

Unit E 17: Democracy as a permanent solution or a brief episode in history? Some specific questions

1. Summary

We are accustomed to taking the democratic form of government for granted as a permanent state of affairs. This raises questions not only about the quality of the democratic form of government, but also about the framework in which it is possible. What is the connection between ethnic-national homogeneity and a democratic state; does such a connection even exist? A special question for secular democracies is the legal form of religious communities and their - existing or denied - recognition under public law by the state. These questions are dealt with by the constitutional law on religions - formerly also called state-church law.

2. Democracy as a permanent state?

Norberto Bobbio (1995:18) has raised the - justified! - question whether democracies are more peaceful than autocracies. Connected with this is the question of whether the democratic state, viewed from the perspective of human history, is more than a more or less brief phase. Jean-François Revel (1983), for example, argued with verve that democracies had already reached their end because they were incapable of defending themselves against their great adversaries, the dictatorships (cf. Bobbio 1995:19).

And Richard Falk argued that - even if no nuclear war broke out - nuclear weapons were fundamentally opposed to the democratic system (cf. Bobbio 1995:19).

Luigi Bonanate (1995:51) put forward the twofold thesis - which he again relativized - that, first, democratic governments are not violent per se, and second, only international peace enables the spread of democracy. Thus, he argued, the League of Nations had failed because fascist and Nazi regimes had abolished democracy in their countries, thus setting the stage for World War II.

However, it should be noted that democratic states can also pursue an undemocratic foreign policy and start wars. An example - according to Bonanate (1995:52) - of this was the Vietnam War, which, as is well known, was waged by the (democratic) USA. However, it must be borne in mind that democratic states are under much greater pressure to legitimize themselves vis-à-vis their populations, as shown, for example, by the entry of the USA into the war after the attack on Pearl Harbor, the start of the war in Vietnam after the Tonking incident - which was faked or actually took place by the USA - or the intervention of the USA against Saddam Hussein's Iraq - because of allegedly hoarded weapons of mass destruction.

Moreover, even dictatorial states can live peacefully with their neighbors, as, for example, communist China did for decades - albeit with the weighty exceptions of the wars of aggression against India and Vietnam and in the 1950s of the Korean War.

This also raises the question of how stable democracies or, more precisely, democratic governments can be. This is particularly evident in the age of increasing populism (cf. ► Unit D 23: "The Problem of Populism").

Marti (in Neue Zürcher Zeitung, August 24, 2016:12) sees the reasons for the extremely strong political shifts in many states - such as in Latin America - in recent times, on the one hand, in the strong fluctuations of commodity prices, which can either enable or make impossible (austerity policy of right-wing governments) high government and social spending (left-wing governments) through high revenues. Other factors - such as in Brazil - are the high level of corruption or the dogged resistance of right-wing conservative circles and the upper class to social reforms. In addition, quite a few countries lack a broad middle class that supports the state and thus democracy.

2.1 What is democracy?

Except perhaps for political scientists, people rarely question what democracy is and - conversely - what can no longer be considered democratic. People living in democratic states generally tend to regard the democratic system with which they are familiar as democratic. The Swiss, for example, see democracy as inextricably linked with referendums on

substantive issues ("direct democracy"), whereas the French, for example, understand democracy as representative democracy (on the understanding of democracy, see also ► Unit D 15: "Human Rights, Fundamental Rights and the Constitutional State").

Robert Dahl (1999:19-21) gives three reasons why it is difficult to distinguish exactly what democracy is and what it is not. First, today the term "democratic" is no longer used exclusively for governments, but also for corporations, leadership styles, and even family images. Moreover, there are very different ideological conceptions of democracy: Thus, there were or are "one-party democracies" (e.g. in Tanzania under Nyerere), "proletarian democracies," "people's democracies," "shareholder democracies," or "Islamic republics."

Second, it is often difficult to draw a clear line between "democracy" and "non-democracy." According to Dahl (1999:21), there is no clearly definable transition point between the two, such as the freezing point between liquid and frozen water. Rather, between "democracy" and "non-democracy" lies a kind of continuum, that is, a more or less of democracy.

And third, every democratic system is based on a delegation of power: citizens transfer decision-making power to a few. In modern representative democracies, the extent of this delegation of power is enormous - and the (democratic) control over the elected representatives is often an exclusively formal one, for instance in the form of an election every four years. International agreements in particular - which often have very far-reaching effects on the lives of individuals - are often legitimized only indirectly and through a whole series of intermediaries, such as international agreements on trade within the WTO through delegations appointed by governments, which in turn are elected only by a relative or absolute majority of a parliament.

2.2 The West and its Democracy

Countries such as Russia and China have - especially since the turn of the millennium - increasingly made fun of the Western model of democracy. At the first Internet World Conference in East China, these two countries tried to impose their own rules on the Internet (cf. Ackeret in Neue Zürcher Zeitung, 27.11.2014:3). The goal of various Chinese and

Russian media, such as the German edition of the television station RT (Russia Today), is to carry their kind of discourse on democracy to the West and to show that "values such as freedom, the rule of law, civil rights and pluralism ... have long since lost their foundation" (Ackeret in Neue Zürcher Zeitung of 27.11.2014:3). Thus, Xi Jinping is said to have explained to U.S. President Obama that China is more democratic than any Western country because the Communist Party is there for the whole people and not only - like the parties in the West - represents particular interests (Ackeret in Neue Zürcher Zeitung of 27.11.2014:3).

Behind this polemic is the problem that rule in democracies is exercised by coalitions of minorities, such as governing coalitions of parties (e.g. Germany) that represent only a relative majority or even a minority of the population (voting participation!) or by minority parties or groups that seek compromises with the other political forces (e.g. Switzerland). In other words, democratic "majorities" are usually only fictitious or arithmetical majorities, which is why a significant part of the population is not represented by them. That is why populist movements or parties (AfD in Germany, SVP in Switzerland, etc.) or even protest movements on the streets (e.g. "Patriotic Europeans against the Islamization of the Occident" - Pegida 2013/2014 in Germany) appear again and again.

Especially in the case of narrow majorities - which, by the way, have been more and more frequent in recent referendums, such as in Colombia in 2016 50.3% No against 49.8% Yes to the peace agreement with the FARC, in the UK in 2016 51.9% to 48.1% for the Brexit exit, or in Switzerland in 1992 50.3% No against 49.7% Yes to EEA accession (cf. Frey in Neue Zürcher Zeitung, 6.10.2016:9) - the question arises to what extent such a close result - which is often also a certain random decision - can be binding for fundamental decisions. It is not uncommon for only a few thousand voters to tip the scales in favor of decisions that can often influence the development of an entire country for years to come. That is why Bruno S. Frey, professor emeritus of economics (in Neue Zürcher Zeitung, 6.10.2016:9), has suggested that the losing position should also be included in the concretization and implementation of the decision: "The closer the outcome of a vote, the more there should be a compulsion to consider the opposing views in a consensus procedure" (Frey in Neue Zürcher Zeitung, 6.10.2016:9). In other words, the clearer the decision, the more rigid the implementation -

and vice versa. In this way, the "dictatorship of the majority over the minority" could be at least somewhat relativized.

A particular problem in modern democracies is political lobbying. In many capitals - such as Washington or Brussels - there are significantly more lobbyists than parliamentarians. Even in Switzerland, where there is a parliamentary militia system, lobbyists are omnipresent. For example, it became known that political proposals of the FDP National Councilor and Vice President of the National Council Christa Markwalder had been formulated and partly censored by lobbyists and partly abroad - for example in Kazakhstan (including the removal of the term "human rights" from a political question on Kazakhstan!, cf. Häfliger in Neue Zürcher Zeitung of 6.5.2015:9). The "ghostwriting" of political speeches for members of the executive and legislative branches by "personal political assistants" or advertising agencies is also part of everyday political life today. All this shows that the Western parliamentary system is also reaching its limits, especially from the media and marketing side - and that democracy is in danger of becoming a myth.

Bernward Gesang (2016:107/108) has listed the following shortcomings or problem areas of national democracies:

- "a) Lack of knowledge, lack of qualification: qualification argument;
- b) Following incentives in the system, making short-term and populist decisions: wrong incentives;
- c) Morally unjustifiable, nationally and temporally truncated understanding of the common good: Wrong understanding of the common good;
- d) Dependence on lobby: lobbyism;
- e) They have too often created fractured power structures: Lack of concentration of power.

2.3 Constitution, democracy and human rights

The Bernese lawyer and specialist for fundamental rights, Jörg Paul Müller (2009:23) sees the constitution, democracy and human rights as the result of a long historical development and practice, which "emerged from social learning processes ... how the constant tension

between human (individual and collective) freedom and necessary social order could be made as bearable and acceptable as possible for a human society. These three elements are regarded as historically proven means of defense against the temptation, permanent in all human institutions, to abuse power and degrading paternalism of other human beings." According to Müller (2009:23), the basic elements of a democratic constitution include the establishment of a constitution, procedures for democratic decision-making and the guarantee of human rights. All three elements are interdependent.

Constitutions represent - according to Müller (2009:62) - the "possibility [of] shaping political history." One can also see this the other way around: Constitutions are the product of historical processes.

In the sense of the French Declaration of the Rights of Man of 1789, constitution is a normative concept for the protection of fundamental rights (= operationalized or positivized human rights) and for the limitation of power of the highest authorities - for instance in the sense of a separation of powers and as a bar against absolutism (cf. Müller 2009:85). According to Müller (2009:86), there is a dialectical relationship, i.e. a tension, between the idea of a factual or fictitious basic consensus and the constitution: "Only on the basis of an agreement and a common will for binding cooperation (basic consensus) does the constitution take on life. With its validity, it secures those procedures and forums in which common concerns are expressed, but in which particular interests and values can also be condensed as the basis of common law" (Müller 2009:86). In this context, the task of the constitution is to coordinate the various "forces and convictions, to mobilize intellectual and material resources for the common good, and to lay down rules of elementary cooperation" (Müller 2009:86).

In this regard, the constitution is based on a theoretical model of state-contractual justification. Müller (2009:27) poses the intriguing question of whether the constitution and democracy have a global claim to validity. Müller (2009:28) sees as a basis the necessity of "the obligation to live together in a way that respects the dignity and basic human needs of everyone and promotes the well-being of all," which is only possible on the basis of a permanent discourse and which must take into account the plurality of forms of life and

organization. In this context, human rights, which are not only a Western construct but a "cultural asset of mankind essentially formulated in modern times" (Müller 2009:30), have a certain universality because they represent a "provisional result of a process of global thinking, including forward-looking thinking" (Müller 2009:30).

2.4 Does Democracy Function Only in Ethnically Homogeneous Contexts?

Kenneth Minogue (2013:37) has paraphrased democracy as "a process of constant change." There is little to object to this. However, Minogue argues further that the "sense of being involved in a process of change distinguishes the modern civilization of Europe from the cultures of other peoples" - according to Minogue (2013:39). This position should be countered by the fact that all modern and postmodern states are very change-oriented. Just compare, for example, the China of the 1980s with the China in 2014 or the change in the Arab countries. Minogue (2013:39) is undoubtedly wrong in attributing resistance to change to "other cultures" but "mania for change" to European peoples.

Minogue (2013:54) wants to tie the idea of democracy to ethnocultural affiliation-which is a contradiction in terms, since democracy is government of all, including all ethnic groups in a country-and not, as Minogue (2013:49) suggests, only "of the people," but of the entire population of a territory. Thus, Minogue (2013:54) writes, "The idea of democracy and the idea of cultural diversity (as espoused by the doctrine of multiculturalism) are thus opposing ideas. The classic cases of the failure of democracies have been states composed of fundamentally different tribes or groups of people, where there is no possibility of amicable settlement under the rule of law" (Minogue 2013:54).

And further, "Democracy as a form of government presupposes ... a relatively homogeneous population with both the capacity to articulate its demands and an appropriate tradition" (Minogue 2013:55). If this were so, the number of states suitable for the democratic form of government should be continually decreasing because the pluriethnic mix of all countries is constantly increasing. And even more than 45 years ago, less than 10% of all countries were ethnically homogeneous (see Connor 1972). There are also many pluriethnic countries - such

as Switzerland, Canada, Belgium, Spain, etc. - whose democracy functions no worse than that of monocultural countries.

2.5 Constitutional Law on Religions as an Approach for the Equal Treatment of Religious Communities - in Place of the Old State Church Law

Christian Waldhoff (2013:13) has pointed out that "the traditional term 'state-church law'" is in use in Germany, Austria and Switzerland. State-church law belongs to the field of public law, and regulates the relationship between church(es) and state on the constitutional level, on the legislative level, and also in contractual form.

Waldhoff (2013:15-19) outlined five developmental phases of state-church law with regard to Germany:

1. The "differentiation of spiritual power and secular rule" (Waldhoff 2013:15) in the Middle Ages,
2. the "constitutional management of the division of faith" as the "nucleus of modern religious law" and as the "law of religious succession" (Waldhoff 2013:15),
3. the practice and legalization of religionlessness as a consequence of increased individualization,
4. as a consequence of the disappearance of territorial confessional homogeneity and the loss of essential material possessions as well as claims to rule as a consequence of secularization, the reorganization and redefined state recognition of the churches (corporative religious freedom), and
5. an "adoption of the body of norms into the Basic Law" with a "decoupling of fundamental rights from institutional guarantees" (Waldhoff 2013:18).

According to Waldhoff (2013:19), while state-church law was still mostly practiced by church lawyers in the 19th century, "a clear separation - especially in terms of personnel - between church and state-church law has emerged" up to the present. However, one would have to ask whether this is also true for Switzerland; for example, the chair of church and state-church law at the University of Lucerne is held by a single person - Adrian Loretan.

Waldhoff (2013:22) has pointed out - rightly, in my opinion - that the term "state-church law" is misleading: on the one hand, "state-church law" is not church law, but secular law. On the other hand, it is not about the question of a state church - as a rule, there is no such thing in a secular state, except in Great Britain and some Nordic countries - but about the relationship between state and church. In addition, the question of the state's relationship to institutionalized religion no longer arises only for Christian churches, but also for the state's relationship to religious communities in general, such as Muslim communities or other religious minorities. Söbbeke-Krajewski 2006:71-73 argues similarly with regard to the concept of state-church law, which is not to be used in the field of European law. In addition - according to Söbbeke-Krajewski (2006:72) - the EU as a supra-national entity is not a state itself, which is why it lacks the competence to regulate institutional questions of state-church law.

Alternative terms would be "religious law"-although Waldhoff (2013:22) points out that this term was damaged by its use instead of "church" or "Staatskirchenrecht" in the National Socialist discourse-or "religious constitutional law." This second term seems to be gaining more acceptance recently. At the University of Lucerne, for example, there is a "Center for Religious Constitutional Law."

Waldhoff (2013:23) enumerated - with regard to Germany - the following main issues dealt with in religious constitutional law: Ecclesiastical self-determination and autonomy of religious communities (Art. 137 para. 3 WRV [= Weimar Constitution of the Reich]), religious freedom of association (Art. 137 para. 2 WRV), status of corporations under public law (Art. 137 para. 5 WRV), joint affairs of state and church (res mixtae) such as religious education in public schools (art. 7 para. 3 GG), institutional pastoral care (art. 141 WRV), church taxation rights (art. 137 para. 6 WRV), protection of Sundays and public holidays (art. 139 WRV) (Waldhoff 2013:23).

Waldhoff (2013:24) believes that the controversy between Staatskirchenrecht and Religionsverfassungsrecht is a "perspective dualism," whereby the view of the Christian churches in Staatskirchenrecht is extended to other religious communities in Religionsverfassungsrecht. According to Stefan Huster (2007:107), "the representatives of

traditional state-church law terminology" tend to see a "constitutional recognition of a special interest of the community in the nature of the churches," while "the protagonists of religious constitutional law try to relate this body of norms to the fundamental freedom of citizens and thereby integrate it into general constitutional and fundamental rights dogmatics" (Huster 2007:107).

However, few people, including Waldhoff (2013:25), believe that this would ultimately render institutional state-church law functionless over time: first, in terms of the sociology of religion, religion retains an institutional self-understanding; second, there will always be an "institutional overhang" that cannot be explained in terms of freedom law; third, the relationship between fundamental rights and corporate status ultimately remains ambivalent; and fourth, an "exaggerated legalization of fundamental rights" (Waldhoff 2013:25) always restricts the scope for political action. However, as Huster (2007:129) qualifies, the state-church-law view faces the problem that the "common good work of religious communities in a pluralistic situation is neither capable of consensus ... nor does it seem particularly plausible when traditional communities lose allegiance" (Huster 2007:129). In my view, however, it should be countered that on the one hand - at least in Switzerland - the charitable activities of the churches are very well recognized. This was shown, for example, in May 2014 in a referendum in the canton of Zurich, in which the abolition of church tax for legal entities was rejected by a ratio of 2.5 : 1 (cf. Zürcher sind für Kirchensteuer und gegen Alkoholwerbverbot of 18.5.2014). On the other hand, by extending the recognition under public law and by building up structures under state church law of other religious communities, the number of believers affected and included could be significantly increased.

In the eyes of Bernd Grzeszick (2007:134), however, the question of "constitutional law on religion or state-church law" is much more than a question of perspective. For in his view, the concept of religious constitutional law is based on "making religion - and with it the religious societies or churches - exclusively a matter for the citizens and tending to deny an independent significance of the churches" - a view that Grzeszick (2007:134) rejects as incomplete and one-sided.

According to Grzeszick (2007:141), the state, citizens and religious communities stand in a triangular relationship to one another. Accordingly, the relationship between state and religion is not a bipolar one, but a triadic one (= three-sided) - Grzeszick (2007:141) calls it a "dialectical triangle of relations" - which is why religious communities also have an institutional function in the state (Grzeszick 2041:134). Grzeszick concludes: "To put it bluntly: There is a state-theoretical imperative of assigning an independent legal position to religious communities, which ties in with the organization of the respective community and protects it" (Grzeszick 2007:141). In a similar vein, Peter M. Huber (2007:167-171) has also proposed a system of three concentric circles, with religious freedom of association belonging in the first circle, corporate religious freedom in the second circle, and the right of self-determination of religious communities in the third circle.

Arnd Uhle (2007:320) sees in the (institutional) state church law "a state premium on the integration-specific added value of those religious communities that are willing and able of their own free will to integrate themselves and their members into the liberal ... constitutional state of the present and to stabilize it in terms of its social roots; to this extent it is an instrument of indirect state influence on permanent integration within the state" (Uhle 2007:320).

This is not only explosive with regard to Muslim communities. Indeed, this view could also be used to grant material or immaterial advantages to "integration-friendly" religious communities or churches - and conversely to disadvantage "integration-hostile" religious communities. This is justifiable only if clear, verifiable criteria are applied that are equally applicable to all religious communities.

2.6 Ethical Aspects and the Problem of Discrimination against Religious Communities

From the perspective of ethics, Wolfgang Lienemann (2008:211) has embedded religious constitutional law as follows: Religious constitutional law is "incorporated into the universal instruments for the protection of religious freedom and equality, i.e. it is subject to the human rights guarantees as proclaimed in particular in the Universal Declaration of Human

Rights (UDHR) of 10 December 1948 and the UN Covenants of 1966, as well as to the corresponding institutional guarantees and more far-reaching conventions."

For the member states of the Council of Europe - and thus also for Switzerland - the provisions of the European Convention on Human Rights (especially Art. 9 of the ECHR) are binding. In cases of human rights disputes, Switzerland is also subject to the European Court of Human Rights (ECtHR). According to Lienemann (2008:212), the following generally accepted human rights standards exist: First of all, religious constitutional law is based on the law and institutions of the rule of law, in this case Switzerland. Central to the rule of law is freedom of religion. However, there is no consensus on what should be legally recognized as religion: "Scholars of religion usually content themselves with formal definitions in this regard, and lawyers, wary of normatively favoring a particular conception of religion, generally cite only a so-called reference to transcendence and a comprehensive interpretation of the divine, man and the world as characteristics of religion" (Lienemann 2008:213).

Sahlfeld (2004:107) has raised an interesting question about the connection between religious constitutional law/state church law on the one hand and religious freedom on the other: Does a lack of recognition under public law of a religious community in one country - especially if the same religious community is recognized elsewhere - automatically imply a violation of religious freedom? Sahlfeld (2004:107) clearly denies this. Individual countries are sovereign in this respect. Even if a religious community is recognized as a public body in one country, this does not mean that other countries must follow suit. The same applies within Switzerland, where individual religious communities are recognized under public law in some cantons and not in others: "As long as the religious freedom of the individual remains guaranteed, there is not necessarily a violation of the [Human Rights] Convention. The fact that states have different requirements for external characteristics such as organization and permanence is clearly compatible with the convention" (Sahlfeld 2004:107).

This also states that collective religious freedom can be guaranteed even under very different legal conditions to which a religious community is subject. **Recognition under**

public law is thus **not a condition for** guaranteeing and **securing religious freedom** - and conversely, **a lack of recognition under public law** does **not** necessarily constitute **discrimination either**. However, one could object here that while freedom of religion is not affected, the right to equality or non-discrimination of the different religious communities is very much affected - at least if **within the same canton or district** the different religious communities are **not treated equally**.

According to Felix Hafner (1996:229), the equality or equal treatment of religious communities by the secular state can take place **either** in the sense of **negative parity** - for example, by generally not granting the status of public law and treating religious communities as organizations under private law throughout - **or as positive parity** in the sense of a recognition practice of religious communities under public law that is the same for all. And an exclusively private-law organization of religious communities can also lead to a preferential treatment of individual religious communities, for example if church or religious foundations do not have to be entered in the commercial register and are not subject to state supervision (cf. Hafner/Ebnöther 2005:138).

According to Hammer (2007:50), in order to avoid discrimination, appropriate differentiation criteria must be applied. According to Hammer (2007:50), an appropriate reason for differentiation, for example in religious education, is the number of students who belong to a religious community. Accordingly, religious constitutional practice postulates **three principles for the treatment of religious communities** by the state: **first, parity; second, tolerance; and third, neutrality** (cf. Friederich 2003:84 and Sahlfeld 2004:109). According to Sahlfeld (2004:109), the state must neither be religious nor areligious, nor must it favor one of these attitudes. Thus, the state guarantees its citizens the legally guaranteed freedom to search for and choose their way of life.

Accordingly, Felix Hammer (2007:51/52), for example, with regard to Germany, sees the basic norm of religion constitutional law as "an order of freedom that grants churches and religious communities, believers and non-believers, space for ideological development according to their self-understanding." Thus, the state grants all religious communities not

only freedom, but also protection for the individual and collective exercise of religious freedom.

2.7 Conclusion

Democracies have specific strengths, but also specific weaknesses. In the form of a SWOT matrix, Willke and Willke (2012:128) have presented the strengths and weaknesses profile of democracies as follows:

Strengths	Opportunities
resilience - rule of law - increased learning	smart government - strategic intent - considered learning
Weaknesses	Threats
irrelevance - opportunism - too slow growth ("incrementalism")	self-destruction - Populism - Resurgence of moralism

Source: Willke und Willke 2012:128..

Ted Honderich (2010:71) has pointed out that most assume and have assumed "that freedom and equality are two different things." Honderich argues the exact opposite thesis: "One can say that freedom and equality are one and the same in essential respects. In any case, both decrease or increase together" (Honderich 2010:71).

Equality always implies a prohibition of discrimination; freedom also implies the collective freedom of action of groups, such as religious and ideological communities.

Accordingly, all religious communities are to be treated equally - or better: according to the same criteria. From a legal point of view, there are basically two possible forms of organization for religious communities and churches: first, a corporate form under public law, and second, a structure under private law. And in between, so to speak: A "small" public recognition without the privileges associated with a public-law recognition. Each religious community can and should decide for itself whether it wants to be recognized under public law or whether it prefers an organization under private law.

3. Control Questions

1. Why did Revel see democracies at their end?
2. What was Bonanate's double thesis on democracy?
3. Are democratic states more peaceful than dictatorial states? Give reasons for your opinion.
4. Name two forms of democracy.
5. What three reasons does Dahl give for why it is difficult to distinguish between democracy and "non-democracy"?
6. How did Xi Jinping justify his opinion to Barak Obama that China is more democratic than the USA?
7. What is the problem behind this polemic?
8. What fundamental weaknesses of democracies does Gesang name?
9. What are constitutions according to Müller?
10. What are the two goals of a (democratic) constitution in the sense of the French Declaration of Human Rights?
11. How does Minogue justify his opinion that democracy only works in relatively homogeneous ethnic contexts and what are the objections to this view? What is your opinion on this?
12. Name the five phases of development of state-church law in Germany according to Waldhoff.
13. For which three reasons is the term "Staatskirchenrecht" misleading?
14. According to Waldhoff, what issues are addressed in constitutional law on religions?
15. According to Huber, what are the three circles of issues in the relationship between the state and religious communities?
16. To what extent is Huber's idea of a "state premium on the integration-specific added value of religious communities" problematic?
17. What standards can be derived from the European Convention on Human Rights for the treatment of religious communities?
18. Why is the granting of religious freedom not dependent on whether a religious community is recognized under public law?

19. What three principles for the equal treatment of religious communities does Hammer call for?

4. Links

Partizipatorische Demokratietheorie versus etatistische Demokratietheorie

Folien

http://homepage.univie.ac.at/florian.Walter/Materialien07/02_Partizipation%20aber%20wie.pdf

Demokratie als Projekt – feministische Kritik an der Universalisierung einer Herrschaftsform

<https://books.google.ch/books?id=2AOWnFCPIVMC&pg=PA9&lpg=PA9&dq=fortw%C3%A4hrende+Demokratie&source=bl&ots=EZMLieIPUV&sig=8cFd8XpqIse4m4QxZoa7rHA1ZS0&hl=de&sa=X&ei=OvurVOHwE4K6af7qgdgH&ved=0CCUQ6AEwAQ#v=onepage&q=fortw%C3%A4hrende%20Demokratie&f=false>

„Demokratie bleibt fortwährende Aufgabe“ – Jugendgeschichtstag im Landtag Brandenburg eröffnet

<http://www.landtag.brandenburg.de/de/meldungen%E2%80%9Edemokratie%20bleibt%20fortw%C3%A4hrende%20aufgabe%E2%80%9C%20%E2%80%93%20jugendgeschichtstag%20im%20landtag%20brandenburg%20eroeffnet%E2%80%9C/675237?referer=396519>

Demokratietheorien – eine Einführung

Von Manfred G. Schmidt.

<http://digamo.free.fr/schmidt08.pdf>

Direkte Demokratie

<https://books.google.ch/books?id=5oejxog4CsEC&pg=PA28&lpg=PA28&dq=fortw%C3%A4hrende+Demokratie&source=bl&ots=Ts2yZVqID3&sig=GLugHG2Hiy9JKEmt-JCNV8MB-Rs&hl=de&sa=X&ei=OvurVOHwE4K6af7qgdgH&ved=0CDIQ6AEwBQ#v=onepage&q=fortw%C3%A4hrende%20Demokratie&f=false>

Pegida-Demo: Die trotzigigen von Dresden

<http://www.spiegel.de/politik/deutschland/pegida-proteste-die-trotzigigen-von-dresden-a-1011394.html>

Pegida ist keine Krankheit – Pegida ist das Symptom

<http://www.welt.de/debatte/kommentare/article135973630/Pegida-ist-keine-Krankheit-Pegida-ist-das-Symptom.html>

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