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Christine Schirmmacher addresses German Parliament Hearing

(Bonn, 05.12.2015) Here are two reports on the hearing of the German Parliament's (Deutscher Bundestag) Human Rights Committee. One report is from *PRO* and covers Christine Schirmmacher's statements ([pdf](#)) at the hearing, while the other is from the German Press Agency and covers the entire hearing.

No Democracy under the Scharia

Societies characterized by Islam are capable of democracy. This was stated by Islamic scholar Christine Schirmmacher at a Bundestag hearing. On the other hand, she maintains, the Sharia cannot be authorized to constitute the legal system.

Christine Schirmmacher, Professor for Islamic Studies at the University of Bonn, explained that the Sharia cannot be used to create a democratic state. This was stated during a hearing of the Bundestag's Human Rights Committee on Tuesday. Indeed, Islam and democracy do not exclude each other. Thus, one finds Indonesia



Christine Schirmmacher (second from the right) before the German Parliament's Human Rights Committee

enter in, "points of conflict will arise with democracy and with human and civil rights." Essentially, Schirmmacher holds that societies which are preponderantly characterized by Islam are capable of democracy. However, she maintains further that democracy can only prevail if the legal system is not shaped by the Sharia. Schirmmacher asserts that Sharia law counts among Islamic theologians as the indispensable law of God, which stands above human legislation. "As long as this claim is found in national legislation . . . , a plurality of opinions, an unencumbered public exchange of legal

as a good example of a Muslim democracy, even if there have been setbacks. Tunisia has likewise democratized – albeit as the sole country involved in the so-called Arab Spring. She maintains that what is decisive, however, is which meaning the Sharia, Islamic law, has for the administration of justice and legislation.

If moral and legal norms from the Sharia



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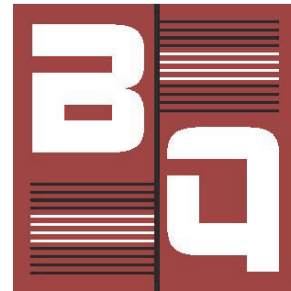
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notions, a diversity of parties, and free choice among citizens between different religions and worldviews will not be able to prevail.”

The Sharia does not allow Religious Freedom

Schirmmacher named legal discrimination against women as it relates to marital law, inheritance law, and divorce law, among others, as points of conflict between the Sharia and democratic principles clearly seen in Arab states. There is no secular law there, she says. Schirmmacher also sees significant differences with respect to freedom of opinion and religious freedom. According to the norms of Sharia law, both leaving Islam or converting to another religion still carry the death penalty. In Saudi Arabia, North Sudan, and Yemen, among others, this is also the valid and applied law. However, also in countries where “apostasy,” falling away from Islam, is not punishable by death, “there is not a convert who enjoys legal certainty since they are repeatedly publicly condemned to death through fatwas (legal opinions) and to some extent executed in broad daylight by zealous members of society.”

Minorities in countries where Sharia law is characteristic also have to waive certain rights. “Equality between members of the majority religion (Islam) and minorities (Jews, Christians, Baha’i, among others, is ruled out under Sharia law.” As a result, the conflicts between a Sharia-based legal system and liberal, democratic constitutions result from the fact “that the interpretive principles of the Koran were set in the first centuries and since then have counted as uncontested.”

“Critically evaluating Mohammed”

In order to promote human rights and democracy in countries in the Near and Middle East, Schirmmacher considers European involvement in education, exchange programs, and encounter programs as well as projects on the topic of democracy and human rights as more expedient than “direct intervention.” In Germany it is important to support those “who defend a democratically compatible interpretation of Islam.” As a positive example, She highlighted the approach taken by the Islamic scholar Mouhanad Khorchide from the Center for Religious Studies in Münster.

According to Schirmmacher, it is necessary for Muslims to open an intra-Islamic “pluralistic religious discourse” to make room for different convictions and opinions. From her standpoint as a scholar, who this year was appointed to academic councils of the Federal Agency for Civic Education and the Federation of German Criminal Detectives, Schirmmacher stated that this includes taking an academic and critical look at the history of Islam’s emergence and the person of Mohammed.

From Schirmmacher’s point of view, such grappling with one’s own religion could be “groundbreaking” for Muslims who affirm civil rights and democracy and, at the same time, want to remain true to their faith. However, when imams teach that Muslims can only demonstrate true faith when they distance themselves from the West and its values, this plunges youth into conflict – and possibly makes them susceptible to radical ideologies.

Source: www.pro-medienmagazin.de

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Report from the German Parliament: Hearing on Religious Freedom

Numerous experts see the protection of freedom of religion and belief in Germany and the world to be a great challenge at the present time. This became clear at a public hearing of the **Committee on Human Rights and Humanitarian Aid on Wednesday, December 2, 2015** under the chairmanship of **Michael Brand (Christian Democratic Union, or CDU/Christian Social Union, or CSU)**. The five invited experts stated as causes the difficult situation in the Near East, the flow of immigration to Europe, and the increasing radicalization of many young people which has also occurred in democratic Europe.

The Exercise of Religion viewed as a Luxury Problem

Dr. Andreas Jacobs of the **Middle East Faculty** at the **Nato Defense College** in Rome reports that in many Muslim countries efforts related to human rights and religious freedom are becoming increasingly difficult. Due to the fact that especially the environment in the Near East is “highly dominated by security policy issues,” the topic is frequently viewed as a “luxury problem.”

Additionally, in many Near Eastern countries the free exercise of religion is regulated on paper. However, it has not been applied in practice. As examples, Jacobs mentioned the possibility of religious conversion, dealing with falling away from religion (apostasy), and the construction of churches.

In his assessment, the granting and assurance of religious freedom in Germany and Europe is “a central foundation to making a call that is credible when it comes to democracy and religious freedom around the world.” He maintains that only if Muslims here in this part of the world experience that religious freedom applies to them as well and that the free development of a Muslim life is possible would it be believable to call for religious freedom in Muslim countries.



The invited pundits during the hearing

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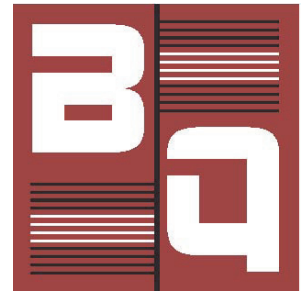
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“The Religious Landschaft in Germany is changing”

Prof. Dr. Christine Schirmmacher of the **Institute of Oriental and Asian Studies** at the **University of Bonn** emphasized that the religious landscape is changing in Germany, among other reasons on account of the refugee crisis. Forces which are Islamist and Salafi in nature, she holds, are “a thorn in the side” of democracy and are recording a large influx. For that reason, Schirmmacher maintains that the topics of religious freedom and the development of democracy have greater and greater significance for domestic policy

Schirmmacher sees the challenge for Germany to be finding how to ensure freedom so that religions and worldviews can peacefully coexist. In her opinion, what is needed is “a new public justification and promotion of religious freedom in schools, universities, and all educational platforms because in the new environment of coexistence this will not just fall into our laps.”

Schirmmacher expressly argued against calls to push religion into the private realm. Such efforts would not contribute to peaceful coexistence and true tolerance and acceptance, she warned. On the contrary, she called for “a fact-based debate regarding the borders between religions and politics, affirming forms of religious expression in all their diversity but also decisively pushing back political claims in the name of religion.”

Religion in the public Square

The **Journalist Khola Maryam Hübsch** made similar comments. In her opinion, calls for a prohibition on burkas or a prohibition on headscarves for teachers in schools threaten the secular and peaceful foundation of society more than it defends it. “Banning religion from the public square does not lead to tolerant coexistence between religions.” Instead it stirs up mistrust, especially strengthens the feeling of exclusion of many Muslims, and creates a “breeding ground for Islamism,” Hübsch warned.

In the face of a few hundred burka-wearers in Germany, one is not able to speak about a disturbance to public peace. For that reason, the call for a prohibition is, Hübsch holds, a form of “purely token politics” by which no one is helped. Furthermore, Hübsch showed herself to be convinced that an open, friendly refugee policy could contribute to improving the Islamic world’s picture of the West. In her opinion, this could also help to curb terrorism.

Multilateral Mechanisms to strengthen Freedom

Prof. Dr. Matthias Koenig, from the **University of Göttingen** and the **Max Planck Institute for the Study of Religious and Ethnic Diversity**, labeled the idea that restricting freedom of religion and belief makes peaceful coexistence more difficult and contributes to the exclusion of minorities as “indisputable.” He emphasized that it remains a “genuine task of politics to work out arrangements relating to religious diversity.” In light of “profound globalization relating to religious and non-religious

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convictions in the present,” this is a “challenge he holds to be highly volatile and timely.”

König recommended multilateral instruments to be set in place in order to strengthen freedom of religion and belief. He maintains that new studies show that local practical implementation of human rights protection under international law is able to bring about long-term effects. In this way, human rights conventions, due to their high degree of legitimacy, could indeed influence the domestic agenda in other countries.

Separation between Religious Groups and the State

Dr. Kirsten Wiese, from the **Humanistischen Union e.V. (Humanist Union Association)** in Berlin, strengthened calls made by her association for a complete separation between religious groups and the state and in this connection criticized the “severe commingling” occurring between the state and Christian churches in Germany.

Numerous privileges have been granted to churches, for instance the state’s practice of collecting church taxes, offering tax exemption and exemption from certain fees as well as providing annual subsidies from the federal states. This, however, stands in contradiction to the command of state neutrality. In order for religious freedom in Germany to be consistently ensured, all privileges for churches would have to be removed,” Wiese urged. (joh/December 3, 2015).

List of the invited Specialists

- **Khola Maryam Hübsch**, Journalist
- **Dr. Andreas Jacobs**, Middle East Faculty, NATO DEFENSE COLLEGE, Rome
- **Prof. Dr. Matthias Koenig**, Institute for Sociology, University of Göttingen
- **Prof. Dr. Christine Schirrmacher**, Institute of Oriental and Asian Studies / Department of Islamic Studies, University of Bonn
- **Dr. Kirsten Wiese**, Member of the Board, Humanist Union

Source: www.bundestag.de

Downloads:

- [Photo 1](#): Christine Schirrmacher (second from the right) before the German Parliament’s Human Rights Committee
- [Photo 2](#): The invited pundits during the hearing
- The full expert’s report of Christine Schirrmacher ([pdf](#))

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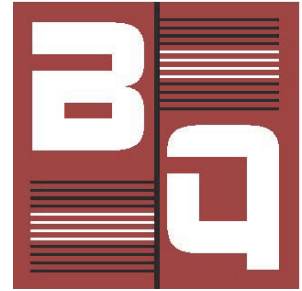
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