

THE  
MODERN  
MUSLIM  
WORLD

# MUSLIM MINORITY-STATE RELATIONS

*Violence, Integration, and Policy*

Edited by  
**Robert Mason**



MUSLIM MINORITY-STATE  
RELATIONS

## THE MODERN MUSLIM WORLD

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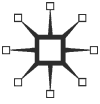
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MUSLIM MINORITY-STATE RELATIONS

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*To Omar.*

*May you grow up in a global culture of respect,  
tolerance, and peace.*

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# Foreword

*John L. Esposito*

More than 300 million of the 1.6 billion Muslims live in diaspora communities. Today Islam is the second or third largest religion in the United States and Europe. Yet, only a few decades ago in the United States and Europe, Islam and Muslims were invisible on our cognitive and geographic maps. Mosques and Islamic centers were few and had a low profile; coverage of Islam and Muslims in the media and at most universities and colleges, let alone in secondary education, was negligible to nonexistent. Scholars of Islam were few and far between and most of the time they were seen as people who dealt with texts, language, and literature, not with the role of religion in modern political and social contexts. Professional associations, such as the American Oriental Society (AOS), the Middle East Studies Association (MESA), and the American Academy of Religion (AAR), had little to no coverage.

Training in Islamic religion, culture, and politics was totally absent in the training of diplomats and the military despite the fact that throughout the 1970s, Islam was used by Gaafar Nimeiry in Sudan, Anwar Sadat in Egypt, Muammar Gadhafi in Libya, and Zulfikar Ali Bhutto in Pakistan to legitimate their form of nationalism and governance and to mobilize popular support. All of that was under the radar.

Iran's Islamic Revolution in 1978–79 changed public awareness and with it came an explosion of interest and coverage of Islam. However, for many, globally and in particular in America and Europe, the main event from which Islam was encountered and judged was the Iranian Revolution, the seizure of the American Embassy and American hostages, the establishment of a theocratic state, and fear that others would heed the call of Ayatollah Khomeini to export the revolution in the Middle East and beyond. The primary lens through which Islam and Muslims were viewed and understood focused on the threat from

“radical Islamic fundamentalism,” which would be reinforced by the assassination of Egypt’s president Anwar Sadat, attacks on Western embassies, and the emergence of militant extremist movements in many Arab and Muslim countries.

Writing in 1981, long before Samuel Huntington’s “Clash of Civilizations,” Edward Said presciently observed:

For the general public in America and Europe today, Islam is “news” of a particularly unpleasant sort. The media, the government, the geopolitical strategists, and—although they are marginal to the culture at large—the academic experts on Islam are all in concert: Islam is a threat to Western civilization. Now this is by no means the same as saying that only derogatory or racist caricatures of Islam are to be found in the West. . . . What I am saying is that negative images of Islam are very much more prevalent than any others, and that such images correspond not with what Islam “is” . . . but to what prominent sectors of a particular society take it to be: Islam and the West: A Clash of Civilizations? Those sectors have the power and the will to propagate that particular image of Islam, and this image therefore becomes more prevalent, more present, than all others.<sup>1</sup>

Political events in the Muslim world and the West, as well as statements by government leaders, policymakers, and media commentators in the 1980s and 1990s perpetuated notions of an Islamic threat and a clash of civilizations. Major magazines, newspaper articles, and editorials spoke of Islam’s war with the West and an impending clash, reflected in American and European media headlines and television programs: “A Holy War Heads Our Way,” “Jihad in America,” “Focus: Islamic Terror: Global Suicide Squad,” “I Believe in Islamophobia,”<sup>2</sup> “Clash of Cultures: Rise of Islam in France Rattles the Populace and Stirs a Backlash,”<sup>3</sup> “The Muslims are Coming, the Muslims are Coming,” “American Jihad.”<sup>4</sup>

Islam was portrayed as a triple threat: political, civilizational, and domestic, feeding a notion of an impending clash of civilizations. Two pieces were particularly influential: Bernard Lewis’s “The Roots of Muslim Rage” (1990) and Samuel P. Huntington’s “The Clash of Civilizations” (1993).<sup>5</sup> Lewis portrayed Islam and Muslims, not just extremist/terrorist groups, as instigators and protagonists in 14 centuries of warfare with no mention of political causes and their grievances. Islam and the acts of Muslims were responsible for attacks, jihads, and conquests, while the West is described in terms of defensive counterattacks, the crusades, and reconquests. Samuel

Huntington would conclude in his “The Clash of Civilizations,” “Islam (not simply some Muslim countries) has bloody borders.” Syndicated American columnist, Charles Krauthammer, warned of a Pan Islamic global uprising, a “global intifada.”<sup>6</sup>

At the same time, former American presidential candidate and political commentator Patrick Buchanan in “Rising Islam May Overwhelm the West” (and others in Europe) underscored the domestic demographic implications. While the West finds itself “negotiating for hostages with Shiite radicals who hate and detest us,” Buchanan opined, their Muslim “co-religionists are filling up the countries of the West” where they “proliferate and prosper.”<sup>7</sup> Daniel Pipes put the problem more bluntly in his article, “The Muslims are Coming, The Muslims are Coming.”<sup>8</sup>

## 9/11 AND MEDIA IMPACT ON POPULAR CULTURE

The 9/11 attacks and subsequent terrorist attack in London, Madrid, Bali and elsewhere proved a dramatic and deadly turning point for Muslim minority communities. The so-called Global War on Terrorism also unleashed an exponential growth in Islamophobia that has impacted Muslim Minority—State relations in America, Europe and beyond. Its protagonists include Far Right politicians, political parties and authors, media commentators and social websites, and hardline Zionists and Christian Zionists. Media (print, electronic and social media) coverage post 9/11 often exacerbated the image of Islam and of Muslims in popular culture, reinforcing a culture of war and impacting domestic and foreign policies. A major study by Media Tenor, “A New Era for Arab-Western Relations,” found that out of nearly 975,000 news stories from US and European media outlets, audiences were rarely presented with a nuanced picture of mainstream Muslims.<sup>9</sup>

A comparison of media coverage in 2001 versus 2011 demonstrated the shocking disparity of coverage. In 2001, 2 percent of all news stories in Western media presented images of Muslim militants, while just over 0.1 percent presented stories of ordinary Muslims. In 2011, 25 percent of the stories presented a militant image, while 0.1 percent presented images of ordinary Muslims.<sup>10</sup>

Without coverage that tells the whole story, provides the full context for Muslim attitudes, events, and actions, and sufficiently reflects the faith, lives, and diversity of the vast majority of Muslims, the line between the moderate mainstream and militant extremists

becomes blurred or invisible. “Is Islam a violent religion?” “Does the Qur’an condone terrorism?” “Are there Muslim moderates?” “Why don’t more Muslims speak out against global terrorism?” and “Why is Islam so intolerant toward non-Muslims?” are some questions that should be addressed.

## SOCIAL MEDIA

Over the past decade, attitudes and behaviors toward Islam and Muslims have devolved rather than evolved due to well-engineered campaigns that are organized and persistent. They are strongly influenced by an Organized Islamophobia Network (OIN) of pundits, bloggers, authors, documentaries, lobbyists, and elected officials. It is a cottage industry that is meticulously cultivated by ideological, agenda-driven anti-Muslim polemicists, and their funders. OIN has mastered the domain of the Internet with dozens of powerful, well-ranked, and highly visited blogs and websites and currently enjoys a near monopoly.

Islamophobic talking points, conspiracy theories, and narratives are introduced on a mass scale on the Internet as a testing ground. If they succeed in picking up steam, they then carry over to radio, television, conservative newspaper columns/editorials, and best-selling commercial books.

Islamophobia has affected the prism through which Muslims are viewed domestically. As a result, fear of Islam and Muslims has become normalized in American and European popular culture. Far right political and religious leaders and media commentators assert with impunity what would never appear in mainstream broadcast or print media regarding American Jews, Christians, and established ethnic groups. Mainstream Muslims’ civil liberties are often compromised: Muslims are profiled, monitored, or targeted by law enforcement for sting operations; mosques and Islamic institutions (civil rights groups, political action committees, and charities) are targets for surveillance, suspected or accused of defending or supporting extremists without hard evidence.

As the authors in Robert Mason’s *Muslim Minority-State Relations: Violence, Integration, and Policy* show, this phenomenon has impacted Muslim-State relations not only in America, Canada, Australia and Europe but also in Russia, Nigeria, Kenya, Sri Lanka, and Burma. Too often the majority of mainstream Muslims are brushstroked by the actions of a very small minority of extremists and terrorists and,

as a result, become the subject of counterterrorism policies that question their loyalty and indiscriminately target and threaten their civil liberties. Given the significant diversity of countries, societies, and cultures, issues and challenges from different case studies, Muslim-State relations vary as well as overlap. However, based upon the case studies in this volume, there are useful conclusions, policy relevant points, and recommendations for policymakers and civil society. It is a unique and valuable addition to the literature.

## NOTES

1. Edward Said, *Covering Islam* (New York: Pantheon, 1981), p. 136.
2. Fergus M. Bordewich, "A Holy War Heads Our Way," *Readers Digest* (January 1995), pp. 76–80.
3. Thomas Kamm, "Clash of Cultures: Rise of Islam in France Rattles the Populace and Stirs a Backlash," *Wall Street Journal*, January 5, 1995.
4. "Algerians in London Fund Islamic Terrorism," *Sunday Times*, January 1, 1995.
5. Bernard Lewis, "The Roots of Muslim Rage," *Atlantic Monthly* 226:3 (September 1990); Samuel P. Huntington, "The Clash of Civilizations," *Foreign Affairs* (Summer 1993).
6. Charles Krauthammer, "The New Crescent of Crisis: Global Intifada," *Washington Post*, February 16, 1990.
7. Patrick Buchanan, "Rising Islam May Overwhelm the West," *New Hampshire Sunday News*, August 20, 1989.
8. Daniel Pipes, *The Muslims are Coming! The Muslims are Coming!*, *National Review*, November 19, 1990.
9. Media Analysis by Media Tenor International, Presented at Arab League Conference, April 6, 2011, Cairo, Egypt.
10. *Ibid.*

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## PREFACE AND ACKNOWLEDGMENTS

This book is the result of experiences and insights gained primarily during independent research conducted with Dr. Sherry Sayed Gadelrab in 2012 on British Muslim community relations with the central government. It was interesting to establish that there was a relative paucity of literature on the subject at that time, especially comparative interregional analyses. This was perplexing since community cohesion, immigration control, and de-radicalization policies have become buzzwords around interior and foreign ministries in many states over recent years.

By bringing together diverse case studies from Europe, Africa, and Asia, much can be learnt from different contexts where Muslim-State relations vary greatly according to new, established, marginalized, or conflict-ridden communities; communities being constructively redefined or excluded; and between states that govern Muslim minority groups consistently according to the rule of law and states that are unable to govern effectively or persist in their toleration of cynical policies and public discourses, security-centric decision making, or arbitrary legal ploys. The aim is to learn more about what drives government policy on Muslim minority communities, Muslim community policies and responses in turn, and where common ground lies in building religious tolerance, greater community cohesion, and enhancing Muslim community-state relations.

This volume goes beyond legitimate (and not so legitimate) state security concerns post-9/11, which have often led to a narrowing of domestic policies on Muslim minority communities rather than taking on board and reconciling a full range of historic, social, economic, political, and religious issues, which affect their place in society. The book seeks to redress this problem by drawing attention to key areas of concern and best practice. Although many of the issues identified could be regarded as sociological in nature, they can, and

often do, affect the broader national and international political and security landscape through:

- spill over effects of (non, poor, or good) Muslim community-state interactions and their impacts on community cohesion, political participation, and national security concerns such as radicalization and terrorism
- the (perceived) application of national and universal principles such as human rights, the rule of law, representation/democracy, and self-determination
- the concept of the *Ummah*, meaning the one billion Muslims and governments in other parts of the world who share an Islamic identity and solidarity with minority Muslim groups

This book is therefore important on a number of levels and feeds into broader debates about national identity, integration, and public policy. By drawing on extensive subject knowledge and local field-work, the authors are able to effectively communicate the complexities of history, location, and the contemporary dynamics affecting Muslim minorities in the modern world.

I would therefore like to thank Nasar Meer, Tariq Modood, Agata Skowron-Nalborczyk, Galina Yemelianova, Zacharias Pierri, Fr. Atta Barkindo, Mario Aguilar, Amjad Saleem, and Samak Kosem for their unique and insightful contributions to this volume. I also would like to express my gratitude to John Esposito for his foreword. His work in this field is exemplary, including numerous volumes on Islam and Muslim communities and as founding director of the Prince Alwaleed Bin Talal Center for Muslim-Christian Understanding at Georgetown University. This is my second contribution to Dietrich Jung's *The Modern Muslim World* series. I would like to thank him for his support for both projects and for his confidence that they would be useful contributions to his series. At Palgrave Macmillan, I thank Alisa Pulver and Farideh Koohi-Kamali for their assistance with administration and editing and the anonymous reviewer for their feedback.

ROBERT MASON  
Cairo, January 2016



# Executive Summary

*Robert Mason*

Before 9/11 government policy did not generally target minority Muslim communities beyond broad based policies aimed at fostering multiculturalism, integration, and social cohesion. However, in the last decade or so that has all changed. Muslims are now front and center of a global debate in so-called secular states about growing radicalization, the legitimacy of Muslim actors, and generally Islamophobic fears about Islamization as a challenge to traditional national identities. At no time has this been stressed more greatly than in 2015 when the conflict in Syria and instability in other parts of the Middle East and Africa has triggered new cases of terrorism in Europe conducted by Islamic State of Iraq and the Levant (ISIL) or its affiliates and a tsunami of asylum-seekers attempting to enter Europe. More than 350,000 migrants were at the EU border between January and August 2015, more than the total figure for 2014.<sup>1</sup> Germany alone, expects to receive 800,000 refugees and asylum-seekers in 2015, a four-fold increase on 2014.<sup>2</sup> Although there are complexities surrounding European immigration policy, what is certain is that some will inevitably choose to remain in Europe and this could have a major effect on the composition, politics, and policies of European societies.

While the aim of this book is not to provide all the answers to the huge diversity of issues and challenges concerning Muslims in the world today, it does draw some useful conclusions and policy relevant points from cases in Europe, Africa, and Asia. In fact, the range of issues is extensive and dependent on the circumstances in which Muslim communities find themselves—whether they are part of a new community or one which has existed for a century; whether they have been legally incorporated into a state's constitution or remain on the periphery of the state, or are even stateless; and what attitude the state currently takes to the Muslim community, whether as a well-integrated section of society with political relevance or as a marginalized community or one under state pressure after being proscribed as a national security threat.

Many in the West appear to lack an understanding of what Islam is, what its main practices are, and how much it has in common they have with the main religions (e.g., Christianity, Judaism). For example, in the United States, 57 percent of people said they do not know enough about Arab history and people, and 52 percent did not know enough about Islam and Muslims.<sup>3</sup> A Gallup poll conducted in 2011 asked about the main causes of Muslim-West tensions: 35 percent of respondents in the United States and Canada pointed to differences in political interests and 36 percent to differences in culture, with a similar figure in Europe of 40 percent and 29 percent, respectively.<sup>4</sup> This shows how complex the causes of the tension are and how they operate at both a political and social level. Perceptions of Muslims also vary by country; for example, more than 60 percent of Spain believes that Islam is not compatible with the West. Not surprising given its history perhaps, but also a reflection of the number of violent Islamists attacks taking place in Europe during this period.<sup>5</sup> In January 2013, according to *L'Express*, 74 percent of the French said that Islam “is not compatible with French society.”<sup>6</sup> Such responses might be linked to the polls, such as the one carried out in 2014, that puts French estimations of the percentage of Muslims living in France at 31 percent, whereas the correct figure is just 8 percent.<sup>7</sup> However, it does not necessarily mean a religious divide in French society as another 2014 poll stated that the French had a largely favorable view (72 percent) of Muslims in their country.<sup>8</sup> Nevertheless, after the Charlie Hebdo and Bataclan attacks and gains made by the far right, the polls could indicate a more negative view in 2015. In the United Kingdom and Germany, the figures are generally more favorable at 64 percent and 58 percent, respectively.<sup>9</sup> They are also affected by age, whereby the over 50s have a more negative view than 18–29 year olds.<sup>10</sup>

Many Western governments have come to emphasize the centrality of Muslim communities in their counterterrorism and de-radicalization policies such as the United Kingdom’s controversial “Prevent” strategy. One might imagine that government research and engagement on a broader range of Muslim community issues would have accompanied the effort to develop a more nuanced picture, establish trust at the grassroots level, and advance a common agenda for greater policy impact, but this does not appear to have happened. Instead, relations have continued to be dominated by headline grabbing news such as the terror attacks in Madrid in 2004, the murder of Theo van Gogh in Holland the same year, the 7/7 attacks in London in 2005, the publication of 12 cartoons depicting the prophet by the Danish newspaper *Jyllands-Posten*, the Boston marathon bombing in

April 2013, the attacks against the Charlie Hebdo offices in Paris in January 2015, an incident in Texas during an exhibit of caricatures of the prophet in May 2015, and multiple attacks by ISIL in Paris in November 2015. Similarly, on the government side, the way the Global War on Terror was implemented, including abuse cases such as Abu Ghraib, marginalization, and Islamophobia, continues to undermine confidence in policy and contribute to a sense of “the other.”

In February 2015, the Austrian parliament passed controversial reforms of the country’s century-old law on Islam, which is partly aimed at tackling violent extremism and as such bans foreign funding for mosques that could threaten their existence. The policy also appears to be discriminatory given that Christian and Jewish groups are still able to enjoy foreign funding. However, the task of balancing Muslim rights as a religious minority group in some states with state security concerns are coming under increasing pressure. In the countries with Muslims fighting, for example in Syria, CNN estimates most Muslims (30 out of a Muslim population of 42,000) came from Finland in 2014.<sup>11</sup> Although a small number, it is obviously a major security concern for the Finnish government, as it is for other states from which fighters have traveled to Syria, including Ireland, Australia, Denmark, and Belgium.

It is with this security-centric backdrop in mind, that we turn to the findings and recommendations of this volume below. The section is split into three categories that first address issues of de-radicalization, which is most important to states in the short-term. It then goes on to identify points that could enhance inter-community relations and cohesion, and concludes with points that address Muslim community-state relations. Many of the areas identified require a long-term commitment, legal reorganization, or reconceptualization of minority communities. However, in undertaking such a task, similar to corporate restructuring, the aim should be to build a society that is stronger and more resilient to the actions of a minority of violent Islamists, and some politicians and media channels that have been adept in exploiting public fears, uncertainty, and legal loopholes.

## SUPPORTING DE-RADICALISATION

1. Tackling the discourse of violent Islamists requires an approach that minimizes intercommunity tensions and boosts social cohesion, while states such as the United Kingdom employ a combination of “hard” policies (e.g., policing and intelligence

gathering) and “soft” policies (e.g., participation and community feedback), a greater emphasis on the latter should help address concerns surrounding the former.

2. The conception of the Muslim community as primarily a security concern distorts all other state policies toward the community. In the extreme, it has led to: politically appointed state representatives of the Muslim community in the Russian *muftiates* (especially in Chechnya), a lack of political representation, social inequality, and the legal exclusion of different groups of Muslims—the combination is likely to form a mix of serious local tensions, which contribute to radicalization.
3. Foreign funding of domestic Islamic causes is a source of state anxiety, but there are opportunities for external funding to be transparent within the realm of transfers to legalized Muslim organizations.

### FOSTERING BETTER MUSLIM-STATE ENGAGEMENT

1. States should commit to good governance that will help avoid rivalry between faith groups and special interests and the negative legacies of colonialism in perpetuating intolerance and marginalization of “the other”.
2. Some states still need to adopt a more rational political ideology that avoids bias against minority groups within the context of a nationalist discourse or exclusive citizenship program.
3. The prevalence of a popular “Islamization” discourse is marginalizing Muslim communities and undermining their participation in important national political debates; a more accessible and balanced approach to politics and state interests should be employed with more effective and sustained engagement in politics from the Muslim community.
4. Education policies should address all areas of state concern over the potential for radicalization from a young age, but instead of limiting state support for Muslim schools with the equivalent of Voluntary Aided status, it should embrace the idea of true Islamic learning within the state school system by providing accredited training opportunities for religious/teaching personnel.
5. States should establish a legalized and recognized system of Muslim representation similar to that of Austria; it avoids renewed debates about citizenship and should relax restrictions on foreign financial transfers into the Muslim community.

6. It takes time for new immigrants to be accepted as part of the nation—new waves of immigration can upset the existing social balance so more should be done to facilitate their integration into existing (legalized and recognized) Muslim community organizations or establish new ones.
7. Muslim communities should unite and organize to ensure their primary interests are secured within the state system whilst remaining cognizant, adaptable and engaged with alternative dominant traditions.
8. Acts of violent Islamism could fundamentally undermine the rights of Muslims if such attacks are not properly contextualized and united against.
9. Initiating more public consultations with Muslim groups should help inform European society about future decisions over EU enlargement, which could include Muslim majority states such as Bosnia-Herzegovina and Turkey; the European Commission has already held a *Dialogue Between Peoples and Cultures in the Euro-Mediterranean Area* in 2003,<sup>12</sup> but more could be done at the state level.
10. Public budgets for Muslim programming on television are worthless in affecting change in the perceptions of the broader population if the discourse in the mass media is continually permitted to deliberately distort Islam and Muslims.

## STRIVING FOR GREATER COMMUNITY COHESION

1. 9/11 and other violent Islamist attacks have undermined social tolerance and trust and provided popular imagery for the far right that helps create and reinforce negative perceptions of Muslims; it can partly be countered by popular support for national, social, and education initiatives, religious festivals, and celebrations marking milestones of multicultural functionality.
2. A truly secular political system that recognizes the equal rights and responsibilities of all major religions will ensure interreligious rivalries, contentions, and violence are minimized.
3. Creating more socioeconomic opportunities are vital to helping reform the image and participation of marginalized groups in society—unfortunately this is unlikely to be forthcoming from governments who are sometimes responsible for putting them in this position, in which case regional organizations

have an increasing role to play in identifying “at risk” ethnic and religious groups and doing more to establish, protect, and secure their fundamental rights, including citizenship where applicable.

4. There could be opportunities to officially recognize *Shari’a* law within Western states, limited to *civil* cases concerning Muslims; this would demonstrate a willingness of Muslims and secular states to compromise on an important topic without restructuring the dominant legal system(s).
5. There are clear sensitivities in some of the states discussed about neo-Ottomanism and the establishment of a new caliphate, and yet beyond the rhetoric employed by the extremist groups, support for this concept tends to be confined to cases where there has been a malfunction in Muslim-state engagement.
6. Ritual slaughter during Eid al-Adha is jarring to some Western societies, but since it is inspired by the story of Abraham and Isaac, which is noted in the Bible, Torah, and Qur’an, Muslims should be able to easily explain the practice in terms that other communities are able to identify with and adapt the practice to fit additional social dominant norms where necessary.

The following sections serve to summarize some of the main points in each chapter and provide tailored recommendations for each country.

## UNITED KINGDOM

In chapter 1, Tariq Modood and Nasar Meer discuss party political attempts to shape the debate on engagement with minority communities (ethnic groups more than religious minorities), and the UK citizenship model more broadly. It identifies an important wave of Muslim migration from the Commonwealth in the postwar years (mainly India, Pakistan, and Bangladesh) and traces patterns of government engagement with the communities over time on key themes such as multiculturalism. This was interpreted as opportunity, cultural diversity, and tolerance by Roy Jenkins, the then Home Secretary, and charts how these policies were implemented by Local Education Authorities. By contesting secularism and engaging on a narrow racial agenda, Muslim communities have been slow to adapt to a broad Muslim agenda within mainstream politics. Change came with the establishment of the Muslim Council of Britain (MCB); the main interlocutor with the British government since it was established

in 1997. Success for the British Muslim community quickly followed the election of a New Labour government who finally agreed in 1998 to deliver on a promise in its election manifesto to co-opt two Muslim schools into the state sector by awarding each Voluntary Aided status.

However, the MCB influence at the state level quickly waned after 9/11 as it grew critical of the 2003 Iraq War and the Global War on Terror, and because it allegedly failed to reject extremism clearly and decisively. The vague and broad Prevent strategy employed by the British government after 9/11 managed to conflate British Muslims and moderate mosques with violent extremists. Rather than trying to force British Muslims to report suspicious behavior, the British government should have been aware British Muslims were already morally obliged to do so. The Qur'an emphasizes the point of giving honest testimony against oneself, parents, or relatives.<sup>13</sup> This translates into practice also, whereby 94 percent of British Muslims said they would report someone from the Muslim community if they knew they were planning an act of violence.<sup>14</sup> The government has also sidelined experts on extremist groups in the United Kingdom due to their disagreement on points of UK foreign policy, and yet there must be room in any democracy to criticize policies that affect other Muslim communities in the Middle East and North Africa.

Hidden cameras found in Muslim areas of Birmingham in 2010 only further undermined Muslim community confidence and trust in the Home Office.<sup>15</sup> There is no question that more needs to be done to tackle “home grown terrorism” in the United Kingdom, especially after the 7/7 attacks in London in 2005 and after the attacks against Charlie Hebdo in Paris in January 2015, and to contain the number of radicalized Muslims willing to fight in theaters of conflict such as Syria. However, equating the most representative Muslim organization in the United Kingdom with the far right, as Prime Minister David Cameron did in 2007, or encouraging the return to the values of the King James Bible as he did in 2011, risks alienating the very communities from which the Prime Minister should engage to enhance national security and social cohesion. In a 2015 letter to British mosques,<sup>16</sup> Eric Pickles, former Secretary of State for Communities and Local Government, asked how Islam can be part of British identity. This was unfortunate wording indeed, given the long history of Islam in the United Kingdom and the contested concept of what it is to be British.

Apart from cultural differences based on unique histories and traditions, what is often cited about Britishness is “freedom, tolerance

of others, accepting personal and social responsibility, respecting and upholding the rule of law.”<sup>17</sup> And yet, these are the same values evident throughout the long history of Islam. Furthermore, as Mark Easton of the BBC notes, banning orders for extremist organizations who use hate speech in public places seems to contradict tolerance of others and therefore a core British trait.<sup>18</sup> What about extremism in the press? In that case is the Charlie Hebdo satirical magazine extremist when it publishes cartoons of the prophet? David Cameron defended it on the grounds of freedom of speech in 2015.<sup>19</sup> Yet, these are exactly the kinds of organizations that fall under the term “extremism” according to the definition in the government’s own Prevent strategy: groups that are actively opposed to respect and tolerance of different faiths and beliefs.<sup>20</sup> More importantly, if any extremist group published material such as this in the United Kingdom, it would probably be in breach of the Racial and Religious Hatred Act 2006 (Article 29B), which covers intent to stir up religious hatred.<sup>21</sup> In addition to the double standards, publications such as Charlie Hebdo will make it much harder for the UK government to achieve one of its aims that Theresa May, Home Secretary, outlines as being able to “bring people together to ensure we can live together as one society.”<sup>22</sup>

The Department for Communities and Local Government (DCLG) should set up an Muslim representative office or regular forum to discuss a range of issues affecting Muslim communities, not only radicalization, which affects a tiny percentage of the community as a whole, but also effective ways to tackle Islamophobia, schooling issues, and other socioeconomic challenges. This would show a clear commitment on the part of the government that it is willing to pushing ahead with other strands of Prevent that were supposed to reduce inequalities, tackle racism, and other forms of extremism. Achievements in this area have been lacking. For example, Trevor Phillips, the Chairman of the Commission for Racial Equality, cited U.S.-styled “ghettos” in places like Bradford and that Britain was “sleepwalking to segregation” in 2005. In 2014, cities such as Birmingham were still being warned that they were not doing enough to delivery public services (including education and social care, which allowed a scandal to break about Islamists allegedly trying to control several schools in the area<sup>23</sup>) and economic development.<sup>24</sup>

As Modood and Meer note, 68 percent of Bangladeshi households live below the poverty line, and about 40 percent of Muslim children in London live in poverty. So why are there not more initiatives that encourage female employment, higher British Muslim enrollment in universities, along with projects targeting political literacy? David



Cameron is right to ask about finding more creative and cooperative ways in which the UK government and Muslim communities can work together in future, but there appears to be precious little done about it so far. Under New Labour, Islamic banking took off, partly as a result of the support that Chancellor Gordon Brown gave to British Muslims so that they would not incur two financial penalties for choosing this option. The Conservatives have also shown willingness to make attacks on Muslims a specific hate crime, which will help the police keep more accurate records and therefore provide more accurate data about hate crimes and how best to tackle the problem in different regions.<sup>25</sup>

Integrating *Shari'a* courts into the British legal system, as many Muslims would prefer, is unlikely to happen anytime soon. The Islamic Shari'a Council (ISC), which is affiliated to the MCB, is active in resolving disputes according to *Shari'a* law without breaking British law. Its lack of official recognition is comparable to the general position of Muslims and the MCB in the United Kingdom today, generally unrecognized and with a low profile (unless there is a security crisis). This is partly due to a lack of effective Muslim community organization and concerns about representation that reflect ethnic and religious differences with the Muslim community. Muslims in the United Kingdom therefore remain adversely affected by confused, uneven, and ineffective government policy approaches and are being forced onto the back foot by a debate about national identity, which only seems to appeal to the Conservative heartland.

## AUSTRIA

In chapter 2, Agata Skowron-Nalborczyk looks at the 2015 amendment to the Law on Islam in Austria. This century-old law, or *Islamgesetz*, dates from 1912 and is a vital piece of legislation for Muslims in Austria as it recognizes Muslim citizenship in Austria and rights for religious congregate under Austrian law. Originally confined to the Hanbali school, it extended the law to include other branches of Islam in 1987. The chapter looks at the generous support of the state for Islam in Austria and the advances in Muslim-state relations. The First World War changed Austria's borders and therefore affected the Muslim population left within them, while the Second World War facilitated a new kind of economic migrant, or *gastarbeiters*, to the country. By 1979, the main Muslim organization in Austria, the *Islamische Glaubensgemeinschaft in Österreich* (IGGiÖ), had received official recognition from the government as *the* legal

entity to represent Muslim individuals (not groups) in Austria and to negotiate with the state on any matter of the day. However, there are concerns over how representative a Sunni dominated organization can be of other sects of Islam (e.g., Iranian Shi'ites and Twelver Shi'ites) and this is reflected in a low volume membership. Like their choice of different religious paths, different Muslim groups have different preferences for education and engagement with the state.

Preceding the 2015 revision of the Law of Islam, there was a long period of social consultations and input from various Muslim organizations regarding the new law. However, its final shape remained as it had been drafted. Therefore it is questionable about what effects the grassroots Muslim community is having at the policy level when there are clear indications that the state prefers to engage with a single organization with a legal status. There is also pressure on some Muslim communities to have a positive attitude toward the state in order to be registered as a legal organization. Any illegal disturbance showing a poor attitude toward the state or toward other recognized entities, such as churches, is strictly forbidden and could compromise their legal status. So, Austria appears to have adopted a representation model with inbuilt responsibilities. This should be the norm, but it is section of the new law which requires Islamic organizations to source all their financial support from within Austria which could become overly burdensome. The biggest mosque in Vienna, for instance, is financed entirely by the Arab states. This is clearly one of the biggest issues to face Austrian Muslims as they seek to make a transition to sourcing income domestically while appealing the legality of this decision in a Constitutional Tribunal based on the principle and practice of equal treatment with other religious groups.

However, although stressing the supremacy of the Austrian state over religion has not been stressed in the case of other religions, it is hard to make a persuasive case that this amounts to "institutionalized Islamophobia." Certainly, there are inequalities in the act that need to be addressed, but there is clearly a national security concern about violent Islamism in Austria, as there is in other European states, including "home grown terrorism." It is likely that it is the fear of radicalization rather than Islam per se that is driving official Austrian policy, and this represents a key area in which IGGiÖ and the state can cooperate closely.

Austria is doing more than most states to address radicalization head on. There are specific provisions for imam training, language requirements (all religious personnel, including Imams, must be able

to speak German), and gatherings that could compromise national security. This might sound burdensome, but many Gulf states are implementing the exact same kinds of policies. The Austrian government is supporting Muslim groups with generous financial aid. It is also supportive through educational solutions such as establishing Islamic theological studies at the higher education level, through collaborations with the University of Vienna starting from January 1, 2016.

This move could also be seen in the light of growing awareness of Islamic Studies in the social sciences but still does not detract from the government's support in this area. It represents a good example of higher education institutions cooperating with Islamic religious organizations, which will be responsible for the religious content of the curriculum. In 2000 public schools, Skowron-Nalborczyk asserts that 57,000 Muslim pupils were availing themselves of Islamic religious instruction. This is a high figure by most European standards. Due to the tight state control of teachers at the elementary and high school level of Islamic education, it has left the right-wing Freedom Party of Austria (FPÖ) to concentrate its attack on teachers for promoting violent ideology at the kindergarten level.<sup>26</sup>

Although Austria has provided somewhat of a benchmark for the integration of Islam into a legal framework, and particularly in the public sphere, in education and in the state-run media, there are still challenges. Islamophobia is still an issue at the social level and has become more prevalent in political discourse since 1999 when the FPÖ promoted slogans such as "Stop Foreign Infiltration."<sup>27</sup> More could be done to change the perception of Muslims in society away from being illegal immigrants bent on establishing a new caliphate.

## FINLAND AND POLAND

In chapter 3, it is stated that there is no uniform pattern of regulating Muslim minority relations with the state in Europe. Skowron-Nalborczyk argues that in most states, including Finland and Poland, relations are a product of history and law. There is a long history of Tartars having lived in Europe from the late nineteenth century. After the independence of Finland and Poland following the First World War, Muslim rights were incorporated into the new constitutions of these states and therefore protected. But with new waves of immigration, notably in the 1980s, the existing social balance, was upset. This occurred largely within the Muslim community since the new immigrants were not part of the established group of ethnic Tartars.

Skowron-Nalborczyk notes that like Austria, there is Islamic instruction in schools, ritual slaughter is permissible, and there are Muslim cemeteries; so there is general equality with other faiths.

In Poland, although the Muslim population is small and well established in places such as Warsaw, the far right is still promoting itself on a platform against the “Islamization of Europe.”<sup>28</sup> As Skowron-Nalborczyk notes, equality with other faiths is the norm, but it is the internal fragmentation between established communities and new immigrants that can undermine social cohesion and unitary community action, which is a prerequisite to effective political engagement.

## RUSSIA

In chapter 4, Galina Yemelianova draws together a number of strands on Muslim-state relations. She identifies that political liberalization and relaxed border control in the Gorbachev era led to an “Islamic revival” and a huge growth in the number of mosques, *maktabs* (Islamic primary schools), and *madradas* (Islamic secondary schools). They formed a basis for co-religious interaction with Muslims abroad through pilgrimage to Saudi Arabia, but they also led to a growing role for foreign Islamic charities, governments (in particular funding from the Gulf states), and nongovernment organizations to play an active role in areas with large Muslim populations, such as Daghستان, Tartarstan, and Chechnya. It was in Chechnya that Dzhokhar Dudayev declared independence from Russia in 1991, which led to a 20-month war in 1994. The 1996 Khasavyurt Accords brought about a ceasefire but no independence and no economic development. A new generation of Imams have therefore been well placed to challenge the dominance of the established generation of imams as allies of the Komitet Gosudarstvennoi Bezopanosti (KGB) and open to corruption. She cites the “Islamic revival” as engendering a greater awareness of political Islam with new objectives such as establishing an Islamic caliphate.

Yemelianova also focuses on rise of *muftiates* (more than 40), the religious authorities that oversee the day-to-day operations of schools, mosques, and other Muslim institutions in regions such as Daghستان, Moscow, and the Northern Caucasus. Internal competition and competition with the Russian Orthodox Church for access to the Kremlin is a major challenge to Muslim community cohesion and representation. There is an Islamic Forum of Russia and a proposed Council of Muslims of the Commonwealth of Independent States (CIS) under *mufti* Gaynuddinov. Their growth is due to generous support from

international Islamic charities, but some clerics have used the opportunity for personal gain and have withdrawn from serving the communities that they are supposed to represent. This is a problem on multiple counts: the local Muslim populations are not getting the representation and support they deserve, corruption is undermining the religion, and it might strengthen support for more radical groups. Tensions between the *salafi* groups, which are not recognized by the state, and religious authorities have already spilled into violence that is often targeted at sources of religious authority. However, negotiation is almost impossible in the highly polarized environment where social inequality and court decisions exacerbate tensions that feed extremism.<sup>29</sup> In all these aspects, ordinary moderate Russian Muslims are being marginalized.

Yemelianova cites political power as being the overriding objective in the *muftiates*. The clearest example being Chechen President Ramzan Kadyrov's ambition to become a religious as well as political leader of the entire region. His father was assassinated in 2004, after which there were parliamentary elections in 2005 (denounced as a charade by the opposition). He was appointed as Prime Minister in 2006 and then President in 2007.<sup>30</sup> He is now leading the re-Islamization of Chechen society as a cynical instrument of control over Chechen youth in particular.

There is very limited official support for Russian Muslims, which is partly a reflection of President Putin having been prime minister during the second Chechen War from 1999–2001 in which he established his hard-line law and order image. Although there has been increased investment in Grozny, intermittent attacks continue. There is an anomaly in Russia in the state attempting to shape Islam and Muslim identity. In 2011, the Kremlin required *Muftiates* to re-register Muslim communities on the basis of their compliance with “traditional” Islam. This was determined as a local set of beliefs and practices that amounted to a synthesis of Islam and pre-Islamic beliefs, customary norms, and other non-Islamic traditions. Those Muslims who did not fall under the “traditional” definition, such as “foreign,” “Arab,” or *Wahhabi* Muslims suddenly become criminalized. While the reasoning might be national security concerns after the 1999–2001 Chechen War, it seems an arbitrary way to ensure stability.

Grievances on various issues, including high unemployment and corruption, have led dozens of Russia's Muslims to fight on the sides of both ISIL and *Jubhat al-Nusra*. Some Muslim Identities appear to have morphed from local grievances to pan-Caucasian issues and onto a pan-Eurasian Islamist movement opening the door to other forms

of global *jihad*. The potential for so-called blow back (returning violent *jihadis* carrying out acts of terrorism in Russia or radicalizing other Muslims) is high in Russia. Instead of maintaining a hard-line response to Chechnya, which plays into the discourse of grievances, Russia could implement a reconciliation policy and bring the region under a more representative and accountable local government that is better suited to addressing local issues. While avoiding the popular discourse and attempts at a caliphate, it might also be successful at promoting a more pragmatic perspective among the young imams. Russia could learn much from the Austrian state approach of “regulation with rights.” For Russia, the “War on so-called Terror” will continue because the tactics being used to fight violent Islamism are not rooted in international law,<sup>31</sup> national law, or good governance at the local level.

At the social level, non-Muslim Russians are increasingly resentful of Islamic religious building programs in a similar vein to some parts of the United States, and public religious festivals and holidays such as Kurban Bayrami (Eid al-Adha) when lambs are publicly slaughtered, cooked, and eaten. Public rallies protesting Islamophobia and harassment have been held but apparently to little avail amidst the rise and support for ultra-nationalists in local politics such as Mayor Sobyenin in Moscow who has banned the construction of new mosques.<sup>32</sup>

## NIGERIA

In chapter 5, Zacharia Pieri and Fr. Atta Barkindo study Northern Nigeria where Muslims have been unable to engage the extremist group Boko Haram, (“Western Education is Forbidden”), in any meaningful dialogue to address the root causes of the conflict with the Nigeria government and facilitate a reintegration process. Boko Haram’s activities, such as abducting at least 2,000 girls and women since the start of 2014 and sometimes killing those who did not comply with its demands,<sup>33</sup> have undermined Islam and the Muslim community in Nigeria. Fortunately, about half of the Nigerian population is Muslim so conflating the actions of Boko Haram with the attitudes of moderate Muslims should be quite hard to do. Still, Boko Haram is a security threat in Northern Nigeria and is undermining livelihoods. The group also poses a genuine security threat to Nigeria’s neighbors.

*Shari’a* law has been applied in full, including in criminal law, in nine Muslim plurality states in Northern Nigeria since 2000,<sup>34</sup> a

move that was due to religious considerations but also by necessity and the increasing number of armed robberies and growing inequality.<sup>35</sup> However, as Pieri and Atta argue in their chapter, the coupling of Islamic and Western education is key if economic development and religious freedom are to be achieved in these states. It is vital to integrate the poorer North of the country with the comprehensive education system of the South because the risks of not doing so could lead to a repeated pattern of marginalization and further insecurity.

## KENYA

In chapter 6, Mario Aguilar discusses Muslim involvement in the Kenyan constitutional review from 2010 in an attempt to secure political power and guarantee their rights. Like the other states cited in this volume, violent Islamist terrorism has undermined Muslim-state relations and could yet see political favor be carried off by the Christian community in making Kenya constitutionally Christian.

Attacks from across the border (problems associated with the borders have been apparent since the colonial period), from Al-Shabab in Somalia, are seriously troubling to the Kenyan state. The more cross-border attacks that occur, the worse the image will be for moderate Kenyan Muslims. The Garissa University incident in which at least 147 students were killed was the worst terror attack on Kenyan soil in two decades.<sup>36</sup> Although there had been other attacks, most notably on the US embassy in 1998. Therefore, border security will be vital in not only ensuring the future national security of the Kenyan state but also in reducing religious tensions within its communities.

The Muslim community has made some headway in establishing Shar'ia Khadi Courts *within* the Kenyan justice system, but there is still pressure from other Kenyans (both Christians and Secularists) that Muslims should adhere to a single Kenyan system of law modelled on a Christian/European design. This reflects the British legacy of colonialism of not only establishing new customs and religious affiliation in Kenya but also in keeping the Swahili coast dwellers on the fringes of the colony.

## SRI LANKA

In chapter 7, Amjad Saleem theorizes that intercommunity and Muslim-state tensions from 2009 are due to unemployment, frustration with the political process, and Tamil violence, as well as

the inability of the Muslim political representations to help fix the problems of Muslims in the east of the country. Without change, the state could in effect encourage some Muslims to adopt violence and become a “security threat.” The Tamil or the Sinhala-Buddhist polity have become increasingly nationalist in a similar shift as the Russian case. Even under these difficult circumstances, Saleem argues that Muslim groups need to find a way to engage with the state and, in particular, find an approach that manages to avoid problems of associating ethnic identity with national identity.

Saleem discovers that Sinhalese Buddhist organization called Bodhu Bala Sena (BBS), which is led by Buddhist monks, have been responsible for inciting hatred since 2014 and have attacked Muslim run businesses and mosques. The antipathy toward the Muslim community is historic, in that various incidents have taken place since 1915 that have displayed their outright hostility. Yet, this should not be too surprising as Saleem notes that Tamil and Sinhalese Kingdoms in Ancient Sri Lanka existed in a perpetual state of conflict before the Portuguese captured the island in 1505. A mediated solution involving the full range of actors is put forward as a more effective “national” solution rather than an “imposed” solution, which has so far proved ineffective.

As part of a national solution, Saleem states that Muslims need to be more politically sophisticated, more willing to engage in politics, and possibly more astute in their affairs within a national framework. They cannot allow violent extremism or an Islamization discourse to derail their participation in the political process or allow the continuation of minority religious communities to bear the brunt of the violence. A durable political solution is the only way forward. One might argue that given the evidence that Saleem puts forward on the negative symbolism of the Sri Lankan flag, a new design might signal a wind of change in the attitudes of the political elite and a more positive step toward national unity.

The Muslim community cannot continue to define itself as the “other” but build alliances with larger groups in order to make sure that its voice is heard. The Sri Lankan Muslim Congress (SLMC) needs to be clear on its policy objectives and unite to achieve them. Whether that means participating in a national reconciliation process or pushing for greater autonomy in the east of the country is largely up to the larger parties and their policy priorities to decide.



## MYANMAR

In chapter 8, Amjad Saleem and Samak Kosem specify that General Aung San, a prominent figure in uniting the various national groups of Burma and securing their independence (as well as being father of current opposition figure Aung San Suu Kyi), Myanmar had a limited window to implement multicultural policies. Unfortunately, the opportunity was not taken. Instead the Ne Win regime denied citizenship to the 800,000-strong Rohingya Muslim community in the 1982 Burma Citizenship Law, just four years after they fled when the authorities launched Operation Naga Min (Dragon King) to root out those who lived in Burma illegally.<sup>37</sup> Out of a population of 53 million, the size of the Rohingya community would not at first appear to warrant any major demographic concern. Yet, clearly Myanmar sees these “stateless” people as a threat to its exclusivist national identity. The sociopolitical and economic environment of the Rohingya has been largely neglected, forcing many to traverse between Myanmar and Bangladesh on a daily basis to work in manual labor jobs such as fishing, salt production, agriculture, and construction.<sup>38</sup> The national identity discourse in Myanmar has become so pervasive that if a person changes his religion, this is alleged to also signify a change in the ethnicity on their ID card.

Historical attitudes and stereotypes toward the Rohingya will be very hard to change. Similar to the case of Sri Lanka, there is a lot of antipathy from the largely Buddhist community toward this Muslim community. As Saleem and Samak argue, there has been some additional space created at the Myanmar-Thai border for more effective engagement with the authorities, but the Rohingya’s best prospects will likely be through further pressure put on Myanmar and other regional states from members of ASEAN and the international community to first of all state these stateless people and then establish a system by which they can achieve permanent citizenship.

Political pressure should also be coupled with greater economic investment in the areas dominated by the Rohingya with the aim of restoring and integrating the Rohingya more easily into the societies in which they belong. Unfortunately, until the Myanmar government is able to reconcile its citizenship laws with a historic Muslim community on its territory, alternatives for the survival and security of this group may have to be found.

The following chapters discuss these cases in far more detail and provide additional insights from each of the authors.

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# Muslim-State Relations in Great Britain: An Evolving Story

*Nasar Meer and Tariq Modood*

## INTRODUCTION

The concern of this chapter, as that of the book as a whole, is to explore contemporary relationships between Muslim minorities and the state, with a particular focus upon structural and cultural dynamics.<sup>1</sup> In this regard the case of Britain is illustrative. This is because an analysis of political and institutional responses to Muslim “difference” in Britain details a pattern of engagement that has evolved over a period of time. This can be framed in terms of rising agendas of racial equality and multiculturalism to which Muslims have become central—even while they have challenged important aspects of these. This implies that these developments have neither been linear nor unproblematic, and have been characterized by various ongoing contestations and revisions.<sup>2</sup> According to some authors, what this engagement has accomplished presently looks to be in retreat and at best remains uncertain.<sup>3</sup> Indeed, Prime Minister Cameron in particular has, since his time in opposition, characterized British multiculturalism as a “barrier” dividing British society.<sup>4</sup> Subsequently, in office, he has argued that “the doctrine of ‘state multiculturalism’ has encouraged culturally different people to live apart from one another and apart from the mainstream.”<sup>5</sup> Perhaps seeking to stake out a British *Leitkultur*, Cameron has also complained that multiculturalism has led to the minimization of Christianity as a guiding public ethos, and has “allowed segregated communities to behave in



ways that run completely counter to our values and has not contained that extremism but allowed it to grow and prosper.”<sup>6</sup>

It is our argument that these sentiments should not obscure several significant ways in which Muslim minorities and British citizenship have been cast in dynamic and mutually constitutive terms. Indeed, we suggest that contrary to a popular insistence following the 7/7 London bombings and other terrorist incidents involving British Muslim protagonists, multiculturalism in Britain has not been erased.<sup>7</sup> Indeed, while scholars took the rhetorical demise of multiculturalism at face value, this is now being empirically rebutted.<sup>8</sup> In this chapter, we specifically contend that any discussion of Muslim minorities in twenty-first-century Britain must not ignore the following developments for they too may affect the course of future state-Muslim engagement. In order to substantiate these assertions, this chapter will begin with a discussion of the sociological and political character of British citizenship, before offering an account of the cultures and identities of contemporary British Muslim communities. It will then empirically elaborate cases of state-Muslim engagement within multiculturalist—including multi-faith—arenas and trace the structural-cultural dynamics therein.

## BRITISH MULTICULTURALISM AND ITS MUSLIMS

While there has been a long-established Muslim presence in Britain, particularly comprising North African (especially Yemeni) and East Indian seafaring migrants and “lascars,”<sup>9</sup> the major and most established part of Britain’s Muslim presence is the outcome of postwar Commonwealth migration. This came from India, Pakistan, and Bangladesh, initially in the form of male labor from rural small farm owning backgrounds seeking to meet the demands of unskilled and semi-skilled labor, and was later joined by families and then more urban and professional South Asian Muslim political refugees from Kenya and Uganda. These migrants from former colonies and dependent territories entered a sociopolitical environment that would give specific emphasis to managing group relations. As such Britain borrowed something from the American experience, but went further in focusing upon how society could achieve fair treatment for different groups, something that reaches beyond how these groups could blend into society.<sup>10</sup> Without an official “Multicultural Act” or “Charter” in the way of Australia or Canada,<sup>11</sup> Britain rejected the notion that the incorporation of migrants should be premised

upon an uncompromising cultural “assimilation.” It did so when the Labour Home Secretary Roy Jenkins<sup>12</sup> defined integration as “not a flattening process of assimilation but equal opportunity accompanied by cultural diversity in an atmosphere of mutual tolerance.” This sentiment tried to address the rights of distinct groups as well as their modes of interaction, and so was not merely concerned with the rights of individuals. This is how, at the level of Favell’s “philosophies of integration” at least, we might begin to characterize the specificity of “British multiculturalism.”<sup>13</sup>

While it is not immediately clear what this actually entailed, it is perhaps easier to ascertain that Muslims did not feature explicitly in this early multiculturalist approach that treated postwar migrants who arrived as Citizens of the United Kingdom and Commonwealth (CUKC)<sup>14</sup> and subsequent British-born generations as *ethnic* and *racial*—but not as *religious*—minorities requiring state support and differential treatment to overcome distinctive barriers in their exercise of citizenship. Under the remit of several Race-Relations Acts, the state has sought to integrate minorities into the labor market and other key arenas of British society through an approach that promotes equal access as an example of equality of opportunity. Indeed, it is now over 30 years since the introduction of a third Race Relations Act (1976), which cemented a state sponsorship of Race Equality by consolidating earlier, weaker legislative instruments (RRA 1965 & 1968). Alongside its broad remit spanning public and private institutions, the recognition of *indirect* discrimination, and the imposition of a statutory public duty to promote good “race-relations,” it also created the Commission for Racial Equality (CRE) to assist individual complainants and monitor the implementation of the Act.<sup>15</sup> This is an example, according to Joppke,<sup>16</sup> of a citizenship that has amounted to a “precarious balance between citizenship universalism and racial group particularism [that] stops short of giving special group rights to immigrants.”<sup>17</sup> Alongside this state-centered and national focus, there is also a tradition of what we might characterize as “municipal drift,” where multiculturalist discourses and policies have been pursued through local councils and municipal authorities, making up a patchwork of British multicultural public policies in the way summarized by Singh.<sup>18</sup>

Historically, multiculturalism as a public policy in Britain has been heavily localized, often made voluntary, and linked essentially to issues of managing diversity in areas of immigrant settlement. The legislative framework on which this policy is based—for example, the Race Relations Acts (1965 and 1976)—recognized this contingency,

giving additional resources to local authorities as well as new powers to better promote racial and ethnic equality. With these enabling powers, most local authorities with large ethnic minority populations have transformed themselves from initially being the bastions of official racism to being promoters of anti-racism and multiculturalism, and with this change the strength of local ethnic communities and coalitions have been instrumental.

Perhaps the best example of Singh's assessment of local multiculturalism is captured by the programs of anti-racist education<sup>19</sup> and multicultural education (Swann Committee 1985) that have historically been enacted at the Local Education Authority (LEA) level. LEAs are responsible for education within the jurisdiction of county councils and metropolitan boroughs, and this includes responsibility for all state schools with the exception of those that apply and are afforded "voluntary aided status" (and can therefore opt out) under the terms of the 1944 Education Act. As Singh's account implies, in many multi-ethnic urban areas LEAs have actively encouraged anti-racist and multicultural initiatives in the face of—and at the cost of—some vociferous opposition,<sup>20</sup> and this has in turn informed the national picture. Indeed, it was through debates at the local level regarding multicultural education that one of the leading public policy documents on multiculturalism arose. Entitled *Education for All*, the Swann Report<sup>21</sup> characterized multiculturalism in Britain as enabling "all ethnic groups, both minority and majority, to participate in fully shaping society . . . while also allowing and, where necessary, assisting the ethnic minority communities in maintaining their distinct ethnic identities within a framework of commonly accepted values."

Yet this limited multiculturalism explicitly precluded such things as state support of linguistic pluralism (in terms of teaching in "mother tongue" as opposed to a language like Urdu being an out-of-school subject) or the expansion of religious schools, seeking instead to make each matters of private concern. It has taken Muslim minorities decades of engagement to begin to expand such multiculturalist approaches in a way that also takes their particular needs into account, specifically by contesting its secular and narrowly racial focus. This is an example of the "multi" in Modood's "multi family resemblances," in so far as different types of group claims, and different types of groups labels, may emerge under the purview of multicultural accommodations.<sup>22</sup> For Muslims in Britain this was perhaps symbolized by the way in which the Muslim Council of Britain (MCB) developed and emerged as the main interlocutor in state-Muslim engagement, and how it achieved some success in establishing a Muslim voice in

the corridors of power.<sup>23</sup> The creation of a religion question on the national Census,<sup>24</sup> the obtaining of state funding for the first Muslim schools,<sup>25</sup> and more broadly the elicitation of socioeconomic policies targeted at severely deprived Muslim groups<sup>26</sup> are illustrative examples of these successes. Inaugurated in 1997, the MCB is an expanding umbrella organization of presently over 450 local, regional, and national organizations, which elects its secretary-general from a central committee. Its genesis lies in the UK Action Committee on Islamic Affairs (UKACIA), which developed during the Salman Rushdie affair as the most effective means of raising mainstream Muslim voices.<sup>27</sup> The MCB's stated aims include the promotion of consensus and unity on Muslim affairs in the United Kingdom, giving a voice to issues of common concern, addressing discrimination and disadvantages faced by Muslims in Britain, encouraging "a more enlightened appreciation" of Islam and Muslims in the wider society, and working for "the common good."<sup>28</sup>

### BACKLASH POLITICS

While initial reformulations of British multiculturalism are important—especially in projecting a symbolic meaning—they remain comparatively modest when compared to the race-equality components of British multiculturalism. It is curious then, given the longevity of its *ethnic* and *racial* focus, that the fate of multiculturalism in Britain should have come to be so intertwined with the political identity of Muslims. This intertwining corresponds with how the preeminence of the MCB waned in the mid-2000s as it grew critical of the Iraq War and the so-called War on Terror. It has also faced considerable public criticism from both government and civil society bodies (particularly of the center-right) for allegedly failing to reject extremism clearly and decisively.<sup>29</sup> Indeed, Prime Minister David Cameron has previously likened the MCB to the far-right British National Party (BNP).<sup>30</sup> Allied to these complaints has been the issue of how "representative" of British Muslims the organization actually is—a question that has plagued it since the early days but which has had a more damaging impact upon its credibility when joined by a handful of other complaints.<sup>31</sup> One outcome of this political critique has been the extension to a plethora of other, though much less representative, Muslim organizations (such as the Sufi Muslim Council (SMC) and the Al-Khoie Foundation) of the invitation to represent British Muslims in matters of consultation and stakeholders. At the same time, and as is further elaborated below, newer advisory groups

(such as the Mosques and Imams National Advisory Body (MINAB)) do not seek the same remit of representation as the MCB, while other older bodies such as the Islamic Sharia Council (ISC) continue to be an affiliate member of the MCB.

We argue that these developments are linked to at least two further issues. The first is that Muslim claims-making has been characterized as specifically ambitious and difficult to accommodate.<sup>32</sup> This is particularly the case when Muslims are perceived to be, often uniquely, in contravention of liberal discourses of individual rights and secularism that are made more permeable by concessions implied in multiculturalist approaches.<sup>33</sup> This is exemplified by the way in which visible Muslim practices such as veiling<sup>34</sup> have in public discourses been reduced to and conflated with alleged Muslim practices such as forced marriages, female genital mutilation, a rejection of positive law in favor of criminal *Shari'a* law, and so on. Each suggests a radical “otherness” about Muslims and a nonliberality about multiculturalism, and, since the latter is alleged to license these practices, opposition to the practice, it is argued, necessarily invalidates the policy.<sup>35</sup>

The second reason derives from global events, and not necessarily from the acts of terrorism undertaken by protagonists proclaiming a Muslim agenda (which are routinely condemned by leading British-Muslim bodies), but from the subsequent conflation of a criminal minority with an assumed tendency inherent to the many. Indeed, in a post-9/11 and 7/7 climate, the explanatory purchase of Muslim cultural dysfunctionality has generated a profitable discursive economy in accounting for what has been described as “Islamic terrorism.”<sup>36</sup> The net outcome of these two issues is a coupling of diversity and anti-terrorism agendas that has implicated contemporary British multiculturalism as the culprit of Britain’s security woes. Gilles Kepel,<sup>37</sup> for example, has insisted that the bombers “were the children of Britain’s own multicultural society” and that the bombings have “smashed” the implicit social consensus and multiculturalism to “smithereens.” More recently, Prins and Salisbury<sup>38</sup> have claimed that a misplaced deference to multiculturalism, which failed to lay down the line to immigrants, has contributed to a lack of national self-confidence and a fragmenting society that has been exploited by Islamist terrorists. As Modood has argued, however, “the simplistic linkage between home-grown terrorism and the multicultural project is unfair because it ends up blaming not just national policies but specific communities for particular outcomes.” In this case, Muslims as a whole are blamed for terrorism, for not standing up to extremism and for not

integrating, which not only appears unfair “but also divisive and so not likely to achieve the much-sought-for integration.”<sup>39</sup>

## CONTEMPORARY MUSLIM IDENTITY ARTICULATIONS

At the same time, and while Britain has undoubtedly witnessed some securitization of ethnic relations, it is not quite the case, as one commentator has suggested, that public policy solutions aimed at managing ethnic and religious diversity amount to being “tough on mosques, tough on the causes of mosques.”<sup>40</sup> To elaborate our argument, it is necessary to obtain a fuller understanding of the scope and nature of Muslim communities and their identifications in contemporary Britain. While Britain is certainly diverse, ethnic minority communities are not equally distributed but concentrated in England, for example, in 2001, 45 percent of ethnic minorities resided in Greater London (19% of all residents) and another 8 percent in region South East of London. Thirteen percent live in the West Midlands (conurbation of Birmingham), 8 percent in the Northwest (Liverpool, Lancashire), 7 percent in Yorkshire and Humberside (Newcastle), and 6.3 percent in the East Midlands, mainly Leicester, where they represent a third of the population (ONS 2003). While final, thematically organized, data from the 2011 census is yet to become available, we know that this will add to the picture of diversity detailed by the 2001 Census. For example, the 2011 census showed that the ethnic minorities in Britain grew from 6.6 million in 2001 to 9.1 million when the census was taken, nearly one in six, there are now a million “mixed-race” people, and almost 5 percent of the population in England and Wales self-define as Muslim (second after Christianity).<sup>41</sup> Based upon data from the earlier decennial census (2001), there are well over 1.6 million people in Britain who report an affiliation with Islam by voluntarily self-defining as “Muslim.” This represents 2.9 percent of the entire population and makes Islam the most populous faith in Britain after Christianity (72%); more numerous than Hinduism (less than 1%, numbering 559,000), Sikhism (336,000), Judaism (267,000), and Buddhism (152,000). It is generally accepted, however, that the actual number of Muslims is higher because of initial undercounting, comparatively higher levels of fertility, and subsequent inward migration. Nevertheless, a breakdown of the census data on Muslim constituencies according to ethnicity identifies 42.5 percent of Pakistani ethnic-origin, 16.8 percent Bangladeshi, 8.5 percent of Indian, and—most interestingly—7.5 percent of White Other. This is

largely taken to mean people of Turkish, Arabic, and North African ethnic origin who choose the White Other category on the census form. It also includes Eastern European Muslims from Bosnia and Kosovo, as well as white Muslims from other European countries and not an insignificant and growing convert community (estimated to be over 10,000 in number, see Anwar and Backsh, 2003). Black-African (6.2) and Other Asian (5.8) census categories dominate the remaining ethnic identification options. Even with this heterogeneity, it is still understandable—if a little misleading—that British-Muslims are associated first and foremost with a South-Asian background, especially since those with this background make up roughly 68 percent of the British-Muslim population, have a greater longevity in residence, and have been more politically active to date.

Muslims in Britain, as in the world over, are predominantly Sunni, while the majority of the single largest group (Pakistanis) are Barelvis; the majority of the remainder are Deobandis.<sup>42</sup> Both these Sunni sects have their origins in the reformist movement set in motion by Shah Waliullah that came into existence in post-1857 British India, after what is commonly termed the “Indian mutiny” but is best seen as India’s first war of independence. Both these groups were concerned with ways of maintaining Islam as a living social force in a non-Muslim polity and ruling culture. The Deobandis, taking their cue from a school founded in Deoband near Delhi, came to focus primarily on education and on keeping alive in the seminaries medieval Muslim theological and juristic doctrines. They saw politics as an unequal struggle and tried to be as independent as possible from the Indian-British state. Their anti-Britishness, however, took the form of withdrawal and noncooperation, rather than of active confrontation, but they took great care to minimize not only British and Hindu influences, but also Shia. Nevertheless, and through active proselytization, they have built up a mass following as well as an international reputation in Islamic learning. This includes a global organization named Tabligh-i-Jamaat, which is represented in Britain with headquarters in Dewsbury, West Yorkshire, and which also has an active presence in Birmingham and London. The Barevis, in contrast, are more numerous across Britain and form the core, for example, of Bradford’s Muslims, but are also part of a tradition of Sufi mysticism and Indian folk religion shared by a variety of British Muslim communities. Deriving their name from Ahmed Riza Khan of Bareilly (1856–1921), theirs is an Islam of personalities; the Prophet Mohammed, for instance, is imbued with a metaphysical significance and devotional reverence that goes well beyond what some Muslims

would regard as orthodox and which has been called the “the mystification of Islam.”<sup>43</sup> Their religious heroes are not confined to the Prophet and the early Arab Muslims but include a galaxy of minor and major saints who, contrary to more reformist Islam, can intercede with God on behalf of petitioners. Additionally they hold dear many customs and superstitions that have no justification in the Qu’ran but have been acquired from other sources.

This heterogeneity of ethnic, national, and theological cleavages has led Humayan Ansari to insist that “presumptions of Muslim homogeneity and coherence which claim to override the differences...do not necessarily correspond to social reality.”<sup>44</sup> A Sylheti from Bangladesh, apart from some tenets of faith, is likely to have little in common with a Mirpuri from Pakistan, let alone a Somali or Bosnian Muslim.” This is supported by Fred Halliday’s concern to focus analysis upon “the intersection of identities” since:

[I]t is easy to...study an immigrant community and present all in terms of religion. But this is to miss other identities—of work, location, ethnicity—and, not least, the ways in which different Muslims relate to each other. Anyone with the slightest acquaintance of the inner life of the Arabs in Britain, or the Pakistani and Bengali communities, will know there is as much difference as commonality.<sup>45</sup>

While these assessments are not without foundation and should help counter an understanding of Muslims in Britain as a monolithic group, one of the arguments of this chapter is that certain concerns transcend Muslim difference—particularly since the (albeit slim) majority of British-Muslims have not migrated to Britain but have been born here. Shared concerns are likely to encompass the ways in which to combat anti-Muslim racism, or cultivate a positive public image (heterogeneous or otherwise), or a desire among some Muslim parents to school their children in Islamic traditions and so on. One particular issue that this raises is whether a discernible British Muslim identity has given rise to a discernible “Muslim vote” in Britain, for it is clear that Muslim organizations in the last general election campaigned on a distinctive equality agenda that drew attention to the ways Muslims have become victims of the anti-terrorism campaigns and related Islamophobia.<sup>46</sup> If we continue with this example, a number of implications can be drawn from these developments that include differences between Muslim and non-Muslim ethnic minority voting patterns, as well as the extent to which Muslim political electoral participation is “closely connected to the size of the local



Muslim population [which] indicates that registration, like turnout, is affected by the forces of [Muslim] mobilisation.<sup>47</sup> One example of Muslim electoral mobilization was much in evidence when the MCB issued a ten point check card to encourage Muslim voters to evaluate various politicians' positions on matters concerning both domestic and foreign policy.<sup>48</sup> The reception of such a strategy by a former leading Labour politician provides a lucid illustration of the electoral impact of attitudinal and social shifts among the contemporary Muslims of his former constituency:

For more than 30 years, I took the votes of Birmingham Muslims for granted...if, at any time between 1964 and 1997 I heard of a Khan, Saleem or Iqbal who did not support Labour I was both outraged and astonished. [...] The Muslim view of Labour has changed. [...] Anxious immigrants who throw themselves on the mercy of their members of parliament are now a minority. Their children and grandchildren will only vote for politicians who explicitly meet their demands. [...] In future they will pick and choose between the parties and ask: "What have you done for us?"<sup>49</sup>

The central narrative running through this account is that of a confident British Muslim democratic engagement that is further illustrated by Sher Khan of the MCB:

Our position has always been that we see ourselves as part of this society. I do not think that you can be part of it if you are not willing to take part in electing your own representatives. So, engage with the process of governance or of your community as part of being a citizen of this community. We think it is imperative.<sup>50</sup>

This ethic of engagement has not been limited to electoral participation, however, for it is also observed in some key areas in which Muslims in Britain have secured forms of state recognition through processes of engagement and lobbying. This can include the provision of mortgages compliant with Islamic approaches to saving and investing, and the operation of *Shari'a* law in civil matters more broadly. For example, the Islamic teaching that *riba* (usury or interest) is *haram* (forbidden) is a guiding tenet for some observant Muslims but is made implausible by systems of financial products that either generate or charge interest. One alternative system that has organically developed in Britain includes an arrangement where banks buy properties on a customer's behalf but then sell it back to the customer with an additional charge equivalent to the total amount of interest. For

some time, however, this incurred two sets of stamp duty (a tax that is payable to the government on the purchase of a house). This was until 2003 when the then Chancellor of the Exchequer Gordon Brown abolished this double charge, and since then the Council of Mortgage Lenders and MCB have continued to liaise with various government departments on how to make Islamic home finance products more viable in the United Kingdom.<sup>51</sup>

This is one example of a successful accommodation of aspects of *Shari'a* even while *Shari'a* councils themselves continue to be the subject of intense controversy.<sup>52</sup> This was typified by the hysteria surrounding the present Archbishop of Canterbury, Dr. Rowan Williams, whose public lecture on “What degree of accommodation the law of the land can and should give to minority communities with their own strongly entrenched legal and moral codes” was met with a media frenzy. The lecture included a developed and highly sensitive reflection on the reality and potential of “plural jurisdiction,” particularly in relation to the experience of and discussions about *Shari'a* courts, their capacity to rule on such matters as family disputes and claims, and their relationship to the “statutory law of the United Kingdom.”<sup>53</sup> What the media reaction to his lecture ignored was how since the 1970s some marital and inheritance disputes have been judged in Muslim arbitration boards if both parties have freely consented to such adjudication, and this has taken place under the broader remit of English civil law. Where the application of *Shari'a* has contravened English civil law it has been rejected by the courts, as Pearl and Menski’s otherwise critical account of British traditions of positive law details:

[T]he British legal system, with its positivist approach to what “law” is, and what it is not, remains purposely blind to social conventions and so-called “cultural practices” which are perceived to operate in the “extra-legal” sphere. This fictitious, dismissive yet reluctantly tolerant attitude has in fact allowed space for the unofficial development of new hybrid rules... At the same time, the official legal system can afford, from a position of superiority, to keep the legal position of British Muslims under negotiation... in effect they are following a path which *they* consider appropriate... a new hybrid form of *Shari'a*, which avoids breaking the official law of their new home.<sup>54</sup>

The ambiguities of this scenario are perhaps most graphically illustrated in the machinations of the ISC, an affiliate of the MCB, and one of the most prominent examples of the ways in which British Muslims are using the framework of the *Shari'a* to resolve disputes

while remaining within the bounds of British laws. This council was founded in 1982 and emerged from attempts by a group of London imams to resolve issues of conflict between British and *Shari'a* law.<sup>55</sup> It consists of a bench of jurists who provide a conciliation service for disputing couples and authoritative religious legal opinions on a host of social and economic matters raised by individuals and organizations. According to Yilmaz, the council takes a pragmatic approach by allowing applicants to choose a particular school of law and are offered legal guidance and resolution of conflicts on the basis of its perspective.<sup>56</sup>

### THE MUSLIM ADDITION TO BRITISH MULTI-FAITHISM

It is argued that examples of such hybrid religious-civic engagement can be drawn from Britain's multi-faith history. For while the ISC is yet to receive official recognition on a par with that afforded to Jewish Beth Din courts, for example, it is already viewed by many British Muslims as a relevant means of reconciling their legal and spiritual needs. Indeed, what the Jewish example re-iterates is that British Muslim engagement with the state proceeds in a context that is characterized by an internal *religious* plurality, which has been supplemented by the migration of different religious groups over the last two centuries.<sup>57</sup> To be sure, and in spite of maintaining a Protestant Established Church of England, the superior status of the dominant Anglican Church has consistently been challenged by other Christian denominations, not least in Scotland where the religious majority is not Anglican but Presbyterian, and which led to the creation of a Church of Scotland. Elsewhere in England and Wales, Protestant nonconformists have been vocal, and issues such as education have in the past encouraged many of these groups to "stand out against the state for giving every opportunity to the Church of England to proselytize through the education system."<sup>58</sup> The cycles of nineteenth century migration from Ireland to London, Glasgow, and the north of England have considerably expanded the Roman Catholic presence in Britain. The turn of the twentieth century, meanwhile, witnessed the arrival of destitute Jewish migrants fleeing both the pogroms and the economic deprivation in Russia.<sup>59</sup> Both groups have suffered racial discrimination and civil disabilities on the basis of their religious affiliation but in due course have come to enjoy some of the benefits initially associated with "establishment" (the identification of the Church of England with the British state). This includes

allowing the Catholic Church to set up schools alongside the state and then, in the 1944 Education Act, to opt into the state sector and receive similar provisions to those enjoyed by members of the established Church—a provision that was soon extended to other religious groups, notably Jewish minorities.

Muslims then, like Hindus and Sikhs, are the most recent and numerically significant addition to this plurality to have established themselves, with varying degrees of success, as part of the “new cultural landscape” of Britain.<sup>60</sup> This is evidenced in several spheres but is made strikingly visible in what Peach and Gale describe as the “new ‘cathedrals’ of the English cultural landscape.”<sup>61</sup> By this they refer to the creation of Muslim *masjids*, alongside Hindu *mandirs* and Sikh *gurdwaras*, that have emerged through a process of dialogue between minority faith groups and British city planning authorities. One of several points of interest in the creation of these places of worship, is that out of the thousand or so that exist, the majority are in fact conversions of disused chapels, churches, and other such premises.<sup>62</sup> In this context it is not surprising to learn mosque building less controversial in Britain as it may be elsewhere on the continent, since Muslims frequently use the 1852 and 1855 Places of Worship Registration Acts, though securing planning permission to function as a place of worship or education (or both) under the Town and Country Planning Act 1971 is never straightforward (while registration is not a legal requirement, planning permission is). Similar historical settlements explain religious burial accommodations. For example, the Local Authorities Cemeteries Order 1977 empowers burial authorities to set aside any part of a cemetery that has not been consecrated for use by a religious denomination. As Ansari elaborates:

Many local authorities have responded to the expressed needs and wishes of Muslims to be able to carry out burials soon after death, and so changes have been made to registry office opening hours and weekend burials are carried out on request in some areas. [...] Coventry City Council has made provisions for Muslims to carry out the actual burial themselves if it is required at a weekend or on a Bank Holiday. Some burial grounds have ensured that there are specific sections for Muslims to be buried, and that the grounds are appropriately laid out. Accommodation has been made by some to comply with Muslim requirements to bury the body without a coffin.<sup>63</sup>

An example of the latter includes Slough Borough Council which promises to carry out burials within hours of receipt of the necessary completed paperwork. Similar such accommodations may be found in

the provision of Halal meat—for while it has long been a legal requirement for animals to be “stunned” or partially unconscious prior to slaughter, exemptions have been made for the Jewish practice of Shechita, and these were extended to the Muslim practice of Dhabh, through the Slaughter of Poultry Act 1967 and Slaughterhouses Act 1974. One of the most prominent examples of Muslim-state engagement across both multiculturalist and religious pluralist traditions is to be found in the Muslim mobilizations for Muslim schools.<sup>64</sup> In this area Muslim groups achieved a watershed in 1998 when, after 18 years of a Conservative administration, a “New Labour” government delivered on a promise in its election manifesto and co-opted two Muslim schools, *Islamia School* (in Brent, London) and *Al-Furqan School* (in Birmingham), into the state sector by awarding each Voluntary Aided (VA) status. This status prescribed an allocation of public money to cover teacher salaries and the running costs of the school. It arrived “fourteen years and five Secretaries of State after the first naive approach,” when Muslim parents and educators had only begun to get to grips with the convoluted application process to achieve state funding, and were dealing with a Conservative government that was hostile to the idea of state-funded Muslim schools.<sup>65</sup> Eleven years and another five Secretaries of State later, the number of state-funded Muslim faith schools has risen to eight. In addition to those above, this figure includes *Al-Hijrah* (a secondary school in Birmingham), *Feversham College* (a secondary school in Bradford), *Gatton Primary School* (in Wandsworth, South London), *Tauheedul Islam Girls High School* (Blackburn, Lancashire), and *The Avenue School* (another primary school in Brent, London).

## OVERARCHING STRUCTURAL AND CULTURAL FACTORS

One salient structural factor shaping the experiences of Muslim minorities in contemporary Britain surrounds their overconcentration in particular localities where they constitute the main minorities, that is, particular regions of Northern towns. These areas of early Muslim settlements were focused around older, industrial towns where the initial wave of male laborers had arrived to take up work. Outside London, other areas of settlement comprise both the East and West Midlands (Blackburn, Leicester, Birmingham); South and West Yorkshire (Sheffield, Leeds, Dewsbury, and Bradford), and Greater Manchester (including Oldham and Burnley). It has been argued that a contemporary concentration in such settlement patterns has given

rise to dualistic and polarizing interactions. For example, while chair of CRE, Trevor Phillips (later chair of the Equality and Human Rights Commission (EHRC)) insisted that Britain was “sleepwalking” into a US-style “hard segregation,” in claiming that “[r]esidentially, some districts are on their way to becoming fully fledged ghettos —black holes into which no one goes without fear and trepidation, and from which no one ever escapes undamaged.”<sup>66</sup>

In promoting this view, Phillips has not gone unchallenged. Among others the demographers Finney and Simpson have shown that the number of mixed neighborhoods (measured in electoral wards) has actually increased rather than decreased in recent times (from 964 to 1,070) in the period between the most recent and second most recent decennial census.<sup>67</sup> In shaping a broader pattern of dispersal rather than concentration, Finney and Simpson insist that there will be at least 1,300 mixed neighborhoods by the next census in 2011 (one in five throughout England and Wales).<sup>68</sup> On Phillips’ more specific charge, they remind us that there is not a single ward in Britain in which the population is 100 percent ethnic minority, and that the proportion of ethnic minorities amounting to as much as 50 percent of the population of a neighborhood was around 22 percent. They have shown that there are only 14 out of over 8,850 electoral wards in England and Wales in which an ethnic minority group makes up over half the population, and that in none does a single ethnic minority account for over three-quarters of the population. In contrast there are about 5,000 wards that are 98 percent white. Contrary to Phillips, it could be argued that where there are concentrations of ethnic minorities this is a result of population growth rather than increasing segregation, particularly since Pakistani and Bangladeshi groups have younger age profiles. Moreover, it is of course common among many experiences of migration that people establish themselves in localities that allow for the sharing of resources and a general feeling of security, before social mobility facilitates a move outward.<sup>69</sup> The important structural component that is too frequently absent from this discussion is the change that takes place *around* such minorities and that is no more reducible to minority cultural features than the structural elements that invited initial settlement.

A particularly stark structural component shaping the lives of Britain’s Muslim minorities is their socioeconomic profile, which is significantly lower than their counterparts. For example, Abrams and Houston found that Muslims have disproportionately lower incomes and higher rates of unemployment, and that they have comparatively lower skills both in education and in vocational training.<sup>70</sup> Muslim

minorities are also more likely to reside in deprived housing and disproportionately suffer from bad health.<sup>71</sup> This is illustrated by the finding that 68 percent of Bangladeshi households live below the poverty line and about 40 percent of Muslim children in London live in poverty.<sup>72</sup> It has, however, been argued that these features are in truth an ethnic phenomenon rather than a religious one since non-Pakistani and non-Bangladeshi Muslims such as Indians and African-Asians fair much better according to these indices. What this ignores is that while ethnic origin analyses show significant variations across Muslim groups and demonstrate that not all Muslim ethnic groups are equally disadvantaged, the most disadvantaged groups mainly consist of Muslim ethnic groups, for example, Muslims with an Indian background will perform less well than Hindus with an Indian background.<sup>73</sup> The outcome as a whole is that Muslims minorities represent a much weaker group in the labor market, and Muslims as a whole have an increased reliance on state benefits, and so forth.

One important factor related to this could be deemed cultural and has to do with the greater levels of nonparticipation of Muslim women in the labor market. For example, according to the last census only, around 28 percent of Pakistani women and 22 percent of Bangladeshi women are in employment.<sup>74</sup> One of the most frequent explanations of this trend is to attribute it to a lack of suitable qualifications and educational training. It is significant then to note a countercyclical trend that reports that over the last decade Pakistani and Bangladeshi girls have become more likely than boys to achieve 5 G.C.S.E's at grades A\*-C.<sup>75</sup> This is not something limited to tertiary education for, according to Bagguley and Hussein, while the past two decades have seen a general expansion of participation in higher education, "the increasing participation of South Asian women, especially those of Pakistani and Bangladeshi origin, has surpassed all expectations."<sup>76</sup> This includes a leap in the percentages of women entering university between 1979 to 2000 with Pakistani ethnicities from 1.7 to 14.5 percent, and for the same period for women of Bangladeshi ethnicity from 1.6 to 12.5 percent.<sup>77</sup> In broad terms, this might be explained by migrant attitudes toward success in which ethnic minority cultural dynamics serve a positive function. This includes how "parents, other significant relatives and community members share some general, but durable, ambitions to achieve upward mobility for themselves and especially for their children and believe that (higher) education is important in achieving those ambitions, and so prioritize the acquisition of (higher) education."<sup>78</sup>

## STATE-MUSLIM ENGAGEMENT AROUND TERRORISM

Perhaps the most novel and least charted present area of state-Muslim engagement, however, surrounds issues concerning the prevention of terrorism and violent extremism. Following the London bombings in July 2005, the government created seven working groups<sup>79</sup> comprised of representatives of Muslim communities under the terms “Preventing Extremism Together” (PET). Though initiated by the Home Office, this would later fall under the remit of the subsequently created Department for Communities and Local Government (DCLG).

These working groups devised a series of proposals to develop practical means of tackling violent extremism. Sixty-four recommendations were put forward in a report published in November 2005, with a particular emphasis on three that could act as central planks of unfolding government strategies concerned with preventing violent extremism. These constituted, first, the development of a “Scholars Roadshow” led by British Muslim organizations where “influential mainstream” Muslim thinkers would speak to audiences of young British Muslims. The rationale behind this was that these speakers would distill effective arguments against extremist justification for terrorism in denouncing it as un-Islamic, so as to “counter the ideological and theological underpinnings of the terrorist narrative.”<sup>80</sup> This included a variety of international figures, and two high-profile Muslim intellectuals who took part and remain committed to this strategy were the Swiss-born Francophone scholar Tariq Ramadan and the American convert Hamza Yusuf Hanson.

A second proposed plank concerned the creation of Muslim forums against extremism and Islamophobia. These could be led by key individuals and bring together members of local Muslim communities, law enforcement, and public service agencies to discuss how to tackle extremism and Islamophobia in their area. The third and perhaps most longstanding recommendation, in terms of proposed structural capacity building within British Muslim communities, promoted the formation of a MINAB. To this end, a steering group of Muslim leaders has undertaken an extensive national consultation on matters such as the accreditation of imams, better governance of mosques, and interfaith activity.<sup>81</sup> Alongside this professional development program or “up-skilling” of imams and mosque officials, recommendations were also made for a national campaign and coalition to increase the visibility of Muslim women, and to specifically empower and equip them in the course of becoming active citizens.



The provenance of these working groups and their recommendations rests in a broader strategy, which the British government had been cumulatively developing since the events of 9/11. Known as CONTEST, this broad-ranging counter-terrorism strategy was launched in 2003 and comprised of four components concerned with meeting the objectives of *Pursuit* (to stop terrorist attacks); *Preparedness* (to mitigate their impact where they cannot be stopped); *Protection* (to strengthen overall protection against terrorist attacks), and *Prevention* (to stop people from becoming terrorists or supporting violent extremists). It is this last objective that was given added impetus upon the news that British Muslims had planned and carried out the London bombings, and it is the objective that has most overtly sought the interactive involvement of British Muslim communities at large. It is therefore unsurprising to learn that a strategy premised upon entering, and to some extent reformulating, the life worlds of British Muslim communities has been the subject of critical debate in the study of ethnic relations more broadly.<sup>82</sup> That this intention was salient could be gleaned from the fact that immediately after the London bombing, the Home Office signaled that it would establish the Commission on Integration and Cohesion (COIC) “to advise on how, consistent with their own religion and culture, there is better integration of those parts of the community inadequately integrated.”<sup>83</sup>

In this way the *Prevent* strategy signals some diffusion of formal responsibilities for policy implementation and service delivery in a way that some perceive as indicative of broader development in “governance” practices whereby “responsibility and accountability for a wide range of social issues is increasingly focused towards local levels, whilst at the same time centralised control in terms of resources and target-setting is maintained.”<sup>84</sup> While not immediately apparent in the earlier quotation, the incorporation too of faith-based groups from within the third sector is potentially part of a novel approach of engaging with religious minorities through the practices and models of representation, stakeholders, and advocacy in the consultative arena.<sup>85</sup> What this discussion is trying to elaborate on is the manner in which the *Prevent* agenda, in constituting part of the broad counter-terrorism strategy, appears to be simultaneously subject to at least two broader prevailing dynamics comprising:

the implementation of anti-terrorist laws that can be used disproportionately against Muslims leading to the potential for their increased surveillance and control and thereby serving to reduce Muslims’ trust of state institutions, while at the same time pursuing approaches

that acknowledge, and stress the importance of, the involvement of British... Muslim communities in helping to combat extremism.<sup>86</sup>

Indeed, Spalek and Imoual frame these dynamics relationally in terms of “harder” and “softer” strategies of engagement, whereby the former may be understood as consisting of various means of surveillance, policing and intelligence gathering, and so on.<sup>87</sup> The latter, meanwhile, would include the development of dialogue, participation, and community feedback between Muslim communities, state agencies, and voluntary organizations in a way that may serve to increase trust in “the battle for hearts and minds.” For example, the *Prevent* strategy emphasizes, and seeks to extend to Muslims long-established equality traditions historically orientated toward ethnic and racial minorities:

The Prevent strategy requires a specific response, but we must also make the most of the links with wider community work to reduce inequalities, tackle racism, and other forms of extremism (e.g., extreme far right), build cohesion and empower communities. Likewise, it is recognized that the arguments of violent extremists, which rely on creating a “them” and an “us” are less likely to find traction in cohesive communities.<sup>88</sup>

This builds upon recognition within government policies and legislation of Muslim religious difference that has been manifested in other ways, including measures against religious discrimination as set out in the Equality Act 2010. The tensions, then, surround the extent to which the prevailing British citizenship being extended to Muslims—through social and community cohesion agendas—are twinned with or placed within the same register as anti/counterterrorism strategies that import or rely upon certain securitized “hard” aspects of this dimension of State-Muslim engagement. The risk is that Muslim active citizenship is to some extent framed in terms of demonstrable counterterrorism activities, in a way which assumes that Muslim communities at large remain the “locus of the issue of extremism.”<sup>89</sup> The most recent report from the *Prime Minister’s Task Force on Tackling Radicalisation and Extremism* (2013) continues to reflect many of these same tensions in surmising that violent extremism “is a distinct ideology which should not be confused with traditional religious practice”<sup>90</sup> and that “extremism is less likely to be tolerated by communities which come together to challenge it. Britain is stronger because of its open, multi-faith and multi-racial communities, which can tackle extremists together and challenge the view that it is not possible to be a true Muslim and be integrated in British society.”<sup>91</sup>

## BRITISH MUSLIM CITIZENSHIP AND THE RE-BALANCING OF MULTICULTURALISM

What these examples begin to illustrate is that the state of multiculturalism in Britain does not mirror the “drastic break with multiculturalism” recently made by the Dutch.<sup>92</sup> This has seen the Netherlands discontinue some emblematic multiculturalist policies while introducing others specifically tailored to ignore ethnic minority differences. This includes the large-scale abandonment of dual-citizenship programs; a withdrawal of national-level funding for minority group organizations and activities supporting cultural difference; reallocating the small percentage of public broadcasting time dedicated to multicultural issues; a proposed banning of the wearing of the burka in public places through an act of parliament; and a cessation of ethnic monitoring of labor market participation.<sup>93</sup> Neither does it confirm Favell’s insistence that:

Our tried-and-tested narratives and models of postwar immigration in Europe—the standard discussions of immigration, integration and citizenship, based on post-colonial, guestworker and asylum models, and historical distinctions between pre- and post-1973 trends—are finished.<sup>94</sup>

In contrast, what has been taking place in Britain is more like a movement from a perceived *neglect* to *affirmation* of “Britishness” presented as a meta-membership with which all, including Muslim minorities and non-Muslim majorities, should engage. For example, the government-endorsed report entitled “A Journey to Citizenship” chaired by the late Sir Bernard Crick has characterized Britishness as denoting

respect [for] the laws, the elected parliamentary and democratic political structures, traditional values of mutual tolerance, respect for equal rights and mutual concern... To be British is to respect those overarching specific institutions, values, beliefs and traditions that bind us all, the different nations and cultures together in peace and in a legal order. [...] So to be British does not mean assimilation into a common culture so that original identities are lost.<sup>95</sup>

As his report recommending the introduction of citizenship education put it, part of the groundswell for its recent emergence is undoubtedly a sense of “civic deficit” epitomized by voter apathy among young people which the report claims “is inexcusably bad and should and

could be remedied.”<sup>96</sup> To this end the QCA, under the commission chaired by Crick, recommended the implementation of a coordinated national strategy for the statutory requirement for schools to spend around 5 percent of their curriculum time teaching three interdependent elements of citizenship education. These would comprise (i) social and moral responsibility, (ii) community involvement, and (iii) political literacy.

While these reiterate elements of the Swann Commission, they perhaps also constitute a modification of earlier approaches. Though the QCA insisted upon respect for “the plurality of nations, cultures, ethnic identities, and religions long established in the UK,” there is no explicit reference to anti-racism that confirmed to some that citizenship education represents a disengagement from these issues.<sup>97</sup> Osler and Starkey,<sup>98</sup> for example, charge the QCA report with “institutional racism” for demanding that “minorities must learn to respect the laws, codes and conventions as much as the majority.”<sup>99</sup> This they take as evidence of a “colonial approach . . . that runs throughout the report” and which “falls into the trap of treating certain ethnicities as ‘Other’ when it discusses cultural diversity.”<sup>100</sup> Sir Bernard Crick repudiates the view that his committee singled out minorities, saying that

Were not willing to give the public the view that the major thrust of citizenship was race relations. We said damn it, it’s about the whole population including the majority . . . pupils should learn, respect and have knowledge of national, regional ethnic and religious differences. We were simply taking a broader view. We thought that . . . all our nations’ children should receive an education that would help them to become active citizens: *all our nations’ children*.<sup>101</sup>

This need not be evidence of an assimilatory “retreat” from anti-racism or multiculturalism, however, but something that might be characterized as a “re-balancing” of broader discourses of anti-racism and multiculturalism. Indeed, the entire idea of “citizenship education” is in itself surely evidence of this. While the latter point is welcomed by some commentators who had previously formed part of the pluralistic or anti-racist left identified earlier, the bringing of previously marginalized groups into the societal mainstream is, at best, greeted more ambivalently.<sup>102</sup> It is difficult, however, not to view this as a knee-jerk reaction that condemns religious identities per se, rather than examining them on a case-by-case basis, while at the same time assuming that ethnic identities are free of illiberal goals. This is empirically problematic given that clitoridectomy, for instance, is an example

of a *cultural practice* among various ethnic groups and yet has little support from any religion. So to favor ethnicity and problematize religion is a reflection of a secularist bias that has alienated many religionists, especially Muslims, from multiculturalism. It is much better to acknowledge that the “multi” in multiculturalism will encompass different kinds of groups and does not itself privilege any one kind, but that “recognition” should be given to the identities that marginalized groups themselves value and find strength in, whether these be racial, religious, or ethnic.<sup>103</sup>

## CONCLUSION

This chapter has charted the contemporary structural and cultural dynamics informing relationships between British Muslim identity articulations and the state. Traversing areas of political participation, observance of aspects of *Shari’u* in personal and civil matters, spatial settlement and educational social mobility, and community consultation in preventing violent extremism, the chapter has elaborated how responses to Muslim “difference” in Britain detail a pattern of engagement that has evolved over a period of time through both race-equality and multi-faith opportunity structures. In a cumulative way, developments in each have come to characterize a British multiculturalism that has, contrary to popular insistence following the London bombings, not been erased. As such we contend that any discussion of Muslim minorities in twenty-first-century Britain must not ignore these developments for they too may affect the course of future state-Muslim engagement—a point worth stressing as we stand on the threshold of new era of Conservative electoral dominance in British politics.

## NOTES

1. This chapter reproduces and updates materials from T. Modood, and N. Meer, (2010) “Contemporary developments in cases of Muslim-state engagement,” in A. Triandafyllidou (ed.) *Muslims in 21st Century Europe: Structural and Cultural Perspectives*. We therefore gratefully acknowledge Routledge Publishing.
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- London: Ashgate, 2008; A. Kundani, *The End of Tolerance: Racism in 21st Century Britain*. London: Pluto, 2008.
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  5. D. Cameron, PM's speech at Munich Security Conference, 5 February 2011. Available from: <http://www.number10.gov.uk/news/speeches-and-transcripts/2011/02/pmsspeech-at-munich-security-conference-60293> [Accessed 29 May 2011].
  6. Quoted in R. Butt, "Cameron calls for return to Christian values as King James Bible," *The Guardian*, December 16, 2011.
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  8. P. Taylor-Gooby, and E. Waite, "Toward a More Pragmatic Multiculturalism? How the U.K. Policy Community Sees the Future of Ethnic Diversity Policies," *Governance*, 27(2), March 2013; V. Uberoi and T. Modood "Has Multiculturalism Retreated in Britain," *Soundings*, 2013; Heath and Demireva "Has Multiculturalism Failed in Britain?" *Ethnic and Racial Studies*, 2013.
  9. H. Ansari, *"The Infidel Within": Muslims in Britain since 1800*, London: Hurst & Co. 2004.
  10. A. Rudiger, "Cultures of Equality, Traditions of Belonging," in C. Bertossi (ed.) (2007) *European Anti-Discrimination and the Politics of Citizenship*. Palgrave: Macmillan, 2007.
  11. Commission on the Future of Multi-Ethnic Britain, *The Future of Multi-Ethnic Britain*. London: Profile Books, 2000.
  12. R. Jenkins, *Address Given by the Home Secretary to a Meeting of Voluntary Liaison Committees*, May 23. London: NCCI, 1966.
  13. A. Favell, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain*. Hampshire: Palgrave-Macmillan, 1998.
  14. The 1948 British Nationality Act granted freedom of movement to all formerly or presently dependent, and now Commonwealth, territories (regardless of whether their passports were issued by independent or colonial states) by creating the status of "Citizenship of the United Kingdom and Colonies" (CUKC). Until they acquired one or other of the national citizenships in these post-colonial countries, these formerly British subjects continued to retain their British status. This is one of the reasons why Kymlicka's distinction between national minority rights and ethno-cultural minority rights is not easily transposed on to Britain (see Modood, *Multiculturalism, a civic idea*. London: Polity Press, 2007).
  15. See R. S. Dhami, J. Squires and T. Modood, *Developing Positive Action Policies: Learning from the Experiences of Europe and North America*. Department for Work and Pensions Research Report no. 406, 2006, pp. 19–25.

16. C. Joppke "How Immigration is Changing Citizenship: A Comparative View," *Ethnic and Racial Studies*, 22(4), 1999, p. 642.
17. It is important to bear in mind that the Race Relations Act does not allow positive discrimination or affirmative action. This means that an employer cannot try to change the balance of the workforce by selecting someone mainly because they are from a particular racial group. This would be discrimination on racial grounds, and therefore unlawful (see Karim, 2004/5). What in the United States is called "affirmative action" goes well beyond what is lawful in Britain.
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19. C. Mullard, *Anti-racist education: The Three O's*. Cardiff, UK: National Association for Multicultural Education. 1985.
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28. See [www.mcb.org.uk](http://www.mcb.org.uk).
29. Such charges are largely circumstantial owing to the links between the MCB members and the Islamist organization Jamat-e-Islami which was founded in northern India in the 1930s by Abu A'la Mawdudi.
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31. Though interestingly it's regional affiliates such as the Muslim Council of Wales (MCW) has not faced such criticism.
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  34. Including the headscarf or *hijab*, full face veil or *niqab*, or full body garments such as the *jilbab*.
  35. Evidenced not only in public and media but also by academics and intellectuals including Christian Joppke. Writing in the *British Journal of Sociology* he states: "Certain minority practices, on which, so far, no one had dared to comment, have now become subjected to public scrutiny as never before. The notorious example is that of arranged marriage which, to an alarming degree, *seems to be* forced marriage" (2004, p. 251 emphasis added). While this is an important issue that must never be ignored, on what evidence Joppke bases his assumptions remain undisclosed in the rest of the article. While the conflation between "forced" and "arranged" marriages is unfortunate and misleading, the suggestion that no one has dared to comment on either betrays a surprising unfamiliarity with a British case in which pressure groups and organisations such as Southall Black Sisters and Women Against Fundamentalism (WAF) have led high profile national campaigns. The government, moreover, has established transnational strategies such as the Working Group on Forced Marriage, which has seen the creation of the Forced Marriage Unit (FMU), as well as the introduction of the Forced Marriage (Civil Protection) Act 2007.
  36. M. Phillips, *Londonistan: How Britain Created a Terror State Within*. London: Gibson Square Books. 2006; Gove 2006; N. Cohen, *What's Left? How Liberals Lost Their Way*. London: HarperPerennial, 2007.
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# A Century of the Official Legal Status of Islam in Austria: Between the Law on Islam of 1912 and the Law on Islam of 2015

*Agata Skowron-Nalborczyk*

## INTRODUCTION

Relations between the Austrian state and Islam are quite unique for a European country. They can be divided into two stages marked by two significant events in the development of those relations. The first stage, from 1878 to 1918 was connected with the political events in the Balkans, in which Austria (then Austro-Hungarian Monarchy) was an active player and as a result of this activity Bosnian Muslims were put under its rule. The second stage started in the latter half of the twentieth century and is related to the influx of economically motivated immigrants of Muslim background. The first stage resulted in a legal recognition of Islam as a religion; the second is characterized by the functioning of this legal act either in its original form until 2015 or by the amended bill passed in February 2015.

Because of the unique character of the relations between the Austrian state and Islam, it is worthwhile to take a closer look at the historical background of passing the first European law that recognized Islam as a religion and regarded Muslims as citizens of a European state. It is interesting to see how the act has affected the Austrian Muslim society for the last century and what its consequences are, how it regulated the existence of a Muslim community in a European country, and what Muslims themselves think of their

situation. It is equally important to examine the most recent legal steps undertaken by the Austrian state, that is, efforts at adjusting the act on Islam to modern circumstances of the twenty-first century. It is important to see if those efforts suit the needs of the Muslim community, if it is treated the same as other religious groups etc., that is, to see whether those steps follow in the right direction defined by the Act of 1912 or has the legislator changed the aims and meaning of the new legal regulations.

### 1878–1918: OFFICIAL RECOGNITION OF ISLAM AS A RELIGION

For centuries, Austria's contacts with Islam had been limited to armed conflicts, and it was only in the second half of the nineteenth century that a Muslim community found itself under Austrian rule.<sup>1</sup> By a decision of the Congress of Berlin held in 1878, the Austro-Hungarian army took over Bosnia-Herzegovina including the Sanjak of Novi Pazar. The rationale for this occupation came from the necessity to protect Christians living in Bosnia-Herzegovina from the "Muslim fanaticism" growing in the region in the aftermath of the Russo-Turkish war.<sup>2</sup> Those territories were inhabited by a sizeable Muslim community of local Slavs who had converted to Islam under the Ottoman Empire.<sup>3</sup> Local people offered strong resistance to the occupation<sup>4</sup> and fierce fighting did not cease until October 9, 1878.<sup>5</sup> Even though Muslims were still a minority,<sup>6</sup> there was a great number of landowners among them, and as such they were of great importance to the locals and to the occupying authorities alike.

Despite the occupation, the region officially remained under the authority of the Turkish Sultan, according to a decision taken by the Congress of Berlin and delivered to the Sultan on April 21, 1879. The Austro-Hungarian rule, therefore, was only unofficial in character—a protectorate of sorts.<sup>7</sup>

However, when the Young Turks took power in Turkey in 1908, their plan of improving the Ottoman Empire in the spirit of the liberal-constitutional tradition included organizing parliamentary elections in the whole country, including Bosnia-Herzegovina—officially under the Sultan's rule. This was of course unacceptable for Austria-Hungary, which in reality controlled the region.<sup>8</sup> Hence, on October 7, 1908, Emperor Franz Joseph I annexed the occupied territory.<sup>9</sup>

Muslims living in Austria-Hungary had already enjoyed religious freedom since May 20, 1874, when the Law concerning the legal recognition of religious communities (Germ. *Gesetz betreffend die*

*gesetzliche Anerkennung von Religionsgesellschaften*<sup>10</sup>) laid the legal foundation for the official recognition of previously unrecognized non-Christian religions.<sup>11</sup> The annexation of the occupied territories meant that suddenly a large unified religious community of Muslims found itself within the borders of the Habsburg Monarchy, which called for adequate legal amendments.<sup>12</sup>

On July 15, 1912, the law was passed officially recognizing adherents of Islam of the Hanafi school as a religious community (Germ. *Gesetz betreffend die Anerkennung der Anhänger des Islam nach hanefitischem Ritus als Religionsgesellschaft—Islamgesetz*<sup>13</sup>). The law granted Muslims of the Hanafi school the status of an officially recognized religious congregation. The religion itself and its rituals were protected by law, provided that they did not infringe on the Empire's legal system. Polygamy and certain punishments used in the Muslim law were banned.<sup>14</sup> Authorities approved the construction of a representative mosque in Vienna. The Emperor assigned 25,000 kronas and the city of Vienna provided the site.<sup>15</sup> The mosque, however, was never constructed.

Those early attempts at institutionalizing Islam were brought to a halt by the outbreak of the First World War. Following the war, Bosnia-Herzegovina separated from Austria and together with Serbia, Croatia, Slovenia, and Montenegro formed Yugoslavia. Within the new Austrian borders there were only a few hundred Muslims left, unorganized in any legal form. However, the *Islamgesetz* survived to this day as a binding law.<sup>16</sup>

## MUSLIM IMMIGRANTS UNDER THE LAW ON ISLAM OF 1912

### *Demographic Change within the Muslim Minority after World War Two*

Muslims living in Austria after the Second World War ended up on its territory as a result of wartime migrations. They were ex-prisoners from labor camps or concentration camps and former soldiers from various armies.<sup>17</sup> In the late 1950s, their number was estimated at approximately 3,000.<sup>18</sup>

Considerably numerous groups of immigrants started settling in Austria in the 1960s, that is, at the time when the country's rapidly expanding economy required more workforce than was available among Austrians themselves. This was the first wave of the so-called *gastarbeiter*s, composed mainly of Germans, Italians, Yugoslavians,

Turks, and Egyptians.<sup>19</sup> They were hired in textile, paper, and heavy industries, but their true number one domain were seasonal construction works. Another influx of *gastarbeiters* occurred between 1986 and 1992. This time, the migrant workers came mostly from Turkey and Yugoslavia. This second wave was much more numerous due to the fast development of transport infrastructure. Besides, the country was flooded by families of those workers whose stay transformed from temporary into permanent.

Another factor that accounted for the post-1992 arrival of over 100,000 Muslims from Bosnia was naturally the war in the Balkans. Interestingly enough, even though the war ended and a Muslim state was created in Bosnia, there is a visible reluctance on the part of Bosnians living in Austria to go back to their motherland. This is mostly due to economic reasons.<sup>20</sup>

What is more, Austria remained a popular destination country for political and war refugees from Palestine, Iraq, Iran, Afghanistan, Sudan, and other turbulent places. Even though for most of them it was just a stopover on the way somewhere, majority stayed for good.<sup>21</sup> Austrian universities have had a large number of Muslim students (e.g., from Arab countries). They constitute, of course, a much smaller portion of the whole Muslim community than the *gastarbeiters* and their families.

The above facts show that Austria, as a stable and rich Western European country, is a common destination point for a lot of immigrants. There are 939,987 foreigners living within its borders, which is 11.2 percent of the whole population, estimated at 8,401,940 people.<sup>22</sup>

Until 2001, the number of Muslims living in Austria was estimated on the basis of a population census, which was replaced by a register-based census in 2011. The latter does not include information concerning religion. According to the *Österreichischer Integrationsfonds* and their data concerning immigration and citizenship applications, there are 515,914 Muslims living in Austria, which amounts to 6.2 percent of the population.<sup>23</sup> The majority of them are Turks and Bosnians.

### *The Legal Status of Islam and Muslim Community in Austria until 2015*

Relations between the state and various religions in Austria are still regulated by the Civil Rights Act of 1867 (Germ. *Staatsgrundgesetz vom 21. Dezember 1867 über die allgemeinen Rechte der Staatsbürger*<sup>24</sup>), kept in force by the federal constitutional act (Germ.

*Bundesverfassungsgesetz*) passed in 1920 (Art. 149 Sec. 1). It guarantees freedom of conscience and religion and neutrality of state in matters of religion. The legal framework for the official recognition of churches and religious organizations was outlined in the abovementioned Law concerning the legal recognition of religious communities passed in 1874. The law states that relations between “historically recognized” religions or religious organizations and the state should be regulated by individual acts, like the *Islamgesetz* of 1912 in the case of Islam.<sup>25</sup> A particular religion is officially recognized when the respective minister issues an adequate regulation. In the past it would be issued by the Minister of Religion (Germ. *Kultusminister*), and today it is the domain of the Federal Minister of Education and Women’s Affairs (Germ. *Bundesminister für Bildung und Frauen*).

In 1971, Muslim organizations in Austria<sup>26</sup> made a plea to the government to recognize Islam as a religion.<sup>27</sup> Work on the recognition was undertaken. It was possible thanks to the 1912 *Islamgesetz*—still binding in the light of the law. Austrian authorities, however, proposed some conditions that took almost a decade to fulfil before Islam could officially be recognized. The most important of them was to clarify the difference between the Hanafi school recognized in 1912 and other schools present in Austria, including Shi’i branch of Islam. Another issue was connected with some differences in civil law, for example, which is recognized by Islam. In the course of this debate, Austrian authorities contacted the Al-Azhar University in Cairo and the highest religious authorities in Turkey and Yugoslavia.<sup>28</sup> Another condition was the establishment of a single organization that would be a legal entity and an official partner in any discussion with the government.

Those conditions were finally met on May 2, 1979, and the Minister of Education and Art<sup>29</sup> signed a document recognizing Islam as an official religion and equal in legal status with all the other official denominations. The minister allowed for the establishment of the first official Muslim religious community in Vienna and approved the articles of the Islamic Religious Community in Austria (Germ. *Islamische Glaubensgemeinschaft in Österreich*—IGGiÖ)—the organization uniting all Muslims living in Austria.<sup>30</sup> It was still only the Hanafi school that was recognized.<sup>31</sup> Only monogamy was allowed at nuptials and the Austrian law was declared superior to *Shari’a*. Another matter that was regulated was Muslim religious instruction in public schools, the financial burden of which was undertaken by the state in financing religious instruction of all officially recognized denominations.

Islam was granted the right to use public media, and the IGGiÖ was declared fit to receive donations and duty relief. It gave up its right to collect religion tax even though it does not receive any state funding.<sup>32</sup>

In 1987, all other schools of Islam were made equal with the Hanafi school through a ruling of the Constitutional Tribunal, which decided that any discrepancies in status would run against the idea of the constitutional freedom of religion and neutrality of the state in matters of religion.<sup>33</sup> It was a very important ruling considering the growing number of Muslims coming to Austria from various Muslim backgrounds.<sup>34</sup> At the same time, the ruling put all Muslims living in Austria under an umbrella organization—the IGGiÖ.<sup>35</sup> This amendment to *Islamgesetz* came into force on March 24, 1988.<sup>36</sup>

The official recognition of the IGGiÖ was subsequently confirmed by the ruling of the Federal Minister for Education, Arts, and Culture (Germ. *Bundesminister für Unterricht, Kunst und Sport*)<sup>37</sup> on the IGGiÖ issued on August 2, 1988, in which the Minister specified the requirements for IGGiÖ's articles of organization.<sup>38</sup>

### *IGGiÖ and Other Islamic Organizations until 2015*

Federal Law on the Status of Religious Confessional Communities (Germ. *Bundesgesetz über die Rechtspersönlichkeit von religiösen Bekenntnisgemeinschaften*)<sup>39</sup> of 1998 specifies the criteria that have to be met for a new religious community to be officially recognized. The criteria include (Art. 11) at least 20-year-long existence as a religious community with a legal entity status (Germ. *Rechtspersönlichkeit*) for not less than 10 years (Section 1). Besides, the number of followers must be equal or higher than 2 percent of the population according to the latest census (Section 2). The act also specifies how a religious community can be awarded the status of a legal entity through a registration process. Officially recognized religious communities have the capacity of legal entities (Germ. *Körperschaft des öffentlichen Rechts*).<sup>40</sup> To register a religious organization, an application (Art. 2, Section 1) must be filed by a group of at least 300 Austrian citizens who do not belong to any other religious organizations (Art. 3, Section 3). The act creates a possibility for other Muslim organizations to get registered.

Besides the IGGiÖ, there are a number of Muslim organizations acting as religious associations in Austria. Following the characteristic demographic composition of the immigrant Muslim community, those organizations usually have a distinct ethnic character and are



frequently affiliated with their counterparts in the country of origin, for example, the Austrian Islamic Federation (Germ. *Österreichische Islamische Föderation*) is the Austrian branch of the *Milli Görüş*, the Turkish-Islamic Union for Cultural and Social Cooperation (Tur. *Avsturya Türk İslâm Birliği*—ATİB; Germ. *Türkisch Islamische Union in Österreich*) is actually run by the Turkish ministry of religion, that is, the Presidency of Religious Affairs (Tur. *Diyanet İşleri Başkanlığı*, short: Diyanet),<sup>41</sup> and the Bosnian organization called the Union of the Bosniak Islamic Associations in Austria (Germ. *Verband der bosniakischen islamischen Vereine in Österreich*) is affiliated to the Islamic Community in Bosnia and Herzegovina (Bosn. *Islamska Zajednica u Bosni i Hercegovini*). There are also associations that gather non-Sunni Muslims, for example, the Union of the Islamic Cultural Centres (Germ. *Union islamischer Kulturzentren*) is affiliated to the Turkish Sufi tariqa Süleymancılar and Islamic Union Ahl-ul-Bayt Austria (Germ. *Islamische Vereinigung Ahl-ul-Bayt Österreich*) represents pro-Iranian Twelver Shi'ites. And there is also the Federation of Alevi Communities in Austria (Germ. *Föderation der Aleviten Gemeinden in Österreich*).

Until 2015, it was general opinion that the IGGiÖ represented all Muslims living in Austria. However, only individuals, not organizations, can be its members. Therefore, in order to coordinate cooperation with other organizations, in 1999 an advisory board (Germ. *Beirat*) was called into being within the IGGiÖ. Its goal was to represent those organizations that recognize the representative role of the IGGiÖ. There are about 50 of them, mostly of Turkish background.<sup>42</sup>

Majority of legal interpretations agreed that according to legal regulations (mostly the *Islamgesetz* Art. 1, and the ruling of 2 August 1988), the IGGiÖ represented all Austrian Muslims associated as IGGiÖ members, regardless of their ethnic background, country of origin, or the legal school they follow (*madhhab*). This is also stated in Art. 2, Section 5 of IGGiÖ's articles of organization.<sup>43</sup> There is, however, a dispute among lawyers. Some claim that membership must always be confirmed by a joining individual, and some say it is presumptive for all Muslims.<sup>44</sup> Some Muslims do not feel represented by the IGGiÖ. This dispute is reflected in the low number of members paying membership fees. In 2011, according to data provided by the IGGiÖ itself, it was only 27,000 people (out of around 500,000 Muslims in Austria).<sup>45</sup>

The status of the IGGiÖ as being representative of all Muslims from Austria was questioned especially by the Shi'ites and Alevis. For

the former, the biggest problem was the exclusively Sunni character of the Islamic religious education, which is why Shi'a children do not avail themselves of it. After a period of severe criticism of the IGGiÖ, Iranian Shi'ites, represented by the Islamic Union Ahl-ul-Bayt Austria, resumed talks with the IGGiÖ authorities in order to modify the curricula to include the character of Shi'a religious education for Shi'ite pupils.<sup>46</sup> Iraqi Twelver Shi'ites took a different approach, and in 2010, they filed an application to register their own organization—the Islamic Cultural Centre Al Mufid (Germ. *Islamisches Kulturelles Zentrum Al Mufid*)—as a religious organization (according to the Act of 1988), but they have received no reply so far.<sup>47</sup>

A similar path was taken by Alevis, whose number in Austria is estimated at 60,000.<sup>48</sup> In 2009, they filed an application to register the Islamic Alevi Religious Community in Austria (Germ. *Islamische Alevitische Glaubensgemeinschaft in Österreich*) according to the Federal Law on the Status of Religious Confessional Communities of 1998, but the application was initially rejected by the Ministry with the explanation that there can be only one officially recognized Islamic religious organization in Austria. However, on December 1, 2010, the Constitutional Tribunal ruled that the Ministry's decision was a violation of religious freedom and concluded that *Islamgesetz* Art. 1 cannot be interpreted as permitting the existence of only one officially recognized Islamic religious organization.<sup>49</sup> As a result of this decision, the Islamic Alevi Religious Community in Austria was officially registered on December 16, 2010, and was granted the status of a legal entity. Its status was confirmed by the new Law on Islam in 2015 (see below).

In 2010, Kurdish Alevis applied to register their own organization, but the application was turned down. They tried again two years later but this time the organization was the Qizilbash-Alevi Religious Union (Germ. *Qizilbasch-Alevitische—Alt-Alevitische Religionsgemeinschaft*).<sup>50</sup> They do not co-operate with other Alevi organizations because of their relations with Turkey, which in Kurds' opinion is a threat to their identity.<sup>51</sup>

The above described legal situation changed on February 25, 2015 when the new version of the Law on Islam was passed.

## LAW ON ISLAM OF 2015

### *The Reasons for Passing the New Islamgesetz*

The Law on Islam of 1912 was in force for over 100 years. The common belief was that it was the reason why Austrian Muslims were so well integrated into Austrian society and identified themselves

with their new home. The unique character of the Act<sup>52</sup> was frequently stressed, and it was called a “model” solution of the legal status of Islam followers in a European country.<sup>53</sup> In 2012, Austrian Muslims organized grand celebrations of the one-hundredth anniversary of the Act. IGGiÖ authorities celebrated the anniversary on July 2, 2012, in Vienna’s City Hall together with state authorities, including the federal chancellor (Germ. *Bundeskanzler*) and his ministers.<sup>54</sup> Numerous positive words were said on that occasion about the Act and its effects, that is, the mutual understanding, respect, and cooperation between IGGiÖ and Austrian state authorities. The President of IGGiÖ, Fuat Sanac, expressed the hope that the Act would be amended and that one of the Austrian universities would open a department of Muslim theology, where future imams could be trained.

Even before the one-hundredth anniversary of *Islamgesetz*, there was a debate on the necessity to amend the act. Among the issues requiring attention were the new social and political circumstances, different from those that existed when the Law on Islam came into force in 1912. Another was the need to change the existing legal terminology to match the current reality and the fact that some of the regulations had become obsolete. The 1912 law was prepared as an “open” and “flexible” regulation that required further detailed stipulations. At the time when it was passed, there was, for example, no Muslim organization, so it was not mentioned in the Act. Today, there is an organization but its representative power is being debated. In 2012, “Dialogforum Islam” was formed. It is an institutionalized body facilitating contact between the federal authorities and IGGiÖ experts, following the example of the German Conference on Islam (Germ. *Deutsche Islamkonferenz*). One of the results of its work, apart from the preparative works for the start of academic education for imams at the University of Vienna, was preparing the amendment to the Law on Islam.

The legislative work was concluded nearly three years later, on February 25, 2015, when the Austrian Parliament passed the new Law on Islam. Despite the long period of social consultations on the project and input from Muslim organizations regarding the new law, its final shape remained as it had been drafted.

### *Description of Islamgesetz 2015*

The full name of the new Law on Islam is as follows: the Federal Law on the External Legal Relations of the Islamic Religious Organizations

(Germ. *Bundesgesetz über die äußeren Rechtsverhältnisse islamischer Religionsgesellschaften—Islamgesetz 2015*). Its text is composed of six parts.

In part one, a general one, Islamic religious organizations are described as officially recognized religious communities having the status of legal entities (Germ. *Körperschaft des öffentlichen Rechts*). This part also defines the criteria that must be met for a new Islamic religious community to be officially recognized.

In comparison to the last Austrian law on a specific religion, that is, the Law on adherents of Judaism (Germ. *Israelitengesetz*) of 2012, the Islamic religious communities must meet more criteria in order to be registered—they are required to have a positive attitude toward the Austrian society and state (Art. 4, Section 3), and any illegal disturbance in the attitude toward other recognized churches and religious organizations is forbidden (Art. 4, Section 4). There is also a difference in the process of acquiring the status of legal entity and other legal issues—this is done in the case of Islamic religious communities by a regulation issued by the federal chancellor (Germ. *Bundeskanzler*) (Art. 3, 5, 23, 28, 33, etc.) and, in the case of Jewish religious communities, only by a relevant federal minister (thus on a lower tier of government).

The second part of the Act describes assignments of Islamic religious organizations and defines the status of local religious communities. There are also some constraints in comparison to the Law on adherents of Judaism of 2012—the Islamic religious organizations are not allowed to get financial support from abroad (it must be acquired from within the country (Art. 6, Section 2)) and can establish a new local religious community only when its financial existence is assured (Art. 8, Section 3).<sup>55</sup>

The third part is devoted to defining the status of IGGiÖ, its rights, and duties. IGGiÖ is guaranteed many rights and privileges (Articles 9–15), such as the right to the protection of the name of IGGiÖ and the names of its local communities, the right to religious upbringing of children and youth according to religious customs, to provide spiritual care in the army, in prisons and in hospitals, to provide *halal* food in these places and in schools, to organize the production of meat and other food products according to religious regulations (*halal*), to run their own cemeteries or to have their own areas in public cemeteries at their disposal, and its members are guaranteed to get leave from work or school during religious festivals (*Id al-Adha*—four days, *Id al-Fitr*—three days, and *Ashura*—lone day) and Friday prayers (from 12:00 to 14:00).

However, again there is a restriction compared to the Law on the adherents of Judaism—only persons who have received their religious education in Austria and speak German can be hired as religious, spiritual personnel in prisons, hospitals, etc. (so bringing in Imams from abroad is forbidden) (Art. 11, Section 2).

The fourth part is devoted to the Islamic Alevi Religious Community in Austria (Germ. *Islamische Alevitische Glaubensgemeinschaft in Österreich*; IAGGÖ), which was given the status of legal entity in 2010. This organization is guaranteed the same rights and privileges as IGGiÖ, only other, that is, Alevi religious festivals are mentioned there (Art. 20, Section 2).<sup>56</sup>

The title of the fifth part of the Act is “Cooperation of the Religious Organizations and the State” (Germ, *Zusammenwirken von Religionsgesellschaften und Staat*). In Art. 24 it announces the establishment of Islamic theological studies at the (state) University of Vienna (starting from January 1, 2016), where Muslim religious personnel will be trained and six university lecturers hired. Islamic religious organizations (without specifying which one) will be responsible for the religious content of the curriculum. In the Law on the adherents of Judaism, the establishment of Jewish theological studies is not mentioned. In both the Judaism and Islam laws, there prohibitions on religious meetings and events for reasons of public safety, order, and health, but in the Law on Islam, we also find the reason of “national security” (Art.27).

In the last part the, Act confirms the past recognition of IGGiÖ and IAGGÖ, and their existing statutes and elected authorities. It also states that associations that have as their aim the dissemination and propagation of religious beliefs of religious organizations mentioned in this Act, must be dissolved by March 1, 2016. This regulation will create a problem for Austrian Islamic umbrella organizations, which have, as their members, local Islamic organizations that exist to take care of religious life of Muslims on a local level (e.g., mosques and prayer rooms). Religious personnel not meeting the criteria mentioned in Art. 11, Section 2, that is, not educated in Austria and not able to speak German, can perform their duties only one year after passing the new law on Islam.

It must be stated that the Law on Islam of 2015 guarantees many rights and privileges for recognized Islamic religious organizations in Austria and does it in a very detailed form, it confirms the recognition of the main Sunni religious organization and the Alevi religious organization, it establishes the official Islamic theology at the largest state university, etc. However, some statements and regulations are criticized or disputed by Austrian Muslim bodies.

### *Muslim Organizations on the New Law*

The shape of the new *Islamgesetz* was officially conditionally approved by IGGiÖ, even though the organization had criticized the draft,<sup>57</sup> for example, for stressing the supremacy of the Austrian state over religion, which was not stressed in the case of legal regulations concerning other religions (e.g., *Israelitengesetz*), and for the ban on foreign financing. In general, the charges were connected with violating the idea of equal treatment of all religions and their representative organizations. Despite criticizing the political climate around the draft of the bill and the politicians' hostile attitude toward Islam, in the statement issued on February 16, 2015, IGGiÖ stressed its will to carry on the dialogue with Austrian authorities on legal solutions.<sup>58</sup>

Some organizations, however, whose reason for existence has been called into question by the new law, expressed their dissatisfaction much more vehemently. Among them the most active player was ATİB<sup>59</sup>—an organ of a Turkish government institution, Diyanet. ATİB is the largest Austrian umbrella organization of local mosques. Among its activities is bringing imams from Turkey to Austria, which was banned by the new Law on Islam. One of the regulations in the new *Islamgesetz* stipulates that local member organizations belonging to Muslim umbrella organizations cannot duplicate one another's areas of activity, which could call the existence of ATİB into question, as the law wants such organizations to disband.

On the very day the Law on Islam was passed, ATİB issued a press release criticizing the new law.<sup>60</sup> The release contained an indirect suggestion that the act would be reported to the Constitutional Tribunal due to its violation of the idea of equal treatment of all religious organizations and the idea that all people are equal, as expressed in the European Convention on Human Rights. An official statement that the act would be reported to the Tribunal had been issued before—on February 20, 2015. It was expressed by the President of ATİB, Fatih Karadas, in his interview with a Turkish newspaper *Yeni Hareket*<sup>61</sup> and confirmed what the press officer of the organization, Nihat Koca, said in his interview with *Die Presse*. In the interview, Fatih Karadas said he had hoped that other Austrian Islamic organizations would join his complaint.

A similar step has been announced by the Muslim Youth of Austria (Germ. *Muslimische Jugend Österreich*).<sup>62</sup> So far other organizations, for example, the Islamic Federation, have been more cautious.<sup>63</sup> The Initiative of Austrian Liberal Muslims (Germ. *Initiative Liberaler Muslime Österreich*), however, issued its own statement in which it

drew the public's attention to the fact that 100,000 Austrian Shiites were not given the right to have their own representative organization. The Initiative claims that the Law on Islam of 1912 recognized all Muslims, while the Law of 2015 recognizes only those that are members of the two organizations mentioned in the Act.<sup>64</sup>

The Law on Islam of 2015 is also described by experts as violating the equal treatment of all religious communities, for example, by professor of Constitutional Law Theo Öhlinger and Thomas Schmidinger from "Dialogforum Islam," who gave the example of the Russian Orthodox Church, which is mostly funded by foreign sources.<sup>65</sup> Former Vice-Bundeskanzler, Erhard Busek, also believes that the new Law on Islam will be contested by the Constitutional Tribunal.<sup>66</sup>

Apart from the charge of unequal treatment of Islam in comparison to other religions, other critical voices have been heard ever since the bill was drafted. It has for example been called "institutionalized Islamophobia"<sup>67</sup> due to a certain mistrust toward Muslims expressed in the Act and the imposing of stricter legal regulations on Islam.

## RESULTS OF THE OFFICIAL RECOGNITION OF ISLAMIC RELIGIOUS COMMUNITIES IN AUSTRIA

One of the most significant consequences of the official recognition of the IGGiÖ by the Austrian state is the presence of Islamic religious instruction in public schools. Teaching religion in public schools, as mentioned above, is the privilege of all officially recognized religious organizations. Islamic religious instruction entered the schools in the 1982/83 school year.<sup>68</sup> It is one of IGGiÖ's greatest areas of activity, as in the 2012/13 school year 57,000 pupils were availing of it in 2,000 schools.<sup>69</sup> According to Austrian law, religious instruction has to be delivered in German by teachers with Austrian citizenship. Another area of IGGiÖ's activity is preparation of religious education textbooks for Muslim children. At the start of the school year, each child gets a free textbook along with a copy of the Qur'an.<sup>70</sup> The organization is also responsible for hiring and supervising Islamic religion teachers. Since 1998, these teachers have been educated in the Islamic Religious Pedagogical Academy (Germ. *Islamische Religionspädagogische Akademie*) opened and financed by the state. Its mission is to prepare elementary school teachers,<sup>71</sup> and since 2006 the University of Vienna has offered the Islamic Religious Pedagogy

(Germ. *Islamische Religionspädagogik*) course preparing teachers to teach Muslim religion in high schools.<sup>72</sup>

As far as ritual slaughter is concerned, there is no uniform law in Austria protecting animal rights, which makes it possible for such states as Vienna, Styria, and Carinthia to allow exceptions from the regular procedure of stunning an animal before draining the blood and killing it, if an exception like this is required by religious practices of an officially recognized religion. The Supreme Court and the Constitutional Tribunal have ruled that banning ritual slaughter is not necessary in a democratic society, and it would be unconstitutional since the Act on Animal Protection of January 1, 2005 (Germ. *Tierschutzgesetz*<sup>73</sup>), is not superior to that on freedom of religious practices.<sup>74</sup>

The Act on Animal Protection allows ritual slaughter in the case of churches and religious organizations officially recognized by the state (Art. 32, Sections 3–5) provided that unnecessary suffering of the animal is avoided. Following the ruling of 2004 (Appendix D, point II.3.)<sup>75</sup> ritual slaughter can only be performed by persons officially certified by a respective religious organization. In the case of Islam, it is the IGGiÖ, which also issues *halal* food certificates and this right was confirmed by the new Law on Islam of 2015.<sup>76</sup>

The IGGiÖ was the first organization in Austria to have Muslim cemeteries at its disposal. The first one was opened in 2008 in the 23rd district of Vienna.<sup>77</sup> Its rules and conditions of use correspond to the Muslim rules of preparing the body for funeral and positioning the grave.<sup>78</sup> In 2011, the Islamic Alevi Religious Community in Austria signed a contract with the board of the Central Cemetery (*Zentralfriedhof*) in Vienna to open an Alevi section.

There are still some areas where Muslims encounter problems even though Islam is an officially recognized religion. One of those areas is the construction of mosques. Currently, there are five mosques with minarets in Austria and the remaining facilities are prayer rooms set up in such buildings as garages or shops (the so-called *Hinterhofmoscheen*).<sup>79</sup> The Republic of Austria is divided into states (*Bundesländer*) and each state can have its own legislation, like in the case of building law. To get a building permit in Carinthia and Vorarlberg, the building has to fit into the existing landscape and the decision whether it does or not is made by specially appointed bodies. It is of course about minarets even though it is not spelled out clearly.<sup>80</sup> It should, however, be noted that it is not the IGGiÖ that builds the mosques or applies for building permits. It is usually associations acting in their own name, even if they are members of



the IGGiÖ. The biggest mosque in Austria, *Vienna Islamic Center/Wiener Islamisches Zentrum*, is not even connected with the IGGiÖ; it is financed and run by Arab states.

## CONCLUSION

Even though the history of political relations between Austria and the Islamic world since the turn of the nineteenth century has been marked by warfare and conflict, it is Austria that has the longest tradition of legal relations with Islam as a religion. As early as 1874, the Law concerning the legal recognition of religious communities named Islam as one of the existing religions, which shows that the multicultural and multiethnic Habsburg Empire realized the need to regulate the legal situation of its citizens also in terms of their religious affiliation and did not shy away from this task. In 1912, Austria was the first country in Europe to recognize Islam as a religion in a special legal act (*Islamgesetz*). We must realize that the Act was passed in a particular political context of annexing Bosnia-Herzegovina, which had officially been under the rule of the Turkish Sultan until 1908 but in practice was occupied by Austria-Hungary. This act turned out to be particularly important for all Muslim immigrants who moved to Austria when it was already a republic in the second half of the twentieth century. The act gave them the right to establish their own religious organization, to introduce Muslim religious instruction to schools, etc. The act played a major role in regulating the legal situation of Muslims living in Austria and for this reason has been called the “model law,” also by Muslims themselves who celebrated its one-hundredth anniversary in style. Its positive consequences cannot be overstated. It provided the Austrian Muslim community with a stable legal framework. Their needs have been respected and despite some unavoidable criticism, Austrian Muslims frequently called the act the reason why they felt attached to their new European home.

The Act on Islam was passed in 1912, and 103 years later—in February 2015—in new demographic and political circumstances, Austria passed a revised version of the act, called *Islamgesetz 2015*. The passing of the act met with strong opposition on the part of a number of Muslim groups. They criticized its Islamophobia-related anti-Islamic roots, overpowering the attitude of trust for Muslim citizens in Austria and as such, inspiring less trusting behavior toward Muslims in comparison to people of other denominations, which runs counter to the idea that all citizens are equal in the eyes of the law.

This has given rise to these questions: will the new act actually work in the new circumstances? Will it sufficiently answer the needs of the Muslim community? Will it strengthen Austrian Muslims' exceptional loyalty and pride in their (new) country? Will it inspire an equally positive attitude toward the state? Or will it spell the end of the traditionally established Austrian attitude to Muslims? For now, it is difficult to answer these questions as the act has only recently come into force and some time must pass before we can assess its effects. However, some Austrian lawyers and specialists in church-state relations believe that the act will be referred to the Constitutional Tribunal and will be contested.

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#### NOTES

1. For more details see for example, S. Heine, R. Lohlker, and R. Potz, *Muslimen in Österreich: —Lebenswelt—Religion. Grundlagen für den Dialog*. Innsbruck-Wien: Tirolia Verlag, 2012, pp. 39–45.
2. E. Bauer, *Zwischen Halbmond und Doppeladler. 40 Jahre österreichische Verwaltung in Bosnien-Herzegowina*. Wien-München: Verlag Herold, 1971, p. 49.
3. F. Hauptmann, "Die Mohammedaner in Bosnien-Herzegowina," in Wandruschka A., P. Urbanitsch (eds) *Die Habsburgermonarchie 1848–1918*, vol. IV *Konfessionen*. Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1985, p. 670.
4. E. Zöllner, *Geschichte Österreichs. Von den Anfängen bis zur Gegenwart*. Wien-München: Verlag für Geschichte und Politik Wien-R. Oldenbourg Verlag, 1990, p. 421.
5. H. Wereszycki, *Historia Austrii*. Wrocław-Warszawa: Ossolineum, 1986, p. 242; Bauer, *Zwischen Halbmond und Doppeladler. 40 Jahre österreichische Verwaltung in Bosnien-Herzegowina*, pp. 53–54.
6. In 1879, the occupying authorities organized a census in which the number of Muslims was estimated at 38.73 percent. Bauer, *Op Cit.*, p. 62. The number was much higher under Ottoman rule, but due to the occupation, a lot of Muslims fled the area. *Bericht über die Verwaltung von Bosnien und der Hercegovina 1906*, (1906), Herausgegeben vom k. und k. gemeinsamen Finanzministerium (Wien: k. und k. gemeinsames Finanzministerium, pp. 11, 16–17.
7. A. Wagner, *Die rezente Judikatur zum Islamgesetz*. Graz: unpublished MA thesis from the University of Graz, 1992, p. 13; Bauer, *Zwischen Halbmond und Doppeladler*, pp. 48–49.

8. Serbs and Muslims had a secret plan to elect MPs for the parliament in Constantinople. Bauer, *Zwischen Halbmond und Doppeladler*, p. 72; Hauptmann, “Die Mohammedaner in Bosnien-Herzegovina,” p. 700.
9. Wereszycki, *Historia Austrii*, p. 260.
10. Reichsgesetzblatt 1874 No. 68.
11. Reichsgesetzblatt nr 68 vom 20 Mai 1874 (*Gesetz betreffend die gesetzliche Anerkennung von Religionsgesellschaften*). This religious freedom gave Muslims the right to put Sultan’s flags over mosques—a symbol of caliph. Bauer, *Zwischen Halbmond und Doppeladler*, p. 117; S. Balić, “Zur Geschichte der Muslime in Österreich I” in Heine S. (ed.) *Islam zwischen Selbstbild und Klischee. Eine Religion im österreichischem Schulbuch* (Köln-Wien: Böhlau Verlag, 1995, p. 25; W. Bihl, “Zur Stellung des Islam in Österreich”, *Österreichische Osthefte*, 1991, 33(3), p. 590.
12. This almost led to a war in Europe, as most of the state signatories of the Treaty of Berlin were against the annexation. E. Bauer, op cit., pp. 119, 89–90.
13. Reichsgesetzblatt 1912 nr 59, more in S. Balić, 1995, Op Cit., p. 25; W. Bihl, op cit., pp. 590–591; and F. Hauptmann, “Die Mohammedaner in Bosnien-Herzegovina,” pp. 670–700. Similar laws were passed concerning other religions, for example, Judaism. The State’s relations with the Roman Catholic faith are regulated by the Concordat adopted in 1934. Heine, Lohlker and Potz, *Muslime in Österreich*, p. 45; R. Potz, “State and Church in Austria,” in Robbers, G. (ed.) *State and Church in the European Union*. Baden-Baden: Nomos, 2005, pp. 392, 395–396.
14. A. Wagner, *Die rezente Judikatum zum Islamgesetz*, p. 15.
15. S. Balić, *Islam zwischen Selbstbild und Klischee*, p. 26.
16. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, p. 52.
17. A. Strobl, *Islam in Österreich. Eine religionssoziologische Untersuchung*. Frankfurt/M-Berlin: Peter Lang, 1997, p. 25.
18. S. Balić, *Die Muslims im Donauraum. Österreich und der Islam. Tuna boylarında islâmiyet. Herausgegeben aus Anlaß des 7-jährigen Bestehens des Moslemischen Sozialdienstes (MSS) in Wien 1964–1971*. Wien: MSS, 1971, p. 9.
19. The arrival of *gastarbeiters* was partly regulated by bilateral agreements signed by Austria with Turkey in 1964 and Yugoslavia in 1966. T. Schmidinger, “Austria”, in J. S. Nielsen et al. (eds) *Yearbook of Muslims in Europe*, vol. 5. Leiden: Brill, 2013, p. 48.
20. Besides, it seems that Bosnians feel “at home” in Austria. Their experience of being part of Austria-Hungary and their Austro-Hungarian identity seems to be still alive.
21. F. Löschnak, *Menschen aus der Fremde. Flüchtlinge, Vertriebene, Gastarbeiter*, Wien: Holzhausen, 1993, pp. 8–23.

22. *Registerzählung, Registerzählung 2011—Personen—Persons*, STAT-cube—Statistische Datenbank von Statistik Austria, 2011, available at <http://statcube.at/superwebguest>
23. Stephan Marik-Lebeck, “Die muslimische Bevölkerung Österreichs: Bestand und Veränderung 2001–2009,” in Janda, A. and M. Vogl (eds) *Islam in Österreich*. Wien: Österreichischer Integrationsfond, 2010. p. 6.
24. Reichsgesetzblatt 1867 No. 142.
25. R. Potz, *State and Church in the European Union*, p. 395.
26. Original German names: *Muslim-Studenten-Union, Geselliger Verein türkischer Arbeitnehmer in Wien und Umgebung, Iranisch-Islamische Studentenvereinigung*.
27. A. Strobl, op cit., pp. 37–38.
28. Diyanet İşleri Başkanlığı w Turcji and Islamic religious authorities in Yugoslavia. A. Abdelrahimsai, “Zur Geschichte der Muslime in Österreich II,” in Heine S. (ed.) *Islam zwischen Selbstbild und Klischee. Eine Religion im österreichischem Schulbuch*. Köln-Wien: Böhlau Verlag, 1995, p. 41.
29. Then successor of the pre-1918 Ministry of Religion.
30. Document no 9076/7–9c/79 of 2.05.1979.
31. Al-Azhar issued a fatwa stating that this is not a major problem as there is only one Islam and the Turkish Diyanet said that all legal schools are orthodox. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, p. 56.
32. In Austria, citizens’ income is taxed with a religious tax, which is collected by the state and forwarded to adequate religious organizations.
33. *Ibid.*, p. 57.
34. S. Heine, “Islam in Austria. Between Integration Politics and Persisting Prejudices,” in Shadid, W.A.R. and P.S. van Koningsveld (ed.) *Intercultural Relations and Religious Authorities: Muslims in the European Union*, Leuven: Peeters, 2002, p. 29.
35. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, p. 93.
36. Bundesgesetzblatt No. 164/1988
37. Then successor of the pre-1918 Ministry of Religion; since 1.03.2014: Federal Minister of Education and Women’s Affairs (Germ. *Bundesminister für Bildung und Frauen*).
38. Bundesgesetzblatt No. 466/1988.
39. Bundesgesetzblatt I No. 19/1998.
40. R. Potz, *State and Church in the European Union*, p. 396.
41. T. Schmidinger, *Yearbook of Muslims in Europe*, pp. 52–53.
42. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, p. 61.
43. Art. 1 states: *Der Islamischen Glaubensgemeinschaft in Österreich gehören alle Muslime/innen (ohne Unterschied des Geschlechts, der ethnischen Herkunft, der Rechtsschule und der Nationalität) an, welche in der Republik Österreich ihren Hauptwohnsitz haben.*

44. S. Heine, R. Lohlker and R. Potz, *Muslims in Österreich*, pp. 60–61.
45. T. Schmidinger, *Yearbook of Muslims in Europe*, p. 51.
46. S. Heine, R. Lohlker and R. Potz, *Muslims in Österreich*, pp. 77–78.
47. T. Schmidinger, *Yearbook of Muslims in Europe*, p. 55.
48. S. Heine, R. Lohlker and R. Potz, *Muslims in Österreich*, p. 92.
49. *Ibid.*, p. 93.
50. T. Schmidinger, *Yearbook of Muslims in Europe*, p. 50.
51. S. Kroissenbrunner, “Islam in Austria,” in Hunter, Sh. T. (ed.) *Islam, Europe’s Second Religion: The New Social, Cultural, and Political Landscape*, Westport, CT: Praeger, 2002, p. 147.
52. For example, R. Potz, “Das Islamgesetz 1912—eine österreichische Besonderheit,” *SIAK-Journal—Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis*, 1, 2013.
53. For example, BBC News, *Austria celebrates “model” law on Islam*, July 3, 2012, available at <http://www.bbc.com/news/world-europe-18675493>.
54. *Jubiläum*, “Jubiläum:100 Jahre Islam in Österreich,” *Die Presse*, July 2, 2012, available at <http://diepresse.com/home/panorama/religion/1261328/>
55. However they are not guaranteed financial support from the Austrian authorities as in the case of the Jewish Religious Community in Austria (Germ. *Israelitische Religionsgemeinschaft in Österreich*) that is guaranteed in the Law on the adherents of Judaism a yearly amount of 308,000.00 euro and the indemnity for the salaries of religious personnel consisting of 23 persons (Art. 14, Section I).
56. For example, Lokma days, Thursday Gem liturgy, Ali’s birthday, Ali’s assignment as Muhammad’s successor etc.
57. IGGiÖ, Stellungnahme des Schurarates der IGGiÖ zum Bundesgesetz über die äußeren Rechtsverhältnisse Islamischer Religionsgesellschaften—Islamgesetz 2015, February 16, 2015, available at <http://www.derislam.at/?f=news&shownews=1960&kid=70>
58. *Ibid.*
59. It is an organization similar to the Turkish-Islamic Union for Religious Affairs, DİTİB (Tur. *Diyanet İşleri Türk İslâm Birliği*, Germ. *Türkisch-Islamische Union der Anstalt für Religion e. V.*), active in Germany.
60. ATİB, *Presseerklärung zum Islamgesetz 2015*, ATİB, February 25, 2015, available at <http://www.atib.at/presseerklarung-zum-islamgesetz-2015.html>
61. *Islamgesetz: Atib geht*, “Islamgesetz: Atib geht vor den Verfassungsgerichtshof,” *Die Presse*, February 20, 2015, available at [http://diepresse.com/home/politik/innenpolitik/4667526/Islamgesetz\\_Atib-geht-vor-den-Verfassungsgerichtshof](http://diepresse.com/home/politik/innenpolitik/4667526/Islamgesetz_Atib-geht-vor-den-Verfassungsgerichtshof)
62. *Islamgesetz—Atib will*, “Islamgesetz—Atib will Verfassungsgerichtshof einschalten,” *Tiroler Tageszeitung*, February 20, 2015, available

- at <http://www.tt.com/home/9666355-91/islamgesetz---atib-will-verfassungsgerichtshof-einschalten.csp>
63. *Islamgesetz: Atib geht*, “Islamgesetz.”
  64. ILMÖ, *Presseaussendung: Das neue Islamgesetz diskriminiert die Mehrheit der Muslime*, Initiative Liberaler Muslime Österreich—ILMÖ, October 3, 2014, available at <http://www.initiativeliberaler-muslime.org/pressemitteilungen/03-10-2014/index.html>.
  65. D. Linde, *Österreich, wie hältst du's mit deinen Muslimen?*, *Handelsblatt*, February 25, 2015, available at <http://www.handelsblatt.com/politik/international/islamgesetz-in-der-alpenrepublik-oesterreich-wie-haelstst-dus-mit-deinen-muslimen/11421364.html>.
  66. *Busek warnt*, “Busek warnt: Islamgesetz wird vor Verfassungsgericht nicht halten”, *Kurier*, December 27, 2014, available at <http://kurier.at/politik/inland/busek-warnt-islamgesetz-wird-vor-verfassungsgericht-nicht-halten/104.724.188>.
  67. F. Hafez, “Institutionalized Islamophobia. The Draft of the Austrian Islam-Law,” *Seta Perspective*, October 14, 2014, pp. 2–4.
  68. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, p. 105
  69. T. Schmidinger, *Yearbook of Muslims in Europe*, p. 57.
  70. A. Abdelrahimsai, *Islam zwischen Selbstbild und Klischee*, p. 43.
  71. T. Schmidinger, *Yearbook of Muslims in Europe*, p. 57.
  72. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, pp. 105–106.
  73. *Bundesgesetz über den Schutz der Tiere*, ausgegeben am 28. September 2004; Bundesgesetzblatt I No. 118/2004.
  74. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, p. 161.
  75. *Verordnung der Bundesministerin für Gesundheit und Frauen über den Schutz von Tieren bei der Schlachtung oder Tötung*, ausgegeben am 17. Dezember 2004; Bundesgesetzblatt II No. 488/2004.
  76. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, pp. 162–163.
  77. T. Schmidinger, *Yearbook of Muslims in Europe*, p. 58.
  78. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, pp. 134–135.
  79. T. Schmidinger, *Yearbook of Muslims in Europe*, p. 56.
  80. S. Heine, R. Lohlker and R. Potz, *Muslime in Österreich*, pp. 131–132.

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## Relations between the State and Islam in Finland and Poland

*Agata Skowron-Nalborczyk*

### INTRODUCTION

The legal status of Islam and Muslims in Europe is a complicated matter. On the one hand, it is in the domain of denominational law and state-church relations, and on the other, it is a product of history of Muslim presence in a particular country. There is no single pattern among European countries of regulating the relations between the state and religion, and hence the legal situation of churches and religious organizations, including Islamic ones, in Europe is by no means uniform. These complex legal circumstances are a reality for Muslim communities who try to organize their religious life, that is, establish organizations, build mosques, set up prayer rooms, teach religion, keep cemeteries, organize funerals, and buy *halal* food.

Muslim communities in various European countries differ depending on their ethnicity and the history of their presence in a given country. We can divide them tentatively into two groups—indigenous communities, that is, those that have lived in a particular European country since before the second half of the twentieth century and those that arrived in the second half of the twentieth century. Those European countries that have been host to a Muslim community since before that point have usually developed a way of legally regulating relations between the state and Islam or non-Christian religions in general. Those countries are an interesting example of how Islam can be integrated into a European legal system, offering more comfortable circumstances to Muslim minorities, even if

their ethnic composition has changed due to the late-twentieth and early-twenty-first-century migrations.

The following text presents state-Islam relations in Poland and Finland—countries with a tradition of uninterrupted Muslim presence within their borders dating from the time before the twentieth century. There are also other reasons for the choice of these two specific countries—Poland and Finland’s traditional Muslims are Tatars, both countries were under Russian rule in the nineteenth century and gained their independence after World War I, when they also had an opportunity of introducing modern legal regulations. Both states underwent deep political and demographic changes at the turn of the 1980s and 1990s, even though at that time their political and economic systems were entirely different from one another.

It is worth investigating whether these similar features influenced the legal situation of Tatars in both countries in any way, and whether the different ways in which the history of those countries unfolded between 1945 and 1990 was also somehow consequential. We will also see whether similar changes in the late 1980s and early 1990s affected the shape and structure of religious life of Muslim minorities in a similar way.

The history of Muslims in those two countries and the way in which the states regulated their co-existence with Islam in the twentieth century is presented below along with the consequences this regulation has had on the Muslim communities living in those host countries today.

## FINLAND

The Muslim presence in Finland can be divided into two distinct periods. The first one lasted roughly from 1870 up to the second half of the twentieth century with the Muslim community composed solely of Tatars. The second period started only in the 1980s, when new groups of immigrants with various ethnic background started settling in Finland.<sup>1</sup>

### *From the Arrival of Russian Tatars to the Establishment of First Congregations*

The beginnings of Muslim presence in Finland are connected with its annexation by Russia in 1809.<sup>2</sup> Military inroads of Russian rulers into the territory of today’s Finland started much earlier than that, however. It was as early as the twelfth–thirteenth century, when those

lands were under Swedish rule.<sup>3</sup> Sweden had competed over this territory against the Novgorod Republic,<sup>4</sup> which was later conquered by the Grand Duchy of Moscow.<sup>5</sup> In 1550s, already as the Tsardom of Russia, the Grand Duchy renewed Novgorod's claim to the Finnish lands and continued to fight Sweden for domination in the region. After a number of wars waged with varying luck,<sup>6</sup> in 1807 the Tsardom struck again and forced Sweden to join the coalition against Napoleon.<sup>7</sup> After two years of fighting, in 1809, a treaty was signed in Hamina that put the whole territory of today's Finland under Russian rule.<sup>8</sup> Hoping to win the favor of the local people, the Tsar granted those land the status of an autonomous Grand Duchy of Finland, acknowledged the right of the Finns to practice Lutheranism and the protection of their traditional rights,<sup>9</sup> and in 1812, he returned the areas that had been taken in previous wars and moved the capital from Turku to Helsinki.<sup>10</sup>

The first Muslims to appear on the Finnish territories came along with the Russian army. They were the Tsar's soldiers and support personnel, mostly Tatars and Bashkirs from the Volga-Ural region.<sup>11</sup> They stationed in various garrisons and the authorities tried to help them organize their religious life.<sup>12</sup> They had their imams, prayer houses, and register books of their congregations. This initial Muslim presence was quite cursory in nature.

The first Muslims to settle there more permanently came around 1870. They were Tatars from around Nizhni Novgorod,<sup>13</sup> who worked as peddlers. They were mostly petty farmers in summer, and in the remaining part of the year, they traded in soap, furs, or textiles, including rugs.<sup>14</sup> Their arrival in Finland was connected with the fact that the Great Duchy of Finland was part of the Russian Empire and they did not have to cross any borders on their way.<sup>15</sup> The construction of the railway line from Sankt Petersburg in 1870,<sup>16</sup> where a lot of them had traded before, greatly facilitated their migration. As far as their religious life is concerned, they initially joined the congregations created for the Muslim soldiers since they had no organized communities of their own.

Tatars continued to emigrate from Russia to Finland for economic reasons up to the Bolshevik Revolution in 1917 and then again in the 1920s as refugees (some of them actively participated in the anti-Bolshevik movement). They crossed the border either officially or illegally. At that time there was no difference between political refugees and economical immigrants, and they themselves just wanted to work. The 1920s were also marked by a strong movement to reconnect separated families, and so some of them were actually

fully legal immigrants.<sup>17</sup> In the mid-1920s, the Finnish-Russian border was closed and the influx of people ceased.<sup>18</sup> Two decades later, in the 1940s, the whole community of Muslims in Finland worked as tradesmen.<sup>19</sup>

Under Russian rule, the principles of state-religion relations were based on those in place when Sweden ruled this territory, that is, the position of the established Lutheran Church remained unchanged. It was only in 1889 that the first minority Protestant churches were legalized.<sup>20</sup> The first Tatar Muslim organization to be established in Finland was the Charitable Musulman Society of Helsinki (Fin. *Helsingin musulmaantien hyväntekeväisyysseura r.y.*) set up in 1915. Even though it was meant to be the basis of the community's religious life, it could not be registered as a religious organization as non-Christians could not organize their religious life officially at that time.<sup>21</sup>

When Finland freed itself from Russian rule in 1917, it was the first time in history that it enjoyed full independence.<sup>22</sup> Two years later, it was formally proclaimed a republic and the Constitution of 17 July 1919 was passed granting freedom of religion to all citizens. In 1920, Tatars were finally granted Finnish citizenship (partly for their service in the war against the Bolsheviks 1918–20<sup>23</sup>).<sup>24</sup> In 1922, the Freedom of Religion Act was passed giving all religions, including the non-Christian ones, the right to establish and register religious organizations.<sup>25</sup> Tatars availed themselves of this possibility promptly and set up the Mohammedan Congregation of Finland (Fin. *Suomen muhamettilainen seurakunta*), which was registered in the Register of Religious Societies in 1925.<sup>26</sup> In 1963, it was renamed the Islam Congregation of Finland (Fin. *Suomen Islam-seurakunta*),<sup>27</sup> and it is functioning under this name to this day. It encompasses three Muslim communities—in Helsinki, Turku, and Järvenpää, where the first mosque in Finland was erected in 1942.

In 1932, the Congregation applied for permission to officiate marriages, and even though the application was received with a bit of mistrust on the suspicion that it could lead to sanctioning polygamy, the right was granted that very same year. The organization kept its registrar books up to 1971, when all data concerning people outside of the Lutheran and Orthodox Churches started to be collected in a general population registration center.<sup>28</sup>

In 1943, Tatars established an independent Muslim congregation in Tampere and registered it as the Islam Congregation of Tampere (Fin. *Tamperen islamilainen seurakunta*),<sup>29</sup> so the diversification of Muslim religious life in Finland started quite early on.

### *The 1980s Onward*

#### *Demographic Change within the Muslim Minority*

Until the 1980s, Muslim community in Finland was composed almost exclusively of Tatars, and their main source of income was trade, which turned a majority of them into the richest city dwellers.<sup>30</sup> Throughout the years, not only did their community change its lifestyle from rural farmers and peddlers to rich burghers and tradesmen but also every generation was more educated than the previous one.<sup>31</sup> Besides, the community is very well organized and very active religion- and culture-wise. All of them are perfectly bilingual, fluent both in Finnish and Tatar, and they are fully integrated into the Finnish society. Even the founding act of the Islam Congregation of Finland itself stresses the importance of communal well-being, respect for all religions, and willingness to work toward the good of the whole society.<sup>32</sup>

As opposed to other Western European countries, Finland remained closed to immigrants for the better part of the twentieth century, and it was actually the Finnish that ranked among the emigrating nations. The situation changed only in the 1980s and even more so in the 1990s after the fall of the USSR when the borders were opened to refugees and after Finland joined the European Union in 1995.<sup>33</sup> The EU membership changed the country's attitude to immigration, so far strictly limited. Ever since then, the number of immigrants started growing rapidly, even though it only became significant in proportion in the twenty-first century.<sup>34</sup>

Muslim immigrants came mainly from the Middle East, Northern Africa, and Somalia, but unlike in other EU countries, none of the groups was dominant in terms of number of people as they all arrived for different reasons and from different places.<sup>35</sup> Refugees came in waves connected with armed conflicts in a given part of the world. In the early 1980s, it was the Iranians, Iraqis, and Turkish Kurds, in the 1990s—the Somali. Initially, the latter formed the most numerous group of Muslim immigrants.<sup>36</sup> In the aftermath of the conflict in former Yugoslavia, Finland received refugees from Bosnia, Albania, and Kosovo, followed shortly by those from Afghanistan.<sup>37</sup> Due to their refugee status, the majority of Muslims living in Finland have a fully regulated legal status—having been granted either a citizenship or a permanent stay permit.<sup>38</sup>

As is the case in many other European countries, the exact number of Muslims living in Finland is unknown. What is available is the number of members of the registered religious organizations, which in 2010 was 9,393 people.<sup>39</sup> This, however, seems to be a

gross underestimate as the data from the following year spoke about 60,000–65,000 Muslims, which is 1.1–1.2 percent of the 5.4 million population of Finland. The Majority of them (ca. 50,000) are first generation immigrants. The estimated number of converts ranges between 700<sup>40</sup> and 1,500.<sup>41</sup> The number of Tatars is estimated at around 1,000, although official data from two registered Tatar religious organizations give 649 as the number of members.<sup>42</sup>

Muslims live mostly in cities, in Helsinki and its surroundings (Espoo and Vanta) as well as in Turku, Tampere, Lahti, and Oulu.<sup>43</sup>

### *Legal Status of Islam and the Muslim Community in Today's Finland*

Finland is not a confessional state, but two religions—the Evangelical Lutheran Church and the Orthodox Church of Finland—do enjoy a special status of public law entities and their relations with the state are regulated by means of separate legal acts.<sup>44</sup> In 1999, Finland adopted a new Constitution that guarantees freedom of conscience and religion as well as freedom to practice or refrain from practicing religion (Art. 11). Besides, Article 6 bans discrimination on religious grounds. The Constitution also modified the relations between the state and the Evangelical Lutheran Church and the Orthodox Church of Finland. Along with the change in the Constitution, the Freedom of Religion Act was modified, which now has quite a different approach to the relations between the state and all churches and religious organizations.<sup>45</sup> The principles of establishing and registering religious organizations became clearly regulated. It takes 20 people to register an organization, and it is registered at the National Board of Patents and Registration.<sup>46</sup> Religious organizations must respect human rights and abide by the Constitution.

Religious organizations can also be registered in the form of associations based on the Associations Act of 1989. However, those registered as religious organizations enjoy more privileges than those registered as associations; for instance, they can apply for permission to officiate legally binding marriages or to bring their religious instruction into the official school curriculum. But there are also some obligations ensuing from their status; for instance, they have to make the number of their members known.<sup>47</sup> Religious instruction in schools is based on the following principles: public schools offer classes in the majority religion, that is, Lutheranism, but if there are at least three students belonging to any of the registered minority religions, they can opt to have separate classes in their own religion.

Registered religious organizations have the right to use the public media to broadcast their own programs and they are exempt of income tax.<sup>48</sup> Forming and registering religious organizations gives Muslims more freedom to rent buildings or negotiate with local authorities in matters important for the local community.

*The Tatar Islamic Congregations and Other Organizations*

Along with the demographic changes in the Muslim community in Finland, their organizations also underwent a transformation. Initially, the Islam Congregation of Finland and the Islam Congregation of Tampere were the only Muslim organizations in Finland. They were Tatar organizations, and immigrants were only allowed to join the religious activities but not the Congregation itself, which spurred the immigrants to set up their own organizations.<sup>49</sup> As early as 1986, the Finnish Islamic Society (Fin. *Suomen Islamilainen Yhdyskunta*) was established in Helsinki. It was registered in 1987, and its members came mostly from Northern Africa.<sup>50</sup> What followed was a period of great development of organized Muslim religious life. Up to 2007, 74 organizations were registered with the word “Islam” or “Islamic” in their name, 25 of which were registered as religious organizations.<sup>51</sup>

In 2010, there were 29 registered religious organizations (though not all of them were active).<sup>52</sup> In 2006, with the help of the Ombudsman for the Minorities, some of them had formed an umbrella organization, called the Islamic Council of Finland (Fin. *Suomen Islamilainen Neuvosto r.y.*) registered as an association in 2007.<sup>53</sup> It gathers majority of Muslims officially affiliated in one of the religious organizations registered in Finland (in 2010, it already had 25 member organizations), and it represents mostly congregations organized around major mosques and prayer rooms, besides the Tatar ones of course. It coordinates religious life of Muslims, including organizing Islamic religious education, upkeep of cemeteries, funerals, as well as interpretation of the *Shari'a*.<sup>54</sup>

Besides, there are 40–50 local mosque associations and 20–30 other Muslim associations devoted to particular areas of activity, for example, children and women rights or charity.<sup>55</sup> Those organizations are usually set up by particular ethnic groups or cults.<sup>56</sup>

Two of the traditional Tatar organizations are still active. The Islam Congregation of Finland has local communities and together they run five mosques/prayer rooms. Two of those mosques are in purpose-built buildings—the wooden mosque in Järvenpää and the so-called House of Islam in Helsinki, which houses the facilities of the congregation in its two top floors (a prayer room, classrooms,

and a sizeable conference room). The lower floors are for rent, which earns the community some money for the upkeep of the building and its activity.<sup>57</sup> A plaque commemorating Tatars who perished in Russo-Finnish wars (1939–40 and 1941–44) can be found in the hall in front of the prayer room.<sup>58</sup>

Majority of Muslim prayer facilities are housed in places that were converted to suit their new purpose with outside financial help.<sup>59</sup> Since 1996, the Turku Islamic Association (Fin. *Turun islamilainen yhdistys r.y.*—est. 1992) has been planning to build a mosque in Turku but despite the support of the local authorities, the construction cannot start due to protests.<sup>60</sup>

Difficult relations between Tatars and immigrant Muslims are reflected in their access to burial places. Tatars have two cemeteries at their disposal—one in Helsinki established in 1870 and enlarged in 1950,<sup>61</sup> and another one in Turku. The cemeteries are exclusively Tatar and immigrants are not allowed to bury their dead there.<sup>62</sup> The Helsinki one has graves of Tatar soldiers who perished in wars fighting for Finland's freedom and the Pro-Finlandia Memorial erected by the Tatar Congregation in 1956 to commemorate their memory.<sup>63</sup>

In 1907 and 1910, Tatars applied for permission to slaughter animals according to the Islamic rules, but it was refused. According to the new acts, ritual slaughter is legal, but the Act on Prevention of Cruelty to Animals of 1995 requires that the animal's throat must be cut simultaneously with its stunning.<sup>64</sup>

## POLAND

The history of Islamic presence in the territory of Poland can also be divided into two periods. The first one, much longer, lasted roughly from the seventeenth century up to the second half of the twentieth century with the Muslim community composed solely of Tatars. The second period started only in the late 1980s, when new groups of immigrants with different ethnic background, mostly Arabs followed by Turks, Bosnians, and Chechens, started settling in Poland.

### *From the Beginnings of the Tatar Settlement to the Official Recognition of Islam as a Religion by the Polish State*

#### *Polish Muslim Tatars and Their Legal Status until 1918*

The first Muslims to settle on today's territory of Poland were Tatars, who were granted land in Podlachia by King John III Sobieski in



the seventeenth century.<sup>65</sup> However, the first Muslim Tatars within the borders of the Polish-Lithuanian state emerged in the fourteenth century from the Golden Horde.<sup>66</sup> They were mercenaries brought to Lithuania by the Grand Duke Vytautas (1350–1430),<sup>67</sup> and in return for their service, they were granted principal fief together with a social status similar to that of the local nobility (Pol. *szlachta*).<sup>68</sup> There were also Tatars who served at magnate courts and were direct subjects of Lithuanian magnates<sup>69</sup>; others were craftsmen.<sup>70</sup> They all lost their language in the sixteenth century and started to speak one of the local dialects. A full equalization of Tatar rights and the rights of Polish nobility was stipulated in the Constitution of May 3, 1791.<sup>71</sup>

Tatars living in Polish-Lithuanian Commonwealth were Sunni Muslims of the Hanafi school. They enjoyed freedom of religion, had the right to practice their own religion,<sup>72</sup> and erect mosques.<sup>73</sup> At that time they were organized in local religious communities around mosques and each community was independent of other Muslim religious structures.<sup>74</sup>

This system of organization of Muslim religious life continued with small adjustments until the Polish-Lithuanian Commonwealth lost independence in 1795 and as a result areas inhabited by Tatars were got under the Russian rule. This meant that Tatars became subject to Russian legal regulations concerning Muslims.<sup>75</sup> In the Russian Empire, Muslims enjoyed freedom of religion, however, between 1773 and 1796, Empress Catherine II (1762–1796) introduced laws aimed at incorporating the organizations and spiritual leaders of Russian Muslims into the structures of the state,<sup>76</sup> that is, institutionalizing Russian Islam. As a result of these reforms, three centers of Muslim religious authority were established, each headed by a Mufti and particular areas inhabited by Muslims were placed under their responsibility.<sup>77</sup> By decree of the Tsar, from 1831 all Polish-Lithuanian Muslims fell under the jurisdiction of the Mufti of Simferopol (Crimea), the head of the Tauride Muslim Spiritual Board,<sup>78</sup> and at that point local Muslim communities lost their autonomy. In return for this subordination, communities received financial support from the Crimean Muftiate.<sup>79</sup>

### *1918–1939—The Official Recognition of Islam as a Religion by the Polish State*

In the wake of the World War I, Poland regained independence in 1918. It was a national state of Poles, where the Catholic Church was a

dominant religion. The Polish Constitution of March 17, 1921, guaranteed freedom of conscience and religion and all citizens, including those belonging to religious minorities, were formally granted the right to act for the benefit of their respective religions and in accordance with the rules of those religions. Only legally recognized religious communities enjoyed a complete set of rights. The State's relations with such communities were to be determined by separate legal Acts, following consultation with the communities' legal representatives.

It became evident that there was a need to regulate the legal status of Muslims in Poland within the new framework of state-church relations.<sup>80</sup> In 1922, the first Muslim local organizations were established in Poland—the Muslim Union of the Capital City of Warsaw (Pol. *Muzułmański Związek m.st. Warszawy*) and the Muslim Religious Community in Vilnius (Pol. *Muzułmańska Gmina Wyznaniowa*); the latter was the largest Muslim organization in Poland at that time.<sup>81</sup> In December 1925, these two organizations organized the All-Polish Congress of Delegates of Muslim Communities (Pol. *Wszehpolski Kongres Delegatów Gmin Muzułmańskich*). This Congress called to life the Muslim Religious Union in the Republic of Poland (Pol. *Muzułmański Związek Religijny w Rzeczypospolitej Polskiej—MZR*)<sup>82</sup> and elected the first Polish Mufti (Miśkiewicz, 1990, pp. 41f).

The work of the Mufti and MZR activists finally led to the recognition of the Union by the state authorities according to the regulation of the Constitution and the Act on the Relations Between the State and the Muslim Religious Union (Pol. *Ustawa o stosunku państwa do Muzułmańskiego Związku Religijnego*) was passed by the Polish Parliament on April 21, 1936.<sup>83</sup> The act revoked all previous regulations and rendered the Union independent from any external authority from outside of Poland; in this respect, it is still binding today as legal acts of that period are still in force, unless repealed by the Sejm.<sup>84</sup>

In the Act, the state indeed officially recognized the Muslim Religious Union and made the Union a compulsory corporation (Article 1), meaning that all followers of Islam in Poland were supposed to belong to it. The MZR was to be fully independent in managing its internal affairs within the limits of the law and its statute, which was ratified by the Cabinet's regulation on August 26, 1936.<sup>85</sup> The government obliged itself to support the MZR financially and to aid the Union's authorities and offices to perform their regulations in the case of a suspension of a clergyman or his deprivation from the post and in all other instances described by law. The local communities kept their registrar books<sup>86</sup> up to 1939.

### *After the Fall of the Communist Regime in 1989*

*Demographic Change within the Muslim Minority in the 1980s and Onward*  
 In 1945, after the Second World War, Poland became one of the satellite states of the USSR and the Communists sent by the Soviets took power—the state was called the People’s Republic of Poland. As a result of the Yalta Agreements, its borders were moved to the west, and 90 percent of the territories inhabited by the Polish Tatars became part of the Soviet Union.<sup>87</sup> A lot of Tatars, for fear of the USSR, left their homes in the East and, as a result of resettlements, found themselves in Western territories, newly incorporated to Poland.<sup>88</sup> In 1947 MZR was reactivated under the name Muslim Religious Union in the People’s Republic of Poland (Pol. *Muzułmański Związek Religijny w Polskiej Rzeczypospolitej Ludowej*).

People’s Republic of Poland was a socialist state and was not ideologically neutral. The State authorities sought to limit the activity of religious communities to the narrowly defined matters of worship and catechesis. The MZR suffered under these circumstances as did other religious communities and churches.

In the 1980s, an increasing number of students from Muslim (mainly Arab) countries started to come to Poland. Some of them married locally and stayed. After the changes toward democracy of the late 1980s, they were joined by Muslim traders and professionals from the Middle East (Iraq, Palestine, Syria, Egypt, or from Turkey) or from the Balkans and refugees mostly from Chechnya, and much less from other countries. Most of the immigrants have their legal status regulated—became Polish citizens and some got residence permits. They live mainly in big cities (Warsaw, Gdańsk, Lublin, Wrocław, Bydgoszcz, Kraków, Poznań, Łódź). There have been no *gastarbeiters* coming to Poland from Muslim countries.

Nowadays Muslims in Poland constitute a small religious minority. Estimates by various offices and organizations place the number within the range of 15,000 to 30,000 (0.04–0.08 percent of the total population of 38 million).<sup>89</sup> The Tatar population is estimated at 5,000–6,000. There are also some Polish converts but no figures are available.

### *The Legal Status of Islam and the Muslim Community in Today’s Poland*

After 1989, as a result of political transitions, which followed the liberation from the communist regime, and the change of the

government system, Poland became a democratic state. The Polish Constitution of April 2, 1997,<sup>90</sup> guarantees freedom of conscience and religion (Article 53) and regulates the relations between the state and religious communities. In the light of the Constitution, religious communities are public entities and enjoy a special status.

Following the democratic breakthrough, a new Act of May 17, 1989, on the Guarantees of Freedom of Conscience and Religion (Pol. *Ustawa o gwarancjach wolności sumienia i wyznania*) facilitated easy registration of new denominational communities. In present-day Poland people can freely establish religious organizations. If they wish to receive legal entity, as well as rights and privileges envisioned by the state law for denominational organizations, they must register the organization in the register of the Ministry of Administration and Digitization (Pol. *Ministerstwo Administracji i Cyfryzacji*).<sup>91</sup> To register a religious organization in the registry of churches and other denominational organizations, there have to be at least 100 petitioners who are Polish citizens. State authorities are not allowed to finance the activities of religious communities related directly to religion. Registered religious organizations have the right to use the public media to broadcast their own programs, and they are exempt of income tax.

### *The Muslim Religious Union and Other Islamic Organizations*

Along with the demographic changes in the Muslim minority in Poland, their organizational structure also underwent a transformation. Until late 1980s, the MZR was the only Islamic organization in Poland. In 1980s students from Arab countries were welcomed by its members and allowed to join the religious activities. However tensions between these two groups arose, and in 1989, the students formed the Muslim Students Association in Poland, the first Islamic organization since the establishment of the MZR, though of course with a different legal status. Since then more Islamic organizations were established, first as associations and later as denominational organizations. The diverse nature of Islamic religious organizations is established by legal regulations. In terms of this division, Muslim denominational organizations in Poland fall into two separate categories: those registered in the registry of churches and those operating on the basis of particular legal acts defining the relations between the state and each of these denominational organizations. The MZR, the biggest, is one of the latter group and is the only Islamic religious

organization that operates on the basis of a special legal act, because the Polish Parliament has not revoked the Act of April 21, 1936 defining the relationship between the state and the MZR. However, the act is anachronistic, because it has not been suited to the new Polish Constitution of 1997. Some of its provisions are even contrary to the freedom of conscience and religion, for instance the compulsory character of the Union, to which, according to the Act, all Muslims in Poland have to belong and mandatory religious education to be received by all Muslim students at schools financed entirely by the state or they are contrary to other legal regulations, for instance, state funding for the MZR.<sup>92</sup>

All four remaining, much smaller Muslim religious communities are registered in the registry of churches. These are three orthodox organizations: one Sunni—the Muslim League in the Republic of Poland (Pol. *Liga Muzułmańska w RP*—reg. 2004; LM), two Shi'a—the Muslim Unity Society (Pol. *Stowarzyszenie Jedności Muzułmańskiej*—reg. 1989), the Ahl-ul-Bayt Islamic Assembly (Pol. *Islamskie Zgromadzenie Ahl-ul-Bayt*—reg. 1990), and one unorthodox—the “Ahmadiyya” Muslim Association (Pol. *Stowarzyszenie Muzułmańskie “Ahmadiyya”*—reg. 1990).<sup>93</sup> The Sunni Muslim League, the most active among them, was established by former Arab students and their families, as well as some converts to Islam. However, registered members are not so numerous—their number is estimated at 180.

Both Sunni organizations, MZR and LM, act through local Muslim communities, have similar internal statutes and every one of them has elected its own Mufti. The kind of competition between these two organizations is noticeable. However, there are no tensions between Tatars and immigrants of Turkish origin—the latter established their own local religious community in Warsaw within the structures of MZR.

Registered denominational organizations enjoy special privileges and rights. One of them is the right to religious instruction at public schools—religion of each denominational organization with a regulated legal situation can be taught in public schools. A regulation of the Minister of National Education of 1992 introduced a limit of seven students (pupils) in a class (or a group) in a school or kindergarten that determined the right to teach religion there. Since then, Islamic religious education has been taught in public schools on Saturdays and Sundays in towns and villages with a larger population of Muslim children. First the religious instruction was introduced by MZR in territories with traditional Tatar settlement, and later in

Warsaw, the Muslim League organized an interschool group of religious education in a primary school.<sup>94</sup>

In some matters important for a practice of Islam the situation of MZR is more privileged than that of other Islamic denominational organizations or Polish authorities tend to privilege MZR, considering it the organization representing all Polish Muslims.

Polish law adopted the institution of *waqf* from *Shari'a* in the Act of April 21, 1936 (Articles 42–47), on the Relationship between the State and the MZR. For this reason *waqf* is considered only with reference to the MZR, which should be perceived as a sign of discrimination of other Muslim religious organizations. The *waqfs* enjoy, within the rules of law, tax reductions and exemptions, and reductions and exemptions of other public levies paid to the state and the local government.

Polish law guarantees Muslims the right to burial in accordance with their religion without any discrimination in towns and villages without a Muslim cemetery. Difficult relations between Tatars and immigrant Muslims are sometimes reflected in the access to burial places. In Poland, there are three operating Muslim cemeteries, and all of them belong to the MZR. They are in traditional Muslim municipalities in Kruszyniany, Bohoniki, and the so-called Tatar Cemetery in Warsaw. Many Polish Muslims tend to bury their dead relatives on these traditional Muslim Tatar cemeteries, however the MZR does not allow everyone to be buried there.

All existing purpose build mosques belong to the MZR. There are two historic mosques in Poland: an eighteenth century mosque in Kruszyniany and a nineteenth century mosque in Bohoniki; there is also a new mosque in Gdańsk, which was opened in 1990.

There are also several prayer rooms in different Polish cities that belong to different Islamic organizations.<sup>95</sup> Some of the Islamic centers and prayer houses named on the official websites of the MZR and LM are used by members of both organizations, or used by one but listed by both. A new Centre of Islamic Culture with a mosque is being constructed by the LM in Warsaw—there was a small protest against this mosque in 2010. The opponents argued that this mosque is being built by foreign Muslims and is sponsored by a Saudi businessman.

In Poland ritual slaughter without stunning the animal is legally permitted for the followers of Islam. Again it was the MZR that as the first Islamic organization in Poland got the permission to issue *halal* certificates. In 2006 MZR signed an agreement with the Chief Veterinary Officer based on that ministerial directive of 2004. This

agreement was challenged by the LM as incompatible with freedom of religious practice and was revoked. In 2007 the LM also gained the right to issue *halal* certificates.<sup>96</sup> In October 2010 all Islamic religious organizations (including the Ahmadiyya) gained this right.

Muslims are also free to establish their religious or cultural associations in line with the general regulations of the March 8, 1989 Act on Associations (Pol. *Prawo o stowarzyszeniach*).<sup>97</sup> The right to found associations is held by Polish nationals and foreigners residing in the territory of Poland. Groups of at least 15 people wishing to establish an association can do so by adopting the statute of the association and electing the founding committee. This committee then submits a registration application to the district court.

Currently, there are five associations founded by Muslims and promoting Muslim communities in Poland: the Association of Tatars in the Republic of Poland (Pol. *Związek Tatarów Rzeczypospolitej Polskiej*), the Polish Muslim Association (Pol. *Związek Muzułmanów Polskich*), the Muslim Students Association in Poland (Pol. *Stowarzyszenie Studentów Muzułmańskich w Polsce*), the Muslim Association for Cultural Formation (Pol. *Muzułmańskie Stowarzyszenie Kształtowania Kulturalnego*), and the Institute for the Study of Islam (Pol. *Stowarzyszenie Instytut Studiów nad Islamem*).<sup>98</sup>

Muslim foundations may be established on the basis of provisions of the Act of April 6, 1984, on Foundations (Pol. *Prawo o fundacjach*).<sup>99</sup> To become a legal entity, a foundation must be entered in the National Court Register. Foundations may be established by natural persons regardless of their citizenship and residence, or legal persons located in Poland or abroad. There are two Muslim foundations in Poland:<sup>100</sup> Rumi Foundation of Poland (Pol.: *Polska Fundacja Sufich im. Dżelaladdina Rumiego*) and Danube Dialogue Institute (Pol.: *Dunaj Instytut Dialogu*); the latter one was established by Turks linked to the Gülen movement.

Organizations registered as associations or foundations enjoy less privileges than those registered as denominational organizations.

## CONCLUSION

Finland and Poland are very interesting cases to study the relations between European countries and Islam and its followers. Two factors made it possible for these countries to work out a way of incorporating Islam and groups of Muslims into their legal systems. First of all, the presence of Muslim communities in those countries dates back to the time before the second half of the twentieth century.

In both cases these communities consisted of Tatars, but there is a difference between Polish-Lithuanian and Finnish Tatars—the former lost their language in the sixteenth century, because, unlike the latter, they were not able to maintain contact with their country of origin. Both groups of Tatars have a tradition of military service and proudly stress the merits of their ancestors in defending their home country.

Additionally, Poland and Finland had an opportunity to create new legislation in their newly (re)born countries after World War I. Although in both cases there existed Christian churches with special status, new constitutions guaranteed freedom of religion for all their citizens and gave them the right to establish religious organizations. Generally, Muslims gladly availed themselves of these regulations. The interwar period was the breeding era of the first Polish and Finnish Muslim religious organizations, established or registered in 1925—the oldest in Europe and still functioning to this day. Organizations in both countries were granted special rights, like the right to keep registrar books or be tax exempt.

The history of state-Islam relations in these countries can also be divided into two stages marked by two significant factors in the development of those relations: in the first stage, there is only one homogenous Muslim minority group (Tatars), and in the second stage, after the turn of the 1980s and 1990s (opening borders of the then closed countries), there emerged immigrant groups of Muslims of different ethnic and religious background who disturb the established structure of Islamic religious life in a given country. These changes coincided with new constitutions passed by the parliaments in the late 1990s.

New Muslim communities of immigrants, however, do not avail of rights for leading their religious life in full, although they have their legal status regulated, that is, they hold local citizenship. For some reason, indigenous Muslims do not allow newcomers into their organizations or bury their dead in traditional cemeteries, even though immigrants are welcome to join prayers and other religious practices. Hence, immigrants create their own organizations—both religious organizations and associations—resulting in organizational pluralism reflecting the lack of religious hierarchy in Islam and existing legal framework in the given country. However, the organizations in Finland are much more numerous due to the entirely more complex ethnic composition.

In both countries Islamic religious organizations enjoy tax privileges, are allowed to broadcast their own programs in public media,



and have the right to religious instruction in public schools, but there is a difference in the structure of religious organizations in Poland and Finland. Muslim newcomers to Poland establish all-Polish organizations with local branches simulating the structure of the traditional organizations, for example, the MZR, and in Finland most new organizations are established around local prayer rooms and have formed a new umbrella organization.

Despite the differences, however, it is true that the tradition of Muslim existence within the legal framework of a given country also benefits the immigrants. In each of the two countries under analysis, Muslim religious instruction is present in public schools, there are Muslim cemeteries and ritual slaughter is allowed, and in the eyes of the authorities there are no differences between Islamic organizations and organizations of other, more traditional or more numerous faiths.

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#### NOTES

1. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam. Cross-reading Finland and Ireland*, Leiden: Brill, 2006, p. 225.
2. T. Martikainen, “Finland” in Nielsen, J. S. et al. (eds) *Yearbook of Muslims in Europe*, vol. 5, 2013, p. 237.
3. H. Meinander, *A History of Finland*. London: Hurst & Co., 2011, pp. 8–11.
4. F. Singleton, *A Short History of Finland*, Cambridge: Cambridge University Press, 1989, pp. 19–24.
5. H. Meinander, *A History of Finland*, p. 20.
6. For more details see F. Singleton, *A Short History of Finland*, pp. 38–42, 48–54, 58–62.
7. H. Meinander, *A History of Finland*, p. 71.
8. F. Singleton, *A Short History of Finland*, 1989, p. 64.
9. *Ibid.*, p. 65.
10. *Ibid.*, pp. 69–70.
11. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 227.
12. T. Martikainen, *Religion, Migration, Settlement. Reflections in post-1990 Immigration to Finland*. Leiden: Brill, 2013, p. 110.
13. From 1932 to 1990, this city was named Gorki.
14. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 227.
15. *Ibid.*
16. H. Meinander, *A History of Finland*, p. 104.
17. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 228.

18. T. Martikainen, "Finland" in Nielsen, J. S. et al. (eds) *Yearbook of Muslims in Europe*, vol. 5. Leiden: Brill, p. 237.
19. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 228.
20. Heikkilä M., J. Knuutila, and M. Scheinin, "State and Church in Finland," in Robbers G. (ed.) *State and Church in the European Union*. Baden-Baden: Nomos, 2005, p. 520.
21. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 230.
22. F. Singleton, *Religious Freedom, Multiculturalism, Islam*, p. 66.
23. For more details see H. Meinander, *A History of Finland*, pp. 125–131.
24. T. Martikainen, *Yearbook of Muslims in Europe*, p. 237.
25. At the same time the Act granted a special status to the Evangelical Lutheran Church and the Orthodox Church of Finland. *Ibid.*, p. 239.
26. The organization had 528 official members at that time.
27. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 230.
28. *Ibid.*, p. 232.
29. *Ibid.*, p. 230.
30. In 1977, already 99 percent of the Finnish Tatars were living in cities. *Ibid.*, pp. 228–229.
31. *Ibid.*, p. 229.
32. *Ibid.*, p. 231.
33. T. Martikainen, "Muslim groups in Turku," *Journal of Muslim Minority Affairs*, 20(2), 2000, p. 329.
34. T. Martikainen, "Finland," in Larsson, G. (ed.) *Islam in the Nordic and Baltic countries*. London-New York: Routledge, 2009, p. 77.
35. *Ibid.*, p. 78.
36. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 250; In 2010 Finland hosted 13,000 Somalis, 10,400 Arabs, 8,000 Kurds, 7,100 Kosovo Albanians, and 5,400 Turks, T. Martikainen, *Religion, Migration, Settlement. Reflections in post-1990 Immigration to Finland*. Leiden: Brill, 2013, p. 113.
37. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, pp. 246–248.
38. *Ibid.*, p. 248.
39. T. Martikainen, *Yearbook of Muslims in Europe*, p. 238.
40. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 249.
41. T. Martikainen, *Yearbook of Muslims in Europe*, p. 238.
42. T. Martikainen, *Yearbook of Muslims in Europe*, p. 238; T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 249, wrote it was more than 726.
43. T. Martikainen, *Religion, Migration, Settlement. Reflections in post-1990 Immigration to Finland*, Leiden: Brill, 2013, p. 113.
44. Heikkilä, Knuutila & Scheinin, *State and Church in the European Union*, p. 524.
45. *Ibid.*, p. 521.

46. Ibid., p. 523.
47. T. Martikainen, "Finland," in Larsson, G. (ed.) *Islam in the Nordic and Baltic countries*. London-New York: Routledge, 2009, p. 83.
48. Heikkilä, Knuutila & Scheinin, *State and Church in the European Union*, pp. 526f.
49. T. Martikainen, "The governance of Islam in Finland," *Temenos*, 43(2), 2007, p. 114.
50. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 247.
51. T. Martikainen, *Islam in the Nordic and Baltic countries*, p. 83.
52. T. Martikainen, *Yearbook of Muslims in Europe*, p. 239.
53. T. Martikainen, "The Governance of Islam in Finland," p. 121.
54. T. Martikainen, *Yearbook of Muslims in Europe*, pp. 239–240
55. Ibid., p. 239.
56. T. Martikainen, *Religion, Migration, Settlement. Reflections in post-1990 Immigration to Finland*, p. 116.
57. Beside crescent on the top, the building has no visible marks that would suggest that it houses a mosque.
58. During those wars, there were about 1,000 Tatars living in Finland. Of those, 156 men served in the Finnish army and took active part in the battles, and 17 women were conscripted into auxiliary defense organization. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam. Cross-reading Finland and Ireland*, p. 233.
59. T. Martikainen, *Religion, Migration, Settlement. Reflections in post-1990 Immigration to Finland*, p. 117.
60. Ibid., pp. 118–120.
61. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 233.
62. T. Martikainen, *Yearbook of Muslims in Europe*, pp. 241–242.
63. T. Sakaranaho, *Religious Freedom, Multiculturalism, Islam*, p. 233.
64. Ibid., p. 230.
65. In two of the granted villages Bohoniki and Kruszyniany, there are still Muslim communities, mosques and *mizars* (cemeteries). J. Sobczak, "Tatarzy w służbie Rzeczypospolitej w drugiej połowie XVII i w XVIII w. Studium historycznoprawne," *Czasopismo Prawno-Historyczne*, 39(1), 1987, pp. 51–53.
66. The rulers of the Golden Horde had officially accepted Islam since the thirteenth century. Borawski and Dubiński, *Tatarzy polscy, Dzieje, obrzędy, tradycje*. Warszawa: Iskry, 1986, p. 15; J. Tyszkiewicz, *Z historii Tatarów polskich 1794–1944*. Pułtusk: WSH, 2002, p. 15.
67. J. Tyszkiewicz, *Tatarzy na Litwie i w Polsce. Studia z dziejów XIII–XVIII w.* Warszawa: PWN, 1989, pp. 89f.
68. Sobczak, "Czy tatarska ludność Litwy należała do stanu szlacheckiego?," *Przegląd Historyczny*, LXXVII (3), 1986, pp. 471f.
69. A. B. Zakrzewski, "Zamożność Tatarów w Wielkim Księstwie Litewskim, XVI–XVIII w." *Prace Naukowe WSP w Częstochowie. Zeszyty Historyczne*, 5, 1998, p. 5.

70. Konopacki, *Życie religijne Tatarów na ziemiach Wielkiego Księstwa Litewskiego w XVI-XIX w.* Warszawa: Wyd. UW, 2010, pp. 42–54; P. Borawski, “Struktura społeczna Tatarów Wielkim Księstwie Litewskim,” *Acta Baltico-Slavica*, 19, 1990, pp. 311f.
71. J. Tyszkiewicz, *Z historii Tatarów polskich 1794–1944*, p. 298.
72. Konopacki, *Życie religijne Tatarów na ziemiach Wielkiego Księstwa Litewskiego w XVI-XIX w.* Warszawa, p. 33.
73. In the seventeenth century there were already around 60 mosques in the territory of the Polish-Lithuanian state; for more details see Nalborczyk (2011a, pp. 183–184).
74. S. Kryczyński, *Tatarzy litewscy. Próba monografii historyczno-etnograficznej*, Gdańsk: Rocznik Tatarów Polskich, 2000 [1938], p. 169.
75. *Ibid.*, p. 35.
76. Ю.В. Мизун and Ю.Г. Мизун, *Ислам и Россия*. Москва: ВЕЧЕ, 2004, p. 240.
77. These were: the Orenburg Muslim Spiritual Board in Ufa, the Tauride Muslim Spiritual Board in Simferopol in the Crimea, and the Transcaucasian Muslim Spiritual Board established later, in 1872. *Ibid.*, p. 244.
78. Е. Бойцова et al., *Ислам в Крыму: очерки истории функционирования мусульманских институтов Симферополь: Элиньо*, 2009, pp. 136–137.
79. A. Miśkiewicz, *Tatarzy polscy 1918–1939. Życie społeczno-kulturalne i religijne*, Warszawa: PWN, 1990, pp. 17–18.
80. The Taurida Muslim Spiritual Board and the Simferopol Muftiate was abolished by the Soviet authorities after they conquered the Crimea in 1920. Polish Tatars first tried to subordinate their structures to the Ottoman Caliphate, but it was dissolved in 1924. J. Tyszkiewicz, *Z historii Tatarów polskich 1794–1944*, pp. 141–142.
81. A. Miśkiewicz, *Tatarzy polscy 1918–1939*, pp. 35–36.
82. The MZR is the second oldest Islamic organization in Europe.
83. Dz. U. 1936 nr.30, poz. 240.
84. For more details see: Nalborczyk, Agata S., and Paweł Borecki, “Relations Between Islam and the State in Poland: The Legal Position of Polish Muslims,” *Islam and Christian – Muslim Relations*, Vol. 22 (2011), No. 3, pp. 351, 346–348.
85. *Rozporządzenie Rady Ministrów o uznaniu Statutu MZR w RP*, Dz. U. 1936 nr 72, poz. 517.
86. The Tatars called them “parish registrars.”
87. Those were the present-day territories of Lithuania and Belarus. Kołodziejczyk, 1997, p. 29.
88. They had been part of the Polish state in different historical periods but belonged to Germany before the Second World War.
89. Official statistics only state the number of members of the MZR—5,123 in 2002. *Niektóre wyznania religijne 2003*, pp. 135–137.
90. Dz.U. 1997 nr 78 poz. 483.

91. Formerly: Ministry of Interior and Administration. Pol. *Ministerstwo Spraw Wewnętrznych i Administracji*.
92. Other provisions are contrary to reality, like the one stating that the seat of the Mufti and the MZR is Vilnius—today the capital city of Lithuania.
93. For more details see: Nalborczyk and Ryszewska, “Islamic Organizations in Poland. From Monopoly to Pluralism,” in Kortmann, M. and K. Rosenow-Williams (ed.) *Islamic Organizations in Europe and the USA. A Multidisciplinary Perspective*. Basingstoke-New York: Palgrave Macmillan, 2013, pp. 16–18.
94. For more details see Nalborczyk, “Islamic Religious Education in Poland—Curricula and Textbooks,” in Aslan, E. (ed.) *Islamic textbooks and curricula in Europe*. Frankfurt: Peter Lang, pp. 181–196.
95. For more details see: Nalborczyk “Mosques in Poland. Past and Present,” in Górak-Sosnowska, K. (ed.) *Muslims in Eastern Europe. Widening the European Discourse on Islam*. Warszawa: University of Warsaw, 2011, pp. 189–191.
96. <http://rada-imamow.pl/certyfikacja-halal/11-oferta-certyfikacji-halal>, accessed January 11, 2014.
97. Dz.U. 1989 nr 20 poz. 104.
98. For more details see: Nalborczyk and Ryszewska, *Islamic Organizations in Europe and the USA*, pp. 19–21.
99. Dz.U. 1984 nr 21 poz. 97.
100. For more details see: Nalborczyk and Ryszewska, *Islamic Organizations in Europe and the USA*, pp. 19–21.

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## Muslim-State Relations in Russia

*Galina M. Yemelianova*

### A HISTORICAL INTRODUCTION

The relationship between Muslims and the Russian/Soviet state differs significantly from that in both the Middle East and Western Europe. These differences result from the lengthy historical presence of Islam in Eurasia and its over two centuries long state management first by the Russian Orthodox empire, and then by the Soviet atheist state. Islam made its inroads into what later became known as Russia in the seventh century AD during the period when most proto-Russians<sup>1</sup> were still pagans. Islamic beliefs and practices were therefore directly involved, along with Byzantine and Khazar influences, in the formation of Russian cultural, social, and political norms. In the early medieval period Russia's southern lands experienced a creeping Islamization resulting from proto-Russia's commercial and military engagements with her more militarily and economically advanced Muslim neighbors, the Volga Bulgaria, in particular. The spread of Islam was facilitated by proto-Russia's Eurasian location and her largely flat landscape, dominated by steppes and lacking natural geographical boundaries with both Europe and Asia. In the tenth century, the official adoption of Orthodox Christianity by Russian rulers changed the nature of Russian state's relations with Islam. In the sixteenth century, the continuing territorial expansion of the Orthodox Russian state, including its conquest of the Islamic Kazan Khanate and other Genghizid principalities, shifted the geopolitical balance of power in Eurasia in her favor. In the eighteenth century the Russian empire<sup>2</sup> annexed Muslim Crimea and imposed its control over the Kazakh Small Horde. By the end of the nineteenth century



the Russian empire also absorbed the Muslim Caucasus and Central Asia, which increased its Muslim population many times over. Pro-Orthodox official policies included the promotion of Orthodox Christianity among various Muslim peoples, as well as some restrictions on their legal, political, and ownership rights.

In 1789 Catherine the Great (1762–96), who sought effective ways to monitor and govern the empire’s growing Muslim population, opted for the legalization of Islam and the establishment in Orenburg (later in Ufa) of the institution of *muftiate* (Islamic directorate) as an integral part of the Russian government. In the nineteenth century, with Russia’s further expansion into the Islamic East, the Russian authorities created two other *muftiates* in the Caucasus and the Crimea. By the end of the nineteenth century, St. Petersburg, via the *mufti*’s appointees, established its control over the Muslim inhabitants of substantial parts of present-day Poland, Lithuania, Belarus, Moldova, Russia, Crimea, Azerbaijan, Georgia, and Kazakhstan. The close ties between *muftis*, who came to embody “official” Islam, and the Russian Orthodox authorities undermined the moral and spiritual credentials of the former with their flock and enhanced the moral and political authority among ordinary Muslims of “unofficial” *ulama* (Islamic scholars), Sufi *sheikhs* and other charismatic Islamic preachers.

During the Soviet period (1917–91), Eurasian Muslims were subjected to a comprehensive state atheist assault, which led to a considerable loss of their Islamic scholarly heritage and the interruption of Sufi lineages. Nevertheless, the Soviets decided to preserve the institution of *muftiate*, although with much reduced functions and under the tighter patronage of the Soviet Interior ministry and security services. Under the Soviet system the contents and timing of *muftis’ fatwas* (Islamic legal opinions) were largely determined by Soviet domestic and international political imperatives. As in the Tsarist period, the institutionalization of the *muftiate* as a symbol of “official” Islam strengthened the moral authority of “unofficial,” or “parallel” Islamic leaders, both of Islamic traditionalist, including Sufi, and *Salafi* (Islamic fundamentalist) orientations. At the same time, as demonstrated by recent research, the boundaries between “official” and “unofficial” Islam and its leaders were rather flexible and blurred.<sup>3</sup>

The collapse of the Soviet system and the break-up of the USSR triggered an “Islamic revival”<sup>4</sup> across Muslim Eurasia. An important factor in this process was the emergence of numerous ethno-national and territorial *muftiates*, which claimed to break from the “official”

Islam of the Tsarist Russian and Soviet periods. However, by the 2000s most new *muftiates* became incorporated into the governmental and administrative structures of the respective republics and regions—a situation which was strongly reminiscent of state-*muftiate* relations in the previous era. Under the new political and ideological realities the role of genuine Islamic leadership shifted to the new generation of “unofficial” Islamic leaders of predominantly *Salafi* nature. This chapter will discuss the place of Islam and the role of “official” and “unofficial” Islamic leadership in the Russian *umma* (Islamic community) and the Russian state. It will also analyze the official policy toward Islam and the implications of external Islamic influences, as well as the global war against *jihadism*-inspired violence for Islam and Muslim-state relations in Russia.

### THE ETHNIC AND CULTURAL DIMENSIONS OF THE RUSSIAN UMMA

Following the break-up of the Soviet Union in December 1991, Russia’s Muslims,<sup>5</sup> who made up about 20 million out of Russia’s total population of over 142 million,<sup>6</sup> were cut off from their over 60 million strong co-religionists in Central Asia and the Transcaucasus and were transformed into one of Russia’s religious minorities. Though there is a sizeable Muslim minority in Moscow and St. Petersburg, Muslims constitute an overwhelming majority in the North Caucasus while they make up over 40 percent of the population in the Volga-Urals region. In the North Caucasus, Muslims populate the autonomous republics of Adyghea, Kabardino-Balkaria, Karachay-Cherkessia, Ingushetia, Dagestan, and Chechnya, as well as adjacent areas of Krasnodar and Stavropol’ *krais* (regions). In the Volga-Urals, they are concentrated in the autonomous republics of Tatarstan, Bashkortostan, and adjacent areas. The largest Muslim ethnic group is the Tatars with over 8 million (3.7% of the total population of Russia), followed by the Bashkirs and the Chechens, each comprising a million or more. The Avars constitute over half a million, and after them come the Kabartay, the Dargins, the Azeris and the Kumyks, the Lezgins and the Ingush, all with populations of between 200,000 and 400,000. With populations ranging from about 18,000 to about 150,000 come (in numerical order starting from the highest) the Karachay, the Laks, the Adygheans, the Tabasarans, the Balkars, the Nogay, the Cherkess, the Abazins, the Rutuls, the Tats, and the Aguls. The smallest Muslim ethnic groups are the Meskhetian Turks and the Islamized Ossetians (Digors), each with about 10,000 people.<sup>7</sup>

Russia's *umma* is characterized by extreme poly-ethnicity and multi-lingualism. It includes representatives of over 30 different ethno-national groups that belong to Turkic, Caucasian, and Indo-European major ethno-linguistic families.<sup>8</sup> Due to this linguistic diversity the Russian language has remained the *lingua franca* of Russia's Muslims. In terms of doctrinal affiliation, the majority of Russia's Muslims are Sunnis of the Hanafi *madhhab* (juridical school), although Chechens, Ingush, and the majority of Dagestanis adhere to the Shafi'i *madhhab* of Sunni Islam. Most Azerbaijanis are Twelver Shiites. The peripheral location of the Russian *umma* in relation to the greater Middle East and its lengthy existence within the Russian political and cultural context determined a prevalence in it of the so-called "folk" Islam which absorbed pre-Islamic *adat* (customary) and ethnic cultural norms, as well as elements of other religions and belief systems, including early Christianity, Judaism, Zoroastrianism and Shamanism. Russia's Muslims also differ in terms of the level of their religiosity which is often congruent to their geographical location, their urban/rural situation, their past sedentary or nomadic way of life, the history of their Islamization, the length and nature of their relationship with the Russian political centre and the Russian culture and the degree of their exposure to external Islamic influences. For these reasons, on average the Aguls, Avars, Chechens, Ingush, Karachay, Kumyks, Rutuls, Tabasarans, Tajiks, Tsakhurs, and Uzbeks are characterized by a higher degree of Islamic religiosity than the Abkhaz, Adygheans, Azerbaijanis, Bashkirs, Kazakhs, Kyrgyz, and Tatars.

These factors have also accounted for considerable differences in the intensity and forms of the "Islamic revival," which began in the 1980s and was accelerated by the demise of Soviet totalitarianism in 1991 and the consequent restoration of the historical links between Russia's Muslims and their co-religionists abroad.

### *The Nature and Dynamic of the "Islamic Revival" in Russia*

In October 1990, at the height of the Gorbachevian *perestroika*, the USSR Supreme Soviet (the Parliament) adopted a liberal Religious Law, which provided a legal basis for the "Islamic revival." The Law guaranteed freedom of conscience, prohibited persecution on religious grounds, allowed *hajj* (pilgrimage) for ordinary Muslims, and legalized various religious practices. An increasing number of Russia's Muslims began to openly celebrate *Kurban-Bayram* (*Eid Al-Adha*,

the feast of sacrifice) and other Islamic festivals, observe fasting during the month of *Ramadan* and the feast following it, practice Islamic ceremonies of circumcision, marriage and burial, as well as to follow Islamic dress and dietary requirements. As a result of the policy of *glasnost*' (openness), there emerged several dozen Islamic periodicals.<sup>9</sup> It is symptomatic that in the conditions of legal liberalization, the number of people who confessed their Islamic faith multiplied. In the early 1990s, for example, 67 percent of Tatars and 100 percent of North Caucasian "ethnic" Muslims self-identified as Muslims. A third of those who identified as Muslims were young people.<sup>10</sup>

The Law also prompted an Islamic building boom and a sharp rise in the number of *hajjees* (pilgrims) across Muslim-majority regions of Russia. In the early 1990s, hundreds of new mosques, *maktabs* (primary Islamic schools), *madrasas* (secondary Islamic schools), Islamic colleges, universities, academies, and Arabic courses were established. The undisputed leadership of the "Islamic revival" belonged to Dagestan, where the number of registered Muslim communities (mosques) increased from 27 to 514, the number of *madrasas* from none to four, and the number of *maktabs* from none to 42, while the annual number of *hajjees* shot up from 4 to 1,200.<sup>11</sup> Overall, during the 1990s, the number of mosques in Russia rose from 92 to 7,200. Thus, by the early 2000s, Dagestan had over 3,600 mosques, Chechnya over 500 mosques, Tatarstan over 700, Bashkortostan over 460, and Ingushetia over 300 mosques.<sup>12</sup> In Dagestan alone, there were 17 Islamic universities and several dozen Islamic institutes and colleges with a total of 5,200 students; 132 *madrasas*, with a total of 4,400 students and 278 *maktabs* with a total of 4,000 pupils.<sup>13</sup> In 2007, the largest Russian mosque, with a capacity of 10,000 people, was opened in Grozny, Chechnya.

Political liberalization and the ensuing relaxation of border controls led to a sharp rise in the interaction between Russia's Muslims and their co-religionists abroad. It also facilitated an influx of foreign Islamic foundations and preachers, activists, and functionaries of Islamic charities, government, and nongovernment organizations into the country. Most active among them were Islamic missionaries from Saudi Arabia, the UAE, Kuwait, Egypt, Syria, Tunisia, Turkey, and Malaysia. Foreign government and nongovernment funds sponsored the construction of mosques and *madrasas* and provided grants to Russia's Muslims for studies at various foreign Islamic institutes and universities. Among recipients of this lavish foreign Islamic assistance were both official and unofficial Islamic structures. Foreign Islamic organizations also funded teaching posts

in newly created *madrasas* and Islamic universities in the North Caucasus and the Volga-Urals. Most of these posts were occupied by foreign Islamic teachers. The uncontrolled import of Islamic education led to the emergence of a large number of young Muslim “clerics” who received structured Islamic education within another *madhhab* (chiefly Hanbali) than those traditional to Russia, Hanafi in the case of most Tatar and Bashkir Muslims, and Shafī’i in the case of most North Caucasian Muslims.<sup>14</sup>

Among other implications of the “Islamic revival” were the politicization of Islam and the emergence of several Islamic and Islamo-national parties that subscribed to the idea of the formation of an Islamic state (Caliphate) in Muslim regions of Russia and beyond. Most active among them were the *Islamic Renaissance Party* (Astrakhan, Makhachkala, Cherkessk and Grozny), the *Union of Muslims of Russia* (Moscow, Makhachkala), the *Islamic Cultural Centre* (Moscow), the popular movement *Muslims of Russia* (Saratov), the party of *Ittifaq* (Union, Naberezhnye Chelny, Tatarstan), the popular movement *Muslims of Tatarstan* (Kazan, Tatarstan), the Islamic organization *Al-Islamiyya*, the *Islamic Democratic Party of Daghestan* and the *Islamic Party of Daghestan* (all based in Makhachkala, Daghestan), the party of *Islamic Nation*, and the party of the *Islamic Path* (both based in Grozny, Chechnya).<sup>15</sup>

### NEW MUFTIS: A DOCTRINAL, POLITICAL AND ETHNIC OUTLOOK

The collapse of the Soviet state was accompanied by the demise of one of its constituent parts—the Islamic establishment embodied by four *muftiates*, based in Tashkent (Uzbekistan), Baku (Azerbaijan), Buynaksk (Daghestan), and Ufa (Bashkortostan), respectively. The Soviet *muftis* were challenged by so-called “young imams,” graduates or affiliates of Central Asian *madrasas*, or foreign Islamic colleges and universities. In Central Russia, the leading figures among the “young imams” in the early 1990s were Talgat Tadjuddinov, Ravil Gaynuddinov, Gabdulla Galiullin, Gusman Iskhakov, Nafugulla Ashirov, Mukaddas Bibarsov, and Abdel Wahid Niyazov, while in the North Caucasus they included Ahmed Abdullaev, Muhammad Albogachiev, Ismail Berdiyev, Shafiq Pshikhachev, and Ahmed Shamaev.<sup>16</sup> The “young imams” campaigned for democratization, devolution, and the rejuvenation of the existing *muftiates*. They accused the “old imams” of collaboration with the Soviet state and the KGB, authoritarianism, disconnection from the community, as

well as moral laxity and corruption. The centrifugal drive of “young imams” in the North Caucasus and the Volga-Urals was encouraged by the post-Communist regional leaderships who perceived *the muftiates* as an important attribute of their increasing autonomy from Moscow. It is significant that the refusal of Talgat Tadjuddinov, *mufti* of the Spiritual Board of Muslims of European Russia and Siberia (DUMES, based in Ufa) to move to Kazan prompted the Tatarstan leadership under President Shaimiev to back Tadjuddinov’s nationalist rival Gabdulla Galiullin in the establishment in 1992 of a separate *muftiate* of Tatarstan, the DUM RT. As Valiulla Yakupov, the first deputy of the DUM RT observed, the DUM RT initially was more of a political than an Islamic institution.<sup>17</sup>

Between 1989 and 1991, pressured by the “young imams,” the DUMES and the DUMSK (based in Buynaksk) under the leadership of *mufti* Muhammad Gekkiev<sup>18</sup> disintegrated along ethno-administrative, ethnic, and political lines. Each of Russia’s Muslim autonomous republics acquired its own *muftiate*. Daghestan, Tatarstan, and some of Russia’s other Muslim-populated regions even witnessed the formation of more than one *muftiate*. Thus, during 1991–92, on the territory of Daghestan, six separate ethnic *muftiates* functioned. The leading one was the Spiritual Board of Muslims of Daghestan (DUMD) under the leadership of Avar *mufti* Darbishgadjiyev. The other ones were the Kumyk *muftiate* (KDUM) under *mufti* Isayev; the Lak *muftiate* under the leadership of *mufti* Gasanov; the Dargin *muftiate* under *mufti* Aligadjiev; the *muftiate* of southern Daghestan under *mufti* Latikov, and the Nogai *muftiate* under the leadership of *mufti* Arslanov. In 1994, the new and powerful Avar *mufti* Abubakarov managed to neutralize his competitors and achieved the status of the only officially registered *muftiate*.<sup>19</sup> In 1992, Ravil Gaynuddinov and other Tatar opponents of the Ufa *mufti* Talgat Tadjuddinov established a new *muftiate* in Moscow under the name of the Spiritual Board of Muslims of European Russia (DUMER). From that time until the present the DUMER and the TsDUMR<sup>20</sup> (formerly DUMES, Ufa) headed by *mufti* Tadjuddinov have been contesting the right to represent the Muslims of Central Russia. In 1996, the DUMER initiated the formation of the *Council of Muftis of Russia* (the SMR, Moscow). Since then *mufti* Gaynuddinov’s ambition has been to undermine *mufti* Tadjuddinov by transforming the SMR into the single Muslim Spiritual Board of Russia including the *muftis* of the North Caucasus.

It is worth noting that in the 1990s a contributing factor to the multiplication of *muftiates* was the substantial cash flow to them

from various international Islamic organizations and charities. In the 1990s, *Al-Igatha*, *Taiba*, *Ibrahim al-Ibrahim*, the World Assembly of Muslim Youth (WAMY), *Al-Haramayn*, and other international Islamic organizations provided newly founded *muftiates* with generous financial assistance.<sup>21</sup> For some entrepreneurial Muslim “clerics,” such lavish foreign aid provided an easy way to quick enrichment through widespread fraud, mismanagement, and embezzlement.

By the late 1990s, the SMR included the newly formed *muftiate* of Asian Russia (the DUMAR, based in Tobol’sk) under the leadership of *mufti* Nafugulla Ashirov, the *muftiate* of the Volga region (based in Saratov) under the leadership of *mufti* Mukaddas Bibarsov, the *muftiate* of Bashkortostan (based in Ufa) under the leadership of *mufti* Nurmahammed Nigmatullin, the *muftiate* of Tatarstan (in Kazan) under the leadership of Gabdulla Galiullin, and a dozen other *muftiates* that represented upgraded Soviet-era *muhtasibats* (district Islamic administrations), which in the past used to be under the jurisdiction of the DUMES. The SMR has also claimed the inclusion of the *muftiates* of Daghestan, Kabardino-Balkaria, Ingushetia, Karachaevo-Cherkessia, and Adyghea. In reality, however, this membership has been purely symbolic. By the late 1990s, *mufti* Gaynuddinov and his supporters finally managed to outplay *mufti* Tadjuddinov in terms of the number of Muslim communities within their jurisdiction. In 1999, they already formally controlled over 3,500 communities out of the total of nearly 6,000 communities of Central Russia,<sup>22</sup> and by 2007 over 80 percent of Muslim communities were under DUMER’s control.<sup>23</sup> Since then, the number of mosques under their jurisdiction has been on the rise. An important factor in *mufti* Gaynuddinov’s advance has been the backing of the *muftis* of Tatarstan (DUM RT), who historically played a central role in the Russian Islamic establishment.<sup>24</sup> At the seventh Islamic Forum of Russia in 2012, *mufti* Gaynuddinov proposed the creation of the Council of Muslims of the CIS under his leadership and in 2014 renamed the DUMER into the Spiritual Board of Muslims of the Russian Federation (DUMRF).

In 1998, *muftis* of the North Caucasus formed a separate Coordinating Centre of the Spiritual Boards of Muslims of the North Caucasus (the KTsDUMSK) as a counterbalance to the DUMER-driven SMR. It was headed by *mufti* Albogachiev of Ingushetia, who was later superseded by *mufti* Berdiyev of Karachaevo-Cherkessia. The KTsDUMSK united the *muftiates* of Daghestan, Chechnya, Ingushetia, Kabardino-Balkaria, Karachaevo-Cherkessia, and Adyghea. The largest and most politically active among them has been the *muftiate* of Daghestan under *mufti* Abubakarov (assassinated

in 1998) and Abdullaev. In 2010, it controlled over 1,800 Muslim communities. Most ex-Soviet *hajjees* were Daghestanis, making up on average around 120,000 out of the total of 150,000 *hajjees* from different Muslim regions of the ex-USSR.<sup>25</sup> In April 2012, the organizational unity of the Islamic officialdom of the North Caucasus was undermined by the withdrawal of the *muftiate* of Chechnya under the leadership of *mufti* Mirzayev. As a result, over 170 Chechen Muslim communities found themselves outside the KTsDUMSK's jurisdiction. This move reflected the Chechen President Ramzan Kadyrov's ambition to become the religious as well as political leader of the entire region.

All *muftiates* have a hierarchical structure. The central office usually includes the *mufti*, his deputies, an assistant and press secretary. It comprises departments of education, *da'wa* (Islamic missionary work), foreign affairs, science, information technology, and economic affairs. Technically, a *mufti* is to be elected democratically for a period of three or four years at the Muslim congress (or assembly, in the case of Daghestan). However, in reality the election of a *mufti* is conducted by a small group of influential Muslim clerics, politicians, and businessmen, while Islamic congresses and assemblies act as rubber-stamping institutions. The next hierarchical level is presented by the Council (*Shura*) of *Ulama* and a *qadiship*, or *qaziiat* (legal department). The next level are the district Islamic authorities (*mukhtasibats*, in the case of Tatarstan and Bashkortostan), which oversee local Muslim communities, headed by imams, or *mullas*. In Daghestan, since the early 1990s, the *mufti*, members of his close circle, and most of their appointees have been *murids* (disciples) of the Avar Naqhbandi-Shadhili *sheikh*, Sayid-Afandi Al-Chirkawi (Atsaev, assassinated in 2012), whose influence has far transcended the religious sphere. *Murids* of Sayid-Afandi have occupied high positions in government and in business circles. Many *murids* came from Gumbet *raion* (district)—the homeland of Sayid-Afandi.<sup>26</sup>

From the early 1990s Russia's *muftis* and other official Islamic "clerics" have been involved in the national debate on the role of Islam in Russian society. However, due to the *muftiates'* economic and theological weaknesses, their position on this issue has been strongly influenced by the relevant policies of federal and local government. All official Muslim "clergy" have claimed their adherence to the so-called traditional Islam and their strong opposition to "untraditional" Islam.<sup>27</sup> It is worth noting that in Russia and other post-Soviet countries, "traditional" Islam has been synonymous with "folk" Islam, that is, local beliefs and practices that often presented



a synthesis of Islam and pre-Islamic beliefs, customary norms, and other non-Islamic traditions, while “untraditional” Islam has been associated with foreign “Arab” Islam. In Daghستان, Chechnya, and Ingushetia “traditional” Islam has been equated with Sufism represented by *tariqas* (brotherhoods) of Naqshbandiyya, Shadhiliyya and Qadiriyya, and in Kabardino-Balkaria, Karachaevo-Cherkessia and Adyghea, with the so-called Islam of mosques, which represented a form of local Hanafism. In the Volga-Urals, it has been largely associated with Tatar-centered Hanafism.

Interestingly that there has been no unanimity among traditionalist Islamic clerics and their relations have often been marred by internal rivalries and personal animosities. As noted earlier, in Central Russia the main rivals have been Ufa-based *mufti* Tadjuddinov and Moscow-based *mufti* Gaynuddinov. Thus, Gaynuddinov and other members of the DUMER have emphasized their personal loyalty to the Kremlin’s occupiers. It is symptomatic that the front pages of *Islam Minbare* (Islamic Tribune), the official periodical of the DUMER, always contain pictures of recent “fraternal” meetings between *mufti* Gaynuddinov and the Russian President. The newspaper stresses the complete unity of their positions on all major issues related to Russian Islam and Muslims. *Mufti* Gaynuddinov and his associates have emphasized their adherence to “traditional” Islam, associated with Hanafism, and have persistently labeled their opponents as *Wahhabis*.<sup>28</sup> Hence, they have stayed clear of politically sensitive issues like the introduction of *Shari’a* norms in the Russian legal system or the implications for the *umma* of an increasing political engagement by the Russian Orthodox Church (the ROC). Instead, they have focused on Islamic rituals, Islamic education, Islamic finance, and Islamic dress and dietary requirements. *Mufti* Gaynuddinov has routinely issued *fatwas* providing guidance on various aspects of Islamic weddings, divorces, circumcision, burial, health, and dietary issues.<sup>29</sup>

By comparison, Muslim “clergy” in the Volga-Urals have been more preoccupied with the essence of the regional “traditional” Islam and its correlation with late nineteenth-century Tatar Islamic modernism, or *jadidism*, as well as with *qadimism*<sup>30</sup> and *bid’a* (unlawful innovation). Some Tatar Muslim “clerics” have called for the introduction of elements of the *shari’a* into the secular legislature. Unlike Tatar national and political leaders, who favored *jadidism* as a foundation for the Tatar national revival, most Muslim “clergy” have emphasized the central role of *taqlid* (tradition) in Tatar national self-determination. They have also been concerned that Tatar “traditional” Islam,

a central element of which was the Tatar language, has been undermined by the growing migration of more religious Central Asian and Caucasian Muslims to the Volga-Urals region. Tatar Muslim “clerics” pointed to the fact that as a result of this migration, the Tatar language in traditionally Tatar mosques has become increasingly replaced by Russian. Interestingly, one of most outspoken Tatar “clerics,” Valiahmet Sadur, has advocated a stronger political engagement by *muftiates* in order to be able to better articulate and defend Muslims’ interests.<sup>31</sup>

In the North Caucasus the position of *muftiates* on the role of Islam in society has been ambivalent. On the one side, due to the Islamization of political and economic conflicts and tensions, the local *muftiates* have allied with the local ruling regimes in denouncing “non-traditional” Islam, or *Wahhabism*, and fighting alleged Islamic extremists, known as “forest brothers.” On the other side, due to the much higher level of Islamic religiosity and Islamic homogeneity of the region, local Muslim “clergy” have been more assertive promoters of re-Islamization of local societies. In Dagestan, their increasing political influence has been facilitated by the control of the *muftiate* by *sheikh* Sayid-Afandi and his *murids*, some of whom have occupied important positions in the Dagestani government. Some Dagestani Muslim “clerics” have opposed the principle of separation of religion and state and education from religion and called for Islam to be enshrined constitutionally. In general, Dagestani Muslim “clergy” have been in favor of the gradual integration of *shari‘a* norms into Dagestan’s legislative base, the declaration of Friday as a holy day, the amendment of the symbols and paraphernalia of the state to conform to Islam, the introduction of norms of animal and bird slaughter and the system of *halal* (permitted) food for Muslims serving in the army, restriction of the sale of alcohol and erotic literature and video-material, and the establishment of strict Islamic dress codes for women.<sup>32</sup>

In Chechnya, the *muftiate* under the leadership of *mufti* Sultan Mirzayev<sup>33</sup> has been at the forefront of the state-sponsored re-Islamization of Chechen society. The latter has been encouraged by the Chechen President Ramzan Kadyrov who sought to combine the functions of political and Islamic leader of the Chechen nation. Since 2007, President Kadyrov has used the *muftiate* as an instrument of his control over Chechen society and Chechen youth, in particular. The Chechen *muftiate* has been promoting the cult of Kunta-hajji of the Qadiri *tariqa*, portraying him as the Chechen national saint. *Muftis* Mirzayev and Khiytanayev (since June 2014) have been

encouraged by the President to issue *fatwas* outlining the criteria for a “true” Chechen Muslim. The *muftiate*’s employees have been engaged in monitoring Chechens’ compliance with the Islamic norms in terms of the dress code and eating and drinking habits. In some places, women who did not wear appropriate Islamic clothes have been denied employment. It has also become a common practice to display the names of those arrested for drinking alcohol on the walls of mosques.<sup>34</sup>

### MUFTIATES AND THEIR RELATIONS WITH THE RUSSIAN UMMA AND THE RUSSIAN STATE

The spiritual inadequacy and economic and political weaknesses of official Islamic leadership embodied in *muftiates* accounted for the latter’s problematic relations with their constituents. Ordinary Muslims have resented the *muftis*’ primary engagement with the authorities and media and their insufficient attention to grassroots Muslim communities. They have deplored the fact that *muftis* spend most of their time in their respective capitals and abroad rather than attending to the needs and concerns of local Muslims. As a result, the impact of the *muftis*’ *fatwas* and other rulings on the Muslim flock has been very limited. Nevertheless, it has been a factor in the re-Islamization of local societies. The latter has occurred largely through regional official and cable Islamic TV channels and periodicals that publicized the *muftis*’ *fatwas* related to specific family, health, dietary, and dress code matters. Most official Islamic “clergy” have deplored, however, the lack of a nation-wide Islamic channel and have advocated for its creation.<sup>35</sup>

It is worth noting that from the late 1990s, due to the closure of most opposition Islamic periodicals, the *muftiates* have been the main providers of Islamic literature and periodicals in the country. The leading official Islamic publisher has been the SMR’s *Medina House*, which produces two nationwide Islamic newspapers and administers four Islamic sites, including *muslim.ru*—the official site of the SMR.<sup>36</sup> In Central Russia alone there have been nearly 30 Islamic newspapers and journals and 9 websites. The most read among these publications have been the newspapers *Islam Minbare* (Islamic Tribune, Moscow), the *Iman (Faith, Kazan)*, the *Islam Nuri* (Light of Islam, Naberezhnye Chelny), *Modern Thought* (Moscow), the *Muslim Herald* (Saratov) and the *Risalyat* (Message, Moscow), all of which were largely designed for the Tatar readership. Most of them belonged to regional *muftiates* and other registered public organizations.<sup>37</sup> In

the North Caucasus, Daghestan has remained the main producer of Islamic periodicals, which included over 700 titles annually. Among the most read have been the newspaper *Al-Salam* (Peace), a mouthpiece of the *muftiate*, *Islamskii Vestnik* (Islamic Herald), *Islamskaya Molodezh* (Islamic Youth) and the journal *Islam*. The main official websites have been [sufism.ru](http://sufism.ru) and [assalam.ru](http://assalam.ru).<sup>38</sup> Overall, official Islamic media, despite obvious limitations, have served as the means for the ongoing re-Islamization of local societies.

The *Muftiates'* relations with the Kremlin have been shaped by the latter's domestic and international agenda. Thus, in the early years of the Yeltsin government Moscow's policy on Islam and Muslims was congruent with its policy toward the West. The 1990 liberal Religious Law reflected, therefore, the Kremlin's aspirations to embrace Western liberal democracy and market economy. By the mid-1990s, the failure of Russia's pro-Western drive became apparent in all spheres of life. Since the late 1990s, the Kremlin has begun to reverse its previous political and economic reforms toward political centralization and state capitalism. The ascendance in 2000 of President Vladimir Putin as the strong Russian leader marked the renewal of Russia's ideological and civilizational difference from the West. A corollary of this shift has been the strengthening of top-down power and the promotion of a specific Russian "sovereign democracy," which bears some resemblance to the Soviet political system. Under the decade-long Putin-Medvedev-Putin presidency the role of the cementing ideology, which in the past was played by Marxist-Leninist doctrine, has been shifting toward Russian nationalism intertwined with Russian Orthodoxy. The new *Law on Freedom of Conscience and Associations*, which was adopted in 1997 acknowledged the "special contribution" of Orthodox Christianity to Russia's history and to the establishment and development of its spirituality and culture, although it made reference to Islam, as well as Buddhism and Judaism as Russia's other traditional religions.<sup>39</sup> An ideologically charged political alliance between the Russian state and the Orthodox Church has created a clash between the constitutionally enshrined principle of separation of state and religion and the Kremlin's *de facto* adherence to the pre-revolutionary notion of Russianness centered on Orthodoxy.

The Kremlin's drive toward the recentralization of the Russian state in the name of the Russian idea intertwined with Russian Orthodoxy has altered its position vis-à-vis Islam and the 20 million-strong Russian *umma*. The early Yeltsin government's policy of noninterference in Muslim affairs was superseded by a return to the Soviet-era policy of tight control over Islamic organizations and

Islam-related activities and media. The Kremlin endorsed the institutionalization of “traditional” Islam represented by *tarikhatist* Islam in the Northeastern Caucasus and “Islam of mosques” (a form of local Hanafism) in the Northwestern Caucasus, and by Tatar-centered traditional Hanafism in Central Russia. *Muftiates* were instructed to reregister Muslim communities on the basis of their compliance with “traditional” Islam. Consequently, this led to criminalization of other forms of Islam that were labeled as “untraditional,” “foreign,” “Arab,” or *Wahhabi*, and to the persecution of its adherents. A corollary of this policy was the securitization of Islam. A contributing factor was the brutal Russian-Chechen conflict that resulted in the wars of 1994–96 and 1999–2001 and the subsequent spillover of political instability across the region. In 1997, the Dagestani Parliament, with Moscow’s blessing, outlawed *Wahhabism* on the territory of the republic. In 1999, this ban was reinforced by another anti-*Wahhabi* law, which was replicated in other Muslim republics of the North Caucasus. In 2002, these laws were backed by the federal decree *On Fighting Extremist Activities*.<sup>40</sup> The anti-*Wahhabi* and anti-extremist legislation provided a legal base for a crackdown on Islamic, or any other opposition to the ruling ethnocratic elites in the Muslim autonomies. Under this decree “extremist,” or “untraditional” Islamic organizations that operated outside the *muftiates*’ control, as well as “Wahhabi” literature, periodicals and other media were banned.

Following the events of 9/11, Moscow capitalized on the US-led anti-terrorist military campaign in Afghanistan and began to present its assault on real and imaginary Islamist opposition as its contribution to the global war on terror. Among the implications of this approach was the securitization of Islam and the return of the Soviet-era anti-foreign paranoia, which led to the expulsion from Russia of foreign Islamic missionaries and teachers. As in Soviet times the federal and regional security services (FSB, the former KGB) began to infiltrate local communities and to compile lists of active and passive “Islamists” and their sympathizers. The pro-government *muftiates* and mass media played a central role in “exposing” local “Islamic terrorists,” their alleged links with *Al-Qaeda* and other international Islamic extremist centers based in Pakistan, Saudi Arabia, Turkey, the UAE, and Syria, as well as Western Europe. They denounced *Salafism* as a destructive ideology alien to the mentality and nature of local Muslims.<sup>41</sup> In the mid-2000s, as the theme of “the global war on terror” subsided, Russian officials and official Muslim “clergy” began to refer to *Islamism*, *Wahhabism*, and *Salafism* as a security rather than a religious issue and depicted “Islamists” as simply bandits and terrorists.<sup>42</sup>

The Kremlin has reasserted its control over the system of Islamic education. It has authorized *muftiates* to conduct the relicensing of existing Islamic universities and *madrasas* and to review their teaching staff and curricula. As a result of such measures the number of Islamic educational institutions has been drastically reduced and most foreign lecturers forced to leave Russia. Government officials became directly involved, alongside the *muftiates*' representatives, in the process of selection and appointment of lecturers and teachers, many of whom had secular academic backgrounds. Revised curricula of Islamic universities have contained both Islamic and secular subjects, such as information and technology, logic, sociology, psychology, pedagogy, as well as foreign languages (Russian and English).<sup>43</sup> Among the main officially approved centers of Islamic higher education have been Islamic universities in Moscow, Kazan (Tatarstan), Makhachkala (Daghestan), Cherkessk (Karachaevo-Cherkessia), and Nal'chik (Kabardino-Balkaria). Parallel to the theological Islamic education, since the early 2000s, the Kremlin has increased funding for Islamic studies in the leading national centers for Oriental, Arab, and Islamic studies, including the Institute of Asian and African Studies, Moscow State University, and the Faculty of Oriental Studies, St. Petersburg University, both of which produce highly qualified specialists in Arabic, the Qur'an, *Sunna*, and other Islamic primary sources.

Since 2013 there has been further rapprochement between the Kremlin and the Islamic establishment within the nationwide debate about Russia's civilizational difference from the West and the existence of a special "Russian" Islam. This change has occurred against the background of global geopolitical shifts manifested in three new phenomena. One has been the rise of Islamism-related violence in London, Boston, Paris, Ottawa, Copenhagen, and other Western cities. The second has been the advance in the Middle East of the ISIL, which has recruited fighters from across the world and especially from Western Europe. The third has been the Russian annexation of historically Muslim Crimea and the Russo-Western conflict over Ukraine. Most of Russia's *muftiates* have unambiguously sided with the Kremlin over the Crimea and Ukraine. In doing so they have emphasized Russia's supposed unique Christian-Muslim harmony going back to many centuries of mutually enriching interreligious symbiosis—the characteristic that is presented as favorably distinguishing Russia from the West, which allegedly treats Islam as an existential threat. They have also welcomed the integration of the Crimea, which is the birth place of Ismail Gasprinskii (1851–1914),

who pioneered the concept of “Russian Islam” into the Christian-Muslim Russian civilization, and have condemned the brutal inter-Christian war in Ukraine as an alleged consequence of Kiev’s withdrawal from this civilization.<sup>44</sup>

Overall, Moscow’s ruthless crackdown on “untraditional” Islam and subsequent suppression of any manifestation of Islamic religiosity has brought mixed results. In the Volga-Urals, the authorities and the regional *mufiates* have largely managed through a combination of political, economic, educational, and propaganda measures to channel Islamic activism within the official theological and cultural discourses. At the same time, the assassination of the influential Tatar “cleric” Valiulla Yakupov by alleged *Salafis* in 2012 indicated the drawbacks of that strategy. In the North Caucasus, the overtly securitized official stance on *Wahhabism* has contributed to the Islamic radicalization of angry young people, especially relatives and associates of “forest brothers,” who have been killed, jailed, or suffered from abuses and injustices by local police and other law enforcement agencies. It should be noted that in the conditions of continuing economic hardship, especially high youth unemployment, the pervasive corruption of political and administrative bodies and the paralysis of the democratic process, the “Islamic solution” has presented an attractive, albeit imaginary, alternative to the existing political, economic, and spiritual impasse. Since 2014 many dozens of Russia’s Muslims have been fighting on the sides of both ISIL and *Jubhat al-Nusra* (The Front of Victory) in Iraq and Syria.<sup>45</sup>

### “UNOFFICIAL” ISLAMIC LEADERSHIP AND ITS RELATIONS WITH THE RUSSIAN UMMA AND THE RUSSIAN STATE

Another side of the “Islamic revival” was the emergence of Islamic political parties and organizations. The most prominent among them was the *Islamic Renaissance Party* (the IRP), which was formed in 1990 in Astrakhan and opened its branches in most Muslim regions of the USSR. In Russia, the IRP’s Daghestani branch (in Makhachkala) under the leadership of Ahmad Akhtaev was the most politically influential on Russian territory. Following the break-up of the USSR in 1991 the IRP turned into the leading Islamic party in Russia. The party emphasized its peaceful character and its political loyalty to the Russian secular state. At the same time it opposed the Islamic officialdom represented by the *mufiates*, which it accused of complacency,

ritualism, and doctrinal rigidity. The IRP sought a religious revival through the return to the pure, unadulterated Islam of the Prophet Muhammad and the other righteous ancestors (*Al-Salaf Al-Saliheen*) who lived in the seventh century AD.<sup>46</sup> Among other Islamic movements and parties, albeit less politically significant, were the *Union of Muslims of Russia* (Moscow, Makhachkala), the *Islamic Cultural Centre* (Moscow), the organization of *Muslims of Russia* (Saratov), the party of *Ittifaq* (Union, Naberezhnye Chelny, Tatarstan), the organization of *Muslims of Tatarstan* (Kazan, Tatarstan), the organization of *Islamiyya* in Daghestan, the *Islamic Democratic Party of Daghestan* and the *Islamic Party of Daghestan* (all based in Makhachkala, Daghestan), the party of *Islamic Nation*, and the party of *Islamic Path* (both based in Grozny, Chechnya).<sup>47</sup>

In the late 1980s, Islamic opposition to the Soviet-era Islamic officialdom included both Islamic “clerics,” represented by “young imams” and Islamic political activists—founders and members of the various Islamic parties and organizations. In the early 1990s, “young imams” established their control over most *muftiates*<sup>48</sup> and began to represent “official” Islam. The Islamic opposition was reduced to Islamic political activists and some Muslim “clerics” who for various reasons opposed the newly formed Islamic establishment. In the early 1990s, the Daghestani Islamic activists from the Daghestani branch of the Islamic Renaissance Party (the IPR) formed a network of more radical Islamist groups, known as *jamaats* (communities), which were prepared to challenge the Daghestani secular authorities and the DUMD by both political and military means. Among their leaders were the brothers Bagauddin Magomedov and Abas Kebedov.<sup>49</sup> *Jamaats* also strengthened their appeal among impoverished and ideologically disoriented individuals by offering them some economic and financial support. The Russian-Chechen War of 1994–96 acted as a catalyst for the further radicalization of the Islamic opposition in the region. During this war, which began as the Chechen national liberation struggle, *jihad* turned into the main ideology of the Chechen resistance. In 1997–99 in Daghestan’s Buynaksk district, Islamists established *Shari’a* rule in the villages of Karamakhi, Chabanmakhi and Kadar. During that period, the secular government bodies were replaced by a *shura* (Islamic council), an Islamic police and a *Shari’a* court. It is notable that the Islamist enclave was quite economically viable due to the entrepreneurial activities of its members.<sup>50</sup>

Ideologically, *jamaat* members subscribed to *Salafi* Islam and accused Islamic officialdom and *tariqatists* in general of deviation from true Islam. Daghestani *Salafis* did not consider themselves to be



bound by the Shafi'i *madhhab*, which has been traditionally dominant in the Northeastern Caucasus, or by any other *madhhab*; they only concurred with those regulations of the four *madhabs* that could be tested by reference to the *Qur'an* and the Sunna. *Salafis* believed that on questions of *ibadat* (homage to Allah) only what was prescribed in the *Qur'an* and the Sunna was permissible; everything else was a deviation from Islam. In *muamalat* (social practice), everything was permitted unless it was specifically forbidden by the *Qur'an* or the *Sunna*.<sup>51</sup> *Salafi* leaders issued *fatwas* against the existing practice of *israf* (wastefulness) in the cycle of commemorative rites: reading the *Qur'an* for the deceased and ritualizing the *dur* (redemption of the deceased), and distributing alms at the graveyard, which had a devastating impact on the bulk of the poverty-stricken population.<sup>52</sup> Of special significance was their *fatwa* on *jihad* against the ruling regime and pro-government *muftiate*, both of which were accused of *kufur*. In the early 2000s Daghestani *Salafis* further diversified their tactics in line with international *jihadist* patterns. Members of the *jamaat* "Jennet," which later became known as the *jamaat* "Shariat," demonstrated their military capability by carrying out coordinated attacks on law enforcement agencies and official Islamic "clergy" across Daghestan, including its previously politically stable southern part.<sup>53</sup> In 2011, in response to escalating confrontation between local *Salafis* and the political and Islamic establishment, which claimed the lives of *mufti* Abubakarov, deputy *mufti* Tagayev and dozens of district and village Islamic authorities, the DUMD called for an end to violence and the beginning of a dialogue between *local tariqatists* and *Salafis* grouped under the umbrella association of *Ahl al-Sunna wa al-Jamaa* (People of *Sunna* and Islamic community). In the following year *mufti* Abdullayev of Daghestan managed to bring to the negotiation table representatives of "official" Islam and *Salafism*.<sup>54</sup> However, it remains to be seen if this initiative succeeds in overcoming the inertia of violence in the republic.

In Chechnya, despite the official declaration of an end to counterterrorist operations in April 2009, Islam-inspired violence has persisted. It is significant that compared to the first post-Soviet generation of Islamists who were largely preoccupied by a local agenda, the representatives of the younger generation have increasingly perceived themselves as members of a pan-Caucasian and pan-Eurasian Islamist movement and participants in a global *jihad*. In 2007, they declared the establishment of the Caucasian Emirate as a virtual pan-regional Islamic state. *Amir* (leader) of the Emirate (Dokku Umarov, d.2014) claimed to be the only source of political and spiritual authority in

the state. It is significant that Islamic perceptions of Dokku Umarov and his successor Ali Abu Muhammed were formed under the influence of the teachings of infamous foreign Islamic preachers such as Sheikh Anwar al-Awlaki and Abu Muhammad Asem al-Maqdisi.<sup>55</sup> The website KavkazCenter of the Emirate disseminates *fatwas* by Dokku Umarov, Ali Abu Muhammed and other opposition Islamist “clergy” in which the territory of the North Caucasus and the Volga-Urals (*Idel-Ural*) is treated as *Dar al-Harb* (Abode of War). These *fatwas* call for *jihād* against the federal Russian and regional government who are described in terms of *kufṛ* (non-belief), and for their replacement with an Islamic state governed by the *Shari’a*.<sup>56</sup>

In the 1990s, the Islamic opposition in Kabardino-Balkaria was represented by so-called new Muslims under the leadership of Musa Mukojev, Anzor Astemirov, and Rasul Kudaev. Compared to their Daghestani and Chechen counterparts the “new Muslims” emphasized Islamic education as the main means of re-Islamization of local society. They were critical of official Islamic “clergy” for their theological deficiency and their unconditional support for the authorities. In 1993, they set up an Islamic Center in Nal’chik with the objective of spreading “true” Islam and of dissuading young Muslims from turning to violence. However, in the mid-2000s, a growing number of “new Muslims” became increasingly radicalized and began to embrace violence. This transformation largely occurred in response to the Moscow-driven official crack-down on real and imagined “Wahhabis,” which was accompanied by massive abuses by the local authorities. Many young Muslims decided to take up arms to avenge their sufferings and to replace the existing regimes with an Islamic state. A generation of “new Muslims” significantly altered their tactics by engaging in overtly terrorist activities as demonstrated by the *jamaat* “Yarmyk” in 2005 in Nal’chik (Kabardino-Balkaria).

The Islamic opposition movement in Karachaevo-Cherkessia has been closely linked to the Karachay national movement. In the 1990s, its charismatic leader was Muhammad Bidji-ulu, a Karachay *alim* (Islamic scholar) who was also the leader of the local branch of the IRP. Bidji-ulu advocated establishment of the Karachay Imamate.<sup>57</sup> Since the early 2000s, most Islamists in Karachaevo-Cherkessia have been integrated within the Caucasian Emirate and have adopted a pro-violence approach in their relations with secular authorities and Islamic officialdom. In 2009–11, *mujahedeen* (Islamic fighters) of the Caucasian Emirate claimed responsibility for the assassination of *mufti* Anas Pshikhachev of Kabardino-Balkaria, deputy *mufti* Ahmed Tagayev of Daghestan, deputy *mufti* Ismail Bostanov of Karachevo-Cherkessia, Rector Maksud

Sadikov of the Islamic University of the North Caucasus, Makhachkala, and a number of other high ranking official Islamic “clergy.” *Mujahedeen* have introduced suicide tactics, which contradicts Chechen traditions, into their combat practices.

## CONCLUSION

The collapse of the Soviet atheist state was not accompanied with the eradication of state-controlled *muftiates*. On the contrary, the Soviet-era two *muftiates* have been superseded by over 40 new *muftiates* headed by “young imams” who rose against “old imams.” Almost each subject of the Russian Federation (out of a total of 89) acquired its own *muftiates*, while some like Bashkortostan, even had two *muftiates*.<sup>58</sup> In the Northeastern Caucasus new *muftis* belonged to the Sufi tradition while in the Northwestern Caucasus to so-called mosque Islam. In a short period of time most post-Soviet *muftis*, and their successors, assumed positions of “official” Islamic leadership loyal to the ruling regimes. A corollary has been a new version of the dichotomy between “official” and “unofficial” Islam where the latter has been represented by opposition traditionalist and *Salafī* Islamic leaders.

By the early 2000s there emerged five major centers of “official” Islam. They were the Moscow-based *muftiate* and the Council of Russia’s Muslims under *mufti* Gaynutddinov, the Ufa-based *muftiate* under *mufti* Tadjuddinov, the Makhachkala-based *muftiate* under *mufti* Abdullayev, the Cherkessk-based *muftiate* under *mufti* Berdiyev and the Grozny-based *muftiate* under *mufti* Mirzayeva (since June 2014 *mufti* Khiytanayev). Both Mirzayev and Khiytanayev have acted as *de facto* spokesmen for President Ramzan Kadyrov who has increasingly claimed both political and spiritual leadership over Chechnya. In Central Russia the parallel existence of the Moscow and Ufa *muftiates* has been perpetuated by personal rivalry between *muftis* Gaynutddinov and Tadjuddinov for the position of “court” *mufti* to the Russian Presidents (Yeltsin, 1991–99; Putin, 2000–8; Medvedev, 2008–12, and Putin again, 2012–the present).

The multiplication of *muftiates* has been accompanied by a substantial deterioration in the *muftis*’ professional quality and the further decline of their spiritual authority among ordinary Muslims. The main driver of the *muftis*’ activities has been their quest for “special” relations with the federal and regional authorities, which would secure their control over the cash flow and would enable them to maximize ownership of mosques and other related property. In

this respect the Muslim official elite has been similar to the Orthodox Christian elite, who, in turn, have acted like secular politicians. All of them have employed similar political technologies loaded with mutual accusations of disloyalty to the Kremlin. The *muftis* have been largely preoccupied with personal political and financial gains while remaining aloof from the interests of ordinary Muslims, to whom they have appealed rhetorically for populist purposes. By comparison, in Dagestan, for historical and cultural reasons, the *muftis* have continued to exert some spiritual and political influence. They have been directly involved in protracted ideological and armed confrontation between the pro-Sufi Muslim establishment and the *Daghestani* government on the one side, and the pro-*Salafi* opposition on the other.

In general, however, the role of Russia's *muftis* in Russia's *umma* has remained minimal. It could be argued that they have instrumentalized the demise of the Soviet system and Soviet-era *muftiates* for their personal economic and political advantages. In doing so they have been aloof from the interests of ordinary Muslims which they have been exploited rhetorically only for populist reasons. Their position has been aggravated by their lack of financial resources and strong dependence first on foreign, and later, state funding. As a result, local *mullas* and imams who constitute around 90 percent of the "Muslim clerics" have deplored the *muftis'* self-preoccupation and their disengagement with the grassroots communities that badly needed their practical assistance and spiritual guidance. From below, the *muftis* have often been seen as self-obsessed, over-materialistic, and theologically incompetent. The continuing inadequacy of many Russian *muftis* has been a significant factor behind the strengthening of the spiritual authority of the "unofficial" Islamic leadership of both traditional and *Salafi* orientation.

#### NOTES

1. Here, I use the term "proto-Russians" to define those Eastern Slavic tribes, which later constituted the core for the formation of Russians as the distinctive ethno-national group.
2. From 1721, as a result of Peter the Great's Westernizing reforms, the Russian state was officially renamed as "the Russian Empire."
3. See, for example, M. Kemper, R. Motika, and S. Reichmuth, eds, *Islamic Education in the Soviet Union and its Successor States*, London: Routledge, 2010.
4. Here, the term "Islamic revival" applies to both the substantial and symbolic manifestations of Islamic beliefs and practices.

5. Given their high level of secularization during the Soviet period, the term “Muslim” is not entirely adequate in relation to Russian and other ex-Soviet Muslims. Here, it is referred to people who historically belong to some Islamic tradition. Most of them, however, are not practicing Muslims, although they perceive themselves as “Muslims” by birth. Islam for them is often an ethnic, or a national signifier. On this basis they could be described as “ethnic Muslims.”
6. The Russian Census of 2010, Moscow.
7. Malashenko, A. (1999), “Islam v Sovremennoi Rossii (Islam in Modern Russia),” in Murtazin, M. and A. Nurullayev (eds), *Islam i Musul'mane v Rossii (Islam and Muslims in Russia)*. Moscow: KDT, p. 164; Hunson, P. and M. Bradshaw (eds), *The Territories of the Russian Federation, 2004. 5<sup>th</sup> ed.* London and New York: Europa Publications, 2004.
8. Russia's Turkic Muslims are Azeris, Balkars, Bashkirs, Karachay, Kazakhs, Kumyks, Kyrgyz, Meskhetian Turks, Nogay, Tatars, and Uzbeks. Its Caucasian Muslims are Abazins, Abkhaz, Adygheans, Aguls, Avars, Chechens, Cherkess, Dargins, Ingush, Kabartay, Laks, Lezgins, Rutuls, Tabasarans and Tsakhurs, while its Indo-European Muslims are Kurds, Ossetians, converted Russians, and Tajiks.
9. It is worth noting that many of those Islamic periodicals were politically engaged, they openly criticized political and religious authorities and advocated the re-Islamization of Muslim regions of Russia. Among the most outspoken were such Islamic newspapers as *Al-Tariqa al-Islamiyya* (Islamic Path), *Znamiya Islama* (Islamic Banner), *Mujahid*, *Jihad* and *Khalifa* (Caliph) which were published in the North Caucasus. Yemelianova, G, “Islam and Power,” Pilkington, H. and G.Yemelianova(eds), *Islam in post-Soviet Russia: Public and Private Faces*, London: Routledge, 2003, p. 115.
10. A. Malashenko, *Islam dlia Rossii, Moskva*: Carnegie Endowment for International Peace, 2007, p. 15; G. Yemelianova, “Islamic Radicalisation: A Post-Soviet, or A Global Phenomenon?” in G. Yemelianova, ed., *Radical Islam in the former Soviet Union*, London Routledge, 2010, p. 26.
11. R. Mukhametshin, “Islamic Discourse in the Volga-Urals,” in G. Yemelianova (ed.) *Radical Islam in the former Soviet Union*, London: Routledge, 2010, p. 38; K. Khanbabaev, “Islam and Islamic Radicalism in Dagestan,” in G. Yemelianova, (ed), *Radical Islam in the former Soviet Union*, London: Routledge, 2010, p. 90.
12. *Nezavisimaya Gazeta* (2010), October 12.
13. Khanbabaev, K., “Dagestan...” p. 91.
14. Ibid.
15. G. Yemelianova, (2003), “Islam in Russia,” in H. Pilkington, and G. Yemelianova (eds.), *Islam in Post-Soviet Russia: Public and Private Faces*, London: Routledge, p. 56.

16. G. Yemelianova, "Russia's Umma and its Muftis," *Religion, State & Society*, 31(2), 2003, pp. 141, 148.
17. D. Usmanova, M. Kemper, R. Motika, and S. Reichmuth, eds., "Islamic Education in Tatarstan," *Islamic Education in the Soviet Union and its Successor State*, London: Routledge, 2010, p. 50; G. Yemelianova, Shaimiev's "Khanate" on the Volga and its Russian Subjects," *Asian Ethnicity*, 1(1), 2000, p. 48.
18. In 1990 *Mufti* Gekkiev of the DUMSK was removed from office and charged with a criminal offence.
19. V. Bobrovnikov, "Islamic Education in Daghestan..." M. Kemper, R. Motika, and S. Reichmuth (eds.), "Islamic Education in Tatarstan," *Islamic Education in the Soviet Union and its Successor State*, London: Routledge, 2010, p. 141.
20. In 1994 the DUMER was renamed the Central Spiritual Board of Muslims of Russia and the CIS.
21. R. Mukhametshin, "Islamic Discourse..." p. 41.
22. G. Yemelianova, "Russia's Muftis..." p. 143.
23. G. Yemelianova, "Russia's Muftis..." p. 143; G. Malashenko, *Islam dlia Rossii...*, p. 13.
24. It is worth noting that *mufti* Gaynuddinov, Tadjuddinov, Galiullin of Tatarstan (from 1994 to 1998) *mufti* Iskhakov of Tatarstan (from 1998 to 2011) are related. G. Yemelianova, "Russia's Muftis..." p. 144.
25. K. Khanbabaev, *Islam and Islamic Radicalism...* p. 90.
26. V. Bobrovnikov, "Islamic Education in Daghestan..." pp. 142, 144; G. Yemelianova, "Islam and Power," H. Pilkington and G. Yemelianova, (eds), *Islam in post-Soviet Russia: Public and Private Faces*, London: Routledge, 2003, p. 97.
27. In practice, however, some leading figures of the Russian Islamic establishment, especially those who received Islamic education abroad, have followed "non-traditional" *Salafī* Islam.
28. In Russia, as well as other Muslim regions of the ex-USSR the term *Wahhabism* is widely, but wrongly, applied to any form of "untraditional" Islam.
29. These conclusions are based on textual analysis of *Islam Minbare* for the period between 1994 and 2013.
30. *Qadimism* (lit. "related to old") originally referred to proponents of the old, syllabic, method of teaching Arabic in Tatar *madrasas* in the late nineteenth century. Later on this term was applied to a Tatar version of Muslim traditionalism and scholasticism and as an alternative to *jadidism*.
31. R. Mukhametshin, "Islamic Discourse..." p. 47.
32. D. Makarov and R. Mukhametshin, "Official and unofficial Islam," in Pilkington, H. and G. Yemelianova (eds), *Islam in post-Soviet Russia*, Routledge, 2003, pp. 140–41.

33. In June 2014, *Mufti* Mirzayev resigned on health grounds. He was replaced by *mufti* Magomed Khiytanov, a former deputy-*mufti*.
34. *Human Rights Watch. Chechnya-Women DressCode* (2010), accessed June 10, 2012; *Nezavisimaya Gazeta*, June 10, 2012.
35. R. Gaynutddinov, "Slovo Muftia," *Islam Minbare*, 11(229), November 2014, p. 2.
36. R. Mukhametshin, "Islamic Discourse..." p. 51.
37. Ibid.
38. K. Khanbabaev, "Dagestan..." p. 92.
39. Preamble, *Law on Freedom of Conscience and Association*, Moscow, 1997.
40. A. Verkhovsky, "Russian Approaches to Radicalism and 'Extremism' as Applied to Nationalism and Religion" in R. Dannreuther and L. March (eds.), *Russia and Islam*, London: Routledge, 2010, p. 33.
41. G. Yemelianova, (2005), "Kinship, Ethnicity and Religion in post-Communist Societies," *Ethnicities*, 5(1), p. 69.
42. K Khanbabaev, "Dagestan..." p. 100.
43. For example, see <http://www.e-riu.ru/>, accessed September 30, 2010.
44. R. Gaynutddinov, "Muslim Minorities," *Islam Minbare*, 11(229), November 2014, p. 6.
45. "V RF Rassleduyut Pochti 60 Del o Voyuyuschikh na Storone Islamskogo Gosudarstva Rossiyan" (2015) Interfax, 30 January, <http://www.interfax.ru/russia/421161>, accessed February 23, 2015.
46. G. Yemelianova, "Islamic Radicalisation..." p. 27.
47. G. Yemelianova, "Islam in Russia," in H. Pilkington and G. Yemelianova (eds.), *Islam in Post-Soviet Russia: Public and Private Faces*, London: Routledge, 2003, p. 56.
48. Among few exceptions has been Ufa-based TsDUMR under Soviet-era mufti Tadjuddinov who has remained in office.
49. K.Khanbabayev, "Dagestan..." p. 99.
50. A. Yarlykapov, "The Radicalization of North Caucasian Muslims," in R. Dannreuther and L. March (eds.) *Russia and Islam: State, Society and Radicalism*, London: Routledge, 2010, p. 140.
51. D. Makarov, *Ofitsial'nyi i Neofitsial'nyi Islam v Dagestane* (Official and unofficial Islam in Dagestan), Moscow: Tsentri Strategicheskikh I Politicheskikh Issledovaniy, 2000, p. 25.
52. A. Yarlykapov, (2012), "The Radicalization of North Caucasian Muslims," in R. Dannreuther and L. March (eds), *Russia and Islam: State, Society and Radicalism*, London: Routledge, p. 147.
53. R. Kurbanov, "The Information Jihad of 'Shariat' Jamaat," in R. Dannreuther, R. and L. March (eds), *Russia and Islam: State, Society and Radicalisation*, London: Routledge, 2010, p. 157.
54. R. Kurbanov, (2012), "Dagestani Muslims: From Confrontation to Peace," <http://www.onislam.net>, accessed May 18, 2013.

55. D. Sagramoso, The Radicalisation of Islamic *Salafi Jamaats* in the North Caucasus: Moving Closer to the Global *Jihadist* Movement? *Europe-Asia Studies*, 64(3), 2012, p. 589.
56. See, for example, News, May 17, 2013, <http://www.kavkazcenter.news.com>, accessed May 19, 2013.
57. *Ibid.*, p. 572.
58. A. Malashenko, *Islam dlia Rossii...*, p. 13.

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# Muslims in Northern Nigeria: Between Challenge and Opportunity

*Zacharias Pierri and Fr. Atta Barkindo*

## INTRODUCTION

Nigeria is a sovereign nation state located in West Africa. It is Africa's most populous country and is seen as a major player in the region. As of the end of 2014, the population of Nigeria was estimated to be 177,155,754 people and more than 250 ethnic groups.<sup>1</sup> Up-to-date official statistics on the religious composition of Nigerians are not available, but a report from the Pew Research Center on religion and public life in Nigeria stated that in 2010, 49.3 percent of Nigeria's population was Christian, 48.8 percent was Muslim, and 1.9 percent were followers of indigenous and other religions, or unaffiliated.<sup>2</sup> Nigeria's North is predominantly Muslim, with the Hausa and Fulani being the dominant ethnic groups. The Kanuri are also noteworthy, focused in the Northeast, particularly in the states affected by Islamist violence. The south of Nigeria is predominantly Christian. Muslim and Christian communities however are found in most parts of the country, with sizeable Christian minorities in some northern states and sizeable Muslim minorities in the South. Both Muslims and Christian communities are distributed more evenly in the central parts of the country known as the Middle Belt, as well as in parts of the Southwest, where the dominant ethnic group, the Yoruba, is made up of both Muslims and Christians.<sup>3</sup>

Nigeria is a federation of 36 states. Each state has its own government and its own state house of assembly. State governors are granted considerable autonomy, can control vast budgets and, in practice, the federal government rarely intervenes to challenge their decisions or policies. About half of Nigeria's states are considered to be part of what is commonly referred to as the North, although there is no official boundary between North and South. The North is very different from the South in a number of significant ways. In terms of regional politics, the North is an amalgamation of the remains of preexisting (and ancient) Islamic kingdoms in the region<sup>4</sup> and is seen as a bloc ready to confront other regions for power sharing agreements.<sup>5</sup> In practical terms, it was an entity forced into political marriage during the British colonial period, and one between very different ethnic groups. The Hausa and Fulani ethnic groups dominate the North, and it is their culture that is often seen as hegemonic over other minority northern groups.<sup>6</sup> In religious terms, while prosperity and Christianity advanced in the South, in the North, orthodox forms of Islam have grown.

The number of *Almajiris* (Qur'anic students) increased exponentially in most cities of the North, including Abuja, estimated to be 7 million in 2005.<sup>7</sup> Iranian financial support increased Nigeria's Shi'a population from less than 1 percent in 1979 to around 5–10 percent of Nigeria's Muslim population between 1999–2009 alone.<sup>8</sup> During protests, Iranian and Hizbollah leaders were revered, along with Osama Bin Laden, while American and Israeli flags were burned.<sup>9</sup> While poverty is growing in Nigeria, in the North it is endemic. Diminishing farm lands, threats from widespread gully erosion, environmental degradation, and the search for greater economic prosperity attracted massive outward migration from all round the country toward the new capital Abuja.<sup>10</sup>

In this chapter, we will focus on a number of issues that affect Muslim communities in Nigeria and especially those Muslim communities in the North of the country. Even though Muslims in Northern Nigeria may form a majority of the population in that region, there are still a number of challenges that affect Muslims that are not seen in other parts of the country. We will place our analysis into context by outlining the history of Islam and Muslim communities in Nigeria, before continuing to look at the issues of education, *Shari'a* law, and ultimately the impact of Boko Haram led Islamist violence in the northeast of the country. Boko Haram is an Islamist movement whose name is often translated as "Western education is sin" and is more formally known as *Jamaat Ahl as-Sunnah Lid dawh wa al-Jihad* (Sunni Group for Proselytization and Jihad).

## ISLAM IN NIGERIA

Islam is a traditional religion in West Africa. It came to Northern Nigeria as early as the eleventh century first through the Kanem-Borno Empire.<sup>11</sup> It is described as the beginning of *dar al-Islam* in the region and coincided with the rise of the Sayfawa dynasty in Kanem at the end of the eleventh century.<sup>12</sup> Islam then spread into Hausaland. By the end of the fifteenth century, Islam was firmly established in Northern Nigeria particularly in the regional capitals, spreading into the countryside and toward the middle belt uplands. The Fulani-led jihad in the nineteenth century pushed Islam into Nupe and across the Niger River into northern Yoruba-speaking areas. Islam in Northern Nigeria reached great heights of prosperity and influence never seen before between the sixteenth–nineteenth centuries under Mai Idris Aloma in the Borno Empire, and under Sultan Attahiru Ahmadu I in the Sokoto Caliphate. This was shortly before the establishment of colonial rule in Nigeria.<sup>13</sup> During these periods, Northern Nigeria had been subjected to external influences from the large medieval kingdoms of the Western Sudan: Ghana, Melle, and Songhai, from the Maghreb and Tripolitania, and from Egypt via Lake Chad and the Nile-Niger. Economically, the region was oriented toward North Africa.

By the sixteenth and seventeenth centuries, Borno controlled trans-Saharan routes, built garrisons to protect them and ensured treaty relations were established with the Hafsid rulers of Tunis.<sup>14</sup> The superiority of Borno lasted until colonial subjugation in the nineteenth century.<sup>15</sup> Kano was also known for the weaving and embroidery of cloths, the tanning of skins and the ornamental leatherwork. The latter product, known as “Morocco leather” was exported across the Sahara to the North African ports; the Caravans brought back to Kano European trade goods, mostly cloth, metal articles, and glass.<sup>16</sup> First, the political elite imposed centralized government and rigid class hierarchy using the Islamic principle of *bayat* (allegiance and loyalty). The Hausa language absorbed hundreds of words of Arabic origin and was adapted to the Arabic script. Islam provided a trans-tribal bond, which has been one of the most powerful integrative factors in Northern Nigeria. It also provided the links with the Middle East, as evidenced by the thousands of pilgrims who travel from Northern Nigeria to Mecca each year, and by growing contacts with the Sudan, Egypt, and other Muslim countries.

With these achievements, it was natural that resistance to colonial rule gave birth to extremist militant form of Islam. First, the

nineteenth-century jihad that founded the Sokoto Caliphate created proselytizing movements within the community of the faithful. Different Islamic sects supported their own candidates for both religious and traditional emirate offices. These differences were generally very disruptive and led to intersect clashes in many places in Northern Nigeria. While divisions emerged on how to react to the arrival of colonial rule, Islamic activist preachers and student leaders who spread ideas about a return to extreme orthodoxy also existed. The first group believed in fighting to the death, the second argued for *hijra* (migration) to demonstrate their rejection of the new system, and the third group believed that some kind of cohabitation might be diplomatically worked out so that the religion could survive. This last group was accused of treachery and hypocrisy.<sup>17</sup> This led to the rise of the Mahdi movements. The Mahdi, from the Arabic concept of *mujaddid* (renewer of the religion) was expected to appear before the end of the world, to fill the world with justice, rid it of oppression and make Islam supreme. The Mahdi became a symbol of expectations among different Muslims communities.<sup>18</sup> According to Anwar, the collapse of the Muslim institutions as a result of British colonial conquest and the growth of Western system of governance in Nigeria, either military or democratic, led to a decline in the status of the *ulama* (Islamic scholars) and the gradual loss of their identity and influence in the society.<sup>19</sup>

As a result, there emerged the revival of a peculiar form of religious teaching and propagation characterized mainly by ignorance of the history and basic tenets of Islam, overzealousness, intolerance, and profound ignorance of the Arabic language, a fundamental medium through which Islam is better understood and transmitted. It also created a popular culture of radicalism, protests, and resistance among a section of the Qur'anic students and preachers in Northern Nigeria.<sup>20</sup> This also meant that the wide scope of Islamic beliefs and practices, with emphasis on the return to original form of Islamic practice was spreading in Northern Nigeria, and affecting family life, dress, food, manners, and personal qualities linking them to one another and a wider Islamic world. At the constitutional conference of 1978, Muslim delegates walked out as a unit for losing out on the issue of a separate Islamic supreme court, a demand that remains a Muslim goal to date.<sup>21</sup> It is within the tradition of this history that the demand for *Shari'a* intensified and Boko Haram itself emerged.

## ISLAMIC EDUCATION

Of all the issues facing Muslim communities in Northern Nigeria, it is that of education that stands out as being the most significant. For the most part, Northern Nigeria has followed a different educational trajectory from the southern part of the country. In Southern Nigeria, which came under direct British colonial rule, Christian missionaries were allowed to flourish and schools teaching a comprehensive education were established. In the North this was not the case. The British ruled in an indirect way, meaning through preexisting traditional and religious elites. The activities of Christian missionaries were restricted, and education was allowed to remain in a traditional and Islamic format. This desire for the North to maintain a distinct and Islamic form of education has continued into the modern period, and even where more comprehensive forms of education have been implemented, the state of education has still remained stagnant. This severely disadvantages Muslim communities who are often left without the core skills to function in modern integrated economies.

One simple statistic reveals this: Only some 15 percent of primary age children are now entering Grade 1 in the northern states, while the figure for the southern states is in the region of 60 percent. That suggests the ills associated with poor education, especially but not only in the North, will beset the country for years to come.<sup>22</sup> This includes a vulnerability to crime, vigilante violence, and even militancy and terrorism of various kinds. The dire state of education in Northern Nigeria was reinforced in February 2015, by the Nigeria novelist Adaobi Nwaubani<sup>23</sup>:

1. Because of poverty and cultural or religious antipathy toward Western education, many parents keep their children from attending formal school.
2. Many Children in the North are sent to Qur'anic schools (Al-Majris) where education is rudimentary and children do not gain the necessary skill to be integrated into a modern economy.
3. Northern Nigeria suffers from a poor supply of qualified teachers.
4. The North has the country's worst statistics on literacy, health, and poverty.
5. That stratum of society that the elite egregiously neglected is now providing a steady army of recruits for Boko Haram—hopeless

youths whose lives suddenly have some purpose, even if it is simply to destroy. With regards to education it also emerges that educational systems, especially those in the North, suffer from a lack of state and federal government funding.

6. Schools in Katsina state—the first northern state to establish Western-style schools in the North—suffer from class sizes of as many as 143 even when the intended class size is 40.
7. Teachers are massively underemployed and recruited through poor salary practices, magnifying their cost.

The situation around education may however be changing. Following the victory of General Muhammadu Buhari in Nigeria's 2015 presidential elections much hope is being generated inside Nigeria. President Buhari throughout his election campaign made clear that in his opinion the three central problems facing Nigeria are, corruption, Boko Haram, and education. It was in an opinion piece in the *New York Times*, that Buhari zoned in on the importance of education, and how the absence of a strong educational foundation can lead to "fundamentalism"<sup>24</sup>:

There are many reasons why vulnerable young people join militant groups, but among them are poverty and ignorance. Indeed Boko Haram preys on the perverted belief that the opportunities that education brings are sinful. If you are starving and young, and in search of answers as to why your life is so difficult, fundamentalism can be alluring.

Boko Haram, the militant Islamist sect that has been terrorizing much of Northern Nigeria since 2009 is avidly against the establishment of modern and Western education for Muslim communities, and indeed this is a main facet of the movement's ideology. According to Zenn and Barkindo, Boko Haram see the edifice of Western civilization as constructed on three fundamental pillars. These are Western education, Judeo-Christian traditions, and democracy. It is the collaboration between these three that has led to what the movement's current leader Abubakr Shekau describes as globalization and the modern world order.<sup>25</sup>

Shekau argues that the Western world uses Western education to infiltrate Muslim minds and destroy Islam. Education for him is the foundation of immorality and all that is evil in the world. Such systems of education must not only be rejected but must be replaced by Islamic education where Allah is the means and the goal. Shekau

in a speech gave the following example of how Western education is contrary to Islamic beliefs, and as to why a more comprehensive education system should not be implemented in the North<sup>26</sup>:

There are prominent Islamic preachers who have seen and understood that the present western style education is mixed with issues that run contrary to our beliefs in Islam. Like rain. We believe it is a creation of god rather than an evaporation caused by the sun that condenses and becomes rain. Like saying the world is a sphere. If it runs contrary to the teachings of Allah, we reject it. We also reject the theory of Darwinism.

Shekau has gone even further in arguing that Western education is the gateway to moral corruption and decaying of Muslim societies. In this he is very clear:

Followers of western education have usurped our hearts with a philosophy and method of thinking that is contrary to the demands of Allah. They have destroyed our style of life with a system that has not been instructed to us by the Prophet of Allah. Today the government rejects the Qur'an, the Prophet of Allah and the religion of Allah in public life. It replaces these with the concept of a new world order, globalization; a new system of directing world affairs. How can you as a Muslim live in this new world order and gain paradise? This is precisely what we the Muslim ummah is fighting. This is what we have declared we do not want.<sup>27</sup>

Boko Haram has further been adept in manipulating the fears of Muslim communities in the North through drawing on history to argue against Western forms of education. They do this through associating Western education with colonialism, and especially with Christianity and Christian missionaries. The argument here is that Western education is a tool to Christianize Muslim children and to divorce them from their religious and cultural heritage. This is an argument that resonates in an already poorly educated region:

This system of [western] education was imposed upon us by the Europeans. Anyone who reads history, except a fool, knows that the Europeans handed over this form of education to the missionaries. The missionaries included into the curriculum of western education the belief system and values of Christianity. We have said it again and again; the Christian concept of God has been constructed differently from what God himself said he is. Allah revealed to us that to work under a secular government or collaborate with it is a



sin... We do not accept western civilization in anyway. If it is intellectual development that can advance religious education, we can do it without embracing western education and civilization... We refused to accept the form of education that originated from the western world. We also reject the western construction of the concept of nation that excludes the law of *Shari'a*. We reject forms of work and all kinds of jobs based on western concepts and ways of doing things.<sup>28</sup>

It is important that President Buhari has recognized not only the prime importance of bolstering education in Northern Nigeria but also that the problems of corruption and radicalization are directly linked to the quality of education. As Buhari has wrote:

My government will first act to defeat it militarily and then ensure that we provide the very education it despises to help our people help themselves. Boko Haram will soon learn that, as Nelson Mandela said, "Education is the most powerful weapon which you can use to change the world."<sup>29</sup>

### THE QUESTION OF SHARI'A

There are many issues facing Muslim communities in Nigeria—from economic and educational disparity, to the adverse affects of Islamist violence in the north of the country. Yet, for many Muslims in Northern Nigeria it was the issue of *Shari'a* law that resonated most and pushed as the solution to bettering the situation of Muslim communities. The issue of governance among Muslim communities in Northern Nigeria, and the question of the extent to which *Shari'a* law should be implemented in the daily lives of the population, has been a hot topic. This issue, however, should be viewed within its historical context, and with special attention paid to the precolonial period from which many in Northern Nigeria draw inspiration, and look to for alternative forms of governance. The precolonial period in Northern Nigeria saw the establishment of two significant Islamic entities, that of the Kanem-Borno Empire and the Caliphate of Sokoto. Both entities drew legitimacy from Islam, and both applied the *Shari'a* legal system to various degrees. It was not until the arrival of British colonialism at the turn of the twentieth century that patterns of governance would start to change in the region. Perhaps most significant was a British decree ruling that *Shari'a* courts be restricted to implementing what they called "penal codes," meaning *Shari'a* civil laws but not criminal laws.<sup>30</sup>

Independence for Nigeria came in 1960, and with this, Nigerians as a nation had to decide how to manage the diverse needs of a multi-ethnic and multi-religious population. According to Paden, it was decided that the different regions of Nigeria would have room for maneuver based on historical precedents, and for the North this meant a hybrid system with a formal judicial bureaucracy as well as a regional *Khadi* system with personnel learned in *Shari'a* law.<sup>31</sup> It was not until the 1970s that a focus on the position of the *Shari'a* within Nigeria's constitution would resume. It was decided that there would be no Federal *Shari'a* court of Appeal, but "there shall be for any state that requires it, a *Shari'a* Court of Appeal for that state."<sup>32</sup> Even then, *Shari'a* courts were restricted to civil proceedings involving questions of Islamic personal laws.

In 1999 after a period of military rule, Nigeria transitioned to democracy. It was at this point that the issue of *Shari'a* law would take central stage in the politics of the North, but with its ramifications extending beyond. The main protagonist in this scenario was Sani Ahmed Yerima, the governor of Zamfara state in Northwestern Nigeria, who acted on an electoral pledge from March 2000 to expand the jurisdiction of *Shari'a* courts in his state to include criminal cases. Eleven other states in Northern Nigeria immediately followed suit. According to Pieri et al., the states claimed legislative competence, under among others, "sections 4, 6, and 277, and the Second Schedule to the 1999 Nigeria constitution, to establish *Shari'a* courts, in addition to existing ones, expand their jurisdiction, and enact laws drawing inspiration from religious and non-religious norms."<sup>33</sup> Thus, the states enacted written laws and punishments prescribed therein for consumption of alcohol, prostitution, and theft, among many other issues regarded as vices.

It is important to note however, that in those states where *Shari'a* law was reinstated, *Shari'a* applies only to Muslims and not to Christian communities or those of other faiths and traditions. State governments in the North of Nigeria did not attempt to force non-Muslims living in those states into being tried by *Shari'a* courts. For Muslims there was little choice as it was assumed that all Muslims should be judged under *Shari'a*, whether they wanted to or not. Non-Muslims are not prevented from accessing *Shari'a* jurisdictions and may choose to take cases through the *Shari'a* courts if they wish. Some have done so in the belief that their cases would be treated faster, but overall, such cases are rare. According to Human Rights Watch, "non-Muslims accused of criminal offenses continue to be tried under the common law system by magistrates' or High Courts, which operate in parallel with the *Shari'a* courts."<sup>34</sup>

The reinstating of the *Shari'a* in Northern Nigeria should not be regarded solely as a push by Islamists, but rather as a calculated move by the governor of Zamfara State who saw an opportunity that carried popular mass appeal. Once one state had moved to implement *Shari'a* in its entirety it caused a ripple effect across other majority Muslim States, in which popular demand for Islamic law was shown through mass rallies and protests. Many Muslims in Northern Nigeria felt divorced from the federal government and a legal system, which they saw as distant and as failing to meet the needs of Muslim communities. *Shari'a*, with its emphasis on justice, welfare, and civic responsibility was seen by many Muslims as a panacea for all that was wrong in their societies. Muslims in the Northern states felt aggravated with the police and the judiciary. As Human Rights Watch argued, "crime was increasing, yet the police and the courts were paralyzed by inefficiency and corruption. *Shari'a* was seen as an alternative to these problems, offering a system that promised to be faster, less cumbersome, and less corrupt."<sup>35</sup> It should also be noted that the popular clamor for the full implementation of *Shari'a* was further attractive as reaffirmation of Muslim religious identity in the North.

By June 2000, following mass popular demonstrations, the newly elected governor of Kano state was forced into adopting the reintroduction of *Shari'a*. By 2003, Kano went even further and introduced a societal reorientation program, "A Daidaita Sahu," translated as "straighten your rows" (in the manner of worshippers in a mosque).<sup>36</sup> The program identified more than a hundred problems (vices) that were to be discouraged among the population but also identified values to be promoted as beneficial for a healthy Muslim society. The vices and values were wide ranging and far reaching. They included issues such as imbibing liquor, listening to rhythmic music, the intermingling of men and women in public, lack of working capital, poor personal health care, idleness, early marriages, family abandonment, individualism, child trafficking, and sale and reading of licentious books among many others.

Kano, as with a number of other Northern Nigerian states, went further to establish a *hisba* board with thousands of uniformed personnel to implement the social reorientation program and to police sin in public places. The duties of the *hisba* range from checking that market traders do not swindle customers to tracking down brothels.<sup>37</sup> They confiscate beer and scold women for using *okadas*, Nigeria's motor-cycle taxis, because it brings them into contact with men. As Susan O'Brien notes, Kano also employs around 900 women as

part of its state *hisba*. These female officers are charged with the task of working among Muslim women in the city to promote virtues, they are specifically to encourage charitable deeds and provide moral counseling to other women.<sup>38</sup>

According to the website<sup>39</sup> of the Kano State Hisba Board, the *hisba* destroyed 326,151 bottles of beer out of the 363, 853 it confiscated from members of the public in between 2012–2015. The same website noted that in 2013 the Kano State Hisba Board arrested a middle-aged man, who allegedly specializes in trafficking of children and selling children at between N30,000–N60,000 (\$200–\$400) each. In February 2015, Kano State Hisba command said it had discovered three hotels in Kano where alleged homosexuals, lesbians, and prostitutes were engaging in “immoral” activities and assumed the responsibility to stamp out the illicit acts. Speaking to news reporters in Kano, the deputy commandant special services, Barrister Nabahani Usman said that the crackdown followed an intelligence report the *hisba* received from its surveillance unit and added that the *hisba* is “worried by the increasing spate of immoral acts allegedly committed in the state.” He stated however, that the Kano Hisba Command was “established by law as an additional impetus to the *Shari’a* legal system,” adding that “the command’s corps has been empowered by law to descend on any place where immoral acts are committed.”<sup>40</sup>

The use of *hisba* police caused a row between the state and the federal government that ended up before the judiciary. Consequently, the *hisba* do not have much clout under Nigerian federal law. The officers are not allowed to make arrests; they can only preach at miscreants or alert the federal police, who often refuse to cooperate. Senior members comment that they pass all reports of graft on to a dedicated state body, adding that their limited powers make further action difficult. They do enjoy more success, however, with family problems such as domestic violence when all parties agree to negotiate.<sup>41</sup>

What emerges from the Nigerian context is that even though the *hisba* may not have as much power as they would like, the desire is, namely to police sin and to create a moral space in which Islam can be practiced free from what are seen as the blemishes of Western cultural influences. The draconian amputation sentences warned of by human rights activists and the religious oppression feared by Christians have mostly not come to pass. But neither has the utopia envisioned by backers of *Shari’a* law, who believed politicians’ promises that it would end decades of corruption and pillaging by civilian and military rulers. The people are still poor and miserable, residents complain, and politicians are still rich.<sup>42</sup>

## BOKO HARAM AND THE SPECTER OF ISLAMIST VIOLENCE

Among many other issues, Boko Haram emerged because the sect's leaders felt aggrieved that *Shari'a* was not being fully implemented in Maiduguri—Borno State's capital. Mohammad Yusuf (1970–2009) was an early founder of Boko Haram and exerted great influence over the ideologies and actions of the sect. He further established a strong alliance with Ali Modu Sheriff, a Maiduguri-based politician with immense wealth and a profound business networks that spans the Lake Chad border region and beyond.<sup>43</sup> Although Sheriff vehemently denied any links with Yusuf or Boko Haram,<sup>44</sup> he is believed to have entered into a deal with Yusuf and his followers.<sup>45</sup> The deal was centered on one issue, Boko Haram's support for the political ambitions of Sheriff who wanted to be governor of Borno state, and in turn he will implement full *Shari'a* law. Yusuf gave massive support to Sheriff's campaign, reportedly including fiery attacks against Sheriff's political opponents like former governor Mala Kachalla, who was portrayed as a bad Muslim uninterested in *Shari'a*. Sheriff later became the governor of Borno state in 2003.<sup>46</sup>

In 2002, the group declared the entire city of Maiduguri intolerably corrupt and irredeemable and embarked on *hijra* to Kanama in Yobe state; along the lines of the Prophet, from Maiduguri to a village called Kanama, Yobe state.<sup>47</sup> A confrontation with the police in December 2003 led to a siege of its mosque by the army that lasted until January 2004, with more than 70 of the sect members brutally murdered.<sup>48</sup> The Kanama siege survivors who returned to Maiduguri appointed late Mohammad Yusuf as the new leader.<sup>49</sup> Yusuf alleged to have been born in January 29, 1970, at Gidgid (pronounced Girgir) village in Jakusko Local Government Area of Yobe State. He was enrolled into the local primary school but dropped out in 1976. He began his Qur'anic education under his father, then another teacher at Ngelzarma, a village in Yobe state. He became an itinerant student in 1981 but shortly found himself under the tutelage of various Islamic teachers in Maiduguri and Kaduna.<sup>50</sup> Among other things, the government's failure to fully implement *Shari'a* forced Yusuf to organize the Boko Haram sect, arguing that a legitimate political authority must be based on the Qur'an.<sup>51</sup>

Under the leadership of Mohammad Yusuf, Boko Haram recruited and expanded their network across the Northeastern states. The group was apparently left alone by the authorities, and it expanded into other states, including Bauchi, Yobe, and Niger state.<sup>52</sup> Yusuf

then embarked on the process of establishing the group's own mosque in Maiduguri. This new mosque, named the Ibn Taimiyyah Masjid, was built on land to the north of the center of town, near the railway station, owned by Yusuf's father-in-law, Baba Fugu Mohammed. The group "strove for self-exclusion of its members from the mainstream 'corrupt' society by living in areas outside or far away from society in order to intellectualize and radicalize the revolutionary process that would ultimately lead to the violent takeover of the [Nigerian] state."<sup>53</sup> Yusuf changed the name of the group from *ahl al-sunna wa jama'a al-hijra*, or popularly called the Nigerian Taliban, to *Jama'atu Ahlissunnah Lidda'awati wal Jihad*, meaning a "People Committed to the Propagation of the Prophet's Teachings and Jihad."<sup>54</sup> With the expansion of the sect under Yusuf's leadership, Boko Haram members committed themselves to carrying out the Islamic injunction of "doing good and forbidding evil." In this case, they attacked police stations, beer parlors, military installations, churches, and schools and killed thousands of people. This they did through drive by motorbike shootings, using machetes and locally produced hand guns and bombs.<sup>55</sup> The group expanded its operational capabilities from drive-by motorbike shootings to using vehicle born improvised explosive devices (VBIED), kidnappings, suicide bomb attacks, and other violent strategies, which has left scores of people dead and properties worth millions destroyed.

When Yusuf was brutally and extrajudicially murdered in 2009, the mantle of leadership fell to Abubakr Shekau. Under Shekau, the sect's ideology shifted substantially from addressing local grievances to establishing an immediate Islamic State. He allied with other regional and global jihadi organizations like Al Qaeda in the Islamic Magherb (AQIM) and Islamic State (IS).<sup>56</sup> Shekau also introduced the concept of *takfirism* into the group. It is an ideological principle that underscores the authority to declare both Christians and Muslim non-Boko Haram members as apostates.<sup>57</sup> On several occasions, Northern Nigeria's traditional religious leaders were attacked, while others assassinated.<sup>58</sup> There was a massive increase in the use of social media for propaganda and publicity. For instance, in 2011 alone, there were about 30 YouTube videos released by the sect, in addition to phone interviews, press releases, and radio call-ins. This number increased to 38 YouTube video releases in 2012.<sup>59</sup> By 2015, Boko Haram not only strengthened its alliance with the Islamic state but also set up a Twitter handle.

The impact of Boko Haram's actions have caused immense instability in Northeastern Nigeria affecting both Muslim and Christian

communities. Thousands of Muslim residents in the northeast have been forced to flee their homes to live in IDP camps. Their farms, shops and businesses completely destroyed. In some instances, roads and bridges linking Muslim villages and communities have been blown away. Boko Haram has also destroyed mosques, schools, and hospitals, killing imams, Muslim traditional rulers as well as politicians.

## CONCLUSION

Islam has had a long and distinguished history in Nigeria, and Muslim communities have played an integral role in the development of the modern state. Muslim communities dominate in the north of Nigeria, though Muslim communities also have a presence in the South and central areas of the state too. To understand the situation of these communities, it is important to understand the history of Nigeria: that the current state of Nigeria is an irredentist entity, constructed by Britain during the colonial period, and an amalgamation of a predominantly Christian South with a predominantly Muslim North, which itself is divided between the historic Kanem Borno Empire and the Caliphate of Sokoto. What remains true is that religion is an important feature of every day life in Nigeria both for Christians and Muslims. Yet, the manipulation of Islam by different actors in Nigeria has at times served to hold back Muslim communities—education in the North is less developed, poverty is rampant, and women are often less empowered.

In 2015, a Muslim from the north of the country was popularly elected as president of the country in what was a defining moment for democracy in Nigeria and Africa as a whole. General Muhammadu Buhari, a one time military dictator of Nigeria, has returned as a proclaimed saviour of the nation—someone who could rectify the problems that many Nigerians face. The new President has identified corruption lack of education and the threat of Boko Haram as the key challenges. It is these issues that Nigeria will focus on improving in the next few years. It is these same issues (at least in terms of education and Islamist violence) that have had have a disproportional impact on Muslim communities. Moreover, Muslim communities have had to deal with a resurgence in Islamic revivalism and a politicization of their religion. This has often resulted in drives to police the morality of Muslim communities and a push to enact the criminal aspects of *Shari'a* law.

As has already been argued, one of the biggest challenges facing Muslim communities in Nigeria is the dire state of the education

system in the North. While the South has developed and prospered with a comprehensive education system, much of the North still adheres to solely Islamic education, often taught at Qur'anic schools where students learn few of the skills necessary to integrate into a global economy. While a religious education is certainly valuable, it is not a substitute for skills learned in science, mathematics, and technology classes. To further complicate the situation, Boko Haram has led a campaign of misinformation and violence around Western education, often attacking schools, killing teachers, and kidnapping students. For Boko Haram, the Western world uses education to infiltrate Muslim minds and destroy Islam. Education is seen as the foundation of immorality and all that is evil in the world. Parents are told that Western education must not only be rejected but must be replaced by Islamic education where Allah is the means and the goal.

The intense debates as to what form education should take in the north of Nigeria, have been matched by discussion over the extent to which *Shari'a* law should be implemented. The drive for a return to enacting *Shari'a* law in its entirety came in 1999 after Nigeria's return to civilian rule. *Shari'a*, with its emphasis on justice, welfare, and civic responsibility was seen by many Muslims as a panacea for all that was wrong in their societies. Committees to oversee the enforcement of strict moral standards were quickly established, and pious Muslims were hired to patrol the streets and to ensure that morality was enforced. For all the fanfare and expectations around *Shari'a* as a solution to the ills of the state of society, it has yet to revolutionize society in the way that many expected.

Finally, the specter of Boko Haram has terrorized communities across Northern Nigeria and has served to brandish Muslim communities as problematic and as prone to radicalization. The truth is that Muslim communities have suffered greatly from Boko Haram's violence, often being on the frontline of attacks. Boko Haram remains a genuine threat not only to Nigeria but also to other regional neighbors. However, Muslim communities have been awakened to how unchecked radicalization can affect not only the image of Islam but also destroy Muslim means of livelihood and future. There is a sense that Northern Muslims are not poised to engage extremist elements within their communities. They are forced to distance themselves from Boko Haram as un-Islamic and does not represent Islam. There is a need to embrace Western education through which Muslims can empower themselves and break through the cycle of poverty and ignorance.



## NOTES

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## Muslim-State Relations in Kenya

*Mario Aguilar*

### INTRODUCTION

On April 2, 2015, a group of armed men belonging to the Islamist movement Al-Shabab attacked and killed 147 students at the University of Garissa in Eastern Kenya.<sup>1</sup> The attack followed previous terrorist attacks on the US Embassy in Nairobi (August 7, 1998, attack combined with an attack on the US Embassy in Dar-es-Salaam) and at a shopping mall in Nairobi (September 21, 2013, 67 dead). The worrying factor in the Garissa incident was the fact that those holding student hostages requested them to cite parts of the Qur'an in order to be certified as Muslims. Those who either were dressed as Muslims or were able to recite verses from the Qur'an were spared while Christians and those unable to recite the Qur'an were assassinated. The attackers spoke of discrimination against Muslims in Kenya while some within Kenya openly suggested that Somali Muslims should be expelled from Kenya. It is a fact that throughout the postattack analysis questions were once and again asked about the loyalty of a minority Muslim community to the state of Kenya and also about the military involvement of Kenya in Somalia. These questions of state allegiance by Muslims in Kenya, their rights, and obligations has been a recurrent theme in Muslim-state relations in Kenya since Kenya's independence.

This chapter explores the history of relations by the Muslim minority (ca. 10% of the total population) within the Kenya state since Kenya's independence in 1963 arguing that with the arrival of the British and the establishment of a Christian colonial administration Muslims lost their regional sociopolitical influence in Kenya and

somehow disappeared from the history of the colonial period and the first period of postcolonial Kenya's history.<sup>2</sup> The first part of this chapter explores the relation between the minority Muslims including the Somalized Northern pastoralists and the Swahili with the Kenya state from the time of independence until the end of a one-party rule. The second part of the chapter outlines some of the tensions and minority issues that arose within open consultations related to constitutional changes in order to approve a multi-party system of government. Thus, within the past 15 years and particularly within the political period from 1998 until the promulgation of the new Kenya Constitution of 2010 issues of the possible existence and legality of *Shari'a* courts dominated public discussions related to the place of Muslims within Kenya. The majority Christian within the country argued consistently that if Muslims were really Kenyans they would adhere to a single system of law, basically European and Christian.

### THE SOMALI QUESTION AT INDEPENDENCE

The Swahili peoples, a Muslim population associated with the Indian Ocean resided at the coast of Kenya well before the arrival of the British in the nineteenth century.<sup>3</sup> By the time that the British Empire established the East Africa Protectorate in 1895, and later the Kenya Colony in 1920, British relations with the Swahili peoples of the coast were cordial and common interests were established, mainly the fight against the slavery trade from the island of Zanzibar with the aid of the Sultan.<sup>4</sup> However, as the population of the British colony in Kenya grew Muslims within the colony became a minority, and the whole British administration established a colony centered on the established Christianity of the British monarchy.<sup>5</sup> John Lonsdale has argued that "in the ten years between 1895 and 1905, 'Kenya'—if such a retrospective concept may be permitted—was transformed from a footpath 600 miles long into a colonial administration."<sup>6</sup> Catholic missionaries of other nationalities were allowed into Kenya but the colonial administration and the public acts of the administrative civil year were centered on dates related to the British monarch such as the king's birthday. However, regardless of the centrality of European customs within the colonial civil service Islamic culture was considered superior than those of Black Africans as denoted by the Kiswahili word used for them *ustaarabu* (civilization) and Muslims were highly respected. The change in perception of Muslims came with the integration of African Kenyans into the civil administration



who slowly adopted the customs and religion of the British Empire receiving more respect than Muslim pastoralists and coast dwellers who kept to themselves in the fringes of the Kenya colony.<sup>7</sup>

To complicate matters, and at the time of Kenya's independence from British colonial rule (December 12, 1963), questions were asked about the actual borders of an independent Kenya.<sup>8</sup> Those questions were asked by the newly independent Somalia, a territory that emerged out of the union of British Somaliland and Italian Somalia in 1960. Nation-building, according to I. M. Lewis, was not the aim of the Somali but "extending national statehood outside the frontiers of the Somali Republic (formed by the Union of British and Italian Somaliland), to the remaining portions of the nation in Djibouti, Ethiopia and Kenya."<sup>9</sup> It was the wish of the Somali that all Somali could be part of what became called a Greater Somalia, a territory that would also include the Northern Frontier District of Kenya (NFD). The NFD had been ruled by Kenya and within this territory there were pastoralists groups including Somali, Boorana, and Rendille. The Boorana of the Waso Nyiro River who lived in the eastern part of the NDF had converted to Islam since 1932 through a process of Somalization in which they had ceased to be connected to their ritual centers in Ethiopia and had acquired the ways of dressing and the religion of the Somali.<sup>10</sup> The wish to be part of Somalia, rather than Kenya, was fueled by the Somali populations living and moving through the NDF and the Waso Boorana sided with the Somali in their secessionist aspirations. When in 1963 the British government announced that the NFD was going to be the seventh province of Kenya rather than part of a Greater Somalia, Somali secessionists started an armed guerrilla revolt aided by Somalia that triggered a Kenyan imposed "state of emergency" that was to last until 1969.<sup>11</sup> During those four years mines were planted, vehicles were attacked, and the Kenyan Army was deployed in the north of the country as to provide safety to the local population. Due to the fact that the Somali were pastoralists and nomads, a solution to the movement of arms and bombs was the forced settlement of all pastoralists, including the Boorana, in camps guarded by the Kenyan Army, during 1966–1967.<sup>12</sup> As a result, thousands of animals died of starvation, while the army, in retaliation for guerrilla attacks, killed thousands more.<sup>13</sup>

After the conflict and despite the Muslim presence in precolonial times, the Somali war of secession of 1962–1965 left a nationwide sense that Muslims had not wanted to be part of the new Kenya at the time of independence. Thus, the so-called Somali question suggested in the postindependence interpretation of Kenya's independence by

the Kenyan historian Ochieng' that the inhabitants of Northern Kenya "had shown by their effective and total boycott of independence elections their desire not to stay in Kenya."<sup>14</sup> With the arrival of independence the Swahili peoples of coastal Kenya who had been there before the British were left out in their own territory while the Muslim peoples of Northern Kenya, particularly the Boorana, became perceived as enemies of the state due to their support of Somalia at the time of independence.

### MUSLIMS WITHIN A MULTI-PARTY KENYA

After the so-called *shifita* war (war of secession), the subsequent governments of Kenya, those of Jomo Kenyatta and Daniel Arap Moi, allowed the constitutional presence of Muslims in Kenya within the private sphere.<sup>15</sup> Muslims enjoyed all the citizens' rights of any other Kenyans, including the freedom of worship, Muslim education and business association. However, the Kenyan government distrusted Muslims in the North and did not make investments in roads, schools, or projects of development in the areas that previously wanted secession. In the case of the Swahili, mainly traders concentrated around Mombasa the government did not interfere with their way of life but taxed them informally through state schemes that fostered financial corruption giving preference to Indian traders. Most of these were descendants of Indians who had arrived in Kenya in order to build the railway were later part of a large group of Indian businessmen who had arrived in Kenya after their expulsion from Uganda and the confiscation of their assets by Idi Amin.

However, relations between Muslims and the state were not only different than those of Christians because of the state's attitudes toward them but also because of the differences in social public activity assumed by Christian Churches, for example, Catholics and Anglicans, and Islam. François Constantin has argued that there are significant differences when it comes to religious centralization and public life so that "among Muslims, organizational principles can be both democratic (regarding management of mosque affairs) and autocratic (through the agency of spiritual charismatic leadership).<sup>16</sup> The main issue is not the actual variety of Muslim leaderships and Muslim associations, but the fact that when it comes to dealing with the state it was not clear who should represent with authority the Muslims of Kenya. It was a fact after independence that the Swahili Muslims were not interested in taking part in the central state-political organization as far as their social and religious freedom was not threatened by the

state. To that effect Muslims on the Kenyan coast (Mombasa and Lamu) and in Nairobi were allowed to function without state intervention and their own system of law and courts allowed the possibility of internal decisions regarding marriage, the custody of children, birth and death, to be dealt with within the Muslim community without any interference from the state.

There was a change in Muslim political and public interests with the advent of a multi-party system in Kenya in 1991 when all ethnic groups as well as the Muslim population searched for ways of becoming more influential within a nation dominated by a Christian majority. Thus, in his early 1990s research and assessment of the Muslim community in Kenya, Cruise O'Brien noted that there was "a special urgency in the recent movement of Islamic renewal in Kenya, in that the small Muslim minority in this country, while it is now under the hegemony of a massive Christian majority, can also look back to a pre-colonial period when the Muslims ruled the Indian Ocean coast."<sup>17</sup> At a time when Daniel Arap Moi, the second President of Kenya after independence (1978–2002) was still in full control of the country, Muslims tried to push political inclusion for their communities by invoking the precolonial presence of Islam in Coastal Kenya.

The state had a strongly centralized form of government since independence focused on the leadership of Jomo Kenyatta and a single party system led by the Kenya National African Union (KANU). After independence, KANU became heavily influenced by the Kikuyu who had fought the British through the Mau Mau rebellion before independence.<sup>18</sup> With the death of Kenyatta, Daniel Arap Moi, a Kalenjin and Kenya's vice-president, took over power. Moi did not have a formal political education but was an intelligent political operator that encouraged the general association of the president and head of state with the father of the nation.<sup>19</sup> Muslims were not prominent in his government but he appointed non-Kikuyu and Muslims to key posts, including the head of the armed forces and the attorney general. After the attempted coup by the Air Force on August 1, 1982, Moi started changing Kikuyu high-ranking officers for Kalenjin within the armed forces, until in 1985 he decided to rely on high ranking officers who came from the Kenya pastoralist groups and appointed Lieutenant-General Mahmoud Mohammed, a Muslim Somali, commander of the "Air Force 82" as Chief of Staff.<sup>20</sup> After the attempted military coup Muslims not only increased their role within the Moi government but also within an opposition to the authoritarian regime and a single party political system.<sup>21</sup>

One of the issues that started to be challenged by Christians within Kenya's judicial system and the political world were the Khadis courts. The Khadis Court, that administered *Shari'a* law to Muslims, operated in Nairobi since the first constitution and did not provide any challenges to the state within the government of Jomo Kenyatta. For it was a fact that the Kenyan judicial system recognized the validity of customary and European law as well as the validity of Muslim law for domestic and private matters. This issue of judicial legal diversity was discussed at the Kenya Supreme Court during the 1980s when the verdict of the courts determined that the prominent lawyer Silvano Melea Otieno (hereafter SM, as Otieno was known), a Luo by birth married to a Kikuyu, should be buried in his homeland rather than on the land proposed by his wife. SM (1931–1986) died at his home on December 20, 1986, and what followed was a national drama due to the fact that he had married Virginia Edith Wambui, a Kikuyu who claimed within European law the ownership of his husband's body. Wambui wanted him buried at their Ngong farm while Otieno's brother and the Luo clan decided that according to custom SM would be buried at his birthplace at Nyalgunga, Siaya. Injunctions on the ownership of SM's body were made by the widow and challenged by the Luo clan. After the verdict of the Court of Appeal "S.M. Otieno was finally buried by court order not on his Ngong farm in the Nairobi suburbs but rather in the land of his kinsmen at Nyamila village in Siaya on May 23, 1987, just a few days more than five months after his death."<sup>22</sup> This legal case indicated to outsiders that the Kenya state was still respecting traditional law and was willing to consider different kinds of laws within its legal and constitutional system. Within these legal discussions, it was clear, I would argue, that the role of the Muslim minority was understood as an ethnic and socioreligious group that could be considered an ethnic group with a particular language that historically preceded the arrival of the British.

The discussions on a multi-party system for Kenya brought with them wider discussions on a unified constitution based on European law that could regulate a modern nation that had become one of the most prosperous and Westernized of East Africa. According to David Throup and Charles Hornsby, "the dramatic changes occurring in the Soviet Union and Eastern Europe were a major influence on the Kenyan elite in the early 1990s."<sup>23</sup> By 1991 the opposition to the ruling party KANU led by Oginga Odinga and Paul Muite challenged Moi's understanding that a multi-party system would create a divided

and backward Kenya. The opposition movement also highlighted a deep rivalry between the Kikuyu and the Luo communities that had been well managed by the state since independence.<sup>24</sup> The fact that Moi was re-elected and was president of Kenya until 1992 suggested a clear and strong continuity between the politics of Kenya's independence and the ongoing perception of an African leader as central to politics because of his personal figure rather than because of the political alliances that such person could forge with others. The 1991 elections did not change anything, and while a multi-party system came into existence, understood as the possibility of having different political parties to vote for, Kenya remained an authoritarian state under Moi. It is telling that within the transition between a single-party state and a multi-party system the Muslim population did not have a say and that they continued to be at the margins of political decision making.

The next attempt to oust Moi came on December 27, 2002, when KANU, and Moi as its presidential candidate, were defeated by the political coalition known as the National Rainbow Coalition (NARC) that brought Mwai Kibaki to the presidency. From that moment onwards Kenya embarked on a constitutional reform that was to lead to the 2010 Kenya Constitution and intense discussions of a constitutional nature dominated Kibaki's presidency. Government and civil society consultations led to the preparation of a draft constitution subsequently known as the Bomas draft constitution. Amendments and discussions on constitutional amendments led to the split of the ruling coalition. While Kibabki had won the elections on an agenda of reform throughout the reform proposals, he advocated a strong presidency while his opponent Raila Odinga advocated a weak presidency, a strong premiership, and a quasi-federalist state system.<sup>25</sup> The Liberal Democratic Party led by Raila Odinga and supported by KANU won a rejection vote against the Bomas draft, also known as the Wako draft, referring to Amos Wako, the man behind the constitutional text who was a prominent attorney general of Kenya.

It is during this period toward a new constitutionalism that Muslims fought for their place within the state trying to forge public political movements and alliances that could speak for the political rights of the Muslim population. However, the complete split over the constitutional reforms coincided with the ethnic violence on a very large scale that took place in 2008 after the 2005 presidential election. The conflict was finally mediated by the African

Union, led by the former Secretary General of the United Nations Kofi Annan. Thus, the re-drafting of a constitutional text only resumed in 2009.

### THE 2010 KENYA CONSTITUTION

The 2010 Constitution of Kenya replaced the 1969 Constitution that had already been a re-elaboration of the 1963 Constitution. It was presented by Kenya's general attorney on April 7, 2010, and officially published on May 6, 2010. The national referendum that approved the new constitution took place on August 4, 2010, being approved by 67 percent of voters. The new Constitution was finally promulgated on August 27, 2010.

Discussions on the 2010 constitutional text started with the publication of a new draft constitutional text on November 17, 2009. The general public was given 30 days to propose amendments or convey their reactions to their MPs and a new draft was presented to the Parliamentary Select Committee (PSC) on January 8, 2010. After revisions, the PSC returned the draft document to the Committee of Experts who published a proposed text for the Constitution of Kenya on February 23, 2010. Parliament approved the text on April 1, 2010, after ignoring proposals for 150 amendments and then presented it to Kenya's general attorney. The new constitutional text included the Khadi Muslim Courts after years of heated discussion about their inclusion/exclusion forced by Christian Churches and those who wanted Kenya to be considered a secular state.

In the years up to the national referendum on the Constitution Kenyan Christians supported a secular state knowing that a secular state where religion was separated from the state would bring the rule of the majority, which after all, was Christian. Supporting this understanding, Mutua has argued that "even though Kenya has formally been a secular state, it is for all practices a Christian state because it has been governed, dominated, and developed primarily by Christian politicians, institutions, and norms."<sup>26</sup> Muslims adhered to the possibility of the constitutional formation of a secular state but pushed very strongly for provisions of *Shari'a* law and the protection of the Khadi Courts in the new constitution. Thus, the Muslim Task Force on Constitutional Review argued that there was a long history of these courts in Kenya and explained that the Khadi Courts did not offer any special privileges to Muslims because "Khadis are not religious leaders; they are legal officers who are versed in Muslim

personal law. They do not issue religious fatwas or edicts but adjudicate on the day-to-day family law disputes between Muslims. They provide an informal and specialized way in which family disputes can be settled, saving time and money as well as dispensing justice in an efficient and expeditious way.”<sup>27</sup>

The historical Christian Churches in Kenya objected to these Muslim proposals that suggested no changes to the 1969 constitution regarding Muslim courts.<sup>28</sup> Already in April 2003 Muslims had ceased to support the Ufungamano Initiative, a powerful faith-led coalition that pushed President Moi on constitutional reforms. At that time, the Supreme Council of Kenya Muslims (SUPKEM) and the Muslim Consultative Council, both key organizations representing Muslims in the Kenya public sphere, denounced Christian moves to exclude Muslims from the new constitution. Among members of Ufungamano, the Catholic Archbishop John Njue opposed the Kadhi Courts arguing that “we want to see a constitution that treats all Kenyans and religions equally” while the head of Ufungamano was of the opinion that “the Khadi courts should exist in their rightful place—normal laws.”<sup>29</sup> The fear by Christians was expressed by Kivutha Kibwana, a NARC legislator, who argued that anything to do with the Kadhi Courts in the constitution would indicate the introduction of *Shari'a* in Kenya. The suggested solution was to provide for Muslim Courts through an act of parliament, a suggestion rejected by Muslim organizations that feared that a majority Christians would legislate against them or would accept them before the proclamation of the new constitution and would close them down later.

Muslims found allies in the NGOs women’s coalition that lobbied with them for the rights of Muslim women to have their own interests protected. The women’s coalition fought for the retention of the Kadhi Courts in the new constitution and received the support by Muslims on affirmative action, reproductive rights, the gender commission, political participation rights, and other equal protection and antidiscrimination measures.<sup>30</sup> The Muslim-Women’s Coalition suggested that professional Khadi Courts remained subordinate to the Kenya judiciary and reminded others that they protected Muslim women in family matters (inheritance, property, and marriage).<sup>31</sup> There is no doubt that the issue of *Shari'a* Law as discriminatory toward women had been avoided; however, human rights advocates such as Makau Mutua worried about other aspects of the possible Khadi constitutional exclusion, including the radicalization of Muslims in Kenya.<sup>32</sup>

Khadi had to be protected but within “strict requirements for compliance with equal protection norms.”<sup>33</sup>

After discussions at Bomas, the Khadi Courts had already been protected and the Christian Churches defeated when the 2004 Draft Constitution included the existence of Muslim Courts. Those supporting the Khadi were Raila Odinga, the Liberal Democratic Party (LDP), KANU, civil society, Muslims, and women present at Bomas as well as delegates from pastoralist areas and marginalized communities. The Bomas draft as a whole did not succeed in uniting the different constitutional actors but showed that the work of constitutional commissions was of enormous importance for the future of Kenya. Thus, attempts were made in the further Wako draft to include the possibility of Christian, Hindu, and Khadi Courts.<sup>34</sup> While the creation of Hindu Courts did not succeed, Christians did not show any further objections to the Khadi Courts once they had been explained as religious courts that were only binding to Muslims who wanted to avail themselves of them. It is a fact that the government of Mwai Kibaki could have pushed for their removal from the draft constitution but it did not. It could be that the existence of Roman Catholic courts in the private sphere could have facilitated the lack of objections of Muslim courts under the fear that if the Muslim courts were not allowed other religious courts and legal bodies could have been scrutinized. In hindsight most constitutional players agreed that the freedom of religion proposals in the proposed Kenya Constitution secured the right of religious practice for Muslims in Kenya.<sup>35</sup>

When the constitutional referendum took place in November 2005, this “people’s driven constitution” as labeled by commentators such as Bannon, was rejected by 57 percent of voters because it was “more a contest along ethnic lines and a referendum on Kibaki’s leadership than a vote on the draft’s content.”<sup>36</sup> The ethnic violence that took place in 2008, following the general election and leaving a thousand Kenyans dead, exacerbated political tensions within the country. Those tensions included Christian-Muslim relations as the rise of Islamic fundamentalism polarized Kenya’s support of the United States “War on Terror” on the one hand, and Muslims’ fear of persecution and discrimination by Christian fundamentalist groups that wanted the expulsion of all Muslim foreigners from Kenya on the other. The Khadi Courts became an excuse for a political push by some politicians and the Christian fundamentalist groups of Kenya in order to take away a constitutional right that had existed for Muslims in Kenya before, during and after the British colonial period in Kenya. The fear by



Christian lobbyists was that the Khadi Courts would help spread Muslim *Shari'ah* law and that they would aid the growth of Islamic fundamentalism. The fear by Muslims was that the elimination of the Muslim Courts would be the first step of constitutional changes that would declare Kenya a Christian state rather than a secular state with a Christian majority. To that effect, the Muslim push for rights within an emerging nation was less focused on religious freedom, a constitutional freedom they already enjoyed, and more focused on the larger debate of how Muslims related to the nation-state.<sup>37</sup>

Some authors such as Kramon and Posner have argued that the constitutional revisions started and ended as a solution to the 2008 ethnic violence and that by reducing executive powers, devolving authority, and guaranteeing rights to women, minorities, and marginalized communities, the constitution could transform Kenyan politics.<sup>38</sup> To that effect the rejection of constitutional reforms in 2005 became a more urgent matter of providing constitutional stability to Kenya after the 2008 ethnic violence so that the issue of minorities, be they ethnic or religious, and marginalized groups was understood as a constitutional priority within the international mediation on the 2008 ethnic violence in Kenya.<sup>39</sup> During this post-2008 period Muslims were understood as a religious minority by the Christian churches while those who favored a secular conception of the Kenya state perceived Muslim as a kind of socioethnic group with their history, language, and customs as one would consider the Kiluyu, the Luo, or the Boorana.

Finally, the approved text of the 2010 Kenya Constitution included the following mention of the Khadi Courts in chapter 10, part 3:

- 170 (1) There shall be a Chief Khadi and such number, being not fewer than three, of other Khadis as may be prescribed under an Act of Parliament.
- 170 (2) A person shall not be qualified to be appointed to hold or act in the office of Khadi unless the person—
  - (a) Professes the Muslim religion; and
  - (b) Possesses such knowledge of the Muslim law applicable to any sects of Muslims as qualifies the person, in the opinion of the Judicial Service Commission, to hold a Khadi's court.
- 170 (3) Parliament shall establish Kadhi's courts, each of which shall have the jurisdiction and powers conferred on it by legislation, subject to clause (5).

- 170 (4) The Chief Khadi and the other Khadis, or the Chief Khadi and such of the other Khadis (not being fewer than three in number) as may be prescribed under an Act of Parliament, shall each be empowered to hold a Khadi's court having jurisdiction within Kenya.
- 170 (5) The jurisdiction of a Khadi's court shall be limited to the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance in proceedings in which all the parties profess the Muslim religion and submit to the jurisdiction of the Khadi's courts.<sup>40</sup>

The Khadi Courts became established constitutional institutions within the new Kenyan constitution following the ever-growing Muslim influence within the national courts, particularly by the appointment of Muslim women in postcolonial times.<sup>41</sup> This Muslim influence was highlighted with the appointment of Judge Abida Ali-Aroni, the first Muslim woman justice of Kenya's High Court.<sup>42</sup>

### CONCLUSIONS: DIACHRONIC POWER RELATIONS

This chapter has highlighted the history of Muslims as a religious minority in Kenya within two important ethnic groups: the Swahili of the Kenya coast and the ethnic Somali of Northeastern Kenya. The Swahili inhabited the coast of Kenya before the arrival of the British and were displaced in an unequal relation of power in which the British colonial power gave centrality to those groups that converted to Christianity. While within the period of Kenyan independence Muslims tried to rescue some of their past influence in Kenya they failed to secure a voice within the single party system of Presidents Jomo Kenyatta and Daniel Arap Moi. However, within discussions on a new constitution Muslims tried to influence a shift of political power in their favor. This attempt came to an end with the increase of Islamic fundamentalism and Islamist terrorism in Kenya and Somalia and the attacks on the US Embassy in Nairobi and the rise of Al-Shabab and a Somali-driven violence that resembled that of the war for succession at the time of Kenya's independence. It is difficult not to suggest that relations between the minority Muslims and the Kenya state will continue to be tense in the next decade or so as reactions towards Islamist-led terrorism have shifted the state narratives against Muslims in favor of new constitutional reforms that could see Kenya declared constitutionally as a Christian nation.

## NOTES

1. "Kenya Attack: 147 dead in Garissa University assault," *BBC News*, April 3, 2015, at <http://www.bbc.co.uk/news/world-africa-32169080>
2. I note that most seminal works on the history of Kenya published in Kenya do not have a chapter on the Swahili and that their indexes do not have entries under Islam or Muslims, see B. A. Ogot, ed. *Kenya Before 1900*, Nairobi: East African Publishing House, 1976, and W.R. Ochieng', Ed. *A Modern History of Kenya 1895-1980*, London, Nairobi and Ibadan: Evans Brothers Limited, 1989.
3. A. I. Salim, *Swahili-Speaking Peoples of Kenya's Coast*. Nairobi: East African Publishing House, 1973.
4. B. A. Ogot has argued that the actual Kenyan administration was established between 1900 and 1908, B. A. Ogot, "Introduction" to B. A. Ogot, ed. *Kenya Before 1900*, Nairobi: East African Publishing House, 1976, pp. vii-xix at p. viii.
5. W. B. Anderson, *The Church in East Africa 1840-1974*, Nairobi: Uzima Press, Dodoma: Central Tanganyika Press, and Kampala: Centenary Publishing House, 1977.
6. John Lonsdale, "The Conquest State, 1895-1904," in W.R. Ochieng', ed. *A Modern History of Kenya 1895-1980*, London, Nairobi and Ibadan: Evans Brothers Limited, 1989, pp. 6-34 at p. 6.
7. François Constantin, "Muslim & Politics: The Attempts to Create Muslim National Organizations in Tanzania, Uganda & Kenya," in Holger Bernt Hansen and Michael Twaddle, eds. *Religion & Politics in East Africa: The Period since Independence*, London: James Currey, 1995, pp. 19-31 at p. 23.
8. In December 1963 Kenya became a sovereign part of the Commonwealth with Queen Elizabeth II as Head of State and during 1964 constitutional were made as to keep Kenya as part of the Commonwealth but with an elected Kenyan Head of State.
9. I. M. Lewis, "Segmentary Nationalism and the Collapse of the Somali State," in Ioan M. Lewis, *Blood and Bone: The Call of Kinship in Somali Society*, Lawrenceville, NJ: The Red Sea Press, 1994, pp. 221-236 at p. 221.
10. Mario I. Aguilar, *Being Oromo in Kenya*. Trenton, NJ: Africa World Press, 1998.
11. John Markakis has argued that the reasons for the creation of a seventh province of Kenya related to the possibility of safeguarding British economic interests by supporting the centralized political model preferred by President Kenyatta, see John Markakis, *National and Class Conflict in the Horn of Africa*. Cambridge: Cambridge University Press, 1987, p. 186.
12. Mario I Aguilar, "Writing Biographies of Boorana: Social Histories at the Time of Kenya's Independence," *History of Africa* 23/1996,

- pp. 351–367, and “Historical Anthropology and Anthropological History: Rethinking the Social Production of an African Past,” in Simon McGrath, Charles Jedrej, Kenneth King and Jack Thompson. Eds. *Rethinking African History*, Edinburgh: Centre of African Studies, University of Edinburgh, 1997, pp. 357–378.
13. Mario I Aguilar, “Spatial and Religious Categories in Eastern Kenya: The Towns of Garba Tulla and Isiolo,” in *The Politics of God in East Africa: Oromo Ritual and Religion*, Trenton, NJ and Asmara: The Red Sea Press, 2009, chapter 11, pp. 219–239.
  14. W.R. Ochieng’, *A History of Kenya*, Nairobi: Macmillan 1985, p. 151.
  15. The term *shifita* referred to bandits and has been used for the past 50 years as to denote from rebels and guerrillas to cattle-raiders in the eastern and northeastern provinces of Kenya.
  16. François Constantin, “Muslim & Politics: The Attempts to Create Muslim National Organizations in Tanzania, Uganda & Kenya,” in Holger Bernt Hansen and Michael Twaddle, eds. *Religion & Politics in East Africa: The Period since Independence*, London: James Currey, 1995, pp. 19–31.
  17. Donal B. Cruise O’Brien, “Coping with the Christians: The Muslim Predicament in Kenya,” in Holger Bernt Hansen and Michael Twaddle, eds. *Religion & Politics in East Africa: The Period since Independence*, London: James Currey, 1995, pp. 200–219.
  18. Jeremy Murray-Brown, *Kenyatta*, New York: Dutton, 1979.
  19. Andrew Morton, *Moi: The Making of a Statesman*, London: Michael O’Mara, 1998.
  20. Mohammed’s brother Maalim Mohammed became MP for Dujis and Minister of State in the Office of the President in 1983.
  21. Mohamed Bakari, “A Place at the Table: The Political Integration of Muslims in Kenya, 1963–2007,” *Islamic Africa* 4, 2013/1, pp. 15–48.
  22. David William Cohen and E.S. Atieno Odhiambo, *Burying SM: The Politics of Knowledge and the Sociology of Power in Africa*, Portsmouth, NH and London: James Currey, 1992, p. 11.
  23. David W. Throup and Charles Hornsby, *Multi-Party Politics in Kenya: The Kenyatta & Moi States & the Triumph of the System in the 1992 Election*, Oxford: James Currey, Nairobi: E.A.E.P., and Athens: Ohio University Press, 1998, p. 3.
  24. Cherry Gertzel, *The Politics of Independent Kenya 1963–1968*, Nairobi: East African Publishing House, 1970.
  25. This period of Kenyan politics has been explored by Makau Mutua, *Kenya’s Quest for Democracy: Taming Leviathan*, Boulder and London: Lynne Rienner, 2008.
  26. Makau Mutua, *Kenya’s Quest for Democracy: Taming Leviathan*, Boulder and London: Lynne Rienner, 2008, p. 186.

27. Muslim Task Force on Constitutional Review, "The Kenyan Muslim Position on the Constitutional Safeguard of the Kadhi's Courts," 2003, Jamia Mosque, Nairobi.
28. Church of Kenya, *A Gathering Storm: Critical Concerns on the Draft Constitution*, Nairobi: Church of Kenya, 2003.
29. "Sharia Law Warning in Khadi Court Row," *Daily Nation* April 24, 2003.
30. Makau Mutua, *Kenya's Quest for Democracy: Taming Leviathan*, Boulder and London: Lynne Rienner, 2008, p. 187.
31. Federation of Women Lawyers—Federación Internacional d'Abogadas (FIDA), Institute for Education in Democracy (IED), Kenya Human Rights Commission (KHRC), and League of Kenya Women Voters, *Audit Report: The National Constitutional Conference of Kenya*, Nairobi: Kenya Human Rights Commission, 2004, p. 38.
32. "Protect Chief Khadi in Constitution, Says Don," *Daily Nation* April 14, 2003.
33. Makau Mutua, *Kenya's Quest for Democracy: Taming Leviathan*, Boulder and London: Lynne Rienner, 2008, p. 187.
34. Wako, Draft. Article 195.
35. Attiya Waris, "Making a Mountain out of Molehill: The Protection of the Right to the Freedom of Religion of the Muslim Religious Minority in Kenya's Constitution," *International Journal on Minority and Groups Rights* 14, 2007/1, pp. 25–58.
36. Alicia L. Bannon, "Designing a Constitution-Drafting Process: Lessons from Kenya," *Yale Law Journal* 116, 2007/8, pp. 1824–1872 at pp. 1829–1830.
37. Abdulkader Tayob, "Khadis Courts in Kenya's Constitutional Review (1998–2010): A Changing Approach to Politics and State among Kenyan Muslim Leaders," *Islamic Africa* 4, 2013/1, pp. 103–124.
38. Eric Kramon and Daniel N Posner, "Kenya's New Constitution," *Journal of Democracy* 22, 2011/2, pp. 89–103.
39. Karuti Kanyinga and James D. Long, "The Political Economy of Reforms in Kenya: The Post 2007 Election Violence and a New Constitution," *African Studies Review* 55, 2012/1, pp. 31–51.
40. *The Constitution of Kenya*, Nairobi: National Council of Law Reporting, Revised Edition, 2010, chapter 10, Part 3 (Subordinate Courts), §170.
41. Jan Bandler Shetler and Dorothy L Hogdson, "Muslim Women Legislators in Postcolonial Kenya: Between Gender, Ethnicity, and Religion," in Jan Bandler Shetler, ed. *Gendering Ethnicity in African Women's Lives*. Madison: University of Wisconsin Press, 2015, pp. 290–308.
42. "Judge Abida Ali-Aroni: First Muslim Woman Justice of the Kenya High Court," in Ousseina D. Alidou, *Muslim Women in Postcolonial Kenya: Leadership, Representation, and Social Change*, Madison: University of Wisconsin Press, 2013, chapter 4, pp. 116–144.

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# Muslim-State Relations in Sri Lanka: A Challenge for Post-Conflict Reconciliation

*Amjad Saleem*

## INTRODUCTION

On May 18, 2009, the prolonged separatist conflict in Sri Lanka between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka (GOSL) came to an end with the death of the LTTE Leader Vellupillai Prabhakaran (VP),<sup>1</sup> signaling the conclusion of one of the most turbulent periods of Sri Lanka's history. The LTTE had been a powerful military force and a ruthless terrorist force, and had controlled territory running a civil administration in the North and East of Sri Lanka for many years. People directly and indirectly affected by the conflict number in their hundreds of thousands,<sup>2</sup> while the conflict succeeded in polarizing different communities that make up Sri Lankan society.

Although the Tamils themselves were critical of the LTTE for their human rights abuses,<sup>3</sup> many Tamils in Sri Lanka and beyond saw the LTTE as their buffer and protection against a "Sinhala nationalist" government.<sup>4</sup> The end of the 28-year-old conflict extenuated already fragile cracks between different ethnic groups, along faith lines. It has also strengthened insecurity among religious affiliations borne from a sense of the "other" who is someone of a different ethnicity and someone of a different religion. This insecurity of identity has been felt on all sides, but the Sinhala Buddhist, who form the majority of the population, exhibit the most extreme of strains of insecurity and currently in the absence of conflict, are beginning to exert this religious based



ethnic identity thereby posing the greatest threat to religious freedoms in Sri Lanka. In particular, the ideological strand of Theravada Buddhism in Sri Lanka has undergone a massive change and reinterpretation of its doctrines as a result of the conflict.<sup>5</sup> In some parts largely led by the Buddhist clergy,<sup>6</sup> the movement has become more militant, violent, and ultimately intolerant toward other ethnicities and religions. The past three-and-a-half years for instance have seen a rise of violence against religious sites and members of religious communities, with a number of incidents including mob attacks on places of worship; robberies and vandalism; the killing of clergy; protests against communities and the proliferation of hate speech on social media, the internet, and via the audio—visual media.<sup>7</sup> The inability (or reluctance) of the government (especially its law enforcement agencies) to deal with perpetrators of the violence and hate speech have prompted speculation of state complicity with international organizations calling for stronger international action to restore the rule of law, investigate human rights abuses and protect religious freedoms.<sup>8</sup>

The Muslim community in recent times have been victimized by a coordinated hate campaign of rising anti-Muslim rhetoric<sup>9</sup> and acts of violence being undertaken by an extreme Sinhalese Buddhist organization called Bodhu Bala Sena (BBS) (led by Buddhist monks). They have been responsible for inciting hatred over the last year, including attacks on Muslim businesses.<sup>10</sup> The attacks on the Muslim community have also included attacks against places of worship and the Islamic practices such as Halal food certification, cattle slaughter, and dress code. In the last few months, this escalated into violence at the community level in the south of Sri Lanka, which left a number of people dead with businesses being destroyed.<sup>11</sup> Unfortunately, despite such high profile cases, which also include the attack on a mosque in Dambulla in the east of Sri Lanka in 2012<sup>12</sup> and others, there have been many more incidents that have received little or no attention, either locally or internationally.<sup>13</sup> Of the accounted reports, there have been 65 cases of attacks on places of religious worship with all the minority religious communities bearing the brunt of the violence. However, the majority of cases have been against the Christian community (mostly against the nontraditional churches accused of forced conversion), Buddhist temples from the non-Theravada sect, Hindu places of worship, and now increasingly from the Muslim community.<sup>14</sup> With the defeat of the LTTE, the latter community seems to be the main target from a commercial, social, and religious perspective.<sup>15</sup>

Although the current situation in Sri Lanka (as was the conflict over the last 30 years) has largely been based on ethno-religious

differences, it has also been a conflation of economic, social, and political interests that have narrowed the space in which all three major communities (and other ethnicities) can peacefully coexist. Ted Robert Gurr<sup>16</sup> has observed that there is no comprehensive and widely accepted theory of the causes and consequences of ethno-political conflict, instead, there are many factors that can lead to tensions between groups of people. However, as Henne, Shah, and Hudgens<sup>17</sup> show, tensions are a manifestation of diverse ethno-religious identities, which have blurred ethnic and religious differences and caused a “repression-reaction pathway.”

The result is that an environment of potential conflict is made manifest by rumor, hearsay and generalization (the first steps toward the stereotyping of people—their faith, culture, and identity) and the denial of a diverse, lived reality, disrespect, lack of understanding, and acceptance. As a consequence, faiths (beliefs, culture, and identity) became judged by the attitudes and actions of small and aberrant minorities. Suspicion of the “other” is perpetuated from deeply delusive and divisive assumptions of single exclusive identities by sectarian activists.<sup>18</sup> Such exclusive identities are negative, stressing differences rather than belonging, and “opposition to” rather than “support for” something. Faith becomes the arena in which this conflict is played out.<sup>19</sup> In particular these exclusive identities over recent years are a result of the steady growth of political activism on the part of a new generation of Buddhist monks aggravated by the conflict and by the political and social climate in Sri Lanka.<sup>20</sup> They have become more militant, violent, and ultimately intolerant toward other ethnicities and religions, led largely by the clergy.<sup>21</sup>

This chapter examines the dynamics of the relationship between the Muslim community and the state by examining the ethnic conflict in Sri Lanka. It contextualizes the choices made by Muslim political leaders postindependence in developing the identity(s) of the Muslim community and discusses the politicization of ethnic boundaries, which have determined the shape of the relationship between the Muslim community and the state. The chapter also provides a snapshot of the current relationship and outlines some policy options to address the political challenge of postconflict reconciliation.

### *Sri Lanka at a Glance*

In order to understand Muslim-State relations and the current scenario in Sri Lanka, it is important to explore the development of differences between minority and majority communities in the arena of

identity politics and how these have been manipulated and abused for political and personal gain.<sup>22</sup> It has contributed not only to the 28-year-old conflict that caused the deaths of hundreds of thousands of people and the displacement of millions coming to a bloody end in May 2009<sup>23</sup> but also to the current poor relationships between different faith communities in Sri Lanka.

The shift in the political axes of identity that is reflected in a corresponding shift in the axes of conflict has been shown from studies where the present dynamics of conflict in Sri Lanka and the ethnic identities upon which it is based are radically different from earlier conflicts and identities.<sup>24</sup>

Sri Lanka is diverse in social composition, the heterogeneity being reflected in the various ethnic groups, religious faiths, and languages spoken on the island. Sri Lanka's religious and ethnic diversity echoes the multiracial and pluralistic character of Sri Lankan society.

Sri Lanka has long been designated "multi religious." The adjective is descriptive: Sri Lanka is home to four "world religions" (Buddhism, Hinduism, Islam and Christianity) that share the space in urban as well as rural settings.<sup>25</sup>

Thus it is fair to say that faith plays a big role in people's lives with some basic religious freedom being exercised, such as the practicing of one's faith with the presence of mosques, churches, and temples, and the multitude of religious holidays existing in the country.

The Sinhalese people, who are predominantly Buddhist, are the major ethnic group in Sri Lanka. They constitute some 82 percent of the population and were originally migrants who arrived from North India as early as around 500 BC.<sup>26</sup> The Sinhalese identity in Sri Lanka derives from two factors (1) the Sinhala language, and (2) the Buddhist religion. These factors have in recent decades been enthusiastically promoted in the development of a Sinhalese Buddhist identity in Sri Lanka.

The Sri Lankan Tamils, who are mainly Hindus, are the largest ethnic minority in the country. They composed of 12.7 percent of the population in 1981.<sup>27</sup> Sri Lankan Tamils can trace their historical roots to the island from South India through being brought across by the ancient kings. The Tamil population in Sri Lanka was reinforced with the arrival of the Indian Tamils or up-country Tamils largely in the late nineteenth and early twentieth century to work in the British-owned estates as workers: first for coffee and then later for tea and rubber estates in the highlands. By 1921, Indian Tamils comprised

13.4 percent of the total Tamil population, which in turn represented 24.8 percent of the inhabitants of Sri Lanka.<sup>28</sup> The Indian Tamils, however, as a result of Ceylon Citizenship Acts of 1948 and 1949 were disenfranchised, engineered by the UNP government led by D. S. Senanayake, and largely supported by the minorities including the Sri Lankan Tamil community,<sup>29</sup> lost their large share in the country's population charts. By 1981, Indian Tamils in Sri Lanka only accounted for 5.5 percent of the total population.<sup>30</sup> The rest of the Tamils were reclassified as noncitizens.

Muslims are another significant minority group in Sri Lanka and are made up of slightly different ethnic groups, the majority of whom are also known as Moors and speak Tamil. The latter who trace their ancestral roots to seafaring Arab merchants, prefer to be characterized by their religious and cultural identity.<sup>31</sup> They constitute 8 percent of the island's total population in 2001.<sup>32</sup> The Malay community, whose ancestors include laborers brought by the Dutch and British, as well as soldiers in the Dutch garrison, now constitute 0.3 percent of the population and are generally allied with the larger Muslim population of the island.<sup>33</sup> There are also a fair number of Indian Muslims who had migrated from Tamil Nadu to Sri Lanka for the purpose of trade and then settled down and small communities of the Memon<sup>34</sup> and Bohra Ismailis,<sup>35</sup> all of which adds to the heterogeneity of the Muslim community.<sup>36</sup> By and large, the Sri Lankan Muslims opposed the concept of Tamil separatism advanced by the Tamil nationalists, including the Tamil Tigers and tended to cooperate with the government dominated by the majority Sinhalese so as to claim a stake in Sri Lanka's deeply divided polity.<sup>37</sup> It is also important to note that while the Sri Lankan Muslims are considered as a separate ethnic group in Sri Lanka, popular discourse normally refers to the Moors when talking generally about Sri Lankan Muslims.<sup>38</sup>

### THE ORIGINS OF IDENTITY DISCOURSE

Like many postcolonial societies, Sri Lanka drew on precolonial culture, including religion, to form a national identity after gaining independence. The colonial period, especially under the British, is often blamed by most analysts for sowing the seed of ethnic divisions that thrived in the post-1948 Sri Lanka, as it fostered and emphasized a new concept of colonial identity.<sup>39</sup> Other scholars emphasize the precolonial roots citing Tamil and Sinhalese kingdoms in Ancient Sri Lanka that existed in a perpetual state of conflict before the

Portuguese captured the island in 1505.<sup>40</sup> Nevertheless the discourse on these “identities” are very much the product of a nineteenth century (later evolving in the twentieth century) mindset.<sup>41</sup>

As theorists contend, the contemporary pattern of ethnic relations and tensions in countries like Sri Lanka is largely due to its colonial history, whose process created borders that included or divided ethnic groups and defined the demographic mixture of colonies that eventually became countries,<sup>42</sup> while Sri Lanka being an island differs slightly. It is definitely true that the differentiation of ethnic identities (thereby creating distinction within society) and the selective favoritism of colonial rulers toward minorities to help in colonial administration, laid the foundations toward the nationalistic conflict that the country faced in the postcolonial era.

When they took control of Sri Lanka in 1796, the British had little understanding of the history and customs of the island, which was further compounded by the heterogeneous situation, faced with people speaking a variety of languages, wearing a number of costumes, and following different religions. The colonial response to this was simplistic: “[D]ifferent groups in Sri Lanka were, it was argued, different races and different races had different customs,”<sup>43</sup> and hence the colonial powers began to create a body of knowledge that would provide information for both the practical needs of government and a general assessment of indigenous civilization on a universal scale of progress.<sup>44</sup> Language, religion, custom, and clothes were taken in various combinations as markers of racial variation, and by the end of the nineteenth century a large number of distinct “races” were recognized by the authorities in colonial Sri Lanka to include “Up Country” and “Low Country” Sinhala, “Ceylon” and “Indian” Tamils, “Moors” (i.e., Muslims, again divided into Ceylon Moors and Coast Moors), Veddas, Burghers (divided into Dutch and Portuguese Burghers), Malays, Eurasians, and Europeans. Furthermore, other groups were also considered “races” at times: the Mukkuvars, the Vagga, the Rodiya, and so on.<sup>45</sup>

The term “Moors” was used by the Portuguese in the sixteenth century, to refer to the Arab Muslims and their descendants, identifying effectively their religion and with no interest in identifying their origin.<sup>46</sup> While the majority of the Muslims live scattered along the coastal areas retaining a slightly more direct link with their Arab descendants (and influenced by Tamil as a language medium of communication from South India), many Muslims moved into the interior and central parts of Sri Lanka, to avoid persecution by the Portuguese and the Dutch who once ruled the Maritime Provinces.

These communities in time intermarried with Sinhalese, taking on elements of the Sinhala culture and language.<sup>47</sup>

The British colonial ideology in particular served to influence perceptions of the past whereby the images that were developed during this period were produced by the use of nineteenth-century Western historical ideas and methods. These ideas were essentially based on the assumption of the decline of a great ancient civilization and the presence of different antagonistic groups threatening the sanctity of the nation-state.<sup>48</sup> This central idea of a rise and decline of an ancient civilization, was almost universally accepted and developed after 1840 by the anti-colonial revival movements both because it was plausible and because “it was consistent with the pattern of European historiography, which looked to the classical civilization of Greece and Rome.”<sup>49</sup> It was also promoted by people who were not professional historians but “activists” from other disciplines such as law, who were not only influenced by the circumstances but in some cases were rebelling against it.”<sup>50</sup>

By developing this idea, the anti-colonials from the Sinhala community, succeeded in articulating a “Sinhalese” ideology (which has existed to its contemporary form) as an essential part of contemporary Sri Lankan culture. Being a majority community and with its associations with language, race, and religion, this ideology succeeded in thoroughly permeating such areas of intellectual activity as creative writing, the arts, and historical writing and radically transforming and refashioning the normative view of Sri Lanka’s past. The articulation of this ideology is based on a “majority with a minority” complex that is to say that despite being the majority ethnic community, they suffer from a minority complex.<sup>51</sup> Centuries and waves of colonization have given them the insecurity that they as a nation and race supporting the faith of Buddhism, are under threat. This insecurity given the heritage with which the Sinhalese associate their race has been broadly defined within the concept of Buddhism.

It is important to remember that these anticolonial revival movements, which attempted to define an identity different from the English colonial rulers and also to differentiate themselves from the subordinate positions in which the colonial administration placed them, was not just concentrated with the Sinhalese.<sup>52</sup> At the same time, the Tamil community in their own way set about rediscovering ancient Tamil literature and heritage, while the Muslim community also used this opportunity to develop a link to their unique heritage as well as develop their own distinct identity.<sup>53</sup> In developing this group consciousness, the social classes created by colonial rule

and influence drew as much on European thought as on their own past traditions. The period during which the modern Sinhala (Tamil and even Muslim) consciousness evolved also witnessed the rise into prominence of racialist theories in Europe.<sup>54</sup>

The British colonial rulers “believed themselves to be involved in a civilizing process”<sup>55</sup> and introduced ideological capitalist imperatives, committed to the liberal values of nineteenth-century Britain. Thus, introduction of ideas about the individual, rights in private property, “and about the various aspects of modern society which Weber referred to as bureaucratization and rationalization were all parts of this process.”<sup>56</sup> From the viewpoint of the British, ancient Sri Lanka might be one of the wonders of the world, and its achievements celebrated, but further progress depended on the “successful introduction of European ways.”<sup>57</sup> Therefore, from the mid-nineteenth century, the island’s history was judged according to Victorian standards in the context of human progress and imposing “modern social categories, such as nationality, on the Sri Lankan sources.”<sup>58</sup> This was contested by those anti-colonial parties, who maintained that a great civilization had existed in Sri Lanka, that had weakened as a product of specific historical circumstances, namely the imposition of modern notions of nationality under the influence of Western thought. Consequently, the evidence that in ancient Sri Lanka, religious, linguistic, and ethnic identities were often fluid and not always congruent (and therefore there was commonality between mainly the Tamils and Sinhalese) was either denied or portrayed as an indication of decay<sup>59</sup> leading to a “particular colonial interpretation of the past which has conditioned the analysis of conflict dynamics and the definition of the groups in conflict, casting the conflict as the bipolar interaction of relatively homogeneous groups.”<sup>60</sup>

Unfortunately, rather than seek to unify a Sri Lankan identity and history in opposition to a British colonial status that could be attributed to specific historical circumstances, the obsession with defining the origin and heritage of different social categories in nineteenth-century Sri Lanka, meant that divergent narratives of ethnicity (and even religion) were developed.<sup>61</sup> In particular, it was the elites of this period who used these narratives to justify their own social and political primacy. Eventually, ethnicity and religion, two overlapping but distinct forms of identity, would become primary markers for a form of Sri Lankan identity. In the years preceding and following independence, the prominent movement within the anti-colonial parties for this identity were led by Sinhalese elites,<sup>62</sup> who promoted the notion that equated race, religion, culture, and language as unchanging

components of the Sinhala nation throughout the ages,<sup>63</sup> but recognized the advantages that capitalism and modern technology had brought them. Hence Buddhism, which was considered the weakest link in the colonial chain, became the channel for the Sinhalese elite to voice their opposition not only toward the colonial power but also as a way of mobilizing popular support in search of an “idyllic” past.<sup>64</sup> Thus, the concept of “Sinhala-Buddhist” came into use to denote a group of people who are distinguished from the Sinhala of the other faiths and also from the Buddhists of other ethnic groups.<sup>65</sup>

Eventually with the emergence of mass politics in a postindependent era, portrayal of the “Sinhala Buddhist” as a victim of the colonial era and an underprivileged group,<sup>66</sup> mainly by people such as Anagarika Dharmapala (who was probably the first person to use the term “Sinhala Buddhist”), gained traction (especially after universal suffrage was introduced to the island in 1931), and the need to struggle for the “legitimate rights of the Sinhala Buddhists”<sup>67</sup> became an essential part of the Sinhalese-Buddhist ideology. Consequently, the Sinhala Buddhist construct entered the consciousness of the masses, tying together an appreciation of a common culture that underlined Sinhala as a linguistic entity and overarched local, regional, and cast identities. While this construct was predominantly Buddhist in definition, it glossed over the Sinhala Christian sections of the community, preferring a “nationalist movement with certain anti-imperialist potentialities.”<sup>68</sup> In other words, this nationalist movement emphasized the achievements of an ancient past thereby offering an anti-colonial channel for the Sinhala people to strive to achieve “progress” (in a colonial sense) while maintaining their cultural pride.

By the end of the nineteenth century, this Buddhist revival vis-à-vis nationalist identity succeeded in placing religion at the forefront of most social debates and public activities. In particular, it also became another indirect anti-colonial tool especially in the face of Christianity, by many of the “upwardly mobile” Buddhist elites to challenge the authority of the British and the power and influence of more traditional elite families, many of whom were Christian (and often ethnically Tamil).

Helped by the British “divide-and-rule colonial practices,” conditions were inevitably created for these revival movements to flourish into nationalist movements by the turn of the twentieth century and in the lead up to independence. The concept of Sinhala nationalism in particular gained strength and the symbolic anti-colonial rhetoric that promoted one “nation” above the “other” gained momentum,



developing prominent polarizing positions for both the communities, which hardened in a postindependence and conflict era and with the articulation of a Muslim ethnic identity in the late nineteenth and early twentieth century, posing a challenge for the future.<sup>69</sup>

In Sri Lanka today there are then three communities, all three asserting their own integrity, but based on three entirely different notions of selfhood. One can only speculate as to what this augurs for a future settlement to the country's conflict.<sup>70</sup>

### THE IDENTITY DEBATE IN SRI LANKA

In examining the national identity of Sri Lanka, we see that the image of the “nation” is based very much on constructing a Sinhala Buddhist image that is best represented through the symbol of the national flag. It is also the symbol that could visually illustrate the country's underlying problem of ethnic rivalry and compartmentalization,<sup>71</sup> where the Muslims are represented by a vertical green (Islamic) stripe, and the Tamils by a parallel orange (Hindu) stripe, while the Sinhalese majority (the “people of the lion”) are represented by a regal sword-wielding lion and four leaves from the sacred Bo tree under which the Buddha is reputed to have attained enlightenment.

Thus there are no unifying pan-Lankan symbols of national identity or citizenship, with the flag said to be the royal red and gold panel spanning two-thirds of the flag portraying the legendary lion ancestor (Sinha) of the Sinhalese people, their distinctive religion (Theravada Buddhism), and their sword-wielding precolonial political sovereignty over many parts of the island. The smaller, separate bloc of space on the left side of the flag that represents the minority Muslims and Tamils toward whom the Sinhalese lion brandishes his royal sword, in an interpretation of the “awareness of the danger” posed by the minorities to the majority.<sup>72</sup> What in fact the national flag represents is a virtual schematic of the island's ethnic divisions and a clear proclamation of Sinhalese Buddhist (ethnically specific) domination of the Sri Lankan state with two compartmentalized ethnic totems, which are small and religiously generic.

This author argues that the identity chosen based on the supposedly close ties among the country's majority Sinhalese population and their Buddhist religious beliefs, sowed seeds for the later conflict and proved problematic for minorities as it blurred religious-ethnic lines. Hence the conflict in Sri Lanka has been predicated on the continuous legitimacy over time not only of ethnic uniqueness but its

differentiation from the “other” while it is these “seeds” that pose a challenge for religious freedom in the country.

This particular religio-ethno-political identity that has come to define all ethnic communities of Sri Lanka has to be understood as part of the root cause of the conflict and a decline in religious freedom. Thus, it has to be factored in while developing any mechanism to move forward Sri Lanka’s reconciliation is a complex cocktail of political, social, economic, religious, and grassroots initiatives, which all have to be worked on simultaneously.

The current attacks on religious minorities is not necessarily about a decline of religious freedom due to a misunderstanding or intolerance of religion per se in Sri Lanka, although it is clear that there are tensions based on misconcepts of faith. The current climate we are seeing of anti-Muslim protests (and increasing anti-Christian sentiments) is largely more about the history and legacy of colonialism (particularly in the case of Christianity), intolerance toward it is largely based on its close relationship with colonial masters, and the favored status that Christians had under the colonial rule<sup>73</sup> and the concept of identity and the intolerance of another ethnicity (considered to be “foreign” to Buddhism) in Sri Lanka. Thus, the issue becomes more political, which needs to be unpacked a little bit more especially as we discuss “religiously clothed national identity” in Sri Lanka in the light of the increasing involvement of Buddhist monks in political activism.<sup>74</sup> With the help of Buddhism, it has been possible to generate a nationalist ideology of an exclusive kind which also legitimizes violence.<sup>75</sup>

This is important to consider because despite faith being rarely the issue or the root cause, the differing ethnicities of the two main protagonists of the conflict, the Tamil and the Sinhalese, ended up polarizing faith. It is a conflict that cannot be dubbed a religious war, but “it is a war in which religion is not innocent, a war in which religious people on both sides have supported violence as politically necessary and expedient”<sup>76</sup>, for example, Buddhist priests would bless government soldiers going off to war, while Tamil Christians were deemed to be supportive of the LTTE, and Muslims on the whole were the “third party,” often suffering as collateral damage.<sup>77</sup>

The roots of the conflict also go back to marked disparities between urban and rural areas<sup>78</sup>; limited income generation opportunities especially for those from the North and East of the country, particularly the Tamil community but also including the Sinhalese<sup>79</sup>; lack of adequate infrastructure outside the Western province; lack of a political space and opportunity to address concerns of minorities;

and other indicators of an elusive quality called “national identity” in a postcolonial era. It is this lack of a cohesive and comprehensive national identity that is one of the key contributing factors to the conflict.<sup>80</sup> It not only allows differing interpretations of past and present grievances to be perpetuated but the narrowness and animosity with which social identity keeps being defined and defended impairs efforts to imagine new possibilities. Thus insecurity about identity becomes manifested and projected onto others thereby justifying actions against the latter.<sup>81</sup>

In a post-independent scenario, with rising demands of the Tamil community for semi-autonomy in the face of discriminatory practices from the central government, this insecurity and complex has been transferred to the Tamils especially due to the latter’s close relationship with South India. As the end of the conflict has somewhat neutralized that threat, the transnational representation of the Muslim community (with its concept of the *Ummah*) has now signaled red flags for the insecure Sinhalese<sup>82</sup> who feel under threat by the links that Muslims have internationally and the “perception” of a new form of religious colonization. It is this fear that is now threatening the Muslim State relationship, which hitherto had been fairly cordial.

This rationale for the discussion of ethnic identity in Sri Lanka is perhaps more in line with the constructivist approach to the formation of an ethnic identity, which is viewed as a product of human actions and choices that are constructed, transmitted, and not genetically inherited from the past.<sup>83</sup> This is in keeping with the Weber school of thought, which looks at the social origin of ethnic identity based on a belief in a common ancestry,<sup>84</sup> thus not only leading to the formation of a community but forming under the right circumstances by appropriate political actions.<sup>85</sup> Hence political actors will construct both identity and problems in order to gain and hold power.

In doing this though, a sense of insecurity also emerges among members of a group when they feel that they are not only deliberately and systematically undermined by the dominant group in society but methodically targeted by the dominant group due to its ideas, beliefs, lifestyle and/or identity.<sup>86</sup> Thus there arises a mobilization against the “oppressors” in all available ways, theoretically both in nonviolence primarily by the moderate democratic leadership and violently by radical groups, if it thinks the former’s strategies make no sense to win its rights,<sup>87</sup> a scenario that has played itself out in Sri Lanka. This is what we have seen with the rise of the LTTE among the Tamils.

## THE POLITICS OF THE MUSLIMS

Though the political identity of the Muslim was formed on the “anvil of Portuguese religious persecution of them as ‘Moors,’”<sup>88</sup> it was only under the British colonial regime in the late nineteenth and early twentieth century, in response to the prevailing British colonial model for categorizing and representing indigenous Ceylonese by “race” in the census and on the appointed Legislative Council, that the Sri Lankan Muslim elites energetically constructed their “racial” identity as Arab descendants.

The relationship between effectively the state and the Muslim minority community starts from the initial discussions on the ethnic identity of the Muslims in Sri Lanka that cropped up in 1885 during the period of Ponnambalam Ramanathan, a leading Tamil elite who had a social and political base in the Tamil-dominated Jaffna. He argued that Muslims are ethnically Tamils who had been converted to the Islamic faith.<sup>89</sup> This led to the historic Ramanathan-Azeez debate in which the latter argued that the Moors of Ceylon (as Sri Lanka was known then) were of Arab origin and therefore racially distinct from the Tamils who claimed to originate from South India.<sup>90</sup>

Thus the contention of Azeez and those that followed were that Muslims were different and deserved different recognition to the Tamils. What makes Muslims of Sri Lanka unique from their Indian Muslim counterparts (particularly those that are in Tamil Nadu, South India, that share common linguistic and cultural traits with Sri Lankan Muslims) is the strong desire of the former to strictly identify themselves as a distinct ethnic group that is founded on religious and cultural identity<sup>91</sup> in sharp contrast to Tamilnadu Muslims who describe themselves as ethnic Tamils who follow Islam. Thus the construct of the Sri Lankan Muslim identity as a separate ethnic representation is essentially a political one for political reasons in terms of its relationship initially with the colonial state. In particular, it was done to allow for individual representation on the legislative council. The British Governor A. H. Gordon accepted the Muslim demand for Muslim representation in the expanded legislative council, despite opposition by Ramanathan, and appointed MC Abdul Rahuman to represent Muslims at the council in 1889.<sup>92</sup> As soon as the Muslim elite gained state legitimacy for a Muslim identity, they negotiated with the British authorities to introduce laws to regulate Muslim marriages through the Mohammedan Marriage Registration Ordinance (No. 8 of 1886 and No. 2 1888).<sup>93</sup> Interestingly, Ramanathan helped Muslims in the 1890s in their attempt to win exclusive law for Muslims pertaining to marriages.<sup>94</sup>

However, the concept of Muslim representation in Sri Lanka has evolved into theological and ideological formations on top of political representations. This political expression of Muslim identity, faith as an identity and community galvanizer, has also meant a blurring of the boundaries with a Muslim identity based on a theological construction, faith as a moral marker.<sup>95</sup>

From the 1940s with the creation of countries like Pakistan onward through to the 1970s, as a result of the Iranian Revolution, the global Islamic reformation and renaissance also helped to develop the religiosity of the Sri Lankan Muslim identity. This was helped in part by religious movements such as the Jammathi Islami and Tablighi Jamaat who played very positive roles in uniting Muslims under an Islamic umbrella but tacitly supported by the political elites to give political weight to a largely constructed political identity.

It is this that provides a challenge not only to the state but also to the rest of the country, with respect of the classification and representation of the Sri Lankan Muslim as an ethnic identity. The definition of Muslim does not relate to an ethnic representation but to a religious connotation of someone who has “become comfortable with the teachings of Islam and following them in every aspect of life.”<sup>96</sup> Thus in Sri Lanka the concept of an ethnic “Sri Lankan Muslim” is slightly misleading and confusing as it ascribes a homogeneity beyond just religious practice to cultures, traditions, experiences, and language, which is made difficult by the heterogeneous nature of the geographical location of the Muslim community in Sri Lanka, which will be discussed in more detail below. In addition, the homogeneity of “Muslim” as an identity has a global significance in terms of an affiliation with fellow believers around the world in what is known as the *Ummah*, which is essentially a community that developed in the process of following Islamic Law.<sup>97</sup> While this particular theme will be developed below and other chapters, it is just important to note that the discussion of *Ummah* is an intellectual predicament of the Muslim world that finds itself often at odds with the concept of nationalism or the nation-state.<sup>98</sup>

This duality construct of a “Muslim” identity thus becomes a challenge for the Sri Lankan Muslim community as they profess their Sri Lankan identity (and sense of belonging). This scenario is made even more difficult by the fact that they are considered to be relatively “new comers” to the island tracing their history back to about thousand years unlike the Sinhalese and Tamil prehistory that can be traced back to at least the first millennium BCE.<sup>99</sup> However “there

are plenty of archaeological and historical records which have been unearthed in recent times, all of which establish the fact that the Muslims of Sri Lanka are as indigenous to its soil as the Sinhalese and Tamils.”<sup>100</sup>

However, the Tamil leaders, particularly the Tamil militants, rejected the separate identity of the Muslims and called them *Islamiyath Thamizhar* or Islamic Tamils. Ameer Ali maintains that such a Tamil reflection is in line with the Ramanathan theory recovered “from the graveyard of 19th century history.”<sup>101</sup> However, continuous Tamil indifference toward the Muslims was one of the reasons why sections of the Muslim political leadership opposed the Tamil nationalist struggle for political autonomy and still uphold the Muslim identity based on the Islamic faith.

Since Muslims are scattered all over the island, the Muslim elite found it difficult until the middle of the 1980s to form an ethno-religious political party.<sup>102</sup> In fact, Muslim constituencies in Southern Sri Lanka demanded neither a separate party for the Muslims nor did they have nationalist-oriented political demands. All they wanted was a smooth coexistence with the Sinhalese to stabilize their commercial interests. This explains their traditional support to the United National Party (UNP), which believes that economic miracles can be wrought through liberalization. Consequently Muslims, with their political support for the Sinhalese-dominated major parties, gained some socioeconomic as well as political concessions from successive ruling parties.<sup>103</sup> In return for Muslim support, Sinhala-dominated political parties offered concessions such as the establishment of segregated schools only for Muslims in the areas where a visible Muslim presence had become salient; a training college for Muslims who would like to become teachers to teach Islam and Arabic. However, it is no secret that through such generosity the Sinhalese elite advanced their own interests such as (1) winning Arab economic and military support and (2) keeping the Muslims on their side against the Tamil struggle. According to Ameer Ali, the Arab countries in 1980 contributed a total of Rs. 317 million to the country’s foreign assistance receipts that year,<sup>104</sup> becoming the leading importer of Sri Lankan tea in terms of both volume and value. Ali also argues “between 1978 and 1980 nearly 75,000 Sri Lankans migrated in search of employment abroad, and of these the majority went to the Middle East.”<sup>105</sup> This number is perhaps now higher and in some circles expatriate remittances is reputed to be one of the highest contributors to Sri Lanka’s GNP.

Besides economic and military factors, political reasons also explain why successive governments in Colombo are so accommodative toward the Muslim community. They were well aware of the negative consequences of Muslims joining the Tamil struggle against the Sri Lanka state. Thus to wean away Muslim support to the Tamil struggle and to get Muslim votes at subsequent elections, demands of the Muslim political elites of that time were rarely turned down.

### THE MUSLIM IDENTITY IN SRI LANKAN POLITICS

What is of a key concern to the Muslim community in Sri Lanka is the issue of its identity vis-à-vis the identity of the Sri Lankan nation. As Guibernau states, national identity is usually based on:

1. The construction and dissemination of a certain image of the “nation”
2. The creation and spread of a set of symbols and rituals
3. The creation of common enemies<sup>106</sup>

This constructivist approach as described above aptly describes how because of Sri Lanka’s ethno-nationalist identity politics, the Muslim community, led by the political elites, have also been forced to define themselves as an “other” that is neither Sinhala nor Tamil and one that is largely based on Islam as a faith to maintain this distinct group identity mainly from the Tamil community.<sup>107</sup> As Nuhman states, “the Muslim identity is a reactive politico-cultural ideology that has been constructed and developed in relation to and as a response to Sinhala and Tamil ethno-nationalistic ideologies.”<sup>108</sup>

It can be said that the central innovation in the period leading up to independence in 1948 was not the bifurcation of Sinhala versus Tamil political identities but the development of “the political separation of the Ceylon Moors as a distinct ethnic group from the larger Tamil-speaking community” to ultimately distance the Muslim community from the characteristic Dravidian linguistic chauvinism.

What history shows is that the Muslim political elites of the South used this development to cooperate with the Sinhalese political parties, which formed the successive governments since independence to win and consolidate their interests.<sup>109</sup> While the Sri Lankan government’s enthusiasm to accommodate Muslim demands helped them in their quest for a separate identity<sup>110</sup>; it is no surprise that the

continuous Tamil indifference toward the Muslims and the strained political relationship between the two communities since the end of the nineteenth century, was the real catalyst for why sections of the Muslim political leadership opposed the Tamil nationalist struggle for political autonomy and developed the full expression of political identity as an independent community.<sup>111</sup>

This reaction that was born at the start of the twentieth century became more mature as a consequence of the ethnic strife. The “composite Islamic identity” that has been developed not only promotes and promotes Muslim cultural and religious life but also envelopes a passion for socioeconomic advancement and social recognition.<sup>112</sup> What this means is that the situation today is that the Muslims are the only Sri Lankan ethnic group bearing a religious rather than a linguistic, ethnic, or racial name, that is, faith is not only a theological marker (a moral motivator) but also an identity marker (a communal galvanizer), which means there remain tensions and fault lines along racial and religious lines. In defining themselves as such, their identity has been developed not only based on ethno-nationalist tendencies but also from a theological and spiritual basis. This has caused some tensions of manifestation and representation especially in trying to navigate the heterogeneity that naturally exists within the Muslim community in Sri Lanka on an ethnic and demographic basis,<sup>113</sup> with the homogeneity that is being developed as a discourse on pan-Islamic basis that seeks to discuss the concept of the global Islamic community or *Ummah*.

It is this homogeneous element that is being seized upon as a negative trend in the sense that the “Islamization” of Sri Lanka opens the door for extremist tendencies and is now affecting Muslim-State relations in the country.<sup>114</sup> This is also being echoed by the very extreme elements within the Sinhalese and Tamil communities who have used the global language of Islamic extremism to criticize and justify a potential suppression of the Muslim community. While it may be true that the potential is there for extremist or severe conservative attitudes to prevail as in any other religion, I would like to argue that the “Islamization” of Sri Lanka in its true and pure form could in fact be a positive force that could lead to reconciliation. The heterogeneous diversity (both in terms of regional demography and local subcultures) though of the Muslim community is an important factor in the development of a national identity for the country especially as in its purest form, unlike the other communities, it is traditionally bilingual partly because of their ubiquitous presence and trading and commercial interest.



However as we have seen this has not necessarily been an advantage to the community as at different times in history, they have been in conflict with both Tamils and Sinhalese, which has also not been helped by the political naivety and expediency (on the part of the Muslims). The seemingly duplicitous nature of the Muslim politicians (and by extension, the Muslim community) has meant that both the Sinhalese and Tamil leadership view them as highly suspicious and opportunistic.

This blurring of the boundaries has also meant that being identified as Muslims, rather than Moors, has placed them in a religious category beyond the Sinhala–Tamil ethnic and linguistic binary leading to other underlying challenges facing the identity politics of the Muslim community in particular the relationship with the other religions in Sri Lanka. For example the celebrated Sri Lankan Buddhist revivalist of that time, Anagarika Dharmapala, was a leading campaigner against Muslim presence in the country. To him Muslims were “‘aliens’ and ‘foreigners’ and deserved to be expatriated to Arabia,”<sup>115</sup> as it was felt that there was a threat to the existence of Buddhism in the country. Thus, the Muslim identity became and still remains a challenge as two-thirds of all Muslims live and work in Sinhala-majority parts of the island, where Muslim business people and professionals are aware of the potential for Sinhala animosity.<sup>116</sup> One can not underestimate this antipathy toward the Muslim community on the part of the majority Sinhalese Buddhist community, as incidents in 1915 and others throughout the twentieth century have not only displayed the outright hostility but also have been manifested in the formation of a political party formed by Buddhist clergy called the *Jatika Hela Urumaya* (JHU, or National Heritage Party) that represent the most xenophobic wing of the Sri Lankan Buddhist monkhood.<sup>117</sup>

### UNDERSTANDING THE SRI LANKAN MUSLIM CONGRESS (SLMC)

O’Sullivan (1999) states that in the context of ethnic competition, the composite Muslim identity developed into a political force with demands for “Muslim Rights and Muslim development.” Thus the situation would become even more complicated with the founding in 1981 of the political party, Sri Lanka Muslim Congress (SLMC), in direct response to Muslims in the North and East feeling vulnerable to and seeking protection from Tamil Tiger violence and extortion.<sup>118</sup> This was an issue that was largely ignored by Southern

Muslim politicians who were practicing the politics of accommodation with the main Sinhalese political parties. The emergence of the SLMC centered in the Eastern province provided an anomaly in Muslim political representation, by challenging the strategies of the Colombo-based Muslim political elite through explicitly promoting the interests of the Muslim community as a whole, attempting to cohabit with the Sinhalese polity,<sup>119</sup> developing the concept of a separate “other” and eventually posing a “Muslim nationalist threat to the Sinhalese and the Tamils.”<sup>120</sup> The SLMC also prided them on invoking a religious identity on top of the evolution of an ethnic identity,<sup>121</sup> which meant that this shifted the center of Muslim leadership to the east.<sup>122</sup>

Though the key policy issues for the SLMC were to do with security and peace in the North and East of the country, especially in guaranteeing the livelihood and security concerns of Muslim farmers and fishermen in the northeastern war zone,<sup>123</sup> it also attempted to address the needs of Muslims living in close proximity to their Sinhalese majority neighbors in the dense urban areas of the island’s southwest. Thus the difference from other communities was that the SLMC effectively encouraged Muslim nationalism through religion, while other ethnic communities did it by language.<sup>124</sup>

By articulating a vivid religious identity fused with geopolitical issues, it was not long before the Muslim urban elites of the Southwest (who had previously controlled the political representation of the Muslim community) were expressing concern about the potential of antagonizing relationships with the Sinhala majority community, especially when the SLMC started to put forward in 1990, a proposal for a Muslim Self-Governing Region (MSGR) as a means of guaranteeing the safety and rights of Muslims in the Northeast.<sup>125</sup> It was this proposal for a separate Muslim “homeland” in particular that prompted the Southern Muslims to oppose the SLMC for fear that there would be a Sinhala backlash.<sup>126</sup>

By developing this counternarrative of a separate and distinct Muslim nationalist identity, it is also thought that this put the Muslim community on a collision course with the LTTE, which could explain their changing attitudes toward the end of the 1980s,<sup>127</sup> especially in the increasing attacks in the east as well as the expulsion of Muslims from the north. Though very little information has emerged on the thinking behind the LTTE’s anti-Muslim pogroms and expulsions in 1990, it was obvious that these incidents did not happen in a political vacuum.

Although many such as McGilvray, Ali, Imtiyaz, and the ICG believe that the LTTE's anti-Muslim violence in 1990 was a natural consequence of the exclusivist politics of Tamil militancy and an expression of deep-seated Tamil ethnic chauvinism unleashing collective punishment for Muslim collusion with the state, it is clear that the emergence of the SLMC seriously undermined the LTTE campaign for exclusive political control in the region.<sup>128</sup> "There seems to have been a concern on the part of LTTE leaders that Muslims would act as a fifth column against the insurgency in the north and east."<sup>129</sup>

It does appear that the increasing militant threat as the LTTE strengthened their hand amidst a weakening influence from Muslim politicians in the mainstream political parties, meant that the SLMC emerged as a party providing a "political voice and leadership" to Sri Lanka's Muslim community.<sup>130</sup>

At this stage, it would be helpful to also articulate the position of the SLMC when it comes to the concept of nationalism and Muslim issues in the country. The constitution of the SLMC includes references to the fact that "The Holy Qur'an and the traditions of the Holy Prophet shall be the supreme guidelines of the Party,"<sup>131</sup> but also talks about upholding and honoring the principles of democracy, the fundamental human rights of the people of Sri Lanka, and recognizing and respecting the distinct linguistic, cultural, ethnic, and religious identities of the communities of Sri Lanka.<sup>132</sup>

This does indicate that the SLMC as an Islamic political party was not initially seeking to create a new Muslim state within Sri Lanka or with the wider Muslim Ummah in focus. Although the party manifesto pledged a platform based on "Islamic principles," it was more to do with conveying honesty and incorruptibility than anything more detailed like an Islamic state.<sup>133</sup> Thus the SLMC is unique in the sense that though they wore the badge of Islam on their sleeves and claimed to be influenced by the Qur'an and the traditions of the Prophet, they were in fact another ethnic nationalist party fighting for the rights of their constituents within the confines of the State. Its stand was mainly to create their politics from a nationalist point of view within the framework of the nation-state of Sri Lanka, and within the context of the ethnic confabulation of the conflict between the Sri Lankan government and the LTTE. This is in fact a very unusual scenario in terms of a Muslim political party, formed very much in the same guise as other well-known Islamist parties, supported by religious foundations yet calling for nationalism and accommodation within a non-Muslim state.

This goes against the thinking of many who feel that Islamist or Muslim political parties are a threat because of the fact that their ultimate motive is to create the Islamic state or reunite the Ummah under a caliph while upholding Islamic religious issues. In the case of the SLMC, in terms of religious issues, their position would typically seek to preserve the status quo without demanding the radical changes that would appeal to ultra-conservative or ultra-progressive Muslims.<sup>134</sup> Having said this, there are however some anomalies concerning the SLMC and their makeup. While they cultivated ties with local mosques to increase voter mobilization, during election campaigns Muslim ritual invocations and prayers were intensified, and they also involved themselves with aspects of Sri Lanka's Muslim personal law.<sup>135</sup> While respecting the distinctiveness of the diversity of Sri Lanka's communities within a united Sri Lanka, they also promoted the preservation of *Shari'a* law and the adoption by members and general Muslims of the entire code of *Shari'a* law in their private and community life.<sup>136</sup>

Another anomaly is that though the SLMC called for national unity, keeping the nation intact and developing a national identity and not about a separate state, their calls almost simultaneously for an autonomous administrative state for the Muslims in the east was a stark contrast.<sup>137</sup> This confusion also extended to its discourse on issues to do with jurisprudence and laws where they talk about adopting the laws of the country but also preserving the entire law of *Shari'a*.<sup>138</sup>

It is this confusing shift between religious and political rhetoric that is not only problematic for Muslim identity within Sri Lanka but has also led to confusion with the other communities. However, by stressing on Islamic principles and focusing on the minority politics of the Muslim community especially the security of the community in the east, the SLMC had a lot of success in the first 20 years of its existence.<sup>139</sup> By the start of the twenty-first century, with the death of its charismatic founding leader, the SLMC found itself splintered with internal disputes on its national agenda and the organization would fail to exert its level of influence that it had previously.

For example, following the ceasefire agreement of 2002 (when the SLMC tried to secure an official Muslim seat for the party at the ensuing peace talks) and the Indian Ocean tsunami that struck in 2004 (when the SLMC sought to intervene on behalf of the devastated Muslim communities along the eastern and southern coasts), in both instances, the Sinhalese and Tamil ethno-nationalists largely ignored their demands.<sup>140</sup>

## CHALLENGES FOR MUSLIM POLITICAL LEADERSHIP—A SKEWED MODEL FOR MUSLIM DEMOCRACY

So where does this leave the challenges for Muslim political leadership and representation? How does one explain the behavior of Sri Lankan Muslim politics?

While it might be easy to dismiss the behavior as purely self-interest in the wake of the Muslim politicians to extract benefits or commercial opportunities (not only for the community but also personally in the form of ministerial appointments), it is also equally safe to say that these were just pure political moves by Muslims as a path of least resistance in the context of the Sinhala-Tamil schism in the country.<sup>141</sup>

However, it became apparent in the early 1980s that this system of accommodative politics was proving to be a detriment especially for the East and North Muslim communities. The circumstances of community security prompted a rethink of the Muslim engagement vis-à-vis politics especially with the emergence of the SLMC promoting the interests of the Muslim community as a whole but also focusing on the security and well-being of the Muslim community in the north and east. This rethink has not only meant a further division in political aims and motives but has meant that a single “Muslim agenda” that can unify the entire Muslim electorate in the island has proved impossible for the SLMC (or any other breakaway Muslim political parties or politicians) to forge.

The SLMC experience could be interpreted as one of the early models of “Muslim Democracy,”<sup>142</sup> which is the phenomenon of political traditions that integrate Muslim religious values—drawn from Islamic teachings on ethics, morality, family, rights, social relations, and so on—into political platforms designed to win regular democratic elections. Certainly the early pronouncements and agenda of the SLMC points to this model, however this is where the comparison then ends.

The concept of “Muslim Democracy” is sounder for Muslim-majority countries where the concepts of Islam and democracy need to interact and there is no discrepancy about the identity (either ethnic or faith) of the constituent members.

It therefore does not fully give justice to the whole predicament facing the Muslim community in Sri Lankan politics. I feel that to understand this, one has to go deeper into the roots. By identifying themselves as Muslims, the Muslim political elites (from the south

and subsequently from SLMC) played on blurring the distinctions between faith as a theological marker (i.e., a moral motivator) and faith as an identity marker (i.e., communal galvanizer). By deliberately blurring these lines, they were able to utilize it to serve their own interests to the detriment of their community. For example, it is the concept of the homogeneity of the Muslim community, through the concept of the Ummah or the moral motivator, that Muslim political elites played on when they pushed for Muslim schools or rights for the community, but they failed (especially those from the south) in realizing the heterogeneous nature of the community, or the communal galvanizer, with regards the threats to security and livelihood facing the Muslims in the north and east.

As such there has been a lack of clear articulation and policy instead choosing to move between both notions as and when circumstances provided. This is a mistake because had they understood their moral motivation properly and looked within Islamic teachings to provide solutions, they would have been able to provide alternatives for communal galvanization as well as helping to bridge the schism within Sri Lankan society. Fed with the moral motivation for justice and peace, they could have used their heterogeneous diversity to ensure that a bridge between the communities could have been built. Instead of focusing on this strength of their theological construct to articulate issues of deep meaning, they instead chose to focus on theological issues of a superficial nature such as issues of worship or law while choosing to develop a separate political identity.

In the wake of rising religious consciousness by the Muslim community and by neglecting the necessary theological discussions necessary for developing identities, and contextualizing faith and failing to provide leadership in articulating this, their sole aim of developing a separate identity has fallen prey to the global malaise afflicting Muslims, which is the push for a “pure” Islamic identity based on a theological construct but taking the identity of a global community/race, neglecting local contexts and cultures. This is a new phenomenon within Islamic teachings and history because there is no such thing as a pure community identity. There are different manifestations of Islam and Muslim communities united with a pure theological marker, of which the latter is mistaken to be the identity. It is this that is now causing global concerns and issues of the rise of “conservative” Islam.

By pushing for a new political identity, what has happened is that the doors have been opened for discussions on a religious identity that is not only foreign to Sri Lanka but fails to take into account local

contexts and cultures, making any future discussion of postconflict reconciliation even more challenging, as people feel that the Muslim community is more isolated (linguistically, culturally, and socially) than before.

Thus the question remains: Can a Muslim Democratic Party exist in the situation of a minority where the faith identity also becomes an ethnic identity? The experience from Sri Lanka is that such a scenario is very difficult.

### CURRENT SINHALA-BUDDHIST MOBILIZATION AGAINST THE MOORS

The end of war in Sri Lanka against the LTTE in May 2009 generated an aspiration for peace at the popular level among Sri Lankans. Though there was some progress with regard to de-escalation of tensions between the conflict-ridden communities in Sri Lanka in the forms of resettlements, rehabilitation, and economic development, much still needs to be done with regards community reconciliation and establishing a political solution that will meet the aspirations of the minorities. In particular, the emergence of anti-Muslim rhetoric and action by Sinhala-Buddhists groups, who want to launch campaigns of extremism among Muslims, threaten the future of community trust.<sup>143</sup> The campaign both online and on the ground has taken place “in multiple forms, ranging from calls to boycott Muslim companies and halal products, to protests outside Muslim owned retail outlets and the Bangladeshi Embassy to protest against violence in Bangladesh against Buddhists.”<sup>144</sup> The campaign against the Muslims have attracted significant numbers both from urban areas such as Colombo, Galle, Gampaha, Kalutura, and nonurban Sinhalese. Interestingly, anecdotal evidence points to a significant portion of the members and supporters of such groups hailing from the middle and upper classes. Such classes have a decent education and generally have well-paid professional jobs, which indicates a change in the relationship between the State and the Muslim community. They remain part of the government as well.

It is important to note that though hate campaign against the Muslims were and are orchestrated by Sinhala-Buddhists who are either members of such extremist groups or sympathize with the Sinhala-Buddhist politics that would seek Sinhala and Sinhalese-only Sri Lanka, most of the local Sinhala Buddhist residents of areas where these demonstrations have been taking place, clearly disapprove of the demonstration and did not in anyway participate or encourage

it. “They were however unable to do anything constructive to curb it because of the “inactive” Police and the belief that it was being sanctioned at high levels.”<sup>145</sup>

It is also important to note that while the Muslims have been the main target of the violence, there has on the whole, a rise of violence against different religious sites and members of different religious communities, with a number of incidents including mob attacks on places of worship; robberies and vandalism; the killing of clergy; protests against communities and the proliferation of hate speech on social media, the Internet, and via the audio—visual media.<sup>146</sup> Unfortunately despite these high-profile cases such as the attack on a mosque in Dambulla in the east of Sri Lanka in 2012,<sup>147</sup> there have been many more incidents that have received little or no attention, either locally or internationally.<sup>148</sup> Of the accounted reports, there are 65 cases of attacks on places of religious worship with all the minority religious communities bearing the brunt of the violence, the majority being from the Christian community (mostly against the nontraditional churches accused of forced conversion), Buddhist temples from the non-Theravada sect, Hindu places of worship, and now increasingly from the Muslim community.<sup>149</sup>

## CONCLUSION

There had been a close political relationship between the state and Muslims in particular in Sri Lanka, with the provision of state concessions to Muslim leaders who supported successive Sri Lanka’s ruling classes from independence through to 2009. However, with the emerging clash with Islam, this relationship between the Muslim community and the state has become strained.

It is clear that the Sri Lankan Muslim community is at best a complex mix of different ideologies and thoughts processes. The logic of mobilization should be easy to understand: when the mainstream polity denies fairness to a particular group or by taking a position of upholding exclusive status to a particular group, there is more likelihood that a section of the society would lose the trust in the system.<sup>150</sup>

As a third party to the conflict the Muslim community have been transformed under its influence and forced to define themselves and seek their own discourse. However this has also meant that there has been an element of naivety in how they have conducted themselves trying to forge their own identity, in particular with the simultaneous combination of balancing the combination of external ethnonationalist rivalries with the internal Islamic doctrinal conflict, that



is, how does the community defend itself against hegemonic actors while avoiding a global Islamist agenda?<sup>151</sup> Muslims have struggled and continue to struggle to articulate their grievances from the conflict in a manner that is conducive to maintaining confidence with the other two parties and in a manner that perhaps changes the current misconceptions regarding Muslims' place in the conflict.

Muslim-State relations are now also under some threat as a result of the current scenario. While there is understandably fear and anxiety among Muslims, there is also uncertainty as to where the recent political mobilization by the Sinhala-Buddhist extremist groups will lead. The point is that the government of Sri Lanka has appeared to fail to arrest the campaign against Muslims. Thus the Muslim State relations remain tense.

The Muslim community cannot be ignored nor marginalized (by either the Tamil or the Sinhala polity) when considering the future of Sri Lanka in a postconflict scenario. However the role that they carve out for themselves is dependent on them seeing themselves as part of a national solution, not an additional problem. This comes back to the fact that they need to articulate a comprehensive platform and identity (based on their Islamic principles of ethics) that takes into consideration the whole community and country.

Their part in reconciliation and forgiveness (based from their Islamic references) is vital. However they cannot afford to be politically naive and need to develop a sophisticated argument and agenda. Because of global concerns about the rise of conservative Islam it is easy to conflate terminology and ideology with radicalization, violent extremism, and potential conflicts. Already it is suspected that unemployment, frustration and Tamil violence as well as the inability of the Muslim political representations to fix the problems of the Muslims of the East could have motivated some Muslims to adopt violence and become a "security threat."<sup>152</sup> With funding for Islamic reform groups largely coming from the Middle East, it just increases the suspicion and scrutiny on the Sri Lankan Muslim community.

The Muslim community thus find themselves in the unenviable position of being caught between a rock and a hard place. Undoubtedly their future prospects could be similar to their past experience, but the past should not negate greater aspirations for the future. Muslim politicians have made mistakes in reacting and developing a separate identity. Their naivety and quest for political representation obscured the gains that could have been made for their community and the country at large. Coupled with the now rising religious consciousness of other parts of society, which confuse religious and ethnic identity,

there are real challenges for representation and identification. Had Muslims approached it differently, fed by their spiritual and theological responsibility, as opposed to obsessing about rituals and practice, they could have made a difference. However, there are still opportunities where the very principles and references of their religious identity can be used to articulate solutions for bringing communities together in Sri Lanka. They can bridge gaps between communities, and fed by their faith, religious teachings can proceed into reconciliation and peace building.

#### NOTES

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  34. An ethnic (linguistics) group that originated from lower Sindh near the Indus delta region. They are well-respected Muslim entrepreneurs, philanthropists, and humanitarians in the Indian subcontinent and elsewhere. Memons are, generally, well known for being honest, hardworking, and innovative that contributed greatly to their commercial success. Beginning of nineteenth century, a mass settlement of Memons began throughout India, and a few decades later they also emigrated beyond its borders, chiefly to the countries of the Indian Ocean basin. By the end of the nineteenth century, rich communities of Memons were appearing in the ports of the Red Sea and the Persian Gulf, in Ceylon, Burma, and East South Africa. By the end of nineteenth century, a sizeable Memon community was reported to have entrenched itself in East Asia. Memons have also established themselves in the Republic of Mauritius.
  35. This is the main branch of the Bohra, a Musta'li subsect of Ismā'īlī Shī'a Islām. While the subsect is based in India, the Dawoodi Bohra school of thought originates from Yemen, under the guidelines from Fatimid. This small and unique community is made up of approximately 1 million Dawoodi Bohras worldwide. Dawoodi Bohras have a unique blend of cultures, including Yemeni, Egyptian, African, and Indian.
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47. For example, it is not uncommon for many Muslim families from the central part of Sri Lanka to have Sinhalese names as well in their family names which through generations have become lost.
48. Rogers, "Historical Images in the British Period," in J. Spencer (ed.), *Sri Lanka*.
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51. P. Grant, *Buddhism and Ethnic Conflict in Sri Lanka*, State University of New York (SUNY) Press, Albany, 2009.
52. Nissan and Stirrat, "The Generation of Communal Identities," in J. Spencer (ed.), *Sri Lanka*.
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54. R. Gunawardana, "The People of the Lion: The Sinhala Identity and Ideology in History and Histiography," in J. Spencer (ed.), *Sri Lanka: History and the Roots of the Conflict*, London: Routledge, 1990.
55. Nissan and Stirrat, "The Generation of Communal Identities," in J. Spencer (ed.), *Sri Lanka*, p. 27.
56. Ibid. p. 27.
57. Rogers, "Historical Images in the British Period," in J. Spencer (ed.), *Sri Lanka*.
58. Ibid. p. 90.
59. Ibid.
60. Bush, *The Intra-Group Dimensions of Ethnic Conflict in Sri Lanka*, p. 34.
61. Rogers, "Historical Images in the British Period," in J. Spencer (ed.), *Sri Lanka*.
62. These Sinhalese elites were adequately supported by other minority elites such as the Muslims who were keen on retaining their political independence, legitimacy and religious privileges (Ismail 1995)
63. Rogers, "Historical Images in the British Period," in J. Spencer (ed.), *Sri Lanka*.
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65. Ibid.
66. The portrayal of "the Sinhalese Buddhists" as an underprivileged group had a certain basis in fact in that, under British rule, governmental patronage had favored Christians, particularly those converted to the Anglican faith.
67. Gunawardana, "The People of the Lion: The Sinhala Identity and Ideology in History and Histiography," in J. Spencer (ed.), *Sri Lanka*, p. 76.
68. Ibid. It is interesting that this narrative was changed according to circumstances. In some cases, it was necessary for the concept of Sinhala nationalism to consider both Buddhists and Christians. But in other circumstances, the more traditional Sinhalese elites, many of whom were Christian, were portrayed as being too conservative and subservient to the British to provide the leadership the island needed. Thus, narratives by the middle class were used to justify historical images to set itself apart from the British, the poor, and the traditional élites, and to assign itself the role of leading Sri Lanka into the new age of progress. Rogers, "Historical Images in the British Period," in J. Spencer (ed.), *Sri Lanka*.
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# Religion, Nationalism, and the Rohingya's Search for Citizenship in Myanmar

*Samak Kosem and Amjad Saleem*

## INTRODUCTION

Since Myanmar has been welcomed into the international fold in late 2011, following some initial steps toward democratic reform, it has been beset by a wave of religious violence in recent times between Buddhists and Muslims, with the Rohingya community generally on the receiving end.<sup>1</sup> The recent wave of violence erupted among Buddhists and Muslim in Meikhtila city during March 2013, following a wave of violence between Rohingya Muslims and the Arakan Buddhists in 2012. These incidences of violence call into question the commitment of the Myanmar government in guaranteeing democratic and religious freedoms and truly embracing the spirit of multiculturalism. The roots of this Buddhist-Muslim violence is multifaceted, including political, security, and historical factors. However, one of the key bones of contention regarding the Rohingya is the notion of citizenship. These issues continue to facilitate outbreaks of violence that threatens the delicate religious balance in the country, with the potential to escalate and spill over across the Asia region.

Muslims are a significant minority religious group in Myanmar, while Buddhism is the main faith allied very closely with the main Myanmar ethnicity. One of the main Muslim ethnicities is the Rohingya Muslim community based in the northwest of Myanmar, in Arakan state. The community is designated by the international community as one of the most oppressed people in the world. In

Myanmar, Rohingya are not accepted as nationals because they are considered illegal immigrants or because they are classified as being Bangladeshi because of their similar cultural and physical characteristics that they share with Bangladeshis. However, the Rohingyas are not generally illegal immigrants. The ancestors of the Rohingyas settled in the Arakan region between the fourteenth and eighteenth centuries, when the Arakanese city of Mrauk U, at its zenith of power in the seventeenth century and a key trading hub in Asia, was being ruled by Muslim sultans.<sup>2</sup> This was long before the main wave of Indian immigrants arrived in Burma after it was conquered by the British in the nineteenth century. By the 1930s, the new Indian arrivals were the majority in most of the big Burmese cities and dominated the economy. Modern-era Muslim political participation in Arakan state itself goes back to the 1930s. The Japanese invasion of Burma during the Second World War drove out most of those Indian immigrants, but the Burmese fear and hatred of “foreigners” in their midst has remained, and this has been turned against the Rohingyas. They were targeted mainly because they were perceived as “foreigners” but also due to the fact that they were Muslims in an overwhelmingly Buddhist country.

While Muslims in Burma generally face social and political discrimination, policies implemented during the time of General Ne Win in the 1960s, led to the denial of Burmese citizenship to the Rohingya population in 1982. The Rohingya of Arakan were poor farmers, just like their Buddhist neighbors, and their right to Burmese citizenship was unquestioned until the Burmese military seized power in 1962. This takeover by the army included attacks against the Rohingya community, which drove some 200,000 of them across the border into Bangladesh in 1978. The military campaign featured widespread killings, mass rape, and the destruction of mosques. Another military campaign, which took place in 1990 and 1991, drove a further 250,000 Rohingyas into Bangladesh.

The military dictator of the day, Ne Win, revoked the citizenship of all Rohingyas in 1982 and justified their expulsion and ill treatment by labeling them as “illegal Bengali immigrants.”<sup>3</sup> This denial of citizenship has had repercussions on the Rohingya such as restrictions on freedom of movement, being banned from owning land, control of marriages, being subjected to various forms of extortion and arbitrary taxation, land confiscation, forced eviction, and house destruction.<sup>4</sup> Recently, a two-child rule has been forced on Rohingya Muslims.<sup>5</sup> In sum, they have been deprived of their rights in economic, political, and social terms.<sup>6</sup> Subsequently, they have been described as “one

of the world's most persecuted minorities."<sup>7</sup> The legal restrictions reflects an outright hostility by some senior figures in the Myanmar government—for example, Myanmar's current representative to the UN, Ye Myint Aung, once described the Rohingya as “ugly as ogres” and should not be described as being from Myanmar.<sup>8</sup> The Northern Arakan state, where the majority of Rohingya reside, is now virtually an open prison where foreigners are barred from entering, and the Rohingya are subject to a system of travel permits that controls their movements. As a consequence of this, it has become difficult for anyone to officially engage with the Rohingyas, including the international community. Furthermore, in June 2014, it was alleged that UNICEF had to apologize for using the words Rohingya during a meeting with the Myanmar Minister for Border Affairs and Security Colonel Htein Linn.<sup>9</sup>

Rohingyas who crossed into Bangladesh over the past three decades have been living in poor conditions in camps along the border. The unofficial refugee camps have no running water, drainage, or health facilities, leaving the refugees in poverty without any source of aid or intervention. It is estimated that that up to 300,000 Rohingyas now reside in Bangladesh, a country that also sees them as illegal immigrants from Myanmar and denies them citizenship.<sup>10</sup> Facing poverty, misery, and human rights violations in Myanmar, thousands of Rohingya Muslims are trying to escape this harsh reality and risking their lives by accepting assistance from human traffickers (as a stateless people they have no legal documents). They are sailed across the Bay of Bengal toward Malaysia and Australia but ultimately end up abandoned at sea.<sup>11</sup> Most end up as illegal immigrants in Malaysia or Thailand.<sup>12</sup>

Malaysia is a top destination for the Rohingya partly due to its Islamic identity and partly due to the ease of resettlement in Malaysia. For example, the office of the UNHCR in Malaysia can grant Rohingya refugee status. With recognized refugee status, they can find work and travel freely. If not Malaysia, the next goal for the Rohingya “boat people” is Ranong province in Thailand because this province is easily reached by boat, and therefore it is easy for them to use Ranong as a base waiting to transfer to the third country. As many regional states deny entry to the Rohingya (the Thailand government has even gone as far as helping to restart stranded boats and delivered supplies), they are effectively playing “ping-pong” with the boats by pushing back against the human traffickers.<sup>13</sup> Although Thailand does not generally accept the Rohingya, there are some settled Rohingyas who have lived there for the past 20 years and form part of the multi-ethnic

Thai-speaking Muslims of the North who are highly integrated into the Buddhist dominated religious and social landscape.<sup>14</sup>

Those Rohingya (as well as other ethnic Muslims and other ethnic minorities) who have managed to move to Thailand permanently, work in the Mae Sot district in Tak province, engaged in heavy manual labor and working for low wages. All in all, Myanmar Muslim refugees occupy the lowest rank of social status in each community. Forced migration of Muslims from Myanmar and the flow of refugees across the border reflects a lack of citizenship and legal protection, which not only increases flows and counterflows of Rohingya being sent back, but also places these people outside the legal protection of nation state. This is critical because there is increasing evidence that human rights abuses and multiple deaths have occurred in trafficking camps hidden deep in the jungle in the south of Thailand.<sup>15</sup> For the lucky ones, forced migrants occupy peripheral positions, literally on the margins of state territories as well as in political and scholarly discourses.

This case study draws on research among Myanmar's Muslims across different ethnic groups who migrate and move through the "Dawah" (or Islamic Propagation) network into Thailand. This network mainly comprises Islamic missions and less formal preachers in the Muslim community. By studying officially settled camp refugees and self-settled town refugees on the border between Myanmar and Thailand, this chapter will reveal important features and differences in the way religious and ethnic identity is generated and articulated among a minority group in exile. The chapter seeks to illuminate the way religious identity forms and re-forms among Myanmar's Muslims and how this affects their relations with the state. It finds that the religious, social, and political strength of the Dawah can be harnessed to reflect greater understanding between the Rohingya and the state, and generate possible openings in a negotiation process that could transform their everyday lives.

## HISTORY OF THE IDENTITY POLITICS

Muslims in Myanmar are mostly Sunni of the Hanafi jurisprudence school. The population of Muslims in the country is about 13 percent of the population and can be categorized into four groups: (1) Pantay as the largest group, including Rohingya of Arakan; (2) Bamar as group who converted to Islam in the time of Bamar kings; (3) Indian Muslims who were born in Myanmar of two Indian parents; and (4) Zerbadee, from mixed marriages between Indian Muslim fathers and



Burmese mothers. Muslims arrived in Burma by different methods and routes, but the popular opinion is that it was by sea that Muslims came into Lower Burma and the Arakan state.<sup>16</sup> The prime reason for this was for trade. Human Rights Watch has estimated that the total population of Rohingya in Myanmar is about two million, of which approximately 800,000 are in the Northern Arakan State of Myanmar, which makes up around 25 percent of total population in Arakan state.<sup>17</sup>

The history of the Rohingyas in Arakan is absolutely vital to their status as either an established minority group with legitimate claims for citizenship in Myanmar, which many non-Myanmar academics support (some putting Rohingya existence in Burma between the sixth and ninth centuries<sup>18</sup>) or a more recently “imagined” group by Bengali Muslims intellectuals in the 1950s, as Chan claims.<sup>19</sup> What is clear is that absent being listed as one of Myanmar’s 135 “national races” in the 1947 Constitution, the Rohingya need proof that their ancestors settled in Burma prior to 1823. The date was deliberately picked because around this time the British occupied Arakan and began transferring Indian, mainly Muslim, laborers into the region thereby confusing the issue with other immigration trends around that time.<sup>20</sup>

Later on, during the British Raj, Indian Muslims were brought in, as in other parts of the colonial empire, to firm up the economy and were therefore mostly traders and merchants. They subsequently formed organizations according to their origins: Surtee, Meiman, and Persian organizations were formed in 1909. Cholia (South Indian) Muslims Association formed in 1912 and Malabar Muslims Association formed in 1918. The Burmese Muslim Society was established on December 12, 1909, and its main aim was to change the official terminology used to describe Muslims from “Mohammadan” or “Zerbadee” to “Burmese-Muslims.” In an annual conference held in Taunggu on May 18, 1930, the main concern for Burmese Muslims was the influence of the Indian immigrants, as opposed to colonization. In 1936, General Council of Burma Muslim Association was established in Pyinmana, during the annual conference of the Muslims Education Society. In 1937, Burma separated from India and from British control. However this proved to be divisive in the Muslim community, with the Indian immigrants opposing the separation while the Burmese population was pro-separation. The Renaissance Movement of Burmese Muslims (known as “Nor-Cha-Yay”—wake up) was consequently established in 1937 and excluded Indian Muslims. These points in history have

become contributing factors in the resentment and discrimination against Rohingya Muslims by the Burmese population.

By the time independence came about, there was a clear process of national identity formation, with General Aung San reputed to have made provisions for Muslims and Christians among others.<sup>21</sup> In addition to this, as moves were made to recognize Muslims as one of the ethnicities of Burma, General Aung San made efforts to reject Buddhism as the only state religion. Unfortunately, with the assassination of the General, the national identity discussion in Burma also died. After the death of General Aung San, a Post Independent Burma saw the use of Buddhism as a tool to win elections. The presence of religious ethno-nationalism in the form of the Burmese Buddhist identity severely affected not only relationships with other minorities but also the expression of national identities such as the Muslim identity.

Although Burmese culture is closely related to Indian culture, Burmese nationalism is to be considered more as a response to Indian identity rather than simply as being anti-Chinese. This is perhaps due to the precolonial stances of these states and ethnic groups. Burmese nationalism is not only based on ethnicity but also religious belief, and the social and political narrative has been tightened to ensure that Buddhism is solely linked to the ethnic Burmese identity. Thus, this removes an opportunity for ethnic and religious minorities to lay claim to the Burmese national identity. The state stereotype that is peddled is that all the Burmese are Buddhists and all the Muslims have a foreign bloodline such as Indian, Pakistani, Bangladeshi, Iranian etc. Anecdotal evidence suggests the national identity discourse has become so pervasive in the state system that if a person changes his religion, this also signifies a change in ethnicity on their national ID card.

### MYANMAR MUSLIM DISPLACEMENT AND ITS IMPACT ON THE THAI BORDER

Rohingya and other Muslim groups have been a big part of the refugee groups settling on the Myanmar/Thailand border since 1984, when the first official refugee camps were established and the Muslim communities were largely homogenous in their ethnic self-identification. The refugee camps along the Thailand border, which host Muslim communities include Mae La, Umpiem Mai, Nu Po, and also Mae Ra Ma Luang. In 1997, 10,000 Muslims from Myanmar took refuge in Thailand after the outbreak of anti-Muslim riots in Martaban,

Moulmein, and other towns in lower Myanmar in the 1980s–90s.<sup>22</sup> The Muslim Liberation Organization of Burma (MLOB) and the All Burma Muslim Union (ABMU) were formed at that time. In March 1997, anti-Muslim riots erupted in Mandalay and many parts of Karen state, which led to Muslims taking refuge on the Thailand border. Later in July 2011, the Muslim influx came from the larger inner cities including Rangoon and Mandalay, and due to the anti-Muslim riots that erupted in Toungoo.<sup>23</sup> Rohingya refugees along the Thailand border are referred to as “boat people” since many Rohingya people also arrived by boat along the Andaman coast in Southwestern Thailand. However, after widespread intercommunal violence in Rakhine in 2012, 140,000 people, mostly Rohingya became internally displaced people (IDPs). The majority live in makeshift camps on the border with Thailand, with limited health, education, and employment opportunities.<sup>24</sup>

A research on Rohingya along Myanmar-Thai border done by Kunnawut<sup>25</sup> explores how the recent Rohingya arrivals survive in an underground economy of Mae Sot and how their multiple forms of identity, that is, being Rohingya, Muslim, refugee, or migrant are employed in their survival strategies. In addition, there is a need to understand the Rohingya movements into Mae Sot as not a single wave. There exists long-term resident Rohingya Muslims who have settled in Mae Sot for more than a decade. Some of the “the long-term residents” have managed to acquire Thai citizenship. Economically, they exploit the border location by engaging in cross-border trade, which allows them to trade in products such as secondhand bicycles, importing secondhand cars from Thailand to Myanmar, or trading in spare car parts.<sup>26</sup>

## MAKING RELIGIOUS SPACE FOR THE MUSLIM MINORITY IN THAILAND

The network of Islamic movements within Thailand (and in Myanmar) have causal relationships with the State. Muslim community groups have established themselves in Mae Sot as a major center in Thailand for over 80–90 years. As the Imam of the central mosque notes: “Burmese Muslims did not come from their own desire, but Dawah have to invite them to come and teach them to stand in the way of religion.”<sup>27</sup> Myanmar Muslims in Mae Sot town mostly come to join with the Dawah<sup>28</sup> group, or Dawah Tabligh, the Muslim missionary movement for the revival of the practice of Islam, according to their work during the day, and so many Muslim migrants will come to join

and participate in the religious practice with Dawah when they are finished work. As Mae Sot economy has grown, Muslim migrants are better able to balance their work and religion.

An Islamic leader in Mae Sot has arranged meetings between the community regularly by switching travel to preach and visit communities in both urban and outlying districts. For example, the Muslims center from Mae La refugee camp has a meeting every month to participate in religious practices and Islamic teaching together with the Muslim community from Mae Sam Lab, a neighboring province. This meeting is called “Yor” or “Istahmah,” which means “together.” In 2011 Mae Sot became the host of “World Istahmah” in which Muslims from around the world came to join, including 4,000 Myanmar Muslims who crossed the Thai border. This was also because Muslims in Myanmar could not gather in their home country.

### MISSIONIZING THE BORDER

“Yor border” is one of the specific activities that was created by the Dawah-Tabligh along the Myanmar-Thailand border as a gathering activity among Muslims to have a set routine for every 40-day period. Every week, the head of Yor will discuss the work and check if their members have done something wrong which can affect their work or breach Thai law. One of the issues why Burmese Muslims in Mae Sot are happy to join the Dawah group is because the group is forbidden in Myanmar. There are some conversations in Myanmar on Islamic issues, but the Rohingya cannot gather. Thai Law on this issue is similar on Islamic religious activities but more liberal on allowing gatherings. If any migrant Muslims from Myanmar wants to work as a Dawah, they need to live together and join the traditional structure and practice. The mobility of Muslim migrants who work as Islamic preachers among the communities is just one attraction of the job. The conditions of the Rohingya are otherwise tough and geographically limited on the border, even though this Muslim group generally does not create social problems at the community level.

### GOVERNMENT (DIS)ENGAGEMENT WITH THE ROHINGYA

From the interviews with some Rohingya in Thailand, many Rohingya who escape persecution in Myanmar aim to seek better conditions in the third countries, particularly in Muslim countries.

Today, according to the Human Rights Watch about 800,000 Rohingya remain in Myanmar; about 200,000 live in Bangladesh.<sup>29</sup> An estimated half million live in the Middle East as migrants workers, 50,000 in Malaysia, while others are scattered throughout the region. However, the number of Rohingya in Thailand remains unknown.<sup>30</sup> Once the Rohingya enter Thailand, they may face any of the two situations; one is being arrested by Thai government and detained under the Thai custody. The other possibility is that they are able to escape the arrest by the Thai authorities, and while waiting to enter illegal migrant labor, they hide themselves in the jungle to avoid the authorities.<sup>31</sup> The Rohingya Muslim community managed to be established in Mae Sot, Thailand, despite the Thai government insists on the “push-back” policy. The Rohingya in Mae Sot, whom the author has come to know, today live in “KokKwai community”—a community that looks like slum consisting of 200 temporary houses of Rohingya, Bengali, and Burmese Muslims. According to a Muslim religious leader in Mae Sot, these illegal Rohingya were in fact deported back to Myanmar through the Mae Sot checkpoint. But the Muslim community in Mae Sot, in sympathy for them, brought them back to the Thai side of the border. These people then reside in the “KokKwai community,” trying to survive from one day to the next.

Religion is an important context in which Burmese Muslim communities along the border and in the refugee camps must struggle to find “place.” Within the Burmese migrant communities, Muslim “new comers” stand out the most as being religiously different, and carry the baggage of stereotypes and general suspicions: dangerous, untrustworthy, threatening. The Burmese Muslim community needs to engage in open and honest discourse with members of the larger local Muslim communities, acknowledging existing stereotypes and prejudices and to use this as an “image building” starting point to wipe out misconceptions and offer people a truer picture of themselves.

Burmese Muslims moved into Thailand in order to “make their fortune” and earn a better life. They moved to Mae Sot, refugee camps and other border communities because they hoped to get jobs with better wages. They choose to live in border town because they think they can be “at home” in a Muslim community. However, because of their poverty, cultural misunderstandings, and discrimination, they cannot become fully integrated with local Thai Muslim community and after the violent situations in Myanmar they cannot be re-integrated into other Burmese communities in Myanmar. The political factor, such as the events that

have take place in many parts of Myanmar, has made their presence even more “suspicious” and always been considered as “other.”

The Thai government has recently begun to crack down on smugglers who have traditionally taken them to camps in Southern Thailand and effectively held them ransom, and who are now reportedly abandoning them at sea because the countries in the region are unwilling to allow them to land. The Thai navy says that it has given aid to migrant boats in its waters, and it has indicated that it may be prepared to allow refugee camps on its shores. But it does not want permanent settlers, and few Rohingya want to settle in Thailand even if the alternative is to remain on cramped boats.<sup>32</sup>

In case of Myanmar, the deputy foreign minister Thant Kyaw told Voice of America (Burmese Service) that the government was not prepared to discuss the flood of Myanmar’s Arakan State Muslims if it was framed as a Rohingya issue. He said that by referring to the country’s Rohingya minority: “It will be meaningless to discuss [the issue] since our country and our people do not accept them.”<sup>33</sup> Thant Kyaw added that the government could examine whether the fleeing migrants are Myanmar citizens, if they can demonstrate they belong to Myanmar.<sup>34</sup> The situation therefore seems far from being resolved on a legal basis at least. Meanwhile, there is growing pressure on ASEAN to take charge and put pressure on Myanmar to give the Rohingya more rights within its borders.

## CONCLUSION

The plight of Rohingya people has received wide and growing attention from the international media and from academics. However, this interest in the Rohingya tends to see and portray these people as either passive victims of oppression in Myanmar (the international community generally) or as a violent group causing conflict vis-à-vis the Arakan Buddhist (the official Myanmar discourse). These different representations of the Rohingya tends to limit the study of the Rohingya engagement with the Myanmar government to the narrow field of history and politics since these factors will govern their citizenship and, in turn, human rights. Meanwhile, the socioeconomic and political environment of the Rohingya have been largely neglected. A Any attempt at improving the rights of the Rohingya within Myanmar should also include reference to living conditions, including health and education, and opportunities for development. Studies should consider how to avoid further waves of IDPs, and best practice in this area might

be applied to the Mediterranean and to Australia where there are similar issues of forced migration and trafficking.

This chapter has illustrated that the movement of Rohingya migrants is based on the historical attitudes of the majority of Burmese Buddhists and the state. The chapter reflects that the active process of religious space construction at the Myanmar-Thailand border has encouraged integration across lines of nationality, ethnicity, and locality. This process also includes the migrants' participation in a religious space which repositions them with respect to social relations in the new context. It is a context set within an adaptation to new cultures and a change of status in light of a lack of security in life, caused by a political and socioeconomic crisis in their state of origin.

The social dynamics of the refugee camps along the Thai-Myanmar border have shifted in the past several years to the point that they now display significant diversities in ethnicity, religious, and cultural practice.<sup>35</sup> Local communities and religious ties to the Muslim identity of migrants in the border region are created along the Thailand-Myanmar border through missions, showing the organization and structure of the religious movement. The Muslim movement has affected the negative image of Muslims through bypassing the discourse of state security and stereotypes in Thai society.

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## CONTRIBUTORS

**Mario Aguilar** is professor of Religion and Politics and director of the Centre for the Study of Religion and Politics (CSRP) at the University of St. Andrews, Scotland. He conducted fieldwork and archival research in Kenya between 1987–90 and 1992. His main research among the Muslim Boorana Oromo of Northern Kenya was published in *Being Oromo in Kenya*.

**Fr. Atta Barkindo** is a PhD research candidate at SOAS University of London, UK, Research Fellow for Open Doors International, Netherlands, and also a fellow of the Global Initiative on Civil Society and Conflict (GICSC) University of South Florida, Tampa, USA. Barkindo is founder of the Nigeria's Political Violence Research Network (NPVRN) also international consultant on the De-Radicalization of Violent Extremist in Nigeria, under the European Union Technical Assistance to Nigeria's Evolving Security Challenges. He is the author of the forthcoming book: *History, Memory and Resistance in Northern Nigeria: The Transformation of Boko Haram since 1995*.

**John L. Esposito** is professor of Religion and International Affairs and of Islamic Studies and founding director of the Prince Alwaleed Bin Talal Center for Muslim-Christian Understanding in the Walsh School of Foreign Service at Georgetown University, USA. Esposito has served as consultant to the US Department of State and other agencies, European and Asian governments and corporations, universities, and the media worldwide. Esposito's publications include *The Future of Islam, What Everyone Needs to Know about Islam, Islamophobia and the Challenge of Pluralism in the 21<sup>st</sup> Century*, and *Who Speaks for Islam? What a Billion Muslims Really Think*.

**Samak Kosem** is a researcher at the Centre for ASEAN Studies, Chiang Mai University, Thailand. His research experience focused on Thai-Myanmar border and the role of ethnicity and religion, with a particular focus on Muslim and Karen migrants. Kosem received his

BS and MA in Anthropology from Chiang Mai University, Thailand, his thesis being *Muslimization and Re-subjectification of Hmong/Akha Youth amidst the Politics of Conversion in Northern Thailand*. Much of his research and non-profit work has concentrated on the causes and potential ways of addressing social and political conflict involving migrants from Myanmar and ethnic and religious minority groups in Northern Thailand.

**Robert Mason** is visiting fellow at the Centre for International Studies at the London School of Economics, UK. He specializes in international relations, with a regional emphasis on the Middle East. His latest works include *International Politics of the Arab Spring: Popular Unrest and Foreign Policy* and *Foreign Policy in Iran and Saudi Arabia: Economics and Diplomacy in the Middle East*. His website is [www.robertdmason.com](http://www.robertdmason.com).

**Nasar Meer** is a reader in Comparative Social Policy and Citizenship and Chancellor's Fellow in the Faculty of Humanities and Social Sciences at Strathclyde University, UK. He is also Royal Society of Edinburgh Research Fellow, Scotland. He was previously reader in Social Sciences and co-director of the Centre for Civil Society and Citizenship (CCSC) at Northumbria University, UK. During 2013 he was Minda de Gunzberg Fellow at Harvard University, USA, visiting fellow with the Institute for Advanced Studies in the Humanities (IASH) at the University of Edinburgh, Scotland, and a member of the British Council's Outreach Program.

**Tariq Modood** is professor of Sociology, Politics, and Public Policy and founding director of the Centre for the Study of Ethnicity and Citizenship at the University of Bristol, UK. His latest books include *Multiculturalism: A Civic Idea* and *Still Not Easy Being British*; he is co-editor of *European Multiculturalisms, Tolerance, Intolerance and Respect*, and *Religion in a Liberal State*. He is a regular contributor to the media and policy debates in Britain. His website is [www.tariq-modood.com](http://www.tariq-modood.com).

**Zacharias Pierri** is a research fellow with the Global Initiative on Civil Society and Conflict at the University of South Florida, Tampa, USA. He is an expert on Islamist Movements and in particular the ideological and tactical development of Boko Haram. He has conducted extensive research in Nigeria and is currently working on a project investigating the changing dynamics of conflict in West Africa and its impacts on local communities.

**Amjad Saleem** is a political analyst working on issues of South and Southeast Asia, mainly Sri Lanka and Myanmar, and issues of humanitarian and peace-building with a specific interest in the role of faith in conflict transformation. In 2011 Mohamed-Saleem was awarded a place on the prestigious International Visitors Leadership Program, the flagship professional exchange program run by the US State Department. He is a regular contributor to online journals and websites and has appeared on news programs of Al-Jazeera and BBC. Mohamed-Saleem received his PhD from the University of Exeter, UK, and currently works for Paths2People in Sri Lanka.

**Agata Skowron-Nalborczyk** is associate professor at the Department for European Islam Studies at the University of Warsaw, Poland. She holds an MA in Iranian studies, PhD in Arabic and Islamic Studies, and is habilitated Dr. in Religious Studies—Islamic Studies. Her research focuses primarily on Islam in Europe, legal status of European Muslim minorities, Polish-Lithuanian Tatars, gender issues in Islam, and Christian-Muslim relations. She is the one of the editors of the series *Annotated Legal Documents on Islam in Europe*, and is a member of the editorial board of the journal *Sociology of Religion*.

**Galina M. Yemelianova** is senior lecturer in Eurasian Studies at the Centre for Russian, European and Eurasian Studies at the University of Birmingham, UK. She has been researching and teaching on history and contemporary Islamic and ethno-national issues in Russia, the wide Eurasia and the Middle East for more than two decades. She is author of *Yemen under the Ottoman rule, 1538–1635* and *Russia and Islam: A Historical Survey* and is also an editor and contributor of *Islam in post-Soviet Russia: Private and Public Faces*, *Radical Islam in the Former Soviet Union* and *Many Faces of the Caucasus*.

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