



الاسلام فى النمسا

# ISLAM IN AUSTRIA

## SUMMARY

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# The Muslim population in Austria

Dr. Stephan Marik-Lebeck

As the religious denomination of the population was surveyed during the last census in 2001, it is difficult to determine reliable figures for the quantification of Muslims in Austria. We can only estimate the current number of persons with Muslim faith living in Austria, based on an extrapolation of the results from 2001. As of 1<sup>st</sup> January 2009, approximately half a million people of Muslim belief were living in Austria, which corresponds to a portion of about 6% of the population. This means their number increased by half (49% or 170,000 persons) compared to the approximately 350,000 persons stating Islam to be their religious belief at the last census in 2001.

Figure 1: **Population 2001 and 2009 according to citizenship and religion**

Citizenship	15.05.2001			01.01.2009		
	Total Pop.	Islam. Rel.	Portion (%)	Total Pop.	Islam. Rel.	Portion (%)
<b>Total</b>	<b>8.032.926</b>	<b>345.906</b>	<b>4,3%</b>	<b>8.355.260</b>	<b>515.914</b>	<b>6,2%</b>
Austria	7.322.000	97.721	1,3%	7.484.556	252.845	3,4%
Foreign Countries (in total)	710.926	248.185	34,9%	870.704	263.069	30,2%

S: Statistics Austria, Census 2001, statistics of population demographics 2009.

Approximately half the Muslim population in Austria (49%) already had the Austrian citizenship as of 1<sup>st</sup> January 2009, contrary to only 28% on the reference date (15 May 2001) for the census 2001. Among the foreign population of Muslim belief, Turkish citizens represented the biggest group with approx. 109,000 persons (21%), followed by persons from Bosnia-Herzegovina with about 52,000 persons (10%). In contrast to Austria's demographic development, which was governed mainly by migration, the growth of the Muslim population was rather due to births than to migration in 2001-2009. The growth of the Muslim population represented about 53% of the total population growth during this period. In recent years there has been a considerable increase in Muslim population in Austria. Higher birth rates were crucial to this development, whereas the migratory influx from foreign countries

declined considerably. In the upcoming years a further albeit rather slight increase can be anticipated, particularly with regard to the possibility of family reunion for foreign nationals living in Austria for some time, as well as naturalised persons. An increased number of newborns having at least one Muslim parent is also to be expected. However, in the medium term a harmonisation of the Muslim's population currently higher birth rate to the average birth rates of the total population can be anticipated.

# The historical dimensions of Islam in Austria

Mag. Jan Kreisky

From early on and throughout the centuries, Muslims have always been present in the Austrian region. However, the historic development of the Islamic communities was not a continuous one. The Treaty of Berlin (1878), concluded to solve the crisis in the Balkans at the time, enabled the Austro-Hungarian Empire to occupy Bosnia and Herzegovina. For the first time ever, a large Muslim population became part of Austria-Hungary. According to estimations, they made up around half a million people. The 1867 Constitutional Law (*Staatsgrundgesetz*), granting freedom of faith, conscience and creed, established together with the 1874 Law on the recognition of religious communities (*Anerkennungsgesetz für Religionsgesellschaften*) the legal basis for the ensuing recognition of Islam in 1912 via the Law on Islam (*Islamgesetz*). The purpose of the 1912 Law was not only the better integration of Muslim soldiers from Bosnia-Herzegovina into the Army of Austria-Hungary. It also became the legal foundation for the integration of the Muslim population as a minority and integrated the province of Bosnia-Herzegovina into the multi-confessional federation of states that was Austria-Hungary. At the time this represented the first effort to legally regulate the status of Islam in Europe. As the recognition of Islam referred directly to the Hanafi school of Muslim law, the orientation of the 1912 Law towards the Muslims in Bosnia-Herzegovina was rather explicit. Through the Law on Islam, Muslims were granted basically the same rights as members of the Roman Catholic Church and other religious communities recognized by law. They now enjoyed the right to establish confessional institutions (e.g. pious foundations) and hospitals, to freely practice their religion (such as spiritual guidance in the military and religious education in schools) and to handle internal affairs on their own.

From the 1960s onwards, a large number of Muslim labourers from Turkey and Yugoslavia began to settle in Austria. The Muslim Social Service (*Moslemischer Sozialdienst*) provided assistance for Muslims in Austria concerning social, religious and cultural issues. In 1971 the Service issued its first application for the establishment of an official Islamic Religious Community (*Kultusgemeinde*) at the

Ministry for Education and Art (*Bundesministerium für Unterricht und Kunst*). In 1979 this was finally approved on. The Constitution of the Islamic Religious Community (IGGiÖ) entered into vigour the same year. The passage “Hanafi school of Muslim law” was abolished by a conclusion issued by the Austrian Court of Constitutional Law in 1987. Consequently, the Islamic Religious Community also became the competent institution for Sunnite and Shiite schools of Muslim Law. On 22 October 2009 an amendment of the IGGiÖ’s Constitution was approved on by the Austrian Bureau for Religion (*Kultusamt*) via official notification. The new Constitution of the IGGiÖ entered into vigour the same day.

# Islam and Law in Austria

## Dr. Barbara Gartner

In Austrian Constitutional Law religious freedom of the subject of rights and duties is generally protected in three different dimensions. These are its individual, collective and corporate form. Whereas the purpose of individual freedom of religion is the protection of a single person e.g. a woman wearing the Muslim headscarf, the purpose of collective freedom of religion is the protection of associations, e.g. believers attending the traditional Friday's prayer at a mosque. In terms of individual freedom of religion a distinction is made between its positive and negative side. The positive side is given in the possibility to actively practise religion whilst to choose the freedom not to believe and not to engage in religious activities respectively not to be confronted unwillingly with religious symbols against one's wishes qualifies as negative. The objective of corporate religious freedom is to safeguard the religious rights of religious communities and associations. Apart from the bailment of religious liberty, it is the basic principle of religious and ideological neutrality that bears special importance on the level of Constitutional Law.

The religious and ideologically neutral rule of law is challenged in many ways in dealing with Islam. This is especially due to Islam's innate regulation claim. Also, some of its structural particularities such as the lack of a magisterium encompassing all of its believers or the absence of a formal membership statute exacerbate the legal integration of Islam. The "Law relating to the recognition of the Followers of Islam oriented towards Hanafi ordinance as a religious community" (Law on Islam) dated 15 July 1912 made a fundamental contribution to the legal anchoring of Islam in Austria. The Law is still applicable. The 1912 Law recognized Islam of Hanafi ordinance as a religious community in Kingdoms and States represented in the Imperial Council (*Reichsrat*) pursuant to Article 15 of the Constitutional Law (*Staatsgrundgesetz*). The constriction to the Hanafi school of law originated in practical implications at the time. In 1987 it was abolished through a conclusion issued by the Constitutional Court of Law, including thereby all Followers of Islam in the sphere of legally recognised religious communities. The IGGiÖ is the only Muslim religious association in Austria recognised by law. As such it has the status of a corporate body in the area of public law.

# The Islamic Religious Community in Austria (IGGiÖ)

Mag. Jan Kreisky

The Islamic Religious Community in Austria is a body of public law and the official representation of Islam in Austria. The new Constitution of the Islamic Religious Community entered into vigour 22 October 2009. According to Article 1 (1) the IGGiÖ is “the legally recognised Religious Community of all Followers of Islam (§1 Islam Regulation 1988) whose country of residence is the Republic of Austria.” Art. 1 (5) of the constitution further establishes that all Muslims resident in Austria, without distinction of gender, ethnic origin, religious school of law, and nationality are part of the IGGiÖ. The IGGiÖ is regionally subdivided into individual Islamic Religious Communities (IRGn). The Members of one IRG are simultaneously Members of the IGGiÖ. The religious preservation and practice among the Followers of Islam is the central objective of the IGGiÖ, according to Article 3 of the Constitution of the Islamic Religious Community in Austria (VIG). In order to achieve this aim the Islamic Religious Community implements the following:

- Provisions for the Islamic education and training of the Followers of Islam
- Religious lectures
- Publication and circulation of Islamic literature and journals
- Public and non-public Islamic Services
- Training of religious education teachers, ministers and clerks

Pursuant to Art. 17 VIG there should be a parish of the Islamic Religious Community (IRG) located in each provincial capital of each federal state, including Vienna. According to Art. 15 B of the Constitution of the Islamic Religious Community in Austria (VIG) the IGGiÖ is composed of Shura Council, Supreme Council, Advisory Board, Mufti, Council of Imams, Board of Arbitration and auditors.

The election rights of the Members of the IGGiÖ are regulated in Art. 57 VIG. Each Member residing for at least one year in the respective parish of the IRG, at least 14 years of age and having paid the Membership fee in due time has the right of

suffrage. The same principles apply for the right to be elected into the Community Assembly though candidates have to be at least 16 years of age. To be elected into the Community Committee the applicant has to be at least 18 years old and must have had his/her principal residence in the parish for 2 years.

# Muslim religious education in Austria

Dr. Mouhanad Khorchide

Muslim religious education in Austria was established in the school year 1982/1983. Religious education in Austria was legally established via Article 17 (4) of the Constitutional Law (*Staatsgrundgesetz*). Therein it is regulated that the religious education in schools has to be provided by the respective church or religious community. The matter at hand therefore is an exclusive right of legally recognised churches and religious communities. It implies the sole right of the IGGiÖ to organise appropriate Muslim religious education. According to the IGGiÖ approximately 50,000 students attended Muslim religious education classes, held by about 400 Muslim teachers, in Austrian schools in 2009. In 2009 7.4% among the Austrian students were of Muslim belief. The religious teachers are appointed by the respective church or religious community in Austria. Only those authorised by their church or religious community can be employed by the Austrian State. Since 1998 teachers for Muslim religious education at compulsory school level are trained at the *Islamische Religionspädagogische Akademie* (IRPA). The IRPA was approbated as confessional public school with the same rights as state schools by decree dated 23 April 1998 by the Federal Ministry for Education and Cultural Affairs. As the 1999 Law on Academic Studies (*Akademiestudiengesetz*) was abrogated on 30 September 2007, the IRPA was abolished the same date. It was newly founded as non-public study course according to the Higher Education Law (*Hochschulgesetz*). The Baccalaureate degree is given at the end of the study programme. The name of the newly established study course is "Private study course for teaching posts in Islamic religion at compulsory schools". Since 2006/07 teachers for religious education at high schools are being trained at the Institute for education sciences/Islamic religious education at the University of Vienna. The study course is organised as a Master study programme, lasting at least 4 terms (2 years). In Austria the responsible church or religious community appoints the teachers for religious education. The State can only appoint those teachers who were approved by the responsible church or religious community, according to Article 4 (2) RelUG.