

## **Conflicts over values. The issue of Muslim headscarves in Europe**

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On April, 27<sup>th</sup> to 28<sup>th</sup> 2006 a conference on the topic "Religion, Politics and Society in recent Europe" took place in Vienna. One of the speakers was the well-known Austrian philosopher Rudolf Burger. He claimed in his talk, that the concept of multiculturalism could **only** be a pedagogical claim but **not** a political program: Cultural difference must be integrated in a universalist approach to culture and religion on the basis of individual rights. Moreover, Burger claims, difference should not be encouraged, and religious difference should be politically recognized only in a secular society.

Burger's talk was printed one day later in the daily "Der Standard" illustrated with a picture of veiled window puppets - although Burger not mentioned the headscarf issue in his speech.

This example shows that the headscarf – and it is not only the piece of cloth but the **body of women** – is used as a signifier for cultural, religious and ethnic difference. The body of women is used to illustrate the "clash of civilization", the threat of religious fundamentalism and the pitfalls and failures of multiculturalism.

The aim of my talk is to explain differences and similarities of European countries in solving or at least regulating these conflicts over wearing a Muslim headscarf in the public realm. The overall aim of such a comparison is to suggest democratic procedures to solve such conflicts over difference, different values and practices.

I **first** want to describe the conflicts over values, which emerged around the issue of veiling practices in nearly any Western European country. Why and how does the wearing of a headscarf challenge norms, values and principles of liberal democracies in Western Europe?

Then **secondly** I ask: How do liberal democracies govern these differences? I want to explain differences and similarities in European countries in regulating the headscarf issue.

**Thirdly** I want briefly suggest democratic procedures for the solution or at least the governing of the conflict over headscarves and values.

### **1. What's the problem with veiling? The European context**

Since the fall of the so-called "iron curtain" and due to economic globalization, mobilization and migration Western European countries have been transformed into immigration countries. The development of the last 16 years speeded up the process of the 1960s, when countries like Germany and Austria attracted foreign workers: Today, as 30 years ago, labour markets in Western European countries need migrant workers, but still the self description and the laws in most of these countries do not fit with the reality of an immigration country.

Welfare-state retrenchments and neo-liberal restructuring of European societies increased the feeling of insecurity and at the same time fear against "others", i.e. immigrants, is growing. What we can also witness since the attacks of 9/11, the Madrid and London bombings and the killing of Theo van Gogh in the Netherlands is a pattern of increasing Islamophobia in European countries breaking out against visible Muslim women with headscarves. Moreover, according to the Report of the Helsinki Federation of 2004, the French prohibitive law encouraged intolerance towards the hijab across Europe (Jaffer 2006).

Political Islamism and Islamic fundamentalism are seen as physical threat to western societies as well as a threat to the liberal moral and political foundations of European societies. Moreover, the debates over Turkey becoming a member of the European Union stimulated debates about the value foundation of Europe and the Christian traditions of "European" countries and the European Union.

European nation states have developed specific institutions and norms which regulate who might be treated equally (members of the nation) and who is different and should assimilate to the majority culture. Most of the European states have been constructed and have defined themselves as "national", homogeneous democracies, not as immigrant countries. Due to the rising numbers of immigrants, European countries are confronted with the question, how to deal with minority

groups – mainly from outside the European Union. Also, minority groups in Europe are more and more seeking for respect and recognition of their cultural and religious difference and practices. How do European states re-design their notions of equality and difference, of inclusion and exclusion of people living on their territories and how do they deal with the issue of tolerance of the "other"? And the others are no longer **beyond** national borders, but they live in the country, some of them being citizens of the respective state. The question for liberal democracies is, if these minorities should get the right to practice cultural and religious difference. Are there limits of tolerating these practices, for instance if the practices contradict with principles of the majority culture and the principles of the rule of law? Moreover, who decides over the possibilities and constraints to practice difference?

The headscarf issue touches this question of how liberal democracies deal with cultural and religious and ethnic difference. And I want to mention at this point that culture is a more encompassing concept than religion, and that the headscarf is an issue of religious difference as well as of cultural difference. The governing of the headscarf issue can be read as an example of how western European countries deal with the issue of religious and cultural difference and if and how they tolerate visible signs of difference – the headscarf. I should mention at this point, that we find a great variety of veiling practices in the different Muslim communities. When I talk of "headscarf" I refer to the **hijab**, a scarf, which covers hair and sometimes shoulders. A **niqab** is a veil, which covers the whole face, while **Burqua** and **Tschador** not only cover head and the face but the whole body. And these differences reflect of course differences and conflicts within Islam.

In this context, conflicts over Muslim headscarves seem to be paradigmatic for intercultural and inter-religious value conflicts. Wearing a headscarf is interpreted as expression of anti-Western and anti-modern values. This argument sees the headscarf first of all as a **political symbol** and as the expression of Islamic fundamentalism and not as a religious sign. Therefore the hijab is framed as a threat to public order – to the secular order of liberal democracy. Some evidence exists that new forms of what Zygmunt Baumann called "neo-tribal identities" are emerging in Western countries as a reaction to economic and cultural globalization (Baumann 1992) and to the experience of "de-culturation" of second generation immigrants (Roy 2005: 7). As a consequence of these developments, the multicultural approach is said to be dead (Saharso

2003b: 200) and the practices of veiling are taken as a starting point to argue for more assimilation.

Controversies over headscarves have become an arena of passionate clashes about not only culture and civilization (Huntington), but also about a European identity and the different national identities in Europe. Interestingly, the construction of "us" and "them", the struggle over identity, is linked to sexual difference and the struggle over sexual identity (Benhabib 2005). Sexual difference demarcates the line between "them" and "us" – and the headscarf issue shows the two directions of this sort of gendered identity-building through and by the headscarf: The majority society constructs the modern, gender-egalitarian "us" against the pre-modern, sexist and patriarchal "them". Also, Muslim minority cultures in Western Europe construct the "us" through the hijab against the "decadent" "them"

Feminists wary about cultural relativism: Multiculturalism is a backlash for women's equality, voice and visibility in the public sphere (Moller Okin; Nussbaum). They claim, that the liberal state should not accommodate the cultural traditions of minority groups if these group traditions infringe upon women's rights, their freedom, autonomy and choice. Feminists see wearing of a headscarf as forced clothing norms, and no woman would cover her head and body deliberately. And the headscarf constrains the public presence of women (cit. in Saharso 2003b: 200): "The headscarf is often assumed to express a sexist religious tradition that denies women full access to the public sphere" (Sarhaso 2003a: 8). Islamic feminists, for instance Fatima Mernissi from Morocco, see veiling as a discriminatory, compulsory and forced practice, which the Koran does not demand. Veiling, she claims, is a problem of patriarchal and gender unequal countries or communities, namely rather orthodox Islamic communities.

How do these frames and perspectives reflect the idea of women who cover their head? The motivations of women to wear a hijab vary largely, as Monika Höglinger's (2002) study on Muslim women in Vienna shows: First of all they wear it as a sign and act of religious conscience and faith. Wearing a hijab means to demonstrate one's own faith to the public, just like wearing a Christian cross at a necklace. The scarf is secondly seen as protection against being a mere sexual objects of men, it is a form of protection in a sexualized world. The scarf could third be an expression of self-esteem and self-confidence as a Muslim woman. The hijab could fourth be an

expression of political Islam, showing that the woman is part of a political movement of Islam, which has been rising in the last decade. Moreover, the scarf could fifth be a symbol of separation, of demonstrating difference towards the majority population, a visible symbol of religious difference and a visible construction of "otherness". Veiling practices could sixth be a statement against "cultural modernity", for instance sex equality. The scarf could seventh be a sign that a woman is forced into the traditional role of a Muslim woman.

Besides these different perspectives on veiling practices, the headscarf issue touches several principles, moral and ethical norms and values of European societies. The issue is an intersecting issue of structures of difference as well as of value structures:

1. The self-definition of liberal democracy is deeply grounded in **individual freedom and autonomy** and in **equality** – and equality means to treat the different equally. These principles are codified as individual rights.
2. Codified in most European constitutions as well as in the European Convention of Human Rights is the **freedom of religious conscience faith and creed**, understood as "positive freedom" to practice and express one's faith as well as "negative freedom" from religion (Mushaben-Text).
3. Liberal democracies rest on **religious neutrality of the state** and public institutions.
4. **Non-discrimination** (by states and by private enterprise) due to differences of sex, religion, – codified in the EU anti-discrimination directive, implemented in some EU countries, for instance in Austria, but not yet in Germany.
5. The headscarf issue also touches the issue of **gender equality** and non-discrimination, for instance: Is the ban of headscarves a case of (labour) discrimination against Muslim women? Is the prohibition of the headscarf is a discriminatory practice against women, when men at the same time, wearing a beard as religious symbol, are not denied to take over public office?

Political regulations and court rulings in the headscarf issue make up a hierarchy of these values and principles and then try to decide on the grounds of this value hierarchy if the wearing of the headscarf is tolerated or if it should be prohibited. We can see that different countries in Europe make different hierarchies between these common values.

## 2. Comparison of different regulations in Europe

All Western European countries are characterized by more or less high numbers of Muslim population, mainly due to immigration and/or colonial past. All of these countries are liberal democracies, they agree on common values of liberal individualism and freedom, to the principle of equality and to the rule of law which guarantees respect to minorities. In spite of these similarities these countries have chosen rather different ways and practices to deal with issues of cultural difference, i.e. the practice of headscarves: Some of the countries prohibit wearing headscarves in public or state institution such as schools and courts, other countries tolerate the Muslim headscarf in these institutions as well as in the labour market. Some countries even encourage veiling practices in the public sphere.

In our research project VEIL we assume that the following explanatory factors have an impact on state regulations of the headscarf conflict:

1. Immigration regime: *ius sanguinis* or *ius solis*,
2. integration regime: multiculturalism or assimilation
3. Self definition of the state/political culture/cultural identity: "nation" state or immigration country
4. State-church-relation: separation, *laïcité*, state neutrality
5. Status of religious communities
6. Gender regimes and gender relations, sexual division of labour
7. Anti-discrimination laws and institutions
8. framing of the issue: More over, it is important, how the issue is framed, when it is discussed and when a political regulation is prepared and a law is passed. These "policy frames" – the ideas, the perspective on an issue – refer to the basic values and institutions, which exist in a society. Different actors with different interests refer to these basic values – and they frame the issue and their interests according to these values.

Let me briefly analyze the regulations of headscarf practices in the light of these mechanisms in some EU countries: France, Germany, the Netherlands and Austria.

## *France*

France has the largest Muslim Community within the European Union. In 1989, a school in the Paris banlieus banned Muslim pupils from class. The "Conseil d'etat" (Administrative Court) ruled that the wearing of the headscarf should be allowed, if it is worn in a modest and not agitating and provoking manner (Kubelka/Schian 2004: 37). But as the conflicts over headscarves went on in other cities, a commission, installed by president Chirac ("Commission Stasi") recommended in 2003 the ban of the "pointedly wearing" of headscarves and other religious symbols for pupils and teachers in public schools, for public office and public service (Kubelka/Schian 2004: 37). The law came into force in February 2004. France followed the Turkish law: *Turkey* knows the ban of veiling since the foundation of the Turkish Kemalist republic in 1920.

The following five characteristics supported the ban of headscarves:

**State-church:** France is a secular state, with a **strict separation** of state and church/religion: Laicite is a sort of state ideology since the French revolution (Art. 1 of the French Constitution): The state has to be neutral with respect to religion.

**Recognition of Muslim religious communities:** Islam is not recognized as an official religion, because it failed the criteria for recognition: the lack of a clear-cut church organizational structure. Islam is not taught in public schools.

**Immigration and Integration regime:** The *ius solis* of the French citizenship regimes makes it rather easy to receive French citizenship. But the easy immigration procedures rely on a policy of assimilation: All immigrants should become "good Frenchmen". Multiculturalism is rejected.

**Political culture:** "Republican universalism" as hegemonic view claims, that policies may not adopt a "difference" approach, for instance as affirmative action. Nevertheless one can characterize the political culture of France as "gendered and ethnicized universalism"

**Framing:** In France (and Turkey) wearing a headscarf in public spaces is seen as a threat the neutrality of the state towards religion and to pedagogical neutrality at schools and to republican universalism. It is a threat to the French understanding of citizenship and to French

republicanism. The "framing in the French public debate as a conflict between the French national democratic secular culture and the religious Islamic culture is usually explained by the strong French republican tradition" (Saharso 2003: 14).

The *European* Court of Human Rights ruled in 2001 in a Swiss case, that the ban of headscarf for a Muslim teacher does not the European's Convention Article 9 (religious freedom). In 2004 the court also ruled, that the ban of the headscarf in Turkey is not against the article 9 – freedom of religion – of the European Convention of Human Rights – because the wearing it interferes with negative religious freedom of others – that is the freedom from religion – and the ban serves the maintenance of public order. The Court puts the neutrality of the state higher than the individual's right to freedom of religion.

#### *Germany:*

The Federal republic of Germany has been traditionally since the 1960s one of the major immigration countries in Western Europe. Around 3.2 Million Muslims, mainly from Turkey, live in the country. In *Germany* according to a verdict of the Constitutional Court from July 2003, Muslim women may wear the scarf in the private business and service sector and they must not be discriminated against (Interkultureller 2004: 1). In September of the same year the same Constitutional Court judged, that also a schoolteacher might not be denied to teach at school with the scarf. The Court had to weigh up several articles of the German constitution/Basic Law: the free development of one's personality (Art. 2), equality between the sexes (Art. 3), freedom of faith, conscience, creed (Art 4) and the article of free expression and freedom of speech (Art. 5).

But in this case, the argument was different and did not explicitly refer to the liberal constitutional principles. The Court did not judge because of discrimination, but argued, that the German Länder had no legislation, which bans wearing a headscarf for teachers in state schools. Therefore the exclusion of the German teacher of Afghan origin, Fereshta Ludin, from a school in Baden-Württemberg was declared unconstitutional. However, in its verdict the court claimed that the headscarf may have an "intense effect on pupils" (Mushaben o.J.: 14) and therefore might be in conflict with pedagogical neutrality. Fereshta Ludin had sued the Land Baden-Württemberg, claiming that her exclusion violated her freedom of religious expression and state neutrality,

while the state argued, that it was protecting state neutrality by banning her religious outfit from classroom (Mushaben o.J.: 7).

Immediately after that, some German Länder passed laws, which banned headscarves for teachers, Baden-Württemberg being one of them (Bayern, Berlin, Brandenburg, Hessen, Niedersachsen, Saarland).

**Immigration regime and integration:** Germany's self definition is not to a country of immigration. The red-green coalition modified the citizenship law and opened the *ius sanguinis* to enable second generation immigrants to apply for German citizenship. Germany now has a mixture of *ius sanguinis* and *ius solis*, but still assimilation and not multiculturalism is the approach to integration.

**State-church relation:** Germany is not a secular state – to the contrary, state and church are intertwined, especially at schools. Therefore the German court had to take different arguments than the French courts prohibiting veiling at schools. The major argument in Germany is, that the state has to be neutral towards religion (state neutrality). This outweighed the constitutional guarantee of religious freedom and anti-discrimination with respect to sex and race (the latter is interesting in the German historical context).

**Recognition of Muslim religious communities:** Like in France, Islam is not recognized as an official religion, because it failed the criteria for recognition: the lack of a clear-cut church organizational structure. Islam is not taught in public schools (Mushaben o.J.: 9).

**Anti-discrimination and gender quality:** Although the German Basic Law guarantees equality of the sexes, Germany still is characterized by a conservative gender regime. Moreover, no anti-discrimination law has been passed yet. No institution, which controls anti-discrimination. Therefore the argument of anti-discrimination is – compared with the Netherlands – rather weak in Germany.

**Framing:** Baden-Württemberg's law to ban headscarves claims the neutrality of the state towards pupils and their parents. Moreover it is argued that the hijab is **not** foremost a religious, but a political symbol and an act of cultural separation. This frames wearing a headscarf as acting

against basic principles of the German constitution. Moreover, it is argued that the hijab is a symbol of female oppression.

### *Netherlands*

The Netherlands has no law, which prohibits the wearing of the hijab in the public spheres and in public arenas, and until now, the practice of veiling is permitted in Dutch Schools. In 2003 a directive of the ministry of education made the issue of clothing practices an issue of schools, which have to set up a school rule (Kubleka/Schian 2004: 57).

In the *Netherlands* the first headscarf case came up in 1997, when a trainee at a Haarlem school wanted to wear a hijab in class. The leadership of the school denied this with the argument of "educational neutrality" and the neutrality of the state, mainly due to the wish of other Turkish parents, which did not want their children being educated by a woman wearing a headscarf. The women brought the case to the "Commission of Equal Treatment", which ruled the ban of the veil as discriminatory practice against the women. In most of the cases which were brought to the Commission later, it ruled that prohibiting wearing the headscarf contravenes the Dutch anti-discrimination laws and the Dutch constitutions which guarantee the freedom of religion and of philosophy of life (Saharso 2003: 12). That was for instance also the case when a Dutch school decided, that the participation in sports required due to security reasons that the veil is removed (Kubelka/Schian 2004: 58). This decision was ruled as discriminatory practice through the Equal treatment commission.

The case of a Muslim lawyer, who was denied to work at a Dutch court, was the another case in a public institution: Wearing of the hijab at court was seen incompatible with the impartiality, neutrality and dignity of the Court (Kubelka/Schian 2004: 59), but the commission ruled this opinion again as discrimination. In all cases, a contextual reading of competing liberal principles, the commission decided, that the wearing of the headscarf and the expression of religious conscience and behavior has to be seen more important than state neutrality and negative religious freedom of other pupils.

How to explain the Dutch case?

**State-church-relation:** Netherlands' "consociational democracy" – like Austria – has been characterized by "pillarization": Society is divided into highly autonomous vertical segments (pillars): Catholic, Protestant, socialist and liberal. The Dutch state should be neutral or equally distant to all these rival definitions of "the good". And all four concepts have the right to express themselves in public. While the French model is a strict secular model, the Dutch model is a model of neutrality towards competing ideological strands in society (Sarhaso 2003: 24ff.).

All pillars get public recognition and support in forming (different) collective identities; this makes religion a highly visible issue in the Netherlands. Religious schools for instance get the same amount of funding due to the Constitution. Islam was integrated in this pillar structure. The tradition of pillarization includes the expression and manifestation of religious symbols in public. And this is the reason why nobody cares about the headscarf as a religious symbol in the public sphere (Saharso 2003: 15).

**Anti-discrimination laws:** Since 1994 the Netherlands has an Equal Treatment Law, which prohibits discrimination due to sex, race, ethnic background and religion. The Commission on Equal Treatment decides on the grounds of this law – and although its verdicts are not binding, they are respected. Equal treatment and gender equality are strong principles in Dutch society.

**Integration regime:** multicultural approach, which accepts cultural and religious difference and established institution for recognition of difference.

### 3. The case of Austria

Muslim women seem to be the focus of a growing tension between Austrian majority society and religious and ethnic minority groups. The racism report of ZARA, a Vienna based anti-racism NGO, notes quite some attacks against Muslim women in the streets wearing headscarves blaming them, for the headscarves as a visible symbol of Islam and accusing them of being "radical Islamists". Although xenophobia in Austria is a growing phenomenon in the last decade due to rising immigration, but also due to political mobilization of right-wing parties and due to a stricter border and immigration regime, Austria does not have heated public debates over

headscarves such as France or Germany. The country has no ban of headscarves. Moreover, religious symbols are tolerated by public and private employers (for instance hospitals or the Vienna tram).

The first public case was known in Traun in 2001, when a Muslim girl was denied to enroll in a school (Handelsakademie). After public debate, the ban against the girl was lifted. Also, in the city of Linz, a school leader forbade a Muslim pupil to wear the headscarf during class. The case was solved discursively and the girl could attend class with the hijab. Within Austrian parties, the debate about veiling is slowly emerging: In the last Vienna election campaign, the FPÖ campaigned with a poster, which showed a woman with the headscarf: The under-title was: "Free women instead of forced headscarf". Liese Prokop, minister of the interior, in 2005 told the media that she would be in favour of banning the headscarf in the public sphere. But her partisan colleagues from ÖVP do not agree with her opinion. For instance, Werner Amon, the speaker for education and schools in the Austrian parliament in an interview with me declared, that he is against banning headscarves of Muslim women because also catholic nuns and rural women are wearing headscarves as traditional attribute of their costumes. And Amon – to mention this – is in line with the Holy Sea.

However, in Austria, wearing a headscarf is seen as a "disability" in the job search and there is some evidence, that women and girls with a hijab have difficulties to get a job. Although there is no law, which prohibits wearing the headscarf in Austria, there are subtle practices, which make it difficult for Muslim women to realize their basic rights.

How can we explain this public tolerance in Austria? The following aspects are responsible for the specialty of the Austrian political opinion towards the headscarf issue:

**Relation between state and churches:** Different from France and Turkey, Austria is not a secular state: State and churches, especially the catholic church, are intertwined in several respect. Especially in the educational system the catholic church plays an important role. In this respect Austria has more similarities with Germany. It is therefore remarkable, that the German Länder passed a ban of headscarves for school teachers, while Austria is far away from such a regulation. One could assume that the public dominance of the catholic church is one reason for

the fact, that Austria does not have a public headscarf debate: Politicians from the ÖVP claim that a ban of the Muslim headscarf would have the consequence of a ban of Christian symbols at school (Werner Amon).

**Role of religious communities/tradition of integration of Islam:** While the German Bundesland of Baden-Württemberg privileges the catholic church by allowing catholic nuns to teach at public schools in their habit, and discriminates against female Muslim teachers by the ban of Muslim headscarves, Austria has another tradition of recognition of Islam. Austria is in some respect a model of religious acceptance and toleration.

In 1912 Islam was acknowledged as a religious group like the two Christian churches due to the Habsburg Empire, which occupied Bosnia-Herzegovina in 1878 and annexed the country in 1908. The Islamic country became part of the Habsburg Empire. This situation demanded the recognition of Islam. The Islam law ("Islamgesetz") from 1912 protected the right to "free and public Islamic worship". The Islamic community was institutionalized as an organization under public law (öffentlich-rechtliche). Austria developed, as the Vienna cultural anthropologist Andre Gingrich called it, a "frontier-orientalism".

The law became important again in the 1960s in the context of rising immigration of Muslims. In 1979 the establishment of the "Islamic Religious community" was decreed by the Ministry of education and culture. This directive was renewed in 1988 (Pötz/Schinkele 2005). Since 1982 Islamic classes are introduced in Austrian schools (Karner 2005: 420). This made a pluralist religious dialogue possible. "(C)ultural pluralism and the public expression of an Islamic Identity" are allowed (Karner 2005: 420).

There are around 76 mosques in the country. Children are taught Islam in public schools by Islamic teachers, trained at the Islamic Pedagogical Academy (Islamische Religionspädagogische Akademie) in Vienna (established in 1998/99) and at the Islamic Pedagogical Institute. The Islamic teachers are paid by the Austrian state.

Muslim Women's organization: The "Islam Women's Forum" (Islamische Frauenvereinigung, Carla Amina Baghajati is speaker) was founded in early 2005 in Vienna under the existing Religious Islamic Authority" (Islamische Kultusgemeinde) in Vienna.

### **Policy of immigration and integration**

Austria has a high number of Muslims living in the country. Around 400.000 Muslim immigrants live in the country (15.000 of them women), most of them from Turkey and Bosnia; this is around 4% of the Austrian population. The Muslim population in Vienna is up to 121.000 Millions which is around 8% of the Viennese population.

Christian Karner claims that the hegemonic discourse of Austrian national identity is the discourse of "Austrian distinctiveness" – against various others, one of course being Germany, but also immigrants or in some respect the EU (Karner 2005: 416). Austria was a combination of different types of national belonging (Karner 2005: 419): Austria merges a pluralist approach with the French integrationist approach (assimilation, republican idea) and the German citizenship model of *ius sanguinis* (Karner 2005, 420). The Austrian state expects and strongly encourages the assimilation of migrants to the Austrian culture. Some legislation enforces this assimilation and non-multiculturalist approach (Integrationspaket/Integrationsvertrag) (Karner 2005: 419). Asylum seekers and refugees for instance are not allowed to work, structural exclusion and marginalization of these groups of migrants. Karner characterizes the discourse on national identity as "discursively fragmented" (2005: 423).

The dealing with the headscarf could be seen as an example, for a more multicultural approach than the German Länder took.

**Gender regime:** Like Germany, Austria's gender regime is characterized as a conservative "male breadwinner model": Fulltime and lifelong waged labour of women is neither the model of the Austrian labour system nor in welfare state institutions. Public child-care provisions are rather poor, and the integration of women into the labour market is always precarious. Gender equality from this respect is only of secondary importance in the Austrian value system.

**Anti-discrimination:** The Austrian constitution – like the German constitution – states non-discrimination according to sex and religion, as well as the possibility for affirmative action. In July 2004 an anti-discrimination law was passed according to the European directive. But the institutions to enforce this law are weak.

**Framing:** A series of interviews, conducted by a student, show, that the persons in charge of integration of the Vienna parties ÖVP, SPÖ and Green Party frame the issue as "no problem issue". Interestingly, wearing a headscarf is not seen as a political act – except by FPÖ representatives. All interviewees say that the wearing of the headscarf is rather usual in Austria: Rural women and nuns wear it and all women wear a headscarf depending on weather conditions.

#### 4. How to solve conflicts over values?

As we have seen, European countries have rather differing frames, discourses and policy solutions for the headscarf issue. There is no easy way of solving the multicultural challenge, but it is clear that prohibition is not the only solution – and to my view it is not the best. To treat the headscarf issue in a universalist manner and try to weigh up competing liberal principles is in most cases not suitable and adequate to the different contexts:

In the French and German bans tolerance on the one hand and liberal principles such as state neutrality in the other hand "pull against each other" (Saharso 2003: 22). But "if we seek to address real, existing problems, liberal principles are (...) too indeterminate to reach a judgment in specific cases" (Saharso 2003: 22) because "moral values can take on different meanings in different contexts" (Saharso 2003: 22). In most of the cases the different principles can not be weight up against each other, but they intersect – for instance anti-discrimination due to religion, freedom of religious conscience, gender equality, equality in the work place as well as public recognition of cultural difference intersect. There is no simple solution for these value conflicts. Therefore the issues and conflicts over values have to be **contextualized** and the different values and principles, but also the different contexts of judgments have to be taken into account.

If we look for instance at the question of gender equality – and in my perspective this is one of the major issues at stake – it seems obvious, that a ban for women covering their head is discriminatory and excludes women: These women are not given the right to educate themselves and work where they want or according to their education and training. Denying women with headscarves equal access to public space has the consequence to deny them the possibility to attain economic independence. Integration of Muslim women into the labour market is a form of empowerment, a possibility to gain autonomy and individualization.

If we look at the Austrian case which could be seen as a sort of model student according to the recognition of Muslim religious minorities we can see, that the pure sticking to the principle of religious freedom is not enough in times of rising immigration. Despite legal recognition and toleration of Muslim religion, Muslim women wearing a headscarf face discrimination at work. Law makers are hesitant to launch programs, which pro-actively integrate Muslim women with headscarves into the labour market. Specific policy measures are needed in order to help Muslim women to realize their rights to freedom, autonomy and equality in the same way as women from the majority society do. There should be for instance more awareness-raising with employers.

Muslim women must be empowered and encouraged and conditions have to be created, that they are able to decide if they want to follow the tradition, re-invent and re-design the tradition or create a new tradition or quit the tradition. But of course there should also be mobilization in minority groups that the freedom of choice is an important value, these groups – if they do not respect the rights of women, of daughters and wives – should be encouraged to become more egalitarian and that they should get rid of their sexist practices and traditions (see also Saharso 2003b: 201).

To sum up: Tolerance of the majority society needs the right to autonomy – but also, autonomy and freedom of choice needs tolerance towards difference.

How to deal with this claim of contextualizing the issues of difference – religious, ethnic and gender difference – in European countries? Sheila Benhabib made a suggestion how democracies could decide democratically in these cases of difference.

The heated debates indicate that wearing a headscarf is re-signified at the moment: Young women, who wear the hijab are taking part in this process of re-signification: Quite some of them are not modestly covering their head according to religion but wear the hijab as an act of religious conscience **and** of autonomy as women who are different (Benhabib 2005). Moreover, wearing a headscarf is not any longer a mere or private form of religious expression, but it became a question of mutual recognition of others in the public sphere (Benhabib 2005). It became a public and political issue in secular societies.

Defining the recent debates about the Muslim veiling practices as "re-negotiation processes" also means to see them as learning processes. What western democracies should do is to enable these learning processes. A vibrant democracy should not only be stiffened through legal prescriptions but through learning and discussing. The re-articulation of (individual) rights in liberal democracies is necessary. This means not to forget about rights, but to open up public space where different rights claims can be debated and to create new semantic contents of rights – in different contexts.

For instance, to answer the question if women are forced or deliberately wearing a headscarf means to take these women and their decisions to wear a headscarf serious and to support them to realize their citizen rights or their rights as an individual. This means to give these women voice. It is important not to see women only as victims of a pre-modern religion, of patriarchy, of oppressing fathers, husbands, and brothers. This could be well the case, but the only way to empower women in their decision and their ways in life is to take them serious, to give voice to these women and to encourage them to always change their decisions – also the once made decision to wear the hijab.

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