sup> See Jayme E. (1999), 222.

## 8.1. Ritual Slaughtering

### A. *The European Juridical Framework*

The European Union law (Directive 93/119/CE, December 22, 1993, Art. 5 and 18) establishes that animals shall be stunned before being slaughtered, but admits the possibility to derogate in the case of slaughters complying with religious rituals. Most EU member countries have availed themselves of this possibility<sup>152</sup>, while some States (Sweden, Luxembourg, and among non-EU member countries, Switzerland and Norway) have prohibited any ritual slaughtering not preceded by stunning<sup>153</sup>.

### B. *The Regulation of Islamic Ritual Slaughtering*

Ritual slaughtering of animals has been carried out for centuries by the Jewish communities settled in Europe, but only in late 19<sup>th</sup> century it began to give rise to a great deal of criticism and opposition (in Switzerland it was banned in 1893). During the past century, in the 1930s, ritual slaughter was prohibited in other European countries (in connection with the growth of anti-Semitism), but after World War II it began being allowed again almost everywhere.

The growth of Muslim immigration has changed the terms of this issue. Today, ritual slaughtering is carried out on a considerable number of animals and may be considered an alternative slaughtering method rather than an exceptional practice reserved to a small minority. In addition, due to the public opinion's greater sensitivity towards animal sufferings, and the rise of organizations aimed at defending animal rights, this practice has become now even more criticized.

The conflict regards in particular the fact that ritual slaughter does not allow that an animal may be stunned before being slaughtered, since it is submitted to throat cutting and is left to bleed to death when it is fully conscious. Even though it is a much-debated question, a part of the public opinion and many organizations for the protection of animals maintain that this practice implies an increase in sufferings.

This issue was lately discussed in two judgments delivered by German courts. In 1995, the Federal Administrative Court (Bundesverwaltungsgericht, 3 C 31/93) established that no absolute prohibition to eat the meat of animals submitted to stunning before being slaughtered exists for Muslims. As a consequence, no derogations of the law providing for compulsory stunning were allowed to Muslims any longer. In 2002, the Federal Constitutional Court (Bundesverfassungsgericht, 1 BvR 1783/99) reversed this judgment. Though acknowledging that the lack of stunning is not considered an essential requirement by all Islamic religious authorities<sup>154</sup>, the Court deemed not to be as competent as to go deeply into the matter of this debate between opposite religious opinions. The principle of neutrality in religious matters excludes, according to the Court, that a State may decide which doctrine is the "real" one, and consequently binding for the believers of a religious community<sup>155</sup>.

<sup>152</sup> See Potz R., Schinkele B., Wieshaider W. (2001), 142-182.

<sup>153</sup> See *ibid.* As regards in particular Sweden, see Otterbeck J. (2004), 244; Alwall J. (1998), 197.

<sup>154</sup> Some declarations made by the World Islamic League (1989) and by the Mufti of Egypt and President of al Azhar University (1982) maintain that in some cases an animal may be stunned before cutting its throat. See Rohe M. (2004), 90-92.

<sup>155</sup> Concerning these judgments, see Rohe (2006), B.II.5.c).

A collateral problem – concerning the identification of the communities authorized to practise ritual slaughter – was tackled by the European Court of Human Rights in the decision *Cha'are Shalom Ve Tsedek v. France*<sup>156</sup>.

### **C. Evaluations and Prospects**

Most likely, ritual slaughtering will continue to be a core issue in debates and a source of conflicts also in the forthcoming years. The public opinion's sensitivity towards animal wellbeing remains very strong, such as some recent legislative innovations have pointed out<sup>157</sup>. It is hardly believable that ritual slaughtering may be prohibited at all, but it is however likely that it will be subject to more stringent rules. The religious communities that ask permission to practise it might be forced to prove with greater rigour their obligation to resort to ritual slaughter. It is also possible that some States will consider the advisability to introduce, for the animals destined to ritual slaughtering, the obligation of reversible stunning<sup>158</sup> or stunning immediately after having cut the carotid<sup>159</sup>. The various opinions existing in this regard in the Muslim world, and the flexibility characterizing the Islamic law, make us believe that some solutions of this kind may be accepted by most Muslim communities in Europe.

By universal consent, ritual slaughtering should be carried out only by a specialized staff within appropriate structures in the position to guarantee full compliance with hygienic and sanitary conditions. Therefore, some forms of "spontaneous" slaughters carried out on the occasion of particular Muslim feasts (but also in the feasts of other religions) are increasingly considered with strong dislike.

## **8.2. Differentiated Food and Diet in Public Canteens and Refectories**

### **A. The European Juridical Framework**

Muslim religion (as well as other religions) prevents its believers from eating some particular foods, such as, for example, pork meat. This prohibition may cause quite a few problems to public canteens and refectories (such as those existing in schools, hospitals, prisons, Army, and so on), when they are frequented by Muslims who intend to observe the food and diet precepts of their religion.

No particular regulations have been enforced by the European Union in this regard, and each Member State is free to choose the solution it prefers. The different national law systems have usually adopted two major approaches, which offer the possibility to obtain food prepared in compliance with religious prescriptions (for example, *halal* meat for Muslim, and *kosher* food for Jews), or plain food admitted in any case by one's religion (for example, eggs or fish) when a canteen serves food that is forbidden to the believers of a particular religion.

<sup>156</sup> ECtHR, 27 June 2000, Reports 2000-VII.

<sup>157</sup> Through a provision of July 26, 2002, a clause for animal protection has been included in Art. 20 of the German Constitution. See, in this regard, also Art. III/121 of the Treaty establishing a Constitution for Europe.

<sup>158</sup> Reversible stunning consists in submitting an animal to a short electrical discharge. This method was recently adopted by the German Land of Hessen.

<sup>159</sup> This is what the new Austrian law on animal protection establishes. See Baghajati C.A. (2004) (full text also available at [www.derislam.at/islam.php?name=Themen&pa=showpage&pid=133](http://www.derislam.at/islam.php?name=Themen&pa=showpage&pid=133)).

### **B. The Relevance of Islamic Food Precepts in the Law of EU Member Countries**

As usual, the situation in Europe is extremely diversified. In some countries (such as France) neither *halal* (for Muslims) nor *kosher* (for Jews) food is provided in public refectories, but only plain food normally accepted by the believers of those religions<sup>160</sup>. The same seems to happen also in the UK hospitals, even though they officially declare to look after the diet requirements of Muslims and other religious communities<sup>161</sup>. In Italy, Art. 7 of the agreement concluded with the Union of the Jewish Communities provides for Jews who find themselves in hospitals, prisons and barracks, the possibility to observe their particular diet precepts under the supervision of their religious community and without financial charges for the public institution, that is to say, the public institution does not provide *kosher* food, but accepts that such food may be supplied by an external source at the charge and care of the Jewish community. This opportunity is not provided for Muslims. In The Netherlands, the penitentiary law imposes to the director of a prison to do his utmost to provide convicts with food conforming to the precepts of their religion or belief (and similar provisions are included in the Italian penitentiary regulations)<sup>162</sup>. Furthermore, in The Netherlands again, the food requirements of Muslims, Jews and Hindus who are serving in the Army must be observed<sup>163</sup>. In Spain, Art. 14 of the agreement signed with the Islamic Commission states that in schools and public institutions all the utmost shall be made to conform the diet to the Islamic religious precepts<sup>164</sup>. On the whole, European Union member countries propose different solutions: some of them are dictated by organizational concerns and by the fear of creating “food ghettos” in the position to slow down the integration process, while some others are more sensitive (although rather vaguely formulated) to Muslims’ requirements. In any case, all these solutions seem to be compatible with the rules laid down by the constitutional and international laws for the safeguard of religious freedom.

### **C. Evaluations and Prospects**

The observance of the rules on religious freedom requires that Muslims (and the members of other religions) may be able to obtain, in the canteens of public institutions, food not forbidden by their religion. This is the minimum level below which it is not possible to go without violating Art. 9 of the European Convention. Where appropriate economic conditions exist, providing food prepared in compliance with religious rules (for example, *halal* or *kosher* food) ensures full enforcement of the measures aimed at granting the freedom to follow the precepts of one’s religion. In school canteens, the provision of differentiated food is organized into the context of education to food diversity and can be therefore more easily accepted.

Finally, a growing number of private companies are now envisaging the advisability to observe, in their canteens, also religious diet prescriptions<sup>165</sup>.

To conclude, it seems that the issue of differentiated food and diet requirements may be going to find an appropriate solution in most European countries.

<sup>160</sup> See Messner F., Prélôt P.-H., Woehrling J.-M. (2003), 478-79. Since 1991, Muslims have the possibility to obtain *halal* meat in the French army; see Basdevant Gaudemet B. (2000), 113.

<sup>161</sup> Ansari H. (2004), 267, writes that Muslim patients in hospitals are only offered a vegetarian alternative.

<sup>162</sup> See Vermeulen, B.P. (2006), par. 3.4. As regards Italy, see Art. 11, Law n. 230, 30 June 2000.

<sup>163</sup> See Rath J., Penninx R., Groenendijk K., Meyer A. (2001), 57-58; van Bijsterveld S. (2000), 131: however, not all the problems seem to have been solved. In Sweden, “patients at hospitals have the right to special food be it for religious, ideological or health reasons” (see Otterbeck J. (2004), 245).

<sup>164</sup> See Mantecón J. (2004), 222.

<sup>165</sup> See, as regards some examples in Germany and Luxembourg, EUMC (2006), pp. 48-49.

## 9. Conclusions

Is the European model of relations between States and religions prepared to deal with and provide for effective solutions to the legal problems raised by the presence of ever-growing Muslim communities in Europe? The answer is definitely yes, provided a dynamic of change is set in motion.

There are opinion leaders who maintain that Islam is incompatible with democracy and the secular State. The analysis of the problems raised by the presence of Muslim communities in Europe does not confirm this assumption. Their presence does neither pose legally unsolvable questions, nor, on close examination, particularly new ones. On grounds of the experience matured with other religions, the legal systems of the European Union countries have the necessary instruments to deal with and solve most of these problems. The novelty and the complexity of the “Muslim question” do not depend primarily on legal problems but on other factors: on the number of Muslims (much higher than that of the members of any other non-Christian religion), the rapidity with which the Muslim communities have grown, the absence of stable organisational structures with a wide representation, and so on.

The fact that the challenges posed by Muslims’ presence in Europe may be met without breaking up the European legal systems does not mean these systems are not bound to change under the pressure of the Islamic demands. This adjustment is not an easy task, because it alters a long-standing balance of rights and privileges recognized to different religious communities: but it definitely remains within the boundaries of a physiological transformation process.

As it is far better to make a few gradual changes now than risk the breakdown of the whole system in a few years’ time, a few reforms should be introduced as soon as possible. Muslims should be given those fundamental freedoms without which inequality in the relations between the State and the different religious communities would become oppressive. In actual fact, it is not a question of innovating, but rather applying rules that already exist. On the subject of building places of worship, spiritual assistance, and other themes, the legislation of the European Union countries does not need to be changed (except in particular points), but rather to be applied with equanimity and farsightedness. In some other cases (ritual slaughtering, religious holidays, and also availability of separate sections in cemeteries, or supply of religiously admitted food in the canteens of schools, prisons, etc.), a little more caution is required: enlarging the area of exceptions to the general law is always a delicate matter and requires a careful analysis in which general interest and particular needs should be balanced. But EU Member States do not lack guidelines, which derive from their experiences with other religious communities on the same issues.

The need to ensure from the present time these freedoms is even more pressing as there are other sectors where a complete levelling of the Muslim community with the other religions characterized by a longer presence in Europe, will take longer. The teaching of Islam in State schools is an example, while questions connected with personal status and family law could provide other instances. In these sectors, the experimentation and research phase has not yet come to an end. It is then advisable to encourage the attempts that are being made in some European countries in order to have a pool of knowledge and experiences that would allow taking more considered decisions.

This dynamic appears to be consistent with the European system of State-religion relations, which is distinguished by a base of rights and freedoms immediately available to all, and by a growing availability of important facilitations in connection with the level of integration into the

system of fundamental values of the Western world achieved by religious communities. However, this dynamic is not neutral. It presupposes the ability and will of the European Muslim communities to conform to the model of religious institutions accepted in the West. In particular, it implies the construction of national centralized structures (without which the system cannot effectively work) and the acceptance of the distinction between spiritual and temporal, religion and politics, which is a central feature of the contemporary Western approach to State-religion issues.

## Part three

### Perspectives on action

With regard to internal matters, **the Muslim presence in Europe raises renewed questions as regards the relations between religion and public space.** While the historical European tradition had managed to arrive at a routine procedure, leading to a stability in this regard that had lasted since the 19<sup>th</sup> century, the Muslim presence raises new questions.

European countries have different traditions as regards the place of religion in public space. These depend on the particular vision of the role of the State in general, of the presence or lack of a historically majority religion, or on various different historical experiences. We still see, however, that with regard to questions about Islam, European countries are confronted with the same questions, and they all try to answer these questions. That is, over and above historical attitudes, and differences in philosophy or rhetoric, we can see that, among many other long-term convergences of the different national systems of Church-State relations, there is a relative convergence between European countries with regard to the treatment of questions related to the Muslim faithful.

**Moreover, international relations** that are a matter of European policy within a relatively closed space (South of the Mediterranean Sea, Balkans, Turkey) **should necessarily take into account the religious dimension.** Even the remotest regions such as Asia and Africa nowadays show an Islamic dimension growing in importance.

The relationship between Europe and Islam should be understood in the tension between internal dynamics, external relationships and world-wide global processes. These realities are constantly changing because of the action of institutions, different actors at the institutional level, and ideological and religious dynamics.

How can the EU constructively confront these realities? Samuel Huntington's thesis is not so mistaken in its diagnostic (contrary to what many right-thinking people say, in the name of history or general good will). But his point of view freezes the reality of Islam, not showing its dynamics and complexity. **It is only by facing reality and emphasizing positive processes that the clash of civilisations, that has nothing to do with destiny, may be avoided.**

#### 1. Prior to political management

Efforts toward political management would be well advised to take into consideration the following elements, if only in a preliminary way:

##### 1.1. Proper estimation with regard to these populations and their expectations

**The number of Muslim faithful is not the same as the number of people who are originally from Muslim countries (directly or by descent).** And yet, this identification is implicit. Such is the case with the observation that consists in saying that in the European Union there are 15 million "Muslims" who are waiting for a response to their religious expectations.

This affirmation ignores the fact that in Europe religious membership becomes an individual choice. A person can be part of "Muslim culture", in the sense of an aesthetic sensibility, certain

tastes, the history of a country that is a part of Muslim civilization. One can possess a particular interest in events which affect Muslim countries without being a Muslim in the sense of belonging to the religion.

A typology of forms of religious identification deserves to be taken into account in order that the importance of this demand can be properly estimated. On the basis of the rare studies on this subject, we can estimate that at most a third of the Muslim-origin population is today interested in a specific demand in respect of religion. But that doesn't prevent their expectations of recognition; the demand in relation to certain activities (such as festive celebrations) concerns a greater number.

Further, reflection upon a European identity can no longer avoid taking into consideration the Muslim dimension as much in respect of the state of things at present as in respect of the question of the rootedness of identity in the past. In effect, part of European citizens consider themselves from now on as European Muslims, particularly the inhabitants of a number of large European cities.

Finally it is necessary to consider that the formation of expectations must not be considered immediately, and sometimes naively, as being that which is formulated by certain groups that consider themselves as the representatives of European Muslims, and which attempt to function, sometimes improperly, as their spokespersons. In this context it is important to find out what the expectations of the great silent majority are, as these are sometimes situated quite far from the preoccupations of their "representatives".

## 1.2. Processes of construction underway

Taking account of the relatively recent implantation and specific development of Islam, it is important to take into consideration the under-construction dimension of European Islam, from the points of view of the actors, the groups, and people's expectations. **It is thus important to avoid getting stuck in institutional situations that are responses to current expectations, that may themselves not yet have become stable.**

Thus there is a debate over the "representation of Islam" that is occurring in all European countries, and it is very difficult to solve. The fact should be taken into account, that this difficulty could be the result of the fact that this reality is still under construction.

## 1.3. Principles of equity and innovation

**The political management of the reality of European Islam must find an equilibrium** between principles of equity and innovation. Attention should be paid to a principle of equity with regard to the Muslim faithful – from now on mostly composed of European citizens in the fullest sense – in relation to the faithful of other religions. From this principle the further principle of equality of treatment follows, because it is important to reach a situation in which Muslims are given no more and no less than other religions. A principle of innovation also follows from all this, because the Muslim reality raises questions that have never before been raised in European space.

So far, the establishment of Muslim representative institutions in the States of Belgium, France and Spain does not seem to measure up to these principles.



#### 1.4. Bi-directional integration, beyond the dialogue between religions

The presence of Islam in Europe gives rise to **major cultural innovation** in the encounter between populations. Civilizational values and references are thus put into play. **Questions that arise cannot be reduced exclusively or even mostly to a pattern of encounter and dialogue between religions.** The question of European Islam, and that of its presence in the public space of the city, represents a question which goes far beyond relations with other religions (all the more so, since these do not have to be reduced to a dialogue with monotheistic religions only). The relations between religions, at any rate, do not really pose a major problem apart from a few exceptions.

**Interventions should be over time and in depth:** one action over time appears indispensable but is important to avoid “one-shot” symbolic events (colloquia, common declarations, exemplary gestures) that would wrongly be taken to be solutions to the questions that have arisen. **For all citizens of the European Union,** there should be emphasis on **education about citizenship and democratic foundations** (which are often taken for granted) and a pluridisciplinary investigation concerning the place of the religious dimension in public space. The search for responses to Muslim expectations favours better integration for Muslims. But the solutions that have been prepared and negotiated (e.g., over the construction of mosques, the celebration of feasts, etc.) must also take into consideration the expectations and the uneasiness of non-Muslim populations. In effect, decisions that are made without taking such sensibilities into account will give rise to tension and hostility. **The desire for integration must also bear upon the integration of Muslims into European space, and upon the integration of non-Muslim European citizens to Muslim reality.**

Many institutions (hospital, schools, municipalities, Muslim associations or not etc.) are working daily at solving concrete problems. **Important work is being done by the society, and this has been going on for many years, but it is still unrecognized.** In-depth studies concerning the modalities being adopted in these different sectors have not yet been conducted on a broad front. The memory of the accomplished effort is not preserved, though negative and even tragic events are remembered.

In Belgium, two small initiatives were nevertheless sponsored by the King Baudouin Foundation in order to provide examples of best practices among other things. There is one report concerning hospitals (Vassart, 2005). Another report is proposing major principles to be taken into account in order to promote social cohesion in local policies, particularly regarding the Muslim presence (Irfam, 2007).

## 2. Management role of the EU: to promote debates and reinvent interculturalism

**At all events it is important to promote some debates in order to reinvent interculturalism in the city** because it is not only via the law, via institutional arrangements, or by the multiplication of symbolic gestures that solutions will be found.

Whether in the schools or the hospitals or in other public facilities, in the neighbourhood, or simply in the production of opinions, the presence of Islam in the life of the city opens up new questions. From that point the real labour which adds to the citizen debate around these questions must be developed, under threat of seeing “separate” societies develop, each cultivating its own frustrations and resentments, especially those linked to a feeling of not being recognized. The promotion of “reflection focus groups”, according to a methodology that is

adequate for the world of associations, Muslim and non-Muslim, or for any citizen actor must be encouraged. It is a question, on this side, of going beyond a relatively passive cohabitation in order to render actively operational the idea of a promotion of interculturalism, often confined to expressive forms, cultural forms, or even the folkloric.

The promotion of these profound debates, which do not hesitate to evoke whatever theme may be, including those themes that make people angry, must be conducted in a spirit of openness and freedom to speak without limitation, in an atmosphere of mutual respect, reciprocity, and “reciprocal co-inclusion”. Examples of such practices are developed in the book previously referred to (De Changy, Dassetto, Maréchal, 2007).

### **3. Role of the EU in the preparation of projects in the future**

In a series of questions the EU could contribute to drawing attention to analyses and actions of States which have acted in a strongly national manner with regard to these questions, although they are confronted with similar questions in other European countries.

It is also important for the EU to equip its researchers with instruments that can stimulate the creation of strategies for action and to develop particular actions towards the Muslim world.

#### **3.1. To promote research: knowledge of European Islam, and beyond**

The efforts of researchers in the social sciences, from different disciplines, to describe and understand the development of European Muslim populations, have been considerable in the last thirty years. But research on Islam, despite many individual efforts accomplished through cooperation, is still very fragmented between countries and multiple disciplines (islamology, sociology, anthropology, political sciences, history, geography...).

**The research effort must be sustained, and better coordinated** at the European level, because reality is always changing and complexifying itself. Its knowledge must constantly be updated.

Studies should focus on identities and belonging, Muslim organisations and their evolution, intellectual productions (perhaps the major focus for the future: how sensibilities and discourses are produced). In general, the analysis should not be limited to the study of Islam within the boundaries of Europe only: it should also focus on connexions between European Islam and the Muslim world (circulation of people and ideas, action of institutions etc.). It is important to illuminate the possible future of the place of Islam in international relations, both near (Turkey, south of the Mediterranean sea, Balkans) and far.

**Up to now, the framework programme has never opened up the possibility of serious financial support** for such research, and has done nothing with regard setting up various European centres of excellence.

#### **3.2. Situations which remain problematic for the future**

A fair number of European countries are confronted with questions that have often been present for years, but the degree to which they are taken into consideration and/or the response given them does not seem to move forward. These questions demand at one and the same time a new infusion of empirical knowledge that compares different European countries, in terms of fundamental and institutional reflection.

The EU could contribute by supporting prospective extended work in the medium term in this area. For in many questions, positions sometimes are rapidly constructed, without preliminary and innovative reflective work.

This reflection should be conducted by Muslim and non-Muslim intellectuals, jointly. The following questions should be taken up:

- Religious signs: this question is far from settled and reappears regularly on the social scene. It involves fundamental questions in the opinion of Muslims, no less than in the thoughts of non-Muslims.
- Expression and criticism: the controversies that arose following the Rushdie affair or more recently the flap over “cartoons” all show the difficulty associated with finding a point of equilibrium between freedom of expression and respect for convictions.
- Sacrifices for *Aïd al-Kebir*: in a certain number of European cities, the practice of sacrificing an animal at the feast of *Aïd al-Kebir* raises large questions not only in terms of practical management, respect for sanitary norms and handling of animals, but also in terms of symbolic debates. It is likely that the way in which this feast is observed is destined to change over time. Here we have an example of the necessity, at one and the same time, to integrate these ritual and festive gestures into European space, while also integrating institutional realities and non-Muslim populations into the feast.
- *Ramadan*: the period of Ramadan requires a particular investment of energy from Muslims, because of the reversal of time, linked to the intense social life and religious life. Because of the gap between the cycle of the Muslim year and that of the Gregorian calendar, Ramadan occurs 12 days earlier every year. In other words, in the next ten years, the month of Ramadan will fall in the middle of the summer. That happened in the 1970’s. This raises general problems in terms of public health and also, specifically, in terms of work. In effect, the farther north you go in Europe, the more crucial the question becomes, because the time between the sunrise and the sunset gets longer. Preparatory work, including consultation with Muslim jurists, might help in the search for solutions.
- The festal calendar: the European festal calendar is based in Christian tradition, on civic celebrations proper to each country, and sometimes also on transversal celebrations (such as the celebration of May Day). The presence of Islam raises the question of the feast days of other religions. There are pluralistic countries in the world (in Asia and Africa) that have set an example by adapting the general festal calendar to show respect for different groups. A reflection on this subject deserves to be prioritized in the future.
- Construction of mosques: Muslims have arranged worship facilities for themselves. In certain cases, these facilities were converted, and given a symbolic facade that was related to a Muslim aesthetic. In certain cases mosques were built; sometimes they met with opposition from people.
- Over and above the local aspects of management and preparation for the populations, it is clear that the symbolism of mosques in European cities changes the general symbolic situation in those cities. The presence of buildings that are symbolically Muslim in European cities has to do with the quality of their aesthetic presentation, and their contribution to the architectural heritage of European cities. A pure and simple transfer of classical Islamic aesthetics (with for example mosques that are recognizably Ottoman in type) would be considered as something unwelcome on architectural grounds in European space. A work of reflection toward architectural innovation in European

mosques is desirable, remembering that, in order for projects to succeed in modifying a certain plot of ground, it depends on becoming conscious of what is at stake for the populations that are concerned.

These themes should be thought through from a multidisciplinary perspective, which aims at grasping the scope of these questions.

### 3.3. Publications, translations, diffusion

Europe cannot remain a passive power with regard to the development of European and world-wide Islam. Europe cannot remain a witness only, while leaving other powers the opportunity to influence Islam. Europe must not allow the influence of those who would promote conservative Islam to grow without providing opportunities for those who would counter that influence. An example of the danger of passivity is the speed of the advance of arabisation and islamisation inspired by wahhabism in Western Africa.

In this tumultuous period, – as regards Islamic institutions, actors, and intellectuals –, it is important for Europe to promote, with great cautiousness and prudence, the development of tolerant and open Islam.

The activities of elaboration and circulation of ideas should be promoted. This could consist of:

- Promoting colloquia and conferences on the becoming of European Islam for a large public
- Supporting publications or reviews that some young Muslims are producing in order to help Islam become rooted in Europe, but which find it difficult to stay in business because of a lack of professionalism or means<sup>166</sup>.
- Promoting translation into Arab or Turkish (or other languages) of some important reference works (philosophy, theology, law, history, interpretation of texts), produced in Europe. Inversely, organising the production of translations into European languages of works promoting an innovative and open Islam.

These suggestions proposed here (above and also under) may appear to be too ambitious. But it is important to be aware that in the present cultural desert, in which scattered efforts confront well-organized conservative propagandizing on the part of some Islamic authorities, even limited but well targeted initiatives might have a lasting effect.

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<sup>166</sup> There are a few examples of such reviews in France but most of them find it difficult to keep on going: *La Médina*, *Islam* (interested in theological questions), *Columbus*, *Hawwa-Magazine*, *Actualis*. All these initiatives are (nearly) stopped. Another one worth to be mentioned even if it is also centered on Morocco: *Sezame*. On the radio, it is interesting to mention, for example, [http://www.radiofrance.fr/chaines/france-culture2/emissions/culture\\_islam/index.php?emission\\_id=20116](http://www.radiofrance.fr/chaines/france-culture2/emissions/culture_islam/index.php?emission_id=20116) (every sunday at 19.00 pm).

### **3.4. An emergency: training leaders**

**The greatest emergency in the years to come has to do with the preparation of the future leaders and officials of Islam.**

The chaotic situation with regard to Islamic higher education and training in Europe, the recourse to programmes based outside Europe (Turkey, Saudi Arabia, Syria, Pakistan, etc.) does not favour the production of adequate, well-trained and self-confident leadership.

Many controversies and the phenomenon of radicalization have demonstrated the necessity of such leaders. The situation has not gotten any better in 20 years.

It is important not to forget that in terms of higher education, initiatives only bear fruit in the medium term, after about a decade. And that speaks also to the need for haste.

Higher education is regulated by member States. Sometimes these states are paralysed by the difficulty of deciding on possible strategies to be carried out. It is true that this matter is not simple, and that improvised solutions should be avoided, as well as solutions such as recourse to national interventions or to extra-European agencies, all of which would be contradictory to the desire that Islam be integrated in all European countries.

**Preparatory work and a close look at ongoing experiments could contribute to the acceleration of the implementation of these formative institutions. A more attentive exploration of the possibilities of EU intervention should be considered.**



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## Annexes

### The legal status of Islam in the European Union countries: national profiles

This part has been prepared by Dr. Rossella Bottoni, Catholic University, Piacenza.

#### Austria<sup>167</sup>

##### **1. Estimated Muslim population and percentage on total population**

According to the 2001 census the number of Muslims living in Austria is 338,988 that is, 4.3 % of the total population. Between 1991 and 2001, the number of Muslims almost doubled, but, since the beginning of the 21<sup>st</sup> century the growing rate is decreasing. The main Islamic communities come from Turkey and Bosnia [Pötz R., “Religion and State in Austria. Legal system, religious institutions, religious education”, *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, p. 48].

##### **2. Main Islamic organisations**

The most important organisation is the *Islamische Glaubensgemeinschaft in Österreich* (Islamic Religious Community in Austria). Muslims who permanently stay in Austria are member of this body [Schmied M. and Wieshaider W., “Islam and the European Union: The Austrian Way”, in Potz R. and Wieshaider W., *Islam and the European Union*, Leuven, Peeters, 2004, pp. 202-204].

##### **3. Legal status of Muslim communities**

With the 1908 annexation, Bosnia and Herzegovina became part of the Hapsburg Empire, and Islam got the status of a legally recognised religious society in Austria and Hungary (1912). In 1979, the competent Federal Ministry approved the foundation of the first Vienna Islamic Religious Community and the constitution of the Islamic Religious Community in Austria. Currently, the Islamic Religious Community belongs to a group of six legally recognised Churches and religious societies with public status law, for which special laws regulating their external affairs are in force [Pötz R., *op. cit.*, pp. 47-48; in Schmied M. and Wieshaider W., *op. cit.*, pp. 202-204].

##### **4. Mosques, places of worship, cemeteries and imams**

The estimated number of mosques is about 400. For about 30 years a section has been reserved for Muslims in Vienna’s municipal main cemetery. After long negotiations between the Islamic Religious Community and the Municipality of Vienna, a plot of land was made available and the preparatory works for an Islamic cemetery started [Pötz R., *op. cit.*, pp. 50 and 52].

##### **5. Islamic schools**

In Austria, there are 478 private schools (7.4 % of the overall schools), of which 305 (that is, 63.6 % of all private schools) are denominational. Four of them are Islamic schools. Since Islam has been recognised the legal status of public law, these schools are granted

<sup>167</sup> The author is grateful to Prof. Dr. Richard Potz, University of Vienna, for his kind assistance in providing information on Islam in Austria.

subsidies to cover the cost of the salaries of the personnel [Pötz R., *op. cit.*, pp. 39-40 and 45].

#### **6. Teaching of Islam in public schools**

Classes of Islamic religion in public schools started in 1982. Today there are approximately 150 Islamic religious teachers. The teachers are chosen either by each Federal State or by the Islamic Religious Community, but, in the first case, the consent of the latter is always necessary. All teachers are paid by the central or local government, except in case religious instruction classes were organised for less than three pupils [Schmied M. and Wieshaider W., *op. cit.*, pp. 213-15].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

In 1998 the Islamic Religious Pedagogical Academy was established with the support of the State and was reorganised on a higher academic level as a teacher training college in 2006. It aims at educating Islamic religious teachers according to Austrian pedagogical and legal standards for primary school teachers. Since the academic year 2006/2007, a two-year curriculum conferring a Master-Degree for high school teachers for Islamic religious instruction has been established at the University of Vienna.

#### **8. Ritual slaughtering**

Ritual slaughtering is part of the fundamental right of religious freedom and it can be performed under the current provisions of law, as it has been recently confirmed by the Constitutional Court as well as the Supreme Court. According to the 2004 Federal Law on Animal Protection, an official grant is required for ritual slaughtering, and it is permitted only if the animals are stunned immediately after the slaughter cut [Pötz R., *op. cit.*, pp. 50-51].

#### **9. Headscarf**

In recent times the admissibility of the Islamic headscarf in public areas, especially with regard to teachers in public schools, has been repeatedly discussed. As to students, a ministerial order has definitely clarified that they can wear their headscarves [Pötz R., *op. cit.*, p. 49].

#### **10. Islamic festivities**

There is no State regulations about daily prayers at work and a stipulation depends on the individual contracts of employments. No provisions regarding Ramadan exist either. Muslims have to work as usual even in blue collar jobs, and a temporary weakness may not be accepted by the employers, and may lead to conflicts. Muslim workers may get a vacation in order to go to Mecca on pilgrimage, upon an agreement with their employers. Since April 2006, the Islamic Religious Community has been negotiating the recognition of an Islamic holiday with the concerned social partners [Pötz R., *op. cit.*, pp. 50-51].

#### **11. Islamic chaplaincies in hospitals, prisons and the Army**

Imams and spiritual leaders of the Islamic community have free access to hospitals and prisons, whereas an Islamic chaplaincy in the Army is currently being organised. It is also to be remembered that, in November 2000, the Islamic Religious Community established an Islamic Visiting and Social Service, aimed, among other tasks, at carrying out regular visits and provide social services for Muslim patients [Pötz R., "State and Church in Austria", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 414; Pötz R., *op. cit.* (2006), p. 41].

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## Belgium<sup>168</sup>

### **1. Estimated Muslim population and percentage on total population**

An exact overview of religious adherence in Belgium is difficult. No national census is carried on any longer, and, when it existed, no questions were asked as to religious affiliation. However, some estimates do exist. Muslims represent approximately 4% of the total population, that is, from 320,000 to 450,000 persons. They mainly come from Morocco, Turkey, Algeria, and, to a less extent, Tunisia [Torfs R., “Religion in the European Union Countries. Belgium”, *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, pp. 71-73; Foblets M.-Cl. and Overbeeke A., “Islam in Belgium. The Search for a Legal Status of a New Religious Minority”, Potz R. and Wieshaider W., *Islam and the European Union*, Peeters, Leuven, 2004, p. 8; *Mosquées, imams et professeurs de religion islamique en Belgique. État de la question et enjeux*, Fondation Roi Baudouin, Bruxelles, 2004, p. 7].

### **2. Main Islamic organisations**

The oldest and most important Islamic organisation is the Islamic and Cultural Centre, attached to the Grand Mosque of Brussels. Since it does not represent the entire community of Muslims in the country, the Government has tried to help the establishment of a representative body, recognising in May 1999 a Muslim Executive Board, elected by nation-wide Muslim elections. The viability of such a body, as the spokesman of the whole Islamic community, is uncertain, as internal contrasts, especially between Moroccans and Turks, occur rather often. Indeed, in 2003, the Government unilaterally decided to anticipate new Muslim elections in order to face the internal delegitimisation of the first Executive Board [Foblets M.-Cl. and Overbeeke A., *op. cit.*, pp. 10 and 12-14; Torfs R., *op. cit.*, pp. 71-73].

### **3. Legal status of Muslim communities**

Belgium’s legal system recognises six religions, including Islam, which obtained such a status in 1974. As a principle, recognised religions obtain State financial support, but this does not fully apply to Muslim communities. Whereas chaplains’ and Islamic religion teachers’ salaries are paid by the State, imams’ wages are not. Muslims’ local communities do not get financial support either. This is due to the fact that the Belgian Government requires the establishment of a clearly hierarchically structured Islamic organisation – representing all Muslims in the country, asking for legal personality for its local communities (which can get budgetary support after obtaining legal personality), and charged to designate the imams qualifying for remuneration. However, when the Muslim Executive Board was established, his ability to act as the representative of the whole Islamic community has been uncertain. In 2002, the constitutional “regionalisation” of the legal competence, as to the recognition and financing of the local religious communities, delayed once more the whole process, which is now to be restarted before four distinct regional authorities and legislations. In 2006, for the first time, the budget of the Federal Government provided the necessary amount of money for the future payment of imams’ wages [Torfs R., *op. cit.*, pp. 59-60 and 71; Foblets M.-Cl. and Overbeeke A., *op. cit.*, pp. 8-10].

<sup>168</sup> The author is grateful to Prof. Louis-Léon Christians, Catholic University of Louvain-la-Neuve, for his kind assistance in providing information on Islam in Belgium.

#### **4. Mosques, places of worship, cemeteries and imams**

According to estimates, as of 2004, 328 mosques existed in the country (162 in Flanders, 80 in Wallonia, and 77 in Brussels). Most of them are discreet converted buildings, such as formers workshops or storage sheds. As to cemeteries, Municipals Councils may (although it is not an obligation) set aside an area destined for Muslims in municipal cemeteries. The exact number of imams is not known. It may be assumed that they are about 300 – one for each mosque, even though there are mosques operating without an imam [Hallet, J., ‘The Status of Muslim Minority in Belgium’, Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, pp. 40, 47 and 54; Torfs, R., “State and Church in Belgium”, in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 14; *Mosquées, imams et professeurs de religion islamique en Belgique. Etat de la question et enjeux*, op. cit., p. 26].

#### **5. Islamic schools**

The number of Islamic schools is relative small. In principle, the State may fund all private schools fulfilling the required legal conditions, including Islamic schools [Torfs R., op. cit. (2006), pp. 68-69].

#### **6. Teaching of Islam in public schools**

Public primary and secondary schools offer the choice between the teaching of one of the recognised religions, including Islam, and a non-denominational moral teaching. Islamic religion teachers’ salaries are paid by the State. The choice of Islamic religion teachers is in the hands of the religious authorities (first the Islamic and Cultural Centre, now the Executive Board), but the selected teachers must meet with the necessary pedagogical qualifications required for all teachers [Torfs R., op. cit. (2006), pp. 62, 69 and 71; *Mosquées, imams et professeurs de religion islamique en Belgique. État de la question et enjeux*, op. cit., p. 30].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

As to the leaders of Belgium’s Islamic community, most of the imams serving in Turkish mosques were educated in Turkey’s theological institutes and received an appropriate training, whereas the imams coming from northern Africa often did not get an adequate religious education. It is also to be noted that, in Belgium, professional training of religious ministers – even those belonging to a recognised religion – is not financed by public authorities. Different Belgian Muslim organisations spontaneously tried to create institutes for the education and training of teachers and imams, but were recognised or legitimised only temporarily. The Executive Board, elected in 2003, has been trying to create a new, global academic institute of Islamic formation since summer 2006. Belgian public authorities want to impose the attendance of such an Islamic course as a legal condition for an imam or a teacher to be paid by the State. They aim at having the subject of pluralism and democracy included in the curriculum of such a course. The conformity of such a requirement with the Constitution remains unclear, but this has been stated in a November 2006 report prepared by a special advisory expert commission established by the Minister of Justice. The French-speaking Regional Government has been funding a special programme on Imam and Islamic Formation, organised by the Catholic University of Louvain-la-Neuve, since March 2007 [Torfs R., op. cit. (2006), p. 62; *Mosquées, imams et professeurs de religion islamique en Belgique. Etat de la question et enjeux*, op. cit., pp. 31 and 33; *Rapport de la Commission des Sages. Le financement par l’État fédéral des ministres des cultes et des délégués du Conseil central laïque*, novembre 2006, <http://www.just.fgov.be>].



### **8. Ritual slaughtering**

Ritual slaughtering is allowed, but it can only take place in recognised abattoirs [Hallet J., *op. cit.*, p. 55].

### **9. Headscarf**

Belgium is one of the EU countries where the headscarf issue (concerning both students and teachers) is most hotly debated. Each school can decide whether to ban religious symbols as a whole, or the headscarf in particular. However, in the French-speaking region the *chador* is banned in schools, and, in 2004, a ban on headscarf in schools and public administration was proposed but finally rejected. [Hallet J., *op. cit.*, pp. 50-52; Migration Policy Group, *Rapport de synthèse relatif aux signes d'appartenance religieuse dans quinze pays de l'Union européenne*, July 2004, pp. 7-8, 18, 22, <http://www.migpolgroup.com>].

### **10. Islamic festivities**

Islamic religious festivities are not recognised, but specific arrangements may be made by single schools, where there is a numerous Muslim student population. For example, in Droixhe, near Liège, pupils have holidays to take part in the Aid festivity [Maréchal B., "Belgique", in Maréchal B., *L'Islam et les musulmans dans l'Europe élargie: radioscope/A Guidebook on Islam and Muslims in the Wide Contemporary World*, Bruylant, Brussels, 2002, p. 26].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

Muslim communities may designate chaplains in prisons and in the Army. Their salaries are paid by the State. A 2005 Law and Royal Decree, containing general prison provisions, regulates the institution of 18 Muslim counsellors (added to 25 Catholic, 6 Protestant, 4 Orthodox, and 2 Jewish chaplains, and 9 humanist counsellors), who can give ethical and religious support to Muslim prisoners on request. As to hospitals, religious assistance services are not paid by the State, but Muslim chaplains may perform their duties upon a patient's request [Torfs R., *op. cit.* (2006), pp. 29-30; Hallet J., *op. cit.*, pp. 52-53].

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## Bulgaria<sup>169</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2001 census, the total number of Muslims is 966,087, corresponding to 12.2 % of the population. Muslims are the largest religious minority in Bulgaria. Most of them are ethnic Turks. Islam in Bulgaria includes the Sunni and Alawite denominations, with the Sunni Hanaphite theological law school prevailing [http://www.nsi.bg (National Statistical Institute); U.S. Dept. of State, 2006; Council of Europe, *Report submitted by Bulgaria pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 9 April 2003, p. 56].

### **2. Main Islamic organisations**

The Islamic community is organised through a High Spiritual Council (*Vissh Msulmanski suvet*) and a Chief Mufti (*Glaven Muftija*). Both are elected by a conference of Muslims. The Muslim hierarchy is headed by the Chief Mufti and eight regional Muftis, interpreters of Muslim law, all of whom serve five-year terms. The Mufti Head Office (*Dar al-Ifta*) in Sofia is the representative, regulative and coordinative organ of Bulgarian Muslims.

### **3. Legal status of Muslim communities**

Bulgaria's traditional religions, including Islam, enjoy the same level of recognition and status, despite a certain privilege given to the Orthodox Church. During the communist era, the State organised the Islamic community naming a Grand Mufti and regional muftis. Muslims are registered as a corporate body with the Council of Ministers under the name of "Muslim Religion". Since 1992 the Council of Ministers, through its Directorate of Religious Denominations, has been providing annual subsidies from the State budget to some registered and active religious denominations. The subsidy for Muslim Religion amounted to 100,000 BGL in 2001 and to 80,000 BGL in 2002 [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 160; Council of Europe, *op. cit.*, pp. 59-61].

### **4. Mosques, places of worship, cemeteries and imams**

As of end of the 1990's, Bulgaria had 1283 mosques and prayer rooms. The largest mosque in Bulgaria is the Tumbul Mosque in Shumen, built in 1744. After the fall of the Zhivkov regime (1989), new mosques have been built in many cities and villages [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *op. cit.*, pp. 59-61].

### **5. Islamic schools**

There are three private secondary Islamic schools in Shoumen, Rousee and Momchilgrad, which are licensed to issue secondary schools diplomas. The subjects studied must conform to the State secondary educational standards, and include the study of the Quran, history of Islam, Arabic language, Islamic law, and ethics. Higher Muslim Theology is taught at the Higher Islamic Institute in Sofia. One-tenth of the State subsidies to the Muslim Religion goes to Muslim educational institutions. The three secondary Muslim schools are financed jointly by the State and the Office of the Grand Mufti. In addition to receiving funds from the State through the Office of the Grand Mufti, the Higher Institute for Islamic Studies receives money from foreign sources, as well, like Turkey's Presidency of Religious Affairs. The Ministry of Education maintains control over education programmes proposed

<sup>169</sup> the author is grateful to Prof. Jenia Peteva, University of Sofia, for her kind assistance in providing information on Islam in Bulgaria.

by the Office of the Grand Mufti. There are 60 Muslim students who attend the courses in person, and 30 others who are studying by correspondence [Council of Europe, *op. cit.*, pp. 60 and 77; Maréchal B., Allievi S., Dassetto F. and Nielsen J., *op. cit.*, pp. 56-57 and 67].

#### **6. *Teaching of Islam in public schools***

An optional religious education course was first introduced in State-run schools in 1997. The curriculum, developed by the Ministry of Education's Commission on Religion, initially focused on Christianity but was expanded in 1999 to cover Islam as well. The course examines the historical, philosophical, and cultural aspects of religion and introduces students to the moral values of different confessions. All officially registered religious confessions can request that their religious beliefs be included in the course's curriculum. During the 2001-2002 school year, religious instruction was organised in two forms, namely, compulsory eligible (CE) and freely eligible (FE) – whereby “compulsory eligible” refers to a list of subjects among which pupils must choose a certain number, and, once a choice has been made, the subjects become compulsory; “freely eligible” means optional. The 2001-2002 school year saw CE Islamic religion classes organised in 7 schools, with 634 pupils, whereas FE classes of Islam were organised in 2 schools, with 39 students. Instruction in the subject of Religion-Islam is done in the Bulgarian language [U.S. Dept. of State, 2006; Council of Europe, *op. cit.*, p. 60].

#### **7. *Education of teachers of Islam and leaders of the Islamic community***

Graduates from any of the secondary Islamic schools can become imams. However, they must obtain a university diploma including a certificate of pedagogical training, in order to become teachers of Islamic religion [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *op. cit.*, p. 57].

#### **8. *Ritual slaughtering***

Registered religious communities are allowed to practice ritual slaughtering according to Art. 72 of the Law on veterinary activity (1999/42) [Pötz R., Schinkele B. and Wieshaider W., *Schächten. Religionsfreiheit und Tierschutz*, Plöchl-Kovar, Freistadt-Egling, 2001, pp. 180-181].

#### **9. *Headscarf***

There have been two cases on the Islamic headscarf. The first one concerned a Muslim woman who wanted to keep her headscarf while being photographed in the photo she had to submit, in order to get her personal identification document. This was not allowed on the ground of public safety rules. The Supreme Administrative Court decided that there was no discrimination, also in consideration of the provisions stipulated by the European Union and of the judgements of the European Court of Human Rights (Decision no. 11820 of 19 December 2002). The second case arose in 2006. When a standard uniform was introduced at school, two Muslim girls insisted on wearing a headscarf, which was in contrast with the new rules on school attire. However, the Commission on Protection against Discrimination decided that the new regulation was not discriminatory (Decision no. 37 of 27 July 2006).

#### **10. *Islamic festivities***

All festivities of the registered religious communities are officially recognised. Every year the Council of Ministers adopts a series of regulations in order to recognise such festivities [Peteva J., “Chiesa e Stato in Bulgaria”, in Ferrari S., Durham W.C. and Sewell E.A., *Diritto e religione nell’Europa post-comunista*, Il Mulino, Bologna, 2004, p. 63; Zhelyazkova A., “Bulgaria”, in Maréchal B., *L’Islam et les musulmans dans l’Europe élargie: radioscope/A Guidebook on Islam and Muslims in the Wide Contemporary World*, Bruylant, Brussels, 2002, p. 33].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

According to Article 196 of the Law on Defence and Armed Forces, it is forbidden to carry on religious activities within barracks. According to Article 70b of the Law on Enforcement of Punishments, members of the clergy of the various religious denominations can freely enter prisons and penitentiaries. However, only clergymen of the traditional religions, including Islam, can be employed in such institutes [Peteva J., “Church and State in Bulgaria”, Ferrari S., Durham W.C. and Sewell E.A., *Law and Religion in Post-communist Europe*, Peeters, Leuven, 2003, p. 51].

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## Cyprus<sup>170</sup>

### **1. Estimated Muslim population and percentage on total population**

The official population residing in the Republic of Cyprus is currently estimated at 784,301 persons. Of these, only a small percentage not exceeding 1 % are Cypriot citizens of Turkish ethnic background, adherents of the Muslim religion. There are also approximately 90,000 persons of Turkish ethnic background, who are residing in the area of the island not controlled by the Republic of Cyprus. Islam in Cyprus was introduced when the Ottoman Empire conquered the island in 1571. Muslims lived over the whole area of Cyprus, but after the 1974 events they were relocated to the north of the island, that is, to the area controlled by the Turkish Republic of Northern Cyprus (which is not part of the European Union).

### **2. Main Islamic organisations**

The *Vakf* (or *Evkaf*) and the Mufti are the Muslim institutions that regulate religious activity for Turkish Cypriots. The *Evkaf* was one of the cornerstones of the Turkish Communal Chamber and is one of the largest landowners in Cyprus. The Mufti is the spiritual head of the Turkish Cypriot Islamic community, but has lost his influence over matters such as law, marriage and education due to the secularisation of the Turkish Cypriot society. However, after 1974, they operate only in the area not controlled by the Republic of Cyprus [Emilianides A., “State and Church in Cyprus”, in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, pp. 238-239; U.S. Dept. of State, 2006].

### **3. Legal status of Muslim communities**

There is no prevailing religion, nor State religion, but – due to the bi-communal structure of the Cypriot society at the time of the preparation and promulgation of the 1960 constitution – there are several provisions regarding both the Orthodox Church and the Muslim religion. Muslim communities are exempt from taxes and are eligible for government subsidies to their religious institutions. Articles 18 and 110 of the Constitution recognise the religious laws that govern the internal affairs of religions and creeds. Article 23 of the Constitution prohibits any limitations of the property rights held by the Muslim corporations and institutions, without the consent of the Turkish communal chamber. According to Article 110 of the Constitution, all matters relating to or in any way affecting the institution or foundation of the *Vakf* or any *vakf* properties, including properties belonging to mosques and any other Muslim religious institutions, shall be governed solely by and under the laws and the principles of *vakfs*, and the laws and regulations enacted or made by the Turkish communal chamber. However, it should be noted that the Turkish communal chamber is *de facto* non-existent because of the relocation of the Turks to the northern part of the island [Emilianides A., *op. cit.*, pp. 233 and 236; U.S. Dept. of State, 2006].

### **4. Mosques, places of worship, cemeteries and imams**

There are mosques in Nicosia and Larnaca. There is a relevant provision in the budget of the Turkish Cypriot Properties Management Service for the repair, maintenance and cleaning of Turkish Cypriot ancient monuments, mosques and cemeteries. Provision is also made in the budget of the Department of Antiquities of the Ministry of Communications and Works which covers the maintenance and repair of such ancient monuments. In 2006,

<sup>170</sup> The author is grateful to Prof. Achilles Emilianides, Cyprus Institute of State and Church Relations (University of Nicosia), for his kind assistance in providing information on Islam in Cyprus.

the Cyprus Government spent CYP 487,550 for the repair and maintenance of the Turkish Cypriot mosques, ancient monuments and cemeteries [Council of Europe, *Second Report submitted by Cyprus pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 27 October 2006, p. 27; <http://www.islamicfinder.org>].

### **5. Islamic schools**

There are no State-supported Islamic schools [U.S. Dept. of State, 2006].

### **6. Teaching of Islam in public schools**

Teaching of Islam in public school is one of the activities promoted by the Government of Cyprus to favour rapprochement of the Greek Cypriot and Turkish Cypriot communities. After a written request from their parents or guardians, all pupils who are not Greek Orthodox are excluded from the teaching of the subject of Orthodox religious education. Where there is an adequate number, Turkish Cypriot pupils are taught Turkish as well history and religious education in their mother language (12 teaching periods per week). In the school-year 2005-2006, Turkish Cypriot teachers were employed to teach Turkish language, history, culture and religion to Turkish Cypriot pupils including Cypriot Gypsy pupils. As from the school year 2005-2006, two Greek Cypriot teachers of Turkish language were employed to support Turkish Cypriot pupils [Council of Europe, *op. cit.*, pp. 22-23].

### **7. Education of teachers of Islam and leaders of the Islamic community**

Schools for the training of teachers of Islam and leaders of the Islamic community only operate in the area not controlled by the Republic of Cyprus.

### **8. Ritual slaughtering**

Cyprus has ratified the European Convention for the Protection of Animals from Slaughter by Law 27(III)/2004. According to such a law, animals shall be restrained before ritual slaughter by mechanical means designed to spare the animals from pain, suffering, agitation, injury, or contusions. Animals should be stunned before being slaughtered.

### **9. Headscarf**

Because Turkish Cypriots do not in general wear headscarves, there have been few occasions where headscarves have been an issue. Wearing headscarves is not currently forbidden in the Republic of Cyprus's schools, although there has been recently some discussion about forbidding headscarves in a private school. As to workplaces, wearing headscarves is generally not forbidden, and there are indeed non Cypriot Muslims wearing headscarves in workplace. The Ombudsman, who also acts as the Authority against Racial Discrimination, examines all complaints about alleged discrimination in the workplace, due to headscarves or religion, and there is a policy of condemning any case where discrimination is proved by the complainant, following an investigation of the issue.

### **10. Islamic festivities**

There are no Islamic festivities recognised by the Republic of Cyprus. Islamic festivities are mostly recognised in the areas not controlled by the Republic of Cyprus. Muslims do not have in principle the right to have a half day off on Friday afternoon for prayer at the mosque, but such arrangements can be made between Muslim workers and their employers.



**11. Islamic chaplaincies in hospitals, prisons and the Army**

There are no rules governing religious assistance in hospitals in the Republic of Cyprus. Religious assistance is generally provided on an *ad hoc* basis and so long as there is a need. The same is true with respect to prisons, where religious assistance may be provided on an *ad hoc* basis should there be a need. These are the rules governing religious assistance in general, including religious assistance provided to Muslims. Muslims do not participate in the Army in the Republic of Cyprus.

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## Czech Republic<sup>171</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2001 census, the Czech Republic's resident population was 10,230,060 persons, including 3,699 Muslims. However, only 32 % of the Czech population claimed religious affiliation, thus, it is believed that the real number of Muslims in the Czech Republic is greater, potentially twice or thrice as many [<http://www.czso.cz> (Czech Statistical Office); Tretera J., "Legal Status of the Islamic Minority in the Czech Republic", *Islam in Europe, Centre for European Politics*, Bratislava, 2005, p. 302].

### **2. Main Islamic organisations**

The main Islamic organisations are the Centre of Muslim Communities (2004), and two Islamic Foundations in Brno (1998) and Prague (1999) [Tretera J., *op. cit.*, p. 305].

### **3. Legal status of Muslim communities**

Muslim communities were first recognised in 1912, when the country still belonged to Austria-Hungary. Shortly after the annexation of Bosnia-Herzegovina (1908), the Austro-Hungarian Empire recognised the Islamic Religious Society (1912). In November 1949, with the establishment of a communist regime, the act on recognition of the Islamic Religious Society ceased to be a part of the legal order. Until 1991, no Churches nor religious communities were recognised. After 1991, a number of congregations was recognised, but the Islamic Religious Society was not among them. Under the new law on Churches and religious societies (2002), religious communities can register and gain legal personality, but not the same rights as those enjoyed by registered Churches so far, such as State funding and the right to perform marriage ceremonies. Only after ten years may the newly registered religious societies ask for recognition of such special rights. The leadership of the Czech Muslims decided to apply for registration under the name of Centre of Muslim Communities. The application was submitted in March 2004 and approved. At present, there are 26 registered Churches and religious societies in the Czech Republic, of whom 21 enjoy special rights, and 5 (including the Centre of Muslim Communities) have no special rights [Tretera J., *op. cit.*, pp. 303-306].

### **4. Mosques, places of worship, cemeteries and imams**

There is a mosque in Brno and another one in Prague [Tretera J., *op. cit.*, p. 305].

### **5. Islamic schools**

In April 2006, the Centre of Muslim Communities petitioned the Ministry of Culture for authorization to perform specific functions, such as establishing private religious schools financed by the state in accordance with existing law. The Culture Ministry recommended approval of the centre's proposal [U.S. Dept. of State, 2006].

### **6. Teaching of Islam in public schools**

Registered Churches and religious denominations can organise religious classes in all public schools as non-compulsory subject. The teacher must be authorised by the respective religious denomination and is paid by the school. Religious education classes can be attended by all students, even if they are not members of the concerned religious denomination. There is no alternative subject, therefore religious education is taught on a

<sup>171</sup> The author is grateful to Prof. Jiří Rajmund Tretera, Univerzita Karlovu, Prague, for his kind assistance in providing information on Islam in the Czech Republic.

free half day [Tretera J.R., “Church and State in the Czech Republic”, *European Journal for Church and State Relations*, 2000, vol. 7, p. 310].

**7. Education of teachers of Islam and leaders of the Islamic community**

No data available.

**8. Ritual slaughtering**

Ritual slaughtering is lawful [State Veterinary Administration of the Czech Republic, *Information Bulletin no. 4a/2006. Animal Protection Programme, Situation in 2005*, <http://www.svscr.cz>].

**9. Headscarf**

No data available.

**10. Islamic festivities**

No data available.

**11. Islamic chaplaincies in hospitals, prisons and the Army**

Only registered Churches and religious societies having special rights may have chaplains in the military and prisons, although prisoners of other religious groups, including Islamic ones, may receive visits from their respective clergy [U.S. Dept. of State, 2006].

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## Denmark<sup>172</sup>

### ***1. Estimated Muslim population and percentage on total population***

Muslims constitute the second largest religious community in Denmark, with estimated 210,000 persons representing approximately 3,7 percent of the population. The majority of the Muslims living in Denmark are first- and second-generation immigrants from Muslim-majority countries. During the 1970's, many Muslims immigrated from Turkey, Pakistan, Morocco, or Yugoslavia, while during the following two decades, a significant portion immigrated from the Palestinian territories, Iran, Iraq, and Somalia [U.S. Dept. of State, 2006].

### ***2. Main Islamic organisations***

Although there are a number of Muslim organisations in Denmark, none represents the entire community in relations with the state. The two major organisations are the "Muslimernes Landsorganisation" and the "Islamic Union in Denmark", the latter being associated with the Islam of Saudi Arabia [<http://www.euro-islam.info>].

### ***3. Legal status of Muslim communities***

Religious communities – including Muslim ones – other than the Evangelical-Lutheran Church (which is the National Church of Denmark) are private legal entities and enjoy religious freedom directly based on the constitution. They can be grouped in two categories: 1) religious communities that have been recognised (until 1970) or approved (after 1970) enjoy a number of rights, like the right to perform marriage ceremonies with legal effects under the Danish Marriage Act, the right to residence permits for foreign preachers under the Aliens Act, the right of tax deduction for financial contributions, and the right to establish their own cemeteries under the Danish Cemeteries Act; 2) other religious communities that have not requested approval or are not eligible for it do not enjoy any of the right mentioned above. 18 Islamic communities have been approved, but few seem to make use of the tax deduction possibility [Dübeck I., "State and Church in Denmark", Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 61; European Network of Legal Experts in the Non-Discrimination Field, *Denmark: Country Report on Measures to Combat Discrimination*, January 2005, p. 17; <http://www.km.dk> (Ministry of Ecclesiastical Affairs)].

### ***4. Mosques, places of worship, cemeteries and imams***

There are approximately 70 prayer rooms, serving as mosques in Denmark, but none has yet been built specifically for the purpose. Partially this has been due to divisions within the Muslim community, but there have also been reports that political and public opposition has grown over the last few years. In September 2006, the first Muslim cemetery was opened near Copenhagen. It is owned and managed by the *Dansk Islamisk Begravelsefond* (Danish Islamic Cemetery Fund), a foundation composed by about 25 Muslims communities and organisations. All Muslims in Denmark have the right to be buried at this cemetery. Under the 1970 Danish Formation and Dissolution of Marriage Act, alien imams, serving in an Islamic community with authorisation for weddings, may obtain a residence permit. However, Denmark has recently passed a so called "Imam Law", which require religious leaders to speak Danish and respect Western values. Further legislation has given the Danish government the right to reject foreign missionaries who espouse radical views.

<sup>172</sup> The author is grateful to Prof. Lisbet Christoffersen, University of Copenhagen, for her kind assistance in providing information on Islam in Denmark.

Danish constitutional law does not allow the mention of a specific religion, but the bill was widely viewed as being targeted at Muslims [U.S. Dept. of State, 2006; European Network of Legal Experts in the Non-Discrimination Field, *op. cit.*, p. 17; <http://www.euro-islam.info>].

### **5. Islamic schools**

Denmark allows religious communities to establish private schools, which can receive state funding up to the 85 % of the budget if the curriculum and practice meet state guidelines. There are approximately twenty Islamic schools in Denmark, with about half of them in Copenhagen. Some of them emphasise the ethnic group membership – Arab, Palestinian, Lebanese, and so on – combined with the religious identity. Islamic schools operate with State funds that cover up to 60 % of costs, the rest being paid as monthly fees by parents. The schools are supervised by representatives of the Ministry of Education. In 2002, the guidelines were amended to ensure that private schools prepare students to “live in a society characterized by freedom and democracy” [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 54; <http://www.euro-islam.info>].

### **6. Teaching of Islam in public schools**

Religious education in public schools explores a number of different religious traditions, but it is primarily focused on Christianity. Parents can request that their children do not take part in these classes. To address the needs of the nation's Muslims, the State has announced the inclusion of Islam as a major component of religious education for the upcoming school years. Muslim organisations have suggested that there should be cooperation between the Education Ministry and their organisations in the curriculum development, but at the moment this has not yet taken place [<http://www.euro-islam.info>].

### **7. Education of teachers of Islam and leaders of the Islamic community**

The clergy of the National Church are appointed by the Queen or the Ministry of Ecclesiastical Affairs. The education and appointment of ministers of religion of other religious denominations are no concern of the Danish public authorities. However, in the case of Islam, the most difficult question is that of foreign imams, as the local minority communities have no or very few resident imams in Denmark and are dependant on help from outside. For example, the Turkish Embassy provides 12-15 imams every year to cooperate in celebrating the Ramadan. The University of Copenhagen appointed a professor of Islamic theology in 2007. The question of establishing a University bachelor degree in Islamic theology is debated. There is much University teaching on Islam [Garde P., “Legal Status of Minority Churches and Religious Communities in the Kingdom of Denmark. Liberty without equality”, *The Legal Status of Religious Minorities in the Countries of the European Union*, Giuffrè, Milano, 1994, pp. 90-92; Schepelehn Johansen B., “Islamic Theology at the European Universities: Secularisation, boundaries and the role of religion”, *Nordic Journal of Religion and Society*, no. 2, 2006, vol. 19, pp. 93-106].

### **8. Ritual slaughtering**

It is accepted, within some limits related to the welfare of the animals. In case of ritual slaughtering, animals have to be stunned immediately after the cut of the throat (*Bekendtgørelse*, December 14, 1994, as modified in 1997).

### **9. Headscarf**

In Denmark, wearing a headscarf is lawful in the public domain, but is partially banned in the firms and manufactures of the private sector. Students are allowed to attend junior high schools and universities with their headscarves. Teachers in Denmark also have the right to wear the headscarf in schools. As to the private sector, there have been some conflicts over the *hijab*. In 2000, the courts decided that a department store's refusal to accept a girl wearing the headscarf to its training program constituted illegal discrimination. However, in 2003, the court decided that a supermarket which had a policy against any headgear in public positions was not acting in a discriminatory fashion. The Danish People's Party has suggested a ban on the *hijab* in schools and other public places. Their proposal would prohibit the wearing of "culturally specific" headgear, but exempt Christian and Jewish symbols and garments. They argued that the *hijab* has a "disturbing" impact on "ordinary people" and slows integration of Muslim girls into Danish society. This proposal has not yet been brought for decision in Parliament, but the government appears to be rejecting the idea [Islamic Human Rights Commission, *Briefing: Good Practice on the Headscarf in Europe*, 9 March 2004, <http://www.ihrc.org.uk>; <http://www.euro-islam.info>].

### **10. Islamic festivities**

Islamic festives (just like the Jewish, Catholic and other non-Lutheran festives) are not part of the public calendar of festivities. The Act on Festivals (279/1983) forbids every action on Holy Days of the National Church, which might disturb the church service. The act does not protect the festivities or Holy Days of other Churches or religious communities [Dübeck I., *op. cit.*, p. 73].

### **11. Islamic chaplaincies in hospital, prisons and the Army**

There are resident chaplains belonging to the National Church in the biggest hospitals, whereas local clergymen perform part-time duties in the other hospitals. Ministers of other religions, including imams, have the right of visiting. The first imam was appointed as chaplain at the leading Danish hospital in 2007. Prisoners have the opportunity to participate in religious services performed in the institution and to see a clergyman or a minister or equivalent from their own religious communities, according to the Act on the Execution of a Sentence. If the prison authorities are responsible for the preparation of the prisoners' food, a special diet must be provided for Muslims. Only chaplains of the National Church are permanently established in the armed forces, but applications for leave to attend divine service in minority communities should be favourably answered [Dübeck I., *op. cit.*, p. 73; Garde P., *op. cit.*, pp. 112-113].

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**Estonia<sup>173</sup>****1. Estimated Muslim population and percentage of total population**

Estonia's estimated population is 1,345,000. In the census performed in the year 2000, only 25 % of Estonia's population claimed to belong to any religion at all. There have been different estimations concerning the number of Muslims in Estonia, ranging from 1,400 to 14,000. The only reliable data come from the census. According to the census there were 1,387 Muslims older than 15 years of age. The Muslims are mainly Tatars and Azeri whose ancestors immigrated to Estonia after the passing of Livonia and Estonia into the Russian Empire in 1721, and who immigrated during the Soviet period [Ringvee R., "Islam in Estonia", *Religious Freedom and its Aspects. Islam in Europe*, Centre for European Politics, Bratislava, 2005; <http://www.vm.ee/eng> (Estonian Ministry of Foreign Affairs); <http://www.stat.ee> (Statistics Estonia); Kiviorg M., "Church and State in Estonia", *European Journal for Church and State Relations*, vol. 7, 2000, p. 319].

**2. Main Islamic organisations**

In 1989 the Tatar Cultural Society re-established the Estonian Islamic Congregation (Muslim religious associations were closed by Soviet authorities in 1940). The Congregation registered itself in 1994. The Estonian Islamic Congregation did not define itself as either Sunni nor Shia, but was to unify both. The reason for this was that while the dominant Tatars were Sunni Muslims, the second largest Muslim ethnic group Azerbaijanis are Shiites. The Estonian Islamic Congregation also unites the Azerbaijanis, Kazakhs and Uzbeks in addition to the Tatars. The Estonian Islamic Congregation is a member of the Roundtable of Religious Associations, established in 2001 by some non-Christian religious associations. The unity of the Muslim community ended in 1995 when a second Islamic congregation was founded – the Estonian Muslim Sunni Congregation – with a relatively small membership. Besides cultural societies and religious associations, there are also other Muslim organisations in Estonia, namely the Centre of Islamic Religion and Culture and Islamic Crescent in Estonia. [Ringvee R., *op. cit.*; <http://www.einst.ee> (Estonian Institute); <http://www.estonica.org>; Council of Europe, *Second report submitted by Estonia pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 15 July 2004, pp. 25-26].

**3. Legal status of Muslim communities**

The main statutes regulating religious organisations, including the activities of Muslim communities, are the Non-profit Organisations Act (1996) and the Churches and Congregations Act (2002). A religious association is a legal person in private law and obtains such a legal status by registering into the register of religious associations at the registration departments of county and city courts. The law does not prohibit the activity of religious associations which are not registered. However, since unregistered entities cannot present themselves as legal persons, they cannot exercise the rights or seek the protections accorded to a religious legal entity. Nevertheless, they still enjoy their constitutionally protected collective freedom of religion as a religious group. Both the Estonian Islamic Congregation and the Estonian Muslim Sunni Congregation have been registered with the Department of Religious Affairs of the Ministry of Internal Affairs [Kiviorg M., "Church and State in Estonia", in Ferrari S., Durham W.C. and Sewell E.A., *Law and Religion in Post-communist Europe*, Peeters, Leuven, 2003, pp. 105-113; Kiviorg M., "The Permissible

<sup>173</sup> The author is grateful to Prof. Merilin Kiviorg, University of Tartu, for her kind assistance in providing information on Islam in Estonia.

Scope of Legal Limitations on the Freedom of Religion or Belief', *Emory International Law Review*, vol. 19, Summer 2005, pp. 753-783].

#### **4. Mosques, places of worship, cemeteries and imams**

There are currently no mosques in Estonia. Since the 1980's religious services as well as Friday prayers have been held in rented rooms. The attempts to build a mosque started in 1989. The Estonian authorities have supported the idea, but there have not been enough private or public funds to carry on this project, and there is probably too much competition between the different ethnic groups. In 2000 an Azerbaijani businessman expressed his wish to build a mosque in Tallinn. His ideas were heatedly discussed in the media. The congregation distanced itself from this project [Ringvee R., *op. cit.*; Mel Huang, "A Mosque with a View", *Central European Review*, vol. 3, 2001].

#### **5. Islamic schools**

There are currently no Islamic schools.

#### **6. Teaching of Islam in public schools**

According to Article 4 of the Education Act, the study and teaching of religion is voluntary and non-denominational. The teaching is defined "ecumenical", because it provides knowledge on different religions. Religious classes must be offered when 15 pupils of a school require it. Denominational education is provided in courses organised by Churches and religious denominations [Kiviorg M., *op. cit.* (2000), p. 334; Kiviorg M., "State and Church in Estonia", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, pp. 104-107].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

No local training is taking place. Imam Hasjan Murtazin received training in Ufa (Russian Federation) at the beginning of the 1990's. When imam Hasjan Murtazin died in 1996 Ali Harassov, imam of the Sunnite congregation, became the religious leader of Estonian Muslims. Since 2002, the religious leader of the Estonian Muslim community has been Imam Ildar Muhammedishin, from the Tatar community, who graduated from the Islamic University of Al-Madinah Al-Munawwarrah (Saudi-Arabia) in 2002. Both congregations have accepted him as the spiritual leader of local Muslims [Ringvee R., *op. cit.*; Mel Huang, *op. cit.*].

#### **8. Ritual slaughtering**

Ritual slaughter is not unlawful under the Animal Protection Act. However, the law sets some requirements. An animal may be slaughtered for religious purposes away from a slaughterhouse. A supervisory official has to be present at all slaughterings. The slaughterer has to have the due qualification.

#### **9. Headscarf**

The wearing of the headscarf is not prohibited. Currently there are reportedly no problems of wearing a headscarf at the workplace or elsewhere. The Government Regulation no. 79/2005 amended the previous regulation concerning photos on identification documents. According to this new regulation a person has a right, on religious ground, to submit a photo with a headgear for identification documents. However, the face from mandible to upper forehead should be uncovered. This applies not only to Muslim women, but also to Christian nuns.

**10. Islamic festivities**

There are no Islamic festivities recognised by the State. So far there have been no claims for it either.

**11. Islamic chaplaincies in hospital, prisons and the Army**

The Churches and Congregations Act decrees that the commanding officer of each military unit shall guarantee conscripts the opportunity to practice their religion. Military chaplain services extend to service members of all faiths. The Churches and Congregations Act decrees that prison directors shall ensure inmates the opportunity to practice their religion. Co-ordination of the prison chaplaincy is delegated to one of the organisations affiliated to the Estonian Evangelical Lutheran Church. Only people from Churches or religious denominations that are members of the Council of Estonian Churches, are entitled to serve as chaplains and regarded as civil servants, but no Muslim congregation is a member of the council. According to Article 98 of the Code of Execution Procedure, a prisoner has the right to meet a member of the clergy of his/her own religious denomination, whereas the prison authorities are required to meet the prisoners' religious needs. The chaplaincy in the armed forces is regulated in the same way as the prison chaplaincy. Prison chaplains have repeatedly co-operated with Islamic ministers, Buddhists and others. The *mullah* has mostly visited Murru Prison [U.S. Dept. of State, 2006; Kiviorg M., *op. cit.* (2000), pp. 336-337; Council of Europe, *op. cit.*, p. 65].

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## Finland<sup>174</sup>

### **1. Estimated Muslim population and percentage on total population**

As of January 2007, Finland's estimated population was 5,278,294. 1.1 % of the total population had reportedly religious affiliations other than Lutheran and Orthodox. The exact number of Muslims in Finland is hard to estimate, but the figure is likely to be 35,000. Islam in Finland was introduced by Tatars coming from Russia at the end of the 19th century, and now it also includes Muslim immigrants, with a number of refugees arrived from Somalia in particular [[http://tilastokeskus.fi/index\\_en.html](http://tilastokeskus.fi/index_en.html)] (Statistics Finland); <http://www.evl.fi/english> (Evangelical Lutheran Church of Finland); <http://www.vaestorekisterikeskus.fi> (Population Register Centre); <http://www.minedu.fi> (Ministry of Education)].

### **2. Main Islamic organisations**

In 1925, the first Islamic congregation (*Finlandiya Islam Cemaati*, or Islamic Congregation in Finland) was founded by the Tatar community. A second congregation of Tatars was established in Tampere in 1943. Non-Tatar Muslims cannot become members of the Finnish Islamic Congregation. Tatars have their own graveyard where they do not allow any other Muslims than Tatars to be buried. The Islamic Congregation in Finland enhances the maintenance of the Tatar culture and language. It publishes books on Tatars' mother tongue and religion in Tatar language. A cultural society called *Finlandiya Türkleri Birligi* ry, founded in 1935, and a sports club, *Yolduz* ry, founded in 1945, operate with the support of the Congregation. The Islamic Congregation in Finland is represented in the Advisory Board for Ethnic Relations. In 1987, the Islamic Society of Finland (*Suomen Islamilainen Yhdyskunta*) was founded. This society allows all Muslims to join it. In 1996, some groups and societies of Muslim immigrants came together to form a cooperative organ called the Federation of Islamic Organisations in Finland. The total membership of official Islamic congregations is approximately 4,150 [<http://www.evl.fi/english> (Evangelical Lutheran Church of Finland); Council of Europe, *Report submitted by Finland pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 15 December 2004, pp. 22 and 47; <http://virtual.finland.fi>].

### **3. Legal status of Muslim communities**

Islam has had official status since 1925. The signature of twelve persons suffice for an official request for recognition, and, at the beginning of the 1990's, three congregations had obtained official status. As of 2003, 14 Islamic communities have been recognised, mostly in Helsinki and in the south of Finland. Most of them are very small, and some may have ceased to exist [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 171].

### **4. Mosques, places of worship, cemeteries and imams**

As of end of the 1990's, in Finland there were 17 prayer rooms, but no mosque. There are Tatar Islamic cemeteries in Helsinki, Turku and Tampere. According to the 2002 Cemeteries Act, Evangelical Lutheran parishes and parish federations are ultimately responsible for the maintenance of public cemeteries. This also applies to the maintenance of non-religious burial areas, which are intended as a religiously neutral option for those who, for religious or ideological reasons, do not wish to be buried in an Evangelical

<sup>174</sup> The author is grateful to Prof. Matti Kotiranta, University of Joensuu, for his kind assistance in providing information on Islam in Finland.

Lutheran cemetery. Some Lutheran parishes have separated special burial ground for Muslim communities [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *op. cit.*, p. 81; <http://virtual.finland.fi>].

### **5. Islamic schools**

From 1948 to 1969 there was a Tatar primary school (*Türk Halk Mektebi*) in Helsinki, which was partly subsidised by the Islamic Congregation and partly by the City of Helsinki. About half of the teaching was in Finnish and half in Tatar. Reform of the Finnish school system in the 1970's made the school unviable due to the small number of pupils and the conditions governing state subsidies. Instead, during the autumn and spring terms, after school hours, the Islamic Congregation provides regular teaching of Tatar language, culture, religion and history, with Tatar as the language of instruction. A Tatar kindergarten has existed since the 1950's [<http://virtual.finland.fi>].

### **6. Teaching of Islam in public schools**

All public schools provide religious and/or philosophical instruction. Students who do not wish to receive religious instruction may choose to study philosophy instead. In certain Helsinki area schools, Islam became the third most popular subject after the Lutheran faith and general "philosophy of life". The number of Muslim students has increased countrywide by approximately 20 % every year over the past three years. This trend is expected to continue for at least two to three years [U.S. Dept. of State, 2006].

### **7. Education of teachers of Islam and leaders of the Islamic community**

There is no organisation for the training of imams, preachers and teachers of Islamic religion in Finland. Besides, the terms of the debate on such issues have not been established [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *op. cit.*, p. 64].

### **8. Ritual slaughtering**

Ritual slaughtering is lawful, but post-cut stunning is compulsory. In the Aland island, animals need to be stunned or killed before their throat is cut [Pötz R., Schinkele B. and Wieshaider W., *Schächten. Religionsfreiheit und Tierschutz*, Plöchl-Kovar, Freistadt-Egling, 2001, pp. 180-181].

### **9. Headscarf**

There is not a headscarf issue. There has been reportedly only one case of a Muslim woman, who was recognised the right to wear the headscarf during office hours [Seppo J., "Church and State in Finland 1997", *European Journal for Church and State Research*, 1998, pp. 121-130].

### **10. Islamic festivities**

The Islamic festivities are not recognised by the State. Muslims are not recognised the right to have half a day off on Islamic festivities or on Friday afternoons [Seppo J., *op. cit.*, pp. 121-130].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

Ecclesiastical activity within the armed forces consists of the activities of the Lutheran and Orthodox churches among conscripts, staff, reservists, and peace-keepers. The needs of minority religious communities are handled with the permission of the Lutheran chaplains. In hospitals, most counsellors are supported by congregations or parish unions including the Muslim communities [Heikkilä M., Knuutila J. and Scheinin M., "State and Church in

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Seppo J., “Church and State in Finland 1997”, *European Journal for Church and State Research*, 1998, pp. 121-130.





## France<sup>175</sup>

### **1. Estimated Muslim population and percentage on total population**

Official census do not contain any data concerning religious affiliation, therefore there are no official data concerning the number of Muslims in France. As to 1 January 2007, the estimated population of France was 63,392,100 [<http://www.insee.fr> (Statistics National Institute)]. As to the percentage of Muslim persons on total population, estimates are very different, ranging from 4.5 % to 7 %. Islamic communities are diverse, and include North Africans, Turks, Sub-Saharan Africans, and French convert to Islam, French Muslims from the Indian Ocean [Messner F., "Religion in the European Union Countries: Constitutional Foundations, Legislations, Religious Institutions and Religious Education. Country Report on France", *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, p. 99].

### **2. Main Islamic organisations**

Muslims in France are organised in approximately 1,500 associations, most of which are local associations more or less affiliated to national federations or religious institutions. The main Islamic organisations are the Muslim Institute of the Paris Mosque (established in 1926 and linked with the Algerian government), the Union of Islamic Organisations in France (established in 1983 and Muslim Brotherhood-oriented), the National Federation of Muslims of France (1985, actually defending Moroccan interests), and the French Council of the Muslim Religion, whose creation in 2001 was prompted by the Ministry of Interior in order to establish a single body representing all these groups [Messner F., *op. cit.*, pp. 99-101; Basdevant-Gaudemet B., "Islam in France", Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, pp. 60 and 62-68].

### **3. Legal status of Muslim communities**

In France, under the separation regime established by the 1905 law, no religion is officially recognised nor funded as such, and all religious communities have to be treated equally. Religious communities, including Islamic ones, can only have the legal status of associations, public utility associations, or religious associations. There exists an exception to such a system in the Alsace and Moselle departments, where religions can be officially recognised and receive public funding. Four religions have been recognised so far, but Islam has not [Messner F., *op. cit.*, pp. 84-86 and 99; Basdevant-Gaudemet B., *op. cit.*, pp. 59-62].

### **4. Mosques, places of worship, cemeteries and imams**

The estimated number of Islamic places of worship is approximately 1,600. Only few of these are mosques. The French Ministry of the Interior has recently promoted the creation of a foundation aimed at raising funds and private donations for building Islamic places of worship. Imams are about 3,500. Besides the Islamic cemetery of Bobigny, there are no cemeteries that can be properly called Islamic. The law forbids the creation of confessional divisions in municipal cemeteries, as well as the establishment of private cemeteries. However, special quarters for Muslims have been created in municipal cemeteries, with the permission of the Ministry of Interior [Messner F., *op. cit.*, pp. 101-102; Ferrari A., "La Fondazione delle Opere dell'Islam di Francia o come costruire un "islam gallicano"", *Quaderni di diritto e politica ecclesiastica*, no. 1, 2006, pp. 125-136; Frégosi F., "France",

<sup>175</sup> The author is grateful to Prof. Franck Frégosi and Prof. Francis Messner, CNRS Strasbourg, for their kind assistance in providing information on Islam in France.

in Maréchal B. *L'Islam et les musulmans dans l'Europe élargie: radioscope*, Bruylant, Brussels, 2002, p. 70].

### **5. Islamic schools**

There exists one Islamic private school under a contract of association (which means that the school can receive State subsidies) in the Réunion department. Two more opened in 2001 in Aubervilliers and in 2003 in Lille (lycée Averroes): neither is under contract with the State. Another one (without contract, based in Lyon) opened in March 2007 (lycée college Al Kindi) [Messner F., *op. cit.*, p. 97; *France's first Muslim secondary schools opens*, <http://hrfw.org>].

### **6. Teaching of Islam in public schools**

In primary schools, no religion course can be organised, whereas in secondary schools religion can be taught by chaplains (but not during the school timetable). However, as of 2004, no Islamic chaplaincy operated in any public secondary schools [Basdevant-Gaudemet B. and Frégosi F., "L'Islam en France", in Potz R. and Wieshaider W., *Islam and the European Union*, Peeters, Leuven, 2004, pp. 175-176].

### **7. Education of teachers of Islam and leaders of the Islamic community**

The question of the training of imams has been the first task delegated to the French Council of the Muslim Religion. Such an issue has concerned both French governments and Muslim communities for several years. Many attempts have been made, so far without success. For example, a European Institute of Human Sciences (supported by the Union of Islamic Organisations in France) was founded in Nièvre, but it has hardly operated, whereas the Paris Mosque Theology Institute only has a few students. In September 2006, the Machelon Commission (a commission charged by the Prime Minister with the examination of some legal issues concerning the relations between the State and religious denominations) suggested the creation of a State-funded institute of Islamic theology in Strasbourg [Basdevant-Gaudemet B., *op. cit.*, p. 72].

### **8. Ritual slaughtering**

Ritual slaughtering can only be performed inside a slaughterhouse. Registered religious bodies submit a list of slaughterers to be approved by the Ministries of the Interior and of Agriculture. Muslim communities are faced with a shortage of approved slaughterhouses during religious festivals, and prefects can grant individual permits [Messner F., *op. cit.*, p. 102].

### **9. Headscarf**

Under a 1955 decree, it is forbidden to wear a headgear in the pictures for identity documents. Further, law no. 228 of 15 March 2004 has forbidden the wearing of any religious symbols, including headscarves, in public primary and secondary schools [Migration Policy Group, *Rapport de synthèse relatif aux signes d'appartenance religieuse dans quinze pays de l'Union européenne*, July 2004, p. 27, <http://www.migpolgroup.com>; Messner F., *op. cit.*, p. 101].

### **10. Islamic festivities**

Ministry circulars, mainly aimed at the civil service, have been issued for years, requesting heads of department to take the religious calendar of their personnel (including Muslims) into account, insofar as it does not disrupt the smooth operation of the department. The courts have also considered that a half-an-hour break at the end of the day during Ramadan

is compatible with the smooth operations of the service [Basdevant-Gaudemet B., *op. cit.*, p. 81].

### ***11. Islamic chaplaincies in hospitals, prisons and the Army***

The military chaplaincy is regulated by a 1880 law. Until recently, only three military chaplains, respectively Catholic, Protestant, and Jewish, operated in the Army and were paid by the State. Recently, the overall system of chaplaincy has been partially extended to Islam. Islamic chaplains for hospitals, prisons and the Army have been officially named by agreement between the French Council on Muslim Religion and the political authorities. They can be paid by the State. However, pastoral care services for Muslims remain totally insufficient because of the difficulty of recruiting Islamic chaplains [Basdevant-Gaudemet B., *op. cit.*, p. 75; Basdevant-Gaudemet B., “State and Church in France”, in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 181].

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## Germany<sup>176</sup>

### **1. Estimated Muslim population and percentage on total population**

According to estimates, there are about 3.2 million Muslims in Germany out of a total population of approximately 82.4 million persons. Thus, they form 3.8 % of the German population. About 732,000 Muslims are German citizens. The vast majority of Muslims (approximately 2.2 million persons) is of Turkish origin [Robbers G., "Religion in the European Union Countries. Constitutional Foundations, Legislations, Religious Institutions and Religious Education. Country Report on Germany", *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, p. 130; Rohe M., "The Legal Treatment of Muslims in Germany", in Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, p. 83].

### **2. Main Islamic organisations**

Numerous Islamic organisations exist in Germany. There are also three umbrella organisations representing member organisations regardless to their country of origin: the Central Council of Muslims in Germany (a registered association established in Cologne), the Islamic Council for the Federal Republic of Germany/Islamic World Congress Germany (a registered association established in Bonn), and the Islamic Council in Germany; it should be noted that they do not regard themselves as faith communities, but rather as religious oriented organisations. In April 2007, the four major Muslim associations have founded a joint *Koordinationsrat* (Coordination Council) to speak with one voice towards the State counterpart for such issues as religious instruction in public schools [Muckel S., "Islam in Germany", Potz R. and Wieshaider W., *Islam and the European Union*, Peeters, Leuven, 2004, p. 46].

### **3. Legal status of Muslim communities**

All religions have to be treated equally. Thus, Muslim communities may acquire legal personality by registering as an association or another legal body, like any other religious communities, according to the general provisions of civil law. There is no special procedure of recognition of religious communities. However, religious (as well as ideological) oriented communities have to comply with specific requirements when applying for acquiring the legal status of a public law corporation – which provides a number of far-reaching rights, including the right to levy taxes from the members of the concerned religious community. At the moment, Muslim communities are usually organised as registered associations under private law, and none of them has acquired the legal status of public law corporation, because of the lack of a reliable, authentically representative Islamic organisation. The Islamic Religious Community in Berlin has nevertheless filed a law suit to acquire such a status [Robbers G., *op. cit.*, pp. 128-130; Rohe M., *op. cit.*, pp. 87-88].

### **4. Mosques, places of worship, cemeteries and imams**

There are about 2,400-2,500 mosques and places of worship for Muslims, and approximately 1,250 full-time and 1,000 honorary/part-time imams in Germany. Only Churches and religious communities having the legal status of a public law corporation can establish denominational cemeteries. Thus, Muslims can only bury their deceased in

<sup>176</sup> The author is grateful to Prof. Gerhard Robbers, University of Trier, for his kind assistance in providing information on Islam in Germany.

communal cemeteries. Many municipalities have created separate Islamic burial places in their cemeteries [Robbers G., *op. cit.*, pp. 137-138; Muckel S., *op. cit.*, p. 58].

### **5. Islamic schools**

Any person or legal entity, including religious communities, can establish a school, providing they comply with the law's requirements. There are reportedly three Islamic private schools in Germany: the Saudi Arabian King Fahd Academy (offering both primary and secondary school classes), the Islamic Centre in Munich (operating as a secondary school), and the Islamic Primary School in Berlin. Like any other private school, they receive State funds [Muckel S., *op. cit.*, pp. 69-71].

### **6. Teaching of Islam in public schools**

Children, parents, and religious communities have a constitutional right to religious education. When a minimum number of students of the same religious denomination is reached (normally from 6 to 8), a public school is obliged to teach the concerned religion. Islam is being taught in public schools in a number of *Länder*, such as Berlin, Hamburg, Lower-Saxony, North Rhine-Westfalen, and Baden-Württemberg. The curriculum is decided by the respective religious authorities (that is, Turkey's Presidency of Religious Affairs, or, in some case, the leaders of a local Muslim community), but it is supervised by the State. The teachers are paid by the State. However, it is to be noted that, in many cases, instruction in Islam is provided for in classes of Turkish language organised for the immigrant children, which results in the exclusion of all Muslim students of a mother tongue other than Turkish from this kind of Islamic religion instruction. It is also important to note that the teaching of Islam in language and culture classes is not religious instruction in the sense of Art. 7, sec. 3 of the Federal Constitution, but it is the result of a compromise among different needs [Robbers G., *op. cit.*, pp. 125-128; *Germany state to teach Islam in public schools*, <http://hrfw.org>; Rohe M., *op. cit.*, p. 96].

### **7. Education of teachers of Islam and leaders of the Islamic community**

There exists no university chair of Islamic theology, but several organisations offer training courses for imams and teachers of Islam. In the 1990's the *Verband Islamischer Kulturzentren* opened one of such centres, recruiting persons who knew German society and who spoke German well enough, and also started a project to create an Islamic Academy of Higher Learning [Muckel S., *op. cit.*, p. 71; Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 62].

### **8. Ritual slaughtering**

As a general rule, any forms of slaughtering without pre-stunning is forbidden. However, in 2002 the Federal Constitutional Court decided that the freedom of religion includes the right for Muslims to slaughter animals according to their imperative religious commands, thus allowing ritual slaughtering without previously stunning animals [Rohe M., *op. cit.*, p. 90].

### **9. Headscarf**

In October 2002, the Federal Labour Court ruled that a Turkish woman who insisted on wearing a headscarf at her job at a department store had been dismissed illegally. In September 2003, the Federal Constitutional Court ruled that a Muslim teacher could not be forbidden to wear a headscarf in a public school in Baden-Württemberg, but it added that the 16 *Länder* could legislate the ban religious apparel if it was deemed to unduly influence

children. Therefore, in 2004, Baden-Württemberg, Lower-Saxony, and Bavaria approved a law to ban Muslim teachers from wearing headscarves at school, and other states have introduced draft laws banning headscarves and/or other religious symbols in public institutions [*Headscarf case goes to German High Court; A German court accept teacher's headscarf; German state outlaws Muslim headscarves; Germany's Bavaria bans teachers from wearing religious symbols*, <http://hrfw.org>].

### **10. Islamic festivities**

Employers often grant breaks for Friday's joint prayer in the mosque or allow their employees to finish work earlier that day. To attend Islamic festivities, Muslim employees can use their time of vacation [Rohe M., *op. cit.*, pp. 98-99].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

Religious communities, including Islamic ones, have the right to provide religious assistance in hospitals, prisons, and the Army. Religious activities within the police and the armed forces are regulated by contracts. For the duration of their services, chaplains have the status of State officials [Robbers G., "State and Church in Germany", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, pp. 90-91].

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Greece<sup>177</sup>**1. Estimated Muslim population and percentage on total population**

According to the 2001 census, resident population in Greece amounted to 10,964,020 persons, including two distinct Islamic communities: 1) a minority group, according to the current legal content of the term, composed by approximately 130-140,000 Muslims living in Western Thrace (the descendants of the Islamic community exempted from the compulsory exchange of populations stipulated by the 1923 Lausanne Treaty between Greece and Turkey) and by 4,000 Muslims living in the Dodecanese, which was reunited to the motherland in 1947; 2) an immigrant population of late settlement (starting in the 1980's and massively increased after 1991). No reliable data on the number of Muslim immigrants exist [www.statistics.gr (General Secretariat of National Statistics Service of Greece); Tsiselikis K., "Muslims in Greece", Potz R. and Wieshaider W., *Islam and the European Union*, Peeters, Leuven, 2004, pp. 79 and 83-85; Papastathis C., "Legal Status of Religion in Greece", *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, pp. 188-189].

**2. Main Islamic organisations**

There exists no Islamic organisations representing the Islamic community as a whole. Three Mufti offices, recognised by the State, operate in Western Thrace. Besides them, there are several national communities (Egyptian, Pakistani, Bangladeshi, Nigerian, and Algerian) who have formed associations according to the Greek law [Tsiselikis K., "Muslims in Greece", *op. cit.*, p. 90; Papastathis C., *op. cit.*, p. 189].

**3. Legal status of Muslim communities**

The 1913 Athens Treaty recognised all the Mufti Offices in Greece as legal entities. When Western Thrace and Dodecanese became part of Greece, the Athens treaty provisions were extended to the new provinces. Since then, there has been a fundamental difference between the Islamic community of Western Thrace and Dodecanese, and immigrant Muslims arrived later in the country. Western Thrace is divided into three districts, each one headed by a Mufti, who is the civil representative and the spiritual leader of his district's Islamic community. The Mufti is responsible for the administration of the mosques and the ecclesiastical properties (*vakf*), the appointment of imams, the supervision of religious schools and the teaching of Islam, among other things. He also serves as a judge and is competent to adjudicate cases concerning family law, and, in some cases, succession law. He can apply the Islamic religious law (*sharia*), if the concerned parties decide to apply to the Mufti, instead of the civil court. The expenses and salaries of the three Mufti offices are covered by the State. Muftis are elected by Western Thrace Muslims, and appointed by the State. However, the State only appoints Muftis that are regarded as *personae gratae*. As to the other Islamic communities, composed of Muslim immigrants located in other areas of the country, they are not legally recognised as minorities and, thus, they are not entitled to the special arrangements existing in Western Thrace and Dodecanese [Papastathis C., *op. cit.*, pp. 189-190].

<sup>177</sup> The author is grateful to Prof. Charalambos Papastathis, Aristotelea Universitas Studiorum, Thessalonika, for his kind assistance in providing information on Islam in Greece.

#### **4. Mosques, places of worship, cemeteries and imams**

In Western Thrace and Dodecanese, there are at least 258 mosques. In the rest of the country there are officially no mosques, this is to say that mosques and places of worship operate without the State's official permit. However, the Government has recently decided to build a mosque in Athens, overcoming the opposition of the Greek Orthodox Church, which had a vetus right concerning the creation of non-Orthodox places of worship. Outside Thrace, there exists only one Islamic cemetery, in the same area where the new mosque will be built. There is no officially recognised imam for immigrant Muslims outside Western Thrace and Dodecanese [Papastathis C., *op. cit.*, p. 189; Tsiselikis K., "Personal Status of Greece's Muslims: a Legal Anachronism or an Example of Applied Multiculturalism?", in Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, p. 110; Tsiselikis K., "Muslims in Greece", *op. cit.*, p. 91].

#### **5. Islamic schools**

Two Islamic schools exist in Thrace. They are private schools, supervised by the local Mufti, but they are also supported by the Ministry of Education and Cults [Papastathis C., *op. cit.*, p. 190].

#### **6. Teaching of Islam in public schools**

Greece recognises a special category of public schools, that is, minority schools, for Muslims of Western Thrace and Dodecanese. All minority primary and secondary schools organise compulsory courses of Islamic religion. In other regions of the countries, so called intercultural schools have been established, in order to adjust the national curriculum to the special needs of students having a different language or religion. However, up to now none of them has provided Islamic religion courses, nor have Muslim parents requested it [Papastathis C., *op. cit.*, p. 190; Tsiselikis K., "Muslims in Greece", *op. cit.*, pp. 100-101].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

The Muslim Pedagogical Academy was established in Thessaloniki for Muslims of Western Thrace and Dodecanese. It is attended by graduates of the two Islamic schools existing in the region. However, it is sufficient to have the diploma of either Islamic school to become imam [Papastathis C., *op. cit.*, p. 190].

#### **8. Ritual slaughtering**

Ritual slaughtering is allowed, and it does not entail any problems, as it is quite similar to Greek-Orthodox religious practices [Tsiselikis K., "Personal Status", *op. cit.*, p. 110].

#### **9. Headscarf**

There has been so far no important exposure of the Islamic headscarf in public areas. Thus, no negative reactions have been reported [Tsiselikis K., "Personal Status", *op. cit.*, p. 110].

#### **10. Islamic festivities**

According to the principle of religious freedom (Art. 13 of the Constitution), Muslim students attending public (State) schools in Western Thrace have holidays during the Ramadan period and the major Islamic festivities. Muslim pupils and teachers in other schools – either public or private – do not interrupt their study or work at the time of prayer. Muslim civil servants and military can have a leave during Islamic festivities.

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

There are not formally established Islamic chaplaincies in hospitals, prisons, and the Army. However, Muftis and imams can visit Muslim patients and prisoners. Also, for Muslim soldiers facilities are offered for their religious duties.

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## Hungary<sup>178</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2001 census, Hungary's resident population was 10,198,315 people. 2,907 declared to be Muslims. Muslims have a long history in the country, as Hungary used to be an Ottoman province [<http://www.nepszamlalas.hu/eng> (Hungarian Central Statistical Office); Schanda B., "State and Church in Hungary", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 324].

### **2. Main Islamic organisations**

The Hungarian Islamic Society is the most important organisation. It promotes Islamic culture and religion, but has no ambition to represent Muslims at the national level. Between 1999 and 2003 this organisation was granted a HUF 13,747,781 State budgetary support. Three other Islamic communities participate in the tax assignment system [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 175; Council of Europe, *Second report submitted by Hungary pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 7 May 2004, p. 52].

### **3. Legal status of Muslim communities**

The 1990 Law on the Freedom of Conscience regulates the activities of and the benefits enjoyed by religious communities and establishes the criteria for legal designation. To register, religious groups must submit a statement to a county court, which must be signed by at least one hundred believers. The court determines whether the registration of the new group complies with constitutional and legal requirements; these requirements are very loose and registration is essentially pro forma. While any group is free to practice its faith, formal registration makes available certain protections and privileges and grants access to several forms of state funding [U.S. Dept. of State, 2006].

### **4. Mosques, places of worship, cemeteries and imams**

As of end of the 1990's, there were 11 mosques and prayers rooms [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *op. cit.*, p. 81].

### **5. Islamic schools**

There are no Islamic schools [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *op. cit.*, p. 50].

### **6. Teaching of Islam in public schools**

Religious instruction is not part of the curriculum in public schools; however, the Government permits primary and secondary school students to enrol in extra-curricular religious education classes. Optional religious instruction is usually held after the normal school day and is taught in school facilities by representatives of religious groups. In 2003, 37 Churches and religious denominations, including the Hungarian Islamic Community, were granted State budgetary support for religious education [U.S. Dept. of State, 2006; Council of Europe, *op. cit.*, p. 50].

<sup>178</sup> The author is grateful to Prof. Balázs Schanda, Pázmány Péter Catholic University, Budapest, for his kind assistance in providing information on Islam in Hungary.

### **7. Education of teachers of Islam and leaders of the Islamic community**

There are no reports on the existence of a debate on the issue of education of teachers of Islam, imams and leaders of the Islamic community.

### **8. Ritual slaughtering**

Ritual slaughtering is permitted provided there is an authorization by the Ministry of Agriculture [Pötz R., Schinkele B. and Wieshaider W., *Schächten. Religionsfreiheit und Tierschutz*, Plöchl-Kovar, Freistadt-Egling, 2001, pp. 180-181].

### **9. Headscarf**

The wearing of headscarves is not forbidden.

### **10. Islamic festivities**

There have been reportedly no cases of conflict. A Muslim employee may use part of his vacation and ask for a paid leave when there is an Islamic festivity.

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

All registered religions have the right to pursue religious activities in the penitentiaries on the request of the inmates. Pastoral care for Muslim members of the army can be provided for [U.S. Dept. of State, 2006; Schanda B., "Religious Freedom Issues in Hungary", *Brigham Young University Law Review*, 2002, no. 2, p. 416].

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## Ireland<sup>179</sup>

### ***1. Estimated Muslim population and percentage on total population***

According to the Preliminary Report of the 2006 census, the preliminary total for the population is 4,234,925 persons, but the figures on the classification of population by religion are not available yet. In the 2002 census, Muslims were 19,147 out of 3,917,203 persons – that is, 0.49 % of the total population. There is no dominant ethnicity within the Muslim community in Ireland. The country's Muslims come from Arab countries as well as South Asia, East Asia, China, Oceania, Indonesia [<http://www.cso.ie> (Central Statistics Office Ireland)].

### ***2. Main Islamic organisations***

The first Islamic organisation was formed in 1959 by Muslim students. It was originally called Dublin Islamic Society, and later it was renamed Islamic Foundation of Ireland. The Society established the first mosque in Ireland in 1976. It also helped to establish mosques in other cities in Ireland. The Islamic Foundation of Ireland has been the official representative of Muslims in Ireland since its inception. It looks after the religious, educational and social needs of Muslims. Other Islamic organisations are the Galway Islamic Society created in 1978, the Cork Muslim Society established in 1984, and the Islamic Cultural Centre of Ireland opened in 1996 in Dublin. In September 2006, an umbrella group, the Irish Council of Imams, was established. It represents all 14 imams in Ireland, of both Sunni and Shia traditions [<http://www.islaminireland.com> (Islamic Foundation of Ireland); <http://www.redbrick.dcu.ie/~isoc/index.html> (Dublin City University Islamic Society)].

### ***3. Legal status of Muslim communities***

There is no legal requirement that religious groups or organisations (including Muslim ones) register with the Government, nor is there any formal mechanism for government recognition of a religion or a religious group. Such Islamic organisations as the Islamic Foundation of Ireland are registered as a Friendly Society and have been accorded the legal status of charitable organisations [U.S. Dept. of State, 2006; <http://www.islaminireland.com> (Islamic Foundation of Ireland)].

### ***4. Mosques, places of worship, cemeteries and imams***

There are two mosques and seven prayer rooms in Dublin. Houses were bought to be used as a mosque in Galway (1981), Cork (1994), Limerick, Waterford, Ennis, and Cavan. The Ballyhaunis Mosque, built in 1987, was the first purpose-built mosque in Ireland. Besides, Muslim communities have a prayer hall in Tralee. In 1976 the Dublin Islamic Society bought a small separate plot in Mount Jerome cemetery in the south central area of Dublin for burying deceased Muslims. By the end of the 1980's the Muslim plot in Mount Jerome became full. This prompted the Islamic Foundation of Ireland to search for another place. In 1990 the present Muslim section in Newcastle cemetery in the south of Dublin was obtained by a special agreement with the South Dublin City Council [<http://www.islaminireland.com> (Islamic Foundation of Ireland); <http://www.redbrick.dcu.ie/~isoc/index.html> (Dublin City University Islamic Society)].

<sup>179</sup> The author is grateful to Reverend Paul Colton, for his kind assistance in providing information on Islam in Ireland.

### **5. Islamic schools**

As of 2002, there existed two Islamic full-time primary schools, funded by the Department of Education. The Muslim National School in Dublin was established by the Islamic Foundation of Ireland in 1990. The North Dublin Muslim School was opened in September 2001. Besides, the Islamic Foundation of Ireland established the Al-Falah Weekend Islamic school in May 2000, and the Children Evening Koranic School in January 2002. There are a number of other part-time schools, especially during the weekend, teaching religious education, Koran and Arabic language to Muslim children, such as the Sunday Madrasa in Dublin Mosque and Islamic Centre; the Nur Al-Huda Koranic School in Dublin, run by the Islamic Cultural Centre in Dublin; the Libyan School in Dublin, following the curriculum of the Department of Education in Libya, and open to Arabic children from Libya and other countries. Other schools open over weekends, which are attached to the Mosques in Galway, Cork, Limerick, Cavan, Waterford, and Ballyhaunis [<http://www.islaminireland.com> (Islamic Foundation of Ireland); <http://www.redbrick.dcu.ie/~isoc/index.html> (Dublin City University Islamic Society)].

### **6. Teaching of Islam in public schools**

Most primary and secondary schools are denominational. The Government Department lays down the curriculum, and school patrons are obliged under the Education Act to ensure that the curriculum is implemented. Religious instruction is an intrinsic part of the National Curriculum. However, the substantive content of the curriculum as far as religion is concerned and the inspection of the teaching of religion is a matter for the individual religious authorities who are patrons of the schools. Under the terms of the constitution, the Department of Education must and does provide equal funding to schools of different religious denominations, including Islamic and Jewish schools. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction [U.S. Dept. of State, 2006].

### **7. Education of teachers of Islam and leaders of the Islamic community**

This is a controversial issue, particularly in relation to the appointment of and recognition of teachers. All teacher education in Ireland (with the exception of the online Hibernia course) is denominational and is funded by the State. There is, however, no Islamic training centre for teachers. Teachers for the schools come predominantly from the United Kingdom, where they obtained their teacher's qualifications. However, these are not recognised as they do not have a qualification in teaching the Irish language.

### **8. Ritual slaughtering**

Ritual slaughtering is lawful [Bergeaud-Blacker F., « Nouveaux enjeux autour de l'abattage rituel musulman: une perspective européenne », *Cahiers d'économie et sociologie rurales*, n. 73, 2004, pp. 9-10].

### **9. Headscarf**

Rules regarding dress codes are not the responsibility of the Department of Education but that of the governing authorities of each school. There have been several incidents of Muslim schoolgirls being denied access to schools due to their wearing of the headscarf. However, these cases have been speedily resolved by the Equality Authority – established under the Equal Status Act – which advised the relevant schools of the illegality of their rules. A recent development has been the creation of a Racial and Intercultural Office within the Garda police force. Its functions include monitoring, co-ordinating and advising on all aspects of policy in areas of racial, cultural and ethnic diversity. It recently announced that it



intended to incorporate the headscarf as part of the uniform to encourage Muslim women to join the force. It is interesting to note that this was an initiative of the police itself. There was neither pressure nor demand from any minority group or organisation to do so, nor by individual Muslims. The Garda Racial and Intercultural Office has also been instrumental in efficiently tackling at least two incidents where Irish Muslim women were refused passports due to their wearing of the *hijab*. It swiftly resolved the issue in favour of the women after contacting the Department of Justice [Islamic Human Rights Commission, *Briefing: Good Practice on the Headscarf in Europe*, 9 March 2004, <http://www.ihrc.org.uk>].

#### ***10. Islamic festivities***

These are seen as the internal activities of unincorporated associations and, while they increasingly attract media interest, they are not recognised formally by the State. Freedom to enjoy them is governed by the Constitution of Ireland. The issue of right of attendance at prayers for workers (and school children) is governed by equality legislation.

#### ***11. Islamic chaplaincies in hospitals, prisons and the Army***

There are no Islamic chaplaincies.

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## Italy

### **1. Estimated Muslim population and percentage on total population**

It is estimated that the Islamic population in Italy is about 800,000-1,000,000 persons, amounting to approximately 1.5 % of the total resident population. The vast majority of them are foreigners coming from Mediterranean countries, especially Morocco [Ferrari A., "Religion in the European Union Countries: Constitutional Foundations, Legislations, Religious Institutions and Religious Education. The Italian Case", *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, p. 235; Aluffi Beck-Peccoz R., "The Legal Treatment of the Muslim Minority in Italy", Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, p. 133].

### **2. Main Islamic organisations**

The main Islamic organisations are the Cultural Islamic Centre of Italy (attached to the Grand Mosque of Rome), the Union of Islamic Communities and Organisations in Italy, the Italian Muslims Associations, and the Islamic Religious Community. The Council for Italian Islam, created by the Ministry of Home Affairs in September 2005, is also to be remembered. This body works as a consultative institution and does not represent the Muslim communities in Italy as a whole [Aluffi Beck-Peccoz R., *op. cit.*, pp. 136-137; Ferrari A., *op. cit.*, pp. 225-226].

### **3. Legal status of Muslim communities**

With the exception of the Catholic Church and six religious communities who have signed an agreement with the State, and, for this reason, have obtained a more privileged status, the legal status and activities of all other religions are either governed by the Law no. 1159 of 24 June 1929 (which regulates the recognition of religious denominations different from the Catholic Church as religious legal entities) or by private law as *de facto* religious associations. No Islamic association has so far succeeded in signing an agreement, also because of the lack of one organisation representing all Muslim communities, whereas only one of them (the Islamic Cultural Centre of Italy) was recognised as a religious legal entity (1974). All other Muslim communities operate as unrecognised religious associations [Aluffi Beck-Peccoz R., *op. cit.*, pp. 134-135 and 137; Ferrari A., *op. cit.*, pp. 232-234].

### **4. Mosques, places of worship, cemeteries and imams**

There are approximately 200 places of worship attached to Islamic cultural centres, and three only mosques (in Milan, Rome, and Catania). There are no official data on the number of imams, but it may be maintained that they are about as many as the Islamic places of worship. Special and separate sectors of public cemeteries can be reserved to the burial of people belonging to religious minorities. Muslim communities have already taken advantage of this opportunity in such cities as Florence and Turin. Also, there exists an Islamic cemetery in Trieste, which was built when the city still belonged to the Austro-Hungarian Empire for the Muslim subjects from the Balkans [Ferrari A., *op. cit.*, 2006, p. 236; Aluffi Beck-Peccoz R., *op. cit.*, p. 141].

### **5. Islamic schools**

Article 33 of the Constitution grants organisations and private citizens the right to found schools and educational institutes. Up to now, no Islamic private school has been established under Article 33. Nevertheless several foreign schools have been founded by

the governments of Mediterranean States, like Libya (in Rome and Milan), and Egypt (in Milan) [Aluffi Beck-Peccoz R., *op. cit.*, pp. 145-146].

#### **6. Teaching of Islam in public schools**

As a principle, all religious communities without an agreement under Article 8, paragraph 3 of the Constitution, including Islamic ones, may use the classrooms of State schools for religious education, when the number of members of the concerned religious denomination is considerable, and when there are no available places of worship. The costs of such a teaching are paid by the religious community, and a previous agreement with the Director of the Regional School Office is necessary. As a matter of fact, this possibility has never been used by Muslims [Ferrari A., *op. cit.*, p. 223].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

In 1996 the Muslim Universities League approved a project to run a school to prepare imams and female social workers. The Union of Islamic Communities and Organisations in Italy has also planned the establishment of an educational centre in Bologna to train imams, leaders of the Islamic community and teachers of Islam. However, none of such attempts has been successful so far [Aluffi Beck-Peccoz R., *op. cit.*, p. 149].

#### **8. Ritual slaughtering**

According to the laws currently in force, animals must be stunned before being slaughtered, but an exception has been made for ritual slaughtering performed by Islamic (as well as Jewish) communities [Aluffi Beck-Peccoz R., *op. cit.*, p. 142].

#### **9. Headscarf**

The headscarf issue is being debated, but students and teachers are allowed to wear their headscarves at school. Also, under a circular issued by the Ministry of Home Affairs, Muslim women are allowed to wear their headscarves in identity document photos just like Catholic nuns [Islamic Human Rights Commission, *Briefing: Good Practice on the Headscarf in Europe*, 9 March 2004, <http://www.ihrc.org.uk>].

#### **10. Islamic festivities**

Italian legislation does not take Muslim workers' specific needs into account, nor recognises any Islamic festivity. However, an agreement can be reached between the employer and the trade unions representing his employee, in order to allow Muslim workers to take part in Friday's prayer as well as to modify the normal working hours during Ramadan [Aluffi Beck-Peccoz R., *op. cit.*, pp. 144-145].

#### **11. Islamic chaplaincies in hospitals, prisons and the Army**

Ministers of the religious denominations without an agreement under Article 8, paragraph 3 of the Constitution, including Islam, have access to prisons and hospitals to give assistance to prisoners or patients who have requested it. They also have access to barracks so as to give pastoral care to soldiers, if they so wish [Ferrari S., "State and Church in Italy", Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 225].

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## Latvia<sup>180</sup>

### **1. Estimated Muslim population and percentage on total population**

As of 1<sup>st</sup> January 2007, Latvia's estimated population was 2,290,765. According to estimates, there are nearly 5,000 Muslims in Latvia today, mostly of Tatar or Turk origin. Initially, Muslims arrived in the territory of Latvia against their will, for example in 1877 a large number of Turkish soldiers were taken prisoner during the Russo-Turkish War. Later, they arrived along with immigration waves during the Soviet time and after the restoration of independence [[http://www.popin.lanet.lv/en/index\\_eng.html](http://www.popin.lanet.lv/en/index_eng.html)] (Centre for Demography); <http://www.li.lv/en> (Latvian Institute)].

### **2. Main Islamic organisations**

The formation of a Muslim community began in the early 1990's. Initially, it was formed by the most numerous and active group, the Tatars. Later, members of other Muslim minorities established Islamic organisations, too. It is also to be remembered that, on 24 March 2006, the first Arabian Cultural Centre in the Baltic States opened. It was created as part of the International Action Week Against Racism 2006, and its goal is to reduce stereotypes in society about the Arab world [<http://www.li.lv/en> (Latvian Institute); <http://www.mfa.gov.lv/en> (Ministry of Foreign Affairs of the Republic of Latvia); <http://www.islamicfinder.org>].

### **3. Legal status of Muslim communities**

The Latvian government does not require the registration of religious groups, but the 1995 Law on Religious Organisations accords religious organisations certain rights and privileges when they register, such as status as a separate legal entity for owning property or other financial transactions, as well as tax benefits for donors. Registration also eases the rules for public gatherings. As of March 2007, the Board of Religious Affairs had registered 15 Muslim congregations. According to the data at the disposal of the Board of Religious Affairs, the number of members of Islamic congregations is 1,000 [Council of Europe, *Report submitted by Latvia pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 11 October 2006, p. 32; U.S. Dept. of State, 2006; Balodis R., "State and Church in Latvia", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, pp. 254-263].

### **4. Mosques, places of worship, cemeteries and imams**

There are neither mosques nor cemeteries. However, in Riga there are three places of worship. There are no more than one or two imams in all the country.

### **5. Islamic schools**

The Riga Islamic Community has organised Sunday courses in Islam, the Koran and the Arabic language in the last three years [<http://www.li.lv/en> (Latvian Institute)].

### **6. Teaching of Islam in public schools**

Under Article 6 of the Law on Religious Organisations, only the Christian religion is taught in public schools. The concept "Christian religion" is as broad as to include Lutheran, Roman Catholic, Old Believers, and Baptist religious denominations, but it obviously excludes Islam, as well as the Jewish faith [Balodis R., *op. cit.*, p. 267].

<sup>180</sup> The author is grateful to Prof. Ringolds Balodis, University of Latvia, for his kind assistance in providing information on Islam in Latvia.

**7. Education of teachers of Islam and leaders of the Islamic community**

There are no State-supported programmes for preparing teachers or community leaders.

**8. Ritual slaughtering**

According to Latvian legislation, it is forbidden [Pötz R., Schinkele B. and Wieshaider W., *Schächten. Religionsfreiheit und Tierschutz*, Plöchl-Kovar, Freistadt-Egling, 2001, p. 174].

**9. Headscarf**

There is no issue regarding the wearing of the Islamic headscarf.

**10. Islamic festivities**

There are no Islamic festivities recognised by the State. Muslims do not enjoy the right to stop working on Friday afternoons or during the time of prayer.

**11. Islamic chaplaincies in hospital, prisons and the Army**

The work of religious assistance in hospitals, prisons, and the armed forces is mainly carried out through the chaplaincy service. As of 2007, there was no Islamic chaplaincy [Balodis R., *op. cit.*, pp. 273-274].

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## Lithuania<sup>181</sup>

### ***1. Estimated Muslim population and percentage on total population***

According to the 2001 census, the total number of Sunni Muslims was 2,860 corresponding to 0.08 % of the population. In Lithuania, unlike many other European countries, Islam came long ago. It was so because the medieval Grand Duchy of Lithuania, stretching from Baltic to Black seas, included some Muslim lands in the south, inhabited by Crimean Tatars. The Tatars, now referred to as Lithuanian Tatars, lost their language over time and now speak Lithuanian as natives; however, they have not lost Islam as their religion [<http://www.stat.gov.lt/en>] (Statistics Lithuania); Kuznecoviene J., “State and Church in Lithuania”, in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 283].

### ***2. Main Islamic organisations***

As of May 2006, there were seven Sunni Muslim communities, which counted approximately 2,700 members. Five of them are Tatar religious societies. The Muftiate – whose activity had been stopped by the Soviet Union – was re-established in 1998 [U.S. Dept. of State 2006; <http://www.gaumina.lt/totoriai/english/index.html>] (Lithuanian Tatars’ website)].

### ***3. Legal status of Muslim communities***

The 1995 Law on Religious Communities and Associations identifies three different categories of religious communities and associations: 1) traditional; 2) State-recognised; and 3) other. Article 9 lists the nine traditional religious communities and includes Sunni Muslims. Government authorities acknowledge as traditional only those religions that can trace their presence in the country back at least 300 years. Traditional religious communities and associations may register marriages; may establish subsidiary institutions; are eligible to receive government assistance; may establish joint private/public schools; and have the right to provide religious instruction in the public schools. Their highest religious leaders are eligible to apply for diplomatic passports, their clergy and students of theology are exempt from military service, and they may provide military chaplains. The Ministry of Justice does not require traditional religious communities and associations to register their bylaws. Traditional religious communities do not have to pay social and health insurance for clergy and other employees, and they are not subject to a value added tax on basic utilities, such as electricity, telephone, and heating [Kuznecoviene J., *op. cit.*, p. 289; U.S. Dept. of State 2006].

### ***4. Mosques, places of worship, cemeteries and imams***

Tatar Muslim communities have one mosque in Nemėžis, another mosque and four cemeteries in Keturiasdešimt Totorių, and a third mosque in Raižiai. Besides, a new brick mosque was built in Kaunas in the 1930’s. In Vilnius, no mosque remains, as Russians destroyed the Lukiškės Mosque which was there. The Lithuanian Tatar community is trying to rebuild the mosque, but faces various problems, including lack of funds [<http://www.gaumina.lt/totoriai/english/index.html>] (Lithuanian Tatars’ website)].

<sup>181</sup> The author is grateful to Prof. Jolanta Kuznecoviene, Vytautas Magnus University, for her kind assistance in providing information on Islam in Lithuania.

### **5. Islamic schools**

3 of the 38 Sunday schools currently run by Lithuania's minorities communities were established by Tatar Muslims. They operate in Vilnius and Visaginas. It is important to note that, although religion is also taught in a Sunday school, the Government regards Sunday Schools as institutions of non-formal education for children created in order to sustain the ethno-linguistic vitality of their ethnic minority and satisfy specific educational needs of an ethnic minority's children and youth to learn their mother tongue, gain knowledge of ethnic traditions and culture, and, in general, preserve and strengthen their ethnic identity [<http://www.tmid.lt> (Department of National Minorities and Lithuanians Living Abroad to the Government of the Republic of Lithuania)].

### **6. Teaching of Islam in public schools**

The Law on Education permits and funds religious instruction only of traditional and state-recognised faiths in public schools. Teachers of religious education are authorised by the respective religious communities and associations, and are paid by the State. Parents can choose either religious instruction or secular ethics classes for their children. Schools decide which of the traditional religions will be represented in their respective curricula on the basis of requests from parents for children up to age fourteen. After age fourteen, the pupil decides. In 2005, religious education in public schools was provided to few Muslim students [Kuznecoviene J., *op. cit.*, p. 294; U.S. Dept. of State 2006].

### **7. Education of teachers of Islam and leaders of the Islamic community**

Religious communities and associations have the right to establish comprehensive schools and training institutions for the clergy and teachers of religious education. However, teachers of religious education are also required to train at the State Higher Education establishments [Kuznecoviene J., *op. cit.*, p. 294].

### **8. Ritual slaughtering**

There is no special law regulating the performance of the rituals of Islamic communities. Ritual slaughtering is lawful but requires an authorization by the veterinary office. This is not an issue in public debates. There are no Islamic butcheries in Lithuania, but non-Islamic butcheries are not required to stun animals according to current legal provisions [Pötz R., Schinkele B. and Wieshaider W., *Schächten. Religionsfreiheit und Tierschutz*, Plöchl-Kovar, Freistadt-Egling, 2001, pp. 174-75].

### **9. Headscarf**

There is no law regulating the wearing of the Islamic headscarf. There is no public debate on this, nor there have been reportedly any conflicts, also because headscarves are not a visible sign of Islam in everyday life.

### **10. Islamic festivities**

No Islamic festivities are recognised in Lithuania. There are no special regulations concerning Muslims' working-day schedule. The possibility to stop working or leave the working place in working hours to take part in the Friday's prayers or an Islamic festivity is subject to an agreement with the employer.

### **11. Islamic chaplaincies in hospital, prisons and the Army**

According to Article 8 of the 1995 Law on Religious Communities and Associations, religious rites, at the request of believers, may be performed in hospitals, social care facilities, places of detention and military units. The authorities must provide opportunities

for the performance of religious rites and allot time for religious rites and ceremonies to be held. Furthermore, Article 60 of the Penitentiary Code states that the administration of all penitentiary institutions should provide conditions for the performance of religious rituals for persons who are serving the penalty of deprivation of liberty. Clergy of all confessions should have the right to visit penitentiary institutions, without any restrictions, at times agreed with the administration [Kuznecoviene J., *op. cit.*, pp. 300-301].

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## Luxembourg<sup>182</sup>

### **1. Estimated Muslim population and percentage on total population**

According to estimates, in 2006 Luxembourg's resident population was 459,500 persons. In 2004, the estimated number of Muslims was 9,000 – about 2 % of the total population. The first Muslims arrived in Luxembourg in the 1960's. About 65 % of the resident Muslims are from Balkan countries, but the number of Muslims born in Luxembourg is rising [<http://www.statistiques.public.lu/fr/index.html>] (Portail des Statistiques du Grand-Duché de Luxembourg; <http://www.islam.lu> (Centre Culturel Islamique du Luxembourg)].

### **2. Main Islamic organisations**

There are four main Islamic organisations: the *Centre Culturel Islamique du Grand-Duché de Luxembourg* in Mamer, the *Association des Musulmans du Sud* founded in Esch/Alzette, the *Association Culturelle du Nord*, and the *Association des Musulmans du Luxembourg*. In July 2003, they established the *Shoura* (Consultative Assembly of the Muslim community of Luxembourg) [E.U. Network of Independent Experts on Fundamental Rights, *Rapport sur la situation des droits fondamentaux au Luxembourg en 2004*, 3 January 2005, p. 39].

### **3. Legal status of Muslim communities**

By 2004, no Muslim community or organisation had signed an agreement with the State in order to get the same legal status and financial support as other religious denominations. Muslim communities asked to obtain the same legal status as the Catholic Church, the Israelite Consistory, the Protestant Church in Luxembourg, the Hellenic Orthodox Church, the Rumanian Orthodox Church in Luxembourg, the Serbian Orthodox Church in Luxembourg, and the Anglican Church of Luxembourg, which are recognised, have concluded an agreement with the State, and are financially supported by the State. The Government had always stated that such a legal status could not be granted because Muslim communities had no unique representative entity. After the creation of the *Shoura*, negotiations started between Muslim communities and the Ministry of Religious Affairs [E.U. Network of Independent Experts on Fundamental Rights, *op. cit.*, p. 39; Centre d'étude des populations, de pauvreté et de politiques socio-économiques, *Rapport sur la discrimination à l'emploi*, December 2005, pp. 89-90, <http://www.ceps.lu>].

### **4. Mosques, places of worship, cemeteries and imams**

The Mamer Mosque is attached to the *Centre Culturel Islamique du Grand-Duché de Luxembourg* and organises Islamic religion courses for Muslim children and for all women (even non Muslim ones), Arabic language courses, conferences, as well as visits for schools. It co-operates with the *Mutuelle du Centre Culturel Islamique*, which was founded in order to pay an allowance in case of a member's death. The allowance is used to pay funeral and burial services. The Esch/Alzette Mosque is attached to the *Association des Musulmans du Sud* and organises Islamic religion courses. No Islamic cemeteries exist, but there is an agreement with the municipality of Luxembourg City that allows the Islamic community to bury Muslims, in accordance with Islamic religious rules, in a quarter of the city's cemetery [<http://www.islam.lu>] (Centre Culturel Islamique du Luxembourg); Besch S., "Luxembourg", in Maréchal B., *L'Islam et les musulmans dans l'Europe élargie: radioscope/A Guidebook on Islam and Muslims in the Wide Contemporary World*, Bruylant, Brussels, 2002, p. 109].

<sup>182</sup> The author is grateful to Prof. Alexis Pauly for his kind assistance in providing information on Islam in Luxembourg.

### **5. Islamic schools**

No data available.

### **6. Teaching of Islam in public schools**

No data available.

### **7. Education of teachers of Islam and leaders of the Islamic community**

No data available.

### **8. Ritual slaughtering**

Ritual slaughtering, when it is not preceded by the stunning of the animal, is forbidden. Exceptions to this rule may be authorized [Pötz R., Schinkele B. and Wieshaider W., *Schächten. Religionsfreiheit und Tierschutz*, Plöchl-Kovar, Freistadt-Egling, 2001, p. 175].

### **9. Headscarf**

Muslim women can wear the headscarf, although cases of discrimination in public work places have been reported [Centre d'étude des populations, de pauvreté et de politiques socio-économiques, *op. cit.*, pp. 98-99].

### **10. Islamic festivities**

Children who go to public school can be exempted from attending lessons on the day of *Aid el Fitr* [<http://www.islam.lu> (Centre Culturel Islamique du Luxembourg)].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

No data available.

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**Malta**<sup>183</sup>**1. Estimated Muslim population and percentage on total population**

The Preliminary Report of the 2005 census estimated Malta's total population at 404,039 persons, but gave no figures on the classification of population by religion. According to estimates, there are 3,000 Muslims in the country. Islam was first introduced to Malta by Muslims from Sicily, who conquered the island in 870 from the Byzantines. However, there exists no continuity between that introduction of Islam and present day Islam in Malta. Islam gradually died out in Malta during the Norman and Angevin dominations (1090 onwards). From 1300 till 1964 there was no Muslim Maltese Community. Today's Muslim community is made up almost entirely of non-Maltese, with the addition of some Maltese wives of Muslim husbands and their offspring together with a handful of Maltese converts to Islam. There are less than two hundred Malta-born Muslims [<http://www.census2005.gov.mt>; U.S. Dept. of State, 2006].

**2. Main Islamic organisations**

The Islamic Cultural Centre in Malta is the fulcrum around which all major religious activities turn. It was founded on 2 July 1978 by the Islamic Call Society whose headquarters are in Tripoli, Libya. The Centre comprises a mosque, administrative offices, a primary school and the Imam's house. The Centre aims at rendering service to the Muslim community in Malta by the performance of religious rites, the celebration of religious occasions as well as the promotion of the Arabic language and the Islamic culture. The Centre also aims at acquainting the general Maltese public with Islam while enhancing dialogue and cooperation. The Centre has been very correct and has not encountered any adverse reactions. In fact, the Imam has conspicuously functioned as the representative of a respected and respectful Muslim community [Muscat P.P., "Ramadan and Islam in Malta", *Yemen Times*, Issue 893, Vol. 14, 10-13 November 2005, <http://www.yementimes.com>].

**3. Legal status of Muslim communities**

According to Article 2 of the Constitution, the religion of Malta is the Roman Catholic Apostolic Religion. However, all religious organisations – including Muslim ones – have had similar legal rights since 1991. Religious organisations can own property such as buildings, and their ministers can perform marriages and other functions. The National Chaplain authorised to perform Islamic religious marriages is the Imam of the Islamic Cultural Centre [U.S. Dept. of State, 2006; Mifsud Bonnici U., "State and Church in Malta", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 355; <http://mjha.gov.mt> (Ministry of Justice and Home Affairs)].

**4. Mosques, places of worship, cemeteries and imams**

There is one mosque, attended mostly by foreign Muslims. In 2005, work began on a projected 500-grave Muslim cemetery, which has not yet been completed [U.S. Dept. of State, 2006; Mifsud Bonnici U., *op. cit.*, p. 348].

**5. Islamic schools**

There is one Muslim primary school with approximately 120 students, which is part of the complex of the Islamic Cultural Centre [U.S. Dept. of State, 2006].

<sup>183</sup> The author is grateful to Dr. Ugo Mifsud Bonnici, former President of Malta, for his kind assistance in providing information on Islam in Malta.

### **6. Teaching of Islam in public schools**

There is no teaching of Islam in public schools, except in special modules on comparative religion in some secondary or post-secondary schools. There has been no request for this either. It is also to be remembered that, in signing the 1976 International Covenant on Economic, Social and Cultural Rights, Malta made a reservation concerning Article 13: “The Government of Malta declares that it is in favour of upholding the principle affirmed in the words ‘and to ensure the religious and moral education of their children in conformity with their own convictions’. However, having regard to the fact that the population of Malta is overwhelmingly Roman Catholic, it is difficult also in view of limited financial and human resources, to provide such education in accordance with a particular religious or moral belief in cases of small groups, which cases are very exceptional in Malta”.

### **7. Education of teachers of Islam and leaders of the Islamic community**

The teachers of Islamic Doctrine in the Primary School of the Islamic Cultural Centre come from other countries. There is no State support for this, and they are paid by the Centre.

### **8. Ritual slaughtering**

Ritual slaughter is conducted, in the Public Abattoir, under Government supervision, and animals are stunned.

### **9. Headscarf**

There is no such an issue. The wearing of headscarves by foreign (Arab mostly) students at the University and Muslim tourists or residents is taken for granted.

### **10. Islamic festivities**

No Islamic feast or festival is recognised by the State. There is no official recognition of abstaining from work on Fridays. Some Muslim refugees who might be engaged on work by local contractors arrive at private arrangements with their employers and compensate by continuing to work on Saturdays and occasionally on Sundays.

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

There are no State supported Islam chaplaincies in the hospitals and in the Army. In fact there are no Muslims in the Maltese Army, but the imam is given every opportunity to visit hospitals and the prisons where there is a substantial number of foreign Muslim prisoners. Space has been made available in prisons for Muslim prayer to supersede the former practice of using the sacristy of the prison’s Catholic chapel.

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## Netherlands

### **1. Estimated Muslim population and percentage on total population**

On 1<sup>st</sup> January 2004, an estimated 945,000 Muslims were living in the Netherlands, constituting 5.8 % of the total population, but their number was expected to exceed 1 million in the course of 2006. The number of Muslims continues to rise because of relatively high birth rates and the continued practice of Turkish and Moroccan immigrants marrying partners from their countries of origin, as well as because of the large numbers of asylum seekers from countries such as Iran, Iraq, Somalia, and Bosnia. Besides approximately 341,000 Turks and 295,000 Moroccans, other Muslims came from the country's former colony of Suriname [<http://www.cbs.nl> (Statistics Netherlands); U.S. Dept. of State, 2006].

### **2. Main Islamic organisations**

The main Islamic organisations are the *Contactorgaan Moslims en Overheid* (Contact Body for Muslims and Government), with a large following of over 500,000 Muslims, and the *Contact Groep Islam* (Islamic Contact Group), with a following of approximately 115,000 Muslims. Both are umbrella organisations, which were officially recognised as consultation partners by the Government respectively on 1<sup>st</sup> November 2004 and 13 January 2005. Regular meetings on issues concerning the integration of Muslims in the Netherlands are held with the Ministry of Integration and Immigration. Both organisations receive public funding [Van Bijsterveld S., "Religion and Law in the Netherlands: Constitutional Foundations, Legislation, Religious Institutions and Religious Education", *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, p. 197; <http://www.justitie.nl> (Ministry of Justice)].

### **3. Legal status of Muslim communities**

There is no system of recognition nor is there any compulsory registration. The Church as legal entity is a category *sui generis*, distinct from other legal persons such as associations and foundations. Whereas the Civil Code defines the structures of the various types of legal entities, Churches can freely organise themselves, provided that their statutes do not conflict with law. Neither the Civil Code nor any other laws provide a definition of a "Church", but the court formulated the minimal requirements that there must be a "structured organisation" and that "religion must be involved". Religious communities may organise themselves differently from a Church, notably as an association or a foundation. In this case, the normal civil law regulations apply. Muslim communities often choose these forms of organisation [Van Bijsterveld S., *op. cit.*, pp. 197-198; Van Bijsterveld S., "State and Church in the Netherlands", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, pp. 375-376].

### **4. Mosques, places of worship, cemeteries and imams**

There are approximately 400 mosques and prayers rooms in the country – more than half catered to Turks, approximately 140 to Moroccans, and approximately 50 to Surinamese. Dutch law allows for traditional Islamic burial rites and public cemeteries typically offer special sections for Muslims [U.S. Dept. of State, 2006; <http://www.euro-islam.info>].

### **5. Islamic schools**

Article 23 of the Constitution allows the establishment of publicly financed private denominational elementary schools. This system has been extended by ordinary law to denominational secondary schools, vocational institutes, and universities. There are

37 Islamic primary schools and one secondary school in Rotterdam that started in August 2000, which are recognized and financed by the state. The courses offered must follow a national curriculum that fills most of the available time, while a few hours per week are allotted to religious lessons and ceremonies. Further, there is a privately-funded Islamic University of Rotterdam (IUR) and an Islamic University of Europe in Schiedam [Van Bijsterveld S., *op. cit.* (2006), p. 195; <http://www.euro-islam.info>].

#### **6. Teaching of Islam in public schools**

Under the 1984 Dutch Education Act, parents have the right to obtain religious education for their children in public schools, but they have to find and pay the teacher. Muslim parents use this legal opportunity only in exceptional cases. However, some municipalities (like Rotterdam) subsidise this activity. Further, municipal authorities retain the right to decide in which language the course will be taught, and the decision to require teaching in Dutch has slowed the development of Islamic religious instruction because of the lack of competent teachers [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 48; <http://www.euro-islam.info>].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

The governments of Turkey and, to a less extent, of Morocco exercise a great influence over the education of teachers of Islam and leaders of the Islamic communities in the Netherlands. For example, Turkey's Presidency of Religious Affairs has appointed imams for the 140 Turkish mosques in the country. Dutch authorities have expressed concern regarding Turkish and Moroccan interference, which appears to run counter to government efforts to encourage integration of Muslims into society. To counter undesired foreign influence, the Government has decided that all imams and other spiritual leaders recruited in Islamic countries first must follow a year-long integration course before they would be allowed to practise in the country. It has also begun to subsidise universities providing training for local persons interested in becoming imams, in order to ensure that they have a basic understanding of Dutch social norms and values. Further, in February 2005, the assembled Muslim organisations decided to found an Islamic institute to educate imams and Islamic theologians in coordination with individual university programs, but the institute has not been set up yet. A master's course for Islamic spiritual caregivers started at the Free University in Amsterdam in September 2005 [U.S. Dept. of State, 2006; Open Society Institute. EU Monitoring and Advocacy Program, *Muslims in the EU – Cities Report. The Netherlands*, 2007, <http://www.eumap.org>, p. 36].

#### **8. Ritual slaughtering**

Ritual slaughtering is disciplined by a law of 1996 (*Besluit 16.11.1996, houdende uitvoering van artikel 44, negende lid, van de Gezondheids- en welzijnswet voor dieren (Besluit ritueel slachten) Stb 1996/573*). Stunning before slaughtering is not required.

#### **9. Headscarf**

No law exists prohibiting the headscarf, either in schools or in workplaces. Each school decides whether or not to accept veiled students, but cases that have arisen before the Equal Rights Committee have generally been resolved in favour of the students. However, in Amsterdam and some other cities, attending classes with a veiled face is banned by the decision of the regional education directorates. The issue of teachers wearing headscarves in state schools arose some years ago. The disagreement between the teacher and the school direction was settled by a ruling of the National Committee of Equal Treatment in 1998

which stated that a headscarf is not necessarily the symbol of religious orthodoxy and intolerance vis a vis non-Muslim beliefs or non-religious worldviews. As far as Muslim belief was not actively manifested or promoted, a headscarf as such was not a threat to the “open” and “tolerant” attitude that is required by the Dutch law on public education. As to workplaces different from schools, wearing headscarves on the job has sometimes provoked arguments of “safety”, “efficiency”, “accessibility” or “hygiene”. However, the National Committee on Equal Treatment has ruled that a prohibition on wearing a headscarf in work situations is illegal since it is at odds with the right to religious freedom (in the Dutch context a headscarf is defined as a ‘direct’ manifestation of religious belief). Only safety-reasons or reasons of functionality could be a legitimate ground not to allow for religious headgear. In January 2000, the Dutch police force proposed to introduce the headscarf as part of the official police uniform, to encourage Muslim women to join the force. However, after much public debate, no action was actually taken. Finally, it is to be remembered that, in late 2005, the Parliament adopted a resolution urging the Government to ban the public wearing of *burqas* [Islamic Human Rights Commission, *Briefing: Good Practice on the Headscarf in Europe*, 9 March 2004, <http://www.ihrc.org.uk>; U. S. Dept. of State].

### **10. Islamic festivities**

Muslim civil servants, persons working in the armed forces, and even shop owners have the right to abstain from work during Islamic festivities. Muslims pupils and students can also be exempted from going to school, if school attendance prevents them from fulfilling religious obligations.

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

Armed forces and penitentiary institutions have chaplaincy services funded by the State. The concerned religious denominations propose the chaplain to be appointed, but when the requirement of a minimum number of the concerned persons is not met (which is usually the case of Muslims), religious assistance is provided by a chaplain involved on a contractual basis. As far as hospitals are concerned, the situation is slightly different. Hospital boards decide whether to employ chaplains or involve them on a contractual basis [Van Bijsterveld S., *op. cit.* (2006), pp. 200-201].

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## Poland<sup>184</sup>

### **1. Estimated Muslim population and percentage on total population**

The last census, carried out in 2002, did not include any question on religious affiliation. Poland's Main Statistics Office estimates the number of Muslims at 5,000 persons, whereas Muslims sources indicate the number of 30,000, which includes both citizens and foreign residents. However, this number seems to be exaggerated, and, even if it were correct, 30,000 Muslims would constitute less than 1 % of inhabitants of Poland, and would be the sixth most numerous religious denomination. As a matter of fact, the Muslim community in Poland consists of two groups. The first one is composed by descendants of the Tartars who settled in Polish lands from the 14<sup>th</sup> century. The second one includes immigrants who started to move to Poland after the Second World War, and especially from the 1980's [Rynkowski M., "Churches and Religious Communities in Poland with particular focus on the Situation on Muslim Communities", *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, pp. 259-260].

### **2. Main Islamic organisations**

The main Islamic organisation is the Muslim Religious Association, which regulates its relationship with the State on the basis of a regulation with a force of a statute (first issued on 21 April 1936). As it became outdated, the Muslim Religious Association adopted an internal regulation on 20 March 2004, and sent it to the Minister of Interior and Administration for its acknowledgment. The organisation was founded in 1926 and, in 2006, it celebrated its 80<sup>th</sup> anniversary. On that occasion, the President of the Republic awarded the Mufti and two imams with State orders for their contribution to the culture and ecumenism in Poland. The Muslim Religious Association has its own administrative structure and independent self-government. The Mufti should be Polish, but in exceptional situations this principle may be derogated [Rynkowski M., *op. cit.*, p. 259].

### **3. Legal status of Muslim communities**

Churches and religious organisations can be grouped in three categories. 14 of them – including the Muslim Religious Association – operate on the basis of a statute on the relations with the State, adopted by the Parliament. The second category is composed by about 140 registered Churches and religious organisations. The third group includes the remaining ones, which are non registered. Criteria for registration are quite liberal, and almost all submitted applications have been accepted so far, including those submitted by some Islamic organisations, such as the Association of Muslim Brothers, the Association of Muslim Unity, the Muslim League, the Muslim Association Ahmadiyya, and the Association of Polish Muslims [Rynkowski M., *op. cit.*, pp. 257-259].

### **4. Mosques, places of worship, cemeteries and imams**

There are mosques and prayer rooms in Białystok, Gdańsk, Warsaw, and other cities and towns. The Muslim Religious Association has appointed six imams in Białystok, Bohoniki, Bydgoszcz, Gdańsk, Kruszyniany, and Warsaw [Rynkowski M., *op. cit.*, p. 262].

<sup>184</sup> The author is grateful to Prof. Michal Rynkowski, European Commission, Directorate for Education and Culture, for his kind assistance in providing information on Islam in Poland.

### **5. Islamic schools**

According to Poland's Main Statistics Office, in the school year 2005-2006, there were 74 denominational primary schools, 117 denominational lower secondary schools, 135 upper secondary schools, and 14 higher schools. None of them is an Islamic school [Rynkowski M., *op. cit.*, p. 253].

### **6. Teaching of Islam in public schools**

Religious instruction in public schools was reintroduced in 1989, but not as a compulsory course. Generally, religious education lessons are organised when at least seven students of the same religious denominations, or their parents ask for the course to be organised. However, if there are at least three pupils of the same denomination in a school, all costs of these courses are still paid by the State. Teachers, textbooks and programmes must be approved by the authorities of the respective religious denomination. The discipline of religious instruction is such as to privilege religions such as Catholicism, whereas minority religions can hardly meet the minimum requirements necessary for the organisation of the course [Pietrzak M., "Church and State in Poland", Ferrari S., Durham W.C. and Sewell E.A., *Law and Religion in Post-communist Europe*, Peeters, Leuven, 2003, pp. 227-228].

### **7. Education of teachers of Islam and leaders of the Islamic community**

Nothing has been arranged yet, but in 1998 a group of Muslims contacted the authorities of the Catholic University of Lublin, and then the Catholic Theological Academy of Warsaw, in order to explore the possibility of setting up a section devoted to Islamic theology [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 72].

### **8. Ritual slaughtering**

On 16 November 2006, the President of the Imams' Council of the Muslim Religious Association concluded an agreement with the Chief Doctor of Veterinary, concerning ritual slaughtering. The agreement entered into force on 1<sup>st</sup> December 2006. Activities not covered by the agreement and slaughter-houses not included in the list of the Chief Doctor of Veterinary are illegal [Rynkowski M., *op. cit.*, p. 261].

### **9. Headscarf**

There is no headscarf issue in Poland. In the first place, this is not a very widespread religious practice among Muslim women. In the second place, in Polish villages old women, who are not Muslims and go to church wearing a headscarf, can still be found [Rynkowski M., *op. cit.*, p. 260].

### **10. Islamic festivities**

According to the regulation of 11 March 1999, employees and pupils may ask for a leave from their duties on a day corresponding to a religious festivity. They have to submit their demand at least seven days before the holiday. Such provisions do not apply when workers ask for a free weekday on regular basis, for example Fridays. However, the employee may ask his or her employer to elaborate an individual schedule of work. There are no provisions for pupils [Rynkowski M., *op. cit.*, pp. 254-255].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

As a general principle, chaplains working in hospitals or prisons are appointed and paid by the respective religious organisation. However, there is currently no Islamic chaplaincy [Rynkowski M., *op. cit.*, p. 263].

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## Portugal<sup>185</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2001 census, Portugal's total population is 10,356,117 persons, of which 12,014 declared to be Muslims. However, Muslim organisations estimate a much higher number of Muslims, as high as 39,000 persons, coming mainly from sub-Saharan Lusophone Africa (Mozambique and Guinea-Bissau) and South Asia (Bangladesh, India, Pakistan). Most of them are Sunnites, but there are about 10,000 Ismailians recognizing the Aga Kahn as imam and no more than 500 Iranian Shiites [<http://www.ine.pt> (Instituto Nacional de Estatística Portugal); Leitão J., "The New Islamic Presence in Portugal: Towards a Progressive Integration", in Aluffi B.-P. and R., Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, p. 180; U.S. Dept. of State 2006; Carvalho M. P. *et al.*, *Religiões – História, Textos e Tradições*, RELIGARE – Estrutura de Missão para o Diálogo com as Religiões, Presidência do Conselho de Ministros, Paulinas, Prior Velho, 2006, pp. 188, 199].

### **2. Main Islamic organisations**

The main Islamic organisation is the Islamic Community of Lisbon, which has approximately 4,152 members and gives a significant contribution to the development of a positive image of Muslims in Portugal. Its founder was Suleyman Valy Mamede, who was a university professor and an important militant of the Social Democratic Party. Other Sunni Muslim organisations are the Association of Muslims from Guinea-Bissau, the Islamic Community Living in Portugal, the Islamic Community of South of the Tejo, and the Islamic Community of Coimbra. The Shi'a Imami Ismai'li Muslim Community has got two foundations – the Focus Foundation, and the Aga Khan Portugal Foundation [Leitão J., *op. cit.*, pp. 180-181 and 187].

### **3. Legal status of Muslim communities**

The Islamic Community of Lisbon, which was an association of private law since 1968, converted in 2006 to a registered religious community, which is a religious corporation according to the Religious Freedom Act of 22 June 2001. After a certification by the Minister of Justice in 2006, it was recognised as a religious community settled in the country, obtaining a legal status substantially equal to the one of the Catholic Church, including the admission to special forms of collaboration with the State, such as the celebration of civil marriages with a religious form (Article 19 of the Religious Freedom Act), conclusion of agreements with the State (Article 45 of the Religious Freedom Act) and the optional benefit of the voluntary consignment by individual tax payers of 0.5 % of income tax (Article 32 of the Religious Freedom Act). Some inequalities remain in fact, because of the enormous difference in numbers, and because of the lack of provisions enforcing the Religious Freedom Act, for example as to marriages. According to the Religious Freedom Act, other Islamic communities can choose to remain unincorporated associations, or to have the legal status of associations of private law or to become registered religious communities at the local, regional, or national level.

<sup>185</sup> The author is grateful to Prof. José de Sousa e Brito, Universidade Nova de Lisboa, for his kind assistance in providing information on Islam in Portugal.

#### **4. Mosques, places of worship, cemeteries and imams**

There are more than 30 mosques and prayer rooms, including the Central Mosque of Lisbon – which is open to all Muslims, but whose President must be a Sunni Muslim –, the Mosque of Laranjeiro, South of the Tejo, and the Mosque of Odivelas. The land where the Central Mosque of Lisbon stands is owned by the Lisbon City Council, unlike the Odivelas Mosque, which is owned by the concerned Muslim community. The imam of the Central Mosque of Lisbon is a Portuguese born in Mozambique and educated as an imam in Pakistan. In Porto there is a place of Islamic worship, and an Islamic Cultural Center is under construction. The Ismaili community has its place of worship and cultural center in Laranjeiras, Lisbon, in a building of the Aga Kahn Foundation. As far as cemeteries are concerned, ground has been made available to Muslim communities in public cemeteries. The Municipality of Lisbon has donated a ground in the Lumiar Cemetery, where Muslims from any part of the country can be buried. The Municipality of Almada has also made available ground for this purpose, but only for the residents of the municipality [Leitão J., *op. cit.*, pp. 180, 182 and 186-188; Carvalho M.P. *et al.*, *op. cit.*, pp. 200-201].

#### **5. Islamic schools**

The first Islamic school in Portugal was the Almiyat School of Palmela. Other schools have been founded, such as the Ahle Sunny Jamat School of Laranjeiro, and the Kadria Ashrafia School of Odivelas [Leitão J., *op. cit.*, p. 187].

#### **6. Teaching of Islam in public schools**

Decree-law n. 329 of 2 November 1998 provides for religious education of children in public schools, where a minimum of ten parents wish their children to receive instruction in a specific religion. The Islamic community has not yet made use of such possibility [Leitão J., *op. cit.*, p. 188].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

According to Article 23 of the Religious Freedom Act, Churches and religious communities – including Islamic ones – have the right to establish institutes for religious or cultural training. However, an Islamic institute of higher education for the training of teachers of Islam and Imams has not yet been established [Leitão J., *op. cit.*, p. 191; Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, p. 64].

#### **8. Ritual slaughtering**

Until 1982, ritual slaughtering was performed by the Rabbi of the Lisbon Synagogue. Afterwards, Islamic butcheries started to be established, and today there are four butcheries supplying the needs of Muslim communities [Leitão J., *op. cit.*, p. 184].

#### **9. Headscarf**

There have been reportedly no cases of conflict or controversy regarding the use of the headscarf at school or work. However, the wearing of the Islamic headscarf is not a widespread practice, and the majority of practicing Muslim women is likely to work for Muslim employers [Leitão J., *op. cit.*, p. 186].

#### **10. Islamic festivities**

According to Article 14 of the Religious Freedom Act, public workers, as well as contracted workers have the right to request resting days for religious reasons during the week, the festivities and in the periods determined by their creed, as long as they fulfil a flexible

working hours regime, are members of a recognised religious community and send the required list of the necessary days and periods to integrally compensate the working hours to the concerned government office. Students in public and private schools are also released from school in the week resting and religious festivities days of their respective religious denomination. If these days coincide with the date of an exam, students may take their exam on a second date [Leitão J., *op. cit.*, pp. 190-191].

### ***11. Islamic chaplaincies in hospitals, prisons and the Army***

Article 13 of the Religious Freedom Act recognises the right to religious assistance to all people, including Muslims, who are part of the armed forces, the security forces and the police, who serve in the military or civil service, who are in hospitals, asylums, schools, institutes or health, social assistance, education or similar establishments, as well as those who are in prison [Leitão J., *op. cit.*, p. 189].

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## Romania<sup>186</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2002 census, Romania's total population is composed of 21,698,181 persons, including 67,566 Muslims (that is, 0.3 % of resident population). Unofficial statistics mention about 80-100,000 Muslims in Romania and include aliens legally or illegally present in the country. Within the Islamic community a cleavage can be singled out between "old Islam" – historically rooted in Romania and dating back to the establishment of Ottoman rule over the country – and "new Islam" – the product of the last two decades' increase in the number of immigrants and asylum seekers from the Arab world. Most of Muslims are Sunnis, of Turk, Tatar and Albanian ethnic origin, as well as Muslim Roma, living in about 80 communities both in rural and urban areas [<http://www.recensamant.ro>] (Official website of Romanian Census); Iordache R.E., 'The Legal Status of the Islamic Minority in Romania', in Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, pp. 201-202; <http://www.muftiyat.ro>; Mihai Isac, "Interferența factorului musulman în România [The Interference of the Muslim Factor in Romania]", *Atac*, <http://www.atac-online.ro>].

### **2. Main Islamic organisations**

The body representing the Islamic community is the Muftiate (*Muftiatul Cultului Musulman*), having its headquarters in Constanța. The mufti is elected from among imams and the voting is secret. The election is confirmed by a decree of the President. A sinodal college, called *Surai islam*, composed of 23 members, has a consultative status and meets periodically to deal with disciplinary and administrative issues. At the municipal level, the leadership of the Islamic community is secured by a committee of 5-9 members who are elected for a 4-year mandate. Officially there are 50 registered Muslim communities and 20 *filii* in Constanța county, Tulcea, Brăila, Galați and Bucharest. At the political level, the Muslim communities are represented in the Parliament as national minorities by the Democratic Turkish Union (*Uniunea Democrată Turcă din România*) and by the Democratic Union of Turkish-Muslim Tatars (*Uniunea Democrată a Tătarilor Turco-Musulmani din România*). Activities are also conducted by the Cultural and Islamic League of Romania (*Liga Islamică și Culturală din România*) [Iordache R.E., *op. cit.*, pp. 202 and 208; <http://www.culte.ro> (State Secretariat for Religion)].

### **3. Legal status of Muslim communities**

The Government officially recognizes eighteen religions, including Islam. Only recognised religions can receive public subsidies (which are granted in proportion of the number of believers), establish schools, teach religion in public schools, and enjoy the tax-exempt status [Iordache R.E., *op. cit.*, pp. 199-200].

### **4. Mosques, places of worship, cemeteries and imams**

There are 77 worship places for Muslims, and some of them have been declared historic monuments (for example the mosque from Constanța). Immigrant communities of Muslim resident aliens (migrants, refugees, Arab students or businessmen) also opened prayer houses in various urban centres. Besides the main mosque in Bucharest, there are 15 others funded by alien residents. The Islamic community owns 108 cemeteries. There are currently 60 imams [<http://www.culte.ro>] (State Secretariat for Religion); Vasileanu M.,

<sup>186</sup> The author is grateful to Prof. Romanita Iordache, University of Bucarest, for her kind assistance in providing information on Islam in Romania.

“Cultul Musulman. Interview with the Mufti Bagas Sanghirai and Imam Osman Aziz”, *Adevărul*, <http://www.adevarulonline.ro>].

### **5. Islamic schools**

Even though the Islamic community, as a recognised religion, has the right to establish schools, currently there are no Islamic schools [Maréchal B., Allievi S., Dassetto F. and Nielsen J., *Muslims in the enlarged Europe. Religion and society*, Brill, Leiden, 2003, pp. 40 and 59].

### **6. Teaching of Islam in public schools**

As a recognised religion, the Islamic community can organise religious instruction in public schools, but attendance is not compulsory [Iordache R.E., *op. cit.*, p. 206].

### **7. Education of teachers of Islam and leaders of the Islamic community**

In 1995, following a protocol between the Romanian and the Turkish governments, the Theology Seminary of Medgidia (established in 1901 and closed afterwards) became a Muslim Theology High School, named after Kemal Atatürk, and sponsored by Turkey [Iordache R.E., *op. cit.*, p. 207].

### **8. Ritual slaughtering**

There are no official arrangements prohibiting ritual slaughtering [Iordache R.E., *op. cit.*, p. 203].

### **9. Headscarf**

The wearing of the headscarf at school or at work is not forbidden, and any attempt to regulate its use would probably be quashed by the National Council on Combating Discrimination [Iordache R.E., *op. cit.*, pp. 204-205].

### **10. Islamic festivities**

As members of a recognised religion, Muslims are entitled to have a two-day leave during Islamic festivities. No arrangements have been made concerning daily and Friday prayers [Iordache R.E., *op. cit.*, p. 204].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

As a recognised religion, the Islamic community is entitled to provide religious assistance to prisoners, although there are no reports regarding spiritual religious services provided in penitentiaries or prisons to Muslim inmates. Further, trained imams are allowed to provide religious assistance to conscripts, but at the moment there are only Orthodox, Catholic and Evangelical chaplains [Iordache R.E., *op. cit.*, p. 203].

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## Slovakia<sup>187</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2001 census, there were 5,379,455 permanent resident persons in Slovakia. Population was classified by religion according to 19 categories – 16 religious denominations, other religions, unknown religion, and no religion. None of the 16 religious denominations included Islam. Estimates of the Muslim population vary from 300 to 4,000. Muslims living in the country are primarily immigrants from Middle Eastern countries, international students, or Albanian immigrants [<http://www.statistics.sk>] (Statistical Office of the Slovak Republic); U.S. Dept. of State, 2006].

### **2. Main Islamic organisations**

The Islamic Foundation of Slovakia was established in Bratislava [<http://www.islamweb.sk>].

### **3. Legal status of Muslim communities**

Registration of religious groups is not required. However, the legal existence of a religious organisation or association is linked to the process of registration. Only registered Churches and religious organisations are provided with State financial support in the performance of their religious and public service activities, and can obtain the right of access to public schools, health care facilities, mental and social care facilities, orphanages and child care facilities, prisons and rehabilitation facilities. To register, a new religious group must submit a list of 20,000 permanent residents who adhere to that religion. As of 2003, 16 Churches and religious organisations were registered in the Slovak Republic. Only fourteen of the religious groups, which were already established before the enactment of the Law on Religious Freedom and the Status of Churches and Religious Societies in 1991, were exempt from such a membership requirement. Although the Muslim communities existed in the country prior to 1991, they were never properly registered and, therefore, were not given registered status under the 1991 law. At present, the Muslims residing in Slovakia operate under the legal form of a civil association. Recently, they publicly declared their intention to obtain an official registration as a religious entity, and started to collect the signatures for this purpose. It is also important to note that, especially because of the unusually high threshold for registration, the current legal regulation of Church registration is now pending before the Slovak Constitutional Court [Dojcar M., “The Religious Freedom and Legal Status of Churches, Religious Organizations, and the new Religious Movements in the Slovak Republic”, *Brigham Young University Law Review*, vol. 2001, no. 2, pp. 431-432; Moravčíková M., “State and Church in the Slovak Republic”, in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 503; U.S. Dept. of State, 2006].

### **4. Mosques, places of worship, cemeteries and imams**

Four small mosques exist in the whole country.

<sup>187</sup> The author is grateful to Prof. Jana Martinkova, University of Trnava, for her kind assistance in providing information on Islam in Slovakia.

**5. Islamic schools**

As a non-registered religious organisation, the Islamic community is not allowed to establish Islamic schools [Mulík P., “Church and State in Slovakia”, in Ferrari S., Durham W.C. and Sewell E.A., *Law and Religion in Post-communist Europe*, Peeters, Leuven, 2003, p. 321].

**6. Teaching of Islam in public schools**

There are no courses in public schools, since the Muslim communities in Slovakia do not have the registered status which is required for this purpose.

**7. Education of teachers of Islam and leaders of the Islamic community**

There are no State-supported programmes for the training of teachers of religion or leaders of the religious communities (not even in relation to registered churches).

**8. Ritual slaughtering**

Ritual slaughtering is allowed only for registered churches. There are no reports about Islamic butcheries in Slovakia.

**9. Headscarf**

This issue is not explicitly regulated by Slovak law, apart from the general constitutional provisions dealing with freedom of religion and its limits. No significant practical issues have appeared in this respect so far.

**10. Islamic festivities**

Islamic festivities are not recognized by the State as festivities. As for the Friday absence from work, no explicit legal regulation exists. Only the general constitutional framework (which has to be specified on a case-by-case basis by the domestic courts) apply. There have been no significant practical issues so far.

**11. Islamic chaplaincies in hospital, prisons and the Army**

There are no Islamic chaplaincies in the above-mentioned institutions. The right to pastoral care in these institutions is reserved for registered churches.

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## Slovenia<sup>188</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2002 census, the population of Slovenia was 1,964,036 – 2.4 % of whom were Muslims. Most of the 47,488 Muslim residents in Slovenia are Bosnian immigrants [<http://www.stat.si/eng/index.asp> (Statistical Office of the Republic of Slovenia); Šturm L., “State and Church in Slovenia”, in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, p. 469; U.S. Dept. of State, 2006].

### **2. Main Islamic organisations**

There are two Islamic organisations in Ljubljana, the *Islamska Skupnost v Republiki Sloveniji* (Islamic Community in the Republic of Slovenia) and the *Slovenska Muslimanska Skupnost* (Slovenian Muslim Community) [[http://www.uvs.gov.si/en/religious\\_communities](http://www.uvs.gov.si/en/religious_communities) (Office for Religious Communities of the Government of the Republic of Slovenia)].

### **3. Legal status of Muslim communities**

The Islamic Community in the Republic of Slovenia was registered in 1976, whereas the Slovenian Muslim Community was registered in 2006. It is important to note that registration does not imply any recognition nor any special privileges given by the State, but it entails merely an opportunity to carry out activities as a religious community. Registered religious communities can open a bank account and operate through it, and may apply for any funds allocated to religious communities. They are not under any special supervision, but they are subject to the same general supervision as other legal entities, because their activities must conform to the Constitution, statutes and other regulations. Every year, some religious communities, including the Islamic Community in the Republic of Slovenia, are allocated a symbolic financial aid by the State. In December 2006 the Government decided to start negotiations with the Islamic Community in the Republic of Slovenia in order to reach a legal agreement on open issues. Slovenian Muslim Community also proposed to start such negotiations [[http://www.uvs.gov.si/en/religious\\_communities](http://www.uvs.gov.si/en/religious_communities) (Office for Religious Communities of the Government of the Republic of Slovenia); Šturm L., *op. cit.*, pp. 477-478; Council of Europe, *Second Report submitted by Slovenia pursuant to Article 25*,

<sup>188</sup> The author is grateful to Prof. Ivanc Blaž, University of Ljubljana, for his kind assistance in providing information on Islam in Slovenia.

*Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 6 July 2004, p. 31].

#### **4. Mosques, places of worship, cemeteries and imams**

The Muslim community had long been planning to build a mosque in Ljubljana. The absence of a mosque was due, in part, to a lack of organisation in the Muslim community and to complex legislation and bureaucracy in construction and land regulations. In 2004, a locally organised referendum campaign sought to prevent the Muslim community from building the mosque, but the plans to hold a referendum were struck down by the Constitutional Court before the referendum could be held. In 2005, plans for building the mosque were stalled in part because of the discovery that part of the land (in suburb area) that the city had identified for sale to the Muslim community was subject to a denationalisation claim by the Catholic Church. Although the Catholic Church was compensated by the city, the local authorities now negotiate a new location in the city centre (near *Parmova cesta*), which is more suitable for religious purposes. There are no special Islamic cemeteries and Islamic communities made proposals to the Government to provide for a separate part of cemeteries intended for Islamic burials. The Cemeteries and Burials Act (1984) does not regulate Islamic burial. It is mostly up to local authorities to regulate the regime at the cemeteries and burial issues. [U.S. Dept. of State, 2006].

#### **5. Islamic schools**

Only in 1991 was the right to establish private religious schools recognised. At the moment there is no primary private religious school, but there exist four secondary religious schools. None of these is Islamic. However, the Islamic communities plan to establish Islamic schools primarily as a part of activities of Islamic centres. [Šturm L., "Church-State Relations and the Legal Status of Religious Communities in Slovenia", *Brigham Young University Law Review*, vol. 2004, no. 2, p. 618; Šturm L., *op. cit.* (2005), p. 482].

#### **6. Teaching of Islam in public schools**

The Education Act, on the basis of the strict interpretation of the constitutional provision separating the State and religious communities, prohibits religious instruction with the aim of educating children in a particular religion. Religious communities have no right to decide on the content of the syllabus, textbooks, educational criteria of teachers, and the suitability of a particular teacher for teaching. In special cases, when no other appropriate premises are available in the local community, the Minister of Education may allow religious education in schools [Šturm L., *op. cit.* (2005), pp. 479-480].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

No State supported programme to train teachers of Islam or community leaders exists in Slovenia. Articles 5 and 29 of the new Religious Freedom Act, approved in 2007, enable direct State financing of religious communities' activities of general interest (for example, if they perform educational activities and thereby enrich the national identity and perform an important social role). Such a programme could be a substantial part of future State – Religious Community agreements (as provided by Article 21 of the Religious Freedom Act).

#### **8. Ritual slaughtering**

The Animals Protection Act (1999) allows ritual slaughtering. In case of ritual slaughtering the animals do not have to be stunned before slaughtering, but a religious community have

to obtain a special permission by the Slovenian Veterinary Administration (Article 25). Since there are no Islamic butcheries, ordinary butcheries should provide for ritual slaughtering on the basis of a mutual agreement with the Islamic community.

### ***9. Headscarf***

There are no legal restrictions for Muslim women as to the wearing of the headscarf in schools, hospitals, workplaces, and so on. Conflict regarding the headscarf have not emerged in Slovenia.

### ***10. Islamic festivities***

Slovenian legislation does not explicitly mention the right to observe and celebrate religious holidays. This right is encompassed by the right to profess one's religion privately and publicly [Šturm L., *op. cit.* (2005), p. 478].

### ***11. Islamic chaplaincies in hospital, prisons and the Army***

The new Religious Freedom Act (2007) provides for new solutions concerning religious assistance in the Army, hospitals, prisons and in the Police. Members of the Slovenian Army are entitled to religious spiritual care during their military service in compliance with the rules on the military service. The state has to provide religious care to policemen and policewomen when their exercise of religious freedom is difficult. Persons in hospitals and social welfare institutions and persons who are deprived of liberty have the right to individual and collective religious spiritual care. If there is a large number of detained people professing the same religion, the Ministry of Justice shall employ the appropriate number of ministers of that religion. If there is a large enough number of residents of the same religious belief in the hospitals, the Ministry of health has to provide (through partnership negotiations on the basis of the law regulating the financing of health programmes and services) the employment of an adequate number of ministers. Hospitals or institutions performing institutional care have to provide the premises and technical conditions for religious assistance. It is left to the agreement(s) between the State and the Islamic communities to regulate more accurately the manner of ensuring religious assistance to members of Islamic communities in the Army, in hospitals, in prisons and in the Police.

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## Spain<sup>189</sup>

### **1. Estimated Muslim population and percentage on total population**

Spain has got a Muslim community of about 750,000 persons out of a total population of 40 million inhabitants. Even though much of Spain was ruled by Muslims in the Middle Age, the Islamic presence in Spain is a fairly recent phenomenon, dating back to the 1960's. Most of the immigrants have come from the Middle East, Northern and Sub-Saharan Africa, and Pakistan [Mantecón Sancho J., "Islam in Spain", in Aluffi B.-P. and R., Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, p. 214].

### **2. Main Islamic organisations**

There are two large Islamic federation, the Union of Islamic Communities in Spain, and the Spanish Federation of Islamic Religious Entities. During the negotiations of the 1992 Agreement, they were prompted to form a supra-federation (named Islamic Commission of Spain) by the government, which was inflexible in maintaining that it would sign an agreement with one only Islamic organisation. The disagreements in the decision making process between the two Presidents of the Islamic Commission and their problems of understanding each other have resulted in difficulties in the enforcement of the 1992 Agreement [Mantecón Sancho J., "L'Islam en Espagne", in Potz R. and Wieshaider W., *Islam and the European Union*, Peeters, Leuven, 2004, p. 115-120].

### **3. Legal status of Muslim communities**

Muslim people usually form associations in order to practise their religion, but only one third of them are registered in the Religious Entities Registry. The other associations are registered in the Common Association Register or in other public registers. The associations, which are registered in the Religious Entities Registry, and which belong to either Federation constituting the Islamic Commission of Spain, benefit of the rights recognised by the 1992 Agreement signed between the Spanish State and the Islamic Commission. However, it is to be noted that the Islamic Commission of Spain is not representative of all Islamic associations existing in Spain [Mantecón Sancho J., "Estatuto Jurídico del Islam en España", *Derecho y Religión*, vol. I, 2006, pp. 169-174].

### **4. Mosques, places of worship, cemeteries and imams**

There are approximately 12 mosques and several hundred other premises being used as places of worship. The Islamic communities belonging to the Islamic Commission of Spain are granted the right to obtain plots in municipal cemeteries for the burial of their members in accordance with traditional Islamic rites. The 1992 Agreement also allows for the possibility that such communities establish private cemeteries. The Royal Decree no. 176 of 10 February 2006 extended the social security system to imams and leaders of the Islamic Community in Spain [<http://www.euro-islam.info>; Mantecón Sancho J., "Islam in Spain", *op. cit.*, p. 224].

### **5. Islamic schools**

Spanish law allows Islamic communities, like any other physical and legal persons, to create schools, insofar they respect constitutional values. None of the Islamic communities have exercised this right yet. Nevertheless, there are several schools created and run by

<sup>189</sup> The author is grateful to Prof. Agustín Motilla, Universidad Carlos III de Madrid, for his kind assistance in providing information on Islam in Spain.



Islamic countries, such Irak and Saudi Arabia [Motilla A., “Centros de Enseñanza Privados de Ideario Islámico”, in Ciáurriz J., García-Pardo D., Lorenzo P., Motilla A. and Rossell J., *La Enseñanza Islámica en la Comunidad de Madrid*, Universidad Complutense de Madrid, Madrid, 2004, pp. 49-60].

#### **6. Teaching of Islam in public schools**

The teaching of Islam in public schools was regulated by the 1992 Agreement, but it has been actually allowed only since 2000 in the cities of Ceuta and Melilla, where Muslims of Moroccan origin make up the majority of the population. In January 2005, the Spanish Office for Religious Affairs decided that schools in a number of major cities having high Muslim population, such Barcelona, Madrid, Zaragoza, Santander and Andalusian cities, would start the teaching of Islam. If there are at least ten students, from the same class or from among all classes of the same grade, who request to attend a course of Islamic, the Government will pay a salary to the teachers appointed by the Islamic Commission of Spain. Such teachers are employed by the school authorities through a one-year contractual relationship. The Government has also financed, through a public foundation, the edition of a book of Islamic Religion written in Spanish, to be used in primary schools [*Finally, Spanish schools teach Islam*, <http://hrfw.org>].

#### **7. Education of teachers of Islam and leaders of the Islamic community**

The Averroes (Ibn Rusdh) Islamic University was founded in 1995, in order to train people in Arabic Philology, Islamic Sciences and Andalusian Studies. However, this University has not yet been recognised by the State, thus, its diplomas have no legal value [Mantecón Sancho J., “L’Islam en Espagne”, *op. cit.*, pp. 138-139].

#### **8. Ritual slaughtering**

Under the 1992 Agreement, ritual slaughtering can be performed in slaughterhouses in accordance with the current health legislation [Mantecón Sancho J., “Islam in Spain”, *op. cit.*, p. 221].

#### **9. Headscarf**

There have been few cases about the Islamic headscarf in Spain. The most important one happened in 2002. The father of a Moroccan girl enrolled her daughter in a public Catholic school of El Escorial, the village where they lived, expecting that she would be allowed to wear her headscarf inside the school. However, the director of the school denied her the right to wear it, arguing that the headscarf was a symbol of discrimination against women. Nevertheless, the Educational Authorities of the Autonomous Community of Madrid ordered the admission of the girl in the public school, allowing her the use of the headscarf. As the Education Commissioner stated, there is no rule forbidding the use of religious or cultural symbols in public schools, and the right of the girl to continue her studies must prevail [Motilla A., “Il problema del velo islamico in Spagna”, in Ferrari S., *Islam ed Europa. I simboli religiosi nei diritti del Vecchio continente*, Carocci Editore, Roma, 2006, pp. 147-150].

#### **10. Islamic festivities**

The 1992 Agreement states that members of the communities belonging to the Islamic Commission of Spain may request a leave permit from work on Fridays between 1:30 p.m. and 4:30 p.m., and may ask to end their working day one hour before the sunset during Ramadan. A prior agreement between the parties is necessary. The hours spent on such a leave are not paid. Islamic festivals can replace the general vacation days laid down in the

Workers' Statute, if there is an agreement between the parties. These days must be paid. Muslim students are exempt from attending lessons and taking exams on Fridays during the three hours devoted to solemn prayer and during the Islamic festivals, upon their parents' express request. All Muslim pupils have such a right, regardless of whether or not they are members of a community belonging to the Islamic Commission of Spain. Finally, if the date of an examination held to join the civil service coincide with an Islamic festival, it must be changed for Muslims who request so. As in the previous case, it is not necessary to be affiliated to the Islamic Commission of Spain [Mantecón Sancho J., "Islam in Spain", *op. cit.*, pp. 226-227].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

Articles 8 and 9 of the 1992 Agreement have been developed by Royal Decree n. 710 of 9 June 2006 that regulates the organisation of spiritual assistance services provided by the Islamic Commission in Spain (as well as by the Federation of Evangelical Religious Entities, and the Federation of Jewish Communities) in prisons. As to hospitals and the Army, pastoral care is regulated by the provisions applying to all religious communities, and based on the principles of "free access" and "free exit". Islamic spiritual leaders may freely enter public centres when their religious assistance is required, and, when appropriate, people in the army are authorised to leave the place to attend religious [Mantecón Sancho J., *op. cit.* (2006), pp. 185-187].

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## Sweden<sup>190</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the National Statistics Office, in January 2007, the total population was 9,113,257. Since surveys do not cover religious affiliation, there are no official data about the Islamic presence in Sweden. According to estimates based on the numbers of immigrants coming from countries with significant Muslim population, Muslims in Sweden should be approximately 270,000-350,000 people. However, only 100,000 participate in activities organised by the local Muslim communities. Thus, Muslims amount to 1 to 3 % of Sweden's total population. There is no dominant ethnic group, but the largest communities are from Iran, Turkey, Iraq, Lebanon, and Kosovo [<http://www.scb.se> (Statistics Sweden); Otterbeck J., "The Legal Status of Islamic Minorities in Sweden", Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, pp. 236-267].

### **2. Main Islamic organisations**

There are five umbrella organisations on a national level, which represent approximately 75% of all Muslim communities in Sweden, and which are supported by the government through the Commission for State Grants to Religious Communities. They are the *Förenade Islamiska Församlingar i Sverige* (United Islamic Communities in Sweden), formed in 1974, the *Sveriges Muslimska Förbund* (Sweden's Muslim Association), formed in 1982, the *Islamiska Kulturcenterunionen* (Union of Islamic Centres of Culture), formed in 1984, the *Svenska Islamiska Församlingar* (Swedish Islamic Parishes), formed in 2002, and the *Islamiska Shiasamfundet i Sverige* (Islamic Shia Communities in Sweden) [<http://www.sst.a.se> (Swedish Commission for State Grants to Religious Communities); Otterbeck J., *op. cit.*, pp. 238-240].

### **3. Legal status of Muslim communities**

Muslim communities, like any other religious communities, may register with authorities, thus receiving legal personality as "registered religious communities". Registration is not compulsory, but only registered religious communities may use the taxation system for levies from members. However, a registered religious community that has chosen to use the taxation system for collecting levies, and has government approval for this, will have its financial contributions reduced. Four of the approximately 60 registered religious communities are Muslim [Friedner L., "State and Church in Sweden", in Robbers G., *State and Church in the European Union*, Nomos, Baden-Baden, 2005, pp. 540 and 542; Friedner L., "Religion in the European Union Countries: Constitutional Foundations, Legislation, Religious Institutions, and Religious Education. Sweden", *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Center for Islamic Studies, Istanbul, 2006, p. 305].

### **4. Mosques, places of worship, cemeteries and imams**

There are four Sunni mosques in Malmö, Uppsala, Västerås and Stockholm, one Shiite in Trollhättan, and one Ahmadiyya in Göteborg. Further, there are at least 150 Muslim prayer rooms in Sweden. There are also approximately 10 Muslim cemeteries [Otterbeck J., *op. cit.*, pp. 241-242].

<sup>190</sup> The author is grateful to Dr. Lars Friedner, for his kind assistance in providing information on Islam in Sweden.

### **5. Islamic schools**

The first Islamic school was opened in Malmö in 1993, and more than twenty are currently active. All of them are private schools. Sweden supports private Islamic schools with a contribution up to 85 % of the contribution given to public schools. These schools have to follow the national curriculum but are allowed to add their own curriculum. Schools run by religious communities, namely the Muslim ones, are currently the subject of a debate. Because of the conflict with some basic values of public schools and society as a whole, such as equality between men and women, it is being questioned whether they should be still accepted or not [Otterbeck J., *op. cit.*, p. 243; Friedner L., *op. cit.* (2006), p. 302; <http://www.euro-islam.info>].

### **6. Teaching of Islam in public schools**

The teaching of religion is compulsory in all primary and secondary public schools. However, instruction is non-denominational. Lessons focus on all main religions, and priests and representatives of other religions, such as imams, may be invited by the teacher to give a short presentation of their religion. Religious instruction is compulsory for all students [Friedner L., *op. cit.* (2005), p. 546; Friedner L., *op. cit.* (2006), p. 301].

### **7. Education of teachers of Islam and leaders of the Islamic community**

Up to now, imams in Sweden are either schooled in other countries, sometimes working in Sweden only for a couple of years, or unschooled and appointed because of personal qualities rather than formal religious education. There have been plans for starting an imam education in Sweden, but so far these plans have only led to a shorter academic course in a subject called Islam knowledge [<http://www.esk.se> (Ersta Sköndal University College); Otterbeck J., *op. cit.*, p. 243].

### **8. Ritual slaughtering**

Ritual slaughtering without pre-stunning the animal is not permitted, but most Muslim public voices in Sweden seem to accept pre-stunning. During the autumn of 2001 the first Islamic slaughter-house was opened [Otterbeck J., *op. cit.*, p. 244].

### **9. Headscarf**

The wearing of the headscarf has come under discussion in Sweden, but the government has not restricted its use. In a prominent case in 2002, a Swedish woman of Palestinian origin was named to host a program on multiculturalism on Swedish public TV. The administration of public TV blocked her appointment because of her wearing of the headscarf. Although it eventually backed down from this decision, the program was cancelled shortly thereafter. In Gothenburg in 2003, two girls wearing *burqa* could not attend their schools as a result of the school administration's objection. The problem was solved because the girls agreed to take off their *burqas* during the examination periods. In May 2006, the National School Authority ruled that a public school in the city of Umea had acted improperly when expelling a Muslim student for wearing a headscarf. The ruling enables Muslim students to wear headscarves in school [Islamic Human Rights Commission, *Briefing: Good Practice on the Headscarf in Europe*, 9 March 2004, <http://www.ihrc.org.uk>; <http://www.euro-islam.info>; U. S. Dept. of State, 2006].

### **10. Islamic festivities**

Muslims who are studying are allowed to have an examination moved if it collides with a holiday. In workplaces where there are several Muslims, it is fairly common that some space is offered for the daily prayers. This is still a problem for many Muslims working at places with only a few or no other Muslims [Otterbeck J., *op. cit.*, p. 247].

### **11. Islamic chaplaincies in hospital, prisons and the Army**

Religious assistance in prisons is organised by the Swedish Christian Council on behalf of the National Prison Probation Administration. The Council is a joint association of almost all Christian Churches and religious denominations in Sweden, but it does maintain close relations with Muslim and Jewish communities as well. Appointed chaplains belong to the Church of Sweden or another Christian Church, but they are responsible for inter-faith contacts. If a prisoner requests the visit of an imam, the appointed chaplain calls the Muslim Council of Sweden (formed by the two main Islamic umbrella organisations), which co-ordinates eighteen imams catering for the spiritual needs of Muslim inmates. This pastoral care service is subsidised by the State. In the army, chaplains are appointed by the military authorities in consultation with the local Church or religious denomination, but so far no Islamic chaplain has been appointed. However, contacts are established with the Muslim Council of Sweden. Religious assistance services are operated in about the same way in hospitals and health care institutes [Friedner L., *op. cit.* (2005), pp. 549-550; Otterbeck J., *op. cit.*, pp. 240 and 250].

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## United Kingdom<sup>191</sup>

### **1. Estimated Muslim population and percentage on total population**

According to the 2001 census, 1,588,890 out of 57,103,927 persons resident in the United Kingdom are Muslims, amounting to a 2.8 % percentage on total population. The arrival of Muslims into the country in significant numbers started after the Second World War from former British colonies [Catto R. and Davie G., “Religion in Great Britain: Constitutional Foundations, Legislations, Religious Institutions and Religious Education”, *State and Religion in Europe. Legal System, Religious Education, Religious Affairs*, Centre for Islamic Studies, Istanbul, 2006, pp. 156 and 160].

### **2. Main Islamic organisations**

The Muslim Council of Britain is the primary representative organisation for Muslims in the United Kingdom, with a network of at least 380 smaller organisations. It was founded in 1997 after a meeting of a number of Muslim organisations and is associated with about 70 % of Muslims in the United Kingdom. It is composed of national, regional, and local organisations organised into geographical zones [<http://www.euro-islam.info>].

### **3. Legal status of Muslim communities**

Religious communities, including Islamic ones, can register for charitable status. Muslim and other religious groups, registered as charities, are officially recognised and have significant financial advantages [Catto R. and Davie G., *op. cit.*, pp. 157-158].

### **4. Mosques, places of worship, cemeteries and imams**

In the United Kingdom, there are more than 500 mosques with official registration, which gives tax benefits and the right to perform recognised marriage ceremonies. There are at least other 500 unregistered mosques as well. Islamic burial practice has not been impeded, and there are sections in public cemeteries for Muslims as well as several Islamic cemeteries. There are approximately 1,000 imams [<http://www.euro-islam.info>].

### **5. Islamic schools**

Religious communities have the right to establish their own independent schools, although such schools must be registered with the Registrar of Independent Schools and must meet certain minimum standards. Since 1997, the Labour Government has extended State funding traditionally given to Anglican, Catholic, and Jewish schools to other minority faith schools, including four Muslim schools. There exist approximately 60 independent (that is, private) Islamic schools in the country [<http://www.euro-islam.info>; Khaliq U., “Islam and the European Union: Report on the United Kingdom”, in Potz R. and Wieshaider W., *Islam and the European Union*, Peeters, Leuven, 2004, pp. 254-255].

### **6. Teaching of Islam in public schools**

Religious education is part of the basic compulsory curriculum in State schools, but it is not denominational. This means that, while focusing on Christianity, it also takes into account other religious traditions, including Islam. In schools attended mainly by Christian students, Islam usually forms a relatively small component of religious education [Khaliq U., *op. cit.*, pp. 256-257].

<sup>191</sup> The author is grateful to Prof. Mark Hill, Cardiff University, for his kind assistance in providing information on Islam in the United Kingdom.



### **7. Education of teachers of Islam and leaders of the Islamic community**

There are currently two institutions dedicated to the training of imams, the Muslim College in London (established in 1981), and the Markfield Institute of Higher Education in Leicestershire (established in 2000) [<http://www.euro-islam.info>].

### **8. Ritual slaughtering**

Ritual slaughtering is allowed in the United Kingdom. There has been some controversy, but the government has determined that banning the practice would not be consistent with the European Convention on Human Rights [<http://www.euro-islam.info>].

### **9. Headscarf**

The country has got a very liberal policy on religious symbols. In 2000, new Home Office guidelines were issued allowing Muslim women to cover their heads with the headscarf on their passport photographs. In 2003, Muslim women working at the Metropolitan Police Force were given the right to wear their headscarves at work. The first case on the wearing of Islamic garments in schools concerned a Muslim student's claim that her school wrongly refused to allow her to wear her *jilbab* (a long coat-like garment; the prohibition did not concern the *hijab*, which she was allowed to wear). In 2006, the House of Lords ruled against the applicant. However, it is important to note that the headscarf was not banned as a symbol of political Islam, but as contrary to the school's uniform policy. Two subsequent cases have followed and applied the House of Lord's decision. In the first case, a bilingual support worker employed by a school was suspended for refusing to comply with a school instruction not to wear a full face veil when teaching children. The Employment Tribunal dismissed the claim for discrimination, since the ban could be justified as a proportionate means of achieving the legitimate aim of children being taught properly. In the second case, a 12-year-old Muslim girl refused to attend school on the basis that the school would not permit her to wear a *niqab* veil, which covered her entire face save her eyes. The judge held that there had been no interference with her rights because she could have chosen to attend an alternative school in the locality which would have permitted her to wear the veil [Islamic Human Rights Commission, *Briefing: Good Practice on the Headscarf in Europe*, 9 March 2004, <http://www.ihrc.org.uk>; Hill M. and Sandberg R., "Muslim Dress in English Law: Lifting the Veil on Human Rights", *Derecho y Religión*, vol. 1, 2006, pp. 302-328].

### **10. Islamic festivities**

Issues concerning Islamic festivities and the times for prayer are settled through an agreement between employers and employees. Thus, some employers, who have a large number of Muslim employees, have made adjustments in break and lunch times and in allowing holidays to accommodate religious observance. However, in the absence of a contractual term being inserted at the time of the negotiation of the contract, the law does not consider claims by Muslims to allow time off work to attend Friday prayers [Khaliq U., *op. cit.*, pp. 251-253].

### **11. Islamic chaplaincies in hospitals, prisons and the Army**

The State funds personnel to provide religious assistance and services in hospitals, prisons, and the Army. 130 imams have been employed to serve the country's prisons. As of 2001, there were reportedly one imam working full-time in hospitals, and 20-25 working part-time. Islamic chaplaincies have been established in the armed forces, as well [Catto R. and Davie G., *op. cit.*, p. 165; Ansari H., "The Legal Status of Muslims in the UK", Aluffi B.-P. and R. and Zincone G., *The Legal Treatment of Islamic Minorities in Europe*, Peeters, Leuven, 2004, p. 275].

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