

Country Report

Germany

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October 2019

This Country Report offers a detailed assessment of religious diversity and violent religious radicalisation in the above-named state. It is part of a series covering 23 countries (listed below) on four continents. More basic information about religious affiliation and state-religion relations in these states is available in our Country Profiles series. This report was produced by GREASE, an EU-funded research project investigating religious diversity, secularism and religiously inspired radicalisation.

Countries covered in this series:

Albania, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Egypt, France, Germany, Greece, Italy, Hungary, India, Indonesia, Lebanon, Lithuania, Malaysia, Morocco, Russia, Slovakia, Spain, Tunisia, Turkey and the United Kingdom.

<http://grease.eui.eu>



The GREASE project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement number 770640

The EU-Funded GREASE project looks to Asia for insights on governing religious diversity and preventing radicalisation.

Involving researchers from Europe, North Africa, the Middle East, Asia and Oceania, GREASE is investigating how religious diversity is governed in over 20 countries. Our work focuses on comparing norms, laws and practices that may (or may not) prove useful in preventing religious radicalisation. Our research also sheds light on how different societies cope with the challenge of integrating religious minorities and migrants. The aim is to deepen our understanding of how religious diversity can be governed successfully, with an emphasis on countering radicalisation trends.

While exploring religious governance models in other parts of the world, GREASE also attempts to unravel the European paradox of religious radicalisation despite growing secularisation. We consider the claim that migrant integration in Europe has failed because second generation youth have become marginalised and radicalised, with some turning to jihadist terrorism networks. The researchers aim to deliver innovative academic thinking on secularisation and radicalisation while offering insights for governance of religious diversity.

The project is being coordinated by Professor Anna Triandafyllidou from The European University Institute (EUI) in Italy. Other consortium members include Professor Tariq Modood from The University of Bristol (UK); Dr. H. A. Hellyer from the Royal United Services Institute (RUSI) (UK); Dr. Mila Mancheva from The Centre for the Study of Democracy (Bulgaria); Dr. Egdunas Raciunas from Vytautas Magnus University (Lithuania); Mr. Terry Martin from the research communications agency SPIA (Germany); Professor Mehdi Lahlou from Mohammed V University of Rabat (Morocco); Professor Haldun Gulalp of The Turkish Economic and Social Studies Foundation (Turkey); Professor Pradana Boy of Universitas Muhammadiyah Malang (Indonesia); Professor Zawawi Ibrahim of The Strategic Information and Research Development Centre (Malaysia); Professor Gurpreet Mahajan of Jawaharlal Nehru University (India); and Professor Michele Grossman of Deakin University (Melbourne, Australia). GREASE is scheduled for completion in 2022.

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GREASE - Radicalisation, Secularism and the Governance of Religion: Bringing Together European and Asian Perspectives

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Introduction

Germany offers an interesting country case study in several respects. Germany has historically had two dominant and recognised churches, Protestant and Catholic and still today maintains close connections between state and religion. Through the processes of unification and reunification Germany has been made and remade in a way giving it a unique religious profile within Western Europe. There is, for instance, a marked difference between East and West as well as variation in the history, demographics and, therefore, application and interpretation of federal laws between the regions. Also, Germany is a federal state with 16 regions, or *Länder*, each with their own governmental structures. This means that within an overarching federal framework, there can be significant regional variation.

As other countries in Western Europe, Germany has seen an increase in its Muslim population and the visible presence and significance of Islam politically and socially in recent decades. Evident in Germany also are similar trends in its relation to Muslims, commonly positioned as ‘other’ in dominant discourses. Unlike the UK and France, however, this population does not emerge out of colonial relationships but primarily from Muslim majority but secular Turkey. Moreover, it has, comparatively, seen fewer and less severe terrorist attacks linked to religious radicalization.

This report is organised in the following way. The first section provides socio-demographic context and an overview of the most pressing challenges regarding religious diversity governance in contemporary Germany. The second section then traces the historical developments of church-state relations, linking these to the current constitutional and institutional framework. It also provides an extended section on Germany’s Muslims. The third and fourth sections turn to how the threat of violent radicalisation linked to religious claims has emerged and been addressed.

Socio-demographic overview

According to official figures Germany’s population currently stands at approximately 83 million people, making it the most populous country in Europe¹. Recent annual population rises are largely owing to positive net migration as Germany has an ageing population and birth deficit, although migration figures are themselves lower than in recent years and it is not anticipated that immigration can offset the trend of an ageing population. Its employment rate has been fairly stable in recent years and shown an increase of 1.4% and 1.3% in 2016 and 2017 respectively, reaching a high since reunification in 1991 (45.1 million), and meaning Germany has the second lowest unemployment rate² in the EU after the Czech Republic. Its economy has also seen year

¹ All figures quoted in this paragraph are from https://www.destatis.de/EN/Home/_node.html

² Employment rate of 76.4% and unemployment rate of 3.4% according to OECD figures: <https://data.oecd.org/germany.htm>

on year growth for the past nine years. On a number of well-being indicators Germany performs (often comfortably) above the average for OECD countries³.

Integration indicators suggest that German is the language spoken in most households where at least one person has an immigrant background⁴, with the most common languages after German being (in descending order) Turkish, Russian, Polish and then Arabic. In terms of labour market participation, education and income, people of a migrant background perform poorly compared to the national average and, moreover, there is little sign of improvement in these areas as the difference has not changed since 2005⁵. Germans of Turkish origin have unemployment rates twice the national average and there is evidence of discrimination against Muslims in the labour market (Choudhury, 2009).

In terms of religion, secularization as a shift away from the traditional churches is now “a basic characteristic of Germany’s religious landscape” (Großbölting, 2017: 7). Whereas religious and social norms had been in close alignment in the 19th and early 20th centuries, they began moving apart following the Second World War, gathering steam in the ‘long 1960s’, such that it is no longer possible to talk about a ‘Christian Germany’ - Christianity is just one of several meaning frames and religious literacy of its rites and sacraments is low (Großbölting, 2017). In the 1950s, for instance, numbers of religious minorities, such as Muslims and Buddhists, were low and almost totally absent from public awareness (Großbölting, 2017: 106), a situation in stark contrast with today. In 1970 almost 95% of the population were members of one of the two dominant churches, 1.3% Muslim and just 3.9% confession free, according to official statistics. By the late 1980s this had shifted to 83.5%, 2.7% and 11.4% respectively. By 2003, those identified as confession free were as high as 31.8%. In 2010, those formerly affiliated with either the Protestant or Catholic Churches had dropped to 58.5% while those of no confession had risen to 37.2% (Großbölting, 2017: 207). Catholics report higher regular church attendance than Protestants, 10.2% compared to 3.5%⁶. According to a Pew survey, around 50% of the population say that religion is somewhat or very important in their life (Pew, 2019a). The figures are fairly evenly split between those who oppose an increased role for religion in society (35%) and those who favour it (34%) (Pew, 2019a).

According to official figures from 2016, Germany’s population by religion broke down as follows⁷

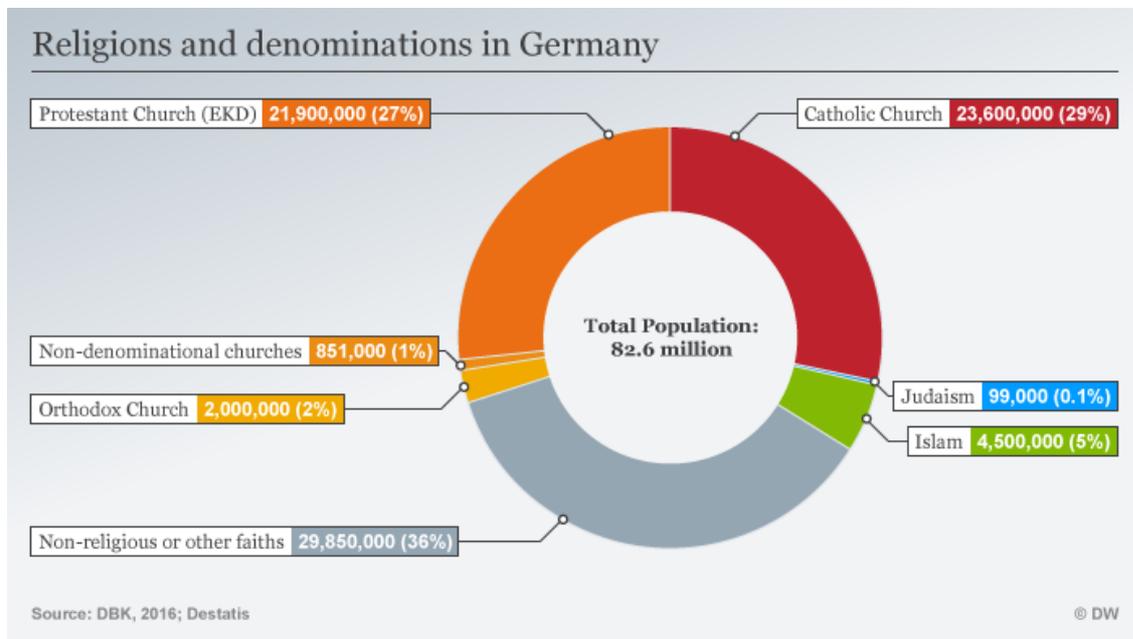
³ See <https://www.oecd.org/germany/Better-Life-Initiative-country-note-Germany.pdf> & <http://www.oecdbetterlifeindex.org/countries/germany/> Accessed 16/07/2019

⁴ https://www.destatis.de/EN/Press/2018/09/PE18_329_122.html

⁵ https://www.destatis.de/EN/Press/2017/11/PE17_413_12521.html

⁶ See <https://www.dw.com/en/6-facts-about-catholic-and-protestant-influence-in-germany/a-43081215>

⁷ Graph shows official German statistics from 2016, reproduced from: <https://www.dw.com/en/6-facts-about-catholic-and-protestant-influence-in-germany/a-43081215> Accessed 01/05/19



A more recent Pew report gives a more detailed estimate of the numbers, breaking down the 'other faiths or none' category⁸:

	2010		2020	
Christian	56 540 000 ⁹	68.7%	53 190 000	66%
Muslim	4 760 000	5.8%	5 530 000	6.9%
Buddhists	210 000	0.3%	230 000	0.3%
Jews	230 000	0.3%	220 000	0.3%
Folk Religions	40 000	<0.1%	40 000	<0.1%
Hindu	80 000	<0.1%	80 000	<0.1%
Unaffiliated	20 350 000	24.7%	21 150 000	26.3%
Other	100 000	0.1%	100 000	0.1%

Within Christianity the major split is between members of the Roman Catholic Church, at 23.76 million, and members of the Protestant Church, at 22.27 million¹⁰, with smaller numbers of non-denominational and Orthodox members. Islam, as in the UK, France and Belgium, now constitutes Germany's second religion after Christianity in terms of population size, a fact largely owing to Germany's previous temporary worker agreement with Turkey. The majority of Germany's Muslims are Sunni and of Turkish origin (Schiffauer, 2006: 96). Jews also have gradually re-established communities in

⁸ <https://www.pewforum.org/2015/04/02/religious-projection-table/2010/percent/Europe/>

⁹ This figure is fairly evenly split between Protestant and Catholic, although Catholics may be slightly higher (by something around 0.1%)

¹⁰ <https://www.deutschland.de/en/topic/life/religious-faith-in-germany%3Amany-germans-are-leaving-the-church>

Germany, significantly bolstered by immigrants from Eastern Europe. There are now more than 100 Jewish congregations (Großbölting, 2017: 251).

There is a significant difference between East and West in terms of both religiosity as well as of religious diversity, reflecting the influence of the period in which Germany was divided. Figure 1. below shows religious diversity by federal state. East Germany today is one of the most secularized societies in the world, reflecting its years of ideologically atheist socialist rule (Müller et al., 2012). Membership of the East German Church has fallen more dramatically than it has in the West of the country.

Muslims in Germany are concentrated in the West of the country to a much higher degree than the East, which is also reflected in the large disparity between numbers of mosques and inter-faith dialogue events between the two (Körs, 2017). Muslims in Germany report higher levels of religiosity than those of other faiths despite age variations. 57% of Sunni Muslims between the ages of 16 and 30, 63% of those aged 31 to 40, 49% of 41 to 50-year-olds, and 20% over the age of 50 identify as highly religious according to a Religion Monitor report (2015). By comparison, 29% of all Catholics in Germany and only 13% of those between 16 and 30 are highly religious. Whilst older Christians say they are more religious, the reverse is true of Muslims.

The same report also found that Muslims in Germany feel closely connected to the state and society, and a poll in 2009 indicated that levels of trust in governmental institutions were slightly higher among Muslims than the average population (Cesari, 2013: 68). Yet religious diversity and Muslims in particular are increasingly seen to pose a threat by a large proportion of the population; in western Germany, 55% and in east Germany 66% of non-Muslims said that they saw Islam as a threat and a failure of Muslims to integrate (see also, Cesari, 2013). A more recent Pew survey found that for increased diversity more generally 53% reported positive attitudes, with 37% responding negatively (Pew, 2019a). A general skepticism towards Islam and Muslims is apparent across political parties and the majority churches also (ibid: 245). This might suggest that while diversity more broadly is viewed more positively, when the focus is Islam and Muslims people are more skeptical. These views do vary on various factors, however. In a Pew survey, 29% of Christians scored highly on anti-immigrant and anti-religious minority attitudes, compared to 18% of the religiously unaffiliated, and among these Catholics are more likely than Protestants to profess these attitudes¹¹. Young people and states with broader experience of immigration are generally more open to diversity (Religion Monitor, 2018). In fact, it seems that Germans' relations with non-Christian religions including although not only Islam is notably worse than other parts of Western Europe (Großbölting, 2017: 240).

¹¹ <https://www.pewresearch.org/fact-tank/2019/02/12/once-a-majority-protestants-now-account-for-fewer-than-a-third-of-germans/>

Figure 1.

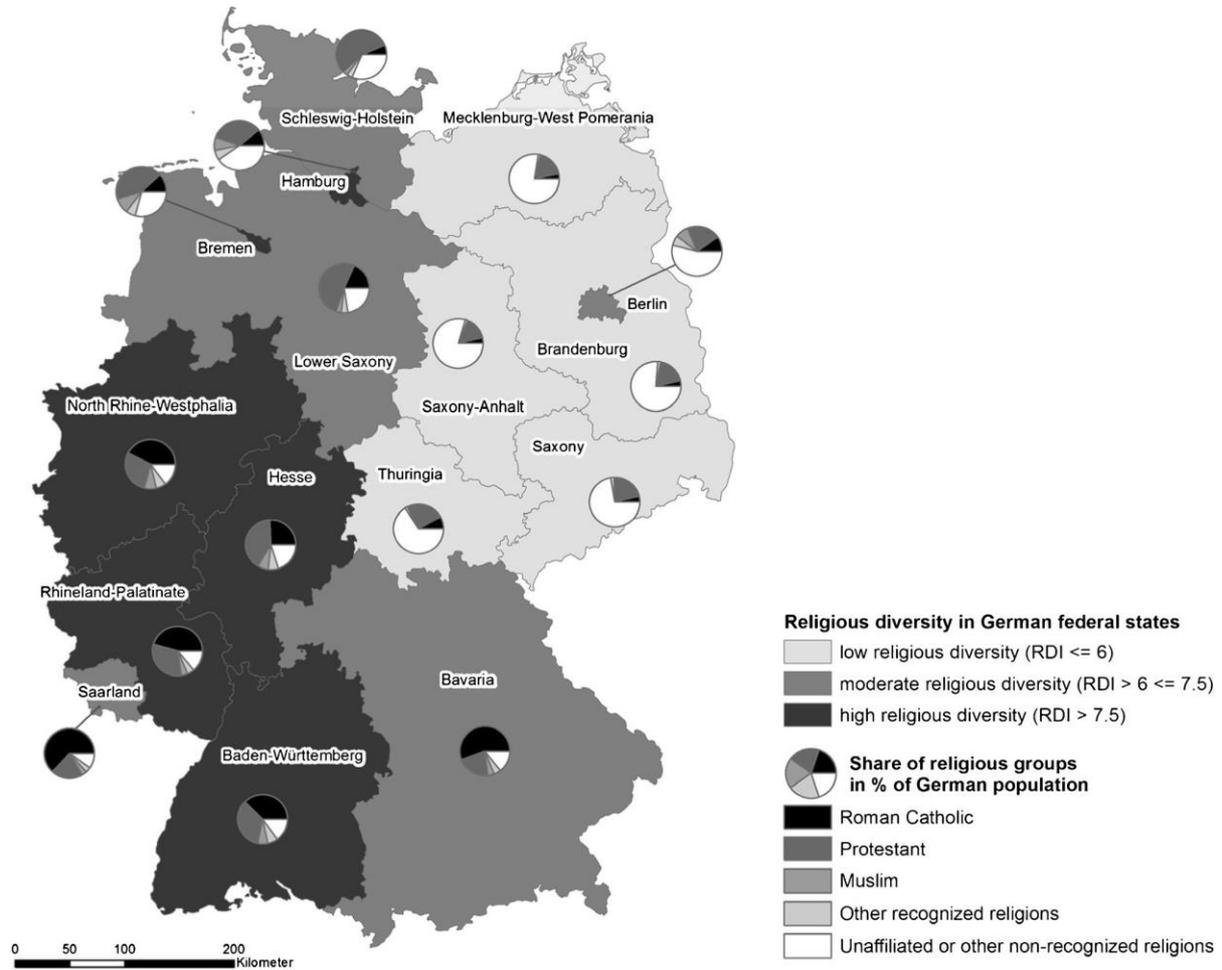


Image from Körs, 2017¹²

¹² Original authors source notes: Own figure. Sources: The calculation of the Religious Diversity Index (RDI) (for method, see Pew Research Centre, 2014, 8–10) refers to the population shares of eight groups – Roman Catholic, Protestant, Free Churches, Orthodox, Jewish, other recognized religions, Muslim, unaffiliated or other non-recognized religions – which were summarized into the five listed groups for visualization in the circle diagrams. The RDI is based on data from Census 2011 (Statistische Ämter des Bundes und der Länder 2014), calculations by Yendell (2014, 63) based on estimates by Haug et al. (2009, 107) and Statistical Yearbook 2011 (Statistisches Bundesamt 2011). The higher the RDI is, the more religiously and ideologically diverse is the population of the respective federal state.

Historical background

German Enlightenment philosophy (*Aufklärung*) was concerned with breaking down the barriers between the clergy, nobility, middle-class and peasantry and was not against religion (Kastoryano, 2004) and this set the tone for continued state-church connections.

Prior to unification in 1870-71, Germany had been made up of a number of states each with a different state religion, Catholic, Lutheran or Calvinist, under the terms of the Treaty of Westphalia. Upon unification, however, Protestants became a majority and Roman Catholics a minority (Hatfield, 1981). Importantly, this Protestant dominance was heavily influenced by Lutheran theology, from which it developed close ties between the Protestant churches and the Prussian authorities resulting in a fusing of religious and national identity, which became an important force in unifying the nation. But this also meant they lacked “the political virtue of loyal criticism of the state” (Conway, 1992: 821).

In the late 19th century the *Kulturkampf* (cultural struggle) aimed to limit Catholic and Protestant influence over politics, although was particularly aggressive towards and focussed on the institutional power of the Roman Catholic Church (Großbölting, 2017; Hatfield, 1981; Henkel, 2006). Yet articles 15, 16 and 18 of the Prussian constitution also guaranteed the religious freedoms and autonomy of the Catholic Church as well as of the more privileged Protestant Evangelical Church. In fact, Hatfield (1981) has argued that Bismarck’s goal in the *Kulturkampf* was not an absolute separation between church and state but to involve the state in the administration of the churches. With this separation, however, the Protestant churches kept alive their public and political force through the notion of the *Volkskirche*, binding it to the idea of the nation.

The inter-war period of the Weimar Republic (1919-1933) is significant as it is here that a national framework for the recognition of religions came into place (Hofhansel, 2013). The Weimar Constitution adopted the principle of separation between church and state as well as protecting religious freedoms. Article 137, paragraph 1 stated “there shall be no state church” and article 136 that, “civil and political rights and duties shall be neither dependent on nor restricted by the exercise of religious freedom”. Yet this was not an absolute separation as the constitution retained subsidies and privileges for the Protestant and Catholic churches, codifying cooperation between church and state, especially on matters of education and welfare. The Constitution guaranteed the status of corporation under public law (*Körperschaft des öffentlichen Rechts*) to the Protestant and Catholic Churches and also left this open to other religious associations, although in practice *Länder* governments were restrictive of granting minorities this status (Hofhansel, 2013: 106-107). Indeed, Muslims were active in Berlin during this time, building a mosque that still stands today in Berlin-Wilmersdorf in 1925 (Großbölting, 2017: 231), although never had public corporation status. How much this constitution changed existing church-state relations during the Weimar period has been questioned, therefore (Obermayer, 1975).

Nevertheless, despite a hiatus during the period of the Third Reich (1933-1945), the Weimar Constitution served as the model for the West German Constitution put in place following the Second World War (see below). These constitutional protections were significant not just for the dominant religions at the time but also offered some protection to those groups deemed 'sects', which the state actively sought to suppress. Jehovah's Witnesses were a particular target during this period. There was, for example, a political desire to ban the sect on the basis of their activities, but Ministers of the Interior struggled to find a legal way of doing so, and instead placed them under close observation and harassment (Besier & Besier, 2001).

Despite initial support of Hitler's rise on behalf of some church leaders, the period of the Third Reich saw significant changes in Germany's governance of religion with public corporation rights all but ended. Hitler enacted a church constitution for a unified, pro-Nazi German Evangelical Church, within which a group known as the German Christians (*Deutsche Christen*) enthusiastically supported the Nazi regime (Helmreich, 1970). Splits soon emerged in the Protestant Church over the its position vis-à-vis the Nazi party and its policies, prompting a series of Free Synods outside of the standard church governmental infrastructure to debate doctrinal and political issues and resist the interference, ideas and policies of the Nazi party in religious affairs and doctrine. This led to the rise of the Confessing Church¹³ (*Bekennende Kirche*), which had a more antagonistic although not wholly separate relationship to the regime. It generally retained its financing through *Kirchgeld*, local community church taxes, for instance, but also faced routine persecution from the authorities and in 1934 issued the *Barmer Erklärung* (Barmen Confession) rejecting the totalitarian claim of the Nazi state and German Christians (Helmreich, 1970; Henkel, 2007). This resulted in the *de facto* existence of two German Protestant Churches, and two distinct branches of Lutheran theology (especially in relation to the principle of 'two kingdoms'), not least as the Nazi party gradually increased the presence and influence of the German Christians in theological faculties and the Confessing Church increasingly had to set up and rely on its own institutions (Helmreich, 1970: 412, 418).

With regard to the Catholic Church, within months a Concordat had been signed between Hitler and the Vatican, and The Catholic Church was on the whole more compromising with regard to the regime, only objecting when its position was directly threatened (Ramet, 2000).

Other religious groups suffered greatly during the Nazi period. Prior to the Second World War, Jews had formed the third largest religious group in Germany, but the Nazi period saw the systematic destruction of the Jewish population of Germany and in the territories it gained control over. Religious sects were also targeted: the harassment and surveillance of Jehovah's Witnesses with collusion between the Gestapo and the German Christian Church stepped up, for instance (Besier & Besier, 2001) and they also were imprisoned and sent to Concentration Camps. As for Muslims, they were not

¹³ Although this was more of a conceptual entity made up of a conglomeration rather than a coherent structure in its own right

systematically persecuted, although were certainly repressed if in violation of the 'race laws' of the period. In fact, The Islamic Central Institute in Berlin (*Islamisches Zentral-Institut*) sought to build ideological bridges with the National Socialists (Großbölting, 2017: 231).

In many ways the Christian churches emerged from the period of Nazi rule "damaged but still alive" (Obermayer, 1975: 100) from association and collusion as the relation between Church and *Volk* took on a murderous distortion of Lutheran theology. The division in the Protestant Church during this period between the German Christian Church, which maintained close ties to the Nazi regime, and the Confessing Church, which trod a more careful path between compromise and opposition, meant that the latter in some respects emerged as the only social organisation that withstood the Nazi's policies of *Gleichshaltung* (Conway, 1992; Großbölting, 2017). Comparatively less tarnished than other institutions they thus found themselves in the position of being well-placed to provide social and political resources for a post-Nazi era Germany (Conway, 1992: 830; Gabriel, 1995). Moreover, the Protestant churches were able to begin their own as well as Germany's recovery from the horrors of Nazism through public acts of repentance, in contrast to the stance of the Catholic Church (Ramet, 2000). In October 1945, for instance, the Council of the Evangelical Church in Germany (*Evangelischen Kirche in Deutschland*, EKD) issued the Stuttgart Declaration of Guilt, which acknowledged the church's complicity in not effectively combatting the Nazi state and set up a period of greater political involvement of the Protestant churches (Conway, 1992; Ramet, 2000). The Catholic Church would not make a similar declaration until 1995 (Ramet, 2000: 137). This difference meant that whereas the Protestant Church remoulded its institutions and structures, the Catholic Church retained its older ones (Großbölting, 2017: 45).

The period following the Second World War during which Germany was split between East and West saw two very different forms of governance of religion.

In the Western Federal Republic of Germany (est. 1949) the church-state arrangements from the Weimar republic were reinstated, word for word (Henkel, 2006). The two major confessions attained a privileged position with considerable financial support and a strong role in education and welfare for the churches as well as a lack of interference in church affairs (such as the appointment of Bishops) from the state. This period also saw an increase in church building, which reflected the churches' hope for a (political) re-Christianization of Germany, and the two main churches became significant political interlocutors. This was to be short-lived, however, as the pivotal shift in the 'long' 1960s was just around the corner and the churches' continued position in politics would undergo a series of practical and pragmatic compromises both internally as well as in relation to the state, along with further and intensified debates over the conception of the 'two kingdoms', how to interpret the Bible, and the proper role and message of the churches and clergy (Großbölting, 2017).

Moreover, owing to strategic applications from a growing number of religious associations, who would apply to a *Land* perceived as more lenient and then use this conferral to pressure other *Länder* governments, *Länder* began to coordinate their

approach, adopting more common and more restrictive guidelines in the early 1950s (Hofhansel, 2013: 109).

A further notable feature of this period was a decline in a confessional mindset when it came to party politics. In opposition to the socialist East, the Christian Democratic Union (CDU), which emerged from a Catholic base, integrated different Christian confessions, reducing competition and conflict between them and leading to a gradual diversification in relationship between religious communities and political parties (Großbölting, 2017: 66-71,135-136).

In the Eastern German Democratic Republic (GDR) the staunchly atheistic Marxist-Leninist Socialist Unity Party sought to suppress the churches and erode the idea of the *Volkskirche* and the role of the Church in public life (see Großbölting, 2017). One way it sought to do this was to replace the traditional rites of passage managed through the churches with socialist equivalents; the *Jugendweihe*, a declaration made to the socialist state at age 14, was designed to replace Christian confirmation, for instance¹⁴ (Henkel, 2006; Barker, 2000). Religious sects suffered particularly under the GDR, which banned and persecuted Jehovah's Witnesses from 1950 (Besier & Besier, 2001; Henkel, 2006).

During this period, as under the Third Reich, the two dominant churches trod quite different paths, with the Catholic Church proving more compromising under an authoritarian regime (Ramet, 2000). Relations between church and state in this period passed through stages, with the state ideologically opposed to religion and active in its suppression as well as expecting it to fade away. Yet, relations settled from the late 1950s and the 1960s as it became clear to the state that the Protestant Church enjoyed widespread support and clear to the Church that Germany would remain divided for at least the time being and that it consequently had to become a Church within socialist society (Ramet, 2000; Burgess, 1990; Großbölting, 2017). Relations became more cordial in the late 1970s and the state even singled out the East German Church as an organisation in recognising its independence from Party control (Burgess, 1990; Ramet, 2000). On the Church's side, in 1969 it formally broke with the West German Evangelical Church to become *Kirche im Sozialismus* in a position of 'critical solidarity' with socialism (Burgess, 1990; Conway, 1992).

As such, the Evangelical Church played a dissident role had some success in representing an ideological and political alternative to the communist state; although the Church's vitality in this regard was as a political more than a religious force with the increasing use of the Church as a 'free space' by communities in which they could construct alternative senses of community or come together to address social and political issues (Burgess, 1990; Conway, 1992). These were, moreover, not without various controversies and were also used by the state to test new policies. But the 'free space' of the East German Church says much about how state-church relations settled in the socialist east. The state did of course exert a level of control of and interference in Church affairs, its deliberate politicization of the Church was part of a strategy of containment and control of its activities, and the states various policies toward religion and the Church form an important aspect of the explanation for why membership and

¹⁴ And which still enjoys considerable popularity, albeit shorn of its previous ideological content.

attendance numbers fell far more dramatically in the East than the West starting in the 1960s (Burgess, 1990). Yet in this position the Church played important roles in helping secure the release of people charged with political crimes and travel to the West. It, moreover, played a significant role in opposition to the socialist regime, the peaceful revolution, its overthrow, and in subsequent East-West relations (Burgess, 1990; Großbölting, 2017). Yet following the fall of the socialist government and the Berlin Wall, and the unification of East and West Germany in 1990 the church quickly found itself on the margins as membership that had been substantially dropping for decades did not recover. This, as had been the case after 1945, once again went quite against its own hopes for a re-Christianization and that its moment had now arrived in a political sense (Großbölting, 2017: 261). This was not helped by the revealing of, albeit low, levels of collusion with the *Stasi* from within the churches (Ramet, 2000).

Contemporary framework

Legal recognition

Reaffirming principles from the Weimar Constitution, the German Basic Law (*Grundgesetz*) establishes a formal separation between church and state, but at the same time the constitution secures cooperation between the two institutions in areas such as education and social welfare. Pastoral work in public services such as the army, prisons and hospitals is also guaranteed by article 141. Furthermore, other institutional and informal channels are also available, and which facilitate close ties and consultation between religious organisations and the government. To this end article 140 re-established articles from the earlier constitution outlining the partnership between churches and state in key policy areas and their status as public corporations, which also preserves and has in fact enhanced their legal autonomy (Hofhansel, 2013; Fetzer & Soper, 2005; Kastoryano, 2004). Furthermore, in addition to the right to belief, article 140 also protects the right to *exercise* religious freedom, which is given additional meaning by article 4 which guarantees “the undisturbed practice of religion” (Fetzer & Soper, 2005: 109). These freedoms and protections have generally meant the privileging of a Christian world-view on the basis of historical inheritance; publicly recognized religious holidays (as stipulated in art.139 of the constitution), and family law, for example, reflect this. In social and political life, the heads of the churches play an important role in publicly commenting on social and political issues, albeit as members of civil society rather than through formalized channels of influence (Henkel, 2006: 310). These arrangements offer minorities a route to recognition and accommodations and, as with the UK, it is the increased dominance of secular rather than Christian outlooks that, for example, Muslim leaders view as a greater problem to their ability to gain and benefit from these (Fetzer & Soper, 2005: 111). Article 140 also provides for religions other than the historic Protestant and Catholic churches to be granted public corporation status, “Other religious communities shall be granted like rights upon application where their constitution and the number of their members offer an assurance of their permanency” (Fetzer & Soper, 2005: 108; see also Henkel, 2006: 309). The granting of this status is

devolved to each *Land*, which determines applications within its jurisdiction, and which means some variation in this process (Hofhansel, 2013). The conditions of size and permanency that are mentioned in this part of article 140 are generally interpreted as requiring a group make up at least 0.1% of the *Land* population and to have been in existence for at least 30 years, as well as satisfying the government that they respect the law (Fetzer & Soper, 2005: 108; Henkel, 2006: 310). Public corporation status has been granted to an estimated 180 groups in total, including around thirty smaller religious associations (Hofhansel, 2013; Henkel, 2006; Besier & Besier, 2001: 39; US Dept. of State, 2018: 4). To take a few examples, in Bavaria/Berlin, Methodists (1922/1973), Jews (1947/1951), Greek Orthodox (1975/1976), Baptists (1982/1974), Romanian Orthodox (2006/...), and Jehovah's Witnesses (2009/2006) have amongst others all been granted public corporation status (Hofhansel, 2013: 108). In Bavaria, notably, humanist organisations were also granted this status in 1947 and 2012. Minority faiths have also been able to gain some exemptions and accommodations in relation to general laws that indirectly discriminate against members' ability to fulfil aspects of the faith.

One of the particular features of this relationship is the arrangement for the collection of taxes¹⁵, or a 'church tax' (*Kirchensteuer*); a local community tax (*Kirchgeld*) is also collected (Barker, 2000). This arrangement, established in the Basic Law, means the government levies tax directly from the income of members on the behalf of the churches. This is collected from members of the Protestant and Catholic churches as well as some Jewish and Humanist groups. This is voluntary but is automatically collected unless an individual formally leaves membership of the church to which they are registered and is currently paid by about a quarter of the population (Pew, 2019b). This is typically 8%-9% of the income tax paid to the government – there is variation between different regional churches (*Landeskirchen*) (Henkel, 2006; Barker, 2000) - which is then used for the religious, education and social welfare work that the churches provide, thereby playing an important social role in German society. In fact, as a result, of the public money that the state distributes to semi-public organisations to provide welfare on its behalf, the churches, taken together, are the largest recipients of public money and providers of welfare services (Barker, 2000; Lewicki, 2014; Großbölting, 2017: 80), even with a declining membership. Moreover, the churches employment figures through these extended activities are higher than the vast majority of private corporations (Großbölting, 2017: 80). Franken (2016: 169) suggested that about 80% of Catholic and Protestant Churches' income comes through this *Kirchensteuer*, although this number has declined. Official government figures put the tax revenue at €5.45 billion for the Protestant Evangelical Church and €6.16 billion for the Catholic Church¹⁶ in 2016. A Pew report (2019b) more recently put this at a total of €11.7 billion in 2017, about 50% of the churches' total revenue¹⁷. A number of minority religious associations, including

¹⁵ Although these taxes have a much longer history and began to appear in some regions in the first half of the 19th century prior to unification (Barker, 2000).

¹⁶ see <https://www.dw.com/en/6-facts-about-catholic-and-protestant-influence-in-germany/a-43081215>
Accessed 01/05/19

¹⁷ In addition to tax revenue, the churches are also major property holders, owning tens of thousands of buildings in addition to the some 14 000+ Protestant churches and circa. 11 000 Catholic churches. They, furthermore, continue to receive compensation from the state for historical property losses dating back to the

Muslim groups, have, however, declined for the state to collect taxes on their behalf (Henkel, 2006: 310).

The conditions of numbers and permanency, and failure to organize diverse associations into umbrella organisations have meant that Muslim groups have routinely had their applications for public corporation status denied despite repeated applications beginning in the 1950s. One reason for this is that Muslim organisations do not conform to the inherited model on which granting such status is based and some nearly 3000 Muslim communities in Germany, with affiliations to different Muslim majority countries, often struggle to come together into larger umbrella organisations regionally or nationally. It is estimated in official figures that the extent of Muslim organisation in Germany reaches not more than 15% (Körs, 2017: 448). The first Muslim group to obtain public corporation status was Ahmadiyya Muslim Jamaat in Frankfurt by The Culture Ministry in the state of Hesse in 2013¹⁸, and an Ahmadi group has also attained this status in Hamburg (Körs, 2017). These were the only two Muslim groups to have attained public corporation status by 2018, although other talks are ongoing. Muslim organisations represent under 2% of the total groups with this status despite being the third largest religious group after Protestantism and Catholicism.

Religious associations who do not have public corporation status are registered under private rather than public law (Henkel, 2006: 310). It is under this status that many Muslim organisations have separate agreements and contracts with the regional governments as well as granting them some tax relief. Thus, absent formal recognition they have found other ways of working within the existing structure of church-state relations and put in place ad hoc agreements with regional governments over, for example, education (Körs, 2017). In fact, it should be noted that while some Muslim organisations have been and are keen to gain public corporation status, others prefer to work separately at local levels rather than unified at national level, or are cautious over the benefits of this structure (Barker, 2000; Großbölting, 2017: 237; Seiwert, 2004).

Education

When it comes to the key area of education, article 7 of the Basic Law provides that *religious instruction (Religionsunterricht)* is provided as part of the core curriculum in state schools for recognized communities and is the only subject to enjoy this status. Such classes are voluntary and from the age of 14 pupils may in theory opt out and replace religious classes with ethics lessons. For those groups who are not recognized, they receive only religious education (*Religiöse Unterweisung* or *Religionskunde*) (Fetzer & Soper, 2005: 112). Moreover, the requirement and application of this constitutional provision varies between *Länder*, the governments of which (*Bundesländer*) are responsible for educational policy. Thus, Germany's federal system means that there can be considerable regional variation in what and how religion is taught in state schools (Körs, 2017: 448; Fetzer & Soper, 2005: 112-115; Franken, 2016: 176). Indeed, in some

early 19th century, totaling close to €500 million by some estimates. see <https://www.dw.com/en/6-facts-about-catholic-and-protestant-influence-in-germany/a-43081215> Accessed 01/05/19

¹⁸ <https://www.dw.com/en/muslims-in-germany-have-rights-and-obligations/a-16888992> accessed 26/06/2019.

regions Islamic religious classes take place in public schools despite not having achieved public corporation status. In Berlin these have been run since 2001 (following a 20 year battle by the Islamic Federation in Berlin) and in Bavaria since the 1980s in Turkish and since 2003 in German; the Berlin Buddhist Society also offers religious education in public schools - these schools receiving the majority of their funding from the state (see Körs, 2017: 448).

In terms of religious signs and symbols in schools, Germany was earlier in some regards than other Western European states to address this issue. In 1995 the Federal Constitutional Court's (*Bundesverfassungsgericht*, FCC) controversial (and fairly ineffective) 'Crucifix decision', declared the regulation in Bavaria that classrooms in public schools had to display a crucifix in violation of the Basic Law's article on freedom of religion, which the Court declared included the freedom not to have a religion and not to be exposed to specific religious symbols in classrooms (Henkel, 2006: 313; Ramet, 2000: 140-141). Yet in Bavaria crosses continue to be required in schools and courtrooms and the state government has also more recently expanded the requirement to include the entrances of all state administrative buildings, where the cross serves as an expression of cultural identity (Hendon & Prather, 2018). This recent move has also stirred debate. Muslim leaders on the whole have no objections as long as the state's neutrality is maintained, and Christian leaders criticize the move and the state's view of seeing the cross merely as a cultural symbol (*ibid*).

When it comes to religious clothing, unlike in France there has been no restriction on students wearing *hijab*. For students, although there is variation between *Länder*, there have also generally been pragmatic compromises worked out when it comes to accommodating requirements such as provision of *halal* meat in schools and exemption from certain co-ed activities such as swimming and sports lessons and school trips.

For teachers, however, the situation has been different; and again, there has been significant variation between *Länder*. While in some *Länder* teachers have been free to wear the *hijab*, in other regions it has been controversial and banned. In an important case brought before the FCC in 2003 an Afghan-born naturalized German Muslim teacher, Fereshta Ludin, from a small town in Baden-Württemberg, contested her denial of a teaching position because she wore the headscarf on the grounds of a tradition of 'open neutrality' that enabled her to wear the scarf for personal religious reasons and, thereby, reflected the pluralism of German society (Joppke, 2007). The legal debate revolved around freedom of religion on the one hand, and an alternate and stricter understanding of neutrality in schools where a teacher is seen as a *Beamter* (public servant and representative of the state, and by proxy the common good), on the other (Schiffauer, 2006: 104). The political and public debate revolved around the perception that the headscarf as a symbol of inequality and intolerance, the supposed opposite of German politics and morals. The court's decision stated that individual *Länder* would have to pass additional legislation in order to carry through such bans as there wasn't sufficient provision under current law (Schiffauer, 2006: 102-103; Fetzer & Soper, 2005). In 2015 the FCC again ruled against a blanket ban on the headscarf - it being in contravention of constitutional freedoms of religion. This did not prevent some *Länder* from instituting bans, at times in contravention and disregard of the stipulation of the

FCC. Notably the variation between them follows political lines of the *Länder* governments, with those on the left favouring general bans, and those on the right selectively targeting the Islamic headscarf, distinguishing it from Christian symbols on the basis of the former's supposed political content and the latter's more cultural and historical (Joppke, 2007: 330-331). This itself means that there is variation not only between *Länder* but also changes within *Länder* depending on the government of the day.

When it comes to private schools, again there is constitutional provision and providing certain conditions are met they are supported by the state, although such schools are only attended by a minority of the population. Article 7 of the basic law provides for the right to operate private schools, with the approval of the relevant *Land*, and numbers vary between *Länder*. Most of these schools are Catholic or Protestant but such schools have been approved for Jews, Hindus and Muslims (Fetzer & Soper, 2005: 117; Franken, 2016: 172).

Accommodation and exemption

On the whole, allowing for regional variation, Muslims have been reasonably successful in gaining rights and accommodations from the courts, although these decisions have proved controversial. In addition to educational provisions mentioned above, in 2002 they won the right to perform ritual slaughter, for instance. A further area of contention marked by at times bitter disputes has been the building of mosques, which did not begin to make their mark on the cityscape until the 1980s and 1990s (Großbölting, 2017: 231). In fact, Germany's first anti-Islamic party was launched on an anti-mosque platform in Cologne (Cesari, 2013: 97; 2012). Along with education, this also varies greatly between *Länder*. Thus, there are large mosques in traditional styles in some cities (Berlin, Köln and Frankfurt, for example), mosques restricted to industrial and lower-income residential areas in others (Bremen and Munich, for example), and plans have been blocked elsewhere (for instance, Stuttgart). Notable here is the importance of inter-faith relations in addition to relations with local governments, where Christian and Catholic churches have at times supported Muslims desire to build places of worship, such as was the case in Mannheim, where a purpose-built mosque was completed in 1995 (see Fetzer & Soper, 2005: 118). Aside from difficulties in gaining permission for purpose-built mosques, Muslim associations have also often been blocked from converting church buildings, something theoretically possible but in practice reserved for Christian and Jewish communities (Körs, 2017: 450). There are currently somewhere around 2600 mosques throughout Germany (Großbölting, 2017: 234). It is worth noting here that the Christian churches have had to make their own historical compromises, over the noise of church bells, for instance (Aires, 2004), which may be one reason for inter-faith support for public religion. In 2012, Muslim and Jewish groups won the right to circumcision when Parliament adopted a new law allowing the practice in specific circumstances in response to protests following a Cologne judge's banning of the practice (Cesari, 2013: xiv). Such inter-faith dialogue and work had in fact begun in the 1970s when the German churches began establishing inter-faith forums in response to the large influx of Turkish immigrants, meaning that they saw and responded to Turks

as 'Muslims' much earlier than the state; although Turks themselves were mixed on the question of religion or nationality as well as what they wanted from such dialogue (Jonker, 2005).

Such inter-faith support has had its limits, however. During the 1990s a number of sects gained attention and were seen as political threats such that a government campaigns targeted them and a special commission, the Enquete Commission, was established, reporting in 1996, to focus on New Religious Movements; around 600 in total, although most particularly Scientology (Seiwert, 2004). The Jehovah's Witnesses, for example, continued to face suspicion and criticism from the state as well as the state's partner representatives from the major churches during the 1990s and were for a long time denied public corporation status. This was the situation despite Jehovah's Witnesses having been granted public corporation status in East Germany in early 1990 by the post-communist government; a revocation of an agreement as part of the unity treaty that maintained the validity of that governments administrative acts (Hofhansel, 2013: 110; Besier & Besier, 2001; Henkel, 2006; Barker, 2000). *Länder* gradually and reluctantly capitulated to pressure in 2009 and Jehovah's Witnesses were eventually granted public corporation status.

Germany's Muslims

Germany's interactions with Muslims go back to at least the first half of the 18th century when, in 1732, King Friedrich Wilhelm I of Prussia set up an Islamic prayer room in Potsdam for twenty Turkish mercenaries he employed and then his successor, Friedrich II, established formal diplomatic relations with Sultan Mohammed II of Istanbul in 1740, which began a precedent of political and cultural ties between the two countries (Fetzer & Soper, 2005: 99). Upon unification in 1871 Muslims were placed under the direct protection of the monarch (Aires, 2004). In the early 1920s enough Turkish Muslims were settled in Germany that the first specially constructed mosque was built in Berlin, completed in 1925. Yet, "When it comes to the history of Islam in Germany... This is a history characterised not by cooperation but disregard, marginalization and competition" (Großbölting, 2017: 230-231). Prior to the 1960s numbers of Muslims were low, reaching only around 16 000 during the 1960s (Großbölting, 2017: 231). Since the 1960s there has been a significant increase in Germany's Muslim population – by 1972 the numbers had grown to around half a million (ibid).

It was from Turkey that Germany would receive its largest group of immigrant labourers as part of agreements it signed with a number of countries beginning in the 1950s (see Großbölting, 2017: 231-232; Jonker, 2005). This was initially conceived as a rotating and temporary guest worker programme, and Germany's citizenship model was notable for its emphasis of *ius sanguinis* and the idea of the German *Volk*. As a result, very little was done to accommodate or recognise these emerging minority populations or to meet their educational, cultural or religious needs; indeed both the migrants themselves and the existing small Muslim minority, which had an agreement with the federal government in Bonn that regulated aspects of their financial and religious affairs, saw their stay as temporary to begin with (Fetzer & Soper, 2005: 101; Seiwert, 2004). The realisation that

this was an illusion began to hit following the oil crisis in 1973, when, faced with rising unemployment the guest worker programme was terminated. But the temporary workers did not return home, and in fact a process of chain migration began as the largely male labour population was joined by their families. This led to a significant increase in the minority population in Germany, rising from 6.4% in 1973 to 9% in 2001 with a third of that total being of Turkish origin (Fetzer & Soper, 2005: 101).

Along with the workers themselves, Islam had been seen as a 'guest religion' and thus efforts at its accommodation and recognition had also not been undertaken. At this time Germany was struggling to integrate large numbers of German refugees following the war and the prospect of visible and cultural 'foreigners' was even harder to accept (Jonker, 2005). The German government had left the religious needs of its Turkish population to the Turkish government, but the Turkish Diyanet was slow to respond to the needs of Turks abroad and Muslims in Germany instead founded their own organisations (Fetzer & Soper, 2005: 102). The emphasis on 'nation' also partly explains Germany's approach to its minorities beginning in the 1980s, which emphasised (Turkish) nationality as the basis of ethnicity rather than religion and began helping to create and fund organisations along these lines, through for example, the Committee for Foreigners (*Ausländerbeauftragte der Bundesregierung*) in Berlin (Kastoryano, 2004). Indeed, it is only much more recently that religious policy as an independent policy area has begun to develop (Körs, 2017).

Since the 1990s, however, the policy of *ius sanguinis* has shifted and in 2000 the Citizenship Law was amended to include the principle of *ius soli* and subsequent integration laws and policies (Meer & Modood, 2012: 69). Naturalization laws are an area where the criteria are consistent throughout the country and do not vary between *Länder* (Cesari, 2013: 92). Moreover, Schiffauer notes that it is a German particularity that "granting citizenship is the *conclusive* act of the integration process (and not its beginning) (2006: 101, emphasis added). This is often related to a fear of undemocratic movements taking over via democratic means, the Nazi party's ascendance to power in 1933 looming large, and therefore a mistrust of merely the rules being adhered to without proper internalization of the moral and political culture (Schiffauer, 2006: 102).

Since the 1990s, following from the second-generations who were born and brought up in Germany, new groups emerged, who, on the one hand, were dissatisfied with ethnically based communities and looking to a 'homeland' which could not always speak to their position, while on the other, continued to be seen through this lens by majority society. This has also marked an emphasis on more culturally German but religiously Islamic forms of identification. One such group was Muslim Youth in 1994, which became the only Muslim organisation to receive project funding from the state, although this was cut owing to rumours of the group's connections and supposed anti-Semitic attitudes, despite its success in inter-religious dialogue, including with the Jewish community, and the Catholic Young Community's protestations and support as collaborative partners (see Schiffauer, 2006).

As is noted with regard to Britain and the Rushdie affair and France and Algeria, Germany's "moral panic" when it comes to Muslims and Islam cannot solely be explained

with reference to 9/11, as undeniably significant as this event was, but needs also to be put into the context of the changing citizenship status of Germany's Turkish population (Schiffauer, 2006: 94). An attitude of migrants as objects of politics rather than participators in politics has been evident, and although not exclusive to Muslims, has affected them particularly (Schiffauer, 2006: 96; Peter, 2010; see also Jonker, 2005: 121). In addition, much mainstream political and media discourse has routinely linked Muslims with security issues, continuing to position them as other, as foreign, and as a threat (Cesari, 2013: 10). An example of Muslims as the objects of German politics is in the distinction between 'real Islam' and 'Islamism', which is made primarily by German politicians and the *Verfassungsschutz* (The Federal Office for the Protection of the Constitution – Germany's domestic security agency), with only Muslim partners who accept this definition allowed to participate in the debate (Schiffauer, 2006: 99). Muslims play integral roles in the programmes aimed at counter- or de-radicalisation, but public discourse routinely calls for greater engagement with the Muslim community at the same time as mistrust being expressed of Muslims' involvement with these programmes (Said & Fouad, 2018). Some secular Turkish organisations have also squarely pointed the finger at their more pious countrymen and some Christian organisations were criticised for having too woolly a relationship with some groups (Choudhury, 2009; Jonker, 2005).

Following recognition of the problems with integrating Muslim organisations into the institutional and political structures of the country, in more recent years Germany has sought to institutionalise its relations with its Muslim communities through using the key instrument of the annual German Islam Conferences¹⁹ (*Deutsche Islam Konferenz*, DIK), the first of which took place in 2006. The format of this has been to invite various representatives from public offices and from Muslim communities and associations to a national discussion. These cover various issues relating to Muslims in Germany and were pitched by Wolfgang Schäuble, the then Home Secretary who launched the initiative, in his inaugural opening speech as "about a genuine dialogue with Muslims in Germany, who no longer are a foreign population, but who have become an integral part of our society" (quoted in Lewicki, 2014: 64). Representation has been a particular issue for both the government and for Muslims themselves – the bodies invited in 2006 represented just 25% of Germany's Muslims (Großbölting, 2017: 237). Milli Görüş, for example, were also a controversial invitee to the DIK having been accused of supporting terrorists. The aims, motivations and understandings of the purposes of the German Islam Conferences have been debated since its inception (see Lewicki, 2014; Peter, 2010) and continue to be so as different themes, emphases and invitees shape the conferences' debates and approaches to the 'integration' of Germany's Muslim population, and its focus on the issue of promoting a 'German Islam' through reducing reliance and influence of foreign funding of mosques and training of imams²⁰. Germany

¹⁹ See http://www.deutsche-islam-konferenz.de/DIK/EN/Startseite/startseite-node.html;jsessionid=C53CC5661E6F51BF26E2299C78D53084.2_cid286

²⁰ For reports on these issues, see: <https://www.dw.com/en/german-islam-conference-reconvenes-search-for-german-islam/a-46479656>, <https://www.dw.com/en/german-government-aims-to-expand-islam-conference-with-critical-voices/a-44668473>, <https://www.dw.com/en/germany-mulls-introducing-mosque-tax-for-muslims/a-46866041>, <https://www.dw.com/en/seehofer-tells-islam-conference-muslims-are-a-part-of-germany/a-46489983>

in fact launched an 'imams for integration' programme and establishing a German Islamic theology has been an ongoing concern and goal (Cesari, 2013: 96). There is thus much to be done in terms of cooperation between the German state and Germany's Muslims, which will no doubt require practical and pragmatic compromises.

Violent religious radicalisation challenges

Germany has a history of domestic terrorism going back to the 1960s and 1970s, notably in relation to left-wing groups such as the Revolutionary Cells and the Red Army Faction (also known as Baader-Meinhof after two of its prominent members) and right-wing neo-Nazi groups. International, and particularly Islamist, terrorism became the focus from the early 2000s following 9/11 and Beslan. Notably, the 9/11 attackers had studied at German universities. This period has also seen a marked change in attitudes towards Germany's Muslims. Whereas previously Germany's relations to its Muslim population could be characterised by a general indifference, it subsequently became marked by suspicion and the perception of danger in difference (Schiffauer, 2006: 111) as attacks became increasingly associated with al-Qaeda and ISIS.

Germany experienced several unsuccessful terrorist attempts with links to radicalised Islamist groups in the mid 2000s to early 2010s, such as attempted IEDs on trains in July 2006 and at Bonn station in 2012, both of which failed to detonate and the perpetrators were swiftly arrested. It was in the mid 2010s when attacks by lone operators with links to ISIS became more prominent, with a spate of attacks beginning in 2015 and 2016 (Burke & Feltes, no date). The most serious attack came on the 19th of December 2016 when a truck was driven into the Christmas market at the Gedächtniskirche in Berlin by Anis Amri, a Tunisian with links to ISIS, killing 12 and wounding 56. Although representing the most severe attacks on German soil, most of these have not been on the same level as those experienced by other European countries such as France and the UK, however. Germany had had fewer than 20 casualties as a result of Islamist terrorist attacks between 2001 and 2016 and in 2017 reported just 1 attack classed as jihadist, although made 52 arrests of persons suspected of involvement in terrorist offences and the number of concluded court proceedings for terrorism offences was higher than in 2015 and 2016 (Europol, 2018). Sirseloudi (2012) argues that this comparatively low number of attacks can in part be explained by the fact that Germany's Muslim population is predominantly of Turkish origin and therefore does not have a cultural and historical lens of colonialism in its relations with Germany when it interprets its often disadvantaged position in society.

Along with the UK, France and Belgium, Germany has seen one of the highest numbers in Europe of people travelling to Iraq or Syria to fight in the conflicts there, with numbers estimated to be over 950, peaking in 2014, since when they have gradually dropped (Heinke & Raudszus, 2018), albeit also retaining a certain constancy (Europol, 2017). Of these it is estimated that about a third have returned and a sixth were killed in the conflict. It is also thought, although no there is no data to draw on, that fighters have previously left Germany to fight in other conflicts, to Bosnia and Chechnya for instance (Heinke & Raudszus, 2018). Although individuals of all ages have travelled (from 13 to

62), the mean age is around 26 years old and the early-twenties account for the largest proportion of foreign fighters by age range (Heinke & Raudszus, 2018). The majority of these had already been convicted of petty crimes in Germany prior to travelling and were or had been affiliated with Germany's Salafist movement, something consistent with the 'crime-terror nexus' (Heinke & Raudszus, 2018) also highlighted in France. Germany has also seen some several hundred travel to fight against ISIS, at least part explained by a large ethnic Kurdish population in Germany (Heinke & Raudszus, 2018).

Policies and practices addressing / preventing such radicalisation

Owing to Germany's longer history of dealing with terrorism, when, from the early 2000s, the focus shifted from domestic right and left wing groups to religious radicalisation and Islamism, Germany did not need to construct its counter-terrorism infrastructure from scratch but rather reoriented and expanded its existing arrangements toward this new threat (Burke & Feltes, no date). Yet Germany as a federal republic does not have a formal national strategy that each *Land* must follow uniformly, although calls for one have increased in the last few years. Instead it provides a framework which is observed and within which *Länder* design their own strategies (Said & Fouad, 2018).

In its legislation, and despite this decades-long history of dealing with terrorist activity, there is no legal definition of terrorism, definitions instead being internal to agencies or drawing on the European Council's definition. Nevertheless, there have been specific laws passed to legislate on terrorism.

One of the first German laws to explicitly mention terrorism was the "Act of 18 August 1976". This Act added a law (§129a) to the German criminal code (StGB) that criminalises the formation or the support of a terrorist organization. In addition, the code of criminal procedure (StPO) and other laws also underwent changes due to the activities of left-wing groups between the 1960s and 1980s. Here, a few of the most notable are the 1958 Eavesdropping Act (*Abhörsgesetz* or *G-10*), 1977 Blockage of Conduct Act (*Kontaktsperre-Gesetz*), the 1978 Raid Act (*Razzia-Gesetz*), and the 1989 Act for the Fight against Terrorism (*Gesetz zur Bekämpfung des Terrorismus*) (Burke & Feltes, no date). In the 1990s, the activities of the third generation of the RAF, plus increasing right-wing extremism, caused additional changes in the Police laws and the Code of Criminal Procedure.

Following 9/11 Germany increased its counter-terrorism legislation and developed new policies. Immediately following the 9/11 attacks, just 8 days after, Germany passed security reform packages which restricted the rights of religious and ideological clubs and associations and prohibited those that conflicted with the German constitution. In addition, it criminalized membership in, and formation of, terrorist organizations outside of Germany by adding to existing terrorism laws in the German criminal code. In 2002 a second national security package came into force, including a general counter-terrorism law (*Terrorismusbekämpfungsgesetz*), which broadened surveillance and information gathering powers of law enforcement and intelligence agencies, the collection of biometric data, and the tightening of laws around passports and national

identity cards and the law concerning migration (Burke & Feltes, no date). Although only initially valid for 6 years, this law was extended in 2007. Further articles have criminalized the preparation of a serious act of violent subversion (StGB 89), the distribution of instructions to execute such a serious act (StGB §91), the financing of terrorist organizations (in 2015) (StGB §89c), and a law for the storage of internet and mobile phone communication data for a period of 10 weeks in line with the EU Directive 2002/58/EC (Burke & Feltes, no date). In 2016, following the attack in Berlin, a deportation provision for foreign nationals, which had previously lain inactive, was increasingly invoked (Heinke & Raudszus, 2018).

In terms of institutional infrastructure Germany has a range of agencies and organisations that are involved as part of its counter-terrorism measures. In 2004 a Joint Counter-Terrorism Centre (*Gemeinsames Terrorismusabwehrzentrum*, GTAZ) was established to improve the communication and cooperation between 40 different agencies involved in German national security with regard to international Islamist terrorism, including police and intelligence services, the Central Office of the German Customs Investigation Service (*Zollkriminalamt*), the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*), and the Federal Public Prosecutor General (Burke & Feltes, no date; Heinke & Raudszus, 2018). In 2009, within GTAZ a working group was established to bring together local and federal agencies, with the outcome that a local-based as opposed to a nationally prescribed approach was more effective (Said & Fouad, 2018).

Homeland security and surveillance have been integral parts of Germany's responses to threats on its own soil as well as to those attacks that have occurred elsewhere in Europe (Mucha, 2017). In terms of more general strategy, Germany has revived an earlier preventative technique for the current context, the 'grid search', which involves applying 'grids' (criteria) to a massive data set in attempts to identify potential persons of interest (Burke & Feltes, no date), representing a significant pre-emptive identification measure of potential suspects. Since 9/11 some German states have routinely checked the Internal Intelligence Service (*Verfassungsschutz*) database for membership of Muslim organisations deemed by the state to be in contravention of the German constitution as part of naturalization processes and checks (Schiffauer, 2006: 97-98).

Germany has received recognition for its successful counter-radicalisation programmes (Koehler, 2015; Mucha, 2017), which work alongside legislative, security, intelligence and policing measures. These have addressed forms of both right wing as well as religious radicalisation, and particular note has been made of its strong decentralised, community-based social work and family support strategy, with many schemes run by social workers and people with experience of working with young people. Although initially led from a security, policing and intelligence strategy, the approach is now far broader and more balanced towards social portfolios and more multi-agency engagement. As such the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSJF), which is mainly responsible for social affairs, has taken an increasingly prominent role, in part a result of Germany's coalition government between SPD and the more conservative CDU (Said & Fouad, 2018). There is though variation between *Länder* in terms of the relations between security agencies and civil society actors and the

emphasis of approach adopted; Bavaria has a more policing centred approach in contrast to Hamburg's system which is led by social affairs and counselling actors, for example (Said & Fouad, 2018).

EXIT-Germany²¹, Germany's first deradicalization and disengagement programme (DDP), was founded in 2000 to provide structured support for those who want to leave radical movements as well as their families and friends. It was initially aimed at neo-Nazi extremism (one of the founders was a former neo-Nazi), and then adapted in 2008 to Islamist extremism. It focuses on cognitive change as part of an ideology deradicalization programme (Koehler, 2015: 137). It is part of a comprehensive civil society-based NGO network called the Centre for Democratic Culture (ZDK) (Koehler, 2015). It is part funded by the German government but is independent from it. EXIT-Germany involves a series of connected services and features, including a hotline, counselling for families, workshops, training for institutions, governments and service workers such as teachers and police, as well as individual case management and a prison programme. Tied in with EXIT-Germany is a further flagship programme in this vein, HAYAT (meaning 'life' in both Turkish and Arabic). HAYAT was established in 2011 and describes itself as "the first German counselling program for persons involved in radical Salafist groups or on the path of a violent Jihadist radicalization" as well as to family members and anyone else (teachers, friends, employers) "who has a relationship to a person potentially on the path of a (violent) radicalization"²². Although funded by the German Federal Office for Migration and Refugees, as a non-governmental institution HAYAT represents a bridge between security and counter-terrorism agencies and civil society employing mixed expert teams to assess issues from both directions, and in order to be successful has adopted a 'community coaching' method to establish local networks (Koehler, 2013, 2015). HAYAT also focuses on establishing counter-narratives to break down the ideological aspect of radicalization and providing alternative group structures (Koehler, 2013). It is also within the remit of HAYAT to tackle issues of deradicalisation related to foreign fighters during different phases (Koehler, 2013). The issue of returnees and the potential threat they pose to Germany is something taken seriously by German security services (Heinke & Raudszus, 2018).

In 2017 Germany also brought in further programmes in different sectors of society. A programme for training prison staff to recognise and respond to radicalisation was developed, for example. The BMFSFJ also announced funding for projects to be run in schools by civil society organisations, through the *Jugendmigrationsdienste* (Migrational Youth Services) (Said & Fouad, 2018). Programmes have also been brought in by BAMF to refugee centres as a result of some of the 2016 attacks being carried out by individuals with refugee status.

Germany, as a leading state within the EU, is also committed to the EU Counter-terrorism Strategy as well as a full signatory to the Anti-Terrorism-Convention of the United Nations.

²¹ The EXIT programme was developed in Scandinavia and also operates in Sweden and Norway.

²² <https://hayat-deutschland.de/english/> last accessed 25/06/2019

Concluding Remarks

Germany has a complex history when it comes to state-religion connexions, although overall relations have been close. Germany reflects a good example of what has been termed 'moderate secularism' (Modood, 2017). There have long been close connections between the two dominant churches with a relationship characterised by mutual autonomy. The Protestant Church has historically been the *Volkskirche*, Germany after all being the home of the Reformation. The churches' political position has weakened as secularization has taken hold, yet both churches continue to occupy significant roles in relation to public services and the public good, working in partnership with the state, and to lesser and more restricted degrees minority faith groups are also a feature of this. Significantly though, there is variation between the regions as a result of certain features when it comes to managing religious diversity, such as the granting of public corporation status, along with political differences.

As with other countries in Western Europe the constitutional provisions and protections along with the historically inherited structures and arrangements between state and religion provide both opportunities as well as difficulties for minority faiths. The opportunities for religion's role in social and public life are a core part of these arrangements but Islam and Muslims in particular have found it extremely difficult to secure the same status and role. There are various factors that contribute to this. One is how the faith itself is organised in a way unlike Christian churches. This might mean both that it is difficult for Muslims to organise in this way given internal differences and also that there is little desire on the part of many to do so. Another factor is the general suspicion around Muslim communities and view of them as 'other' and foreign. Germany has particularly high levels of suspicion of Muslim communities in Western Europe, creating a situation in which Muslims struggle to penetrate mainstream consciousness as those who belong and can play a public role.

Yet Germany has fared comparatively well in comparison to other Western European countries when it comes to Islamist terror attacks. Its numbers of foreign fighters has been high, comparable with the other countries in this area, but attacks on German soil have been fewer and less severe. In many ways it has led the way within the region in terms of its approach (borrowed from Scandinavia) towards deradicalization emphasising a balanced approach between soft, social and hard, security led measures.

References

- Aires W (2004) 'Germany's Islamic minority: Some remarks on historical and legal developments'. In James T Richardson (ed) *Regulating Religion: Case Studies from Around the Globe*, New York: Springer, pp. 103-112
- Amir-Moazami S (2005) 'Muslim challenges to the secular consensus: A German case study', *Journal of Contemporary European Studies*, 13(3), pp.267-286
- Barker CR (2000) 'Church and State Relationships in German "Public Benefit" Law', *The International Journal of Not-for-Profit Law*, 3(2). Available at: http://www.icnl.org/research/journal/vol3iss2/art_1.htm. Accessed 28/06/2019
- Besier G & Besier R-M (2001) 'Jehovah's Witnesses' request for recognition as a corporation under Public Law in Germany: Background, current status, and empirical aspects', *Journal of Church and State*, 43(1), pp.35-48
- Burgess JP (1990) 'Church-State relations in East Germany: The Church as a "religious" and "political" force', *Journal of Church and State*, 32(1), pp.17-35
- Burke P & Feltes J (no date) *CT Overview: Germany*. Available at <http://counterterrorismethics.com/the-counter-terrorism-landscape-in-germany/>. Accessed 20/05/2019.
- Cesari J (2012) 'Securitization of Islam in Europe', *Die Welt des Islams*, 52 (3/4), pp. 430-449
- Cesari J (2013) *Why the West Fears Islam: An Exploration of Muslims in Liberal Democracies*, Basingstoke: Palgrave Macmillan
- Choudhury T (2009) 'Muslims and discrimination'. In Samir Amghar, Amel Boubecker & Michael Emerson (eds) *European Islam: Challenges for Public Policy and Society*, Brussels: Centre for European Policy Studies, pp.77-106
- Conway JS (1992) 'The Political Role of German Protestantism, 1870-1990', *Journal of Church and State*, 34(4), pp.819-842
- Europol (2018) *European Union Terrorism Situation and Trend Report 2018*, Available at: <https://www.europol.europa.eu/activities-services/main-reports/eu-terrorism-situation-and-trend-report#fndtn-tabs-0-bottom-2>. Accessed 21/05/2019
- Europol (2017) *European Union Terrorism Situation and Trend Report 2018*, Available at: <https://www.europol.europa.eu/activities-services/main-reports/eu-terrorism-situation-and-trend-report#fndtn-tabs-0-bottom-2>. Accessed 21/05/2019
- Fetzer JS & Soper JC (2005) *Muslims and the State in Britain, France, and Germany*, Cambridge: Cambridge University Press
- Franken L (2016) *Liberal Neutrality and State Support for Religion*, Springer

Gabriel K (1995) 'The post-war generations and institutional religion in Germany'. In Wade Clark Roof, Jackson W Carroll & David A Rozen (eds) *The Post-War Generation and Establishment Religion: Cross-Cultural Perspectives*, Oxford: Westview Press

Großbölting T (2017 [2013]) *Losing Heaven: Religion in Germany Since 1945*, Oxford: Berghahn. Translated by Alex Skinner.

Hatfield DW (1981) 'Kulturkampf: The relationship of Church and State and the failure of German political reform', *Journal of Church and State*, 23(3), pp.465-484

Heinke DH & Raudszus J (2018) 'Germany's returning foreign fighters and what to do about them'. In Renard T & Coolsaet (eds) *Returnees: Who Are They, Why Are They (Not) Coming Back and How Should We Deal with Them?* Egmont Paper 101, February 2018, Egmont

Helmreich EC (1970) 'The nature and structure of the Confessing Church in Germany under Hitler', *Journal of Church and State*, 12(3), pp.405-420

Hendon DW & Prather S (2018) 'Notes on Church-State affairs', *Journal of Church and State*, 60(4), pp.771-783

Henkel R (2006) 'State-church relationships in Germany: past and present', *GeoJournal*, 67, pp.307-316

Hofhansel C (2013) 'Recognition regimes for religious minorities in Europe: Institutional change and reproduction', *Journal of Church and State*, 57(1), pp.90-118

Jonker G (2005) 'From "foreign workers" to "sleepers": The churches, the state and Germany's "discovery" of its Muslim population'. In Jocelyne Cesari & Seán McLoughlin (eds) *European Muslims and the Secular State*, Abingdon: Routledge, pp.113-26

Joppke C (2007) 'State neutrality and Islamic headscarf laws in France and Germany', *Theory & Society*, 36(4), pp.313-342

Kastoryano R (2004) 'Religion and Incorporation: Islam in France and Germany', *The International Migration Review*, 38(3), pp.1234-1255

Koehler D (2013) 'Family counselling as prevention and intervention tool against 'Foreign Fighters'. The German 'Hayat' program', *Journal EXIT-Deutschland. Zeitschrift für Deradikalisierung und demokratische Kultur*, 3, pp.182-204

Koehler D (2015) 'De-radicalization and disengagement programs as counter-terrorism and prevention tools. Insights from field experiences regarding German right-wing extremism and jihadism'. In Lombardi M et al. *Countering Radicalisation and Violent Extremism Among Youth to Prevent Terrorism*, Amsterdam: IOS Press, pp.120-150

Körs A (2017) 'The Plurality of Peter Berger's "Two Pluralisms" in Germany', *Society*, 54(5), pp.445-453

- Lewicki A (2014) *Social Justice Through Citizenship? The Politics of Muslim Integration in Germany and Great Britain*, Basingstoke: Palgrave Macmillan
- Mucha W (2017) 'Polarization, stigmatization, radicalization: Counterterrorism and homeland security in France and Germany', *Journal for Deradicalization*, 10, pp.230-254
- Schiffauer W (2006) 'Enemies within the gates: The debate about the citizenship of Muslims in Germany'. In Modood T, Triandafyllidou A & Zapata-Barrero R (2006) *Multiculturalism, Muslims and Citizenship: A European Approach*, Abingdon: Routledge, pp.94-116
- Modood T & Kastoryano R (2006) 'Secularism and the accommodation of Muslims in Europe'. In Modood T, Triandafyllidou A & Zapata-Barrero R (2006) *Multiculturalism, Muslims and Citizenship: A European Approach*, Abingdon: Routledge, pp.162-178
- Meer N & Modood T (2012) 'The multicultural states we're in'. In Triandafyllidou A, Modood T & Meer N (eds) *European Multiculturalisms: Cultural, Religious and Ethnic Challenges*, Edinburgh: Edinburgh University Press, pp.61-87
- Modood T (2017) 'Multiculturalism and Moderate Secularism'. In Triandafyllidou A & Modood T (eds) *The Problem of Religious Diversity: European Challenges, Asian Approaches*, Edinburgh: Edinburgh University Press, pp.**
- Müller O, Pollack D & Pickel G (2012) 'The religious landscape in Germany: Secularizing West – Secularized East'. In Detlef Pollack, Olaf Müller & Gert Pickel (eds) *The Social Significance of Religion in the Enlarged Europe: Secularization, Individualization and Pluralization*, Farnham: Ashgate, pp.95-120
- Obermayer C (1975) 'State and religion in the Federal Republic of Germany', *Journal of Church and State*, 17(1), pp.97-111
- Peter F (2010) 'Welcoming Muslims into the nation: tolerance, politics and integration in Germany'. In Jocelyn Cesari (ed) *Muslims in the West after 9/11: Religion, Politics, and Law*, Abingdon: Routledge, pp.119-144
- Pew Research Center (2017), 'Europe's Growing Muslim Population', Nov. 29, 2017.
- Pew Research Center (2019a) 'A Changing World: Global Views on Diversity, Gender Equality, Family Life and the Importance of Religion', April 2019. Available at <https://www.pewglobal.org/2019/04/22/a-changing-world-global-views-on-diversity-gender-equality-family-life-and-the-importance-of-religion/>. Accessed 01/05/2019
- Pew Research Center (2019b), 'In Western European Countries With Church Taxes, Support for the Tradition Remains Strong', April 30, 2019
- Ramet SP (2000) 'Religion and Politics in Germany since 1945: The Evangelical and Catholic Churches', *Journal of Church and State*, 42(1), pp.115-145
- Religion Monitor (2015) *Understanding Common Ground: Special Study of Islam, 2015. An Overview of the Most Important Findings*. Bertelsmann Stiftung.

Religion Monitor (2018) *Living in Cultural Diversity: Views and Preferences in Germany*. Bertelsmann Stiftung.

Said BT & Fouad H (2018) *Countering Islamist Radicalisation in Germany: A Guide to Germany's Growing Prevention Infrastructure*, ICCT Policy Brief, September 2018. DOI: 10.19165/2018.2.07

Seiwert H (2004) 'The German Enquete commission on sects: Political conflicts and compromises'. In James T Richardson (ed) *Regulating Religion: Case Studies from Around the Globe*, New York: Springer, pp.85-102

Sirseldoudi M (2012) 'The meaning of religion and identity for the violent radicalisation of the Turkish diaspora in Germany', *Terrorism and Political Violence*, 24(5), pp.807-824

United States Department of State (2018) *Germany 2018 International Religious Freedom Report*. Available at: <https://www.state.gov/wp-content/uploads/2019/05/GERMANY-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>. Last accessed, 25/06/2019

Project name: Radicalisation, Secularism and the Governance of Religion: Bringing Together European and Asian Perspectives

Project Acronym: GREASE

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December 2019

Document series reference: D2.1 Country Reports



This document can be downloaded from the publications section of the GREASE website at <http://grease.eui.eu/>

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The GREASE project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement number 770640