

Wenn in der Nachbarschaft einer christlichen Kirche bzw. eines Gemeindehauses eine Moschee existiert oder gebaut wird, sollte die christliche Gemeinde den Kontakt zur Moscheegemeinde suchen, zunächst auf der Leitungsebene. Dabei kann in fairer Weise über den unterschiedlichen Glauben gesprochen werden. Es kann erklärt werden, wie jeweils die Gottesdienste gefeiert werden.

In einem längeren Prozess kann Verständnis wachsen. Auf jeden Fall sollten Christen sich weder verstecken noch die Moscheegemeinde anfeinden. Für den gesellschaftlichen Frieden ist es besser, dass Christen und Muslime sich offen und freundlich, aber auch überzeugt begegnen.

Freedom of Association for Muslims and Building Mosques in Germany

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1. The Legal Situation

a. Freedom of Association

In common with all other residents, whether German citizens or foreigners, Muslims in Germany are able and have the right² to gather in private homes for religious and political meetings.³ Here

they may perform ritual prayers, give instruction in the Koran, celebrate religious feast days and practise Sufi meditation. The only restriction imposed is consideration for the neighbours, who are not to be disturbed by excessive noise, especially at night or on public holidays.

In addition Muslims are able to rent, purchase or erect more spacious buildings for the purpose of holding religious or other meetings, in compliance with the local authority regulations applicable to all social groups. It is possible that permission may not be granted to erect a large meeting room on a housing estate.

Muslims may moreover rent halls or even stadiums for larger gatherings subject to the proprietors' stipulations and where necessary local authority permission, as is the case for larger public gatherings such as marches or demonstrations or a stand in a pedestrian precinct.⁴

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²For the legal situation cf. vgl. Janbernd Oebbecke. *Das deutsche Recht und der Islam*. in: A. Th. Khoury; P. Heine; J. Oebbecke. *Handbuch Recht und Kultur des Islams in der deutschen Gesellschaft*. Gütersloh 2000, p. 287ff; *Evangelische Kirche in Deutschland. Zusammenleben mit Muslimen in Deutschland: Gestaltung der christlichen Begegnung mit Muslimen*. Gütersloh, 2000, p. 46ff under the heading "Rechtliche Rahmenbedingungen des Islam in Deutschland" und: "Klarheit und Gute Nachbarschaft", *Christen und Muslime in Deutschland. Eine Handreichung des Rates der EKD*. EKD-Texte 86, Hannover 2006.

³The German constitution guarantees all Germans and foreigners the right to meet

peacefully and unarmed without the need for official registration or permission.

⁴Art. 8 §2 limits the freedom of association: "This right may be restricted by law in the case of open air gatherings."

The security forces will of course as far as possible take precautions to ensure radical Islamist groups do not misuse their meetings for terrorist purposes.

b. Freedom of Organisation

Muslims enjoy exactly the same freedom of organisation as any other social group.⁵ They can set up an informal association, they can register an association with the local authorities and apply for recognition as a charity trust with the Inland Revenue. It is not necessary for the members to be German nationals. The situation is somewhat different for what is known in Germany as a Public Law Corporation, a status enjoyed e.g. by the Non-conformist Christian denominations. These being permanent bodies, it is expected that a corporation has a large number of permanent members, the majority of which possess German nationality. Since the German state confers certain privileges on such corporations, they must demonstrate their loyalty to it. Thus corporation status has so far been refused the Jehovah's Witnesses on the grounds of their rejection of military service, although there are moves to grant it them, since they are not opposed to the state.⁶ This would allow them to have the Inland Revenue deduct Church Tax from their members and grant them certain privileges regarding the erection of Kingdom Halls.⁷ It is obvious the state will be un-

willing to confer any such status on an organization which is at odds with the state or the principles of liberal democracy.

In German law there is no particular recognition for religious groupings, which are all permitted on principle. The state is concerned only with the recognition of the organizational structures. If they fulfil the necessary conditions Muslims are also free to found their own political parties.

c. Building Mosques

Muslims are free to turn their meeting rooms into a mosque, whose essential features comprise a prayer niche indicating the direction towards Mecca, a pulpit or elevated seat for the preacher and very often carpets. There will also be separate wash rooms for men and women and a place to put shoes removed during prayers. The erection of a mosque is subject to the same building regulations as other religious communities, such as conformity to the fire regulations and provision of safety exits.

The typical external features of mosques, the dome or minaret topped by a crescent, present a different problem, since planning permission must take account of cultural and historical factors and the urban landscape. The German authorities have up to now taken the view that to permit mosques with a minaret to be built cheek by jowl with historic churches in a town centre is incompatible with the country's Christian tradition. Planning permission is also unlikely to be granted for mosques to be built in certain residential areas. This explains why most mosques at present are built in industrial areas or on the edge of housing estates.

⁵ Art. 9 §1 says "All Germans have the right to found clubs and associations."

⁶ Berlin was the first federal state to grant corporation status to Jehovah's witnesses (13.06.2006).

⁷ The Building Regulations commit local authorities to taking into consideration the churches' requirements for services and pastoral care. Cf. J. Oebbecke, Handbuch op. cit., p. 300.

A related problem is the call to prayer. At present this is to be heard primarily within the mosque complex, usually located in converted commercial or industrial premises. If planning permission is given for a minaret, the question arises as to whether the call to prayer may be uttered publicly and that by loudspeaker. While an unaided human voice may arouse few misgivings, amplification by loudspeaker is almost certain to do so. The Noise Prevention laws would in any case permit no more than a moderate volume of sound, and in residential areas only at severely restricted times, such as Friday noon or on feast days. The relevant legal situation is still very much in a state of flux.⁸ It is a matter of dispute whether there is a legitimate parallel between the call to prayer and chimes of church bells, since the latter is more or less regarded as a cultural feature to be safeguarded, which can hardly be said to be the case for a loudspeaker. Furthermore the call to prayer involves a public statement of Islamic faith, which is not the case with church bells.

2. Muslim Claims

It is important to remember in the first place that many Muslims are grateful for the freedoms they enjoy in Germany, since many Muslim countries repress certain groups within Islam, and freedom of association and permission to erect mosques is only granted to the officially recognized form of Islam.

On the other hand many Muslims from majority Islamic societies find it fundamentally difficult to accept even the

least restriction on the practice of their religion, since divinely revealed principles of conduct must take precedence over other legal provisions.

Muslims are obviously aware of the difficulties involved in living in a non-Islamic society with two differing legal systems, and legal scholars have reflected seriously as to how Muslims should behave outside the "House of Islam."⁹

In principle Muslims ought to prefer to live under Muslim rule within the House of Islam. If circumstances dictate otherwise, Muslims are to respect the way of life of the host country insofar as this does not intrude on the practice of their religion.¹⁰ Yet here precisely lies the rub, for Islam is not restricted to the private sphere, but obtrudes into public life and seeks to exert its influence there.

Muslims generally regard Islam, being divinely ordained, as superior to all other social systems. Those who take their faith seriously cherish the express or implicit hope and aim that the society in which they live will one day be part of the "House of Islam", and this has consequences for the claims they make on the German state.

a. Freedom of Association

Muslims find the restriction of the practice of their religion, specifically ritual prayers, to premises especially set aside for the purpose difficult to accept. Most Muslims prefer to say their prayers wherever they are at the appointed time, be it at work, a railway station, hospital or simply in the street. One sometimes sees individual Muslims doing just that, but strictly speaking prayers are a com-

⁸ Cf. Mathias Rohe – Der Islam – Alltagskonflikte und Lösungen, Freiburg, 2001, p. 124-132.

⁹ Cf. J. Obbecke, op. cit., p. 276.

¹⁰ Ibid., p. 280.

munal activity. For this reason many public buildings in Muslim countries have special rooms set aside for communal prayer, and some Muslims would like to see something similar in Germany. They would like to have prayer rooms in institutions such as hospitals and prisons which are equipped with chapels, and in some cases such rooms are indeed already available. Despite the German constitution's fundamental separation of church and state, the state, uniquely in Europe, is committed to making provision for the religious practice of Public Law Corporations. However the public presence of the Churches is in fact on the wane, while Islamic organizations are demanding a greater public profile and provisions. The process of increasing European unity may involve harmonizing German law with that of other countries and an increased emphasis on the separation of church and state such as in France for example.

For Muslims freedom of association also means being able to participate in prayers at the set times on Fridays and feast days. Since Friday is a working day in Germany and the Muslim feast days may also fall on a weekday, the demand is sometimes made that Muslims should be able to take Friday off instead of Sunday and have Muslim feast days as holidays.

b. Freedom of Organisation

The Christian Church was from the beginning an organization in the private sphere. From the 4th century on it was the state that began to exercise influence in the Church, and in the Protestant countries of Europe the state determined the legal structure of the Church, only vestiges of which remain valid today.

Organization in the private sphere was from the beginning foreign to Islam. The Islamic state or the Umma, the worldwide community of all Muslims, furnished the legal structure for the religion of Islam, and this is still true today. In many Muslim countries the state takes responsibility for building mosques, organizes pilgrimages to Mecca and levies alms for the poor. The Sufi mystics constitute a certain exception, mainly meeting as private associations. When the exodus of migrant workers to Europe began in the Sixties they had no problems in adapting and getting organized, but for the vast majority of Muslims there was no government to provide places for prayer or mosques, and it was only gradually that mosque associations and other representative organizations began to form in the Diaspora. Many Muslims regard Western organizational structures as un-Islamic, but there is no alternative in the modern world, not even for World Islam, and worldwide Muslim organizations have of necessity adopted Western conference structures, but many a Muslim dreams of the ideal of a new Caliphate which would provide an ideal legal framework for all Muslims.

Modern Muslims like to insist that Islam is not a Church and cannot therefore adopt ecclesiastical or Western legal structures of associations in the private sphere. Binding confessions of faith and "church order" are foreign to Islam, there being neither synods nor councils to formulate them. This in turn poses a problem for the German authorities, who insist on transparency and conformity in specific areas such as religious instruction in Islam in state schools. Muslims find such insistence difficult and try to avoid committing themselves, claiming it

would be contrary to Islamic principles.¹¹ This inability to pin Islam down on certain points is what makes it difficult to deal with.

c. Building Mosques

This is the point at which Muslims feel most discriminated against. They ask why mosques may only be built on the edge of towns, may not dominate the town centre or exceed a certain size, and why the height of the minaret is limited. As a religion Islam sets great store by a demonstration of publicity and strength. In Muslim countries minarets are always taller than church steeples – if any are allowed! – a concrete demonstration of Islam’s superiority.¹²

Churches are essentially temporary structures,¹³ even if abandoning one may be emotionally traumatic and opposed on grounds of it being a listed or “sacred” building. Muslims have a very different attitude to mosques, which are expected not to last for eternity but always to be used as a mosque, and therefore should not be allowed to fall into disrepair or be used for some other purpose.¹⁴ Mosques are not specifically dedicated to Allah, but the invocation of the confession to

¹¹ God’s covenant fidelity is reflected in the consistency of church life, whereas Islam emphasizes Allah’s absolute freedom and the temporal nature of all agreements.

¹² Early mosques had no minaret, which is thus not an essential feature. Many legal scholars consider the minaret should not be built too high so that the call to prayer by unaided human voice can be understood.

¹³ The ground is theological. The Church sees itself as an essentially eschatological community heading towards God’s ultimate kingdom.

¹⁴ Some legal scholars are of the opinion that neither a mosque nor the land on which it stands ought to be sold.

Allah make it as it were his property. A mosque is a place where Islam rules, a “House of Islam” in miniature, and is to be defended just as its prototype is. Just the House of Islam is expected to grow, so the mosque, but not to disappear.

The call to prayer, *’adhan* in Arabic, must be made by a male voice, but many Muslims would prefer amplification by loudspeaker. This makes little sense in Germany since the Muslims do not live adjacent to the mosque but scattered throughout the locality. The legally permitted volume could also not be heard very far off. For Muslims it is a matter less of necessity than of principle, namely the untrammelled right to practise their religion and a public demonstration of Islam’s presence.

3. The Christian Attitude

It is important to distinguish between a Christian viewpoint and that of a German citizen, a distinction that is not always observed in the debate. The one judges on the basis of his Christian convictions, the other of civic responsibility.¹⁵ Having covered the legal situation in Part I I write here from a Christian viewpoint. Christians are concerned to be law-abiding citizens, but as those who believe in Jesus Christ they will also bring their own particular perspective.

a. Freedom of Association

Christians value the freedom of association guaranteed in Germany with very minor limitations. This has not always been so. This freedom of association

¹⁵ To be German and to be a Christian is not the same thing, not has it been for a long time. Perhaps it never was, when one considers the Jewish minority.

throughout all German provinces was only granted to all religious groups, i.e. to non-conformists and conventicles, after the 1848 Revolution. This liberty is a great public benefit, and for this reason Christians favour granting the same right to all religious groupings.

b. Freedom of Organisation

Grateful for the various ways churches and Christian organizations can constitute themselves as legal entities, Christians are happy for Muslims to take advantage of them too, as long as they fulfil the required conditions. It is important for the state to apply the same impartial standards to all without compromise. Most Muslims being immigrants, some tend to play the card of discrimination against foreigners when their demands are not met in full. In this area the state needs to show more civil courage.

c. Building Mosques

There are between 2000 and 3000 meetings places in Germany used by Muslims as mosques and community centres. Only about two hundred are outwardly recognizable as mosques, but this proportion will grow as more Muslims settle in Germany and take out German nationality. Imposing mosques are planned for all major cities, but mosques have also been built even in smaller towns with an appreciable Muslim population.

Christians should not seek to oppose this development, nor do they have any legal grounds for doing so. The erection of mosques is part of religious liberty. Christians can however take action to ensure the authorities do not cut corners when granting planning permission nor

allow themselves to be blackmailed, which would be fateful in the long term.

It is perfectly normal for Christians not to be delighted at the sight of a new mosque being built, for it in effect calls in question why Christians have failed to proclaim the Gospel more effectively. In every mosque Koranic texts will moreover be recited which denigrate the Christian faith and curse Christians as infidels. This makes it very difficult to understand how Churches and their representatives can support the building of mosques.

Christians ought not to be upset when mosques are built, but rest assured that Jesus Christ is Lord over the religious world. With this attitude they can enter a mosque¹⁶ and pray for those who attend it.

The call to prayer via loudspeaker is a particular problem, since its content represents a provocation for Christians, inviting them to pray in the mosque and thereby in effect convert to Islam. Equally it is a provocation for Muslims when Christians invite them to follow Jesus Christ. The difference lies in the fact that the Christian invitation is unobtrusive and not repeated five times a day over a loudspeaker.

When a mosque exists or is erected in the neighbourhood of a Christian church, the leadership should enter into dialogue with the leaders of the mosque for an equitable exchange over the differing faiths and to explain the arrangement of services. In the long run this can further mutual understanding. On no account should Christians take a low profile or show animosity. It is better for social harmony

¹⁶ There are legal scholars who consider non-Muslims should not be allowed to enter a mosque.

when Christians and Muslims meet one another in a frank and friendly manner

without jettisoning their own convictions.

Die Rolle der Moschee in der Gesellschaft

Beltheshazzar & Abednego. The Mosque and its Role in Society.
Pilcrow Press: o.O., 40 S., ca. 3,-- €

Albrecht Hauser¹

Das Bauen neuer Moscheen in traditionellen Städten Europas verändert nicht nur das städtische Panorama, sondern signalisiert auch die bleibende Präsenz einer Religion. Diese Religion will im öffentlichen Raum nicht nur in religiösen Fragen, sondern auch im politischen und gesellschaftlichen Geschehen eine zunehmend prägende und bestimmende Stimme erlangen. Den Verfassern der o. g. Schrift geht es um eine konzentrierte Aufklärung über das Selbstverständnis des Islam. Sie illustrieren dies anhand der Rolle, die dabei traditionell den Moscheen zukommt. Es geht um die Funktion und die Einflüsse der Moschee bei der Ausbreitung des institutionellen Islam. Da der organisierte Islam durch den Bau von Moscheen seinen Einfluss- und Herrschaftsbereich ausweiten will, erheben die Autoren ihre warnende Stimme gegen die wachsende, schleichende Islamisierung in freiheitlich-westlichen Demokratien.

Die Autoren kennen den Islam von innen her, haben ihn studiert und praktiziert. Da sie Christen geworden sind, erleben sie selbst im Westen die Gefährdung der Religionsfreiheit durch den traditionellen und politischen Islam, so dass

sie unter einem Pseudonym schreiben. Die Schrift ist in ihrer Kürze authentisch und prägnant, denn sie will niemand darüber in Unwissenheit lassen, welche Konsequenzen die wachsende Zahl repräsentativer Moscheen in den westlichen Ländern hat. Die Autoren dieser Schrift leben in England, so dass besonders auf den dortigen Kontext eingegangen wird. Anlass der Schrift, kritisch über die zentrale Rolle der Moschee nachzudenken, war die Nachricht, dass in Newham, Ost-London, eine Moschee für 70.000 Gläubige geplant ist und dieses gigantische Bauvorhaben bis zur Eröffnung der Olympiade im Jahre 2012 fertig gestellt sein müsse.

Es wird deutlich, dass die Moschee nicht nur ein Treffpunkt der Gläubigen ist, in der sie die rituellen Gebete verrichten und Predigten zur inneren Stärkung des persönlichen Glaubens hören, sondern vielmehr auch der Ort, durch den der ganzheitliche Lebensentwurf des Islam gestärkt und proklamiert wird. Es geht den islamischen Geistlichen und Rechtsgelehrten, den Imamen und Ulama, um die Umsetzung der durch den Islam gebotenen Rechtleitung, um die Islamisierung des gesamten Lebens, einschließlich seiner gesellschaftlichen, rechtlichen und politischen Belange nach den Satzungen des Islam. Es wird anhand

¹ Kirchenrat i. R. Albrecht Hauser ist Vorsitzender des Arbeitskreises Islam der Evangelischen Allianz.