

# HANDOUT 2.2.1

## GERMAN BASIC LAW

### German Basic Law 1949

#### Article 4

##### [Freedom of faith and conscience]

(1) Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.

(2) The undisturbed practice of religion shall be guaranteed.

(3) No person shall be compelled against his conscience to render military service involving the use of arms. Details shall be regulated by a federal law.

#### Article 140

##### [Law of religious denominations]

The provisions of Articles 136, 137, 138, 139 and 141 of the German Constitution of 11 August 1919 shall be an integral part of this Basic Law.

### German Constitution of 11 August 1919

#### Article 136

Civil and civic rights and obligations are neither conditioned nor limited by the exercise of freedom of religion. The exercise of civil or civic rights, the admittance to public offices are independent of religious confession.

Nobody is obliged to profess his religious confession publicly. Public authority may only ask for religious affiliation as far as rights and obligations derive or an officially decreed census requires. Nobody may be forced to participate in a religious act or festivity, to join in religious practices or to swear a religious oath formula.

#### Article 137

There is no state church.

Freedom to form religious communities is guaranteed. Regarding the unification of religious communities within the Reich territory there are no limitations.

Every religious community administers its own affairs without interference of state or community.

Religious communities acquire legal capacity according to general specifications of civil law.

Religious communities, as far as they have been, remain public corporations.

Other religious societies have to be granted the same rights on application, if they, by the means of their number and constitution, indicate to be lasting. If several religious communities with the status of public corporations form a confederation, the status of public corporation is extended to this confederation.

Religious communities with the status of public corporations are entitled to raise taxes based on fiscal records and in accordance with state regulations.

Religious communities are given equal status with civic organizations which cultivate a philosophy of life.

Inasmuch as the application of these regulations requires further details, these have to be established by state legislation.

**Article 138**

State contributions to religious communities, inasmuch they are based on law, treaty or specific legal claim, are to be handled by state legislation.

The Reich provides the principles herefor.

The religious communities' and organization's right to own institutions serving public welfare, education and religious service, to own respective endowments and other property are guaranteed.

**Article 139**

Sunday and other state holidays are designated as days of rest from work and spiritual collection and are, as such, protected by law.

**Article 141**

Insofar there is demand for religious service and ministerial work in the army, in hospitals, prisons or other public institutions, religious organizations have to be permitted to take care of these, and they have to be kept clear of any form of force.