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John D. Snethen
Indiana University School of Law

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The Crescent and the Union:  
Islam Returns to Western Europe

JOHN D. SNETHEN *

INTRODUCTION

Almost 1,300 years after Charles the Hammer turned back the Muslim incursion into Frankish territory, 1 Islam has a foothold in Europe, though under more peaceful circumstances and a different international system. Today, because of Muslim migrants who began arriving in Europe from North Africa, Turkey, and the Middle East during the economic boom years of the 1960s, Islam is growing faster than any other religion in Europe. 2 Although Europe has in recent years tightened its immigration policies, 3 the European Union (EU) must rely on migrant labor to help support Europeans' generous pensions as the median age of Europeans increases: 4

In many European countries birth rates have fallen so far and the population is aging so fast that there are now more deaths than births. Since most European countries prohibit immigration to protect their workers' jobs, the lack of any natural increase means that the total number of persons will decline, with the highest rate of shrinkage among young people. 5

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According to a recent article in the *New York Times*, “[a]bout 1.5 million immigrants pour into the European Union every year. Aging populations, low birth rates and European reluctance to do many menial jobs make this influx inevitable. Europe and its immigrants need each other.”

During the first half of the twentieth century, scholars could not imagine that elderly Europeans would someday have to rely on Muslim migrant labor. Courbage and Fargues report that one late-nineteenth century French writer lamented how Islam was “[a] dying race, that is being ended by contact with us, is crying silently and with no strength.” Yet, these Muslims of North Africa, “whose imminent extinction had been predicted at the end of the nineteenth century,” account for approximately one-half of the French Muslim population, which numbers between four and five million persons—almost equal to the number of French practicing Catholics. In 1948, the demographer Alfred Sauvy wrote at the thought of a Western European Islamic community:

> A region which is a little, but not much more remote, North Africa and Algeria particularly, i.e., an area of high demographic pressure, is already sending men to France; this has obvious hygienic and social disadvantages. Will Europe someday look further afield and draw upon the Middle East or Asia? . . . Will Europeans be reduced to introducing large numbers of young people from a more primitive civilization in order to be safe in their old age? So far, this picture requires an effort of imagination. This contingency is outside the scope of conjecture, unless extremely unlikely events take place.

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7. YOUSSEF COURBAGE & PHILIPPE FARGUES, CHRISTIANS & JEWS UNDER ISLAM 142 (Judy Mabo trans., 1997) (internal quotation marks omitted).
8. *Id.* at 141–42
9. *Id.* at 147.
Today, Europeans have had to rethink such opinions. The unlikely events imagined with dread by Sauvy have taken place.\textsuperscript{12}

The birth rates in Muslim countries have outstripped the world average for years,\textsuperscript{13} so as European reliance on imported labor increases, a significant number of the imported laborers are Muslim. The spread of Islam by these migrants has caused controversy and self-reflection as Europeans grapple with what they perceive to be a distinctly un-Western phenomenon.\textsuperscript{14} The European reaction to Islam highlights the post-Cold War Western judgment that Islam threatens Western political structures.\textsuperscript{15} As Monshipouri notes,

Relations between the Muslim and Western worlds have replaced the Soviet-Western standoff on the center stage in the post-Cold War era. . . . [I]t has become fashionable to speculate about the cultural conflicts between the Muslim and Western worlds. Some Western observers have concentrated attention on Islamic radicalism and militancy, depicting Islam and Islamist movements as a 'global threat' that must be curbed. Further, they have argued that the Muslim world in general and Middle Eastern and North African countries in particular are unable to embrace the nature of modern human progress, namely, individual freedoms, democratic governance, social tolerance, women's rights, and political competition.\textsuperscript{16}

The perception that Islam poses a security threat to the West, however, should be contrasted to the cooperation the Western military alliance received from the Islamic nations during the 1991 Gulf War. Such cooperation indicates that political and national security can trump religious alliances in

\textsuperscript{12} Germany recently acknowledged that economic realities will force it to ease restrictions on imported labor. Yojana Sharma, \textit{Germany Accepts that it Needs Foreign Labor}, \textit{INTER PRESS SERVICE}, Feb. 25, 2000, \textit{available at LEXIS}, News Group File, All.


\textsuperscript{14} \textit{Id.}


the Middle East. Furthermore, to view Christian-Muslim relations in a West-
East dichotomy ignores the fact that centers of Christian and Muslim power
are becoming decentralized as globalization causes the influence of both
religions to shift to Africa, Asia, and the Americas. The question is whether
Western fear of Islam and Muslim migrants is warranted. Or as Holm asks,
"Why does Europe, for instance, increasingly treat migration and Islam as
security problems with dramatic connotations and threat/defense implications,
rather than as ordinary political problems? And who speaks for Europe?"

To some extent, history speaks for Europe. The significant ties between
Islam and the West date to at least the eighth century A.D., when Charles
Martel urged his cavalry to advance against the invading Muslim army of the
Córdoban governor during the Battle of Poitiers. Other contacts between the
East and West have been less bellicose and more fruitful. For example, the
intellectual accomplishments of the Renaissance would not have been possible
but for Muslim intellectuals who incorporated and preserved the great
Western works of science, medicine, and philosophy and translated them into
Arabic from Greek and Latin. When Europeans emerged from the Dark
Ages, they turned to the great Muslim learning centers "to regain their lost
heritage." It is ironic, then, that after early Muslim scholars helped to
preserve vital elements of Western culture, contemporary Muslim scholars
have made few attempts to understand the Western ethos or to create a
cohesive political philosophy to challenge the West. Moreover, Muslim
scholarship has shown remarkable passivity toward globalization, as well as
to the Internet, the Human Genome Project, and other Western technological
and scientific revolutions. Nevertheless, although Muslim scholarship has

17. Id. at 40.
(noting that the early Muslim empires were far more tolerant toward Christians than the Christian empires
were toward Jews).
21. Id. See also Daniel Chirot, The Rise of the West, 50 AM. SOC. R. 181, 189 (1985) (commenting
on the much-needed rationalizing influence of Islam on medieval Christianity). See generally Influence
of Islamic Learning on the West, in ENCYCLOPAEDIA BRITANNICA, at http://www.britannica.com/bcom/eb/
article/0/0,5716,108330+12,00.html (last visited Nov. 22, 2000); Alain de Libera, The Arab Forebears of
http://www.britannica.com/bcom/magazine/article/0,5744,248089,00.html; SAMUEL.C. CHEW, CRESCENT
22. See Esposito, supra note 20, at 11.
not kept abreast of all the advances of the West, Islam itself is not inherently antithetical to those advances or to the Western democratic ideals that drive them. For instance, Tétreault notes that with all its deficiencies, the Kuwæiti model of democracy is also a direct refutation of the arguments of those who insist that Arab or Islamic countries are inherently incapable of democracy. While the protection afforded many public institutions in Kuwait is precarious, the private institutions of positive liberty, grounded in culture and religion, have been able to survive and even reverse authoritarian moves by the state. Even the mosque, nominated as the scourge of democracy by many observers, is not inherently antidemocratic but, instead, is so valued as a protected space that authoritarians and democrats struggle to regulate access to it.

Given that the Islamic political revolutions of the twentieth century did not result in the political and theological changes for which many Muslims had hoped, the time is ripe for another historic—and mutually advantageous—meeting of Western and Eastern cultures. As Anees has said, “Perhaps Muslim immigrants in the West will ultimately become the catalysts for a major ideological transition for the global Muslim community.” What, then, is the future of European Muslims, “the Jews of the late twentieth century?” In Part I of this Article, I discuss the Western perception of Islam.

Also Richard Engel, Muslims Mull Technology’s Effects, WASH. TIMES, July 8, 1998, at A14 (reporting that “Arab Muslims are extremely defensive toward globalization”). But see, Esposito, supra note 20, at 11 (stating that while Islamists reject the Westernization of society, they accept modernization through science and technology). See generally Monshipouri, supra note 16, at 53 (noting that globalization runs counter to the Muslim ethic of protecting the powerless to the extent that globalization undermines state welfare functions and causes economic dislocation).

24. “Slowly but steadily, the human condition leans toward an unwavering commitment to human dignity, liberty, and justice (constructs that are often but wrongly considered to be uniquely Western). While this great drama is playing out in the cosmic theater, where are the Muslims?” Anees, supra note 23, at 57.


27. Id. at 60.

In Part II, I document the increase in the number of Muslims in the EU. In Part III, I suggest that when the perceptions surveyed in Part I and the demographic trends documented in Part II meet, certain cultural, religious, and legal conflicts will occur. I conclude by suggesting that Muslim migrants in the EU do not threaten Western cultural, religious, or legal norms.

I. WHAT IS ISLAM?

Many Westerners believe that Islam conflates religion and politics\(^{29}\) into a species of violent extremism. As Holm notes:

> In Europe the Muslim is often depicted as the terrorist incarnate, or as a bearded fanatic (*le barbu*) hiding a hand grenade under his *djellaba*. In this image lurks the fear of the uncontrollable uprising of the masses—similar to that of the European bourgeoisie from 1830-1871 about an uprising of the urban proletariat.\(^{30}\)

There are extremists who operate under the rubric of Islam. Their numbers are few, and their potential for violence is feared in the West.\(^{31}\) It is arguable, however, that the degree of Western fear is disproportionate to the degree of the threat.\(^{32}\) In truth, Westerners have more to fear from organized crime than organized terrorists; there were only sixteen casualties in Western Europe attributed to terrorist attacks in 1999.\(^{33}\) None of the attacks were by Islamic terrorist groups.\(^{34}\)

Nevertheless, many Westerners insist on characterizing Muslims as violent fanatics.\(^{35}\) For example, in the early 1990s, the U.S. Smithsonian

\(^{29}\) See Donath, supra note 2, at 138.

\(^{30}\) Holm, supra note 15. Cf: Islamic Iran Re-Examines Role of Violence, REUTERS, Sept. 6, 1999, available at LEXIS, News Group File, All (noting that Iranian politicians are re-examining the use of violence to achieve the goals of Islam).

\(^{31}\) See Esposito, supra note 20, at 11.


\(^{34}\) Id. at 16.

\(^{35}\) See generally Sebastian Poulter, Muslims: Separate System of Personal Law, in ETHNICITY, LAW AND HUMAN RIGHTS 197-201 (1998) (tracing Western anti-Muslim sentiment from the Middle Ages to the
The Museum of Natural History featured displays on Judaism and Islam as part of a program on comparative religions. The display on Judaism featured religious objects. The display on Islam featured weaponry. In another incident, Arabs were characterized as barbarians in the original first verse to the song "Arabian Nights," which was written by Alan Menken and Howard Ashman as the theme song for the Walt Disney children's cartoon movie *Aladdin*: "Oh I come from a land, from a faraway place/ Where the caravan camels roam/ Where they cut off your ear/ If they don't like your face/ It's barbaric, but hey, it's home." These examples of bigotry are not unfortunate because they are tolerated. They are unfortunate because they are not recognized as bigotry. Or, as Esposito has said, "Muslims have experienced levels of discrimination in society and the media in Europe and America that would simply not be tolerated by Christians and Jews." Some Muslims are extremists, but the majority of Muslims are not. To characterize Muslims in general as extremists overlooks the killing of Christians by Christians in Ireland, or the violence committed by Christians against abortion clinics in the United States. Just as the violence committed by Christian terrorists does not represent Christianity, the violence committed by Islamic terrorists does not represent Islam. Westerners, however, fail to draw these distinctions. Whereas the 1993 bombing of the World Trade Center in New York (which claimed six lives and injured more than 100 people) was linked to a small group of Muslim extremists, responsibility for


38. Esposito, supra note 20, at 11.

39. "[I]t needs to be acknowledged that, in many instances, criticisms of Islamic regimes for human rights violations are entirely justified; in particular, certain unacceptable forms of punishment and ill-treatment of minorities tend to be defended by specific reference to religious norms." Poulter, supra note 35, at 201.


41. "Part of the problem of interpretation is that when a Jewish extremist murdered Muslims at prayer in the Hebron mosque or assassinated Prime Minister Itzhak Rabin ... we reflexively distinguished between the mainstream faith of Jews ... and the twisted use of religion by fanatics." Esposito, supra note 20, at 11.

42. See generally Jeff Barge, *Sedition Prosecutions Rarely Successful: Government Tries to Beat*...
the most spectacular mass killing on U.S. soil rests on the shoulders of U.S. citizens who were willing to sacrifice their fellow citizens for incoherent political aims. That the U.S. public had turned a blind eye to its homegrown fanatics was evident after more than 160 persons were killed in the 1995 Oklahoma City bombing. While the U.S. public and media indulged in widespread speculation that “Muslim terrorists” had masterminded the bombing, once one of the culprits, Christian and Anglo Saxon Timothy McVeigh, was captured, all religious and ethnic stereotyping ceased. In the meantime, McVeigh has never been popularly described as a Christian terrorist, as a Christian extremist, or as a Christian fanatic. Moreover, McVeigh’s ideological cousins, many of whom belong to anti-government militias, are never described as Christian extremists, but as political extremists. Yet, the U.S. public, always eager to see itself as the first and only target of Islamic extremism, continues to fear the image of the bearded Muslim bogeyman, especially when unexplained disasters occur. But not every Muslim conflict is about the United States, or even about the West. As Monshipouri has said, “[T]he recent Islamic awakening has little to do with confronting the West and much to do with the constructive regeneration of

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43. The British media have also persisted in a one-sided, monolithic view of Islam such that criticism of events in countries such as Iran, Iraq, and the Sudan are interpreted by some as veiled attacks on Muslims living in Britain. See Poulter, supra note 35, at 200.

44. See Philip Shenon, Measure of Good Will Toward Muslims Backfires in House, N.Y. TIMES, Nov. 24, 1999, at A20. Language in a recent House resolution, H.R. Con. Res. 174, 106th Cong. (1999), inspired in part by the widespread bigotry directed toward Muslims and American Arabs subsequent to the Oklahoma City bombing, would have denounced discrimination and intolerance against Muslims as “wholly inconsistent with American values of religious tolerance and pluralism.” However, House Judiciary Committee Chairman Rep. Henry Hyde (R-Ill.) and Rep. Thomas M. Davis III (R-Va.) scrapped the language that addressed discrimination against Muslims after Jewish and Christian groups lobbied the politicians. See also Raed N. Tayeh, Ignorance About Muslims Fuels Intolerance and Hatred, HOUSTON CHRON., Dec. 20, 1999, at A29.

45. In the absence of evidence that anything other than mechanical failure downed TWA Flight 800 off the coast of New York on July 17, 1996, the White House Commission on Aviation Safety and Security, chaired by U.S. Vice President Al Gore, responded to the disaster by concluding that commercial airlines should use passenger profiling to screen potential terrorists. The model upon which it was recommended that U.S. airlines rely was the passenger profiling system developed by El Al airlines of Israel. Although the profiling criteria are kept secret, it is clear that among the criteria used by El Al to detain passengers are whether a passenger is an Arab, a Muslim, or has an Arabic or Muslim name. See, e.g., Donna Smith, Comment, Passenger Profiling: A Greater Terror than Terrorism Itself?, 32 J. MARSHALL L. REV. 167, 167–76 (1998).
Islamic societies. Fighting the ‘Great Satan’ is not the Muslim world’s preoccupation.\textsuperscript{46}

In part, the anxiety that Islam can provoke in Westerners derives from Western ignorance of the origins and beliefs of Islam. Islam is one of the three great monotheistic religions of the world. It began in seventh-century Mecca, where Muhammad received a revelation from God that was later recorded in a holy book, the \textit{Qur’an}.\textsuperscript{47} Muhammad’s message was that God would judge all humans at the end of time. Therefore, the faithful should submit themselves to God’s will and show their gratitude to God by “regular prayer and other observances, and by benevolence and sexual restraint.”\textsuperscript{48}

The basic tenants of Islam are found in the so-called “five pillars of faith:” the \textit{shahada} (profession of faith), prayer, the \textit{zakat} (a tax analogous to Christian tithing), fasting, and the \textit{hajj} (the holy pilgrimage to Mecca).\textsuperscript{49} Modern Islam can be categorized broadly into two sects: the Sunni, who represent orthodoxy (and emphasize majority and communitarian principles, as well as tolerance of diversity), and the Shi’ah, who trust in religious authority and seek transcendental wisdom. On one analytical level, organic ties between religion and politics do characterize Islam as it is practiced by the Sunni and the Shi’ah,\textsuperscript{50} but the two spheres of influence should not be confused with each other. The confluence of religion and politics in Islam is perhaps the aspect of this religion that Westerners find most troubling, yet even within the Muslim community there is no agreement about the proper role of religious beliefs in shaping political governance.\textsuperscript{51}

\textsuperscript{46} Monshipouri, supra note 16, at 33–34.
\textsuperscript{48} \textit{Id.} at 16. The term “Islam” means “surrender.” A “Muslim” is one who “surrenders to the will of Allah” \textit{Islam}, in \textsc{Encyclopædia Britannica} at \url{http://www.britannica.com/bcom/eb/article/8/0,5716,108138+1+105852,00.html?q=islam} (last visited Nov. 22, 2000).
\textsuperscript{49} \textit{Fundamental Practices and Institutions of Islam}, in \textsc{Encyclopædia Britannica} at \url{http://www.britannica.com/bcom/eb/article/8/0,5716,108138+10+105852,00.html} (last visited Nov. 22, 2000).
\textsuperscript{50} See \textsc{Islamic Thought}, in \textsc{Encyclopædia Britannica} at \url{http://www.britannica.com/bcom/eb/article/9/0,5716,108138+1+105852,00.html} (last visited Nov. 22, 2000).
\textsuperscript{51} \textsc{See Mehmet Öğütçü}, \textit{Islam and the West: Can Turkey Bridge the Gap?} 26 FUTURES 815 (1994). “The vitality of Islam far outweighs . . . the historic experiment of Leninism and socialism in the Third World. It is an active world religion that sees humanity, society and politics as indivisible.” \textit{Id.} Cf. Têtreault, supra note 25, at 35–36. Têtreault’s characterization of the mosque in the public life of Muslims conveys more subtle ambiguities than does Öğütçü’s. On the one hand, “the mosque is, institutionally, the strongest potential challenger of the state”; on the other hand, the mosque is also the state’s “protector and a primary support for ideologies enjoining submission to its authority.” \textit{But see} Catherine Wihtol de Wenden, \textit{Trade
II. EUROPEAN DEMOGRAPHICS

Worldwide, more than 1.1 billion people are Muslim, or nearly one-quarter of the global population.\(^5\) More than 310 million Muslims live in Africa, more than 807 million live in Asia, more than 31.2 million live in Eastern and Western Europe, and more than 1.6 million live in Latin America.\(^5\) The three nations with the largest Muslim populations are Indonesia (more than 197 million), Pakistan (more than 137 million), and Bangladesh (more than 107 million).\(^5\) In all, thirty-nine countries have populations comprised of a Muslim majority.\(^5\) The predominately Muslim countries of Africa and the Middle, Near, and Far East form a crescent around Europe. Out of this crescent, millions of Muslim migrants have traveled to the West.\(^5\) During the 1990s, the number of Muslims in the EU grew by approximately 100 percent to about fourteen million, or roughly two percent of the European population.\(^7\) At least three million first-generation Muslim migrants are now permanent residents in the EU.\(^8\) In the United Kingdom, for example, Muslims number one million,\(^9\) "of whom nearly one-third have their origins in Pakistan," while in Germany, Muslims constitute the largest

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\(^{53}\) Id.

\(^{54}\) CENTRAL INTELLIGENCE AGENCY, THE CIA WORLD FACTBOOK 2000 41, 233, 378 (2000) [hereinafter CIA WORLD FACTBOOK].

\(^{55}\) Öğütçu, supra note 51, at 812. There are more than 5.8 million Muslims in the United States, WORLD ALMANAC, supra note 52, at 689, which makes Muslims more than 2 percent of the U.S. population. Approximately 25 percent of U.S. Muslims are from South Asia. Arabs constitute another 12 percent, and almost half are African-American converts. Some project that by 2010, Muslims in the United States will outnumber Jews, making Muslims the second-largest faith next to Christianity. See Carla Powers, The New Islam, NEWSWEEK, March 16, 1998, at 35.

\(^{56}\) Öğütçu, supra note 51, at 822.

\(^{57}\) Allen, supra note 10, at 3 (citing to United Nations statistics).

\(^{58}\) Öğütçu, supra note 51, at 819. While not all Turks are Muslim, the majority (95 percent) are, which makes it reasonable to assume for the purpose of this Article that Turkish migrants are also Muslim migrants.

\(^{59}\) CIA WORLD FACTBOOK, supra note 54, at 518.

\(^{60}\) See Poulter, supra note 35, at 197.
migrant group. Nearly half the 1.7 million migrants in the Netherlands hail from Islamic countries, mainly Morocco, Suriname, and Turkey. Overall, in Germany, Belgium, France, and the Netherlands, Muslims account for one to five percent of the population. Of approximately 8.1 million Austrians, 20.4 percent, or a little more than 165,000 are Muslim. In Denmark, of approximately 5.3 million people, 102,000 are Muslims. In Finland, however, Muslims number (along with Catholics and Jews) less than one percent of the total population. Muslims are officially estimated to number more than 275,000 in Greece, whereas in Ireland they number approximately 7,000. In Italy, however, if migrants are counted, Islam is the second-largest religion, with approximately one million practitioners, 7,000 of whom are native Italians. There is a marginal Muslim presence in Luxembourg, but the exact number is not known because the country does not keep track of such statistics. In Portugal, there are approximately 25,000 Muslims, primarily

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61. Öğütçü, supra note 51, at 819.
62. See Donath, supra note 2, at 139.
63. France, "one of the lead actors in the confrontation with Islam," Monshipouri, supra note 16, at 41, is a microcosm of the European Muslim macrocosm. In their ambition to rechristianize North Africa, French colonists plunged deep into the Sahara in the nineteenth century, established the French language among the North African population, and then gained a foothold in Tunisia in 1881 followed by Morocco in 1912. See COURBAGE & FARGUES, supra note 7, at 132. On the eve of Algerian independence, two million European Christians and indigenous Jews lived in the Maghreb; they believed their presence would remain forever. The 100,000 Europeans who live in Algeria today are immigrants who, for the most part, have no genealogical ties to the vanished colonists. Id. at 145. Muslims in France now probably outnumber the country's historical minorities: Protestants and Jews. See Milton Viorst, The Muslims of France, 75 FOREIGN AFF. 5, 78 (1996). Some estimate that one out of every four persons in France will practice Islam within the next twenty-five years. See Allen, supra note 10, at 3. An estimated 35,000 Muslims in France are French converts to the religion. See Viorst, supra note 63, at 82.
64. Öğütçü, supra note 51, at 815; CIA WORLD FACTBOOK, supra note 54, at 171, 188.
65. CIA WORLD FACTBOOK, supra note 54, at 32.
67. CIA WORLD FACTBOOK, supra note 54, at 137.
70. CIA WORLD FACTBOOK, supra note 54, at 195.
73. See Was Vittorio Emanuel a Muslim?, MALAY. NAT'L NEWS AGENCY, April 12, 1999, available at LEXIS, News Group File, All.
from Portuguese Africa, sub-Saharan Africa, and South Asia. In Spain, the number is larger, estimated to be anywhere from 450,000 to 700,000 if illegal immigrants are counted. In Sweden, Muslims number from 250,000 to 300,000, making Islam the second-largest religion in the country.

III. LEGAL AND RELIGIOUS IMPLICATIONS OF THE MUSLIM PRESENCE IN EUROPE

The spread of Islam through the EU will soon make Islam the largest religion in certain countries; as noted supra, France and Italy will likely be the first to undergo this demographic change. Such a fundamental alteration in public religious belief raises threshold questions about the relationship between and among EU Muslims, the law, and EU Christians.

A. Legal Implications of the Muslim Presence in Europe

Muslim personal law (which includes laws regulating marriage, divorce, and inheritance), immigration law, public education, employment, and human rights are bound to be the bases for legal battles within Western legal systems as Islam extends throughout the EU. On the other hand, the EU and neighboring Islamic countries share security concerns about migration, conventional and non-conventional weapons, and the

75. Id. at http://www.state.gov/www/global/human_rights/irf/rpt/irf_portugal.html.
77. Id. at http://www.state.gov/www/global/human_rights/irf/rpt/irf_sweden.html.
80. Central to the Islamic marriage contract is the payment of mahr (dower) to the wife to safeguard her the financial position. Although Muslim marriages customarily are arranged, Muslim law recognizes the competence of post-pubescent males and females to freely choose their own spouse. See id. at 200.
82. Id. at 1967. See generally Poulter, supra note 35, at 201–10.
83. See Donath, supra note 2, at 138.
84. See Poulter, supra note 35, at 213–21.
political and social insatiability in Islamic countries. Thus, while there are numerous ways for the law to define the inevitable conflict between Islamic and Western values, the shared concerns of the two cultural milieus could form a cooperative basis for coping with these conflicts.

1. Muslim Personal Law

Many European Muslims have lobbied for the recognition of Islamic marriage, divorce, and inheritance laws in their countries. The difficulty is that many Islamic conventions conflict with the marriage laws of other countries such as England, where the marriage ceremony is strictly regulated, even down to the time of day it can be performed though the law selectively exempts certain religious groups. For example, some Muslim formalities allow bride and groom proxies to exchange vows as long as witnesses are present for a marriage to be legal. Furthermore, Islamic law allows a husband to take up to four wives and allows persons less than sixteen years of age to marry. Polygamy and prepubescent marriage, however, can cause serious legal consequences in the West. For example, in one U.S. Midwestern state, two Iraqi Muslim men were each charged with the crime of having sex with a minor after two Iraqi Muslim girls less than sixteen years of age were betrothed to them in an arranged marriage. The parents of the girls were charged with child abuse and with contributing to the delinquency of a minor. The girls were removed from their home and placed in a foster home. The adults claimed that they did not know their actions—which are legal in Iraq—were illegal in the United States.

Arranged marriages are also valid pursuant to Muslim law; in some instances, adult male relatives exercise tremendous discretion over the marital choices of minors. Whereas divorce under Muslim law may be obtained in

85. See Monshipouri, supra note 16, at 40.
87. English wedding must be solemnized between 8 a.m. and 6 p.m. before an authorized person. Id. at 205. Poulter, supra note 35,
88. Jews and Quakers are exempt from English marriage law. Id.
89. See id. at 205-06.
90. Id. at 206.
92. Although Muslim marriages customarily are arranged, Muslim law recognizes the competence of post-pubescent males and females to choose their own spouse. See Venkatraman, supra note 79, at 2001.
a variety of ways, the laws of European nations are more restrictive. If a Muslim husband and wife divorce, Muslim law favors granting custody of the younger children to the mother and granting custody of the older children to the father. Moreover, Muslim ex-husbands are only obliged to support their ex-wives for the three months following the divorce, the period during which ex-wives are forbidden to marry. Muslim laws of inheritance rest on elaborate mathematical systems for allocating wealth among relatives and allow for a comparatively small amount to be bequeathed to the wife. While the validity of a Muslim will would probably withstand judicial scrutiny in the EU, Muslim widows who have been left with inadequate support could undoubtedly bring successful challenges to the will in Western courts.

In England, Muslim personal law was rejected by the government on three grounds: Muslim personal law conflicted with the English tradition of unified family law, there were so many variants of Muslim personal law that choosing from among them was untenable, and there was no consensus whether English civil courts or Muslim religious courts should administer the law. Muslim law, however, could be reconciled with Western law by codifying the various forms of Muslim law and eliminating the differences among them. Compared to Muslims in England (and as a result of a 1905 treaty between Austria and the Ottoman Empire), Muslims in Austria have had limited success in integrating their personal law and culture with Austrian society. According to one source, "The [Austrian] Muslim community enjoys the rights of free airtime on government-owned television channels, religious education under the purview of the Muslim community, and the provision of a Islamic cemetery and permissible or halal slaughter house."

In Germany, Muslims have a many religious freedoms, and the German government has facilitated the study of Islam and the building of mosques.

The examples of England, Germany, and Austria suggest that although Muslim personal law sometimes conflicts with European law, cultural

93. See Poulter, supra note 35, at 206–08. The statutes of Arab and Islamic countries have changed in recent years by raising the age at which children are placed in custody of the father. Id.
94. Id. at 209–10.
95. Id. at 211–12.
96. Id. at 228.
accommodations and legal concessions can help to integrate Muslims into European society without requiring Muslims to sacrifice all their cultural and legal autonomy. Muslim personal law, however, may be limited in the West by the conflict between Muslim law and human rights. Western lawmakers will not grant cultural accommodations or legal concessions to polygamy, forced marriage, the marriage of prepubescent girls, unilateral divorce by husbands, and the ban against Muslim women marrying non-Muslims (even though Muslim men are allowed to marry outside their faith). 99

2. Education

Public education has frequently been a source of cultural and legal tension between Muslims who want to preserve their identity and Europeans who want all citizens to accept Western laws and values. In the late 1980s for example, England refused to yield to Muslims’ demands of for separate schooling. Even though only five percent of British adults regularly practice Christianity, England gave public support to Christian schools and denied it to Muslim schools, which were viewed as a challenge to the British political authority. 100 Situations such as these have compelled many Muslims to demand that Muslims be given the same right to separate schools that is given to Christians and Jews. 101 The reluctance of the British government to accept Muslims’ demands for separate education was a lost opportunity to build a pedagogical bridge between the East and the West. A Western education that does not exclude Muslim religious and cultural traditions would help the next generation of Muslims to discover solutions to the conflicts between Islamic law and Western law. 102 Although some Muslims would like Islamic schools to teach the Western sciences, 103 without the willingness of Western lawmakers to meet Muslims halfway on education policy, the opportunity to compare Western and Eastern values will be lost.

In spite of the refusal of the West to accommodate Muslims’ public education demands, however, Islamic schools have been established in Europe. In England and Germany, for example, Saudi Arabia recently built

101. See Poulter, supra note 35, at 211–12.
102. Id. at 230.
103. See Engel, supra note 23, at A14.
King Fahd Academies, which offer interested parties a chance to learn about Islam and Islamic values. The Saudis also built—with the approval of the Vatican—an Islamic Center in Rome for Muslims and non-Muslims. These Islamic education resources could mediate the cultural struggles that sometimes result from Muslims' attendance at Western public schools.

Such a struggle occurred in France in the late 1980s when the French government prohibited the display of ideological, religious, or political symbols in schools. Muslim girls defied the ban on religious grounds by wearing the *hijab*, or head covering, in school. This fight lasted two years until the *Conseil d'Etat* held that “freedom of expression should not be jeopardized by the secular principles of education and that the girls should therefore be able to wear their headscarves.” Because public education can promote tolerance and understanding, the integration of Eastern values with Western pedagogies is a desirable way to avoid unproductive arguments about cultural expressions, particularly cultural expressions that do not subvert public education goals. For instance, although few Muslims live in Ireland, the nation hosts Islamic cultural centers, and Irish educators practice tolerance and work together with their Muslim students, which suggests that the integration of Eastern values and Western public education is possible.

3. Employment

Muslim migrants struggle with language and cultural barriers the same as any migrant who seeks employment in Europe. The fact that a migrant is Muslim has little to do with the discrimination he or she faces in the European job market. Not speaking the language of the host country is enough to trigger discrimination. As Wihtol de Wenden states, “The fact that industrial economies now fail to deliver full employment has increased the probability that members of linguistic minorities or of ‘visible’ races will suffer from

107. *Id.* (internal quotations omitted).
discrimination, even when such discrimination is technically illegal." Discrimination against Muslims typically will not occur until after a Muslim surmounts the language barrier and is hired. When a Muslim's religious belief does conflict with workplace rules, laws that bar discrimination on religious grounds provide incentives to find collaborative market tradeoffs between matters of business and matters of faith. This was the experience of the French Maghrebis, who reached new levels of political legitimacy through union activity in the late 1980s.

Blue-collar Muslims fall into three categories: those who reconcile their faith with their employment, those who see no chance for reconciliation, and those who distance themselves from their faith while they are in the workplace. Maghrebi workers in the first two categories rejected the French assimilation policy and demanded a right to their cultural and religious identity. The government reacted as if "the mosque" exerted an influence over Muslims with which no State could compete. Industry leaders, on the other hand, viewed the mosque "as a calming factor and, even more, an instrument of regulation in the operation of the plant." Moreover, plant managers discovered that regular time for prayer in designated areas reduced the risk of industrial accidents, work interruptions, and ridicule from non-Muslims. The workers in the third category, who distance themselves from their faith in the workplace, practice what Wihtol de Wenden calls "quiet Islam:"

In most cases the conflict between the things which are Caesar's and the things that are God's is resolved by taking a certain distance from Islamic dogma, which the militants

110. Id. (noting that most multicultural policies do not promote migrant employment as much as they discourage discrimination against migrants).
111. See Wihtol de Wenden, supra note 51, at 65–66.
112. Id. at 72.
113. Id. at 72.
115. See Wihtol de Wenden, supra note 51, at 67–68.
116. Id. at 68.
117. Id. at 74.
seek to achieve by committing themselves to ‘anti-sectarian’ campaigns (declarations of tolerance towards other religions) or by the strength they draw for the Muslim community by their militancy.\textsuperscript{118}

The French example of organized Muslim laborers suggests that a younger and more politically aggressive group of Muslim workers will evolve out of the large number of Muslim migrants now entering Europe.\textsuperscript{119} These younger workers are more likely than the older workers to feel disenfranchised by the breakdown of the working class, as opposed to sharing the older workers’ feelings of being disenfranchised by European culture.\textsuperscript{120} As Dubet notes,

The symbol of immigration in France today is the young person—the second generation immigrant. It is as if yesterday’s stereotype—the skilled worker—has been replaced by today’s Arab or black; this new character represents less the oppressed worker, than the victim of difficulties at home and in the neighbourhood, prone to social deviance and faced with obstacles to political participation.\textsuperscript{121}

The French example also shows that employment law can prevent religious discrimination by employers against employees, but that employment law cannot regulate employer and employees’ daily tradeoffs between business and faith. Moreover, nothing in the French example suggests that the law should regulate such a tradeoff. There is no stereotypical “Muslim employee” who adheres to a monolithic Islamic agenda. Rather, the French example suggests that a worker’s faith may or may not be used as a bargaining chip in labor-management negotiations.

\textsuperscript{118} Id. at 71.
\textsuperscript{119} Id. at 76–81.
\textsuperscript{120} See Dubet, supra note 114, at 142–43.
\textsuperscript{121} Id. at 142.
4. Immigration

Europeans continue to distrust Muslim migrants. A 1993 British opinion poll revealed that nearly one-third of the English surveyed would prefer not to have Arabs or Pakistanis as neighbors, more than one-quarter believed that Pakistanis provoked hostility toward themselves, and more than one-fifth said the same about Arabs.122 During the past few years in England, "Islamophobia," or "a dread or hatred of Islam and Muslims"123 has steadily risen. A 1997 survey of EU Member States, however, showed that U.K. citizens had no strong feelings about southern Mediterranean migrants in the EU.124 U.K. citizens are less accepting of Eastern European workers than are two-thirds of the EU Member States,125 but display average tolerance of the overall number of foreigners living in the EU126 and above average tolerance of different nationalities and races.127

In contrast to the mixed tolerance of U.K. citizens for foreigners, Austrian voters acting on their fear of Turkish migrants propelled Jorg Haider’s right wing Freedom Party into a coalition with the Austrian government.128 Austria appears to be in no immediate danger of a migrant invasion—with a migration rate of 1.32 migrants per 1,000 members of the population, Austria ranks seventh out of the fifteen EU Member States as a destination for migrants.129 Nevertheless, Austrians have little tolerance of southern Mediterranean and Eastern European workers.130 Fifty percent of Austrians believe there are too many foreigners living in the EU,131 though less than one-fifth of Austrians actually find the presence of different nationalities and races in Austria “disturbing.”132 Still, Haider’s praise of certain Third Reich economic policies133 caused concern at the highest level in the EU.

122. See Poulter, supra note 35, at 200.
123. Id.
125. Id. at 69 fig.6.1b.
126. Id. at 71 fig.6.2.
127. Id. at 72 figs. 6.3 & 6.4.
128. See Cohen, supra note 6, at 1.
129. See CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK 2000
130. See EUROBAROMETER, supra note 124, at 68 fig.6.1a, 69 fig.6.1b.
131. Id. at 71 fig.6.2.
132. Id. at 72 figs. 6.3 & 6.4.
In Antwerp, the recently elected right wing government contemplated deporting all 40,000 Arab and North African workers to create new jobs, while the Belgium government fretted about threats from Islamic fundamentalists outside the country.\(^{134}\) Belgians have the distinction of being the most intolerant people in the EU. Thirty-eight percent of Belgians do not believe that southern Mediterranean workers should be allowed in the EU.\(^{135}\) Thirty-seven percent do not believe that Eastern European workers should be allowed in the EU.\(^{136}\) Sixty percent believe there are too many foreigners living in the EU.\(^{137}\) Twenty-two percent are disturbed by the presence of other nationals in Belgium,\(^{138}\) and thirty percent are disturbed by other races in Belgium.\(^{139}\)

Degrees of xenophobia have also been observed in other EU Member States. In Italy, where thousands of Muslim refugees from Bosnia have entered the country, the reaction to foreigners has been mixed. Some Italians want to exclude Muslims from the country, whereas others, determined that fascism will not gain another foothold in Italy, condemn racism and discrimination against Muslims.\(^{140}\) In France during the early 1990s, LePen’s National Front made the issue of naturalization central to political debate and weakened the principle of \textit{jus soli}.\(^{141}\) There were also outbreaks of xenophobia in the Scandinavian countries around this time.\(^{142}\)


\(\text{\textsuperscript{135}}\) See \textit{EUROBAROMETER}, \textit{supra} note 124, at 68 fig.6.1a.

\(\text{\textsuperscript{136}}\) \textit{Id.} at 69 fig.6.1b.

\(\text{\textsuperscript{137}}\) \textit{Id.} at 71 fig.6.2.

\(\text{\textsuperscript{138}}\) \textit{Id.} at 72 fig. 6.3.

\(\text{\textsuperscript{139}}\) \textit{Id.} at fig.6.4.

\(\text{\textsuperscript{140}}\) See Recap of CBS \textit{This Morning’s News} (CBS television broadcast, Dec. 24, 1992), available at LEXIS News Group File, Transcripts.


\(\text{\textsuperscript{143}}\) See Hammar, \textit{supra} note 141, at 258.
Although EU policy is to harmonize the migration laws of Member States,\(^{144}\) the European Court of Justice held in *Florus Ariël Wijsenbeek* that each Member State remains free to impose limited restrictions at its border until the EU completely unifies all migration laws:

> [A]s long as Community provisions on controls at the external borders of the Community . . . have not been adopted, the exercise of those rights presupposes that the person concerned is able to establish that he or she has the nationality of a Member State. . . . Member States remain competent to impose penalties for breach of such an obligation . . . However, Member States may not lay down a penalty so disproportionate as to create an obstacle to the free movement of persons, such as a term of imprisonment.\(^{145}\)

Consistent with the ECJ ruling, French officials have limited the number of visas issued to Algerians while intensifying the domestic hunt for terrorists.\(^{146}\) According to Holm, the French dragnet for foreigners has "kindled the fire of xenophobia and thus confirmed the prejudice that people with the Maghreb view are carriers of the 'islamist disease,' threatening to infect the French blood, as well as spreading terror."\(^{147}\)


\(^{146}\) See *Holm*, supra note 15.

\(^{147}\) *Id.*
Spanish lawmakers, on the other hand, did not start requiring that Moroccans enter Spain with a visa until legal and illegal Muslim migrants flooded the country in the early 1990s. Before then, Muslim migrants from North Africa simply passed through Spain on their way to France or Italy. The Spanish parliament also legalized tens of thousands of illegal Muslim migrants when it began working with the Moroccan government to repatriate North Africans who were using Morocco as a conduit to Spain. In fact, of all Europeans, the Spanish are the most tolerant of southern Mediterranean and Eastern European workers. Spanish tolerance notwithstanding, more than one scholar believes that "migration policy can no longer be decided simply on the basis of state sovereignty or the idea that a government need only control its borders."

The national borders between Turkey and Western Europe and the effects of national borders on non-EU Muslims will shape the evolution of European migration policy. Western European states that border Muslim countries or serve as gateways into Europe for North African and Middle Eastern Muslims will be pressured by the interior Western European nations to control migration by controlling naturalization. These controls will rest upon notions of consanguinity, race, and ethnicity because the migration policies of most EU Member States are underwritten by the cultural homogeneity and ethnic dominance of non-Muslim Europeans. Hence, not only will Muslims face barriers to European migration, but they will face resistance to their naturalization upon arrival. Such resistance will appear

149. See EUROBAROMETER, supra note 124, at 68 fig.6.1a, 69 fig.6.1b
150. WEINER, supra note 114, at 170.
151. At least sixty-four percent of EU citizens have little to no trust of Turks, which makes the Turks the least trusted of all EU trading partners. See 46 STANDARD EUROBAROMETER 44 fig.4.4 (1996), available at http://europa.eu.int/comm/vdg10/epo/eb.html. Such distrust partly results from the political unrest within and around Eastern Europe. For example, the Greek courts during the mid-1990s ruled that using the word "Turkish" to describe Greek Muslims who lived near the border of Turkey endangered public order owing to tensions between Greece and Turkey. See Bill Schiller, An Ages-old Wound Reopens in the Greek Land that Borders Turkey, TORONTO STAR, Feb. 11, 1994, at A19.
152. See Hammar, supra note 141, at 246.
153. See WEINER, supra note 114, at 29–30; Hammar, supra note 141, at 256.
lawful, but beneath the laws runs a strong current of European xenophobia and resistance to assimilating foreigners.

B. Religious Implications of the Muslim Presence in Europe

When compared with many Christians, Muslims do not hold beliefs radically at odds with Western values. According to Monshipouri, "[r]ecent Protestant and Catholic revivalist tendencies parallel those of Islam in their reactions against rapid change and in their general moralistic and politico-religious overtones as well as in their specific approach toward the status of women." Moreover, Muslims and Catholics hold similar official views on family planning and homosexuality. In 1994, as the International Conference on Population and Development was approaching, Muslim leaders denounced U.N. support for contraceptives, abortion, and non-traditional families as a threat to family values and a sanction of the spread of sexually transmitted diseases. The two religions share other common qualities: both preach a universal message and mission, and both are "supercessionist theologies" (i.e., both communities claim to fulfill the divine destiny of an earlier group that went astray). Although Christians are not bothered by their own supercessionist attitudes towards Jews, Christians are troubled by Muslim supercessionist attitudes towards Christians. Italian Archbishop Giuseppe Bernardini has said, "The 'dominion' has already begun with the 'petrodollars,' used not to create work in the poor North African or Middle Eastern...

154. See Weiner, supra note 114, at 140. There is no consensus on the scope of xenophobia in Europe. Banton, for example, downplays the severity of European xenophobia, noting that "[t]he influence of the far right depends both upon the failure or refusal of mainstream parties to cater to any sense of grievance, and upon the activity of small numbers of extremists whose organizations tend to be short-lived since their leaders quarrel with one another." See Banton, supra note 3, at 18.


156. For a scholarly treatment of Islamic-Christian relations, see The Christian-Muslim Frontier: Chaos, Clash or Dialogue? (Jørgen S. Nielsen ed. 1998).

157. See Monshipouri, supra note 16, at 42.

158. See Islam and Population, supra note 13, at 34.

159. Esposito, supra note 20, at 11.

160. Id.

161. Id.
countries, but to build mosques and cultural centers in Christian countries with Islamic immigration, including Rome, the center of Christianity. Other Church leaders say that the statistics on European Muslims are exaggerated. These Church leaders note that Christian evangelical religions have just as much appeal in Europe as Islam. Furthermore, all three Abrahamic faiths experience diverse responses to modern political, economic, and social problems within the various communities. The official Church position toward Islam appears to be tolerant and even conciliatory; Pope John Paul II has met with Muslim leaders more than fifty times, which exceeds the number of combined visits of all previous popes in history.

Islam in Europe will no doubt trigger a mixed response from European Christians. If policymakers act with foresight, they could enlist the help of the Church to ameliorate public alarm. Nevertheless, Islam and Christianity are bound to clash. This was the case when the freedom of literary expression collided with the freedom from religious discrimination in the "Rushdie Affair," the outcome of which was viewed by many as a measure of Muslims' acceptance of Western values.

Salman Rushdie's 1988 novel, _The Satanic Verses_, was thought by Muslims worldwide to be an attack on Islam. Muslims in England unsuccessfully argued in court that the English blasphemy laws, which would have forbidden Rushdie from disparaging Christianity, should have been extended to Islam. The case was later argued before the European Commission of Human Rights on the theory that Rushdie's novel violated

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162. See Allen, _supra_ note 10, at 3.
163. _Id._
164. See Esposito, _supra_ note 20, at 11.
165. See Allen, _supra_ note 10, at 3.
166. _See, e.g., Italian Bishop Warns of Marrying Muslims_, WASH. TIMES, Feb. 27, 1993, at A2 (quoting Bishop Clemente Rivera of Rome as saying that Roman Catholic women should be discouraged from marrying Muslims "because they [presumably Rivera meant Roman Catholic women] do not know what awaits them.").
Articles 9 and 14 of the European Convention on Human Rights. The Commission dismissed the complaint, and held that Article 9 of the Convention does not guarantee a right "to bring any specific form of proceeding against those who, by authorship or publication, offend the sensitivities of an individual or of a group of individuals." On the other hand, the Commission had ruled that a movie that exhibited a "provocative anti-Christian attitude" because it depicted "God the Father as a senile and impotent fool, Christ as a cretin, and his [sic] mother, Mary, as a lascivious lady, and ridiculed the Eucharistic ceremony" could legitimately be seized by Austrian authorities.

One lesson of the Rushdie Affair, then, is that a dispute over human rights can be settled in court rather than by declaring a fatwa. Nevertheless, to justify State confiscation of an anti-Christian movie on the one hand, while protecting works of art that attack Islam on the other, must leave Muslims doubting whether Islam can receive fair and equitable treatment in European courts. The outcome of the Rushdie Affair, however, did not reach the substantive issues, because a private rather than a State actor was involved. Thus, neither the holding in Choudhury nor the decision in Otto-Preminger-Institut necessarily bode ill for Muslims who seek protection for their beliefs under human rights laws. Otto-Preminger-Institut and Choudhury together stand for the broad proposition that the State may lawfully intervene on behalf of religious beliefs even when the courts will not find a private cause of action.

V. ASSIMILATION AND INTEGRATION

The topic of Muslims' rights is a subset of the topic of "group rights." Although culture and ethnicity are components of a person's identity, "there


172. Id. at 174 (internal quotation marks omitted).


174. See Poulter, supra note 167, at 104.

175. See Poulter, supra note 167, at 92–93; Holm, supra note 15 (arguing that what Muslims want in Europe is an "islamized social space" that will shield Muslim immigrants from Western influence).
are dangers in allowing the group to dictate what cultural rights an individual should be free to exercise.”  

The goal of any group right should be to encourage and help members enjoy their individual rights without requiring them to sever their ethnic and cultural community ties. Many multicultural policies are cautiously designed to promote ethnic pride and awareness, but some lawmakers do not wish to promote multicultural awareness at all. For example, in an open letter to Muslims, one British politician told them that they could not be British citizens on their own exclusive terms or on a selective basis and still demand from the government “a real degree of integration, or active participation in the mainstream.”

The success of States such as Sweden in promoting multiculturalism has resulted from effective political leadership, but success has limits. A homogeneous society like that of Sweden has found it difficult to define the role of migrants. Moreover, the concept of a multicultural identity is irreconcilable with the concept of assimilation and nationalism. Many people fear that multicultural policies will create ethnic federalism, which carries a high risk of violence and instability. It is reasonable, therefore, to expect Muslim migrants who fear losing their cultural identity and wish to retain it to be sensitive to the fact that nearly fifty percent of EU citizens fear

176. See Poultet, supra note 167, at 94.
177. Id.
178. See Jupp, supra note 109, at 517 (noting the experience of Sweden).
179. See Setting Themselves Apart, supra note 86, at 49 (internal quotations omitted).
180. See Jupp, supra note 109, at 518–19.
181. Id. at 520. See also Monshipouri, supra note 16, at 39–40 (noting the struggle between assimilation and retention of cultural identity). The particularization of cultural identity has also clashed with the homogenization of consumer culture as global marketing schemes co-opt cultural icons to trigger identification with mass-produced goods. The results have frequently backfired. McDonald’s and Coca-Cola printed on hamburger sacks and beverage containers the flags of the 24 countries competing in the 1994 World Cup soccer tournament in Los Angeles. The flag of Saudi Arabia bears the shahada, or the Islamic credo, “There is no God but Allah, and Mohammed is His Prophet.” Muslims in England and Spain were outraged, not only that scripture from the Qur’an was being used to sell junk food, but that once the food was consumed, the containers bearing the scripture were thrown into the garbage. See Jeremy Bagott, Saudi Flag Faux Pas Tops Marketing Blunders List, DAILY NEWS OF L.A., Oct. 17, 1999, at B1, available at LEXIS, News Group File, All. The Dutch brewery Heineken also offended Muslims during the same period by reproducing the Saudi flag on beer bottles. Muslims eschew alcohol as a matter of faith. See Latest Marketing Fools in World Cup Soccer Promotions, EUROMARKETING, July 5, 1994, available at LEXIS, News Group File, All. The web site www.totalsports.net pulled ads that depicted Muslims praying to a basketball after the Council on American-Islamic Relations complained. The ads were part of the company’s “Total Devotion” campaign. See Kostya Kennedy et al., Scorecard, SPORTS ILLUSTRATED, March 6, 2000, at 25.
182. See Jupp, supra note 109, at 514.
losing their own cultural identity and wish to retain it. Although the policies of cultural identity could be divisive between non-Muslim Europeans and Muslim migrants, acknowledging their shared fear of cultural identity loss could provide the basis for mutual understanding. Also, time will no doubt temper divisions as later generations of Muslims identify with the politics, law, and culture of their host countries. Once first generation Muslims migrate to a Western European state, the likelihood increases that they will integrate with the culture of their host country, or that their children will.

Moreover, just as Christians have become more secular in democratic nations, so too will Muslims become more secular in their democratic host countries.

Nevertheless, Muslims loyalty will likely be questioned for several years. Saudi Arabian and Moroccan leaders, for example, urge Muslim migrants to send foreign currency to their home states to enhance the foreign currency reserves there, and Muslim religious leaders occasionally visit host countries to supervise the observance of Muslim religious holidays. But do these events evince Muslim migrant “disloyalty” to Europe? Many European Muslims practice a brand of Islam “that is not inspired by politics from the country of origin.” Furthermore, why question the loyalty of European Muslims when Westerners do not question whether the loyalty of Catholics will lead to Vatican subversion of Western policies? Catholic loyalty is not questioned because the Catholic Church generally agrees with Western policies, but even when the Church disagrees, the loyalty of Western Catholics is not questioned. Likewise, European Muslims do not march in lockstep with a central Islamic authority. In fact, the existence of a central Islamic authority is called into question daily with the globalization of the Islamic faith among adherents as diverse in their religious practices as they are in their political practices. Given time, patience, and a willingness to compromise on both sides, there is no reason why European Muslims cannot earn or should be denied the same trust given to European Christians.

184. Cf. Setting Themselves Apart, supra note 86, at 49 (“The Muslim’s campaign for the right to be separate is in itself evidence of integration. . . . Ten years ago the older generation of Muslims would probably not have had the confidence, nor their leaders the command of English, to mount such a campaign.”).
185. See Donath, supra note 2, at 138.
186. Id.
187. See Allen, supra note 10, at 3.
VI. CONCLUSION

The public image of European Muslims depends whether Europeans view Islam as a cultural phenomenon or a political phenomenon. If Europeans view Islam as a threat to Western values, cooperation with and assimilation of Muslim migrants will be difficult, but not impossible. If Europeans view Islam as a political movement that opposes authoritarian regimes, then the likelihood increases that Muslims will assimilate into Western society without losing their cultural values.¹⁸⁸ To regard Islam as a political force consistent with Western liberal values may sound far fetched to some. Prominent Muslim intellectuals, however, purport to reconcile the best of Islamic humanitarianism with the best of Western liberalism. These commentators argue that Western liberal values are belied by the deleterious effects of Western realpolitik, imperialism, and capitalism;¹⁸⁹ implicit in their arguments is the assumption that Western liberalism is a worthy standard against which to judge the acts of Western states. In particular, Iranian President Seyyed Muhammed Khatami articulates Muslim approval and disapproval of the West:

To understand the West, the best tool is rationality, not heated, flag-waving emotionalism. . . . We have to keep in mind that Western civilization rests on the idea of ‘liberty’ or ‘freedom.’ . . . The West indeed has freed humans from the shackles of many oppressive traditions. It has successfully cast aside the deification of regressive thinking that had been imposed on the masses in the name of religion. It has also broken down subjugation to autocratic rule. . . . Yet, at the same time, the view of the West about humans and freedom has been rigid and one-dimensional, and this continues to take a heavy toll on humanity . . . . Indeed, we take issue with the West on the notion of freedom. We do not think that the Western definition of freedom is complete. Nor can the

¹⁸⁹. It must be remembered that the experiences of Muslims with the West include the historical replacement of Muslim self-rule by European colonialism. See Esposito, supra note 20, at 11.
has been rigid and one-dimensional, and this continues to take a heavy toll on humanity. . . . Indeed, we take issue with the West on the notion of freedom. We do not think that the Western definition of freedom is complete. Nor can the Western definition of freedom guarantee human happiness. The West is so self-absorbed in its historical setting and thoughts that it cannot see the calamities that its incorrect view of humanity and freedom has caused.  

As Jupp notes, the goals of Western liberal democracies are “the consolidation of social harmony, the reduction of disadvantage and prejudice, the maintenance of cultural variety, the equalization of service delivery, and the satisfaction of a segment of the electorate.”  

These goals provide a moral and legal basis upon which Islam and the West can start to collaborate. Although Islam is a critique of Western values (some would call Islam a corrective to Western values), Islamic beliefs are cognizable from the Western liberal perspective. Moreover, as Monshipouri asserts, the reasons for Westerners and Muslims to collaborate outweigh the reasons for both groups to distrust one another: “In the end, it is the exigency of coexistence and facing similar problems, such as virulent nationalism, ethnic strife, the spread of weapons of mass destruction, massive migrations, refugees, the gender issue, the ecological and environmental problems, and the dangers of the spread of deadly diseases like AIDS, that makes it imperative for Western and Muslim worlds to work together.”  

The goals of Western liberalism and the goals of Islam are not mutually exclusive, but as President Khatami has suggested, there can be differing legitimate interpretations of the success of Western liberalism. These differences, however, should open a dialogue between the West and the East, not foreclose it. The topic of Muslim migrants in Europe is a starting point for this dialogue and an opportunity to clarify Eastern and Western assumptions about Islam and Western liberalism. The globalization of Islam has touched Western Europe, and Islam and the West will be reshaped by this historic

190. MOHAMMED KHATAMI, Our Revolution and the Future of Iran, in ISLAM, LIBERTY, AND DEVELOPMENT 64–66 (Hossein Kamaly trans., 1998).
191. See Jupp, supra note 109, at 515.
192. See Monshipouri, supra note 16, at 56.
topics of shared interest and concern will facilitate the peaceful integration of these two great communities.