Anti-Muslim Racism: A Working Definition



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1. Introduction

If one talks about anti-Muslim racism today, one soon comes across the internationally much more familiar concept of Islamophobia. In German-speaking countries, the terms "Islamfeindlicheit"/"Islamfeindschaft" ("anti-Islam hostility") were used quite early on. Since "Islamophobia" has as a term prevailed in the Anglo-American literature, especially in academia, and it is theoretically understood as anti-Muslim racism, I will use both terms here synonymously. The concept of Islamophobia has also been accepted internationally in the political vocabulary, as countless examples show. The then Secretary-General of the United Nations, Kofi Annan, addressed in 2004 at a UN conference entitled Confronting Islamophobia 1 the increasingly fanatical aversion to Islam. Likewise, the former Foreign Minister of the United States of America, Madeleine Albright, warned in her book Fascism: A Warning (published in 2018) against Islamophobic and anti-Semitic statements, "which are increasingly accepted as legitimate expressions of opinion in the public debate."2

At the European level, events on anti-Muslim racism are regularly organized on the European Day Against Islamophobia (September 21), most recently in the European Parliament. Since December 1, 2015, there has been a Coordinator on Combating Anti-Muslim Hatred. Since then, various meetings have been held to address the issue of Islamophobia. On December 3, 2018, the European Commission organized a conference for 100 national authorities, civil society, academia, religious institutions, and European and international organizations. The meeting was scheduled to discuss "the fight against intolerance, racism, and discrimination against Muslims in the coming years."3. On the same day, the European Fundamental Rights Agency (FRA, formerly EUMC), who also took part in the conference, compiled a database on legal judgments in connection with anti-Muslim incidents.4 From 24 to June 25, 2019, the European Commission and the Spanish Ministry of Labor, Migration, and Social Security held a workshop in Madrid to continue the fight against Islamophobia. The final step in this process was a meeting in Brussels on December 19, 2019, entitled Towards a working definition of Islamophobia, which FRA also attended.5 There are evident efforts at the European level to institutionalize the introduction of mechanisms in the fight against anti-Muslim racism. This report, which is part of the

I Report project, funded by the European Commission and Stiftung Mercator, is one of such efforts to find a working definition of anti-Muslim racism at the European level. Moreover, the aim is to offer a definition that can be used in Germany and Austria. This aim is initially supported by the two anti-racist projects, CLAIM in Germany and the *Documentation* Center Islamophobia and anti-Muslim Racism in Austria.

At the meeting held in Brussels on December 19, 2019,⁶ entitled *Towards a working definition of Islamophobia*, the following reasons were put forward as to why a working definition is essential:

- To strengthen the official recognition of Islamophobia,
- → To increase public awareness and understanding of Islamophobia,
- → To address the denial of the phenomenon,
- → To create a basis from which Islamophobia can be effectively combated in an informed manner,
- → To protect victims of Islamophobia with regard to discrimination and hostility better,
- → To enable a space of empowerment for victims of Islamophobia,
- → To strengthen anti-racist work through mobilization and informed advocacy,
- → To have a document that serves as a starting point for explaining mechanisms of Islamophobia,
- → To recognize, identify and measure the harmful influence of Islamophobia.⁷

It should be added to this the general remark that the fight against all forms of racism – including anti-Muslim racism – is ultimately nothing less than about defending the central value of equality of all human beings, protecting their dignity and integrity. Both values are part of the German and Austrian constitutions. Some civil society initiatives deal already with anti-Muslim racism, which illustrates a great need for information and action by civil society actors, the state, and researchers.

In this respect, it is also vital to scientifically research the so far identified and the defined problem of anti-Muslim racism, including conducting practice-oriented studies to develop empirical and theory-guided measures and implement them in the relevant policy fields. In this way, a working definition of anti-Muslim racism, as presented here, should be helpful.

At the national level, the documentation of anti-Muslim hate crime has been implemented with varying degrees of intensity in countries such as Germany and Austria. However, the recognition of anti-Muslim racism as a societal challenge lag in many areas. This can be seen both in the example of political debates ⁸, media representation ⁹, legislative restrictions of Muslim religious practice ¹⁰, and discriminatory experiences in the social and educational sector. ¹¹ This makes it even more essential to carry out activities in the academic, civil society, and political spheres that contribute to the problematization and ultimately to overcoming anti-Muslim racism. An example of making anti-Muslim racism visible is initiatives such as those of the RAMSA, the Council of Muslim Students and Academics, who initiated the Day against Anti-Muslim Racism, which has been celebrated annually in Germany since 2015, and which is currently coordinated by CLAIM. ¹²

Today, the existence of anti-Muslim racism is hard to deny, not least because of the available data from surveys¹³, annual reports¹⁴, academic journals¹⁵, and scientific publications.¹⁶ The increasing number of openly Islamophobic, even terrorist, acts with clear anti-Muslim bias has also shown that anti-Muslim racism is a

significant problem for white-Christian societies. Examples of such acts and individuals include Thilo Sarrazin, Pegida, AfD, Anders Behring Breivik, and Brenton Tarrant. In Germany, this problem has become apparent, especially in recent years. On February 19, 2020, ten people were murdered at a racially motivated terror attack in Hanau. A few days earlier, a group of right-wing extremists planning attacks on mosques in ten federal states had been arrested. Their goal was to bring about "civil war-like conditions." Their network also extends to Austria.

The study of anti-Muslim racism is by now anchored in academia. Nevertheless, there are no department chairs or specialized study programs marked by different theoretical approaches such as prejudice research, racism research, decolonial analysis¹⁷, and the development of Islamophobia studies. There are annotated bibliographies on Islamophobia¹⁸ as well as

periodicals such as the *Islamophobia Studies Journal* (since 2012) and *The Islamophobia Studies Yearbook* (since 2010) as well as the *International Conference on Islamophobia Studies*, which has been held annually since 2010 at the University of California, Berkeley, and biennial conferences¹⁹ since 2014 (2014 at the University of Salzburg, 2016 at the University of Fribourg, and 2018 by a collective of Humboldt University Berlin, Alice Salomon University, the Jewish Museum, and the Council for Migration). Additionally, other specialized research centers such as The Bridge Initiative at

Georgetown University²⁰ and research projects deal with anti-Muslim racism from an academic perspective.

In addition to the increased academic focus, political and civil society actors are increasingly working on a working definition of anti-Muslim racism. At the seminar mentioned above in Brussels, the participants agreed on several key points. The meeting should elaborate a definition, with further consultations to give the process legitimacy and bottom-up support. It was also envisaged to use the definition to establish advocacy concerning the work of the United Nations, a resolution of the European Parliament, and the Council of Europe/ECRI.²¹ This paper has been authored to support this wide-scale enterprise at the European level wherein academics and civil society actors working at local, national, and European levels and representatives of international organizations have been involved.

In the following subchapter, this paper presents various concepts of Islamophobia and anti-Muslim racism. It shows how these concepts are used in academic debates as well as in political institutions. The following chapter deals with legal framework conditions for combating racism, anti-Muslim hate crime, the protection of religious freedom, and other areas relevant at the interface of anti-Muslim racism. Finally, the paper points out different fields of action in which anti-Muslim racism can be found and ends with a recommendation for a working definition.

2. Islamophobia/Anti-Muslim racism

2.1. A brief history of a concept

Globally, and especially in the anglophone area, the term Islamophobia received its breakthrough in 1997 with a study published by the anti-racist British think tank Runnymede Trust. The term is a little older, which has been pointed out again and again. One of the earliest uses of the term goes back to the francophone world, where it was used in 1910 in connection with French colonization to describe the discriminatory attitude of the colonizers towards the Algerian population and their religion.²² The sociologist and educational scientist Armin Muftić recently pointed out that the term usage in the Italian language is even older.²³ Ivan Aguéli published a series of articles in 1904 entitled I nemici dell'Islam, in which he mixes up Islamophobia with Nazi racism. He argued that there were two different forms of Islamophobia, one clerical and one racist.24 However, the current coinage of the term and the economic situation in the debate can be traced back to the publication of the Runnymede Trust.

With the publication of the report in 1997 by the *Runnymede Trust*, a theoretical academic discussion was initiated. In a literature review 15 years after the *Runnymede Trust* report, the British historian Brian Klug speaks of the "coming of age of a concept," a concept that was not very theoretically sound at the beginning. ²⁵ Islamophobia is now primarily conceptualized as anti-Muslim racism in academic literature, although some works offer finely nuanced,

even paradoxically, different definitions. However, the fact that this turn in defining Islamophobia as anti-Muslim racism has had a broad impact is, if nothing else, shown in the follow-up report of the Runnymede *Trust* from 2017, in which it says: "Islamophobia is anti-Muslim racism." The report argues further:

Islamophobia is any distinction, exclusion, or restriction towards, or preference against, Muslims (or those perceived to be Muslims) that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.²⁶

The non-partisan All-Party Parliamentary Group (APPG) on British Muslims defines Islamophobia as anti-Muslim racism in its 2018 publication entitled Islamophobia Defined – The inquiry into a working definition of Islamophobia²⁷. The definition reads: "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness." Numerous leading academics from Islamophobia research in the UK contributed to this report.

2.2. Challenges in the German-speaking countries

In contrast to the anglophone world, in German-speaking countries, debates about racism and, in particular about anti-Muslim racism are associated with specific challenges. Dealing with colonialism and racism is generally difficult in countries such as Germany and Austria. Fatima El-Tayeb argues that for a long time, racism has been disregarded in Germany both academically and historically, from the colonial era to our time. ²⁹ In general, Europe imagines itself as a color-blind and thus not a racist continent. ³⁰ As Astrid Messerschmidt points out, especially in Germany (and the same applies even more to Austria), the refusal to accept responsibility created by the post-National condition immediately after the end of the Second World War established a culture of remembrance. Subsequently, populist antisemitism is treated as a singular phenomenon, cut off from the global consequences of racism and contemporary forms of racism. ³¹

In the German-speaking countries, because of the emerging public debates in recent years, the thematization of post-colonial conditions concerning Germany's colonial legacies and the thematization of the entanglement of security apparatuses with racism (such as the NSU murders) have put more attention in the public discussion on anti-Muslim racism. Finally, the ongoing Black-Lives-Matter protests in the USA following the murder of George Floyd have raised questions of post-colonial relations globally (in Germany more than in Austria). In academia, however, there were already authors in the 1990s, such as Iman Attia, who pursued an approach to the study of anti-Muslim racism informed by Critical Race Theory.32 Most recently, Iman Attia and Mariam Popal have taken a decolonial perspective on anti-Muslim racism.³³ In Austria, the theoretical debate has started a little later in recent years, especially by Fanny Müller-Uri³⁴ and Benjamin Opratko³⁵. In his dissertation, within a "conjunctural analysis," Opratko presented the concept of historicist anti-Muslim racism as a hegemonic social relationship. He analyzed above all those segments in the society "who see themselves as (left-) liberal and anti-racist, and who reject right-wing populist parties, but at the same time through their discursive and affective investment in the historicist variant of anti-Muslim racism contribute to the construction of the Muslim Other."36

Regardless of the academic debate, it can also be observed that there are some reservations about recognizing anti-Muslim racism or Islamophobia in Austria and Germany. In terms of "Islamophobia," the issue is about the semantics of the term, which refers to pathologizing of the phenomenon, whereby some authors simultaneously honor the strength of the term in advocacy where its political power can change unjust conditions.³⁷ In the context of "anti-Muslim racism," criticism is given to the assumption of race as an ontological category. In Germany and Austria, the rejection of these two concepts is much more heard than is the case in other regions of the world. From my point of view, this has less to do

with the debate on semantics than with the little-reappraised history of racism in these countries in connection with the mystified self-idealization of post-racist societies because of the murder of six million Jews and 500,000 Roma and Sinti during the time of the National Socialist regime. Whether one generally understands anti-Muslim racism as an extension of existing colonial thought structures, as the decolonial author Achille Mbembe (he speaks of Islamophobia)³⁸ does, or as a projection of unspeakable antisemitism in the German-speaking world, as Moshe Zuckermann called it ³⁹, anti-Muslim racism is undoubtedly one of the most accepted forms of racism, as many surveys show⁴⁰.

2.3. State of research

I identify three different theoretical approaches to Islamophobia research: an approach based on prejudice research, an approach informed by Critical Race Theory, and a decolonial reading of Islamophobia.⁴¹ In the German-speaking world, the public debate was long drawing on the approach based on prejudice research, which problematizes the phenomenon of Islamophobia mainly on an individual level. Academically representative of this approach is the research inspired by The Institute for Interdisciplinary Research on Conflict and Violence in Bielefeld. The institute has introduced the concept of group-focused enmity (GFE) that defines prejudices as "pejorative and exclusionary attitudes towards people based on their assigned membership of a social group"42. As Anne Schönfeld explains in her baseline study on Germany, the data resulting from research on GFE shows "that anti-Islam and anti-Muslim resentment seems to become characteristic of the political culture of the so-called 'bourgeois middle class'. [...] that they [resentments] are largely isolated from other political attitudes because they occur in only minor gradations throughout the spectrum of political opinions."43 Although prejudice researchers do not ignore the structural dimensions of racism44, they focus on individual behavior, which sheds less light on unintentional and structural dimensions of racism, which would again problematize the maintenance of asymmetric power relations.

In the following, I will give brief examples of these three approaches in Islamophobia research. Wolfgang Benz, for instance, has long pursued the line of prejudice research in his work, defining Islamophobia as a "dangerous resentment" According to Benz, Islamophobia begins as prejudice and culminates in hatred of stigmatized individuals and ethnic, religious, and national groups. Benz conceptualizes Islamophobia explicitly in the framework of prejudice research and social psychology. In that regard, the relationship between minority and majority is also at the heart of his discussions. The support of the social psychology and the heart of his discussions.

In the Islamophobia Studies Yearbook, I propose a working definition of Islamophobia informed by Critical Race Theory, a definition that essentially defines Islamophobia as anti-Muslim racism:

Islamophobia is about a dominant group of people aiming at seizing, stabilizing, and widening their power by means of defining a scapegoat – real or invented – and excluding this scapegoat from the resources/rights/definition of a constructed 'we.' Islamophobia operates by constructing a static 'Muslim' identity, which is attributed in negative terms and generalized for all Muslims.

At the same time, Islamophobic images are fluid and vary in different contexts because Islamophobia tells us more about the Islamophobe than it tells us about the Muslims/Islam.⁴⁸

A decolonial approach to Islamophobia is followed, for example, in the *Islamophobia Research and Documentation Project* at the University of California, Berkeley:

Islamophobia is a contrived fear or prejudice fomented by the existing Eurocentric and Orientalist global power structure. It is directed at a perceived or real Muslim threat through the maintenance and extension of existing disparities in economic, political, social, and cultural relations while rationalizing the necessity to deploy violence as a tool to achieve "civilizational rehab" of the target communities (Muslim or otherwise). Islamophobia reintroduces and reaffirms a global racial structure through which resource distribution disparities are maintained and extended.⁴⁹

These three approaches bring with them three different assumptions, preconditions, and implications in dealing with anti-Muslim racism. The criticism of the approach based on prejudice research consists in the fact that on the one hand, Islam or Muslims are understood as ontological categories; on the other hand, questions of power relationships are not in the center. However, these two ideas are mainly included in the approach informed by critical race theory, which addresses power asymmetries and thus focuses not on the individual full of prejudices but structural social conditions. Here, "race" is not understood as a prerequisite but as a product of racialization processes. The concept of racism is thus extended to groups that are constructed as the 'Other' due to also other 'othering labels' such as religion. Some approaches based on Critical Race Theory ignore religion by assuming that the "Muslim Other" is not an ontological category but an imagination. However, the criticism of approaches based on Critical Race Theory does not often go as far as the criticism of colonial readings of Islamophobia does. The latter ascribes Muslims an agency and regards anti-racist thinking and action as resistance to universal paradigms originating from a Eurocentric West, such as secularism. In this respect, the decolonial approach sometimes also opens the possibility for self-marked Muslim subjects to define their lives according to religion and sets the conditions for discussing anti-Muslim racism in connection with questions of freedom of religion and human rights.

2.4. Existing Working Definitions – Antisemitism and Anti-Gypsyism

The fact that in recent years a controversial⁵⁰ definition of antisemitism - as proposed by the International Holocaust Remembrance Alliance and opposed by the Jerusalem Declaration On Antisemitism⁵¹ - has been adopted by different authorities shows that where there is a will, there is a way. The European Commission Coordinator on Combatting Antisemitism, Katharina von Schnurbein, adopted this working definition at the EU level. National parliaments such as those in Germany and Austria also adopted this working definition in 2017. Therefore, it seems particularly important that political recognition - on the part of the EU and national parliaments - must be taken as a first step. There is a Commission coordinator on combating anti-Muslim hatred, but the title itself already fails to recognize the scope of anti-Muslim racism. In this respect, especially the adoption of a comprehensive working definition of anti-Muslim racism, as it is currently being pursued at the European level, would be helpful.

Likewise, the development of a working definition of anti-Gypsyism, which in turn led to fundamental reservations on the part of critical scholars⁵², has gained equivalent political clout at the European level. As in the case of antisemitism, the European Parliament has adopted a resolution on combating anti-Gypsyism (2017/2038(INI)).⁵³ A white paper on the elaboration of a working definition of anti-Gypsyism argues that it is a "form of racism directed against Roma, Sinti, Travellers and other persons stigmatized as 'gypsies' by the majority society."⁵⁴ Further aspects such as homogenizing and essentializing perception and representation of these groups and attribution of specific properties are somewhat vaguely formed in the definition. More specifically, the third aspect attributes anti-Gypsyism discriminatory social structures and violent practices that have a degrading and exclusionary effect and reproduce structural inequality⁵⁵.

2.5. Existing Working Definitions – Islamophobia/ Anti-Muslim Racism

Let us now consider some definitions developed by institutions in Europe, Germany, and Austria to grasp the phenomenon of anti-Muslim racism. A milestone in this regard was undoubtedly the already mentioned report published in 1997 by the British think tank *Runnymede Trust* and the follow-up report in 2017, which understands Islamophobia as anti-Muslim racism.

The most politically significant working definition is probably the already mentioned *All-Party Parliamentary Group (APPG) on British Muslims* from 2018. It says: "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness." This definition follows the conceptualization of Islamophobia informed by Critical Race Theory, which regards race as a product and not a prerequisite of racism. At the same time, however, it contextualizes the relationship between racism and Islamophobia somewhat inconsistently. On the one hand, it equates both, and on the other hand, it explains Islamophobia as a form of racism.

2.6. Definitions in Germany and Austria

CLAIM, which connects and supports 47 organizations committed to combating Islamophobia and anti-Muslim racism, works with different definitions of anti-Muslim racism. With its publications⁵⁷, in particular *Islam-/Muslimfeindlichkeit und Antimuslimischer Rassismus. Eine Bestandsaufnahme* ("Islamophobia/anti-Muslim hostility and anti-Muslim racism. A baseline study") CLAIM contributes to a differentiated and informed debate on the meaning(s) of anti-Muslim racism and the discussion of different concepts. Especially as a sub-project of I Report, this paper strives to develop a working definition of anti-Muslim racism.

In Austria, there are three regular publications on anti-Muslim racism. Since 2015, the *Documentation-Centre* on *Islamophobia* and *Anti-Muslim Racism* has published an annual report. The focus of their reports is on the documentation that is based on the categorization of acts in hate crimes, incitement/hate speech, discrimination, verbal attacks, smearing of (semi-) public places, Islamophobia directed at institutions, and the category other. In addition, observation is carried out by members of the National Council and the Vienna Landtag. The work done by the *Documentation Centre* on *Islamophobia* and *Anti-Muslim Racism is furthermore crucial as recommendations are drafted based on data and consultation with Muslim communities. However, the Centre does not define anti-Muslim racism.*

Another annual report has been published since 2019 by SOS Mitmensch, a human rights organization that defines itself as a Pressure Group. In 2019, the organization published for the first time their report Antimuslimischer Rassismus in der österreichischen Politik. Bericht 2018 ("Anti-Muslim racism in Austrian politics in 2018")⁶⁰. A year later they published the report Antimuslimischer Rassismus in der österreichischen Politik. Antimuslimische Abwertungs-, Ausgrenzungs-, Feindbild-, Generalisierungs- und Hetzkampagnen im Jahr 2019 ("Anti-Muslim racism in Austrian politics. Campaigns of degradation, exclusion, enemy image, generalization, and incitement in 2019").⁶¹ What is interesting about the 2018 report is that it merely describes statements by FPÖ politicians. Other parties are not mentioned at all. Only in the following report (2019) statements by ÖVP politicians were included.

Lastly, since 2015, together with Enes Bayrakli, I have been publishing the annual *European Islamophobia Report*⁶², which includes more than 30 country chapters concerning the development of Islamophobia. Part of this report is both the Austrian and the German country chapters. The Austrian country chapter for the years 2016⁶³, 2017⁶⁴, and 2018⁶⁵ are also available in German. The German country chapter was published in German for 2016⁶⁶ and 2018⁶⁷. The authors were Anna-Esther Younes, Aleksandra Lewicki and Enes Bayrakli. On the one hand, the report refers to the work of documentation centers. On the other hand, speeches and statements by politicians are also included in the report. In addition, the areas of education, science, media, the justice system, social media, political institutions, and significant actors are addressed, and policy recommendations for politicians and civil society are given in the report. In contrast to the report published by SOS Mitmensch, in

the European Islamophobia Report, all political parties with their programs, election campaigns, and government policies beyond individual politicians' statements and speech are addressed.

However, the different approaches are not based on the used definition alone. SOS Mitmensch defines racism as "a group-related ideology of injustice, oppression, and violence that degrades people based on individual characteristics – such as actual or attributed origin, skin color or religious affiliation – deprives them of their security, destroys opportunities, restricts freedoms and, in extreme cases, leads to expulsion, persecution and murder"68. SOS Mitmensch acknowledges, that in theory, this concept of racism includes "the anti-Muslim-racist action in the politics and the agitation of political actors, be they political organizations, party functionaries or political officials"69, but the report does not address any laws. According to SOS Mitmensch, anti-Muslim racism is concerned when

- → generalizing statements that degrade Muslims in general or label them negatively are made,
- → an illustration or visual language that degrades Muslims and/ or negatively marks them, is used,
- → Muslims are portrayed in a dehumanizing way
- → the presence of Muslims in Austria per se is presented as something generally negative or threatening,
- → without an existing objective connection, Muslims are pictured in a negative context
- → Muslims are constructed as a homogeneous problematic collective, and discriminatory coercive measures against this 'homogeneous collective' are demanded,
- → Muslims are collectively constructed as a privileged social group,
- → Muslims are scapegoated for unpopular political decisions,
- → problems or negatively perceived topics and phenomena are reduced to Muslims alone without factual justification and thus charged with anti-Muslim racism,
- → collectively disenfranchising and discriminatory claims are raised against Muslims,
- → Muslims are generally denied the possibility of being fullfledged citizens of Austria,
- → a strict and indissoluble collective dividing line between 'Austrians' and 'Muslims' is drawn, and/or Muslims are collectively declared as 'foreigners',
- → rights and wishes of Muslims are devalued without factual justification and branded as a threat, while the same is not done for the rights and wishes of members of other religions,
- → appreciative and respectful behavior towards Muslims is scandalized all in,
- → Muslims are declared 'eternal foreigners' by general labeling of their faith as 'eternally foreign' and hence excluded from the society 'forever',
- \rightarrow the existence of anti-Muslim incitement is denied all in⁷⁰.

These helpful criteria for assessing anti-Muslim racist actions also reveal a strong focus on statements, illustrations, and representations about Muslims. Less in focus is the importance of the dominant structures in the society and how significant variable power

is for racism. This dimension of power is taken into consideration above all in my Islamophobia Studies Yearbook (also in the *European Islamophobia Report*):

When talking about Islamophobia, we mean anti-Muslim racism. [...] Islamophobia is about a dominant group of people aiming at seizing, stabilizing, and widening their power by means of defining a scapegoat – real or invented – and excluding this scapegoat from the resources/rights/definition of a constructed 'we.' Islamophobia operates by constructing a static 'Muslim' identity, which is attributed in negative terms and generalized for all Muslims. At the same time, Islamophobic images are fluid and vary in different contexts because Islamophobia tells us more about the Islamophobe than it tells us about the Muslims/Islam.⁷¹

This definition focuses less on the micro-level of interpersonal relationships that manifest as direct discrimination or hate speech between individuals. Instead, it focuses on the (unequal) power relations in a society and on how these are reproduced again and again with the help of exclusion mechanisms. This puts actors who have a relatively large share of a society's power resources in the spotlight, especially politicians, administrative officials, and journalists.

At the same time, it should be noted that the report by SOS Mitmensch for the year 2019 has, for the first time, also taken the Austrian Federal Government into account. On the one hand, it

is argued that "there is so far no broad political condemnation of anti-Muslim racism in Austria. While the fight against antisemitism is communicated as an important issue by the Chancellor and the Federal Government, there has been no government commitment to the fight against anti-Muslim racism. Members of the Federal Government are [...] even key actors in the agitation against Muslims – without usually encountering significant opposition and protest by other members of the government."⁷²

Counterstrategies can be designed only when anti-Muslim racism is made visible. Numerous implications arise from the understanding of anti-Muslim racism as an expression of epistemological coloniality of violence⁷³ and the problematization of its structural and intersectional dimensions (especially the aspects of gender and class): revision of curricula and elimination of stereotypes that are being propagated in the education system; racism-sensitive thinking and implementation of anti-racist, anti-discriminatory and hate crime laws; and creation of broader alliances in the fight against economic exploitation, ecological destruction, and marginalization of groups labeled as different. All these areas are just some crucial aspects in the struggle to overcome anti-Muslim racism. The introduction of quotas, which some political scientists already for some time⁷⁴ have been calling for, and the empowerment of people marked as Muslim are needed to strengthen groups that have been structurally criminalized and disadvantaged for decades. All this and more can be considered necessary to create a society where equality is also materially reflected and is not limited to symbolic recognition.

3. Legislative prerequisites/framework conditions in the fight against anti-Muslim racism

3.1. European framework

The fight against anti-Muslim racism can build upon existing legal frameworks to combat racism. The Council Directive 2000/43/EC of June 29, 2000, on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin did not include religion as a marker⁷⁵. However, the Council Framework Decision 2008/913/JHA of November 28, 2008, on combating certain forms and expressions of racism and xenophobia through criminal law, provides a better basis.⁷⁶ This framework decision explicitly refers to religion as a marker in racial exclusion. Article 1 states that each Member State shall take the necessary measures to ensure that, e.g., publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, color, religion, descent, or national or ethnic origin**77 is punishable.

At the same time, however, a hierarchization of religion under the categories of "race," skin color, descent, or national or ethnic origin is defined by stating that "the reference to religion is intended to cover, at least, conduct which is a pretext for directing acts against a group of persons or a member of such a group defined by reference to race, color, descent, or national or ethnic origin." At the same

time, the German Equal Treatment Act (AGG) flaws are sufficiently known, as it does not prohibit discrimination on the grounds of religious practice at the workplace.⁷⁹

Nevertheless, these developments show that the conceptualization of Islamophobia as a form of racism is becoming ever closer.

3.2. National Action Plans against racism

Based on the 3rd World Conference against Racism organized by the United Nations in 2001, during which states committed to developing national action plans (NAPs) against racism in consultation with national human rights institutions, institutions combatting racism, and the civil society, the German Government presented a NAP against racism in 2008. ⁸⁰ In 2017, a revised version of the NAP against racism was presented. In Austria, there is no NAP to date. However, with the entry of the Greens into the coalition government in January 2020, the government program first announced that the "development of a National Action Plan against Racism and Discrimination" would be tackled. This promise is still to be implemented (the previous ÖVP-FPÖ government coalition had not mentioned the word "racism" even once in its government agreement).

A comparison of the German NAP against racism from 2008 with that from 2017 shows various changes. On the one hand, the understanding of racism has developed a lot. On the other hand, the latest NAP also addresses Islamophobia, while it was not even mentioned in the 2008 document.⁸²

Petra Follmar-Otto and Hendrik Cremer of the German Institute for Human Rights identify in their statement on the 2008 NAP against racism of the German Federal Government some weaknesses, including the "inadequate analysis of the situation in Germany and the lack of orientation towards action"83. They "recommend that the next step be to draw up a concrete action plan to combat racism, allocate resources to it and establish an ongoing monitoring process involving the civil society to achieve the objectives of the plan."84 The authors provide concrete recommendations for action regarding the contents of a package of measures and the further course of action.85 A joint statement by NGOs on the NAP against racism also criticized the disregard of civil society. 86 In a brief statement, the Central Council of Muslims in Germany (ZMD) stressed that Islamophobia as "the fastest growing form of racism" does not occur even once in the NAP. Discrimination against Muslims is addressed in the chapter on religion, but without addressing the many Islamophobic actors on the Internet. On the contrary, the German Islam Conference, a project by the Federal Ministry of the Interior, Building, and Community, is mentioned as a measure.87 An initiative by the Austrian Government should learn from these mistakes and improvements discussed in the next section.

Almost ten years after the first NAP against racism in Germany, some improvements can be observed. "Islamophobia" is the subject of an entire sub-chapter in the 2017 NAP against racism. Structurally, the NAP was drawn up across departments, led by the Federal Ministry of the Interior, Building, and Community (BMI) and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). 88

First, however, I would like to focus on the general concept of racism that is discussed in the 2017 NAP against Racism more comprehensively than it was in the 2008 NAP. On a positive note, racism is explicitly addressed not only in connection with rightwing extremism. On the contrary, regarding research on group-focused enmity, it is pointed out that "Racist attitudes fall on fertile ground in all parts of society"89. Racism is described as "a societal and social phenomenon"90 that "serves to legitimize existing inequalities or create new ones."91 At the same time, the report is limited in how far racism is thought of and, along with it, where manifestations of racism are seen. In addition to the NAP 2017, the Cabinet Committee for the fight against racism and right-wing extremism is to be mentioned here. In the Federal Government's report on the 1st meeting of the Cabinet Committee, one measure is devoted to the "fight against Islamophobia and anti-Muslim sentiment." It states that the Federal Government has announced an Independent Circle of Experts on anti-Muslim sentiment, which will "analyze anti-Muslim sentiment in Germany and develop recommendations for the fight against anti-Muslim hatred and Islamophobic

exclusion."92 The expert circle's work will continue for several years. It shall result in a report that "makes recommendations for the fight against anti-Muslim hatred and Islamophobic exclusion in all areas and levels of society"93. It remains to be seen what resources will be made available for the implementation of these recommendations.

Referring to the British MacPherson report, which – among other things – addressed institutional racism, the authors of the NAP against Racism note that

Neither the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) of March 7, 1966 nor any other international convention or legal instrument contains a legal definition of "institutional racism." It depends on the specific context whether "institutional discrimination," "institutionalized racism," "structural racism," or "everyday racism" is used. Even the research community does not always use these terms in a consistent manner. In the context discussed here, this term refers to the problem of intentional, unintentional, direct, and indirect discrimination in public and private institutions.⁹⁴

The authors introduce the discussion of racism in institutions regarding the lack of legal definitions. The further description then speaks of "possible racist stereotypes/attitudes and racist behavior of employees in government institutions which have a direct or indirect discriminatory influence on work routines and rules of procedure." It also acknowledges the possibility that "institutional processes (work routines, rules of procedure, workflows, etc.) may be discriminatory." Prejudices on the part of employees in state institutions should be counteracted with the help of preventive strategies.

This outline of racism illustrates the potential and the limits for action provided by the NAP against racism. On the one hand, racism is a widespread phenomenon extending to employees in state institutions and influencing their actions. On the other hand, the rejection of possible institutional racism rules out the questioning of entire institutions since racism is essentially reduced to a personal level that manifests itself in the attitudes and actions of individuals. Here, the perspective of prejudice research shines through, which refers to individuals as the main reason for racist conditions and does not focus equally on the structural dimensions.⁹⁶

Chapter 3.1.3, entitled "Islamophobia," talks about defamation and conspiracy theories. In addition, it is pointed out that these are often disguised as "criticism of Islam." At the same time, it is also pointed out that "critical interfaith discourses and enlightening discourses criticizing religion [...] enjoy the protection of the constitutional freedom of opinion and belief.⁹⁷ Attacks on mosques, desecration, arson attacks, and "skepticism about Muslims or even explicit rejection of them" are referred to as expressions of Islamophobia.⁹⁸ Examples given in connection with Islamophobia – which is not used

synonymously with anti-Muslim racism (the term Islamophobia is used once)⁹⁹ – are mainly characterized by content aspects, violence on the part of (right-wing?) actors, and attitudes of the population.

The main weakness in dealing with the phenomenon of anti-Muslim racism is not only a problem in Germany but can be found in many European countries. Regardless of existing legal frameworks at the European and the national levels, these do not hinder Muslims' direct and structural discrimination in areas such as the judiciary, police, employment, and education. The pan-European anti-racist network ENAR concludes that further comprehensive efforts by political decision-makers are needed to combat anti-Muslim racism and promote full equality and inclusion.

ENAR points to two observations regarding anti-Muslim racism. First, a gendered aspect of anti-Muslim racism can be observed. Muslim women are disproportionately affected by anti-Muslim racism due to several grounds of discrimination, especially if they wear religious clothing. They are repeatedly discriminated against because of their gender, religion, ethnicity, social class, and migration background. In some countries, laws prohibit religious dress, which disproportionately affects women who wear the hijab. These laws are discriminatory; such bans negate the right to freedom of expression of those women who wear religious and cultural clothing.

Second, regarding security policy, it should be observed that the counter-terrorism policy has a disproportioned effect on minority communities, especially on Muslims and migrants. ¹⁰¹ Ethnic profiling and arbitrary detention of innocent Muslims illustrate the insecurities to which some Muslims find themselves and the injustices they are exposed to. In addition, with the help of security policy, the stigmatizing and discriminatory language has increased, turning Muslims into internal enemies who must be controlled and monitored according to the securitization of Muslims. ¹⁰²

With the strengthening of the FPÖ and the adoption of racist positions directed against Muslims on the part of other political parties, above all the ÖVP, anti-Muslim racism has arrived at the center of power¹⁰³ in Austria and brought laws that directly discriminate against Muslims¹⁰⁴ without there being any awareness of injustice. In Germany, however, institutional racism is well documented in the research literature. This ranges from the general integration policy¹⁰⁵ to the health sector¹⁰⁶, the religious sector¹⁰⁷, to the security sector¹⁰⁸, which in turn is related to other areas such as science¹⁰⁹ and education¹¹⁰. Recently, the interweaving of current conditions with German and Austrian colonial policies relating to Islam¹¹¹ has been increasingly pointed out, which means that the interweaving of today's racism with colonial conditions of Germany and Austria in the past is addressed on a larger scale.

3.3. Hate crime

The Organization for Security and Co-operation in Europe (OSCE) defines hate crimes as "criminal acts motivated by bias or prejudice. This motive is the feature that distinguishes it from other crimes" ¹¹²

Hate crime is a collective term for all kinds of prejudice-motivated crimes, from murder to violence against people or things. ¹¹³ It is thus one of several dimensions in which anti-Muslim racism can manifest itself. Hate crime attacks are not only understood as attacks on the individual but as attacks against people who are imagined as real or perceived members of a group.

In this respect, hate crimes are also understood as "message crimes." Most people with prejudices do not commit crimes out of hatred, but the few who commit such crimes are motivated by their prejudices. Hate crime is therefore also understood by Klas Borell as prejudice crime. He recalls that negative preconceptions can contribute directly and indirectly to hate crimes, as generally accepted prejudices against minorities can lead to "crimes of hatred being excused or even excused with statements such as 'You only get what you deserve:"114 Individual perpetrators are able, due to the spread of prejudices, to legitimize their crimes. At the same time, they claim to practice what "others also want to do but do not dare," which allows them to present themselves as "representatives of the 'silent majority'"115.

Hate crime is not listed as a legal category in all countries. In connection with anti-Muslim hate crimes, it is vital to identify the anti-Muslim bias motivation by noting it. At the same time, there are discussions about how narrowly or broadly the concept is to be understood. There is also disagreement about which groups are to be protected and which acts should be criminalized. Hate crime often embodies a socially widespread rejection of groups of people and thus opposes ideals such as freedom, equality, and humanity. Reports by the OSCE and FRA repeatedly criticize the lack of standardization of such norms in EU countries. ¹¹⁶ As a measure to combat intolerance, FRA recommends that "the scope of official data collection on hate crime needs to be expanded in most EU Member States" ¹¹⁷. An overview of the laws in individual OSCE participating States can be found on the Website *Legislation Online*. ¹¹⁸

According to the ODIHR-OSCE, in only 16 of the 57 member states, anti-Muslim hate crime is documented and separately identified by state authorities. At the same time, data on hate crimes are being collected from non-governmental actors in a total of 30 states. 119. In comparison, 25 states document hate criminality based on "racism and xenophobia" (in 33 states, this is done by non-governmental actors).120 The numbers are similarly low on the part of the documentation of hate crime based on sexism and/or homophobia and transphobia or similar (10 and 16 countries respectively)¹²¹ as well as hate crimes committed against Roma and Sinti (10 and 14 countries respectively). 122 However, even though some states report anti-Muslim hate crimes, it does not say anything about the quality of these reports. The fact that 41 states are not taking up the task of reporting anti-Muslim hate crime also speaks for the discrepancy between reality and existing demands concerning the implementation of human rights.

In the Austrian Criminal Code, hate crimes with a racist bias motivation are severely sanctioned (§33 StGB). "Violence against a church or religious society" is explicitly mentioned (§283 StGB Abs. 1 Z 1). The OSCE defines hate speech as "statements that incite hatred or hurt some groups."123 In the Austrian Criminal Code, incitement to hatred must be committed in a public space or be accessible to a broad public to be categorized as such. The most recent amendments to the law on incitement to hatred in §283 StGB have been valid since 1.1.2016. In Germany, the "Principles of Sentencing" section of the Criminal Code §46 StGB was amended in 2015 with the addition of "the perpetrators racist, xenophobic or otherwise contemptuous motives and goals"124. This amendment took place, among other reasons, because of the NSU trial. Regarding the reception of the term hate speech and academia, the media scientist Liriam Sponholz shows that it is used ambiguously in German-language research. Although it was initially adopted from Critical Race Theory, it was often equated with online harassment or dysfunctions in online communication. 125

Since 2001, the German police have recorded "politically motivated crime," whereby hate crimes are explicitly recorded as a separate category.¹²⁶ Since 2017, anti-Muslim hate crime has also been recorded separately. This does not correspond to an extension of penal provisions but is an attempt to identify specific forms of hate crime to strengthen a corresponding awareness about them and give an impetus to further countermeasures.127 The two countries examined here, Austria and Germany, appear in the OSCE's database on hate crimes. According to the OSCE, in 2018, only 22 cases out of a total of 307 documented hate crimes in Austria were classified as anti-Muslim hate crimes. On the part of civil society, an additional 121 cases were recorded, of which 63 fall into the category of anti-Muslim hate crimes. Organizations that report these are ZARA die Antidiskriminierungsstelle Steiermark, SETA, and the Documentation Centre on Islamophobia and Anti-Muslim Racism. 128 The latter institution alone reported 50 cases.

In Germany, in 2018, 8113 hate crime cases were documented, of which the OSCE has categorized 241 as cases of anti-Muslim hate crimes. The civil society reported a further 1996 hate crime cases, 148 of which were anti-Muslim hate crimes. The associations Inssan and especially FAIR international – Federation against Injustice and Racism have provided this data. ¹²⁹ According to official information from the German police, 910 Islamophobic crimes were committed in 2018 (in 2017, it was 1,095 cases). ¹³⁰ The discrepancy between these figures and those of the OSCE is probably because the OSCE does not include any verbal (spoken word) incitement to hatred in its statistics.

A legal definition is, at first sight, from the point of view of policymakers, not a challenge in the fight against anti-Muslim racism. There are, after all, several legal provisions in most European countries that criminalize discrimination because of religion. On the one hand, these provisions include the Anti-Discrimination Directive of the European Union, which in 2006 led to laws on equal treatment in Austria and Germany. This unmistakably provides for the

prohibition of discrimination on the grounds of religion. Many NGO activists argue that what is needed is less a legally better basis than more attention in the policy area, i.e., in practical application, which is preceded by a political recognition.

When it comes to registering documented hate crimes, the practical implementation in the few countries that even categorize anti-Muslim hate crimes depends on how this category is included in the so-called Standard Operating Procedures (SOP). These SOPs are in few cases defined at the national level but instead at the federated state or regional level. It is, therefore, correspondingly challenging to compare the frequency of hate crime in different European countries. For smaller countries such as Austria, the Federal Office for the Protection of the Constitution and Counterterrorism is responsible for categorizing hate crimes at the national level. This means, in turn, that a case is simply recorded at the federated state level without consulting the victims about categorization.

Even in the US, where the legal concept of hate crime is comparatively well established, few departments seem to identify or investigate prejudice-motivated crimes effectively as such. On the contrary, very few recognize hate crime as such when it occurs. For example, in 2016, only 11 percent of all departments submitted reports on hate crimes (*Federal Bureau of Investigation* 2017).¹³¹

The second political problem is that the same units in the police administrative apparatus are often responsible for hate crime, anti-terrorism, and the prevention of so-called radicalization. The latter two are closely linked to the securitization¹³² of Muslims. ¹³³ As these agendas are often not the focus of just one unit, for Muslims, it is often unclear whether they are reporting their experiences to someone who cares about their safety or, in fact, considers them as a security problem. This institutional problem can be eliminated if these agendas are kept apart.

3.4. Legislation and framework conditions for the exercise of religious freedom

In principle, individual and corporate religious freedom applies to both countries examined here, i.e., Germany¹³⁴ and Austria¹³⁵.

The understanding of anti-Muslim racism should also include the violation of the equality of religion, especially from the part of the state. In Austria, Islam was already legally recognized as a religion in 1912, and in 1979 the state legally acknowledged the Islamic Religious Community ("Islamische Glaubensgemeinschaft in Österreich"), which today alongside ALEVI forms the most important Islamic religious society as a legal entity under public law. Even though Austrian policy towards Islam had long been tolerant and in line with relatively equal treatment¹³⁶, this changed step by step with the stronger politicization of Islam by the FPÖ¹³⁷. It culminated in the new Islam Law 2015, which violated the principle of equal treatment of all churches and religious societies, which is generally applicable in Austrian laws covering religion.¹³⁸ This was followed by other discriminatory laws attacking the individual right to freedom of religion, which started with the Integration Act

2017 on the regulation of a headscarf ban exclusively for Muslim girls; first in kindergarten, then in primary school, and at the time in secondary education.¹³⁹

In Germany, in contrast to Austria, Muslims have not been able to resort to any historical legal recognition. And although there were early attempts to recognize Muslim communities using the example of other churches and religious societies¹⁴⁰, these attempts have failed.

Like in Austria, religious communities in Germany can also become legal entities under public law. As the legal and administrative scholar Janbernd Oebbecke points out, Article 140 of the German constitution grants several privileges to religious communities recognized as legal entities. These are, for example, the possibility to collect taxes and the nomination of civil servants, and a whole "bundle of other privileges"¹⁴¹, especially in terms of representation in certain

public or state bodies. Indeed, specific cooperation options, such as religious education in public schools, are also available in some federated states for religious communities without legal entity status. However, other privileges are denied.¹⁴²

In his analysis of Islam in Germany, the social scientist Kai Hafez states that "Muslims are denied being recognized by the state as a legal entity in the jurisprudence as well as in juridical practice regardless of the existing constitutional framework [which should make this possible, FH]." Applications submitted by Muslim organizations were often rejected on different grounds, such as the number of members, membership structure, insufficient teaching authority, or operational life. At the same time, however, parts of public life in Germany are experiencing an inclusion of Muslim life, such as the institutionalization of Islamic theology studies at state universities, even if this can be considered with caution. 144

4. A Working definition of anti-Muslim racism

Anti-Muslim racism operates on different levels and includes the interpersonal level (utterances, behaviors of individuals) as well as the discursive level (social and cultural representation), the institutional level (standard practice), and the structural level (racism as a structural feature of a society).

As a working definition of anti-Muslim racism, I propose seeing it as a form of racism directed explicitly against Muslims or those perceived as such. Anti-Muslim racism describes a relationship of dominance directed against individuals, groups, and institutions who self-identify as Muslim or are marked as Muslim by others. At the same time, anti-Muslim racism is also directed against society because it questions the equal treatment of all people. Anti-Muslim racism serves to preserve and expand privileges and the exclusion of Muslims. Anti-Muslim racism can manifest itself in different ways, such as discrimination, hate crimes, spoken word, and actions of individuals, groups, and institutions. Thus, anti-Muslim racism manifests itself as a structural element of society – on an institutional, discursive, and individual level.

Although the context is always decisive for analyzing hate crime incidents regarding their anti-Muslim-racism bias, I want to give examples here to grasp the proposed definition of anti-Muslim racism better.

This list does not claim to be exhaustive:

- → Hostile generalizations and dehumanizing accusations against Muslims,
- → Blaming Muslims as a collective for actual or alleged misconduct of individual Muslims, individual Muslim groups, or even non-Muslims. Along with this comes the questioning of Muslims regarding their attitudes (extremism, equality, etc.) based on a general suspicion,
- → Desecrating places that are associated with "Muslim life." Such as placing pigs' heads or painting swastikas in Muslim prayer rooms or cemeteries,
- → Restricting the expression of Muslim identity in public spaces such as banning mosque buildings or minarets,
- → Restricting religious freedom of Muslims such as hijab bans in specific public spaces or professions,
- → Prohibiting religious regulations such as the slaughter of animals or circumcision of boys,
- → Criminalization of expressions of Islamic religiosity such as the uttering of religious terms such as *Allahu Akbar*,
- → Treating Muslims religious communities unequally,
- → Discriminating individual Muslims based on security policies introduced during the so-called "war on terror."

It should be mentioned at this point that it is irrelevant whether, for example, vandalization of a place marked as "Islamic" was taken up by avowed neo-Nazis or people of the same ethnicity. Anti-Muslim racism can also be produced and reproduced by Muslims.

5. About the author

Farid Hafez is a political expert at the University of Salzburg who is qualified as a professor. He was commissioned as part of the I Report project to propose a working definition of anti-Muslim racism. He has been publishing the Islamophobia Studies Yearbook since 2010 and the European Islamophobia Report since 2015. Hafez is also a senior researcher at The Bridge Initiative at Georgetown University.

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About CLAIM

CLAIM currently unites and networks 47 Muslim and non-Muslim civil society actors. We form a solid and broad alliance against anti-Muslim racism and Islam-ophobia. CLAIM is supported by Teilseiend e.V., funded by *the Federal Ministry* for *Family Affairs, Senior Citizens, Women, and Youth* (BMFSFJ) as part of the federal program "Live Democracy!"

About I Report

I Report aims to capture better and to make visible the scale of anti-Muslim attacks and discrimination. The project aims to create greater awareness of anti-Muslim racism in Germany, Austria, and Europe. Furthermore, the aim is to build a nationwide database on anti-Muslim attacks and discrimination. I Report is a project of CLAIM in cooperation with the Documentation and Counselling Centre for Islamophobia & Anti-Muslim Racism (Dokustelle Austria), the Paris Lodron University Salzburg, and is funded by the EU within the framework of the program "Rights, Equality and Citizenship" (2014-2020) and Stiftung Mercator.

The present short study on anti-Muslim racism was explicitly developed for the subproject I Report and serves as a basis for discussion within the framework of the project work. As the title "working definition" already implicates, the developed working definition is not understood as a complete and universally valid definition.

All information about I Report can be found at i-report.eu

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