

## Multicultural Switzerland and the Challenge of Immigration

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### Abstract

Switzerland, thanks to its political institutions of federalism and power sharing, successfully managed to protect its linguistic, religious, and cultural minorities. Its model of an open multicultural society, however, is seriously challenged. In the last six decades, immigration to Switzerland was comparatively stronger than in classical immigration countries. The share of foreigners rose from 5 to 22 percent of the resident population. This process led to considerable social tensions, and immigration became one of the most controversial political issues.

This article begins with a discussion about Swiss multicultural heritage, and describes the dimensions and the politics of immigration in its evolution over time. The following part analyses the reasons for social tension and the difficulties of integration as well as of regulating immigration. The author shows that the traditional mechanisms of political integration only partially ease social problems of immigration. In the final part of this paper, the author argues that cultural differences between some groups of immigrants and residents go beyond the question of lifestyle. Global migration confronts societies with different core cultures, i.e., basic institutions, their constitutive legal structures, and their binding public order, which are partly incompatible. This is a challenge for immigration and social integration, relevant beyond the case of Switzerland, and implies chances as well as clear limits of sustainable multiculturalism.

### The multicultural heritage

Thirty years ago, the sociologist Karl Deutsch called Switzerland, "a paradigmatic case of political integration"<sup>1)</sup>. He refers to the fact that at the time of nation building in 1848, a "Swiss" society barely existed. The 25 cantons, tiny alpine states considering themselves as independent and sovereign, merged to establish a federation. These

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1) Deutsch, Karl, *Die Schweiz als paradigmatischer Fall politischer Integration*, Haupt, Bern, 1976.

cantons had a common past but were of different history, language, and religion. They were bound loosely together by a system of treaties of mutual assistance only. The historical treaties, however, had not prevented conflicts leading to four civil wars between Catholic and Protestant cantons between 1648 and 1847. The creation of the Swiss nation state in 1848 was accompanied too by belligerent actions, when the Catholic cantons were opposed to replacing the old treaty system by a modern federation. Moreover, economic conflict and industrialisation opposed “progressive” urban and “conservative” rural cantons. If one would still speak of a “Swiss” society, one would notice that this society was not only heterogeneous in culture and language, but also deeply divided in Catholic and Protestant cantons, and in urban and rural cantons. 130 years later when Karl Deutsch as an outside observer wrote his essay, Switzerland had overcome its religious cleavages, was one of the few multilingual countries in Europe having escaped conflict between its different linguistic regions, and was seen by many as a model of multicultural integration. How was this possible? In terms of Lijphart’s theory<sup>2)</sup>, it was the development of a consensus- or power-sharing democracy, which is different from the Westminster model of majoritarian democracy, and particularly appropriate for multicultural societies. Its institutional elements and the effects on social integration can be described as follows:<sup>3)</sup>

**1. Federalist nation-building bottom up:** The establishment of a federal constitution by a popular vote in 1848 marked the victory of a majority of mainly Protestant, industrialised cantons against a minority of Catholic-conservative cantons. Yet the majority was wise enough not to overrule the minority. The constitution left most powers in the hands of the cantons. Thus, the new federation had very few competencies, and new powers could be transferred to the central government only by consent of the majority of the people and the cantons in a popular vote. This meant that under the common roof of the federation, the cantons retained most of their political autonomy, which at the same time was a safeguard for their cultural and religious diversity.

2) Lijphart, Arendt, *Patterns of Democracy, Government Forms and Performance in Thirty-Six Countries*, Yale University Press, New Haven, 1999.

3) The following paragraphs are based on: Wolf Linder, *Swiss Democracy, Possible Solutions to Conflict in Multicultural Societies*, Third edition, Palgrave/Macmillan, Houndmills, Basingstoke, 2010.

## **2. A multicultural federation and the separation between religion and state**

Switzerland’s nation-building was multicultural from the beginning. According to the constitution of 1848, the federation consisted “of the peoples of the cantons”. In contrast to the unification of Italy or Germany at that time, the Swiss concept of the nation state was not based on the same culture, language, or ethnicity of its people, but on the same citizenship of the different peoples of the cantons. Switzerland therefore represents a political, not a cultural nation.

Federalism allowed combining political unity and cultural diversity. As an element of unity, we note that all main four languages- German, spoken by about 70 percent of the Swiss, French (20 percent), Italian (7 percent) and later Romansh (less than 1 percent) are considered to be of equal status and can be equally used as a national language. This means, for instance, that all four languages are spoken in parliament, that all legal acts exist in the three main languages, or that on banknotes one can find also “Tschuncanta Francs”, the Romansh expression of “Fifty Francs”. At the same time the linguistic diversity of the cantons is respected: The so-called “liberty of language” means that every sub-national unit has the right and a federal guarantee to maintain its traditional language or languages. In contrast to the federation as a whole, most cantons are monolingual, and their identity as a German or French-speaking community is equally respected: A German speaker living in a French-speaking canton has to accommodate with French (and vice versa). For instance, his/her testimony before court has to be translated to become valid and his/her children cannot claim to be instructed in German at school. As to religion, a similar balance between unity and diversity can be observed. The federal constitution guarantees freedom of practice, at the same time declaring that churches are not allowed to interfere with public tasks such as basic education. The particular relations between religious communities and the state, however, are regulated at the level of the cantons, which allows leeway for their particular cultural and religious values.

## **3. Power sharing**

The most important factor of political integration, however, is power sharing. Unlike the constitutional arrangement of federalism, which was functioning from the beginning, power sharing was developing step by step in a process taking more than one hundred years of time. Today it consists of the following elements.

- *Proportional representation:* The Swiss executive, the Federal Council, consists of

seven members, elected by Parliament for a period of four years. In the first decades after 1848, when the Protestant Radicals held a majority in parliament, the Council was composed of Radicals only. But in order to make the national government credible and representative, the National Assembly elected candidates from different linguistic regions. In the following decades, the practice of proportional representation was extended in two dimensions. One, the Radicals offered the Catholic conservatives a seat in the Federal Council. This was not a free lunch but an agreement: The Catholics, excluded from power before, profited from the introduction of the legislative referendum in 1874. This instrument turned out to be a powerful device for any political opposition: A group of citizens can call a popular vote on any new law of parliament, which may lead to a defeat of the government and its project. Thus, in order to reduce the referendum risk, the Radicals integrated the Catholics into the government. This was the beginning of a co-optation leading to a multi-party government. Step by step, further political parties (the People's (former Farmer's) Party and Social Democrats) became partners of a grand coalition. From 1959 to 2007, the Federal Council was composed of members of the same four major parties representing about 70-75 percent of the electoral power. The seats are distributed according to their relative electoral strength. Two, the idea of proportional representation became part of a generalised political practice and culture. Not only for the election of the executive, but also for the nomination of federal judges and of high-ranking officials, proportional representation became an informal rule, also used on communal and cantonal level.

- *The electoral system: proportionality rule:* Until 1918, the lower chamber of parliament (National Council) was elected by a winner-take-all system, which led to a constant majority of the Radicals as the ruling party. By means of a popular initiative, a coalition of Conservatives and Socialists claimed the introduction of proportionality rule. The initiative was accepted in a popular vote in 1918 and led to a considerable political change. The Radicals lost their dominant position, Catholics and Socialists had considerable electoral success and the party system became fragmented. In order to have majorities in parliament, cooperation and compromise between the major political parties became necessary.

- *The practice of power sharing:* With the exception of the rule for the election of the National Council, most *proportionality rules* are informal, and thus, do not guarantee the

Table 1: Use of the proportional rule: institutions and criteria

	Language	Party	Gender
Federal Council	x	x	x
Supreme Court	x	x	x
Election of the National Council	(x)	x	(x)
Parliamentary committees	x	x	x
Federal commissions of experts	x	(x)	(x)
Nomination of high government officials	x	(x)	x

x = criteria normally used.

(x) = criteria sometimes important.

formal right of quotas. Yet, they can be multidimensional (cumulating more than one criteria of proportional representation), and are flexible and open to change for new situations.

As shown in Table 1 (above), a candidate must fulfil more than one criterion to have good chances for election for most senior officials. Language is a basic criterion important for all offices at the national level; political party today is less decisive for high officials and experts, while gender has become a most sensitive criterion in the last thirty years. Religion, once considered important, has disappeared from our list: it does no longer play a role for a nomination in any office.

As already mentioned, most criteria are informal. If regulated by law, they are formulated, in general terms. Even so, they are widely respected by the electing bodies and rather effective, as shown in Table 2:

Table 2: Proportional representation of linguistic groups (percentages)

Representation	German	French	Italian	Romansh
Population (Swiss citizens only)	72.5	21.0	4.3	0.6
Federal Council	71.4	28.6	0	
Federal Court	60.0	30.0	6.6	3.3
National Council	72.0	24.0	4.0	
Council of States	73.9	21.7	4.3	
Expert Committees	76.9	20.0	3.1	
Federal Administration				
All personnel	71.5	20.7	6.5	
Senior staff	73.5	21.6	3.8	
Top management	71.9	22.9	4.3	

Sources: BFS (Volkszählung 2000); Eidgenössisches Personalamt: Bericht an den Bundesrat über die Erste Umsetzungsperiode der Weisungen über die Förderung der Mehrsprachigkeit in der allgemeinen Bundesverwaltung 1996-1999, Bern. Basic data for the councils are from 2004 (www.parlament.ch), author's own calculations for the percentages.

Over- or under-representation is compensated for over the years. Looking at the composition of the Federal Council since 1848 one can observe that Italian speakers, left out in the actual government, have had their share of about 5 percent of the seats. Gender is a special case. As in other countries, women are under-represented and their share fluctuates highly. Several years ago, the Swiss government was composed of 6 men and 1 woman; in 2009, however, women obtained a majority in the Federal Council.

As to the *political decision-making process*, many vetoes exist: federalism, proportional representation, the referendum and the multi-party system make a majoritarian style of politics difficult or even impossible. One could say that Switzerland is “condemned” to power sharing. The major political parties have to co-operate in Parliament and in the executive. Compromise seeking starts in a pre-parliamentary procedure. When a law project is prepared, Federal authorities consult the cantons and all interest groups, and both houses of parliament try to eliminate eventual referenda threats by negotiation and compromise.

#### 4. *The integrative effects of consensus democracy*

The many veto points of federalism and power sharing slow down the decision-making process. Many actors have a voice. Pluralist fragmentation makes consultation, negotiation, and compromise-seeking sometimes difficult, at least in domestic affairs, in which the pressure of globalisation and Europeanization is not pushing for innovation. Instead of a regular change of role between the governmental and opposition parties, we find a permanent grand coalition. In many issues, this grand coalition is not unanimous: One of the four governmental parties may take the role of an opponent and even calls for a referendum. While quick and comprehensive innovation is not the strength of Swiss politics, the stability of the Swiss system certainly is.

More important in our context is the long-term effect of integration. The deep divide between Catholics and Protestants of the 19<sup>th</sup> century has disappeared. However, power sharing only became possible when Catholics accepted the principle of separation between church and state. Similarly, the full integration of the Social Democrats into the formerly bourgeois government happened late in the second half of the 20<sup>th</sup> century, when the socialists had accepted armed neutrality and converted from a revolutionary to a reformist party. Both Catholics and socialists had to pay their price for co-optation and integration. Except for a short time during World War I when the German speakers had

sympathies with Germany, and French speakers with France, did the linguistic cleavage ever become a major issue. This is exceptional as most multilingual European countries are confronted with linguistic minority conflicts. Proportional representation has played an important role in Switzerland. All linguistic groups feel recognised as equal. It happens in popular votes that German- and French-speaking regions vote differently, but complaints about discrimination are rare. Two further circumstances were helpful. One, the cultural cleavages of religion and language are cross-cutting, which means that among Catholics, we find German as well as French speakers; similarly, the German speakers decompose into Protestant and Catholic cantons. Consequently, the conflict potential of the two cultural cleavages could not accumulate. Therefore, chances for a political party mobilising Catholic French speakers or Protestant German speakers are not promising and never were. Two, the Swiss political parties are national parties, trying to mobilise voters from all linguistic regions. Moreover, they try to bridge eventual conflicts between the linguistic groups in order to keep voters and influence. This is in contrast to Belgium, where political parties thirty years ago split into regional parties and made the linguistic divide between the Flemish and French speaking parts to an overarching issue of political conflict.<sup>4)</sup>

To conclude, the historical process of integration of the cultural minorities in Switzerland can be considered as a major success. This is in line with Arend Lijphart's theory, which proposes that a consensus or power-sharing democracy is particularly able to deal with conflict in divided societies and is able to integrate cultural minorities. This record, however, is overshadowed by new problems of social integration, induced by immigration.

## Developments of immigration

### 1. *Dimensions and characteristics of immigration*

After World War II, Switzerland has seen a continuous and strong immigration. While in 1950 foreigners counted for about 5 percent of the Swiss population, in 2009 they represented 22 percent of the resident population. In absolute figures: The actual Swiss

4) See: Dandoy Régis, Nicolas De Decker, “Peut-on encore parler de « partis frères » en Belgique ?”, in Pilet Jean-Benoit, Jean-Michel De Waele, Serge Jaumain (eds.), *L'absence de partis nationaux : menace ou opportunité ?*, Ed. de l'Université de Bruxelles, 2009, pp. 19-35.

population of 7.8 million includes 1.7 million foreigners, and the number of yearly immigrants is between 70,000 and 100,000 persons. Since World War II, about two million people have migrated and live as immigrants or descendants of migrants in Switzerland. Thus, Switzerland has one of the highest proportions of foreigners in Europe.<sup>5)</sup> Migration is comparatively stronger and contributes more to the population growth than in classical immigration countries like the US, Canada, or Australia.

According to official statistics of 2009, the foreign population consists of the following nationalities:

Nationality	Thousands	Percent
Germany	252	14.7
France	93	5.4
Italy	291	17.0
Portugal	206	12.0
Spain	65	3.8
Serbia and Montenegro	181	10.6
Turkey	72	4.2
Rest of EU/EFTA	320	18.6
Africa	57	3.4
Americas	73	4.2
Asia, Australia, without nationality	104	6.1
Total	1714	100.0

Source: "Ausländerstatistik 2010", Bundesamt für Migration, [www.bfm.admin.ch](http://www.bfm.admin.ch)

Immigration, as in other countries, is characterised by push- and pull-dynamics. On the one hand side, immigrants are seeking jobs and take chances for a better life in the host country. On the other hand, the host country is interested in manpower from the outside if human resources are scarce. In the case of Switzerland, both dynamics were forceful and explain the strong immigration. On the push side, the Swiss economy is attractive for immigrants for many reasons. It has a permanent strong growth, higher

5) In the 15 older EU-countries, the percentage of foreigners for 2004 is as follows: Austria 9.4, Belgium 8.3, Denmark 5.0, Finland 2.0, Germany 8.9, France 5.6, Greece 8.1, Ireland 7.1, Italy 3.4, The Netherlands 4.3, Portugal 2.3, Spain 6.6, Sweden 5.3, United Kingdom 4.7. Only Luxemburg with 38.6 percent has a higher proportion of foreigners than Switzerland. Haase, Marianne/ Jugl Jan, *Migration im europäischen Vergleich - Zahlen, Daten, Fakten?* Bundeszentrale für politische Bildung, 2008, [www.bpb.de](http://www.bpb.de)

wages in comparison to other European countries, and in the past offered jobs especially for unqualified work. As a multi-linguistic country, Switzerland is attractive for immigrants of different cultural backgrounds. On the pull side, many industries – such as construction, health, textile, and chemistry, but also mechanical industries – are in permanent lack of manpower. They are the political actors pressing for an open Swiss labour market. Immigration depends on the interaction of push-and-pull factors, which are permanently changing, but also have long-term effects, for instance, on the country of origin of the migrants. Until the 1960s, migrants coming to Switzerland were mainly coming from neighbour countries (Germany, Austria, Italy, and France). Immigration then gradually extended to Portugal, Yugoslavia, Spain, and Turkey. In the 1980s and 1990s, Switzerland faced a growing number of asylum seekers from Sri Lanka, then from Kosovo and Serbia, Turkey, and lately from African countries. In the latest phase, Switzerland, by a bilateral treaty with the EU, guarantees free movement of labour to persons from all EU countries. This explains also the many changes of Swiss immigration and integration policy from 1960 until now, which is described in the following paragraphs.

## 2. The legal status of immigrants<sup>6)</sup>

Swiss legislation distinguishes different categories of foreigners. Persons from EU-countries profit from free movement according to EU law, which is applicable for Switzerland on the basis of a bilateral treaty. Workers and their families from other countries normally get a temporary permit before being accepted as permanent residents, which is the status of about two thirds of foreigners living in Switzerland. Asylum seekers have to pass an administrative procedure with judicial review, determining if they qualify for residence in the status of a recognised refugee, or for temporary residence without the status of a refugee as long as the return to the country of origin is not justifiable. All categories of immigrants have protection of human rights and, with the exception of illegal immigrants, are given the same rights as the Swiss regarding welfare, social care, and public services. Free movement of labour, however, is limited to EU citizens and those having the status of permanent residence. Non-naturalised immigrants have no political rights. Two cantons which grant foreigners the right to vote and/or to be elected for office are the exceptions.

6) See: Thürer, Daniel, *Der Status der Ausländer*, Zürich 2007, [www.ivr.uzh.ch](http://www.ivr.uzh.ch)

Naturalisation in general is possible after 12 years of residence. The Swiss are citizens of a commune, of a canton, and of the federation. If non-natives want to acquire citizenship, they have to start with local citizenship. A local commission demands proof that the applicant speaks one of the Swiss languages, has basic knowledge of Swiss society and its institutions and is socially integrated.<sup>7)</sup> In the communes of some cantons, the full assembly of citizens finally decide on the application. Despite the rather burdensome procedure some 45,000 persons were naturalised in 2008. This represents by far the highest naturalisation rate in Europe (0.6 naturalisations per 100 residents, compared to 0.3 percent in Sweden or Belgium, 0.2 percent in Norway, Great Britain and France, or to 0.1 percent in Austria, Germany, Denmark or Italy).<sup>8)</sup>

### The politics of immigration<sup>9)</sup>

#### 1. The first phase: from "laissez faire" to restriction attempts

In the 1950s and 1960s, the Swiss economy rapidly expanded. In this period, annual growth rates of four or more percent were not exceptional. Manpower became scarce, the federal authorities opened access to the Swiss labour market, and many industries started actively to recruit foreign workforce. As the Swiss professional classes and higher education are of high levels, industries were mainly looking for unqualified manpower—jobs for which the young Swiss were overqualified, or which the Swiss disliked. As an economic policy, therefore, immigration was welcomed and hardly questioned.

In the 1970s however, strong immigration became a controversial issue. For many Swiss workers, their immigrant colleague became a competitor not always welcome. Immigration concentrated heavily in branches and certain areas. The headman on a construction site, for instance, might happen to be the only Swiss, leading a group of 30

7) Two groups profit from an easier procedure: foreigners married to a Swiss partner, and children from immigrants can acquire citizenship directly from federal authorities after five years of residence.

8) Tagesanzeiger of June 10, 2010, [www.tagesanzeiger.ch](http://www.tagesanzeiger.ch)

9) For an extensive account see: Lavenex, Sandra, „Policies of Immigration, Asylum and Integration“, in: Klöti et al. (eds), *Handbook of Swiss Politics*, Neue Zürcher Zeitung Publishing, Zürich, 2007, 621–644. Political decisions are documented in the yearly chronicle *Année politique*, Bern, IPE, 1966ff, [www.annepolitique.ch](http://www.annepolitique.ch)

foreign workers coming from different countries and speaking different languages, and teachers of some urban quarters became more and more confronted with a similar situation. While some groups of foreigners got quickly integrated, others preferred to live separated in their communities. Many Swiss feared that there were too many foreigners at too many places, and that the country as a whole would become overpopulated and lose its Swiss identity. For a long time, Swiss authorities and Parliament considered such complaints as purely xenophobic. Only marginal parties took as serious the social, economic, and demographic problems related to strong immigration. As these non-governmental parties of the political right did not have much influence in Parliament, they called for restrictions of immigration by means of popular initiatives. In the 1970s, no less than four such popular initiatives were handed in, and they were altogether rejected. However, the proponents did not have any difficulties to collecting the 100,000 signatures required; the popular votes had a high voter turnout, and one of the popular initiatives won 46 percent of the voters saying “Yes”.<sup>10)</sup> These were clear signs of protest: A good part of the Swiss citizens were dissatisfied with the liberal policy of immigration. Under this pressure, the federal authorities began to impose some restrictions, trying to stabilise immigration by a system of annual quotas. The first wave of immigration ended in the years after the oil crises of the 1970s when the Swiss economy experienced a recession. Job supply decreased by ten percent, and many foreign workers were sent back home. From 1985 on, however, a second wave of immigration began and restrictions imposed by the federal policy proved to be rather ineffective.

#### 2. Opposition against immigration becomes strong

From the 1990s on, opposition against continuing or even growing immigration gained new momentum. The Swiss People's Party (SPP), formerly the smallest partner of the governmental coalition representing farmers and crafts, transformed to a protagonist of national conservatism, absorbing the small right wing parties. Its success began in 1992 when the SPP led the Swiss people to say “No” to the government and its proposal of Switzerland becoming a member of the EEA (European Economic Area). The SPP became the party mobilising the electorate against Europeanisation, against the welfare state, and against further immigration of foreigners and refugees. Constantly insisting on

10) Data for this and all popular votes can be found at: [www.swissvotes.ch](http://www.swissvotes.ch)

these main issues, polarising in its rhetoric, populist in many propositions and actions, the party has had a permanent electoral success.<sup>11)</sup> With almost 30 percent of the votes in 2007, the SPP became the largest political party. In contrast, the political centre (Radicals and Christian Democrats with 15 and 16 percent) were the losers, while Social Democrats stagnated (20 percent).

### 3. Refugees: a new and controversial issue

The People's Party opposition against immigration was an important part of its electoral success and was fuelled by new developments of immigration. The number of asylum seekers per year – a few hundred in the early 1970's, grew dramatically, up to nearly 40,000 in the peak years of the 1990s. Swiss refugee legislation and practice, committed to a humanitarian and liberal past after World War II, came under pressure. The policy had been conceived for persons individually prosecuted in their home country, but not for a mass immigration of people from poor countries coming mainly for economic reasons. Moreover the distinction between "real" refugees and those coming for economic or social reasons proved to be almost impossible. The number of persons crossing the national borders illegally rose, and in regularising their status, Swiss authorities were bound to the principle of international law of *non-refoulement*, which forbids the generic repatriation of people into war countries and other disaster areas. Two groups particularly, took profit from this situation. Tamils from Sri Lanka had a relatively large community of about 40,000 asylum seekers since the 1980s, building local bridgeheads structured by family ties. Economically they were quickly integrated and generally well accepted. In the late 1990s when the conflict between Serbia and Kosovo escalated to an international crisis, 200,000 Albanians, corresponding to 10 percent of the population of the Kosovo, were seeking asylum and lived in Switzerland. Some of the Albanians were considered as problematic, notably due to over-proportional violent offences<sup>12)</sup>, and less integrated than the Tamils. Both groups, however, were not repatriated and up until now, only a small proportion of them returned to their home countries.

11) For the rise of the Swiss People's Party see: Kriesi, Hanspeter, et al. *Der Aufstieg der SVP. Acht Kantone im Vergleich*. Neue Zürcher Zeitung Publishing, Zurich, 2005.

12) For empirical evidence see: Killias, Martin, „Paradise lost? New trends in Crime and Migration in Switzerland“, in: W.F. McDonald (ed.), *Immigration, Crime and Justice, Sociology of Crime, Law and Deviance*, Volume 13. Bingley, UK: Emerald/JAI Press, 2009, and: Lillemore Ammann, *Gewalt durch Jugendliche im Kanton Zürich in den Jahren 1995 bis 2000 – eine Vollerhebung*, Zürich 2006

### 4. The globalisation of migration

With the globalisation of migration, the number of people immigrating from non-EU countries was growing: from (ex)-Yugoslavia, Turkey, from Africa, Asia, and Central America. Economic and social integration of these groups proved to be more difficult. Compared to traditional immigrants coming from neighbouring countries, the immigrants from non EU-countries accounted for a larger proportion of jobless people, who more often lived off of social welfare or public assistance,<sup>13)</sup> Immigrants from some non-European countries attracted attention because of higher criminal rate compared to those of corresponding cohorts from Germany, France, or Italy. Social integration is particularly difficult in groups characterised by traditional family roles, in which women remain at home, and in which parents or clans insist on the education of the children in their native culture.<sup>14)</sup> Strong social ties between immigrants of the same nationality are ambiguous. On the one side, they may be helpful for a better living in a foreign country: on the other side, those strong socialties may reduce incentives for integration into the culture and the way of life of the host country, and reduce learning its languages.

Under these conditions, immigration policy became more controversial than ever. With regard to refugees or asylum-seekers, the People's Party was the driving force in a bourgeois coalition for more severe restrictions, which were realised in several revisions of the Asylum Law. The political Left, churches and human rights organisations, denying problems of multicultural cohabitation or taking humanitarian arguments, were opposed. In 1999 and 2006 they challenged laws imposing more restrictions for asylum seekers, however without success.

In contrast to refugee policy, immigration from EU countries was liberalised.<sup>15)</sup> Brussels wanted to extend free movement of labour also to the non-member country of Switzerland. This corresponded with the objective of part of the Swiss industries interested in foreign manpower. The latter insisted upon an utmost liberal regime providing access to all categories from the low qualified up to the specialists whom they could not

13) Haug, Werner, *First and Second Generation Migrants in the Labour Market: An Overview*, Bundesamt für Statistik, Neuenburg, 2000.

14) For the case of migrants from Somalia: Beat Stauffer, „Clandenken, fehlende Bildung und ein unsicherer Status, Die Integration von somalischen Migranten stösst auf viele Schwierigkeiten“, in: *Neue Zürcher Zeitung*, January 8, 2011

15) Koch Philippe/Lavenex Sandra, The (contentious) human face of Europeanisation: Free movement and immigration, in: Clive Church (ed.), *Switzerland and the European Union*, Routledge, London 2006.

find on the domestic labour market. Consequently immigration in the form of free movement of labour became part of Switzerland's bilateral treaties with the EU. Gradually, Switzerland opened its labour market to persons from EU countries. Since 2004, persons from all 25 EU members profit from free access to the Swiss labour market, and in 2009, the agreements on freedom of movement of persons were extended to Bulgaria and Romania, the two newcomers of the EU.

The People's Party was opposed to the opening of the labour market to EU countries, which in their eyes aggravated the existing problems of overpopulation, and of economic and social integration. Yet the agreements upon free movement of persons were part of two packages of bilateral treaties with the EU, which had a strong support not only from the other three governmental parties, but also from voters. Opposition from the side of the SPP could not prevent the bilateral treaties being accepted in the referenda of 2000, 2005, and 2009 by majorities of 56 to 67 percent of the votes. In 2004 however, the Peoples' Party successfully challenged a law proposing easier naturalisation for young immigrants of the second generation. In the national elections of 2007 and in the following years, immigration policy was one of the main issues of the People's Party. It denounced asylum seekers of abusing the Swiss welfare system, of being unwilling to comply with Swiss legal and social norms, or of being more criminal. It warned of the danger of Switzerland becoming overrun by Islam and its culture. It denounced the Swiss-EU treaties guaranteeing free movement of labour because the agreements would lead to a new wave of immigration, with uncontrollable abuses detrimental for the country. For all of these allegations, the PPS can produce single cases, facts, and statistics, but regularly uses them in a generalising, populist manner. This is the context of political polarisation in which the latest popular initiatives of the People's Party came to a success: The construction of minarets is interdicted (2009), and foreigners convicted for crime have to be expelled from the country without further judicial review (2010).

## Political analysis

### 1. The protest of the people

The permanent discord between the government and the people is probably the most striking element of Swiss immigration policy. It has found its expression in more referenda and popular initiatives than in any other federal policy. Even though the government was the winner in most cases, opposition from neither the political Right nor

the Left was discouraged. With a governmental party becoming a strong opponent against a liberal regime of immigration, dissatisfaction with the government's policy of compromise persisted, and polarisation on the issue heated up rather than cooled down. Even so, the success of the latest popular initiatives against the construction of minarets and expelling criminal foreigners came as a surprise to many observers. Reactions of most Swiss and particularly of foreign media were negative because the implementation of both initiatives seems hardly feasible without discriminating against foreigners and contradicting international law. Have the Swiss people been the victim of a propaganda, which has become more and more populist? Looking at the history of direct democracy, one may answer 'yes' because in earlier votes, popular initiatives implying discrimination against foreigners or social minorities were regularly rejected.<sup>16)</sup> But things are not as simple as that. Populism and propaganda have their effects mainly in the combined base of real problems and emotional predispositions. The 400,000 Muslims, for instance, constitute a large religious minority which is heterogeneous in origin and culture. Most adapt to life in Switzerland without attracting attention. Radical Muslims making propaganda for an Islamic state are rare exceptions. Neither the hidden practices of *Shariah* law or of arranged marriage, nor fathers forbidding their daughters to participate in school swimming lessons, are the rule. Yet such single cases are in contrast to indigenous values or even public order and become controversial issues in the media. In daily discussions, such cases are often generalised, and many people become bewildered. The political discourse, also, may create confusion. Conservatives insist on the prerogatives of public order and assimilation while many liberals or Leftists bluntly deny the existence of a cultural conflict. Taking the opposite argument - cultural differences being too wide - a social anthropologist in 2008 asked for official recognition of *Shariah* courts for Muslims in Switzerland<sup>17)</sup> - which would mean a clear violation of Swiss law tradition and public order. Such conflicts and cultural divides induced by immigration are observed in many European countries. The enormous public debate on the best-selling book by Thilo Sarrazin, "Germany Abolishes Itself" in 2010 showed an uneasiness of large parts of

16) For extensive analyses of direct democracy with regard to (religious) minorities see: Vatter, Adrian (ed.), *Vom Schächt- zum Minarettverbot, Religiöse Minderheiten in der direkten Demokratie*, Neue Zürcher Zeitung Publishing, Zurich 2011; Linder Wolf, Christian Bolliger and Regula Zürcher, *Gespaltene Schweiz- geeinte Schweiz, Hier+Jetzt*, Baden, 2008.

17) Hollenstein, Pascal, „Scharia Gerichte in der Schweiz? Freiburger Professor verlangt Sonderrecht für Muslims und andere“, in: *NZZ*, 28. December, 2008.



Germany's population with its Turkish immigrants. At the same time it showed that many immigration problems were kind of a taboo or played down behind norms of political correctness, as was the already mentioned higher propensity towards violence of young Serbs or Kosovo-Albanians in Switzerland. In contrast to Germany, Swiss citizens had the chance to express this uneasiness in referenda and popular initiatives.

### 2. Immigration as part of the process of globalisation

The uneasiness about immigration is nourished by the fact that immigration problems, actually, mix with the larger context of Europeanisation. While not being a member of the EU, Switzerland has adopted EU legislation far beyond the bilateral treaties with Brussels. Europeanisation - in the form of liberalisation, privatisation, and the opening of the economy - has been very dynamic the last 15 years. It has brought profound social and economic change. Similar to globalisation, Europeanisation has produced new winners (export industries and people working in international services), but also many losers (farmers, domestic craftmakers, unskilled labour). Social hierarchisation and economic inequality grew. Polarisation in Swiss politics is found amongst the political elites and in the electorate as well.<sup>18)</sup> Social cleavages between capital and labour, or between rural and urban regions have constantly deepened, as can be observed in popular votes.<sup>19)</sup> In this context, immigration becomes a preferred issue of the critique of the losers of globalisation. With the integration into the European market, job competition is no longer limited to the lower qualified, but is generalised to all groups of employees. Immigration is stronger than ever, but with European legislation less controllable at the national level. This coincides with the general concern and critique of national conservatives about globalisation such as the loss of political control and the loss of national autonomy.

### 3. Why conflict persists

Immigration policy was, and is, accompanied by a permanent conflict potential within the native Swiss society. Given the massive immigration and the different consequences for the resident population, this may be inevitable. Yet in retrospective, one can identify three pitfalls of Swiss policies. The first and earliest pitfall was the perception of industries pushing for immigration. Originally, their main concern was extremely short sighted:

18) Linder, Wolf, Europeanisation without EU membership, in: Trampusch Christine, André Mach (eds.), *Switzerland in Europe*, Routledge, Oxford, 2010.

19) Linder, Wolf, Regula Zürcher, Christian Bolliger 2008, *op.cit.*

getting unqualified temporary "Guest-workers", and hiring and firing them according to the economic cycle of their branches. This brought distortions to the labour market, giving the wrong incentives to hire cheap labour instead of investing for higher productivity. The social costs of this policy turned out to be high. It was abandoned in the last two decades in both dimensions of time and of qualification: The status of "seasonal workers" who were only allowed to stay for a few months without free movement on the labour market was abolished, and the official objective of the new Swiss policy is to attract also a highly qualified workforce. The second pitfall was the underestimation of the social consequences of immigration. It took a long time for the Swiss authorities to learn that strong immigration created social tensions with the resident population, and that integration was a task of both sides - the immigrants as well as the host country. The third pitfall was related to the question of how to control immigration. Until the 1980s, the opposition claimed a quantitative limitation of the total number of immigrants and a stabilisation of the growth of the total population. In response, the federal authorities installed different systems of yearly quota, which were distributed amongst industries in a bargaining process. The quota-regimes turned out to be barely effective with regard to the global stabilisation of immigration. Later, controlling the immigration of asylum seekers proved to be an illusion. Today Europe is one of the main targets of global immigration. Immigration, especially from developing countries, is induced by global socio-economic inequality. It will grow as poverty in these countries increases. Illegal immigration, especially from all parts of Africa, proved to be controllable for neither Europe, nor Switzerland. It will persist along with its main cause: the lack of industrial jobs in the developing countries. Finally, because of the agreements with the EU regarding free movement of labour, control of immigration from EU-countries is no longer in the hands of the national government.

### 4. Success of integration against all odds<sup>20)</sup>

Switzerland should not be considered a xenophobic country. Integration policy started late, still has many deficiencies, but has developed many effective instruments.<sup>21)</sup>

20) For the development of Swiss integration policies see: Niederberger, Josef Martin, *Ausgrenzen, Assimilieren, Integrieren. Die Entwicklung einer schweizerischen Integrationspolitik*, Seismo, Zürich 2004.

21) *Integrationsförderung des Bundes und ihre Auswirkungen in den Kantonen*, Study published by the Bundesamt für Migration, Bern, 2009, [www.bfm.admin.ch/bfm](http://www.bfm.admin.ch/bfm)

Immigrants profit from the high autonomy and competence of the communes. Local authorities are close to the real problems of social integration. They instruct immigrants on their rights and duties. Responsible for social aid, they care for immigrants in need. These authorities are creative, for instance, in overcoming the difficulties of primary school teachers and their classes composed of pupils coming from a dozen countries and speaking as many different foreign languages. Prison wards and police forces, also, are systematically trained in intercultural communication. Civil society plays an important role. In football clubs, kids learn more rules than those of the offside and of fair play on the field. Of course, some groups of new immigrants face difficult problems. But this contrasts sharply with the situation of the immigrants' descendants. To a great extent, Swiss authorities, and the economy and civil society have been able to give equal opportunities to the second generation of immigrants, and most *secondos* are able to take their chances. As is shown in comparative statistics, *secondos* in Switzerland perform better in school and are better integrated in the labour market than in other European countries.<sup>22)</sup> This is against all odds, considering the fact that Switzerland, with more than 20 percent foreign residents, has by far one of the highest proportions of immigrants, composed mainly of the lower social strata in the past.

##### 5. The role of the multicultural heritage

To what degree has Switzerland's multicultural heritage described in the first part of this paper helped to ease social conflict? With regard to the politics of power sharing we note that compromises in the immigration issue are still liberal. In the refugee policy, the parliament refrained from drastic measures against illegal immigration. But its reactions on social conflict were presumably insufficient, which has contributed to the success of the latest popular initiatives. Immigrants themselves cannot profit from the political mechanisms of power sharing. As long as they are not naturalised, they do not have political rights and can therefore not claim proportional representation. If immigrants seek influence in politics, they do not want to represent themselves as a general category of immigrants, but as an interest group of Italians, Turks, or Kosovo-Albanians. Larger national communities articulate their specific interests. In short, aggregating common interests of all immigrants is difficult and of limited success because of dividedness or

22) *Equal Opportunities? The Labour Market Integration of the Children of Immigrants*, OECD Publication 2010, OEDCLibrary, [www.oecd.org](http://www.oecd.org)

rivalry between the national communities.

As to federalism, it protects only those minorities who are capable of constituting a political majority in a sub-national unit. Thus federalism would not help the large religious minority of 400,000 Muslims, even if all of them have Swiss nationality. In contrast to Catholics, which have a majority in a number of cantons, Muslims live dispersed in all cantons and could therefore not form an effective majority. Some say that Federalism was even harmful for immigrants, especially in the question of naturalisation. As the first and most important step of naturalisation is in the communes' competence, one has to expect inequalities: "liberal" communes are more inclined to naturalisation than "conservative" communes. And indeed, the full assembly of communes in some rural cantons constantly refused the naturalisation of some nationals, so that Switzerland's Supreme Court had to intervene against discrimination and for a fair procedure. This contrasts with some cities, which had an extremely generous policy. Therefore, we observe unequal chances. But this is a sort of inequality which also the Swiss have to accept, for instance in the quality of public services, which is differing between the communes. Disparity and inequality between the communes are the price of decentralised autonomy. Finally, local decision and direct democracy seem not to be obstructive to naturalisation on the whole. As already mentioned, the naturalisation rate in Switzerland is the highest in Western Europe.

Some other effects of federalism are undoubtedly positive. As mentioned before, the decentralised structure of Swiss political institutions and of civil society was helpful for social integration. Cultural integration, for instance of immigrants from Asia or Africa, was a new problem thirty years ago. Nobody knew how to deal with it, and policy invention was necessary. As the communes and cantons are politically autonomous, they took very different paths of action. Many of them failed but federalism offered a kind of a laboratory to develop new policies "bottom up", in which evaluation based on empirical evidence was stimulated. Thus, sharing experience and innovation were stimulated in a process of trial and error.

##### From an emigration to an immigration country

For the longest time of its history, Switzerland was poor and an emigration country. In the 19<sup>th</sup> century for instance, there was even forced emigration to be found: Some of the communes were severely hit by poverty and economic depression, and they decided that part of the households had to emigrate. In the full assembly, the citizen had to draw

a lot, deciding if he could stay or had to leave. In the second half of the 20<sup>th</sup> century, Switzerland became prosperous, and inadvertently an immigration country. Immigration is relatively more intense than in classical immigration countries like Canada or Australia. In contrast to the latter, however, Switzerland is not under- but overpopulated if we look at the density of population. Even more important, until recently it did not have a proactive and explicit immigration policy. Rather, federal authorities were muddled between contrasting interests and their protagonists.

In the last ten years, however, we see a growing will of Swiss authorities to develop a comprehensive immigration policy. This policy is based on the experience of the cantons on integration and on the implementation of refugee legislation, and integration will mainly rest in the hands of the cantons and the communes. Consensus on the integration issue is growing, even concerning risk groups of asylum seekers from outside Europe. The "liberal" or "humanitarian" side has partly shifted away from its older position that cultural differences do not exist or were easy to overcome. It is recognising that asylum seekers, if they want to stay, should learn one of the national languages and cooperate in programs aimed at their integration into the labour market. One of the basic concepts to realise this objective are individual contracts between asylum seekers and local authorities who define rights and duties for both sides. The practice is expanding to other immigrant groups from non-European countries and, for immigrants with difficulties of integration thus, becoming the rule in many cantons<sup>23)</sup>.

Further progress in integration, however, depends on a national policy regulating selection of immigrants and access to the national labour market. A classical immigration country like Canada disposes of national sovereignty to regulate and has a selective policy of immigration, defining criteria on professional qualifications and on the potential for integration. Canada's policy sets quota and a clear obligation for immigrants to assimilate. In this concept, good chances of integration depend on the national control of immigration at the first line. In the case of Switzerland, however, this control is not at hand. In contrast to Canada, the Swiss government is no longer autonomous with regard to immigrants from EU countries, who have free access to the Swiss labour market. Thus the government has lost political control of selection of the quantity and quality of immigra-

23) Vögeli, Dorothee, „Integrationsvereinbarungen gezielt einsetzen, Fünf Kantone haben erste Erfahrungen mit einem neuen Instrument gesammelt“, in: Neue Zürcher Zeitung, May 6, 2010, [www.nzz.ch](http://www.nzz.ch)

tion to a considerable degree. While the protagonists of free movement of labour praise the rationality of the market, others are sceptical. In their eyes the comparative advantages of the Swiss labour market and of the social security system will lead to considerable inflow, regardless of economic conjunctures. Opponents argue that without restrictions the small country with only 7.5 million inhabitants will be overrun by migrants from the EU countries with their 500 million population, threatening the identity and coherence of Swiss society. Even specialists presume that strong immigration would not ease the problem of over ageing, and that non-selective immigration and high population growth may lead to increasing social costs.<sup>24)</sup> Consequently, the People's Party not only wants harder restrictions for immigration from non-EU-countries, but also proposes to cancel the treaty of free movement of labour. This, however, would put at risk all bilateral treaties with the EU, and it is hardly conceivable that a political majority would accept the high costs of an economic isolation of Switzerland.

As a consequence, a national policy of selective immigration can only be formulated for people from non-EU countries who choose the regular way of immigration. Moreover, selective immigration policy has limits with regard to asylum seekers. In 2010, their number was about 15,000 persons, with Africans accounting for the greater part. Having crossed the borders, asylum seekers are protected by the *principe de non-refoulement*. Every asylum seeker has the right to stay in the country until the moment a judicial authority decides in the last instance that he or she does not qualify as a refugee according to the law and does not face any risk when being sent back to the country of origin. This legally correct procedure bears some undesirable consequences. The less a refugee co-operates with the authorities (for instance telling nothing about his/her individual motives or throwing away his/her passport and personal documents), the longer the procedure can last (up to several years) and the better is the individual's chance of getting a permit to stay. This has consequences on the aggregate level: The more liberal the legal practice in comparison with other countries, the more it attracts asylum seekers to try their chance in Switzerland. These two undesired incentives in the past had the most important impact on the comparatively high inflow of asylum seekers. Some other factors added to the salience of political conflict: Asylum seekers in general are less quali-

24) Eichenberger, Rainer, „Wirtschafts-, nicht Bevölkerungswachstum braucht das Land“, in: *Neue Zürcher Zeitung*, May 24, 2009, [www.nzz.ch](http://www.nzz.ch)

fied for the Swiss labour market than other immigrants.<sup>25)</sup> They are considered to be a risk group with less ability or willingness to integrate, thus implying higher costs of social aid because of their high rate of unemployment. In short, overcoming the greater distance to Swiss culture is an obvious problem for many immigrants coming from other than EU-countries. This leads us to one of the most difficult problems of immigration, the challenge of multicultural conflict.

### Immigration and the challenge of multicultural conflict

In the 1960s and earlier when immigrants mostly came from neighbour Italy, Swiss German speakers complained about Italians being disorderly, too loud, and bringing their little children into the restaurants at night. Today nobody would take notice because with regard to the above points, the younger generations of Swiss German speakers have become like Italians.

Is difference of culture therefore just a matter of "lifestyle", making cultural differences only a question of a period of mutual adjustment? The answer is yes and no. The headscarf of a young Muslim woman may become unnoticed, as was the veil of Christian nuns in earlier times. Like the *saris* of a Tamil woman, these accessories of clothing are part of a lifestyle. Wearing or not wearing them is part of personal freedom guaranteed in a Western society. But what about a Muslim woman who is forced to comply with a religious rule against her own will, or is forced by her family to "consent" to an arranged marriage?

Obviously, we can find cultural differences beyond "lifestyle": Forcing a young woman to comply with the religious rules of her family or forcing a person to accept an arranged marriage is against the law in a European country. Verena Tobler, therefore, proposes to distinguish between "lifestyle" and "core culture".<sup>26)</sup> While lifestyle comprises accidental characteristics of custom or social life, core culture defines the norms defined as binding by a society to organise its essential functions of production, social solidarity, security, and education. The main element of core culture is the constitutional and public order of a country. In a Western democracy, the separation of state and religion is an

25) Hannes Lindenmeyer et al., *Arbeitsmarktintegration von Flüchtlingen und Vorläufig Aufgenommenen Studie über erfolgversprechende Faktoren*, Bundesamt für Migration, Bern 2008.

26) Tobler, Verena, „Die kulturelle Dominanz des Westens und der Kampf der Kulturen« in: VHSKZ (Hrsg.), *Neue Weltordnung? Neue Ungewissheiten!*, Zürich 2004, pp. 101–126.

important principle, and the practice of religion or the personal liberty of marriage, are private affairs protected by fundamental rights. Individual risks of unemployment, health, age, or poverty are taken care of by the welfare state. Law defines most elements of this social contract: Individuals have the obligation to pay taxes, contribute to social insurance, and are entitled to benefits according to the law. But core culture goes beyond. As part of an unwritten social contract, it is expected that by education, all individuals acquire the necessary qualifications for gainful employment and that every household has a breadwinner willing to use his or her qualifications on the job market.

By contrast, core culture in many pre-modern societies is centred on families or clans that are the main institutions of legitimate order and loyalty. The family is the (mostly agrarian) production unit, characterised by gender and age divisions of labour, intergenerational and kin solidarity. Without industrial productivity there is no welfare state; rather it is the family, which allows the old, the poor, and the sick to survive. Education means insertion in traditional values and practices. The state, as in modern societies, claims a constitutional order, but in peripheral regions of sub-Saharan African countries for instance, the informal traditional order may still be more important.

This styled comparison of core culture illustrates the enormous difference of the social structure in industrialised and pre-modern societies. Migration from developing countries confronts different core cultures, and in this context, Islam and its culture seem to be a source of particular conflict. In Islamic countries the separation of state and religion barely exists, and Islam is much more than a religion. Religious law is part of a social order, binding state and individuals as well, although with considerable differences from country to country. From a relativist perspective, both Western and Islamic countries can be considered equivalent as functioning social orders. The core culture of each society is oriented towards the collective survival and the viability and dignity of its members. But Western and Islamic societies represent different ethics and fundamental differences of core culture, which cannot be dealt with as simple questions of style of life. Each side has an interest in protecting its own core culture. By their legal order, both Western and Islamic states set restrictions as to the practice of the other core-culture. It is a political question to what degree the authorities of a state tolerate practices contradicting their own legal order. Regarding immigrants, however, there are good arguments that immigrants have to renounce all practices violating the fundamental legal concepts and the public order of their host country. From such a perspective, immigrants coming

to Europe have to assimilate to European rules of law and to Europe's basic institutions.

In the light of Tobler's concept of core culture, it would be a big mistake to see differences of core culture only with Islam. Indeed, only part of the differences of core culture concerns religion. Arranged marriage, for instance, is still practiced not only in Islamic societies such as Afghanistan and Pakistan, but also in many countries of sub-Saharan Africa. The reason for this practice is not religion, but economy. As part of a binding social contract, the young generation has not only the right to inherit the fortune of their parents, but also the duty to care for the subsistence of the old members of the family. No wonder that in pre-modern times, arranged marriage was widely practiced also in European countries: Without pensions from the welfare state, children were the only guarantee for survival of the old, and parents had a legitimate interest influencing the choice of their children's partner. With the rise of the welfare state and fundamental rights, this part of the public order has lost its reason and legitimacy. Consequently, arranged marriage is prohibited in European countries by law, and immigrants trying to circumvent the law are persecuted.

The more important point of integration, however, is not the interdiction of illegal practices, but the acceptance and recognition of the core culture of modern society. Positive integration depends upon the ability to acquire qualifications necessary to integrate into social life and the labour market: Learning a language of the country, some professional skills, and the willingness to use the language and skills in the labour market. Integration from a pre-modern to a modern society means also that immigrants for instance, gets acquainted with the rules of social welfare different from familistic solidarity, or that they can accept the objectives of modern education different from those in their society of origin. Integration policy has to play an active, supportive role in this process. Giving immigrants an adequate understanding of the social contract and the rules of give-and-take of the welfare state must be an essential element of the intercultural dialogue. Integration can be difficult for immigrants coming from traditional social structures in which the functions of production, social solidarity, and education are organised around family and relatives, and from countries where a market economy and monetarised welfare are both lacking. All in all, this means that an immigrant has to renounce part of the core culture of his or her native country. From this point of view, integration is risky and can fail.

An idealistic concept of multiculturalism, denying differences or reducing them on

questions of lifestyle is not only erroneous but an illusion, creating disappointment and frustration on both sides. By contrast, the structural concept of core culture shows that differences can be enormous and difficult to overcome for some of the immigrants as well as for some of the indigenous population. On the one hand, indissoluble differences of core culture show the limits of peaceful, sustainable, and productive multiculturalism: While in the lifestyle of immigrants, utmost liberty is a test for a liberal society, assimilation of the core culture of the host country seems to be indispensable. On the other hand, the concept of core culture gives us a deeper understanding of global disparities between the First and the Third World, such as the inequality of access to resources. This way help us to understand better which parts of modern core culture and lifestyles of industrialised societies may have to change.