

The Shared Values of Multiculturalism and Secularism in Azerbaijan and Switzerland

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Introduction

*Daniel Warner and Lydia Amberg*¹

Multiculturalism and secularism are two of the essential underlying principles of modern liberal societies. In the contemporary complex and interdependent world, the integration of different ethnic groups and the separation of church and state are fundamental. And yet both of these concepts are being directly challenged. Radical groups such as the Islamic State (ISIS) are attempting to create a caliphate, which would be a return to a homogeneous theocracy. In addition, and less radically, various nation-states sharing one unifying religious belief have called into question the universality of values such as multiculturalism and secularism as basic principles of their societies.² Even in historically multicultural countries such as Canada, the once agreed-upon multicultural concept has been called into question.³ The United States, which once called itself a melting pot of different cultures, is now referred to as a salad bowl, unable to integrate its differing groups properly into a cohesive whole. Overarching national identities have been broken down into competing cultural identities. Multiculturalism and secularism are no longer easily assumed as accepted ways to organize contemporary societies.

The end of the Cold War witnessed the termination of the ideological confrontation between Marxist/Leninism and democratic capitalism. Francis Fukuyama, in a moment of euphoric triumphalism, even declared the end of history.⁴ The euphoria did not last long. Conflicts still occur after 1989, but for reasons other than political/economic: recent confrontations have been along fault-lines closer to Samuel Huntington's clash of civilizations.⁵ The tragic events of January 2015 in Paris after the publication of cartoons showing the prophet Mohammed, disagreements over policies dealing with the wearing of veils or the construction of minarets, the refusal of a clerk in Kentucky to marry a gay couple and the rise of xenophobia against refugees coming from certain regions and religious backgrounds are all obvious examples of

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² The Islamic Republic of Iran is one example, and the Jewish state insistence by Israel is another.

³ The Canadian scholar Will Klymicka has written extensively on challenges to this assumption. See Will Klymicka, "Neoliberal multiculturalism?", in Peter A. Hall and Michèle Lamont (eds), *Social Resilience in the Neoliberal Era* (Cambridge: Cambridge University Press, 2013), pp. 99–125; Will Klymicka, "Multiculturalism: Success, failure and future", in Migration Policy Institute (ed.), *Rethinking National Identity in the Age of Migration* (Berlin: Verlag Bertelsmann Stiftung, 2012), pp. 33–78; Will Klymicka, "Testing the bounds of liberal multiculturalism?", paper presented at Canadian Council of Muslim Women conference on Muslim Women's Equality Rights in the Justice System: Gender, Religion and Pluralism, 2005.

⁴ Francis Fukuyama, "The end of history?", *National Interest*, Summer 1989.

⁵ Samuel P. Huntington, "The clash of civilizations?", *Foreign Affairs*, Summer 1993.

how sensitive societies have become to the role of religion and the limits of individual freedom.

The terms secularism and pluralism immediately evoke concepts such as freedom of expression, democracy, freedom of the press, gender equality and freedom of religion. The list could go on. These underlying assumptions of liberal societies raise essential questions about the role of government. What role does a government play in guaranteeing certain rights? How does the guarantee of these rights interact with national and individual security? How are these different concepts related to one another? Does one presuppose another? Which are the most basic? Can a democratic state be non-secular? Is a democratic form of government the only form that can guarantee basic rights? What role does a written constitution have? Are we witnessing a religious revival at the beginning of the twenty-first century? And if so, why?

While not directly answering these questions, an examination of policies in Azerbaijan and Switzerland, as two countries similar in attitudes towards multiculturalism and secularism, reveals many of the successes and tensions in considering the above questions. As Philippe Lefort points out in the Conclusion, “the relation between secularism and multiculturalism in today’s world is neither simple nor unilateral”. But it is certainly worth interrogating.

As part of an effort to strengthen civil society in Azerbaijan and further develop international cooperation, the Council on State Support to Non-Governmental Organisations under the Auspices of the President of Azerbaijan (CSSN) in cooperation with the Baku Multiculturalism Centre agreed to support funding for the Swiss-based Geneva Centre for the Democratic Control of Armed Forces (DCAF)⁶ to carry out a study on “The shared values of multiculturalism and secularism in Azerbaijan and Switzerland”.

With the assistance of the CSSN and the Institute of Federalism in Fribourg, Switzerland, DCAF selected an expert from Azerbaijan, Professor Dr Tahira Allahyarova, and two experts from Switzerland, Nadine Schouwey and Simon Zurich, to carry out the necessary research. The country authors were mandated to prepare papers on multiculturalism and secularism in their country. Historical, political, legal and social factors were examined in an attempt to present a comparative analysis of the two countries.⁷ Ambassador Philippe Lefort of France,

⁶The Geneva Centre for the Democratic Control of Armed Forces is an international foundation, with a governing council of over 60 countries, established in 2000 on the initiative of the Swiss government. DCAF’s primary fields of activity include security sector reform and security sector governance. It is guided by the principles of neutrality, impartiality, gender sensitivity and local ownership as the basis for supporting legitimate and sustainable reform processes. The present project reflects many numerous projects that DCAF is involved in around the world.

⁷An intermediary seminar was held at the Institute of Federalism in Fribourg in March 2015, during which the authors presented drafts of their findings. The seminar was attended by members of academia, civil society and the media.

whose long diplomatic career has included being special representative for the European Union for the South Caucasus, agreed to be the external expert and write the Conclusion to the collected papers.

Although Azerbaijan and Switzerland would seem to be very different countries – different historical roots, political systems, cultures, varieties of languages, geopolitical positions – they do share similarities in terms of integrating foreign cultures and religions. Neither country has a homogeneous ethnic group dominating its population. Both countries, radically different in many ways, have several similar characteristics that are worth presenting. The cultural identities of both have been imagined and constructed around similar principles.

It is on the basis of the specific similarities in the two countries in relation to multiculturalism and secularism that the study was carried out. Government policies implementing these principles and carried out by the society at large are essential for peaceful coexistence within countries. And, hopefully, these reports can serve as examples for countries witnessing civil strife and non-integration today which wish to move forward to implementing laws guaranteeing multiculturalism and secularism.

It is in a spirit of pluralism and intercultural dialogue that we present this report on multiculturalism and secularism in Azerbaijan and Switzerland.

Geneva, 1 November 2015

The Shared Values of Multiculturalism and Secularism in Azerbaijan

Tahira Allahyarova

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Introduction

The cultural space of the late twentieth and early twenty-first centuries is based on new global cultural realities. For this reason, political and ideological models and mechanisms of intercultural relations have generated extensive debate. One of the challenges of globalization today is the problem of preservation, along with the process of socio-cultural unification, cultural diversity, relationships and the coexistence of separate cultural and historical communities. In this evolving situation, cultural and political discourses gradually emerged as a “realistic paradigm” of intercultural relations forming “multicultural, polycultural, transcultural, cross-cultural” and related concepts and approaches.

Most modern states are characterized by numerous ethnic and religious differences. An indicator that can be used to verify this is the growth in the membership of the United Nations from the original 50 countries in 1945 to the present 195 member states (on 2 March 1992 Azerbaijan became the 181st member of the UN). Citizens of these countries belong to 800 ethnic minorities. If we add to this the religious and linguistic minorities, the numbers grow even further.⁸ The transformation of multi-ethnic, demographically multicultural societies has created a major challenge for policy-makers seeking to manage ethnic diversity without exacerbating violence and conflict.

Politicians, sociologists, philosophers and writers have all developed definitions of “multiculturalism”. Howarth and Andreouli, for example, argue that while “multiculturalism has been a heavily debated term within Western political discourse and academic discussions” it is now “increasingly seen as a failed project that encourages inter-group segregation”.⁹ Similarly, Anthias and Yuval-Davis observed: “Multiculturalism emerged from the realization... that the melting pot doesn’t melt and that ethnic and racial divisions get reproduced from generation to generation.”¹⁰

Diversity, it may be argued, is one of the most important elements for states and their communities. States must be able to protect and develop this diversity. Coexistence in terms

⁸Rodolfo Stavenhagen, *The Ethnic Question: Conflicts, Development and Human Rights* (Tokyo: UN University Press, 1990), p. 2.

⁹Caroline Howarth and Eleni Andreouli, “Has multiculturalism failed? The importance of lay knowledge and everyday practice”, www.lse.ac.uk/socialPsychology/About-Us/faculty/caroline_howarth/Howarth-and-Andreouli-paper-FINAL.pdf.

¹⁰Floya Anthias and Nira Yuval-Davis, *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle* (London and New York: Routledge, 1993).

of cultural diversity can create opportunities for the development of human rights. Today, in many countries democracy is based on unity and diversity – but an increasing number of supporters of a newly formed conception of “a crisis of multiculturalism” are questioning this formula.

As a descriptive term, multiculturalism refers to cultural diversity where two or more groups with distinctive beliefs/cultures coexist in a society. It can also refer to government policy as a formal recognition of the cultural distinctiveness of particular groups. Multiculturalism can be viewed as a form of identity politics to advance the interests of particular groups in the face of perceived or actual injustice. It seeks to raise awareness by focusing on a collective identity and common experience, and gives people a common identity and sense of distinctiveness. Minority or multicultural rights are separate from a liberal view on rights because they belong to the group rather than to an individual. Hence, multiculturalism is essentially collective and communitarian.

In terms of ethnicity, ethnic groups are seen as descending from common ancestors, making the ethnic group an extended kinship group. In her analysis, Christine Inglis distinguishes three types of concepts of multiculturalism: the demographic-descriptive; the ideological-normative; and the programmatic-political. She also raises further questions. What are the social changes which are driving the search for new policy responses to diversity? How have such changes affected contemporary forms of multiethnic societies? What are the existing policy models used by states in managing ethnic diversity?¹¹

In our opinion, the main question is *how can cultural and religious diversities of states become the driving factors for the progress of, rather than an obstacle to, the state?* While attempting to answer this question, new ones arise. Are there “successful” models of multiculturalism? What factors lie behind the recently formed conception of “a crisis of multiculturalism”? How can multiculturalism be combined with democracy? What conclusions can be drawn from a comparative analysis of reality to find a promising model of multiculturalism?

Today, the views on the prospects of multiculturalism are diametrically opposed. Some believe that multiculturalism is a fundamental condition for the coexistence of cultures. Others argue that the idea of multiculturalism in principle carries with it a risk of a loss of

¹¹Christine Inglis, “Multiculturalism: New policy responses to diversity”, Management of Social Transformations (MOST)/UNESCO Policy Paper No. 4, www.unesco.org/most/pp4.htm.

cultural identity, while a third group believes that multiculturalism in modern conditions is a new type of modernized discrimination in the process of globalization.

Some researchers believe that the term multiculturalism is most often used in connection with the concept of “nation-states” which reached a common national identity in the era of late modernity, when nationalism transformed the way Europeans thought about the state. Existing states and borders were destroyed and new ones created. In this sense, “multiculturalism” in Europe is sometimes used to describe the changes in the cultural composition of populations. While in the 1960s the population in Europe was fairly homogeneous, with a relatively low number of immigrants, today that number has considerably risen. In most European capitals a quarter or a third of residents are from foreign countries, and a significant proportion of them from developing countries. Today, due to the processes of globalization, demography and migration, different cultures and religions coexist in society. It can be argued that two major models of multiculturalism exist: the European nation-state model; and the traditional migration countries, such as the United States, Canada and Australia. Their creation depended on historical and geopolitical conditions.

Interestingly, in some states where multiculturalism had been part of society for a long time, there is now a tendency to retreat from it. This has been observed over the past years in some European countries, where nationalism and xenophobia have increased.

Despite the complexity of these issues, the policy of multiculturalism is founded on respect for individual human rights and a civic definition of citizenship, rather than on ethnic and cultural communitarianism. With regards to the idea of a perceived collapse of multiculturalism, it should be noted that such crises often appear in societies: growth and decline cannot be perpetual, and thus are characteristic of transitional processes. One can only hope that such crises eventually lead to new forms of coexistence.

Are multiculturalism and secularism inseparable concepts?

When examining the relationship between multiculturalism and secularism, the first step is to determine the role of a “secular” state. One of the main questions arising during this is *does secularism constitute the only viable paradigm for the organization of contemporary multicultural, multifaith societies?*

Secularization is generally understood as a social process whereby religion and religious institutions gradually lose their dominant role in society with regards to expressing collective beliefs in the broadest sense of the word, defining values and contributing towards forming the identity of the individual. The essence of secularism rests on two basic principles: the separation of religion from politics (freedom of religion and freedom from religion), and religion as the purely private affair of individuals.

Every society has a dominant culture, which usually includes a religious element. Modern secular states are societies with different cultures; however, depending on their socio-political system, cultural diversity can be either accepted or denied. For example, despite its secular character, the Soviet Union endorsed the concept of “Soviet people”, while talk of other cultures and nationalities was forbidden. Freedom of religion is a cornerstone of any secular state and of a free society. In secular societies, according to the typology developed by Iain Benson, interrelations between the state and religion can be as follows: neutral secular – the state is expressly non-religious and must not support religion in any way; positive secular – the state does not affirm the beliefs of any particular religion but may create conditions favourable to religions generally; negative secular – the state is not competent in matters involving religion but must not act so as to inhibit religious manifestations that do not threaten the common good; or inclusive secular – the state must not be run or directed by a particular religion but must act so as to allow the widest involvement of different faith groups as possible, including non-religious groups.¹²

A comprehensive definition of multiculturalism actually requires a definition of the meaning of secularism. The question about the relationship between multiculturalism and secularism “simply becomes a more specific version of the question of the relationship between multiculturalism and liberalism. Some understanding of secularism means that secularism is the liberal view of what the relationship should be between politics and religion.”¹³

In his typology of secularisms, Taylor draws a distinction between two types. The “common ground secularism” emphasizes peaceful coexistence and political order (*soft secularism*). Such secularism supports state neutrality with respect to different religions and their practitioners, with an appropriate divide between the state and religion. The “independent political ethic secularism” requires the state to distance itself from all forms of religion and to

¹² Iain Benson, “Notes towards a (re)definition of the ‘secular’”, *University of British Columbia Law Review*, Vol. 33 (2000), p. 519.

¹³ Sune Lægaard, *Multiculturalism and Secularism: Conceptions, Relations and Possible Conflicts* (Paris: Université de Paris Descartes, 2014).

refrain from giving religious expressions any form of official status (*hard secularism*). Taylor argues that this could lead to the risk of secularism becoming the dominant philosophical tradition at the expense of others.¹⁴

Potential conflicts between multiculturalism and secularism are a new version of the so-called “progressive’s dilemma”.¹⁵ Progressives are in favour of social justice and multicultural policies, and are therefore opposed to nationalists and assimilationists who reject accommodation of minorities.

Habermas and Ratzinger use the term “post-secular age”, where religion approved in a secular environment and modernization cover both the religious and secular mentality and transform them reflexively.¹⁶ According to A. T. Kuru: “One of the interesting questions is: *Why do secular States pursue different policies toward religion?* There exist two models of state-religion relations: ‘*Passive secularism*’, which requires the State to play a passive role, by allowing public visibility of religion, and ‘*Assertive secularism*’ which demands that the State play an assertive role in excluding religion from the public sphere.”¹⁷

Critics of secularism argue that it has not always been regarded as a universal good; secularism and atheism being viewed as the sources of “all society’s ills”. According to them, abandoning atheistic secularism in favour of an explicitly theistic and religious basis for politics and culture would produce a more stable, more moral and ultimately better social order. This debate raises new questions, such as *does secular fundamentalism exist?*

With regards to values, Habermas and Ratzinger argue that the solution for the West is to rejoin *secular rationality* with its religious heritage through respectful dialogue.¹⁸ Secularism should be understood as an institutional arrangement set up to create civic peace within a specific historical context. Others attempt to show how the integration of other religions into liberal Western societies does not give rise to a conflict between liberal values and other values, but rather a conflict within and between liberal values themselves.¹⁹

¹⁴ Charles Taylor, *Dilemmas and Connections – Selected Essays* (Boston, MA: Harvard University Press, 2011).

¹⁵ Keith Banting and Will Kymlicka, *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (Oxford: Oxford University Press, 2006).

¹⁶ Jürgen Habermas and Joseph Ratzinger, *The Dialectic of Secularism: On Reason and Religion* (San Francisco, CA: Ignatius Press, 2006).

¹⁷ Ahmet T. Kuru, “Passive and assertive secularism: Historical conditions, ideological struggles and state policies toward religion”, *World Politics Journal*, Vol. 59, No. 4 (2007).

¹⁸ Habermas and Ratzinger, note 9 above, pp. 53–80.

¹⁹ Tariq Modood, “Controversy: Moderate secularism and multiculturalism”, *Politics*, Vol. 29, No. 1 (2009), pp. 71–76, www.tariqmodood.com/uploads/1/2/3/9/12392325/moderate_secularism_and_multiculturalism.pdf.

History/tradition of secularism in Azerbaijan

Traditions of coexistence in different countries have been formed over centuries. Historical, political and social conditions in different countries are key factors in this issue. Other features are connected with time and space, and the geographical location of countries. Azerbaijan is often viewed as country at the crossroads of, or a bridge between, civilizations. Peoples and nationalities living on its territory have their own areas of residence that have been historically assigned to them.

Understanding multiculturalism and secularism in a particular country requires examining the peculiarities of the formation of the historical tradition of coexistence. In this regard, when looking at Switzerland and Azerbaijan, a starting point for analysing their differences would be to view multiculturalism in Azerbaijan as a “unity in diversity” paradigm, as a lifestyle that evolved over the centuries. Another important difference between the two countries is that Switzerland is a federal state whereas Azerbaijan is a unitary state. In Azerbaijan diversity has existed for centuries in an intercultural and interreligious landscape with multiple polyethnic minorities living together. In Europe multiculturalism is more pronounced in the *legal context* of human rights and freedoms, as well as in the context of liberal ideology.

In some countries multiculturalism was achieved through mandatory legal sanctions. In other countries coexistence and tolerance had already become *a strict tradition over the centuries*, and this tradition finally reached *the level of moral sanctions* for every member of society. *Legal sanctions* of multiculturalism are based on mandatory restrictions. In contrast, *moral sanctions*, without any obligation *per se*, are applied by everyone voluntarily. In this regard, multiculturalism in Azerbaijan is not only regulated by law, but has also become a tradition. Azerbaijan is a country where different *peoples in their daily life are guided primarily by these moral sanctions*.

Azerbaijan is not an immigrant society in any traditional sense of the term. At all times in its history immigrants were by and large temporary workers. Within the last century the migration situation in the state of Azerbaijan has been shaped by the influences of the First and Second World Wars, foreign interventions and migration processes. The country was also an arena of realization of different empires’ migration policies for geopolitical purposes. When speaking about migration processes it is important to mention the resettlement policy of Tsarist Russia, as a result of which tens of thousands of persons of Armenian nationality were resettled to historical Azerbaijani lands. Occupying a beneficial strategic and geopolitical

position, Azerbaijan became the arena of struggle for domination between the Iranian, Russian and Ottoman empires from the end of the eighteenth century until the first third of the nineteenth.²⁰

Some may argue that multiculturalism is more common in advanced democratic countries – although the declarations of some European political leaders about this issue show the opposite. In modern Europe multiculturalism involves primarily the inclusion in its cultural space of elements of the culture of immigrants from the countries of the “third world” (including the former colonies of European countries).

In Azerbaijan the term “multiculturalism” is relatively new – previously the concept was mainly understood only in terms of cultural diversity. However, “cultural diversity” or a “philosophy of unity in diversity” has existed for centuries. Azerbaijan is traditionally a multinational, multicultural country. It may be stated that ethnic multiplicity has been preserved in Azerbaijan to the present day. Cultural diversity is a daily fact of life in Azerbaijan. It is:

a natural environment which was formed over centuries and millennia. The territory of modern Azerbaijan has always been inhabited by people of different religions and origins. And throughout our history we have always lived in peace with the peoples living in our country, regardless of the political situation or the system in which we lived. This was the case before Azerbaijan became part of the Russian Empire, during it, then during the Soviet Union, and the tradition of multiculturalism, speaking in contemporary terms, strengthened further in the period of independence. So for us it is a natural way of life and we can't see it differently. At some point we realized that this was not the case elsewhere and were very surprised.²¹

As for the history of secularism in the modern sense, the secular national State of Azerbaijan was created in 1918. The Azerbaijani political, e.g. civil, nation was formed in the course of the twentieth century. The history of Azerbaijan includes several noteworthy events: it was the first national, secular, democratic and legal state and parliament in the East and in all the Turkish and Islamic world; and it had the first extension of suffrage to women, which made

²¹President Ilham Aliyev, interviewed by Mikhail Gusman for ITAR-TASS news agency and Russia-24 TV channel, <http://en.president.az/mobile/articles/3913>.

Azerbaijan the first Muslim country where men and women were politically equal.²² The opening of Baku State University in 1919 is another remarkable stage in the history of the Azerbaijani people, as is the first opera in the East, the first secular school for girls, etc. The latter was the first school of its type not only in the Russian Empire but throughout the Muslim world.²³ On 27 May 1918 the members of the Muslim Council of the Transcaucasia held a special meeting in Tbilisi and declared the independence of Azerbaijan. On 28 May 1918 the Azerbaijan Democratic Republic (ADR) declared its independence; in the declaration we read that the “Azerbaijan Democratic Republic guarantees the compliances of political rights of all citizens not depending on their ethnic, religious, gender identity”.²⁴

The social and political events of the early twentieth century in Azerbaijan marked the most dramatic and bloody time. The March actions of the Bolsheviks and Dashnaks in Baku led to the closure of the first secular school for girls. The first national and secular state lasted only 23 months: it fell on 27 April 1920, as a result of the intervention of the Eleventh Red Army, and Azerbaijan became part of the Soviet Union.

An overview of the history and impact of the first secular state and institutions leads to several significant conclusions: secular reforms in Eastern societies are possible, but they should be promoted from inside the society; and secular institutions and liberal education with equal opportunities are fundamental in any state. In this sense, Azerbaijan can be seen as an example of secularism in the Muslim world.

The essence of the secular state reveals an interrelation between the state and religion. The particular characteristics of secularism in different Soviet states during the Soviet period show that secularism can take many different forms and manifestations. The Soviet state addressed religious issues based on the Marxist understanding of freedom of conscience and the theoretical position of smashing the “old bourgeois state machine”, including the elimination of political relations between church and state (more precisely based on Karl Marx’s views on religion as “the opium for the people”). Lenin shared the views of Marx and Engels, and believed that “the State should not be the case to religion; religious society should not be linked with the government”.²⁵

²²Preceding even the United Kingdom and the United States, as well as Italy, Switzerland and France.

²³Fuad Akhundov, *Educating Women to Educate a Nation. The Tagiyev School for Girls in Baku* (UNDP and UNFPA, 2007), p. 20.

²⁴State Historical Archive of the Republic of Azerbaijan.

²⁵ V. I. Lenin, *Socialism and Religion in Lenin’s Collected Works* (Moscow: Progress Publishers, 1965), <https://www.marxists.org/archive/lenin/works/1905/dec/03.htm>.

The peculiarity of the Soviet period of state-religion relations is that, on the one hand, in the initial stage there were all the signs of separation of church and state, i.e. the creation of a secular state. On the other hand, state-religion relations evolved in the direction of a hard demarcation between religious groups and the state, i.e. towards the creation of an atheistic state. “During the Soviet period, Islam was subjected to much pressure and repression from the authorities. In order to try and control this part of the religious space, ‘Red Mullahs’ who ‘preached a form of Islam that was complemented with socialist ideals of state ideology’ were supported. However, the unofficial version of Islam was never completely eradicated.”²⁶

These theoretical principles formed the basis of the religious policy of the Soviet state and were embodied in a series of acts, including Decree 1918 *On the Separation of Church and State and the School from the Church*. Later on, this principle was reflected in the Soviet constitution. There is no doubt that at the heart of the religion policy of the Soviet state lay the conceptual idea of Marxism-Leninism on the incompatibility of socialism and religion. The implementation of the main tasks of the Soviet state – building a socialist and then communist society – did not leave any space for the existence of other ideals, including religion. In other words, religion had to be separated not only from government, but also from all government agencies and from the whole of society.

Seventy years of membership in the USSR marked a new and important stage in Azerbaijani statehood, during which Azerbaijan achieved considerable success in social, economic and cultural development as a secular state. At the same time, during the Soviet period of development, as in the entire USSR, there were many negative tendencies in Azerbaijan. In the cultural sphere, as a result of the change of alphabet from Latin to Cyrillic, the links to the written sources of spiritual culture of the Azerbaijani people were lost. The Soviet regime did everything to suppress any attempt of the Azerbaijani intelligentsia to show national origins and study the true history of the country. If in Western society state-religion relations are an important element of public policy, in Soviet Russia there was widespread atheistic propaganda and repression of religion in all spheres of society.

For decades the USSR did not adopt any document relating to fundamental issues on state-religion relations. In the years 1958–1962 the Communist Party of the Soviet Union Central Committee adopted a number of resolutions in which an attempt was made to strengthen the position of atheistic achievements and state bodies exercising administrative measures to

²⁶ T. Disney, “Islamic identities in post-Soviet Russia: Realities and representations”, *E-International Relations*, 25 November 2010, www.e-ir.info/2010/11/25/islamic-identities-in-post-soviet-russia-realities-and-representations/.

close a large number of churches, religious communities, parishes, monasteries and religious schools. Periodically the Central Committee adopted resolutions aimed at enhancing atheistic work, thus ignoring the practical article in the constitution on the separation of church and state and invading the sphere of religious associations. However, only with the removal from power of the Communist Party of the Soviet Union in 1991 was the implementation of the principle of separation of religion and state made possible, with the rights of citizens to freedom of conscience in a truly democratic understanding of these terms.

During the years of Soviet power it was forbidden to talk about the national-historical roots of people, religious-moral values or culture. Members of the Azerbaijani intelligentsia expressing national, religious, literary and philosophical thought became victims of repression or were exiled. Scientific literary works which emphasized the philosophical and national character or the religious roots of the people were banned. This historical tradition was suppressed during this period, and “socialist realism” became the official policy. The Soviet system sought to reverse the cultural differences of the ethnic republics, only allowing manifestations of *folklore originality*.

On the other hand, during the Soviet era secular science, education and culture evolved considerably. The foundation of the Azerbaijan Academy of Sciences in 1945, for example, gave an impetus to the development of science.

Azerbaijan can rightly claim to be among the most progressive and secular Islamic societies. Aside from having been the first Muslim country to have operas, theatre plays, and a democratic republic, Azerbaijan today is among the Muslim countries where support for secularism is the highest, and where radical ideologies have met only very limited interest. This is all the more remarkable as Azerbaijan has by no means been peripheral to the world of Islam. It was invaded by Islamic armies only decades after the death of the Prophet Muhammad, and was subsequently gradually Islamized. It was an Azerbaijani dynasty, the Safavids, who made Shi'a Islam the state religion of Iran. Yet even before Soviet atheism, Azerbaijan saw the rise of a secular intelligentsia that had little interest in religion aside from a marker of cultural identity.²⁷

According to Soviet data, 100 per cent of males and females (aged nine to 49) were literate in 1970. According to the UN Development Programme *Human Development Report 2009*, 98.2

²⁷Cornell E. Svante, “The politicization of Islam in Azerbaijan”, Central Asia-Caucasus Institute, Silk Road Studies Program, 2006, p. 8, www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2006_10_SRP_Cornell_Islam-Azerbaijan.pdf.

per cent of the population in Azerbaijan are literate.²⁸ Azerbaijan has the highest secondary education in the Turkic world. Cultural and social movements caused a shift to new European-style education instead of traditional education, and to the foundation of schools, mass media, theatres, trade unions, libraries and a new genre of literature (“socialist realism”) and cultural ideas.

The socio-cultural changes and the development model in the twentieth century led to a transformation from an empire state model to a democratic republican nation-state. Tens of higher education institutions and vocational schools, and thousands of high schools, colleges and numerous religious schools are the result of this new educational system.

In 1991 Azerbaijan restored its independence and, continuing the ideas of the Democratic Republic of Azerbaijan, established the new independent Republic of Azerbaijan. Today Azerbaijan remains a genuine secular model in the Islamic world.

History/tradition of multiculturalism in Azerbaijan

Generated in the framework of Western liberalism, the principle of ethnic and religious tolerance cannot be a universal principle of stability of interethnic and interfaith relations without taking into account the conditions and the specifics of each country. As previously mentioned, Azerbaijan is a country at the crossroads of numerous cultures, religions and civilizations. Since antiquity this land was known as a bridge between Europe and Asia. In the second millennium BC Azerbaijan was located on the path of migration of Caucasian and Indo-European peoples. From the fourth century BC to the seventh AD it was an important centre of Zoroastrianism. Starting from the first and second centuries AD, Christianity was brought to the north of Azerbaijan. In the seventh century Islam was introduced by Arab conquerors.

We can say that Azerbaijan became the centre of cultural diversity after it became part of the Silk Roads. The Silk Roads – caravan ways from China to Europe – played an important role in the intercultural exchange in the region. “The present-day territory of Azerbaijan has been inhabited by Zoroastrians, Sunni Muslims, Shia Muslims, Caucasian Albanian Christians, Russian Orthodox Christians, Molokans, (European) Jews and ‘Mountain Jews’, among others. A large majority of the present-day population identifies, in some way, with Islam.”²⁹ Azerbaijan is one of the most polyethnic and polyconfessional countries in the world.

²⁸UNDP, *Human Development Report 2009* (Nairobi: UNDP).

²⁹Jennifer Solveig Wistrand, “Azerbaijan and ‘tolerant Muslims’”, *Caucasus Analytical Digest*, No. 44, 20 November 2012, www.css.ethz.ch/publications/pdfs/CAD-44-5-8.pdf.

Besides Azerbaijani Turks, representatives of Mountain Jews, Tats, Talysh, Kurds, Molokans, Ingiloys, Tsakhurs, Avars, Lezgins, Khynalygs, Buduqlus, Grysz and other ethnic groups consider themselves Azerbaijanis, but each group has retained distinctive elements of its own culture.

Building the state of Azerbaijan has represented and still represents the unity of knowledge, abilities and experience of peoples who have lived in Azerbaijan for centuries. “The State becomes richer if it is populated by many peoples because all of these peoples bring their own contribution to the world culture and civilization.” This statement by the country’s national leader, Heydar Aliyev, reflects the very nature of modern Azerbaijani statehood, and the political, psychological and ideological-cultural origins of the policies of the modern Azerbaijani state.

Not only does Azerbaijan have a wide range of ethnic cultures, it also maintains the customs, traditions and values of each culture in all spheres of life. The common creation and acceptance of this cross-cultural space includes respecting all cultures. Ethno-confessional variety in Azerbaijan is a result of centuries-old coexistence within its historical and cultural life.

Despite unresolved conflicts with Armenia, there is an Armenian church standing in the centre of Baku. Unlike many places of worship that were subject to demolition throughout the Soviet Union in the 1920s and the 1930s, St. Gregory the Illuminator’s Church was the only Armenian Church that was not demolished. In 1990, during the exodus and deportation of the entire Armenian population from Azerbaijan (as a result of the Nagorno-Karabakh conflict), the church was closed down and damaged, and is no longer open to the public. From 1990 until 2002, its future status remained undetermined. The library of the church consisting of 5,000 books and manuscripts has been preserved. In April 2010 the church was visited by guests of a World Religious Leaders Summit, including Patriarch Kirill I of Moscow and the head of the Armenian Apostolic Church Garegin II.³⁰

Legal aspects of secularism in Azerbaijan

Constitution of the Republic of Azerbaijan – Symbol of secular statehood

³⁰https://en.wikipedia.org/wiki/Saint_Gregory_the_Illuminator%27s_Church,_Baku.

Azerbaijan is a multiethnic and polyconfessional country where national policy is planned and carried out in the spirit of traditional tolerance and harmonic coexistence of different ethnic and religious groups. The equality of all citizens without any ethnic, national, religious or linguistic bias is guaranteed by law. According to its constitution, Azerbaijan is a democratic, legal, secular and unitary republic in which state power is based on a principle of separation of powers.

During the short period of independence (1918–1920) of the ADR, a parliamentary system of government was developed for the first time in the Muslim world. In this, besides the Azerbaijani majority, representatives of Armenian, Russian, Polish, Jewish and German minorities gained seats in the parliament. In the first ADR parliament there were 80 Muslims, 21 Armenians (out of 120 seats), 10 Russians, two Germans and 12 Jews. The law adopted by the National Council on this issue shows that all the national minorities were represented in parliament. Despite existing for only two years, “the multi-party Azerbaijani Parliamentary republic and the coalition governments managed to achieve a number of measures on national and state building, education, creation of an army, independent financial and economic systems, international recognition of the ADR as a *de facto* state pending *de jure* recognition, official recognitions and diplomatic relations with a number of States, preparing of a Constitution, equal rights for all, etc. This has laid an important foundation for the re-establishment of independence in 1991.”³¹ The short-lived ADR did not have time to develop and adopt a basic law of the state; thus, the history of Azerbaijan’s constitutional development is concentrated in the period when the country was part of the Soviet Union.

After Azerbaijan gained independence in 1991, the Constitutional Commission was established under the leadership of President Heydar Aliyev and the first constitution of independent Azerbaijan was adopted on 12 November 1995. Aliyev declared the parameters of the constitution: “We should adopt such a constitution, which will be the main law, the historical document assuring the existence of the independent Republic of Azerbaijan on the basis of democratic principles for a long time. This is why our duty is honourable and at the same time very difficult... Our constitution should provide a basis to build a democratic, legal, secular, civil state in Azerbaijan, by the main law.”³²

The Constitution of the Republic of Azerbaijan does not declare an official religion but the majority of people adhere to the Shia branch of Islam, although Muslim identity tends to be

³¹Project Gutenberg Self-Publishing Press, http://self.gutenberg.org/articles/azerbaijan_democratic_republic.

³²Heydar Aliyev Heritage International Online Library, <http://lib.aliyev-heritage.org/az/8761126.html>.

based more on culture and ethnicity rather than religion. Azerbaijan is one of the most liberal majority-Muslim nations. Article 48 of the Constitution ensures freedom of conscience to everyone. According to paragraphs 1–3 of Article 18 of the Constitution, religion is separated from the government and each religion is equal before the law. Religious propaganda stifles human personality and is against the principles of humanism. The Law of the Republic of Azerbaijan on Freedom of Religious Belief declares the right of everyone to determine and express their view on religion and to fulfil this right. The existence of different religions in Azerbaijan is due to its historical development, geography and the ethnic make-up of the population. Buddhism, Zoroastrianism, Judaism, Christianity, Islam and many other religions existed in the country at different times and influenced each other. Currently there are more than 510 registered religious communities in Azerbaijan, among which 32 are non-Islamic. The existence of religious communities of different faiths in Azerbaijan reaffirms the freedom of religion in the country. Despite difficulties due to unresolved armed conflicts with Armenia, Azerbaijan continues to pursue a policy towards protecting minority rights. National minorities constitute 9.4 per cent of the population of Azerbaijan today.

The Constitution of the Republic of Azerbaijan adopted in 1995 guarantees respect for human rights and freedoms regardless of ethnic origin, religion or other distinctions. According to the Constitutional Act on State Sovereignty of the Republic of Azerbaijan, all citizens have equal rights before the law. According to Article 25 of the Constitution, the state guarantees equality and respect of rights and freedoms for all persons regardless of nationality, religion, language, ethnic origin or other distinctions. Restriction of rights and freedoms of citizens based on racial, religious or ethnic discrimination or on grounds of ethnic, political or social origin is prohibited.

In accordance with Article 44 of the Constitution, “everyone possesses the right to maintain his or her national identity. No one can be forced to change his or her national identity.” Article 11 of the Law on Culture mentions assistance for a national culture: the state guarantees development and preservation of a national culture of the people of Azerbaijan, including the cultural originality of all national minorities living in Azerbaijani territory. According to Article 6 of the Law on Education adopted on 7 October 1992 and Article 3 of the Law on Official Language, education may be carried out in the different languages of national minorities.

Azerbaijan has been a state party to the Framework Convention for the Protection of National Minorities since 2000, and signed the European Charter for Regional or Minority Languages

in 2001. Furthermore, Azerbaijan has joined the Council of Europe's Campaign for Diversity, Human Rights and Participation "All Different – All Equal" National Campaign Committee involving non-governmental organizations, authorities, media, etc. This was set up to develop and implement a national campaign programme in cooperation with the Council of Europe. Encouragement is given to minorities in terms of education, and to establish their own national cultural centres, associations and other organizations. For example, in the northern district of Zakatala there are members of 22 different ethnic groups. There are 12 schools teaching in the Avar language, six schools in Tsakhur and two schools in Ingiloy, where in grades 1–4 mandatory training in their native language is delivered.

After gaining its independence, Azerbaijan reached a high level of human development, economic development, standard of living and literacy as well as a low rate of unemployment and homicide compared to other Eastern European and CIS countries.

Whereas in 1976 there were 16 registered mosques and one Islamic school in Azerbaijan, there were at the end of the Soviet period already about 200 mosques, and until today this figure has increased explosively to more than 1,300 mosques, innumerable Islamic schools, a working Islamic university, theological faculty. There is a phenomenon of a "religious renaissance" taking place in parallel with a "national rebirth". The Islam University gained its university status in 1992. It was founded with the aim of preparing a new generation of well-educated religious personnel to replace self-declared ones. Currently, about 200 students (mostly men) study at the Islam University the traditional Islamic sciences, world history and foreign languages (Persian and English).³³

There are dozens of national cultural centres in Azerbaijan today, and over 20 different cultural communities in Baku alone. Among them are Russians, Ukrainians, Kurds, Varnishes, Lezghins, Slavs, Tats, Tatars, Georgians, Ingilois, Talysh, Avars, Meskhetian Turks, European and Mountain Jews, Germans and Greeks. There are currently seven synagogues in the capital of Azerbaijan and in the cities of Guba and Oguz. In 2003–2012 the government funded the building of two new synagogues, which are among the largest in Europe and are remarkable for their architectural features. The national and local radio stations in regions organize broadcasts in different languages.

³³ Raoul Motika, "Islam in post-Soviet Azerbaijan", in *Archives de sciences sociales des religions* (Paris: EHESS, 2011), pp. 111–124.

In the state structures of Azerbaijan, different national minorities are widely represented. Representatives of national minorities hold leading positions in local authorities, institutions of local government and other structures, and are chairs or deputy chairs of some standing commissions of the MilliMajlis (parliament).

Political aspects of multiculturalism and secularism in Azerbaijan

The analysis of the historical experience and characteristics of interrelations in Azerbaijan shows that there is a state policy and a strong historical-traditional basis for ethnic tolerance owing to the proximity of cultural traditions and nationalities in the country. Political and economic reforms nowadays are based on the traditions of democracy and secularism. Today Azerbaijan has created all the necessary political and social conditions for developing and strengthening the traditions of multiculturalism.

As noted above, the extension of suffrage to women made Azerbaijan the first Muslim country where men and women were politically equal, preceding even the UK and the USA. It was at that time that the opera and ballet (the first of their kinds in the Muslim world) and Baku University were established in Azerbaijan. Today, after two decades of independent political life, Baku looks ahead with optimism, enjoying many cultural resources.³⁴

For the past few years Azerbaijan has had among the fastest economic growth rates in the world. This allows the development of the country, including implementing essential social programmes by paying special attention to healthcare, education and culture. Representatives of different religions in Azerbaijan live together without any problems, and also participate in each other's social and cultural life. Jews and Muslims sincerely congratulate each other on religious holidays of both religions. Muslims (Sunnis and Shiites) pray together. For example, in Gakh Muslims and Christians together celebrate Kurmukoba; and in Guba representatives of the Sunni and Shiite communities pray in the same mosque.

The fact that the Azerbaijani government initiates and sponsors the construction and rehabilitation of not only mosques but also churches and synagogues – an example of tolerance for the world – attracts a lot of attention. The Baku Summit of World Religious Leaders is one example of this, when some 150 religious leaders from more than 30 countries around the world gathered in Baku on 26–27 April 2010.³⁵ One important feature of

³⁴Evangelos Venetis, "Azerbaijan: An eternal crossroads of civilizations", Middle East Research Project (ELIAMEP), www.azembassy.gr/wp-content/uploads/2012/05/Azerbaijan-An-Eternal-Crossroads-of-Civilizations.pdf.

³⁵ Paul Goble, "An event of both symbolic and practical importance: The Baku summit of world religious leaders", *Online Analytical Input from Azerbaijan Diplomatic Academy*, Vol. 3, No. 9 (2010), http://biweekly.ada.edu.az/vol_3_no_9/The_Baku_summit_of_world_religious_leaders.htm.

multiculturalism is minority rights, as well as *freedom to use minority language in schools, media, etc.* The situation of ethnic minorities' rights in Azerbaijan is analysed in detail in a 2014 research paper by Human Rights Without Frontiers International.³⁶

Azerbaijani is the official language of the Republic of Azerbaijan and a major means of communication to different nationalities living in the country. The history of the Azerbaijani language is a part of history of Turkic language. According to information in Ethnologue Languages of the World, Azerbaijani is the statutory national language (1995 Constitution, Article 21(1)), while Russian, Talish, etc. are *de facto* national working languages.

The language situation in Azerbaijan as follows.³⁷

Official name: Republic of Azerbaijan, AzerbaycanRespublikasi.

Population: 9,417,000 (2013 UNDESA).

Principal languages: North Azerbaijani, Russian.

Literacy rate: 100% (2010 UNESCO).

Immigrant languages: Assyrian Neo-Aramaic (1,230), Belarusian (5,210), Dargwa (860), Erzya (1,150), Georgian (16,300), Iranian Persian (1,200), Karachay-Balkar (180), Korean (1,000), Lak (1,210), LishánDidán (100), Ossetic (2,520), Polish (1,260), Pontic, Romanian (1,400), South Azerbaijani (248,000), Tabassaran (280), Tatar (31,800), Turkish (18,000), Ukrainian (32,000).

General references: Kibrik 1991; Salminen 2007; Sebeok 1963.

Language counts: The number of individual languages listed for Azerbaijan is 17. All are living languages. Among these, three are institutional, two are developing, two are vigorous, nine are in difficulty and one is dying.

Azerbaijani served as a *lingua franca* throughout most parts of Transcaucasia (except the Black Sea coast), Southern Dagestan, Eastern Turkey and Iranian Azerbaijan from the sixteenth century to the early twentieth century.³⁸ When talking about post-independence policy and the legislative framework for the regulation of language, it should be noted that in

³⁶ Human Rights Without Frontiers International, "Ethnic minorities in Azerbaijan: An overview", 2014, www.hrwf.net/images/reports/2014/2014AZEthnic.pdf.

³⁷ Ethnologue Languages of the World, www.ethnologue.com/country/AZ.

³⁸ For more information see https://en.wikipedia.org/wiki/Azerbaijani_language.

the years immediately following Azerbaijan's independence the language policy of the Elchibay government was both nationalistic and pan-Turkic.³⁹

After coming to power in 1993, President Heydar Aliyev declared this political position as having exacerbated ethnic instability in the country. According to a study on this topic: "This policy mainly has avoided potential problems by emphasizing the symbolic aspects of language, not mandating changes in linguistic behaviour; while the government framed the Azerbaijani language as a symbol of the independent Azerbaijani state and nation." The current president of Azerbaijan, Ilham Aliyev (2003–present), has largely continued such policies. This approach is consistent with the rest of Azerbaijan's language policy: the government has largely avoided getting involved with matters of everyday language use. The glaring exception to this rule – the adoption of Latin script – was itself almost entirely symbolic, designed to show a clear break from the Soviet past. Such a symbolic policy has allowed the Azerbaijani government to portray itself as being a supporter of both Azerbaijani nationalism and the minority languages of Azerbaijan, while ethnic Azerbaijanis' demographic dominance has ensured a gradual shift towards the national language. As a result, Azerbaijan has avoided conflicts while beginning the process of unifying the state under the Azerbaijani language.⁴⁰

The development and promotion of tolerance and multiculturalism in the contemporary period are conducted at the level of state policy. Since 2011 this activity has taken two directions: the Baku International Humanitarian Forum was established in Azerbaijan, and in parallel the World Forum on Intercultural Dialogue. The Baku International Humanitarian Forum is now a tradition: this annual event gathers important representatives of political, scientific and cultural élites of the world community, famous statespersons, Nobel Prize winners in various fields of science and leaders of influential international organizations to hold dialogues, discussions and exchanges of views on a wide range of global issues in the interest of all humanity. It is no accident, given the importance of the global issues discussed in the forum, that the participants called it a "humanitarian Davos".

One initiator of the forum in 2010 was President Ilham Aliyev, and one of its main purposes is drawing up a humanitarian and multicultural action map for the future.⁴¹ The forum organizers

³⁹ John Clifton, "The future of the Shakhdaghlanguages", *International Journal of the Sociology of Language*, No. 198 (2009), pp. 33–45.

⁴⁰ Kyle L. Marquardt, "Nation-building and language policy in post-Soviet Azerbaijan", *Online Analytical Input from Azerbaijan Diplomatic Academy*, Vol. 3, No. 19 (2010), http://biweekly.ada.edu.az/vol_3_no_19/Nation_building_and_language_policy_in_post_Soviet_Azerbaijan.htm

⁴¹ See Baku International Humanitarian Forum website for more information: www.bakuforum.az.

and participants are representatives of the natural and social sciences and cultural élites of the world, and have the ambitious task of forming a new humanitarian agenda with the aim of its further consideration on the world scale. Bringing together representatives of all spheres of human activity can indeed lead to fruitful discussions on different issues that affect the world. The positions of the forum – taking humanitarian problems into consideration in an era of globalization and reflecting the voice of the heart of humanity – are described in the Baku Declaration. The forum’s goal is to build a dialogue through round-tables, and its task is forming a ground for constructive debates, discussions and exchange of ideas and theoretical and practical knowledge. Its outcomes are embodied in recommendations and calls to international organizations, state leaders and all individuals.

Multiculturalism is one of the directions of state policy in Azerbaijan, and the country pays special attention to it. Efforts have been made, such as the establishment of the State Council on Inter-ethnic, Multicultural and Religious Affairs of the Republic of Azerbaijan by order of the president on 14 February 2014, and the State Adviser’s Service on Multinational, Multicultural and Religious Affairs on 28 February 2014. President IlhamAliyev signed a decree on the establishment of the International Multiculturalism Centre in Baku on 15 May 2014. The executive director of the centre, Azad Mammadov, stated: “Azerbaijan is a country with centuries-old traditions of multiculturalism and tolerance. Choosing Baku as a venue for establishing an International Multiculturalism Centre is natural. Azerbaijan is open and ready for cooperating in the field of an intercultural dialogue with other countries.”⁴²

Azerbaijan multiculturalism has much to offer to a universal value system. The third Baku International Humanitarian Forum, which took place on 31 October 2013, mostly discussed multiculturalism. The Baku International Multiculturalism Centre implements several projects, both within the country and abroad. It has prepared two training programmes: one is a course on “Introduction to multiculturalism” for undergraduates, while the other is a master’s course on “Azerbaijan multiculturalism”. These programmes are designed for students of both Azerbaijani and foreign universities. Some well-known universities in Russia, Lithuania, Italy, Georgia, Turkey and Bulgaria have already agreed to teach the “Azerbaijani multiculturalism” course: St KlimentOhridski University of Sofia, Tbilisi State University, the branch of the Ural Federal University in Ekaterinburg (Russia), Lithuania Pedagogical University, Charles University in Prague, Sapienza University of Rome and

⁴²*Azeri Daily*, “Baku – Natural choice for establishing international multiculturalism centre”, *Azeri Daily*, <http://azeridaily.com/analytics/1381>.

Belarusian state universities. Currently the Baku International Multiculturalism Centre holds preparatory classes with experts to teach the new subject, and course instructors will be sent here. Extensive preparatory work is being conducted in that direction.

The Baku International Multiculturalism Centre organized a summer school entitled “Multiculturalism as a lifestyle in Azerbaijan: Learn, study and share” for students of local and international universities. The participants visited different regions of Azerbaijan and were familiarized with the customs and traditions of different ethnic groups as well as acquiring knowledge of the history, language, ethnography and culture of Azerbaijan, which enabled the students to strengthen their practical knowledge on Azerbaijan’s multiculturalism. The centre holds regular round-tables on various topical issues for national and international representatives of political, scientific and cultural élites, including well-known public figures and heads of international organizations; and virtual round-tables have been held on “Socio-economic and spiritual development in harmony in present-day Azerbaijan”, “Multicultural security” and “Teaching multiculturalism at universities abroad: Challenges and perspectives”.

Started in 2004, the Heydar Aliyev Foundation has actively participated in strengthening a tolerant and multicultural society. The president of the Heydar Aliyev Foundation is Azerbaijan's First Lady, UNESCO and ISESCO Goodwill Ambassador Mehriban Aliyeva.⁴³ One of the foundation’s main goals is the promotion of religious tolerance, supporting civil society in preserving cherished national values given the ongoing globalization processes, promoting the cultural heritage of Azerbaijan and supporting the efforts aiming at protection of one of the country’s most cherished values: cultural diversity. Mehriban Aliyeva’s attention to cultural diversity is considered to be a shining example in Azerbaijan. The Heydar Aliyev Foundation greatly supports the activity of the Baku International Multiculturalism Centre, and funds projects aimed at promoting intercultural dialogue.

The success of the state policy on multiculturalism is evidenced by the fact that there has never been a court case between Azerbaijan and the European Court of Human Rights based on national, language, religious or other discrimination.⁴⁴

⁴³See Heydar Aliyev Foundation website for more information, www.heydar-aliyev-foundation.org/en/content/index/48/Goals-of-Foundation-.

⁴⁴Currently there are 48 court cases between Azerbaijan and the European Court of Human Rights. The vast majority of communications between Azerbaijan and the European Court relate to civil law. Azerbaijan joined the European Convention on Human Rights in January 2001. For more information see European Court of Human Rights, “Annual Report 2014”, http://echr.coe.int/Documents/Annual_Report_2014_ENG.pdf.

Is there a future for multiculturalism, or could there be an alternative to or replacement for multiculturalism? Some people think that there is no alternative. “Different models should be responsive to the different contexts in which they are applied. There is no universal model.”⁴⁵ Some believe that multiculturalism may be replaced by a new concept, interculturalism, the essence of which is not to promote ethnic and cultural closeness between various groups, but to have the ability to communicate with other groups.⁴⁶ We believe there is always an alternative, but it cannot always be considered acceptable. For example, well-known alternatives to multiculturalism are “assimilation”, xenophobia, islamophobia and fascism. To paraphrase Churchill’s description of democracy, we can say that “multiculturalism is evil, but everything else is worse”. Culture itself implies pluralism: “Live and let live.”

The main question is what kind of multiculturalism is appropriate in different societies? “Indeed, in reality, the future of Western-style multiculturalism will largely depend on the dialogue between religious and secular values. This is the only panacea. It is only in a tolerant society that multiculturalism may thrive by mutually complementing the cultures and bolstering the system of values embracing different peoples.”⁴⁷ For a country like Azerbaijan, the alternative would mean the loss of its traditions. If multiculturalism were to disappear, the world would most likely turn into a battlefield between different ethnic and cultural-religious groups. Multiculturalism, on the other hand, can lead to the unity of diversity. Only respect for ethnic, religious and other differences can lead to such a result.

The official position and state policy of Azerbaijan on this question are as follows:

Some believe that multiculturalism has failed. Politicians in some countries have openly talked about that. Unfortunately, sometimes political statements do not contribute to the development of inter-civilizational dialogue. Instead, they give way to discrimination. Therefore, the responsibility of politicians and public figures is of great importance here. Any idea expressed anywhere in today’s globalizing world and in the Internet era may immediately reverberate in the world. There is practically no alternative to multiculturalism. The alternatives of it are discrimination, xenophobia, racism and fascism. I believe that in the 21st century progressive people should be more active in preventing these negative trends. This

⁴⁵Rudusa Rita, “Multiculturalism: There is no alternative”, Providus, <http://providus.lv/article/multiculturalism-there-is-no-alternative>.

⁴⁶Katharina Bodirksy, “The intercultural alternative to multiculturalism and its limits”, EASA Workshop 2012, Working Paper 8, http://scholarworks.umass.edu/chess_easa/8/.

⁴⁷ Arastu Habibbeyli, “Western multiculturalism upon crisis: New challenges, dilemmas”, 2014, <http://newtimes.az/en/relations/2870/>

activity should be complemented in a variety of forms. I believe that we should apply the positive experience even more broadly.⁴⁸

We believe that the basis for this optimism is the historical truth, that *tolerance towards other religions, cultural values and humanism are inalienable characteristics of all the world's religions.*

Challenges/threats to multiculturalism and secularism

Azerbaijan is located in a geopolitically complex region, and today its main challenges are instability, armed conflicts, growing radicalism, terrorism threats, etc. The South Caucasus region is of great geopolitical importance and has great potential for development. “Despite the fact that Azerbaijan embraced a secular ideology, its other Islamic neighbours were of a different state of mind. For these countries, the independence of Azerbaijan meant an opportunity to spread their religious ideologies and expand their influence. As a result of such strong foreign influence and growing socio-economic problems, Islamic influences began to spread over the country, challenging the post-Soviet governments.”⁴⁹ Unresolved territorial issues such as the Armenian-Azerbaijani Nagorno-Karabakh conflict, the Georgian-Abkhazian and South Ossetia conflicts, and the Russian-Ukrainian conflict set the ground for destabilization of the situation. These conflicts pose immediate threats to regional security. Uncontrolled territories, the so-called “grey zones”, are ideal places for the spread of international terrorism, drug trafficking, illegal arms trafficking and other problems. Given that neighbouring countries face a similar situation, it is difficult to speak of strong regional security and stability. But despite the challenging geopolitical situation, political powers have managed to turn Azerbaijan into a strong, prosperous and stable developing country over the years of independence.

However, time after time various forces have tried to aggravate the internal situation in Azerbaijan and undermine its political stability. There are also attempts to destabilize society using religious factors to create a sectarian clash in the country. “The traditional division of the Muslims between Sunnis and Shiites is now added to by influences of revival movements from other Muslim countries like Iran and Turkey. While members of the political elite

⁴⁸Speech by President Ilham Aliyev at opening ceremony for Second World Forum on Intercultural Dialogue on “Living Together Peacefully in a Diverse World”, 2013, <http://en.president.az/articles/8296>.

⁴⁹Bogdan Nedea, Sahib Jafarov and O. Mamadov, “Radical Islam in Azerbaijan”, in Iulian Chifu, Oana Popescu and Bogdan Nedea (eds), *Religion and Conflict: Radicalisation and Violence in the Wider Black Sea Region* (Bucharest: ISPRI, 2012), pp. 337–360.

continue to propagate the ‘sacred’ idea of the secular state, they also support ‘good’ (traditional) Islam as an important part of the national ideology.”⁵⁰

More than 300 people in Azerbaijan are serving sentences for crimes related to religious extremism. The secret services take precautionary measures, and from 1994 to the present time terrorism has been limited – but anything might happen. Another factor that should not be forgotten is the links to the North Caucasus area: 250 attacks were committed in one year in Dagestan alone. Taking into account the homogeneity of the population on both sides of the Azerbaijani-Russian border, this cannot be removed from the list of threats. But most importantly, once again, the situation is under control.⁵¹ According to information from the Ministry of National Security of the Republic of Azerbaijan, during 2014 26 Azerbaijani citizens were arrested as a result of search operations carried out by the ministry. They were detained over the establishment of armed formations or groups, which is forbidden by the legislation of the Azerbaijan Republic, as is participation in their creation and activity, and supplying them with weapons, ammunition, explosives, military engineering or military equipment.⁵²

To prevent situations like this, in 2014 amendments were made to the Criminal Code on the punishment of persons for participation in foreign armed groups prohibited by Azerbaijani law. The legislation envisages 20-year or life imprisonment for persons found guilty of creating armed groups which are not permitted by the Azerbaijan Republic, participating in their activity, supplying them with weapons, etc. It also applies to terrorism (commitment of explosions, etc.), and involving Azerbaijani citizens and stateless persons permanently residing in Azerbaijan in armed conflicts outside the country with a view to spreading religious beliefs and under the guise of performing religious rites, or in combat training in this regard.

Religious radicalism and home-grown terrorism are threats to the entire world. Time after time, certain forces have tried to aggravate the internal situation in Azerbaijan and undermine political stability in the country. But the Azerbaijani people’s commitment to the traditions of tolerance and the idea of multiculturalism, and the government’s deliberate policy on this front are a real barrier to the spread of religious radicalism in Azerbaijan. The Azerbaijani people and their leaders will never allow the substitution of a secular state model with a

⁵⁰Greg Simons and David Westerlund, *Religion, Politics and Nation-Building in Post-Communist Countries* (2015), p. 16.

⁵¹Kamil Salimov, “Azerbaijan is not France”, 2015, <http://news.az/articles/interviews/94952>.

⁵²See official website of Republic of Azerbaijan Ministry of National Security, www.mns.gov.az/en/news/407.html.

religious one, and this policy will be continued. Having a secular state is a great historical wealth and heritage.

Conclusion

Terrorist attacks (9/11 and Charlie Hebdo, to cite just two) have shown that development and security in the modern world depend not only on economic and military power and other factors, but also on the level of tolerance – in other words, *multicultural security*. In today's interconnected and interdependent world, the interaction of culture and society, and of different cultures, plays a crucial role. Culture, eventually forming a single socio-cultural body in modern society, is part of the process of integration considered in this chapter.

It can be argued that modern societies should be secular and multicultural. For all the complexity and heterogeneity of the concept of “multiculturalism”, its essence is the recognition by society of cultural diversity, cultural legitimization of the majority of the population and the protection the rights of these groups by the state. Contemporary multiculturalism is determined by two main factors: on the one hand the existence of different cultures in the heart of society, and on the other a geographical area that is home to the bulk of the population and in which constantly migrate.

The example of developed European countries with political and legal mechanisms for regulating migration processes but without sufficient political will to handle this issue can be very instructive for a number of countries facing problems. There is no doubt that genuine multiculturalism is a precondition for the cultural development of modern society as well as for its progress and prosperity. “Let a hundred flowers bloom” – an ancient Chinese saying about cultural identity – implies that each culture not only flourished itself but also enriched other cultures in a vast country. These are wise words that can today serve as a motto of multiculturalism, based on respect for identity and cultural identity, in forming an integral and harmonious socio-cultural space.

Azerbaijan is known worldwide not only for its oil and gas resources, but also for its rich cultural heritage and diversity. Its experience shows that in a Muslim country it is possible to build a modern, secular society – a society that respects other traditional religions and is based on universal values. Multicultural security in the country has been fully provided for, and attempts against it have been successfully overcome by the state. Azerbaijan hosted the inaugural European Games on 12–28 June 2015, and in 2017 the country will host the Islamic Solidarity Games. This is a clear example of a modern Muslim country which combines

global and inter-civilization traditions and values, and makes a practical contribution to the development of multiculturalism.

Bibliography

Books

- AKHUNDOV, Fuad, *Educating Women to Educate a Nation. The Tagiyev School for Girls in Baku* (UNDP and UNFPA, 2007).
- ANTHIAS, Floya and YUVAL-DAVIS Nira, *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle* (London and New York: Routledge, 1993).
- BANTING, Keith and Will Kymlicka, *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (Oxford: Oxford University Press, 2006).
- LÆGAARD, Sune, *Multiculturalism and Secularism: Conceptions, Relations and Possible Conflicts* (Paris: Université de Paris Descartes, 2014).
- LENIN, Vladimir, "Socialism and religion" in *Lenin's Collected Works* (Moscow: Progress Publishers, 1965).
- LEVEY, Geoffrey Brahm, "Secularism and religion in a multicultural age", in Geoffrey Brahm Levey and Tariq Modood (eds), *Secularism, Religion and Multicultural Citizenship* (Cambridge: Cambridge University Press, 2012).
- NEDEA, Bogdan, SAHIB Jafarov and O. Mamadov, "Radical Islam in Azerbaijan", in Iulian Chifu, Oana Popescu and Bogdan Nedeia (eds), *Religion and Conflict: Radicalisation and Violence in the Wider Black Sea Region* (Bucharest: ISPRI, 2012), pp. 337–360.
- RATZINGER, Joseph, "That which holds the world together: The pre-political moral foundations of a free state", in Jürgen Habermas and Joseph Ratzinger, *The Dialectics of Secularization – On Reason and Religion* (San Francisco, CA: Ignatius Press, 2005).
- SIMONS, Greg and David Westerlund (eds), *Religion, Politics and Nation-Building in Post-Communist Countries* (London: Ashgate, 2015).
- STAVENHAGEN, Rodolfo, *The Ethnic Question: Conflicts, Development and Human Rights* (Tokyo: UN University Press, 1990).
- TAYLOR, Charles, *Dilemmas and Connections – Selected Essays* (Boston, MA: Harvard University Press, 2011).

Academic articles

- BENSON, Iain, "Notes towards a (re)definition of the 'secular'", *University of British Columbia Law Review*, Vol. 33 (2000), p. 519.
- BODIRKSY, Katharina, "The intercultural alternative to multiculturalism and its limits", EASA Workshop 2012, Working Paper 8, http://scholarworks.umass.edu/chess_easa/8/.
- CLIFTON, John, "The future of the Shahdagh languages", *International Journal of the Sociology of Language*, No. 198 (January 2009).
- DISNEY, T., "Islamic identities in post-Soviet Russia: Realities and representations", *E-International Relations*, 25 November 2010, www.eir.info/2010/11/25/islamic-identities-in-post-soviet-russia-realities-and-representations/.
- GOBLE, Paul, "An event of both symbolic and practical importance: The Baku Summit of World Religious Leaders", *Online Analytical Input from Azerbaijan Diplomatic Academy*,

Vol. 3, No. 9 (2010),

http://biweekly.ada.edu.az/vol_3_no_9/The_Baku_summit_of_world_religious_leaders.htm.

HABIBBEYLI, A., “Western multiculturalism upon crisis: New challenges, dilemmas (Article I)”, <http://newtimes.az/en/relations/2870/>.

HOWARTH, Caroline and ANDREOULI, Eleni “Has multiculturalism failed? The importance of lay knowledge and everyday practice”, www.lse.ac.uk/socialPsychology/About-Us/faculty/caroline_howarth/Howarth-and-Andreouli-paper-FINAL.pdf.

INGLIS, Christine, “Multiculturalism: New policy responses to diversity”, Management of Social Transformations (MOST)/UNESCO Policy Paper No. 4, www.unesco.org/most/pp4.htm.

KURU, Ahmet T., “Passive and assertive secularism: Historical conditions, ideological struggles and state policies toward religion”, *World Politics Journal*, Vol. 59, No. 4 (2007).

MARQUARDT, Kyle L., “Nation-building and language policy in post-Soviet Azerbaijan”, *Online Analytical Input from Azerbaijan Diplomatic Academy*, Vol. 3, No. 19 (2010), http://biweekly.ada.edu.az/vol_3_no_19/Nation_building_and_language_policy_in_post_Soviet_Azerbaijan.htm.

MODOOD, Tariq, “Controversy: Moderate secularism and multiculturalism”, *Politics*, Vol. 29, No. 1 (2009), www.tariqmodood.com/uploads/1/2/3/9/12392325/moderate_secularism_and_multiculturalism.pdf.

MOTIKA, Raoul, “Islam in post-Soviet Azerbaijan”, *Archives de sciences sociales des religions*, No. 115 (2001), pp. 111–124.

RUDUSA, Rita, “Multiculturalism: There is no alternative”, *Providus*, <http://providus.lv/article/multiculturalism-there-is-no-alternative>.

SOLVEIG WISTRAND, Jennifer, “Azerbaijan and ‘tolerant Muslims’”, *Caucasus Analytical Digest*, No. 44, 20 November 2012, www.css.ethz.ch/publications/pdfs/CAD-44-5-8.pdf.

SVANTE, Cornell E., “The politicization of Islam in Azerbaijan”, Central Asia-Caucasus Institute, Silk Road Studies Program, 2006, p. 8, www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2006_10_SRP_Cornell_Islam-Azerbaijan.pdf.

Other sources

ALIYEV, Ilham, interview for ITAR-TASS news agency and Russia-24 TV channel, <http://en.president.az/mobile/articles/3913>.

ALIYEV, Ilham, speech at opening ceremony for Second World Forum on Intercultural Dialogue on “Living Together Peacefully in a Diverse World”, 2013, <http://en.president.az/articles/8296>.

Baku International Humanitarian Forum, <http://bakuforum.az/>.

CIA World Factbook, “Azerbaijan country profile”, <https://www.cia.gov/library/publications/the-world-factbook/geos/aj.html>.

Ethnologue, Languages of the World, “Azerbaijan profile”, www.ethnologue.com/country/AZ.

GUT, Arye, “Azerbaijan: Tolerance and multiculturalism”, 2015, <http://g.thehill.com/blogs/congress-blog/foreign-policy/230293-azerbaijan-tolerance-and-multiculturalism>.

Heydar Aliyev Foundation, “Goals of the Foundation”, www.heydar-aliyev-foundation.org/en/content/index/48/Goals-of-Foundation-.

Heydar Aliyev Heritage International Online Library, <http://lib.aliyev-heritage.org/az/8761126.html>.

Human Rights Without Borders International, “Ethnic minorities in Azerbaijan: An overview”, 2014, www.hrwf.net/images/reports/2014/2014AZEthnic.pdf.

Index Mundi, “Azerbaijan demographics profile 2014”, www.indexmundi.com/azerbaijan/demographics_profile.html.

Project Gutenberg, “Azerbaijan Democratic Republic country profile”, http://self.gutenberg.org/articles/azerbaijan_democratic_republic.

SALIMOV, Kamil, “Azerbaijan is not France”, 2015, <http://news.az/articles/interviews/94952>.

State Historical Archive of the Republic of Azerbaijan.

VENETIS, Evangelos, “Azerbaijan: An eternal crossroads of civilizations”, 2012, www.azembassy.gr/wp-content/uploads/2012/05/Azerbaijan-An-Eternal-Crossroads-of-Civilizations.pdf.

Wikipedia, “Azerbaijan language”, http://en.wikipedia.org/wiki/Azerbaijani_language.

Wikipedia, “Saint Gregory the Illuminator’s Church, Baku”, http://en.wikipedia.org/wiki/Saint_Gregory_the_Illuminator's_Church,_Baku.

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The shared values of multiculturalism and secularism in Switzerland

Nadine Schouwey and Simon Zurich

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Introduction

We decided to take the Canadian Multiculturalism Act⁵³ as a starting point, to define what multiculturalism is to us. Switzerland and Canada present particular similarities worth noting, namely multilingualism, federalism and the fact that both countries have significant levels of immigration. Above all, we found it very interesting that a country had decided to adopt an act specifically on multiculturalism, and therefore we will start with a few comments based on this act. As Switzerland does not define multiculturalism, the point of this preliminary examination is to look at the conceptual grounds of multiculturalism to shape our own understanding of the term.

The Canadian Multiculturalism Act originates from the right to equal protection and protection against discrimination. The legislator underlines that “everyone has the freedom of conscience, religion, thought, belief, opinion, expression, peaceful assembly and association and guarantees those rights and freedoms equally to male and female persons”. Evidently, multiculturalism has deep roots in the preservation of individual freedoms and rights. The Multiculturalism Act confirms this when stating that the government shall “ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity” (Article 3.1(e)). Moreover, we find that multiculturalism requires the preservation of rights which are closely linked to one’s identity. Indeed, in the Canadian Multiculturalism Act the government “recognise[s] and promote[s] the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage” (Article 3.1(a)). Furthermore, the executive “recognise[s] and promote[s] the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada’s future” (Article 3.1(b)). To sum up this preamble, multiculturalism is directly linked to the individual rights and freedoms which define and protect one’s identity. This, of course, does not preclude the fact that collective rights may be at stake in the discussions regarding multiculturalism and that they may clash with the individual rights.

UNESCO distinguishes three interrelated, yet distinctive, referents of multiculturalism: the demographic-descriptive usage, the programmatic-political usage and the ideological-

⁵³Government of Canada, “Canadian Multiculturalism Act”, Justice Laws, available from: <http://laws-lois.justice.gc.ca/eng/acts/c-18.7/>.

normative usage.⁵⁴ The first refers to the “existence of ethnically or racially diverse segments in the population of a society or State”. It represents a perception that such differences have some social significance”. The second concerns the “specific types of programs and policy initiatives designed to respond to and manage ethnic diversity”. It was in this context that the term to the “existence of ethnically or racial to replace a bicultural policy focused on the French and English cultures, and instead organize ethnic diversity around the conception that all cultures should be taken into account, in particular in the Native culture. The third “constitutes a slogan and model for political action based on sociological theorising and ethical-philosophical consideration about the place of those with culturally distinct identities in contemporary society”.

This paper illustrates that the three referents are intertwined when addressing the question of multiculturalism in Switzerland. Our historical context (Section I) aims to explain how Switzerland has become a multicultural state over the centuries. We describe the coming together of the different cantons with their different cultures in the Swiss Confederation and their relations until present times; and we examine the growth of immigration into Switzerland, which was until recently an emigration state, resulting in the current multicultural society. The second section of the paper addresses the constitutional questions related to multiculturalism. Freedom of religion, the roles of the state and the church and linguistic regulations are of particular importance in a multicultural state. The third section focuses on the political context in which multiculturalism is treated. Specifically, we discuss how the question of the place of Islam in Switzerland is used in political speech and agendas, as well as how teaching a second national language at primary school unleashes passions in both German-speaking and French-speaking regions of Switzerland. At the end of our journey through multicultural Switzerland, we examine the perspectives and the challenges we face.

Most of the issues addressed also concern secularism, which is “the practice aiming at separating the political domain and the religious domain, as well as at instituting the State’s neutrality on the confessional level”.⁵⁵ Secularism does not imply the absence of relationships between the state and the religious domain. However, in a secular state there are no subordination relations between the public and the religious powers. The notion of secularism originates from France, where in 1801 on the basis of the Declaration of the Rights of Man

⁵⁴UNESCO, “Learning to live together: Multiculturalism”, available from: www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/multiculturalism/.

⁵⁵Jean-Noël Cuénod et al., *Rapport du groupe de travail sur la laïcité à l’attention du Conseil d’Etat de la République et Canton de Genève*, p. 10.

and of Citizens, Napoléon Bonaparte recognized Catholicism as the religion of most of the French but not as the state religion.⁵⁶ In Switzerland, however, the notion of secularism is unknown. We speak of the principle of the neutrality of the state.⁵⁷ Consequently, we use the term of “neutrality” rather than “secularism”. The relation between the church and the state is question primarily linked to the cantons: according to Article 72 of the Federal Constitution of the Swiss Confederation (Cst.), the regulation of relations between the church and the state is within the jurisdiction of the cantons (Section II.A.2). This has been reflected throughout the history of the country and, in particular, by the history of federalism (Section I.A.1). Moreover, as immigrants arrived, new situations emerged where the state had to deal with faith-based organizations.

We regard multiculturalism and neutrality as closely related issues, since religion is often a central characteristic of one’s culture. Therefore, it is important to observe the role played by the state when dealing with a particular culture or religion. If multiculturalism is understood in a plainly demographic-descriptive usage, the state may be neutral or non-neutral. However, we submit that, insofar as multiculturalism has a programmatic-political or an ideological-normative usage, a state should be neutral to enable different cultures to express their respective faiths freely if they wish to do so.

By way of background, the Swiss Confederation unites 26 cantons in which 8,139 million people live.⁵⁸ Of these, 23.8 per cent are foreigners, who are mainly young people (33.2 per cent of foreigners are aged 20–39 years, and 24 per cent are aged 0–19 years).⁵⁹ The migratory balance reached 89,500 immigrants in 2013.⁶⁰ Most of the inhabitants (5,997 million) live in urban areas. In terms of language, 64.5 per cent declare German or Swiss-German as their main language, 22.6 per cent declare French, 8.3 per cent Italian, 0.5 per cent Romansch, 4.7 per cent English, 3.5 per cent Portuguese, 2.6 per cent Albanian, 2.5 per cent Serbo-Croatian, 2.2 per cent Spanish, 1.1 per cent Turkish and 0.5 per cent Arabic.⁶¹ The religious landscape is also varied. The main religion is Roman Catholicism (38 per cent), followed by Reformed Evangelicals (26.1 per cent).⁶² Interestingly, in 1970 there were more

⁵⁶ “Laïcité en France”, available from: www.lemondopolitique.fr/culture/laicite-en-france

⁵⁷ Federal Court Judgment 113Ia 307.

⁵⁸ Swiss Confederation, “Statistics on population”, available from: www.bfs.admin.ch/bfs/portal/fr/index/themen/01/01/key.html.

⁵⁹ Ibid.

⁶⁰ Swiss Confederation, “Statistics on migration”, available from: www.bfs.admin.ch/bfs/portal/fr/index/themen/01/06/blank/key/08.html.

⁶¹ Swiss Confederation, “Statistics on languages”, available from: www.bfs.admin.ch/bfs/portal/fr/index/themen/01/05/blank/key/sprachen.html.

⁶² Swiss Confederation, “Statistics on religions”, available from:

Reformed Evangelicals in Switzerland, but immigration turned this trend. Islamic communities constitute 5.1 per cent of inhabitants, Jewish communities 0.2 per cent, and 22.2 per cent declare having no faith.

Historical context: Coming-together type of federalism in a new immigration state

Federalism and immigration have shaped both the understanding of multiculturalism and the state's neutrality in Switzerland. We outline the construction of the federal state, as well as certain noteworthy events in the history of the country's immigration.

A. Federalism – From the *Ancien Régime* to the 1848 Constitution

Federalism is a **concept** of political organization requiring the concentration of certain competencies on the federal level and the division of others on the cantonal level.⁶³ In Switzerland the division of the subnational units follows the principle of territoriality, using pre-modern areas based on languages, faiths, socio-economic segmentations and political and administrative borders.⁶⁴

Under the *Ancien Régime*⁶⁵ the bond between the different cantons was already very strong, as it rested on alliances to which they had freely committed. This led to the **foundation of the coming-together federalism** evident in Switzerland, in the sense that the cantons decided on an autonomous basis to enter into a confederation. Firstly, the Swiss Confederation is most important regarding external relations with surrounding states. The union of the different cantons enables them to have more weight in the international arena. In internal relations between the cantons, they cherished – and keep cherishing – their independence and freedom. Consequently, the integration of the cantons into the Confederation was a very long process and questions regarding border controls and tolls, weights and measures and currencies were touchy for a considerable time.

A new and brief period of a centralized state started with the proclamation of the

www.bfs.admin.ch/bfs/portal/fr/index/themen/01/05/blank/key/religionen.html.

⁶³Bernhard Altermatt, "Le principe de la 'territorialité différenciée' ou les 'territoires-trait d'union' comme facteurs de cohésion dans les Etats fédéraux plurilingues. Regards croisés sur les régions bilingues en Suisse, en Belgique et au Canada", in Sabine Haupt, *Tertium datur! Formen und Facetten interkultureller Hybridität. Formes et facettes d'hybridité interculturelle*, p. 113.

⁶⁴Ibid, p. 116.

⁶⁵Rainer J. Schweizer and Ulrich Zelger, "Le fédéralisme suisse sous l'Ancien Régime", available from : www.hls-dhs-dss.ch/textes/f/F46249.php.

Républiquehelvétique⁶⁶ in 1798 following **Napoléon Bonaparte**'s invasion. During this time, federalism claimed to unite opponents to the new system. According to them, a federalist system would better suit the different needs and desires of the cantons. Their claims were largely taken on by Napoléon during the drafting of the Mediation Act signed in 1803. This Act aimed to end the conflict between unitarists and federalists under the Republic by entrenching the sovereignty of the cantons.⁶⁷ The Federal Act followed the cantonal constitutions and granted diverse competencies to the Confederation, for instance the organization of a federal army in case of war and foreign relations, as well as rights such as minimal equality between Swiss citizens and the freedom of commerce and industry.⁶⁸

The **Federal Pact** followed the Mediation Act in 1815. It reflected the “profound divisions” between the cantons in matters of religion, culture, politics and economy, but the consensus reached did not satisfy the parties.⁶⁹ The main difficulty laid in the fact that the modalities of an intervention by the Confederation are not defined in the pact.⁷⁰ The new order created by the Industrial Revolution – a powerful industrial elite, proponents of the freedom of commerce and industry – destabilized the social and political forces which were at play during the negotiation of the pact.⁷¹ In particular, they argued for the quick development of transportation and communication in Switzerland, which was becoming an “island of slowness in the middle of Europe” due to the political difficulties which prevented investments in better networks.⁷² In the first half of the nineteenth century three major evolutions on a social and economic level modified the political forces between cities and subjected countryside. Firstly, land drifted from urban elites – public and religious authorities – to farmers; secondly, agricultural communities accessed financial capital, which contributed to the constitution of a broad class of independent, and sometimes wealthy, farmers; thirdly, the traffic of goods and persons increased.⁷³ This era saw a growing political contestation, led by liberal-radical forces which rapidly opposed the conservative cantons.⁷⁴ As a reaction to the liberalism advocated by the liberal-radical contestation, the conservatives imposed a strong religious point of view – be it Catholic or Protestant – on the social order of their cantons. At the end of this era two worlds faced each other, disagreeing on politics,

⁶⁶Ibid.

⁶⁷Andreas Fankhauser, “Médiation”, available from:www.hls-dhs-dss.ch/textes/f/F9808.php.

⁶⁸ Ibid.

⁶⁹François Walter, *La Suisse – Au-delà du paysage*, p. 42.

⁷⁰Cédric Humair, *1848 naissance de la Suisse moderne*, p. 14.

⁷¹Ibid., p. 20.

⁷²Ibid., pp. 24 and 29.

⁷³Ibid., p. 38.

⁷⁴Walter, note 17 above, pp. 43ff.

economics and religion.⁷⁵

This opposition led to the **Sonderbund War** – the last war on Swiss territory. In 1839 an armed putsch overthrew the liberal government in Zurich.⁷⁶ An economic crisis in the early 1840s caused prices and the unemployment rate to increase. The radicals used the situation for their political purposes and accused the Catholic Church of being responsible for the poverty.⁷⁷ In 1841 the conflict became more and more centred around religion, leading to the closure of all the Catholic convents in the canton of Aargau. A further episode was the collaboration of the conservatives with the Jesuit order in the Catholic cantons, which was then exploited by the radicals to turn the Protestant population to their cause.⁷⁸ On 8 December 1844 radical troops tried to overthrow the conservative government of Lucerne.⁷⁹ In December 1845 the Catholic cantons of Luzern, Uri, Schwytz, Unterwald, Zug, Fribourg and Wallis joined their armed forces in an alliance called the Sonderbund; this alliance violated the Federal Pact. The conflict should not, however, be interpreted as solely a religious matter, as some Catholic cantons (such as Solothurn and Ticino) did not get involved.⁸⁰ The roots of the conflict can also, to some extent, be found in the definition of the federal state, as well as the prerogatives of some cantons and some social classes within those cantons. Following military operations on 3–29 November 1847, the conservative forces surrendered.⁸¹

After this clash, the **necessity for renewal** was clear. The process of drafting a new constitution started in February 1848, in the hands of the Diète fédérale, the assembly of the cantons' deputies. Respectful of the federalist spirit, the centralizing movement remained quite restrained: all fields which were not explicitly delegated to the Confederation fell within the cantons' jurisdiction.⁸² The losers of the Sonderbund War, the conservative camp, gained satisfaction in the bicameral construction of the political system, which counterbalanced the representative democracy in favour of the small conservative cantons of central Switzerland. If the new constitution were put to a referendum, the cantons of the Sonderbund would refuse it, Fribourg would not organize a referendum and Luzern would trick its citizens into

⁷⁵Humair, note 18 above, p. 49.

⁷⁶Ibid., p. 60.

⁷⁷Ibid., p. 62.

⁷⁸Tobias Kästli, *Die Schweiz – eine Republik in Europa – Geschichte des Nationalstaats seit 1798*, pp. 327ff.

⁷⁹Ibid., p. 335.

⁸⁰Humair, note 18 above, p. 66.

⁸¹Walter, note 17 above, p. 44.

⁸²Humair, note 18 above, p. 72.

accepting it.⁸³

The **preamble of the Constitution** is an excellent example of the results of the federal construction. The Swiss people and the cantons are “determined to live together with mutual consideration and respect for their diversity”. They are “resolved to renew their alliance so as to strengthen liberty, democracy, independence and peace”. In this regard, the two most significant terms are “peace” and “diversity”. The cantons recognize that they are different as regards religion, languages and cultures, and that their union aims to create peace after the Sonderbund War.

B. Immigration

Since the first Constitution and until 1880, Switzerland welcomed refugees whose actions were consistent with its national values.⁸⁴ From being a land of refuge, it has become primarily a land of immigration since the second half of the nineteenth century, following not only the development and diversification of many industries (metallurgy, mechanics, aluminium, electricity, chemistry, food, textiles, building...) but also of tourism and the construction of a significant rail network starting in 1950.⁸⁵ This evolution required foreign help, including that, for example, of Germany and Italy.

Immediately following the 1848 European revolutions, an estimated 12,000 Germans, Italians, Austrians and Hungarians migrated to Switzerland – the equivalent of 0.5 per cent of the entire Swiss population.⁸⁶ Their stay on Swiss territory was rather short, as the government organized their voluntary relocation or expulsion to neighbouring countries; by 1851 only 500 were left.⁸⁷ Only refugees whose lives were being threatened in their countries of origin were granted long-term asylum. After the defeat of the Polish insurrection of 1863–1864, about 2,000 Poles travelled through or stayed in Switzerland.⁸⁸

During the nineteenth century Switzerland welcomed a large number of political refugees from the German, French, Italian, and Russian elites. Universities took advantage of this cultural addition to enhance their student bodies and faculties.⁸⁹ For the foreigners,

⁸³Ibid., p. 74.

⁸⁴Gérald Arlettaz and Silvia Arlettaz, *La Suisse et les étrangers – Immigration et formation nationale (1848–1933)* (Lausanne: 2004), p. 38.

⁸⁵Ilka Steiner, “Migration allemande en Suisse”, in Philippe Wanner (ed.), *La démographie des étrangers*, p. 70.

⁸⁶Arlettaz and Arlettaz, note 32 above, p. 38.

⁸⁷Ibid.

⁸⁸Ibid., p. 39.

⁸⁹Ibid.; Syndicat du personnel des transports, “Brève histoire de la migration en Suisse”, available from : <http://sev-online.ch/fr/aktuell/dossiers/ohne-uns/geschichte.php/>

Switzerland offered both job prospects and the possibility of gathering in relative peace, due to its freedoms of opinion, press and association – and this appealed to the groups of socialist and republican expatriates.⁹⁰

At the beginning of the twentieth century the issues of integration and assimilation of foreigners, along with their access to Swiss nationality, started to be debated more frequently among the Swiss population.⁹¹ When the First World War started, Switzerland remained true to its traditions of neutrality and asylum by welcoming injured prisoners of war; in January 1916 a total of 67,000 were cared for in Switzerland.⁹² However, the division between the Swiss-German majority and a French-speaking part of Switzerland led to a growing hostile public opinion regarding war prisoners. Consequently, Bern strengthened its immigration policy in 1917.⁹³

The end of the First World War did not mark the end of the political discourse surrounding “foreign overpopulation”.⁹⁴ The make-up of that foreign population was mainly men, Germans (injured and immobilized soldiers, rich bourgeois and industrial workers in search of a more stable social and economic status than their country of origin could provide) and Italians (soldiers and workers).⁹⁵ At that time, people believed that Switzerland needed to be “protected from undesirable people” perceived to be made up mostly of the unemployed and agitators.⁹⁶ The German nationalist tendency generated an overwhelming “Germanophobic” nationalist tendency generated.⁹⁷ In 1921, despite the strength of the economy before the war, its rapid development was drastically slowed, leading to a creeping economic depression.⁹⁸ In that context, foreign workers became the main priority in terms of political discourse. From 1924 immigrants were classified according to a new criterion based on whether or not they were seeking Swiss residency. Following the crash of the stock market of 1921 the foreign population in Switzerland plummeted, from 15.4 per cent in 1914 to 5.2 per cent in 1934⁹⁹ (right after the First World War, Switzerland had faced a shortage of labour linked to the

⁹⁰ Ibid.

⁹¹ Etienne Piguet, *L’immigration en Suisse – 50 ans d’ouverture*, p. 15.

⁹² Arlettaz and Arlettaz, note 32 above, p. 73.

⁹³ Ibid., p. 76.

⁹⁴ Ibid., p. 84.

⁹⁵ Ibid.

⁹⁶ Marco Marcacci, “La longue histoire de l’immigration en Suisse”, 2004, available from:

www.swissinfo.ch/fre/la-longue-histoire-de-l-immigration-en-suisse/3884548.

⁹⁷ Arlettaz and Arlettaz, note 32 above, p. 85.

⁹⁸ Ibid., p. 88.

⁹⁹ Swiss Confederation, “Migration and integration: Nationalities of foreign population”, available from: www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/key/01/01.html.

growth of national and international demand¹⁰⁰).

During the Second World War asylum was granted to Jews on the basis of the political immigration principle, “for reasons of race”.¹⁰¹ To this day, the debate surrounding the hosting of Jewish immigrants remains one that divides the nation. After the war Switzerland signed agreements with Italy to recruit the labour the country needed for its growing economy.¹⁰²

In the 1960s and 1970s the government put in place new regulations (including but not limited to quotas, employment rules and bilateral agreements with Germany and Italy) to manage the number of foreign workers and match the need for foreign labour to the economic demand. It is during that period the status of *saisonnier* (seasonal worker) was created, which implied that the person should return to his country after the period for which he was engaged.¹⁰³ In 1955 Switzerland approved the Geneva Convention preventing the expulsion of people whose lives would be threatened in their country of origin,¹⁰⁴ and it implemented its first federal law on asylum in 1979.¹⁰⁵ From the early 1980s onwards, refugees from third world countries as well as war zones have been able to find shelter in Switzerland for as long as they were exposed to “serious prejudices or were legitimately afraid for their safety because of their social or political influences”.¹⁰⁶ Switzerland has welcomed, among others, a significant number of war refugees from the Balkans; nowadays, the largest refugee population comes from Eritrea.¹⁰⁷

Legal aspects

Religion within the Federal Constitution

1. The freedom of religion

Article 15 of the Federal Constitution of the Swiss Confederation guarantees the **freedom of belief and conscience**. In particular, every person has the right to choose freely their religion and philosophical convictions, and to profess them alone or in community with others.

¹⁰⁰Piguet, note 39 above, p. 16.

¹⁰¹Arlettaz and Arlettaz, note 32 above, p. 124.

¹⁰²Sylvain Besson, “L’immigration en Suisse de 1861 à 2013: Une histoire mouvementée”, available from: www.letemps.ch/tout_le_temps/le_temps/infographie/2014/immigration_suisse/.

¹⁰³Historical Dictionary of Switzerland, “Immigration”, available from: www.hls-dhs-dss.ch/textes/f/F7991.php.

¹⁰⁴Convention on the Status of Immigrants (1951), available from: <https://www.admin.ch/opc/fr/classified-compilation/19510156/>.

¹⁰⁵Law on Asylum (1979), available from: <https://www.admin.ch/opc/fr/classified-compilation/19790258/>.

¹⁰⁶Arlettaz and Arlettaz, note 32 above, p. 125.

¹⁰⁷Swiss Confederation, “Statistics on migration and integration – Foreign population: Asylum”, available from: www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/key/01/04.html.

Besides, every person has the right to join or to belong to a religious community, and to follow religious teachings. To conclude, no person may be forced to join or belong to a religious community, to participate in a religious act or to follow religious teachings.

In relation to the **origin** of Article 15 Cst., in the 1848 Constitution the freedom of belief was granted only to Christian religions,¹⁰⁸ and was then gradually expanded. The provisions regarding religious law remained the same until the total revision of the Constitution in 1999 (except the provision banning the convents and the Jesuit order, which was removed by popular vote in 1973¹⁰⁹). Interestingly, before the newly revised Constitution there were several articles dealing with religion. They handled freedom of religion and conscience, freedom of belief, the state's neutrality in religious matters and the secularization of previous ecclesiastic tasks. We can therefore consider that the revision secularized the Constitution.

The freedom of belief comprises thinking, speaking and acting according to a religious or ideological conviction. It also includes freedom of cult in these protected behaviours. The doctrine defines it as **freedom of religion**.¹¹⁰ The jurisprudence takes freedom of belief as a guarantee that the state shall not intervene in an individual's religious expression, as it is a domain of one's own responsibility and covers all kinds of representations of the relationship between the human and the divine or the transcendent.¹¹¹ Moreover, all religions are protected by Article 15 Cst., irrespective of their quantitative diffusion in Switzerland.¹¹² Interestingly, ideologies are treated as religious beliefs. Atheism is taken to comprise all the convictions related to the place of the human beings and humanity in the world, independently of their content or origin.¹¹³ Consequently, both ideologies and religions are protected by Article 15 Cst. Conscience is defined as the capacity of understanding whether one's deeds should be considered as good or bad according to an ethical measure, often based on religious convictions.¹¹⁴

Freedom of belief and conscience confers the **right** to create, choose, change, exercise, spread and refuse a religious conviction free from any state influence.¹¹⁵ This right has different aspects. Firstly, one has a right to individual belief, which includes individual prayers,

¹⁰⁸Cavelti and Kley, ad Article 15 Cst., in Ehrenzeller et al., *Die schweizerische Bundesverfassung*, No. 1.

¹⁰⁹*Ibid.*, No. 2.

¹¹⁰*Ibid.*, No. 6.

¹¹¹Federal Court Judgment 119 Ia 178, §4b.

¹¹²Cavelti and Kley, ad Article 15 Cst., in Ehrenzeller et al., *Die schweizerische Bundesverfassung*, No. 6.

¹¹³*Ibid.*, No. 7.

¹¹⁴*Ibid.*, No. 8.

¹¹⁵*Ibid.*, No. 10.

meditation, fasting and confession.¹¹⁶ Secondly, collective belief comprises services, masses, processions, preaching, ritual dances, sacraments, religious hymns and the Friday prayers of Muslims, as well as religious mores.¹¹⁷ Religious conviction can be expressed through any means, including cinema, music, words and advertisements. An example is women of Muslim faith wearing a veil, a *burqa* or any other religious clothing.¹¹⁸

Freedom of belief and conscience is not only an individual right, but also an **objective norm**, according to which the whole state body must act (Article 35 Cst.). The state's neutrality in religious matters means that it must avoid threatening the freedom of the subjects of the law in a pluralistic society.¹¹⁹ It also implies that the state grants sufficient room for religious communities to blossom.¹²⁰ The state's neutrality is not, however, absolute, in that religious or metaphysic elements must not be banned from all state activities.¹²¹ This objective norm has an indirect horizontal effect, too. The state must make sure that the freedom of religion is respected in relationships between individuals, for instance by providing efficient protection, through criminal law, against violations of the freedom of belief.¹²²

2. The relationship between the state and the church

Whereas Article 15 is more focused on individual aspects of freedom of religion,¹²³ **Article 72 Cst.** is concerned with the relationship between the state and the church, whose regulation falls within the competence of the cantons. This provision is the link between federalism on the one hand and religious questions on the other, and enables different regimes and treatments by different cantons. The preservation of public peace between members of different religious communities may be a reason for the Confederation and the cantons to take measures, according to the second paragraph of this article. (We come back to the issue later regarding the ban on minarets.) This provision originates from the *Kulturkampf* and states, first, that the foundation of a bishopric requires the approval of the Confederation.¹²⁴ The cantons can autonomously regulate the relationship between both powers and need only respect the general principle of the state's activity (Article 5 Cst.) and fundamental rights, in

¹¹⁶Ibid.

¹¹⁷Ibid.

¹¹⁸Federal Court Judgement 134 I 56, §4.3

¹¹⁹Cavelti and Kley, ad Article 15 Cst., in Ehrenzeller et al., *Die schweizerische Bundesverfassung*, No. 18.

¹²⁰Ibid

¹²¹Ibid., No. 19.

¹²²Ibid., No. 21.

¹²³Mahon, ad Article 15 Cst, No. 3.

¹²⁴Mahon, ad Article 72 Cst., No. 3.

particular freedom of religion and conscience (Article 15 Cst.) and equality (Article 8 Cst.).¹²⁵

On a **cantonal level**, the traditionally Catholic canton of Fribourg devotes in its Constitution a whole title – Title IX – to regulating the relationship between the state and the churches, as well as religious communities. The main principle of this title (Article 140 para. 1) contains the state’s recognition of the important role played by churches and religious communities in society. Furthermore, the Roman Catholic Church and Reformed Evangelical Church enjoy a public law status and, if they are autonomous, their organization is submitted to state approval (Article 141). The cantonal Constitution also states that churches and religious communities are entitled to organize religious education within the frame of compulsory schooling (Article 64 para. 4). The teaching shall, however, respect religious neutrality, as entrenched in the Federal Constitution.

B. The linguistic question

The Federal Constitution recognizes **four national languages** – German, French, Italian and Romansch (Article 4) – and guarantees the freedom of language (Article 18). Besides the national languages, the Constitution determines **official languages** (those used by the administration for its relationships with the citizens): German, French and Italian, as well as Romansch for dealings with the Romansch community (Article 70 al. 1).

Article **70 Cst.** foresees different competencies related to languages. Besides the official languages of the Confederation, the cantons must define their official languages in a federalist and multicultural approach. The provision reminds us that the preservation of harmony between linguistic communities is an important goal, and therefore the cantons must care about the traditional territorial division of languages and take autochthon linguistic minorities into consideration. In Graubünden, for instance, the official languages are German and Romansch; but there are many different idioms of this last language, so the cantonal government decided to limit the possibility of changing the teaching language – from Romansch to an idiom, or vice versa – during primary school. The Federal Court of Justice ruled that this decision did not unconstitutionally limit the freedom of language.¹²⁶ Moreover, the Confederation and the cantons must encourage mutual understanding as well as exchanges between the linguistic communities. The multilingual cantons are supported in the execution of their particular tasks by the Confederation. For example, in Ticino and Graubünden the Confederation supports the measures taken to safeguard and promote Romansch and Italian.

¹²⁵Mahon, ad Article 72 Cst., No. 5.

¹²⁶Federal Court Judgment 139 I 239 f.

The details are regulated in the **Federal law on national languages and understanding between linguistic communities.**¹²⁷ This law was adopted quite late – in 2007. Its goals are to strengthen quadrilingualism, which characterizes Switzerland; to consolidate national cohesion; to encourage individual and institutional multilingualism; and to safeguard and promote Romansch and Italian as national languages. The Confederation must prioritize equal treatment of the four national languages, the freedom of language and the traditional territorial division of languages.

At this stage, it is interesting to observe the realities of languages in Switzerland. According to the last large-scale research¹²⁸, the use of non-national languages spoken within the family has increased between 1990 (13.8%) and 2000 (17.6%).¹²⁹ Another interesting point is that the use of Romansch is quite stable in the same period; however, the use of Italian has decreased by 0.7%, despite the arrival of Italian immigrants.¹³⁰ The study also concluded that people with a non-national language were more likely to adopt the locally spoken language within the family when they lived in the Italian- or the French-speaking part of Switzerland than when they lived in the German-speaking region. This can be explained mainly by two factors: first, the learning of another Latin language may be easier for the Hispanic or Portuguese populations; second, the fact that there are, so to say, two languages to learn in the German-speaking part of the country.¹³¹ When comparing the data of 1990 and 2000 regarding the integration of the locally spoken language within the family, one can notice that the integration has steadily increased, with the exception of English-speakers¹³².

Political aspects

A. Veils and minarets: The use of anti-Islam assertions in political campaigns

In recent years the Swiss political agenda has been overwhelmed by proposals related to Islam. Although Switzerland is no exception in the European landscape in this regard – we will not explore the question of the place of Islam in Europe any further – a neutral observer will have noted the increase of Islam-related proposals. This section focuses on the political discussions which have accompanied the voting on the minarets' ban at the Federal level and

¹²⁷ Federal Law on national Languages 441.1.

¹²⁸ Federal Census of 2000, available from:

<http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/22/publ.html?publicationID=1738>

¹²⁹ Georges Lüdi, Iwar Welren, Recensement fédéral de la population 2000- Le paysage linguistique suisse, p.26, available from: www.bfs.admin.ch/bfs/.../publ.Document.52217.pdf

¹³⁰ Ibid.

¹³¹ Ibid., p. 34 f

¹³² Ibid, p.36

on the prohibition of the wearing of the veil at the cantonal level.

1. The minaret: A symbol of domination?

In 2008 a federal initiative was submitted to ban the construction of minarets. We now consider the political discussion which preceded the voting.

This initiative was launched by the Committee of Egerkinden, a political group uniting right-wing politicians, and supported by the Schweizer Volkspartei (SVP – Swiss People’s Party), the nationalist right. The **idea** of the initiative originated from local controversies surrounding the construction of minarets in the region of Wangen (canton of Solothurn) and Langenthal (canton of Bern), where inhabitants were opposed to building minarets in their municipality. At the time of the initiative’s launch there were only two mosques with a minaret in Switzerland, in Zurich and Geneva, neither of which called to prayer.¹³³

The arguments of the initiative’s supporters were primarily based on the necessity to stop the “Islamization” of Switzerland.¹³⁴ To support their argument, proponents claimed that minarets were symbols of Islamic domination. This point is illustrated by the initiative’s poster, in which minarets resemble bomb-like towers. A study conducted after the voting notes that the argument which convinced people the most during the campaign was that a minaret is a **symbol of the domination of Islam** over the territory where it is erected.¹³⁵ According to this study, even people who voted against the initiative agreed with this argument.¹³⁶

Furthermore, and interestingly – in a scientific perspective – we can find in their arguments assertions **opposing Islam and Christianity**, according to which Christ would have come from southern Turkey and warned against “the intolerance of Islam”.¹³⁷ A press release from the SVP’s leaders noticeably starts by stating that the initiative does not violate the freedom of religion.¹³⁸ The argument of the Federal Democratic Union (UDF) does the same, establishing as a first point that “the Muslims enjoy a large freedom of faith” and “the minarets’ ban shall not prevent the exercise of Islam, but only the construction of minarets”.¹³⁹ Moreover, this party judges that “multiculturalism functions only within the framework of a common

¹³³ www.rts.ch/info/suisse/1141431-initiative-anti-minarets-lancee-en-suisse.html.

¹³⁴ www.svplu.ch/index.php?page=/News/Islamisierung-stoppen-Ja-zum-Minarettverbot-54

¹³⁵ www.swissinfo.ch/fre/interdire-les-minarets-pour-contenir-l-islam/8162624.

¹³⁶ Ibid.

¹³⁷ www.svplu.ch/index.php?page=/News/Islamisierung-stoppen-Ja-zum-Minarettverbot-54.

¹³⁸ www.svp.ch/aktuell/medienmitteilungen/svp-senioren-klares-ja-zum-minarett-verbot-und-klare-ablehnung-der-gsoa-initiative/.

¹³⁹ Federal Democratic Union, leaflet in favour of banning minarets (popular vote of 29 November 2009), www.udf-suisse.ch/fileadmin/user_upload/udf-suisse/Archiv/Minarettinitiative-JA_fr.pdf.

reference culture”, which is the Judeo-Christian foundations of our legal order.¹⁴⁰

During the campaign, some cities decided to **forbid the posters** promoting the ban. They maintained that the poster was discriminatory and consequently should be banned, insofar as it could threaten public peace.¹⁴¹ Retrospectively, this decision possibly played in favour of the initiative, because its supporters used it in the media to denounce a violation of freedom of expression.¹⁴² Nevertheless, it is a perfect example of the recent turn in Swiss politics, where the question is whether freedom of expression or the protection of discriminated minorities should prevail, and, if the latter, to what extent it should be applied. Discussion of this dilemma is beyond the scope of this paper; but we can state with certain assurance that the SVP has managed, through numerous initiatives related either to immigration, Islam, naturalization or asylum and the aggressive campaigns it has conducted to support them, to establish a tense climate.

In an **analysis of the voting**, the study previously cited showed that the result was not only due to racism and resistance to a globalized world, and the resulting loss of Swiss identity. Indeed, citizens describing themselves as willing to implement equality of chances between Swiss people and foreigners, as well as desiring an open-to-the-world Switzerland, voted in favour of the initiative.¹⁴³ If refusal of a building considered as the representation of Islam’s domination was the main argument, the initiative cannot be interpreted, according to the same study, as a general refusal to live together with Muslims: 64 per cent of the voters said they were convinced that the Swiss and Muslim ways of life were compatible, but this positive feeling had no effect on their way of voting.¹⁴⁴ The vote was a big shock for Muslims living in Switzerland and abroad, and Muslim representatives regretted the results.¹⁴⁵

2. The ban on *burqas*: The protection of women’s emancipation?

In 2013 the citizens of the canton of Ticino accepted a **cantonal initiative banning the wearing of the *burqa* or *niqab*** by a majority of two-thirds. The text of the initiative mentions the *burqa* and *niqab* implicitly, as it requires that no one shall cover or hide his/her face on the streets, in parks or on public transport.¹⁴⁶ Moreover, no one shall force a third person to cover

¹⁴⁰ Ibid.

¹⁴¹ Mario Togni, “Minarets: Les affiches de l’UDC méritent-elles une interdiction?”, 2009, available from: www.lecourrier.ch/minarets_les_affiches_de_l_udc_meritent_elles_une_interdiction.

¹⁴² Ibid.

¹⁴³ www.kommunikation.unibe.ch/content/medien/medienmitteilungen/news/2010/vox_analyse/index_ger.html.

¹⁴⁴ Ibid.

¹⁴⁵ www.swissinfo.ch/ger/eine-ueberraschung-in-einem-multikulturellen-land/7799824

¹⁴⁶ Tribune de Genève, “Le Tessin interdit le port de la burqa et du niqab”, cantonal vote, 2013, available from:

his or her face on account of his/her gender.¹⁴⁷ The cantonal government, arguing that the initiative was pointless because no one wears such clothes in the canton, had proposed a counter-project. The initiative was, however, preferred by the people.¹⁴⁸

The **arguments** of the initiator – an independent politician, founding member of the political movement *Ilgustafeste* (“the killjoys”) – were similar to the arguments of the anti-minaret proponents; in particular, the desire to fight fundamentalist groups Islamizing the Occident. However, a new claim was seen among the supporters of the anti-*burqa* initiative: they wanted to oppose the “sinful treatment” of women obliged to wear the *burqa*.¹⁴⁹ We will not broach here the question of the consideration of conservative circles for the defence of women’s rights in Switzerland. Opponents regretted that the initiative addressed a false problem, as there were no women wearing such clothes in Tessin.¹⁵⁰ Moreover, they claimed that the *burqa* and *niqab* ban violated the individual freedoms of a well-integrated Muslim community.¹⁵¹

A second step in the discussions surrounding the wearing of the full veil was taken by the **European Court of Human Rights** (ECHR). Ruling on an appeal by a young French Muslim woman¹⁵² who contested the French regulation banning the full veil, the court refused to condemn France for this law. However, human rights judges did criticize the French law in some regards – in particular, the court stated that “respect for human dignity cannot legitimately justify a blanket ban on the wearing of the full-face veil in public places”.¹⁵³ The veil is the “expression of a cultural identity which contributes to the pluralism that is inherent in democracy”.¹⁵⁴ In a society “in which several religions coexist... it may be necessary to place limitations on freedom to manifest one’s religion or beliefs in order to reconcile the interests of the various groups and ensure that everyone’s beliefs are respected”.¹⁵⁵ Nevertheless, the ECHR recognized its subsidiary role towards the democratically legitimated national authorities, which enjoy a wide margin of latitude in these matters, and therefore refused to condemn France. One should also note that the ECHR refused to recognize gender

www.tdg.ch/suisse/Le-Tessin-interdit-le-port-de-la-burqa-et-du-niqab/story/18047843.

¹⁴⁷Ibid.

¹⁴⁸www.rts.ch/info/regions/autres-cantons/5230849-les-tessinois-interdisent-la-burqa-dans-les-lieux-publics.html.

¹⁴⁹www.letemps.ch/Page/Uuid/490b97d2-1984-11e3-ae8e-3b5ad199c46c/Un_trouble-f%C3%A0te_se_bat_contre_la_burqa_au_Tessin.

¹⁵⁰www.letemps.ch/Page/Uuid/4857dae4-1984-11e3-ae8e-3b5ad199c46c/Linitiative_manipule_lopinion.

¹⁵¹Ibid.

¹⁵²ECHR, *S.A.S. c. France*, Application No. 43835 (forthcoming).

¹⁵³ECHR, *S.A.S. c. France*, No. 120.

¹⁵⁴Ibid.

¹⁵⁵Ibid., No. 126.

equality as a valid argument to justify the restriction.¹⁵⁶

The next step in Swiss politics was the work of the cantonal SVP section in Wallis, which launched a **new cantonal initiative** to ban the full-face veil in public schools. On its website, the vice-president of the party starts by saying “Let’s stay the masters at home” (“*Rester maîtres chez nous*”).¹⁵⁷ The text is full of connotations related to Islam, this “political religion”, which wants to impose the *sharia* in Switzerland. If they recognize that there are no cases – or at least very few cases – the SVP politicians want to apply the “precautionary principle” and avoid the situation our French neighbours face, so they say. The party also recognizes that this initiative is a means of leading a larger debate on Islam.

B. French, German, *Schwiizertütsch* or English: What language should we speak in this country? The teaching of a second national language at primary school

We earlier discussed the legal regulation of languages in Switzerland. As one can imagine, this question is particularly sensitive in a country with different linguistic communities and strong minorities. Moreover, Switzerland is fully integrated into globalized trends, hosting numerous multinational companies and international organizations, as well as important migrant communities. We focus here on the question of learning a second language at primary school. This topic is particularly symbolic of multiculturalism in Switzerland and also very topical, as it was recently raised in the Federal Parliament following decisions to ban the teaching of French at primary school.

The Swiss cantons had reached an agreement, the sacrosanct “**peace of languages**”. This notion has been used since the creation of the modern state in 1848, and its historical use was seen during periods of internal or external tensions.¹⁵⁸ In 2004 the Schweizerische Konferenz der kantonalen Erziehungsdirektoren (EDK – the Swiss Conference of Cantonal Directors of Education), a group of the heads of education in the cantons, released a roadmap to coordinate the teaching of languages in compulsory schooling and stimulate earlier linguistic capacities. Among the different goals, the EDK chose to maintain the teaching of a second national language at primary school, because it considered it important, in a multilingual country and for political reasons, that pupils start early with the learning of a second national language.¹⁵⁹ The formulation of the argument characterized the fact that it was a hard-to-reach compromise

¹⁵⁶Ibid., No. 119.

¹⁵⁷<http://www.udc-valais.ch/?p=5393>; and all the further quotes.

¹⁵⁸Bernhard Altermatt, “La notion de ‘paix des langues’ dans les débats sur la politique linguistique en Suisse”, in Julien Perrez and Min Reuchamps (eds), *Les relations communautaires en Belgique*, p. 191.

¹⁵⁹www.edk.ch/dyn/14090.php

between the cantons; indeed, the EDK did not clearly state that learning a second national language was important for national cohesion, but left space for this interpretation. Its argument remained educational, aimed at demonstrating that the early learning of a language eases its understanding. The need for a broad compromise followed the canton of Zurich's decision to introduce the learning of English before learning French – a decision which was followed by eight other Swiss-German cantons.¹⁶⁰ Recently, the parliament of the canton of Thurgau decided to ban the teaching of French at primary school.¹⁶¹

The debate reached another level with the submission of two **initiatives** at the Federal Parliament demanding the compulsory teaching of a second national language at primary school. The first initiative of the Commission of Sciences, Education and Culture wants to modify the law on national languages and comprehension between linguistic communities to compel the cantons to teach a second national language as well as a foreign language at primary school, with the learning of a second national language starting at least two years before the end of primary school.¹⁶² The commission's second initiative requires that the first foreign language taught shall be a second national language.¹⁶³

Current challenges to multiculturalism and secularism – The example of semi-direct democracy

The Swiss semi-direct democracy is a powerful way to empower its citizens. Referenda, initiatives and elections of their representatives allow the people to be strongly involved in the shaping of the future of the country. However, the use of these democratic tools presents a difficult challenge to multiculturalism, in that they may exclude those who are not entitled to the democratic rights or who are less represented among the citizens. We now illustrate these risks using the examples of the immigration and asylum policies and the linguistic question.

A. In the context of foreign populations

As described earlier in the historical section, Switzerland has **had a multicultural society** for a long time – one could say since the early beginnings of the alliances between the first Swiss cantons. Indeed, Switzerland was and still is a union between cantons of different cultures, faiths and languages. Multiculturalism is, so to say, in our blood. However, it has sometimes

¹⁶⁰ www.swissinfo.ch/fr/une-d%C3%A9cision-politiquement-incorrecte/3012806

¹⁶¹ www.rts.ch/info/regions/autres-cantons/6063545-la-thurgovie-ne-veut-plus-enseigner-le-francais-a-l-ecole-primaire.html

¹⁶² www.parlament.ch/f/suche/pages/geschaefte.aspx?gesch_id=20140459

¹⁶³ www.parlament.ch/f/suche/Pages/geschaefte.aspx?gesch_id=20140460

been difficult to accept or offer a place to newcomers, as discussed in the historical section. This problem took a new turn recently with the increasing use of democratic rights to reduce the numbers of foreigners in the country and curtail their rights. Popular initiatives and referenda are increasingly linked to questions of a multicultural society.

In particular, there is a perpetual tension in Swiss politics regarding the next initiative that the SVP could launch, and the party has **succeeded in making the topic** of immigration a major issue among the Swiss people. The *Baromètre des préoccupations*, a tool developed by Credit Suisse which surveys the major concerns of the Swiss population, reports that the proportion of immigrants permanently residing is the nation's second most important concern, right after unemployment.¹⁶⁴ The growing number of people in an asylum procedure ranked the fourth most pressing issue. One can also note that the SVP launched initiatives regarding criminal foreigners (the number of sentenced criminals is the sixth concern), foreigners abusing social aid (the rate of social aid is in seventh position) and the bilateral agreements with the EU (the question of the Europeanization of Switzerland is the eighth concern). In short, one can say that the SVP has managed to impose a significant political agenda over the last few years. We do not believe these topics were already widespread fears among the population, but that the right-wing party has succeeded in establishing them. One should also bear in mind that the policies of the other parties have not always been reassuring for citizens.

B. In the context of the linguistic question

The previously described federal intervention in a domain which usually is dear to the cantons follows a new polemic in German-speaking Switzerland regarding the teaching of a second national language. Indeed, in many cantons we have seen parliamentary initiatives launched to **ban the teaching a second national language**, mainly French, at primary school. In Thurgau the parliament accepted a motion aiming at abandoning the teaching of French at primary school, against the will of the government. The cantonal minister of education deplored the “isolation of the Canton of Thurgau” and described the move as “an affront for French-speaking Switzerland”.¹⁶⁵ Thurgau is not an isolated case. In the canton of Nidwald the SVP submitted an initiative to suppress one of the two foreign languages taught at primary

¹⁶⁴Claude Longchamp, “Gouverner, c’est prévoir”, in Credit Suisse, *Quelques orientations pour la Suisse – Regard sur l’avenir politique du pays*, p. 7; <http://publications.credit-suisse.com/tasks/render/file/index.cfm?fileid=9872FD13-99BB-CD0C-AE73AA6FB1BBFA2D>.

¹⁶⁵www.letemps.ch/Page/Uuid/b75cd43e-22fd-11e4-9a79-d749102b8541/La_Thurgovie_veut_supprimer_lenseignement_du_fran%C3%A7ais_au_primaire

school;¹⁶⁶ this was rejected by a majority of 61.7 per cent of the voters. Similar initiatives are still pending in the cantons of Luzern and Graubünden.¹⁶⁷ This situation has brought dissatisfaction in the French-speaking part of the country. A federal deputy wrote an opinion in Zurich's *Tagesanzeiger*, warning that the renouncement of a second national language at primary school would lead to a Swiss-German monoculture and thus damage the multicultural side of the country.¹⁶⁸

A similar question is at stake in discussions surrounding the **public utility of the Swiss Broadcasting Company (SBC)**. An initiative was launched to stop the usage fee granted to the SBC, as well as to some regional private radio and TV stations.¹⁶⁹ Thanks to internal equalization of revenues, the SBC can finance interesting output for the linguistic minorities in the French-, Italian- and Romansch-speaking cantons.¹⁷⁰ This means, however, that the German-speaking majority finances part of the French-, Italian- and Romansch-speaking channels. With such a small market, the privatization of the audio-visual public utility would certainly lead to the end, or at least a drastic reduction, of Swiss French-, Italian and Romansch-speaking radio and television. The SBC has always been considered as a symbol of multilingual Switzerland, and its dismantling would be a thorny political question for the federal state.

Conclusion

Switzerland has a long history of multiculturalism, deeply intertwined with its federal character. The very foundation of the country lies on multiculturalism, through the coming together of cantons of different religions or languages as well as through immigration and the tradition of asylum. We can now sum up the main elements raised in this paper and attempt to paint a picture of multiculturalism and state neutrality in religious matters in Switzerland – a picture which does not aim at being exhaustive.

First of all, **federalism** is a key concept in the understanding of Swiss multiculturalism. Due to the coming together of cantons whose history, language, religion and political and economic systems were different, the state's basis is fundamentally diverse in these matters. Switzerland has rapidly become a country of asylum and **immigration** and now hosts a large foreigner population: 23.8 per cent of the 8,139 million inhabitants are foreigners. Federalism

¹⁶⁶ www.svp-nw.ch/download/Kolumne_2015_03_11_Diskussion_geht_weiter.pdf

¹⁶⁷ www.nzz.ch/schweiz/nidwalden-haelt-an-franzoesischunterricht-in-der-primarschule-fest-1.18497770

¹⁶⁸ www.tagesanzeiger.ch/schweiz/standard/Franzoesisch-ist-mehr-als-eine-Sprache/story/28005779

¹⁶⁹ www.nobillag.ch/index.php/fr-FR/1-initiative-tout-ce-qu-il-faut-savoir/text-d-initiative

¹⁷⁰ www.srgssr.ch/fr/service-public/solidarite/

and immigration are also key in understanding the questions linked to religions: for instance, the last war on Swiss soil had religious implications, and newcomers have brought their faith to their country of adoption, hence Muslims now compose 5.1 per cent of the population.

The **legal framework** of multiculturalism is voluntarily liberal, in the tradition of Swiss lawmaking, and the core lies in the state's neutrality, for instance in religious matters. The most important regulations are those based on individual human rights, such as Article 15 Cst. which protects the freedom of religion. Most of the legal questions related to religion can find an answer in the jurisprudence of the Federal Tribunal based on this provision, or in the jurisprudence of the ECHR. On the federal level, there is consequently no law regarding religion. As for the institutional aspect of religion, the regulation of the relationship between the state and the church falls within the competence of the cantons, according to Article 72 Cst. This is again a purely federal technique, aiming at accommodating all the different cultures. However, one should note that this system also favours the established faiths at the expense of newly arrived religions. Moreover, in some cantons the power of the established church may always be relatively important.

The **political agenda and discussions** have been impregnated with questions related to multiculturalism, as well as the question of the relationship between the state and religion – but mostly the question of the relationship between the state and Islam and its symbols. We give two examples: the ban of the minarets on the one hand, and the discussions around the *burqa* on the other. We also show, based on the *Baromètre des préoccupations*, that the main concerns of the Swiss people are linked to the foreign population. Yet we consider that these fears were partly created by the fierce campaigning of some political parties, which have used the issue for electioneering purposes.

We describe how the semi-direct democracy can currently be a **challenge** for multiculturalism in Switzerland. One can also note that state's neutrality is sometimes used as an argument against the wearing of the *burqa* or the building of minarets: the state should not permit such obvious religious symbols in the public space. In our opinion, political rights shall not be used by an established majority to limit the rights of a minority. Political rights shall not prevail over individual human rights.

To **conclude** we would like to contrast two quotes we have used. On the one hand, the UDF said that “multiculturalism functions only within the framework of a common reference

culture”.¹⁷¹ On the other, the ECHR stated that the veil is the “expression of a cultural identity which contributes to the pluralism that is inherent in democracy”.¹⁷² In Switzerland, one cannot claim that we have only one common reference culture. We have different cultures. Our languages have roots in the German, French and Italian cultures, which brought us their literature and art. Although the two main religions have common roots, they did fight each other in the last war on Swiss soil. Moreover, the tradition of asylum and immigration has enabled us to meet, discover and live together with cultures coming from other horizons. Along with the ECHR, we think that this pluralism and respect for such pluralism are a necessity in a well-functioning democracy.

¹⁷¹ www.udf-suisse.ch/fileadmin/user_upload/udf-suisse/Archiv/Minarettinitiative-JA_fr.pdf

¹⁷² Ibid.

Bibliography

Books

ALTERMATT Bernhard, *La notion de “paix des langues” dans les débats sur la politique linguistique en Suisse*, in : PERREZ Julien / REUCHAMPS Min (eds), *Les relations communautaires en Belgique*, Academia-L’Harmattan: Louvain-la-Neuve (2012), p. 191 ff.

ALTERMATT Bernhard, *Le principe de la « territorialité différenciée » ou les « territoires-trait d’union » comme facteurs de cohésion dans les Etats fédéraux plurilingues. Regards croisés sur les régions bilingues en Suisse, en Belgique et au Canada*, in : HAUPT Sabine (ed.), *Tertium datur ! Formen und Facetten interkultureller Hybridität. Formes et facettes d’hybridité interculturelle*, LIT Verlag: Berlin / Zurich (2014), p. 113 ff.

ARLETTAZ Gérald / ARLETTAZ Silvia, *La Suisse et les étrangers – immigration et formation nationale (1848-1933)*, Antipodes: Lausanne (2004).

CAVELTI / KLEY, ad art. 15 Cst., in: EHRENZELLER et al. (eds), *Die schweizerische Bundesverfassung – St. Galler Kommentar*, Schulthess: Zurich (2014).

HUMAIR Cédric, *1848. Naissance de la Suisse moderne*, Antipodes: Lausanne (2009).

KÄSTLI Tobias, *Die Schweiz – eine Republik in Europa – Geschichte des Nationalstaats seit 1798*, NZZ-Verlag: Zurich (1998).

MAHON Pascal, ad art. 15 Cst., in: AUBERT Jean-Philippe / MAHON Pascal, *Petit commentaire de la Constitution fédérale de la Confédération suisse du 18 avril 1999*, Schulthess : Zurich / Basel / Geneva (2003).

PIGUET Etienne, *L’immigration en Suisse – 50 ans d’ouverture*, Presses polytechniques et universitaires romandes: Lausanne (2013).

STEINER Ilka, *Migration allemande en Suisse*, in: WANNER Philippe et al. (eds), *La démographie des étrangers en Suisse*, Seismo: Zurich (2012).

WALTER François, *La Suisse – Au-delà du paysage*, Gallimard: Paris (2011).

Articles

FANKHAUSER Andreas, « Médiation », in: <http://www.hls-dhs-dss.ch/textes/f/F9808.php>

DANESI Marco, « L’initiative manipule l’opinion », available from: http://www.letemps.ch/Page/Uuid/4857dae4-1984-11e3-ae8e-3b5ad199c46c/Linitiative_manipule_l'opinion

DANESI Marco, « Un trouble-fête se bat contre la burqa au Tessin », available from: http://www.letemps.ch/Page/Uuid/490b97d2-1984-11e3-ae8e-3b5ad199c46c/Un_trouble-f%C3%AAt_e_se_bat_contre_la_burqa_au_Tessin

GIGON Arianne, « Le plus vieux minarets de Suisse ne dérange personne », available from : <http://www.swissinfo.ch/fr/le-plus-vieux-minaret-suisse-ne-d%C3%A9range-personne/7621790>

HERRMANN Eva, « Interdire les minarets pour contenir l'islam », available from : <http://www.swissinfo.ch/fr/interdire-les-minarets-pour-contenir-l-islam/8162624>

KOBLER Eveline, « Eine Überraschung in einem multikulturellen Land », available from: <http://www.swissinfo.ch/ger/eine-ueberraschung-in-einem-multikulturellen-land/7799824>

La Tribune de Genève, « Le Tessin interdit le port de la burqa et du niqab », available from : <http://www.tdg.ch/suisse/Le-Tessin-interdit-le-port-de-la-burqa-et-du-niqab/story/18047843>

Le Monde politique, « Laïcité en France », available from : <http://www.lemondepolitique.fr/culture/laicite-en-france>

Le Temps, « La Thurgovie veut supprimer l'enseignement du français au primaire », available from : http://www.letemps.ch/Page/Uuid/b75cd43e-22fd-11e4-9a79-d749102b8541/La_Thurgovie_veut_supprimer_lenseignement_du_fran%C3%A7ais_au_prim_aire

LONGCHAMP Claude, *Gouverner, c'est prévoir*, in : CREDIT SUISSE, *Quelques orientations pour la Suisse – Regard sur l'avenir politique du pays*, p. 7 ; <http://publications.credit-suisse.com/tasks/render/file/index.cfm?fileid=9872FD13-99BB-CD0C-AE73AA6FB1BBFA2D>

MARCACCI Marco, *La longue histoire de l'immigration en Suisse (2004)*, available from : <http://www.swissinfo.ch/fr/la-longue-histoire-de-l-immigration-en-suisse/3884548>

NORDMANN Roger, « Französisch ist mehr als eine Sprache », available from: <http://www.tagesanzeiger.ch/schweiz/standard/Franzoesisch-ist-mehr-als-eine-Sprache/story/28005779>

NZZ, « Nidwalden hält an Französischunterricht in der Primarschule fest », available from: <http://www.nzz.ch/schweiz/nidwalden-haelt-an-franzoesischunterricht-in-der-primarschule-fest-1.18497770>

RTS, « La Thurgovie ne veut plus enseigner le français à l'école », available from : <http://www.rts.ch/info/regions/autres-cantons/6063545-la-thurgovie-ne-veut-plus-enseigner-le-francais-a-l-ecole-primaire.html>

RTS, « Les Tessinois interdisent la burqa dans les lieux publics », available from : <http://www.rts.ch/info/regions/autres-cantons/5230849-les-tessinois-interdisent-la-burqa-dans-les-lieux-publics.html>

SCHWEIZER Rainer J. / ZELGER Ulrich, *Le fédéralisme suisse sous l'Ancien Régime*, in: <http://www.hls-dhs-dss.ch/textes/f/F46249.php>

Syndicat du personnel des transports, « Brève histoire de la migration en Suisse », available from: <http://sev-online.ch/fr/aktuell/dossiers/ohne-uns/geschichte.php/>

TOGNI Mario, « Minarets: les affiches de l'UDC méritent-elles une interdiction? », available from : http://www.lecourrier.ch/minarets_les_affiches_de_l_udc_meritent_elles_une_interdiction

Website of the University of Bern, Department of Communication, « Befürworter wollten ein symbolisches Zeichensetzen », available from : http://www.kommunikation.unibe.ch/content/medien/medienmitteilungen/news/2010/vox_analyse/index_ger.html

WEISSBRODT Bernard, « Une décision politiquement incorrecte », available from : <http://www.swissinfo.ch/fr/une-d%C3%A9cision-politiquement-incorrecte/3012806>

Official documents

Commission indépendante d'experts Suisse – Seconde Guerre mondiale, « La Suisse et les réfugiés à l'époque du national-socialisme », vol. 17.

Commission of science, education and culture of the National Council, « Learning of a second national language since primary school », available from: http://www.parlament.ch/f/suche/pages/geschaefte.aspx?gesch_id=20140459

Commission of science, education and culture of the National Council, « The first foreign language taught is a second national language », available from: http://www.parlament.ch/f/suche/Pages/geschaefte.aspx?gesch_id=20140460

Conference of the Cantonal Directors of Public Education, « Développement de l'enseignement des langues : calendrier établi pour l'ensemble du pays », available from : <http://www.edk.ch/dyn/14090.php>

CUÉNOD Jean-Noël et al., *Rapport du groupe de travail sur la laïcité à l'attention du Conseil d'Etat de la République et Canton de Genève*, p. 10.

ECHR, *S.A.S. c. France*, Application no. 43835 (not published yet).

Federal census of 2000, available from: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/22/publ.html?publicationID=1738>

Government of Canada – Justice Laws website, Canadian multiculturalism, available from: <http://laws-lois.justice.gc.ca/eng/acts/c-18.7/>

Official website of the Swiss Confederation: Migration and Integration: Nationalities of foreign population, available from: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/key/01/01.html>

Official website of the Swiss Confederation, Statistics on Languages: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/05/blank/key/sprachen.html>

Official website of the Swiss Confederation, Statistics on Migration: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/06/blank/key/08.html>

Official website of the Swiss Confederation, Statistics on Population: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/01/key.html>

Official website of the Swiss Confederation, Statistics on Religions: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/05/blank/key/religionen.html>

LÜDI Georges / WERLEN Iwar, *Recensement fédéral de la population 2000 – Le paysagelinguistique en Suisse*, Office fédéral de la statistique: Neuchâtel (2005).

REIMANN Maximilian, « Le Conseil fédéral adhère-t-il sans réserve au rapport de la Commission Bergier ? », available from :

http://www.parlament.ch/f/suche/pages/geschaefte.aspx?gesch_id=20033045

REIMANN Maximilian, « Rapport Bergier. Revoir le chapitre relatif à la politique des réfugiés », available

from : http://www.parlament.ch/f/suche/pages/geschaefte.aspx?gesch_id=20135018

SRG SSR, « Solidarité », available from : <http://www.srgssr.ch/fr/service-public/solidarite/>

UNESCO website, « Learning to Live Together »: Multiculturalism, available from: <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/multiculturalism/>

Political parties' material

ADDOR Jean-Luc, « Rester maîtres chez nous », 20 February 2015, available from : <http://www.udc-valais.ch/?p=5393>

Federal Democratic Union – leaflet in favour of banning minarets (popular vote of 29 November 2009), available from: http://www.udf-suisse.ch/fileadmin/user_upload/udf-suisse/Archiv/Minarettinitiative-JA_fr.pdf

Website of No Billag, text of the initiative, available from:

<http://www.nobillag.ch/index.php/fr-FR/l-initiative-tout-ce-qu-il-faut-savoir/text-d-initiative>

Website of the SVP, « SVP Senioren : Klares JA zum Minarettverbot und klare Ablehnung der GSOA Initiative », available from: <http://www.svp.ch/aktuell/medienmitteilungen/svp-senioren-klares-ja-zum-minarett-verbot-und-klare-ablehnung-der-gsoa-initiative/>

Website of the SVP Kanton Luzern, « Islamisierung stoppen – JA zum Minarettenverbot », available from: <http://www.svplu.ch/index.php?page=/News/Islamisierung-stoppen-Ja-zum-Minarettverbot-54>

Website of the SVP Nidwalden, « Diskussion geht weiter », available from http://www.svp-nw.ch/download/Kolumne_2015_03_11_Diskussion_geht_weiter.pdf

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Conclusion

Philippe Lefort

Culture is highly variable, thus comparative approaches must not fall prey to gross generalizations about a particular pattern or trend, because it may not pertain to another culture. As comparison is the method which makes holism possible,¹⁷³ one should be also careful not to force similarities upon different situations.

After reading the two remarkable studies by Tahira Allahyarova on Azerbaijan and Nadine Schouwey and Simon Zurich on Switzerland, any reader would be tempted to see common trends in the two countries and societies. Both have strong and ancient identities embedded in the natural fortress of the mountains. Both have been challenged in their very existence by larger competing neighbours fighting each other for local or global hegemony. Azerbaijan and Switzerland are both corridors, occupying key positions on vital transcontinental routes. In both cases religion (including the communist ideology) has levied civil unrest and external interventions. From a strategic point of view, both have developed a concept of armed neutrality as a way to survive in a dangerous neighbourhood.

This sort of comparison should still be taken with a bit of distance. Azerbaijan and Switzerland remain two very different countries, even though they belong to the same civilizational space as defined by the OSCE territory. With all due respect to its brilliant and ancient past, Azerbaijan, in today's political and territorial definition, is a recent state. Consequences of the tragic events that marked the rebirth and first decades of independent Azerbaijan are visible everywhere, including the massive presence of displaced populations, and the territorial dispute and *de jure* state of war with neighbouring Armenia.

Switzerland is one of the oldest states in Europe, enjoying an exceptionally long period of peace by world standards after being able to avoid both world wars in the twentieth century. The political system of today's Switzerland has strongly evolved, even though it claims a direct affiliation with the first acts of emancipation of the cantons. Challenges to Swiss society today do not come from possible alternative models of social organization or external pressure, as a project of Islamic State would be for Azerbaijan, but from the need to integrate large numbers of immigrants, coming from every corner of the earth and all with very different traditions and behaviours, and make them accepted by the existing population.

Both works have concentrated on the specificities of each case, and this gives them their

¹⁷³Luke E. Lassiter, *Invitation to Anthropology* (Chicago, IL: Rowman & Littlefield, 2009).

value. Reflecting upon the Azerbaijani and Swiss cases, and the way issues of multiculturalism and secularism are addressed in these two states and societies, is really a true way to find non-variable, common rules that could be applied in many, maybe all, situations.

A first reflection which comes to my mind is the artificial nature of collective identities.

Each human group, be it religious or cultural, tends to see the core bond which links its members as absolutely unique and fundamental. Being what we are (Azerbaijani, Swiss, French...) looks quite obvious and self-explanatory. The “ethnic” conflicts that marked the post-Cold War period and their violence, quite comparable with the religious wars that tore Europe in the sixteenth and seventeenth centuries (giving birth, in a certain sense, to modern Switzerland), illustrate the depth and strength of this collective sense of identity.

In the early 1990s, during the peak of the wars of succession of Yugoslavia, the French government was deeply involved in the efforts to deal with the conflict. We financed scientific research to understand why Serbs, Croats and Bosnians were killing each other while they spoke the same language¹⁷⁴ and looked, more or less, very like one another. One young researcher who spent some months in Mostar, a fragile but relatively peaceful corner of Bosnia at the time, developed a quite interesting analysis. This young scientist reported that the local population appeared instinctively sensitive to 17 of what he called “anthropological markers” defining multiple categories, none of them corresponding to each other. It appeared as well that inhabitants of Mostar were blind to all but a few markers, including precisely religious affiliation which defined their conscious identity as Orthodox Serbs, Catholic Croats and Muslim Bosnians.

When travelling in rural France (or in any other part of Europe) with the eye of an anthropologist, one can notice the very strong diversity of human types or behaviour in very small territories. From a village to another people may look very different, obviously coming from different brands of settlement from the dawn of history. My mother comes from a place in eastern Brittany where endogamy is dominant, whereas my father was born in a neighbouring village with exogamic traditions – a distinction considered by anthropologists as very fundamental (which made my very existence quite a challenge...). Interestingly enough, people are absolutely unconscious of such distinctions, although these govern some of their

¹⁷⁴From a linguistic point of view, Serbo-Croatian is, or was, the same language. Dialectal differences (between “Iekavian” and “Ekavian”) do not coincide with political borders or differences of script – Cyrillic used by Serbs, and Latin used by Croats and Bosnians. Since the war, governments have been making their best efforts to make the Croat, Bosnian and Serb languages diverge, adding their contribution to the mind-boggling problem of official languages in the European Union.

most important decisions in life, such as who they could or could not marry, and see each other consciously through totally different lenses: rich or poor, bourgeois or aristocrat, educated or not...

Distance blurs cultural differences, no matter how fundamental they may look to the concerned people. For many Asians, as late Prime Minister of Japan Nakasone told me some 20 years ago, a common cultural background made the European Union possible, while differences between Japanese, Koreans and Chinese are supposed to be so massive and irreducible as to make such a development unthinkable in East Asia...

In short, history shows how people can fight to the death over differences which may be hardly visible from a distance, or a few decades before or after. Multiculturalism is a natural condition for all human societies, large and small. Mechanisms which lead human beings to consider each other as peers, friends, foes or potential mates are highly complex and variable, and most of the time and for most of us unconscious.

Conscience, combined with memory, is the central mechanism which creates coherence between the multiple personae which compose any human being (child, teenager, parent, citizen...). If we try an analogy between individual and collective psychology, religion could be a good candidate as an equivalent to conscience for a society. Religion links (it is its etymology), creates meaning, gives direction. Indeed, in many regions of the world religion contributed to the emergence and consolidation of national identities. In the South Caucasus, Georgian, Armenian and Azeri identities were very much modelled by their respective religious choices. By sticking to the pre-Chalcedonian, Monophysite version of Christianity, Armenia might have preserved itself from assimilation to Byzantinism (and the other way round for Georgia, which could have been absorbed by its neighbour during phases of its complicated history), while Shi'a Islam preserved Azerbaijan from assimilation into its Christian neighbours. Another example is Catholicism, which has been the organizing principle of Belgium toward the Netherlands.

A crucial distinction should be made at this point between religion as an individual practice and as a social and as a political tool. In the first case, religion is a normal human behaviour and one of the multiple facets of individuality, mostly irrelevant for the political order. For the greater part of European history, wars and oppressions opposed people sharing the same basic religious beliefs. The situation is quite different when religion is taken either as the main organising principle of the *polis* or as an ethnic marker. The Roman Empire was quite tolerant towards foreign cults, but persecuted Christians precisely because they represented an

alternative social order. The tragic case of former Yugoslavia shows how religion can be used even to define “ethnic” identity.

As a political tool, religion should not be limited to the relation to divinity, but should include any ideology based upon absolute values and goals: ideology and social or racial supremacy.

Writing at the dawn of the twentieth century, Gustave Le Bon foresaw how potentially destructive the power of mobs, manipulated by ruthless leaders through religious-like ideologies, would be.¹⁷⁵ The wars in Yugoslavia and the murderous and destructive deeds of Daesh in the Middle East show that such risks do not belong to the past.

Apparently, secularism and multiculturalism are the answer to such challenges and the right recipe to keep our societies viable – including, by the way, for foreigners. Both are based upon moderation and a logic of freedom. Under secularism, there is nothing wrong with religion provided that it is confined to the private sphere. By the same token, cultural differences are acceptable provided that they are not taken as a pretext for discrimination.

Nevertheless, reality is more complex. God being, in a very Aquinian definition, the absolute, every religion may develop its own project of *Civitas Dei* that can turn eventually into a murderous utopia. From this point of view, Salafism is no different to any other brand of religious radicalism. Cultural differences, as artificial as they may be, are so present in the human mind that they can very easily be instrumentalized and turn a peaceful society into a state of war, especially when combined with competition for resources or political power.

From this point of view, the relation between secularism and multiculturalism in today’s world is neither simple nor unilateral.

Switzerland and Azerbaijan, and their respective neighbours, illustrate the paradox of this relation. Switzerland is located on two very old cultural and religious borders in Europe: one dating from the Iron Age, between Germanic and Celtic/Italic languages; the other, between Protestantism and Catholicism, dating from the end of the Middle Ages. Linguistic and religious divides do not coincide, which may explain the very existence of the country, since any of the successive holistic principles of organization which marked the history of Europe, from *cujus regio ejus religio* to the “national” state, could not be applied to this particular place.

¹⁷⁵“Aussi est-ce une bien inutile banalité de répéter qu’il faut une religion aux foules, puisque toutes les croyances politiques, divines et sociales ne s’établissent chez elles qu’à la condition de revêtir toujours la forme religieuse, qui les met à l’abri de la discussion. L’athéisme, s’il était possible de le faire accepter aux foules, aurait toute l’ardeur intolérante d’un sentiment religieux, et, dans ses formes extérieures, deviendrait bientôt un culte.”

As is well known, there are more Azeris living in Iran than in Azerbaijan itself – a situation seen as a potential threat by the two countries since the Anglo-Soviet crisis of 1948 around Tabriz.¹⁷⁶ Secularism is a logical answer to what is naturally perceived as a challenge from the great southern regional power. Conversely, an Islamic republic could be considered as a logical answer to the situation of Iran, a very multicultural nation where the Persian element does not exceed 60 per cent of the population. By the same token, authoritarian regimes in the Middle East, usually dominated by minorities (the Alawite in Syria, the Sunnis in Iraq...) were felt by other minorities (including the Christians) as more acceptable than the potentially abusive power of religious majorities, a fragile equilibrium shattered after the invasion of Iraq in 2003 and the “Arab Spring” of 2010.

In others words, multiculturalism and secularism do not necessarily coincide with democracy and respect for human rights. The general landscape in Eurasia tends rather to suggest the contrary, as multicultural and multireligious states look relatively more fragile and vulnerable to internal disputes or external interventions. Even in societies with a long-standing tradition of democracy, like Switzerland, foreign cults and traditions may be seen as challenging the existing political and social order.

Interestingly enough, demonstrative behaviours do not necessarily come from immigrants, recent or not, and do not always pertain to specific cultural and religious roots. The integral veil, one of the most visible manifestations of Islam in Switzerland, and more generally in Western Europe, comes from the Arabic peninsula, not from the Maghreb or Turkey. The logic is not necessarily one of affirmation of roots. Looking for the most radical and indisputable path is natural to the religious mind, and integral is better than partial from this point of view. Provocation, for a minority of individuals, may also be a reason. In a paradoxical way, the display of religious symbols perceived as very foreign to the local society may also be the expression of a burst of adolescent extravaganza that may have looked quite different but just as provocative and radical some 20 or 30 years ago.

Accepting this sort of demonstrative behaviour is never easy for any society, as it can be perceived as an open challenge to its very existence. In Azerbaijan, political Islam may be seen as putting at stake the very existence of the country which neighbours an Islamic republic where the Azeri population is by far larger than in Azerbaijan itself. In France, the

¹⁷⁶While most specialists see Iran more threatening to Iran than the other way around, this is not the view of Thomas De Waal, one of the main references on this region. Thomas De Waal, *The Caucasus: An Introduction* (Oxford: Oxford University Press, 2010).

Islamic veil can be seen as challenging the core values of a country fundamentally egalitarian, assimilationist and exogamic, as it is a symbol of endogamy and a heritage of traditional Arab tribalism where women are reserved to the cousins in a logic of reinforcement of clan solidarity.¹⁷⁷ My guess, after reading the work of Nadine Schouwey and Simon Zurich, is that the debate on the minarets, as artificial as it may look, has triggered a hidden but very sensitive chord, probably connected to the values of independence and local freedoms which characterize Swiss identity.

My sense, as a former and recent mediator in two armed conflicts, is that the only way to keep our societies liveable is indeed to follow a path of compromise, based upon a certain degree of mutual tolerance together with a set of soft but powerful incentives for integration and, ultimately, assimilation of non-autochthonous populations. Political correctness and incantation are not enough, since multiculturalism, as nice as this concept may look, can justify a policy of *de facto* discrimination, just as secularism may be used as an instrument of excessive limitations of rights or even repression against religious minorities. True and fair policies of secularism and multiculturalism should be based upon the joint efforts of all segments of society, majority and minority, to understand what are the interests (what they want) behind the respective positions (what they say), and the needs (what they need) behind the expression of the interests. Such approaches do not always solve problems, but they can lead to room for compromise. This is typically a responsibility for scholars and political leaders, keeping in mind that compromise is natural neither for the religious mind (naturally prone to the absolute) nor for those who seek political power by manipulating national or ethnic popular symbols.

The state of law is certainly one of the best possible answers to this dilemma. From this point of view, the wisdom, nuance and relevance of the ruling of the European Court of Human Rights (ECHR) on the dispute on the Islamic veil can really be admired. The ruling elaborates a very appropriate balance between the rights of minorities and the need for a government to “reconcile the interests of the various groups and ensure that everyone’s beliefs are respected”.¹⁷⁸ The ECHR has proved, once again, its relevance as a top regulator of social debates and its capacity to understand complexity and give reasonable directions to deal with difficult issues.

¹⁷⁷This analysis has been developed rather convincingly by Emmanuel Todd, together with more controversial views on French society, in several publications, particularly Emmanuel Todd, *Le destin des immigrés* (Paris: Editions du Seuil, 1994) and *L’histoireimmédiate* (Paris: Editions du Seuil, 1999).

¹⁷⁸Quoted by Nadine Schouwey and Simon Zurich.

At the end of the day, law is the natural answer of peaceful societies to regulate the complex relation between different and potentially conflicting identities. Law formalizes consensus, provided of course that law itself does not block society nor encourage ideological rigidity. Law can allow the natural flow of assimilation and differentiation which is the very making of history, against the background of the fundamental unity of humankind.

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