

Islamic Religious Instruction in German Public Schools:
A Comparative Case Study of Five German States

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Spring 2010

Abstract

Under Article 7.3 of the 1949 German Basic Law Constitution, “Religious instruction shall form part of the ordinary curriculum in state and municipal schools... religious instruction shall be given in accordance with the tenets of the religious communities.” As Islam has increased in Germany in the last fifty years, political and religious leaders in each of the German states have questioned how Islamic religious instruction should be incorporated into state education curriculum. My research therefore is twofold. I first examine why a general discussion on a need for Islamic religious instruction has emerged in the last thirty years in Germany. This is a consequence of (a) Germany’s history of National Socialism and a need for an institutional balance between politics and religion; (b) the history of the Turkish guestworker program of the 1960s and 70s that has contributed to an increase in Turkish and Muslim residents and citizens in Germany; (c) the importance of education, and particularly religious instruction, as a means of integration; and (d) the political and religious responses to this history and the importance of education as a means of integration. (2) The second question is why the inclusion of Islamic religious instruction differs from state to state in Germany. In examining four models of Islamic religious instruction in five German states, I find that the difference in models is a result of the political opportunity structures and historical repertoires among states. Since it is too early to determine whether some models of Islamic religious instruction are more beneficial than others, or what the exact consequences of each model are, researchers and educators should continue to study these questions as the inclusion of Islamic religious instruction in German public schools continues to develop and as Germany responds at the national and regional level to the current absence of a recognized Islamic religious community. How Germany continues to address Islam at the national level will likely impact how Islamic religious instruction is shaped and unfolds at the local and state level in the future.

Since the 1960s, the number and diversity of Muslim immigrants in the Federal Republic of Germany has steadily increased. Today, there are over 4 million Muslims living in Germany, and Islam is now the second largest religious group, following Christianity. In response to the increase in immigration, the German national government liberalized citizenship rules in 2000 to include not just traditional citizenship based on ancestral descent, but also citizenship based on place of birth. In response to the increase in Islam, the national government established the Federal German Islam Conference in 2006 to facilitate dialogue among German officials and Islamic representatives at the national level.

As evidenced by the national creation of the Federal German Islam Conference, Germany is currently grappling with the question of how to address the religious ‘difference’ of a Muslim majority immigrant and new citizen group. This is reflected in national and regional discourse on

the building of mosques, debate on recognizing Islam as an official religion at the national level, discussion on integration and inclusion of Muslims, and deliberation on whether Islam should be included as a component of religious instruction in German public schools. This article focuses specifically on the final aspect, on discussing Islamic religious instruction in German public schools today.

Under Article 7.3 of the 1949 German Basic Law Constitution, “Religious instruction shall form part of the ordinary curriculum in state and municipal schools... religious instruction shall be given in accordance with the tenets of the religious communities.”¹ However, the specific implementation of religious instruction is left to the autonomous decision-making of each region. Since Germany has traditionally fostered predominately Christian demographics, the question of whether and how to include Islam into the scope of religious instruction is an important one that is a component of the larger question of Muslim inclusion in German society.

This broad question of whether and how to include Islam into the scope of religious instruction in German public schools demands the deeper examination of two related questions. First, why has Germany decided to include religious instruction – and in some cases, Islamic religious instruction – as “part of the ordinary curriculum in state and municipal schools”? I find that this inclusion reflects Germany’s National Socialist history, Germany’s recent increase in the number and diversity of its Muslim residents and citizens, the German importance of education and religious instruction as a means of integration, and the political and religious responses to this history and the emphasis on education as a means of integration. Secondly, why do the inclusion and the models of Islamic religious instruction differ from region to region within Germany? In examining the five case states of North Rhine-Westphalia, Bavaria, Hesse,

¹ In Günter Dürig, “An Introduction to the Basic Law of the Federal Republic of Germany.” In *The Constitution of the Federal Republic of Germany*, edited by Ulrich Karpen, 11-24. Baden-Baden: Nomos Verlagsgesellschaft, 1988.

Baden-Württemberg, and Hamburg, I find that the local inclusion of religious instruction in German public schools reflects the historical repertoires and the political opportunity structures at the regional and local level in each of these states and how they are influenced by the geographic concentration of large immigrant and Muslim populations and the political parties in power in each of these states. While analyzing the regional repertoires and political opportunities is essential to understanding the emergence of different Islamic religious instruction models at the state level, it is too soon to determine what the outcomes of each program are and whether one model is more effective in facilitating religious dialogue and increased inclusion. This article will therefore conclude with a discussion of the probable outcomes and implications of Islamic religious instruction in German public schools.

Historical Repertoires

In examining religious instruction in Germany, the typology of government and religious community cooperation is reflected in the theory of repertoires. As Charles Tilly defines, “repertoires of collective action designate not individual performances, but means of *interaction* among pairs or larger sets of actors” – how people know when to make a claim, what they know how to do, and which action society expects them to choose within cultural norms and empirical options.² When actors begin to interact in making collective claims, participants may demand collective claims as minimal as the simple recognition and “affirmation of identity.”³ Although repertoires of collective action may not involve overt conflict, such claims often “affect the interests of other actors” and cause *contention*.⁴ Therefore, “repertoires of contention are the

² Charles Tilly, “Contentious Repertoires in Great Britain.” In *Repertoires and Cycles of Collective Action*, edited by Mark Traugott, 15-42, Durham: Duke University Press, 1995, 27; Tilly in Sidney Tarrow, “Cycles of Collective Action: Between Moments of Madness and the Repertoire of Contention.” In *Social Movements: Reading on Their Emergence, Mobilization, and Dynamics*, edited by Doug McAdam and David A. Snow, 328-339. Los Angeles: Roxbury Publishing Company, 1997, 328.

³ Tilly, 27.

⁴ Tilly, 27.

established ways in which pairs of actors make and receive claims bearing on each other's interests."⁵

The impact of repertoires of collective action is evident in the emergence of Islamic religious instruction in different German states. Although the inclusion of such religious instruction has infrequently led to *contention* in the form of protests and violent conflict, the debate over the issues of citizenships and integration extend to the inclusion of Islamic religious instruction under the stipulations of Article 7.3, as previously discussed. Additionally, the politicization of immigration, integration, and religious instruction as a component of political platforms has become a stark dividing mark among the national German political parties, as will be discussed below in the context of the history of Islamic religious instruction in Germany. Although it may be too early to fully examine the cycle of introducing Islamic religious instruction in schools, the recent shift towards integration and inclusion of Muslim students within German society suggests that a cyclical repertoire for this process may also exist. Since the implementation of religious instruction requires the cooperation of religious communities and regional governance, the introduction of Islamic religious instruction often requires that local and regional Islamic communities present collective claims to the state government. In introducing such claims, the interests of the local and state governments, political parties, and other religious organizations are inevitably impacted.

Political opportunity structures

Although scholars interpret political opportunity structures (POS) differently, in analyzing religious instruction in Germany it is most crucial to examine local POS in terms of the size of the Islamic community and the base of political support within the system. Roger Karapin has applied this model in examining protest politics in Germany and Cathy Schneider

⁵ Tilly, 27.

has additionally applied this model in analyzing Puerto Rican identity in New York City.⁶ Other scholars and social movement theorists, such as Sidney Tarrow, instead define POS by the divisions among political elites, electoral realignments, and the availability of elite allies. However, since this understanding of POS is applied in explaining social change and the emergence of movements at certain times, it is less essential to the present questions in examining the introduction of Islamic religious in different German states. Hanspeter Kriesi and Ruud Koopmans et al. also offer another perspective on POS by examining POS in terms of the formal institutional structure and informal procedures of political systems that provide “the general setting for the mobilization of collective action; they also constrain the relevant configurations of power.”⁷ With this understanding, institutional structure can be differentiated into that of a weak or strong state and an exclusive or inclusive informal procedures, with four general distinct settings for dealing with challenges to the structure: formalistic inclusion, full procedural integration, informal cooperation, and full exclusion.⁸ At the national level in Germany, political opportunities are most frequently based on formalistic inclusion, demanding that challengers can use formal, but not informal facilitation of access to mobilization.⁹ In addition to focusing on the difference between strong and weak states and inclusive versus exclusive procedures, Kriesi and Koopmans et al. also examine POS in terms of political party power, which some scholars also include as one component of the broader understanding of POS.

⁶ Roger Karapin. *Protest Politics in Germany: Movements on the Left and Right since the 1960s*. University Park: The Pennsylvania State University, 2007; Cathy Schneider, “Framing Puerto Rican Identity: political Opportunity Structures and Neighborhood Organizing in New York City,” *Mobilization: An International Quarterly* 2 (1997) : 227.

⁷ Hanspeter Kriesi et al., “New Social Movements and Political Opportunities in Western Europe.” In *Social Movements: Reading on Their Emergence, Mobilization, and Dynamics*, edited by Doug McAdam and David A. Snow, 52-65. Los Angeles: Roxbury Publishing Company, 1997, 52.

⁸ Kriesi, 54.

⁹ Kriesi, 54.

Therefore, given these considerations of POS, my examination of Islamic religious instruction examines the local variation in POS and the Islamic community as well as the constellation of political power at the local level. Although recent changes in immigration have had major consequences at the national political and religious level, this subnational and local governmental and societal response's autonomous decisions have most directly impacted Islamic religious instruction. I am most interested in observing the local variation in German state models of including Islamic religious instruction and observing the constellation of political power at the local level in the POS model used by Karapin and Schneider. For Islamic religious instruction, examination of the size and concentration of the Islamic community and the inclination and support base of political parties at this local and regional level are crucial since education policy is determined autonomously in each state.

Examining the size and concentration of the Islamic community in Germany is essential as a result of the geographic concentration of the immigrant and accompanying Muslim communities in industrial cities and regions in the Western part of Germany reflecting the 1960s and 70s guestworker program's concentration in the former Western German states (See Appendix 1 for a geographic distribution of immigrants in Germany). As a result, direct implications of immigration are felt most directly and strongest at the local and regional levels in these areas, where the political parties and state governance must most often and directly deal with the integration of immigrant and minority groups. This includes the government's need to allocate the distribution of collective consumption goods, such as police and fire rescue, medical

care, and public education, to all of its citizens and residents – Islamic religious instruction is one example of this response.¹⁰

This bridge between macro and micro level concepts in shaping political and cultural identities often emerges in the pragmatic terms of public goods production.¹¹ At the European level, this shift is evident in the 1999 Tampere Council and the Lisbon Agenda, which both focus on the need to associate integration with improving the efficiency of public goods such as employment assistance, language acquisition, and education.¹² While national governments work towards attaining these goals of integration and producing collective public goods for all its citizens and residents, they face the challenges of decreasing resources that urge increased cooperation with non-governmental organizations, such as religious organizations.¹³ The specific national political party support for Islamic religious instruction will be discussed in the section below in relation to the emergence of Islamic religious instruction in Germany and will later be differentiated at the local and regional level in the five case study models of the German states.

However, in examining POS and the production of collective public goods, the levels of cooperation between the government and the institutions, NGOs and political parties can best be observed at the state and local level. In evaluating the cooperative interactions between NGOs and state governance can best be understood on a continuum, spanning from objectification, in which the government holds all the power, to collaboration, in which the government and an NGO are equal partners focused on joint strategic action.¹⁴ Scott Gissendanner denotes eight other points of typological differentiation in between, including: coproduction, in which NGOs

¹⁰ Scott Stock Gissendanner, "Integration 2.0: Local Government-NGO Cooperation and the Transformation of Citizenship." AICGS Transatlantic Perspectives. Washington: American Institute for Contemporary German Studies, 2010, 2.

¹¹ Gissendanner, 2.

¹² Gissendanner, 2.

¹³ Gissendanner, 2.

¹⁴ From Coston, 1998 in Gissendanner.

volunteer and assist the government in providing a service; contracting, in which NGOs are paid for their services; and complementarity, in which NGOs offer their specialized knowledge of access to client groups.¹⁵ For the government, increased partnership with NGOs helps to efficiently meet the government's needs to build steering capacity as it intervenes in a complex system; NGOs simultaneously contribute their resources in knowledge of what clients want and how to effectively distribute these resources.¹⁶

Since Article 7.3's stipulations of religious instruction already require cooperation between regional state government and the "religious community," it is possible to evaluate states' levels of cooperation with the religious communities along this continuum. Applying this typology of government-NGO relationships to government and religious communities at the state and local levels and also applying POS in terms of geographic concentrations of Muslim communities and political support helps identify the levels of cooperation that have historically been and are currently most effective in introducing and incorporating Islamic religious education in each of the different German states. Therefore, analyzing Islamic religious instruction within the context of NGO-subnational governance and the frame of POS with a focus of size and concentration of the Islamic community and the political support base is essential to understanding why and how the outcomes of Islamic religious instruction have varied across Germany.

Section I – Islamic Religious Instruction in Germany at the National Level

The general debate surrounding the inclusion of Islamic religious instruction in German public schools reflects four historic and cultural bases: (a) Germany's historical context for including a constitutional provision of religious instruction; (b) the recent increase in Muslim residents and citizens in Germany as a result of the Turkish guestworker program of the 1960s

¹⁵ From Coston, 1998 in Gissendanner.

¹⁶ From Coston, 1998 in Gissendanner.

and 70s; (c) the German importance of education, and particularly religious instruction, as a means of integration; and (d) the national response of political parties and religious institutions to religious instruction and the importance of education as a means of integration.

A) The History of Religious Instruction in German Public Schools

An examination of Islamic religious instruction in German public schools must begin with an understanding of the role of and precedent for religious instruction as a component of the regular German school curriculum. Unlike most secular Western countries, the Federal Republic of Germany includes religious instruction as an ordinary subject in public schools, as addressed under Article 7 of the 1949 German Basic Law Constitution. Article 7 addresses the constitutional rights to education in Germany and stipulates that the educational system is under the supervision of the state (Paragraph 1), allows for the establishment of private schools (Paragraphs 4 and 5), and abolishes preparatory schools (Paragraph 6). Paragraphs 2 and 3 specifically address the role of religious instruction in German schools:

“(2) The persons entitled to bring up a child shall have the right to decide whether it shall receive religious instruction.

(3) Religious instruction shall form part of the ordinary curriculum in state and municipal schools, except in secular schools. Without prejudice to the state right of supervision, religious instruction shall be given in accordance with the tenets of the religious communities. No teacher may be obliged against his will to give religious instruction.”¹⁷

Article 7 does not specifically address any other subjects for instruction in German schools.

The inclusion of this Article in the 1949 Basic Law Constitution is rooted in Germany’s historic state and church relationship regarding the role of education, which stems from the time when education was initially a private initiative during the middle ages. Education slowly emerged as an obligation of the church between Karl the Great’s death in 814 and the beginning of the 1517 Protestant Reformation, when it increasingly focused on educating premiere students

¹⁷ In Günter Dürig, “An Introduction to the Basic Law of the Federal Republic of Germany.” In *The Constitution of the Federal Republic of Germany*, edited by Ulrich Karpen, 11-24. Baden-Baden: Nomos Verlagsgesellschaft, 1988.

in reading, writing, and mathematics.¹⁸ A movement towards bringing both education and religion to the common individual accompanied the Protestant Reformation and influenced the establishment of increased religious and state cooperation after 1517. As a result, following the Protestant Reformation the state became marginally involved in school matters, and churches assisted the state in expanding public schools and curriculum by placing increasing emphasis on worldly subjects.¹⁹ In Frederick the Great's Prussia, the *Generalschulreglement für die gesamte Monarchie* (General School Regulations for the Entire Monarchy) marked the shift from education as a church responsibility with the formal categorization of schooling as a responsibility of the state (Part II Title 12, Paragraph 1); Article 23 of the 1850 Prussian Constitution further placed all public and private lessons under state supervision.²⁰ The inclusion of religious instruction in German and Prussian legislation evolved parallel to increased state involvement in the school system; Paragraph 153 of the 1849 Frankfurt Constitution and the 1850 Constitution both stated the church's responsibility for religious instruction as well.²¹

The specific inclusion of religious instruction in the form of Article 7 in 1949, therefore, reflects the focus of the Basic Law's founders on relations among the state, schools, and the church.²² The modern German relationship of cooperation between the state and religious communities was solidified in Article 137 of the 1919 Weimar Constitution, which determined that "there shall be no state church" (Paragraph 1) and prohibited a state identification or institutional connection with one sole religious community.²³ Dr. Suefert-Weiß-Frau Pfülf, the leader of the German teacher's association, marked the importance of academic representation in

¹⁸ Dieter Deuschle, *Kirche und Schule nach dem Grundgesetz: Das Schulkirchenrecht des Bundes*. Esslingen: Kuhnle Esslingen, 1968, 1-2.

¹⁹ Deuschle, 4-5.

²⁰ Deuschle, 7-9.

²¹ Deuschle, 12.

²² Deuschle, 21.

²³ Mouhanad Korchide, *Der islamische Religionsunterricht zwischen Integration und Parallelgesellschaft*. Wiesbaden: VS Verlag für Sozialwissenschaften, 2009, 49; Spriewald, 51.

religious instruction affairs with the integral promotion for the inclusion of school rights and religious instruction in the Weimar Constitution, since such stipulations were frequently absent from school constitutions.²⁴ This 1919 constitutional change required the German government's neutrality towards all religious communities and world perspectives.²⁵

Although Jewish schools already existed in the 18th century, those Jewish students who chose to attend public schools after 1825 were exempt from religious instruction.²⁶ Jewish religious instruction was infrequently offered as an independent confessional class in the public schools, since Jewish students traditionally attended private schools and the Jewish enrollment in the public schools was seldom large enough to form independent confessional classes.²⁷ Therefore, the basis of religious instruction remained dominated by Protestant and Catholic traditions during the Weimar Republic and Post-World War I period.

Cooperation between religious and state communities and the state foundation of neutrality quickly faded under National Socialism. In 1933 the *Reichskonkordat* between the National Socialist leadership and the Holy See guaranteed the continued existence of confessional schools in Germany, while also allowing religious instruction in public schools under funding of the Catholic Church.²⁸ However, as the power of the National Socialist party increased during the 1930s, the church became increasingly depoliticized, the tenets of Catholic and Protestant faith became ostracized from the common public discourse, and a National Socialist framework of 'confessional faith' dominated religious instruction within the schools and churches.²⁹ As a result, religious instruction lost its place in the schools under National

²⁴ Deuschle, 15.

²⁵ Korchide, 49.

²⁶ Ali-Özgür Özdil, *Aktuelle Debatten zum Islamunterricht in Deutschland*. Hamburg: E.B.-Verlag, 1999, 42; Korchide, 49.

²⁷ Özdil, 42.

²⁸ Deuschle, 20.

²⁹ Deuschle, 20.

Socialism. Although the occupying powers closed all schools that were still standing in 1945, by 1947 the Allied-controlled sectors announced reforms to democratize the German education system.³⁰ In the public schools, religious instruction reemerged as “part of the ordinary curriculum.”³¹ With the political party initiatives of the newly formed Christian Democratic Party and Christian Socialist Party (CDU/CSU) and the agreement of the Free Democratic Party (FDP) and the Socialist Party (SPD), the school-church laws returned to the Weimar Constitution laws in place prior to 1933 – Christian religious instruction with Christian teachers and uniform Christian education for Christian students was reintroduced in the schools.³²

When the Constitutional Committee on the Basic Law first met in 1948, the inclusion of an article regarding education and schools in the constitution was concentrated as a question of the responsibility of the school system within the broader context of society.³³ Although this inclusion reflected the basis of Article 137 of the Weimar Constitution, the national POS and the context for determining state-church relations had completely changed – they now reflected the need to preserve State-Church cooperation as a means of equalizing power within Germany’s post-National Socialist society. While the 1919 Weimar Constitution had sought to minimize the church’s role in the state and create an irrevocable separation between the church and state (in reaction to the church’s former influential role in defining education), the Basic Law sought to strengthen the influence of the church in education and minimize the threat of a return to the unlimited state power that had characterized National Socialism.³⁴

It was within this historical context that the CDU/CSU promoted the inclusion of Article 7.2 (allowing parental rights over children’s participation in religious instruction) during the

³⁰ Özdi, 31.

³¹ Özdi, 31-32.

³² Özdi, 31-32; Deuschle, 20.

³³ Deuschle, 21.

³⁴ Deuschle, 116.

December 1948 Constitutional Committee.³⁵ All major parties later affirmed the inclusion of parental rights regarding children's participation in religious instruction based on the 1948 United Nations Declaration of Human Rights.³⁶ The FDP further stipulated the need to orient religious instruction to match state and local religious communities and the teachers therein.³⁷ The General Constitutional Committee consolidated these ideas and in May 1949 at the fourth session of the General Constitutional Committee, Dr. Zirm, of the SPD, and Dr. Dehler, of the FDP, further shaped the formulation of Paragraph 3 to reflect the Paragraph 3 now included in the 1949 Basic Law.³⁸ The CDU approved this formulation of Paragraph 3 and it became part of the final version of Article 7.

Due to the open definition of both "religious instruction" and "the religious community concerned," Article 7 was implemented differently in each of the sixteen German states after its introduction in 1949. Under Article 141, The Bremen Clause, the states of West Berlin, Brandenburg, and Bremen were exempt from Article 7.3's inclusion of religious instruction, since they were states "in which different provisions of State law were in force on January 1, 1949." In West Berlin and Brandenburg, religious instruction instead took the form of ethics instruction.

In most other German states, religious instruction was addressed through either religious studies (*Religionskunde*) or confessional religious instruction (*Religionsunterricht*), differentiated on the respective criteria of 'informing' (*informieren*) versus 'persuading'

³⁵ Deuschle, 22.

³⁶ Deuschle, 22.

³⁷ Deuschle, 22.

³⁸ "Der Religionsunterricht ist in den öffentlichen Schulen mit Ausnahme der bekenntnisfreien Schulen ordentliches Lehrfach Unbeschadet des staatlichen Aufsichtsrechtes wird der Religionsunterricht in Übereinstimmung mit den Grundsätzen der Religionsgemeinschaften erteilt. Kein Lehrer darf gegen seinen Willen verpflichtet werden, Religionsunterricht zu erteilen." In Deuschle, 24.

(*überzeugen*) ‘what one should believe.’³⁹ The model of confessional instruction is then further subdivided into ecumenical Christian confessional instruction and non-Christian confessional instruction.⁴⁰ Although Jewish religious instruction has not traditionally been included in public schools, in some schools that have Jewish teachers, Jewish religious instruction is also now offered; the presence of Judaism in the schools is further legitimated through its acceptance as a third test subject in the German high school *Abitur* graduation exam.⁴¹

B) The History of Islam in Germany

This emphasis on Judaic-Christian traditions in religious instruction reflects the Christian and Jewish demographics of Germany in 1949 when Article 7 was adopted. However, the past sixty years have brought significant demographic changes to German society as immigration and diversity have both increased. As a result, the actors in making collective claims and their interactions with the government have shifted as Germany’s demography has changed. Given these changes in immigration and the accompanying increasing presence of Islam in Germany, the question has emerged of whether and how Islam should be incorporated into traditional German society.

With the German *Wirtschaftswunder* and the guestworker program of the 1960s and 1970s, the demographics within German schools slowly began to change. Even after the formal stop of guestworker immigration in 1973, the number and diversity of immigrants to Germany continued to increase, especially as many wives and children moved to Germany to join their husbands who had previously immigrated as guestworkers. As an increasing number of Turkish guestworkers and their families immigrated to Germany, Islam became a more predominant

³⁹ Martin Stock, *Islamunterricht: Religionskunde, Bekenntnisunterricht oder was sonst?*. Münster: LIT Verlag, 2003, 2. 13.

⁴⁰ Özdi, 45.

⁴¹ Özdi, 43.

religion within German society and within German schools. Although Article 7.3 did not specifically address religious instruction for specific religious traditions, with the formation of Islamic religious communities in Germany, states began to question whether and how to include Islamic religious instruction specifically within German schools.

In response, Islamic religious instruction began in Germany in the 1980s.⁴² Initially, religious instruction was left within the domain of externally funded Qur'an schools, until it was slowly included in public schools in Turkish language lessons, which intended to prepare children for their return to Turkey.⁴³ States adopted different variations of this Turkish language Islamic religious instruction, which can be categorized as a 'progressive' model of faith's inclusion in mother-tongue instruction, in which curriculum is designed by a teaching staff in Turkey and excludes any German government influence on the curricula or teaching materials.⁴⁴ However, this broader method of including instruction in Turkish began to lose its importance with the realization that most pupils would not be returning to Turkey and that instruction on Islam only in Turkish mother-tongue classes excluded non-Turkish Muslim pupils.⁴⁵ This model also failed to comply with Article 7 of the Basic Law, since, under Article 7.3, the religious community in question – in this case the Muslim community – is required to work out curricula under the supervision of the state, and this model frequently included syllabi delivered by the Turkish state rather than through consultation with Muslim leaders and German state officials.⁴⁶ In an attempt to be more inclusive of *all* Muslim students and to more closely comply with Article 7.3, Islamic religious instruction has increasingly been introduced as an independent

⁴² Joyce Marie Mushaben, *The Changing Faces of Citizenship: Integration and Mobilization among Ethnic Minorities in Germany*. New York: Berghahn Books, 2008, 290.

⁴³ Mushaben, 290.

⁴⁴ Brett Klopp, *German Multiculturalism: Immigrant Integration and the Transformation of Citizenship*. Westport: Praeger, 2002, 112-3.

⁴⁵ Mathias Rohe, „The Legal Treatment of Muslims in Germany.“ In *The Legal Treatment of Islamic Minorities in Europe*, edited by Roberta Aluffi B.P. and Giovanna Zincone, 83-108. Washington: FIERI, 2004, 95.

⁴⁶ Rohe, 95; Mushaben, 290.

course alongside other denominational or ecumenical confessional classes.⁴⁷ Such Islamic religious instruction classes are offered in German and permit students the right to select the class in which they wish to participate; they are intended as a new integrative learning mechanism for the 700,000 Muslim students living in Germany.⁴⁸

However, the introduction of Islamic religious instruction in the form of independent denominational confessional classes is controversial: can religious affiliated Islamic religious instruction be achieved under the guidelines of Article 7.3?⁴⁹ If so, must Islamic religious education be delivered in the form of independent, confessional religious instruction (*Religionsunterricht*) as defined by Article 7.3, or can it take another form in pedagogical and scientific religion classes (*Religionskunde*), ethics classes, or in a new, innovative means, such as school-wide interreligious instruction including curriculum on Islam?⁵⁰ The controversy of including Islamic religious instruction in public schools is grounded on (i) the provisions of freedom of religion in Basic Law Article 4 and (ii) the lack of a Muslim ‘religious community’ to address Article 7.3’s language that “religious instruction shall be given in accordance with the tenets of the religious communities.”

i) The provisions of freedom of religion in Basic Law Article 4 demand that “Freedom of faith, of conscience, and freedom of creed, religious or ideological (*weltanschaulich*), shall be inviolable” (Paragraph 1) and “the undisturbed practice of religion is guaranteed” (Paragraph 2).⁵¹ Therefore, under Article 4, the German state must allow for religious freedom, and under Article 140 must additionally maintain neutrality towards all religious and secular organizations

⁴⁷ Mushaben, 290.

⁴⁸ Stock, 2.

⁴⁹ Stock, XIII.

⁵⁰ Khorchide, 51; Stock, XIII, 5, 43.

⁵¹ Appendix: “Translation of the Basic Law of the Federal Republic of Germany.” In *The Constitution of the Federal Republic of Germany*, edited by Ulrich Karpen, 223-308. Baden-Baden: Nomos Verlagsgesellschaft, 1988, 227-228.

without giving one group preference over any other; the government has the obligation to function as a neutral state.⁵² Although Article 4 does not grant the right of religious instruction, its broad institutional guarantee of religion strengthens its subjective and legal association with religious instruction.⁵³ Since Article 7.3 is frequently interpreted as a derogation rule of the German Constitution (as it does not align with Article 4):

“The clarification of religious instruction (*Religionsunterrichte*) as an ordinary curriculum stands clear in Article 7.3, sentence 1 of the Basic Law, that its issuance is a state duty and concern; it is a state school law that is subject to state school oversight. Its position as a required class is obligatory for school leadership and the state must ensure that it is a instructed subject with the same position and handling as other ordinary instructional subjects...”⁵⁴

From this perspective, Article 7.3 presents a valid constitutional right, granting the institutional privilege of religious communities while also recognizing the importance of state neutrality in religious matters.⁵⁵ However, the inclusion of religious instruction for existing religious communities gives preference to the Christian church (as an established and predominant religious community) and disadvantages religious communities such as the Islamic community; therefore some view Article 7.3 as a direct violation of Article 4 since it wrongly favors some religious communities and faith traditions over others.⁵⁶ If religious communities are treated preferentially under Article 7.3, then this Article also arguably requires, in the words of former Chief Justice Ernst-Wolfgang Böckenförde, that, “ ‘the freedom-oriented, secularized state operates on the basis of prerequisites that it can itself not guarantee.’”⁵⁷

ii) This brings to question the role of religious communities in Germany. Although Germany has a specific neutrality clause regarding the state relationship with religion under Article 140 and the nation as a whole lacks a state church, the government does legally recognize

⁵² Simone Spriewald, *Rechtsfragen im Zusammenhang mit der Einführung von islamischem Religionsunterricht als ordentliches Lehrfach an deutschen Schulen*. Berlin: TENEA Verlag für Medien, 2003, 57.

⁵³ Spriewald, 58.

⁵⁴ In Özdi, 33; Renck, 1172.

⁵⁵ Renck, 1172.

⁵⁶ Renck, 1171.

⁵⁷ Mushaben, 288.

religious organizations as public corporations to allow their support by powerful and wealthy organizations, grant them funding by earmarked religion taxes, and establish their right to offer religious classes in the context of public school education.⁵⁸ Currently, the government recognizes the two Christian denominations (the Catholic Church and the Protestant *Evangelische Kirche in Deutschland*) as well as Judaism, but no Islamic religious community is currently recognized as a public corporation.⁵⁹ This lack of recognition is partly a result of the absence of any nationally unified Muslim organization in Germany, although in recent years pressure for state recognition of a Muslim body equivalent to those of Christianity and Judaism has increasingly been levied on the government.⁶⁰ However, the lack of a nationally recognized Islamic ‘religious community’ is often a second basis arguing for the illegality of currently holding Islamic religious instruction in German public schools – since Islam is not a recognized ‘religious community,’ the basis of Article 7.3 granting “religious instruction...in accordance with the tenets of the religious communities,” does not apply to Islam.

Since September 11, 2001, the debate over including Islamic religious instruction in the German public schools has become more predominant. However, the revision of citizenship laws in the last ten years have also marked a renewed approach of integration and inclusion towards Islam rather than the denial of Islam’s growing numbers that had predominated Germany’s years of declaration that it was “not a country of immigration.” This shift towards inclusion and encouraging multiculturalism (*Multikulti*) is most evident in the establishment of the German Islam Conference in 2006. The Conference recognizes the religious and cultural contributions of

⁵⁸ Ruth Mandel, *Cosmopolitan Anxieties: Turkish Challenges to Citizenship and Belonging in Germany*. Durham: Duke University Press, 2008, 270.

⁵⁹ Mandel, 270.

⁶⁰ Mandel, 270.

Muslims living in Germany during the last decade and seeks to serve as a forum for establishing dialogue between the German government and Muslims living in Germany.⁶¹

C) Education and Religious Instruction as Integrative

The recognition of the importance of integration and inclusion of Islam within German society as a whole also applies to the role of education and religious instruction in facilitating immigrant and new citizen inclusion and integration within German society. Since public education has traditionally been viewed as a nexus for introducing young students to different traditions and religious life styles, integration of Muslims of foreign origin can be categorized as one of the most important collective consumption goods for minority individuals and groups in Germany.⁶² T.H. Marshall additionally recognizes that “The education of children has a direct bearing on citizenship, and when the state guarantees that all children shall be educated, it has the requirements and the nature of citizenship definitely in mind.”⁶³ Recent state legislation has further focused on Islamic religious education, which, according to the 2001 Federal Independent Immigration Commission, allows Muslim children to emerge as “participants on equal terms in social, economic, cultural, and political life.”⁶⁴

The inclusion of religious instruction as a requirement of “the ordinary curriculum in state and municipal schools” reflects the national German constitution’s basis on values such as

⁶¹ Deutsche Islam Konferenz, “Aufgaben und Ziele” <http://www.deutsche-islam-konferenz.de>.

⁶² Ulrich Seiser and Dieter Schütz, “Islamische Religion im schulischen Unterricht: Bayern.” In *Islamische Religionsunterricht? Rechtsfragen, Länderberichte, Hintergründe*, edited by Wolfgang Bock, 85-92. Tübingen: Mohr Siebeck, 2006, 85.

⁶³ T.H. Marshall, *Citizenship and Social Class*. London: Plato Press, 1992, 16, in Joyce Marie Mushaben, *The Changing Faces of Citizenship: Integration and Mobilization among Ethnic Minorities in Germany*. New York: Berghahn Books, 2008, 288.

⁶⁴ Independent Commission on Migration to Germany, *Structuring Immigration, Fostering Integration*. Berlin, July 2001.

human dignity, human rights and freedoms, tolerance, and political concepts.⁶⁵ Since religious instruction is not completely compatible with the role of state neutrality, literature often discusses a ‘state function’ of religious instruction.⁶⁶ Through a development of personal freedom, the religious basis of culture in society should also be shared and therefore be carried further into the pluralistic diversity.⁶⁷ This context for religious instruction indicates that the state still has its own interest in the religious education of its citizens while also acknowledging religious motivations of individual and social ethics.⁶⁸ This perspective of integration accepts T.H. Marshall’s recognition that “[The state] is trying to stimulate the growth of citizens in the making.”⁶⁹ Furthermore, the school is one of the most important starting points for the integration of young Muslims, since it is a place where students meet different traditions and religious life styles.⁷⁰

The inclusion of religious instruction within the Basic Law is an integrative part of the school curriculum and is both a state school right and a state supervision of public schools.⁷¹ In its guarantee of including religious instruction in German “state and municipal schools,” Article 7.3 places the religious community at the center of religious instruction, while simultaneously giving “students, parents, and relative authorities subjective rights in shaping religious instruction.”⁷² Within this framework, religious instruction requires cooperation between each

⁶⁵ Lutz R. Reuter, “School Choice and Civic Values in Germany.” In *Educating Citizens: International Perspective on Civic Values and School Choice*, edited by Patrick J. Wolf and Stephen Macedo et al., 213-237. Washington: Brookings Institution Press, 2004, 231.

⁶⁶ Spriewald, 53.

⁶⁷ Spriewald, 54.

⁶⁸ Spriewald, 54.

⁶⁹ T.H. Marshall, *Citizenship and Social Class*. London: Plato Press, 1992, 16, in Mushaben, 288.

⁷⁰ Seiser and Schütz, 85.

⁷¹ Korchide, 50.

⁷² Wolfgang Bock. “Islamischer Religionsunterricht oder Religionskunde? Zu ihren verfassungsrechtlichen Rahmenbedingungen.” In *Islamischer Religionsunterricht? Rechtsfragen, Länderberichte, Hintergründe*, edited by Wolfgang Bock, 3-32. Tübingen: Mohr Siebeck, 2006, 7.

state and its religious communities.⁷³ However, religious instruction is simultaneously a state activity (rather than a church one) and must be handled, as would curriculum of any other school subject.⁷⁴ For example, the state still holds financial responsibility for religious instruction classes and must consider the rubric and qualifications for curriculum. Under Article 140, German states must also be neutral in their views of religious communities and perspectives since Article 140 recognizes “The provisions of Articles 136, 137, 138, 139, and 141 of the German Constitution of 11 August 1919” (including the Weimar neutrality clause) as “an integral part of the Basic Law.”⁷⁵

Accompanying the integrative role of German public schools and religious instruction is the new and unique focus on transnationalism and immigrant identity as the nexus for facilitating integration in Germany.⁷⁶ The last century’s increase in technology has allowed immigrant groups in Germany to remain more connected with their home country through the easy communication of phone and internet conversation, through satellite television’s national and regional reporting of events in and the cultures of their home countries, and by access to cheaper and easier travel between the two locations.⁷⁷ However, whether transnationalism will continue among second and third generation migrant groups and whether it will hinder or help the integration of such groups into Germany and German society remains unclear.⁷⁸ Currently, data on the immigration in Europe suggests that “transnationalism does not inevitably hinder integration,” and some, such as Steven Vertovec, even argue that transnationalism will accelerate

⁷³ Bock, 8.

⁷⁴ Korchide, 51.

⁷⁵ Ulrich Karpen, “Translation of the Basic Law of the Federal Republic of Germany.” In *The Constitution of the Federal Republic of Germany*, edited by Ulrich Karpen, 223-308. Baden-Baden: Nomos Verlagsgesellschaft, 1988, 305.

⁷⁶ Leo Lucassen, David Feldman, and Jochen Oltmer, *Migrants in Western Europe (1880-2004)*. Amsterdam: Amsterdam University Press, 2006, 12.

⁷⁷ Lucassen et al., 13.

⁷⁸ Lucassen et. al, 13.

integration and inclusion of new and recent immigrant groups, since it enables these individuals to create a dual-identity between both countries rather than being rejected from identifying with either their country of origin or the country to which they immigrated.⁷⁹

This sense of migrant identity is particularly important for Muslim immigrants and citizens in European countries such as Germany. In addition to often feeling rejected from the societies and cultures of their country of origin and the country to which they relocate, Muslims often feel further ostracized from the Western societies into which they attempt to integrate. This phenomenon is best categorized by the emergence of ‘Euro-Islam,’ an Islamic identity based on the display of ‘European’ features or an independent geographical locus, but is distinguishable from traditional Islam.⁸⁰ For young Muslims living in Europe, the concept of Euro-Islam and the demands for a space for religious practice reveal the continuation of Euro-Islam and presupposes a consensus as regards shared ‘European norms’ among self-determined actors who “pragmatically select certain elements of Islam” for incorporation into their ‘modern’ and daily lives.⁸¹

For young Muslims who view Euro-Islam as an essential component of their lives in European countries, such as Germany, the public school and a recognition of their faith within this public place marks a significant step towards welcoming them into society more broadly. Therefore, the strongest argument in favor of Islamic religious education is the potential of religious classes to contribute to this process of inclusion while also extending the German

⁷⁹ From Vermeulen and Perlmann 2000, in Lucassen, 13; Vertovec, Steven. *Transnationalism*. New York: Routledge, 2009.

⁸⁰ Sigrid Nökel, “Islam, Gender, and Dialogue: on Body Politics and Bio-Politics.” In *Islam and the New Europe: Continuities, Changes, Confrontations Yearbook of the Sociology of Islam, Volume 6*, edited by Sigrid Nökel and Levent Tezcan, PPP, 178-208. New Brunswick: Transaction Publishers, 2005, 178.

⁸¹ Schirin Amir-Moazami, “Reaffirming and Shifting Boundaries: Muslim Perspectives on Gender and Citizenship in France and Germany.” In *Islam and the New Europe: Continuities, Changes, Confrontations Yearbook of the Sociology of Islam, Volume 6*, edited by Sigrid Nökel and Levent Tezcan, PPP, 209-233. New Brunswick: Transaction Publishers, 2005, 209.

emphasis on values and principles in the constitution's fundamental educational aim:

integration.⁸² In 2001, the Resolution of the Heads of Government of the German States and Regions (*Beschluß der Regierungschefs von Bund und Ländern vom 20.12.2001*) stated that offering Islamic instruction is a basis for the successful interreligious dialogue in our society.⁸³

At the 'Conference of German Cultural Ministers on the German Educational System and Muslims' in Weimar in 2003, integration was also a main focus. The conference report states, "integration is only possible when people of different cultures and religions live together in equality and when their political, social, economic, and cultural participation is safeguarded."⁸⁴

This importance of integration reflects former German President Johannes Rau's conception that integration requires movement beyond uprooting and faceless assimilation as an alternate to the accommodation of disparate cultures without interaction.⁸⁵ Although integration is a main focus of the state, the state alone cannot ensure integration – integration requires both the admonition of the concerns of Muslims and non-Muslims, as well as the acceptance and recognition of the other party.⁸⁶ Therefore, a meaningful dialogue can only begin when the knowledge and feeling of both value and dignity are present on both sides.⁸⁷ The report therefore recommends that teacher training for interreligious and intercultural education be made available at universities and pedagogical colleges, that researchers evaluate understandings of culture through interdisciplinary work, and that Islamic religious education be included within the everyday school day.⁸⁸

⁸² Reuter, 231.

⁸³ Stock, 104.

⁸⁴ KMK-Fachkonferenz in Weimar am 13. und 14.3.2003 Lerngemeinschaft. Das deutsche Bildungswesen und die Muslime: Weimarer Aufruf, in Stock, 109.

⁸⁵ In Stock, 109.

⁸⁶ In Stock, 109.

⁸⁷ In Stock, 109.

⁸⁸ In Stock, 110.

The educational system is a prime location for teaching and learning interreligious and intercultural dialogue, particularly in emphasizing the “democratic value of sharing, making apparent the intercultural competence, differing cultural impressions and religious and world perspectives, and establishing solidarity and intercultural competence.”⁸⁹ It is with such an understanding that the state and local governance as well as the Muslim and religious communities offer their support of Islamic religious instruction in the German public schools.

D) Political and Religious Response to Islam, Islamic Religious Instruction, and the Purpose of Education

Given the historical context in which religious instruction became part of the German 1949 Basic Law, the increase in number and diversity of Muslims in recent decades, and the importance of education as a means of integration within Germany, it is not surprising that Islam and Islamic religious instruction have emerged as issues within party politics in Germany. The POS integral in shaping religious instruction and the contention of collective claims making are also reflected in the politicization of immigration, integration, and the inclusion of Islamic religious instruction within Germany. As immigration and the diversity of immigrants has increased in the last half a century, almost all German political parties have included an official statement on integration as a component of their party politics. Some parties have additionally taken specific stances on Islamic religious instruction. Considering the national political party differences when examining local and regional differences is essential in explaining why regional differences in implementing Islamic religious instruction exist (See Appendix 2). Below is a brief outline of the core political positions on Islam and Islamic religious instruction among the CDU, SPD, FDP, Alliance90/The Green, radical right parties and the central religious communities in Germany at the national level. The national understanding of each of these

⁸⁹ Stock, 109.

parties' positions is essential in understanding the state level POS within which different state and local models of Islamic religious instruction have emerged.

Until the end of 1998, the CDU maintained that Turkish students' cultural, religious, and geography studies should be instructed in mother-tongue Turkish lessons; only in January of 1999 did the CDU/CSU and the Catholic Church together announce their support of Islamic religious instruction in German language.⁹⁰ Of the German political parties in 2000, the CDU placed most importance on educational policy, while simultaneously pleading for "a limitation of foreigners moving to Germany as a way to strengthen integration and tolerance" and an emphasis on an "ethical orientation" when discussing the inclusion of Islam in German schools.⁹¹ Even with this perspective on immigration, the CDU concedes, "the educational system has a basic role in the integration of foreigners."⁹²

The other main German party, the SPD "sees educational policy as a social challenge and gives it a fundamental first place" in the party's priorities, and the official position of the SPD on Islamic religious education is that "the SPD discerns the specific meaning and legal position [of religious instruction] as acknowledged to the church and religious communities in the Basic Law."⁹³ This focus that a recognized Islamic religious community needs to be established prior to the establishment of Islamic religious instruction is consistent with the SPD's earlier positions of the 1990s.

⁹⁰ Özdil, 142.

⁹¹ Edwin Keiner et al, "Discourses on Education Governance and/or Social Exclusion and Inclusion in Political Parties in Germany." In *Public discourses on Education Governance and Social Integration and Exclusion: Analyses of policy texts in European contexts*, edited by Sverker Lindblad and Thomas S Popkewitz, 55-80. Uppsala, Sweden: Uppsala University Department of Education, 2000, 59, 72; Urs Baumann, *Islamischer Religionsunterricht: Grundlagen, Begründungen, Berichte, Projekte, Dokumentation*. Frankfurt am Main: Verlag Otto Lembeck, 2001, 271.

⁹² Keiner et al, 72.

⁹³ Keiner et al, 60, 73; Baumann, 262.

The FDP's slogan "education creates jobs" reflects the role of education as a means of establishing jobs, but the direct placement of Islamic religious instruction has been a divisive issue within the party.⁹⁴ While some politicians pronounced Islamic religious instruction "an important element of the social incorporation and religious identity observance of the Muslims living here" in the late 1990s, others spoke against the instruction on the bases on "financial reasons" and the lack of adequate teaching personal.⁹⁵

The Alliance90/The Greens have dealt most intensively with the subject of religious instruction, reflecting the party view that educational policy, of which integration of minorities is an integral part, is the bottom pillar of planning for the future.⁹⁶ The party understands integration of minorities with an emphasis on an inter- and multicultural education through "cultural variety and differences, personal rights and personal differences, cultures, and languages" that is necessary not only under Articles 4 and 7.3, but as a requirement of a societal reality.⁹⁷ The party has given its position the title "*Religious Instruction – Islamic Religious Instruction – Personal Rights in Schools.*"⁹⁸ The Alliance90/The Greens apply this party ideology through their support of Islamic religious instruction in states where desired by the Islamic religious community with the requirement that such lessons be instructed in German under the legal requirements of the Basic Law and the encouragement of Church collaboration with and representation of Islamic religious community's interest in the absence of a nationally recognized Islamic community.⁹⁹ Despite this broad party understanding of Islamic religious instruction there are still differing priorities among the party leaders as to how religious

⁹⁴ Keiner et al, 60.

⁹⁵ Özdi, 142.

⁹⁶ Özdi, 142; Keiner et al, 60.

⁹⁷ Özdi, 142; Keiner et al, 73.

⁹⁸ Baumann, 264.

⁹⁹ Baumann, 269-270.

instruction and particularly Islamic religious instruction should be implemented in the schools.¹⁰⁰

The Left party (*Die Linke*) also shares these views of education and integration with the Alliance90/The Greens.

Not surprisingly, the small right parties within Germany, such as the Republicans (REP), the National Democratic Party (NPD) and the German People's Union (DVU) focus on nationalist concepts of "the German nation" and call for drastic limits to immigration and integration of migrants.¹⁰¹ Therefore, none of these three parties support Islamic religious instruction as a focus of their campaigns.

Accompanying the reactions of political party leadership is the strong support or opposition of the religious community. On the topic of Islamic religious instruction, this is particularly relevant. As of 1994, the Protestant *Evangelische Kirche in Deutschland* (EKD) promoted religious-ethic instruction with a focus on interreligious learning and interreligious dialogue as the ideal means of fulfilling Article 7.3 in the schools.¹⁰² The Catholic Church has long affirmed the legality of Islamic religious instruction in the German public schools and in doing so positively aligns itself with the legal right of Muslims to school religious education.¹⁰³ The German Islam Council, which formally concluded its Constitution in 2002 and now forms a collaborative effort of nineteen Muslim umbrella organizations, has supported the rights of all students to participate in Islamic religious instruction in the public schools.¹⁰⁴ Therefore, the Islam Council suggests that the lessons be given in German to ensure broader participation, but

¹⁰⁰ Baumann, 266-8.

¹⁰¹ Keiner et al, 60, 73.

¹⁰² Baumann, 283.

¹⁰³ Baumann, 285.

¹⁰⁴ Zentralrat der Muslime in Deutschland e.V. "Selbstdarstellung." <http://zentralrat.de/>; Baumann, 285.

also recommends that Muslim communities in Germany be permitted to help determine the curriculum of such instruction.¹⁰⁵

The alliance of recognized religious communities with Muslim organizations and mosque communities suggests the means for local and regional level cooperation towards increasing the introduction of Islam into German society. Although politics and political leadership vary throughout Germany, most states have now recognized that school education of students of Muslim faith is an assignment of the state. This is a reflection of the changes in POS in Germany at the national level, as well as at the state levels, and POS have become more inclusive of informal means of cooperation among NGOs and religious communities. This is demonstrated through the EKD and the Catholic Church's affirmation of the introduction of Islamic religious instruction in public schools, and in some states a cooperative effort to serve as a representative of Islamic communities. The different methods of including Islam into public schools, however, vary among the German states as a reflection of the regional political, historical, and cultural differences among these states.

Section II – Differences in Islamic Religious Instruction at the State Level

Given the historic basis of religious instruction in German public schools, the increase of Muslims within the demographics of modern-day Germany, the importance of education as an integrative force within German society, and German political party support of Islam and Islamic religious instruction at the national level, the emergence of Islamic religious instruction in German public schools is a natural evolution of adapting traditional religious instruction to meet the needs of the new Muslim groups in Germany. However, as Islamic religious instruction is introduced in various regions of Germany, the question becomes, why does the inclusion of Islamic religious instruction differ from state to state in Germany? To account for these

¹⁰⁵ Baumann, 286.

differences, I examine four models of Islamic religious instruction in five German states. Each of these cases demonstrates that the inclusion of Islamic religious instruction in German public schools is a reflection of historical repertoire and the local formal political opportunity structures impacted by geographical concentrations of Muslim communities and the bases of supportive political parties and religious institutions.

Methodology - Application of these models in five German case states

Analyzing the repertoires and POS at the state level in a comparative analysis of the five German case states of NRW, Bavaria, Hesse, BW, and Hamburg illustrates the different evolutions, consequences, and influences of geographic concentration of Islamic communities and political party support in different German states. These five case states were selected from the nine states that must incorporate religious instruction under Article 7.3, were part of former West Germany, and today have a significant Muslim population with active religious organizations. Therefore, those states exempt from the requirements of Article 7.3 under Article 141 - Berlin, Brandenburg and Bremen – were excluded, as were the four former Eastern German states of Saxony, Mecklenburg-Vorpommern, Saxony-Anhalt, and Thuringia. The five selected case states reflect different models of incorporating Islamic religious instruction under three core models that have evolved during the past thirty-five years: (1) the “Islamic Study” model in NRW; (2) the model of religious education under the framework of mother-tongue instruction formerly in Hesse and currently in Bavaria; and (3) the consular model in BW.¹⁰⁶ The case state of Hamburg, which has introduced a model of (4) “Religious instruction for all,” serves as an exception and reflects a non-traditional model of Islamic religious instruction.¹⁰⁷ Although all four models incorporate Islamic religious instruction, none are ‘religious

¹⁰⁶ Khorchide, 55.

¹⁰⁷ Hamburger Bildungsserver: Information für Lehrende und Lernende. „Religionsunterricht für alle.“ <http://www.hamburger-bildungsserver.de/>.

instruction’ in the sense outlined in Article 7.3 of the Basic Law, since a recognized Muslim ‘religious community’ still does not exist at the national level.¹⁰⁸

However, under these four models, Islamic religious instruction is organized by the state, which determines instructional guidelines and curriculum and hires the teaching staff.¹⁰⁹ While the state fulfills this authoritative role in all four models of Islamic religious instruction, the role of the regional state has also begun to shift to serve a different role in each model. Local and state government initiatives as well as political party, academic, and religious community support have been actualized to include Islamic religious instruction as independent classes, free from mother-tongue instruction and expanding beyond consular oversight. In the first “Islamic Study” model in NRW, the state leads and implements the initiative of Islamic religious instruction from a top-down approach, whereas states following the second “mother-tongue” model (Bavaria and formerly Hesse) have had independent Islamic religious instruction emerge on a more localized, bottom-up model. The third group’s consular nature (BW) has eased towards hybrid initiative of cooperation between the local and state level in introducing Islamic religious instruction. The fourth model of “religious instruction for all” is unique to the city-state of Hamburg in implementing a form of religious instruction largely defined by the religious communities involved.

The evaluation of the five selected case states of North Rhine-Westphalia (NRW), Bavaria, Hesse, Baden-Württemberg (BW), and Hamburg illustrates the extent to which differences in repertoires and political opportunity structures (POS) reflect how the concentrations of immigration and politics have led to different consequences of Islamic

¹⁰⁸ Barbara Lichtenhlder, “Islamische Religion im schulischen Unterricht: Baden-Württemberg.” In *Islamische Religionsunterricht? Rechtsfragen, Lnderberichte, Hintergründe*, edited by Wolfgang Bock, 79-84. Tübingen: Mohr Siebeck, 2006.

¹⁰⁹ Khorchide, 55.

religious instruction. All five states have seen significant increases in immigration and the diversification of immigrants and new citizen groups in recent decades and each state has collaborated with political party leadership to implement these different models without any sole political party predominating the leadership on this issue, supporting the differences in repertoires and POS that have emerged. While NRW's "Islamic Studies" model has resulted from traditional German formalistic inclusion under the regional NRW government, the initiatives of Islamic religious instruction in Bavaria and Islamic ethics classes in Hesse more closely reflect the informal cooperation of Islamic associations with the local and regional governments. BW's introduction of Islamic religious instruction is the result of a hybrid model of cooperation under which the state initiated the formation of a steering group to implement a model for incorporating Islamic religious instruction. Finally, Hamburg represents a case of exception, in which the traditional model of religious instruction has been rejected and the initiative of an alternate "Religious Instruction for All" model has emerged almost completely from the NGO level of informal cooperation. These differences suggest that in developing Islamic religious instruction curriculum and implementing these classes, both formalistic inclusion and informal cooperation models of POS have the potential to result in successful establishment of these different forms of Islamic religious instruction. In examining these models under the theory of repertoires, each state's development of or move away from Islamic religious instruction has followed a general cyclical pattern. Each state has gradually introduced Islamic religious instruction within the confines of the preexisting structure for religious instruction (in NRW in the confessional model, in Bavaria and Hesse in the mother-tongue model, and in BW in the consular oversight model). As such instruction was tested in a few schools or grades within each region, the curriculum, instruction, and teacher training has then expanded to meet

more of the needs of the Islamic communities throughout the state. At another stage in this cyclical development of Islamic religious instruction, Hamburg has further adopted a unique model for including Islam in the public schools that moves beyond any of the three common models in Germany.

1) State initiative of the “Islamic Study” model in North Rhine-Westphalia

North Rhine-Westphalia (NRW) was the first state to cooperate with local religious leaders and later introduce Islamic instruction at the state level in a model of regular religious instruction following the Christian confessional model.¹¹⁰ As the western-most German state, NRW includes the industrial cities of Düsseldorf, Cologne, and Bonn and has some of the highest geographic concentrations of immigrants (as visually represented in Appendix 1). Since 1970, the number of Turkish Muslims in the schools has increased from 7,500 to 100,000 at the end of the 1970s and to 180,000 in 1997.¹¹¹ Of the Muslim students in NRW today, 63 percent are of Turkish origin and the state has 297,000 Muslim students – in 28 schools, more than two-thirds of the students are Muslims and in 162 schools, more than half are Muslims.¹¹² The state also includes high numbers of Protestants and Catholics. It is the most populous German state and religious membership (when compared with other German states and the nation as a whole) is exceedingly high - 75 percent of residents are members of a religious community. Politically, NRW has been led by a supportive SPD-coalition from 1966 until 2005, when the CDU became the new leaders of the coalition. The Düsseldorf Ministry of Education was initially most influential in realizing the inclusion of Islamic religious instruction in the NRW public schools, but recent years have seen an increased interest among and collaboration with Islamic

¹¹⁰ Stock, 9.

¹¹¹ Ulrich Pfaff, “Zur Situation des Islamunterrichts in Nordrhein-Westfalen.” In *Islamische Religionsunterricht? Rechtsfragen, Länderberichte, Hintergründe*, edited by Wolfgang Bock, 135-150. Tübingen: Mohr Siebeck, 2006, 136.

¹¹² Pfaff, 134-6.

organizations. While the POS in NRW have been generally receptive of this increased interaction between the Islamic community and the formal Ministry of Education, the introduction and continuing inclusion of Islamic religious instruction in NRW's public schools reflects the role of the strong state government rather than the cooperation between these actors.

Since 1979, NRW has included religious instruction for students of Islamic faith.¹¹³ The initial model, under the provisions of the Düsseldorf Ministry of Education, introduced Islamic instruction in Turkish for Muslim students in grades 1 through 4.¹¹⁴ This introduction of Islamic religious instruction under the initiative of the Minister of Education exemplifies the top-down approach to Islamic religious instruction that has since predominated in NRW. This model was facilitated in Turkish under the rationale that Turkish Muslims and Muslims of Turkish origin residing in NRW would be returning to Turkey (since Germany still did not view itself as a “country of immigration”). The offering of Turkish mother tongue religious instruction aimed to convey “religious knowledge in the framework of the system of values of the Basic Law and the cultural and educational goals of the state constitution, without promulgating the faith or educating to the faith.”¹¹⁵ In 1986 the first curriculum for “Religious Studies for Students of Islamic Faith,” focusing on Sunni faith traditions, was implemented in forty elementary schools.¹¹⁶ By 1991, curriculum extended to fifth and sixth grades and in 1997 to seventh through tenth grades.¹¹⁷

However, although this model was expanding successfully, it excluded students who did not speak Turkish. Therefore, in 1999, NRW began to introduce Islamic instruction in German in

¹¹³ Stock, 40.

¹¹⁴ Stock, 41; Gebauer, 232.

¹¹⁵ From the Einführungserlass 1999 in Stock, 45; “im Rahmen der Wertordnung des Grundgesetzes und der Bildungs- und Erziehungsziele der Landesverfassung religiöses Wissen, ohne den Glauben zu verkünden oder zum Glauben zu erziehen.”

¹¹⁶ Stock, 46; Gebauer, 234; Pfaff, 137.

¹¹⁷ Gebauer, 235.

25 primary and secondary schools and expanded the offerings to 50 schools by 2002.¹¹⁸ This model allows Grade 1-10 students interested in Islam to take part in the course regardless of nationality and origin, and instruction now reaches approximately 130 schools in the state.¹¹⁹ Simultaneously, the parents and students of Islamic faith as well as the Islamic Association of Germany (*Dachverbände Islamrat für die Bundesrepublik Deutschland*) and the Central Association of Muslims in Germany (*Zentralrat der Muslime in Deutschland*) organized with the intent of ensuring the introduction of Islamic religious instruction in the 2000-2001 school year.¹²⁰ Due to their lack of official status as a religious community, the collaborative effort met legal resistance.

In 2001, independent from this Islamic initiative to organize religious instruction, the then Minister of Education, Gabriele Behler, activated a balance of Islamic religious study that would be adequate for the needs of the major Islamic organizations in the region.¹²¹ Behler's initiative to include Islamic religious instruction is significant given her membership in the SPD. This local initiative for political party motivation of introducing Islamic religious instruction reflects the SPD's fundamental priority of educational policy and the emphasis on establishing an official Islamic religious community in Germany.¹²² With such an initiative, the regional government of NRW concerned itself with the future of religious instruction, particularly the inclusion of Islamic religious instruction.¹²³ Under such leadership, the model of Islamic religious instruction introduced in 1999 has been maintained and sustained in the public schools.

¹¹⁸ Stock, 46; 99.

¹¹⁹ Stock, 99; Deutsche Islam Konferenz, „Religionsunterricht und Bildung: Ueberblick islamischer Religionsunterricht“ <http://www.deutsche-islam-konferenz.de>.

¹²⁰ Pfaff, 144.

¹²¹ Pfaff, 145.

¹²² Keiner et al, 60, 72, 73.

¹²³ Pfaff, 145.

As of 2002, NRW also still permitted two hours of mother-tongue instruction per week in which Islamic religious instruction could also be included.¹²⁴

The current inclusion of Islamic religious instruction in 130 schools in the state reflects the NRW government's initiative for including Islamic religious instruction in the schools through collaboration with the Islamic community. The state governmental reaction to the large increases in immigration in NRW in recent years has led the main political parties, the SPD (from 1966 to 2005) and the CDU, to develop "Islamic religious studies" in the confessional model. Although Islamic religious NGOs and mosque communities have begun to form and make collective claims on the local and state governments, NRW's POS and emphasis on the illegality of such claims under Article 7.3 have restricted these groups' claims or the possibility of their increased formal collaboration. Although it is unclear whether this restrictive POS has led to contention among and within the Muslim communities in NRW, the state government has been proactive in including and incorporating Islamic instruction.

2) Local initiatives from the mother-tongue model in Bavaria

Bavaria has offered Islamic religious instruction in Turkish since the late 1980s.¹²⁵ Reflecting an increase in the immigration of Muslims in Germany, there were more than 300,000 Muslims living in Bavaria in 2006, and 70,000 were Muslim students in Bavarian public schools, of whom most are migrants from Turkey, the Balkans, North Africa, or Asia.¹²⁶ Since 1957, Bavaria has held a CSU majority, which on the national level (in collaboration with the CDU) has been largely supportive of Islamic religious instruction. In Bavaria as a whole, however, Islamic religious instruction has only been introduced in isolated areas. However, in the city of Erlangen, a local collaborative effort among the local Islamic religious community, researchers

¹²⁴ Stock, 106.

¹²⁵ Stock, 97, 98.

¹²⁶ Seiser and Schütz, 85.

of the University of Erlangen-Nürnberg, and the State Education Office has allowed Islamic religious instruction to develop more fully. As a result of this collaborative interactive POS in which the local Erlangen government is open to more closely working with Islamic and interreligious NGOs in an informal capacity, the Islamic religious community and university faculty have been able to make their claims known to the State Education Office and work towards seeing these claims implemented.

When Islamic religious instruction in Turkish was introduced in the late 1980s, religious lessons were offered for Turkish students of Islamic faith on an optional basis for grades 1-3, and the following year for grades 4-5.¹²⁷ During the 2005-6 school year, 13,023 students of Turkish origin participated in these mother tongue Islamic classes.¹²⁸ The lessons in grades 1-5 are based on the “Guidelines for religious instruction of Turkish students of Islamic faith” and incorporate discussion of the religious environment of Turkish students living in Western Europe.¹²⁹

Since 2001, Bavaria has expanded this religious instruction by offering instruction in German at 35 elementary schools.¹³⁰ The expansion initially began exclusively at first grade, but expanded to all levels of these 35 elementary schools in 2004 and to the secondary level in 2005.¹³¹ This instruction is open to Muslim students of all origins; throughout the state the percentage of non-Turkish students varies from a small minority to a large majority of the Muslim students, and classes in different schools account for these differences.¹³² Currently, mother-tongue instruction still continues even as this new model of religious instruction in German continues to expand.

¹²⁷ Stock, 97, 98.

¹²⁸ Seiser and Schütz, 86.

¹²⁹ Seiser and Schütz, 87.

¹³⁰ Seiser and Schütz, 88.

¹³¹ Seiser and Schütz, 88.

¹³² Seiser and Schütz, 88.

In Bavaria, the city of Erlangen has been instrumental in promoting confessional Islamic instruction and training teachers in this curriculum. As evident in Appendix 1, Erlangen is among the Bavarian cities with an especially high immigrant population. Therefore, local Islamic communities have emerged and collaborated to address concerns of this group's integration. During the 2003-4 school year, Islamic instruction in German was introduced at one elementary school in Erlangen with cooperation among the local Islamic religious community (which has complete authority over the curriculum), the State Education Office, and the researchers of the University of Erlangen-Nürnberg.¹³³ This triangular collaboration method reflects the POS of informal cooperation. There are also some attempts to include Islamic instruction in Fuerth, Bayreuth, and at two schools in Munich (the other Bavarian cities with significant immigrant populations). However, in these cities such introduction has been slow to come to fruition, since there is currently no state level initiative for the inclusion of these classes, because there is no state-level advocate for the Muslim community.¹³⁴ However, a center for training Islamic religious instructors now exists at the University of Erlangen-Nürnberg, and is the first of its kind as an instruction center for teachers in Germany.¹³⁵ Once the curriculum for *Haupt-* and *Realschulen* is developed, the lessons will also be incorporated in these secondary-level schools.¹³⁶ However, it is unclear how widely such curricula will be distributed within the state without the appointment of a state-level advocate for the Muslim community or the national recognition of the Muslim community.

This local initiative of cooperation among the Muslim community, an academic institution, and the Bavaria State Education Office illustrates a more collaborative model of

¹³³ Deutsche Islam Konferenz.

¹³⁴ Deutsche Islam Konferenz.

¹³⁵ Deutsche Islam Konferenz.

¹³⁶ Deutsche Islam Konferenz.

cooperation between regional governance and NGOs. Although the Bavaria State Education Office has not initiated the inclusion of these Islamic instruction classes, with the support of the academic community, the collective claims of the Muslim community in Erlangen have been recognized and the demand for a broader inclusion of Islamic instruction has been implemented on a small-scale model. Since the Bavarian POS allows for more informal collaboration (when compared with that of NRW), the State Education Office has placed less emphasis on the legality of the Muslim community's involvement and allowed for a broader collaborative effort among these three interested communities.

3) Local initiatives from the mother-tongue model in Hesse

Although Hesse also formerly included Islamic education under the framework of mother-tongue instruction, the state has now developed a unique method of incorporating Islamic instruction into the public schools through ethics classes.¹³⁷ Within the state, Hesse's cities of Frankfurt am Main, Offenbach, Darmstadt, Wiesbaden, and Mainz have some of the highest concentrations of immigrant populations in Germany (See Appendix 1). In this state with a SPD-led coalition, the regional POS has allowed the Islamic Workgroup of Hesse, and later the Islamic Religious Communities of Hesse, to take leadership in framing the curriculum and goals of the state's initial Islamic religious instruction. Since such collaborative leadership was deemed illegal in 1999, the POS in Hesse has not necessarily become more restrictive, but has instead allowed for continued inclusive collaboration with the Islamic communities by reframing the structure of Islamic religious instruction into an "Ethics of Islam in Ethics instruction" curriculum.

During the 1980s, Muslims undertook a regional initiative to introduce Islamic religious instruction in the German public schools; by the middle of the 1990s, this initiative publicly

¹³⁷ Stock, 97, 98.

demonstrated to the state that a self-organized Muslim organization had the goal of developing religious projects such as religious instruction.¹³⁸ In 1994, the Islamic Workgroup of Hesse (*Islamischer Arbeitskreis Hessen – IAH*), then consisting of 24 Muslim organizations and mosque communities, was formed.¹³⁹ In 1995, at the first formal meeting of the IAH, the association discussed the constitutional requirements of both ‘religious instruction’ and ‘religious community’ in the sense of Article 7.3, and the association attempted to form a unified religious community in the sense of Article 7.3 among the Turkish-Islamic Union of the Establishment of Religion (*Türkisch-Islamischen Muslime in Deutschland – DİTİB*), the Assembly of Islamic Cultural Centers (*Verband Islamischer Kulturzentren*) and the Islamic community Milli Görüş (A Turkish Islamic organization, translated as “The National View” in English - IGMG).¹⁴⁰ However, the breadth and heterogeneity of these three organizations was too broad to create a tolerable collaboration for the IAH.¹⁴¹ Yet, despite these differences, talks were intensified in 1997 and the association reengaged as the Islamic Religious Communities of Hesse (*Islamische Religionsgemeinschaft Hessen – IRH*).¹⁴² The November inaugural meeting and the nomination of a Board of Directors for this association signified the official establishment of the IRH.¹⁴³ On April 29, 1998, the IRH also established by-laws for the organization, one of which is a call for cooperation between Hesse’s Cultural Ministry and the IRH for inclusion of Islamic religious instruction.¹⁴⁴ Collaboration between an association of mosques in Hesse, principally those of Sunni and Shiite faith, and the Hesse Cultural Ministry, led to the cooperative establishment of a

¹³⁸ Franz Köller. “Rechtliche Probleme im Zusammenhang mit der Einführung eines islamischen Religionsunterrichts in Hessen.” In *Islamische Religionsunterricht? Rechtsfragen, Länderberichte, Hintergründe*, edited by Wolfgang Bock, 115-128. Tübingen: Mohr Siebeck, 2006, 115.

¹³⁹ Köller, 117.

¹⁴⁰ Köller, 117.

¹⁴¹ Köller, 117.

¹⁴² Köller, 117.

¹⁴³ Köller, 117.

¹⁴⁴ Köller, 118.

formal proposal for Islamic religious instruction in German with instructors trained in Germany.¹⁴⁵ Just a few weeks later, on May 23, 1998, the IRH's proposal was met and Islamic religious instruction was introduced into the schools under the collaborative effort of the IRH and the Hesse Cultural Ministry.¹⁴⁶ The ability of the IRH to formally cooperate to officially formulate and implement a proposal for Islamic religious instruction is notable, since the IRH is not a recognized 'religious community' as required under Article 7.3. The SPD/FDP coalition in Hesse during this period was influential in shaping the importance of education and encouraging Islamic religious instruction as one important component of societal incorporation and religious identity.

However, the failure to recognize the IRH as an official German 'religious community' also legally restricted the possibilities of incorporating Islamic religious instruction under the model proposed by the IRH.¹⁴⁷ In December 1999, Prof. Dr. Füssel of Bremen ruled that the constitutional right of the IRH and the Hesse Cultural Ministry did not permit the state's provisions of religious instruction for a religious community that was not officially recognized.¹⁴⁸ Such inclusion was deemed discrimination (since legally only official religious communities have this right, and it could not be extended to the IRH and Islam without also meeting demands for other religious traditions beyond the scope of the three communities recognized by the German government).¹⁴⁹

In response, the Hesse Cultural Ministry decided to instead include an ethics class with an emphasis on Islam as an alternative to religious instruction for Muslim students.¹⁵⁰ This

¹⁴⁵ Baumann, 266.

¹⁴⁶ Köller, 117-118.

¹⁴⁷ Köller, 119.

¹⁴⁸ Köller, 119.

¹⁴⁹ Köller, 119.

¹⁵⁰ Köller, 115.

instructive subject of “Ethics of Islam in Ethics instruction” has been taught at the first level of secondary schools – sixth and eighth grades – since 2002.¹⁵¹ In 2004, the ethics classes were extended to the tenth grade as well.¹⁵² The content of the class focuses specifically on Islam, but also on all other faith traditions to meet the requirements of the Hesse Constitution and additionally reflect the broader understanding that there is a general minimal consensus for the basis of human rights.¹⁵³ This focus on human rights was encouraged by the Alliance90/The Green and is reflected in the three main themes of curriculum in grades 6, 8, and 10: (i) good and evil – knowledge, friendship, love and sexuality – (ii) partnership, marriage and family, and (iii) justice and equity.¹⁵⁴ By focusing on commonalities rather than differences between religious groups, the introduction of “Ethics of Islam in Ethics instruction” has been found to improve acknowledgement of the differences and has the potential to more broadly alleviate prejudice and polarization.¹⁵⁵

The emergence of these new ethics classes most directly represents the initiative of the Hesse state government, but reflects the historical collaboration and cooperation of the state government in response to the collective claims of Muslim community during the 1980s and the formal claims of the IAH and IRH in the 1990s. This progression represents a clear cyclical repertoire that with the collective claims of the Muslim community, a formal organization was established (first the IAH and later the IRH) to which the regional government was responsive under its formalistic inclusion POS. As a result, when the involvement of the formal Muslim organizations was declared illegal, the state government already had a flexible POS that allowed

¹⁵¹ Deutsche Islam Konferenz.

¹⁵² Köller, 116.

¹⁵³ Köller, 116.

¹⁵⁴ Köller, 116.

¹⁵⁵ Köller, 116.

for a collaborative solution to meet both the legal demands of the state and the needs and interests of the Muslim community with the creation of a new form of ethics classes.

4) Hybrid local and state initiatives of the consular model in Baden-Württemberg

Today, in implementing Islamic religious instruction, Baden-Württemberg (BW) follows a model similar to that of Lower Saxony and Schleswig-Holstein, in that the inclusion of Islamic religious instruction in the schools has shifted from an inclusion under the provisions of the consular responsibility of mother-tongue instruction to independent religious instruction classes. Article 18 of the BW Constitution and Paragraph 96 of the BW school constitution reflects the criteria for religious instruction stated in German Basic Law Article 7.3.¹⁵⁶ Like the other German states discussed here, BW has also seen a significant increase in its Muslim population during the last thirty years – in 1987, almost a quarter of a million Muslims accounted for nearly 3 percent of the state population in BW, and by 2006 the number of Muslims in BW had reached nearly 300,000.¹⁵⁷ Today, the number of Muslims in BW has increased to approximately 600,000, according to BW state figures, and approximately 80% of these students attend German public schools.¹⁵⁸ The SPD and Alliance90/The Green have been particularly supportive of the introduction of Islamic religious instruction with the understanding that such instruction will eventually require the official recognition of Muslim communities. However, despite this absence of an official religious community, the BW Cultural Minister facilitated the establishment of a steering committee in 1999 to organize the introduction of Islamic religious

¹⁵⁶ Verfassung de Landes Baden-Württemberg, in Baumann, 261; Barbara Lichtenhlder, “Islamische Religion im schulischen Unterricht: Baden-Württemberg.” In *Islamische Religionsunterricht? Rechtsfragen, Lnderberichte, Hintergnde*, edited by Wolfgang Bock, 79-84. Tbingen: Mohr Siebeck, 2006, 79.

¹⁵⁷ Karl Schneider, “Islamischer Religioonsunerricht an Staatlichen Schulen in Baden-Württemberg?.” In *Islamischer Religionsunterricht: Grundlagen, Begrundungen, Berichte, Projekte, Dokumentation*, edited by Urs Baumann, 129-144. Frankfurt am Main: Verlag Otto Lembeck, 2001, 129; Barbara Lichtenhlder, 2006, 80.

¹⁵⁸ Landesportal Baden-Württemberg. „Muslimische Gemeinschaften“ <http://www.baden-wuerttemberg.de/>; Karl Schneider, 141.

instruction and in the last ten years has used these ideas to construct the current model of Islamic religious instruction.

Politically, discussion of Islamic religious instruction in the schools is most present in state parliamentary initiatives of the opposition parties of the SPD and Alliance90/The Green, which have respectively promoted “religious instruction of Muslim children” and the “introduction of Islamic religious instruction in BW.”¹⁵⁹ In 1995, Carla Bregenzer of the SPD fraction in BW stated the need for mother tongue lessons to be regularly integrated within regular public schools and placed under the supervision of the state.¹⁶⁰ Furthermore, Bregenzer additionally stated that Islamic religious instruction should be offered in public schools when Muslim religious communities (as legally required under Article 7.3) are established, since school religious instruction, as established in the realm of legal order, is an essential element of the integration of immigrants living in Germany.¹⁶¹

In 1999, the BW Cultural Minister established a steering group for “Islamic Religious instruction in public schools of BW,” under a POS model of formalistic inclusion.¹⁶² The following year, Turkish mother tongue instruction began to include religious studies lessons in Islamic faith and ethics under the organization of diplomatic and consular representation.¹⁶³ In April 2000, the steering group again gathered to discuss the question of Islamic religious instruction as a matter of importance between the state and the religious communities.¹⁶⁴ Since Muslim organizations are not recognized, and the state is unable to ally itself with any specific religious organization, the initiative to include Islamic religious instruction was spearheaded by

¹⁵⁹ Karl Schneider, 130.

¹⁶⁰ Özdi, 141; Baumann, 262-4.

¹⁶¹ Özdi, 141; Baumann, 262-4.

¹⁶² Lichtenh lder, 2006, 81.

¹⁶³ Stock, 96, 106; Karl Schneider, 132.

¹⁶⁴ Karl Schneider, 142.

Professors Karl Schneider and Urs Bauman.¹⁶⁵ Their leadership facilitated the formation of a working group, developed a curriculum, trained teachers, and established cooperation between school public officials and schools.¹⁶⁶

This work came to fruition with the resulting introduction of experimental Islamic religious instruction for first through fourth grades at 12 elementary schools in BW in 2006-7.¹⁶⁷ The experimental classes will remain in place for four years and will then be evaluated on their success.¹⁶⁸ The classes facilitate Sunni Islamic instruction at ten of the locations, and Alevi religious instruction at the other two schools.¹⁶⁹ The instruction now functions under a supervisory team consisting of representatives of four Sunni Muslim organizations, an educationist, and a religious pedagogue from the University of Karlsruhe under the leadership of the Ministry of Education.¹⁷⁰ This collaboration and the leadership of Karl Schneider and Urs Baumann is another example of successful collaboration between regional governance and religious NGO-communities. Parent associations and mosque communities also bridge the communication between the local and state level through their participation as contact persons for the state regarding the success of implementing Islamic religious instruction; if the results of these test cases are successful, then the religious instruction will likely be expanded in the state.¹⁷¹

¹⁶⁵ Adnan Aslan, „Islamischer Religionsunterricht in Baden-Württemberg als wissenschaftliches Projekt.“ In *Islamischer Religionsunterricht: Grundlagen, Begründungen, Berichte, Projekte, Dokumentation*, edited by Urs Baumann, 242-251. Frankfurt am Main: Verlag Otto Lembeck, 2001, 245.

¹⁶⁶ Aslan, 246.

¹⁶⁷ Deutsche Islam Konferenz.

¹⁶⁸ Lichtenhändler, 2006, 84.

¹⁶⁹ Lichtenhändler, 2006, 84.

¹⁷⁰ Deutsche Islam Konferenz, „Religionsunterricht und Bildung: Ueberblick islamischer Religionsunterricht“ <http://www.deutsche-islam-konferenz.de>.

¹⁷¹ Deutsche Islam Konferenz, „Religionsunterricht und Bildung: Ueberblick islamischer Religionsunterricht“ <http://www.deutsche-islam-konferenz.de>.

This model of academic researchers as the main collective claims makers in favor of Islamic religious instruction on behalf of Muslim religious communities is similar to that of Erlangen in Bavaria. However, in BW the religious Muslim community has been less active in these discussions, suggesting that while the POS in BW allows for collaborative interaction with other formal institutional organizations, it may not allow for such collaboration with unrecognized Islamic organizations. However, it also remains unclear whether the Muslim communities in BW would have made such collective claims on their own without the voice of the academic community on their behalf. More recently, Muslim parent associations and mosque communities have become more active in this dialogue; as the test cases of Islamic religious instruction are implemented at the initial stages of this historic repertoire shift in BW, the POS in the state will likely allow for increased Muslim community interaction with the academic institutional representatives and the state government if these Muslim communities make collective claims demands for such inclusion.

5) Hamburg – an alternative model

The approximate 70,000 Muslims living in Hamburg have prompted the city-state to adopt an alternative model of “Religious Instruction for All.” This model is an alternative model to the traditional confessional religious instruction of the churches and is also an alternative to the model of ethics classes that has been implemented in Hesse.¹⁷² In Hamburg, this unique model has been the result of collective claims made by the Evangelical-Theological faculty of the University of Hamburg in the 1960s and 70s that led to the new informal “Religious Instruction for All” model. The support of this model continued not among the government officials, but through the Discussion Group for Interreligious Religious Instruction and the

¹⁷² Özdi, 150.

Conference of Muslims in Hamburg that have demanded that this interreligious model of faith instruction extend to the schools.

Although Hamburg also includes integrated mother tongue instruction that is offered in Turkish for Turkish students, discussion of Islam and religion remains under the curriculum of “Religious Instruction for All.”¹⁷³ This current model has a basis as early as the 1960s. In 1969 the Evangelical-Theological faculty of the University of Hamburg had already independently and informally presented this concept of religious study in the “Preamble for Religious Plans,” which stated that “a church or confessionally defined, mono-confessional religious instruction is no longer justifiable – neither for educational politics nor pedagogy.”¹⁷⁴ As a result, in 1973, a new concept of religious studies was introduced.¹⁷⁵ Therefore, although the inclusion of religious instruction has continued in German public schools under the auspices of Article 7.3, this instruction has actually functioned as ‘open interreligious’ instruction for over forty years.¹⁷⁶ Since 1995, the Discussion Group for Interreligious Religious Instruction (*Gesprächskreis Interreligiöser Religionsunterricht – GIR*) has allowed members of Christian, Islamic, Jewish, and Buddhist religious communities to share and collaboratively develop the curriculum for religious instruction.¹⁷⁷ It serves as the only such discussion group on religious instruction in Germany, and quite possibly also in the German history.¹⁷⁸ Within the framework of “Religious Instruction for All,” the GIR views interreligious learning as one of the components of the state’s responsibility to provide its students with an intercultural education.¹⁷⁹

¹⁷³ Baumann, 265.

¹⁷⁴ Özdi, 151, 2.

¹⁷⁵ Özdi. 151.

¹⁷⁶ Özdi, 151.

¹⁷⁷ Özdi, 153.

¹⁷⁸ Özdi, 153.

¹⁷⁹ Özdi, 154-6.

In Hamburg, the inclusion of “Religious Instruction for All” has involved cooperation and collaboration from a variety of religious communities, including some representatives of the Conference of Muslims in Hamburg (*Die Konferenz der Muslime in Hamburg – KMH*), a collective organization of the over fifty Muslim religious communities in the city-state.¹⁸⁰ Among these representatives, those who have chosen to participate in the initiatives for “Religious Instruction for All” support this model because of its ability to apply religion practically in the context of everyday life, rather than in the form of dogmatic instruction.¹⁸¹ While recognizing religious similarities, the model of “Religious Instruction for All” additionally requires that each religious tradition be entitled to present its “own cultural and religious identity.”¹⁸² Therefore, the instructor’s lesson plans for this “Religious Instruction for All” aim to “offer an open dialogue about basic experiences and prerequisites of life.”¹⁸³

The reaction to the Hamburg model of “Religious Instruction for All” has been mixed. Among Muslims in Hamburg, Milli Görüs and the Association of Islamic Cultural Centers (*Verband Islamischer Kulturzentren – VIKZ*) have been supportive of the instruction, while the DITIB has expressed neither affirmation nor rejection of the policy.¹⁸⁴ Other German states following more traditional models of religious instruction under the understanding of Article 7.3 have also been critical of the “Religious Instruction for All” model used in Hamburg; some have declared that such a model will never be permitted as an alternative to confessional religious instruction in their schools.¹⁸⁵ Among political parties, the Alliance90/The Green party has been supportive of this model of religious instruction since 1998 and views it as having an especially

¹⁸⁰ Özdi, 166.

¹⁸¹ Özdi, 173.

¹⁸² Özdi, 174.

¹⁸³ Özdi, 177.

¹⁸⁴ Özdi, 183-4.

¹⁸⁵ Özdi, 184.

positive impact and resonance on the integration of Muslim students.¹⁸⁶ In 1999, at a panel discussion at the Alevi Cultural Center in Hamburg, representatives of the regional CDU, SPD and Alliance90/The Green unified their support of the model of “Religious Instruction for All.”¹⁸⁷ Among Hamburg educators, the model of “Religious Instruction for All” is a point of pride for its ability to address the challenging issues of multi-religious societies.¹⁸⁸ Under the leadership of Wolfram Weisse, a professor of religious studies, Hamburg has plans to expand the current “Religious Instruction for All” towards establishing an “Academy of World Religions” that would additionally train Muslim, Jewish, and Buddhist clerics and religious instruction teachers.¹⁸⁹

This unique model of implementing Islam in public school discourse neither through more traditional confessional instruction nor with ethics classes is the result of Hamburg’s unique POS that seems to have allowed the academic and religious communities to take lead initiative and decision making in the development of this “Religious Instruction for All” model. Since the city-state’s POS have allowed for this informal collaboration and the politicians and government have supported and affirmed the collective claims of the academic and religious groups, the current model of interreligious instruction has emerged as a model of religious instruction with which almost all invested parties’ claims and concerns are met. Although Hamburg’s debate on religious instruction has elements similar to the models that other states currently implement, the establishment of a new, unique, and innovative model of religious instruction marks Hamburg’s progression to a new and different repertoire of collective claims making.

¹⁸⁶ Özdi, 186.

¹⁸⁷ Özdi, 186.

¹⁸⁸ Quantra: Dialogue with the Islamic World. “Education in a Multireligious Society: ‘Religious Instruction for All.’” <http://www.qantara.de/>.

¹⁸⁹ Quantra: Dialogue with the Islamic World.

Conclusion - Consequences of Islamic Religious Instruction

Examining the four models of Islamic religious instruction that have emerged among these five case study German states demonstrates the intricacies and difficulties faced by each state in collective claims making and working within the state's POS given the recent increase in immigration and the political leadership in each state. All five case states have large concentrations of and recent increases in the size and diversity of the Muslim community: the POS in NRW and BW have facilitated regional governmental action for Islamic religious instruction through political party support that now spreads to the local and NGO level; in Bavaria, BW, and Hamburg, cooperation between the academic and religious communities has been crucial in influencing the regional POS models towards facilitating increased NGO-governmental cooperation; and in Hamburg the academic and Islamic communities have dominated the POS to shape the establishment of a unique model of religious instruction. Although each of the case states follows a historical repertoire with traditional collective claims makers – the state in the NRW 'Islamic Study' model, the immigrant and citizen groups and the government in the Bavarian and Hessen 'mother-tongue' model, the land of origin consulate in BW's 'consular' model, and the academic and Islamic community in the Hamburg "Religious Instruction for All" model – each state's collective claims' makers have evolved from these original models: as the models of Islamic instruction have come to include more experimental independent Islamic confessional classes in NRW, Bavaria, BW, and Islamic ethics classes in Hesse, the involvement of political party politics and Islamic mosque communities and organizations have become more predominant as *interactive* collective claims makers working more closely in collaboration with the local and regional government.

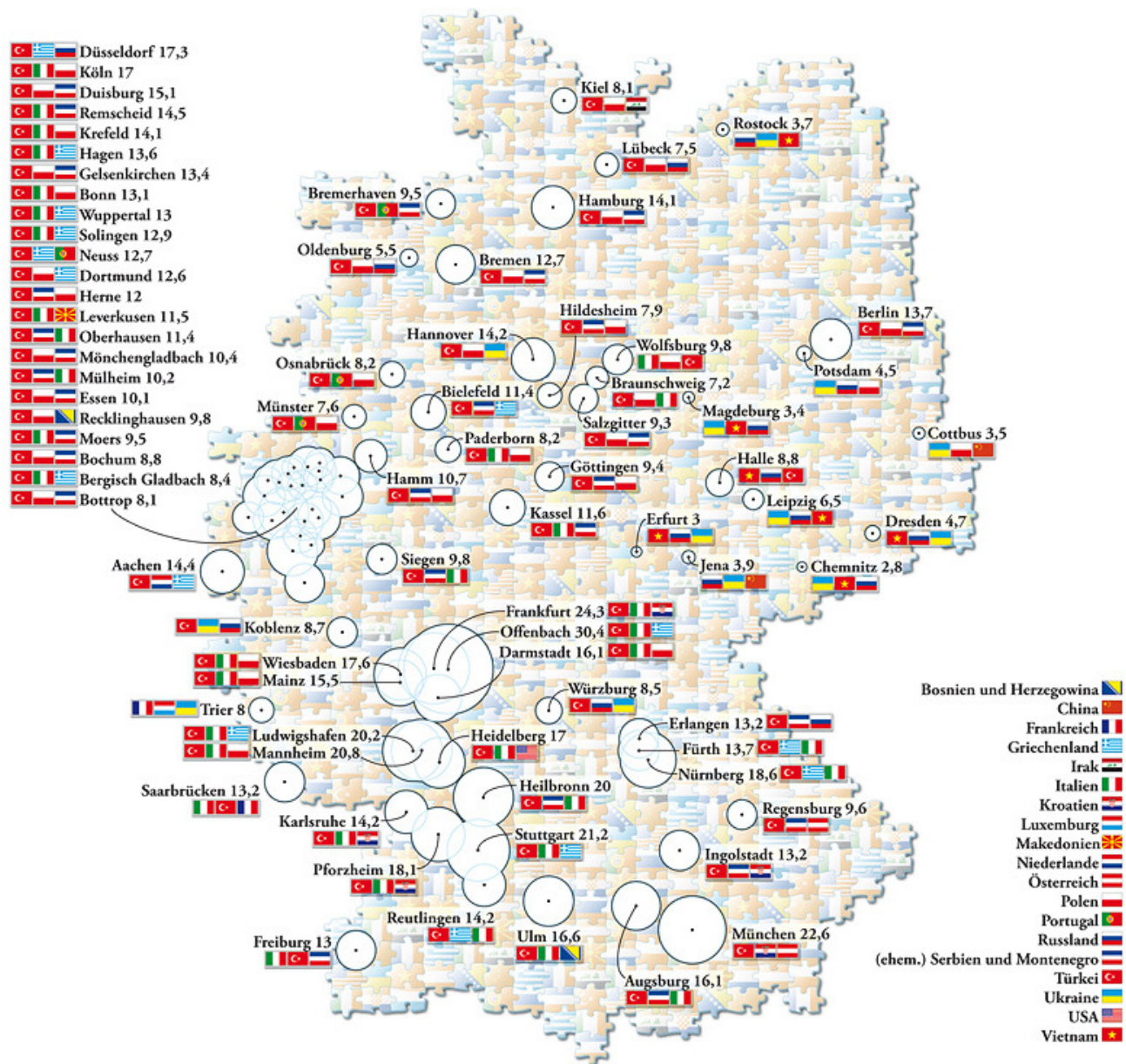
However, since many of the initiatives to include or expand Islamic religious instruction have only recently emerged and are continually developing, determining the consequences and

outcomes of Islamic religious instruction as a whole, as well as the shifts in repertoires and POS in each of these unique models, is difficult. Therefore, it is important to question what the broader consequences of Islamic religious instruction in each of these German states and under each of these models have been. Ideally, such examination would include statistical data on whether any of these models have served as a means of integration for Muslim students and the broader Muslim society or have facilitated increased intercultural education for all students. Additionally, statistical information on the public and political opinion towards each of the four models of Islamic religious instruction should be examined. However, since these models were only recently implemented in the last decade in most German states (and in at least three of the five case studies examined here) such thorough analysis of whether these models of Islamic religious instruction have been ‘successful’ at promoting increased integration or inclusion remains subjective and difficult to measure. Some initiatives, such as the Bertelsmann Foundation’s 2008 Religion Monitor have continued to examine religion more broadly, but data on the impact of Islamic religious instruction in Germany remain less available and more difficult to measure.

Therefore, although it is possible to explain Germany’s implementation of religious instruction as a result of Germany’s National Socialism, the history of Turkish guestworkers, and the importance of education as a means of intercultural and interreligious education and integration, and to additionally recognize the significance of political opportunity structures and historical repertoires in shaping Islamic religious instruction models, the exact consequences of these different models of Islamic religious instruction remain open. As the inclusion of Islamic religious instruction in German public schools continues to develop and as Germany responds at the national, regional, and local levels to the current absence of a recognized Islamic religious

community, the future of Islamic religious instruction will become more distinctly defined. Currently, exactly how the cycle of including Islam in public schools will continue to develop remains unclear. Furthermore, the German national government must determine if and how it will choose to formally recognize the Islamic religious community as a true 'religious community' in the sense of Article 7.3 or if the Article is even permitted under Article 4's requirement of 'religious freedom' and Article 140's demands for state neutrality towards religious and secular organizations. Similarly, how Germany continues to address Islam at the national level will likely impact how Islamic religious instruction is shaped and unfolds at the local and state level in the future.

Appendix 1 – Map of Immigrant Populations in Germany



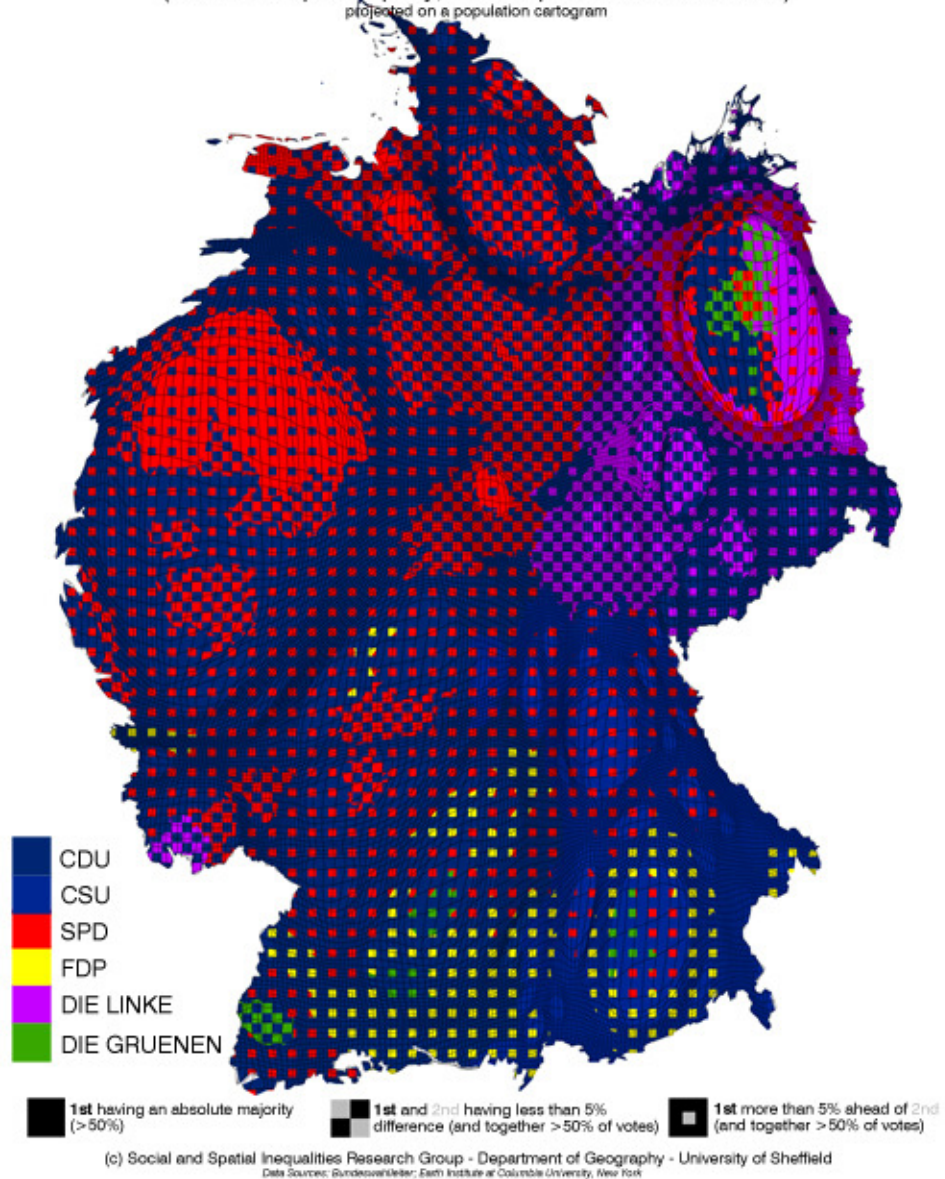
Source: Die Zeit

Appendix 2 - Results of the German General Election

Results of the German General Election (Bundestagswahl 2009)

Zweitstimmenergebnisse: Maps showing the result of the majority of votes
(1st and 2nd placed party, added up to >50% of the votes)

projected on a population cartogram



Source: "German election unveiled III: Into detail."¹⁹⁰

¹⁹⁰ Benjamin David Henning, "German election unveiled III: Into detail," *Worldmapping beyond mere description*, <http://benhennig.postgrad.shef.ac.uk/?p=115>.

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