NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Church wins appeal in German court

Moya St. Leger | May. 4, 2010

The Catholic church in Germany has won its appeal against the decision of a lower court to allow a retired canon lawyer to avoid paying church tax and remain a member of the church.

In a court decision on May 3, the Higher Administrative Court, Baden Wuerttemberg, overruled an earlier decision of the Administrative Court, Freiburg, to allow the application of Professor Hartmut Zapp, to leave the church.

For background on this story, see: German court upholds church tax challenge [1]

In Germany, the church is both a legal tax-raising statutory body as well as a community of faith. A Catholic who objects to paying church tax has to formally leave the church, and is subsequently excommunicated.

Zapp had added a rider to his application to leave the church, stating he was only leaving the statutory body not the community of faith.

This morning's court decision states it is not possible for a Catholic wishing to leave the German church to restrict the application to its legal status.

It now remains to be seen whether Zapp will be excommunicated. While the case has been on appeal, he has been paying the church tax voluntarily, but at the Italian level suggested by Pope Benedict, which is far lower than the 8% of income tax paid by German Catholics.

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[1] http://ncronline.org/node/14672