VARIATION ACROSS SPACE, PERSISTENCE OVER TIME: CITIZENSHIP POLITICS IN SWITZERLAND

ABSTRACT

Switzerland is a very peculiar case of citizenship politics, for three reasons: a) applicants are mainly naturalized at the local level, leading to a variety of local citizenship models; b) current political debates focus less on the naturalization criteria than on the question of whether or not the entire population should be involved in the decision-making process; c) unlike other countries that have traditionally pursued a restrictive naturalization policy, Switzerland has not enacted changes towards a more liberal system in recent decades.

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Local citizenship attribution

A Swiss is not only a citizen of his or her country but also of a canton (sub-national state) and of a municipality. Nowadays, due to increased mobility, most Swiss are no longer citizens of the municipalities where they live but of a municipality from which their families originate. It also happens (rather rarely) that Swiss citizens apply for local citizenship in their new home-municipality. The singularity of local citizenship is partly a relic of another time, when each town and village was responsible for taking care of its poor and when only citizens (and not the inhabitants) of a municipality were allowed to participate in local politics.

The municipal naturalization system also has to be seen in light of Swiss federalism, which attributes sovereignty not only to the cantons, but also to the municipalities. The degree of local autonomy varies from one canton to another, but is very high when compared to other countries. Municipalities not only implement federal and cantonal laws, but also autonomously organize themselves, raise their own taxes, and administer municipal assets. Swiss municipalities have many responsibilities and even enact laws in the following domains: primary education, culture, sports, environmental protection, poor relief, police, road construction, church and naturalization.

The Swiss Confederation exclusively regulates citizenship attribution by birth, marriage and adoption. The naturalization of foreigners, however, involves two or three state levels. Naturalization is of two types: ordinary and facilitated. Facilitated naturalization is applicable to young foreigners and non-Swiss residents who were born in Switzerland. In some cantons such applicants benefit from a facilitated procedure, have to fulfill fewer criteria and are naturalized only at the cantonal and the federal levels. Most foreigners, however, are naturalized in an ordinary procedure at all three levels. The decision-making sequence between the three political levels differs from canton to canton, but in each case the procedure at the local level constitutes the crucial part of the process. Whereas the decisions of the Confederation and the cantons constitute rather formal and administrative procedures on the basis of a few but clearly specified criteria, the municipalities make mainly political decisions. The federal law on citizenship merely stipulates that only foreign residents who have lived in Switzerland for at least twelve years, respect the law, do not compromise the internal and external safety of the country, and are integrated and familiar with Swiss mores and customs can be naturalized. The first three criteria are quite clear-cut, are easy to verify, and are always checked by the federal administration. As regards the questions of integration and familiarity, not only do they constitute vague requirements, but they are also solely evaluated by local actors.

In most cases, the local administration is in contact with the applicants during the entire naturalization process. They inform applicants about the formal aspects of the process and check whether the relevant criteria are fulfilled. They also often discuss with naturalization candidates about whether the latter have any chance of obtaining a Swiss passport and make recommendations to the political bodies that are involved in the process. In almost all municipalities a naturalization commission composed of local politicians thoroughly reviews each application and makes recommendations to the

final decision-makers. Sometimes applications are circulated several times among the various collective bodies involved in decision making. In some municipalities, final decisions regarding citizenship are made by the entire population, either by ballot or during a municipal assembly. In other municipalities, it is the local parliament or the executive body that decides who can become a Swiss citizen.

The candidates must often pass an exam or interrogation to verify that they are sufficiently familiar with the Swiss political system, Swiss history, and the language of the particular region. The local administration and decision-makers decide whether candidates are obliged to pass citizenship examinations and to what extent, they must . The criteria can therefore differ between municipalities, even within the same canton. Yet formal regulations at the local level are rare and when they exist, the criteria that need to be fulfilled are formulated in a very general way. Decisions depend even more, therefore, on the interpretations of municipal politicians or the opinions of the local population.

A wide range of naturalization policies exist, from very generous to very restrictive ones. In some municipalities, complete integration of a naturalization candidate is presumed after twelve years of residence in Switzerland. In other municipalities, applicants have to prove their level of integration by passing tests or by showing how well they are acquainted with the Swiss citizens of their municipality. However, it would be too simplistic to place municipalities only along such a scale, since naturalization procedures also differ with regard to the issues that mould the respective debates. In some cases, language proficiency constitutes the crucial element of the contest. It may happen that some actors in a specific municipality require that the applicants speak Swiss German, whereas for others it may suffice that they have a good command of any of the four national languages. In still other municipalities, the question of whether applicants who are benefiting from social security or disability insurance can be naturalized is at the centre of debate.

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Naturalization: Democratic decisions?

Not surprisingly, the municipal autonomy in citizenship politics leads to a large range of local naturalization policies and variation in rejection rates. As to the factors influencing local naturalization politics, a survey with aggregated data from about 160 municipalities shows that almost 60% of the variance in rejection rates at the municipal level can be explained by three cultural and political factors: the local dominant understanding of citizenship, the formal decision-making structures, and mobilizing political actors (Helbling and Kriesi 2004, Helbling 2008: ch. 4). The rejection rates increase when the local population has a restricted understanding of citizenship, when the Swiss People's Party (SVP) is influential in local politics and when decisions are taken by closed ballot. Hence, it is how people think about citizenship, how political actors influence naturalization procedures, and how decisions are made that dictate which policy is pursued. On the other hand, a high unemployment rate, a large ratio of foreigners and a growing number of applicants from Muslim countries do not seem to preoccupy the people who decide how many and which alien residents become Swiss citizens.

It appears that it is the formal procedure and the composition of local political actors involved in the decision-making process that tells us which policy is pursued. Accordingly and unlike all other European countries, Swiss discussions about naturalization focus less on the question of which criteria must be fulfilled and more on the appropriate decision-making procedure and whether or not the population should decide on applications. In the last few years the Swiss system of naturalization has been the subject of much political and judicial debate, especially after discriminatory decisions were taken in some municipalities and applicants from the former Yugoslavia were regularly refused Swiss citizenship. Opponents of the existing system criticize the arbitrariness of the municipal decision-making processes that expose applicants to the attitudes of the local population and politicians.

In July 2003, the Swiss Federal Court ruled that popular votes by ballot on naturalization requests violate the Swiss Constitution. In May 2004, it further declared that decisions made during municipal assemblies must be made by open ballot. Since the Swiss Federal Court regards naturalization as a purely administrative procedure, it has declared that justifications for the decisions, and possibilities for appeals against such decisions on this subject, must be provided. These two rights, according to the Swiss Federal Court, are not guaranteed by the closed ballot voting system. After these verdicts were rendered by the Federal Court, municipalities in which naturalization status was decided by closed ballot abolished or suspended this procedure. In a national referendum held on June 1, 2008 the Swiss population rejected the proposal that each municipality should have the right to establish naturalization procedures and thus indirectly supported the decisions of the Federal Court.

Advocates of the Swiss People's Party who launched the referendum maintain that the verdicts rendered by the Swiss Federal Court violate the autonomy of the municipalities and the democratic rights of the Swiss citizens. They argue that the sovereign body, i.e. the people, should be accorded the right to decide who fulfils the criteria to become members of their community. A shift in the decision-making power from the people to the public authorities or the executive body constitutes, in their view, an offence against popular sovereignty. Representatives of the Swiss People's Party argue that Swiss citizens should be given the right to decide on naturalization as it is about the crucial question of who becomes a member of their national community. As such decisions are virtually irreversible, so their argument runs, a large part of the population should be involved in the decision-making process.

The persistence of an ethnic citizenship model

A more general debate is also taking place about whether it is too difficult to get a Swiss passport and about whether all groups of applicants should be eligible for facilitated naturalization. Proponents of a more liberal citizenship policy argue that the three-level naturalization procedures are too complicated and time-consuming and that Swiss requirements for naturalization exceed those of other countries. Indeed, several studies have come to the conclusion that Switzerland, like Germany, constitutes an example of ethnic citizenship politics and pursues one of the most restrictive naturalization policies in Western Europe (Koopmans et al. 2005, Giugni and Passy 2006, Steiner and Wicker 2000). Naturalization is often considered the endpoint of integration and not as a part of, or impetus to, such a process. Such a situation might be surprising in a country that is often considered to be multicultural due to its four language groups. This paradox can be explained by the strict dissociation of how indigenous and immigrant groups are treated.

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This might also partially explain why Switzerland has a very low naturalization rate. In the last ten years, on average, only 1.9% of the foreign population obtained Swiss citizenship. Germany has a similar naturalization rate, while in Italy, Portugal, and Spain the naturalization rate has been even lower during this same time period. In most other European countries, however, 3% to 6% of foreign residents have been naturalized. The average naturalization rate is 7.8% in Sweden and 8.1% in the Netherlands (SOPEMI 2006, 290). The restrictive naturalization policy is also one of the reasons that Switzerland has such a high percentage of foreigners. Whereas in most European countries, 2 to 9% of the population are non-citizen residents, Switzerland has a foreign population of almost 20%, only surpassed by Luxemburg, with 36%. As a consequence, a large proportion of non-Swiss citizens are persons who have been born and raised in Switzerland.

One naturalization criterion that stands out is the 12-year residence requirement for applying for Swiss citizenship. Aside from Austria and Italy, where potential candidates must wait ten years, most Western European countries require only between three and seven years (Weil 2002: 7). Even in Germany, known for its restrictive citizenship policy, foreign residents can now obtain a German passport after just eight years. Critics of the existing system maintain that, besides Austria and Luxembourg, Switzerland is the only country in Western Europe where there is no popular support for facilitated naturalization of second generation immigrants at the national level (see Weil 2002: 6). Since 1980, three attempts to introduce facilitated naturalization of second and third generation immigrants at the national level have been rejected by the Swiss population. Thus, except for the introduction of dual citizenship in 1992, Switzerland more or less still pursues a naturalization policy whose legal basis was laid between the 1920s and 1950s.

The main political actor that habitually mobilizes against facilitated naturalization is the SVP, one of the major political forces in Switzerland. Members and supporters of this populist right-wing party fear mass naturalization, warn of the depreciation of Swiss citizenship, and argue that people who have grown up in this country are not necessarily assimilated enough to become Swiss. Some of their representatives have demanded that citizenship be revoked in the case of criminals who have recently been naturalized. These arguments are in line with the party's more general demands for a limitation of both naturalization and immigration. In particular, increasing immigration to Switzerland from the countries of the former Yugoslavia, which started in the 1980s, has provoked, time and again, violent debates about the capacity to integrate immigrants from these countries. Nowadays, foreign residents who have emigrated from the countries of the former Yugoslavia account for over 25% of all foreigners living in Switzerland, and outnumber even Italian residents (20%), who constituted the major immigrant group in the 1950s and 1960s (BFS 2005: 16-17). This new pattern of emigration

has also had an impact on naturalization rates: whereas until the first half of the 1990s most candidates for naturalization came from EU countries, as of the second half of the 1990s, more and more people from the Balkans have applied for Swiss citizenship (Piguet and Wanner 2000: 31). In 2004, for example, almost 40% of all naturalized Swiss citizens emigrated from a country of the former Yugoslavia (BFS 2005: 41).

Conclusions: Learning from the Swiss case

As the European Union increasingly becomes a supranational organization with its own citizenship offering rights and privileges to the citizens of its member states, Switzerland – the small country in the geographical centre of Europe – stands out by virtue of its decentralized naturalization process. Swiss naturalization politics might first appear to be a unique case. However, a better understanding of this case is also of interest in a wider context. Different interpretations and applications of citizenship laws and understandings of nationhood are not unique to Switzerland. In fact, naturalization politics in many nation-states, as is the case in many policy fields, are decentralized to a certain extent (Helbling 2008: ch. 1). Switzerland should be considered as a unique research opportunity, allowing us to discuss citizenship and nationalism from new perspectives. Taking a closer look at naturalization processes is revealing in that it enables us to go beyond formal regulations and citizenship laws and shows us how national citizenship models are interpreted and implemented. It is astonishing how diverse the understanding of citizenship and the interpretation of national regulations can be within a single nation-state. This contradicts somewhat the idea of homogeneous nation-states with a clear cultural consciousness.

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Immigration and Families

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