Anna Elisabetta Galeotti

A European issue of toleration: Why purpose-built mosques are so contested[1]

1. PRELIMINARY

As liberal democratic states, EU countries have all recognized freedom of religion as one of the pillars of civil liberties, which also include freedom of expression and association and, as such, are embodied in constitutions as fundamental rights. How such rights are then implemented in the various countries — by which norms and regulations — varies, but constitutional protection cuts across national differences in this respect and corresponds to the UN and EU charters on human rights. Yet, despite this constitutional protection umbrella, resistance to the building of proper mosques has proved fierce and widespread throughout Europe. The generality of the opposition to purpose-built mosques suggests that here we are not simply confronted with cases of occasional right violation, similar to stealing with reference to property rights. This resistance is all the more mystifying if we consider that any significant issue of toleration should apparently be preempted by the constitutional rights of freedom of religion, expression and association. And in fact, some commentators on the mosque issue state that it is not an issue of toleration, given that no one wants to convert Muslims to Christianity or to repress their religion (Allievi 2010, 28). In their view, the mosque issue is part of the larger process of cultural and religion integration of immigrant minorities, with all the related problems of accommodation and negotiation with the cultural majority. Others scholars, though, think that freedom of religion should include places of worship and, in this respect, the mosque issue is an impairment of such a right. But it is not clear whether the limitation of such a right may be properly labelled as a problem of toleration, given that the reasons for objecting to mosques do not question the right of Muslims to their faith (Moulin-Doos 2011).

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In this paper I suggest that the conflict over mosque building is a question of toleration typical of contemporary democracy. But to do this I have to update the conception of toleration to capture the nature of questions of toleration in contemporary democracy. I hold that when toleration becomes a political principle inbuilt in liberal constitutions, not all questions of toleration are preempted and automatically solved by reference to liberty rights. Cultural differences, such as dress codes, dietary requirements, religious practices and everything that constitutes the very stuff of contemporary pluralism, repeatedly fuel questions of toleration that are prominent in the agenda of democratic politics, at the local, national and supranational levels. However, for the reasons I set out in the first section of the paper, these issues cannot be properly grasped within the framework of the traditional doctrine of toleration. This explains why there is such uncertainty about defining the mosque conflict as a problem of toleration. Obviously, if the nature of the problem is not properly understood, possible solutions may easily miss the point insofar as they are responses to a different problem. Thus the first section of this paper seeks to demonstrate that the mosque conflict is now a veritable issue of toleration. This definition implies not only a theoretical reassessment of toleration theory, but also bears political implications that it is important to consider.

I then examine some of the theoretical aspects of revisiting toleration along the lines I have just mentioned. They mainly concern: (a) reassessment of the private/public divide as a useful boundary for toleration; (b) the intersection of the horizontal and the vertical notions of toleration, namely the social attitude and the political dimension; (c) the politicization of cultural issues by the democratic process, which tends to transform the cultural dialectic between majority and minority into a political one.

After mapping the nature of toleration problems today, I argue that, in the case of mosques, the problematic difference engendering the conflict is not the Muslim religion *per se*, nor its practices of worship which are allegedly incompatible, offensive and unacceptable by democratic society. It is rather that the Muslim religion provides a unifying label to group together many immigrant communities whose growing number and presence are perceived as threatening the orderly stability of the social standards of the cultural majority. Social standards grant a recognizable public landscape and smooth social coordination over time; toleration issues erupt when the different customs and conventions brought by newcomers symbolically displace the public landscape. Here is where the issue of public space, both urban and symbolic, merges with toleration and resistance to newcomers takes off. Showing that resistance to mosques, as well as to other Muslim practices and customs, is not produced by a clash of civilization will help to fight the thesis of "Islamic exceptionalism", meaning the specific difficulty tied to the reception of Islam and its manifestations in European countries (Allievi 2010, 11-13). This definition is supposedly used by social scientists in a descriptive sense to signal the difficult reception of Muslims, but insofar as it suggests that there is some intrinsic problem with Islam that makes it less easy to integrate in other contexts, it projects quite misleading effects. My argument intends to explain away "exceptionalism", showing that resistance is a typical standoff between cultural majorities and minorities over the control of social standards, and that Islam is not only a covering label for many different immigrant groups, but also an opportunity to articulate cultural dislike in public reason concerning its essential incompatibility with democracy.

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My argument is construed by drawing considerations from some case studies in this field of research, specifically, from Denmark (Lægaard 2011), Germany (Moulin-Doos 2011) and Italy (Mocchi 2011), which, despite differences in the management and outcomes of conflict over mosque building, to my mind represent comparable examples. All three countries are established democracies and old members of the European Union, where the presence of a Muslim minority is the result of waves of immigration and not a specific national minority. In Germany this immigration started much earlier, in the 1960s, and was mainly of Turkish origin, whereas in Denmark and Italy it started in the 1980s and has been more varied as to its national origin. Despite this significant difference, Muslims are now an established presence in all three countries, but since Islam has no proper religious organization, their common religious identity has yet to find a unified representative voice. In the three contexts, Muslims enjoy different levels of political representation: in Germany many are citizens and have full political rights; in Denmark they can vote in local elections; in Italy they are deprived of any political representation. Yet the lack of a proper unified congregation that can speak for the whole community in cases such as that of places of worship makes their claim more difficult for democratic institutions to meet, since the rights enjoyed by different religions often depend on their being enlisted as one of the religions acknowledged by the state or, as in the case of Italy, on having subscribed a concordat with the state. In this type of situation, the problem of funding often becomes crucial because Muslim communities cannot access the public funding reserved to enlisted and recognized religions, while communities are also divided by national origin, hence associations frequently receive funding from Muslim states, such as Morocco, Turkey, Saudi Arabia and Iran. Such foreign funding is publicly perceived as dangerous, suspect and highly problematic, especially if the funds come from fundamentalist countries such as Iran, but also Saudi Arabia. Foreign funding fuels the idea of the risk of the Islamization of Europe and has played a significant role in resistance to mosque building.

These are basically the common traits that have framed public discourse for and against the building of mosques in these very similar contexts. The issue of public order, understood either as the risk of terrorism or as a threat to orderly and stable social life or both, the issue of the architectural disruption of urban public space and aesthetics, and the issue of segregation/integration are present in all three. What changes more than anything else is the institutional response. The more the presence of Muslims in society is consolidated, the more open the response. Here Germany takes the lead and Italy lags behind in third place. This observation suggests that toleration is a function of the political weight of a community on the one hand, and of time on the other. In this respect, the examples of Cyprus (Emilianides-Adamides 2011) and Israel (Roman 2011) are very interesting since they provide important reference points of how differently societies where Muslims are established local communities view the problem. In both contexts, though Muslims are the "others" with respect to the national identity, their established presence makes their mosques, practices and rituals familiar and uncontested as opposed to an object for toleration. The situation changes, however, when at stake there are new buildings in new zones (Israel) or when immigrant Muslims expect to share the places of worship and facilities of the local communities (Cyprus). The case of Slovenia (Pribac 2011), which I address at the end of the paper, represents yet another example of intolerance, one prompted by the wilful misrecognition of a national minority in a time of nation-building.

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2. TOLERATION IN LIBERAL DEMOCRACY

The typical issues of toleration in liberal democracy are somewhat different from those in pre-liberal states. In the latter two actors were relevant: the sovereign and the dissenting party, whose faith was believed to be wrong and devious. The former had the power to repress or to tolerate the dissenting party, that is to act on the basis of their disapproval or of other considerations, usually that of peace. If these latter considerations were more compelling than the former, then toleration — i.e. non-interference — would follow. The traditional doctrine of toleration is patterned on such a model. Namely, there are two parties in asymmetrical positions and the more powerful party's dislike of the difference provides reasons to suppress it, but subsequently there are reasons to suspend the dislike and to stop the interference. Toleration is precisely this kind of non-interference. In contemporary democracy, this model is obviously too simplistic; it may apply to the social, horizontal attitude of toleration between two social parties, but it does not capture the role of political authority. Liberty rights that enjoy constitutional protection should preempt a democratic state's being tolerant or intolerant; toleration has become a principle inbuilt in liberal constitutions and embodied in universal rights. In this respect, liberal democratic states have to enforce toleration in the form of equal rights among their citizens: for democratic authorities toleration is no longer an option but a political obligation; in turn, no matter how intolerant the feelings they harbour, citizens ought to be tolerant to others, hence respect others' rights. From this viewpoint, it would seem that all non-trivial issues of toleration are preempted by the constitutional structure of democracy, and that only socially and politically irrelevant interpersonal problems of toleration — between neighbours, colleagues and so on — may arise.

Yet genuine questions of toleration have not disappeared, not only because of legal infringements and the difficulty of living up to the ideal of a tolerant society, but also because toleration is valued both as a political principle and as a social virtue only within certain limits, beyond which it is transformed into culpable indulgence towards wrongs. The two classical limits to toleration were elaborated in the self-defence of the political order (Locke [1685] 1991) and in the third party harm principle (Mill [1859] 1972). Both principles appear beyond dispute, yet prove to be highly controversial in their interpretation and application, a point I return to below. Contemporary issues of toleration do not question either the principle or the virtue of toleration, but revolve around where to trace its limits. Here lies the trickiness of contemporary questions whose nature, at first sight, may appear different from traditional problems of toleration. For, in point of fact, no one argues today against liberty rights, no one wants to force conversion on dissenters or suppress them as a way of eradicating heresy more effectively. The discussion, rather, concerns whether a certain practice, behaviour and the like trespasses on the intolerable or crosses the boundary of toleration, entering a space where interference is perfectly justified.

While the traditional argument was put forward by champions of toleration, and, taking for granted the reasons for the suppression of the disapproved difference aimed at providing reasons for stopping suppression in favour of toleration, in contemporary questions of toleration the argument is advanced by those who advocate the stopping of toleration, and takes tolerance for granted, while spelling out reasons to explain why the

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difference in question is *beyond* tolerance, that is *beyond the limits of tolerance* (Raphael 1988). Hence the dispute is about where to trace those limits and, more precisely, whether x falls inside or outside the wall protecting the tolerant society from disruption and citizens from harm. As a consequence, whether x is defined as an issue of toleration depends on where one thinks that x falls, inside or outside. For if x is believed to fall inside the boundary of toleration, then the opposite position is doomed to be an instance of intolerance, and x a proper issue for toleration. By contrast, if x is held to fall outside, then the issue is seen as not touching toleration, well protected in its limited domain, but rather as involving other principles and reasons, justly leading to interference with x, but not for reasons of intolerance. Here interference is held to be justified, not because the reasons for objecting to x are stronger than the reasons for accepting it, but because x trespasses on the limits of toleration, endangering social order and peace or harming others by upsetting their expectations. The point of the reasons for and against x is, therefore, not whether the reasons for toleration enable one to overcome the original reasons for disapproval, as in the traditional framework; here, according to some interpretations, the point is whether x displays properties that meet the requirements of the intolerable as specified by the self-defence and harm principles. Hence, though it remains a motivational factor, the original judgment of dislike is indeed (or should be) irrelevant for the justification of interference with x.

In this way, we can explain why, for some actors and commentators, the conflict over mosque building does not question toleration and freedom of religion, but instead concerns public order, or architectural suitability, or the risk of nurturing terrorism and so on. According to this view, the mosque case presents some features that cross the boundary of toleration and allow interference to be justified by self-defence against the social risk and cultural harm allegedly implied in the building of a mosque.

Before examining the arguments for "border policing", as it were, I wish to stress the implications that the definition of the issue has in the political contest. Defining the resistance to mosque building as either intolerant or, contrariwise, justified by the limits of toleration has an impact on political discourse that goes well beyond analytical precision. Toleration is a cherished value in democratic societies, and liberty rights are fundamental in democratic politics. Both are well entrenched in public reason and there is no voice openly attacking them, which is why no one likes to be labelled as intolerant or illiberal. Hence defining resistance to mosque building as a problem over and above toleration is politically crucial in bringing one's view in line with public reason. If, however, it can be shown that resistance to mosque building is an instance of intolerance because the invoked limits to toleration are untenable, then the objection to mosque building loses legitimacy and the incompatibility is shown to be not between democracy and mosques, but instead between intolerant resistance to mosques and democratic principles. As we can see, matters of definition have a great deal of substance, at least in a case like this one.

3. Is mosque building beyond the tolerable?

I now focus on the alleged limits to toleration. If we look at the list of reasons that supposedly justify the limits of toleration in the Danish, German and Italian cases, we see

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that most of the arguments refer to an underlying idea according to which, while tolera-tion is definitely granted in the private domain, public space is instead legitimately subject to legal and political restrictions. The spatial demarcation of toleration within the private sphere then intertwines and overlaps with the two principled limits, harm to others and self-defence. This overlap is the case of arguments referring to *laicité*, public security, aesthetics, religious, and (specifically Islamic) invasion, and public transparency connected to funding and preaching. All these arguments point to the risk of proper mosques for social and political order by relying on the private/public divide according to which toler-ation is granted in the private sphere, while the public domain instead requires restrictions of personal liberty for the sake of public order, *lato sensu*, and of the non-harming of others, also *lato sensu*.

Here we are faced with one of the ambiguities of the traditional theory of toleration (Galeotti 2002, 25). The original doctrine, as spelled out by Locke for instance, relied on and worked through the private/public distinction. The public area was concerned with matters of peace and order and constituted the political sphere, that is the domain subject to political authorities and public regulation. The private area, by contrast, was concerned with issues irrelevant to order and peace, hence an area in which the state had no reason to intervene with coercive action. This protected area, where political intervention was to be suspended, constituted the proper domain of toleration. This political argument, which showed that toleration was affordable, even more convenient than repression, was effec-tive insofar as absolute sovereigns were persuaded by it, yet it induced an ambiguity in the scope and proper domain of toleration that has become explosive in liberal democracy. Private matters, protected by personal liberties, are neither always subtracted from public sight nor *eo ipso* immune from political intervention. A paradigmatic example is family life, which is the most typical locus of intimate relationships and private matters, but at once is regulated by legal norms for the implementation of the rights of its components — and in cases of right and norm violation, institutional interference is justified and necessary.

Religious beliefs and moral convictions are subjects of conscience, the inner forum being their ultimate judge. Yet, given that personal liberty includes freedom of expression and freedom of association, this does not imply that they are confined within the private area of conscience. In a sense, had religion been confined within the inner citadel, no question about toleration would ever have arisen. Freedom of religion does not mean freedom to pray to one's God in the seclusion of one's bedroom, but the freedom to ex-press one's faith through the proper forms and rituals — and dedicated places of worship are crucial to this dimension of religion. In European cultures, for example, churches have always been built on squares, at the centre of community life. But not all that is public, that is "in public sight", is also political and, by the same token, not all that is non-political is private, that is "outside public sight". There is a wide area of public life, the area of civil society, which is neither political nor strictly private. Where are the boundaries of tolera-tion to be traced then? Are they to delimit or include civil society? It is not sufficient to move the boundary between civil society and the political domain *stricto sensu* because, in this respect, the spatial metaphor is rather confusing. Personal liberty is made up of a number of rights protecting the person from unjustified interferences and impositions, not only at home but everywhere. Personal liberty is restricted by the rights of other people, and it is almost trivial to add that these restrictions are usually more significant in

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social contexts than at home, yet if personal liberty does not infringe on others' rights it is not restricted anywhere. Think of the following example: personal liberty allows Anna to have as many tattoos and piercings as she likes. This "body language" is by no means universally approved in society, yet it is considered legitimate and tolerated accordingly. As a matter of fact, Anna is disapproved on account of her tattoos even in her own family, but being of age, she is free to do as she pleases. When she walks on her campus, a state campus, every day, she does not have to cover her tattoos and piercings and, whether she is liked or not, no teacher, administrator or janitor will prevent her from entering the premises with her tattooed arms and pierced nose well in sight. She brings her liberty with herself to the public square and institutional spaces, because her bodily expression of that liberty is not harmful to anybody else, even if it is genuinely disliked by a few people. It would be different if Anna were also a true believer in some new age sect and, on this basis, expected to impose a prayer to the sun in class. In that case, her personal freedom would be restricted in state university or school because it would be a trespass on the liberty of others, whereas at Venice Beach or at her club it would not.

Keeping this example in mind, it is clear that personal freedom is not confined to one's home or to strictly private spaces, just as it is also clear that freedom of expression — for instance, of religious convictions — is subject to some restrictions in political-institutional places to prevent it trespassing on the liberty of others. Before concluding on the private/public divide, two final observations are in order. *First:* the example of Anna's tattoos shows that a cultural majority's eccentricities are not only definitely legal, but also well tolerated in all three aforementioned kinds of social space: private, public and political. This implies that, for members of the majority, the ambiguities of the political theory of toleration do not count. The same does not hold for members of a minority; for Fatima, for example, who covers her head with a *niqab*. In this case, the overlap between the private/public divide and the principled limits to toleration works as follows: the strange-ness of the *niqab*, with all its connected symbolism (Scott 2007), causes uneasiness and worry in residents in the majority, hence upsets their expectations and orderly daily life. In this way, the *niqab* is taken to undermine public order, hence to deserve toleration only in private, which, depending on the context, may exclude only the political sphere or also civil society. Briefly, according to this argument, because they are disliked and cause uneasiness — like Anna with her piercing — veiled women must be secluded from public sight — unlike Anna — apparently for reasons of order. To approach the mosque issue from a normative point of view, we must keep the examples of Anna and Fatima clearly in mind and see through the double standards governing toleration in either case.

Second: in the area of civil society, insofar as it does not involve behaviour regarding others, such as driving or the stipulation of contracts, personal liberty has no or only minor legal restrictions. Order here depends on social conventions, usually spontaneously evolved, which are not legally sanctioned but are, nonetheless, quite effective in producing social coordination (Nagel 1998; Lewis 1969). Dress codes, body language, rules of greet-ing and politeness, food habits, and customs of various kinds are so ingrained in everyday life and routine that they have escaped people's awareness (Hayek 1982). They constitute the *societal standards* of propriety and urbanity and orderly decorum of the society in question. Albeit emerging spontaneously, these social conventions have sometimes found space in public regulations and legislation, as is the case of the weekly day of rest, holiday

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distribution, the timetables of shops and restaurants and the like. Without being aware of their existence and working, people regulate their lives and pattern their lifestyles on them, and thereby achieve the feeling of order and stability necessary to make plans and take risks. When groups of newcomers arrive, bringing with them different social customs and conventions, societal standards are threatened, and sectors of the cultural majority feel upset, uprooted and insecure, displaced by different dress codes, different foods and smells, and different voices and accents. This is precisely the area in which questions of toleration erupt in multicultural democracy. What is really at stake is the control of societal standards, which represents the specific power of cultural majorities over cultural minorities. It is this social asymmetry that gives rise to problems of toleration. Toleration contests in contemporary democracy are thus unambiguously over public space, that is over the public display of social differences which changes the urban landscape both visually and symbolically (Galeotti 2002, 89-93).

I can now trace three normative implications of the argument on the public/private divide:

① the fact that the feeling of displacement and insecurity is genuine in cultural majorities does not justify consequent intolerant attitudes;

② the fact that the contest concerns the conventional regulation of public space explains why those objecting to revisions of societal standards in order to accommodate minority habits and practices justify their objection by referring to a narrow interpretation of tolerance limited to private space. By disregarding the above ambiguities of the private/public divide and ignoring how the latter works according to the traits, patterns and practices of the majority, the objectors state that the public display of religious symbols, different dress codes and so on is a trespass on the public sphere, where general rules bind everyone and personal liberty is legitimately restricted in the name of liberal neutrality;

③ the issue of compatibility, usually invoked by the objectors, whereby different practices and religious rituals are "intrinsically" incompatible with the ethical and political principles underpinning democratic society, hence cannot be tolerated *poena* the disruption of liberal democracy, has to be reinterpreted as a contest over societal standards. Once relocated, this incompatibility will appear to concern not political principles, but rather the established identity of public spaces with newcomers' practices, habits and ways of gathering.

The private/public divide argument now provides an interpretive standpoint from which to view the reasons invoked for limiting toleration in the case of mosque building. We must remember that, since the *status quo* is one of toleration, the issue is raised by objectors to mosque building, social actors or political spokespersons who claim that limits have been trespassed. Likewise, responses are not meant to be persuasive about the merits of toleration but, instead, about the unsoundness of its alleged limits.

I do not consider the *laïcité* argument, since it coincides with the strict demarcation of tolerance to the private sphere outlined above. Needless to say, the *laïcité* argument is faulty in terms of both double standards and consideration of the public sphere as a purified space of equality where different social identities are all banned (Galeotti 1993). The various other reasons voiced in the debate — the risk of fundamentalism and terrorism, the Islamization of society, problematic funding from suspect states interfering in our

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society, the upsetting of the urban landscape — can all be grouped under the heading of an objection about public order, for all point to the fact that accepting proper mosques in our cities — maybe side by side with cathedrals, maybe with minarets higher than belfries — will induce political and social disorder and instability at various levels. I thus focus on public order, unpacking all the components of the argument, and conclude that none represents a sufficient reason to stop toleration of mosques, though there are some grounds for local populations to be worried that need to be addressed politically. The argument about public order shows what the contest over toleration is really about, namely the control of societal standards.

Public order sometimes means "law and order", other times it means stability in civil society. When the former is the case, it may refer to two different worries: on the one hand, a literal concern for "public order" with regard to petty crime, traffic, parking problems and so on; on the other, a concern that expands symbolically to include state security and the survival of democracy. The literal sense of "public order" points to the legitimate, if narrow, worries of residents afraid that their daily lives, traffic and parking will get worse in the area surrounding the new mosque. Such worries, however, are not specific to mosques and Muslim rituals, but are also similar to those raised by new shopping malls, cinemas or clubs, and, as such, need to be attended to by administrators without necessarily engendering a case of toleration. It makes no sense to discuss toleration with regard to shopping malls or clubs, though not everybody likes them. In this case, the wise administrator knows that it is necessary to set apart albeit important practical worries, which need to be solved by good planning, from other less material, less explicit, but often more acute concerns.

This is the case of the "public order" objection whereby a purpose-built mosque would be a general threat to security and democracy. In ordinary language, a threat to public order is caused by social or political unrest, violent demonstrations, attacks to persons and properties and the like. Public order typically pertains to the political sphere, and police action — and, in the most acute cases, even military intervention — is required to preserve the primary good of politics, namely law and order. When public order is at risk, citizens' security is threatened and it is the state's duty to protect citizens' lives, freedom and property preventing or intervening against disruptive, violent actions, with the use of force if necessary. Law and order is the first *raison-d'être* of politics and toleration does not count in this respect. Hence, public order is the first and undisputed reason for stopping toleration in the face of agitators and violent parties, but it is doubtful whether the building of a proper mosque can actually create a problem for law and order in this sense.

Such a risk is allegedly represented by Islamic fundamentalism, which has indeed been a real threat to citizens' security in the last few decades. No one undervalues terrorism stemming from fundamentalism, but the connection between terrorism, fundamentalism and Islam suggested by objectors to mosques such as Ralph Giordano in the Cologne case (Moulin-Doos 2011) or the politicians of the Lega Nord in Milan (Mocchi 2011) is, nevertheless, far from being established. According to this extreme view, moderate Islam is merely a cover to gain easy tolerance from our overindulgent democracies. This view, which is fuelling Islamophobia throughout Europe, clearly defies all the evidence. A mere pretence, it can only be maintained belief in an underlying conspiracy theory discounting the wide majority of moderate and secular Muslims (Allievi-Nielsen 2003). But even if

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we accept this implausible view for a moment, the objection to mosque building does not follow. The fact is that anti-Islam intellectuals and politicians do not dare to the demand the direct expulsion of the Muslim population from European countries or the forced conversion of Muslims to Christianity. Such measures, though hardly legitimate, would actually be the consistent consequence of holding that Islam is intrinsically intolerable, and yet they are clearly out of question in the world of liberal democracy. So if Muslims are to live with us in any case, why should proper mosques constitute a special danger? Why should purpose-built mosques, as opposed to backyard mosques, represent a special risk of terrorism? For if it is the gathering of people which is regarded as dangerous in terms of proselytism and propaganda, then backyard mosques are all the more dangerous insofar as they are less visible and more suitable for achieving secret goals. Even in the light of the extreme anti-Islamic stand, the opposition to mosque building is inconsistent and ineffectual as a justified limit to toleration for the sake of order and the self-preservation of democracy. The lack of a purpose-built mosque does not contribute one inch to the enhancement of citizens' security against terrorism.

Implicit in the mosque, however, is a lesser threat to law and order, namely that represented by the apparent desire for non-integration signalled by Muslim self-seclusion in a proper mosque, a symbol of an alien culture and suspect faith thrown into the middle of a western, democratic city (Lægaard 2011; Moulin-Doos 2011). Some commentators see sort of perverse will to offer a clear sign of rejection of our culture and of integration. This argument may touch the emotional chords of majority's feeling but it hardly makes sense. The underlying idea seems to be that, if a religious group wants to gather and pray in such an exotic and alien building, totally unfit for our urban landscape, it is perversely attached to a culture which is, by analogy, similarly unfit to be accommodated in ours. This reasoning seems to forget that a place of worship is, by definition, reserved to the community that shares that creed, that religious rituals and prayers are necessarily specific to that faith, and that it is a good thing for no imposition to be made on others. When engaged in practices of worship, all believers in all religions gather together and temporarily "segregate" themselves from other activities and other aspects of public life. Are we to infer that all believers are not properly integrated? Either we hold that religion as such is a factor of non-integration or we acknowledge that Muslims have the same right to a proper place of worship as any other congregation. As to a mosque's exotic and alien appearance compared to that of a church, it is not unlike any architectural innovation in our cities. I conclude, therefore, that the idea that self-segregation might lead to a risk for law and order is misplaced. The architectural argument is the only one with a basis but, taken at face value, it can be addressed. And, as has emerged from the cases under consideration, Muslims have been very open to negotiation and design revision.

As I have said, public order may also mean the orderly stability of social life by means of traditional standards and conventions. This second sense of public order is less clearly spelled out, yet it makes more sense as a reason for worry, though not as a reason justifying intolerance. The opaque element lies in this: while law and order constitutes the proper sphere of political intervention and regulations, it is far from clear that societal standards and conventions are a legitimate subject of legal intervention and protection because they have spontaneously evolved and must be open for further evolution. Some of those conventions have found a legal counterpart, like family law; others, such as

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shop timetables, are subject to administrative regulations. Yet most of them are simply standards of propriety and urbanity, and do not look like areas where state interference is legitimate in a liberal order. Thus it is not straightforward to invoke a stoppage to toleration in this area. In other words, in this respect we are confronted with a real problem, not simply an imaginary one induced by prejudice, yet one which is not an obvious issue for political interference, for usually the area of societal standards is free from legitimate state intervention and open to social evolution. But social conventions are the crucial components of the stability of public life, of its public identity, over time, hence their defence is claimed to justify coercive action. Societal standards are fundamental in allowing stable expectations and social coordination, not just for emotional or affective reasons. It is no wonder then that newcomers with strange customs and practices are perceived as a threat to this identity and as unduly unsettling the orderly stability of public life. We can thus say that, understood in this way, the public order objection has a real basis and content, insofar as the newcomers with their different traditions will somehow change the present social order, the identity of public life and public landscape. This change is now affecting people's lives as much as phenomena such as urbanization and internal migration did in the past. The majority's uneasiness should be acknowledged and taken seriously, but it cannot *eo ipso* constitute a sufficient reason for stopping toleration of the public presence of immigrants' differences, such as that of purpose-built mosques.

In the broad discussion over the harm principle, one thing has been clear since Mill's original formulation (Horton 1985; Jones 1985; Raz 1988; Schauer 1993; Galeotti 2007). If uneasiness, dislike and disapproval towards the potential subject of toleration could count as harm, hence as a limit on toleration, then toleration as such would be dismissed from the outset, given that the feeling of uneasiness and dislike for a difference is the first circumstance for any question of toleration to arise (Hart 1962). That feeling is precisely what the tolerant attitude ought to overcome by reference to higher-order considerations such as respect for people. In other words, that which is the first circumstance for toleration cannot apply twice, first as a reason for toleration, and secondly as a reason for limiting toleration. In that case, dislike would not be a proper limit but rather an outright dismissal of toleration as such. Yet in the discussion of the Milan and Cologne cases the majority's feelings of uneasiness and dislike for strange symbols and buildings have been taken as "harm", hence as a reason for non-toleration of purpose-built mosques.

In defence of this intolerant view, the objector to mosques may rejoin as follows: "Why should *we*, the society majority and citizens of the polity, tolerate their customs out of respect for *them*, instead of *them* tolerating *our* customs out of respect for *us?* As our guests, they ought to adapt to our ways of life, which do not include mosques and minarets in public squares. *We* are indeed tolerant because we do not force them to become Christian and let them pray as they like in their own homes or secluded spaces, but we cannot tolerate *their* invasion of *our* public spaces and cities, which would not be respectful of *our* local tradition." Depending on whether it concerns minority or majority practices, this answer subscribes a dual conception of toleration. Minorities are granted only minimal toleration, closely restricted to private spaces out of sight, while the majority reserves itself a maximal understanding of toleration. At present, minority groups are simply not asked to tolerate our tradition, which *de facto* they have no power to interfere with, hence are not even in a condition to tolerate anyway (Galeotti 2001). They are

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defined "tolerant" of our tradition on the condition that they withhold their claims concerning mosques and other alien differences, since those claims are seen as upsetting our tradition. Hence the majority's expectations, which immigrants or people of immigrant origins allegedly have a duty to respect.

Here I confine my comments to the toleration reserved to minorities, toleration for majorities being conceptually untenable since minorities lack the power of interference, hence are deprived of one of the very conditions for toleration. The minimal conception clearly dispenses with respect for people, since equal respect means accepting others as they are, not despite what they are (Galeotti 2010). Private toleration and the public invisibility of one's identity imply that acceptance is achieved only by disguising one's identity, hence that Muslims as such are not considered as our equals and are not fully respected in their dignity. Public visibility is, therefore, a condition for toleration to be based on equal respect and for minorities to be properly included in our society, as implied by democratic principles. Toleration of Muslim religion in public, with all its implications — such as proper places of worship, cultural centres and so on — is not an extension of liberal toleration from private to public; it is simply the extension of the very same toleration enjoyed by all established congregations to Muslim communities. Not to make this extension would imply the injustice of double standards. In conclusion, the objection to the building of proper mosques is unjust as it would unfairly limit Muslims' rights of religious freedom, expression and association, rights that are granted to members of other religions. This conclusion shows that there are no justifiable grounds for denying permission for mosque building. It also shows that objections to mosques are bluntly intolerant. It is important to establish this normative bottom line, which is not often clearly spelled out in public discussion. But it is also important to acknowledge that this normative stand, crucial as it is, is far from sufficient in settling the issue politically and pragmatically. This is because the problem of worries about the stability of social standards has to be taken up politically.

4. THE INTERSECTION OF THE HORIZONTAL AND VERTICAL DIMENSIONS OF TOLERATION

The argument has now reached the point where the issue of the intersection of the horizontal and the vertical problem of toleration has to be addressed. Understanding how the two axes intersect in the mosque question, as in most questions of contemporary toleration, is important not only for the theory of toleration, but also for the political solution of the issue.

So far, we have seen that the framework of the problem is as follows:
- liberal democracy implies that toleration is a political principle inbuilt in the constitution and granted by equal rights of liberty;
- toleration is no more an option for democratic states, but an obligation towards all citizens and a correlative obligation of right enforcement against horizontal violation;
- questions around toleration do still arise concerning the limits of toleration, beyond which state intervention is justified;

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- the controversy over the limits of toleration concern the public space, by which we mean both the proper political sphere and social life which is in public sight;
- the objectors to mosque building maintain that their position is not intolerant, because (a) they do not want to convert Muslims who are free to practice their faith, but at home and quietly; (b) a proper mosque is a threat to public order, an attempt to proselytize, a symbol of fundamentalism, an opportunity for terrorism, an indulgence to Islamic invasion — in a word, an illegitimate trespass in the public sphere on the primary religious symbol of a dangerous religion and culture, and as such not to be tolerated;
- the objectors' arguments have been shown not to stand as sufficient reasons to limit the religious and liberty rights of the Muslim community, hence they are entirely intolerant and unjust, even though they are prompted by worries which are real and must be attended to politically.

The question of the tolerance/intolerance of mosque building was originally raised by social sectors of the cultural majority objecting to proper mosques. Citizens in liberal democracy, however, have no power to hinder projects, such power belonging only to the state; hence they address their objections not horizontally to the minority or to other sectors of the majority, but vertically to political authorities, both national and local, and to administrators in order to have them stop the building project in question. Here is where a social attitude of intolerance, which cannot be acted upon legitimately, is transformed into a political issue, and in two senses. On the one hand, the objectors ask authorities to enforce the limits of toleration and to stick to the proper application of principles. On the other, political authorities are called into question because of the protest and vociferous discontent of a constituency demanding to be taken into account politically and to be represented by some party in democratic politics. As is apparent from all three cases, the two levels — the appeal to principles and the dynamic of protest — intertwine. Political authorities and administrators are thus driven by social protest, which usually manages to be represented by some political party, to take a stand, hence to make a decision either way that must be publicly justified. This is how political questions of toleration are produced in liberal democracies; more precisely, they are political not with reference to their content but with reference to the agency entitled to make the final decision. For in liberal democracy, no matter how socially powerful and vociferous, those opposing mosque building may protest and even behave offensively — spreading pig's blood in the area where the mosque is supposed to be built (Allievi 2010), for example — and may invoke a referendum and so on, but, at the end of the day, the decision lies in the hands of the national and local authorities in charge of protecting and regulating religious freedom and of urban planning. Once the political decision is taken either way, those who see it as unjust can appeal to courts at various levels, right up to the European Court of Human Rights in Strasbourg. Both political and judicial decisions are vertical and top-down, and the final outcome of this process of contestation will be the redrawing of toleration limits.

Whether the boundary includes proper mosques as tolerable in public or not, this decision will bear consequences on the standing of the Muslim minority in society. If public toleration of mosques is declared legitimate, then Muslims will be treated as equal members, on the same footing as other citizens of the polity, who are not compelled to

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pray in the dark of basements and garages, better still if they are the outskirts of cities. The public tolerance of proper mosques will imply the recognition of Muslims as equals and will be based on equal respect (Galeotti 2002). The religious freedom of Muslims will be implicitly declared as equal to that of Christians or non-religious citizens. If, by contrast, toleration were limited to backyard mosques, then the freedom of Muslims would not be equal and their status as members of the polity would be that of second-class citizens, not recognized as fully autonomous persons but as members of a suspect group under probation. Given that, in liberal democracy, no one will accept being treated as an inferior or as a minor, Muslims will not be content with such a discriminatory decision and, sooner or later, will fight for equal rights. Thus an intolerant decision will not settle the issue, which will soon re-emerge, once the minority has become stronger and outspoken or the political orientation has changed. By contrast, even though it may encounter the protest of the objectors at first, the opposite decision will then come to be generally accepted, since toleration is also a function of time. If the cause of resentment is the upsetting of the identity of the public space, if the change is properly managed, people will eventually get used to the new landscape and to the new social standards, which will, also eventually, lose their unfamiliar appearance and be stabilized into another, more diverse, identity (Allievi 2010, 126). Looking at the mosque issue both from the point of view of justice and from that of long-term convenience, there is thus no doubt that the balance is all in favour of permitting proper mosques to be built in our cities. Nevertheless, there are short- and medium-term social and political problems linked to the identity of public space and to the control of societal standards that cannot be overlooked by wise democratic politics. Let us consider them briefly.

Looking at the cases under consideration and also at other research on the subject, discontent with plans for mosques is widespread, especially in neighbourhoods with a high density of immigrants, where problems of petty crime are experienced daily, urban dilapidation is evident and real-estate prices are sinking. In such neighbourhoods, local people are worried about their security and about the value of their homes, both serious causes for concern. I would like to stress here that the presence of a significant immigrant population does not necessarily correlate with intolerant feelings the negative correlation depending on time and the process of integration. The most tolerant districts are usually those where the immigrant population has been a visible presence for a while, and where people have learned to adjust and to become familiar with cultural differences. Discontent, worries and insecurity characterize the impact of a sizable number of immigrants in a previously monocultural neighbourhood. Such feelings provide the grounds for populist right wing parties to campaign and gather support by exploiting the discontent and exaggerating the risk to security and public order. This has been the case in Denmark, Germany and Italy, and seems to be a trend in all European countries. The unsettlement produced by waves of immigration has found political agents, the so-called managers of fear, as its political representatives (Allievi 2010, 100 ff.). The problem is that, being non-citizens, Muslims from recent immigration have no opportunity for political representation. Their situations change from country to country, because where they have been settled the longest — Germany, for example — they are usually citizens, and if they are not, as residents they have the vote in administrative and local elections. This is also the case in Denmark, whereas in Italy they are completely excluded from representation, at

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both the national and local levels. To a deficit of political representation, Muslims add the lack of a proper congregation and a Church structure as a sole interlocutor with the state and administrators. Hence their claims are entrusted to their associations, which often have different views and disputes, to social agencies, such as NGOs and the like, and to the good will of political parties of the centre-left. In all three case studies, the claim for a proper mosque was originally advanced to local administrators by Muslim associations to obtain building permission. In both Germany and Denmark, local administrators approached the mosque case as a matter of urban planning; in this sense, they behaved neutrally with regard to the content of the request, caring only for procedural correctness and architectural fitness. Later, when the plan reached the point of implementation, the populist right-wing parties jumped in, raising a loud protest which became a subject of national debate and reached national government level. In Italy, by contrast, local administrators pulled out every possible device to obstruct and delay the plan, devices which made *ad hoc* and selective use of regulations with a clear discriminatory intent. Then the Lega Nord politicians jumped on the bandwagon and campaigned against the mosque plan at both local and government levels. The national government's behaviour was cautious in all three cases. Governments did not want to take a clear stand on the issue: in Denmark, the Parliament voted for the district plan without providing a reason. In Germany, the Cologne discussion became national and the ruling party had to express itself at its national congress, where it came out in favour of a revision of the plan, though the final decision was left to the local government. After much controversy, in 2009 the foundations of the mosque (smaller and less visible than envisaged in the original plan) were laid. In Italy, decisions regarding places of worship are entrusted to regional law. Some such laws limiting the permission to build churches to recognized religions were appealed to the Supreme Court, which declared them unconstitutional (Sentence 195/1995). However, the revision of the relevant law in Lombardy has simply entrusted the decision to local administrations on the basis of urban categories, hence leaving the way open to endless obstacles of a pragmatic nature, *de facto* obstructing a constitutional right. In general, we can see that national governments are reluctant to go against a constitutional right, but are sensitive to the protests of the populist right-wing parties for reasons of political calculus, which is why they tend to devolve the decision to local administrators. The latter may apply procedural rules impartially, hence favouring mosque projects, or selectively, hence blocking them. By contrast, courts are the place where the equal rights of Muslims are often reasserted, since they stick to principles, while political authorities are more sensitive to protest and electoral consent.

Where it has been taken, in this sketchy picture the tolerant decision looks more like a compromise and a *modus vivendi* than the recognition of Muslims' religious rights. Could the issue have been handled in a different way so as to reconcile justice with the expectations of local residents about order and security? Justice clearly prescribes public toleration of proper mosques, which is a way of treating them with equal respect and promoting their full inclusion in democratic society, yet security worries and the uneasiness of the local population cannot be ignored by any reasonable politician. In order to solve this problem, I believe it is important to draw a distinction between the symbolic demand for recognition and the actual literal content of multicultural claims (Galeotti 2010). I state that all claims advanced by minorities contain an implicit demand for equal respect, that

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is for minority members to be recognized as equal partners in the polity. Securing a right or a benefit is another small step towards being on an equal footing as members of the majority. This quest for recognition is the symbolic, non-negotiable part of the claim, while its actual content can be negotiated in relation to contextual variables. There is actually a scale of how much a claim is negotiable, depending on whether it concerns rights, benefits, or exemptions. If claims concern equal rights unduly denied to minorities, they represent what I call the level 0 of multicultural politics and should, in principle, be met without delay. If claims concern equivalent rights — that is the right to be treated differently in order to be equal (level 1), especially if it concerns special benefits or exemptions for minority groups (level 2) — the room for negotiation expands. Here we are faced with a level 0 case, that is the extension to Muslims of the same right granted to Christian and Jewish believers to have a dedicated and undisguised place of worship. From a normative viewpoint, there is no doubt that the claim ought to be satisfied. In a way, the cautious behaviour of public authorities shows that there are no margins for justified rejection: faced with internal discontent and a likely electoral price, had a justifiable argument against proper mosques been available, centre-right governments would probably have jumped at it. In other words, their timid position about mosques may be attributed to the lack of a publicly justifiable argument for their rejection.

Granted the level 0 of the mosque claim, I hold that in this case negotiations are in order to attend to local worries as well. Once ascertained that these worries are not just the product of prejudice and bias, they have to be taken seriously, even though they cannot take priority over equal rights. Here is where the distinction between the symbolic and the actual response comes in handy. First of all, Muslims must be listened to with consideration and respect by authorities and administrators; the lack of a unified voice of Muslims in European society may complicate the process, but it cannot be a reason for dismissing them or to coming to the unilateral decision that the most moderate association is to be privileged, at least not from the outset. The associations of residents and their representatives must also be heard in order to separate reasonable claims from fears of novelty. With a clearer map of the problem, administrators should then seat all the actors at the same table, exercising a role as mediators and also promoting dialogue among associations, communities and people. This very procedure is, at the same time, meant to lead to a decision, hopefully shared by the parties, and also to be a means for attributing equal respect to the parties, thereby making the members of the minority feel on the same footing as citizens, and the latter not left behind and cut out of a decision concerning their neighbourhood and their city. This rosy picture is not simply a well-meaning story but corresponds basically the description of what has happened in Turin, my city, over the building of a proper mosque. Turin is not a case that is part of my research yet, but I have heard this story from the mayor's own mouth in the course of a public debate. He said that the recipe for a successful solution to the mosque issue (and probably to similar multicultural issues) has been: (a) sticking to principles in perspective; (b) talking to all actors round a table, at first separately, then together; (c) deflating attitudes toward obstacles, keeping parking issue separate from the fear of terrorism, for instance; (d) promoting a process of reciprocal knowledge and developing trust; (e) good mastering of and attention to the bureaucratic procedures to avoid administrative obstacles. This process does not allow for a ready solution: the discussion has been going on for a few years now and

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the decision to build the mosque has been taken, but building has not yet begun and the Lega Nord is promising a fight and demanding a referendum. To the referendum challenge, the mayor responded that constitutional rights are not a matter for a referendum. This represented quite a strong stand in favour of the mosque, seen as the implementation of constitutional rights. The mosque, however, has not yet been built and the issue may break out again. Still — and here I speak with the greatest caution — the mayor's seems to me an exemplary way of dealing with the problem, a way of turning the fight against Islamic symbols, which condemns Muslims to the margins of public space, into an opportunity for their integration in the visible space of the city.

A final comment on the dual strategy of symbolic recognition and negotiation. The analysis of all three cases shows that Muslim representatives in the debate have been willing to revise their original plan, to reduce the size of the mosque, and to give up the minaret. In a word, in the controversy Muslims have appeared to act as the reasonable party, in the sense of Rawls's reasonableness (Rawls 1993). This is an important point insofar as it belies the alleged intrinsic dogmatism and fundamentalism of Islam, revealing the chances of success of the strategy of recognition and negotiation outlined above.

5. IS THE MOSQUE A CASE OF RELIGIOUS TOLERATION?

I started my argument by showing that the mosque conflict is a typical case of contemporary toleration, and, more precisely, of the public toleration of a building which is the symbol of the difference of Muslims. I have argued that the public toleration of mosques is required by equal respect for Muslims, who have the right to enjoy the same liberties as other citizens. Now I intend to draw some conclusions from the argument on the control of societal standards and to show that the mosque conflict is not a case of *religious* toleration, neither exclusively nor primarily. Mosques are without doubt places of worship and of meeting for Muslim believers, hence they are definitely symbols of faith. Yet resistance to the building of proper mosques is not based on specifically religious reasons: the worries are not that a heresy may take hold among Christians, nor that miscreants may be encouraged to proliferate, and there is no desire to eradicate the wrong religion in order to save the souls of erring people. These were the reasons that motivated the religious wars in 16th- and 17th-century Europe, when conflict was focused on theological divergences and disagreement over church organization. Power and politics were present too, providing the military might for waging war, but were not the crucial reason for starting it. The freedom claimed by Luther and Protestants was primarily religious freedom: to pursue one's creed and be freed from the Church of Rome's monopoly, which was precisely what the Catholic Church and its political allies denied.

In the mosque contest, this is clearly not what is at stake. No theological dispute lies at the origin of the objections to mosques and no criticism of the religious organization of Muslims is present in the debate, except for the accusation of fundamentalism, which is however superficial and not based on solid knowledge of Islam in its many articulations. Thus religious disagreement is not the real point, which also explains why many commentators maintain that religious freedom is protected in any case, as mentioned above. The real point, as I have tried to show, is the contest over the control on societal standards

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and on the identity of public space, which the majority feels is being threatened by the visible presence of unfamiliar symbols, practices, customs and modes of appearance that upset the orderly stability of social life in public. Muslim religion is providing a ready-to-use label unifying immigrants from many and different cultures, more different than those from Eastern Europe, hence more threatening to societal standards and allegedly more dangerous. Here is where Islam comes in handy, for it provides the grounds for articulating the diffidence and hostility towards alien customs and darker, usually poor, people in reasons spendable in public discourse and based on two considerations: (a) Islam is dangerous because of fundamentalism and terrorism; (b) Islam is unacceptable because of its oppression of women. Terrorism is universally condemned, hence definitely beyond the boundary of the tolerable; likewise, violence and oppression of women clearly trespass against the harm principle and cannot be accepted in the name of tolerance. Once these two features are taken as the core of Islam, then opposition to the public toleration of any symbol of Muslim religion, from hijab to halal prescriptions to mosques, has found an apparently legitimate general justification which helps to keep the presence of Muslims at the margins of public life, quietly active at their workplaces and disappearing back to their ghettos at night.

This is usually the stuff of the widespread Islamophobia of Europeans (Massari 2006; EUMC 2006), which is not the product of religious disagreement. On the contrary, I hold that Islam is nothing but a cover for cultural distaste for the newcomers with darker skin and unfamiliar customs and rituals who are "invading" our cities and countries, since such distaste and xenophobia cannot be spelled out in public reason. That the contest over mosques is not primarily religious is corroborated by the following considerations.

(a) Where Muslims are an established presence, such as in Cyprus and Israel, there seems to be no religious tensions and mosques appear to be accepted as a matter of fact. That is the case even if both Cyprus and Israel experience open conflict over territorial distribution with the populations of Muslim persuasion. Yet such conflict has not led anyone to contest mosques and regular mosque attendance by the Muslim minority. The case studies on Israel and Cyprus show that conflict may arise with reference to the construction of new mosques in non-Muslim neighbourhoods (Israel) or to the use of old mosques by Muslim immigrants of the Shia persuasion (Cyprus). Thus it is not mosques *per se*, but the upsetting novelty of a strange and alien building that creates uneasiness and worry (Skoulakiri 2010). Similarly, in Austria, where a populist right-wing party is present and has expressed strong anti-mosque feelings, the oldest European mosque, in Vienna, has never been contested by residents. Likewise, in Rome the biggest European mosque is accepted and has become part of the urban landscape. This would appear to confirm that the conflict is not about religion, but about the identity of public space. If mosques have long been part of this space, they cease to be perceived as a dissonant element and no one takes issue with their presence.

(b) Most of the time Christian congregations have acted in favour of mosque building, defending and promoting the right to religious liberty across different creeds (de Galembert 1998). Had the conflict been religious in nature, I expect that they would have taken a different stand.

(c) Political institutions, as we have seen, have been timid as a rule, but they have not taken an active role in objecting to mosques. In other words, the standoff is not and could

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not be represented as one of the familiar kind between the state and the dominant and powerful church over secularization. In Europe Muslims definitely do not represent the dominant church, which has provoked the state to reaffirm its prerogatives and its neutrality against religion's invasion of the political sphere. We have seen that something of this kind has happened in Cyprus, where the state has been active in reducing the privileges of the dominant Orthodox Church. So the mosque issue cannot be defined as a chapter in the fight between church and state that characterizes the formation of liberal institutions.

(d) Among the various Muslims associations active in a social context, political authorities have privileged those grouping citizens who have converted to the Muslim religion. This preference is not explained by religious reasons, but rather by the idea that citizens who have grown up in our culture are more trustworthy and more easy to deal with. Again, the significant variable seems to be culture and familiarity.

(e) The controversial family customs of Muslim immigrants, especially with reference to women and girls, are cultural traits widespread in Asian and African traditional and tribal habits and lifestyles, in many respect similar to those of Mediterranean areas until few decades ago. Their connection with religion is, if at all, tenuous. Moreover, they have no logical connection with the denial of place of worship to Muslims. In a way, it is just the opposite. We can imagine that, if Muslims were accepted as equals in our cities, with their own places of worship and gathering like everyone else, this fact would enhance a process of integration that would slowly affect the whole community and the individual rights within it.

(f) The suspicion of a link between European Muslims and Islamic states, such as Iran or Saudi Arabia, which underlies the funding problem, expresses a political worry, not a religious one. It is the suspicion that the loyalty of European Muslims is primarily with those non-democratic authorities. Such states would then have internal allies to promote the diffusion of fundamentalism and of Islam over European contexts. It is the same suspicion that Western democracies had for Communists during the Cold War, namely that an internal sector of democratic society could act as the agent of a foreign and hostile power from within democratic institutions. It is a case of political mistrust and of fear of fanaticism, not of religious disagreement.

If the mosque issue is acknowledged to be a question of toleration over societal standards as opposed to a question of *religious* toleration, some relevant implications can be drawn. First of all, the problem is not about incompatibility of principles, beliefs and values, nor about the irreducible clash of civilizations leading to the suppression of one over the other. This dramatic representation, which has enjoyed a certain success and echo through the Western media, is the worst premise for working out a viable and just solution, fuelling hostility and fear on both sides. Secondly, since it is not focused on theological truths, the conflict is not about ultimate and absolute views, which thus cannot be traded off for a peaceful settlement. This common understanding of religious conflict evokes risks of Balkanization and suggests the need for a preventive stoppage to easy tolerance. If, by contrast, the issue is shown to be about societal standards and toleration — i.e. peaceful coexistence with customs, practices, habits different from our own, which would re-draw the public landscape of our society, both symbolically and literally — then we gain a more accurate and less dramatic description of what is at stake.

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Such a description, moreover, will allow us to settle the issue, reconciling justice for Muslims and stability by attending to the real worries of local residents. Democratic principles — i.e. equal respect and equal rights — and democratic procedures — i.e. representation, public discussion and negotiation — seem to be the tools for working out the recognition of the legitimate presence of different identities and of wider and more diverse social standards.

6. The invisible Muslims of Slovenia

I set apart the case of Slovenia because there Muslims are not a group of more or less recent immigration, but citizens of the former Yugoslav Federation (Pribac 2011). They are a national minority in Kymlicka's sense (Kymlicka 1995, 2001), given that they originally came from other Balkan nations, mainly Bosnia or Kosovo. Though Muslims arrived in Slovenia at different times — from the 15th century to the Hapsburg period, or when Yugoslavia was a state, before and after World War Two — they have long been residents and citizens. In the former Yugoslavia, they did not need passports or visas to move around and change their residence from Bosnia or Kosovo to Slovenia.

The mosque problem was first raised back in the 1960s, when Slovenia was still part of the Yugoslav Federation, under a socialist regime. The solution was then obstructed by the socialist stand against religion. The ideological obstacle fell when Slovenia seceded from Yugoslavia and became an independent state, a liberal democracy, which grants freedom of religion and equal rights to all. Yet Muslims have not benefited from this new situation, in principle favourable to granting any congregation its proper place of worship. The new state projected a national identity that comprised Catholic religion as one of its components. Moreover, interethnic conflict broke out in the region and became more and more devastating, so that ethnic conflicts overlapped with religious identities — not an ideal situation for recognizing a national minority with a different creed. The self-presentation of Slovenia was as the state for Slovenian people with a strong emphasis on a compact national identity that left little room for concern with minorities. In this context, equal rights and equal respect for the Muslim community were definitely not a priority and were never put on the political agenda. When the mosque problem resurfaced at the end of the 1990s, loud objections were immediately raised. Among the objectors, the popular Archbishop Roda also took issue with the mosque, thus distancing himself from the position generally taken by religious authorities in other European countries, for example in neighbouring Italy. To such objections, similar in their content to the ones we have seen above, political authorities took a cautious stand, neither definitely negative to mosque building, nor affirming the right of Muslim communities to be treated equally and respectfully. Though public discussion has been somewhat similar to that in other European countries, significant differences must be underlined in the Slovenian case. The issue has not been about the defence of traditional societal standards and public space from newcomers strange habits and customs (indeed Muslims are not newcomers in Slovenia, though some immigration from Bosnia did take place during the Balkan wars). The issue has rather been about the defence of the monocultural national identity, that underlies the very project of creating a Slovenian state out of a multinational federation.

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A significant fact gives weight to this thesis, one which commentators would appear to have failed to link with the mosque issue (Pribac 2011). At the time of the secession, more than 27,000 people were erased from the register of citizens and enlisted as foreigners because they had omitted to apply for citizenship in due time. Most of those people were Muslims of Bosnian origin, who consequently lost their documents, identity and residency, thus becoming non-persons. The scandal over the "erased" people erupted in 2002, and has not been solved to date. Putting together the controversy over the mosque and the official disappearance of this large number of Muslim ex-citizens, I would infer with some confidence that the issue here has not concerned the control of societal standards, but rather the self-representation of Slovenians as a unified people where Roma and Bosnians do not belong. Toleration here regards the diversity of citizenry, not the diversity of cultures, at least not in the first place in any case. Moreover, the position of the state has clearly been much more defensive of its unified identity than protective of the newly conquered constitutional principles. Elsewhere, states have been timid, but have not stood with the objectors; here the Slovenian state has been the main agent of the misrecognition of Muslim minority as a component of Slovenian nation, as if the new democracy were too fragile to open up to pluralism. Yet it is precisely openness and inclusiveness that are the test for a democratic state.

7. CONCLUSIONS

I have argued that the mosque conflict, so widespread throughout Europe, is indeed an issue of toleration, *de facto* representing a typical example of the controversies over toleration erupting in contemporary democracy. In order to argue this point, I have had to reframe the conditions and circumstances posited by the traditional theory of toleration patterned after pre-liberal states. When toleration becomes constitutionally inbuilt and equal rights are implemented, toleration questions of some political relevance do not disappear, but still arise with reference to the proper and justified limits to tolerance. The public controversy is thus about whether a certain feature of a different culture, such as a proper mosque, infringes on the limits of toleration, hence justifies political interference.

The interpretation of the limits of toleration is traditionally fixed in two principles, self-defence and harm to others, and traced between private and public space. I have shown the ambiguity of the spatial delimitation of toleration which intertwines with these two principles and I have also shown that the demarcation of toleration in the private sphere and regulations in the public area is intrinsically ambiguous since "private" does not imply "out of public sight" and "public" does not necessarily overlap with "political". This ambiguity has made possible a double standard in the understanding of toleration, according to which the majority's eccentricities are tolerated everywhere as matters of personal liberty, while the minority's differences tend to be restricted not only in the political sphere but in public space as well, as forms of invasion and trespass on the legitimate boundary of toleration. Hence contemporary issues have to do with this contention that the toleration of minority differences be confined to private areas — that is out of public sight — and with the minority's attempts to make them legitimately visible in the public space. Toleration today has clearly to do with public space. Purpose-built mosques,

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clearly in public sight, represent a paradigmatic case of contemporary toleration. The public controversy over proper mosques, originated by objectors, revolves around the fact that the very visibility of a proper mosque constitutes a trespass on the limits of toleration, bringing about issues of public order that supposedly imply an infringement of self-defence. Thus, in the objectors' argument, the principled limit of toleration (self-defence) is conflated with the spatial limit, which, however, applies only to minority differences in a blunt double standard. Among the reasons according to which a proper mosque would jeopardize public order, some are the result of prejudice and bias and some are not specific to mosques, but others point to a real problem: the upsetting of societal standards by alien customs and practices. This problem, which is what is really at stake, is not a sufficient justification for stopping public toleration of a proper mosque, but it needs to be addressed politically if a just and stable settlement of the mosque issue is to be found.

Among multicultural issues, the mosque case belongs to the level 0 type — i.e. those concerning the extension of equal rights to groups who have been unjustly excluded from full-right enjoyment — hence one which justice is required to solve without much ado. Nevertheless, the upsetting of societal standards by a change in the identity of public space is a real problem for local expectations, one to be addressed politically. I have thus suggested a procedure to address the mosque case whereby equal respect is paid to all the parties involved is showed by setting up a table round which claims and problems can be raised, considered and addressed through negotiation. There can be no question that Muslims have the right to places of worship in Western cities; where and how mosques are to be built can be negotiated in a process involving all the interested parties so as to promote reciprocal knowledge and trust.

Once ascertained that the mosque issue is a veritable case of toleration, I have asked of which kind of toleration the building of a mosque is a symbol. Since mosques are the places of worship of the Muslim religion, it would seem obvious here that we are dealing with a case of *religious* toleration. I have argued, though, that religion is really epiphenomenal compared to cultural differences upsetting societal standards. Besides adding conceptual precision, such definitional arguments — first the one about toleration, now this one about different kinds of toleration — have relevant political implications. If the mosque dispute is acknowledged as an issue of toleration, the opposition to mosques is defined as "intolerant", which is precisely what the objectors want to avoid, given that toleration represents the *status quo* in liberal democracy. Similarly, if the mosque case is defined as an example of religious toleration, then the controversy is represented, on the one hand, as nobler, and on the other, as a matter of the irreducible clash between an intolerant and dogmatic religion, implying fundamentalism, and the Christian and secular values of Western civilization. So the objection to plans for mosques are, at the same time, made acceptable and irreducible because what is at stake is the incompatibility of Islam with our liberal and democratic values. By contrast, if the contest is understood for what it is, a fight for the control of societal standards, the conflict loses its dramatic features, and the question of justice, insofar as it concerns the equal rights of Muslims, appears in the forefront and the possibility of accommodations with residents can be outlined.

Finally, I have devoted attention to the case of the forgotten mosques of the Slovenian Muslims, arguing that here we are faced with a different case of toleration. At stake is not

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the contest over societal standards and the goal is not the inclusion of newcomers, with their different identity and customs, into the public space of our democracy. What we have here is rather a conflict over national identity in which national minorities are wilfully ignored. It is possible that, with the stabilization of Slovenia as a democracy within the EU, the terms of the conflict may change, and the national minority issue may be treated according to the principles of democracy. But, in any case, in order to have a clear target in mind, it is important to stress that the nature of toleration is strictly connected with what is at stake.

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