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The political accommodation of military turbans and the police hijab in Norway: windows of opportunity

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ABSTRACT

Secular European states have adopted a range of regulation and accommodation policies concerning minority religious practices, often with much controversy. These policies are often heterogeneous, even within nation states. This paper compares the process that led the Norwegian armed forces to accommodate symbols of minority religions in their uniform regulations since the 80s, with the response to a 2008 proposal to accommodate the hijab with the Norwegian police uniform. Drawing on Kingdon's concept of windows of opportunity in policy-making, the comparison explores step-by-step how various actors responded to two controversial claims for accommodation, twenty years apart, with two different policy outcomes. The analysis is based on case documents, public statements recorded by the media, parliamentary transcripts, and qualitative interviews with key actors from the two processes. The comparison demonstrates how some actors within both the military and the police policy fields were willing to accommodate minority religion, but the 2008 claim for accommodation in the police met with broader and more intense contestation of both problem definition and issue authority. A close reading of the 2008 case highlights the institutional and political changes that occurred since the 80s, and their influence on narrowing the window of opportunity for accommodation.

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Introduction

This paper presents two specific cases of accommodation of religious differences in Norway: how the Norwegian armed forces came to accommodate various symbols of minority religions, including the hijab, in their uniform regulations over the last three decades, while a controversial 2008 proposal similarly to accommodate the hijab within the Norwegian police uniform was dismissed. It is well established in the literature on the governance of Islam in Europe that there is a certain path dependency in how each state accommodates Muslim claims for recognition. Briefly put, this path dependency is shaped by historic church-state relationships, national models of secularism, and

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traditions of immigrant integration policy (see, for example Fetzer and Soper 2005; Koenig 2005; Koopmans et al. 2005; Carol and Koopmans 2013). However, the analytical and explanatory power of national models is also contested (Bader 2007; Bowen 2007). Such macro-level characteristics create environments that are conducive to certain policies, but they do not directly cause policymakers to act and therefore do not explain how and when certain conditions are translated into particular policies. National model explanations, while important, cannot alone explain the paradoxes of national heterogeneity, as has been demonstrated by more recent empirical case studies (Maussen 2012; Astor 2014). In this paper, I focus the analysis on the very process of policy making to explain heterogeneity in accommodation outcomes.

Accommodation is, in essence, a way for the dominant group to offer another group recognition as members of society, with certain rights or interests that the majority should protect. Political philosopher Nancy Fraser (2003) argues that accommodation is sometimes necessary for equality because our societies are organised based on the cultural patterns and institutionalised value hierarchies of the majority. However, accommodation of minority religions may also be a strategic move for organisations such as the military that recruit from a diverse population (Michalowski 2015). In a comparative study of two empirical cases, this paper explores step-by-step how different accommodation outcomes can be made within the same national setting, in similar organisations. It argues that the timing and the strategic engagement of key actors in the policy-making process may be key to understanding policy differences. With these findings, this paper adds to the body of research that seeks to explain change and diversity despite national patterns of path dependency in governance of Islam.

In the following, I briefly introduce the two cases, and why comparing them as cases of policy making might bring new insight. Next, I present the theoretical framework for the analysis of policy making and policy outcomes. I then describe the study design and data material and present and discuss main analytical findings.

Similar claims, different outcomes

In 1988, in a boot camp for the Norwegian Armed Forces, a Sikh recruit set governance wheels in motion when he asked to wear his turban along with the military uniform. In 2008, a similar event occurred when a Muslim woman asked the Norwegian Police University College if she could join the police training, and later the police force, and wear her hijab. The two claims have a lot in common, and so do the organisations they were directed at. The Norwegian military and police both have explicit uniform regulations that govern religious expression. The two organisations are also very closely associated with the nation state as the state's foremost tools for legitimate exercise of violence, though only a small portion of the military has routine contact with the native civilian population. The claims for accommodation that spurred each process were both requests for the right to wear religious headwear with the uniform, and immigrated minorities were underrepresented in both organisations at the time when the claims were made. Both cases were contentious enough that the responsible minister at the time made the final decision on the matter. However, the outcomes were different: Minister of Defence Johan Jørgen Holst chose to accommodate religious symbols with the military uniforms, while Minister of Justice Knut Storberget eventually chose to uphold the ban on religious symbols with police uniforms.

I am interested in these two events as cases of how differences in policy outcomes come about in accommodation of religious minorities. The claim for accommodation of the hijab in the police sparked a major national debate in Norway, reaching all the way to the Parliament. Several studies have therefore focused on this event as a site of discursive contestation. Lindberg (2015), studying how Parliament debated accommodation of the hijab in the police, argues that the practice of Muslim veiling in the police became impermissible because it threatened, in a European narrative of secular progress, 'the very identity of the modern state in terms of public trust'. However, the arguments used in Parliamentary debate may just be a justification for one's position. In fact, the outcome of both these cases, as with many other questions of accommodation, was not decided by the Parliament, but by a minister. Siim (2013), having studied the justifications used in the debate after the police proposed to accommodate the hijab, makes no causal claims. However, she argues that the non-accommodation outcome of the police case represents a shift in the accommodation pattern that Norwegian authorities had established in the 2000s. How we should understand the shift that Siim identified, or why Norway pursued a more heterogeneous accommodation policy, is the puzzle I wish to explain. I have therefore identified the most comparable case, which is the military accommodation of religious symbols. The permissibility of the hijab in the armed forces makes clear that the ways in which accommodation policies are actually constructed cannot be fully explained by a narrative analysis of European secularism, as Lindberg suggests, or even by identifying a 'Norwegian governance model'.

Some reservations are in order before we continue with the task of comparing these two cases. Two perfectly comparable cases of claims making will never exist, and these two also have their differences. The military accommodated religious symbols with their uniforms 20 years before a similar accommodation in the police uniform regulations came up for debate. The police case occurred in the late 2000s. The political discourse on religion had changed, particularly due to the politicisation of Islam, and religion had become the predominant marker of difference between newly immigrated minorities in Europe and 'secularized, homogeneous' majority populations (Moors, 2011, p. 145). Norway had introduced legal protection against the discrimination of ethnic and religious minorities, and the Equality and Anti-Discrimination Ombudsman had issued a series of rulings where it found the regulation of the hijab in the workplace to violate gender equality and non-discrimination laws in an intersectional perspective (NOU 2012, 15; Siim and Skjeie 2008). Restrictions on the wearing of the hijab had been tried before the European Court of Human Rights (ECHR), and the rulings of the ECHR had emphasised that governance of religion is largely a national political prerogative in Europe (Edmunds 2012). This all makes accommodation of the hijab in 2008 a slightly different issue from accommodating the turban in 1988. There are also notable differences between the two organisations. The police and the Armed Forces have different methods of recruitment, since the Norwegian Armed Forces rely on universal conscription, at least in theory. In 1988, the conscription only applied to men. This difference may have been significant as the claims makers in both cases were a recruit (in the military case) and a potential recruit (in the police case). The Lutheran Church, which has been historically dominant in Norway, also has an organised presence in the military that is not found in the police. The military, therefore, has a long tradition of accommodating Christian religious practice such as prayer and chaplaincy (Furseth 2003). Still, a comparison of these similar claims

might allow us to see *whether* and *how* these factors influenced the policy-making process and outcomes.

Minority claims and political engagement

The legal framework offered by human rights conventions enables minority citizens across Europe to make claims and assert their rights as members of the national collective. In example, Muslim women who wear hijab have often demanded recognition as citizens with equal rights, including the right to practice their religion by wearing hijab (Bowen 2010; Døving 2010, 17). Marcel Maussen argues that if the arrival of new minority groups exposes existing arrangements as biased and unfair, that will be an incentive for liberal states to change them, but that actual change depends on actors who 'will *do* something' (Maussen 2015, 82–83, emphasis in the original). Thus, if we want to understand why the uniform regulations in our two cases did or did not change, we need to consider how and why influential actors choose to engage in (or abstain from) policymaking in response to the two claims.

For claims from below to produce change in accommodation policy, they must resonate with broader tensions or motivations at the political level. In his multiple streams theory of how policy is made, Kingdon (1995) calls these occurrences 'windows of opportunity' in policy making. Kingdon introduced his multiple streams theory to counter the idea that policy is made in stages – i.e. that first a problem is defined, then policy solutions are proposed, and finally decisions are made. Instead, he suggested that all these three processes could occur simultaneously in separate streams, but only result in policy change if they come together at opportune (and often brief) moments, which he termed windows of opportunity. In the following sections, I discuss how multiple streams theory predicts that engagement from political actors can produce or block policy change, in response to minority claims.

Creating windows of opportunity

Governments have a particular responsibility to protect religious rights, but this may not be the dominant interest of all public organisations, nor of those who make policy. According to multiple streams theory, appealing to politicians' interests and preoccupations is key for advocates of policy proposals. Minority claims for accommodation can spark 'focusing events', which direct public and media attention to an issue, put accommodation on the political agenda, and create calls for government action (Kingdon 1995, 94). If focusing events can bring together problem definitions, policy solutions and the political will (and ability) to make a decision, this can form what Kingdon calls a window of opportunity in policy-making. Kingdon argues that claims must resonate with policy communities 'with their own theories, ideas, preoccupations, and fads' if they wish to achieve success (1995, 127). Therefore, aclaim is more likely to receive political support if it identifies injustice or harm as measured against popular conceptions of the ideal state of affairs in its field.

Supporters or opponents of a claim can influence how it 'measures up' by redefining what the 'problem' is and thus shifting it to a different policy category. For example, a claim for accommodation of a turban-wearing military recruit can be re-categorised

from a question of recruitment, which is a military issue, to a question of Norway's protection of human rights. Kingdon argues that contention over how to classify a policy problem within a policy category shapes how new proposals are received and whether a window of opportunity for new policy opens up. Claims for accommodation of religious minorities in public organisations are multidimensional issues that lend themselves to contention over how to classify them as policy problems. If the original categorisation resonates with field-specific ideas or interests, then we might expect willingness to accommodate, and vice versa. We should also expect that actors who oppose the claim would try to re-categorise it because doing so could block a window of opportunity for accommodation.

Kingdon's theory thus emphasises how political actors engage in the discursive framing of an issue, especially problem definitions and policy solutions, to advocate for their proposals. He sees focusing events as opportunities for actors with competing ideas or interests to suggest alternative solutions or to try to appropriate an issue and attract political will. However, another way that actors can influence how a claim is received is to shift the institutional venue for policymaking, or 'where authoritative decisions are made concerning a given issue' (Baumgartner and Jones 1993). For example, they may try to bring a local issue to the national political agenda, or transport a bureaucratic process to the legislative arena. When actors do this strategically, it is known as venue shopping. Creating new venues can also shape the window of opportunity for accommodation, for example institutionalising an ombudsman for minority rights. Paying attention to how actors move claims between venue(s) for policymaking brings in another dimension beyond political will: political authority. Policy change depends on actors who will *and can* 'do something', and therefore windows of opportunity also depend on actors' interests, preoccupations and authority *at the venue* where the issue is decided.

Venue shopping can limit or increase the conflict level over accommodation claims. Previous studies suggest that policy change is more likely if the claim is raised and deliberated on by a few elites or experts, according to the interests of the few actors involved, and if the process is less susceptible to influence from public contestation (Culpepper 2011). According to the 'gilded doors' hypothesis proposed by Guiraudon (1997), when policy deliberations on immigrants rights' take place in the public view rather than behind closed doors, the debate is more politicised and the policy outputs are less likely to be progressive. This has led scholars to suggest that, while democratic theory begs maximum involvement, 'in practice, sometimes less is better' for securing minority rights (Schmidt and Radaelli 2004, 204). Populist politics and conflict-oriented media coverage of integration issues are known to put pressure on mainstream parties to create more restrictive and assimilationist integration policies (Bale 2008). Previous studies have also shown that extreme-right parties can mobilise on such issues when established parties do not occupy the anti-immigrant positions within the public discourse (Koopmans et al. 2005, 22). Moving an accommodation claim to the national political agenda can therefore reduce the window of opportunity for accommodation, if the broader involvement increases the salience of the issue and mobilises opposition in a way that puts pressure on key political parties or actors.

Discursive framing and policymaking venues are important elements that enable windows of opportunity, but timing is the make-it-or-break-it ingredient in Kingdon's theory on policy windows. With a multiple streams perspective on policymaking, timing appears to rival the importance of ideology, as it is not the idea of a proposal

itself or its genealogy that matters, but how it is presented in the brief moment when there might be a window for policy change (Béland 2016). Theoretically, this is a useful counterweight to the discourse-heavy literature on accommodation of minority claims. By emphasising the temporal relevance of ideas and connecting it with political agency and authority, this theoretical framework offers promising solutions to the criticism Bowen (2007) has made concerning national models. Bowen argues that national models cannot explain how issues are resolved, but that ideas and arguments about the national model should enter into our explanatory frameworks as a cultural resource that actors are able to draw on at times of contestation (2007, 1004). This framework is a roadmap to these times of contestation. It helps us to observe how actors can make strategic use of the discursive and institutional landscape through categorisation and venue shopping, as they engage in (or withdraw from) the policymaking process in pursuit of different interests and in competition for authority.

Study design and data

The findings in this study result from a comparative study of two cases of policy making spurred by minority claims for accommodation in the Norwegian armed forces and the police. The meso-level of policy making is a good analytical site for explaining outcomes in individual cases of practical policy making via the identification of 'causal pathways' (Gerring 2007, 44), thus allowing us to see how and when national patterns reproduce themselves, change, or produce idiosyncratic outcomes. The similarities between the two organisations, as introduced earlier, make them optimal candidates for comparison since the starting point for making accommodation policy was relatively similar, and comparison of the two processes directs attention to how the remaining differences become relevant.

In the following analysis, I make use of case documents, public statements recorded by the media, Parliament transcripts, and qualitative interviews with key informants that took part in the two policy processes at the time. Because the cases I study date back in time, I have relied on case documents, the news archive Retriever, and parliamentary transcripts to reconstruct a timeline for both cases. The timelines map out how and when key actors got involved, and when key actors made which procedural or substantial decisions. I do not present the timelines here in full detail, but they have been a valuable guide to the temporal dimension of the analysis.

The semi-structured interviews with key actors and the case documents (letters, press statements, regulations, etc.) describe and document the communication between key public actors, the arguments that were put forward, and the decisions that were made. I interviewed persons who at the time had relevant positions in the Armed Forces, including the military chaplaincy, the Police Directorate, Oslo police district, the Norwegian Police University College, the police union, and the Ministry of Justice. Sindre Bangstad also raised questions about the police case for me in two interviews with Muslim organisations. We asked who had been involved in the process and how, how the issue had been addressed in each organisation, and what had shaped the outcomes. In the analysis and my presentation of it here, I choose to reference arguments as documented by the news archives of major newspapers or in letters and press statements where these are available rather than relying on the memory of my informants. Still, their recollections of how

actors related to each other, conducted their business internally, and pursued different strategies, have been valuable for the analysis.

Findings

Engagement and contestation in the military case

In late summer 1988, the Norwegian news agency NTB reported that a Sikh citizen named Harvinder Singh had been drafted by the army and had reported to Gardermoen boot camp (NTB 1988). There he was told that he was not allowed to wear his turban with the military uniform. The explanation offered to the media by Major Odd Lågstad at the Defence Command Norway was, '[the military] cannot open up for dispensation in the uniform regulations that violate the principle of sameness'. Singh refused to serve without his turban. Following the advice of the military chaplain on site, he applied for and was granted exemption from military service on religious grounds, an exemption available for religiously motivated pacifists – which Singh was not. To the media he stated, 'I am not a pacifist, but I must have my turban on my head' (NTB 1988).

As a venue for decision-making on accommodation, the boot camp contained two military structures that offered authority to regulate religious practices and beliefs, and organise some out, according to military interests. When Singh refused to take off his turban, he first met the uniform regulations that sought to make individual difference invisible. Enforcing this framework, Major Lågstad defined the problem with turbans as a lack of sameness. Next, the military chaplain got involved to protect individual freedom of belief, albeit from a Christian mould. The exemption from service that the military chaplain advised Singh to seek would actually organise him out of the military as though his beliefs were 'incompatible' with military service. Both structures thus offered a framework for solving the problem, albeit differently defined, by dismissing the recruit. Singh positioned himself within an alternative framework offered by Sikh religious and military tradition when he argued for a different definition of the problem. He claimed his religious freedom was not restricted by the mandatory military service, which he had no problem with, but by the uniform regulations that banned him from serving with his turban, which was as essential to him as belief to a pacifist.

The media attention that Singh's story received put a spotlight on the issue of accommodation of new religious minorities in military regulations, and as such created a small-scale focusing event that required an official response from the military. Soon after, *Aftenposten* newspaper ran another story centred on Corporal Shahzad Rana, born in Pakistan and a practising Muslim, who was the first immigrant elected to the military union's national committee. The story referenced the turban conflict and mentioned that the Armed Forces currently had 'less than a dozen soldiers of foreign background', but that this number would increase to 'about a thousand' by the turn of the century (Hegna 1988). *Aftenposten* here identified another dimension to the issue: that it signalled an end to military homogeneity, as the number of recruits with an immigrant background and different religions was about to increase.

This demographic change already concerned the governing authorities. At the time, Major Lunde was head of a committee appointed by the Ministry of Defence to look into the position of minorities serving in the military. To the media, Major Lunde

promised that his committee would not recommend this accommodation (Storvik 1988). However, his authority over the issue was overruled when the Ministry of Defence, having learned of Singh's case, ordered a policy change. In a letter to the Defence Command Norway, the Ministry of Defence reproached the major for taking the committee's conclusions to the media before presenting them to the ministry and made it clear that the ministry did not share his views on religious exemptions (Storvik 1988). They also stated that such cases should not qualify for exemption from duty on religious grounds. Furthermore, the ministry granted soldiers the right to wear turbans with the military uniform with immediate effect, and ordered the Defence Command Norway to change the uniform regulations in order to accommodate this. Singh was re-drafted and served with his turban in 1989.

In an interview for this study, an informant from the chaplaincy of the Armed Forces, the expert body that was involved in drafting and administrating religious accommodation from the beginning, revealed that two rival frameworks existed within the organisation. On one hand, the 'traditionalist' frame saw accommodation as a challenge to uniformity. On the other, the legislated and politically approved principle of religious freedom and equal treatment allowed for, and perhaps called for, 'reasonable accommodation' of minority faith communities. The latter was the one favoured by the Minister of Defence in 1992, Johan Jørgen Holst of the Labour Party. The informant gave the following account of how the policy of conscription and the very characteristics of military service, with its risks and costs to individual freedom, leaves the armed forces with a special responsibility to accommodate for the religious needs of their men and women in uniform:

> Our politicians still maintain conscription. And when you are exposed to a duty, which in many ways is restrictive […] then the Armed Forces deprive you of the opportunity to practise your religion as you wish. Therefore, and because the Armed Forces are training for war, this training must also protect human rights, and you must have the right to exercise your faith or life stance within the limits that the Armed Forces define for you. And so, when the Armed Forces call on a duty, then the Armed Forces should also provide opportunities to exercise your rights. And it is into these large systems of rights and duties and limitations that [religious] head coverings enter [my translation].

Norway has indeed maintained compulsory military service and continued to link it discursively to the nation-building project of upholding core values such as democracy, equality and justice (Græger 2009). Although the informant quoted above focuses on how conscription creates a responsibility to provide for religious needs, it would also be fair to argue that accommodating diversity promotes military interests since it enables the military to maintain its preferred form of recruitment, in spite of demographic changes. We do not know the late Minister Holst's reasons for making his decision. However, it appears that he made it in precisely the type of window of opportunity that Kingdon describes: not in a linear process of problem formulation, deliberation and decision-making, but in a well-timed meeting between a claim for accommodation and the political will to find new policy solutions. With the focusing event of Singh's boot camp experience, a window of opportunity opened up and Minister Holst seized on it, jumping the gun on Major Lunde's committee before they were finished building their case against accommodation.

The decision sparked some protests and supportive statements from the public, but all parties expressed their opinions on Singh's turban as a military issue, and no one attempted to shift the issue onto another policy field. This meant that the Minister of Defence had the highest authority in the substantial debate, and explains how it was quickly over once he had spoken. By admission of the parties involved, the rest was bureaucracy, not policy making. The ministry issued the resulting directive on 'new provisions for ethnic minorities' in 1992. This document grants Sikhs 'permission to wear turbans', and continues to state that 'equivalent rights' are granted for Catholics, the Greek Orthodox, the Russian Orthodox, Muslims, Buddhists, Hindus and Sikhs (Royal Ministry of Defence 1992). As more women were recruited, the accommodation also came to include Muslim women wearing the hijab. Informants in the Armed Forces provided pictures that showed how, by the mid-2000s, several women had in fact worn the hijab during their military service. The armed forces formally incorporated the accommodations into shared uniform regulations for the Armed Forces in 2013 (Finseth 2013).

Engagement and contestation in the police case

In late September 2008, a regional newspaper in Norway, *Stavanger Aftenblad*, published the story that Keltoum H. Missoum, a young Algerian immigrant, had written to the Police University College and asked whether she may be admitted to the college and be able to work as policewoman wearing the hijab (Bjørnå 2008). The University College told the journalist that they had received similar questions before, and given a negative answer due to restrictions in the police uniform regulations. This time, however, they had forwarded Missoum's letter to the Police Directorate for consideration. The Police Directorate's press spokeswoman refused to comment but confirmed that they would give Missoum a response and that they were looking into 'practices in other countries' (Bjørnå 2008).

With the Police University College requesting an official response from the Police Directorate, which was picked up by the media, Missoum's question became a focusing event. *Stavanger Aftenblad* appears to have recognised that accommodation of hijab would be contested, judging by their coverage of the issue in the first two days. On the first day, they ran the interview with Missoum, the preliminary response from the Police Directorate and the Police University College, and a notice on how hijab was accommodated by Swedish, Irish, and British police. They also opened the debate for readers on their online platform. On the second day, the newspaper ran a story on how the hijab was already accommodated in the Norwegian Armed Forces, customs services and health services. The editor ran an op-ed that was positive to the police hijab, but also chose to reprint three selected reader responses from the online debate and the results of an online reader poll. Of the 4754 respondents, 84 per cent had answered 'No' to 'Should female police officers be allowed to wear the hijab?', presumably on the day the story broke (Stavanger Aftenblad 2008). The newspaper worked the case as a multidimensional issue with political relevance and great public interest, and other media outlets followed suit, which created space for a great number of actors to dispute or support Missoum's request, offer alternative problem definitions (often focused on the hijab as problematic), and position themselves as someone who could speak with authority. The following account of how different actors got involved in the debate, though

it cannot be exhaustive, reflects how key actors used this space to try to re-categorise Missoum's claim or shift the venue of policymaking.

The Police Directorate refused to give Missoum or the media an immediate response and opted to deliberate confidentially. In interviews for this study, they shared that they wanted to keep the policymaking process in-house, but they discussed the case and their policy recommendations with the ministry. Their dis-engagement in the public debate left the floor open for other actors to offer their problem definitions and policy solutions to the media for four months, and to question whether this was simply a police issue. The directorate and the ministry may have attempted to assert bureaucratic ownership of the issue by withholding substantial comments, but the media filled their silence with a broad coverage that linked Missoum's question to other policy fields beyond police authority: work-place integration, women's rights, Norwegian secularism, and social integration of Muslims and Islam (see Døving 2010, 16–17).

A number of actors engaged in public contestation over the categorisation of Missoum's claim from the beginning. At the time, regulation of the police was a decidedly high-conflict field. In late 2007/early 2008, the largest police union, Politiets Fellesforbund, had started a confrontational public campaign to increase police wages. The union national assembly had declared its willingness to 'temporarily lose the public's trust in the police' to achieve their goals (Jonassen 2007). During 2008 and 2009 the union used increasingly controversial methods, and union leader Arne Johannessen figured regularly in the media as an outspoken critic of the government. While the Police Directorate chose to withdraw from public debate over the proposed police hijab, the police union chose to engage in it. According to informants from both parties, the Police Directorate informed the union behind closed doors that they were thinking about changing the uniform regulations to accommodate the hijab. The union leaders spoke with local branches, then met with a group of female officers and police students of immigrant background, and concluded that union member opposition to accommodating the hijab was strong and widespread. As an informant from the Police Union explained in an interview, the board of the union adopted the position that the hijab should not be accommodated, because the uniform regulations should preserve the 'neutrality' of the uniform, and the union decided to take a 'very visible stand'. Leader Johannessen actively voiced the union's position to the media, to the directorate, and politically, stating that 'hijab and the police does not belong together' because it would violate 'the idea of a value neutral police' (Strand 2008). This politicised the issue further, as the union's rival problem definition (that accommodating the hijab would undermine the public's trust in the impartiality of the police) lined up nicely with the union's campaign message: that the police authorities did not properly understand or appreciate what it takes to ensure a well-functioning police force.

Members of the right-wing Progress Party, at the time in opposition to the government, were among the first, and consistently the most active and critical politicians opposing the idea of accommodating the hijab in police uniform regulations. One month after the story broke, Progress Party MP Jan Arild Ellingsen called on the Minister of Justice to answer before Parliament what the government's position on accommodation of hijab in the police was, but the minister refused on the grounds that the directorate was still deliberating on the case. Muslim voices also joined in. The Islamic Council of Norway wrote a letter directly to Minister of Justice Knut Storberget just days after newspapers published

Missoum's story, advising him to accommodate the hijab in the uniform regulation. The council argued that this would 'send a powerful signal of inclusion' and allow the police force to reflect the diversity of society, and 'show that one takes religious freedom, and the individual's own choice, seriously' by not excluding Muslim women from the profession (Islamsk Råd Norge 2008). The police hijab debate was the first large-scale public debate about the hijab in Norway with a significant participation from Muslim women, who took up positions both for and against accommodation, but it was also more characterised by alarmist warnings against 'Islamization' than previous debates (Døving 2010). Organised Muslim actors were less visible in the public debate than the individual representatives. This may have been because spokespersons in Muslim organisations were uneasy about whether their engagement could backfire and feed into negative stereotypes, as they have suggested in interviews with us, though their relative disengagement could also reflect gendered priorities.

A window of opportunity?

An actual attempt at policymaking came months after the initial request for clarification from the Police University College. In January and February 2009, *Stavanger Aftenblad* put pressure on the ministry to comply with the Freedom of Information Act and grant them access to the directorate's recommendation, which they were withholding from the public. The newspaper's persistence appears to be the reason why the ministry, on 4 February 2009, finally shared the directorate's recommendation to accommodate religious headwear with police uniforms with *Stavanger Aftenblad* (NTB 2009). The press could now report police Director Ingelin Killengreen's substantial arguments for accommodation for the first time. The directorate framed accommodation as important to the diversification of the police force as a policy goal, and by extension, to the police mandate:

> The Police Directorate emphasises the importance of the police, as the country's civilian instrument of power, representing a mirror image of the population and not favoring any particular groups or ethnic or religious belonging. As part of this it is of crucial significance to recruit servicemen and women who represent the diversity of the population. (…) Within the immigrated population there are a large number, especially of women, who carry religious headwear. By refusing to allow these citizens to wear their headwear as part of the uniform, one will in effect prevent these exact groups from serving in the police force. This may seem unfair to the individual, but the main point in the directorate's view is that such a decision limits the opportunities for the police to recruit officers from groups that, according to the societal responsibilities and duties of the police, it is important to recruit from.' (Politidirektoratet 2008) [my translation].

The Police Directorate's argument is strikingly similar to the military emphasis on how recruitment practices necessitate accommodation for religious minorities. When the directorate sent its recommendation to the Ministry of Justice, they attached a statement by the Equality and Anti-Discrimination Ombudsman, who had encouraged the directorate to give weight to the meaning of the Norwegian legislation on discrimination in their deliberations on accommodation of religious headwear in the police uniform regulations (Politidirektoratet 2008).

Next, a ministry spokesperson confirmed to *Stavanger Aftenblad* that they had decided to change the uniform regulations according to the directorate's recommendation. These actions escalated the debate to new levels of political controversy as the political parties

represented in Parliament split over the minister's decision, even across the governing coalition. The Christian Conservatives and the Liberal Party, in opposition, expressed their support. Representatives of the right-wing Progress Party and the Conservatives, at the time in opposition to the government, protested against the decision to accommodate the hijab, as did the Centre Party, at the time part of the government coalition. Center Party MP Ola Borten Moe was among the opponents who criticised the decision, stating that policewomen wearing hijab would cast doubts about police legitimacy and «who they represent» (Hegvik and Hansen 2009). The closed-off bureaucratic decision making did not satisfy critical MPs who wanted to debate the principles of the issue (Sæbø 2009). At this stage, the competition for authority over the issue field was decidedly central to the conflict.

Six days later, the ministry attempted to start anew. They retracted their original statement, claiming it had been made in error, and instructed the Police Directorate to draft a proposal for new uniform regulations, undertake due consultation of relevant bodies including the police union, and collect experiences from countries practicing hijab accommodation in the police. This did nothing to stem criticism of them. MPs from the Progress Party attempted instead to raise the issue in Parliament, asking Minister Storberget again to inform Parliament about the government's policy, and proposing to Parliament that the government should keep uniform regulations as they are. MP Jan Arild Ellingsen put the Progress Party's position as follows:

> There shall be no religious or political symbols on the uniform. Norwegian police [officers] shall have the same appearance, regardless of what kind of background they have. That is the most important thing and that is how the trust of the population is earned. (quoted in Lindberg (2015))

The same MP also went far to insinuate that this was only the first of 'Muslim demands' that would follow, thus framing the issue as a matter of regulating Islam specifically, more than religion in general (Lindberg 2015). Ellingsen wanted Storberget to engage personally, which would pressure the coalition government to present their argument for accommodation. As noted, the coalition was in fact split, and even within the Labour Party, some MPs were critical towards accommodation. Moreover, the coalition government had just weeks earlier retracted some proposed changes to laws regulating blasphemy and hate speech, and had already suffered a lack of credibility in their ability to govern religion.

On 20 February 2009, Minister Storberget announced that he was putting the issue to rest. Uniform regulations would remain unchanged. In a letter addressed to one of his most ardent opponents on the matter, MP Jan Arild Ellingsen, and posted four days later, Minister Storberget describes why:

> In the time that has passed since a thorough assessment of the issue was requested, it has become clear through the public debate that there is little support in the police, the population and Parliament for conducting changes in the police uniform regulations. I have therefore, as I announced at the press conference on 20 February, concluded that it is not a suitable instrument for recruitment of people with minority background to the police. In light of the debate that has taken place over recent weeks, I have arrived at the opinion that the general trust in the police being perceived as neutral must weigh heavier in this matter. On this account, I have asked for further actions by the Police Directorate to be halted. (Storberget 2009) [my translation]

Interestingly, the Minister offers neutrality as a substantial argument against accommodating the hijab, but he points to the lack of support from 'the police, the population and Parliament' that the public debate has made clear to him, as his very reason for taking a new position. In the temporal context that the policy outcome was decided, it appears that the minister's decision was pressured by challenges to the authority and legitimacy of the minister and the government, levied by political parties across coalition lines, the police union, and voices from the general public ('the population') through the media.

The Equality and Anti-Discrimination Ombudsman later contested this decision. The ombudsman found the uniform regulations to be in violation of the Anti-Discrimination Act as well as the Gender Equality Act because their effects discriminate against Muslim women, but only on the technicality that the ministry did not substantiate why they had a compelling reason to do so (Likestillings-og diskrimingeringsombudet 2010). As the ombudsman has no power to instruct another state institution, and the ministry rejected their conclusions, the police uniform regulation remained unchanged.

Comparing the two policymaking processes

As we have seen, both of these processes started with a focusing event where a question or a protest gained media attention and effectively called for an official response for or against accommodation of religious headwear. In the Armed Forces, the actors involved in the first round of contestation drew on competing ideas about the appropriate framework for regulating religious practices in the military, but no one contested that it was a military issue. From the beginning, the military relied on its own expertise to resolve the accommodation issues, including the chaplaincy, and proponents of accommodation had a repertoire of arguments based on Christian precedence in the military organisation. The event also coincided with an ongoing effort to prepare the military for increased diversity among its recruits, although this focusing event made clear some disagreements about whether this required accommodation of religious symbols. In the military case, the Minister of Defence was the one who shifted the venue of policymaking, by actively asserting that this question would be decided by the ministry. Because military ownership of the issue was uncontested, and the minister had both the will and the authority to make accommodations in the uniform regulations, this focusing event opened up a window of opportunity for accommodation to become military policy.

As a similar focusing event, taking place 20 years later, Missoum's question about wearing hijab as a police student and officer invited competition for problem definition and authority over the issue from a number of actors. While Singh got an immediate response to his request for accommodation in the military and Major Lunde offered substantial arguments for the military's position to the reporting media, the Police Directorate refused to give Missoum an immediate response and attempted to carry out their deliberation behind 'gilded doors', communicating in confidentiality with the police union and the Ministry of Justice. Although many of the actors that involved themselves in the police case reached out to the Minister of Justice, attempting to engage him in the debate and to make him intervene, thereby shifting the venue for policymaking from the police bureaucracy to the ministry, the Minister held out. In terms of a timing and the need for a policy proposal to resonate with its policy community, this attempt at policymaking

'behind gilded doors' may have narrowed rather than opened up a window of opportunity for accommodating hijab.

While the governing police authorities attempted to withdraw their processing of the claim from public attention, leaving the space for contestation 'unpoliced', a range of actors contested Missoum's request for accommodation through the media. The extensive media coverage helped the police union, the Progress Party and other actors to shift deliberation from the bureaucratic venue of the Police Directorate to the national public debate. The extensive media coverage and the broad engagement from many actors demonstrates that Missoum made her claim during a time when accommodation of minority religion – particularly Islam – was a much more politicised issue than it was in the 1980s. While Singh's turban was debated as a military issue, the proper political categorisation of Missoum's question was contested from the beginning. The right-wing Progress Party had already established itself as the dominant anti-immigrant and anti-Islamic party in Norwegian politics, and in this case several other parties eventually followed their lead in criticising the Minister of Justice, even from within the government coalition. The police union had an on-going and very public conflict with the Minister of Justice that further politicised the accommodation issue. None of this political contestation took place in the military case. The police case also illustrates how the 2000s saw a growing field of individuals and organisations seeking to speak with authority on Islam from an insider position, who both supported and opposed accommodation. In light of this, it is surprising that police authorities did not realise earlier that their accommodation proposal would have little political support.

Despite the engagement from actors who contested Missoum's claim, police authorities proved to be motivated to accommodate the hijab. As the Minister of Defence had done 20 years prior, the Police Directorate eventually concluded that accommodation was important for the ability of the institution to recruit from a diverse population, and therefore recommended it. As in the military, police officials related this to established aims and efforts to diversify the police force, which demonstrates that a political stream existed that favoured accommodation. The Equality and Anti-Discrimination Ombudsman, who did not exist in the 1980s, had also encouraged the Police Directorate to accommodate hijab in order to comply with legislation on discrimination that was introduced in the 2000s. The institutionalisation of non-discrimination measures in Norway in the 1990s and 2000s had formed a strong framework for seeing the regulation of work uniforms in a rights-based perspective, and for seeing the regulation of Muslim women's use of the hijab as discrimination. It assigned rights to individuals and duties to organisations, both private and public, and gave special authority to the ombudsman on discrimination issues. In fact, by the 2000s, the law experts in the directorate and the ministry may have considered accommodation to be an option they had a responsibility to explore. However, the Minister of Justice was able to disregard the ombudsman, who does not hold authority over cabinet members. In the end, what tipped the scale on accommodating hijab in the police was the minister's assessment of political opportunity rather than a legal interpretation. The window of opportunity for accommodation had closed.

Conclusion and discussion

As the comparison of these two policy-making processes suggest, the Norwegian military in the 1980s and the Norwegian police in the 2000s both presented flexible micro-

environments for accommodation of religious symbols in their uniform regulations. Actors in both of the cases I have compared could draw on field-specific arguments both for and against accommodation, and could claim legitimacy for conflicting problem definitions based on the requirements of the organisation in question. Neither national nor field-specific 'models' of regulating religion decided the policy outcomes, that were shaped through contestation and eventually decided by the respective minister in charge.

Furthermore, these two cases support Michalowski's (2015) claim that accommodation of minority religions may be a strategic move for these organisations, at least according to their own argumentation. Singh's claim for accommodation in the military in 1988 coincided with on-going deliberations on whether the military should make provisions for new minorities that were conscripted, and was successful. Missoum's request for accommodation in the police in 2008 did coincide with a similar political will to diversify the police force, as expressed by the Police Directorate and the Ministry of Justice, but also with considerable conflict over authority in the police field and in the field of governing religion – particularly Islam.

That no political actors contested military authority over the issue may have enabled accommodation in 1988, while the intense contention from rival actors narrowed the window of opportunity in 2008. Effectively, the police hijab debate became a war over authority over Islam and police regulations, which the coalition government and its Labour Minister eventually withdrew from, scrapping his policy proposal. This finding supports Bale's claim (2008) that engagement from populist parties like the Norwegian Progress Party can pressure more mainstream parties to create more restrictive policies, but in this case, they were joined in their opposition by a range of actors. Attempting policymaking behind 'gilded doors' does not appear to be the way to a less politicised debate that Guiraudon (1997) suggested. Instead, this study highlights how disengagement from the public debate on behalf of the minister in charge may have exacerbated politicisation. However, we do not know how the process would have played out differently, had he engaged sooner.

Most of all, the comparison between these two cases suggests that crafting a window of opportunity for accommodation of religious minorities has become more difficult, despite introduction of legislation that protects minority rights. It suggests that the police case became a shift in the Norwegian pattern of accommodating hijab, as Siim (2013) has identified it, because the contentious process tested the political willingness, coherence and authority of the government, not the legal framework. The transnational legal reframing that has occurred in Europe has made it clear that such issues are a question of national political concern and jurisdiction, and therefore politicians across Europe now face the same choice as the Norwegian Minister of Justice did, when he had to shoulder the responsibility of making an increasingly unpopular decision. Within the current European human rights framework, such questions are now a matter of political feasibility–and therefore each policy process could have a different outcome, even within the same nation-state.

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