

NOTES • DISCUSSION • BOOK REVIEWS

Federalism and “Cultural” Identities. Some Remarks on the Naturalisation Procedure in Switzerland*

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Il n’y a que la Suisse au monde qui présente ce mélange
de la nature sauvage et de l’industrie humaine.
(Rousseau 1959, 1072)

1. Premise

Switzerland, by virtue of its federalist system,¹ is often cited by scholars as a “successful” instance of the organisation of a multilingual and “multi-cultural” society by the State (Habermas 1992; Sciarini et al. 2001).

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¹ “The goal and principle of the federalist formula is to preserve any particular characteristics, and political or cultural autonomies, and to do so through a strong, but circumscribed union [. . .]: stronger than the sum of its parts, but strictly limited by the contract freely subscribed to by its members” (De Rougemont 1965, 11).

In effect, “diversity,” which was legally sanctioned when the Federal State came into being in 1848, constitutes “a basic element of the collective identity for each Swiss citizen” (Borghini 1993). “Plurality” is also the result of various waves of migration to Switzerland—leading to the coming together of different cultural and legal systems. Sometimes these have been extremely divergent, and have brought about the search for more or less explicit forms of mutual adjustment.

Basically speaking, the *identity* and *unity* of this “unique” State in the wider European geographic context are based on *plurality* (political, legal, cultural, linguistic). “Switzerland is not a nation formed by nature, but a nation founded on the shared will of its inhabitants.”²

However, as we shall see, opinions from various quarters shed some doubt on the existence of a true “Swiss identity” and even upon the concept of Switzerland being a “successful” society in terms of the political/legal integration of non-nationals.

2. Cultural Pluralism and National Identity

In 1983 the Federal Council set up the Swiss National Fund for Scientific Research (FNRS), a national research programme on the subject of “Pluralisme culturel et de l’identité nationale,” whose aim was to design a policy to support cultural and linguistic diversity in Switzerland. On this, Pierre Centlivres remarks that

[t]he wording of the programme immediately made use of a paradox: [. . .] The expression “the Swiss nation” is almost absent from the political vocabulary after the ebb of the great republican and radical wave of the last century, so that the Swiss system seems to be based precisely on political and cultural pluralism. (Centlivres 1990a, 135)³

For the author, then, the term “nation” may well be nothing more than a harking back to the unitary Helvetic Republic, established along French lines after occupation by Directory troops in 1798.

Later on, in 1848, the first federal Constitution was enacted (after a short civil war—the “Sonderbund” war—following which the liberal cantons asserted themselves over the conservative Catholic cantons). The federal Constitution set out the organisation of the State as it is now, based on the

² Federal Advisory Committee Report on the Question of Foreigners, 1979 (“La Suisse n’est pas une nation formée par la nature mais il s’agit d’une nation fondée sur une volonté commune de ses habitants”).

³ “[L]’énoncé du programme fit d’emblée figure de paradoxe: [. . .] l’expression ‘la nation suisse’ est quasi absente du vocabulaire politique depuis le reflux de la grande vague républicaine et radicale du siècle passé, alors que le système suisse semble fondé justement sur le pluralisme politique et culturel.”

principle of the separation of powers and a two-chamber parliamentary system to maintain the balance between centralist and federalist forces.

This approach, however, does not take into account the elements which a collective identity is normally based on, such as a national language, a common culture, and ethnic uniformity. The emphasis is more on the identity of individual cantons, rather than on a national identity. It is no coincidence that the Institute of Ethnology at the Université de Neuchâtel carries out specific studies on the identity of the individual regions (*Rapport de synthèse de l'Institut d'Ethnologie à propos du PNR. Problèmes régionaux 5.1: identité régionale*, Neuchâtel, 1981). This report highlights the paradoxical contrast between the goals of the Programme, i.e., reducing the differences between regions, and the "regionalist" project, designed to maintain identity-linked cultural differences, and supported by the ethnologists. From the ethnological point of view, reducing differences would undoubtedly result in a weakened sense of belonging.

Approaches (Federal Advisory Committee Report on the Question of Foreigners) stressing the idea of a *specific Swiss culture* have not, however, been lacking.

Such approaches, while acknowledging the specificity and diversity of the geographic and cultural areas which make up Switzerland, also highlight a sort of shared identity. In reality, starting from the assumption that every People, understood as "a community of persons making up a State," has its own cultural characteristics, i.e., its own mindset, character, way of life, and—as a rule—common language, one might well conclude that Switzerland, whose population includes four regional groups, each with its own language, mindset, way of life, and specific culture, does not have a cultural identity of its own. However, from the way in which the "Swiss" relate to the State, society, and the world of work, it is clear that there are important shared elements, common traits indicative of a specific "way of life"—in other words, *cultural uniformity*.

Thus, despite the specific characteristics peculiar to, and present at all levels of the Swiss social and institutional structure, it is easy to see that the citizens of all the cantons have some *sense of belonging* "to Switzerland." This is what Kohler defined in the 1930s as a *spiritual imprint*: "True Swiss culture is characterised by a particular imprint which is certainly not natural (ethnic) but which is defined spiritually. The basis of all Swiss culture is 'law'; its object is fulfilment in serving the State. There are some non-natural preliminary conditions (neither race, nor language, etc.) which have acted, above all, as a living force within the State. [. . .] The life of the State and cultural life are the two equal parts making up Swiss unity; the State is culture, and the main theme of our culture is accepted as being, in turn, the State" (B. Mayr von Baldegg, quoted in Kohler 1937, 55).

A well-defined national solidarity seems to prevail over any possible divergence, or at least this was so up to a certain point in time, if we

consider that in the late 1970s (Boltanski 1966) important studies showed widespread agreement among the Swiss French and Swiss Germans on a number of politically significant topics. However, the results of elections held over the last 20 years have frequently highlighted a significant difference of opinion between the two main linguistic and cultural areas of Switzerland. These occasions showed a certain concern about, and feeling of a threat to, national unity among Swiss citizens.

It is worth remarking that supporters of the idea of a *Swiss culture* start from a preliminary assumption, namely, *unity in diversity*. This seems to be a widely held principle, both institutionally and at street level, although centralist and federalist views continue to compete in the definition of numerous problems.

More recent studies (Sciarini et al. 2001) show, as mentioned above, that several scholars even take Switzerland as a successful case of identity construction in multicultural societies. Despite its cultural and territorial fragmentation, it would be possible, following this line of thinking, to identify "a strong sense of common identity at the national level" (ibid., 57). It is also worth noting that, according to Habermas (1992), the success of this national identity should not be attributed to a culture with common origins, or to the State *in itself*, but rather to what he defines as "constitutional patriotism" (especially when it comes to federalism, direct democracy, and neutrality). This means that it is identification with constitutional principles, or a political culture, that acts as a common denominator "for a constitutional patriotism that heightens awareness of the multiplicity and integration of the different ways of life coexisting in a multicultural society" (Sciarini et al. 2001, 57). Habermas and other scholars (cf. Howe 1995) even hold Switzerland up as an example for the construction of a European identity within the European Union.

However, scholars believe that there is a price to pay for the achievement of such domestic unity, i.e., a tendency to close off to the rest of the world. "The remarkable success in overcoming cultural differences and in constructing a national identity goes hand in hand with exclusionist attitudes towards the outside world" (Sciarini et al. 2001, 57). So, as collective identity has grown stronger, *exclusionist practices* have become the norm in foreign trade and immigration policies. Sciarini, Hug, and Dupont (ibid.) state that, to a certain extent, the very neutrality of Switzerland seems to have been used as a pretext to justify various forms of protectionism, mainly in the field of agriculture (to guarantee self-sufficiency and independence from the international markets). However, this highly decentralised immigration policy (i.e., subject to the choices of economic actors) is not matched by an adequate political commitment to fostering integration. All this could well be seen as the product of "constitutional patriotism" which must be defended in order to protect a sense of national identity.

3. “Original” and “Derived” Cultural Plurality: Foreigners as Bearers of Different Cultures

The multicultural identity which has always characterised Switzerland was further reinforced by waves of migration before and after World War II (Italian, Spanish, Portuguese, Yugoslav, and Turkish workers as well as asylum-seekers from various countries). The presence of these often large groups certainly added to the complexity of the socio-cultural reality in Switzerland. In this respect, Switzerland is an emblematic case. The intrinsic multicultural dimension is added to by the multicultural dimension of immigration. Imported diversities are added to internal differences, in a sort of multicultural workshop.

In the 1960s and early 1970s, large parts of the Swiss population had a negative perception of the presence of immigrants. According to later studies, the situation began to change in the mid-1970s. Gretler and Poglia remark that:

Increasingly, multi- or pluri-culturalism has come to be recognised as one of the fundamental givens of our modern societies and, what is more, it is constantly becoming consolidated. This fundamental objective given is, admittedly, the subject of heated political controversies regarding subjective attitudes and opinions. (Gretler and Poglia 1995, 9)⁴

As early as the 1970s there was an awareness that

Switzerland owes much to the foreign cultures to which it is organically linked, that it is even a meeting point of three of these cultures and what characterises the Confederation is precisely that this coming together has not led to confrontation, but mutual understanding. The same spirit which has allowed Switzerland to let different cultures co-exist within its borders and foster among them a policy of cultural exchange might well be a model for the creation of closer relationships between the Swiss and foreigners—as long as adequate measures are taken to this end and the corresponding political will is imposed.⁵

Although this concept was rapidly taken on board within the education system, where—as the Report states—the “multicultural nature” of the

⁴ “[D]e plus en plus, la multi-ou pluri-culturalité a été reconnue comme une des données fondamentales de nos sociétés modernes et, par ailleurs, ne cesse pas de se renforcer. Cette donnée fondamentale objective, il est vrai, fait l’objet de controverses politiques passionnées sur le plan des attitudes et des opinions subjectives.”

⁵ Commission Clottu in Federal Advisory Committee Report on the Question of Foreigners, 1975 (“la Suisse doit beaucoup aux cultures étrangères auxquelles elle est organiquement liée; qu’elle est même le point de rencontre de trois de ces cultures et que ce qui caractérise la Confédération c’est justement que cette rencontre n’a pas débouché sur la confrontation, mais sur la compréhension réciproque. Le même esprit qui a permis à la Suisse de faire coexister sur son territoire des cultures différentes et d’instaurer entre elles une politique d’échange culturel pourrait fort bien servir de modèle pour la création de relations plus étroites entre Suisses et étrangers—à condition que des mesures adéquates soient prises dans ce but et que la volonté politique correspondante s’impose”).

Swiss facilitates the acceptance of foreign students' cultural and linguistic diversity, there is still concern about more general matters. Interestingly, the above-mentioned Report makes use of such phrases as:

The population of our country does not have the impression that its languages are under threat from the presence of foreigners [. . .] overall, the presence of foreigners is not really a source of worry for the Swiss population and its way of life [. . .] generally speaking, it appears that the foreigners residing in Switzerland have not had a negative influence on our political identity.⁶

Behind their literal meaning, which suggests a positive image of immigrants in Switzerland, these phrases indicate a "defensive" view of the integration process (Swiss languages *are not threatened* [. . .] the presence of foreigners *does not threaten* the Swiss ways of life [. . .] foreigners *do not have* a negative influence on our political identity).

As a matter of fact, despite a unanimous acknowledgement of plurality as enrichment, one cannot unquestioningly assert that the integration process of immigrants in Switzerland has been the result of mutual adjustment. As Facchinetti (*délegué cantonal aux étrangers du Canton de Neuchâtel*) remarks, "as things stand, the Swiss policy is one of a unilateral adjustment of foreigners to Switzerland, and we believe a policy of mutual adjustment should be adopted."⁷

4. The "Naturalisation" Procedure

From the legislative standpoint, the shortcoming in terms of mutual adaptation in the immigrant integration process in Switzerland is confirmed by analysing one of the fundamental stages in the integration process: *naturalisation*. This way of granting Swiss nationality represents a particularly complex procedure, a veritable obstacle course: "They [naturalisation procedures] do not bring any right acquired or recognised to the candidate, and no appeal in the event of failure"⁸ (Centlivres, 1990a, 136).

⁶ Federal Advisory Committee Report on the Question of Foreigners, 1975 ("[l]a population de notre pays n'a pas l'impression que ses langues sont menacées par la présence des étrangers [. . .] dans l'ensemble la présence des étrangers n'est pas réellement un facteur de trouble pour la population suisse et son mode de vie [. . .] d'une façon générale il semble que les étrangers résidant en Suisse n'aient pas eu d'influence négative sur notre identité politique").

⁷ T. Facchinetti, Interview, *FSM/SFM. Journal d'information du Forum suisse pour l'étude des migrations*, June 1997.

⁸ "Elles [les procédures de naturalisation] ne comportent aucun droit acquis ou reconnu au candidat, aucun recours en cas d'échec." Cf. Mahon 2003, 353: "The situation on this matter could change. In fact, following a number of negative decisions made by the populations of some municipal areas, and judged arbitrary or discriminatory, the commission of political institutions of the National Council suggests setting up, without awaiting a general revision of the right to nationality or the reform of the law on the organisation of the judiciary, a route of appeal at federal level as much against the (federal) decision on authorising naturalisation

The “conditions” for granting naturalisation are established at two different levels: the federal level (which sets the minimum requirements) and the canton-municipal level. The requirements are of two different kinds: legal-formal (length of stay, residence, a clean criminal record) and “cultural,” varying from canton to canton (linguistic, historical, and geographical knowledge).

For example, applicants for naturalisation in the Neuchâtel canton must satisfy conditions at the two levels mentioned above:

- (1) *At federal level* (Federal Law of 29 September 1952 on the acquisition and loss of Swiss nationality, FN) conditions are:
 - being integrated into the Swiss community;
 - being “accoutumé” to the Swiss way of life and customs;
 - complying with the Swiss legal system;
 - not jeopardising the internal and external security of Switzerland;
- (2) *at canton level* (Law of the Neuchâtel Canton of 7 November 1955 on the right of citizenship in Neuchâtel) conditions are:
 - having sufficient knowledge of the French language;
 - having resided in the Canton in the three years preceding the application for Federal authorisation.

In greater detail, “ordinary” naturalisation is decided on by the canton and municipal authorities (in compliance with canton and—where applicable—municipal law) after a federal authority has ascertained that the minimum requirements of federal law have been met.⁹ The foreigner, therefore, will first have to receive “federal authorisation for naturalisation” (Art. 12 II LN), subject to the above-mentioned requirements, from the federal police Bureau. The authorisation, which has a three-year validity and is only applicable to one specific canton, allows the beneficiary to submit an application to the canton and the municipality, for “naturalisation within the canton.” This application requires a decision first at canton level, and then at municipality level (the distribution of jurisdiction between canton and municipality is established by canton law), a decision which is made in most cases by the political authorities (legislature, government) or even by the people, depending on the canton and municipality involved. In the majority of cases, decisions were not eligible for appeal to the judiciary,¹⁰ and this often led to discriminatory actions. A well-known case is the

as against the Canton-level decisions refusing naturalisation.” As a matter of fact, in the meantime, a resounding judgment of the Federal Court of 9 July 2003 (DTF 129 I 217, *A. und Mitb. gegen Einwohnergemeinde Emmen*) recognised the right to appeal for applicants and, on this matter, upheld their appeal, considering the popular decision which rejected their naturalisation as discriminatory.

⁹ For a detailed illustration of the procedure, cf. Mahon 2003, 352–3.

¹⁰ Cf. footnote 5.

decision of the municipality of Emmen of March 12, 2000, which rejected 19 applications by citizens from Eastern European countries, but accepted four applications by Italian citizens.¹¹

4.1. Cultural Naturalisation or Threat to Identity?

The naturalisation process, in the way it is described, and, in particular, the “conditions” both at federal and canton level, confirm to some extent the unilateral requirement for the foreigner to adjust to the Swiss institutions and way of life. This is what De Rougemont defines as *naturaliser culturellement*. In contrast with the metaphor of *racines*, Denis De Rougemont proposes the image of *implantation*: an action deliberately chosen by man rather than the result of his inevitable destiny. According to the Neuchâtel philosopher “anyone can settle anywhere, everyone needs to settle somewhere, within the harmonic framework of a community” (De Rougemont 1965, 20).

According to De Rougemont, the conditions of “reality,” “creation,” and “meaning” stem from participation in the community and its cultural life. “It is important to integrate within a group that is growing, to share its spirit, and undergo a cultural naturalisation process” (*ibid.*, 20–1). In answer to the motto *devenons nous-mêmes*, Denis De Rougemont replies *restons nous-mêmes*.

However, it seems that from the institutional point of view, the process is *plausibly unilateral* while, as far as the “cultural” adjustment requirement is concerned, the issue takes the shape of a *potential cultural threat* for the foreigner. In his important texts, Habermas (1994; 1998) maintains that a democratic State can legitimately expect only a political type of socialisation from immigrants, whereby they accept constitutional principles and are willing to conform to the political culture of the host country, without necessarily having to abandon the culture of their origins. Assimilation where the immigrant is willing to adjust not only externally, but also to absorb the mindset, habits, and local culture, would imply an ethical-cultural integration that would affect the immigrants’ original identity (Habermas 1994).

Surprisingly enough, also philosophers of law (Taylor 1994), constructivist-social psychologists (Palmonari and Carugati 1988), and cultural psychologists (Bruner 1990) agree that the recognition of “cultural” groups is necessary to the definition of individual identity itself (cf. also Iannaccone and Di Donato 2004, 313–5). The theoretical nucleus shared by philosophy and psychology could be identified with the idea of culture as a set of historical, cultural, and traditional values which shape an individual

¹¹ The case is reported in Mahon 2003, 353. It is in this case that the Federal Court, in the judgment quoted above, section 2 (Kohler 1937, 55), upheld on appeal.

and his identity. This should not be framed within a process of unidirectional influence, but in a context of interaction between culture and systems where the individual is an "active" member of a specific community.

It is worth noting how philosophical and legal definitions sometimes strongly overlap with psychological, sociological, and anthropological ones. Bruner, for instance, one of the theorists of cultural psychology, believes that "culture shapes the mind." His position is supported by those anthropologists who, like Clifford Geertz, radically think that, without the instructive role of culture we would be useless monsters, undefined animals that find completion and definition through culture (Geertz 1973; 1983). Palmonari and Carugati highlight the link between social and personal identity, as investigated by social psychology. Social identity "could be defined as whatever an individual is as a member of groups, social categories, and different ethnic groups," while personal identity "can be considered as relating to the personal and intimate aspects of the individual, which are paramount for feelings of autonomy and uniqueness" (Palmonari and Carugati 1988, 522). From a political and philosophical perspective, Charles Taylor underlines that each individual constructs his own identity by exchanging communication and values generated by social practices and traditions that grow within real cultural contexts. If identity is so ontologically structured, the disappearance of the original cultural context or an inadequate evaluation in the wider social and political context will also have negative consequences on individual identity. Taylor remarks that our identity is forged through a process of recognition/non-recognition by other people. In fact non-recognition or misrecognition can be harmful and represent a form of oppression that traps a person in an unreal and impoverished way of life (Taylor 1994). Taylor and the advocates of the recognition theory thus believe that protecting the integrity of cultures is vital to the individual's personal fulfilment. Meyer-Bisch (1993, 23) recalls a definition by the Unesco Declaration on the Principles of International Cultural Co-operation: "Cultures are recognised as constitutive elements of peoples identity to the extent that the very existence of peoples is at stake in their cultural development." Meyer-Bisch also highlights that the non-recognition of the rights he defines as cultural threatens the very existence of the individual. This phenomenon is particularly evident in people belonging to weaker groups, such as immigrants.

Also from the philosophical and legal perspective, philosopher Axel Honneth presents a theory of integration based on the importance of the interpersonal recognition of the identity of the individual. The starting point of Honnet's theory of society is the principle which the social psychologist Mead shared with the early Hegel. The core of this theory is that the reproduction of social life necessarily depends on mutual recognition. Indeed individuals can only relate to one another if they learn to see

themselves from the normative perspective of their partners involved in the interaction. Honneth's theory considers that the construction of society depends on processes taking place in the practical context of social life. Conflicts between social groups generate a "collective effort" that can generate forms of mutual recognition. In practice, it is a kind of normative-oriented transformation of society (Honneth 1996).

In order to complete our analysis of the link between identity and culture, it is interesting to remark that identity, traditionally studied and defined only in the field of psychology or philosophy, has recently also been defined in legal texts and contexts (Cavallo 1996). For instance, in Art. 8, par. 1 of the 1989 Convention on the Rights of the Child: "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name, and family relations as recognized by law without unlawful interference."

The Article, whose principles are also incorporated into the Swiss legal system, tends to give a "cultural" definition of identity, taking into account the wider relational context from which the child comes. This means not only family relationships, but also nationality, which is considered in terms of belonging to a wider (geographic and probably ethnic) community. In this respect, the philosopher Meyer-Bisch, in his project for a declaration on cultural rights, defines cultural identity as "all the cultural references through which a person or a group define and express themselves and wish to be recognised" (Meyer-Bisch 1999, 12).

Simply, this overlapping of the "social and cultural construction of the mind" (Carugati, Palmonari, and Bruner) and individual/collective "recognition" (Taylor, Honneth) represents a constitutive element in the formation and development of identity in multicultural contexts.

The relationship between the "right to citizenship" and the "recognition of identity" can also be analysed, as Centlivres (1990a; 1990b) demonstrates, from the ethnographic point of view. The naturalisation procedure would appear to present, according to the ethnologist, the typical features of the "rite of passage" (van Gennep 1960), which is symbolic and institutional at the same time. Naturalisation represents a transition¹² during which all the ritual elements seem to occur: "separation from the country of origin during immigration; slow integration in the host country; gradual association with the institutions of the host country" (Centlivres, 1990a).

¹² Psychology itself, in its current interest in transitions, can contribute to the definition of this "rite of passage." According to scholars of transition psychology, Perret-Clermont and Zittoun, this notion would enable the analysis of "periods of important change in life: Because it changes or the field of activity changes, a person lives a sort of breaking off and has to adapt to new situations. These changes generally imply that a person occupies a new place in the social space, implying new roles, and that he or she acquires new knowledge and social, cognitive, and practical skills, redefining their identity and giving a meaning to the new givens and the transition itself" (Perret-Clermont and Zittoun 2002, 12).

Transition is reflected in the exercise of political rights by foreigners. "Non-naturalised" persons have no right to vote at federal level. The right to vote is recognised in only a few cantons and exclusively on matters concerning the municipality or the canton itself, despite various plans to revise their constitutions (also cf. Mahon and Pulver 2001, 198–233). Mahon and Pulver claim that if we take into consideration (i) the distinction found in various European countries between "citizenship" (intended as the right to vote and be elected) and "nationality," and (ii) the widespread phenomenon of the increasing mobility of the population, then there is no point in subordinating the recognition of democratic rights to the acquisition of "nationality":

If one considers the democratic State first of all as a territorial State [...], the "specific" link of nationality can become quite "artificial." The persons subject to a legislation must have the faculty to influence its contents in an indirect way by electing the organs which adopt it, or directly by voting for the legislation itself. (Mahon and Pulver 2001, 227)¹³

5. Conclusions

Complex realities like the Swiss case provide a real opportunity for experimentation and observation of identity issues. Analysing phenomena of this kind provides interesting indications and raises critical questions on the actual impact that legislation can have. Looking beyond any interpretation one may like to give of multicultural realities like the one we have tried to describe, the problem remains of managing the multi-dimensional complexity of cultural adjustment processes and the problematic (and sometimes contradictory) issues of relevant legislation.

One of the questions still unanswered, raised by Habermas, is whether a nation's right to self-determination does not also include the right to affirm its own identity. This could even go against immigrants if they represent a "threat to the existing political-cultural form," considering that, inevitably, immigration modifies the social texture of the host society also in ethical and cultural terms.

Meyer-Bisch holds the view that:

it is hardly thinkable that every People can find expression in one independent State, and it is probably desirable that each be adequately represented within the State organs of a nation or a confederation. But it is absolutely necessary that, regardless of its size, its right to cultural self-determination be guaranteed (i.e., the

¹³ "[S]i l'on considère l'Etat démocratique d'abord comme un Etat territorial [...], le 'lien spécifique' de la nationalité peut devenir assez 'artificiel.' Les personnes soumises à une législation doivent avoir la faculté d'en influencer le contenu, de manière indirecte, par l'élection des organes qui l'adoptent, ou de manière directe, par le vote de la législation elle-même."

right to choose the way in which these very cultural rights must be recognised and enforced). The determining cultural factor appears to be an essential component of the essence of this right, which cannot be dispensed with. In other words, today this right can be defined as the right to democracy. (Meyer-Bisch 1993, 41)

In the case of Switzerland, as Borghi remarks,

federalism, linked to the territorial distribution of its languages and the decentralisation of the education system, is liable to become a cause of fragmentation and waste of resources, bringing to the fore adverse mechanisms which hinder the development of a truly intercultural society, without responding to the need to protect minorities in a satisfactory way. (Borghi 1993, 250)

It may be argued that Swiss politics, in an attempt to prevent intercultural crises, has actually had a restrictive effect on cultural rights.

Territoriality thus leads to the denial of diversity, which, though, is seen as the very foundation of the national identity. Borghi remarks that from an anthropological point of view this principle expresses "an often hysterical rejection of diversity, and leads to the repression of everything that is not immediately recognisable as having primary affinities with the dominant group" (ibid., 252).

Borghi believes that integration cannot be imposed by the dominant culture "assimilating" immigrants and denying the dignity of their culture

in the name of an illusory and outdated uniformity, as this criterion fails to take into account the population's growing mobility, and takes a war-like and primitive stand in order to defend the territory, which is based on an outdated proprietary logic. (Ibid., 254)

It is a defensive, rigid concept, whose *raison d'être* is a closed, unchanging uniformity, which can only generate intolerance and opposition.

However, asserting an individual, absolute right to cultural difference would imply the risk of "atomisation." According to Habermas (1994), recognition should include all citizens, with their different cultural and collective backgrounds within the *polis*, rather than protecting minority cultures against interaction and change through contact with other cultures. A community cannot take legal responsibility for all cultural communities, but, conversely, rejection of differences cannot but lead to cultural dominance and the exclusion of weaker individuals.

The alternative of either rejection or assimilation does not, therefore, respect the cultural rights of immigrants. In conclusion, according to Borghi, the respect for cultural rights in a multicultural context can only be achieved

through inclusion within the framework of a federal system supported by the recognition of cultural rights as being human rights with a social content, which may grant not only the right to abstention of the State in the private sphere, but

also actions which may help promote the majority culture, at the same time guaranteeing a minimum, and untouchable, level of cultural rights to all residents, regardless of their affiliation to a recognised cultural community, but taking into account the importance of these rights for the national community. (Borghi 1993, 261)

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