

## Acceptance of religious diversity in German public schools

Nina Mühe,

European University Viadrina, Frankfurt (Oder)

In Germany students of immigrant background in their family make a considerable percentage within the educational system, especially in urban centres. In 2006, about every third child under 6 years of age had a migration history in the family (i.e. 32.5% of all children of that age). This growing diversity is an important capital for the future of the country in a globalising world. However certain aspects of cultural diversity within schools, especially regarding religious diversity have been perceived as challenges during the last years; in particular the question of female Muslim teachers wearing headscarves, religious education and even prayers at public schools.

The unequal chances of children with immigrant background have already been repeatedly proven by scientific research. There is however evidence, that the combined factors of ethnic and religious background have become increasingly so a factor of disadvantage in education for some children during the last years. Especially the negative public discourses about Muslims and Islam have contributed to a tightened atmosphere in schools (and other areas of public life) that causes resistance to the accommodation of religious needs and practices in some public schools, while on the other hand, issues like Islamic religious education at public schools have become major concerns for German public officials.

This report analyses the discourses and tensions around issues of religion and specifically **Muslim religion in public schools** on the basis of two case studies, and provides insight into the different concerns, needs and interests of the actors involved.

**The FIRST CASE STUDY** deals with the court case of a Muslim pupil, who was forbidden to perform his daily Muslim prayer at his school in Berlin. In this context the issue of neutrality of the state, how it is to be understood in different circumstances and how it is connected to the very basis of the German society and Constitution is analyzed. **The SECOND CASE STUDY** treats the issue of Islamic religious education at German public schools, that is currently a hotly debated topic in different German federal states. Using the example of a specific case in Berlin, where one Islamic organization has been providing religious education at public schools for almost ten years, the general question of integration of this subject into public schools is analyzed as well as the different interests of the actors involved, such as Muslim organizations vis-a-vis the German state institutions.

## Evidence & Analysis (Key Findings)

### CASE STUDY 1: Banning of Muslim prayer at a public school

The first case study looks at the court case of a Muslim pupil in Berlin, who was forbidden to pray in his school and went to court in order to be granted what he perceived as his religious right. One focus of the analyses is on the role of religious neutrality of the state, which has been debated in a controversial way during this case and thus made it a nationally relevant issue concerning the treatment of religious practice and especially religious minorities.

In 2008 the Berlin Administrative Court (VG) decided in favor of the Muslim pupil and ordered his school to let him pray once a day at school. The Senate Administration supported the view of the respective school, that the prayer of the boy endangered the peace at school and the religious neutrality of the institution and appealed against the decision.

In 2010 the former decision was revised by the next higher court level (OVG) and the school was enabled to forbid the prayer. The decision was again challenged by the boy, but reaffirmed in November 2011 by the Federal Administrative Court.

Both the school and the local officials perceived the religious neutrality of the state being at stake, if the boy visibly performed his prayer in school, but also by the school possibly providing a room for him, where he could pray without being seen. The OVG basically followed this argumentation.

The first court level however had not followed this perception of the prayer endangering the school's neutrality and had focused on the religious freedom of the Muslim boy, which was not confined to the inner freedom to believe, but also to the outer freedom to express this belief. Although the last court level, the Federal Administrative Court, enabled the school to forbid the prayer, it reaffirmed, that the neutrality of the state could not be used as an argument to forbid prayer at school. There was no strict separation of church and state in Germany, why schools were no non-religious spaces (*religionsfreie Räume*).

The range between the supporters and opponents of the prayer at school was not between religious and non-religious people, but between an interpretation of tolerance as a form of respect towards others, that public schools should teach to their pupils by

*"Incidentally, the peaceful coexistence at a non denominational school required, that the pupils learned to tolerate and to respect the religious beliefs of others."*

Administrational Court in Berlin (VG), 10<sup>th</sup> of March 2008, translation by

*"The "plurality" (contains) a considerable potential for conflict (...). The peace at school (...) cannot be sufficiently guaranteed (...) solely with the (...) instruments of tolerance and mutual respect (...), if religious cultic practices were admitted, that (...) can be easily observed from outside."*

Higher Administrative Court (OVG), 27<sup>th</sup> of March 2010, translation by the author

acknowledging their different needs and concerns and an interpretation of tolerance as being dangerous for social peace, when applied too loosely also to intolerant people and beliefs.

Most of the experts interviewed however regretted the fact, that the issue had become so tensed, that it was taken to court, while pragmatic solutions within the school would have had the potential to both teach and practice not only tolerance but acceptance and acknowledgement of different religions at the public school and to ensure the social peace at the same time.

The pragmatic solution suggested by most of the actors involved would have been a 'room of silence' without religious symbols, that could be used by all different faiths and non-religious people alike, as it is already done in many schools, universities and other public places.

*“The more intolerant a society is, the more important the effective enforcement of religious freedom becomes, but also the more precarious the claim towards enforcement of the law becomes within the society.”*

Hans Michael Heinig, Prof. for Church Law (*Staatskirchenrecht*)

#### **CASE STUDY 2: Islamic religious education at public schools**

The second case study looks at the issue of Islamic religious education at public schools, that is widely debated in Germany on a local and national level. The case study investigates more closely into the experience with Islamic religious education at Berlin schools, where it has been established as one of the first places in Germany.

Due to the specific situation of Berlin in relation to religious education at public schools, the Muslim organization Islamic Federation Berlin (*Islamische Föderation Berlin*) has had the legal opportunity to offer Islamic religious education at public elementary schools. The actual granting of this right has however to be fought for in a court case, that lasted almost 20 years. In the beginning the organization was confronted with strong skepticism and distrust from the public authorities, the schools' staff as well as the media in Berlin.

In most of the schools, where the organisation teaches today, a mutual trust between the Islamic teachers and the school staff has been achieved. The initial fear, that the organization would further

*“You have to imagine, that you move into a house, where you are not wanted. And we were not wanted.”*

Interviewee, Member of the Islamic Federation

*“If you somehow persuade the children, that violence and bad expressions, that mutual teasing are not good, and if you also talk about this in religious class, then they realize:*

*'Hey, they do exactly this, what we want.'*

Interviewee, Member of the Islamic Federation

alienate the Muslim children from the rest of the pupils and teachers of the respective elementary schools, could be countered and even turned into positive experiences of the Islamic teachers often mediating between Muslim parents, children and the school personnel.

Mutual distrust and stereotyping of Muslim teachers and pupils however remains especially in those schools, where a close communication between the different teachers is not ensured and where the religious teachers are not integrated well enough into the school community.

On the national level the major barrier to introduction of Islamic religious education at public schools is the lacking acknowledgement of Muslim organizations as *Körperschaften öffentlichen Rechts* (corporations under public law), which is the prerequisite for close cooperation with the state for teaching at public schools and certain other religious group rights.

Even on the national level and the German Islam Conference (*Deutsche Islamkonferenz*) the introduction of Islamic religious education at public schools is an issue of high interest. Due to the lacking status of Muslim organizations as possible state partners, the creation of different kinds of counseling boards is discussed in the different federal states.

Representatives of Muslim organizations and individual Muslim teachers however raise the concern, that on the one hand these solutions might consolidate the non-acknowledgement of Muslim organizations and on the other hand, that the state institutions might misuse the Islamic education for integration purposes and interfere into the content of the teaching.

*“This religious freedom, that we are defining the content, is actually restricted. And so the religious education is actually exploited for solving integration problems.”*

Interviewee, Islamic religious teacher in the federal state of Lower Saxony

## Key Messages for Policy Makers

1. Although religious freedom, both regarding individuals and groups, is one of the strongest basic rights within the German constitution, religious expression often causes considerable conflict within the public school setting due to lack of mutual understanding, individual stereotypes and scepticism towards too much outwardly perceivable religious diversity.

→ Both on the national level and the level of federal states ministries of education (*Kultusministerien*) should consider the open promotion of the importance of religious freedom as basic human right and the specific religious neutrality of the German state, being supportive of religious practices rather than excluding them from the public sphere.

→ On the local and city level and in individual public schools, administration officials should consider the promotion of pragmatic solutions to conflicts around religious needs like the prayer in school. A neutral room of silence, to be used by all pupils, has been suggested by many experts in the field.

2. The provision of Islamic religious education in public schools is both a necessity regarding the basic right of religious freedom in Germany and has the potential of being a strong tool of fostering mutual tolerance, acceptance and respect within a religiously and ethnically diverse school setting.

→ Diversity competences and specifically skills regarding the management of religious diversity should urgently be integrated as obligatory part of the university formation of all teachers.

→ On the national and federal state level public officials should enhance the process of acknowledgement of Muslim organisations as public corporations (*Körperschaften des öffentlichen Rechts*) and establish a partnership similar to the one with the Christian Churches.

→ Both on the national and the local administrative level, anti-discrimination offices should find efficient ways, how to counter individual stereotyping and discrimination of both Muslim pupils and teachers within the educational setting. Independent and specific counselling institutions are an important actor in this regard.

## Methodology

The analysis draws on a review of literature, a press review, a collection of secondary sources and interviews with different actors and experts connected to public education. Both the desktop research and the interviews aimed to create a critical discourse analysis of the two widely debated German case studies.

The fieldwork consists in:

- A selection of semi-structured qualitative interviews (n=18 ), conducted from April to May 2011 with policy makers and experts from Muslim and non-Muslim NGOs, teachers and pupils. Most of the interviewees referred to both of the cases analysed in the research.
- A group discussion of scientists, teachers, pupils and other educational experts. Short presentations about Islam and Muslims in public education were given by Werner Schiffauer and three educational experts and subsequently discussed by the group.

## Project Identity

<b>Acronym:</b>	ACCEPT PLURALISM
<b>Title:</b>	Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe
<b>Short Description:</b>	<p>ACCEPT PLURALISM questions how much cultural diversity can be accommodated within liberal and secular democracies in Europe. The notions of tolerance, acceptance, respect and recognition are central to the project. ACCEPT PLURALISM looks at both native and immigrant minority groups.</p> <p>Through comparative, theoretical and empirical analysis the project studies individuals, groups or practices for whom tolerance is sought but which we should not tolerate; of which we disapprove but which should be tolerated; and for which we ask to go beyond toleration and achieve respect and recognition.</p> <p>In particular, we investigate when, what and who is being not tolerated / tolerated / respected in 15 European countries; why this is happening in each case; the reasons that different social actors put forward for not tolerating / tolerating / respecting specific minority groups/individuals and specific practices.</p> <p>The project analyses practices, policies and institutions, and produces key messages for policy makers with a view to making European societies more respectful towards diversity.</p>
<b>Website:</b>	<a href="http://www.accept-pluralism.eu">www.accept-pluralism.eu</a>
<b>Duration:</b>	March 2010-May 2013 (39 months)
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<b>Person Responsible:</b>	Prof. Anna Triandafyllidou
<b>EC officer:</b>	Ms Louisa Anastopoulou, Project Officer