

Direct Democracy and the Rights of Cultural Minorities in Swiss

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Abstract:

The minorities in Switzerland are in the first place ethno-linguistic minorities, whose are unified by a common language. Therefore, since the foundation of the Confederation in 1848 the Helvetic state has been considered a multilingual country. The confederation and cantons are obliged to protect linguistic minorities. The grounds of the Swiss social structure, with traditional multiculturalism and four national languages are two principles: language freedom (Sprachenfreiheit) and territoriality (Territorialitätsprinzip). Switzerland has no official state religion. Predominant religion is Christianity, the largest religious minorities is established by Islam. The largest Christian denominations are Catholic Church (37.7%) and Swiss Reformed Church (25.5%). The influx of new cultural minorities to Switzerland began after the Second World War and was directly connected with economic migration, with the large influx of gastarbeiters from southern European countries and refugees from the Third World and from the former Yugoslavia. International law includes the protection of national, yet not cultural minorities. In Switzerland the protection of national minorities is also based on international standards. Is the Swiss multiculturalism an example for other countries?

Keywords:

Switzerland; Swiss minorities; direct democracy; cultural minorities; Swiss integration policy

I. Introduction

Multicultural Swiss state has been ethnically diverse from the beginnings of its statehood. It has existed as a state in its present form since the adoption of the Swiss Federal Constitution in 1848, when Switzerland transformed from a poor nation of farmers into a society with unprecedented prosperity and political stability. Bold systemic and institutional solutions based on direct democracy, favourable economic situation and specific historical circumstances allowed Switzerland to manage any internal and external conflicts, notwithstanding it is overflowing with a mosaic of national, linguistic and religious minorities.

The aim of this article is to present the complex issue of multiculturalism in Switzerland. The article analyzes a diverse and multicultural Swiss society in the political, socio-cultural and socio-moral aspects. The additional value of this text is the analysis of the dependence of the status of cultural minorities in the Helvetic state on the instruments of direct democracy.

II. Review of Literatures

2.1 Religious Minorities

The complications with process of unification of the Switzerland initiated at the beginnings of its statehood. The problems emerging from religious differences led to numerous wars and rebellions. A glaring example was the conflict between Catholics and Protestants in 1847, which led to the formation of the Swiss federal state in 1848.

These rights, like any others, may be limited which is guaranteed by the Article 36 of the Swiss Constitution:

- [c] 1. Restrictions on fundamental rights must have a legal basis. Significant restrictions must have their basis in a federal act. The foregoing does not apply in cases of serious and immediate danger where no other course of action is possible.
2. Restrictions on fundamental rights must be justified in the public interest or for the protection of the fundamental rights of others.
3. Any restrictions on fundamental rights must be proportionate.
4. The essence of fundamental rights is sacrosanct (Baumann/Stolz, 2007) [c/]

In contradiction to Article 15 stands Article 72 paragraph 3, which prohibits the construction of minarets in Switzerland . The Article 72 was changed after referendum in 2009. The Swiss society voted against the construction of towers on Muslim temples in the territory of the Helvetic state (Müller/Tanner, 2009:38).

Switzerland has no official state religion. Predominant religion is Christianity, the largest religious minorities is established by Islam. Historically the country was evenly balanced between Catholics and Protestants, with a complex patchwork of majorities over most of the country's territories. This confirms that Switzerland represents the classical form of a multicultural democratic state (Kymlicka, 2000).

Table 1. Division of Swiss Society According to Religion in 2013-2015 (%)

Religion/Church	2013-2015 (%)
<u>Catholic Church</u>	37.9
<u>Swiss Reformed Church</u>	25.5
<u>Islam</u>	5.1
<u>Orthodoxy</u>	2.3
<u>New Apostolic Church</u>	0.3
<u>Pietism</u>	0.6
<u>Hinduism</u>	0.5
<u>Buddhism</u>	0.5
<u>Judaism</u>	0.2
<u>Pentecostalism</u>	0.4

Religion/Church	2013-2015 (%)
Other christian religions	0.6
Unaffiliated	24.4
Other	1.9

Source: Federal Statistical Office: <https://www.bfs.admin.ch/bfs/de/home/statistiken/bevoelkerung/sprachen-religionen/religionen.html> (08/01/2020)

Table 2 presents religious diversity among Swiss. The dominance of Christian churches is clear. Particular attention must be given to the high number of Muslim minority, and the small number of the followers of Judaism, which is related to the historical situation of the Switzerland.

The largest Christian denominations are Catholic Church (37.7%) and Swiss Reformed Church (25.5%). The bigger cities (Bern, Zurich, Basel, and Geneva) are Protestant, in central Switzerland and Ticino catholic religion is dominant. Immigration completes this picture with Islam, Orthodoxy and other significant religious minorities: Pietism, the New-Polish Church, Hinduism, Buddhism, Pentecostals, Jehovah's Witnesses and Judaism.

The Muslim community in Switzerland is the third largest religious group. The co-existence of Christians and Muslims requires solving of difficult integration problems, which come automatically when such different religions and cultures meet. It is not easy even in such a liberal and democratic country as Switzerland. The essential issue is the granting of rights to foreigners who are followers of non-Christian religions. The so called fundamental rights apply to every resident of the Alpine Republic (Kälin, 2000: 58).

Over 24% of the population have no religious affiliation. The surveys found that only 48% of Swiss believe in God (despite their religious affiliation), a further 39% claims there is some sort of spirit or life force, and 9% declare atheism. The remaining 4% can not or do not want to define themselves.

In 1980 a referendum was held on the complete separation of church and state, however it was rejected (80% votes against).

Swiss Catholics in terms of religiosity do not differ from most European nations. In religious practices, mainly on the occasion of major ceremonies and the most important holidays, the participation of the congregation is limited to the minority. The papacy, Vatican centralism and dogmatism of the Church are subjected to very severe criticism not only by adherents of the Roman Catholic Church, but also by the Catholic hierarchy, which demands greater independence of Church in Switzerland. Most of the Catholic parishes in Switzerland are very liberal and egalitarian: the priests are changing the traditional liturgy. Mass can be celebrated by secular catechists and pastors or pastors from the Protestant church (Matyja, 2014). Generally in Switzerland there are not enough priests to evangelize; moreover, the number of priests is falling, due to the huge drop in the number of vocations. It leads to the situation in which numerous of parishes no longer have priests. Therefore, the rest of the priests have additional responsibilities, and fail to fulfill their priesthood duties outside the church.

Consequently more and more priests immigrate to Switzerland from abroad (Matyja, 2014: 20).

The Protestant Reformation in Switzerland began in the sixteenth century, with a split into followers of Luther and supporters of Zwingli and Calvin. Currently, the Protestant church is identified with those Protestant communities that were officially recognized in 1648 as part of the peace treaty in Osnabrück (Porebski, 2011: 116).

Protestant churches in Switzerland adopted presbyterian-synodal model of church governance. Local communities do not recognize supreme authority, there is no hierarchy or pedagogical authorities. This means that the hierarchy is of an administrative and not spiritual nature. Members of the autonomous parishes choose their own authorities themselves, they also determine the amount of the church tax and manage their financial matters (Porebski, 2011:117).

The growth of the Muslim community in Switzerland is related with the economic migration and a large influx of refugees from the Third World and the countries of the former Yugoslavia. Two-thirds of Muslims are Sunni Muslims, Shiites and Levites also create a significant group. Islamic organizations in Switzerland are very politically diverse and conflicted, therefore can not establish a leader that would represent the whole community and dialogue with federal or cantonal authorities. The Muslim law based on the God's will, also determines this negative phenomenon (Ruthven, 1998). This raises the problem of the relationship of Muslims to the secular state and its democratic form of government.

The most dynamic increase in the number of the faithful in the years 1980-2010 occurred in Muslim minority. Back in 1980, the number of Muslims in Switzerland was 56,000, in 2000 it reached about 310,000 in 2010: 350,000 and in 2015 it increased to about 500,000.

In different situation are the Swiss followers of Judaism. Their population is much lower than the number of Muslims (around 20,000 — 0.25%).

The numbers of followers of other religions - both Christian and non-Christian - are minor and do not show any upward trends.

The phenomena mentioned above is typical not only for Switzerland, but also in other Western European countries.

To sum up, it must be stated that the religions: Catholic, Protestant and Islamic dominate in the Swiss society (68.5%), with strong dynamic growth on the part of Islam.

The influx of new cultural minorities to Switzerland began after the Second World War and was directly connected with economic migration, with the large influx of gastarbeiters from southern European countries and refugees from the Third World and from the former Yugoslavia. In 1945 first immigrants from Turkey arrived in Switzerland. With the financial support from the state they were able to study at the Swiss universities. Most of them left Switzerland after graduation, however some stayed. In 1946 a group of Muslim missionaries came to Switzerland under the name Ahmadiyya, and built there the first mosque in 1963.

The mass immigration process in Switzerland can be divided into two main stages. The first stage is the period from the early 1960s to the mid-1970s, when Turkish, Italian, Spanish and Portuguese unskilled workers arrived in Switzerland. The flourishing economy needed new workforce (Behloui/Lathion, 2007: 198). At the same time, there was also an influx of migrant seasonal workers from Yugoslavia. This stage is called "immigration of man".

Later, temporary work and residence permits in Switzerland for migrant workers were changed into permanent residence, which was connected with the war in Bosnia and Kosovo.

In the 1990s families of the seasonal workers began arriving to Switzerland, which was the beginning of the second stage of the new mass migration process. The influx of women and children became a challenge for the Swiss state, characterized by the integration of Muslim women in the work process and children within their education (Kälin, 2000: 151-153) At this stage of Muslim immigration to Switzerland, for the first time the cultural clash between the Swiss society and the world of Islam took place. The immigrants had different views on the role of women and man in the families and society, different principles regarding upbringing children and attitude towards state institutions. The arriving Muslims started to fear of losing their religious and cultural values; therefore they began to form numerous languages, cultural and religious organizations.

After 2014 there was an influx of refugees from the northern African countries of Magreb, which was connected with revolutionary movements and civil wars in these countries. That resulted in waves of refugees from Central Africa and Asia fleeing to Europe, including Switzerland.

International law includes the protection of national, yet not cultural minorities. In Switzerland the protection of national minorities is also based on international standards (Janusz, 2011). It should be mentioned that the Swiss political culture emphasizes the principle of proportionality and consensus in political representation, and applies it to political parties as well as national languages and religion. Switzerland does not have many conflicting or overlapping constitutional provisions, cantons and local communities. The local-political sense of belonging is very deeply rooted in the mentality of Swiss citizens, who identify themselves with the community and the canton. They more likely consider Bern to be the seat of the government, not the capital of the country.

Compared with the constitution of 1848, and its modified form from 1874, the current preamble to the constitution is more specific and focuses essentially on the concept of "social diversity" and "social multiplicity", while previous versions of the constitution only emphasized the concept of "unity". This difference is of great importance. The statement of "unity in multiplicity" underlines the multicultural nature of the Helvetic state, at the same time suggesting the protection of national minorities (Tschannen, 2007).

How does the current constitution of the Swiss Confederation protect national minorities? The Constitution does not contain a definitive definition of the concept of

"national minorities", which does not mean that these minorities are not protected. In Swiss society, as in any society hosting immigrants, there are conflicts between majority and minority groups and their cultures, which generate a fair interpretation of fundamental rights.

The preamble of the Swiss constitution enshrines the important role of multiculturalism in the Alpine country. It determines the will to live together with mutual respect, according to the "unity in multiplicity" concept:

[c] [...]resolved to renew their alliance so as to strengthen liberty, democracy, independence and peace in a spirit of solidarity and openness towards the world, determined to live together with mutual consideration and respect for their diversity, conscious of their common achievements and their responsibility towards future generations, and in the knowledge that only those who use their freedom remain free, and that the strength of a people is measured by the well-being of its weakest members, [...]. [c/]

The Article 2 paragraph 2 of the Constitution stipulates that:

[c] It shall promote the common welfare, sustainable development, internal cohesion and cultural diversity of the country [c/]

It underlines the unity of different cultures, with society forming a multicultural state, while its diversity should be seen as an opportunity, not as a threat (Linder/Zürcher, 2008: 211).

Are the above-mentioned fragments of the constitution sufficient to confirm the protection of national minorities within the Swiss political system? They are certainly insufficient and provoke not only a social discussion, but also a parliamentary debate. Both the parliament and the government, as the highest political instances in Switzerland, are obliged to interpret the constitution and fully define the objectives of protecting national minorities (Cattacin, 2003). Nevertheless, Article 2 paragraph 2, despite the very abstract description of minority protection, is the binding norm at the present time.

2.2 Integration Policy

The formation of the federal state in 1848 allowed reaching the expectations of the linguistic and religious minorities, by leaving a generous share of self-determination to cantons (Manatschal, 2013). Today the Swiss political system is considered to be a model in the process of solving multicultural problems. However, not all national minorities can benefit from the positive features of the federal system (Cattacin/Famos/Duttwiler/Mahnig, 2003). A vivid example was the policy of the Swiss Confederation towards the Roma people, between 1930 and 1970 it led to the destruction of their nomadic lifestyle. Similarly, the Federal Council's policy concerning the new immigration began in the 1950s, can not be compared with the generous attitude of Helvetians towards traditional ethnic minorities.

The necessity for systematic integration policy in Switzerland appeared in the nineties of the twentieth century, after removing the anti-immigration tendencies and hostile attitude towards foreigners.

The current Swiss policy towards new national minorities was formulated in a government report on the Framework Convention for the Protection of National Minorities. The Swiss Confederation ratified this Convention in 1998 and formulated the definition of national minorities, adjusting it to the situation in the country.

According to the new definition national minorities in Switzerland are the groups of individuals who are numerically smaller than the rest of the population of the country or of a canton and who have Swiss citizenship. They should have longstanding and firm ties with Switzerland, at the same time a will to safeguard their national identity, in particular their tradition, their culture, their religion and their language (Milic, 2008).

The discussion about foreigners and new national minorities in Switzerland boils down to the idea of integration. Next to work, the principle theme is the knowledge of one of the four national languages in Switzerland, which is defined as the key to the full integration. The discussion atmosphere is similar to the debates in the European Union countries, although the additional aim is to find the best integration idea (Ridel, 2005). The integration process is unavoidable, because Switzerland's economy depends, to a large extent, on the flowing workforce. In the view of the importance of this process, it is surprising that Swiss legislation has only recently recognized integration as a responsibility of the State.

The system of direct democracy makes it difficult and time-consuming to ensure equality for cultural and national minorities in Switzerland (Matyja, 2016). The research of the National Research Program at the University of Bern has shown, that the referendums held in Switzerland over the last 120 years, reveal the negative attitude towards national minorities. Their equality reassurance was delayed, while the laws concerning granting the equal rights to minorities were tighten up. However, not only the instruments of direct democracy such as referendum and popular initiative negatively influenced the position of national minorities. An important role was and is still played by the state offices and political elites.

Although the political elites accept and recognize the rights of the national minorities, they do not introduce this problem in the parliament — due to the fear of a political fight in the event of a possible referendum (Gamble, 1997: 245-269). Additionally, the values and views represented by the society should be considered. Citizens in favor of open-to-the-outside Switzerland, are usually also supporters of the extension of rights for national minorities. Conservatives, on the other hand, try to limit these rights to a minimum, arguing this position with fear of social alienation and the loss of the Swiss national identity. The national minorities also have an impact on their position and chances of equality in the Swiss society. Minorities, who are unable to assimilate and represent foreign values, have very little chance to be accepted by the voters they are themselves closing the door on their integration process.

In the 19th century, mainly the Catholics and Jews were the victims of unfavourable votes in referendums (Krauthammer, 2000). In 1874, the rights of the Catholics were limited in the modified Constitution and it was not until 1973 when the ban on banished Jesuits was lifted on (Linder/Zürcher, 2008). The Jews were discriminated on the territory of Switzerland for a long time. In Constitution 1848 their rights to settle freely and their religious rights were limited. The equal rights were only granted with the revised constitution of 1874 (Külling, 1977).

In recent years, a blatant example of the negative impact of direct democracy on the equality of national minorities was the previously mentioned referendum on the construction of Muslim minarets in Switzerland.

III. Discussion

Whether the Swiss federal system has more flaws or advantages considering national minorities, entails an ideological discussion, because there is no meaningful comparison with the political systems of other countries (Gabriel, 1997). Federalism in Switzerland has many determinants that — depending on the point of view and the situation — can be considered positive or negative, regarding the relationship of the Swiss state to national minorities (Christmann, 2010: 1-41).

Due to the multiculturalism it would be difficult to achieve a socio-political consensus without federalism (Matyja, 2001: 129-136). This system provides that old ethnic, linguistic or religious minorities do not feel disadvantaged or worse treated than the others. Numerous decisions are reached at the lowest political level, which protects the citizen against unreasonable or unintentional interference from the state (Eichenberger, 2002). Federalism suppresses intercultural and ethnic tensions and adjusts state activities to interregional differences. Minor regional tensions and insignificant political conflicts, are the best evidence that the Switzerland as a federal state functions optimally. Although the process of negotiation on the intercantonal and at the federation-cantonal level is often time-consuming, which can be incomprehensible, it ultimately leads to the positive and risk-free results.

On the other hand, representatives of the cultural minorities of one canton may feel harmed if they do not have the same rights as their counterparts in the neighboring canton (Donovan, 1999: 1010-1024).

Cantonal competences and direct democracy are consistently defended in Switzerland, the intercantonal controversies are resolved in a peaceful way by agreements between cantons.

The Swiss political system differs remarkably from the other known democratic systems of the European countries. Through constitutional legislation, referendum and popular initiative, the nation has become a true sovereign with a voice in every important decision: from communal matters to imposing constitutional change. The collective system of power and a strong influences of interest groups and citizens can not be found in any other country. Therefore, the Swiss federalism, with its complexity and specificity, can not be directly transferred to another political system without prior thorough analysis of its genesis (Kirchgässner/Gebhard/Lars/Savioz, 1999).

Hence, a deep analysis of the functioning of national minorities in the Switzerland is possible only on the basis of examining the specificity of the political system of the Alpine Republic, which determines the existence of these minorities.

It is commonly known that there is a conflict of interest between democracy and state under the rule of law, and between majoritarian democratic politics and liberal principles. The conflict can be controlled; however it can not be resolved. The critics of the system of direct democracy make an assumption that majorities in a given society do not show in their behavior towards minorities either reasonableness or altruism, therefore, when they vote on issues concerning minorities they only follow the economic reasons (Feld/Savioz, 1997: 507-538).

Nevertheless, the results of referenda regarding cultural minorities in Switzerland between 1970 and 1996 shows that in 64 votes, up to 70% of the votes was in favor of the rights of minorities.

The relation between direct democracy and human rights is very ambivalent. The instruments of direct democracy give the majority the greater chances to move forward their propositions than they would have in representative political system (Matyja, 2009: 13). Direct democracy is much more responsive to the preferences of the society, in extreme cases people can even accept by voting a proposal which is against the rights of human and citizen.

In representative democracy the process of making political decisions is associated with the political debate, arguments, and above all with the formation of a coalition. The political discussion is also a part of a direct democracy, however there are no mechanisms filtering the political decisions before they are definitively approved by the society at the urn (Frey/Goette, 1998: 1343-1348).

At this point, the question should be asked whether all laws regarding minorities in a given state should be subject to voting? Or: what minority rights should be considered as fundamental and not subject to a public vote?

Searching for the answers to these questions, the importance of the constitution should be considered. It contains fundamental regulations protecting the rights of the linguistic and religious minorities (Richter, 2005). Its proper interpretation and proper application in practice is the task of the Swiss government and administration.

IV. Conclusion

Humans are basically born social beings who need help from others. Because basically humans can not live alone, there must be an attitude of mutual assistance / help among others. This is then referred to as Gotong Royong. Studying the culture of Gotong Royong, we cannot let go of the history of the formation of such behavior so that it becomes the culture of the Indonesian people. Koentjoroningrat (1990: 56) explains that the concept of Gotong Royong is a concept that is very closely related to the life of the people as farmers in an agrarian society. In the life of rural communities in Java, Gotong Royong is a system of mobilizing additional personnel from outside the family, to fill the shortage of labor during busy periods in farming activities (Koentjoroningrat 1990: 57). This behavior then develops differentiated into (1) help in agricultural activities, (2) help in activities around the house, (3) help in preparing for parties and ceremonies and (4) help in times of disaster (Koentjoroningrat, 2005: 152). From the results of the study showed that students understand the importance of Gotong Royong culture in community life. However, on the one hand, students lack understanding of the various cultures of Gotong Royong carried out by the Pakpak ethnic community in North Sumatra.

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