

Mediating tensions over Islam in Denmark, Holland, and Switzerland

Report

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Publication date:

2010

Permanent link:

<https://doi.org/10.3929/ethz-a-006252750>

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Editors: Simon J A Mason, Damiano Sguaitamatti

Availability: This report can be accessed online at
www.css.ethz.ch and www.cordoue.ch

Front cover image: Euro RSCG Switzerland

Acknowledgements: Acknowledgements to the very help-
ful inputs from Andreas Wenger, Victor Mauer, Daniel
Trachsler, Chris Thomas Findlay, Marion Ronca (Center
for Security Studies, ETH Zurich), Sabina Laederach
(Cordoba Foundation), Stine Lehman-Larsen (Cen-
ter for Humanitarian Dialogue, Geneva) and Emanuel
Scheublin (Graduate Institute, Geneva).

Disclaimer: Any opinions expressed in this article pres-
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Mediating Tensions over Islam in Denmark, Holland, and Switzerland

Abstract¹

Over the last few years, tensions have arisen over the cultural, religious, and physical “space” of Islam in Europe. This article explores how governments deal with such debates by examining the “Face of Mohammed” cartoon crisis in Denmark, the “Fitna” film in Holland, and the ban on minaret construction in Switzerland. The analysis shows how the tensions tend to decrease when governments create opportunities for actors to discuss their fears, hopes, and values. In contrast, tensions tend to escalate if governments are closely associated with the parties who are politicizing Islam, if basic values are invoked, and if only legal means are used to deal with differences. The cultural diversity of Europe is likely to persist, if not increase. Therefore, greater efforts are needed to find ways of dealing with differences in a constructive manner. Mediative approaches can help to deescalate tensions while respecting the core values and identities of the involved actors.

Introduction

The question of how much “space” there is for Islam in Europe has created tensions during recent years, for example related to the “face of Mohammed” cartoons in Denmark, the “Fitna” film by Geert Wilders in Holland, the debates over carrying head-scarves in France, the constructions of mosques in Germany or the vote to ban minarets in Switzerland. While all these cases represent unique situations, molded by the specific his-

tory, culture, and political system of these countries, they also have something in common. Many European states are struggling with the question of how to treat their Muslim populations.² The Muslim populations in Europe, on the other hand, often feel discriminated against.³

In the tensions that followed the Danish cartoon incident, people were killed. In Holland, right-wing politician Pim Fortuyn and filmmaker Theo van Gogh were killed in 2002 and 2004 respectively. In Dresden, Marwa Ali El-Sherbini, a pregnant woman of Egyptian origin, was killed on 1 July 2009 in a court of law while testifying against her murderer, a man who had attacked her verbally for wearing a headscarf. During the court case about the construction of a minaret at Wangen bei Olten, Switzerland, the mosque was desecrated by pork being hung on the door, and windows being smashed.⁴ Tensions over the space of Islam can quickly escalate and even lead to protests and acts of violence.

This article aims to explore in how far mediation approaches can be used to prevent or minimize the violence used in dealing with such conflicts, including an analysis of the limits of such approaches. We focus on the Danish, Dutch, and Swiss cases, especially on the role of the government in dealing with such tensions.

1 A shorter version of this text was originally published in German: Simon J A Mason, Abbas Aroua, Annika Åberg, “Spannungen um den Islam in Dänemark, den Niederlanden und der Schweiz: Konstruktiver Umgang dank mediativer Ansätze? In: Andreas Wenger, Victor Mauer und Daniel Trachsler (eds.), Bulletin 2010 zur schweizerischen Sicherheitspolitik. Zurich, Center for Security Studies, ETH Zurich, 2010 www.css.ethz.ch.

2 Antonsich, Marco. “Mapping the Swiss referendum on the minaret ban”, in: *Political Geography* 29 (2010), no. 2, pp. 57–62.

3 European Monitoring Centre on Racism and Xenophobia. *Muslims in the European Union: Discrimination and Islamophobia*. 2006. http://fra.europa.eu/fraWebsite/attachments/Manifestations_EN.pdf.

4 “Minaret Debate Angers Swiss Muslims”, in: Euronews, 19 November 2009. <http://www.euronews.net/2009/11/19/minaret-debate-angers-swiss-muslims/>

The cases we analyze all indicate a similar pattern where a small group instrumentalizes an issue, creating polemics, thereby giving reasons to the other side to instrumentalize the issue as well and take the level of polemics to even higher levels. In the process of escalation, values are invoked and linked to group identities. Different actors are aggregated into large groups, such as “the West” or “Muslims”. These mechanisms tend to increase the cohesion within the group, but also escalate tensions between the groups, which tends to heat up the conflict. Such a vicious circle can only be broken by “middle ground” actors, both non-Muslim and Muslim, who deal with the underlying fears and concerns in political processes that focus on balancing interests, rather than pitting positions against each other.

The Mediation Approach

Politics can be defined as a process where groups of people make collective decisions. Negotiations are defined as *joint* decision-making processes.⁵ Thus, one can distinguish between “political processes” that may or may not entail joint decision-making, and “political negotiation processes” that entail joint decision-making processes. If assisted by a third party that is accepted by all sides, such negotiation processes are called mediation processes. A wider definition of mediation, also sometimes called a “meditative approach”, does not necessarily call for a mediator as a person, but refers to mediation as a “process involving the creation of social spaces between divided groups, as opposed to a process lodged in the work of an individual or small team”.⁶ Two key principles of mediation are:

*First, focus on interests rather than positions.*⁷

The basic idea is illustrated by a simple example: two people are fighting over an orange. They both state their position, defined as “a statement of what I say I want”. Their position in this case is “I want the orange”. As long as both parties stick to this position, the outcome of the negotiations will be sub-optimal. They can split the orange, or the more powerful actor gets the entire orange. In contrast, the interest-based approach to negotiations argues that the actors need to identify and articulate their interests. Interests are expressed in terms of “why do I want something? what do I want something for? what are my objectives?”. In the example cited above, one actor may explain that he wants the orange for its peel, to bake a cake, while the other actor may explain that she wants the orange to drink the juice. On the level of interests, the two actors can find a solution that is mutually acceptable and beneficial.

In real-life cases, the solution is never so neat, but experience has shown that negotiations based on interests rather than positions tend to de-escalate a conflict and provide greater satisfaction to all parties involved.⁸ To clarify what “interests” are, Cheryl Piccard⁹ differentiates the concept’s components such as concerns, hopes, expectations, assumptions, priorities, beliefs, fears, and values. This unpacking of the bundle of “interests” is helpful when trying to identify the interests behind a specific position. The aim of interest-based negotiations is to find solutions that satisfy

5 Zartman, William. “Negotiation as a Joint Decision-Making Process”, in: *Journal of Conflict Resolution* 21 (1977), no. 4, pp. 619–38.

6 Lederach, Jean-Paul. “Building Mediative Capacity in Deep-Rooted Conflict”, in: *The Fletcher Forum of World Affairs* 26 (2002), no. 1, pp. 91–101.

7 Fisher, Roger and William Ury. *Getting to Yes: Negotiating Agreement Without Giving In*. New York: Penguin Books, 1983.

8 Bowling, Daniel and David A. Hoffman. “Bringing Peace into the Room: The Personal Qualities of the Mediator and Their Impact on the Mediation”, in: *Negotiation Journal* 16 (2000), no. 1, pp. 5–28.

9 Picard, Cheryl A. *Mediating Interpersonal & Small Group Conflict*. Ottawa: Golden Dog Press, 2002. She suggests the mnemonic device “CHEAP BFVs” as an acronym for these components.

every party's minimal interests at least (defined as a "compromise")¹⁰.

*Second, focus on process rather than just on content:*¹¹ Mediators shape the process by helping to determine the goal, the timing, the participation, and the structure of the meetings, yet they leave the substance up to the parties. This leaves a greater amount of autonomy to the parties than a solution imposed from the outside, thus increasing the chances that solutions developed will be legitimate and sustainable, while at the same time the control of the process increases the chances of a non-violent approach to dealing with conflict.

There are also limitations to the space of negotiations and mediation, these include:

Politicization and power: Politicization¹² is the process of making an issue a public issue. This is not negative per se, as it can be driven by real issues that need to be dealt with in the public sphere. Nevertheless, politicization can also be driven by personal motivations or the agenda of a political party in order to gain votes in an election. From the point of view of mediation, the politicizing of issues is problematic when an issue is instrumentalized for the purposes of enhancing one party's profile. In such cases, the process no longer deals with issues as such, but becomes a question of "us" versus "them". This kind of personalized politicizing can increase tensions.

Politicization and negotiations are also shaped by power and knowledge asymmetries between actors. The more powerful actors tend to avoid interest-based negotiations, as they can satisfy their goals by dominating the discourse. Power, however, is relative. By enlarging the number of actors involved and

creating alliances with them, the weaker actor may seek to level the playing field. Furthermore, there is evidence that a party's assessment of their "Best Alternative to A Negotiated Agreement"¹³ is the key factor influencing the role of power. If an actor sees his or her alternatives to negotiations as being preferable to a negotiated outcome, it is likely they will not negotiate.

Culturalization: Culturalization will be used here to refer to a process where cultural¹⁴ differences are used as an instrument against another actor, even if cultural differences are not the source of the conflict.¹⁵ Besides culturalization, there are cases where value differences can be the source of tensions; in such cases, negotiations cannot usefully try to change the values, but rather deal with pragmatic issues that are caused by the differences.¹⁶

Using legal means: Legal means are essential to create predictable and "fair" frameworks, and protect the weaker party. However, not all conflicts can be solved through legal means, which often lead to "win-lose" outcomes, while interest-based negotiations can lead to mutually acceptable outcomes. Nevertheless, negotiations do not take place in a legal vacuum so that all decisions that come out of a negotiation process must be compatible with

10 Robert Weibel. Negotiation Handbook (unpublished), SDC negotiation course 2005.

11 Moore, Christopher. The Mediation Process: Practical Strategies for Resolving Conflict. San Francisco: Jossey-Bass Publishers, 1996.

12 Emmers, Ralf. "Securitization", in: Alan Collins (ed.), Contemporary Security Studies. Oxford, New York: Oxford University Press 2007, pp. 109–26.

13 Fisher/Ury. Getting to Yes, p. 97.

14 Avruch defines culture as "[s]ocially inherited, shared, and learned ways of living possessed by individuals by virtue of their membership in social groups." Avruch, Kevin. "Cross-Cultural Conflict", s.v. Conflict Resolution, in: Hipel, Keith William (ed.). Encyclopedia of Life Support Systems (EOLSS). Oxford: Eolss Publishers, 2004.
<http://www.eolss.net/ebooks/Sample%20Chapters/C14/E1-40-01-01.pdf>.

15 Fechner, Bernd. "Dialog der Anerkennung. Möglichkeiten und Grenzen der Mediation bei 'interkulturellen' Konflikten in der Schule", in: Kloethers, U./Lüddecke, J./Quehl, T. (eds.). Schulwege in die Vielfalt. Handreichung zur Interkulturellen und Antirassistischen Pädagogik in der Schule. Frankfurt: ARIC-NRW, 2003, pp. 103–48.

16 For more on the overlap of conflict and culture, see LeBaron, Michelle, "Transforming Cultural Conflict in an Age of Complexity", in: Berghof Handbook for Conflict Resolution, Berlin: Berghof Conflict Research, 2001. http://www.berghof-handbook.net/documents/publications/lebaron_hb.pdf.

the existing legal framework, or initiate political processes to change the legal framework.

The "Face of Mohammed" Cartoons in Denmark

Already before the newspaper *Jyllands-Posten* had published cartoons depicting the prophet Mohammed in September 2005, there was an ongoing public debate about immigration and freedom of speech and self-censorship. A Danish author had complained that he could not find anyone to illustrate his children's book about Mohammed, due to fear of violent reprisals. In this context, *Jyllands-Posten* wrote to an association of Danish cartoonists, asking them to draw a cartoon on the subject.¹⁷ Due to the traditional injunction in Islam against depicting the prophet, all of the 12 cartoons were offensive; two of them were particularly offensive, depicting Mohammed with a bomb-shaped turban, and as an assassin.¹⁸

The publication of the cartoons led to outrage among the Muslim immigrants living in Denmark, with demonstrations of about 5,000 people. A group of Danish imams approached 11 Muslim ambassadors in Denmark asking them to submit a formal complaint to Danish Prime Minister Anders Fogh Rasmussen. The ambassadors sent a letter to Rasmussen complaining about the cartoons as well as a series of racist statements associated with members of the Danish Parliament that, for example, compared Muslims to "cancer cells" or called for a struggle against "medieval Muslim culture". In their letter, they urgently requested a meeting with the prime minister and urged the Danish government "to take all those responsible to task under law of the land in the interest of

inter-faith harmony, better integration and Denmark's overall relations with the Muslim world."¹⁹ Rasmussen refused to meet with the Muslim ambassadors, but responded with a brief letter of his own: "The freedom of expression has a wide scope and the Danish Government has no means of influencing the press".²⁰

Some of the imams and ambassadors then traveled to various Muslim countries.²¹ They had a dossier of the media clippings with them, as well as more obscene images that had been sent to the imams, probably intended as insults.²² The Organisation of the Islamic Conference expressed its concern at "rising hatred against Islam and Muslims".²³ Some Western governments tried to calm the situation with statements about the right to publish, but a responsibility not to publish. This caused reactions from defenders of free speech, and the cartoons were reprinted in the Netherlands, Belgium, and Scandinavia in January 2006 and in France, Germany, Italy, and Spain in February 2006.²⁴ Four months after the initial publication, *Jyllands-Posten* apologized not for the publication it-

17 Pipes, Daniel, Naser Khader, and Rose Flemming. "Reflections on the Danish Cartoon Controversy", in: *Middle East Quarterly* 14 (2007), no. 4, pp. 59–66; Rose, Flemming. "Why I Published Those Cartoons", in: *The Washington Post*, 19 February 2006.

18 Brinch, Jannik. "The Cartoonist: The reason for the bomb in the turban", in: *Jyllands-Posten*, 28 February 2006.

19 Letter to his Excellency, Mr. Anders Fogh Rasmussen, Prime Minister, Kingdom of Denmark, from the Ambassadors and Chargés d'Affaires of Turkey, Saudi Arabia, Iran, Pakistan, Indonesia, Egypt, Algeria, Bosnia-Herzegovina, Libya, Morocco, and the Palestinian General Delegation, 12 October 2005. <http://www.rogerbuch.dk/jpabrev.pdf>. See also: "The Cartoon Crisis – and why the Danish Prime Minister Should Resign", in: *Politiken*, 23 February 2006.

20 Official response to ambassadors from A.F. Rasmussen, 21 October 2005.

21 Ammitzbøll, Pernille and Vidino, Lorenzo. "After the Danish Cartoon Controversy", in: *Middle East Quarterly* 14 (2007), no. 1, pp. 3–11. "Prophet cartoon issue taken up abroad", in: *The Copenhagen Post*, 13 October 2005.

22 "Those Danish Cartoons", in: *The New York Times*, 7 February 2006, http://www.nytimes.com/2006/02/07/opinion/07tue2.html?_r=1&pagewanted=print&oref=slogin; Human Rights Watch. Questions and answers on the Danish cartoons and Freedom of Expression, 15 February 2006, www.hrw.org/english/docs/2006/02/15/denmar12676.htm; Ammitzbøll and Vidino, "After the Danish Cartoon Controversy: What the Muhammad cartoons portray", in: *BBC News*, 9 February 2006, http://news.bbc.co.uk/2/hi/middle_east/4693292.stm.

23 Human Rights Watch. Questions and answers.

24 Reynolds, Paul. "Cartoons: Divisions and inconsistencies", in: *BBC News*, 13 February 2006, <http://news.bbc.co.uk/2/hi/asia-pacific/4708216.stm>.

self, but for offending Muslims, probably due to cultural misunderstandings.²⁵ Prior to this, the regional public prosecutor of Viborg had found no basis for concluding that the cartoons constituted a criminal offence.²⁶

In part as a reaction to the reprinting of the cartoons in February 2006, an outcry spread to the Muslim world. Mass protests took place in many countries, in some cases leading to violence, loss of life, and destruction of property. The flags of Denmark, France, and Norway were burnt; in some cases, the Swiss flag was also burnt, probably due to its similarity with the Danish one. A consumer boycott was organized by Saudi Arabia, Kuwait, and other Middle Eastern countries.²⁷ On 3 February 2006, the Danish government, which had been more or less silent until then, issued a statement calling for calm, saying the threats against Denmark were unacceptable and that there had been a lot of misinformation.²⁸

There were various attempts to deescalate the conflict, both in Europe and in Muslim states, including a mediation attempt: A call was issued by Arab and European intellectuals (the Paris Call) on 9 February 2006; a mediation initiative took place in Geneva, facilitated by the Cordoba Foundation, on 13 February 2006 (see section below); a conference was organized in Copenhagen on religious and cultural dialog on 10–11 March 2006; a congress in Bahrain discussed the crisis; and the Al Jazeera Center for Studies organized a forum on “Islam and the West: for a Better World” in May 2006.

25 Juste, Carsten. “Honourable Fellow Citizens of the Muslim World”, in: *Jyllands-Posten*, 8 February 2006. <http://jp.dk/udland/article177649.ece>.

26 “Muhammad newspaper cartoon acquitted”, in: *The Copenhagen Post*, 26 October 2005; “Cartoon newspaper off racist hook”, in: *The Copenhagen Post*, 3 November 2005.

27 Zand, Bernhard. “The Cartoon Wars: The Inciters and the Incited”, in: *Der Spiegel*, 13 February 2006, <http://www.spiegel.de/international/spiegel/0,1518,400519,00.html>.

28 Address by Foreign Minister Dr. Per-Stig Moeller, 3 February 2006, Embassy of Denmark in Islamabad.

On 12 February 2008, after a relatively long calm period, the cartoons were reprinted in major newspapers in Denmark, Sweden, and Spain in response to an alleged assassination attempt on one of the cartoonists, Kurt Westergaard.²⁹ In its turn, this caused uproar among Muslims, mainly in Pakistan, Gaza, and Denmark.³⁰ On 2 June 2008, there was a suicide attack attempting to blow up the Danish embassy in Pakistan – two years after the initial publication of the cartoons.³¹ On 19 June 2008, the Danish High Court rejected defamation charges on the grounds that there was no proof that the purpose of the publication of the cartoons in 2005 was to depict Muslims as criminals and terrorists. The court ruled that terror acts had been carried out in the name of Islam, and that it was not illegal under Danish law to make satirical drawings to illustrate this.

The publication of the cartoons resulted in the worst crisis in Denmark’s foreign relations since World War II.³² The implications of the caricatures are still felt today. In January 2010, there was a failed murder attempt by a Somali against the caricaturist Westergaard.³³ On the other hand, there were also constructive measures that illustrate the po-

29 Ryan, Rosalind. “Danish newspapers reprint Muhammad cartoon”, in: *The Guardian*, 13 February 2008. <http://www.guardian.co.uk/world/2008/feb/13/muhammadcartoons>.

30 In Pakistan’s largest riot, 70,000 people gathered in the north-western city of Peshawar, burning cars, cinemas, Western fast-food chains, and various embassies. They were protesting the decision of several Western newspapers to republish the Muhammad cartoons, and a forthcoming short film, “Fitna”, by controversial Dutch politician Geert Wilders. Ali, Farhana. “Danish cartoons doom us all”. In: *Universal Press International*, 21 March 2008, http://www.upi.com/Top_News/Special/2008/03/21/Outside-View-Danish-cartoons-doom-us-all/UPI-69121206110137/; “Muslims March Against Reprinting of Danish Newspaper Cartoons Depicting Muhammad”, in: *Fox News*, 15 February 2008.

31 An al-Qaida operative based in Afghanistan took responsibility for the bombing, saying it was carried out to fulfill a pledge by Osama bin Laden to avenge the reprinting of the cartoon depicting the prophet. “Danish court rejects defamation lawsuit over cartoons”, in: *International Herald Tribune*, 19 June 2008, <http://www.iht.com/articles/2008/06/19/europe/islam.php>.

32 Ammitzbøll and Vidino, “After the Danish Cartoon Controversy”, pp. 3–11.

33 “Somali attacks Mohammed cartoonist”, in: *Politiken*, 2 January 2010. <http://politiken.dk/news/english/article871593.ece>.

tential of meditative approaches, even without the direct support of the government: In January 2010, the newspaper *Politiken* and a group of Muslims agreed out of court on an "amicable understanding and settlement". *Politiken* apologized for unintentionally insulting Muslims by reprinting the caricatures.³⁴ The agreement was made public in a joint press release.³⁵

Mediation Experience of the Cordoba Foundation

After this more general description of the events in the section above, and before going into an analysis of them in the section below, this following section zooms in, to give a more in-depth insight into a specific mediation effort that took place in 2006, drawing some lessons learned from this "micro-level" meeting.

In early 2006 the Cordoba Centre for Peace Studies (CCPS) was asked by some of its partners to attempt mediation between the Danes and the Muslims during the cartoon crisis. The CCPS approached the Danish authorities (Ministry of Foreign Affairs, Mission in Geneva) as well as a number of transnational Muslim organizations with big influence on the civil societies, representing both Sunni and Shiite schools. The Danish authorities and several Muslim NGOs accepted the offer of mediation and agreed to send delegations for a first contact and exchange meeting in Geneva, planned for 13 February 2006, at the offices of the Cordoba Foundation. The Danish Ministry of Foreign Affairs appointed a 3-member delegation representing the political, scientific and religious authorities, headed by a Muslim Dane, Ambassador Wøhlers Ole Olsen. The delegation of

the Muslim World was mandated by the Global Anti-aggression Campaign, the International Committee of Support of the Final Prophet and the Union of Muslim Scholars, chaired by one of the most respected scholar in the Muslim world, Sheikh Yusuf al Qaradawi, among other NGOs.

The Geneva meeting of 13 February 2006 lasted four hours and the discussions were frank and friendly. At its request, the Danish delegation was assisted by a Muslim adviser, Prof. Tarik Ramadan, and the Muslim delegation by a Scandinavian one, Prof. Johan Galtung. This contributed a lot in confidence building and helped assuring a fluid exchange.

After the presentations and a brief description of the situation and the main phases of the crisis, the Danish delegation explained the social and political context in which the publication of cartoons took place: the effect of globalization, a feeling of loss of identity, the sense of isolation and loss of influence and the sense of insecurity, and also that the voice of ordinary Danish Citizens was not sufficiently articulated. They acknowledged that the Danish Prime Minister erred by refusing to receive the delegation of Arab ambassadors, which lead to the escalation.

The Muslim delegation said that the situation in the Muslim world is characterized by intense popular widespread anger, with the feeling that the honor and sanctities of Muslims are trampled on. Although there is a determination to continue the boycott of Danish products, the majority of Muslims favors dialogue and finding a solution that rehabilitates and prevents the repetition of such behavior.

The consequences of the crisis on the Muslim/Western relations were evoked, as well as the negative impact on Muslim minorities in Denmark and Christian minorities in the Muslim world. The delegations agreed that the crisis must be handled, not by govern-

34 See: *Politiken*, 26 February 2010, <http://politiken.dk/debat/fakta/article910939.ece>.

35 Joint press release about the Prophet Mohammed Cartoon Drawing. In: *Politiken*, 26 February 2010. <http://politiken.dk/debat/fakta/article910932.ece>. The group represented Muslim organizations with 94,923 members from Egypt, Libya, Qatar, Australia, Jordan, Saudi Arabia, Lebanon, and Palestine.

ments alone, but by all segments of society. At the end of the meeting, the Muslim delegation submitted a list of demands to the Danish delegation for the Danish Government, and Ambassador Olsen said he would examine them at the ministry of Foreign affairs.³⁶

The Geneva meeting was successful, given the quality of the exchange that took place. At the end of the meeting the two delegations agreed on the need to organize as soon as possible a second meeting enlarged to include a wider spectrum of personalities.

Unfortunately this did not happen due to interferences from other Muslim actors, namely some preachers from the Gulf region and Egypt who had little knowledge of mediation processes, no representation and mandate, yet who offered to deliver “appeasing” speeches in Denmark, based on a moral rhetoric of the kind “we are all nice brothers, and should live in peace and love”. They promised to call for a lift of the ban on Danish goods in the Arab world. The mediation did not continue also due to Danish actors who preferred to engage with those preachers, thinking that this would be less costly. This demonstrates that in any mediation process, the potential spoilers must be dealt with as early as possible; otherwise they may well undermine the whole process. In this specific case, they prevented a deepening of the Danish-Muslim dialogue that started in Geneva, and thereby they hindered finding a genuine solution to the crisis.

36 They included for instance: (a) to distance the official Danish position from that of Jyllands-Posten and to take measures of appeasement expressing goodwill; (b) to establish legislation that protects the rights of Muslims and the image of Islam; (c) to recognize Islam as a component of religious landscape in Denmark and work for it to be seen in practice on the same footing as other religions; (d) to establish an observatory funded by official authorities to monitor the realization of respect for Muslims and their religion in the political, economic, cultural, and educational fields; (e) to organize an international conference on dialogue among civilizations in Copenhagen or in another European country chosen by common agreement; (f) to withdraw Danish soldiers from Iraq and Afghanistan.

Reactions and Motivations

How can the events described above be understood from the perspective of the various actors? On the Danish side, there had been a shift in the tone used in Danish politics between 2001 and 2005, where immigration was increasingly politicized and it was more and more acceptable to make racist statements in the media and in right-wing politics, e.g., to use the word “perker”, the Danish slang term for a Dane with an ethnic background perceived as “foreign”, a word with a very negative connotation that would never have been publicly acceptable in the 1990s. Though demonstrations in Denmark after the publication of the cartoons were initially driven by Muslims, they were highly supported by all other Danes who had had enough of such provocative politicizing. However, the internationalization of the issue that caused the second outburst of protests world-wide was caused by the imams after Rasmussen’s refusal to meet. Yet the imams did not have the backing of most Muslims in Denmark for this internationalization. To a large extent, the internationalization was also part of an internal power struggle within Muslim organizations in Denmark.³⁷

Danish society has a tradition of satire, where there is a great tolerance for making fun of issues and people. Religion and respect for religious values are generally not regarded as reasons for restricting the freedom of expression, and, as Denmark is a liberal-democratic state, the government has little or no control over the media and press, which have a relatively strong influence. The attitude and behavior of the Danish government were in some respects motivated by political interests. It could not allow itself to give in under the pressure from Muslim stakeholders to rein in

37 E-mail to Simon Mason from Stine Lehmann-Larsen, 2 May 2010. See also: Lehmann-Larsen, Stine. “One group’s folly doesn’t represent an entire country. A Danish perspective on recent events concerning the Muslim world” in: Daily News Egypt, 5 November 2006, <http://www.dailystaregypt.com/article.aspx?ArticleID=3777>.

the media. First, this would be regarded by the Danish population as a betrayal of the basic democratic principles underpinning Danish society. Second, it could have been seen as a gesture of encouragement towards those who wished to stem the right to criticize, scrutinize, and express their opinions. Thirdly, the legitimacy of the government's constitutional power was based on a coalition consisting of the Liberal and Conservative Parties with support from the nationalist Danish People's Party. The latter would never agree to censor or criticize anti-Muslim sentiments expressed in the media. From the Danish People's Party's perspective, these sentiments constituted not racism but rather "totally ordinary, commonplace attitudes that Danes express every day".³⁸ Nevertheless, high-ranking members of the Danish People's Party were accused of racist statements and found guilty by the Danish High Court.³⁹

On the Muslim side, two types of reaction to the Mohamed cartoons can be identified: The first advised that this kind of behavior should be simply ignored, because any kind of reaction would only give the other side free publicity, while the second argued that Muslims must show a strong unified reaction in order to signal that such "offenses" are unacceptable. The latter trend recommended the use of legitimate/legal proportionate tools such as economic boycotts, peaceful demonstrations, petitions, etc. Obviously, however, there is always a minority of people that join this kind of protest with an inclination to resort to violent means.

During the crisis provoked by the Danish cartoons, the second approach dominated, as many Muslims were politicized and mobilized over the issue. It was helped by state agents that may have shared the same positions with the masses, but not necessarily the same interests and needs, since governments,

political and religious movements, and civil society may take the same positions, but differ in terms of interests and motivation. Many of the Muslim demonstrators had not even seen the cartoons.

The intensity and scale of the protest in the Muslim world cannot be explained exclusively by manipulation on the part of some state actors, however. The main reason is that Muslims felt profoundly injured in their faith, and the protection of faith stands is the most essential requirement of Sharia. In addition, the emotional significance of the Prophet Mohammed's special status within the Muslim collective consciousness is as important as this legal requirement. Even non-religious Muslims felt that the cartoons were disrespectful of their culture. These points will be elaborated in more detail below.

Many Muslims perceived the cartoons as expressions of disrespect and aggression: The collection of 12 editorial cartoons generated a huge reaction because it concentrated, in a few sketches, all the clichés that Muslims see propagated in the West about Islam: terrorism, misogyny, obscurantism, fanaticism, etc. More than that, many Muslims felt that the Western official and media discourse will not acknowledge that they can be hurt. There is a profound sense of injustice within Muslim societies and a feeling that the Muslim community (Ummah) is being besieged and targeted from all parts, militarily (Afghanistan, Iraq, Somalia, Chechnya), economically (looting of oil and other natural resources), culturally (Western interference in the educational programs of many Muslim countries) and symbolically (defamation of Islam). In the perception of many Muslims, the Israel-Palestine conflict epitomizes this perceived injustice, as they see Western states adopting a partisan stand and granting full and unconditional support to Israel.

Moreover, the Muslim minorities in the West are perceived by Muslims as victimized

³⁸ "Racism ruling", in: *The Copenhagen Post*, 20 June 2003.

³⁹ Lehmann-Larsen, "One group's folly doesn't represent an entire country".

communities, especially after 9/11. Furthermore, Western governments are perceived in the Muslim world, particularly in Arab countries, as the main supporters of repressive dictatorships and corrupt rulers that ruin their countries and prevent the emergence of real democracies. They are hence considered to be complicit with the widespread human rights violations, as well as being responsible for material and intellectual poverty in the Arab world. A contradiction is observed between the Western countries' declared principles of rule of law and human rights and their foreign policy practices in the Arab world. Commonly cited examples are the unconditional support to the Saudi and Egyptian regimes and the non-acceptance of the election results in Algeria and Palestine.

Finally, there is a widespread perception held by many Muslims that the "West" uses double standards in applying its values and principles. In April 2003, a Danish caricaturist submitted to the *Jyllands-Posten* newspaper a series of unsolicited cartoons offering a light-hearted take on the resurrection of Christ. They were rejected, the Sunday editor saying: "I don't think *Jyllands-Posten's* readers will enjoy the drawings. As a matter of fact, I think they will provoke an outcry. Therefore I will not use them."⁴⁰ The attitude of *Jyllands-Posten* Sunday editor is a common practice in the press,⁴¹ leading to the question why it was not used in the case of the Mohammed cartoons.

Discussion

The government of Denmark did not take the underlying interests of the involved actors seriously enough, nor did it support interest-based negotiations early enough. The government was too much involved and "part of

the conflict" to act as a mediator, as shown in the following analysis:

Focus on interests and processes: The joint decision-making process between the newspaper *Politiken* and a group of Muslims in 2010 lead to an out-of-court agreement. This shows how such processes can lead to conflict resolution, if legal means and the instrumentalization of an issue are avoided or minimized. Had the Danish government been less partial in this conflict, it could have supported such mediative approaches much earlier on. The mediation effort that began in Geneva in 2006 could also have led to a resolution of the conflict had it be followed up and deepened. It is noteworthy that it was hindered by people on both sides of the conflict, who thought a "quick-fix" solution and appeasing words would solve the problem.

Politicization and power: Prime Minister Rasmussen, although the leader of the liberal party, headed a right-wing coalition and depended on the support of the Danish People's Party. Had he entered into negotiations with the Muslim ambassadors, he may have endangered his right-wing coalition, a party that had politicized the issue of foreigners and Islam. On the question of power, the imams partly increased their power by internationalizing the issue. This illustrates that all groups, Muslim and non-Muslim, are not self-contained in one country, but may use international allies to strengthen their position if mutually acceptable outcomes are blocked within a given context.

Culturalization: The conflict seemed partly due to cultural differences, as the values of "freedom of speech" were pitted against the value of "non-defamation of religion". However, culture was also used as a weapon in another conflict, i.e., tensions over integration and assimilation of foreigners in Denmark, where "Muslim" was a marker of the "other" and the "foreign". Furthermore, even before the printing of the cartoons, there had

40 Reynolds, Paul. "Cartoons: Divisions and inconsistencies", in: BBC News, 13 February 2006, <http://news.bbc.co.uk/2/hi/4708216.stm>.

41 Jenkins, Simon. "These cartoons don't defend free speech, they threaten it". In: The Sunday Times, 5 February 2006.

been a feeling amongst Muslims both in Denmark and internationally of being treated disrespectfully by the “West”, so that the cartoons seemed more to trigger the escalation of tensions, rather than being the main cause of it.

Using legal means: Muslims in Denmark sought to use legal means, although they were of limited use in solving the conflict. Various members of the Danish People’s Party were tried and found guilty of racist statements by the Danish High Court, even if this seems not to have had a great impact on the party’s policies. The conflict of values and symbols could not be solved through the legal framework.

The Dutch Fitna Film

In November 2007, Geert Wilders announced his plans to make a short film to show that Islam’s holy book is “a fascist book” that “incites people to murder”.⁴² The plan resulted in unrest both within Holland⁴³ and in Muslim countries, including Afghanistan, Iran, and Pakistan⁴⁴, yet to a lesser degree than the Danish cartoons. Wilders’ film and his criticism of Islam have helped to increase his political popularity. In the parliamentary elections in 2010, Wilders received 15 per cent of the votes and became the third largest party in parliament.⁴⁵ Wilders aims to ban the Quran from Holland, prevent immigration from Muslim countries, and fine people wearing head scarves.⁴⁶ Despite his

political success, Wilders lives under police protection and received a court summons in 2010 on charges that his film incited hatred and was discriminatory.⁴⁷

His plan to make a film occurred in an already polarized context: In 2002, the right-wing politician Pim Fortuyn was shot by a Dutch animal rights activist, who said he did it to stop Fortuyn from exploiting Muslims as “scapegoats”.⁴⁸ In 2004, Theo van Gogh was shot dead by a Dutch-Moroccan citizen, after having made the film “Submission” together with Ayaan Hirsi Ali. Hirsi Ali was born in Somalia, emigrated to the Netherlands, and had to live under protection of the Dutch authorities after the assassination of van Gogh.⁴⁹ The title of the ten-minute “Submission” film is a word play since it refers to Islam, literally “submission” (to God), but the film addresses the issue of “submission of women” in Muslim countries and shows an actress wearing a transparent veil with her naked body painted with verses from the Quran.

As soon as Wilders announced his intention to make an anti-Islam film, the Dutch government distanced itself by stating that such “provocations” had no place in the Dutch tradition of tolerance.⁵⁰ It tried to dissuade Wilders from publishing his film.⁵¹ The European Union (EU) expressed similar concerns, noting that reignited tensions with Muslims would have “important repercussions” not only for the Netherlands, but for other EU countries.⁵² Other international reactions to “Fitna” consisted of condem-

42 “EU ministers express concern about anti-Islam film”, in: ABC News, 27 January 2008.

<http://www.abc.net.au/news/stories/2008/01/27/2147371.htm>.

43 “Dutch protests against Islam film”, in: BBC News, 22 March 2008.

<http://news.bbc.co.uk/2/hi/europe/7309838.stm>.

44 “Dutch Islam film ‘nearly ready’”, in: BBC News, 28 February 2008.

<http://news.bbc.co.uk/2/hi/europe/7268618.stm>.

45 Haubrich, Rainer. “Geert Wilders drängt in die Regierung”, in: Welt Online, 11 June 2010, <http://www.welt.de/die-welt/politik/article7997842/Geert-Wilders-draengt-in-die-Regierung.html>.

46 “Geert Wilders on the BBC: Video and Picture”, in: Geert Wilders Webblog, 8 March 2010. <http://www.geertwilders.nl>.

47 “Surge for Dutch anti-Islam Freedom Party”, in: BBC News, 10 June 2010. See also the analysis by Geraldine Coughlan on the same page.

<http://news.bbc.co.uk/2/hi/world/europe/10271153.stm>.

48 “Fortuyn killed ‘to protect Muslims’”, The Daily Telegraph, 28 March 2003.

49 Hirsi Ali, Ayaan. *Infidel*. New York: Free Press, 2007.

50 “EU ministers express concern about anti-Islam film”, in: ABC News, 27 January 2008.

51 “Dutch Islam film ‘nearly ready’”, in: BBC News, 28 February 2008.

<http://news.bbc.co.uk/2/hi/europe/7268618.stm>.

52 Dutch Ministry of Foreign Affairs. “European Union supports Dutch government’s standpoint on Fitna”, 29 March 2008.

nation in the international community by the secretaries-general of the UN and NATO,⁵³ statements of several Muslim scholars against Wilders,⁵⁴ and attempts by Southeast Asian and Muslim countries to censor or ban the film.⁵⁵ Several Muslim organizations and political parties organized boycotts against Dutch products,⁵⁶ while numerous Muslim associations urged Muslims in the Netherlands to stay calm and not allow themselves to be provoked.⁵⁷

On 27 March 2008, Wilders' "Fitna" – an Arabic word meaning (religious) ordeal, strife, or discord – was released. The 16-minute film depicts Islam as the enemy of freedom.⁵⁸ According to Wilders, the film was not so much about Muslims as about the Quran and Islam.⁵⁹ In his view, Islam was an "ordeal" for Western democracies.⁶⁰ He further said that Europe was facing a "clash of civilizations" and that the time had come to be "intolerant in defense of freedom".⁶¹ Wilders' "Fitna" was published on the internet, as no Dutch broadcasters were willing to

air Wilders' film.⁶² Over six million people watched the English and Dutch versions when they appeared online.⁶³ Only a few hours after the film appeared on the internet, Dutch Prime Minister Jan Peter Balkenende released a press statement in both Dutch and English criticizing the "irresponsibility" of showing the film.⁶⁴ He said that the film wrongly equated Islam with violence.⁶⁵

The short film was regarded by many, even several Dutch Muslim organizations, as "much less inflammatory" than expected. The film contained "nothing new", although the images were "repulsive". Worries about riots were thus considerably reduced. Various Dutch persons filed an official complaint against the film after its release.⁶⁶ However, to date, experts and a Dutch court did not find "Fitna" discriminatory in the legal sense, even if the case is still pending.⁶⁷ Despite the mild reactions to the film, the terrorist threat level, which had been raised in early March in response to the national and international unrest, was kept at "substantial", the second-highest level in the Netherlands.⁶⁸

Discussion

The reaction of the Netherlands government in dealing with the crisis was very different to that of the Danish government. In the fol-

53 UN Secretary General Ban Ki-Moon called Fitna "offensively anti-Islamic", as quoted in "Indonesia bans 'anti-Islam' film", in: BBC News, 1 April 2008. <http://news.bbc.co.uk/2/hi/asia-pacific/7323984.stm>. NATO's Secretary General Jaap de Hoop Scheffer feared that the airing of the film would have repercussions for troops in Afghanistan. "Nato fears over Dutch Islam film", in: BBC News, 3 March 2008. http://news.bbc.co.uk/2/hi/south_asia/7274259.stm.

54 "Dutch Islam film website 'shut'", in: BBC News, 23 March 2008.

<http://news.bbc.co.uk/2/hi/europe/7310439.stm>.

55 Gottlieb, Sebastian. "Islamic countries want Dutch to ban Wilders movie", in: Radio Netherlands, 31 March 2008.

56 Traufetter, Gerald. "Koranfeindliches Video veröffentlicht – Protest gegen Rechtspopulist Wilders", in: SPIEGEL Online, 27 March 2008. <http://www.spiegel.de/politik/ausland/0,1518,543855,00.html>.

57 "EU ministers express concern about anti-Islam film", in: ABC News, 27 January 2008.

58 Graphic images from the bomb attacks on London in July 2005 and Madrid in March 2004 are shown, interspersed with verses from the Quran. Pictures of a woman being stoned, scenes from a beheading, and images of the Dutch director Theo van Gogh, who was murdered by a radical Muslim in 2004, are also included.

59 "Dutch Islam film website 'shut'", in: BBC News, 23 March 2008.

60 Wilders, Geert. Fitna: the movie. <http://www.themoviefitna.com/fitna-the-movie>.

61 "Interview with Geert Wilders in Hard Talk on 22 March 2006", in: BBC News, 22 March 2006.

<http://news.bbc.co.uk/2/hi/programmes/hardtalk/4833890.stm>.

62 Isherwood, Julian. "Danish PM attacks Islam comments", in: BBC News, 19 March 2008.

<http://news.bbc.co.uk/2/hi/europe/7304450.stm>.

63 Wilders, Geert. Fitna: the movie.

64 Crouch, Gregory. "A Dutch Antagonist of Islam Waits for His Premiere", in: The New York Times, 22 March 2008. <http://www.nytimes.com/2008/03/22/world/europe/22wilders.html>.

65 Dutch Ministry of Foreign Affairs. "Government's reaction to Wilders' film", 27 March 2008. <http://www.minbuza.nl/en/news/newstashes/2008/03/Government-s-reaction-to-Wilders-film.html>.

66 Moore, Molly. "Online, a Violent View of Islam", in: The Washington Post, 28 March 2008. www.washingtonpost.com.

67 Nonetheless, Wilders mistakenly used a rapper's photograph as the photo of Theo van Gogh's murderer and a cartoon – depicting Mohammed with a bomb in his turban – by a Danish cartoonist without permission. On these grounds, the film was later revised and reinstated on the internet. Clark, Andy. "Relief over Dutch MP's anti-Islam film", in: BBC News, 28 March 2008. <http://news.bbc.co.uk/2/hi/europe/7318363.stm>.

68 "Substantial' Dutch terror risk", in: BBC News, 6 March 2008. <http://news.bbc.co.uk/2/hi/europe/7287973.stm>.

lowing, we analyze how the Dutch government used elements of a mediative approach:

Focusing on interests and process: Already before the film was publicly available, the government clearly distanced itself from the film and entered into dialog with Wilders. The Dutch government feared the film would “incite hatred” and damage the political and economic interests of the Netherlands. In order to avoid being caught in an already blocked debate on conflicting values, the government never focused its arguments on rights and freedoms, but instead made a point of the irresponsibility in distributing such an offensive piece of work and emphasized the need for dialog instead of provocation “as a means of bridging the differences between cultures”.⁶⁹ By focusing on process and communication, the Dutch government strengthened the middle ground, and gave less cause for Muslim groups to radicalize and politicize the issue. It seems that the media agreed with this line of argumentation.

When the Dutch movie “Fitna” was released, the majority of Muslim groups chose to ignore this provocation, rather than react to it and thus escalating it. Obviously, Muslim public opinion had been affected to some extent by the cartoon crisis and the impact of protestors’ actions at the international level, and the fact that demonstrators had in some cases been “used” by their governments. The respect shown by the Dutch government was returned by a majority of the Muslims across the globe. Some counter-“Fitna” movies were produced by Muslim bloggers and published on the internet,⁷⁰ some of them using humor, which contributed to deescalating the situation.

69 Verhagen, Maxime. “Commentary” [in Arabic], in: Ash-Sharq al-Awsat, 30 March 2008.

70 See, for example, “Schism”, by Saudi blogger Raed Al-Saeed. Available at: <http://blaise.blog.mongenie.com/index.php?idblogp=619477>, or “Beyond Fitna”, by the Iranian NGO “Islam & Christianity”. Available at: <http://www.ngoic.com>.

Politicization: While in the Danish case the politicizing actor – the Danish People’s Party – was part of the government, in the Dutch case, the politicizing actor was not. This enabled the government to create a mediation space. Wilders successfully politicized the topic of Islam, but this did not prevent the government from adopting a different approach and distancing itself from Wilders.

Culturalization: Cultural differences seemed to be used against the “foreign” in the Dutch case, rather than specific values being at the cause of a specific conflict. The film linked terrorism with the increase in Muslim population in Holland using sentences from the Quran, allowing Wilders to instrumentalize the topic of Islam in relation to immigration.

Using legal means: Similar to the Danish case, legal means were used, but it is not yet clear whether the film is discriminatory in the legal sense, as Wilders is facing trial in 2010 on charges of inciting hatred and discrimination. The media, however, acted responsibly and in accordance with its own ethics, and the film was not distributed on television.

The Swiss Vote to Ban Minarets

The initiative to ban the construction of new minarets⁷¹ was launched after local tensions had arisen about projects to build minarets, such as in Wangen bei Olten,⁷² Langenthal,

71 Switzerland currently has four minarets, 200 Muslim places of prayer, and a Muslim population of about 400’000 (5 per cent of the population). For more about Muslims in Switzerland and minarets, see Haenni, Patrick/Lathion, Stéphane. *Les Minarets de la Discorde*. Religioscope & Infolio, 2009 ; and Gross, Andreas/Krebs, Fredi/Stohler Martin. *The Minaret Initiative: Between Provocation and Confusion*. St-Ursanne: Editions Le Doubs, 2009.

72 The first case of the minaret in Wangen bei Olten is illustrative. The Turkish-Cultural Association had submitted plans to build a six- to seven-meter high minaret on 10 January 2005. After being rejected for procedural reasons at the local and cantonal levels, the permit was granted on 12 July 2006 by the cantonal authorities, with various restrictions, e.g., that there could be no calls for prayer from the minaret. Among others, citizens living in the adjacent area submitted an appeal, which went through the cantonal and federal instances, but was finally rejected on 4 July 2007 (Tribunal federal, {T 0/2}1P.26/2007 /ggs, “Urteil vom 4. Juli 2007”. <http://jumpcgi.bger.ch/cgi->

and Wil. After a group of activists had failed in their attempt to leverage existing building regulations to prevent the construction of minarets, an initiative was launched on the 1 May 2007 that aimed to amend the Federal Constitution with the sentence: “The construction of minarets is forbidden”. The activists were organized in the “Egerkingen Committee”, consisting of politicians from the right-wing Swiss People’s Party, the largest faction in parliament, and the Federal Democratic Union, a small conservative, evangelical party. About 115,000 signatures were gathered and submitted to the Federal Chancellery in July 2008.⁷³

According to the Egerkingen Committee, minarets symbolize a religious-political claim of power that threatens religious peace in Switzerland, and challenges fundamental rights guaranteed by the Swiss Constitution.⁷⁴ Banning minarets, the committee argued, is a symbolic way of stopping the alleged “islamization” of Switzerland, as embodied especially by sharia law and the call of prayers, according to their slogan “no minaret, no muezzin, no sharia”.⁷⁵ To counter arguments against the initiative, the committee argued that minarets have no religious significance, and not having a minaret does not prevent anybody from exercising their religion freely, as many mosques do not have a minaret anyway.

The Federal Council, the majority of the members of parliament, the center and left political parties, the Roman Catholic Church, the Federation of Protestant

Churches, the Swiss Evangelical Alliance,⁷⁶ and the Swiss Federation of Jewish Communities⁷⁷ were all opposed to the initiative. The Federal Council advanced four arguments in its recommendation to the Swiss citizens to reject the initiative⁷⁸:

1. *The initiative violates religious freedom:* The initiative limits the freedom of religion in a discriminatory manner, as it is directed exclusively against Muslims in Switzerland.
2. *The initiative contradicts core values of the Constitution:* The ban on the construction of minarets is contrary to the provisions of the Federal Constitution and breaches the provisions of fundamental human rights conventions, e.g., freedom of religion and the injunction against discrimination contained in the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR II).
3. *The initiative is ineffective in fighting extremism:* The initiative will not put a stop to the growing influence of Islam in Switzerland, and does not represent “... appropriate means of preventing and combating violence on the part of extremist fundamentalist groups”. The existing “Federal and cantonal regulations on both domestic security and non-Swiss individuals already provide for effective measures to prevent such activities and protect Switzerland's constitutional foundations.”

bin/JumpCGI?id=04.07.2007_1P.26/2007). In January 2009, the minaret was built.

73 Initiative gegen Minarette eingereicht. In: Swissinfo, 8. Juli 2008. http://www.swissinfo.ch/ger/Initiative_gegen_Minarette_eingereicht.html?cid=6784116

74 Wobmann, Walter. Ja zur Volksinitiative “Gegen den Bau von Minaretten”, p. 3. http://www.minarette.ch/pdf/Pressekonferenz-Votum_Wobmann.pdf. Wobmann is a member of the Swiss People’s Party and head of the Egerkingen Committee.

75 <http://www.minarette.ch/>

76 Cimino Richard. “Christian-Muslim relations: Swiss Evangelicals criticize minaret ban”, in: Religioscope Institute, 1 March 2010. http://religion.info/english/articles/article_466.shtml. In some cases, however, there was a gap between the official position of the institution and their basis, e.g. with some of the evangelical churches.

77 “Minaret debate angers Swiss muslims”, Ii: Euronews, 19 November 2010. <http://www.euronews.net/2009/11/19/minaret-debate-angers-swiss-muslims/>

78 Federal Council opposes building ban on minarets; Opinion on the popular initiative against the construction of minarets. Bern, 27.08.2008. <http://www.admin.ch/aktuell/00089/index.html?lang=en&msg-id=20878>.

4. *The initiative endangers peace between religions and hinders integration:* The Federal Council argued that the initiative would be a threat to peace between religions in Switzerland and an obstacle to integration. It would damage Switzerland's standing in the world, which could have a negative impact on the security of Swiss facilities and the interests of the Swiss economy.

The initiative was put to a vote on the 29 November 2009, and accepted by 57.5 per cent of the Swiss voters, with a high voter turnout of 53.4 per cent.⁷⁹ The result was unexpected, probably even by the promoters of the initiative.

On the same day as the results were made public, the Swiss Federal Council issued a press statement clarifying the implications, with an Arabic version on its website: "A majority of the Swiss people and the cantons have adopted the popular initiative against the construction of minarets. The Federal Council respects this decision. Consequently the construction of new minarets in Switzerland is no longer permitted. The four existing minarets will remain. It will also be possible to continue to construct mosques. Muslims in Switzerland are able to practice their religion alone or in community with others, and live according to their beliefs just as before."⁸⁰ Federal Councillor Eveline Widmer-Schlumpf said the vote was the outcome of fears in the population about extremist tendencies among Muslims. She stated clearly that the Federal Council did not believe that the vote to ban minarets was a useful approach for dealing with extremist groups and called for intensi-

fied dialog between religious and cultural groups and the authorities.⁸¹

Explanations

According to the VOX⁸² polls after the vote, 80 per cent of the left-leaning electorate voted "no", while the right-wing voters were in favor to an equal degree. The key element was therefore the political center, which voted "yes" in a 2/1 ratio. Three cantons in the French-speaking part of Switzerland, and one in the German-speaking part, voted against the initiative. In general, the "yes" vote was higher in the German-speaking parts of Switzerland. People without religious affiliation rejected the initiative. There were no significant gender differences in the vote. The level of education had an impact: The proportion of "no" votes was higher with people who had higher levels of formal education. The main argument given by those who voted "yes" was "to set a sign against the spreading of Islam and against the societal model propagated by Islam". Every sixth person voted "yes" as a reaction to the "discrimination of Christian churches in Islamic countries". Only 15 per cent of the "yes"-sayers offered specific criticism of Muslims in Switzerland as their reason for their vote. Thus, the vote cannot be seen as a general rejection of Muslims living in Switzerland. Those who opposed the proposition said that their support for basic rights as laid out in the Constitution, namely freedom of religion and non-discrimination, were the main reasons for their "no" vote.

The weak campaign of the center and left parties against the minaret ban ahead of the vote, as well as the almost total absence of Muslim voices in the entire process, were further factors explaining the "yes" vote. However, the German and French parts of Swit-

79 Mayer, Jean-François. "Religioscope Analysis: A majority of Swiss voters decide to ban the building of new minarets", in: Religioscope Institute, 1 December 2009. http://religion.info/english/articles/article_455.shtml.

80 Swiss FDFA. "Yes' to popular initiative against the construction of minarets", 29 November 2009.

<http://www.admin.ch/aktuell/00089/index.html?lang=en&msg-id=30430>.

81 Ibid.

82 "Analyse der eidgenössischen Abstimmungen vom 29. November 2009".

http://www.polittrends.ch/abstimmungen/abstimmungsanalysen/vox-analysen/2009-11-29_VoxD.pdf.

Switzerland differed in this respect. In the French-speaking part of the country, the debate was active and focused mainly on the aesthetics of minarets in the Swiss landscape. In the German part of Switzerland, the debate was not over minarets per se. It was much more generally about the presence of Muslims in Switzerland, treating the minaret as a surrogate for many unrelated topics such as violence by adolescents from the Balkans. The poster of the Swiss People's Party (a woman in black burka, standing next to a Swiss map, with minarets piercing the map) also played on the fear of the Islamization of Switzerland. In some cities, billboard advertisers refused to rent out space for the poster, which they found distasteful. This difference between the French- and German-speaking parts of the country partly explains the larger proportion of "yes" votes in the German speaking part of Switzerland.

Many topics came together during the pre-vote campaign: an ideological criticism of Islam, fear of immigrants, the perceived "unjust" status of women in Islamic practice and law, the negative image of Islam projected by the international media, and the ongoing dispute between Switzerland and Libya over the arrest of Hannibal Gaddafi.⁸³ While the initiators communicated very actively (continuous presence in the media, constant participation in the public debate, intensive use of posters, etc.), the opposing voices were almost inexistent, not least of all because this camp expected the initiative to be rejected, as the inaccurate pre-vote polls indicated.⁸⁴

Reactions

At the domestic level, one of the open questions being debated after the vote is what to

do when the Swiss rights of direct democracy lead to laws that contradict Swiss commitments to international law. The ban of minarets may contradict the Swiss commitments to the Human Rights Convention, for example. An appeal challenging the ban has been submitted to the European Court.⁸⁵ Until now, the Swiss practice has been to adapt any new law (that results from an initiative) to international law only in the implementation phase. This is very difficult in the case of the minaret ban, as there is a very little room for interpretation. The Federal Court can only respond to an appeal against the new constitutional clause once a specific decree prohibiting the building of a minaret based on this clause has been issued. This comes very late in the entire process.

Therefore, a debate has been launched about the criteria⁸⁶ for deciding on when an initiative is to be assessed as inadmissible, and processes for deciding this question at a much earlier stage, in other words, before signatures are collected, or before the initiative is submitted to a vote. The present situation leads to contradictions in law and a confusion within the population. One suggestion, for example, is that an initiative will not be submitted to a vote until it has been checked for compatibility with Swiss commitments under the European Human Rights convention and UN treaties.⁸⁷ If deemed incompatible, the initiative would have to be declared null and void, or any such international legal com-

83 Mayer J F, *Relioscope Analysis: A Majority of Swiss Voters Decide to Ban the Building of New Minarets*.

84 Longchamp, Claude/Golder, Lukas/Agosti, Stefan/Kocher, Jonas/Ratelband, Silvia. "2. Vorabstimmungsanalyse zu den eidg. Abstimmungen vom 29. November 2009", in: GFS, Berne, 17 November 2009.
<http://www.gfsbern.ch/publikationen/fberichte.php?showid=346&lang=de>.

85 "Swiss Minaret Ban in European Court". In: IslamOnline.net, 17 December 2009.

http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=1260258076124&pagename=Zone-English-News/NWELayout.

86 At the moment, contravention of "mandatory international law" (prohibition of torture, genocide, slavery, and sending people back to countries where they could experience these practices ("non-refoulement")) is the only criterion for declaring a popular initiative invalid. The debate is thus about extending the criteria to include violation of basic tenets of international law, including the core of rights under ECHR and ICCPR II. Schoch, Claudia. "Das Volk ist souverän, aber nicht ungebunden", in: *Neue Zürcher Zeitung*, 19 April 2010.

87 Schoch, Claudia. "Das Volk ist souverän, aber nicht ungebunden", in: *Neue Zürcher Zeitung*, 19 April 2010.

mitments would have to be annulled before submitting such an issue for a vote.

The international reactions to the Swiss ban on minarets included strong EU and UN condemnations of the result of the vote, as well as clear statements from various European states.⁸⁸ There were reactions all over the Muslim world, from Indonesia to Morocco, but this time, from official institutions and figures rather than in a large scale from the street. Although there were demonstrations on the streets, and the Swiss flag was burnt in Islamabad,⁸⁹ the reactions were more moderate, due to the way the Swiss government handled it, but also because as a symbol, the minaret is far less sacred to Muslims than the person of the Prophet Mohammed.

The reactions registered in the Muslim world after the vote reflected a lack of understanding, a sense of concern, and firm condemnation. In a few cases, there were calls for Muslims to withdraw their financial assets from Swiss banks and for a boycott of these banks in the Muslim world. Others called for the Geneva-based UN bodies to be transferred to another city, such as Doha. Further voices called for boycotts of Swiss goods, services, companies, and tourism. Muslims were also urged not to overreact or react in an improper way.⁹⁰ The response was thus limited mainly to an outcry in the media. There were statements that reflected an increased perception in many Muslim countries that Switzerland had lost its neutrality and was becoming

increasingly racist. The headline of an Algerian newspaper, “Four minarets rock Switzerland and tear down its neutrality”,⁹¹ is illustrative of this concern.

Discussion

In contrast to the Danish and Dutch cases, which involved the actions of discrete groups, in Switzerland, the majority of the population voted for a change in Constitution that was regarded as discriminatory by its own government and a large part of the international community. To what extent did mediative approaches of the Swiss government help to ease tensions, and which factors may play a role in future developments?

Focus on process: The weak non-official reaction in the Arab world can mainly be explained by the fact that from the start the Swiss government was opposed to the initiative and made this stance known. The principle of focusing on process and communication towards both sides was adopted, allowing for a mediative approach.

In a country like Switzerland that does not have a common language or ethnicity, attempts to unite the country and create a common identity against a foreign “religious-political symbol of power” is an obvious but dangerous strategy. Besides processes to deal with concerns related to Islam, therefore, what is also required are processes for addressing tensions over fundamentally different conceptions of the civic nature of the country and the role of ethnic, cultural, and religious public identity.

Focus on interests: The main motivation given by the “yes” voters was “to set a sign against the spreading of Islam and against the societal model propagated by Islam”. The minaret vote was a symbolic vote. There is no evidence that mosques without a minaret are less

88 Dacey, Jessica. “Swiss Minaret Ban sends Ripples Worldwide”, in: Swissinfo, 30 November 2009.
http://www.swissinfo.ch/eng/index/Swiss_minaret_ban_sends_ripples_worldwide.html?cid=7793976.

89 “Nun geht es los mit den Anti-Schweiz-Demos”, in: 20 Minuten, 17 January 2010
<http://www.20min.ch/news/ausland/story/10767611>. In a few cases, street protests were registered, mainly in sub-Saharan Africa and Asia, for example in Ghana, Cote d’Ivoire Sudan, Mauritania, and Pakistan. A number of observers [who?] regard these demonstrations as being orchestrated by some NGOs financed by the Libyan government in an attempted retaliation against Switzerland after the crisis over Hannibal Gaddafi.

90 “Muslim Scholars Blast Swiss Minarets Ban.”
http://www.islamonline.net/servlet/Satellite?c=Article_C&pagename=Zone-English-News/NWELayout&cid=1258880680406

91 “Arab Press Say Swiss Neutrality is Failing”, in: Swissinfo, 9 December 2009.
<http://www.swissinfo.ch/eng/index.html?cid=7852252>.

likely to try to spread sharia law than mosques with minarets,⁹² and there is no evidence that banning minarets will have any impact on the situation of Muslim women in Switzerland. Past permits to build minarets in Switzerland already prohibited the use of the minaret for the muezzin's call to prayer, so here, too, the vote has not changed anything.

What are the main concerns, and how can these be dealt with constructively in the future? One of the main concerns of people seeking to "set a sign against Islamization" seems to be the fear of Islam as a religion that legitimizes violence. Violence and counter-violence has been used in the name of "Islam" domestically and at the international level by some political movements. In some cases these groups are "genuine" in the sense that they have chosen to use Islam in this manner, in other cases the groups are fabricated by oppressive regimes to legitimize their counter-terrorist efforts. Most world religions have been used to legitimize violence as well as non-violence, including both Islam and Christianity. The challenge, therefore, is not based on the religion per se, but depends on how it is used or misused. To ease the fears of Islam or Christianity being used to legitimize violence, greater efforts are needed by Muslims and Christians to argue for using religion, be it Islam or Christianity, as a source and inspiration of peace making⁹³ and pluralism, rather than as a weapon against "the axis of evil" or the "demonic West". Islam is fully compatible with Swiss laws and the Constitution, if believers interpret it in this manner, as the large majority of the Swiss Muslims do.

Politicization and power: Economic and security factors, as well as political developments within Switzerland and Europe, are likely to be decisive in determining whether and how the topic of Islam will be further politicized or not. Due to the economic interests and the

growing realization of the negative perception of Switzerland by Muslims around the world after the minaret ban, there may be stronger advocacy now against further escalating conflicts related to Islam, as this could create negative economic impacts for Switzerland. In order to maintain its economic growth, Switzerland also depends on foreign workers.⁹⁴ Switzerland must therefore find ways to deal with cultural diversity. The topic could become security-relevant, for example, if groups aiming to portray Switzerland as anti-Islam should kidnap Swiss citizens abroad.

If other countries in Europe further instrumentalize the topic, e.g., with a ban on head scarves, this could detract attention from Switzerland. At the domestic level, the "identity" debate seems central. The weak participation of Swiss Muslims in the public arena and the lack of involvement in associations, politics, and the media deprive them of the opportunity to be seen and heard, and to interact with the rest of Swiss society, limiting the space for negotiations.

Tensions over the place of Islam in Switzerland are not over, as debates over banning the hijab or the issue of mandatory swimming lessons for girls and boys in public schools are ongoing. Rather than settling such issues through symbolic initiatives that do not address concrete issues, interest-based negotiations would be more appropriate. Such negotiation processes on the local, cantonal, and federal levels will become more feasible, with a greater will to engage in dialog on both the Muslim and non-Muslim sides. Once more people are aware of the economic and security dangers of instrumentalizing Islam, the inclination towards dialog will probably also increase.

92 Antonsich, "Mapping the Swiss referendum", pp. 57–62.

93 Easwaran, Eknath. *Nonviolent Soldier of Islam: Badshah Khan, A Man to Match His Mountains*. California: Nilgiri Press, 1999.

94 Panizzon, Marion. "Mobilität der Arbeitskräfte: Eine neue Dimension des Migrationsrechts", in: UniPress no. 136, 2008.

"Schweiz wächst rasant – dank Migranten", in: Basler Zeitung, 26 February 2009.

<http://bazonline.ch/schweiz/standard/Schweiz-waechst-rasant--dank-Migranten/story/23344770>.

Culturalization: Parties cannot politicize and instrumentalize an issue if there are no underlying concerns in a population. Thus, the analysis of the minaret vote as a simple politicization by a political party is too simple. While Islam seems to have been used as a symbol of the “foreign”, lack of familiarity with the value system of Swiss Muslims is likely also to have played a role.

Using legal means: The debate about minarets was characterized by a convoluted process of legal means involving local, cantonal, and federal courts, a change of the Constitution through the initiative, and now an appeal to the ECHR. Legal means, e.g., banning the hijab, will be insufficient to deal with the underlying concerns of Muslims and non-Muslims. Nevertheless, the ongoing debate about legal criteria and the correct timing to determine the admissibility of an initiative is essential, as the present situation is confusing and can lead to a contradictory legal situation. Politicization of issues that leads to contradictory legal frameworks challenges the consensus-based nature of the Swiss political system.

Conclusions

The cases of the Netherlands and Switzerland show that the executive branch of government can create mediation space if it remains sufficiently independent of the parties’ politicization of Islam. Once Islam was politicized, both governments reacted by promoting a non-confrontational process to deal with tensions. Ideally, the underlying concerns would have been addressed much earlier on. In the case of Denmark, the coalition required the support of the Danish People’s Party, making it a party to the conflict, rather than being able to facilitate a de-escalation of tensions.

It is important to realize that some actors, both on the Muslim and non-Muslim sides, have no interest in easing tensions over Islam. In effect, the actors who politicize and in-

strumentalize an issue on each side are playing into each other’s hands. On the other hand, appeasing words and ignoring real problems that have to be dealt with is also not the solution, as it prevents in-depth discussions and the creation of a space of joint transformation. Those who want to deal with underlying interests and concerns and easing tensions, be they Muslim or non-Muslim, must therefore also join efforts to become more effective. Rather than condemning radicals, the middle ground has to be strengthened.

Social groups and culture are not homogeneous. The acknowledgement that Muslims are just as heterogeneous as non-Muslims is one key step towards undermining the perception of “us” versus “them”. Joint efforts between Muslims and non-Muslims with similar values can serve to highlight this fact, and to broaden the mediation space required to deal with any tensions that arise.

Legal means can be useful in certain cases. However, they have their limitations, as they often lead to a clash of positions and “win-lose” outcomes. Mediation and mediation processes can dig beneath the radical clash of positions and bring out the underlying interests. Only when these are brought to light can tensions be dealt with in a manner that accommodates both actors’ interests, rather than one dominating the other.

In all of the countries mentioned above, there are various projects that go in this direction; these need to be supported and reported by the media, even if they are less spectacular than radical statements and actions. There are real issues related to Islam in Switzerland, the Netherlands, and Denmark, but these cannot be addressed through proxy conflicts over symbols, be these cartoons, minarets, or head-scarves. Unpacking the positions and addressing the underlying interests is the only long-term way forward.

The Center for Security Studies, ETH Zurich specialises in research, teaching, and the provision of electronic services in international and Swiss security policy. An academic institute with a major think-tank capacity, it has a wide network of partners. The CSS is part of the Center for Comparative and International Studies (CIS), which includes the political science chairs of ETH Zurich and the University of Zurich. (www.css.ethz.ch)

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