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Die rechtliche Verfassung von Religionsgemeinschaften. Eine Untersuchung am  
Beispiel der Bahai  
*Tübingen, Mohr Siebeck, 2006, 269 p.*  
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**Texte intégral**

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This law dissertation, accepted in summer 2005 by the Westfälische Wilhelms-Universität Münster, examines the complex relationship between two legal systems : the legal order of the state on the one hand, and the law of religious associations on the other. Both offer a cognitive representation and valuation of each other in their own systematic. E.V. Towfiqh investigates how these interactions take place with regard to the legal system of the Bahai community and the German law.

In the first chapter, the author outlines the historical development of the constitutional place of religion. The legal relationship between state and religion in Germany developed over a very long period of time. Step by step, they became separated. Freedom of religious belief emerged during the Reformation. The Enlightenment led first to an individualisation and privatisation of religion, and subsequently to secularisation. In Prussia, the protestant church was state-church, the king also head of the church. In the Weimar Republic, the two became separated, giving some freedom and granting rights to the religious communities who are considered to be important partners of the state in organising the society. Hereby, there is in German law no discrimination of any religion. The state and its institutions have to be neutral, must keep to parity and equidistance, and have no competence in religious matters. In the German context, however, this does not mean the disappearance of religion from the public realm. There exist several institutionalised bonds between the both. In the second chapter, the history, creed and teaching of the Bahai faith is in brief presented, followed by a sketch of the legal and organisational structure of the Bahai. The chapter concludes by informing about the legal organisation of the Bahai in Germany. Chapter Three offers an overview of the various legal regulations for different forms of organising religious associations under German law and searches for the legal form fitting best the Bahai community. First, the author makes clear that the Bahai community is a religious community (Religionsgemeinschaft) in the legal sense. He concludes that the best form would be the « Körperschaft des öffentlichen Rechts » (corporation by public law) – granting several far reaching rights, followed by the form of a registered association (eingetragener Verein) and a foundation by private law. E.V. Towfiqh points to the fact that the Bahai legal system is in no contradiction or conflict with the German law and that the Bahai community fulfils all legal requirements for the status as a corporation by public law.

The book is a valuable contribution to the wider discussion on the legal integration of religions not being present in Germany until several decades ago. It is clearly structured, but for non-jurists not easy to read.

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**Pour citer cet article**

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