

Towards a Muslim *nihil obstat*? The Displacement of Muhammad Kalisch and its Implications for Governing the Muslim Minority in Germany

HANNA RÖBBELEN

Master's Student

Graduate Institute of International and Development Studies, Geneva (until 2011)

Hanna_roebbelen@web.de

ABSTRACT

KEYWORDS

Religion, Islam,
Secularism, Church-
State Relations,
Germany, Muslim
minority

This article examines the status of the legal, political and religious accommodation of the Muslim minority in Germany. It introduces the case of Prof. Muhammad Kalisch, who was removed from his Chair at the University of Münster, where he had been responsible for the training of Islamic religious education teachers for state schools, when Muslim associations withdrew their confidence in him. His removal was carried out without any legal basis and caused great controversy. The Kalisch affair is both a result and an expression of the German government's indecisiveness about how to treat the Muslim minority. This indecisiveness stems from a constitutional contradiction between two legal factors, which arise out of a long history of inherited Church-State relations. On the one hand, the requirement that the Muslim community be recognized as a corporation under public law in order to receive full equality; on the other hand, the acknowledgment that Muslim organisations in Germany do not actually meet the constitutional requirements to be recognized as such.

Introduction

It has been five years since Germany's Minister of the Interior (*Innenminister*) Wolfgang Schäuble announced that Islam was a part of Germany (Feldmann 2010, p.7). Four years later, Germany's president at the time, Christian Wulff, followed his party colleague in saying essentially the same thing (Spiegel Online). Given that Germany has the largest Muslim population in Europe in terms of number, these statements may not seem too surprising (Rohe 2010, p.55). However, looking back on Germany's recent history of denial and neglect when it comes to its Muslim immigrants, these statements actually mark a turning point in the public perception of Islam and the discourse on integration (*Integrationsdebatte*). However, despite this public and political acknowledgment of Islam as an integral part of Germany's religious and cultural landscape, political and legal measures to ensure genuine equality and effective integration have not yet been taken. For the past few decades, the Muslim community has continuously aspired to attain full legal equality vis-à-vis their Christian counterparts in the secular German state. This equality, however, is still being denied to them as of today. That being said, there is one special case that deserves particular attention.

Muhammad Kalisch, Professor of Islamic Studies (*Islamwissenschaft*) and a Muslim, had been the Chair in Islamic Studies at the Center for Religious Studies (CRS) of the University of Münster since 2004. As part of this position, he was responsible for training Islamic religious education teachers for state schools, in cooperation with the Muslim Coordination Council (MCC), an umbrella organisation of several Muslim associations in Germany.¹ In 2008, however, the MCC withdrew its members from the CRS's advisory board and publicly declared their distrust in Kalisch. Members of the council advised students not to study at the CRS anymore (Beaufort 2009, p. 10). As a consequence, the university rectorate removed Kalisch from his Chair. The MCC's decision to cease support for Kalisch was based on their theological disapproval of Kalisch's latest scholarly work, which called into question the possibility of proving the historical existence of the prophet Muhammad (Kalisch 2008). To the eyes of the MCC representatives, this finding constituted a grave infringement of the central tenet of Islam: The acceptance and declaration of the Islamic *šahāda*: "there is no God but Allah, and Muhammad is his messenger". To the MCC, doubts about Muhammad's historicity essentially placed Kalisch outside the Islamic religion and rendered him unfit to train Muslim educators. The rectorate of the University of Münster conceded to the pressure and removed Kalisch from the training course.

Muhammad Kalisch's case received wide public attention and triggered a debate on the status of Muslims in Germany. This was due to the fact that Muslim representatives had – for the first time – intervened in a personnel matter at a state university and acted in a way comparable to the Catholic Church, which legally

has a say, a *nihil obstat*, in the appointment of university professors responsible for training Christian religious education teachers. The intervention of a Muslim organisation, which did not enjoy the same legal status as the Church, along with the subsequent concession by the university rectorate constituted a significant violation of the principle of freedom of research and teaching (art. 5 § 3, German Basic Law). It was for this reason that many German scholars protested against Kalisch's removal from his Chair regardless of their personal feelings towards the content of his findings.

This paper will examine the underlying factors that led to the Kalisch case by looking at the present state of Muslim integration in German society. This examination pays special attention to specific obstacles in the way of full legal equality as represented by the traditional Church-State relationship. This research is embedded in a wider *Church-State* theoretical framework that considers the political legacy of historical Church-State relations in explaining varying modes of Muslim incorporation in different European countries (see for example: Fetzer and Soper 2004). On this basis, I argue that the Kalisch case is both a result and an expression of the German government's indecisiveness about how to treat the Muslim minority based on a constitutional contradiction that arises from inherited Church-State patterns. This contradiction depends on two legal factors: (1) granting Muslims full equality by recognizing them as a corporation under public law and (2) acknowledging that Muslim organisations do not actually meet the constitutional requirements to be recognized as such. This paper examines the factors and processes involved in the political attempt to disentangle this legal contradiction.

Theoretical Framework

To attempt to explain the bundle of legal issues that concern the status of the Muslim community in Germany—and which were so clearly brought to the forefront in the above-mentioned case of Muhammad Kalisch—this study adopts the theoretical framework of Church-State relationships. Usually, this specific theoretical approach is applied to international comparisons of the incorporation of Muslim minorities in modern (Western) nation-states. It examines the inherited pattern of Church-State relations of a particular country in order to explain the convergences and divergences of different approaches toward governing Muslim communities in Europe (Silvestri 2010b, p.47; Maussen 2007, p.52). At the heart of the theory lies the assumption that

the socio-political dominance exercised by the Church in Europe throughout the centuries (...) has (...) shaped the way bureaucracies, public authorities and legal systems (..) have dealt with, and still relate to, religion in general and with Islam more specifically (Silvestri 2010a, p.43).

Different aspects require examination such as the (legal) demands put forward by Muslims, governmental and societal responses to these demands, and, finally, the actual policy of state accommodation of

Muslims eventually implemented by the government (Maussen 2007, p.51). Fetzer and Soper who tested this theory in their work, *Muslims and the State in Britain, France and Germany* (2004), put forward the core assumption – upon which this paper builds – that “Germany’s inherited Church-State institutions and practices have structured the political agenda for Muslims” (Fetzer and Soper 2004, p.127). That is to say that in Germany (as in other nations)

Muslims inherit(ed) a web of Church-State interactions based on constitutional principles, legal practice, historical precedent, and foundational conceptions of the appropriate relationship between church and state (Fetzer and Soper 2004, p.147; see also Madeley 2003, p.23-50).

It is this web that needs to be examined in order to explain the present state of Muslim accommodation. The independent variable of the theory is the policy legacy left by a country’s history of institutional Church-State patterns and the dependent variables are the various forms, and the extent of accommodation, of religious needs (Maussen 2007, p.51).

After a short introduction on the genesis of the so-called German *Integrationsproblem*, this paper will then operationalize the theory so that it will examine the independent variable and analyse the organisation of the German form of secularism as well as the relationship between the German state and the Church. It will then turn to the dependent variable and analyse the legal status of the Muslim community in Germany in light of the pattern of this Church-State relationship and, subsequently, discuss the accommodation of Muslim religious needs.

‘From Guest-workers to Muslims’: Brief Survey of the *Integrationsproblem* in Germany

Although the German government – throughout the post-war period – never ceased to emphasize that the Federal Republic of Germany was not “a classic country of immigration” (Castles 1985, p.517), Germany today has the highest number of immigrants in absolute terms (more than seven million; 8.7% of the entire population) of all European states (Welt, Statistics). Of these seven million, approximately four million are Muslims, equal to roughly 5% of the overall German population (Belkin 2001, p.15). Muslims are the third largest religious group in Germany, after Catholics and Lutherans (Belkin 2001, p.15).

The high number of immigrants in Germany does not stem from a colonial legacy as in France or Britain, but rather from a large-scale “guest-worker-program”, a special recruitment program for foreign labour pursued by the German government from 1956 to 1973 (Castles 1985, p.517; Fetzer and Soper 2004, p.16). Designed to temporarily buttress the German economy (by making up for a labour shortage during the post-war economic boom), these guest-workers (*Gastarbeiter*) “(p)olicies were shaped by the view that

migrant workers were temporary mobile labor units, which could be recruited, utilized and disposed of according to market requirements” (Castles 1985, p.519). However, of the 14 million guest-workers who had come to Germany before the end of official recruitment in 1973, only 11 million returned to their home countries. By that time, Germany had recruited about 800,000 guest-workers from Turkey, most of whom began to settle permanently in the 1970s and eventually brought their families to Germany (Ataman 2007; Castles 1985, p.520; Belkin 2001, p.15). In 2011, the number of Turkish citizens living in Germany was 1,607,161, predominantly made up of former labourers and their spouses and descendants (Ausländerzentralregister 2011). Over decades of official reluctance to recognize the reality of large-scale permanent immigration to Germany, politicians failed to formulate a comprehensive social and economic integration policy. Such a policy, however, was clearly necessary, and its absence led to a variety of integration problems, which the German government has been forced to confront ever since. Among these are the higher rates of unemployment and poverty and lower educational attainment among Muslim immigrants in Germany compared to other segments of society. This is especially true of Muslim youth (Belkin 2001, p.17). Immigrants, foremost those from Turkey, are especially affected: 14.6% of all immigrants (Bundesagentur für Arbeit 2011, p.4) and 31% of citizens with Turkish roots (Kizilocak n.d., p.84) are unemployed; 18.8% of immigrant youths drop out of school, and this rate is even higher for pupils with Turkish roots only (Kizilocak n.d., p.85). 74.1 % of the Turkish immigrants in Germany have either not graduated from school at all or have merely graduated from *Hauptschule*, the lowest-level school in the tripartite German secondary school system, which is often criticized for offering only limited labour market opportunities to the students (Lauer 2010). Most importantly, in comparison to immigrants from Poland, Italy and Greece, immigrants with a Turkish background show the poorest German language skills (Lauer 2010). Thus, they have a harder time finding their place in society. As Belkin pointed out, Germany’s biggest integration challenge is to reach some measure of equality in schooling, job training, and employment (Belkin 2001, p.17).

Nevertheless, it has only been two decades since debates about the ‘integration of immigrants’ actually attained a prominent position in the German public discourse (Fetzer and Soper 2004, p.16). Today, quite alarmingly, these debates conflate issues of integration with generalized Islamophobia, by identifying the Islamic religion as an obstacle to integration (Ceylan 2010, p.50). The debates changed in this way at the beginning of the new millenium: the present-day public discourse is occupied with questions concerning the integration of *Muslims*, whereas until the 1990s, religion did not play a role in questions of (economic) integration, let alone serve as a distinct marker when it came to the challenges related to immigrants (or: guest-workers, mostly “Turks”) (Peter 2010, p.125). “During the times of immigration for the first generation, hardly anybody cared about the beliefs of the immigrants, nor did anybody fear tensions on religious grounds” (Rohe 2010, p.63). This is not because Germany did not face any problems regarding

integration before the 1990s, indeed it faced many as described above – e.g. “Man hat Arbeitskräfte gerufen, und es kamen Menschen” (“we asked for workers, and human beings came” Frisch 1975, p.189). What changed was that after the impact of Islamist terrorist attacks at the beginning of the 21st century, problems that had already existed suddenly acquired a religious label (Halm 2008, p.85; Rohe 2011). They were effectively made into religious problems, even though, as Rohe correctly points out,

(m)ost of the existing problems of Muslims in German society are not rooted in religion, but in education, language skills, a certain degree of xenophobia and Islamophobia among groups of society, and tendencies of self-segregation. (Rohe 2010, p.63)

Nonetheless, immigrants are now problematized as “Muslims” (Peter 2010, p.122). This problematization has a twofold character: “‘the transformation of the (already existing) difficulties and obstacles of a practice into a general problem’ and the simultaneous definition of ‘the conditions in which possible responses can be given’” (Peter 2010, p.126). It is interesting to note that this discursive change to a religious repertoire is not an exclusively German phenomenon. Quite the contrary, it has actually been a trend documented throughout Europe (see for instance: Allievi 2005; Lépinard 2011).

Organisation of German ‘Secularism’

Defining the overall concept of secularism is a very difficult task indeed, and, accordingly, a wide variety of different scientific approaches to the subject exists (see for example Taylor 2010; Bowen 2010; Calhoun 2010). My aim here is not to contribute theoretically to the abstract academic discussion about concepts of religion and secularism, but rather to take a closer look at the nature of German secularism through the lens of recent theorizing that portrays secularism as a mode of religious governance. Hussein A. Agrama is one of the most significant contributors to this recent and very original characterization of secularism. Agrama sets forth a notion of secularism as “an expression of the state’s sovereign power” and consequently a “feature of the modern state’s regulatory capacity” (2010, p.500). He argues that secularism is essentially a manifestation of the state’s constant effort to regulate religious life in such a way that it can meet the requirements of liberal governance. Thus, the state perceives religious communities as objects of constant involvement, intervention and regulation (ibid, p.499). Within the boundaries of Agrama’s concept, it becomes more illustrative to look at what secularism *does* rather than at what it normatively *is*, especially when taking into account the vast indeterminacies it generates (ibid, p.500) – which will become more obvious in the empirical examination of the German case later in this paper. In an attempt to characterize secularism, Agrama holds that it

is not a separation between religion and politics, but an ongoing, deepening, entanglement in the question of religion and politics, for the purpose of identifying and securing fundamental liberal rights and freedoms. (ibid, p.502)

John R. Bowen takes a similar stance (2010). He points to the deep political and authoritarian dimension of secularism as a means for the state to govern, regulate and encompass religion by wielding authority over the truth claims of religious authorities (ibid, p.681). Bowen sees the political essence of secularism in the tug-of-war between the state's claim for authority vis-à-vis its challenge by religious leaders who argue "that it is they who rightly encompass or transcend the authority of the state and not vice-versa" (ibid, p.682). When state actors attempt to "domesticate religious authority" (ibid, p.692), the term 'secularism' is (often even arbitrarily) invoked whenever deemed suitable in order to rule out unpopular practices or disable a potential rival in the power play between religion and politics. In order to study how such governance works, Bowen suggests we focus on the regimes specific to each case "and examine how they carry out projects of encompassment" (ibid, p.628).

In line with this suggestion, some light shall be shed on the regime in Germany: the concrete implementation of the secular principle there, its function and its legal arrangements. Therefore, the constitutional embedment of secularism is of particular interest (see for example: Bielefeldt 1999). Unlike France, for example, which stipulates a separation of state and religion, Germany has traditionally implemented a form of *contract secularism* in which the relations between the state and religious communities are regulated through contracts (Ghadban 2006, p.1).

German secularism is also different in that it does not ban religion from the public sphere. Quite the contrary, religion is noticeable and present in the public discourse as well as in universities and state schools (and in denominational religious education) (Bielefeldt 1999, p.2; Rohe 2011, p.f). German secularism is an open and integrative version anchored in art. 4 and art. 7 § 3 of the German Basic Law (Bielefeldt 1999, p.2). Heiner Bielefeldt's main argument (1999) is that constitutional secularism actually follows from freedom of religion. According to Bielefeldt, secularism is the necessary structural principle (*Strukturprinzip*) of a legal system that aims to implement the human right of religious freedom (Bielefeldt 1999, p.2; see also Rhode 2010, p.53). Bielefeldt makes the point that while non-secular (religious) systems, such as Iran, can certainly be tolerant towards religious minorities, they cannot on the other hand guarantee religious freedom, since religious freedom requires equality while tolerance can coexist with inequality (Bielefeldt 1999, p.3). Equality means equal legal and political status for all citizens, regardless of their religious affiliation: no citizen should be disadvantaged on the basis of their religious affiliation (Ghadban 2006, p.1; art. 4 § 3, German Basic Law). Although the German state declares this principle

explicitly, Bielefeldt acknowledges that – in the light of frequent incidents of discrimination on religious and racial grounds in Germany today – it cannot be claimed that the principle has been fully realized (Bielefeldt 1999, p.3).

Besides freedom of religion, German secularism encompasses two other core objectives: neutrality and cooperation (Ghadban 2006, p.1; Rhode 2010, p.54). As to freedom of religion, in this respect, it stems from art. 4 § 1 and 2 of the German Basic Law (“The Freedom of faith and conscience, and the freedom to profess a religious or philosophical creed, shall be inviolable. The undisturbed practice of religion shall be guaranteed”). Yet it not only guarantees the freedom of each person to adhere to a certain belief by free choice (as outlined above), but also the legal right of religious communities to organise themselves in the manner they deem most appropriate. State neutrality means that the state abstains from dealing with religious questions and instead acknowledges the competence of religious communities to comment on matters pertaining to their own religions (Ghadban 2006, p.1). The German state must not identify with a particular religion (or worldview), let alone impose one in particular as the normative basis of its own system. Germany has, of course, no state church or state religion (Heinig 2007, p.15).

Cooperation between the state and religious communities is based rather on the latter’s independence and takes the form of shaping religious activities in the public sphere, i.e. faith-based religious education in public schools under state supervision. Thus this institutional separation does not equal a total separation between the two, although cooperation with one community must not lead to its being privileged over another (Bielefeldt 1999, p.7; Rhode 2010, p.54). All religious communities should be treated and supported equally. Having sketched the basic idea and operation of German secularism, we see a coherent implementation of a political concept: secularism, which has been developed and established along the lines and according to the specific demands of a particular religion: Christianity. Thus for questions about the (possibility of) accommodating Muslim religious needs in Germany, the point that “European secularism is a system set up with Christians in mind” (Caldwell 2010, p.195) proves crucial.

The Relationship Between State and Church

Germany has a special law regulating the relationship between the State and the Church (*Staatskirchenrecht*). This law is a section of the German public law and comprises norms set by the state, which pertain to the legal status of religious and ideological communities and their relation to the state. The law is not concerned exclusively with the traditional churches, but instead applies to all religious and ideological communities (Rhode 2010, p.1).

This law comprises regulations governing the so-called *res mixtae*; matters that – by their very nature – concern state and Church alike and, thus, require cooperation between the two (Rhode 2010, p.61). These *res mixtae* comprise, inter alia, religious education in schools in accordance with the religious community, theology departments at state universities (and professorial appointments), pastoral counseling within the military, collection of Church taxes, the right to employ people according to the status of a civil servant of the state, land acquisition for the establishment of religious buildings etc. (Fuess 2006, p.7; Heinig 2011, p.4; Rhode 2010, p.62) Cooperation between the state and the religious communities on these *res mixtae* is usually carried out on the basis of the religious communities' status as corporations under public law. As the Federal Constitutional Court has put it: The status of a corporation under public law is a means to the full deployment of religious freedom because it is only with the status of a corporation that religious communities are entitled to claim the full catalogue of rights equal to the rights of Churches (Federal Republic of Germany, Bundesverfassungsgericht 2000, V. 1.c; Rhode 2010, p.77).

The application procedure for religious communities seeking recognition as a corporation is legally defined in art. 140 of the German Basic Law in conjunction with art. 137 *Weimarer Reichsverfassung* (Bodenstein 2010, p.58; Rohe 2010, p.51). According to this article, the religious community must warrant its 'permanence' based on the number of its members and its constitution; the community must be organised in such a way as to enable long-term cooperation between the state and the community in all areas relevant to corporations under public law. And most importantly, it must name an authority that can authentically speak on the tenets, order and teachings of the religious community (Beck 2006, p.10). Above that, there is an unwritten requirement that the community has to be law-abiding. If these requirements are met, a religious community can officially obtain the status of a corporation under public law. Manifold advantages are attached to this status which makes it very attractive for Muslim organisations, as well, to obtain it:

(B)y it Islam would improve its financial position, obtain rights of participation in the media, etcetera. It would also gain a much higher public prestige, among others by obtaining political influence in the fields of education and culture. (Shahid/ van Koningsveld 2002, p.164)

The Legal Status of the Muslim Community in Germany

As suggested by the theoretical framework of this paper, the political reality (especially: the right to political participation) of the Muslim minority in Germany is determined by patterns inherited from a long history of Church-State relations. As explained above, this Church-State relationship comprises a bundle of rights and duties for both parties – however, it also demands a specific ecclesiastical form of community organisation, which is by its very nature alien to Islamic practice. In an interview in 2009, the Minister of

the Interior (*Innenminister*) at that time, Wolfgang Schäuble, made it clear that it was not the Church-State law (or the German state respectively) that needed to be changed, but the Muslim community in Germany that had to adapt if it ever wanted to be granted the same rights as the Churches (Nüsse 2009). In his statement, Schäuble alluded to a major incompatibility between the German law and Islamic religious practice – which, to his mind, had to be overcome: namely that, traditionally, the Islamic religion, especially Sunni Islam, does not acknowledge any hierarchical clerical organisation with an appointed authority that can legitimately speak on behalf of the entire Muslim community (Silvestri 2010b, p.47; van Koningsfeld cited in Fetzer and Soper 2004, p.8 et seq.). However, in the current political situation in Germany, exacerbated by several controversies related to Islam (such as the Rushdie controversy, the French *affaire du foulard* in 1989, and the terrorist attacks of September 2001, as listed by Sara Silvestri (2010b, p.48)), the Muslim community has been expected to become an ‘organised’ belief with a clearly identified religious leader; a development which is clearly “based on the assumption that the traditional Church-State model within the secular framework of the separation between public and private sphere will work for Islam, too” (ibid, p.49). Not only Germany, but many European states seek to solve their emerging security concerns with Islam through a top-down institutionalization of Islam inspired by existing patterns of Church-State relations (Silvestri 2010a, p.40; Silvestri 2010b, p.48). As Silvestri points out:

This tentative solution consisted in engineering and speeding up the process whereby state agencies grant official recognition to minority religions by proactively ‘institutionalizing’ Islam in a ‘corporatist’ way, that is, by promoting the establishment of Muslim representative institutions, whether from scratch or by drawing upon existing resources and forms of self-organization. (Silvestri 2010, p.48)

This is why today we encounter a considerable number of such legally organised Muslim associations in Germany, which are trying to regulate the religious life of their members. These associations and communities represent the religious interests of their members vis-à-vis the state (Heinig 2011, p.5), however, they represent no more than 15% of all German Muslims (Bodenstein 2010, p.61; Beck 2006, p.1). This low number runs counter to the high expectations they face: as a relatively new phenomenon, these associations were established with the pretense of becoming the official interlocutors for the state agencies to consult (Silvestri 2010, p.49).

To facilitate this slightly, the four biggest and most influential Muslim associations in Germany have united into an umbrella association in 2007:

- 1) The *Turkish-Islamic Union of the Institution of Religion e.V.* (*Diyanet İşleri Türk İslam Birliği (DİTİB)*);²
- 2) The *Islamic Council (Islamrat)* with its large member association *Millî Görüş*;³
- 3) The *Association of Islamic Cultural Centres (VIKZ, Verband der Islamischen Kulturzentren)*;⁴ and

4) the *Central Council of Muslims in Germany (Zentralrat der Muslime in Deutschland)*⁵ (Fuess 2011, p.7; Bodenstein 2010, p.57).

The union of these four associations appears as a reaction to the often-repeated demand that German Muslims establish an umbrella organisation to facilitate their recognition as a religious community and, moreover, as a corporation under public law. This umbrella organisation, called *Muslim Coordination Council*, considers itself to be the legitimate representative of most of Germany's Sunni and Shi'i Muslims and as the sole contact body for the state. It claims to represent the majority of mosque communities in Germany and 90% of all organised Muslims (Kassel 2008). However, an independent study conducted by the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) in 2008, revealed that more than 90% of the entirety of Muslims in Germany were, in fact, completely ignorant of the MCC. Of the 9.6% who knew of the MCC, only 22.7% felt represented by it (Haug et al. 2009, p.174). The MCC's claim that it exclusively represents Muslims in Germany has raised concerns among many non-organised liberal Muslims in the country. Their central concern has been the rather conservative and orthodox version of Islam embraced by the umbrella organisation, which has only little in common with the liberal understanding of Islam exercised by the non-organised Muslims themselves.⁶

Denied Status of a Corporation under Public Law

Ever since 2007, the MCC has actively been seeking recognition as a religious community and as a corporation under public law (Fetzer and Soper 2004, p.108). However, three of the umbrella organisation's member associations are officially classified as 'fundamentalist' or as being under considerable fundamentalist influence and are under the surveillance of the Federal Office for the Protection of the Constitution (*Verfassungsschutz*) (Beck 2006, p.1; Rohe 2010, p.59). Doubts about the constitutional conformity of these organised Islamic associations have certainly exacerbated the process of their acknowledgement as a corporation under public law. However this is not the only reason for the denial, as the requirement of 'warrant of permanence' is not met either: The Muslim community is very fragmented, insufficiently organized and lacks coherent representation (Fetzer and Soper 2004, p.108). The Muslim associations themselves doubt these caveats and instead "see(s) a bias against Islam behind the continued lack of formal recognition and resent(s) what they perceive as unequal treatment." (Fetzer and Soper 2004, p.108)

Thus, we actually find ourselves faced with a constitutional contradiction between the precept of legal equality of Muslims in Germany (art. 4 and art. 5, German Basic Law) and the (not fulfilled) prerequisites required for becoming a corporation under public law spelled out in art. 140, German Basic Law in conjunction with art. 137 *Weimarer Reichsverfassung* (Beck 2006, p.10). It is here that the theory of

inherited Church-State patterns that determine the political reality for the Muslim community is proven right and Caldwell's critical point about secularism being a system designed with Christians in mind makes sense, especially with regard to the way Germany implements the principle of secularism: Islam in Germany has to play by the rules set up between the Church and state – and if it does not or cannot, it will not become a true part of the political scene. Even though legal scholars acknowledge that a hierarchical organisation of the whole community of Muslim believers in Germany runs contrary to traditional Islamic customs, they never tire of pointing out that such an 'institutionalisation' is not by any religious means forbidden in Islam. Therefore, German Muslims could well be asked to organise themselves in a church-like fashion (for example Rohe 2001, p.4). This is not because the state expects Islam to begin resembling the Christian Church, but because the request to build those structures arises from the nature of a religiously neutral state that – in the absence of a state Church – seeks a contact body to cooperate with (Rhode 2010, p.69).⁷

Bassam Tibi, a well-renowned German Islamic Studies scholar, is critical of this stance, however. He argues that if the German state wanted to better institutionalise Islam in Germany and, at the same time, do any justice to the traditional Islamic pluralism, it would have to grant several different Islamic religious groups in Germany the status of corporations under public law (Tibi cited in Shahid and van Koningsveld 2002, p.164). This suggestion has actually been put forward by a number of scholars as a solution to the constitutional contradiction described above (for example Halm 2008, p.121). Many view religious freedom as the higher legal good at stake to which the requirement of art. 140 German Basic Law must be subordinated (Ceylan 2010, p.51). However, Tibi pessimistically predicts that these corporations would then resemble political parties rather than real faith communities, because of their number, their different agendas and worldviews, their emergence and disappearance, their lack in continuity and the constant rivalry between them (Tibi cited in Shahid and van Koningsveld 2002, p.164).

Keeping to the concept of only one Muslim corporation of public law, two options to resolve the constitutional contradiction are being discussed in the political arena:

- The German state and the various Muslim associations agree on a democratically legitimate means of representation for all German Muslims;
- The state helps to establish a central Muslim representative body (Beck 2006, p.10). This approach bears the risk of impinging upon the religious neutrality of the state, however.

The Integration Policy Towards the Muslim Minority

This constitutional contradiction and the legal inequality of Muslims that follows from it is apparent to the German government. To cover up this shortcoming, extensive rights and privileges are granted to the

Muslim community. Some of these rights legally belong to the realm of *res mixtae* of which state and religious communities that are corporations under public law take care cooperatively. Hence, it almost seems as if the solution to the problem was seen in not granting the Muslim community the status of corporations under public law, while at the same time granting them some of the rights associated with that status. Two of these associated rights, namely religious education in public schools and the establishment of theology departments at state universities, shall be discussed in the following.

Islamic Religious Education in State Schools

In its art. 7 § 5, the German Basic Law asks for denominational religious education in state schools for students from a particular religious community by teachers who are themselves adherents of the same faith. This article basically applies to all religious communities in Germany. § 3 of the same article sets out that this religious education is carried out by the state (through state schools) but closely coordinated with the religious communities in terms of content (Fuess 2011, p.4). A religious group who wants to offer denominational religious education in state schools, does not actually have to be a corporation under public law – instead it suffices if this particular group is recognized as a *religious community* (*Religionsgemeinschaft*). However, the German law does not know any abstract recognition of religious groups as religious communities, meaning that there is no authority to grant such recognition (Rhode 2010, p.67). Instead it is granted implicitly by the state through granting the right to offer religious education. However, this is subject to certain conditions all of which resemble those necessary to become a corporation under public law: warrant of permanence, a distinct authority to speak on behalf of the whole community and to act as a contact person or body, a clear member composition to allow for a determination of who is obliged to attend the religious education classes, and so on (Federal Republic of Germany, Bundesministerium des Inneren n.d.). Not least, the requirement to act in accordance with constitutional principles (Federal Republic of Germany, Bundesministerium des Inneren n.d.). Here is where the circle closes: A recognition as a religious community (in order to offer religious education) is subject to the same requirements as a recognition as a corporation under public law. Recognition regularly fails at the point where the legal provisions concerning religious communities in Germany do not match the conventional structures of Islamic (dis-)organisation (Rhode 2010, p.68).

Despite the shortcomings in meeting the constitutional requirements for recognition as a corporation under public law (and hence, implicitly, for recognition as a religious community) the right to offer religious education in state schools is now also being granted to the Muslim community. The basic idea is to eventually offer a nationwide denominational Islamic religious education in German at state schools. The public discourse knows two different explanations for that: Motivation A) is to undermine the influence of the so-called *hate preachers*, Islamic teachers or imams who are suspected to deliver diatribes and anti-

democratic sermons in mosques and are thus seen as a threat to the stability of state and society; and motivation B) is finally to grant Muslims the same rights that are granted to Christians (Weiße 2008, p.1). However, since the federal system in Germany renders education subject to the jurisdiction of federal states (*Bundesländer*), there is no uniform, consistent approach towards the incorporation of Islamic religious education in state schools and the policies of the federal states vary greatly (Belkin 2001, p.18; Fuess 2011, p.6). While some German federal states have introduced Islamic religious education in the school curriculum (Bavaria, Berlin, Lower Saxony, North Rhine-Westphalia and Hesse), others have not. For the sake of brevity, this article focusses on the example of North Rhine-Westphalia.

In 1999, North Rhine-Westphalia was the first federal state to begin with the so-called “school experiment” by offering Islamic religious education to students at approximately 200 different schools (Kiefer 2011). The teachers in this experiment were not trained pedagogues. Themselves adherents of the Muslim faith, most of them were Islamic scientists (*Islamwissenschaftler*). Of Turkish or Arabic origin, they spoke these languages fluently.

Initially (the religious education) was called “Islamkunde”, roughly translatable as “Knowledge of Islam”, as for real “Islamic Religious Education” in accordance with the German constitution you would need as partner an officially recognized Muslim organization. Still, it is taught by Muslim teachers with a positive approach towards Islam and therefore it resembles very much the intended final product. (Fuess 2011, p.6)

However, the high number of Islamic religious education teachers coming from the Muslim community, which were needed to reach the approximately 320,000 Muslim pupils in the state schools in North Rhine-Westphalia had (and still have) to be trained. In 2004, the University of Münster – also located in North Rhine-Westphalia – was the first university to offer a program for the training of Islamic religious education teachers (and Muhammad Kalisch, himself a Muslim, was appointed to conduct it) in close cooperation with the above-mentioned umbrella organisation of Muslim associations in Germany, the Muslim Coordination Council (Fuess 2011, p.6). It was in this context that the Kalisch affair – presented in the introduction of this paper – unfolded.

Finally, in autumn 2012, this “school experiment” will be translated into fully-fledged denominational religious education at state schools in North-Rhine Westphalia. The federal state of North-Rhine Westphalia will be the first in Germany to introduce Islamic religious education as a proper subject to school curricula. This introduction works by means of a constitutional gimmick: The North-Rhine Westphalian government evades the constitutional obstacles in the way of recognizing the MCC as a religious community or corporation under public law respectively. Instead the government has introduced

a law⁸ that allows an advisory board (*Beirat*) – comprised of a specified set of eight Muslim representatives⁹ – to substitute the religious community with its constitutional entitlement (art. 7 § 3) to offer religious education in schools. While organised and non-organised Muslims alike accuse the government of a ‘breach of the constitution’ (Schmidt-El Khaldi 2012), the Minister President (*Ministerpräsidentin*) of North-Rhine Westphalia, Sylvia Löhrmann, sees this gimmick as an ‘interim solution’ (Stalinski 2012). An interim solution, which – in its proactivity – runs the risk of impinging upon the religious neutrality of the state as a basic principle of German secularism.

Looking at the status of the MCC, who remains dissatisfied with the constant denial of being officially recognised as a religious community, it is highly questionable if this new law will actually help to enhance and facilitate the eventual recognition of the MCC as a corporation under public law. Quite possibly, it will rather deactivate the factual necessity of such a recognition, at least in the context of religious education at state schools. Thus the law would, in fact, exacerbate and impede the process of attaining full legal equality for the Muslim community in Germany. Severe implications for German secularism are apparent:

[...] gelingt die Anerkennung und Integration der muslimischen Religionsgemeinschaften nicht, droht das tradierte System zwischen Staat und Religionen seine Legitimität zu verlieren und die Stellung der christlichen Kirchen würde eine unhaltbare, da ungerechtfertigte Privilegierung gegenüber anderen Religionsgemeinschaften darstellen (Mazyek 2011).

(If the recognition and integration of the Muslim religious community will not be successful, the inherited system of regulations between the state and religions will lose its legitimacy and the status of the Christian Churches would become an unsustainable one, because of its unjustified privilege over other religious communities.)

Looking at the Christian model where religious education teachers receive their teacher training while being integrated into university theology departments, be it Catholic or Protestant, ideas have emerged about establishing comparable Islamic theology departments at German state universities and, thereby, introducing Islamic theology to academia. This fact, again, draws on the theory that the inherited pattern of Church-State relations forms the political reality of the Muslim community in Germany – an imitation of structures, which Mark Bodenstein has termed “mimetic isomorphism” (Bodenstein 2010, p.65).

Establishment of Islamic Theology as a Discipline at State Universities

In 2010, the Council of Science and Humanities (*Wissenschaftsrat*), the most influential advisory body to the German Federal Government with regards to the development of academia, research and the universities, put forward a recommendation to establish Islamic theology departments at German state universities

(Wissenschaftsrat 2010, p.8). The establishment of efficient structures for the envisioned teachers' training, however, was not the only rationale behind this recommendation. The political motivation was twofold: Firstly, to allow for the theological-intellectual development of a so-called 'European Islam' through an 'academization of Islam' based on independent research. This 'European Islam' would benefit from being embedded into the long tradition of German universities. The creation of a European Islamic tradition that would stand firm on the ground of the constitution would follow. This speaks clearly to Bowen's and Agrama's notion of secularism as a feature to regulate, control and moderate religion. The establishment of Islamic theology departments is designed to counter the trend that

there is a critical lack of intellectual Muslim leadership in Europe. This means that, on the whole, the best minds are in charge of too many things and that we do not find much original and creative thinking about Islam as a religion in the European context (Waardenburg cited in Shahid and van Koningsveld 2002, p. 150).

Secondly, these Islamic theology departments would allow for the training of imams and Muslim school teachers at universities instead of having them either 'imported' from Turkey or trained in German mosques where there is hardly any control by the state as to the content of the teaching – unlike universities where the state is aware of the curricula. Studies reveal that 90 percent of the imams practicing in Germany are foreign-born (Ceylan 2010, p.52; Fetzer and Soper 2004, p.9), mostly of Turkish origin. They are sent to Germany according to a certain rotation principle preventing them from staying in the country for such an amount of time that would allow them to acquire basic language skills or knowledge of German culture, society, and polity (Feldmann 2010, p.11). Given the relevance often attributed to imams as key figures of the integration process in Germany, some Islamic science scholars and right-wing politicians in Germany hold that training them within German educational structures would pay off:

In Islam we believe that paradise lies at the feet of the mothers. And I think that integration lies at the feet of the imams. When we are able to integrate the imams, we will also be able to integrate the millions of Muslims in Germany. (Ceylan 2010, p.52)

Again, the underlying political motivation reveals fantasies of control and authority that the state could exercise over religion as emphasized by Agrama (2010) and Bowen (2010) in their definitions of secularism. Nonetheless, the question remains whether these Islamic theology departments can actually accomplish what has been put on their shoulders in terms of expectations. As German Islamic Studies scholar Ömer Özsoy puts it: 'Islamic Theology is expected to enhance integration, modernize Muslims and reform Islam – no discipline can do that' (cited in Thelen 2010). Nonetheless, the German government has funded the

establishment of *Centers for Islamic Theology* at the universities of Tübingen, Münster in cooperation with Osnabrück, Erlangen-Nürnberg and Frankfurt in cooperation with Gießen with an initial grant of four million Euros for each center (Kiefer 2011). The appointment of the six professors for each center follows the ‘principle of adhesion to confession’ comparable to the mechanisms in Christian faculties. That means that future professors ought to be of Muslim faith (Kiefer 2011) which, again, corresponds clearly with the imitation structures suggested by the theoretical framework.

In this procedure, state universities have to cooperate with the religious communities. In order to do so based on a mutually reliable relationship, the Council for Science and Humanities has opted for composing so-called Islamic advisory boards (*Beiräte*) to help in building up the Islamic centers, selecting the eligible candidates (or: invoking a religious veto) and designing the curricula (Wissenschaftsrat 2010). However, these advisory boards are controversial. It is unclear how these boards will be comprised, especially with regards to who will have the authority to decide who becomes a member and who will not. And, related to that, on which basis this decision will actually be made (Kiefer 2011)? As the Muslim religious community is not a corporation under public law, the fact that the Muslim associations, centralized in advisory boards, have far-reaching authority in the appointment of new professors is constitutionally dubious in two respects: 1) because it bears the risk of a constant violation of the freedom of teaching, and 2) because it constitutes a discrimination against non-Muslim candidates on religious grounds. One could point to the fact that the same is true for the appointment of professors in Catholic faculties. While I see the need for reassessing the Catholic instrument of *nihil obstat* just the same, I still want to emphasise the central difference between the two (similar as the consequences might be): The Catholic *nihil obstat* has a legal basis, while the accordant Muslim practice does not.

One example for how factual discrimination on religious grounds occurs is the procedure of admittance of the post-graduate program in Islamic theology at the University of Münster, funded by the Mercator foundation. Even though adherence to Islam is not explicitly mentioned as a criterion of admission (as this would constitute too blatant a violation of the nondiscrimination principle), it is obvious from the outset and in the description of this program as well as from the body of admitted students that only Muslim applicants are being admitted, in order to “foster an appropriate representation of Muslim opinion in German academia, schools and public life (in the medium term)” (Westfälische Wilhelms-Universität).¹⁰

From the veto against Muslim candidates invoked by the advisory boards on the basis of discontent with the degree of a candidate’s religiosity, it can be deduced that the boundaries of any theological research at these centers will probably be rather clear-cut. As in the case of Muhammad Kalisch, central tenets of

Islam must not be called into question (Kiefer 2011). Given this, there is no denying the risk that this could in the long run impinge upon the freedom of research as granted by art. 5 § 3 of the German Basic Law.

While these newly established Centers do not lack funds, they certainly face the difficulty of finding qualified German-speaking candidates with a strong academic record in Islamic theology (German academia requires an additional scientific qualification after the doctorate to obtain a professorship: the habilitation) (Kiefer 2011). While the professorial appointment procedure lies solely in the hands of universities, they have the choice either to leave the chairs vacant or resort to pragmatism. Pragmatism entails the risk of eventually lowering the academic standard. The universities perform what can be called a ‘paternalisation’ of Muslims, meaning that Muslims who are regarded as ‘not-yet-full-grown’ receive a special (patronising) treatment which deviates from the commonly practiced norm. In a sense, this constitutes a positive discrimination. In this, we see clearly the deep entanglement of the German state with its religious communities in a trial to preserve liberal governance and the vast indeterminacies (Agrama 2010, p.500) it creates.

Another related and as yet unresolved issue is that of the employment prospects of future graduates from these Centers for Islamic Theology. As of today there are no regular jobs available for future Islamic religious education teachers, imams and Islamic social workers (Kiefer 2011). As pointed out above, Islamic religious education in public school today is but an ‘experiment’. Except for the federal state of North Rhine-Westphalia where the process of solidly incorporating Islamic religious education into the school curriculum is quite advanced, it is highly uncertain whether this subject will ever become an integral part of Germany’s standard school curricula.

Conclusion

The case of Muhammad Kalisch clearly appears as the logical result of Germany’s politics of indecisiveness concerning the treatment of the Muslim minority. The rectorate of the University of Münster made a political decision when conceding to the pressure of the Muslim Coordination Council. The government’s indecisiveness goes back to the constitutional contradiction between granting legal equality to Muslims on the one hand and the unmet requirements to be granted the status of a corporation under public law on the other hand. This contradiction, which no government seems to be willing nor able to solve, goes back, again, to the history of Germany’s Church-State relationship, as suggested by the theoretical framework of this paper. This, again, affirms Caldwell’s crucial comment about European secularism being a system set up with Christians in mind.

In order to evade the constant accusation of discriminating against the Muslim community and treating it unequally compared to the Christian community, the German state makes certain concessions and grants the community rights, which are not constitutionally based. This evasion strategy, again, leads to a variety of problems, both legal and political, part of which were examined in this paper. Among the rights granted to the Muslim community without an actual constitutional basis are Islamic religious education in state schools and the establishment of departments of Islamic Theology at state universities. The way these measures are prepared and implemented makes them appear more like governmental snap decisions aimed at appeasing the Muslim community and misleading them over the unresolved question of their status as corporations under public law.

If one thing has become clear in the course of this analysis, it is the fact that Germany serves as a prime example of a 'secular' state deeply entangled with religion(s), its regulation, protection and control. This affirms Agrama's thesis that secularism itself incessantly blurs together religion and politics and that

secularism involves less a separation of religion and politics than the fashioning of religion as an object of continual management and intervention, and the shaping of religious life and sensibility to fit the presuppositions and ongoing requirements of liberal governance (Agrama 2010, p.499).

The German state is constantly occupied with dealing with questions of Muslim accommodation. At the heart of this ongoing involvement and intervention lies a terrible anxiety, as Bowen (2010) suggests, the state's fear of losing control, sovereignty and authority in the face of growing religious influence – especially when this influence is exerted by Islam, a religion often portrayed as alien and menacing. The situation in Germany corresponds clearly with the understanding of secularism of Agrama (2010) and Bowen (2010): As top-down measures, both the establishment of Islamic theology departments and the introduction of religious education in state schools serve the political illusion of attaining more control over the content of Muslim faith in Germany and wielding authority over Islamic religious truth claims. The religious education of (young) Muslims is moved out of private, self-organised mosque circles into better controllable spaces of state universities and schools. As Bowen points out, secularism aims at domesticating religion for the sake of an enhanced controllability by the sovereign state. The attempt to domesticate Islam becomes manifest in the corset of art. 140 German Basic Law in conjunction with art. 137 *Weimarer Reichsverfassung*. It almost seems as if the inherited pattern of Church-State relations that structure the agenda of Muslims in Germany today, as suggested by the *Church-State* theory, does not only comprise laws and institutions but also vibrant memories of a long and bloody struggle over authority between Church and State that become reawakened in the face of Islam. With regard to the state's fear of a growing Muslim influence, Caldwell's assessment of Islam and religious freedom seems apposite: "Since

atheists, agnostics, and Christians don't use freedom of religion in Europe nowadays, freedom of religion comes to mean freedom of Islam" (Caldwell 2010, p.201). For the sake of state sovereignty, the government restricts this 'freedom of Islam'. To a point where, as we have seen, the North-Rhine Westphalian government denies the MCC the right of self-definition as a *religious community* and, thus, contravenes the precept of state neutrality. If the North-Rhine Westphalian model of an advisory board (*Beirat*) substituting the religious community is to prevail, the creation of a German state Islam fashioned by political interests is well underway. The German government has to be careful to keep respecting the constitutional goods at stake: state neutrality and religious equality. When aiming at protecting these goods, while acknowledging and accepting the inherent difference of Islamic practice concerning community organisation, a critical reassessment of the basic principles of German Church-State law appears necessary.

This paper concludes with raising one last question. Apart from the necessity to grant full legal equality to the Muslim minority in Germany, we have to constantly ask ourselves how much emphasis on the religious factor in integration politics is really helpful. The discussion of problems pertaining to religious accommodation must not be top priority when real issues may lie somewhere else. On the one hand, it is clear that the second and third generations of Muslim immigrants in Germany increasingly stress their Muslim religion as a marker of their identity (Fetzer and Soper 2004, p.105), but, on the other hand we might ask whether these immigrants increasingly resort to a religious identity because they feel excluded from society due to socio-economic difficulties that leave them essentially without true perspectives. Not feeling at home in neither their country of origin nor in Germany, these young generations experience severe identity issues often paired with existential hardship. Bearing this in mind, it would make more sense to respond to needs of second and third generation immigrants on the socio-economic level. Stressing the religious benchmark and putting confession to the forefront of the discourse and of the measures taken will only disguise the real dimension of the German *Integrationsproblem*.

Bibliography

- AGRAMA, H.A. (2010)** Secularism; Sovereignty, Indeterminacy: Is Egypt a Secular or a Religious State? *Comparative Studies in Society and History*, 52 (3), pp. 495-523.
- ALEVITISCHE GEMEINDE IN DEUTSCHLAND E.V.** (n.d.) Startschuss für den alevitischen Religionsunterricht auch an weiterführenden Schulen in NRW (*Starting shot for the Alevi religious education at state schools in North Rhine Westphalia*). [Online] Accessible from: <http://alevi.com/de/historische-errungenschaft-startschuss-fur-den-alevitischen-religionsunterricht-auch-an-weiterfuehrenden-schulen-in-nrw/>. [Accessed: 15/05/2012].
- ALLIEVI, S. (2005)** How the Immigrant has Become Muslim: Public Debates on Islam in Europe. *Revue Européenne des Migrations Internationales*, 21 (2), pp. 135-163.
- ATAMAN, F. (2007)** Türkische Frauen: Die Opferrolle hat ausgedient (*Turkish Women: The End of Victimhood*). *Der SPIEGEL*, 11th March. [Online] Accessible from: <http://www.spiegel.de/politik/deutschland/0,1518,470392,00.html>. [Accessed: 10/05/2012].
- AUSLÄNDERZENTRALREGISTER (2011)** [Online] Accessible from: <http://www.auslaenderstatistik.de/azr.htm> [Accessed: 10/12/2011].
- BEAUFORT, J. (2009)** Arianer und Aliden. Über die gnostischen Ursprünge des Christentums und der Shi'at Ali (*Arians and Alids: On the Gnostic Sources of Christianity and the Shi'at Ali*). *Zeitensprünge*, 21 (1), pp. 92-108.
- BECK, V. (2006)** Diskussionspapier: Rechtliche Gleichstellung des Islam in Deutschland – aber Wie? (*Discussion Paper: Legal Equality of Islam in Germany – only how?*) [Online] Accessible from: http://www.volkerbeck.de/cms/index.php?option=com_content&task=view&id=489&Itemid=1 [Accessed 13/12/2011].
- BELKIN, P. (2001)** Germany. In: ARCHICK, K. et al, (eds.) *Muslims in Europe: Promoting Integration and Countering Extremism*. Congressional Research Service, pp. 15-20. [Online] Accessible from: <http://www.fas.org/sgp/crs/row/RL33166.pdf> <http://www.fas.org/sgp/crs/row/RL33166.pdf> [Accessed 03/12/2011].
- BIELEFELDT, H. (1999)** Muslime im säkularen Rechtsstaat. Vom Recht zur Mitgestaltung der Gesellschaft (*Muslims in the Secular State: On the Right to Participation in Society*). *Der interkulturelle Dialog* (Band 2), ed. Ausländerbeauftragte des Landes Bremen.
- BODENSTEIN, M. (2010)** Organisational Developments towards Legal and Political Recognition of Muslims in Germany. In: BODENSTEIN, M. and KREIENBRINK, A. (eds.) *Muslim Organisations and the State-European Perspectives*. Beiträge zur Migration und Integration (1). Nürnberg: Bundesamt für Migration und Flüchtlinge, pp. 55-68.
- BOWEN, J. (2010)** Secularism: Conceptual Genealogy or Political Dilemma? *Comparative*

Studies in Society and History 52 (3), pp. 680-694.

CALDWELL, C. (2010) *Reflections on the Revolution in Europe: Immigration, Islam and the West*. New York: Anchor Books.

CASTLES, S. (1985) The Guests Who Stayed – The Debate on „Foreigners Policy“ in the German Federal Republic. *International Migration Review*, 19, pp. 517-534.

CEYLAN, R. (2010) Muslims in Germany: Religious and Political Challenges and Perspectives in the Diaspora. *German-American Issues* 13, American Institute for Contemporary German Studies, pp. 47-54.

FEDERAL REPUBLIC OF GERMANY. BUNDESAGENTUR FÜR ARBEIT (2011) Analytikreport der Statistik: Analyse des Arbeitsmarktes für Ausländer (*Analytic Report: Statistics. Analysis of the Labour Market for Foreigners*). [Online] Accessible from: <http://statistik.arbeitsagentur.de/Statischer-Content/Statistische-Analysen/Analytikreports/Zentrale-Analytikreports/Monatliche-Analytikreports/Generische-Publikationen/Analyse-Arbeitsmarkt-Auslaender/Analyse-Arbeitsmarkt-Auslaender-201101.pdf> [Accessed 04/11/2011].

FEDERAL REPUBLIC OF GERMANY. BUNDESMINISTERIUM DES INNEREN (n.d.) Staat und Religionsgemeinschaften in Deutschland (*The State and Religious Communities in Germany*). [Online] Accessible from: http://www.bmi.bund.de/DE/Themen/PolitikGesellschaft/KirchenReligion/StaatReligion/StaatReligion_node.html [Accessed 23/04/2012].

FEDERAL REPUBLIC OF GERMANY. BUNDESVERFASSUNGSGERICHT (2000) Entscheidungen (*Decisions*). 2 BvR 1500/97, 19th Dec., [Online] Accessible from: http://www.bundesverfassungsgericht.de/entscheidungen/rs20001219_2bvr150097.html [Accessed 21/12/2012].

FELDMANN, L.G. (2010) Introduction: Different While Similar: Muslim Integration in Germany and the U.S. *German-American Issues* 13, American Institute for Contemporary German Studies, pp. 7-14.

FETZER, J.S. and SOPER, J. (2004) *Muslims and the State in Britain, France and Germany*. New York: Cambridge University Press.

FRISCH, M. (1975) Überfremdung (*Foreign Infiltration*). In: *Öffentlichkeit als Partner (The Public as a Partner)*, edition suhrkamp 209, cited in „Stich-Worte“, selected by Uwe Johnson. Frankfurt am Main: Suhrkamp Verlag.

FUESS, A. (2011) Introducing Islamic Theology at German Universities, Aims and Procedures. *Copenhagen University Islam Lectures Series*, 13th April. University of Copenhagen. [Online] Accessible from: <http://islam.ku.dk/lectures/Fuess.pdf/> [Accessed 12/12/2011].

GHADBAN, R. (2006) Islamische Lebensform und säkularer Staat (*Islamic Way of Life and the Secular State*). *Landeszentrale für politische Bildung*, 27th Sept. [Online] Accessible from:

http://www.thueringen.de/imperia/md/content/lzt/islamische_lebensform_und_s_kularer_staat.pdf [Accessed 03/05/2012].

WESTFÄLISCHE WILHELMS-UNIVERSITÄT, Post Graduate Program Islamic Theology (n.d.), Frequently Asked Question. [Online] Accessible from:

<http://www.graduiertenkolleg-islamische-theologie.de/en/graduate-program/faqs.html> [Accessed 12/12/2011].

HALM, D. (2008) Der Islam als Diskursfeld: Bilder des Islams in Deutschland (*Islam as a Field of Discourse: Images of Islam in Germany*). Wiesbaden: VS Verlag.

HAUG, S. et al (2009) Muslimisches Leben in Deutschland; im Auftrag der Deutschen Islamkonferenz (*Muslim Life in Germany: On Behalf of the German Islam Conference*). Nürnberg: Bundesamt für Migration und Flüchtlinge (eds.). [Online] Accessible from: http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/Politik_Gesellschaft/DIK/vollversion_studie_muslim_leben_deutschland_.pdf;jsessionid=1C304DDCFC943FC01FF2CB378AABE2A1.2_cid295?__blob=publicationFile [Accessed 12/06/2012].

HEINIG, H.M. (2007) Das deutsche Modell der Trennung (*The German Model of Separation*). *Politische Akademie (20): Religion und säkularer Staat. Perspektiven eines modernen Religionsgemeinschaftsrechts (Religion and the Secular State: Perspectives on a Modern Law for Religious Communities)*. Berlin: Friedrich Ebert Stiftung.

HEINIG, H.M. (2011) „Säkularismus“ und „Laizismus“ als Anfragen an das säkulare Religionsrecht in Deutschland (*“Secularism” and “Laicism” as Questions For the Secular Church-State Law in Germany*). In: HÄBERLE, L./HATTNER, J. (eds.) *Islam – Säkularismus – Religionsrecht (Islam – Secularism – Church-State Law)*. Heidelberg u.a.: Springer, pp. 79-93.

KALISCH, M. (2008) Islamische Theologie ohne historischen Mohammed – Anmerkungen zu den Herausforderungen der historisch-kritischen Methode für das islamische Denken (*Islamic Theology Without a Historical Mohammed – Notes on the Challenges of the Historical-Critical Method for Islamic Thought*). [Online] Accessible from: http://www.uni-muenster.de/imperia/md/content/religiosesestudien/islam/_v/kalisch_islamische_theologie_ohne_historischen_muhammad.pdf [Accessed 13/12/2011].

KASSEL, D. (2008) Pürlü: Kalisch hat seinen „Vertrauensvorschuss“ verspielt (*Pürlü: Kalisch Has Gambled Away his Leap of Faith*). *Deutschlandfunk*, 2nd Oct. [Online] Accessible from: <http://www.dradio.de/dkultur/sendungen/thema/855334/> [Accessed 09/12/2011].

KIEFER, M. (2011) „Islamische Studien“ an deutschen Universitäten: Ziele, Fragen, Perspektiven (*“Islamic Theology” at German Universities: Aims, Questions, Perspectives*). *Aus Politik und Zeitgeschichte*, APuZ 13-14. [Online] Accessible from:

- http://www.bpb.de/publikationen/HUEO3Y,0,0,Islamische_Studien_an_deutschen_Universit%E4ten_Zielsetzungen_offene_Fragen_und_Perspektiven.html. [Accessed 15/05/2012].
- KIZILOCA, G.** (n.d.) Türken in Deutschland und Deutsche in der Türkei – von Migrationshintergründen und Integrationsproblemen (*Turks in Germany and Germans in Turkey – on Reasons for Migration and Problems of Integration*). Konrad Adenauer Stiftung. [Online] Accessible from: <http://www.konrad.org.tr/Migration%20dt/069-098.pdf> [Accessed: 14/11/2011].
- LAUER, C. et al (2010)** Migrantenstudie: Türken sind die Sorgenkinder der Integration (*Study on Immigrants: Turks are the Problem Children of Integration*). WELT ONLINE, 17th April. [Online] Accessible from: <http://www.welt.de/politik/deutschland/article7222075/Tuerken-sind-die-Sorgenkinder-der-Integration.html> [Accessed 15/05/2012].
- LÉPINARD, E. (2011)** Shifting Categories of the French Model of Integration. In: EISENBERG, A. and KYMLICKA, W. (eds.) *Identity Politics in the Public Realm: Bringing Institutions Back*. Vancouver: UBC Press, pp. 190-214.
- MADELEY, J. (2003)** A framework for the comparative analysis of church-state relations in Europe. *West European Politics* 26 (1), pp. 23-50.
- MAUSSEN, M. (2007)** The Governance of Islam in Western Europe. A State of the Art Report. *IMISCOE Working Paper* No. 16. [Online] Accessible from: <http://dare.uva.nl/document/53746> [Accessed 07/04/2012]
- MAZYEK, A. (2011)** Stellungnahme des KRM zum „Gesetz zur Einführung von islamischem Religionsunterricht als ordentliches Lernfach (6. Schulrechtsänderungsgesetz)“ in NRW (*MCC Comment on the “Law for the Introduction of Islamic Religious Education as a Proper Subject (6th Amendment to the School Law)” in North-Rhine Westphalia*). Koordinierungsrat der Muslime, 16th June. [Online] <http://koordinationsrat.de/detail2.php?id=16&lang=de> [Accessed 05/05/2012].
- NÜSSE, A. (2009)** Wie säkular ist Deutschland (*How Secular is Germany*)? *Der Tagesspiegel*, 22nd May. [Online] Accessible from: <http://www.tagesspiegel.de/politik/ortstermin-wie-saekular-ist-deutschland/1518180.html> [Accessed 05/12/2011].
- PETER, F. (2009)** Welcoming Muslims into the Nation. Tolerance Politics and Integration in Germany Muslims in Europe and the United States since 9/11. In: CESARI, J. (Ed.) *Muslims in the West after 9/11*. London: Routledge, pp.119-144.
- RHODE, U. (2012)** Vorlesung: Religion und Religionsgemeinschaften im staatlichen Recht (*Lecture: Religion and Religious Communities in State Law*). [Online] Accessible from: <http://www.ulrichrhode.de/lehrv/religionsrecht/skriptum.pdf> [Accessed 19/05/2012].
- ROHE, M. (2001)** Möglichkeiten und Grenzen der Bildung islamischer Religionsgemeinschaften in Deutschland (*Possibilities and Restrictions in Building Islamic Religious Communities in Germany*). In:

- Landeszentrale für politische Bildung Baden-Württemberg (Eds.) *Der Bürger im Staat - Islam in Deutschland (The Citizen in the State – Islam in Germany)*, pp. 233-240.
- ROHE, M. (2010)** Muslim Immigration and Integration: A German Legal Perspective. *German-American Issues* 13, American Institute for Contemporary German Studies, pp. 55-65.
- ROHE, M. (2011)** Islam und säkularer Rechtsstaat: Grundlagen und gesellschaftlicher Diskurs (*Islam and the Secular State: Basics and Societal Discourse*). *MIGAZIN*, 1st July. [Online] Accessible from: <http://www.migazin.de/2011/07/01/islam-und-sakularer-rechtsstaat-grundlagen-und-gesellschaftlicher-diskurs/all/1/> [Accessed 15/05/2012].
- SCHMIDT-EL KHALDI, H. (2012)** Islamischer Religionsunterricht: Etikettenschwindel und Verfassungsbruch in NRW (*Islamic Religious Education: False Labelling and Breach of Constitution in North-Rhine Westphalia*). *MIGAZIN*, 4th May. [Online] Accessible from: <http://www.migazin.de/2012/05/04/etikettenschwindel-und-verfassungsbruch-in-nrw/> [Accessed 15/05/2012].
- SHADID, W. and KONINGSVELD, P. V. (2002)** Religious Authorities of Muslims in the West: Their Views on Political Participation. In: SHADID, W. and KONINGSVELD, P.V. (Eds.) *Intercultural Relations and Religious Authorities: Muslims in the European Union*. Leuven: Peters, pp. 149-170.
- SILVESTRI, S. (2010a)** Muslim Self-Organisation in Europe: Risks and Odds of State Intervention. In: BODENSTEIN, M. and KREIENBRINK, A. (eds.) *Muslim Organisations and the State-European Perspectives*. Beiträge zur Migration und Integration (1). Nürnberg: Bundesamt für Migration und Flüchtlinge, pp. 38-53.
- SILVESTRI, S. (2010b)** Public Policies towards Muslims and the Institutionalization of Moderate Islam in Europe: Some Critical Reflections. In: TRIANDAFYLLIDOU, A. (ed.) *Muslims in 21st century Europe: Structural and Cultural Perspectives*. London: Routledge, pp. 45-58.
- SPIEGEL ONLINE (2010)** Wulff-Rede zum Tag der Einheit: „Wir sind ein Volk!“ (Wulff’s Speech: “We Are One People!”), 3rd Oct. [Online] Accessible from: <http://www.spiegel.de/politik/deutschland/0,1518,720981,00.html> [Accessed 03/12/2011].
- STALINSKI, S. (2012)** Islamische Religion soll Lehrfach in NRW werden (*Islamic Religion to Become School Subject in North-Rhine Westphalia*). *Deutschlandfunk*, 27th Feb. [Online] Accessible from: <http://www.dradio.de/dlf/sendungen/tagfuertag/1686098/> [Accessed 04/05/2012].
- THELEN, S. (2010)** Imame made in Germany (*Imams Made in Germany*). *Stuttgarter Zeitung*, 24th Sept. [Online] Accessible from: <http://www.stuttgarter-zeitung.de/inhalt.muslimische-gelehrte-imame-made-in-germany.4f5100c2-276c-4ca1-aafd-6337aca014e7.html> [Accessed 13/05/2012].

- WEIßE, W. (2008)** Islamischer Religionsunterricht in Deutschland – ein Beitrag zur Integration? Religionspädagogischer Kommentar mit Bezug zu Alternativen in Deutschland und Europa (*Islamic Religious Education in Germany – a Contribution to Integration? Religious-Pedagogical Commentary with Reference to Alternatives in Germany and Europe*). Zentrum Moderner Orient [Online] Accessible from:
http://www.zmo.de/muslime_in_europa/pressekit/material/Islamunterrichtveranstaltung/Vortrag%20oWeisse.pdf [Accessed 21/04/2012].
- DIE WELT (2011)** Statistik (*Statistics*). 14th July [Online] Accessible from:
<http://www.welt.de/politik/deutschland/article13487738/In-Deutschland-leben-EU-weit-die-meisten-Auslaender.html> [Accessed 23/11/2012].
- WISSENSCHAFTSRAT (2010)** Empfehlungen zur Weiterentwicklung von Theologien und religionsbezogenen Wissenschaften an deutschen Hochschulen (*Recommendations for the Development of Theologies and Religious Sciences at German Universities*). [Online] Accessible from:
<http://www.wissenschaftsrat.de/download/archiv/9678-10.pdf>. [Accessed 02/11/2011].
- ZENTRALRAT DER JUDEN IN DEUTSCHLAND (n.d.)** Mitglieder (*Members*). [Online] Accessible from: <http://www.zentralratdjuden.de/de/topic/5.html> [Accessed 03/06/2012].

End Notes

¹ The Muslim Coordination Council (Koordinationsrat der Muslime in Deutschland) is the head organisation of the four biggest Islamic associations in Germany. It was established in 2007 in the context of the German Islam Conference (Deutsche Islamkonferenz). The MCC is not an incorporated association, but instead based on an internal regulatory framework that was signed by all four associations. It is therefore not a legal entity. According to § 2 of its internal regulations, the aims and purposes of the MCC are to organise the representation of Muslims in Germany and act as a contact body for the state.

² The Turkish-Islamic Union of the Institution of Religion e.V. is a branch of the Turkish “Department of Religious Affairs” (Diyanet).

³ *Millî Görüş* is a transnational Islamic movement with an influential head organisation in Europe called *Islamic Community Millî Görüş* (Islamische Gemeinschaft Millî Görüş). This community is the biggest member association of the German *Islamic Council* (*Islamrat*) and therefore, indirectly, member of the MCC. It is an association that represents some Sunni Muslims of Turkish origin in Germany – in 2007, it represented an estimated number of 27,000. The German Federal Office for the Protection of the Constitution (Verfassungsschutz) has been observing *Millî Görüş* due to its anti-Western and anti-semitic rhetoric and has pointed to *Millî Görüş*'s anti-democratic stance (Verfassungsschutzbericht 2009: 265; accessible from: http://www.verfassungsschutz.de/download/SHOW/vsbericht_2009.pdf)

⁴ The *Association of Islamic Cultural Centres* avows itself to Sunni Islam and, therefore, represents Sunni Muslims in Germany. It is the oldest Islamic organisation in Germany and – representing 300 mosques – one of the biggest, too.

⁵ Members stem mostly from Arab Muslim countries and Bosnia with some member organisations being Shiite as well, such as the Islamic Centre of Hamburg.

⁶ Well-known critics are SPD politician Lale Akgün; CDU politician and designated head of the CDU North-Rhine Westphalia Armin Laschet; writer and orientalist Navid Kermani (himself a former member of the German Islam Conference)

⁷ According to church law expert Ulrich Rhode (2010, p.69), the proof for the ability and possibility of non-Christian religions to establish such a coherent organisation headed by an authorised contact person for the state to consult comes from the Jewish communities in Germany and, more recently, also from the Alevi communities. The Central Council of Jews in Germany (*Zentralrat der Juden in Deutschland*) is an umbrella organisation of 108 German Jewish communities and 23 federal state associations founded in 1950. The Central Council is the political representation of the entirety of Jews in Germany and a corporation under public law (*Zentralrat der Juden in Deutschland*, online, accessible from: <http://www.zentralratdjuden.de/de/topic/5.html>) Alevi communities already offer religious education in six federal states and have therefore been recognized as a religious community (Website: *Alevitische Gemeinde in Deutschland e.V.*, online, accessible from: <http://alevi.com/de/historische-errungenschaft-startschuss-fur-den-alevitischen-religionsunterricht-auch-an-weiterfuhrenden-schulen-in-nrw/>)

⁸ Gesetz zur Einführung von islamischem Religionsunterricht als ordentliches Lernfach (6. Schulrechtsänderungsgesetz) (*Law for the Introduction of Islamic Religious Education as a Proper Subject (6th Amendment to the School Law)*).

⁹ The eight Muslim representatives of the council are required to have an academic background in either Islamic theology, religious pedagogy or Islamic Studies. Four of them are appointed by the Muslim associations; the remaining four are appointed by the federal state in cooperation with the Muslim associations (Stalinski 2012).

¹⁰ On a panel on the perspectives of Islamic theology in Germany, which I attended in early 2011, a young Muslim woman asked the members of the commission of the post-graduate program if future students of the program had to be Muslims. The commission members nodded their heads in obvious discomfort and tried to avoid any discussion on this point. However, the woman insisted and asked: “Can you tell me *how* Muslim in percentage an eligible candidate has to be? How Muslim is sufficient?” The members of the commission called upon another speaker and just ignored the question.