

Austria's Shift to Authoritarian Islam Politics

FARID HAFEZ

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- **How can we contextualize the initiative for banning the hijab?**
 - **What is this ban's main function?**
 - **Is this law just another step of introducing discriminatory laws that treat Muslims differently than other religious groups?**
 - **What can the Islamic Religious Community do about these plans?**
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INTRODUCTION

While Austria was long known for its inclusion into the polity of Muslim institutions by recognizing Islam as early as 1912 and the existence of an authorized religious community, a corporate public body, for Muslims since 1979, Austria's Islam politics have recently shifted to a much more authoritarian relation to its Muslims citizens that reflect the tendencies of securitization of Islam in many countries across the world. With the new Islam Act of 2015, the Austrian government institutionalized a discriminatory act, which made Muslims second-class citizens regarding their collective religious freedom.¹ This initiative emerged from a long-standing endeavor dating back to 2011 to reform the role of Islam in Austrian society.²

1 Rijad Dautović and Farid Hafez, "MuslimInnen als BürgerInnen zweiter Klasse? Eine vergleichende Analyse des Entwurfes eines neuen Islamgesetzes 2014 zum restlichen Religionsrecht", *Jahrbuch für Islamophobieforschung* 2015: 26-54.

2 Farid Hafez, "Alte neue Islampolitik in Österreich? Eine postkoloniale Analyse der österreichischen Islampolitik", *ZfP – Zeitschrift für Politik*, 65. Jahrgang, 1/2018, 22-44.

The latest legal initiative for banning the hijab was initiated by the new Austrian government, which is a coalition of the People's Party (ÖVP) under the leadership of Sebastian Kurz, who is a central actor in the recent changes of Austria's Islam politics - he was state secretary of integration and then minister of foreign affairs and integration s-, and the right-wing populist Freedom Party (FPÖ). This also breaks with a very loose regulation of the hijab that predated this new initiative.³

The latest initiative for banning the hijab builds on a long campaign targeting Muslim children. Already in 2015, the then-minister of foreign affairs and integration, current Chancellor Sebastian Kurz, commissioned controversial Professor of Islamic Religious Pedagogics Ednan Aslan to conduct a study on Islamic kindergar-

3 Gresch, Nora, und Leila Hadj-Abdou. 2009. Selige Musliminnen oder marginalisierte Migrantinnen? Das österreichische Paradox der geringen Teilhabe von Kopftuchträgerinnen bei ›toleranter‹ Kopftuchpolitik. In *Der Stoff, aus dem Konflikte sind: Debatten um das Kopftuch in Deutschland, Österreich und der Schweiz*, Hrsg. Sabine Berghahn, und Petra Rostock, 73-99. Bielefeld: transcript.

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tens. This initiated a large debate that did not stop until 2017. Media coverage, TV debates, etc. were organized to discuss Islamic kindergartens as a problematic issue. The ‘study’ as well as the subsequent debates had serious implications on the image of Islamic kindergartens. Consequently 84 percent of respondents of a questionnaire agreed that there should be stricter control on Islamic kindergartens. Sixty-nine percent are in favor of a headscarf ban for teachers and kindergarten staff.⁴ As Viennese Deputy Mayor Maria Vassilakou (Greens) made clear: “This kind of ‘politics’ is destroying democracy. It really is poison for Austria.”⁵ Meanwhile, Ednan Aslan argued that 50 percent of Islamic kindergartens should be closed.⁶ Even the Viennese Social Democratic Party (SPÖ) accepted a motion to ban the hijab in kindergarten as well as in elementary school,⁷ while at the same time voting against a general ban of the headscarf.⁸ At the end of the election campaign in 2017, Sebastian Kurz openly stated in regards to Islamic kindergartens, “There is no need for them.”⁹ A turnaround in the debate on Islamic kindergartens was brought about by the leak of the weekly *Falter*. In an investigative article they showed that officials from the Department of Integration and Foreign Affairs substantially changed the content of the Word files of Ednan Aslan’s study to make the message fit the policy agenda of Sebastian Kurz.¹⁰ However, Kurz only felt confirmed in his positions. Based on these debates that targeted first and foremost education-

al institutions and Muslim children and that found wide appreciation even beyond party lines, another move in this direction was easily thinkable.

THE DISTRACTING MANEUVERS OF AUSTRIA’S NEW GOVERNMENT

After the ÖVP and FPÖ formed a coalition in December 2017, many observers have noted serious cuts in the social welfare services, which have slowly been declining in the last 30 years. Amongst the first critiques targeting the government was its plans to disestablish the AUVA, a social security institution that takes care of people who have been left with physical or psychological disabilities following accidents. Another initiative, which has already been proclaimed, is what is called ‘flexibilization of working hours,’ which is a euphemism for broadly introducing a 12-hour working day and thus fully abandoning the 40-hour week work model. These economic reforms are more appropriate to the electorate of the Christian-conservative ÖVP, while posing a threat to the electorate of the right-wing FPÖ, which relies on the electoral support of the working class, who have left the social democrats to embrace the FPÖ.

In addition to these unpopular reforms, another problem faced by the government, is the constant attacks from the critical public, especially the media. Nearly every week, the media investigates and reveals another scandal, where a member of the FPÖ has either published anti-Semitic statements in social media, has links to far-right extremists from the underground, or is somehow connected to this political milieu.

At the beginning of the new year it seemed as if the coalition was constantly under attack. The Freedom Party that vowed to protect Jews against the alleged new anti-Semitism stemming from Muslims, was confronted with anti-Semitic statements from their rank and file functionaries on a weekly basis. A dubious raid on the security service, which was orchestrated by the right-wing minister of interior is scheduled to be investigated by a parliamentary committee. Amongst other four members, the head of the security

4 Hajek, Peter/Stark, Jennifer (2017), Integrationsbarometer 2/2017. Integrationsbefragung, Herausgeber: ÖIF, 19, 24, 25, 26, 29.

5 Kleine Zeitung (2017), “Kern stellt sich hinter Kurz, Häupl fragt sich, was er wusste”, *Kleine Zeitung*, July 5, 2017. Available at http://www.kleinezeitung.at/politik/innenpolitik/5246956/IslamKindergaerten_Kernstellt-sich-hinter-Kurz-Haeupl-fragt-sich [Accessed: December 30, 2017]

6 Pommer, Michael (2017), “Sind in Wien 75 Islam-Kindergärten zu radikal?”, *Kronen Zeitung*, June 23, 2017. Available at <http://www.krone.at/575492> [Accessed: December 30, 2017]

7 Antrag 2.05 eingebracht von Bezirksorganisation Döbling; Wiener Frauenkomitee. Wiener Landesparteitag, April 29, 2017.

8 “Es ging auch um Inhalte: Von Kopftuch bis Mindestsicherung”, *Kronen Zeitung*, April 30, 2017.

9 Red, ORF (2017), “Kurz würde gerne Islam-Kindergärten schließen lassen”, ORF, June 21, 2017. Available at <http://orf.at/stories/2396383/> [Accessed: December 30, 2017]

10 Klenk, Florian (2017), “Friseursalon Kurz”, *Falter*, July 4, 2017. Available at <https://cms.falter.at/falter/2017/07/04/friseursalon-kurz/> [Accessed: December 30, 2017]

services, Peter Gridling, was suspended from his duties due to alleged violations of procedure including mishandling and failure to delete sensitive data, reports say, the agency had on right-wing groups.¹¹ In addition, the new government is planning a severe cut of social services in the health sector that will primarily affect the working poor. This would be an antagonization of large parts of the FPÖ's own electorate, which left the Social Democratic party and turned to the Right. Amidst these numerous attacks and the problematic neo-liberal economic program nothing seemed more promising than a diversionary maneuver to shift the focus from the government's incompetence to an imagined scapegoat, something the FPÖ has mastered over the last three decades and which the People's Party under the leadership of the new chancellor, Sebastian Kurz, has successfully co-opted.

The best strategy in this case for a government that does not refrain from using right-wing populism as a strategy is to come up with a non-issue, an imagined scapegoat. While in the 1990s, this was the Turks, Eastern Europeans and blacks, today its first and foremost the Muslims. Following a collective effort by political institutions associated with the current chancellor to criminalize Muslim kindergartens by producing fake 'academic evidence' (by commissioning reports) that has been proven to be adulterated, the easiest target was young Muslim girls with no voice. The Austrian government proclaimed the imposition of a ban on the hijab for female Muslim pupils, starting with kindergarten up to the end of elementary school. Obviously, this is a non-issue, since the overwhelming majority of Muslim girls of that age do not wear the hijab anyway. But while the social democratic opposition, the SPÖ, presented a blurred position that this policy would not be enough and rather a comprehensive integration package was necessary, some social democrats even voiced the opinion that there was a need to expand this ban to include up to 14-year-olds rather than calling out this

government move as a populist game. Against the backdrop of this consensus in large parts of society that Muslim girls must be freed by enlightened European values, the government opted for the best tactic with the least protest. A widely shared assumption of colored hypersexual Muslim men oppressing young Muslim girls was thus the basis for this policy that allows a shift of the public's attention from severe socioeconomic issues to a non-issue that draws on racist imaginations.

ANOTHER DISCRIMINATORY ACT AGAINST THE MUSLIMS OF AUSTRIA

The planned act is another step of introducing discriminatory laws on a federal level that treat Muslims differently than other religious groups, as was already the case with the Islam Act in 2015 as well as the Integration Act in 2017. The 2015 Islam Act introduced a new church-state relation in regard to the representative body of Muslims, the public corporation named 'Islamic Religious Community in Austria' (Islamische Glaubensgemeinschaft in Österreich, IGGiÖ), which differs from the rest of the legal acts, which regulate the relation of the state and the respective religious communities. The 2017 Integration Act introduced a ban of the full-face veil, while simultaneously the government at the time argued that the hijab was also not allowed for policewomen, attorneys and court lawyers, since the dress code of these professions did not contain this possibility.

With the introduction of a new bill that outlaws the wearing of the headscarf, another step towards discrimination is taken. Heinz Faßmann unequivocally declared in an interview after becoming minister of education for the People's Party (ÖVP) that he would no longer opt for a ban of the headscarf as he did in the past. Rather, he said that he would need to formulate this in a "more diplomatic way" arguing that civil servants must represent secularity, implying that secularity means neutrality. This strategy of hiding discriminatory legislation behind a seemingly inclusive and neutral policy is exactly what came to the fore with the new initiative of banning the headscarf for young Muslim girls.

11 Martin Macq, "Austria's Police Raid on Intelligence Agency Was Legal, Officials Say", March 16, 2018, <https://www.esjnews.com/austria-police-raid-intelligence>

The constitutional committee of the Austrian parliament interposed that such a regulation would only be constitutional and respect religious freedom, if it affects all religious communities. Hence, it warned that also the kippah of young Jewish boys could be affected. Immediately, the government was cornered and hastened to emphasize that Jews would not be affected. The trick to sell this regulation of the female Muslim body now is to introduce a ‘Child Protection Act’ rather than a law concerning the regulation of religious attire in general. Basically, this underscores the already existing trend of treating Muslims differently from other religious communities. This is enabled on the basis of the racist assumption of a hypersexual male Muslim body, according to which it is up to white Christian men to free these women from the oppression of Muslim patriarchy. This move of the Austrian government changes the very notion of citizenship itself by introducing the difference of Muslims as a dividing factor for different treatment. In this way, the government is questioning the idea of religious freedom and thus of the equality of citizens of different religious backgrounds as defined in Article 9 of the European Convention on Human Rights (ECHR).

When the Austrian minister of education argues that this recent move was a ‘symbolic act’ to protect Austrian culture, this reflects a global trend that is triggered by a crisis of white supremacy. It seems that the aim is the preservation of white supremacy by upholding the white character of Western societies, which initiates these regulations that aim at homogenizing a diverse society. Chancellor Sebastian Kurz, the first and only chancellor who ever had a cross in his office, argued that “our goal is to confront any development of parallel societies in Austria.” When Vice-Chancellor Heinz-Christian Strache (FPÖ) argued that this was only the first step to outlaw the hijab with more to come, Chancellor Sebastian Kurz (ÖVP) replied that they share the same position. So is the step to outlaw the hijab for young pupils just the first step in further restricting the freedom of Muslim women? In fact, the government argued that this was also the case in Turkey before the AK Party

came to power,¹² seemingly ignoring that a system of de facto military tutelage is nothing a democratic country in Western Europe should long for.

Consequently, these policy initiatives speak an unambiguous language: equality no longer includes every citizen. This reminds us of older versions of democracies, where the citizen was an aristocratic white male, excluding women, slaves, and many others. To witness the abandoning of the principle of equality as a basis for democracy that ought to secure the equal treatment of all its citizens – not only de facto, but also de jure – means we are witnesses of a re-emerging political order. Still, in many European countries, these laws can be challenged in court, which also depends on the resources available to the primarily affected minorities. And while these legislations remain in effect for some time, like the ban on the minaret, which is part of the Swiss constitution in this direct democratic state, the order to treat different people in diverse ways along the lines of a racialized religion endures.

While the Jewish community protested the ban of the kippah, most civil society actors share this basic racist assumption of the oppressed Muslim girl and do not protest this discriminatory legislation. In this way, a hegemonic Islamophobic discourse becomes a defining moment of shared values, which helps the far-right government introduce this policy, while simultaneously successfully distracting from the larger socio-economic policies it pursues.

CONCLUSION: THE ISLAMIC RELIGIOUS COMMUNITY (IGGIÖ) SHOULD CHALLENGE THE BILL

In fact, the ‘Child Protection Act’ could potentially be challenged by the Islamic Religious Community (IGGiÖ), which is the sole legal representor regarding Islamic issues. Hence, if the IGGiÖ solidly argues that wearing the hijab is part of religious practice, it can rely on the state’s restraint to interfere

¹² Austrian Press Agency, “Regierung plant kein Kopftuch-Verbot bis an die Universitäten“, April 6, 2018, https://diepresse.com/home/innenpolitik/5401207/Regierung-plant-kein-KopftuchVerbot-bis-an-die-Universitaeten?direct=5405505&_vl_backlink=/home/innenpolitik/5405505/index.do&selChannel=

into the religious affairs of a legally recognized faith. While it is clear that the IGGiÖ does not want to define wearing the hijab as a religious obligation for young girls, it can be sufficient to argue that this is a religious practice.

Until now, the IGGiÖ has communicated different signals. On the one hand, it argued that it will challenge the bill in court, which reveals that the IGGiÖ itself seems unaware of the power it already has by issuing such a religious verdict. It must not wait for an act to be implemented, when it already has the power to position itself against the bill in advance. The president of the Austrian Jewish Community (Israelitische Kultusgemeinde Wien, IKG), Oskar Deutsch, diplomatically stressed this very point: the people affected by the law must be involved in the decision-making, which reflects an established rule in Austrian political culture.

On the other hand, the president of the IGGiÖ, Ibrahim Olgun, together with Spokeswoman for Women's Affairs Carla Amina Baghajati had a meeting with Chancellor Sebastian Kurz. According to the media reports, Olgun himself declared he no longer saw a necessity to challenge the forthcoming law in court. This signal is alarming. The Islamic Religious Community can and should challenge this bill. If they do it with a strong and unequivocal voice, there is a chance other religious communities and churches will support their claim as well, since they also might be challenged by the newly introduced differential treatment of religious communities. But if it plays an ambiguous game and finally subordinates itself to the will of the government, as happened with the Islam Act in 2015, then politics will use Muslims' internal weakness. Again, Muslims will – to a large extent – forge their own destiny.



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