

## **„Muslime in der säkularen Demokratie-Ein europäischer Vergleich“**

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### **Thesen des Interkulturellen Rates zum Kopftuchstreit**

Im Streit um das Kopftuch für muslimische Lehrerinnen veröffentlichte der Interkulturelle Rat Anfang des Jahres ein Argumentationspapier. Das Papier steht auf der Homepage in Vollversion zum Herunterladen bereit ([www.interkultureller-rat.de](http://www.interkultureller-rat.de)).

Dabei werden folgende Thesen zur Diskussion gestellt, die in der weiteren gesellschaftlichen Debatte im sogenannten Kopftuchstreit Berücksichtigung finden sollten:

#### **1. Von der Mehrheitsbevölkerung sind Respekt und Veränderungsbereitschaft gefordert, damit das friedliche und gute Zusammenleben mit muslimisch geprägten Menschen gefestigt werden kann.**

Dafür sind gleichberechtigte Aushandlungsprozesse zu entwickeln. Gleichzeitig ist militanten, gegen die verfassungsrechtliche Ordnung gerichteten Strömungen entschieden und couragiert entgegenzutreten.

#### **2. Von Muslimen und ihren Organisationen ist die freiheitlich-demokratische Grundordnung der Bundesrepublik Deutschland vorbehaltlos zu bejahen.**

Das gilt insbesondere für die Gleichberechtigung von Mann und Frau und das Selbstbestimmungsrecht von Frauen und Mädchen. Unter dieser Voraussetzung können und sollen sie ihre religiösen Werte und kulturellen Traditionen in die Mehrheitsgesellschaft einbringen.

#### **3. Aushandlungsprozesse bedürfen gleichberechtigter und verlässlicher Dialogpartner.**

Für die notwendigen gesellschaftlichen Aushandlungsprozesse müssen geeignete Instrumentarien aufgebaut werden. Erforderlich ist hierfür auch die demokratische und transparente Weiterentwicklung der Organisationsformen der Muslime in Deutschland.

#### **4. Mögliche Konflikte sind bereits im Vorfeld zu vermeiden.**

Jeder Arbeitgeber, auch der öffentliche, kann vor der Einstellung oder Übernahme von Personal gegenüber den Bewerber/innen klarstellen, unter welchen Rahmenbedingungen gearbeitet werden soll. Dazu gehört gegebenenfalls auch der ausdrückliche Hinweis auf die Neutralitätspflicht.

#### **5. Die Gewähr der Verfassungstreue lässt sich auch bei muslimischen Lehrerinnen nur im Einzelfall und nach den Vorgaben von Artikel 33 Grundgesetz beurteilen, denen das Bundesbeamtengesetz und alle Landesbeamtengesetze folgen.**

Dabei erlaubt das Tragen des Kopftuchs allein keinen zuverlässigen Rückschluss darauf, ob eine muslimische Lehrerin „islamistisches“ oder „fundamentalistisches“ Gedankengut vertritt und Schülerinnen und Schüler in diesem Sinne unerlaubt beeinflusst. Unsere Gesellschaft wäre schlecht beraten, wollte sie unter religiösen Vorzeichen die Fehler der Berufsverbotsdebatten und -verfahren wiederholen.

#### **6. Die Bundesrepublik Deutschland ist gemäß ihrer Verfassung kein laizistischer Staat, in dem das religiöse Bekenntnis etwa an der Schulpforte abgegeben werden muss.**

Dies hat sich für das Verhältnis von Staat und Religionen sowie für das interreligiöse Zusammenleben bewährt. Das Grundgesetz schützt jede Religionsausübung und alle Religionen. Es gründet nicht ausschließlich auf der christlichen Religion und einem verengten Verständnis abendländischer Kultur.

### **7. Ein Verbot des Kopftuches lässt sich nicht allein auf Schulen beschränken.**

Wer das Kopftuch aufgrund seines unterstellten politischen Symbolgehaltes in der Schule verbieten will, kann es auch in anderen öffentlich-rechtlichen Einrichtungen nicht dulden. In einem Verbotsbeschluss müssten Einrichtungen der Kinderbetreuung sowie der außerschulischen Jugend- und Sozialarbeit der Städte und Gemeinden mit erfasst werden. Eine mögliche Konsequenz wäre der Rückzug muslimischer Kinder und Jugendlicher aus staatlichen Betreuungseinrichtungen. Das wäre schädlich für die Integration.

### **8. Ein Verbot ausschließlich des Kopftuches bedeutet die institutionelle Diskriminierung einer Religionsgemeinschaft.**

Ein Verbot hätte fatale Auswirkungen auf den Integrationswillen vieler Muslime. Sie müssten sich zu Recht verkannt und ausgeschlossen fühlen. Nur der gleichberechtigte Schutz aller Religionen durch den demokratischen Staat kann zum Gelingen der Integration von Menschen unterschiedlicher Religion in die Mehrheitsgesellschaft führen. Die in Jahrhunderten gegen Staat und Staatskirche erkämpfte Religionsfreiheit muss sich auch bei der Integration von Bevölkerungsgruppen islamischer Prägung bewähren.

### **9. Kopftuchverbote bringen keine Lösung im Streit um das Kopftuch.**

Ein Blick in europäische Nachbarländer wie Großbritannien oder Österreich zeigt, dass dort seit Jahren Lehrerinnen mit Kopftuch unterrichten, ohne dass es zu nennenswerten Problemen gekommen wäre. Gleichzeitig haben Kopftuchverbote wie in Frankreich und der Türkei zu einem Streit ohne Ende geführt. Dies sollte und kann Deutschland erspart werden.

# **Seven Theses on Religion(s), State(s) and Society(ies)**

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## **Thesis 1:**

*States which assign religions to the private sphere will impoverish themselves by marginalising important social resources and might unwittingly be encouraging of those reactive, backward- and inward-looking expressions of religious life that are popularly characterised as “fundamentalisms”.*

## **Thesis 2:**

*Religious traditions and communities offer important alternative perspectives to the predominant values and power structures of states and societies. Religions are a reminder of the importance of the things that cannot be seen, touched, smelled, tasted and heard, for a more balanced perspective on those things that can be experienced in these ways.*

## **Thesis 3:**

*Religious communities and traditions should beware of what can be seductive calls from within their traditions to form “religious unity fronts” against what is characterised as “the secular state” and what is perceived as the amorality and fragmentation of modern and post-modern society.*

## **Thesis 4:**

*National and political self-understandings that exclude people of other than the majority religious traditions, either by design or by default are, historically speaking, fundamentally distorted. Politically and religiously such self-understandings are dangerous and need to be challenged.*

## **Thesis 5:**

*Religious communities and traditions need to pre-empt the dangers involved in becoming proxy sites for imported conflicts involving their co-religionists in other parts of the world. But because they are themselves part of wider global communities of faith, religions have the potential for positively contributing to a better understanding of role of the states and societies of their own countries within a globalising world.*

## **Thesis 6:**

*Religious establishments as well as other traditions and social arrangements that provide particular forms of religion with privileged access to social and political institutions need to be re-evaluated. There is a growing need to imagine and to construct new structural forms for the relationship between religion(s), state(s) and society(ies) that can more adequately express an inclusive social and political self-understanding than those which currently privilege majority religious traditions.*

## **Thesis 7:**

*Inter-religious dialogue is an imperative for the religious communities and for the states and societies of which they are a part. There is a need to continue the task of developing appropriate inter-faith structures at all levels within states and societies and in appropriate transnational and international structures.*

With European reference, these theses were presented at Paul Weller's Inaugural Lecture as Professor of Inter-Religious Relations on "Insiders or Outsiders?: Religion(s), State(s) and Society: Propositions for Europe", at the University of Derby on 8<sup>th</sup> November 2000. They have been published in P. Weller, "Insiders or Outsiders?: Religions(s), State(s) and Societies: Propositions for Europe. Part I", *The Baptist Quarterly*, 39, 5 (January 2002), pp. 211-222, and "Insiders or Outsiders?: Religions(s), State(s) and Societies: Propositions for Europe. Part II", *The Baptist Quarterly*, 39, 6, (April 2002), pp. 276-286; and also in, P. Weller, "Insiders or Outsiders?: Propositions for European Religions, States and Societies", in A. Race and I. Shafer, (eds.), *Religions in Dialogue: From Theocracy to Democracy* (Aldershot: Ashgate, 2002), pp. 193-208. In their earliest forms they appeared in presentations on "Jews and Muslims in Europe: Some Propositions and Questions for European States, Societies and Religions" at a conference on *From Xenophobia to Tolerance: Jews and Muslims in Europe*, at France-Amerique, Paris, 28th-30th October, 1995, organised by Academic Response to Racism and Anti-Semitism and Racism in Europe and the Simon Wiesenthal Centre, Europe; and in a paper on "Religion(s), State and Society: Theses and Propositions for Europe" prepared for the Council of Europe Seminar on *Religion and the Integration of Migrants*, the Palais de l'Europe, Strasbourg, 24th-26th November, 1998.

## ***Statement for the conference : “Muslims in a Secular Democracy. A European Comparison”***

*Dr. Thijl Sunier, University of Amsterdam, Dept. of Sociology and Anthropology*

The 11<sup>th</sup> of September 2001 and successive events have at least made one thing very clear. Muslims all over the world, but probably particularly in the Western world have to realize that their religion has definitely become a public issue. Muslims have to confront issues concerning public Islam and the common good in open and public debate. Muslim representatives and spokesmen must not only be well informed about the rapidly evolving events, public opinions and policies concerning their religion and formulate answers to constantly changing circumstances, they must also dispose of necessary communicative skills to be able to take part in the public debate. In addition to that, modern media have not only caused a ‘globalisation of Muslim affairs’, but have created new audiences that ask new questions and challenge traditional production of knowledge by ulama. To reach an audience today requires much more than knowing traditional texts and commentaries. Spokespersons among Muslims must develop a sensitivity about what goes on in the minds of believers, what takes place on a local, but also on a national and transnational level and form an opinion about it. It thus requires knowledge about what goes on in the world and at home and the intellectual ability to ‘translate’ that into a religious discourse that makes sense and appeals to the audience.

Organizations of Muslims have undergone major changes over the past three decades, both in internal structure as well as in their position in society. From purely instrumental associations that were dedicated to the realization of religious accommodation they developed into organizations that have a representative/political aims. They articulate demands and initiate negotiations vis-à-vis society concerning the position of Muslims in society. They entered, as it were the regular public space and gradually became part of civil society. Today internal debates among Muslims of migrant background under the tutelage of traditional religious leaders with strong ties with countries of origin about normative matters, are increasingly superseded by public debates between Muslims and non-Muslims about matters that concern the place of Islam in society. Thus ‘public Islam’ refers to invocations of Islam, not just by established traditional religious authority but by a variety of voices such as self-ascribed religious figures, secular intellectuals, women, youngsters etc.

With respect to organizational developments I contend that Dutch migration policies, which are quite elaborated compared to those in surrounding countries, continues to have a strong influence. In addition to that two other factors influenced the place of Islam in Dutch society.

The first is the constitutional principle of religious equality. The Dutch Constitution of 1983 stipulates that all religious denominations are equally valued. Although this principle actually dates back to the liberal Constitution of 1848, the idea was reinforced and reformulated in 1983 by severing all the financial and other ties between the churches and the state. An important aspect is that the Dutch system does not apply formal religious recognition and registration like in Belgium or Germany. Thus principally speaking there are no religious denominations in the Netherlands that have formally more privileges than others. Although the actual position of Islam is far from equal, it indeed offers Islamic leaders a legal and political leverage to demand equal treatment and, in some cases, extra provisions in order to be able to catch up with established denominations.

The second factor relates to the era of pillarization that shaped Dutch society and the political landscape from the 1920s till the 1960s. The Dutch pillar system is one of the more complicated aspects of Dutch political history. The politico-ideological pillars determined to a large extent political culture in the Netherlands. It was also the political (to some critiques rigid) stability that was so characteristic. This generally accepted stability rendered the system its seemingly 'natural' character. Towards the 1960s the system virtually lost its function and in most sections of civil society a process of decategoralization and a breakdown of the pillar structure took place. Today, it is probably the 'pillarization habitus' rather than the actual legal institutions, such as the educational system, that dominates the public debate about Islam

One of the most crucial aspects of the developments in the late 1990s is the emergence of Islam in the Dutch public debate. This is certainly not an issue confined to 'neo-liberal settings' in Western Europe, but something that characterizes most Muslim-majority states too. New media play a decisive role in this development. Two aspects are important in this respect. First public debates about Islam are in fact debates about the relation between religion and state, the place of Islam in the nation-state and the very character of those nation states. Whatever we think of the presence of Muslims, it is clear that the developments with respect to Islam have challenged the character of Western European nation-states. It is a widespread misunderstanding that Western European nation-states are 'accomplished'. The fundamental formative episodes lay back more than a century and a half and their status quo need not, so to speak, to be reconfirmed. This is very doubtful and an ideological statement at best. Even established nation-states must constantly 'reconfirm' and 're-enact' their status quo. The very image of Muslims as arriving in an accomplished nation-state is part of a hegemonial discourse, by which Muslims are a priori excluded from becoming part of the nation as *Muslims*. An essential aspect of that nation-building process is the construction of terms by which groups are included and excluded and under what terms. Concerns about possible terrorist

attacks are amalgamated with discussions about the attitudes of ordinary Muslims. It is a debate about the very character of the nation and it will influence this character.

Secondly, contrary to what neo-liberals claim, the public sphere is not a neutral arena in which any opinion is validated. Despite the formal constitutional right of speech and the rapid 'democratisation of modern media', the public sphere is principally conditioned by unequal power relations. The modern state provides a semi-neutral legal and administrative framework, but as a socio-cultural network the nation is not neutral at all.

The debate about the presence of Muslims in the Netherlands clearly illustrates this. In the 1980's a relation was constructed between integration and religion. It had to do with the assumed relationship between religion and societal success. A kind of 'culture of poverty' thesis became widespread in which an image of a Muslim was constructed as somebody who has problems with the requirements of modern society due to his or her rural background. Although the debates concentrated on integration, it was about integration of migrants rather than of Muslims. The direct link with Islam came up in the debate in the early 1990s (after the Rushdie affair and after the Gulf war). The first opinion leader that explicitly referred to Islam and the Dutch nation was liberal leader Frits Bolkenstein in a speech in 1991 Luzern at the International Liberal Conference. In his speech he called on European societies to be aware of the presence of Muslims and to think about how 'we' should relate to Islam and to 'our' own liberal roots. In hindsight Bolkenstein's address was moderate in comparison to that of successive opinion leaders. In a more recent publication he predicts with typical liberal optimism that Muslims will eventually be absorbed by modern liberal society.

By relating religion to citizenship, civilization, and nation building Bolkenstein opened up a new field in the debate soon to be taken up by others. Towards the end of the 1990s, the debate rendered a more alarming and nationalist undertone. A growing number of intellectuals argued for a deepening and dissemination of national awareness and protection of Dutch cultural identity, both in relation to the presence of ethnic minorities and European unification. A voice that has not been away since is that of the Amsterdam based historian Paul Scheffer who wrote an essay at the turn of the millennium called *The multicultural Drama*. His plea for more attention to national roots fitted within a general change in the political climate that took place in the course of the 1990s. The main idea is that the Dutch seem to be at a loss when they have to define precisely what the Dutch nation is. What is Dutch about Dutch national culture? What does it consist of? Why is the nation (still) an important frame of reference? The answers are equivocal. The cultural feeling of national belonging has become so 'natural' in the Netherlands that for a long time many thought it hardly needed contemplating. Some have mistaken this self-evidence for a lack of national consciousness, and even a denial of 'Dutchness'. This poses a dilemma for ethnic minorities: if they are willing to integrate into the nation, what is required of them? Exclusion may be a

consequence of not knowing how to be included in a concept that is deeply hidden. How can they become fully-fledged citizens when it is hard to know how to play by cultural rules that are unclear and changing all the time? How can you become a member of Dutch society when it is unclear what this membership implies?

The most explicit reference to Islam in this debate, however, came a few years earlier when maverick politician Pim Fortuyn, who was assassinated in 2002, published a book in 1997 entitled *Tegen de islamisering van onze cultuur. Nederlandse identiteit als fundament (Against The Islamization Of Our Culture. Dutch Identity as Foundation)*. Although Fortuyn focussed on Islam, his main point of concern was Dutch national identity, hence the subtitle of the book.

After 9/11 the tone the debate took a new turn. While most neo-nationalists of the early years of the new millennium were careful in their formulations towards Islam and religion in general, the 9/11 attacks and subsequent events triggered a new edge in the debate. Den Boef, a stalinist of the former Dutch Communist Party, wrote a book amply entitled *The Netherlands Secular! Against religious privileges in legislation, rules, practices, habits and attitudes*, in which he accuses scholars on Islam to act as agents of Islam. University professor Herman Phillips, author of the *Atheist Manifesto* formulates public statements against religion in general and Islam in particular on a regular basis. In the Dutch newspaper *NRC* the former Iranian refugee Afshin Elian writes almost on a weekly basis about what he considers as the biggest mistake of Dutch society: allowing Muslims to settle on their own terms. The resonance of Elian's voice in the public debate is enhanced by the fact that it is generally considered as somebody with inside knowledge.

This is even more the case with former Somali refugee Ayaan Hirsi Ali. She became known a few years ago when she refracted from the Dutch Labour Party and went to the liberal Party. After she accused the Prophet Mohammed of being a pervert, she was anonymously threatened to death. Since then she is a welcome guest on many occasions. She has become a public figure who is used on occasion by politicians and the media as a role model for emancipation of Muslim women. Her most recent exploit was a short documentary about those verses in the Koran that are bad for women. The provocative set up of the documentary, aroused hardly any reaction from the side of Muslims. Many thought it not worth the effort.

In this most recent phase of the public debate general, there is a narrowing of the argumentation. There are two main allegations by the aforementioned opinion leaders. The first is that the typical Dutch attitude of condonement and tolerance had resulted in a series of undesirable developments with respect to Islam. Instead of formulating clear limits as to what is tolerable and what is not, we allowed Muslims to set up their institutions, such as schools, mosques and boards. These institutions now function as bridgeheads for all kind of hideous practices such as the assault on gay people, suppression and circumcision of

women, the setting up terrorist networks etc. This is the second problem. Thus in short, Muslims not only show a lack of loyalty to the Dutch nation state (of which they benefit economically and politically), but they also use their freedom to become a real threat for the safety en well-being of society.

The most fundamental difference with the debate a decade ago is that today Muslims are verbally able to counter allegations. The emerging new media play a decisive role in this. Whereas many critics on Islam still try to neutralise counter arguments of Muslims by asking why they not leave the country and thus treat them as actual outsiders, an increasing proportion of Muslims articulates their demands not as outsiders anymore but as citizens-to-be.

## ***Thesenpapier zur Konferenz : „Muslime in der säkularen Demokratie. Ein europäischer Vergleich. "***

*Mark Terkessidis* - Publizist und Wissenschaftler, Köln

In der Ankündigung der Tagung findet sich die Behauptung, daß die Integrationskonzepte der europäischen Staaten einer "mehr oder weniger strikt gefaßten Trennung von Kirche und Staat" folgen würden. Davon kann freilich in Deutschland überhaupt keine Rede sein: Der deutsche Staat ist zwar säkular, aber eine Trennung von Kirche und Staat existiert nicht - in Deutschland werden selbst die Bischhöfe vom Staat bezahlt. Insofern wird die Diskussion über den Islam oft unter den falschen Voraussetzungen geführt. So ist es zu ersten notwendig, die derzeitigen Formen islamischer Religiosität in Deutschland im Kontext des hiesigen Systems zu betrachten. Zum zweiten ist es wichtig, daß die Last der Veränderungen nicht nur den islamischen Religionsgemeinschaften aufgebürdet wird, sondern auch die Frage gestellt wird: Wie müssen sich die hiesigen Institutionen verändern, um der Vielfalt der Einwanderungsgesellschaft gerecht zu werden. Tatsächlich ist der Islam eine Herausforderung für die Gesellschaft der Bundesrepublik - doch leider werden Herausforderungen in Deutschland nicht als produktiv verstanden, sondern als Zumutung.