

5-2014

Islam in France and Germany: A Comparative Study of the Immigrant Religion's Experience in the State Sphere

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Islam in France and Germany:
A Comparative Study of the Immigrant Religion's
Experience in the State Sphere

by

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Submitted to the LSU Honors College in partial fulfillment of
the Upper Division Honors Program

May 2014

Louisiana State University
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Baton Rouge, Louisiana

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**Chapter 1:
Introduction**

Introduction

Since the colonial era declined following World War II, European countries have received substantial and varied immigration from states outside of their continent. Where the characteristics of these migrants differ greatly from those of their receiving country, it can and has caused tension. France and Germany have been testament to this, though the experience of the two countries has been very different. In an attempt to create a comparative study on the causes and realities of the Islamic experience in Europe, this paper will look at the differing spheres of France and Germany and use a historical basis to frame current issues impacting the treatment of Islamic immigrants within these states.

A Brief History of Islamic Presence in Europe

Islamic Iberia

Though Europe's clash with Islam in political and social spheres attracted much attention in recent years, the continent's history with the religion goes back over a millennium. One hundred years after the prophet Muhammad began preaching, Arab and Berber forces entered the Iberian Peninsula in one of Europe's earliest interactions with the religion, defeated the Visigoth¹ king in 711, and were only halted when they attempted to cross the Pyrenees Mountains into France in 732 (Lapidus, 379). From this time until their eventual expulsion in the 13th through 15th centuries, the Arab-conquered cities of Spain essentially existed as region-specific variants of early Islamic Middle Eastern civilizations, built on an assimilation of Spanish and Berber populations to Arabic and Islamic culture that was fostered by economic prosperity. Arab culture

¹ The Visigoths controlled an early Christian kingdom primarily in the Iberian Peninsula from the 5th to 8th centuries C.E.

seeded itself in all aspects of Spanish life as the conquering troops dispersed and inhabited various regions throughout the peninsula. Though this initially created factions among first-generation settlers, it aided in the Arabization and Islamization of Spain's succeeding generations as each of these groups took slaves, intermarried with local families, hired Spaniards, and so forth. By the 9th century, Arabic was widely used by the indigenous population and, as converts to Islam multiplied, cultures eventually merged into a new homogenous Hispano-Arab society (Lapidus, 379). Beyond religion and language, the Arab groups also brought forth economic progress through the introduction of eastern-style irrigation, creating more lucrative cash crops; a breakdown of Byzantine naval control in the western Mediterranean, allowing more prosperous commercialization and trade; and by creating a more consolidated political system (Lapidus, 379).



Iberian lands under Umayyad control (labeled as *Califato Omeya*) in 750.
Source: [Península ibérica 750.svg](#), licensed through Creative Commons.

The Umayyad dynasty² was officially reestablished in Spain in 756 by Abd al-Rahman I, who organized 21 provinces to be governed by appointees of the central state (Lapidus, 380). The dynasty's early years suppressed revolts, recruited mercenary armies from France, centralized administration, and created a class structure of merchants and clients. While early culture did adopt some local aspects, it was primarily an outpost of Middle Eastern Arab-Islamic civilization, and Abd al-Rahman III adopted Baghdadi Abbasid cultural forms in particular as a means of legitimizing his regime. Abd al-Rahman III also used Islamic power in adopting the title of Caliph, declaring himself both the political and religious leader of Arab Iberia, and used this position to wage a *jihad*³ to quash Christian attacks in Northern Spain (Lapidus, 380).

As Spanish natives adjusted to the Islamic reign, various facets emerged. Christians adapted the Arabic language, customs, manners, and lifestyles into the blended "mozarab" identity, a form of assimilation to their foreign rule (Lapidus, 382). Lower class social movements also connected with the Islamic religion, as seen in the 805-818 rebellions in Cordova led by *ulama*⁴ which denounced the Umayyad regime for fiscal exploitation, corruption, the use of mercenaries, and the kingdom's chronic insecurity. Though the rebellion was put down, the power of the *ulama* rose as they were incorporated into religious councils for the prince and given a voice in the direction of society, creating a cooperative political and religious structure similar to the rest of the Muslim world (Lapidus, 382). This was indicative of the conflicts experienced by the Spanish-Muslim states: those between converts and Arabs, provincial and urban elites,

² The Umayyad dynasty headed the second major Islamic caliphate established after the death of Muhammad, originally established in Damascus in 661 by the Umayyad family, though its Middle Eastern reign was ended in 750 by the Abbasids family ascension.

³ "*Jihad*" means a struggle for God and is a religious duty of Muslims.

⁴ "*Ulama*" are scholars and leaders of Islamic law.

and townsmen and Berber troops. Ultimately, these tensions rendered it impossible to stabilize the regime. In the early 11th century, Arab clans revolted, the caliph lost control of the central state, and provincial governors became independent. Each province became a principality, with soldiers or elites seizing power between 1030 and 1090 and creating their own courts and administrations. However, despite the fall of the caliphate and the subsequent political fragmentation, Muslim law and identity remained widely accepted and was further supported by burgeoning trade with nearby African countries, Asian markets, and emerging European states.

When the invading Arabs had failed to conquer the Pyrenees Mountains, Spanish Christian kings remained in the region, fostering ideas of re-inhabiting the whole of the Iberian Peninsula. In the 11th century, Pope Gregory VII made reconquest a religious duty and with the unified Islamic state collapsing, the Reconquista gained force and the Christian kingdoms were able to expand rapidly. By 1085, the city of Toledo in central Spain had fallen into Christian hands. This advance was countered by Muslims when the Moroccan army, at the urging of the Spanish-Muslim *ulama*, entered Spanish-Muslim cities and ruled them as a province of Marrakesh from 1090 to 1145 (Lapidus, 383). However, regional conflict and Christian pressures continued, and once the North African powers fell, the newly independent Spanish states were once again vulnerable to Christian invasion. By the middle of the 13th century, only the city of Granada remained in Muslim hands. It would remain unconquered until 1492.

Because of its centuries-long roots, even the Reconquista did not extinguish the cultural viability of Muslim Spain. For the Muslims living in Christian-controlled cities, the 11th and 12th centuries saw these Muslim populations constituting the first experiences

of Muslims living under non-Muslim rule (Lapidus, 388). Organized Muslim communities existed as self-regulating religious communities during this time, able to cope with and ward off state interference and earning a place as a protected population. However, by the middle of the 14th century, the social position of Muslims in Spain deteriorated as they were viewed as in the way and, eventually, actively persecuted (Lapidus, 388). Christian expansion and competition for land and trade led to riots between Christian and Muslim populations, Islamic communities lost autonomy, saw restriction of religious liberties and seizing and looting of properties, and a shift to Christian law left Spain's Muslim populations subordinated to direct Christian rule. By the late 14th century, Spain was actively attempting to create a religiously homogenous Christian nation, a demand which "led to the forced assimilation or expulsion of the Jewish and Muslim populations" and the establishment of the Spanish Inquisition (Lapidus, 389). The first step of this domination came in 1478, when Jews were forced to choose between baptism and exile. In 1501, less than 10 years after Granada fell back under Christian control, Muslims were given the same choice. The persecution of Islam expanded in 1566 when Muslim dress and Arabic language were forbidden, and ultimately culminated in the 1609 expulsion of Muslims from Spain at the order of King Philip III.

Despite its eventual decimation, Muslim Spain's legacy is strong. As Ira Lapidus stated, "Muslim Spain bears an aura of glory" (378). The Arab conquest acted as the transmission point of ancient Greek philosophy from the Arab world to Europe, where it had been lost during the Dark Ages, allowing the classical works of such people as Aristotle and Plato to once again be translated and studied. Islamic science and philosophy also spread to Europe through Spain, and great advancements were made

during this era. The caliphates' courts blended Islamic and cosmopolitan cultures, and created a center of strong patronage for the arts and sciences. This tradition of patronage continued after the fall of the caliphates, though it was then carried out by the local royals and elites. Poetry melded Arab and Spanish forms, architecture flourished, and large libraries were created housing the knowledge on grammar, philosophy, and sciences from the Islamic world. Thus, ending the caliphate did not inherently disrupt the cultural life of the peninsula, and Hispano-Islam culture had strong, immediate, and lasting influences on Christian style and lives (Lapidus, 384).

The Ottoman Empire

While the Islamic forces in Spain were falling, Europe was gaining a rising Muslim neighbor in the west. Founded by Osman in 1299, the Ottoman Empire would be present until the end of the first World War. Islam had found its way to the largely nomadic Turkish tribes between the Caspian and Aral Seas of Central Asia through trading posts, and by the 10th century, the religion had been firmly established among the groups. These bands quickly conquered the Islamic heartland, overrunning Persia⁵ in 1043 and Baghdad in 1055. The Islamized Turks known as the Turcomans encouraged raids by *ghazi*, warriors of the faith, into the Byzantine Empire in modern-day Turkey. When the Byzantine emperor retaliated, the sultan-led Turkish response was victorious and left Anatolia open to invasion and permanent settlement, starting the process of Turkification and Islamization in the peninsula.

Though the area's tribes remained fragmented, the Ottoman Emirate, positioned along the border of Byzantine land, gained prominence and force in the face of their "years long struggle with a great Christian adversary" (Itzkowitz, 10). This group

⁵ Similar in location to modern-day Iran.

eventually expanded into Europe, initially at the request of the Byzantine for military aid circa 1350, and simply stayed for additional conquests. By 1365, their capital had been moved to the Balkan Peninsula. The Ottomans generally faced easy victory throughout its new territories because of the Balkan states' lack of unity, civil unrest, and religious animosity. The Balkan peasants actually preferred Ottoman rule because of their religious tolerance and less burdensome tax system, and the early sultans continued to foster this goodwill by improving roads, communications, and disciplining troops (Itzkowitz, 17). The Ottoman's timar system of governance, through which land grants were distributed, created a way of assimilating the gentry to Turkish ways and generated loyalty to the sultan in conquered areas.

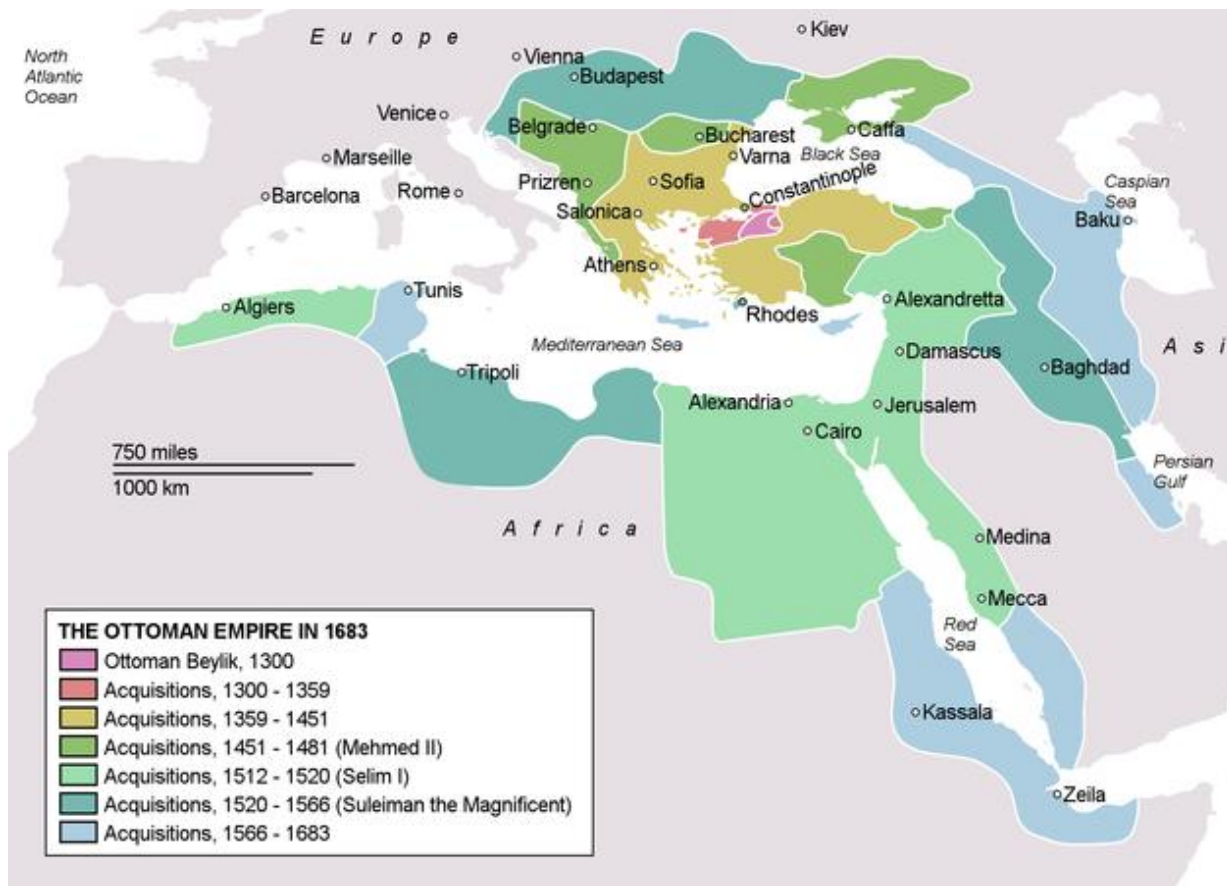
Throughout this time period, conflicts between Muslims and Christians remained common. The Byzantine Empire still controlled Constantinople, and the Catholic-led Crusades attempting to gain control of the Holy Land around Jerusalem had been waged since 1095. Ottoman emperor Bajazet I, attempting to take Constantinople, ended the last Crusade on September 25, 1396 with a resounding Turkish victory over the combined Hungarian, Bulgarian, French, and German forces in the Battle of Nicopolis. Though Bajazet eventually lost whatever tenuous hold he may have had on Constantinople due to a defeat by the Mongols on the eastern edge of his empire, this period of rule is still credited with introducing central governance, instituting the timar system, developing a slave system, and strengthening religious establishments in an attempt to transform the lands into a traditional Islamic monarchy (Itzkowitz, 20).

Constantinople was finally conquered by the Ottomans on May 29, 1453, led by Mohammed II who saw the conquest as a necessity to achieving loyalty and

concentrating power. Mohammed “the Conqueror” sought to “make holy war again the guiding principle” of his Ottoman state and under his rule, the Ottomans once again advanced stalwartly into Europe (Itzkowitz, 25). Successful attacks were launched on Athens, Serbia, Bosnia, the Balkan Adriatic coastline, and Crimea, and by the 1470s, the Ottomans had consolidated the Turkish groups of Anatolia. Constantinople thus transformed into Istanbul. It was repopulated, repaired, and saw the conversion of the Hagia Sophia into a central mosque and the construction of public buildings and baths, hospitals, almshouses, and a college. Within 15 years of the Ottoman conquest, the city’s population totaled 100,000—an increase of 70,000 people (Itzkowitz, 27).

By the 16th century, the Ottoman Empire had gained a position as an integral part of the European state system. Istanbul’s population numbered 700,000 at this point, making it by far the largest city in Europe (Itzkowitz, 28). The growth of naval forces under Bajazet II made the empire an integral part of European diplomacy, often sought after as an ally by those wishing to prevent the domination of Europe by any universal monarchy. The French sought Ottoman support as a counterweight to Hapsburg power in 1525, and the French-Ottoman alliance became an integral part of the balance of power. As a result, support for Protestants, France, and other anti-Hapsburg elements such as the Muslims and Jews ejected from Spain in the Inquisition became a pillar of Ottoman European policy during this period (Itzkowitz, 34). Within 70 years of capturing Constantinople, the Ottomans had expanded into North Africa, including Egypt and Syria, to the Red Sea, and had taken the position as protector of Mecca and Medina, making the Ottoman sultan the supreme Islamic ruler. At the height of its golden age in 1566, the Ottoman Empire stretched from Hungary to Algeria; encompassing an

estimated twenty to thirty million people (Itzkowitz, 37). The empire's bureaucracy was staffed almost entirely with Muslim-born men, and the first step to social mobility within the state was always through becoming Muslim (Itzkowitz, 56; 61).



Map of the Ottoman Empire's territorial acquisitions by 1683, including the Balkans.
Source: [OttomanEmpireIn1683.png](#), licensed through Creative Commons.

In the 17th and 18th century, alterations and decentralization of Ottoman power occurred. With the end of territorial expansion, revolts, economic regression, and military defeats arose. In this environment, struggles between central and local governments came to a head and power fell away from the hands of the central government and towards those in provincial rule. This devolution of internal power was coupled with economic regression: European imperialism was rising, and the now-

weakened Ottoman state's control of trade was subverted. With European control of Asian trade; competition between the French, British, and Dutch markets; and the eventual dominance of the British East India Company's trade routes, the reliance on the Ottomans for access to eastern markets was negated and cycles of inflation arose. Eventually, this environment resulted in the permanent transference of both political and economic dominance from the Ottomans to foreign commercial powers (Lapidus, 334). The Anatolian population growth of the 16th century acted to further cement these changes, as urbanized communities created ties amongst themselves and peasant leadership arose.

The Turkish-controlled Balkans followed a similar path, but with an increased impact by European trade and ethnic conflict. The 17th century marked a period of open struggle for power, with repeated riots and revolts by lower-ranking officials seeking more lucrative local positions. This devolution continued through the end of the 18th century, when independent officers dominated large regions. In Turkish and Arab society, where identity was tied to the Islamic Ottoman Empire, these effects were less pronounced; but in the Balkans, the primarily Christian population had never fully assimilated and the breakdown of central power served as a harbinger for revolutionary ideas (Lapidus, 340). These social changes, combined with decreasing church authority and increased contact with the rest of the European continent, allowed for the formation of political consciousness and independence movements within the Balkans. These Balkan fault lines were accompanied by Russian expansion, as Peter the Great and his successors pushed back the Ottoman borders 1684-1696 and again in the late 1700s (Lapidus, 340).

The Ottoman Empire was thus faced with the realization that they were now inferior to Europe. Though the empire still retained much of their territorial domains and cultural vitality, European innovations in military technology, economic organization, and cultural style elevated other states to a level at which they created a direct territorial and commercial threat previously not experienced by the Ottomans (Lapidus, 342). In an attempt to cope, the Ottomans began importing technology and knowledge, becoming enamored with aspects of European life and mimicking some of its means of expression. Still, for the most part, decentralization did not inherently change the core Ottoman tenets: the concept of a dominant state remained important, as did Islam, and the state maintained its dominance over the religious establishment despite increased local autonomy. The Balkans were the glaring exception to this degree of continuity, as European influence further strengthened the autonomy of Christian populations and gave them advantages that paved their way towards independence from Ottoman control⁶ (Lapidus, 343).

Descendants of Osman ruled the Ottoman Empire until Mustafa Kemal Atatürk ended the empire in 1923 and established modern Turkey—a period of 624 years (Itzkowitz, 38). Though the Ottoman Empire fell shortly after World War I, its presence created a lasting impact on European affairs that reaches beyond the scope of modern-day Turkey. When the Balkans once again gained autonomy in the 1990s, this time from Russian influences, part of the conflict that arose had religious roots. Most of the Bosnian nobility had converted to Islam when the nation was absorbed by the Ottoman

⁶ Beginning with the Greek War of Independence of 1821, wars in the Balkan states resulted in the Ottomans eventually losing much of their Balkan possessions. By the Balkan Wars of the early 20th century, essentially all territories of the Balkan peninsula had gained independence from the Ottoman Empire.

Empire in 1464, and Islam remains a majority religion in Bosnia and Herzegovina, Albania, and Kosovo (Itzkowitz, 26). In the wake of the ethnic cleansings⁷ of the Yugoslav Wars, countries throughout Europe received Muslim asylum-seekers from this region.

⁷ The population in Bosnia is closely divided between the Bosniak and Serb ethnic groups. As a part of the war in Bosnia, ethnic cleansing took place (especially surrounding the city of Srebrenica) from 1992 through 1995. More than 8,000 Bosniak Muslims were killed and an additional 25,000-30,000 expelled.

**Chapter 2:
France**

France

While many countries in Europe have dealt with conflict over the place of immigrants in their post-colonialism world, France has arguably garnered the most international attention from it. However, the 2011 ban on the niqab and burqa⁸ in public spheres rests on a history and discourse that dates beyond recent years.

A Brief History of Immigration and Colonialism

France has long been a country familiar with immigration. Starting in the 1830s, France saw the arrival of primarily political exiles from other countries within Europe such as Poland, Italy, Spain, and Germany (“Émigrer” 2012). In the following decades, immigrants continued to arrive from neighboring countries, shifting slightly as different groups were persecuted throughout Europe. By 1881, the country’s over 1 million foreigners were already seen by the native French as competition for the job market and, responding to public pressures, the census that year officially differentiated people living in France depending on whether they were of French origin, naturalized citizens, or foreign citizens (Monso and de Saint Pol, 54).

As France looked to spread beyond its metropolitan borders as part of the broader movement of European imperialism, it first established colonies in North America and India. When these were lost to England in the 18th and 19th centuries, France focused its colonial intentions towards the frontier of Africa. By the 17th century, the Coast of Senegal was already under French influence, and in 1848 Dakar and three other cities in the region became communes for experiment in the theory of assimilating Africans to French ways. The ideals of Liberty, Equality, and Fraternity and their

⁸ Two types of feminine dress in Islamic traditions that cover the majority of the face—the niqab leaving an opening for the eyes, and the burqa providing a screen for them.

associated theory of assimilation made French colonialism appealing for Western-educated elite Africans, who felt France wished to assimilate them and may eventually allow them to become French, though in practice there lay rampant contradictions between the essence of republican ideology and the practice of colonialism (Ginio, xvi). French influence and control continued to spread outside these cities, as the French colonized Algeria by 1830, established the Federation of French West Africa⁹ in 1895, and continued on to colonize Morocco by 1912. On the eve of World War II, French West Africa alone had a population over 15 million.

Under French rule, the regions were often overseen by a governor-general, under whom there was a chain of direct rule down to the lowest local level. While inhabitants of the Senegal communes, called *originaires*, were granted the right to send a representative to France's National Assembly¹⁰ in 1914 and even began to form some political parties, this political activity among the colonized was rare within the French empire, and had no equivalent in other colonial systems (Ginio, 4). The majority of French Africa was under harsh rule, subjected to forced labor and the *Code de l'Indigénat*, or Native Code, "a legal system that allowed any French official to inflict limited punishments on Africans without trying them," leaving them as subjects with no real political rights (Ginio, 4). The Native Code was instituted in 1887 and abolished throughout the French empire in 1946, with the exception of Algeria where it remained in place until the country gained independence in 1962.

France's previous contention with immigrants only grew in colonizing these predominantly Muslim sections of Africa. The laws under colonial rule not only

⁹ Composed of the countries of Mauritania, Senegal, French Sudan (now Mali), French Guinea, Côte d'Ivoire, Upper Volta (now Burkina Faso), Dahomey (now Benin) and Niger.

¹⁰ The larger, directly elected lower house of France's Parliament.

separated subjects from citizens of France, but particularly targeted people of Islamic descent. The 1921 census recommended that all persons with Muslims names should be classified as “natives, whether French subjects or persons under French protection, even if they had declared themselves French” and accomplished this task by inferring, based upon the most common names, whether a person was Muslim or not and subsequently dividing them into the categories of “French persons by birth,” “Muslims of Algerian origin,” or “other than Muslims of Algerian origin” (Monso and de Saint Pol, 56). Muslims were denied most of the political rights of the French, though they remained subject to local law, under institutions of degraded citizenship as a continuation of the Native Code.

Modern Immigration and Asylum

After World War II, France’s immigrant flow was no longer dominated by other Europeans seeking political asylum. Until 1974, immigrants were mostly men from Spain, Portugal, Morocco, and Algeria with over half entering the country in search of employment and an additional third seeking to join family (France Ministère de l’Economie). After 1974, the slowing economic growth led the government to increase immigration restrictions, primarily limiting it to family reunification and those coming to France for a specific job. Since 1974, there has been increasingly diversified migration to France, with more immigrants coming from Maghreb¹¹ nations than elsewhere in Europe. France’s immigrant population was estimated in 2007 to be 5.2 million people. In addition to economic and familial immigration, France also has the highest number of people registered as seeking asylum in the European Union, measuring at 41,800 of the

¹¹ Northwest Africa, including Morocco, Algeria, Tunisia, Libya, Mauritania, and Western Sahara.

240,000 people seeking asylum EU-wide. These persons are primarily Iraqi, Russian, Somali, Serbian, and Afghan.

Metropolitan France's experience with Islamic immigration in particular began with the recruitment of soldiers and workers from Algeria during World War I. This later increased radically: in 1962, at the time of Algerian independence, there were 350,000 Algerians in France; by 1975 there were 710,000 ("Émigrer" 2012). The number of immigrants hailing from outside of the European Union has continued to increase steadily, as seen in the chart below covering data from the past two decades. Today, the origins of France's immigrants have shifted decisively away from its European roots, with the largest groups coming from Portugal, Algeria, and Morocco, successively.

Births by Country of Parental Birth							
Place of Birth of Parents	1998	2002	2007	2008	2009	2010	2011
Both parents born in France	590,160	604,662	603,536	609,753	601,168	606,250	604,077
One parent born in France, one abroad	105,740	109,201	125,743	127,416	130,822	134,891	119,114
Both parents born abroad	72,006	78,882	89,426	91,235	92,651	91,658	100,203
Both parents born in the EU	6,701	5,169	5,905	6,289	6,458	6,707	7,782
Both parents born outside the EU	62,116	70,932	80,526	81,826	82,944	81,713	89,195
All births	767,906	792,745	818,705	828,404	824,641	832,799	823,394
Source: Translated and abridged from INSEE ("Naissances").							

As shown in the table below by France's Institute for Statistics and Economic Studies (INSEE), African immigrants now account for the majority of all foreigners in France, with the largest numbers from this region coming from Algeria and Morocco, both of which are predominantly Muslim countries. Though France has sharply

increased restrictions on immigration since 1974 and maintains an immigration rate lower than several other European countries, these populations have continued to increase as people emigrate to join family, for jobs, or for education, as well as some who come to France illegally. During the time period studied in the chart, immigrants from the Maghreb are more numerous than those from Europe, with Asian and Sub-Saharan rates increasing as well, pointing to the further evolving nature of France's immigrant flow (France Ministère de l'Economie).

Distribution of Foreigners by Nationality in France		
	2009	
	in %	actual
European	39.4	1,484
European Union Members	35.1	1,323
Spanish	3.4	128
Italian	4.6	174
Portuguese	13.1	493
British	4.1	154
Other EU Nationalities	9.9	375
Other European Nationalities	4.3	161
African	40.7	1,534
Algerian	12.4	468
Moroccan	11.7	440
Tunisian	3.8	144
Other African Nationalities	12.8	482
Asian	13.8	520
Turkish	5.9	222
Cambodian. Laotian. Vietnamese	1.1	41
Other Asian Countries	6.8	258
Oceanic and American Nationalities	6.2	232
Total	100	3,771
Source: Translated from INSEE ("Répartition"). 2009 census		

Though France's National Institute for Statistics and Economic Studies (INSEE) reports that in 2007 immigrants represented only 8.3% of the French population, the French Ministry of the Interior reports that the administrative regions of Île-de-France,

Rhône-Alpes, and Provence Côte d'Azur¹² contain much higher rates of foreigners: 57% of their populations. This clustering leaves immigrants easy to target and intensifies animosities felt towards them, leaving the experience of immigrants in France as one generally of marginalization.

Immigrants from non-northern European countries who have been in France for less than 10 years have a higher unemployment rate than those who have been there longer, more frequently work part-time or insecure jobs, and have three times the unemployment rate of non-immigrants with similar qualifications (France Ministère de l'Economie). Statistics show that though immigrants represented only 5.6% of the workforce in 2008, they accounted for 10.2% of the unemployed (France Ministère de l'Economie). As a result of this economic disadvantage, many immigrants and asylum seekers end up concentrated in the HLMs¹³ on the suburbs of cities with few visible prospects. This marginalization culminated in riots in the fall of 2005, engulfing Paris and other French cities in flames and violence. Many people have pointed to the discrimination and alienation of the African-origin youth, who were seen as the demographic participating in the majority of the acts, as the primary cause. Since then, the French Department of Immigration and Integration has been created, with the purpose of “implementing the Government’s policy on entry, stay, and professional activity of foreign nationals; the fight against illegal immigration and document fraud affecting foreign nationals; asylum and the integration of immigrant populations,” and the French Council of the Muslim Faith, a non-governmental organization, has acted as

¹² Île-de-France, Rhône-Alpes, and Provence Côte d'Azur predominantly correspond with the cities of Paris; Lyon; and Marseille, Nice, Toulon, and Aix-en-Provence. Paris, Lyon, and Marseille are the three largest cities in France.

¹³ HLM stands for “*habitation à loyer modéré*,” and is a form of state-subsidized housing projects, estimated to be housing about one fifth of the French population.

a de-facto liaison between French Muslims and the national government (France Ministère De L'Intérieur).

The Rise of Extremist Parties: A Favorable Environment

In general, the French have not been welcoming to immigrants, especially those of North Africa whose culture varies more drastically than that of other European states and, for some people, acts as a reminder of the failure of French colonialism in “civilizing” these nations. These issues were exemplified in the 1980s, allowing an environment in which extremist parties could flourish. In November 1984, polls taken by SOFRES, a polling agency, reflected the high levels of animosity towards the immigrant population: 68% of the French responded in favor of barring entry for new immigrants to France (including 25% who wanted a return of immigrants to their home nations), 66% thought that the North African population of France was too large, 64% thought second-generation immigrants should adopt French culture and values, and 74% were opposed to granting immigrants who had been living in France the right to vote in local elections (Bréchon and Mitra, 68).

Founded in 1972 with the theme of “*La France aux Français*” or “France for the French,” the National Front is a political party from the extreme right that has been characterized as being reactionary in origin, ultra-nationalist, and racist (Steel, St. Onge, and St. Onge, 146). The party has risen notably since the favorable environment of the 1980s and, according to founder Jean-Marie Le Pen, exists on the basis of complete identification with French identity and culture, which he claims are incorrectly or under-represented by other parties and the media (Bréchon and Mitra, 64). The FN tends to receive the strongest support in the older industrialized and urbanized areas of France,

which correspond to the regions that have attracted the highest number of immigrants since the 1960s, as well as those that suffered severely under the economic downturn of the 1970s (Bréchon and Mitra, 69). The combination of these factors created a sense of general insecurity, meaning that the National Front's ideology has been more appealing in these regions than elsewhere in the country and that immigrants have often become the prime target of hostility. It is under these conditions that the typical voter for the Nationalist Front emerged as poor whites of lower-middle class origin who feel that their ambitions for upward social mobility are threatened by the presence of immigrants.

In what would become one of the most iconic cases of the French-Islamic clash, the Headscarf Affair of 1989 brought the distinguishing of Muslims in France to the forefront of political issues. In October 1989, three girls of North African origin refused to remove their headscarves at school when asked to do so by the headmaster, under laws that forbid religious propaganda from state-funded schools. The girls were subsequently suspended from school, and returned a few days later without the scarves. However, they soon began wearing the headscarves again, and the problem of how to deal with this resulted in divisions and difficulties among political forces. Division was especially visible in the French Left, with feminists and fiercer proponents of secularism in favor of a total banning of the scarves, while others, such as President Mitterrand's wife, favored tolerance and respect for different value systems under freedom of expression (Bréchon and Mitra, 67). The Right was generally in favor of the ban, while the Center of Social Democrats sought tolerance. The National Front used

the event for their own gains and has subsequently become the epitome of extremist parties in France.

Following the Headscarf Affair, the party argued that the event epitomized the religious and cultural colonization taking place in France and that the country's very identity was being threatened with extinction as a result (Bréchon and Mitra, 67).

Pointing to immigration as the root of this danger, the Nationalist Front argued that most immigrants should be returned to their countries of origin in the aftermath of the issue that was eventually brought before the *Conseil d'Etat*¹⁴. The Conseil adopted a position of compromise, stating that veiling could be forbidden if it played a role of religious propaganda or negatively impacted the student or teaching (Bréchon and Mitra, 67).

While extremist groups are not unique to France, the case of the National Front is noteworthy because of the electoral success it has achieved. After utilizing the Headscarf Affair as an event for political propaganda, the National Front gained much support. This is illustrated in the chart below from Bréchon and Mitra's article on the party and can be seen in the results of the by-elections of November 1989, in which a National Front candidate, Marie-France Stirbois, won election in the town of Dreux with 61.3% of the vote¹⁵. The Nationalist Front continued to gain varying levels of support as different immigration issues came to a head in the following years, a phenomenon underlain by the wide-spread hostility towards immigration, and often immigrants, by the French people. Perhaps most notably, in 2002 and 2012, Jean-Marie Le Pen and then his daughter, Marine Le Pen, gained enough support to reach the runoffs of the

¹⁴ The *Conseil d'Etat* is a part of the highest jurisdiction in France and, as such, acts similarly to the Supreme Court of the United States, but focuses exclusively on administrative issues of the state.

¹⁵ As Bréchon and Mitra note, Dreux is a traditional stronghold of the extreme right, but this level of electoral success was still unprecedented.

presidential elections with 17% and 18%-20% of the first-round vote, respectively (Willsher). However, pointing to reluctance on behalf of the majority of France to accept the party, both candidates then lost.

Voting Intentions in Legislative Elections (percentages)

Period of Survey	Intention of vote for National Front	Possible source of influence
December 1988	8	
August 1989	9	
October 1989	8.5	
November 1989	11	Islamic headscarf
December 1989	12.5	
January 1990	11	
February 1990	10	
March 1990	12.5	Round table on racism
April 1990	15.5	
2 to 5 May, 1990	18	
15 to 19 May, 1990	13	Desecration of Carpentras
June 1990	11	
July 1990	14.5	
31 August to 4 September, 1990	14	
15 to 20 September, 1990	9.5	Stance of Le Pen in favour of Iraq
October 1990	12	
November 1990	14	

Source: Polls of BVA, undertaken every month on a sample of about 4000 people in two waves, first at the beginning of the month and the second a fortnight later. The results are published every month in the newsmagazine *Paris-Match*.

Source: Bréchon and Mitra, 66

The political system in France has also allowed the National Front to survive and flourish in ways that it may not have experienced elsewhere. France's political parties have historically been relatively unstable, and at some points have devolved into as many as twelve parties of influence (though this number is now around six), each representing different factions of its political sphere. In a system with so many political parties active, two-round voting systems are used as it is extremely difficult for any one party to initially win a majority of votes. Additionally, France temporarily shifted to

proportional representation before the 1986 Parliamentary elections, in which seats are awarded to a party or group of candidates based on the proportion of votes they receive rather than if they receive a simple majority, allowing the National Front to be successful though they only won a minority of the vote. This environment helped to cement the National Front's foothold in the realm of national politics, rather than being reduced to a party with only regional support.

Laws and Sentiment

The issue of veiling remained in the political sphere in varying degrees following the Headscarf Affair, as Islam in moved towards a more conservative interpretation and the practices of political Islam and fundamentalism continued to gain attention worldwide. An event similar to the Headscarf Affair occurred in 1999, when teachers called a strike to protest veiling in school, eventually leading to the expulsion of the two Turkish girls in question despite the presence of a mediator and the students' offers of compromise (Killan, 568). The conflict was then brought soundly into the international spotlight in 2004, when the French government passed a law barring students from wearing any conspicuous religious symbols in state-funded schools. The public opinion turned quickly from ambivalent to in favor of the measure after Nicolas Sarkozy drew a parallel between women wearing the headscarf and Muslims failing to truly embrace France (Schoenherr). Though the law does not mention specific symbols or affiliations, thus theoretically affecting Christian crosses and Jewish yarmulkes as much as Islamic headdresses, the Muslim population was largely seen as the target. Most who defended the ban of hijabs in schools pointed to difficulties being faced by teachers when presented with the often-foreign practices of Islam, such as requests by female students

to be exempted from mixed-sex physical education courses that required the hijab's removal or activities such as swimming, or students being unwilling to participate in the schools' sexual education courses because of their reportedly graphic nature. These issues were thus seen as a religious disruption on the ability of educators to carry out their purpose, and therefore harmful to the students around them.

This law in particular rests on the almost uniquely French tradition of laicism, which emerged following the French Revolution¹⁶ as a way of separating church and state after a century of trouble and served as a way of forcing the Catholic Church out of public schooling in 1912 (Steel, St. Onge, and St. Onge, 88). Laicism differs from the secularism seen in many western countries such as the United States in that, instead of adopting a passive role on the topic of religion, it actively excludes religious symbols from the public domain. Thus, the French government may play a role in ensuring that all persons are presented in the public sphere without the potentially distracting, propagandistic, or non-equalizing effects of religious signifiers. As Kastoryano notes in her article on religious incorporation, the institution of laicism effectively replaced the religious community with the political community and, in excluding religion from this political experience, gave rise to a still-continuing anti-religious discourse, meaning that it has had repercussive effects on society in the following decades as is visible through the religious symbol ban (1243).

Following in 2011, a law banning all types of full-facial coverings in public came into effect after being proposed by Parliamentary member André Gérin¹⁷ in April 2009

¹⁶ Though the concept of laicism has been pervasive since the French Revolution, it was not officially established through law until 1905.

¹⁷ André Gérin is a Communist Party member who was, at the time, mayor of Vénissieux. Half of the town's 60,000 residents are immigrants and their families, resulting in the niqab being a relatively normal

and later backed by President Sarkozy (Erlanger). The National Assembly, France's lower house of legislation, approved the law with 335 votes to one and the Senate thereafter voted in favor of the bill with 246 votes to one, marking the broad public support that the measure received. Though once again this law did not specifically mention the Muslim community except via a provision that barred men from forcing a woman to cover her face, and would theoretically affect any type of garment that covered the wearer's face, Islamic veiling, in this case the niqab and less commonly the burqa, was seen as the true target of the act. Most in support of the law defend it by saying that it functions as a measure of security, especially against extremists who could potentially use the garments to disguise their identity while hiding threats such as bombs underneath.

Today, most estimates place the number of Muslims in France at around 5 to 6 million people, or somewhere between 5% and 10% of the French population, making it the second largest religion in France. However, only about a third of this number identify as observant or regularly practicing Muslims, and only an estimated 2,000 women partake in full facial veiling. As Sciolino describes, the niqab is simply "an improvised cover in black with no religious or traditional significance beyond what a wearer or observer gives it" and that some women who partake in the tradition are in fact French converts, not immigrants. Still, the country's complicated history with immigrants and Muslims, as well as in the legacy of superiority and the rejection of the "other" has resulted in this minority's targeting.

sight (Erlanger). Gérin has commented that "the burqa was 'just the tip of the iceberg' of the spread of Muslim radicalism and separatism that threatened the French Republic" (Erlanger).

As described by Bréchon and Mitra, the issue of Islamic veiling has always brought to light uncertainties in regard to France's position towards immigrants, especially whether France would recognize the unique identity of its various immigrants, especially Muslim Arabs, or if these groups were only to be accepted if they adopted and assimilated into the pre-established ethnic French norms and culture (67). France has often fiercely protected its culture and ways of living under the reasoning that it is superior to other ways of life, and thus been reluctant to change. Charles de Gaulle, the iconic first president of France's Fifth Republic who presided over the Algerian war for independence¹⁸, remarked in his memoirs that any mediocrity in France was the fault of the French, not of the motherland (Steel, St. Onge, and St. Onge, 138). "In short," he said, "France cannot be France without her grandeur" (Steel, St. Onge, and St. Onge, 138). As the first president of France under the current constitution, the thoughts and actions demonstrated and articulated by de Gaulle left a legacy on the country and especially upon its right-wing politics¹⁹ which continues to feed the environment that allowed for the law's proposition to be successful.

In the year after its passing, the effects of the ban had shown to be relatively ambiguous. As of September 1, 2012, 425 women had been fined for wearing full-face veils and 66 others had received warnings from the police (Erlanger and Camus). Khosrokhavar states that even Muslims who do not wear the burqa or niqab still suffer because of the increased prejudice against them brought on by the law, and notes that

¹⁸ The Algerian War lasted 1954-1962, when Algeria gained independence. It was characterized by guerilla warfare, use of torture, and a civil war between French loyalist Algerians and those pressing for independence. Up to 1.5 million Algerians died, and many others were pushed to leave the country in search of jobs and stable lives, often in France (Ramdani). Some point to the legacy of this war as a reason for animosity between French society, including its former expats, and the economic migrants from Algeria.

¹⁹ The French right remained in power from the time de Gaulle entered office in 1959 until François Mitterrand became president in 1981.

though there are many Muslims who disapprove of wearing the burqa, most of them still disapprove of the ban because of the stigmatization felt as a result. From the beginning of its existence, many have seen the law to be flawed because, at its base, enforcement would be very discretionary. Sciolino notes that while the law allows exceptions for things such as Santa Clauses and carnival-goers, its wording means that it could still apply to anyone wearing a balaclava or a motorcycle helmet with a visor, though most French would be shocked if these garments incited punishment. Khosrokhavar states similarly that such religious symbols as turbans and thick beards also “veil” the face, and it would in fact be sexist to not include these in enforcement. And while some women have not altered their actions in defiance of the law, many women have simply restricted their activities and stayed at home to avoid potential conflicts from the police or people on the street. Some women have reported being spat at, assaulted, and further stigmatized as some French now feel they have a right to confront those wearing the niqab. A French businessman of Algerian origin, Rachid Nekkaz, who has offered to pay the fine for anyone ticketed, noted that “the law was meant to protect women but it has imprisoned them [in their homes] instead” (Erlanger and Camus).

An ironic phenomenon has also emerged as Muslim public leaders have begun creating private schools, which are traditionally underdeveloped for non-Catholic religious groups, as a way of circumventing the laws (Schoenherr). Thus France’s attempts to keep religion out of its schools have ensured that it, in fact, remains there. In this way, the Muslims who attend these private schools are able not only to practice their faith within the bounds of the school day, but also miss part of the culturalization

that takes place in public schools, further separating these communities from the society they are a part of and pushing them together on the basis of their faith.

Criticisms of the law have pointed to the fact that the stigmatization at the nature of these laws acts only as a perpetuating force in the division of the country's society between the native ethnic French and the marginalized immigrant communities, and could, in fact, actually endanger the country. While the French right highlight supposed problems associated with the presence of Muslims, such as the dietary needs of halal, which are often not accommodated for by public school cafeterias; prayers taking place in the street due to the incapacity of France's mosques to hold the burgeoning Muslim population; and, of course, the presence of the niqab, others argue that these forms of discourse create a "poisonous"¹¹ atmosphere (Ramdani). Even France's grand rabbi, Gilles Bernheim, has stated that it is difficult to be Muslim in France today "in this unhealthy climate, aggravated by talk that divides rather than unites" (Ramdani).

Perhaps most poignantly, some have argued that, instead of protecting France from fundamentalists and potential terrorist acts, the laws instead act to make it a prime target. By definitively showing that the government is not in favor of Islamic traditions integrating into French culture, the Socialist Party has warned that the laws will be "an invaluable gift presented to those [...] described as extremists" ("Activists" 2010). The disputes and difficulties brought about in the creation and enforcement of these laws risks turning Muslims against France and creating the extremism the state is trying to prevent (Khosrokhavar). Khosrokhavar argues that simple headscarves would be easy to integrate without harming French culture, and that the society and government should remain open to that.

It is still somewhat unclear whether the 2011 law will remain in place in the long run. In some ways, it seems to be challenged by the French Constitution itself, which states that “France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs,” but the law was not prevented from enactment on these grounds (art. 1). The law is also currently being challenged before the European Court of Human Rights (ECHR), which protects freedom of religion in its Article 9 as follows:

“...every person has the right to freedom of thought, conscience, and religion. This right implies the freedom to have or adopt a religion or conviction of one’s choice, as well as the freedom to demonstrate one’s religion or conviction, individually or collectively, in public or in private, through worship and instruction, including the practice and performance of rituals” (qtd. in Kastoryano, 1253).

There are some women who have begun the process of appealing their tickets to France’s high courts with the hope of moving on to the ECHR to challenge the basis of the law as a violation of religious freedom, but the process could take several years.

While their fate at the hands of the ECHR remains uncertain, critics have continued to argue that the laws do not actually address the problems facing France and its Muslim immigrant communities: those of marginalization, discrimination, and underachievement. Kastoryano argues that French national identity can help reduce the immigrant population’s ties to external political forces, such as religion and the pull of their home countries, and lead to their full participation in political community of France

(1250). The difficulty posed in the recognition of Islam is that it has in many ways spurred a general revision of the connection between church and state in France. The possibility that the inclusion of Islam would necessitate a broader restructuring of the state and its relations is undoubtedly a move that many officials and citizens would resist. It remains to be seen if the state or its society will successfully establish discourses that result in developing wide-ranging and accessible tools that allow Muslims to find a place of identification in the political, economic, and social worlds of France.

**Chapter 3:
Germany**

Germany

In contrast to France, Germany has not experienced a notable level of legislation specifically targeting the religious components of its immigrant population. Instead, the influx of Muslim Turks through guest worker programs has forced Germany to face issues with its views on nationality and citizenship. A famously nationalistic country, Germany has seen increased tension between the desire for cheap foreign labor and an ethnically pure culture as its interactions with this notably different immigrant group have increased.

History of Colonialism and Immigration

Germany differs drastically from many European countries in that it had an extremely limited experience with colonialism. While European imperialism was soundly establishing itself in the 16th and 17th century, the state of Germany did not yet exist. While the city-state of Brandenburg-Prussia had a small presence in the colonial Muslim world through its control of the island Arguin²⁰ between 1685 and 1721, it was not until the 1871 Treaty of Versailles ending the Franco-Prussian War that individual feudal kingdoms united into a German state. This meant that Germany was not an actor in the early waves of colonialism and its colonial efforts only truly began in 1884 as part of the European scramble for Africa. While this was seen as a way of proving that they had achieved nationhood, Chancellor Otto von Bismarck still had little interest in colonial territories, leaving much of its colonial acquisitions driven by individual enterprisers rather than government entities. Though it did establish a small number of colonies in Africa and Asia, Germany did not have substantial interaction with Islamic societies in the same way that the colonial French empire did.

²⁰ An island off the coast of Mauritania on the western coast of Africa.

Further contrasting France's experience, Germany's population flow was historically dominated by emigration out of the country rather than immigration. This existed in such numbers that the National Liberals political party, active immediately after the state's unification, became concerned with the large numbers exiting the country for North and South America and pushed for colonization based on where these emigrants settled rather than places of purely economic interest. Germany continued to have little true foreign immigration until the mid- to late-1950s, as immediately post-World War II the country was more concerned with rebuilding and reunifying the country than with immigration.

The only significant foreign presence Germany experienced prior to the 1950s was that of seasonal migrant workers. Starting in 1871 after German unification, Polish agricultural workers were recruited to East Prussia and eventually migrated to work the country's western industrialized areas (Klopp, 35). This movement led to the recruitment of more Polish seasonal workers to resupply workers to the agricultural industry. This relatively limited experience was enough to inflame national conservatives, who were concerned with *Polonisierung* (Polonization) and compelled to repel the "inferior" Slavic influence (Klopp, 35). These conservative groups thus gave rise to the idea of "Germany for Germans."

During World War I, Polish and Russian seasonal workers were barred from returning home, and as a result between 500,000 and 600,000 were held as forced laborers until the end of the war (Klopp, 36). Once they were released from Germany, the state's number of foreign laborers dropped to approximately 174,000 (Klopp, 36). During the interwar years, in an attempt to limit unemployment among its native

population, laws still currently in effect were instituted requiring employers to give priority to Germans over foreigners when hiring. In World War II, the Nazis established labor contracts with external actors in order to satiate the demand for agricultural and industrial labor that occurred in rearming. By 1945, approximately 25% of the workers in Germany—7 million people—were foreigners, most of whom left Germany after the war.

Germany's laws on citizenship helped to perpetuate this lack of permanent immigration. The 1913 *Staatsangehörigkeitsgesetz*, or "Nationality Act" established citizenship to be based on the principle of *jus sanguinis*, meaning "right of blood" (Klopp, 2). With its origins in Wilhelmine Germany²¹, this allowed Germans living abroad to maintain citizenship indefinitely and to pass it on to their children. The law, however, did not give those of non-Germany heritage who were born in Germany citizenship. Brett Klopp stated in his book on Germany multiculturalism that this law essentially "marked the nationalization, even ethnicization, of German citizenship by reducing the importance of territory and increasing that of descent," signaling the birth of a "dissimilationist" tradition conveying a message of exclusion and unwelcome that persists throughout Germany's experience (43). Though the Nazis narrowed who was given citizenship through the Nuremberg laws of 1935, the 1913 law was restored following World War II and continued to be what German citizenship was based off of until changes of the 1990s.

Modern Immigration: Guest Workers and Asylum

Though until 1951 Germany²² had officially been a virtually ethnically homogeneous country, its experience with migrant workers had resulted in people

²¹ The period of 1888-1918, during which the German Empire was ruled by Wilhelm II.

²² Unless noted otherwise, "Germany" refers to West Germany between 1949 and 1990

realizing the value of foreign labor and demand for it grew substantially with post-war economic growth. Through the government's increased influence in economic affairs, Germany's first official bilateral foreign labor treaty was established in 1955 with Italy and agreements with Spain, Greece, Turkey, Morocco, Portugal, Tunisia, and Yugoslavia followed within 10 years (Klopp, 38). Turkey, Morocco, Tunisia, and Yugoslavia are especially noteworthy as they brought the new experience of Islam into Germany. Though there was some contention during the 1966-1967 economic recession during which the government succeeded in pressuring some workers to return to their home countries, deals between the government, labor unions, and employers steadily increased the immigration of foreign laborers between the years of 1958 and 1973 (Klopp, 39). These migrant workers differed from the early seasonal workers in that there was no legal statute in place requiring the return to their home countries for part of the year. Thus, many of Germany's recruited guest workers unofficially became permanent residents. In 1977, a report by the Federal Minister for Labor and Social Order stated that "over the long-term [foreigner workers residing in Germany] serves the economic and social interests of the Federal Republic of Germany as well as those of the home countries" (qtd in Klopp, 7).

On November 23, 1973, the German government imposed *Anwerbestopp*, a "cessation of application for work," with the official reasoning being the economic conditions surrounding the OPEC oil embargo (Klopp, 39). By this point, Germany was home to 2-3 million guest workers and, though they had enabled the upward mobility of German workers and the expansion of the welfare system, the "foreigner problem" was once again a central issue of public debate (Triadafilopoulos, 3). Earlier the same year,

unprecedented levels of foreign-worker-instigated labor unrest had occurred, and many suggest that this played heavily into the decision to stop foreign worker applications. However, the cessation failed to alleviate the unemployment rate or rising social pressures. Foreign populations actually continued to increase during this time period due to family reunification policies, high birthrates in immigrant families, increased application for political asylum, and work-permit access for all European Economic Community citizens²³ (Klopp, 39). Between 1973 and 1989, the foreign population of Germany increased 22%--from 3.96 million people to 4.85 million, and from 6.4% to 7.7% of the total population (Klopp, 40).

During the 1980s and 1990s, German repatriates and asylum seekers from former Soviet Bloc and Eastern European countries continued the growth of the foreign born population as Germany saw reunification²⁴. Ethnic German repatriates had a constitutionally protected right to automatic citizenship under the 1913 citizenship law and, in contrast to the experience of other immigrants, received notable settlement assistance. Between 1983 and 1993, Germany received over 1.4 million asylum applications, with a peak after Eastern European emigration opened in 1992 with 438,000 applications that year alone (Triadafilopoulos, 3; Klopp, 40). Though Article 16 of Germany's Basic Law²⁵ granted political asylum, the "asylum compromise" of 1993 narrowed the points of access in restricting asylum seekers' rights and issuing control on repatriate admissions (Triadafilopoulos, 4). By 1999, the number of applications for asylum had dropped to 95,113 (Klopp, 40).

²³ Courts had reinforced reunification and residency rights for immigrants in the 1970s, and citizens of the EEC (such as Italian recruitments) were not subject to the 1973 stop (Triadafilopoulos, 3).

²⁴ West Germany and Soviet-controlled East Germany were reunified in 1990.

²⁵ Germany's acting constitution, approved in 1949.

Today, Germany has become the second largest immigrant receiving state, next to the United States, with Turkish passports accounting for the single largest immigrant group at over 2 million (Klopp 2, 40). However, the official stance “toed by countless public officials has always been, ‘The Federal Republic of Germany is not a country of immigration’” (Klopp, 2). Still, in 2012, 8.8% of the population—7.1 million people—was composed of foreigners (Triadafilopoulos, 2). This impact is especially visible among younger age groups, with immigrants plus second generation residents²⁶ accounting for 19.6% of the total population, 27.3% of the population under 35, and 34.4% of the population under 5 (Triadafilopoulos, 2). New annual admissions have declined in the past decade, but in 2010 there were still approximately 475,800 granted (Triadafilopoulos, 2). The result of the presence of these foreign populations is that Islam is now the second largest religious community in Germany, with an estimated 3.8 to 4.3 million adherents—approximately 5% of the population—as of 2008 (Halm, 458). Of these, over 2.5 million are from Turkey and 0.5 million from former Yugoslavian countries, with smaller numbers from the Middle East and North Africa (Halm, 458).

Immigrants and Islam in France and Germany		
	France	Germany
Approx. Number of Immigrants	5.2 mil (in 2007)	7.1 mil (in 2012)
Approx. % Immigrants of Total State Population	8.3%	8.8%
Approx. Number of Muslims	5-6 mil ²⁷ (in 2012)	4.3 mil (in 2008)
Approx. % Muslims of Total State Population	5-10%	5%
Approx. Total Current State Population	66 mil	81 mil

²⁶ Those who were born in Germany to immigrant parents

²⁷ Estimates are more tenuous in France, where the government does not have the right to ask about religion in census polls.

The Limited Rise of Extremist Parties: An Unfavorable Environment

In contrast to France, Germany has seen a very limited rise of extremist parties in the face of Islamic presence. While estimates suggest that recruitments for neo-Nazi groups have expanded and that some racially motivated violence has increased, these groups have little to no power through the state's authentic political arenas (Norris, 64). In contrast to France's measured opinions against its Muslim immigrants, it is difficult to find comparable data on German's attitudes. Though the animosity still exists, this lack of evidence may be in part because the state plays a large role in limiting the systematic prejudices present in the country.

Because of its history of Nazism, Germany's constitution established a mechanism of control on extremist entities in the country following World War II. Under Article 21 of the Basic Law, Germany's Federal Constitutional Court has the duty of disbanding parties and organizations that reject the liberal-democratic principles of the state (Norris, 63; 92). Almost immediately after its creation, the FCC outlawed the *Sozialistische Reichspartei*, a neo-Nazi party recognizing Admiral Donitz, Hitler's successor, as the only legitimate leader of Germany, as well as far-left Communist parties (Norris, 92). The court has also been successful in banning xenophobic skinhead groups, ultranationalist organizations, and neo-Nazi movements such as Blood and Honor that have been actively engaged in violence, intimidation, and hate crimes against asylum seekers, Turkish migrants, and the Jewish community (Norris, 92-3). While some underground activity remains, the official environment is not as forgiving to extremist movements as that of France.

In the political realm, some right-wing parties did receive limited support after 1949, but this waned with the stabilization of the post-war party system and the 1950's notable economic prosperity (Norris, 63). The foundation of the National Democratic Party and German People's Union in 1964 and 1971, respectively, signaled a second wave of radical right activism within Germany. The two parties, which have merged and are currently active under the NDP name, advances a form of neo-Nazism through such beliefs as that some people are unequal to others and that Germany's post-war borders should be revised. Though the Federal Constitutional Court failed in its attempt to disband the National Democratic Party in 2001 due to setbacks in court, the party remains under the FCC's observation and thus must be somewhat more moderate in its publicized activities than it may be otherwise (Norris, 92).

Still, the National Democratic Party does not hold a single seat in Germany's *Bundestag*²⁸, in contrast to the National Front's modest gains at the national level. This is due to German electoral laws that primarily effect fringe parties. A legal electoral threshold in place which requires 5% of the vote in order for a party to gain representation in the *Bundestag* automatically excludes parties falling below this threshold from holding office (Norris, 63; 119). This constraint is in place in an attempt to reduce party fragmentation within the government, but it also results in radical groups generally remaining marginalized. In 1969, at the National Democratic Party's electoral peak, it was this threshold that prevented them from entering the *Bundestag* as they received only 4.3% of the vote (Norris, 26). While the NDP has experienced modest gains at the local level in former Communist eastern Germany, such as in 2004 when

²⁸ Germany's lower and directly elected house of parliament. The NDP also does not hold a seat in the upper house, the *Bundesrat*.

the party received 9% of the vote in Saxony regional elections and acquired seats in the state-level legislature for the first time since 1968²⁹, it appears unlikely that it will enter the nation's higher realms of government (Norris, 64).

Laws and Sentiment

Like in France, Germany's Islamic immigrants are generally underprivileged in education, employment, and income (Halm, 459). However, in contrast to France, the inequality in these areas is considered to be far greater than other indicators of social integration, such as spatial segregation within cities and contact to the receiving society as German immigrants tend to experience lesser degrees of ghettoization (Halm, 459). Still, images of Islam as a violent religion only spurring conflict proliferate in the media, especially in the post-September 11 world. In the midst of a bumpy social integration, Germany's immigrants have also faced a legally unique situation due to the country's historical stances on citizenship.

From the 1973 *Anwerbestopp* through the 1990s, the legal integration of immigrants through naturalization was essentially indefinitely delayed due to the lack of laws conferring citizenship to those born within Germany's borders (Klopp, 9). Laws remained distinctly inclusive to ethnic Germans and exclusive to non-Germans. Naturalization was classified as the "exception, offered only where it was in the interest of the Federal Republic to do so," and the 1977 Naturalization Regulations enforced this accordingly (Triadafilopoulos, 4). This set of rules created very narrow access to citizenship through naturalization, as applicants were required to demonstrate proficiency in Germany, renounce their former citizenship, provide evidence of a mental

²⁹ This success was attributed to welfare cuts coupled with high long-term unemployment levels in eastern Germany.

orientation favorable to Germany, and pay a fee equivalent to three month's salary, all of which served to keep naturalization rates low (Klopp, 9).

Beginning in the 1990s, the consequences of the *jus sanguinis* laws came to a head throughout Germany. While the political debates on asylum reform were ongoing, attacks and fire-bombings in which Islamic immigrant families were targeted by right-wing extremist in cities³⁰ throughout 1992 and 1993 served as the most visible examples of the widespread violence against foreigners occurring shortly after reunification (Klopp, 1). The murder of Turkish-Germany children in 1992 and 1993 also served to highlight the perversity of laws leaving children born in Germany to be classified as foreigners, particularly when repatriates were given easy access to citizenship regardless of whether they met the requirements for naturalization set for other foreigners (Triadafilopoulos, 5). In the wake of these events, citizenship reform became a rallying cry for people across the country.

Due to the strict naturalization laws, Germany's foreign population was composed not only of migrant workers, but also the second and third generations born within Germany. Though by 1999 the country was home to over 5 million immigrants, whose composition can be seen in the chart below, foreigners were not allowed to vote in elections or run for public office prior to 1997 (Klopp, 19). When the German Citizenship Act passed in 1999, it marked a paradigm shift in citizenship policy and the prevailing concept of nationhood. The law introduced citizenship through the rule of *jus soli*—"law of territory"—granting citizenship to children born in Germany, so long as one parent had been a legal resident for at least 8 years, and relaxed the residency

³⁰ Noteworthy events occurred in Hoyerswerda, Mölln, Rostock, and Solingen. Mölln, Hoyerswerda, and Rostock are in the eastern part of the state (with the latter two being part of former East Germany), while Solingen lies in the west.

requirement before naturalization could be granted from 15 years to 8 years

(Triadafilopoulos, 1; 6).

Foreigners by Selected Nationality (1999)		
<i>Nation of Origin</i>	<i>Number of Foreigners</i>	<i>Percentage of the Foreigner Population</i>
Turkey	2,053,564	28.0
Yugoslavia	737,204	10.0
Italy	615,900	8.4
Greece	634,354	5.0
Poland	291,673	4.0
Croatia	213,954	2.9
Austria	186,090	2.5
Bosnia-Herzegovina	167,690	2.3
Portugal	132,623	1.8
Spain	129,893	1.8
Iran	116,446	1.6
United Kingdom	113,487	1.6
France	107,191	1.5
The Netherlands	110,519	1.5
USA	111,982	1.5
Romania	87,504	1.2
Vietnam	85,362	1.2
Morocco	81,450	1.1
Afghanistan	71,955	1.0
Hungary	53,152	0.7
Lebanon	54,063	0.7

Source: Beauftragte der Bundesregierung für die Belange der Ausländer 2000, Table 3.

Source: Klopp, 41

This change to the previously prevailing rule of *jus sanguinis* was seen as the German state acknowledging their de facto status as a modern immigrant country. Proponents of the Act assumed that the relaxed residency requirements for naturalization would allow long-settled immigrants to assume the rights and privileges of German citizens and would put Germany on par with mainstream European citizenship policy (Triadafilopoulos, 6). Theoretically, the traditionally ethnic conceptions of nationhood would give way to a new positive civil identity for the country's foreigners. However, there is the widespread notion that in Germany, you may become a

naturalized citizen but may never become a member of the German *volk*³¹ (Klopp, 41). Each instance of liberalization in the law seemed to be coupled with a restrictive move. Applicants now had to declare loyalty to the “free and democratic character of the Constitution” and demonstrate adequate German-language knowledge, stipulations over which the *länder*, Germany’s federal subdivisions, were given wide liberty to interpret (Triadafilopoulos, 6). In a ban on dual citizenship, those who were born in Germany and now granted citizenship on the basis of *jus soli* were required to officially renounce their parent’s native country’s citizenship between the ages of 18 and 23 or lose their German citizenship (Triadafilopoulos, 7). This commitment to avoiding dual citizenship did not apply, however, to citizens of the European Union. Eventually, the complicated nature of the German Citizenship Act resulted in a loophole closure immediately before the 2005 election that de-qualified approximately 20,000 German-Turkish voters (Triadafilopoulos, 7).

The Residence Act of 2004, which aimed to regulate immigration and simplify residency policy, ended up further restricting the access to citizenship and residency for many of Germany’s largely Turkish immigrant population. Though much of its interpretation was left to the federal states, the legislation attempted to advance the aim of integration by requiring permanent residency candidates to complete 600 hours of language courses and 30 hours of civics instruction. The new law also required all applications for naturalization to be considered by the Office for the Protection of the Constitution³² in order to determine whether a candidate poses a threat to the

³¹ Literally meaning “people,” this encompasses the wider idea of a German national identity.

³² A domestic security agency under the Minister of the Interior tasked with counter-intelligence and information gathering on potential threats to the state’s democratic order, including extremist groups.

constitutional order of the German state (Triadafilopoulos, 8). Taking advantage of the liberty allowed in imposing the act's policies, Baden- Württemberg and Hesse, states in the southwest of Germany, issued interview guidelines for potential citizens by 2006. These states used their guidelines to target Muslim applicants in an attempt to discern their "internal disposition" through questions about such things as patriarchy, homosexuality, and forced marriages (Triadafilopoulos, 8). The 2007 Act of Implementation of European Union Directives on Immigration and Asylum Law saw a standardization of the Residency Act's elements by regulating language requirements, implemented a universal acceptance of European Union and Swiss dual citizenship, reduced the criminal record restrictions for citizenship to 3 month sentences, and formalized the requirements for demonstrating the requisite citizenship knowledge. In an attempt to counteract the tendencies to screen Muslim applicants harshly, a nationalized exam was instituted that did not aim to test opinions or dispositions but focused on civics knowledge (Triadafilopoulos, 9).

However, even with its standardization, Germany's citizenship tests have created some controversy. Those who accept them say that the exams and requirements show an aim to educate their incoming population about such western ideals as democracy. Those who criticize them, however, do so on the grounds that they are seen as a method of "forced cultural assimilation" and as a reinforcement of a "prohibitive" citizenship regime (Triadafilopoulos, 10). With this environment, some political parties have attempted to purposefully reach out to Germany's immigrant residents. Though foreigners could not vote or run for public office prior to 1997, the Green Party has

Differing slightly from the Constitutional Court, it is under judicial control and does not have policing authority.

made a marked effort to reach out to the nation's foreigners. Since 1994, the association *ImmuGrün* has united immigrants with Green politics and served to encourage more independent political action and organization (Klopp, 19). At the beginning of 2014, the Social Democratic Party was also seen as striving to appeal to Germany's primarily Islamic immigrants when Yasmin Fahimi, the daughter of an Iranian father and German mother, was elected as the general secretary of the party with over 88% of the members' vote. Germany's central government has also taken part in forming the Turkish-Islamic Union for Religious Affairs, as well as beginning the German Islam Conference in 2006 (Halm, 459). This conference resulted in the created of the Coordination Council of Muslims in Germany in an attempt to answer the demands for a common point of contact for the Germany state as a stepping stone to Islamic societal integration (Halm, 459). However, the state acceptance of a political Islam remains mixed, as the Islamic Association Millî Görüş, the largest non-state Sunni organization, remains under observation by the Office for the Protection of the Constitution.

**Chapter 4:
Comparison and Conclusion**

Comparison and Conclusion

The experiences of Islamic residents have differed greatly between France in Germany, with the discourse in France primarily focused on visible religious presence and that of Germany centered on citizenship access. While religion appears to be an absent or cursory factor in Germany's laws, it is prominent and, one could argue, even the subject of discrimination at the hands of French legislature. The question thus becomes why these differences occur when both countries lacked a substantial Islamic population prior to World War II.

One potential factor is size. In a country where the Islamic population is notably larger, it would be understandable to see higher tensions and increased prevalence of Islam in the political and public spheres. However, the percentages of Muslim residents do not vary significantly between France and Germany, measuring at approximately 8% and 5%, respectively. Still, these numbers do not reflect the difference in the dispersal of the Muslim populations of the two countries, such as the tendency to for French immigrants to remain concentrated in HLMS and the relatively dispersed geographic integration of those in Germany, nor do they reveal the difficulty in measuring the degree of religiousness among those populations. It is possible that France's highly clustered Islamic population creates more visibility for the religion or that the primarily Maghrebi Muslims are more religious than the Turks of Germany, creating an environment in which the religion becomes a central aspect of political discussions within the country. Nevertheless, the sizes of the Islamic communities of the two countries do not offer a clear explanation for their differences.

Also potentially impacting the experiences of the countries are the histories that they bring to the current situations. In France, there is a long-standing conflict with other ethnic groups and nationalities seen as infringing upon the French way. When this is added to their long and tumultuous colonial history, culminating in the 7 year long Algerian War for independence which resulted in mass deaths, this almost nationalistic animosity can target the groups of primarily Algerian Muslim immigrants. The prospect of this hostility being bred into generations of French nationals could play a part in explaining the rise of Islam-centered legislation, as typically disenfranchised immigrants see less representation and response from legislators in the National Assembly than do the attitudes and desires of the native French. With Islam as the uniting factor of these particularly “foreign” (non-European) migrants, religion becomes a venue through which they can be targeted. In contrast, Germany’s experience with foreign immigration and Islam is relatively new and began, in a sense, on the country’s terms as it actively sought out work recruits. The fact that these immigrants were initially desired to play a role in the society, combined with a lack of history or residual tension from colonialism, may create a sense of responsibility for the issues facing the country over its large immigrant populations. The concern there thus becomes finding how these groups fit into the society in the legal sphere, leaving debates over citizenship and its restriction as the venue through which these foreign residents can be differentiated.

The structures of the states also inevitably impact the ways in which Islam experiences them. In Germany, where the Constitutional Court and Office for the Protection of the Constitution monitor and restrict the activities of any extremist groups, it is difficult for fringe hate groups to systematically thrive. Though they may still exist in

limited underground numbers, the measures put in place against them prevent these groups from having the same sense of legitimacy as they would if they were allowed to impact governmental affairs. Lacking the history of Nazi Germany's Third Reich, France does not have equivalent measures in place and instead is focused on instances of hate speech by individuals rather than organizations that may breed the discourse. The system therefore allows groups such as the National Front to exist when a comparable party may have been disbanded in neighboring Germany. While the National Front is still a fringe party, the fact that it is able to achieve some success in office while remaining historically outspoken about immigrant groups suggests that its voice and desires are acceptable to metropolitan France. Through a lack of condemnation, the party is given a sense of legitimacy which may leave other parties and their members feeling freer to speak on and pass religious-centered acts that they otherwise may not have.

Norms, a culmination of the structures, histories, and behaviors of society, thus may provide the most comprehensive explanation of the countries' different experiences. In France, a culture of aggressive secularism and protective nationalistic tendencies creates an outspoken environment in which it remains difficult for immigrants and Muslims, who are contrary to the norm, to thrive. France's history of separating the "other," especially those of non-French origin, was largely influential in the creation of its anti-veiling laws and remains prevalent and widely visible. In a state that traditionally fiercely defends its culture, this aim has been integrated into its governmental affairs, such as the French state's department dedicated to protecting the purity of the French language: the Académie Française. Created in 1635 under the reign of Louis

XIII and restored under Napoleon Bonaparte following the French Revolution, it is charged with creating the official dictionary of the French language, as well as attempting to decrease the influence of outside languages, especially English, by creating French equivalents for words. Further ensuring the dominance of its language, France passed the “Toubon” law in 1994 making the use of French mandatory in state schools, advertisements, workplaces, and government publications (Samuel). Passed the same year, the “Pelchat” Amendment placed a requirement that 40% of the music played on the radio between 6:30am and 10:30pm must be French-language³³ (“France Legislation” 2012). When foreign influences are seen as infringing on the French way, it is customary, acceptable, and even expected for them to be stopped.

This sense of cultural protectionism or superiority also spills over into the less official realms of everyday life. Elaine Sciolino points to the importance of eye contact, or “*le regard*,” in French culture as a reason the small minority of covered women make people uncomfortable. Though some Muslims believe that the mixing of men and women, including eye contact and especially in public or among strangers, should be regulated or minimized, staring in France is not seen as a sign of rudeness but rather as a compliment or as something that is classically common. The Muslim traditions of veiling and separation also sharply contrast the social culture of France—“the land where the uncovered body is celebrated”—and draws attention to the fact that it is an alternative to the French, and Western, way in which the sexes coexist (Sciolino). French feminists have long voiced contention with the burqa because of its potential separatist and male dominance implications, coinciding with the voices that say banning

³³ When faced with difficulties in the implementation of this legislation, the state later introduced greater flexibility with the quota.

the niqab reinforces the equality of men and women in the country as is ensured under its constitution. Some people, especially those on the far right, see the veiling as not only a blatant rejection of French values, but also a reminder of the ways in which the French colonial mission failed at bringing these values to the world. This pervasive and ingrained need to protect the one united ethnic French culture is perhaps the best explanation as to why France's laws gained legislative support among moderate groups and the French Left, as well. All aspects of the society have allowed these legislative acts to not only exist but thrive, and the people are left with a sense of freedom to speak publicly about these issues and their discontent over immigration.

In contrast, the norms of German society have not allowed for a targeting via religion but rather through its traditionally narrow focus of citizenship. Despite the reforms it has seen in the past decade, citizenship remains more difficult to obtain in Germany than in most of its neighbors. Though the 1999 law provided a revolution in damping German exceptionalism, the continued resistance to dual citizenship prevents a large number of the country's long-term residents from applying for naturalization (Ingram and Triadafilopoulos, 356). Still, Germany has seen less wide-spread outrage than France on their immigrant-related actions, potentially as a result of the normative restrictions international opinion placed on Germany post-World War II that prevent extreme measures, policies, and language (Ingram and Triadafilopoulos, 362).

In bearing the legacy of the Third Reich's systematic persecution of Jewish persons, the German state feels a constant need to reaffirm that it has changed and is not likely to return to a similar place. This is imprinted upon the German people, and they thus do not create a space through which criticisms of the presence of the Islamic

religion are discussed as openly as in France. When Dirk Halm studied at the ways in which Islam was discussed in Germany's *Bundestag* before and after the September 11 terrorist attacks in the United States, he found that though there has been an overall increase in the number of times Islam has been broached as an issue and that there is less appeal for religious toleration in the post-September 11 world, most of these negative connotations have been adopted from the international environment and the counter-discourse promoting and defending the positive aspects of Islam has still managed to account for approximately half of the discussions of the religion (463; 466).

The image of Islam in the German Bundestag 2000/2001 and 2003/2004: percentage of items in the debates under analysis

Item category	2000/2001	2003/2004
<i>Exclusion</i>	12.0	13.0
<i>Islam as a threat</i>	9.4	24.4
<i>Incompatibility of Islam and the West</i>	1.5	5.5
<i>Counter-discourse</i>	73.8	50.1
<i>Others/unclassifiable</i>	3.3	7.0

Source: Halm, 463

While Muslims themselves remain unlikely to be included in the active discourses of either country³⁴, and while Germany has had its own debate on whether public servants and teachers should be allowed to wear headscarves while serving³⁵, it did not escalate into the same international affair that the French ban on burqas and niqabs in all public spaces did. Federal states in Germany, though motivated by security concerns, have made attempts to establish Islamic religion as a standard subject in

³⁴ In Germany, only about 25% of Muslims felt represented by the state's Coordination Council of Muslims (Halm, 469).

³⁵ After attempted restrictions were challenged at the national level, the decision was left to the federal states.

public schools and to ensure that the religious education aligns itself with the nation's pluralistic society (Halm, 462). German Muslims do still face a struggle similar to their French counterparts in that individuals may gain limited acceptance in German society while distancing themselves from the Muslim communities (Halm, 461). Still, there is not an observable public opinion that Islam or immigrants is unwelcome in the country. This is not to assume that these opinions do not exist among the German people, but rather that the environment in which they exist does not expect or allow for them to be publicly aired or acted upon through law.

Overall, the differences that exist between France and Germany have occurred due to a variety of factors. In both countries it remains clear that the place of their Islamic communities is still developing and that the impact of the respective discourses is yet to be fully realized. The legacies of French colonialism and legal disparities in citizenships have permeated their respective societies, leaving an environment with marginalization and legislative targeting of immigrant populations present and at risk of continuing. While the road to inclusion may remain longer in France than in Germany, there are hurdles present for both of these European Islamic communities that prevent them from being integrated into the countries they call home. As discourses continue to develop—possibly with notably stronger or weaker Islamic voices present—it does remain to be seen the degree to which the new Muslim presence will co-evolve with the traditional European states.

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Appendix: List of Important Dates

- 711: Arab and Berber forces defeat Spanish Visigoth king, begin conquest of Spain
- 1236: Spanish conquest of Cordova, marking fall of Arab Spanish Empire
- 1299: Ottoman Empire founded
- 1352: Ottomans moved into Balkans
- 1453: May 29, Constantinople conquered by Ottomans
- 1492: Final conquest of Granada, last Muslim possession in Spain
- 1566: Ottoman Empire's peak
- 1609: Philip III expels Muslims from Spain
- 1830: Algeria becomes French colony
- 1871: German unification
- 1887: "Native Code" put in place in French colonies
- 1913: *Staatsangehörigkeitsgesetz* established German nationality through blood ties
- 1914-1918: World War I
- 1922: Ottoman Empire dissolved
- 1939-1945: World War II
- 1946: "Native Code" dissolved in French colonies (except Algeria)
- 1949: Germany's Basic Law approved, Federal Constitutional Court established
- 1955: First German bilateral foreign labor treaty established
- 1958: France's Fifth Republic established
- 1962: Algerian independence
- 1972: Front National founded
- 1973: German *Anwerbestopp*, cessation of foreign worker applications
- 1989: France's Headscarf Affair
- 1990: East and West Germany reunified
- 1999: German Citizenship Act redefined citizenship through the law of territory
- 2001: September 11 marks paradigm shift in international Islamic discourses
- 2002: Front National reached French presidential run-offs
- 2004: French law barring of conspicuous religious symbols in schools
- 2004: German Residence Act restricted citizenship access
- 2005: Riots in French cities
- 2006: German Islam Conference begun
- 2007: German Act of Implementation of European Directives regulates requirements
- 2009: French Department of Immigration and Integration established
- 2011: French law banning full-facial coverings in public
- 2012: Front National reached French presidential run-offs
- 2014: Germany's Social Democratic Party elects Muslim leader