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The Legal Status of Islamic Minorities in Sweden

Abstract

The Islamic minority in Sweden is trying to carve a place for itself in the existing legal and institutional framework in Sweden while simultaneously Swedish officials are trying to adapt society to new multicultural and multireligious realities. The article discusses the specific structures, problems, and possibilities for the Muslim minority in areas such as public funding, cemeteries, and mosques. The article closes with a discussion of religious minority rights from the perspective of individual versus group rights.

Lizenz

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The Legal Status of Islamic Minorities in Sweden¹

Sweden has a tradition of being highly centralized. No territory of Sweden is self-governing. It is only during recent decades that a certain decentralization has come about. The country is divided into 290 *kommuner* (municipalities) but also into twenty-one *län* (counties). The counties are the prolonged arm of the state and are supposed to help coordinate activities affecting more than one municipality, for example in the areas of environmental protection and public transport.

There are ninety-four judicial districts for general courts and each has their own *Tingsrätt* (District Court). Further, there are six *Hovrätt* (Courts of Appeal) and, above them, *Högsta domstolen* (the Supreme Court). Sweden also has twenty-three judicial districts for administrative courts and each district has its *Länsrätt* (County Administrative Court). The next instance is *Kammarrätten* (Administrative Courts of Appeal), of which there are four, and finally *Regeringsrätten* (the Supreme Administrative Court).²

Swedish law places an emphasis on statute law. Still, case law has an important function especially for the interpretation of new laws. One of the important functions of the Supreme Court is to establish precedents for the benefit of other instances.

Regarding religious matters, *Svenska kyrkan* (the Church of Sweden), which is divided into thirteen *stift* (dioceses) and into slightly more than 2,500 parishes, has had the responsibility to administer national registration. Since 1991 this has been a concern of *Skattemyndigheterna* (the Taxation Authorities). In most municipalities it is the local parish of the Church of Sweden that is in charge of the cemetery.

Religious civil societal organizations have played an important role, maybe not when it comes to juridical matters, but certainly in civil life. Religious organizations, both the Church of Sweden and the free churches, have for example offered social and economic aid, adult education, and formed sports clubs. Sweden has a Chris-

tian Democratic Party formed in 1964 that tends to get some four to twelve per cent of the votes at national elections. Most national parties also have Christian sub-branches and as many as twenty-five per cent of those elected to parliament were engaged in such a branch in the later half of the 1990s, according to the Christian daily, *Dagen*. The most influential is the Social Democratic Party's *Broderskapsrörelsen* (the League of Christian Socialists, see homepage), formed in 1929. (The addresses of homepages are listed in the reference list under the heading "Homepages".)

1. Relations between the State and Religious Denominations

Ever since the Reformation in the sixteenth century, Sweden has had an Evangelical Lutheran State Church, but on January 1, 2000, the State and the Church of Sweden separated. At times, for example through the seventeenth century, belonging to the Lutheran Church has been the condition to be considered a Swede, and harsh laws regulated the movements and practice of individuals belonging to other denominations. During the eighteenth and nineteenth centuries, Jewish individuals and families gradually gained the right to settle, practice their religion, and finally to become full citizens of the Swedish national state. Jews were given the right to settle in cities in 1854 and they could own property anywhere from 1860. They were given the right to hold local public office in 1862, the right to inter-marry in 1863, and finally the right to be eligible for parliament in 1870 (Alwall 1998, 154). The Jews were a small minority group they were the only non-Christian group and they had to deal with discriminatory laws and practice themselves. During the first half of the twentieth century Swedish politics was influenced by the ideas of social engineering and became obsessed with creating a "healthy" people. In its eagerness to educate and foster Swedish citizens, discriminatory practices were developed towards those who did not fit in, especially disabled individuals and persons from other ethnic groups. Religion was however not at the center of discussion. But in another field, it was a big issue. The Social Democratic Party struggled to break the power of the Church of Sweden. The Religious Liberty Act, which was passed in 1951 and took effect on January 1, 1952, was an important step in this direction. Article four of the act was probably the most important, guarantee-

¹ Parts of this text have been used earlier in Otterbeck 2002.

² For further information in English, see www.llrx.com/features/Swedish2.htm.

ing freedom from religion. During the 1950s and the 1960s new legislation restricted the influence of the Church of Sweden in several fields, for example by changing religious education in public schools from instruction *in* Christianity to instruction *about* Christianity and other religions. Thus, there are no religious leaders teaching religion in public schools. In the second half of the twentieth century Christianity lost influence in every public sphere, even in cultural discourse. But during the 1990s there was a renaissance when religious and spiritual matters once again became part of public culture through books, articles in newspapers, New Age, an increased visibility of immigrants with ethno-religious dress, etc.

In the 1970s an important change affecting Muslims took place. After a long period of political discussion and enquiries and investigation by public commissions, the Swedish government proclaimed the country to be a multicultural society in 1975. All Swedes, immigrants as well as nonimmigrants, were to have full equality and freedom of cultural choice, and the relations between all groups in society were to be characterized by cooperation and solidarity. At the same time as this political process was going on, the Swedish Council of Free Churches was given a broader mandate. It was to include the so-called immigrant churches that eventually included non-Christian groups, and in 1974 it was renamed *Samarbetsnämnden för statsbidrag till trossamfund* (SST, Commission for State Grants to Religious Communities, see homepage). In 1975 FIFS (see below) became the first Islamic organization supported by SST. In 2001 SST gave economic support to 852,672 believers of different faiths through national umbrella organizations (SST 2003). SST is within the remit of the *Kulturdepartementet* (Ministry of Culture) and its activities are regulated in law SFS 1999, 975.

Over time, the Church of Sweden has held a clearly privileged position as the state church. After the separation between the state and the Church of Sweden, rules and regulations have been adjusted so that the Church of Sweden will be treated as equal to other denominations. It will probably hold the position of foremost among equals for some time to come. About eighty-three per cent (7.4 million) of the total population of almost nine million formally belong to the Church of Sweden and pay a yearly church tax as a membership fee. However, this does not mean that the churches are filled at services. According to a study, three per cent of the members of the Church of Sweden participated in any kind of ser-

vice during a weekend in September 1999 (Skog 2001, 30). There is to be no discrimination between different denominations and there is no particular status for Islam.

2. Islamic Minorities

In March 2003, the total population of Sweden was 8,946,304, according to *Statistiska Centralbyrån* (Sweden's agency for statistics, see homepage), but there are no statistics on religious affiliation. By counting immigrants from countries with significant Muslim populations and then estimating the number of Muslims from the percentage of the population of the country of origin it is possible to calculate an estimated 270,000 to 350,000 Muslims in Sweden, including children born in Sweden. If, on the other hand, statistics include only those who participate in activities arranged by Muslim communities entitled to obtain state grants, the figure is 100,000 (SST 2003). Thus, between one and three per cent of the total population of Sweden are Muslims. According to a rough approximation, it is likely that a third or more of the Muslim population is below the age of twenty.

Sweden's Muslim population originates from several countries and there is no dominant group. There are more than 40,000 Muslims from Iran in Sweden, and more than 40,000 from Bosnia, while Turkey, Iraq, and Lebanon each have 20,000. Looking at ethnic origin, we find that a number of the immigrants from Iraq and Turkey are Kurds. There are approximately 10,000 Afghans, Somalis, and Albanians from Kosovo. Stateless Palestinians is another fairly large group. Because of return migration some groups have decreased slightly during the 1990s, such as the Turkish group, which was larger ten years ago. Most Muslims are Sunnis, but Shias are not insignificant. Shiites are mainly from Iran or Iraq. To some extent Sweden has Shiite groups from Uganda (Indian descendent Muslims who were thrown out of Uganda during the Idi Amin nationalist campaigns in 1972). They are well organized and concentrated in Trollhättan (and to a certain degree in Märsta) where they have had their own mosque since the middle of the 1980s.

Muslims tend to live in the major city areas such as Stockholm (south and northwest of the city), Göteborg (north, east, and south of the city) and Malmö (city center, south and east of the city).

However, there are quite a few active Muslim communities in mid-size cities (population of 30,000 to 90,000). Muslims have formed parishes in 112 of the 290 Swedish municipalities. The major cities tend to have a large number of parishes. Göteborg, for example, has at least thirty-five different Islamic parishes.

In the 1960s, the main reason for Muslim migration was labor migration. Family reunion started in the late 1960s with an acceleration from 1973–1974 and onwards. Refugees started to come from Muslim countries from 1979 and onwards (apart from one earlier wave from Uganda in 1972). During a period from 1984 to 1993, forty-eight per cent of the immigrants (from countries outside the Nordic countries) came as refugees, forty-six per cent came as family and only six per cent for other reasons (Lundh/Ohlsson 1994, 58). From the beginning of the 1980s we can start to talk about a significant Muslim population in Sweden. Earlier it was only a small, fairly anonymous minority. In several of the areas of Swedish cities with a high unemployment rate and low participation in elections, individuals from countries with large Muslim populations are numerous. Even though there are no valid statistics, I think it is not speculative to claim that the Muslim population of Sweden is economically and politically segregated. There are but a few well-known individuals with Muslim names active as politicians or molders of public opinion. Most of these do not want to represent the Muslim population at large; rather they see themselves as politicians or journalists.

3. Public Financing of Islamic Associations and Activities

Samarbetsnämnden för statsbidrag till trossamfund (SST, The Commission for State Grants to Religious Communities, see homepage) has the task to create communication between the State and the different communities in Sweden. SST gives each community some financial support according to the size of the community (the number of members). Often this support is used to cover rental costs and/or costs for an imam or employed administrator. There is special support available when the communities open up new fields of activity, for example women's groups, adult education, or imams visiting the sick or prison inmates. In its latest yearbook (SST 2003), SST states that the Islamic umbrella organizations, which are na-

tional representatives of the local communities, serve 100,000 persons. That the communities organize as much as a third of the Muslim population of Sweden might be surprising considering other European countries. Two factors contributing to this might be the level of economic support and the Swedish tradition of forming associations. In 2002, the Islamic umbrella organizations received SKR 4,145,000 in organization grants, SKR 126,500 to establish new activities, and SKR 12,000 in additional grants. This roughly equals 471,000 euros. Muslims have further been encouraged to form associations or communities to be able to represent themselves and to receive this economic support. In many municipalities they have been offered courses in Swedish association traditions and techniques. Several of those who have engaged in organizing communities have themselves been involved in associations prior to their migration, for example in unions, political parties, or student unions etc.

4. Bodies Representing Islamic Communities and Associations

Three national umbrella organizations are supported by the government through SST. Another one is associated and is likely to be acknowledged during 2003 (Sven-Eric Andersson, 2003-06-17). Together they cooperate in *Islamiska Samarbetsrådet* (IS, the Islamic Cooperation Council) formed in 1988, its principal function being to collaborate with SST. The organizations represent local communities and organize about seventy-five per cent of all Muslim communities. They are not clearly ethnically or religiously divided.

Förenade Islamiska Församlingar i Sverige (FIFS, United Islamic Communities in Sweden) was formed in 1974 to meet the need among the Muslim communities for an umbrella organization. This need was created by the structure for state support that presupposed a national organization that would distribute economic assistance to the different local communities. Thus, FIFS organized all kinds of Muslim communities including Shias, Sunni communities of different ethnic background, etc. However, Ahmadiyya has a separate organization that does not receive state grants. Ahmadiyyas are scarce, but they do have a mosque of their own in Göteborg and a center in Malmö. The mosque was founded in 1976 and is the oldest mosque in Sweden.

Due to the sensitivity of economic matters, there were quarrels and some groups chose to leave FIFS and form *Sveriges Förenade Muslimska Församlingar* (SMuF, United Muslim Communities of Sweden) in 1982. These were mainly Sunnis with an Arabic language background, but the organization also contains Shia communities.

In 1984, a new split occurred and *Islamiska Kulturcenterunionen* (IKUS, Union of Islamic Centers of Culture) was formed. IKUS has a leaning towards the Turkish Süleymanli interpretation, but they also coordinate quite a few Somali communities (as their statutes show, containing actions to be taken against female circumcision and the chewing of Kat). In IKUS there are no Shia communities.

Svenska Islamiska Församlingar (SIF, Swedish Islamic Parishes) is the youngest of the organizations formed in 2002 as a result of a conflict between the leaders of IKUS. SIF has just been admitted as an associative member of IS and will probably be part of the council within the year. The parent organization of SIF is *Svenska Islamiska Samfundet* (SIS, Swedish Islamic Society) formed in the beginning of 2000, but it is already a registered denomination.

The leaders of FIFS, SMuF, and SMR (see below) are considered close to the Muslim Brotherhood and some have been closely connected to the Saudi Arabian *Rabitat al-alami l-islami*. Financially, however, they decline the support of the Saudis because of Saudi actions through the 1990s. The leaders of IKUS tend to lean towards a revivalist, law-school-bound, Turkish Sunni Islam that accepts Sufism as a form of intellectual piety. Milli Görüs only has local groups and does not seem to have a strong influence.

There are other national organizations, coordinating local communities that do not receive grants from the government partly because FIFS, IKUS, and SMuF work against this, and partly because they are quite newly formed. But according to Jan-Eric Andersson (2003-06-17), working on SST, a reorganization of IS has led to a change of strategy which opens the outfit up for new members. The organizations include a Bosnian organization that cooperates with SMuF, a Muslim youth organization, and a strictly Shia organization (rumored to be the next to enter into the IS after SIF). All of these organizations coordinate local activities, form discussion groups or groups to deal with specific questions such as adult education, marriage licenses, burial, etc.

Some Muslim councils or organizations have formed to deal with information about Islam or to deal with special issues. *Islamiska informationsföreningen* (IIF, The Islamic Information Association, see homepage) was formed in 1988 with the special task to issue an Islamic monthly, *Salaam* (Otterbeck 2000). During its existence, IIF has published several booklets, often translations from the Leicester-based Islamic Foundation's catalogue. IIF has offices in Stockholm, Göteborg, and Uppsala. Most of the leading activists of IIF have been converted women.

FIFS and SMuF formed *Sveriges Muslimska Råd* (SMR, The Muslim Council of Sweden) in 1990 to be their active representative in their relations with the Swedish majority society. The most active person in SMR is Mahmoud Aldebe, who is also active in other organizations such as the IS mentioned above. SMR can to some extent be seen as his project. The specific mission of the SMR is to create mosques and Islamic schools, publish information material about Islam directed towards non-Muslims in Sweden, and take active part in the public debate in society.

Another similar council formed recently is *Svenska islamiska akademien* (SIA, Swedish Islamic Academy, see homepage) which is part of SIS. It was set up by Muslim academics, most of them Swedish converts to Islam, to promote a more open discussion on Islam. Several of the founding members were already publicly known Muslims who have a great deal of experience as activists in different organizations and local communities. Together the members of the council have come to function as spokespersons for Islam (rather than for Swedish Muslims) in the media. SIA has started a theological and cultural magazine, *Minaret*, with four issues a year, and it has managed to plan a training program for imams together with Ersta Sköndal University College in Stockholm, a Christian deacon center in Stockholm (see below).

5. Building of Mosques and Muslim Cemeteries

There are four Sunni mosques (Malmö, 1984, Uppsala, 1996, Västerås, 1997, Stockholm, 2000), one Shiite mosque (Trollhättan, 1985), and one Ahmadiyya mosque (Göteborg, 1976), all of which were either purpose-built buildings or fully redesigned to serve as mosques. Furthermore, at least 150 prayer rooms in rented apart-

ments and other smaller places (*musallas*) are scattered throughout the townscapes of Sweden. There are some ongoing building projects and some plans for new mosques.

To apply for the right to build a mosque you turn to the *Stadsbyggnadskontoret* (City Planning Office) of the municipality. Together the initiative taker and the City Planning Office try to find a suitable location. Questions about financing, the views of potential neighbors, etc., are discussed. In several cases, plans have been aborted already at this stage for financial or suitability reasons. Most completed mosque projects are the results of long processes (often years) of trial and error. The general public has reacted very differently to various mosque projects. In some cases resistance has been strong and in other there have only been some minor complaints (Karlsson/Svanberg 1995).

The Church of Sweden's parishes manage the cemeteries in most municipalities. In some cases, like in Stockholm, it is the local municipality that is in charge. The responsible authorities are commissioned by the State (according to law SFS 1990, 1144) to offer cemeteries or at least a burial place for non-Christians, but this is not always easily provided, in most cases because of a lack of preparation for this new situation. *Länsstyrelsen* (the county administrative board) has the responsibility to appoint representatives for non-Christians; these are appointed for a period of four years. Well-established denominations might apply for the right to set up their own burial grounds. I have not heard of any initiatives of this kind from any Muslim organization. There are approximately ten established Muslim cemeteries. The major cities all have burial grounds for Muslims that have been in use for a couple of decades now, the oldest being the one in *Skogskyrkogården* in Stockholm, where the first Muslims were buried in the 1950s. The Muslim cemetery in Malmö was set up in 1974. A new problem is that space is becoming scarce and there is a need to expand. The generation that came during the 1960s as labor migrants is now getting old. Some still choose to be transported to a country of origin to be buried, but this is expensive and as migrants increasingly come to consider Sweden as a home country, more are buried here. A new area of *Skogskyrkogården* was opened up in 1985 but was full by 2000. The Muslims of Stockholm are now directed to *Strandkyrkogården*, five km from the former cemetery (Börje Ohlsson, 2003-06-05). A fam-

ily has the right to keep a tomb untouched for fifty years and they have the option to apply for and pay a fee for additional periods.

6. Religious Education and Religious Schools and Universities, the Training of Imams

The first Islamic *Friskola* (private school) opened in Malmö in 1993. Today there are almost twenty private Islamic or Arabic schools. The reason for this increase is the private school reform of 1992, when the economic conditions for private schools were improved and it became easier to open private schools. Since then there has been an ongoing ideological struggle between liberals, wanting to promote private schools, and socialists, wanting to restrict their numbers. However, most Muslim youths are pupils in public school, some also taking afternoon or weekend classes on Islam at mosques. Some of these classes are financed through support from SST.

During spring 2003, a television documentary filmed with a hidden camera sent a shock wave through Sweden. It portrayed the poor conditions in Arabic and Islamic schools, showing headmasters bragging about keeping Swedish authorities out and admitting the use of corporal punishment in the school, etc. As a result of this documentary some of the headmasters interviewed have been reported to the police, and *Skolverket* (the National Agency for Education) has started investigations about the conditions in the schools. How this will affect the role and reputation of the Islamic and Arabic private schools is still too early to tell.

There are no Islamic universities. The Swedish Islamic Academy (see above) has initiated an imam training program together with Ersta Sköndal University College in Stockholm, a Christian deacon center. The head of the responsible department at Ersta Sköndal, Jonas Alwall, says that courses in Islamic studies started in fall semester 2002 and have continued for two semesters now. Thus far, everything is quite tentative and it is difficult to predict the future of the project (Alwall 2003-06-02). The imams in Sweden are either schooled in other countries, sometimes only working in Sweden for a couple of years, or they are unschooled and appointed because of personal qualities rather than formal religious education.

7. Ritual Slaughter and Halal Food

Halal slaughter without prestunning the animal is not permitted, but it is legal to import halal slaughtered meat from other countries. If prestunning is accepted (and most Muslim public opinion in Sweden seems to accept it), halal slaughter is legal, and during fall 2001 the first all-Islamic slaughtering house was opened. Before that (and still) Muslim butchers have slaughtered according to halal laws (with prestunning) in other slaughtering houses. Poultry is an exception to the rule; it has always been legal to slaughter poultry without prestunning.

During the 1990s, two official reports on ritual slaughter (both Jewish and Muslim) were made, and they pointed in different directions. The first one, *Slakt av obedövade djur* (on the slaughter of nonstunned animals, 1992) was conducted by *Jordbruksverket* (Swedish Board of Agriculture), generally in charge of questions related to slaughter. This report has been criticized for not considering the value of religious pluralism and the freedom of religion. The second one was conducted by a religious historian commissioned by the Government Commission on Swedish Democracy, and was published as a *Statens Offentliga Utredningar* (SOU, Government's Official Reports) in 1999 (SOU 1999, 9). It paints a far more complex picture than the first report and also comments on some relevant EU laws that have changed the basis for Swedish legislation. This includes laws designed to protect religious diversity and for example suggesting exemptions regarding prestunning and ritual slaughtering. It is rumored that a change is on its way, but one must not underestimate the strong and influential animal rights lobby in Sweden.

Even though Sweden is an urbanized country and most farms are semi-industrial there are still a number of smaller farms. I know through personal information and through the media that a few Muslim families have aligned themselves with farmers, buying and slaughtering animals at such farms. This is however done on a very small scale, only for personal use.

8. Religion and Medical Treatment

Some Muslims inspired by resurgent movements demanding the Islamization of all sectors of life have addressed the issue of medical treatment. Most participants in the debate focused on the presence of alcohol in medicine and on the applicability of Islamic homeopathic medicine. This discussion was made public in the second half of the 1980s through the publications of the interconnected organizations SMR and IIF (see above). It was never very far-reaching, and conflicts between medical staff and Muslim patients are more likely to be based on the perception of gender, different explanations for disease and sickness, and in differences in understanding and expressing authority. Some conflicts that were to be expected have occurred, such as on the issue of autopsy, creating a need for knowledge about Islam and Muslims among medical staff. Some consultants and some academics have attempted to explain cultural differences in books and lectures, running the risk of stereotyping individuals and locking them up in various clearly defined cultural cages.

Patients at hospitals have the right to special food, be this for religious, ideological, or health reasons. At times patients (or relatives of a patient) might demand that medical examinations are performed by a doctor of the same sex. This seems to be highly disliked by the staff at hospitals (personal information). The hospital staff try to satisfy these demands but cannot always do so, and the patient has no legal right to demand this.

Female genital mutilation (FGM) is abhorred by most Muslim religious experts, but allowed (and then often only in its mildest form called Sunna, clitoridectomy) by some scholars, especially Shafi'i, in certain regions. FGM has been forbidden in Swedish law since 1982 (Law: SFS 1982, 316). Two amendments, in 1998 and in 1999, have been made. There have been no court cases yet, but some social workers and health care personnel claim that young girls from West and (North-) East Africa run the risk of FGM when visiting countries of origin. In a recent dissertation it is claimed that this is a misconception and that the majority of Somalis in Malmö, for example, are against FGM, viewing it as a damaging outdated practice (Johnsdotter 2002). Midwives and medical doctors sometimes encounter circumcised women when delivering children. Some of these women have to be cut open since their labia major have

grown together. After delivery medical personal have to sew the labia together again to stop the bleeding. These women are offered plastic surgery (personal communication with midwife from Stockholm). Most Muslims are not affected by FGM.

In 2002 a politician from the leftist party put forth a motion on male circumcision with the explicit aim to outlaw the practice on children. The motion argued that any infliction done on a body will have to be agreed upon by the individual and a boy is not in a position to say no until the age of fifteen to eighteen. Of course religious groups affected were outraged and there was a heated debate. The motion was turned down in parliament. There were two reasons behind the motion. The anti-circumcision movement has grown strong internationally during recent years, probably as a result of the greater focus on the question of FGM. The second reason is that new laws had recently been passed that explicitly mentioned religious circumcision of boys as legal (Law: SFS 2001, 499). The practice had been legal prior to this, but not regulated under law. Circumcision is to be performed by medical doctors but the law gives denominations a possibility to apply for permission for equally qualified persons to perform the circumcision. *Socialstyrelsen* (The National Board of Health and Welfare) deals with these applications. The practice had been subsidized economically by the state until the middle of the 1990s when subsidies were suspended, and the price for an operation increased threefold. Suddenly, a black market was created for unauthorized circumcisers, with varying skills. A number of circumcisions caused severe complications for the boys involved, and a debate followed that led to the new laws.

A Swedish-Turkish doctor of medicine, Yüksel Peker, has founded an organization called SWIMA (Swedish Islamic Medical Association, see homepage) with the aim of coordinating Muslim medical expertise in Sweden to be able to address problematic issues. SWIMA has contacts with FIMA (Federation of Islamic Medical Association, see homepage), formed in the U.S.A. in 1981. SWIMA is fairly new and I have no knowledge of how it has been received or if it is successful in its ambitions.

9. The Observance of Daily and Friday Prayers and Holidays

The discrimination laws state that no one shall be discriminated against because of faith (law: SFS 1999, 130). Furthermore, in paragraph H of the UN's "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" (resolution 36/55 of November 25, 1981), ratified by both the EU and Sweden, it is stated that religious groups are to be able to celebrate holidays and observe days of rest. Working Muslims who need to be free for a couple of days use days from their holiday entitlement or parental contact days. Muslims who are studying are allowed to have an examination moved if it collides with a holiday. At places of work with several Muslims, it is fairly common that some space is offered for daily prayers. This is still a problem for many Muslims working at places with only a few or no other Muslims. The Friday prayer can be an obstacle for Muslim workers who cannot arrange anything at work.

In the last few years several places of work have added a new diversity plan to their already existing gender equality plans. While it is mandatory to have a gender equality plan, to date diversity plans are only recommended for businesses, although public authorities have to have one. The issue of religious and cultural holidays is a typical issue in the diversity plans, but it is not easy to form functioning strategies, and so the plans tend to leave it at rather open formulations about the importance of accepting a plurality of cultural and religious practices. The plans will also specify how to take action against racist behavior and discrimination at work.

10. Wearing the Hijab at School or at Work

There has not been a headscarf affair in Swedish schools, but there have certainly been some cases on the labor market that have received varying degrees of public attention. But let us start with school. Pupils are allowed to express their faith in schools and do not need to hide symbols, etc. But as in most European countries, Islam is associated with female suppression by many non-Muslims and the hijab is made a symbol of that suppression. As a result some individual teachers find it difficult to accept pupils who wear

the hijab and discriminate against them. This conflict is indirectly built into the national curriculum, as this promotes the ideas of equality between the sexes, democracy, individuality, and cultural diversity. But what if cultural diversity sometimes entails fixed gender characteristics in clothing and possibly other accompanying values? Interestingly enough, many non-Muslim, maybe also non-religious teachers tend to accept a pupil's hijab if it can be seen as a "personal choice", because if the hijab is not chosen due to group pressure it is more acceptable.

The labor market in Sweden had its first "headscarf" affair in 1986. In a case taken up in *Arbetsdomstolen* (Swedish Labor Court, see homepage) the transfer of a Sikh man employed as a tram driver to another post by the Göteborg municipality was discussed. Eventually the municipality won since it had not fired but transferred him when he refused to wear the suggested cap of the uniform, wanting instead to keep his turban. The key issue was the uniform and its importance for the identification of members of staff for security reasons (among others), which the court recognized. Things have changed since then. Today the homepage of the *Diskrimineringsombudsmannen* (DO, discrimination ombudsman) gives several examples of recent agreements reached in conflicts between employers and qualified Muslim women either seeking employment wearing the hijab or who have started to wear it at work. In most cases the employers seem to be ignorant of present-day laws actually giving women (and men for that matter) the right to wear essential religious clothing. If possible, uniforms should be redesigned to meet the demands of the employee. The shift took place during the 1990s.

According to Muslims, and journalists and social scientists working on questions of racism and discrimination, Muslims are frequently discriminated against when applying for work, the headscarf being one key issue. Most cases are not tried or even reported.

A recent event, in the autumn of 2002, became a public affair. Nadja Jebril, a twenty-year-old graduate from an upper secondary school with a media profile, who had supported herself as a journalist for a year after graduation, was denied the post as hostess for *Mosaik*, a television program focusing on multicultural Sweden. She had previously worked as a journalist for *Mosaik* and since she did well had been offered to take up the position as presenter of the

program. Learning that Nadja Jebril would wear a headscarf when hosting the show the board of the state-owned Swedish public service television company, *Sveriges Television*, denied the request of *Mosaik* to employ Nadja Jebril. There was a national outcry, or rather several. Promoters of multiculturalism, liberalism, and secularism debated the case. Anti-sexist, anti-Islamic Marxist Iranians wanting to forbid the use of the headscarf for girls under the age of sixteen voiced their opinions. Muslims wanting to wear the headscarf protested. Academics tried to explain the debate and offer more balanced views, and politicians made statements and took sides. The issue was on everyone's lips. A privately owned television channel made a local broadcast with the newscaster wearing a hijab without being Muslim. Nothing previously had ever caused comparably strong protest from the viewers. Eventually the board changed their minds and asked Nadja Jebril to host the show, but immediately after that it was announced that *Mosaik* was to be closed down for several seasons. I do not know which decision – to close the show or to reinstate Nadja Jebril – actually came first. This affair drew attention to issues that had not been addressed in public before. As a result of these debates and also of Nadja Jebril's own clever and calm way of discussing things – never aggressively demanding her rights, but rather showing her competence and suitability by being able to participate in the discourse – I think many Swedes who had never felt a need to have an opinion about these matters before now began to formulate their own standpoint.

11. Religious Guidance and Assistance in Hospitals, Prisons, and the Army

Although the fact that newcomers to Sweden and the socially marginalized are over-represented in prison is well known, it seems that the prisons have had a problem structurally adjusting to the new demographic conditions. I have however found very little research and statistics here. Local communities might ideally take it upon themselves to visit the sick and imprisoned. This is considered an important humanitarian act by some. But this activity is not especially financed or regulated by the state and is of less interest in this context.

The Stockholm-based SMR (see above) coordinates eighteen prison imams who have the role to cater for the spiritual needs of Muslim inmates. They cooperate with the staff of different prisons who call SMR if a Muslim inmate wants to see an imam. SMR has some support from the state to finance this project, which has been going on for at least seven years. SMR also offers this service to hospitals and the armed forces.

The Swedish armed forces (SAF) are based on compulsory military service, together with a cadre of professional commanders and reservists. According to Mats Norrman, minister of staff at the headquarters of the SAF and responsible for questions of sexual, gender, and ethnic diversity, the SAF is responsible by law to provide an environment acceptable to all (Norrman 2003-06-04). Most conscripts are members of the Church of Sweden, but lately there has been an increase of Muslims. The priests of all units have been informed of addresses of Muslim organizations that they can turn to if a Muslim within SAF wants spiritual guidance. According to Norrman they have established contact with SMR. He also states that demands for spiritual guidance from Muslims have not been an issue thus far.

12. Recognition of the Rights of the Muslim Family

Islamic law has no legal status in Sweden. The imams of some associations legally accepted by *Kammarkollegiet* (Legal, Financial and Administrative Services Agency) as registered denominations (in Swedish: *registrerat samfund*) have the right to wed couples (but this includes sending in a registration form to the state, without which the marriage is not valid.) For example in Malmö, five imams have the right to wed couples, according to Ali Ibrahim, one of those imams. Muslim lawyers have tried to merge Swedish law with Islamic law by designing marriage contracts, wills, and other important legal documents that are as Islamic as possible. These are available via the Islamic umbrella organizations.

At times, some Muslims leaders have voiced demands or at least wishes for an increased recognition of Islamic law. But since this often means a shift of equal individual rights much cherished in Swedish society toward a situation where rights and duties would

be gendered, these wishes and demands are not likely to have any effect.

Polygamy is not legal in Sweden but is accepted if the marriages are already entered into when first coming to Sweden. But there are loopholes that can be used. Couples have been known to enter into polygamous marriages by making them religiously legal through Islamic contracts, but registering only one marriage through the Swedish bureaucracy. It is difficult to estimate the number of such marriages but there are not likely to be more than only a few.

In divorce situations the tradition in Swedish law has been to consider women as the most important of the parents. In the various Islamic legal traditions, children are seen as part of the man's family and as his (economic) responsibility. Competing views on law and justice have complicated some cases of divorce. Recently Swedish courts have increasingly given shared custody to parents, thus enhancing the male parents' position. Still, this is not compatible with classical Sunni family law, for example.

13. Discussion on Rights

William Barbieri (1999) takes domination as a starting point when discussing individual and collective rights. He claims that group rights are important but that they have to be limited by individual rights. Group rights can be accepted and promoted as long as they are not used to dominate or restrict an individual. Group rights are set up to ensure that other collectives do not dominate less powerful groups, and not to put restrictions on members of the group holding the rights. Swedish law is in line with the first two generations of human rights, the liberal heritage, regulating the relations between state and individual, and the socialist heritage, stressing the importance of social rights such as acceptable living conditions. The third generation focusing on minority rights and cultural rights began to affect Swedish legislation during the 1970s when the focus was directed at national or ethnic minority rights regarding language, for example. Religion was not an issue until the 1990s. Before then, the state operated from a nonverbalized presumption that religious adherence and faith were private matters. Because of increased contact with EU legislation, the legislative authorities have taken an interest in religion as a possible factor for discrimina-

tion and also for positive collective rights. Every step in the direction of group rights is carefully monitored and often criticized by liberals wanting to hinder any restrictions on the individual's rights, and by leftist intellectuals criticizing all kinds of stereotyping, racialization, culturalization, etc. Many social scientists have observed that gender equality is one of the most central ideological values of Swedish public discourse, and this is certainly the case in debates on group rights. Together with a concern for what is best for children, gender equality is often used when a critique of group rights is voiced (as mentioned above in connection with divorce and circumcision). To summarize, the Swedish legal tradition is slowly addressing the question of group rights, but still most of the rights that religious groups enjoy are general rights such as freedom of expression and freedom of assembly.

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Homepages

- (Most homepages are in Swedish, but several of them have English sections.)
 Arbetsdomstolen (The Labour Court): www.arbetsdomstolen.se
 Broderskapsrörelsen (the League of Christian Socialists): www.broderskap.se
 Diskrimineringsombudsmannen (DO, The Discrimination Ombudsman): www.do.se
 Federation of Islamic Medical Association (FIMA): www.fimaweb.org
 Islamiska informationsföreningen (IIF, The Islamic Information Association):
<http://hem.passagen.se/iif/>, <http://home.swipnet.se/~w-67715/>
 Kammarkollegiet (Legal, Financial and Administrative Services Agency):
www.kammarkollegiet.se
 Samarbetsnämnden för statsbidrag till trossamfund (SST, Commission for State Grants to Religious Communities): www.sst.a.se
 Statistiska Centralbyrån (Sweden's Agency for Statistics): www.scb.se
 Svenska islamiska akademien (SIA, Swedish Islamic Academy):
www.svenskaislamiska.org
 Swedish Islamic Medical Association (SWIMA): www.swima.com
 Swedish laws on line: www.lagrummet.se/index.htm?pages/logo.htm&www.llrx.com/features/Swedish2.htm

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