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Illiberal integrationism: shared values as an integration requirement in liberal democracy

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ABSTRACT

Can liberal democracies require shared values? The paper analyses the integration requirement to respect constitutional values in Switzerland. First, it scrutinizes illiberal bureaucratic practices of culturalization and state access to inner convictions. Second, it discusses whether the adoption of constitutional values can be required of non-citizens only. Finally, it examines whether shared values can be legitimately required from society as a whole. The paper argues that the shared values requirement is incompatible with the pluralism of values in liberal democracy. Through the exclusion in the name of shared values, integrationism forecloses politics as an agonistic contestation of these values.

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1. Introduction

Of course, one assumes that if Swiss parents have a child, that these integration criteria, which are demanded of the foreign population, are then practically put into the child's cradle, naturally, because one is then brought up with our basic values, with our world view and everything, as we know it in Switzerland.¹ (Martina Bircher, Member of Parliament, Swiss People's Party)

We think of a nice, polite, consensual discussion; everybody agreeing. What you heard there was what democracy is really like: an absolutely, bloody-unending row. That row, that sound of people actually negotiating their differences in the open, behind the collective program, is the sound I am waiting for. (Hall 1997, p. 65)

Since 2018, 'respecting the values enshrined in the Federal Constitution' has been a requirement for 'successful integration', stated in the Swiss Citizenship Act (art. 12, SCA). Indeed, the integration requirement to share constitutional values is increasingly popular in many Western migration and integration regimes (Larin 2020, Fargues *et al.* 2023). In the course of the liberalization of the German naturalization law in 2023, Interior Minister Nancy Faeser (Social Democratic Party) asserted that 'anyone who does not share our values cannot become German'.² This article analyses the normative implications of the value requirement in light of what has been discussed as the

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conundrum of illiberal liberalism (Guild *et al.* 2009, Triadafilopoulos 2011, Orgad 2015, Vincent 2022). Illiberal liberalism seeks to identify the core values of liberal societies and to use coercive state power (what Triadafilopoulos (2011) calls *aggressive integrationism*) to protect these values from putatively illiberal and dangerous groups (Triadafilopoulos 2011) – typically (migranticized) Muslims (Korteweg 2017, Bonjour and Duyvendak 2018). Immigrant integration is presented as the solution (Kundnani 2007) to preserve Western civilization from illiberal threats, justifying policies that might otherwise be seen to contravene liberal principles of toleration and equality (Triadafilopoulos 2011).

The paper draws on critical research on ‘immigrant integration’ (e.g. Schinkel 2017, Favell 2022) and what has been conceptualized as integrationism. The suffix in *integrationism* points to the ideas and imaginaries behind integration and underlines that this paper does not use integration as a category of analysis (Korteweg 2017). Integrationism is a technique of power (Dodevska 2025) that is exerted in discourses, policies and practices that govern those subjected to integration. It produces the *subject of integration* (Dodevska 2024), who is in need of integration, on the one hand, and its counterpart, the ‘non-subject’ of integration, who is granted a *dispensation of integration* (Schinkel 2018), on the other. Moreover, integrationism is defined as the view according to which ‘social cohesion is best achieved through greater levels of conformance by newcomers’ (McPherson 2010, p. 550), a view that ‘represents migrant policy subjects as problematic against dominant local social and cultural norms’ (McPherson 2010, p. 564). Importantly for this paper, the most distinguishing feature of what is called the ‘new integrationism’ is its ‘insistence that immigrants be *compelled* to adopt liberal orientations’ (Triadafilopoulos 2011, p. 869, emphasis in the original). The boundary maintenance of this new integrationism is ‘increasingly cast in terms of value compatibility’, with those deemed ‘incompatible’ depicted as standing ‘outside of the liberal-democratic community by virtue of their beliefs and practices’ (Triadafilopoulos 2011, p. 867).

This paper argues that the value requirement and integrationism are neither a paradox of (Orgad 2015) nor an exception to liberalism (Joppke 2017) but a fundamental contradiction in terms. Not only are the empirical practices of the value requirement incompatible with liberal democracy but also, fundamentally, the underlying idea of shared values. To demonstrate this, I first discuss whether the requirement to have shared constitutional values can be justified as an integration requirement that targets non-citizens only.³ I then examine whether it can be legitimately required from citizens and society as a whole. Overall, the paper seeks to de-migranticize (Dahinden 2016) the issue of shared values, making it much more about democratic and political theory than about (immigrant) integration. In reality, the integration requirement to have shared constitutional values, which targets non-citizens only, is an expression of the *ideology of shared values* more broadly, that is ‘the belief that in a pluralistic, multi-ethnic state, national unity is based in some sense on shared values’ (Norman 1995, p. 137).

In Switzerland, there is a political obsession with ‘shared values’. The recently renamed party ‘the Center’ (formerly the Christian Democratic Party), for example, claims to ‘hold Switzerland together’, which can ‘only be achieved if we respect and live freedom, solidarity and responsibility as core values’.⁴ Accordingly, there have been numerous parliamentary requests concerning this issue. For instance, this party asked the Federal Council (the Swiss government) to conduct ‘a broad-based survey of the population on the most important values of our country’, including a poll and a popular vote,

referring to the ‘Danmarkskanon’ as an example (see Hellström and Tawat 2020).⁵ According to the Member of Parliament who submitted the request, ‘Switzerland lacks an understanding of the common social foundation’, an understanding which ‘must ultimately be awakened among immigrants as well, but this is impossible if it is not even present among the native population’. In response, the Federal Council stated that ‘Switzerland’s core values are enshrined in the Federal Constitution’.⁶ Another parliamentary intervention by the party concerned the ‘dialogue about the core values of our society’, and it asked the government to show ‘how a suitable platform should be designed which could unite the relevant social actors and organizations in an open and equitable dialogue in order to exchange views on the central values of our society’.⁷ In response, the Federal Council referred again to the constitution, and, most interestingly, to the political process in Switzerland, at the end of which the citizens and the cantons are asked to vote, the tailor-made instrument for doing so being the popular initiative: ‘In this way, broad discussions on values can be initiated, and indeed are’. The Federal Council also pointed out that the dialogue asked for by the Member of Parliament ‘takes place every day beyond the legislative process: in the media, at schools and universities, in political parties and associations, in and between religious communities, in associations and forums of all kinds’, concluding that ‘civil society makes better use of the freedoms guaranteed by the Federal Constitution than a constructed platform ever could’.

This leads to the following question, which is at the heart of this paper: if the dialogue about and negotiation of core values take place in the institutional political process and in everyday social interactions of civil society in a way that is *better* than any state-initiated platform could ever achieve (empirical research in the British context points to a similar conclusion; see Vincent 2022), then why require non- and prospective citizens to respect a very specific set of constitutional values? Swiss direct democracy, where the constitution and its ‘values’⁸ are re/negotiated all the time, for example, through popular initiatives, offers a particularly interesting case to tackle this question. In response, the central argument of this paper is that pluralistic societies are not *communities of value(s)* (Anderson 2013; Manser-Egli 2023). As I will show, the insistence on ‘shared values’ is incompatible with the pluralism that is constitutive of modern democracy (Mouffe 1992).

Methodologically, the paper takes a *contextual approach* to political philosophy (Carens 2004, p. 123), moving ‘back and forth between practice and theory, connecting theoretical claims about justice, equality, freedom, and other moral categories to actual cases and practices’. In an iterative contextual approach, principles are developed and refined through the encounter with multiple contexts (Modood and Thompson 2018). The contextual approach is complemented by the methodology of *grounded normative theory* as ‘empirically engaged political theory’ (Ackerly *et al.* 2024, p. 158). As feminist, critical and decolonial scholars have pointed out, normative political theorizing often tends to reify the perspectives of socially dominant groups and to be insufficiently attentive to insights, experiences and interests of groups facing oppression (Ackerly *et al.* 2024). Grounded normative theory is characterized by the use of empirical methods to collect and analyse data when developing normative arguments (Ackerly *et al.* 2024).

Epistemologically, the paper joins other attempts to uncover and tackle the bias of methodological nationalism in the ethics of immigration and in political philosophy more broadly (Sager 2016, Dumitru 2023). This bias in the ethics of immigration might be a reason why the justifiability of integration (requirements) in liberal democracy is

usually taken for granted and hardly discussed in political theory – notable exceptions are the works of Carens (2005), Hampshire (2011), Miller (2016), Gianni (2019), De Waal (2020), Van Oers (2021) and Hoesch (2023). While scholars either refute or defend the justifiability of integration requirements in liberal democracy in general, the contribution of this paper is to focus specifically on the requirement of having ‘shared values’.

As a theoretical frame, I employ a minimalist understanding of *liberal democracy* that builds on two principles: fundamental rights and democratic inclusion. Liberal democracy depends on having both individual rights and freedoms to *contest* the existing order and dominant majorities, and the *suffrage* to partake in collective decision-making (Dahl’s (1989) *principle of full inclusion*). As I argue in the following, the value requirement and integrationism more broadly threaten both sides of the coin: individual rights and freedoms by interfering with inner convictions and by seeking to govern all aspects of life, and the right to democratic participation by excluding substantial parts of the population from the *demos in the name of* integration. To do so, I discuss different variants, forms and facets of liberalism throughout the paper.

The paper is structured as follows. The next section introduces the value requirement in the Swiss integration context. It is argued in the following section that two empirical practices of the value requirement – culturalization and state access to inner convictions – are incompatible with the principles of liberal democracy. The subsequent section discusses whether liberal democracies can require that constitutional values must be respected by a) non-citizens only or by b) citizens and society as a whole as well. In the last section, the paper sketches what a truly assertive liberalism and democracy could look like. Using Switzerland as a case study, I argue that integrationism and the value requirement are fundamentally at odds with liberal democracy. Through the exclusion in the name of shared values, integrationism forecloses politics as an agonistic contestation of these values in liberal democracy.

2. The values of the constitution in Swiss integration law

When assessing so-called ‘successful integration’, authorities in Switzerland take into account respect for public safety, security and order; respect for the values of the Federal Constitution; language skills; participation in working life or efforts to acquire an education and – in the case of naturalization only – encouraging one’s family to integrate (art. 12, SCA). In immigration law, these ‘integration criteria’ (art. 58a Foreign National and Integration Act, FNIA) come into play for the issuance, extension or revocation of residence and settlement permits (e.g. art. 63 FNIA). For naturalization purposes, integration and especially the value requirement are assessed in personal interviews with street-level bureaucrats and local politicians in naturalization commissions.

More specifically, the value requirement refers to a) basic principles, such as the rule of law and the free democratic basic order of Switzerland, b) fundamental rights such as the right to equality of men and women, the right to life and personal liberty, and the right to freedom of belief and conscience and freedom of expression, and c) fundamental duties, such as the duty to perform military or alternative civilian service (only for naturalizations) and the duty to attend school.⁹ In the instructions set out by the State Secretariat for Migration (SEM), the requirement is defined by referring to the following examples of not respecting constitutional values: public propaganda actions; showing a lack of respect

for the state's monopoly on the use of force; commitments of or behaviour by foreigners which disregards or calls into question fundamental rights; a lack of tolerance towards other groups and/or religions; advocating forced marriage, circumcision or the violation of personal freedom and integrity; blanket public denigration of minorities, members of a particular religion or people of a particular sexual orientation; disregarding the equality of men and women; refusing to attend mixed-gender (school) physical education and swimming lessons; and the rejection of recognized forms of expressions of respect when addressing teachers or employees of public authorities.¹⁰

In some cantons, naturalization candidates are asked to sign a declaration and thereby 'expressly declare that they accept the rule of law in Switzerland, in particular, public security and order, as well as the values of the Swiss Federal Constitution', as in the canton of St. Gallen (Art. 13 Abs. 1bis BRG SG). In Geneva, candidates pledge in a 'solemn letter of commitment' to be faithful to the Republic and Canton of Geneva and 'to scrupulously observe its constitution and laws' (Art. 9 Loi sur la nationalité genevoise). These declarations to respect the values of the constitution are similar to loyalty oaths or oaths of allegiance in that they require *loyalty* (allegiance) and not just *conformity* with the law (obedience) (Orgad 2014). In the Swiss context, this is expressed by the fact that the value requirement and obedience to the legal order are two separate, independent integration criteria, the former explicitly going *beyond* the latter (Bundesrat 2011). As a naturalization case worker at the SEM put it,¹¹ regarding the example of polygamy:

People who say, 'I would like to be polygamous, but I'm not because it's forbidden in Switzerland', I think it's great. Typically this case would allow us to refuse naturalization from the point of view of the respect of the values of the constitution, but it would not necessarily allow us to refuse from the point of view of the respect of the legal order.

Thus, it is not only the act of marrying multiple spouses that is sanctioned (as an act of illegal polygamy) but *already* the value and inner conviction of being in favour of polygamy and/or its legalization. As another case worker from the immigration section at the SEM confirmed:

The criterion goes somehow beyond respecting the legal order, of course. I think you can justify this going beyond if you start from the idea that if these values are respected, there is a smaller danger that we will have a problem with these people. But that's also a bit of a legal philosophy, so which Swiss respects the values of the Federal Constitution? Do we do that ourselves? Internalized?

Indeed, legal scholars have engaged with this question. There is a broad consensus that the value requirement in Swiss integration law is an extremely indeterminate legal term which does not go beyond a vague, open enumeration of 'values', leaving much room for arbitrariness in the naturalization practice (Biaggini 2017). The expression 'values of the constitution' does not appear in the text of the constitution itself and has not yet acquired clear contours in legal doctrine and practice (see Uebersax and Schlegel 2022). From the point of view of the rule of law, things get tricky when legal consequences are attached to the term, as is the case with this new requirement: 'For who could state with the exactness required for official application of the law what belongs to these "values" and what does not? This opens a door for unequal treatment and arbitrariness on the part of the authorities' (Biaggini 2017, p. 84). As De Weck (2019) points out, the Federal

Constitution comprises a wide variety of norms or values, some of which contradict each other. The freedom to criticize the Federal Constitution (freedom of opinion, art. 16) or to amend it (political rights, art. 34 and 136 ff.) can also be described as core values of the Federal Constitution. Against this background, she concludes, the value requirement of integration is prone to arbitrariness (De Weck 2019).

Spescha *et al.* (2020) elaborate on this, arguing that someone who lives a secluded life, maintains little contact with the outside world, cultivates stubbornness, is considered a loner, does not participate in any clubs, wears a headscarf¹² or expresses peculiar opinions must not be ‘punished’ under immigration or naturalization law for these reasons, as long as she complies with the law. According to these authors, the basis of living together is not constituted by far-reaching value commitments but by loyalty to the law; anyone who observes the applicable laws has a right not to be bothered further by the state (Spescha *et al.* 2020). The authors refer to the German legal scholar and judge at the Federal Constitutional court Ernst-Wolfgang Böckenförde, who warned against requiring citizens and foreigners to manifest a certain conviction and argued against what he called ‘value order fundamentalism’ (*Wertordnungsfundamentalismus*) (Spescha *et al.* 2020). This is especially the case because the Swiss legislator explicitly emphasizes freedom of faith and conscience, which characterizes the pluralistic, value-neutral state, so it would be contradictory to make respect for the values of the constitution dependent on value commitments, Spescha (2019), concludes. Legally speaking, the question is whether the requirement to respect the values of the constitution, beyond the legal order, is contrary to fundamental rights and thus unconstitutional. To put the conundrum in a nutshell: ‘The requirement that foreigners in a migration society have to sign a commitment to constitutional values seems highly normal and almost imperative. In fact, it is a fundamental departure from liberal democracy based on the rule of law’ (Kley 2020, p. 676).

3. Culturalization and state access to inner convictions

Based on my empirical research (Manser-Egli 2023, 2025), I argue that there are two aspects of the value requirement that are uncontroversially incompatible with liberal democracy. The first aspect concerns what I have called the *culturalization* of (liberal) values (Manser-Egli 2023), the second the governance of inner convictions. The culturalization of the value requirement can be found in the genealogy and formulation of the requirement in law, as seen above, and in the everyday practice of integration authorities and street-level bureaucrats. The requirement emerged from the idea that the state must defend constitutional values ‘against *culturally* justified deviating claims’ (Bundesrat 2002, p. 3797, emphasis mine). The main focus is on gender equality and religion (see Dahinden and Manser-Egli 2023) and the willingness to shake hands with someone of the opposite sex is an essential indicator for the evaluation in practice (Manser-Egli 2023, see also Tabbara 2023, Fargues *et al.* 2023). Hence, the value requirement is far from being ‘neutral’ or ‘universal’: why does its evaluation depend on mixed swimming lessons, of all things, and on ‘recognized forms of expressions of respect’ (the handshake) and not, for example, on equal pay for men and women or on the ‘minaret ban’ figuring equally in the constitution? Regarding the refusal to shake hands (with the opposite sex), for example, it seems inadmissible to derive from this a disregard for the values of the constitution

(Uebersax 2020, see also Tabbara 2023). The value requirement prioritizes certain values of the constitution over others – for which there is no constitutional basis in the first place (Von Rütte 2017) – and it targets certain (migranticized) groups specifically, especially Muslims and non-European Others (Manser-Egli 2023). These findings are in line with empirical research on civic integrationism and boundary liberalism in other European contexts such as France (Onasch 2017, Fargues *et al.* 2023), Germany (Brown 2016, Tabbara 2023 for a legal analysis) and the UK (Kundnani 2007).

The second aspect is that the evaluation of and knowledge production regarding the value requirement by street-level bureaucrats is characterized by state intrusion into people's private lives and an imperative urge to know and 'feel' their integration (Fargues *et al.* 2023, Manser-Egli 2025). In order to assess whether or not someone respects the values of the constitution, the state needs to access inner convictions and beliefs, not just external actions and behaviours, which the liberal state typically seeks to limit its government of (Orgad 2014). The above-mentioned example of polygamy as an *act* (against the legal order) or as a *conviction* or *belief* (against the values of the constitution) illustrates this difference perfectly. This intrusion into inner convictions is all the more disturbing and contradictory given that it violates the fundamental constitutional principle of freedom of belief and conscience, which non-citizens are explicitly required to respect (see Spescha 2019 above).¹³ Again, such intrusion into inner convictions through this integration requirement, has been observed in different European contexts (Fargues *et al.* 2023, Tabbara 2023).

I call these two normative aspects of the value requirement uncontroversially illiberal because they are illiberal according to any standard of liberalism. They imply and require an inquisition into a person's morality and a forced identity change or exclusion – which is the narrow definition of illiberalism assumed by Joppke (2017).¹⁴ Therefore, the culturalizing and inquisitory practices of the value requirement in Switzerland and beyond refute Joppke's claim, according to which contemporary Western states nowadays only exclude in 'an individualistic and self-limiting way that differs sharply from the openly discriminatory group-level exclusions of the past' (Joppke 2005, p. 57). These practices clearly contradict the assertion that civic integration is 'mostly within a liberal register' and remain 'the exception to the norm of a knowledge-building rather than identity- and behaviour-forcing understanding of civic integration' (Joppke 2017, pp. - 1170–71). In reality, the culturalization and monitoring of values lead to discriminatory group-level exclusions and morality inquisitions which are clearly illiberal. With this, I now turn to a more controversial form of discrimination.

4. Shared values for whom?

For the sake of the argument, let us assume that the value requirement could be applied in a way that targets neither specific culturalized groups nor inner convictions. The question thus becomes whether liberal democracies can legitimately require a) only non-citizens b) all residents (citizens and non-citizens) to respect constitutional values.

To begin with, note that Swiss citizens are not legally required to respect the values of the constitution, neither in integration law nor according to any other legal disposition (Kley 2020).¹⁵ This puts the value requirement (for non-citizens only) in diametrical contradiction to the constitutional principle of equality before the law (Kley 2020),

liberalism's tenets of egalitarianism and universalism, and equal standing and recognition (Baycan and Gianni 2019). This unequal treatment is interesting considering the history of the value requirement in Swiss integration law. It makes one of its first appearances in a report to the Federal Council by the 'expert commission on migration', composed of federal and cantonal immigration authorities and (what we would now call) migration scholars, which was then taken up in the report by the Federal Council (Bundesrat 2002) and, ultimately, in what became the integration law that is in force at the time of writing. One of the main goals of integration policy, according to the expert commission, was the following: 'For the integration process to be successful, migrants *and* the host society must recognize and respect certain basic values as a common basis' (Expertenkommission Migration 1997, p. 37, emphasis mine). In the later report by the Federal Council, which refers to the expert commission, the government contends that 'all integration efforts must be made by immigrants as well as by the host society'; however, the value requirement now refers to *foreigners only*: 'All foreigners residing in Switzerland must therefore be expected to respect the legal system and the rules of conduct and principles that are fundamental to peaceful coexistence' (Bundesrat 2002, p. 3797). This restriction of the criterion from society as a whole to foreigners only is not accidental but reflects the social imaginary of society as a community of value(s): 'It is not considered necessary to formally expect – let alone to legally require – the host society to respect these values, because it is already presumed that its members have shared values' (Manser-Egli 2023, p. 5; see also Anderson 2013).

The social imaginary underlying the value requirement thus builds on two assumptions: 1) citizens share certain values and 2) non-citizens do not (share these values).¹⁶ Empirically, there is no evidence in any given context showing that both assumptions are true. On the contrary, it is widely acknowledged that we live (and have always lived) in societies that are structurally racist, sexist, homophobic, classist, nationalist (and so on), where many people manifestly do not share fundamental 'liberal values' such as gender equality, non-discrimination and tolerance towards other groups and religions (for such a counter-history of liberalism, see Losurdo 2011, Mills 2017). In fact, non-citizens are evaluated against standards that citizens themselves do not meet. Naturalization candidates in Switzerland, for example, are asked in personal interviews who attends parents' meetings regarding their children (to evaluate gender equality in the household) or what they think of same-sex marriage (to evaluate tolerance towards homosexuality), despite the fact that the distribution of work in households and childcare in Switzerland is deeply marked by gender inequality and that same-sex marriage in Switzerland was only adopted in 2021 against the wishes of one third of the Swiss electorate (Manser-Egli 2023). If anything, there is empirical evidence that Swiss citizens do not share and respect (the same) constitutional values. Mouritsen is thus right in pointing out that 'most populations have nothing approaching a consensus on a specific national form of constitutional values; indeed internal divisions may often be greater than between some states' (Mouritsen 2006, p. 85).

5. Particular universalism

As we have seen in the Swiss case, the list of to-be-respected values with regard to the constitution as a whole is extremely contingent, drawing on very particular but highly

mediatized and politicized cases and targeting very specific practices (Manser-Egli 2023). Capturing a similar conflation between ‘Danish culture’ and ‘civic values’, Mouritsen has introduced the concept of *particular universalism*, which refers to the ‘construction of the parameters of belonging and the conditions of entry and acceptance of immigrants, particularly Muslims, in terms of a move towards a civic nation, characterized by universalistic values’ (Mouritsen 2006, p. 71). As Mouritsen observes, these values correspond to popular images of Denmark as an inclusive, egalitarian, universal welfare state and as a custodian and spearhead of human rights, liberty and equality. As in the case of the social imaginary of society as a community of value(s), he notes that ‘[t]he point is not so much whether we share specific values, but rather that we often talk about these values *as* shared, as constitutively ours, in specific ways’ (Mouritsen 2006, p. 73, emphasis in the original). Similarly, he refers to what I have called the culturalization of values as the *culturalization of politics* because ‘universal liberal values are talked about as culture either in the sense of being linked to nationally specific and favourable historical traditions or ways of life, or in the sense of national ownership of, or avant-gardism relative to certain values’ (Mouritsen 2006, pp. 73–74). This particular universalism is characterized by superiority – the Danish model as ‘particularly *superior*, or *genuinely* liberal and democratic’ (Mouritsen 2006, p. 85, emphasis in the original) – and national exclusiveness: ‘This way of life is seen as so much more difficult to acquire for those who were never socialized in similar national schools of equality and democracy’ (Mouritsen 2006, p. 81).

Just like the assumptions of the politician quoted at the beginning of this paper, the assumption here is that ‘we’ have these values *from the cradle*, so to speak, and the ‘others’ do not. Newcomers must affirm these supposedly shared values to the nation (Mouritsen 2006) – or they are excluded. What is important here is that this particular universalism is a particularism clothed in universalist rhetoric, apt to be ‘more aggressive, and less accommodating to others, than particularism that frankly acknowledges itself as such’ (Yakobson cited in Orgad 2015, pp. 216–217). This is what makes boundary liberalism (Brown 2016) and boundary integrationism (Dodevska 2024) in the name of universal liberal values more appealing and more powerful than old-school nationalism.

The conundrum between the particular and the universal and between supposedly national/cultural and civic values is a common feature of many integration regimes. Integration inquiries, for instance, about wearing training pants in public, being a firefighter or punctuality (Manser-Egli 2023), spilling one’s pint in the pub or meeting up properly (Orgad 2015, p. 227) are supposed to be particular expressions of allegedly universal Swiss, British and Dutch values. These particular expressions seem comical because it is obvious that not all citizens behave in exactly the same way and thus do not share the exact manifestations of the supposedly universal values behind such expressions. At the other end of the spectrum, the articulation of the to-be-respected and supposedly shared universal values in different contexts is so similar – if not identical – that there is nothing particularly *particular* left. Take, for example, the Dutch core values of freedom, equality, solidarity and participation (Blankvoort *et al.* 2023) or the top five values of the *Danmarkskanon* (Hellström and Tawat 2020): welfare society, freedom, trust, equality before the law and gender equality.

Thus, the crux of the matter seems to lie in the in-between, namely how supposedly universal values are interpreted, understood and lived in practice. This is further

complicated by the fact that, more often than not, constitutional values are in tension, if not in outright contradiction with each other (see De Weck 2019). Consider, for example, the case of hate speech legislation (Modood and Thompson 2018). In Switzerland, a referendum was held in 2018 on the extension of the legal clause prohibiting public incitement of hatred or discrimination against persons on the grounds of their race, ethnic origin or religion, to include *sexual orientation*.¹⁷ Just like in the referendum on same-sex marriage mentioned above, the extension was rejected by more than one-third of all voters.¹⁸ In both cases, one could jump to the conclusion that, apparently, about one-third of Swiss citizens are illiberal and do not share some fundamental constitutional values. Of course, homophobia was certainly an important element in both cases and it seems safe to assume that a non-negligible part of voters can thus be considered illiberal with regard to these constitutional values. Yet in both cases there were arguments about the proposed legislation such as the general rejection of marriage as a patriarchal institution and concerns about the perpetuation of certain forms of discrimination¹⁹ and freedom of expression²⁰ that were not illiberal or anti-constitutional *per se* but, on the contrary, argued for on the basis of that very same constitution and the same universal values. Here, in this in-between place between the universal and the particular, the democratic negotiation of values takes place. Seyla Benhabib refers to this negotiation of ‘the universal in the particular’ as *democratic iterations*: ‘complex processes of public argument, deliberation, and exchange through which universalist rights claims and principles are contested and contextualized, invoked and revoked, posited and positioned, throughout legal and political institutions, as well as in the associations of civil society’ (Benhabib 2004, p. 179).

To sum up, we have seen that there are very particular, culturalized ‘values’ – or rather, practices supposedly expressing underlying values such as the handshake or not wearing training pants in public – that are definitely not shared by all citizens. Then, between the particular and the universal, there are contestations and negotiations about the content, meaning and application of universal values in practice, for example, the specific legal provisions concerning hate speech or same-sex marriage. Again, this mid-level of ‘values’ is not shared by all citizens – there is no such consensus (Gianni 2023). Finally, at the ‘universal’ level we have abstract liberal values such as freedom and equality. At this level, it is difficult to imagine why most, if not all, citizens would not subscribe to them and thus *share* them. At the same time, it is hard to see why, at this level of universality and abstraction, this should not equally apply to most, if not all, non-citizens.

This conundrum between the universal and the particular, and the idea of shared values in liberal democracy more generally, can be understood via Chantal Mouffe’s description of the common good as a *vanishing point*: ‘something to which we must constantly refer when we are acting as citizens, but that can never be reached’ (Mouffe 1992, p. 379). The constitutive principles of modern democracy, liberty and equality for all (the universal) are open to many competing interpretations (the particular), and thus can never be fully, conclusively realized (Mouffe 1992). Hence, for any level of abstraction and independently of the exact understanding of ‘values’, the position according to which both assumptions – that citizens share certain values and that non-citizens do not – are true, is refuted.

6. The licence to change the constitution

There is another way of holding on to the requirement of shared values. One could reject the value requirement as it is now, targeting non-citizens only, but, instead of doing away with it, it could be extended to society as a whole (thus avoiding the discrimination between citizens and non-citizens). And although legally residence status and citizenship rights cannot usually be predicated on citizens' respect for constitutional values (as is the case for non-citizens), nothing would hinder governments from introducing, for example, oral or written declarations such as a solemn letter of commitment or loyalty oaths for all citizens upon reaching the age of majority. So, *should* liberal democracies require (all) their subjects to share their constitutional values?

As if to confirm what scholars have theorized as the methodological nationalism bias of the ethics of immigration field (Dumitru 2023, see also Sager 2016), Orgad (2015) defends the value requirement *for immigrants only*, arguing that the liberal state should protect its *constitutional essentials*. But what are these essentials? As he concedes, there is no foolproof method of identifying them. First, some constitutions include eternity clauses that entrench values and principles which are considered perpetual and immutable; second, some constitutions allow the disqualification of political parties that undermine the basic structure of society; and third, constitutions often have a hierarchy of rights that points to the importance of certain values and principles in a specific society (Orgad 2015). In Switzerland, as the case in point, none of these options exist. There is no hierarchy in the constitution (Von Rütte 2017) and, ultimately, almost any topic may be the subject of constitutional amendments (Ehrenzeller 2020).

Due to methodological nationalism, Orgad devotes no more than one paragraph of his entire book to the question at the heart of the value requirement: 'If basic principles of political liberalism are so fundamental, why not require compliance with them from every native-born citizen?' (Orgad 2015, p. 211). Accordingly, his defence is rather thin (see also Somin 2020). First, Orgad contends, these duties (to respect the values of the constitution) are also expected of citizens, though liberal states do not generally banish or de-naturalize citizens who fail to abide by such duties, preferring instead to impose civil and criminal sanctions. This begs the question why, then, civil and criminal sanctions are apparently not fulfilling their purpose when it comes to non-citizens. However, rather than engaging with this question, Orgad relegates to a footnote what should take centre stage: 'The question of how the liberal state should deal with illiberal groups deserves a separate discussion' (Orgad 2015, p. 211). But this question concerning illiberal groups – migrant or non-migrant, citizen or non-citizen – is, from a normative perspective, at the heart of the value requirement, not a separate discussion. By arguing that 'the liberal state must not admit politically intolerant *immigrants*' (Orgad 2015, p. 209, emphasis mine) and then citing Popper and Rousseau, who did not talk about immigrants at all but about society at large, Orgad *migrantizes* the question of shared values. He continues, stating that, 'empirically, there is a presumption that native-born citizens are not alien to basic principles of political liberalism by virtue of their birth and residence in a liberal state' (Orgad 2015, p. 211). This echoes the quote at the beginning of this paper and the social imaginary of society as a community of value(s) (Manser-Egli 2023). Although Orgad (2015, p. 211) admits that this presumption can 'obviously be challenged' and acknowledges elsewhere that such a presumed tacit consent or agreement

is ‘a doubtful proposition’ (Orgad 2014, p. 107), he sees no need to elaborate on this point either. As Somin observes on this passage: ‘Other things equal, illiberal natives pose a more serious threat to liberal institutions than recent immigrants do’ (Somin 2020, p. 137).

As Orgad shows for the US version of the Swiss value requirement, the naturalization requirement of *attachment to the constitution* has been historically downgraded to the bare minimum. It only includes the principles of freedom of speech, which ‘allows advocating almost any idea’ and peaceful legal change, which enables ‘the promotion of even radical political changes as long as they are promoted according to the amendment procedure’ (Orgad 2015, p. 138). This corresponds to *procedural constitutionalism*: ‘one should accept only the constitutional amendment procedure; [anyone] can act to repeal the constitution and its essentials as long as it is according to the method for amending the constitution’ (Orgad 2015, p. 228). But Orgad – and also the Swiss value criterion of integration – require more, namely that an individual must not act against constitutional essentials even by legal means. He is well aware of what that means: ‘True, citizens may have a legal right to repeal the constitution and establish an entirely different legal system through legal means but this does not imply that liberal constitutional democracies should give noncitizens a “license” (citizenship) to do it once they become citizens’ (Orgad 2015, p. 228). This stance is unsettling, since it literally creates two classes of citizens: native-born citizens with a right to change the constitution including its ‘essentials’, and prospective, to-be-naturalized citizens who do not have this right (even in the future, as citizens). This constitutes a discrimination according to liberal democratic principles and according to the US constitution itself, which refutes the idea that a person who advocates radical changes is necessarily not attached to the constitution (Orgad 2015).

Similarly, the value requirement in Switzerland leads to the paradoxical situation that a Swiss citizen may sign and vote for popular initiatives that significantly relativize or even want to abolish the (existing) values of the Federal Constitution, but someone who wants to become a Swiss citizen through naturalization must be careful not to advocate such positions (Biaggini 2017). In fact, the questioning of constitutional values is protected by fundamental rights in the constitution itself. In the Swiss case, one can, for example, legally advocate for the reintroduction of the death penalty, the establishment of a constitutional monarchy or the abolition of the army (Uebersax 2020) – all of which could be considered to be violations of Swiss ‘constitutional essentials’. The idea of fixed ‘constitutional essentials’ is therefore at odds with the very liberal democratic principles – individual freedoms and the resulting pluralism of values – they are supposed to protect. The ‘constitutional essentials’ become an empty signifier, just like the ‘values of the constitution’ (Manser-Egli 2023). Therefore, the only thing that liberal democracies can require is procedural constitutionalism – through their legal constitutional order, not integration, and for everyone, not just non-citizens – rather than any commitment to constitutional essentials.

7. Liberal democracy as an unending row

As we have seen, anything defined and required as constitutional essentials in specific contexts, between the universal and the particular, the civic and the cultural, is always

necessarily precarious because it is threatened by liberalism's inherent pluralism. This precariousness is illustrated in Mouffe's work on agonism and the democratic paradox. As she points out, the 'communitarian insistence on a substantive notion of the common good and shared moral values is incompatible with the pluralism that is constitutive of modern democracy' (Mouffe 1992, p. 378). She proposes redescribing liberal democracy in terms of *agonistic pluralism*:

What is specific and valuable about modern liberal democracy is that, when properly understood, it creates a space in which this confrontation is kept open, power relations are always being put into question and no victory can be final. However, such an 'agonistic' democracy requires accepting that conflict and division are inherent to politics. (Mouffe 2000, pp. 15–16)

What, then, would a truly 'assertive liberalism' (Olsen 2017) look like? As Meissner and Heil (2021) point out, the desire for stability is never innocent. Instead of seeking harmony and stability in the name of preventing social fragmentation and collapse, liberal democracy should strive to create a space in which confrontation is kept open, power relations are always put into question and no victory can be final (Mouffe 2000). This means acknowledging what democracy is really like: 'an absolutely, bloody-unending row' and 'the sound of people actually negotiating their differences in the open' (Hall 1997, p. 65). This is not a weak or unmuscular liberalism. On the contrary, liberal democratic institutions should not be taken for granted; it is always necessary to fortify and defend them (Mouffe 2000). However, truly assertive liberalism envisages modern democratic politics not as the search for an inaccessible consensus but as an agonistic confrontation between conflicting interpretations of the constitutive liberal democratic values (Mouffe 2000).

The aim of liberal democracy so conceived is not 'a society in which everyone is a potential friend', as the recent British integration policy holds (Anderson 2023). If friendship is essentially about shared values (at least to a substantial degree), liberal democracy means that everyone is also, politically and in terms of values, a *potential antagonist*. The 'radical centre', in contrast, sees 'politics as a game in which everybody could win and where the demands of all could be met without anybody having to lose' (Mouffe 2000, p. 120). There is neither enemy nor adversary, all interests can be reconciled and social cohesion is to be secured not through equality and an effective exercise of citizenship but through shared values (Mouffe 2000). Integrationist politics of the centre – 'everyone is a potential friend' – thus foreclose radical politics as an effective exercise of citizenship and the adversarial agonistic contestation of shared values. Here, the problem from a radical liberal democratic perspective is not only the exclusion of non-citizens from citizenship in the name of (lacking) integration but also, fundamentally, the conception of politics in integration/ism itself. In a similar vein, Korteweg and Yurdakul question the integrationist imaginary of *society as friendship* in their work on belonging and non-belonging: 'What are rights and what is belonging if they only apply to people we like or feel empathy with?' (Korteweg and Yurdakul 2024, p. 309).

Agonistic contestation of shared values in liberal democracy requires what David Graeber has called 'interpretive labour': like maintaining human relations – particularly ongoing ones, whether between longstanding friends or longstanding enemies – interpretive labour 'requires a constant and often subtle work of interpretation, of

endlessly imagining others' points of view' (Graeber 2012, p. 116). This interpretative labour is what gets lost in bureaucratic hierarchies of power and in the citizen/non-citizen divide upheld by the integrationist logic. As Christian Rostbøll reminds us, 'liberal norms and values should always be regarded as fallible and contestable, as open to refinement and perfection in light of the insights everyone is considered capable of contributing' (Rostbøll 2010, p. 420). This contestation is not a prerogative of (native) citizens but must be the shared enterprise of everyone subject to these norms (Rostbøll 2010).

8. Conclusion

In this article, I have discussed the integration requirement to respect the values of the constitution from a normative perspective. In the Swiss context, I have shown why its culturalizing and inquisitory practices are illiberal and why the underlying ideology of shared values is incompatible with the principles of liberal democracy. On the one hand, this concerns the unjustified discrimination between citizens and non-citizens. Using Switzerland as a case study, the paper shows how the value requirement opens a door for unequal treatment and arbitrariness, which in itself constitutes a violation of constitutional principles, as legal scholars have warned. On the other hand, the ideology of shared values more broadly fundamentally contradicts some of the core values of liberal democracy, such as equal rights and equal treatment, individual freedoms and the resulting plurality of values and beliefs, and the contingent nature of liberal democratic constitutions that are constantly and necessary open to change.

One thing that unites the many strands of political liberalism is the value of individual rights and liberties and the resulting pluralism of all sorts. This includes a pluralism of values which means that individually and collectively held values in society are often incongruous if not irreconcilable. These values are negotiated, consolidated and contested in everyday and institutionalized social and political processes – like the ones outlined by the Federal Council at the beginning of this paper. This pluralism of values and the negotiation processes are ignored and invisibilized by the social imaginary of society as a community of value(s). Yet, pluralistic societies are not communities of value(s) – they have never been and they cannot be: the insistence on shared values is incompatible with the pluralism that is constitutive of liberal democracy. We have seen that this imaginary of society as a community of value(s) results in the exclusion of non-citizens from citizenship in the name of (allegedly not) 'shared values' and 'integration'. In the words of Carrera and Guild:

The very liberal democratic principles and fundamental rights which have been supplied in democratic countries to protect the liberty and security of the individual against illiberal state interference on the basis of people's diversities, perform paradoxically the role of [a] derogative condition inside citizenship law for the individual to have access to and benefit from these very rights and principles. (Carrera and Guild 2010, p. 31)

Rather than excluding and disciplining non-citizens in the name of ostensibly shared values, a truly assertive liberal democracy thus admits everybody to this bloody-unending row in an agonistic confrontation – as free and equal citizens.

Notes

1. <https://www.srf.ch/audio/4x4-podcast/einbuengerung-bin-ich-ueberhaupt-willkommen-in-der-schweiz?id=edb0cdac-55a3-4388-af2c-13ee9a599ac1> (accessed 16 June 2025). In this paper, all translations are mine if not indicated otherwise.
2. <https://www.sueddeutsche.de/politik/faeser-staatsangehoerigkeit-reform-kabinett-einbuengerung-1.6155178> (accessed 16 June 2025).
3. I use the term ‘non-citizens’ to refer to people who are legally considered ‘foreign nationals’: they are permanent residents of Switzerland but do not have Swiss citizenship. For many of them, the designations ‘immigrant’, ‘migrant’ and ‘foreigner’ are either factually wrong – there is no such thing as ‘third generation immigrants’, as the law stipulates (Art. 24a SCA), because they have never immigrated – or misleading (for the use of categories, see Dahinden *et al.* 2021).
4. <https://die-mitte.ch/die-mitte/werte/> (accessed 16 June 2025).
5. <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefft?AffairId=20164116> (accessed 16 June 2025).
6. Interestingly, as if to highlight the vagueness and opaqueness of the ‘constitutional core values’, the values listed by the Federal Council in this response are not the exact same as those listed in the respective integration law (see below), which were elaborated around the same time as this response to the parliamentary request.
7. <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefft?AffairId=20193291> (accessed 16 June 2025).
8. I do not address the question here of whether a constitution does in fact contain *values*, or only *norms*, which can be derived from different values (see also Uebersax and Schlegel 2022).
9. Art. 5 of the Ordinance on Swiss Citizenship.
10. SEM instructions *Kapitel 3: Ordentliche Einbürgerung, Weisungen Erhebungsberichte* and *Ausländerbereich*. Note that these specific examples provided by the SEM contribute to the *culturalization* of constitutional values (see Manser-Egli 2023).
11. The two quotes stem from semi-structured problem-centred interviews conducted between 2020 and 2021 among Swiss public integration authorities at the federal, cantonal and municipal levels (see Manser-Egli 2023, 2025).
12. This example seems to be out of place in this list. However, it is in fact very prevalent in the (legal) practice (see Manser-Egli 2023).
13. Art. 5 of the Ordinance on Swiss Citizenship.
14. Similarly, Orgad (2010, p. 23) holds that there are ‘questions that must not be asked’ in citizenship tests: that it is ‘wrong, in liberal terms, to focus on moral attitudes, political agendas, or ideological beliefs’.
15. Likewise, the German Federal Constitutional Court made clear that citizens are not legally required to personally share the values underlying the constitution (see Manser-Egli 2022).
16. Note that one could add ‘all’, ‘most’, ‘the majority of’, ‘in general’, etc., which, if added to both assumptions at the same time, does not change either their validity nor the argument that follows. For example, the assumptions would then be that ‘most citizens share certain values’ but that ‘most non-citizens do not’, and so on.
17. Art. 261bis of the Swiss Criminal Code.
18. <https://www.bk.admin.ch/ch/d/pore/va/20200209/det630.html> (accessed 16 June 2025).
19. <https://juso.ch/de/positionspapiere/ehe-fur-alle-statt-fur-heteros-und-schwule/> (accessed 16 June 2025).
20. <https://www.srf.ch/news/schweiz/abstimmungen/abstimmungen-vom-9-02-2020/anti-rassismus-strafnorm/argumente-des-nein-komitees-gegner-der-erweiterten-anti-rassismus-strafnorm-fuerchten-zensur> (accessed 16 June 2025).

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