Islam in Europe: A clash of tolerances

By Dr Maurits Berger

Ladies and gentlemen,

Is Islam in Europe the arrival of a religion that is essentially anathema to the values that Christianity has represented in Europe for centuries? The heated debates in mainly West- European countries would make us believe so. But the arguments are often not well substantiated and emotional.

In terms of *religious* values, Islam is as close to or as far removed from Christianity as Judaism is. Talking of an exclusive 'Christian-Jewish heritage' unique to Europe is a recent construct that is perhaps politically correct but does not reflect Europe's long and bleak history of malicious treatment of Jews and Judaism. Moreover, one could argue that Christian Europe and the Islamic Arab world have an equally longstanding albeit antagonistic common history.[1]

Is a fruitful and peaceful existence of Muslims and their religion possible in Europe? Of course it is. The main problem I foresee is not a clash of religious cultures, but of religious tolerances. As long as Muslims in Europe are perceived as a religious community, and the debate consequently focuses on a yet to be developed religious tolerance, Europe's policies vis-à-vis Muslims run the considerable risk of missing the intended goal of making Muslims integrated part of European societies.

In this article I will argue that religious tolerance is the wrong approach when it comes to Muslims in Europe. I will do so by first explaining the different forms of religious tolerance based on the Christian-European and Islamic-Arab experiences. Then I will discuss the confusion in European contemporary policies on how to deal with Muslims in Europe, and its resulting ambiguous approaches to religious tolerance.

1. Concepts of religious tolerance: the European and Arabic examples

The treatment of every religious minority is ultimately related to the concept of religious tolerance. How religious tolerance is shaped and conceptualized, however, depends on the historical, political and social circumstances of the particular environments that these minorities live in. The experiences of Christian Europe and the Islamic Arab world[2] are illustrative examples of how different this concept may work out.

Islamic Arab world

An important social and historical difference between the Christian-European and Islamic-Arab world was religious demographics: Christian rulers in Europe ruled over predominantly Christian subjects, while Muslims constituted a minority during the first centuries of their empire. This

[1] This argument is made persuasively by Richard W. Bulliet in *The Case for Islamo-Christian Civilization*, New York: Columbia University Press, 2004.

[2] With this term I refer to the geographical area from Morocco to Iraq, including the Gulf countries. This used to be, by and large, the territory of the Muslim Empire of the first centuries of Islam, later to be incorporated into the Ottoman Empire.

typical feature of the Islamic empire arose from the fact that upon their swift conquest of the large area from Morocco to Afghanistan, the Muslims were confronted with large indigenous populations with other religions, mainly Christian and Zoroastrian. Different from what Western popular lore wants us to believe had the Muslims no intention to convert their non-Muslims subjects. There were several reasons for this reluctance. First, the Quran explicitly prohibits forced conversion. Also, conversion would mean a loss of income for the Muslim rulers since non-Muslims were obliged to pay a poll tax. Muslims only gradually – in some parts even after several centuries - became the majority in the Islamic empire, due to the conversions of non-Muslims, whereby historians agree that the main inducement for non-Muslims to convert to Islam was to avoid this poll tax.

Having resolved not to convert their non-Muslim subjects, the Muslim rulers had to decide how to deal with them. They did so by granting the non-Muslim communities the legal status as *dhimmi*s, or 'protected peoples.' This meant that non-Muslims under Islamic rule were granted the freedom to continue their religious ways and to have their lives and goods protected by the state in exchange for their submission to Islamic rule, a second-class citizenship and the payment of a poll tax. In practice the treatment of the *dhimmi*s not always concurred with this legal status, and there were many instances of discrimination and occasional persecution, although this differed from city to city and region to region.

However, discrimination of non-Muslims, both legal and in practice often centred on their legal and public status and much less on their religious freedom. The various non-Muslim religious communities were granted unhindered freedom and virtual autonomy in matters of religion. Catholics, Orthodox, Jews, and their many sectarian subdivisions appointed their own community leaders and maintained their own religious laws. This also included family law for which courts

were established independent from the state courts.

Christian Europe

In Europe, on the other hand, the religious demographic situation was entirely different. The inhabitants of Europe in medieval times were all Christian. The Christian population of early medieval Europe encountered very few non-Christians, except perhaps Jews and, even less so, Muslims.

Jews has gradually entered Europe since the 2nd century, to be expulsed from Western and Middle Europe in the 15th and early 16th century, and allowed back after 1570 from which period onwards they have more or less integrated into European society until new waves of anti-Semitism erupted in the 19th century, culminating in pogroms and finally the Holocaust. With the exception of Catholic Spain in 1499 and periodic incidents in those times, the Jews in Europe were generally not forced to convert. However, their religious freedom and practices were limited to what the Christians believed to be the correct interpretation of the Old Testament, the pope being the ultimate judge of what constituted correct Jewish doctrine.

The other group of non-Christians in Europe was the Muslims. First there were the Muslims of Spain, who ruled a caliphate for seven centuries until the finalization of the *reconquista* of Muslim Spain in 1492 left them with the choice between conversion and emigration. Less than a century later, Europe was confronted with conquests by Muslim Turks of the Ottoman Empire in the Balkans and Eastern Europe. The situation of the Spanish and Turkish Muslims was different from the Jews, however, since the Muslims never lived as minority communities within Christian Europe.

Religious tolerance for Christian Europeans as an answer to the question how to cohabitate with other faiths was therefore not related to Muslims or Jews. It became an important issue only in the twelfth century with regard to Christian heretics and

sectarians. It took several centuries of religious conflict until religious tolerance was actually being put into practice in order to settle the violent strife between Catholics and Protestants.

Religious tolerance of (non-Christian) minority communities in Europe became again subject of debate in the 20th century, first with the virulent anti-Semitism against Jews, later with the large numbers of (mostly Muslim) immigrants.

2. European and Arabic concepts of tolerance

There is a general consensus in contemporary Western literature on defining tolerance as a deliberate choice not to interfere with the conduct of which one disapproves. This definition has two aspects. First, tolerance is exercised by someone who has the power to also *not* tolerate the conduct he disapproves of, but nevertheless chooses to be tolerant. When certain behaviour is tolerated or rights are granted, the tolerator merely indulges himself. Second, tolerance is exercised in matters involving firmly held beliefs. It implies that the tolerator strongly objects to a certain behaviour or opinion, but nevertheless decides to accept it.

These characteristics are shared by the religious tolerances as described in Islamic and Christian discourse. In the Islamic-Arab world the dominant Muslim majority had the power not to accept non-Muslim beliefs, which, in cases like consumption of wine and pork and the belief in Christ as the Son of God, are indeed abhorrent to a Muslim believer. But Islamic doctrine nevertheless agreed to 'leave them [i.e. the non-Muslims] and what they believe.' A similar approach to religious tolerance was taken in Christian-Europe, albeit more reluctantly and often less successful.

Communal and individual approaches

However, the practice of religious tolerance differed considerably between the two worlds. This difference can be briefly

summarized as the Islamic-Arab doctrine maintaining a communal approach to religious tolerance, while the Christian-European approach acquired an individual quality, especially after the Catholic-Protestant strife of the sixteenth and seventeenth centuries.

In Europe, the inter-Christian conflicts were resolved, not by granting special rights to particular religious minorities, but by separating church and state, and granting freedom of religion to individuals rather than to communities. Religious minorities were protected indirectly, by guaranteeing individual freedom of worship. Western tolerance as we know it now has developed from the freedom of religion of the individual into the larger concept of liberalism, with its strong emphasis on individual freedoms and rights.

Religious tolerance in the Islamic-Arab world, on the other hand, has maintained its communal form even after the *dhimmi*-status was abolished in the Ottoman Empire in 1856, and all subjects of the Ottoman Empire were considered citizens equal before the law and the state, regardless of their religion. The Christian and Jewish citizens kept their community structures with its autonomous leadership and family courts. This privileged status has been more or less continued by most Arab countries today.

Pro's and con's of the communal approach

Assuming that the reader is familiar with the European individual model, let's pay a closer look at the Islamic-Arab communal model. Its main characteristic is the lack of any direct interaction between the state and the individual, for the freedom of religion is granted to communities not individuals. The non-Muslim communities enjoy protection against religious persecution and the absence of state meddling in religious affairs, and consequently may even be allowed to manage their own religious and family law affairs. But this protection does not extend to the individual members of these communities. In case of religious disputes,

for instance, the communities may act against renegade or dissenting individual members. These have no recourse to the state, for religious matters belong to the exclusive jurisdiction of the community authorities. Nor will the state interfere when the communities amend their family laws in ways that would violate legal tenets of the state law.[3]

The communal approach furthermore institutionalizes what would nowadays be called a multicultural society – but here being a multi-religious society. The recognition of religious minority communities allows these communities to coexist with each other and with the larger Muslim community while maintaining their differences on essential issues. Christian rules and values may for instance be incompatible with those of Islam, but each community can live according to its rules within the confines of its religious-legal boundaries.

There is another characteristic to the communal approach that Westerners will consider reprehensible but which is perceived by many Arab Muslims *and* non-Muslims as just and advantageous. This is the issue of the individual's freedom of choice to be part of a religious community. In the Islamic-Arab system the religious communities are not voluntary associations. Membership is pre-determined by religion. The individual who wants to step out of his community has no choice other than to convert – although he will then become member of the community of his new religion. Not belonging to a religious community is in most cases not an option, not even in most modern Arab countries. One's religion determines one's social, and, definitely, one's legal identity.

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[3] Only in exceptional cases will the state intervene in such amendments. See for the case of contemporary Egypt, Maurits S. Berger, 'Public policy and Islamic law: the modern dhimmi in contemporary Egyptian family law' in: *Islamic Law & Society*, 2001, (Vol. 8, Nr.1).

As said, most Westerners will consider this an intolerable restriction to the individual's freedom of choice. However, most Arabs perceive this communal system not in terms of freedoms, but as a right, i.e. the right to belong to one's community and to practice one's religion. From this perspective, tolerance could be defined as allowing an individual to belong to a community and to have the community's rules applied, rather than allowing him to choose his own religious community or even stay without any religious status.

3. Muslims in Europe: a lack of vision and strategy

Does all this mean that Muslims in Europe propagate a communal approach to their minority presence, which is clashing with the traditional individual approach of Western European countries? If only it were that simple.

What we are presently witnessing is more a reverse situation, with Muslims identifying themselves indeed as Muslims but not actually manifesting themselves as a cohesive community, while the societies and governments of European countries perceive them as a community and even pressure them to organize themselves as such.

Are we to conclude then that Europe is switching from an individual model to a communal one? It looks that way, but insofar as we can discern a 'model' in the ambiguous European strategies vis-à-vis the Muslims it is quite different from the one conceptualized in the Islamic-Arab world.

The main difference is the European top-down approach. European politics towards Muslims are initiated by governments rather than by the Muslims themselves. Although t is true that Muslims in Europe increasingly attach importance to their Islamic identity, but so far they have expressed little need to act as a community of Muslims. There may be a shared Islamic identity, but linguistic, ethnic, national and even religious fault lines often run deep. What we see therefore is not

the Muslims organizing themselves or manifesting themselves as a coherent community and demanding some kind of recognition or status from their governments, but the other way round: governments and societies consider Muslims a community and develop policies to that extent.

The second difference between the current European policies and the Islamic-Arab model is the cause for the top-down approach: European governments actually have a vested interest in approaching Muslims as a community. (In the Islamic-Arab model such interest was almost non-existent.) This interest is related to the large influx of migrants who are facing and sometimes causing serious problems in their new European environments, and these problems need to be addressed. Now that Muslims and Islam have been highlighted as playing a particular and mainly negative role in this, European states want Muslims to organize in order to get a finger behind the many problems.

There are of course Muslims that indeed organize themselves on religious grounds. Whether this is done under pressure of society or governments or on a voluntary basis is hard to tell, but most European states welcome such development because it provides them with contact points with the 'Muslim community'.

Imaginary communities

Does this mean that a new European communal model is being developed? If so, it has two major flaws: it is based on imaginary communities, and it designates religion as the identifying factor of this community.

The communal approach of European governments and societies relies on the assumption of the existence of a Muslim community. That is odd now that we have observed that Muslims in Europe do hardly manifest themselves as a coherent community. Still, the random use of the terms 'Muslims' or 'Muslim community' have

become commonplace, although they are without any social, legal or political conceptual framework.

But the label 'Muslim' has become part and parcel of the present debate and there is no turning back. In that way 'Muslims' have become part of European society. This, however, has created the next flaw in the European communal approach. Using the term Muslim implies that the actions of that person are religiously inspired. The social, economical, and cultural problems that the first and second generations of migrants face in Europe – and these problems are many, often very serious, and sometimes even perilous to society at large – are in the case of Muslims frequently traced to what is perceived as their primal identity, i.e. Islam.

Islam receives much attention because it is considered the source that may explain the problems caused or experienced by Muslims, and that may perhaps provide the answers to these problems. Journalists, police, policymakers, doctors and nurses, teachers – they all take crash courses Islam in order to understand their difficult clients, pupils, patients and students. It is very doubtful if that is helpful, and there is a serious risk that after such courses the Muslims will be even more treated as 'Muslims', hence again sustaining and enhancing the imaginary Muslim community.

Addressing religion in order to explain and solve societal problems is unique in recent European political tradition. It is also a misguided approach, for it runs the risk of creating Muslim minorities rather than dealing with them.

4. Tolerance, minority rights and civil rights

How to address the issue of Muslims and Muslim minorities in Europe? We have seen that European strategies and policies in this respect are often quite ambiguous, mostly because they lack a conceptual basis or a consequent strategy. The policies pursued by most European countries hinge on a mix of

minority status and religious tolerance, but to my opinion neither are very helpful.

Tolerance polarizes

Let us return to religious tolerance as a broad concept. Although this rings benevolent bells in European ears and allures to past histories of communal harmony – 17th century Holland being a case in point – it is not the right principle to use when dealing with Muslims in contemporary Europe.

First, religious tolerance can be exercised in different, even diametrically opposed ways, as has been illustrated by the European and Arab examples. Mixing these models will inevitably lead to confusion, as seems to be the case in contemporary Europe where the traditional individual approach is replaced by a half-hearted communal approach in order to confront the new phenomenon of Muslim 'communities'.

Should Europe then embrace the communal model as practiced in the Islamic-Arab world? In my opinion the disadvantages of that model outweigh the advantages, especially in the case of the communal model denying the individual's right of choice *not* to belong to a religious community.

There is another reason why I strongly object to religious tolerance as a point of departure to develop community policies, for it is based on differences rather than commonalities. Tolerance and religious tolerance in particular, implies that people and communities are defined on the basis of otherness, i.e. on the basis of what differentiates 'us' the majority from 'them' the minorities.

Also, tolerance is essentially a power play for tolerance means that a majority is willing to tolerate certain disagreeable behaviours or beliefs of a minority. Practicing tolerance implies that the majority needs to decide what it will and will not accept to tolerate, and the minority claiming and explaining the importance of certain values that in their

view need to be tolerated. However laudable and therapeutic such a debate may be, there is a considerable risk that it may turn quite nasty since it is in essence an identification of differences that one is not willing to accept from the other. Tolerance, in other words, leads to a polarized discussion with the majority deciding in the end.

Minority rights

Should Muslims then be treated as a minority, with specific minority rights? It must first be stated that the minority rights are a new comer to the European political-legal arena, and as a concept are quite underdeveloped.

Moreover, Europe is more at ease with *ethnic* minorities than with *religious* minorities. Here we see the ambivalence of Europe's communal approach: on the one hand one urges Muslim communities to organize in order to establish some form of 'contact points' with these communities, but shies away from considering them actual minority communities.

This shows for instance in the working of Convention for the Protection of National Minorities, adopted in 1995 by the European Council, which allows for identities on the basis of culture, language, traditions and religion, but leaves the definition of 'national minorities' to each European member state. Member states that have ratified the Convention have mostly identified minorities on the basis of nationality, ethnicity or language. So far, it is only Sweden that has recognized a religious minority (Jews).

Considering the issue of minority rights and Europe's unease with them, Europe may be in for some surprises on the issue of 'Muslims in Europe'. For if one considers that a) Muslims are urged to organize as a community, b) Muslims are increasingly identifying on the basis of Islam, and many do so to underscore their otherness, and c) international legal instruments stipulate rights for religious communities, we may very well witness in the future that European

Muslim communities will actually invoke those rights in order to have a separate status granted to them.

I personally hope that it will not come this far because such a development would, again, only emphasize the differences between Muslims and 'the rest'. That is not only unnecessary but also contrary to what European governments and societies actually want, namely a Muslim community that is integrated into European society.

Civil rights

A much more fruitful approach, in my view, would be to discuss the position of Muslims in terms of civil rights. Civil rights are not about tolerance that focuses on the differences between people, nor about minority rights that are based on separation, but about rights that apply to everyone regardless of gender, colour, sexual preference, or religion. Muslims who want to claim the right to be different can do so, on the basis of rights that all people have in common.

Another advantage of civil rights is that Muslims, insofar as they deem it pertinent to identify themselves as such, can appeal to these rights both as individuals and as communities. It would perhaps even be in the best interest of Muslims if they organize themselves not as a community but as an emancipation movement.

From the perspective of governments, a civil rights approach would mean that the emphasis is not on Islam, but on the civil issues at hand. Taking out the religious dimension would mean a refocus on the actual problems rather than on imaginary causes or on imaginary communities.

The civil rights approach takes out the polarization that is the basic characteristic of tolerance, takes out the separateness that is the basic characteristic of minority status, and relates differences and identities to the unifying factor of rights that apply to all.

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