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Abortion Inside Swedish Democracy Paradoxical Secularizations and Unbalanced Pluralisms

Abstract

Sweden has been widely recognized as one of the most modern and progressive European democracies. Swedes themselves often claim they are more democratic, progressive, and intrinsically more “freedom-loving” than other nations. The case of Ellinor Grimmark, a Swedish midwife who has been denied the possibility to conscientiously object to performing abortions as part of her professional duties despite laws in place that support this right, begs the question: why? At the other end of the spectrum is the situation regarding conscientious objection and abortion in Italy, where mass objections on the part of medical staff are creating a serious threat to the right to obtain an abortion, despite laws in place to protect this right. This paper will not take a political position on the issue, but rather argue that both the censure of Ellinor Grimmark and the mass objection of medical staff in Italy may be examples of an uncovering of particular cultural principles, or “hidden rules of behavior,” that underlie the fabric of these two democracies in direct contradiction with their public declarations and conceptions. The ossification of key concepts at the heart of these conflicts contribute to a blindness that blocks out possible solutions. An exploration of the roots of secularism in Sweden will help elucidate how historically grounded internalized values with religious origins have contributed to current contradictions between public and private declarations, political correctness and underground ethics. Additional investigations will be made exploring the cognitive obstacles and possible theoretical approaches—such as intercultural translation—aimed at solutions for current struggles within pluralism, secularism and freedom.

Keywords: Conscientious Objection, Abortion, Pluralism, Secularization, Democracy.

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1. Conscientious Objection in Sweden: the case of Ellinor Grimmark

Sweden is among the most celebrated of European democracies, a country that has consistently stayed out of the fray of war, has invested for years in a self-proclaimed welfare democracy, and prides itself on being one of the most “modern” nations, able to function more effectively than others and skilled in taking care of all of its citizens. The concept of freedom features prominently in Swedish political and social self-conceptions. Further, Sweden has often publicly declared its ambition to provide moral leadership to other countries in light of its advanced capabilities:

Our country must be a leading and inspirational force in the world. A country in which we close gaps and fulfill the promises of freedom we have made to our children. A country in which we invest together in people and the environment, in knowledge and competitiveness, in security in the present and hope for the future.¹

It has been, therefore, rather startling to find the case of Ellinor Grimmark, a Swedish midwife who has unsuccessfully attempted to assert her right of conscientious objection to performing abortions. In 2013 after completing an internship, Grimmark informed the management at Höglandssjukhuset women's clinic in Eksjö, southern Sweden that she did not wish to perform abortions due to her personal religious convictions. She was subsequently denied an extension of her contract and informed by the head of the maternity ward that she, “was no longer welcome to work with them.” She was further asked “whether a person with [pro-life] views actually can become a midwife.”² Grimmark’s student funding, which was originally intended to extend for another year, was also cancelled. Grimmark then sought employment at the Ryhovs women's clinic. Once again she was informed that a refusal to perform abortions was not permissible for anyone working as a midwife in Sweden. Finally, she was offered employment at Värnamo Hospital's women's clinic, but this offer was also revoked when management discovered that Grimmark had filed a civil rights complaint against the Höglandssjukhuset clinic with the local Equality Ombudsman.

The Ombudsman ruled that Grimmark was not being discriminated against for her pro-life views and that her conscientious objection could threaten the “availability of abortion care” and the “protection of health” of patients requiring abortion in Sweden.³ Grimmark, represented by Ruth Nordstrom, president of the organization Scandinavian Human Rights Lawyers, escalated the complaint, filing suit in the Jönköping district court. She sought 80,000 Swedish kronor (USD \$11,655) in compensation for damages and 60,000 Swedish kronor (USD \$8,740) in compensation for discrimination.

¹ Löfven (2014)

² Rudolffson (2015)

³ Council of Europe (2014)

The controversy the case has generated extends all the way up to Swedish royalty. In October 2013, Uppsala University, Sweden's oldest, planned to host an international conference on human rights and human trafficking, organized by Scandinavian Human Rights Lawyers in cooperation with the University and the United Nations. The head speaker was to be the Council of Europe's Rapporteur on prostitution, human trafficking and modern slavery. Also slated to participate were a host of international researchers, members of the Civil Society Platform Coalition Against Trafficking in Sweden, police officials and delegates from the Parliament of Norway. HM Queen Silvia of Sweden was to receive the Scandinavian Human Dignity Award for her dedication to the cause of protecting children against abuse and exploitation.

Three days before the start of the conference, the influential daily newspaper "Aftonbladet" published an article calling attention to the involvement in the conference of Ruth Nordstrom, president of Scandinavian Human Rights Lawyers and counsel for midwife Ellinor Grimmark. Accusations were made that Ms. Nordstrom planned to use the conference, and the presence of the Queen, as an opportunity to lobby against abortion in Sweden, and that the entire event was a "pure public relations coup."⁴ Following the media controversy, the conference was cancelled. Queen Silvia announced that she supported the University's cancellation and would not be accepting the award she had been offered.

As far as Grimmark's legal case is concerned, Swedish legal expert Reinhold Fahlbeck has written that Sweden's legal treatment of conscientious objection is bound by the European Convention of 1950 on the protection of Human Rights and Fundamental Freedoms (ECHR), signed by Sweden in 1993. As well known, Article 9 states:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and in a democratic society, are necessary with regard to the general public safety or the protection of public order, health or morals or for the protection for other rights and freedoms.

After assessing the relationship between Swedish legal provisions and the requirements of international law, Fahlbeck concludes that, "the ECHR is thus the governing legal source regarding religious freedom in Sweden. [...] The Convention applies in Sweden in three guises, (1) the international law binding Convention, (2) as part of EU law, and (3) Swedish domestic law. This means that it is possible 'to directly apply the Convention in Swedish court.'"⁵

⁴ Franchell (2014)

⁵ Fahlbeck (2015)

Directly relevant to a legal assessment of the case is resolution 1763 adopted in 2010 by the Parliamentary Assembly of the Council of Europe concerning conscientious objection in medical care. Paragraph 1 states:

No person, hospital or institution shall be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to an abortion, the performance of a human miscarriage, or euthanasia or any act which could cause the death of a human fetus or embryo, for any reason.⁶

The statement is quite clear. However, there has been great resistance in Sweden on the grounds that as a resolution it should be considered to be “soft law,” and that it interferes with Swedish laws guaranteeing abortion (with restrictions). The Swedish government has further argued that a midwife’s participation in abortion is required per the ECHR provision that a State must guarantee, “that the interests and rights of Individuals seeking legal medical services are respected, protected, and fulfilled.” While the argument has been made repeatedly in the media that if conscientious objection to abortion is allowed it will threaten the material availability of abortions, this does not appear to have any factual or legal grounding in Sweden, a country with the highest rate of abortion in northern Europe.⁷ Furthermore, as Fahlbeck argues, “Factors of a practical nature in the workplace fall considerably further down the hierarchical values scale with respect to the Article 9 protected right to freedom of conscience.” Whereas the Convention has a clearly defined right to freedom of religion, there is no parallel “right to abortion.”

An additional complication in the matter is the issue of the rights which may or may not be accorded the unborn fetus. While this issue pulls the matter into a political/moral realm, European law has not been immune to making declarations on the issue, for example in the Oviedo Convention of 1997⁸, which sets out the fundamental principles applicable in day-to-day medicine as well as those applicable to new technologies in human biology and medicine, and indeed prohibits the commoditization of the human embryo and forbids the creation of embryos for research purposes.

Though outside the field of healthcare, the ECHR case *Bayatyan v. Armenia* has been used as an example of European legal support for conscientious objection, and the role of majority consensus among European states in determining new rulings. In this case the Court held that: “The Court has already pointed out above that almost all the Member States of the Council of Europe which ever had or still have compulsory military service have introduced alternatives to such service in order to

⁶ Resolution 1763 (2010) of the Parliamentary Assembly of the Council of Europe.

⁷ Makenzius (2013)

⁸ Convention on Human Rights and Biomedicine, Oviedo, 4.IV.1997 (ETS 164). Article 18 states: (1) Where the law allows research on embryos in vitro, it shall ensure adequate protection of the embryo. (2) The creation of human embryos for research purposes is prohibited.”

reconcile the possible conflict between individual conscience and military obligations. Accordingly, a State which has not done so enjoys only a limited margin of appreciation and must advance convincing and compelling reasons to justify any interference. In particular, it must demonstrate that the interference corresponds to a ‘pressing social need.’” The argument is that when there is an almost total consensus by the Council of Europe member states to accept conscientious objection regarding a certain area, a State which has not done so has minimal opportunity to justify a violation of interference with the right to freedom of conscience.

While the legal issues affecting Grimmark’s case are not entirely black and white, there is a fairly strong body of evidence substantiating the validity of the claim that her right to conscientious objection under the ECHR has indeed been violated. Interestingly, there was another case in Sweden in 2004, the case of Pastor Åke Green, in which the Swedish Supreme Court voted to support the religious freedom of the defendant based on the ultimate superiority of the ECHR. Pastor Green was initially tried by the Swedish court under a law against hate crimes for having given a sermon highly critical of homosexuals. The Supreme Court overturned the decision, stating that the rights to freedom of expression and freedom of religion provided by the ECHR, recognized to be superior to Swedish law, protected him since jurisprudence shows that a judgment would probably not be upheld by the European Court. In its judgment, the Swedish Supreme Court stated:

The determining factor appears to be whether the restriction of Åke Green’s freedom to preach is necessary in a democratic society. This means that it must be assessed whether the restriction is proportionate to the protected interest. [...] Considering the central role that religious conviction plays for an individual, it can be assumed a certain restraint in applying the European Convention to accept restrictions as legitimate pursuant to Article 9.⁹

The Supreme Court’s final decision was principally focused on Pastor Green’s right to free speech. The conclusion reached was that criminalizing Pastor Green’s speech was not proportionate to his infringement of a minority group’s rights to protection from “hate speech.” However in the Court’s statement, references are made to the broader protection of freedom of religion by the ECHR and the need to determine whether a given restriction is “necessary in a democratic society.” Specifically:

When the European Court determines whether an alleged restriction is necessary in a democratic society, the court considers whether the restriction meets a pressing social need, whether it is proportionate to the legitimate purpose to be achieved, and whether the reasons asserted by the national authorities to justify it are relevant and sufficient.¹⁰

⁹ Judgment of the Supreme Court of Sweden (2005).

¹⁰ *Ibid.*

The argument against Grimmark thus far would seem to center on the notion that the availability of abortion in Sweden is a “pressing social need,” and that her refusal to participate makes her unemployment in Sweden as a midwife proportionate. However in order to legitimate this argument, the case would have to be made that her specific participation in abortions is more important than her right to manifest her religion or beliefs (as per Article 9) and that limiting this right is necessary “in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.” While European states are afforded a “margin of appreciation” in their consideration of European law, as Swedish legal scholar Fahlbeck notes, this margin is closely connected with whether there is consensus among member countries regarding the issue in question; the greater the consensus, the smaller the margin of appreciation for divergence. He cites ECHR case *Bayatyan v. Armenia*, in which a man eligible for military service refused on the grounds of religious belief.¹¹ The ECHR ruled in Bayatyan’s favor, stating:

...pluralism, tolerance and broadmindedness are hallmarks of a ‘democratic society.’ Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of people from minorities and avoids any abuse of a dominant position (see *Leyla Şahin*, cited above, § 108). Thus, respect on the part of the State towards the beliefs of a minority religious group like the applicant’s by providing them with the opportunity to serve society as dictated by their conscience might, far from creating unjust inequalities or discrimination as claimed by the Government, rather ensure cohesive and stable pluralism and promote religious harmony and tolerance in society.

Nevertheless, and despite all of these concerning issues, on November 12, 2015, the Jönköping County District Court ruled against Ms. Grimmark, finding that the condition that a midwife perform abortions is both appropriate and necessary, and furthermore that the condition is unrelated to the alleged basis of discrimination—the violation of religious freedom. Although freedom of conscience and religion are two different rights in international declarations, the Court stated that in this case it was not possible to distinguish between the right to religious freedom and freedom of conscience in reference to the midwife's beliefs. Therefore, the district court chose to disregard the ECHR, declaring that there was no reason to specifically consider whether Ellinor Grimmark’s conscience had been violated.¹² Her lawyer stated,

The District Court only examined if Ellinor Grimmark was discriminated because of her religious beliefs and did not at all examine the relevant case law of the European Court. It is remarkable that the Court states that the question of freedom of conscience should only be examined if a person is not religious.¹³

¹¹ See Fahlbeck (2015)

¹² *Jönköpings Tingsrätt Dom 2015-11-12*, Jönköping District Court Judgment (2015)

¹³ Nordström (2015)

There seems little doubt that refusing employment to a midwife for exercising her freedom of conscience is quite the opposite of providing her with “the opportunity to serve society.” The obvious question, then, is why? Why is freedom-loving Sweden categorically denying Ms. Grimmark the right to freedom of thought, conscience, and religion?

2. Pluralism and claims for difference: the specter of *cosification* and its shackling effect on freedom

Before going any further I wish to make it clear that this paper is not an attempt to defend Ms. Grimmark’s position, or indeed, to take any political/ideological position on abortion. This paper is instead concerned exclusively with the cognitive conflicts at work within Western democracies and the tangled web of consequences they generate; the issues surrounding abortion, precisely because they are ideologically fraught, are useful for this kind of analysis of rights and freedoms. Ms. Grimmark’s case is interesting because it contradicts laws that are in place in Sweden, regardless of her ideological stance. The case is also interesting because, at least as has been recorded thus far in court documents, it does not follow the same patterns visible in the ideological battles around abortion that have taken place for many years for example in the United States between organizations like Planned Parenthood and those groups, usually religious, supporting the so-called “pro-life” movement. Ms. Grimmark is an individual, not a medical clinic, a state medical board, a company, or a religious organization. She is a midwife trained to deliver babies and arguing on her own behalf, not a policy maker or politician. Furthermore, the right to conscientious objection in medical care is explicitly articulated and protected by laws that are currently in force in Sweden, that is, that Sweden has agreed to uphold as a member of the European Union. As her lawyers have pointed out, no case has been made arguing that Sweden has unique circumstances, as compared for example to its neighbor Norway, where conscientious objection within healthcare is successfully protected. More importantly, in this case Ms. Grimmark is not proposing to violate any laws, but rather asking that current laws be respected rather than ignored.

One immediate response that has been given as to why the dismissal of Ms. Grimmark’s claim is justified is that “sexual and reproductive rights are based on other fundamental rights including the right to health, the right to freedom from discrimination, the right to privacy, the right to personal integrity and freedom from torture, cruel inhuman and degrading treatment, the right of all couples and individuals to decide freely and responsibly the number, spacing and timing of having children and to have the information and means to do it, and the right to make decisions about reproduction free of discrimination, coercion and violence and thus to be free from sexual violence.” The list of rights quoted is taken from the “Declaration on Violence Against Women, Children and Adolescents

and their Sexual and Reproductive Rights.”¹⁴ And here we begin to see that several different kinds of yarn are being wrapped in circles around the issue, ranging from torture, to freedom of information, to violence. However there is a crucial but unnamed entity at the heart of this giant ball of yarn: *the woman who is the subject of the conflict*.

Are we certain that everyone is in agreement about who, precisely, is being referred to in these claims for “women’s rights”? Is the woman whom this declaration protects from violence always and exactly the same as the woman who is protected from torture? From invasions of privacy? There is a kind of solidarity that is often invoked in declarations of rights, in which it is precisely this homogenizing “sameness” that is desired, in the spirit of supporting equality for large groups. We might say that declarations of this sort deliberately draw an imaginary line around groups of people using terms like “women,” and “children” in a spirit of solidarity and protection. “Yes,” some might declare, “the very point is that all women are the same!”¹⁵ An even more obvious example of a category frequently used in this protective spirit is that of “minorities.” There is, however, a cognitive problem that arises in these kinds of groupings.

Semiotically speaking, the idea that there is a fixed, constant category that is “woman,” a kind of unchangeable being that exists in the world, who everyone can always identify and agree upon as such, in the same ways, under all circumstances, is not a “truth,” but rather a kind of convenient fiction or a “symbol,” in the Peircean sense¹⁶. While it is true that without categories, it is difficult to make progress in discussions, regulations, and all the decisions fundamental to “society,” this does not mean that categories can be taken for granted. The question of “what is man,” is as old as man himself, and so too the question of woman. Even a cursory sociological glance shows that what society considers to be “grown,” (the presumed difference between girl and woman) varies tremendously from place to place and from time to time. The moment that we lock down the category of woman, even in our attempts to protect women, we put a kind of cage around the very group of people we are trying to protect. When a woman’s reproductive rights are being “protected,” who do we mean? Some might answer, “Any female who is biologically able to reproduce.” Does this mean that an eleven-year old female who has begun menstruating should be considered to be identical to a forty-year-old woman, for example? To be clear: the question I pose is not whether they should be treated “equally,” or “fairly,” but rather whether they are to be considered as *the same*, “substitutable,” to borrow Asad’s term. Since we know that not only are the individuals grouped together under this rubric *not* the same, but that even within a reduced category of eleven-year-old-menstruating-women, for example,

¹⁴ Organization of American States (OAS) (2014)

¹⁵ Noted scholar Talal Asad uses the term “substitutability” in an assessment of universalization in liberal politics. He states that the substitutability of citizens is fundamental to liberal democracy. “The fact that individuals have equal value and so may be substituted for one another is, however, what helps to undermine the liberal notion of personal dignity, because for the individual to count as a substitutable unit, his or her uniqueness must be discounted. Thus, even when we use Western criteria of democratic virtue, ‘liberal European civilization’ emerges as highly contradictory.” Asad (2009: 25)

¹⁶ Peirce (1932)

not all individuals could be considered to be the same, then we must allow space for the possibility of *difference*. This difference includes elements such as where a particular woman is located in both time and place, how she lives and with whom, how her community defines girls and women (and sexuality and gender, for that matter), who she is in relationship with, her economic situation, and whole host of other variables that cannot be assumed to be represented in a general category called “woman.” The danger in making assumptions about categories can be readily seen in cases as extreme as genocide or religious wars (where all Jews are “the same,” or all Hutus, and each group is thereby targeted for annihilation). When we disregard the particulars that make up each individual’s humanity whether the intentions behind this action are beneficent or harmful, the result is nevertheless problematic because we move away from what is before us, to what we have imagined or assumed a priori.

Now, if the category of “woman,” is not a fixed, unchanging entity, then how could the category of “abortion,” possibly be such? Abortion can be defined as a medical procedure for removing a fetus from a woman’s body by means of pharmaceuticals or surgery. But again, is the abortion performed on an eleven-year-old and that on a forty-year-old identical? The biological possibilities regarding future possible pregnancies alone could wildly diverge. The circumstances leading to the pregnancy are also likely to be decidedly different. What about the stage of the pregnancy of each of these women? The abortive procedure, after all, regards a fetus which also has an age (to take just one of many aspects) ranging from days to weeks to months. Each of these ages produce radical changes in the properties of the fetus. Even putting all ideology aside, disregarding the question of “when is it life,” the variability of the fetus from one stage to another cannot be denied. And so does it make sense to define abortion while completely ignoring this variability? It is true that current laws often agree on a “cut off” point for abortion when the fetus is more than 22-weeks-old. This is an ideological decision with which one can agree or disagree. But what cannot be ignored are the webs of meaning connected to how we define the characteristics of a fetus. There was a time in medical history when a fetus had to complete gestation inside of its mother in order to have any chance of survival. Babies born prior to arriving at full pregnancy term simply died at birth. Now advances in medical technology have made it possible for babies as early as 21 weeks of gestation to not only survive, but go on to live healthy lives. Again, the ideological issues surrounding the issue are complex and fraught. But drawing solid lines around the category ‘fetus’ as if it could be pinned down once and for all, never to change, is not only a disservice, it’s not actually possible. To make this claim would be to deny the possibility of change in all categories, scientific, ideological, etc.

Lest we think that science evolves but morals do not, the most cursory of inquiries into the history of abortion disproves this assumption, in Sweden as in almost every other country. To wit, “In the beginning of the 18th century, abortion in Sweden was by practice punished by death. The death penalty was formally included in the criminal law of 1734. The law stated that a woman who drives

out her fetus and the one who advises or helps are sentenced to death.”¹⁷ Changes in legal policies in 1864 and then again in 1921 reduced penalties, but did not legalize abortion. In 1938 the first law legalizing abortion was passed, but it required that the woman ‘explain her reasons,’ and these reasons had to fall within specific categories, namely, “sickness, weakness, humanitarian, and eugenic.” Later, in 1946, the categories, “expected weakness” and “fetal damage,” were added as reasons justifying abortion. A closer look at the terminology could provide some clarity. The justification of “weakness” was defined as follows, “Weakness: Abortion is allowed when, because of the woman’s weakness, the delivery of the child would involve a serious danger to her life or health.” Eight years later, it was believed that an additional category, “expected weakness,” should be added, “Expected weakness: Abortion is allowed when, regarding the woman’s situation of living and other circumstances, it could be assumed that her bodily or mental force could seriously deteriorate by the delivery and rearing of the child.”¹⁸ Note the phrase, “regarding the woman’s situation of living and other circumstances, it *could be assumed* that her bodily or mental force *could seriously deteriorate...*” (emphasis mine). It is more than likely that this possibility for abortion was added as a result of specific situations encountered in various medical clinics in which at least one real woman was seen to “seriously deteriorate” as a result of her “situation of living and other circumstances.” This formulation clearly demonstrates how it is impossible to construct categories such as “abortion” or “woman” while failing to reference a whole network of relationships that have anchors in the past, in the future, in communities, in relationships with other people, and so on. These references might be somewhat explicit, as they are in this text, or they may be unnamed, as in the Declaration of Rights cited above. What they can’t ever be is absent; the connotative relationships between categories exist whether we acknowledge them or not.

It is for this reason that I find there is a danger in treating declarations and laws regulating reproductive issues as a presumptively “objective ground” for rights and their various declinations, if they are enacted without any regard for the relatedness inherent to a woman’s body and any medical procedure it undergoes, including abortion. In this regard, it should be emphasized that the form and the perceived thingness/materiality of the body and abortion have an essentializing character because they synthesize an entire web of experiential and semantic implications underlying corporeal life. What we call the womb, the ‘fetus,’ the perception of pain, of motherhood, etc., are not self-evident and universal truths, and above all they are not “facts” that exist independently from culture, or that can be processed regardless of our cultural schemes of categorization. The connections of sense in which both ideas about the womb, the ‘fetus,’ motherhood, and child-raising, as well as real-world life experiences are nestled, both foster and fill the connotative spectrum of what each woman sees, perceives, experiences, and calls “womb,” “fetus,” “motherhood,” and so on. These connections vary according to the ecological relationship between each woman’s mind and her environment, an

¹⁷ Cassel (2009)

¹⁸ Cassel (2009: 4)

environment that is more than simply the physical, the external, that which is presumptively placed *out there*. On the contrary, it is the synthesis of the symbolic and material elements of innumerable experiences and related categorizations of the socialized life of a woman's body.

And yet, these life experiences are the same pathways along which rights and their various declinations inscribe and unfold their meaning and social relevance. This is because pathways are stories, and stories are contexts of sense unrolled in a sequence of descriptions that show their connotative elements. Now, every connotative element calls into play rights and different aspects of semantic potentialities of rights, refashioning their reciprocal relationships. It is precisely for this reason that “de-cosifying,” or de-iconizing words such as “woman” and “abortion” is an inevitable step if we want to understand the situated meaning of these words, that is, the experiences they refer to, and consequently the entire groupings of rights and their reciprocal cross-references when concretely applied to single cases, single lives with their singular stories. Without such efforts to unpack and expose the contextual and connotative landscapes living beneath words and their uses, we run the risk of aprioristically qualifying real situations lived by people—in this case, above all, women—and blindly projecting our ideological or simply personal views onto their exigencies. In this way, women's actual needs could be completely overshadowed, and—still worse—the end result could be a superimposition of our pre-determined conceptualization schemes and values on their freedom.

Again, we need only look to the history of Sweden itself to see the dangers inherent to the superimposition of values upon medical practice. In 1934 and 1941, Sweden passed two sterilization laws which regulated the compulsory sterilization of ‘feebleminded’ persons, “Between 1935 and 1975 more than 60,000 individuals were sterilized in Sweden, about 20,000 of them against their will.”¹⁹ Most were women, many of them were “*tattare*,” a Swedish word for “part-Gypsy.”²⁰ In fact, mandatory sterilization was still on the law books in Sweden for transgendered people until 2013.²¹ The justifications for these laws were based in efforts to “improve” a nation's genetic material, “by insuring that citizens who were considered to be ‘insufficient’, ‘imbecile’, ‘deviant’ and ‘a burden to society’ would not have children.”²² These laws were passed in a free, democratic society and in the interests of “‘humanitarian’ goals, namely protecting society from biologically and/or socially ‘threatening elements.’”²³ It is not difficult to imagine how rights discourse might have been part of this phenomenon.

There is only one way to avoid these freedom-destroying consequences: to relate with the utmost care the words we use and the rights we define to *all* the connotative implications involved in the stories lived by each woman. To achieve this goal, however, one fundamental point must not be

¹⁹ Etzemüller (2012: 102)

²⁰ Müller-Hill (1994: 108)

²¹ Nelson (2014)

²² Ratzka (1997)

²³ Etzemüller (2012: 102)

forgotten: stories are not only empirical or event-based occurrences. Stories and their implications also include the imagined worlds of people. So, answering a question such as “what is abortion for this specific woman?” means taking into account everything that came before the moment in which she appears at the clinic, and everything that might come after an eventual abortion, that is, her future, in both its actual and imagined dimensions. This is necessary because the meaning of abortion, especially for that woman, will be a synthesis of her interpreted past and her imagined future—as it is for all symbolic beings, which is to say all humans. If we are going to discuss the “right” to abortion, this right needs precisely this terrain to germinate. Only here can the “tree of rights” grow, ramifying in its projections of sense and its inherent plurality the respect due to the rational autonomy and personal freedom of each woman.

Now, the connotative landscape drawn by every woman’s story, orbiting around the particular predicament that is abortion, is filled with socialized experiences, which together, define the meaning of abortion and the perspectives involved in choosing it. But, “socialized experiences” also include expectations and perspectives which are polyphonically co-determined by all the actors of the life context that hosts women’s stories. Partners, communities and all of the inputs to a woman’s life impact each story. These contexts are not only to be lived, but also to be understood. And it is exactly at this point that the freedom to abort meets the necessity for knowledge, and this in turn intersects with the need for cooperative efforts to dialogue and co-determine the world that all of us —midwives such as Grimmark included—inhabit.

Looking more closely at the language of the “Declaration on Violence Against Women, Children and Adolescents and their Sexual and Reproductive Rights,” in light of the above analysis can provide further clarity, specifically, “the right of all couples and individuals to decide freely and responsibly the number, spacing and timing of having children, and to have the information and means to do it...” Here we see clearly the multiple actors and moments in time that are essential to the right being declared: couples, individuals, and children across space and time. Further, we have the key phrase, “information and means,” or, knowledge and ability. Knowledge, in this case as in any other, comes necessarily from other people, and in healthcare this includes medical practitioners. Because the quest for knowledge expands over time, it also includes anyone who has informed the woman or couple’s knowledge about pregnancy and childrearing before the medical visit occurs. Nor can this “knowledge” exclude the events leading to the pregnancy. The couple, after all, has engaged in intercourse in order to arrive at this crossroads. The intercourse was not an isolated factual and material event but rather an event that took place in a larger context of events that are part of a complex of interactions that we call the “relationship” between the two sexual partners, and which include decisions or non-decisions regarding contraception. The text also identifies the right to decide “responsibly,” a concept that refers to the foreshadowing of events, the possibility of imagining what *might* occur and therefore taking it into consideration when making decisions that will govern behavior.

And so let us imagine that there is a “cloud of information” (to attempt a neutral term) that has to do with understanding reproduction (and with it, contraception). And there is also a cloud of information that has to do with pregnancy, and within it a “sub-cloud” that has to do with terminating pregnancy. And all of these clouds are influenced and inhabited by all the people who have had contact with the woman or couple now confronted with making a decision, including: the families and friends of the couple, fellow community members, medical practitioners, pharmacists, teachers, and any number of other people who may or may not have influenced the stream of events that occurred prior to and during the couple’s visit to the medical clinic. When a couple is “deciding [already a problematic verb since, in a wide range of ways, the reproductive process often eludes human control] the number, spacing, and timing of having children,” “the information and the means to do it” necessarily includes images, advice, sayings, songs, films, books, the words and life experiences of friends, family members, and all the elements that constitute the couple’s life stories and representations. We could, and many medical sources do, reduce the word ‘information’ in this context to mean strictly a clinical description of the technical aspects of the procedures that can physically and legally be performed. But it is abundantly clear that technical information about abortion procedures would barely begin to satisfy the need for knowledge on a range of issues crucial to decision-making in this domain.

“Knowledge” and “freedom,” like “woman,” or “abortion,” and their meanings, are *situated processes*. Indeed it is the very details and specificities, or the connotative context surrounding medical experiences including birth control, pregnancy and abortion and the knowledge about them that must provide the means to gauge whether the choices being made are “free.” Opponents on either side of the debate could perhaps agree that a woman seeking an abortion is not comparable to a person seeking stitches for an open cut; a cut is often not the result of an interaction with another person, it usually has no long-term consequences for either the physical or psychological future of the patient, it does not have any bearing on any potential future lives, and has little need for imaginary reflection in order to be fully understood. Instead, by the time a woman appears at a medical facility asking for an abortion, the moment is a dialectical summary of a whole range of social steps that probably include “unprotected” intercourse (aware or not), the realization that pregnancy has possibly occurred, the self-or-medical confirmation of the pregnancy, dialogues with various other people, pragmatic reflections, imagined consequences, in short, both practical/empirical as well as ideological considerations which, *for reasons that are different for every woman*, have led her to seek out this procedure.

In light of these observations, how should we look at the role of the medical professional who is clearly an intrinsic part of the situated process of abortion? The Hippocratic oath both in its classical and modern versions, makes repeated references to the connectedness or continuities between the doctor’s practice and the world in which he practices, including the knowledge handed down to him by his teacher-doctors, the knowledge of his peers that may be different from his, the needs of his patients that call for referral to both the ‘art’ and ‘science’ of medicine. The healthcare provider

“cares” for his patients by taking steps backwards in time through his own knowledge as well as through the events in the lives of his patients that resulted in the patient’s presence in the medical facility.

The Swedish Society of Obstetrics and Gynecology states, “No health care workers may be exempted from certain duties of conscience. This is a major patient safety issue. A patient must be able to feel confident that health professionals are working from a professional perspective, science and proven experience, and not on the basis of their own conscience.”²⁴ But this statement features a gross contradiction within its very text, highlighted by the word “not.” It calls for health professionals to work as professionals with experience and “not” on the basis of their own conscience as if such a thing were humanly possible. It is precisely conscience, or perhaps, if you will, individual personality of the type protected by state constitutions, that leads individuals to work as healthcare professionals in the first place (at least, one would hope this is the case). More importantly, as elucidated above, the medical professional arrives at the moment of the encounter with the patient with an entire life story behind her and with her, ever present. Just as the woman seeking assistance cannot be placed into an isolated categorical cage, neither can the medical professional who assists her. The contextual and connotative landscapes of the doctor or midwife will be present whether they are acknowledged or not. The word ‘duty,’ also appearing in the statement, is defined as a moral or legal obligation; a responsibility. While there is absolutely no question that a patient must feel “safe” and “confident” in the hands of medical professionals, we must not misunderstand the complexities involved in attaining (or providing) that feeling of safety. Just as freedom is meaningless when not anchored to the particular exigencies of subjects, so too is “feeling confident in the hands of a professional” contextually dependent, since there may be dramatic differences in what makes one patient feel “safe” and “confident” with respect to another.

The task before the medical professional when confronting care related to “reproductive rights” (or any other medical care for that matter) is to perform a kind of retrospective retracing of all the constitutive elements and their sequential unfolding that have any impact on the care issues being presented by the patient. Only in this way can she/he avert the dazzling cognitive tyranny of the seemingly obvious “thingness” or categorical stiffness of, in this case, abortion taken in its pure corporeality. By the same token, it would be a mistake, in my opinion, to believe that the medical professional can engage in this act of retracing with the patient independent of her own constitutive landscape. When Sweden expels Ms. Grimmark from the profession of midwifery, it is stating that certain views are not tolerated, in absolute terms. Again, it is important to note that what is at issue is not the legality of abortion in Sweden. While it is certainly the case that conscientious objection clauses have been used in medicine to the detriment of the availability of abortion in some, primarily Catholic countries (to be addressed in more detail later in this essay), this is simply a long, long way

²⁴ Almström (2014)

off from the Scandinavian countries' current reality, Sweden most of all. These are the statistics²⁵ from 2009:

| Number of Abortions per 1000 Live Births | |
|--|-------|
| Denmark | 258.0 |
| Finland | 172.1 |
| Iceland | 193.2 |
| Norway | 255.2 |
| Sweden | 335.2 |

Sweden is far from experiencing difficulty in providing abortions to women who seek them. On the other hand, ignoring laws that permit conscientious objection for medical professionals creates a cage around the category "midwife," that promotes the willingness to perform abortions under all circumstances to a primary requirement for the job. The fear often expressed is that midwives with so-called "pro-life views" will coerce women into refraining from aborting. But it is the act of coercion that is limiting to freedom, not the fact of ideological position in one direction or another. While democracies seek to be vigilant in protecting laws that protect freedom, they must be even more vigilant in keeping watch over how these freedoms are defined.

It bears repeating that when eugenic sterilizations were first conceived in Sweden, they were intended as a humanitarian solution to a social problem. It took decades for opinions to change and for the "right to bear children" to be protected over the envisioned protection of society from "deviants." The question of rights is also being challenged in Ms. Grimmark's case, specifically the right to abstain from terminating pregnancies. To complete the parallel, abortion could be considered to be a medical option meant to provide a humanitarian solution to a social problem: someone who finds themselves pregnant and unable to support the child that would result from the pregnancy. While I certainly would not argue that abortion is like eugenics, one can see that what seems reasonable under a very specific set of circumstances should nevertheless not be immune to questioning. One thing should be clarified right away: if Ms. Grimmark were arguing that she would be unwilling to perform abortions under any circumstances including when the life of the patient is at risk, clearly her position would immediately become untenable, since it rests on the notion that protecting life is the primary goal of healthcare professionals. However, if the issue at hand remains one that can be safely included in the values continuum of the care for and protection of life, then Ms. Grimmark's position cannot be reasonably ignored. Until Ms. Grimmark's position is unraveled, it is impossible to know whether there might be some connotative aspects worthy of consideration from a legal and/or axiological point of view. Issues to be explored might include the process that women undergo when first requesting an abortion such as counseling, ultrasounds, and education on

²⁵ The Nordic Council (2012)

available options both for terminating a pregnancy and for caring for a child. Several studies have confirmed the reality that abortion is nearly always considered to be something occurring at an emotional and physical crossroads that presents ethical, psychological and physical challenges for women of all ages and backgrounds. Eliminating points of view such as Ms. Grimmark's means controlling, ideologically, the spectrum of resources available for women who are trying to make a difficult choice. For example in one study, young women in Sweden seeking an abortion asked to have a visual confirmation of their pregnancies via ultrasound; the healthcare staff refused.²⁶ It is not difficult to see how screening the values of midwives could lead to this kind of situation. And couldn't this, too, be seen as a kind of coercion? Even studies in support of abortion or coming from a self-proclaimed "feminist" point of view have indicated that comprehensive counseling around the issue is fundamental both in Sweden and generally:

Four categories were identified: to consider and accept the decision; to lack understanding about the abortion procedure; to be in need of support and information; to have memories for life. Findings show that information and support during the whole abortion process is important. Women found it difficult to make the decision and going through abortion left memories for life [...] information and support is of great importance for women in this vulnerable situation. The need for further support points out the need to have follow-up contacts with women after an induced second trimester abortion.²⁷

Women aged 19-44 expressed a need for professionals and others to accept the reality of unplanned pregnancy and to acknowledge that the choice of abortion cannot be fully understood in isolation from women's other reproductive choices.²⁸

The results indicate that addressing young women's concerns about fertility might be important in reproductive care.²⁹

One conclusion drawn from our study is that nurses and midwives need to be aware of women's complex experiences with abortions in order to support and empower women who seek an abortion.³⁰

Furthermore, as a midwife, Ms. Grimmark's voice is part of a social context that hosts the lives of every woman she encounters and the related choices regarding pregnancy and its termination. Her views on these women's lives and social conditions could contribute to empower knowledge of the social conditions engaged in the healthcare process that includes abortion. This would be true no matter what her final position regarding abortion might be. The events occurring before and after her claims, that is, the implications and relations of sense underlying her declared conviction must also

²⁶ Ekstrand (2009: 175)

²⁷ Mukkavaara (2012: 720-725)

²⁸ McIntyre (2001: 47-62)

²⁹ Halldén (2005: 788-806)

³⁰ Aléx (2004: 160-168)

be unearthed from their morphological surface appearance, enclosed by the term “conscientious objection.” If we can accept that Ms. Grimmark’s position belongs inside the complex web of meanings and options that make up the reproductive context, we may even begin to find continuities of sense between her exigencies and those of women seeking an abortion or other midwives who wish to provide this service. In fact, the argument has been made that providing abortions is also considered by some to be an expression of conscience:

The conclusion that abortion provision is indeed “conscientious” by this standard is best supported by sociologist Carole Joffe, who showed in *Doctors of Conscience* that skilled “mainstream” doctors offered safe, compassionate abortion care before *Roe*³¹. They did so with little to gain and much to lose, facing fines, imprisonment, and loss of medical license. They did so because the beliefs that mattered most to them compelled them to. They saw women die from self-induced abortions and abortions performed by unskilled providers. They understood safe abortion to be lifesaving. They believed their abortion provision honored “the dignity of humanity” and was the right—even righteous—thing to do. They performed abortions “for reasons of conscience.”³²

It could be that in efforts to preserve “the dignity of humanity,” healthcare workers with ostensibly opposing points of view could find a common ground. Ms. Grimmark herself, by comparing her underlying reasons and argumentative connotations for conscientious objection with those inherent to other women’s claims might discover some continuity between the opposed positions, precisely beyond their morphological appearance. If abortion—as is being argued here—is a social process and its meaning is only an outcome of its unfolding, then every social voice can contribute to a cognitive and democratic understanding of what it is, no matter who does what in the end. The primary goal is to understand the meaning of the “what.”

In order to further articulate the vision of abortion as a social process, we can consider a fairly common situation: the decision to abort for practical, social and economic reasons. These reasons might include feeling a lack of emotional and/or financial support from the partner, doubts about the longevity of the relationship with the partner, lack of emotional and/or financial support from other family members, and concerns that in the absence of stable finances and employment, it would be impossible to raise a child. Let us address the practical/social/economic realities of raising children in Sweden. As of today, Sweden is one of the most child/family-friendly countries in Europe, and perhaps in the world if we consider state support for raising children. This support, available to every Swedish citizen/resident, includes: free prenatal care and free or subsidized courses providing preparation for delivery and motherhood; free healthcare throughout pregnancy, delivery, and all new-baby care including regular visits to a health clinic and vitamin support for the baby, etc.; 2-3 days post-delivery lodging for both mother and partner with all meals included; a monthly cash

³¹ Refers to the landmark legal case “*Roe v. Wade*,” which effectively legalized abortion in the United States.

³² Harris (2012)

allowance paid for by the state to support each child until the age of sixteen; 480 days of parental leave from employment, which can be taken at any time up until the child is eight years old; for 390 of the days, parents are entitled to 80% of their normal pay; additional pregnancy benefits are available for women who work in physically strenuous jobs, who may leave work from the second month of pregnancy, again paid at 80% of their usual pay; parents who are not employed are also entitled to paid parental leave; all healthcare including dental care is free for children up to the age of twenty; preschool for children is available from the time the child is one year old and the cost is subsidized by the state—the amount a parent pays depends on their income—with a maximum cost of EUR 133 per month; all schooling is free until the age of 19 (with free lunches); all parents are entitled to paid sick leave and paid leave for taking care of sick children; free baby groups are readily available where parents can meet other new parents and babies and benefit from a play-space for young children; in some large cities, public transport on buses is free for anyone with a pram; in short, there is a tremendous amount of support for people who choose to raise children in Sweden, from cash in pocket to the subsidizing of nearly every requirement for childcare. It is highly possible that a young woman confronted with a pregnancy that creates a dilemma for her may be unaware of some or many of these state benefits. Clearly, an awareness of these benefits could have a strong impact on her view, at least of the practical and economic realities of raising a child in Sweden. If a healthcare professional were to share information about these aspects of possible future scenarios for her, it could significantly empower her decision-making process.

We can imagine a midwife such as Ms. Grimmark imparting this kind of information to a young woman requesting an abortion in the hopes of providing her with an awareness that abortion is not the only option available to her. However, and this is crucial, just as a young woman provided with information may become empowered to change her position in light of a newly acquired perspective, so too must healthcare professionals such as Ms. Grimmark be open to the possibility of adjusting their views. Social processes depend on dialogue that is reciprocally relevant if it is to be socially productive and stay clear of “coercion.” If we are to support the notion of “conscience” in the name of freedom, then all parties involved must “consciously listen,” as well as consciously proclaim. Cases have been documented, for instance, in which for cultural and religious reasons, a woman feels the choice is between maintaining her place within her family of origin (who may otherwise cast her out) and choosing to support the unborn child.³³ When presented with such a case, might a midwife such as Ms. Grimmark re-evaluate the role of abortion? Could such a woman’s narrative trigger a crisis of conflict within an otherwise “pro-life” midwife? Certainly there are scenarios in which the pregnancy is the result of an act of violence or incest. Here, too, the response of the midwife could be meaningfully challenged. If we are to view pregnancy and abortion as social processes, then every element along the continuum of experiences must be open to reciprocal sharing and influence. Indeed, for every case in which a woman feels unable to bring a pregnancy to term, isn’t there an

³³ Ekstrand (2009: 176)

opportunity to understand where, in the long and complex path leading to this crossroads, some systemic failure has occurred? A telling study concludes,

Young women in Sweden take on the main responsibility for contraceptive use, but their power to decide against the norm when faced with an unplanned pregnancy may be limited. To freely decide whether to terminate an unplanned pregnancy, ambivalent young women may benefit from more nuanced counseling. If young women feel pressured into contraceptive use, and young men are excluded from the discussion, then the present way that young people's sexual and reproductive behavior is managed has failed.³⁴

Here we see plainly illustrated that the complex questions arising in cases of unwanted pregnancies leading to abortions go back to issues of contraception and gender roles, within a wide web of social variables. Is it not self-evident that knowledge is power? How do we enrich the capacity to provide women with knowledge by controlling and limiting the viewpoints of the healthcare providers by whom they may be counseled? It is dialogue that leads to knowledge exchange and enables the possibility of transformation along paths of coherence. A process rich in mutual exchange averts the *cosification* of phenomenon, things, ideas, categories, and so on, making room for creativity and genuine freedom. If instead we clamp down on single variables, such as the personal convictions of the healthcare provider, we contribute to the possibility that a woman, in ignorance and solitude, is utterly disempowered to make an informed decision and is far from being "free." Isn't a woman who, in her ambivalence, asks for an ultrasound and is denied as much within a framework of injustice as one who asks for an abortion and is denied? If we dissimulate that abortion is nothing more than a medical procedure that women have a "right" to, then we use the freedom or "right" to abort as a means to conceal rather than illuminate all the possible avenues for success or failure, of individuals and of the states that are meant to support them. Absurdly, in such cases women's freedom could even run the risk of being used by public institutions or social factions as a justification for creating social obstacles against the actual possibilities to engage in *free choices* regarding pregnancy and motherhood.

3. Multifaceted democratic citizenship vs. the hidden orthodoxy of social consensus

a) *The cognitive aspects of democracy and learning from one another.*

The concept of "free choices" for citizens is fundamental to democracy of any stripe, and is supported repeatedly in various forms in most constitutional/broad governing documents such as the Charter of Fundamental Rights of the European Union. The notion that "freedom" and "change" go hand in hand seems to be fairly self-evident. Even a cursory glance at current events illustrates that the

³⁴ Ibid, 179.

particular mores supported by democratic laws are in constant flux. The recent broadening of the legalization of gay marriage is a case in point. How we define the institution of marriage (like any other social institution) has changed in both small and large increments over the years, from women being considered as property to women being free to marry each other. This is merely to say that democracy cannot, in any context, be considered static; instead it is always in a state of change, always being re-questioned, re-considered, re-positioned because this is its very nature. In 1957, UK prime minister Clement Attlee said, “Democracy means government by discussion, but it is only effective if you can stop people talking.” We can assume this was said ironically, and yet it aptly illustrates the tensions that thrive in democracies, and indeed are essential to the upholding of basic tenets. The 19 articles of Title II (Freedoms) of the Charter of Fundamental Rights of the European Union each detail the many ways in which freedom of thought and action are protected. Rights which are directly relevant to the Grimmark case include:

- Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
- The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.
- Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.³⁵

To put it bluntly, the point of democracy is that people are generally free to do whatever they want to do, in whatever way they choose. The only consistent barrier to this position is that individuals lose their rights if they infringe upon the rights of fellow citizens. So, one is not free to murder one’s neighbor, no matter the reasons, because he is thereby deprived of his right to life. Negotiations regarding where “my freedom ends and yours begins” are, as they must be, constantly shifting. These freedoms are fundamental insofar as democracy is conceived as a system supported from the ground up, a government that serves the needs of its citizens, that has no authority other than that granted by its citizens.

There is, of course, a third element that is vital to democracy alongside freedom and change: education. It is almost a commonplace to assert that without education, democracy, which depends on leaders elected by the people, cannot function. It is not simple, however, to define what we mean

³⁵ *Charter of Fundamental Rights of the European Union* (2000)

by education, beyond institutional compulsory definitions. Particularly in this era where the primacy of the individual is everywhere apparent, we can lose sight of the importance of other people to our education. Education in a democracy is not only about schooling but about communication and interaction among citizens. In order to make informed decisions about how our societies should be ruled, we must understand the exigencies of our fellow citizens, and since these, like ours, are always changing, there is no “endpoint” to this education; instead it necessitates a mode of being that openly (and constantly) receives and shares new information. Precisely:

A democracy is more than a form of government; it is primarily a mode of associated living, of conjoint communicated experience. The extension in space of the number of individuals who participate in an interest so that each has to refer his own action to that of others, and to consider the action of others to give point and direction to his own, is equivalent to the breaking down of those barriers of class, race, and national territory which kept men from perceiving the full import of their activity. These more numerous and more varied points of contact denote a greater diversity of stimuli to which an individual has to respond; they consequently put a premium on variation in his action. They secure a liberation of powers which remain suppressed as long as the incitations to action are partial, as they must be in a group which in its exclusiveness shuts out many interests.³⁶

Dewey was writing in 1916, so we might forgive the omission of gender from his list of barriers, as well as his use of the masculine characterization of “the people.” His point, however, is more than relevant for the issues under consideration. Without a reciprocal consideration of actions and a willingness to vary these actions based on what is learned from others, a society cannot be considered to be democratic. Shutting out the interests of people with varying points of view diminishes the liberation of powers of all.

The difficult question then becomes, how? How can “incitations to action” be reciprocally informed? How can varying interests be meaningfully included without trampling on anyone’s liberties? Where is the line between my freedom and yours?

b) Opening semantic landscapes of Otherness via narratives within pluralistic dialogue.

In the case of Ellinor Grimmark, the most repeated argument against her case seems to be that if she doesn’t wish to perform abortions she should not have taken a job as a midwife. The job description is assumed to be clear. Vårdförbundet (the Swedish Association of Health Professionals) is the trade union and professional organization for the profession of midwifery in Sweden. It defines the job of midwife as working “with health promotion, prevention care, and treatment measures in the field of sexual and reproductive health.” The notion of variety in job responsibilities and care subjects is emphasized. The description states that midwifery, no matter the scope and form of care, is

³⁶ Dewey (2012: 96)

characterized by a holistic and ethical approach. On responsibilities and duties, it is stated that the midwife is:

responsible for the care of the woman during normal pregnancy, giving birth, and after care. [The midwife must] document the woman's medical history to determine whether other professionals need to be connected during pregnancy; carry out the relevant tests and examinations that are important to accurately assess the woman and the baby's condition during pregnancy; convey knowledge, information and support for expectant parents about the birth, after-care, breastfeeding and future parenthood.

Completely absent, explicitly or even inferentially, is any mention of abortion. There is a statement regarding women's "right to sexuality," which could perhaps be stretched to include abortion care, but it would be a stretch. This is not to say that Ms. Grimmark could have been unaware of the inclusion of abortion procedures in the job description; it is instead to say that the vast majority of the job responsibilities of a midwife include care apart from abortion. This is not a case of a teacher refusing to teach or a driver refusing to drive, but rather of a caregiver not wishing to terminate pregnancies. Why does the distinction matter? Analysis of details such as job descriptions matters because it allows us to see how semantic landscapes that remain opaque block any possibility of finding continuity among the exigencies of people who share work spaces, care spaces, communities, societies, countries, indeed, the planet. There are few if any professional jobs in which colleagues perform exactly the same tasks in exactly the same quantities and ways. In fact, as technological advancements race ahead, work tasks that can be standardized are increasingly delegated to non-human workers, that is, computers and/or robots. Computers can answer phones and route calls faster and more efficiently than humans, for example. Denmark's metro system consists of exclusively driverless trains and is run by a fully automated computer system. Sweden itself has pioneered the first airport control tower that is run by computers and cameras; the controllers guiding the planes are located nearly 150 kilometers away.³⁷ Google is currently testing driverless automobiles. Now more than ever, when a job can be effectively performed by a non-human, these options are being pursued. Mother and baby care has so far not been such a field for obvious reasons. As discussed above, it encompasses one of the most vulnerable moments in the lives of families, with far-reaching tentacles of meaning stretching into vast networks of experience. We need people to do these jobs so that they may fully exercise their *humanity*, in all of its pesky variation. We need exchanges of knowledge that allow all the parties involved to understand their options, their consequences, all the variables that will empower their ability to move ahead effectively on their life paths. It is precisely in the face of Otherness that the variety in the semantic landscapes of people is most likely to be seen as a source of conflict, and at the same time most likely to be of use in finding new, better solutions to these potential conflicts.

³⁷ Mayerowitz (2015)

c) *Translation as fundamental to understanding Otherness.*

The task required in the reciprocal communication of personal exigencies within a semantic web of connotations can be defined as “translation.”³⁸ The term does not refer merely to language translation but rather to the etymology of the word, the Latin *translatus*, meaning “carried across,” or, creating complex understanding across divergent life experiences. Indeed, as translators of language have known across the ages, there is no such thing as an effective “exact” translation of a text; the particularities of specific languages are infused with history and culture that often has no exact equivalent in languages of differing provenance. If a text cannot be perfectly replicated in a different language, it would be folly to suppose a person could be. As noted above, two women who find themselves considering an abortion could have radically different backgrounds and exigencies, making their experiences poles apart. If the same healthcare worker were charged with assisting each of them, she would have to engage in an act of translation, an effort to see the particulars of their situations, an attempt to trace connections between them and their roots in the past and projections into the future. And again, the same person would be required to construct bridges between her own world view and experiences (past, present and future) and that of the person she is attempting to assist. To imagine, as the Swedish Association of Obstetrics and Gynecology appears to (see above), that such assistance could be provided in the absence of any conscience, by employing a uniform application of a set of rules, would be to ignore the humanity required in the act of care giving.

Instead, the “crossing” required “takes the form of a *translation*, both material and semantic, between respective spaces of existence and conceptual categories.”³⁹ It should be underscored that what is required is not a mere relativization of experience, a superficial exchange of terminology or stories, but rather something more profound in which the very categories by which we define, measure, and assess our life experiences are allowed to open up for viewing, sharing, and renewed/renewing consideration. In such a translation-transaction, no element can be out of the circle of what is being considered, for it is precisely assumptions about “base” concepts (recall, “woman,” and “life” and, of course, “abortion”) that have the strongest capacity to divide, as a result of incomprehension or discord. Furthermore, that these translational transactions must be reciprocal cannot be emphasized too strongly. In order for translation to have any success, both parties must have something to lose and something to gain, for only in this way can there be a level playing field, as it were. The moment we stray from the concept of reciprocal translation we begin to find ourselves wandering into the foggy field of accommodations. These are the arrangements that are so frequently resorted to in Western nations when confronting plurality in societies, from colonial times to present.

Accommodation, which features largely in “multicultural” discourse, is an approach for dealing with pluralist exigencies that depends upon an *a priori* assessment of the value of the parties involved

³⁸ Ricca (2013)

³⁹ *Ibid*, Ricca.

in any given confrontation where two diverse groups must co-exist, sharing space or resources; one side inevitably has more power and considers itself to be more valuable than the other, though this assumption may be artfully hidden, even from the power itself. This more powerful party then, out of “civility,” or “kindness” or “generosity” (common rubrics for the ascribed motivations for ensuing acts) gives in, or gives up, or gifts, land/space/resources to the other, inferior party. A classic example is that of reservations for Native Americans. The US government, in an aggressively overdue admission, recognizes that Native Americans were slaughtered *en masse* and their land taken. Therefore, they designate compact parcels of land for Native American ownership. The idea is that the Native Americans can live “over there” in their own space and maintain their own customs and cultural habits, while the rest of the Americans continue to spread out and develop in the remaining millions of acres of land that are not for Native Americans. While “restitution” was a significant part of the language and negotiations of reservations, in retrospect we can see that restitution in its true meaning was and ever will be impossible. There could be no return to the wild expanses of land, largely empty of people, upon which native populations depended. No reservation could possibly bring back or comprehensively preserve a culture which itself has no choice but to continually evolve and adapt to its surroundings, as all cultures must. Furthermore, the very notion that there are Native Americans who, by the very nomenclature assigned to them, belong to the past, while the Americans surrounding them continue to move into the future, creates a fundamental divide and inequality that poisons relations between groups even today.⁴⁰ Accommodations fail because they assume a reification of individuals and groups as well as a corresponding hierarchical interaction that is inherently unequal. When a “privilege” is bestowed upon an individual or group by another, the interaction is not reciprocal and so can never be equal.

In the medical field, avoiding this dynamic is perhaps even more crucial. Insofar as medical personnel or institutions bestow their attention upon patients without engaging the diverse exigencies involved in each and every interaction, there is the risk that those responsible for providing care instead end up completely marginalizing a given patient’s actual needs. Sadly, horror stories of unnecessary surgeries, misguided medication, and/or lack of basic care are fairly ubiquitous today. A brief review of the Hippocratic Oath might help to further explore the notion of reciprocal translation.

The oath was originally part of Greek medical texts and was taken by physicians historically as a kind of pledge to use their professional skills to good ends. Though there are various interpretations

⁴⁰ Noted Native American author Sherman Alexie had this to say about a bill in Arizona banning his books alongside those of Mexican American authors: “Let’s get one thing out of the way: Mexican immigration is an oxymoron. Mexicans are indigenous. So, in a strange way, I’m pleased that the racist folks of Arizona have officially declared, in banning me alongside Urrea, Baca, and Castillo, that their anti-immigration laws are also anti-Indian. I’m also strangely pleased that the folks of Arizona have officially announced their fear of an educated underclass. You give those brown kids some books about brown folks and what happens? Those brown kids change the world. In the effort to vanish our books, Arizona has actually given them enormous power. Arizona has made our books sacred documents now.”

of both the text and the context in which it was used, the “modern” Hippocratic Oath, penned in 1964, is still in use in whole or in part in many medical schools. There are two particular aspects that are relevant to this discussion. First, the oath places a remarkable emphasis on the connectedness of the physician to those physicians who came before him, to those who are today his colleagues, and to the patients who rely on his services. Second, there is a repeated direct invocation as well as a general tone that call for humility from the physician. Not only is the physician called upon to remain humble, he is urged specifically to maintain awareness of his status as a man among men (begging pardon for the masculine reference, which I employ for the sake of simplicity), “I will remember that I remain a member of society, with special obligations to all my fellow human beings, those sound of mind and body as well as the infirm.”⁴¹ Not only, then, is the physician a person among people, he has additional special obligations. Logically, those obligations are the ones outlined previously in the oath, which include respecting the medical achievements and knowledge gained by other physicians, deferring to colleagues when necessary, respecting patient privacy, maintaining a sympathetic/understanding attitude toward patients, and perhaps most importantly for the purposes of this essay, “...this awesome responsibility must be faced with great humbleness and awareness of my own frailty. Above all, I must not play at God.”⁴² One might ask, why frailty? It’s rather surprising to think that the physician here swears to his own frailty. Isn’t it the case that the physician is quite strong in comparison with the ill person who seeks his help and who has limited if any knowledge of medical science? Perhaps the notion of frailty is introduced to deliberately level the playing field, as characterized above, between doctor and patient. The patient may be ill, in a weakened state, but he is not intrinsically inferior, as a person, to the doctor, something which might occasionally be forgotten beneath the heady perfume of large swaths of accumulated knowledge. The physician and the patient are here united in their frailty as human beings. They must communicate in deep and wide-ranging ways, working together to identify and employ the best measures to heal the patient. For all his medical knowledge, the doctor cannot know the patient’s history (intended as broadly as possible) without the help of the patient. Neither of them, indeed, is God. Both require communication and translation to achieve their ends. Both are dependent upon each other, and so both must be open to any changes the interaction might bring.

I would venture to say that the Hippocratic Oath focuses on the importance of the humility of the physician as a deliberate means of encouraging self-awareness and understanding, without which it would be impossible to serve the needs of the patient. Without this self-understanding, there is a grave risk of assuming a pre-affirmed universality that takes the place of the exigencies of individuals. Instead, all must be allowed to exist in all their complexity. The patient cannot become a reified exemplar of an illness, but should instead remain particular, human. As the oath states, the physician does not “treat a fever chart, a cancerous growth, but a sick human being.” Neither can the doctor be

⁴¹ Hippocratic Oath, Modern version, taken from the Bioethics section on oaths and codes published by Johns Hopkins

⁴² *Ibid.*

“ashamed to say ‘I know not,’” for the webs of meaning in which both he and his patient are necessarily enmeshed are sizable and unavoidable. Only through trans-lational dialogue can doctor and patient learn reciprocally how to move forward to achieve their ends.

4. The translational path to pluralism: a method for dialoguing among differences

What is the trans-lational path?⁴³ What does it mean to create reciprocal dialogue? While there is no single, straight-forward answer to these questions, we can begin to sketch out a kind of methodology that outlines some of the steps involved.

As elucidated above, when exigencies become ossified into stiff categories empowered by identitarian viewpoints, it becomes impossible to peacefully resolve conflict. History at both international and interpersonal levels, both past and present, is pock-marked with stories of conflict in which both sides are reduced to walls of unresolvable conflict. So prevalent are stories of conflict in the larger tale of humanity that it could be tempting to throw up one’s hands and renounce any hope of developing sustainable methods of conflict resolution. Pluralism and globalization are but two more features of modern life that rise before us, one day used as inspiration, the next as a means of fomenting conflict. And yet as the post-Hegelian dust has settled, a few interesting reconceptualizations have emerged that seem to shine a little light in the dark. The first has already been discussed—the notion of “cosification.” If the categories we use to define and constitute our world are so rigid that they refuse any interrogation, we can say that they are “frozen” in their “thingness,” or cosification, like the victims of the Medusa. The identification of this pitfall allows us to understand that there is an alternative: refusing this semantic stiffness and investigating, instead, how categories not only can be, but in fact *always are*, fluid. What makes a loud noise a “disturbance” vs. a “performance” or an appreciated “warning”? What makes an odor a perfume vs. a stench?⁴⁴ How do we qualify something as art vs. vandalism? Our categories make it so, and we are all endowed with significant creative abilities to shift and re-shift our categories. When conflicts arise, the trans-lational path asks that first, all parties consider the categories coming into play.

Once it is acknowledged that categories exist, have been selected (even if unconsciously), and can be changed, next there is the need to “dis-integrate” said categories by opening access to the narrative landscapes that lie beneath. This means putting on “mining helmets,” (complete with head lamps) and engaging in a kind of semantic excavation. Categories that have been previously taken for granted by the exigencies of quotidian life must instead be dug out and pulled apart, viewed looking both backwards toward historical traces, and forwards toward imagined possibilities. We can think of

⁴³ The following section applies arguments that are original to Ricca, and explicated in much greater detail throughout his oeuvre. See Ricca (2008, 2013, and 2014).

⁴⁴ For a deep analysis of these semantic forays and their implications, see Ricca, Cancellieri (2015).

the categories/concepts we use in quotidian life as “epitomes” or signs, that are not flat or simple but rather provide a kind of summary of relationships and experiences. The “iceberg model” (falsely attributed to Freud) of human experience provides a visual example—only one-ninth of an iceberg’s actual mass is visible to us above water. So too, even when the most vigorous ideological stances are taken, only a small fraction of the implicit web of connotations beneath them is in evidence. Those perceptions that seem most “obvious” or even incontrovertible are instead the result of our cultural habits formed over time and through space. Humans are the ultimate shapers of our environments, building, bending, changing, destroying and re-building both physical and metaphorical structures to meet our needs. Can the human concept of “health,” for example, possibly be said to be static and unchanging across time and space? It is an existential concept, and also a representation of cultural habits. The concepts we use to create our lives are themselves both nature and nurture, they move from fixed to variable and back again. Over the course of time they are defined as objective in one moment, subjective in the next. They must be “de-composed” if they are to be understood in all their complexity. This narrative decomposition of morphological appearances takes place through the articulation of the various connotative elements that taken together, form their meaning. The process is one of “becoming aware” of what was previously taken for granted, which is not, it must be noted, a “rational” process in the empiricist sense. Rather, understanding emerges through metaphoric re-considerations. The foundation of metaphors, what unites their sources and their realizations and determines their semantic connotations in various contexts, could be made up of qualitative or emotional elements that represent “subjective” (pertaining to the subject) moments within a life story. As such they can be slippery and semantically vague. This, however, makes them flexible, able to jump across space and time to create new ideas and concepts, new ways of understanding and rendering human experience.

Categories/concepts that at first glance might seem widely divergent in their morphological representations (such as “women’s biological rights”) might turn out to share fundamental aspects, once they have been divested of their rigidity and opened up to reveal their connotative elements. Continuities might be found with categories that previously seemed to “live on the opposite side of the world.” Newly opened categories can then engage in a process of testing the possibilities involved in using the common connotative elements between them to create an inter-categorical common space or a categorical migration. Only after making such attempts, carried out on a cognitive level, can an assessment of axiological conflicts and their actual terms become plausible, and not impaired by prejudices, stereotypes and reciprocal othering blindness. We might find some hope in the observation that this is not a special or unique cognitive effort. In fact, underscoring connotative continuities or ubiquities is quite similar to the unaware process that unfolds when we create metaphors, something that is a routine part of nearly all human communication. The transferring, or translation, from one semantic/categorical domain to another takes place when one of many common connotative elements is identified and then assumed within the axes of a new categorical frame; the result is a newly created metaphor. When we call, for example, an old computer or phone

a “dinosaur,” we are making a specific connection between the way dinosaurs were once dominant on the earth and then disappeared, becoming irrelevant to future generations, and the technological item, which also disappears and becomes irrelevant. Sometimes the term is also used to call out how a technological item is too big or heavy, relative to newer items. It may also refer to the slowness of old technology relative to new. In any case, the metaphor serves to select those common connotative elements between things that serve our communicative needs. When we work with legal systems, the connotative continuity (and therefore the metaphorical ground between source and target domains) can be detected by focusing on the connotative elements which have some relevance to the human and/or fundamental rights semantic/axiological spectrum. So, human and/or fundamental rights, also by virtue of their axiological contents and the related semantic plasticity, can work as metaphorical interfaces between different positions and claims. In Grimmark’s case, for example, this occurs with regard to the right to be informed, as a premise of a genuine exercise of freedom by both the stakeholders. This is possible and, in a sense, compelled by the circumstance that, after such a process of metaphorical emersion in semantic and axiological connotative continuities, it becomes very difficult for each party to refuse the other the right to find an opportunity to make room for her/his exigencies. This is precisely because these claims will show themselves to be rooted in the same principles that each has invoked to legitimate her/his own position. If seemingly opposed positions (and actions) taken in the name of “health,” for example, can be shown to share root exigencies, values, even beliefs, how can one side legitimize controlling another?

We might say that human society is organized by the law. The law, however, is not designed exclusively for “controlling,” human behavior. Instead, as an instrument “by and for the people,” it provides a means for self-actualization, for the realization of desired ends. When shared semantic connotations and the continuity or ubiquity between opposing positions are uncovered, valuable legal implications can emerge. The “right to health,” for example, is broad enough semantically to respond to exigencies that may be engaged in ideological conflict. Furthermore, this right will undoubtedly overlap and engage with other “fundamental rights” that are typically protected by legal structures, such as the “right to freedom of conscience.” A balancing of interests will need to take place to determine outcomes; specific instances of subjective exigencies will have to go through a process of intercultural translation/transaction in order to re-define and re-qualify how an individual will be protected within a particular set of circumstances. “Health” and “conscience” are continuously re-defined through their application as concepts/categories—they do not exist *a priori*—and therefore their legal remodeling corresponds to a reconceptualization of what they actually are. To take a very current example in the world of health and rights, it has been suggested recently that people who are reliant on mechanical means for basic mobility (e.g. artificial limbs) should have, as a fundamental human right, the right to technology that can eliminate this “disability.” The idea is that it is not the

body that is flawed, but the technology.⁴⁵ Formulating the situation in this way makes it so that an amputee shifts categories from a “damaged human” to a “human using technology.” Indeed, a person using a nearly invisible hearing aid would not likely register to others, on average, as a “disabled” person, thanks to the technology that makes hearing aids fully effective at replacing hearing loss and nearly invisible. One can imagine limb technology advancing to a similar stage. These are merely illustrations of how even the often divisive concepts of human rights and health rights (or even the rights of the disabled) can foster semantic de-compositions of categories in their connotative elements that empower the discovery of continuums of sense. What appeared as divisive is instead revealed to “have in common,” and to be capable of lateral, reciprocal interaction on the plane of signs. Their interrelationships generate experiences reflecting a mutual adaptation making it so that the very words used to signify (health, disability, rights) change in their meanings, and simultaneously the meanings themselves, as embodiments of our understanding/perceptions, change.

When contesting for the protection of “rights,” people are not fighting for pre-existing unequivocal protections but rather for their individual and/or community-based requisites, against what they perceive to be competing interests. Imposing one’s rights “on top” of an Other’s is always an erasure of the Other’s subjectivity. The overlap between the projections of these subjectivities (connotative, teleological-symbolic, pragmatic) is the real battleground. Opening up to dialogue and exposing what lays beneath claims for rights allows us to move beyond morphological and conflicting appearances. Narrations of life stories bring to light the reasons for actions and the circumstances that came before the point of conflict; all these form a chain of events that unfurls organically. We can see that behind a rights demand there are memories, needs, obligations, identity markers, family and community group networks, historical and geographical roots/stories: in short, everything that makes a human, human. What may at first seem like a political outcry, upon further inspection can be seen to consist of events and elements that are anything but political. In this way, a categorical migration takes place, able to permeate even the culturally conditioned lenses of opposing parties.

Through translation and contextualization, rights claims such as the “right to conscience” emerge as connotative elements of complex phenomena that constitute only a brief moment, one angle of a larger and longer life process. One of the more discussed examples of “conscientious objection,” is of course the refusal to partake in military actions. The reasons one may have for expressing this objection could be manifold, from religious to cultural to family beliefs, all of which are clearly captured by the European Charter of Fundamental Rights and identified as the right to dignity, the right to life, the right to respect for one’s physical and mental integrity, to name only a few. Discovering that an individual wishing to exercise a right to conscientious objection may be, for example, a pacifist as a result of religious beliefs, could shift the axis of salience of his claim. Was

⁴⁵ Hugh Herr, director of a biomechatronic research group at MIT states, “As a society, we can achieve these human rights, if we accept the proposition that humans are not disabled. A person can never be broken. Our built environment, our technologies, are broken and disabled.” See Herr (2015).

Gandhi, to take an iconic example, an insurgent or a pacifist? In the case of military conscientious objection (as in all rights claims), a balance must be sought between the rights of the state to defend itself from conflicts with other states, and the rights of citizens to personal beliefs. Neither claim can simply be erased by the other. Historically speaking, once cases of conscientious objection are accepted by states, the category of “normal behavior” related to military obligations shifts to include the possibility of granting license to conscientious objectors. What has to be emphasized is that this new “normality” is not the result of an unveiling of pre-existing entities confirmed as “military duty” and “duty of conscience,” even if institutional rhetoric seems to proclaim it so. Instead, these concepts emerge from a creative process in which axiological choices are shaped and molded, semantic conceptualizations are defined and redefined. By making room for the implicit connotations (and their effects) that emerge from the behaviors of people from different walks of life, intercultural translation becomes an act of invention, similar to the act of creating metaphor. As an invention, a creative act, its results cannot be predetermined in the abstract or *a priori*.

It cannot be overstated: there are no cultural categories that contain “the objective truth,” the final say on what is to be supported and what is to be “overruled.” Concepts retained to be “universal” only acquire their universality in an interlocutory way, as the result of dialogue that seeks to trans-late, transact, through a process of reciprocal exchange, with a bottom-up approach that pulls into its realm of considerations all the complexities of human experience. Indeed, along these traces of human experience, as the mute parts⁴⁶ of experience are given voice through the destabilization of only apparently solid (culturally inscribed) morphological categories, concepts such as human rights can work as a kind of magnet that attracts intercultural translation. Thanks to their ambiguity, they are able to provide the very plasticity needed for the reimagining of categories created to support human needs. In this way, they have a potential for inclusiveness that resonates with universal aspirations, providing semantic platforms that can sustain ever-evolving human needs, rather than turning into clubs with which to crush the “losing” party. This is not to say that concepts like human rights are capable of waving a magic wand and making conflict disappear. There will ever be opposing ideas and values struggling for recognition by legal and state institutions. But creating the possibility of cross-categorical migration and “inter-contextual resonance”⁴⁷ between things means leaving space for reinterpretations, re-imaginings, re-configurations. What is considered to be reasonable or normal is nothing other than a momentary agreement on categorical borders, and we can see many examples of said agreements changing over time (as in military conscientious objection). People regularly adapt to changes, and adjust their expectations regarding what is to be accepted within their societies. This may even seem to be a banal statement. Looking at rights statements and legal apparatuses as enablers of true pluralism because of their capacity to engage flexibility is perhaps less so.

⁴⁶ Ricca (2013: 94)

⁴⁷ Ricca (2014: 153)

The task that is before us if we wish to move beyond the head-butting of identitarian conflicts, is to acknowledge what is hidden, to uncover the long complex life traces that, unawares, lead to the hardening of positions. We can use legal and state apparatuses that are open and flexible to help engage in the dialogue necessary to unfurl chains of meaning, to contextualize human needs in human stories. For as rooted as people may be in their contexts of meaning, they are equally mobile and adaptable, both as metaphorical thinkers, and as figures in constant motion.⁴⁸ We need to understand where they have been, however, to know where they might be going, and make the road wide enough for walking side by side. Furthermore, we must remember at all costs that what is being called for here is a cognitive model to assist in the negotiation of conflict, a means of “leveling the playing field” so that differing claims (along with the values that motivate them) can be addressed using democratic instruments of law. The outcome of such a process cannot be determined in advance. Silenced voices must be heard in order to be considered. The underlying values of claims must be excavated. A balancing process must occur with all the elements exposed to the light of day, as it were. Only then can decisions be arrived at, and again, not ever “once and for all,” but rather, just, once. The only certainty in a holistic approach to civic life is uncertainty. Just as human exigencies are in a constant state of flux, so too must the legal systems that support them be open and ready for change. A further probing into current state systems and their interfaces with human values can help elucidate the matters at hand.

5. What is secularization concealing in Swedish democracy?

When values claims such as those invoked in the Grimmark case are made, secularization is often named as the grand reason why these claims “have no place in the modern world.” The West in particular has held tight to the notion that religion and anything similar belongs to a barbaric past, before reason, before rationality. Secularization is frequently posited as the beginning of modernity, the human leap that was necessary to move from out of the “Dark Ages,” and into the (En)light(enment). But as has been elaborated at length by a wide range of scholars, “secularization” is not a singular objective entity that can be considered independent of culture and history. Rather, it is a process that has run parallel to other similar developments (such as French *laïcité*) and it has come to mean very different things depending on national and cultural contexts. One prominent argument at the root of much modernist thought holds that secularization and religion are actually conjoined twins of a sort; one could not exist without the other. The Enlightenment, with its high hopes for the emancipation of man by delivering him from the mythic morass which held him down, preventing

⁴⁸ If we give even the briefest of attention to phenomena like the Internet and digital media generally we see how in the space of fifteen years or less, millions of people have become adept at regularly jumping countries, time zones, environments of all kinds merely by engaging with their digital devices.

his progress, instead became a reaction against religious institutional powers, itself equally focused on seeking power, making “objectivity” the new deity, and ultimately betraying its original aims.⁴⁹ Regardless of which philosophical and theoretical approaches are sustained, it seems fairly indisputable to say that one country’s secularization is not the same as another’s, and each historical process yields specific results. As this essay has been arguing, unpacking the specificities is precisely the kind of work necessary if we are to begin to understand what lies beneath identitarian claims. It may be helpful, therefore, to embark upon a brief historical excursion to try to understand some of the events that may have been formative for Sweden’s path to secularization.

At the close of the 16th century, the long-time back and forth between Catholicism and Protestantism seemed to come to a kind of resolution with Lutheranism declared as the established religion of Sweden⁵⁰. Whereas in other European contexts the national religion was sweepingly imposed upon the people from leaders on high (religious, monarchical, or both), in Sweden the process of adopting Lutheranism was slow to develop. There was a lack of strong leadership/conviction on the topic of religion (as well as the economic power to enforce it) from either kings or archbishops and simultaneously an unusual political/social empowerment of the “masses,” who, for example, owned far greater percentages of land than common people in other European states. In addition, there was a longtime resistance to both Catholic pressure from Rome and political pressure from Denmark, which had only just recently given up sovereignty of the fourteenth century’s Union of Scandinavian Kingdoms and so remained a threat to Swedish independence. Though it was Gustav Vasa, “the lion of Protestantism,” to officialize the rejection of Catholicism as the religion of the state in Sweden, the steady embracing of Lutheranism came from the people’s growing conviction that it could be an aide to the nation’s evolution, and as such, to the protection of the people’s interests. As one historian put it, “...slowly they came to realize that Protestantism fitted their urge for national independence and religious individualism and that Lutheranism gave them the anchor they needed in fixed doctrine.”⁵¹

The basic tenets of that doctrine are well-known: democratizing church mass by delivering it in the language of the people rather than Latin, conceptually demoting the authority of the clergy by proclaiming every man a priest (and materially demoting authority by re-appropriating church lands), and emphasizing the importance of vocation, whereby man’s every act should be accomplished as part of his faith in God. According to the credo, grace is inherent, not earned, and man must live to uphold it through faith. The Swedish population was largely agrarian, homogenous, not widely educated, and sparse (low population density) making the populist, egalitarian perspective derivable from the doctrine understandably appealing. The Uppsala declaration of 1593 named Lutheranism as the official state religion and, as in many European states of the day, the clergy were responsible for

⁴⁹ Adorno (1972)

⁵⁰ Scott (1988)

⁵¹ Scott (1988: 156)

broad areas of government administrative work: “The parsons represented the government in exactly those areas where government impinged most directly on the individual, and in the *riksdag* it was often they who could best express the sentiments of the common man. The most active and democratic local governing bodies were the parish meetings and the elected six-man vestries and church wardens.” The church was also entirely responsible for the country’s educational system, integrating its laws into the secular law was by the King and parliament, and representing the church through clergy who formed one of the four estates.⁵² This close partnership between church and state continued all the way through the Reformation.

Indeed, as has been argued by several scholars, the relationship between church and state in Sweden as it moved through the Reformation and beyond can best be described as a kind of mutual infusion⁵³ in which the Lutheran church and the Swedish state had decisively blurry borderlines and a great deal of interaction and cooperation. More specifically, it may be that the seeds of today’s Scandinavian secularism were already planted in the very conception of Lutheranism:

Looking at secularity ‘through a theological lens’ (Cady: 2010, 249) we see that the Lutheran narrative of the secular is both historical and dogmatic. Historically, the Lutheran Reformation has aimed to abolish the sacred canon laws and remove legislation from the ecclesiastical body to that of the king, who was considered the only legitimate secular ruler. Dogmatically, the idea of salvation ‘by faith alone’ implied that any kind of legislation connected to the spiritual was thought to be wrong. The only way to relate to the generous God was through belief, not through legislation. Hence, the canon laws were removed and legal regulations were laid down by public authorities, kings and sovereigns, etc. In other word, legal ‘secularity’ was part of the Reformation’s intention and part of a theological plan. The Reformation theologians had their focus on God’s salvation of souls and viewed the ‘secularity’ of the Reformation legislation as God’s will.⁵⁴

Just as church and state existed in a kind of mutual infusion, so did the state and its citizenry. During the seventeenth century’s so-called Age of Freedom, monarchical power become newly subordinate to regional representatives, the Estates, “The Estates gradually became in fact the supreme power and some of their enthusiastic apologists considered that they not only represented the Swedish people but that they *were* the people, that the state was personified in them,”⁵⁵ a notion with echoes in Lutheran conceptions of vocation and grace.

This hasty bit of history is intended to show that in a very material—and somewhat deliberate—way, religion and the state were “intertwined” (Casanova) in significant ways from early days in Sweden. Serious scholars of secularism in Scandinavia have developed this and more theologically

⁵² Harding (2006)

⁵³ Casanova (2014: 29)

⁵⁴ Casanova (2014: 13)

⁵⁵ Ibid, (2014: 240)

based notions at greater length. Specifically, scholars Rosemarie van den Breemer, José Casanova, and Trygve Wyller have put together an important collection of essays which includes John Witte Jr.'s analysis of the "Lutheran Two Kingdoms Theory." An in-depth case is made for how Luther's world vision "lies at the heart of historical Scandinavian culture."⁵⁶ Witte argues that Luther's legacy is a defining part of conceptions of statehood in Scandinavia:

Sixteenth-century Lutherans and twenty-first century Westerners seem to share the assumption that the state has a role to play not only in fighting wars, punishing crime, and keeping peace, but also in providing education and welfare, fostering charity and morality, facilitating worship and piety. They also seem to share the assumption that law has not only a basic use of coercing citizens to accept a morality of duty but also a higher use of inducing citizens to pursue a morality of aspiration.

And here we begin to see the cultural-social relevance of the intertwining of religion and state in Sweden. Even the briefest of forays into modern Swedish history can provide compelling evidence. During the European Community debates of the 1960s, famed Nobel Laureate and politician Gunnar Myrdal co-authored an influential book titled, "We and Western Europe" in which he stated, "...it is above all the securely Protestant countries that have progressed economically and all other ways. [...] That democracy is far more self-evident, unshakeable and efficient in the Anglo-Saxon immigrant countries and in Scandinavia we all know."⁵⁷ Certainly there was a conflation of the legal instruments and institutions used and inhabited by the state and church; it was the Riksdag to decide in 1930 that a church council elected using a system of proportional representation should replace previous structures within the parishes; concurrently, churches were given the official right to act as stewards to a significant patrimony of church lands with substantial income; the church was responsible for civil registration of all citizens, and indeed, all Swedish citizens were born members of the national church; until 1950 instruction in Lutheran doctrine was part of the national school curriculum, and in fact in 2012, twelve years after the final official separation of church and state, 67.5% of the Swedish population still belonged to the Church of Sweden. Though proclamations about the lack of religiosity in Sweden today are frequent, baptism, confirmation, as well as church weddings and funerals are still quite common, indicating that the relationship Swedes have with their church is cultural and traditional. In broad terms, the Protestant reformation was about moving religion out of the grip of church powers and making it internal to individuals, making its tenets part of the "grammar of subjectivity." It is not, therefore, terribly surprising that patterns of behavior with regard to a church role in major life events remain somewhat steady. The long time conflation between institutions of the state, the church, and quotidian life could explain why despite a lack of religiosity, "hidden" Lutheran values appear to remain deeply entrenched in Swedish society. This

⁵⁶ Witte Jr. (2014: 56)

⁵⁷ Citing Myrdal, Trädgårdh (1962: 135)

makes particular sense when we consider how well-suited the theology of Swedish Lutheranism was to this moving “underground” of religious convictions. Luther’s separation of the world into the “heavenly kingdom” and the “earthly kingdom” called for a kind of dual-citizenship for the people. As Witte writes, “...as an earthly citizen, the Christian is bound by law, and called to obey the natural orders and offices of household, state, and church that God has ordained and maintained for the governance of this earthly kingdom.” The use of the term “natural orders” seems revealing: if the mores of the people, their understanding of right and wrong, is both a given, and ordained by God, “written by God on the hearts of all persons,”⁵⁸ a powerful case is made for an assumed set of “correct” behaviors, a cultural consensus that is unspoken and yet deemed righteous. Luther laid down in black and white that “God is still hidden in the earthly kingdom,”⁵⁹ and the history of the development of the Swedish state reveals the pervasiveness of this notion.

To be sure, the public voices calling for a total break with religion in the state were certainly present. As Sweden took part in the pan-European transformation from an agrarian economy and society to an industrial one, the formal relationship between the state and church remained, and calls for nationhood and loyal countrymen were newly prevalent. Concerns about this relationship were voiced in Sweden as elsewhere in Europe, with Arthur Engberg, who would later be a minister in the Social Democratic Party declaring, “It is absolutely necessary to abolish the state church. If this is not done, the official lie will continue to mark the life of the state in religious matters.”⁶⁰ This stance, however, met with resistance from two important groups: workers with religious sympathies and Liberals who supported the new “free churches.”⁶¹ What followed was a kind of mellowing on both sides of the debate, with the church softening its rhetoric on social policy and the state refraining from vehement critiques of the church.⁶² The final official separation between church and state would not occur for another 80 years, in 2000. The pre-war period from 1920-1939 can be seen as a time of enriched synthesis in church-state relations, marked by a fusion of ideas regarding the creation of a national identity.⁶³

⁵⁸ Witte (2014: 77)

⁵⁹ *Ibid* (2014: 56)

⁶⁰ Harding (2006:1)

⁶¹ Anderson (2009: 230)

⁶² Scholar Karen Anderson argues that in the mid-19th century, the church saw the rising social concerns of government as a threat to its own power, and in response took a hardline approach based in a theological reasoning that poverty was determined by God and that therefore neither the church nor the state should actively try to change it. In addition, because the Church of Sweden had a long-established position as the national church, it was complacent, and so did not fight to gain additional power. The resulting “power vacuum” allowed the state to define its social policies in autonomy and to continue to remove social responsibilities from the Church of Sweden. It could be argued, however, that while the state church lost official responsibilities during this period, the Lutheran values of equality and living one’s faith through quotidian life informed the development and growth of the Welfare state, and that it was precisely the cooperation between church and state that allowed for a set of shared values to emerge and grow in strength over time.

⁶³ Harding (2006)

This conflation of people and state would be perhaps most evident during the long “reign” of “the people’s home,” (*folkhemmet*) from 1932-1976. The term was appropriated⁶⁴ by two-time prime minister Per Albin Hansson and was fundamental to the conception and development of Swedish democracy as administered by the Social Democrats for more than forty years. At its core, the idea was that Sweden should not be divided along class lines but instead the notion of country should be more like the notion of a home, which would provide mutual understanding and care for its citizen family. At a time when the spirit of nationalism was flagging and the population was in decline, *Folkhemmet* struck a uniting and revitalizing chord. Here again we can see very clear parallels with Lutheran doctrine, with its strong emphasis on the “chain of being” as horizontal rather than hierarchical, its claim that all persons and all institutions in the earthly kingdom are by nature equal,⁶⁵ and its position that the two earthly governments (Regimente) of home and state “embrace everything –children, property, money animals, and so on. The home must produce, whereas the city must guard, protect, and defend.”⁶⁶ The achievements of the Social Democrats in Sweden have been lauded throughout the West many times over. Universal healthcare, free easily available education from primary school through university, the releasing of businesses from government control, all were remarkable accomplishments by any measure. With the concept of *folkhemmet*, the Social Democrats brought to life (and extraordinary political effect) a concept of the people that united *ethnos* and *demos*, making a convincing case that to be Swedish was to be freedom-loving and democratic, and that a close relationship with the state thanks to the social contract, was integral to this Swedish citizen model. Again, a key political tenet of the Social Democrat platform was the leveling of social classes, something that is no anomaly in the history of Sweden. The strength and political voice of the peasant class comes up again and again in the histories of Sweden, dating back to the 14th century. When Per Albin Hansson encapsulated this notion in statements like, “the nation is one and the people is one, we live together and are dependent on each other,”⁶⁷ he was harkening back to dispositions that developed long before him and appear to have been culturally engrained.⁶⁸

The modern Swedish citizen was encouraged to conceive of his citizenship, of his membership in the family of the State, as inherent, and to be upheld through faith. If we can agree with the idea that an ideology is often best illuminated from its opposite side, we might reference Marx’s rather bitter indictment of Luther, famously declaring, “Luther, we grant, overcame the bondage of piety by

⁶⁴“The earliest citation dates to 1896, but the more well-known coinage is that of the influential conservative political scientist Rudolf Kjellén, who in 1912 deployed the word as a distinct political concept in an article called ‘Nationalism and Socialism.’ False prophets who divided the nation needed to be unmasked, he wrote; “only on the basis of its own traditions can Sweden be made into that happy folkhem that it is meant to be.” See Trädgårdh (2002: 84).

⁶⁵ Witte (2014: 73)

⁶⁶ Witte quoting Luther (2014: 62)

⁶⁷ Trädgårdh (2002: 77)

⁶⁸ Witte: “A good deal of modern Nordic and broader Western law of marriage, education, and social welfare still bears the unmistakable marks of Lutheran Reformation theology.” (2014: 80)

replacing it with the bondage of conviction. He shattered faith in authority because he restored the authority of faith. He turned priests into laymen because he turned laymen into priests. He freed man from outer religiosity because he made religiosity the inner man. He freed the body from chains because he enchained the heart.”⁶⁹ Clearly, the Social Democrats had no conception of their platforms as “chains,”—quite the opposite. The word “freedom” comes up over and over again in the discourse. But it was a freedom conceived of within a model of “family,” in a country that was still broadly homogenous and united in key values. The Social Democrats were able to pass sweeping reforms because there was an unprecedented level of agreement among citizens and politicians on the “rightness” of these policies. The famed welfare state of the Social Democrats was created in an atmosphere of remarkable cooperation and agreement, which however, was able to function smoothly because it had a long tradition behind it. As one scholar puts it, “The ideal of cooperation between the classes and strata of Swedish society was not an invention of the Social Democrats in their effort to create a ‘people’s home’ in the 1930s. Rather, it came out of already existing institutions and arrangements founded on the basically conservative notion of a value-free, rational, “truth-seeking,” class transcending, corporatist, consensus-striving, national state.”⁷⁰ It doesn’t appear to take much prodding, therefore, to uncover some of the strongly value-laden assumptions that were crucial to Swedish consensus and the continuing national project. Among the ideals that made the Swedish engine turn were the importance of the collective over the individual, the privileging of decisions taken by consensus, an agreed upon notion of and respect for a “rational” or *lagom*⁷¹ approach, and a certain matter-of-factness. And while these values were in plain evidence during the rise and rule of the Social Democrats, they have subsisted in the following decades. Importantly, the Swedish model of consensus is not about “majoritarian democracy,” but rather calls for decisions of the government to be based on “truth and justice” and is characterized by the ideals of “cooperation, consensus, compromise, to make odds even, to leave no one outside.”⁷²

As various scholars have pointed out, however, there remains an important question: what happens when those who are physically inside the country are culturally outside? Rosenberg is succinct: “What we essentially see at work is a system, deeply rooted in conflict avoidance, trying to cope in a world of open and unavoidable conflicts.”⁷³ The “struggle to cope” in a nation that has long

⁶⁹ Marx (1970)

⁷⁰ Rosenberg (2002)

⁷¹ Many pages have been written on the Swedish concept of *lagom*, which means both “reasonable” and “middle-of-the-road.” Another possible translation is “enough” or “according to common sense.” Even today it appears as among the very first terms foreigners are encouraged to consider if they are to understand Swedish culture and society. It intimates a preference for “data” over emotion or opinion, a desire to balance individual needs with larger societal needs—one story says the word comes from a Viking conception of how much wine it was appropriate for each man to drink in order for all to get their “fair share”—, and a sense that a correctly moderate approach is available and desirable in all things.

⁷² Citing Leif Lewin on the Oscanian period of Swedish history, Rosenberg (2002: 175)

⁷³ *Ibid*, (2002: 179)

prided itself on being not only strong and united, but in fact more capable, more humane than any other, is at the very least worth probing. This essay argues that Lutheran-inspired values have had a strong impact on the shaping of Swedish culture. But the voices of public debate claiming Sweden as exclusively secular are perhaps the loudest on the academic spectrum. Books have been written on the non-religiosity of Sweden,⁷⁴ and the general consensus at large could perhaps be tidily summed up as this historian does:

Compared with most of the world, Sweden is a non-religious country. If the average Swede practices religion, it's by heading to a nearby church for weddings and funerals, or by watching a sermon on TV at Christmas. This relaxed – and during most of the year non-existent – form of religion can be traced back to the rise of the Social Democratic party as a dominant force in Swedish society during the last century.⁷⁵

But the case can also be made that the project of nationhood in Sweden—and the rise of the Social Democratic party—was more complex than being “religious” or “non-religious.” Could it be that instead this process compelled a particular kind of consensus that left little space for negotiating conflict? As Swedish secularism developed, continuously fostering collaboration between church and state as has been demonstrated, where did the religious values that were previously explicit in schools and state institutions, go? Were they summarily evacuated along with canon laws in 1862? Can we say for certain that there was nothing of Luther or of the Luther-influenced Swedish cultural norms in the profoundly “utilitarian” acts of state throughout the 20th century, among which the upholding of neutrality during WWII is emblematic? When foreign minister Christian Günther stated in 1941 that “the main task of Swedish politics must be to build our country on the basis of tradition and Swedish worldview [*Svensk livssyn*],” was he not referring to a very specific set of cultural norms, infused with a comprehensive history including religious roots? Does it make sense to treat the fact that all Swedes were born members of the Church of Sweden until 2000 as irrelevant to an analysis of Swedish cultural values? And while it may seem banal to say that culture, including its religious legacies, is so influential as to determine social and political responses, in a sense this idea is summarily ignored or dismissed when proclamations about the neutrality of modern conceptions of secularism or human rights are made. Importantly, these denials appear to be most vehement in social contexts where secularism and neutrality are seen to be fundamental to national identity. Could it be that the relegation of values to underground positions makes them even more rigid, because unacknowledged? Could this be the beginning of a betrayal of the effective possibility of a functioning democracy?

⁷⁴ See Zuckerman (2008)

⁷⁵ Lindén (2013)

6. Poisoned liberalism: the risk of “naturalizing” cultural/political options

If we are to delve into the functioning of democracy, consider the “current state” of historical and cultural influences and impact on governments and societies, it would be wise to look also at those aspects that are deliberately constructed to address differences and face injustices. Regardless of the positions sustained with regard to religion and secularism in the West, wrestling with the conflicts resulting from the pluralism of our societies is a major part of all democracies today. While in the case that spurred this essay, the rearing up of difference was essentially pushed down and expelled, this is certainly not the kind of response democracies always formulate for addressing conflict. Instead, instances of Western nations loudly proclaiming the ways in which they are tolerant and respectful of minorities across a range of categories are omnipresent. A recent example of Western conceptions of tolerance was seen in France in the wake of terrorist attacks⁷⁶ against the staff of the satirical magazine “Charlie Hebdo” in 2015. Shortly after the attack, French academics assembled a collection of historic writings on tolerance by Voltaire, Rousseau, Diderot and others, which was then translated and published by a group of Anglophone colleagues. The introduction to the English translation—titled *Tolerance: the Beacon of the Enlightenment*—proclaims, “We all need access to these texts, because they belong to us all: they are the inheritance of everyone who lives in society and are particularly necessary in times of conflict.”⁷⁷ While we could commend efforts to unite people during times of conflict, given the intensely ethnic and religious nature of the conflict to which this publication is responding, does the hailing of the greatness of an 18th century white Christian Frenchman seem like a fruitful way to address current divisions? Is it likely that Muslims in France, who are now facing renewed waves of fear and discrimination, will feel included in this “we”? Would they consider these texts to be “their inheritance”? Who is it that is being united by such a text? Could it be that by lionizing these 18th century French thinkers, the Others who are at the other side of these conflicts are being unceremoniously erased? The introduction to the texts insists, “So whoever the reader is, whether it’s a man in a wig and frock coat—probably Catholic, French, and well-to-do, someone who has now been dead for at least 200 years—or a modern person, just as likely to be a woman as a man, and to represent any race, creed, or sexuality, this writing makes appeals to us constantly.”⁷⁸ The use of the “us” pronoun, intending all readers, certainly appears to be inclusive. But is it? Or is it masking a taken-for-granted division between an unspoken “us,”—which probably includes white men and women of French or English origin, who studied these texts as students, and who are victims—and a violent, Muslim, non-Western aggressor who is “them”?

⁷⁶ On January 7, 2015 in Paris, France, two men armed with assault weapons forced entry to the offices of satirical magazine Charlie Hebdo, killing 11 people and injuring 11 others. The attackers identified themselves as belonging to the Islamist terrorist group Al-Qaeda's branch in Yemen, who took responsibility for the attack.

⁷⁷ Warman (2016: 4)

⁷⁸ *Ibid.*

To be clear, the case of Hebdo is a case of terrorism and murder, regardless of the ideologies at work. That anything with the word “tolerance” is being read by a large public could be seen as a very positive sign indeed, the fruit of the Enlightenment, many would be quick to add. I have no quarrel with attempts to engage the public in thoughtful considerations of ideas central to current conflicts including freedom, fraternity, and tolerance, since this is (broadly) the very aim of this essay. It may be important, however, to carefully reflect upon how these attempts are made. Ideological goals can quickly transform in the absence of a consideration of all the parties affected by their proclamations, and specifically when power dynamics are at work, which indeed they nearly always are. So to return to the issues at hand, what options are available to democratic societies attempting to manage pluralism? Apart from blatantly excluding otherness from the conversation, what other strategies have been used when affronting difference?

One prevalent approach is a kind of rhetorical acknowledgment and accommodation of differences that can be termed, “naturalization.” Naturalization is what happens when cultural differences among people, for example, fail to register in their intrinsic diversity and are instead shaped, usually by a dominating power using existing cognitive models, into a kind of caricature of their formal selves. Cognitively speaking, there are at least two parts to this process. The first is a matter of perceiving difference through a kind of extraction, taking one salient morphological element from Otherness and mistaking it for the whole. What occurs is a “taking for granted” of the underlying structures of sense whereby a specific idiomatic aspect is used as a kind of shorthand for a more complicated reality. We can see this at work in the very language we use to identify categories of people. For example, recently there has been debate in the media regarding the terms “migrant” and “refugee” when referencing the influx of people into Europe in 2015. One group has lobbied the BBC⁷⁹ to use “refugee” rather than “migrant” since the former defines people fleeing war and persecution while the latter refers to people in search of increased economic opportunity. It is self-evident that each term carries the weight of a plethora of meanings depending on the context in which it is used; conditions, judgments, social processes, etc., are nested within these terms which hide the complexity extant in real-life subjects.

The second cognitive process involves acting upon these metonymically malformed “differences” by using them to form frameworks of interpretation and schemes of action. We are typically blind to our own cultural lenses and so our way of viewing Others implies a normalization or naturalization of our own cultural matrixes. The contrast is visible when, for example, someone outside of the majority culture does something that conflicts with the often invisible norms of the host country. To use a very simple example, in Sweden, being punctual to appointments is of the utmost social importance. In other cultures, this is not the case. A migrant from another culture might arrive “late” to an appointment without any awareness that this is considered to be disrespectful. The Swede might be deeply offended at this “lack of respect” without any awareness

⁷⁹ Zygmunt (2015)

that the migrant is following different norms of timeliness. Each party thinks her/his conception of timeliness is the “normal” one. Frequently these cognitive processes are interwoven rather than sequential, which serves to further obfuscate their effects. Adding to the difficulty is a post-Enlightenment arrogance regarding the infallibility of “reason.” And yet if we are so reasonable, why do we continue to be deeply entangled in conflicts?

The “rational” way to seek answers to this question is of course to turn to our accumulated knowledge of cognition, perception, and social interactions within conflicts. Perhaps in part as a result of the late 20th century’s ever-shrinking world and the subsequent increase in confrontations of difference, explorations into human perception and cognition have been abundant in the fields of cognitive science, psychology, sociology, anthropology and more. Experiments have been conducted and repeated demonstrating that perception is not simply what results when the senses are stimulated, but rather that the brain’s capacities of interpretation, comparison, metaphor-making and so on, are indispensable to the completion of any act of perception. A very brief foray into some of the work done in this field may be informative. Consider the following experiment, recounted by a famed art historian as part of an in-depth analysis of visual perception:

The subjects were seated in the dark in front of a screen and were told their sensitivity to light was to be tested. At the request of the experimenter, the assistant projected a very faint light onto the screen and slowly increased its intensity, each person being asked to record exactly when he perceived it. But once in a while when the experimenter made the request no light was, in fact, shown. It was found that the subjects still saw it appearing. Their firm expectation of the sequence of events had actually led to a hallucination.⁸⁰

Or, described within the text of a more traditionally philosophic work, a description of the Victorian “peep box”:

A little cabinet roughly the size of a shoe box had a peephole at one end and a light source. When one looked inside through the peephole, one saw a miniature furnished drawing room, in the manner of a doll’s house; the furnishings were suitably heavy and ornate. But if one then took off the top of the box and looked directly down on the contents, all one saw was seemingly random little bits of wood and wire and cloth. In fact, those bits had been arranged in precisely just such a way as to present a viewer at the peephole with a perfectly credible but utterly illusory Victorian room.⁸¹

Moving closer to this essay’s purposes are cognitive psychologist Daniel Levin’s experiments on cross-race facial recognition. Much research has concluded that people are generally less able to recognize faces among races different from their own. But Levin’s work shows results that indicate a kind of habit as the main factor rather than ability, “The problem is not that we can’t code the details of cross-race faces—it’s that we don’t. [...] When a white person looks at another white person’s nose,

⁸⁰ Gombrich (2002)

⁸¹ Lycan (1996: 150)

they're likely to think to themselves, 'That's John's nose.' When they look at a black person's nose, they're likely to think, 'That's a black nose.'⁸² Also quite to the point are Chabris and Simmons' findings with regard to "change blindness" and "inattention blindness," concluding that "we perceive and remember only those objects and details that receive focused attention."⁸³ While these excursions into the world of cognitive perception may seem off-topic, they are relevant in so far as perception (like "woman" or "abortion" or "human rights") cannot be reified into static positions of understanding. When minorities (of values or ideas as well as race) are excluded or expelled on the grounds that they are outside of the "norm," the very perception of the "norm" is utterly fallible as a means of knowledge.

Of course, one limitation inherent in these observations as they relate to this essay is that there is a tendency to assume the existence of an empirical "reality" (in the experiments, the light was either on or off, the house is not *really* a house, the features of all faces are, "in fact," distinguishable) which implies that while our perception may be flawed, there is a static reality that exists independent of our perception. We might call it the naturalization of the notion of objectifiable existence. But the point being made here is that not only is human perception fundamentally conditioned (culturally governed), but also that the "objects" of perception are themselves unstable. To return to medicine: when is a fetus a life? When is a patient's life "in danger"? When is a medical practitioner relying on "conscience" and when on "medical expertise"? Recently in Sweden a phone call was made by a citizen alerting the police to a gathering in a public space of bearded men, with the concern that they were Islamic terrorists. As it turned out, these men were members of "a club that is part of an association created in the United States, called the Bearded Villains and which fights against injustice, homophobia, racism and oppression."⁸⁴ What might have happened if the "threat" of these men had been responded to with aggression rather than inquiry?⁸⁵ The population of France is 66 million of whom it is estimated that 4.7 million are Muslims. In 2013, however, the European Court of Human Rights upheld France's decision that Muslim veils cannot be worn in public because they are a threat to "living together." The questions that arise include, who is threatened? Who is meant to live with whom? Are we speaking of living or tolerating? Whose quality of life is affected by this decision? What is relevant to this essay's purposes is to illustrate that what functions as a norm of

⁸² Carpenter (2000: 44)

⁸³ These studies have been very popular among the general public because they are so repeatable and clear. Viewers are asked to watch a video of two mini-teams of basketball players passing balls and to count the passes between players. In the middle of the video a person dressed in a gorilla suit crosses into view, waves, and then exits. Fully half of all viewers do not see the gorilla. See Simmons, (1999: 28).

⁸⁴ Agence France Presse, 2015

⁸⁵ Exactly this troubling chain of events seems to be at issue in several cases in the United States now, such as that in Ferguson, Missouri, where in August 2014 an 18-year-old unarmed black man was shot and killed by a white police officer. The acquittal of the officer in the trial led to violent protests locally and protest rallies nationally. See Davy (2014).

quotidian life is a matter of deeply wavering perception. When instead governments and societies fail to address the moving target that is “cultural norms,” when the statement is made that healthcare professionals must use “science” and not “conscience” in treating patients, we are entering a hall of mirrors that might be called “naturalization.” In this hall, the less fixed a concept/person/norm is, the louder the claims insisting that it is in fact fixed. When differences are “naturalized,” they are squeezed into pre-existing categories that fail, ultimately, to understand or represent them in any meaningful way.

To take a simple and clear case of naturalizing difference we could look at the general treatment in the US of the Jewish holiday Hanukkah. This is a relatively minor Jewish holiday that celebrates the “miracle of light.” Because it happens to occur more or less during the same time frame as Christianity’s most important holiday, Christmas, and perhaps because of the compatibility of light-related themes, in America Hanukkah has become a kind of “Jewish Christmas,” resulting in the popularization of dreidels, menorahs, gift-giving including “Hanukkah themed” gift wrap, greeting cards, elementary school lessons about the holiday, etc.: all the accoutrements of Christmas but rendered in blue and featuring the star of David and the image of the menorah. There are other holidays that are much more central to the Jewish faith than Hanukkah⁸⁶; Christmas and Hanukkah taken on their own terms are probably more different than similar. But the powerful force that is Christmas in the US has resulted in the shaping of Hanukkah to fit in a Christmas-sized box, perhaps in an effort to recognize/protect/preserve a minority religion’s holiday. Naturalization is at its most extreme when the very minority groups whose difference is at issue use existing systems to give voice to their claims. This can be seen in the case of “Kwanzaa,” a secular Pan-African celebration created in 1966 by a professor-activist to celebrate African heritage in African-American culture and taking place from December 26 - January 1. Though its creator said that it was meant to be an “oppositional alternative” to Christmas, he later changed his position so that practicing Christians would not be alienated stating, “Kwanzaa was not created to give people an alternative to their own religion or religious holiday.” Regardless, from mid-December to early January, physical symbols of all three “traditions” are often found side by side.⁸⁷

The pluralism inherent in modern societies continues to increase relentlessly. Recognizing/protecting differences is generally considered to be fundamental to any democratic project. What is at issue is how. Experiments in assimilation and the top-down forcing of culturally-mandated behaviors have thus far not appeared to render effective results. Assertions of individual subjectivity across the full spectrum of society including religion, gender/sexuality, education, dress/body expression etc., continue to ring loudly throughout the West with each new eruption

⁸⁶ For example, Yom Kippur, a day of atonement, and the holiest day of the year in Judaism.

⁸⁷ The issues regarding religious holidays in the US are certainly complex, and a comprehensive analysis is beyond the scope of this essay. The examples given, though only brushing the surface, are intended to serve as simple illustrations of the ubiquitous and rather elaborate phenomenon of naturalization.

giving the lie to the notion that our social categories have been determined once and for all. In England and America integrating Others has been a constant part of the socio-political landscape with multiculturalist pluralism as a touted solution that has, however, repeatedly failed to prevent conflict. Why? Probably, because as in the examples cited above, attempting to accommodate difference by freezing people into pre-determined identities and then handing out “benefits” to these identity groups (holidays, land reservations, and so on) only serves as a kind of bandage to problems that don’t go away. When citizens do not see themselves, their exigencies, consideration for their own flourishing, reflected in their government, in their societal structures, the functioning of democracy diminishes. As Talal Asad writes, “Most politicians are aware that ‘the system is in danger’ when the general population ceases to enjoy any sense of prosperity, when the regime is felt to be thoroughly unresponsive to the governed, and when the state security apparatuses are grossly inefficient.”⁸⁸ While the case that sparked this essay is not, in my view, an example of these kinds of extremes, the state response to the case (disregard for laws in force, economic ejection) is on a continuum of disregard for citizens’ exigencies.

To consider an extremely topical issue, the Islamic radicalization of citizens, a recent study found that secular Sweden has contributed nearly double the number of radicalized foreign fighters to the Syrian conflict as compared to Sudan, where 97% of the population is Muslim.⁸⁹ Why would this be the case? What is driving people to the cause of radical Islam in a country that is consistently acknowledged to be secular, open and free? Could it be that this secular freedom is not quite what it appears to be? To return to our case, if Ms. Grimmark, born and raised in Sweden, by all appearances the most “normal” of Swedes, is essentially expelled from her country because she has expressed differences of values in one element of her work, what might life be like in Sweden for those who look, sound and behave in decidedly non-Swedish ways? Some answers can be found with even a brief look at the social situation. Migrants in Sweden are employed at significantly lower rates than natives, particularly in the larger cities, where they live in “ghettoized” neighborhoods separate from city centers; educational drop-out rates are higher at all levels.⁹⁰ Even migrants who have lived in Sweden for generations find themselves to be targets for sometimes aggressive discrimination.⁹¹ These conditions are certainly not unique to Sweden. What is striking in the Swedish case is the strong gap between the nation’s self-conception as freedom loving and secular, and the effects “on the ground” for the people who are impacted by the enacting of these conceptions.

Differences and their emergence are relational processes. Identity/citizenship/subjectivity are not frozen in time and space but rather ever evolving, ever changing in response to others and to their environments. When they are pre-defined according to categories established by majorities in power,

⁸⁸ Asad (2003: 102-104)

⁸⁹ Quercia (2015)

⁹⁰ Fredlund-Blomst (2014)

⁹¹ Black (2015)

the exchanges that can give rise to genuine differences are instead in danger of being locked out, their development stunted. When cultural roots are denied, when a historical view of Sweden's relatively recent secularization is overlooked, when what is accepted as reflecting the population's general beliefs regarding value-laden issues in sectors as important as healthcare remains off the table for discussion, a kind of shadow is cast on all that is outside, all that is considered at this moment in time to be "un-Swedish." Again, this is true for all cultures, all reified subjectivities. As has been demonstrated, an inability to see beyond our own naturalized view appears to be intrinsic to the human condition. This is why intercultural translation, along with a previously-willed separation from our un-aware frames of reference, may be the only way to realize genuinely free, democratic acts, responsive to the exigencies of citizens. If contrasting positions are expelled, shut out, denied any voice, dialogue and understanding become impossible. The tyranny of the majority ensues. What is at issue is greater than one midwife or a particular group of migrants. The cost of failing to engage with and translate diverse (cultural) identities is an inadvertent step toward the betrayal of democracy itself.

7. A counter case: the frenzied availing of conscientious objection in Italy

This essay began with the legal case of a Swedish midwife attempting to engage her right to conscientious objection within her profession. The original question posed regarded why, in freedom-loving Sweden, Ms. Grimmark's claims, despite being supported by the law, have been summarily dismissed. Her "objecting voice" has been effectively silenced despite laws in place to prevent this. It has been shown that there may be socio-cultural influences, with specifically Protestant roots at work (paradoxically), in the "secular" silencing of Ms. Grimmark's claims. In short, a strong cultural support for the right to abortion and a strong cultural rejection of public actions (especially workplace-related) motivated by personal religious values are consistent with the particular history, including its Protestant roots, which underpins today's secular Sweden. These have combined into a fairly silent consensus that avoids dialogue on the issues raised by the claims of the case.

There is a cognitive problem, however, with this ideological/cultural positioning insofar as it is one-sided. When majority values are imposed by force (in this case legal and economic) by the state upon minorities (in this case of opinion) who are nonetheless citizens, these actions cannot comfortably reside within a self-declared democracy. This is because the concepts that are most fundamental to the ideology of democracy such as "freedom," depend on a kind of ubiquity and openness to change in order to cognitively function. If (your) freedom of belief depends upon what you believe, can it still be called freedom? If laws governing health care and the workplace are put in place by democratically elected representatives, how can these same laws be ignored because upholding them creates discomfort within an unacknowledged cultural consensus? If democracy must be open to change, can the voices who might provoke such change be silenced? If democratic societies

require a balancing of interests, can a snapshot in time of an ideological interpretation be ossified and imposed indefinitely, despite the constant changes in the populations upon whom it is imposed?

The great post-World War II Western project of maintaining peace in Europe, and indeed, the world, was built on notions of Human Rights writ large, that were, however, filled with a worldview deeply informed by a particular group of people at a particular time in a particular place. Because it is so difficult to see critically without the distance of time, acknowledging that these conceptions of human and/or fundamental Rights were determined by a largely Christian, largely male, Western population consisting of states that would be closely connected with the global rise of capitalism has been slow to emerge. It is only in the mirror of the Other that one's reflection becomes clear. As the world shrinks and pluralism in populations expands, the conflicts between the diversities that co-exist within Western democracies will inevitably increase. If democracy continues to be the preferred form of government (even if there is no requirement that it should be), its success depends upon resisting the cosification of its core concepts, also in the face of conflict. One person's freedom cannot be provided at the expense of another's and still be called freedom. Human rights are so called because they are intended to include all of humanity, not merely the part that holds the most power at a given time. The cosification of concepts like human rights leads to the opposite of original intentions. The freedom of some cannot transform into punitive effects on others.⁹² If the critical assessment of differing positions is omitted, the resulting absence of dialogue, the elimination of the concept of balancing interests, will transform into an actual infliction of imbalance and injustice, notwithstanding the protection of laws. Regardless of the political/ideological positions ultimately embraced by a given society, the process used to define and enable these concepts is crucial for a functional democracy. To further illustrate the importance of cognitive process over ideology/politics, I will now turn to a case that is at the exact opposite side of the spectrum with regard to conscientious objection and abortion care: Italy.

If the generalized public conception of Sweden is as one of the most secular countries in the world, Italy, by contrast, is commonly associated with Catholicism. Notwithstanding the secularity of the state, Italy is undoubtedly influenced by its religious roots, and specifically by the presence of the seat of the Roman Catholic Church on its own territory. Legacy of this influence is seen in the fact that more than 80% of Italians self-declare as Catholic⁹³ and the cultural presence of the religion is readily apparent and ubiquitous. Church weddings, baptisms and confirmations are widespread practices, Catholic structures are a major part of the cultural and artistic heritage, crucifixes are a regular feature in public buildings including state schools and hospitals, and their presence has been

⁹² Sadly, history abounds with examples of just such transformations. To take just one small example, in the case of the internment of people of Japanese ancestry in the US, signed into law by President Franklin D. Roosevelt in 1941, 62% of those imprisoned were US citizens. They were imprisoned with the intention of preventing espionage and sabotage, a threat which was later considered to be insubstantial.

⁹³ Pew Research Center (2010)

upheld by both Italian and European law. The Catholic religion is taught in public school from elementary through high school using textbooks that must be approved by the Ecclesiastical Authority,⁹⁴ and though the course is not mandatory, those who opt out are a decided minority⁹⁵.

Nevertheless, the official separation of church and state in Italy dates back to the Constitution of 1948 which specifically protects freedom of religion and articulates that the State and the Catholic Church are “independent and sovereign, each within its own sphere.” The 1984 concordat between the State and the Holy See further solidified this separation by asserting that Roman Catholicism was not the state religion. Subsequently, Italian *laïcité*⁹⁶ has been classified by the Constitutional Court among the “supreme principles of constitutional order.” Italy is, by all legal and political accounts, a secular state. It should also be noted that while the material signs of a culture heavily influenced by the Catholic religion abound, as in all cultures, the reality “on the ground” is not absolute. So while the Catholic religion is taught in schools, for example, a recent study in Bologna found that %44.4 of students across eight comprehensive (elementary through middle school) schools were opting out of religion class.⁹⁷ Another recent study from the University of Bergamo and extended to the Lombardy region found that across a student population of more than 6,000 only between 20-40% of students can be considered to have a “good knowledge of the Catholic religion” and that their knowledge does not come from religion class at school but rather from external educational experience such as catechism classes. The religious education at school, by these accounts would not appear to be anything like indoctrination. If we consider other Catholic “litmus test” cultural indicators we find that in 2010, 25% of marriages in Italy ended in divorce⁹⁸, and 60% of married women between the ages of 15 and 29 use contraception⁹⁹. The presence of secularism in Italy can be felt even outside the law.

When it comes to the history of abortion in Italy, like Sweden, significant loss of life among women as a result of illegal abortions in earlier decades of the 20th century, exacerbated by cultural taboos against and lack of access to birth control methods drove advocates to change the law

⁹⁴ Conferenza Episcopale Italiana (2012)

⁹⁵ In 2008-2009, 91% of students (average, primary through high school) attended Catholic religion class according to “Rilevare i dati nazionali sugli avvalentesi dell’Irc: criteri scientifici di riferimento e ricaduta sull’operato delle singole Diocesi.”

⁹⁶ Noted religion and law scholars Alessandro Ferrari and Silvio Ferrari have pointed out that the Italian version of the originally French concept of separation of church and state is not associated with “anti-religiousness” nor with the removal of religion from public space but rather, “Laicità supposes the existence of a plurality of value systems – the same dignity of all personal choices in the field of religion and conscience – it entails equal protection for religious and non religious beliefs, and it requires State neutrality regarding both of them. As a result, this principle does not refer to state-church relations only, but it is a synthesis of the values and duties of the contemporary plural and democratic state in which religion plays a full role, like each other component of a civil society.” See Ferrari (2010).

⁹⁷ UAAR, (Unione degli atei e degli agnostici), primary organization of atheists and agnostics in Italy (2015).

⁹⁸ Eurostat (2011)

⁹⁹ United Nations data.

pertaining to abortion. The first legal step against the prohibition of abortion took place in 1975, when the Constitutional Court ruled that induced abortion should be permitted in the case of serious health risks for the woman. After a campaign by pro-choice feminist groups, abortion was legalized in 1978 (Law no. 194). Despite the condemnation of the Catholic Church, attempts to repeal the law have failed. Abortion rates are lower than Sweden's, at 203.1 interventions per 1000 live births¹⁰⁰ as compared to Sweden's 335.2, however some argue that these numbers should be contextualized in light of Italy's Total Fertility Rate (the lowest of 227 nations at 1.19 births per woman vs. Sweden's 1.91). Regardless, statistics show that the general trends regarding abortion rates are similar to other western European countries.¹⁰¹ The two countries diverge dramatically, however, when it comes to accessibility of abortion. Whereas it does not appear to be a problem in Sweden, it is a well-documented and substantial problem in Italy.

The statistics are alarming. First, though the law is national and applies to all regions, the medical support required to uphold the law varies dramatically from one region to another. In the most extreme cases, such as Jesi hospital in Ancona, ten out of ten obstetricians have declared themselves to be conscientious objectors to abortion. 100% objection was also found in some hospitals in the cities of Brescia, Bergamo, Pavia and Varese. In the Lombardy region, 11 of 63 hospitals have no obstetricians willing to perform abortions.¹⁰² Statistics for the south of Italy are even more stark, with cities like Bari in the Puglia region where the last remaining hospital available for abortions reached 100% objection status among the gynecological/obstetric staff.¹⁰³ The regions of Molise, Campania and Basilicata have an overall average of objectors that stands at 85%.¹⁰⁴ The official national average of obstetricians/gynecologists declared as conscientious objectors to abortion is 70%, however representatives of LAIGA¹⁰⁵ report that their hospital-by-hospital study found the percentage to be much higher, at 91.3%.¹⁰⁶ The European Committee for Social Rights reports that at these rates, the worst in Europe, women's lives are overtly at risk. Indeed, cases of blatant malpractice in cases of in-progress abortions have been reported on more than one occasion.¹⁰⁷ Lack of care during abortion procedures has resulted from hospital staff shift changes, as well as medical

¹⁰⁰ Data from 2012. See *Ministro della Salute* (2014)

¹⁰¹ Salvini (1996:267-271 & 277)

¹⁰² L'Huffington Post (2014)

¹⁰³ Borzacchiello (2013)

¹⁰⁴ La Repubblica (2012)

¹⁰⁵ *Libera Associazione Italiana Ginecologi per Applicazione legge 194*, a group of doctors lobbying for the application of Law 194 protecting abortion.

¹⁰⁶ *Ibid.*

¹⁰⁷ Though hospital administrators have denied the charges, the accusations of Valentina Magnanti made headlines in 2010 when she accused hospital staff of abandoning her to a hospital bathroom to deliver a five-month fetus by herself, whose induced abortion was being performed due to a severe and transmittable genetic defect.

staff objecting beyond the bounds of the law.¹⁰⁸ While Law 194 specifically states that conscientious objection to abortion can only apply to the surgical procedure, it is widely reported that nurses, anesthesiologists, and pharmacists refuse care (and even referrals to care by others) in the name of conscientious objection. The rates of objection, in fact, appear to be on the rise¹⁰⁹, and not necessarily because moral attitudes are changing. In one study it was found that while two-thirds of the medical staff would not perform abortions, only one third claimed to be morally opposed to abortion. The cultural consensus would seem to run along the lines of, “It’s ok as long as I don’t have to do it.” By all accounts, the situation in Italy endangers women’s health rights in egregious and shocking ways.

So why is secular Italy, with a law supporting abortion on the books for decades, making it so difficult for women to have guaranteed access?¹¹⁰ Why are laws protecting abortion being violated in favor of conscientious objection clauses? Once again, socio-cultural norms with anthropological roots appear to be at work; a strong cultural support for conscientious objection and a strong cultural rejection of public support for abortion is consistent with the particular Catholic history in Italy. Interestingly, many objectors do not cite their Catholic views per se as the motivation behind their objection. Instead, they speak of the stigma attached to performing abortions, the fear of negative judgment from colleagues, the lack of quality training in the epidemiology of abortion procedures and/or the absence of the latest technical options for procedures (for example an abortive pill vs. surgical procedure), as well as the mundane/repetitive nature of a procedure that is not gratifying from a medical point of view and is considered to be ultimately the result of social failures.¹¹¹ These factors seem to be at least as important to these medical practitioners as concerns for an obligation to protect life. It may not be a surprise that Swedes do not claim Protestant beliefs as the motive for protecting abortion, but perhaps more so that Italians largely do not claim Catholic beliefs as a motive for objecting. While bombing abortion clinics and seeking to overturn abortion rulings is a regular feature of the political landscape in the US, the same cannot be said in Italy. Just as Sweden’s secularism is more complex than a removal of religion from the public square, Italian Catholicism is intertwined with a very real secularism, and is equally complex.

In support of this point is another facet of the Italian situation, a response to the crisis of mass conscientious objection, the so-called “*gettonisti*.” Major state hospitals, faced with a legally prescribed

¹⁰⁸ In 2013, a doctor in Pordenone, Italy was sentenced to a year in prison for refusing to assist a woman who had undergone an abortion during the doctor’s shift. The Court specified they objection provisions do not apply to pre- or post- abortion care where the woman’s right to health is constitutionally protected.

¹⁰⁹ According to researchers Galanti and Borzachielli, the number of objector-gynecologists went from 58.7% in 2005 to 70.5% in 2007, 70.7% in 2009, leveling off around this percentage in subsequent years with peaks, however, of 80% in southern regions. See De Leo, C., 2012.

¹¹⁰ For a general philosophical/theoretical overview of conscientious objection in Italy see Saporiti (2014). For a legal analysis see Musseli and Ceffa (2014), and for a combined approach see Turchi (2009). Lalli (2011) offers a more sociological approach.

¹¹¹ De Zordo (2015)

need to provide abortion services find themselves without the staff to meet the need because the percentages of objectors are so high. So they have come up with a solution: hire contractors. A “gettone” in Italian is a coin token. “Gettonisti” are so-called because they offer one-off solutions to the staffing problem. Importantly, these are not privately paid doctors but rather private sector doctors paid with public funds to perform abortion services in public hospitals. And these are not rare or occasional forays into staffing solutions; the Lombardy region spends EUR 250,000 per year on these in-sourced doctors. What’s interesting about this aspect of the situation is that if there were total cultural consensus against practicing abortion, we might expect that either the law would be overturned or at least that the hospitals would simply accept the high percentages of objectors and the corresponding lack of abortion services. Instead they set aside funds in an attempt to meet all of the needs presented by the situation. None of this is to negate or even try to mitigate the severity of the problem, but rather to note that creative actions have been taken to try to find solutions. It might even be argued that this kind of “work around” is consistent with an Italian Catholic cultural mindset in which “sins are forgiven,” solutions can be found, nothing (on earth) is final. One gynecologist in Milan who is a conscientious objector stated that though she is Catholic, she is not against abortion *per se*; in fact she voted in favor of Law 194. But because she finds the practice objectionable in some situations, she felt it was more coherent for her personally as a medical practitioner to object.¹¹² Claims of hypocrisy would not be hard to make. But again, what’s interesting is how the events are in Sweden are similarly “hypocritical.” On one side we have a doctor stating essentially, “It’s all or none, it’s too inconsistent for me to perform abortions only in some cases,” and on the other side hospital administrators stating essentially, “It’s all or none, it’s too inconsistent for some doctors to object while others don’t.” The danger is that one person’s freedom is trampled on by another’s.

Both Sweden and Italy are secular states with laws protecting the right to terminate pregnancy as well as laws protecting the right to object to performing the medical act of terminating a pregnancy. Nevertheless, violations of these laws are taking place. These contradictions would seem to be the result of a friction between a cultural consensus and legal statutes. In both cases, social actors are behaving according to what they believe to be the “normal way” despite the fact that they are in violation of the law. At work may be certain unexamined propulsions of history/culture marked by mental patterns, social habits, ethical assumptions, and whether contested or not, by religious roots as well. While there may be nothing new in the claim that culture affects all, the facets under examination here are the propelling forces of culture that are publicly denied and dismissed because unexamined. Sweden’s Protestant history is considered to be irrelevant to the conflict that has emerged regarding conscientious objection because the state is secular. Conscientious objectors in Italy claim their position is not fueled by Catholicism and indeed their position is in part supported by a likewise secular state. In neither situation is there a willingness to examine the possible anthropological roots (of which religion is only a part) lying beneath these conflicts. The pernicious

¹¹² Corica (2015)

aspect of roots ignored is that in their silence they tend to become ever more powerful. What cannot be discussed becomes a kind of time bomb for democratic possibilities of development, a concealed inhibiting force. What we do not acknowledge does not disappear for its lack of acknowledgement but instead festers, lingers. Just as banned books become ever more mysterious and therefore desirable in the act of being banned, so too do repressed social factors gain power underground. In denying the very existence of narratives that complicate the rule of a particular cultural consensus, democracy becomes deformed into a series of public institutions that become, paradoxically, autocratic. Again, if one subject's freedom is used to trample upon the freedom of another, then what is at work is not freedom at all, but rather power.

Resorting to endless relativism does not appear to solve problems. Instead, one possible approach, again, is intercultural translation, which begins, of course, with dialogue, the "freeing" of previously ignored perspectives. Insofar as Swedish medical services refuse to discuss conscientious objection within obstetric services, and Italian medical services refuse to discuss abortion when they face conscience objection claims, the exigencies of the people who depend on these authorities for care will continue to be trampled upon. Instead, space must be made for dialoguing through difference, for unpacking the rigidity of positions to find the buried possibilities of continuity, the translational metaphors perhaps yet to be invented that can allow us to actually see the people in the clutches of the mechanical gears of state institutions and release them. First, we must ask: what exigencies are being "disappeared" by an overbearing cultural consensus? What categorical assumptions are the pillars holding up this consensus? Can we excavate beneath to uncover the world of variables that have combined to produce this particular situation? Are there commonalities to be found among these newly excavated realities? Can we craft new solutions that improve the balance of respect for subjects' contingencies? Where these solutions end up on the ideological scale is far less important than the means used to arrive at them.

As Asad argues, secularization is an "embedded concept," which shifts meanings and effects depending on where and when (and by whom) it is assessed. The only thing that scholars appear to agree upon is that "a straightforward narrative of progress from the religious to the secular is no longer acceptable."¹¹³ I would argue that straightforward narratives on a number of pivotal social concepts (including "reproductive rights" and "conscientious objection) are no longer acceptable. Insofar as today's Western secularization is incomplete, conflicts that highlight its inconsistencies will continue to emerge at alarming rates. As we have seen, "multicultural solutions" are simply another version of the "straightforward narrative," in which institutional powers concede a few exceptional concessions for those without power, substantially changing nothing. The multicultural logic applied to Ms. Grimmark might say, for example, that she is free to counsel women on the side, but she may not be employed as a midwife. In Italy the logic might run that one is free to obtain an abortion, but if objecting staff make it difficult, one must keep searching various towns until a non-objector is

¹¹³ Asad (2003: 1)

unearthed. These kinds of responses do nothing to support genuine democratic freedom. Misguided answers cannot be accepted merely because they silence conflict. Intercultural solutions, instead, should be intended in a procedural way, not ideological or normative. It cannot be emphasized too strongly: where we end up on the spectrum of choices is significantly less important than how we get there. This is because pre-made options do not exist. We cannot anticipate what solutions creative processes of intercultural translation will generate. Within this approach there is no way to know *a priori* what will emerge (if, indeed, anything that is satisfying to all—there are no guarantees); if there were, the process would not be genuine. Instead, concepts suffering from cosification must be pulled apart, exigencies acknowledged, understanding given a place of value, with, for, and by all the relevant actors. Different cultures in the same territory (the notorious “clash of civilizations”) will inevitably contrast. The question is whether the actors within these conflicts will be given the time, space and tools to allow for the development of intercultural dialects, or whether, in the spirit of colonialism driven by capitalism, the particular standards of a moment in time will instead be authoritatively imposed from on high by those wielding the biggest club. Perhaps not the world but democracy, at least, depends on how this question is answered.

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(Published on line on 2 March 2016)