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**Towards Social Negotiation:  
The Case of Handshake Debates in Sweden and Denmark \***

**SUMMARY: 1. Introduction - 2. The necessary conditions of social negotiation - 3. Nordic Secularism - 4. Organic religious literacy - 5. Translation - 6. Conclusion.**

**ABSTRACT:** The refusal to shake hands with a female reporter by a Muslim politician from the *Miljöpartiet* resulted in a controversy in Sweden. Together with a number of court cases, it revealed a disparity between the established judicial line and the views of the general public. The Swedish controversy received a response from Denmark, where the ruling coalition introduced new citizenship legislation with an obligation to shake hands with the mayor during a naturalization ceremony. These controversies highlighted the rising tensions on multiple levels, between majority and minority, religious freedom and gender equality, law and public opinion. This paper takes a closer look at the role of law as a negotiator and employs the notions of Nordic secularism, organic religious literacy, and the ethos of hospitality towards the untranslatable, in order to answer two questions: where these tensions come from and what are the possible ways of overcoming them.

## **1 - Introduction**

On the 20th of April 2016, Yasri Khan, a Swedish Green Party politician and former General Secretary of the Swedish Muslims for Peace and Justice, announced his resignation from politics. A day earlier, at the beginning of an interview with a female reporter, he put an arm over his heart instead of shaking the reporter's hand because of his religious beliefs. This almost immediately aroused a widely publicized controversy, bringing significant criticism both from within his party and the public opinion. Over half of the articles published in the wake of these events responded negatively, while less than one fourth defended his right to greet in this way<sup>1</sup>. Even Swedish Prime Minister at that time, Stefan

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Löfven, commented that “In Sweden, one greets each other. One shakes hands with women and men alike”, highlighting that it concerned both Swedish culture and gender equality<sup>2</sup>.

Similar controversies soon followed. In May, a male Muslim border control inspector came under fire for refusing to shake hands with female colleagues, some of whom took offense and handed the matter over to management<sup>3</sup>. In the same month, a female Muslim job applicant, Farah Alhajeh, met with an equally harsh reaction for a similar greeting approach<sup>4</sup>. Furthermore, in July, a Muslim man working for Helsingborg municipality was fired for the same reason<sup>5</sup>. The primary criticism met with opposition, and both the job applicant and municipality worker filed discrimination lawsuits. On the 15th of August 2018, the Swedish Labor Court ruled 3 to 2 in favor of a female job applicant and awarded 40 000 SEK of compensation due to discriminatory treatment<sup>6</sup>.

This ruling, while presented as surprising and ground-breaking, was consistent with the judicial line going back as far as to 2010. Then, a 28-year old Muslim was awarded 60 000 SEK of compensation from the Swedish Employment Agency (*Arbetsförmedlingen*) for their withdrawal of support because he refused to shake hands with a female CEO<sup>7</sup>. Similarly,

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<sup>1</sup> **J. ARNLJOTS**, “Man ska ta både kvinnor och män i hand” - En diskurs-analytisk studie av Yasri Kahn-skandalen under våren 2016, Institutionen för kommunikation och medier, Lund University, Lund, 2017.

<sup>2</sup> Löfven: Man ska ta både kvinnor och män i hand, in *Svenska Dagbladet*, 21 April 2016 (<https://www.svd.se/foelj-fragestunden-med-stefan-lofven>).

<sup>3</sup> **O. PALM**, Passkontrollant vägrar skaka hand med kvinnor, in *SVT Nyheter*, 09 June 2016 (<https://www.svt.se/nyheter/lokalt/skane/passkontrollant-vagr-ar-skaka-hand-med-kvinnor>).

<sup>4</sup> **C. ANDERSSON**, Muslim Job Applicant Who Refused Handshake Wins Discrimination Case in Sweden, in *The New York Times*, 16 August 2018 (<https://www.nytimes.com/2018/08/16/world/europe/sweden-muslim-handshake.html>).

<sup>5</sup> Muslim man fired for not shaking women’s hands, in *The Local*, 22 July 2016 (<https://www.thelocal.se/20160722/muslim-man-sues-over-handshake>).

<sup>6</sup> The judgement from the 15th of August 2018 of the Swedish Labour Court (*Arbetsdomstolen*), AD 2018 nr 51, Mål A 46/17.

<sup>7</sup> The judgment from the 8th of February 2010 by the District Court in Stockholm (*Stockholms Tingsrätt*), Discrimination Ombudsman (*Diskrimineringsombudsmannen*) v. Swedish Unemployment Agency (*Arbetsförmedlingen*), Mål T 7324-08; **M. HELLMYRS**, *Arbetsförmedlingen fälldes för utebliven handskakning*, in *Aftonbladet*, 08 February 2010 (<https://www.aftonbladet.se/nyheter/a/Ql5ogW/arbetsformedlingen-falldes-for-utebliven-handskakning>).



a doctor who declined to treat a Muslim woman because she refused to shake his hand was ordered by the court to pay 75 000 SEK in 2015<sup>8</sup>.

The 2018 decision received a surprising voice of criticism also from neighbouring Denmark. The governing coalition of the Conservative Party (*Konservative*) and the Danish People's Party (*Dansk Folkeparti*) have recently changed the citizenship legislation to include obligatory handshakes with the mayor as a part of the naturalization ceremony<sup>9</sup>. Soon after the Swedish ruling took place, Pia Kjærsgaard, a Danish People's Party politician and the Speaker of the Danish Parliament, wrote on Facebook, "If you want to be a Dane, you will, of course, shake hands. It happens only in Sweden that a Muslim woman who refuses to shake hands with her employer is awarded a compensation of 40,000 for 'discrimination'"<sup>10</sup>. The new law entered into power on the 1st of January 2019.

The controversies around the issue of shaking hands show rising tensions on multiple levels: between the majority of local customs and minority convictions; between values of religious freedom and gender equality; between law and public opinion; between the approach to religion in the public space in Sweden and Denmark. In this paper, we focus on two questions: (1) where do these tensions come from and (2) what are the possible ways of overcoming them. In addressing these questions, we will first take a closer look at the law as a negotiator of different interests in society, which, as we argue, works the better, the more it aligns with the idea of mediation. We will argue that this role of the legal system can only be maintained if specific requirements for mediation are also fulfilled in the legal process. Thus, the second part of the article will employ the notions of secularism, religious literacy, and translation in discussing these requirements.

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<sup>8</sup> The judgment from the 8th of April 2015 by the District Court in Hässleholm (*Hässleholms Tingsrätt*), Discrimination Ombudsmann (*Diskrimineringsombudsmannen*) v. POLOP Aktiebolag, Mål T 1370-13; *Muslimsk kvinna tog inte läkare i hand - då ställdes undersökningen in*, in *Metro*, 14 April 2016 (<https://www.metro.se/artikel/muslimsk-kvinna-tog-inte-l%C3%A4kare-i-hand-d%C3%A5-st%C3%A4lldes-unders%C3%B6kningen-in-xr>).

<sup>9</sup> **K.M. ØSTERGAARD**, *Regeringen slår fast: Vil du have statsborgerskab, skal du give hånd*, in *TV2*, 31 August 2018 (<http://nyheder.tv2.dk/politik/2018-08-31-regeringen-slaar-fast-vil-du-have-statsborgerskab-skal-du-give-haand>).

<sup>10</sup> *Pia Kjærsgaard: »Hvis man vil være dansker, giver man naturligtvis hånd«*, in *Politiken*, 20 August 2018 (<https://politiken.dk/indland/politik/art6668970/Pia-Kj%C3%A6rsgaard-%C2%BBHvis-man-vil-v%C3%A6re-dansker-giver-man-naturligtvis-h%C3%A5nd%C2%AB>).



## 2 - The necessary conditions of social negotiation

The twentieth century observed the growth of legal realism developed in opposition to hard legal positivism. Positivism claimed that law was an undisputable will of the sovereign. In contrast, realism declared that it was instead a social fact, resultant of the views and attitudes of those constituting and applying the law, especially judges. As some argued, this trend was going so far that, in the words of Charles E. Clark, “the legal realists have acquired the name - or frame - of the ‘gastronomical school of jurisprudence,’ since they [were] supposed to attribute judicial decision primarily to what the judge had for breakfast”<sup>11</sup>.

While legal realism subsequently received a fair dose of criticism, it raised awareness about the extra-formal factors contributing to the way law is shaped and, in turn, the way it shapes society. By that, it paved the way to new developments, such as the turn towards the constitutive<sup>12</sup>, cultural, and critical<sup>13</sup> studies of law. These new currents showed that law is not only a set of rules that guide the actions and relationships of those subordinate to it, but it plays a much more fundamental role. In essence, it introduces the mere categories in which society operates, an implicit way of thinking about those actions and relationships, the one that is rarely consciously processed. In this way, law negotiates and mediates the interests of different groups in society in a gradual way, making power relations and inequalities, if not understandable, then at least bearable to all. Operating on conflicts, the law is most successful, not when it is applied in courtrooms, but when there is no need for going to the courtroom altogether.

Thus, when the opposite is true, that is, when law creates a parallel line of thought that stands in contrast to society, it fails in its role to effectively mediate in these conflicts. This proves true, especially when there is a rising polarization between groups and values. Handshake debates in Sweden and Denmark show it rather clearly. First, as mentioned in the introduction, similar cases were brought and

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<sup>11</sup> C.E. CLARK, *The Function of Law in a Democratic Society*, in *The University of Chicago Law Review* 1942, no. 9, p. 394.

<sup>12</sup> See e.g., E.J. MITNICK, *Law, cognition, and identity*, in *Louisiana Law Review* 2007, vol. LXVII, no. 3.

<sup>13</sup> See e.g., A. SARAT, J. SIMON, *Beyond Legal Realism: Cultural Analysis, Cultural Studies, and the Situation of Legal Scholarship*, in *Yale Journal of Law & the Humanities*, 2001, vol. XIII, no. 3; C. GEERTZ, *Local Knowledge: Further Essays in Interpretative Anthropology*, Basic Books, New York, 1983.



adjudicated upon in Sweden as far as 2010. Nevertheless, eight years later, similar cases are being brought before the courts and keeping adjudication line is seen in media coverage as game-changing. Second, the introduction of a new law is met with an intense polarization, as in the Danish case, where multiple state officials announced their lack of compliance long before the law started to apply<sup>14</sup>. Third, the debates around handshakes are mostly presented within the framework of discrimination. Either emphasis is given to the value of gender equality, and handshakes are shown as hindering the position of one of the genders, or they are framed as a danger towards religious freedom. At the same time, these two values are presented as mutually exclusive. This shows yet another disparity between the law and broader society - negotiation and balancing of values.

This balancing requires reference to the classical jurisprudential differentiation made by Ronald Dworkin, which divided law into rules and principles. While rules, according to Dworkin, are clear cut, that is, they either apply to a case or they do not and thereby by their definition are mutually exclusive, principles require careful balancing and negotiation. While two contradictory rules cannot be applied at the same time, two principles that clash can be balanced and applied simultaneously, at least to a specific extent<sup>15</sup>.

In the case involving Farah Alhajeh the Labor Court, divided 3 to 2, wrote that “the woman’s refusal to shake hands with people of the opposite sex is a religious manifestation that is protected under Article 9 of the European Convention on Human Rights”<sup>16</sup>, stating at the same time, that the employer can expect all of the employees to treat genders in an equal manner. As they concluded,

“while the company was right to require that employees treat men and women equally, including in how they greet others, it could not

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<sup>14</sup> *S-borgmestre er klar til at bryde lov om håndtryk for statsborgerskab*, in *Politiken*, 1 September 2018 (<https://politiken.dk/indland/politik/art6683700/S-borgmestre-er-klar-til-at-bryde-lov-om-h%C3%A5ndtryk-for-statsborgerskab>)-

<sup>15</sup> **R.M. DWORKIN**, *The Model of Rules*, in *The University of Chicago Law Review* 1967, vol. XXXV, no. 1.

<sup>16</sup> The judgement from the 15th of August 2018 of the Swedish Labour Court (*Arbetsdomstolen*), AD 2018 nr 51, Mål A 46/17. Translation from **C. ANDERSSON**, *Muslim Job Applicant*, cit.



require that the greetings in question involve shaking hands. What matters was consistency in how men and women were greeted”<sup>17</sup>.

In this, the court balanced the two values, applying both to a specific extent. However, this legal thinking and balancing of values were not transferred into the broader public debate, resulting in polarization instead. This also illustrates the difficulties (1) in communicating about and discussing questions dealing with religious issues and (2) in balancing interests in a polarized debate climate.

In a socially healthy situation, the law should balance social values in a mediatory way to achieve a result that can be accepted by all, even if only temporarily and with the will to challenge it in the future. As David Runciman argues in his recent book, *How Democracy Ends*, the prerequisite of a democratic society is that two conflicted sides accept the results of political and legal processes, something that is increasingly at risk in the current political climate<sup>18</sup>. In Swedish debates, the legal proceedings seem to lie entirely outside of the mainstream debate, while in the Danish case, the split between the sides is as strong as to be rejected from the beginning.

This brings us then to the primary question of this paper - what causes these tensions? Why law, both in Denmark and Sweden, seems to fail in achieving broader social consensus? We argue that it is because the two sides are not part of the same debate but rather coexist parallelly. This creates a reality of radical otherness, which makes it impossible for the law to negotiate. Because of that, while law succeeds in bringing a formal change, it fails to do so socially. To be successful, negotiation by law requires three conditions that are necessary for every mediation process. First, mediation is possible only between equal parties that acknowledge each other’s subjectivity and understand each other’s reasoning. Second, parties must be able to communicate with each other. Third, the mediator itself, to retain its authority, has to be seen, at least in principle, as fair and unbiased.

All elements are lacking in Danish and Swedish debates. While in Denmark, Islam is singled out as ‘the Great Other’, in Sweden, religion, as

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<sup>17</sup> The judgement from the 15th of August 2018 of the Swedish Labour Court (*Arbetsdomstolen*), AD 2018 nr 51, Mål A 46/17. Translation from C. ANDERSSON, *Muslim Job Applicant*, cit.

<sup>18</sup> D. RUNCIMAN, *How Democracy Ends*, Profile Books Ltd., London, 2018, p. 14.



such, plays this role<sup>19</sup>. In both cases, the law fails as a social mediator because it is not seen as fair and unbiased, and, thereby, the result is seen as imposed unacceptably. Moreover, the sides are unable to communicate, a result of the inability to engage with each other's way of thinking and arguments. Finally, there is a dire mismatch between their languages, and the translational processes are not adequately conducted. As we argue, the way to solve these problems is in the improvement of three areas of society: the state's framing of religion, organic religious literacy, and the hospitable commitment to an ongoing translation.

### 3 - Nordic secularism

Despite their progressive attitudes towards diversity, the rapid growth of religious plurality contributed significantly to rising tensions both in Sweden and Denmark. This is a part of the broader European trend accompanied by a deterioration in the public trust, concerning both interpersonal relations and public institutions, such as national governments or judicial systems. After several decades of steady growth, public trust suddenly dropped, turning into decline in recent years<sup>20</sup>. This failure of law and government to attract public trust, and thereby to retain mediatory authority, as we argue, comes from the lack of systemic fairness and bias, at least in the sphere of religion. Both Sweden and Denmark present a specific approach to religion. These states historically had established state churches, and while the Church of Sweden separated from the state in the year 2000, over half of the population is still affiliated with it<sup>21</sup>. However, the membership rates in both of the national churches experience a steady decline, while the numbers of other affiliations are on the rise.

Furthermore, even among those still affiliated, the levels of participation are at an all-time low, with a further drop in church visits over the last decade<sup>22</sup>. Simultaneously, while the elements of traditional

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<sup>19</sup> See **D. THURFJELL**, *Det gudlösa folket. De postkristna svenskarna och religionen*, Molin & Sorgenfrei Förlag, Stockholm, 2016.

<sup>20</sup> *Trust in Government*, 2018 (<http://www.oecd.org/gov/trust-in-government.htm>).

<sup>21</sup> *Medlemmar i Svenska kyrkan 1972-2018*, edited by Svenska kyrkan, Uppsala, 2018 (<https://www.svenskakyrkan.se/filer/Medlemmar-Svenska-kyrkan-1972-2018.pdf>).

<sup>22</sup> **M. HELLSTRÖM**, *Allt färre går på gudstjänst i Sverige*, in *SVT Nyheter*, 22 December 2019 (<https://www.svt.se/nyheter/lokalt/upsala/tapp-for-gudstjanstbesok-i-landet>).



religiosity are ingrained in the Scandinavian landscape, from the cross in the flag to the religiously based public holidays, the visible, practiced religion became the mark of 'the Other' in both countries<sup>23</sup>. This is what Peter LÜCHAU describes as the 'Scandinavian Paradox'<sup>24</sup>. On the one hand, the Nordic states retain strong bonds with their National Churches. On the other, they are viewed as the most secularized countries in the world.

This paradox is a result of a unique combination. Both Sweden and Denmark rely heavily on what Rowan Williams calls the 'programmatic' model of secularism, which he differentiates from its 'procedural' kind. As Williams points out, in the procedural model, the state does not associate itself with and does not require from its officials or citizens any confessional allegiance. It leaves the public sphere open to everyone and intervenes only when there is a need to assist differing sides in finding a way to resolve the tensions and conflicts. The programmatic model, however, relegates religion into the private sphere, keeping the public sphere closed to any exercise of religious convictions in favor of a clear allegiance to the state. This model is most visibly pronounced in the French *laïcité*, where the evident loyalty to the "supposedly neutral public order of rational persons" is given substantial precedence over any privately held beliefs<sup>25</sup>. Moreover, in such an approach, secularization is linked with modernization. Because of that, the new public allegiance is viewed as a sign of progress, and any opposition to it is presented as archaic and unmodern<sup>26</sup>.

Unlike France, however, Scandinavian countries combine this programmatic model with the close entanglement between the state and the current or former state churches, claimed in the name of historical heritage. Such an approach is based on the historical narrative of Christian triumphalism. It creates a sense of monolithic historical narrative, devoid of the impact, interrelation with, and contributions of the other faiths. Thus, the state identity pronounced in these countries, while nominally secular, contains an implicit Lutheran grounding. Even though the majority of churches no longer discipline the lives of the citizens of these

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<sup>23</sup> D. THURFJELL, *Det gudlösa folket*, cit.

<sup>24</sup> P. LÜCHAU, *Atheism and Secularity: The Scandinavian Paradox*, in *Atheism and Secularity*, edited by P. ZUCKERMAN ABC-CLIO, Santa Barbara, Denver and Oxford, 2009, p. 177.

<sup>25</sup> R. WILLIAMS, *Faith in the Public Square*, Bloomsbury, London, 2012, pp. 2-3.

<sup>26</sup> F. CADDEDU, *Secularism and religious literacy*, in *Religious Literacy, Law and History. Perspectives on European Pluralist Societies*, edited by A. MELLONI, F. CADDEDU, Routledge, London and New York, 2019, p. 113.





countries, their traditions still shape the consciousness and the rules of 'being a good citizen.' The Swedes, for example, as David Thurfjell shows, explicitly view themselves as secularized, without recognizing how the Lutheran heritage is intertwined in their lives<sup>27</sup>. Although tacit in its character and marginalized in its traditional forms, Lutheranism still influences the majority's view on private and public, rational and irrational, individual and collective<sup>28</sup>. For what is 'religious,' then, the 'Lutheran' is a point of reference, and the divergence from it is a sign of backwardness.

The growing religious plurality, however, puts a significant strain on this arrangement of privilege<sup>29</sup>. As Cristina Lafont points out, the visibility of the other religions, especially distinctively non-European forms of Islam, exposes the paradox inherent in the combination of religious heritage and secularism. As she writes:

"The popular claim that the presence of Islamic symbols, beliefs, and practices in European countries threatens the secular state can hardly be understood without translating it into what seems to be the real issue: namely, that the presence of Islam in Europe threatens the possibility of maintaining the pattern of preferential treatment and privileges that different Christian denominations currently enjoy in European states. Without such a translation, inattentive outsiders would have a hard time understanding how the popular debate regarding the presence of Islam in Europe can so easily oscillate between the claim that European countries are secular and the claim that they are Christian"<sup>30</sup>.

That such a seemingly trivial matter as the way of greeting erupts in a widely publicized controversy, with arguments for handshakes diverging from gender equality to Christian heritage, is a result of the deep-seated privilege which remains at the subconscious level. Moreover, such cases highlight the dubious fairness of legal formulations of religious arrangements, thereby making it impossible for the law to act as a

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<sup>27</sup> D. THURFJELL, *Det gudlösa folket*, cit.

<sup>28</sup> See J. SVENUNGSSON, *Christian Europe: Borders and Boundaries of a Mythological Conception*, in *Europe beyond universalism and particularism*, edited by S. LINDBERG, S. PROZOROV, M. OJAKANGAS, Palgrave Macmillan, Basingstoke, 2014.

<sup>29</sup> G. DAVIE, A. DINHAM, *Religious literacy in modern Europe*, in *Religious Literacy, Law and History*, cit., p. 21.

<sup>30</sup> C. LAFONT, *Religious pluralism in a deliberative democracy*, in *Democracy, Law and Religious Pluralism in Europe*, edited by F. REQUEJO, C. UNGUREANU, Routledge, London and New York, 2014, p. 48.



negotiator. Such a stance poses a significant constraint towards some religious traditions while giving unfair preference to the other. As Zoë Bennet and colleagues argue, religion “is a complex system (or world) constituted by the *practices* of belonging, believing, and behaving”<sup>31</sup>. Because the law and policies concerned with religion in the public space promote a specific stance towards how religiosity should be organized and conducted, they hinder the arbitratative and negotiatory function of the law, making it either autocratic or obsolete. As, for example, Silvio Ferrari noted with regards to the ECHR judgments, the law becomes discriminatory, introducing an imbalance in power not only between religious and non-religious but also between various religious traditions and denominations<sup>32</sup>. There is a problem of balancing, or weighing, rights, which puts the state in conflict with the rules of subsidiarity and proportionality<sup>33</sup>.

Moreover, such an arrangement forces minorities to fit into the standards of the majority, which means that instead of translation, there is an imposition of one language over the other. This, in turn, significantly curtails the identity and message of believers from different traditions. Instead of uniting, it polarizes society even more, putting categories of religion and non-religion on two opposite sides and, as mentioned above, treating religiosity as a category of otherness. In both Sweden and Denmark, to be ‘religious’ cannot be used in reference to members of the national churches, even if they have a strong belief. It is reserved for the representatives of other denominations and religions. And, when polarization reaches a certain threshold, the process of negotiation is no longer in the hands of the state but instead is left to the media, which heat the debates even more.

The critique of secularism, while extensively discussed in the last few decades, receives a new meaning in the context of social negotiation. The discrimination that the secular public sphere creates when uncritically embraced threatens the core functionality of law, and, as handshake debates exemplify it, may result in a growing ignorance or disobedience towards the legal measures. By disrupting communal negotiation

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<sup>31</sup> Z. BENNETT, S. PATTISON, E. GRAHAM, H. WALTON, *Invitation to Research in Practical Theology*, Routledge, London and New York, 2018, p. 71.

<sup>32</sup> S. FERRARI, *Law and Religion in a Secular World: A European Perspective*, in *Ecclesiastical Law Journal*, 2012, no. 14.

<sup>33</sup> See more in L. VICKERS, *Religious Freedom: Expressing Religion, Attire, and Public Spaces*, in *Journal of Law and Policy*, 2014, vol. XXII, no. 2.



processes, it creates instability in which the maneuverability of the state is jeopardized. In such a situation, the checks and balances of the democratic system do no longer work. As in Sweden, the majority might pressure the minority into submission. As in Denmark, the minority might rebel against the majority.

Moreover, as the notion of Nordic Secularism shows, secularism needs contextualization - it is not a uniform phenomenon, and it can hide more than it reveals<sup>34</sup>. It needs contextualization, both in terms of the awareness of one's grounding in theological traditions, and in terms of understanding where the others are coming from. This is why the need for religious literacy has been so strongly voiced in the last decade.

#### 4 - Organic religious literacy

The 2010s could be called the 'decade of literacies.' All kinds of literacies were discussed, proclaimed, and posed as necessary to operate in contemporary society: from digital to intercultural; from environmental to political. In the field of theology and religious studies, a special significance was given to the concept of 'religious literacy.' Stephen Prothero, one of the primary proponents of this term, argues that the gradual secularization of society brought the growing lack of knowledge about the basic facts and canons of the major traditions. In his book, *Religious Literacy. What every American needs to know - and doesn't*, Prothero notes that Americans tend to be very religious but have a poor understanding of the actual content of respective religious traditions. Prothero concludes that the USA, one of the most religious nations on Earth, is also a nation of religious illiterates. He partly traces this illiteracy to E.D. Hirsch, who, in a widely discussed book, *Cultural literacy*<sup>35</sup>, criticizes the progressive pedagogical tradition initiated by John Dewey. According to Hirsch, Dewey moved away from teaching specific facts to students, content-based learning, in favor of a strategy that emphasized

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<sup>34</sup> Cf. C. KLEINE, M. WOHLRAB-SAHR, *Preliminary Findings and Outlook of the CASHSS "Multiple Secularities - Beyond the West, Beyond Modernities"*, Kolleg-Forschergruppe 'Multiple Secularities - Beyond the West, Beyond Modernities, Leipzig, 2020.

<sup>35</sup> E.D. HIRSCH Jr., *Cultural Literacy: What Every American Needs to Know*, Vintage Books, New York, 1987.



focus on skills. Dewey's disapproval of "the piling up of information"<sup>36</sup> resulted in a loss of cultural memory and increased ignorance of one's own heritage, making democratic public conversations highly uninformed<sup>37</sup>.

Prothero notices a similar development in the area of religion. Even if the interest in religious practices is vivid, people are usually not equipped to engage with religious matters in an informed way. And such an understanding is as necessary as language if one wants to participate in the public deliberations without falling into the trap of a subjective bubble. As Prothero writes, literacy denotes

"the ability to use a language - to read and perhaps to write it, perhaps to manipulate its vocabulary, grammar, and syntax. In this sense, religious literacy refers to the ability to understand and use in one's day-to-day life the basic building blocks of religious traditions - their key terms, symbols, doctrines, practices, sayings, characters, metaphors, and narratives"<sup>38</sup>.

Thus, if we follow Prothero, the debates on handshakes (and those similar in character) lack the prerequisite knowledge on the foundational aspects of different religious traditions, and the ability to engage with it, especially in the context of public debates. Because religion in Scandinavia is simply understood as a category of otherness, the whole debate plays out in an unnuanced space of the merger between the secular and the Lutheran. There is a lack of language, which is resulting, at best, in an ill-informed public conversation. At times, however, it runs the risk of becoming dangerously provocative, which is why improved religious literacy is vital. Given the history and violent character of religious conflicts, the lack of religious literacy, unlike other illiteracies, can be quite severe in consequences<sup>39</sup>.

However, Prothero's call for renewed literacy is rather static and seems to run the risk of being overly academic. Because of that, it runs the risk of losing sight of the functionality of such knowledge. As the Swedish

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<sup>36</sup> **S. PROTHERO**, *Religious Literacy: What Every American Needs to Know-And Doesn't*, HarperOne, New York, 2007, p. 4.

<sup>37</sup> We do not agree with Hirsch's interpretation of Dewey, since we think he takes some of Dewey's reasoning to an extreme, but here we are interested in following the arguments made by Prothero which is why we found it important to present.

<sup>38</sup> **S. PROTHERO**, *Religious Literacy*, pp. 8-9.

<sup>39</sup> **S. PROTHERO**, *Religious Literacy*; see also **G. DAVIE**, **A. DINHAM**, *Religious literacy in modern Europe*, cit., p. 22.



scholar Anne-Louise Eriksson claims, literacy is not needed for its own sake, but it is a communicative tool, a necessary prerequisite for interaction with others. As she writes: "Literacy is not just about being able to read and write. It is also about being able to think, speak, and act and thus be part of a discourse, and to be able to show your knowledge and skills in speech and writing within this discourse"<sup>40</sup>. Discourse, in Eriksson's framing, comprises of

"[d]ifferent domains, with specific content and identity marks (gestures, metaphors, symbols, sounds, etc.), 'semiotic domains,' [which] develop different literacy practices of the audience as well as the sender in different literacy events. Preaching a sermon is an example of such a literacy event"<sup>41</sup>.

Moreover, in Prothero's understanding, religious literacy was lost and needs to be recovered in order to help societies operate in the diverse context of pluralist societies. Prothero would like us to look back into the Judeo-Christian tradition in order to reestablish a kind of canon. However, as Alberto Melloni argues, religious literacy was never a widespread phenomenon. Quite the opposite, the knowledge was always controlled and disseminated by institutions and authorities who functioned as carriers of tradition. The nostalgic idea that 'back then' people *en masse* were more knowledgeable is not accurate.

According to Melloni, religious illiteracy is not a consequence, nor a premise, of the secularization of the public space. Rather, it is a historical fact. The contemporary idea that illiteracy somehow appeared through increased migration to Europe hides the question of what was brought and highlighted by the end of colonialism and the uncontrollability of migratory processes<sup>42</sup>. This means that there is no common vernacular religious narrative to look back at. Instead, every search for widespread religious literacy needs to be in-depth analyzed in its specific historical context and circumstances.

From a historical perspective, literacy was always a tool for public policy employed by a certain elite, which kept control over reading and writing among its subordinates. It was not a tool for the extension of

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<sup>40</sup> A.L. ERIKSSON, *Att predika en tradition: om tro och teologisk literacy* Arcus, Lund, 2012, p. 111.

<sup>41</sup> A.L. ERIKSSON, *Att predika en tradition*, cit., pp. 107-08.

<sup>42</sup> A. MELLONI, *European religious illiteracy: the historical framework of a removed agenda*, in *Religious Literacy, Law and History*, cit.



political participation, as the contemporary debates would frame it<sup>43</sup>. As Francesca Cadeddu argues, the notion of religious literacy should be analyzed in a comparative historical framework. It should be reviewed in the context of political dynamics, and the extent to which different faith communities were involved in the policy choices made. Such analyses should also consider “the social equilibriums that influence the perception of the place these communities occupy” and look further into the educational and informative choices that lie behind the ‘alphabet’ conditioning public debates<sup>44</sup>.

These kinds of in-depth analyses make the dynamic and historical character of religious literacy visible. They highlight the fact that religious literacy is not an objective concept. Rather, it is a phenomenon dependent on social contexts and different religious settings (including the questions of representation). Different religious literacies are products of different political systems and choices, in which religious education plays, among others, the role of a critical steering tool. Without historicization and contextualization, religious literacy runs the risk of being blind to these kinds of aims and power relations. It may further stifle the public debate instead of opening it up.

That is why we propose the notion of the ‘organic religious literacy’ - one that, as a regular language, sees the organic character of the building blocks of every religious tradition. It sees the knowledge entailed in the term ‘literacy’ as both beneficial and problematic. Beneficial, because it allows us to understand ourselves and others. Problematic, because it remains a part of the power plays and thereby, if uncritically embraced, can become a stumbling block on the road to social cohesion. Such knowledge should instead be viewed as a subject of ongoing negotiations and renegotiations.

Handshake debates exposed the two sides of religious literacy problems in both Sweden and Denmark. On the one hand, they showed the, often unconscious, bias towards the majority tradition and the inability to see its elements in the legal system. On the other hand, it showed the risk of static religious literacy. The fixed notion of Islam either claimed that not shaking hands with a person of the opposite gender is not ‘essential’ element of Islamic beliefs, and thereby can be easily discarded, or that Islam is incompatible with modernity and thereby should be discarded from the public sphere. It did not see the organic character of

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<sup>43</sup> A. MELLONI, *European religious illiteracy*, p. 6.

<sup>44</sup> F. CADDEDU, *Secularism and religious literacy*, pp. 116-17.



the living religion, which meant that all of these aspects are in the process of constant renegotiation.

The question of how to greet each other, within ethics, sometimes has been conceptualized as a question of sense and etiquette<sup>45</sup>. However, in a pluralistic setting, old norms are approached from new angles, which can shift them from the area of sense and etiquette to the area of ethics and politics<sup>46</sup>. Part of preparation to deal with such challenges can be achieved by the educational system that embraces the notion of organic religious literacy. However, this is not enough. Literacy needs to be supplemented by the active facilitation of translation between the languages in a way that does not allow for domination of the public sphere by any particular language. This is the subject of the last part of this paper.

## 5 - Translation

The clash of the religious and the secular in the public sphere has called for new strategies in handling the differences between the disparate worldviews. One of the most widely discussed proposals was offered by Jürgen Habermas, who claimed that religious perspectives should be welcomed in the public discussions. He claimed that religious and non-religious had a mutual obligation toward each other to try to understand each other's reasoning and varying languages and rationale. However, to that he added an institutional proviso, that religious reasons would have to be 'translated' into the language of the secular public sphere, that is, made intelligible within a democratic framework of rational public argumentation, if they were supposed to be grounds for any public decision. In Habermas' view, while values such as, for example, human dignity can be found in multiple religious traditions, they could only be implemented in the decision processes if they were transposed from the distinct logic of religious language into the secular language accessible to all<sup>47</sup>.

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<sup>45</sup> G. BEXELL and C.H. GRENHOLM, *Teologisk etik. En introduktion*, Verbum, Stockholm, 1997.

<sup>46</sup> D.E. ANDERSSON, *Handslag, famntag, klapp eller kyss*, in *Människan och etiken. Välgrundad moral i en polariserad tid*, edited by D.E. ANDERSSON, J. GUSTAFSSON LUNDBERG, L. LETTLAND, Hjalmarsson & Högberg, Stockholm, 2019.

<sup>47</sup> J. HABERMAS, *Religion in the Public Sphere*, in *European Journal of Philosophy*, 2006, vol. XIV, no. 1.



Habermas has been criticized for underestimating the gap between the two sets of thinking. The critics questioned the implications that there was a clear line between the two: rational was viewed as common, general, and universal, as opposed to religious, which was viewed as of particular, specific, and contextual<sup>48</sup>. Moreover, such arrangement entailed a relation of asymmetry and subservience in the public sphere: the universal (secular) was supposed to quell the particular (religious) claims. As Badredine Arfi puts it,

“[a]ppplied to Habermas’ proposal, we can say that Habermas’ move is to designify the truth contents of religious contributions and then to resignify them otherwise into what he terms as a generally accessible language”<sup>49</sup>.

Similarly to the Nordic Secularism model discussed above, such an arrangement of privilege is untenable in the long run. It undermines the legitimacy of the political process and the role of law as a negotiator. It also retains a sense of fixation of the two languages, as if they could be clearly differentiated from each other. In the handshake debates, there was no willingness to negotiate between the two - either religion was supposed to submit itself to the regulations of the secular in the enforcement of the gender equality principle, or it was supposed to be given a clear pass due to the principle of religious freedom.

Arfi argues that truth contents of religious contribution contain untranslatables, that can be neither discarded nor resignified in the secular language. Thus, the task of translation should remain “open-ended, not only in practice but also in principle, that is, there is a need for translation without positing a telos of translation consensus”<sup>50</sup>. This requires for modern democracies to embrace an

“ethos of hospitality toward the untranslatable as part and parcel of the legitimation process that self-critically defines and upholds the

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<sup>48</sup> P. GLEASON, *From Jürgen Habermas to George Lindbeck: On Translating Religious Concepts into Secular Terms*, in *The Journal of Scriptural Reasoning*, 2016, vol. XV, no. 1; G. ARESHIDZE, *Taking Religion Seriously? Habermas on Religious Translation and Cooperative Learning in Post-secular Society*, in *American Political Science Review*, 2017, vol. CXI, no. 4; C. UNGUREANU, *Uses and abuses of postsecularism. An introduction*, in *Democracy, Law and Religious Pluralism in Europe*, edited by F. REQUEJO, C. UNGUREANU, Routledge, London and New York, 2014.

<sup>49</sup> B. ARFI, *Habermas and the aporia of translating religion in democracy*, in *European Journal of Social Theory* 2015, vol. XVIII, no. 4, p. 491.

<sup>50</sup> B. ARFI, *Habermas and the aporia*, p. 503, cit.





provisionality inherent in democratic politics based on equality and freedom of all citizens”<sup>51</sup>.

In the Swedish context, following a similar line of thinking, Lovisa Bergdahl argued for a reformulation of the relationship between religion and democracy. As she pointed out, while the education provides the first step in the process, as “a place where religion and democracy can be explored anew, not as clashing, abstract ideas but as relational concepts that address the concrete living conditions of human subjects”<sup>52</sup>, translation underlines the ethical responsibility contained within the democratic plurality. Because “religious ways of life cannot be translated into non-religious ways of life without, at least, some kind of loss or transformation”<sup>53</sup>, translation becomes always a provisional way of dealing with differences, an element of constant negotiation and renegotiation within the public sphere.

Thus, the handshake debates could not have been ‘solved’ with a simple application of one chosen principle. They required a careful balancing and a mutual commitment to respect the other side. Only in such conditions any judicial balancing could be successful, and any legal resolution of a particular conflict viewed as legitimate.

## 6 - Conclusion

Handshake debates point to the growing problems in societies that adapt to religious plurality with the means of programmatic secularism. Both in Sweden and Denmark, there seems to be a gradually growing rapture between religious and non-religious, and between the majority religious traditions and minority ones. Law, the usual arbiter in inter-societal disputes, is failing in its task because the basic requirements of negotiation are not met.

First, there is a problem with the institutional neutrality of the state. The easy solution of programmatic, Nordic secularism, is not a solution at all. This results in further polarization of the favored and under-favored who feel discriminated against. The arrangement of privilege between the

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<sup>51</sup> B. ARFI, *Habermas and the aporia*, cit., p. 503.

<sup>52</sup> L. BERGDAHL, *Seeing otherwise: renegotiating religion and democracy as questions for education*, Pedagogiska institutionen, Stockholms Universit t, Stockholm, 2010, p. 157.

<sup>53</sup> L. BERGDAHL, *Lost in Translation: On the Untranslatable and its Ethical Implications for Religious Pluralism*, in *Journal of Philosophy of Education*, 2009, vol. XLIII, no. 1, p. 33.



heritage tradition and the newcomers, as well as between the religious and non-religious is untenable in the long run. Thus, a more constructive approach to religiosity, and bigger openness to discussions around what it means to hold religious beliefs, might be a necessary step on the road to relief.

Second, there is a problem with the intelligibility of the other, both in terms of their reasoning and their languages. As discussed in the second part, there seems to be a deep problem with regards to religious literacy, especially within the context of native/immigrant, religious/non-religious, and universal/particular divisions. The traditions and languages are viewed as fixed, and thereby space for negotiation and renegotiation is absent. The sides are unable to communicate, or often even engage with each other. They are also unable to accept the balancing act necessary in the enforcement of legal principles. Organic religious literacy should be facilitated by the education process, and the ideal of citizenship should include the ethos of hospitality toward the untranslatable.

Third, and finally, there is a need for an increased effort in developing civic competence, both in terms of the aforementioned religious literacy, but also, e.g., legal literacy. The knowledge provided during the education should provide the ability to contextualize facts and regard them as part of the complex, lived religious lives. Such knowledge should then be implemented as a part of the ongoing negotiations within the public sphere. The state should ensure that all citizens are able to engage in conflicts that will, by necessity, arise in the pluralized society, with the means provided by the legal system, not outside of it. To do that, they need to accept its conclusions, viewing it as a part of such renegotiations. Otherwise, the society will remain stuck at a standstill. And while the notion that civic competence is a necessary prerequisite for the existence of a democratic society might seem a rather obvious conclusion, it has been surprisingly underdeveloped in recent decades. This produced a combustible mix, the results of which, as in the handshake debates, we observe today.