



Religious Freedom and the Republic

Germany on the Road to a Multi-religious Society

By Ralf Fücks

The continuing “headscarf debate” – may a teacher who is a member of the Muslim faith wear a headscarf in a public school? – has posed anew the old question of what place religious symbols are permitted to have in state-funded public institutions. Close ties between Christianity and education, which went without saying in Germany and Europe for centuries, have given way to a far-reaching separation of church and state. Accordingly, Germany’s Federal Constitutional Court has upheld a suit filed against the crucifix in Bavarian classrooms as a violation of the prescribed state neutrality; religious instruction is no longer compulsory and has been replaced in Brandenburg by non-denominational instruction in ethics. The current “headscarf” case has also been appealed to the Constitutional Court, and a judgment is expected soon.

The controversy over the headscarf is being waged with a remarkable degree of passion and extremely diverse motives: Alice Schwarzer, *grand dame* of the German feminist movement, sees the achievements of women’s emancipation being threatened by a roll-back to religious vestments; others fear the rise of the fundamentalist fringe in Germany, for whom Islam is not a private religion but a binding social code that carries more weight than the laws of a non-Islamic state. Turkish Kemalists are transferring domestic policy debates from their native country to their new homeland. Conversely, for many Muslims the headscarf has become a symbol, depicting whether the Christian-influenced German state will accept Islam as a religion with equal standing and cease professional discrimination against devout Muslims.

Nothing good will come of testing so many different controversial cultural and political issues on the example of a teacher (from Afghanistan, trained in Germany) who claims the right to observe a religious requirement as she interprets it, in the classroom as elsewhere. But these

issues must be debated in order to publicly resolve the self-image of a modern immigration society.

That which applies to Christians, Jews, or Buddhists in Germany must apply to Muslims as well. They must be permitted to express their religious faith through their personal appearance (dress, hairstyle, head covering, jewelry) at their workplace. At the same time, the rule of restraint applies to all teachers as regards exerting influence on their students: indoctrination and propaganda of any kind have no place in the classroom. This is, however, not a dress-code issue, but one involving critical public opinion in the school and if necessary the Board of Education.

The issue becomes more complicated when Muslim parents attempt to use their religious tradition to justify forbidding their daughters to participate in class trips or coeducational physical education classes. In such cases, gender norms veiled in religious belief collide with the principle of equal rights and hard-won standards of emancipated education (it is meanwhile the order of the day to focus more on gender-specific approaches and methods in the classroom, but this does not challenge the principle of coeducation). Before such conflicts become too heated and rancorous, it surely makes sense to attempt to convince parents on a personal level and dispel some of their fears. If necessary, however, the majority society must insist upon the general applicability of its norms rather than accepting in the name of religious tolerance that certain segments of society will be excluded from some democratic achievements of the modern age. This is particularly true for practices such as forced marriages, which represent a crass violation of human rights. A democracy cannot give religious minorities a “special discount” with regard to fundamental legal norms.

With this, one could shelve the “headscarf dispute.” But it will not remain an isolated case that will disappear with a verdict from the highest court. Debate over the relationship between religion and the secular state is attaining new and unexpected relevance due to massive immigration to our continent from other cultural spheres.

European-style secularism is by no means shared the world over, and as a post-religious society in which Christianity has become a non-binding “cultural background” for the majority of the population, we are more the exception than the rule in the world. Christian churches have about two billion members throughout the world, about one billion people are

professed Muslims, about 800 million belong to the Hindu cultural sphere, and Buddhism is gaining new adherents beyond the Asian realm. Religious traditions, convictions, and practices continue to influence the daily lives of most people around the globe, and in many areas the question “What God do you believe in?” is more natural than asking “What do you do for a living?”

It is possible that the radicalness with which the secularization of the state and society was pushed forward in large parts of Europe is proving to be not a model for the rest of the world, but rather a unique course in history. The European schism between the church and modernism first peaked in the French revolution. Not only did the Jacobins proclaim the separation of church and state; they led a veritable crusade against “religious superstition” and the clergy, a tradition that continued in the various types of revolutionary socialism, which itself became a type of secular religion for a short century. The fact that the revolutionary movements in modern Europe turned against both the church and religion was primarily a consequence of the unholy alliance between the throne and the altar that had emerged following the rise of Christianity to the state religion of the Roman Empire. The church (both in its Catholic form as well as in the various forms of Protestantism) constituted a core part of both feudalism and the absolutist monarchies; it justified serfdom and colonial atrocities, preached obedience to the authorities, and was itself a part of structures of domination that were a far cry from the humanitarian message of the New Testament. This historic experience influenced the views of progressive political movements in Europe until well into the twentieth century; Christian churches stood for “the reaction,” despite repeated efforts from within to reform them in the sense of a social Christianity.

The anticlerical impulse is still at work, although most bastions of secular church power in today’s Europe have been razed. Even in the main countries of traditional conservative Catholicism, abortion and divorce have been legalized, and the Pope’s verdict condemning homosexual marriage is no longer viewed as an authoritative act, but as the opinion of an anachronistic institution and to be ignored. To be sure, a revival of the struggle between church and state is out of the question – the church simply lacks the necessary power. Religion has become a private matter; even for the dwindling minority of active Christians matters of faith are no longer determined by church authorities, but by one’s own conscience. Protestant churches in particular have gone to great lengths to take on a “progressive” image and become involved with modern social movements, from liberation theology and Christians

for socialism to feminism and ecology. These days, church congresses have become a type of Christian Woodstock, offering a blend of spiritual awareness activities and politically correct subject matter. This is not a tactical concession to the zeitgeist; it is instead an expression of the present state and aspirations of the vast majority of the active church community.

In the Western world, however, there is a notable counter-example to the religious cooling-off of Europe, which is often observed with puzzlement here: the United States has a much more vibrant religious society than most European countries, and this has been the case not only since the mass immigration of Catholic Latinos and the growing trend toward Islam among African Americans. It is worth taking a brief look at this example of an immigration society *par excellence*, in order to glean some information about our own potential future.

The presence of religion in social and political life in the United States and the immense diversity of churches and religious communities go hand in hand with the constitutional separation of church and state that was established as one of the founding principles of the United States. This is one thing that the American and French Revolutions had in common. But there is a significant difference in that the first French republic had not only an anti-clerical, but also a truly anti-religious character, whereas the United States was founded as a polity of religious minorities; under the banner of religious freedom they had streamed into the New World from repressive Europe. North America was a gathering place for people of all religions who had been damned as heretical by the respective state churches and persecuted on the old continent.

While in France the republic opposed religion, in the United States religious freedom was a central element of the republic, and both these traditions continue their influence to this day. It is no coincidence that, in his inaugural speech as president, John F. Kennedy justified the concept of inalienable rights with the message that all people are children of God: Human rights “come not from the generosity of the state, but from the hand of God.” And it is an expression of both the diversity and the cohesiveness of the American immigration society that, a few days following the attacks of September 11, 2001, representatives of all conceivable religious communities gathered in Yankee Stadium in New York City to express their sympathy for the victims and their solidarity with the political community that was the target of the attacks.

The future of the Federal Republic of Germany could certainly use some of that self-assured composure in dealing with religious diversity. Those who have good reason to advocate immigration will have to accept not only the immigrants but also the religions they bring with them. For the churches, this means they will have to cope with competing religious communities that often demand more of their adherents, but also offer more orientation than the jaded administrators of Christianity. Politics must accommodate these new religious minorities by affording them the same rights as Christians enjoy, that is, the right to Islamic religious instruction, taught by teachers trained in Germany. Islam must not be relegated to obscure backyard mosques and Koran schools. At the same time, the public and the judiciary must keep a watchful eye on movements and organizations whose teachings and practices do not support the democratic constitution – these cases are governed not by the principle of religious tolerance, but by the republic’s right to defend its ideals through legal means.

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