Managing Cultural Diversity in Federal Germany: Bavaria and Berlin as Classic Antagonists

Caroline Schultz & Holger Kolb

Caroline Schultz : Researcher, Expert Council of German Foundations on Integration and Migration

Holger Kolb : Head of Annual Report Unit, Expert Council of German Foundations on Integration and Migration

Abstract :

Due to the type of federalism applied in Germany the level of analysis best suited for studying integration is that of the 16 Länder. For comparing the approaches of two of these - Bavaria and Berlin - in managing migration-related diversity, the paper uses a double differentiation as analytical starting point. The first refers to the bulk of literature of different national models of integration and proposes two ideal types of integration/diversity policy. The second differentiation seizes the suggestion that integration in some areas of life is socially much more consequential than in others with the consequence that state intervention in these areas is much easier to justify from a normative point of view. From the descriptive comparison it becomes clear that both Länder, though coming from rather diverging starting points, by now employ hybrid strategies to accommodate or manage different aspects of cultural diversity.

Keywords : Diversity, integration policy, federalism, comparative analysis, German politics

1. Introduction

It is part of the conventional wisdom of migration research that Germany belongs to a group of countries which only recently accepted the statistical reality of being a country of immigration; for a long time it had missed the chance to develop a coherent integration policy that would have enabled it to cope with the new situation of immigration-caused diversity. Accusing Germany of being a country with a “defensive denial of the insight”1 that empirically it had indeed been a country of immigration for quite a long time, however, does not sufficiently acknowledge that the mere analysis of the federal level of policy-making is doomed to fall short of a comprehensive and balanced consideration of a state’s policy approach towards migration and integration. The Länder, which have so far enjoyed much less attention as analytical objects in migration studies than the federal level, take center stage in this article and are analyzed against the background of a situation which has been described as “super-diversity” by Vertovec2. This term depicts a new level of diversity not only concerning the countries of origin of immigrants but also with respect to “differential immigration statuses […], divergent labour market experiences, discrete gender and age profiles, [and] patterns of spatial distribution”3. Of course, this growing diversity is not solely, but to a non-negligible extent a consequence of ever more diversifying migration patterns to Germany4. In 2012, 16.3 million people “with a migration background”5, the official statistical category used, lived in Germany. Among the 6.6 million with a foreign nationality, there are citizens of 190 countries of the world. A large proportion of them (39.1%) has the citizenship of an EU

country; and the single biggest group is comprised of Turkish citizens making up more than one fifth (21.8%) of all foreigners living in Germany. Of the remaining origin countries, 90% make up a proportion of less than 1% of all foreign residents in Germany respectively[6].

The purpose of analysing the political responses of the Länder to a new situation of diversity requires some preliminary and preparatory clarifications, both on federalism and integration. In section 2 we thus present a very brief outline of the specificities of the German federal system and the relevant political areas. In section 3 a double differentiation is made to provide the analytical ground for comparing different German Länder in terms of their policy responses towards different kinds of diversities. The first refers to the bulk of literature of different national models of integration and proposes two ideal types of integration/diversity policy. The second differentiation in this paragraph seizes the suggestion made among others by Bommes that integration in some areas of life is socially much more consequential than in others with the consequence that state intervention in these areas is much easier to justify from a normative point of view[7]. The actual comparison starts in section 4, where the selection of the two Länder is justified and a brief description of the key characteristics of both is provided. These Länder are then used for discussing different policy responses to the different kinds of diversities (sections 5, 6 and 7) which provide the central theme of this special issue. Section 8 provides a concluding summary.

2. Integration policy in federal Germany: the allocation of responsibilities

2.1 Cooperative federalism in Germany

Federalism is one of the few unmodifiable principles laid down in the German Basic Law (art. 20). However, the variant of German federalism is distinct to other federally organized countries[8]: the German model of federalism is cooperative rather than dual or competitive, meaning that the different levels of government – Bund, Länder and municipalities – cooperate in institutionalized ways and make arrangements together. Federalism in Germany is paralleled by a political culture of unity, which is geared towards equality of living conditions and in which regional disparities are often perceived as unjust[9].

The form of division of power and labour in German federalism is such that the federal government is responsible for the majority of legislation, while the Länder implement and administer these laws “in their own responsibility” (“in eigener Zuständigkeit”)(administrative federalism). The federal government has exclusive legislative power only in very few policy areas, namely foreign and defence policy, citizenship, air transport, defence against terrorism or arms legislation. The Länder are mainly responsible for education, internal security, but also to a large extent for infrastructural policy, environment and nature protection and integration policy, except citizenship law[10]. The “general preference for nationally coordinated solutions in German politics”[11] is met by inter-Länder coordination mechanisms such as the Standing Conference of Ministers of Education and Cultural Affairs (Kultusministerkonferenz, KMK) (established in 1948) or, since 2007, “regular meetings […of] the state ministers […] responsible for integration (Integrationsministerkonferenz)”[12]. This additional inter-Länder cooperation element, which can be seen as a system of voluntary self-control, is often called the “third level” of German federalism[13].

2.2 Cultural sovereignty, the federalism reform and its impact on the

competencies for integration and diversity-accommodation policies

Cultural federalism is enshrined in the Basic Law: it assigns the Länder the so-called "cultural sovereignty" (Kulturhoheit), which gives them significant competences for autonomous policies in the fields of education policy, radio and television and arts and culture. The cultural sovereignty of the Länder is relevant for the respective policies to accommodate linguistic, religious and artistic diversity alike. The accommodation of both religious and linguistic diversity is insofar a matter of the Länder as it regards the organization of the education system. In addition, the cultural sovereignty of the Länder also limits the competence of the federal government regarding policies to promote arts and culture14. The Länder are responsible for supporting the arts and culture qua the cultural sovereignty and are indeed important actors in the field of cultural policy in Germany, as becomes clear when looking at the state expenses for cultural promotion. In 2009, public expenditure for supporting culture and the arts reached 9.1 billion €, 1.64% of total public spending. Of this sum, 13.4% were financed by the national government, 42.2% by the Länder and 44.4% by municipalities and local governments15.

As Bommes and Kolb16 point out, "it is obvious that the 'education policy leverage' of the Länder provides a powerful tool for integration policy". With the federalism reform of 2006 the competences for education policy of the Länder were further strengthened and hence the "leverage" increased. The immigration law of 2005 had a reverse, "centralizing effect in the field of integration"17, as the task portfolio of the newly established Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) constitutes a "deviation from the basic principle of federal law and Land administration"18. Hence, via the BAMF the Bund is responsible for organizing the integration courses – which are primarily language courses19 –, a fact that is important insofar that it confines the competencies of the Länder for managing linguistic diversity to the realm of schools. The reason for this decision was rooted in the "unwillingness of the largely centre-right Christian Democratic Länder to pay for [the newly introduced] integration programmes"20, indicating the importance of party colour, and also the existence of tensions between the Bund and some Länder governments on this issue21.

The implementation of federal laws, which falls into the jurisdiction of the Länder, can actually be an important leverage to act according to political preferences. This becomes clear when looking at the different naturalization rates of the Länder22. Bavaria is one of the Länder that has long employed the lowest naturalization rates in Germany, while Berlin has traditionally figured rather on the upper end in this regard23.

3. Basic approaches of integration and accommodation of diversity

Immigration poses to all receiving countries the political challenge of how to ensure the avoidance of socio-economic marginalization and the maintenance of social cohesion. The literature on different state approaches on immigrant integration fills libraries (see for some spadeworks in this field Castles and Miller24, Koopmans *et al*.25). For the purpose of this paper, however, it might be sufficient to draw on a very basic and binary differentiation that uses the antagonistic principles of immigrant integration as a heuristic device for comparing the respective strategies of two Länder. These antagonists display conflicting and mutually contradictory approaches towards diversity: the first copes with the challenges of immigration via a strategy of the recognition of difference, the second via the recognition of indifference. In addition to this basic distinction, the three aspects of cultural diversity relevant for the discussion – linguistic, religious and artistic diversity – will

be categorized according to the social consequences that different strategies of accommodation policies might have. This dual distinction will be used as the conceptual grid for the subsequent analysis.

3.1 The two poles: recognition of difference and proclamation of indifference

Although the existence of specific, sharply separated and mutually-exclusive national models for immigrant integration has been refuted (see for a comprehensive analysis of the heuristic value of models Finotelli and Michalowski26) or at least processes of cross-country convergence have been traced27, single bundles of policy measures to mediate immigration-induced cultural diversity can still be roughly categorized as following two distinct political convictions.

A policy of the recognition of difference had been practiced for instance in the Netherlands for a long time, where the explicit acceptance and promotion of religious and cultural differences of immigrants, a strategy nowadays widely known as multiculturalism, was meant to enable the newcomers “to integrate out of their own identity”28. Similar “multicultural” models of incorporation were used in Canada and the UK; in very general terms multicultural policies can be defined to be “specific government policies designed to positively recognize diversity and help minorities maintain cultural and religious practices while integrating them into public life”29.

France had long represented the prototype of the second option, the proclamation of indifference. With the aim being the same as in the Netherlands, i.e. the promotion of equality of immigrants and natives, in France this was meant to be achieved *via* an “effort of adaptation by the individual immigrant, flanked by a state-guaranteed neutrality of treatment which abstracts from all existing differences”30. The religious and cultural heritage is regarded as a private affair; the state consciously abstains from any active reference to or even support for the cultural and religious practices of immigrants since this is thought to be harmful for their way to become equal citizens of the country. Consequently, the strategy of recognition through indifference is employed so that immigrants will not remain unambiguously identifiable as a sociocultural group and to avoid ethnic social stratification. France as the most prominent representative of this strategy considered immigrants first and foremost as new citizens and therefore encouraged them to take up the French citizenship; state-support for specific collective cultural rights of immigrant groups was unthinkable31.

Both options, a strategy to foster integration not only by the explicit recognition of cultural and religious difference but also by the use of financial means to support the maintenance of these differences on the one hand and the rivalling way of fading out cultural and/or religious differences on the other hand are used in this paper as theoretical landmarks for the subsequent comparison of two German Länder. These landmarks are also deemed useful in order to trace respective policy changes over time.

3.2 Varying impacts on integration of different aspects of cultural diversity

As a second preliminary differentiation it is necessary to briefly refer to the question of in which areas of social life integration policies interfere. Understanding integration to mean participation in central areas of society, it is clear that participation in some of these areas has to be of greater

priority than in others. Non-participation or less successful participation in education and the labour market – regardless of whether this is somehow self-inflicted or due to structural barriers to equal access or even discrimination – is arguably much more consequential and socially meaningful than not participating in religion or sports or not having access to arts and cultural institutions, as non-participation in education and the labour market systematically impedes and restricts participation in other aspects. It therefore seems relatively easy to justify state intervention to manage cultural diversity in socially consequential areas such as the education system due to their importance for guaranteeing life potential, while policies aiming at aspects of cultural diversity that do not, or not necessarily, have an impact on one's chances to succeed in life, seem to be less easily justifiable or less necessary. In these areas the principles of liberal democracies require the state to remain as neutral as possible[32] regarding the conceptions of the good life of its citizens (at least as long specific cultural and religious practices are compatible with liberal-democratic principles). Culture, and most pronouncedly religion, hence belong to the private realm of each individual that in principle the state is not to interfere in. Only in cases of individual and institutional norm collisions, the state cannot avoid having to mediate or "manage" cultural diversity[33]. Against this background it cannot be surprising that integration policies developed in most Western immigration countries – as Joppke[34] convincingly argues – cannot be regarded as a new sign of "a rebirth of nationalism or racism", but rather as programmes which contain a "heavy dose of economic instrumentalism" in the sense that these programmes more or less exclusively have the purpose to avoid welfare dependency by fostering proficiency in the language spoken in the country and – connected to this – increasing the chances of labour market participation. A certain degree of socio-cultural integration is increasingly "viewed both as important in their own right, and as conditions for successful socio-economic integration". Joppke[35] described this as a paradoxical situation of "illiberal liberalism" in which liberal goals, a life without depending on welfare benefits and with a sufficient proficiency in the established language, are pursued with illiberal means, in this context by mandatory courses and programmes including sanctions.

4. Berlin and Bavaria: two antagonists?

In this paper, we opt for a "most different" comparative design[36], although the two geographic-political units in question do not necessarily function as "manifestations of Weberian ideal types"[37]. Nonetheless, this case design was chosen to show the whole range of possible strategies to accommodate diversity in German federal entities. Indeed, the differences between the two selected Länder could hardly be any more pronounced: The Free State of Bavaria is the largest territorial state in Germany, does economically fairly well (the unemployment rate in 2013 was 3.8%, the national average 6.9%[38]) and has been governed ever since the second world war by the Christian-Social Union (CSU), over long periods of time – and also currently – with an absolute majority in parliament. Berlin, on the other side, is the largest city-state in Germany, with a rather high unemployment rate of 11.7 %[39], the party-political imprint being one where social democrats and Christian democrats govern the Senate, the city's parliament. Berlin was also the first Land where the successors of the former German Democratic Republic's single political party, the socialist left party, was part of a Land government. Both Länder, however different otherwise, are characterized to similar degrees by immigration.

In Berlin, 25.8 % of its about 3.4 million inhabitants have a migration background[40]. Berlin looks back on a century-long history of immigration and a very unique history in general as the heart and centre of the Cold War. As Gesemann[41] writes, "[d]espite the isolation of the city, until the end

of the 1950s more than 1.5 million refugees arrived from the GDR and East Berlin, about 200.000 of which stayed". After the erection of the Berlin Wall in 1961, the population of the Western part of the city decreased markedly. The Senate tried to attenuate this decline in population with attracting both West German and "guest" workers, many from Turkey and Yugoslavia. In 1989, the year the Wall fell, the percentage of foreigners living in West Berlin was 13.7, while in East Berlin it was only 1.642. In the late 1980s and 1990s, a "massive immigration wave in the wake of political upheavals in Eastern Europe and violent conflicts in various world regions"43 further increased the diversity in the cosmopolitan city, which in recent years also has attracted many artists, students and entrepreneurs from all over the world.

In Bavaria, the society has also become ever more diverse in recent years44. The percentage of people with a so-called migration background in Bavaria in total reaches 20% (2012); in big cities it is even higher than that, for instance 33.2% in Munich and 36.2% in Nuremberg45. Bavaria has traditionally been compromised of three "tribes" (Stämme): Altbayern, Franken and Schwaben. The Sudeten German expellees, of whom about 2 million have come to Bavaria after 1945, were called the "fourth tribe" by Bavarian politicians. The Bavarian Integration Officer, Martin Neumeyer, recently called the "global migrants", a quite heterogeneous group comprised of EU citizens, third country nationals, both guest workers and their descendants and "new" migrants, the "fifth tribe" in 201246.

5. Linguistic diversity

5.1 The links between language and integration

At the intersection of linguistic diversity and federalism, the arena of importance in Germany is the education system47. A brief look at the debate about the links between language and integration might be a helpful first step of the analysis what is at stake when we discuss policies to manage linguistic diversity. In German politics it has become widely accepted that the *lingua franca* of an ever more diverse German society has to be German; renouncing this idea is thought to lead to new or sustained exclusion and marginalization of certain immigrant groups. It fits into the picture that the first and still most significant specific integration policy in Germany was the establishment of language courses (Integrationskurse).

Language serves two functions: it "has both an identity related and a non-identity related (instrumental) function"48. The first acknowledges, "many people derive identity from their native language"49. The latter is based on the evident fact that being able to communicate in the language of the country one lives in is the *sine qua non* for participating in its education system and labour market; moreover, language is also instrumental as it is "a vehicle for communication and a shared language can enhance political stability"50, and, one could add, social cohesion. Esser51 stresses the importance of the instrumental function of language; according to him, "language forms a central aspect of immigrant integration, probably even the most important one. It is itself a part as well as condition and consequence of other integration processes". Esser particularly underlines the obvious logical connection between language and education, as school teaching inevitably happens in the national or local languages (cf. also Gogolin52). In his recent comparative analysis of linguistic and religious pluralism as origin for inequality, Brubaker describes this situation as a type of "linguistically mediated inequality" which is "self-enforcing" and which "works largely through self-exclusion from the pursuit of opportunities that require forms and degrees of linguistic

competence”53. In order to avoid misunderstandings when proclaiming a “return of assimilation”, in a much earlier paper Brubaker54 distinguished two meanings of the politically charged term “assimilation”: The transitive use of the word “assimilate” in the sense of “to make similar” defines the final state of a process of state-imposed absorption, and has therefore justifiably been condemned as morally flawed or repressive. Used intransitively in the sense of “to become similar”, the term assimilation loses its questionable normative connotation and describes not a final state, but a process of “to become similar”; a process the existence of which has been empirically detected especially for second generation migrants in a variety of contexts. This also holds true for language, as linguistic assimilation is what usually happens when migrants settle in a country, at least from one generation to the next, as Esser55 summarizes in his comprehensive overview of existing empirical findings. Given that a sufficient knowledge of the *lingua franca* is crucial for the realization of life chances, linguistic policy can legitimately be assimilative in the intransitive sense in that it seeks to promote migrant children’s becoming similar in terms of language competencies.

Although there is a broad consensus in Germany that learning the receiving country’s language is indispensable for integration, the role of bi- or multilingualism is still controversial – it is unclear whether the promotion of the “Herkunftssprache” (literally, “origin language”) in addition to German language support can be beneficial for or rather an obstacle to a child’s development. According to Esser56, most empirical evidence suggests that “maintaining the first language [takes place] usually at the cost of learning the second language (and the other way round)”; in addition, empirical studies found “hardly any effects of most mother-tongue competences for education achievement and the positioning at and success in the labour market.” In his “Critique of the new cult of minority languages”, Gerhards57 also points out the “trade-offs” of policies promoting minorities’ languages, emphasizing the primacy of the instrumental value of languages: As some languages have a higher “communication utility” as others, and the time to study one language reduces the time students can study another language, investing in a minority language would not be in the interest of the minority language speakers. This point of view is what De Schutter58 calls the weaker form of instrumentalism. In this variant, according to De Schutter59 instrumentalism does not imply a “complete rejection of the view that identity interests in language matter politically, but [an argument] for a strong priority of instrumental over identity reasons for engaging in language policy.”

Esser’s (and others’) clear position, however, is contested. Gogolin60, to name one of the promoters of multilingual education, finds that the advantages that growing up bilingually brings can only come to their full potential if the learning of both (written) languages are encouraged at schools. As Gogolin points out, this advantage of bilingualism is especially significant for children from underprivileged educational backgrounds and should therefore be promoted. The debate on bilingualism is beyond the scope of this article61, but the two positions might serve as analytical starting points for comparing Bavaria and Berlin.

5.2 Bavaria’s and Berlin’s approaches towards linguistic diversity at schools

Both Bavaria and Berlin seem to follow the national approach that learning German is key priority and thus might be characterized as “linguistically weak instrumentalists”. This can be seen in the organization of their respective school systems for children who do not (or not to a sufficient extent) have German language proficiency. According to Hansen and Wenning62, the school policy

for guest workers' children has developed in a cumbersome way since the 1970s, and, depending on the respective political stance of the different Bundesländer, was built on either the idea of return ("Rückkehrorientierung") or integration "in the sense of unconditional assimilation"[63]. In this respect, it is interesting to see that Bavaria and Berlin seem to have come from opposite ends of the spectrum. The American sociologist Ray C. Rist analysed the two Länders' approaches to the education of guest-worker children in 1979, concluding that the two "represent[ed] opposite ends of the spectrum of educational policies evolved for guest-worker children"[64]. The Bavarian model had the aim to enable the children of guest-workers to later "return home and join the school system of their native country", although at that point in time – six years after the recruitment stop in 1973 – it had already become quite clear that most guest-workers (at least those from Turkey) would likely stay in Germany. Children were grouped together in classes according to their ethnicity; Hunger[65] described this model as "institutionalized discrimination". One of the three classroom situations possible in Bavarian schools – at the discretion of parents and depending on local school enrolment figures – was hence to be fully instructed in the mother tongue (and only learn German as a second language for eight hours a week). Undoubtedly, this measure was not conducive for increasing the opportunities of migrant children to participate fully in society. As Rist put it, "[i]n this system, Bavaria has created the means for perpetuating the isolation and segregation of its minority population"[66].

The system in Berlin, on the other hand, was based on the recognition that most migrant workers and their families would probably not return to their countries of origin, and hence followed an "'integrationist' approach"[67]. Yet, the perspective taken on by the schools was rather assimilationist: the idea being that "the only way that integration can occur is for the children to give up what they are and assume the characteristics of the dominant culture", according to Rist. What is more, Berlin also introduced the principle that migrant children should not account for more than 20% of a class, which had the side effect that migrant-only classes (instructed in German) spread, as migrant children could not attend "German" classes once the 20% ceiling was reached[68]. Hence, while the underlying philosophy of the two programmes was quite different, the results were actually similarly exclusionary.

Since the late 1970s, Bavaria and Berlin have adapted their approach to language diversity at schools to the current political debate and climate, although with somewhat differing results. On the one hand, both Länder have abolished state-financed native language classes, which are presently still available at primary schools or even up to grade 10 in other German Länder such as Hessen, Hamburg and North Rhine-Westphalia for a variety of origin countries' languages (as additional classes or replacing a foreign language)[69]. Since the 1990s, Bavaria has gradually abolished its school model of ethnic separation and initiated a shift towards integration[70]. In 2004, the Free State decided to do away with mother-tongue classes and rather invest this money to intensify German-language support[71], which is for instance carried out in so-called "transition classes" for newcomers without sufficient German language knowledge to follow instruction in regular classes or subsidized homework support. Berlin also does not offer extra native-language classes anymore, but groups newcomers lacking German language skills in so-called "welcome classes". On the other hand, the two approaches still differ quite strikingly in that Berlin explicitly promotes multilingualism via several programmes: while the bilingual programmes at the Staatliche Europa-Schule Berlin – offering also German-Turkish, German-Russian and German-Polish programmes in addition to more "traditional" second languages such as English, French and Spanish – have been in place and gradually augmented for more than two decades now[72], several primary schools now participate

in a more recent German-Turkish alphabetization programme, with “the aim to coordinate the development of bilingualism”. The city also explicitly searches teachers with immigrant language skills, apparently in the hope that this is also fruitful for intercultural competence[73].

Hence, it can be concluded that while in the past, Bavaria and Berlin were antagonists in the question of management of linguistic diversity in the education realm a convergence process has set in in recent years. This convergence process is asymmetrical, though, as Bavaria is moving further in the direction of Berlin than the other way around. Yet, some differences still remain: Berlin seems to follow the view that multilingualism and supporting the acquisition of the mother tongue (or origin country’s) language can be beneficial for the educational success of migrant children, while Bavaria seems to be an adherent to the view that the acquisition of the German language constitutes the utmost priority and studying the origin countries’ language is therefore negligible or even counterproductive[74].

6. Religious diversity

6.1 Religion and the state in Germany – the cooperation model

Germany is a secular state, but certainly not laical. As Schieder[75] explains, “the idea of separation of church and state has never been realized in Germany”, rather, he continues, “‘cooperation of church and state’ best describes the religio-political landscape in Germany”. This is laid down in Article 140 of the Basic Law: Germany decided for a system of open neutrality, in which the state seeks to make use of (any) religion’s ability to create social capital. Freedom of religion is enshrined in the German Basic Law (art. 4), entailing both the positive freedom to be part of a religious community and live according to its principles and the negative freedom to not assign oneself to a specific religious community and reject the belief in a supernatural entity.

Historically, Germany has had a bi-confessional structure[76]. Since about the 1970s, the two traditional Christian churches, with which in 1950 more than 90% of Germans had been affiliated[77], have gradually lost significant numbers of members. Today, only about 30% each of the population consider themselves to be Catholic or Protestant Church[78]. However, the institutional position of the Protestant and the Catholic Church in Germany is “robust as ever”[79], visible for instance by the church tax collected through state revenue offices, the important role the church plays in social welfare service provision, and, as Thränhardt[80] puts it, “a pronounced claim to be present in the public realm”. In Bavaria, due certainly both to its history and rural structures, both Christian churches continue to play a much more significant role than in Berlin[81].

Today, Islam is the third biggest religion in Germany, with about four million Muslims now living in the country. As Schieder describes, “[t]he integration of the Muslim minority was a major issue of religio-political debate and discourse in the past decade”[82]. The cross-party political consensus hereby is that privileges still reserved to the two Christian churches need to be extended to Muslim communities[83]; an institutionally equal status of all religious communities being the ultimate aim. Indeed, the German constitutional law on religion is opening up for the concerns of Muslims, as both political and court decisions of recent years show[84]. However, the pluralisation of religion also brings conflicts, and policy-makers and courts have to set or uphold certain boundaries “where a primacy of religious-cultural concerns would contradict the free democratic order of the society”[85]. Needless to say, determining these boundaries is a non-trivial task in many cases. For this paper,

the management of religious pluralisation caused by Islam is interesting especially in those realms that Länder can regulate, i.e. in the field of education.

6.2 Islamic religious education at school

“The German system of religious education is a shrewd one”, as Schieder (2013) observes. Article 7 (3) of the German Basic Law provides that religious education is an ordinary subject at public schools, which is to be set up “in accordance with the basic principles of the religious communities”; a provision due to which the organization of religious instruction at schools is called a “res mixta”. However, the so-called “Clause of Bremen” in the Basic Law, exempts the city-state of Bremen from Article 7 (3) and is also applicable to Berlin, which hence constitutes a special case in Germany, as will be seen below.

There are about 700.000 Muslim students at German schools, and the claim has emerged in the past years to establish Islamic religious education as an ordinary subject at schools, in order to guarantee equal rights for all religious communities. However, the German system of religious education and the fact that there is no uniform Islamic organization equivalent to that of the Christian churches, which is necessary in order to guarantee an adequate participation of the religious communities in the development of the curricula, has made this difficult,[86] and led to the introduction of pilot projects in several German Länder.

In Bavaria, the subject “Religious Instruction for Turkish Students of Muslim Belief” in Turkish language has been offered at primary and lower secondary schools in cooperation with the Turkish state since the mid-1980s. In the school year 2005/2006, more than 13.000 students took this subject, about one third of all eligible Turkish students in grades 1-5[87]. The curriculum had been developed by the Bavarian State Institute for School Quality and Education Research (ISB) and consists of templates of instruction at Turkish schools in Turkey adapted to the Bavarian-German context. Turkish teachers were selected by the Bavarian administration and received close counselling. The rationale for offering this course in the first place had been to prevent students from attending Koran schools, although it is unknown whether this was achieved. Since 2001, the “Religious Instruction for Students of Muslim Belief” has also been offered in German language and opened up for all Muslim students regardless of country of origin. However, the Islamic religious communities were still not involved in any decisions regarding the curricula or the teaching, as the subject was still taught in conformity with the teaching material of the Turkish state. The concept of the course, therefore, was still closer to the subject “ethics” which is neutral to all world-views than to actual religious education; “education in the faith” was not part of the classes[88].

This has changed with the introduction of the model experiment “Islam Education” (Islamunterricht) in German language in Erlangen in 2003/04. The model has been gradually expanded in recent years and today 260 Bavarian schools are taking part, with 11.000 pupils receiving “Islam Education”. In February 2014, the Bavarian association of teachers demanded to extend the model experiment for further five years after its phasing out in summer 2014. Yet, although leading Bavarian politicians called it a success, the pilot will not be extended; the reasons for which are currently not clear, except for the lack of Islamic teachers[89]. This seems especially odd, as with the change of teaching degree examination regulations (Lehramtsprüfungsordnung I) in 2013 the road had seemed paved for converting the model into a regular subject at schools. With the change in regulations, the subject Islamic Education as Additional Subject for teaching at various school forms was introduced. “This makes Bavaria the first Land with a state examination to qualify for Islamic Education”, the

Ministry for Education and Culture had proclaimed then. The recent developments of not extending the pilot project might indicate a “two step forward, one step backward”-approach of Bavaria in terms of introducing Islamic education at schools.

In Berlin, religious education is not an ordinary subject at schools, a special status dating back to a law from 1948, which hence made Berlin eligible for the so-called “Clause of Bremen”90. Since 2006, “ethics” is taught instead as an ordinary subject at schools, starting from grade seven. Moreover, there is a voluntary “religious and worldview education” which is offered by religious and communities of conviction who have applied for doing so with the administration; personnel costs are financed up to 90% by the city. In the school year 2009/2010, more than half of the student population of Berlin took part in the voluntary religious and world-view education. In contrast to the situation in Bavaria and most other Länder, in Berlin the school administration has significantly less influence on the design of religious education, as the responsibilities are separated between administration and religious and worldview communities in a much clearer way. This also brings about problems, though; when concerns about the content of religious or worldview education conflict with the general “political openness and sympathy for a sceptic-laicist separation policy”91 that is prevalent in the city-state of Berlin.

This is also the explanation for a yearlong dispute of an Islamic umbrella organization with the school administration, which could only be resolved through various court decisions. The new Berlin School Law of 2004 alleviates these problems by adopting some of the elements of the traditional German constitutional law on religion. For instance, subjective criteria are set for admitting applying communities to teach religious and worldview education92. In 2014, the Islamic Federation teaches about 5.200 children at 31 Berlin primary schools93.

Regarding religious education, the two Länder follow diametrically different paths. The Berlin one is *quasi* laicist and follows in this realm a strategy of promotion of indifference, which can be traced back to an “anticlerical reflex” that is in part a consequence of the special Berlin history and reunification with almost “de-religionized” East Berlin, but also grounded in a different understanding of integration policy. The Bavarian way in respect to religious education, on the contrary, seems at times to be following an almost multicultural strategy of accepting differences and of granting the same collective rights to all religious communities, a stance which might be due to the more important role religion and tradition still play in the Free State. However, the path that Bavaria goes is not a smooth one, as the non-extension of the pilot project indicates.

6.3 Religious symbols in state institutions – (selective) prohibitions

The principle of cultural sovereignty and the competence to enact Land-specific civil service laws provides another important leverage for integration policy for the Länder. The most controversial issue on this interface between diversity politics and Länder autonomy still is the issue of religious symbols worn by teachers in public schools which at the same time illustrates a constitutional norm collision: the right to religious freedom of the teacher collides with that of the parents or the children or with that of state neutrality, respectively. It is of importance for this paper, as the civil service law was changed with the federalism reform in 2006; regarding the civil servants of the Länder, the federal government is now confined to the area of status rights and obligations; and the Länder have more autonomous competences in this regard (Bundesregierung 2014).

Religious symbols displayed at the work place or in public have been debated for years in Germany

(as well as in several other immigration countries), with many court decisions on the issue. The question whether teachers at public schools should be allowed to wear the headscarf has certainly proved to be the most explosive of all questions in this regard[94]. While in Germany it is widely and universally acknowledged in all Länder that students are allowed to wear the headscarf at school[95], for teachers the regulations differ. In 2003, the Federal Constitutional Court ruled on the headscarf, clarifying that it is incumbent on the Länder governments to act. The Länder, however, have reacted quite differently: Eight of the sixteen Länder have since then regulated the headscarf issue by law. Bavaria reacted to the rule of the Constitutional Court in November 2004 by adapting its Law on Education; it was the fifth Land to do so. Berlin followed shortly after, in January 2005[96]. However, there is a fundamental difference of the regulations: in Bavaria, as is the case in three other Länder, the law foresees that Christian and Jewish symbols would not infringe the principle of state neutrality. The following sentences were added as Article 2 to the Bavarian Law on Education and Schooling (own translation):

In the official justification of the law, it says that what counts is not the intention of the teachers, but the "possible interpretation"[97]. The selectivity of the prohibition becomes clear in the following explanations: "Outward displayed symbols and items of clothing that conform with the constitutional basic values and the educational aims of the constitution, including the Christian-occidental educational and cultural values, for instance the traditional dress of Christian nuns, remain permitted". The justification continues: "Herein does not lie any violation of the principle of equal treatment, as these symbols and items of clothing reflect the Christian-occidental educational and cultural values". Evaluating this arguably somewhat construed legal setting is beyond the scope of this essay, but it should have become clear that the Bavarian approach in this regard is ambivalent and seems to grant preferential treatment to some religious communities, but not all.

In Berlin, on the contrary, the so-called Neutrality Law makes clear that "all openly religious symbols are not compatible with the state's educational mandate"[98]. Berlin even explicitly stated in the law that "public officers who operate in the field of administration of justice, in law enforcement or with the police, are not allowed to wear any visible religious or worldview symbols that demonstrate for the observant a membership to a specified religious or world-view community while on duty". The rationale for this lies in the realization that "with the increasing religious and world view plurality and the related societal change the possibility of conflicts between competing attitudes of faith has likewise increased. This holds especially true for the metropolis of Berlin, in which people of a wide range of confessions and convictions live together in a confined space and meet frequently in public spaces such as schools or courts"[99]. Contrary to Bavaria, the legislative body of Berlin took this as a reason "to attach greater dissociating importance to the neutrality obligation of the state, in order to in this way guarantee the stabilizing and peace-keeping function of the state as home of all citizens"[100].

While the regulations are selective in Bavaria in that they continue to grant special rights to Christians but do not grant the same rights for Muslims, there are clear rules in Berlin which interprets the state neutrality principle in light of increasing diversity in a much stronger way, treating religion as a primarily private affair. The Berlin approach is hence close to the republican proclamation of indifference, while in Bavaria, none of the two options seems fitting. While "difference" is *de facto* recognized, the Bavarian state has been eager to codify the long-standing privileges of the Christian Churches, but unwilling to extend similar rights to teachers of Muslim belief[101].

In its most recent decision on this issue in January 2015, the Constitutional Court deviated substantially from its former approach, and clarified – based on a liberal-integrative interpretation of state neutrality – that general prohibitions of religious signs and symbols for public service personnel are not constitutional[102]. Rather, it decided that it is not upon the Länder governments to regulate in a general and abstract way whether teachers may wear headscarves at school, but that these (and other religious signs and symbols) can only be banned in particular cases if there is a sufficient concrete endangering or disturbance of the peaceful atmosphere at school. For the Länder governments, the political room to manoeuvre has thus shrunk significantly with this judgment. Nonetheless, the Bavarian government reacted to the verdict stating that there would not be any need for changes to the Bavarian regulations[103]; the truth of which will need to be seen in the future.

7. Artistic diversity

7.1 New challenges for cultural policy in light of demographic challenges

Artistic diversity is somewhat more elusive than the other two. The level of importance that federated entities attach to artistic diversity can nonetheless serve as an indication for their general stance towards managing cultural diversity in light of increasing societal pluralisation.

The promotion of diversity in the arts can have various underlying rationales. It is an economic necessity of sorts: “The demographic trend forces cultural policy to rethink”, as it implies an erosion of traditional audience[104] structures and thus makes it indispensable to find measures for opening cultural institutions and the arts in general to a broader audience, including migrants. Some authors even claim that the field of culture has a certain “societal responsibility” regarding integration as a task for the whole society. Indeed, arts and culture can play an important part of the discussion and development process of a society, and participating in arts and culture therefore is key to have a role in this process.

The association Kulturpolitische Gesellschaft e.V. together with the Federal Agency for Political Education state that there remains a lot to be done in this regard, as “[t]he dynamic of cultural developments triggered by migration and cultural globalization has met with no response in cultural policy”[105]. On the one hand, Terkessidis[106] claims that government funds for promoting culture still treat diversity as a special issue, i.e. through a special fund for “intercultural arts projects”. In his view, though, mainstreaming intercultural topics and diversity would be a more appropriate strategy. On the other hand, as Dreyer[107] observes, the task of accommodating cultural diversity is also something that most cultural sector institutions in Germany still “confront largely unprepared”. In many ways, the persisting problem is the issue of access: “Migrants are still an exception in city theatres, concert houses, libraries and museums”[108]. Yet, several big theatres have progressed in this regard, lowering the barriers for non-traditional audiences.

7.2 Management of cultural diversity in the Länder: Bavaria and Berlin

In Bavaria, cultural policy plays an important role[109], and contrary to the German Basic Law,

the Bavarian Constitution even explicitly states in Article 3 that Bavaria is a “cultural state” (Kulturstaat). Wording and content of the Bavarian Cultural Concept, enacted in 2012, suggest a commitment to strengthen Bavarian culture, ancient customs and regional identity within Bavaria rather than investing in supporting immigration-related cultural diversity (Bayerische Staatskanzlei 2012).

Taking into account the positive examples of Bavarian cities to also focus or even mainstream intercultural concerns in their support of culture and the arts one might conclude that municipalities and local governments in Bavaria are more progressive and play a more significant role in terms of promoting immigration-related cultural diversity than the Bavarian government, which puts focus on promoting the Bavarian culture more than anything else. Regarding artistic diversity, Bavaria hence is far from employing a proactive policy of recognition of difference, and much closer to the republican approach of a proclamation of indifference, yet on its own terms i.e. in light of its own traditions.

Again, Berlin seems to follow a different philosophy. The city-state of Berlin has discovered “diversity” as a unique selling point both to attract tourists and new business, additionally fostering social cohesion in the global city. In this line, Berlin’s integration concept is entitled “Encouraging Diversity – Strengthening Cohesion”.

The promotion of artistic and cultural diversity has a relatively long history in Berlin: The support programme “Intercultural work” had first been initiated in 1979 under the headline “supporting cultural activities of foreign fellow citizens”. Today, it is principally aimed at “fostering intercultural dialogue and the development of artistic potential of those migrant generations who are at home in several cultures”110. The addressees are therefore professional artists with a migrant background. The Senate allocated 343.000 Euro annually for the programme. The intercultural theatre and event house Ballhaus Naunynstraße receives 223.000 € of this, the rest (120.000 €) is awarded for intercultural projects that are selected every year by an advisory board.

Hence, in the realm of managing diversity in the arts and cultures, Berlin can be said to be following a multicultural policy of recognition of difference, hailing diversity in what seems to be at least partially an effective marketing tool for the increasingly plural city. Bavaria, on the other hand, is more on the republican side in this policy field.

8. Conclusion

For Germany, the issue of managing cultural diversity has proved to be a well suited policy field to study the different approaches employed by two different – and quite different – federated entities, as German Länder enjoy the constitutionally enshrined cultural sovereignty and are hence to the largest extent possible in the cooperative form of German federalism free in their choice of policies to regulate. The most-different case design used in this essay helped us to carve out the range of policy responses possible in this field in Germany. Having used a dual distinction of potential policy approaches as a heuristic tool – recognition of difference *v.* recognition of indifference on the one hand, and dimensions of life in which participation is more or less meaningful for successful integration –, it has become clear that both Länder employ hybrid strategies to accommodate or manage different aspects of cultural diversity.

In the dimension of cultural diversity which is most socially meaningful for socio-economic

integration, linguistic diversity, the two Länder have come from opposite ends of the spectrum. Berlin had in the past employed a rather republican attitude of recognition of indifference, meaning that migrant children had to assimilate and "become German" officially, but *de facto* often remained in institutional settings that encouraged a type of *laissez-faire* multiculturalism in regard to language. Bavaria, on the other hand, had long been infamous for its model of ethnic separation, which could be subsumed under a rather repressive form of multicultural recognition of difference. Recently, an asymmetrical convergence process has set it, where both Länder – Bavaria more so than Berlin – are first and foremost applying what is also consensus at national level, namely that learning German is of utmost importance. The Berlin approach, however, still contains some elements of promotion of origin countries' languages as second languages at schools.

Regarding religious diversity at schools, we looked at two examples: religious education and regulations on religious symbols worn by teachers. On the first, the Länder differ quite strikingly. Berlin follows a *quasi* laicist path, in which the state becomes as little involved as possible in religious instruction at schools, which is – in strong contrast to the rule in Germany – not an ordinary subject at school, but merely an elective. Berlin grants the same – albeit limited – rights to all religious and worldview communities in this regard, an approach that uses elements of both multicultural and republican models. In Bavaria, on the other hand, religion still plays a relatively prominent role in public schools, as laid down in its Constitution. Since the early 2000s, Bavaria has made steps to accommodate the claims of Muslim communities to also have Islamic education as an ordinary subject at schools. The recent phasing out of the respective pilot project could be seen as a setback of this endeavour, though. In the second example of management of religious diversity at schools, the difficulties of Bavaria to consistently adhere to the principle of equal treatment become more obvious: The regulations on teachers wearing religious symbols or items of clothing in Bavaria permit this for Christian nuns, and prohibit it for Muslim teachers. In Berlin, on the other hand, we see a prototype of laicist recognition of indifference, as the city prohibited all openly worn religious attire in favour of social cohesion in an ever more diverse urban space.

Turning lastly to the arguably least socially meaningful dimension of cultural diversity, i.e. diversity in the arts and culture, the pattern of rather traditional Bavaria and rather progressive Berlin that has emerged previously seems to consolidate. In Bavaria, emphasis is put on Bavarian cultural heritage, while Berlin seeks to uphold or create an image of a diverse, global and culturally rich city.

Having illustrated the approaches of Bavaria and Berlin on managing cultural diversity, it remains to be said that the picture might result differently if one, for instance, was to descend further on the regional level, analysing the strategies that sizeable Bavarian cities employ in this regard; or had chosen different Länder in the first place. However, it is hoped that this essay provides a helpful entry point and a basis for further analysis and discussion into this to our knowledge yet under-researched matter.

Notes

1 BADE (K.J.), Ausländer- und Asylpolitik in der Bundesrepublik Deutschland, in MEHRLÄNDER (U.) (ed.), *Einwanderungsland Deutschland*, Bonn, 51-67.

2 VERTOVEC (S.), "Super-diversity and its implications", *Ethnic and Racial Studies*, vol.30, n°6, p.1024-1054.

3 *Ibid*.

4 This special issue focuses on *immigration-related* diversity, which is why the rights of official "national" groups (of which there are four in Germany: the Danes, the Frisians, the Sorbs and the German Sinti and Roma) will not be covered in this paper, as these minority groups have been present in the geographical territory of Germany for several hundred years, respectively.

5 Persons with a migrant background are defined as „all those who immigrated after 1949 in the territory of the Federal German Republic as of today, as well as all foreigners born in Germany and all those born in Germany as Germans with at least one immigrated or in Germany as a foreigner born parent" (Statistisches Bundesamt 2014, own translation).

6 STATISTISCHES BUNDESAMT, Bevölkerung und Erwerbstätigkeit. Ausländische Bevölkerung, Ergebnisse des Ausländerzentralregisters 2012, Fachserie 1, Reihe 2, Wiesbaden, 2013.

7 BOMMES (M.), *Erarbeitung eines operationalen Konzepts zur Einschätzung von Integrationsprozessen und Integrationsmaßnahmen*, Osnabrück, Gutachten für den Sachverständigenrat für Zuwanderung und Integration, 2004.

8 STURM (R.), "Zusammenarbeit im deutschen Föderalismus", *Informationen zur Politischen Bildung*, Heft 318, Bundeszentrale für Politische Bildung, 2013.

9 SCHARPF (F.W.), "Föderalismusreform: Weshalb wurde so wenig erreicht?", *Aus Politik und Zeitgeschichte Heft*, 50, 2006, p.6-11.

10 HILDEBRANDT (A.) and WOLF (F.) (eds), *Politik in den Bundesländern. Staatstätigkeit im Vergleich,* Wiesbaden, VS-Verlag, 2008.

11 STURM (R.), *op.cit.* (own translation)

12 LEPTIEN (K.), "Germany's Unitary Federalism", in THRÄNHARDT (ed.), *Immigration and Federalism in Europe – Federal, State and Local Regulatory Competencies in Austria, Belgium, Germany, Italy, Russia, Spain and Switzerland*, Heft, IMIS-BEITRÄGE, 2013, p.40-49.

13 STURM (R.), *op.cit.*

14 SCHNEIDER (W.), *Grundlagentexte zur Kulturpolitik – Eine Lektüre für Studium und Beruf*, Hildesheim, Glück und Schiller Verlag, 2006.

15 Statistische Ämter des Bundes und der Länder, Bevölkerung nach Migrationsstatus regional. Ergebnisse des Mikrozensus 2011, Wiesbaden. Not including public support of radio, TV, church matters and adult education centres (Volkshochschule), 2013.

16 BOMMES (M.) and KOLB (H.), "From Disorder to New Roles for all Governments: Integration and Federalism in Germany", in SEIDLE (L.) and JOPPKE (C.) (eds), *Immigrant Integration in Federal Countries*, Montreal, Kingston, Queens McGill University Press, 2012, p.113–133

17 THRÄNHARDT (D.), "Immigration and Integration in European Federal Countries: A Comparative Evaluation", in THRÄNHARDT (D.) (ed.), *Immigration and Federalism in Europe – Federal, State and Local Regulatory Competencies in Austria, Belgium, Germany, Italy, Russia, Spain and Switzerland*, Osnabrück, IMIS, 2013, p.12.

18 LEPTIEN (K.), *op.cit.*, p.40.

19 The integration courses consist of 600 hours of German language instruction and 30 hours of "orientation" on German history, politics and culture. However, most integration policy measures today are not specifically targeted at migrants anymore, but are "mainstreamed" in the fields of education or social policies (SVR, Deuschlands Wandel zum modernen Einwanderungsland, Berlin, SVR, 2014).

20 LEPTIEN (K.), *op.cit.*, p.40.

21 In addition to socioeconomic and budget differences "in many policy fields differences can be explained in partisan terms" (VON BLUMENTHAL (J.), "Toward a new German Federalism? How the 2006 Constitutional Reform Did (Not) Change the Dynamics of the Federal System", in BOLGHERINI (S.) and GROTZ (F.) (eds), *"Germany after the Grand Coalition: Governance and Politics in a Turbulent Environment"*, Basingstoke, Palgrave, 2010, p. 42). Party politics is also of interest for the analysis of different Länder approaches towards immigration-related diversity.

22 HENKES (C.), "Integrationspolitik in den Bundesländern?", in HILDEBRANDT (A.) and WOLF (F.) (eds), *Die Politik der Bundesländer*, Wiesbaden, VS-Verlag, 2008, p.113-135 ; BOMMES (M.) and KOLB (H.), *op.cit.*

23 HUNGER (U.) and THRÄNHARDT (D.), "Die Integrationspolitik des Landes Berlin im Vergleich der Bundesländer", in GESEMANN (F.) (ed.), *Migration und Integration in Berlin*, Berlin, Opladen, Leske und Budrich, 2001, p.121.

24 CASTLES (S.) and MILLER (M.J.), *The Age of Migration - International Population Movements in the Modern World*, London, Houndmills, 2009, 4th edition.

25 KOOPMANS (R.), STATHAM (P.l.), GIUGNI (M.) and PASSY (F.), *Contested Citizenship. Immigration and Cultural Diversity in Europe*, Minneapolis, Minneapolis University Press, 2005.

26 FINOTELLI (C.) and MICHALOWSKI (I.), "Introduction. The Heuristic Potential of Models of Citizenship and Immigrant Integration Reviewed", *Journal of Immigrant & Refugee Studies,* vol.10, n°3, 2012, p.231-240.

27 JOPPKE (C.), "Beyond National Models: Civic Integration Policies for Immigrants in Western Europe", *West European Politics*, vol.30, 2007, p.1-22.

28 MICHALOWSKI (I.), *Integration als Staatsprogramm. Deutschland, Frankreich und die Niederlande im Vergleich*, Berlin, LIT, 2007, p.10 (own translation).

29 WRIGHT (M.) and BLOEMRAAD (I.), "Is there a trade-off between multiculturalism and socio-political integration? Policy regimes and immigrant incorporation in comparative perspective", *Perspectives on Politics*, vol.10, n°1, p.78.

30 MICHALOWSKI (I.), *op.cit.*, p.10 (own translation).

31 *Ibid.* ; WIHTOL DE WENDEN (C.), "Post-1945 Migration to Franceand Modes of Socio-Political Mobilisation", in BOMMES (M.), CASTLES (S.) and WIHTOL DE WENDEN (C.) (eds), *Migration and Social Change in Australia, France and Germany*, Onasbrück, IMIS, 1999.

32 Brubaker (R.), “Linguistic and Religious Pluralism: Between Difference and Inequality”, *Journal for Ethnic and Migration Studies*, vol.41, n°1, p.32-33. Brubaker undoubtedly is right stating “that complete neutrality in matters of religion is widely recognized as a myth, not least because the state cannot help but take a position on the vexed and contested question of what counts as ‘religion’”. A common denominator of liberal-democratic nation-states, however, is a significant move “in the direction of a more neutral stance towards differing religions”.

33 SVR 2014, *op.cit.*.

34 Joppke (C.), *op.cit.*, 2013, p.14-16.

35 *Ibid.*, p.10.

36 Bloemraad (I.), “The promise and pitfalls of comparative research design in the study of migration”, *Migration Studies*, 2013, p.14. As a third option, Bloemraad describes the comparison as a conceptual spectrum of cases; which might however require comparing more than just two cases.

37 *Ibid.*

38 Statistik der Bundesagentur für Arbeit, Nürnberg, Arbeitslosigkeit im Zeitverlauf, 2013.

39 *Ibid.*

40 Statistisches Bundesamt, *Bevölkerung und Erwerbstätigkeit. Ausländische Bevölkerung. Ergebnisse des Ausländerzentralregisters 2012*, Fachserie 1, Reihe 2, Wiesbaden, 2013.

41 Gesemann (F.), “Grundlinien und aktuelle Herausforderungen der Berliner Integrationspolitik”, in Baringhorst (S.), Hunger (U.) and Schönwälder (K.)(eds), *Politische Steuerung von Integrationsprozessen: Intentionen und Wirkungen*, Wiesbaden,VS-Verlag, 2006, p.197 (own translation).

42 *Ibid.*

43 *Ibid.*, p.198 (own translation).

44 Pavlik (M.), “Integrationspolitik”, in Glaab (M.) and Weigl (M.) (eds), *Politik und Regieren in Bayern*, Wiesbaden, VS-Verlag, 2013, p.433.

45 Statistische Ämter des Bundes und der Länder2013, *op.cit.*

46 Pavlik (M.), *op.cit.*, p.434 (own translation).

47 According to the assessment of the German Expert Council on Migration and Integration (SVR, 2014, *op.cit.*), “in the key area of education”, integration efforts still need further development in order to guarantee equal opportunity, as “pupils with a migration background still lag far behind in performance despite improved scores on international performance tests”.

48 De Schutter (H.), “State Neutrality and Linguistic Justice”, *Summer Institute on Citizenship and Migration*, Berlin, 24 June – 7 July 2007, p.8.

49 *Ibid.*, p.1.

50 *Ibid.*, p.8.

51 ESSER (H.), *Sprache und Integration – Die sozialen Bedingungen und Folgen des Spracherwerbs von Migranten*, Frankfurt/New York, Campus Verlag, 2006 (own translation).

52 GOGOLIN (I.), *Stellungnahme zum Unterricht in Migrantensprachen in deutschen Schulen*, Hamburg, Mimeo, 2001.

53 BRUBAKER), *op.cit*, p.32-33.

54 BRUBAKER (R.), "The Return of assimilation? Changing perspectives on immigration and its sequels in France, Germany, and the United States", *Ethnic and Racial Studies*, vol.24, n°4, p.531-548.

55 ESSER (H.), p.550 (own translation).

56 ESSER (H.), *op.cit.*, p.548 (own translation).

57 GERHARDS (J.), "Kritik des neuen Kultes der Minderheitensprachen", *Berliner Studien zur Soziologie Europas*, Arbeitspapier Nr. 22, 2010.

58 DE SCHUTTER (H.), *op.cit.*

59 *Ibid.*, p.18.

60 GOGOLIN (I.), *op.cit.*

61 The arguments employed in the debate by both sides and from different disciplines are well captured in the comprehensive volume "Streitfall Zweisprachigkeit – The Bilingualism Controversy", edited by GOGOLIN (I.) and NEUMANN (U.), Wiesbaden, VS-Verlag, 2009.

62 HANSEN (G.) and WENNING (N.), *Schulpolitik für andere Ethnien in Deutschland – Zwischen Autonomie und Unterdrückung; Lernen für Europa*, Münster, Waxmann, 2003, p.126-128.

63 *Ibid.*, p.129 (own translation).

64 RIST (R.C), "Migration and Marginality: Guestworkers in Germany and France", *Daedelus,* vol.108, n°2, 1979, p.245.

65 HUNGER (U.), "Bildungspolitik und 'institutionalisierte Diskriminierung' auf Ebene der Bundesländer. Ein Vergleich zwischen Baden-Württemberg, Bayern, Hessen und Nordrhein-Westfalen", in AKGÜN (L.) and THRÄNHARDT (D.) (eds), *Migration in föderalistischen Systemen. Jahrbuch Migration 2000/01*, Münster, LIT, 2001, p.123

66 RIST (R.C), *op.cit.*, p.251.

67 *Ibid.*, p.257.

68 *Ibid.*

69 Hessisches Kultusministerium, Herkunftssprachlicher Unterricht. http://verwaltung.hessen.de/irj/HKM_Internet?cid=a8e7a09ce55cc13acf0dd3b9bae0f6da, 2014 (accessed on 28/05/2014).

70 HUNGER (U.), *op.cit.*

71 Bayerischer Landtag, Schriftliche Anfrage der Abgeordneten Margit Wild SPD vom 15/09/2010 und Antwort des Staatsministeriums für Unterricht und Kultus vom 08/10/2010, Drucksache 16/5909, 16/11/2010.

72 Senatsverwaltung für Bildung, Jugend und Wissenschaft Berlin, Staatliche Europa-Schule Berlin, http://www.berlin.de/sen/bildung/besondere_angebote/staatl_europaschule/, 2014 (accessed on 28/05/2014).

73 Abgeordnetenhaus Berlin, Das am 3.7.2007 vom Senat beschlossene Integrationskonzept für Berlin, Drucksache 16/0715 vom 3.7.2007, 2007.

74 Also in Bavaria, however, there are exceptions to the rule, however only for the group of ethnic German immigrants, the *Spätaussiedler*: For instance, they can apply to be tested in the respective language of their country of origin instead of in English (PAVLIK, *op.cit.*, p.437).

75 SCHIEDER (R.), "Comfort Zones and Conflict Lines: How Germany Cares for Its Religions", *Transatlantic Perspectives*, 2013, p.98.

76 THRÄNHARDT (D.), *op.cit.*

77 SCHIEDER (R.), *op.cit.*

78 STATISTISCHES BUNDESAMT, *Bevölkerung und Erwerbstätigkeit. Ausländische Bevölkerung. Ergebnisse des Ausländerzentralregisters 2012*, Fachserie 1, Reihe 2, Wiesbaden, 2013.

79 THRÄNHARDT (D.), *op.cit.*, p.53 (own translation).

80 *Ibid.*

81 In most Bavarian classrooms, there is still a crucifix fixed to the wall. The Federal Constitutional Court had decided in 1995 that those parts of the Bavarian School Regulations that obliged schools to put crucifixes in every classroom were unconstitutional. The decision of the Court, however, only led to a somewhat milder phrasing added to the Bavarian Education Law shortly after, which reads: "In light of the historical and cultural imprint of Bavaria a crucifix is installed in every classroom".

82 THRÄNHARDT (D.), *op.cit.*

83 JOPPKE (C.), 2013, *op.cit.*

84 SVR, *op.cit.*

85 JOPPKE (C.), 2013, *op.cit.*, p.43 (own translation).

86 The Islam is organized to a much lesser degree than the Christian communities, see OEBBECKE (J.), "Der Islam als Herausforderung für das deutsche Religionsrecht", in KARACUBAN (H.) and AZZAOUI (M.) (eds), Muslimische Gemeinschaften zwischen Recht und Politik, Dossier, Berlin, Heinrich-Böll-Stiftung, 2010). The four important umbrella organizations are the Turkish-Islamic Union (DITIB), the Association of Islamic Cultural Centres (VIKZ), the Central Council of Muslims

and the Muslim Council; none of which has been officially (legally) recognized as a religious community in Germany yet.

87 SEISER (U.) and SCHÜTZ (D.), "Islamische Religion im schulischen Unterricht: Bayern", in BOCK (W.)(ed.), *Islamischer Religionsunterricht?*, Tübingen, Mohr Siebeck, 2006, p.85-92.

88 Ibid., p. 89.

89 MITTELBAYERISCHE, "Islam-Unterricht wird nicht ausgeweitet", 20 May 2014.

90 SEISER and SCHÜTZ, *op.cit.*, p.94. A referendum in 2009 to introduce religious education as an ordinary subject failed.

91 SEISER (U.) and SCHÜTZ (D.), *op.cit.*, p.98

92 *Ibid*.

93 Senatsverwaltung für Bildung, Jugend und Wissenschaft Berlin (2014c):5200 Schüler besuchen islamischen Religionsunterricht, 08/03/2014, http://www.berlin.de/aktuelles/berlin/3379901-958092-5200-schueler-besuchen-islamischen-relig.html (accessed on 29/05/2014).

94 SVR 2014, *op.cit.*

95 See the respective guidelines of the German Islam Conference (Deutsche Islam Konferenz 2009).

96 HENKES (C.), "Integrationspolitik in den Bundesländern?", in HILDEBRANDT (A.) and WOLF (F.)(eds), *Die Politik der Bundesländer*, Wiesbaden, VS-Verlag, 2008, p.131.

97 Bayerische Staatsregierung, Gesetzentwurf der Staatsregierung – Änderung des Bayerischen Gesetzes über das Erziehungs und Unterrichtswesen (BayEUG), Drucksache 15/368, 18 February 2004 (own translation).

98 HENKES (C.), *op.cit.*, p.131 (own translation).

99 ABGEORDNETENHAUS, *op.cit.*, p.5.

100 *Ibid*.

101 Henkes identifies a "clear differential effect of political parties" (Parteiendifferenzeffekt), which explains the different stances the Länder take on the headscarf issue (HENKES, *op.cit.*, p.132, own translation).

102 BVerfG, Decision of 27th January 2015, Az. 1 Bv R 471/10 and 1 BvR 1181/10.

103 See Press Release of 17th March 2015, http://www.bayern.de/bericht-aus-der-kabinettssitzung-vom-17-maerz-2015/?seite=1579 (accessed on 05 August 2015).

104 SIEVERS (N.), "Herausforderungen und Handlungsoptionen für die Kulturpolitik angesichts des demografischen Wandels", in HAUSMANN (A.) and Körner (J.)(eds), *Demografischer Wandel und Kultur*, Wiesbaden, VS-Verlag, p.51-71.

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