

University of Chicago Law School

## Chicago Unbound

---

International Program Papers

Student Works

---

2021

### Mending a Broken America

Josh Sullivan

Follow this and additional works at: [https://chicagounbound.uchicago.edu/  
international\\_immersion\\_program\\_papers](https://chicagounbound.uchicago.edu/international_immersion_program_papers)

---

#### Recommended Citation

Sullivan, Josh, "Mending a Broken America" (2021). *International Program Papers*. 126.  
[https://chicagounbound.uchicago.edu/international\\_immersion\\_program\\_papers/126](https://chicagounbound.uchicago.edu/international_immersion_program_papers/126)

This Article is brought to you for free and open access by the Student Works at Chicago Unbound. It has been accepted for inclusion in International Program Papers by an authorized administrator of Chicago Unbound. For more information, please contact [unbound@law.uchicago.edu](mailto:unbound@law.uchicago.edu).

# Mending a Broken America

Josh Sullivan

June 2022

## Table of Contents

|      |  |    |
|------|--|----|
| I.   | Introduction .....   | 2  |
| II.  | Humans Psychologically Inclined to Collectivism .....                            | 2  |
|      | a. Scarce Resources in a Diverse Society .....                                   | 3  |
|      | b. Ingroup/Outgroup Biases and the Empathy Problem .....                         | 5  |
|      | c. Psychological Impact on America .....   | 6  |
|      | d. Are We Doomed? .....  | 7  |
| III. | Switzerland.....   | 8  |
|      | a. Theoretical Elements of a National Identity.....                              | 9  |
|      | 1. Switzerland’s Master Narrative: An Instance of Conservative Nationalism ..... | 10 |
|      | 2. Swiss Neutrality: Liberal Principles .....                                    | 10 |
|      | 3. Direct Democracy: An Instance of Liberal Citizenship.....                     | 11 |
|      | 4. Multiculturalism .....  | 12 |
| IV.  | Is Switzerland a False Analogy?.....   | 13 |
|      | a. Underlying Cultural Exclusivity .....   | 13 |
|      | b. Linguistic Segregation.....   | 13 |
| V.   | Conclusion.....  | 14 |

## I. Introduction

Humans are a varied lot; some tall, others short, some doctors, others lawyers. Some speak English, others French. However, regardless of one's stature, profession, or language, we all have one fundamental thing in common; the need to belong.<sup>1</sup>

Counterintuitively, this need to belong could undermine a nation's social cohesion. Specifically, it has the potential to create an obsession with factionalism and lead to preferring members in our own group over those in others.<sup>2</sup> What begins as a mere preference, however, could turn into outright vitriol. This is arguably the cause of today's America; a country so fragmented that people refuse to marry outside their political cohort.<sup>3</sup> Not only are we divided, but even admitting it induces not an inkling of want to change.<sup>4</sup> It is as if we accept the situation as inevitable.

Fortunately, there could be a way back to more cohesive waters. First, this essay provides a psychological explanation for why humans are prone to intergroup conflict. Second, I look to Switzerland as a potential modern-day example of a culturally diverse nation that stands united. I do so in hopes of illustrating a way in which America could become more cohesive itself. To that end, we will discuss the origins of Switzerland's national identity but end by examining whether Switzerland is, in fact, the best analog. I briefly conclude with whether there is hope for America still.

## II. Humans Psychologically Inclined to Collectivism

"Give me your tired, your poor,  
Your huddled masses yearning to breathe  
free,  
The wretched refuse of your teeming shore.  
Send these, the homeless,  
tempest-tost to me,  
I lift my lamp beside the golden door!"

It was 1883 when Emma Lazarus wrote that message. Her poem, though romantic, is simple; come one, come all, because we will indiscriminately accept the lot of you. The corollary of

---

<sup>1</sup> See Roy F. Baumeister and Mark R. Leary, *The need to belong: Desire for interpersonal attachments as a fundamental human motivation*, 117 PSYCH. BULL. 497 (1995) (discussing the need people have to form social attachments under most circumstances and resists their dissolution).

<sup>2</sup> See Bernd Simon, *The Perception of Ingroup and Outgroup Homogeneity: Reinroduce the Intergroup Context*, 3 EUR. REV. OF SOC. PSYCH. 1 (Mar. 4 2011) ("Research on *intergroup* differentiation has demonstrated the pervasiveness of *ingroup favouritism* in intergroup perception and behaviour.").

<sup>3</sup> India Opzoomer, *America Speaks: What do they think about cross-party marriages?*, <https://today.yougov.com/topics/lifestyle/articles-reports/2020/09/24/america-speaks-what-do-they-think-about-cross-part> (accessed on Jun. 3 2022).

<sup>4</sup> See Aidan Connaughton, *Americans see stronger societal conflicts than people in other advanced economies*, PEW RSCH. CTR. (Oct. 13 2021), <https://www.pewresearch.org/fact-tank/2021/10/13/americans-see-stronger-societal-conflicts-than-people-in-other-advanced-economies/>.

such a stance, however, is a country comprising vastly different people and it potentially poses a problem.

On the one hand, open borders support industry, innovation, and economic prosperity.<sup>5</sup> Talented individuals come from various places and this injection of human capital makes the country better off.<sup>6</sup> Although materialistically good, we must account for its potentially debilitating effects on the host country's cultural cohesion.<sup>7</sup> And sustaining unity among people whose only commonality is governmental affiliation seems insurmountable. Unfortunately, the experience of American immigrants supports this notion, even after selecting immigrants from "desirable" countries.<sup>8</sup> Promised a land of opportunity, many enter only to be subjected to disdain, prejudice, and at times, outright retaliation.<sup>9</sup> The following section examines why this might occur.

a. Scarce Resources in a Diverse Society

One reason for intergroup conflict unique to diverse countries relates to the perception of scarce resources. Humans are generally susceptible to xenophobic tendencies during times of economic instability.<sup>10</sup> In fact, "negative views of immigrants emerge from fears of diminished economic resources[.]"<sup>11</sup> These resources include jobs, welfare benefits, land—really, anything finite. And when these resources are consumed by members of an outgroup in the eyes of the beholder, resentment builds. Moreover, whether resources are *actually* diminished or merely *perceived* as such will not matter, because both could lead to hostile behavior.<sup>12</sup>

---

<sup>5</sup> Thomas Sowell, *Discrimination and Disparities*, 217 (2020) ("Variations on this theme can be found in many times and places. These would include the Jews expelled from Spain in the late fifteenth century, and forced to leave their physical wealth behind, but who rose again to prosperity in the Netherlands, contributing in the process to the economy of the Netherlands.").

<sup>6</sup> See Petra Moser, Alessandra Voena, and Fabian Waldinger, *German Émigrés and U.S. Invention*, 104 *AM. ECON. REV.*, 3222 (2014) (showing a rise in about 31% of patents filed after German-Jewish scientists fled the Nazi regime in the 1940s).

<sup>7</sup> See Karen N. Breidahl, Nils Holtug, and Kristian Kongshoj, *Do shared values promote social cohesion?*, 10 *EUR. POL. SCI.* 97, 99 (2018) ("[N]ationalist political theorists have argued that diversity is a threat to the shared (national) values underpinning social cohesion and redistributive justice.").

<sup>8</sup> See Oksana Yakushko, *Xenophobia: Understanding the Roots and Consequences of Negative Attitudes Toward Immigrants*, 37 *THE COUNSELING PSYCH.* 1, 43 (2009) ("Although restrictive . . . measures have specifically targeted migrants because of their race and social class, a broader cultural milieu of anti-immigrant sentiment has prevailed regardless of immigrants' demographic characteristics[.]").

<sup>9</sup> See *Id.* at 43 (2009) ("[I]mmigrants coming to the United States have typically been met by discrimination and prejudice at worst and by mild distrust and indifference at best.").

<sup>10</sup> *Id.* at 45.

<sup>11</sup> *Id.*

<sup>12</sup> See Jay W. Jackson, *Realistic Group Conflict Theory*, 43 *THE PSYCH. REC.* 395, 399 (1993) (emphasizing the mediating role of *subjective perceived* threat) (emphasis added).

Muzafer Sherif, a social psychologist, supported this notion with a paper on the realistic group conflict theory (RGCT). That theory holds that “when groups are engaged in reciprocally competitive and frustrating activities, such that gain of desired goals by one results in loss for the other, the outgroup will become unfavorably stereotyped.”<sup>13</sup> Additionally, these groups must interact within a competitive context for insufficient resources. Thus, to the extent that ingroup identification is high—one’s close identification with his or her group—and valuable resources are scarce, the more likely RGCT could explain resulting conflict.<sup>14</sup> This could largely be a reason for the rampant employment discrimination seen in the early twentieth century.<sup>15</sup>

Furthermore, intergroup identification need not hinge on salient features like ethnicity.<sup>16</sup> Ethnicity may *seem* like an intuitive source of division because of how visually salient it is.<sup>17</sup> However, groups in the past have warred with one another for reasons wholly independent of it.<sup>18</sup> To illustrate this non-ethnic aspect of intergroup conflict, Sherif created an experiment in which all the subjects were “well-adjusted, academically successful, white, middle-class, 11- to 12-year-old boys.”<sup>19</sup> These subjects were subsequently divided into two groups and made to compete with one another in competitive activities. Although it began friendly, hostile attitudes were soon documented.<sup>20</sup> For instance, subjects remained segregated when eating, playing, and generally held disdain toward the others despite their demographic similarities. And it was largely caused by the arbitrary division of groups at the beginning of the experiment. Importantly, this theory is not meant to explain all instances of intergroup conflict. We can imagine people self-segregating for other, more benign reasons.<sup>21</sup> However, I do think it could be a significant reason for conflict on a broader, more nationwide scale.

---

<sup>13</sup> *Id.* at 398.

<sup>14</sup> Jackson, *Realistic* 43 THE PSYCH. REC. at 398 (defining ingroup identification as when a person self-identifies with her group membership).

<sup>15</sup> Immigration in the Early 20<sup>th</sup> Century, SMITHSONIAN AM. ART MUSEUM (Nov. 2013) (upon googling, access through PDF link).

<sup>16</sup> See Simon, *Perception*, 3 EUR. REV. OF SOC. PSYCH. at 1 (“[The] mere categorization of people into ingroup and outgroup is a sufficient condition for . . . bias[.]”).

<sup>17</sup> Ruth Benedict, *Race and Racism*, 151 (discussing a natural prejudice based on race).

<sup>18</sup> *Id.* at 151 (“Members of a primitive tribe have been known to kill at sight members of a neighbouring tribe of the same race and language because they felt that the way they carried their burden baskets was an insult to human beings.”)

<sup>19</sup> See Jackson, *Realistic* 43 THE PSYCH. REC. at 401.

<sup>20</sup> *Id.*

<sup>21</sup> Anecdotally speaking, public school cafeterias are an anecdotal example of private individuals self-segregating for non-rivalrous reasons.

You can anticipate the real-life implications of RGCT in America. With over 50 million foreign-born citizens, it has the highest population of immigrants in the world.<sup>22</sup> This is greater than the number of immigrants living in the next four countries combined.<sup>23</sup> Additionally, the U.S., like any other country, is subject to limited distributable resources, squarely placing it within the ambit of RGCT. The extent to which intergroup conflict is attributable to RGCT, however, is debatable (as mentioned above). But the theory's elements—disparate groups amid scarce resources (perceived or actual)—undoubtedly apply to America's circumstances.

b. Ingroup/Outgroup Biases and the Empathy Problem

Humans are predisposed to what the literature refers to as ingroup bias. Specifically, we begin by psychologically categorizing the world around us, including the people with whom we live.<sup>24</sup> We then attribute greater significance to those categories to which we ourselves belong. In other words, we have a psychological need to belong to a high status group *merely* because we belong to it.<sup>25</sup> So, to create this positive identity, we compare our group with others in a biased and favorable manner.<sup>26</sup> And proportionately, the smaller our group is relative to outgroups—minority status—the more attuned we are to ourselves and our ingroup attributes.<sup>27</sup>

Unfortunately, bias is only the beginning. Our inclination to favor our own group combined with a reason for antagonizing others (according to RGCT) makes for a powerful deterrent to national unity.<sup>28</sup> For instance, ingroup bias makes it more difficult to empathize with people who belong to an outgroup.<sup>29</sup> In one study, Gutsell and Inzlicht had subjects view pictures of faces showing certain emotions (e.g. sadness, happiness, excitement, etcetera).<sup>30</sup> Subjects, hooked up to an encephalogram to measure neuronal activity, generated greater alpha waves when viewing subjects

---

<sup>22</sup> Immigration by Country 2022, WORLD POPULATION REV., (accessed June. 3 2022), <https://worldpopulationreview.com/country-rankings/immigration-by-country>

<sup>23</sup> The U.S. has 50.6 million. Germany has 15.8 million. Saudi Arabia 13.5 million. Russia has 11.6 million. The U.K has 9.4 million.

<sup>24</sup> See Brian Mullen, Rupert Brown, Colleen Smith, *Ingroup bias as a function of salience, relevance, and status: An integration*, 22 EURO. J. OF SOC. PSYCH. 103, 104 (1992) (“[C]ategorization theory . . . suggests that . . . biases are inherent in the cognitive process of classifying and ordering the world.”).

<sup>25</sup> *Id.* at 104 (“[S]ocial identity theory posit[s] that the category which includes the self takes an additional psychological significance because of its contribution to that person’s social identity.”).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 105. This could explain why we are uncomfortably self-conscious when we are the only woman or man in the room or why many people believe that minorities “only want to talk about race.”

<sup>28</sup> See Breidahl et. al., *Shared Values*, 10 EUR. POL. SCI. at 103 (“[S]hared identities matter . . . [because] it is easier to extend sympathy and trust toward individuals with whom we identify, where identification is based on common attributes.”).

<sup>29</sup> See generally Mullen, *Ingroup bias*, 22 EURO. J. OF SOC. PSYCH. (1992).

<sup>30</sup> See Jennifer N. Gutsell and Michael Inzlicht, *Intergroup differences in the sharing of emotive states: neural evidence of an empathy gap*, 7 SOC. COGNITIVE AND AFFECTIVE NEUROSCIENCE 596 (23 Jun. 2011).

who belonged to their same ethnic group. This neuronal activity indicated an activation of mirror neurons, which play a significant role in our ability to empathize with others. Conversely, these subjects exhibited less neuronal activity when viewing the faces of those belonging to the outgroup.<sup>31</sup>

c. Psychological Impact on America

Lack of empathy between groups could have a devastating impact. Take the medical profession. Depending on the ethnicity of the patient, a physician could find it harder to empathize with that patient's pain experience thereby offering less medical remedies to assuage discomfort. One ironic way in which this played out was in the opioid epidemic. Patrick Radden Keefe in his book, *Empire of Pain*, mentioned that "African Americans had been spared the full brunt of the opioid epidemic: doctors were less likely to prescribe opioid painkillers to Black patients . . . because they were less likely to feel empathy for these patients and [thus, not] want to treat their pain [as] aggressively."<sup>32</sup> The lack of empathy was ironically beneficial in this circumstance. But this positive result, especially in the medical profession where empathy is crucial, is likely the exception and not the norm.<sup>33</sup>

The judicial system also serves as a context in which the lack of empathy takes its (death)toll. Justice Clarence Thomas mentioned in a concurring opinion the disproportionate imposition of the death penalty on different defendants.<sup>34</sup> Justice Thomas specifically references studies and reports suggesting that "[t]he death sentence [was] disproportionately imposed and carried out on the poor, the Negro, and the members of unpopular groups,' especially in cases of rape."<sup>35</sup> He thought it important to emphasize a sociological phenomenon he found quite apparent. To be clear, any group could theoretically become politically unpopular at a given moment thereby constituting the "outgroup." And this outgroup could ultimately suffer in some detrimental way—and in this case, penally—because of that group's antagonistic stature and inability to evoke empathy in others.

---

<sup>31</sup> *Id.*

<sup>32</sup> Patrick Radden Keefe, *Empire of Pain*, (2021).

<sup>33</sup> See Stewart M. Mercer and William J. Reynolds, *Empathy and quality of care*, 52 BRIT. J. OF GEN. PRAC. S9 (4 Jun. 2002) ("Empathy has been demonstrated to enhance the doctor-patient relationship and to improve both patient and doctor satisfaction.").

<sup>34</sup> See *Graham v. Collins*, 506 U.S. 461, \*479 (1993) (concurring opinion) ("[M]odern capital punishment case law . . . was decided in an atmosphere suffused with concern about race bias in the administration of the death penalty-particularly in Southern States.").

<sup>35</sup> *Id.* at \*480.

d. Are We Doomed?

No. Many argue that psychological predispositions like the ones discussed do not preclude attempts to curate a diverse, yet cohesive nation. The mind is incredibly powerful and is able to subjectively define the “group” to which a person belongs.<sup>36</sup> Theoretically, all that is needed is a conscious choice to identify with a more inclusive group—say, your country and its ideals. And to the extent we *can* subjectively view an outgroup as our own, we could work on including fellow citizens, broaden our empathic abilities, and use our psychological inclinations to our advantage instead of fighting against what is otherwise natural.<sup>37</sup>

There are other ways to mitigate intergroup conflict like having different groups work together to achieve a common goal. The literature refers to these as *superordinate* goals.<sup>38</sup> This is nothing new and, admittedly, quite elementary, but I doubt we are aware of just how effective superordinate goal-setting works to ease intergroup conflict. This does not, however, require that we initiate a war for the sake of unity, although that has arguably worked in the past.<sup>39</sup> Instead, we could try reframing our nation’s problems as issues we all face in unison. It is no longer the rich stealing from the poor but instead, we ask what *we* are going to do about *our* “poverty problem.” We ask how *we* are going to improve *our* pandemic infrastructure instead of jumping immediately to neglect of some class in power. To get everyone involved, perhaps news companies could rejigger their headlines to read as such. And to properly incentivize parties, harms could be explicated so groups who feel as if they have nothing to gain might reconsider. Not to say that classes do not perpetrate harms on another, but instead of immediately jumping to that conclusion, potentially reframing our problems as superordinate goals could cultivate a more productive dialogue as opposed to the one leading to today’s polemic environment.

The ultimate question is whether loyalty to one’s nation can supersede cultural and ethnic differences—at least to the extent that trust can be cultivated among citizens in a more productive

---

<sup>36</sup> See Gutsell et. al., *Intergroup differences*, 7 SOC. COGNITIVE at 602 (23 Jun. 2011) (“[E]ven if we are less likely to simulate the emotions and actions of the outgroup, these effects may be temporary and can be erased when we foster empathy toward the outgroup and better yet, include a greater number of people into our ingroup. One of the means to achieve this goal is cognitive perspective taking. Taking the perspective of an outgroup member has been shown to reduce prejudice towards the outgroup.”).

<sup>37</sup> *Id.*

<sup>38</sup> Jackson, *Realistic*, 43 THE PSYCH. REC. at 402 (“[T]he groups had to work together to pull a broken-down food truck and to pool their financial resources to purchase a movie. Such superordinate goals did, as predicted, reduce intergroup hostility and facilitate positive intergroup associations.”).

<sup>39</sup> See *War Brought Americans Together*, THE SPOKESMAN-REVIEW (Aug. 13 1995), (“That ‘all in it together,’ that ‘we’ quality, made World War II and its triumphal ending an experience that welded Americans together as a solid, purposeful society.”), <https://www.spokesman.com/stories/1995/aug/13/war-brought-americans-together/>.

manner. Jan-Werner Muller, a German political philosopher, argues that national identity can indeed take the place of ethnic and cultural nationalism, which would be immensely valuable to nations stemming from immigration.<sup>40</sup> Because citizens hail from various countries with equally distinct—and sometimes inconsistent—cultures, any other vehicle for integration seems unrealistic. Perhaps there is a country that has successfully traversed these heterogeneous plains, so we could emulate.

### III. Switzerland

Switzerland is a landlocked country in the heart of Europe. Surrounded by the Alps, it is bordered on the north by Germany, the west by France, the east by Austria and Lichtenstein, and the south by Italy. With a total area of a little under 16,000 square miles, it is about half the size of the state of South Carolina.<sup>41</sup>

Furthermore, Switzerland consists of 20 *cantons* and six *half-cantons*; all contiguous, but each with their own government, laws, and constitution.<sup>42</sup> The difference between a half-canton and a full canton is its size and number of seats it has inside the Council of States.<sup>43</sup> Moreover, the Council of States is one of two branches in Switzerland's federal parliament called the Federal Assembly, which is similar in structure to the U.S. Congress.<sup>44</sup> As you could probably guess, cantons are similar to states in the U.S.

Originally in 1291, three of these cantons—Schwyz, Uri, and Unterwalden—joined together to create the *Everiger Bund* (Eternal League).<sup>45</sup> The new nation grew slowly by adding more cantons over the years. Known today as a peaceful, neutral nation, Switzerland has a turbulent past of religious and political strife—all externally sourced, which went to cementing its independence as a nation strong in its ideals.<sup>46</sup> In fact, there is no record of a single civil war within its borders.<sup>47</sup> This is

---

<sup>40</sup> Jan-Werner Muller, *Constitutional Patriotism*, PRINCETON UNIV. PRESS (2008) (“[P]olitical attachment ‘ought to center on the norms, the values and, more indirectly, the procedures of a liberal democratic constitution.’”) <https://www.foreignaffairs.com/reviews/capsule-review/2008-05-03/constitutional-patriotism>.

<sup>41</sup> See Jose A. Fadul, *Rizal in Switzerland*, Lulu Press, Inc. (2013); see also <https://statesymbolsusa.org/symbol-official-item/national-us/uncategorized/states-size>.

<sup>42</sup> Valmira Rashiti, *Cantons of Switzerland | All 26 of Them*, (accessed Jun. 6 2022) <https://studyinginswitzerland.com/cantons-of-switzerland/>.

<sup>43</sup> *Id.*

<sup>44</sup> The other is the Federal Council, tasked with international matters affecting the country as a whole rather than interests concerning only the cantons: <https://www.ch.ch/en/political-system/parliament/swiss-parliament/>.

<sup>45</sup> *History of Switzerland*, (accessed May 31 2022), <https://www.german-way.com/history-and-culture/switzerland/history-of-switzerland/>.

<sup>46</sup> *Id.*

<sup>47</sup> See Karen Lin, *Linguistic Differences in Swiss cantons and its role on the national identity*, Independent Study Project Collection 3291 (2020).

what makes Switzerland so unique compared to many of its European counterparts. And this is largely attributed to its strong Swiss national identity.<sup>48</sup>

a. Theoretical Elements of a National Identity

I use “national identity” to refer to people’s subjectively held beliefs. Specifically, individuals hold certain community beliefs regarding the nation to which they belong. And these generally come in four flavors. The first, referred to as conservative nationalism, is the belief that “social cohesion is best promoted by sharing an entire, or at least part of a, national culture.”<sup>49</sup> Put differently, it is difficult to sustain a nation’s political institutions when its people lack a common social fabric. Members must identify with a common history, culture, and general way of life for society to run smoothly.<sup>50</sup> The second is liberal nationalism, and similar to conservative nationalism, emphasizes the importance of a shared national culture. However, liberal nationalists are distinct from conservative nationalists because they believe that a national culture is not static. Instead, it is updated as immigrants enter a country to accommodate their presence.<sup>51</sup>

Third is liberal citizenship, which is itself a two-part theory. The first is about the importance of civic engagement in one’s country. According to liberal citizenship, “solidarity is grounded in ‘a reflective acceptance of certain obligations and in practical engagement.’”<sup>52</sup> You see this in Switzerland’s direct democracy and referendum process, which I discuss below. The second aspect of liberal citizenship refers to a commitment to basic principles of justice. These principles include freedom of speech, freedom of religion, class equality, etcetera. Switzerland embodies this to an extent by holding each of its language groups in equal esteem regardless of their proportional make-up of the country (linguistic equality in government). Additionally, each canton, regardless of population, has fair representation in government as well.

Finally, we have multiculturalism. This belief holds that “social cohesion is best (or adequately) promoted by sharing a commitment to the recognition of difference.”<sup>53</sup> This belief purportedly sensitizes the majority to the concerns of the minority. This celebratory mindset of difference plays a large part in remedying nation-wide conflict, but that will be discussed below.

---

<sup>48</sup> *Id.*

<sup>49</sup> See Breidahl et. al., *Shared Values*, 10 EUR. POL. SCI. at 101.

<sup>50</sup> *Id.* at 102.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

## 1. Switzerland's Master Narrative: An Instance of Conservative Nationalism

Carsten Humlebaek, a business professor at the Copenhagen Business School, argues that master narratives invoke a feeling of belonging among citizens.<sup>54</sup> Switzerland is no exception. In the early 1300's, the country was under Austrian rule, specifically, the Habsburg family.<sup>55</sup> Swiss citizens were required to remove head-gear when in the vicinity of Habsburg-affiliated garments. Walking through town in the canton of Uri, a farmer named William Tell refused to do just that. He was accosted after passing by a pole, a Habsburg hat atop it, without removing his own head-gear. Tell was a marksman, and as punishment, was forced to shoot an apple off the top of his son's head. He pulled two arrows from his quiver, aimed the first at the fruit on his child's head, and released. The arrow zipped through the air, pierced the apple, and carried it away from his son's cranial area. The bailiff, the person who initially seized Tell, asked him why he removed the second quiver, to which Tell retorted, "[I]f I had harmed my son, the second one was for you, and I would not have missed."

## 2. Swiss Neutrality: Liberal Principles

No matter how apocryphal the story above, its utility is in how it facilitates the belief in a common history. But the story does more. It vividly illustrates Switzerland's strong adherence to the principle of independence. The Swiss truly are adamant on governing themselves and have little tolerance for distant foreign rulers.<sup>56</sup> This adherence is more than a mere thread woven into the country's social fabric. In fact, it is legitimized by Switzerland's Federal Constitution and the Hague Conventions of 18 October 1907.<sup>57</sup> Indeed, the country's two legislative bodies are charged with ensuring the country's neutrality. Some of its obligations include:

- Refraining from engaging in war,
- Ensuring its own defense,
- Ensuring equal treatment of belligerent states in respect of the exportation of war materials,
- Not supplying mercenary troops to belligerent states,

---

<sup>54</sup> See generally Carson Jacob Humlebaek, *National Identities: Temporality and Narration*, GENEALOGY (2018).

<sup>55</sup> Bill Potter, *William Tell and Swiss Independence, 1307*, (Nov. 18 2019), <https://landmarkevents.org/william-tell-and-swiss-independence-1307/>.

<sup>56</sup> This is partially why the Swiss have not joined the European Union. They value their independence, so distant regulations promulgated in Brussels would not be tolerated. For more information on this, refer to this link: <https://www.swissinfo.ch/eng/why-switzerland-doesn-t-want-to-join-the-european-union/47391050> ("The recent decision by the Alpine nation to definitively shut the door on a framework agreement with the EU reaffirms its attachment to its independence.").

<sup>57</sup> See Gordon E. Sherman, *The Neutrality of Switzerland*, 12 The Am. J. of Int'l L. 780 (Oct. 2018)

- Not allowing belligerent states to use its territory.<sup>58</sup>

The law of neutrality mainly applies to international conflicts and is determined, not by law, but by contemporary customs. For example, the Federal Council, one of Switzerland's two governing bodies, invoked neutrality during the Iraq War in 2003.<sup>59</sup> Switzerland was not allowed to support a single nation engaged in the conflict. This meant that supplying troops to those countries was prohibited, air space for aircrafts was off-limits, and arms and services could not be contributed to conflicting parties. Although private companies based in Switzerland could trade with states at war, the Federal Council set up a review process to ensure these entities were not being used to obviate Switzerland's dedication to neutrality.<sup>60</sup>

### 3. Direct Democracy: An Instance of Liberal Citizenship

Direct democracy is a pivotal feature in the Swiss political system. It allows the electorate to express their opinion on decisions taken by the Swiss Parliament and to propose amendments to the Federal Constitution.<sup>61</sup> The opportunity for political participation serves a vital role in a country as geographically, culturally and linguistically varied as Switzerland.

There are three ways by which a Swiss citizen can make her voice "directly" heard. The first is by popular initiative.<sup>62</sup> This method allows citizens to propose amendments to Switzerland's constitution on their own volition. This action requires 100,000 gathered within eighteen months. The second is by optional referendum.<sup>63</sup> Federal acts and other enactments by the Federal Assembly are subject to these.<sup>64</sup> To initiate this second process, only 50,000 signatures are required. But they must be collected over 100 days, not eighteen months. Third, mandatory referendums are exactly that; referendums in which Swiss citizens must participate. All constitutional amendments approved by Switzerland's parliament are subject to this vote. Unique to this last method is the double-majority requirement. When Parliament passes a constitutional amendment, a popular majority of the votes cast must be achieved. Additionally, a majority vote in a majority of the cantons must be

---

<sup>58</sup> <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-law/neutrality.html>

<sup>59</sup> Neutrality Under Scrutiny in the Iraq Conflict (Dec. 2005) (access the PDF in the following link), [https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/voelkerrecht/neutralitaetspraxis-schweiz-irak-konflikt\\_EN.pdf](https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/voelkerrecht/neutralitaetspraxis-schweiz-irak-konflikt_EN.pdf) ("According to the Hague Convention on the Rights and Duties of Powers and Persons in a War on Land (1907), Switzerland, as a permanently neutral state, would have to apply neutrality law in this conflict.").

<sup>60</sup> *Id.* at 13 ("[N]eutrality law does not restrict freedom of trade.").

<sup>61</sup> Switzerland's governmental website: <https://www.eda.admin.ch/aboutswitzerland/en/home/politik-geschichte/politisches-system/direkte-demokratie.html>

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

achieved as well. This is likely to avoid over-concentration of votes in the more sparse cantons of Switzerland. In those particular areas, it is numerically easier to win a majority of votes.

Direct democracy intuitively seems inefficient. After all, you must rely on geographically distant citizens coming together to vote on issues. However, this has not been the case. Direct democracy has proven to be an efficient process, though participation could be higher. In 2019 federal elections, barely 36% of the Swiss voting-age population voted.<sup>65</sup> In fact, according to Idea International, Swiss voter turnout in 2015 amounted to just 48.4% of the eligible electorate.<sup>66</sup> Regardless, the process makes reforms steadier and more sustainable because citizens feel as if they played a part in their country's rulemaking process.<sup>67</sup>

#### 4. Multiculturalism

Some consider Switzerland a linguistically fragmented multinational state while others claim it is mononational while heavily valuing multiculturalism. A fragmented multinational state is characterized by a confederation of relatively homogenous segments, brought together to cooperate, but otherwise, coexist without much more.<sup>68</sup> Switzerland, however, does not quite fit this bill. Its cantons were not created based on a common languages spoken by the people within them. So, homogeneity within its cantons was not the major factor for how and why they were formed over time.<sup>69</sup> Instead, the Swiss seem to heavily identify with their Swiss identity first, their cantonal affiliation second, and their language third.<sup>70</sup> This is not to say this conception has never been tested. In fact, World War I tested this cohesive sentiment. But despite the growing appeal to ethno-linguistic nationalism, these considerations dissipated once the war ended.<sup>71</sup>

---

<sup>65</sup> Drew DeSilver, *In past elections, U.S. trailed most developed countries in voter turnout*, PEW RSCH. CTR. (Nov. 3 2020), <https://www.pewresearch.org/fact-tank/2020/11/03/in-past-elections-u-s-trailed-most-developed-countries-in-voter-turnout/>.

<sup>66</sup> Micol Lucchi, *This is how Switzerland's direct democracy works*, WORLD ECON. F. (Jul. 31 2017), <https://www.weforum.org/agenda/2017/07/switzerland-direct-democracy-explained/>.

<sup>67</sup> Switzerland's governmental website: [https://www.eda.admin.ch/countries/usa/en/home/news/speeches.html/content/countries/usa/en/meta/speeches/2017/10/direct\\_democracy\\_experience](https://www.eda.admin.ch/countries/usa/en/home/news/speeches.html/content/countries/usa/en/meta/speeches/2017/10/direct_democracy_experience). This site is of a speech by Ambassador Martin Dahinden given October 20, 2017.

<sup>68</sup> See Paolo Dardanelli and Nenad Stojanovic, *The acid test? Competing theses on the nationality – democracy nexus and the case of Switzerland*, 17 NATIONS AND NATIONALISM 357 (2011).

<sup>69</sup> *Id.* at 365 (“The cantons are, in fact, ancient entities “but none of them was created by primarily ethno-linguistic factors.”).

<sup>70</sup> *Id.* at 367 (“Both German and French speakers identify primarily with the Swiss nation and only secondarily with their language community.”).

<sup>71</sup> *Id.* at 364 (“[E]ven at the highest point in the ascendancy of ethno-linguistic nationalism throughout Europe and in the very difficult circumstances of the war, no ethno-linguistic nationalisms emerged in Switzerland.”).

In short, Switzerland's national identity is a hodgepodge of various conceptions of national identity or community beliefs. There is conservatism at play related to its origin story but a large part of the Swiss identity is wrapped up in its deeply held principles, civic engagement and tolerance for multiple linguistic and cultural backgrounds.<sup>72</sup>

#### **IV. Is Switzerland a False Analogy?**

##### **a. Underlying Cultural Exclusivity**

There are a few reasons for why Switzerland might not exemplify the national cohesion to which America should aspire. For one, the country can be quite exclusive in the cultures it accepts.<sup>73</sup> Thus, the remaining accepted cultures are more homogenous than the country's demographics suggest. In this context, it is easy to cultivate generalized trust among citizens because of a "certain degree of resemblance between the members of society."<sup>74</sup> Even if the accepted cultures are diverse themselves, a truly multicultural nation should probably fully embrace all legally-compliant ways of life—not just the ones unique to natives. In the case of Switzerland, however, anything beyond the extant cultures derived from the French-, Italian-, and German-speaking parts are largely excluded from the Swiss national identity. This hardly seems like it comports with the multicultural beliefs discussed above.

This is not to say countries may never select the behaviors it wishes to promote over others. In fact, you have to exclude some behaviors if a nation wishes to be identified with a unique set of values. If multiculturalism is the ideal, this inevitably requires that pure conservative-nationalism views be shunned. However, we cannot say that Switzerland represents a multicultural beacon of tolerance if it is in fact quite homogenous.

##### **b. Linguistic Segregation**

Furthermore, having four regional languages means nothing if these linguistic groups do not interact much. Trusting a person dissimilar to you requires regular interactions with that person.<sup>75</sup>

---

<sup>72</sup> *Id.* at 399.

<sup>73</sup> See Beatrice Eugster and Oliver Strijbis, *The Swiss: A Political Nation?*, 17 SWISS POL. SCI. R. 394, 395 (Nov. 1 2011) ("Swiss cultural pluralism . . . should not be confused with multiculturalism, i.e. openness to all cultures. Swiss cultural pluralism is exclusively limited to native cultures and is characterized by strong delineation of immigrant cultures.").

<sup>74</sup> See Marc Hooghe, *Social Capital and Diversity Generalized Trust, Social Cohesion and Regimes of Diversity*, 40 CAN. J. OF POL. SCI. 710 (Sep. 6 2007).

<sup>75</sup> See Eric M. Uslaner, *Diversity, Segregation, Trust, and Altruism*, CTR. FOR AM. L. AND POL. SCI. at 18 ("[R]esidential integration and diverse social ties are strongly associated with increased trust.").

Moreover, these interactions must occur in residential spaces, not just in professional contexts.<sup>76</sup> Oddly enough, distrust actually goes up with diversity if there is a lack of residential integration to supplement.<sup>77</sup> Perhaps residing among people of different backgrounds forces you to interact with those belonging to an “outgroup” at the frequency required to build trust. Perhaps merely working alongside will not suffice if your home community remains homogenous.

Switzerland, unfortunately, exhibits little intermixing between its linguistic groups. In fact, there is an invisible line separating the French-speaking part and the German-speaking part called the *Röstigraben*.<sup>78</sup> It does not appear on a map, but the line itself is very much imprinted on the minds of the Swiss and is a vestige of World War I. Furthermore, the *Röstigraben* is so stark that nearly half of all German-speaking Swiss cross the divide only once a year and 15% have never crossed it all.<sup>79</sup> So, to Uslander’s point on there needing to be interactions between individuals, the *Röstigraben* does not seem to facilitate this.

Furthermore, the U.S. would likely never condone sustained segregation between groups—even if in private, this was and still is the case. At least today, the U.S. vigorously acts to discourage it with laws and social policies. To the extent that Swiss citizens identify with their country, that does not necessarily mean that this person is conceptualizing the Swiss locations constituting other linguistic groups. If a French-speaking Swiss person claims, “I love Switzerland,” there could be an implication of loving her own part of Switzerland while totally ignoring the other. This might make for local pride of country, but the goal for nation-wide cohesion is not much furthered.

## V. Conclusion

Of the four types of national identities, multiculturalism was the one that led to more positive views of outgroup members.<sup>80</sup> This seems to combat the idea that multiculturalism undermines social cohesion. The intuition that relationships are better built with those who see the world as we do has its merit. However, for the narrow purpose of cultivating trust across a diverse set of citizens, promoting a multicultural belief-system seems ideal. This, however, does not implicate one’s choice to associate with people like themselves. This is a natural tendency and need not be totally inhibited.

---

<sup>76</sup> The book is pending, but Uslander provides a synopsis at the following link: <http://gvptsites.umd.edu/uslaner/diversitysegregation.htm>

<sup>77</sup> *Id.*

<sup>78</sup> *Switzerland’s invisible linguistic borders*, BRIT. BROAD. CORP. (accessed Jun. 2, 2022), <https://www.bbc.com/travel/article/20180325-switzerlands-invisible-linguistic-borders>

<sup>79</sup> *Id.*

<sup>80</sup> See Breidahl et. al., *Shared Values*, 10 EUR. POL. SCI. at 114 (“We, on the other hand, find a positive relationship between multicultural values and generalized trust.”).

However, for countries with truly diverse populations like America, multiculturalism seems like the best remedy. This belief would require we do more than just tolerate difference. We should also appreciate it; see the value in it, if-you-will.

In sum, this mindset is not meant to alleviate intergroup conflict based solely on ethnicity or immigration status. It is instead a way for Americans, regardless of political party, religion, or some other membership, to begin building the kind of general trust we need for a more peaceful society.