# Chapter 9

## Accommodating Religious Diversity in Switzerland

JOANNA PFAFF-CZARNECKA

Switzerland, a country with an almost equal share of Catholics and Protestants, experienced a prolonged and severe *Kulturkampf* before religious peace was reached and religious freedom was inscribed into the Constitution of 1874.[1] The battle over the place of religion in Swiss society and institutions—in particular in its legislation, governmental structure, and educational institutions—was an integral element in the modernization process (Späni 1999). As a result, Switzerland has continued its venture into institutional secularization, embracing a strong doctrine of state neutrality toward religion and keeping religious expression private.

Throughout the twentieth century, religion seemed to lose its salience in public life, to a large extent. The fact that public holidays follow the Christian calendar and that church bells ring every quarter of an hour around the clock in almost every Swiss town and village went largely unnoticed. Only after Muslim, Hindu, and Buddhist migrants started coming to Switzerland in significant numbers and began claiming the right to express, practice, and spread their religious convictions—described in Switzerland as the right to "outer religious freedom"—was the established institutional order as well as its public understanding called into question. Over the last two decades, non-Christian religions have become noticeable in Switzerland, but they have been less publicly visible than in other Western immigrant societies. Today, the passionate conflicts over the place of "alien" religions in the Swiss state and public realm are perhaps the main feature of their visibility.

This chapter narrates the current practices of accommodating religious difference in immigrant Switzerland. It departs from the view that the Swiss religious peace established after the *Kulturkampf* created successful institutional structures for accommodating religious differences within Christianity (as well as for including the Jewish communities that have lived in this country since the Middle Ages).[2] In consequence the state's quest to contain the conflict between Christian adversaries resulted in an institutional pattern that underlies the practices of accommodating religious difference in present-day Switzerland. However, with the influx of Muslim, Hindu, and Buddhist migrants, these institutional solutions as well as public perceptions regarding the place of religion(s) in contemporary Swiss society have been called into question—as the following discussion will reveal.

I interweave two strands of analysis, here. I argue that many concerns of religious minorities do not fit into the established institutional framework geared toward maintaining religious concord among a heterogeneous Christian citizenry. Swiss institutions that for over a century have successfully promoted the peaceful coexistence of people embracing diverse Christian denominations are not necessarily suited for accommodating "new" religions. Some instances of successful accommodation of religious difference in Switzerland will be reported here, but the analysis will also uncover the significant problems facing religious minorities in their everyday religious practice. Public criticism of court decisions supporting the claims of religious minorities, coupled with an increased resentment vis-à-vis Islam since 2001, has negatively affected institutional accommodation, as the ensuing discussion will show.

While immigrants' religious objectives met with some public support during the 1990s—for example, Muslims in Zurich were granted separate burial sites within public cemeteries, and the Supreme Court ruled that students could be exempted from the school curriculum on religious grounds—the first decade of the twenty-first century can already be depicted as a period of "backlash." This trend calls for an explanation. Why is this backlash occurring now? Where are the major obstacles located? In legislation? In the judiciary? In the political parties? In civil society?

One of the most striking features of the recent debates within Swiss society is the intense politicization of religious difference by right-wing political activists. This fact creates the biggest challenge to the successful accommodation of religious difference in Switzerland. The right-wing populist Swiss People's Party (SVP) has managed to cater to public fears associated with migrants in general and with Muslim migrants in particular and, in so doing, has made significant political gains since the beginning of the new millennium. The channelling and mobilizing of post-9/11 attitudes (Imhof and Ettinger 2007) culminated in the substantial gains in terrain in the 2007 election.

This chapter is structured as follows. The first section traces the development of the Swiss understanding of "religious freedom" and "neutrality" within the evolving federalist structure, in which the organization of religion is largely delegated to the cantonal level. This section also describes the major institutional arrangements in the field of religion and identifies the major principles guiding the judiciary in dealing with religious plurality in the context of Basic Law. The second part depicts the religious composition of Swiss society. In the third section, four case studies of negotiations over religious freedom are analyzed to delineate the social forces at work in accommodating religious difference. The final section considers the nature of the current accommodative practices in Switzerland. References to Germany in the third and fourth sections situate the Swiss reality in the context of other central-European societies in which one also sees struggles over the accommodation of religious differences.

## Institutional Arrangements of State, National Identity, and Religion

### Federal and Cantonal Relationships with Religions

The accommodation of religious difference in contemporary Swiss society occurs within a pre-existing institutional framework that emerged in conjunction with the forging of Swiss identity over the last two centuries. Swiss federalism developed incrementally, evolving from the bottom to the top, from localities via the cantons to the federation. It originated in 1291 when three political units initiated the Swiss confederation through an agreement popularly known as *Rütli-Schwur* (an oath of commitment between the three inner-Swiss cantons of Schwyz, Uri, and Nidwalden). Between the fourteenth and the eighteenth centuries, a number of political units joined the confederation. The League of Thirteen (cantons)[3] was formed in 1513 and thereafter ruled indirectly over conquered territories (comprising the Italian-speaking Ticino, the French-speaking Vaud, as well as the German-speaking Aargau and Turgau). The League also established a coalition with eight Allied Places (*Zugewandte Orte*). The League was the only stable institution of the pre-modern Swiss polity that maintained a permanent assembly of delegates as well as the Diet (*Tagessatzung*), which met regularly to discuss matters of common interest (Wimmer 2002, 225). In the aftermath of the Napoleonic war, this flexible, horizontally organized political system was transformed into an internally complex society within a single federal state (*Bundesstaat*); this arrangement was later sanctioned by the Constitution of 1848.

Swiss federalism therefore came about through centralization and not devolution—which explains the striking diversity in the communal and cantonal politics and administration. The cantons and communes differ in their social and political structures as well as in their cultural foundations, incorporating populations speaking four different languages and innumerable local dialects, and embracing either more urban or more rural patterns of living. Religious legitimacy of the sociopolitical order constituted a significant feature in each and every polity, resulting, once again, in a diversity of patterns. A number of cantons (Fribourg, Luzern, Nidwalden, Ticino, Wallis, Zug) were principally Roman Catholic, while Protestantism (notably in its Zwinglian as much as Calvinist versions) dominated in Zurich, Geneva, Basel, Bern, Waadt, and others, shaping the values and norms in key societal domains. A number of cantons acknowledged early the coexistence of both Christian faiths (Famos 2007).

During the second half of the nineteenth century, such important societal spheres as education, the civil code, and cemeteries—all of which had been governed by the churches—came under the authority of public governmental bodies at the national, cantonal, and communal levels (Raselli 1996; Richner 2006; Späni 1999). Another decisive factor that led to change in legislation was the increased mobility of people. When the law precluding the free movement of persons was abandoned, communities became gradually more religiously diverse; as such, religious differences became a noticeable and sometimes problematic feature of everyday life at the commune, canton, and federal levels.

The role of religion in the Swiss polity had been the major bone of contention between the Catholic and Protestant forces in the early nineteenth century, with the former acting as a hierarchical and largely conservative political and social force, and the latter struggling for a national and liberal outlook of a polity shaped by bourgeois reforms. The prolonged civil war was eventually won by the Protestants. After the final defeat of the Special League formed by the conservatives, the modern Swiss State came into being in 1848. When the state extended its authority over key societal realms formerly controlled by the churches and sanctioned these changes through the total Constitutional Revision process in 1874, potential for overt conflict was significantly reduced. The liberal victory was such that in the subsequent period, most key positions in state administration were in the hands of Protestant forces. The privileges accorded to the Protestant community continued well into the twentieth century, with the distribution of key positions in political and administrative bodies showing a strong Protestant bias:

> In the upper pay classes only 25 per cent of the civil servants or even less, depending on the branch of administration, were Catholic; against 42 per cent of Catholics in the population. The situation is slowly changing. The

overall representation of Catholics in the public service increased from 33 per cent to 43 per cent between 1940 and 1969. (Wimmer 2002, 233)

With the establishment of the Swiss *Bundesstaat* in 1848, religious difference came into conflict with the new doctrine of national unity and the quest for cultural uniformity within state confines. Talking about cultural uniformity may sound strange in the Swiss context, given the country's multicultural nature. Nevertheless, over the course of the Swiss nation-building project, a cultural convergence in civic styles and a rapprochement between diverse Christian faiths became an important feature (Wimmer 2002, 222-68). A rapprochement between persons of different Christian faiths increasingly took place within the realms of party politics, administration, military service, and civic associations. Indeed, Swiss patriotism and the quest to forge a "nation by will" (*Willensnation*)—across linguistic, ethnic, as well as religious boundaries—have largely succeeded, rendering internal tensions as well as the potential for internal boundary-drawing less appealing options. Nevertheless, given the history of tensions as well as exclusionary practices between different forms of Christianity in Switzerland, institutions geared toward maintaining religious peace became all the more important.

Today, Switzerland acknowledges the coexistence of religious law and state law. However, since the foundation of the liberal federal state, the principle of the primacy of state law vis-à-vis religious law has been affirmed.[4] Religious congregations are acknowledged in their autonomy—within confines defined by the state. As communities, they enjoy freedom of religion. But the degree of state recognition of religious communities varies. Public-legal (*öffentlich-rechtliche Anerkennung*) recognition of the Catholic Church in the Canton of Zurich, for example, occurred only in 1963, after Italian and Spanish "guest workers" had decisively increased the number of Catholics in this canton. No Muslim, Hindu, or Buddhist community has attained this status in any of the Swiss cantons, although many immigrant religious communities have private-legal recognition (*privat-rechtlich*) as associations.

In Switzerland, religious rights are regulated at both federal and cantonal levels. At the federal level, Article 15 of the Swiss Constitution guarantees the freedom of religion (i.e., the freedom of creed and of conscience) to choose religious allegiance, to associate within religious communities, and to attend religious lessons; it also rules out any compulsion to believe, to associate oneself with a religious community, or to perform religious acts. Religious freedom is accorded to individuals as well as to groups. The state's neutrality vis-à-vis religion is understood positively insofar as it must act with fairness in relation to all religions and must not discriminate on religious grounds. Simultane-

ously, Article 15 also determines which areas are protected against state interference. Religious freedom obliges the state not only to acknowledge individual religiosity but also to support individuals in this regard. For example, in prisons, religious freedom is understood to compel policy-makers to ensure that prayer is possible for all inmates. In legislation, it is the responsibility of the state to balance the right to religious freedom against other freedoms guaranteed in the Basic Law (Famos 2007, 303-4).

The federal state grants all Swiss cantons the right to define their relationship with religious communities. The 26 cantonal regulations on the relation between the church and the state, which form part of individual cantonal constitutions, stipulate the modalities of public recognition of minority religions within a canton's confines; the striking diversity of these regulations is yet another direct outcome of prolonged political struggles. Still, according to Famos (2007, 306), common patterns come to light particularly in line with specific Christian traditions:

- The Protestant cantons are characterized by a strong link between the cantonal governments and the Protestant churches. Until recently, the cantonal churches (*Landeskirchen*) were extensively integrated into the state at the cantonal level. Hence, the state defined the operating conditions of the churches to a significant degree. Recent cantonal constitutional reforms have brought about important movements toward dissociation (*Entflechtung*). For instance, while the Canton of Zurich previously defined the right of adherents to participate in the democratic governance of their own churches, intra-church voting practices are now regulated by the churches themselves. According to the previous rule (in effect until 2005), the state denied foreign believers residing in the Canton of Zurich the right to vote even in their own churches. In the case of the Roman Catholic Church of Zurich, this meant that one-third of followers—in particular, the many Italians and Spaniards who lived there, but who were not Swiss citizens—did not enjoy the right to vote. The revised Cantonal Constitution gives the church autonomy over regulating the right to vote.
- The Catholic cantons accorded the Roman Catholic Church a significantly greater degree of autonomy. Still, some state interference is demonstrated by the fact that the Catholic Church is characterized by a double organizational structure; besides a church hierarchy, a democratic organization exists in accordance with the law on the church's internal organization (*Staatskirchenrechtliche Organisation*), prescribing some degree of participation among the church members.

- Parity cantons (*Paritätische Kantone*)[5] with a long tradition of coexistence of both major Swiss faiths introduced comparatively early the principle of equal treatment of both confessions.
- Two cantons, Geneva and Neuchatel, follow the principle of separation of church and state. They do not recognize religious communities as public-legal entities (*öffentlich-rechtlich*). All religious collectives are organized (if at all) according to private law. In these two cantons, governmental support for religious institutions is limited; for example, not even the established Christian churches enjoy a judicially sanctioned right to use the state's taxation system to collect fixed financial contributions from their members, as is the case in other cantons.

These patterns have implications for the recognition of immigrant religions, particularly when it comes to equal treatment. These implications are best illustrated by distinguishing three forms of recognition practiced in Switzerland vis-à-vis religious communities (Cattacin et al. 2003).

- Private-legal (*privat-rechtlich*) recognition accorded to associations (*Vereine*) is based upon the freedom to organize. This form of recognition does not entail any privileges but allows political and religious groups to be formed (Cattacin et al. 2003, 12).
- Public-legal (*öffentlich-rechtlich*) recognition endows religious groups with a special status as public-legal organizations (similar to the status granted to public universities in Switzerland). This type of recognition results in the right to collect taxes from the followers as well as the right to state support in tax collection. It entails the right to erect places of worship and, in some cantons, the right to integrate lessons in a given religion into the canton's school curriculum. These rights obviously allow a legally recognized religious community to enjoy a significant advantage in the shaping of social values.
- Recognition as state religion (*Landeskirche*) entails a constitutional recognition of the elevated role of a particular religion. The result of such a designation is significant state involvement in the sense that the state actively supports and represents the religious organization.

While it is comparatively easy to obtain private-legal recognition for a religious community, public-legal recognition is very difficult to acquire. Indeed, one of the most striking similarities revealed by the cantonal regulations is the stipulation of a very high threshold for non-Christian religions (other than Judaism in some cantons) seeking

to obtain public-legal recognition. Consequently, with the exception of the Jewish communities that were publicly recognized several decades ago in the cantons of Bern and St. Gallen and in 2005 in Zurich, no other minority religious community has yet been publicly recognized in Switzerland.

The obstacles to public-legal recognition vary from canton to canton, of course. All Swiss cantons foresee the possibility of new religious communities being recognized according to public law, but in a number of cantons formal legal recognition can be conferred only if a constitutional reform takes place. Moreover, these cantons formulate severe conditions that a religious community must meet in order to be considered. As shown in Table 1, the main criteria are the length of time a community has spent in a canton; its compatibility with the dogma of a democratic *Rechtsstaat* (understood as respect for the religious freedom of other communities, respect for law and order, acceptance of cantonal tax regulations, etc.); its charitable orientation; democratic constitution as an organization; and size of membership. Implicitly, the new religious communities are expected to organize themselves according to the model of Christian communities (*Kirchgemeinden*). Not all cantons, however, stipulate the precise conditions under which new communities might be recognized as public-legal bodies.

**Table 1: Criteria for Public-Legal Recognition of Religious Minorities**

| Criterion | Example |
| --- | --- |
| Duration | Durability (Solothurn); minimum 20 years (Basel); minimum 30 years (Zurich) |
| Affirmation of constitutional legality (*Rechtsstaatlichkeit*) | Respect for legal order (*Rechtsordnung* – Basel, Zurich) |
| Size | More than 3,000 members (Zurich) |
| Democratic organization | Democratic constitution (Basel and Zurich) |

Note: These criteria are defined by a small number of cantons.

Source: Adapted from Cattacin et al. (2003, 25).

A number of Muslim organizations have sought public-legal (*öffentlich-rechtlich*) recognition, but so far without success. Religious representatives of these organizations have repeatedly expressed their concern as well as some degree of frustration. Besides the symbolic value, this type of recognition also brings a series of important prerogatives (note, though, that lack of recognition does not imply that specific prerogatives are denied to a given community, but only that they do not come as a right): the right to establish a theological faculty,

to conduct religious service, in prisons and hospitals, to offer religious lessons in schools and to use school premises for religious education, to collect taxes among adherents, and to receive state protection and tax exemptions.

*Judicial Principles of Accommodation*

Let us now turn to the Swiss legal system, which over the last 15 years has repeatedly been called upon to resolve cases of conflicts related to the Basic Law and has therefore been instrumental in shaping the policy response toward religious diversity. Legal practice needs to strike a balance between diverse interests and diverse principles, privileging more or less either the societal majority or the minorities. Walter Kälin (2000), one of the most prominent legal scholars in the field of Swiss public law (*Öffentliches Recht*) and international human rights law, has formulated five "policies" (*Politiken*) guiding Swiss legal practice.[6] A brief discussion of these principles will shed light on the actual practices of accommodation that have come about through the interplay between adversarial social forces.

*Policies of Neutrality.* The constitutional guarantee of freedom of religion and freedom of conscience obligated the state to be neutral in relation to religion. The policy of neutrality serves the goal of societal peace. It guarantees individual freedom and is conducive, at least in theory, to identification with the state. Neutrality implies impartiality, but obviously the elevated position of the Christian churches in comparison with other religious communities indicates asymmetries in this relationship. The judicial doctrine distinguishes between two dimensions of this principle. In the negative sense, neutrality means distance, tolerance, and non-interference of the state in the religious sphere. In the positive sense, neutrality demands equal consideration of all. Kälin criticizes the comprehensive nature of this concept, which leaves broad room for interpretation and discretion.

*Policies to Protect "Own Identity."* Policies designed to maintain the identity of a given polity (or nation) highlight the continuity of majority traditions within national frameworks. In this approach, fundamental laws enjoyed by minorities may be restricted when they seem to threaten the identity of the majority. Although Kälin sees this policy as unsuited to solving conflicts within the Basic Law, he observes that it comes into force when the *ordre public* is threatened. The Swiss praxis foresees, furthermore, the protection of cantonal majorities that are minorities within the national framework; for example, the Romatsch-speakers in the Canton of Graubünden (Kälin 2000, 52-58). Within the Swiss self-understanding, the national political culture is geared strongly toward the affirmation of mutual rights and duties.

*The Policy of Minority Protection.* This policy, in contrast with the previous one, aims to protect the identity of minorities from discrimination by the majority. Swiss legislation follows this principle in its language politics. At schools, members of religious minorities are protected in that they cannot be forced to identify with other religions or to be judged according to other religions. Kälin (2000, 66) argues that instruments for minority protection are still in the making, and that they are geared toward established members of the majority population rather than toward immigrant minorities. Nevertheless, he accords this principle an important role in highlighting that minority protection entails more than the sum of realizing individual basic and human rights.

The Swiss approach to integration is best demonstrated in Kälin's position (2000, 58-59) that minority protection does not require the recognition of collective rights, which would imply that each minority would be constituted as a legal corporation. In Kalin's view, it is sufficient to accord rights to minorities in such a way as to protect the cultural identity of individual members. The politics of minority protection is realized in Article 27 of the International Pact of Civil and Political Rights, which rules against any attempt to enforce cultural assimilation and protects the right to association and religious freedom. Who decides what counts as cultural assimilation remains an open question. On specific measures of minority protection in Switzerland, see Kälin (2000, 58-66).

*Policies of Recognition.* These policies focus attention on the importance of cultural identity and the need to protect it. Protection entails equal treatment as well as measures against discrimination. For Charles Taylor (1994), who coined the term "politics of recognition," recognition should be accorded to collectivities in the first place; individuals enjoy recognition through their membership in collectivities. Swiss Basic Law sees the necessity of recognition for the cultural identities of minorities *and* their members. Dissident and weak members of communities need to be protected (see Kymlicka [1991, 1995] on problematizing Taylor's collectivizing approach, which sets boundaries to individual freedom) against the collective pressure of their in-group. Furthermore, collective cultural norms may collide with the ever-changing character of democratic societies (Kälin 2000, 83), which buttress pluralism as well as cultural change. Nevertheless, according to Kälin, the policy of recognition of cultural identities emphasizes the importance of cultural identity and anti-discrimination efforts. This policy can strengthen the claims of weak minorities for protection.

*Policies of Multiculturalism.* Kälin (2000, 83) uses the highly debated concept of multiculturalism in a restricted sense as an overtly declared and

legally sanctioned state policy aimed at the active maintenance and support of cultural diversity, as one finds in Canada and Australia. He sees these policies as especially suited to classic immigrant societies (2000, 87). This vision of equality and coexistence endows all groups of people with the freedom to maintain their own identity and to participate in the polity on equal terms (at least in theory). In European immigrant contexts, this principle challenges homogeneous notions of polities, cultures, and nations. It therefore collides with policies oriented toward protecting the distinctive identity of a particular polity or nation. According to Kälin (2000), the Swiss Basic Law doctrine sees cultural plurality as an important criterion to be considered in legislation, nevertheless. Cultural plurality need not threaten national unity; to the contrary, plurality paired with equal treatment can lead to integration.

As I will discuss below, these five policies partly reinforce each other and partly collide when applied to individual cases. Judicial as well as informal civil society forums are therefore involved in negotiating between the conflicting claims under the given institutional and political opportunity structures. As conflict-laden as these claims may be, their consideration is an important indicator of the scope of Swiss readjustments in the field of Basic Law. The Basic Law becomes an important factor in integration (Kälin 2000, 232-33). According to Kälin, the state's legitimacy in Swiss immigration debates is based on its ability to guarantee equal treatment under the law, to provide equal opportunities for human endeavour, to deepen cohesion and consent, and to counterbalance exclusionary practices. Officially, the Swiss state is averse to assimilatory practices, and cultural and religious diversity are currently understood as conducive to societal progress as well as to individual and collective well-being. However, as several cases discussed in the third section of this chapter will reveal, this position is contested at present.

## Patterns of Religious Identity: Community Formation among Migrants

After a long period of emigration throughout the nineteenth and early twentieth centuries, by the mid-twentieth century Switzerland saw the situation reversed.[7] Measured in proportion to population, Switzerland is currently among those countries worldwide with the highest immigration rate. For fifty years now, labour migrants—including "guest workers" from Italy and Spain as well as experts, asylum seekers, and second- and third-generation immigrants—have significantly changed the composition of the Swiss population. In today's Switzerland, more than one-fifth of the resident population (roughly 1.6 million) hold foreign passports.[8]

While labour migration to other European countries brought people adhering to non-Christian religions (in particular, Turkish citizens to Germany, and members of former colonies to France, the United Kingdom, and the Netherlands), the guest workers who came to Switzerland in the decades following World War II were overwhelmingly Roman Catholic. Not only had Switzerland's Jewish population kept a low profile in public affairs for a very long time (Pfaff-Czarnecka 1998), but from the 1950s to 1970s the state had accommodated only a few thousand Buddhist asylum-seekers from Tibet and Cambodia. It was not until the 1990s that the religious composition of Swiss society started to change with the arrival of a number of Muslims from Africa, Asia, and the former Yugoslavia, as well as Hindus from Sri Lanka. Indeed, many Swiss residents started to notice the numbers of non-Christians only toward the end of the 1990s when Muslims began to pursue their right to express their religion publicly.

Table 2 presents the national religious diversity of all residents, including Swiss nationals and non-nationals, based on responses to the 2000 Swiss Census. The table indicates general trends but does not reflect the obvious fact that the non-Christian religious congregations are internally differentiated in many ways. For example, Muslims have established their own organizations and religious structures that reflect their Sunni, Shia, and Sufi communities. Buddhists adhere to Mahayana, Hinayana, as well as Tantric traditions. Further, countries of origin are important identity markers. Switzerland's Muslims originate from roughly one hundred countries including Bosnia, Albania, and Turkey as well as a number of Arab, Asian, and African countries. Swiss Buddhists come from Tibet as well as from Vietnam, Cambodia, China, and Thailand (Bovay 2004, 32). Swiss Hindus, differentiated among themselves by caste, stem mainly from Sri Lanka.

**Table 2: Swiss National Religious Diversity, All Residents**

| Faith | Number | Percentage |
|-------|--------|------------|
| Roman Catholic | 3,047,887 | 41.8 |
| Protestant | 2,408,049 | 33.0 |
| Christian Orthodox | 131,851 | 1.8 |
| Muslim | 310,807 | 4.3 |
| Hindu | 27,839 | 0.4 |
| Buddhist | 21,305 | 0.3 |
| Jewish | 17,914 | 0.2 |
| Other religious denominations | 358,000 | 4.9 |
| Non-adherent | 809,838 | 11.1 |

Note: The numbers do not add up to 100 percent because very small religious groups as well as those who did not reply to the religion question in the 2000 Swiss Census are not included here.

Source: Adapted from Baumann and Stolz (2007, 40).

Non-Christians gravitated toward urban areas, but because of their small numbers, lack of citizen status, and internal divisions, they have yet to form major community organizations or political blocs. Forty-two percent of Swiss Jews live in Zurich and Geneva (Baumann and Stolz 2007, 45). The largest percentages of Muslims are found in Basel (7.4 percent of the total population), Winterthur (7.3 percent), and St. Gallen (6.7 percent). With 20,888 persons, the highest total number of Muslims live in Zurich (5.8 percent; Baumann and Stolz 2007). The greatest concentrations of Hindus are found in Luzern (1.2 percent), Bern (1.1 percent), and Zurich (1 percent; Baumann and Stolz 2007).

According to Humbert (2004), 370 non-Christian organizations have been established in Zurich alone; according to Baumann (2000), a similar number exist in Basel. It is impossible in this chapter to reflect accurately the differentiated field of religious organizations, but some of the most prominent will be mentioned. The Swiss Federation of Jewish Communities, founded in 1904, has its headquarters in Zurich and comprises 18 organizations spread between Zurich and Geneva (with the French part of Switzerland having a comparatively large share of organizations).[9]

Muslims comprise the largest group of Swiss non-Christians, at roughly 5 percent of the overall population. After prolonged preparations, on 30 April 2006 the Federation of Islamic Organisations of Switzerland was formed. This federation is composed of ten Muslim umbrella organizations: the Albanian Islamic Association, the Islamic Community in Ticino, the Organisation of the Islamic Religious Communities of Eastern Switzerland, the Islamic Community of Bosnians, the Swiss League of Muslims, the Swiss Islamic Religious Community, the Union of Muslim Associations of Fribourg, the Union Vaudoise of Muslim Associations, the Aargovian Association of Muslims, and the Association of Islamic Organisations of the Canton Luzern. These organizations represent 130 Muslim organizations and centres in 16 cantons and in all four language regions. It is remarkable but not surprising, given the diversity and organizational patterns of Swiss Muslims, that the Federation of Islamic Organisations of Switzerland still does not represent even one-third of the Muslim organizations in the country.

While the total number of Hindus and Buddhists in Switzerland is small, the Swiss Hindus are represented by over 20 temple organizations. The Swiss Buddhist Union comprises 26 communities distributed quite evenly around Switzerland.

Partnering across religious boundaries is an important characteristic of Swiss religious diversity. Over the last two decades, a number of interreligious forums have been established. Along with numerous individual intermediaries, these forums have played crucial roles in fostering solidarity among members of minority communities, providing

information and supporting non-Christian religious groups in their for-ays into the legal realm, opening up institutional as well as personal links with political and administrative bodies, and engaging in mutual dialogue and rapprochement. Especially influential among these interreligious groups (at both the cantonal and the local levels) are the Inter-religious Working Group of Switzerland, the Commission for Questions of Foreigners, the InfoRel (Information Religion) Basel, the Ecumenical Mission Development, and the Community of Christians and Muslims in Switzerland.

Despite the influence of these organizations, immigrant religions have not been officially recognized by the state. Swiss authorities still have not staged official state-sanctioned events geared toward religious dia-logue such as the *Muslimkonferenz* in Germany; nor have interfaith com-missions endowed with an official mandate and public funding been established in Switzerland, such as we have witnessed in the United Kingdom. Official politics tends to be reactive, coming into motion *af-ter* specific problems and conflicts have become apparent. Because the Swiss state has not officially engaged in supporting non-Christian or-ganizations, the role of civil society forums and private networks or-chestrated by Christian and Jewish organizations is all the more important. These organizations have established stable networks of communication and developed trusted relationships as well as durable forms of support.[10]

So far, neither religious organizations nor forums dedicated to strengthening interreligious dialogue have been subjected to academic scrutiny in Switzerland. Nevertheless, some patterns are evident (Richner 2006, 66-68). Over the last 20 years, immigrants coming to Switzerland initially formed their own organizations. Then, in order to gain access to relevant administrative and political bodies, they sought contacts with organizations oriented toward members of the host soci-ety. A number of Muslim-Jewish joint associations were formed. Their rationale was to counter anti-Islamic as well as anti-Semitic tendencies in the broader population and to strive jointly for recognition in the framework of public law (i.e., *öffentlich-rechtlich*).[11] Unlike the Jews, Muslims, and Buddhists, the Hindus coming to Switzerland have been repeatedly impeded by the lack of an organizational structure that would promote their religious objectives. However, along with other religious minorities, Hindus received support from individual Swiss persons and organizations.

Expressing political will proves all the more difficult for the non-Christian religious communities as very few non-Christians (most of whom are immigrants) acquired Swiss citizenship until recently, and only a few communes offer voting rights to foreign nationals on com-munal issues. To put this in perspective, 92.5 percent of Hindus, 88.3

percent of Muslims, 78.1 percent of Orthodox Christians, and 47.8 percent of Buddhists do not hold a Swiss passport (Baumann and Stolz 2007). The comparatively high Buddhist naturalization rate can be explained by their earlier immigration. These high figures speak volumes about the challenges Switzerland faces with regard to the integration of its religious minorities (most of whom, with the exception of the Jewish community, are newcomers).

In general, non-Christian immigrants are far more likely to experience the challenges of low socioeconomic status. Only the Jewish community includes a substantial cohort of elite professionals. In the field of education, Jews and people describing themselves as non-denominational are the only sections of population with a higher success rate (measured in completed school qualifications) than the majority Christian population. Muslims, Hindus, and Buddhists all fare worse than the majority population (see Bovay 2004 for precise figures). The low level of education is evident in the occupational structure, with many Muslims and Hindus either unemployed or working as unskilled labourers. Such correlations have long-term consequences in that future generations are more likely to experience poverty, barriers to education, and difficult employment circumstances. The comparatively low socioeconomic status of immigrants and their lack of political rights are certainly important factors explaining the problems they face in the present-day negotiations over religious freedom and public recognition.

## Social Forces that Drive Public Policy Related to Religious Diversity

Switzerland amply illustrates the fact that accommodative practices of religious diversity occur simultaneously in diverse societal locations as a result of contention and negotiation among diverse social forces. The major "stakeholders" involved in these measures are the political parties; state, cantonal, and municipal executives; the judiciary; the mass media; and civil society actors. This section will analyze four major cases of societal negotiations over the free expression of religious diversity in order to delineate the social forces driving public policy.

The very fact that the cases to be discussed here have been the subject of prolonged and highly contested public debates indicates that Switzerland has yet to acknowledge the increasing religious diversity brought about through the immigration of non-Christians as part and parcel of the Swiss public life. Several provisions considered commonplace by now in Canada or in the United Kingdom—such as the right of non-Christian minorities to erect religious structures and to receive some form of public financial support for religious institutions (e.g.,

tax exemptions for clergy and religious organizations, direct and indirect funding of private religious schools)—continue to provoke dissent and vehement criticism in Switzerland. Some of the cases will be narrated in more detail than others due to the prolonged nature of specific negotiations. In particular, the recent shifts in public attitudes and the changing political weight of arguments put forward by the stakeholders will be of interest.

*Burial Grounds for Muslims in the Canton of Zurich*

At the time of writing, only two cemeteries are allotted strictly to Muslims in Switzerland. However, in the 1990s and early 2000s, municipalities in several Swiss cities allowed the creation of special spaces suitable for Muslim burial. Negotiations over the creation of a Muslim cemetery in Zurich go back to 1994 when the city executive acknowledged that the lack of arrangements for burying the dead according to Muslim customs at Zurich's cemeteries could be seen as discriminatory.[12] Zurich (the city with the most Muslim residents in Switzerland) had received several requests over the years from Muslim organizations seeking to establish their own cemetery. These requests were strengthened by claims that adherents were forced to send the bodies of loved ones "home" to their countries of origin (a significant cost and loss to incur in the early days of grieving).

Muslim organizations referred to the existence of Jewish cemeteries as constituting a precedent. Indeed, in the Canton of Zurich, as in some other parts of Switzerland in the second half of the nineteenth century, Jewish communities were granted the right to purchase and administer their own burial grounds (Bloch-Roos 1902; Dreifuss 1983; Guggenheim 1952). Political leaders in Geneva responded to Jewish requests for a private cemetery in a rather unusual way: the entrance to the cemetery they eventually granted the Jews in 1920 sits on Swiss territory (Veyrier), whereas the actual tombs are located in France.[13]

Zurich authorities quickly acknowledged that denying Muslims the right to bury their dead according to their religious prescriptions contravened the principle of ensuring a dignified burial (*schickliche bestattung*) for all (Raselli 1996). As a result, they actively assisted Muslim organizations in their search for a suitable burial site. The policy of minority protection is of importance here. One might ask why Muslim demands could not be accommodated within the existing Swiss context. We must recall that since 1874, public institutions—and not churches—have been responsible for burying the dead and ensuring that everybody can have a place at a public cemetery, that burials are dignified, and that equal treatment is observed for all deceased. The municipal authorities in Zurich have, however, been confronted with

particular challenges due to the cantonal ban against the subdivision of cemeteries. Such a rule also exists in Geneva, but not in any other canton. The rule not to subdivide cemeteries has been considered a means of ensuring equal treatment to everyone, and not discriminating through special provisions. Equal treatment in this case meant that the graves were dug in order of registration of the deceased, one after the other in parallel rows. From the point of view of the authorities, the practice of burying the deceased in rows was and is meant to guarantee equality. However, in this case, the principle of equality came into conflict with the principle of religious freedom, since the Muslim prescription that the dead should face Mecca would require a reorientation of the graves.

The historical roots of this regulation are of interest. It was developed shortly after the promulgation of the Swiss Constitution of 1874 in the course of secularization of Swiss society, in which the state took upon itself certain roles that had been previously managed by the churches, including the running of cemeteries. The regulation prohibiting the subdivision of cemeteries was also designed to contain the ongoing *Kulturkampf* between Protestants and Catholics (Stadler 1996). Hence, this Zurich cantonal law has to be seen as a progressive late nineteenth-century provision intended to reduce religious discrimination. It was established in order to counter tendencies to exclude particular individuals (for example, persons who committed suicide, prostitutes) or groups (for example, Jews) and above all to work toward maintaining religious peace between Protestants and Catholics by providing common burial space.

Paradoxically, a rule that was originally designed to accommodate religious minorities based on the principle of equal treatment became discriminatory when immigrant religions required special arrangements. The Muslim wish for accommodation meant reconsidering the original decision—that members of a minority must not be excluded or separated against their will—in light of new demands; specifically, that a particular minority requires separation to maintain its religious practice. Hence, some of the problems Swiss Muslims have confronted did not arise from anti-Muslim laws or sentiments.

In 1996, the municipal executive attempted to resolve this problem by allotting the Muslim community a plot of land adjacent to one of the public cemeteries in Zurich's commune of Altstätten.[14] The authorities formulated a number of conditions, though; in particular, the Muslim organizations were to pay for the land. But this provision—which might be considered to place an unfair burden on Muslims—met with the fierce opposition of the SVP (*Schweizerische Volkspartei* or Swiss People's Party), a right-wing political party. Members of the party alerted the population of Altstätten to the potential of public disturbances occurring

during burial processions and circulated erroneous reports that the Muslims would be granted the land for free. Public reaction was strong. In response, the key actors—members of political parties, state officials, members of commissions dealing with immigrant issues, and public figures—time and again organized meetings between Muslim representatives and concerned citizens, creating diverse forums of exchange and disseminating the correct information that the Muslims would not be granted free land.

Nonetheless, the Muslims of Zurich have been unable to raise the approximately US$1.6 million necessary to purchase the land. Initially, Muslim activists were eager to collect private funds for this purpose, but they gave way to the opinion that the cantonal authorities could, and should, amend the legislation to permit the subdivision of public burial grounds. A separate space within the cemetery would allow them to comply with at least some of their religious rules (see Richner 2006), and especially with the most important requirement that the tombs face Mecca. With the support of a number of centre-left politicians, lawyers, and civil society intermediaries, they eventually achieved their goal. The political authorities of the Canton of Zurich ruled on 1 July 2001 that the communes were free to allot separate religious spaces *within* public cemeteries. This ruling adjusted the cantonal burial law insofar as it stated that special fields allotted to a religious community could be established, leaving the implementation at the discretion of the communes (i.e., the communes were not compelled to allot distinct plots of land for minority purposes).

Among the fascinating facets of this case is that at least three options existed in order to render Muslim burials possible in the Canton of Zurich, of which two may be termed "public" and one "private." The public solution finally enforced by the cantonal authorities was to amend the cantonal legislation. A public solution of a different sort would have been to provide public funding to assist the Muslims in buying their own plot of land for a private cemetery. However, this option would have provoked fierce opposition. The Zurich authorities therefore repeatedly made it clear that the land was available, but only if purchased with private funds—which constitutes the third, that is, the "private" option. It is this final option that was embraced by the Jewish community in response to the existing institutional structure.

While Jewish organizations felt compelled *and* able to fund their own cemeteries and most other institutions, they also opted for modes of action away from public scrutiny. The very private way in which Jewish organizations solved their problems without demands constituted a model for other minorities until the end of the 1990s. Consequently, Swiss public institutions were less affected by minority demands than those in many other Western countries. The abolition of the cantonal rule prescribing the subdivision of public cemeteries can be seen—along

with the Supreme Court judgments on immigrant religious issues discussed below—as a significant shift in orientation, highlighting the emerging willingness of immigrants to voice their religious demands in public.

Let us draw some preliminary conclusions from this case. That a provision changing the laws governing burials was put into practice in Zurich (though after seven years of negotiations) indicates movement toward some reduction of the obstacles minorities face in their quest to realize their religious freedom within existing institutions. The general reluctance to provide public funds for non-Christian claims is a second important insight one can draw from this case study. Another trend apparent in this example is the emerging political weight of the right-wing SVP in catering to the anti-immigration sentiments and fears instigated by the presence of "alien" religions in Switzerland. As the next case reveals, the SVP managed to significantly expand its popular support during the last decade by engaging in adversarial political activities against Muslim collective objectives.

*Minarets*

Since settling in Switzerland, non-Christian immigrants have established a number of mosques and Hindu temples (as yet no Sikh gurdwaras have been erected).[15] However, most Swiss immigrant religious structures, in particular houses of worship, are hidden from the public eye—either displaying no visible signs or tucked away in the outskirts and industrial areas. While mosques and temples may be seen in many other Western European landscapes (including Germany), Switzerland lacks almost *any visible* religious structures that are not Christian or Jewish.

Muslim organizations whose members see their identities as being threatened have criticized Swiss restrictions on the public presence of religion in their adopted society. Yet only since the turn of the millennium has the very limited visibility of religious structures become an important item on the agenda of Muslim activists. By 2006, with only three mosques distinguishable as such, Muslim activists had begun to apply for the necessary permits to erect mosques with minarets.

These efforts have met with considerable antagonism. Several conflicts over permits to erect symbolic minarets (e.g., minarets that are so small that they cannot be mounted by a muezzin) were recently brought before Swiss courts. While in Switzerland churches ring their bells every 15 minutes around the clock and are thus more publicly noticeable than in most other Christian countries, even sporadic and merely proposed signs of other religions provoke public outcry.

The SVP has been instrumental in mobilizing public opinion and political opposition, openly criticizing the municipalities' willingness to permit the building of mosques. SVP's anti-Muslim stance culminated

in the summer of 2007 in a federal "people's initiative against the build-ing of minarets" (*Volksinitiative Gegen den Bau von Minaretten*), launched together with the EDU (*Eidgenössische Demokratische Union* or Federal Democratic Union). Some 113,540 valid signatures were collected, sur-passing the 100,000 signatures necessary to submit the initiative to a popular vote.[16] It is important to note here that the SVP's stance on this issue, coupled with its ongoing critique of immigration as such, led to an expansion of the party's electoral base (D'Amato and Skenderovic 2007).

Yet public reactions to the initiative were mixed. Supporters argued that minarets would strengthen the Muslim presence in Switzerland, while those opposed reasoned that the initiative could instigate Mus-lim fundamentalism. Umbrella organizations of Swiss evangelical con-gregations[17] launched a scheme to bring the proponents of the "Against the Building of Minarets" initiative and Muslim representatives to a round-table meeting. In an effort to seek reconciliation, these evangeli-cal groups asked the SVP and EDU to drop the initiative, and also urged the Muslim leaders to voluntarily abandon the project to erect minarets in Switzerland. This latter request was an attempt to maintain religious peace and a plea to Muslims to acknowledge the culture of their host country.[18]

Given how few minarets exist in Switzerland, it is striking to observe the significance of this issue in the mass media over the last three years. One noticeable trend was to link Muslims' request to build mosques (with visible minarets) to the general problematique of Muslim funda-mentalism and more specifically to the possibility that the new mosques might promote fundamentalist beliefs and values. Despite the obvious oversimplifications of this common depiction, very few intellectual inter-ventions supporting Muslim requests to build mosques have been voiced publicly.[19] This lack of public response sets Switzerland apart from other European countries, where concerned citizens are involved—on both sides of the debates—in negotiations over religious difference. The relatively homogeneous Swiss approach to this issue differs sig-nificantly, for example, from that in Germany or France where similar cases have generated, among intellectuals and other intermediaries, com-plex debates and both fierce objections to and expressions of intolerance.

*The Hijab*

The hijab has not generated much public debate in Switzerland. The general public seems to accept that students are allowed to wear the headscarf at schools and universities, whereas teachers, police officers, and other public officials are not permitted to wear this garment. These attitudes reflect the Swiss tendency to draw an explicit line between public and private spheres. Schools are considered public in that teachers

are seen as symbolizing the public order. For this reason, Christian symbols have also been banned from school premises in a number of cantons (see Pfaff-Czarnecka 2005). However, within this public space, pupils are allowed to maintain the symbolic expression of their faith. Precluding this expression, according to judgments of the Supreme Court (see below), would put children under stress by possibly creating conflict between the "public" values endorsed by school authorities and the "traditional" values espoused at home.

Compared with Germany, one is struck by the virtual non-existence in the Swiss public arena of debate on the question of teachers' right to wear the hijab. Almost no public criticism was voiced against the Supreme Court ruling in November 1997 that prohibited a teacher who had converted to Islam from wearing a hijab.[20] This ruling was substantiated with the justification that all public displays of religious symbols are banned in order to maintain the religious neutrality prescribed by law in the Canton of Geneva, where the woman was teaching. Right-wing parties have therefore been unable to capitalize on this potentially divisive issue; indeed, not even the few Muslim teachers in Switzerland publicly protested the decision.

*School Dispensations*

While the restrictions on the hijab elicited little public debate, a significantly more complex picture emerges when we reflect on the example of school dispensations, particularly dispensations from swimming lessons.[21] Among the most striking aspects of this particular case is the rather dramatic turnaround in the Swiss public debate. Although a Supreme Court ruling in 1993 seemed to establish a sufficient basis for dealing with this and future related claims, in late 2006 a reverse trend emerged.

The Supreme Court's ruling on 18 June 1993[22] granted an exemption to a 12-year-old Muslim girl from a Turkish family excusing her from swimming lessons in a co-educational class. This ruling drew an enormous amount of public attention (Hangartner 1994; Kälin 2000, 160-63). The parents' requests for such an exemption had been answered negatively by instances of Zurich cantonal justice in 1991 and 1992. The Justice Department of the Canton of Zurich had maintained that attending school is a civic duty and that attending swimming lessons is an indispensable part of the education of all students. However, the girl's father appealed to the Swiss Supreme Court, which ruled that an exemption from swimming lessons would not seriously affect the girl's education or the performance of her civic duties.

The judges argued that the Swiss Constitution and the European Human Rights Convention both guaranteed religious freedom from state interference. Religious freedom, the judges stated, "combines the

inner freedom to believe or not to believe, as well as the outer free-dom—within particular limitations—to express, to practice and to spread religious convictions" (translated by the author). They conceded that sports lessons are prescribed by law, and that religious convictions do not exempt pupils from performing civic duties such as attending school.[23] They also stressed that the Swiss Constitution substantiates the priority of state law over the religious beliefs or the philosophy of any individual person.[24]

However, the judges ruled that civic duties are not to be accorded *absolute* priority. Hence, an area of discretion was allowed. The ques-tion of whether an orderly and efficient academic program could be maintained with this exemption was answered in the affirmative. The Supreme Court also made a point of considering the principle of gen-der equality, and did not see it endangered since the father promised to arrange private swimming lessons (that is, the girl would not be disad-vantaged relative to other girls because of this exemption). The main reason for granting an exemption was framed in terms of ensuring the child's well-being. The judges stressed that they sought to prevent the girl from experiencing any conflict of conscience should she be torn in her loyalty between her school and her home.

On the one hand, the debate over this issue in the media was largely simplistic and one-sided. Critics of the Supreme Court's verdict often resorted to cultural shortcuts, equating this special provision with gen-der segregation and female oppression. The traditional norms embraced by the father were time and again depicted as indicators of fundamen-talism. Most public voices joined in this rather uniform venture of "othering" in which a particular religious minority is framed as "lag-ging behind" the dominant society. Leading Swiss intellectuals pub-licly criticized "alien" religious forms as incompatible with their own country's morals and styles, postulating an unbridgeable cultural dis-tance. That they encountered little opposition in the media from other intellectuals and public figures must be seen as an indicator of a still widespread Swiss self-perception of being a fairly homogeneous, non-immigrant society as well as an indicator of the very recent character of Swiss negotiations over immigrant religions.

On the other hand, the Supreme Court's decision in the case of swim-ming lessons is also an indication of how the Swiss authorities sought to protect immigrants' religious freedom in the 1990s. It is obvious that this ruling proposed a compromise, an attempt by the judges to avoid as far as possible value conflicts between the civic authority at school (and by extension the broader Swiss society) and the parental authority at home. The Supreme Court ruling has special connotations in the Swiss context where few exemptions have been granted. Indeed, for many decades, Jewish pupils travelled from the Canton of Zurich to the Can-ton of Lucerne in order to avoid attending lessons on the Sabbath.

While the Supreme Court's ruling as well as various cantonal regulations conforming to it reflected an open, flexible, pragmatic, and accommodative stance vis-à-vis religious difference, more recently this approach has begun to lose its appeal.

Thus in late 2007, when Pascal Couchepin, the minister responsible for the co-ordination of overall education and research activities (which are regulated mainly at the cantonal level), publicly endorsed dispensations from swimming lessons, his position was sharply criticized not only in the media but also by politicians and by a number of governmental bodies.

This new debate indicates that, by 2006, numerous politicians and their parties had changed their stance on this issue. In the course of 2007, all major political parties voiced criticism of the Supreme Court's 1993 ruling. The centre-left party of Social Democrats (SD) demanded taking—in its understanding—a feminist perspective, that the civic obligation to attend schools must not be diluted by claims emanating from a traditional, patriarchal religious worldview. One SD parliamentarian insisted that the ability to swim must not depend upon one's cultural background. The SVP as well as the liberal FDP (Minister Couchepin's own party) suggested that those who wished to enjoy dispensations or any other special provisions ought to send their children to private schools at their own expense.[25] The general secretary of the CVP (Christian-Democratic Party) insisted furthermore that Minister Couchepin's position creates uncertainty, and demanded that the federal government as well as the cantons develop a joint strategy on this issue. This demand is remarkable given that education is largely managed at the cantonal level and that, so far, the federal structure has resulted in pronounced areas of cantonal discretion in dealing with religious diversity on school premises.

The media focus on religious difference is increasingly carrying cantonal debates to the national level. While the Zurich Ministry of Education had issued guidelines to school authorities and teachers, well before the Supreme Court's 1993 ruling, aimed at enhancing sensitivity toward non-Christian religions (see Pfaff-Czarnecka 2005), the Canton of Basel City has moved in a different direction[26]—one that seems to have garnered more public support nationwide (as revealed in parliamentary debates as well as in the media). In January 2007, Basel integration authorities agreed that all pupils in the canton must partake in swimming lessons in particular and in sports lessons in general. Muslim students may wear special full-body costumes and the schools are expected to make individual shower stalls available. This position does justice to religious requirements to cover the body but rejects exemptions from performing the civic duty of fully partaking in the school's physical education curriculum. In Basel, pupils and their parents are denied the right to appeal to courts for individual exemptions. According to media reports, out of the hundreds of Muslim pupils, only five cases

required discussions between school authorities and parents in 2007.[27] Thus in the summer of 2007, Basel authorities claimed that both teachers and parents felt that the issue had been resolved.

Today, the general opinion in the Swiss public sphere is that such resolutions are conducive to integration. The current departure from allowing exemptions can be interpreted as a growing pressure upon immigrants to adjust to the national cultural practice of maintaining civic duties (such as attending school), which underlie the Swiss identity construction (see Kälin 2000). As was the case with the erection of mosques, opponents currently resort to discourses highlighting the Christian foundations of Swiss society.

The Basel case and its public endorsement by Swiss citizens living well beyond its cantonal borders indicate a profound change in Swiss attitudes. Even the Federal Commission against Racism has signalled the possibility that, because of societal change, the 1993 Supreme Court ruling may no longer conform to social values (Thürer 2007). The Court's response to this one case had been widely taken as a legal precedent, and a number of pupils had been exempted from swimming lessons all around the country. The current thrust of argument rejects the rationale put forward by the judges in 1993. The critics highlight the demand that religion and the state must be kept separate and the related demand that religion must not affect school regulations. As such, exemptions from the civic duty of participating in physical activity classes as part and parcel of educational courses are deemed to be unjustified. Clearly, the understanding of "integration" is becoming more restrictive, prescribing more uniformity in lieu of diversity, accommodation, and compromise.

## Approaches to the Integration of Religious Minorities

A number of inferences may be drawn from the nature of Swiss accommodative practices vis-à-vis the new religious diversity due to immigration. First, these practices are dynamic. The cases narrated in the previous section indicate the prolonged nature of societal accommodations taking place at the intersections of state, law, politics, and civil society. Stakeholders took their legal claims from lower to higher courts, mobilizing support and occasionally shifting strategies in the course of action. Furthermore, public attitudes toward immigrant religious minorities and their objectives also shifted over time.

Second, accommodative practices in Switzerland, as in other Western societies, are multisited. The well-known *bon mot* "*la Suisse n'existe pas*" is best illustrated by the variety of legal and institutional arrangements

observed at the cantonal and communal levels. But "multisitedness" is by no means confined to geographical locations and levels of state organization. It is also evident in the multiplicity of social spaces where rules of coexistence in the Swiss immigrant multireligious society are perennially renegotiated: families, schools, neighbourhoods, courts, mass media, and civil society organizations and forums are important contexts for articulating conflicts and reaching compromises. Accommodative practices are affected by the fragmented nature of this multisited field as much as by the frequent "mutual observations" and ensuing readjustments. It is very likely, for instance, that the changed public attitude toward dispensations from sports lessons was brought forth by the mobilization against minarets. This complexity is magnified by the transnational scope of migrant religious activism (e.g., Levitt 2007), which introduces new role models and frames grievances across national borders.

The multisited character of Swiss accommodative practices tends to be neglected in academic approaches privileging normative or ideal-typical modes of analysis (Koenig 2007). Smend rightly observed as early as 1928 that the state exists only as a permanent expression of the life of actual people; the consent of the people, on which the state rests, must be continuously negotiated.[28] Negotiating consent is an integral part of political life in which normative views intersect with actors' rationalities and perspectives. In particular, as Koenig claims, the judicial system may be regarded as deeply embedded in the political process: "Sustained legal-claims-making is thus conceived as part of broader contestations of state authority and of social power structures" (Koenig 2007, 2).

Third, the right-wing SVP has played a crucial role in orchestrating public opinion, and in politicizing migration in general and Muslim religious objectives in particular. This party was able to capitalize on anti-migration sentiments in Swiss society and the growing fears regarding the increasing influence of Islam outside and inside Swiss borders (D'Amato and Skenderovic 2007). The SVP proved to be immensely successful at galvanizing fears and anxieties with regard to the possible expansion of regulations on naturalization, the growing visibility of immigrant religions, and the Supreme Court's rulings on religiously based exemptions. In doing so, the SVP has influenced the nature of accommodative practices—challenging the migrants' claims for parity and reversing the more accommodative stance initially embraced by Swiss legislation and authorities in granting exemptions to immigrant activists and their organizations.

Besides the growing electoral support for the SVP, the shifting public attitudes have come to light through mass media reporting. As Imhof and Ettinger (2007, 296-97) demonstrate, the major tenor in the Swiss

press has changed significantly over the past decade. While immediately after 9/11 newspapers such as the *Neue Zürcher Zeitung* were careful to promote sensitive reporting about Muslims and to limit explicit expressions of Islamophobia, since roughly 2003 the Swiss media has been prone to monolithic depictions of Islam that highlight intrinsic links between this tradition and terrorism as well as the oppression of women.

In combination, the SVP and the media have significantly affected other societal actors who are instrumental in negotiations of religious difference in Switzerland. One of the most prominent Swiss public lawyers, Daniel Thürer (2007), argues that "situative considerations" need to be included in judicial practice in the field of Basic Law—implying that the ebbs and flows in public opinion need to be incorporated into the courts' decision-making process. While the political climate in the mid-1990s allowed for dispensations of Muslim pupils from swimming lessons, societal attitudes have changed so considerably in the last five years, Thürer argues, that new solutions are becoming feasible that are less accommodative to dispensation claims. Koenig's (2007, 4) observation that "if courts diverge too radically from public opinion in the granting of religious claims for recognition, legal claims-making and litigation may even backfire and contribute to more restrictive policy-making" seems to be confirmed by the recent Swiss experience. Furthermore, this significant shift in public perceptions is not counterbalanced by Muslim voices in today's Switzerland. While in several other Western democracies (including Germany), immigrants have managed to acquire sufficient political weight to speak publicly on their own behalf, Swiss Muslims have not yet been able to find, or use, their voice.

It is therefore not surprising that by way of a fourth and final inference, one would have to conclude that the level of accommodation of religious difference in Switzerland is comparatively low. While accommodative practices were once more common in Switzerland than they were in Germany (for a comparative analysis in the educational field, see Pfaff-Czarnecka 2005), this trend has reversed during the last five years. The precise reasons for this turnaround have yet to be established, but it is obvious that in Switzerland, the event of 9/11 instigated fears of terrorism commonly linked to Islam. By 2003, the SVP had become more and more overt in its criticisms of accommodating Islam in Swiss institutions and society; these criticisms catered to fears of Islam within the broader population. Interestingly, public expressions of these fears were not countered by Swiss intellectuals or by Muslims themselves. Hence, the SVP discourse against the public presence of Muslims turned into a highly successful political weapon. According to Kälin (2000, 34-52), the positive meaning of neutrality demands equal consideration for all. However, the actual adverse experience of immigrants is likely

to deepen their sense of not belonging to the societal mainstream, with potential detrimental effects.

There are a variety of ways in which non-Christian communities in Switzerland do not experience parity with the Christian majority. Three areas are of particular importance:

1.  In a majority of Swiss cantons (even in those cantons where such changes might be allowed in theory), so far not a single immigrant non-Christian religious community has received public-legal recognition.
2.  Public funding continues to privilege Christian communities above all other religious communities (Famos 2007, 309-10). This privilege is expressed through various forms of legally sanctioned co-operation between the state and the churches. Communities recognized by public law may enjoy state subsidies for church-sponsored activities such as religious services in hospitals and in prisons; furthermore, the state supports religious—that is, Christian[29]—lessons in public schools.[30] Numerous direct as well as indirect financial privileges result from the historical relations between the state and the church. For instance, the cantons of Bern, Waadt, and Zurich finance Protestant clergy out of state revenue (Famos 2007, 310). Several cantons finance theological faculty who are exclusively Christian.
3.  Visible presence in the public domain is largely denied to non-Christian religions. Religious communities also lack symbolic expression in the sense that the government has not established formal commissions and forums geared toward interreligious dialogue, realization of human rights, and anti-discrimination measures. Beyond the practical effects such commissions and forums might produce, their formal character could symbolically indicate state acceptance of minority non-Christian religious traditions (most of which are composed of immigrants) as a permanent feature of Swiss society.

The Swiss accommodation of religious difference centres on issues similar to those negotiated in other Western European societies. However, in comparison to Western societies with a multicultural orientation, Swiss accommodative practices have been quite limited. Religious expression is significantly easier in social spaces considered "private" than in the public realm. The lack of public-legal recognition is mirrored in public attitudes against expressions of non-Christian traditions.[31] This trend has been reinforced since the beginning of the new millennium as revealed in political parties' statements and articles in the mass media (Imhof and Ettinger 2007).

The Swiss negotiations over the modalities of accommodating religious difference are rooted in a publicly felt distinction between the public and the private realm. In Swiss public discourse, religion is typically perceived as private. In this understanding, the Switzerland model resembles the French approach to religion rather than the attitudes prevailing in Germany, where religion is more prominent in the public realm. It goes without saying that in Swiss perceptions, "alien" religious representations are particularly unwelcome. The cases discussed above reveal a disjuncture between Swiss societal dynamics and the self-perceptions voiced in public. Christianity is very clearly the only religion that is state-privileged in Switzerland; all other religions are explicitly and legally (or at least de facto) denied public standing as well as public support (although, as indicated earlier, the relationship between the state and Judaism is complex and ambivalent). Tension arises, therefore, between Swiss discourses about the putatively private nature of religion and the rather explicit practices in Swiss law and tradition that favour Christianity and circumscribe non-Christian religions.

A discussion of immigrant religion in Switzerland cannot be dissociated from Swiss approaches to immigration in general. In order to understand the Swiss integrative pattern vis-à-vis religious minorities, it is important to remember that the thrust of the national "we" group definition is not forged by any notion of cultural uniformity. The Swiss political culture is strongly oriented toward ideals that are commonly deemed republican: what binds the citizens together is a strong sense of mutuality and commonality buttressed by the high value accorded to individual civic rights and duties. Seen in this perspective, the Swiss approach to managing difference is not geared toward a single culture but rather reflects a range of inclusionary practices aimed at individuals. The republican model of common national belonging is not devoid of culturalist overtones, of course. Many citizens would highlight neutrality, work ethic, courage, realism, honesty, reliability, modesty, and inconspicuousness as character traits widely admired in the country.[32] Such common celebrations of Swiss qualities translate into an almost culturalist perception of societal uniqueness. Pride in efficient institutional structures and welfare services is also expressed in exclusivist attitudes toward persons not considered Swiss (Wimmer 2002, 222-68). Under these conditions, immigrants struggle against strong exclusionary practices, and they need to demonstrate—probably more than they would in other Western societies—that they deserve to live and work on Swiss soil.

"Multiple belonging" is therefore an appropriate term to describe the dominant modality apparent in the ways Switzerland integrates religious minorities. Their members are expected to integrate into Swiss

society in their individual capacities—*as deserving immigrants eager and able to contribute to the overall success and welfare of Swiss society*. Thus an overt policy of multiculturalism is discouraged, while individual capabilities such as command of the relevant language(s), professional skills, and willingness to engage in "civic commonality" are key criteria in defining one's place and ensuring one's success in Swiss society. Engagement in minority communities is not seen as a contradiction provided that this engagement does not extend to the public domain. While a decade ago it seemed that an overtly exclusionary model of integration that publicly stripped "deserving immigrants" of their culture and religion had been abandoned, recent shifts in mainstream politics indicate that we are witnessing a reversal of this policy.

## Notes

1. Article 49. The Constitution of 1874 was the first total revision of the Constitution that had been promulgated in 1848 after the Swiss political form had changed from *Staatenbund* to *Bundesstaat* (i.e., from a "confederation of states" to a "federal state"). The next total revision of the Swiss Constitution was approved by the sovereign on 18 April 1999 and came into force on 1 January 2000. The freedom of religion and the freedom of conscience provisions now form the content of Article 15.
2. See Koenig (2008) for parallel trends in other European countries.
3. Including Zurich, Bern, Basel, and others.
4. "In der Schweiz gilt seit der Gründung des liberalen Bundesstaates grundsätzlich das Primat des staatlichen Rechts" (Famos 2007, 303).
5. Notably Graubünden, St. Gallen, and Aargau.
6. Space does not permit a full discussion of the typologies elaborated by scholars in other countries; however, see Castles (1995) and Bader (2007).
7. Most of the trends described in this section are recorded in more detail in the work of Richner (2006) and Baumann and Stolz (2007).
8. This is not an entirely reliable indicator though, given the comparatively high procedural threshold for those seeking naturalization in Switzerland: adults may apply for citizenship only after having resided in Switzerland for at least 12 years, and the procedure may prove very cumbersome. In addition, in a number of communes, naturalization is granted by popular vote on individual applicant cases—which creates adverse effects for the naturalization of persons who are visibly different, as is the case with women wearing the hijab, for instance.
9. On the history of Jewish organizations in selected Swiss German cantons, see Richner (2006, 38-48).
10. These organizations and their key exponents—Heidi Rudolf, Peter Wittwer, Christoph Peter Baumann, Werner Schatz, Albert Rieger, and others—have

contributed a lot of their knowledge, contacts, and time to creating dense interreligious social fields.

11. However, joint action proved detrimental to the Jews. After Muslim and Jewish organizations engaged in their common quest to gain recognition in public law (*öffentlich-rechtlich*) in the Canton of Zurich, this action was brought to an end in a public vote. Later, in 2005, two of the Jewish organizations achieved an elevated status in Zurich. Formally, they continue as entities of private law but now enjoy a number of prerogatives denied to other communities of private legal status (see http://www.ji.zh.ch/internet/ji/de/aktuelles/staat_und_gesellschaft/kirche_und_staat.html).

12. For a more detailed discussion of this case, see Pfaff-Czarnecka (2004) and Richner (2006). See also Loacker and Hänsli (1998).

13. However, a Jewish cemetery had been established in Carouge in 1800, but it closed after the small area filled with tombs.

14. It is impossible in the space allowed to adequately describe the complexity of political-administrative levels involved in this case. It should be noted, though, that cantonal, municipal, and communal authorities were active here.

15. A number of old synagogues are visible in the urban spaces of Zurich and Geneva.

16. The Swiss sovereign will have to decide on this issue in a national vote. Interestingly, the Swiss federal government (*Bundesrat*) has already stated that it will advise voters to turn down this initiative.

17. Schweizerische Evangelische Allianz; Verband Evangelischer Freikirchen und Gemeinden in der Schweiz. This organization is not to be confounded with the mainstream Swiss Protestant Church and its organizations.

18. By 22 December 2007, Hisham Maizar, Präsident der Föderation Islamischer Dachorganisationen in der Schweiz (FIDS), fasst den Brief «als einen freundlichen, sehr lobenswerten Vorstoss» auf. Ein Dialog könne aber nur Erfolg haben, wenn man bereit sei, «den anderen zu verstehen und seine eigenen Positionen zu verändern» (*Neue Züricher Zeitung*, 23 December 2007).

19. Notable exceptions include a 40-page report on the basic rights of Muslims prepared by the Eidgenössische Kommission gegen Rassismus ("Federal Commission against Racism" 2006) as well as occasional articles published in the *Neue Züricher Zeitung*.

20. BGE 123 I 296.

21. On other school dispensations, see Pfaff-Czarnecka (2005).

22. BGE 119 Ia 178.

23. Swiss legislation requires students to attend school for nine years.

24. See Article 49, paragraph 5, of the old Swiss Constitution (1874–1999): "Die Glaubensansichten entbinden nicht von der Erfüllung der bürgerlichen Pflichten."

25. *Tages Anzeiger*, 28 December 2007, 2.

26. This new direction is also evident in Zurich.
27. *Tages Anzeiger,* 28 December 2007.
28. Der Staat existiert nur als "permantente Lebensäusserung konkreter Menschen" und er beruht nur "auf der immer neuen freiwilligen Zustimmung seiner Angehörigen" (quoted in Kälin 2000, 233).
29. Recently, Jewish communities have also enjoyed this privilege in the Canton of Zurich.
30. These lessons are funded by the state in some cantons and by religious communities in others. In addition, lessons are conducted on school premises in some cantons whereas in others this is not permissible. Patterns also differ with regard to which authorities are in charge of formulating the curriculum. The situation is all the more complicated as religious lessons are considered "school lessons" in some cantons but "confessional" in others. It goes without saying that the rules guiding religious education for non-Christian communities vary as well (Mortanges 2003).
31. Jewish communities are in an ambivalent position, enjoying neither the benefits of the Christian majority nor the obstacles of the Muslim (and other non-Christian) minorities.
32. These characteristics are highlighted in Rolf Lüssy's highly entertaining and accurate film *The Swiss Makers* of 1973, which has not lost its salience.

## References

Bader, V. 2007. *Secularism or Democracy? Associational Governance of Religious Diversity*. Amsterdam: Amsterdam University Press.

Baumann, C.P., ed. 2000. *Religionen in Basel-Stadt und Basel Landschaft. Projekt Führer durch das religiöse Basel.* Basel: Manava Verlag.

Baumann, M. and J. Stolz. 2007. *Eine Schweiz – viele Religionen. Risiken und Chancen des Zusammenlebens.* Bielefeld: Transcript Verlag.

Bloch-Roos, S. 1902. *Wie die Israelitische Gemeinde in Basel zu einem eigenen Friedhof gekommen ist. Eine Berichterstattung*. Basel: Basler Handelsdruckerei A. Galliker.

Bovay, C. 2004. *Religionslandschaft in der Schweiz* (Statistik der Schweiz). Neuchatel: Bundesamt für Statistik.

Castles, S. 1995. "How Nation States Respond to Immigration and Ethnic Diversity." *New Community* 21:293-308.

Cattacin, S., C.R. Famos, M. Duttwiler, and H. Mahnig. 2003. *Staat und Religion in der Schweiz – Anerkennungskämpfe, Anerkennungsformen.* Bern: Eidgenössische Kommission gegen Rassismus.

D'Amato, G. and D. Skenderovic. 2007. "Rechtspopulistische Parteien und Migrationspolitik in der Schweiz." Schlussbereicht des Nationalen Forschungsprogramms 40+ "Rechtsextremismus – Ursachen und Gegenmassnahmen" des Schweizer Nationalfonds, Bern.

Dreifuss, E. 1983. *Juden in Bern. Ein Gang durch die Jahrhunderte.* Bern: Verbandsdruckerei Betadruck.

Eidgenössische Kommission gegen Rassismus. 2006. *Mehrheit und muslimische Minderheit in der Schweiz. Stellungnahme der EKR zur aktuellen Entwicklung*. Bern.

Famos, C.R. 2007. "Religiöse Vielfalt und Recht: Von göttlichen und menschlichen Regeln." In *Eine Schweiz – viele Religionen. Risiken und Chancen des Zusammenlebens*, ed. M. Baumann and J. Stolz. Bielefeld: Transcript Verlag.

Guggenheim, G. 1952. "Zur Eröffnung des Friedhofes am obern Friesenberg." In *Erinnerungsschrift zur feierlichen Eröffnung des Friedhofs "Oberer Friesenberg,"* ed. Israelitische Cultusgemeinde Zürich. Zurich: Israelitische Cultusgemeinde Zürich.

Hangartner, Y. 1994. "Dispensation einer muslimischen Primarschülerin vom koedukativen Schwimmunterricht aus religiösen Gründen." *Aktuelle Juristische Praxis* 5:622-26.

Humbert, C.-A. 2004. *Religionsführer Zürich, 370 Kirchen, religiös-spirituelle Gruppierungen, Zentren und weltanschauliche Bewegungen der Stadt Zürich.* Zurich: Orell Füssli.

Imhof, K., and P. Ettinger. 2007. "Religionen in der medienvermittelten Öffentlichkeit der Schweiz." In *Eine Schweiz – viele Religionen. Risiken und Chancen des Zusammenlebens*, ed. M. Baumann and J. Stolz. Bielefeld: Transcript Verlag.

Kälin, W. 2000. *Grundrechte im Kulturkonflikt. Freiheit und Gleichheit in der Einwanderungsgesellschaft.* Zurich: Neue Zürcher Zeitung Verlag.

Koenig, M. 2007. "Religious Claims-Making in the Legal Sphere – Path-Dependence or Motor of Institutional Change." Abstract presented at the conference Accommodating Religious Diversity, St. Petersburg, Russia 26–28 September.

— 2008. "International Human Rights and the Construction of Collective Identities." *International Sociology* 23(1):95-114.

Kymlicka, W. 1991. *Liberalism, Community and Culture*. Oxford: Clarendon Press.

— 1995. *Multicultural Citizenship. A Liberal Theory of Minority Rights*. Oxford: Clarendon Press.

Levitt, P. 2007. *God Needs No Passport. Immigrants and the Changing American Religious Landscape.* New York: New Press.

Loacker, N. and C. Hänsli. 1998. *Wo Zürich zur Ruhe kommt. Die Friedhöfe der Stadt Zürich.* Zürich: Orell Füssli.

de Mortanges, R.P. 2003. "Rechtsfragen zum islamischen Religionsunterricht." *Tangram* 14:19-29.

Pfaff-Czarnecka, J. 1998. "Let Sleeping Dogs Lie! Non-Christian Religious Minorities in Switzerland Today." *Journal of the Anthropological Society of Oxford* 24(1):29-51.

— 2004. "Death, Ri(gh)tes, and Institutions in Immigrant Switzerland." In *Rethinking Non-Discrimination and Minority Rights*, ed. M. Scheinin and R.

Toivanen. Turku: Institute for Human Rights, Abo Akademi University, and Deutsches Institut für Menschenrechte.

— 2005. "School and Religious Difference: Current Negotiations within the Swiss Immigrant Society – A Comparative Perspective." In *Mobile People, Mobile Laws. Expanding Legal Relations in a Contracting World*, ed. F. von Benda-Beckmann, K. von Benda-Beckmann, and A. Griffiths. Aldershot, UK: Ashgate.

Raselli, N. 1996. "Schickliche Beerdigung für 'Andersgläubige.'" *Aktuelle Juristische Praxis* 9:1103-10.

Richner, B. 2006. "Im Tod sind alle gleich." *Die Bestattung nichtchristlicher Menschen in der Schweiz*. Zurich: Chronos Verlag.

Späni, M. 1999. " Die Entkonfessionalisierung der Volksschulen in der Schweiz im 19. Jahrhundert." In *Eine Schule für die Demokratie. Zur Entwicklung der Volksschule in der Schweiz im 19. Jahrhundert*, ed. L. Criblez, C. Jenzer, R. Hofstetter, and C. Magnin. Bern: Peter Lang.

Stadler, P. 1996. *Der Kulturkampf in der Schweiz. Eidgenossenschaft und katholische Kirche im europäischen Umrkeis, 1848–1888*. Frauenfeld: Huber.

Taylor, C. 1994. "The Politics of Recognition." In *Multiculturalism: Examining the Politics of Recognition*, ed. A. Gutmann. Princeton: Princeton University Press.

Thürer, D. 2007. "Religion als Gift – Reaktion durch das Recht. " *Neue Züricher Zeitung,* 14 February, p. 18.

Wimmer, A. 2002. *Nationalist Exclusion and Ethnic Conflict. Shadows of Modernity*. Cambridge: Cambridge University Press.