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Book Review

Christian Joppke and John Torpey. *Legal Integration of Islam: A Transatlantic Comparison*. Cambridge, MA: Harvard University Press, 2013. Pp. 211. Hardcover. ISBN: 9780674072848. Price: Not listed.

Despite the vast amount of literature covering the topic of Muslims and Islam in the West, Christian Joppke and John Torpey were able to bring forth a new approach to the field, creating a nuanced book which analyses how legal systems in Western liberal democracies have responded to Islam and its actors, the Muslims. Through a comparative analysis of France, Germany, Canada, and the United States of America, the authors aim to present an account of the institutional responses to Islam, demonstrate the centrality of legal processes in Muslim integration, and offer an innovative regional as well as transatlantic comparison.

The book is divided into four chapters, offering case studies for each of the aforementioned countries and focussing on the uniqueness of each legal system. These are bookended by an introduction and conclusion. As stated in the introduction, the authors originally anticipated examining the state transformation process, from a substantive nation state to a religiously neutral procedural post-national state, resulting from the necessity of the liberal state to deal with current conflicts around religious claims by Muslim immigrants. However, this approach was discarded due to the realisation that contemporary states tend to embrace and protect majority rights more proactively than initially assumed. Although it may seem paradoxical at first glance, they even do so in the name of liberalism. In consequence, the focus was shifted to the analysis of responses to Islam on behalf of the liberal state.

The first two case studies contrast the European democracies France and Germany and show how their church-state regimes accommodate Islam. The chapter on France makes use of the French debate and procedure of banning the religious practice of publicly wearing a full veil, to exemplify the “limits of excluding.” The case study shows that despite France’s laicism incorporating a strict separation of state and religion, high legal hurdles must be overcome before restrictions to individual religious rights can be implemented. Furthermore, the “Burqa-ban” could only be achieved through an intense political will. Thus, one can justly speak of law as a pivotal resource in the process of Muslim integration even though it does not always trump the political.

The “limits of including” are discussed in the following chapter when examining the changes of German “state-church law” and Islam’s long march through the German court system. Joppke and Torpey explicate that as the German state follows the approach of linking state and religion, at least organised religions, it is confronted with the problematic inclusion and equal treatment of minority religions. However, Islam has yet to obtain the status of a “corporation under public law,” hence not being able to negotiate with the state. In consequence, an asymmetry of religious rights can be attributed to the German state-religion constellation. Even so, the authors predict a full recognition of Islam in the near future. The two cases—France and Germany—bring the strengths and weaknesses of opposing approaches to light showing moreover two different ways of dealing with religions in a liberal way, either to drive them out, or bind them into public space on equal terms. Furthermore, the analysis shows that organisational level or corporate integration of Islam is a slower and more demanding process than its integration at the individual level.

The cases on Canada and the United States contrast starkly with their European counterparts as well as with one another. According to Joppke and Torpey, religion in North America, compared to Western Europe, has not lost its vitality. Further, it is argued that religion is not challenged as significantly by the state as in Western Europe. Muslim immigrants and the accommodation of Islam also differ largely. In both Canada and the United States, Muslims tend to be in a better socio-economic position and Islam has thus far not faced any considerable legal challenges. The chapter on Canada shows how the policy of multiculturalism and the Charter of Rights and Freedoms caused political backlash from Muslim groups using the legal framework to justify their demands for the establishment of *shari‘ah* tribunals in case of personal law. Hence, Canada is faced with the challenge of dealing with the preferences of some Muslims for practices that undermine the liberty

rights of others. Courts ensure that individual rights are not abrogated, while guaranteeing the protection of religious freedom.

The last chapter, covering the United States, paints an entirely different picture, as the religion-state constellation can be seen as another example of American exceptionalism, differing from all other models. In addition, the United States has its own indigenous form of Islam, namely “Black Islam.” The authors examine the situation of Islam in a post-9/11 context and show that even with the existence of public antipathy fuelled by the media and the fear of the religious “other,” Muslims and Islam scarcely face jurisprudential discrimination. This can be accounted to the strong constitutional protection awarded to any religion that is recognised as such. Nonetheless, Muslims in the United States face struggles and discrimination through measures such as government surveillance and hostilities of the public.

Through the “double comparison,” as the authors dub their regional and transatlantic comparison, the elasticity of liberal institutions in accommodating a religion that “judged by its worldwide politicization, may pose more of a challenge to liberal societies than others” is demonstrated (p. 139). Furthermore, no essential difference in the accommodating powers of liberal institutions on either side of the Atlantic could be identified. They do, however, point out that the legitimacy of multicultural doctrines has been heavily damaged, in large because of the difficulties associated with the integration of Muslims in Western societies, such as the demands for *shari‘ah* tribunals in Canada or the rejection of Western liberal values.

Joppke and Torpey’s comparative approach offers much to the debate on Islam in the West, highlighting the complexities of accommodating Islam through legal mechanisms, which have rarely been examined in such an extensive manner. Although their analysis neglects many of the voices involved in the complex integration processes of Muslims, in the first place the Muslim immigrants themselves, a wide range of examples and arguments are presented in the four case studies. They support the thesis that “most major advances that Muslims have made in regard to their religious needs have been achieved through the legal system, especially on the ground of constitutional law” (p. 160). The authors acknowledge in their conclusion that “legal integration alone is not sufficient to grant Islam and Muslims the equal place in liberal societies that is unquestionably theirs” (p. 161) but do not address this aspect any further. To strengthen their claim regarding the dominant role of legal systems in facilitating the accommodation of Islam, a direct comparison with further aspects, such as the role of state policies would have been desirable. Furthermore, though admitted, the authors do not take a variety of factors equally into account when contrasting the four countries, for

instance, the demographics and examples of integration in the face of the global religious resurgence or the cultural embeddedness of law. Therefore, it begs the question, whether the focus provides an adequate comparison, as the interaction between liberal democracies and Islam entails more than a mere judicial discourse.

Though published in 2013, the book remains relevant, with an extensive bibliography and a handy index, providing insights to many aspects of the accommodation of Islam in liberal democracies. In the light of new challenges such as the European refugee crises, the rise of nationalism, and anti-Islamic sentiment throughout the West as well as the previously unimaginable Trumpism in the United States, the authors prove to have given a correct prediction of the future, stating that legal integration of Islam and multicultural policies strengthening the position of Muslims would lead to severe political backlash. Thus, *Legal Integration of Islam* can be recommended to students of various disciplines and scholars alike.

Jamal Malik & Dylan Lewis