

The Influence of Islam on the Education System in Germany and Austria

Barbara Friehs, University of Graz, Austria

ABSTRACT

Islam takes delight in tremendous popularity in many parts of the world. In the recent past and present, migration movements caused a relatively big spread of Islam on the European continent. Today, Islam accounts for the second strongest religion in Europe, with 15 to 20 million members. All over Europe, there are legal bills and everyday life situations that show the huge impact Islam already has on societies of strongly secularized European countries, such as the German-speaking ones.

The question to explore is how the education systems in Germany and Austria are affected by the above mentioned demographic changes. Using a comparative analysis, the goal of this study is to catch a glimpse of the influence over corresponding, legal regulations through Islam and to discuss the hence resulting consequences regarding the field of education in Germany and Austria. For this purpose, respective laws and judicature are analyzed and reviewed.

INTRODUCTION

Many Europeans see Islam as dangerous due to its nature. This view assumes that Islam is not compatible with Western, democratic values and social orders. Many people skeptically observe the demographic development of Islam in Europe¹. A forecast of the National Intelligence Council (USA) predicts a doubling of the number of Muslims in the year 2025². A certain Islamophobia complicates the integration of the growing number of Muslims in Europe. Notwithstanding the overwhelming majority of Muslims living in Europe who reject violence, the possible existence or formation of parallel Muslim societies in European cities and the Islamization and radicalization of young Muslims are major societal problems³.

European countries are now increasingly faced with the question of how to integrate Muslim populations in the existing state structure. Parallel societies have always existed, and they have an important integration function by acting as bridgeheads to the majority society and as a social dialogue partner⁴.

Mathias Rohe distinguishes four different forms of legal cohabitation between Muslims

¹ Statistiken zum Thema Muslime & Islam. Accessed April 13, 2016, <http://de.statista.com/themen/878/muslime-und-islam/>

² Alexander, D. "Muslime – die Gewinner des demographischen Wandels." *Die Welt*, June 23, 2015. Accessed April 13, 2016, <http://www.welt.de/politik/ausland/article142756110/Muslime-Die-Gewinner-des-demografischen-Wandels.html>.

³ Michalski K. *Woran glaubt Europa? Religion und politische Kultur im neuen Europa*. Wien: Passagen, 2007.

⁴ Heine S., Lohlker R. & Potz R. *Muslime in Österreich. Geschichte- Lebenswelt-Religion-Grundlagen für den Dialog*. Innsbruck: Tyrolia 2012.

and non-Muslims: assimilation, overlay, segregation, and acculturation⁵. In assimilation, the individual gives up his differing cultural identity in favor of the dominant and prevalent culture. This would mean the unlikely variant of complete identification with the Western or European culture. With the cultural overlay, Rohe leads the opposite model to assimilation. Here, the acquiring society would ultimately assume the culture currently in the minority. The third form is segregation. In this society, both groups live apart, and each ultimately maintains their identity. This model is constantly criticized and corresponds to lives in parallel societies. According to Rohe, the last possible legal form of coexistence is acculturation. In this case, both the culture of the immigrant and the native population change in a steady mixing process. Rohe considers a mix of assimilation and acculturation as the best policy option.

All over Europe, Islam already has a substantial impact on societies⁶. This study tries to follow up on how the education systems in Germany and Austria are affected by the above mentioned demographic changes. The goal of the study is to catch a glimpse of the influence over similar laws through Islam and to discuss the resulting consequences regarding the field of education in Germany and Austria. This is done using a comparative analysis of regulations and judicature⁷.

RELIGIOUS FREEDOM IN GERMANY AND AUSTRIA

The Austrian Constitution guarantees the freedom of thought, conscience, and religion for everyone⁸. All civil and political rights are independent of religious belief, but religion must not interfere with civic duties and obligations⁹. Nobody can be forced to attend a religious ceremony, except minors up to the age of 14 who are subject to the individual decision of his or her parents. Since 1912 Islam has enjoyed the same legal status as other officially recognized religions. In 2015 the Islam law was amended and modernized¹⁰.

In Germany, the Freedom of Religion is a fundamental right¹¹ as well, which also

⁵ Rohe M. *Der Islam - Alltagskonflikte und Lösungen. Rechtliche Perspektiven*. Freiburg: Herder 2001, pp. 66.

⁶ Rosenberger S. & Sauer B. "Islam im öffentlichen Raum", *Österreichische Zeitschrift für Politikwissenschaft* 37 (2008), 387.

⁷ Herrnböck, J. "Keine Befreiung vom Schwimmkurs: Muslime begrüßen Burkini-Urteil," *Der Standard*, September 13, 2013. Accessed April 14, 2016, <http://derstandard.at/1378248961503/Befreiung-vom-Schwimmkurs-Muslime-begrueßen-Burkini-Urteil>.

⁸ Art. 14 Staatsgrundgesetz; Art. 63 Abs. 2 Staatsvertrag von St. Germain; Art. 9 Europäische Menschenrechtskonvention; Art. 9a Bundesverfassungsgesetz

⁹ Berka, W. *Verfassungsrecht*. Wien: Manz 2016.

¹⁰ Rechtsvorschrift für das Islamgesetz. Accessed April 14, 2016, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009124>.

¹¹ (Art. 4 Grundgesetz I and II)

ensures the undisturbed practice of religion. In contrast to the situation in Austria, religious communities in Germany are only legally recognized if they are corporations under public law¹². Until recently, only the two Christian communities, the Jewish community, Jehovah's witnesses, and the Greek and the Russian Orthodox Church, have been recognized. The state of Hesse was the first federal state to grant this status to a Muslim community (Ahmadiyya Muslim Jamaat) in 2013. So Islam was finally put on an equal footing with these other religions in Germany, as well.

With approximately 3.8 to 4.3 million Muslims representing a share of around 5% of the entire population, Germany has, behind France and just ahead of Great Britain, the second largest Muslim community in Europe¹³. The Turks are by far the biggest group with 2.5 to 2.7 million, followed by around a half a million from the southeast European nations and approximately 300,000 from the near East and North Africa¹⁴

The number of Muslims currently living in Austria is roughly a half million¹⁵. The Muslim population in Austria has increased considerably in recent years, particularly due to a higher birth rate, while the influx from abroad had decreased significantly. In the coming years, a moderate increase is to be expected, due to the massive waves of refugees¹⁶.

ISLAMIC DRESS CODE

Proponents of strict secularism demand a complete separation of private and public life. In such a societal model, religious symbols in public space are considered undesirable. The headscarf worn by Muslim women is a very controversial topic in many modern societies. Some people consider it a symbol of the oppression of women¹⁷, while others view it as a means of expressing personal religious beliefs¹⁸.

¹² Muckel S. *Der Islam im öffentlichen Recht des säkularen Verfassungsstaates*, Berlin: Duncker & Humblot 2008, 74.

¹³ Haug, S., Müssig, S. & Stichs, A. *Muslimisches Leben in Deutschland - im Auftrag der deutschen Islam Konferenz*. Berlin: BMI 2008, 57.

¹⁴ Haug, S., Müssig, S. & Stichs, A. *Muslimisches Leben in Deutschland - im Auftrag der deutschen Islam Konferenz*, pp. 69. ¹⁵ Medienservicestelle "Ramadan: Über 570.000 MuslimInnen in Österreich". Accessed April 14, 2016, http://medienservicestelle.at/migration_bewegt/2015/06/11/ramadan-ueber-570-000-musliminnen-in-oesterreich/.

¹⁵ Medienservicestelle "Ramadan: Über 570.000 MuslimInnen in Österreich". Accessed April 14, 2016, http://medienservicestelle.at/migration_bewegt/2015/06/11/ramadan-ueber-570-000-musliminnen-in-oesterreich/.

¹⁶ Rauscher, H. "Muslime in Österreich". *Der Standard*, September 12, 2014. Accessed April 14, 2016, <http://derstandard.at/2000005451456/Muslime-in-Oesterreich>.

¹⁷ Schwarzer, A. *Die große Verschleierung*. Köln: Kiepenheuer & Witsch, 2010.

¹⁸ Zentralrat der Muslime in Deutschland Grundsatzpapier des Zentralrates der Muslime in Deutschland (ZMD) zur Kopftuchdebatte 23.10.03. Accessed April 14, 2016, http://www.islam.de/2652_print.php.

Many Muslims derive the commandment for the Muslim woman to wear a headscarf from Surah 24 (Verse 31 and 60) as well as Surah 33 (Verses 53 and 59) of the Holy Qur'an. However, the Qur'an in Surah 2 (Verse 256) contains a statement that says that there should be no compulsion in religion. Therefore, there exist different interpretations of religious practice among Muslims. While Sunnis and Shiites make the wearing of a headscarf a religious obligation, it is uncommon for Alevi women to hide their faces or hair¹⁹.

In many European countries, legislative influence of Islam on their respective legal systems with regards to religious clothing can be observed²⁰. In Austria, there is no headscarf or cover up ban, as a headscarf ban would be in conflict with the fundamental constitutional law of the Austrian judicial system²¹. In schools and universities, the headscarf is a part of daily life for Muslim students and is not seen as a symbol of oppression but instead as a visual sign of taking their religious practice seriously²². This is also well accepted by society. Very few Muslim teachers in Austria wear their headscarves during their teaching hours. The few known cases have not caused any issue up until now²³.

In Germany, claims against religious clothing are mainly directed against Muslim women in education and the public service sector who decide to wear a headscarf during work as a symbol of their religious identity. In the "headscarf case," a Muslim teacher was denied a job in the state of Baden-Württemberg because she insisted on wearing a headscarf at school and during class. In their justification, the education authorities regarded the headscarf as a political symbol and a sign of state disintegration, which they considered incompatible with the principle of government neutrality. In its decision, the Federal Constitutional Court said in 2003²⁴ that a denial of access to public offices as a result of wearing a Muslim headscarf would be limiting the teacher's fundamental right to equal access to every public office, and her right to freedom of belief²⁵.

The Court, however, also decided that precautionary headscarf bans be possible if there

¹⁹ Hermann, R. „Provokation oder ein Recht“, Frankfurter Allgemeine Zeitung, March 18, 2015. Accessed April 14, 2016, <http://www.faz.net/aktuell/politik/inland/nach-kopftuch-urteil-provokation-oder-ein-recht-13486621.html>.

²⁰ LOI n° 2010-1192

N. N. "Belgien verbietet die Burka", *Die Zeit*, July 23, 2011. Accessed April 14, 2016, <http://www.zeit.de/gesellschaft/zeitgeschehen/2011-07/burka-verbot-belgien>

²¹ Art. 14 Abs. 1 Staatsgrundgesetz; Art. 9 EMRK

²² § 63a Abs. 17 & § 64 Abs. 16 Schulunterrichtsgesetz (SchUG)

²³ Heine S., Lohlker R. & Potz R. *Muslimen in Österreich. Geschichte- Lebenswelt-Religion-Grundlagen für den Dialog*, 117.

²⁴ Bundesverfassungsgericht 1436/02

²⁵ Grundgesetz Art. 4 Abs. 1 & 2

is a legal basis at the state level. Many federal states have changed their school laws accordingly and adopted appropriate prohibitions²⁶. In 2015 the Federal Constitutional Court in Karlsruhe corrected its original judgment and decided that only when the headscarf of a Muslim teacher disturbs school peace may it be banned²⁷. An abstract danger for neutrality and educational peace will not be sufficient, however. There must, rather, be a *sufficiently concrete* risk. Nevertheless, the judgment did not give general permission for teachers to wear a headscarf at German schools. A headscarf ban for students, however, would violate their fundamental rights to religious freedom. Therefore, Muslim students are free to wear a headscarf to public schools²⁸.

ISLAMIC DRESS CODES IN COEDUCATION: SPORTS AND SWIMMING LESSONS

The Koran places emphasis on modesty, especially with women (Surah 24:31). Many Islamic scholars define the whole body of the woman, except the face, the hands, and the feet, as the public area. The public area by men is usually defined from the knees upwards to the navel. There has also been an ongoing debate regarding the attendance of Muslim children at co-educational sports and swimming classes²⁹. The question of participation in sports and swimming lessons for Muslim students is again within a field of tension between the requirements of public education³⁰ and the legal, educational rights of parents³¹.

In the past, Muslim parents frequently refused to allow their children – primarily girls – to participate in coeducational sports and swim classes due to possible physical contact between boys and girls and revealing sportswear. A first fundamental decision regarding participation in P. E. classes, which was also decisive for swim classes, was made by the German Federal Administrative Court in 1993, permitted an exemption from P. E. and swim lessons under certain circumstances. If a school did not offer separate sports and swim lessons for boys and girls, they do not have to participate in these classes³². Other court decisions also ruled for this attitude³³.

In the following years, court decisions started to grant Muslim children no exemption

²⁶ Wolf, F. “Der Islam in Europa – Einfluss und Auswirkungen auf die europäische Rechtsordnung” (PhD diss., University of Vienna, 2015).

²⁷ Bundesverfassungsgericht 471/10

²⁸ Grundgesetz Art. 4 Abs. 1 & 2

²⁹ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*. Mühlheim: Verlag an der Ruhr 2012, pp. 28.

³⁰ Art. 7 I Grundgesetz

³¹ Art. 6 II Grundgesetz

³² Bundesverwaltungsgericht 94/82

³³ Oberverwaltungsgericht Nordrhein-Westfalen 99/02

from sports or swimming lessons for religious reasons. Even in Islamic countries, the so-called Burkini – a body covering swimwear – has been on the rise. As a consequence, in 2011, the Administrative Court in Aachen decided against an exemption from swimming lessons, even if the instruction takes place simultaneously with other swim classes in coeducational classes³⁴. Muslim students have the opportunity to protect themselves by wearing burkinis, so their religious feelings are respected. In 2009 the Administrative Court of Münster even decided that the school board of a secondary school could opt against the admission of a student if the parents did not sign a waiver for the participation in coeducational PE and swim classes³⁵. The Federal Administrative Court finally made a principle decision in Leipzig in 2013³⁶. The court ruled that Muslim students not be entitled to an exemption from coeducational swim lessons, provided they can wear a burkini. The court explained, with reference to the social reality that Muslim girls will have to accept the sight of bare-chested boys, even if it violates their religious beliefs. This binding decision is now applicable to all students.

In Austria, according to the School Organization Law, physical education classes, which also include swim lessons, are being held segregated by sexes, starting in 5th grade³⁷. The Austrian law determines – except for special Islamic holidays and religious studies – no exemption possibilities from school activities for religious reasons. If a violation occurs, a regulatory offense will take place³⁸. Permission for non-participation in P. E. classes can only be based on a doctor's report which indicates that this non-participation is vital. An exemption for religious reasons is not possible in Austria³⁹.

There is good reason to argue for the participation of all children and young people in swim classes, as swimming is a life-saving skill. Due to the so-far enacted verdicts and media debates, the deficient participation of Muslim children in coeducational swimming and PE classes are not of great, practical relevance neither in Austria nor Germany anymore.

RELIGIOUS STUDIES IN PRIMARY AND SECONDARY SCHOOLS

In Austria, religious studies, which are denominationally affiliated, are managed through the Religious Study Law⁴⁰. According to the Austrian constitution, the state has to ensure religious

³⁴ Verwaltungsgericht Aachen 518/10

³⁵ Oberverwaltungsgericht Nordrhein-Westfalen 801/09

³⁶ Bundesverwaltungsgericht 25/12

³⁷ § 8b Abs. 1 Schulorganisationsgesetz (SchOG)

³⁸ § 24 Schulpflichtgesetz (SchPflG)

³⁹ Gartner, B. *Der Islam im religionsneutralen Staat*. Frankfurt/Main: Peter Lang 2006, 37.

⁴⁰ Religionsunterrichtsgesetz (RelUG)

studies of the lawfully recognized churches or religious societies. Even though the offer of religious studies by schools is mandatory, participation is optional. Religious studies are protected by the fundamental right to religious freedom and also by parental rights⁴¹. The state has the right to the highest conduct and supervision. Operators of religious studies, however, are the individual denominations themselves. They are also responsible for the preparation of the curriculum and decide on the teaching material, such as the textbooks⁴².

In Austria, Islamic religious studies were first introduced in the school year of 1982/1983 and had been subject to the supervision and conduct of the state since then⁴³. According to the most recent data, there were approximately 66.000 Muslim students in 2014, who attended Islamic religious studies taught by about 570 Muslim teachers⁴⁴. The work on the foundation of an Islamic- theological faculty at the University of Vienna has been going since 2012 to provide the requirements for an academic education of religious study teachers and Imams in Austria⁴⁵.

The issuance of religious studies at German public schools is also guaranteed through the constitution⁴⁶. Religious studies at public schools are subject to state supervision, and the language of instruction has to be German. The first concept to educate Islamic religion teachers at the tertiary level was developed by the University of Erlangen-Nuremberg, where a university certification program for Islamic teachers started in 2002. This program teaches essential and indisputable fundamental principles of Islam but also includes some characteristics of Christian religions into the curriculum. The first nationwide center for Islamic theology, at which Imams, as well as religion teachers, can be trained at the university level, started in Tuebingen in 2011. Nowadays, university study programs of Islamic theology also exist at several other locations, whereas the funding takes place through the German state⁴⁷.

Current problems with religious studies in schools are similar to Germany and Austria. Different education programs and curricula for Sunnis, Shiites, Alevis, Ahmadiyya have to be

⁴¹ Kalb, H., Potz, R. & Schinkele B. *Religionsgemeinschaftenrecht*. Wien: Österreich 1998, 351.

⁴² Art. 14 Abs. 5a Bundesverfassungsgesetz & Art. 15 & Art. 17 Staatsgrundgesetz

⁴³ Heine, Lohlker & Potz, *Muslimen in Österreich*, 105.

⁴⁴ Khorchide, M. "Der islamische Religionsunterricht in Österreich", in *Islam in Österreich*, ed. Janda, A. & Vogl, M. (Accessed April 14, 2016 www.integrationsfonds.at/fileadmin/content/.../Islam_in_Oesterreich.pdf).

⁴⁵ Wolf, F. *Der Islam in Europa*, 177.

⁴⁶ Art. 7 Abs. 3 Grundgesetz

⁴⁷ BMBF, *Islamische Theologie an deutschen Hochschulen*. Accessed April 14, 2016, <http://www.hmhf.rtc/rtc/15619.php>.

developed⁴⁸. New teaching materials, which replaced outdated textbooks, are supposed to convey Islam to students, in connection with European values as well as tolerance towards other religions. Further tasks that have to be tackled shortly are the dismissal of unqualified and unfit teachers and the development of a modern school inspection system for Islamic religion classes⁴⁹.

PRAYER

The ritual prayer is central in Islam and a daily duty for every faithful Muslim. The public ritual prayer in school draws attention to various conflicting fundamental rights of the parties. On the one hand, the student who wishes to pursue a prayer is constitutionally protected by the right to religious freedom both in Austria and Germany⁵⁰. At the same time, public prayers at school can affect the right to religious freedom of other students, as the constitutionally protected freedom of religion also implies that nobody must be bothered by the religious practice of others. Since education is compulsory in Austria and Germany, non-Muslim students would, therefore, be confronted with Muslim public prayers. Thus, the question arises to what extent schools as public institutions have to protect the negative religious freedom of their Christian, Orthodox, and Jewish students on the one hand and the other hand respect the religious obligations of the Muslim group. Suitable prayer rooms could be a solution, but schools also have to obey religious and ideological neutrality⁵¹. Religious activities other than during religious classes are not permitted in public schools. The duty of neutrality requires equal treatment of all different religious groups⁵². A prayer room for one religion would automatically require similar provisions for others.

The Higher Administrative Court in Berlin decided in 2010 that public Islamic prayers may be prohibited on the school grounds if other students are negatively affected by them⁵³. This, for example, could take place by recruiting activities for joint prayers. A prayer room does not have to be provided by schools either. Praying itself cannot be prohibited, though, as long as it is undertaken quietly and discreetly. In 2011 the Federal Administrative Court upheld this decision but indicated that tolerating prayers in the school itself does neither automatically influence other students, nor does it assign a privilege to Muslims. Therefore, it does not

⁴⁸ Khorchide, "Der islamische Religionsunterricht in Österreich", www.integrationsfonds.at/fileadmin/content/.../Islam_in_OEsterreich.pdf.

⁴⁹ Wolf, F. Der Islam in Europa, pp. 180.

⁵⁰ Art. 4 Grundgesetz, Art. 14 Staatsgrundgesetz

⁵¹ Art. 7 Grundgesetz

⁵² Bundesverfassungsgericht 93/17

⁵³ Oberverwaltungsgericht 29/09

challenge the neutrality of the state, as a “religion-free“ school is neither possible nor necessary⁵⁴. Schools are rather challenged to convey ideological and religious contexts, by taking into account the realities of society and by refraining from biases and judgments. The practice of prayer in school was, therefore, not prohibited in Germany. It can be forbidden by the school principal, though, if peace in schools is jeopardized. This assigned decision-making prerogative can be a challenge for schools, as school peace and the obligatory ideological neutrality of schools, are the crucial criteria to decide for or against the practice of prayers and not the organizational feasibility of a school. Every decision means walking a tightrope for schools, as they have to decide on school peace, given the tension between negative and positive freedom of religion.

In Austria, public prayers on school grounds have not been an issue so far. In this country, the compulsory daily Christian prayer in schools was abolished in 1974. Since that time, no more bills or regulations have been passed on this issue⁵⁵. This means that every school has the right to decide on an individual basis if there are prayers during lessons. According to Austrian law, it is entirely up to the individual students to pray during breaks. Some schools also offer prayer rooms for both Christians and Muslim students. So far, no cases of conflictive situations have been reported.

SCHOOL: BETWEEN PARENTAL AUTHORITY AND THE EDUCATION MISSION OF THE STATE *Teaching about Other Religions*

It is the essence of the monotheistic religions to tolerate no dualism. In Judaism, Christianity and Islam, alternative beliefs or religious practices are strictly prohibited. This monopoly claim is found in all three of the major world religions⁵⁶. Art. 7 GG regulates the state educational mandate, standing on equal footing with the parents’ rights of Art. 6 GG. Concerning religion, the parents’ right to education overrules other regulations. Participation in religious studies of students under 14 is up to their parents⁵⁷. Starting from 14, the students can decide on their own⁵⁸.

Participation in other subjects like ethics or history is compulsory, though, even if some of the content deals with different religions and ideologies. Schools have to refrain from

⁵⁴ Bundesverwaltungsgericht 20/10

⁵⁵ Gsellmann, G. “Das Kreuz mit dem Morgengebet in Schulen”, *Kurier*, November 22, 2012. Accessed April 14, 2016, <http://kurier.at/chronik/burgenland/das-kreuz-mit-dem-morgengebet-in-schulen/1.383.420>.

⁵⁶ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 23.

⁵⁷ Art. 7 II Grundgesetz

⁵⁸ Art. 4 Grundgesetz

indoctrination and are obliged to observe ideological and religious neutrality. This requires cooperation of schools and parents in the best interests of the child⁵⁹. In a democratic state, everybody has to learn to discuss moral and ethical issues regardless of cultural traditions and beliefs. Therefore, lessons on general knowledge of world religions have to be learned by all students. The acquisition of knowledge of other religions does not question one's faith, nor does any of the major religions in their doctrines interdict such teaching content⁶⁰.

PARTICIPATION IN CELEBRATIONS OF OTHER DENOMINATIONS

Conservative Muslims, especially Salafis, often demand from believers that they do not participate in celebrations of other denominations. Islamic traditionalists, represented by the al-Azhar University in Cairo or the Central Council of Muslims in Germany, do not require such behavior as they see Christianity and Judaism as part of their cultural history⁶¹. According to the German and Austrian law, it is again up to the parents to decide in favor of or against the participation of their children in celebrations of different faiths. Schools have to respect the parents' preferences; otherwise, they would violate their duty of religious and ideological neutrality⁶².

In most European schools, Christmas parties are an integral part of the academic year. To abolish them in the name of political correctness or to celebrate only with Christian students would mean an impoverishment of school life. Many German and Austrian schools proceeded to integrate Muslim celebrations such as the Sugar Festival into the school year as well⁶³. Nevertheless, teachers have to keep in mind that according to the law students cannot be forced to participate in religious activities against their own and/or their parents' wish⁶⁴.

DISTANCE FROM OTHER RELIGIONS AND CULTURES

Some minorities develop tendencies to isolate themselves from the majority to preserve their identity. For this reason, some parents try to forbid their children from having any contact with classmates of different religions⁶⁵. Even though schools are committed to maintaining an ideologically and religiously neutral position, they must not prevent contact between students

⁵⁹ Bundesverfassungsgericht 34/165

⁶⁰ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 26. § 9 Schulpflichtgesetz (SchpflG)

⁶¹ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, pp. 89.

⁶² Art. 7 Grundgesetz

⁶³ Zentralrat der Muslime. Accessed April 14, 2016, <http://islam.de/1641.php#juc/feste.html>.

⁶⁴ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht*, 90.

⁶⁵ *Ibid.* 98.

of different religious beliefs, as a denial of contact with classmates of other cultural origins or beliefs would be racism⁶⁶. Such a desire of parents is, therefore, not an enforceable legal right. In some cases, this could even constitute an abuse of parental custody if religion is the only reason and there is no objectifiable risk for the development and well-being of a child. Students have to get to know different values, concepts and perceptions to form their own opinions. The direct encounter with different beliefs and attitudes is, therefore, essential. Schools have to support an exchange of ideas and views and promote peaceful coexistence⁶⁷.

ROLE OF WOMEN IN SOCIETY

Under the rule of law, everyone can live according to his or her convictions and is allowed to convey their values and traditions to his or her children, as long as he or she do not intervene in the rights of others. Islamic women can voluntarily subordinate themselves under the directives of their male family members. As long as they are not forced to do so, it is legally acceptable⁶⁸. The same applies to the teaching of these moral values to their children. However, parents cannot demand from a public school that such religious values and perceptions are imparted in their classrooms, as this would violate the fundamental principle of equality. Even if Muslims try to explain a subordination of women as a given because men and women have deliberately not been created equal but complementary to each other, this kind of reasoning and line of argumentation can never be followed in public education⁶⁹. Schools as public institutions have to base their teaching contents on the current democratic, constitutional regulations. The school is committed to ideological and religious neutrality, which includes a prohibition of indoctrination. The principle of equality must, therefore, be taught to be an unambiguous fundamental right. A central task of education, social welfare, and justice is to protect the self-determination of women. Students have to learn that any woman, who sues for equal rights, has the right to the protection of the state⁷⁰.

A liberal, egalitarian society cannot accept any attitude that rejects the fundamental rights of half of its members. Equality of all members of society has to be a stated aim of public education. Muslim parents, therefore, cannot expect different teaching content either in

⁶⁶ Bundesverfassungsgericht 93/17

⁶⁷ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 101.

⁶⁸ Ibid, 146.

⁶⁹ Ibid, 147.

⁷⁰ Ibid, 148.

Austrian nor German schools.

SEX EDUCATION

According to some conservative Muslim parents, sex education in schools should give a negative connotation to extramarital and homosexual sex. Again this raises the question of the prevalence of either the right of parents to the education of their children⁷¹ or the responsibility of the state for educational matters⁷². Both stand on an equal footing, but in this case, the state has the right to organize, manage, and plan all areas of public education, which includes the definition of teaching contents.

As already mentioned above, about religious instruction, parents have the say⁷³, whereas the German Supreme Constitutional Court decided that all children are obliged to participate in sex-education⁷⁴. They, however, also have to inform parents about the content and methodology of sex-education in a timely manner. In Austria, all children have to attend sex-education classes as well⁷⁵. Even though there is no legal entitlement for exemption, in practice, many students skip those classes and are excused by their parents mostly for faked health reasons⁷⁶.

SEXUALLY EXPLICIT CONTENT IN LITERARY WORKS

Law officially regulates the content of the curricula. Besides the teaching of facts, holistic cultural education is a primary aim of German and Austrian curricula. This includes information on music, literature, theater, and art, which sometimes involves the discussion and presentation of explicit sexual content. Erotic or pornographic content is never presented in schools as an end in itself. Its discussion is justified by topics on artistic and literary expressions or the review of political and social problems. A censored imparting of this teaching content would counteract the educational mission of public schools⁷⁷.

Therefore, an order to refrain from teaching such material in an appropriate context and with suitable methodology would be illegal, even if some parents have different ethical values and moral concepts. Such content does not disrespect the religious feelings of students and their parents. The skipping of such content in teaching, however, would indeed violate the

⁷¹ Art. 6 II Grundgesetz

⁷² Art. 7 I Grundgesetz

⁷³ Art. 7 II Grundgesetz

⁷⁴ Bundesverfassungsgericht 1/75 & 147/75

⁷⁵ § 9 Schulpflichtgesetz (SchpflG)

⁷⁶ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 45.

⁷⁷ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 115.

educational mission of the state.

ISLAMIC HOLIDAYS

Islamic holidays follow the Islamic calendar, which is a lunar calendar with 354 days and twelve months. Therefore, there is an annual shift of holidays. Also, among Shiites, Sunnis, and Alevis, there may be deviations of up to two days. Thus, even the starting days for the religious fasting month (Ramadan), can be different⁷⁸.

In Austria, school absenteeism during Islamic holidays is regulated by the Federal Ministry for Education, Arts and Culture. Islamic students are exempted for the Eid al-Fitr (Ramadan) and the Feast of Sacrifice. Muslim pupils or their parents, however, have to request this exemption. The same regulations apply for the Alevi faith community. Muslim public holidays do not exist in Austria yet⁷⁹.

The same holds true for Germany, with the only exception of Hamburg, which was the first German state to introduce Muslim public holidays in November 2012⁸⁰. In the other German states, the same regulations as in Austria apply to the field of education. On request, all Islamic students are exempted for the Eid al-Fitr (Ramadan) and the Feast of Sacrifice. Important days of the Islamic lunar calendar and the Islamic religious communities have to be announced at least a year in advance to German and Austrian authorities.

FASTING RULES DURING RAMADAN

The fasting month of Ramadan is the only month that is mentioned in the Qur'an (Sura 2:185). Muslims may not eat nor drink in Ramadan from dawn until sunset. This is a time of prayer and reflection. Muslims should take this time to purify their body and mind from bad habits. In addition to the daily prayer, fasting is the clearest sign of belonging to Islam and one of the five pillars of this religion. Any Muslim, who entered puberty and has the physical and mental capacity to do so, is obliged to fast (surah 2:286). Certain groups, such as children, sick people, or pregnant women, are exempt from the duty of fasting⁸¹.

Fasting in Ramadan during school days is subject to the fundamental right to freedom of

⁷⁸ Wolf, F. *Der Islam in Europa*, 280.

⁷⁹ BMUKK, „*Fernbleiben vom Unterricht aus Anlass islamischer religiöser Festtage in den Jahren 2012 bis 2015*“. Accessed April 14, 2016, http://www.bmukk.gv.at/medienpool/17592/islamische_feiertage_2012_20.pdf

⁸⁰ Contract between der Freien und Hansestadt Hamburg und dem DITIB-Landesverband Hamburg, SCHURA – Rat der Islamischen Gemeinschaften in Hamburg and dem Verband der Islamischen Kulturzentren. Accessed April 14, 2016, <http://www.hamburg.de/contentblob/3551370/data/download-muslim-verbaende.pdf>.

⁸¹ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 10.

religion⁸². Therefore, schools have to accept the fasting of their students during Ramadan. Parents are not allowed to force their children under 14 into fasting when their health and mental well-being are at stake⁸³. If this is not the case, it is not the task of schools; however, to interfere with the parents' educational measures. Starting from the age of 14, students can decide for themselves on their religious beliefs and if they want to observe the fasting rules. Fasting can lead to significant adverse effects on the performance and concentration of students. Nevertheless, schools can only intervene when a fasting student shows serious health problems⁸⁴.

THE CRUCIFIX IN PUBLIC SPACE

The presence of a crucifix in classrooms, courtrooms or kindergartens is a controversial topic and is handled differently all over Europe. Especially in Italy, this conflict led to several court decisions⁸⁵. Opponents argue with the secular principle of the separation of church and state that a crucifix in public space means a violation of the negative freedom of religion of non-denominational people or of other religious communities⁸⁶.

The Small Chamber of the European Court of Human Rights (ECHR) stated in its judgment that a Christian cross in classrooms of public schools violates the religious freedom of students. This decision led to major turmoils all over Europe, and so the Italian government requested a review of the judgment by the Grand Chamber of the European Court of Human Rights⁸⁷. On 18 March 2011 the Grand Chamber of the ECHR determined in its subsequent judgment that the decision to put crucifixes in classrooms is to be in the discretion of the individual state. This revised the verdict of the Small Chamber of 2009. Since then it has been up to the individual states, whether Christian crucifixes are permitted or prohibited in the classrooms of public schools⁸⁸.

According to the Grand Chamber of the European Court of Human Rights the crucifix is a very religious symbol which also reflects European values and principles of Western democracy and civilization, but there is no evidence of a negative impact on students of other cultures or denominations. Therefore, the Grand Chamber of the European Court of Human

⁸² Art. 4 Grundgesetz

⁸³ § 1631 Bürgerliches Gesetzbuch

⁸⁴ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 12.

⁸⁵ Wolf, F. *Der Islam in Europa*, 268.

⁸⁶ *Ibid.* 279.

⁸⁷ EGMR March 18, 2011, 30814/06

⁸⁸ *Ibid.* 280.

Rights did not see any violations of human rights by crucifixes in classrooms⁸⁹.

According to the judicature of the Austrian Supreme Court, in schools, in which the majority of students belongs to a christian religion, a crucifix has to be attached in every classroom⁹⁰. The Court also decided that celebrations based on Christian faith like Christmas parties within schools and kindergartens not be unconstitutional, as participation in these festivities is not compulsory. This ruling, however, also stated that such a regulation does not apply to schools and kindergartens in which the Christian children are a minority, a decision that was heavily criticized in Austria⁹¹.

In Germany, a decision of the Federal Constitutional Court in 1995 stated that the attachment of a crucifix in classrooms of public schools violates religious freedom⁹². In practice, however, this decision does not have any major significance. The state of Bavaria, for example, changed the Bavarian law by stating that crucifixes can remain in classrooms and must only be removed in exceptional cases, for instance in connection with a complaint⁹³.

IMAGES OF THE PROPHET

Even though the origin of the image ban of the Prophet Muhammad in Islam is unclear⁹⁴, portraying him is an absolute taboo to most Muslims. Art. 4 I GG protects the freedom of religion. If Islam forbids the depiction of the Prophet, schools have to respect it. No student must be compelled to look at pictures that contradict their religious feelings. On the other hand, no student may be required due to the opinion of others to refrain from viewing certain images or even from producing them. Freedom of speech guarantees this. In other words, there are two conflicting value systems. On the one hand, there is the liberal secular social system, which places the value of freedom of expression above religious feelings and sensations. The opposite perspective regards religious views above the fundamental right of freedom of expression⁹⁵. It will be up to teachers to plan their lessons in a thoughtful way when discussing these issues, as they have to respect the fundamental rights of all students in a classroom.

⁸⁹ Wolf, F. *Der Islam in Europa*, 270.

⁹⁰ Verfassungsgerichtshof 287/09

⁹¹ *Ibid.*

⁹² Bundesverfassungsgericht 1087/91

⁹³ § 7 Abs. 3 Bayerisches Gesetz über das Erziehungs- und Unterrichtswesen (BayEUG)

⁹⁴ In Islam, images of people are a controversial topic. In the Qur'an, there are a few reference points that argue for or against an image ban. The image ban could be related with the monotheistic concept of God and is thus to be understood as opposed to idolatry worship. Another argument is that images could distract the believers during the prayer.

⁹⁵ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 65.

PARTICIPATION IN CLASS TRIPS

Possible motives of parents or students for a non-participation in class trips can be religious reasons, like when and how to make religious prayers, the fear of an undesired contact with the opposite sex, or cultural misunderstandings.

In Germany and Austria, there is an obligation for every student to participate in all class events. This also includes class trips. They are different from traditional classroom teaching and do not only focus on teaching content but also in the practice of social behavior and the strengthening of the class community. In this respect, a class trip is a compulsory educational event⁹⁶.

For an exemption, Muslim students or their parents would have the burden of proof in what way a student would experience a moral dilemma or be adversely affected by a class trip. As separate showers, supervised separate dormitories, or prayer and dietary provisions are offered on most school trips, this is a quite challenging endeavor⁹⁷.

It is important to notice that such strict regulations shall prevent isolation of particular student groups, mainly girls, within a class community. The primary educational goal has to be the participation of all students on school trips. It is advisable to involve parents in the planning process. Also, parents can be offered to accompany the class trip as other guardians. However, it should first be weighed up whether this is in the best interest of the individual students.

HOUSEHOLD CHORES AT THE EXPENSE OF SCHOOL

Teachers repeatedly report that young women from Muslim families, in addition to homework, also run a household and take care of little siblings. Girls especially are affected, which is due to the patriarchal tradition of Islam (Sura 4:34). On the other hand, high importance is assigned to education in Islam, theoretically even for women. Nevertheless, the inadequate education of young women is one of the central problems of integration. In numerous studies, it has been proven that children from immigrant families are under-represented in secondary and higher education and often leave school without graduating⁹⁸.

According to § 1619 of the German Civil Code, parents have the right to request help with household chores from their children. Age and level of maturity have to be taken into account, though, and parents also have to take the aptitude and inclination of their child into

⁹⁶ Art. 7 Abs. 1 Grundgesetz; Schpflichtgesetz

⁹⁷ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 70.

⁹⁸ Friehs, B. *Grundlagen der Vergleichenden Erziehungswissenschaft*. Graz: Leykam 2015, 120.

consideration⁹⁹. This includes the child's personal, educational goals.

In Austria, regulations about daily household chores of children are similar. Depending on age and level of maturity, parents can expect help with household chores from their children¹⁰⁰. If teachers observe excessive domestic workloads with some of their students, they might want to talk to the parents about it. The next step would be to inform the Youth Welfare Office. As the well-being of children is of the highest priority in the German and the Austrian law, family courts are the last instance to decide in critical cases¹⁰¹.

RELATIONSHIPS BETWEEN STUDENTS AND TEACHERS

According to the Islamic doctrine, legitimate encounters between men and women are only permitted between married couples and family members. Therefore, parents are entitled to require that their daughters must never be alone with a male teacher¹⁰². School life is not disrupted by such a demand as schools can easily organize that parents, other (female) teachers, or (female) classmates are present in a talk between a student and her teacher. For private conversations about more critical or delicate issues, female teachers, social workers, or psychologists should be available.

EATING HABITS IN ISLAM

Consumption of pork is forbidden in Judaism and Islam. *It is a fundamental right of students and their parents to decide* on the kind of food intake as long as no malnutrition of minors takes place. Therefore, Muslim students can legally demand that school cafeterias offer alternative food to pork¹⁰³. Cafeterias, however, are not obliged to remove pork from the menu. So far, in Germany and Austria, religion-based eating habits seem to be well respected in society, and no major problems have occurred lately.

HAND SHAKING

There have been repeated incidences when male Muslim students or their fathers refused to shake hands with female teachers. According to the Islamic doctrine, the contact between men and women outside of families is prohibited. The Surah 24:30-31 requires believers to lower their gaze and be modest. If (intensive) eye contact between men and women is not permitted, then touching between men and women, who are not related, is prohibited in the analogy¹⁰⁴. In

⁹⁹ § 1631a Bürgerliches Gesetzbuch

¹⁰⁰ Kinder- und Jugendlichen-Beschäftigungsgesetz (KJGB) § 1, 2, and 3

¹⁰¹ § 1666 Bürgerliches Gesetzbuch

¹⁰² Art. 6 Grundgesetz; Art. 4 Grundgesetz

¹⁰³ Art. 6 Grundgesetz; § 1631 Bürgerliches Gesetzbuch; Art. 4 Grundgesetz

¹⁰⁴ In the Qu'ran there is no verse, which explicitly forbids the shaking of hands between men and women.

Muslim understanding, denying the shaking of women's hands is neither a degradation nor meant to hurt their feelings.

From a legal perspective, the religiously motivated refusal of handshakes can be subsumed under the freedom of religion¹⁰⁵. Every person can individually decide on the way of greeting others, as the fundamental law of self-determination protects this¹⁰⁶. The refusal of shaking hands does not violate anybody's rights as it is based on religious motifs that do not depreciate or discriminate against women but prohibit body contact. Only if accompanied by an insulting behavior or by offending words does it violate other people's rights and can have legal consequences¹⁰⁷. Therefore, parents can also oblige their minor children to refuse to shake hands with others for religious reasons¹⁰⁸, as they are in charge of the religious education of their children up to 14 years of age.

FORCED MARRIAGES

By the influx of Muslim population groups, forced marriages became a growing problem to which the legislator had to respond in Germany and Austria. Although forced marriage is not a purely Muslim phenomenon and occurs in various religious groups with ancient patriarch structures, most cases come from Turkish or Kurdish environment, as this is one of the largest group among migrants in Austria and Germany. In both countries there are no reliable figures on incidences. The high number of unreported cases, the demarcation against arranged marriages and the lack of courage to show up may serve as reasons¹⁰⁹. Many cases of forced marriages will only be known when they are in conjunction with a crime.

A major part of Muslims living in Germany and Austria adhere to forced marriages despite firm opposition from the Islamic Conference in Germany and the Islamic Community in Austria. Three different forms of forced marriage can be distinguished. Young girls, so-called import brides, are brought from the future husband's home country to Germany and Austria to get married. In another form of forced marriage, an abduction of a girl takes place during the pretext of a "vacation" in the country of her family's origin. As a married woman, she has to stay in this country against her will. In the third form of forced marriage, the young female immigrants against their will get married with a foreign man for the purpose of him legally

Besides, in some Islamic societies like Tunisia handshakes between men and women are quite common.

¹⁰⁵ Art. 4 Grundgesetz; Art 14 Staatsgrundgesetz

¹⁰⁶ Art. 2 Grundgesetz

¹⁰⁷ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 150.

¹⁰⁸ Art. 6 Grundgesetz

¹⁰⁹ Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*, 153.

obtaining a residence permit ¹¹⁰.

The result was amendments of the criminal law in Germany and Austria. In both countries, the law stipulates that anyone who by force or by threat coerces a person to enter into a marriage shall be sentenced to a term of prison ranging from three months to five years¹¹¹. This also applies to the abduction of women into another country and the forced prevention of their return. Forcing a girl into marriage against her will is also an abuse of parental care¹¹². In Austria, forced marriage is considered an *ex officio* crime, which means an offense that requires public prosecution. Women do not have to take the case to court by themselves any longer, but legal measures can also be taken by the state, which means a great relief for these women¹¹³.

Schools have an obligation to assist in the prevention of forced marriages by clearly indicating that this is a crime against the freedom of self-determination, which is a fundamental law in Austria and Germany. In schools, young women have to be informed about their rights and learn about organizations they can turn to when in need. One has to keep in mind that it is tough to prove that marriage was forced upon a woman. Everybody involved in this crime is often caught in a web of expectation, manipulation, feelings of duty, deceit and lack of orientation. A girl's refusal can have irreversible consequences that may result in social exclusion or even an existential threat¹¹⁴. Whenever schools have any suspicion, they have the

¹¹⁰ Wolf, F. *Der Islam in Europa*, 225.

¹¹¹ § 237 Strafgesetzbuch (StGB); § 6a Strafgesetzbuch (StGB)

¹¹² Art. 6 Grundgesetz; § 1631 Bürgerliches Gesetzbuch; § 146 Allgemeines Bürgerliches Gesetzbuch; Kindschaftsrechts-Änderungsgesetz (KindRÄG) 2001

¹¹³ Heine S., Lohlker R. & Potz R. *Muslimen in Österreich. Geschichte- Lebenswelt-Religion-Grundlagen für den Dialog.*, 150.

¹¹⁴ Wolf, F. *Der Islam in Europa*, 210.

Honor Crimes

With regard to motives for honor crimes, four types can be distinguished:

The misconduct of the victim in the relationship. This includes infidelity, thoughts of separation or a separation, as well as a pre-marital relationship, pregnancy or the partnering with an undesirable person.

The desire for independence. This includes a "Western" life-style and the rebellion against or even escape from tradition, family and marriage. Another motive for honor crimes is the rape of a woman which is regarded as a disgrace in the family. The number of honor crimes in Germany remains at a constant level.

An average of seven to ten cases per year can be expected. The perpetrators are mostly male and predominantly come from Turkey, followed by Arab and Middle East countries and the countries of former Yugoslavia. In previous decisions of the German Federal Court of Justice, a patriarchal Muslim background of the perpetrator could lead to the acknowledgement of extenuating excuses. This attitude has changed and motives for the murder in connection with an honor code have been regarded as aggravating rather than extenuating since 2000.

Also in Austria honor crimes are punished as a murder. Extenuating excuses in the "name of honor" are not applicable according to the decision of the Austrian Supreme Court. Wolf, F. *Der Islam in Europa*, pp. 209 & pp. 235.

moral obligation to organize counseling and legal advice. It is crucial to discuss the problem of forced marriages during regular school lessons, for example, in the context of human rights. It is a central task of education, social work, and justice to protect the self-determination of women. Young women have to learn and understand that they are entitled to a self-determined life, which includes the free choice of their partner.

CONCLUSION

The era of modernity is marked by increasing interconnectedness and interdependence of different cultures and ways of life. On the one hand, this fact represents an enormous enrichment, but on the contrary, it also involves huge challenges.

Multiculturalism can only thrive in an open, pluralistic society, where respect for the different cultural communities and ways of life prevails. At the same time, however, the balance of interests, tolerance and commitment have to be renegotiated from time to time to find a consensus that allows for peaceful and constructive coexistence without jeopardizing the cohesion of a society.

Democratic European constitutional states face the challenge of guaranteeing the same amount of religious freedom to all recognized denominations, whether Christian, Jewish or Muslim. Not only do some of the Christian privileges have to be questioned but also the relationship of Islam to state secularism and gender equality be scrutinized.

In addition, we mention a model of the German political scientist Bassam Tibi at this point¹¹⁵. This describes the model of the Euro-Islam, in which the Muslims in the sense of slow acculturation would conform to the European moral concepts without leaving their actual beliefs. The constitutionality and the renunciation of jihad or sharia are of primary importance. The Euro-Islam, in its cross-cultural shape, should be able to overcome the tension between the communities. The consequence, according to this concept, would be an Islam getting native to Europe.

REFERENCES

Alexander, D. "Muslime – die Gewinner des demographischen Wandels." *Die Welt*, June 23, 2015. Accessed April 13, 2016, <http://www.welt.de/politik/ausland/article142756110/Muslime-Die-Gewinner-des-demografischen-Wandels.html>.

¹¹⁵ Tibi B. *Euro-Islam*. Darmstadt: Primus 2009, 344.

- Berka, W. *Verfassungsrecht*. Wien: Manz 2016.
- Friebs, B. *Grundlagen der Vergleichenden Erziehungswissenschaft*. Graz: Leykam 2015, 120.
- Gartner, B. *Der Islam im religionsneutralen Staat*. Frankfurt/Main: Peter Lang 2006, 37.
- Gsellmann, G. "Das Kreuz mit dem Morgengebet in Schulen", *Kurier*, November 22, 2012. Accessed April 14, 2016, <http://kurier.at/chronik/burgenland/das-kreuz-mit-dem-morgengebet-in-schulen/1.383.420>.
- Haug, S., Müssig, S. & Stichs, A. *Muslimisches Leben in Deutschland - im Auftrag der deutschen Islam Konferenz*. Berlin: BMI 2008, 57.
- Haug, S., Müssig, S. & Stichs, A. *Muslimisches Leben in Deutschland - im Auftrag der deutschen Islam Konferenz*, pp. 69.
- Heine S., Lohlker R. & Potz R. *Muslimen in Österreich. Geschichte- Lebenswelt-Religion- Grundlagen für den Dialog*. Innsbruck: Tyrolia 2012.
- Hermann, R. „Provokation oder ein Recht“, *Frankfurter Allgemeine Zeitung*, March 18, 2015. Accessed April 14, 2016, <http://www.faz.net/aktuell/politik/inland/nachkopftuch-urteil-provokation-oder-ein-recht-13486621.html>.
- Herrnböck, J. "Keine Befreiung vom Schwimmkurs: Muslimen begrüßen Burkini-Urteil", *Der Standard*, September 13, 2013. Accessed April 14, 2016, <http://derstandard.at/1378248961503/Befreiung-vom-Schwimmkurs-Muslimen-begrueessen-Burkini-Urteil>.
- Hinrichs, U., Nizar, R. & Tiedemann, M. *Unsere Tochter nimmt nicht am Schwimmunterricht teil*. Mülheim: Verlag an der Ruhr 2012, pp. 28.
- BMBF, *Islamische Theologie an deutschen Hochschulen*. Accessed April 14, 2016, <http://www.hmhf.rtc/rtc/15619.php>
- Medienservicestelle "Ramadan: Über 570.000 MuslimInnen in Österreich". Accessed April 14, 2016, http://medienservicestelle.at/migration_bewegt/2015/06/11/ramadan-ueber-570-000-musliminnen-in-oesterreich/
- Michalski K. *Woran glaubt Europa? Religion und politische Kultur im neuen Europa*. Wien: Passagen, 2007
- Muckel S. *Der Islam im öffentlichen Recht des säkularen Verfassungsstaates*, Berlin: Duncker & Humblot 2008, 74.
- N. N. "Belgien verbietet die Burka", *Die Zeit*, July 23, 2011. Accessed April 14, 2016, <http://www.zeit.de/gesellschaft/zeitgeschehen/2011-07/burka-verbot-belgien>
- Rauscher, H. "Muslimen in Österreich". *Der Standard*, September 12, 2014. Accessed April 14, 2016, <http://derstandard.at/2000005451456/Muslimen-in-Oesterreich>.
- Rechtsvorschrift für das Islamgesetz. Accessed April 14, 2016, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009124>.
- Rohe M. *Der Islam - Alltagskonflikte und Lösungen. Rechtliche Perspektiven*. Freiburg: Herder 2001, pp. 66.
- Rosenberger S. & Sauer B. "Islam im öffentlichen Raum", *Österreichische Zeitschrift für Politikwissenschaft* 37 (2008), 387.
- Schwarzer, A. *Die große Verschleierung*. Köln: Kiepenheuer & Witsch, 2010.

Statistiken zum Thema Muslime & Islam. Accessed April 13, 2016,
<http://de.statista.com/themen/878/muslime-und-islam/>.

Tibi B. *Euro-Islam*. Darmstadt: Primus 2009, 344.

Wolf, F. “Der Islam in Europa – Einfluss und Auswirkungen auf die europäische Rechtsordnung” (PhD diss., University of Vienna, 2015).

Zentralrat der Muslime in Deutschland Grundsatzpapier des Zentralrates der Muslime in Deutschland (ZMD) zur Kopftuchdebatte 23.10.03. Accessed April 14, 2016,
http://www.islam.de/2652_print.php.