

Anti-Muslim racism and the European security state

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Abstract: Across Europe, the ‘war on terror’ is having a major impact on race relations policies. New legislation, policing and counter-terrorist measures are casting Muslims, whether settled or immigrant, as the ‘enemy within’. In the process, the parameters of xeno-racism, which targets impoverished asylum seekers, have been extended to Muslim communities. Islam is seen as a threat to Europe, which is responding not only with draconian attacks on civil rights but also with moves to roll back multiculturalism and promote monocultural homogeneity through assimilation. Hence ‘integration’ measures – like France’s banning of the hijab – become an adjunct to anti-terrorist law. This is not just ‘Islamophobia’ but structured anti-Muslim racism.

Keywords: al Qaida, assimilation, civil rights, hijab, integration, Islamophobia, multiculturalism, war on terror, xeno-racism

Europe is, we have been warned, facing a ‘global threat’, posed, post-September 11, by ‘Islamic extremism’. In a speech to his Sedgefield

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constituency, Prime Minister Blair spoke in apocalyptic tones of a threat that is ‘real and existential’; that needs to be fought ‘whatever the political cost’.¹ Yet the threat to our ‘values’, to nations that are ‘free, democratic and benefiting from economic progress’, comes not just from Blair’s many-headed monster of ‘international terrorism’, but from a domestic peril of Europe’s own making. And, arguably, it will have longer-lasting results and inflict greater damage on European civil society, traditional values and way of life than any external danger. It derives from the very way that that danger is conceived and, hence, the measures taken to counter it. It is inherent in the counter-terrorism measures the EU has adopted since September 11, which extend the definition of terrorism, as it is in the emergency laws passed by member states which undermine the fundamentals of justice. It marks the first stages in Europe’s assumption of a fundamentally different authoritarian paradigm of the state. It is based on a concept of national security that is shot through with xeno-racism – which is the precise term Sivanandan uses to describe the new racism that has emerged across Europe over the last ten years and is directed at those who, displaced and dispossessed by globalisation, are being thrown up on Europe’s shores.² It is xeno in form in that it is directed against foreigners irrespective of colour; it is racism in substance in that it bears all the hallmarks of demonisation and exclusion of the old racism – and the mechanisms that set that foreign-ness *in situ* are legal and structural and institutional.

What appears to have happened post-September 11, though, is that the parameters of that institutionalised xeno-racism – anti-foreignness – have been expanded to include minority ethnic communities that have been settled in Europe for decades – simply because they are Muslim. Since Islam now represents ‘threat’ to Europe, its Muslim residents, even though they are citizens, even though they may be European born, are caught up in the ever-expanding loop of xeno-racism. They do not merely threaten Europe as the ‘enemy within’ in the war on terror, their adherence to Islamic norms and values threatens the notion of Europeanness itself. Under the guise of patriotism, a wholesale anti-Islamic racism has been unleashed which itself threatens to destroy the fabric of the multicultural society.

It is in this context that we need to understand the new drive, across Europe, towards assimilation. Assimilation is being forced through by the adoption of a number of measures, which include the recasting of citizenship laws according to security considerations; the introduction of compulsory language and civics tests for citizenship applicants; codes of conduct for the trustees of mosques; a cultural code of conduct for Muslim girls and women who, in some areas of Europe, will be forbidden to wear the hijab in state schools and other state institutions. But in order to understand how an assimilationist minority ethnic

policy serves as an adjunct to anti-terrorist laws in the security state, it is first necessary to consider the political rhetoric of security that European leaders deployed in the aftermath of September 11 to justify the subsequent invasions of Afghanistan and Iraq. It is impossible to divorce the current debate on the 'limits of cultural diversity' from the war on terror.

The securitisation agenda

After the events of September 11, no one could argue that al Qaida did not pose a threat to the US or that its tactics were not those of terror. As close allies of the US and active participants in the first Gulf war, EU governments would have considered themselves at risk from al Qaida suicide bombers and the activities of sleeper cells. Germany, shocked that the September 11 plot had been hatched in Hamburg, arrested four Algerians after uncovering evidence of a conspiracy to bomb the Strasbourg Christmas market in 2000. The British authorities, too, were alarmed when Richard Reid, a young British-Caribbean convert to Islam, attempted to blow up a commercial flight using explosive devices hidden in his shoes. EU states would have been irresponsible had they not taken proportionate measures to protect their citizens from al Qaida terror attacks. The problem, however, was that the response to September 11 was not proportionate. Not only did the EU pass resolutions and initiate legislation that brought a whole array of unrelated issues under the rubric of the war against terror, but the most prominent European heads of state (with the exception of the German chancellor and the French president) played a vital role in creating the myth that the West was in 'imminent' danger from Saddam Hussein's weapons of mass destruction and that Saddam had high-level contacts with al Qaida going back a decade.

Even in the immediate aftermath of September 11, when the focus on al Qaida might have been expected to be at its sharpest, the EU reacted by bringing a whole array of dissidence – not just 'foreign terrorist organisations' but anti-globalisation protests, animal rights activism, subversive youth subcultures and so on – under the remit of counter-terrorism. The EU Common Positions and Framework Decision on combating terrorism, passed in December 2001, broadened the definition of terrorism considerably. Terrorist activity was no longer confined to extreme violence committed for political ends; now any action designed to 'seriously damage a country or international organisation' or that 'unduly compel[led] a government to act in a particular way could fall within the definition. If the notion of undue compulsion or serious damage still implies that extreme violence is integral to the concept of terrorism, this was belied by the subsequent inclusion

under the definition of all those who gave terrorism ‘any form of support, active or *passive*’ (emphasis added).³ In this way, new crimes of association with terrorism were created. Henceforth, individuals fighting for ethnic self-determination, for instance, but who do not pursue their goals by violent means, or knowingly assist with the preparation of violent acts, could come under the scope of European anti-terrorist laws.

Member states subsequently began incorporating the EU Common Positions and Framework Decision into domestic law, leading to the introduction by some states of emergency legislation and new anti-terrorist laws. Others amended existing public order, criminal justice and aliens’ legislation and extended police powers. Crucially, both approaches led to the creation of a shadow criminal justice system for foreign nationals, including asylum seekers, who would, in future, be denied basic civil liberties and human rights. Countries such as France, Italy and Sweden have deported foreign nationals suspected of posing a security risk, thus abandoning the principle of non-refoulement according to which foreign nationals cannot be extradited to a state where they risk persecution, the death penalty, torture or other degrading treatment.⁴ The UK Anti-Terrorism Crime and Security Act 2001 (ACTSA) introduced internment without trial for foreign nationals only, twelve of whom have been incarcerated at Belmarsh and Woodhill prisons without trial for two years.⁵ The detainees have been charged with no crime, are unable to see the evidence against them and are confined to their cells for twenty-two hours a day.

In effect, EU governments have used the opportunity that September 11 afforded to expand the definition of terrorism and spread the tentacles of the security state in previously unthinkable ways, albeit Europe is no stranger to political movements that target civilians for bombings and other attacks. The thirty-year war in Northern Ireland, the ongoing conflict between Spain and Basque separatists, and in France over the future of Corsica, are the most obvious examples of conflicts that have claimed the lives of civilians, either at the hands of the state or paramilitary movements. Yet these real material outrages never led to the kind of blanket security measures engendered by September 11 and now justified *post hoc* by the March 11 terrorist attack in Madrid.

This is not to say that European states did not attempt to manufacture consensus for draconian policies in Northern Ireland or the Basque Country, for instance. But consent was manufactured through the idea that separatist violence could be contained on the periphery; the general public were encouraged to maintain a Blitz-style solidarity in the face of further potential attacks. However, after the events of September 11, European publics have been encouraged to think in an entirely different way, viewing any bombing in any part of the world

as a direct threat to each individual's personal security. Criminologist Janne Flyghed has argued that the expansion of anti-terrorist measures has come through the depiction of 'imminent danger of dramatic proportions without a shred of empirical support'. 'Repeated references to certain spectacular events produce a false consciousness of impending danger' and are linked to 'perceptions of non-specific and diffuse, but nonetheless serious threats. The objects of these threats are also often quite difficult to define', but include "'the national security'", "the safety of the nation", or "public order and safety", concepts whose content and applicability can vary according to the political situation'.⁶ In essence, there are no distant parts of the world anymore, no peripheries. Or, rather, the periphery is at the centre, its boundaries determined by xeno-racism.

The constant reference to spectacular events, like those of September 11, then, serves a wider political agenda; that of manufacturing consent to increasingly intrusive surveillance and the circumscription of personal freedoms through the evocation of fear. The British government, for instance, has been engaged in 'illiberal experiments to govern by way of the exception' involving the adoption of 'extraordinary measures against those we are encouraged to consider as the outcast'.⁷ The 'outcast' is necessary, as both threat and scapegoat. Radical lawyer Gareth Peirce has described how the politics of fear emerging around 'national security' takes effect:

'National security' has a seductive ring. It frightens off political disagreement. It frightens the population and makes it more subservient to authoritarian measures. It widens a circle of fear as the ever-expanding notion of national security perceives a nation's interests as being capable of being directly affected by events all around the world. It creates an exaggerated degree of fear and an exaggerated degree of threat, and it is of immense importance to governments and governmental institutions which have an inherent desire to act in secrecy and to hide material from which vital national decisions are made from scrutiny.⁸

The role of the security services

In this climate, security services across Europe are expanding rapidly. In the UK, for example, the Special Branch is now two-and-a-half times larger than it was during the cold war and the conflict in Northern Ireland. Other European security services are growing similarly. At the same time, western interventions in Muslim countries provide yet more opportunities for the media to demonise particular groups, even nations, serving 'to weave general public opinion into a global warfare against Muslims'.⁹ As lawyer John Upton has noted, public

opinion is often manipulated through the grossest of stereotypes and simplifications. 'We are told that we face a complex, overwhelming threat, yet we are given the crudest means of deciphering our predicament: caricatures of Saddam, of bin Laden, of suicide bombers and evil imams. These are the cartoon ogres in whose shadows we are encouraged to unite.'¹⁰

A system of religious profiling

What use are the security services making of their additional resources? All the evidence suggests that rather than taking targeted action against individuals with a demonstrable link to al Qaida or its associates, they are systematically building up widespread intelligence about particular groups or communities deemed potential security risks. This concurs with Hörnqvist's observation, elsewhere in this issue, that belonging to a particular community or group is, in itself, a security threat. From this, it is a short step to the deployment of coercive measures against particular groups, whether the punitive and unappealable nature of detention for aliens under the Terrorism Act or low-level police harassment around mosques.

Profiling by the security services has developed in two stages. The first concentrates on suspected 'enemy aliens', primarily foreign students, asylum seekers and refugees, overwhelmingly (but not exclusively) from Muslim regions of the world. The EU Common Positions on combating terrorism instruct all member states to vet all asylum seekers to determine whether they have any connection to terrorism, including that notorious catch-all of 'passive' support for it. A file is created on each person/family, detailing information on their political and trades union activity in their countries of origin or any country they have stayed in. In Denmark, Germany and Norway, the intelligence services have specifically targeted foreign students as a high-risk group and embarked on a process of religious profiling of non-EU students. The Danish Police Intelligence Service (PET) and the Norwegian Police Security Service (PST) place a duty upon universities to collaborate with security services' intelligence-gathering procedures on the grounds that foreign students may attempt to register at university to access information or equipment that might be used to produce weapons of mass destruction.¹¹ The German system of religious profiling of foreign nationals from Islamic states, which started with universities but has since been extended to private businesses, is unprecedented in scale. By April 2002, the federal states' criminal investigation department had assembled 6 million personal records and singled out well over 20,000 potential suspects, even though there was no concrete evidence against them. To qualify for inclusion on this list, a suspect has to be of (presumed) Islamic religious affiliation, 'from an Islamic state', aged between 18 and 24 and not previously have

come to the notice of the criminal investigation department.¹² Who is more suspect than a young Muslim man with no police record?

Second, in the UK, as elsewhere in Europe, the intelligence services have moved on to profile Muslim communities wholesale, citizens and non-citizens alike. From information amassed by British lawyers and the Campaign against Criminalising Communities (CAMPACC), we can begin to piece together some kind of picture of how the intelligence services operate.¹³ Here, it would seem that support for international causes is key to whether a Muslim will come under scrutiny. According to the *Observer's* home affairs editor Martin Bright, the police and the security services, in viewing Islam *per se* as the threat, fail to recognise the diversity of the Islamic movement. In the event, they lump together genuine political dissidents and numbers of ordinary Muslims with individuals whom most would regard as terrorists, thus obfuscating rather than clarifying any possible genuine threat.¹⁴ Furthermore, given the attacks that followed September 11, western security agencies have become more dependent on intelligence agencies in the Arab and Muslim world, leading to even more confusion. These agencies are hardly noted for their political independence or respect for human rights; rather, they most often act as the repressive arm of authoritarian regimes practising state terrorism. Such agencies could well attempt to use European intelligence services as a vehicle for targeting dissidents from domestic Islamist movements, albeit those dissidents do not share the same ideology as al Qaida and have sought refuge in the West.

In Britain, Muslim individuals are apparently suspect if they fought in Afghanistan against the Russians (when the US was funding the Mujahedin) or in Bosnia (against ethnic cleansing). They may have opposed, either actively or passively, the military junta in Algeria or the Russian occupation force in Chechnya. As Palestinian refugees opposed to Israeli state terror, or opponents of the western-backed regimes in Morocco, Tunisia, Turkey and Egypt, they also come under scrutiny. From here, the intelligence services go on to 'stigmatise whole communities as terrorist networks with communal, friendship and political networks stigmatised as "associated with terrorism"'.¹⁵ Even the giving of small amounts of money is treated as evidence of financing terrorism. The trustees of mosques fall under suspicion if they have been involved in fundraising for international causes, as do Muslim charities and NGOs involved in humanitarian relief to Palestinians in the occupied territories, for instance, or Chechens in the refugee camps of Ingushetia. Under anti-terrorist laws, all these acts can be construed as 'passive' support for terrorism on the grounds that, even though the emergency relief was not destined for terrorist organisations, some of it may have ended up in their hands. (Hence, Home Secretary Blunkett, in announcing plans to extend anti-terrorist laws

still further, has proposed the use of civil orders against those who are fundraising or engaged in propaganda work on the 'periphery' of terrorist organisations.¹⁶⁾

For governments and intelligence services that view the Muslim community through the lens of Islamophobia, support for all such international causes is proof of Islamic fanaticism. But viewed through the lens of human rights, coming to the aid of people under occupation and at risk of serious human rights violations, even genocide, could be construed as the same kind of idealism that motivated anti-fascists to join the International Brigade and risk their lives fighting Franco.

Policing a suspect community

The reaction of European intelligence services, caught off guard by September 11, was to expand their sources of information. The formation of the International Coalition against Terror ensured, as already stated, that additional intelligence would be derived from intelligence services abroad. However, not only are these the agencies of states that have their own repressive agendas, but their already skewed information is then fed into the pre-existing ignorance and prejudice of western security agencies. Failure to understand the history and socio-economic conditions of the Arab and wider Muslim world that have given rise to popular Islamist movements is a poor starting point for liaison with and evaluation of foreign intelligence sources. How this works in practice is evidenced in a study by Fouzi Slisli, published in 2000. He details how the military junta in Algiers, which prevented a democratically elected Islamist FIS government from taking office in 1992, created a 'comprehensive circuit of misinformation, feeding directly upon western prejudice and hatred of Islam'.¹⁷ Restored to power, the Algerian junta's security services set out to terrorise the FIS's popular base. From 1994 to 1999, an estimated 12,000 people disappeared after being arrested. Another 17,000 were sent to concentration camps in the desert and an estimated 120,000 people were killed. Yet, today, it is that same Algerian security service, together with others of its ilk (and not just in the Arab world), that feeds information to European intelligence services.

If our intelligence services are caught up in this circuit, if they cannot distinguish between ordinary Muslims and terrorists, then the security state hardly represents the people's best hope of protection from al Qaida-style terrorist attacks. It is also quite conceivable, in such a climate, that anti-terrorist police operations are premised on anti-Muslim stereotypes and a culture of suspicion.

Indeed, a pattern of punitive policing is emerging across Europe, characterised, in the first instance, by large-scale police operations in Muslim communities based on misinformation from the intelligence

services. For example, in January 2003, sixteen North Africans were arrested in co-ordinated raids throughout Catalonia, accused by the Spanish authorities of being part of a cell that provided information and support to other Islamist terror groups and conspiring to manufacture the poison ricin. During the raid, one of the accused, who was asleep in bed, awoke to find his door being blown open. Thinking at first that there was a fire and the men charging into his room were fire-fighters, Smail Boudjelthia was forced face down on to the floor by armed police demanding, among other things, how often he went to the local mosque. Three Muslim organisations issued a joint statement expressing horror at the 'indiscriminate' nature of the raids. They complained of 'unnecessary violence', with police 'breaking into homes in which children and pregnant women were sleeping'. Police actions of this kind, they said, wiped out years of collaborative work with the local authority and voluntary organisations 'to promote mutual respect, harmony and integration'. The statement warned of the 'danger of equating Islam or religion with terrorism, or, which is the same thing, seeing an immigrant and a terrorist as the same'. The organisations condemned terrorism – anyone responsible should be punished – but 'you can't generalise and blame a whole people for terrorism, in the same way you can't say that all the Basques are terrorists because we know ETA kills too'.¹⁸

In January 2003, in Germany, the Central Council of Muslims in Baden-Württemberg and ten other Muslim organisations issued a statement criticising the arbitrary and irresponsible nature of police raids which had been carried out simultaneously on houses of prayer and the offices of Muslim organisations in Stuttgart, Mannheim and Freiburg. The raids on mosques (13 December 2002), during which a total of 617 worshippers were checked and detained for several hours, led Muslims to feel that they were being treated as criminals and as though they were engaged in some sort of war. It is alleged that, during a raid on a mosque in Stuttgart-Cannstatt, a 77-year-old pensioner was led away in handcuffs because he did not have his identity card on him. In Mannheim, 600 police officers, with truncheons drawn, forced their way into the mosque of the Islamic Workers' Association. The police justified the operation on the grounds of the danger posed by Islamic terrorism and on the basis of a suspicion that false passports were being manufactured and distributed at 'particular Islamic meeting places' to aid 'a network of Islamic extremists'. All in all, the raids led to eight arrests, most of which were connected to infringements of the aliens' law.¹⁹ For the Muslim organisations, the raids had broken down trust and all possibilities of future co-operation. At a stroke, it would seem, the police and intelligence services, by alienating potential allies in enhancing the security of all, exacerbated and made more opaque any potential genuine threat.

The effect of heavy-handed police raids on Muslim meeting places and homes is also of primary concern to the Muslim community in the UK. According to the Muslim Safety Forum, set up in the wake of September 11 to liaise with the Metropolitan police, British Muslims feel discriminated against and victimised and are losing faith in the police. There is particular concern about the extension of stop-and-search powers. According to *Statewatch*, more than 71,000 stop and searches were conducted in the year 2002–3 as part of anti-terrorist operations. But arrests were made in only 1.18 per cent of cases, the vast majority of which were not connected to terrorism.²⁰

How can Muslim organisations, which backed strong action after September 11, be expected to acquiesce in such methods of policing? One has only to look at the history of Northern Ireland to see where military-style policing operations lead. Following the Emergency Provisions Act 1978 and the Prevention of Terrorism Act 1974, an estimated 60,000 people, the overwhelming majority of whom were innocent, were brought into police stations for questioning.²¹ Widespread alienation of the Catholic community from the policing process was the outcome. Or take France, where a series of bomb attacks on the Paris underground in the 1990s led to the launch of the Vigipirate anti-terrorist plan. Under this, gendarmes and riot police were deployed to guard schools, transportation hubs, government buildings and centres of tourism in French cities. In recent years, these security measures have been tightened in the 'Islamic suburbs', effectively militarising French housing estates. (The latest internal security act has introduced a two-year jail sentence for the new offence of loitering in stairwells or other communal areas of tower blocks.) But this massive extension of police anti-terrorist powers has not been matched with checks and safeguards on police behaviour. Between 1992 and 1998, at least seventeen young North Africans have died in police custody, yet no police officer has ever been successfully charged with manslaughter, let alone murder.²² Meanwhile, the French ideal of the 'indivisible Republic', which means that every citizen is regarded as French only and that the existence of ethnic minorities is not officially recognised, ensures that the impact of the Vigipirate on the Muslim community is never investigated. The anger of young people at the injustices they suffer from the forces of law rages on. Sporadic uprisings are quelled by the police who are given more and more powers; Muslim youth are locked into a cycle of discrimination and criminalisation which is not only a major injustice in itself, but a) also serves to promote, rather than dissipate, any threat, and b) heightens already widespread perceptions of insecurity among the population at large.

Crimes of association

Astonishingly, throughout the world, only one person, Mounir al Motassadeq, has ever been convicted in relation to the September 11 attacks. But even that conviction, in a German court in 2003, has now been deemed unsafe. In March 2004, Klaus Tolksdorf, presiding judge at the Federal Criminal Court, ordered Mounir al Motassadeq's retrial; the judge criticised the US authorities for refusing to allow testimony from a key al Qaida captive that could prove crucial in establishing the defendant's guilt or innocence. There is not space here to discuss this controversial case in detail. What is critical, however, is that Mounir al Motassadeq's initial conviction does not appear to rest on any substantial material evidence but on the fact that he was a friend of the Hamburg September 11 hijackers. Al Motassadeq's retrial came after the earlier collapse (in December 2003) of a second case arising out of September 11 involving the Moroccan Abdelghani Mzoudi, a friend of al Motassadeq. The judge ruled that there was not enough evidence to proceed against Mzoudi. Mzoudi's lawyers had submitted that the only evidence against him was that he had fought in Afghanistan, that he was a friend of the hijackers and that he had done them favours. But these were simply of the kind typical between Muslims and not evidence that Mzoudi was part of a terrorist conspiracy.

These two cases are indicative of a wider trend, in which arrests and prosecutions are based not on material evidence but on 'crimes of association' – that is, association with terrorists or with the associates of terrorists. (It is a moot point how far such regression could be taken.) The case brought against Smail Boudjelthia (see above) also apparently stemmed from the presumption of guilt by association. The French intelligence services originally requested the Spanish to act on the grounds that a terrorist suspect linked to the plot to bomb the Strasbourg Christmas market had stayed at Boudjelthia's apartment. But, as Boudjelthia commented after his release, 'Many Algerians who come through Banyoles stay here. I could not tell you who they all are. Even the local Red Cross brings Algerians to our door if they arrive in town and ask for help.'²³ Also in Spain, a detention order was issued against the al Jazeera war correspondent Tayssir Alouni,²⁴ who was charged with membership of al Qaida, financing an al Qaida cell and acting as a courier for al Qaida. This, too, seemed to be based on guilt by association. Alouni had taken money (around US\$4,000) to Afghanistan for a wedding and to the relatives of Syrian exiles who wished to help their families back home. Alouni's argument is that he transported the money and opened his home to people now under investigation out of Arab hospitality; other contacts with suspected terrorists in Afghanistan took place as a result of his journalistic

enterprise in gaining access to al Qaida and the Taliban. Al Jazeera's directors have written to the Spanish prime minister describing the charges against Alouni as 'verging on the absurd'. The International Federation of Journalists described the arrest as the 'continuation of a concerted campaign against the Arab media in general, and al-Jazeera in particular'.²⁵ Following the international outcry, Alouni, who has a heart condition, was released from top security prison on bail. The sum set for bail (€6,000) is hardly what one would judge sufficient for one of Spain's thirty-six most wanted terror suspects!

Among many cases too numerous to list here, one that stands out is that of Ibrahim Buisir. Notably, Buisir is an Irish citizen and director of the Irish branch of the Islamic Relief Agency. He was arrested following a tip-off from the US intelligence services in Dublin in September 2001, along with three other men. On arrest, the men were vilified in parliament and convicted in the media; one article in the Irish *Telegraph* was headlined 'Irish base of al Qa'eda network "found above undertakers"'.²⁶ Yet, after forty-eight hours, the men were released without charge. The Islamic Relief Agency is a charity raising funds for emergency relief in Chechnya, Bosnia, Kosovo, the Palestinian territories and Afghanistan. Buisir, it seems, was arrested because he was said to have associated with Hamid Aich, an Algerian engineer believed to be involved in a foiled plot to attack Los Angeles airport during the millennium celebrations. But, on his release, Buisir told the press that he only knew Hamid Aich because they prayed 'at the same mosque . . . he was not a friend or someone I knew well'. The mosque that Buisir attends has since been attacked by drunks who tried to burn it down and beat up the caretaker. Worshippers complain that they are being 'made into scapegoats because we are Muslim'. 'I feel angry and hurt and I am afraid for my wife and kids', said Buisir, 'any lunatic might shoot me because my name has been linked with bin Laden . . . Many Muslims are afraid now. We face pressure from the security forces and we face the threat of racism.'²⁷

Trial by media

In all these cases, the bias of the intelligence services, the police and the media has combined with the current political agenda to create a culture of suspicion against Muslims. The intelligence services and the police are often the only sources of information for the media, which then feed off them to construct alarmist and distorted pictures of spectacular threats. Speeches are made in parliament demonising the accused, and police and intelligence services are praised for foiling devastating plots and preserving 'national security'. The mass media substitute for the court – the press becomes not only the arena where the suspect is tried, but judge and jury too. The prosecution's case

is enunciated by anonymous 'security' sources, while the defence is denied a voice. There is, as UK human rights lawyer Gareth Peirce has noted, 'a tidal wave of contemptuous coverage, putting in jeopardy any hope of a fair trial'.²⁸ But then, in the current punitive climate, media furore has to stand in for due process – for so weak are some of the 'cases' initiated, many do not come to trial at all.

Take, for instance, the case of twenty-eight impoverished Pakistani street vendors who were arrested in Naples in January 2003, while Prime Minister Berlusconi was in Washington to express Italy's support for a US-led war to disarm Iraq. These twenty-eight men, many of whom were without residence papers and scraped a living on the streets of Naples, were arrested on suspicion of 'association with the aim of international terrorism, possession of illegal explosive material, falsification of documents and trafficking'. The press immediately reported that an 'al-Qaida terrorist cell' had been uncovered, citing an anonymous police source who claimed that a plot to assassinate Britain's chief of defence staff Admiral Sir Michael Boyce had been foiled, as well as plots to attack the US consulate in Naples and nearby tourist spots from Pompeii to Capri. The combination of dynamite, explosive fuses and detonators seized 'could', said the police official, 'have blown up a ten-storey building'. He added ominously that religious texts in Urdu and other documents had also been found in the men's apartment, as well as photos of 'martyrs of the Jihad'.²⁹

The Pakistani community in Naples and the Pakistani embassy in Rome were shocked at the way the men were depicted as terrorists. Friends told the press that the street vendors had been living in appalling conditions in a room in a building rented from the local mafia; one of the substances seized was a kind of sugar sent from Pakistan; the fanatical texts cited by the police were nothing more than laminated prayer cards from the Koran. Two weeks after the men's arrest, a judge ordered the release of all twenty-eight. There was no evidence that the defendants were linked to al Qaida and they had not been aware of the explosives in the flat (probably deposited there by the building's mafia owners).

Another case, the so-called 'ricin plot' to poison commuters on the London underground, demonstrates the hysterical nature of the interplay between the intelligence services, media and government.³⁰ The 'ricin plot' story first emerged in the UK on 17 November 2002 when the *Sunday Times* claimed on its front page that MI5 had foiled a poison-gas attack on the underground. Six men arrested under the Terrorism Act (2000) were said to be part of an al Qaida network operating out of Europe that had been planning to release a 'gas bomb' on a crowded tube train. Home Secretary David Blunkett, although distancing himself from the *Sunday Times* article, commented on the arrests

and described the men as part of a ‘terrorist cell’.³¹ When the six appeared in court, no allegations about explosives or chemicals were made and there were no claims that the suspects had any materials for the manufacture of bombs. During a television interview, the home secretary had to be reminded of the Contempt of Court Act and Deputy Prime Minister John Prescott later admitted that there was no evidence of any plan for a gas or bomb attack.³² Five of the men have since been charged with immigration offences relating to the forging of documents; a terrorism charge is still outstanding against the remaining defendant, but it does not relate to preparation for chemical warfare.

End of story? The ‘ricin plot’ has developed a life of its own. In Ireland, two months after the arrests, the security services told the press that anti-terrorist gardai and military intelligence were on full-scale alert amid fears that associates of the ricin cell arrested in Britain might move to Ireland to escape the massive police pressure on them in English cities.³³ In France, the arrest in January 2004 of a Muslim family accused of providing logistical support for the Muslim fighters in Chechnya has been linked to the UK ricin plot.³⁴ The Spanish case of the sixteen North Africans (see above) led to a major ‘ricin scare’ that was immediately linked to the UK ricin plot; the defendants were said to be in possession of white powder. A police press release stated that the men had ‘provided information and support to other Islamist terror groups, had explosives, used chemical products and had connections with terror cells in Britain and France’. The then President Aznar held a press conference declaring that the men ‘comprised an important network of terrorists connected to al Qaida’ and that their arrests highlighted ‘the danger of terrorist groups getting hold of [weapons] of mass destruction’.³⁵ President Bush congratulated the Spanish authorities on their pre-emptive action, and, in a speech to the UN Security Council on 5 February 2003, US Secretary of State Colin Powell cited the arrests as an example of the links between Baghdad and bin Laden. His slide-show presentation connected the Spanish suspects to London’s ricin plotters. After months of such prejudicial coverage, the case against the sixteen North Africans collapsed before it was brought to trial. The bottles and flasks containing what police claimed were explosives and chemical products held cologne, olive oil, honey, household ammonia and washing powder.³⁶

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So far, most – though not all – of the cases I have discussed have involved migrants and exiles, the flotsam and jetsam of a global tide that enriches the few, impoverishes the many and criminalises the mere struggle to survive. Thrown up on Europe’s shores, they are vulnerable both to the awesome power of the European state and to the

repressive reach of their countries of origin; they are vulnerable because of their marginality, their lack of rights, their poverty. They are an easy target. But any self-respecting threat to national security demands not only the enemy at the gates, but the enemy within. Fortuitously for the state, the enemy without and the enemy within are linked by their adherence to a faith that stresses community. As some of the cases discussed above indicate, this has already been turned to account by a xeno-racism that views Tayssir Alouni's hospitality as evidence of criminality, or Smail Boudjelthia's open house as evidence of conspiracy.

But, even so, the enemy within presents a more thorny problem. While the 'threat' posed by foreign nationals may be dealt with by heavy-handed policing and any combination of repressive measures (who, apart from a few 'airy fairy' civil liberties lawyers, is really going to care?), how is the state to monitor and control suspects if they are Muslim by religion, but European by birth or naturalisation? While 'enemy aliens' have few legal rights and can be dealt with via a shadow criminal justice system, 'enemy citizens' are protected by written (or unwritten) constitutions, the rule of law and the European Convention on Human Rights. And the judiciary, as the UK home secretary found to his cost when he proposed extending anti-terrorist legislation to British citizens, is loth to accept this fundamental expansion of the security state.³⁷

Yet, across Europe, the state presses on. For at the same time as each state exaggerates fear to legitimise its foreign adventures, it too is fearful. The intelligence services are fearful because any bombings that do take place on the European continent reflect a failure of intelligence (as seen so clearly in the aftermath of Madrid). Politicians are fearful that political Islam may take root in socially deprived 'immigrant' communities. Belgium has already threatened to proscribe the Arab European League, which rose to prominence in 2003 following the racist killing (never officially acknowledged as such) in Antwerp of an Islamic religious affairs teacher of Moroccan origin. It fears that the League, with its self-defence patrols and Black Power rhetoric, signals the emergence of a Belgian version of African-American Islam. Danish newspapers warn of the 'time bomb' posed by Copenhagen neighbourhoods that are overwhelmingly populated by 'immigrants'.³⁸ France is fearful that the Islamic subcultures practised in 'cellars and garages' (the words are those of the French interior minister) bring rage, pathology and dysfunction.³⁹ The UK is fearful that the shoe-bomber Richard Reid and the two British-Asian suicide bombers recruited by Hamas are indicative of a wider trend. Governments and security services fear the mosque where global injustices towards Muslims are discussed; they fear the influence that 'foreign imams', with their anti-western agenda, could have on disaffected youth; they fear anything and everything associated with Islam.

But they are so lost in their own political machinations that they are unable to appraise these fears rationally. To do so would mean adopting economic and political solutions that do not conflate domestic problems with the war on terror. It would be to recognise that the alienation of second- and third-generation 'immigrant' youth was widespread long before the rise of radical Islamic movements like al Qaida. A rational approach would address the socio-economic exclusion of working-class Muslim communities from mainstream society, grant basic citizenship rights so long withheld in many European states, especially from the youth. A rational approach in the cradle of the Enlightenment would speak to young people's grievances by commissioning inquiries into the high levels of deaths in police custody of young North African people; and as in France, so in Belgium. But because governments appear to have lost all ability to appraise their fears rationally, the fear takes on the form of paranoia in which any sign of cultural difference – like wearing the hijab for instance – is interpreted as 'a sort of aggression' (the words are those of French President Chirac) and a symbol of anti-western sentiment.⁴⁰

National identity and the move to monoculturalism

It is via the debate on national identity, taking place across Europe, that the state is seeking to steer 'race relations' policy away from multiculturalism towards monoculturalism and cultural homogenisation. In each country, the national identity debate has coalesced around a pattern of events and themes specific to that country; new policy directions have been grafted on to the approaches traditionally adopted towards minority communities. Each nation moves towards the assimilationist model in a way that is consonant with the myths upon which that nation has been built. In the Netherlands, the theme of the national debate has been 'standards and values'; in Sweden and Norway, cultural barriers to inclusion; in the UK, 'community cohesion'; in France, the principle of *laïcité* (state secularism); in Germany, the primacy of the '*Leitkultur*' (leading culture); in Denmark, the 'intolerant culture' amongst immigrants that prevents integration; in Spain, public safety and crime. But even though the terms through which the debate is entered differ, it is always linked back to immigrant communities and cultures and the threat that multicultural policies pose to core values, cultural homogeneity and social cohesion.

One consistent element of all the debates is the implicit premise that Muslims are collectively responsible for the reactionary cultural practices and customs upheld by a few. This mirrors the pattern established in anti-terrorist prosecutions founded on defendants' guilt by association. The views of a few rabble-rousing anti-western imams are presented as symptomatic of the whole Islamic community. 'Honour

killings', genital mutilation of African girls, North African youths who carry out gang rapes are, it would seem, all part of one Islamic cultural continuum. Girls who wear the hijab are linked to patriarchal Islam. Mothers who can't speak the language bring up children who cannot be educated who grow up into criminals who refuse to be integrated. The debate is always one of 'us' and 'them'. The idiom used humiliates and stigmatises. Seldom is the 'other' given a hearing, except to confirm our prejudices.

The stereotyping of all aspects of Muslim culture as backward creates a climate in which politicians and the media can attack multiculturalism as the cover behind which reactionary cultural practices flourish; according to them, it is liberalism that, by treating different cultures as of equal merit, endorses religious fundamentalism. Government policy-makers have been at the forefront of this debate. In the UK, we are told that criminal practices such as forced marriage and genital mutilation have been allowed to continue because of an over-emphasis on 'cultural difference' and 'moral relativism' (Blunkett).⁴¹ In France, that '*communautarisme*', which takes account of the cultural needs of minority communities, has led to a 'guilty mentality which has led our country to doubt its own values and its own history' (Fillon, social affairs minister).⁴² In the Netherlands, that the nation 'does not constitute an aggregation of different cultures' (Balkenende, Dutch prime minister);⁴³ in Spain, that 'Multiculturalism is precisely what splits society' (former Prime Minister Aznar).⁴⁴

In almost every case, the debate about 'diversity' has been opened up through one specific event, or combination of events, and taken up intensively by the media and parliament. In several countries, like France, the Netherlands, Sweden and the UK, there have been parliamentary or quasi-parliamentary investigations into the failures of past integration policies. While the urban riots in northern England in summer 2001 followed years of heavy-handed policing of Asian communities, especially youth, economic collapse of those areas and local authority collusion in *de facto* segregation, the later deliberations of the government into these events, and the conclusions reached, came to be underscored by the fears and stereotypes engendered by September 11. The Home Office's Community Cohesion Task Force (set up before September 11) had already been charged with opening up a national debate around the need for a new framework of core values, based on instilling a sense of civic responsibility into communities that were perceived to be culturally lacking in such qualities. September 11 sealed the fate of that debate. In Sweden, the trigger for a review of integration measures was the tragic murder, by a member of her own family, of Fadime Sahindal, a Swedish-Kurdish woman who had campaigned against extreme patriarchal values in the Kurdish community. Even though the media debate allowed alternative migrant

voices to break through and provide explanations not couched solely in 'cultural' terms, the parliamentary committee set up to investigate integration focused just on culture as the barrier to it.

In the Netherlands, it was not a perceived cultural deficit that triggered the national debate about 'standards and values' but the assassination of the anti-immigration populist leader Pim Fortuyn and the subsequent emergence of his party List Pim Fortuyn. Nevertheless, cultural deficit was where it ended up. Prime Minister Balkenende kicked off the debate when he announced that it would focus on two themes: young people who abuse the tolerant mainstream culture and people from other cultural backgrounds who are not open to Dutch culture and fail to learn the language. In the process, a parliamentary commission set up to investigate thirty years of official integration policy fell victim to the debate. The impartiality of the Hilda Verwey-Jonker Institute, which in the past had advised the government on multicultural policies, was questioned and, even before the ink was dry on the commission's report, there was cross-party criticism of its findings. The commission's crime, it seems, was to suggest that integration was a two-way process. Most migrants, it reported, had in the past succeeded in integrating into the Netherlands 'in spite of' rather than 'thanks to' government policy. This was all too much for government coalition parties who condemned the report as 'wrong' and 'weak'. A cross-party parliamentary report published in January 2004 concluded that the attempt to create a multiethnic society had been a dismal failure; huge ethnic ghettos and subcultures were tearing the country apart and the risk of polarisation could only be countered by Muslims effectively 'becoming Dutch'.⁴⁵

Given the vast amount that has been written about the French government's 'Law concerning the application of the principle of secularism in schools, junior high schools and high schools', it would seem self-evident that the trigger for debate about national identity in France was the growing number of young Muslim girls wearing the headscarf.⁴⁶ But, according to statistics from the Education Ministry and Renseignements Généraux, in 2003, there were just 1,200 reported occasions on which girls wore the hijab at school.⁴⁷ Rather, the 'national identity' debate was triggered when the first football match between France and Algeria since the war of independence was stopped prematurely after huge numbers of French-born Arab youth, seeing Algeria losing, ran on to the pitch chanting 'bin Laden! bin Laden!'. The incident shocked French sensibilities and was presented as evidence of Islamic fundamentalism, leading to hysterical warnings about an intifada simmering at the heart of France, an Islamic fifth column, the 'unassimilability' of certain immigrants and an American-style 'race problem'. Press and parliament began to debate whether French housing projects (*cités*) – already the focus of the

Vigipirate – had become nodes in a global jihadi network stretching from Algeria to Chechnya to Afghanistan.⁴⁸ Two commissions were set up, the most important of which was the Stasi Commission (a cross-party group of parliamentarians headed by the former minister Bernard Stasi). Both were charged with evaluating the state of *laïcité*. The Stasi Commission immediately cast doubt on the official statistics on those wearing the headscarf, alleging that the number was far greater. It peppered its report with claims that the girls were being manipulated by ‘politico-religious activists’, ‘extremist politico-religious tendencies’, an ‘activist minority’, ‘organised groups testing the resistance of the Republic’, ‘communalist politico-religious groups’, without giving any clue to the actual identity of these shadowy bodies.⁴⁹ Out of 150 people invited to give testimony, only one was a French Muslim woman who wears the headscarf. Saida Kada told the commission that the ban would fan the flames of extremism and do nothing to end the alienation and discrimination experienced by Muslims.

The end of multiculturalism

The security state demands a cultural policy towards minorities based on cultural homogenisation and forced assimilation. It eschews pluralism and fears diversity. The security state spells the death of multiculturalism.

The integration contract

Citizenship laws are being redrafted to provide a new code of conduct for applicants for citizenship and family reunification. Specific measures penalise those who fail to abide by it. Multilingualism, when the languages involved are non-European, is to be discouraged. Dual citizenship in itself is now viewed as a threat to European national security.

Moves to alter procedures regarding family reunification have been made possible at the EU level by the Council of the European Union Directive on the Right to Family Reunification. This allows member states to subject children over 12 to an integration test before authorising their entry and residence. Most member states have now moved to change the law on family reunification. In France, for instance, applicants for family reunification can only obtain a residence card after their relative has been in France for five years and on condition that integration has been ‘satisfactory’.

Many northern and western European countries have introduced what is explicitly termed an ‘integration contract’. The responsibility of applicants for citizenship to integrate is emphasised. Hurdles are erected over which new applicants must pass in order to establish

that they have accepted European values and norms. Each country has its own approach, but in each the 'integration contract' is linked to the debate over national identity. French social affairs minister François Fillon, for instance, has been reported as saying that an integration contract is necessary 'to combat the threat of dissolution into culturally distinct communities that would threaten France's national identity'.⁵⁰

The most far-reaching version of the integration contract has been drawn up by the Netherlands government. Newly arrived immigrants, those who have lived in the Netherlands for decades, the Dutch-born children of immigrants and even those who hold Dutch passports if they are from Netherlands Antilles and Aruba all come under its scope. However, those holding a certificate testifying that they are officially 'integrated' will be exempt, as will citizens of the US, Canada, Australia, New Zealand and Japan.

In other countries, too, to gain residence rights or citizenship, applicants will have to pass language and civics tests (or take instruction in 'values'); in the UK, applicants for citizenship must also take an oath of allegiance to the Queen (although technically we are her subjects, not her citizens). The tie-up between language and integration is, of course, not in itself intrinsically racist. But the compulsory element of the tests, the negative manner in which the debate is carried out – as though migrants are not eager to learn European languages given the opportunity – all fuel hostility towards outsiders. It sends out a political signal that those with a different mother tongue and from a different cultural background pose a threat to national homogeneity. And, in a climate of fear, hostility and suspicion, homogeneity is fast becoming western Europe's security blanket. In relation to Switzerland, Stefanie Gass, an ethnologist specialising in immigration affairs, has identified an additional factor. She believes that a written language test imposed by the town of Ostermundigen for those applying for citizenship is really a form of immigration control; that communities are adding extra requirements for citizenship in a bid to reduce numbers. 'It doesn't look like a vision of integration to me', said Gass, 'more like a criterion for selection.'⁵¹

There is also a punitive element to these policies. Those who fail tests will have to leave the country (Austria) or be fined (Netherlands, Austria), have social security payments cut (Netherlands) or have residence rights removed or limited (France). In Norway (not an EU country), a new crime against the state has even been created. An African-Norwegian man who refused to allow his Algerian-born wife outside the home without permission and without the veil, and who repeatedly beat her and their children, has been jailed for three years. He was convicted of 'actively preventing his wife integrating in society'. The tough jail sentence implies that Norway finds the crime of 'preventing

integration' more offensive than the actual bodily harm of women and children. So much for the campaign against domestic violence.

There have also been direct attempts to restrict the citizenship rights of second- and third-generation youth, as well as to subsume citizenship laws to anti-terrorist legislation. Denmark has brought in legislation that strips children born to foreigners of their existing automatic right to citizenship. Its new anti-terrorist law also gives immigration authorities and security services a broader mandate to exchange information on citizenship applicants, without the consent of the individual involved. (This is yet another example of a xeno-racist administrative measure, in this case abolishing 'foreigners' rights under EU data protection law.) The Danish government may also bring in legislation to strip those who have been naturalised of their citizenship rights if they threaten the independence or security of the state, or are deemed a threat to national security. Changes to the UK nationality and immigration code have already made it possible for those with dual nationality to lose UK citizenship for behaviour 'seriously prejudicial' to British interests. A new aliens' law in the Netherlands aims to abolish the right of third-generation 'immigrants' to hold dual nationality. Christian Democrat MP Mirjam Sterk said in parliament that: 'The keeping of two passports hinders the integration of immigrants.' 'You are not a real, complete Dutch person because you also have another passport', she added.⁵²

A climate in which draconian anti-terrorist legislation can, with so little public opposition, be extended to those with citizenship rights or refugee status has been fostered by the activities of a few fundamentalist Islamic preachers, most notably in the UK, Germany, Norway, Italy and Spain. There have been widespread calls for the deportation of the 'mad mullahs' and 'evil imams', who made provocative and inflammatory statements after September 11. Despite the fact that mainstream Muslim organisations have repeatedly made it clear that they deplore the comments of these men, these few cases have been the focus of media attention – and the media have not scrupled to tar all Muslims with the same fundamentalist brush. All Muslims who practise their faith, that is, are guilty by association until proved innocent – except that the proof is never enough; their allegiance is, at best, irredeemably split and, at worst, cover for something far more sinister. This climate of fear and suspicion legitimises a Europe-wide assault on dual nationality. In a security state, dual nationality can no longer be tolerated for it suggests an equal allegiance elsewhere. Even to speak your mother tongue, it would seem, suggests latent disloyalty and lack of patriotism. When Dutch immigration and integration minister Hilbrand Nawijn (a member of List Pim Fortuyn) told imams in Dutch mosques to preach in Dutch, he also asked them to convince Muslims to comply with the values and customs of Dutch society.⁵³

The religious code

European states are now in the process of erecting legal and administrative structures which allow the state to build up detailed information on Muslims not because they are terrorist, but because of their religious affiliation. Establishing Muslims as a community apart is a further step towards xeno-racism; is it also the first step towards criminalising a whole faith? As already noted, a system of religious profiling is widespread in Germany. But another chilling example of administrative xeno-racism is provided by the Dutch parliament which, soon after the events of September 11, initiated a national survey on the beliefs and activities of its 800,000-strong Muslim population. This, among other things, sought to quantify how many Muslims could legitimately be classed as fundamentalists.

An unwritten code is emerging to govern the activities of mosques. The entry of foreign clerics to Europe is to be restricted. Those allowed in will have to undergo a training course focusing on European values. The swift deportation of foreign clerics who represent a threat to public safety, public law and order, health, public morality or other rights is to be ensured. In the UK, the trustees of mosques and their activities are to be more closely regulated, particularly through charity laws. Trustees must also submit the mosque to intrusive intelligence-gathering exercises by the security services. Muslim organisations in the UK complained in August 2003 of visits from the security services to 100 mosques and Islamic organisations across the country in which imams were interrogated about their attitudes towards al Qaida and the Taliban.⁵⁴ The Italian interior minister, Giuseppe Pisanu told the press that mosques were henceforth to be kept under close supervision for the ‘wagers of Holy War and agents of foreign interests’.⁵⁵ Proposals currently under consideration state that the building and financing of any new mosque be subject to a local referendum – for the mosque is ‘symbolic of a civilisation . . . in antithesis to Western culture’.⁵⁶ In less overblown tones, Danish interior minister Bertel Haarder announced that Friday prayer sessions would be monitored to ensure that imams did not advocate anti-democratic values and attitudes.⁵⁷

In vain have Muslim organisations pleaded with governments not to exaggerate the influence of ‘political Islam’ in the Muslim community or to stigmatise all Muslim religious leaders for the anti-democratic attitudes of the few. They believe that clerics who preach a message of virulent hate represent a danger to the Muslim community, in much the same way that the British National Party and neo-Nazi skin-heads pose a threat to the white working class. Governments should deal with the genuine problems posed by foreign clerics who oppose the rule of law through dialogue with the Muslim community. They have chosen instead full-on ideological confrontation, often using the megaphone of the popular press. They have blurred the terms of the

security debate from the need to take action against the ‘evil imams’ to more generalised accusations against Islamic sites of worship – a case of ‘tough on mosques, tough on the causes of mosques’. Indeed, they have gone further, using the security debate to suggest that Islam needs to be purified of ‘foreign influences’. This has been expressed most clearly by the interior ministers of France (‘we want to rid Islam in France of foreign influences’) and Italy (‘We envision an “Italian Islam”, that is, one that is integrated into the reality of our country, that abides by the laws and that speaks Italian’).⁵⁸

Indeed, the very *design* of the mosque is coming into question. Local populist campaigns – often spearheaded by the far Right – against the building of new mosques (the site of terrorism, after all) have been legitimised by a number of local authorities that require the design of mosques to be less Islamic, less ‘ostentatious’ and more integrated into European architectural practices. For example, it is estimated that there are a total of 1,500 Muslim meeting places and mosques in France, but only a handful have domes or minarets because planning permission is denied by local authorities on the grounds that such identifying details are unnecessarily ostentatious, even inflammatory.⁵⁹ In the Netherlands, following a campaign by Liveable Rotterdam, Rotterdam Council asked the Moroccan community to modernise its architectural plan for a new mosque in order to incorporate a ‘concept of integration’. The original was considered ‘too Arabic’ or, as the Rotterdam mayor helpfully put it, ‘the dissemination of faith is sometimes expressed more by reserved, rather than explicit dissemination’.⁶⁰

The cultural code

The move to ban the headscarf is the final facet of anti-terrorist-inspired assimilationist measures being put in place across Europe. The French law banning the wearing in all state schools of ‘oversized’ religious symbols, which also includes the Jewish skullcap, the Christian crucifix and the Sikh turban, comes into effect in September 2004. As of April 2004, two German states have approved bans on Muslim teachers from wearing the hijab and several other states are in the process of approving similar legislation. This followed a ruling by the German Constitutional Court in a case brought by the Baden Württemberg education authority against Fereshta Ludin, whose wearing of the headscarf was deemed ‘a sign of holding on to the traditions of her society of origin’ and thus an expression of ‘a lack of cultural integration’. While the Constitutional Court ruled that wearing the hijab did not violate the religious neutrality of the state, it held that individual states were free to bring in legislation expressly forbidding religious symbols in the classroom.⁶¹

Once again, the debate is carried out in terms that stigmatise and humiliate. It is a debate even more virulent when it is led by western

feminists, particularly parliamentary feminists, who claim to draw inspiration from the struggles of Muslim women in the Arab world who have fought against state-imposed dress codes. But the fact that some Muslim countries force women to wear the hijab can never justify non-Muslim countries in forcing them to take it off. A secular state should ensure the same range of choices to all its citizens, excepting only that these do not cut across the range of choice of any other citizen.⁶² While European governments should certainly uphold the rights of girls or women forced to wear the hijab against their will, they should not use state power to force on any individual a dress code, whether culturally or religiously determined. Human Rights Watch concludes that to recognise this in no way undermines the principle of state secularism. 'On the contrary, it demonstrates respect for religious diversity, a position fully consistent with maintaining the strict separation of public institutions from a particular religious message.'⁶³

Where will it all end? Already, in France, the paranoia about the hijab is taking on the dimensions of a modern witch-hunt. The French government is considering introducing a 'secularism charter' for other public institutions, including town halls. President Chirac wants the law changed so that private businesses can also ban the hijab and other religious symbols. Other proposed measures would stop patients refusing treatment from a doctor or nurse of the opposite sex; would ban women-only sessions in municipal baths. Education minister Luc Ferry has said that he is determined to ensure that the ban will not be 'circumvented' by new religious symbols. 'As soon as anything becomes a religious sign, it will fall under the law', he told MPs. 'When a beard is transformed into a religious symbol it will fall under the law.'⁶⁴ And Fillon, the minister responsible for integration, has called for the French nationality code to be revised so that the wearing of the hijab be reasonable grounds for the Conseil d'Etat to reject an application for citizenship.

Nor is this just a French concern. The Belgian parliament is considering draft legislation; politicians in Sweden and Norway are initiating a debate on the headscarf. In Baden-Württemberg, a new state law forbidding teachers from wearing it cites a paragraph in the regional education act which states that a teacher's behaviour should not demonstrate that they are against human dignity, equality and human rights. The hijab does not merely stand for religion, but is also a symbol of cultural self-isolation and part of the history of the oppression of women, argues the education minister. But as this does not hold for western religious educational and cultural values, the law will not apply to the crucifix or Jewish skullcap. In the Netherlands, parliament is considering a proposal to allow the state to deny immigrant parents the right to select a school for their child – after all,

their choice might reflect pressure from the local imam. The suggestion is that a ‘family coach’ be appointed to assist ‘problem’ immigrant families whose children fall behind at school; the coach would then choose the school.⁶⁵

France boasts of the Enlightenment values it spread throughout Europe. But its ill-conceived ban on the hijab – apparently also spreading across Europe – represents a direct threat to the European tradition of human rights. It is an assault on the European Convention on Human Rights and Fundamental Freedoms and the Universal Declaration of Human Rights, both of which protect freedom of religious expression. By opposing the creation of a shadow criminal justice system beyond the ordinary rule of law for ‘enemy aliens’ and by opposing a system of compulsory assimilation for ‘enemy citizens’, we uphold the most important principle of all: the universality of human rights as indivisible by race, nationality or religious affiliation.

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- 31 Ibid.
- 32 Ibid.
- 33 *Irish Independent* (18 January 2003).
- 34 *Guardian* (12 January 2004).
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- 36 Ibid. Following the Madrid bomb attack of 11 March, four of the sixteen North Africans, including Smail Boudjelthia, have been placed under administrative detention. It is alleged that they manipulated their mobile phones in a way similar to the Bali and Madrid bombers. An initial accusation that they provided logistical support to a French Algerian cell that planned to bomb the Strasbourg Christmas market has also been resurrected.
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Anti-terrorism and human rights

A NEW REPORT WHICH EXAMINES HOW, POST-SEPTEMBER 11, THE US APPROACH TO COMBATING TERRORISM HAS COME TO PREDOMINATE IN THE EU AND HOW ANTI-TERRORIST MEASURES HAVE IMPACTED ON HUMAN RIGHTS STANDARDS AND THE RULE OF LAW ACROSS EUROPE.

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