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**SECULAR VERSUS ISLAMIST:
THE HEADSCARF DEBATE IN GERMANY¹**

Two opposing voices from Turkish communities emerge in public space in Germany.² One argues that Muslim teachers should be allowed to wear headscarves in public service:

“The religious freedom of Muslim teachers who wear headscarves is restricted, and their free entrance to jobs in public service, which is their right according to constitutional law, becomes impossible. This cultivates prejudices against Muslims, encourages continued discrimination against Muslims in all social spheres, and negatively affects the integration efforts of Muslims. The essence of the judgment is that the state would have to declare neutrality. This principle of government action is incompatible with a Muslim teacher who wishes to wear a headscarf while teaching. Obviously, the judge is proceeding from an incorrect understanding of the principle of neutrality.” (Oguz Ücüncü, secretary general, Islamische Gemeinschaft Milli Görüş; see Ücüncü 2002)

The other one argues that this is an “Islamist trap”:

“Have they forgotten that fundamentalist claims mean real discrimination against girls and women? The Türkischer Bund in Berlin-Brandenburg warns against falling into the Islamist trap, which connects the ‘ban on headscarves’ to ‘professional exclusion’ and then to ‘discrimination against women.’” (Türkischer Bund in Berlin-Brandenburg, press release, December 1, 2003)

It may seem unusual that I wish to explore how Turkish social democratic associations compete with religiously oriented Turkish Muslim associations

1 I would like to thank Gerdien Jonker and Valérie Amiraux for their encouragement and support in my pre- and post-natal months, and my daughter Daphne Yudit for her patience while I was writing this chapter. I also would like to acknowledge the intellectual contribution of Michal Bodemann and Pascale Fournier to the research and writing process.

2 A number of terms are used to describe Turkish immigrants and their children in Germany (Caglar 2001). In this chapter I use the term “Turkish communities” to refer to the Turkish immigrants and their children who live in Germany. “Turkish Muslims” is used to refer to the Turkish immigrants and their children who strongly associate with Islam.

for political representation in Germany.³ Many of the studies on Muslims in Europe and North America fail to discuss the heterogeneity of these communities. They focus on Muslim communities as only a homogeneous group. By focusing on Turkish social democrats as well as Muslim associations, I aim to bring the heterogeneity of immigrant communities into the discourse. I present comparative case studies of the Türkischer Bund in Berlin-Brandenburg (the Turkish Union in Berlin-Brandenburg; hereafter “TBB”), a secular, social-democratic immigrant association, and the Islamische Gemeinschaft Milli Görüş (hereafter “Milli Görüş”), a religiously oriented Turkish immigrant association with ties to Islamic fundamentalism.⁴

The third voice in this debate is that of German political actors. They have formed the context for the TBB spokespersons and Milli Görüş representatives during the headscarf debate. Specifically, in the aftermath of 9/11, the German police and the mass media started to focus on Islam and Muslim communities. The gathering places of Muslims, such as mosques and religious associations, became the targets of state inspections and the subjects of flashy newspaper headlines, both of which viewed them as possible shelters for terrorists.⁵ Muslims from different backgrounds—from Moroccans to Turks, Egyptians to Pakistanis—became the victims of the same anti-Muslim discourse, which portrayed them as foreigners posing a threat to European democracy and society (Amirault 2003; Bodemann 2004; Kastoryano 2004; Fournier and Yurdakul, forthcoming). I chose the headscarf debate as one example among many discussions about Muslim practices in Germany because the differences between the discourses of Turkish social democrats and of Muslims became clearer and more explicit in this debate than in any other public debate. Various explanations can account for this development, but one thing is clear: although the headscarf debate in Germany occurred in a different legal, social, and political system, it had similarities to the headscarf debate in Turkey. Therefore, the echoes sounding from the Turkish context may have played a central role in dividing the Turkish communities in Germany. In Germany, as in Turkey, this Muslim community was considered

3 It is important to note that the Milli Görüş and the Türkischer Bund in Berlin-Brandenburg (TBB) are not competing for the same kind of political representation. Whereas the Milli Görüş emphasizes that the social and political differences of Muslim practices should be recognized (these practices are defined in the “Islamische Charta”), the TBB argues for erasing social and religious differences from the public sphere. As a result, these associations have different political representations and appeal to different constituencies.

4 Of course, the Turkish Muslim community in Germany is not limited to these two groups. It is also divided along lines of ethnic, religious, and gender difference. In this chapter, however, I intentionally focus on the TBB and the Milli Görüş and the different political perspectives and stances they represent.

5 Islamische Gemeinschaft Milli Görüş, “Münchener Polizei tritt den Rechtsstaat mit den Füßen,” September 30, 2004, on their Web site “Das islamische Portal”: <http://www.igmg.de/index.php?module=ContentExpress&func=display&ceid=1277&itmid=1>.

homogeneous; other features, such as the leftist, social democratic, and pro-integration characteristics of some Muslim immigrant communities, as well as class, gender, and ethnic differences, were mostly ignored (Yurdakul, forthcoming).

I shall first briefly introduce the TBB and the Milli Görüş, two political immigrant associations that compete for representation in the German political context. I then discuss the different discourses that emerged during the heated debate over Muslim women's headscarves in public places in Germany. In this section I map the different positions of the German political actors and the immigrant associations. I explore how the discourses of the social democratic and the religiously oriented associations competed during the headscarf debates in Germany. Drawing on this debate, I then consider what these discourses tell us about immigrants' political representation in Germany today.

The TBB and the Milli Görüş

The TBB is a social-democratic immigrant association that claims to represent the Turkish communities in the Berlin-Brandenburg region. The core organization of the TBB was originally the BTBTM (Berlin Türk Bilim ve Teknoloji Merkezi, or the "Turkish Science and Technology Center Berlin"). This student organization was founded by Turkish students at the Technical University of Berlin in 1977. The BTBTM defended the rights of immigrant workers and also fought for equal rights for international students, in particular Turkish students. From its beginnings, the association had a strong social democratic tendency, which was deeply affected by the rising tensions between left- and right-wing political parties in Turkey in the late 1970s, which resulted in the abolishment of all nongovernmental associations after a military coup d'état in 1980. In fact, the official letterhead of the BTBTM in 1977 bluntly revealed the political leanings of this student organization: "The Turkish Science and Technology Center Berlin; Political Tendency: Democratic Left."

According to its early archives of 1977, the BTBTM openly showed solidarity with the JungsozialistInnen (Young Socialists), the youth organization of the Sozialdemokratische Partei Deutschlands (Social Democratic Party; hereafter "SPD"), by attending common events such as student meetings. However, in the late 1970s, the BTBTM's major focus was its ties with the social-democratic Turkish political parties, specifically with Bülent Ecevit, the founder of the Demokratik Sol Parti (Democratic Left Party). In various documents, such as annual reports and press releases, two main themes were expressed: the BTBTM's strong political support for the social democrats in Turkey and the attempts to find solutions for the problems of Turkish workers in Germany.

By 1992, the Turkish students of the BTBTM had begun to welcome second-generation Turks in Germany: the children of guest workers were grown up, had started to attend German universities, and had joined Turkish students' political movements. In the early 1990s, the executive committee of the BTBTM started discussions about an umbrella organization that would bring all Turkish immigrant associations together. This organization developed from the BTBTM to the Federation of Immigrants from Turkey (Bund der EinwanderInnen aus der Türkei) and finally to the TBB in 1995.

The current political tendency of the TBB is still social democratic; however, it now emphasizes equality for immigrants, specifically Turkish immigrants. Eren Ünsal, a spokeswoman of the TBB, described the association's goals and constituency as follows:

"The political aim of the TBB is based on the thesis that immigrants do not have equal rights [with Germans]. Our aim is to ensure that they have equal rights. And we organize our campaigns according to this aim. [Our campaigns are] directed not only at Turks; they are directed at everyone who is not German. But the TBB appeals more to Turks. Turkish people feel sympathetic to us and become our members. But our campaigns and projects are directed at all people who are not European, who are not German." (interview with Ünsal on October 24, 2002)

In general, Ünsal is relatively accurate about the aim and the constituency of the TBB. However, the TBB's aim is not solely to defend immigrants' rights; in fact, the TBB's major aim is to organize political mobilization against all sorts of discrimination against immigrants and foreigners in Germany. In this sense, the TBB has redefined its previous role as the Federation of Immigrants from Turkey, which had attempted to defend only Turkish immigrants' rights.

Although the TBB was founded to defend the rights of immigrants at large, it is in fact a technocratic and top-down elitist body (Göle 1986). The founders of the TBB are traditional intellectuals in the Gramscian sense: they have been educated in the best schools in Turkey. A spokesman of the TBB also heads the foreigners' commission of the German Federation of Trade Unions in the Land of Berlin-Brandenburg (Ausländerberatungsstelle des Deutschen Gewerkschaftsbundes, Landesbezirk Berlin-Brandenburg). The other members also come from privileged backgrounds and occupy high positions in state institutions or private enterprises. They thus are not like the immigrants whom they claim to represent, who own an *Imbiss* (a snack bar or *döner kebab* stand) or work shifts in a German factory.

Many German political authorities refer to the TBB as the supporter and guardian of "immigrant integration." In return, the TBB keeps close contact with parliament members and political parties. Although the spokespeople of the TBB strongly emphasize that they have good relations with all of the political parties, there is an obvious affiliation of the TBB's executive committee with the SPD. TBB's executive director serves as the chair of the Migration Working Group (Arbeitsgemeinschaft Migration) within the SPD.

The working group specializes in immigrants' issues, presenting reports to the party authorities. The treasurer of the TBB is a member of the SPD, serving on the commission for women's issues.

Although there are many indications of the close ties between the TBB and the SPD, a spokesman of the TBB, Safer Cinar, denies that this is the case. It is the TBB's duty, he explains, to mobilize German Turks to vote in the elections; the TBB should not, however, encourage German Turks to vote for a specific party. He claims that the TBB is a nongovernmental association; hence, a specific political ideology would not be imposed on its members.

Having said this, who is the constituency of the TBB? The TBB is made up of nineteen member associations. It appeals to associations that have social-democratic political tendencies, such as the *Türkischer Elternverein* (Turkish Parents Association), as well as some individual members who are in politically powerful positions, such as Mehmet Eksi, a politically active teacher and researcher in the *Aziz Nesin Europäische Schule* (Aziz Nesin European School),⁶ and Mustafa Yeni, who is the chair of the foreigners' commission in one of the most powerful unions in Germany, IG Metall.

In sum, the TBB appeals to people with a social-democratic and middle-class background who have settled down in Berlin. The main concerns of this constituency are immigrant integration, political representation, and antidiscrimination campaigns. Through a statistical analysis of a random sample of fifty topics from the TBB newsletters published between 2002 and 2004, I found that the most popular topics were the integration of immigrants (nine cases), campaigns against racism and discrimination (seven cases), the education of immigrant children (seven cases), and political lobbying for Turkey's candidacy to the European Union (eight cases). The least popular topics were environmental consciousness (one case) and campaigns against homophobia (one case), which do surface on the TBB's agenda, though rarely.⁷

Like the TBB, the *Milli Görüş* also frequently campaigns about discrimination, though exclusively about discrimination against Muslims. In fact, the historical background of the *Milli Görüş* in Germany is characterized by this emphasis on Muslim mobilization. The *Milli Görüş* was present as an informal network in Europe even in the early 1970s. In Germany, it emerged as a diasporic association of the members of *Milli Selamet Partisi* (National Salvation Party), the banned party of Necmettin Erbakan, a former prime minister of Turkey and the spiritual leader of *Milli Görüş* ideology.

The name *Milli Görüş* refers to the political ideology created by the *Milli Nizam Partisi* (the National Order Party) in Turkey during the 1970s. The ideology of the *Milli Görüş* has been represented in the Turkish political arena by a series of religiously oriented political parties, such as the National Order Party (founded in 1970 and banned from politics by the Constitutional

6 Aziz Nesin Europäische Schule was the first school to introduce bilingual education in Turkish and German.

7 There may be a time-specific bias.

Court in 1971), Milli Selamet Partisi (the National Salvation Party, founded in 1972 and banned after the 1980 coup), Refah Partisi (the Welfare Party, founded in 1983 and banned in 1998), Fazilet Partisi (the Virtue Party, founded in 1997 and banned in 2001), and, finally, Saadet Partisi (the Felicity Party, founded in 2001). During these various bans from political activities and subsequent re-establishment of the party under different names, the Milli Görüş was strengthened as a diasporic network of Turkish Muslims in Europe, and particularly in Germany.⁸

The Milli Görüş is listed by the Bundesverfassungsschutz (Germany's federal office for the protection of the constitution) as a "threat" to German democracy (Schiffauer 2004). The main reason for the inclusion of the Milli Görüş on this list is that it is considered to be Islamic fundamentalist, preventing the immigrants concerned from full political participation in German society. The report states that the Milli Görüş pursues anti-integrative efforts, especially with respect to the Islamic education of children. Moreover, the report provides many examples of defamatory statements made in Milli Görüş publications, in particular anti-German and anti-Semitic statements in the *Milli Gazete*.⁹ The label of "threat" to German democracy largely restricts Milli Görüş activities and campaigns and makes Milli Görüş members objects of suspicion (Schiffauer 2004; Bodemann 2004). German political actors, in particular, consider the Milli Görüş to be an illegitimate discussion partner.¹⁰

Because the association is included on the list of the Bundesverfassungsschutz, Milli Görüş leaders are not able to find supporters among German politicians and state authorities. Although they are represented as a threat to German society, they still make claims on the German state in order to create sociopolitical space for Muslims in Germany. However, because the Milli Görüş has no credibility among German politicians, they use different channels, different associations, and other kinds of representatives. One of these associations is the Islamische Föderation in Berlin (Islamic Federation of Berlin), which has been granted permission to teach Islam courses in German secondary education in the German language.¹¹

8 The Milli Görüş is a diasporic network in many countries in Europe as well as in North America. The networks in Germany, the Netherlands, and France are the most well known.

9 The daily newspaper *Milli Gazete* is considered to be the major publication of Milli Görüş supporters. Its anti-Semitic and anti-German statements have provoked many negative reactions from the German state authorities. The Milli Görüş in Germany has published different German periodicals that are not affiliated with the *Milli Gazete*, such as *Perspektive*.

10 The Milli Görüş has an organic relationship with the current governing party, Adalet ve Kalkınma Partisi, in Turkey. Even this relationship is not sufficient to clear its name from the list of the Bundesverfassungsschutz.

11 See "Milli Görüş'e John Destegi," *Sabah*, July 10, 1999; "Geld für Islam-Unterricht," *Berliner Morgenpost*, September 21, 2002; Häußler 2001. In the school year 2002/2003, 1,607 students in Berlin (852 girls, 805 boys) took Islam as a religion course in Berlin; 74 % of them were of Turkish nationality, 21 %

In addition to cases involving educational rights, the following legal cases have been introduced by the Milli Görüş to the German courts: the right to ritual slaughtering (affirmed by the courts in 2002), Muslim teachers' right to wear religious attire in schools (denied in 2003), the right to have religious education (affirmed in 1984), Muslim girls' right to withdraw from swimming courses when both sexes are present (affirmed in 1993), the right to add Muslim names in conversion to Islam (affirmed in 1992), the right to the availability of Muslim services in social and medical institutions (still in consideration), and the right to burial according to Muslim rituals (still in consideration). The right to the announcement of Islamic prayer (*ezan*) with speakers and the right to receive permission from the employer for daily prayer times (*namaz*) and for religious holidays (*dini bayram*) have not been brought to the courts yet.¹²

Of these court cases, the most controversial was the one on Muslim women's wearing of religious headscarves in public places. Although women have rarely been in a position to demonstrate their strengths in the Milli Görüş movement, in the headscarf debate the Milli Görüş appeared to be the pioneering organization for defending women's right to wear the headscarf in public places. Mustafa Yoldas, chairman of the Schura, Rat der Islamischen Gemeinschaften (Schura, the Council of Islamic Communities), explained the strong position of the Milli Görüş in the headscarf debate:

"If you force people, saying 'this is the only way,' then people will do the opposite. Many young girls began to cover their heads as a reaction. If you treat [Muslims] like this, and if we have to make a choice, then we have to choose the people of our own religion. This is what we are experiencing after September 11." (Interview with Yoldas on August 10, 2004)

During the court cases on wearing the headscarf while in public service, the Milli Görüş supported the teacher, Fereshta Ludin. Eventually, Ludin began work as a teacher in an Islamic primary school in Berlin that is affiliated with the Milli Görüş.

The Headscarf Debate in Germany

In late 2003 there was renewed controversial public debate in Germany about whether Muslim women teachers could attend their classes wearing the traditional headscarf. The debate was re-ignited when a German school-teacher of Afghan origin, Fereshta Ludin, insisted on wearing the hijab in

were Arabs (see Islamische Föderation in Berlin, "Aktuelle Daten über den IRU für das Schuljahr," <http://www.islamische-foederation.de/IRU.htm>; "Die Kopftuch Schule," *Die Tageszeitung*, June 24, 2004).

12 See "Das islamische Portal," the Web site of the Islamische Gemeinschaft Milli Görüş: <http://www.igmg.de>.

school. Ludin was subsequently dismissed from her teaching job, and she in turn complained that she was being discriminated against on the grounds of her religious beliefs. When her case was brought before the Bundesverfassungsgericht (Germany's Federal Constitutional Court),¹³ the court ruled that "Germany's constitutional law did not explicitly forbid the wearing of headscarves in the classroom in state-run schools" (the German station Deutsche Welle, September 25, 2003). However, the courts expressed fear that the headscarf, as a religious symbol, would in and of itself threaten the educational mission.¹⁴

"If teachers introduce religious or ideological references at school, this may adversely affect the state's duty to provide education which is to be carried out in neutrality ... It at least opens up the possibility of influence on the pupils and of conflicts with parents that may lead to a disturbance of the peace of the school and may *endanger* the carrying out of the school's duty to provide education. The dress of teachers that is religiously motivated and that is to be interpreted as the profession of a religious conviction may also have these effects [...].

"If a teacher wore a headscarf in lessons, this could lead to religious influence on the students and to conflicts within the class in question, even if the subject of complaint had credibly denied any intention of recruitment or proselytizing. The only decisive factor was the effect created in students by the sight of the headscarf. The headscarf motivated by Islam was a plainly visible religious symbol that the onlooker could not escape."¹⁵ (Fournier and Yurdakul, forthcoming)

Presented as creating a "potential situation of danger" in the classroom,¹⁶ the headscarf is regarded by the court as an expression of Islamic fundamentalism: "Most recently, it is seen increasingly as a political symbol of Islamic fundamentalism that expresses the separation from values of Western society" (Fournier and Yurdakul, forthcoming).¹⁷ In a final step, the court let the individual *Länder* decide whether to legally enact a ban on wearing the headscarf in school:

"However, the *Land* legislature responsible is at liberty to create the statutory basis that until now has been lacking, for example by newly laying down the permissible

13 During the court case, it was believed that Ludin was supported by the lawyers of the Milli Görüş to bring out the headscarf issue and challenge the incorporation policies for Muslims; this point, however, has not been publicly confirmed.

14 The following two paragraphs were written exclusively by Pascale Fournier in our co-authored article "Unveiling Distribution: Muslim Women with Headscarves in France and Germany," in *Migration, Citizenship, Ethnos*, ed. Michal Bodemann and Gökce Yurdakul (New York: Palgrave Macmillan, forthcoming).

15 BVerfGE, 2BvR, 1436/02, Judgment of the Second Senate of September 24, 2003, on the basis of the oral hearing of June 3, 2003, *Supra*, note 24, at Par. I (6).

16 *Ibid.*, at Par. III (1).

17 *Ibid.*, at Par. II (5) a).

degree of religious references in schools within the limits of the constitutional requirements. In doing this, the legislature must take into reasonable account the freedom of faith of the teachers and of the pupils affected, the parents' right of education, and the state's duty of ideological and religious neutrality."¹⁸

Most German *Länder* were in favor of the ban, particularly those states governed by the conservative Christian Democratic Union and Christian Social Union parties, such as Baden-Württemberg. They supported the ban by stating that the German "constitution is based on a Christian Occidental tradition and [that] they would begin to draw up legislation to ban headscarves in the classroom as soon as possible" (Deutsche Welle, September 25, 2003). According to this argument, nuns who obviously come from the aforementioned Christian tradition are allowed to wear headscarves while teaching. Muslim women, however, are not allowed to wear their headscarves because their Oriental religious attire is not compatible with the "cultural homogeneity" of majority society (Schieck 2004, 71).

Since then, the Stuttgart school authority—the school district for which Ludin used to work—argued with respect to the state's obligation to religious neutrality that it views "the headscarf [as] symbolizing a desire for cultural disintegration that was irreconcilable with the state's obligation to neutrality" (Schieck 2004, 70). Referring to the court's statements about religious neutrality, the school authority revision board (Oberschulamt Stuttgart) carried the topic further to the conflicting religious beliefs of parents and teachers. It argued that the students will be influenced by the teacher's headscarf, viewing it as a religious statement. As the debate shifted to the issues of state neutrality, the "common good" of the society, religious freedom, and gender inequality, Ludin had to give up her hopes of teaching in her previous school. She moved to Berlin and took a job at the Islamische Gesamtschule, a private school where she can wear her headscarf while teaching.¹⁹

At the peak of the headscarf discussions, leftist politicians were divided on the issue, and the political climate in Germany dramatically changed. Supporters of multiculturalism (e.g., *Integrationsbeauftragte* ["government representatives for integration"] and Marieluise Beck, a member of the Green Party) stood behind religious immigrant organizations in their efforts to defend multicultural rights, whereas supporters of state neutrality (e.g., Lale Akgün, parliament member from the SPD) were in the same camp as mainstream Christian Democrats, arguing against the politicization of Islam.

The Green Party, and especially Marieluise Beck, defended the supporters of the headscarf by emphasizing multiculturalism and, therefore, a respect for diversity. In fact, the leading German women of immigration politics, such as Marieluise Beck, Barbara John, and Rita Süßmuth, stated in an open letter on the banning of the headscarf from public places:

¹⁸ Ibid., at Par. 72.

¹⁹ "Die Kopftuch Schule," *Die Tageszeitung*, June 24, 2004.

“Whether or not one should opt for a more strictly secular school system, we want to make religious plurality in our society visible. The equal treatment of all religions is mandated by the constitution. A different treatment of Islamic symbols as opposed to Christian or Jewish ones is problematic from the viewpoint of integration and exacerbates conflicts instead of reducing them.”²⁰

The former president of Germany, Johannes Rau, also addressed the headscarf issue:

“I am firmly convinced that we cannot prohibit the symbol of a religion—and the headscarf is one such—and can still believe we could leave everything else the way things are. This cannot be reconciled with freedom of religion, guaranteed to all by our constitution. It would open the door to a development which most proponents of the prohibition of the headscarf surely would not want.” (speech by President Johannes Rau in 2003; my translation)

Whereas the president of Germany was openly against the headscarf ban, Lale Akgün, a parliament member from the SPD and an immigrant of Turkish background, presented arguments similar to those of mainstream Christian Democrats and launched a campaign against the wearing of the headscarf in public places. In addition, an open letter in response to Beck’s call for the headscarf was signed by many pioneering women academics, politicians, artists, doctors, and teachers:

“Who within the Muslim population would feel marginalized if the headscarf were prohibited in school? Only those who are under the influence of the Islamists and for whom wearing the headscarf is a sine qua non not only in the private sphere, but also in public service. All those for whom religion is a private matter and all those who are indifferent to religious precepts know and accept without problem the constitutional principle of neutrality in the school system.”²¹

At the same time, immigrant organizations were competing for space in the public sphere to promote and defend their views. Turkish Muslim immigrant organizations in particular, such as the Milli Görüş, argued that religious and cultural differences should be regarded as constitutional rights and that, consequently, Muslim women should not be prevented from practicing their religion in the public sphere. In contrast, the immigrant organizations with social democratic leanings, such as the TBB, supported the ban of all religious symbols from the public sphere, a position that is in line with the Turkish state’s secularism.²²

20 “Religious Plurality Instead of Forced Emancipation: An Appeal Against the Headscarf Law,” open letter published in *Die Tageszeitung*, December 15, 2003.

21 “Für Neutralität in der Schule,” open letter published in *Die Tageszeitung*, February 14/15, 2004.

22 The tension between these opposing views should be viewed in relation to the headscarf debate in Turkey (Göle 1997; Göcek 1999; Cizre and Cinar 2003). Currently, it is forbidden for students to wear headscarves in Turkish universi-

The TBB issued a press release informing Germans about the differences between the regular headscarf and the Islamic fundamentalist headscarf and warning the public about the evils of the latter. The traditional headscarf, the association explained, has a loose knot under the chin and leaves some of the front hair out, whereas the political headscarf, also known as a turban or hijab, is a conservative covering of the head which leaves no hair out and wraps tightly around the neck. The former is eligible to “cross the border” from the immigrant society to the mainstream host society, whereas the latter, the political headscarf, must be eliminated from the public sphere. The TBB accused the religious immigrant organizations of being Islamic fundamentalists, and Marieluise Beck and her supporters of being naive.

“When [...] the headscarf, veil, and burka are ‘instruments for the oppression of women and when they represent basic political symbols,’ then this naiveté [Beck and her supporters] is incomprehensible especially in a time of stronger fundamentalist activities.” (TBB press release, December 1, 2003)

Launching a campaign in support of parliament member Lale Akgün, the TBB took a public stance against the Green Party’s policy on the headscarf. The standpoint of the TBB—an association that represents Turks in Berlin—put the Green Party in a strange position: in spite of the reaction from Turkish immigrants favoring social democracy, the Greens were trying to force multiculturalist values down immigrants’ throats. In fact, the TBB warned Germans about Islamic fundamentalism:

“The people who signed this letter stress that the banning of the headscarf from public services would concern only women (and therefore be discriminatory). Have they forgotten that fundamentalist claims mean real discrimination against girls and women? The Türkischer Bund in Berlin-Brandenburg warns against falling into the Islamist trap, which connects the ‘ban on headscarves’ to ‘professional exclusion’ and then to ‘discrimination against women.’” (TBB press release, December 1, 2003)

On every occasion involving the headscarf debate in Germany, the TBB supported the idea that religion is a private matter and discouraged the idea of wearing religious symbols in public service. In order to prove its point, the TBB drew on various assumptions, the most common of which actually mirror many Germans’ conceptions of Islam “the headscarf is a symbol of women’s oppression in the Muslim world,” “it is the symbol of Muslim

ties. A university student, Leyla Sahin, who wanted to wear her headscarf in the university brought her case to the European Court of Human Rights in Strasbourg. The court decided in favor of the Turkish state and declared that it is the state’s right to protect public order. For more information on this case, see the European Court of Human Rights, Case of Leyla Sahin versus Turkey, Strasbourg, June 29, 2004 (available online).

fundamentalism,” and, most important, “the Muslim headscarf is a threat to the German state’s religious neutrality.”

As a cultural interpreter of Turkish Islam, which is unfamiliar to many Germans, the TBB warned the German public that the wearing of religious symbols in public service would hinder immigrant assimilation. Moreover, by emphasizing that the Muslim headscarf is a threat to the religious neutrality of the German state, the TBB argued that one of the most important principles of German democracy is under scrutiny by Muslim communities (Schieck 2004; Yeneroglu 2004).

The position of the Milli Görüş in the headscarf debate was fundamentally different from that of the TBB. When the spokespeople of the TBB warned Germans about the rise of Islamic fundamentalism, they were referring to religiously oriented immigrant groups such as the Milli Görüş (interview with Safer Cinar in April 2005). In contrast to the TBB, Milli Görüş representatives and related associations argued that women should be allowed to wear headscarves in public places.²³ Legal permission to wear the Muslim headscarf in public places had been discussed in Milli Görüş publications, such as the German association’s magazine *Milli Görüş Perspektive*. Oguz Ücuncü, the secretary general of the Milli Görüş in Germany, explained:

“The religious freedom of Muslim teachers who wear headscarves is restricted, and their free entrance to jobs in public service, which is their right according to constitutional law, becomes impossible. This cultivates prejudices against Muslims, encourages continued discrimination against Muslims in all social spheres, and negatively affects the integration efforts of Muslims. The essence of the judgment is that the state would have to declare neutrality. This principle of government action is incompatible with a Muslim teacher who wishes to wear a headscarf while teaching. Obviously, the judge is proceeding from an incorrect understanding of the principle of neutrality.” (Ücuncü 2002)

In this publication, Ücuncü stresses that the headscarf ban will exacerbate discrimination against Muslim women and hinder efforts to integrate Muslims. Moreover, he juxtaposes the two important concepts of the democratic state, freedom of religion and state neutrality, and argues that the judge misinterpreted the neutrality of the state in religious matters. Contrary to what Akgün and her supporters argue (that wearing the headscarf in public places threatens the state’s neutrality), Ücuncü stresses that state neutrality in religious matters is to encourage religious plurality.

In opposition to the court’s statement (i.e., “If a teacher wore a headscarf in lessons, this could lead to religious influence on the students and to conflicts within the class in question, even if the subject of complaint had credibly denied any intention of recruitment or proselytizing”), Ücuncü (2002) argues the following:

23 Associations such as Islamische Föderation Berlin and SCHURA Hamburg.

“One of the aims of education is to make students think about other cultures and religion. This aim would be supported by a Muslim teacher who is wearing a headscarf. Through this, she could help weaken prejudices and provide better understanding.”

Mustafa Yeneroglu, the lawyer of the Milli Görüş in Cologne, takes a fiercer and more defensive position. In an interview, he brought up the controversial connection between the headscarf and Islamic terror:

“The decision of the Constitutional Court on the headscarf is wrong. Although it seems like the decision is in favor [of wearing the headscarf in public places], when you look at other decisions of the Constitutional Court in religious matters, this one is wrong. The court left the freedom of religion, a matter of basic freedom, to the decision of *Land*-level parliaments. It left it to political initiatives ... Whatever I say, in all the reports of the constitutional institutions, it is stated that ‘these are fundamentalists, Islamists, radicals, extremists ... they are terrorists.’ This is how it is perceived.” (Interview with Mustafa Yeneroglu, head of the legal office for the Milli Görüş in Cologne, July 27, 2004)

In all of these statements by Milli Görüş representatives, the main aim of the Milli Görüş is to bring some exclusively Muslim practice, such as wearing the headscarf, into German political discussions.²⁴ The TBB, on the other hand, have made Muslim immigrant associations the main target of their accusations, warning against “Islamic fundamentalism” in their press releases. Therefore, whereas the Milli Görüş brings Muslim practices into the debate, the TBB accuses Muslim associations of being Islamic fundamentalists and threats to German society.

Muslim Debates in the German Context

What do the competing discourses of the TBB and the Milli Görüş on the headscarf debate tell us about the political representation of immigrants in Germany today? In consideration of the many themes and concepts that emerged during the headscarf debate, such as discrimination against Muslim women and teacher conflicts with parents’ right of education, it is remarkable that “state neutrality in religious matters” and “freedom of religion” consistently appeared as two controversial topics.

“State neutrality in religious matters” originates from the idea that in Western liberal societies, nation-states are “culturally homogeneous.” According to the cultural principle of constitutive justice, “the political community should consist of a group of like-minded members who band together to

24 These Muslim practices are listed in the “Islamische Charta,” from the Zentralrat der Muslime in Deutschland (2002); see the Web site of the Zentralrat der Muslime: <http://www.islam.de/3035.php>.

nurture their own common identity and who reserve the right to accept or reject new members” (Barbieri 2004, 17). This principle assumes cultural homogeneity as the basis for democracy and gives minorities and immigrants three options: assimilate, live in social exclusion, or leave the country.

As Gavin A. Smith (1999) argues, cultural homogeneity is intrinsic in the Marshallian concept of citizenship, which derives from “deeply middle-class, English, male and white” cultural values. It does not take individual subjectivities and cultural differences into account (Benhabib 2002). Most important, the different experiences of state rules and regulations have not been addressed in the discussions on citizenship. Nevertheless, immigrants are still subjected to the law of the state even though they have not rationally and officially consented to be ruled in this way. The cultural homogeneity principle assumes that the culture of the majority is neutral and that it forms the norm for all members of society.²⁵

However, neutrality is a problematic concept of liberal democracy and has been widely criticized in political philosophy literature (Ackerman 1983). Critiques of the supposed neutrality of the liberal state argue that neutrality is built on the “necessity of having a secure culture” (Kymlicka 1989, 896). Will Kymlicka argues that in those cases in which a “collectively determined ranking of the value of different conceptions of good” do not exist, then the state authorities may take action to “formulate and defend the conception of good” (1989, 900). As he points out, this action may not be desirable, because state authorities would give priority to predominant ways of life and exclude the values and practices of marginalized and disadvantaged groups. Minority groups would be “convinced” to transform their values, norms, and practices to the majority’s conceptions of good. According to Kymlicka, this process reinforces the cultural conservatism of the dominant group over the minority.

An example of such a process is the headscarf debate in Germany, which brought up issues of state neutrality. The case of Fereshta Ludin shows how cultural conflict is discussed in different ways by the state authorities, such as the Constitutional Court, by politicians, such as Marieluise Beck and Lale Akgün, and by immigrant associations, such as the TBB and the Milli Görüş. The ambiguous definitions of the state’s obligation to neutrality make these

25 For a discussion about immigrant and minority consent to state regulations, please see Will Kymlicka’s argument in *Politics in the Vernacular* (2001) and its critique in Sujit Choudhry’s article in the *Journal of Political Philosophy* (2002). According to Kymlicka’s argument (2001), immigrants become part of the country as permanent residents or full citizens; that is, through voluntary immigration. As such, they are expected to learn the language of the majority, conform to its values and norms, and assimilate into the host society. In his article, Choudhry referred to Kymlicka’s assertion that “immigrants have waived their right to live in accordance with their own cultures through the decision to immigrate to a society which they knew that they would constitute a minority” and has provided his critique against Kymlicka’s assumptions (2002: 60–61).

different expressions possible. As Kymlicka has argued, when there is ambiguity about the collectively determined notions of common “good,” the state authorities define these notions and give priority to the predominant values. Consequently, the conflict will lead either to the forced assimilation of the minority groups or to their social exclusion, as in the case of the conflicts over the headscarf issue.

The headscarf debate between German political actors, social-democratic immigrant associations, and religiously oriented immigrant associations illustrates that concepts central to the German nation-state are redefined by immigrant groups. Whereas Muslim immigrant groups challenge the state’s neutrality by making claims to religious plurality, others redefine its function for immigrant groups. In both cases, the fundamental values of Western democratic societies become major subjects for discussion, and immigrant groups become important actors in the German political arena.

Conclusion

In this chapter I attempted to show how a social democratic association, the TBB, campaigns against the promotion of wearing the headscarf in public places in Germany, unlike the Milli Görüş, which protests against the headscarf ban. I also elucidated and discussed the TBB’s major aim, which is to erase the ethnic and religious differences between Turks and Germans so that German Turks can enjoy equal rights as German citizens.²⁶ The TBB represents the Turkish immigrant as a “good citizen” who views religion and ethnonational identity as private matters. This representation fits very well with the preference for cultural homogeneity in the German nation-state.²⁷

For the TBB, immigrants who challenge the idea of homogeneity by wearing headscarves, by insisting on holding Turkish passports, and by frequenting mosques are threats to immigrant integration. Seyla Benhabib (2002) has argued that, “just as German Jews, German Turks should make their religion a private issue, so that they would be assimilated into the majority and would not be threatened by the occidental civic traditions.” This policy of making religion a private issue is quite evident in the example of the TBB and its stance in the headscarf debate in Germany.

However, the positions of the TBB and the Milli Görüş in the headscarf debate are paradoxical. On the one hand, the TBB, whose members have a social-democratic political orientation, argue that permission to wear the

26 For detailed observations that explain the TBB’s political stance, see Gökce Yurdakul, “Mobilizing Kreuzberg: Political Representation, Immigrant Incorporation and Turkish Associations in Berlin” (Ph.D. dissertation, University of Toronto, Department of Sociology, 2006).

27 Benhabib (2002) rightfully argues that “Germans would like to make ‘good Germans’ out of Turks when contemporary Germans themselves are hardly sure what their own collective identity consists of.”

headscarf in public places would foster Islamic fundamentalism in Germany. Moreover, the wearing of the headscarf in schools and other government institutions would pose a threat to the state's neutrality. Therefore, the TBB, which claims to be the representative of Turkish immigrants in Berlin, was against wearing the headscarf in public places in Germany. On the other hand, the spokesman of the Milli Görüş, Oguz Üçüncü, argues that the ban on the headscarf will foster discrimination against Muslim women, because they will not be able to practice freedom of religion.

The headscarf debate between social democrats and the religious immigrant association Milli Görüş leaves us with two puzzles. The first one is about cultural conflict, state neutrality, and freedom of religion: How can the state solve the paradoxical relationship between the state's neutrality and freedom of religion, particularly with respect to immigrant communities in Germany? Should cultural differences be recognized as political rights, and would this facilitate the incorporation of immigrants into the majority society? If so, what kind of rights should be recognized? Could the German debates on the headscarf be affected by the human rights narratives of the dominant juridical framework at the European level?²⁸

The second puzzle is about the future of Muslims in Germany: Which political association attracts more young people into its body and mobilizes Muslim immigrants? Are the TBB's campaigns against racism and discrimination also an appeal for Muslim youth, who are arguably one of the most discriminated groups in Germany today? Or, as Mustafa Yoldas stated in his interview, will more young women prefer to wear headscarves in reaction to the state's ban on the headscarf from public places?

Although the TBB started as a youth group at the Technical University of Berlin and clearly attracted students with social democratic leanings in the 1980s, it is questionable whether the TBB continues to be successful in recruiting young people. Safter Çınar, a spokesperson of the TBB, explained his worries about Turkish youth in Germany as follows:

"We will lose these young people if we fall into the trap of organizing only as an ethnic association. This is because we think of ourselves as ethnic immigrants. But our situation would change if we would organize around a social problem. There is a social problem [racism], and we organize around it. Then we are not different from Amnesty International, Greenpeace, or ATTAC." (interview on November 3, 2002)

Although the TBB claims to attract young Turkish people to the association, it is doubtful whether they provide an alternative to the religious associations currently attracting many of them (see the chapter by Gerdien Jonker in this volume). Contrary to what Çınar maintains, Muslim youth associations, as markers of identity, seem to appeal to many young Turks today. With more extensive research in this area, we will be able to understand what attracts the youth to religion rather than to social democratic values.

28 See Soysal (1994) for a related argument.

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