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PhD thesis: Mosques in Europe: between Toleration and Respect. A study of the 2015 Lombardy Law for Places of Worship.

Abstract

The aim of this thesis is to verify whether toleration is the most appropriate political value on which to inform laws that regulate the allocation of public space for minorities, especially for building minorities' places of worship, such as Mosques. In order to do this I divided the thesis in five chapters. In the first chapter I analyze the most recent theories of toleration and respect expressed in the two European projects- Accept and Respect - elaborated by Carter (2011, 2013), Ceva and Zuolo (2013), Bader (2007,2013), Galeotti (2002, 2015). These ideas ground my main argument: toleration (as non-interference and as recognition) must be completed with the idea of 'recognition respect' every time institutions have to deal with minority related issues. Indeed toleration (as non-interference) is appropriate only at horizontal level (it marks a 'minimum level'). Respect means to grant all members of the society an equal chance to have a say in the decision-making process. Moreover, through respect, it is possible to identify unfair aspects and conversely which values institutions should draw upon in deciding on laws and policies to safeguard minority rights. In order to extrapolate these two components of respect in the chapter II, I focus on the Lombard Law n° 2/2015, the so -called 'anti-mosque law' that *de facto* prevents Muslims from building *ad hoc* places of worship. Seen from the perspective of respect, the law is unfair not only for the 'outcomes' it produces but also in terms of the procedures. In chapter III, I argue that in order to respect every member of the society is necessary to expand the demos to include as many newcomers as possible (Miller, 2009; Abizadeh, 2008). So following Bauböck (2015) I propose therefore 'a multilevel architecture of enfranchisement'. According to this model, the general normative principles for inclusion both in the citizenry and in the demos must be specified for each type of polity and regime (Bauböck, 2015). At the local level specifically the minority must count more every time their rights are at stake, and for this reason in municipalities the law-making procedures should be based on a proportionality principle (Brighouse and Fleurbaey, 2010) in order to resolve the tensions between democracy (majority rule) and social justice (protection of minority interests). In chapter IV, I demonstrate that the Lombardy Law, even if partially invalidated by the Constitutional Court (2016), can potentially reverberate throughout

society because it contributes to a hostile environment for Muslims. Because of the suspicion of Muslims and the consequent public debate generated, the law has reinforced the stereotypical perception of the Muslim minority by the majority. Consequently, the law can potentially further marginalize the Muslim community, thus preventing their full integration into society. In chapter V, on the other hand I present the Catalonia Law on centers of worship (16/2009) as a positive example of a law regulating building of mosques because it contains some respect-inspired principles. Catalan institutions not only tolerated minority religious groups but also granted them the space to participate in the law-making process. From the comparison between the Lombardy law and the Catalan law descends a list of suggestions which institutions could follow in order to promulgate laws for places of worship that respect every minority members: opening a dialogue with the minority, improving immigrant political participation especially at the national level and at the local level through specific bodies for participation, involving Muslims qua Muslims in the development of the law regulating building of Mosques through specialized institutions. A note on method: the case study was written by using not only academic literature but also by reading the two laws and Constitutional Court judgments, newspaper articles and official institutions' websites.

Key words: toleration-respect-mosques-minorities-laws-participation