

# Background paper on Switzerland's vote on Minarets, November 2009

## Report of the Federation of Swiss Protestant Churches FSPC

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### 1. Introduction

On November 29, 2009, the citizens of Switzerland supported the referendum “against the construction of minarets” by a vote of 1.53 million to 1.13 million, or 57.5% to 42.5%. A relatively high number of voters, 53.4% of those eligible, voted in the referendum.

There is around 5 % of Muslim population in Switzerland (400'000 people), mainly coming from south-eastern european countries (Balkan, Turkey). The number has considerably increased in the last fifteen years due to the immigration. According to social surveys, they are to an almost complete extent very well integrated in the swiss society. There are no parallel or underground Muslim societies. Around 85-90% of them are not practicing Muslims.

There is no specific article on religions in the Swiss Federal Constitution. It contains only in the section “education, research and culture<sup>1</sup>” an article Nr. 72, titled “church and state” two paragraphs. The first one affirms that religious matters are an issue on the “cantonal” (regional) level, the second one that the state has a peace keeping responsibility between the confessions. Since the vote, there is now a third paragraph, which reads: “The construction of minarets is prohibited.”

### 2. Why the churches were clear about the minaret initiative being an explosive issue

Both the Council of the Federation of Swiss Protestant Churches (FSPC) and the Swiss Catholic Bishops' Conference, as well as the Swiss Council of Religions (SCR<sup>2</sup>) had been well aware of the political and social significance of the referendum initiative “against the construction of minarets” ever since it was launched in May 2007. From the very beginning, it was clear – and was indeed the intent of the founders of the initiative – that it would lead to a kind of substitute debate in the national arena.

The FSPC and the SCR saw great political and social significance in the “Minaret Initiative” from the very beginning, because it would tackle some sensitive issues, like for instance:

- The basic values of our state regarding freedom, in particular freedom of religion:  
The Minaret Initiative touches on basic issues: human rights, the principle of non-discrimination, religious freedom, and the rule of law. But free democratic culture and direct democracy, as it has evolved in Switzerland, are not up for debate as such, although there might be some tensions or contradictions between direct democracy rights and human rights. Law by referendum is an important part of our political culture. This must include the ability to critically discuss matters such as integration, culture, and religion.

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<sup>1</sup>“(1)The regulation of the relationship between church and state is a cantonal matter.

(2) Within the limits of their competencies, the Federation and the Cantons may take measures to maintain public peace between members of the various religious communities”.

<sup>2</sup> The Swiss Council of Religion SCR has been created on the initiative of the President of the FSPC in 2005. It gathers the Leaders of the mainline Churches (Reformed, Catholic, Old catholic, and recently Ecumenical Patriarchate) in Switzerland, the Community of Jewish Congregations as well as two umbrella Organizations of Muslim Communities. The Muslim communities couldn't agree on the name of only one Organization. It is completed through experts from each religion.

– Policy on foreigners and integration:

Since more than 20 % of the Swiss population is foreign, there are always questions arising concerning integration policy, in this case particularly with regard to Muslims and Islamic culture centers. Example of these questions are:

- What exactly is a mosque? What has to belong to it and what not?
- Academic and administrative requirements for working permits for imams;
- Muslim cemeteries – after more than hundred years of “deconfessionalized” cemeteries;
- Religious symbols in the public sphere: headscarves for students and teachers;
- Gender issues: Equality of men and women in the Islamic culture;
- Schools and special agreements: Islamic religion classes; dispensations for sport classes

– Religious peace and the political instrumentalization of religion:

The instrumentalization of religion for political purposes could threaten the religious peace. After 9/11, the Swiss churches were convinced that religion had again been becoming a political instrument. A first run-up was the Iraq War in 2002 and 2003. FSPC organized an interreligious ceremony at the beginning of the Iraq war. This event was the first interreligious initiative that led in 2005 to the creation of the Swiss Council of Religions. As it was phrased in the declaration “Strengthening the Bonds of Peace – in Switzerland and around the World”: “We declare that we seek to maintain confessional and religious peace in Switzerland. We resist the temptation to dig trenches of mistrust and enmity in the context of political conflicts among our religious communities.”

– The state of non-Muslim minorities in Islamic countries:

The way how Islamic countries honor religious freedom for churches would be an important question for many in this debate. It is in this context that the churches and the SCR have attempted to take into account the matter of non-Muslims in Islamic countries in a nuanced manner. We need to work toward a global “symmetry of justice”. A “symmetry of *injustice*” is not a solution.

For all these reasons, both the FSPC and the SCR have resolved that the **Minaret Initiative is untenable**. There are problems and questions with regard to some fundamentalist groups, and there are for sure unsolved questions in the interreligious dialogue with Islam as such, not only in Switzerland. All this has to be discussed and seriously addressed. But the Minaret Initiative is definitely the wrong way to do it and the wrong answer to some existing difficulties. On the contrary, it would rather create new problems and sharpen the existing ones.

Another difficulty was that the Initiative “against the construction of minarets” was underestimated by most of the established political parties. Most rejected it very quickly, but in a pretty superficial way, and didn't attack it very strongly. This is also linked with the fact, that political parties are not very comfortable with issues around religions.

The FSPC, as well as the Roman Catholic and the Old Catholic Church and the SCR played – comparative to their capabilities – a strong role in the debate on the Minaret Initiative, with efforts that have been quite palpable. They focus their arguments on the issue of the restriction of religious freedom. Among other things, a “Toolbox” was put on our webpage, where several documents and arguments from several sources were brought together, like for instance a short pamphlet with “ten questions and ten answers”. A flyer was printed and made available for congregations and churches, which was very much printed. All member churches supported the position of FSPC's Council.

### 3. Topics in the aftermath of the referendum

Following the initial surprise at the wide acceptance of the Minaret Initiative, the view has been gaining ground that this decision on the part of the population entails an opportunity to begin a new discussion on questions of relevance (see below, pages 4-7). In that extent, the churches and religious communities had to recognize that their focus on religious freedom as main arguments against the initiative failed and didn't reach the heart of the majority of the voters.

The voter analyses made by political scientists, that have been published since, are important to interpret the results of the referendum better. What were the different motives for voters to vote "yes"?

- The first key sentence of these analyses is that the motivation for the "yes" vote based on private convictions and individual values and not on established political convictions. All the polls before the vote announced a rejection of the initiative.
- The second is that the motivation for the "yes" vote based on the perception of the global political Islamic world<sup>3</sup>, inclusively the terrorism: the minaret was seen as the symbol of the power of Islam, be it real political power or power the Islamic countries or Muslim representatives are really or presumably looking for. The genuine religious aspect and the question of religious freedom were not prevalent at all. The interreligious dialogue played no role, although there is a large consensus within the population that it is necessary. For many women, the situation of the women in the Islamic countries played a role too.
- The third one is that the vote was motivated too through xenophobic feelings.

The result of the referendum of November 29, 2009 can be viewed as the expression of reservations with respect to Islam. It is also very much symbolic and representative of a global European trend in the public opinion and the feelings of the people (see debate in Germany, France, ...).

This vote showed indirectly too how much our population is secularized when it comes to decide on issues addressing religious issues, and how difficult it has become to talk on religious issues or religious symbols in the European public sphere. The danger of instrumentalization of religion was evident. It is to be seriously taken by the churches that their voice is more and more difficult to be heard. There are several tendencies around the world leading to the constatation that although the interreligious dialog is flourishing, minority rights are potentially more and more threatened, and among them especially religious minority rights. Very ironical is the fact that the new paragraph accepted in the Constitution takes the place of a former one which forbid the creation of new catholic dioceses and which was deleted through a vote in 2000. Compared to other votes, it was surprising to see that the "yes" vote went through all the political parties, the genders, the ages, the churches, the linguistic regions, even in a milder way. It followed also the separation line between people in the "urban areas" and on the "country side". Church members vote didn't really differ from the other votes. Both "yes" and "no" votes from church members were partly motivated with a "Christian" perspective: rather based on an image of our society still having to be based on a "Christian (secularized) heritage" for the "yes", and rather based on "Christian human rights attitude" for the "no".

It has to be stated too that several muslim voices took the result of the vote with much "coolness" and understanding, not only in Switzerland. Not a few of them felt suddenly unsecure and endangered through the reaction of their own brothers in faith.

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<sup>3</sup> Switzerland was till June 2010 in a „diplomatic“ conflict with Libya, which retains a Swiss citizen in jail ("hostage").

Interestingly enough, public and media discussions got very lively and intense after the vote about the reasons and the arguments, much more than before the vote. The participants at an initial internal FSPC evaluation underlined the following topic areas that have appeared to the surface with and after the vote:

### **Topic area 1: Society and identity**

The result of the referendum was the expression of a search for identity in our country. The role religion plays for the identity of a secular society that reflects a Judeo-Christian past and in which 80% of the population retains its membership in a Christian church is not that clear anymore. What does actually a "post-secular" society mean? What does it mean, in concrete terms, that religion is a public matter? What should religion matter to the state? What holds our society together?

### **Topic area 2: Religion and politics**

What does the result of the referendum mean for the relationship between politics and religion? Was it in fact about religion in the first place? Is the result to be seen as the return of religion to politics? Has there been a political instrumentalization of religion and its symbols? What could this mean for the churches and religious communities? Does the relationship between politics and religion, church and state in Switzerland need to be reassessed? Does the country need an article in its constitution about religion? or about tolerance? Can Christianity be understood as the country's "mainline culture"?

Several questions have been raised whether the Churches had a responsibility in the vote, whether they misheard their people, or were naïve in their communication and arguments. The feeling of the Churches keeps to be that that they couldn't have taken another standpoint as far as the issue we had to vote on was concerned, but maybe have neglected the impact of the global world picture of Islam on the results of the vote, as well as a "low threshold" communication strategy. In the same way, churches keep being convinced that there is no alternative to the interreligious dialogue. But there is also a need to deepen the reflection and the action of the churches as far as their societal and civil responsibility is concerned.

## **4. Insights learnt for the upcoming work FSPC**

In the course of the discussion with our member churches, three main areas emerge on which churches and especially FSPC should in the next future focus their work.

### **a) Christian identity and civil society:**

In our post-secular era, the church must be recognizable as the church and not feed its own self-secularizing tendencies (especially present among the Reformed churches). This means speaking more from the perspective of the gospel. Basic rights should be affirmed – but anchored in the gospel and the Christian view of humanity.

Identity also entails building up boundaries. We are used in our liberal tradition to define identity as something open, pluralistic, and diverse. We cannot help but recognize that identity is not only something open, but that it also entails building up boundaries. We must therefore also have to courage to complete this process of building boundaries.

Church statements are to be addressed to the churches own membership more than anyone else. We might have to turn our focus more clearly inward and develop an internal perspective and debate on issues like "identity and pluralism" from the center of the gospel.

This also means, as a Reformed church, that we must respect the individual conscience of each Christian and each citizen as voters. It cannot be the main goal of the Reformed church to be capable of running campaigns. The Minaret Initiative did not constitute a case of “status confessionis”.

#### **b) Interreligious dialogue:**

Our interreligious dialogue requires a new standard of critical debate, focusing at first on that which connects us, but then also on our differences. How can we live together in peace despite all fundamental differences?

Following the referendum of November 2009, the churches' Muslim dialogue partners have been placed in a weakened position. Doubt has been cast upon the representatives of Muslim associations within the Muslim community, and many have demanded stronger stances. When it comes to interreligious dialogue, we must also take into account the situation among Muslims themselves, and whether our dialogue partners are in fact representative of their communities. Interreligious dialogue is needed at all levels. We must focus on the particular goal of bringing people of different religions together in dialogue at the grassroots level.

Church members at the grassroots also need to be tied in more strongly into the opinion-forming process in terms of interreligious dialogue. Dialogue groups must not be allowed to develop into “closed-off groups”. There must also be a place for controversial debate.

How can Christian churches pique the Muslims' interest for Christianity? Though Christians sometimes visit mosques, Muslims do not visit churches that often – but dialogue cannot be a one-way street.

We need to distinguish between interreligious (theological) dialogue and intercultural dialogue, though we need both. Intercultural dialogue goes well beyond the realm of the church, and is also therefore a matter of political and societal responsibility. The very big majority of muslim population in Switzerland is not practicing – like the Christian population. Churches are no more strong enough to have a prevalent influence on the intercultural dialogue. Intercultural dialogue serves religious peace and a coexistence in mutual respect.

When it comes to interreligious dialogue, there must be mutual respect, but no opportunity for mission or proselytism. We cannot expect there to be a symmetry of interests.

For Christians, each member of the church stands for the whole church, and Muslims need to understand that this is the case for Muslims too. The Muslims in Switzerland have to cope with the expectation that they can be made responsible for the way how Christians or other groups are treated in Muslim countries.

#### **c) Church and state / religious communities:**

Two topics need to be mentioned when it comes to the relations between church and state:

- 1) **Education:** Education is a means of civilizing religion. Education in religion cannot remain the sole purview of the regional churches; the state and political system must also take on co-responsibility for it. We must pay particular attention to religion (not only ethics) classes in school. The responsibility for this must also be shared: The school must bear responsibility for teaching about religions, while the churches and religious communities must be responsible for teaching within the religions.

- 2) **Relation between state and religious communities:** It has become clear that, with social change, the church-state relationship must also change and develop. It will become more and more important to be able to express the churches' accomplishments for the whole of society. Tax laws are currently being revised in several cantons. The public financial support for religious communities is still to be linked with a variety of criteria to be respected. The religious legislation is happening on the cantonal level, as well as the definition of the academic degree standards for pastors, priests, rabbis.

## 5. Latest developments

Following developments deserve being mentioned:

- The “winners” of the vote seem to be a little bit embarrassed with their victory. There were a few trials to take any political or juridical decision out of this vote so far. The most famous one, regarding the issue of the “Burqa” didn't reach the climax it has in France, Belgium or Germany.
- The result of the vote is without doubt a restriction of religious freedoms rights. At the same time, it is wrong to pretend that religious freedom as such has been put in danger or violated through the vote. There are no restriction to build any mosques, temples or church. The only restriction concerns the “minaret” as part of a construction. It has to be noted that Islamic centers are often built in industrial areas or shopping areas. According to the local urbanistic rules of these zones, it could be as difficult for churches to build a new church with a clock tower as for a Muslim community to build a mosqs with minarets.
- There were six statements of claim presented in front of the Human Right Court in Strasbourg. On May 20, the Court admitted in a preliminary procedure to receive one of them as being formally valid and will ask the Swiss government to comment on it. The question here is whether the swiss decision is compatible with the European Human Rights Convention. The chance whether the Court will accept to deal with the claims is rather low. Two of them have been rejected in the mean time, because the complaints came from people who were not directly touched by the decision. The other ones have also low chance to be accepted because we will first need to have a concrete judgment from a Swiss Court after the building of a minaret had been forbidden.
- The Muslim community in Switzerland is even more splitted now than before the vote. There is a clear trend to polarization and to strengthen the radical tendencies within the Muslim Community. A Muslim umbrella organization (member of the Swiss Council of Religions) asked for special areas for Muslims in all cemeteries. A new Muslim organization has been created, the “Central Muslim Council”, based on a few and small associations, with a high number of converted rather fundamentalist Muslim believers, almost all of them are swiss citizens. Its representativity is low, but it's very attractive for media; it had already several clashes with the police or justice. Recently, the leader of this organization stated: “Death by stoning belong to my faith. But it's not a real problem for our living in Switzerland, because our Swiss law forbids it”.
- On the legal level, the debate has been launched again in Switzerland on the conflicts that might happen between international law and national law. Another debate has been launched whether there should be a “brake mechanism” in our democratic procedures to avoid that legislative initiatives or referendum that aim at creating a conflict with international law should be put to vote. For the time being, the criteria list which guides the government to judge whether a referendum is constitutionally valid or not were not able to avoid this vote, because it is a classic discussion issue amongst lawyers whether the right on religious freedom belongs or not to the internationally recognized basic human rights and the imperative norms of international law. A new look has to be thrown on these criteria.

- The UN Human Rights Council in its session in March 2010 condemned with a very small majority vote the interdiction of building minarets and other islamophobic expressions. It was clear that the vote in Switzerland was at the origin of this initiative of the Organization of the Islamic Conference (OIC), lead by Pakistan. The Swiss government regretted this decision, explaining (also on behalf of several European countries) that the role of the state is to protect the religious freedom, but not the religion itself.
- Several political inputs were made from very political corner to try to find a way to address religious issue or promote tolerance or control on the religion: a special commission, or a binding article on tolerance within our constitution, and so on. Others asked to recognize Islam as religion in the same way as the churches are recognized in some canton (subject of public law) and to allow them to raise taxes and being controlled as the churches are. A small political party, the Swiss Evangelical Party (SEP) and several members of the parliament tried to warm up again a former initiative of FSPC: they would like to add a article on religion in the Swiss Constitution, which would stress that Switzerland comes out of “a Christian heritage”, that the churches and religions are committed to tolerance, human rights, democracy and rule of law, and that there are regular meetings between the religions and the government. Our government answered positively an interpellation of another member of parliament whether an “article on the religions” should be added in our Federal Constitution, opening the possibility to give competences also to the national level on religious issues without prejudicing the cantonal regulations. In November 2010, the relevant preparatory sub commission of the Parliament recommended to turn down these proposals. According to its position, the existing legislative instruments are sufficient to guarantee religious peace in the country. Moreover, to try to add such an article on religion into the Constitution that would in fact delete the ban of building minarets would enhance the polarization of the public debate and is therefore politically not realistic. While FSPC is very skeptical about the wording of some of these proposals (because they feed the idea of “leading or mainline culture” or pretend as if the rule of law has especially to be respected through religious communities, or as if the state has to be remembered to keep being religiously neutral), but intends to follow up the issue itself and the idea of an article on religions with other means in order to check how to reach a greater political basis and consensus in the Parliament.
- On 23 June 2010, the parliamentary Assembly of the Council of Europe unanimously approved a resolution, asking the Swiss government to delete the decision taken through the vote. During the same session, the Assembly also rejected the interdiction of the “Burqa”.
- During the winter time 2010-2011, a teacher of a public school in a very catholic region lost his job because he moved the crucifix from the classroom in the name of the freedom of thought.
- In Mai 2011, a preparatory sub commission of the Parliament approved (with one voice) a motion to add an article in the Constitution affirming that “symbols of the christian western tradition are allowed in the public sphere”.
- On 28 September 2011, one of the chambers of the Parliament approved a motion to forbid “veiling” in the public buildings, transports and spaces. Though the origin of the motion was clearly a reference to the prohibition of the “Burqa”, it was supported and carried through a majority because of violent riots and security problems during and around the football and hockey games in the precedent months.

## **6. Follow up for FSPC**

As far as FSPC is concerned, following priorities are being discussed and prepared for action through our various bodies:

- If church speaks on political issues, this should be communicated in a way that it is recognizable as church, and not as an NGO or pressure group. The message should clearly be rooted in the gospel, and of course still be oriented to the whole of society.
- An emphasis should be set in the working program of the churches in the explanation and consolidation of one's reformed Christian identity: ecumenical and interreligious open, but clearly christian-reformed. The vote has shown that Christians were often not able to say what it is about to be Christian or reformed, what they really believe in. We need to work on this "voicelessness" of the christians about their own believes.
- Interreligious dialogue must be continued, especially on the grass root level, there is no alternative to it. Churches have to focus on this rather than on intercultural dialogue. We should also be able to speak on diverging issues and to challenge especially the moderate Muslim community in Switzerland to speak out on difficult issues in their religion and world's vision. We should provide tools for our congregations on the grass root level in order to enable them to better live with Muslim communities in a frank and open way.
- The issue of how "religion" is addressed in the Swiss Constitutional legal framework will be followed up on a lower level in FSPC. The focus will be to be prepared for optional strategies and public statements in case that the Strasbourg Court would really condemn Switzerland for the minaret ban.
- We have to work on the way the secular medias and the public opinion deals with religious issues and with religious public statements, as well as on our way to communicate in a simple and recognizable way.
- FSPC and its member churches will have in future more and more following dilemma to cope with: at the same time 1) to contribute to the formation of the public opinion, 2) to handle accordingly to a organization with a policy making responsibility for the society as a whole and 3) to represent and defend the interests of the (reformed) church. We have to cope with the fact that the standard representation about the role of the Church in the society and about how the relation between church and state has to be comes from the 19<sup>th</sup> Century. Our reality today is quite different. We have to find new ways to build up the society and have a policy building function for the whole of society, but being an (important) minority.

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