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Managing religious diversity and promoting active citizenship

Muslims in Australia, Britain and Germany

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The official stance on multiculturalism in Australia, the United Kingdom (UK) and Germany could hardly have differed more in the early 2010s. While multiculturalism has fallen out of favour in the UK and been rejected in Germany, the Australian government under Julia Gillard reaffirmed its commitment to Australia’s long-standing diversity policy in early 2011 by adopting the long-awaited new multicultural policy The People of Australia. In line with Australia’s policy tradition since the 1970s, and replacing the previous 2003 policy statement Multicultural Australia – United in Diversity, the new framework emphasises the principles of inclusion and equality, ‘respect and support of cultural, religious and linguistic diversity’ in a ‘socially cohesive nation’ (Department of Immigration And Citizenship [DIAC] 2011). As part of this renewed commitment, the Gillard government established the Australian Multicultural Council, launched in August 2011, and announced several other key initiatives to combat racism and strengthen equity.

Germany’s diversity and integration politics appear to have little in common with such a multicultural policy model. Against the backdrop of heated public debates on the alleged unwillingness or inability of Muslims to integrate in Germany, Chancellor Merkel publicly stated in October 2010 that the ‘multikulti’ approach had utterly failed (‘Kanzlerin Merkel erklärt’ 2010). Merkel’s speech was received with great interest around the globe. The irony, not generally noted in the media coverage, was that Germany had never adopted multicultural policies, raising doubts about Germany’s expertise and suitability to make such statements in the policy field of multiculturalism.

Only a few months after Merkel’s ‘multikulti’ statement, British Prime Minister David Cameron delivered a speech on Islamism in the UK at the Munich Security Conference in which he blamed the British doctrine of ‘state multiculturalism’ for having encouraged cultural segregation and isolation (see also Chapters 7 and 8 in this volume). Calling for a ‘muscular liberalism’ – instead of ‘passive tolerance’ – he highlighted the need for a stronger sense of British identity as a key mechanism of countering extremism (Cameron 2011). For years, Cameron publicly rejected ‘state multiculturalism’ as a divisive, ‘wrong-headed doctrine’ (Cameron 2008) that was overly focused on rights of difference and the alleged consequence of undermining the collective British identity.1
Were Gillard, Merkel and Cameron actually talking about the same policies of accommodating diversity when they referred to multiculturalism? The answer is most likely no, given that this ‘ism’, according to social and political scientists, ‘means many different things to many different people in many different situations’ (Jupp 2011: 41). What are the concrete notions and concepts behind this term; and is there a difference between the ridiculed ‘multikulti’ approach that has so ‘utterly failed’ in Germany, the wrong-headed doctrine of ‘state multiculturalism’ in the UK and ‘the genius of Australian multiculturalism’ as former Immigration Minister Bowen (2011a) put it in an address in Sydney in February 2011?

Multiculturalism and the integration agenda

Vertovec and Wessendorf (2009: 10) argue that multiculturalism can ‘at best be described as a broad set of mutually reinforcing approaches to encourage the incorporation and participation of immigrants and ethnic minorities and their modes of cultural/religious difference’. According to these scholars, such approaches typically contain tenets aimed at reducing discrimination; promoting equal opportunities and access to core institutions and services; recognising cultural identities and differences; and fostering diversity and mutual understanding (Vertovec and Wessendorf 2010: 4).

These principles occur across various policy statements and governmental and non-governmental reports on multiculturalism in Australia – from the Galbally Report in 1978 (Jupp 2011: 41–42) to The People of Australia policy framework in 2011. They have also reflected the British understanding of multiculturalism since its inauguration when, back in 1966, the then Home Secretary Roy Jenkins described the basic tenets of migrant integration policies as ‘equal opportunity, accompanied by cultural diversity, in an atmosphere of mutual tolerance’ (in Hasan 2011). According to the influential Parekh report on the future of multi-ethnic Britain, published in 2000, managing diversity in multicultural Britain boils down to three central concepts: ‘[e]quality, diversity and cohesion’ (The Runnymede Trust 2000: 106). Somewhat surprisingly, however, the integration policies in many continental European countries without official multicultural agendas seem to bear strong resemblances with these British and Australian policy frameworks. In fact, most national government in the Western world – an exception might be to some extent France with its official cultural assimilation policies – subscribe to these core principles that typically characterise multicultural policies. Even German policymakers across the mainstream political spectrum officially reject assimilationist claims and describe the incorporation of immigrants as a two-way process, guided by shared values and fundamental rights and duties; integration requires mutual efforts from both the majority society and immigrants, and the latter have the right to retain their cultural heritage and traditions. Germany has also adopted anti-discrimination policies and the government claims to seek to promote mutual intergroup understanding, participation and equal opportunities for all (Federal Government of Germany 2007).
What do national governments and policymakers in Germany, the UK and Australia actually mean when they refer to cultural diversity, equality, participation and social cohesion? These principles translate into five key policy areas: the recognition of diversity; maintaining cultural identity; collective group rights; equality, non-discrimination and anti-racism; and full participation and citizenship.

Policy area 1: recognition of diversity

A fundamental marker of multicultural policy frameworks is the unflagging emphasis on the paramount contribution of diversity and immigration to the composition and well-being of society. This refers to what Modood (2011: 10) calls the ‘positive vision’ of a polity, which weaves differences into a common, distinctly plural national identity. In societies adopting officially multicultural policies, cultural diversity is often celebrated for its economic benefits and culturally enriching impact and, most importantly, described as a cornerstone of society. Many multicultural policy formulations give high prominence to this commitment to cultural diversity.

Australia’s new multicultural policy, The People of Australia, declares: ‘The Australian Government is unwavering in its commitment to a multicultural Australia. Australia’s multicultural composition is at the heart of our national identity and is intrinsic to our history and character’ (DIAC 2011: 2). Former Australian Immigration Minister Chris Bowen (2011 b: 6) underscored that ‘celebrating and valuing diversity’ and ‘communicating the benefits of Australia’s diversity’ are among the core principles of the new multicultural agenda.

Such a high appreciation of diversity not only manifests itself in official policy statements, but has also been institutionalised through the establishment of governmental and non-governmental bodies at the federal, state and local levels, such as the Australian Multicultural Council and numerous statutory multicultural commissions, offices and councils. Moreover, the commitment to multiculturalism and diversity has been enshrined in federal and state legislation, like the Australian Broadcasting Corporation (ABC) Act of 1983 or specific state laws such as the Multicultural Victoria Act 2011.

Such explicit support, and the legal and institutionalised foundation to uphold emphasis on the fundamental principle of diversity, is rare in countries without explicit multicultural policies. Instead cultural diversity is often seen in Germany and, more recently, also the UK as an empirical fact that can – if managed properly – be beneficial to the society as a whole. Without political intervention aimed at the integration of minorities, however, diversity is deemed to increase tensions and social frictions.

The tone of British policy formulations on cultural diversity has changed substantially over the last decade. At the turn of the new century, in the aftermath of the Stephen Lawrence Inquiry (Meer and Modood 2009: 477), the UK was strongly committed to cultural diversity. But that explicit support and celebration of plurality largely disappeared from policy papers and political rhetoric.
with the ‘civic turn’ (Mouritsen 2008) which emphasised migrants’ and minorities’ ‘duty to integrate’ (Blair 2006).

In Germany, policy documents and statements over the past decade have generally recognised the existing cultural plurality. They indicate, however, that it is the successful integration of immigrants that is enriching and an asset for society, not diversity (Federal Government of Germany 2006: 5). In the preface to the 2006 National Integration Plan, the government’s first roadmap to integration, Chancellor Merkel describes Germany as a ‘cosmopolitan country’ with a migrant population of 15 million people, ‘most of whom have found their place in Germany’ (Federal Government of Germany 2007: 7). This brief opening is followed by her highlighting integration deficits, such as deficiencies in German proficiency, unemployment and social self-isolation among migrants. In the same document, the Integration Commissioner recognises the ‘reality’ that Germany has changed culturally, economically and politically through immigration, which entails many chances as well as the danger of social tensions (Federal Government of Germany 2007: 9). This approach shifts the onus of integration to migrants and minorities. It is but a stage away from blaming immigration and diversity for social and cultural tensions and conflicts.

Policy area 2: maintaining cultural identity

In a society committed to human rights, cultural assimilation is not an option. Article 27 of the International Covenant on Civil and Political Rights demands that members of ‘ethnic, religious or linguistic minorities ... shall not be denied the right ... to enjoy their own culture, to profess and practise their own religion, or to use their own language’ (United Nations General Assembly 1966). This provision specifies Article 22 of the Universal Declaration of Human Rights: ‘Everyone ... is entitled to realization ... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality’ (United Nations General Assembly 1948).

The rejection of cultural assimilation in Australia, Germany and the UK, based on the acceptance that immigrants and minorities are not required to abandon their cultural heritage, is compliant with these universal human rights obligations. Australia’s multiculturalism policy agenda takes a particularly strong stand towards this principle, emphasising – more than current policy statements in Germany and Britain – that the entitlement to ‘celebrate, practice and maintain their cultural heritage, traditions and language within the law and free from discrimination’ is a pivotal element of the fundamental rights and liberties of all Australians (DIAC 2011: 6). The policies pursued in Australia, Germany and the UK on the question of cultural heritage differ on three axes, which will be examined below.
Legal or administrative concessions?

Legal and administrative regulations within the context of multiculturalism provide greater religious and cultural freedom to minority groups than with other more integrationist policy frameworks. On the contrary, state laws informed by cultural assimilationism tend to restrict religious and cultural practices, for example the headscarf ban for students in France.

In Germany the implementation of a headscarf ban for Muslim high-school students is not on the national agenda. But several German states have amended their school laws to prohibit Muslim teachers from wearing a Muslim headscarf in public-school classrooms, while Christian symbols and clothing remain largely accepted. No legislation of this kind has been adopted in the UK or Australia. Rather, legislators and policymakers in these two countries have actively reviewed and changed existing regulations and legal provisions to ensure a higher level of tolerance to religious requirements of Muslims and other minorities such as Sikhs. In several Australian states, and all over Britain, female police officers of Muslim faith are permitted to wear a headscarf as part of their police uniform. The British Parliament even passed a law, the Motor Cycle Crash Helmets (Religious Exemption) Act 1976, to exempt Sikhs from wearing a helmet when riding a motorbike – a level of concession to religious minorities currently unthinkable in Germany.

The legal and administrative regulations on halal slaughtering are another example of the efforts made to accommodate minority needs in diverse societies. In Germany, the right to ritual slaughtering without prior stunning of animals is limited as it is considered to collide with Germany’s animal welfare laws; permissions are only granted on the basis of restrictive exceptional regulations and have been subject to ongoing political debates. Consequently, the availability of halal food remains limited to Arabic or Turkish niche retailers. In the UK and Australia, administrative and legal issues on the production of halal food have long been resolved and halal food is generally available. Halal slaughtering is largely permitted in both countries provided specific requirements are met and it is carried out in approved slaughterhouses. Animal welfare regulations have been amended to accommodate the special dietary needs of Muslim and Jewish communities. In Australia, governmental bodies and Muslim organisations have been working together to establish a reliable system of producing and certifying halal food, regulated by the Australian Quarantine and Inspection Service (AQIS) and supervised by selected Muslim organisations.

Active support to maintain cultural identity?

A comparative examination of the German, British and Australian approaches to minority language education broadcasting programmes is revealing. In Australia, the 1978 Galbally Report argued, in stark contrast to previous political attempts of cultural and linguistic assimilation, that language diversity within Australian society was not a threat to national unity (Jupp 2011: 48). This viewpoint on
community languages has informed policies such as the National Policy on Languages (Lo Bianco 1987), which emphasised that ‘the linguistic diversity of Australia has social, cultural and economic potential to offer’. It further noted that community languages should be ‘recognised and supported by the Australian language policy’ (Lo Bianco 1987; see also Gibbons 1997: 210). The commitment to the linguistic diversity of the Australian people is also reflected in the government’s support of community languages education and of ethnic and multilingual broadcasting programmes.

The Commonwealth and state governments have been promoting minority language education for immigrants by allocating funding to ethnic community groups and community language schools (see, for example, Community Language School Program of the Victorian State Government). These language schools provide after-hours language teaching and cultural maintenance programmes, complementary to mainstream schools in Australia. In 2010–2011, several state governments, for instance Victoria and New South Wales, significantly increased their financial and organisational support for community language schools. Australia’s commitment to maintain a multilingual media landscape also shows the country’s support for minorities in retaining their cultural and linguistic identity. The Special Broadcasting Service (SBS) was launched in 1975 with an explicitly multicultural agenda commissioned by Commonwealth law, to cater for the communication needs of a multi-ethnic and multilingual population. Eighty per cent of the SBS’s funding is provided by (federal) government sources (Jolly 2007). In addition to the SBS TV and radio programmes, the Commonwealth government supports the operation of multilingual ethnic community radio stations across Australia, giving a public voice to numerous ethnic and religious groups, including Muslim immigrant communities from a variety of countries. In May 2011, the Labour government under Gillard announced that additional funding would be granted to ethnic and indigenous community broadcasting.

The German experience is very different. Germany’s state governments established comprehensive mother-tongue education programmes for immigrant children in the 1970s, but this was done with an entirely different intention. According to an official policy agreement between the German federal and state education ministers on the ‘schooling for children of foreign workers’ in 1976 and 1979 (Kultusministerkonferenz 1979), mother-tongue instructions needed to be organised for young foreigners in German schools. The rationale behind this agreement was that the immigrants’ mother-tongue proficiency would facilitate their reintegration in their countries of origin. It was thus not a sign of recognition of cultural and linguistic diversity, but – rather to the contrary – a measure aimed to encourage foreign workers and their families to leave Germany. When German policymakers realised in the late 1990s that guest workers had become permanent residents, government funding for mother-tongue classes decreased or ceased entirely in most German states. According to policymakers, this money was better invested in expanding German language programmes, especially at preschool level (Bosch and Peucker 2007: 50–51). A similar picture emerged in
terms of government support for ethnic and multilingual media, which is much less vibrant than in Australia. In the absence of federal funding, only very few multilingual radio programmes received support in certain regions or states, usually run as web radio and/or as part of mainstream radio stations. Ethnic or migrant community broadcasting programmes do not receive financial support from the government.

The UK does not pay much attention — nor funding — to assist ethnic minorities in maintaining their language. Since the 1980s, the government has provided ‘bilingual support’ in schools with a high proportion of ethnic minority students with a mother tongue other than English. This rather limited offer of bilingual education relies on adult members of ethnic communities who are fluent in English and their community language to act as ‘bilingual classroom assistants’. These provisions do not aim, however, to enhance the children’s capacity to speak and maintain their mother tongue, but serve as a transition tool primarily in the early years of schooling, aimed at teaching immigrant children English (Martin-Jones and Saxena 2003: 267). The UK government on the local or national level does not invest in supporting the maintenance of ethnic languages as this is ‘seen as a minority concern’ (Wei 2006: 78). This rather passive stance reflects the British laissez-faire version of multiculturalism that sets it apart from the interventionist and proactive approach that has prevailed in Australia since the late 1970s.

Within the scope of its general support scheme for community radio stations, the British government has licensed and co-funded, among other things, not-for-profit radio services targeting minority ethnic or religious groups. This governmental support, which is coordinated by the statutory body Ofcom, is available to all non-commercial radio stations that successfully demonstrate that they ‘deliver a social gain’ (Ofcom 2010: 3). As of November 2010, some 20 per cent of the current 181 community radio stations on air broadcast a programme addressing certain ethnic minority or religious groups (including Muslims). This government scheme helps minority communities to maintain a sense of cultural identity. The benefits are, however, by accident, not by design, as the licensing criteria make no specific reference to ‘multicultural’ objectives.

**Requesting commonly shared values: assimilationist tendencies?**

Australia’s multicultural policies have taken a traditionally strong stance on the promotion of a national identity and respect for fundamental Australian values. Already back in 1973, Al Grassby, then Immigration Minister in the Whitlam government, emphasised in his speech ‘A Multi-Cultural Society’ that celebrating diversity and being member of the ‘family of the nation’ striving towards the ‘common good’ are two sides of the same coin (in Gardiner-Garden 1993: 3). More than 20 years later, in April 1995, the then Australian Prime Minister, Paul Keating, described the ‘essential balance’ of the Australian ‘multicultural equation’ in his opening address to the Global Cultural Diversity Conference in Sydney:
The promotion of individual and collective cultural rights and expression on the one hand, and on the other the promotion of common national interests and values and success depends on demonstrating that each side of the equation serves the other.

(Keating 1995)

In 2011, this balanced equation of cultural rights and commonly shared values continues to shape Australia's multicultural agenda. Under the heading of ‘Rights and Responsibilities’ The People of Australia specifies Australians’ entitlement to ‘celebrate, practice and maintain their cultural heritage, traditions and language’ and underscores the ‘shared rights and responsibilities that are fundamental to living in Australia’ as enshrined in the citizenship pledge: loyalty to Australia and its people, shared democratic belief, the rule of law, and respect of the rights and liberties of Australia (DIAC 2011: 6).

According to this policy formulation and recent public statements of leading government representatives, Australia’s national identity and basic values are described as being characterised by the positive recognition of its diversity and by the principles of equality and fairness. ‘Australia’s multicultural policy complements our national characteristics of equality and a fair go for all’, as the then Immigration Minister Chris Bowen and the Parliamentary Secretary Kate Lundy put it, in their message included in The People of Australia (DIAC 2011). In her speech at the launch of the Australian Multicultural Council in August 2011, former Prime Minister Julia Gillard (2011) highlighted that ‘[b]elief in equality stands proudly at the heart of this country’s character’; and she continued by stressing the pivotal role of multiculturalism that describes ‘our love of the things that bind us together and our respect for the diversity that enriches us’. Requesting minorities to respect and accept these fundamental values can hardly be described as exclusionary, and it does not collide with the desire of migrants and minorities to maintain the cultural and religious components of their identity.

In Britain there used to be little attention to the promotion of common British values and a sense of national identity (Modood 2005: 52), especially in relation to the political efforts aimed at providing a framework of equality within which minority differences could be cultivated. This British version of multiculturalism has been non-interventionist from the beginning. It was not until after the 2001 riots in northern English cities, compounded by the debates in the aftermath of the 9/11 terrorist attacks, that policymakers turned to the importance of a shared sense of belonging. Especially after the 7/7 London bombing, the Labour government adopted increasingly critical views on its multicultural race relation policies, claiming that British multiculturalism had resulted in ‘plural monoculturalism’ (Sen 2006), and a society ‘sleepwalking to segregation’, as the then head of the Racial Equality Commission put it (Phillips 2005). This was also the time when Tony Blair gave his ‘duty to integrate’ speech, in which he put the onus on migrants to integrate and to ‘conform to the virtues of tolerance’ (Blair 2006). Meer and Modood (2009) have identified this as a rebalancing of British multiculturalism that views integration and diversity at two opposite ends. This
Managing religious diversity

How does Germany’s integration agenda fare in terms of promoting common basic values and a shared national identity? In official integration policy documents, the German government urges migrants and their descendants to comply with three basic requirements: to learn the German language; respect the rule of law; and accept the basic values enshrined in the German constitution (Federal Government of Germany 2007: 7). While no political party would question these minimal requests, leading politicians from the conservative-liberal camp have openly expressed unease with the ‘thin’ extent of these requirements. The conservative-liberal government under Merkel (2009–2013) stated that ‘we expect willingness on the part of immigrants to integrate and accept German society’ (CDU, CSU and FDP 2009: 105). The government’s roadmap, the National Integration Plan (Federal Government of Germany 2007), defined the basis of integration in reference to ‘our concepts of values’, ‘our cultural identity’ and ‘our principles of freedom and democracy derived from German and European history’. There is an ongoing debate on what this concept of identity actually means and what ‘our concept of values’ encompasses. In 2000, a new term was thrown into the political ring, Leitkultur (the dominant or leading German culture), and has become a regularly reoccurring but ill-defined expression to describe the values migrants are requested to respect, accept and subscribe to. Attempts to specify the meaning of this ‘dominant German culture’ beyond constitutionally enshrined human rights, vaguely referring to humanism and Enlightenment, have remained blurry. Nevertheless, the term has been used in the political arena to demand cultural adaptation. In recent years, parallel to the ‘religionisation’ of the integration debate, leading (mainly conservative) politicians have emphasised the Christian or Judeo-Christian dimension of Leitkultur. In a speech on Muslim integration in 2010, Chancellor Merkel made this more explicit than ever: ‘We feel connected to the Christian ideals; this is what defines us’ and she continued that those who do not accept this, do not belong in Germany (‘Integration: Seehofer und Merkel’ 2010)

This static and ill-defined understanding of German identity does not reflect or recognise the diversity of German society. Instead, it generates exclusionary barriers for cultural and religious minorities, especially for Muslims.

Policy area 3: collective group rights

This comparison of the political approach to promote linguistic and cultural diversity in Germany, the UK and Australia points to an often fiercely disputed marker of multicultural policies: the promotion of collective rights of ethnic community groups (Kymlicka 1995). While national multicultural policies differ significantly in their country-specific approach to take minority group rights into account, they are generally more geared towards the accommodation of such rights (in addition to individual rights) than other more integrationist policy agendas.
Government support and recognition of (ethnic or religious) minority agencies is a policy field that illustrates this principle of collective rights on the practical level. Multicultural policies often encourage minority organisations to play an active role in expressing their own needs in the political arena and in assisting the settlement and inclusion process of their community members. Ethnic and, to some extent, also religious agencies and representations are more commonly regarded as partners and points of contact for governments, and as providers of specific services for their respective ethnic (or religious) communities.

The Australian government transferred significant amounts of funding from mainstream welfare organisations (for example, the Good Neighbourhood Councils) to ethnic community organisations, including many Muslim community groups, in the 1970s. This political decision was one of the first practical measures marking the paradigmatic shift to multiculturalism policies in Australia. The responsibilities of ethnic organisations and cultural agencies, most importantly the Migrant Resource Centres, were enhanced and positioned as focal points on the ground, providing services for immigrants as well as offering advice to the government about the specific needs of their clientele (Jakubowicz 1989). Moreover, local ethnic community councils were funded and allied under the national umbrella body, the Federation of Ethnic Communities' Councils of Australia (FECCA), established in 1979 (Jupp 2011: 48). This infrastructure of ethnic agencies has played an important role in Australia’s settlement strategies and multicultural policies up to the present time. The Muslim communities in Australia, too, have successfully set up a nationwide grass-roots organisational infrastructure, with Islamic Councils on the state level and the Australian Federation of Islamic Councils (AFIC) as their nationwide peak organisations. They provide services and support to communities, operate private Islamic schools – funded by the government – in all major Australian cities and serve as points of contact for policymakers on the local, state and federal levels. Government support and recognition of these ethnic and religious institutions has contributed to the establishment of a vibrant and diverse landscape of ethnic and religious organisations, which often actively engage in political and public consultation processes across Australia.

In contrast, in countries like Germany, ethnic organisations are often viewed suspiciously as potentially hampering instead of assisting integration by cementing the immigrants’ cultural heritage and their ethnic or religious ties. Such negative attitudes towards ethnic or religious agencies affect the governments’ readiness to actively support and strengthen community structures and to put responsibility into the hands of these organisations. Germany’s integration and settlement policies have traditionally relied heavily on mainstream welfare organisations – the two largest being affiliated with the Catholic (Caritas) and the Protestant Church (Diakonie) – and the trade unions, which have, since the 1960s and 1970s, regarded migrant workers as part of their constituency. These mainstream agencies occupy a central position in Germany’s corporatist welfare system (Esping-Andersen 1990) as vocal actors in the negotiation process over societal goods and status. With their extensive nationwide infrastructure on the
local level, the welfare agencies and trade unions have been playing a pivotal role in assisting the incorporation of immigrants (see also Soysal 1994). This role, however, has been characterised (albeit this applies less to the trade unions) by an underlying paternalism. These agencies have been concerned mainly with issues of social inclusion and labour market participation, whereas the struggle against racism and for civil and cultural rights of minorities has ranked very low on their agenda. Another weakness of their well-intended commitment was that these agencies defended their territory against migrant organisations and (ethnic and religious) minority agencies, hampering the emergence of ethnic or religious agencies (Kraus and Schönwälder 2006: 212). Nevertheless, due to Germany’s generally strong constitutional rights to freedom of association, migrants and minorities have been able to establish numerous organisations mainly on the local level. Without any institutional support or official recognition by the governments, these ethnic or religious organisations have hardly obtained an audible voice in the political debate, and their potential roles as negotiation partners and advisors for the government have largely been ignored and/or viewed with suspicion by policymakers. It is only in the past few years that migrants and Muslim organisations have become more consolidated and have been increasingly consulted by policymakers on the state and federal levels.

Policy area 4: equality, non-discrimination and anti-racism

Anti-racism, race relations and racial equality policies and legislation have long become a trademark of Britain’s minority policies. They are widely recognised as a cornerstone of British multiculturalism, in combination with a tolerant laissez-faire liberalism and the accommodation of ethnic diversity (Joppke 1996; Fleras 2009: 177). The British Parliament passed the country’s first anti-discrimination law in 1965. The Race Relations Act (RRA) 1965 offered only limited protection against direct racial discrimination in public places and was amended through new legislation, such as the RRA 1968 and the RRA 1976, which increased the extent of legal protection against racial discrimination. In 2000, the new Race Relations (Amendment) Act further broadened the definition of racial inequality by including issues of socio-economic inequalities and introduced positive equality duties for public bodies to redress these manifestations of (structural) racial discrimination (for example, the obligation to develop, implement and monitor Racial Equality Schemes). With these advancements of non-discrimination legislation, the British anti-discrimination law entered a new era, described as ‘transformative equality’ (Hepple 2010: 13).

A major weakness of the amended legislation against racial discrimination in 2000 was its failure to ban religious discrimination against Muslims. While Jews and Sikhs were, in this regard, considered to be quasi-ethnic or racial minorities and were thus covered by the ban against racial discrimination, ‘the legal system ... left Muslims particularly vulnerable’ (Modood 2005: 43). At best, Muslims who were discriminated against enjoyed only ‘second class protection’ as they had to argue their case on the basis of indirect ethnic discrimination. Partly
driven by European Union (EU) obligations, religious discrimination has been increasingly considered in British laws since early 2003; for instance within the Employment Equality (Religion or Belief) Regulations 2003, as well as the Racial and Religious Hatred Act 2006. In 2010, the Labour government passed the Equality Act 2010, which largely unified the dispersed anti-discrimination legislation and elevated the legal protection against religious discrimination to the same level as against racial discrimination. With this legal record, the UK is among the countries with the most comprehensive and long-standing anti-discrimination legislation worldwide, going ‘well beyond anything found in Europe’ (Modood 2011: 2) both in terms of racial and religious equality legislation.

In Australia, racial discrimination has been legally banned since the mid-1970s. Australia ratified the United Nations (UN) Convention on the Elimination of All Forms of Racial Discrimination (CERD) in September 1975 and simultaneously adopted the Racial Discrimination Act (RDA), which gives effect to Australia's CERD obligations to promote equality and make racial discrimination unlawful. This piece of legislation was at the very heart of the paradigmatic policy shift in Australia that altered the focus from assimilation and integration to multiculturalism, and it has been a core element of Australia's multicultural agenda since that time. In Australia’s current multicultural policy formulation The People of Australia, one of four principles stresses the government’s commitment to ‘promote understanding and acceptance while responding to expressions of intolerance and discrimination with strength, and when necessary, with the force of the law’ (DIAC 2011: 5).

Initially, the RDA did not differentiate between direct and indirect discrimination. A legal amendment in 1990 was aimed at addressing that gap, introducing a clear and comprehensive ban on indirect racial discrimination in Section 9 (1A) RDA (Rees et al. 2008: 145). Religious discrimination or vilification is not explicitly mentioned by the RDA, which has been criticised by Muslim organisations (Bouma et al. 2011: 46–50). However, the Act is usually interpreted rather broadly as to cover religious discrimination implicitly, through a wider understanding of ethnic origin or, alternatively, as a form of indirect racial discrimination. The Federal Human Rights and Equal Opportunity Commission Act (1986) bans religious discrimination in the employment sector specifying Australia's international obligations grounded in the International Labour Organisation Discrimination (Employment and Occupation) Convention 1958. Despite this emerging body of anti-discrimination legislation, the President of the Australian Human Rights Commission publicly expressed concerns about the ongoing inadequate level of legal protection against religious discrimination during a speech in Melbourne in July 2010 (Branson 2010).

Robust debates on structural discrimination and a lack of equal opportunities deal especially with the exclusion and disadvantage of Indigenous Australians, but are not limited to this realm. The strong emphasis in political announcements on equality for all (‘a fair go’) and the importance of equitable access to government services and programmes responsive to the needs of Australia’s diverse
communities, indicates that structural barriers are recognised as factors hampering full participation and equal opportunities of immigrants and minorities (substantive equality). To address these problems every public service Commonwealth authority has been obliged to implement equal opportunity programmes for ‘designated groups’ – such as Indigenous Australians and non-English-speaking migrant families – since the introduction of the Equal Employment Opportunity Act in 1987. The requirements placed on federal authorities can be interpreted as initial steps towards the notion of ‘transformative equality’.

In Germany, an explicit ban on racial and religious discrimination has been enshrined in the German Constitution (Article 3) since 1949. However, this constitutional principle only refers to the relationship between the state and its citizens and is not directly applicable to the wider sphere of civil or labour law. This constitutional clause used to be – together with a few other legal provisions, scattered in different pieces of labour legislation and along with a traditionally strong anti-hate speech provision in criminal code – the only legal source to ban unequal treatment of migrants and ethnic and religious minorities in Germany. This legislative deficiency finally ceased in August 2006, when Germany’s first anti-discrimination law, the General Equal Treatment Act, came into effect after years of political debate between political parties, church groups, employers’ associations and trade unions (Bielefeldt and Follmar-Otto 2005). During these debates the bill was widely described as undesirable, useless and potentially harmful to mainstream society; such attitudes and accusations were widespread among the general population and in large parts of the mainstream media as well as being expressed by representatives of employers’ associations and the conservative and liberal political spectrum.

The adoption of the General Equal Treatment Act in 2006 was largely driven by EU obligations. Despite some substantial legal protection gaps and procedural shortcomings, the Act offers a broad level of protection against direct and indirect discrimination due to race, ethnic origin and religion in accordance with the EU legal expectations. Despite this comprehensive law, anti-discrimination barely plays a role in Germany’s integration policies. Most official policy statements fail to even mention the Act and largely ignore or downplay the role that discrimination plays as a barrier to integration and a threat to social cohesion.

In contrast to the political discourse in Australia and the UK, a narrow understanding of discrimination and racism prevails in Germany. Discrimination continues to be mainly associated with purposeful misbehaviour of individuals; structural and indirect forms of discrimination are barely recognised as a systemic hurdle in the integration process of migrants. Moreover, racism is commonly equated with right-wing extremism, ignoring everyday forms of racist behaviour or talk, intolerance and exclusion. In 2009, the UN Special Rapporteur on Contemporary Forms of Racism (United Nations Human Rights Council 2010: 19) concluded his visit to Germany with the recommendation that Germany should expand its narrowly applied concept of racism ‘towards a comprehensive understanding of racism [and] racial discrimination’ in line with the
ICERD definition: ‘The question of racism should also be approached from a standpoint of structures and institutions that facilitate … migrants in German society and that provide them with the necessary skills to allow them and future generations to prosper’ (United Nations Human Rights Council 2010: 16–17). While the German anti-discrimination law also prohibits indirect discrimination against ethnic and religious minorities, it encompasses few elements that indicate the way towards ‘transformative equality’. On the contrary, the judiciary system appears to be reluctant or not sufficiently aware of how to interpret the concept of indirect discrimination; thus Germany’s approach to tackling ethnic and religious discrimination through legal means rests primarily on the notion of ‘formal equality’ – an understanding that the UK had already dismissed as too narrow in the mid-1970s.

Policy area 5 – full participation and citizenship

Active citizenship and participation are closely intertwined concepts that encompass not only full political rights, socio-economic resources and cultural capital, but also loyalty and personal commitment to social and civil life (Ameli and Merali 2004: 76; Marshall 1950: 8). The notion of ‘citizenship of the heart’, coined by Bassam Tibi (2007), highlights these emotional components of citizenship. National diversity and inclusion policies in Australia, Germany and the UK formally recognise the importance of participation and citizenship as the civic spine of a vibrant and inclusive pluralistic society, but they differ significantly in their approaches to promote full civic and political participation. National divergences are often illustratively reflected in the country-specific citizenship regimes which do not only determine the access to equal political rights, but also send out a message on the (un)desirability of minorities’ participation in general. Countries with strong multicultural agendas encourage immigrants to become full citizens, for legal citizenship is seen as a pivotal facilitator of inclusion and commitment. Accordingly, hurdles in the access to legal citizenship are usually rather low. In contrast, countries with a policy framework tuned towards cultural adaptation tend to view citizenship rather as the crowning ‘prize’ that only well-integrated immigrants deserve, which often translates into stiffer requirements and higher legal barriers (Jurado 2008: 6–7).

According to the British Nationality Act 1981 and subsequent amendments, would-be citizens need to have lived in the UK for the last five years to be entitled to apply for citizenship. As dual citizenship is not considered problematic, applicants do not have to renounce their existing nationality or citizenship. Any person born in the UK to a parent settled in Britain (that is, holding a permanent residence permit) becomes a British citizen by birth. Over the past decade, the British citizenship regime has been in a process of profound change. In 2003, an advisory group, established by the British Home Office, stated that ‘becoming naturalised should not be seen as the end of a process but rather as a good beginning’ (Home Office 2003: 13). This viewpoint used to be a key notion in Britain’s multicultural policies, but has lost its prominence in recent years
with the government's civic turn. The most obvious indicator for this shift was, in addition to increased naturalisation requirements (e.g. citizenship test), the principle of 'earned citizenship', introduced by the Labour government through the Border, Citizenship and Immigration Act 2009. The new provisions sought to extend the minimum duration of stay from five to eight years of lawful residence, and to introduce an incentive system which would allow migrants who have done active community work ('activity condition') to apply for citizenship after six years. In November 2010, the newly elected government under Cameron, announced that it would not implement the policy of earned citizenship, describing it as 'too complicated, bureaucratic and, in the end, ineffective' (Home Office 2010).

The Australian government describes the acquisition of citizenship on its official website as 'an important step in your migration story' and a sign of 'commitment to Australia' (Department of Immigration and Border Protection 2013). Citizenship is regarded as a major facilitator of the immigrants' full participation in society. It is unsurprising, then, that the acquisition of citizenship is strongly encouraged as an important signal and, at the same time, a tool to foster the individuals' participation and commitment to society. In his speech in February 2011, the Australian Immigration Minister described the country's 'citizenship-centred multiculturalism' as a core reason why Australian multiculturalism has been so successful (Bowen 2011a). Legal barriers on the way to becoming a citizen continue to be low (despite the 2007 introduction of the citizenship test). A minimum of only four years of lawful residence in Australia is required to be eligible for applying for naturalisation and Australian law permits dual citizenship. Children born on Australian soil, to parents of whom at least one is a permanent resident or Australian citizen, gain Australian citizenship automatically by birth.

Germany's citizenship regime stands in stark contrast to Australia's. Despite groundbreaking changes that took effect with the 1999 Naturalisation Act, the hurdles to full citizenship rights are much higher. Since January 2000, would-be citizens must have lived in Germany for at least eight years and hold a permanent residence permit. By law, dual/multiple citizenship is generally prohibited; in practice, applicants from outside the EU are obliged to renounce their nationality unless this is legally or practically impossible under the national laws of their country of origin. Children born in Germany to non-German parents only acquire German citizenship if at least one parent has been lawfully living in the country for at least eight years and holds a permanent resident status. These so-called *ius soli* children have to opt for either the German or their parents' nationality before they turn 23. If no decision has been made, they generally lose their German citizenship automatically.

In Germany, the perception of citizenship as a *means* of integration is less common, and it is dismissed in the centre-right political spectrum, led by Merkel since 2009. In October 2010, the Green Party's parliamentary motion pushed for a more 'welcoming naturalisation law' which would reduce the minimum residence requirement to six years, and abolish the strict regulations on multiple
citizenship and the citizenship test. The motion was rejected by the governing conservative-liberal coalition parties, describing the underlying notions as an old fashioned ‘multikulti’ delusion (Federal Parliament of Germany 2010: 7243–7247): ‘Naturalisation has to occur at the end of the integration process’ because ‘offering citizenship to immigrants who are not integrated undermines the cohesion of society’.

Conclusion

The liberal democratic system of government has proven to be a healthy framework for the political integration of individual citizens. But in relation to cultural minority groups it seems less than fully equipped to promote integration. The failure to take into account the ethnic and cultural plurality of modern societies and the significance to these communities in instilling a sense of identity presents a challenge to liberal democracy. The German political system, for example, is all about individual rights and responsibilities. It was not designed to accommodate group rights based on ethnicity or religion. The growing realisation that ethnic identities do not disappear once migrants step across the border, has led to specific policies to address ethnic and religious minority needs. While the German model is making grudging steps to acknowledge its Muslim population as a permanent community – not as a transient experience – other Western states have made significant leaps forward in relation to these Muslim communities. The Australian model of multiculturalism, as argued in this chapter, presents a relatively successful approach to ethnic and religious plurality. The cornerstone of this approach has been the celebration of diversity as an asset that enriches Australia. This goes beyond tolerance and an ad hoc accommodation of differences, which tends to prevail in the British model of laissez-faire multiculturalism. In the Australian model, ethnic diversity and political unity go hand in hand in a mutually reinforcing relationship. By protecting the ethnic and religious heritage of its many people, Australia manages to win the hearts of its migrant communities. This is perhaps the citizenship of the heart that Tibi (2007) favoured; loyalty and commitment to Australia, not for expediency, but based on an emotional connection. The multicultural model has fostered loyalty to the state because it has facilitated the regeneration of minority identities through a series of political, legal and administrative safeguards. In the context of the current debate on the failure of Muslims to integrate in their secular host countries, the proactive multicultural model has demonstrated a strong track record in addressing issues of social and political integration.

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Notes

1 See Chapter 8 in this volume for a detailed account of the implications of this view on minority welfare provision in the UK.

2 According to the French Code Civil, ‘assimilation’ is an explicit prerequisite for the acquisition of legal citizenship (Article 21–24).

3 This federal council was launched in August 2011 and replaced – with an enhanced mandate – the Australian Multicultural Advisory Council. These bodies continue a tradition of federal multicultural councils that had come to an end in 2006 under the Howard Liberal government, which was known for its sceptical attitude towards multiculturalism.

4 According to Section 6 of the Act, the public broadcasting corporation ABC has to broadcast programmes that reflect the cultural diversity of the Australian community taking into account its ‘multicultural character’.

5 Until the late 1990s, the German government refused to officially consider itself a country of immigration – despite its experiences of large-scale immigration over the past half century.

6 For the UK, see Welfare of Animals (Slaughter or Killing) Regulations 1995, amended in 1999 (Statutory Instrument No 1995/731 as amended by SI No 1999/400). In Australia, state and territory governments have primary responsibility for animal welfare; respective state laws all permit slaughtering animals in compliance with Islamic rites.

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Managing religious diversity


