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Unequal Recognition: State–Religion Regimes and the Institutional Incorporation of Alevi and Sunni Organisations in Austria and Germany

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Abstract

Why do religious organisations emerging from the same country-of-origin migration field come to occupy different positions in European systems of public recognition? This article addresses that question by comparing Alevi organisations and Diyanet-linked Sunni organisations in Austria and Germany from 2000 to July 2026. It develops a nested documentary comparison of Austria and three German Länder—North Rhine-Westphalia, Hesse, and Hamburg—drawing on legislation, constitutional and administrative-court decisions, ministerial materials, and state–religion agreements. Rather than treating recognition as a binary legal status, the article approaches it as a multidimensional institutional relationship. It distinguishes organisational legibility from institutional acceptability and shows how transnational infrastructure can function both as a resource and as a source of regulatory exposure. Diyanet-linked organisations benefit from clerical capacity, organisational coordination, and cross-border support, yet these same ties may invite host-state scrutiny of autonomy and foreign-state influence. Alevi organisations are less exposed to that autonomy test, but they face a different challenge: public authorities must translate contested Alevi self-understandings into workable legal categories without adjudicating theology. The comparison further shows that recognition is temporally structured. Legal systems may impose demanding conditions at the point of cooperation, while courts can limit later attempts to alter established arrangements without a sufficient legal and evidentiary basis. Unequal incorporation is therefore best explained through the interaction of receiving-state recognition architectures, organisational form, transnational linkage, and religious self-definition, rather than through demographic size or organisational resources alone.

1. Introduction

Migration-driven religious diversity has required European states to decide not only how individual freedom of religion should be protected, but also which organisations may act as legitimate institutional counterparts in education, public law, consultation, and other forms of state–religion cooperation. These decisions are especially revealing when organisations rooted in the same migration field move through different recognition pathways. Migration from Turkey to Austria and Germany generated a dense Sunni organisational landscape in which Turkey's Presidency of Religious Affairs (*Diyanet İşleri Başkanlığı*, hereafter Diyanet) built extensive transnational infrastructures. At the same time, Alevi associations developed a distinct diaspora-based field shaped by long-standing struggles over public recognition and religious self-definition (Sökefeld 2008; Çıtak 2018; Bruce 2020; Maritato 2021). The comparison undertaken here is therefore not a comparison of Sunni Islam and Alevism as whole religious populations. It is a focused comparison of Alevi organisations and Diyanet-linked Sunni organisational actors seeking public recognition in two receiving-state systems.

The argument developed here is that public recognition depends less on the intrinsic organisational strength of a migrant religious group than on the fit between that group's organisational form and the legal architecture through which the receiving state evaluates religious counterparts.

The central puzzle is that organisational capacity does not translate straightforwardly into institutional recognition. Diyanet-linked organisations possess substantial transnational resources, including clerical personnel, organisational coordination, religious expertise, and durable ties to a state religious bureaucracy. Yet receiving states have increasingly treated those same ties as relevant to the autonomy of domestic religious partners. Austria's *Islamgesetz* (Islam Act) 2015 requires the ordinary activities of Islamic religious societies to be financed domestically, and the Austrian Constitutional Court upheld this restriction in 2019 as a legitimate means of protecting recognised religious societies from dependence on other states and their institutions (Republic of Austria 2015; VfGH 2019). In Hesse, the long-running cooperation with DITIB Hessen in confessional Islamic religious education has similarly been reassessed through the question of institutional independence from the Turkish government. An expert review published by the ministry in January 2024 identified an abstract risk but did not support withdrawal of the existing cooperation at that time (Hessian Ministry of Education 2024).

Alevi organisations confront a different institutional problem. Their weaker relationship with the Turkish state reduces exposure to the specific foreign-state autonomy test that affects Diyanet-linked organisations, but recognition requires public authorities to identify an administratively coherent religious claimant. Austria demonstrates the difficulty sharply. The *Islamische Alevitische Glaubensgemeinschaft in Österreich* (Islamic Alevi Religious Community in Austria) obtained legal personality as a registered confessional community in December 2010 and full recognition as a religious society in May 2013. A competing federation, however, pursued recognition through a distinct account of Alevism and experienced a prolonged administrative and judicial process. In 2024, the European Court of Human Rights held that Austria had violated Article 9 in refusing the federation's earlier application, while the domestic authorities had already recognised the *Frei-Alevitische Glaubensgemeinschaft* (Free Alevi Religious Community) as a registered confessional community in March 2022 (VfGH 2010; Republic of Austria 2013; ECtHR 2024).

These developments suggest that institutional recognition should not be treated as a single status or a linear ladder. In Austria, a legally recognised religious society, a registered confessional community, and an association occupy different legal positions. In Germany, recognition as a *Religionsgemeinschaft* (religious community) for the purposes of Article 7(3) of the Basic Law, cooperation in confessional religious education, a state treaty, and KdöR status are legally distinct institutional arrangements rather than successive rungs of one hierarchy. The Federal Administrative Court has repeatedly emphasised that an Islamic umbrella organisation may qualify as a *Religionsgemeinschaft* (religious community) only if the organisational link and religious authority of the umbrella body reach meaningfully into religious life, while KdöR status concerns a different public-law relationship (BVerwG 2005, 2018). This article therefore analyses recognition as a bundle of institutionally specific relationships.

The article asks how receiving-state recognition architectures shape the incorporation of Sunni organisations and Alevi organisations that emerge from the same Turkey-origin migration field. More specifically, it examines when transnational organisational resources become liabilities in recognition processes and how contested religious self-definition affects the recognition of Alevi organisations. Its central claim is that unequal incorporation is produced by the interaction of four factors: the structure of the receiving-state recognition regime; the organisational form of the claimant; the intensity and legal relevance of transnational state linkage; and the claimant's capacity to articulate a stable religious self-definition without requiring the state to determine theology.

This approach extends comparative research on the governance of religious diversity in three respects. First, it shifts attention from whether a religious minority is recognised to the legal form, domain, and durability of recognition. Second, it separates organisational legibility from institutional acceptability, showing why a highly visible organisation may still face doubts concerning autonomy from an external state actor. Third, it brings Sunni and Alevi organisational trajectories into the same cross-national design. Recent scholarship has shown that Alevi recognition varies across European secular and legal settings and that the Alevi community's legal position in Germany can be stronger in some fields than that of DITIB (Çiçek 2022; Loth 2023). The contribution here is not the descriptive claim that Alevis may obtain favourable recognition, but the comparative explanation of how different recognition architectures transform transnational linkage and religious self-definition into distinct institutional conditions.

The remainder of the article proceeds as follows. It first develops the theoretical framework, then explains the nested documentary design and the operationalisation of institutional recognition. It next reconstructs the relevant Austrian and German recognition architectures, presents the country and Land-level comparisons, and concludes by clarifying the scope of the proposed resource–liability mechanism.

2. Theoretical framework: recognition, legibility, and transnational constraint

2.1 Recognition regimes and institutional boundaries

Comparative scholarship on Islam in Western Europe has long demonstrated that the incorporation of Muslim organisations is filtered through historically inherited state–religion institutions rather than determined by minority size alone. Fetzer and Soper (2005) showed how nationally specific church–state arrangements structure Muslim claims, while Bader (2003, 2007) conceptualised forms of associational governance in which organised religious communities become interlocutors of public authority. Koenig (2007) located Muslim struggles for public recognition within institutional opportunity structures shaped by national constitutional traditions and European legal norms. More recently, Koenig (2023) has framed such developments as shifts in institutional boundaries produced through iterative sequences of minority claims and policy responses.

This literature is particularly useful for Austria and Germany because both systems grant organised religion access to public functions, yet allocate those functions through different legal pathways. Austria combines a federal statutory recognition system with religion-specific legislation. Germany, by contrast, assigns many relevant competences to the *Länder* (federal states) within a constitutional framework that distinguishes, among other things, *Religionsgemeinschaft* (religious community) status for confessional religious education from KdöR status. The key comparative question is therefore not which country is more or less secular, but how each legal architecture defines the organisational qualities that make a religious claimant acceptable as an institutional partner.

Recognition is used here in an analytical rather than purely doctrinal sense. It refers to a public authority's formal acceptance of an organisation as an authorised religious counterpart in a specified institutional domain. That domain may include legal personality, public-law status, confessional religious education, treaty-based cooperation, or other legally structured participation. This definition avoids treating formally different legal categories as equivalents while still allowing comparison across systems.

2.2 From legibility to institutional acceptability

Scott's (1998) concept of state legibility provides a useful starting point, but it must be adapted for the study of religious recognition. Scott's argument concerns the administrative simplification of complex social realities into categories that states can identify and govern. Recognition processes involve a comparable move: public authorities must identify a bounded interlocutor, assess its organisational continuity, and connect formal representation to an actual religious constituency. Yet legibility alone cannot explain recognition outcomes. DITIB, for instance, is not institutionally obscure; its structure and connection to Diyanet are highly visible. The issue is whether a visible organisation also satisfies the legal criteria required of an acceptable domestic religious partner.

For that reason, the article separates organisational legibility from institutional acceptability. Legibility refers to whether the state can identify the claimant, its boundaries, decision-making structures, and the constituency to which its religious authority is connected. Institutional acceptability refers to whether those features satisfy the legal criteria of a specific domain, such as permanence, representativeness, constitutional compatibility, organisational autonomy, or religious authority. This distinction also clarifies the Alevi cases. Competing Alevi organisations may be clearly visible as associations while advancing different accounts of Alevism's relationship to Islam. The legal problem is therefore not simple opacity, but the need to distinguish claimants without deciding the substantive truth of religious doctrine.

Wimmer's (2008, 2013) boundary-making framework helps specify the second dimension. Recognition processes do not merely discover pre-existing religious boundaries; they can stabilise, blur, or reconfigure them. An organisation seeking recognition must translate lived religious plurality into a form that can be processed by law. In Austria, the coexistence of a recognised Islamic Alevi religious society and a later registered Free-Alevi confessional community illustrates how administrative law can institutionalise more than one Alevi boundary claim. The 2024 ECtHR judgment is especially important because it underlines the limits on state reasoning when authorities distinguish religious claimants (ECtHR 2024).

2.3 Transnational infrastructure as resource and liability

Transnationalism scholarship supplies the organisational side of the argument. Diyanet's European infrastructure has allowed the Turkish state to provide religious personnel and services to emigrant communities while sustaining an institutional presence across borders. Studies of Diyanet in Europe show both the resources created by these ties and their embeddedness in Turkey's diaspora governance (Çıtak 2018; Bruce 2020; Maritato 2021). Bruce (2020), for example, demonstrates how the International Theology Programme trains religious personnel for work within a transnational religious field, while Maritato (2021) shows how Diyanet officers in Austria operate within a wider extraterritorial state infrastructure.

These resources can sustain organisational continuity, but they also become legally salient when receiving-state rules require domestic financial self-sufficiency or organisational independence from a foreign government. The mechanism proposed here is therefore conditional: transnational infrastructure becomes a recognition liability when the receiving-state architecture treats foreign-state dependence as relevant to the institutional domain at stake. It does not follow that every Diyanet-linked organisation will be denied recognition, or that transnationality is intrinsically disqualifying. Indeed, DITIB participates in institutional cooperation in several German *Länder*, including the continuing religious-education arrangement in Hesse and the Hamburg treaty framework. The mechanism concerns the additional scrutiny and conditions activated by a specific form of transnational linkage.

Alevi organisations provide a useful contrast because the Turkish state has not supplied them with an equivalent transnational religious bureaucracy. Sökefeld (2008) documents how Alevi mobilisation in Germany developed through diaspora associational structures and transnational networks, while later research has shown how recognition itself reshapes Alevi institutional self-presentation (Çiçek 2022; Loth 2023). Their relative autonomy from a kin-state religious administration removes one source of receiving-state concern, but it does not guarantee recognition. Instead, the salient constraint shifts toward organisational coherence and religious self-definition.

On this basis, the article evaluates two mechanism-oriented propositions rather than deterministic hypotheses. Proposition 1 holds that transnational state-linked resources generate additional recognition conditions when receiving-state law makes organisational or financial independence from foreign state actors relevant. Proposition 2 holds that the absence of a kin-state sponsor reduces this specific autonomy constraint for Alevi organisations, but recognition can remain difficult where competing organisations present legally consequential differences in religious self-definition and representation.

Together, these distinctions define the article's comparative lens. The empirical sections that follow examine how each receiving-state architecture turns organisational legibility, institutional acceptability, transnational linkage, and religious self-definition into concrete recognition conditions.

3. Data and methods

The study uses a nested comparative documentary design. At the country level, it contrasts Austria's predominantly federal statutory recognition architecture with Germany's federalised system, where central constitutional principles are implemented through Land-level institutions. Within each setting, it compares Diyanet-linked Sunni organisational actors with Alevi organisational actors. The three German Länder (federal states) are selected because each isolates a distinct recognition mechanism: NRW highlights KdöR status and the jurisprudence on Islamic umbrella organisations as Religionsgemeinschaften (religious communities); Hesse traces the long-term development and reassessment of confessional Islamic religious education with DITIB Hessen; and Hamburg provides a paired comparison through parallel treaty-based recognition of Muslim organisations and the Alevi community by the same government.

The unit of analysis is an organisation–jurisdiction–recognition episode: a legally identifiable interaction in which a public authority grants, regulates, reviews, or refuses a defined institutional relationship with a religious organisation. This avoids conflating organisations with the legal status of larger umbrella structures. In Austria, for example, IGGiÖ is the recognised Islamic religious society, whereas ATIB is analysed separately as a Diyanet-linked organisational actor whose financing and personnel relationships are relevant to the operation of the statutory regime. The two are not coded as a single legal person.

The documentary corpus is purposive rather than statistically exhaustive. Documents were included when they were necessary to establish the legal basis, institutional status, or formal reasoning of a principal recognition episode between 2000 and 31 July 2026. Priority was given to primary official materials: consolidated legislation; official law gazettes; constitutional, administrative, and human-rights judgments; ministerial decisions and official explanatory material; and state–religion agreements. Peer-reviewed scholarship is used to situate these materials historically and theoretically. News reporting is not used as dispositive evidence for legal status or judicial reasoning.

Documents were located through the Austrian Legal Information System (RIS), the official websites of the Austrian Constitutional Court, Germany's Federal Administrative Court and Länder authorities, the Hessian Ministry of Education, the NRW legal portal, Hamburg's Transparency Portal, and the ECtHR's official case materials. Searches combined institutional names and their abbreviations with legally specific terms such as *Anerkennung* (recognition), *Religionsgesellschaft* (religious society), *Bekenntnisgemeinschaft* (confessional community), *Religionsgemeinschaft* (religious community), *Körperschaft des öffentlichen Rechts* (corporation under public law), *Religionsunterricht* (religious education), *Staatsvertrag* (state treaty), *Auslandsfinanzierung* (foreign financing), and *Unabhängigkeit* (independence). Where a court or ministry summary was available alongside a full legal text, the legal text was treated as authoritative for the proposition attributed to the decision.

Institutional recognition is operationalised through six dimensions. These dimensions are descriptive rather than additive: the article does not claim that KdöR status in Germany is equivalent to a *Religionsgesellschaft* (religious society) in Austria, or that one is universally more advanced than the other. The purpose is to make cross-case variation visible while preserving doctrinal and institutional difference.

Table 1
Dimensions used to compare institutional recognition

Dimension	Operational question	Indicative evidence
Legal position	What formal legal personality or public-law relationship has been granted?	Statute, regulation, recognition decision, KdöR act, registered confessional status
Education	Can the organisation formally participate in confessional religious education?	Administrative decision, constitutional criteria, curriculum/authorisation arrangements
Treaty or structured cooperation	Is there a durable formal agreement or recognised consultative relationship?	State treaty, formal cooperation agreement, mixed commission
Organisational autonomy	Does the recognition process examine dependence on external state actors?	Financing rules, governance assessments, clergy/personnel links
Religious/representational definition	How must the claimant define its religious constituency and authority?	Statutes, doctrinal differentiation, organisational link to adherents
Durability and review	How is an established arrangement challenged, reviewed, or maintained?	Judicial review, administrative reassessment, treaty evaluation

This design has two limitations. First, it does not aim to represent the entire Sunni or Alevi associational landscape in either country. The Sunni side of the comparison is deliberately limited to Diyanet-linked organisations and the public-law structures in which they operate. Second, the selected German Länder are not a random sample. They were chosen because each brings a different institutional mechanism into view. The study's inference is therefore mechanism-oriented and bounded: it identifies how particular recognition architectures operate, rather than measuring the frequency of the same mechanism across all Länder or all European states.

4. Institutional architecture before the contemporary comparison

4.1 Austria: statutory recognition and the transformation of the Islamgesetz

Austria's recognition architecture predates post-war migration. The 1874 *Anerkennungsgesetz* (Recognition Act) created a general statutory route for the legal recognition of religious societies, while Islam acquired a specific statutory basis in 1912 after the incorporation of Bosnia and Herzegovina. The original *Islamgesetz* (Islam Act) referred to Islam "according to the Hanafi rite", but that limitation did not remain intact throughout the twentieth century. In its decision of 10 December 1987, the Constitutional Court held that the Hanafi restriction violated the self-determination of the recognised Islamic religious community and struck the relevant wording (VfGH 1987). This point is important because contemporary Alevi recognition cannot be explained by presenting the 1912 law as a continuously Hanafi-only framework until 2015.

A major reorganisation occurred with the *Islamgesetz* (Islam Act) 2015. The statute preserved the existence of both IGGiÖ and *the Islamische Alevitische Glaubensgemeinschaft in Österreich* (Islamic Alevi Religious Community in Austria) and treated them as religious societies under the new law (Republic of Austria 2015, sec. 31). Section 6(2) requires the ordinary activity of an Islamic religious society to be financed from within Austria. In 2019, the Constitutional Court held that this restriction was compatible with Article 9 of the European Convention on Human Rights, reasoning that the independence of recognised churches and religious societies from the state, including other states and their institutions, constitutes a legitimate public interest (VfGH 2019). The Austrian regime therefore embeds foreign-state autonomy directly in the statutory framework governing Islamic religious societies.

4.2 Germany: differentiated constitutional relationships and Länder implementation

Germany's constitutional architecture follows a different logic. Article 140 of the Basic Law incorporates provisions of the Weimar Constitution, including Article 137, under which religious societies may obtain KdöR status if the constitutional requirements are met. Confessional religious education is governed by Article 7(3) of the Basic Law and requires cooperation with a *Religionsgemeinschaft* (religious community). These relationships may overlap in practice, but they are not the same. An organisation can participate in religious education without holding KdöR status, and the test for whether an umbrella body qualifies as a *Religionsgemeinschaft* (religious community) focuses on its organisational and religious connection to adherents in a way that differs from the public-law corporation question.

The Federal Administrative Court's jurisprudence illustrates this distinction. In 2005 it held that Islamic umbrella organisations could in principle qualify as *Religionsgemeinschaften* (religious communities) if an organisational link extends through the association to believers and if the umbrella body performs religiously identity-forming tasks with authority (BVerwG 2005). In December 2018, reviewing the same long-running NRW litigation, the Court again rejected an overly rigid requirement of a binding teaching office but required further factual clarification concerning the umbrella organisations' religious authority and organisational connection (BVerwG 2018). The resulting German landscape is therefore federalised and domain-specific rather than a single national recognition register.

5. Austria: common statute, different recognition constraints

5.1 Diyanet-linked Sunni infrastructure and the autonomy condition

The Austrian Sunni case turns on a distinction between two legally different actors. IGGiÖ is the legally recognised Islamic religious society. ATIB is a major Turkey-origin mosque federation with institutional ties to Diyanet, but it is not identical with IGGiÖ's public-law personality. Scholarship on Diyanet in Austria

documents the importance of Turkey-sent religious personnel and the broader transnational infrastructure that links mosque life to the Turkish religious administration (Çıtak 2018; Maritato 2021). This connection acquired greater legal significance after the *Islamgesetz* (Islam Act) 2015, because the statute attached domestic-financing requirements to recognised Islamic religious societies and their ordinary religious activity.

The 2019 Constitutional Court decision provides the clearest official statement of the mechanism. The applicants were Turkish state employees who had worked as imams in Austria and challenged immigration decisions linked to the foreign-financing restriction. The Court accepted that the financing rule interfered with protected religious autonomy but held the interference proportionate. Crucially, it framed the independence of recognised religious societies from other states and their institutions as a public-interest objective (VfGH 2019). The decision did not establish that every Diyanet relationship is unlawful, nor did it convert ATIB into the recognised religious society. It did, however, confirm that foreign-state dependence is a legally legitimate object of regulation within Austria's Islamic recognition architecture.

This distinction refines the resource–liability argument. Diyanet-linked infrastructure remains an organisational resource: it supplies personnel, religious expertise, and transnational coordination. Yet when such infrastructure depends on personnel paid by a foreign state, the same resource intersects directly with a statutory autonomy rule. The liability is therefore neither an abstract public suspicion of Islam nor a general penalty for transnationalism. It is the legal exposure created when a particular organisational resource falls within a recognition regime's formal test of independence from external state financing.

5.2 Alevi recognition and the problem of legally differentiating religious claims

Austria's Alevi trajectory reveals a different kind of institutional constraint. The Cultural Association of Alevis in Vienna applied in 2009 for recognition of an Islamic Alevi religious community. In December 2010, after a Constitutional Court judgment rejected the view that the existing Islamgesetz (Islam Act) excluded the possibility of another Islamic religious community, the *Islamische Alevitische Glaubensgemeinschaft* (Islamic Alevi Religious Community) obtained legal personality as a registered confessional community (VfGH 2010). On 22 May 2013 the competent federal ministry issued the regulation recognising its adherents as a religious society under the name *Islamische Alevitische Glaubensgemeinschaft in Österreich* (Islamic Alevi Religious Community in Austria); the regulation entered into force the following day (Republic of Austria 2013). The *Islamgesetz* (Islam Act) 2015 later preserved that recognised body within the new statutory framework (Republic of Austria 2015, sec. 31).

The competing application of the *Föderation der Aleviten Gemeinden in Österreich* (Federation of Alevi Communities in Austria) followed a much longer path. The federation had prepared an application for legal personality as a religious confessional community under the name *Alevitische Religionsgesellschaft in Österreich* (Alevi Religious Society in Austria) in 2008–2009. After multiple administrative and judicial proceedings, the minister rejected the application on 11 May 2015; subsequent domestic litigation ended with the Supreme Administrative Court rejecting a revision on 28 May 2019 and the Constitutional Court declining to hear the complaint in June 2019. A renewed institutional route succeeded when the federal ministry declared on 14 March 2022 that the *Frei-Alevitische Glaubensgemeinschaft in Österreich* (Free Alevi Religious Community in Austria) had acquired legal personality as a registered religious confessional community. These dates and procedural steps are recorded in the later Austrian and ECtHR materials (ECtHR 2024).

On 5 March 2024, the ECtHR found a violation of Article 9 in the earlier refusal to register the federation. The significance of the judgment for the present comparison is not that Strasbourg selected a correct theology of Alevism. Rather, the case demonstrates the institutional difficulty of differentiating religious claimants when state authorities rely on assessments of doctrinal similarity and organisational definition. The Alevi constraint is therefore best understood as a problem of legal differentiation and representation, not as a simple reward for identifying Alevism as inside or outside Islam. Indeed, the Austrian system now contains more than one legally recognised Alevi institutional form. This development cautions against any teleological account in which a single Alevi boundary inevitably produces recognition.

The Austrian comparison therefore reveals two different objects of institutional scrutiny within the same broad statutory field. Diyanet-linked Sunni infrastructure intersects with the legal demand for independence from foreign-state financing. Alevi organisations intersect with requirements of legally distinguishable religious identity, organisational definition, and representation. Both processes make religious organisations administratively governable, but they do so through different legal questions.

6. Germany: federal variation in recognition and cooperation

6.1 North Rhine-Westphalia: KdöR recognition and the non-equivalence of legal statuses

NRW offers the clearest German case of Alevi public-law recognition. By regulation dated 11 December 2020, the NRW government conferred KdöR rights on the Alevitische Gemeinde Deutschland, headquartered in Cologne; the regulation entered into force on 17 December 2020 (Government of North Rhine-Westphalia 2020). This was a direct and unambiguous grant of public-law status.

The significance of the episode lies in contrast, but that contrast must be stated carefully. It would be legally misleading to describe KdöR as simply a 'higher rung' than *Religionsgemeinschaft* (religious community) status. The concepts serve different constitutional functions. The long-running litigation involving Islamic umbrella organisations in NRW concerned their qualification as *Religionsgemeinschaften* (religious communities) for the purposes of confessional religious education. The Federal Administrative Court's 2018 decision did not deny Islam the possibility of collective recognition; instead, it remanded the case for further factual clarification and reiterated the criteria through which umbrella organisations can exercise religious authority across a multi-level associational structure (BVerwG 2018).

The comparative point is therefore organisational rather than hierarchical. The *Alevitische Gemeinde Deutschland* (Alevi Community of Germany) was able to satisfy the NRW requirements for KdöR status in a clearly defined corporate form, while the jurisprudence concerning Sunni umbrella bodies exposed the difficulty of translating a federated organisational structure into the constitutional category of a *Religionsgemeinschaft* (religious community). This is a

legibility and organisational-authority problem distinct from the foreign-financing question found in Austria and Hesse. It also supports the broader claim that organisational size alone does not determine the ease of institutional incorporation.

6.2 Hesse: DITIB, religious education, and review of organisational independence

Hesse provides a longitudinal case in which an established cooperation arrangement became subject to renewed autonomy review. DITIB Hessen was recognised by administrative decision in December 2012 as a cooperation partner for confessional Islamic religious education, and instruction began in the 2013/14 school year. In 2020 the Land suspended implementation of the cooperation because of doubts about DITIB Hessen's independence from the Turkish state. Litigation followed, and the Land later accepted that a suspension—rather than a lawful withdrawal of the underlying administrative decision—was not sustainable. After the Hessian Administrative Court's decision of 31 May 2022, the ministry prepared to resume the cooperation for the 2022/23 school year (Hessian Ministry of Education 2022).

The ministry then commissioned renewed expert assessment. In January 2024 it announced that the cooperation would continue until further notice. The public-law assessment by Christian Waldhoff, drawing on analyses by Mathias Rohe and Günter Seufert, concluded that an abstract risk remained that DITIB Hessen's independence from the Turkish government might not be sufficiently guaranteed. At the same time, the available circumstances did not justify revoking the existing cooperation decision, and the ministry continued the arrangement while maintaining close observation (Hessian Ministry of Education 2024).

This sequence is central to the article because it distinguishes the existence of a recognition constraint from institutional exclusion. Foreign-state linkage generated sustained review and an explicit autonomy problem, yet it did not result in durable termination of the cooperation. Once a formal arrangement existed, administrative legality and judicial review constrained how the executive could modify it. The evidence therefore supports a more precise formulation of Proposition 1: transnational linkage can increase monitoring and legal conditionality without necessarily preventing or terminating recognition.

6.3 Hamburg: parallel treaty recognition under a common authority

Hamburg offers the strongest paired comparison within a single jurisdiction. On 13 November 2012, the Senate concluded one treaty with DITIB-Landesverband Hamburg, SCHURA, and VIKZ, and a separate treaty with the Alevitische Gemeinde Deutschland. The agreements were later published with the Senate's explanatory materials and incorporated into Hamburg's legal and administrative framework (Free and Hanseatic City of Hamburg 2014). Both instruments addressed religious freedom, legal status, holidays, education, religious instruction, broadcasting, and burial.

The paired design is analytically valuable because the recognising authority and historical moment are held constant. Hamburg did not require the Muslim and Alevi parties to possess identical organisational forms; rather, it used parallel treaty instruments to institutionalise cooperation with different religious counterparts. The later development of *Religionsunterricht für alle* (religious education for all) further demonstrates that Muslim and Alevi communities became co-responsible participants in the institutional design of religious education rather than merely recipients of state policy (Hamburg School Authority 2019).

The Senate's 2022 evaluation of the treaties is also important. It treated the Muslim and Alevi agreements as continuing frameworks for recognised cooperation and assessed their operation across education, holidays, religious practice, social integration, and other policy domains (Free and Hanseatic City of Hamburg 2022). Hamburg therefore limits any deterministic version of the resource–liability argument. A Diyanet-linked organisation can participate in durable treaty-based recognition when the Land's institutional architecture structures that relationship through a broader coalition and ongoing negotiated cooperation. The effect of transnational linkage depends on the legal form through which a receiving state chooses to organise recognition.

7. Cross-case discussion

Table 2
Principal recognition episodes and mechanisms

Jurisdiction / actor	Institutional domain	Verified outcome	Primary constraint illuminated
Austria – IGGiÖ / Diyanet-linked ATIB infrastructure	Islamgesetz; financing of ordinary religious activity	Recognised Islamic religious society remains within Islamgesetz; foreign-state financing restriction upheld by VfGH in 2019	Foreign-state financial dependence becomes legally salient
Austria – ALEVI	Religious-society recognition	Registered confessional community in 2010; legally recognised religious society in 2013; preserved by Islamgesetz 2015	Legally bounded religious identity and organisational definition
Austria – Föderation / Frei-Alevitische Glaubensgemeinschaft	Registered confessional-community recognition	Earlier application refused; Frei-Alevitische community obtained legal personality in March 2022; ECtHR found Article 9 violation in 2024 concerning earlier refusal	State differentiation among competing Alevi claims
NRW – Alevitische Gemeinde Deutschland	KdöR status	KdöR rights conferred by regulation in December 2020	Durability and corporate suitability under Land public law
NRW – Islamic umbrella organisations	Religionsgemeinschaft for religious education	BVerwG 2018 required further examination of organisational link and religious authority	Organisational authority across federated umbrella structures
Hesse – DITIB Hessen	Confessional Islamic religious education	Cooperation established; suspended in 2020; resumed after litigation; continued after 2024 expert review	Independence from Turkish state and legality of altering established cooperation
Hamburg – DITIB/SCHURA/VIKZ and Alevitische Gemeinde Deutschland	State treaties and religious education	Parallel treaties concluded in 2012; cooperation subsequently evaluated and continued	Negotiated coalition-based recognition under common Land authority

Three findings emerge from the comparison. First, the principal cleavage is not simply Sunni versus Alevi. It lies in the interaction between organisational characteristics and the legal questions posed by a given recognition architecture. Diyanet-linked Sunni organisations are especially exposed when law or administrative review makes autonomy from a foreign state relevant. Alevi organisations are less affected by this particular test, but they may face demanding questions about organisational differentiation, representation, and the translation of contested religious self-understandings into legal categories. The two organisational families therefore encounter different forms of institutional conditionality.

Second, organisational legibility and institutional acceptability need to be kept analytically distinct. DITIB's transnational structure may make it highly visible to receiving-state authorities, but visibility does not settle the autonomy question. Conversely, the Alevi field shows that a claimant can be a well-established association while the legal system still struggles to determine whether and how its religious claim differs from that of an already recognised body. The state's task is therefore not merely to "read" an organisation, but to fit it into a legally authorised institutional relationship without impermissibly deciding theology.

Third, recognition is temporal. Initial qualification, continuing cooperation, review, and withdrawal are different institutional moments. The Austrian financing litigation and the Hessian DITIB process show that legal systems can impose or maintain autonomy conditions while courts and administrative-law rules constrain how established relationships are altered. The evidence does not justify a universal claim that withdrawal always faces a higher threshold than initial recognition, because the legal instruments are not identical across cases. It does, however, show that established arrangements acquire procedural and judicial protections that a static recognised/not-recognised variable would miss.

These findings refine the resource–liability mechanism. Transnational resources do not mechanically reduce recognition. They become liabilities when three conditions coincide: the organisational resource is materially connected to an external state; the receiving-state recognition architecture makes autonomy from that state legally relevant; and the institutional domain gives public authorities a basis for assessing or conditioning that autonomy. Austria's section 6(2) offers the clearest statutory example. Hesse provides an administrative example in religious education. Hamburg, by contrast, shows that a Diyanet-linked organisation can remain within a treaty-based cooperative framework, demonstrating that the same transnational characteristic has different consequences under different institutional arrangements.

The Alevi cases generate a parallel refinement. Origin-state marginalisation and diaspora mobilisation are important historical conditions of Alevi institutionalisation (Sökefeld 2008), but they should not be converted into a deterministic causal chain from marginalisation to autonomy to recognition. Austria's competing Alevi recognition claims demonstrate that diaspora autonomy can coexist with internal disagreement over religious self-definition. The relevant mechanism is therefore conditional: the absence of a kin-state religious sponsor removes one autonomy problem, while recognition still requires an organisational and doctrinal presentation that public law can distinguish without violating religious freedom.

The comparison also clarifies the article's contribution relative to recent research. Çiçek (2022) and Loth (2023) document important dimensions of Alevi diaspora institutionalisation and the comparatively strong legal position achieved by Alevi organisations in Germany. The present article adds a different comparison: it places Alevi recognition alongside Diyanet-linked Sunni organisational incorporation within the same Turkey-origin migration field and identifies how transnational state linkage and contested religious definition activate different legal tests. The novelty is thus explanatory and relational rather than a claim to have discovered the fact of Alevi recognition itself.

8. Conclusion

This article has shown that unequal recognition within a shared Turkey-origin migration field cannot be explained by organisational capacity, demographic weight, or transnational embeddedness alone. By comparing Diyanet-linked Sunni organisations and Alevi organisations in Austria and Germany, it has demonstrated that institutional incorporation depends on how particular receiving-state architectures translate organisational form, foreign-state linkage, and religious self-definition into legally relevant conditions.

For Diyanet-linked organisations, transnational infrastructure operates as a conditional resource. It supplies personnel, organisational continuity, and religious expertise, but it becomes a potential liability when receiving-state institutions make domestic financing or independence from a foreign government part of the recognition test. Austria's *Islamgesetz* and the Hessian DITIB process show this dynamic in different legal forms, while Hamburg demonstrates that the same organisational family can remain part of durable treaty-based cooperation. Transnational linkage therefore has no fixed institutional meaning; its consequences depend on the legal form through which recognition is organised.

Alevi organisations reveal the other side of the same argument. Their relative distance from Turkey's state religious administration reduces exposure to the Diyanet-specific autonomy constraint, but it does not remove the need to become legally legible and institutionally acceptable. Austria's competing Alevi claims show how recognition can turn on the legal differentiation of religious self-understandings, whereas NRW illustrates how a clearly defined Alevi corporate actor can obtain public-law status. These outcomes are not steps on a single recognition ladder. They are distinct institutional solutions to the problem of incorporating migrant-origin religious organisations into public law.

The broader implication is that migrant religious incorporation should be studied as a relational process linking sending-state infrastructures, receiving-state recognition architectures, and the organisational strategies of religious minorities. Recognition is not simply granted to pre-formed groups; it is produced through legal categories that select which organisational attributes matter, when transnational relationships become relevant, and how boundaries among competing claims are stabilised. Future research can extend the organisation–jurisdiction–recognition episode framework to additional German *Länder*, other European countries, and other state-linked diaspora religious infrastructures, thereby testing these conditional mechanisms across a wider range of migration and state–religion regimes.

Declarations

Competing interests:

The author declares that there are no competing interests.

Author Contribution

The author conceived and designed the study, collected and analysed the documentary materials, developed the theoretical and comparative framework, interpreted the findings, and wrote and revised the manuscript. The author read and approved the final version of the manuscript and accepts full responsibility for the integrity and accuracy of the work.

Availability of data and materials.

All documentary materials analysed in this study are publicly available. The principal legal and governmental sources are identified in the reference list with official case numbers, publication identifiers, or stable institutional web pages. No restricted-access or personal data were analysed.

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