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To wear or not to wear?

Germany, with the second largest Muslim population in Europe, grapples with calls for burqa ban

i24 (06.12.2014) <http://www.i24news.tv/en/news/international/europe/53533-141206-to-wear-or-not-to-wear> - Julia Klöckner, vice-chairman of Angela Merkel's Christian Democratic Party (CDU), stirred a public storm in Germany this week when she called for a ban of the full body Muslim veil in public spaces. "Burqas don't stand for religious diversity," she told German media, "but for a degrading image of women." The politician referred to the German constitution, emphasizing that women and men are equal, and described the act of looking at other people's faces as a key feature of an open society.

German politicians have repeatedly called for a ban on the burqa in the past months, following a ruling by the European Court of Justice which held up the ban instituted in France. This is no surprise given that Germany has the largest Muslim population in Western Europe after France.

The vice-president of the Social Democratic Party, Axel Schäfer, has also claimed that the burqa "does not belong in our culture." Others, both from the left and the right, followed and in February 2011, the west-central state of Hesse became the first in Germany to ban the wearing of burqa in public places.

In Frankfurt, a city of 700,000 residents, including a large Muslim population, the issue has split Chancellor Angela Merkel's CDU Party and the Greens within the ruling coalition. Currently, staff in the city administration are not allowed to wear veils at work.

A burqa is a full body veil, which leaves open only a tiny slash for its female wearer's eyes. It is most common in Muslim countries like Afghanistan and goes back to a strict interpretation of the Koran. But burqas aren't solely Islamic. Some years ago, a fringe group of ultra-Orthodox Jewish women near Jerusalem began wearing similar full-body-veils as a symbol of piety.

In France, where Muslims make up about eight percent of the population, many of them being first- and second-generation immigrants from France's former colonies, the ban became state law in 2010. Belgium and parts of Switzerland followed the French model. Earlier this year, the European Council for Human Rights (ECHR) affirmed the decision. "The question of accepting or not that the full veil can be worn in public is a society's choice," it ruled, explicitly declaring the French ban to be legally justified.

This ongoing European debate highlights tensions between those who claim to defend women's rights not to cover their faces and others concerned about growing racism in Western Europe – racism disguised as an enlightened critique of religion.

In fact, anti-Islamic sentiments have had a notable revival in the recent months, especially in Germany. Since the increased media attention to the Islamic State organization and its recruitment of Europeans, racist undertones are unmistakable.

In the East German city of Dresden, up to 5,500 people of the "Patriotic Europeans against the Islamization of the Occident," many of them neo-Nazis, marched against the alleged "Islamization" of Europe last week. The fact that Klöckner called for the burqa ban now is no coincidence, argues German journalist Christian Bangel.

In an article for *ZEIT-Online* he accused her of pandering to voters in the light of the rise of the German AfD-party, whose position on immigrant integration is farther to the right of the CDU. In Neukölln, a Berlin district with up to 20 percent Muslim population, one can frequently see burqas on the streets. The area is said to be a proof of the supposed unwillingness of Muslims to integrate into German society. "How does this fit with the fact that Neukölln is today seen as one of the most desirable places to live in by Israelis, Americans and Europeans?" asks Bangel.

The danger that some advocates of the burqa ban have repeatedly pointed to – that women do not really have a free choice on the matter given their surroundings – seems evident. However, it is similarly unclear if forbidding women to wear the full body veil would emancipate them from their husbands - or rather lock them up at home. In a contribution on the subject in the *Frankfurter Rundschau*, German publicist Hilal Sezgin suggested that instead of prohibiting women from wearing a certain garment, they should be provided with translators in order to increase their scope in society.

Dr. Meral Avci, who researches international relations, migration and gender at the University of Aachen, questions the status of the burqa as a symbol of religious freedom. "Women's rights and the wearing of a burqa pose a contradiction," she comments. "The Koran determines a hierarchic precedence of the man in front of the woman. The burqa represents this hierarchy that clashes with our fundamental values. In Germany it is the person itself that matters. I think it is just natural that we want to be able look into a person's face", she told *i24news*.

Munich: Muslims have a right to build a mosque, and opponents have a right to criticize Islam

FOREF Europe criticizes restrictions on freedom of speech and expression

FOREF (11.11.2014) – Munich city authorities were justified in prohibiting a public referendum on building a proposed 40-million-EURO *Munich Forum for Islam* mosque, but the human rights of German citizens opposing the mosque have been violated, according to the Forum for Religious Freedom – Europe (FOREF), an independent, secular, nongovernmental organization.

"The right to build places of worship is guaranteed by international human rights law, and cannot be subjected to democratic decisions.,"^[1] stated Dr. Aaron Rhodes, President of FOREF. "But we are deeply concerned that the freedom of expression of opponents of the mosque has been violated," Rhodes added.

FOREF is disturbed by the conviction of Michael Stürzenberger by the District Court of Munich (Landgericht München) for "insulting" and "belittling" Muslims and Islam. Stürzenberger, the leader of *Freedom Bavaria* and a leading campaigner against the mosque, was fined EURO 2500 for posts on the *Politically Incorrect* free speech blog, in which he made highly critical remarks about Islam, comparing Islam with a cancer that would destroy Germany. The Munich public prosecutor claimed his remarks would disturb the public peace.

Opponents of the mosque have been called "right-wing extremists" by Bavarian Interior Minister Joachim Hermann, who said the anti-mosque campaign was aimed at arousing "unconstitutional prejudices." Opponents of the mosque have also been placed under surveillance by the German domestic intelligence service (Bundesamt fuer Verfassungsschutz), which has been upheld by the Administrative Court of Bavaria.

"When citizens can be monitored and convicted for such expressions, we know the freedom of expression is being seriously abused," Rhodes said. "There is no right not to be insulted, yet any truly free society must respect the rights of citizens to express their opinions and their anxieties."

"These decisions are examples of "thought police" in action, as the court's approach to defamation resembles that found in Islamic societies and others that do not allow state religions to be criticized," he said. "Both freedom of religion, and the freedom to criticize religions, must be respected."

[1] The UN Human Rights Committee in its General Comment n° 22 explained: The freedom to manifest religion or belief may be exercised "either individually or in community with others and in public or private". The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, **including the building of places of worship**, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.

Can Muslim women wear a headscarf at work in Germany?

Deutsche Welle (24.09.2014) <http://wwrn.org/articles/43451/> - A German labor court ruled Wednesday that church institutions are permitted to ban the wearing of the Muslim hijab headscarf at work if they see it necessary. The ruling was not the first time the issue of headscarves at work was addressed by German courts.

Legal disputes in German courts surrounding the wearing of headscarves first started 15 years ago, when a Muslim woman filed a lawsuit in 1998. She wanted to keep wearing an Islamic headscarf while at work as a teacher in the German state of Baden-Württemberg. Originally from Afghanistan, Fereshta Ludin became a German citizen in 1995 and intended to pursue a civil service career. But Baden-Württemberg's minister of culture refused her admission into school teaching, arguing that teachers in Germany had to remain neutral towards pupils in matters of religion and faith. In a secular state like Germany, this was one of the most crucial priorities in civil service, the minister stressed.

In the course of the legal dispute that ensued, and with the intention of passing fair judgment, judges searched for a legal basis on all levels. They explored the question whether the Koran stipulates the obligatory wearing of headscarves for Muslim women.

Supporters of that thesis see surah 24 as proof. But followers of different legal doctrines interpret the surah differently.

Next, the judges assessed the question whether German law bans the religiously motivated wearing of headscarves. But no such document was found. The result was that Germany's Constitutional Court in 2003 lifted the ban on admission to school teaching. The state of Baden-Württemberg reacted by passing a new school law, banning Muslim teachers from wearing the headscarf while teaching at public schools. The problem then and now was that not all German states followed suit. In eastern Germany, ministries have refrained from taking sides, while North Rhine-Westphalia, Germany's most populous state, did adopt a similar headscarf ban.

Then the legal U-turn: an administrative court in Stuttgart in 2006 lifted the headscarf ban in Baden-Württemberg again, arguing that religious equality had to be maintained and that if Christian nuns were allowed to wear their religious attire then the Islamic headscarf had to be accepted, too. That triggered a situation of confusing legal chaos, requiring assessment on a case-by-case basis.

Why the controversy continues

Thomas Brinkmann, a lawyer specializing in labor and social law with Wuppertal-based law firm Hopfgarten, said he and his colleagues have closely followed cases and rulings regarding the wearing of headscarves for years. Brinkmann stressed that German courts do not pass rules willy-nilly, and added that he has not observed neither an Islamophobic tendency by German courts, nor inappropriate concessions to Muslims for fear of being accused of anti-Muslim tendencies. "I haven't seen that," said Brinkmann, adding that no single general law could suddenly end all legal disputes as freedom of religion is a guaranteed right in Germany.

"You have to take into account both sides' interests - employees' as well as employers'," the lawyer said. A Muslim judge in Berlin, for example, was not allowed to wear her headscarf at work, because the state of Berlin has banned all civil servants from wearing any type of religious symbol. Those symbols include Christian crosses as well as the Jewish kippah. The state of Berlin wants to stress the fact that there's equal treatment of all religions in the public sphere, said the lawyer.

The situation is more difficult in the private sector, according to Brinkmann. "The courts tend to look at just how religious the person really is, how long they have been wearing the headscarf for and how often they wear it in their spare time," he said. At the same time, employers generally find it difficult to ban the wearing of headscarves when employees work in positions that don't require them to be in touch with clients who might take offense at the attire. Employers can only push for a headscarf ban when there's a basis for it in the work contract. But employers with a religious orientation, such as the church institutions covered in Wednesday's ruling, for example, of course don't have to accept it if one of their employees expresses their confession of a different faith.

In short, German courts do not pass arbitrary judgment, which is why the Central Council of Muslims in Germany had not criticized any court rulings, according to Brinkmann.

"I have understood every ruling so far," he said.

Brinkmann added that the courts tend to now put a stronger focus on the right to free exercise of religion. "That happens more often than in the past," the lawyer said. And this feeling is shared by many other judicial officers.

According to figures published in 2009 by the Federal Office for Migration and Refugees, 25 percent of Muslim women in Germany aged 16 and older wear a headscarf. Some 70 percent never wear one.

Should Germany ban the burqa?

The Local (15.07.2014) - The ruling of the European Court of Human Rights this month to uphold France's 2011 ban on wearing the burqa and niqab veil in public has reignited the debate in Germany too, as The Local finds out in Frankfurt.

Opponents of such a ban here say it would heavily infringe on personal, cultural and religious freedoms and only serve to inflame tensions.

Advocates insist the burqa has no place in progressive, pluralistic German society.

In Frankfurt am Main, a city of 700,000 residents, including a large Muslim population, the issue has split Chancellor Angela Merkel's CDU Party and the Greens within the ruling coalition.

Currently, staff in the municipal administration are not allowed to wear veils at work, and there are calls for this to be extended into public life.

The Local talked to the heads of both local party branches about the implications of a potential ban in Germany, which has around four million Muslims, only a small number of whom wear veils in public.

'Yes to a ban'

"My main objection to the burqa is that it is the strongest signal of dissociation from an open and free society," CDU head Uwe Becker tells The Local.

"We live in a city which is rich in colour and diversity and has 170 nationalities represented. Muslims, Christians, Jews and all manner of other religions peacefully coexist, and it is characteristic of Frankfurt that it all happens in an atmosphere of great openness and freedom.

"But the burqa sends a strong signal that a person does not wish to integrate in the rest of society or wants to dissociate themselves from it.

"For me this issue is not about any restriction of culture or religion, but rather about the risk of disrupting co-existence in such a multi-cultural city as ours.

"Another aspect is how wearing a burqa impacts on public order and the establishment of a person's specific identity.

"In Germany we also had a discussion and subsequent ban [in 1985] on concealing one's face at demonstrations.

"We want to know who is behind the veil and with whose individual actions we are dealing with."

Do you advocate fines for wearing a burqa in public, which in France is set at €150?

"Whether and to what extent this would be backed up with fines is not the focus for me.

"This is more about making it clear that the lasting, peaceful coexistence of so many cultures and religions is possible precisely because people acknowledge the open society we have in Europe and in Germany - and don't segregate themselves from it.

"Judging from the responses I have received in Facebook and via newspapers, some 90 percent of people here agree.

"But our coalition partners say that a ban is excessive and that we should avert this self-segregation through persuasion instead."

'No to a ban'

But Martina Feldmayer, co-chairperson of Frankfurt's Green Party takes a different view, as she tells The Local.

Your coalition colleague Uwe Becker says, "We want to know who is behind the veil." Do you think a person or group has the right to insist on this?

"Yes, they have that right, just as others have the right to see the matter differently. There is a big spread of opinion.

"The question here is what do we want to achieve? A better level of integration and more openness within a pluralistic society?

"You don't achieve this through imposing bans, because then the hole just gets deeper. We prefer to persuade rather than prohibit.

"In reality, [full veiling of women] is not a mass phenomenon here anyway, and I am concerned that a debate has been set in motion that will only result in stronger polarization."

How do you regard the position expressed in a similar discussion in Canada by Muslim Canadian Congress spokeswoman Farzana Hassan: "If a government claims to uphold equality between men and women, there is no reason for them to support a practice that marginalizes women."?

"A government should always observe gender equality. But this is not a question of supporting a practice but rather whether something should be banned. And everyone should give careful consideration to the consequences.

"Rather than helping, I think a burqa ban will have the opposite effect and result in some women not being allowed out in public at all.

"My co-chairperson of the Greens in Frankfurt, Omid Nouripour [a Muslim German of Iranian origin], is also against banning the burqa.

"Through Frankfurt's integration policy and the work of its council for religion affairs we have made great progress through dialogue towards common values. And we came further this way than by discussing bans."

Update on the raid of the children of the Twelve Tribes in Germany

Susan Palmer (McGill University, Canada) and Liselotte Frisk (Dalarna University, Sweden) writing from the Twelve Tribes' farm in Klosterzimmern

On September 5, 2013 there was a massive police raid on the Twelve Tribes, a communal NRM in Germany. A hundred police (local and "criminal") and around 60 social workers descended at dawn on the two farming communities of Klosterzimmern and Wörnitz. The raid came as a complete surprise to the sleeping families. The police seized 40 children from 16 families and drove off in 25 vans.

This raid was prompted by allegations of physical abuse. But when doctors examined the children, they found no evidence. "But they can't admit they made an error," one father said. "They are trying to construct a case against us, inviting ex-members and *sekt* experts for information."

It has been almost five months since the *Jugendamt* (youth services) obtained a judge's temporary injunction for protective custody order, which took away the parental rights of members of the Twelve Tribes. Today, in January 2014, twenty-three children (including babies and two or three year olds) are still in the custody of the German state, and the biological parents are allowed very little contact.

As one father put it, "I have no right to determine the whereabouts of my own child."

A communal and millenarian new religion movement, the Twelve Tribes emerged out of the Jesus People movement in Chattanooga, Tennessee, in the 1970s. Its founder, Eugene Spriggs, and many of his disciples had roots in Christian fundamentalist churches, where spanking one's children was (and still is) noncontroversial. The Tribes advocate disciplining their children with a "thin rod", and quote Bible verses to support this practice.

In Germany spanking children is against the law. In 2000 a law promoting "non-violent education" was passed, and it has been strictly enforced since 2008.

The September 2013 raid was exceptional. Normally, when abuse is suspected, the *Jugendamt* (Youth Office) is required by law to send social workers to work with individual families to help them resolve problems. Only in extreme cases are children taken by the state. In this case, there was no warning. This emergency action was justified by the concern expressed that the "*sekt*" would flee.

Three nursing mothers were permitted to stay with their infants and four older children in an institution. But on December 9 there was a second police raid - to the surprise of the institution's care workers. Babies were seized and the all seven children were bundled into separate cars that drove off in different directions.

After the September raid, most of the parents did not see their children for four months. In January they were permitted visits, but only every two or three weeks, for an hour or two. These visits are supervised by a pair of social workers taking notes and parents are warned not to try to "influence" their children. At the same, the older children are obviously being exposed to anticult attitudes to the "*sekt*". After four months, small children who live with foster parents are forgetting their mother tongue. Some fail to even recognize their own mothers and fathers. Promises made by social workers in the raid - that brothers and sisters could stay together - were later broken. The *Jugendamt* split up siblings so that children can be "free to develop their personalities".

The Tribes worry that foster parents are bribing or "defiling" their children with a pork diet, television, internet, candies and toys. Parents report that many of the exiled children are not doing well. Some are in convents, others in shelters for delinquent teens. Two boys, one diabetic boy and one who fell down a staircase, have been rushed to hospital. But a fifteen year-old lad who broke his wrist has received no medical care. Some appear traumatized by being separated from parents and family, and are constantly asking to see a beloved brother or sister.

One 14-year old declared in court that he wanted to go home, but the lawyer assigned to him said, "He has clearly stated his will, but his will has been broken growing up in the Twelve Tribes, so this is not *his* will - and he should remain in custody "for the well-being of the child."

This same boy later escaped out through a window and took the train home. Police recaptured him the next day, His parents took him to the higher court to be able to "declare his will", and he was forced to return to the foster home while awaiting the court's decision. Then he escaped a second time. Finally, the court acknowledged it was his will (or else he was hopelessly indoctrinated?). Two other teens took escaped from their institutions and returned home. You can read the 17-year-old girl's account of the raid, her escape to Switzerland with her younger sister, and their traumatic recapture by the police, (see "Diary of an Abused Child" on www.twelvetribes.com).

The Jugendamt dates back to the World War II, when it was created to provide aid for war orphans. This expert advisory body exists only in Germany, with the status of a Guardian Council. It is independent and autonomous, and its power exceeds even that of the police.

The Jugendamt can enter a family residence on the basis of an anonymous allegation and, even without a court order, can take a child into custody. This often leads to pre-emptive measures and scrambling for evidence in order to obtain post hoc judicial approval of arbitrary raids. Complaints concerning the Jugendamt have been brought to the attention of the European Parliament and the European Court of Human Rights - many claiming that its employees defend their own bureaucratic interests and the cultural norms of German social policy.

Following the September raid, some parents were required by the court to undergo psychological testing. Although they scored high in the "personality" section, because of their biblically-based views on spanking they were deemed "unfit parents".

"What they don't seem to get," one mother said, "is that they're our children. They belong to us, their parents - and the German Government has no right to steal them!" A closer study of this situation reveals a strong "anti-cult" bias at the heart of the conflict.

Since 2010, a network composed of ex-members, social workers, journalists, sekt experts, and worried relatives has been forming, exchanging information about the fanatical, fundamentalist, patriarchal "sekt" where children are beaten. There was a strong Catholic and Lutheran "counter-cult" presence at the court hearings. Sekt expert, Klaudia Hartmann from the Augsburg Catholic Diocese testified at the September 13 court hearing for the parents from Wörnitz. A Mr. Behnck and other Protestant sekt experts were consulted. Before the raid, on August 21, there were two experts from Sekten-Info Nordrhein-Westfalen to support the Jugendamt's application for the judge's temporary custody order. Ex-members were also present at that hearing. Since 2010, ex-members, notably the Reip family, have aired their atrocity stories in the media.

In June 2013, Wolfram Kuhnigt, a journalist from RTL, infiltrated the Klosterzimmern community posing as a troubled soul undergoing a painful divorce. He planted hidden

cameras around the property and beneath the central meeting hall to capture on film the Tribes' disciplinary practices.

Kuhnigt stars in his own drama as the deeply concerned investigative reporter embarking on a dangerous mission.

Scenes of mothers swatting their toddlers three or four times with flimsy balloon sticks are crafted into horror movie scenes through suspenseful music, lurid angles and a biased narrator. Edited out, we were told, are the "hugs of reconciliation" that normally complete the discipline.

We see close-up shots of Kuhnigt's face wincing in horror as he watches his own footage, and there is a long narcissistic scene of Kuhnigt shaving off his beard to return in "disguise" to the Tribes' autumn festival (although they recognized him immediately). We follow the whistle-blowers' progress as he shows his film to the Jugendamt's director, and to a sekt expert - actions which set plans for the raid in motion.

This journalist not only prompted the raid, he stars in the climactic scene - the raid itself. This film was aired on television shortly after the raid.

Considering Germany's recent attempt to pass a law against male circumcision, a similar stigmatizing film might have been made about the Orthodox Jews or the Hassidim - but the Jews are still a sensitive topic in Germany.

Time is of essence for the parents of the Twelve Tribes, especially those with infants and toddlers. For even if they eventually regain custody of their children in the higher court, the court might decide it is in the best interest of the child to let them remain in foster homes - for the child's "well-being" and "stability".

"They are trying to deprogram our children." one father claimed. "They don't want the children to go back to the sekt. They are not just worried about spanking. They accuse us of 'breaking the child's will' - of interfering with a child's right to 'freely develop the personality'. An ex-member told them our spanking stops with the Bar Mitzvah - but then 'psychological pressure' begins. So, when we teach our children about Our Creator, to be true to their own conscience, the Jugendamt says we are brainwashing them."
