

Germany

Discrimination of Muslims in employment in Germany

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Summary

Discussing issues of racism and discrimination in Germany has traditionally proven to be very difficult. However, recently political and academic debates on racism and discrimination have developed, due in part to EU directives on antidiscrimination. More precisely, until recently academic and public discourses paid little attention to discrimination against Muslims. The discrimination of Muslims in employment certainly cannot be viewed through religion only, and the context of ethnicity, gender and other characteristics needs to be taken into consideration. Not only the intersectionality of the phenomenon contributes to the complexity of researching issue, but also the different forms that discrimination takes in various sectors of working life.

In this report, we analyse policy and decision makers' awareness, and policy developments concerning the discrimination against Muslims in employment in Berlin. While Berlin is celebrated as the most multicultural and tolerant city in Germany, nationwide it is also known for its 'problematic' neighbourhoods where (Muslim) immigrants have established their *Parallelgesellschaften* ('parallel societies') and where integration seems to have failed. Furthermore, since the fall of the Berlin Wall, Berlin has suffered greatly due to the structural changes its industry has experienced. In contrast to other German cities with a high immigrant population, Berlin has the highest rate of unemployment in Germany, from which immigrants with a Muslim background are especially affected.

Introduction

The so-called Sarrazin-Debate of 2010 was certainly the most controversial and emotional public debate in Germany in recent years. The debate, which started weeks before Thilo Sarrazin's¹ book *Deutschland schafft sich ab!* (Germany Does Away With Itself) was published, even halted for months after the book entered the market in August 2010 and seized the top rank of the bestsellers. The book became one of the most successful non-fiction books of the post World War II era in Germany, and had sold more than 1.5 million copies by May 2011. Subjects of the heated debate encompassed integration, immigration, Islam, racism, genetics, employment, education, parallel societies, crime and violence, etc.

Sarrazin was already in the spotlight in 2009 when he gave an interview to *Lettre International* where he stated that:

'The city [Berlin] has a productive circle of people who work and are needed [...] Apart from that it has a segment of people [...] who economically are not needed [...] A great portion of Arabs and Turks in this city [...] do not have a productive function, except for running fruit and vegetable business' [...]

Absolutely failing are the Turkish and Arab people [...] Great parts of them are neither willing nor able to integrate [...] I don't have to accept anybody who is living from the state, rejecting this state, not doing anything for the education of his children and constantly producing new little headscarf-girls. That counts for seventy percent of the Turkish and for ninety percent of the Arab population in Berlin.' (Lettre International 30.09.2009:198)

With his reference to Arabs and Turks Sarrazin alluded to the Muslim population of Berlin, which he considers as a non-productive element of the society except as fruit and vegetable sellers. According to Sarrazin Muslims are not contributing to the social welfare and economic growth of the German capitol but are rather living off the German majority societies' money by receiving social welfare benefits. The statements of Sarrazin clearly suggest that Muslims are not welcome in Berlin as they presumably do not contribute to society, whilst constituting a major burden to the social welfare state and a threat to the social stability and cohesion in the German capital. According to Sarrazin the cultural 'otherness' of the Turks and Arabs, namely the religion of Islam, is the reason for the failed integration of the Muslim population into German society. Their religion and culture is considered to be incompatible with Western values and lifestyle.

As a consequence of these statements the SPD (The Social Democratic Party of Germany) asked for an expert opinion in order to examine Sarrazin's interview for its racist content. Gideon Botsch, who submitted the expert opinion, stated that 'my question was to find out if Mr Sarrazin expressed a racist opinion in the relevant interview - and here I come to an unambiguous conclusion: yes.' (SZ 8.1.2010).

¹ Thilo Sarrazin is still a member of the Social Democratic Party of Germany (SPD, *Sozialdemokratische Partei Deutschlands*) and was a member of the Executive Board of the Deutsche Bundesbank from 2009 until 2010. Prior to this position he served as senator of finance for the state of Berlin from 2002 until 2009.

However, contrary to this expert opinion the SPD tribunal of arbitration classified the statements of Sarrazin not as racist and allowed him remain in the SPD.

In this report the awareness of and dealing with discrimination against Muslims in employment among policy and decision makers in Berlin will be analyzed.

The methodology of the fieldwork consists of 13 in depth, semi-structured individual interviews which were conducted in Berlin between February and March 2011. The interviewees were policy and decision makers from Berlin comprising representatives from (a) employers' associations, (b) public servants, (c) immigrant and ethnic minority organisations, and (d) anti-discrimination organisations.

Furthermore, by applying a discourse analysis approach, key policy documents, research findings, and statements by public figures, to which the interlocutors have referred in the interviews in order to make a point, have been gathered and critically analyzed.

1. Case study Berlin

While Berlin is celebrated as the most multicultural, diverse, tolerant, and inclusive German city with its *Klein Istanbul* ('Little Istanbul,' the predominantly Turkish neighbourhood in Kreuzberg) and its *Klein Beirut* ('Little Beirut,' the predominantly Arabic neighbourhood in Neukölln) on the one hand, nationwide it is also known for its problematic neighbourhoods where immigrant Muslims have established their *Parallelgesellschaften* (parallel societies) and, the failure of integration on the other.

In Berlin, as in entire Germany, Turks constitute the largest ethnic minority and form the majority of Berlin's Muslim population. According to the latest official statistics, which were released in March 2011, 872,000 people have a migration background constituting 25.7% of Berlin's 3.4 million total population. These include ca. 170,000 with a Turkish, about 90,000 with a Polish and ca. 60,000 with an Arabic background (IB 2011). From this one can derive an approximate number of 250,000 Muslims living in Berlin.²

Since the fall of the Berlin Wall, the German capital has suffered greatly from the structural changes its industry has experienced. In contrast to other German cities with a high immigrant population such as Stuttgart, Frankfurt (Main) or Munich, where immigrants are relatively well integrated into the job-market, Berlin has the highest rate of unemployment in Germany. Therefore, due to both the negative economic

² Although amongst German big cities Berlin has the highest number of immigrants in absolute numbers, other big cities like Frankfurt (above 40%), Stuttgart (ca. 38%) or Cologne (ca. 33%) have a significant higher share of migrants.

development and the high level of unemployment in general, in Berlin the economic and social phenomena connected to migration are particularly worrying. In this context two factors play a crucial role; in bigger German cities unemployment of migrants is generally twice as high as the rest of the population, while in Berlin the unemployment rate is far above average (DIW 2008:496). The fact that every third person with an immigrant background is unemployed shows the dramatic extent of unemployment in the city of Berlin. Particularly worrisome is the situation among people with a Turkish background as half of them, who are in a working age, are dependent on social aid. The unemployment rate among the Turkish population in Berlin is about 40 percent (DIW 2008:497). Considering that more than 40 percent of the children below the age of 10 in Berlin have an immigrant background, decision makers are expected to pay more attention in solving this issue. The insufficient qualifications of the migrant population are often cited as the main cause for the problematic situation of migrants in the job market.

2. Muslims and Discrimination

Traditionally, dealing with racism and discrimination in Germany has proven to be very difficult. It is only in the past few years that political and academic debates on racism and discrimination have developed, which to a certain extent is due to EU directives on antidiscrimination. Unsurprisingly, until recently the discrimination of Muslims gained little attention in Germany, neither within academia nor in public discourse. For many years international human rights organisations avoided actively dealing with the phenomenon of discrimination against people affiliated to the Islamic faith (ADS 2010a:7). The fact that the discussions in this field have recently developed does not automatically imply that Germany was free from discrimination until recently. However, for several years now reports by international institutions (such as the United Nations and the Council of Europe) and non-governmental organisations (the European Network against Racism) have openly criticised the discrimination and marginalisation of Muslims in Germany (UN 2010, CERD 2008, ECRI 2009, ENAR 2011).

The issue of religious discrimination of Muslims in Germany cannot be discussed without keeping ethnic discrimination in mind because the current presence of Islam is an unexpected side effect caused by labour migration from Muslim-majority countries such as Turkey and various Arab countries. From the 1960s onwards the number immigrants, and with them the presence of Muslims, increased in Germany. Ever since, depending on the political climate and social developments, passionate debates concerning foreign domination and threats to jobs from the 'other', and the 'foreigner',

have taken place. However, in the past the religious affiliation of the immigrants was not relevant. Although anti-Islamic attitudes have existed in Germany for centuries, a clear shift from xenophobia to anti-Islamic attitudes is identifiable since the turn of the 21st century, which is primarily due to the developments in world politics and the debates on terrorism, security, and Islamism.

These developments occurred at a time when the German job market was undergoing significant changes leading to a noticeable toughening of the conflict with Islam in the employment sector (ADS 2010a:7). While until the end of the 1980s the overwhelming majority of Muslim employees were employed as un- or semi-skilled workers mainly in factories and construction sites, for the first time parts of the succeeding generations strived for highly qualified and academic jobs. Additionally, Muslim refugees who had been banned from work for many years started to use their respective qualifications and skills on the German job market. Changes in certain parts of the Muslim community lead to new and stronger self-confidence and the demand for participation in all societal spheres. The autochthonous German population was asked to respond to this demand on an equal footing. The fear of loss of identity and the supposed German homogeneity, and the threats posed by Islamist terrorism, brought the faith of Islam under the spotlight (ADS 2010a:7).

The discrimination of Muslims should not be viewed through the context of religion only, and the contexts of ethnicity, gender and other characteristics need to be taken into consideration. Not only the intersectionality of the phenomenon contributes to the complexity of the research issue at hand, but also the different forms of discrimination in various sectors of working life. In this context Peucker in his study for the Federal Antidiscrimination Office points out that the complex processes of discrimination and mechanisms of unequal treatment of Muslims are discussed primarily through the perspective of (anti-) racism and ethnic discrimination, and criticises that in this context the particular issue of discrimination on the basis of Islam mostly plays either no role or only a marginal one (ADS 2010b:7). According to Peucker, by looking at the processes of individual and structural discrimination of Muslims through this approach specific facets of this phenomenon are overlooked, because some evidence indicates that Muslims are not only being discriminated because they are 'migrants', that is because of their (ascribed) ethnic background, but also because of their religious affiliation, possibly in combination with other features such as gender, age and social status (ADS 2010b:7). He further points out that through this interweaving of potential reasons for and aspects of discrimination, not only the danger and possibility of discrimination increases, but also qualitative special forms of discrimination of Muslims arise (ADS 2010b:7).

3. Employers and discrimination

As in many other German regions, in Berlin the German Chamber of Industry and Commerce (IHK, *Industrie und Handelskammer Berlin*) is also one of the most important actors in not only the business world but whose influence also encompasses politics and society at large. As a self-governing body within the business world the IHK has the legal mandate to represent the interests of all tradespersons in Berlin vis-à-vis politics and the public. The IHK has approximately 230,000 members, employs about 200 full-time employees and offers services and advice for business in Berlin in the following six business portfolios: (1) innovation / environment, (2) foreign trade, (3) legal affairs / fair play, (4) economic policy, (5) business start-up and support, and (6) vocational training and further support. Under the category economic policy, in addition to Corporate Social Responsibility, demographic change, and compatibility of family and career, issues of integration and diversity are listed as relevant topics of business and society.

The Berlin section of the IHK refused to give an interview for this research project. Upon receiving my written inquiry the contact person for integration issues notified me via a phone call that, after internal consultation, the IHK will not be available for an interview dealing with the sensitive issue of discrimination in employment. However, the program officer responsible stated that he would be more than happy to email me some relevant written material concerning the issue of integration and employment in order to demonstrate the exemplary and promising measures of the IHK in this field. The information material passed onto me included various services of the IHK-Berlin targeting businesses or young people with an immigrant background such as 'Welcome events for special ethnicities' (*Wellkammer-Veranstaltung für spezielle Ethnien*), 'an intercultural competent vocational training advisor' or 'internet presence with a multilingual welcome including basic information.' In addition to this information he enclosed a joint statement by the IHK and the Chamber of Trade Berlin (HWK, *Handwerkskammer Berlin*) on the proposal of the Berlin Senate's 'Law for Participation and Integration.'³

In the joint statement the IHK and HWK strongly criticise the neglect of aspects of education policy in the proposal as they consider education as the key for successful integration (IHK&HWK 2010:1). They put forward this argument, the prevalent view in the business world, because they start from the premise that the malposition of immigrants in the working environment is due to their low educational qualifications and lack of language skills. The overriding motto is formulated as 'education as the key to

³ As the first federal state in Germany, in December 2010, Berlin passed the 'Law for Participation and Integration' in order to create a legal basis for its integration and participation policies.

successful integration' (IHK&HWK 2010:1). In this context no reference to the (institutional, past-in-present or side-effect) discrimination of pupils with an immigrant background in the education sector can be found.

Furthermore, in the statement the business representatives complain about the proposal's imbalance in terms of one-sidedly offering services and providing benefits to immigrants without expecting something in return (IHK&HWK 2010:2). The statement calls for a stronger emphasis of the 'support and demand'-principle (*Fördern und Fordern-Prinzip*).

A critical analysis of the IHK material reveals the widely spread argument in the business world concerning integration and discrimination, namely, the deficit oriented approach (as outlined in work package 1). The rhetoric of this material goes hand in hand with the rhetoric used in the 'National Integration Plan' of the government in 2008. However, this rhetoric is at odds with the policy outlined by the Berlin Senate in its integration policy 'Encouraging Diversity – Strengthening Cohesion' adopted in 2007 on the one hand and it's 'Law for Participation and Integration' passed in 2010 on the other hand. While the rhetoric of the Berlin Senate focuses on the positive elements and the chances that lie in integration, the IHK has a more demanding tone focusing on the deficits of immigrants as the main obstacle to their integration. The joint document produced by the IHK-HWK does not tackle the issue of discrimination at all, thus denying its existence. The problematic situation of migrants in the job market is reduced to the migrants' qualification deficit. Consequently, the problem is externalised and the educational sphere identified as the source of the problem, where policy reforms are urgently needed.

In general, German representatives of the business sector are not very open to dealing with issues related to discrimination in employment. Significantly, in addition to the churches, whose motivation was a different one, it was the lobbyists of the business world who blocked the passing and even implementation of European antidiscrimination directives in German legislation for many years. Even though discrimination in employment based on ethnic and religious background is critically discussed in academia and the anti-discrimination scene, business representatives continue to not only ignore this phenomenon, but even deny its existence along the lines of 'the problem does not exist if we do not talk about it'.

In contrast to the IHK, the HWK was available for an interview. The HWK is a self-governing public body representing the all trades people in the chamber district of Berlin. The tasks of the chamber of trade are to represent the interests of overall trades and to self-govern the concerns of trades people. The chamber of trade carries out legal supervision over the guilds. Members of the chamber of trade are owners of craft

enterprises, tradesmen, employees with vocational qualifications and trainees. In contrast to the IHK, the HWK represents the interests of trades. Here, like in all other professional chambers, membership is compulsory. Currently, the HWK Berlin has about 31,000 members from trades which provide jobs for approximately 180,000 people and more than 14,000 trainees with employment perspectives.

When I contacted the central office of the HWK in Berlin, after a little confusion and not knowing to who to connect me to, I was forwarded to the head of department of educational consultation, because the receptionist assumed that she was the most appropriate person for me to talk to. At the HWK there is no specific unit or person in charge of issues of migrants or integration. Although the head of the department of educational consultation was surprised that she was chosen as an appropriate contact person for my inquiry, eventually, she was ready to cooperate with me.

In the following I would like to discuss some aspects of the interview as it conveys important positions of the business world concerning issues of discrimination in employment.

My interviewee explained to me that the absence of an extra unit dealing with integration issues is due to the fact that the HWK considers integration as a cross-sectional issue, which ought to be constantly kept in mind right across the units and activities of the HWK, presenting this approach as an innovative tool in mainstreaming the integration dimension in all working areas.

In her analysis of young immigrants' situation in the job market in Berlin the HWK-representative put forward the following arguments:

'Well, here with us, actually economically generally speaking, we note that young people with a migrant background, that they do not know about the vocational training system, and their parents also don't know about it. And the parents influence the children, especially regarding the selection of a job. And they wrongly assess what kind of career prospects are possible, or where they have good chances. So to say, there is no feeling, no understanding for what happens if my son or my daughter completes the Hauptschule [this type of school goes up to the ninth grade and is designed to prepare pupils for the skilled vocations and trades. Graduates from Hauptschule usually seek apprenticeship positions]. That the profession of a lawyer or physician might not be the most suitable choice of profession for the child. Well, there is wishful thinking ...'

She claims that young people with an immigrant background and their parents' lack of knowledge about the German educational system and their ill-conceived aspirations concerning career choices constitute the main cause for their failure in the job market.

She continues:

'Secondly, that unfortunately, of course, families with a migration background are especially uneducated. So that the basic qualification is already difficult in order to start with good chances in a career. That then continues if they are no longer youth, but adults, who are badly qualified and, of course, because of that have worse opportunities in the job market (...) What I also note is that the young people who grew up here are very narrow in their choice of profession. Well, that it's limited to one or two dream jobs. With the boys it's typically car technician or electrician, and with the girls, office clerk; and they are not

interested in going beyond that, in looking to the left and right beyond from these dream jobs.

With this my interviewee concluded her statement on the problematic situation of immigrants in employment in Berlin. According to this assessment, the immigrant communities' failure in both education and employment is self-inflicted and 'homemade': they do not know about the educational and employment system of this country; their aspirations do not correspond with reality; they come from an uneducated milieu; they are inflexible. The children are trapped in a vicious circle from which it is almost impossible to escape and the problems are being reproduced. However, neither criticism of the educational system nor the practices in the working environment are mentioned.

Only after I questioned whether that explained the entire situation, and asked if there might also be other reasons for the problematic situation of immigrants in employment in Berlin did the representative mention possible shortcomings on the part of the employers:

'Well, through the situation, that there are just many migrants at some schools or in some districts, in a way a sort of little parallel society has been established and to that effect also social problems exist, prejudices and pigeonhole thinking emerge into which one is put. Of course, on the other hand, we as the Chamber of Trade need to convince our companies: 'Watch out, open these pigeonholes, there are young people, which are surely interesting.' Well, it's in both directions: on the one side, removing prejudices and informing and motivating and on the other side, too, motivating.'

This approach to the issue indicates that business representatives consider the insufficient qualification of immigrants (in terms of education and language) as the primary source of their failed integration into the job market. Possible discriminatory practices on behalf of the entrepreneurs are not considered as a problem in employment or are downplayed as a minor factor. Only upon my request concerning possible shortcomings on the employers side did the HWK-representative state that there may be 'stereotypes' among some entrepreneurs. However, even though she admitted that there may be 'stereotypes' in the majority society in general and the business world in particular, which might be an obstacle for the successful integration of people with a migration background into the job world, it is again the migration communities' own fault – there are too many of them in some schools and districts, they create so-called parallel societies, and social problems – triggering prejudices towards immigrants among the members of the majority society. According to this logic there would be no discrimination in employment if there were not too many immigrants in certain schools and districts and if they did not create parallel societies where social problems are prevalent.

What the interview with the HWK makes quite clear is that there is little or no awareness for discrimination based on ethnic or religious background. As there is a lack of awareness for the problem, no action is deemed necessary in order to tackle or overcome it. According to the HWK it is solely the qualification of the applicant or the employer that counts in the working environment, not their ethnic or religious affiliation:

'They are not being discriminated because they are migrants. But especially in the trades it is important for the company: he must be qualified, he must be interested, he must be motivated, and if someone has an intercultural background it plays only a minor role. Well, especially in Berlin, everyone is 'multikulti'. Everybody does probably see the 'Dönerstand'. It is already a matter of course.'

Besides undermining the issue of discrimination this statement also tells us something about her narrow understanding of 'multikulti', namely, that a visit to a 'Dönerstand' makes a person and hence, society, multiculturally and intercultural competent. Intercultural understanding and competences is reduced to eating at a 'Dönerstand,' or shopping in a Turkish corner store. It is interesting that she states:

'Of course, where problems exist, maybe prejudices or intercultural difficulties as well, is, I think, with the issue, when it is in the field of the traditional food trade, of course, also the 'head-scarf issue' which is at certain points, of course, I would not say problematic, but there could be reasons to say 'no, I cannot hire her.'

In recent years several research studies have been conducted on the issue of ethnic and religious discrimination in employment.⁴ Contrary to popular belief a high level of qualification is not a guarantee for successful employment. Highly qualified immigrants are still facing structural obstacles, which their 'native' German competitors are not confronted with (ENAR 2010:14). In 2010 a research team published a paper where they presented the results of their field experiment: they submitted applications for an internship position with Turkish and German-sounding names of imaginary students of economics. With respect to their skills and qualifications the candidates were alike, and all of them were fluent in German and possessed German citizenship. Applicants with a Turkish-sounding name received 14 percent fewer positive answers (Leo/Wagner 2010:6p.).

In my interview with the HWK I referred to the findings of this research and asked my interviewee to comment on it. She said that these results are not applicable for Berlin because:

'Berlin is different. Berlin is 'multikulti'. Then I can also take the thesis: When I go to Kreuzberg, where at every corner there are business' run by people with an immigrant background, Arabic, Turkish ... so that I will be discriminated as a German because there is the Turkish language, there is everything...'

⁴ OECD (2007) 'Jobs for Immigrants – Labour Market Integration in Austria, Denmark, Germany and Sweden'; also add the two publications by the ADS

By referring to the 'multikulti' lifestyle in Berlin she automatically assumes that this study cannot be valid for Berlin. However, this statement is also interesting in a different context: instead of a reflected and critical in-depth analysis of the research results, she shifts the attention towards the possible discrimination of 'native' Germans by the immigrant business community in a reflexive and reactionary way.

This manner of discussing discrimination in Berlin conveys the impression of a reactionary and a rather unwilling attitude to dealing with the issue. By mentioning that immigrant employees also discriminate and that 'native' Germans can also be victims of discrimination she relativises the dimension of discrimination migrants and Muslims are confronted with. It is not only immigrants who are victims, but they can also be the perpetrators of discrimination; hence, autochthonous Germans are not the only perpetrators of discrimination but can also be victims of it.

4. Overcoming prejudices and stereotypes

According to my interviewee the HWK is using best-practice examples as its main tool in addressing issues of prejudice and stereotype in the business world. From the HWK perspective this is an ideal tool as it is not a top-down approach, which could lead to uncooperative attitudes from the employers. This seems to be a very delicate issue as the HWK stresses the need of tact in this context. The HWK-representative points out that on the one hand regular HWK-members do not desire an overemphasis of any issue – be it related to diversity, integration and migration or gender. But on the other hand, particularly employers with an immigrant background, who by now constitute a significant number of the HWK-members, do not want to be reduced to their migration background, but want to be perceived as regular hard-working businessmen. According to the HWK they are tired of repeatedly discussing issues related to integration, migration and discrimination. Although this approach and attitude of businessmen with an immigrant background is understandable, it rather sounds like an easy excuse for the employers not to (pro)actively deal with the issue of discrimination in employment.

It is commendable that 'intercultural competence' is integrated into the training program as a distinct compulsory unit of vocational training. However, it does not seem to play an important part of the training but rather a formal element of it. Furthermore, the hint of the interviewee that not only the Germans but also the immigrant entrepreneurs need to acquire intercultural competences in order to open up for the rest of society is quite interesting:

'That's important on both sides, for example, that business' which themselves have a migration background, may need a training in intercultural competence. That's an issue, we all have to face it.'

She wants to be well balanced and not demand too much from one (namely the 'native') side but also from the immigrants' side. Here again the demand and support-principle (*Fördern und Fordern*) comes to the forefront, which is the prevailing tone in the German integration discourse and supported by business representatives. This sounds rather like a zero-sum game approach to the issue.

Though tough, it should be welcomed that the HWK is offering a unit called 'intercultural competences' in their training sessions. However, it seems that in this context primarily 'soft' intercultural issues, such as eating and drinking are tackled, while 'hard' issues such as discrimination in employment based on race, ethnicity or religion are neglected.

5. 'Visible' Muslim Women – the main problem

When I asked my interview partners to expand on discrimination of Muslims in employment all of them mentioned the headscarf of Muslim women as the most problematic issue, and for some of them it was the only identifiable factor in this context. Although the headscarf is identified as an issue in employment the approach in dealing with it differs.

Headscarf-wearing Muslim women, who want to enter the job market, are particularly affected by discrimination. In most cases it is due to employers' fear of negative reactions from its customers:

'It is just not appropriate, to wear a headscarf there, because the occupational image just requires something totally different, that one also shows his/her hair (...) I have some cases where young Muslims consider following a beauty occupation; hairdresser, cosmetics. Then I need to break into parts in my personal consultation appointments, and need to check where this is coming from. And then we leave it up to the girls: 'OK, now you have two choices: you can take off your headscarf during your vocational training and thus work in the beauty sector, where external appearance is very important; or we look into other sectors which might be interesting for you where you can bring in your competences and can leave your headscarf on.'

For my interviewee it is self-evident that wearing the headscarf is not acceptable in professional branches where the headscarf does not fit into the so-called occupational image (*Berufsbild*) of jobs such as a hairdresser or in cosmetics (beauty jobs). This statement also implies that beauty is associated with revealing ones hair, conversely, covering ones hair is opposed to beauty or at least not compatible with the common understanding of beauty in German/Western society.

Without critical reflection on the practice in the 'beauty'-sector, the HWK's approach is to convince the student: if she wants to pursue a profession in the 'beauty'-sector she must change her physical appearance by taking off her headscarf.

Approaching the employers in the 'beauty'-sector seems to be no option as their attitude concerning the headscarf is taken as common sense and therefore is not questioned. It is the headscarf-wearing women who need to change and adapt, not the employer.

6. Externalising the issue

My interviewee from the Institute for Labour Market and Employment Research (IAB, *Institut für Arbeitsmarkt- und Berufsforschung*), who is a senior researcher with a specialisation in immigration and employment, also commented on the headscarf issue in employment. Before I go into his remarks on this issue, I would like to say a few words about the IAB in order to contextualise his statements. In 1967 the IAB was founded as a department of the Federal Employment Service (*Bundesanstalt für Arbeit*) as its contribution to the discussions on automation. Today, the IAB is an independent institute of the Federal Employment Agency with approximately 140 staff members, which conducts research on the labour market on the basis of two statutory mandates that are specified for the area of unemployment insurance in the Social Code, Book III and for the basic income support scheme for those in need of income support and capable of working in the Social Code, Book II. The Social Code does not only contain the regulations on various branches of social insurance but also those parts of social security law which are financed by tax revenues such as state welfare benefits and which do not have the character of insurance. Nowadays, the IAB does not only assess the various effects of instruments aimed at promoting employment but also the effect of the basic income support scheme for job seekers.

Although my interviewee was trying to be fair and well-balanced in his statements on the headscarf issue by warning 'that this is a difficult question because this almost deals with human rights and one cannot forbid people to practice their religion' on the one hand, and that a legal prohibition might lead to institutional discrimination on the other hand, in the same breath, by setting Turkey as an example, he expressed his sympathy for the ban 'as a signal for the separation between state and religion.'

In this context he also referred to a study called 'Turks in Germany: Endogenous integration barriers, its causes and effects' (Geoghegan 2007) whose main findings he considers as enlightening and plausible:

'Basically the main thesis is – and that I find very interesting and basically it describes the thing with the headscarf too – that the family and the group, the ethnic group, has a high cultural value and that they're practically a tradition, well, cultural values are just being followed, which have a high value for the individual in this group or their family and that is practically in conflict with our labour market, where individuality counts. The inclusion into

the job market works especially well when the people are especially individual and detached from their origin.' (IAB 12)

The study he is referring to was initially handed in as a master thesis in sociology at the distance teaching University of Hagen in 2007, where it also won an award for its – to speak with the vocabulary which the university used in its press release – ‘groundbreaking findings’:

‘She looks at integration as a transformation process from tradition to modernity: thus, integration becomes an achievement which can be achieved solely by immigrants themselves (...) She comes to the conclusion, that not exclusion is the main problem for those willing to integrate, but the hindrances set up by the Turkish communities and families: those have been existing since the very beginning of immigration and hardened over time.

They originated because migrants want to reproduce their culture.’⁵ (Uni Hagen 2007)

To a certain extent this thesis recalls the culturalist argument, which claims that Western and Islamic civilisation are incompatible and, therefore, the ‘other’, the Islamic religion and culture, is the major hindrance to the integration of Muslims into Western societies. With this approach the issue of employment and discrimination is being externalised by blaming young Turks and Arabs for not detaching from their respective culture and tradition, which are considered the main obstacle for their failure in German society at large and employment in particular.

After externalising the issue of successful integration to the immigrant Muslim community he then makes a point, which one often encounters in the German debate on Islam:

‘What is more important, wearing a headscarf or having a job? It is a very difficult question because it is a very deep one. One can ask the question the other way around: Well, how would it be if I were looking for a job in an Arab country, maybe even as a woman? Would I be allowed to walk around in shorts and loose hair, or would one expect from me to adjust?’ (IAB 12)

As the answers to these rhetoric questions are obvious, by implication he seems to favour a tit-for-tat principle: as long as in Arab/Muslim countries certain basic rights are not enforced and practiced, Germany does not need to confer basic rights to Muslims. At the same time it implies that he would certainly be willing to adapt to the customs and traditions of Arab countries in order not to provoke, although he is not convinced of those practices. But this gesture is supposed to demonstrate his flexibility, openness and respect towards other cultures, and expects in return from minorities in Germany to adjust to the dominant culture.

⁵ Further on the press release of the university praises the findings of the study as follows: ‘According to Geohagen, all elements that aim at preserving the traditional culture do have a negative impact on professional, educational, and social integration in Germany: the adhering to traditional education methods and values, the strict social control, the strengthening of Turkish communities, the ongoing tendency of marrying from Turkey, the turning to religion.’ (Uni Hagen 2007)

For the IAB representative the situation of Muslims in the job market will improve in the course of time as he assumes that they will 'develop' and reach the same state as the Western society:

'There are already some feminists from Turkey who also say that one needs a sexual revolution, who see that as a historico-cultural events and say: 'there are 50 years missing and then the step is consummated.'

Here he is alluding to the book *Der Islam braucht eine sexuelle Revolution* ('Islam needs a sexual revolution') by Seyran Ates, a lawyer and author with a Turkish-Kurdish background, who is quite a controversial figure as she essentialises integration issues by blaming Islam as the main source for existing integration problems and proclaims the incompatibility of Islam with Western life-style. Although not explicitly expressed, referring to figures such as Seyran Ates or the study, which clearly stand for an essentialist reading of the problems, a biased approach to the issues can be identified.

In the statements above concerning the challenging situation of Muslims in the job market one can observe a hierarchisation, dichotomisation, and essentialisation of the problem through denying

'The hybridity, permeability and dynamic of cultural identities which are constantly in flow (...) Any behaviour of people, who are marked as Muslim, is being reduced to 'the Islam'.' In this process of ascription the self-image of the individual is being ignored. Furthermore, other identities – which might result from gender, age, political attitude, class affiliation or profession for example – are pushed into the background for the sake of being labelled as a Muslim. In this context at the level of social interaction religious clothing, such as the headscarf, a certain physical appearance or just the name can become a stigma.' (Shooman 2010:104)

Similarly, my interviewee from the job centre in the Berlin neighbourhood of Friedrichshain-Kreuzberg reports of headscarf-wearing Muslim women who undergo 'development' in job preparation and consultation trainings and eventually decide to take off their headscarf in order to increase their chances in the job market:

'And if he does not want to have somebody because she is wearing a headscarf, I cannot tell the women: 'Take your headscarf off!' Well, one can always try to talk and so. The colleagues are also doing that 'How important is the headscarf for you now?' Well, what is in the foreground – getting a job, thus for the personal development of the person?'

This statement from the representative of the job centre demonstrates that it is likely that when there is a problem in the job placement of a headscarf-wearing Muslim woman the consultant at the job centre is trading off the relevance of wearing the headscarf against the career prospects. Instead of confronting the potential employer with his/her discriminatory practices by pointing out that he/she is violating antidiscrimination laws, that he should reconsider his position, and focus on the qualifications not the appearance of the applicant, the job centre is trying to change (the position of) the victim of discrimination by urging her to relinquish her headscarf.

This illustrates both the alleged defencelessness and the missing enforcement mechanism of the job centre towards the employers' discriminatory practices.

While discussing headscarf-wearing Muslim women and their problematic situation in employment my interviewee referred to 'developed' women, who already overcame the traditional values which hindered their job chances and, thus, are successfully integrated not only into German society but also the job market. These women are perceived as the 'ideal integrated' Muslim women who are being portrayed as role models for other Muslims. In this context my interviewee made a side-note on what she had recently seen on local TV:

'Well, I watched TV last night, and I saw an advisor to the Senator for the Interior, Sawsan Chebli, who said that she is a practicing Muslim, but because of her job and so she can be active in politics, she decided not to wear the scarf.'

My interviewee is portraying her 'role-model-Muslim' by referring to a popular public figure, who presents herself to be a devote Muslim but prefers not to wear the headscarf because of its potential negative influence on her career plans. My interviewee even started citing verses from the Quran – the holy scripture of Muslims – concluding, 'there is actually no commandment for a headscarf, it's a matter of interpretation. And many women decide to wear one, but we cannot force women not to wear it.' These statements imply the assumption that she wishes more women to treat the headscarf like her female 'role-model-Muslim' Sawsan Chebli. After Chebli took up her new position as the chief policy advisor on intercultural issues to the interior minister of Berlin, she got a lot of Media attention not only because she was the first person occupying this newly created position but also because of openly expressing her Muslim identity and her Palestinian background:

'I consciously call myself a devout Muslim. I consciously state that Islam plays a role in my life. I consciously say, that I pray five times a day. And if I were living in a Muslim country, I would probably be wearing a headscarf.' (arte, 7.8. 2011).

Although Chebli explicitly declared in several interviews that her religious identity and her professional life are perfectly compatible, she critically admits that she would not have been able to have her current post if she were wearing a headscarf, alluding to the discriminatory practices in German authorities. She openly admits that she regards the headscarf as a religious commandment, which she consciously does not obey to in order to avoid disadvantageous treatment in daily as well as working life. In her statements she is indirectly indicating to discriminatory practices in Germany and that German public institutions are not ready for devout Muslim women with headscarves. However, my interviewee does not read this message in Chebli's statements but rather quite the contrary, namely, Chebli calling up young women to follow her footsteps by

putting down the headscarf if they want to make a successful career and not be discriminated.

7. The Law of Neutrality

In the context of the controversial headscarf debate the *Neutralitätsgesetz* (Law of Neutrality), which was passed in 2005, needs to be mentioned.⁶ This law, unique in the whole of Germany, prohibits the display of all religious symbols and signs for teachers in public schools and employees of the judiciary and police. Furthermore, this law also affects employees of nurseries, if the parents complain about the headscarf. Proponents of this law put forward the argument that this law was absolutely necessary in order to guarantee state neutrality and pupils' religious freedom (OSI 2010:87). Because of its one-sided negative impact on Muslim women, its critics also refer to it as the 'headscarf ban law.' In the meantime more and more voices criticise the very nature of this law, claiming that it constitutes a major source for the discrimination of Muslim women with a headscarf in employment because the law negatively affects the treatment of Muslim women in the private sector.

The reassessment and even the abolition of the neutrality law has been an issue in almost all my interviews. Nearly all of my interviewees considered the neutrality law as discriminatory either in a direct or in an indirect way.

There are actually not too many voices claiming that the law has no direct discriminatory effects. Some voices say that this law was passed only in order to ban the headscarf from certain public bodies such as court- and classrooms in order to guarantee the state neutrality. In contrast to other federal states, such as Baden-Württemberg or Bayern, where certain traditional religious symbols are excluded from this ban, such as nun's veils and crucifixes around the neck, Berlin has chosen the 'radical' way where all religious symbols are banned, including Christian and Jewish. While at first glance this looks like a fair and equal treatment of all religions, in reality it is almost exclusively Muslim women who wear headscarves who are affected by this law.

In recent years the neutrality law did not prove to be limited to the public bodies as intended. The neutrality law also affected the job market. NGOs report of discriminatory side effects of the law stating that many private entrepreneurs do not hire women with

⁶ In order to understand why Berlin has passed this law one has to know about the case of Fereshta Ludin as this case has been of special importance in the headscarf discourse in Germany. Ludin's insistence of the right to wear a headscarf while working as a teacher in a public school meant her case made it to the Constitutional Court, the highest court in Germany. The Court acknowledged that headscarves cannot always be considered as a political symbol and that no legal basis existed for the ban imposed on Ludin. Consequently, the Court left it to the individual federal states to pass their own laws in this field.

a headscarf in order to be inline with the new law. There seems to be confusion and uncertainty about which spheres are covered by this law and which are not. On the other hand, those who did not want to employ a women with a headscarf use this law as a justification for not hiring Muslim women with headscarves. When asked why they did not hire Muslim women, they refer to the neutrality law.

In the context of the Law of Neutrality Safter Cinar puts forward TBB's (*Türkischer Bund Berlin-Brandenburg*, Turkish Union in Berlin-Brandenburg) stance on the headscarf...

'Well, until the position was the following: Of course, at schools it is allowed for pupils because no dress codes exist. But the position is, that in the public service, not in private life, no religious symbols should be worn.'

...and adds that

'we will certainly discuss about it, if these position should continue to exist. But that is the position with the Law of Neutrality, well, it is reasonable. In the private sphere it is not, that is clear (...) After 10 years we should rethink if this position is correct or not.'

These statements indicate that the secular TBB has developed a position on the headscarf, however, this position might be reassessed soon by taking into account the latest societal developments and research findings of this ban.

Conclusion

This report aimed to shed some light on the issue of discrimination against Muslims in a key area of life, employment. For this a case study was conducted in the German capital Berlin, a city known for both its multicultural character and problematic neighbourhoods, the so-called *Parallelgesellschaften* ('parallel societies'). In the case study opinion and decision makers' awareness and dealing with the issue of discrimination against Muslims was analysed.

The report showed that among decision and opinion makers the issue of discrimination against Muslims in employment was either denied or seen as a rare and exceptional phenomenon. Consequently, no need for policy action in the employment sector is considered necessary. Muslim populations' poor and linguistic and educational qualifications are claimed to be the main causes for their problematic situation in employment, thus the suggestion from decision and opinion makers is that policy actions need to be developed and implemented in the educational sector.

The case study demonstrated that 'the Muslim' is constructed as the problematic 'other' who is not willing and resists integration into German society. The religious and cultural 'otherness' of Muslims constitutes a major hindrance of their integration into the

job market. The more visible the 'other' is, such as Muslim women wearing the headscarf, the more difficult the integration into the job market is, and the higher their potential vulnerability to discrimination. A Eurocentric perspective could be identified among the decision and opinion makers, expecting Muslims to 'adjust' and 'develop' and eventually to internalise the 'Western life-style' by giving up their 'outdated' notions of tradition and culture if they want to become part of the German 'we.'

Glossary of Acronyms

ADS: Antidiskriminierungsstelle des Bundes (Federal Antidiscrimination Office)

HWK: Handwerkskammer (Chamber of Trade)

IAB: Institut für Arbeitsmarkt- und Berufsforschung (Institute for Labour Market and Employment Research)

IHK: Industrie und Handelskammer (Chamber of Industry and Commerce)

OECD: Organisation for Economic Co-operation and Development

OSI: Open Society Institute

SPD: Sozialdemokratische Partei Deutschlands (Social Democratic Party)

SZ: Süddeutsche Zeitung

TBB: Türkischer Bund Berlin-Brandenburg

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