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The Relation of Interaction, Organization and Society in the Handshake Affair of Therwil. A System Theoretical Analysis

Katharina Frank, Daniela Stauffacher, Raphael Walthert and Urs Weber: University of Zurich – Department of Religious Studies, Kantonsschulstrasse 1, Zurich 8001, Switzerland,
E-Mail: katharina.frank@access.uzh.ch, daniela.stauffacher@uzh.ch, rafael.walthert@uzh.ch, urs.weber@rws.uzh.ch

The so-called “handshake affair”, which started with the refusal of two pupils to shake hands with their female teachers out of religious reasons, is characterized by a fast transfer from the local to the national and even global sphere. Starting as a problem that was restricted to an episode of interaction, it quickly became an issue that involved different organizations, led to legal and political discussions and became a topic in the national and international mass media. This paper attempts to explain the trajectory of the case with a special focus on the role of religion, drawing on the work of the sociologist Niklas Luhmann.

With his distinction between three types of social systems, Luhmann offers a tool for the analysis of the case in question: The first type of systems, interactions, such as the encounters in which the refusal of the handshake took place, consists of communications between people that are co-present. The second type, organizations, like the school that was involved, are characterized by specified purposes, decision-making processes and formal membership. The third type, society, is the all-encompassing system that is structured by functional subsystems like politics, law, or religion.

The refusal to shake hands took place on the level of interaction, but this kind of system did not have the capacity to deal with the conflict that arose out of it: The general frames of meaning that the students drew upon and the insistence by the teachers to perform the handshake could not be reconciled during the highly ritualized situation of the greeting. Therefore, the task to find a solution was passed on to the school as an organizational system, which could, through deliberations at a meeting involving the different parties, reach a compromise that guaranteed the ongoing functioning of the interactions in class. But the organization also decided to consult its superior organization for advice concerning the matter, which again issued a juridical evaluation of the case in question. Thus,

juridical communication, which is part of the law as a functional subsystem of society, came into play. Drawing on legislative texts, the constitution, and precedential verdicts, the juridical evaluation came to the conclusion that the handshake had to be enforced by the local school. Subsequently, the case became the subject of public scrutiny, leading to the involvement of other functional subsystems like politics and mass media.

Analyzing these developments, the conclusion can be drawn that once these societal subsystems became involved, organizations and especially interactions lost influence on the way the issue was handled. First, this can be explained through the amount of time that different types of systems need to process the case: While interactions are fleeting and organizations are pressed to reach decisions quickly, systems like law or politics had the capacity and time to deal with the affair at length. Second, the interaction in question and also the decision-making process within the organization were based on oral communication, while deliberations and decisions by the functional subsystems were based on written communication. This kind of communication strengthens the liability and reliability of a system's operations and facilitates its influence on other systems.

The analysis shows further that religion, although a subsystem of society, had only a minor influence on the debate. Religion was rather a subject of the systems of law, politics, or the mass media than a decisive factor in its own right. This again might be explained by a relatively high importance of interactions (like rituals) for the subsystem of religion, compared to the more extensive reliance on written communication, which is characteristic for systems like politics or law that proved to be more influential in the handshake affair.

A Local Incident in Global Focus: The Collapse of Geographic, Temporal, and Social Contexts in the Media Distribution of a Refused Handshake

Lea Stahel: University of Zurich Ringgold standard institution – Sociology, Andreasstrasse 15, Zurich 8006, Switzerland, E-Mail: stahel@soziologie.uzh.ch

Digital technologies today enable local, religion-related conflicts to reach global audiences easily and rapidly, whether they involve a Muslim football player refusing to shake hands with a female reporter in the Netherlands, caricatures of Mohammed in Denmark, or the Swiss handshake affair. In the Swiss handshake affair, two Muslim pupils refused to shake their female teacher's hand in greeting at a Swiss school in 2015. This conflict was quickly resolved in the school through compromise. However, wide media distribution of this affair months later led to

the conflict being renegotiated and to far-reaching consequences for the actors directly involved.

Despite the increasing occurrence of such media phenomena, little is known about the media dynamics that accompany these events and return to impact the local conflict. To shed light on these dynamics, this study draws on the idea of *context collapse* (Boyd 2010), according to which digital technologies may trigger the unexpected collapse of geographic, temporal, and social contexts. This may lead to negative consequences for the actors directly involved. Correspondingly, this study argues that geographic, temporal, and social contexts collapsed in the media distribution of the handshake affair. This contributed to a negative impact on the Muslim family and the local school and authorities. The article draws its theoretical basis from *publics* (Highfield and Bruns 2015), *context collapse* (Boyd 2010), and *Islamophobic online discourses* (e.g. Ekman 2015, Sakki and Pettersson 2016). The geographic and temporal collapse of contexts is examined through a descriptive analysis of the metadata of 279 German- and English-speaking news media articles and 152 website/blog articles. The social collapse of contexts is analyzed through a discursive construction of the affair in 45 website/blog articles by an Islamophobic online public. The results illustrate a collapse, first, of geographic contexts as the affair was distributed from its local context to a global context. The affair became de-localized and reached diverse politically and culturally shaped populations. Second, temporal contexts collapsed as the conflict, which had already been resolved, was scandalized with a time lag and attracted attention even two years later. Finally, social contexts collapsed as the affair trickled from local interaction in the school to the Islamophobic online public studied here. This public discursively recontextualized the affair to suit its Islamophobic ideology. Accordingly, the thematic analysis first shows that this public construed the refusal of a handshake as a threat to the “Western lifestyle”. This view assumes a stable Swiss tradition of handshaking so that its refusal can be portrayed as infiltration by Islam, with “the West” accordingly positioned as the victim and apocalyptic scenarios of the future to follow. Secondly, this public construed the affair as an act of war. A rhetoric of war dominates, the handshake refusal is contextualized by violent and radical events of a religious nature, the allies (e.g. “Switzerland”) are praised (e.g. for ultimately cracking down), traitors (e.g. the local school and authorities) are shamed, and discriminatory solutions to the conflict are promoted. Thirdly, these views are accompanied by negative stereotyping of Islam and Muslims as irrational, uncivilized, and manipulative. This discursive construction indicates that the original compromise in the handshake affair triggered outrage in the social context of the Islamophobic online public, whereas it was socially accepted in the immediate school context. The media dynamics overall contributed to negative impacts on the local school and

authorities and the Muslim family. For example, the family's applications for naturalization were suspended, the brothers were threatened on social media, and the handshake was enforced under the threat of legal punishment. Bringing the concepts of publics, context collapse, and Islamophobic online discourses together to elucidate the media dynamics of religion-related conflicts is the innovative contribution of this study. As such media phenomena are expected to increase in the digital age, this study presents another piece in the mosaic of this complex and fascinating topic.

Politicization of Culture, Religion, and Gender: The Culturalization of a Rejected Handshake in Swiss-German Media

Mirjam Aeschbach: University of Zurich – Department of Religious Studies, Kantonsschulstrasse 1, Zurich 8001, Switzerland, E-Mail: mirjam.aeschbach@rws.uzh.ch

“The handshake is part of our culture [...] that’s not what I imagined integration to be.” With these words, Swiss Federal Council Simonetta Sommaruga commented on the refusal of two male pupils in the Basel municipality of Therwil to shake the hand of their female teacher (Swiss Television, 04.04.16). She thus presented the handshake as a Swiss cultural asset and interpreted the refusal to shake hands as a problem of integration. In the subsequent media debate, this interpretation of the incident was predominantly taken up and the event developed into a focal point in the debate about acceptable differences with regard to the Muslim minority in Switzerland. The Therwil case can be interpreted as exemplary for the contemporary European and in this case specifically German-speaking context, in which more and more incidents related to Muslim minorities in the respective societies are turned into media debates on the coexistence of Muslim minorities in the respective societies. In the specific debate surrounding the Therwil case, the concept of “culture” was often used to define the Muslim minority on the one hand and Switzerland’s majority society on the other, and to interpret these collectives in terms of geographical origin, religion, and values. Based on the concept of “culturalization” (Teczan 2011), this article specifically examines the discussion surrounding the Therwil case as reported in Swiss-German media outputs and investigates the way in which the concept of “culture” was used as a knowledge-structuring category.

For this purpose, a qualitative media analysis was conducted. The data set consists of Swiss-German media documents published between April 2016 and December 2017 that discussed the Therwil case. This includes 192 documents from newspapers, including readers’ comments, and 58 media documents from the

Swiss radio and television institute (SRF). In order to work out the ways in which “culture” was used and the entanglement of gender and sexuality with culturalized images of “self” and “other” within this media debate, a theory-based selection of all documents containing the term “culture” was drawn from the overall data set. This resulted in 100 print documents and 25 radio and television documents.

In a first step, the 125 selected documents were analyzed within the framework of a qualitative content analysis for the contents and interpretations explicitly linked to the term “culture”. As a result, three specific interpretation contexts were identified: (1) the interpretation of “culture” as a geographical location, (2) the linking of “culture” and religious affiliation, and (3) the concept of “culture” as constituted by values. In a second step, the selected documents were analyzed with regard to the thematization of these three contexts of interpretation. Thereby, the interpretations implicitly connected with the culturalized understandings of location, religious affiliation, and values could be incorporated into the analysis.

The results show that in the debate surrounding the Therwil case, knowledge of belonging is structured with reference to the concept of “culture”. Thereby, cultural-essentialist interpretations are dominant in the demarcation of “Muslim minorities” and the Swiss majority society. In the logic of this interpretation, “Muslims” are to be integrated due to their “cultural otherness” and are to adapt to the values a “modern society”. Attitudes towards gender equality are centrally emphasized as “Swiss values” in the debate, which places the case study in a larger European context, in which sexual and gender policies are instrumentalized in immigration and integration debates (Fassin 2010; 2012). Such discourses of belonging, in which only attitudes have to be changed in order to bring about successful integration, seem potentially inclusive. However, this apparent permeability is complicated by the simultaneous dehistoricization, religiosization, and ethnicization of the culturalized Muslim subject. The politicization of culturalized, gender-specific values thereby acts as an efficient method of demarcation in immigration and integration debates.

Symbolic Constitution-making in Negotiation Processes of Religion. The Constitutional Dynamics of a Handshake Refusal

Anne Kühler: Universität Zürich, Treichlerstrasse 10, Zurich 8032, Switzerland,
E-Mail: anne.kuehler@rwi.uzh.ch

The case of two Muslim pupils in Therwil who refused to shake hands with their female teacher on religious grounds is one of the more recent examples of a con-

flict surrounding religion in public education; a case that has been propelled and exploited by the media as its status is elevated to that of a dispute about 'local values'. The Therwil case triggered a range of political proposals both at federal and cantonal level. It sparked efforts to change the cantonal constitution and legislation in the canton Basel-Country. A bill to enshrine the reservation of civic duties at constitutional level in the canton Basel-Country is of special interest in this context. The bill failed in the cantonal parliament, but it serves in this contribution as a starting point for a reading of the Therwil case that centers on the meaning of the concept of the reservation of civic duties. This concept stems from the Swiss Federal Constitution of 1874 and the context of the 19th century "Kulturkampf" (culture war), in which the State sought to emancipate itself from the Church, resulting in periods of anti-clericalism. The reservation of civic duties is not contained in the current 1999 Swiss Federal Constitution anymore. A reading of the Therwil case with a view to this bill is revealing because even the proponents of the bill admitted that it would not have legally relevant consequences. The significance of the reservation of civic duties must therefore lie elsewhere, presumably in its strong symbolism that is suitable for achieving political goals, transcending the practical legal dimension of justiciability.

The aim of the contribution is to shed light on the meaning of the reservation of civic duties and on the reasons why it should be introduced to the Constitution of Basel-Country. It begins with showing that the proposed bill pretended to clarify matters but in fact did not strive for a real solution to achieve that goal. According to Swiss law, a person's religiously motivated refusal to shake hands with a person of the opposite sex falls within the scope of protection afforded to the freedom of religion. Freedom of faith and conscience, often referred to in Switzerland as 'religious freedom', as it is enshrined in Article 15 of the 1999 Swiss Federal Constitution, can be limited. But any restrictions on this fundamental right not only need to be legally substantiated, but they must also be in the public interest or be justified on the grounds of protecting the fundamental rights of others, and they must be proportionate. An infringement is not permissible if it fails to respect the essence of a fundamental right, because the essence of fundamental rights is inalienable. An infringement of freedom of religion must be proportionate in a strict sense, meaning it must also be deemed reasonable for the party concerned. The public interests and individual interests protected by fundamental rights must be weighed up and compared when assessing the proportionality of the measures. So ultimately, the interests in the matter at hand must be weighed up to ascertain whether the family's interests in exercising their religion outweigh the public interests.

In the light of this, the proposed bill had in fact no practical legal consequences, because any infringement on the freedom of religion needs such a justi-

fication. Moreover, the proposed bill serves as a symbolic means to convey certain political goals. Considering the political discourse surrounding the Therwil case, the symbolism of the reservation of civic duties especially refers to the aspect of migration policy, as this aspect dominated the debate. In fact, the reservation of civic duties emerged as a heavily loaded “code” that allowed to determine aspects of belonging to the “Swiss culture”. The political discourse around the Therwil case illustrates how the differentiation between own (Swiss) and foreign values was instrumentalized to construe otherness. The relevant players of this discourse strategically and selectively constructed specific conceptions of history, thereby reviving old imageries from the 19th century.

Culture War Narratives in Legislation: Imagological Bricolages in the Commentary on the Planned Amendment of the Cantonal Constitution of Basel-Landschaft after Therwil

Martin Bürgin: University of Zurich – Department of Religious Studies, Kantonsschulstrasse 1, Zurich 8001, Switzerland, E-Mail: martin.buergin@uzh.ch

In June 2017, the cantonal government of Basel-Landschaft presented a legal bill to change certain provisions in cantonal acts and the cantonal constitution. The bill was a reaction on four motions submitted by political parties and members of parliament. It suggested the installation of a so-called primacy of civic duties (over ideological perceptions and religious commandments) in the cantonal constitution, and the expansion of the legal basis of educational law towards an obligation to inform the authorities in situations when problems of integration should occur.

The primacy of civic duties was a concept that was installed in the national constitution in 1874. As a product of culture war politics, it was initiated by the, at the time, liberal-radical majority and directed against the Catholic-conservative minority. On a nationwide level, this relict of the 19th century politico-denominational conflict was removed from the constitution in 1999. It was a law that lost its applicability. In 20th century jurisdiction, individual freedom of religion and freedom of thought were usually regarded as legal interests of higher value. Moreover, when the liberals lost their dispositive of power, it was no longer clear how civic duties should be defined, and what exactly these duties embraced.

Jurist Anne Kühler reads the primacy of civic duties as a symbolic constitutional norm and as a product of symbolic legislative procedure. With reference to Peter Noll, she considers the “symbolic” in contrast to the “instrumental function” and to the legal effectiveness of law; stressing the “intentions of the law-

giver” as the relevant constituent of symbolic law. From a history of religion perspective, it is of interest how such “intentions” were underpinned with historical narratives and related to potent topoi of commemorative cultures.

The governmental bill, as well as the four motions submitted by political parties and members of parliament, express specific forms of demarcation and othering (Spivak). The cantonal government evoked a dichotomy between a “we” and “the others”, whereat the others were described as “immigrants with different religious and cultural backgrounds”, as “anti-liberal or even totalitarian individuals and groups who refuse dialogue and integration”, and as “persons with foreign citizenship who are different to the traditionally Christian-occidental and nowadays also secularised and humanist values of Switzerland”.

The bill takes up and unifies different (and differing) political positions and narratives that are rooted in 19th century Swiss culture war (Kulturkampf). In the original motions, the narratives of the liberal and the conservative camp are distinct from each other. Both (ideal-typical) camps and their successors – or those parties and individuals who claim to be their successors – recur to their respective (and conflictive) historical narratives, their own collective memories, and their own collective identities. By describing Switzerland’s state and social order as liberal-democratic, the FDP staged its own memory-cultural position and associated it with its motion: the liberals as founders of the modern federal state and as defenders of this state against illiberal and archaic religious forces in the 19th century as well as in the present. In contrast, the conservatives staged themselves as the guardians of Switzerland’s traditional Christian-occidental values. In doing so, they tied in with the speech of the Christian Occident, which evolved subsequent to the 19th century culture war. At the time directed (inter alia) against liberalism and secularism, in the current debate it was used as an exclusive argument against non-Christian (and non-Occidental) migrants.

Similar to a picture puzzle, the bill unites the narratives of both camps and integrates differing allusions and sketches that trigger different associations depending on the political position of the audience. Therein lies the bill’s actual clou. Liberals and conservatives are no longer presented as antagonistic forces. The role of the antipode is now attributed to the two Muslim pupils who refused to shake hands with their female teacher, arranged as agents of a “fundamentalist-religious” and “anti-liberal, totalitarian threat”.

Religion as Contested Category of “Diversity”: On the Political Negotiation of a Refused Handshake

Philipp Hetmanczyk: University of Zurich – Department of Religious Studies, Kantonsschulstrasse 1, Zurich 8001, Switzerland, E-Mail: philipp.hetmanczyk@uzh.ch

This article analyzes the political communication in the context of the so-called “Therwil Handshake”. Specifically, it focusses on the concept of “diversity” and how this concept has been employed in order regulate religion in the context of the Therwil case. As such, the Therwil case is of interest from a Study of Religions perspective because it provides a concrete example of how local religious affairs are politically negotiated with reference to a globally established discourse on “diversity”.

“Diversity” has become one of the key terms in negotiating and organizing social plurality in a wide variety of contexts, such as city governments, educational institutions, or private companies. One of the main goals that “diversity” policies claim to achieve is the inclusive recognition of individual differences based on age, gender, race, disability, education, income, nation, culture and religion, in order to enable social participation without discrimination or exclusion. Against the background of the “diversity” discourse, the question arises as to how the concept of “diversity” was reflected in the negotiations surrounding the Therwil case. In this regard, the article concludes that the concept of “diversity” was applied as a concept through which certain forms of religion could be delegitimized. “Diversity” was not understood in the political communication in the Therwil case as a religiously inclusive concept, but as a social achievement of liberal secularism that was to be protected by excluding certain forms of religion.

Beyond that, however, the concept of “diversity” also gives rise to another consideration. As Michael Stausberg points out in the special issue “Advocacy in the Study of Religion/s” of the journal *Religion*:

“As a discipline, the study of religion/s seeks not to favor one religion over others, but it is often implicitly, if not explicitly, committed to recognizing the existence and value of religious diversity, plurality, or pluralism.” (Stausberg 2014, 220)

The quoted statement suggests a widespread, implicit or explicit, positive evaluation of religious “diversity” in the Study of Religions. This article aims to bring into conversation this hypothesis and the particular findings from the Therwil case. This article argues that the perspective orientation towards religious plurality in the Study of Religions is not per se based on the advocacy of religious “diversity”. Instead, it can also derive from a strictly descriptive approach.

The study and description of religious plurality can be seen as one of the core tasks of religious studies. The reason for this preoccupation with religious plurality can be explained, at least in part, by the history of the discipline. Thus, the focus of religious studies on the topic of religious plurality can be understood as a demarcation from Theology as well as from the Christian (mostly Protestant) bias on the part of many of the discipline's early classics. The focus on religious plurality and diversity can thus also be seen as the formation of a disciplinary identity for the study of religions and its perspective. This perspective then includes the adequate description and analysis of religious diversity in its empirically ascertainable plurality. It also includes the description and analysis of those political concepts that are formulated and applied to regulate and organize religious plurality. Furthermore, the discrepancy between the political handling of religious diversity on the one hand and the actual diversity of the respective religious field on the other hand can also be part of the analysis. The latter can be of interest, for example, if in the course of emic identity discourses the empirically existing plurality is not recognized or is subjected to a corresponding homogenization policy. This problem can be reflected in relation to the case of Therwil.

The debate surrounding the Therwil case reveals a discrepancy between an empirically existing plurality and a political ideal of "diversity", with the latter serving primarily as a legitimization for the restrictive regulation of the former. Thus, the issue seems to be less about exploiting the inclusive potential of "diversity" than about narrowing the concept in terms of identity politics. With regard to the discrepancy that has become visible in the case of Therwil between empirically existing plurality and its complex requirements on the one hand, and the political handling of it on the other, the Study of Religions need not limit itself to a mere description. Rather, the observed discrepancy can also be the object of critique. This critique, however, is then based less on the mere advocacy for "diversity" than on the identification of counterfactual politics.