

# **THE REPRESENTATION OF THE MUSLIM POLICY IN ITALY AND IN THE UNITED KINGDOM: A COMPARISON OF DIFFERENCES**

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## **CHAPTER ONE**

*The political representation of immigrants in Italy and the UK*

### 1.1. The political representation of immigrants: general considerations

The recognition of the right to vote to citizens of non-EU foreign residents is articulated in the European landscape into not consistent way, since each country has been able to express, in the Autonomous Community directives on the matter. The result is a framework therefore disarticulated with countries that have long recognize the right to vote, and countries such as Italy, which does not regulate the matter at all, in the fetters of a legal system that does not provide any institutional electorate (active or liabilities) for the immigrants. Post legitimate national security cautions that each state can enforce<sup>1</sup>, the incidence of new massive migration demonstrates the limits of the applicability of the model (now more than ever purely theoretical) of the nation state, where you must build a society marked by the coexistence of people from many countries, cultures and religions. The real situation imposes a conceptual reformulation of the idea of citizenship and the rights and duties relating to it. Moreover, precisely the European countries can not react as monolithic refractory openings towards the legal right to vote to immigrants, since the nature of the Union itself has accustomed them to a new institutional model, which marked the decline of the traditional Westphalian state<sup>2</sup>. In the EU context, citizenship is now a *transnational citizenship*, exist in a stratified levels of rights for individuals, in which the common cultural and ethnic identity has lost its connotation fundamental (essential in the state - nation) in favor of the rights of transnational nature<sup>3</sup>. However, a European citizen acquires that status on the basis of his being a citizen of a member state of the European Union: European citizenship but does not exceed assumes that traditional state, in a *multilevel*

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1 Consider, for example, as some states do not grant the right to stand for election to immigrants in order to protect from external influences key areas of political life, such as defense and foreign. Similarly, be denied the right to vote to those local organizations that may also indirectly contribute to the election of offices with competences in the field of foreign policy and defense. See G. and S. ZINCONI Ardovino, electoral rights of migrants in the European legal and political space, in *The Institutions of Federalism*, 5/2004, 749.

2 The Peace of Westphalia (1648) ended the Thirty Years War in Europe enshrining in fact the birth of modern international diplomacy, founded on mutual recognition of States, of the absolute rights of the latter within its borders, without admitting any interference supra.

3 J. PAINTER, *Multi-level Citizenship, Identity and Regions in Contemporary Europe*, in J. Anderson (a cura di), *Transnational Democracy. Political spaces and border crossing*, London, 2002, 93.

*constitutionalism*.<sup>4</sup> In addition to this concept of vertical multilevel<sup>5</sup>, , In Community law by Directive 94/80/EC which confers the right to vote in municipal elections not only to every citizen of the Union but also to those who "though he was not a citizen possesses, however, the conditions which the legislation of the State member State of residence makes the right to vote and to stand as a candidate of its own citizens, "concedes (mind without prescribing) a horizontal stratification and taxonomic (because it is conditioned by the various state laws) that qualify a sort of pseudo citizenship, exercisable in local authorities. The characteristic of the concept of citizenship then, is not to run out in a merely legal but to articulate and substantiate on the basis of the practical implications of cultural and socio-economic nature which, together with the set of rights and duties, feeding the citizen in feeling of belonging; therefore, law, sociology and psychology converge in order to provide a deep understanding of the problematic and multifaceted institution<sup>6</sup>, that in addition to the legal characterization objective is also structured in a subjective perspective, when related to the protection of minority rights and the extraordinary measures aimed at easing their integration into the social composition<sup>7</sup>. Is no coincidence the subjective dimension of the implications of the concept of citizenship is most felt in the territory, as due to the local implications of working life in the area. European citizenship, national and local (regional, provincial, municipal ...) coexist in the same individual head with their respective set of rights and duties. With the "Convention on the Participation of Foreigners in Public Life at Local" in 1992, the EU recognizes the right to vote and stand for every foreign resident, provided that resident for at least five years. The rule is not limited to favor a generic extension of

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4 I. PERNICE, *The Treaty of Lisbon: multilevel constitutionalism in action*, in *The Columbia Journal of European Law*, vol. 15, Summer 2009, n. 3, 385 e segg.

5 J. SHAW, *E.U. Citizenship and Political Rights in an evolving European Union*, in *Fordham Law Review*, Vol. 75, 2007, 2578; B. CARAVITA DI TORITTO, *I diritti politici dei "non cittadini". Ripensare la cittadinanza: comunità e diritti politici*, in AA.VV., *Lo statuto costituzionale del non cittadino, Atti del XXIV Convegno annuale AIC - Cagliari, 16-17 ottobre 2009*, Napoli, 2012, 133 e segg.

6 EF ISIN AND WOOD PK, *Citizenship & Identity*, London, 1999, 4

7 W. Kymlicka and W. Norman, *Citizenship in Culturally Diverse Societies: Issues, Contexts*, in *Citizenship in Diverse Societies*, edited by W. Kymlicka and W. Norman, New York, 2000, 14.

the right to vote, but focuses on a third level of citizenship, the recognition of which is at least due in respect of a principle of fundamental justice, although it is not easy to understand, in essence, why should recognize a higher level of importance to the potential voting rights of a citizen of a member state of the Union, even when neoresidente in another State, with respect to the voting rights of a foreign non-EU longest rooted in a different local context<sup>8</sup>. On closer inspection, the local reality, as distinct from country to country, to escape the limits of jurisdiction in any Community control where states are dominated by the needs of centralized type.<sup>9</sup> In fact, not only the 1992 Convention has not been ratified by all member countries<sup>10</sup>, but has never been prepared in a clear and decisive question of the regulation of the voting rights of immigrants<sup>11</sup>. The founding principles (and on which it stands) the institution of democracy as a political system and the civil recognition of the right to citizenship and the granting of the exercise of political freedoms. To deny those rights to a big slice of the resident population and economically productive contribution, equivalent to the exercise of a undemocratic practices. Since Europeans becomes as citizens of a Member State, the European

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8 R. Bauböck *Multilevel Citizenship and Territorial Borders in the EU Polity*, 6, IWE Working Paper No. 37, January 2003. Consulted on the site <http://www.eif.oeaw.ac.at/downloads/workingpapers/IWE-Papers / WP37.pdf>.

9 T. EHS, *A European People – Caught in the Act?*, in *The European Citizens' Initiatives. Into new democratic territory*, a cura di B. Kaufmann e J.W. Pichler, Wien, 2010, 101.

10 ZINCONI G. and S. Ardovino, electoral rights of migrants in the European political and legal space, cit., 742-743.

11 J. SHAW, *Political Rights and Multilevel Citizenship in Europe*, in *Illiberal Liberal States. Immigrations, Citizenship and Integration in the UE*, a cura di E. Guild, K. Groenendijk e S. Carrera, Surrey, 2009, 31.

political construction is not expected de jure recognition of the status of the "European citizen"<sup>12</sup> for non-European immigrants, although from time residents. The theme is always delegated to the sovereignty of the individual States, as a result of sovereign and independent regulations all contribute to fuel confusion and disparity of treatment between EU and non-EU, and between non-EU residents in different countries. Is no coincidence one of the points on which arena the political debate within the Union in an attempt to draw up the draft of the Constitution itself, is the crux of the legal status to be assigned to the 18 million immigrants who live and work there permanently, which represents a serious problem of democratic order. The risk, far from theoretical, is that the accomplished legal definition of European citizenship, may end up excluding all non-EU foreign immigrants. And then: "If the construction of the nation state has determined the contribution of civil, political and social rights only to nationals, while excluding the non-national, the ongoing construction of a European citizenship is likely to reproduce new forms of exclusion for all those residents who, while living substantially in the European Union, are not in possession of the nationality of one of the member countries"<sup>13</sup>. The growth of migration, as well as in qualitative terms, makes it more and more an aspect of the complex socio-economic and cultural implications which can not be ignored or escaped. It's a date component and essential for a normal and harmonious development of demographic, economic and social development of the EU, so that the productive sectors in certain European macro-economic can be said to continue to exist only thanks to the contribution of the labor force of immigrants. Even in relation to the need for security and public order, the inclusion of immigrants to the rights of citizenship assumes a strategic importance for social cohesion. Resolve the impasse of the issue of the right to vote for immigrants is crucial for the consolidation of a European social model liberal, able to protect the inside of participatory democracy, equality among citizens, freedom of association and political initiative. Only then can expect a flood of immigrants Republican loyalty towards the European institutions, which is essential for the safety and civil society. Political participation only permitted inside of subsidiary bodies advisory to local and national levels, which was not present in all across the Member States and not with the

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12 European citizenship has no substantial legal autonomy. If the Maastricht Treaty states that "every person is a citizen of the Union who is a national of a member state," the Treaty of Amsterdam states as "citizenship of the Union complements national citizenship but does not replace it." European citizenship is superimposed on national citizenship and the EU has no competence for the granting of citizenship. While in theory the political debate on the subject considers unacceptable the exclusion of long-term residents to the benefits of citizenship, It 'strange that it is the national membership a prerequisite for it. The only residence is a necessary but not sufficient.

13 G. Perego, Immigrants: participation, voting, citizenship, in AA. VV. Immigrants and participation. From councils and councilors added to the right to vote, Rome, 2005, 8

same functions, though so far represent the only form of participation attemptable, constitute a modest and too limited openness with respect to a critical mass of population, whose satisfaction of basic rights, should be tremendously heart of the managerial bodies Community to safeguard the assets of Europe itself.

## 1.2. Political representation, voting rights and integration of immigrants in Italy

About half of the EU Member States recognize the right of foreigners to vote in local elections, albeit with the necessary distinctions. Specifically, 17 countries allow certain categories of foreign residents to take part in local elections (Belgium, Denmark, Estonia, Finland, Ireland, Lithuania, Luxembourg, Netherlands, Norway, Portugal, United Kingdom, Slovakia, Slovenia, Spain, Sweden, Switzerland, Hungary), eight of them (Denmark, Hungary, Norway, Portugal, Slovakia, Sweden, Switzerland, United Kingdom) allow immigrants to vote in regional and national ones. Always on the 17, there are five countries that do not recognize the immigrants the right to be elected to the municipal (Belgium, Estonia, Hungary, Luxembourg, Slovenia). Symptomatic is regarded as the countries with the highest rate of immigration, namely, France, Italy and Germany, are excluded from the lists of countries somehow virtuous. The Italian is perhaps the most emblematic case because, in the face of statistical considerations showing that immigration is a phenomenon that stable growth in constant<sup>14</sup>, participation in various forms of political life that should be guaranteed to the foreign community, is a law incapable of meeting these needs, for defects in the original form; in practice, the legal doctrine does not agree on what source should be accepted, and thus regulate the voting rights of foreigners in our legal system and the result is that people who come from non-EU countries do not enjoy the rights guaranteed to all other residents to be actively involved in the conduct of policy, "strong exclusion from the community, and as a result be less than those conditions that are essential for a good life"<sup>15</sup>. Although the Council of State may be said to be a sufficient measure of the ordinary legislature (according to the provisions of art. 117 of the Constitution), it would appear that the Council a way not feasible without recourse to the constitutional amendment. Article verbatim. 48 of the Constitution shows that the right to vote presupposes citizenship. Some commentators consider it possible to interpret Article. 48 as minimum requirements (ie, are allowed to vote at least the citizens). But if the Constitutional Court has extended to foreigners only the rights that Article. 13 et seq. specifically defined as inviolable under Article. 2 of the Constitution, specifically the right to vote is governed by. 48 Cost. in its mandatory canonical

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14 Cfr. *Dossier Statistico Immigrazione 2014*, consulted in <http://www.dossierimmigrazione.it/>

15 ZINCONI G. (ed.), *First report on the integration of immigrants in Italy*, Bologna, 2000, 355.

interpretation<sup>16</sup> to preclude any law unconstitutional rank of the discipline of the object in question, as must that passed from the historical and cultural development of multi-ethnic societies. Modest openness to participation in local politics, in terms of associated membership and opinionistic involvement, has been present in TUEL, in which the legislature has expressed its desire to strengthen the participation of immigrants; Article. 8, c. 5, referring to the principles of Law 203/1994 and Legislative Decree 286/1998, has admitted participation in local political life of EU citizens and foreigners, from which the institution by provinces and municipalities of the advisory bodies of the immigrants with presidents allowed to participate in board meetings. In some provinces and municipalities has also resorted to the institution of the Adviser, provided that both the municipal statutes in the provincial ones. The first local authority to make use of two additional councilors was in 1994 the municipality of Nonantola in the province of Modena; it was certainly innovative experiences but substantially limiting, since without the right to vote and therefore affect. At least the implications of the Martelli law have fostered the emergence of a widespread network of associations throughout the country. Similarly, it seems plausible to extend to non-EU citizens the right to participate in the only referendum municipal consultative and not to abrogate ones. This separation is a daughter of the need to avoid situations to the limits of constitutionality, as with the right to vote by referendum riconosciutioli proactive or repeal, will allow them to affect any rules adopted by the bodies whose election are not allowed<sup>17</sup>. It is clear that they are not allowed to parties who have a role in increasing incident of national GDP<sup>18</sup>, burden of the fiscal pressure<sup>19</sup>, to get a well-deserved active participation in political life,

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16 T.E. FROSINI, *Foreigners between voting rights citizenship*, on the site <http://www.forumcostituzionale.it>; R. BIN - G. Pitruzzella, *Constitutional Law*, Turin, 2012, 510

17 U. HAIDER OAK, *political rights of foreigners*, cit., 72; GIOIOSA M., *The political rights of foreigners*, 148 et seq., Consulted <http://www.orimregionelombardia.it/upload/1272031391930K.pdf>; P. Bonetti, *principles, rights and duties. Migration policies in Nascimbene B. (ed.)*, *Law of Foreigners*, Padua, 2004, 109 et seq.

18 I In Italy 454 000 companies are run by foreigners, for a total production of movable wealth equal to 5.5% of the wealth produced at the national level; in a nutshell, foreign firms move well 76 billion euros. Consulted <http://www.fondazioneleonemoressa.org/newsite/category/immigrazione/imprenditoria/>).

19 A. BLAIS, L. Massicotte, A. Yoshinaka, *Deciding Who Has The right to vote: a comparative analysis of election laws*, in *Electoral Studies*, 20, 2011, 52.



instead relegating them to the margins of life of the polis. The implications of this implicit ostracism are charged on a social level; the mere participation of policy advisory purposes, does not solve, but probably amplifies, a number of critical issues related to the lack of representativeness, the inability to have a serious effect on integration policies, the difficult interaction with the management representative, above all, to the very limited (as substantially single frame of reference for which you are applying their advisory opinion) field of action on issues related to immigration<sup>20</sup>. At least at the local level, to a more conscious and mature integration must be a suitable mechanism for entering non-EU decision-making in the circuit, enabling them to choose their spokesman in the corridors of power of decision. Would remain, however, to assess the implications for the achievement of the most appropriate form of political integration, ie, integration respectful of differences, instead of assimilation stiffer or a statement of type comunitaristico. State of the art, assuming a deep opening Constitutional, assimilation remains a rigid utopian solution, in some respects, but not strategically viable, as there would be a natural boost of non-EU foreigners to represent between neighbors on the basis of ethnic or religious; this risk is also implicit in a solution of communitarian type. In other words, the road should lead the immigrants to move in the tradition of national policy, some also innovating, fueling political action, the object can fall back "rain" on the whole electoral body, consisting of Italian citizens, community and outside the EU, rather than ending up with interest a closed caste poorly integrated resulting in self-induced segregation. Of course a result of this kind must assume incisive instruments of homogenization and social cohesion, since the arrival in Italy, promoting the knowledge of the language, norms and traditions of the major cultural and social, education, retraining, etc. The need for revision of the Constitution to extend the suffrage is certainly a viable way, the fact that it should not show a problem of political rather than cultural.

### 1.3. Participation and representation of migration in Great Britain

The history of the British Isles from the beginning is a medieval history of immigration continues by virtue of a peculiar historical experience, of a glorious imperial past, the migration policy of the British government were always quite unique compared to the contemporary European context. England has always been a strong pragmatism prevailed as to promote the autonomy of national peculiarities, recognizing (accepting) the cultural otherness of foreigners, provided they recognize the british authority<sup>21</sup>. This

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20 C. MANTOVAN, *Immigration and Citizenship. Self-organization participation of migrants in Italy*, cit., 73..

21 U. MELOTTI, *Immigration: A Challenge for Europe*, Rome, 1992 2,.

mentality of the colonial matrix, within certain limits, still characterizes the political project of Britain with a setting differentialist<sup>22</sup>. Everything can be said to have originated with the discovery of the Americas and the need to find cheap workers for the plantations. From the sixteenth century, even England, as all the European powers, resorted to slave exploitation and trafficking to flourish intercontinental plantations overseas; but unlike the others, Britain was among the first countries to receive significant flows of labor as domestic servants in service in the homes of the aristocracy and the bourgeoisie in the motherland. The huge demand for labor determined by the industrial revolution favored the reception of massive flows of African and Irish; similar situation is lived at the end of World War II, when a new serious labor shortage opened the doors to streams of Polish, Italian and Caribbean. Moreover, the open door policy adopted by England was also a necessary response to the political and economic crisis experienced by the countries of the Commonwealth, with the immigrants who landed en masse in search of a place of refuge, creating entire communities<sup>23</sup>. The following *Nationality Act* of 1948<sup>24</sup> had a revolutionary impact, base of legislation on nationality, as granted to all foreigners being part of the Commonwealth to enter the country freely as a British citizen, and not secondary implication, to them, the expression of original cultures alien, were granted full political rights. Therefore, since 1948, so the Irish in Great Britain, as Commonwealth citizens can take part in an active form as passive, the elections of all levels. Quite different, however, the discussion related to the social integration; For such a large number of immigrants flowed steadily and systematically it was natural to create ethnic communities as separate different, by race and culture, with the consequential problem of integrating and integration into the local community. On the other hand, the laws governing immigration are systematically changed in relation to need more or less marked and labor, since the seventies, gradually grew that the phenomenon of unemployment in England, the legislation has been characterized by a lower elasticity. Already in the sixties with the first two Commonwealth Immigrants Act (1962 1968), England began to adjust in some way migration flows; but it will be the third Immigrants Act 1971 to introduce more stringent provisions for the control of admission and residence, contemplating the crime of illegal immigration<sup>25</sup>. At the same time, however, the British government worked to provide a foundation for the integration of so many different ethnicities protect minorities. The Race Relation Act

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22 U. MELOTTI, cit., 4.

23 S. COLLINSON, *International migration and Europe, Bologna, 1993* 15.

24 Consultato in [www.opsi.gov.uk/revisedstatutes/acts/ukpga/1948](http://www.opsi.gov.uk/revisedstatutes/acts/ukpga/1948)

(1965) was the first anti-discrimination law in public places for ethnic, racial, cultural or national; the second Race Relation Act (1968) introduced in the Anglo-Saxon legal tradition the crime of being denied housing, employment or denied delivery of public services to immigrants because of their different skin color, race or ethnic origin<sup>26</sup>. A third Race Relation Act in 1976 instituted a Commission for Equality in order to check that the current regulations were met. Although the British measures on migration have all been inspired by the principle of non-discrimination, the integration has long been a topic of public debate and live while recording a low index of fear toward immigrants, immigration aroused ambiguous reactions from the community. Rex has described this situation as a condition of inequality segregated, something quite different from the integration<sup>27</sup>. Among the eighties and nineties the government measures have affected more restrictive measures in the regularization of immigration flows in the discipline the right to asylum<sup>28</sup>. In fact, the British immigration policy, despite the limitations posed, he continued to regard the phenomenon as an essential resource for the cultural and economic development of the country, aiming to monitor and characterize the flow of migration. With the *White Paper Secure Borders, Safe Havens: integration with diversity in Modern Britain*<sup>29</sup> (2002) british society said it was ready to welcome legal immigration, mostly of skilled workers. A good balance between the respect due to different ethnic groups from the countries of the Commonwealth and the preservation of the English way of life. A compromise that England continues to own even today, where s'inaspriscono the penalties for the crime of illegal immigration, it tends to contain the cases admitted to the asylum, are holding back massive waves in favor of inputs qualified and qualifying.

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25 Consultato in [www.britishcitizen.info/IA1971pdf](http://www.britishcitizen.info/IA1971pdf)

26 Consultato in [www.england-legislation.hmso.gov.uk](http://www.england-legislation.hmso.gov.uk)

27 J. REX's attitude toward immigrants in Britain, in Various Authors, *Italian Europe and new immigrations*, Turin, 1990 67-85,.

28 In order have been launched on *British Nationality Act (1981)*, *the Asylum and Immigration Appeals (1993)* and *the Asylum and Immigration Act (1996)*.

29 Consultato in

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/250926/cm5387.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250926/cm5387.pdf)

Yet, even for Britain is not correct to speak until the end of full integration, since it still may be taken against foreigners subtly discriminatory treatment under law,. For example, the points system, which limits the possibility of entry only to skilled workers in the sectors in which the country is lacking and that fixed the reception prerequisites (knowledge of the language, economic coverage) may be relied upon by an employer work only after proving that he offered (without positive feedback) the place of work to the british. Due to the points system, devised by Labour refined by conservatives, workers are divided into three categories: highly skilled, qualified and generics, with the latter virtually unable to enter the country. The consequences of the global economic crisis, the difficult recovery, the social unrest that followed today pushes the of policy choices uneconomic despite the moderation of social tension in the recession of the electorate that is threatened by foreign labor qualified with significant new cuts in quotas for skilled workers eligible immigrants. Practice antithetical to the needs of the economy of a country that struggles to start, unable to absorb the long-term unemployed who do not have the qualifications to operate, for example, in IT that serves to raise the country's<sup>30</sup>.

## CHAPTER TWO

### *The Muslim political representation in Italy*

#### 2.1. Cooperatives, integration, civil associations: the different faces of the participation of foreigners in Italian political and social life

Historically Italy has been represented on the European scene about as a case in terms and extent of migration of Muslim population. Until the economic *boom*, the Muslim presence in our country has been poorly incident, albeit high-profile cultural and professional, consisting primarily of university students, diplomats and business managers. The rest of the sixties Italy is a country of emigration internal, not yet affected by the phenomena of large-scale immigration. Only in the seventies radiate from the fervent cultural center of Perugia, home of the important University for Foreigners, the first Muslim associations in order to

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30 NIADA M., The Dilemma dell'imigrazione in Great Britain: when too much is too little ... in London - Cosmopolis, web address book "Il Sole 24 ore", November 21, 2010, accessed <http://marconiada.blog.ilsole24ore.com/2010/11/21/il-cilemma-dellimigrazione-in-gran-bretagna-quando-tropo-e-toppo-poco/>

promote cultural and religious associations of the faithful, encouraging the construction of the first mosques and equipping of a first form of cohesion cooperative various nucleus of Muslims in the area<sup>31</sup>.

For the *22nd Report of the Statistical Dossier on Immigration* (2012) are now five million regular foreigners in Italy, a fifth of them from African countries<sup>32</sup>; of these 5 million, profess to be muslims over a million people and they are mostly foreign nationals who wish to elect Italy as a country of long or permanent residence<sup>33</sup>. Although many of these declare themselves non-practicing, the fact remains that, for accessions, proselytism and structuring of places of worship in the area, Islam is the second religion of the country (indeed, is the second European religion)<sup>34</sup>. For centuries, Islam and the West are now mutually respected and admired, now faced bloody, but always perceiving reality as autonomous and self-sufficient; today due to economic needs, or more generally about the implications of what is also referred global society, the two worlds co-exist in the same space, with consequences not entirely predictable<sup>35</sup>.

More generally can be considered with Guolo that, beyond the most radical minority groups to which you do not offer any integration, as emotionally and ideally related to Islam in the country of origin, type of Islam most prevalent in the Italian territory is of neo-traditionalist matrix, the matrix that points to the re-Islamization of the host society, starting from the bottom, a comprehensive reform of the individual and the construction of social spaces against, to mark the separation from the impure around environment<sup>36</sup>. And it

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31 S. ALLIEVI, *Italian Islam: a journey in the second religion of the country*, Torino, 2003, 98-100

32 See. Statistical Dossier on Immigration 2012, consulted in [http://www.caritas.it/home\\_page/tutti\\_i\\_temi/00000404\\_Dossier\\_Statistico\\_Immigrazione](http://www.caritas.it/home_page/tutti_i_temi/00000404_Dossier_Statistico_Immigrazione)

33 C. CORRADETTI – A. SPREAFICO, *Besides the clash of civilizations: cultural compatibility and the Islamic case*, Ivrea, 2005, 196

34 S. ALLIEVI, *Muslims in Italy: from guests roommates*, in *Popoli*, Nov. 2010, 40

35 S. ALLIEVI, *Italian Islam...*, cit., X-XI

is the anxiety about the absence of a pure territory to urge muslims to build a space independent of and separate<sup>37</sup>. And this is the most Islamic of other joining together the religious dimension of political ideology.

## 2.2 Representation and political participation of muslims in Italy: the Union of Islamic Communities and Organizations in Italy

Currently there are about 150 centers in the country of Islamic culture or associations related to it, with a higher concentration in the center of the north. Historically, the first constitution was USMI in 1971, with the intention to unite the Muslim students in Italy but in the larger cavity of the Kuwaiti International Federation of Students. Ideologically close to the Muslim Brotherhood, the USMI has always stood for religious purposes and for the defense and promotion of Islamic culture, through publishing activities. As said the purpose was to strengthen the awareness and identity among muslim students in Italy.

The lowest average level of education of the flows of migrants in the following decades and the different purposes that have led people to migrate, no more high education, but the escape from the desperation of economic misery or by ethno - military, has partially reduced the influence of USMI, although his experience was considered an indispensable model for every important university center of the peninsula, radiating from Perugia to Bologna, Pisa, Padua etc. It must, however, if the commitment USMI today in Italy there are about 300 spaces recognized for Muslims, including mosques and prayer halls, where almost all its finance publications and magazines, offer courses in Arabic language and Islamic culture, organizing pilgrimages to Mecca.

At the Islamic Cultural Center of Italy is entrusted with the management of the architectural complex than that until September 2012 was the largest mosque in Europe, namely, the Mosque of Rome. The Islamic Centre is a focal point for the aggregation of the faithful, as well as provide cultural and social issues related to belonging to Islam. The Italian State recognizes it as a moral entity and the CDA of the Islamic cultural center is made up of the Diplomatic Corps of the Muslim states at the Vatican and the Italian state. To represent the Italian state an ideal partner, expression of cd "Islam of States", ready to distance themselves from all forms of fundamentalism exaggerated acts of terrorism. But the weight incident entity is conditioned

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36 R. GUOLO, *Islamic organizations in Italy and networks transactional reference. Paper presented at the Conference on Islam in Italy. Religious affiliations plural and diversified strategies, Torino, 2-3 December 2004* Consulted in <http://www.fga.it>, 1

37 *Ibidem*, 2

by the balance of power and antagonism of members of the Governing Council, which do nothing but repeat on a local scale, the conflicts in the countries of origin to be in the international arena.

The CO.RE.IS., Islamic Religious Community with its headquarters in Milan and a dozen branch offices throughout the country, since 1993, plays a witness warrant and information on Islamic civilization in the West and, assuming to represent the interests of the totality of Italian Muslims (converts are Italian and Italian Muslims), aims to establish itself as a privileged interlocutor of the Italian state. The purpose of CO.RE.IS. is to neutralize the differences more apparent from the legal religious, between Islam and Western culture, with the aim of raising awareness on the real possibility of a common purpose between the Islamic faith and Italian identity. In fact, not only the CO.RE.IS. can not be said to be a representative voice as in the Italian, but he must also deal with a rising internal opposition that criticizes the attitude deemed too servile and submissive to the State or the Catholic Church, to the detriment of a 'cultural and religious otherness of which the vast majority of Muslims to be fair. By contrast the CO.RE.IS. is the only association that has openly sided against UCOII that is, according to the criticism that the move, the bearer of an idea of Islam inevitably destined to materialize in military action and not spiritual<sup>38</sup>.

The coordination of movements of political Islam rely on mosques that adhere UCOII, the Union of Islamic Communities and Organisations Italian, "an association of associations", born in 1990 in Ancona to ensure the widest possible support for the Muslim population in and 'Italy. In a sense, can be considered a subsidiary USMI, but much more dynamic, modern and structured by essersene emancipated, while also providing an important range of technical services in relation to legal action for regularization of immigrants; Also important is the role that the UCOII intends to play against the State, both at the central and local authorities in dealing more generally with the agencies of socialization in civil society. In the highest tradition of USMI, its predecessor, the UCOII has sponsored a major work of Qur'anic exegesis for the Italian public, with a circulation of over 50,000 copies for four subsequent editions. Through courses in civics and local traditions, the institution aims at integrating the Muslim population in the Italian context, while having as main purpose the development of a cohesive and compact Italian Islamic community that can live fully their cultural and religious diversity without external conditions of a political or ideological. The UCOII not point that individual and cultural integration of Muslim believers, as the individual would inevitably be westernized, as a single economic and social integration, defending the value of a certain separation of spaces, in what is considered a Dassetto 'outsourced integration'<sup>39</sup> and that remains a dynamic problem, since, in accordance with the mutual differences, the Islamic community should also understand

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38 *Ibidem*, 7

39 S. ALLIEVI - F. DASSETTO, *The Return ...*, *cit.*, 145

that in no way the West intends to question the subjective belonging to Islam, despite the need to mediate the actions in the space of public action<sup>40</sup>.

### 2.3. The role of the Muslim Brotherhood and their influence within the Islamic associations in several Italian cities

Behind the label "Muslim Brotherhood" hides a complex and heterogeneous universe of political experiences, socio-economic and religious together, since the basic idea that the soul is the belief that Islam is a faith full potential able to regulate the private and public capital of each person<sup>41</sup>. In this perspective, although the fundamentalist drift is always lurking, the declared intentions are to respect and support the principles of democracy. The movement was born in Egypt, in the late twenties of the twentieth century, has rapidly conquered North Africa and the Middle East and then penetrate even in Europe, or at least wherever there were substantial settlements of Muslim population, inspiring in various ways, free associations and community. Moreover, in the intentions of the founder, Hasan al-Banna, the Brotherhood would never dying out due to the effect of its roots in an area specific action and the only way to commit to the achievement of accomplished Islamic democracy; Islam, as a universal religion, it is able to embrace "*all aspects of life for all people and communities, in every age and historical period. Islam is so vast and comprehensive that it can not be exposed to the fragmentary nature of this life, especially the simple worldly contingencies*"<sup>42</sup>. And it is this declaration of intent that makes the dangerous movement in the assessments of the same Arab states, because of the implicit potential subversive of the established order that the movement does not hide and that the spread of the recent uprisings in the Middle East has confirmed. From here a certain distrust, both in

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40 F. DASSETTO, *Islam in Europe*, Turin, 1994 127

41 "*The Muslim Brotherhood is defined as an organization that is more of a political party and an association of more reformist and charitable: they are rather an organization spiritual world, whose terms are the da'wa (ad Islam , "mission"), a method of action that adheres to the sunna, the importance of the purity of the soul; they are also a political, sporting, cultural and educational organization, an economic and holders and are proponents of a specific social model. "See. A. Patini, Political Islam, the Muslim Brotherhood and the challenges of modernity in the Islamic World 2 Dossier: The Muslim Brotherhood and the political debate on Islam, Torino, 1996, 3*

42 Hasan al-Banna, *Message to the Fifth Congress of the Muslim Brotherhood in the Islamic World Dossier 2 ...*, cit., 17



Egypt where the recent coup of the generals in 2013 has enshrined the ban as a terrorist organization, as well as abroad, where he is said to have inspired numerous ideologically associations.

And yet for Ahmed Abdel Aziz, former leader of the Italian Muslim Youth, the Muslim Brotherhood in Italy would not exist, and neither would be present even adepts isolated, as it would be foolish to attempt to revive *sic et simpliciter* in Italian political experience of a movement closely linked to the Egyptian reality. And, although the press and accredited Islamists will approach the UCOII, the Islamic Alliance of Italy, the Italian Muslim Youth, Aziz not found these associations for a direct descendent, organic or hierarchical, as a stand-alone declination, as a respondent different reality, of a common ideological matrix<sup>43</sup>.

It is at least strange that a movement that professes to be respectful of the values of democratic dialogue is considered a hotbed of terrorists. In fact, the Brotherhood, taking as its a basic principle of theocratic, with the politics in the service of an Islamic vision of society, and referring to a horizon of values that the West, with the emergence of the secular state, has left long behind us, presents itself to the West as a partner uncomfortable, but that can not be ignored. The political project, and religious together, the Brotherhood, in itself can not be said a priori extremist or terrorist, though, Campanini warns against the implications in terms of human rights, we think mainly to the impact on the right to women's emancipation, would the affirmation of a model of society Islamized<sup>44</sup>. The statistics show that it is then difficult to quantify the extent to which the Brotherhood has taken hold in the bosom of the Italian Muslim community, because of the imposition of a terrorist organization that sets it apart: conceal its membership, for individuals or entire communities, it can be said to be a choice of front. And the ability to disguise itself and its real purpose, constitutes also the element of greatest danger of the Brotherhood, able to mask the radical tendencies and terrorist presentability behind a democratic facade<sup>45</sup>. This is a summary of the *Allam theorem*, by Magdi Cristiano Allam, well-known journalist and political scientist Muslim who converted to Christianity, who has been warned Western democracies on the alleged true spirit of Brotherhood<sup>46</sup>. A figure which however would seem incontrovertible is the effective enlargement of the consensus in favor of the movement which, precisely for the domino effect following the cd Arab Spring, it would also producing in

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43 E. CASALE, *Brothers (Muslims) of Italy, Peoples, June-July 2014, 20*

44 M. CAMPANINI, *Islam and politics, Bologna, 2003, 215*

45 S. ALLEVI – B. MARECHAL, , *The Muslim Brotherhood in Europe. The influence and weight of an active minority, in M. CAMPANINI - MERZLAN K. (eds), The Muslim Brotherhood in the contemporary world, Turin, 2010 198*

Italy. Was reported by an interesting investigation appeared on the pages of the newspaper "La Repubblica" in January of 2013 in which, in summary, we point out the operational strategies, so to speak, of marketing, of the Brotherhood that points to the conquest of the beyond and a half million Muslims in Italy through substantial financial support to businesses of immigrants in Italy, at various Islamic centers of worship and cultural promotion, implementation of welfare policies such as health care and education<sup>47</sup>. Nor is this to be considered a novelty, since practice is perfectly in line with the theoretical method to al-Banna, for which the immediate outlook is not the exercise of power, but the promotion of a society imbued with Islamic values, to which, however, can not that derive the Islamic state<sup>48</sup>.

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46 *It is worth quoting some passages from an article by MC Allam appeared in the pages of "Il Giornale" in 2013 which encapsulates the view that has the intellectual movement of the Brotherhood and the risks related to an excessive opening of a credit against the same part of the West:*

*"I ask that in Italy, in Europe and in the free world are outlawed Muslim Brotherhood. I ask that you block the construction of new mosques everywhere and it is established that the existing are not in fact dens of subversion and terrorism. [...] I ask this based on what is happening in Egypt but also in Syria, Lebanon, Iraq, Libya and Tunisia. Which proves beyond a shadow of a doubt that the Muslim Brotherhood is not a democratic party but a totalitarian movement, comparable to Nazism and communism. [...] The West take note that he has committed a historic mistake by entering into an agreement in 2005 with the Muslim Brotherhood, calling for cooperation in the fight against Al Qaeda in exchange for legitimacy. Let us all acknowledge that the so-called Arab Spring is the most colossal media lie of the third millennium, the result of a nefarious strategy by leveraging the revolt of people who suffer from poverty, has allowed the Muslim Brotherhood to manipulate the election. Unfortunately, I fear that even more Islamic terrorists our worst enemy is ourselves. How to interpret the deafening silence of the Pope? How not to take note of the position of the United States and the European Union that is only now criticize the Army in 2011 and approved its intervention to oust Mubarak from power? How not to shiver in the middle of the choir media in the West is on the side of the Muslim Brotherhood by identifying them with democracy and forgetting that Hitler, Mussolini and Khomeini came to power through free elections? "See. ALLAM MC, We outlawed in Italy Muslim Brotherhood in "Il Giornale", 08/19/2013*

47 *V. POLCHI, Faith & Finance: The Muslim Brotherhood grow between mosques and businesses - Investigation, in "La Repubblica", 01/24/2013*

48 *A. PATINI, Political Islam, the Muslim Brotherhood ..., cit., 2*

#### 2.4. The issue of political representation in Italy

One of the main mission of UCOII is always dedicated to the preparation, dissemination and adoption of a Memorandum of Understanding with the Italian State for mutual recognition. The use of the Understanding, in legal terms, is not an element of novelty, since already beaten road to the regulation of relations with the Jewish community and, ideally, affiliated to the Lateran Pacts in 1929 governing the relations between the Italian State and Catholic Church. In terms of the hierarchical Agreements are subsidiary sources of law, which is used when you need to respond legally, in many different shades, to the needs of a particular religious denomination, where an ordinary laws would not be enough, going to regulate, for example, the building sacred, religious schools, the forms of spiritual care<sup>49</sup>.

To the proposal from UCOII was an issue, certainly no longer be postponed, due to the need for legal regulation of Islamic communities and started to feed a comparison between institutional and confessional parties, not without obstacles and closures ostracistiche<sup>50</sup>. For the art. 8, c. 2 of the Constitution., The non-Catholic religious groups have the right to organize themselves according to their own statutes, provided they do not conflict with the Italian legal system; by virtue of this principle, the Italian state, on the one hand recognizes religious denominations as bodies of primary law (separate and independent), on the other hand poses of the rigid poles to exercise the right of them, since, in any case, self-regulatory rules should come into conflict with the laws of the state. In other words, the Islam of Italy, as having the legal institution should have a statute that would respect the inviolability of the fundamental rights of the human person; a burning issue for most fundamentalist Islam, when we relate to women's rights, or the free sexual expression. The issue of homosexuals, is just one of the points on which Islam is in contradiction with the Universal Charter of Human Rights, a practice not uncommon when religious ethics aims to merge with the law<sup>51</sup>.

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49 I. ZILLIO – GRANDI, (Eds), *The dialogue of the laws: Sorting Italian and traditional Islamic culture*, Venice, 2006 48

50 R. GUOLO, *The Italian representation of Islam and the issue of cartels*, FERRARI S. (Eds), *Muslims of Italy. The legal status of Islamic communities*, Bologna, 2000, 68

51 A. SPREAFICO – A. COPPI, *The representation of Muslims in Italy*, Rome, 2006 142

Another problematic aspect is due to the fact that the UCOII, as counterpart and representative, it is certainly not the only Italian Islamic association, and not all Muslim organizations recognize the role of *leadership*; just think that the proposal of Understanding drawn up in 1992 by the UCOII, followed by the autonomous proposed Islamic Cultural Center of Italy (1993), the Association of Italian Muslims (1994), so that the COREIS (1996)<sup>52</sup>; every draft is a peculiar interpretation of Islam, despite claiming to speak on behalf of all Muslims Italian, from which it can be inferred that the same fragmentation of the Islamic religion on the Italian territory to harness the state that has no further legal instruments for collaborate officially<sup>53</sup>. Moreover, even if the State numbered among its objectives the creation of a national Islam for the purpose of negotiations, asking the Muslims themselves on Italian territory to independently solve the problems of representativeness and internal antagonisms, it is the pride of belonging, in this each group, the world's largest Muslim community (idea certainly influenced by the preaching of the Muslim Brotherhood) to make problematic any attempt to reduce a national phenomenon, culturally, politically and socially disciplined, Italian Islam<sup>54</sup>.

To ensure a correct diagnosis of the problem, Cilaro considered as a step is necessary perspective of comparative analysis, to evaluate the *goodness* of a draft, rather than another; if religion and law in Islam are so inextricably linked, it should be noted elements of Islamic law in them and analyze their compatibility with our legal system<sup>55</sup>. A case of all, surely one of the most problematic, is the chapter bedroom. In fact, the Islamic marriage contract between the parties includes not only the bride and groom, but also the nearest male relative of the bride, that integrates the willingness to contract, so the embodied, as a kind of curator bed. The subordinate role of women is enshrined in law, reaffirming the supremacy of men in the family, of

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52 A. CILARDO, *Muslims in Italy: The legal status of Islamic communities edited by Silvio Ferrari: review article in the Journal of Arabic and Islamic Studies*, n. 3, 2000, 114-115

53 F. ALICINO, *The Universal Constitutionalism in an Age of Religious Diversity. Tested by Western Secularism "New" Cultural Conflicts*, in F. Alicino - BARRELS F. (eds) *The cultural rights - Religious from Africa to Europe*, Turin, 2012, 302

54 R. GUOLO, *The representation ..., cit.*, 82

55 A. CILARDO, *Islamic law and the Italian legal system. The draft agreement between the Italian Republic and the Italian Muslim Association*, Naples, 2002 25

which he is the head and which only touches the legal protection of children; This not to mention the practice of divorce or polygamy. We are obviously in a field, whose practice is contrary to the fundamental principles of the Constitution<sup>56</sup>. Moreover, while admitting the possibility of introducing ad hoc legislative measures to regulate specific requests Islamic, they are not conflicting coll'ordinamento legal, you could run the risk of a short circuit to determine reciprocity law. In other words, a secular state should make the regulation of relations with the members of a religious denomination, by virtue of the confession itself, regardless of whether or not Italian citizens<sup>57</sup>.

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56 *Ibidem*, 260

57 S. FERRARI (Eds), *Muslims of Italy. The legal status of Islamic communities*, Bologna, 2000, 10