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## Negotiating Embodied Difference: Veils, Minarets, *Kippas* and *Sukkot* in Contemporary Europe

An Essay\*

Tensions have systematically arisen when religious practices deemed alien to Christian/secular Europe have made their presence felt in the cityscapes of the continent. This tension is, perhaps, inevitable. All individuals and groups use clothing, foodways and the built environment to constitute their social selves; there is no ›neutral‹ or unmarked cuisine, or sartorial or architectural style. Those everyday customs constitute local, regional, and national belonging; being surrounded by familiar architecture, smelling familiar smells, seeing neighbours dressed in familiar clothing, all are felt to be essential to being ›at home‹. People, both secular and religious, indigenous and immigrant, thus necessarily and constantly engage in these socially significant practices in both public and private space. All intrude on the eyes (and sometimes noses and ears) of their neighbours whether in their personal appearance or that of the buildings they erect or modify, the food they cook, and the music they produce. Most societies attempt to persuade new arrivals to meld into earlier-established everyday norms, often reading non-compliance as a refusal of integration. The commitment to quotidian practices brought from elsewhere is often even more strongly experienced as an ungrateful rejection of hospitality.

But these everyday sensory experiences are also often crucial to spiritual practice.<sup>1</sup> Many religions exclude or mandate certain foods, either punctually or constantly, and many regulate how animals killed for consumption are to be slaughtered. Many religious structures impinge on the world beyond their walls, not only visually through their very presence and participants' comings and goings, but also audibly, through the tolling of bells or calls to prayer. Many religions legislate how believers are to dress, and have requirements for the aesthetic form of spaces used for worship, both within the home and beyond. Virtually all religions shape time, deeming certain moments of the day, the week, and the year sacred, appropriate for rest, prayer or celebration, while other moments are left for secular activities. For some believers religious practice necessarily shapes one's mode of dress, what one eats, where, when and how one worships, and when one rests and works. For immigrants, or indigenous minorities, maintaining these practices is often simply a matter of adhering to one's own religion rather than a rejection of another set of norms.

The most often not fully conscious nor fully articulated hope that public space could be saturated by customs associated with the national, that all inhabitants of European nation states could be required to leave their sub (or supra) national affiliations at home when they enter the public spheres of school, work, commerce or leisure, is not just an unrealistic, but an impossible, one. That impossibility has not, however, caused the hope to be abandoned and European streets, apartment buildings, parks, and schools have been

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\* I would like to thank Tara Zahra and especially Naomi Davidson for their close readings of an earlier draft.

1 See *David Morgan* (ed.), *Religion and Material Culture. The Matter of Belief*, London/New York 2010; *Daniel Sack*, *Whitebread Protestants: Food and Religion in American Culture*, New York 2000; *John Corrigan* (ed.), *The Oxford Handbook of Religion and Emotion*, Oxford 2008; *Linda B. Arthur*, *Religion, Dress, and the Body*, New York 1999.

the site of conflict over the minutiae of everyday life. The longevity and intensity of these struggles over control over the quotidian demonstrate that this is not an issue to be dismissed as trivial nor one that one can anticipate resolving on its own.<sup>2</sup>

In an effort to suggest a way to pursue our reflection on these pressing matters, this essay deploys a methodology that blends the strategies of everyday life history (notably as developed by the historian Alf Lütke) and those of material culture studies.<sup>3</sup> It also finds inspiration in the work of Roland Barthes, particularly in the collection of essays published under the title »Mythologies«.<sup>4</sup> Each of the essays in that volume takes a banal object, and the discourse provoked or generated by that object (toys, margarine, cleaning products), as a distillation of the society that produced it. Barthes does not suggest that any single thing contains the entire world, but that through the gathering, followed by analysis, of a series of carefully selected array of things, a rich insight into the world that produced those objects and their discursive environment is gained. Barthes' focus was on the relatively smooth workings of the dominant society, but other theorists, whose focus has been on conflict between minority and majority populations, or those whose relationships are characterised by imbalances of power, concur with his analysis.

Scholars as diverse as William E. B. Du Bois, bell hooks, and Simone de Beauvoir argue that, at least in our societies that consider themselves to be accepting of difference, the production and reproduction of intolerance very often happens in the small, literally thoughtless (in the sense of unreflected) gestures and words of everyday life.<sup>5</sup> Even people who consider themselves open to all find themselves, often, ill at ease with the transformation of the visual, auditory, and olfactory environment that accompanies social, cultural and religious practices. There is, therefore, in the domain of responses to the so-called »Other« often a gap between how people understand themselves, what they say they believe, and how they feel and react. I am not saying that people lie – although they sometimes do, of course – but rather that this a topic in which consistency and coherence (except perhaps for those on the extreme Right) is very difficult to achieve.

This essay will explore quotidian conflicts in contemporary Europe between religiously observant Jews and Muslims on the one hand and their neighbours and politicians in the places they call home, and national and European courts, on the other.<sup>6</sup> It suggests that attempts to understand xenophobic, racist, anti-Semitic, and islamophobic action, whether on the individual level, or in organised groups, or through electoral politics, need to take the emotions generated by changes in the everyday environment seriously. Efforts limited to studies of unemployment, class location, age, gender, religious background or political opportunity structure that do not also analyse how people define what it means to be »at home« will necessarily be but partial.<sup>7</sup> It is crucial, in parallel, to take seriously the

2 M. L. P. Loenen/J. E. Goldschmidt (eds.), *Religious Pluralism and Human Rights in Europe: Where to Draw the Line?*, Antwerp 2007; Peter Jan Magry/Herman Roodenburg (eds.), *Reframing Dutch Culture: Between Otherness and Authenticity*, Aldershot 2007.

3 Alf Lütke (ed.), *Alltagsgeschichte: Zur Rekonstruktion historischer Erfahrungen und Lebenswesen*, Frankfurt 1989; *idem*, *Fabrikalltag, Arbeitererfahrungen und Politik vom Kaiserreich bis in den Faschismus*, Hamburg 1993. On material culture, including a very substantial bibliography, see Leora Auslander, *Beyond Words*, in: *American Historical Review* 110, 2005, pp. 1015–1045.

4 Roland Barthes, *Mythologies*, New York 1972 (first published 1957).

5 Simone de Beauvoir, *Le deuxième sexe*, Paris 1954; bell hooks, *Black Looks: Race and Representation*, Boston 1992; William E. B. Du Bois, *The Souls of Black Folk*, Chicago 1915.

6 This essay is, in certain ways, an updating on my essay: Leora Auslander, *Bavarian Crucifixes and French Headscarves: Religious Practices and the Postmodern European State*, in: *Cultural Dynamics* 12, 2000, No. 3, pp. 183–209.

7 Paul Hainsworth, *The Extreme Right in Western Europe*, London/New York 2008; Elisabeth Carter, *The Extreme Right in Western Europe: Success or Failure*, Manchester 2005.

demands that religious practice may make on believers. Studies that assume that Muslims, Jews, Hindus, or Buddhists living in Europe could fit in if only they »really wanted to«, will also fail to grasp the scale and nature of the problem.

This essay focusses on France, Germany, and Switzerland, with occasional references to Britain because they are representative of Western European diversity in the domains of religiosity, presence of non-Christian populations, church-state relations, forms of governance, and success of the far Right in achieving elected office.

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A Eurobarometer Report of 2005 that included a section on religious attitudes across Europe, found that just over a third of people in France said they believed in God, with that figure slightly higher in the United Kingdom (38%), while in both Germany and Switzerland it rose to nearly half of the population. Belief is far higher in much of Southern Europe (Italy, Portugal, Greece, and Turkey) as well as parts of Eastern Europe (Poland, Georgia), and lower in other parts of Central Europe and Scandinavia. The survey included the possible alternative answer, »I believe there is some sort of spirit or life force«, which was chosen by almost 40% of the Swiss and the British, along with about a quarter of the French and Germans. These results attest to decline of conventionally-defined religious belief (and presumably traditional religious practice), continued preoccupation with spiritual matters, and to the diversity of religious belief in Europe. There is, therefore, no common »European« position on religion.<sup>8</sup>

Of both those who say that they believe in some form of God and those who do not, most come from families that are, nominally, Christian (Catholic, Protestant, or Orthodox). Germany and Switzerland have Protestant majorities and very large Catholic minorities; France, Italy, Spain and Portugal have overwhelming Catholic majorities and very small Protestant minorities; Britain and the Scandinavian countries are very largely Protestant with tangible but small Catholic minorities. Within these broad classifications, »Protestantism« embraces a very wide variety of differentiated churches and practices, including the historically central division between Lutherans and Calvinists, but also many other churches identified as Protestant. Non-Christians live as citizens and residents throughout Europe, with Muslims being the largest group, followed by Jews, Buddhists, and Hindus. The percentages represented by these groups are uniformly small (at around 5% across Western Europe Islam is the largest) but local and regional concentrations can make them very visible in particular locations. France and England are the only countries with significant Jewish populations, although Jews are present in all European countries, and Hindus make up more than a tiny minority only in England.

It is not only, of course, a sense of the importance of religiosity, or religious heritage, or nominal religious belonging that is salient, but level and form of practice. Catholicism and what may be called conventional Protestantism have seen a diminishment in practice among the native-born throughout Western and Southern Europe in the last half-century. Immigrants have, however, brought with them from the Caribbean and Africa, both a more engaged Catholicism and Evangelical Protestantism. The Rom have also brought Evangelical Protestant practice with them as they traverse Europe, sometimes planning their trips around the schedules of large outdoor revival meetings. Likewise, many Jews born of families already present in Europe before the Second World War practice an attenuated form of the religion (if they practice at all) whereas a substantial number of those who migrated from North Africa in the course of decolonisation are more orthodox in their commitments. Finally, Islam, too, is highly differentiated, both in the affiliations

<sup>8</sup> Special Eurobarometer Report 225 »Social Values, Science and Technology«, 2005, p. 9, URL: <[http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_225\\_report\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_225_report_en.pdf)> [10.8.2011].

of its mosques and in the degree and nature of its practice. Some of those differences are generational; the labour migrants of the post-war period were often secular in their practice, whereas many of their children and grandchildren have become observant. There is also, however, a lively critique of many of those forms of observance among European Muslims, particularly but not exclusively, women. The European religious field is, thus, extraordinarily complex. It is important to note also that there is no simple corollary between orthodoxy and intolerance; some of those who find the religious practice of others the most difficult to bear are the passionately secular (who are also often unable to see that their secularism rests on a Christian foundation) whereas some of those of intense belief can recognise and respect the same in others, even if they do not share a religion.

The structure of relations between church and state are equally diverse across Europe. Britain has an established Church; France is explicitly secular, although given the power of the Catholic Church at the moment of separation, many compromises were made in that secularism; Germany and Switzerland have neither established churches nor a policy of secularism. Relations between religion and politics are also structured, of course, by the nature of government itself.

European nation states negotiate the relation between the local, the regional, and the national in a great variety of ways. Switzerland, Italy, and Germany have federal structures with considerable power, particularly over educational and cultural matters controlled at the local or regional level. Britain is not federal in form, but also leaves great autonomy to sub-national governance. France is very highly centralised, although more responsibility has been allowed to devolve to the local, and especially regional, level in recent years.

European nation states also, of course, while sharing an experience of substantial immigration in the post-Second World War period, have different histories of colonialism, decolonisation, and immigration matched by equally diverse policies concerning naturalisation and citizenship. The United Kingdom, France, Belgium, and the Netherlands experienced very substantial immigration from former colonial possessions, while Switzerland and West Germany imported large laboring populations. Scandinavia, Italy and Spain by contrast, only saw the immigration of those marked as »other« decades later. While it is most often »racial« and »cultural« difference that is perceived as salient in this demographic transformation of Europe, I would like to argue here for the equal importance of religious difference; most of these immigrations come from non-Christian majority nations.

The final crucial commonality and difference across Europe is the presence of individuals bearing far Right, explicitly xenophobic, often racist, often islamophobic, sometimes anti-Semitic, political convictions. Their numbers vary considerably by locality, region, and nation (as well as by gender, age, and social class). Some belong to organised groups, while others are members of recognised political parties holding local, regional, or national elected and appointed office. Thus, far Right political parties have made substantial electoral progress in Austria, Belgium, France, Switzerland, the Netherlands, Denmark, and Sweden in the last 30 years. That is not the case in Germany, Britain, Spain, or Portugal but given the ideological commitment to the use of violence (or at least its threat) of those on the far Right, such individuals and groups have considerable impact even when they are not able to break into the domain of recognised political organisation. The far Right's capacity to directly influence policy and to shape legislation is obviously dependent, however, on their presence in government.

There is, then, no homogeneous image of European religious affiliation, religiosity, church-state relations, form of governance, or organisational structure of the extreme Right. Yet there is a common (sometimes self-conscious and sometimes not) Christian heritage and a common resurgence of xenophobic, anti-Semitic, islamophobic, racist sentiments, in various forms and with differing consequences. There is also, as will be seen

below, a common difficulty in accommodating non-Christian, non-secular modes of life, even among those who utterly repudiate the positions of the extreme Right. These difficulties take different forms depending, above all, on where the demarcation of individual freedom and societal obligation is located, what role religion is understood to play in the nation, and what electoral power the extreme Right has garnered.

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Everyday sartorial and alimentary practices at school is an obvious site from which to begin such an analysis because, as I noted in an essay written in the late 1990s at another moment of tension concerning religion »in public«, it is when children's education is at stake that a society's values become clearest.<sup>9</sup>

Throughout Europe, the vast majority of children are educated in public schools (known as Comprehensives in Britain) and/or in private schools supported by substantial state subsidies. The presence of religion in these schools varies greatly by nation state, however. In France, fully-public schools exclude religion completely. If religion is included in the curriculum, it is taught as the history of religion on a par with other academic knowledge, not as an ethical or belief system. Switzerland allows religion to be taught in public schools, but it is obligatory for neither the school nor the pupils in most cantons (schools are locally controlled in Switzerland). In the United Kingdom, West Germany, and reunified Germany, the teaching of religion (or ethics) has been required. In the German case, this education was considered essential, following the defeat of the National Socialist regime, to the construction of a new democratic nation. Although all schools must offer such courses, students are not always required to take them. In Germany, the teachers are appointed by each religious denomination, but paid by the state. Until 2003, when Judaism was added to the offerings, religious instruction was supplied only in Protestantism and Catholicism, and schools are still not required to offer courses in Islam. There is extensive debate in the United Kingdom and Germany as to whether a secular ethical course can or should be added to, or even substitute for the confessional courses. Advocates say that such courses would help to facilitate communication and understanding among diverse students; opponents say they would dilute an already too thin curricular presence.<sup>10</sup>

The system of state support of private schools also varies. In France, most private schools are »under contract« to the state. These schools accept state inspection and accreditation, follow the national curriculum, and allow all who fulfil the academic criteria to enrol (discrimination on the basis of religious affiliation is, in other words, illegal). In exchange, they receive substantial state support allowing them to charge very low tuition. This arrangement was one of the many compromises reached between the Third, Fourth, and Fifth Republic and the Catholic Church after the seizure of control of the schools by the state in the nineteenth century. In Switzerland, by contrast, private schools do not receive state support. Germany and the United Kingdom, although the history of church-state relations is very different in each place, have a similar structure with heavily state-supported private religious schools. The French state is unusual in providing equal support to religious and non-religious private schools that comply with state regulation; elsewhere, non-denominational private schools either do not receive state funding or very little. (In Germany, some students may receive state scholarships to attend private schools.) In most European countries access to a religious education is uncontroversially considered a right (and sometimes an obligation), to be supported by the state. In France, by con-

<sup>9</sup> *Auslander*, Bavarian Crucifixes and French Headscarves.

<sup>10</sup> *Wanda Alberts*, *Integrative Religious Education in Europe. A Study-of-Religions Approach*, Berlin/New York 2008; *Aurora Alvarez Veinguer/Gunther Dietz/Dan-Paul Jozsa* (eds.), *Islam in Education in European Countries: Pedagogical Concepts and Empirical Findings*, Münster/New York 2009.

trast, the topic is very fraught, although the percentage of children attending private denominational schools is, in fact, among the highest in Europe.

One-fifth of the schools in France are private; they teach approximately two million children or about 17% of the school-age children. Of the private schools, 97% are Catholic; there are around 8,000 Catholic schools in France currently. There are 256 Jewish schools, serving about 30,000 students or about 30% of the school-age Jewish population. By contrast, there are four Muslim schools, three in metropolitan France and one in La Réunion. In part because of this shortage, about 10% of Muslim children go to Catholic schools. This small number of Muslim schools is not a result of a lack of interest in their creation but rather a reluctance on the part of the state to authorise them; proposed schools have been refused, for example, in both the Parisian and Lyonnais suburbs in recent years. In the United Kingdom there are around 2,500 private schools educating about 7% of school-age children (more – 18% – if one includes those 16 years old and over). The percentage for Germany is slightly lower, with about 6% of children educated in private schools (about 40,000 students in approximately 2,700 schools), and in Switzerland lower yet, where private schooling is often very expensive and closely associated with elite education. Each national history of church-state relations as well as of the history of education itself and its relation to the state has clearly shaped the options available to parents as they consider the place of religion in their children's lives.

A final example of a salient difference is that of the stances taken toward school attendance.<sup>11</sup> In Germany, home schooling has been illegal since a 1938 prohibition (passed, therefore, under the ›Third Reich‹). It was revised later but has remained fundamentally unchanged. In France, the United Kingdom and most cantons in Switzerland, by contrast, home schooling is legal with the numbers running highest in Britain. It is understood, particularly in France, to provide an important alternative option for those not willing to conform to the national norms for behaviour in public spaces. It is also a product of the hegemony of the secular public school model there (even the vast majority of private schools follow the public school curriculum and most other regulations in order to obtain state funding). In Germany, by contrast, schools are not understood to be normatively secular, nor are they controlled by the federal government. There is, therefore, a much wider variety in the mainstream educational offerings. Both the dominance of a single model of education and the legitimacy (or not) of the home-schooling option necessarily shapes both opinion and policy concerning public schools.

Within this context of considerable diversity in the control, funding, and place of religion in schooling, it is striking that similar issues tied to religious practice – notably the question of acceptable clothing, food provision, and the school calendar – have arisen in each context, albeit with different outcomes. The most well-known of these conflicts has been over the wearing of Muslim head-coverings in school.<sup>12</sup> This has been most heated and dramatic in the French case where (Muslim) headscarves (and ultimately Jewish *kip-pas* and Sikh turbans) were banned from public schools (and other public institutions) in 2004 after 15 years of intense controversy.<sup>13</sup> That ban was extended in October, 2010 to

11 *Amand J. Petrie*, Home Educators and the Law within Europe, in: *International Review of Education (Internationale Zeitschrift für Erziehungswissenschaft/Revue Internationale de l'Éducation)* 41, 1995, No. 3/4, pp. 285–296.

12 For a comparative European overview, see *Dominic McGoldrick*, *Human Rights and Religion. The Islamic Headscarf Debate in Europe*, Oxford 2006.

13 For a more detailed summary (and bibliography) of the French case to 1999, see *Auslander*, *Bavarian Crucifixes and French Headscarves*. The scholarly literature on this has exploded since. See notably, *Joan Wallach Scott*, *The Politics of the Veil*, Princeton, NJ 2007; *Afsaneh Najmabadi*, *Gender and Secularism of Modernity: How Can a Muslim Woman Be French?*, in: *Feminist Studies* 32, 2006, No. 2, pp. 239–255; *John Bowen*, *Why the French Don't Like Headscarves: Islam, the State, and Public Space*, Princeton, NJ 2007.

make wearing the burka not only while engaged in state functions, but simply on the street, illegal. Although the issue of the Muslim headscarf has been discussed, and its banishment urged by some, in Switzerland, the United Kingdom and Germany, none of the other nation states have chosen to follow France's example. Only in the UK, however, are teachers systematically allowed to cover their hair; many states in Germany and cantons in Switzerland have disallowed that practice.<sup>14</sup>

The most notable aspects of this controversy have been: 1. that the French courts have been forced to add a provision limiting Jewish and Sikh practice; 2. the surprising degree of consensus across the political spectrum in France; and, 3. the divisions within Europe that it has wrought. During the first five years of the controversy (from 1988 to 1993) the only religious practice under discussion was the wearing of Muslim headscarves. When, however, the specifically anti-Islamic nature of the desired exclusion became clear – it was pointed out that Jewish boys had been wearing *kippas* for years, and some Christians gold or silver crosses – the courts were forced to either allow the headscarves or ban all forms of religiously-marked dress. This produced considerable ill-ease and from 1993 to 2004, court decisions went back and forth, until finally, on February 10, 2004, the French National Assembly overwhelmingly voted (494 in favour, 36 against, 31 abstentions) to adopt a law banning »symbols and clothing that ostentatiously show students' religious membership« in public elementary, middle and high schools. The law, which also prohibits the wearing of the *kippa*, Sikh turbans, and large crosses, was applied beginning in September 2004 throughout France and in many of its island territories. Ironically, the only country within the European purview to have as draconian a law against the public practice of religion is Turkey, which many Europeans have sought to block from EU membership on the grounds that it is a Muslim country.<sup>15</sup> A further irony, as will be discussed in more detail below, is that both Jews and Muslims have responded to this rigidification by opting out of the national system in greater numbers, thereby creating precisely the kind of communitarian subcultures this law was intended to combat. The coalitions behind the passage of this law are also notable.

Although fiercely divided on virtually all issues, the French Right and Left have come together over this issue to argue that both the marking of religious (or ethnic) identification and the insistence that covering one's hair is an essential part of one's religious practice, are unacceptable deviations from French republican norms, indicative of a refusal of integration into the national body. Even more strikingly, Right and Left have joined forces together to defend a position they claim to be feminist; the headscarf represents the degradation of women and is illegitimate in a culture that stands for gender equality. It is very hard to know to what degree girls and women are *choosing* to cover their hair or are being obliged to do so by their parents, husbands, or siblings. Muslim women, both in Europe and elsewhere in the world, are vocal in both their endorsement and their condemnation of the practice, depending on their personal experience and their interpretation of the scarf's meaning.<sup>16</sup> Some of the women who cover their hair have said that the issue, for them, is less religious than avoiding European norms of feminine sexualisation and/or a mode of expressing solidarity with their brothers who they perceive to be objects of harass-

14 Human Rights Watch, *Discrimination in the Name of Neutrality. Headscarf Bans for Teachers and Civil Servants in Germany*, New York 2009.

15 Jennifer M. Westerfield, *Behind the Veil. An American Legal Perspective on the European Headscarf Debate*, in: *The American Journal of Comparative Law* 54, 2006, pp. 637–678.

16 Mayanthi Fernando, *Reconfiguring Freedom: Muslim Piety and the Limits of Secular Law and Public Discourse in France*, in: *American Ethnologist* 37, 2010, No. 1, pp. 19–35; Lamia Ben Youssef Zyzafon, *The Production of the Muslim Woman: Negotiating Text, History, and Ideology*, Lanham, MD 2005.

ment by the French state.<sup>17</sup> But while those Muslim women who critique the practice find a welcoming audience among political figures, many intellectuals, and the press, those who defend it have a harder time making themselves heard.<sup>18</sup> Part of the inaudibility may be a result of the fact that it is very difficult for many in contemporary France to imagine the reality of embodied religious practice. Part of the inaudibility may be an unstated, perhaps unacknowledged, difficulty admitting that the French cityscape can include women other than Catholic nuns, who choose markedly modest dress for religious purposes. The apparent acceptance of Orthodox Jewish women's modest dress and headcoverings reinforces this argument. Most Jewish women who choose to follow sartorial restrictions wear natural-looking wigs, rather than scarves, and fashionable French clothing that meets the modesty norms of their community. To the obvious explanation that most Europeans, in the post-Shoah world, are reticent to be overtly critical of Jews, should be added that the accommodation Jewish women have made to French norms has made it easier to literally not see them.

It has been noted by a variety of commentators that politicians not previously known for their support for women's rights have »come out« as feminists in the course of this discussion. Given the same politicians' reticence concerning the *parité* movement (mandating proportional representation of women on electoral lists), and, more dramatically, their staunch defence of the most explicitly sexualising and objectifying of advertising images, this stance is somewhat difficult to take at face value.<sup>19</sup>

The issue of non-Christian embodied religious practice is fraught enough to create seismic shifts, in other words, in the French political landscape. The most recent manifestation of this, carried beyond public institutions including schools and hospitals, has been the criminalisation of the burka on the public thoroughfares, a move that has been highly criticised in the European community (as well as by those required to enforce it in France). Although all forms of Muslim head-covering have been the subject of intense discussion throughout Europe, no other European country has found it advisable to ban the practice. Clothing is not the only embodied religious practice to sound alarm bells in Europe, however, alimentary restrictions, too, have been in the headlines.

In more recent years, food has been added to the school controversies, first in the French context and later in the British. The debate is over what meals are offered to children in public school cafeterias. In 2007, for example, a heated conflict arose in Lyon (and elsewhere in France, notably Marseille) where 30% of the children attending public school refused for religious reasons to eat the meals provided. This came as a surprise to many since the city had understood that it had resolved the problem in 1960 when, in response to the large influx of practicing Muslims, the schools started offering an alternative meal when pork was on the menu. Often, however, that alternative meal was in fact simply the vegetables and starch that accompanied the pork – and had sometimes been cooked with it. The intensification of religious practice and the arrival of students from a greater diversity of religions meant that that strategy was no longer acceptable to many. A solution proposed by the city was adding a vegetarian option (which would satisfy most, although not all, of the observant Muslims, Jews, Buddhists, and Hindus) to the offerings. This resolution was explicitly articulated by the associate Mayor responsible for education, Yves Fournel, as one which allowed for difference without providing explicitly re-

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17 Caitlin Killian, *North African Women in France: Gender, Culture, and Identity*, Stanford, CA 2006.

18 Fadela Amara/Sylvia Zappi, *Breaking the Silence: French Women's Voices from the Ghetto*, translated with an Introduction by Helen Harden Chenut, Berkeley 2006.

19 Joan Wallach Scott, *Parité!: Sexual Equality and the Crisis of French Universalism*, Chicago 2005.

ligiously-marked food. (The cafeterias do not, for example, offer *hallal* or kosher meat.)<sup>20</sup> Despite the fact that this was clearly a compromise decision, it was understood by some to do violence to the principles of »laïcité«.<sup>21</sup> Critics held that allowing students to not conform to French eating practices would, by its acceptance of the enactment of religiously motivated difference in the public sphere, erode the fundamental principles of French society and thereby solidarity. The conflict has reached the courts and a decision should be made in the autumn of 2011. Like the school headscarf ban, the food issue has left the walls that traditionally sheltered the republican students from the dangers of outside influence. In the last year, »Pique-niques ›Saucisson et pinard« (salami and wine picnics) have been organised by right-wing political organisations in a variety of locations, notably in streets with substantial Muslim populations at the moment of Friday afternoon prayers as well as in the halls of the National Assembly.<sup>22</sup> The ostentatious consumption of food prohibited in the Muslim diet is intended to mark a refusal of the »islamicisation« of the French cityscape and French everyday life. Anti-racist organisations have vigorously opposed these »picnics« and some of them have been prohibited by the governmental authorities.

The issue of religion and food provision has arisen in the United Kingdom as well, but the rhetoric is tellingly different. The school district of Harrow in 2010 implemented a policy of using only *hallal* meat in their cafeterias (alongside fish and vegetarian offerings) on the grounds that keeping two kinds of meat was complex and expensive and that all could eat the *hallal*. In Germany, the Falkenhausenschule in Kehl recently offered *hallal* meat with the breakfast served at school. There has been protest in both cases, largely not on explicitly religious terms, but because *hallal* butchering is understood by animal rights activists to be cruel and unacceptable.<sup>23</sup> It should be noted, however, that in the UK case, some have also protested that children should not be deprived of a food central to the national diet – pork – only because a minority do not eat it. The slippage from a serious issue – that ritual slaughtering may cause unacceptable pain to the animals – to a frivolous one – that children might be deprived of pork one meal a day – is an indication that the issues in these debates are often not on the surface.

Key here again is the question of the capacity to recognise that religious logics may not be the same as secular logics; an observant Muslim's decision to cover her hair or an

20 *Noria Ait-Kheddache*, Islam: polémique au menu des cantines françaises, in: L'express.fr, 6.10.2010; Le »complet sans viande« lyonnais fait débat, in: Liberation.fr/LibeLyon, 2.10.2007; Menus sans viande: Les réponses de la mairie (Interview with Yves Fournel), in: *ibid.*; *Sophie Landrin*, Les cantines scolaires lyonnaises vont proposer des menus équilibrés sans viande, in: Le Monde.fr, 3.10.2007, for all see URL: <<http://islamlaicite.org>> [27.7.2011].

21 See for example *Sylvain Lapoix*, Lyon négocie la laïcité dans les cantines scolaires, in: Marianne 2, 10.10.2007, URL: <<http://www.marianne2.fr>> [27.7.2011].

22 *Leïla Belghiti*, Un apéro géant islamophobe? Pique-nique »Saucisson et pinard à La Goutte-d'Or« pour faire la nique aux musulmans, in: Saphirnews, 15.6.2010, URL: <<http://www.saphirnews.com/>> [27.7.2011].

23 *Laura Clark*, Parents' Outrage over Halal-only School Dinners Planned for Primary Schools, in: Mail online, 6.8.2010, URL: <<http://grendelreport.posterous.com/parents-outrage-over-halal-only-school-dinner>> [2.8.2011]. For analysis of the tensions between animal rights and religious prohibitions, see *Pablo Lerner/Alfredo Mordechai Rabello*, The Prohibition of Ritual Slaughtering (Kosher Shechita and Halal) and Freedom of Religion of Minorities, in: Journal of Law and Religion 22, 2006/07, No. 1, pp. 1–62; for the German case, see *Peter Shaw*, »Offener Brief an die Rektorin der Falkenhausenschule«, Politically Incorrect, URL: <<http://www.pi-news.net/2011/06>> [10.8.2011]. For the larger issues see *Robin Judd*, The Politics of Beef: Animal Advocacy and the Kosher Butchering Debates in Germany, in: Jewish Social Studies, New Series 10, 2003, No. 1, pp. 117–150.

observant Jew's to wear a *kippa*<sup>24</sup> are not fashion statements, nor is the refusal of either to eat pork a matter of taste. Neither the sartorial nor alimentary practices are equivalent to those of secular decisions to wear a scarf or a baseball hat, or eat one thing or another for lunch. As a very substantial scholarly literature demonstrates, while for some these may be identity strategies – that is, corporeal practices intended to mark belonging to one group and distance from another –, for many these are, along with prayer, ritual bathing and other gestures, essential elements of religiosity. At stake, here, then is whether or not European society is prepared to fully integrate non-Christian religious observance in the public sphere.

Time, and its organisation, is as much a challenge to secularism as is the body. Life, throughout Europe, is set to a calendar that has its basis in Christianity. Although the practice of Sunday store closings has eroded with time, if a shop is closed one day a week, it is generally on Sundays and most offices are empty that day. Likewise, Christmas, Easter, Pentecost, All Saints and a number of other holidays of Christian origin (even if now understood by many or even most to be secular) see the cessation of normal labour in many European countries. Fridays, marked by Muslims by prayers at midday, and Saturdays, the Jewish day of rest, by contrast, are regular work (and in some cases school) days. This is, arguably, a more difficult issue than that of food and clothing for schools to handle. Once Saturday is removed as a regular school day, however, and provision made for missing class for holidays that fall during the week and (for older Muslim students) prayers on Friday, it is far from an impossible one. These solutions only become conceivable, however, once the principle that conformity to Christian-secular norms is not the *sine qua non* of full membership in European society. This continues to be a surprisingly fraught issue. Of the many examples one could provide, the fact that it was necessary, in 2008, for a Jewish student in the canton of Tessin in Switzerland to sue to be allowed to take a crucial examination on a day other than Saturday despite clear directives to that effect is indicative of the continued reticence to provide accommodation.<sup>25</sup> Shifting from the domain of the transitory temporality and materiality of clothing and food, to the permanence of the cityscape, we see another domain in which Europeans are struggling with what it means to be »at home« in their sensory world.

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Religious practice requires not only specific clothing and foodways, but spaces of worship.<sup>26</sup> The degree to which non-Christian ritual sites can be accommodated in Europe has been fraught for centuries. Until the nineteenth century, for example, Jewish synagogues were as highly contested as mosques are today in some places.<sup>27</sup> Last year a referendum in Switzerland rendered illegal the erection of minarets on mosques within Swiss territory.<sup>28</sup>

24 For a rather sardonic discussion of the complex history of the practice of Jewish masculine hair-covering, see *Harry Steinhauer*, Yarmulke: Holy Headgear, in: *The Antioch Review* 48, 1990, No. 1, pp. 4–25. For an equally complicated view on women's hair-covering in Judaism, see *Nancy K. Miller*, Family Hair Looms, in: *Women's Studies Quarterly* 36, 2008, No. 1/2, pp. 162–168.

25 URL: <[http://www.swissjews.ch/pdf/fr/religioeses/merkblatt\\_sabbatdispens\\_matura\\_fr.pdf](http://www.swissjews.ch/pdf/fr/religioeses/merkblatt_sabbatdispens_matura_fr.pdf)> [27.7.2011]

26 For a good collection on the idea of »muslim space«, see *Barbara Metcalf* (ed.), *Making Muslim Space in North America and Europe*, Berkeley 1996; for the spaces of French Islam, see *Naomi Davidson*, *Making Islam French*, Ithaca (forthcoming).

27 *Dominique Jarrassé*, *Une histoire des synagogues françaises. Entre occident et orient*. Essai, Arles 1997.

28 *Nick Cumming-Bruce/Steven Erlanger*, Swiss Ban Building of Minarets on Mosques, in: *New York Times*, 29.11.2009. For a discussion of earlier controversy, see: *Christophe Deloire*, *Quelle de minarets*, in: *Le Point*, 8.7.2004.

The initiative behind the referendum was a right-wing party, the Schweizer Volkspartei (SVP), and the sitting government was opposed. The context here is significant. There is a substantial Muslim population in Switzerland, although somewhat fewer than in the United Kingdom, France or Germany – around 5% of the population (approximately 400,000 of a total of population of close to 8 million). The country in which they live is, however, even more diverse than the others. 21% of Switzerland's inhabitants are foreigners living legally there; Switzerland itself is divided into four regions with distinct languages and regional cultures. The population is about 60% Protestant, but divided among Lutherans and Calvinists and there is a large Catholic population. As noted above, it is also, still, a country where a substantially greater number than in the UK or France (but not Germany) declare themselves to find religion important to them. Both the internal diversity and the relative importance of religiosity might have led one to expect that Switzerland would have an easier time accommodating differences in religious practice than elsewhere. This appears, however, to not be the case, or at least not in all instances.

Among those who have spoken out against the presence of minarets on mosques in Switzerland, the arguments focus on the alienation of the land/cityscape they understand to follow from those structures. They systematically say that the mosques are in competition with churches and that their appearance in the landscape means that one no longer feels at home. It is explicitly stated that Switzerland is a Christian space and Christian sounds (church bells) and architecture should dominate. The desire to maintain Christian hegemony is particularly interesting given the range of appearance of bell towers on Swiss churches; there is no single Swiss ›Christian‹ aesthetic in sacred architecture. It is almost as if the very heterogeneity of Switzerland has made some Swiss less tolerant of certain differences. The hostility generated by minarets is particularly fascinating because the issue of head-coverings has provoked far less controversy in Switzerland than elsewhere. There is no judgement of the Swiss federation on the headscarf question and the majority of cantons allow girls to wear them to school. It seems that for the Swiss, the temporality and individuality of dress gives it a different status than architecture. Clothing is, obviously, attached to an individual and if (or when) the wearer leaves the country the sartorial practice leaves as well. And, even while the person is dwelling in Switzerland, clothing can be taken on and off. Architecture is, equally obviously, much more permanent and is a strong marker of a long-term Muslim presence, a presence that extends to a claim to a place in the built patrimony. One could suggest that another reason for the relative calm in Switzerland on the question of Muslim head-coverings is that that the practice is often critiqued as an infringement on women's rights and Switzerland has not been on the cutting edge of progress in that domain. It was, for example, one of the last countries in Europe to grant women suffrage (1971). This may appear a somewhat tendentious position, but Switzerland is exceptional in its combination of dramatic reaction against the mosques and relative calm on the subject of headscarves.

The Swiss reaction to the minarets provoked a sharp response abroad: The European Union condemned the vote, characterising it as an obstruction of the rights of free speech and religious practice. Those rights are, in principle, inviolable. Switzerland is not part of the European Union and this judgement had, therefore, no legal weight, but given that Switzerland is geographically, conceptually, and emotionally very much part of Europe it is far from insignificant. The Vatican<sup>29</sup> and the United Nations also came out against the decision. Asma Jahangir, the special reporter for the freedom of religion and belief wrote, for example, »I am deeply worried about the negative consequences of this vote for the freedom of religion or belief of the members of the Muslim community in Switzerland«. She noted further that the Council on Human Rights at the United Nations had announced

29 Ian Traynor, *Swiss Ban on Minarets Draws Widespread Condemnation*, in: *The Guardian*, 30.11.2009, URL: <<http://www.guardian.co.uk/>> [2.8.2011].

a month before the vote that such an interdiction is contrary to the obligations of all countries under international human rights law.<sup>30</sup>

The reaction in the French press was also, with the exception of the far Right press, very critical of the referendum.<sup>31</sup> It was condemned as a symptom of islamophobia and xenophobia, despite the fact that the same journalists generally defended the French interdictions of Muslim head-coverings and were ambivalent about the general refusal to authorise Muslim schools, as well as concerning the construction of mosques in France. The President, Nicolas Sarkozy, by contrast, defended the Swiss decision. Given, then, that one might have expected a warmer reception to this referendum elsewhere in Europe (and especially in France), both the referendum and the reaction are in need of explanation.

The overwhelming position of the press against the referendum was largely a reaction against the idea of a referendum on this question, and on this type of question. Switzerland has a more powerful tradition of direct democracy than most countries in Europe and the Atlantic world, enabled by a concentration of power at the local and regional level. This has often led to quite reactionary politics. An example gives weight to this claim: In 2000, the town of Emmen, an industrial suburb of Lucerne, modified its naturalisation processes. In the new procedure, »[e]very eligible voter [...] received a booklet containing family photographs and intensely personal data on salary, tax status, background and hobbies for the people seeking naturalization«. <sup>32</sup> This system was changed in 2003 as a result of a decision of the Swiss Supreme Court, which discovered that in Emmen, only eight requests for naturalisation (out of 48) had been accepted. The eight were all Italians who were assumed to be Christians. The other 40 came from the Balkans and Eastern Europe and were assumed to be Muslims.<sup>33</sup> In the wake of this decision, naturalisation is still done at the local level, and the candidates are interviewed publicly, but the final decision is made by an elected commission rather than by popular vote. This decision was very controversial and in 2006, the Swiss People's Party succeeded in gathering enough votes for a referendum that would have guaranteed cantons' right to put naturalisation petitions to direct vote. The Swiss legislature put, an at least temporary, end to this discussion in December 2007, when it legislated that naturalisation decisions were to be made by local elected bodies rather than by direct vote. The contrast with France, Germany or Britain where naturalisation is the responsibility of the state bureaucracy without popular or local intervention remains striking. Bureaucratic processes are not, of course, a panacea, but as a 2005 study in Switzerland indicates, do seem to provide a greater chance of success to those seeking naturalisation.<sup>34</sup>

Given that the task of governments (whether local, regional, national or supranational) is to balance the necessarily divergent interests of their constituencies, whereas most in-

30 Swiss Minaret Ban Discriminates Against Muslims, Says UN Expert, UN News Service, URL: <[www.un.org/apps/news/story.asp?NewsID=33089](http://www.un.org/apps/news/story.asp?NewsID=33089)> [10.8.2011].

31 Les Suisses votent l'interdiction des minarets, in: Lefigaro.fr, 29.11.2009, URL: <<http://www.lefigaro.fr/international/2009/11/29/01003-20091129ARTFIG00109-vers-l-interdiction-des-minarets-en-suisse-.php>> [2.8.2011].

32 Elizabeth Olson, Most Foreigners Fail Test at the Ballot Box: Swiss Town Puts Brake on Hopes for Citizenship, in: New York Times, 13.3.2000, URL: <<http://www.nytimes.com/2000/03/13/news/13iht-swiss.2.t.html>> [10.8.2011], all cited translations by Leora Auslander.

33 Helena Bachman, Not One of Us, in: Time World, 27.3.2000, URL: <<http://www.time.com/time/world/article/0,8599,2056312,00.html>> [10.8.2011].

34 Ballot Box Votes on Citizenship Outlawed, Swissinfo.com.ch, 9.12.2007, URL: <[http://www.swissinfo.ch/eng/politics/internal\\_affairs/Ballot\\_box\\_votes\\_on\\_citizenship\\_outlawed.html?cid=6326034](http://www.swissinfo.ch/eng/politics/internal_affairs/Ballot_box_votes_on_citizenship_outlawed.html?cid=6326034)> [10.8.2011]; Citizenship Initiative Scrapes Through, Swissinfo.com.ch, 10.1.2006, URL: <[http://www.swissinfo.ch/eng/Home/Archive/Citizenship\\_initiative\\_scrapes\\_through.html?cid=4947128](http://www.swissinfo.ch/eng/Home/Archive/Citizenship_initiative_scrapes_through.html?cid=4947128)> [10.8.2011]. On the limits of justice in a bureaucratic system, see Alexis de Spire, *Etrangers à la carte: l'administration de l'immigration en France, 1945-1975*, Paris 2005.

dividuals focus on those of themselves and their families, decisions made in representative forums often rest on a different kind of deliberation than those made by direct vote. Direct votes on whether or not a neighbour should be granted citizenship seem to often be the result of fear for property values, who one's daughter will date, or a sense that one will feel less and less »at home« in one's neighbourhood. These issues are, of course, also raised when national legislatures debate naturalisation law, but they are more often tempered by a concern for principle, justice, or the national interest. The press was, in part therefore, critical of the process used to reach judgement on this issue. It is also the case, however, that nowhere else in Europe has the response to mosques and minarets been of the same amplitude as that in Switzerland.

The stance taken elsewhere in Europe has tended, rather, to encourage the building of Muslim sacred sites on the model of those of Christianity. Following the strategy used for the integration of Judaism in the nineteenth century, the logic is one of the domestication and normalisation of the foreign. The informal (and often invisible for those outside the community) prayer rooms now dominant in Europe are viewed as much more threatening than »cathedral style« mosques in which Muslims pray in ways familiar to the dominant population. New, large mosques are being built in on the French side of the Rhine in Marseille, Strasbourg and Paris while there are big projects in Cologne and Berlin on the East. All of these places of worship will have substantial minarets that have been authorised by the local urban planning bureaus that have jurisdiction. (It is not, however, at all certain that calls for prayer, in parallel to the bells tolling in nearby churches, will be broadcast from them.) There is the hope that these will replace some of the approximately 2000 informal prayer rooms scattered across France and Germany. Although the far Right parties in both countries have done their best to block construction, they have failed as the reigning conservative parties have joined forces with the socialist/Left opposition in agreement that it is wiser to accept that a European Islam is a reality in the present and will continue to be one into the future. That reality is best served, they argue, by enabling open, dignified places of worship rather than forcing Islam underground.

I would like, then, to suggest that the reaction to mosques in Switzerland is an expression of a generalisation with which I opened this paper; the Christian environment remains extremely important even for a largely non-practicing population. The crucial question is not, therefore, that of the acceptance of difference but of *which* differences. This observation is particularly notable in Switzerland, which is, as noted, far from a homogeneous country. With its four official languages and at least as many cultures, as well as an almost even division between Protestants and Catholics, one cannot say that the Swiss insist on assimilation to a single national norm. And, given that there are several magnificent, enormous and very visible nineteenth century synagogues in Switzerland one cannot say that it is only Christian architecture that has been, and will be, accepted in Switzerland. But the Muslim difference turns out to be a different one.

It is, arguably, not possible, after the Shoah, for the majority of the population to say that they do not accept Judaism and Jewish difference, but as the historian Esther Benbassa has written, Islam, Muslims, and their mosques remain an acceptable target.<sup>35</sup> Mosques in particular have, in some sense, replaced the space occupied by Jewish religious sites. In France, before the Revolution, Jews could have places to pray but they could not be visible from the street. But, the visibility of Jews also remains complicated.

There are approximately 600,000 Jews in France. The religious among them are served by some 230 synagogues and little restriction is made when new synagogues are proposed.

35 *Esther Benbassa*, *La république face à ses minorités: les juifs hier, les musulmans aujourd'hui*, Paris 2004.

There are, however, many conflicts in everyday life generated by Jewish living practices. For example, in 1999 in the nineteenth arrondissement in Paris,

»A group of twenty-five observant Jewish tenants of an apartment building asked their landlord – a large holding company – to install a mechanical (key-operated) lock on the common entrance along with the existing lock that is operated by means of an electronic keypad, so that they could enter and leave the building on the Sabbath and holidays. (This was needed because an interpretation of Jewish law holds that one must not use electricity on holidays.) The landlord refused and the tenants sued basing their case on the right to religious freedom, guaranteed by many texts that trump rental relations and contracts, like articles 2 and 10 of the French Constitution, article 18 of the Declaration of the Rights of Man, article 9 of the European Human Rights Convention, and the December 9, 1905 law on the separation of Church and State.«<sup>36</sup>

The tenants won the first time, but that decision was reversed two years later by the »Cour de Cassation« in a judgement of December 18, 2002: »The practices dictated by the religious convictions of the lessee do not enter, unless explicitly noted, in the contractual domain of the lease, and thus do not cause any specific obligation on the part of the lessor«. In the end, therefore, the sanctity of contract took precedence over human rights. The residents of the building found themselves reconfigured simply as lessees and the owner simply as a lessor.

A second example demonstrates the difficulty the courts have in adjudicating among different rights. In order to properly celebrate the Jewish holiday of *Sukkot*, which lasts for one week every fall, every observant family must construct a hut (*sukkah*) that is large enough so that one can eat within it. A further constraint of Jewish law is that one must be able to see the stars when sitting in the *sukkah*. The dominant strategy of those living in urban apartment buildings is to build the *sukkah* on a balcony. A case arising from this practice made its way to the Third Chamber of the civil »Cour de Cassation« on June 8, 2006. The manager of a building, as directed by the General Assembly of the condominium association, demanded the removal of the *sukkah*, since the regulations of the condominium prohibited the construction of structures on balconies. The residents who had erected the *sukkah* responded that this decision was illegal because it violated the principle of religious freedom. The »Cour de Cassation« unanimously agreed that »religious freedom, however fundamental it may be, cannot have the effect of rendering legitimate violations of the elements of a condominium association's rules«. One might have thought that limitations on any fundamental right would have to be motivated by a very serious consideration. Here, the *sukkah* was prohibited for reasons of aesthetic offense – it caused no other harm – and because the residents had not thought to try to have the rule changed before they moved into the building (perhaps fearing that their offer for the apartment would, as result, be refused).<sup>37</sup>

By contrast, individual satellite dishes on balconies are justified by the right to the freedom of communication (law of July 2, 1966, later modified). This difference poses the question of whether the satellite dishes are really less aesthetically offensive than *sukkahs* (that only stay in place a week a year). One would have difficulty, I think, finding either in French or European law, a hierarchy that put the right to communication above the right

36 Les baux d'habitation, Reflexions juridiques, URL: <[http://droitonline.canalblog.com/archives/droit\\_civil\\_contrats\\_speciaux/index.html](http://droitonline.canalblog.com/archives/droit_civil_contrats_speciaux/index.html)> [10.8.2011]. For an article hostile to the tenants' position, see: Après le foulard islamique, le digicode juif!, in: Marianne, 19.5.2003. For an academic analysis see Myriam Hunter-Henin, Horizontal Application and the Triumph of the European Convention on Human Rights, in: Oliver Dawn/Jörg Fedtke (eds.), Human Rights and the Private Sphere. A Comparative Study, London/New York 2007, pp. 98–124, esp. pp. 121ff.

37 La liberté religieuse inférieure à un règlement de copropriété, in: Droit et Criminologie, 9.10.2006, URL: <<http://droitcriminologie.over-blog.com/article-4230818.html>> [10.8.2011].

to freedom of religious practice. Here again, it is the visibility of a non-Christian, non-secular practice that renders these huts unbearable.

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Several conclusions can be drawn concerning the dynamics of religion within Europe. While there is arguably no European consensus concerning appropriate forms of religious practice, there is clearly a widespread lack of ease with Islam in Europe and a difficulty conceiving of Islam as a European religion. There also remains, although this is more subtle, a lack of complete integration of Judaism into the European cityscape. The definition of Europe as a Christian-secular space is, in other words strong, and both bodily and architectural manifestations of other belief systems difficult to absorb.

It appears that scholars have seriously under-estimated emotional attachments to Christianity in a European society where religious practice has clearly lessened. The conception of Europe as »Christian« is clearly important to many who have not been to church in years. Secularism also turns out to have complex consequences. Often it is those who define themselves as most thoroughly secular who have the greatest difficulty accepting religious practices that infringe on their senses. Thus, those European countries in which the most people declare religion to be irrelevant to them, are not more open to overt, public, practice of Islam or Judaism, than those where the majority declare themselves to be committed to religious practice (by definition Christian in most of Europe). Throughout Europe, acceptance of religious practices other than Christian seems to be based on their invisibility. That is, there is far greater endorsement of the *principle* of religious freedom than of its *practice*, and there is more acceptance of its practice when it is largely confined to the private sphere than when it emerges in public.

It is, therefore, at the moment when substantial numbers of members of minority religions seek full integration into the dominant society that difficulties with their religiosity commence. Contrary to the claim that what is wanted of minorities is that they behave like the majority – that is with the same complex mixture of religiosity and secularism – what is desired is that they fully assimilate to a Christian religio-secularism, although this takes different forms in different parts of Europe. Thus in Switzerland, distinctive dress mandated by non-Christian religious practice is tolerable whereas the marking of the physical and acoustic environment by non-Christian forms is difficult to bear. In France, the reverse is true, whereas in the United Kingdom and Germany, both distinctive dress and distinctive architecture is more tolerable although with limits. As long as religiously observant Muslims and Jews are willing to assimilate in public to Christian/secular norms – be invisible – their presence is acceptable. As soon as they demand the same rights as Christians to live their religion as they see fit, conflicts arise throughout Europe. One could argue, for example, that far from being a sign of fundamentalism, the choice to cover ones hair, or to seek to create Muslim schools, or demand *hallal* or vegetarian food in school cafeterias are indications of a desire to participate fully and equally in European society, a European society founded on manifold compromises between the Christian churches and the state. It is less a lack of integration that creates fear and hostility than its opposite.

The contradictions are perhaps most visible in France, because it is the polity that lays the most vigorous claim to secularism. In France, Muslims and Jews have tried, simply, to follow in the footsteps of other believers in a society that claims to be secular, but that is fundamentally Christian. As President Sarkozy has said »Christianity has left France a magnificent inheritance [...] we have an obligation to transmit that inheritance to future generations«.<sup>38</sup> He has often also insisted that France is »laïque« but that Muslims have to

38 *Tristan Berteloot*, L'Etat Sarkozyen est-il vraiment »laïc«?, in: *Le Nouvel Observateur*, 6.3.2011, URL: <<http://tempsreel.nouvelobs.com/actualite/politique/20110304.OBS9143/l-etat-sarkozyen-est-il-vraiment-laic.html>> [10.8.2011].

accept that it is Christian. In the French case, at least, national history and conceptions of national identity continue to have great weight.

While France may, in many ways appear the outlier, the nation continues to matter throughout Europe, either in the informal, geographic and cultural sense or in the formal juridical sense that the European Union has limited salience. National histories, conceptions of the nation and structures of governance continue to powerfully shape responses to religious practice and the European courts have proven to have limited power or will in this domain.

First of all, there is reason to be sceptical concerning the capacity (and perhaps desire) of supranational institutions to enforce the principles of the right to freedom of religious practice. For example, in the crucial domain of schooling, the national (or even the local) is understood to trump the European. Conflicts over the right of students to wear religiously-mandated head-coverings have been fought until today in national not European courts. When cases concerning religious practice do make it to the European court, as in those concerning conflicts between tenants and landlords or among co-owners, the rights to sanctity of the contract or of communication are taken more seriously than that of freedom of religious practice.

One of the consequences of the failure of will to integrate non-Christians has been the creation of a variety of separatist organisations. A particularly interesting example is the Parisian business school, the »Ecole Supérieure des Etudiants Juifs« (ESEJ), founded in the fall of 2004 with 40 students. Six years later it had an enrolment of more than 200 and is now seeking to buy a building large enough to accommodate its anticipated growth to 600. The ESEJ is notable because it is *not* a school with the mission of teaching Judaism, nor of offering a curriculum that melds religious and secular education. The ESEJ is a business school for observant Jews. In the words of one of its founders:

»Our goal is to respond to a need to [prepare students] to be successful in the French landscape while meeting the demands of a Jewish life. The goal of the ESEJ is to reconcile a concern for the optimisation of the future of our young people while fully respecting our traditions [...] we seek simply to allow the student to not have to choose between his studies and his tradition. Our structure allows for the possibility of Jewish practice.«<sup>39</sup>

The closest analogy to the ESEJ is, perhaps, an uncomfortable one – the black colleges and universities created after the abolition of slavery in the United States. They were both a response to the exclusion of African Americans from most institutions of higher education in the nation and also to a perceived need to train African Americans to go back to the community to teach, practice medicine and provide other vital services. Like the ESEJ, and unlike rabbinic schools or Jewish Studies programs in universities, the focus of the historically black colleges was absolutely not on African American history or culture, but on the curriculum needed to succeed in the mainstream United States world, but from a segregated standpoint. It is perhaps unsurprising, but nonetheless disconcerting, that the European society that has been the most fiercely secular, the most determinedly universalist, that claims to be the most distant from Christianity, is the one which is provoking a separatist response on the part of those of its non-Christian, non-secular inhabitants.

Arielle Schwab, the president of the »Union des étudiants juifs de France«, was asked the following question in an interview: »Do you think that it's preferable to preserve one's identity by going to a private college, or to Israel, or rather to attend a public university?«. She offered the rather tortured reply:

»No preference really [...]. In a public university, a commitment to Judaism should be compatible with integration in the university. For example, we intervene, on a case-by-case basis with the Ministry and the University, concerning examinations on the Sabbath and holidays. But these are

39 URL: <[http://www.rdvj.com/annuaire\\_fiche.php?AS\\_ID=482](http://www.rdvj.com/annuaire_fiche.php?AS_ID=482)> [2.8.2011].

adjustments and not a general demand. This is what the Republic (the University) owes us, what it should do, but it is not obliged to make special accommodation for every practice. We need, however, to reveal obstructionism [...] on the part of the administration when accommodation could be made.<sup>40</sup>

The tone of this reply, by the president of an organisation that was created in 1944 to serve the needs of surviving Jewish students in France in the wake of French state's complicity in the Shoah, is indicative of the difficulties the French model of secularism poses for some of the nation's citizens. The recent ban on wearing the burka in public, the ›republican picnics‹ and the uproar over vegetarian lunch offerings is indicative of the conflicts faced by others.

But it is not only the French model of secularism that is proving incapable of truly accommodating non-Christian religious practice, European nations with other models of church-state relations are not faring much better. When studied from the perspective of these issues, European society is strikingly characterised by a combination of the continued salience of national specificity but in a shared transnational juridical space and a, to some extent at least, shared conception of Europe as a Christian-secular space. There is discomfort throughout Europe with public manifestations of non-Christian religions as well as ambivalence concerning the provision of non-Christian, particularly Muslim, options for schooling. Thus, for example, although the form of governance is very different in Germany, France, Switzerland, and the United Kingdom, with France allowing the least local control and Switzerland the most, there is little evidence that such local control produces greater acceptance of difference. (This is, perhaps unsurprising from a United States standpoint, where the militarised intervention of the federal government was necessary to break local traditions of segregation and racism.) There is, likewise, little evidence that regimes with greater separation of church and state, higher rates of secularism, or more or less religious diversity, create conditions of greater openness to non-Christian religious practice.

It is, however, finally and crucially, notable that, of the four countries examined here, it is the two in which the far Right has been effective not only in mobilising individuals and organising them into groups, but in forming political parties with electoral weight, that intolerance directed toward non-Christian forms of religious practice has gone the farthest, albeit in different forms. This is particularly significant because of the dissimilarity of the two nation states with respect to cultural, linguistic and religious diversity, secularism, and immigration. Fully solving the puzzle of why the far Right has been able to achieve electoral success in France and Switzerland and not in the United Kingdom and Germany is beyond the scope of this essay, but I would like to suggest that scholars seeking to answer that crucial question need to be attentive to how states and society manage the ›small‹ things of everyday life. French republicanism rests on the assumption that solidarity must be based on uniformity in public life. Differences of religion and other matters of individual and familial discretion are to be given free reign within the private sphere. The problem, of course, is that many forms of religious (and other aspects of) life are not containable within the private. Clothes are worn on the street; churches, mosques and synagogues have facades; food is eaten in school cafeterias. The strategies used by the French state to produce solidarity thus necessarily fail. Republican institutions are not producing citizens willing to transcend their individual interests in public. In that context the National Front seems to promise a kind of authority that can produce the homogeneity idealised by the Republic. The situation is all the more serious because as the strategies of the French state are seen by minority populations to be authoritarian and unacceptable, they retreat further from them. The creation of the Jewish business school is a case

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40 Interview: Vision de l'UEJF: La réalité des étudiants juifs, URL: <<http://www.jstudies.fr>> [2.8.2011].

in point. These separatist institutions are then identified as threats, making the National Front an all the more attractive option.

The explanation for the success of the Schweizer Volkspartei is the mirror image to that for the National Front. Rather than managing diversity through fetishising national homogeneity, the Swiss polity has historically been committed to managing diversity through local autonomy and direct democracy. That was workable when the differences (of language, of religion, of culture) were defined as falling within one family – of Christians, of Europeans, of fellow Swiss. With the (largely invited) immigration of people understood to be truly foreign, truly other, that management practice failed. Thus, when asked to evaluate their neighbours for citizenship, too many Swiss citizens, in the eyes of the Supreme Court, were unable to do so fairly and found their right to decide who is Swiss removed from them. In a context of imperilled direct democracy, the SVP has come to seem the next best defence.

In the United Kingdom and Germany, by contrast, there is both less emphasis on homogeneity than in France and less local autonomy than in Switzerland. For very different reasons, emerging from very different histories, both the UK and Germany have concepts of the nation that include certain kinds of diversity within them as well as a political structure with a very complex negotiation among the local, the regional, and the national (nearly without the principle of direct democracy). These factors are not enough alone, of course, to explain the failure of the full mobilisation of the far Right in those polities (or in the others in Europe that have also avoided those formations) but I would argue that they are salient. I would also, however, argue that the absence of a strong electoral presence of the far Right should not be cause for complacency.

I have suggested in this essay that there is a fundamental difficulty throughout Europe in accepting material culture and everyday practices that do not conform with the secular-Christian forms dominant there. I have also argued that religious differences are real; that is, neither religious practices nor discrimination against those practices are masking »real« conflicts of race, class, or culture. Those conflicts, too, of course, are real; I am not proposing that if all non-Christian inhabitants of Europe ceased practicing their religion, they would no longer be targets of discrimination or that that the far Right would wither away. Racism and xenophobia are real, but their reality has been far more widely acknowledged by both politicians and scholars than has conscious and unconscious hostility towards non-Christian religious practices.

It would seem that the time has more than come for a rethinking of a European conception of religious practice, one that allows space for diversity in the public sphere. As this essay has sketched, the very nature of much pious observance makes it impossible to confine to private space. Piety very often requires specific dietary, sartorial, auditory, spatial and temporal practices that will inevitably accompany believers as they move from home, to work, to school, to the hospital, on public transportation, to a site of prayer. Up until the present, whether consciously or not, virtually all Western European states and societies have adopted a combination of a historical, and a majority-rule, position, holding that Europe was historically dominantly Christian and the majority of its current inhabitants either define themselves as Christian or descend from Christian ancestors. Both are indisputable. But members of other religious traditions have always shared this space and contributed to European culture and society and polities run by majority-rule without protection of minorities are doomed to intense conflict.