

The Women's Foreign Policy Group

Professor John Bowen
Dunbar-Van Cleve Professor in Arts & Sciences, Washington
University in St. Louis
2005 Carnegie Scholar

"European Muslims and Freedom of Expression"

*March 6, 2006
The Cosmos Club
Washington, DC*

Patricia Ellis:

Good afternoon and welcome everyone. I am Patricia Ellis, Executive Director of the Women's Foreign Policy Group. For those of you who do not know us, we promote women's leadership in international affairs professions, as well as work to ensure that women's voices are heard on the pressing international issues such as our topic this afternoon *"European Muslims and Freedom of Expression."* So much has been going on lately, particularly since the publication of the Danish cartoons, which actually occurred last September. Since then, they have been re-published in some European newspapers and subsequently there have been protests all over the Middle East, Africa, Asia, and South Asia in response to this issue.

Today we are launching the second year of the Carnegie Corporation of New York Scholars Program Series. These scholars receive a fellowship and special grant, which is very competitive, to do research. This year the total focus of the series is on Islam and we are launching it today with Professor John Bowen. He is a 2005 Carnegie Scholar and he is the Dunbar-Van Cleve professor in Arts and Sciences at Washington University in St. Louis. He is an expert on Muslims in Europe, and the author of a new book, coming out in October, *"Why the French Don't Like Headscarves."*

We have a great turnout today with representatives from many different organizations and also a number of people from Europe, some from embassies including the French, British, Polish, and Finnish. We also have the former US Ambassador to the Netherlands and many other distinguished guests. We have a very wonderful audience and I am sure there will be a lively discussion and dialogue after our speaker finishes during the Q&A. I would also like to recognize our board member, Susan Rappaport. I am really pleased that she could be here with us today.

The Women's Foreign Policy Group also promotes women through our membership directory, which is a real resource for identifying women leaders and experts. Also, go to our website, www.wfpg.org, for information about membership. Professor Bowen's studies focus on the problems of pluralism, law, religion, and contemporary efforts to rethink Islamic norms and law

all over the world. Professor Bowen recently received the prestigious Carnegie Corporation of New York Fellowship to write a book on “*Shaping French Islam.*” In this book, he will examine how French Muslims strive to build a base for their religious lives in a society that views their practices as incompatible with national values. Bowen’s current work is expected to make an important contribution to understanding how Middle Eastern Islamic values, relating to gender and equality, are affected and transformed by secular ideology, and what impact this will have on Europe. Professor Bowen is also the author of “*Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning.*” Please join me in welcoming Professor John Bowen.

John Bowen:

Thank you very much for that wonderful introduction. I want to talk a bit about European Muslims, how they came to be in Europe, and then talk about freedom of expression. Our talk will have two parts. First, Muslims coming into Europe and the differences across European countries and second, issues around freedom of expression and how they are growing out of the Muslim presence in Europe.

When I talk about Muslim immigration to Europe, I want to talk about several different periods. This is going to go by fairly briefly and we can come back to all of these issues, but I want to give you some sense of the history. There was first a long period of Muslim presence in Europe going back to the first notions of what Europe was. One can argue that the notion of Europe as Christendom grew out vis-à-vis Islam with Islam defining the southern boundaries of Europe. Certainly Islam and Muslims shaped Spain, the Ottoman Balkans, and much of the Mediterranean world. The contemporary debates about Turkey’s future in Europe reveal the emotional associations between the West on one hand and Christendom on the other, and also some of the ambiguities about these associations. But during the 19th and 20th centuries, Muslims moved from the periphery into the center.

Through colonial ventures, beginning with the French conquest of Algiers in 1830, the French moved to incorporate Algeria as part of France. From the 1870s on, Algeria was part of France. This also occurred through British and Dutch colonial ventures into South and Southeast Asia. European countries ruled the majority of the world’s Muslims, many of whom then came to Europe for study. That’s the second period of colonial rule. The third is of labor migration starting in the late 19th century and continuing on into the 20th century. France took the lead at the end of the 19th century and began to actively recruit laborers from elsewhere, especially from its protectorates and properties in North Africa. Other countries followed suit, and especially after WWII in the rebuilding of Europe, Muslims as well as others were actively recruited to come spend some time working in European countries and then, it was thought, return. But they began, in the 1960s, to settle down. The period of labor migration, of Muslims as unskilled workers, turned to a period of Muslim citizenry (settled Muslims with their families becoming citizens). There was a very short period where Muslim families were beginning to settle down in European countries in the 60s and early 70s. Then in the mid 1970s, the recession turned things around very quickly. Muslims, nor anyone else, were welcome as laborers and the only ways in which they could settle, in most European countries, was either for political asylum or through family reunification. Indeed about half of foreigners coming to France now come through marriage. At the same time, in 1973 and 1974, the immigration laws changed making it very

difficult for Muslims to enter Europe. There was a backlash against the economic competition that Muslim immigrants represented, for example, The National Front and other such parties.

About a decade later, in the mid to late 1980s, there was a rise and shift of identity on the part of many Muslims in Europe from being Algerians, Turks, Moroccans, South Asians, etc. to being Muslims. This is part because they felt they weren't going to be accepted as French, certainly not as English or German. Following that, they couldn't go back because many of them were born in European countries. Hence there was a turn toward Islam as a sense of identity which evidently came at the same time as international Islamic political movements. So there was rising identity movement within Europe in the name of Islam, but also rising fears about Islam in the world.

I want to emphasize now some of the differences in the histories of Muslims in different European countries. These include differences in historical relationships of Muslims to different countries, differences in how you get things done in each country, and finally differences in attitudes towards the cultural difference that you find. The countries in Europe have vastly different relationships with Islam. Bosnia has a long Muslim presence and southeastern of Europe is Muslim. Also, France has two centuries of engagement in North Africa and there has been a recent movement of Muslims into northern European countries since the 1960s, explaining some of the problems we see in the northern tier of Europe. Let me contrast two cases just very briefly. We have Turks moving into many European countries, especially to Germany, who have no previous experience with the languages or background of the countries as well as little cultural capital on arrival. This then, leads to the formation of Turkish language enclaves in Germany, the Netherlands, and other European countries, including France. That's one extreme. On the other hand, we have South Asians, Pakistanis and Indians coming to Britain with knowledge of the language and social institutions. Afterwards, they join people from other colonies with similar Anglophone cultural capital in order to create new movements for racial equality.

There are very different histories because of these historical relationships of Muslim migrants to their host countries in Europe. That's one reason. A second reason for great difference is the different opportunity structures; how you get things done in each of these countries. In France, Muslims quickly learned they had to organize nationally to do anything, and so they did. They formed national organizations with the help of the state. In Britain they learned that things were done locally, and began to put pressure on school boards as well as form local associations. Even Muslims moving to America adapted to American ways. There is now a Muslim delegation telling people how to run their lives. They figure out that because you're in America, you should tell other people how to do things. So there are different historical relationships including different ways of getting things done, different opportunity structures, and finally very different attitudes towards cultural difference.

The attitudes in European countries towards cultural difference have grown over long periods of time and involve very specific relations, and often very ambivalent ones to religion. For example, the French republic was created in a battle with the Catholic Church beginning with the French revolution. It was only about a century ago that France created the secular "laic" system. That experience of keeping the church out of the public sphere and public schools as well as

creating a secular public school system now means that France is resolute in trying to maintain a secular public sphere in which religion does not have a place. At the same time, over the course of the 19th and 20th centuries, France became the most ethnically and nationally pluralistic country in Europe. In the 1930s, it was the country of immigration, surpassing even the US. This has also lead France to both fear the consequences of too much emphasis on ethnic difference and keep ethnic and racial badges/emblems/distinctions out of the public sphere. In fact, it is illegal in France for a French government agency to collect data on people's ethnic and racial characteristics. That's one example.

Germany is a very different case, it is a very recent country and it developed around ethnic identity, meaning that it has been very hard for people coming from elsewhere to be accepted as fully German. At the same time, the legacy of the Treaty of Westphalia in the 17th century (which gave each prince the right to determine the religion of his principality) includes the long tradition in Germany which continues to publicly recognize and support religions. Muslims then compete to get recognized as the representatives of Islam. We can talk about other countries.

Britain has retained its established Anglican Church which in the minds of many Muslim and Jews keeps secularism out of the public sphere and allows some room for public expression of religious identities. In fact, Muslims and Orthodox Jewish leaders have lobbied for the continued establishment of the Anglican Church.

Finally, the Scandinavian countries forged a sense of national belonging around a state church, as they did in Spain. In the Scandinavian case though, several factors came together to make for a particularly brittle relationship with recent Muslim immigrants. This strong sense of identification with a state church, the fact that Muslims came to Scandinavia recently as unskilled workers and asylum seekers, and that the Scandinavians were relatively unused to dealing with ethnic differences, have not made it surprising that some of the most brittle inter-ethnic relations have come from Europe's northern tier. I wouldn't exempt the Netherlands from this either. That is a brief overview of Muslim presence and entry into Europe, just to give you an idea of how varied it is. There is no European Islam and there is no European experience of Muslims in Islam. It depends very much on these various factors.

I want to, now, talk about the tension between two strong commitments in Europe. This also includes the United States, but it is especially found in Europe. I do this because I think one risk in the Danish cartoon debate is that we start to think of "us," standing for free speech, versus "them," who stand for everything bad including violence and intolerance towards everybody. What that misses though, is that our shared heritage (and I think there is a shared heritage between Europe and North America). I see it as a heritage of combat that contains certain contradictions rather than overcoming them. On the one hand, freedom of expression and on the other preserving the civil peace. This is a conflict, a contradiction really, of what I see as the European shared tradition. Free speech and preserving the civil peace came out of the bloody battles over religion in the 16th and 17th centuries. Out of these bloody wars came freedom of religion. On the one hand, freedom of expression is part of most of our founding documents. We share a commitment to protect the right to express one's opinions, even religious ones. The French declaration of human rights in 1789 influenced many of the United States' thoughts, laws and constitution about toleration towards religion. John Locke's letter about toleration, which he

wrote in 1685 while in exile in Amsterdam, set out the basic Anglo-American notion of these rights. Religious conscience should be out of reach of the ruler and should remain one's private domain, as long as one swears obedience to the ruler. This approach argued for toleration of dissenting Protestants of which Locke was one. But not the rights of atheists, how could you trust their word anyway? They don't believe anything, nor of Catholics unless they were willing to renounce allegiance to the Pope.

One can see on this side of the Atlantic, the echoes of this notion, in the debates and the uncertainties about John Kennedy's election in 1960. Of course, the possibility of the non-believer to be elected to high office here, often strikes European observers. Now the British version of this shared tradition is a bit different, it allows the continued establishment of the Anglican Church. The continued presence of a soft religiosity in the public sphere. As I mentioned, many Muslims support this lest secularism take over the public sphere and make everybody French. Of course, that is the great contrast because the French battle for freedom of expression was against the Catholic Church as a social and political institution, rather than for the right of the individual religious conscience. That was the Anglo battle. Such that anti-Catholic passions became, for many, anti-religious passions, and hence led to the notion of secularity. That is one of our traditions, the right to express our opinions, even religious ones. On the other hand, out of those same battles came the horror of civil war, and especially civil war over religious, ethnic or racial differences. This fearful memory is very much on the surface. I remember talking to the Ambassador from France to the United States and I said "When I am trying to explain the thing about the headscarves to Americans, I always have to talk about history" and he said, "YES! YES! It takes so long to explain anything about France because I have to go back too." And it's true. Very often the wars of religion and the way in which, Henry IV for example brought Protestants into the government, sought to lie religious tensions. This past summer, with my family, I remember talking to a guy from a little hill village who did watercolors and he was talking about how angry he was with the Catholics, who sent somebody to destroy his Protestant village. The sense of the social fabric being relatively delicate is still very much there. One cannot simply leave people to have their own opinions, or say whatever they want, because there is always the danger that the social peace will be threatened. Of course, the events since the religious wars only go to strengthen this sense, specifically the Holocaust. I can't help but quoting Blandine Kriegel who used to lead a Maoist cell and is now one of the high councilors to the center right president of France. In the discussion she had with me, she nicely contrasted French and Anglo-American notions of how you protect freedoms. She said, "In Anglo-Saxon thinking (she is a philosopher and knows what she is talking about) it is the concrete individual who has rights. Freedom of conscience is the foundation. In our tradition, these liberties are guaranteed through political power, which guarantees a public space which is neutral in respect to religion." You have to have the state working constantly to protect the civil peace, limiting people's rights of expression whenever necessary.

It is this concept of the state's role, to preserve civil peace, that helps to explain the government's decision in early 2004 to prohibit Muslim girls from wearing headscarves in public schools. The debates about the headscarves began in 1989 at a time when people began to worry about political Islam (The Islamic political party had just been created in Algeria). Many leftist intellectuals were especially against headscarves and were very worried about the legacy of the French revolution. These came together to leave people worried about headscarves in schools. In

1989 the first crises erupted in a school where there were three girls who tried to enter with headscarves on, and they were stopped and expelled. The King of Morocco got on TV and everything. The previous year though, the school photo had a girl in a headscarf to show the multicultural tolerance of the school. Things had shifted radically, both in the domestic and international sphere. Things quieted down and in 1993/1994 there was a new crisis, a new sense of worry, about the headscarves. A number of things were happening. There was the cancellation of Algerian elections by the generals. The division of French intellectuals over this, a number on the left, said “Yes, we support the generals...political Islamic movements are a danger” and they turned again on the girls. It’s always the women being the problem, it’s not the people, not the men who are actually creating the violence. It died down again though and in 2003, returned when in the post 9/11 world, worries about security were rising with regards to poor schools, violence against women and in general, and anti-Semitism in the poor suburbs or the poor outer cities of Paris. This convergence made it very easy for politicians to take the headscarf as a cause. There was also a bandwagon effect by the media and in the course of about 9 months, public opinion went from being against banning headscarves to being for banning them. Some of these concerns were shared by other European countries, but the French spin on all of this was to emphasize the importance of the public school as a place where religious and ethnic distinctions would be placed aside and where people would learn to be French above all else. That is an important part of the French position, and it’s not a bad one. But you have to recognize that it grows out of combat with the Church and where now the school plays one of the major integrating roles. In Britain, even after the recent bombings, expressions of personal religious beliefs in schools and other settings through dress and other ways, is seen as part of the social contract, rather than a threat to it.

The anxiety lest civil peace be threatened by religious, racial, or ethnic hatred goes beyond Islam. Those countries most directly affected by Nazism have lost making a public denial of the Holocaust a crime. Just a few weeks ago, the British author, David Irving, began a three year sentence out of a possible ten, in Austria, for having declared in print that Hitler’s plan was a myth, that the gas chambers were a myth, etc. Now he says he doesn’t believe that anymore, but he was still sentenced. It is illegal to deny the Holocaust in Germany, France, Belgium, Poland, the Czech Republic, Switzerland, and Slovakia, as well as in Israel.

International law already prohibits expressions of religious or racial hatred that incite violence or even hostility, but the European Convention on Human Rights goes even further. The Convention applies to all members of the council of Europe (46 member body including the EU countries, Turkey, most prospective EU members). This Convention on Human Rights has become increasingly important, especially as the European Court on Human Rights becomes more and more active in subjecting member state laws to scrutiny. France is one of the most often cited and criticized countries. Articles 9 and 10 guarantee the right of freedom of expression including, but not limited to, religious expression. But they also allow states to restrict those rights for a number of reasons, including “the protection of the reputation or rights of others” a clause interpreted by the European Court on Human Rights to include religious and racial sensibilities. European law, which applies to all these member states, forbids anyone from publicly saying or drawing in ways that would infringe on the rights or reputation of others, which includes religious or racial sensibilities. Moreover, under the principle of subsidiary, the court gives considerable latitude to member states to formulate their own versions of what is

necessary to protect those sensibilities. So when someone challenged France's law of Holocaust denials, the court ruled that because France had argued that denying the holocaust was one of the principle ways in which anti-Semitism was propagated, the law was a legitimate restriction of expression. France had linked it to infringing on the religious and racial sensibilities and rights of others.

In 2004, one of the members of the European Court on Human Rights told the French Parliament that a law banning headscarves on girls in public schools would be upheld by the court because it expressed a national consensus about how best to preserve special order. Shortly after that law was passed, the court did hear a case coming from Turkey and it in turn upheld Turkey's law which forbids Islamic scarves in universities as well as in other places. Member states have taken on these rights to prohibit a range of expression. Last October, a French court ordered a marketing company to remove posters which featured a version of The Last Supper. By French advertising standards, the women were pretty clothed and there was a man with a nude upper body turning away from the camera, but in the arms of one of the women. It is recognizably though, The Last Supper. The court agreed with the plaintiffs that the poster offended Catholic sensibilities and thus had to be withdrawn from public space. There is a new British law (we think of the British as being the ultimate in the right to free speech) allowing the prosecution of speech that is intended to stir up hatred of others based on their beliefs.

The Danish penal code allows for the prosecution of anyone that disseminates information that would insult or degrade a group on account of their beliefs, origins, or race. No need to prove incitement. So when Muslims in Europe ask for respect of their sensibilities, they are well within the range of European norms and laws on this issue. There is nothing "third worldly" about it. The initial demands, first made in Denmark, and then further into Europe, including some suits that are underway in France and elsewhere, are well within the range of European practices. Finally, Danish Muslims have a lot of ammunition for their claim that Denmark unevenly applies its own laws. They point out that the editor of the offending paper, had in 2003 rejected cartoons about Jesus on ground that they would offend Christians. Denmark probably has the most virulent public anti-Islamic discourse of all the European countries. It's far right party succeeded in making it so difficult for a Dane to obtain residency rights for a non-Danish spouse, that a rather large number of couples now live across the water in Sweden, a country that makes things quite a bit easier. They then commute, from Sweden to Denmark, because the spouse can't get residency papers. The campaign for this was an anti-immigrant campaign.

Other Scandinavian countries, although less so than Denmark, have shown similar reactions to the relatively new presence of Muslims in their countries. They by and large supported the Danes in the name of free speech. The British and French reactions were quite different.

The President of France condemned all provocations that could inflame passions on both sides. Even in France they condemned the publication of the cartoons as damaging to religious sensibilities. It is interesting to watch the far right in Europe because they have very different positions on this issue depending on their respective domestic politics. No British paper has published the cartoons. Both because they saw the overall public sentiment as strongly against publishing the cartoons and perhaps they also knew that most of the people that run the newspaper kiosks are from South Asia.

So Europeans are not all alike, so what? Well the debates within Europe point to the tension that is indeed our heritage. A tension between rights of free expression and limits on acts that could offend others and cause social harm. We here in the US live with that tension too of course, but many Europeans have a sense that their own barbarism is just too close under the surface, too close in their own recent past, an undeniable part of their own civilization, to be given free access to public space.

Question & Answer

Question:

What was the reaction to the publication of the Danish cartoons all about?

Answer:

I follow the French press pretty closely and there was an article in a French newspaper where the writer acted as if the Islamic objection to the cartoons is about a religious belief. Is actually, is about sensibilities. There has been a tendency to say “so what, cartoons, if they would only grow up and become ironic” like Jon Stewart for example, because then it would be fully civilized. Well this is a very patronizing notion and we in the west tend to take the last ten years of extreme enlightenment and say “this is where you all should be...why don’t you let women vote?” But France was one of the last countries to allow women to vote (post WWII), followed only by Switzerland. A little historical reflection would help maybe beginning with the clauses that already exist in European law regarding religious and racial sensibilities rather than pretending to judge the appropriateness or not of Muslim sensibilities.

Patricia Ellis:

You mentioned immigration and the current Prime Minister advocates an anti-immigration policy. It seems though, that it is one of the things causing all the panic. On the one hand it is important to have immigration, and on the other hand there is all this fear about it. I am wondering if you can address how this can be dealt with and also what happens to those that are moderates, and their voices, in such a polarized debate?

Answer:

One main problem is that we only hear about the problems. There are tremendous steps being taken, by Muslims and others to create viable long term religious institutions that fit the profiles of those countries. It would be helpful if we would divorce the issue of Islam fitting into French society from the problem of immigrants adapting and being accepted or not, which are often very different issues. Despite the French self-image of “oh, everyone has always fit in France perfectly until now,” the truth is that only after WWII were the Poles beginning to be accepted as long term residents of France. Before then, there was a great deal of often violent reaction in France against European/Catholic immigrants. Poles were often sent back. I don’t know what the solution is. I think to separate these two questions though, is quite important; of looking at immigration and looking at religious adaptation separately.

Question:

How was the reaction to the publication of the Danish cartoons of the Prophet Muhammad different across Europe? How was it interpreted in the United States?

Answer:

In part, I think the strong reaction by Muslims against what happened in Europe with the cartoons is augmented by the fact that on many foreign policy issues today Europe and the US are working together. It used to be the case that Europe was pro-Palestinian and the US was pro-Israeli, etc. But now on issues like Korea, Iran and Hamas, the French and American foreign policy positions are not very far apart. This, to some Muslims, is threatening. It is very important to know that even though France is usually taken to be the most secular state, which is true in a sense, the French approach to religion goes way back to Napoleon when he created public religions. This position is to support and control. Freedom of religion is more constrained in France and there are more limits. There is also much more state support for religion in France than in the US. If you want to start a private school, your teacher salaries are paid for by the state. The Cathedrals and the Catholic churches, the religious buildings that have been in existence since 1905 (when church and state were separated) are supported by the municipalities or the state. In the case of the Protestants, only half of their churches are maintained by municipalities or the state. In the case of Muslims, none, and in the case of Jews, about 10%. So why don't we have equal treatment? Well that is a debate within the French system.

I work with Muslim teachers, very religious minded people and most of them say that secularism is fine. They know that they have more religious freedom here than in other countries. In France though, crimes against Jews aren't treated the same as crimes against Muslims. There are cathedrals all around and when somebody wants to build a mosque, everyone gets upset. So the French are not consistent. But the principle is one that is taken seriously and is a perfectly good basis for immigration.

Question:

How do you see things changing in France and the United States regarding the treatment of Muslim minorities?

Answer:

It's very interesting. There is a very interesting convergence. If I were to predict, I would predict the following: a convergence of what we have been doing in the US and also what has been done in France, towards a less individual based and a more place based form of compensation or affirmative action. France has been doing something like this, and many people have proposed that that is the way to think about giving special aid to certain areas that would not violate our sense that we shouldn't [identify] people first and foremost by race or religion. Now let me say that the French are extremely inconsistent on this business of identifying people by race and religion. You may have heard of this kidnapping, torture and death of the guy in France which was committed by this gang of psychopaths, frankly. It was taken as an anti-Semitic act. There is a tendency in France to swing back and forth and to assume that something is anti-Semitic one time and then the next ignore it. This is a case where instantly the administration was calling it anti-Semitic on the grounds that the kidnapping was done because the guy was Jewish and would have money. But not because they hated him for being a Jew. It

was based on the stereotype of Jews having money. There was a very interesting editorial a few days ago saying “look what that’s doing to our nation of citizen’s first and racial/ethnic groups second.” So we are no longer talking about French people and their rights, but we are talking about Jews rights, Muslims rights, etc. So even though France, on principal grounds, is against treating these ethnic, racial, and religious identities as the main basis for dealing with people, they can’t follow through. They are very inconsistent.

Question:

I want to ask you a question about national identity and citizenship culture. I would stipulate that it is all related to economic opportunity. I asked the Turkish Ambassador what it was like to be Turkish in the Netherlands. How do you see the whole issue of feeling like you are part of the “we?”

Answer:

That is an excellent question and also an extremely complicated one. You knew that my first answer was going to be; it depends on which country we are talking about. A good friend of mine, an Iranian, now French philosopher and sociologist, wrote a fascinating book on Muslims and prisons recently. He was visiting me in the US last year and we went out see the Imam of our mosque. It’s a big mosque, just west of the city, very rich. The Imam was the president of the Islamic Society of North America for quite awhile and knew how things worked. My friend was really interested in how things work and also how the Muslims were treated here after 9/11. The Imam said that that specifically was a local affair and it depended on where you were. Afterwards, my friend said that the most amazing thing about the conversation was that whenever the Imam said “we”, he meant Americans. No Imam in France would ever say “we” to mean French people including “me”. “We are the foreigners and the French people are other people.” So there is this strong sense of disaffection. I think it is still the current issue of the Boston Review, which you can read for free online. I wrote a piece on the riots of last November and what I said was that there were all these economic causes like lack of jobs, etc. But there had to be something else, and the something else was the strong historical sense of the decades of exclusion, of not being one of the “us”. As recently as the early 60s during the Algerian war, citizens of France that were Muslim and from Algeria had a different citizenship status. The myth of France always having equal citizenship, is nothing more than that, a myth.