



Re-Privatizing Minority Difference: Representation, Recognition, and Redistribution in the Municipal Politics of Religious Accommodation in Denmark

RESEARCH

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ABSTRACT

This article examines an issue that highlights intimate connections between minority and migration politics, namely, politics of religious accommodation. It does so through analyzing a conflict between the Copenhagen municipality and a Jewish kindergarten that resulted in an enforced privatization. Conceptualizing it as a part of wider struggles over recognition (broadly conceived) of migration-pertaining difference in Denmark, I analyze the case through Nancy Fraser's (2009) theory of justice as comprised of singular but interrelated arenas of (cultural) recognition, (institutional-political) representation and (economic) redistribution, bound together by a norm of participatory parity. I argue that while the negotiation was characterized by instances of both misrepresentation and misrecognition, the municipality's preference for the institution's privatization reflects not only a return to the traditional preference for the privatization of difference but also the centrality of the redistributive arena of justice in Denmark. If the latter tends to be in welfare contexts understood by the majority as always already expressing recognition, from a minority perspective, the state's embrace of such a recognition-through-redistribution approach can entail an injury of lacking or erroneous recognition. Whether the minority will perceive a single case as such an injury depends on the broader tenor of politics of minority and immigrant difference at the time.

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Much of the recent scholarship on politics of migrant reception and accommodation suggests the urban scale is characterized by a greater tendency to accommodate socio-cultural diversity than the national one (De Graauw & Vermeulen 2016; Jorgensen 2012). This progressive urban pragmatism is seen as bringing about a growing incongruence between the national and local level (Scholten 2013). And while the pragmatist thesis has not gone uncriticized (e.g. Emilsson 2015), especially big cities' governance remains broadly perceived as almost inherently more inclusive and accommodating of migrants and longer-established minorities alike (Antonsich & Matejskova 2015). This is no different in Denmark where Copenhagen, the country's largest and most diverse municipality, is often discussed in contrast to the rest of the country in both popular and expert arenas. One recent study of urban governance of diversity in Copenhagen, for example, characterized it as 'a pioneering municipality' with 'a pluralistic' approach to difference (Andersen et al. 2014: 4). For its own part, without naming migrants or religious minorities explicitly, the municipality also fashions itself discursively as strongly diversity- and inclusion-attuned. In its second integration plan, the municipality even declared the city's ambition 'to be the most inclusive city in Europe' (Integration policy 2011: 4).

Yet only a year after the publication of this plan, a conflict around inclusion arose between the municipality and one of the cities' minorities. The municipality decided to stop granting a waiver to the Jewish creche and kindergarten in Copenhagen (the kindergarten), the only such institution in the country, from compliance with a minor, largely technical ordinance. The sudden rejection of the accommodation resulted in a multiyear conflict, which ended when the municipality voted to end the 38-year-old operational agreement with the kindergarten that had made it a public, albeit autonomous institution all those years. This turnaround in the municipality's accommodation of the institution is puzzling not only because it was enacted at the scale presumed to embrace an inclusive, more accommodating governance of minority differences. The rollback of accommodation in this case stands out also because it concerned an institution of a tiny community¹ that is never conceptualized as problematic in the Danish public discourse on difference or 'integration'. In relation to the latter, the Jews in Denmark, very much unlike the country's Muslims, are popularly perceived as fully integrated (or assimilated), and, in fact, fully Danish. This is so in part due to the four-hundred-years-long historical presence of Jews in Denmark, but also—somewhat curiously—*despite* the fact that this community has continued to be transformed by regular immigration streams over the years, including in the late 1960s (Poland) and in the 2000s. And while religion replaced social inequalities as the main axis around which migrant settlement and difference has been problematized in the past two decades in Denmark, the focus has been specifically on Islam (Brochmann & Hagelund 2011; Schmidt 2022) rather than Judaism or other religions associated with migration.

This article analyzes the above-mentioned conflict as a case of municipal politics of accommodation of religious difference against such a background. It conceptualizes it as a struggle over recognition (broadly conceived), while drawing on Nancy Fraser's

¹ Denmark does not collect statistics on citizens' religious affiliation, but those identifying as Jews or having Jewish family background in Denmark are estimated to be around 7,000 to 8,000. However, only around 2,000, settled in and around Copenhagen, are affiliated with the three recognized congregations.

(2009) theorization of (cultural) recognition, (institutional-political) representation, and (economic) redistribution as three separate but interrelated arenas of justice. Drawing on the official case documentation, complemented with an interview material, I analyze the process through Fraser-inspired principles of participatory parity and make sense of the resolution of the conflict. I argue that while the process was characterized by instances of both misrepresentation and misrecognition, the municipality's preferred solution to the conflict, namely, the institution's privatization, reflects not only a return to traditional Danish preference for privatization of minority difference but also the centrality of redistribution in the country's approach to justice. The latter is understood as always already expressing recognition (in the broader sense). In order to contextualize the case, the article starts with an overview of the contemporary politics of integration, Danishness, and religious difference. This is followed by a conceptual framework and a short overview of the case and the data. I then turn to the analysis of the process through the principles of representation and recognition, after which I try to make sense of the case and the solution. In the conclusion, I summarize the findings and reflect on the broader significance of this case, especially in relation to how the fear of the more recent newcomers to Denmark, namely, Muslims, impinges on the politics of difference and recognition conflicts of other, longer-established and 'not-too-othered' minorities.²

CONTEMPORARY POLITICS OF DANISHNESS AND RELIGIOUS DIFFERENCE

The contemporary landscape of the politics of migrant and minority difference, citizenship, and Danishness has since the turn of the century become dominated by concerns about migrants' and minorities' cultural differences. Unlike in the 1970s and 1980s when the state prioritized access to rights and equal opportunities within the existing system (Brochmann & Hagelund 2011), culturally different practices and values stand now in the forefront due to their potentially negative impact on the economic as well as the cultural-behavioral integration. In such a context, neoliberalized aspects of integration policy from the late 1990s became complemented with a renewed focus on Danishness (Mouritsen 2012). This Danishness, characterized by a 'peculiar cultural-ethnic-civic-mix', is seen as rooted in the late 19th century valorization of the small-scale, communal society and its cooperative movement, public education, Danish language, and individual autonomy (Mouritsen & Olsen 2013: 696). Importantly, it is seen as inspired by Lutheranism. It is through this kind of historical and religious anchoring that Danish political culture is now seen as embodying values that are at once universal as well as specifically Danish, resulting in a 'particular universalism' of the contemporary conception of Danishness (Mouritsen 2006).

The focus on the ideal citizen subject as a liberally minded individual, valuing and practicing 'reflective autonomy' (Mouritsen 2006), is at the same time underwritten by a broader Nordic conception of 'egalitarian individualism' (Gullestad 2002). In Denmark, as in Norway, the central value of civic culture is *likhet/lighed*, most commonly translated as equality. Crucially, *likhet/lighed* also means similarity or likeness. Equality is thus related to identity and to 'how "ordinary people" relate to differences in way of life and lifestyle' (Gullestad 2002: 83). Gullestad, as well as those

2 I would like to thank the NJMR editor Dalia Abdelhady for this apt formulation.

studying Denmark, highlight how an imaginary narrative of sameness of members of the society dominates civic culture there (Olwig 2013). While sameness or uniformity (*ensartet* in Danish) is not necessarily the same as similarity, the dual meaning of *lighed* points to the importance of who and under what conditions is considered similar or alike (enough) to belong.

In this landscape of citizenship and belonging, difference has not been jettisoned completely. But as elsewhere, it has been depoliticized through reframing as diversity (Matejskova & Antonsich 2015; Olwig 2013). Even then, it is present very unevenly, mostly lacking in the past decade from the national scale, while discursively embraced, if selectively, at the municipal one, for example, in Copenhagen. Ethno-cultural diversity is vaguely seen as a social good (Duru & Trenz 2017), as long as it does not come into conflict with the above-described Danishness. Such Danishness is increasingly seen as the only legitimately dominant culture occupying the public sphere. Increasingly though it seems to be making claims also on the private sphere, as in the recent legislation about mandatory Danish instruction of at least 25 hours a week for one-year-old children from migrant families in marginalized neighborhoods if they do not attend Danish daycare. It is largely when the abstract diversity gives way to an actually existing socio-cultural difference, and especially one that is accompanied by a public claim, that tensions arise.

Islam especially has in wake of the Muhammad cartoon crisis in 2005 come to represent the ‘annoying difference’ (Hervik 2011), and potentially an obstacle for integration (Schmidt 2022). Islam’s compatibility with Danishness is increasingly questioned because it is seen as ‘opposed to ideas of secularism, individualization and the privatization of belief’ (Jensen, Weibel & Vitus 2017: 59). If this attitude tended to be associated with the nationalist right-wing politics in the 2000s (Hellström & Hervik 2014), it has become more widespread: by mid-2010s, the Danish society has polled most negative attitudes toward Islam in all of Europe (Jensen, Weibel & Vitus 2017). Per Mouritsen and Olsen see the increasing state actions curtailing rights associated with Islam, like bans on niqabs and burkas, as policing the public sphere against what is seen as an illiberal, ‘un-modern religion’ (2013: 706).

It is at least in part as a response to Islam (cf. Gullestad 2002) that the domestic Lutheran Christianity has become articulated by the state more explicitly as a part of Danishness since the late 1990s (Jenkins 2011). *Folkekirken* (People’s Church), the Danish national variety of Lutheranism, has—as the titular, state-sponsored religion in the country—functioned for a long time as a ‘part of the national background against which they [Danes] live their lives’ (Jenkins 2011: 243). But this background has been one of secularized Lutheranism. *Folkekirken*, perceived as a national-cultural rather than religious institution, is seen as providing just a provenance to some of the most cherished traditions, such as Christmas celebrated with family at home. Although most Danes still belong formally to *Folkekirken*, they do not hold Christian theological beliefs and only interact with the church exceptionally. This high native secularity (Lægaard 2012) fuels a climate of not so much a disapproval of religion per se (cf. Jensen, Weibel & Vitus 2017), but rather a deep suspicion of religiosity. Religiosity, as one’s everyday life or subjectivity being forged through an engagement with what we call religion, is seen as decidedly un-modern, something that Danish society largely sees itself as having overcome. It is in this climate that Danish Lutheranism is seen as a ‘harmless, native public religion’, in opposition to minority religions, and especially Islam (Oosterbaan 2014: 596).

Institutions for children have become the places where the fault lines in these politics of religious difference are highly visible. Especially ‘free’ (*friskole*), mostly Muslim schools have become seen in the recent past as potentially posing a problem to the integrationist agenda. Such institutions are private, self-governing institutions, based on alternative pedagogical or religious traditions. They are also heavily subsidized by the state, making them highly affordable. As an institutional type, they originated in the middle of the 19th century with the goal of accommodation of religious minorities. While the original intention for their provision ‘was never to celebrate the value of cultural or religious diversity per se’, it has effectively given ‘legitimacy to this dimension of tolerated diversity’ (Mouritsen & Olsen 2013: 703). Yet with increased migration and visibility of difference, this legitimacy has become recently questioned, and replaced with concerns about private educational institutions as potentially fostering separatism (Mouritsen & Olsen 2013). It is interesting that in such a context, the municipality preferred another religious minority’s (semi)public institution to leave the public sphere and join the ranks of such private institutions.

PUBLIC SPHERE, RELIGION, AND PARTICIPATORY PARITY

I understand the negotiation between the municipality and kindergarten analyzed here as unfolding within a formal, institutionalized public sphere, that for its classic theorist Jürgen Habermas is a ‘space of reasoned communicative exchanges’ (Habermas 2008: 12). In his more mature, post-secularist theorization of the public sphere, Habermas makes room for religion (Habermas 2005), not only because of the persistent presence of religion in the public sphere. He instead rethinks religion both as a ‘part of the genealogy of public reason itself’ (Calhoun 2005: 65), and as still containing morally progressive potential (Habermas 2008). Importantly for this article, Habermas also insists on an integration of religious people into the public sphere as a basic ‘requirement of political justice’ (Calhoun 2005: 65).

The Habermasian public sphere thus cannot be considered inclusive if it excludes demands for recognition (Calhoun 2005). These have to be reasoned for using a ‘publicly intelligible’ language (Habermas 2008: 111–113). Seculars carry an equal responsibility for translation into such a language, including in conflicts around what are ‘always contested delimitations between a positive liberty to practice a religion of one’s own and the negative liberty to remain spared of the religious practices of others’ (Habermas 2006: 4–5). This is a crucial condition for religious freedom that needs more than just official tolerance and a secular, or potentially just a ‘moderately secular’ (Lægaard 2011) state, as is the case in Denmark.

While Habermas’s focus on procedural justice and reasoning is useful, he does not elaborate in greater detail on recognition and differential power relations impinging on recognition. This is crucial in that the conflict analyzed here can be understood as part of ‘struggles over recognition’ (Honneth & Ranciere 2016: 90). Recognition has in the past few decades become central to both contemporary politics and critical theories of justice. As a concept, it has developed especially through a debate between Axel Honneth, a student of Habermas, and Nancy Fraser (Fraser & Honneth 2003). While both start from the Frankfurt tradition of a critique of capitalist society’s conditions and articulate their moral philosophies of recognition in relation to redistribution (Thompson 2006), their approaches differ. Honneth’s moral-psychological approach posits recognition alone as ‘the fundamental, overarching moral category’ (Fraser &

Honneth 2003: 2–3). And while he insists on redistribution—namely, the economic aspect materialized through the just distribution of resources in the society—as a crucial component of social justice, he theoretically relegates it to a secondary position. This is so because, in his view, actual economic redistribution always already implies a measure of cultural recognition.

Fraser (1997) instead advanced a perspective of ‘perspectival dualism’. She insists that recognition and redistribution are two interdependent but ontologically irreducibly singular, non-subsumable aspects of power, culture, and the economy, respectively. Injustices incurring in each, namely, in the form of misrecognition or maldistribution, respectively, are not reducible to each other. Crucially, Fraser later added the third realm of power and justice to the cultural and economic ones, the institutional-political one, with its own instances of political injustice, such as ordinary political misrepresentation, mis-framing, and meta-political representation (Fraser 2009). She puts forth a norm of participatory parity as an ‘overarching, integrative principle’ (Fraser 2003 in Hölscher & Bozalek 2020) that can bind the three domains together. In this way, she attends to parity in both a substantive and a procedural way, making her approach transformative rather than merely redistributive (O’Sullivan 2020).

Different strategies for achieving parity relate to the three different domains of justice, and the relative weight of these domains depends on a concrete situation (Blue, Rosol & Fast 2019). In conditions of relative equitable economic distribution, as could be argued, which are largely in place in Denmark, the importance of issues related to representation and recognition stands out. Within the Fraserian framework, principles such as *fair, transparent, inclusive, and legitimate decision-making process* and of *inclusion of minority framings and discourses* ensure justice in relation to representation, and principles of *avoidance of disrespectful stereotyping* and *avoidance of an imposition of interpretations of culturally dominant groups* do so in relation to recognition (Blue, Rosol & Fast 2019). I draw on these four principles of participatory parity to analyze the process of negotiation between the minority kindergarten and municipality in relation to the arenas of representation and recognition, while considering, in the discussion section, the broader Danish cultural-political context and the role redistribution in it. First, however, I provide a brief overview of the conflict and the data analyzed.

THE CASE AND THE DATA

Historically, there was none or very little regulation as to when and how public daycare institutions in Denmark could be closed outside public holidays. However, following a growing public dissatisfaction over the lack of regulation that allowed daycare institutions to announce, sometimes in the very last minute, closing of an institution due to, for example, staff training, the government reached an agreement with the municipalities in 2008 to abolish such so-called ‘loose’ closing days. Since January 1, 2009, public daycare institutions could be closed—in addition to the constitutionally stipulated public holidays of Christmas Eve and Constitution Day—on at most seven additional days outside weekends. Since the closed days were to be planned *if* the attendance was expected to be low (less than 50% of children), they were presumed to be used on other public, Christianity-tied holidays when schools and most workplaces are closed. The important principle was that these days had to be planned in consultation with parents. Due to budget cuts, the ordinance was

amended in 2010, and 10 additional closed days were added. These were to be planned for the two last weeks of July, when public schools and free-time centers are closed for summer holidays.

The Jewish creche and kindergarten in Copenhagen, as it was then called, was (and still is) an institution affiliated with and financially co-sponsored by the main and the oldest Jewish congregation, *The Jewish Community in Denmark* (DJS). As a modern Orthodox institution, the kindergarten is obliged to observe all the Jewish holidays, which in diaspora usually exceed the 7 and can amount up to 17 work days.³ The issue of its many holiday-based closed days never posed a problem for the municipality, not even after the ordinance went into power in 2009. But the 2010 ordinance amendment is crucial in the conflict because it gave the kindergarten an ability to maneuver the overall ordinance since the total number of allowed days was in principle increased to 17. This was used already in 2011, when the kindergarten received an explicit waiver from the municipality to use the 10 mandatory closed days from weeks 29 and 30 whenever they saw fit.

The situation changed in the beginning of 2012. When the kindergarten asked for a waiver again, to use five of the summer days to cover closings in Jewish holidays through the rest of that year, the response from the appropriate municipality administration, which was responsible for children and youth, was negative. What ensued was an intermittent but generally decreasingly intensive process of negotiation between the board of the kindergarten and the municipality that lasted little over two years. It concluded substantively in April 2014 when the kindergarten informed the municipality that it conceded to the privatization, and on May 1, 2014 also procedurally, when the children and youth administration's political committee voted to end the operation agreement with the kindergarten as of the end of that year, effectively privatizing it.

This article draws empirically first and foremost on the official documentation pertaining to the case which I received in response to my official request of access. This documentation includes 22 documents provided by the municipality in relation to the case (case numbers 2012-24509 and 2013-0155119), consisting of official letters, notes, and some of the email communications between the parties. Additionally, the Ministry of children's and social affairs (case number 133.19K.391) granted me access to nine documents, including official letters and select communication between the kindergarten and different instances in the ministry.⁴ I complement this data with a single interview, with the head of the kindergarten on August 24, 2017. Repeated requests for interviews from the municipality and local politicians involved in the matter were declined. Drawing on this data, the following section, divided into three parts, assesses the process through the Fraserian principles of participatory parity.

³ The holidays are set to 13 days a year, but because of high costs involved in the dietary laws of Passover, the kindergarten is also closed on the 4 days of Passover when work is allowed; hence 17. How many Gregorian-calendar work days these holidays fall on differs each year because they are based on the Jewish calendar.

⁴ All the translations from the Danish originals are author's.

REPRESENTATION PRINCIPLE 1: FAIR, TRANSPARENT, INCLUSIVE, AND LEGITIMATE DECISION-MAKING

From the perspective of the first principle from Fraser's framework, the decision-making process in this case can be seen as legitimate but not necessarily fully fair, transparent, or inclusive. The kindergarten, represented through its board, approached the process at the beginning confidently as an equal member in the public sphere. After the administrative rejection of the waiver, it turned to the political level, both at the national scale (Ministry of Children and Education), and the municipal one (the Mayor for Children and Youth Affairs (the Mayor)). At the national scale, it sought to confirm the ongoing availability of flexibility in compliance that the national ordinance originally permitted for municipalities to deploy. At the municipal one, it asked for a rectification of what it saw as a poorly informed but wrongful administrative decision.

However, this moment of bringing the issue of the sudden rejection of the flexibility in the ordinance compliance into the political arena marked, in fact, an erosion of the equal status the kindergarten assumed for itself, based on previous experiences with the municipality. At the national scale, consulted only this one time, it was met with delays and lack of clarity about the process, and an eventual response that urged further dialogue with the municipality. But it was especially the municipality's pattern of engagement that positioned the kindergarten as not quite an equal participant. In the first place, the municipality failed to communicate the procedures and the role of different actors in the upcoming process, despite being explicitly asked for such a clarification by the kindergarten. The municipality did not disclose to the kindergarten their consultations at the national scale, something that the kindergarten only accidentally found out about months later. This contributed to a lack of transparency about the process.

Once it became clear that the landscape had shifted in that there was a need for a new and explicit political agreement rather than just an administrative decision, the kindergarten sought an opportunity to present and argue its case in front of the municipality's politicians sitting on the Children and Youth Affairs Committee. But the inclusion in the political process became severely hampered by repeated postponements and a final cancellation of such a meeting by the municipality. During this time, the kindergarten did reach out to a different municipal committee, the one in charge of integration and employment, and was invited to present its case in a meeting. Interestingly, the Integration and Employment Mayor stressed that the 'municipality's lack of flexibility and understanding of diversity made a big impression' (municipal communication, 19 October 2012) on the committee, especially in light of the city's inclusion policy. Yet with daycare as a competence falling under the Children and Youth Department, the integration and employment mayor and her department were sidelined from the decision-making process.⁵

The fairness of the process can be seen as increasingly impaired as the municipality shifted to a strict interpretative format by requiring the minority institution to fit their holidays within the seven available closing days instead of the 17. This shift in the

⁵ Importantly, this sidelining reflects the broader marginalization of integration and employment department in the broader municipality politics, where planning and children and youth departments are by far the largest and best-funded departments.

argumentative framework about compliance effectively changed the rules of the game. The head of the kindergarten's board shared explicitly the kindergarten's wonderment and concern about such a step:

I find it a little bit strange that in this way one chooses to change the premises for an ongoing dialogue and I allow myself until further notice to assume that this is not a generally recognized practice. (kindergarten's email, 2 April 2012)

The institution's frustration with the process that lacked transparency and fair inclusion grew over the remaining time as an impression took hold that the municipality was engaging with the process increasingly only formally, instead of substantively. Two years later, in their final communication conceding to becoming a private institution as a way out of the issue of the ordinance compliance, the kindergarten's representatives still found it important to stress their '*fundamental* opposition to the [municipality's] attitude and process of implementation' of the ordinance (kindergarten's email, 28 March 2014; original emphasis).

REPRESENTATION PRINCIPLE 2: INCLUSION OF MINORITY VIEWS, FRAMINGS, AND DISCOURSES

For Nancy Fraser, the 'social' is 'a site of discourse and contestation about people's needs' (Hölscher & Bozalek 2020: 6). This contestation is political as it involves an interpretation of which needs should count in the public sphere. The case analyzed here certainly involves different needs, framed in particular ways. On the one hand, the municipality presented itself as acting on behalf of parents of Copenhagen. This framing was clear from the start, with the Mayor reasoning that the 'ordinance was enacted to especially take consideration of parents, wanting to secure stability that parents could count on in everyday life' (municipal communication, 10 February 2021). Daycare institutions would achieve this stability by adhering to the same framework for closing days, which collectively would ensure a certain standard of municipality's service provision. On the other hand, the minority kindergarten stressed the need of Jewish parents for an institution whose closing days are in line with their daily life that involves different holidays from those of the majority society. Thus, the issue was presented as a minority religion-based need.

The minority's perspective was acknowledged initially as the Mayor expressed, at the outset of the process, a 'great understanding' for this minority's 'little bit special situation' (municipal communication, 13 February 2012). At the same time, she pointed out that there had already existed some room for flexibility in the standard option of seven days to be used as seen fit by each and every institution. Given that the Mayor early on dismissed the possibility of a new political agreement regarding waiver policy—citing the lack of interest amongst the politicians in deviating from the established regulation and difficulties of defining general criteria for granting waivers—it, however, framed the issue early on as a problem that the minority kindergarten needed to solve. Framed in such a way, the municipality's scope of action became limited: it focused on suggesting the privatization of the institution, and on a single occasion, a change of kindergarten's value statement (*værdigrundlag*).

A value statement forms the core of any autonomous public institution since it highlights the specific values that provide rationale for the existence of such an institution. In case of the kindergarten, such a statement rests on it being a Jewish

institution, which, via its connection to DJS, means the full, *halachic*⁶ observance of the Jewish holiday calendar. While changing this value statement to give up this observance might have been seen from the perspective of the municipality a simple technical solution, from the minority perspective, this would be groundbreaking—either because it would require a split of the institution from the DJS, or because it would require a fundamental change for the DJS in that it would stop following modern orthodox Judaism. Either way, this suggestion showcased a lack of a ‘multicultural literacy’ on part of the municipality that is from Fraser’s perspective necessary for achieving participatory parity (Knight 2015).

Most importantly, the minority framing of the issue as a religion-related one was avoided by the municipality and replaced by one centered on governance of daycare provision and parental needs. The word religion was deployed by the municipality—through an administrative consultant—only once, in its very initial response to a waiver request, where it stated that the religious holidays were not valid reasons for flexibility. Afterward, any reference to religion became completely omitted in the official municipal communication. Yet in the one instance in which the case made it to the national media, politicians, like Mogens Lønberg from the Conservative party, made it abundantly clear that religion was central to the case:

It’s a rigidity and lack of understanding of the meaning of what a religious approach to life is. The idea of limiting the closing days is based on business considerations for the parents, but why do you not take religious considerations? There is no one to be harmed by the fact that they keep closed.

(Mogens Lønberg, *Kristeligt Dagblad*; 1 October 2012)

Additionally, Lønberg, one of the two municipal politicians who dissented in the decisive committee vote a few years later, points out a lack in municipal literacy of a minority way of life, as well as a lack of negative impact of a waiver for the majority population. But coming from an opposite position on the issue, the national spokesman of the far-right Danish People’s Party (DF) made likewise clear that religion was at the core of the case:

One should not grant dispensations or special considerations because of a religion. We must follow the Danish calendar, one set of rules and one calendar. It’s easiest to manage, and then it’s the same for everyone. There is no need for exceptions.

(Alex Ahrendtsen, *Kristeligt Dagblad*; 1 October 2012)

Ahrendtsen’s framing of religion as separate from Danishness draws on the wider Danish political discourse that positions only minority religion as religion, whereby the Danish calendar is just Danish, rather than Lutheran Danish.

⁶ *Halacha* is often translated as Jewish (civil and religious) law but means literally ‘the way to behave’ or ‘the way to walk’.

RECOGNITION PRINCIPLES 1 AND 2: AVOIDANCE OF DISRESPECTFUL STEREOTYPING AND AVOIDANCE OF AN IMPOSITION OF INTERPRETATIONS OF CULTURALLY DOMINANT GROUPS

The process analyzed here avoided what could be seen as the most egregious breach of participatory parity in the sphere of cultural recognition, namely, disrespectful stereotyping. It is not evident anywhere in the formal reasoning, nor did the kindergarten representatives experience it elsewhere. At the same time, the conflict was shot through with an imposition of interpretations of the culturally dominant, majority group. As already hinted at toward the end of the previous section, this is so not only in relation to the issue of framing addressed above, but also in relation to the reinvigorated return to dominance of the perspective that the best place for (minority) religion is primarily in the private sphere. The kindergarten did not share the latter perspective. It opposed the privatization and wanted to remain part of the public sphere. This was not only because privatization would mean a loss of a professional network of public daycares. Equally important was the long tradition as a public institution that carried a symbolic value of transparency and inclusion, which became more relevant by the wider discourse about minorities' parallel societies.

In addition to the imposition of the dominant interpretative framework, the reasoning process also saw the interests of the culturally dominant group, that of majority Danes, supersede those of minority Danes as most relevant within the circumscribed space of a minority institution. Namely, the municipality moved from articulating the importance of the ordinance more generally from the perspective of generic parents to considering specifically the impact of the waiver issued to the Jewish kindergarten on non-Jewish families. It was the kindergarten that sought to highlight a specific group of parents at first. It argued that without a waiver, families with children in the kindergarten will be 'disadvantaged in comparison to other parents due to their religious affiliation' (kindergarten's email, 17 January 2012). Addressing the municipality's argument about the ordinance as bringing about an improved provision of daycare, the kindergarten reasoned for Jewish parents' specific needs, stating that 'what is an improvement for a vast majority of institutions is a deterioration for ours' (kindergarten's email, 2 April 2012). The municipality instead chose to highlight the non-Jewish families who would experience 'a substantial reduction of service provision' (municipal communication, 17 October 2012), since they do not observe Jewish holidays and go to work, needing daycare on those days. This line of reasoning came to prioritize non-minority parents' interests in relation to a minority institution. It also decontextualized the case in that it disregarded that this was not nor could become an issue, as only families with at least one Jewish parent can enroll their offspring there.

Stressing the diversity of needs and service provision, the kindergarten reasoned that in order to reach equal outcomes for the parents of children in this minority institution, this case warranted a differentiated case treatment. Such differentiation is permitted within the general principle of equal treatment I II in the administrative decisions in Denmark. The municipality agreed on the importance of diversity of daycare institutions in general. Yet it positioned it as subordinated to the 'consistent (*ensartet*) level of service', which it reasoned was the municipality's overall goal. But perhaps the difficulty of reconciling diversity with consistency in the Danish context is more ingrained, as signaled by the language: while the word *ensartet* is conventionally

translated as consistent, its core ‘ens’ means both ‘equally’ and ‘alike’. As Mouritsen and Olsen (2013: 704) argue, it is, in fact, a ‘Danish tendency to conflate “equal treatment” with “the same treatment for all”’, whereby ‘if you are treated like a Dane, you are treated equally’. While historically grounded, this tendency is at odds with the new understanding of inclusion and equality the municipality proclaims on its website, which quotes Council of Europe’s definition of inclusion, whereby:

Inclusion means partnership, shared responsibility, mutual respect, and recognition of the value of diversity. Everyone must be treated equally – but this *does not have to mean one size fits all*.⁷ (emphasis added)

This breach did not go unnoticed amongst some of the politicians either, as is clear from the unusual addition to the vote record, requested by one of the politicians who voted to end the operation agreement, Klaus Mygind from the Socialist People’s Party (SF):

SF regrets that it was not possible to find a solution. It is a strike against the intention of Copenhagen’s diversity policy, that the kindergarten gets isolated and in an increasing way has to define itself as standing outside rather than be a part of diverse and open community of institutions in Copenhagen.⁸

Having analyzed the process according to the four principles, I now turn to making sense of it and its resolution, especially from the municipality and state’s perspective.

PRIVATIZATION OF DIFFERENCE AS (NON-PUBLIC) RECOGNITION THROUGH REDISTRIBUTION

The public–private distinction, so foundational to Fraser’s theorizing, plays a crucial role in understanding this conflict. The conflict was eventually resolved through the municipality’s preferred solution: privatization. In Fraserian terms, such a solution reframed the issue as a ‘private matter’, which is often the state’s preferred solution to needs seen as problematic (Hölscher & Bozalek 2020: 5). The Danish context, however, plays a specific role here.

In the first place, privatization of difference, which renders difference invisible in the public sphere, has been historically strongly preferred as a strategy of the state to management of difference in Denmark. Critical scholars working on politics of difference tend to valorize minority’s public visibility as a form of agency (Leinonen & Toivanen 2014). From this perspective, public invisibility is normatively harmful to minorities. But the actual politics of minority visibility and invisibility, and its historical record in relation to inclusion, is more complex and context-dependent. In Denmark, for example, it is precisely the lack of public visibility of Jewish difference or of collective accommodation requests that continues to be credited today as key to the Jews’ full acceptance by the society, and in turn of the society’s popularly-organized rescue operation of 1943 that ensured, exceptionally, the Holocaust survival of almost all of its Jewry. As Juul (2014) points out, other, post-war migrants in Denmark also adopted strictly neutral, non-demanding public displays of ethno-cultural difference

⁷ <https://www.coe.int/en/web/interculturalcities/copenhagen> [accessed 3 June 2021].

⁸ <https://www.kk.dk/indhold/borne-og-ungdomsudvalgets-modemateriale/14052014/edoc-agenda/4a2993d3-8b8c-4206-922c-f1078113d098/ea8b96ea-5bd6-4757-a5c0-778f4a387043> [accessed 31 January 2017].

considered appropriate by the wider society. The incipient increase in different migrant and ethno-religious minorities' political rather than just 'flavourful' public visibility of the past two decades has thus, less surprisingly, elicited strong reactions. Publicly visible and audible collective demands for recognition, associated with identity politics, have been castigated as an American import. And such import is considered ill-suited to the country whose political culture promotes societal solidarity, which itself is understood as enabled by societal homogeneity.

Secondly, this unease with publicly visible minority and migrant difference and claims to difference is especially strong today when it comes to religion. Religion is, at best, seen like any other difference requiring accommodation: namely, as a source of certain annoyance. As clear from the quote from the *Danish People Party's* representative in the previous section, difference is inconvenient because it requires adjustments and exceptions from the established ways of the majority society, and as such is annoying. But religion is strongly perceived by majority Danes additionally as a source of conflict and intolerance. The state's careful omission of the term religion from the conflict analyzed here thus resonates with a broader tendency of the state as well as (most) proponents of measures restricting (minority) religious freedoms to avoid explicit references to religion.⁹ This strong discomfort with religious difference, within the context of historical strategy of privatization of difference, thus also played a role in the municipality's reluctance to publicly accommodate an institution of a religious minority.

Still, from the perspective of the municipality, privatization presumably also achieved a certain, if non-public, accommodation of the minority need in what could be considered a just-enough way. It did so by freeing the minority institution from the ordinance compliance without producing significant negative impact. The kindergarten did lose its previous professional network. But the municipality supported the kindergarten in connecting it to a new professional network of private daycare institutions. Even more importantly, as was clear from the outset, privatization did not bring about any negative financial repercussions for the kindergarten. This is due to the municipality's heavy subsidies for private institutions. The centrality of the economic redistribution for perception of justice in the Danish context is thus likewise crucial in understanding the ease with which the municipality introduced and advocated for the privatization as the best possible resolution.

I suggest that in a Northern welfare state like that of Denmark, dominant understanding of justice tends to continue to resonate with Honneth's rather than Fraser's perspective. Namely, there persists a tacit state understanding of redistribution as always already expressing and enacting recognition (in the broader sense), without the all-too-public visibility that is considered problematic. In such a context, public claims for recognition beyond redistribution tend to be seen as simultaneously superfluous for the minority and disruptive to the majority. I argue that this particular, context-based understanding of justice dovetailed with the unease of especially religious difference in the public sphere in Denmark to create conditions of possibility for the municipality's preference for the privatization. From within this framework, the privatization could be even seen as best accommodating both parties in the conflict without producing harm for either of them.

⁹ I would like to thank Lisbet Christoffersen for this point.

In this article, I examined a conflict between a Jewish daycare institution and Copenhagen municipality as a part of broader struggles over recognition of minority and migrant difference in Denmark. Analyzed through Nancy Fraser's four principles of institutional-political (representation) and cultural (recognition) arenas of justice, I concluded that the process itself suffered from instances of misrepresentation and misrecognition due to not fully fair, transparent, and inclusive decision-making process, discursive re-framing, lack of multicultural literacy, and an elevation of majority parents' needs in minority contexts. At the same time, I have argued that from the municipality's perspective, the resolution it preferred and achieved, namely, the institution's privatization, could be seen presumably as accomplishing a just(-enough) accommodation: enabling the minority institution to live out its difference at a nominal price of a change into a private, yet equally heavily state-subsidized entity.

As part of a broader turn away from earlier, more permissive (albeit not cultural recognition-based) politics of migrant and minority difference, this conflict certainly highlights the centrality of religion in contemporary politics in Denmark. The contradictions of the case at hand, such as one party's vote in favor of privatization and simultaneous regret over it, or another, far-right party's vote in favor of the accommodation in this case, do certainly relate specifically to the Jewishness of the minority institution in question. Many, or at least some, politicians might have wanted to accommodate the institution of this demographically insignificant and largely publicly invisible and not-problematized minority, especially given a rather inconsequential issue over which the conflict arose. Yet conflicts like these increasingly take place in the shadow of both general politics of immigrant integration and religious difference. These are respectively, and in an intertwined fashion, dominated by a deep apprehension about a visibility of cultural difference and about specifically Muslim difference, given that Islam is by now the largest minority religion in the country. The politicians' fear of setting a precedent that could be drawn on by a minority with a similar, practice and observance-focused religion like Islam, likely loomed over the municipality's approach to the Jewish institution's public accommodation request.

But the wider context relating specifically to the position of Danish Jewry also remains crucial in assessing this rather minor case. While from the perspective of the welfare state the resolution to the conflict could be grasped as achieving a kind of a (non-public) recognition-through-redistribution, the inequities of the negotiating process were at the time perceived as injurious by the minority despite the overall acceptable outcome of the case. Such a perception certainly has to do also with the fact that the conflict analyzed here coincided with the government's decision to ban the ritual sedation-free animal slaughter (taken without any consultation with the Jewish or Muslim community in 2013) and an especially aggressive public campaign against the ritual circumcision of male children in the past decade. Within such a wider climate, described by external observers as a severe deterioration of religious freedom that placed Denmark at the bottom of the EU by 2017, small cases easily take on a larger significance.

Admittedly, that political climate related to the Danish Jewry has improved in the past few years, thanks to the cross-party rejection of the petition for the circumcision ban in the parliament, launching of an action plan against antisemitism, employment of a special counsel on antisemitism and extremism, ongoing security provision to the Jewish institutions in the aftermath of the 2015 attack, and the Danish state's participation in celebrations not only of the 75th anniversary of the war-time rescue

of Danish Jews in 2018 but also of the 400th anniversary of the arrival of Jews in Denmark in 2022. This kind of publicly visible recognition of the Jewish minority, which had admittedly over the past century also enjoyed a wide-spread, if mostly ad-hoc non-publicized accommodation-through-toleration, qualitatively improved the cultural-political context for this particular minority. Yet it cannot replace participatory parity stressed by Fraser as central to just and equitable inclusion without assimilation. Without a possibility to participate equitably in public decision-making processes that concern them, migrant and non-migrant minorities alike will remain in danger of having to rely instead on state's 'condescending benevolence' (Habermas 2005: 5 in Calhoun 2005: 66).

COMPETING INTERESTS

The author has no competing interests to declare.

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