

ABSTRACTS

*Jews and Muslims in Germany:
Culture, Law and Politics
from the Age of Emancipation to the Time of Multiculturalism*

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First Session: *The Modern Nation-State Confronts Ethnic-Religious Minorities*

S. N. Eisenstadt, Jerusalem

Inclusion and Exclusion in the Classical Nation-States and in the Contemporary Scene

My presentation will analyze the tensions between the universalistic premises of citizenship in modern nation-states and the particularist definition of national communities and will examine the ways in which these tensions shaped the conceptions of minorities and patterns of inclusion and exclusion in these regimes. It will then proceed to the analysis of some of the transformations of these tensions under the impact of globalization.

Shulamit Volkov, Tel Aviv

Emancipation, Liberalism and the Challenge of Pluralism

The project of redefining the status of Jews in the various states of Central and Western Europe began during the last quarter of the 18th century, relying on two new developments: the growing interest of the emerging modern states in fully exploiting the potentialities of all their inhabitants, and the new meaning of both citizenry and freedom, growing out of the "enlightened" public discourse at the time. Both of these gave the impetus to the discussion of Jewish emancipation. It was, however, apparent at the outset that emancipation, while supporting individual equality, would be detrimental to Jewish communal rights. At the same time, an even more important point on the agenda of reformers, inside and outside government service, was the re-

structuring of Germany as a whole. Both the modern autocratic state and its opponents in the liberal camp were thinking in terms of unification from without and the erosion of old internal hierarchies from within.

But the old pluralism died hard. The guilds fought a rear-guard battle of survival until the end of the 19th century. The aristocracy preserved many of its privileges and its unique lifestyle for decades. And the Jews? They never really gave up their separate communal identity. As religious bodies they could continue to exist and members were forced to join until the mid 1870s. In the meantime these separate communities lost all public legitimacy. Jews were now accused of comprising "a state within the state," of being disloyal, of refusing to belong – not only by conservatives, indeed especially by liberals. The drive towards unity meant a measure of formal equality for all, but it also implied the end to group differences and to legitimate social and cultural pluralism. Pluralism, to be sure, was never immanently opposed to Liberalism. Today, we have learned to stress the link between them, or even argue for their identity. But for men living during much of the 19th century, liberty could be achieved only through unity. For them, the demand for equal rights was conditioned upon the end to a multi-faceted, plural society. It was precisely those who supported emancipation and equal rights who demanded an end to every Jewish separateness and uniqueness. Pluralism was not an option in Germany at the time. Multiculturalism – unknown by that name, of course – was completely rejected. In my lecture I will elaborate upon the nature of this dilemma and give historical examples for the ways in which it was experienced by contemporaries, Jews and non-Jews alike.

Amikam Nachmani, Ramat Gan

Europe and its Muslim Minorities: On Europeans, Muslims and Jews

The issue of Europe and its Muslim minorities is a central one which is being discussed both on and outside the Continent. The readiness of Europe to co-exist with its Muslim communities, not to exclude them from its culture and wealth, not to forcibly Europeanize them, is repeatedly questioned. The ability and wish of Muslim migrants to change, to absorb, to adapt themselves to European standards and to the Western culture, not to Islamize the Continent, is likewise challenged. Europe that has never been too tolerant to the "other" and its "otherness," has to cope with different ethnic groups, with a different religion, that occasionally emphasizes the distinctions between the two communities.

My paper focuses on the use of recent and past history made by both sides, when they come to describe the present and future relations between majority Europeans and minority Muslims. More specifically, the Jews of Europe are repeatedly mentioned as a guiding precedent. Various aspects are specified here like the painful past; the contribution of Jews to Europe's culture, economy and society; the comparison with the integration and absorption presently experienced by Muslim migrants; the future that awaits the relations, etc. Repeatedly, the reference to Europe and its Muslim minorities is to "the new Jewish problem" of the Continent. This paper will attempt to describe and analyze this aspect, recently so clearly discernible in the rhetoric of Europe and its Muslim migrants.

Second Session: *Jews and Muslims in Pre- and Postwar- Germany*

Yossef Schwartz, Tel Aviv

The Birth of the Judaeo-Christian Anti-Muslim Front: Franz Rosenzweig and Muhammad Asad

As a historian and philosopher Franz Rosenzweig paid much attention to Islam as a political, historical and theological phenomenon. As German soldier in the Balkans during World War I he had the opportunity to encounter Muslims and Sephardic Jews. His analysis of the geopolitical situation and his attempt to integrate it into a general theo-political vision makes him an early prototype of the dilemmas and decisions that would shape Jewish-Muslim relationship all the way into the third millennium.

Rosenzweig being almost completely an autodidact in everything which is connected to Arabic and Islam, his theo-political analysis of Islam is not enough accurate and if at all correct is deprived of any originality. Still, his evaluation of Islam both as major historical phenomenon and as current political challenge is highly relevant. It is also interesting as a reflection of a non-academic, rather spontaneous encounter with a cultural phenomenon. As such I would like to compare it with the experience formulated by Rosenzweig's contemporary Muhammad Asad (born Leopold Weiss) who was a correspondent of the *Frankfurter Zeitung* and worked for a short period (1923) in Frankfurt, not far from Rosenzweig's house. Both these central-European Jews turn to Islam in their encounter with the crisis of European culture and both do so while developing a systematic theology of conversion. Rosenzweig believes that Islamic dogmatism and materialism deprives it from any true religiosity, i.e. from the religious feelings common both to Judaism and Christianity, though in an opposite manner. Contrary to Rosenzweig, his contemporary Assad describes Islam in his autobiographic *Road to Mecca* as the only cultural power left in Europe that can still offer a genuine renewal of spiritual life. These two German-Jewish writers provide us with two opposite examples of "orientalism", in a unique variety of literary forms from philosophy and theology to literature and popular culture.

Ursula Wokoeck, Tel Aviv

Muslims in Germany before 1945: The Beginnings of Community Life

The presence of Muslims in German society has become a topical issue in the wake of the migration following the international treaties on foreign labor concluded by the Federal Republic of Germany in the early 1960s. The presence of sizable Muslim communities has had a considerable impact on the fabric of German society, culture and the body politic as a whole. Given the magnitude of the phenomenon and its implications, it is understandable that discussions on "Muslims in Germany" tend to focus on the developments since the 1960s. Thus the much longer history of a Muslim presence in German society is easily overlooked.

Therefore I begin my discussion with a sketch of the developments since the 17th century (the first documented cases of permanent Muslim residents) and then focus in greater detail on the first half of the 20th century and in particular on the interwar period. By that time, the Muslim presence in Germany had increased considerably, though in no way comparable to the figures of the second half of the 20th century. Muslims remained a very small minority in German society. Moreover, Muslims living in Germany were by no means a homogeneous group. They included among

others diplomats, businessmen, merchants, foreign students and German converts. All but the last tended to come from number of quite different countries. Such a situation would suggest a rather limited common cultural and/or social basis. Therefore it seems quite remarkable that a number of collective projects were successfully pursued, as for example the construction of a mosque in Berlin, and that there was even something that might be considered an out-reach project, namely the publication of the journal *Moslemische Revue* (Berlin-Wilmersdorf, 1924-1940). The journal was constituted as a "joint-venture", including Muslims and non-Muslims, with the explicit purpose to explain Islam and Muslim culture to a German audience. In my paper, I shall discuss the factors which made these projects possible despite the cultural diversity in order to discern the strategies of identity formation adopted by the Muslims in Germany as well as the complexities of intercultural dialogue and/or conflict which they experienced.

Gilad Margalit, Haifa

German Turks and the Holocaust

In the 1970s, racist manifestations among West Germans toward *Gastarbeiter* evoked provocative comparisons among members of German leftist circles who equated Jews persecuted during the Nazi period with the non-German foreign workers. This milieu also gave rise to the slogan: "The Turks are the Jews of today" (*Die Juden von heute sind die Türken*). The slogan implied an exaggerated claim for an unbroken continuity of racism among Germans in the post-Nazi era; it also alludes to the fact that the Turks today function for German society as the salient other, assuming the same role that the Jews played in the past, and being now seen in the role of the victim (although the German Jews of the 1930s seemed to be much more assimilated and integrated into the German way of life than are the members of the Turkish minority today). Much violence against Turkish migrants in the reunified Germany culminating in the arson attack in Mölen (1992) and Solingen (1993), and resulting in several death casualties among the Turkish victims, seemed to grant a certain credence to such allegations, at least regarding the neo-Nazi perpetrators of these murderous attacks.

However, the Turks in Germany have not, as a rule, claimed themselves such equations. In my paper I would like to inquire what impact, if any, the Holocaust and its continued presence in German life have inflicted on the Turks in Germany? How do these Turks regard the supposed affinity between German anti-Turkish sentiments with the widespread anti-Semitism of the Nazi era? Are the comparison and the equations between the two merely alarming and provocative expressions? Or do they reflect genuine fears of the migrants living in a land where, in its recent past, such terrible crimes were committed against other non-Christian Germans?

I will base the paper on literature and fiction as well as on some in-depth interviews I conducted with several intellectuals of Turkish descent in Germany, such as Selim Özdoğan (writer), Feridun Zaimoglu (writer), Kennan Kolat, (the chairman of the Turkish Union in Berlin-Brandenburg - TBB), on the question whether they see any implications of the collapse of the German model of assimilation in the Nazi time and of the Holocaust on the Turkish existence in today's Germany.

Monday, April 7, 2008

Third Session: *Difference vs. Identity – Jews vs. Muslims in Germany Today*

Jeffrey Peck, Berlin

Displaying Difference among the Germans: Jewish and Muslim Male Bodies

While it is clear that Jews and Muslims challenge the dominant Christian and "white" national and religious discourses of Germany, more attention must be paid to the ethnic, "racial," and gendered representations of these two groups that continue to represent difference in the German national imaginary. In my paper I would like to reframe the discussion by showing how attention to the latter categories opens up new ways of understanding how German identity is constructed, particularly as Germany increasingly becomes and understands itself as a country of immigration. First, ethnicity and race have to be released from the tainted past associations with Nazi racist ideology and be legitimized for contemporary interpretation. Then, more importantly for my paper, I will use the Jewish and Turkish male body to explore how specific Jewish and Muslim (male) racial and ethnic differences are represented as "other" in the broad German *body politic*. Attention to discursive and visual markers, such as hair, beards, physiognomy, clothing, gestures, and exclusively male rituals will provide meaningful new significations of marginal status in a society whose rhetoric stresses tolerance of difference yet remains unresolved about it.

Sabine Schiffer, Erlangen

The Role of the Media for Muslim and Jewish Interactions

The coverage of the so-called Middle East conflict between Israelis and Palestinians is greatly responsible for the perception and interpretation of causalities and estimations about guilt, i.e., the question who is to be considered as the aggressor and who as the victim. Moreover a change in emphasis has taken place during the last years. The conflict is increasingly interpreted as being a religious conflict, which it was not in the beginning. By spreading more and more "religious" symbols and images through the media this interpretation is increasingly focused on and suggested by the way. As a result, in what seems to be a worldwide trend, the opponent is primarily perceived by the other side as Jewish or Muslim (among other things because Christian Palestinians are still underrepresented in the media).

In Germany, too, coverage of the area from the Middle East up to Pakistan and even India is increasingly illustrated by religious symbols. This tendency suits the interests of some extremists because it suggests and establishes a close relationship between their doings and a claimed religious legitimization – exactly what they want us to believe. Religious ideas and symbols are misused and mixed up with what they represent. This confusion has a direct impact on the reactions and relations of Jews and Muslims in Germany. It sometimes ends up in verbal bashing, one-sided statements against the other minority and even violent crimes. The majority of Christians in Germany seems to be pushing this polarization – even unconsciously.

By analyzing the media products, one may perceive the dilemma which confronts journalists. On the other hand, journalists, who are often misused by lobbies and

public relations agencies and fed with selected and manipulated material (see e.g. Becker/Beham 2006: *Operation Balkan – Werbung für Krieg und Tod*), are easily trapped into a selective perception because of unreflected expectations, which work as a filter in choosing "relevant" facts to be reported. The result of this conglomerate of influences shouldn't be underestimated – and we will have a closer look at how journalists could be more constructive without neglecting the problematic aspects of the issue they deal with.

Uriya Shavit, Tel Aviv

Sheikh Google: Advanced Media Technologies and the Construction of Muslim-Arab Identity in Germany

For the past thirty years Muslim-Arab scholars in the Arab world have reached a consensus as to the duties of Muslims living in Europe. While fragmented in particularities of practice, this consensus nevertheless involves five points: Muslim immigrants are part of a global Muslim nation (*ummah*); their presence can be legitimized though it is highly undesirable; immigrants must reaffirm their Muslim identity and commit themselves to a Muslim texture of life; immigrants must benefit the interests of the Muslim nation; immigrants must spread Islam in Europe. This consensus, while broad in religious circles, has been largely challenged by preachers, scholars and activists, in and outside the Arab world, who, while embracing the term *ummah*, connote it with a different meaning, far more inclined toward assimilation.

Both schools use the internet and satellite television channels to promote their conception of the Muslim nation by directly appealing to Muslim immigrants. Some regard the very evolution of these technologies as a proof for Islam being the true religion – for if a global tool of communication exists, then surely Allah's destined *ummah* can come to life. Thus, a Muslim living in the West today is exposed to hundreds of media operations offering religious edicts, religious sermons, basic introduction to Islam, guidance on how to convert Christians and daily outlook on global Muslim news. These media operations represent one *ummah* in that they recognize its existence and desired unity; they represent many different *ummahs* in that they are in radical disagreement as to the nature of the *ummah*.

Along the analysis of the major global players in Islamic advanced technologies operations, the presentation will examine how Muslims of Arab descent in Germany relate to this evolving imagined *ummah* both in theory and in practice. The presentation will explore how, while gaining undisputed influence, these global Islamic media operations and their ideologies face serious objections from notional as well as practical dimensions, even among Muslim-Arab-Germans who are active in mosques and strong in their religious identity. In the notional dimension, some regard with disfavor what they perceive as foreign intervention in their communities; some fear their authority in their communities might be shaken by youth directly gaining unsupervised knowledge from media; and some dispute the validity of religious material spread in other than traditional spheres. In the practical dimension, technicalities often stand in the way of installing a satellite dish; language skills often restrict second generation immigrants to German-speaking operations only; and fears for one's professional and social status at times discourage involvement in these media operations.

The presentation is based on a two-year research on contemporary Arab-Muslim religious edicts regarding migration and analysis of global Islamic media operations, as well as a one-year field-research in mosques in Frankfurt am Main.

Forth Session: *The German Jewish Community Today*

Sergey Lagodinsky, Berlin

The Jewish Community in Germany: No More a Family, Not Yet a Community

Today's Jewish community is in a state of painful transition. While observers have frequently addressed individual deficits, problems and tensions, no systemic explanation has been offered so far. This paper attempts such a systemic view of the situation whereas it focuses on the gap between the community's new reality and the community's old/still developing mindset.

To explain the concept I will introduce the three possible models of (Jewish) community life in Germany: the (status-based) tribal model, the (interest-based) contractual model and the (collective-based) communal model. I will explore the main features of these models and demonstrate each model's benefits and risks. I will then address the tensions that the Jewish community in Germany is experiencing today against the background of this analytical framework.

While the situation in Jewish communities in postwar Germany was dominated by the reality and the mindset of a family/tribe, the massive growth through immigration in the nineties has made it impossible to organize community life according to tribal rules. Despite this fact the collective mindset of the Jewish "establishment" and the communities' institutional structures have not been able to adapt to the change.

I will propose that the difficulties in dealing with the present situation result from such continuous use of a tribal mindset by a large community subgroup on the one hand and adoption of a contractual attitude by other community members on the other hand. A communal approach to collective life – the only future-oriented way of securing communities' sustainability – is still a scarce resource, a deficit that might jeopardize the community's future.

Based on this analysis, I will offer some basic recommendations for the community leadership on how to close the mismatch between the realities and the mindset of the new Jewish community in Germany.

Karen Körber, Marburg

Pushkin or Thora? The new Jewish Community in Germany

The immigration of Russian-speaking Jews since 1989 has fundamentally changed the Jewish Community in Germany. Looking at the debate of the German parliament about the admission procedures for Soviet Jews in 1990, and the media reaction at the time, the main images and discourses focused on two interpretative patterns: The Jewish immigrants were seen as members of a community of victims, and as a distinct cultural-religious community. From the very beginning, politicians and Jewish institutions linked the admission of the Russian-speaking Jews with the aim of

revitalizing the small and elderly German Jewish communities. Accordingly, the Jewish communities were assigned the task of socially and religiously integrating the new immigrants. The assumption was that, in the Jewish communities as a supposed haven of a binding religious culture, Russian-speaking Jews would profess an identity which they had previously had to conceal out of fear of discrimination.

Today, a rather different impression is conveyed when taking a closer look at the Jewish communities. There is talk of "separation" and of "a breaking test" between the so-called "established" and the newly immigrated members, and of the threat of a takeover by "the Russians". Nowadays the Jewish communities have become arenas of conflict over which form of a common Jewish identity will be relevant in Germany in the future.

In my paper, I will attempt to analyze two main aspects of this ongoing battle as to how the Jewish communities will be constituted and defined in the future. First, I will focus on the religious conception of the *Einheitsgemeinde* (unified community). The newly immigrated Jews had to understand that crossing the border coincided with redefinition of their collective identity. While in the former Soviet Union they had been members of a national minority whose ethnic sense of belonging was defined patrilineally, in Germany they are considered members of a religious community if they can prove having a Jewish mother. This change from a national to a religious minority has repeatedly been a cause for dissent for immigrants.

Hence, I will concentrate on the collision of the two central narratives within the communities that will not remain without consequences for the collective memory. For the resident Jewish Community the focal point of reference is the experience of victims of the Holocaust, which also mainly structured their relationship with postwar Germany. For the Russian-speaking Jews, however, the centre of remembrance is the "Great Patriotic War". Thus the image of the Jewish victim is joined by the "fighting Jewish soldier" who carries the victory over Nazi dictatorship and who frees his own people. The paper will reconstruct these conflicts and will consider the consequences they may have for Jewish self-conception in Germany.

Tuesday, April 8, 2008

Fifth Session: Jews and Muslims Face the German Law

Elimelech Westreich, Jerusalem

The Attitude of Jewish Law Toward State Laws and Modern Science in German-Speaking Countries in the Era of Emancipation and Acculturation

The lecture discusses the ways in which traditional Jewish law responds to the growing intervention of state laws and modern science in Jewish life within the dynamic and changing reality of the German-speaking countries between 1780 and 1870.

For about a thousand years, Jewish law played a central role in the religious and social universe of Jews living as a tolerated, and at times persecuted, minority on German lands, primarily in the German and Habsburg Empires. The feudal

political structure could tolerate a group that enjoyed social and judicial autonomy, thereby supporting the complete identification of Jews with the Jewish Law (Halakha) as the legal system that regulates their social and religious life. During the process of their emancipation the Jews changed their status and became citizens with civil rights and equality before the law. This welcome change also contained a significant negative aspect from the point of view of traditional Judaism because it renounced the Jewish judicial and communal autonomy. Simultaneously, Jews underwent a process of acculturation resulting in increased internalization of German culture, including the veneration of science. This process led to religious reform, to secularization, and to assimilation, and it alienated most Jews from tradition and the Jewish Law.

The lecture focuses on the legal writings of several of the most prominent scholars who were required to address the challenges posed by these changes: R. Yehezkel Landau in Habsburg Prague in the last decades of the 18th century; R. Akiva Eiger in Prussian Posen and R. Moshe Sofer in Habsburg Pressburg (Bratislava), both in the first third of the 19th century; and R. Samson Rafael Hirsch, the spiritual father of modern German orthodoxy and the shaper of its worldview, known for his activity in Frankfurt during most of the second half of the 19th century. I emphasize the uniqueness of Jewish legal work within the German environment by comparing it with the reaction of Halakha sages in other Jewish centers to similar challenges. Most interesting is the attitude in Islamic countries where the European culture was not rejected by the sages and the European powers were in general perceived as the Jews' protectors from the pressure of the Islamic rulers and societies.

Already at the beginning of this period, R. Landau had to cope with the attempt of Emperor Joseph II to establish uniform family law for all his subjects. The growing intervention of state legislation in the family realm forced these sages to address the challenges it posed to traditional Jewish Law. Despite differences in the worldviews with which these rabbis approached modernism, they were united by their great effort to preserve the Jewish Law and reconcile it with the observance of state law. Thus they were able to continue the long Jewish tradition of acquiescence to the ruler and his laws as a means of preserving life in the Diaspora.

The confrontation of Jewish law with modern science was more complex, and the approaches spanned a broad spectrum. At one end was the approach that regarded the scientific method as a deserving model to be adopted in the study of the Talmud and of the sources of Jewish law. At the other end were ultra-conservative approaches that rejected every scientific innovation on the grounds that the Torah prohibits anything new. Scholars commonly attribute such a position to R. Moshe Sofer, the spiritual father of the ultra-conservative movement and the shaper of its worldview, who is the best-known sage to have to cope with the Enlightenment and the Reform movement. His attitude toward modern science, however, as I show in the lecture, was much more complex and far removed from simple fundamentalism.

Shai Lavi, Tel Aviv

Jews, Muslims and Ritual Slaughtering of Animals in Germany

The legal and political controversy surrounding ritual animal slaughtering is one of the more productive points of comparison between prewar Jews and postwar Muslims in Germany. Both groups faced moral, legal, scientific, and political allegations concerning the nature of their traditional practices of slaughtering. Both Jewish and Muslim rituals were seen as violent, non-hygienic, and symptomatic of the inability of these groups to integrate into German society. And yet, the very similar practices of slaughtering registered quite differently in German popular and political culture in a way that was intimately related to the more general fears and phobias that Jews and Muslims stirred in the public discourse. By examining these differences and similarities the paper sheds light on changing notions of "citizenship," "integration and assimilation," and images of the "good society" in Germany during the course of the 20th century.

Sixth Session: *Legal Regulations of Muslims Practices in Germany Today*

Astrid Reuter, Erfurt

The Blurring Borders of the Religious Field: Law Conflicts over Islamic Instruction at State Schools

Article 7 (3) Basic Law for the Federal Republic of Germany guarantees: "Religious instruction shall form part of the regular curriculum in state schools [...]. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned [...]." Religious instruction is thus a hybrid: a *res mixta*, as it is called in German legal language, of the state (which, as the 'entrepreneur' of the school, has to assure the academic and pedagogic quality standards) and the religious communities (as those responsible for the content). Although Article 7 (3) is historically rooted in the predominance of the Christian churches – which are the only ones to benefit from it so far – it can neither be interpreted as a Christian privilege within the German constitution nor as a decision in favour of church-state-structures. On the contrary, it has to be interpreted as a consequence of the disentangling of church and state in the educational sector, i.e. as a corollary of Article 4 (1) and (2) Basic Law (which guarantees freedom of faith, conscience, and creed) in connection with Article 6 (2) Basic Law (which guarantees the right of parents to take care for the upbringing of their children, including their religious education). The fundamental right to religious instruction is thus – in accordance with the equal-rights-guarantee of Article 3 Basic Law – open to other than Christian religious communities.

In the recent past, several Islamic organizations in a number of Länder with high levels of Muslim population have claimed for their equal right to set up Islamic instruction in state schools. Most of them have ended up in court. In my contribution I shall analyze the cases of Berlin and North Rhine-Westphalia. Both cases show clearly that the main question in the conflict is not whether the guarantees of Article 7 (3) shall be extended to Muslims or not, but how to define a religious community. Religious instruction being a *res mixta* of the state and the religious community concerned, the state needs a partner that fulfils the criteria of being 'religious'. Are the

suing Islamic organizations 'religious' communities in accordance with Article 7 (3)? The law conflicts over the right to religious instruction in state schools may serve as examples to demonstrate how German courts get involved in the struggles over the borders of the religious field and thus interfere in the right to religious freedom.

Nikola Tietze, Hamburg

The Semantics of Religion in Case Law and Administrative Regulations Affecting Muslims in Germany

This contribution aims to elucidate the semantics of the concept of 'religion' as it is reflected in case law and administrative regulations that affect Muslims in Germany since the 1990s. Two rights, that of freedom of religion, on the one hand, and of individuals and religious communities to equal treatment, on the other, have played an important role in facilitating Muslims' incorporation into German institutional regulations. Together these constitutional rights secure a legal framework for individuals and organizations that guarantees recognition for the faithful and obliges authorities to ensure that space will be provided in the public arena for Islamic practices. However, case law and the administrative regulations formulated to comply with it are in conflict with certain elements of the concept of the national community of Germans. The resulting controversies, which surface in at times passionate public debates, are, so the hypothesis presented here, a reflection of underlying differences in the semantics of religion. These semantics are not only relevant to German law and German national self-understanding; they are also fostered by European conceptions of religion (such as those promoted by the Council of Europe). In some contexts, religion is assumed to be the profession and practice of faith that has been granted special rights of individual and collective expression; in other contexts, religion is understood as an identity that defines a minority community; in still other circumstances, religion is considered to be a cultural expression that emerges from a national or European heritage; finally, religion at times represents a concept of ethics that contributes to shaping human relations and well-being in society. This presentation aims to trace all these meanings in the various legal decisions and administrative regulations that pertain to Islamic practices in the public space and, in doing so, to reveal the lines of conflict that accompany the institutional inclusion of Muslims in Germany.

Gila Stopler, Ramat Gan

The Islamic Veil, Church State Relations, and Women's Rights in Germany

In 2003 in the teacher headscarf case the German Constitutional Court held that a Muslim teacher, Fereshta Ludin, was entitled to wear a Muslim headscarf in the classroom, unless and until the state enacts a statute forbidding the wearing of the headscarf. Following the ruling eight German states enacted statutes forbidding the wearing of the headscarves by teachers in public schools. One of the arguments used to justify the ban on the wearing of Muslim headscarves is that the Muslim headscarves are a symbol of women's oppression and as such their wearing goes against the principle of women's equality. Article 3 (2) of the German Basic Law reads: "Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist." Arguably, this progressive text, which guarantees the equality of women and instructs the state to take proactive steps to eliminate

discrimination against women, can serve both as a rationale and as a legal basis for the ban on Muslim veiling.

Nevertheless, two different questions come to mind – the first question is: does the ban on the veil really promote the rights of women (either Muslim women or German women in general) and if it does, are the expected gains for women's equality from the ban proportional to the possible losses to other rights? From a feminist perspective it is questionable whether a ban on wearing the veil in the public sphere can advance the rights of Muslim women when the root of oppression (where oppression does exist) rests in the private sphere, which is left untouched by the ban. The second question is whether the vigorous steps taken to protect women's rights through the ban on Islamic veiling are characteristic of the German government's treatment of religious traditions obstructing women's equality or are they a unique treatment reserved for Muslim traditions? A wider look at German Church-State relations (in the broad sense of the word) and their effects on women's rights will show that Germany has customarily given considerable deference to religions and to religious autonomy and belief, even when such deference has been detrimental to women's status. Thus, while the enthusiastic embrace of women's equality by the German government might seem welcome from a feminist perspective, it appears that this enthusiasm should be taken with a grain of salt, and that other reasons, such as the preservation of Germany's Christian character have played a more important role in the ban on veiling than public discourse would have it.