

BOISI CENTER INTERVIEWS



NO. 65: DECEMBER 1, 2011



GREGOR SCHERZINGER is a Ph.D. candidate in the department of moral theology and ethics at the University of Fribourg, Switzerland. He spoke with Boisi Center associate director **Erik Owens** before his presentation on religious liberty, liberal democracy, and Switzerland's controversial 2009 anti-minaret law at the Boisi Center.

OWENS: Let's start off with the minaret law itself. What is it? How it was passed and what practical effects has it had?

SCHERZINGER: Since the referendum was passed, it has become an official amendment with the power of the constitution. Article 72 has three parts discussing the church and state. One says it's the task of the states (cantons) themselves to regulate the relation between church and state. The second one says that it's also the task of the state itself to preserve the religious peace in Switzerland. The third now declares that the construction of minarets is prohibited.

OWENS: There is no other explanatory language?

SCHERZINGER: No. It's more or less a formulation.

OWENS: Can you discuss the process by which the referendum took place?

SCHERZINGER: Around 2007 it started—as every referendum does—with a collection of signatures. During that time there was prior controversy about the construction of minarets, centering on the plans of three different mosques to build minarets. These controversies sparked greater legal debates.

In Wangen, complaints against plans for a minaret caused the municipality to ban its construction. The debate continued

when the community appealed the prohibition in Swiss courts, which overruled the prohibition and sanctioned the construction of the minaret. This minaret was built in early 2009, exactly at the time when the campaign for the vote was going on. The vote was scheduled for the 29th of November, when the referendum was finally passed.



OWENS: When a minaret is constructed, is it necessarily true that the call to prayer will be issued from the minaret or can it simply be an architectural symbol of Islam?

SCHERZINGER: The discussion about muezzin actually always came from the outside. It was part of the legal rulings,

in Wangen for example, that the community could build a minaret, but was not by that fact allowed to have a call for prayer. However, it wasn't actually in the plans for the project itself.

OWENS: Minarets themselves aren't exactly a threatening aspect of Islam, especially if the call to prayer wasn't at issue. Why was it that the minaret was chosen as a symbol of Islam as opposed to, say, the burqa, as happened in other parts of Europe? Were there social, cultural, or legal situations that encouraged this approach rather than the others?

SCHERZINGER: There are two parts. One is the larger discussion going on about the construction in Wangen and the ensuing legal debates and processes about minaret construction. This established a forum for discussion. You could talk to people at certain places throughout Switzerland and say, well, there are all these projects. The other thread is that the discussion was not really about the minaret itself. It is about the whole culture and the political thinking that presumably comes with the minaret.

From the beginning, the initiators of the referendum talked more about the political thinking they saw implied in Islam as a religion and saw the minaret was only one aspect of this. They thought of the minaret as a symbol of the Muslims

and a sign that they want to rule over the country. Of course, it is easier to combat something concrete, like the minaret, rather than a case where a Muslim family doesn't allow their kid to go swimming [which caused an earlier controversy in Switzerland].

OWENS: Who first sponsored the referendum and who are the people who voted for it? What was the role of religious organizations throughout this whole process?

SCHERZINGER: The referendum sprung partially from a small group of about 16 politicians in the Swiss Peoples' Party. The Swiss Peoples' Party is a right-oriented nationalistic party in Switzerland that has become increasingly strong in the last 30 years. There was also another small party, called the Confederate Democratic Union. They are closer to the evangelical Christians and openly discuss the Christian foundations in Switzerland and Swiss society.

These small groups succeeded in making the referendum formally valid. They got the signatures and, during the following campaign, the whole Swiss People's Party actually stood behind the referendum and lent it their strength.

OWENS: What did the Islamic community, the national church and the Catholics have to say about the referendum?

SCHERZINGER: Basically, all against the referendum. Overall, the idea of a ban was rejected before the actual political debate about the ban even started. There were statements from all over the place—the Catholic Church, various Protestants, Jewish organizations, Muslim communities—dismissing the referendum. The Swiss Council of Religion, founded in 2005 by the major churches and religious communities in Switzerland, released a paper stating that thinking about religion in Swiss society in such a way leads to conflict between cultures and religions. So officially, there was a big front against the referendum.

OWENS: Did those churches use religiously inflected language to make their case or did they speak with a civil tone?

SCHERZINGER: I expected the Catholic Church to declare that they stood against the referendum because it violated religious freedom, perhaps linking their argument to documents of the Second Vatican Council. Instead, if you look more closely, they stated that they were against the ban, while at the same time they brought through the back door

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all the arguments used in the political debates. So really they gave legitimacy to the political debate and to the arguments that the initiators of the referendum used, such as stereotypes about Islam—namely the discussion that Islam is incompatible with Swiss culture—and that Islam is something coming from the outside.

So it wasn't really religiously inflected but rather very ambivalent. I'm talking specifically about Catholic papers. It was better, I think, on the Protestant side. The Protestants reflected the position that the

church should take on civil society and should stand clearly behind democratic principles such as religious freedom.

OWENS: What are the protections for religious freedom in Switzerland? Could Islam be banned, for example, as a practice in the country? Why not go directly to the heart of things, rather than picking out the side issues? The minaret is clearly a symbol—why not go directly for what people perceive as the real problem?

SCHERZINGER: It's a legitimate question. Why didn't the Swiss choose to say, *well, we ban Islam*. The means are there because it's derived from self-determination. Self-determination of the people drove this popular referendum, for example.

But on the other hand, a referendum banning Islam as a whole would never go through, at least from my point of view. The Swiss people wouldn't go so far as that. I understand the ban on minarets was more to send a statement, *we see there are some problems and maybe my vote will send a message to the Muslim community to behave differently*. It may have been this kind of thinking that supported the referendum, rather than a desire to push out the Muslims completely. To take that avenue would perhaps more directly confront the idea of religious freedom.

OWENS: Switzerland has a long history of church and state issues. Did anyone look back and say, the Swiss people have for hundreds of years directed the manner of religious practice and community-building in our society and this is merely one more example of that?

SCHERZINGER: At one point in the debate, the Catholic Church brought up that in Article 72 of the constitution, there was a section provisioning state approval for the establishment of a Catholic diocese. That came out from the cultural conflicts of the last century, particularly in regard to the suspicion of Catholics and their loyalty to Rome. So this clause was in the constitution

until it was rescinded in the wake of the acceptance of the new constitution in 2001. The Catholic Church used this as an argument to say that they were happy it had been taken out of the constitution and reasoned that we don't want to have another article in it that only applies to one religious community. I don't know of any arguments that went further back in the history than that.

OWENS: What is the basis for religious liberty in Switzerland, constitutionally and culturally? Does the fact that the referendum was passed signal a disconnect between religious understandings of religious liberty and the other sort of secular realities of the present?

SCHERZINGER: The foundations of the idea of separation of church and state certainly came out of the Reformation. In Switzerland basically the principle “cuius region, eius religio” was applied and every canton had its traditional confession. There were both Catholic and Protestant cantons. So the idea for religious freedom was established along those lines and

dictated how to regulate the intersection of religion and politics.

From this point there is also this very narrow part of the constitution that states it's the cantons who decide on the relation of church and state and not the federal state. Now that religious landscape has changed, of course. So I think the concept of religious freedom is also undergoing adjustment because now questions arise like for example: do Muslim organizations also need to be recognized as official religious organizations?

With this in mind, the result is clearly a sign that the right to religious freedom for Muslims was rated less important than other secular realities like integration or immigration issues. The fact that religious players went along with this evaluation only reinforced it and obstructed the insight that religious freedom actually is a part of the solution to these issues and not part of the problem.

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