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The World from Berlin

'Even Atheists Need to Switch Off on Sundays'



REUTERS

Shoppers walk among illuminated Christmas decorations in a shopping mall at Berlin's Potsdamer Platz.

Germany's highest court has ruled that Sunday should be kept as a day of rest and has overturned a Berlin law easing restrictions on Sunday shopping. Most German newspapers on Wednesday greet the ruling, some for reasons of religion and tradition, others out of a concern for workers' rights.

Many visitors to Germany can find themselves standing outside a closed department store, perplexed to find that they cannot do a bit of shopping during their weekend trip. This is a result of Germany's long-held resistance to Sunday shopping even in the face of growing consumerism.

Yet many of Germany's 16 states have already made some exceptions, allowing stores to open a few Sundays a year. And in Berlin the city government had gone the furthest in chipping away at the ban on Sunday trading. In 2006 the German capital gave the green light for retailers to open on 10 Sundays a year, including the four Advent Sundays preceding Christmas.

However, Germany's Constitutional Court has now upheld a complaint made by the country's Catholic and Protestant churches, based on a clause in the German constitution that Sunday should be a day of rest and "spiritual elevation."

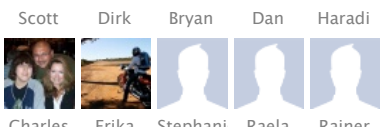
The court on Tuesday decided in favor of the churches, saying that Sunday opening should not take place four weeks in a row. The ruling will not affect shopping this December, but would come into force next year. However, the ruling did not overturn completely the principle of limited Sunday store opening.

The labor unions had joined the churches in their campaign to ring-fence Sunday as a day off for the nation. However, their focus was not on protecting the right to practise religion, but rather on protecting workers in the retail sector from having to work on Sundays, sometimes the only day they might get to spend with other members of their family. The services union Verdi greeted Tuesday's ruling with "relief and joy," saying this was a boon to shopworkers and their families.

German papers on Wednesday are broadly in favor of the ruling, though their reasons for supporting the court's decision are strikingly different.

The center-right **Frankfurter Allgemeine Zeitung** writes:

"The Constitutional Court had to overthrow the Berlin law. ... The judgement was not 'out of touch with reality,' as the Berlin Chamber of Commerce claims, but is actually very closely in touch with real life. The great diversity of working lives brings with it the fact that members of a single family are forced into different and sometimes incompatible working hours. If the state does not use some of its regulatory power to give a dependable rhythm to at least one free day -- and that is still Sunday -- then the family faces the threat of being pulled further apart."



"If they have no time with each other and for each other, then the formal notion of belonging together loses value. This danger faces many families in society. ... The fact that in the face of growing commercialization and fewer jobs hardly any employee ever dares to ask for a free Saturday, led the labor unions to join the churches in their campaign -- with noticeable success."

The conservative **Die Welt** writes:

"The churches have argued correctly that employees in the retail sector are not given the possibility of organizing their Advent Sundays according to Christian principles: going to church, being involved in the community, singing and reading aloud. It is part of religious freedom to be able to do these things."

"The judges did not just endorse the division of time marked by Christianity, but also the necessity for this division. There is no ambiguity about this weekly rhythm. We people as social animals are duty bound and justified in dividing our time together. It is good to have free time together, it helps us to live as the social beings that we are."

The center-left **Süddeutsche Zeitung** writes:

"The judgement sounds antiquated, maddeningly unmodern and pretty patronizing. It tells citizens when they are allowed to shop, and when they are not. It makes shopping on a Sunday an exception. It is a ruling that goes against the economic liberal *zeitgeist* and is a ruling against the round-the-clock commercialization of life."

"Yet, the ruling is humane. It is an act in favor of the public spirit. ... Those who regularly go shopping on Sundays today will have to work regularly on Sundays tomorrow."

"It may sound old fashioned but it is still correct: Sunday is Sunday because it is unlike other days. This is not about tradition or religion or a social heritage. Sunday is more than just a day off for individuals. If that were so, then it wouldn't matter if someone took a day off on Tuesday or Thursday. It is a day to synchronize society, that is what makes it so important. Without Sunday, every day would be a working day and a fixed point in the week would disappear. Of course there can be exceptions, there have always been particular professions who work on Sundays. But when the exception becomes the rule, then the commercialization of Sundays will not end at the department stores."

"The court has given everyone the right to a day off on Sundays. You don't have to take it. Everyone can do what they like with it. But it is good to have it."

The **Financial Times Deutschland** writes:

"The ruling by the Constitutional Court has revived the emotional debate about opening hours of shops on Sundays. That alone is annoying. But even more annoying is that with its strong emphasis on the religiously based day of rest on Sunday, it is interfering in individual and economic freedom."

"Without a doubt the freedom to practise religion is of great value. However, in an increasingly secular society with more and more individualized rhythms of living, it seems an anachronism for the country's highest court to use retail of all things to save the day of rest."

"In the public debate there is too little mention of the freedom of shop owners to keep customers through opening on Sundays, who would otherwise order online. And the freedom of towns to use Sunday opening hours to attract tourists. Or the freedom of customers to decide for themselves if they would rather spend Sundays amidst the crowds in the shopping malls or walking in the forest."

"Appreciating these rights does not mean throwing away the country to the false god of consumerism. It means allowing a debate ... about what Sunday really means to us. That includes protecting the rights of salespeople, paying them extra for working on Sundays and not putting anyone under pressure to work on Sunday."

"If this is achieved, then it is high time that Sunday opening hours are no longer discussed in terms of belief but rationally."

The left-leaning **Die Tageszeitung**, which is based in Berlin, writes:

"Sunday as a day off is a great gift. The treadmill is closed for 24 hours. The court has given relaxation, rest and 'spiritual elevation' precedence over the thirst for profit and the right to a consumer fix. However, it made it clear in its ruling that Sunday was not just for those who wanted to practise their religion undisturbed. It is also to play cards, go for a walk or simply to laze around. After all even the strictest atheist needs the switching off that Sundays allow."

-- *Siobhán Dowling*

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