Beyond the Rhetoric of Recognition or Separation: Two Swiss Cantons’ Attempts at Governing Religious Superdiversity

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Abstract: This text offers a careful description and sociological analysis of two legal innovations undertaken to govern religious diversity (in 2007 and 2019) in the neighboring Swiss cantons, Vaud and Geneva. Although the two cantons have very similar social and cultural conditions, they offer legally opposite solutions—one based on a notion of secularity implying separation, the other favoring recognition of religious diversity. The author argues that beyond an initial appreciation in terms of differences, the two cases are surprisingly similar in their logic of recognition, revealing a sense of deep suspicion towards religious diversity. Drawing on the concept of “recognition” as a multi-dimensional concept including legal, civic, and intimate/person levels and more importantly, on a Foucauldian perspective, this text concentrates on how control is involved at a practical level beyond the rhetoric of empowerment.

Keywords: religious superdiversity; Swiss confederation; recognition; laïcité; control; disciplinarization; constitution

1. Introduction

In contemporary Western societies, migration and globalization processes have brought the degree of cultural and religious diversity to an unprecedented intensity. As a result, renewed reflections on the issue of recognition and religious superdiversity¹ have become crucial and often pushed legal and cultural frameworks to change in order to meet the new conditions.² Today, the management of religious diversity and plurality is primarily the historical consequence of normative, cultural, legal and social frameworks developed—particularly in the nineteenth century—to respond to situations of (inter)religious tensions or conflicts. Claims for the recognition of different and sometimes new-coming religions have become louder, as does the resistance against religion tout court from secularist circles. These claims have forced authorities to review or transform the frameworks that have prevailed so far, and to provide adequate and just responses, in addition to non-discriminatory solutions to the issues that arise from the upheavals and tensions around secularity and religious diversity. In order to build-up such pluralist solutions, there is a need to go beyond mere tolerance coming from a central authority. In liberal democratic modern societies, institutional change is shaped by a mix of legal and cultural innovations aiming at rendering the center itself more pluralistic. The political challenge is how to ensure cultural and religious diversity without dissolving the common framework recognized by all, be it called secular or not. A major tension is unfolding at the heart of today’s plural societies, giving rise to incessant conflicts over the

¹ The notion of superdiversity proposed first by Vertovec (2007) had a major impact in the field of migration studies in search of what Beck (2011, p. 53) called a “language through which contemporary superdiversity in the world can be described, conceptualized, understood, explained and researched.” For a more recent discussion of the various ways the term has been used, see Vertovec (2019). For the notion of religious superdiversity, see Becci and Burchardt (2016) and Becci (2018).

² Some of the ideas in this introduction are further developed in: Becci et al. (2018).
definition of this common—mainly secularist—framework and the drawing of its borders. Beyond secularism, today, as Marian Burchardt writes, “religious diversity has transmogrified into a concept that has begun to circulate through the administrative landscapes of Western nation-states, thereby traversing multiple political scales and social spaces” (Burchardt 2020, pp. 22–23). Between the different responses provided, depending on whether they lean towards an unequivocal affirmation of the common secular framework or, on the contrary, towards the recognition of the diversity of practices and orientations, strong normative and practical tensions may exist, which are expressed in the public and political space. Parsons (1977), with his “functional systems of action”, has already highlighted the extent to which the question of the plurality of practices, logics of action and normative principles is a decisive issue for any social science and any theory of society. A decade later, Thévenot and Boltanski (1987) endeavored to identify different “cités” whose normative principles differ according to whether one is acting in a “commercial”, “sentimental” or “industrial” world. In the 1990s, Walzer (1996) showed with his Spheres of Justice that there is not one single principle of justice, but several. Casanova (1994) famously showed the importance of considering religion as a public actor beyond secularity. Several social thinkers put recognition at the heart of their reflections on plural societies, as for instance, and most prominently, Taylor (1992) with his “politics of recognition”. Axel Honneth studied social changes in terms of a “struggle for recognition” and identified, extending the ideas of Georg W.F. Hegel, different “normative spheres of recognition” in modern societies (love, law, solidarity), seeking to pluralize a generic concept of recognition. In these social theories, recognition is mostly considered from the perspective of the claimers who struggle for it and carries a positive connotation. However, when looking at processes aiming at recognition in actual practice and, in particular, also from the perspective of the consenter that strives at controlling and normalizing the newcomers, the politics of recognition appear to be ambivalent. Through a careful description and sociological analysis of two processes undertaken to redefine legal recognition in the context of religious superdiversity, I shall illustrate that the struggle for recognition involves not only empowerment but also control. Control is here considered in a Foucauldian perspective, that is, as emanating from an apersonal state apparatus exercising a form of power through a series of “disciplinary procedures” and “meticulous techniques”. The proclaimed aim of these procedures and techniques is not to control but rather to contribute to the noble endeavor of integration or improvement. However, Foucault argues, these “subtle arrangements” can be “apparently innocent but deeply suspicious”.3 This originates in them being part of a complex arrangement of power relations, organized to fundamentally keep the social organization in place. Recognizing, in this perspective, may imply a subtle mode of control, which can even be pastoral.4 The process of recognition does indeed imply visibility on which a series of actors, such as media, political discourses and parties, state administrations, etc., have a grasp beyond the concerned communities or persons. The largely studied case of the visibility of Islam and Muslims is, in this regard, revealing.5 Claire de Galember’s precise ethnographic and discourse analysis of the slow rise of recognition of the work of Muslim prison chaplains in France since 2005 finds itself from the start framed to also be a control tool (De Galember 2020, pp. 55–80). The innumerable studies and publications on issues of multiculturalism linked to modern globalization processes have pushed to deepen the understanding of valuable sociological concepts such as cosmopolitanism (Beck 2011) and to include religion into the reflections (Beck 2012, p. 8). I consider that only an empirical scan of actual social processes of recognition can highlight how these are accompanied and sometimes framed by suspicion and mistrust. Moreover, by drawing on Honneth’s (2008) work, I will take “recognition” as a multi-dimensional concept including a legal,

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3 See Foucault (1975, pp. 161 and 163) for the French version, p. 137 for the English version.
4 More on pastoral power with regard on religion in Becci (2007).
5 See for instance (Göle 2014; Amiraux 2014).
civic, and intimate/personal level. In this text, I shall, however, concentrate on collective claims of recognition and therefore, privilege the legal and symbolic dimension.

My empirical basis shall be two recently introduced laws (2007 and 2019) framing the recognition of religious communities in two neighboring Swiss cantons, Vaud and Geneva. Although the two cantons have very similar social and cultural conditions, they offer legally opposite solutions—one based on a notion of secularity implying separation, the other favoring recognition of religious diversity. Starting from this intriguing outcome, I shall demonstrate that, beyond an initial appreciation in terms of differences, the two cases are surprisingly similar in their logic of recognition, revealing a sense of deep suspicion towards religious diversity.

After a short introduction to the Swiss context, I shall portray their approaches and the steps that were taken—consultations of intermediary actors, surveys, political debates, public discussions, and trainings—to introduce the new laws. I shall take a closer look, in this analysis, at the ways in which the question of religious diversity as a potential threat—internally and externally—appears in the presentations of new laws as well as in their contestation. I have identified three temporalities that will organize this text. Firstly, I shall briefly summarize the situation in the two cantons before 2000, then look at the period between 2000 and 2013, which marks the growing awareness of increased religious diversity, and finally, detail some of the processes that have occurred around new laws in recent years. I first present the historical situation, then the developments in the religious landscape and finally, the types of legal regulation. I shall start each section with the canton of Vaud, then pass to the Geneva case. In conclusion, I shall elaborate on the finding that, beyond the differences in their rhetoric about religious diversity, be it secularism or recognition, both modalities share a suspicion of religious diversity as appearing in unforeseen ways in public space.

2. Switzerland as a Lab to Study Regulations of Religious Diversity

As Switzerland is a confederation, its constitutions—the first being of 1848, the current of 2000—mention only very basic issues such as the fundamental right to religious freedom and freedom of conscience. Although the “Swiss Constitution has experienced a lengthy history of adaptation and revision” (Oesch 2018, p. 137), it reafirms the federal system and delegates the actual legal regulations of the relations between religious communities and the state to the cantonal level. Each one of the 26 Swiss cantons opted for a different legal frame concerning religion in public institutions, in politics, in economy, education, etc. Thanks to this variety of cantonal regulations on a small territory, researchers can approach Switzerland as a lab where cultural and political factors affecting change can be studied thoroughly. Some legal differences are slight—often between cantons sharing the same denominational or bi-denominational tradition or the same language—others are quite substantive. At one pole of this spectrum, one finds a French-like separation model such as in the cantons of Basel-city, Neuchâtel and Geneva. At the other pole, most cantons collaborate and share public responsibilities with the Reformed Church and/or the Roman Catholic Church, a model that characterized North European countries until recently. This has been the case until the recent revisions of the cantonal constitutions in Vaud, Bern, and Zurich.

In spite of all these differences, however, a large bi-denominational consensus prevails in Switzerland (cf. Becci and Bovay 2007) offering the two established religious traditions (Roman Catholicism and Protestantism) a status of recognition which is politically, legally and culturally out of reach for other religious communities. Such a situation cannot but reach its limits with the increasing secularization of the population. As overall in Europe, in Switzerland religious affiliations are declining, and where an institutional membership remains, it rarely involves active religious participation and adherence to the doctrines and beliefs promoted by the religious group. According to the most recent data from the Swiss Federal Statistical Office (FSO), people with no affiliation
display the steadiest rise. On the other hand, religious landscapes have become more diverse. Considering these changes, the cantonal authorities have, in the respective revision processes since the 1990s, paid particular attention to how to change the regulation in order to guarantee state neutrality and religious freedom under the new circumstances without losing sight of the historically deeply rooted connections to the traditional Christian Churches. They have started considering the idea of recognizing non-established religions through a given legal apparatus, thereby opening a possibility that did not exist previously. The only way to include non-established religious communities into the status of public recognition at a legal level was to change the constitution. Nowadays, the most pluralistic intentioned cantons offer the possibility of recognizing religious communities by a simple change of law, as in the canton of Vaud (and not of the Constitution), through parliament, and involving a change in the public law. Alternatively, a change can occur through the executive if the recognition aimed at remains within the private law. Beyond these types of legal recognition, a few cantons still recognize their religious communities in public law and in their Constitution. They would need to amend the Constitution in order to introduce new religious communities into the status of public recognition. The differences in terms of public recognition between cantons can sometimes be surprising as they often are affected by very similar cultural changes. That is the case with the two neighboring cantons of Protestant tradition in French-speaking Switzerland, Geneva and Vaud, which have responded to similar religious changes affecting their societies over the past century by choosing apparently opposite legal ways. An analysis of the various practical steps implied by the legal processes these cantons undertook shall highlight the similarities that lay beneath the differences.

Focus on Two Cantons: Vaud and Geneva

In terms of the political–legal regulation of religion, the two cantons of Vaud and Geneva, situated in the southwest of Switzerland, have gone from a denominational monopoly in the hands of the Protestant Church in the 19th century to a political system showing its autonomy from the religious authorities. However, the two cantons have not chosen the same way of regulating their links to religion and, above all, have drawn up two laws in the last decade on religion in the public space which seem a priori fundamentally different near to opposite.

In the canton of Vaud, an apparent pragmatism has led to a recognition law which sets out a large number of criteria to be met by any religious community aiming at a recognition status by public law. It is the first canton that formulates a law which can be used equally by all types of religious communities without needing to formulate ad hoc treatment. This law is based on the notion of recognition and therefore, tends towards a positive response—in the sense of an inclusive response—to religious diversity. At first glance, in Geneva, there is a negative liberal conception of the regulation of religion. Religion is kept separate from the political so that the latter can be based on an idea of a democratic definition of the right (as the domain associated with the question of negative liberty and toleration or tolerance), and not on conceptions of the good (Rawls 1971). On a closer look, however, the wording of the Geneva law on secularism leads the Republic to intervene directly in the regulation of individual and collective religious practices.

Such a difference in the legal choice made is intriguing since the two cantons share a series of commonalities. Firstly, both cantons were historically marked by the Reformation

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6 In 2019, 28% of the population in Switzerland declared having no religious affiliation while 23% are Protestant and 35% Catholic. Source: FSO data published online https://www.bfs.admin.ch/bfs/fr/home/statistiques/population/langues-religions.assetdetail.14856800.html (accessed on 15 December 2020).
7 Geneva borders France and Vaud only, while Vaud borders three Swiss cantons—Geneva, Neuchâtel, and Fribourg—and France.
8 This analysis is partly based on Gardaz (2018).
9 Geneva is a canton and a republic.
since the 16th century onwards. Secondly, they display at present a high religious superdiversity. Recent census in both of them have found up to thirty different religious currents active on their territory belonging to a total of eleven major religious traditions.10 Finally, they share the French language, various media and a territorial proximity on the Leman Lake where a large number of inhabitants commute for work and, therefore, build social relations and mix on a daily basis.

Nevertheless, during the whole process of the reformulation of their modes of regulation of religious diversity, the two cantons did not refer to each other. This mutual ignorance and the differences cannot be understood solely by considering the Swiss federal system. It is by going through a few stages of the respective historical and political contexts and by qualifying more closely the type of religious diversity present that an understanding can be unraveled. While at an institutional level, the two cantons historically only favored one Church (at a time), their societies have been religiously diverse very early already. It is particularly interesting to discuss these two cases in an intertwined way, since both cantons are engaged in a top-down process of change, that is, a process in which the state or cantonal authorities provide the input for change through legislation. However, even a top-down process involves a whole range of civil actors exchanging with it. In order to grasp this form of governance, I follow here a sociological approach that fully reintegrates the role of intermediary actors, beyond the legal level. Numerous recent studies have focused on the governance strategies of public authorities with regard to religious diversity and have analyzed their political and administrative approaches to negotiate a form of regulation of religion in the public space.11

3. Religious Tradition and Pluralization: The End of a Millennium

As Vaud gained its cantonal independence at the end of the 18th century, the Protestant church was organized as a territorial unit, closely linked to the canton (Landeskirche)12. The Roman Catholic communities that came to settle there were tolerated. In the 19th century, a religious impulse appeared within Vaud Protestantism, leading to a “religious divide” between independent Protestant religious movements of English influence of the “pietistic” type, themselves divided into a “free church” and dissidents, and the dominant Protestant church. Following the preacher John Nelson Darby (1880–1882), who lived in Lausanne from the 1830s onwards, a Revival movement composed of rigorist “assemblies of brothers” developed in the mountain regions of the canton, refusing any church-type organization or hierarchy. This diversity, particular to the town–country division, had a major impact in the canton. The new revivalist pietistic tendency refused to collaborate with the State and formed the Free Evangelical Church of the Canton of Vaud. Separation from the National Church remained until 1966 when the Evangelical Reformed Church of the Canton of Vaud (Bastian 2016) was created, a Church recognized as a corporation under public law. In 1964, the Roman Catholic Churches joined together in a Federation.

The dissidents of the 19th century—Darbyites, Methodists and Salvationists in particular—who remained outside this unity would promote an original form of secularism in the canton, keeping religion out of the state sphere while at the same time investing in civil society. During the 19th and 20th centuries, Christian pluralization continued, resulting in the birth of hundreds of new communities among which were the Anglican, ancient Eastern Christian, Orthodox, Kimbanguist,13 Millenarian, Tocoist,14

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10 See Gonzales et al. (2014; Marzi et al. 2020).
11 See Rota’s (2017) study on schools as an illustration.
12 Some of the information reported here about the canton of Vaud is based on Marzi et al. (2020).
13 Kimbanguists adhere to Simon Kimbangu’s movement founded in the Belgian Congo (today, the Democratic Republic of the Congo) in 1921. It is a large independent Christian new religious movement.
14 Tocoism was born at the end of the 1940s under the impetus of Simaó Toco (1918–1984), an Angolan of Baptist faith, and was part of the messianic movements.
and Pentecostal-Charismatic. The canton also became a center for the development of a new form of secularism. Following the arrival in Switzerland of workers from southern Europe since the 1960s, the proportion of people declaring themselves to be Catholic has remained stable, although there have been major changes in terms of ethnicity, nationality and language. Non-Christian minorities also began to increase during this period, albeit at a slower pace.

Similarly, Geneva was also essentially mono-denominational since the Reformation. The first minorities to settle were then the Roman Catholics, then the Lutherans and a little later, the Free Churches that emerged from the Revival, together with a few Jews. With the annexation of Geneva to France in 1798, the Roman Catholics were fully accepted, but the city remained primarily Calvinist, forbidding, for example, Catholic processions. The new Constitution of 1847 introduced freedom of worship. In the course of the 19th century, the boundaries of both the geographical territory and the religious landscape of Geneva were modified and new communes were added, such as Carouge with its history of religious tolerance linked to the kingdom of Sardinia. The regulation of these different Christian churches became an issue of constant political dispute. A struggle for recognition, to use Honneth’s term, was going on early in history already. In order to emancipate itself from the Roman Catholic Church and to organize political resistance against ultramontanism—a political conception of Roman Catholicism emphasizing papal authority and centralization—the Republic of Geneva was first to nationalize the Protestant Church and then the Roman Catholic Church.

A Law on External Worship of 1875 (LCExt) decreed that “any celebration of worship, procession or religious ceremony of any kind is forbidden on the public highway” and that “the wearing of any ecclesiastical costume or costume belonging to a religious order is forbidden in the public space to any person having a domicile or residence in the canton”. A new law aimed at ending disputes was narrowly passed in June 1907. Taking inspiration from France’s laïcité, but without following it completely, it established a separation of Church and State through the abolition of the budget for worship. This, however, did not prevent the Catholic and Protestant communities from constructing religious buildings in the city, thus ensuring a clear public visibility that did not suggest a lack of institutional links. Genevan citizenship remained symbolically associated with membership to the Protestant National Church. A new law allowed from 1945 onwards the Protestant National Church, the Roman Catholic Church and the Christian Catholic Church to rely on the State tax system to receive a voluntary church contribution. They were also granted access to hospitals, medical–social institutions or penitentiaries to provide spiritual care. In public discourses and representative ceremonials, Genevan identity is systematically linked to secularism and Protestantism. With the increase in immigration and globalization, after 1950, religious pluralization in the Geneva population started to accelerate.

4. The New Millennium: The Perception of Religious Superdiversity as a Risk

Since the turn of the millennium, the secular profile of both cantons’ societies has inexorably been affirmed. In the canton of Vaud, the proportion of people declaring themselves to be Protestant fell from 40% to 24% between 2000 and 2016. On the other hand, the proportion of people declaring no religious affiliation has almost tripled over the same period, from 13% to 32%. Among the religious affiliations and communities, those that increased most during these years were Muslims and Evangelicals. As the

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15 See Grandjean and Scholl (2010) for a thorough historical analysis of the Genevan case.

16 Henry Fazy of the Geneva Radical Party, who carried out the project, marked thereby a difference from the French model of secularism issued in a Catholic context.

17 Source: OFS 2016. https://www.bfs.admin.ch/bfs/fr/home/statistiques/population/langues-religions/religions.html (accessed on 23 March 2021).
largest religious groups count today for less than 30% of the population each, the situation can here, and in Geneva as I shall detail in the following, be defined as superdiverse.

As part of the revision process of the Vaud constitution in 2003, article 171 was formulated as to offer the Jewish community and the Federation of Free Evangelical communities legal recognition under public law, albeit limited as being simply bodies of public utility. This recognition status changed the communities’ possibilities to act in public, particularly in terms of the payment of public operating subsidies and the covering of the costs of religious buildings. Although it did not imply any public utility status for the communities, it had a symbolic value as the canton thereby stressed its commitment to “ensuring the maintenance of peace between religions and regulating inter-religious dialogue”. Other non-recognized religious communities’ struggles for recognition continued. As a response, in 2007, a new law was introduced on the legal recognition of religious communities and on relations between the State and religious communities as being of “public interest” (LRCR 180.51). This law lays down the legal conditions for obtaining a status of public interest for other religious communities and sets out the prerogatives and rules of procedure without abolishing the recognition of religious communities already in place. Even if it is “minor” legal recognition, the procedural implications are consequential as is the symbolic value. Recognition results in a law for each church or community that is specific to it and which aims at guaranteeing ideological independence and organizational autonomy, while ensuring that it commits itself to respect the legal order, confessional peace, and the principles of democracy and financial transparency. When then-State Councilor Béatrice Métraux presented the law in November 2014, the media gave it a strong echo and labelled the subject as “sensitive” (Biolley 2014).

With this new legal system that allows for new public law recognition, Vaud took the lead and was strongly interested in demonstrating that the innovation was not threatening social cohesion as politicians repeated in all media interventions. The procedure is very detailed and involves a large number of steps. These steps and procedure details can be framed in Foucauldian terms as “disciplinary procedures” and “meticulous techniques”. For the canton, the “innocent” explanation of the procedure in the slightest details is justified by the interest of showing transparency in the legal framework regarding the conditions that must be met for a religious community to aspire to recognition. On the one hand, it provides for numerous ways of making communities subject to the commitment to respect the system of rights and values of the canton, as expressed by the authorities.

In order to even be in a position to make an application, a religious community is required to meet a series of criteria. They include having religious activity all over the canton, fulfilling a significant social and cultural role, committing to social and religious peace, participating in ecumenical and/or inter-religious dialogue, having settled for over 30 years on the canton’s territory, and being able to communicate in French. All these criteria indicate the degree of social integration, that is, also of knowledge which Foucault (1975, p. 27) considers a form of power. If a minimum number of these conditions are met, the community may prepare to submit the application. It also must sign an introductory declaration (art. 14 para. 2 RLRCR) which explains the Swiss legal system and emphasizes the principle of religious freedom; the prohibition of polygamy; the primacy of civil regulation of marriage over religious regulation; the prohibition of all forms of discrimination, in particular on the basis of sex; the prohibition of repudiation, excision and corporal punishment; the political and denominational neutrality of public schools; and education based on scientifically established realities. The new law recalls all these principles (art. 5 to 9 RLRCR), although they should be self-evident for any association on the territory. The applicant community must demonstrate that it recognizes the binding character of the Swiss legal order, as well as international law, that it respects the

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18 Remarks by Eric Golaz, Delegate for Religious Affairs until 2019, during a presentation at the University of Lausanne on 30 November 2016.
constitutional rights of its members, in particular freedom of conscience and belief, that it refrains from propagating any doctrine aimed at belittling or denigrating another belief or the persons who recognize themselves in it, that it respects democratic principles, and that it keeps its accounts in accordance with the provisions on commercial accounting in the Code of Obligations. The request to sign such an agreement, therefore, necessarily puts all those who do not sign under suspicion of not adhering to this basic common framework. The formulation of all these criteria clearly demonstrates that recognition is not a unilateral action but it imposes demanding conditions and control mechanisms on applicant communities in order to grant them recognition.

In Geneva, the new Constitution introduced at the end of the year 2012, as a unique case in Switzerland, an article—Article 3—consisting of three brief paragraphs on the secular character of the State—laïcité.\(^{19}\) It postulates that the State is secular, that it observes religious neutrality, that it does not wage or subsidize any religious activity and that the authorities maintain relations with religious communities. A strong segment of the cantonal government pushed to elaborate a particular law on laïcité in order to clarify the content of the constitutional article. Interestingly, the ministry charged to do so was that of security and economy (DSE), a department headed at the time by a young liberal politician who stood out vehemently on issues of urban insecurity (Pierre Maudet). In a Foucauldian perspective, we can read the choice of the DSE ministry to regulate a religious issue as a subtle strategy that mechanically associates religion and (in)security.\(^{20}\) A working group elaborates recommendations in particular for the third point of Article 3, that is, the relations between religious communities and state authorities (Cuénod 2014). In 2012 and 2013, the DSE also financed a large part of an empirical study by the Inter-cantonal Centre for Information on Beliefs (CIC), an inter-cantonal Foundation, to census the religious and spiritual communities present on cantonal territory (Gonzales et al. 2014). The publication of the results of the census, which included more than 400 communities, representing some 50 religious currents present in 270 places of worship, had a strong impact in Geneva. It made the front page of local newspapers as did the various debates linked to the working group’s report.

A lively, differentiated and active religious scene became visible to the cantonal authorities and population at that point. Geneva’s international and cosmopolitan dimension was also reflected in its intense ecumenical activity. The Rassemblement oecuménique des Églises de Genève (Ecumenical Assembly of Churches of Geneva) or the Conseil oecuménique des Églises (Ecumenical Council of Churches) have their headquarters here and are strongly involved in local social and political life. Many foreign religious communities, otherwise hardly visible in the canton’s architectural and urbanist panorama, are located near the districts of International Geneva. As the city of Geneva is predominant in this canton, some non-Christian communities, particularly the Jewish and Muslim communities, are larger in proportion to the population than in the canton of Vaud. The entry into force of the new Geneva Constitution in 2012/3 triggered a series of actions (debates, investigations, consultations) leading to the Geneva law of 2019.

In the canton of Vaud, the debate did not heat up on religious diversity alongside the discussions that took place during the work of the Constituent Assembly between 1999 and 2002, but only when a law on recognition was introduced in 2007. However, it was with the submission of the first application for recognition in 2016 that relevant political actors took public positions on the issue, thereby finding themselves in almost perfectly simultaneity to the Genevan debates. In the two cases, there is also a very similar trend of religious pluralization. Both cantons display enormous caution in laying out new legal dispositions to regulate religious plurality. A rhetoric of adaptation and equality is dominant without, however, upsetting too much of the established order. The recognition

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\(^{19}\) See Mayer (2019) for this process.

\(^{20}\) Along this idea of classification, see Hacking (1985), offering a brilliant application of Foucault’s ideas into an empirical sociological analysis.
or separation process actually means admitting the newcomers into a pre-existing order on the basis of pragmatic criteria. Only the debates and exchanges taking place outside the strictly legal sphere in the last temporality I have identified will show how this pragmatism opens the way to subtle “disciplinary procedures”, to use Foucault’s vocabulary.

5. The Formation of Camps in the Negotiation of New Laws to Govern

The introduction of the new law on recognition in the canton of Vaud triggered opposing movements. On the one hand, certain religious communities began to check whether legal recognition is worthwhile for them. On the other hand, a secular network developed and the populist right-wing party, the Swiss People’s Party (UDP in French), launched an initiative in 2016 aimed at curbing attempts at “religious fundamentalism” which, in its view, would instrumentalize the recognition offered by the law (Skjellaug 2016). The initiative did not succeed, but the terms of the debate, suspicion and vigilance, remained present. A year later, the canton financed a survey conducted by an independent research institute (CIC, the Inter-Cantonal Information Centre for Beliefs that had already made the survey in Geneva) to identify the country’s religious communities. New terms were introduced into the public arena when the results were publicly presented at an exhibition (Credo) in Lausanne in 2018 (Marzi et al. 2020). Religious superdiversity in the Vaud canton, composed of 11 different religious traditions divided into 34 sub-groups (of which 15 Christians), became visible. Moreover, these communities are characterized by a huge diversity of ethnic, linguistic, generational and infrastructural diversity.

While studies show that in terms of individual affiliations, there is a clear decline in Reformed Protestantism, this is not the case when considering the number of communities and worship places. Ninety percent of the 785 religious and spiritual communities listed in total are Christian. Reformed Protestants remain, with 49% of the communities censused, the most visible and important religious actors of the canton, followed by Roman Catholics (20%) and (Free) Evangelicals (13%). With no surprise then, in 2016, the first to apply for the recognition status offered by the new law was a Federation of Churches reuniting Anglicans and Catholic Christians. As soon as the application for recognition was announced, the department in charge of religious affairs (currently the Department of Institutions and Security) started to carry out the procedure. In a time frame of five years, it examines the application and seeks the opinion of an advisory commission on religious matters appointed by the Council of State. The department then advises the Council of State. The latter submits to the Grand Council a bill for recognition of the applicant community or a decree of refusal. In the case of this first request, recognition will have a mainly symbolic value—comprising the different levels designed by Honneth—for the Anglican Church as it has been present in the canton of Vaud for already more than 200 years and only has the right to offer spiritual care in health and penitentiary establishments, but receives no public funding.

At the beginning of 2010, the Geneva government also launched a consultation with 28 associations, religious communities and political parties and then drafted a bill that was sent to the Grand Council in November 2015. This process shows unambiguously that minority groups struggle for recognition on the one hand, to follow Honneth, but it also becomes clear that the resistance to such recognition strengthens control mechanisms on the other hand. A Human Rights Commission was responsible for dealing with the draft, starting in 2016. It reunited in 60 sessions and organized 23 hearings. It delivered a

21 Here defined simply as “a group of people who share the same beliefs and meet regularly in the same place of worship”.
22 At the national level, this figure is 50%, see Monnot (2013, p. 46).
23 For Muslim communities, the ratio is reversed. At the individual level, statistics indicate that the religious affiliation of Muslims in the canton of Vaud is 5% in 2017, while the communities surveyed represent only 3%. Esoteric communities accounted for 2% and Buddhist communities for 1.5% of the groups surveyed.
detailed report (801 pages\textsuperscript{24}) on the draft law to the Grand Council in early 2018 and discussed it intensively in the following months. At the end of each stage of this struggle, it was by a narrowly obtained vote that the draft moved forward, reflecting the tensions underlying the local conceptions of secularism. On the one hand, there are strong voices arguing for a stricter separation between the public and the religious domain and on the other, some express a desire to establish relations between religious communities and the state. Contrary to the situation in 1907, the law is no longer only concerned with two main Christian Churches but faces a large and fragmented panorama of religious diversity. Due to the strong predominance of urban Geneva, here, the distribution of people by religious community is different than in the canton of Vaud. A higher number of persons have no religious belonging or belong to religious minorities. Jewish persons account for about 1% and Muslims for about 6% of the Geneva population. Nevertheless, Muslims are regularly and massively the target of public attention and identified as a potential cause of social and political troubles. Currently, they lack all the types of recognition theorized by Honneth.

The traditional religious institutions also have different positions because the law, by extending certain privileges to new religious communities, takes away the formers’ exclusivity. Finally, the deputies drafted an additional provision that strongly limits the possibility for members of the Grand Council and the Municipal Councils to make their religious affiliation visible through external signs, particularly in their clothing (art. 3). In a document for the press, the Council of State stresses that: “the law on the secularity of the State is above all an instrument at the service of social cohesion in a Geneva society that is increasingly diverse and also subject to tensions of religious origin” (Conseil d’Etat 2015, p. 4). This quote illustrates clearly that recognition of diversity goes hand in hand with its control as a potential risk. Adopted by the Grand Council in April 2018, the Law on the Secularity of the State (LLE) (11764) immediately became the object of much criticism, which mainly challenged this latest addition.

Two opposite camps formed in political terms but also with regard to inclusion and separation. On the one hand, the referendum coordination composed of people from left-wing parties, feminist and trade union circles and the Muslim community, also supported by evangelical circles, saw the law as discriminatory and therefore, contrary to the “spirit of Geneva” (Trezzini 2019). In particular, it targeted articles 3 and 6 which seemed to be, beyond an innocent phrasing, actually written only for Muslims, especially Muslim women, as well as evangelicals, thereby risking discriminating them. On the other hand, right-wing and center-right parties, some secular circles and the historical churches positioned themselves on the side of the law with the cantonal government and the majority of the deputies in parliament. Their arguments in favor of the law included the idea that an intervention was needed in order to control the “religious fact” which had “again become more pronounced in the last two decades” and in the face of the risks of “identity withdrawal caused by certain minority groups”.\textsuperscript{25} They saw a direct link between the “national identity of Geneva citizens” and secularism. The three historical Churches of the Canton of Geneva expressed nuanced support for the law while rejecting the arguments of opponents. They reaffirmed their contribution to the local cultural heritage and to social peace. In these exchanges, religion, and in particular religious diversity, appeared both as an internal factor of risk threatening local historical and political identity in particular, as well as an external threat as it is transnational. The latter was mostly exemplified by the Muslim communities and their use of Arabic for religious practices as well as by Charismatic Evangelicals and their links to preachers based in the USA, South America or Africa.

\textsuperscript{24} The report can be downloaded on the canton’s webpage: http://ge.ch/grandconseil/memorial/seances/010413/72/6/ (accessed on 28 February 2021).

\textsuperscript{25} Source: Chancellery’s information brochure on the text of the LLE (ELA) to voters with positions on the subject (Chancellerie d’État 2019).
With the failure of the referendum on 10 February 2019, the law was accepted with a slight majority of favorable votes. It provided for a series of modalities including the restriction of the possibilities for state agents to display a "religious affiliation by external words or signs" (Cuénod 2014) in the public space, and the possibility to extend what the established Churches receive as ecclesiastical contribution to other religious communities (subject to satisfying a certain number of criteria of course). The publicly debated legal challenges put forward against these restrictions did not succeed.26

On the one hand, Geneva's new secularist law abrogated the anticlerical articles present since the 19th century and left religious communities within private law. On the other hand, it granted some rights to public authorities to intervene in the religious sphere (art. 2).27 By considering more specifically the way in which the boundaries between what is allowed in the public sphere and what must remain in the private sphere are drawn in the text of the law, it is possible to grasp that some issues are similar to those raised in the canton of Vaud concerning recognition. Articles 5 to 11 protect personal choice in front of financial demands from religious communities, distinguish between religious and non-religious events—the former having to remain in the private domain—allow people to ask for spiritual care and therefore, to organize it in public institutions, provide religious education by school teachers during compulsory schooling, and regulate public use of religious buildings. Before being recognized, religious communities need to recognize and accept the rules in vigor. These rules are subject to public debates and often polarize political camps.

6. Conclusions

The joint discussion of these two cases shows that public bodies are very active in the realm of religious diversity beyond the regulation model they have adopted. Regardless of the respective legal regulatory system in place, cantonal authorities engage religious and civil actors in long-term exchange processes. These are governance mechanisms that, to argue with Foucault, "normalise" the new religious actors by making them "play, through this 'valorising' measure, the constraint of compliance to be achieved" and "the binary opposition of the permitted and the prohibited" (Foucault 1975, p. 215).28 The process is time-consuming and implies for the applicants the exacting effort of becoming familiar with an intricate state apparatus.

In the canton of Vaud, recognition actually implies that the applicants enter into direct relation with cantonal authorities, a relation which is certainly hierarchical and will last for years before the necessary steps for obtaining recognition will be actually made. The request does not simply imply filling out a form and some formal criteria; instead, it obliges communities to make their contribution to the public and to local services explicit, to adopt an organizational structure that is deemed acceptable, and to learn and espouse the established understanding of religion as life- and dialogue-affirming. Once obtained, regular and ongoing links are established for consultations, chaplaincy services in health and penitentiary establishments, and collaboration in the management of data in the hands of the inhabitants. Through the submission of a request, a framed process is set up whereby communities gradually adopt a given political vocabulary and functioning. This can be seen as a process of disciplinarization. The government is not promoting politics of recognition implying reciprocity between groups and/or networks in their acceptance of each other's identity. It addresses the newcomers from a top-down perspective, held together with the established religions. The law can be seen as a "normalisation device" to again quote Foucault (1975, p. 313), that allows the action of social actors to be organized in a predictable manner. The mechanism has many tools for this: time, education, access to public institutions and civil society, including inter-religious dialogue actors. With this

26 For an illustration of the numerous press articles published in this period on this topic, see Lugon (2019).
27 For a brief discussion of the notion of secularism in Geneva, see Gonzalez (2016).
28 p. 183 for the English translation.
in mind, the canton of Vaud in collaboration with the Faculty of Theology and Religious Sciences of the University of Lausanne, launched a training course in 2019 entitled “Religious communities, pluralism and social issues” intended for leaders of religious communities directly or indirectly concerned with questions of recognition. This training course imparts special knowledge of Swiss law and inter-religious issues, which is required by law for any application for recognition, but it certainly also focuses the attention of religious actors on controversial subjects such as freedom of sexual orientation or scientific achievements. Although validation of participation in continuing education is not required as such to apply, religious communities seeking recognition clearly perceive it as a possibility to signal a favorable attitude. It becomes an arena in which former actors who have already been established have the opportunity to renew a certain presence and meet with those seeking recognition, thus forming an alliance in the face of the demands of the political authorities.

Since this legal recognition precisely regulates the transition from the private to the public domain, the Geneva law on “laïcité”, although framed as a separation law, can also be seen as a law allowing for a certain recognition. However, the local actors involved do not use this vocabulary. On the contrary, by using the term “laïcité” (Laicism), they mark a historical link to the neighboring country from which the term originated. The Geneva case can also be brought closer to a process of recognition as the law extends the possibility of organizing financial resources (the voluntary religious contribution, art. 5) to any religious community that corresponds to certain criteria. These criteria are very close to the conditions set out in the law on recognition in the canton of Vaud: respect for religious peace, the length of time a religious community has been established in the canton, and financial transparency. For each agreement granted to religious communities, the law offers the State the possibility of intervention. This is particularly the case in the field of so-called “sectarian aberrations” and inter-religious dialogue. Thus, what Geneva law offers to religious communities only takes on value in a framework of secularism which continually asserts the independence and primacy of politics vis-à-vis religion, which is often under suspicion. Contrary to what is happening in the canton of Vaud, where a planned continuing education programme was able to start with great interest, in Geneva, the training for imams proposed by the University of Geneva, more precisely by the autonomous Faculty of Theology, in 2017, did not take place due to a lack of registrations. This was only aimed at a group of actors without offering a clear added value in a politically tense situation.

The processes at work in these two cantons confirm the increased importance of non-state actors and places in the search for regulation and governance of religious diversity (Martikainen 2013). Religious actors are involved in the contradictory and constantly tense task of being partners of a State which is both secularist and pluralist. It could be of great use to acknowledge that these societies are cosmopolitan and consider them, following the sociologist Beck (2002), as radically plural. In his view, cosmopolitanism is an eminently concrete phenomenon, generated by the globalization of economic, cultural and political exchanges and by the articulation of the local and the global. According to Beck, reality itself has become cosmopolitan in a multifaceted process involving different forms of interdependence between human beings and between societies. Finding a common framework that is also fair with regard to religious diversity is an ongoing process. The most important issue is to create the conditions that allow for going along this process not to achieve a pre-given model of recognition, but to create one which is sensitive to the dynamics of control and domination inherent in practical social dynamics.

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29 See e.g., the words of Sandrine Ruiz, president of the Union vaudoise des associations musulmanes, in: Destraz (2019).
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Abbreviations

CIC  Centre intercantonal d’information sur les croyances
DSE  Département de la sécurité et de l’économie (Geneva)
LLE  Loi sur la laïcité de l’État de Genève
LCExt Loi sur le culte extérieur de 1875 (Législation genevoise)
LRCR  Loi sur la reconnaissance des communautés religieuses et sur les relations entre l’État et les communautés religieuses reconnues d’intérêt public
FSO  Swiss Federal Statistical Office

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