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# **Il/liberal Integrationism**

## **A Contradiction in Terms: Respecting the Values of the Constitution as an Integration Requirement in Switzerland**

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Neuchâtel, le 10 juin 2024



Le doyen

Loris Petris



To the subjects of integration  
and those dispensed



## ABSTRACT

What work does integration do, as an idea and as bureaucratic practice, through the mobilization of “shared values”? This thesis takes Switzerland as a case study and sets out to answer this question at the intersection of social science and political philosophy. As integration regimes in Europe increasingly require migrantized subjects to have shared values, the thesis puts the integration requirement to respect the values of the constitution at the core of its investigation. Based on a grounded theory analysis of state discourse and practice in Swiss naturalization and immigration street-level bureaucracies, the thesis examines what the value requirement is, how it is applied and how it is justified. This inquiry reveals an il/liberal integrationism that manifests itself in different ways. First, it produces a culturalized social imaginary of society as a community of value(s), which in turn legitimizes aggressive integrationism. Second, the knowledge production on the value requirement by street-level bureaucrats is characterized by a tight grip on subjects’ intimacy and an imperative urge to know and feel their integration. This integration governance can be understood as a totalizing institution in that it seeks to access inner convictions and to govern all spheres of life. Third, il/liberal integrationism operates, discursively, through boundary making in the name of liberal values while, normatively, it is at odds with fundamental principles of liberal democracy. A grounded normative theory approach illustrates how integrationism violates the very liberal democratic values the requirement purports to foster. The thesis concludes that the value requirement and the ideology of shared values are incompatible with liberal democracy. Against an essentially migrantized understanding of integration and il/liberal integrationism that seeks to monitor, discipline and exclude migrantized subjects in the name of shared values, the thesis pleads for a conception of liberal democracy as fundamentally constituted by value pluralism and democratic contestation. Agonistic democracy and radical liberalism offer alternative imaginaries to think of the state, society and democracy beyond the integration nation.

**Keywords:** integration, integrationism, shared values, social imaginaries, knowledge production, street-level bureaucracy, liberalism, liberal democracy, agonism



## RÉSUMÉ

Quel travail est fait par l'intégration, en tant qu'idée et en tant que pratique bureaucratique, à travers la mobilisation de « valeurs partagées » ? Cette thèse prend la Suisse comme étude de cas pour répondre à cette question à l'intersection des sciences sociales et de la philosophie politique. Comme les régimes d'intégration en Europe exigent de plus en plus des sujets migrantisés d'avoir des valeurs partagées, la thèse place le critère d'intégration du « respect des valeurs de la constitution » au cœur de sa recherche. Basée sur l'approche de la théorie ancrée du discours et de la pratique de l'État dans les processus bureaucratiques de naturalisation et d'immigration en Suisse, la thèse examine ce qu'est ce critère, comment il est appliqué et comment il est justifié. Cette recherche révèle un intégrationnisme il/libéral qui se manifeste de différentes manières. Premièrement, il produit un imaginaire social culturalisé de la société en tant que communauté de valeur(s), qui légitime à son tour un intégrationnisme agressif. Deuxièmement, la production de savoir par les « street-level bureaucrats » sur ce critère se caractérise par une emprise étroite sur l'intimité des sujets et par un besoin impérieux de connaître et de « sentir » leur intégration. Cette gouvernance de l'intégration peut être comprise comme une institution totalisante dans la mesure où elle cherche à accéder aux convictions intimes et à gouverner toutes les sphères de la vie. Troisièmement, l'intégrationnisme il/libéral opère, d'un point de vue discursif, par le « boundary making » au nom des valeurs libérales alors que, d'un point de vue normatif, il est en contradiction avec les principes fondamentaux de la démocratie libérale. Une approche fondée sur la théorie normative ancrée montre comment l'intégrationnisme viole les valeurs démocratiques libérales que le critère est censé promouvoir. La thèse conclut que le critère d'intégration de respecter les valeurs de la constitution et l'idéologie des valeurs partagées sont incompatibles avec la démocratie libérale. Contre une compréhension essentiellement migrantisée de l'intégration et contre l'intégrationnisme il/libéral qui cherche à surveiller, discipliner et exclure les sujets migrantisés au nom de valeurs partagées, la thèse plaide pour une conception de la démocratie libérale comme étant fondamentalement constituée par le pluralisme des valeurs et par la contestation démocratique. La démocratie agonistique et le libéralisme radical offrent des imaginaires alternatifs pour penser l'État, la société et la démocratie au-delà de la « nation d'intégration ».

**Mots-clés** : intégration, intégrationnisme, valeurs partagées, imaginaires sociaux, production du savoir, street-level bureaucracy, libéralisme, démocratie libérale, agonisme

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# CONTENTS

<b>PROLOGUE</b>	<b>1</b>
<b>INTRODUCTION</b>	<b>3</b>
<b>THEORY</b>	<b>15</b>
<b>Integration</b>	<b>16</b>
The Integration of Society	17
The Integration of Migrants	18
Writing Against Integration	23
Reconceptualizing Integration	29
Metaphors of Integrationism	31
After Integration	35
Towards a Theory of Social Conflict	37
<b>Liberalism</b>	<b>39</b>
Boundary Liberalism	39
Muscular Liberalism, Precarious Liberalism	41
Radical Liberalism	43
Contestation in Liberal Democracy	46
<b>CONTEXT</b>	<b>53</b>
<b>Civic Integration in Europe</b>	<b>53</b>
<b>The Swiss Case</b>	<b>58</b>
From Resisting Over-Foreignization to Integration	64
The “New” Swiss Integration Policy	67
<b>Current Integration Policy</b>	<b>70</b>
Integration Law and Practice	72
The Subject of Integration	76
<b>Respecting the Values of the Constitution</b>	<b>78</b>
The Foreign Nationals Act	78
The Swiss Citizenship Act	82
Current Law and Practice	85
<b>Excursus: The Values in Integration Debates of the 1990s</b>	<b>89</b>
Integration Anxieties <i>avant la lettre</i>	90
Integration Leitbilder	94
Fundamental Rights in the Culture Conflict	99
<b>Conclusion</b>	<b>105</b>

<b>METHODOLOGY</b>	<b>109</b>
<b>Construction of the Research Field</b>	<b>111</b>
<b>Access to the Field</b>	<b>115</b>
<b>Data Production</b>	<b>118</b>
<b>Analysis</b>	<b>123</b>
<b>Reflexivity</b>	<b>126</b>
Ethics	126
Covid	129
Positionality	131
<b>Grounded Normative Theory</b>	<b>138</b>
<b>THE ARTICLES</b>	<b>143</b>
<b>Respecting the Values of the Constitution:     Integration in the Community of Value(s)</b>	<b>145</b>
<b>Integration as a Totalizing Institution: A Moral Economy of     Street-Level Knowledge Production on Immigrant Integration</b>	<b>171</b>
<b>Aggressive Integrationism and Precarious Liberalism:     Against Shared Values as an Integration Requirement</b>	<b>193</b>
<b>CONCLUSION</b>	<b>215</b>
<b>REFERENCES</b>	<b>235</b>
<b>APPENDIX</b>	<b>255</b>

## **LIST OF TABLES, FIGURES, BOXES AND APPENDIXES**

Table 1: Interviews	120
Table 2: Observations	263
Figure 1: Global analysis and open coding	123
Figure 2: Axial coding	124
Figure 3: Selective coding and code clusters	125
Box 1: The Swiss federalist system: several gates to the same field	117
Box 2: Informed consent?	127
Box 3: Covid and the values of the constitution	130
Box 4: One of us	133
Appendix 1: List of official documents (chronological order)	255
Appendix 2: Court decisions (chronological order)	258
Appendix 3: Letter interview request	259
Appendix 4: Interview guideline (example)	260
Appendix 5: Table 2: Observations	263
Appendix 6: Data Management Plan	264
Appendix 7: Data Protection Agreement	266



## LIST OF ACRONYMS

ANAG	<i>Bundesgesetz über Aufenthalt und Niederlassung der Ausländer</i> (Federal Act on the Residence and Settlement of Foreign Nationals)
ANAV	<i>Vollziehungsverordnung zum Bundesgesetz über Aufenthalt und Niederlassung der Ausländer</i> (Ordinance to the ANAG)
BüV	<i>Verordnung über das Schweizer Bürgerrecht</i> (Ordinance on Swiss Citizenship)
EC	European Communities
EFTA	European Free Trade Association
EKA	<i>Eidgenössische Ausländerkommission</i> (Federal Commission for Foreigners)
EKR	<i>Eidgenössische Kommission gegen Rassismus</i> (Federal Commission against Racism)
EU	European Union
FNA	Foreign Nationals Act
FNIA	Foreign Nationals and Integration Act
SCA	Swiss Citizenship Act
SEM	State Secretariat for Migration
VIntA	<i>Verordnung über die Integration von Ausländerinnen und Ausländern</i> (Ordinance on the Integration of Foreign Nationals)
VZAE	<i>Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit</i> (Ordinance on Admission, Residence and Employment)



## PROLOGUE

*Was ist Integration?* What is integration? Five years ago, I sat at the kitchen table in my shared flat, with only this one question staring at me from my laptop. When my then roommates saw it and I said that I was writing my thesis, they laughed at me. They still make jokes about it. This question has been on my mind and has kept me going over the last few years. In this thesis, I will not and cannot answer the question. I do not know *what integration is* any more than I did five years ago. But I do know *what work integration does* and what governance regimes and power relations it produces and reproduces. That is what I will tell you about in this thesis.



## INTRODUCTION

L'intégration est le point de vue du dominant sur le dominé.

(Lapeyronnie 2003, 95)

Integration is not the solution, it is a significant aspect of the problem.

(Rytter 2019, 692)

*Demokratie statt Integration!* This claim was put forward alongside *Integrier dich selbst!*<sup>1</sup> by the “postmigrant underground initiative” Salon Bastarde in Switzerland in the late 2010s. The claims echoed the “integration debate” in Germany in the aftermath of Thilo Sarrazin's (2010) book *Germany Abolishes Itself (Deutschland schafft sich ab)* and the statement of the Critical Migration and Border Regime Research Network (Kritnet) in reaction to this debate:

Integration means imposing a code of conduct on people before they become equal members. But democracy is not a golf club. Democracy means that all people have the right to decide, individually and collectively, how they want to live together. The talk of integration is an enemy of democracy.<sup>2</sup>

These claims and the Kritnet statement capture the tensions between democracy and integration that I will address in this thesis. This inquiry is located at the intersection of social science and political philosophy and it seeks to contribute to what are no longer “integration debates” but democratic contestations.

In Europe, the talking and writing about (immigrant) integration is omnipresent and pervasive, in academia and in political and public discourse. As Naika Foroutan (2019) has remarked, there is hardly any societal issue that has *not* been discussed in relation to migration and integration. What stands out in these debates is that integration is usually not contested (Favell 2022a). Indeed, who can be against integration? It is a feel-good concept, it has positive connotations and, whenever someone or something is integrated,

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<sup>1</sup> Meaning “Democracy instead of integration” and “Integrate yourself” (as in “first do for yourself what you ask of others”). In this thesis, all translations are mine if not indicated otherwise.

<sup>2</sup> <http://kritnet.org/2010/demokratie-statt-integration/> (accessed 26.03.2024). See also Hess, Binder, and Moser (2009).

it makes us feel comfortable. A lack of integration, on the other hand, is not good, ever. In part, this uncontestedness is due to the fact that “(immigrant) integration” is a fuzzy concept that is exceptionally unclear (Rytter 2019). It is a floating signifier that translates easily across academia and policy, popular discourse and common sense (Schinkel 2018). That is why in this thesis I do not want to and cannot answer the question of what integration is. However, the thesis seeks to interfere with this uncontestedness and unsettle the cosiness that integration offers.

The notion of integration that is analysed in this thesis refers to the idea of “immigrant integration” (Schinkel 2018) – as opposed to alternative uses of the term integration in various other domains and contexts<sup>3</sup> – and to what scholars have named “injunction to integration” (Gianni 2019), “aggressive integrationism” (Triadafilopoulos 2011) or the “civic integration paradigm” (Kostakopoulou 2010). These concepts refer to understandings of integration as being achieved “by coercing, testing, penalising and, ultimately, excluding” (Kostakopoulou 2010, 957). Epistemologically, the thesis follows Leila Hadj Abdou’s advice to understand and approach integration as a phenomenon that “reveals more about those who articulate ideas about integration and decide on integration measures than it does about those who are the target of integration (i.e. the migrant ‘other’)” (Hadj Abdou 2019, 1). The thesis turns the telescope around (Hadj Abdou 2019) and studies how the exclusionary Self is invented (Karagiannis and Randeria 2018). As such, it stands in the tradition of Sayad, who considers the state to be “thinking about itself when it thinks about immigration” (Sayad 2004, 279). I use Switzerland as a case study to discuss “immigrant integration” in Europe. Accordingly, I will not, except for a brief introduction in the Theory chapter, engage with similar debates in the US under the heading of *assimilation* (Gordon 1964; Alba and Nee 1997; Zhou 1997), nor with *integration* as discussed in terms of “race relations” (E. Anderson 2010).

## **Research Questions**

The idea that immigrants – in Europe, typically so-called Third Country Nationals – have to respect, adopt and share national and European “values” is essential in European integration policies, at both European and national levels (Guild, Groenendijk, and Carrera 2009; Dodevska 2024). This value requirement is of particular interest in light of what has

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<sup>3</sup> For example in the fields of dis/abilities, mathematics and IT, or as in “European integration”, etc.

been theorized as *boundary liberalism*, namely the fact that the extent to which immigrants are believed to have acceptably liberal values has become a site of boundary making (Triadafilopoulos 2011; J. A. Brown 2016; Korteweg 2017).<sup>4</sup> Scholars have shown how this adherence to “shared (liberal) values” as an integration requirement has become a boundary marker in different national contexts (McPherson 2010; J. A. Brown 2016; Korteweg 2017; Blankvoort et al. 2023; Fargues, Pélabay, and Sénac 2023). Likewise, Dodevska (2024) has pointed to the rising importance of adherence to liberal values for integration in the EU migrant integration policy and discourse, alongside the discursive frames of neoliberal, welfarist–egalitarian and securitarian integrationism. In Switzerland, this requirement is expressed in immigration and naturalization law, which lists “respecting the values of the Federal Constitution” as a criterion for “successful integration”.<sup>5</sup> In this context, the thesis seeks to answer the following research question:

*What work does integration do, as an idea and as bureaucratic practice, through the mobilization of “shared values”?*

I address this question by taking Switzerland as a case study and by putting the integration requirement to respect the values of the constitution at the core of my investigation. I set out to examine how the *value requirement* – that is, the integration requirement to respect the values of the constitution – shapes integration governance in Switzerland. In this *thèse par articles*, the question is divided into sub-questions concerning what could be called the what, the how and the why, addressed in three articles. The first article examines *what* the value requirement is; how it is understood in the law and in street-level practice; and what social imaginaries of society it produces. The second article concerns the street-level knowledge production on the value requirement: *how* do street-level bureaucrats know whether someone respects the values of the constitution or not, and according to which norms, values and emotions is this knowledge produced? The third article asks *why* the requirement came into being and how it is justified (and for whom) in light of liberal democratic principles.

In my findings, I show how the value requirement in Switzerland produces a culturalized social imaginary of society as a community of value(s) (first article); how, on the level of

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<sup>4</sup> For the boundary making paradigm see Lamont and Molnár (2002); Wimmer (2008); Dahinden (2014).

<sup>5</sup> Art. 12 Swiss Citizenship Act (SCA) and art. 58a Foreign Nationals and Integration Act (FNIA).

street-level bureaucracy, this makes integration a totalizing institution that seeks to access inner convictions and all spheres of life of those subjected to integration (second article); and how these ideas and practices are at odds with liberal democratic principles (third article). Overall, the main argument of this thesis is that there is a fundamental tension between integrationism and liberal democracy. To develop this argument, I analyse the notion of “shared values” and integration as *categories of practice* against the normative principles of liberal democracy as a *category of analysis*.

Why focus on values? To begin with, “values” have always played an important role in integration discourse and practice. As Sayad observed more than two decades ago, the question of “values” was migrantized early on and used to denounce the deviant behaviour of Muslim immigrants: “*On n’a jamais autant parlé en France de « valeurs républicaines » que pour dénoncer les comportements déviants, au regard de la morale sociale et politique de la société française, des immigrants musulmans.*” (Sayad 1999, 10). Likewise, “values” have been at the forefront of integration debates since the so-called *civic integration turn* (Goodman 2018; Bonjour 2020). Most recently, Germany’s Interior Minister Nancy Faeser (Social Democratic Party) has asserted that “anyone who does not share our values cannot become German” (concerning what is considered a liberalization of German citizenship law).<sup>6</sup> In the Swiss context, the focus on “values” allowed me to thoroughly research a formally “new” integration requirement which so far had received little scholarly attention (and mainly from legal scholars). The value requirement is new in its current version in the Swiss Citizenship Act (since 2018) and in the Foreign Nationals and Integration Act (since 2019), however both the idea and the practice of excluding non-citizens in the name of “(Swiss) values” is as old as the discourse on “over-foreignization” (*Überfremdung*), as I elaborate in the Context chapter.

The value requirement as a point of departure enables me to contribute to critical debates on integrationism and the ideology of shared values more broadly, in the fields of migration studies, social theory and political philosophy. Accordingly, the thesis follows the call to de-migrantize migration research while migrantizing general social scientific research (Dahinden 2016b). The focus on “shared (liberal) values” allows me to connect the disciplines of social science and political theory and, I hope, to bridge

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<sup>6</sup> <https://www.sueddeutsche.de/politik/faeser-staatsangehoerigkeit-reform-kabinett-einbuengerung-1.6155178> (accessed 26.03.2024).

empirical analysis and philosophical inquiry. Correspondingly, I try to build these bridges with regard to the methodologies I apply. The empirical analysis draws on legislation and the legal framework of the value requirement; on problem-centred interviews and participant observations of public authorities and case workers in the fields of immigration and naturalization at the federal, cantonal and municipal levels; and on case files and case law. The philosophical inquiry builds on these empirical analyses, taking a contextual approach and using grounded normative theory to empirically engage political theory (Ackerly et al. 2024). In line with attempts to de-migrantize and de-nationalize political philosophy (Sager 2016; Dumitru 2023), this inquiry is situated in democratic theory much more than in the “ethics of immigration” (and integration).

### **A Note on the Title**

Let me say a few words on the title of the thesis, “Il/liberal Integrationism”. To begin with, I use *integration* and *integrationism* interchangeably throughout the thesis. However, the suffix in *integrationism* points to the ideas and imaginaries behind integration. This helps, first of all, to avoid the impression that this thesis deals with integration as a category of analysis and thus to distinguish it from (mainstream) integration research. I understand integrationism as a technique of power (Dodevska 2023) that is exerted in discourses, policies and practices that govern those subjected to integration. Integrationism 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.

Melinda McPherson defines integrationism as the view according to which “social cohesion is best achieved through greater levels of conformance by newcomers” (McPherson 2010, 550), a view that “represents migrant policy subjects as problematic against dominant local social and cultural norms” (McPherson 2010, 564). For Triadafilopoulos, the most distinguishing feature of what he calls the “new integrationism” is its “insistence that immigrants be *compelled* to adopt liberal orientations” (2011, 869, emphasis in the original). He theorizes this new integrationism with reference to Liz Fekete’s (2006) *enlightened fundamentalism*, Joppke’s (2007) *civic integrationism* and Tebble’s (2006) *identity liberalism*. I will elaborate these notions in the Theory chapter and in my third article. What is important here is that 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, 867). Though different from “old-fashioned” racism and nationalism, integrationism’s boundary making through the language of values does not diminish its exclusionary effects (Triadafilopoulos 2011; see also Halikiopoulou, Mock, and Vasilopoulou 2013).

Contrary to what one might think, the forward slash in the title does not indicate that I distinguish between *liberal* and *illiberal* integrationism. In fact, I argue that integrationism is always illiberal, normatively. The slash indicates how the (normatively illiberal) integrationism is a distinctly liberal integrationism in its discursive recourse to liberalism and liberal values. Hence, the integrationism discussed in this thesis is always liberal (discursively) and illiberal (normatively) *at the same time*. It is this conundrum of *illiberal liberalism* that I discuss with regard to integrationism, not as a paradox but as an inherent feature of liberalism itself. Just like older strains of liberalism mired in a colonialist worldview, the new civic integrationism relies on a “tacit hierarchy [that] justifies illiberal means and aggressive measures to exclude or integrate illiberal immigrants” (Triadafilopoulos 2011, 870). Philosophically, the question is thus not whether there can be a liberal integrationism – the answer is no – but whether there can be a liberalism without integrationism.

I analyse this conundrum in the Swiss context, where I situate the value requirement’s *contradiction in terms*. I argue that to (i) require only a certain (migranticized and culturalized) part of the population (non-citizens) to (ii) respect a specific set of allegedly “shared values”, (iii) beyond the legal order that applies to all, is against the very principles (i.e. *values* as a category of analysis) of the liberal democratic constitution itself: (i) violates the principles of equality before the law and non-discrimination (especially considering the migranticization and culturalization of certain groups of non-citizens), (ii) fundamental rights and personal liberties (to *not* share these values) and (iii) the *forum internum* and freedom of conscience.

Ultimately, this results in the following paradigm that I will discuss throughout this thesis: *integration for foreigners, democratic contestation for citizens*. The two categories are mutually exclusive (although one can pass from the former to the latter) in that the subjects of integration are not supposed to *contest* and the citizens are not required to

*integrate* and respect the values of the constitution. While it is constitutive of the Swiss citizen in direct democracy to permanently *negotiate and contest* the “values of the constitution”, the non-citizen is required to respect, share and *not contest* these “values” – especially if they want to become a citizen through naturalization, as we will see. Put differently, if this thesis had a hypothesis to be tested, it would be as follows: *The exclusion of non-citizens from political contestation and citizenship in the name of integration and “shared values” violates these very (liberal) values.*

## **The Swiss Case**

It is especially promising to use the Swiss case to tackle these questions for several reasons. On the one hand, Switzerland is a rather ordinary European case. Although not a member of the European Union, the country is extremely embedded in the European context. With regard to the history of migration and integration policy concerning “guestworker” regimes, refugees and the free movement of persons, for instance, its trajectory is similar to other European states such as Germany, for example. Likewise, “integration” has entered the realm of policy as an emancipatory claim and has undergone several transformations from early invocations to participation and anti-racism to the *Fördern und Fordern* (encourage and require) paradigm and, finally, to the civic integration and coercive turn, as elsewhere in Europe. In this regard, Switzerland is by no means a *Sonderfall*, as it is often (self-) portrayed.

On the other hand, there are some peculiarities that make the Swiss context interesting for this study. First, Swiss direct democracy, its federalist system and “internal multiculturalism” (four national languages) make it a particularly intriguing candidate to use to study the idea of “shared values” as a defining feature of national unity. As I show with the example of the Swiss case, people in modern liberal democracies do not all have “shared values” – and they do not need to. Liberal democracy is built on fundamental rights and liberties that necessarily result in a pluralism of values, which means that individually and collectively held values in society are often incongruous if not irreconcilable. In the Swiss federalist and direct democratic political system, the negotiation and contestation of these “values” is especially pronounced and, for example, paradigmatically manifest in the regularly held popular votes, as we will see. With reference to the Böckenförde dilemma, according to which the liberal (*freiheitlich*) state

depends on prerequisites it cannot guarantee itself, I have observed that, maybe, this “bold venture [*grosses Wagnis*] it has undertaken for freedom’s sake” (Böckenförde 1976, 60) is even *bolder* in the Swiss case. Or perhaps it is less bold because it is precisely this permanent, fundamental negotiation and contestation of “values” that holds society and the state together (Manser-Egli 2022a). In this case, as Habermas puts it, the missing unifying bond is the democratic process itself (cited in Manser-Egli 2022a, 126).

This brings us to the second point that makes Switzerland particularly interesting. Quantitatively, more than one quarter of the permanent resident population in Switzerland does not have Swiss citizenship and, despite living there for decades or even their entire lives, is, for the most part, excluded from the democratic process. This share of non-citizens is among the highest in Europe. Qualitatively, integration and the “values” play a very important role in Swiss immigration policy and especially in the field of naturalization, that is, access to citizenship. In contrast to other European states, the naturalization procedure in Switzerland is particularly restrictive, pervasive, arduous and intrusive. Together, these elements make Switzerland a very pertinent case to use to study how “shared values” are mobilized in integration discourse and practice.

### **Crossing the Rubicon**

With regard to methodology, this thesis seeks to combine empirical social science with normative political theory. It aims to bring together the methodologies (and theoretical and epistemological implications) of social scientific *grounded theory* (Charmaz and Belgrave 2012), *contextualism* in political philosophy (Carens 2004) and *grounded normative theory* (Ackerly et al. 2024). In the first two articles, the analysis draws on empirical data consisting of the legislation and the legal framework of the value requirement; problem-centred interviews and participant observations of public authorities and case workers in the fields of immigration and naturalization at the federal, cantonal and municipal levels; and case files and case law. In the third article, the philosophical inquiry builds on these empirical analyses, taking a contextual approach and grounded normative theory to empirically engage political theory.

This mixed-methods approach and its *bricolage* pose several challenges both theoretically and methodologically. One way to address these challenges is to carefully distinguish between categories of practice and categories of analysis, as I do in the Theory chapter,

and between the different methodologies I employ. After all, I consider it a worthwhile endeavour to bring the social sciences and political theory into dialogue. To do this, philosophers have to *cross the Rubicon* and become political and social scientists again, as Favell put it a while ago:

It is no longer possible to simply read in illustrative ad-hoc examples and stylised hard cases to the general frame work of philosophical argument, in ways that pay little attention to the linguistic, institutional and political contexts from which the examples are taken. (Favell 1998, 276)

This means that, to empirically engage political theory, “empirical case material will have to be substantiated by something rather more than common sense descriptions and reasoned argument” (Favell 1998, 276). This is exactly the step I intend to take in this thesis: to move forward into an empirical and theoretical closeness to messy case material, leaving ideal theory and the crystalline charms of theories of justice behind (Favell 1998). To do so, I will engage with the messy case material of the Swiss institutional and political context to make some broader arguments and contributions about integration and liberal democracy.

### **Poking the Alien, or Why Study Integration/ism?**

There is a certain violence already in the purely intra-academic, routinized yet arbitrary normalcy with which one decides “I’m going to study this” and starts to produce “knowledge” about those people that state-thought construes as the subjects (and hence objects) of “migration”. (Schinkel 2019, 4)

Concluding the famous debate in *Comparative Migration Studies* on the legitimacy of immigrant integration research initiated by Schinkel’s (2018) plea for an end to neocolonial knowledge production, he argued that the point is not to come up with better concepts of integration but to recognize that any such concern is already an imposition – just like “migration studies” itself (Schinkel 2019; 2023). His argument is as follows: “Any attempt to academically accept the state-mediated ‘object’ of ‘migration’ and to start to meddle with those whom it is thought to concern, as if poking an alien life form to see if it is in fact alive, is an imposition in, and on, the social world” (Schinkel 2019, 4). This imposition reifies the separation that state-thought imposes but that is always illusory (Schinkel 2019).

This line of argument is the reason why I decided not to study those that state-thought construes as the subjects/objects of integration but to study “the state” instead. Yet what Schinkel seems to propose here is that we, as researchers, go further – that we should avoid poking the alien life form because it is an imposition on the social world and because it reifies the state-thought-imposed separation that is always illusory. However, ignoring the alien life form does not make it go away. Of course, the alien (in this case, integration) is produced by the state and state-thought in the first place.<sup>7</sup> But despite or, rather, because of this, it is not “illusory” but very much alive and kicking. Ignoring “migration” and “integration” as state-thought categories and impositions in research does not make the violent (state) practices in the name of migration and integration, such as deportations or the denial of citizenship rights, go away. Therefore, we should poke the alien, knowing full well that this poking is an imposition in, and on, the social world – any academic intervention is. Doing so means we will have to reproduce and (re)impose certain (state-thought) categories such as migration and integration – knowing that the separation they impose is always illusory. We should do so critically and reflexively with the aim of, at best, disclosing and addressing the violent (state) practices and structures of power and dominance imposed by migration and integration. The focus here is thus not on migration and integration as social phenomena or analytical categories but on the processes of *migranticization* (the *making of migration*; Tazzioli 2020) and, accordingly, *integrationization*. This is why I think we should poke the alien called integration – to see what work it does.

## **Outline**

The thesis is structured as follows. After this Introduction chapter, I discuss the two main concepts and theories of this thesis: integration and liberalism. I start with a brief historical overview of assimilation and integration theory. I then present the most important contributions to what has become the field of critical integration studies and the core critiques of integration (research). Subsequently, I introduce different attempts to reconceptualize integration and reject them by drawing on a range of integration metaphors to illustrate that integration is essentially migranticized. I suggest that, after integration, or, rather, instead of it, we might want to (re)turn to theories of social conflict

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<sup>7</sup> Though integrationism as a form of government and political power goes beyond “the state” (see Rose and Miller 2010).

and democratic contestation. In the second part of the chapter, I return to this theorization of liberal democracy as a category of analysis by anchoring it in the Swiss context, after having discussed various forms of liberalism as categories of practice as they manifest in integrationism.

The following Context chapter situates this theory in the Swiss context. It opens with a broad introduction of the civic integration turn in Europe and the role of shared (liberal) values in European integration regimes before it zooms in on the Swiss case and some of its main historical and ongoing characteristics. It then turns to the history of “foreigner policy” and its “over-foreignization anxieties” to arrive at the “new” integration policy. Subsequently, the chapter dives into the current Swiss integration policy and, finally, into the value requirement. It closes with an excursus on the search for traces of the values in the integration debates of the 1990s and with an interim conclusion.

The Methodology chapter begins by setting the epistemological stage. It then elaborates on the choice and construction of the research field, and on the access to this field. It describes how the data was produced and collected, before diving into the process of data analysis. It then turns to a reflexive discussion of the research ethics, the Covid pandemic, and my positionality as a researcher. In the last part, the chapter introduces the contextual approach to political philosophy and grounded normative theory.

Finally, we turn to the core of the thesis, its three articles. They are briefly introduced and then follow in chronological and theoretical order, in their entirety.<sup>8</sup> In the last chapter, the conclusion of this thesis summarizes the main findings and arguments of this inquiry and reformulates them around three theses. First, that the value requirement and the ideology of shared values are incompatible with liberal democracy. Second, that integrationism is essentially migranticized. And, third, that liberal democracy can and must be thought without (national) integration. I dwell on the implications of these theses before I reflect on the contributions and limitations of the thesis as a whole and set out some directions for future research.

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<sup>8</sup> I wanted to avoid the “dismantling” of the articles into the other chapters of this thesis and keep them in one piece. I apologize for the unavoidable repetitions of context, theoretical frames and methodology that this structure entails. The aim of the chapters is to deepen the contextual, theoretical and methodological aspects that I did not find (enough) space to do in the articles.



## THEORY

L'intégration est alors (...) cette courbe qu'on peut prolonger à l'infini sans qu'elle touche l'abscisse. (Sayad 1994, 14)

Before integration can ever become a viable sociological concept it will have to be possible to measure the degree to which *all* individuals, whatever their ethnic origin, are integrated. (Banton 2008, 1281, emphasis in the original)

Even if actual dominant liberalisms have been conservative in various ways (corporate, patriarchal, racist) why does this rule out the development of emancipatory, radical liberalisms? (Mills 2017, 13)

It is hard to imagine that more contestation is the answer; but it is.  
(Honig 2023 [1993], xx)

This chapter develops the theoretical frame of this thesis. It does so by discussing how I understand and employ the two main concepts: *integration* and *liberalism*. As we will see, I engage with these concepts in different ways. While I analyse integration as a category of practice and a category of analysis but do not employ it, I analyse liberalism as a category of practice and employ it as a category of analysis (Brubaker 2013; Korteweg 2017). This distinction is crucial, for as Brubaker puts it, “the heavy traffic between the two [types of categories], in both directions, means that we risk using pre-constructed categories of journalistic, political or religious common sense as our categories of analysis” (Brubaker 2013, 2). This means it is important for scholars to adopt a critical and self-reflexive stance towards the categories we use. The aim of this thesis is to study the ways in which “integration” works, both as a category of analysis and as a category of self- and other-identification in practice, thus making integration “the *object* of analysis, rather than simply using it as a *tool* of analysis” (Brubaker 2013, 6, emphasis in the original). Similarly, Dahinden (2016b) distinguishes between common-sense categories and analytical categories: the former arise from the state migration apparatus designed to meet the need of policy regimes and are not necessarily meaningful for scientific enquiry;

the latter are conceptual tools that originate in different traditions in the social sciences that were often developed outside migration theory.

It is very clear that the use of a term as a category of practice does not per se disqualify it from being a category of analysis (Brubaker 2013). However, I see no good reason to do so for the notion of integration, as I will show, in contrast to the concept of liberalism. In short, my theorizing does not rely on any *analytical notion* of “integration” or of an “integrated” individual or society. I have no idea of what that is, could or should be. And I do not think I need to. I employ the analytical lenses and language of equal rights, non-discrimination, power relations, equality and difference, among others, which emanate from the political theories of citizenship, democracy and political liberalism. Most of these concepts *can be* thought about and formulated in terms of integration, such as Matteo Gianni's (2017; 2019; 2023) processual understanding of “democratic integration” and Kostakopoulou's (2010) “pluralistic frame of incorporation”. Yet I seek to pursue a different approach by showing that the main concern regarding integration is that it is *essentially migrantized* and, as such, beyond redemption (Spencer and Charsley 2021).

The chapter is structured as follows. I start with a brief overview of the history of assimilation and integration theory, between the US and Europe. I then move on to the core critiques formulated against integration research specifically, though these critiques often apply to the uses of integration in public and political discourse as well. Subsequently, I critically discuss attempts to reconceptualize integration as a category of analysis, testing it against its *Gretchenfrage* and a litmus test for any such endeavour. I draw on some powerful metaphors for integrationism to show why I think any such reconceptualization is difficult if not impossible. Finally, I turn to the question of what comes “after integration” and propose to re/turn our gaze from integration theory to theories of social conflict and democratic contestation. I return to this question at the end of the second section, where I introduce liberalism as a category of analysis as employed in the context of this thesis, after having discussed various forms of liberalism as categories of practice as they manifest in integrationism.

## **Integration**

As I pointed out early on in this thesis, I will not provide an answer to the question of *what integration is*. However, to understand *what work it does*, we have to understand how it is

theorized and where it comes from. To start with, it might be interesting to consider what common *antonyms* for integration are. Dominique Schnapper (2007) has provided a useful overview: anomie, exclusion, delinquency, deviance, invalidation, dissociation, dissidence, dissipation, alienation, segregation and disaffiliation; and with regard to society in general: incoherence, exclusion, fragmentation and dispersal. This list is telling because, more often than not, integration is only identifiable by its absence (Vertovec 2020). Moreover, it makes clear that “whether we are talking about regulation, integration, ‘making society’, ‘living together’ or the ‘social bond’, the question remains the same: it concerns both the integration of individuals *into* society and the integration *of* society as a whole” (Schnapper 2007, 16). During the formation of sociology from 1880 to 1950, the term *assimilation* was used to describe the process through which immigrants became members of host societies, both in France and in the USA, whereas *integration* was reserved by Durkheim for the problem of society as a whole (Schnapper 2007). So, let us start with this classical distinction to then see how integration was migranticized.

### **The Integration of Society**

There is no way around it: any thesis on integration has to start with Durkheim (2013 [1893]). In his classical work, he asserted that the coherence of modern society is no longer ensured by the similarity of people, i.e. *mechanical solidarity*, which is why it is necessary to rediscover consensus, that is, the coherent unity of the community through the complementarity of functions, or *organic solidarity* (Schnapper 2007). This concept implies that individuals work together in the same way as the various organs of the human body (Schnapper 2007). The Durkheimian theory of integration can be summarized as follows: “a social group will be said to be integrated insofar as its members a) possess a common consciousness and share the same feelings, beliefs and practices; b) interact with one another; and c) feel dedicated to common goals” (Besnard 1987, cited in Schnapper 2007, 33). Accordingly, Durkheim attributes an important role to education: “Society can only live if there is sufficient homogeneity between its members; education perpetuates and reinforces this homogeneity by fixing in advance in the child’s soul the essential similarities that collective life demands” (Durkheim 1922, cited in Schnapper 2007, 34). In 1920, Marcel Mauss lamented that the “question of harmony” had disappeared from the sociological horizon:

The term integration shows how the social units are organized, and how the internal organization of these units, and the general organization of these units between themselves, constitutes the general life of society. (...) This question of the normal harmony of the sexes, ages and generations and of the various sub-groups (...) and of the harmony within each of them, and of the relationship of these various harmonies to the general harmony and to the normal morality of society, has disappeared from the sociological horizon. But it needs to be brought back to the forefront of study and discussion. (Mauss 1969 [1920], cited in Schnapper 2007, 207)

Around the same time, Rudolf Smend (1994 [1928]) theorized integration as a state task. His integration theory depicted an entire constitutional theory and advanced to become “official state doctrine” in the German Federal Republic, despite the fact that Smend originally positioned it against liberal democracy (Van Ooyen 2014; see also Kälin 2000).<sup>9</sup> Talcott Parsons (2007 [1961]) draws on Durkheim to define integration as a form of relationship between social units through which the social units interact in such a way that, on the one hand, a breakdown and a threat to the stability of the system are avoided and, on the other hand, the system functions as a unit (see Kälin 2000). It is what Favell (2001b, 3) calls the American functionalist solution to the Hobbesian problem of value pluralism: “the society’s need for an order that overcomes conflict and differences pulls a harmonious, socially inclusive unity based on ‘value integration’”. Pointing to these origins of integration theory, scholars have argued that integration (today) should (again) be sociologically understood as integration *of* society rather than integration *into* society (Schnapper 2007; see also Bommers 2001; Mahnig 2001).

### **The Integration of Migrants**

In 1921, Park and Burgess provided an early definition of *assimilation*: “a process of interpenetration and fusion in which persons and groups acquire the memories, sentiments, and attitudes of other persons and groups and, by sharing their experience and history, are incorporated with them in a common cultural life” (cited in Alba and Nee 1997, 828). In his seminal article “Human Migration and the Marginal Man”, Robert Park

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<sup>9</sup> On the anti-democratic and anti-pluralist implications of the Smendian integration theory, see Van Ooyen (2014).

(1928), the founder of the Chicago school of sociology, laid the ground for what was to become assimilation theory. Let us dwell for a moment on this article because, in my view, many of the issues he raised almost a century ago are still very prevalent in today's assimilation/integration debates. Although his notions of mobility/migration and cultures/peoples are, at the same time, romanticized and essentialized, there remains a certain ambiguity, I find, with regard to assimilation. In the end, I am left uncertain as to whether assimilation as he captures it is a) possible (empirically) and b) desirable (normatively).

Let me elaborate on this. Park (1928, 881) starts with the assertion that "every advance in culture" commences with a new period of migration and movement of populations; the "cake of custom" is broken and the individual is "freed for new enterprises and for new associations". In this situation, the individual strives to live "in two diverse cultural groups" which produces "an unstable character": the marginal man. It is in the mind of the marginal man that "the conflicting cultures meet and fuse", that "the process of civilization is visibly going on" and "may best be studied" (Park 1928, 881).

According to Park (1928, 886), the "migration of peoples" has been transmuted into the mobility of individuals and, as such, it has "assumed the character of a peaceful penetration". This migration of individuals is followed by the "reintegration" of the individuals so released into a new social order, during which certain changes take place in the character of the individuals: "They become, in the process, not merely emancipated, but enlightened. The emancipated individual invariably becomes in a certain sense and to a certain degree a cosmopolitan. He learns to look upon the world in which he was born and bred with something of the detachment of a stranger" (Park 1928, 888). Park draws on Simmel's figure of the stranger, who stays, but is not settled; who is a "potential wanderer": not bound as others are by the local proprieties and conventions, but a "freer man" who views his relation to others with less prejudice; submits them to more general, more objective standards, and is not confined in his action by custom, piety or precedents (Park 1928, 888). In what Park identifies as a dual process of "the secularization of society and the individuation of the person", the effect of migration is to secularize relations which were formerly sacred. It is worth pointing out that, as Park observes, this individuation of the person was constrained along racialized lines. According to Park (1928, 890), the

Japanese, for instance, “cannot become a mere individual, indistinguishable in the cosmopolitan mass of the population, as is true, for example, of the Irish”.<sup>10</sup>

The marginal man finds himself in a “conflict of cultures”, taking place in his mind, that is “a conflict of the divided self”, the old and the new, which “often terminates in a profound disillusionment” (Park 1928, 892). In Park’s analysis, this sense of moral dichotomy and conflict is characteristic of every immigrant during the period of transition, when old habits are being discarded and new ones are not yet formed. Inevitably, it is “a period of inner turmoil and intense self-consciousness” (Park 1928, 893). My above-mentioned uncertainty concerning Park’s theory of assimilation originates from his conclusion, where he de-essentializes and complexifies his figure of the marginal man:

There are no doubt periods of transition and crisis in the lives of most of us that are comparable with those which the immigrant experiences when he leaves home to seek his fortunes in a strange country. But in the case of the marginal man the period of crisis is relatively permanent. The result is that he tends to become a personality type. (...) [T]he characteristics of the marginal man [are] spiritual instability, intensified self-consciousness, restlessness, and *malaise*. It is in the mind of the marginal man that the moral turmoil which new cultural contacts occasion manifests itself in the most obvious forms. It is in the mind of the marginal man – where the changes and fusions of culture are going on – that we can best study the processes of civilization and of progress. (Park 1928, 893, emphasis in the original)

Here, in my reading, Park opens up again and it becomes ambiguous whether the assimilation of the marginal man is, first, *possible* and, second, *desirable*. It is especially the latter that I would like to further question in this thesis. For now, I would like to conclude with the thought that, maybe, the *malaise* of Park’s marginal man can be understood as *the modern condition* per se – as Mecheril (2020, 382) asserts, “not belonging but ‘non-belonging’ is the principle of modernity”.

In his *Assimilation in American Life*, Milton Gordon (1964) provides a foundational theory of assimilation. It postulates that the first step in a multi-stage assimilation process is

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<sup>10</sup> This is important given the fact that, almost a century later, “integration” often treats the white, middle-class “native” – Park’s “mere individual”, the universal subject – as the yardstick for measurement (Vertovec 2020) and, hence, as *dispensed of integration* (Schinkel 2018).

necessarily cultural assimilation (Dahinden 2011), followed by structural, marital, identificational, attitude-receptional, behaviour-receptional and civic assimilation (Zhou 1997). Gordon distinguishes between *cultural* assimilation, or acculturation, as a necessary first step and “top priority on the agenda of immigrant adjustment” (Zhou 1997, 977) and *structural* assimilation. While cultural assimilation does not automatically lead to other forms of assimilation (full assimilation depends on the degree to which ethnic groups gain the acceptance of the dominant population), structural assimilation will inevitably lead to other stages of assimilation (Zhou 1997). Gordon anticipates that “most ethnic groups will eventually lose all their distinctive characteristics and cease to exist as ethnic groups as they pass through the stages of assimilation” (Zhou 1997, 977).

Three decades later, Alba and Nee (1997) argue that assimilation theory has not lost its utility for the study of contemporary immigration to the USA. They define assimilation as “the decline, and at its endpoint the disappearance, of an ethnic/racial distinction and the cultural and social differences that express it” (Alba and Nee 1997, 863). They defend Gordon’s classical assimilationism against *segmented assimilation theory* (Zhou 1997; Portes, Fernández-Kelly, and Haller 2009). The field of segmented assimilation studies examines why different patterns of adaptation emerge among immigrants – the “new second generation” – and how these patterns necessarily lead to the destinies of convergence or divergence (Zhou 1997). It offers a theoretical framework to understand “the process by which the new second generation becomes incorporated into the system of stratification in the host society” (Zhou 1997, 975). In contrast, Alba and Nee are “enthusiastic defenders of classical assimilationism” (Zhou 1997, 980) and consider the diverse outcomes simply as differences in the speed of assimilation. They expect that, with enough time, “immigrants will look more like other Americans and become assimilated into the American middle class” (Zhou 1997, 981). It becomes clear that this theory builds on the assumption that “there is a unified core of American society, be it ‘nonethnic’ America or ‘middle’ America, into which immigrants are expected to assimilate, and that, with enough time, assimilation will eventually occur among all immigrants” (Zhou 1997, 981).

Scholars of transnationalism have criticized (segmented) assimilation theory for its thinking within the (national) container model of society (Wimmer and Glick Schiller 2002; Dahinden 2016b): “Whether the imagery has been one of assimilation into a newly

emergent American culture, or incorporation into a culturally diverse America, in the U.S. the forging of an American nationality has been and continues to be the underlying concern that united all discourse about immigration” (Schiller, Basch, and Szanton Blanc 1995, 51; see also Basch, Glick Schiller, and Szanton Blanc 1993). Similarly, Andreas Wimmer (2009, 244) has pointed out that assimilation theory takes it for granted that “dividing society into ethnic groups is analytically and empirically meaningful because each of these groups is characterized by a specific culture, dense networks of solidarity, and shared identity”. It is always assumed, rather than empirically demonstrated, that cultural difference and networks of solidarity cluster along ethnic lines: individual-level processes are conceived “as differentiating assimilation paths of different ethnic communities – rather than children of peasants vs. professionals, refugees vs. labor migrants, and so forth” (Wimmer 2009, 247). Finally, Favell (2016) has critically questioned Alba and Foner’s (2015) comparative assimilation of European cases of immigrant integration to the US experience. He problematizes the assumption that we can “compare societies in North America and Europe as directly symmetric, bounded, and distinct nation-state units” (Favell 2016, 2353) and especially the question of who the “immigrants” are, which, in Europe, “has become hugely complicated” (Favell 2016, 2354). In Europe, assimilation theory has been taken up and applied, for instance, to the *Gastarbeiter* contexts in Germany and Switzerland, in Hans-Joachim Hoffmann-Nowotny’s (1973) *Soziologie des Fremdarbeiterproblems* and Hartmut Esser’s (1980) *Aspekte der Wanderungssoziologie*. Their structural-functionalist approaches draw on the work of Park and Gordon, among others, and on their concepts of structural and cultural assimilation (as I develop in the Context chapter). Similar integration research has developed in different (national) contexts in Western Europe, such as the work of Entzinger (1984) and Penninx (1988) in the Netherlands.<sup>11</sup>

In line with the critique of Wimmer and Favell, Crul (2016) has urged scholars to develop an approach that does not take ethnic groups as the primary unit of analysis. As he points out, both segmented and new assimilation theories describe social mobility as “a linear process at the group level in which the assimilation progress is measured based on average outcomes at the group level” (Crul 2016, 66). In his view, the growing diversity

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<sup>11</sup> It is beyond the scope of this thesis to develop the different strands and developments of integration research in Europe here; for a critical review see Favell (2014) and Schinkel (2017).

within ethnic groups makes this approach problematic. He proposes a reformulated theory of *super-diversity* (see also Vertovec 2007) that analyses within-groups' differences in relation to differences in the local and national contexts (Crul 2016). The importance of context is what characterizes *comparative integration context theory*, which emphasizes the importance of institutional arrangements (Crul and Schneider 2010). However, just like (segmented) assimilation theory, this reformulated approach and mainstream integration research still focus on migrantized and ethnicized groups and have a certain obsession with the "second generation" (Crul and Schneider 2010; Crul 2013). Now let us turn to the critiques of integration (research).

### **Writing Against Integration**

The partial and superficial overview of the long history of assimilation and integration theory serves as an introduction to the more thorough discussion and critique of "integration" I am aiming at. In this discussion, I seek to problematize integration as a concept used in integration theory and research. Hence, the focus here is neither on "integration" as it is used in public and political discourse nor on integration policy. However, the strict separation between the two, as an *analytical tool* and as a *policy concept* (Penninx and Garcés-Mascareñas 2016), and the claim that the concepts used in political statements do not have *any relation* to the concept of integration as it was developed in the European social science literature (Penninx 2019), are already part of the debate, as we will see. It is a fundamental characteristic of "integration" to travel so easily between academia, policy and public discourse (Schinkel 2018). Accordingly, I do not pretend that there is always – actually, I do not think that there can be – a clear distinction between these spheres in the following discussion. But the focus here is on integration theory, whereas integration policy (in Switzerland) is discussed later in the Context chapter and plays an important role in the articles.

Building on the above-mentioned long-standing critique of assimilation and integration theory, especially of its culturalization (Wicker 1996; Dahinden 2011; 2014), the "writing against integration" (Rytter 2019; inspired by Lila Abu-Lughod's (1991) "writing against culture") has gained traction in recent years. There have been ongoing debates among critical migration scholars about whether and if so how to research "integration". While integration continues to be a key concept in migration studies, these debates have forced

scholars to face the criticisms and pitfalls of the concept. It can no longer be denied that integration risks being an “inequality producing social force” (Korteweg 2017, 440). The debates have revolved around propositions to abandon research on integration altogether (Schinkel 2019), to study integration not as a category of analysis but as a category of practice (Korteweg 2017), and to modify its use and definition as a category of analysis (Penninx 2019; Klarenbeek 2021; Spencer and Charsley 2021). Let us start, therefore, with a discussion of the main debates on and critiques and defences of integration.

Willem Schinkel is one of the most famous and thorough critics of immigrant integration. In his book *Imagined Societies – A Critique of Immigrant Integration in Western Europe* (Schinkel 2017) and subsequent work, Schinkel problematizes integration research because of its “bad (or lacking) conceptual work, specifically in regard to the core sociological notion of ‘society’”, arguing that “immigrant integration monitoring is a neocolonial form of knowledge intricately bound up with the contemporary workings of power” (Schinkel 2018, 1). Ultimately, he concludes that the point is not to come up with better concepts of immigrant integration but to recognize that any concern with, and for, integration is already an imposition (Schinkel 2019). By adopting analytically flawed concepts such as integration, researchers are not only doing poor research but become accomplices in a neo-colonial system of oppression (Hadj Abdou 2019). In this way, integration research falls into the trap of reinforcing a distinction it purports to study (Korteweg 2017).

Vertovec (2020) provides a useful summary of what have been identified as the problems of integration. First of all, the concept of integration asserts that there is a linear and teleological process and assumes a common starting point and a known endpoint (Vertovec 2020). Second, it is framed almost exclusively in terms of membership to a nation-state and as such closely entangled with nation-building (Favell 2001a). Furthermore, it is based on a *groupist* understanding of immigrants (Brubaker 2004) and is often culturalized (Wicker 1996; Dahinden 2014; Dahinden and Korteweg 2023), ethnicized (Wimmer 2009) and racialized (Korteweg 2017; Bonjour and Duyvendak 2018). Moreover, it is founded on a structural-functionalist assumption that “national societies comprise singular, pre-existing, historically unchanging, ‘integrated’ wholes” (Vertovec 2020, 253), as we have seen above in the historical overview and, for the Swiss case, will see in the Context chapter below. Accordingly, it treats the white, middle-class

“native” as the yardstick for measurement (Vertovec 2020; Schinkel 2018). What is more, the structural-functionalist model and the threat narrative produce “an understanding that society is normally stable and that immigration causes a condition of instability that must be remedied by return to a steady state” (Vertovec 2020, 253). This leads to a securitization of integration (Triadafilopoulos 2011). Finally, integration seems to address certain aspects of inequality while doing nothing about the sources of them (Vertovec 2020).

Now let us consider these critiques in more detail. Spencer and Charsley (2021) provide an overview of what they call five core critiques of the concept of integration: normativity, objectification of the “other”, an outdated imaginary of society, methodological nationalism and a narrow focus on migrants. I will address these critiques next, provide examples and show how current integration research often fails to overcome them, despite aspiring to do so.<sup>12</sup>

The first critique of normativity addresses the failure in academic analyses to disentangle the normative *ought* from the empirical *is*; to apply normative notions of desired behaviour and outcomes such as better or successful integration; and to use a Durkheimian integrated society as a normative end goal (Spencer and Charsley 2021). This normativity is often hidden or even denied in integration research models. Addressing the process of the settlement of “newcomers” in a “host society”, Penninx and Garcés-Masareñas, for example, define integration as “the process of becoming an accepted part of society”, stating that this definition explicitly attempts to “strip the concept of its normative character” by introducing an “open non-normative analytical definition” (Penninx and Garcés-Masareñas 2016, 13–14). However, it has been pointed out that both the opposition between “newcomers” and the “host society” and the notions of *acceptance* and *society* in “becoming an accepted part of society” are highly normative concepts (Schinkel 2017). Importantly, the critique of integration research here is not that it is normative (any integration research always is) but that it claims to be non-normative.

The second critique concerns the objectification of the “other” and processes of Othering (Dahinden and Manser-Egli 2023) in which migrants are “set apart and problematized as

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<sup>12</sup> This argument is developed in a paper I am currently writing with Iva Dodevska, provisionally entitled “Beyond Redemption: The Normativity of Immigrant Integration Research”.

in ‘need of integration’” (Spencer and Charsley 2021, 6). As we have seen, this seems inevitable when studying “second-generation” Turks (Crul 2013) or Mexicans (Portes, Fernández-Kelly, and Haller 2009), for example. The process of Othering is illustrated impressively in Bonjour and Duyvendak’s (2018) study of Dutch integration discourse which, at the intersection of class, race and culture, produces the figure of the “migrant with poor prospects” as the “unassimilable Other”. Similarly, Blankvoort et al. (2023) have carved out processes of governmental racialization in which all actors are disciplined to accept the problem of integration as a problem of cultural difference and distance. The critique of objectification and Othering has been addressed by calls to contextualize individuals within not beyond society and to reorient the focus of study “away from migrant populations towards the population as a whole” (Spencer and Charsley 2021, 6). The aim is to see integration as a process that engages all individuals, not only migrants, and thus loses its migration-specific focus, which refers to Dahinden’s (2016b) plea for de-migrantization of research. However, these calls and the repeated emphasis on integration “as a two-way process” (Klarenbeek 2021) often go unheard, not only in policy and public discourse but also in research. As Kostakopoulou shows in her analysis of conceptual frames of integration, the two-way process of integration is a myth: integration is in fact designed and put into practice as a “one way process aimed at procuring conformity, discipline and migration control” (Kostakopoulou 2010, 953). With regard to the conceptualization of statistical indicators of integration in Switzerland, Akin and Banfi show that “despite the legal and conceptual discourse about integration as a two-way process, the concept is still articulated as ‘integration into a given social fabric’ (Anthias 2014, p. 15) previously called assimilation” (Akin and Banfi 2019, 99).

A third critique refers to an “outdated” – though it was probably never really accurate to begin with – imaginary of society as a “bounded, stable, functional entity, disturbed at its margins by migration” (Spencer and Charsley 2021, 6). As Wieviorka (2014) points out, integration belongs much more to traditional sociological thinking than to the new contemporary sociological imagination (see also Valluvan 2016 on post-integration sociology), relying on approaches centred on (national) society or the social system rather than on the subjectivity of individuals and their capacity for personal or collective action. For the case of Denmark, Rytter (2019) demonstrates how integration promotes a specific conceptualization of Danish society as well as specific social imaginaries of culture, race

and belonging. As I show in my first article, integration produces the social imaginary of society as a community of value(s) (Manser-Egli 2023; see also B. Anderson 2013). Thereby, “host society troubles” are obscured by rendering “liberation as something already achieved by majority society” and problems within it as far less problematic (Korteweg 2017, 434). These studies exemplify that, similarly to the attempt to overcome the last critique, the calls to shift the focus to the dynamics of the whole society as diverse, segmented (by class and structural inequalities), fluid and evolving, with porous internal and external boundaries, constantly in flux, and shaped by the mobilities of people and ideas (Spencer and Charsley 2021) go mostly unheard in the “integration industry” of mainstream policy-oriented research (Favell 2022a, 9).<sup>13</sup>

The fourth critique of methodological nationalism (Wimmer and Glick Schiller 2002) highlights the fact that integration is bound up with ideologies of nationalism and a top-down nation-building project which “sees supposedly self-contained European national societies coercing foreigners to behave more like prototypically (moral, acculturated, patriotic) nationals in the name of some fictitious national unity” (Favell 2016, 2358). The “national container” remains the most important reference system for empirical research and theories in migration and integration studies (Dahinden 2016b). Kostakopoulou has shown how integration is based on traditional features of nationalism, namely on the assumptions that “host societies are unified and that (social) cohesion is normatively and empirically required” (Kostakopoulou 2010, 949). Spencer and Charsley (2021) try to overcome methodological nationalism in their reframed definition of integration. However, by making the “transnational dimension” a necessary condition of their integration definition, it falls back into its clutches, as we will see below.<sup>14</sup>

The fifth critique is very much related to the ones we have seen so far and concerns the narrow focus on migrants (Spencer and Charsley 2021). This critique is most obvious in the *national order of things* (Malkki 1992) where, in policy, integration requirements always only address non-citizens and, in research, the “native” population is used as the (ideal) control group and yardstick. Otherwise, this population does not appear in the integration monitor; they are granted a *dispensation of integration*: “white citizens are not

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<sup>13</sup> One might of course, be cautiously optimistic and question whether this is still “mainstream” within “migration studies”.

<sup>14</sup> As seen above, critical strands of transnationalism have come up against (methodological) nationalism (*avant la lettre*) (see Basch, Glick Schiller, and Szanton Blanc 1993).

researched or described in terms of their ‘integration’” (Schinkel 2018, 6).<sup>15</sup> An interesting example here is when migrantized groups as subjects of integration (Dodevska 2024) are “performing better” than the integration-dispensed control group. In this case, nobody would claim that the former are more integrated than the latter (Rytter 2019), nor would anyone problematize the (lack of) integration of the “native” population – there is no such thing. This fundamental critique of integration is not overcome by including family members of migrants who do not have migration experience (Spencer and Charsley 2021), second (and further) generations or those with “migrant backgrounds” (Dodevska 2024) in integration research. Quite the opposite; this simply shifts the boundaries of who is the subject of integration and who is dispensed.

All of these critiques have in common what I would like to advance as a central argument of this chapter, namely that integration is an *essentially migrantized* concept. Similar to the notions of “migrant illegality” and “deportability” (De Genova 2002), for example, *integration* is inconceivable and unthinkable without the frame of reference to (the global order of) the nation-state, citizenship and migration. Just as illegality and deportability cannot simply be reframed or reconceptualized (for example, extended to citizens), integration cannot simply be de-migrantized. If “migrant illegality” is the product of sociopolitical processes of “illegalization” (De Genova 2002), integration is the product of migrantization. This might seem trivial, given the (migrantized) contexts of integration and the critiques outlined so far. However, there have been numerous attempts to claim that integration research can and should be continued in a de-migrantized and reflexive way to overcome its core critiques (Penninx 2019; Klarenbeek 2021; Spencer and Charsley 2021). I will thus elaborate in the following sections why I think this cannot be done.

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<sup>15</sup> Schinkel refers to “white citizens” rather than “natives” because those who are the so-called second generation are born in Western Europe (i.e. “native”) but do not get a dispensation of integration (Schinkel 2018). I use the notions of “native” population or citizens (as opposed to non-citizens) rather than “white citizens” for two reasons. First, “native” here does not refer to the category of *being born* in a given nation-state. Like most states in Europe, Switzerland does not have any *jus soli* principle, meaning that many people born in Switzerland are (legally) non-citizens and thus subjected to integration governance. Second, “native” here thus refers to the *nativist* underpinnings of citizenship and integration (especially in Switzerland in connection with the term *Eidgenosse*) (Dahinden and Manser-Egli 2023; see also Duyvendak 2012), which focus more on nativism and the nation-state than on (post-)coloniality and processes of racialization, as Schinkel does. Of course, these two dimensions intersect and, ultimately, cannot be separated.

## Reconceptualizing Integration

In this section, I show how current reconceptualizations of integration – as a category of analysis – in research continue to be deeply marked by processes and imaginaries of migrantization and methodological nationalism. I argue that in future (integration) research, integration as a category of analysis needs to either “return home” to broader social theory, or be abandoned altogether.<sup>16</sup> As returning home after many decades away is always difficult (for neither the home nor the traveller will be the same), though not impossible, I am drawn towards the latter.

As a reaction to the critical contributions on integration policy and research made in recent years, scholars have come up with reconceptualized and reframed models of integration. In the last section, I have touched upon how the reconceptualizations of Penninx (2019), (Klarenbeek 2019; 2021) and Spencer and Charsley (2021) do not succeed in overcoming the core critiques. These reframed models of integration strive to reach *de-migrantized* definitions of integration (processes), avoiding the terms migrant and migration altogether. Penninx defines integration as “the process of becoming an accepted part of society” (Penninx 2019, 5). For Klarenbeek, an “ideal-type integrated society [is] a society without any social boundaries between legitimate and non-legitimate members” (Klarenbeek 2021, 904). Finally, Spencer and Charsley define integration as “processes of interaction, personal and social change among individuals and institutions across structural, social, cultural and civic spheres and in relation to identity; processes which are multi-directional and have spatial, transnational and temporal dimensions” (Spencer and Charsley 2021, 16).

Taken in isolation, these definitions are extremely open and vague, just like the notion of integration itself (Schinkel 2018). This openness and vagueness of the definition are not necessarily a problem per se. Other essentially contested concepts (Gallie 1956) like liberalism, democracy and citizenship are extremely open and often vague but remain useful for theorizing social processes.<sup>17</sup> However, in the case of these reframed integration definitions, it is their application in empirical research that violates the claims that they are “open non-normative analytical definition[s]” (Penninx and Garcés-Mascareñas 2016,

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<sup>16</sup> Gidron and Hall (2020), for example, analyse “populism as a problem of social integration” in Durkheim’s tradition, i.e. using a notion of “integration” that is independent of “migration”.

<sup>17</sup> On integration as an essentially contested concept, see Magazzini (2020).

13) “without reference to any normative goal, or projecting any participants as ‘other’” (Spencer and Charsley 2021, 15): they focus on ethnic minorities such as the Chinese, Portuguese and Turks (Penninx and Garcés-Mascreñas 2016) or transnational marriages between Pakistani Muslims and Indian Sikhs in Britain (Charsley et al. 2020). Thereby, their integration concept is re-migrantized and re-ethnicized, which, of course, also has normative implications. As for Klarenbeek’s (2021) definition, the question is why, if she strives to adopt a de-migrantized, whole-society perspective, this approach should be conceptualized as *integration* at all and not, which is what she does, as *relational in/equality* tout court.<sup>18</sup>

Other approaches have accused critical perspectives on migrant integration of focussing on state discourses and policies, “from above”, “to the detriment of understanding the lived experiences of those who bear the material and symbolic implications of this boundary work” (Scuzzarello and Moroşanu 2023, 2992). According to this view, integration should be studied “from below” (Scuzzarello and Moroşanu 2023). It is certainly true that “the analysis of migrants’ and minorities’ perspectives and strategies in response to dominant discourses and governmental policies is as important as the study of state’s boundary work” (Scuzzarello and Moroşanu 2023, 2999). But why, then, keep the focus on “migrants” and (ethnicized) “minorities” (only) *as if* they were not part of dominant discourses, thereby turning the gaze away from the actual ways in which they are always already full members of societies (Korteweg 2017)? After all, it is hard to distinguish the study of attitudes towards pre-marital sex “among young Dutch of migrant origin” according to their “embeddedness in their ethnic communities” or the comparison of “progressive attitudes towards gender and sexuality” between Chinese, their “co-nationals at ‘home’” and “native Dutch” (Scuzzarello and Moroşanu 2023, 3006) from decades of mainstream integration research, despite the fact that it is done “from below”.<sup>19</sup> It is probably not enough for an intersectional analysis of integration to be “responsive to the self-identified needs of the affected communities” (Scuzzarello and Moroşanu 2023, 3009) “from below” if this analysis continues to take the opposition between “majority locals” and “migrants and minorities” as a starting point (Dahinden 2016b). It is precisely

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<sup>18</sup> In fact, Klarenbeek draws on Elisabeth Anderson’s (2010) *Imperative of Integration* and the concept of relational equality, which are definitely not migrantized but are discussed in light of US “race relations”.

<sup>19</sup> On the construction of the “native Dutch” and the sedentary bias in the Dutch culturalist discourse, see Ghorashi (2017).

because dominant discourses and integration imaginaries are internalized and reproduced by those affected, as Scuzzarello and Moroşanu (2023) acknowledge – because they are always already part of society (Korteweg 2017) – that it is not enough to study integration “from below” to overcome the core critiques.

Alternatives to integration such as “homemaking” (Boccagni and Hondagneu-Sotelo 2023), “embedding” (Ryan 2018), “anchoring” (Grzymala-Kazłowska 2016), “emplacement” (Glick Schiller and Çağlar 2016; Buhr 2018; Van Liempt 2023) and so on (see also Grzymala-Kazłowska and Phillimore 2018) cannot overcome the critiques either if they primarily focus on migrants/migration and start from the distinction between migrants/newcomers and locals/host society.<sup>20</sup> This is because they all end up with Favell’s (2019) *Gretchenfrage*: whatever you call it [insert any of the above], the fundamental question – *of whom into what?* – is not resolved. The litmus test for any alternative conceptualization of integration that wants to overcome its core critiques is thus to ask *who is the subject of integration* (Dodevska 2024)? Or as Banton puts it: “Before integration can ever become a viable sociological concept it will have to be possible to measure the degree to which *all* individuals, whatever their ethnic origin, are integrated” (Banton 2008, 1281, emphasis in the original). Put differently, we have to *integrationize* – that is, to subject to integration – all individuals if integration is ever to become a viable sociological concept (again).

### **Metaphors of Integrationism**

The difficulties of re/conceptualizing integration have been discussed with recourse to several powerful metaphors. I would like to elaborate on them here to make the argument that, in order to overcome the aforementioned core critiques of integration, we do not need new words or a new language for more of the same but new social imaginaries.

We have seen that, most fundamentally, integration cannot be deployed as a category of analysis without othering and migrantizing the objects it studies. Floya Anthias (2013) has called integration discourses (and their practices) *Janus-faced*: while purportedly aiming to attack social divisions, they are underpinned by binary and essentialized

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<sup>20</sup> An overview of these alternative conceptualizations of integration “from below” was presented by Anna Amelina at the conference “Migration Studies and Social Theory: Problematizing Ontologies; De-Centering Migration” at the University of Tübingen (14–15 September 2023).

constructions of these very divisions, constructing particular migranticized groups as other, unintegrated or unintegratable. Simultaneously, integration produces society as a community of value(s) (Manser-Egli 2023) in that, for the dominant subject as the gold standard against which integration is measured, no demonstration of any knowledge or core values is required (Anthias 2013). Anthias thus urges us to move beyond the Janus face of integration to “greater concern with access, participation, parity and belonging which does not focus on the immigrant and ethnic other but attends to social locations of marginality and subordination more generally conceived” (Anthias 2013, 338). To the time of writing, the language of integration has not achieved this because “when we engage in discourses of integration, we are simultaneously engaged in abjection, or the casting out of the to-be-integrated subject” (Korteweg 2017, 434).

Another image characterizing integration is that of a *Sisyphean task*: subjects of integration have to keep trying, but enough is never enough (Rytter 2019). No matter how “well integrated” someone is, the status of “successful integration” is always contingent and conditional. One may lose it at any point and have to start all over again, just like Sisyphus and his boulder. This is precisely why Schinkel (2018) concludes that the really decisive difference is not the one between *well integrated* and *less integrated*, but between those for whom integration is *not an issue at all* (the *dispensation of integration*), and those for whom it is. Very similarly, Horner and Weber (2011) have compared integration to the game of *snakes and ladders*, but with the twist that it is a game that cannot be won.<sup>21</sup> Just like Sisyphus’s hill, the ladder that defines the degrees of integration has no clearly defined endpoint and there is always the looming danger of sliding back down it (Horner and Weber 2011).

The idea of integration as a ladder or stairs, where “successful integration” is the endpoint, at the top, and where those who have been granted a dispensation of integration supposedly already are, has been theorized by Stefanie Kurt (2017) as the *integration stage model* (see also Pfirter et al. 2021). In my first article, this imaginary emerged in my empirical findings where the community of value(s) is depicted as at the top of the stairs which the subjects of integration have to climb (Manser-Egli 2023). The image of the stairs, just like the game of snakes and ladders and Sisyphus’s hill, suggest that there is a

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<sup>21</sup> See also Crul (2013) for this metaphor. Very similarly, Waerniers and Hustinx (2019) use the metaphor of a *labyrinth without an exit*.

top, an endpoint that can be reached, at some point. It is this sweet promise that makes integration such an uncontested idea across the political spectrum: if you just try hard enough, you can make it to the top.

Challenging this idea, and coming closer to Schinkel's distinction between those for whom integration is not an issue at all and those for whom it is, Sayad has introduced the metaphor of the *asymptote*: "*cette courbe qu'on peut prolonger à l'infini sans qu'elle touche l'abscisse*" (Sayad 1994, 14).<sup>22</sup> Integration thus becomes the curve that can be extended to infinity but *never touches* the abscissa. It is characterized as much by the ever-shrinking gap as by the fact that it will never touch it. He describes this process elsewhere as follows:

They [the immigrants] do all they can to deny and abolish the radical alterity (or the radicality of the alterity) of which they are the bearers. This attitude, which corresponds to a quest for the greatest proximity and which in fact contains within it all the marks of the allegiance shown to the dominant, is inevitably – despite the objective intentions behind it and its self-proclaimed finality – and paradoxically retranslated into potential conflicts. It is always liable to be interpreted in terms of rivalry – of unseemly rivalry, illegitimate rivalry and unfair competition. This is an indication of the relatively narrow limits that are ascribed to assimilation, of the limits within which the dominant inscribe the assimilation they wish to impose upon those they dominate, and which they are also happy to see them succeed in assimilating, by conceding them the form without always recognizing its content. (Sayad 2004, 290–91)

Saskia Bonjour (2020) has compared this *paradox of integration* – we might actually conceive it as the quintessence of integration – to Bhabha's *colonial mimicry*: "the desire for a reformed, recognizable Other, *as a subject of difference that is almost the same, but not quite*" (Bhabha 2004 [1994], 122, emphasis in the original). The colonial subjects are "pushed to assimilate while at the same time being denied the possibility to ever belong or be equal" (Bonjour 2020, 137). Similarly, Lena Grip speaks of the *(dis)similarity paradox* of integration policy:

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<sup>22</sup> Very similarly, although they are apparently unaware of Sayad's metaphor, Horner and Weber (2011, 140) have called this the *mathematical game model*: "a mathematical graph which has no specified endpoint and potentially continues into infinity".

By, on the one hand, defining similarity as the purpose of the policy and, on the other, only identifying and dealing with differences—for the individual who is similar, there is no need for an integration policy—integration policy places itself at the center of this process, at the same time as the borders around national identity and space are actively upheld. (Grip 2020, 874)

Finally, another metaphor for integration is the *centre*. As Czollek (2023) has argued, integration is a means by which society is conceptualized as a place with an intrinsic centre. Horner and Weber (2011) refer to the *centre-periphery model* as an asymmetrical spatial model which implies that only those on the periphery are in need of integration. The periphery and its distance to the centre are constructed both in spatial and geographical terms and in terms of “distance to society” (Schinkel 2018) as well as “cultural distance”.<sup>23</sup> The idea of the centre-periphery, or the inside-outside, is constitutive of any definition of *integration*: we integrate them *into* our society (conceived as a homogeneous whole) (Horner and Weber 2011). As one of my interlocutors at a cantonal integration office put it, “integration is a concept of the sending (*Konzept der Sendenden*), whereas usually, in communication, those receiving have to be considered”. Integration is *sent* from the centre and, figuratively, from the top of the stairs: “[I]ntegration is the dominant’s point of view on the dominated. (...) They [the dominated] are defined essentially by what they are not, by their lack of and distance from a central norm” (Lapeyronnie 2003, 95).

Whereas other concepts of (normative) social and political theory such as emancipation, equality (of rights, opportunities, standing, etc.) and recognition point to *relational* structures of oppression, inequalities and injustice *within society*, integration is often portrayed as an apolitical concept where those on the outside, or periphery, have to be *brought in*. In this process, the centre is naturalized, homogenized and de-problematized as a “host society”, the nation (state) or a community of value(s) – that is, those dispensed of integration. This is not to say that theories of emancipation, equality or justice are always necessarily *de-centred*. However, integration inherently assumes and postulates a *centre* where there is not necessarily one. The image of the centre is thus similar to what

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<sup>23</sup> This is what we show in a paper I am currently writing with Nadine Blankvoort and Iva Dodevska with the provisional title “The Scientificity of ‘Cultural Distance’: Colonial Modernity Logics in the Integration Science–Policy Nexus” (see also the Context chapter).

Schinkel has problematized as the construction of “society” through integration discourse in that it “does all the work of separating those who are considered to make up ‘society’ and those who do not”; those who are “on their way to ‘society’” (Schinkel 2018, 4–5).

### **After Integration**

The reconceptualizations of integration and their (metaphorical) shortcomings show that maybe Schinkel (2019) is right when he argues that the aim is not to come up with better concepts of integration. The point is not simply to replace integration as a *term* but as an *idea* with its “core epistemic parameters” (Schinkel 2018, 8). It is therefore of little help to use any other word to speak of the same thing. Hence, it is probably not enough to develop a new language to “say what we want to say without using the concept of integration”, as Rytter (2019, 690) suggests. As long as the focus remains on the migrantized subject, the move solves nothing (Favell 2019). Especially for “inclusion” or “incorporation”, for instance, the centre-periphery model is obvious, just as the culturalization and ethnicization of “assimilation” or “acculturation” (e.g. Berry 1992) are. The core critiques and metaphors discussed so far remain valid for any concept seeking to replace integration without addressing and, ultimately, overcoming them.

Doing so seems to be a considerable challenge. Dahinden (2016b), for example, points to Elias and Scotson’s (1965) established-outsider figuration logic when investigating the question of integration, studying differentiated forms of inclusion and exclusion that extend beyond the categories of migration and ethnicity. However, as we have seen so far, it has become very difficult if not impossible to extend the concept of integration beyond migration and ethnicity (and its entanglement with racism; see Valluvan 2018). Such a new concept of integration would have to live up to Banton’s (2008) condition to study the degree to which all individuals, whatever their ethnic origin, are integrated – and not just pretend to do so, as much of current integration research does. This could mean, for example, going back to Durkheim’s study measuring the degrees to which various forms of integration protect people against suicide (Banton 2008).

Such an endeavour would have to take Favell’s (2019) “twelve propositions after Schinkel” seriously, including the imperative to conceptualize and theorize integration properly as a sociological concept (and not just as a metaphor). This would ultimately mean that integration today would have to be global or even planetary integration (not national).

And even if such a reconceptualization of integration convincingly addressed all of Favell's propositions, it might not be possible to overcome his last point: "political power flows from the successful imposition of migration/population categories on mobilities; it is the heart of sovereignty" (Favell 2019, 7). This means that *even if* integration could be seriously reconceptualized (i.e. de-migranticized) in social science and academia, it remains a key concept of migration politics and policy. Ultimately, the funding and power structures of knowledge production would always seek to realign integration research with the thinking-for-the-state (Favell 2019), which would keep integration within its boundaries of (migranticized and racialized) "diversity governance" (Dodevska 2024) and "ethnic dilemmas" (Favell 2001b). After all, it seems almost impossible for integration to "return home" to its Durkheimian origins in sociology as if nothing had happened after decades in distant, migranticized realms.

Similar to these questions, there is a scholarly debate as to whether the *mainstreaming of integration governance* is happening empirically and normatively desirable. Scholten and Van Breugel use this term to refer to "specifically targeted policies regarding migrant integration [that] are increasingly abandoned and replaced by generic policies that cut across various policy sectors and levels of government" (Scholten and Van Breugel 2018, 4). Examples are neighbourhood-oriented approaches and the "shift from ethnic-specific funding to problem-based steering", which seek to replace targeting according to ethnicity or minority status by targeting other, more generic, conditions (Scholten and Van Breugel 2018, 4). Just as the idea of integration "as a two-way process" (Kostakopoulou 2010; Klarenbeek 2021), the idea of mainstreaming integration governance risks being a contradiction in terms as long as integration is always already migranticized (see Akin and Banfi 2019). In a way, we do observe a mainstreaming of integration governance in that integration is no longer only required for naturalization, for example, but also for residence and settlement permits (the idea of the *integration stage model* (Kurt 2017); see below in the Context chapter), and in that it is increasingly entangled with welfare policies (Borrelli et al. 2021). As such, it is in fact not *integration* that is being mainstreamed but "the *immigrant* who is in need of mainstreaming—of integration by being brought into socio-cultural-political centers from the margins" (Yanow 2018, 253, emphasis mine). Such mainstreaming, though, cannot overcome the logic of Othering that is inherent in integration governance at a conceptual level, as Dvora Yanow aptly puts it:

In short, I fear that mainstreaming, in the end, does not—and cannot, given what we want integration policies to accomplish—get us closer to the successful integration of newcomers as long as they are marked by language that distances them, and does so not only today, but for generations to come. (Yanow 2018, 260)

Likewise, Scholten and Van Breugel (2018, 245) conclude that “mainstreamed integration policies remain focused on the adaption of migrants to their host societies, although in implicit (proxy) terms”. Hence, it seems that, again, what is in need of mainstreaming is, among other things, gender equality (where the idea of “mainstreaming” originates), welfare, citizenship (rights), liberal democracy and democratic contestation rather than integration governance as such.

In conclusion, I cannot but join Anna Korteweg’s (2017) plea to reject integration (as a category of analysis) research and return instead to the study of old-fashioned discrimination based on the intersections of (a non-exhaustive list of) salient categories such as race, ethnicity, class, gender and religion. For if we end up defining “integration” as equal rights and opportunities (what Horner and Weber (2011) call the statistical correlations model) or as relational equality (Klarenbeek 2021), we might as well just do away with it. In fact, integration as a term would become superfluous: disparities can be established for any social group, and there are enough terms to deal with them, such as discrimination or inequality (Horner and Weber 2011). So, even if we ignore the collateral damage and epistemic violence of “integration”, it is hard to see any added value of “integration” for social theory (an already poorly theorized concept). This is what distinguishes integration from liberalism and democracy as analytical categories, to which I will turn in the second part of this chapter after the next section.

### **Towards a Theory of Social Conflict**

To illustrate one of the reasons for my reluctance to treat integration as a meaningful category of analysis, let us go back to a debate that existed *before* the migranticization of integration and its move from social theory to migration research. The aim of doing this is to show that integration, as social theory, then and now, is in many ways *conservative* (see Favell 2022a). In 1958, Dahrendorf (1958, 170) noted the influence of “the Parsonian posing of the question” on the (then) recent sociology. As Dahrendorf (1958) noted, Parsons did not have in mind an analysis of social conflict but attempted to solve the

problem of integration of so-called social systems. The new question at that time was “What holds societies together?”, and no longer “What drives them on?” (Dahrendorf 1958, 170). Although complementary, these are fundamentally different questions. As Dahrendorf (1958) pointed out, the integration theory of society, that is, the description of how the elements of a structure are put together into *a stable whole*, offers no point of departure for a structural analysis of *conflict and change*. Cases and processes of conflict and change are conveniently labelled *dysfunctional* by structural functionalism – which “tells us less than nothing” – and “conjured out of the world by word magic” (Dahrendorf 1958, 174). Dahrendorf (1958) argued that the term *dysfunction* hides problems in structural-functionalist theory that can be traced by a meaningful sociological theory of conflict.

This is exactly what applies to “immigrant integration” today, after its journey from general social theory to migration studies. Integration designates alleged dysfunctions of an otherwise allegedly stable whole rather than processes of social conflict and change. Just as integration theory of society does in structural functionalism, integration nowadays seeks to manage diversity by accepting those differences that do not overtly challenge the (alleged) values and practices of “majority society” while attempting to alter those perceived as problematic (i.e. dysfunctional) (Korteweg and Triadafilopoulos 2013). Integration is thus conservative in that it is often reduced to attempts to constitute immigrants as subjects who are capable of supporting the continued viability of the national society (i.e. the stable whole) (Korteweg and Triadafilopoulos 2013). Within this theoretical frame, processes of social conflict and change are not envisaged, let alone fully considered and theorized.

One solution to this is to take conflict and change into account in the theorizing of integration, for example in a processual understanding of democratic integration which “does not imply the absence of political conflicts or contestations, but rather the contrary” (Gianni 2019, 102; see also Lopez 2009; El-Mafaalani 2018; Foroutan 2019). The solution pursued in this thesis is to avoid “the Parsonian posing of the question” to begin with. Instead, I seek to contrast integration theory with theories of political conflict and social change, as Dahrendorf proposed more than 60 years ago. To do so, I draw on Chantal Mouffe’s (1992; 2000) *agonistic pluralism* and on Bonnie Honig’s (2023 [1993]) *democratic agonism*. Furthermore, a promising way forward seems to be to conceptualize

conflict within theories of conviviality (Valluvan 2016; Hemer, Povrzanović Frykman, and Ristilammi 2020; Meissner and Heil 2021). I will come back to this and elaborate on the role of conflict and contestation in the Swiss context in the last section of this chapter. Before that, let us turn to liberalism as a category of practice as it manifests in integrationism.

## **Liberalism**

If, as we have seen, it is difficult to find a more polysemic term than *integration*, it is probably *liberalism*. Just as with integration, there are different uses and understandings of liberalism across disciplines such as the social sciences and political philosophy, but also among scholars within different disciplines. This chapter is not another of the many daring attempts (often doomed to failure) to comprehensively define and theorize liberalism(s). Rather, it seeks to develop how liberalisms are understood and employed in the very limited confines of this thesis – that is, in relation to integration governance and especially the value requirement. To do so, I will discuss liberalism as a *category of practice* as in illiberal, boundary and muscular liberalism, first, then will sketch out liberalism as a *category of analysis* as it is employed in this thesis to discuss the normative underpinnings of integrationism. In contrast to *integration*, I employ *liberalism* as a category of analysis to critically discuss integration and the value requirement from a normative perspective (in the third article).

## **Boundary Liberalism**

The boundary making in the name of liberal values and the phenomenon of putting illiberal means – such as the intrusion into inner values and feelings, as I show in my second article – at the service of liberal goals have been extensively investigated in recent years and conceptualized as “boundary liberalism” (J. A. Brown 2016), “repressive liberalism” (Joppke 2007a), “illiberal liberalism” (Orgad 2010b) and “Schmittian liberalism” (Triadafilopoulos 2011). These concepts refer to the fact that “the extent to which immigrants are believed to have acceptably liberal values has become a site of boundary making in Western Europe” (J. A. Brown 2016, 455). Integration has become “increasingly predicated on the adoption of liberal-democratic norms and practices (...) and assumptions underpinning liberal personhood” (Korteweg 2017, 431). This boundary making in the name of a “loose collection of classically liberal ideals including humanism,

egalitarianism, and tolerance” (J. A. Brown 2016, 456) all too often “ends up having its own illiberal thrust” (Korteweg 2017, 431). Illiberal liberalism seeks to identify the core values of liberal societies and use coercive state power to protect these values from putatively illiberal and dangerous groups – typically (migranticized) Muslims (Korteweg 2017; Bonjour and Duyvendak 2018) – through aggressive integrationism (Triadafilopoulos 2011).

While the phenomenon of boundary liberalism is re/surging in many European integration regimes (J. A. Brown 2016; see also Karagiannis and Randeria 2018), it is neither new nor limited to the field of integration governance. At the beginning of the 20th century, it was argued in the US that immigrants from Eastern and Southern Europe did not possess the “Anglo-Teutonic conception of law, order, and government” and that it was the task of integration – at the time referred to as assimilation and amalgamation – to “break up these groups or settlements” and to “implant in their children, so far as can be done, the Anglo-Saxon conception of righteousness, law and order and popular government, and to awaken in them a reverence for our democratic institutions” (Kostakopoulou 2010, 947–48). Similar voices were raised in Switzerland, such as the following, of a legal expert:

We must transform these foreigners into nationals; and it is a matter of the law to declare which of them should become part of our public body; but it is a matter of the soul to infuse these new citizens with a little of the civic love that animates us, to win them over to our ideas of tolerance and solidarity, to our democratic traditions (Sauser-Hall 1914, cited in Di Donato et al. 2020, 63; see also Manser-Egli 2023).

Likewise, boundary making in the name of “liberal values” has been observed and analysed outside the field of integration governance, for example regarding “gender equality”. Based on an analysis of the political debates about “forced marriage” and the “burqa ban” in Switzerland, we have shown how gender equality and women’s rights are presented as a done deal in Western Europe, even as genuine European values. Simultaneously, migranticized and culturalized Others are portrayed as having values that are incompatible with these allegedly European values and are threatening and illiberal because of their gender inequality and lack of respect for women’s rights, which are seen as grounded in their “culture” (Dahinden and Manser-Egli 2023; see also Farris 2017).

Triadafilopoulos speaks of “Schmittian liberalism” – due to its clear-cut distinction between friends and enemies, as in the political philosophy of Carl Schmitt – which sees “the task of immigrant integration as part of a broader campaign to preserve ‘Western civilisation’ from illiberal threats, particularly those based on ‘fundamentalist Islam’”, whose illiberal presence threatens the “cohesion of an enlightened, liberal Europe” (Triadafilopoulos 2011, 863). Similarly, Liz Fekete (2006, 8) has conceptualized the strengthening of cultural fundamentalism (Stolcke 1995) “by recourse to the Enlightenment as the foundation of western European culture, which therefore needs to be defended”, as *enlightened fundamentalism*. Referring to the partial shift from nationalism to *civilizationism*, Brubaker argues that the belief that Islam poses a civilizational threat to the West has given rise to “an ostensibly liberal defense of gender equality, gay rights, and freedom of speech” (Brubaker 2017, 1191). It is precisely this framing in existentialist terms that allows aggressive integrationism to “justify policies that might otherwise be seen to contravene liberal principles of toleration and equality” (Triadafilopoulos 2011, 863).

Finally, the discursive frame of *boundary integrationism* sees integration as the way to preserve the European community and its (liberal) values – as expressed in the now infamous speech by EU High Representative Josep Borrell in which he considers Europe to be a garden that could be invaded by the jungle, that is, “most of the rest of the world” (Dodevska 2024; see also Manser-Egli 2023).<sup>24</sup> Aggressive integrationism therefore can be regarded as a “new twist on old-fashioned racism, furthered by the uninformed or purposefully malicious collaboration of liberals” (Triadafilopoulos 2011, 869).

### **Muscular Liberalism, Precarious Liberalism**

This malicious collaboration of self-proclaimed liberals in public and political discourse has been captured and theorized in the concept of *muscular liberalism* (Jose 2015; Dobbernack 2018). In a speech delivered at the Munich *Sicherheitskonferenz* in 2011, the then prime minister, David Cameron, proclaimed the “need to be far more muscular in promoting British values”, putting muscular liberalism in opposition to the “doctrine of state multiculturalism” and to British Muslims who show “real hostility towards Western

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<sup>24</sup> [https://www.eeas.europa.eu/eeas/european-diplomatic-academy-opening-remarks-high-representative-josep-borrell-inauguration\\_en](https://www.eeas.europa.eu/eeas/european-diplomatic-academy-opening-remarks-high-representative-josep-borrell-inauguration_en) (accessed 26.03.2024). Note also the colonialist and civilizationist tropes in Borrell’s narrative.

democracy and liberal values” (Dobbernack 2018, 379). At the time of Cameron’s speech, muscular liberalism was described by a member of a conservative British think-tank as follows:

A Muscular Liberal is someone who believes in liberal values and believes that those values must be defended and promoted. Here in the West we benefit from living in liberal cultures which tolerate our differences, accept non-conformity and encourage inquiry and debate. But too often, that liberalism also makes us soft. We think that because we tolerate difference we have to tolerate those who violently disagree with our way of life. We imagine that because we accept non-conformity we have to accept cultures which refuse to conform to our basic standards of decency. Muscular Liberals know that our free and fair civilisation is fragile and that it requires active defence. We also know that the best way to defend our values is to spread them. (<http://www.muscularliberal.com/about> (no longer accessible), cited in Jose 2015, 446)

In similar rants against “multiculturalism” as far back as the 1990s, the Dutch politician Frits Bolkestein demanded “liberalism with guts” (Dobbernack 2018, 380) and argued that “the integration of minorities (...) can only be solved with guts” (Van Reekum 2014, 116). These references to liberalism in public and political discourse have been taken up by scholars and theorized variously as muscular, assertive or unashamed liberalism (Vincent 2022; see also Olsen 2017). In my third article, I argue that these liberalisms are not only illiberal, as has been shown by many scholars (Guild, Groenendijk, and Carrera 2009; Orgad 2010b; Adamson, Triadafilopoulos, and Zolberg 2011; Vincent 2022), but also an expression of liberalism’s *precariousness*. I resort to gender studies to draw a parallel between the gendered and typically masculinist attributes of liberalism as muscular, assertive, unashamed, and not soft and fragile but as having guts (see also Basham and Vaughan-Williams 2013) on the one hand and, on the other, the concept of *precarious manhood* (Vandello et al. 2008), which refers to the threatened status of “real manhood” and its constant need for re/affirmation and social proof, and which requires an “active defence”. I elaborate on this in my third article, where I argue that just as the aggressive and threatened figure of “real manhood” is an expression of precarious manhood, muscular liberalism is an expression of precarious liberalism.

## **Radical Liberalism**

In the remainder of this chapter, I seek to develop the contours of liberalism as a category of analysis as it is used in this thesis. This liberalism draws on a minimalist definition comprising individualism, egalitarianism, universalism and meliorism (Gray 1986) and on two minimal standards – fundamental rights and democratic inclusion. It is neither a full-fledged political philosophy of liberalism nor does it seek to discuss integration as a category of analysis in political philosophy as part of the “ethics of immigration” (as Kymlicka 1996; Modood 2007; E. Anderson 2010; D. Miller 2016 and others have done). To serve its purpose for this thesis – to normatively evaluate integrationism and the value requirement in the Swiss context – I draw on the critical political philosophies of Charles Mills, Chantal Mouffe and Bonnie Honig, among others, which are theoretically and epistemologically akin and relatable to the critical theory of the social sciences discussed so far. Finally, in line with the contextual approach pursued in this thesis, I seek to anchor these philosophies in the Swiss context by drawing on the Swiss constitution and direct democracy and its underlying liberal democratic philosophy and practices of political contestation.

To begin with, it seems important to start with some critical reflections on liberalism as a category of analysis. To move from the category of practice to the category of analysis, it is important to point out that muscular liberalism is not simply “a liberalism gone wrong” (Jose 2015), overreacting with aggressive integrationism to its precariousness. In fact, liberalism does not suffer from any muscular weakness and has always been a muscle-bound entity “capable of kicking sand into the faces of other philosophical perspectives” (Jose 2015, 445). Hence, muscular liberalism reveals where liberalism has always been: used to justify authoritarian governmental practices in colonialism and with its genealogical roots and its ideological core grounded in a masculinist and racist past (Jose 2015; see also Losurdo 2011; Mills 2017). As such, muscular liberals today are not reinvigorating liberalism or marking out a new identity – on the contrary, liberalism has always been part of and complicit in the colonial project (Jose 2015). This is important to understand the prevalence and the working of what have been theorized as civilizationism and enlightened fundamentalism and the importance of development and modernity narratives in today’s integration imaginaries, as I elaborate in the Context chapter. Any liberalism as a category of analysis has to take these legacies into account in order to avoid

the reproduction of *coloniality* – “the permanence of [colonialism’s] manifestation in today’s power asymmetry, racial difference and inequality” (Astolfo and Allsopp 2023, 11) – that is inherent in integration regimes.

So, what does this acknowledgement involve? Should we do away with liberalism as a political philosophy and category of analysis, as I suggested for integration (in migration studies)? Maybe not, if we consider the fact that although liberalism has been complicit in the colonial project and other authoritarian governmental practices, so have “most other political philosophies of and for the modern and postmodern eras”, as Jose (2015, 456) acknowledges. As a matter of fact, liberalism might have been so successful in kicking sand into the faces of other philosophical perspectives that it can hardly be avoided in contemporary political philosophy.<sup>25</sup> Let us take, for example, the work of Chantal Mouffe, who is known as a fierce critic of liberalism. She defines her radical and pluralist democracy as one that lives up to the “political principles of modern pluralist democracy, namely, the assertion of liberty and equality for all” (Mouffe 1992, 378). Obviously, liberty and equality are the cornerstones of any definition of liberalism in political philosophy. In this sense, even Mouffe’s position can be considered one within the broad spectrum of liberal political philosophy.

The same is true for many other important critiques of liberalism, for example those stemming from gender theory (Pateman 1988; Moller Okin 1994; Phillips 1992; 2001), postcolonial/decolonial theory and critical race theory (Mehta 1990; Losurdo 2011; Fernando 2014; Mills 2017), or Foucauldian approaches to governmentality and power (Rose and Miller 2010; Mbembe 2017). Normatively, they often fall back, in some way or other, on the core ideals of political liberalism such as the moral primacy of the individual (individualism), the equal moral worth and status of all human beings (egalitarianism and universalism), and the corrigibility and improvability of all social and political arrangements (meliorism) (Gray 1986).

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<sup>25</sup> This dominance is in large part due to the whiteness of political philosophy (Mills 2017) and its complicity in imperial expansion, as Mbembe points out: “European liberalism was forged in parallel with imperial expansion. It was in relation to expansion that liberal political thought in Europe confronted such questions as universalism, individual rights, the freedom of exchange, the relationship between ends and means, the national community and political capacity, international justice, the nature of the relationship between Europe and extra-European worlds, and the relationship between despotic governance beyond national borders and responsible representative governance within them” (Mbembe 2017, 55).

The point is probably not whether one wants to locate the (implicit or explicit) recourse to these sets of ideals *within* political liberalism or in other political philosophies. What matters here is not so much whether we call these philosophies liberalism, republicanism or (agonistic) pluralism (Mouffe 2000), but to which normative principles and ideals we refer (although these principles and ideals are qualified by their overarching theories, of course). After all, the philosophical questions and the normative theoretical frame of this thesis needed a language with which to address and name the *wrongs* of integration governance and the value requirement. I decided to stick to the language of liberalism, though as critically and reflexively as possible. Here, on this fine line between the fierce and thorough critiques of liberalism's past and present and its consequent rejection as a political philosophy, I found Mills' (2017) call for a *black radical liberalism*.

Mills' point of departure is a critique of *racial liberalism*, against which he calls for a comprehensive theorization and reconstruction of a "deracialized, color-conscious liberalism" (Mills 2017, xxi). But his subsequent inquiry goes beyond racism: "Even if actual dominant liberalisms have been conservative in various ways (corporate, patriarchal, racist) why does this rule out the development of emancipatory, radical liberalisms?" (Mills 2017, 13). Mills (2017) reminds us that the promise of liberalism was the granting of equal rights to all individuals, destroying old social hierarchies and establishing a new social order where everybody, as an individual, could flourish. In reality, liberalism preserved old and established new hierarchies of gender and race (Mills 2017). Radical liberalism is the struggle to realize the liberal ideal for everybody and not just a privileged minority: "If this struggle is ever to be successful, a prerequisite must be the acknowledgment of the extent to which dominant varieties of liberalism have developed so as to be complicit with rather than in opposition to social oppression" (Mills 2017, xxi). I try to situate myself on this fine line between liberalism's oppressive past and present, on the one hand, and the naïve ignorance or even reproduction of its complicities with social oppression, on the other hand. I neither fully reject nor fully embrace liberalism as a political philosophy but try to walk the line by contributing to the development of a more emancipatory, radical liberalism (or whatever we might call it).

## **Contestation in Liberal Democracy**

The liberalism in this thesis is committed to *democratic agonism* in that it treats contestation not as a regrettably necessary way to correct political imperfections but as a necessary feature of democratic life: “Agonism is committed to contest, not for contest’s sake but for the sake of those remaindered by even the best, most tolerant, democratic political orders” (Honig 2023, x). This is important, because if the history of liberalism as a political theory and of liberal democracy as a political institution has shown one thing, it is that it always produces remainders to its political order – what Losurdo (2011) calls liberalism’s *exclusion clauses* – in terms of, inter alia, race, class, gender and migrancy. What I argue in this thesis is that the subjects of integration are remaindered by il/liberal integrationism in that it attempts to exclude those it remaindered from political contest. Agonism is critical of such attempts to still the unruly conflicts and contests of democratic politics because they result in violations of freedom, plurality, tolerance, individuality and community (Honig 2023). Liberalism should not strive to end contestation but to perpetually reignite it (Honig 2023).

Seyla Benhabib theorizes this perpetual contestation as *democratic iterations* in liberal democratic societies: “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, 179). Similar to Honig’s democratic agonism, this political conception of democracy and citizenship rests on the idea that even the best formal procedures “cannot avoid harsh conflicts of interpretation of contextual and principled moral and democratic values” (Gianni 2023, 591).

In what follows, I anchor these theoretical considerations in the Swiss context in order to specify how I treat liberalism and, more specifically, liberal democracy as a category of analysis against which I evaluate the value requirement and integrationism. To do this, I illustrate the role of contestation, inclusion and fundamental rights in liberal democracy in the example of the Swiss case. This allows me to analyse what I identify as il/liberal integrationism and its inherent contradictions in the following chapters of this thesis.

As I elaborate more substantially in the Context chapter later, the development of direct democracy in Switzerland has been one of exclusion and inclusion. Modern Swiss

democracy is largely the result of conflict and contestations (Graber 2023). Most remarkably, several cantons – all of them Catholic and defeated in the civil war (the so-called *Sonderbundskrieg*) following the liberal revolution in 1848 – have rejected *all* constitutions of the modern federal state in popular votes, from the first in 1848 to the last revision in 1999 (Friedli 2023). Yet there is no significant democratic discontent, let alone secessionist tendencies, as in other liberal democracies. Overall, Swiss history is marked by both *majoritarian democracy* and *minoritarian contestation*.

In this process, the political inclusion and the extension of rights to hitherto excluded groups (such as Jews in the mid-19th century, and women until 1971) always had to be “conceded” by the dominant, excluding group. This principle still holds true for migration and integration policy: the Swiss electorate decides on the right to enter and reside of those who are excluded from the decision-making process. Moreover, and this is the core of this thesis, non-citizens are excluded from the demos *in the name of* integrationism. In order to become a citizen through naturalization, one has to be successfully integrated. Citizens, on the other hand, do not have to fulfill any kind of integration requirements whatsoever. This conundrum of the mutually exclusive categories “integration” and (native) “citizen” is what I identify as the paradigm *integration for foreigners, democracy for citizens*. This mutual exclusivity is not evident, and it is increasingly contested. On the one hand, one could require citizens to fulfil integration requirements such as respecting the values of the constitution (and hence extend the category of integration to citizens). On the other hand, some rights that have been reserved to citizens have been continually extended to non-citizens (see Soysal 1994), including some (political) rights to contestation (extending democracy to non-citizens). It is in relation to these constitutional rights and principles that the value requirement runs the risk of being a contradiction in terms, as I will show.

The minimalist understanding of liberal democracy that I put forward in this thesis builds on two principles: fundamental rights and democratic inclusion. In contrast to the various competing and essentially contested understandings of *liberalism* and *democracy* taken in isolation, I argue that *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. If either of these elements is missing, we cannot call it liberal democracy. As I argue in this thesis, 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 (as I show in my second article), and the right to democratic participation by excluding substantial parts of the population from the demos *in the name of* integration. Let me develop these two minimal standards of liberal democracy in the Swiss context in turn.

Until its total revision in 1999, art. 4 of the Swiss Federal Constitution held that “All *Swiss* are equal before the law. There are no subject relationships [*Untertanenverhältnisse*] in Switzerland, no privileges of place, birth, family or person”. The same provision today states that “every *person* is equal before the law” (art. 8, emphasis mine). This reformulation of the equality before the law principle, fiercely contested by the political right in the popular vote in 1999, involves a human rights commitment to a citizen status beyond citizenship (Kreis forthcoming). This is especially interesting in light of the Swiss government’s reluctance back in 2002 to speak of an “integration obligation” as a “binding legal obligation to integrate”, because questions of enforceability would arise over the compatibility of integration requirements with personal freedom (Bundesrat 2002; see the Context chapter). This tension appeared precisely because the right to personal freedom (art. 10 of the Federal Constitution) applies to all residents in Switzerland, independent of their citizenship status. Normatively, this is relevant for the evaluation of the value requirement because legal scholars have questioned the compatibility of the requirement with constitutional rights and freedoms. These tensions clearly show that liberal constitutionalism does not magically rule out nationalism or racism in repressive integration policies, as Joppke (2007a) claims.

To begin with, the vagueness of the value requirement and its open enumeration of “values” open the door for arbitrariness and unequal treatment in its application which threaten to violate the constitutional guarantees of non-discrimination (art. 8) and the protection against arbitrary conduct by state authorities (art. 9) (Biaggini 2017). Furthermore, the value requirement threatens the constitutional right to criticize the constitution (freedom of expression, art. 16) (De Weck 2019) and, due to its interference with inner values and convictions, the freedom of religion and conscience (art. 15). Finally, these rights are explicitly encapsulated in art. 34 on political rights: “The guarantee of political rights protects the freedom of the citizen to form an opinion and to give genuine

expression to his or her will.” Again, these rights are not tied to formal Swiss citizenship.<sup>26</sup> The aim of this first minimal standard of liberal democracy – constitutional rights – is individual autonomy, as Sayad observes:

What is really at stake in these strategies for social struggles, which are found in any struggle between the dominated and the dominant, or in the face of domination, is not, as is commonly said, the conquest or reconquest of identity. It is the ability to reappropriate for oneself the possibility of constructing one’s own identity and of evaluating that identity in complete autonomy. This is the ability that the dominated are obliged to surrender to the dominant. (Sayad 2004, 287–88)

The second minimal standard for liberal democracy is democratic inclusion. In his democratic theory, Robert Dahl identified the *principle of full inclusion*: “The demos must include all adult members of the association except transients and persons proved to be mentally defective” (Dahl 1989, 129).<sup>27</sup> He grounds this principle on the all-subjected principle of democratic theory, according to which “the demos should include all adults subject to the binding collective decisions of the association” (Dahl 1989, 120). The normative justification of this *all-subjected principle* builds on the assertions that democratic organization “should follow the contours of power relations, not those of memberships” (Shapiro 1999, 38) and that these power relations in liberal democracy emanate to a decisive degree from the subjection to the legal order and its (state) coercion.<sup>28</sup>

As Swiss history shows, the principle of democratic inclusion has never been fully implemented but slowly and steadily extended instead. This process is still ongoing and, as I argue, il/liberal integrationism is interfering with it. The history of the modern Swiss

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<sup>26</sup> Contrary to its formulation in English and French (which speaks of the “citizen”), the German version does not refer to citizenship status: “Die Garantie der politischen Rechte schützt die freie Willensbildung und die unverfälschte Stimmabgabe.” The provision thus includes non-citizens, for example in cantons and municipalities where non-citizens can vote on the local and/or cantonal level (as is mostly the case in French-speaking Switzerland).

<sup>27</sup> The ongoing exclusion of the second category (people with disabilities) is increasingly contested (just like the vocabulary and categories employed). See, for example, this cantonal popular initiative for the right to vote for people with disabilities: <https://www.teilhabe-initiative.ch/> (accessed 26.03.2024).

<sup>28</sup> In my Master’s thesis, I defend the position according to which the *all-subjected principle* requires both subjection to the legal order and state coercion – and therefore entails the *all-coerced principle* (see Abizadeh 2012) while rejecting the *all-affected principle* (see Goodin 2007) – which, ultimately, results in a territorial understanding of the principle (Manser-Egli 2018).

state can be read as one of political contestation for inclusion, in which dominant majorities had to be won over. Think, for example, of the Swiss men who, after rejecting women's suffrage in 1959, "conceded" the right to vote to women in 1971 – after decades of contestation.

However, this contestation has often been *silenced* by political and academic discourse in (Swiss) democratic theory, as Katrin Meyer shows: "Political conflicts are framed in such a narrow way that the radical democratic contestation of the conditions of democracy itself is foreclosed" (Meyer 2022, 92). In fact, what Meyer observes in the "constellation of 1971" is a violation of both minimal standards for liberal democracy that I have outlined so far, i.e. constitutional rights and democratic inclusion:

It shows that the recognition of basic democratic rights, such as equal representation and political liberty, that are considered as the normative foundation of liberal democracy, nevertheless depends on contingent conditions that define who counts as democratic subject and who does not. In Switzerland, this systematic problem could not be solved by the positive outcome of the 1971 popular vote because its problem was the procedure of voting itself. The fact that the democratic rights of Swiss women were depending on Swiss men's decision alone, highlights the problem that the sovereign power of "the people" can clash with the recognition of universal—or constitutional—rights. (Meyer 2022, 89)

Most interestingly, Meyer identifies a "constitutional conflict" in that the political exclusion of Swiss women was already considered a violation of the principles of the Swiss constitution at the time. Legal scholar Werner Kägi denounced Switzerland as a "privilege state" (*Privilegienstaat*) that could not be qualified as democratic anymore (Kägi 1956, cited in Meyer 2022). For Meyer, the constellation of 1971 thus serves as a concrete and paradigmatic example of the "double paradox of democracy" in political philosophy:

The first paradox refers on the potential conflict between recognizing universal rights and people's sovereignty as the legislative power. The second refers to the impossibility of the *demos* to decide democratically who belongs to the *demos* (Benhabib 2008, 41; Mouffe 2008, 20 ff.). (Meyer 2022, 90, emphasis in the original)

By integrating Swiss women *silently* into a theory of democratic institutions that are traditionally defined as male – what Meyer calls the “add women and stir” approach in political theory – “contemporary theories of democracy overlook the systematic democratic paradoxes that women’s suffrage in Switzerland brought to the fore and that are directly linked to the paradoxes of gender-neutral concepts of citizenship and political equality in general (Riley 1988; Scott 1996)” (Meyer 2022, 92).

This reflects and in part resolves what I refer to as the mystery of the Swiss self-perception and “defining ideology” (Ireland 1994) as a (direct) democracy in the Context chapter later, not only with regard to the exclusion of (Swiss) women, but also that of the migrant/icized Other:

On the one hand, the sovereign power of the people and the concept of general suffrage is taken as historically and systematically *constitutive* for Swiss democracy. On the other hand, it is considered institutionally irrelevant who counts as part of the people and who does not, as long as the excluded or included are not representative of those who represent the general or universal political subject— i.e. the western white, non-colonized male individual. (Meyer 2022, 92–93, emphasis in the original)

As I further elaborate in the Context chapter, Swiss history has also been one of contestation with regard to migration policy. However, due to the manifold exclusions of substantial parts of the population from the demos, the contestation of migration policy often originated from and was substantially shaped by the political right, including anti-immigrant, nativist and populist movements from Schwarzenbach in the 1960s and 1970s to the Swiss People’s Party today. From a (radical) liberal democratic perspective, the “problem” here is neither the contestation as such nor (necessarily) direct democracy, but the fact that within this direct democratic contestation, large parts of the population are excluded (women in the very close Schwarzenbach vote in 1970, for example, and more than one quarter of the population today as non-citizens). In this sense, the dominant and often successful anti-immigrant contestation – or populism – is not the “fault” of

democratic contestation as such, but of the effective (immigrant) exclusion from this contestation.<sup>29</sup>

It is in this context, against the background of the philosophical and legal considerations and what I have identified as minimal standards for liberal democracy that I argue, in this thesis, that the integration requirement to respect the values of the constitution is a *contradiction in terms*: the very constitutional principles, rights and guarantees of (radical) liberal democracy preclude the practices entailed in the value requirement and the political philosophy of integrationism behind it.

Needless to say, this theoretical framework and the thesis do not resolve the fundamental questions at the core of political liberalism. I do not address, for example, the limits of state interference and, correlatively, individual liberty; the Böckenförde dilemma, according to which the liberal [*freiheitlich*] state lives by prerequisites it cannot guarantee itself (Böckenförde 1976; see also Manser-Egli 2022a); Popper's (2020 [1945]) paradox of tolerance, which holds that unlimited tolerance must lead to the disappearance of tolerance; or Favell's "question of Hobbesian vintage": "How can a political system achieve stability and legitimacy by rebuilding communal bonds of civility and tolerance – a moral social order – across the conflicts and divisions caused by the plurality of values and individual interests?" (Favell 2001b, 2). I do not resolve these fundamental questions and I do not think I have to in order to problematize integration governance from a normative perspective. Yet I hope to modestly contribute to all these debates by discussing a very specific question – the role of values in integration governance – in a specific context. What I do is to pinpoint some of the normative wrongs of integrationism in the Swiss context and to sketch out what a more radical liberal democracy might look like. Let us now turn to this Swiss context in detail, to the methodology and, eventually, to the three articles, the core of this thesis and where I have sought to put this theory to work.

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<sup>29</sup> This is not to say that the democratic outcome of this contestation would (necessarily) be different if hitherto excluded groups are included in the democratic process, as Strijbis and Polavieja (2018) have shown, for example, for the vote on the popular initiative "against mass immigration" (see the Context chapter). However, it would be more inclusive (i.e. more democratic) and, most likely, more contested.

## CONTEXT

Those willing to integrate have nothing to fear.<sup>30</sup>

(Andreas Glarner, MP, Swiss People's Party)

The playing field remained decidedly uneven everywhere. (Ireland 1994, 265)

What's the point of asking a German? (SEM case worker)

What is most to be feared is not men, but the ideas they embody.

(Sauser-Hall 1911, cited in Arlettaz and Arlettaz 1996)

This chapter situates this thesis in its context. Since I pursue a contextual approach in line with grounded (normative) theory (Carens 2004; Charmaz and Belgrave 2012; Ackerly et al. 2024), this context is of great importance for the thesis. To begin with, the chapter briefly introduces the civic integration turn in Europe and the role of shared (liberal) values in European integration regimes. It then zooms in on the Swiss case and some of its historical and present peculiarities, to then turn to the history of “foreigner policy” and its “over-foreignization anxieties” and arrive at the “new” integration policy. Subsequently, the chapter dives into the current Swiss integration policy and, finally, into the value requirement. It ends with an excursus on the search for traces of the values in the integration debates of the 1990s and with an overall conclusion.

### Civic Integration in Europe

About two decades ago, scholars started to investigate what has been called the *civic integration turn* (Goodman 2018). In the aftermath of Brubaker's (1992) groundbreaking work on civic and ethnic nationalism in Germany and France, and Favell's (2001b) philosophies of integration in republican France and multicultural Britain, among others, scholars have started to focus on the commonalities and convergence of integration policies across Europe in a context of the pronounced death of multiculturalism (Gilroy 2012) and integration crises (Duemmler 2015). As Joppke and Eule (2016) point out, the

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<sup>30</sup> Amtliches Bulletin (AB 2016 N 2152); <https://www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=38872> (accessed 26.03.2024).

shift to civic integration does not imply a complete convergence of national policies. Under the umbrella of civic integration, national governments and their local counterparts have “ample space for their own unique arrangements of ‘requiring’ (*fordern*) and ‘furthering’ (*fördern*) integration” (Joppke and Eule 2016, 357). While national variations still exist, they seem to be less and less dependent on the old and stereotypical distinctions between civic, ethnic and multicultural forms of nationhood (Joppke and Eule 2016).

Civic integration policies express the idea that “successful incorporation into a host society rests (...) on individual commitments to characteristics typifying national citizenship, specifically country knowledge, language proficiency and liberal and social values” (Goodman 2010, 754). What is central here is civic integration’s turn to the “commitment to common values”, as the former UK Prime Minister, Tony Blair, put it at the time (Goodman 2010). The civic integration turn coincides with what Simon and Beaujeu (2018) have called the *coercive turn* of integration policies, drawing on Joppke's (2007b) coercive philosophies of integration and what Brubaker had identified in 2001 as the return of assimilation, namely a normative “shift from the automatic valorization of cultural differences to a renewed concern with civic integration” (Brubaker 2001, 542). As I will elaborate below, these developments are very similar to the evolution of integration policy in Switzerland: it has shifted from the *assimilation paradigm* and adaptation to “Swiss culture” that was against “over-foreignization” after the 1960s, to the *integration paradigm*, which no longer required the abandonment of “cultural particularities” in the 1990s, to the *civic integration paradigm* and the binary of support and control from the 2000s onwards (Duemmler 2015, 382–83). Let us now briefly turn to the role of shared values in European (civic) integration regimes before zooming in on the Swiss case.

At the EU level, Dora Kostakopoulou (2010) has analysed the legislation on migration and citizenship in Europe and the EU framework on integration from a socio-legal perspective in her *Anatomy of Civic Integration*. By civic integration, she means integration requirements that migrants have to meet in order to enter, reside, reunite with their families and naturalize in the host country, including mandatory language courses and exams, as seen above. Civic integration is framed as a two-way process or a contractual agreement between migrants and the “host society”. However, Kostakopoulou points out that “despite the deployment of the notion of a contract, integration is, in reality, a one way

process aimed at procuring conformity, discipline and migration control” (Kostakopoulou 2010, 953). She concludes that the civic integration paradigm represents a renewed, albeit old-fashioned, nationpolitics that is used by political elites to elicit support for a controlling state (Kostakopoulou 2010).

About a decade later, Iva Dodevska (2023) conducted a similar analysis of EU integration policy and discourse. In her examination of the shifts and continuities in the EU framework on migrant integration, she proposes a typology of concomitant and sometimes opposing discourses (Dodevska 2024). She identifies the frames of neoliberal, welfarist–egalitarian, securitarian and boundary integrationism. Most importantly for this thesis, she argues that the early predominantly welfarist and neoliberal discourse on integration was only vaguely interested in questions that concerned common values and Europe’s identity but was framed in terms of equal and fair treatment and economic gains, whereas the recent reformulation of the EU’s integrationist strategy, which expresses a more nativist and securitarian discourse, represents a break from universalist ideas. As I show for the Swiss case, this *boundary integrationism* draws on the alleged civilizationist clash between the liberal and the illiberal world and thus requires adherence to liberal values (Dodevska 2024).

In the German context, Jessica Autumn Brown (2016) has researched street-level citizenship education and coined the term *boundary liberalism* to capture the boundary making in the name of liberal values. She studied how curricula and classroom interactions define normative liberalism – that is, how “liberal values” are defined and conveyed by course materials and instructors – and how the lessons concerning these values draw symbolic boundaries to exclude Muslims (J. A. Brown 2016). In a very similar research setting, Williams shows how the boundary making operates along the themes of gender and family norms, democracy and rights, and religious freedom (Williams 2018). In his analysis of the legal practice concerning the recent naturalization requirement of “integration into the German living conditions” (*Einordnung in die deutschen Lebensverhältnisse*), Tarik Tabbara (2023) finds indications of what he calls a general “cultural reservation” (*Kulturvorbehalt*) regarding naturalizations. He finds that the provision was introduced to exclude people from naturalization if they are in a polygamous marriage but that it is now also applied in other cases such as the refusal to

shake hands. These “culturalist interpretations” resonate considerably with the implementation of the value requirement in Switzerland, as I show.

In research very similar to Brown’s (2016) in Germany, Elizabeth Onasch (2017) has studied the processes of racialization and boundary drawing in the French civic integration programme, the “Reception and Integration Contract”. In interviews with programme staff, she finds that the programme represents the French nation as modern, secular and striving towards gender equality, and immigrants as traditional with patriarchal gender relations and public religious practices that conflict with the values of the French Republic (Onasch 2017). More recently, Émilien Fargues, Janie Pélabay and Réjane Sénac (2023) have analysed the contemporary uses of the “values of the Republic” in the French naturalisation process – and reached very similar findings to mine in the Swiss case. They study the reconfiguration of assimilation interviews which are meant, since 2011, to test applicants’ adhesion to the values of the French Republic. The French value requirement has contributed to a twofold process of the moralization of citizenship, which fuels state intrusion into private lives – this is what I have analysed as *state access to inner convictions* in my second article – and of the culturalization of citizenship, which nourishes ethnocultural stereotypes against Muslims – which I refer to as the *culturalization of values* in my first article. Finally, they point out that French civic integration is not so “civic” after all but an expression of a culturally oriented state perfectionism (Fargues, Pélabay, and Sénac 2023).

In the Netherlands, social science was a pioneer of both integration policy (here I am thinking of Han Entzinger 1984 or Rinus Penninx 1988) and its most fundamental critique (Schinkel 2017; 2018; 2019 besides the following scholars). Anna Korteweg (2017) has shown how integration discourse produces gendered and racialized non-belonging in that it turns the gaze away from the actual ways in which those labelled as immigrants are full members of societies and obscures “host” societies’ troubles. Importantly, she notes that successful integration has become increasingly predicated on the adoption of liberal democratic norms and assumptions underpinning liberal personhood; and that despite liberalism’s apparent universalism, it all too often ends up having its own illiberal thrust (Korteweg 2017). Saskia Bonjour and Jan Willem Duyvendak (2018) analyse the figure of the “migrant with poor prospects” and the racialized intersections of class and culture in Dutch civic integration debates. Similar to Dodevska’s (2024) research on the EU level,

they observe a shift in integration policies and discourse from welfarist–egalitarian to neoliberal and boundary integrationism. Bonjour and Duyvendak (2018) demonstrate how discourses on the “failure of integration” and the exclusion of the “migrant with poor prospects” are based on the implicit representation of Dutch society as a middle-class, hardworking, highly modern and progressive community of value, with no place for people who do not share those values. Finally, Nadine Blankvoort and colleagues (2021) have analysed the Dutch civic integration programmes and shown how the Dutch nation-state and its citizens are constructed as inherently modern, in opposition to the construction of the Other as unmodern. The Other is required to understand the values of the Netherlands, presented as universally embraced by the Us and as critical to the success of society (Blankvoort et al. 2021). Similarly, in their study of “spontaneous compliance” in the “new” civic integration programme, they show how “newcomers” are required to internalize modern Dutch values by signing a “participation statement” that requires them to adopt and respect Dutch core values (Blankvoort et al. 2023).

In the Danish integration context, Mikkel Rytter (2019) has examined how integration produces Danish imaginaries of culture, race and belonging. He shows how Muslim immigrants are expected to confirm their allegiance to Danish democracy and liberal values and how they are constructed as the counterpart of Danishness: as a potential threat to democracy, human rights, gender equality and/or freedom of speech – which are presented as central values of Danish society and the welfare state (Rytter 2019). More than a decade earlier, Mouritsen (2006) studied the Danish context to conceptualize what he calls particular universalism, on which I draw in my third article.

Finally, Melinda McPherson (2010) has contested the normalizing discourse of integrationism in Australia through conversations with refugee women. Migrants to Australia are required to sign Australia’s Values Statement, which requires adherence to “unreconstructed values” such as gender equality (McPherson 2010, 553). These “shared values supporting Australia’s way of life” are not open to interrogation by signatories but represented as static and pervasive (McPherson 2010, 554). McPherson (2010) points out how, on the one hand, the debate itself, within the government, indicates vast differences of opinion about Australian values and how, on the other hand, there is no local imperative to adhere to the values (for non-migrants). Both are important findings that are reflected in my research, as we will see.

## The Swiss Case

Let us now zoom in on the Swiss context. Switzerland is in many ways a special case, but also, in many ways it is not. In what follows, I seek to position and contextualize the Swiss case in the European (civic) integration field. I would like to point out a few peculiarities of the Swiss context concerning demographics, direct democracy, federalism and multiculturalism, among other things, without overstating them, in contrast to other European integration regimes. Note that this is by no means a comparative thesis; the aim of what follows is thus only to provide a more thorough understanding of the Swiss case.

First of all, it is important to highlight the role of *federalism* in Switzerland, in general but also with regard to migration and integration policy. Historically, Switzerland is a federal state composed of 26 cantons, the latest of which joined the confederation only in 1979 (Jura) after democratically seceding from the canton of Bern. In line with the principle of subsidiarity, art. 3 of the Swiss Federal Constitution states that “the Cantons are sovereign except to the extent that their sovereignty is limited by the Federal Constitution. They exercise all rights that are not vested in the Confederation”. One level below, the same applies to the relationship between the cantons and their municipalities, of which there were 2131 in total as of 1 January 2024. This federalist system is important when it comes to migration and integration policy, for example when considering the naturalization procedure, as we will see throughout this thesis.

Another key feature of understanding the Swiss case is the role of *direct democracy*, not least with regard to migration policy. Four times a year, Swiss citizens are called to vote on all sorts of issues regulated in the law and/or the constitution(s) at the federal, cantonal and municipal levels.<sup>31</sup> In the weeks preceding any vote, there are political campaigns arguing for either a yes or a no, and substantial amounts of public and political discourse are allocated to these debates. Hence, the votes are a central element of the Swiss political sphere and democracy, and the right to participate in these votes is crucial for any understanding of political inclusion. Since voting rights are mostly tied to Swiss citizenship,<sup>32</sup> this makes citizenship – arguably – more important for political contestation

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<sup>31</sup> The dates for these votes are provisionally fixed until 2043; see [https://www.bk.admin.ch/ch/d/pore/va/vab\\_1\\_3\\_3\\_1.html](https://www.bk.admin.ch/ch/d/pore/va/vab_1_3_3_1.html) (accessed 26.03.2024).

<sup>32</sup> A small number of cantons and municipalities have a voting right for non-citizens at the local and/or cantonal level, mostly in the French-speaking part of Switzerland.

and participation than in other contexts (e.g. representative democracies). This is why the almost classical questions of formal citizenship and naturalization are (still) so important in the Swiss political context – despite the ongoing extension and transnationalization of various rights beyond citizenship (see Soysal 1994). Finally, it is worth pointing out that the Swiss political system is prone to heated and often populist debates and campaigns (not least by political parties) also and especially against those it excludes, which means that migration policy (also *avant la lettre*) has always been a central topic of Swiss direct democracy, as we will see.

The demographic statistics show that Switzerland was an emigration country for centuries. At the beginning of the 20th century, the migration balance was reversed for the first time. Only in the interwar period would emigration again prevail, before immigration reversed the balance again after the Second World War, and it remains positive to this day. In the long run, the share of residents without Swiss citizenship has been growing since the mid-19th century. Between 1850 and 1910, the proportion of foreigners quintupled from 3 per cent of the total population to 14.7 per cent in 1910, which, at the time, was the highest rate in Europe with the exception of Luxembourg (Arlettaz and Arlettaz 1996). This is still the case more than a century later. Today in Europe, only Luxembourg (47 per cent) has a higher proportion of “foreigners”, that is, residents without citizenship, than Switzerland with 26 per cent.<sup>33</sup> The “foreigners’ share” in the population dropped only during the two World Wars, down to 5 per cent in 1941; it has been rising since, and still is.<sup>34</sup> This is not only due to the fact that Switzerland is an immigration country (Piguet 2006)<sup>35</sup> – against its national imaginary – because of its historical and ongoing transnational embeddedness (through emigration, tourism, international finance, an export-driven economy and the strong demand for foreign labour, among other factors) but is also because it has one of the most restrictive naturalization policies in Europe.<sup>36</sup>

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<sup>33</sup> <https://www.bfs.admin.ch/bfs/en/home/statistics/population/migration-integration/by-migration-status.html> (accessed 26.03.2024) and <https://luxembourg.public.lu/de/gesellschaft-und-kultur/bevolkerung/demografie.html> (accessed 26.03.2024).

<sup>34</sup> <https://www.census1850.bfs.admin.ch/de/auslaendische-bevoelkerung.html> (accessed 26.03.2024).

<sup>35</sup> 40 per cent of the population are considered to have a “migration background”. This category includes non-citizens, naturalized citizens and native citizens whose two parents were born abroad (<https://www.bfs.admin.ch/bfs/en/home/statistics/population/migration-integration/by-migration-status.html>, accessed 26.03.2024).

<sup>36</sup> See, for example, the Migrant Integration Policy Index (MIPEX): <https://www.mipex.eu/access-nationality> (accessed 26.03.2024) or the European University Institute’s GLOBALCIT observatory data,

Jean-Thomas Arrighi (2017) has referred to this historical restrictiveness in immigration and immigrant policies as the “tyrannical edges of the vox populi”. In his analysis of all 43 referendums and popular initiatives on migration-related issues at the Swiss federal level between 1848 and 2017, he finds a significant restrictive effect of direct democratic instruments on migrants’ rights.<sup>37</sup> While mandatory referendums have often blocked expansive legislation and optional referendums have largely failed to challenge restrictive bills, popular initiatives, though almost always failing in the polls, have helped to empower radical right and anti-immigrant groups by providing them with the opportunity to set the political agenda (Arrighi 2017).<sup>38</sup> Bringing direct democracy and anti-immigrant politics together, Arrighi identifies a “native bias” that perpetuates restrictive policies: “Because federal voting rights are reserved to citizens and therefore exclude the very population that is most intimately affected by electoral outcomes, the results have given more weight to the preferences of natives over immigrants” (Arrighi 2017, 24).

With regard to naturalization policy, the Swiss electorate and/or the cantons have rejected proposals to facilitate naturalization for the second and subsequent generations in popular votes in 1983, in 1994 and in 2004 (Leyvraz 2017). Although the 2004 proposal received a majority of the people’s votes, it failed to obtain a majority of the cantons and was thus rejected.<sup>39</sup> In 2017, a proposal to facilitate naturalization for the *third generation* was accepted by over 60 per cent of the votes and a majority of the cantons.<sup>40</sup> In light of the history of these popular votes, this is remarkable. However, the “facilitation” in this proposal was very limited and the number of people benefiting is, for now, extremely low (around 800 persons per year from 2018 to 2020, Eidgenössische Migrationskommission 2022).

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visualized here: <https://nccr-onthemove.ch/indicators/how-inclusive-are-swiss-and-european-citizenship-laws/> (accessed 26.03.2024).

<sup>37</sup> A *referendum* is a popular vote on a law that is passed in parliament and either subjected to popular vote by law (“mandatory referendum”) or because 50,000 signatures (of Swiss citizens) have been collected within three months in order to submit it to a popular vote (“optional referendum”). A *popular initiative* is a proposed amendment to the constitution that requires 100,000 signatures (from Swiss citizens) within 18 months in order to be subjected to a popular vote.

<sup>38</sup> For an interactive graphic of the data, see: <https://nccr-onthemove.ch/indicators/did-federal-referendums-and-initiatives-affect-immigrants-rights/> (accessed 26.03.2024).

<sup>39</sup> An amendment to the constitution requires a double majority of the people and the cantons.

<sup>40</sup> <https://www.ejpd.admin.ch/ejpd/de/home/themen/abstimmungen/erleichterte-einbuengerung-dritte-generation.html> (accessed 26.03.2024).

The tyrannical edges of direct democracy and its native bias are crucial for the central observation I want to address in this thesis: that *integration is for foreigners* and *democracy is for citizens*. The two categories are interdependent yet mutually exclusive. As this brief history shows, non-citizens are excluded *by* direct democracy and *from* direct democracy in the name of integrationism. Importantly, this is not a new phenomenon. As I have elaborated with Meyer in the Theory chapter, this ongoing exclusion is also the result of the *silent inclusion* of women into the *demos* in the “add women and stir” approach: “all theories and practices that ‘silently’ include excluded persons and groups, are taking the risk of leaving the excluding structures and mechanism unrecognized and unchanged” (Meyer 2022, 93). As such, the exclusionary character of Swiss democracy has been silenced *before* and *after* the inclusion of Swiss women in 1971, without raising any fundamental concerns over democratic inclusion (see Meyer 2022).

In his comparative study of immigrant politics in France and Switzerland at the beginning of the 1990s, Patrick Ireland (1994) has raised similar questions: how does a democracy deal with members of society whom it does not view as citizens? What does it mean for a polity when large numbers of its residents cannot participate fully in political decision-making? In contrast to France, Ireland identified Switzerland as extremely decentralized with “institutionalized and jealously guarded patterns of consociational conflict resolution amid a multicultural national context” (Ireland 1994, 18). He finds that Switzerland has avoided much of France’s social torment over immigration because Swiss political institutions, at most levels and in most instances, have “channeled away the immigrants’ protest potential, fragmenting their political energies and neutralizing their threatening aspects” (Ireland 1994, 270). His verdict comes very close to that of Arrighi more than two decades later:

Citizenship laws based on *jus sanguinis* and tortuous naturalization procedures have made the Swiss system resemble Walzer's “tyranny” at most levels: “it is the exercise of power . . . over men and women who resemble citizens in every respect that counts in the host country, but are nevertheless barred from citizenship” (1983, p. 59). (Ireland 1994, 270, emphasis in the original)

With reference to Dahrendorf, Ireland observes that immigrants have enjoyed a “secondary citizenship” with limited participation in the sphere of work instead of full formal citizenship. He finds that Swiss federalism, direct democracy and the decentralized

system are “democratic but not very liberal” in that they manage to deflect tensions and to put problems – which are “just as real as in France”, referring to immigrant contestation – in suspension (Ireland 1994, 265). In conclusion, he argues that this situation challenges the liberal democratic values and institutional procedures so greatly prized in these multi-party democracies because representative government is no longer representative (Ireland 1994). Most astonishingly, Ireland concludes that, in contrast to France, where references to “universalistic French values” have added legitimacy to the struggles of immigrants, “Switzerland has no such defining ideology” (Ireland 1994, 271).

But what, if it is not (direct) *democracy* and, to a lesser extent, its decentralized *federalism*, is the Swiss-defining ideology? There is a mystery here – some sort of enormous cognitive dissonance in the fact that this greatest of all democracies (in terms of its self-perception and defining ideology) permanently excludes large parts of its population without the slightest ideological *malaise*, it seems. Note that although at the time of Ireland’s research in Schlieren and La-Chaux-de-Fonds (his Swiss case studies), the proportion of “foreigners” amounted to 26 per cent in Schlieren and to 20 per cent in La-Chaux-de-Fonds (Ireland 1994), they are today at 46 per cent (Schlieren) and 30 per cent (La-Chaux-de-Fonds).<sup>41</sup>

There are some elements that might partially resolve this mystery. One has been raised in the Theory chapter with the work of Katrin Meyer, who has shown that in the imaginary of Swiss direct democracy, the “universal political subject” is the “western white, non-colonized male individual” and that “it is considered institutionally irrelevant who counts as part of the people and who does not, as long as the excluded or included are not representative of those who represent the general or universal political subject” (Meyer 2022, 93). Relatedly, another element disclosing the mystery is that Swiss democracy and its *multiculturalism* have been strictly *nativist*, that is, reserved in the national imaginary to Swiss “natives” with a common ancestry and history (the *Eidgenossenschaft*) and *internal* (regional, linguistic and religious) diversity only.<sup>42</sup> It is a fundamentally nativist

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<sup>41</sup> <https://www.bfs.admin.ch/bfs/en/home/statistics/population/effectif-change.assetdetail.26565262.html> (accessed 26.03.2024).

<sup>42</sup> This is exemplified in Hoffmann-Nowotny’s “multiculturalism report” on which I elaborate later in the Excursus section. Discussing whether Switzerland can be considered a “multicultural society”, Hoffmann-Nowotny acknowledges that this is the case with regard to the language groups and regions in Switzerland. In his view, this kind of multiculturalism is, however, subject to certain conditions: “The most important difference compared to a multiculturalism generated by immigration is that the native population of

conception of the (democratic and multicultural) nation that has always been nurtured by a long-established discourse on over-foreignization (*Überfremdung*) (Dahinden and Manser-Egli 2023), as we will see below. Finally, this nativism is also expressed in Sayad's distinction between *hosts* and *guests*, that is, between *politics* and *politeness*, which allows us to understand why the migrantized Other is so naturally *subjected* to the "values of the constitution" (or excluded in their name) rather than invited to partake in their political *contestation*:

When you are away from home, in the homes of others, in the homes of hosts, you have to know how to behave, how to behave properly, and how to behave as required and as taught by the rules of good conduct of the masters of the place. It's a question of know-how, of politeness, more than a question of politics, even if we are in the very realm of politics and in a fundamentally political field. We insist on politeness precisely to make people forget politics, to evacuate politics; politeness, in this case, has a mystified and mystifying power. One must be polite, respectful of the established order, especially when one is a stranger to this order, to its history, to the history of its genesis and functioning, to its ethics, its morals, its system of values; one must be submissive to it, one owes it respect and obedience. This demand for simple politeness, for good manners, nothing more, is in reality fraught with renunciations. The seemingly minor concessions, of pure form, of simple politeness as they say, are only valuable because they are, in reality, deep down, political concessions. (Sayad 1999, 9)<sup>43</sup>

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Switzerland lives in large-scale *territorially segregated* cultural and linguistic regions, and the territorial principle in the case of internal migration of natives usually results in an early (at least functional) assimilation in the region of immigration. The historical as well as current experience – especially in Switzerland – confirms that the existence of *cultural* heterogeneity apparently necessarily presupposes or entails a *structural* (e.g. spatial) separation. However, multiculturalism by immigrants who may not want to assimilate quickly (*cannot* assimilate quickly) would mean that ethnic, linguistic and cultural *heterogeneity* would enter the linguistically and culturally *homogeneous* regions of Switzerland, i.e. that the territorial principle would be invalidated for certain immigrant groups. This means that *one* of the presumed conditions for the relatively peaceful coexistence of members of different cultures, namely their large-scale *territorial* separation over a large area, which cannot be created for the immigrants, would cease to exist. Members of different cultures would have to live together in a small space *unseparated*, i.e. with a high risk of conflict. The "living *apart* together" (to use a term from recent family sociology) of the various native cultures would thus become a "living together" of the respective native and foreign cultures. It can by no means be excluded that such a *partial* abolition of the territorial principle would also have consequences for it as a whole" (Hoffmann-Nowotny 1992, 84–85, emphasis in the original).

<sup>43</sup> This is my own translation of Sayad (1999) because the English version of the paragraph in Sayad (2004) is significantly and unsatisfyingly shortened.

Sayad discloses the mystery of the Swiss self-perception and defining ideology as a (always already consummate) direct democracy, arguing that this confusion between politics and politeness produces “a legitimacy which, as such, does not realize that it is dominant” (Sayad 2004, 290).

### **From Resisting Over-Foreignization to Integration**

Qualitatively, Dahinden (2014) identifies five different phases of external and internal boundary making in relation to migration. During the first decades after the foundation of the modern Swiss state in 1848, there was almost no discrimination against foreigners with regard to temporary residency, permanent settlement or economic activity, and a liberal naturalization regime was in place (Dahinden 2016a). Towards the end of the century and the beginning of the First World War, a political culture of nationalism had also taken hold in Switzerland, including an ethnicization of the “foreigner question” which, ultimately, placed the term *Überfremdung* (over-foreignization) successfully on the agenda of political and public debates (Dahinden 2014; see also Kury 2003; Niederberger 2004). During and after the war, immigrants’ access to rights was limited and the naturalization process became more restrictive (Dahinden 2016a). In the interwar period, the fight against over-foreignization became a central concern – the parliamentary debate was strongly influenced by what was later to become the Swiss People’s Party (Niederberger 2005) – although the proportion of “foreigners” in the population would steadily decrease to 5 per cent in 1941 (Dahinden 2014).

The first law on foreign nationals’ residence and settlement, the ANAG (entered into force in 1934) required authorities to take into account the “degree of over-foreignization” in their decision-making (Dahinden 2014).<sup>44</sup> One of the main concerns of the new law was to prevent long-term stays, which were thought to be the source of the danger of over-foreignization (Niederberger 2005). A few decades later, this logic of resisting over-foreignization would see a full turnaround in that an increased length of stay was considered to *decrease* the risk of over-foreignization (Niederberger 2005). It was only in the 1970s that the term *Überfremdung* would disappear from official vocabulary (Niederberger 2005). However, its ghost haunts not only jurisprudence (Schlegel 2020)

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<sup>44</sup> The ANAG transferred the legislative and organizational powers to the central government, which had been, up to this point – within the limits set by the system of international contracts – in the hands of the cantons (Niederberger 2005).

but also *integration anxieties* to this day, as we will see.<sup>45</sup> Dahinden (2014) locates another phase of “resisting over-foreignization” in the 1960s when the idea of assimilating foreigners to the “Helvetic” became dominant and the culturalization of immigrants entered “integration policy”. This idea of assimilation distinguished between the “culturally close” (*Kulturnahe*), who were believed to be able to abandon their culture of origin and adopt the Swiss “Esprit”, and the “culturally distant” (*Kulturfremde*), for whom assimilation was deemed impossible (Dahinden 2014).

This culturalization of migration was accelerated even more in the 1990s (as we will also see below), although social scientists, in particular, spoke out against it (Dahinden 2014). In the early 1990s, the Swiss government was “preparing to ratify” the Treaty on the European Economic Area (Fibbi 1993, 49).<sup>46</sup> Concerning future immigration policy, the government proposed what came to be known as the infamous “three circles model”. The model proposed to distinguish between different labour recruitment regimes according to different geographical areas: an inner circle, comprising the EC and EFTA countries, where free movement of persons was planned; a middle circle, which included countries other than those in the EC and EFTA but from which Switzerland wished to recruit labour (at the time this was the United States and Canada); and the outer circle, which included – or rather excluded – all other countries (Fibbi 1993). However, especially with regard to the third circle, this constituted a continuity rather than a novelty. The countries now figuring in the third circle were already declared in 1964 to be “distant countries”, including the countries of Africa and Asia as well as Cyprus, Greece, Turkey and Yugoslavia – as distinct from the countries of the American continents, Australia and New Zealand, which were not considered “distant countries” (Fibbi 1993).

Finally, Dahinden (2014) identifies a fifth and last phase of total culturalization that is characterized by the fact that “culture” as an argument for boundary making is now institutionally anchored within the framework of immigration and integration policy. There is clear boundary making against Muslims and “foreigners” from geographically distant countries (i.e. outside Europe) that are “all under the general suspicion of not

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<sup>45</sup> I use *integration anxieties* – and, a similar term, *over-foreignization anxieties* – to refer to the fear that the state and society will break apart without integration/ism; see Kälin (2000, 210) below: “Integration here means the creation of that measure of cohesion and agreement that keeps the state and society from breaking apart.” See also Grillo (2003) on *cultural anxiety*.

<sup>46</sup> In December 1992, 50.3 per cent of the Swiss electorate voted against the ratification of the treaty, which is often regarded as the beginning of the rise of the Swiss People’s Party.

being able to integrate, not least because of their culture, which does not allow for gender equality” (Dahinden 2014, 111; see also Fischer and Dahinden 2017; Dahinden and Manser-Egli 2023). As I show in this thesis, these are still very prevalent characteristics of the current integration regime.

Regarding the democratic contestation of migration policy, it is worth pointing out that right-wing and anti-immigrant populism started well before the rise of the Swiss People’s Party. In 1967, the notorious politician James Schwarzenbach was elected to parliament with his party “National Action against the over-foreignization of the people and the homeland”.<sup>47</sup> In the following decade, his party launched a series of popular initiatives “against over-foreignization” which sought to limit the population share of “foreigners” and/or the number of naturalizations. The *Schwarzenbach-Initiative* subjected to a popular vote on 7 June 1970 wanted to reduce the “foreigners’ share” to 10 per cent of the population.<sup>48</sup> Given that the share of non-citizens was 17 per cent of the overall Swiss population in 1970, this would have threatened 300,000 people with deportation (Scarcelli 2020). With a record-high voter turnout of 75 per cent (of Swiss men<sup>49</sup>), the initiative was narrowly rejected, gaining 46 per cent of the votes. Subsequent popular initiatives that wanted to limit the number and/or share of immigrants in Switzerland were rejected in 1974, 1977, 1988, 1996 and 2000.<sup>50</sup> In 2014, the Swiss People’s Party’s popular initiative “against mass immigration” was accepted in an extremely close vote by 50.3 per cent of those who voted (see below). Another popular initiative to limit immigration (*Begrenzungsinitiative*) by the Swiss People’s Party was rejected in 2020, and two others have been launched in 2023 (*Nachhaltigkeitsinitiative*) and 2024 (*Grenzschutzinitiative*). Overall, we can see a long and recurrent history of popular initiatives “against over-foreignization” – a history that started long before the rise of

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<sup>47</sup> In German: “*Nationale Aktion gegen die Überfremdung von Volk und Heimat*”. Today, the party still exists as the “Swiss Democrats” (*Schweizer Demokraten, SD*) but is marginalized (due to the success of the Swiss People’s Party) and lost its last seat in parliament in 2007.

<sup>48</sup> <https://www.bk.admin.ch/ch/d/pore/vi/vis93t.html> (accessed 26.03.2024).

<sup>49</sup> Women’s suffrage at the Swiss federal level was introduced only in 1971.

<sup>50</sup> 1974: Initiative “gegen Überfremdung und Überbevölkerung” (34.2% yes); 1977: “4. Überfremdungs-Initiative” (29.5% yes); 1988: Initiative “für die Begrenzung der Einwanderung” (32.7% yes); 1996: Initiative “gegen illegale Einwanderung” (46.3% yes); 2000: Initiative “für eine Regelung der Zuwanderung” (18%-Initiative) (36.2% yes). See [https://www.bk.admin.ch/ch/d/pore/vi/vis\\_2\\_2\\_5\\_1.html](https://www.bk.admin.ch/ch/d/pore/vi/vis_2_2_5_1.html) (accessed 26.03.2024).

right-wing populism in Western democracies. This makes Switzerland a forerunner of anti-immigrant populism.

At the same time, there has always been democratic contestation in favour of immigrants. However, as Ireland puts it: “The playing field remained decidedly uneven everywhere” (Ireland 1994, 265). Xenophobic movements could take advantage of institutional openings offered by direct democracy more successfully than the disfranchised immigrants (Ireland 1994). Moreover, the left, crippled by disagreements over immigration, could not offer them meaningful assistance (Ireland 1994). In comparison to France, he concludes, Swiss federalism and direct democracy have exacerbated these effects. Indeed, in contrast to the series of popular initiatives against immigration, there was only one “pro-immigrant” initiative. The so-called *Mitenand-Initiative* “for a new foreigner policy” wanted to stabilize and secure residency statuses, social security, family reunification and political participation for immigrants.<sup>51</sup> It was clearly rejected by 84 per cent of the Swiss electorate in 1981.<sup>52</sup> However, the *Mitenand* movement was considered the first nationwide solidarity movement consisting of a broad alliance of Christian-social, liberal and left-wing organizations (Espahangizi 2022). And although the initiative was massively rejected, the movement and the alliance formed an important social and political foundation on which integration concerns – against the prevailing assimilation paradigm (Duemmler 2015) – were then able to penetrate the legal and political sphere until the end of the 1990s (Espahangizi 2022), as we will see in what follows.

### **The “New” Swiss Integration Policy**

At the Swiss federal level, integration policy remained minimalist until the 1990s. Integration measures were left to schools, local authorities, businesses, associations and the private sector (Mahnig 2005). The only potential integration instrument, the Federal Commission for Foreigners (EKA), which the Confederation has had at its disposal since 1970, was – ironically – for a long time reserved for Swiss citizens (Mahnig 2005). In the city of Zürich, for example, integration policy until the early 1990s was limited to modest and above all symbolic measures. However, during the 1990s, this situation changed radically, and by the end of the decade the issue of integration was at the heart of the city

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<sup>51</sup> “Mitenand” is Swiss German and translates as “together” (German: *miteinander*).

<sup>52</sup> <https://www.bk.admin.ch/ch/d/pore/vi/vis128t.html> (accessed 26.03.2024).

council's concerns (Mahnig 2005). According to Mahnig (2005), this development was due to rising unemployment, socio-economic segregation and the strengthening of the Swiss People's Party. The late development of Swiss integration policy at the federal level also meant that federalism had produced a fairly significant differentiation of integration policies at the local level which, although it allows an adaptation of policies to local particularities, poses a problem from the point of view of equality of treatment of migrants throughout Switzerland (Cattacin and Kaya 2005).

Until the 1970s, the notion of integration was known almost exclusively in the field of social work, but in the 1980s it freed itself from the technical vocabulary of social welfare and entered new spheres (Wicker 2009). It was strengthened by the fact that the metaphor of assimilation was no longer considered appropriate and the idea of multiculturalism never really gained a foothold. In the course of the 1990s, pushed by the debates about integration *Leitbilder* (on which I expand in the Excursus section later), integration became a powerful idea within Swiss foreigner policy – “freed from the fug of social welfare but also emancipated from the smell of the political left” (Wicker 2009, 24). Cities played a central role in the elaboration of the new Swiss integration policy towards the end of the 1990s (Mahnig 2005; Espahangizi 2022). Bern, Basel and Zürich had developed urban integration *Leitbilder* that strongly shaped the debates on the new integration policy at the national level (Espahangizi 2022). Drafts of the *Leitbilder* were published in the consultation procedure between 1996 and 1998 and were the subject of controversial public debates (Espahangizi 2022). The *Leitbild* of Basel developed what was to become the famous paradigm of *Fördern und Fordern* (encourage and require), and the *Leitbild* of Bern, which focused mainly on equal opportunities and the removal of structural obstacles to integration, was met with approval among migrants. The Zürich *Leitbild*, however, was strongly criticized, especially by the political left and, subsequently, was substantially revised (Espahangizi 2022). These criticisms at the time notwithstanding, the structural-functionalist assimilationism underlying the Zürich *Leitbild* has substantially influenced the value requirement on the federal level, as I discuss in further detail below. According to Wicker (2009), the understanding of integration experienced its strongest shift at the turn of the millennium, when liberal and conservative positions definitively merged into a single entity in the *Fördern und Fordern* paradigm.

The paradigm is considered to be at the political centre and capable of consensus on both the right and the left (Wicker 2009; see also Piñeiro, Bopp, and Kreis 2009). Integration policy has shifted from being focused on encouragement in the 1990s to having requirements at its centre. The encouragement policy of the 1990s was criticized for being too lax, which is why it had to give way to the expansion of coercive measures (Dahinden 2014) – what Simon and Beaujeu (2018) have called the *coercive turn*. In Switzerland, this shift can be observed by comparing the first “integration paragraph” in 1999, art. 25a ANAG, which stated only that “the Confederation may make financial contributions for the social integration of foreigners”, and the revised FNA (Foreign Nationals Act, which entered into force in 2008) that made integration a prerequisite for settlement – until then, integration requirements had been limited to the field of naturalization. The tightening of integration’s “disciplinary character” and the merging of immigration control and integration became evident (Wicker 2009, 37).

Interestingly, Wicker observes that the integration discourse “was fuelled by the fear that Western values – which, depending on the positioning, were considered to be found in a *Leitkultur*, in a national identity or even in the Christian Occident (*christliches Abendland*), but hardly ever in constitutional rights and duties – would not be respected” (Wicker 2009, 26, emphasis mine). This is remarkable given that the idea of the value requirement – having to respect the values of the constitution – was already around at this time, as we will see below. In conclusion, Wicker (2009) points out that the current migration policy is in fact not new but rather a continuation of the old one: integration is understood individualistically and immigrants are pushed or even forced to integrate, which was the old, dominant idea of the assimilation paradigm.

Finally, it is worth pointing to the role of Christoph Blocher, the well-known leader of the Swiss People’s Party, who was part of the Federal Council (the Swiss government) between 2003 and 2007. As head of the Federal Department of Justice and Police, which also includes the State Secretariat for Migration (SEM), he “created the institutional conditions which paved the way for the production of the most relevant documents concerning integration measures and policies” (Akin and Banfi 2019, 92). As we have seen, this development represents a political shift in the meaning of integration, towards coercion and repression (Akin and Banfi 2019). If this small excursion into the history of Swiss

“foreigner policy” shows one thing, it is that the beginning of integration (policy) was not the end of over-foreignization anxieties.

## **Current Integration Policy**

In the recent revisions of the Swiss Citizenship Act (SCA, entered into force 2018) and of the Foreign Nationals and Integration Act (FNIA, entered into force 2019), the two main legal frameworks of Swiss migration and citizenship law, the notion of integration is of crucial importance and even made its way into the name of the new law (formerly Foreign Nationals Act). Integration is no longer limited to the naturalization process, where it first appeared, but is now also required for short-term stay, residence and settlement permits, and an ascribed lack thereof might result in rights being denied and status being downgraded or withdrawn. Although the notion has continuously gained importance since the turn of the millennium, it is only in the recent revisions that it has been specified and defined in the law and subsequent ordinances in the form of criteria for (successful) integration, with the explicit aim being to “render the integration of foreigners more binding” (Di Donato et al. 2020, 122). As intended in the process of the revisions, the integration criteria are almost identical in the SCA (art. 12) and in the FNIA (art. 58a) (Di Donato et al. 2020). The central idea of this harmonization was the so-called *integration stage model* (*Stufenmodell*), as the Federal Council made clear: “the more rights are conferred with a desired legal status, the higher the requirements for integration must be set” (Bundesrat 2013, 2405). In reverse, this means that any legal status can be revoked or downgraded if integration requirements are not met (see Pfirter et al. 2021). This makes of integration a game of snakes and ladders (Kurt 2021) and has led to a precarization of legal status, including the most stable settlement permit. In turn, this means that only Swiss citizenship provides unconditional security of residence while, ultimately, deportability (De Genova 2002; also Sayad 1999) is looming over the subjects of integration (see below).

In the Swiss Federal Constitution, the word “integration” appears only twice, and only once in the context of migration.<sup>53</sup> It was only with the popular initiative “against mass immigration” launched by the Swiss People’s Party and accepted by the electorate in 2014

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<sup>53</sup> Art. 41 in Chapter 3 (on “social objectives”) states that “children and young people (...) are supported in their social, cultural and political integration (...)”.

that (immigrant) integration found its way into the constitution. The new article 121a “control of immigration” states, among other things: “The decisive criteria for granting residence permits are primarily a [sic] application from an employer, [the] *ability to integrate*, and adequate, independent means of subsistence” (emphasis mine).<sup>54</sup> We have seen this interwovenness of integration policy, migration control and anti-immigrant politics in the history set out above, and I will return to it below.

Before we go into the legal and practical details, let us have a look at the State Secretariat for Migration’s (SEM) frequently asked questions (FAQ) website on integration. The first question about integration is: “When are you integrated?”<sup>55</sup> Since it is an important question to begin with, I think it is worth considering the answer in its entirety:

Integration is a dynamic process that involves both the Swiss and the foreign population. Integration aims to maintain the peaceful coexistence of the native and foreign resident population. This is achieved by every resident of Switzerland accepting the values of the Federal Constitution and by esteeming and respecting each other.

Integration is successful when residents in Switzerland – regardless of their origin – have the same opportunities. This means: foreigners achieve comparable levels to Swiss in school, on the job market and concerning health status, social security, delinquency, etc.

To achieve these goals, openness of the Swiss is required. For their part, foreigners must respect the basic values of the Federal Constitution, respect public safety and order, and show that they are willing to participate in economic life and continue their education. It is particularly important that foreigners learn a national language as soon as possible after their arrival in Switzerland. Being able to communicate well is an important prerequisite for access to the labour market and makes it easier to live together in everyday life.

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<sup>54</sup> Official translation by the Swiss Confederation: [https://www.fedlex.admin.ch/eli/cc/1999/404/en#art\\_121\\_a](https://www.fedlex.admin.ch/eli/cc/1999/404/en#art_121_a) (accessed 26.03.2024). In German, the term is *Integrationsfähigkeit*.

<sup>55</sup> In German: *Wann ist man integriert?* <https://www.sem.admin.ch/sem/de/home/integration-einbuergierung/integrationsfoerderung/faq.html> (accessed 26.03.2024).

This answer to the first frequently asked question on integration reflects many things that we will find in the legal definition below. It also includes the myth that integration is as a two-way process (Kostakopoulou 2010; see also Akin and Banfi 2019) and the understanding of integration as equality of opportunities in statistical terms – what Horner and Weber (2011) have called the statistical correlations model (see Theory chapter). What is of particular interest for this thesis is the production of the social imaginary of society as a community of value(s) in this answer. It postulates that to achieve peaceful coexistence, every resident of Switzerland has to accept the values of the Federal Constitution, but a few lines later requires *only foreigners* to respect these values. This implies that the “native population” (the “Swiss”) are assumed, apparently, to *already* respect these values, since they do not have to be required to do so. It is a textbook example of what Schinkel (2018) has called a *dispensation of integration*.

### **Integration Law and Practice**

Art. 1 of the FNIA states its purpose: “This Act regulates the entry and exit, residence and family reunification of foreign nationals in Switzerland. In addition, it regulates encouraging their integration.”<sup>56</sup> The second sentence here is interesting, since it seems to limit the scope of the law to the *encouragement* of integration. If this were the case, this thesis would end here or, more likely, not exist at all. Its focus is not on the encouragement part of integration but on the other side of the famous *Fördern und Fordern* coin. Chapter 8 of the FNIA distinguishes in two separate sections between “encouraging integration” (*Integrationsförderung*) and “integration requirements” (*Integrationserfordernisse*). But before moving on, let us consider the general “principles of integration” as stated in art. 4 of the FNIA:

1 The aim of integration is the co-existence of the resident Swiss and foreign population on the basis of the values of the Federal Constitution and mutual respect and tolerance.

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<sup>56</sup> All FNIA articles referred to here are official translations, accessible here: <https://www.fedlex.admin.ch/eli/cc/2007/758/en> (accessed 26.03.2024).

2 Integration should enable foreign nationals who are lawfully resident in Switzerland for the longer term to participate in the economic, social and cultural life of the society.

3 Integration requires willingness on the part of the foreign nationals and openness on the part of the Swiss population.

4 Foreign nationals are required to familiarise themselves with the social conditions and way of life in Switzerland and in particular to learn a national language.

Again, we see both *encouragement* – integration should enable participation – and *requirements*. We also find the first appearance of “the values of the Federal Constitution”. Here, it refers to the “co-existence of the resident Swiss and foreign population”. As we will see later on, this phrase was around for a while before it became the current requirement to respect these values (for the “foreign population” only). Finally, it is worth pointing out that integration also requires “openness on the part of the Swiss population”.<sup>57</sup> Indeed, the “native population” is listed among the “target groups for integration support”,<sup>58</sup> and the cantonal integration programmes,<sup>59</sup> through which the Swiss government finances the *encouragement* of integration in the cantons, increasingly expand their services to the “native population” (i.e. non-migrantized populations) in order to foster the required “openness” on their part. But there are no such legal requirements as those imposed on “foreign nationals”. This discrepancy is what I address in my first and third articles concerning the value requirement specifically, but it applies to the integration requirements in general.

Subsequently, the FNIA mentions integration in several articles concerning various topics, which will be briefly addressed in what follows. Art. 33, for example, states that “when the residence permit is granted or extended, the integration of the person concerned will be taken into account to determine the period of validity”. Art. 58a lists the “integration criteria” which authorities have to take into account “when assessing integration”: a)

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<sup>57</sup> The term “Swiss population” (*schweizerische Bevölkerung*) is confusing and imprecise here: legally, it refers to Swiss citizens, as opposed to “foreign nationals” who do not have Swiss citizenship (to which I refer as non-citizens). But, of course, those non-citizens are, in many ways, always already full members of society (Korteweg 2017) and thus fully part of the “Swiss population”.

<sup>58</sup> Art. 6 of the ordinance on the integration of foreign nationals (VIntA).

<sup>59</sup> See <https://www.kip-pic.ch/de/kip/> (accessed 26.03.2024).

respect for public safety, security and order; b) respect for the values of the Federal Constitution; c) language skills; and d) participation in working life or efforts to acquire an education.<sup>60</sup> Art. 58b holds that “if the competent authorities require the conclusion of an integration agreement, the residence permit shall not be issued or renewed until the agreement has been concluded” (see also Von Büren and Wyttenbach 2009; Achermann and Schönenberger 2012).<sup>61</sup> Art. 62 lists the conditions under which a permit may be revoked, for instance if “the foreign national does not comply with an integration agreement without due cause”. Similarly, “a settlement permit may be revoked and replaced by a residence permit if the residence criteria referred to in Article 58a [integration criteria] have not been met” (art. 63 FNIA). These articles illustrate the integration stage model, as introduced above. Finally, art. 83 concerns the status of “temporary admission”<sup>62</sup> and states that “authorities may conclude integration agreements with temporarily admitted persons if there is a special need for integration”. This is somewhat contradictory, considering the fact that integration primarily targets foreign nationals who reside in Switzerland “for the longer term” (as seen in art. 4 FNIA above).<sup>63</sup>

In the Swiss Citizenship Act, art. 12 lists the same “criteria for integration” as art. 58a FNIA. But for naturalization there is an additional requirement for “successful integration”, namely “encouraging and supporting the integration of one’s wife or husband, registered partner or the minor children for whom one has parental responsibility” (art. 12 SCA).<sup>64</sup> This is a remarkable addition in comparison to the FNIA, as it points to an apparent contradiction in view of discursive frames of neoliberal integrationism (Dodevska 2024) and the individualization of citizenship and integration (Schinkel and Van Houdt 2010; Schinkel 2018). However, it can be understood as an attempt by the state to govern the

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<sup>60</sup> For a detailed, in-depth legal discussion of these criteria see Spescha (2019) and Tran (2021).

<sup>61</sup> Immigration authorities can predicate the issuance of (short-term) residence permits for Third Country Nationals (non-EU/EFTA) on the attendance of language and/or integration courses (the latter are supposed to transmit knowledge on society, values, norms and the legal system in Switzerland). This requirement is specified in the legally binding (and euphemistically named) *integration agreement*.

<sup>62</sup> Greatly simplified, this status concerns asylum seekers who are denied asylum status (and thus a residence permit) but cannot be sent back to their country of origin and/or last residence (for different reasons): “If the enforcement of removal is not possible, not permitted or not reasonable, SEM shall order temporary admission” (art. 83 FNIA). Hence, the “temporary admission” which, in reality, is often not so temporary at all.

<sup>63</sup> This apparent contradiction is inherent in the status of those “temporarily admitted” who, in fact, often live with this precarious status for many years or even decades (Efionayi-Mäder and Ruedin 2014).

<sup>64</sup> Official translation; see: [https://www.fedlex.admin.ch/eli/cc/2016/404/en#art\\_12](https://www.fedlex.admin.ch/eli/cc/2016/404/en#art_12) (accessed 26.03.2024).

family as a site of the reproduction of the nation (see Kristol and Dahinden 2020). During my fieldwork, I attended one naturalization interview of an applicant, an Italian woman, at the end of which she was considered to only “partially” fulfil the integration criteria because her husband, who was not part of the application, was found to be “poorly integrated” and the candidate, “who herself regularly travels abroad, makes no particular effort to encourage her husband’s integration” (naturalization protocol).<sup>65</sup>

In immigration law, the evaluation of integration requirements is carried out by cantonal migration offices based on individual case files. This results in case files such as, for example, the one I obtained concerning an Imam from Kosovo whose residence permit was not renewed on the grounds of art. 62 FNIA (see first article and Methodology chapter). In the field of immigration law, personal interviews with “foreign nationals” take place only exceptionally.

With regard to the SCA and naturalizations, the evaluation of integration happens at the municipal, cantonal and federal levels. At the cantonal and federal levels, the decision is usually taken by the administration (cantonal naturalization offices and the SEM), although sometimes formally approved by the cantonal government. At the municipal level, the evaluation of integration usually involves both case files and face-to-face interviews, and the decision is taken either directly by citizen assemblies or by elected, non-professional naturalization commissions. Overall, the form and composition of these commissions as well as the procedures vary substantially due to the Swiss federalist system. In combination with the three-level procedure, this means that there are more than 2000 different naturalization procedures (as many as there are municipalities in Switzerland) in the 26 cantons, which implies a great variation and, at times, a certain arbitrariness in terms of processes and outcomes (Achermann and Gass 2003; Steiner and Wicker 2004; Helbling 2008; Di Donato et al. 2020).

To get an idea of these different procedures, consider, for example, the (alleged) German Reichsbürger, who was denied naturalization by the municipal citizen assembly (discussed in my first article), or the Portuguese candidate who disclosed her voting intentions and vaccination status in front of the naturalization commission (analysed in

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<sup>65</sup> The protocol found the Italian husband to be “poorly integrated” because “he does not speak the language” (referring to French), which is remarkable given the fact that Italian is a Swiss national language. For the data, see the Methodology chapter.

the second article). In both types of cases, the majority of administrative work and personal contact with applicants is done by street-level naturalization secretaries (at the cantonal or municipal level), who are the applicants' case worker during the naturalization procedure (which usually takes years rather than months). It is only at the very end of the process, when the file is complete and all conditions are met, that applicants have to present themselves to the commission or citizen assembly.<sup>66</sup>

### **The Subject of Integration**

Hiding behind the technical formulations and explanations of integration policy, there is a more fundamental question: who needs to integrate, and who does not; who is the *subject of integration* (Dodevska 2024)? For a simple answer, we can turn to the SEM FAQ again: the answer to the question "Who must fulfil integration criteria?" is that "In principle, the integration criteria apply to all foreigners".<sup>67</sup> However, it is more complicated than that. Dodevska has pointed out that although integration is often imposed as a condition for access to residence and citizenship, boundary integrationism – that is, the subjectification to integration<sup>68</sup> – is not necessarily tied to one's legal, social or citizenship status: "Subjects of integration often are long term and permanent residents, and even full citizens, whose need for integration is rationalised through their alleged enduring link to migrancy and foreignness by way of generational transmission" (Dodevska 2024, 751). Favell (2022a), on the other hand, has observed that actually only a tiny fraction of all (mobile) people are conventionally designated "immigrants" and thus targeted by integration.

In this thesis, I am concerned with the state's subjectification to integration through integration requirements. This implies two important limitations. First, we have seen that people are subjectified to integration not only through integration *requirements* but also through *encouragement* (e.g. language and civic integration courses). Second, people subjectify themselves and others to integration through processes of (self- and other) migrantization and Othering in which people are addressed (or not addressed) in terms

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<sup>66</sup> The naturalization procedure is presented in more detail in the Methodology chapter, including through ethnographic vignettes.

<sup>67</sup> <https://www.sem.admin.ch/sem/de/home/themen/aufenthalt/faq.html> (accessed 26.03.2024).

<sup>68</sup> In my understanding, the concept of *subjectification* to integration captures not only the *subjection* to integration (e.g. legally) but also the preceding step of coming to be thought of and addressed as a subject of integration (ideationally).

of (a need for) integration. This does not necessarily involve the state but happens in everyday life, in social interactions, and in public discourse, for instance. We could call this process of self- and other subjectification to integration *integrationization*, but since it seems perfectly congruent (in terms of those concerned) with *migranticization* – those who are (not) addressed and problematized in terms of *migration* are also (not) addressed and problematized in terms of *integration*, and vice versa – there is probably no need for another concept. In this thesis, I limit my analysis to the state, the legal framework and the im/material consequences of integration requirements in terms of residence and citizenship status. It goes without saying that integrationism as an ideology and as a social imaginary and the subjects of integration it produces is much broader. I will return to this point in the conclusion. For now, I would like to underline one aspect of the decision to focus on the state and the legal aspects. To readers of this thesis, it may seem that I have an obsession with integration and citizenship in the narrow, state-thought formal/legal sense of the terms, and I probably have. This is due to the fact that in Switzerland, the share of the population without Swiss citizenship in the legal sense has increased to 26 per cent, as we have seen. This means that more than one quarter of the Swiss population is excluded from political rights such as voting rights (for the most part) and is deprived of unconditional security of residence (i.e. is, ultimately, *deportable*; see De Genova 2002), which is only guaranteed by citizenship.

So, within these limitations, who is the subject of integration? In immigration law, integration can usually not be *required* from EU/EFTA citizens (against the SEM's assertion in the reply to the FAQ noted earlier). Because the conditions for residence in Switzerland are regulated in bilateral agreements, the integration requirements in the FNIA that go beyond these conditions do not apply (see art. 2 paras. 2 and 3 FNIA).<sup>69</sup> This is why art. 58b on “agreements and recommendations relating to integration” differentiates between integration agreements that can be *required* by the competent authorities in order for residence permits to be issued or renewed (art. 58b para. 3 FNIA), and integration *recommendations* that can be issued to persons to whom art. 2 paras. 2 and 3 (EU/EFTA nationals) and art. 42 (family members of Swiss nationals) apply (art. 58b para. 4 FNIA). Therefore, the integration requirements in immigration law mainly

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<sup>69</sup> In some cases, the same applies because of older agreements such as the “Agreement between Switzerland and Italy on the emigration of Italian workers to Switzerland” (the so-called *Italienerabkommen*), dating back to 1964.

concern so-called Third Country Nationals (non-EU/EFTA). This includes citizens of the USA and Canada, for example, as there are now only two circles, EU/EFTA citizens and Third Country Nationals, compared to the model of three circles seen above.

When it comes to naturalization, the SEM's reply to the FAQ is more accurate. Here, legally, the integration criteria apply to all foreigners. All non-citizens applying for naturalization (EU/EFTA and Third Country Nationals) follow the same procedure and have to meet the same requirements – in theory. In practice, I have shown, for example, that the (alleged) political extremism of a German Reichsbürger is not treated in the same (culturalized and securitized) way by the state as the (alleged) religious extremism of an Imam from Kosovo (see first article). Regarding naturalization through marriage, Kristol and Dahinden (2020) have shown how access to citizenship is regulated by intersecting gendered, ethnicized and classed logics of desirability. Hence, even though *de jure* integration requirements apply equally to all foreign nationals for naturalization, *de facto* some are subjects of integration more than others.

## **Respecting the Values of the Constitution**

Finally, let us turn to the core of this thesis: the integration requirement to respect the values of the constitution. In this section, I will outline the legislation processes that have occurred since the turn of the millennium that have led to the value requirement in its current form, before introducing the requirement itself in detail. The analysis is based on the legislation and official documents (the exhaustive list can be found in Appendix 1). Importantly, I trace the *wording* of the current value requirement and its specifications in the recent revisions of the FN(I)A and of the SCA. The *idea* of (shared) values in Swiss “foreigner policy” can be found throughout the history of assimilation imaginaries and changing ideas of “Swissness” (Kristol and Dahinden 2020), as we have seen. Therefore, the role of values can probably be traced back to the beginnings of the modern federal state in 1848 – but doing so would need a separate thesis of its own.

## **The Foreign Nationals Act**

The Federal Act on the Residence and Settlement of Foreign Nationals (ANAG) preceded the FNA (and later the FNIA) and was in force between 1931 and 2008. It contains no explicit reference to “values” whatsoever. Yet, arguably, the spirit of the value requirement

was expressed in the provision according to which foreigners could be expelled from Switzerland if their conduct and actions indicated that they were “unwilling or unable to fit into the prevailing order of the host state” (art. 10 ANAG). This is a conflation of the current integration requirements to respect public safety, security and order and the values of the Federal Constitution. This is also indicated by the respective ordinance which states that an expulsion according to art. 10 ANAG may be deemed justified in particular in the case of “serious or repeated violations of the legal order or official decrees” or a “gross violation of general moral standards” (art. 16 ANAV).<sup>70</sup> Here, we can already see what is later expressed explicitly, namely that both requirements, to respect public order and the values of the constitution, go *beyond* respecting the legal order (that is, *obedience* to the law; see Orgad (2014) in the third article). What these provisions seem to indicate is that, back then, the law sought to sanction the behaviour and actions of the foreigner rather than their convictions and values – “regulating conduct” rather than “shaping souls”, as Triadafilopoulos (2011, 870) puts it. However, it is beyond the scope of this thesis to examine whether this was actually the case, including in the implementation of the law and in street-level practice.

It is the report by the Federal Council on what was to become the Foreign Nationals Act (FNA) of 8 March 2002 which introduces the question of values *explicitly* (i.e. in the current wording) in Swiss immigration law (Bundesrat 2002). It also contains a chapter in which the goals and principles of the integration of foreigners are formulated (Bundesrat 2002), which sets the stage for what was to become the “new” Swiss integration policy, as seen above. And it introduces the “aim of integration”, namely “the peaceful coexistence of the Swiss and foreign resident population on the basis of common fundamental values and the rule of law” (Bundesrat 2002, 3758). Regarding public security and order, the provision is the same as the one discussed in the preceding paragraph (art. 10 ANAG). What is new is that the report also mentions “persons who endanger the fundamental values of the democratic constitutional state through their behaviour” (Bundesrat 2002, 3760). Here we have the first mention of “values” (compared to the ANAG) explicitly linked to behaviour. Later in the report, under the heading “aims” of integration, there is a paragraph that is arguably the most important one for this thesis:

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<sup>70</sup> The ANAV is the ordinance to the ANAG (see Appendix 1).

The aim of all integration efforts, which must be made by both the immigrants and the host society, is a coexistence characterized by respect and tolerance. Foreigners are not required to give up their personal views of life or their origins. Diversity is an essential element of any liberal order, which must be protected. However, democratic principles and the rule of law are indispensable prerequisites for peaceful coexistence. 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, such as the principle of gender equality, respect for those who think differently and believe differently, the state's monopoly on the use of force and the renunciation of violent conflict resolution. The state must defend these values also against culturally justified deviating claims. (Bundesrat 2002, 3797)

I will not dwell on this paragraph here, as I analyse it in detail below as well as in my first and third articles. What is interesting here is the subsequent paragraph on the "principles" of integration, in light of the overall understanding and idea of integration. The report examines whether there should be an "integration obligation" and finds that such a "binding legal obligation to integrate" would raise several problems: "the question of its enforceability would arise" and "for persons who have a right of presence under international or constitutional law, compulsory attendance of integration courses would not be compatible with personal freedom" (Bundesrat 2002, 3798–99). This is remarkable, not only considering the ubiquity of integration obligations today, as we have seen, but also because the fundamental right to personal freedom (art. 10 of the Federal Constitution), to which the report refers, applies to all residents in Switzerland, independent of their citizenship or residence status. Therefore, the question of whether the obligation to integrate is compatible with personal freedom remains open. Another discrepancy between the report and what later materialized as integration law is that the report wants to avoid any legal definition of "integration", whereas later revisions of the law attempted to do precisely that: "Because the social understanding and ideas about integration can be subject to change over time, the inclusion of a legal definition seems not to be appropriate" (Bundesrat 2002, 3796). Accordingly, the new FNA of 16 December 2005 does not define integration or specify integration criteria. Its art. 4 only contains general principles of integration that are the same as in today's FNIA (see above).

The respective ordinance, the VZAE as of 24 October 2007, does entail a provision according to which a settlement permit “may be granted in the event of successful integration if the foreign national in particular respects the rule of law and the values of the Federal Constitution” (art. 62 VZAE). Note that here, respecting the legal order (the rule of law) and the values of the constitution are *one* requirement, whereas today they figure as two separate requirements. In the consultation procedure concerning the ordinance, various actors expressed reservations with regard to the term “values of the Federal Constitution”.<sup>71</sup> The Swiss Association of Cities (SSV), for example, suggested replacing “the values of the Federal Constitution” with “the legal order”, since the latter “also contains these values”. Regarding the distinction between EU/EFTA citizens and Third Country Nationals discussed above, the association also pointed out that “in view of the principle of equal treatment with regard to freedom of conscience, it should generally be rejected that only persons outside the EU and EFTA states are obliged to respect certain values”. Finally, a lawyers’ association asked for the paragraph to be deleted because it was unclear how the authorities could measure this requirement. The Christian Democratic Party, on the other hand, asked for precision, since the paragraph “serves in particular to take action against preachers of hate [*Hassprediger*]” (Vernehmlassungsergebnisse, p. 35).

The ordinance on the integration of foreign nationals (VIntA) was revised at the same time as the VZAE was elaborated. In a first draft produced in March 2007, it held that “foreign nationals shall contribute to their integration in particular by respecting the rule of law and democratic principles” (art. 4). During the consultation procedure, many actors asked for “democratic principles” to be replaced with “values of the Federal Constitution”. However, others, including the Federal Conference of (cantonal) Integration Delegates (KID), demanded that it be replaced with “legal order” (as was demanded for the VZAE above), because “only the state and not private individuals could be obliged to comply with democratic principles” (Vernehmlassungsergebnisse, p. 61). The final version, completed in October 2007, contained the wording “respecting the rule of law and the values of the Federal Constitution” (art. 4 VIntA). Art. 7 VIntA concerned the admission of caregivers

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<sup>71</sup> Note that the *law* (SCA and FNIA) is passed by parliament (and might be subjected to a popular vote); the subsequent *ordinances* are adopted by the Federal Council (usually drawing on earlier reports and documentation produced by the legislative process and, ultimately, subjected to a broad consultation procedure open to the public called *Vernehmlassungsverfahren*); and the *instructions* are elaborated by the federal administration (again, drawing on materials produced by the legislative process preceding the passing of the law).

and teachers and was later integrated into art. 26a of the FNIA (see footnote 81). Many provisions originally contained in the VIntA were later regulated at the legislative level and transferred into the FNIA.<sup>72</sup>

### **The Swiss Citizenship Act**

Until its recent revision, the former Swiss Citizenship Act, dating back to 1952, did not speak of “integration” being required for naturalization but of “suitability” (*Eignung*). In 2001, the Federal Council suggested replacing the wording according to which “someone should be incorporated (*eingegliedert*) into Swiss conditions” as a prerequisite for naturalization by “the more modern concept of integration” which is “preferable to that of assimilation” because that is “now considered outdated” (Bundesrat 2001, 1942). Again, as we have seen above, and in contrast to what happened later, the government did not want to define integration criteria in the law “in an abstract and conclusive manner” because “the social understanding and the ideas about the existence of a corresponding willingness and ability to integrate are subject to change over time” (Bundesrat 2001, 1943).

The “suitability” that would later become “integration” is defined in art. 14 of the Swiss Citizenship Act of August 2000: the applicant is suitable for naturalization if he or she a) is incorporated into Swiss conditions; b) is familiar with Swiss habits, customs and practices; c) respects the Swiss legal order; and d) does not endanger the internal or external security of Switzerland. There is no reference to constitutional values. However, the report makes clear that “an applicant can be expected to commit [*bekennen*] to the democratic institutions of our country” (Bundesrat 2001, 1943) as part of the requirement to respect the legal order. Here again, the predecessor of the value requirement seems to be subsumed under the legal order requirement.

In 2009, the Federal Council presented the draft legislation and an explanatory report concerning the total revision of the Swiss Citizenship Act. The draft lists the integration criteria for successful integration, including “respect for the fundamental principles of the Federal Constitution” (art. 12 para. 1b SCA, Vorentwurf). The explanations regarding this

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<sup>72</sup> Totalrevision der Verordnung über die Integration von Ausländerinnen und Ausländern, Erläuternder Bericht 2. August 2018 (see Appendix 1).

requirement in the report are identical to what is found today in the SEM instructions (see below). The report elaborates on the new value requirement:

The criterion of respecting the fundamental principles of the Federal Constitution coincides in content with the concept proposed in the draft amendment to the FNA as an indirect counter-proposal to the deportation initiative, which required a commitment to the fundamental values of the Federal Constitution. (Erläuternder Bericht, p. 15)

Here, I would like to highlight two points. First, concerning the wording of the value requirement, the draft legislation draws on the counter-proposal that was elaborated against the so-called “deportation initiative”.<sup>73</sup> The popular initiative “for the deportation of criminal foreigners”, launched by the Swiss People’s Party and accepted by the Swiss electorate in 2010, aimed to increase the number of deportations.<sup>74</sup> The parliamentary counter-proposal wanted to add an article 121a on integration to the constitution, which stated that “integration requires everyone involved to respect the fundamental values of the Federal Constitution”.<sup>75</sup> In the popular vote on 28 November 2010, the popular initiative was accepted, gaining 52.3 per cent of the votes, while the counter-proposal was rejected.<sup>76</sup> In view of this entanglement, it is remarkable how explicitly integration and the value requirement are not only shaped by right-wing, anti-immigrant populism (the deportation initiative) but also coincide with migration control and deportations (as Wicker (2009) observed at the time). Finally, it is worth pointing out again that although the parliamentary counter-proposal wanted *everyone involved* to respect the values of the constitution, potentially including citizens and non-citizens, the actual requirement targets *non-citizens only*.

Second, note that the requirement here asks for a *commitment* to the values of the constitution. According to the Federal Council’s report in 2011, the new requirement of respecting the values – the preceding draft referred to “principles” – of the constitution

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<sup>73</sup> A “counter-proposal” is legislation drafted by parliament that is put to a vote alongside a popular initiative, so the electorate can choose between the popular initiative and the parliamentary counter-proposal. Typically, counter-proposals take up some of the elements of the popular initiative and reject others.

<sup>74</sup> <https://www.bk.admin.ch/ch/d/pore/vi/vis357t.html> (accessed 26.03.2024).

<sup>75</sup> Bundesbeschluss über die Aus- und Wegweisung krimineller Ausländerinnen und Ausländer im Rahmen der Bundesverfassung (Gegenentwurf zur Volksinitiative «für die Ausschaffung krimineller Ausländer [Ausschaffungsinitiative]»), vom 10. Juni 2010.

<sup>76</sup> <https://www.bk.admin.ch/ch/d/pore/va/20101128/index.html> (accessed 26.03.2024).

created the legal basis for the introduction of a charter that naturalization candidates have to sign (Bundesrat 2011, 2834). Indeed, the first draft of the Ordinance on Swiss Citizenship (BüV) contained a provision that wanted to require applicants for naturalization to “confirm that they respect the above-mentioned values of the Federal Constitution by signing a declaration of loyalty before naturalization”. The explanatory report also made clear that “if, after naturalization, it turns out that the applicant apparently did not respect the values of the Federal Constitution at the time of signing the declaration of loyalty or was unwilling to respect them in the future, the competent authority may declare the naturalization null and void”.<sup>77</sup> During the consultation procedure, the declaration of loyalty and the possibility of a retroactive annulment of naturalization especially – which would have led, de facto, to a “naturalization on probation” – were rejected by many political actors, which is why the Federal Council decided to drop the provision.<sup>78</sup> However, the idea and the spirit behind the expected commitment to and (declared) loyalty towards (the values of) the constitution are very much at work in today’s implementation of the value requirement, as I show in this thesis.

As a concluding remark, I would like to point out what has remained implicit so far: that the new current value requirement has *not been contested much*, politically.<sup>79</sup> What we see is that its formulations have been around for quite a while, since the 2000s (and before, as I show in the Excursus section later), and have often travelled back and forth between the laws, ordinances and instructions. It is true that the wording has been influenced, for example, by the deportation initiative and its counter-proposal, but the overall thrust of the requirement remained the same during the revisions of the FN(I)A and the SCA and was not substantially contested or discussed in parliament.<sup>80</sup> This is still the case today:

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<sup>77</sup> Erläuternder Bericht, Vernehmlassungsentwurf zur Verordnung zum Bürgerrechtsgesetz, August 2015.

<sup>78</sup> Bericht über die Ergebnisse des Vernehmlassungsverfahrens, Ausführungserlass zum revidierten Bürgerrechtsgesetz, April 2016 and Erläuternder Bericht, Entwurf zur Verordnung zum Bürgerrechtsgesetz, April 2016, S. 5.

<sup>79</sup> In recent years, the requirement has been fiercely contested by some legal scholars, as I show in my third article. However, this contestation has not received much attention in the political and legislative process that took place before the current value requirement was formulated (nor in public discourse more generally).

<sup>80</sup> A rare contestation of the spirit of the value requirement can be found in a statement by Balthasar Glättli (today’s president of the Green Party) that argues against integration agreements and the resulting integration stage model with its precarization of residence permits that appears in the revision of the FNIA: “[There is] a right to live differently than the others, as long as you abide by the legal order of this country.” (Amtliches Bulletin, AB 2016 N 1297; see <https://www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=37914> (accessed 26.03.2024). Note that this

among the many integration requirements, the value requirement is hardly contested. In my view, this has much to do with its malleability (which I stress in my first and third articles) and its compatibility with political ideologies across the political spectrum. The idea that everyone should respect constitutional values is just too tempting, and too commonsensical. How could one oppose it politically, especially if, in the abstract constitutional “values” the requirement refers to, there is something for everyone (on the left and on the right, for liberals and conservatives)? In the end, the value requirement is, not unlike integration itself, a self-referential and self-explanatory surefire paradigm that you cannot reasonably oppose – at least, as long as you are not subjected to it.

### **Current Law and Practice**

As we have seen, respecting the values of the constitution is an integration requirement in immigration and naturalization law (art. 58a FNIA and art. 12 SCA).<sup>81</sup> Every requirement is further specified in the respective ordinances, the Ordinance on Swiss Citizenship (BüV) and the Ordinance on Admission, Residence and Employment (VZAE).<sup>82</sup> Again, the two articles defining the value requirement (art. 5 BüV and art. 77c VZAE) are almost identical, except for the duty to perform military or alternative civilian service.<sup>83</sup> Here is art. 5 of the Ordinance on Swiss Citizenship:

The following basic principles, fundamental rights and duties shall be regarded as values of the Federal Constitution:

- a. the principles of the rule of law and the free democratic basic order of Switzerland;
- b. the fundamental rights such as the equality of men and women, the right to life and personal liberty, freedom of belief and conscience, and freedom of expression;

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observation is limited to the publicly accessible parliamentary debates, as I did not request access to the confidential protocols of the parliamentary commissions.

<sup>81</sup> The notion of “values” makes another appearance in the FNIA, in art. 26a, which concerns the admission of caregivers and teachers under the condition that they “are familiar with the social and legal value system in Switzerland and are capable of imparting this knowledge to the foreign nationals that they care for and teach”. This is the provision that took effect in the case of the Imam from Kosovo (see first article).

<sup>82</sup> *Verordnung über das Schweizer Bürgerrecht (BüV)* and *Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit (VZAE)*. My translation, as there are no official translations.

<sup>83</sup> Logically, the duty to perform military or alternative civilian service does not apply to non-citizens because (for now) only citizens are required to serve. Hence, it is only a requirement for naturalization, not for residence and settlement.

c. the obligation to perform military or alternative civilian service and to attend school.

This selection of basic principles and fundamental rights and duties is still rather general, although one might begin to wonder why exactly these principles, rights and duties of the constitution figure on the list and others do not – but more on that later. The value requirement is further specified in various instructions (*Weisungen*) of the SEM.<sup>84</sup> They concern immigration law, the naturalization procedure and the drafting of naturalization interview protocols.<sup>85</sup> The instructions provide non-exhaustive lists of examples of when the values are considered to be violated.

The principles of the rule of law and the free democratic basic order are, for example, breached by public propaganda actions that may violate “Swiss concepts of order, to which adherence is to be regarded as an indispensable prerequisite for orderly human coexistence” (*Weisungen Ausländerbereich*, p. 50), or by a lack of respect for the state’s monopoly on the use of force (*Weisungen Erhebungsberichte*, p. 11). A violation of fundamental constitutional rights is defined, for example, by commitments to or behaviours by foreigners which disregard or call into question fundamental rights, including lack of tolerance towards other groups and/or religions or advocacy of forced marriages, circumcisions or violation of personal freedom and integrity; blanket public denigration of minorities, members of a particular religion or people of a particular sexual orientation; and disregard for the equality of men and women. Lastly, the examples defining non-compliance with constitutional obligations refer to compulsory attendance at school, including mixed-gender (school) physical education and swimming lessons; and the rejection of recognized forms of expressions of respect towards teachers or employees of public authorities (*Weisungen Ausländerbereich*, pp. 50-51).

It is worth pointing out that this list of very particular examples (and not others) influences how the requirement is applied in practice, that is, who is asked specific questions and who is not. This is tellingly illustrated in the following quote from words spoken by Thomas, a naturalization case worker at the SEM, in my first article: “To ask a

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<sup>84</sup> On the difference between the law, ordinances and instructions, see footnote 71.

<sup>85</sup> SEM instructions: *Ausländerbereich*, *Kapitel 3: Ordentliche Einbürgerung* and *Weisungen Erhebungsberichte* (all accessed 26.03.2024).

German, are you for female circumcision, what's the point of asking a German this question?" (Manser-Egli 2023).

In contrast to these very specific examples, the instructions hold that the Swiss Federal Constitution is "the entirety of legal texts that regulate the relations between the institutions of the federal state, guarantee the rights and freedoms of citizens and explain their duties; [it] is the highest and most important legal norm in Switzerland" (Weisungen Ordentliche Einbürgerung, p. 40). According to the instructions, respect for the values of the Federal Constitution includes respecting both the basic principles and fundamental rights and duties of the constitution and "the universal values of international human rights protection" (Weisungen Ordentliche Einbürgerung, p. 40). The principle of the free democratic basic order is illustrated by referring to direct and liberal democracy; the rule of law section refers to the principle of legality, the principle of equality of legal subjects, the federal state and the welfare state (Weisungen Ordentliche Einbürgerung, pp. 40-41).

The naturalization instructions contain the same cryptical formulation as the instructions mentioned in the preceding paragraph, namely that "the observance of the basic principles of the Federal Constitution is, according to the dominant social and ethical view, to be regarded as an indispensable prerequisite for an orderly human coexistence" (Weisungen Ordentliche Einbürgerung, p. 41).<sup>86</sup> The instructions do not specify what (or whose) this dominant social and ethical view is nor why it is regarded as an indispensable prerequisite for an orderly human coexistence. Interestingly, I found exactly the same formulation in a decision by the German Federal Constitutional Court back in 1985 defining the notion of "public order" (*öffentliche Ordnung*).<sup>87</sup> This is probably no coincidence since there is considerable overlap between the two separate integration requirements of respecting public order (art. 12 para. 1a SCA and art. 58a para. 1a FNIA) and the values of the constitution (art. 12 para. 1b SCA and art. 58a para. 1b FNIA), as we have seen above.

The instructions concerning naturalizations conclude with some general remarks. They hold that the competent naturalization authority has room for discretion in the evaluation

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<sup>86</sup> In German: «Die Beachtung der Grundprinzipien der Bundesverfassung ist nach der herrschenden sozialen und ethischen Anschauung als unerlässliche Voraussetzung eines geordneten menschlichen Zusammenlebens anzusehen.»

<sup>87</sup> Bundesverfassungsgerichtsentscheid 69, 315 – Brokdorf.

of whether the values of the constitution are respected or not. However, the authority cannot deem the integration of a person insufficient “simply because he or she exhibits a behaviour that deviates from the majority, provided that this behaviour is protected by fundamental rights and is in line with the values of the Federal Constitution” (Weisungen Ordentliche Einbürgerung, p. 43). The legal and philosophical puzzle expressed in this circular – if not, arguably, outright contradictory – formulation is the subject of my third article. Finally, the instructions confirm what I also address in the third article, namely that the value requirement goes beyond the legal order: “If, on the other hand, the applicant violates the values of the Federal Constitution, integration is to be considered insufficient even if this violation does not constitute a criminal offence” (Weisungen Ordentliche Einbürgerung, p. 43).

Regarding the evaluation of the value requirement in (street-level) practice, the instructions demand a personal interview with the applicant in which “it must be ascertained whether there are any indications for a lack of respect for the values of the Federal Constitution”, and “the questions asked and the answers received are to be recorded in the survey report or attached to it as an appendix” (Weisungen Erhebungsberichte, p. 11). As I analyse in my first and second articles, the questions asked to evaluate the value requirement are wide ranging. They include questions about the rights and duties that come with Swiss citizenship; the name of the institution responsible for legal prosecution in Switzerland; what values the candidate had taught as a teacher (in a specific case concerning a teacher) and whether the candidate is punctual (fieldnotes) but also questions influenced by police reports and case files (whether someone is “known unfavourably”) and short questions about opinions such as “What do you think about the diversity of the Swiss population?” or “What do you think about equality between men and women?” (interview data). Other interviewers formulate the question more openly, for example: “If I talk to you about the great values and principles of the Swiss constitution, such as democracy, human rights, the rule of law, freedom and equality between men and women, what are you particularly attached to? What is important to you? Do these values speak to you?” (interview data).<sup>88</sup> This corresponds to the mix of open and specific

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<sup>88</sup> For the data, see the Methodology chapter.

questions about values proposed by the SEM in its questionnaire to assist cantons in preparing survey reports for naturalization applications, as I show in my first article.

### **Excursus: The Values in Integration Debates of the 1990s**

As we have seen in the last section, the current value requirement entered the realm of policy and legislation around the turn of the millennium. The following section seeks to address the question of how it got there.<sup>89</sup> Far from answering this question conclusively, I trace one specific strand of the debate, again taking the current value requirement and its wording as a guideline. As pointed out in the historical overview above, the scholarly and public debate about integration policy was much broader. As I will show, the “value talk” involves a science–policy nexus (Boswell 2009; Entzinger and Scholten 2015) of social science and legal scholars and the federal administration.

To begin with, let us return to the Federal Council’s 2002 report on the revision of the ANAG into the FNA, which explicitly introduces the idea of (shared) values in Swiss integration policy. The Federal Council’s report draws substantially from the report *A New Concept for Migration Policy*, which was written by the Expert Commission on Migration on behalf of the government (Expertenkommission Migration 1997). The expert commission was composed of federal and cantonal immigration authorities and migration experts (Bundesrat 2002).<sup>90</sup> According to the expert commission, one of the main goals of integration policy was as follows:

For the integration process to be successful, migrants and the host society must recognize and respect certain basic values as a common basis. These fundamental values include, for example, recognition of the state’s monopoly on the use of force, gender equality, the democratic order, the sanctity of life, religious freedom, freedom of expression and the self-determination of the individual. (Expertenkommission Migration 1997, 37).

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<sup>89</sup> An earlier and shorter version of this section has been published as a blog in a series of the IMISCOE Standing Committee “Reflexivities in Migration Studies” and the NCCR—on the move: “The Complicity of Culturalist Knowledge Production” (Manser-Egli 2022b), 21.06.2022, <https://nccr-onthemove.ch/blog/the-complicity-of-culturalist-knowledge-production/?lang=de> (accessed 26.03.2024).

<sup>90</sup> Among them were Walter Kälin, Hans Mahnig, Andreas Wimmer, Hans-Peter Müller and Hans-Rudolf Wicker (Expertenkommission Migration 1997, 89–90), to whom I refer in this chapter.

We have seen above that this general expectation – of migrants and the host society – and the specific examples of to-be-respected “basic values” later turn into an integration requirement for “foreigners only” (see also my third article). The 2002 report also takes up the concept’s idea that immigrants figuratively enter a “migration contract” upon arrival in the host society (Bundesrat 2002, 3799; see Expertenkommission Migration 1997). According to the Federal Council’s report, the idea of a migration contract is also expressed in the guiding principle *Fördern und Fordern*, which was established in various cantonal and communal Leitbilder on integration policy (Bundesrat 2002, 3799).

Finally, the report’s famous assertion according to which “the state must defend these values also against culturally justified deviating claims” (Bundesrat 2002, 3797) directly refers to the work of legal scholar Walter Kälin, who was also a member of the Expert Commission on Migration. In his book, to which the famous sentence in the report refers, Kälin (2000) discusses the role of constitutional values in integration policy in light of Hoffmann-Nowotny’s structural-functionalist theory, among other theories. In short, Kälin (2000, 210–11) defends the idea that “in situations of cultural pluralism which are typical for immigration societies”, a “sustainable foundation of common basic values is necessary in order to avoid that this diversity leads to disintegration”. Let us look at this more closely. I will start with the work of Hoffmann-Nowotny, then turn to the integration Leitbilder and finally come back to Kälin. Note again that this is not a genealogical analysis but a rather descriptive search for traces of the “values” – and, as we will see, “culture” (see Dahinden 2014) – in Swiss integration discourse of the 1990s.<sup>91</sup>

### **Integration Anxieties *avant la lettre***

Sociologist Hans-Joachim Hoffmann-Nowotny arrived in Zürich in 1966 and, over the following decades, became one of the leading figures of migration research and a public expert on the subject in Switzerland (Fibbi 1989; Espahangizi 2022). In 1992, Hoffmann-Nowotny published a report with the title *Opportunities and Risks of Multicultural Immigration Societies* on behalf of the Swiss Science Council (Hoffmann-Nowotny 1992). While his earlier work was situated in structural-functionalist theory and analysed

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<sup>91</sup> A more thorough analysis of the development and modernity narratives is one of the things that I, Nadine Blankvoort and Iva Dodevska are attempting to do in a paper we are currently writing with the provisional title “The Scientificity of ‘Cultural Distance’: Colonial Modernity Logics in the Integration Science–Policy Nexus”.

immigration as *Unterschichtung* (Hoffmann-Nowotny 1973), he now engaged with the notion of “culture” following what Espahangizi (2022) calls the *cultural turn* in the social sciences and what Dahinden (2014) refers to as the acceleration of the culturalization of migration in the 1990s (see above).

As the title indicates, the report enquired into the “opportunities” and “risks” of “multicultural immigration societies” in general, and the risk of Switzerland becoming a “multicultural society” specifically. Hoffmann-Nowotny understood “multicultural society” to be “a society in which *several* ‘cultures’ exist” and where “immigrated individuals appear as ‘culturally foreign collectives’ and form (permanent) minorities” (Hoffmann-Nowotny 1992, 8–10, emphasis in the original). His notion of “culture” includes the “basic values, norms, and institutions, and generally the ‘knowledge’ of a society, as expressed in scientific and everyday knowledge, in myths and ideologies” (Hoffmann-Nowotny 1992, 10). Accordingly, a society is considered “multicultural” when “parts of the population that can be delimited as social aggregates ‘provide’ each other with interpretations from their own ‘stock of knowledge’ in the symbolic construction of reality”: a multicultural society is created by immigration “when foreign-cultural immigrants do not *assimilate* to the *culture* of the immigrant society in the long run, or when a new common ‘stock of knowledge’ (melting pot) is not formed” (Hoffmann-Nowotny 1992, 12, emphasis in the original).

Expanding his earlier work and structural-functionalist theorizing of migration (see Espahangizi 2022), he asks “to what extent certain *cultural* traits of an immigrant ethnic group are at all compatible with both the *culture* of the country of immigration and its *structure*” (Hoffmann-Nowotny 1992, 22, emphasis in the original). He finds that “it cannot be denied that there can be a sometimes considerable *cultural* distance between immigrants and the autochthonous population of the countries of immigration” (Hoffmann-Nowotny 1992, 23). Accordingly, he suggests that in order to fight racism and discrimination, it is necessary to not only tackle “structural problems” but also “to reduce the cultural distance between the immigrants and the natives” (Hoffmann-Nowotny 1992, 24). Regarding the “realization chances” of Switzerland becoming a multicultural society, Hoffmann-Nowotny holds that:

In the European countries concerned, the “foreign workers” [*Fremdarbeiter*] whose immigration has already been assumed to have led to the formation of a

multicultural society came from the underdeveloped regions of developed Southern European countries (in Switzerland especially from Italy and Spain). They thus originated from the “European cultural circle” [*Kulturkreis*] and can therefore hardly be described as “foreign cultural” [*fremdkulturell*] in a narrow sense of the word. (...) The *compatibility* of their cultures can be taken for granted. Therefore, the experiences from this past can probably only to a limited extent be transferred to today’s “new” immigration. (Hoffmann-Nowotny 1992, 25, emphasis in the original)

He uses the term “new immigration” to refer to “immigrants from less developed countries such as Turkey, the underdeveloped countries of North Africa and from many other Third World countries” (Hoffmann-Nowotny 1992, 26). He goes on:

From the point of view of the possible formation of a multicultural society, the Eastern and Southeastern European immigrants can probably be left out of consideration. This does not apply to the immigrants from the Third World. They could indeed be the potential from which multicultural societies could emerge in Europe – even in *those* countries which are not former colonial powers – and – it is worth pointing out again – with incompatible cultures. The discussion of the multicultural society and its problems must therefore start with them. (Hoffmann-Nowotny 1992, 26, emphasis in the original)

The reference and comparison to former colonial powers is no coincidence, as Hoffmann-Nowotny wrote the report in the aftermath of an academic guest stay in the Netherlands (Espahangizi 2022):

In the Netherlands, Great Britain and France, the “multicultural” approach has not led out of the dead end of disintegration of ethnic minorities. This applies to colonial and post-colonial immigrants in the same way as it does to “guest workers”, insofar as they were not of European origin. (...) It seems central that the *integration* of a large part of the colonial and postcolonial immigrants as well as their descendants did not come about. (Hoffmann-Nowotny 1992, 38, emphasis in the original)

Concerning the opportunities of multicultural immigration societies (the question addressed in his report), Hoffmann-Nowotny (1992, 74) finds that “insofar as this involves

immigration from Third World countries, there is no reason to assume that, beyond a certain enrichment of the culture of the country of immigration by elements of foreign folklore, this immigration could entail opportunities for functional innovation". In conclusion, he argues that "with regard to the 'new' international and intercontinental immigration, it is very likely that the 'risks' outweigh the 'opportunities,' whereby the 'risks' must be seen above all in terms of the permanent disintegration of immigrants and the associated emergence of a multicultural society" (Hoffmann-Nowotny 1992, 82).

Overall, we find here the spirit that led to the three circles model, namely the idea of "distant countries" (Fibbi 1993) and the assimilationist distinction between the "culturally close" (*Kulturnahe*) and the "culturally distant" (*Kulturfremde*); assimilation is deemed impossible for the latter (Dahinden 2014). It becomes clear that Hoffmann-Nowotny assumes a "traditional understanding of culture as a more or less static, self-contained 'complex whole'" (Espahangizi 2022, 319; see also Wicker 1996). The essentialist and migrantized conceptualization of "culture" has been criticized by contemporary scholars (Wicker 1996). Castles, for example, has shown how Hoffmann-Nowotny's theory is inscribed into a structural-functionalist tradition of assimilation that presupposes a high degree of cultural homogeneity and consensus about values and norms among the host society (Castles 1994). It is precisely this presupposed consensus about values that is addressed and problematized in this thesis. The harsh criticism by Castles was aimed at the conceptual weaknesses of Hoffmann-Nowotny's concept of culture: Hoffmann-Nowotny's abstract and schematic approach led to a false conception of national cultures, which were in fact neither static nor homogeneous but dynamic, diverse and always changing, and to a problematic assumption about incompatible cultures (Castles 1994).

Regarding the language of "cultural distance" and the "European cultural circle", Espahangizi observed a shift during the 1990s in that "what was still sayable in 1991 with regard to cultural foreignness had a hard time in public discourse a few years later" (Espahangizi 2022, 364). In a reaction to a statement by the Federal Commission against Racism (EKR), the federal authorities vowed to no longer use terms such as "cultural distance" and "European cultural circle" because they were "classified as racist" (Espahangizi 2022, 364). As we will see below, Kälin (2000) is also critical of Hoffmann-Nowotny's notion of culture but does not fully succeed in de-migrantizing it.

Hoffmann-Nowotny's fixed and essentialized notion of culture is illustrated in his view of "Islam", which, according to him, represents "an integral culture" (Hoffmann-Nowotny 1992, 14). His notion of culture leads to integration anxieties *avant la lettre* in view of the risk of segregation and disintegration of society *as community*:

As far as *community* [*Gemeinschaft*] is concerned, it must be said that it is based on the *similarity* of its members and thus, according to its nature, cannot tolerate great deviations. (...) Living together in a collective in general and specifically in those of the "community" type is in any case only possible where its members have common values and share predictable behaviours that are charged with culturally specific meaning. If immigrants remain culturally and structurally marginal, the risk is great that they will also remain excluded from native communities. (Hoffmann-Nowotny 1992, 86, emphasis in the original)

It is this idea and assertion that living together requires "common values" that is addressed as a central theme in this thesis. In his report, Hoffmann-Nowotny reaches the gloomy conclusion that "the decisive question" was at that point, regarding multicultural immigration societies, "how the unavoidable 'risks' can be kept within manageable limits" (Hoffmann-Nowotny 1992, 89). And he provides an answer concerning future integration policy, on the one hand, and what is to become the growing and well-funded field of migration and integration research, on the other hand:

If one wants to avoid, for example, the emergence of an immigration-induced multicultural society, one could, among other things, start from the hypothesis that a lack of integration of immigrants hinders their assimilation and that a lack of assimilation promotes the formation of a multicultural society. Of course, the recommendation to pursue an active integration policy only makes sense if certain groups of immigrants are in fact poorly integrated or not integrated at all. Determining whether this is the case is one of the tasks of applied research. (Hoffmann-Nowotny 1992, 94)

### **Integration Leitbilder**

Another important resource in the development of the new integration policy laid out in the expert commission's concept and the 2002 report by the Federal Council were the integration Leitbilder developed in the cities. As we have seen above, the Zürich Leitbild

was particularly contested. Similar to the reactions to Hoffmann-Nowotny's report on multiculturalism, the problematization of cultural difference and specifically the use of the term assimilation were bones of contention (Espahangizi 2022). Although the Leitbild was strongly criticized at the time and, as a result, substantially revised, many of its elements made their way into today's value requirement. For this reason, the Zürich Leitbild is the most interesting for the present enterprise of tracing the value requirement and its current wording in these debates. In fact, it is the only Leitbild that extensively talks about values. It was developed by Hans-Peter Müller, who was a professor of ethnology at the University of Zürich, and his wife at the time, Verena Tobler Müller (a student of Hoffmann-Nowotny). Like Hoffmann-Nowotny's report, it was built on the structural-functionalist approach and on the concept of "core culture" (Espahangizi 2022, 384). In contrast to the Leitbild of Bern, that of Zürich strongly emphasized the need for cultural adaptation on the part of foreigners (Espahangizi 2022).

The Zürich Leitbild was published in a first version in 1997 as an "impetus paper" (*Anstosspapier*) (H.-P. Müller 1997a) that included separate appendices (H.-P. Müller 1997b), followed by a public consultation procedure – which influenced the Leitbild in Bern and public discourse on integration more broadly, and vice versa (Espahangizi 2022) – and a final version in 1998 (H.-P. Müller 1998). After the heated consultation procedure and the vociferous objections from the political left against the structural-functionalist approach dating back to the 1960s, the Leitbild was substantially revised (Espahangizi 2022).

The central idea of the Leitbild was that "sustainable integration work requires assimilation work, i.e. conveying the structure-related norms of the Swiss core culture" (H.-P. Müller 1997a, 12). It names five aspects of participation in the core culture: the ability to earn one's own living in the context of the Zurich working world; the solidary accumulation and use of the public solidarity systems; the recognition of the state's monopoly on the use of force; the recognition of equality between the sexes; and the (joint) responsibility for the maintenance, upbringing and education of one's own children (H.-P. Müller 1997a, 12). It is worth pointing out that all of these aspects have now become formal integration requirements (art. 12 SCA) and have greatly influenced the definition of what it means to respect the values of the constitution, as we have seen above. Echoing Hoffmann-Nowotny's work, the Leitbild asserts that (cultural)

*assimilation*, meaning “the acquisition of the stock of norms and knowledge” is necessary for (structural) *integration* (H.-P. Müller 1997a, 12).

The Leitbild proposes a “holistic conception of integration” via theoretical ideas about “the current threats to social cohesion” in Switzerland and Zurich (“keyword: disintegration”); the role of immigration in this process (“keyword: over-foreignization”); the mutual rapprochement expected from immigrants and from natives (“keyword: mutual readiness to incorporate and to be incorporated”); and the areas in which adaptation (“keyword: assimilation”) to local behaviour patterns is justified and where expectations of assimilation are presumptuous (“keyword: multiculturalism”) (H.-P. Müller 1997b, 4). In terms of values, this means the following, both for the “own offspring” and for “strangers”:

The integration of any concrete society requires a minimum conformity of its members. It creates common meanings and patterns of behaviour that can be relied upon. In the case of great geographical mobility, this requires more than just the education of one’s own offspring (enculturation and socialization), but also the “post-socialization” of the strangers who have moved in and followed other priorities (acculturation and assimilation). In both cases, new members of society are introduced or adapted to the indispensable basic values of a society to the extent that collective institutions and individual practices correspond *more or less*. (...) With regard to the integration of strangers, *assimilation* means the one-sided adaptation to structure-related urban, democratic and civic basic values. (H.-P. Müller 1997b, 5, emphasis in the original)

The general structural-functionalist theory is complemented with specific examples which, again, very much resemble today’s examples of not respecting the values of the constitution. Considering the link between culture, assimilation and integration, for example, the Leitbild holds that “insofar as cultural identity is tied to elements of the society of origin that are incompatible with the Swiss core culture (e.g. blood revenge, female circumcision, ‘immoral familism,’ etc.), integration involves a partial abandonment of cultural heritage” (H.-P. Müller 1997a, 34). Under the heading “Linking integration and culture”, the Leitbild asks “What must hold together in society?” and answers that “it is decisive whether the state monopoly on the use of force functions as a norm and in reality, or whether in the society of origin it is still the men who claim the power of law and sanction” (H.-P. Müller 1997b, 8). Accordingly, the Leitbild advocates a “systemic view of

culture [which] reveals that respect for rural, illiterate, patriarchal, family-centred, polygamous or religious forms of life does not automatically guarantee their compatibility [*Verträglichkeit*] with institutions based on the division of labour, the state, democracy, secularism or individualism” (H.-P. Müller 1997b, 9). Because the “cultural contents that meet through migration” are only “partially compatible”, it is necessary to recognize and name the areas in which “cultural assimilation is socially necessary and legitimate, and where it is not” (H.-P. Müller 1997b, 9). As is Hoffmann-Nowotny’s report, Switzerland is depicted as a place of modernity: “Living in Switzerland allows immigrant youth and women to question the traditional generational and gender roles” (H.-P. Müller 1997b, 13).

Although the final version of the Leitbild was substantially revised after the consultation procedure, the spirit of structural functionalism in the theorizing of integration is still clearly discernible:

How much integration is needed in a society? Is there not a legitimate claim of groups and individuals in every open society to go their own ways? The necessity and the desirability of integration – both *of* society and *into* society – are in tension with the functional requirements of society and the claims to self-realization of individuals. Where assimilation is necessary and where multiculturalism is more desirable cannot be said in general. (H.-P. Müller 1998, 12)

Here, the tension is framed as an opposition between public interest (assimilation) and individual liberty (multiculturalism). This applies not only to immigrants but also to “newcomers by birth”: “Integration is not an either/or but a gradual process in the course of which ‘newcomers’ – no different from young people growing up – find a respected place in society.<sup>92</sup> With regard to the native core culture, assimilation is demanded of them; with regard to lifestyle, multiculturalism represents enrichment” (H.-P. Müller 1998, 14). Finally, the Leitbild establishes the connection between “basic values” and the “core culture” for the functioning of society:

The core culture comprises those norms and behaviours which are indispensable for the functioning of the central social institutions (e.g. recognition of the state

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<sup>92</sup> This resonates considerably with Penninx’s (2019, 5) definition of integration as newcomers “becoming an accepted part” of the “host society” (see the Theory chapter).

monopoly of violence; obligation to register and pay taxes; right to education, or compulsory schooling; gender equality; free choice of partner; parental rights and duties; public spirit in dealing with collective goods, freedom of conscience and worship, etc.). With regard to these – and only these – structural functional requirements, ASSIMILATION is demanded, i.e. the adaptation to valid norms and institutions by every person of whatever origin. Other basic values may make sense in a different environment. However, they cannot be accepted or tolerated in this country because they would call into question the functioning of society. (H.-P. Müller 1998, 13, emphasis in the original)

Assimilation to the core culture is necessary for the functioning of society. This concerns not only immigrants but also the “own” (i.e. “native”) offspring and young people, as we have seen, as well as those parts of the “native population” who “evade duties”:

Assimilation, understood as unilateral adaptation, is indispensable where the central norms of law and solidarity of a democratic industrial society like Switzerland are at stake. (...) Immigrants who have not hitherto been involved in any *state-organized* reciprocity, but also those sections of the native population who primarily claim rights and evade duties, must make functionally necessary adaptations. The unilateral demand for adaptation – not only vis-à-vis migrants – in the area of core culture is not an expression of arrogant cultural superiority but serves to safeguard the principle of reciprocity. (H.-P. Müller 1998, 17)

In these excerpts, we see the urge to discipline and order subjects and the necessity of doing so that is inherent to structural-functionalist integrationism – what I describe in the second article as a totalizing institution. Here, it is not limited to immigrants but targets any deviance from the “core culture”. Finally, just like Hoffmann-Nowotny’s report, the Leitbild is characterized by (structural-functionalist) development and modernity narratives. Under the heading “Modernity as cultural capital of immigrants”, the Leitbild states:

The key point for our question is that not all cultural imprints are equally important and equally favourable for integration. What is decisive is the degree of similarity between the core culture here and that of the society of origin. This does not mean falling back on the old problematic concepts of culture, which more or less conceal

national, ethnic or religious discrimination. “Culture” here rather means a “way of life” in the comprehensive sense of the “way of life”. Under today’s conditions, ways of life differ mainly according to the modernity of a society. This statement does not imply any valuation of less developed societies. (H.-P. Müller 1998, 15)

Again, there is a clear Othering (and Self-ing; see Coronil 1996; Karagiannis and Randeria 2018) along very specific and by now familiar lines, between the core culture of a modern society and the culture of origin:

Differences in the degree of modernity are accompanied by differences in mentality. They are rooted, among other things, in the special importance of family, religion and patronage. (...) When we speak here of cultural similarity or difference, the criteria are not the headscarf, musical styles or eating habits, but what constitutes the core culture of a modern society: the relationship to the state, to the democratic administration of power and to public goods; the importance of secular education; the understanding of the roles of the sexes; the relationships between the generations; the degree of individualization of lifestyle and the like. (...) Arranged marriages, nepotism, repudiations or blood vengeance may serve an important function in the culture of origin, but in the local society they contradict the core culture. The likelihood of such conflicts depends on the immigrants’ individual and collective experience of modernity. (H.-P. Müller 1998, 16)

In conclusion, we can see here, in this particular strand of the debate, how the concept of integration, which was introduced in the 1970s as a counter-model to assimilation, absorbed the old discourse of over-foreignization until the turn of the millennium (Espahangizi 2022). In the guise of structural-functionalist theory and modernity narratives, the idea of “core culture” and the lists and examples of very specific “values” have found their way into the current formulation of the value requirement.

### **Fundamental Rights in the Culture Conflict**

Between the expert commission’s “new concept” and the Federal Council’s report in 2002, legal scholar Walter Kälin (2000) took up many of these debates in his book *Fundamental Rights in the Culture Conflict – Freedom and Equality in the Immigration Society*. Kälin discusses both Hoffmann-Nowotny’s report on multicultural immigration societies and the integration Leitbilder extensively; he was also part of the expert commission that

elaborated the New Concept for Migration Policy; and his book is the Federal Council's reference for the famous assertion in the 2002 report according to which *the state must defend these values also against culturally justified deviating claims*. In a way, this is where the threads come together.

One of the guiding questions of Kälin's book is as follows: "In which areas do fundamental rights demand the enforcement of one's own values and thus the compulsion to conform and assimilate, and where do they protect autonomy and thus cultural diversity?" (Kälin 2000, 5). As in the Leitbild above, the question here is framed as a necessary choice between a collective interest for assimilation, on the one hand, and individual autonomy as cultural diversity, on the other. Similarly, we find the structural-functionalist logic in the guiding idea of the book, which is the consideration that fundamental rights contribute particularly to social and state integration, without which the cohesion that is necessary for the functioning and survival of every community is endangered (Kälin 2000). However, it is neither the structural-functionalist approach nor the importance of fundamental rights that I would like to question here – but the *migrantized* approach of the book. As the title makes clear, it does not address the question of fundamental rights *in general* nor their relation to cultural conflicts in *a broad sense*, but only in the *immigration society*. The formulation of the question above produces an imaginary of the state as a community of value(s) (B. Anderson 2013; Manser-Egli 2023): it asks when (and not if) the state has to enforce its "own values" and takes this as a given starting point instead of making these "own values" the object of inquiry to begin with.

Like Hoffmann-Nowotny and the Zürich Leitbild before him, Kälin struggles with the definition of "culture (conflict)". He considers Huntington's notion of culture to be "too static and too coarse" and "not able to reflect the internal diversity" of "cultures": "In contrast, a more appropriate concept of culture is an ethnological social-scientific concept of culture, which understands culture as the totality of the material and intellectual activities and products of a particular social group" (Kälin 2000, 6). He refers to the work of Stavenhagen, Tobler Müller and Geertz:

Culture thus forms a complex whole that includes knowledge and its application, beliefs, art, morals, laws and customs, as well as all those skills and characteristics that people acquire as members of a particular society and by which they differ from other groupings; i.e., *all* manifestations of a group of people in the areas of

material equipment (from tools to pets to nuclear power plants), social structure and social organization (e.g., property relations, kinship networks), and value and norm systems (e.g., legal system, religion). Thus, culture can be understood as a system of values and symbols that social groups reproduce over longer periods of time and that provides their members with orientation and meaning for their behaviour. (Kälin 2000, 7, emphasis in the original)

Kälin refers to Habermas's definition of culture as a "stock of knowledge" "from which the communication participants, by communicating about something in a world, provide themselves with interpretations"; according to Kymlicka, "culture conveys meaning to the people who belong to it for their social, religious or economic life in the private and public spheres"; for Hoffmann-Nowotny culture enables "orientation (...), conveys the awareness of belonging and identity, allows people to live together and gives them a sense of security and safety" – in short, it creates cultural identity (Kälin 2000, 8).

At the same time, Kälin takes up the contemporary critique of traditional concepts of culture in the social sciences (for example Wicker (1996), among others), namely that cultures should not be understood statically as "a fixed whole with supra-individual characteristics that differ from those of other cultures" but rather as "fields of dynamic interactions with internal variations and multiple transitions" (Kälin 2000, 7). As he points out, "there is no such thing as a self-contained Turkish, Chinese or Swiss culture but rather different social fields in which people are socialized in a variety of ways" (Kälin 2000, 7). Consequently, he concludes that if one assumes a broad and dynamic concept of culture, "*every case* of fundamental rights – from disputes about the inspection of files in tax proceedings to material expropriation through spatial planning measures – potentially has *cultural significance*" (Kälin 2000, 8, emphasis mine).

Applying these considerations to the notion of a "multicultural society", Kälin (2000, 11, footnote 46) takes up Hoffmann-Nowotny's definition we have seen above, which formally defines a society as multicultural (following Habermas) "if parts of the population that can be delimited as social aggregates 'supply' themselves with interpretations in the symbolic construction of reality, each from their own 'stock of knowledge'". However, in contrast to Hoffmann-Nowotny, Kälin asserts: "In this sense, every society is multicultural, since, for example, social classes, the 'scientific community' or the art scene can be delimited as social aggregates, each with its own stock of

knowledge. Accordingly, one rightly speaks of ‘working-class culture’ or ‘university culture’” (Kälin 2000, 11, footnote 46). Kälin’s conclusion in this matter, however, after he acknowledges the complexity of the concept, is rather unsatisfying: “In this way, however, the term becomes so broad that it loses its analytical value for this work” (Kälin 2000, 11, footnote 46).

Rather than working with this broad, complex and de-migrantized analytical concept of culture or turning to other theoretical and conceptual approaches, Kälin resorts to the *common-sense category* (Dahinden 2016b) of culture: he defines “conflicts between cultures” as “conflicts in which at least one of the parties involved – regardless of nationality – refers to conflicting values of different cultures in the sense of value-laden collective lifestyles and attitudes” (Kälin 2000, 9). Hence, he ends up with an analytically tautological and self-referential definition of a cultural conflict, namely a conflict in which “the parties concerned themselves choose the cultural discourse and explicitly assert cultural differences” (Kälin 2000, 9).

By suggesting this definition, he is seeking to distinguish between “cultural conflicts” which involve a “minority’s assertion of a right to be *different*” and “disputes within cultures” that “revolve around the question of the *right* interpretation of a *value system accepted by all participants*” (Kälin 2000, 9, emphasis in the original). It is precisely this conflation of (presumably shared) values as (a) culture and the neat distinction between different values (i.e. different cultures) and different interpretations of (presumably shared) values (within a culture) that I will problematize in this thesis. Kälin’s understanding of *a culture as shared values* (only disputing the right interpretation of these values rather than the values themselves) coincides with what I discuss as the social imaginary of society as a community of value(s) in my first article.

Although Kälin seeks to complexify Hoffmann-Nowotny’s notion of culture and go beyond an essentially migrantized understanding of cultural conflicts, his research question and approach prevent him from doing so. In the following reference to Habermas, for example, the general question of “political assimilation” – defined as “agreement with the principles of the constitution” (Kälin 2000, 206) – is (re)migrantized:

Habermas argues that the democratic constitutional state – pragmatically, however, only from the second generation onwards – may demand political

assimilation and exclude fundamentalist groups. The state may protect and defend its identity as a constitutional state against newcomers and must not allow its very own identity, which is anchored in its political culture, to be called into question as a result of a new composition of the population. (Kälin 2000, 207)

Here, the references to the second generation, newcomers and the new composition of the population refer to immigration (only), which, on the one hand, migrantizes the “fundamentalist groups” that need to be excluded and, on the other hand, unifies the constitutional state by producing the imaginary of a community of value(s). Accordingly, he does not discuss the role of fundamental rights and political conflict for the constitutional state *in general*, but only cultural conflicts in the immigration society.

Kälin (2000, 209) discusses the New Concept for Migration Policy (to which he contributed) and finds that “the postulated basic values, which are to be shared by all, appear too vague in the light of actual fundamental rights practice”:

Does the commitment to religious freedom, self-determination and equal rights oblige migrants to come closer to the majority culture or, on the contrary, does it entitle them to demand a right to difference from the majority? Does respect for Swiss laws preclude demanding dispensations and special regulations where fundamental rights suggest such? (...) Fundamental rights stand for equality and for freedom; which principle takes precedence in a specific case cannot be answered in general. (Kälin 2000, 209)

He could have stopped there, for these are exactly the fundamental rights cases and questions discussed and re/negotiated by legal scholars specifically and by the broader public and political discourse in general. Except that we would not call it *integration policy* in this case. But Kälin’s conclusion does indeed seem to be driven by integration anxieties:

Because our societies are proving to be increasingly heterogeneous and their peaceful coexistence is not readily assured – not only, but also because of the migration of the past decades –, the modern constitutional state must create and maintain a minimum degree of unity and cohesion. (...) Integration here means the creation of that measure of cohesion and agreement that keeps the state and society from breaking apart. (Kälin 2000, 210)

He draws on the work of Talcott Parsons and Rudolf Smend – the latter’s position is not, however, “free of national overtones”, as Kälin (2000, 210, footnote 78) points out (see also Van Ooyen 2014) – to emphasize that integration should be worked on by every society if it does not want to break apart. He draws on Parsons’ definition of integration as “a form of relationship between social units through which the social units interact in such a way that, on the one hand, a breakdown and a threat to the stability of the system are avoided and, on the other hand, the system functions as a unit” (Kälin 2000, 210, footnote 81). Against this background, he concludes that “in order for diversity not to lead to disintegration, a sustainable basis of common fundamental values is necessary” (Kälin 2000, 211). Referring to his initial question, he finds that any proper handling of fundamental rights in the context of an immigration society must therefore be based on two premises (Kälin 2000). First:

*Cultural diversity is an essential element of any liberal order and must therefore be respected and protected:* The constitutional state based on fundamental rights must not claim a monopoly on defining for all people what constitutes a “good” or “right” life; nor should it take sides in favour of certain lifestyles. Rather, it must leave this decision to the autonomous members of a society that is fundamentally pluralistic as a consequence of fundamental freedom. Every democracy – whether migration-related minorities live in it or not – derives its vitality from the diversity of views and lifestyles for which it must offer a basis for integration. (Kälin 2000, 211, emphasis in the original)

Again, as I will argue in view of these normative questions in the following chapters of this thesis, he could have stopped there. But he continues as follows:

*At the same time, the constitutional state must not give up its own identity.* Democratic and constitutional basic values and principles (...) must therefore also be defended against culturally deviating claims. (Kälin 2000, 211–12, emphasis in the original)

After this, Kälin concludes that “it is permissible for the state of residence to enforce its *ordre public*, i.e. the most central values of its own legal system, against migrants as well” (Kälin 2000, 213).

## Conclusion

In this search for traces of the value requirement in one specific strand of the integration debate of the 1990s, we have seen how the notions of “values” and “(core) culture” have travelled back and forth between social science, public discourse and policy. This search shows how the “value talk” underlying the value requirement has been shaped by structural-functionalist sociology, development and modernity narratives and, ultimately, by integration anxieties.

However, it needs to be stressed that neither the idea that “foreigners” have to share (“Swiss”) values nor their culturalization is a *new* phenomenon. One legal scholar pointed out as early as the beginning of the 20th century that the transformation of foreigners into nationals is “a matter of the soul; to infuse these new citizens with a little of the civic love that animates us, to win them over to our ideas of tolerance and solidarity, to our democratic traditions” (Sauser-Hall 1914, cited in Di Donato et al. 2020, 63; see also the Theory chapter). Arguably, the first traces of today’s value requirement are already discernible in the over-foreignization anxieties that existed back then: “[W]hat is most to be feared is not men, but the ideas they embody” (Sauser-Hall 1911, cited in Arlettaz and Arlettaz 1996).

As we have seen in the historical overview, the ethnicization and culturalization of the migration issue has always been part of Swiss “foreigner policy”, although in different semantic shifts and phases (Dahinden 2014). Hence, what I call the *culturalization of values* in my first article is not a new phenomenon. In 1968, for example, at the time of the first popular initiatives “against over-foreignization”, the then president of the Association of Cantonal Foreign Police Chiefs in Switzerland wrote a booklet entitled *From Otherness to Assimilation*. He described which characteristics and attitudes of immigrants are Swiss-compatible (*schweizkonform*) and assimilation-affirmative (*assimilationsbejahend*). Among them is the practice, for instance, of *not using only olive oil for cooking* (M. R. Dean 2010). Hence, even if the value requirement did not exist *de jure* back then, this requirement was *de facto* an expression of a culturalization of alleged Swiss values, targeting Italians specifically, just as the handshake today is a culturalized expression of constitutional values that is targeted at culturalized Muslims in particular (see also Statham 2024). Carefully tracing the culturalization of values in the history of Swiss

“foreigner policy” further back than I was able to go in this thesis could be the task of future research.

To conclude this chapter, I would like to highlight four aspects. First, that the value requirement in its current form and integration policy more broadly have been shaped, on the one hand, by xenophobic and right-wing populist politics such as the deportation initiative and the mass immigration initiative (and, before them, the popular initiatives against over-foreignization). On the other hand, the “new” Swiss integration policy has been marked by the social sciences and academic knowledge production. This reciprocal relationship between science and politics was constitutive for the “integration policy awakening” (Espahangizi 2022, 89) on the federal level. The work of the Expert Commission on Migration in particular epitomises the close connection between academia, politics, civil society and state administration – the science–policy nexus – that had developed in the name of migration in Switzerland in the 1990s (Espahangizi 2022).

Second, the theoretical frame of structural functionalism runs through the integration debates I have reviewed in light of the “value talk”, despite or precisely because of the cultural turn: (integration into) the core culture becomes a condition for the structural functioning of society, which has already always presupposed a whole with a goal and a function (as discussed thoroughly by Schinkel 2017; see also Bommers 2001). This links the most recent Swiss integration policy back to the original conceptualizations of integration in Durkheimian sociology, as introduced in the Theory chapter.

Third, when studying the current formulation and practice of the value requirement, one could quickly jump to the conclusion that it is all about “Islam”. But although integration policy and discourse in the last few decades have been shaped in the post-9/11 world by the focus on “Islam” and “Muslims”, it would be wrong to assume that this was always the case. As has been shown, the value requirement emerges in a broader, post/colonial discourse that relies on imaginaries of cultural distance/circles as well as development and modernity narratives. “Islam” has been part of these discourses, as we have seen, but not necessarily in the same ways as more recently. This semantic shift since the early 2000s has been analysed by Dahinden (2014) as the concomitant “Muslimization of immigrants”, the “Islamization of the cultural argument” and a new connotation of over-foreignization anxieties (see also Statham 2024 on the *Muslimification* of Muslims). Heated public debates no longer concern the compatibility of “immigrant cultures” and

“the Swiss culture” only, but “Islam” and “the West” and their “respective political and cultural values” (Dahinden 2014, 110). One of these “values” is “gender equality”: the idea that “each ‘culture’ is inherently characterized by specific gender relations” becomes a powerful boundary-drawing mechanism (Dahinden 2014, 111; see also Dahinden and Manser-Egli 2023). As we have seen in the “new concept”, in the Zürich Leitbild and, ultimately, the Federal Council’s 2002 report, “gender equality” was already very present in the “value talk” of the science–policy nexus around the turn of the millennium.

Finally, we have seen how integration has absorbed the old discourse of over-foreignization after it was introduced in the 1970s as a counter-model to assimilation by progressive movements (Wicker 2009; Espahangizi 2022). Yet I hope to have complexified the image of integration being an emancipatory and progressive idea that was then, suddenly, “hijacked by the state”. As discussed in the Theory chapter, I would rather argue that some of its disciplinary, totalizing, conservative and essentially migrantized aspects have always been there and are inherent in the concept. With this, let us turn to the methodology of this thesis, before we move on to the articles.



## METHODOLOGY

C'est l'État qui se pense lui-même en pensant l'immigration. (Sayad 1999, 6)

Immigrant integration has to be understood and approached as a phenomenon that reveals more about those who articulate ideas about integration and decide on integration measures than it does about those who are the target of integration (i.e. the migrant 'other'). (Hadj Abdou 2019, 1)

If the State Secretariat for Migration can make me wait for two hours without any information – how can it treat migrants? (fieldnotes)

This chapter aims to disclose what is behind this *thèse par articles*. On the one hand, it seeks to elaborate the very short “data and methodology” sections of each article. On the other hand, and more fundamentally, it is, despite its name, about much more than *methodology* in the narrow sense. In many ways, this thesis follows a mixed-methods approach. However, it does so not by combining qualitative and quantitative methodologies, but by combining empirical social science and normative political theory. This is a challenge both theoretically and methodologically. Yet it is worth it, since it is a central aim of the thesis to bring these fields into dialogue, which do not frequently speak to each other. As I aim to show, the methodological approaches (and theoretical debates) of *grounded theory* (Charmaz and Belgrave 2012), *contextualism* in political philosophy (Carens 2004) and *grounded normative theory* (Ackerly et al. 2024) can be brought together.

The chapter is structured as follows. The first section sets the epistemological stage. The next section elaborates on the choice and construction of the research field, followed by a section on the access to this field. The subsequent section describes how the data was produced and collected, before diving into the process of data analysis. I then turn to what I address as reflexivity, namely the research ethics, the Covid pandemic, and my positionality as a researcher. In the final section, I elaborate on the contextual approach to political philosophy and what has been called grounded normative theory, and how this

relates to the preceding sections. Throughout the chapter, selected reflections based on fieldnotes and ethnographic vignettes are further developed in separate boxes.

### **Bricolage**

The thesis is situated in the social sciences and engages in qualitative research that is based on the paradigm of social constructivism. What does this mean? It starts with the assumption that the social sciences are normative disciplines, “always already embedded in issues of value, ideology, power, desire, sexism, racism, domination, repression, and control” (Denzin and Lincoln 2005, 11). It acknowledges that qualitative research is used in many separate disciplines, that it does not belong to a single discipline nor have a distinct set of methods or practices that are entirely its own, and that no specific method or practice can be privileged over another (Denzin and Lincoln 2005). This makes me a bricoleur and this thesis a bricolage:

The methodological bricoleur is adept at performing a large number of diverse tasks, ranging from interviewing to intensive self-reflection and introspection. The theoretical bricoleur reads widely and is knowledgeable about the many interpretive paradigms (feminism, Marxism, cultural studies, constructivism, queer theory) that can be brought to any particular problem. The researcher-as-bricoleur-theorist works between and within competing and overlapping perspectives and paradigms. The interpretive bricoleur understands that research is an interactive process shaped by one’s personal history, biography, gender, social class, race, and ethnicity and those of the people in the setting. Critical bricoleurs stress the dialectical and hermeneutic nature of interdisciplinary inquiry, knowing that the boundaries between traditional disciplines no longer hold (Kincheloe, 2001, p. 683). The political bricoleur knows that science is power, for all research findings have political implications. There is no value-free science. (Denzin and Lincoln 2005, 5)

The paradigm of social constructivism assumes “a relativist ontology (there are multiple realities), a subjectivist epistemology (knower and respondent co-create understandings), and a naturalistic (in the natural world) set of methodological procedures” (Denzin and Lincoln 2005, 13). Gergen formulates the following assumption for social constructivism:

The terms by which we account for the world and ourselves are not dictated by the stipulated objects of such accounts. (...) [They] are social artifacts, products of historically and culturally situated interchanges among people. (...) The degree to which a given account of the world or self is sustained across time is not dependent on the objective validity of the account but on the vicissitudes of social processes. (Gergen 1994, cited in Flick 2014, 77)

Rather than validating objective reality, the social constructivist paradigm relies on qualitative research and multiple methods – triangulation<sup>93</sup> – to seek an in-depth understanding of the phenomenon in question (Denzin and Lincoln 2005). As such, this thesis is a bricolage because it tells a story about society and the social world, among different kinds of stories (Denzin and Lincoln 2005), and it is aware of its partial perspective (Haraway 1988) and partial truth: “*une vérité partielle et partiale quoi qu’on en veuille*” (A. Müller 2015, 5). Everything that follows builds on these ontological and epistemological paradigms and perspectives.<sup>94</sup>

## **Construction of the Research Field**

The choice – or, rather, the construction – of the research field<sup>95</sup> and practices depends on the questions that are asked, and the questions depend on their context, what is available in the context, and what the researcher can do in that context (Denzin and Lincoln 2005). Given the focus of this thesis on the integration requirement to respect constitutional values in Switzerland, the field of research seems, a priori, relatively clearly defined. Moreover, since I strongly agree with Hadj Abdou’s quote at the beginning of this chapter, the focus of this thesis is on “the state” and its bureaucracy rather than on the to-be-integrated (migranticized) subjects.<sup>96</sup> In the words of Sayad, “thinking about immigration basically means interrogating the state (...) ‘denaturalizing’, so to speak, what we take to be natural, and ‘rehistoricizing’ the state” (Sayad 2004, 280). His plea to subject the

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<sup>93</sup> Though Laura Ellingson argues that “the central image for qualitative inquiry is the crystal – multiple lenses – not the triangle” (cited in Denzin and Lincoln 2005, 5).

<sup>94</sup> Whereas paradigms represent belief systems with a particular worldview and overarching philosophical systems denoting particular ontologies, epistemologies and methodologies, perspectives are less well developed systems that are easier to move between (Denzin and Lincoln 2005).

<sup>95</sup> In line with social constructivism, I do not think of the research field as to be *chosen* and defined “out there”, in objective reality, but constructed, just as data is not *collected* “out there” but (co-)produced.

<sup>96</sup> Nor is the focus of this thesis on the media and public discourse, for example, which of course are important drivers that articulate and frame ideas about integration.

postulates of *state thought* to critical reflection, to a process of delegitimizing what is legitimate, of what goes without saying, of objectifying what is most deeply rooted within us, what is most deeply hidden in our social unconscious and, ultimately, a process of desanctifying the doxa (Sayad 2004; see also Bourdieu 1994), seems particularly crucial for the state thought of *integration*. However, considering the growing expansiveness of integration governance and the Swiss federalist system, the choice of the field becomes less self-evident. Should I consider the separate fields (and bureaucracies) of naturalization *and* immigration, at the federal, cantonal *and* municipal levels? And if so, as I did, which cantons and municipalities are to be researched?

To analyse how the value requirement of integration is understood and practised, I decided to study state *discourse* and (street-level) *practice*. While integration governmentality (Piñeiro 2015) is so widespread and multifaceted that it can hardly be identified as a (spatially and/or temporally clearly delimited) research *field* (see A. Müller 2015), I decided to focus on these two strands of state action and thus define and construct my field accordingly. It is true that integration governmentality reaches well beyond “the state”, involving many non-state and civil society actors, especially on the encouraging (*fördern*) side of the integration paradigm *Fördern und Fordern*. In this vein, Rose and Miller (2010) point to technologies of “governing at a distance” and warn against the overvaluation of the “problem of the State”. Yet, given the research questions and design, focussing on integration *requirements* and thus on the requiring (*fordern*) side of the paradigm, I decided to focus on “the state”, understood and approached as follows.

In many respects, this thesis adheres to a classical understanding of “the state”, studying state discourse and state practice in a relatively narrow sense and focussing on state legislation, authority and bureaucracy, as I elaborate below. According to Weber (1963 [1919]), the modern state is an institution of domination whose administrative staff successfully uphold a claim to the monopoly of the legitimate use of physical force in the enforcement of its order. This is also the case for integration governance (though it is not limited to the state). Yet, the classical understanding and the limits of “the state” are blurred and complexified by the fact that citizen assemblies and lay naturalization commissions, for example, become state authorities and bureaucracies, while citizens in direct democratic procedures become legislators. As such, the state is embodied in individuals (Fassin 2013). Moreover, especially in the case of the Swiss federalist state,

“the state’ is not a monolithic entity that works always in a concerted fashion to achieve agreed-on goals” (Kalir, Achermann, and Rosset 2019, 7), but “at once an incoherent, multifaceted ensemble of power relations and a vehicle of massive domination” (W. Brown 2006 [1995], 191).

This domination is exerted, to a significant extent, by street-level bureaucrats who interact directly with citizens and have substantial discretion in the execution of their work (Lipsky 1980). As we will see, Lipsky’s observation, according to which street-level bureaucrats “implicitly mediate aspects of the constitutional relationship of citizens to the state” and, as such, “hold the keys to a dimension of citizenship” (Lipsky 1980, 4), is especially accurate in the field of integration governance. The same can be said with regard to his claim that street-level bureaucrats, at the end of the day, are *policy makers*, because they have to put the vaguely defined value requirement into practice, relying on high degrees of discretion (Lipsky 1980). Overall, this thesis and its study of “the state” seek to address the question of “how the notion of ‘integration’ furthers (b)ordering practices in the mundane practices of authorities, bureaucracies and legal actors” (Pfirter et al. 2021, 61).

Regarding the state *discourse* on the value requirement, I collected and analysed the relevant legislation, official documents and jurisprudence that have been passed, produced and pronounced respectively since the 1990s (Appendixes 1 and 2). The reason for this choice is twofold. First, we have seen in the Context chapter that the talk of “(core) culture” and “values” started to gain traction in Swiss integration discourse in the 1990s. Although they have always played an important role in Swiss “foreigner policy”, as I have shown, the “culturalization of migration” accelerated in the 1990s (Dahinden 2014). Second, both the Swiss Citizenship Act (SCA) and the Foreign Nationals and Integration Act (FNIA), the defining bodies of today’s Swiss integration law, have been subjected to total revisions since the turn of the millennium, entering into force in 2018 and 2019 respectively (see also the Context chapter). Accordingly, the whole legal process of the revisions, from preliminary drafts, consultation procedures (*Vernehmlassungsverfahren*) and government reports to final texts and subsequent ordinances and instructions, were analysed in light of the research questions.

Concerning state *practice* of integration governance, I engaged in fieldwork with case workers and street-level bureaucrats which included semi-structured interviews,

participant observations and access to specific case files. This allowed me to gain insights into institutions and actors that put integration (requirements) into (everyday) practice and to get hold of the actors' perspectives and practices. I conducted expert (Meuser and Nagel 2009) as well as problem-centred (Witzel and Reiter 2012) interviews with officials from the State Secretariat for Migration (SEM), with case workers at cantonal migration and integration offices and with representatives of (cantonal or communal) naturalization commissions, and engaged in participant observations among these authorities. My choice fell on these authorities because they are putting the integration requirements into practice according to the FNIA and the SCA on the federal, cantonal and local levels.

For my field research in the cantons (and municipalities), I chose two cantons as my first choices, one French-speaking and one German-speaking.<sup>97</sup> While the research design and methodological approaches of the thesis are not comparative at all, the aim was to choose two cantons that differ in terms of history, region, official language, political majorities, degrees of urbanity and inclusive/exclusive naturalization policies. Based on these factors, together with explorative expert interviews and preliminary findings on the origin of the value requirement, my choice fell on these two cantons because they have a specific connection to the integration criterion. While one canton has introduced a charter of citizenship that contains the “founding principles of the canton”, which is handed out to all new residents of the canton and is part of the integration programme, the other canton had already listed the integration criterion, “respecting the values of the constitution”, before it was introduced in the federal legislation (Von Rütte 2011).<sup>98</sup> Finally, according to the SWISSCIT Index on Citizenship Law in Swiss cantons, each of the two cantons can clearly be attributed to either the inclusive or the exclusive camp – according to an assessment of cantonal naturalization requirements concerning residence, language, civic and cultural integration, good moral character and economic resources (Arrighi and Piccoli 2018) – though neither of them is at the extremes.<sup>99</sup>

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<sup>97</sup> I also chose three more cantons as a back-up plan according to the same criteria, in case I could not get access to these two.

<sup>98</sup> As it turned out in the interview with the cantonal authorities, the cantonal legislation included the value requirement at the time because it had already been proposed by the SEM at the federal level – not the other way around, as I thought.

<sup>99</sup> See <https://nccr-onthemove.ch/indicators/how-inclusive-are-citizenship-laws-in-the-26-swiss-cantons/> (accessed 26.03.2024).

## Access to the Field

### Official documents and jurisprudence

What I refer to as *official documents* are publicly accessible laws, ordinances, instructions, reports, draft legislation, results of the consultation procedure and other official and legislative documents that shape integration governance (see Appendix 1). The backbone of integration law are the SCA and the FNIA, from which ordinances and instructions follow. Due to their (total) revisions since the turn of the millennium, they come with countless reports, draft versions and counter-projects. In the Swiss political system, such revisions are not usually a linear process. This is especially true for immigration and integration law, which is changing fast and is often subject to political (and populist) cultivation: the revisions of the SCA and FNIA have been intercepted and stirred up by two popular initiatives launched by the right-wing Swiss People's Party on the "deportation of criminal foreigners" and "against mass immigration" (as we have seen in the Context chapter). Documents can be accessed on the official website of the Swiss Confederation, *Fedlex*.<sup>100</sup> For every law, there is a chronology providing earlier versions, reports and draft versions of the different laws and legislative processes; changes can also be tracked for every article. And, the links between different types of integration legislation and documents can often be found in the footnotes and (cross-)referencing of explanatory reports on draft legislation. For example, we have seen in the Context chapter that the explanatory report on the total revision of the SCA in 2009 holds: "The criterion of respecting the fundamental principles of the Federal Constitution coincides in content with the concept proposed in the draft amendment to the FNA [Foreign Nationals Act, predecessor of the FNIA] as an indirect counter-proposal to the deportation initiative, which required a commitment [*Bekanntnis*] to the fundamental values of the Federal Constitution" (Bundesrat 2009, 15). Finally, jurisprudence was accessed with a university account on *Swisslex*, a private Swiss legal database.<sup>101</sup> It allows advanced searches based on specific keywords, laws, articles and paragraphs (Appendix 2).

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<sup>100</sup> <https://www.fedlex.admin.ch> (accessed 26.03.2024).

<sup>101</sup> <https://www.swisslex.ch> (accessed 26.03.2024).

## Interviews and observations

In general, access to the field was quite unobstructed and, in most cases, straightforward (see below for the role of my positionality in this). Following the official requests, an interview was scheduled which then often also led to participant observations (if applicable).<sup>102</sup> Within the limits of the theoretical sampling of the cantons mentioned above, I often relied on snowball sampling, which facilitated access to the field. In one case, the cantonal authority responsible for naturalizations suggested a few municipalities which might be interesting in light of my research design, either because they knew of cases concerning the value requirement or because they assumed the responsible authority and individual case workers would be happy to participate in the research. Referring to this “cantonal recommendation” when approaching the municipalities helped to gain their trust and access to the field (see Box 1). In general, I approached my research participants with a formalized, standardized letter (see Appendix 3). Regarding the selection of interview participants, I did not address specific individuals but institutions (e.g. cantonal migration office) or roles (e.g. naturalization case worker) instead. As such, the selection of specific individuals within their given institutions and roles resembled a convenient sampling.

Only in one case was a request for an interview with a head of department at the SEM denied. In his email, he made extensive comments on the (supposed) origins of the value requirement in Swiss law and concluded that, against this background, “there is no need for further discussion” (email). In response to my reply, in which I developed some preliminary findings on the origins of the requirement going further back than he suggested and asked again for a personal interview, he said that I had “obviously done a lot of research on this” and that it was “beyond our knowledge, why and where exactly these values of the Federal Constitution found their way into the Swiss migration discussion a long time ago” (email).<sup>103</sup> In another case, I asked a municipal case worker whether it was possible to participate in naturalization interviews with the naturalization commission and candidates (as I did in another municipality in the same canton), to which she replied: “The naturalization commission has decided at its meeting that the matter of

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<sup>102</sup> In my case, it does indeed seem true that navigating gatekeepers was “easy” thanks to clearly defined expectations and bureaucratic protocols (Chaudhuri 2017) – and thanks to my positionality; see below.

<sup>103</sup> I trace one specific strand of this “way into the Swiss migration discussion a long time ago” in the Excursus section of the Context chapter.

[naturalization] interviews is too sensitive (especially for data protection reasons) and thus does not want you to be present at an interview. I am sorry, but this was decided unanimously by the commission” (email). I expressed my regrets and reiterated that data protection was a top priority, but I did not receive another answer. Finally, one of the municipalities recommended by the cantonal authority did not reply to my (three) emails, which resulted in a dead end.

### Case files

The interviews and observations gave me access to three non-public case files related to the value requirement. Typically, the cases would come up in the interviews with case workers. After that, I got access to the case files which, depending on the case, could include naturalization interview protocols and procedure files, police reports and court decisions. In order to get access, I either signed data protection statements (see Ethics section below) or received an anonymized (with parts blacked out) version of the case file. I obtained one case file from a cantonal migration office, one from a cantonal naturalization authority, and one dealing with a municipal naturalization procedure.

### **Box 1: The Swiss federalist system: several gates to the same field**

The Swiss political system is characterized by federalism, which also applies to migration governance and especially to naturalizations (Di Donato et al. 2020). This federalist system offers several gates to the same field, as the following example shows. When I asked a cantonal authority about the possibility of accessing case files concerning the integration requirement to respect the values of the constitution, they were at first reluctant, saying this would be “very delicate from a legal perspective” (interview) and directing me to the SEM, since “they do have the [same] files as well” (interview) (due to the three-stage naturalization procedure; see Context chapter). Eventually, they offered me the opportunity to go through their approximately 3500 case files to identify the three cases or so they had in mind concerning the value requirement.<sup>104</sup> According to them, there was no

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<sup>104</sup> Note that these numbers are likely to be exaggerated (in both directions), since they were reluctant to let me go through the files and seemingly wanted to discourage me from doing so. Also, the numbers are not very indicative of the overall importance of the value requirement, since these “three cases or so” were the ones they had in mind in which the requirement was explicitly and centrally at stake. However, the value requirement is always evaluated in every case file, as part of the bundle of integration requirements.

systematic categorization of case files which would allow them to find these specific cases. Of course, this search for the needle in the haystack was not a very rosy prospect (a fact of which they were well aware, which is probably why they reluctantly offered it in the first place, knowing that I probably could not do so). However, the canton did ask the SEM (on my behalf) whether they could identify the relevant cases in their case administration system, which they denied. Yet, the responsible employee at the SEM reported (to the cantonal authority, which then informed me) that they currently had a file pending in which additional clarifications were made directly by the SEM due to an alleged contradiction in the assessment of the respect for the constitutional values. The canton then gave me the file number and (in consultation with the SEM) asked me to deposit a formal request directly at the SEM, since “the SEM attaches great importance to the principle that responsible case workers are not contacted directly by third parties” (email with the cantonal authority). To my surprise, after all the exchanges with the SEM and the canton so far, the SEM rejected my request out of hand: “Since we cannot provide information on individual cases for reasons of personal privacy and data protection, we unfortunately have no way of meeting your request for cooperation” (email from the SEM). Playing dumb, I got back to the canton insisting that, unfortunately, it looked as if my inquiry had not reached the right place at the SEM (highlighting that privacy and data protection would of course be guaranteed by means of a data protection agreement). The person in charge at the canton replied, after consultation with the SEM, that the “generic reply was correct” (email with the cantonal authority). I almost gave up, and, feeling rather hopeless, sent one last request to the cantonal authority asking whether, alternatively, it was possible to access the case file at the cantonal level, since it was (also) a cantonal file. Surprisingly, the cantonal authority then granted me access to the very case file that had been denied by the SEM. I was allowed to study and take notes of the redacted and anonymized case file on site.

## **Data Production**

The overall data corpus for the empirical research of this thesis consists of qualitative interviews, participant observations, case files, case law, official documents and legislation. The following section elaborates on how this data was collected – or, rather,

*produced* – before moving on to the analysis. According to the methods of grounded theory (Charmaz and Belgrave 2012), the interplay and back and forth between data production, theory and analysis allowed me to not only constantly modify and adapt my research questions, but also the field(s) of my empirical research. In this way, I pursued a theoretical sampling, analysing data and deciding what data to collect next and where to find them, developing the theory as it emerged. In contrast to the early conceptualization of grounded theory by Glaser and Strauss (1967) and the common depiction of *theory* coming *only* at the end of the process, theory is of course *also* the starting point, as expressed in the notion of *theoretical* sampling: “Theoretical sampling, that is, sampling to develop the researcher’s theory, not to represent a population, endows grounded theory studies with analytic power” (Charmaz and Belgrave 2012, 358). In an iterative analysis, the purpose of theoretical sampling is to “fill out the properties of a tentative category” (Charmaz and Belgrave 2012, 358), in my case of the category *values of the constitution*. The aim was to reach a theoretical saturation regarding the value requirement, that is, to keep seeking data until it is saturated, until no new information about the properties of this category is found (Charmaz and Belgrave 2012). Indeed, through the multi-level approach and the data triangulation pursued in this thesis, I reached a theoretical saturation with regard to the value requirement. This means that my findings are generalizable to the extent that I would not expect to find any (fundamentally) new information about the properties of the value requirement by producing additional data in, for example, different cantons, municipalities or authorities.

### Interviews

I conducted a total of 24 interviews (see Table 1). Although they were not as linear as they appear now, there was a certain development. At first, they were mainly explorative, to guide and carve out the research design and choice of the field. Once the research design and field were staked out, I moved on to theory-generating expert interviews, aimed at developing theory from reconstructing the knowledge of various experts (Flick 2009). Finally, I moved on to semi-structured problem-centred interviews (Witzel and Reiter 2012), the “problem” (in the non-normative sense of *problématique*) being the specific value requirement and the role of “values” in Swiss integration law and practice more broadly. Thus, a typical interview was structured as follows. After a short introduction about me and my research project, the rights of the participants (to not reply, to end the

interview at any moment, etc.) and the processing of the data (recording, transcription, anonymization, etc.), I quickly focused on the value requirement. I asked participants about its history and genesis, its specific content and how they apply it in everyday practice. For each of these sections of the interview, I had prepared follow-up questions and often also reacted with ad hoc questions to dig deeper. I usually ended the interview with an open question about possible contacts and fields they would recommend, now that they knew what my research topic was, which was a fruitful way of snowball sampling (see example interview guide in Appendix 4). The explorative interviews were held with experts such as scholars, lawyers and practitioners in the field of integration. The 11 problem-centred interviews were conducted with a total of 15 street-level bureaucrats and public officials (8 men and 7 women).<sup>105</sup> All of them were fully recorded and transcribed.<sup>106</sup>

Table 1: Interviews

#	Date	Interview Type	Mode	Who	Level	Field	Language	Duration
1	28.01.2020	explorative	in person	practitioner	cantonal	integration	German	74 min
2	29.01.2020	explorative	in person	legal scholar	federal	integration	German	90 min
3	21.02.2020	explorative	in person	historian	federal	migration	German	~ 90 min
4	05.03.2020	explorative	in person	lawyer	cantonal/federal	migration	German	51 min
5	14.05.2020	explorative	online	legal scholar	cantonal/federal	naturalization	French	49 min
6	21.07.2020	explorative	in person	anthropologist	federal	migration	German	~ 90 min
7	06.08.2020	explorative	in person	sociologist	federal	migration/integration	German	~ 60 min
8	20.08.2020	explorative	in person	anthropologist	cantonal/federal	migration/integration	German	~ 120 min
9	08.09.2020	expert	in person	practitioner	cantonal	integration	German	121 min
10	01.10.2020	explorative	in person	legal scholar	federal	naturalization	German	~ 90 min
11	06.10.2020	expert / problem-centred	in person	caseworkers (2)	federal	naturalization	French	131 min
12	15.10.2020	expert	in person	practitioner	municipal	integration	German	72 min
13	19.10.2020	expert	in person	sociologist	cantonal	naturalization	French	~ 60 min
14	17.11.2020	expert	online	practitioner	federal	migration	German	112 min
15	26.11.2020	expert	online	practitioner	cantonal	migration	German	~ 30 min
16	14.12.2020	expert / problem-centred	online	caseworker	federal	integration	German	46 min
17	01.04.2021	expert / problem-centred	online	caseworker	federal	immigration	German	69 min
18	14.04.2021	expert / problem-centred	online	caseworker	cantonal	immigration	German	42 min
19	04.05.2021	expert / problem-centred	in person	caseworkers (3)	cantonal	naturalization	German	84 min
20	27.05.2021	expert / problem-centred	in person	caseworkers (2)	cantonal	naturalization	French	90 min
21	23.06.2021	expert	in person	practitioner	cantonal	integration	French	115 min
22	13.08.2021	problem-centred	in person	caseworker	municipal	naturalization	German	81 min
23	09.08.2021	problem-centred	in person	caseworker	municipal	naturalization	German	49 min
24	05.10.2021	problem-centred	in person	caseworker	cantonal	immigration	French	65 min

## Observations

Given the thesis focus on the state *practice* of integration governance, observations are an important tool for the bricolage, in addition to and distinct from the interviews:

<sup>105</sup> Three interviews were conducted with two/three participants.

<sup>106</sup> I did the transcriptions myself (not using any AI-supported or automated technology), except three interviews in French, which were transcribed by a student assistant.

Practices are only accessible through observation; interviews and narratives merely make the accounts of practices accessible instead of the practices themselves. The claim is often made for observation that it enables the researcher to find out how something factually works or occurs. Compared to that claim, presentations in interviews are said to comprise a mixture of how something is and how something should be, which still needs to be untangled. (Flick 2009, 222)

Among the different types of observation that exist, I decided to engage in *participant observation*, which allowed me to “dive headlong into the field”, to “observe from a member[']s perspective but also influence what you observe due to your participation” (Flick 2009, 226). This situates me somewhere along the spectrum between the *complete participant* and the *complete observer* (Gold 1958, cited in Flick 2009) because, although I did not *participate actively*, in contrast to the complete observer, I did not seek to maintain “distance from the observed events in order to avoid influencing them” (Flick 2009, 223), for example by replacing the actual observation by video-taping, by attempting to distract the attention of those under observation from the researcher or even by conducting covert observation. On the contrary, I consider my presence in the room (online and on site) as participation, even if I do not actively intervene, in that it influences the data that is produced (as I elaborate in the Reflexivity section below, for example in Box 2 regarding being somehow perceived as part of the naturalization commission).

The participant observations were conducted during two naturalization interviews involving the cantonal authority and the naturalization candidate and one integration course (which is part of the preparation for naturalization)<sup>107</sup> in one canton (French-speaking), and in nine naturalization interviews involving the municipal naturalization commission and the candidates in the other canton (German-speaking).<sup>108</sup> For the cantonal naturalization interviews, I joined the case worker in her office (on site), while

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<sup>107</sup> The six-week course (three hours each week) attended in preparation for naturalization covers so-called civic knowledge on cantonal geography, population, economy, history, the political system and cultural activities. One of the courses covers the fundamental principles and basic values of the canton, which I attended as participant observer.

<sup>108</sup> Note that this led to the same type of data (observations of naturalization interviews) but, due to the Swiss federalist system, at different levels and in different settings: in one canton, the naturalization interviews take place at the cantonal level with street-level bureaucrats, while in the other canton they are carried out at the municipal level by a naturalization commission composed of politicians.

the naturalization interviews with the candidates were held through a *WhatsApp* call (online). The integration course was held online and included the instructor and ten participants (see Box 3).<sup>109</sup> The municipal naturalization interviews took place on site in a town hall and involved the naturalization commission comprised of four politicians, the naturalization secretary (case worker), and the candidates (one by one), in front of a U-shaped table arrangement (see Box 2). During all observations, I took handwritten fieldnotes which were later transcribed and edited. In the case of the naturalization interviews, I also obtained the official protocols of the interviews from the cantonal and municipal authorities.

### Official documents, jurisprudence and case files

Regarding the data production in official documents (see Appendix 1), jurisprudence (Appendix 2) and case files, I also pursued a problem-centred approach in the sense that I took the value requirement as a starting point. In the law, jurisprudence and official documentation, this means starting from the value requirement (art. 12 SCA and art. 58a FNIA), and then moving down to ordinances (art. 5 BüV, Ordinance on Swiss Citizenship, and so forth), instructions and explanatory reports. For each of these laws and levels, the evolution and chronology of changes was traced back and collected systematically. Similarly, these documents and the case files (one of them comprising more than 250 pages) were carefully read and scanned for references of the relevant articles and paragraphs, including keywords such as “values” and “(to) respect”.<sup>110</sup> All of this data, the interview transcriptions, edited fieldnotes, official documentation, protocols, case files and court decisions made up my data corpus. Hundreds of pages, printed out and systematically classified in folders, was waiting to be analysed.

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<sup>109</sup> For an overview of all observations, see Table 2 in Appendix 5.

<sup>110</sup> While older versions of the law on both citizenship and foreign nationals (before the revisions of the last two decades) did not mention the terms “values”, “principles” or “respect”, the wording varied considerably in all the different versions and drafts thereafter, speaking rather unsystematically of “basic” or “fundamental” “values” or “principles” to be “observed” or “respected” – which of course testifies to the value requirement’s vagueness, as addressed in my articles.

## Analysis

For the analysis of the empirical data (on paper<sup>111</sup>), I followed the methodology of grounded theory (Charmaz and Belgrave 2012). To begin with, I conducted a global analysis, as suggested by Legewie (1994), involving the following steps. First, I skimmed the text, noted keywords in the page margin and, if possible, excluded larger, obviously irrelevant passages. I then read carefully through the text (listening to the tape recording of interviews if necessary), underlined and encircled important words and statements, and noted key words, ideas and exclamation and question marks in the margin (Figure 1). I created memos for each idea, pointing to conspicuous features in the text, personal impressions and ideas for further evaluation, and provided these memos with keyword headings and references to the text. Finally, I searched the text for topics of interest, then summarized them into main topics designated by a topic keyword written down in the margin and in a global keyword index (Legewie 1994). This provided me with an extensive keyword index of every interview, fieldnote, case file, court decision and official document.

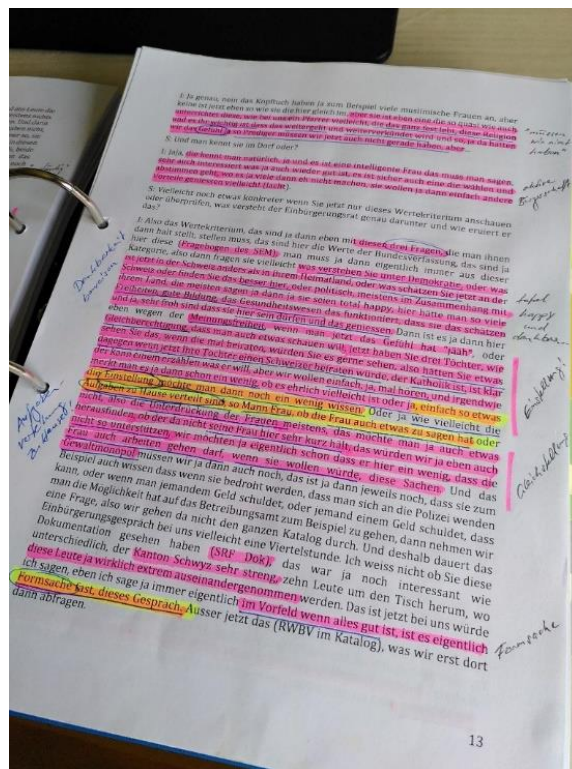


Figure 1: Global analysis and open coding

<sup>111</sup> I started to analyse and code documents with *Atlas.ti* and *MAXQDA*, but after the cyberattack against the University of Neuchâtel in February 2022, I was not able to restore access to the programmes and licences for quite a while, which is why I returned to old-school paperwork.

Depending on the research question, the keyword index allowed me to find and select the relevant documents and passages to be subjected to a fine-grained *grounded theory coding* (Flick 2009). In the process of coding, “data are broken down, conceptualized, and put back together in new ways”; it is “the central process by which theories are built from data” (Flick 2009, 307). To do this, I proceeded with open, axial and selective coding. As I discuss these steps in what follows, it is important to note that they are neither clearly distinguishable procedures nor temporally separated phases (Flick 2009). During *open coding*, annotations and codes were attached to expressions such as single words or short sequences of words. These codes were then categorized by grouping them around relevant (according to the research question) phenomena discovered in the data. These code labels were either borrowed from the social science literature (constructed codes) or taken from research participants’ expressions (in vivo codes) (Flick 2009). As Flick points out, open coding may be applied in various degrees of detail; “a text can be coded line by line, sentence by sentence, or paragraph by paragraph, or a code can be linked to whole texts (a protocol, a case, etc.)” (Flick 2009, 309). For me, it was central to keep the research question in sight and not to lose touch with the aims of coding: to break down and understand a text and to attach and develop categories, that is, describing, naming, classifying the phenomenon under study (Flick 2009).

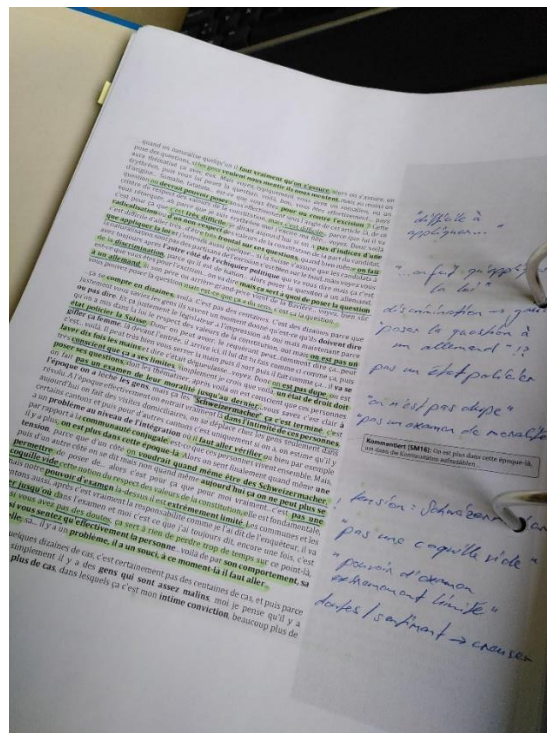


Figure 2: Axial coding

In *axial coding*, the categories resulting from open coding are refined and differentiated in order to identify and classify links between substantive categories (Flick 2009). In line with grounded theory methodology, the developed relations and categories treated as essential are repeatedly verified against the text and the data: “The researcher moves continuously back and forth between inductive thinking (developing concepts, categories, and relations from the text) and deductive thinking (testing the concepts, categories, and relations against the text, especially against passages or cases that are different from those from which they were developed)” (Flick 2009, 311). The categories most relevant to the research question are selected from the developed codes and different passages in the texts are then sought as evidence of these relevant codes in order to elaborate the axial category (Flick 2009) (Figure 2). Finally, *selective coding* continues the axial coding at a higher level of abstraction, focusing on potential core concepts (Flick 2009). Further examples and evidence for relevant categories then lead to the elaboration of the “story of the case” that goes beyond a single person or interview (Figure 3). Lastly, the theory is formulated in greater detail and again checked against the data (Flick 2009).



*Figure 3: Selective coding and code clusters*

To make this more tangible, let me illustrate this analysis with my second article. Starting from the research question *How is the knowledge about the value requirement produced and practised?*, I selected relevant texts and passages in the global keyword index before proceeding to an open coding using constructed codes (e.g. “suspicion”) and in vivo codes (“feeling integration”). From there, emerging code clusters and families (“discretion,

gentleness, intimacy, feelings, suspicion”) were analysed back and forth against a moral economies approach and an emerging governmentality perspective, which allowed me to further elaborate these axial categories.<sup>112</sup> Finally, this led to the formulation of the story of the case – a moral economy of integration. For this specific research question, I felt that I had reached the point of theoretical saturation, meaning that any further coding and enrichment of categories no longer promised new knowledge (Flick 2009). However, as Flick aptly observes, this also means that I could always “re-enter the same source texts and the same codes from open coding with a different research question and aim at developing and formulating a grounded theory of a different issue” (Flick 2009, 312).

## **Reflexivity**

The practice of *reflexivity*, or *critical thinking*, is essential for any scientific endeavour. It is, however, in the highly politicized field of migration and integration where reflexivity seems particularly indispensable. Questions of reflexivity turn around decade-long, well-known and yet still omnipresent criticisms of the national order of things (Malkki 1992), methodological nationalism (Wimmer and Glick Schiller 2002; Dumitru 2023) and the (unreflective) use of categories in migration studies (Dahinden, Fischer, and Menet 2021), among other things. In what follows, I thus reflect on research ethics, the Covid pandemic, and my perspectives, role and positionality as a researcher.

## **Ethics**

Although my fieldwork focussed on state actors and institutions, and thus not, a priori, on particularly “vulnerable” actors or groups (except for their status as employees, for example), confidentiality and anonymization are quintessential issues in any field research. With this in mind, I paid attention to always handling the data with the greatest precautions and anonymized all actors and institutions to the greatest possible extent. When approaching the field, I provided maximum transparency and information regarding my research project. I did not conduct any “hidden research” and obtained oral or written informed consent to participate in the research from all participants, for interviews and observations. As indicated in the Data Management Plan (Appendix 6), all digital/ized data was stored on password-protected devices (smartphone, personal

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<sup>112</sup> Similarly, the concepts of *de/culturalization* and the *community of value(s)* in my first article emerged during the coding process.

computer) and/or protected servers (University of Neuchâtel) at all times; on the secured university server, the storage capacity is large, and back-ups are protected;<sup>113</sup> non-digital data (for example fieldnotes) were stored and secured in a key-lockable drawer in the (key-lockable) office at the University of Neuchâtel.

In some cases, data protection agreements were negotiated with the respective authority and in accordance with cantonal and federal law (Appendix 7). One agreement with a cantonal migration authority concerned the classified case file (250 pages) of an Imam from Kosovo who was expelled for not respecting the values of the constitution (see my first article). Another agreement was signed with a municipality so that I could attend naturalization interviews with the local naturalization commission. In most cases, however, informed consent to conduct, record and transcribe interviews and to take fieldnotes during participant observations was obtained orally.

### **Box 2: Informed consent?**

What does *informed consent* mean, for example in the setting of a participant observation of an interview between a candidate and the naturalization commission that is characterized by extremely unequal power relations? Consider the following situation:

*At the beginning of every naturalization interview, the president of the naturalization commission introduces all those present, including me as a guest working on a bachelor thesis (he says once, and is corrected by the other members of the commission) at the University of Fribourg (he says another time, and is corrected again) on the topic of naturalizations and respect for the values of the Federal Constitution, as he reads from my project description. Although I would have liked to have explicitly clarified my presence, including individual consent and the possibility that I leave the room, with every naturalization candidate individually, they are left with only an approving nod to my presence. (fieldnotes)*

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<sup>113</sup> In February 2022, there was a cyberattack against the University of Neuchâtel after which data from the protected server was published on the dark net. As far as I can tell (the University contacted all employees affected by the attack, but I was not contacted), none of my data on the server was accessed or published on the dark net.

So what does informed consent mean when you are sitting in a naturalization interview, which, as a municipal case worker told me, makes some candidates so nervous they sometimes cannot eat for days leading up to it? You are in a venerable hall in front of a U-shaped table composition at which are sitting four members of the commission, the naturalization secretary and me, a “guest” – who, although I will not be speaking, will somehow be perceived to be part of *them* (see below) – in a context where this interview, your behaviour and your responses will lead to the commission deciding in favour of or against your naturalization. To me, David Hume’s classic rebuttal of tacit consent and contractarian theory comes to mind, namely that we can hardly assert that “a man, by remaining in a vessel, *freely consents* to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean, and perish, the moment he leaves her” (Hume 1987 [1748], 475, emphasis mine). Indeed, the situation for the applicant sitting in front of the naturalization commission is not dissimilar. However, as a “guest” at the naturalization interview, I was not in a position to ask for more, and the approving nod was all I could get. I comfort myself with the fact that the focus of my participant observation was the naturalization commission and its discourse and practice, not on the naturalization candidates.

Regarding the question of anonymization, I struggled and, finally, decided to anonymize the cantons and municipalities. This decision was grounded on the following considerations. The most obvious one was that Swiss migration and naturalization authorities at the cantonal and municipal level are usually quite small. Therefore, if I mentioned the naturalization case worker of canton X or the naturalization commission of municipality Y, there would be practically no point in anonymizing my interlocutors, since they could easily be identified. But would that be so bad? In fact, anonymization is not an end in itself. Indeed, given that I was researching state authorities as (in general) hegemonic actors in the field of migration and integration, the non-anonymization of my field and participants would most probably not put anyone at risk (in contrast to in other research fields). I could probably name all of my sites and participants by name and none of them would have to fear any consequences, personal or professional – they are just doing their job. Accordingly, and as far as I can guess, most of them would probably have consented to that.

On the other hand, the consideration in favour of anonymization has to be weighed against the benefit of *not* anonymizing, considering, for example, the importance of specific contexts or individual personalities – after all, I claim to follow a *contextual* approach. Yet it is precisely for this reason that I have decided to stick to the anonymization of the cantons, municipalities and research participants of this thesis. This is because I do not consider the specific cantonal or municipal contexts or the individual biographical backgrounds of the street-level bureaucrats to be crucial for the analysis, findings and arguments put forth in this thesis. If, for example, I considered the cantonal contexts to be of vital importance for the findings of this thesis, I would not have anonymized the cantons. Of course, there are always local and personal specificities in the ways the law is applied, for instance, which might be lost to the analysis due to the anonymization – but, in my case, they did not tip the balance.

## **Covid**

There can be no chapter on methodology and fieldwork undertaken between 2020 and 2021 without mentioning the Covid pandemic. I was lucky enough to start this thesis in 2019, almost a year before Covid. This allowed me to mingle with peers and migration scholars at my institute and within the NCCR—on the move before the pandemic disrupted these everyday interactions. Especially at the beginning of a thesis, when designing a research project, these exchanges appeared to me to be incredibly valuable. When Covid finally hit, I was about to start my fieldwork. Since my field is limited to Switzerland, my fieldwork and data production were not hindered by international travel restrictions during the pandemic. Interestingly, the first interviews, conducted in the autumn of 2020, half a year into the pandemic, took place on site and without face masks. One interview was then held wearing face masks, followed by three virtual interviews and a participant observation of a cantonal integration course which was held online in winter 2020/2021. The following interviews and participant observations between spring and autumn 2021 took place on site, wearing face masks. It is remarkable that the wearing of face masks was normalized to the point that I did not even note it in some of my fieldnotes. Similarly, I did not perceive the data and knowledge production as significantly hampered by the pandemic, although it is of course altered by face masks and having online instead of on-site interactions and observations. Yet I feel confident enough – and lucky enough –

to state that neither my research design and field nor my data production and analysis have been significantly affected by the pandemic.

### **Box 3: Covid and the values of the constitution**

Although my research did not focus on Covid or any related aspects of the pandemic, there were two memorable situations during my fieldwork that were marked by the pandemic. The first situation happened before one of my first interviews at the SEM. I was supposed to meet a naturalization case worker at 10 am at the SEM headquarters in Bern, a building which strongly resembles a prison regarding both its architecture and its infrastructure (including identity and security checks at the entrance). My interview partner forgot about our meeting (according to him due to an “IT system changeover”, fieldnotes) and left me waiting for two hours in the waiting area without getting in touch – hence the question posed at the beginning of this chapter. He called me as soon as I got home and, full of remorse, offered to meet me promptly after lunch. In the afternoon, we met at the entrance of another building, where his office was located. He immediately wanted to shake my hand, which – six months into the pandemic – I found rather unsettling. Instead, I politely offered him my elbow. He guided me to his office, where we talked for more than two hours. During the interview, I learned that the handshake is one of the most important signs used by street-level bureaucrats to ascertain whether someone respects the values of the constitution or not (see my first article). Hence, I thought to myself, why there was this obsession with shaking my hand – a *déformation professionnelle*.

The second situation concerned the integration course which I was allowed to assist with. Since the course instructor was in (legally mandated) quarantine, the course was exceptionally held online. I chose to assist in this part of the course because it was about the “Founding Principles of the Canton”. At one point, the course material asks the rhetorical question of whether the liberal state is allowed to restrict freedoms, which the course instructor answered in the affirmative with an ironic undertone, using the Covid crisis as an example. In particular, the state is allowed to do so when fundamental freedoms are in conflict with each other, according to the course material. As examples, two restrictions on freedom of

expression follow, one in favour of human dignity in the case of hate speech as racism or as a violation of the religious freedom of third parties, as the course slides explain. Ironically, the other example is vaccination, which, still according to the material, people can be compelled to have by applying the justification of public health. The course instructor deliberately did not elaborate on this and emphasized that she could not say whether this would also apply to the Covid vaccination (at the time fiercely debated in public discourse). At the end of the formal course, the conversation turned somehow to the instructor's son, because of whom she was in quarantine, whereupon she started a rant against the Covid measures. The situation was much more relaxed than it was last spring, she said, and the certificate requirement (which means you needed to be vaccinated, tested or recovered from Covid to access public places like restaurants) was excessive and unnecessary. She did not want to see her children grow up in a world where you have to present a QR code in order to have the right to participate fully in life. She called on participants to resist this, otherwise there would soon be no more freedoms as they are set forth in the charter (fieldnotes). This anecdote is an impressive example of how "values" and their implementation and interpretation are not simply set in stone and as such taught and transmitted to non-citizens but are essentially contested within liberal democracy itself (as I argue in my third article) – and here, most ironically, within the integration course itself, by the instructor.

### **Positionality**

This thesis does not study the relationship between "the majority" and "(migrant) minorities", nor the incorporation of the latter into the former – as much of migration and integration research does. On the contrary, and in an attempt to de-migranticize (Dahinden 2016b), de-nationalize (B. Anderson 2019) and in turn migranticize these fields, the thesis seeks to "turn around the telescope" (Hadj Abdou 2019, 1) and study "how the exclusionary Self is invented" (Karagiannis and Randeria 2018, 241). This implies moving away from treating the migrant population as the unit of analysis and instead directing the focus onto (parts of) the whole population (Dahinden 2016b) and, especially, the state (Bourdieu 1994; Sharma and Gupta 2006). In this sense, the thesis aligns with the aim of "overturning the Self-Other polarity" (Coronil 1996, 73) by asking

the question of the Self – as opposed to the question of the Other – including the “constitution of the Self as a problem” (Coronil 1996, 61). Does this make this thesis an *autoethnography* (A. Müller 2015)?

Regarding my role and positionality as a researcher, I am aware that my perspectives are shaped and influenced by experiences and social markers and positions of unequal privileges, resources and relations of power along numerous and intersecting axes. These positionalities not only influence the way I, as a researcher, perceive and theorize the world, but also the interactions in the field research and thus the data that was produced and analysed for this thesis. I reflected upon this positionality in my first article:

Concretely, the markers as a non-migrant white Swiss native, German- and French-speaking, educated, cis-gendered, heterosexual, married, able-bodied, secular researcher with an appearance, dress and manners that were apparently perceived as “typically Swiss” by my interlocutors, coming from a renowned Swiss university associated with a prestigious research project of the Swiss National Science Foundation (the NCCR—on the move), not only gave me privileged access to the field (which others might not have obtained), but also influenced the data gathered in the process. I was, for example, naturally included in the “we” as in “our culture”, “our democracy”, “our mentality” and in the “us” as in “do these people live like us?” and thus in the community of value(s) produced and reproduced in the discourse. The narratives, and as such the data itself and the analysis it substantiates, would certainly have been different had I been perceived and addressed differently in terms of social markers and positionalities. (Manser-Egli 2023, 4)

So, how would the data have been different? In her thesis on institutional responses to intimate partner violence (IPV) in Switzerland, Faten Khazaei reflects on her positionality as a migrantized woman from Iran:

My data did not show that the treatment of Muslims were particularly distinguishable from other minorities in Switzerland. One explanation could be that in the eyes of my interlocutors, I was associated with Muslims. Consequently, they may have avoided attempts to single out Islam when explaining cultural differences and “migrant” specificities with regard to IPV in my presence. (Khazaei 2019, 64)

This observation struck me, since it seemed that I had quite the opposite experience. In my research, participants have by no means “avoided attempts to single out Islam”. On the contrary, it was repeatedly brought up by many participants to highlight “cultural differences” and to exemplify the need for the value requirement in integration governance (see my first article). Of course, these are two quite different research projects which, in many ways, cannot be compared. However, the salience of “Islam” in discourses on “gender (equality)” and in processes of culturalization in both research fields (and beyond) is well-known (Dahinden and Manser-Egli 2023). In light of this, it seems obvious that the way Faten and I, as researchers, were perceived and positioned by our research participants changed the data we (co-)produced. Thus, our research not only yields partial truths, but also *positional truths* (A. Müller 2015).

#### **Box 4: One of us**

The positioning as being “one of us” occurred in several interviews and participant observations. In one case, a municipal naturalization case worker asked me where I was from, and, after I told her the region (the lake of Sempach), she was delighted as she often spends her holidays on a campsite at the lake. Similarly, in another municipality, one member of the naturalization commission asked me if I knew his cousin’s stationery store in the town I grew up in (which I did). These exchanges about shared knowledges and localities, together with the social markers, positioned me on the native side of the symbolic boundary and made me “one of us”. While I did not perceive myself as such and was not actively seeking this positioning in my research interactions, I did not deny or counter it either (for these strategies, see Reyes 2020). So, how does this affect my research and data?

When presenting my research to an international audience, I often received questions regarding access to my field (state institutions) that assumed it would be difficult, and comments along the lines of “if this is what they told you and how they acted in your presence, imagine how things are when you are not there” (and what is left untold). These remarks presume a certain level of distrust and suspicion from the authorities towards me as a researcher – an interest in hiding certain things from view. However, this is not at all what I experienced, and I think this was partly because I was considered and perceived as “one of us” in interviews and

participant observations. The second reason is probably that, contrary to in (politically) contested fields such as asylum, deportations or social welfare, for example, *integration* (as policy and practice) is hardly contested, politically, and considered common sense *among us*.

One of my most remarkable interviews, the one mentioned above with the SEM naturalization case worker, combined several of these elements. First, he had kept me waiting for over two hours and was full of remorse, which is why he granted me more than two hours of his time for the interview and spoke very openly (to the point that I was shocked to hear certain things in this frankness from a state official; see first article). Second, he clearly considered me to be *one of us*, as part of the community of value(s). Third, and related to this, he considered his statements about integration and the value requirement to be obvious, self-explanatory and logical (to me). And although this was the most extreme case, I had very similar impressions when assisting in naturalization interviews. For these reasons, I do not in fact think that much was intended to be “hidden from me” or that street-level bureaucrats would have acted very differently if I was not there.

So, does this make me an *insider*, a “native anthropologist”, and my thesis even a kind of *autoethnography* (A. Müller 2015; see Khosravi 2010)? These categories risk re/producing the constructions of what is “authentic”, of monolithic identities, “sorts of people” or “cultures”, both of the Other and of the Self – usually with “a certain dose of methodological nationalism”, since it is often enough to have been born in the country and “culture” being studied (A. Müller 2015, 8). Müller (2015, 11) is thus right to argue that it might be time to abandon these notions and to think of “being an insider” not as being part of a “sort of people” but rather as “having certain operative competences in specific activities that constitute the object of ethnographic research”. Instead of speaking of insiders and outsiders, it might be more fruitful to think in terms of positionalities, that is, the “ways of being to others and to the world(s) and the way in which others and the world(s) present themselves to us” (A. Müller 2015, 11) – as Faten’s and my experiences above have shown. These positionalities are not simply imposed on us, but can be used strategically. As researchers, we can draw on an “ethnographic toolkit” which includes visible and invisible tools that allow us to think strategically about “ways to develop rapport” in the field (Reyes 2020, 235).

Another positionality worth reflecting upon, a way of being to others and the world, is my political activism. What strikes me in retrospect is that most if not all my research participants seemed to be unaware of my (public) political activism. A quick search on Google reveals my ongoing activism, for example against the “burqa ban” in Switzerland or, more recently, my involvement in a popular initiative in favour of facilitating access to naturalization. These are highly political and politicized topics, but also salient with regard to my research. If my participants had known about this, how would they have reacted? Would they have been more reluctant and reserved, sceptical about my “scientific neutrality”, and afraid I might have a “hidden agenda”? Ethically, I felt no obligation to make them aware of my political activism. After all, I approached them in my role as a researcher, not as an activist, and the data produced was used for my research exclusively. Yet I keep wondering why (to the best of my knowledge) they did not know; why had they not googled me before we met? I can think of three potential reasons.

The first two are related to my research design. Since I typically approached my participants with a request for short, one-off expert and problem-centred interviews and specific, limited participant observations, rather than repeated biographical interviews or extended ethnographies covering long periods of time, the relationship between my participants and myself was relatively limited, both in time and in depth. To put it bluntly, since I was not especially interested in their personality or biographies, but more in their work and everyday practice as street-level bureaucrats, why should they care (excessively) who I am, beyond my work?

Second, as outlined above, the research design set out in my formal letter and the problem-centred interviews were straightforward and, I assume, quite obvious and logical in the eyes of my participants: they addressed the value requirement of integration, a specific, relatively new provision in the law that deserved to be researched (both in their view and mine). And it concerned their daily work, which is why I approached them. Hence, as noted above, there was no indication that I would conduct any kind of “hidden research” which might have triggered further investigations into me as a person.

Third, and maybe most importantly, I was *studying up* in terms of power relations and the processes whereby power and responsibility are exercised (Nader 1974). As pointed out previously, *integration* as an idea and practice is not (dominantly) contested, but seen as commonsense. As a young, early-career researcher I was not considered a “threat” of any

kind by state authorities and street-level bureaucrats working on integration. As the example of the president of the naturalization commission above shows, he did not actually care who I am or what I do: he introduced me as a guest (not a researcher) who was working on a bachelor thesis (not a PhD thesis) at the University of Fribourg (instead of Neuchâtel). Similarly, at the cantonal and especially at the federal level (SEM), migration authorities are used to being approached by researchers of all disciplinary kinds and education levels, which is why they might neither have the resources nor see the necessity of investigating who is researching them.

I would like to conclude this section on positionality with another fundamental question: why did I choose to study integration? I do not know. I am employed as a teaching assistant, not on a research project with a given topic, and I was almost completely free regarding the choice of my research object. If there is a free choice concerning the research object, it seems difficult not to recognize the weight of personal experience on the choice of the object, as Isabelle Clair (2022) points out. Accordingly, personal experience appears to be one of the main driving forces behind the *libido sciendi* and the empirical and theoretical directions the research takes (Clair 2022). However, the role of my personal experience in my interest in migration and integration is not obvious. I am not a migrantized subject and have never migrated myself, according to official definitions of having lived in another nation-state than Switzerland, apart from during a high school exchange year – though that was, of course, a personal “migration/integration experience” and, as such, might have done the job, in some ways, of motivating this research. Still, it seems that, according to my personal experience, I was not more likely to write a thesis on integration than on (almost) any other topic. I am not a *subject of integration* (Dodevska 2024), but utterly *dispensed* (Schinkel 2018) and thus, instead, the “ideal type white/native citizen” against whom integration is constructed. Similarly, personal experience does not, a priori, “explain” why I, a cis-hetero white middle-class man, did an MA in gender studies (and not in something else).

Related to the question of the choice of the research object is the question of whether I can *legitimately study integration* if I am, a priori, not subjected to it and not biographically and personally affected by it. I think the answer to both the motivation and the legitimacy questions is that the choice of integration (and gender) grew out of “an interest” in power relations. And with regard to power, being “at the top of the food chain”, for example in

terms of gender and integration, is also a personal and biographical experience: I have personally experienced the patriarchal dividend (Connell 2009) and the dispensation of integration (Schinkel 2018).<sup>114</sup> It is precisely because power always operates in *power relations* that it is always personally experienced, either as part of the dominant structure or group or as part of the dominated – but there is no outside. Patriarchy and racism are social structures that shape our personal experiences in dominant and/or dominated positionalities, and I seek to show that, similarly, integrationism concerns both the subjects of integration and those dispensed.

Ultimately, these queries come down to the question of the legitimacy of research as such – the big questions of “for whom”, “for what purpose”, “what kind of” and “how” (Marguin et al. 2021). Regarding these questions, I remember one moment during my MA in gender studies, in a seminar on Judith Butler taught by Patricia Purtschert. At some point, after weeks of discussing categories and positionalities, someone asked how, in view of these overwhelming, unsettling and potentially paralyzing “big questions”, we could know *what to do*. In short, Purtschert told us that, if in doubt, we should always return to the *question of power*. Or, as Schinkel puts it, anyone now working on migration and integration will be judged on the extent to which this work contributes to forms of knowledge that challenge dominant power relations, “enabling forms of life outside the registers of an overwhelmingly white dominance” (Schinkel 2018, 15). To me, the question of the legitimacy of this research is intricately bound to the question of whether it succeeds in doing so.

Let me end by, for now, closing the door that I have opened in this section. It is crucial to reflect on our positionalities and personal experiences and how they shape our thinking and research (as I sought to do here and throughout this thesis). However, we should also acknowledge that the reflexivity on positionality has its limits and that it is a tool rather than an end in itself (J. Dean 2021). It must not become the sole or main purpose of our work, for that would mean getting “lost in reflexivity” (see Dahinden and Pott

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<sup>114</sup> Connell defines the patriarchal dividend as “the advantage to men as a group from maintaining an unequal gender order. Money income is not the only kind of benefit. Others are authority, respect, service, safety, housing, access to institutional power, emotional support, and control over one’s own life. The patriarchal dividend, of course, is reduced as overall gender equality grows” (Connell 2009, 142).

forthcoming) and losing sight of the research object (Clair 2022). And the research object of this thesis is integrationism and its workings of *power*.

## **Grounded Normative Theory**

I will close this chapter as it started, by reflecting on this thesis as a *bricolage*. The qualitative empirical research is complemented by a philosophical inquiry. The aim of this is to bring into dialogue critical and reflexive social scientific migration research with political philosophy – or, as Favell (1998) put it, to *cross the Rubicon*. Typically, the former rightly accuses the latter of neglecting – if not deliberately ignoring – how normative theorizing serves certain interests (for example in terms of race, class, gender), takes place in institutional contexts that privilege some and subordinate others, and is historically contingent (see Ackerly et al. 2024). This “whiteness” of (political) philosophy is more extreme and recalcitrant than in other academic disciplines (Mills 2017).<sup>115</sup> Vice versa, the latter rightly points out to the former that any critique (of political philosophy, the state, power relations, etc.) presupposes itself a normative standpoint (which is in turn often deliberately or unconsciously concealed), and that we should not rest content with criticism – or, for that matter, deconstruction – only (Carens 2004).

This endeavour demands not only a critical stance on political philosophy but also a contextual approach: “In a contextual approach to theory, one moves back and forth between practice and theory, connecting theoretical claims about justice, equality, freedom, and other moral categories to actual cases and practices (...) The idea is to engage in an ongoing dialectic that involves mutual challenging of theory by practice and of practice by theory” (Carens 2004, 123). It is a grounded theory of political philosophy: the back and forth between practice in specific contexts and the theory and principles of political liberalism and its mutual challenging. In an iterative contextual approach, principles are developed and refined through the encounter with multiple contexts (Modood and Thompson 2018). As I show in my third article, this is also a back and forth between the universal and the particular.

This “empirically engaged political theory” has been referred to as *grounded normative theory*, which is characterized by the shared commitments to comprehensiveness,

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<sup>115</sup> With regard to my own experience, doing one MA in Political Philosophy and one in Gender Studies simultaneously at two different institutes of the same university felt like studying in two different universes.

recursivity, epistemological inclusion and epistemic accountability (Ackerly et al. 2024, 158). *Comprehensiveness* refers to the use of empirical methods to collect and analyse data during the development of normative arguments; *recursivity* means that normative claims are developed and revised through ongoing and accountable engagement with empirical data and with empirical contexts and actors in qualitative field work; *epistemological inclusion* underlines that grounded normative theorists attend to the structural power of epistemology, including modes of generating knowledge that obscure or silence voices and exclude ways of knowing not prevalent in the main currents of normative political theory; finally, *epistemic accountability* pays attention to potential power imbalances in the conduct of research itself (Ackerly et al. 2024).

It is no coincidence that contextualism in political theory has emerged in the debates on (and contexts of) *multiculturalism* (while being neither novel nor distinctive of it, as Lægaard (2015) argues). A contextual (and grounded) approach to political philosophy is simply the only way of doing political philosophy without embracing a naïve and/or violent universalism and ideal theory (Mills 2017). Universalistic ideas and theories like Rawls' original contract or Habermas's deliberative democracy need to be contextualized and contrasted against empirical hierarchies of power and dominance. The same applies to the political theory (or ideology; Norman 1995) of shared values. In this thesis, I thus attempt to contrast the ideal, universal idea of having shared values as a basis for social cohesion and harmony with the *whom* (in my first article) and *how* (second article) of its empirical practice in the Swiss context. It is contextual in that it takes the (non-ideal) empirical findings as a starting point for the philosophical inquiry towards and against general principles, which are then again applied to specific contexts (in the third article).

Likewise, it is no coincidence that I combine the social constructivist paradigm and grounded theory with a contextual approach and grounded normative theory. The question at the heart of the debate about contextualism in political philosophy is the following: What is the status of the normative argument? Is it always only contextual, that is, valid in specific contexts, or can it be universal? In many ways, this question is also at the heart of this thesis, especially in relation to the questions of who defines what is universal (and what is not), in whose name and to which purpose. The thesis seeks to take up Judith Butler's question of "how one might continue *at the same time* to interrogate and to use the terms of universality" (Butler 2004, 179, emphasis in the original). Butler points

out that although feminists have come to the conclusion that “the universal is always a cover for a certain epistemological imperialism, insensitive to cultural texture and difference, the rhetorical power of claiming universality for rights (...) appears indisputable” (Butler 2004, 182). Hence, Butler’s position is not that there ought to be no reference to the universal or that it has become an impossibility to do so but that the “universal” gains its meaning precisely through the decidedly less than universal cultural conditions of its articulation, which constitutes “a paradox that any injunction to adopt a universal attitude will encounter” (Butler 2004, 190). So, as a social constructivist, the answer to the above question is clear: there are no absolute, universal truths or normative arguments *independent* of any social and empirical context(s).

Being a contextualist and a grounded normative theorist in this sense does not make one a relativist in political philosophy but forces one to reflect on what exactly these *contexts* are and to thoughtfully and deeply engage with the perspectives of others (Ackerly et al. 2024). In accordance with Butler, and considering the fact that we live in a globalized world, this does not mean that we cannot make universal claims or arguments (as social scientists and philosophers), just that we have to be aware of the socially constructed, historically and culturally contingent contexts in which they emerge and are articulated. Applied to integration, the following proposition by Favell is in this sense both *universal* and *contextual*: “If it is used at all ‘integration’ now today would have to be global (or better: planetary) integration” (Favell 2019, 3). With regard to liberal democratic practices, Rostbøll has analysed the “use and abuse” of “universal values” in the Danish cartoon controversy and concludes:

The solution for attaining the greater inclusion of minorities is not to abandon liberal universalism, but rather to engage everyone in the deliberative democratic process of continually reinterpreting, refining, and revising the norms to which everyone is subject – and this includes the very norms that are the precondition of the democratic process itself. (Rostbøll 2010, 419)

The contribution of contextualism and grounded normative theory to political philosophy is thus as follows. As noted by Mills, political philosophy does not take place in a vacuum: “Logic radically under-determines what actually gets thought about, researched, and written up in philosophy journals and books” (Mills 2017, 88). What gets thought about, researched and written up in philosophy journals and books (or any other strand of

science, for that matter) is not a matter of pure logic and rational reason (whatever that is). What researchers *problematize* is deeply entangled with their positionality and experiences in society and the specific structures and social contexts that they exist in. When it comes to “immigrant integration” and migration in general, political philosophy especially is often lazy and/or ignorant of the fact that it takes up nation-state categories and problems as its own, reproducing the national order of things (Malkki 1992) and methodological nationalism (Wimmer and Glick Schiller 2002; Sager 2016; Dumitru 2023) and thereby determining what gets thought about, researched and written up – and what does not. The thesis thus engages in the struggle to de-migranticize, de-nationalize and de-centre political philosophy by not doing “ethics of immigration” (and integration) but democratic theory. Epistemologically and methodologically, this means turning the gaze away from always already fixed national societies and to-be-integrated newcomers, to democracy and liberalism, power and the political. My third article aims to contribute to the thinking about, researching and writing up of democratic theory much more than to a political philosophy of integration. Let us now turn to the core of this thesis, the articles.



## THE ARTICLES

I have now set the stage for this spectacle. The Theory chapter has critically reviewed the script and introduced its main figures. The Context chapter has situated the theatre in space and time. The Methodology chapter has provided the scenery, its detailed requisites and handmade costumes. Now it is time for the main actors, the articles, to take the stage.<sup>116</sup>

In my first article, “Respecting the Values of the Constitution: Integration in the Community of Value(s)”, I analyse the value requirement and argue, first, that the requirement re/produces the social imaginary of society as a community of value(s), which in turn legitimizes aggressive integrationism. Second, the values concerned are to a very large extent an empty signifier that can be filled with almost any cultural stuff. This is the case, third, as long as the reference to abstract universal liberal principles is maintained, revealing a distinctly liberal boundary making. This article was published in March 2023 as part of a special issue on “Ideational Aspects of Migration and Integration Policy, Politics and Governance” in *Frontiers in Political Science* (Manser-Egli 2023). This special issue took shape after a conference organized by the H2020 MIRNet consortium (Migration and Integration Research and Networking) at the University of Sussex in November 2021, and was subsequently developed and discussed at the ECPR General Conferences in Innsbruck (online) in August 2022 and in Prague in September 2023.

The second article, “Integration as a Totalizing Institution: A Moral Economy of Street-Level Knowledge Production on Immigrant Integration”, examines the knowledge production on integration by street-level bureaucrats, combining a moral economies approach with a governmentality perspective. The analysis reveals a moral economy of integration in which case workers struggle with the application of the value requirement as a “mindset paragraph”. The tensions and negotiations in everyday knowledge practices revolve around the value of gentleness and, simultaneously, keeping a tight grip on the subjects’ intimacy and the imperative urge to know and “feel” their integration. This evaluation of inner values and feelings by the state inevitably produces knowledge

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<sup>116</sup> This analogy is inspired by Max Czollek’s (2023) work on the German integration discourse, which stages what he calls a *Theater of Integration*.

practices of suspicion and doubt. The article shows how this moral economy of integration might have shifted the workings of power but not its disciplining nature. It suggests understanding integration governance as a totalizing institution in that it seeks to govern all aspects and spheres of life. This article is part of a special issue on “The Moral Economies of Knowledge Production on Migration” which will be submitted to the *Journal of Ethnic and Migration Studies* in 2024. This special issue was initiated by the research group “The Production of Knowledge on Migration” from the Institute for Migration Research and Intercultural Studies (IMIS) at the University of Osnabrück. It was launched at the conference “The Moral Economies of Knowledge Production on Migration: Conflicts, Values, Positionalities” at the University of Osnabrück (online) in December 2020, and subsequently developed at an authors’ workshop in January 2023.

The third article, “Aggressive Integrationism and Precarious Liberalism: Against Shared Values as an Integration Requirement”, discusses the value requirement from a normative perspective: can liberal democracies require their subjects to have shared constitutional values? First, it shows how the bureaucratic practices described in the first two articles (culturalization and state access to inner convictions) are at odds with liberal democratic principles. Second, it discusses whether the adoption of constitutional values can be justified as an integration requirement that targets non-citizens only. Third, it examines whether shared values can be legitimately required from citizens and society as a whole. I argue that the value requirement not only unjustifiably discriminates between citizens and non-citizens but is also incompatible with liberal democratic principles. Finally, I suggest that the increasing popularity of “shared values” as an integration requirement is an expression of precarious liberalism. This article constitutes the philosophical counterpart to the two empirical articles. I have outlined some early thoughts on the issue in a book chapter in German on “successful integration” (Manser-Egli 2022a). Over the years, they have been systematized and substantially developed, leading to this article. It is closely entangled with (and indebted to) the empirical findings of the first two articles. This third article has been submitted to *Political Studies* and is currently under review.

# Respecting the Values of the Constitution: Integration in the Community of Value(s)

## Introduction

Europe is a garden. We have built a garden. Everything works. Most of the rest of the world is a jungle, and the jungle could invade the garden, by different ways and means. (EU High Representative Josep Borrell, 2022)<sup>117</sup>

The community of value is hard to avoid once you start noticing it.  
(B. Anderson 2013, 9)

“It all depends on inner values.” This slogan on a billboard claiming the exceptional quality of the Swiss national sausage – the *cervelat* – perfectly illustrates the quest of this paper to examine the role of values in current integration regimes. The notion of integration as treated in this paper refers to the idea of immigrant integration (Schinkel 2018) and to what scholars have theorized as the injunction to integrate (Gianni 2019), aggressive integrationism (Triadafilopoulos 2011) and the civic integration paradigm (Kostakopoulou 2010). These concepts refer to understandings of integration as achieved by coercing, testing, penalizing and, ultimately, excluding (Kostakopoulou 2010). In recent years, both integration policy and research have been fundamentally questioned (for example Korteweg 2017; Schinkel 2018; Favell 2019; Rytter 2019). Scholars have argued that integration is a fuzzy concept that is exceptionally unclear (Rytter 2019) and amounts to little more than a floating signifier that works well first and foremost because it translates easily across academia and policy, popular discourse and common sense descriptions (Schinkel 2018). According to this line of reasoning, there can be no scientific definition of integration that is independent of any policy concept (Penninx 2019) or non-normative (Spencer and Charsley 2021). Critical contributions on integration have thus called for research to understand and approach it as a phenomenon that reveals more about those who articulate ideas about it and decide on integration measures than it does about those who are the target of integration (the migrant Other) (Hadj Abdou 2019). Against this backdrop, this paper stands in line with the proposal to study integration as a *category of practice* (Korteweg 2017), rather than simply modify its use and definition

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<sup>117</sup> [https://www.eeas.europa.eu/eeas/european-diplomatic-academy-opening-remarks-high-representative-josep-borrell-inauguration\\_en](https://www.eeas.europa.eu/eeas/european-diplomatic-academy-opening-remarks-high-representative-josep-borrell-inauguration_en) (accessed 19.10.2022).

as a *category of analysis* (Penninx 2019; Klarenbeek 2021). In the following terms *integration* and *values* are analysed as categories of political, legal and administrative *practice*, as categories of self- and other-identification – for example as to who is (not) a subject of integration –, rather than as categories of *analysis*. We can thus make these categories the *object* of analysis, rather than simply using them as a *tool* of analysis (Brubaker 2013).

Switzerland is a promising case study to approach integration and the role of (liberal) values as a category of practice. As elsewhere in Europe, integration is celebrating its heyday. After almost a century of politics of “resisting over-foreignization” (*Überfremdungsabwehr*) and “assimilation”, these notions were gradually replaced by integration in discourse and policy during the second half and especially towards the end of the 20<sup>th</sup> century (Niederberger 2004; Di Donato et al. 2020). In the recent revisions of the Swiss Citizenship Act (SCA) and of the Foreign Nationals and Integration Act (FNIA), two cornerstones of Swiss migration and citizenship law, the notion of integration is of crucial importance and even made its way into the name of the new law. No longer limited to the naturalization process, where it first appeared, integration is now also required for entry, stay and residency permits and an ascribed lack thereof might result in denied rights and status downgrading or withdrawal. Although the notion has continuously gained in importance since the turn of the millennium (Di Donato et al. 2020), it is only in the recent revisions that it has been specified and defined in the law and subsequent ordinances in the form of criteria for (successful) integration, with the explicit aim of rendering the integration of foreigners more binding (Di Donato et al. 2020).<sup>118</sup> Besides respect for public security and order, language skills and participation in working life, there is the criterion of “respecting the values enshrined in the Federal Constitution”, which is at the heart of this paper.

The idea that immigrants – typically, Third Country Nationals – have to respect, adopt and share national and European values and fundamental norms is essential in European integration policies, both at the European and national levels (Guild, Groenendijk, and Carrera 2009; Dodevska 2024). This value requirement is of interest in light of what has

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<sup>118</sup> As intended in the process of the recent revisions (Di Donato et al. 2020, 71), the “integration criteria” are almost identical in the Swiss Citizenship Act ([art. 12](#)) and in the Foreign Nationals and Integration Act ([art. 58a](#)) (accessed 19.10.2022).

been theorized as boundary liberalism, namely the fact that the extent to which immigrants are believed to have acceptably liberal values has become a site of boundary making (Triadafilopoulos 2011; J. A. Brown 2016). Integration has become increasingly predicated on the adoption of liberal democratic norms and practices and assumptions underpinning liberal personhood (Korteweg 2017). Taking Switzerland as a case study, the following research explores how this integration requirement is understood and put into practice. Scholars have shown how integration promotes both specific conceptualizations of society and a problematization of immigrant minorities (Rytter 2019), producing gendered and racialized non-belonging while failing to attend to the troubles of host societies (Korteweg 2017). Less attention has been paid to the role of (liberal) values in integration discourse and practice (a notable exception is J. A. Brown 2016) and how they produce society as a community of value(s). I argue that these values are an empty signifier that can be filled with almost any “cultural stuff” (Barth 1969), as long as the reference to abstract universal liberal principles is maintained. However, this does not in any way weaken the boundary maintenance but on the contrary reinforces the social imaginary of society as a community of value(s).

This paper tackles the following research question: What social imaginaries of society are produced by integration? The notion of social imaginaries refers to talk of and demands for integration in public and political discourse that produce and reproduce specific ideas of the society, the state, the nation and the relationship between majorities and minorities (Rytter 2019).<sup>119</sup> Rytter builds on Charles Taylor’s broader definition of social imaginaries as encompassing, fundamental ideas about the self and the wider social world and “the ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations” (Rytter 2019, 679). Hence, the following analysis will not study the relationship between the “majority” and (migrant/icized) “minorities”, nor the incorporation of the latter into the former – as much of integration research does. On the contrary, in an attempt to de-migranticize (Dahinden 2016b) and de-nationalize (B. Anderson 2019) integration research, the study intends to turn the telescope around (Hadj Abdou 2019) and consider how the

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<sup>119</sup> The notion of *social imaginary* is here used synonymously with the concept of (migration) *ideations* (C. Parsons 2007; Howlett 2019; Zuber 2022).

exclusionary Self is invented (Karagiannis and Randeria 2018). This implies moving away from treating the migrant population as the unit of analysis and instead directing the focus onto (parts of) the whole population (Dahinden 2016b), and the state. The paper thus asks the question of the Self, rather than the question of the Other, including the constitution of the Self as a problem (Coronil 1996). Schinkel reminds us that “migration is always a technology that governs native populations, i.e. populations that get to recognize themselves as ‘native’ in and through the observation of people, living among them, as ‘migrants’, as people who might not have been there (‘here’), whose presence is under embargo, and precisely this conditionality is what ‘integration’ names” (Schinkel 2023, 1605). To answer the research question, this paper analyses the origins of the value requirement, its incorporation into the law and its application by street-level bureaucrats and courts.

The theoretical framework of the paper builds on critical contributions on current integration regimes. Analysing the intersection of integration and (liberal) values, the concept of boundary liberalism (J. A. Brown 2016) refers to a particular form of boundary making in the name of liberal values. According to Brown, the adoption of liberalism as a feature of national identity does not preclude the exclusion and stigmatization of outsiders. Rather, these actions are justified through assertions that host societies have the right to protect themselves from those who might not yet be enlightened enough to be trusted with membership. Cultural and religious racialization in debates over whether members of migrant groups are liberal and modern enough for inclusion has become a major boundary work mechanism (J. A. Brown 2016; see also Fekete 2006 on enlightened fundamentalism and Brubaker 2017 on civilizationism). The term *boundary liberalism* describes the outcome of these discourses, which is the production and justification of political and social exclusion based on the belief that the target group is a carrier of dangerously retrograde ideologies. Finally, boundary liberalism calls attention to the creation of an in-group and the elucidation of its key values (J. A. Brown 2016) – a community of value(s), as I will argue.

While the phenomenon of boundary liberalism is resurging in many integration regimes, the idea is far from new. Already at the beginning of the 20<sup>th</sup> century, concerning migration from Eastern and Southern Europe to the US, it was argued that these immigrants did not possess the Anglo-Teutonic conception of law, order and government and that it was the

task of assimilation to break up these groups or settlements and to implant in their children, so far as can be done, the Anglo-Saxon conception of righteousness, law and order and popular government, and to awaken in them a reverence for democratic institutions (Kostakopoulou 2010). Roughly at the same time, similar voices were raised in Switzerland, such as the following, of a legal expert:

We must transform these foreigners into nationals; and it is a matter of the law to declare which of them should become part of our public body; but it is a matter of the soul to infuse these new citizens with a little of the civic love that animates us, to win them over to our ideas of tolerance and solidarity, to our democratic traditions. (Sauser-Hall 1914, cited in Di Donato et al. 2020, 63)

In order to analyse the relation between integration and values, I further build on Bridget Anderson's *community of value*, defined as follows: "Modern states portray themselves not as arbitrary collections of people hung together by a common legal status but as a *community of value*, composed of people who share common ideals and (exemplary) patterns of behaviour expressed through ethnicity, religion, culture, or language – that is, its members *have shared values*" (B. Anderson 2013, 2, emphasis mine). According to Anderson, the community of value both *has* (shared) values and *is* valued. Consequentially, it needs protection from outsiders, because "part of being an outsider is not sharing the same values – which easily becomes not having the 'right' values" (B. Anderson 2013, 4). The community of value is defined from the outside by the non-citizen, but also from the inside, by the failed citizen, defined as those individuals and groups who are imagined as incapable of, or fail to live up to, liberal ideals (B. Anderson 2013). As a way of claiming state legitimacy, the community of value often overlaps with ideas of the nation (B. Anderson 2013); however, its range and content are not as clearly defined, as I will show. Still following Anderson, different groups and individuals can slip in and out of the community of value: sometimes accepted, sometimes marginal, sometimes examples of the national values, and other times a threat to them. Those contingently accepted in or excluded from the community of value are not considered properly modern and are often depicted in terms of uncivilized and oppressive gender relations (B. Anderson 2013). Finally, I draw on Barth's *Ethnic Groups and Boundaries* (1969) in that the "cultural stuff" that is used to make and maintain the boundary (here: of the community of value) is itself

not constrained by the boundary but can vary and change without any critical relation to boundary maintenance (see also Dahinden, Duemmler and Moret 2014).

Building on this conceptual framework, I analyse integration discourse and practices in Switzerland, arguing that they produce the social imaginary of society as a community of value(s), along a distinctly liberal boundary. The next section will introduce the data and methodology of this paper. Then, the integration requirement of respecting the values of the constitution is introduced from a legal and historical perspective. The following analysis shows how the requirement produces imaginaries of a community both of *value* and of *values*, and how the values become empty signifiers filled with any cultural stuff, while the boundary making is a distinctly liberal one. The last section concludes that the value requirement turns out to be cultural assimilation in a liberal guise, positing liberal values as an achieved feature of modern societies, shared by all members of the community of value(s).

### **Data and Methodology**

For this article, I have analysed the recent revisions of the law and official documents concerning the integration requirement of respecting the values of the constitution. Furthermore, I have conducted problem-centred interviews amongst public authorities at the national, cantonal and municipal levels. Lastly, I have analysed specific cases and jurisprudence referring to the value requirement. The field of law covered involves both Swiss immigration and integration law (FNIA) and naturalization (SCA).

The interviews were conducted in 2020 and 2021 in both fields at the national level and in two cantons, whereas the interviews at the municipal level were limited to the field of naturalization (for reasons of jurisdictional competence). The two cantons were selected based on explorative interviews, regional, linguistic and political variations, and their historical connections to the notion of values in integration law and policy. One canton is German-speaking and more exclusive in terms of citizenship acquisition, the other is French-speaking and more inclusive.<sup>120</sup> The municipalities were selected upon

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<sup>120</sup> According to the SWISSCIT Index on Citizenship Law in Swiss Cantons (<https://nccr-onthefmove.ch/publications/swisscit-index-on-citizenship-law-in-swiss-cantons-conceptualisation-measurement-aggregation/>, accessed 19.10.2022). Note that, due to the small size of cantonal migration and naturalization authorities, where interviewees might be personally identified, the selected cantons are anonymized.

recommendation by the cantonal authorities and through snowball-sampling. The interviewees include public officials and street-level bureaucrats at the State Secretariat for Migration (SEM) in the fields of immigration, integration and naturalization, cantonal migration and naturalization departments, and municipal naturalization authorities. The data analysed for this paper consists of eleven fully transcribed expert and problem-centred interviews, selected case studies and court rulings referring to the value requirement, and official and legislative documents referred to directly in the analysis (if not indicated otherwise due to data protection and anonymization concerns).

The interview data has been recorded and transcribed with the informed consent of all participants, including data protection statements where requested.<sup>121</sup> The same applies to the non-public case files and documents obtained from public authorities. All names have been changed and anonymized. All original data is in German or French and has been translated by the author. According to the methods and epistemology of grounded theory (Charmaz and Belgrave 2012) and social constructivism (Flick 2014), the overall data has been subjected to a global analysis (Legewie 1994) before proceeding to a theoretical coding (Flick 2009).

Regarding my role and positionality as a researcher, and in line with standpoint theory and its criticism (see Erdem 2009 and Wylie 2012), I am aware that my perspectives are shaped and influenced by experiences and social markers and positions of unequal privileges, resources and relations of power along numerous and intersecting axes. These positionalities not only influence the way I, as a researcher, perceive and theorize the world, but also the interactions in field research and thus the data that is generated and analysed. Concretely, the markers as a non-migrant white Swiss native, German- and French-speaking, educated, cis-gendered, heterosexual, married, able-bodied, secular researcher with an appearance, dress and manners that were apparently perceived as “typically Swiss” by my interlocutors, coming from a renowned Swiss university associated with a prestigious research project of the Swiss National Science Foundation (the NCCR—on the move), not only gave me privileged access to the field (which others might not have obtained), but also influenced the data gathered in the process. In the quotes below I was, for example, naturally included in the “we” as in “our culture”, “our

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<sup>121</sup> In compliance with the local legislation and institutional requirements for interview-based research, oral informed consent was obtained from each participant prior to their interview.

democracy”, “our mentality” and in the “us” as in “do these people live like us?” and thus in the community of value(s) produced and reproduced in the discourse. The narratives, and as such the data itself and the analysis it substantiates, would certainly have been different had I been perceived and addressed differently in terms of social markers and positionalities.

### **Respecting the Values of the Constitution**

In the Swiss context, respect for the values of the constitution is an integration requirement both in immigration and naturalization law (art. 58a FNIA and art. 12 SCA). The non-fulfilment of the requirement may, for example, lead to the revocation of a permanent residence permit or the rejection of a naturalization application. In immigration law, the evaluation of integration requirements is carried out by cantonal migration offices based on individual case files. For naturalizations, the evaluation of integration happens at the municipal, cantonal and federal levels. At the cantonal and federal levels, the decision is usually taken by the administration (cantonal naturalization offices and the SEM), although sometimes formally approved by the cantonal government. At the municipal level, the evaluation of integration usually involves both case files and face-to-face interviews, and the decision is taken either directly by citizen assemblies or by elected, non-professional naturalization commissions (varying greatly in form and composition, due to the Swiss federal system, see Di Donato et al. 2020).

Referring to art. 12 SCA and art. 58a FNIA, the respective ordinances specify the value requirement by referring to the following basic principles, fundamental rights and duties: the principles of the rule of law and the free democratic basic order of Switzerland; fundamental rights such as the equality of men and women, the right to life and personal liberty, freedom of belief and conscience and freedom of expression; the obligation to perform military or alternative civilian service (only for naturalizations) and to attend school.<sup>122</sup> Finally, the SEM’s instructions define the requirement *ex negativo*, referring to specific examples of when the values are considered to be violated.<sup>123</sup> The principles of the rule of law and the free democratic basic order are, for example, breached by public propaganda actions that may violate “Swiss concepts of order, to which adherence is to be

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<sup>122</sup> [Art. 5 BüV](#) and [art. 77c VZAE](#) (accessed 19.10.2022).

<sup>123</sup> Instructions SEM on the [SCA](#) and the [FNIA](#) (accessed 19.10.2022).

regarded as an indispensable prerequisite for orderly human coexistence”, or by a lack of respect for the state’s monopoly on the use of force. A violation of fundamental constitutional rights is defined, for example, by commitments or a behaviour by foreigners which disregard or call into question fundamental rights: including lack of tolerance towards other groups and/or religions or advocacy of forced marriages, circumcisions or violation of personal freedom and integrity; blanket public denigration of minorities, members of a particular religion or people of a particular sexual orientation; and disregard for the equality of men and women. Lastly, the examples defining non-compliance with constitutional obligations refer to compulsory attendance at school including mixed-gender (school) physical education and swimming lessons; and the rejection of recognized forms of expressions of respect towards teachers or employees of public authorities. These very particular examples of the (non-)respect of constitutional values such as mixed swimming lessons, the handshake (see below) or forced marriage (see Dahinden and Manser-Egli 2023) stem from highly mediatized and politicized cases and jurisprudence, targeting specific groups of (migrantized) minorities. Of course, this selection of examples (and not others) in the official instructions influences how the requirement is applied in practice; who is asked specific questions and who is not, as the following quote by a case worker illustrates:

You always have the other side of the political spectrum that will tell you but that’s discrimination, because he’s of a certain nationality. Now, to ask a German, are you for female circumcision? What’s the point of asking a German this question, if his father or great-grandfather is from Bavaria? Of course you can ask the question, but does it make sense? That’s the question. (Thomas)

Historically, the values of the constitution appear for the first time in the Foreign Nationals Act of 16 December 2005 (FNA, later renamed to Foreign Nationals and Integration Act, FNIA). Art. 4 FNA on integration states that “the goal of integration is the coexistence of the native and foreign resident population *on the basis of the values of the Federal Constitution* and mutual respect and tolerance” (emphasis mine). While this general objective of integration refers to both the native and the foreign population, the respective ordinance refers to foreign nationals only. It specifies that the contribution of foreigners

to their integration is demonstrated in particular in respect for the rule of law and the values of the Federal Constitution.<sup>124</sup>

The report by the Federal Council preceding the FNA elaborates on the notion of values as an integration requirement. The report states that the aim of all integration efforts is a coexistence characterized by respect and tolerance. It is stressed that foreigners are not required to give up their personal views of life or their origins, but that diversity is an essential element of any liberal order, which must be protected. However, as the report underlines, democratic principles and the rule of law are indispensable prerequisites for peaceful coexistence (Bundesrat 2002). Note that according to the Federal Council, all integration efforts must be made by immigrants as well as by the host society. All the more interesting is the following paragraph in the report, referring 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, such as the principle of gender equality, respect for those who think differently and believe differently, the state's monopoly on the use of force and the renunciation of violent conflict resolution. The state must defend these values also against culturally justified deviating claims. (Bundesrat 2002, 3797)

The fact that, according to the report (and later the law), only foreigners must be required to respect the rules of conduct, principles and values – while stressing that all integration efforts must be made by immigrants and the host society – is an expression of 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 (B. Anderson 2013).

The list of examples of to-be-respected values in the report (for instance gender equality, freedom of belief and conscience, the state's monopoly on the use of force) is remarkably similar and stable compared to the final provisions of the law almost two decades later. Interestingly, however, in the few instances when parliamentary debate explicitly addressed this requirement, it was always with reference to gender equality. In the words of one Member of Parliament, the requirement demands a commitment to equality between men and women. In her view, the idea of the requirement is that naturalization

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<sup>124</sup> [Art. 4 VIntA](#) as of 24 October 2007 (accessed 19.10.2022).

should no longer be possible for a man who prevents his wife from participating in public life. As a municipal councillor responsible for naturalizations, she would have been “very happy to have had this tool at hand on several occasions in the past”.<sup>125</sup> Similarly, the Federal Council in charge highlighted that the value requirement “naturally includes the fact that women and men have equal rights here, that girls and boys get an education in our country”.<sup>126</sup> Together with the report’s reference to the “*culturally* justified deviating claims” against which these values must be defended by the state, it becomes tangible who is – and who is not – the target of this integration requirement, as the remainder of this paper will show.

### **A Community of Value and of Values**

Let us now turn to the implementation of the value requirement by analysing the discourse and practice of street-level bureaucrats, official documents and jurisprudence. The following quote is from Thomas, a case worker responsible for naturalizations at the SEM. Asked how the integration requirement of respecting the values of the constitution is understood and applied in practice, he responded:

When we naturalized Italians, we could ask ourselves the question, then what is the difference between an Italian and a Ticinese [resident of the Italian-speaking part of Switzerland]? We naturalized Spaniards, Portuguese en masse, with a Catholic culture, so we were on more or less the same foundation of values. Today, when you take Black Africa, you take the Middle East, the Near East, it’s other cultures. There’s no problem with that, but there are, there can be more sources of tension between our culture and this culture. From the moment they want to acquire Swiss citizenship they must finally really at that moment submit, I would say, to our democracy, to our system, yes to our liberal democracy, and then finally to what is contained in the constitution. With a C permit [permanent residency], of course they would be asked the question, but maybe a little less. So, there is really this notion of stairs – when you get to the very top you must be sure that you are

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<sup>125</sup> <https://www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=24686#votum17> (accessed 19.10.2022).

<sup>126</sup> <https://www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=24693#votum5> (accessed 19.10.2022).

on the same level. An applicant for citizenship, we should be sure to be able to live together on a common foundation of values. (Thomas)

According to this narrative, Swiss society is imagined as a community of value(s), that is, both of *value* and of *values*. The imaginary as a community of *values* is manifested by the idea that “we” live together on a common foundation of values, and, hence, applicants for citizenship should do so as well. In this imaginary, the values are assumed to be “simply present in those who are already here, absorbed with their mother’s milk”, as Paul, another interviewee at a cantonal integration office, put it in a nutshell. The community of values is thus imagined as having shared values and a common foundation of values, as the following quotes by a cantonal and a municipal case worker further illustrate:

We always ask questions like, in a married couple with children, “who goes to the parents’ meeting?” for example, to try to see their way of life. Are they people who understand that here in Switzerland, the man as much as the woman has the obligation to accompany, to provide for the needs of their children, for their education or is this load left only to the woman? Small questions that we ask just to try to understand how the person sees things. (Marco)

For example, when we read in a police report that the children have been beaten because of disobedience, we told them [the applicants] that this is not our mentality, we do not do that here. (Karin)

Behind these questions and remarks there is the social imaginary of society as a community of values, *as if* childcare were evenly distributed between parents (of course it is not<sup>127</sup>) and *as if* there were no corporal punishment among parents in Switzerland (of course there is<sup>128</sup>), because “we” all share these values and mentality.

At the same time, it is an imagined community of *value* in that, according to Thomas, it provides fewer sources of tension and an indispensable basis on which to live together.

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<sup>127</sup> In 2020, mothers invested 22.3 hours per week in childcare compared to 14.7 hours by fathers (<https://www.bfs.admin.ch/bfs/en/home/statistics/catalogues-databases/press-releases.assetdetail.17124476.html>, accessed 19.10.2022).

<sup>128</sup> In fact, there is no prohibition of corporal punishment in Swiss legislation if it does not lead to visible damage and it is not considered as physical violence if it does “not exceed a certain level accepted by society” (according to the jurisprudence of the Federal Supreme Court). See also <https://www.nzz.ch/schweiz/koerperstrafen-von-kindern-sind-in-der-schweiz-nicht-straftbar-ld.1522804> (accessed 19.10.2022).

“Our culture” is imagined as homogeneous and cohesive, including Italians, Spaniards and Portuguese with a Catholic culture, as opposed to “other cultures”. Note, however, that these groups have not always been included in the community of value but rather were at the heart of over-foreignization anxieties during much of the 20<sup>th</sup> century (Niederberger 2004). Furthermore, the reference to a *Catholic* culture as a common foundation of values is interesting given that most of Swiss history was marked by culture wars between Catholics and Protestants, a boundary that has only been blurred in recent decades (Dahinden, Duemmler, and Moret 2014). In the context of the value requirement, any reference to religion in fact means Islam. While the culturalization of the value requirement goes back to its origins in the 1990s (Manser-Egli 2022b) and has been codified accordingly in the law (as seen above), most interlocutors consider the requirement to have been put in place due to the recent “strengthening of Islam” (Philip). It is supposed to target a “certain Islamism, as a certain way of living one’s religion” (Thomas), against “a parallel society [that] has developed or is developing” (Eva). According to this narrative, “if until now it was not necessary to remind applicants for citizenship that these values were important, now with new cultures, perhaps tensions between certain cultures and ours, at this point we must remind them of these issues” (Thomas).

Indeed the SEM is well aware of the risk of a culturalized application of the value requirement, meaning here: targeting Muslims disproportionately. An official questionnaire handed out to the cantons in order to support and harmonize the protocols of naturalization applications underlines that questions about religious affiliation or mosque attendance would not be permissible – only to then propose a range of questions concerning these very issues, such as: How do you live your faith?<sup>129</sup> Although the examples in the instructions to the requirements are meant to be just that, examples, and as such are not exhaustive, they reinforce a culturalized understanding and application of the value requirement, as we have seen above in Thomas’ quote about the great-grandfather from Bavaria.

The value of the community is further expressed by the implication that it is at “the very top” of the stairs. This is in line with the aim of harmonizing Swiss integration policy by

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<sup>129</sup> Questionnaire to assist cantons in preparing survey reports for naturalization applications as of 01.01.2018, SEM.

introducing the integration stage model (Kurt 2017) in which a better status depends on higher integration demands, citizenship being the last and final stage (see also Favell 2022a on the linear paradigm of immigration, integration and citizenship). Accordingly, applicants for citizenship must submit to these values and get to the very top of the stairs in order to be on the same level and become part of the community of value(s). Overall, the social imaginary of the community of value(s) is thus characterized by strong homogeneity and cohesion, dichotomous culturalization, and clear hierarchy and superiority. Beyond these broad lines, the imagined community is quite malleable both in terms of its content and the values concerned, and in terms of its range, as will be shown in the following.

### **The Culturalization of Values**

As we have seen in the law and subsequent official texts, apart from the very general clauses it is far from clear which “values” of the constitution need to be respected according to this integration requirement, let alone how they are understood and evaluated. This vagueness of the requirement is mirrored in the discourse and everyday practice of street-level bureaucrats. Civil servants referred to the requirement as “quite elastic” (Philip) and hard to assess.

The part of the above-mentioned SEM questionnaire referring to the requirement to respect the values of the constitution starts with the somewhat cryptic remark according to which “the verification of this naturalization requirement might not always be easy in practice”, since the questions proposed are “not everyday questions about the Swiss federal state law, which will be difficult to answer for certain, if not the majority, of applicants”.<sup>130</sup> To begin with, the questionnaire proposes open questions on the values of Switzerland: “What distinguishes Switzerland for you? What do you appreciate about Switzerland?”, followed by a list of possible answers. Similar to the law and instructions seen above, the list of proposed values is a mix of abstract principles, such as neutrality, “cohesion despite multiculturalism”, democracy, the welfare state, equality of opportunity, solidarity, the rule of law, the separation of state and church, the protection of property, equal rights, security and liberty; and particular, picture-postcard Swiss values such as the

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<sup>130</sup> Questionnaire to assist cantons in preparing survey reports for naturalization applications as of 01.01.2018, SEM.

preservation of nature and historical monuments, cleanliness and waste separation, punctuality and reliability, and a well-developed public transport system. Subsequently, the questionnaire proposes specific questions about Swiss values. Here, the same pattern is apparent, starting with questions about freedom of opinion, gender equality, religious freedom, the right to life, democracy and personal freedom. The remainder of the questions refer to religion and gender equality more specifically:

What rights do your wife or children have? Have you noticed any differences between men and women compared to in your home state? How do you behave towards people of other faiths? Have you and/or your family ever been confronted with difficulties in everyday life because of your religion? (Which ones? What are you doing about them?) Have your children ever had difficulties at school because of your religion? (Which ones? What are you doing about them?) The highest court has ruled that school-age children must attend swimming lessons. Is this a problem for you? In Baselland, a student did not shake hands with the teacher in greeting. What do you think about this?

This linkage of abstract values and very specific, concrete everyday practices considered to be part of a unique and essential Swiss culture – and, importantly, not of “other cultures” – reflects what I refer to as the *culturalization of values*. As we see in the questions above, this culturalization is most salient with regard to religion (meaning here: Islam) and gender equality (see also Dahinden and Manser-Egli 2023). Linking these two issues, the most important symbol of this culturalization of values is probably the handshake: Shaking hands (with someone of the opposite sex) is considered a crucial element of Swiss culture and thus of respecting the values of the constitution. We have seen this in the instructions – referred to in officialese as “recognized forms of expressions of respect” – and in the SEM questionnaire, and it is reflected in the everyday practice and discourse of street-level bureaucrats:

There are ladies and gentlemen who have refused to shake my hand; this is typical, for example, of the cases that concern us today and that relate precisely to the application of the respect of the values of the constitution. I have had several cases where men have refused to shake hands with a female investigator. (Thomas)

The following quote illustrates how, although usually associated with gender equality (Kühler 2018), the discourse on the handshake links religion, customs and habits, integration and the rule of law:

It is commonly accepted in Switzerland that we don't want people to start to hurt or put themselves on the margins of society due to religious issues, because they don't want to live according to our customs and habits. Respecting the values of the constitution is also the customs and habits, in Switzerland we shake hands, that's how it is. It's been like this for centuries; whether it is good or not, that's not the point of the debate, but simply that people who enter Switzerland have to make this effort to integrate, and you can't systematically want to put your religion above or in any case at odds with the principles that govern our rule of law. (Thomas)

Here, the handshake becomes a sign of whether someone wants to put his or her religion above the principles of the rule of law or whether someone lives according to Swiss customs and habits and thus respect the values of the constitution. This is what I call *a culturalization of (liberal) values and principles*: The mundane cultural practice of shaking hands becomes a decisive indicator of whether a person is considered to observe the rule of law and to respect the values of the constitution; of whether he or she is considered to be a *liberal person* (Joppke 2008). Whether the requirement to shake hands is justified with reference to gender equality or, as in the second quote, to the rule of law and the secular, enlightened principle that religion must not be "put above", the justification draws on an explicitly liberal register. Contrary to old-fashioned cultural assimilation, the invocation of tradition and customs and habits ("that's how it is") is no longer enough to justify the requirement as part of a liberal integration regime. At the same time, universal principles such as the rule of law and fundamental rights and liberties are considered to be integral parts of Swiss culture – and therefore, not of all/other cultures. This paradox is what Joppke (2008) referred to as *particular universalism*, which he considers to be the main form in which Western states practice exclusion today.

Another example of this particular discursive linkage between supposedly universal principles and "cultural stuff" (Barth 1969) is the case of a Turkish woman living in Switzerland since the age of 13, whose naturalization was rejected on the grounds that she had offended the naturalization commission because she refused to shake hands with the men. According to the municipality, greeting by handshake is considered part of the

native culture in Switzerland and it is expected by society that someone who lives here or wants to obtain Swiss citizenship also adapts in this respect. Again, not only was the decision about not adapting to Swiss native culture, but it also referred to universal liberal principles such as “freedom of religion” and the separation of “state and religion”:

She is perceived as helpful, generous, open-minded and extremely interested in the Swiss way of life, although she is strongly rooted in the Muslim faith. (...) The naturalization council has voiced its concern that the family lives its affiliation to the Islamic faith so openly. Despite the freedom of religion, it is very strange that the mother does not adapt to local culture in her clothing and that the daughter has to attend school with a headscarf. (...) The naturalization council wishes the family to clearly separate state and religion and to increasingly integrate and represent the culture and values of Switzerland in their private lives. (Summary of the naturalization interview by the municipality)

Here, the strong faith of the applicant and its open expression are positioned as incompatible or at least at odds with Swiss culture, values and way of life. And this although she is considered well-integrated at the local level, according to the naturalization commission. Again, we see a culturalization of values in that particular cultural and religious practices – such as the missing handshake, her clothing and her daughter’s headscarf – are taken as indicators of the failure to respect abstract liberal principles and values (freedom of religion, the separation of state and church/religion). It is worth pointing out that the separation of state and *church* in the SEM questionnaire becomes the separation of state and *religion* in this quote, which is not necessarily the same, especially in a European context.<sup>131</sup> At the same time, we have seen that Thomas refers to the *Catholic* culture as a common foundation of values. This underlines the malleability of the value requirement in practice.

Other examples of the reduction of the supposedly universal value requirement to random cultural stuff in everyday practice and discourse emerge in the following quotes. While the first refers to a well-known case in which a family from Kosovo was not naturalized for wearing training pants in public, the second is about a hypothetical example of a naturalization candidate being a firefighter. As fire brigades in Switzerland still largely rely

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<sup>131</sup> Many thanks to the anonymous reviewer for this thoughtful comment.

on volunteers (rather than professionals), this is considered the ultimate proof of integration:

For example, a decision that has caused controversy in the [canton of] Basle-Country: We have a Kosovan citizen who walks around in training pants; this is upsetting, at least for the municipality's naturalization commission. So underlying these differences is indeed this question of respect for the values of the constitution: Do these people live like us? Because as such equality between men and women yes, okay, liberties yes, okay, but finally what is underlying is still: Do these people have a Swiss way of life? Afterwards, where is the border, again, between the fact of becoming familiar with the living conditions in Switzerland, that is to say walking around in suit trousers and a shirt – I know I'm caricaturing – and the fact of walking around in town in training pants, maybe a tracksuit and a cap. Of course we are not strictly speaking about gender equality, but... (Thomas)

It would be useless to spend most of our time on this question [of respecting the values of the constitution] when from the outset we realize he's a firefighter. You will say yes, but being a firefighter has nothing to do with respect for the values of the constitution. Of course, strictly speaking not, but he is a firefighter in his municipality, you see, it's a whole thing in the end, and when we have no clues with regard to all these elements [of respecting the values of the constitution], we'll say to him what do you think of equality between men and women, and then the guy who is really integrated in Switzerland, he's almost going to laugh, he's going to say, listen, I'm for it, here we are, men are equal to women, women are equal to men, and that's that. (Thomas)

Again, very specific cultural and mundane practices and symbols such as training pants or being a firefighter, are taken as indicators of whether or not someone respects the values of the constitution. Although according to Thomas these indicators cannot directly reveal whether someone respects the values or not, the values are considered as "underlying" these everyday practices and make "a whole thing in the end". Note that the boundary is again drawn in explicitly liberal terms: by pointing out that "we are not strictly speaking about gender equality" in the first quote, and ridiculing the question about gender equality in the second, Thomas makes clear that training pants or being a firefighter are not considered as liberal values *as such*, but are taken as proxies for whether someone is

considered a liberal person or not. What is remarkable when turning the telescope around is the (very consciously) caricatured imaginary of Swiss society as a community of value(s), where people supposedly wear suit trousers rather than training pants, are firefighters and, asked about gender equality, are almost going to laugh.

The randomness of what can be used as a boundary marker of the community of value(s), discursively linked to supposedly universal values and principles, is what Barth (1969) referred to as cultural stuff that is not constrained by the boundary but can vary and change without any critical relation to boundary maintenance. What I refer to as the culturalization of values is then the ascription of this varying and changing cultural stuff (for example the handshake) as expressions of specific liberal and universal values (for example freedom of religion or gender equality) to a given, unified, essentialized culture – be it *ours* or *theirs/others'*. Note that all of the examples of the cultural stuff mobilized as boundary markers always necessarily refer to – and thus, draw the legitimacy of the boundary maintenance from – supposedly universal liberal principles such as gender equality or the rule of law. In line with Brown's (2016) concept of boundary liberalism, the boundary making is thus a distinctly *liberal* one.

### **Boundary Liberalism Through De/Culturalization**

The following examples show how the value requirement is at times culturalized, at times de-culturalized, and how this reproduces and maintains the boundary of a liberal community of value(s) against the illiberal Other. I gained access to the first case because according to the responsible cantonal authority it touched upon my research question. The case concerns the application for naturalization of a North Macedonian (Albanian)<sup>132</sup> couple with three children. The husband is in his 30s and has lived in Switzerland since the age of three, the wife for 15 years. According to the application form, they are Muslim;<sup>133</sup> however, in the handwritten application letter – replying to the municipality's questions "What are your religious and ideological views? How do you practice your religion?" – the applicant states that he does not practice any religion (fieldnotes).

According to the case files, the naturalization commission wanted to reject the application at first, but eventually approved it. At the heart of the case, there was a police report

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<sup>132</sup> The exact wording on the application form is "Macedonian" and "Macedonian (Albanian)" (fieldnotes).

<sup>133</sup> The original wording in German is "Moslemin" and "Muslimisch" (fieldnotes).

concerning an act of domestic violence leading to minor injuries: after a verbal dispute the husband had grabbed his wife's neck and thrown her onto the bed. Both husband and wife stated that this was the first instance of violence in the relationship, and the wife did not want to file a complaint. At the naturalization interview six years after the incident, the applicant was confronted with the police report and affirmed that the violent act arose from a stressful situation with the children, everyday life and the family. He asserted that it should not have happened and will never happen again. The president of the naturalization commission made clear that he did "not like these points": "We have a different understanding of values in Switzerland. These are cultural differences that we cannot understand. In Switzerland, there is zero tolerance on this issue. The man-woman power imbalance comes across clearly". Accordingly, referring to the act of domestic violence, the commission finds that the applicants do not meet the requirements. In the words of the commission, "the reason for and nature of the act as well as its justification during the naturalization interview do not correspond to the local, culturally anchored image of women" (fieldnotes).

Instead of withdrawing the application, as suggested by the commission, the applicant reacted to the decision by repeating that every day he deeply regretted his action, that it was the first and last time his wife would experience that, that he was not violent and still did not understand how he could have acted like that: "My wife and I talked about this incident for a long time. I have apologized to her and our children accordingly". Reassessing the case at the SEM's request, the naturalization commission was now satisfied that the applicant very much regretted the incident; in addition the couple had confirmed that: it was an isolated incident that should be considered in the context of great emotional stress and demanding, hectic work and family life; that they had a strong partnership and in fact had had another child together since the incident; and finally they described how they divided roles in the household, especially since they both worked shifts. Hence, after a "differentiated consideration", the commission concluded that the applicants meet the requirements for naturalization and that a rejection of the application would be "disproportionate" and "not appropriate". Reporting the decision to the canton, the municipality wrote: "Whether the family respects the values of the Federal Constitution cannot be confirmed with 100% certainty in the present case. However, the

couple has credibly explained that they have come to terms with the past described above” (fieldnotes).

What is interesting about this case is not so much what brought the commission to change its mind (or the SEM to intervene), but how the arguments in favour of or against the naturalization are constructed. The initial rejection of the application was justified in the name of a different understanding of values in Switzerland, cultural differences that “we cannot understand”, zero tolerance on this issue, the man–woman power imbalance and a local, culturally anchored image of women. The domestic violence and the alleged gender inequality and value differences are culturalized, drawing a clear boundary against an imagined Swiss community of value(s) where, apparently, there is no domestic violence and the local, culturally anchored image of women is gender-equal. After the reconsideration, the shift in the discourse of the commission is remarkable: the act of domestic violence is no longer considered in culturalized terms but in a universalist, individualized way “in the context of great emotional stress and demanding, hectic work and family life”. Furthermore, the commission now refers to the strong partnership and the division of labour in the household. In order to include the applicants in the Swiss community of value(s), the act of domestic violence is considered as unique and well in the past, and the couple is portrayed as gender-equal. The act of domestic violence is not only de-gendered and individualized, but also de-culturalized. Hence, the approval of the applicants’ acceptance into the community of value(s) through naturalization confirms and reproduces the social imaginary of Swiss society as gender-equal, and of domestic violence as culturally foreign (Khazaei 2022).

The second case study consists of a comparison between two court rulings. In one case concerning a German citizen considered too close to the Reichsbürger movement,<sup>134</sup> the requirement is applied in a de-culturalized and universalist manner. In another case, concerning an Imam from Kosovo who was expelled for not respecting the values of the

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<sup>134</sup> The movement is usually defined with reference to right-wing extremism and conspiracy theories. German authorities define it as follows: “Groups and individuals who reject the existence of the Federal Republic of Germany and its legal system with various motives and with various justifications, including with reference to the historical German Reich, conspiracy theory argumentation patterns or a self-defined natural law, who deny the legitimacy of the democratically elected representatives or even define themselves as being entirely outside the legal system” (Keil 2021, my translation).

constitution, there is a culturalized and securitized implementation of the same requirement.

In the first case, a citizen assembly rejected the application for naturalization of a German citizen for being “critically close to prominent figures in the Reichsbürger movement’s circle of influence and sympathizing with their views”. The cantonal administrative court upheld this decision.<sup>135</sup> The court referred to the report on the SCA, according to which the lack of respect for the Federal Constitution is particularly evident in political or religious extremism: Political extremism is understood to mean those political tendencies which reject the values of liberal democracy and the constitutional state. Therefore, persons who, for example, have joined an organization with an extreme political orientation and who profess their values through their behaviour or statements are to be excluded from naturalization on the grounds of insufficient integration.<sup>136</sup> According to the court ruling, the court had to decide whether the complainant’s convictions and connections to the Reichsbürger movement or to persons close to this movement were sufficient to exclude him from naturalization on the grounds of insufficient integration; or whether this was a legitimate political worldview protected by fundamental rights. Supporting the decision of the citizen assembly, the court found that it could not be denied that the complainant was close to people who fundamentally doubt the legitimacy of state actions and power, and that he sympathized with their attitude.

The second case concerns an Imam from Kosovo who was accused of domestic violence. However, there were no legal charges and so the responsible cantonal authority concluded that “taken on their own, the indications are not capable of providing strict proof of the exercise of domestic violence by the applicant against his wife. Conversely, however, they are also not able to speak for a successful integration. The files, on the other hand, clearly show the applicant’s strong conservative attitude to life” (case file). Here, a successful integration is positioned in opposition to and as incompatible with strong conservative attitudes. Turning the telescope around, this is a remarkable formulation, given that large

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<sup>135</sup> Judgment by the administrative court of Grisons, first chamber, 11 March 2021 (U 20 72). Note that the Federal Supreme Court found that the formal requirement to substantiate the negative naturalization decision was violated by the municipality, which is why it had to consider the case again (decision 1D\_5/2021, 26 April 2022).

<sup>136</sup> A fact sheet by the SEM refers to the Algerian Front Islamique du Salut (FIS) as an example of an extremist organization (Fact Sheet: Aktuell massgebende Rechtsgrundlagen und Praxis zum Begriff der Respektierung der Werte der Bundesverfassung bei der Einbürgerung, see also BGE 1D\_8/2010).

parts of Swiss society do in fact hold strong conservative attitudes which are, for example, regularly expressed in popular votes and elections.<sup>137</sup> However, the cantonal administrative court followed the argument of the migration office and confirmed the decision to expel the Imam:

His statements and behaviour clearly indicate that he is strongly attached to the traditional views of his cultural circle and his legal system. His views regarding his rights as a man and the duties of women are in marked contradiction to Swiss law and to local values [hiesige Wertvorstellungen]. He does not tolerate deviant behaviour from his wives. Moreover, the non-extension of the complainant's residence permit is proportionate, especially since the spread of his "example" among Muslims (massive rejection of the basic values of the Swiss constitution) with his obvious disregard for the Swiss legal system and the primacy of "Allah's law", as it is called by the complainant, could lead to massive social unrest in Switzerland and considerably endanger the internal security of the country. (Judgment of the cantonal administrative court)

In both case studies, the applicants are considered to not respect the values of the constitution due to political or religious extremism. Note that both applicants otherwise do not violate any integration requirements, such as employment, language proficiency or respecting the legal order and are even considered well-integrated on a local level (according to the court rulings and the case file). Given the comparability of the cases, the extent to which the argumentation differs is striking.

In the first case there is a sober, rational and universalist weighting between the complainant's convictions and connections to the Reichsbürger movement and his political worldview protected by fundamental rights. Contrary to the second case, there is no reference to any cultural circle or local values whatsoever – although the Reichsbürger movement is very much inspired by what it considers to be German history and culture. The de-culturalized application of the requirement in this case is in line with the narrative that, in practice, the naturalization of Germans is "usually a formality", because they are considered to come from "a similar cultural circle as we do", as Andrea, a municipal case

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<sup>137</sup> More than one-third of voters have rejected same-sex marriage (2021) and a law against discrimination and incitement to hatred on the basis of sexual orientation (2020), for example.

worker, put it. Indeed, in another case a woman of German nationality who was accused of being close to the neo-Nazi scene was naturalized despite, according to the municipality, being asked in the naturalization interview what her position regarding extreme-right worldviews was (fieldnotes).

In the second case, the views and attitudes considered to be an expression of religious extremism are not only culturalized with reference to the Imam's attachment to the traditional views of his cultural circle, as opposed to Swiss local values, but also securitized, referring to the spread of his example among Muslims, massive social unrest and the internal security of the country. Again, there is no such securitization in the Reichsbürger case.<sup>138</sup> The German citizen is positioned as individually (and as such, exceptionally) outside the Swiss community of value(s), whereas the Imam is culturally excluded, on a group level. This is made explicit by linking his behaviour to "the traditional views of his cultural circle and his legal system", referring to the nation-state of Kosovo. Building the argument on liberal democracy and the constitutional state in the Reichsbürger case, and on gender equality in the Imam case, it is again a distinctly liberal boundary of the community of value(s) that is drawn against the illiberal Other. The underlying idea according to which the liberal state is only for liberal people is what Joppke (2008) identifies as the exclusive and identity-forging dimension of particular universalism. As in the case of the North Macedonian couple, gender equality is in fact *the* liberal value in the name of which the culturalized and migrantized boundary of the community of value(s) is maintained – a phenomenon that we have theorized as *gendernativism* (Dahinden and Manser-Egli 2023; see also Farris 2017; Hadj Abdou 2017).

## Conclusion

In this article I have argued, first, that the integration requirement of respecting the values of the constitution re/produces the social imaginary of society as a community of value(s), which in turn legitimizes aggressive integrationism. By *re/producing* I mean that the social imaginary as a community of value(s) is both at the origin of the value requirement while also its product. Second, I have shown that to a very large extent the values referred to in the integration requirement are an empty signifier that can be filled with almost any

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<sup>138</sup> Note that the Reichsbürger movement is under surveillance by the German Federal Office for the Protection of the Constitution (Keil 2021).

cultural stuff, as long as the reference to abstract universal liberal principles is maintained. However, this emptiness – or rather, this malleability – does not in any way weaken the boundary maintenance but on the contrary reinforces the social imaginary of society as a community of value(s). Finally, the analysis reveals a distinctly liberal boundary making, which draws its legitimacy from any reference to liberal values and principles. These findings give rise to three conclusions.

First, the paper challenges the assertion that civic integration remains in a liberal register and does not imply a return to cultural assimilation (Joppke 2017). It is true that ideas of old-fashioned cultural assimilation – the most important tool against *over-foreignization* for much of the 20<sup>th</sup> century in Switzerland – have been replaced by progressive ideas of integration, standardized and harmonized with reference to universal liberal values since the turn of the millennium. However, this does not mean that integration requirements for citizenship acquisition have become “non-discriminatory, in the sense of shunning group-level exclusions on the basis of ethnicity or race” and “do not require a particular cultural identity” (Joppke 2008, 543). As I have shown, civic integration still very much operates along the lines of culturalized and migrantized group-level boundary making. Although the values are defined as liberal, in practice they imply a return to – or rather, a continuation of – cultural assimilation. The value requirement in Swiss integration law is in fact nothing other than old-fashioned cultural assimilation in a liberal guise.

Second, the imaginary of society as a community of value(s) is not only problematic because of the inclusions and exclusions it entails along culturalized, racialized, gendered and migrantized lines. It also effectively obscures society’s troubles (Korteweg 2017), or rather, its messiness (Meissner and Heil 2021). It reproduces society as a bounded, stable, functional and homogeneous entity while it is in fact diverse, segmented, fluid and evolving (Spencer and Charsley 2021). The danger of the community of value(s) and the boundary liberalism it brings with it is that it claims these values as concrete and achieved features of identity – an accomplished garden where everything works, in the words of Josep Borrell quoted at the beginning of this paper – while in fact they are processes: skills upon which one works, not things one has (J. A. Brown 2016). Gender equality for instance is an important value of course, but not as an achieved feature of Swiss identity that immigrants can be compelled to submit to, but rather as a process on which society as a whole works. Yet, indeed it comes as no surprise that this boundary making is a distinctly

liberal one, since it seems to be an intrinsic feature of liberalism to not only parade as universal (Dahinden and Manser-Egli 2023) – but also always as already achieved – something one has, not upon which one works.

This leads me to the third conclusion. In his book *The Integration Nation*, Adrian Favell (2022a) shows how actually only a tiny fraction of all (mobile) people are targeted by integration, which leads him to the question: How do we get away with such a disintegrated society?<sup>139</sup> The answer proposed by this paper is: By imagining society as a community of value(s) – that is, its members *have shared values* (B. Anderson 2013) – where only those outside of this imagined community have to be integrated. However, there is no such thing. Actually, societies are much more disintegrated than the imaginary as a community of value(s) suggests in the sense that their members do *not* share the same values. This does not mean we are doomed, as proponents of integration might argue. On the contrary, we actually do get away with disintegrated societies quite passably, one might say. It means, however, that we should acknowledge that modern societies are *not* communities of value(s), and stop pretending so, because that justifies aggressive integrationism in the first place. Instead, we should turn to their messiness.

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<sup>139</sup> The question was asked in a keynote lecture by Adrian Favell given at the Neuchâtel Graduate Conference, 7 July 2022.

# Integration as a Totalizing Institution: A Moral Economy of Street-Level Knowledge Production on Immigrant Integration

## Introduction

I'm of that nature, very open to start a discussion, to understand how the person works, how they understand things. This allows us to know and get an accurate picture of their integration. (Simon, case worker)

The dream or nightmare of a society programmed, colonized or dominated by “the cold monster” of the State is profoundly limiting as a way of rendering intelligible the way we are governed today. (Rose 2006, 145)

What norms, values and emotions guide the knowledge production on integration by street-level bureaucrats? This paper attempts to answer this question in the Swiss context. As elsewhere, “immigrant integration” has become a major concern of both policy and research (Wicker 2004; Piñeiro, Bopp, and Kreis 2009; Dahinden 2014); integration requirements have recently been tightened and harmonized in immigration and naturalization law (Di Donato et al. 2020). Critical contributions to research on immigrant integration have highlighted how civic integration policies (Kostakopoulou 2010) and the imperative to integrate (Gianni 2019) in “integration nations” (Favell 2022a) produce racialized, gendered and classed forms of exclusion and non-belonging (Korteweg 2017; Bonjour and Duyvendak 2018; Valluvan 2018) and nativist, culturalized imaginaries of society (Wieviorka 2014; Rytter 2019; Manser-Egli 2023). More recently, research has problematized the knowledge production on migration and integration within academia and beyond (Dahinden 2016b; Schinkel 2018; Dahinden and Pott forthcoming), to which this special issue further contributes.

This paper examines the moral economy of knowledge production on integration in Switzerland, specifically by street-level bureaucrats, characterized by Lipsky (1980) as interacting directly with the population and having substantial discretion in the execution of their work. Following a grounded theory approach (Charmaz and Belgrave 2012), the paper builds on ethnographic fieldwork on Swiss integration governance, drawing on the rich literature on the state (Bourdieu 1994; Sharma and Gupta 2006), bureaucracy (Pfirter 2019; Eckert 2020) and governmentality (Foucault 2006; Jessop 2007; Gupta 2012). In

sum, the paper argues that integration governance in Switzerland is an empirical example of a *totalizing institution* (MacKenzie and Porter 2021), bringing together Foucault's (2006) work on disciplinary institutions and Goffman's (1961) *total institutions*. The theorizing of integration governance as a *totalizing institution* underlines both how it seeks the breakdown of barriers ordinarily separating different spheres of life and the government of all aspects of life (as does Goffman's *total institution*) and how the shift from disciplinary to control institutions has not made their disciplinary logics ineffective but has generalized them in fluid forms across the social field (MacKenzie and Porter 2021).

In Switzerland, integration requirements are evaluated in the field of immigration law for the attainment and renewal of residential status, and also, in naturalization procedures. Due to Swiss federalism, the application of the law, according to the Foreign Nationals and Integration Act (FNIA), is mostly in the hands of cantonal migration offices, while naturalization procedures regulated in the Swiss Citizenship Act (SCA) are three-tiered and handled by municipal, cantonal and federal authorities. Hence, the decision concerning integration requirements in immigration law is taken by case workers in cantonal migration offices. In contrast, integration requirements for naturalization are evaluated by case workers at the municipal, cantonal and federal levels and, typically, by citizens' assemblies (in smaller municipalities) or a naturalization commission composed of elected citizens (in larger municipalities). "Successful integration" is demonstrated in particular by respecting public security and order and the values of the Federal Constitution, having oral and written language skills, participating in economic life, and encouraging family members' integration (art. 12 SCA). The focus of this paper is particularly on the integration requirement to respect the values of the constitution. One reason for this is that the requirement is relatively new in the law, formally included only since the recent revisions of the SCA (2018) and the FNIA (2019) (Uebersax 2020). More importantly, the requirement is among the most difficult to evaluate, as we will see later. Contrary to standardized language tests, work certificates or criminal records, for example, the value requirement is not examined on the basis of "objective" (or, rather, objectivized) case files and hardwired "facts", which makes it particularly interesting to

study the moral economy of its knowledge production.<sup>140</sup> In this context, the paper tackles the following research questions: How is the knowledge about the value requirement produced and practised? How do street-level bureaucrats know whether someone respects the values of the constitution or not? And according to which norms, values and emotions is this knowledge produced?

I use Fassin's (2009) definition of *moral economy* as the production, distribution, circulation and use of moral sentiments, norms, values, emotions and obligations in social space. According to Fassin (2009), moral economies are unstable, or at least fluid realities traversed by tensions and contradictions, since conflicts of emotions and values oppose as much as they divide social groups but are also subject to change and negotiations. Fassin (2009) argues that where moral philosophy and moral sociology often tend to think in terms of facts or moral dilemmas, individualizing the positions and formalizing oppositions, the anthropology of moral economies emphasizes moral issues and conflicts, their historical inscription and their political dimension. It is less interested in moralities as such than in what the confrontations they provoke reveal about contemporary societies (Fassin 2009). The moral economies approach is therefore particularly fruitful for studying the knowledge production on integration and the norms, values and emotions of street-level bureaucrats evaluating integration requirements. Finally, it is worth noting that I employ the notion of *knowledge production* here in a mundane sense to refer to *street-level bureaucratic* knowledge production that happens through paperwork (Pfirter 2019) leading to comprehensive case files and face-to-face encounters at the *guichets* of immigration and naturalization offices (Di Donato et al. 2020) and in formal interviews. The *knowledge* gathered and produced through these processes is practically unrestricted and is provided by the applicants and their dossiers, other state authorities such as the police or schools, employers, reference contacts, neighbours and fellow citizens, as I show in this article.

The next section will introduce the theoretical frame, followed by the data and methodology. The analysis starts by considering the applicability of the value requirement and the discretion in decision-making before theorizing what I term a *moral economy of integration*. The norms, values and emotions of *gentleness* are articulated concomitantly

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<sup>140</sup> For the legal specification, a historical perspective and the application of the value requirement in practice, see Manser-Egli (2023).

with street-level bureaucrats' urge to enter *intimacy* – that is, subjects' inner values and feelings and what is considered the private sphere – and to “feel” integration, which are accompanied by *suspicion and doubt*. In conclusion, I argue that this moral economy of integration guiding the knowledge production on and practices regarding the value requirement depends upon comprehensive state access to personal intimacy and can be understood as a *totalizing institution*.

### **Integration as a Totalizing Institution**

Although I stick to the concept of moral economies, the focus of this paper is not *economic* structures or aspects in the “modern meaning” of the word (Foucault 2006, 135). Rather, the *economies* in moral economies is understood here, with Foucault, as an “art of government”, essentially concerned (traditionally) with the “correct manner of managing individuals, goods and wealth within the family” and (later in his genealogy) the government of a state, which means “exercising towards its inhabitants, and the wealth and behaviour of each and all, a form of surveillance and control as attentive as that of the head of a family over his household and his goods” (Foucault 2006, 135). To complement the moral economies approach, the theoretical frame of this paper thus draws on Foucault's *governmentality*. It refers to the transition from (repressive) sovereign power, for example by the police over individuals, to (i) a form of power and rule that is centrally concerned with mechanisms of power and systems of rule that produce self-governing individuals (Sharma and Gupta 2006) and (ii) a “type of power which may be termed government, resulting, on the one hand, in the formation of a whole series of specific governmental apparatuses, and, on the other, in the development of a whole complex of *savoirs*” (Foucault 2006, 142, emphasis in the original). This shift in the workings of power and government can be understood as one from disciplinary to control institutions, from a breakdown of the total function of the former to the totalizing function of the latter (MacKenzie and Porter 2021). MacKenzie and Porter (2021) bring together Foucault and Goffman to suggest the notion of *totalizing institutions* to differentiate *total* institutions from *totalizing* ones. I find this approach particularly fruitful for this case study.

Let us start with Goffman's (1961) *total institution*. Comparing today's integration governance with Goffman's total institution might seem counterintuitive, as Goffman considers total institutions to be closed establishments in a given (physical) place; this,

typically, is not the case for integration governance nowadays, which is dispersed and multifaceted. However, a governmentality perspective on the diffuse and complex workings of power and disciplining offers a reading that goes beyond Goffman's classic conceptualization of total institutions. To begin with, integration governance shares what Goffman considers to be two central features of a total institution, namely the breakdown of barriers ordinarily separating different spheres of life and the need to govern *all aspects of life*. Goffman's work more than half a century ago was concerned with the (somewhat rudimentary) three spheres of "sleep, play, and work", in each of which the individual tends to be "in different places, with different co-participants, under different authorities, and without an over-all rational plan" (Goffman 1961, 5–6). Although integration governmentality today concerns different places and different co-participants, it aims at establishing a single authority according to an overall rational plan: integration.<sup>141</sup> It concerns all three of Goffman's spheres. *Work* is expressed in the integration requirement to "participate in economic life", i.e. to abstain from claiming welfare benefits (Pfirter 2019). *Play* represents what is often considered to be the cultural, social and local integration expressed in the requirements to "participate in the social and cultural life of society" and to "maintain contacts with Swiss nationals".<sup>142</sup> Finally, *sleep* can be associated with the private sphere, including the home, family life, personal intimacy and the *forum internum* – all of which are governed and disciplined by integration, as we will see.

Now, it seems auspicious to think of integration governance as a *totalizing* institution rather than a *total* institution, for two reasons. First, it allows for a nuanced understanding of these disaggregated and increasingly technical forms of authority and dynamic institutional features (MacKenzie and Porter 2021). Integration governance is a perfect illustration of how the walls of (Goffman's total) institutions are breaking down in such a way that their disciplinary logics do not become ineffective but are generalized in fluid forms across the social field (MacKenzie and Porter 2021). This paper thus contributes to the understanding of how exactly these new institutional formations function and how institutions – in this case, integration – operate across the social field. Second, while Goffman's total institution illuminates a physical *place* (such as a psychiatric institution, monastery or army camp) and *state* (the breakdown of barriers ordinarily separating

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<sup>141</sup> For a genealogy of "immigrant integration" in Switzerland, see Piñeiro (2015).

<sup>142</sup> [Art. 12](#) SCA and [Art. 2](#) of the Ordinance on Swiss Citizenship (accessed 26.03.2024).

different spheres of life), the focus on integration governance as *totalizing* highlights the process of *seeking to govern* all aspects of life – which does not necessarily always succeed.

### **Data and Methodology**

The following analysis is based on problem-centred interviews (Witzel and Reiter 2012) and participant observations of public authorities in Switzerland, conducted in 2020 and 2021 in the fields of immigration and naturalization law, at the federal level and in two cantons. The two cantons, one German-speaking and one French-speaking, were selected based on explorative interviews, regional, linguistic and political variations, and their historical connections to the notion of values in integration law and policy. Municipalities were selected in consultation with cantonal authorities and through snowball sampling. The interviewees are case workers and street-level bureaucrats at the State Secretariat for Migration (SEM) in the fields of immigration, integration and naturalization, cantonal migration and naturalization offices and municipal naturalization authorities.

The data analysed for this paper consists of problem-centred interviews with ten case workers and fieldnotes made during nine municipal and two cantonal naturalization interviews, which I attended as a participant observer. This data was recorded and transcribed with the informed consent of all participants. Data protection statements were signed where requested. The same applies to case files and official documents provided by authorities. All names have been changed and anonymized. Original data in German and French has been translated by the author. The methods and epistemology of the analysis correspond to those of grounded theory (Charmaz and Belgrave 2012) and social constructivism (Flick 2014). The data was subjected to a global analysis including a keyword index (Legewie 1994), followed by theoretical coding (Flick 2009) in which 82 quotes were selected and grouped into code clusters that now correspond to the subsections of the analysis (applicability, discretion, gentleness, intimacy, feelings, suspicion).

### **The Mindset Paragraph**

Regarding the implementation of the value requirement, case workers emphasize the importance of producing knowledge that is recorded in a case file, is objectifiable and transparent and based on concrete evidence. This aligns with the aim of the revisions of

integration policy: to measure and produce knowledge on integration to “improve decision-making tools to ensure that only well-integrated foreigners are granted Swiss citizenship” (Bundesrat 2011, 2826). However, authorities are well aware that this requirement is among the most difficult to measure and evaluate objectively. According to David, a case worker at the SEM, cantons and municipalities were poorly equipped and did not know how to approach this question in the naturalization interviews with candidates, which is why the SEM provided case workers with a questionnaire.<sup>143</sup> However, my interlocutors at the SEM were sceptical about the questionnaire, pointing out that it is not “by asking questions” (David) that the requirement can be verified in practice. In the words of Christian, from the immigration section:

But not that one would now basically make a questionnaire and say, how do you stand on freedom of expression and so on, do you think the separation of powers is good [laughs], those would actually be the questions one would have to ask here. That would be a joke, of course, because anyone who is reasonably well versed would give the right answers.

It is precisely because the requirement is not about file-based and objectivized “facts” (such as a language test or a criminal record) that the knowledge produced on this requirement consists of “the most difficult things to pick up”, as Sarah, a municipal case worker, puts it. Johanna, from a cantonal migration office, summarizes the challenge as follows:

It is extremely difficult, it goes to something internal, where we then have to establish it with the files or with the procedure. And actually that’s not possible, we can’t prove or establish an inner attitude, that’s not possible at all. Then you simply have circumstantial evidence to hold on to. It’s a little bit similar with certain asylum cases where, for example, homosexuality, which is also something internal, where you have to see whether it’s credible or not, that’s similar. We have the principle in the administrative procedure that we need the proof, and even if you have the values, you would have to prove the values, and that means we have to present them in the facts and really bring them in black and white. That has nothing

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<sup>143</sup> “Questionnaire to assist cantons in preparing survey reports for naturalization applications as of 01.01.2018” (SEM). See also Manser-Egli (2023).

to do with somehow being able to look inside someone, I don't think you can do that, you have to go by circumstantial evidence. (Johanna)

The tension in administrative knowledge production becomes apparent in the obligation to measure "something internal", an internal attitude that cannot be proven or established, while at the same time complying with the administrative norm and the requirement to present proof and "circumstantial evidence" in the files, in "black and white". The dilemma is thus that the value requirement in many ways urges case workers "to look inside someone", even though this cannot be done. It is this need to "measure inner convictions" that makes the value requirement a "mindset paragraph" (*Gesinnungsartikel*), to use Christian's words. He sees the problem as follows:

You can also say I reject these values of the Federal Constitution but still don't behave in a disturbing way, it doesn't have to be that I act afterwards and fight the constitution. I can be against the constitution and just leave it at that. From that point of view, it's quite difficult, how do you want to measure that in a justiciable way? As soon as you have done something then it is something else, but before that it is difficult.

It is precisely this blurring of the (legally) fundamental distinction between an external act and an internal attitude or disposition – the so-called *forum internum* (Kühler 2018) – that is particularly important for the legal and philosophical analysis of this integration requirement (Manser-Egli 2022a) but is also at the heart of knowledge production about it by street-level bureaucrats.

### **Gentleness: Having a Little Chat**

Another important aspect of knowledge production concerns the discretion in decision-making. Case workers at the cantonal and municipal levels often underline the fact that they never (have to) decide. Sophie started a naturalization interview with a candidate at the cantonal level by announcing that she would ask some questions but not decide anything because the canton, the municipality and "Bern" (meaning the SEM) would do so. Her aim was to comfort the candidate:

What we do here, we do naturalization interviews, we don't do interrogations, it's an interview, we try to put the candidate at ease by saying: "we have no power of

decision on your application for naturalization, all we do is carry out an enquiry and at the end of this interview with you, we will have to draw up a report that will be submitted to the authorities”.

At the same time, case workers are well aware of their discretion in decision-making, especially concerning the value requirement:

There’s the part about respect for public order, the information we have on police record, the prosecution, the taxes, then there’s the part about language and economic participation, social assistance and then this whole part [on the living conditions in Switzerland, the values of the constitution and the encouragement of family members’ integration] is the part that we’ll really judge, this is where we give our opinion. This whole part is a bit of a package. In this part we don’t really have any documents. (Sophie)

This aspect becomes even more important given that the case workers often attend meetings held by the political body deciding on the matter. As Simon, one of Sophie’s colleagues at the cantonal naturalization authority, explains:

Sometimes they [the cantonal decision-making authority] are assisted by us, actually we are the ones who know the facts about the files, we can enlighten them: “I received the candidate, this is what I had observed”. Because sometimes on paper [things are missed out], we can manage to show that the person, for example, is on social assistance but it’s not their fault because their situation is such and such. We manage to explain, to dismantle certain things to allow them to be able to make an informed decision, to give their opinion in full knowledge of the facts.

The idea of going beyond what is “on paper” to show, for example, that the social assistance is “not their fault”, is also expressed in what I summarize as the norm and value of *gentleness*, emphasizing the values of proportionality and user- and solution-orientedness. In the words of Lisa, a case worker in a cantonal migration office:

One must not imagine that it’s a service [the cantonal migration office] where you press a button and people go away. That’s really not what it is. Each case is really examined for itself with all the possibilities and we always try to find a solution, to

find something before we have to send someone back or take a difficult decision. We try to be supple.

This “suppleness” refers to Swiss federalism as Lisa compares the German- and the French-speaking cantons: “Between the Swiss German and French-speaking cantons, it is indeed different. Some of them are harder than we are. In French-speaking Switzerland we still have the same values. It’s not softness, but to see things differently than on the Swiss German side”. She mentions the case of a woman who experienced domestic violence and went back to live with her parents in a German-speaking canton; due to her dependence on social welfare, she was deported to Lisa’s canton with only a day’s notice – “now I have to find a solution” (Lisa). Lisa believed her canton would never do that.

Naturalization case workers highlight the fact that they “don’t do interrogations” (Sophie, see above) and are not “going to do what [they] did 40 years ago and subject people to an exam” (Simon). Rather, in Simon’s words, they try to “guide the user and to understand his need”. He highlights that they are not the police but “integration experts” and are therefore “best placed to judge these criteria objectively”. Lisa, speaking about young adults on social welfare, explains: “We call them in, but gently, not in the sense of putting them against the wall, but to say ‘this is what might happen’ and to try to give some guidelines, some leads”. Simon describes a similar approach:

For the SEM, from the age of 12, candidates must be received and auditioned. But [canton] is quite opposed to these principles of auditioning everyone. From the moment the candidates have done their schooling here, normally we don’t receive them for an interview but we nevertheless ask them to come and hand in the documents. It’s when they come to drop off the documents that we take the opportunity to have a little chat to get to know the person a bit.

The norms and values of always trying to find a solution, calling people in gently and having a little chat instead of formal auditions create the self-perception of being softer. From a governmentality perspective (Foucault 2006), we can see a shift here in the discourse from repressive sovereign power – the police, doing interrogations, subjecting people to an exam, putting them against the wall – to power and rule that are concerned with the user’s needs, providing guidelines and leads and relying on a complex of *savoirs* as integration experts who are best placed to judge objectively. However, as we will see in

what follows, this does not mean that the migration and integration governance is in fact *gentle* but rather that the disciplining takes a different form. Regarding the value requirement, this section and the case workers' references to social assistance and welfare show to what extent it becomes entangled and intertwined with other integration requirements.

### **Intimacy: The Need to Dig Deeper**

This section shows how the knowledge production on the value dimension of integration requires comprehensive access to the subjects' intimacy. The idea that migrantized subjects have to be specifically required to respect certain values makes the state's access to their intimacy and inner convictions almost inevitable. The legislator explicitly wanted to go beyond a mere oral or written declaration of respect for the constitutional values. According to David, the question of how to ensure that people respect these values was discussed at length during the legislative process. An early version of the law contained a provision to make people sign a charter; however, as David recalls, "we quickly realized that in the end it only had a declarative power: 'Yes, I declare that I respect the values of the constitution'. So, we are trying to go a little further". In the words of Lukas, a cantonal naturalization case worker, the requirement has "gained massively in importance" since the law was revised: "If the SEM feels that the values of the Federal Constitution are not fulfilled on the basis of the protocol that the municipality writes, it sends it back to us. Or they contact the applicant directly for further clarification". He elaborates on the few cases they had:

These were mostly cases where one saw in the protocol, for example, in the case of a married couple with two children, the woman has no contact at all with the population. That she, let's say, this is not relevant, but that she wears a headscarf, she is reserved, and from this perhaps also emerges that the man always goes shopping. Simply that she has no environment in the sense that she really does not speak the language well and that, based on the questions she is asked, one simply makes the observation that the woman is locked up at home, to put it bluntly. That then results from the protocol, but overall the municipal council or the naturalization commission come to the conclusion that that alone is not enough [to reject the naturalization], actually the whole picture has to be looked at, and then

wave it through. And then the SEM comes along and says “wait a minute, we’d like to know exactly how this works, this woman has been in Switzerland for 20 years and barely passes the German test, and, to put it bluntly, she doesn’t know the area where she lives”, and then they start digging deeper. And that can then lead to another questioning with explicit questions that the SEM might also specify.

This case illustrates how the value criterion *requires* access to people’s intimate lives. To get to this point in the procedure, the woman in this case had to pass language and civic integration exams and meet all other integration requirements. Yet, based on the protocol and “the questions she is asked”, the SEM requires the canton and the municipality to “start digging deeper”. This practice of “digging deep” is what Laura Affolter (2020) has identified as a particular decision-making practice in asylum procedures – the normal and desirable thing for decision-makers to do which leads to the reaffirmation of the office’s norms and values. As David puts it: “If you want to do the examination properly you should ask all these questions, then really push it and say now we want to know”. He describes how these questions are immediately going to enter the intimacy:

If we really see at the beginning of the interview that there is a risk of having a problem, at that moment we have to dig. But we must also say very clearly that we are extremely limited in relation to these questions, because quite simply these questions of gender equality and freedom of belief are immediately entering the intimacy of people or even of the couple. Typically, if we have for example a woman who doesn’t say anything or who systematically waits for her husband to speak for her, it’s clear that this should alert us, but we’re immediately going to enter the intimacy of these people and this can quickly generate reactions, they feel hurt and it can quickly become an emotional discussion, which it shouldn’t be.

Here and in many of the later quotes, “gender equality” is an extremely salient to-be-respected value and as such always a potential source of non-respect for constitutional values. This reveals a deeply gendered and often culturalized knowledge production on the subject’s intimacy and what are portrayed as universal liberal values (Farris 2017; Korteweg and Yurdakul 2021; Dahinden and Manser-Egli 2023).

Other important aspects of accessing intimacy in the knowledge production on this integration requirement are reference contacts and, to a lesser extent, official publications

of naturalization decisions and everyone's right to appeal. During the naturalization procedure, candidates are asked to submit up to three references, which (in the case of Sarah's municipality) all have to be "Swiss by ancestry" – meaning Swiss by parental filiation, excluding naturalized Swiss citizens – and two have to be living in the same municipality. As Sarah explains: "This is also new since 2018, you have to be able to prove in a way that you're not only in your culture, not only together with your own kind, but that you also maintain certain contacts outside your own culture, which is then really a sign of integration". However, Sarah points out that municipalities are not limited to the references provided by the candidates: "We would also ask other people at any time, if we know that they are in a club, then we could of course also say well we'll call the president briefly, which we of course only do in cases where we have the feeling that they have a skeleton in the cupboard, then we might go a bit further". Finally, Sarah explains: "If we receive any information [from third parties], we would of course follow it up".

Once the naturalization has been approved, the decision is publicly announced and displayed (for example in the town hall or in the local newspaper), and it can be appealed by any citizen within a given period of time. As we have seen, in contrast to other integration requirements, the value criterion is not about facts in black and white. Rather, in Sarah's words, it is "about soft stuff, where we depend on the person's environment to bring us things". The reason for having the public announcement and display is made clear in the following excerpt: "It is possible that things happen that are never reported and are swept under the carpet, and a neighbour would now come clean. The woman may have confided in her that her husband does not respect her, then she [the neighbour] would have to make an objection". Sarah recalls one case in which they had "the feeling that everything was fine, only positive", and "then there is someone who comes and says 'hey, that's not possible, she [the candidate] has already been divorced several times, she's always brought in a foreigner, we don't want to naturalize someone like that'". The appeal was later withdrawn and, according to Sarah, would probably have been rejected by the municipality anyway on the grounds of unjustified objections (being divorced is of course no reason for exclusion from naturalization). This illustrates, however, that an objection arising from a publicly displayed naturalization decision can be made on literally any grounds by any citizen, potentially interfering with the candidate's intimate life in significant ways.

Another important element that reveals some of the norms and values in the knowledge production on integration is the requirement to include a handwritten CV with the naturalization application. A municipal information leaflet states that “the application letter must contain at least two handwritten A4 pages, legible and written by each naturalization applicant themselves!”. According to the leaflet, a dozen questions must be answered in detail in the application letter, including some intimate questions such as “what are your religious and ideological views?; with whom do you entertain personal relationships?; what does your circle of friends look like?” (fieldnotes). This practice is highly valued by Laura, a municipal case worker:

When they have to write a handwritten CV about themselves, perhaps something more comes across than when they fill out the pre-printed CV, they reveal a little more about themselves. The CV that you have to fill out [for the canton] is actually relatively sec, of course you are asked about clubs or what you do in your free time, but if you write it down, then sometimes you just reveal a little more, for example, how you see the future, what is important to you, sometimes a little more “comes out from behind”.

Just like the references and public display procedures, the handwritten letter is supposed to “reveal a little more” and is an expression of the urge to get a perfect, all-encompassing image of the applicant’s integration. This urge comes across most strikingly in the naturalization interviews:

Usually it is small questions of opinion that the candidate is asked; “what do you think about the diversity of the population in Switzerland?” If someone is xenophobic or racist, they will say “no, I am opposed to the fact that an African can meet me for an interview to talk about citizenship”. We can ask questions like “what do you think about equality between men and women?” Someone who comes from a certain part of the world may say, “I don’t consider women to be my partners, they are my subjects”. So, depending on the answers we receive, we can try to go much further, to find out what his life is really like. When we see that a candidate is married, that he has a family, but he is applying for citizenship only for himself, we can also ask the question “but you are married, what makes you apply alone and the others are not part of the application? Is it because they don’t meet the

conditions? Or because you don't want to?" and depending on all this, we can tell.  
(Simon)

What is remarkable here is not only how these "small questions of opinion" immediately enter the intimacy of the candidates, but also that these are the words of Simon, whom I quoted earlier to illustrate the values of gentleness and user-orientedness. There seems to be a blatant contradiction between his earlier assertion that they do not do exams and interrogations like they did "40 years ago" and this quote, which reveals a rather interrogatory practice of knowledge production. However, rather than being contradictory, the gentleness and a concomitant tight, all-encompassing grip on people's intimacy are different facets of integration governmentality. Simon elaborates in the earlier quote on having a little chat rather than formal auditions (with candidates who went to school in Switzerland):

With the experience we already have in the field we try to get to know the person, to know how they think. If it's a person who is not really familiar with the Swiss legal system or the Swiss environment, we manage to decide that right away by going into a discussion, as I did with you [the author] when you arrived, we discussed. So I'm of that nature, very open to start a discussion, to understand how the person works, how they understand things. This allows us to know and get an accurate picture of their integration.

Despite the framing of "having a little chat" and an "open discussion", I identify what I call a *totalizing urge to know*: to know the person, how they think, how they work and how they understand things – to get an accurate picture of their integration. I use *totalizing* to allude to the fact that this form of knowledge production and its underlying moral economy of integration necessarily seek to govern and subordinate *all aspects of life* to the authority of the state (Arendt 1951). In that respect, integration resembles a *total institution* (Goffman 1961), breaking down the barriers ordinarily separating different spheres of life. As we have seen with the references, the public display procedure, the handwritten letter and the interviews, nothing is considered *too intimate* by the state regarding its knowledge production on subjects' integration.

The naturalization interview described next illustrates the extent to which this access to individual intimacy is normalized and taken for granted by the authorities and the

candidates. The interview concerns a Portuguese family, but only the mother and the two sons are eligible for naturalization. As the father elaborates in fluent German, he is a foreman in the construction sector and he and his wife “need to bring food home”, which is why he had no time for the mandatory language course and exam. Regarding the evaluation of the value requirement, the mother is asked which right she could soon exercise as a Swiss citizen (alluding to the upcoming popular vote on Covid measures, among other topics). Questions like these about the rights and duties of a citizen and about political participation are typical for civic integration (exams) (Kostakopoulou 2010; Blankvoort et al. 2023). She immediately replies that she would vote yes and that she is vaccinated against Covid, which elicits a smirk among the members of the commission (fieldnotes). She was expected to say that there was an upcoming vote on Covid measures or one of the other topics. Needless to say, voting intentions and vaccination status are considered to be extremely intimate information. However, the quick and personal reply by the candidate shows that her understanding of the naturalization interview was that no question and no answer can be too intimate and no information must remain undisclosed. This scene is an example of what Schinkel (2018) calls “moral monitoring” and of an integration governmentality that creates “individuals who do not need to be governed by others, but will govern themselves, master themselves, care for themselves” (Rose 2006, 150).

An important element of this urge to know is the desire to “feel the integration” and to “get a picture” of the person. Sarah summarizes the knowledge production in the naturalization procedure as follows:

We get a lot of reference information in writing from all these offices, tax office, social welfare office, police, youth ombudsman’s office, child and adult protection authority, migration office, employer, all of which is of course very important for us in order to get a picture of this person. You already have it a little from this feedback or from the short meeting with the people, and you then also feel relatively quickly whether this is someone who is problem-free anyway or whether some closer investigation might still be needed.

The narratives of “feeling quickly whether someone is problem-free” (Sarah) and of “managing to decide right away, with the experience in the field” (Simon, above) illustrate the extent to which street-level bureaucrats rely on their *gut feeling* (Eule, Loher, and Wyss

2018; Achermann 2021) in their decision-making, beyond objectivized facts. Seeing and “feeling” the candidates and getting a picture of them are also central aspects of the commission’s naturalization interview, in addition to the completion of the files by the case workers: “The law stipulates that an interview must take place, and of course it is simply a matter of seeing these people finally, the naturalization commission only knows the files, the summary that I provide on them, and of course they also want to see and feel them and be able to talk to them” (Sarah). One of the members of the commission explains to the candidates that he wants to “feel the integration” and “to get to know [them] a little better” (fieldnotes). The idea of *feeling* the people is seen as a remedy for the circumstance that not everything needed to satisfy this requirement can be “proven with facts” (as seen above):

The naturalization commission always wants to see the entire family, so that we can see yes, the wife is not chained at home [laughs], she is now also here at the interview, and then they also ask for example “is it not a problem for you if your wife and children are going to be Swiss citizens and you are not?”. We want to feel somehow, how does he see that, is that a problem for him. But logically they always say it’s not a problem [laughs]. We just want to see the family and feel a little bit what kind of people they are. A lot of things can be proven with facts, but then there are also things like empathy, you have to notice a little bit whether it’s good or not. (Sarah)

The narrative of wanting to “feel what kind of people they are” fits neatly into the totalizing character of integration governance. Just like the practices analysed above, the knowledge practice of getting to feel somebody’s integration does not limit itself to specific requirements, “objective” criteria and “hard facts”. Rather, it seeks to generate an accurate picture of integration, covering any aspect of life, entering any degree of intimacy and digging as deep as necessary (see also Fargues, Pélabay, and Sénac 2023). As Anne Lavanchy (2013) has pointed out in her ethnography on civil registry offices, the structural violence of such knowledge practices lies in the differentiation between, in her case, couples obliged to externalize their intimate feelings and privileged couples who escape it.

## **Suspicion: We Are Not Stupid**

We have seen that the value requirement is among the “most difficult things to pick up” (Sarah), as it requires authorities to measure inner convictions. Since these internal values and attitudes cannot be proven conclusively, the need to dig deep (Affolter 2020) and to feel the integration is necessarily complemented by feelings of *suspicion and doubt*. This is not much of a surprise; similar moral economies of suspicion can be found in the field of love and marriage migration management (D’Aoust 2018) and Borrelli, Lindberg, and Wyss (2022) have identified different *states of suspicion* in migration control regimes.

As previously shown, the value requirement cannot be examined properly only by asking questions, since “anyone who is reasonably well versed would give the right answers” (Christian). Case workers are very aware of this: “Of course no one says ‘I don’t accept that the woman has the same rights as I do’, even if he thinks so. He would actually be stupid if he admitted that, because he wants to become Swiss, so he probably already knows what answer is expected” (Sarah). Simon confirms: “People are not stupid, they know that they are taking part in a process to obtain the great Caesar that is citizenship, even if the person has bad intentions, they hide them, you have to know that”. It is precisely this awareness that urges authorities to doubt and dig deeper:

If we have a feeling of doubt regarding freedom of opinion, or gender equality, we want to have a closer look: “Now, you have three daughters, how do you see it, if they marry, would you like to see it, would you have something against it if your daughter married a Swiss who is Catholic?” Of course, he can tell you what he wants, but we just want to hear it, and somehow you notice it a bit, whether it’s honest or not, you just want to know the attitude a bit more. Or perhaps how the tasks are distributed at home, whether the wife has something to say or not, the oppression of women, that’s something we would like to find out, whether he keeps his wife “on a tight leash”, we wouldn’t support that, we would actually like her to be allowed to go to work, if she wants to, these things. (Sarah)

As we have seen earlier, “gender equality” as a potential source of non-respect for constitutional values is posited as a cornerstone of liberal democratic values (see Manser-Egli 2023). This fits well with the overall “suspicion that people are not so democratic, that you have to check up on it”, as Laurent, from a cantonal integration office, puts it. Returning

to Sarah's quote above, the idea here is not to merely elicit answers or declarations but to ascertain the attitude of the candidate by *feeling* the person: do they *actually* respect the values, despite what they *say*? This tension comes across clearly in the following excerpt:

The legislator has the impression that, now that we have included the respect for the values of the constitution in the law, we are done. But Switzerland is not a police state. So the applicant can very well shake your hand and then go out and wash his hands ten times and say it was disgusting. We are not stupid, we are very aware that it has its limits, that the morality of the people is not examined to the last detail. In the past, we grilled people, but this, the "Swissmakers", that's over, it's finished. At that time, we were really entering into the intimacy of these people. But we are no longer in this era. So, in the end, there is a tension, because on the one hand we would like to be Swissmakers, and on the other hand we say to ourselves, "no, today we can't afford to ask [these questions] anymore". Our power of examination on this is extremely limited. Because people are quite clever. But we simply live in a democratic state and not a police state, it really depends on what the person wants to tell you or not. (David)

Beyond the many elements analysed above, we see here a deep suspicion regarding (the veracity of) the knowledge produced on this requirement. In David's view, the power of examination today is extremely limited. Because of this perceived limitation and because, in his view, Switzerland is "not a police state", the knowledge produced on the value requirement is always contingent, uncertain. People might shake your hand – an important indicator for respecting the values of the constitution; see Manser-Egli (2023) – or tell you something, but not actually *mean* it.

In reality, integration authorities are still "Swissmakers"<sup>144</sup> in many ways, and albeit the methods might have changed, their power of examination is not particularly limited, as has been shown. The governmentality lens reveals that although Switzerland is "not a police state" where people are "grilled" by repressive sovereign power, they are disciplined through a moral economy of integration and specific governmental apparatuses and *savoirs* that produce self-governing individuals. This governmentality

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<sup>144</sup> "The Swissmakers" is a famous Swiss comedy film from 1978. Ironically, it is one of the most accurate depictions of Swiss naturalization procedures, then and now.

seeks “voluntarily assumed obligations of free individuals to make the most of their own existence by conducting their life responsibly”, whereby subjects have to make decisions about their self-conduct “surrounded by a web of vocabularies, injunctions, promises, dire warnings and threats of intervention, organized increasingly around a proliferation of norms and normativities” (Rose 2006, 150). A similar shift in integration governmentality has been observed by Blankvoort et al. (2023) in the Dutch civic integration programme, where actors are disciplined into *spontaneous compliance*: “a series of practices and knowledges, which move the civic integration programme beyond an aim of responsabilization, into a programme of internalization, wherein newcomers are expected to own and address their problematic ‘nature’, making ‘modern’ values their own”. The state is not, therefore, the “cold monster” alluded to by Rose at the beginning of this paper, nor, as Wendy Brown (2006 [1995], 202) points out, has it “forgone much of its power in order to become ‘kinder, gentler’”. Rather, the power of the state increasingly operates through disavowal of potency, repudiation of responsibility, and diffusion of sites and operations of control (W. Brown 2006 [1995]).

## **Conclusion**

In this paper, I have examined the moral economy of knowledge production on integration by street-level bureaucrats and, specifically, on the requirement to respect constitutional values. Based on empirical data from problem-centred interviews and participant observations of street-level bureaucracies, the analysis discloses the norms, values and emotions guiding the knowledge production of integration case workers. I have shown how they struggle with the application of the value requirement as a mindset paragraph and how they negotiate their discretion in decision-making. These tensions and negotiations in everyday knowledge practices revolve around the value of gentleness, expressed in the quest for user-friendliness and solution-orientedness and explicitly distinguished from what are considered old-school knowledge practices and assimilationism. The prism of governmentality allows us to grasp how this moral economy of integration might have shifted the workings of power but not its disciplining nature in that it requires a tight grip on people’s intimacy and comes with the imperative urge to know and feel their integration. I have shown that this need to dig deep is inherent in the value requirement of integration. Finally, the evaluation of inner values and feelings by the state inevitably brings forth knowledge practices of suspicion and doubt. Overall, I have

argued that integration governance can be apprehended as a totalizing institution in that it seeks to govern all aspects and spheres of life – although it does not necessarily always succeed.



# Aggressive Integrationism and Precarious Liberalism: Against Shared Values as an Integration Requirement

## 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.<sup>145</sup> (Martina Bircher, MP, Swiss People's Party)

We think of a nice, polite, consensual discussion; everybody agreeing. What you heard there [the Greater London Council] 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, 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, Pélabay, and Sénac 2023). This article analyses the normative implications of the value requirement in light of political liberalism and what has been discussed as the conundrum of illiberal liberalism (Guild, Groenendijk, and Carrera 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 (migrantized) 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).

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<sup>145</sup> <https://www.srf.ch/audio/4x4-podcast/einbuengerung-bin-ich-ueberhaupt-willkommen-in-der-schweiz?id=12273469> (accessed 26.03.2024).

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.<sup>146</sup> I then examine whether it can be legitimately required from citizens and society as a whole. Finally, I suggest that the “assertive”, or “muscular”, liberalism<sup>147</sup> expressed in aggressive integrationism is in fact *precarious*. Overall, the paper seeks to demigrantize (Dahinden 2016b) 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, 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”.<sup>148</sup> 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).<sup>149</sup> According to the MP who submitted the parliamentary request, “Switzerland lacks an understanding of the common social foundation”, an understanding which “must ultimately be awakened

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<sup>146</sup> 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, accessed 26.03.2024), because they have never immigrated – or misleading (for the use of categories, see Dahinden, Fischer, and Menet 2021).

<sup>147</sup> In line with Vincent (2022), I use the attributes unashamed, assertive, Enlightenment, Schmittian and muscular liberalism interchangeably. Similar terms are Joppke’s (2007) “repressive liberalism” and Tebble’s (2006) “identity liberalism”.

<sup>148</sup> <https://die-mitte.ch/die-mitte/werte/> (accessed 26.03.2024).

<sup>149</sup> <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20164116> (accessed 26.03.2024).

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".<sup>150</sup> 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".<sup>151</sup> 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 MP "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 is remarkable, because it begs the following question: 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? This question is at the heart of this paper. Swiss direct democracy, where the constitution and its "values"<sup>152</sup> are re/negotiated all the time, for example through popular initiatives, offers a particularly interesting case to tackle this question.

Methodologically, the paper takes a *contextual approach* to political philosophy (Carens 2004, 123), moving "back and forth between practice and theory, connecting theoretical

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<sup>150</sup> 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.

<sup>151</sup> <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20193291> (accessed 26.03.2024).

<sup>152</sup> 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. Thanks to Stefan Schlegel for raising this question (see also Uebersax and Schlegel 2022).

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, 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 Hampshire (2011), 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 value requirement.

As a theoretical frame, I employ the notions of (political) *liberalism* and *liberal democracy* and use them as a category of analysis that refers to the following (minimalist) definition:

[Liberalism] is *individualist*, in that it asserts the moral primacy of the person against the claims of any social collectivity; *egalitarian*, inasmuch as it confers on all men<sup>153</sup> the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; *universalist*, affirming the moral unity of the human species and according a secondary importance to specific historic associations and cultural forms; and *meliorist* in its affirmation of the corrigibility and improvability of all social institutions and political arrangements. (Gray 1986, x, emphasis in the original)

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<sup>153</sup> This formulation illustrates the double face of Western modernity and liberalism's many exclusion clauses.

As Mills (2017) points out, importantly for this paper, we need to take into account not merely the spectrum of actual liberalisms but also hypothetical liberalisms; dominant versions of liberalism have to be differentiated from oppositional versions, and actual from possible variants. In this paper, a wide range of liberalisms are analysed and discussed. Instead of introducing them here, abstractly, the variants, forms and facets of different liberalisms are presented throughout the paper. As I do this, I ask a question originally posed by Mills (2017, 13): “Even if actual dominant liberalisms have been conservative in various ways (corporate, patriarchal, racist) why does this rule out the development of emancipatory, radical liberalisms?”

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. The paper then introduces the concept of *precarious liberalism* to understand the continuing prevalence of muscular liberalism and aggressive integrationism. In the concluding section, it sketches what a truly assertive liberalism and democracy could look like. Using the Swiss 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.

### **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.<sup>154</sup> 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.<sup>155</sup>

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

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<sup>154</sup> Art. 5 of the Ordinance on Swiss Citizenship (accessed 26.03.2024).

<sup>155</sup> SEM instructions: *Kapitel 3: Ordentliche Einbürgerung, Weisungen Erhebungsberichte* and *Ausländerbereich* (all accessed 26.03.2024). Note that these specific examples provided by the SEM contribute to the *culturalization* of constitutional values (see below and Manser-Egli 2023).

criteria, the former explicitly going *beyond* the latter (Bundesrat 2011). As a naturalization case worker at the SEM put it,<sup>156</sup> 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, 84). As Fanny 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

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<sup>156</sup> 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 and Manser-Egli submitted).

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 headscarf<sup>157</sup> 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). They 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 clarified that fundamentalism can also appear in the form of value order fundamentalism (*Wertordnungsfundamentalismus*), which is to be rejected (Spescha et al. 2020). This is especially the case because the 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, emphasis in the original) concludes. Most fundamentally, the question is whether the requirement to respect the values of the constitution, beyond the legal order, is largely contrary to fundamental rights and thus unsuitable in the first place. 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, 676).

### **Culturalization and State Access to Inner Convictions**

Based on my empirical research and similar findings in other European contexts, I argue that there are two aspects of the value requirement that are *uncontroversially* incompatible with political liberalism. The first aspect concerns what I have called the

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<sup>157</sup> 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).

*culturalization* of (liberal) values, 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, 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 and Fargues, Pélabay, and Sénac 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, Pélabay, and Sénac 2023), Germany (J. A. Brown 2016 and 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, Pélabay, and Sénac 2023; Manser-Egli submitted). 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).<sup>158</sup> Again, such intrusion into inner convictions through this integration requirement, has been observed in different contexts (Fargues, Pélabay, and Sénac 2023; Tabbara 2023).

I call these two normative aspects of the value requirement uncontroversially illiberal because they are illiberal according to any (minimalist) standards 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).<sup>159</sup> 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, 57). These practices clearly contradict his 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, 1170–71). It is precisely because the culturalization and monitoring of values lead to discriminatory group-level exclusions and morality inquisitions which are undeniably illiberal that I now turn to a more controversial form of discrimination.

### **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).<sup>160</sup> This puts the value requirement (for non-citizens only) in diametrical contradiction to the constitutional principle of equality before the law (Kley 2020),

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<sup>158</sup> Art. 5 of the Ordinance on Swiss Citizenship.

<sup>159</sup> Similarly, Orgad (2010a, 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”.

<sup>160</sup> Likewise, the German Federal Constitutional Court made clear that citizens are not legally required to personally share the values underlying the constitution (Manser-Egli 2022a).

liberalism's tenets of egalitarianism and universalism (Gray 1986), 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, 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, 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, 5; see also B. 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).<sup>161</sup> 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 very obviously 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 and Mills 2017). In fact, non-

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<sup>161</sup> 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.

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, 85).

### **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, 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, 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, 73–74). This particular universalism is characterized by superiority – the Danish model as "particularly *superior*, or *genuinely*

liberal and democratic” (Mouritsen 2006, 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, 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, 216–17). This is what makes boundary liberalism (J. A. 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 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, 227) are supposed to be particular expressions of allegedly universal Swiss, British and Dutch values. These particular expressions are ludicrous 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*.<sup>162</sup> Just like in the referendum on same-sex marriage mentioned above, the extension was rejected by more than one third of all voters.<sup>163</sup> 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 discrimination<sup>164</sup> and freedom of expression<sup>165</sup> 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, 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

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<sup>162</sup> Art. 261bis of the Swiss Criminal Code (accessed 26.03.2024).

<sup>163</sup> <https://www.bk.admin.ch/ch/d/pore/va/20200209/det630.html> (accessed 26.03.2024).

<sup>164</sup> <https://juso.ch/de/positionspapiere/ehe-fur-alle-statt-fur-heteros-und-schwule/> (accessed 26.03.2024).

<sup>165</sup> <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 26.03.2024).

“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, 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.

### **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 Speranta Dumitru (2023; see also Sager 2016) calls the methodological nationalism bias of the ethics of immigration field, 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, 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, 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, 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, for no obvious reason – except methodological nationalism. 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, 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, 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, 107), he sees no need to elaborate on this point either. As Somin dryly comments on this passage: “Other things equal, illiberal natives pose a more serious threat to liberal institutions than recent immigrants do” (Somin 2020, 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, 138). This corresponds to *procedural constitutionalism*: “one should accept only the constitutional amendment procedure; he or she can act to repeal the constitution and its essentials as long as it is according to the method for amending the constitution” (Orgad 2015, 228). But Orgad – and also the Swiss value requirement – 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, 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 an obvious 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 as well as the commitment to meliorism – 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.

In theory, though, constitutional essentials and procedural constitutionalism can coincide, for example if we think about *procedural* constitutional essentials and principles (such as the majority of the cantons’ votes being needed for a constitutional amendment in the Swiss federalist context). However, this is not what we see in practice, where “gender equality” is considered a prominent constitutional essential and is associated with the handshake in street-level practice. Here, “gender equality” is clearly an *essential(ized)* – and not just a *procedural* – value. Nor does Orgad seem to advocate such a conflation, as he wants constitutional essentials to go beyond procedural constitutionalism – just as the value requirement goes beyond the legal order and constitutional procedures. Finally, note that applicants seeking naturalization, for example, already respect the constitutional procedures in that they are seeking citizenship (among other reasons) *in order to* participate democratically according to these constitutional procedures (as opposed to violent and/or illegal forms of political contestation). Accordingly, it is hard to imagine what an integration requirement to respect the *procedural* values of the constitution *stricto sensu* would look like in practice. If, after all, someone contests a procedural constitutional essential such as the “cantonal majority” mentioned above – as political actors do<sup>166</sup> – this contestation is, again, a constitutionally guaranteed fundamental right in itself.

### **Precarious Liberalism**

As has been shown so far, the integration requirement to respect the values of the constitution stands on shaky ground to say the least, both empirically and normatively. So why are aggressive integrationism and muscular liberalism (Jose 2015), of which the value requirement is a stark expression, more prevalent than ever in liberal democracies? It is certainly true that muscular liberalism is not a “liberalism gone wrong” (Jose 2015, 444), but precisely where liberalism has always been: part of the colonial project and grounded

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<sup>166</sup> Here, for example, the Young Socialist Party (Juso):

<https://juso.ch/de/medien/medienmitteilungen/staendemehr-muss-weg/> (accessed 26.03.2024).

in a masculinist and racist past (see also Losurdo 2011; Mills 2017). At the same time, Jose (2015) argues, the invocation of muscular liberalism reveals a discursive shift exposing the insecurities generated by the presence and political influence of migrantized minorities, beyond which lie deeper fears, specifically that liberalism may be succeeding in empowering those who have previously been considered unimportant or unworthy of inclusion.

These fears and insecurities leading to muscular aggressions (policies) might be captured by what I identify as *precarious liberalism*. I draw on liberalism's masculinist past and on what the social psychology of gender has termed precarious manhood or fragile masculinity, which refers to the threatened status of "real manhood" (Vandello et al. 2008). These concepts refer to a precarious state requiring continual social proof and validation in which men feel especially threatened by challenges to their masculinity; this anxiety may result in physical aggression (Vandello et al. 2008). Just as this type of manhood is precarious and in constant need of re/affirmation and social proof, for example through muscularity and physical aggression, muscular liberalism is precarious and in need of constant re/affirmation because there is no fixed national culture or identity – no constitutional essence.

Faced with diversity and social change, muscular (or "identity") liberalism sees itself not as "dominant but, rather, as at risk" and "as the victim of processes of exclusion, domination, discrimination, and cultural destruction" (Tebble 2006, 481). In this view, multiculturalism becomes domination and the renaming of places, for example, as part of a democratic process and social change, is considered a reversal of violent colonial practice (Tebble 2006). Again, this resembles precarious manhood in that it does not see itself as dominant but as at risk and as the victim of feminist emancipation. Similarly, precarious liberalism is characterized by the idea of being too permissive and therefore "uniquely vulnerable" (Tebble 2006, 480).

The concept of precarious liberalism thus allows us to apprehend calls against "multiculturalism" such as David Cameron's appeal "to be far more muscular in promoting British values" or the Dutch politician Frits Bolkestein's demand for a "liberalism with guts" as far back as the 1990s (Dobbernack 2018, 379–80). Precarious liberalism relies on the idea that "multiculturalism" has "allowed the weakening of our collective identity" (Cameron, in Dobbernack 2018, 379) and "made us soft" (Jose 2015, 446), which is why

liberalism needs to be unashamedly reasserted and re-muscularized. The gendered language of these assertions reveals the masculinism at the core of muscular liberalism (Jose 2015).

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, 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, 15–16)

Just as the aggressive and threatened figure of "real manhood" is an expression of precarious manhood and fragile masculinity, the ideology of shared values in liberal democracy and muscular liberalism are an expression of precarious liberalism. Aggressive integrationism can thus be understood as an articulation of precarious liberalism and as a reaction of those in power to a liberalism that may be succeeding in empowering those who have previously been excluded (what is sometimes referred to as the *integration paradox*; see El-Mafaalani 2018).

## **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. 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 political liberalism, 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 necessarily open to change. Carrera and Guild are thus right to point out that “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, 31).

What, then, would truly assertive liberalism 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, 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 (B. 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 enemy*. 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, 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 moral values (Mouffe 2000). However, as Mouffe points out, this “politics without an adversary” backfires and reproduces the subordination of the very people that it is

supposed to represent and defend. For her, radical politics cannot be located at the centre because to be radical is to aim at a profound transformation of power relations – and “this cannot be done without drawing political frontiers and defining an adversary or even an enemy” (Mouffe 2000, 121). 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, 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, 116). This interpretative labour is what gets lost in bureaucratic hierarchies of power and in the violence of deportability and the citizen/non-citizen divide upheld by the integrationist logic. As Christian Rostbøll has observed in his research on the Danish cartoon controversy, “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, 420). This contestation is not a prerogative of (native) citizens but must be the shared enterprise of everyone subject to these norms (Rostbøll 2010). A truly assertive liberal democracy thus admits everybody to this bloody-unending row in an agonistic confrontation – as free and equal citizens, rather than excluding and disciplining non-citizens in the name of ostensibly shared values.

## CONCLUSION

The political issue is not whether the community can identify the other as same or different, enough like “us” to be acknowledged, or not; it is whether the community that tries to discern patterns of sameness in the other will glimpse traces of the other in itself. (Honig 2023 [1993], 12)

In this thesis, I set out to explore what work integration does. More specifically, I examined how “shared values” are mobilized by the state in integration discourse and practice. In this concluding chapter, I come back to the main findings of this inquiry and, hopefully, take them a little further. I reiterate the central arguments and reformulate them around three theses. I then elaborate on the contributions I hope to make with this thesis, and on its limitations. To conclude, I sketch some directions for future research.

In the context of the (still) increasing importance and the *coercive turn* of integration in Switzerland and in Europe, I embarked on a journey to answer the following research question: *What work does integration do, as an idea and as bureaucratic practice, through the mobilization of “shared values”?* I addressed this question by using Switzerland as a case study and by putting the integration requirement to respect the values of the constitution at the core of my investigation. Inquiring into integration governance in Switzerland, I approached the research question in three different articles on the what, the how and the why of the value requirement. The articles examine what the requirement is, how it is applied and why, considering its normative justifications, it exists.

In the first article, I have explored how the value requirement is specified in the law and official documentation, and how it is understood and put into practice by immigration and naturalization authorities and in case law. I have shown that the requirement re/produces the social imaginary of society as a community of value(s), which in turn legitimizes aggressive integrationism. The values referred to in the integration requirement are, to a very large extent, an empty signifier that can be filled with almost any cultural stuff (what I have called the *culturalization of values*), as long as the reference to abstract universal liberal principles is maintained – which reveals a distinctly liberal boundary making. In conclusion, I have pointed out that the value requirement is, in practice, nothing other

than old-fashioned cultural assimilationism in a liberal guise. I have underlined the danger of imagining society as a community of value(s) because it claims these values (for example gender equality) as always already achieved features of society. Ultimately, acknowledging the plurality of values in society means letting go of the social imaginary of society as a community of value(s).

The second article scrutinizes the knowledge production of street-level bureaucrats when assessing the value requirement. Combining a moral economies approach with a governmentality perspective, I have demonstrated how the “mindset paragraph” requires a tight grip on people’s inner convictions and comes with the imperative urge to know and feel their integration. This evaluation inevitably produces knowledge practices of suspicion and doubt. In conclusion, I suggest understanding integration governance as a totalizing institution in that it seeks to govern all aspects and spheres of life.

In my third article, I discuss the value requirement from a normative perspective, that is, how it is justified and for whom. I argue that the culturalization of values (first article) and the state’s access to inner convictions (second article) are incompatible with liberal democratic principles. More fundamentally, I defend the view that the ideology of shared values is at odds with some of the core values of political liberalism. It is here that I corroborate the hypothesis I set out to explore in the introduction, namely that *the exclusion of non-citizens from political contestation and citizenship in the name of integration and “shared values” violates these very (liberal) values*. Finally, I suggest that the increasing popularity of shared values as an integration requirement is an expression of precarious liberalism.

In light of the overall research question(s) of this thesis, the findings of the three articles come together as follows. While the first article highlights the culturalization of values and the production of the community of value(s) and the second article demonstrates the intrusiveness of street-level knowledge production, the third article takes up these empirical findings in a grounded normative theory to critically discuss the value requirement. As I have shown, the re/production of the social imaginary of society as a community of value(s) – meaning it is at the origin of the value requirement and also its product – legitimizes an aggressive and illiberal integrationism that seeks to access inner convictions and the intimacies of people’s lives. While anchored in and shaped by the Swiss context – as a special and yet not so special case – these findings reverberate beyond

this case study with the work of critical scholars on migration and integration regimes throughout Europe. One example of this is the recent work of Fargues, Pélabay, and Sénac (2023) on French naturalization policy, who show how the emphasis placed on adhesion to the “values of the Republic” has contributed to a twofold process of *moralization of citizenship*, which fuels state intrusion into private lives (as I showed for the Swiss case in my second article), and of *culturalization of citizenship*, which nourishes ethnocultural stereotypes against Muslims (as in my first article). It becomes evident that illiberal integrationism is the norm rather than the exception (contra Joppke 2017) and that it can hardly be confined to a few outlier cases (Fargues, Pélabay, and Sénac 2023).

### **Three Theses**

Based on these findings, I would like to formulate three theses to push a little further. The first concerns the value requirement and the underlying ideology of shared values. The second addresses integrationism as such, and the third seeks to go beyond it. Hence, I move from the specific to the general, from policy to theory, and from relatively uncontroversial observations to more contestable assertions.

#### **Thesis 1: The value requirement and the ideology of shared values are incompatible with liberal democracy.**

In this thesis, especially in the third article, I have demonstrated why the value requirement is at odds with fundamental principles of liberal democracy. First, the requirement is extremely vague in its formulation in the law and official documentation and in its application by street-level bureaucrats. This makes it prone to arbitrariness and unequal treatment, especially in the context of the Swiss federalist system, which is composed of 26 cantons and over 2000 municipalities. Second, the requirement is severely culturalized, which produces inclusions and exclusions along racialized, ethnicized, nationalized and gendered lines, violating the liberal principles of non-discrimination and equal treatment. Third, the value requirement requires access to inner convictions and values, which makes it a mindset paragraph that seeks to govern and discipline the *forum internum*. Fourth, the requirement goes explicitly beyond obedience to the legal order, which the liberal state typically seeks to limit its government of. Finally, and most fundamentally, the requirement discriminates between citizens and non-citizens in that it only applies to the latter. Citizens are not legally required to respect the

values of the constitution and are certainly not monitored in this respect. Of course, the discrimination between citizens and non-citizens is constitutive of the (liberal) nation-state. This is why I propose below that a more radical liberalism (Mills 2017) has to think beyond the integration nation (Favell 2022a).

Now, theoretically, all these points could be addressed and, possibly, overcome. If so, the question becomes whether liberal democracies can require all their subjects to have shared values. In principle, the value requirement is an expression of the ideology of shared values, i.e. the belief that in a pluralistic state, unity is based on shared values (Norman 1995). It is only because society is imagined as a community of value(s) – as having shared values already – that only the migrantized Other needs to be required and compelled to do so (which is what the value requirement does). Indeed, the idea that “we”, as a political community (however defined), have shared values is, intuitively, very plausible. Hence, the value requirement for non-citizens appears to be highly normal and almost imperative (Kley 2020). It is only upon further reflections that this plausibility is complexified, as I have demonstrated. At second glance, it is a fundamental departure from liberal democracy (Kley 2020), as I would like to reiterate next.

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 my third article. This pluralism of values and the negotiation processes are ignored and invisibilized by the social imaginary of society as a community of value(s). In Bonnie Honig’s quote at the beginning of this chapter, it is the imagined community of value(s) that tries to discern patterns of sameness in the other while ignoring and suppressing any “traces of the other” – that is, the pluralism of values – in itself (Honig 2023).

This tracing of “the other in itself” – the acknowledgement of “internal” value differences and pluralism – echoes Bridget Anderson’s (2019) plea to *migrantize the citizen*. She points out that, against a (Marshallian) “nationalising logic of sameness” and “a fantasy citizenship of full social inclusion” (B. Anderson 2019, 8–9), citizenship is, in practice, highly differentiated in terms of diversity of race, gender, sexuality and disability – and, I

would add, values. The construction of this national community of value(s) “rolls over the diversity of this group: class inequalities, regional differences, behavioural and value diversity all disappear in these constructions” (Favell 2022a, 112). And, most importantly, so does the political conflict over “values”: there is an implicit assumption that whatever transcendent values are needed to hold together the national society, they are shared already (Favell 2022a). I will return to the importance of conflict below.

For now, let me elaborate on the problem of the imaginary of society as a community of value(s) by coming back to Park’s (1928) *marginal man* discussed in the Theory chapter. Here, the main issue with the marginal man (the migrant) is not its construction as an essentialized and romanticized figure. It is the construction, *ex negativo*, of its counterpart, the non-migrant and, accordingly, of “society” and “culture”, the “mere individual”, the universal subject, the “native”, the American middle-class, “host society” – and so on. The image of the marginal man produces integration imaginaries *ex negativo* (as always), by insinuating that the non-migrant – or, in Park (1928), the non-mobile individual – is *settled, stable* and *à l’aise*, as opposed to the *malaise* of the marginal man, who is unsettled and has an unstable character. If the marginal man is on the margin of two cultures and two societies, not bound as others are by the local proprieties and conventions, but a freer man (Park 1928) – this fixes the non-migrant in *one* culture and society, *bound* by the local proprieties and conventions, and not so *free*. At society level, this image pictures the opposite of value pluralism. Hence, Park’s marginal man and a century of assimilation theory after him have, *ex negativo*, produced the integration imaginary of society as a community of value(s) and thus made the ideology of shared values plausible. However, pluralistic societies are not communities of value(s) – they have never been and they cannot be: the insistence on a substantive notion of shared values is incompatible with the pluralism that is constitutive of modern democracy (Mouffe 1992).

Here, we can draw on Honig’s (2023) *agonism*, which treats contestation not as a regrettably necessary way to correct political imperfections – projecting a future in which “conflicts over diversity will be resolved” (Favell 2022a, 47) – but as a necessary feature of democratic life. Agonism seeks to render problematic the *assumption of fittedness* (here, the assumption of having shared values); this is not to say that some or even most people do not fit (share values), the focus is on “the depoliticizing effects of their *assumption* of fittedness” (Honig 2023, 5, emphasis in the original). The imaginary of society as a

community of value(s) leads to a closure of political space that engenders remainders instead of acknowledging the perpetuity of political contest (Honig 2023). In the case of integrationism and the value requirement, the closure of political space and the depoliticization are even more severe. Not only are the subjects of integration not assumed to fit (to have shared values), but they are excluded from citizenship (a fundamental means of political contest) in virtue of this assumption. Considering agonism's democratic commitment to "shared spaces and relational practices in which diverse groups and individuals set and reset the terms of living together as equals" (Honig 2023, x), access to citizenship thus constitutes a first step against *this* depoliticization.

To overcome the broader depoliticization, the one that follows from the assumption of shared values, the imaginary of society as a community of value(s) has to be abandoned. Integration into this imagined society (Schinkel 2017) is essentially conservative and, to an important degree, apolitical. It ignores the fact that, first, some people do not *want to belong*, and they do not have to. We have seen with Spescha et al. (2020) above that it is perfectly legitimate in liberal democracy to live a secluded life, to maintain little contact with the outside world, to cultivate stubbornness, to be considered a loner, to not participate in any clubs or to express peculiar opinions. Second, and more importantly, some do not want to belong to what *is already there*. Korteweg and Yurdakul criticize work on belonging that assumes that "we all want to belong to what is already there" and that "everyone would really want to be like us" (Korteweg and Yurdakul 2024, 294). Yet there are good reasons not to do so and to contest what is already there, for example with regard to racist, patriarchal and capitalist structures and power relations in society and the discrimination, marginalization and exclusion they entail. Hence, this contestation is precisely where the *repoliticization* takes place, over "shared values" and belonging in liberal democratic society.

## **Thesis 2: Integrationism is essentially migrantized.**

I have argued throughout my articles, especially in the Theory chapter, that integration is an *essentially migrantized* concept. It sounds trivial, for how could immigrant integration not be migrantized? What I mean is that it is not enough to simply cross out the "immigrant" in "immigrant integration" to get integration de-migrantized. It is not enough, in research, to come up with a new definition of integration that does not mention

migrants or, in policy and practice, to rename an integration office. Decades of integration discourse have left their mark on us. The good thing is, we do not have to engage in attempts to de-migrantize integration that are probably doomed to failure. We can simply get rid of (immigrant) integration.<sup>167</sup>

In research, scholars have urged doing so for years – think, for example, of Wimmer and Glick Schiller’s (2002) critique of methodological nationalism and of Wimmer’s (2009) call to de-ethnicize research designs. More recently, Dahinden (2016b) pleads to de-migrantize migration and integration research; Schinkel (2018) calls for an end to neocolonial knowledge production, against immigrant integration; and Anderson (2019) proposes methodological de-nationalism to migrantize the citizen. Indeed, critical and reflexive scholars in “migration studies” have taken up these and other approaches to study all kinds of questions *without* using the concept of integration. Importantly, this requires new epistemologies and approaches. It is not enough to replace “integration” with new terminologies if integrationism is still, epistemologically and ontologically, guiding the research. Overall, it seems clear that reflexive “migration studies” – if this is the terminology we want to keep (see Schinkel 2019; 2023) – can and should do without “integration”.

In policy and discourse, scholars have shown the violent effects of integration, for example Korteweg’s (2017) failures of immigrant integration, Bonjour and Duyvendak’s (2018) “migrant with poor prospects” and Rytter’s (2019) writing against integration. Just as in research, there is no need for (migrantized) integration as a concept in public policy. We have seen that in Switzerland, some integration policies are slowly starting to address the “native population” and/or the population as a whole instead of migrantized subjects (only), especially in the *encouraging* programmes of the *Fördern und Fordern* paradigm. Yet there is no need to or value in formulating these policies in terms of integration. More than two decades ago, Favell (2001a, 118) outlined a non-exhaustive “checklist of policies” of measures concerned with integration, referring to, inter alia, basic legal and social protection; formal naturalization and citizenship (or residency-based) rights; anti-discrimination laws; positive action to ensure equal opportunities; the creation of

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<sup>167</sup> I would like to reiterate here that I do not and cannot speak for all the other manifold uses of “integration”, for example in the fields of dis/abilities, mathematics and IT, or as in “European integration”, and so on. However, it would certainly be interesting for future work to examine the similarities in and differences between the conceptualizations of “integration” in these fields compared to “immigrant integration”.

associational structures for immigrant or ethnic organizations; the redistribution of targeted socio-economic funds for minorities in deprived areas; policy on public housing; policy on law and order; multicultural education policy; and funding for ethnic associations and religious organizations; language and cultural courses. And he pointedly observed: “What is interesting is when and why such measures are packaged together and interlinked within the broader concept of ‘integration’” (Favell 2001a, 118).

Why should we refer to any of these policies (or packages) as “integration”? This ignores the fact that not only “immigrants” are involved – almost always, “citizens” are too (B. Anderson 2019). More importantly, many of these policies have been in place for the “general population” or “national minorities” without ever being referred to as “integration”. Just as in research, there is a whole range of vocabulary that is used to conceptualize and set up policies concerning “integration issues” but that address the population as a whole, in a de-migrantized way. Think of anti-discrimination and anti-racism policies, measures to increase equality of opportunities or affirmative action, or policies to emancipate structurally disadvantaged minorities in the broadest sense. Again, it takes a fantasy citizenship of full social inclusion (B. Anderson 2019) to think that these issues concern only those currently subjected to integration. In short, we do not need the conceptual frame of integration to address inequalities and injustice. Many policies do so without any reference to “integration” because they do not concern “immigrants” only or primarily. At the same time, integration does not have, conceptually, any added value. We do not lose anything by replacing it with more general, de-migrantized (social) policy.<sup>168</sup> At the very least, we might need an “integration sunset clause”, as Dvora Yanow suggests, that is, “to revisit the categories periodically, examine the state of their negative labeling, and if they are more punitive than they are enabling, to change them” (Yanow 2018, 259).

### **Thesis 3: Liberal democracy can and must be thought without (national) integration.**

Finally, let us turn to this last and most daring thesis. It concerns Dahrendorf’s (1958) “Parsonian posing of the question” “[w]hat holds societies together?” just as much as its

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<sup>168</sup> Except, maybe, public funding that was made available in response to migration- and integration-related anxieties and thus needs to be spent “in their name”. But this is, at best, a doubtful argument for keeping “integration policies” in place, as it does not address the underlying structures re/producing these anxieties in the first place.

alternative – “[w]hat drives them on?” – and Favell’s question of Hobbesian vintage: “How can a political system achieve stability and legitimacy by rebuilding communal bonds of civility and tolerance – a moral social order – across the conflicts and divisions caused by the plurality of values and individual interests?” (Favell 2001b, 2). In what follows, I argue that “(national) integration” is not the answer but, rather, “a significant aspect of the problem” (Rytter 2019, 692) – and that we have to look for answers elsewhere, namely by thinking the state, society and democracy beyond the nation and integration.

I have argued throughout this thesis that integration is beyond redemption. As far back as 1998, Favell reached the conclusion that the liberal political philosophies of integration in France and Britain were now helping to sustain populist tendencies and that both countries were “moving further from the liberal democratic goals and ideals that inform the underlying public philosophy, rather than closer to them” (Favell 2001b, 240). Similarly, Kostakopoulou found that pressuring people to “learn about national values and ways of life and, in some cases, to change their minds is likely to produce precisely the opposite of the desired effect: it will make them more estranged, apprehensive, fixated and resistant” (Kostakopoulou 2010, 957; see also Merolli 2016). I have reached similar findings and, in light of this thesis, can confidently assert that this integrationism does not “hold societies together”.

At the same time, it is very obvious that integrationism does hold societies together, namely *national societies*. Integration is nation-building (Favell 2001a; 2022a) and produces inclusions and exclusions along nationalist lines. In the Swiss case, we have seen that integration anxieties – for a long time expressed in the fight against overforeignization – are an important element of nation-building and do indeed hold Swiss society together, as Dahinden points out:

Historically, what has been particularly relevant for the closure of the Swiss national boundary was the myth of a small country that had to fight against “overforeignization” (*Überfremdung*). This powerful myth was particularly well suited to boosting a Swiss imagined community without questioning its internal cultural and linguistic heterogeneity because it offered self-affirmation *ex negativo*. (Dahinden 2016a, 2; see also Kury 2003)

Indeed, as Graeber and Wengrow (2022) suggest, the phenomenon of *schismogenesis*, of self-affirmation *ex negativo*, might be of crucial importance to “hold societies together”, not only against the external Other but also against the internal Other. We have seen that integration is always integration into the national society. The nation needs integration and vice versa. So, if integrationism does hold (national) societies together, why should we think of liberal democratic societies beyond nationalism and integration, and how can we do so?

I have tried to illustrate in this thesis that integrationism is an obstacle to (radical) liberal democracy. Not only because of what is obvious, namely that it excludes the subjects of integration from democracy and citizenship *in the name of* (lacking) integration. More fundamentally, it depoliticizes and invisibilizes the enormous differences within the imagined community of value(s) that re/produces the assumption of fittedness in the nationalizing logic of sameness, as we have seen above. I have argued that Mouffe’s agonistic pluralism and Honig’s agonism help us to see the perpetuity of political contest in liberal democracy which, properly understood, “creates a space in which this confrontation is kept open, power relations are always being put into question and no victory can be final” (Mouffe 2000, 15). This agonistic democracy requires accepting that conflict and division are inherent in politics (Mouffe 2000).

Democratic agonism offers us ways to imagine and think of democracy, society and the state without the nation and integration – being “held together” not by shared values and integration but by political contest. Actually, the famous and complacent Swiss (direct) democracy is, in many ways, a textbook example of agonistic democracy, as I illustrated in my third article. “Core values” and all kind of policies are constantly re/negotiated in the institutional political processes and in everyday social interactions, keeping confrontation open, with no victory being final.<sup>169</sup> Importantly, none of these democratic political negotiations take place with reference to “integration” – as long as “migrants” are not (primarily) concerned – as a political value or societal end goal. In all kinds of political

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<sup>169</sup> For the US context, the fact that no victory is final is illustrated impressively in Honig’s discussion of the right to abortion. It was established by the US Supreme Court in *Roe vs. Wade* in 1973, restricted in 1992 (at the time of Honig’s writing, which, of course, stops there), and effectively overruled in 2022. Honig sees a lesson to be learned here from the experience of those who misread *Roe* as the end of a battle – “in their mistaken belief that the agon had been successfully shut down” – and who later “found themselves ill equipped and unprepared to stabilize and secure their still unstable rights when they were repoliticized and contested by their opponents” (Honig 2023 [1993], 15).

conflicts over values and their interpretations – concerning, for example, fundamental rights (see Kälin 2000) – integration (of individuals, groups or society as a whole) is never referred to. Hence, for democracy and political contest, integration is dispensable as a frame of reference.

Beyond integrationism, agonistic respect, an “ethos for agonism” or even “care for the agon” might “hold societies together” in that agonism is premised on the “elevating effects of agonistic contestation in plural and divided societies” and “a specifically democratic commitment to the perpetuity of political contest among diverse equals, or those who should be equals, without demonizing those with whom we clash” (what Hannah Arendt called “action in concert”) (Honig 2023, xvi-xvii). As I have argued repeatedly, this requires that all members of society are admitted to this political contest, as equals. It requires procedural constitutionalism to set “the rules of the game” in political and democratic processes rather than the exclusion of the Other in the name of nebulous constitutional essentials. Back in the 1920s, legal scholar Hans Kelsen formulated a “realistic theory of pluralist democracy” as a constitutional theory for the “open society”. According to this theory, the “unifying bond” of pluralistic society does not result from predetermined (and naively taken as real) political collectives such as “the state” and “the people” but merely from the shared legal order and the constitution, i.e. from the laws passed in *democratic procedures* (Van Ooyen 2014, 37). We have seen that Benhabib (2004) refers to these procedures as democratic iterations in which universalist claims and principles are contested and contextualized. As has been shown, it is unavoidable that these iterations come with harsh conflicts of interpretation (Gianni 2023).

If, by now, you are looking for a concrete example of what such agonism might look like, Rostbøll (2010) has carefully carved out the uses and abuses of “universal (liberal) values” in the “Danish cartoon controversy”. As I also argue here, he points out that liberal principles and constitutional norms should not be seen as incontestable aspects of democracy but rather as subject to recursive democratic justification and revision by everyone subject to them – and open to refinement (Rostbøll 2010). This is the bold venture (Böckenförde 1976) of the liberal democratic state in which everyone should have a licence (Orgad 2015) to partake. In Switzerland, this is precisely what has been missing in highly politicized debates about “Islam”, for example, where “Muslims” (on their *Muslimification* see Statham 2024) have been subjected to an integrationist and

gubernativist discourse rather than admitted to the political contestation and negotiation of constitutional values as equals (Gianni 2019; Dahinden and Manser-Egli 2023).

Now some might argue that, beyond the romantic idea of agonistic democracy in which everyone participates, we need aggressive integrationism precisely against those who do not want to participate according to the rules of the game. As Triadafilopoulos puts it, the question is “where to ‘draw the line’ between tolerable beliefs and practices and those that cannot be accommodated within a liberal democratic framework” (Triadafilopoulos 2011, 874). But here, again, I do not see why liberal democracy would need integrationism to deal with such cases. On the contrary, the question as such is already migrantized, *as if* liberal democracies would not have to deal with it in the imaginary “world without migration” that serves as a frame of reference. Yet the question is as old as the political philosophy of liberalism itself (Popper’s (2020 [1945]) paradox of tolerance, for example), and it was asked long before “migration” entered the realm of political philosophy (if it did so at all; see Sager 2016; Dumitru 2023). Liberal democracies constantly have to deal with this question, independent of “migration”. Triadafilopoulos suggests a “boundary-drawing” through serious and sustained dialogue and points out that if this dialogue is rejected or even replaced by violence, “all states – including liberal democracies – have laws and policies in place to deal with such cases” (Triadafilopoulos 2011, 874–75). Hence, states are dealing with such cases on a daily basis, and they do not need integrationism to do so.

After all, agonistic democracy is probably less romanticized and more successful in “holding societies together” than national integration. Accordingly, this thesis is an attempt to provide some further ground on which we can think the state, society and democracy beyond the nation and integration. I have tried to show in this thesis that the main problem of integration is its entanglement with the nation-state and “culture” (Dahinden 2011; 2014). It is this entanglement that makes integration an essentially migrantized concept and, above all, a nation-building project (Favell 2001a; 2022a). Now, in many ways, it is a foolhardy endeavour to think – or to think that we could think – the state, society and democracy without the nation and integration. Many would rightly point out that current political theories and social realities are intricately and constitutively entangled, as expressed in the notion of the *nation-state*. Here, the nation

and the state come together, similar to the wedding of liberalism and democracy in liberal democracy. It is hard and maybe impossible to disentangle them. I nevertheless think that social and political theory should (continue to) strive to do so, beyond what I have been able to sketch out here. While Switzerland can be considered both an exception to and a paradigmatic case of nationalism and nation-state formation (Dahinden 2016a), it might also be a laboratory to think the state, society and democracy beyond the nation and integration. At the same time, we should be aware of the fact that nationalism is not limited to the (nation-) state but manifests itself at the local, national and supra-national levels (see, for example, Dodevska (2024) on boundary integrationism at the EU level).

### **Contributions and Limitations**

Let us now turn from these big questions to the modest contributions I hope to make with this thesis and, subsequently, to its limitations. In the course of this thesis, I found myself repeatedly thinking of one meme in particular that I had encountered early on, on “academic Twitter”. The upper image in the meme shows a full car park, but there seems to be one free spot where the meme says “Your novel research idea”. The lower picture in the meme zooms in and reveals that the spot is in fact taken by a very small car that remained hidden from view in the upper picture; it reads “Some guy in the 1980s”. I thought about this meme many times because it encapsulates a truth regarding so many aspects of research, not only research ideas but also theories, methodologies and arguments. When you are doing research, it feels almost as if every time you think you have come up with something “new”, you simply have not read enough, not zoomed in enough to realize the spot in the car park is already taken. But science, academia and knowledge are not a car park with limited spaces.<sup>170</sup> Similarly, the often-used formulation of finding or addressing “a gap in the literature” presupposes a whole (of science, or knowledge) in which something is missing. This imagery has a hint of positivism in that it suggests that the world is out there, waiting to be researched and known in its entirety, and science is filling the gaps and car parks.

In many ways, my thesis does not constitute a “novel research idea”. There is nothing particularly novel in studying (migrant) integrationism or a particular requirement in

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<sup>170</sup> But of course they are in many ways, for example consider neoliberal funding and employment structures in global capitalism, but that is not what I am talking about here.

theory, in the law and in street-level bureaucracy, not even at the intersection of social science and political theory. Scholars have done so before, and this thesis stands on their shoulders. As Becker points out, debunking the myth of “scientific revolutions”, it is “only by continuing to work on the same problems that workers in a discipline make any progress on anything” (Becker 1998, 125). At the end of the day, maybe the aim of this (or any) thesis is thus not so much to come up with novelties but to produce spotlights to draw into the light what would otherwise remain hidden and to impose it in and on the social world:

Anyone now working on migration and immigrant integration (...) will be judged not on its brilliant scientific finds (who’s banking on that?!), but on the extent to which it contributed to forms of knowledge that could contribute to public discourses enabling forms of life outside the registers of an overwhelmingly white dominance. In this sense, our research choices, which co-shape public discourse and are closely entangled with state policies, are always already political. (Schinkel 2018, 15)

With these considerations in mind, I hope this thesis makes some empirical, methodological and theoretical contributions. Empirically, I have thoroughly investigated the value requirement and integration governance more broadly in the Swiss context. I have conducted an extensive document analysis and traced the requirement and its specifications in the law, the legislative process and official documentation. Furthermore, I have engaged in ethnographic fieldwork investigating the implementation of the value requirement in street-level practice including semi-structured expert and problem-centred interviews and participant observations. Given the fact that the requirement entered the law only recently in its current form, it has received only a modest amount of attention so far, mainly from legal scholars. Hopefully, my findings provide (transdisciplinary) insights into integration governance in general and, more specifically, into how the value requirement is specified in the law and official documentation and how it is applied in practice. These insights are useful for understanding integration governance in Switzerland but they also expand our knowledge on integration regimes more broadly.

If I had to formulate the findings of this thesis as policy recommendations, they would be as follows, in the order of their radicality. First, I would recommend getting rid of the value

requirement within integration policy. At the very least, it should be applied in a way that minimizes the risks of culturalized discrimination and state access to inner convictions, unlike today. Second, I would recommend getting rid of integration policy altogether. The *encouragement* part of today's integration policy could be reconceptualized and redirected to do probably much of the same, but as social policy, not integration policy (as I have argued above). The requirement part of the *Fördern und Fordern* paradigm should be abolished and not replaced. It disciplines and excludes migrantized subjects against a supposedly integrated whole. Instead, third, equal citizenship should be accessible quickly and without barriers. Citizenship is a necessary though not sufficient condition for agonistic liberal democracy and political contest among diverse equals.<sup>171</sup>

Regarding methodology, I sought to engage empirical social science with normative political theory. I have analysed my empirical findings resulting from a grounded theory approach in critical social science using grounded normative theory and a contextual approach to political philosophy. By doing this, I have rendered explicit the normativity that is often implicitly present in critical social scientific research but not systematically spelled out and analysed as such. Conversely, I sought to unsettle political philosophy by working out the methodological nationalist assumptions that have affected the views (and invisibilized power relations) of political theory on membership, "culture" and distributive justice (Sager 2016). My thesis thus provides a modest contribution to the empirically engaged political philosophy of *grounded normative theory*, an approach that is still rare and needs to be further unearthed (Ackerly et al. 2024). As this thesis testifies, this crossing of the Rubicon (Favell 1998) faces several challenges. First, it is often difficult to find a "common language" across different levels of analysis and different uses of the same terms. Paradigmatically, this applies to the concepts of *liberalism* and *liberal values* that I have employed and discussed both as categories of practice and as categories of analysis. Second, it is not always easy to find common epistemological ground between critical social theory and political philosophy in terms of how "the world" is apprehended and approached. Often, debates about the same social phenomena seem to happen on different tectonic plates with unbridgeable Rubicons between them, so to speak. Finally,

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<sup>171</sup> I co-initiated a popular initiative that seeks to facilitate access to naturalization along the lines of these recommendations, doing away with "integration" as a naturalization requirement. Instead, it seeks to limit the requirements to five years of residence and basic language skills and not having any previous prison sentences; see <https://demokratie-volksinitiative.ch/> (accessed 26.03.2024).

we have seen that it is a challenge to bring into dialogue the universal with the particular, the ideal with the contextual, and crystalline political theories with messy social realities. With these challenges in mind, I hope that the thesis contributes, however marginally, to the rapprochement of social science and political philosophy. This thesis provides social scientists with some tools for naming and making explicit the normativity they address in their work – for example, what exactly the problems with “integration” or “shared values” are in philosophical terms and which political theories and ideals do they clash with. Likewise, the thesis urges political philosophy to pay attention to power, to contexts and to the non-ideal, and to strive to overcome the methodological nationalism by which it is still predominantly haunted. In this respect, I would like to see this thesis as an invitation to both critical social theory and political philosophy to engage more with each other.

With regard to theory, I hope to have furthered our understanding of both *integration* and *liberalism* and the work they do. My discussion in the Theory chapter provides a framework for approaching integration as a category of analysis and the yardsticks against which any research designs that claim to engage in de-migrantized, non-normative integration research have to be measured. Likewise, I hope I have pushed the limits of our theoretical understanding and language concerning the phenomenon of boundary liberalism and the different forms it takes – I have proposed the concept of *precarious liberalism* – and to have drawn the normative contours of a more radical, emancipatory liberalism. By doing this, and via the three theses developed above, I seek to contribute to political and social theory writ large, to the thinking about and imaginaries of the political and the social in de-integrationized agonistic liberal democracy.

Ultimately, I hope to have shed some light on the work that integration does, on the social imaginaries and the knowledge it produces, as an idea and as bureaucratic practice, and how it collides with (radical) liberal democracy. With regard to the field of critical integration studies and all the “writing against integration” on which I have drawn extensively, I firmly hope that my findings are useful for academics writing against integration elsewhere. Last but not least, I also hope to provide some tools for those who contest integrationist politics and the ideology of shared values anywhere.

At the same time, this thesis has some important limitations, some related to external circumstances, others to internal trade-offs. To begin with, an external circumstance limiting this thesis was my employment as an “assistant doctorant”. Over the last five

years, I have been employed for 70 per cent of full employment, half of which must be dedicated to the thesis, according to the contract. I was extremely privileged and lucky in that this envisaged allocation was actually reflected in reality, compared to many of my peers in similar positions who have struggled to find time for their thesis. However, this means that I had 35 per cent of full-time employment hours to write this thesis (compared to full-time research-only positions). Now, writing a thesis is not a job like any other, and it is not counted in working hours, days or weeks. In fact, it is often, including in my case, a full-time passion.<sup>172</sup> You never really stop thinking about it.<sup>173</sup> Yet it was never the only project in my life, and I think this is a healthy fact. Besides working on the thesis, I have dedicated substantial amounts of time to political activism and family life. Both, I guess, influence our work as researchers, and this is certainly reflected in this thesis.

Moreover, there were some internal trade-offs to this thesis that necessarily entail important limitations. First, in terms of theoretical and methodological approaches, I wanted to situate this thesis at the intersection of empirical social science and normative political theory. Naturally, this limits the scope of this thesis compared to work that is fully situated in either social science or political theory only. That would have meant extended fieldwork, for example, or a more elaborated philosophical inquiry. A more thorough engagement with integration as a category of analysis in political philosophy (to mention Kymlicka 1996; Modood 2007; E. Anderson 2010; D. Miller 2016, among many), for example, would have allowed me to anchor this thesis more deeply within (classical) political philosophy.

Regarding the construction of my research field in Switzerland, I have narrowed my focus to the state, the law and street-level bureaucracy for epistemological and theoretical reasons. This is an important limitation considering the fact that integrationism as an idea and form of government is more complex and diffuse. It concerns society more broadly, those constructed as the subjects of integration and those dispensed of it, in everyday interactions and institutional settings, as well as public, political and media discourse. Notably, the focus on the state forced me to assume its (legal) categories of the non-

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<sup>172</sup> I would like to highlight that there is a danger in this narrative of a “thesis as a passion” and “not being like any other job” in that it romanticizes and invisibilizes the often precarious working and employment conditions (see Hernandez and Da Silva Canavarro 2023; Laketa and Côte 2023).

<sup>173</sup> When I started the thesis, a friend advised me to choose a topic on which I liked to contemplate when taking a shower, to illustrate the passion it takes to write a thesis. In hindsight, I could not agree more, and am very happy to have found such a topic.

/citizen whereas, in reality, processes of migranticization and integrationization cannot be reduced to this binary (see Dahinden and Manser-Egli 2023). Many of those subjected to integrationism in public discourse and everyday interactions, for example, are in fact Swiss citizens and – in the case of the famous second and *third* generation (a Swiss *Sonderfall*, to my knowledge; see the Context chapter) – born in Switzerland. On the other hand, many non-citizens, born in Switzerland or not, are *dispensed of integration* along classed and racialized lines. Again, Bridget Anderson’s (2019) work is helpful here for thinking about migranticized citizens and de-migranticized migrants. Finally, another risk of focussing on “the state” and on the production of the exclusionary Self (Karagiannis and Randeria 2018) is losing sight of the very im/material consequences of integrationism on its subjects, ranging from the production of non-belonging (Korteweg 2017; Korteweg and Yurdakul 2024) and the denial of equal rights and citizenship to deportability (Sayad 1999; De Genova 2002). Overall, I think that my focus on state discourses and policies “from above” has not been “to the detriment of understanding the lived experiences of those who bear the material and symbolic implications of this boundary work” (Scuzzarello and Moroşanu 2023, 2992). On the contrary, I hope to have made visible the implications of boundary integrationism specifically by focussing on the state.

Finally, there is a certain trade-off between reading and writing. Or, more accurately, between reading, understanding, fieldwork, analysis, thinking and writing, on the one hand, and publishing, on the other hand. Compared to international colleagues, I felt privileged to have had roughly a year at the beginning of my thesis to read and to carefully elaborate a research project before going into the field, analysing, writing, and, eventually, publishing. At the same time, we (researchers) are part of an academic system that pressures us to write and to produce, at times at the expense of careful and thoughtful reading (and writing). This concerns not only new research, published on a daily basis, but also, and importantly, older research that often covers more than it seems if studied properly and extensively (think again of the car park meme). It is a tricky trade-off, because at some point one has to stop reading and start writing. Arguably, it should not take more than five years to write a thesis. And yet it seems important to point out that we, as researchers, and especially as early-career researchers, are disciplined in an

academic system of publish or perish, where “slow science” (Stengers 2017) is a privilege.<sup>174</sup>

### **From Integration to Political Contest**

The limitations of a research project always offer potential directions for future research. Of the manifold faces of integrationism, I have studied one in this thesis, zooming in on one specific aspect, the value requirement, in a given context. There are many other areas from which researchers could study the broader question of what work integration does. Legal scholars will be interested in seeing how the value requirement is interpreted and applied by courts, given the number of critical questions it raises with regard to the rule of law. Social scientists might want to analyse how integrationism governs and disciplines its subjects, how it produces the illiberal Other and the exclusionary Self beyond “the state” and street-level bureaucracy, in the field of integration encouragement, for example. In the Excursus section of the Context chapter, I traced the value requirement in the law back to the early 2000s, and, along one specific line, to the science–policy nexus of the 1990s. A more thorough historical and genealogical analysis could trace back the role of (shared) values in Swiss migration and integration policy and discourse much further, probably to the origins of the modern federal state (Arlettaz and Arlettaz 1996). Similarly, further research should strive to situate the Swiss case within broader European integrationism, for example in relation to the four discursive frames identified by Dodevska (2024). Finally, critical perspectives on integrationism should focus on the local, city and “community” (B. Anderson 2023) levels, more than I did in this thesis, for example through the lens of conviviality (Valluvan 2016; Meissner and Heil 2021). More globally, further research is needed to carve out the entanglements of integrationism with global inequalities and structures of domination, as pointed out above, and coloniality, including historical, sociological and decolonial perspectives (Bhambra 2022; Favell 2022a; Astolfo and Allsopp 2023).

Hopefully, this research contributes to the efforts to name and tackle global structures of power, inequalities and exploitation and, ultimately, to “public discourses enabling forms of life outside the registers of an overwhelmingly white dominance” (Schinkel 2018, 15).

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<sup>174</sup> In Switzerland, the “better science” initiative seeks to tackle these structures and implement a “better academic culture for all”; see <https://betterscience.ch/en> (accessed 26.03.2024).

For as Favell (2022a) has pointedly stated, immigrant integration allows liberal democracies to benefit from migration while maintaining a hierarchy of race and nationality and the global inequalities it sustains. If we understand integrationism as a form of interior bordering and migration control (Yuval-Davis, Wemyss, and Cassidy 2018), as I hope to have shown, we come to see how it is an essential force maintaining these hierarchies and global inequalities. Hence, the quest of thinking about a more radical liberalism cannot stop at the interrogation of integrationism but needs to connect with the pressing debate on open borders, the birthright lottery (Shachar 2009) and the freedom to move (Somin 2020), globally. Political philosophers have long argued for open borders (Carens 2013; Cassee 2016; Sager 2020), not least on the grounds of human rights (Oberman 2016) and distributive justice (Fine 2018; critically see also Favell 2022b). To further situate integrationism within these broader global contexts, as Favell (2022a; 2022b) does, and to engage with these philosophical debates, is the task of future research.

I would like to end this thesis with a plea to go beyond its core and leave integrationism behind. Instead, we should seek to grasp “integration problems” and integration anxieties, but also the contestations and the conflicts it engenders in the postmigrant society (Lopez 2009; El-Mafaalani 2018; Foroutan 2019), as *political contest*. This is not the contest between “natives” and “newcomers”, insiders and outsiders, citizens and non-citizens, the “diverse” and the “normal” population (Anthias 2014) but between those who assume that some have not really arrived, are not yet members of society (Schinkel 2018), and those who recognize that they always already belong (Korteweg 2017). It is true that in current times “it is hard to imagine that more contestation is the answer; but it is” (Honig 2023, xx). *Demokratie statt Integration*.

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# APPENDIX

## Appendix 1: List of official documents (chronological order)

1. Ein neues Konzept der Migrationspolitik, Bericht der Expertenkommission Migration, Im Auftrag des Bundesrates, Bern, im August 1997
2. Bundesgesetz über Erwerb und Verlust des Schweizer Bürgerrechts (Bürgerrechtsgesetz [BüG]), vom 29. September 1952 (Stand am 2. August 2000)
3. Verordnung über die Integration von Ausländerinnen und Ausländern (VIntA), vom 13. September 2000 (Stand am 26. September 2000)
4. Botschaft zum Bürgerrecht für junge Ausländerinnen und Ausländer und zur Revision des Bürgerrechtsgesetzes, vom 21. November 2001
5. Botschaft zum Bundesgesetz über die Ausländerinnen und Ausländer, vom 8. März 2002
6. Verordnung über die Integration von Ausländerinnen und Ausländern (VIntA), vom 13. September 2000 (Stand am 25. Oktober 2005)
7. Bundesgesetz über die Ausländerinnen und Ausländer (AuG), vom 16. Dezember 2005
8. Probleme der Integration von Ausländerinnen und Ausländern in der Schweiz, Bestandesaufnahme der Fakten, Ursachen, Risikogruppen, Massnahmen und des integrationspolitischen Handlungsbedarfs, Bundesamt für Migration im Auftrag des Departementvorstehers EJPD, Juli 2006
9. Vollziehungsverordnung zum Bundesgesetz über Aufenthalt und Niederlassung der Ausländer (ANAV), vom 1. März 1949 (Stand am 5. Dezember 2006)
10. Bundesgesetz über Aufenthalt und Niederlassung der Ausländer (ANAG), vom 26. März 1931 (Stand am 1. Januar 2007)
11. Verordnung über die Integration von Ausländerinnen und Ausländern (VIntA), Entwurf vom 28.03.07
12. Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit (VZAE), Entwurf vom 28.03.07
13. Vernehmlassungsergebnisse Ausführungsbestimmungen zum Bundesgesetz vom 16. Dezember 2005 über die Ausländerinnen und Ausländer (AuG), Oktober 2007
14. Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit (VZAE), vom 24. Oktober 2007
15. Ausführungsbestimmungen zum Bundesgesetz über die Ausländerinnen und Ausländer vom 16. Dezember 2005, Vernehmlassungsverfahren: Bericht zum

- Entwurf der Verordnung über die Integration von Ausländerinnen und Ausländern (Integrationsverordnung, VIntA), 2007
16. Ausführungsbestimmungen zum Bundesgesetz über die Ausländerinnen und Ausländer vom 16. Dezember 2005: Bericht zum Vernehmlassungsentwurf der Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit (VZAE), 2007
  17. Bundesgesetz über die Ausländerinnen und Ausländer (AuG), vom 16. Dezember 2005 (Stand am 1. Januar 2008)
  18. Verordnung über die Integration von Ausländerinnen und Ausländern (VIntA), vom 24. Oktober 2007 (Stand am 1. Januar 2008)
  19. Bundesgesetz über die Ausländerinnen und Ausländer (AuG), vom 16. Dezember 2005 (Stand am 12. Dezember 2008)
  20. Bericht zur Änderung des Bundesgesetzes über die Ausländerinnen und Ausländer als indirekter Gegenvorschlag zur «Ausschaffungsinitiative», Bundesamt für Migration, Bern, Januar 2009
  21. Botschaft zur Volksinitiative «für die Ausschaffung krimineller Ausländer (Ausschaffungsinitiative)» und zur Änderung des Bundesgesetzes über die Ausländerinnen und Ausländer, vom 24. Juni 2009
  22. Bundesgesetz über das Schweizer Bürgerrecht (Bürgerrechtsgesetz, BüG), Vorentwurf 16.12.09
  23. Erläuternder Bericht zur Totalrevision des Bundesgesetzes über das Schweizer Bürgerrecht (Bürgerrechtsgesetz, BüG), 2009
  24. Bundesgesetz über die Ausländerinnen und Ausländer (AuG), Entwurf, 2009
  25. Bericht zur Weiterentwicklung der Integrationspolitik des Bundes, 5. März 2010
  26. Bundesbeschluss über die Aus- und Wegweisung krimineller Ausländerinnen und Ausländer im Rahmen der Bundesverfassung (Gegenentwurf zur Volksinitiative «für die Ausschaffung krimineller Ausländer [Ausschaffungsinitiative]»), vom 10. Juni 2010
  27. Bundesgesetz über die Ausländerinnen und Ausländer (Ausländergesetz, AuG), vom 16. Dezember 2005 (Stand am 1. Januar 2011)
  28. Auswertung der Ergebnisse des Vernehmlassungsverfahrens zur Totalrevision des Bürgerrechtsgesetzes, Vernehmlassungsbericht, Bundesamt für Migration BFM, Februar 2011
  29. Botschaft zur Totalrevision des Bundesgesetzes über das Schweizer Bürgerrecht (Bürgerrechtsgesetz, BüG), vom 4. März 2011
  30. Bundesgesetz über Erwerb und Verlust des Schweizer Bürgerrechts (Bürgerrechtsgesetz, BüG), vom 29. September 1952 (Stand am 1. Januar 2013)
  31. Verordnung über das Schweizer Bürgerrecht (Bürgerrechtsverordnung, BüV), Vorentwurf, 2014

32. Erläuternder Bericht, Vernehmlassungsentwurf zur Verordnung zum Bürgerrechtsgesetz, August 2015
33. Bericht über die Ergebnisse des Vernehmlassungsverfahrens, Ausführungserlass zum revidierten Bürgerrechtsgesetz, April 2016
34. Erläuternder Bericht, Entwurf zur Verordnung zum Bürgerrechtsgesetz, April 2016
35. Änderung der Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit, Erläuternder Bericht, 7. November 2017
36. Bundesgesetz über das Schweizer Bürgerrecht (Bürgerrechtsgesetz, BüG), vom 20. Juni 2014 (Stand am 1. Januar 2018)
37. Verordnung über das Schweizer Bürgerrecht (Bürgerrechtsverordnung, BüV), vom 17. Juni 2016 (Stand am 1. Januar 2018)
38. Verordnung über die Integration von Ausländerinnen und Ausländern (VIntA), vom 24. Oktober 2007 (Stand am 1. Juli 2018)
39. Totalrevision der Verordnung über die Integration von Ausländerinnen und Ausländern, Erläuternder Bericht, 2. August 2018
40. Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit (VZAE), vom 24. Oktober 2007 (Stand am 15. September 2018)
41. Vernehmlassungsergebnisse zur Änderung der Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit (VZAE) und Totalrevision der Verordnung über die Integration von Ausländerinnen und Ausländern (VIntA), 2018
42. Verordnung über die Integration von Ausländerinnen und Ausländern (VIntA), vom 15. August 2018 (Stand am 1. Januar 2019)
43. Verordnung über Zulassung, Aufenthalt und Erwerbstätigkeit (VZAE), vom 24. Oktober 2007 (Stand am 1. Januar 2019)
44. Weisung, IV. Integration, SEM, Januar 2019
45. Weisungen Erhebungsberichte, Grundlagen für die Erstellung von Erhebungsberichten im Bürgerrechtsverfahren, Staatssekretariat für Migration SEM, Version vom 8. Juli 2019
46. Weisungen und Erläuterungen, I. Ausländerbereich, Weisungen AIG, Bern, Oktober 2013 (aktualisiert am 1. November 2019)
47. Handbuch Bürgerrecht für Gesuche ab 1.1.2018, Kapitel 3: ordentliche Einbürgerung, SEM, Stand Januar 2023

## **Appendix 2: Court decisions (chronological order)**

1. Bundesgerichtsentscheid 2C\_536/2007, vom 25. Februar 2008
2. Arrêt du Tribunal fédéral 1D\_8/2010, 25 janvier 2011
3. Entscheid des Kantons- und Verwaltungsgerichts des Kantons St. Gallen B 2018/104), vom 27. September 2018
4. Arrêt du Tribunal administratif fédéral F-256/2018, 8 mai 2019
5. Bundesgerichtsentscheid 2C\_237/2019, vom 18. September 2019
6. Bundesgerichtsentscheid 2C\_990/2018, vom 27. September 2019
7. Bundesgerichtsentscheid 6B\_15/2020, vom 5. Mai 2020
8. Entscheid des Kantonsgerichts Basel-Landschaft 810 20 51, vom 4. November 2020
9. Entscheid des Verwaltungsgerichts des Kantons Graubünden U 20 72, 11. März 2021
10. Entscheid des Verwaltungsgerichts des Kantons Zürich VB.2020.00868, vom 9. Juni 2021
11. Entscheid des Kantons- und Verwaltungsgerichts des Kantons St. Gallen B 2021/68, vom 28. Juni 2021
12. Entscheid des Kantons- und Verwaltungsgerichts des Kantons St. Gallen B 2021/203, vom 15. März 2022
13. Bundesgerichtsentscheid 1D\_5/2021, vom 26. April 2022

## Appendix 3: Letter interview request

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NEUCHÂTEL

MAPS  
Maison d'analyse des  
processus sociaux

Rue A.-L. Breguet 1  
CH-2000 Neuchâtel

Neuchâtel, 17.09.2020

Frau

Einbürgerungen

### Gesprächsanfrage

Stefan Manser-Egli  
Doctorant  
stefan.manser-egli@unine.ch  
+41 77 445 82 60

Sehr geehrte Frau

Ich wende mich an Sie als Einbürgerungen SEM,  
sowie als Fachperson zu Integrationsfragen.

Im Rahmen meiner Dissertation an der Universität Neuchâtel interessiere ich mich für das Integrationskriterium der «Respektierung der Werte der Bundesverfassung», welches sich sowohl im neuen Ausländer- und Integrationsgesetz als auch im totalrevidierten Bürgerrechtsgesetz findet. Grundsätzlich geht die Dissertation der Fragestellung nach, welche Rolle den «Werten» in der Schweizer Integrationspolitik und -praxis zukommt.

Generell interessiert mich, wie das SEM, interkantonale Konferenzen, kantonale und kommunale Verwaltungen, sowie Gerichte und weitere relevante Akteure im Bereich der Migration und Integration dieses Integrationskriterium in ihrer alltäglichen Arbeit anwenden und reflektieren.

Gerne möchte ich Sie um ein Interview/Gespräch von ca. 1 bis 1.5h Dauer bitten, um einen Eindruck der Entwicklungen auf nationaler Ebene und allenfalls auch zu den Unterschieden in der Anwendung in den Kantonen zu erhalten. Ich bin überzeugt, dass ein Interview mit Ihnen, sowie allfälligen weiteren Personen aus dem Bereich Einbürgerungen des SEM, ein grosser Gewinn für mein Verständnis dieses Themenkomplexes wäre.

Gerne würde ich für das Gespräch nach Bern oder an einen Ort Ihrer Wahl kommen. Bei Rückfragen oder Unklarheiten lasse ich Ihnen gerne weitere Informationen zukommen und stehe per E-Mail (stefan.manser-egli@unine.ch) oder telefonisch (+41 32 718 14 53) zur Verfügung.

Ich würde mich über eine positive Rückmeldung sehr freuen und verbleibe mit freundlichen Grüssen.

**Stefan Manser-Egli**  
Doktorand, Universität Neuchâtel

FACULTÉ DES LETTRES ET  
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## Appendix 4: Interview guideline (example) <sup>175</sup>

- Vielen Dank, dass es geklappt hat und Sie sich die Zeit nehmen

### Einführung

- “ Forschungsprojekt und Person vorstellen, verdanken.
- Rechte des Teilnehmenden (nicht antworten, jederzeit abbrechen, usw.) und Verwendung der Daten (Aufzeichnung, Transkription, Anonymisierung)
- Struktur/Ablauf: 1) Herkunft RWBV [Respektierung der Werte der Bundesverfassung] in [canton] 2) Praxis RWBV in [canton] 3) Möglichkeiten weitere Forschung ..
- Dauer: bis ca. 10 Uhr?

### Vorab

- Vielleicht können Sie mir kurz in 3 Sätzen erläutern, wie ein Einbürgerungsverfahren im [canton] genau abläuft, von A bis Z?

### Herkunft in [canton]

- Wie lange spielt das Kriterium im Bürgerrecht [canton] schon eine Rolle?
- Wann wurde es ins Gesetz aufgenommen, in welchem Kontext? Was war das Ziel, die Idee dahinter?
- Das Kriterium inkl. schriftlicher Erklärung war seit [year] im kantonalen Bürgerrechtsgesetz, oder schon vorher? ..
- Im aktuellen Gesetz wird nur noch auf das BuG verwiesen, fällt damit auch die schriftliche Erklärung von RWBV weg? .. ..
- Spielte es schon vorher eine Rolle (oder: die Werte), bevor es im Gesetz war? (vgl. Praxis)
- Wie wurde das Kriterium genau verstanden, auf welche Werte bezog es sich (ähnliche Auswahl wie nun auf Bundesebene oder andere/eigene)?
- Hat der St. Galler Lehrermord von 1999 einen Einfluss auf die Gesetzgebung/Praxis rund um dieses Kriterium? (Aussage beim SEM)

### Praxis in Bürgerrecht [canton]

- Welche Rolle kommt dem Kriterium heute in der Praxis zu?
- Inwiefern wird das Kriterium von Gemeinde, Kanton, Bund geprüft, also von wem wann? ..
- Hat sich das verändert (im Vergleich zur bestehenden, kantonalen Variante) seit der Einführung auf Bundesebene mit der BuG-Revision?
- Was genau wird darunter verstanden (welche «Werte»), wie wird es angewendet?

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<sup>175</sup> Interview with a cantonal naturalization authority.

- Was genau versteht man unter «Respektierung» (der Werte)?
- Gibt es konkrete Beispiele/Fälle (Akteneinsicht, vgl. weitere Forschung)? Handschlag?
- Wenn nicht, was wäre ein theoretisch möglicher Anwendungsfall?
- Inwiefern spielen die Werte bei der Einbürgerung sonst/grundsätzlich eine Rolle?
- Inwiefern lässt sich das RWBV-Kriterium von andern Integrationskriterien (Rechtsordnung, innere und äussere Sicherheit, Schweizer Lebensweise) abgrenzen (oder eben nicht) bzw. geht darüber hinaus (Rechtsordnung)?

### Ferner/Grundsätzlicher

- Inwiefern handelt es sich um einen «Gesinnungsartikel»?
- In seiner Entstehung war ja viel von einem *Bekanntnis* oder auch von einer Charta oder Loyalitätserklärung die Rede, nun heisst es *Respektierung* der Werte der BV: inwiefern handelt es sich hier auch um eine Überprüfung der Gesinnung, von Haltungen und Meinungen? Sehen Sie hier eine gewisse Gefahr, dass der Staat auf das *forum internum* zugreift bzw. wie kann das vermieden werden?
- Inwiefern handelt es sich bei den Werten der Bundesverfassung um etwas, was man *einfordern* kann, und nicht um einen Anspruch an und um *Abwehrrechte* gegenüber dem Staat?
- Als geborener Schweizer Bürger wurde mir die Respektierung dieser Werte nie abverlangt, im Gegenteil kann ich morgen per Volksinitiative und Kampagne jeden beliebigen Artikel der Verfassung ändern wollen – wird hier von Ausländern *mehr verlangt* als von Bürgern?
- Kann/Soll der liberale Staat seinen (zukünftigen) Bürgern (die Respektierung) liberale Werte abverlangen? Inwiefern lässt sich die Respektierung der Werte der Bundesverfassung einfordern – sowohl empirisch (kann man das effektiv) als auch normativ (wie weit kann/soll ein (liberaler) Staat dafür gehen)?
- Im Handbuch Bürgerrecht des SEM heisst es zum entsprechenden Kriterium: «*Die Beachtung der Grundprinzipien der Bundesverfassung ist nach der herrschenden sozialen und ethischen Anschauung als unerlässliche Voraussetzung eines geordneten menschlichen Zusammenlebens anzusehen.*» - analog zu den Ordnungsvorstellungen («*...die Gesamtheit der Ordnungsvorstellungen, deren Befolgung als unerlässliche Voraussetzung eines geordneten menschlichen Zusammenlebens anzusehen ist*») geht diese Formulierung bewusst über die objektive Rechtsordnung hinaus; wie werden diese «herrschenden sozialen und ethischen Anschauungen» bestimmt und wann diese «als unerlässliche Voraussetzung eines geordneten menschlichen Zusammenlebens anzusehen» sind? Gilt der Schutzbereich der individuellen Grundrechte und Freiheiten der Bundesverfassung nicht auch und gerade dann, wenn diese nicht den «herrschenden sozialen und ethischen Anschauungen» entsprechen?

### Weitere Forschung

- Welche Aufgabe übernimmt der Kanton im Einbürgerungsverfahren, wie aktiv kontrolliert er die Integrationskriterien (Akten, Gespräche, Sitzungen, etc.)?

- Mit wem müsste ich Ihrer Ansicht nach noch sprechen, im Bürgerrechtsbereich des [canton], zu diesem Thema? Wäre es möglich, darüber noch vertiefter mit der/den zuständigen Person/en hier auf dem Amt zu sprechen?
- Gibt es allenfalls interessante Gesetzestexte, Rechtsprechung, Vorstösse, Handbücher etc.?
- Wäre eine teilnehmende Beobachtung denkbar, also dass ich ein paar Tage/Wochen über die Schulter schauen könnte (im Frühling/Sommer/Herbst)?
- Wäre eine Akteneinsicht in laufende oder abgeschlossene Dossiers denkbar, in denen das Kriterium (auch peripher) eine Rolle spielt? (Natürlich mit Datenschutzerklärung und ausschliesslich zu Forschungszwecken)
- Schliesslich würde ich gerne auch noch auf die Gemeindeebene gehen, wüssten Sie hier interessante Gemeinden im Kanton mit interessanten Fällen? Vielleicht 2-3 möglichst unterschiedliche?

## Appendix 5: Table 2: Observations

*Table 2: Observations*

#	Date	Mode	What	Who	Level	Field	Language	Duration
1	30.06.2021	on site / online	naturalization interview	caseworker + candidate	cantonal	naturalization	French	60 min
2	05.07.2021	on site / online	naturalization interview	caseworker + candidate	cantonal	naturalization	French	60 min
3	22.09.2021	online	integration course	instructor + participants	cantonal	integration	French	120 min
4	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
5	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
6	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
7	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
8	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
9	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
10	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
11	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min
12	11.11.2021	on site	naturalization interview	commission + candidate	municipal	naturalization	German	15 min

## **Appendix 6: Data Management Plan<sup>176</sup>**

### **1 Data collection and documentation**

#### *1.1 What data will you collect, observe, generate or reuse?*

See section 'Methods' above; Qualitative data will be obtained via

- ethnographic research/participant observation (field notes, descriptions, analytical memos etc.)
- face-to-face interviews (expert and problem-centred interviews), recorded and transcribed
- legal and official texts/documents for discourse analysis (many from existing/official collections)

#### *1.2 How will the data be collected, observed or generated?*

- interviews will be recorded (incl. informed consent), transcribed, coded and analysed with professional tools (such as ATLAS.ti or MAXQDA)
- field notes will be handwritten (incl. informed consent), systematized, coded and analysed with professional tools (such as Word, etc.)
- legal and official texts will be collected, stored and systematized (if not yet existing in collections)

#### *1.3 What documentation and metadata will you provide with the data?*

The methodology, reflexivity and research ethics of my data collection will be addressed thoroughly in my thesis (see sections 'Methods' and 'Research Ethics' above), including basic details such as the name of the person(s) who collected or contributed to the data, the date of collection, the conditions to access the data and the methodology used, following existing community standards and guidelines.

### **2 Ethics, legal and security issues**

#### *2.1 How will ethical issues be addressed and handled?*

- see section 'Research Ethics' above
- informed consent will be obtained for any field work (interviews and observations), orally or, if appropriate/desired, written, and can be withdrawn at any point (in which case the data will not be used and destroyed)
- permission to obtain, process, preserve and – respecting confidentiality and anonymization – share the data will be obtained for any field work (interviews and observations)
- confidentiality is guaranteed at all times (if appropriate by agreement)

#### *2.2 How will data access and security be managed?*

- all (digital/ised) data will be stored on password-protected devices (smartphone, personal computer) and/or protected servers (Unine)
- non-digital data (for example field notes) will be stored and secured in a key-lockable drawer in the (key-lockable) office at the University of Neuchâtel
- raw data (interviews, field notes, etc.) will be destroyed when transcribed and no longer needed

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<sup>176</sup> In accordance with the SNSF criteria:

[http://www.snf.ch/SiteCollectionDocuments/DMP\\_content\\_mySNF-form\\_en.pdf](http://www.snf.ch/SiteCollectionDocuments/DMP_content_mySNF-form_en.pdf) (accessed 25.05.2020).

- any personal (and, if appropriate, institutional) data (from interviews and observations) will be anonymized as soon as possible
- any (not publicly accessible, official or other) documents will be handled with care and confidentiality (if appropriate by agreement)
- generally, the levels of risk concerning the field and data are considered to be low
- only the supervisors of my thesis as well as possible co-authors will have access to the data

### *2.3 How will you handle copyright and Intellectual Property Rights issues?*

- generally, there are no copyright and Intellectual Property Rights issues as all data will be generated by me (and participants, incl. informed consent) or publicly available (parliamentary debates, reports, jurisdiction, etc.)
- if confidential/non-public documents (such as the minutes of the parliamentary commissions, for example) can be accessed for research purposes, the necessary confidentiality and precaution will be undertaken and guaranteed

## **3 Data storage and preservation**

### *3.1 How will your data be stored and backed-up during the research?*

- all (digital/ised) data will be stored on password-protected devices (smartphone, personal computer) and/or protected servers (Unine)
- on the secured university server, the storage capacity is large, and back-ups are protected
- non-digital data (for example field notes) will be stored and secured in a key-lockable drawer in the (key-lockable) office at the University of Neuchâtel
- raw data (interviews, field notes, etc.) will be destroyed when transcribed and no longer needed

### *3.2 What is your data preservation plan?*

- raw data (interviews, field notes, etc.) will be destroyed when transcribed and no longer needed
- transcribed data being much smaller in size than raw data (interview recordings for example), it can easily (and securely) be preserved

## **4. Data sharing and reuse**

### *4.1 How and where will the data be shared?*

- qualitative data being highly personal and characterized by the (co)production of interviewer and interviewee and the perspective of the observer, the raw data will not be shared at any point
- if appropriate, parts or excerpts of transcribed and anonymized data can be shared for further research and/or teaching, upon my consent

### *4.2 Are there any necessary limitations to protect sensitive data?*

- see 4.1

### *4.3 I will choose digital repositories that are conform to the FAIR Data Principles.*

- I do not intend to put any data on digital repositories, but if I do so: yes

### *4.4 I will choose digital repositories maintained by a non-profit organisation.*

- I do not intend to put any data on digital repositories, but if I do so: yes

## Appendix 7: Data Protection Agreement



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### Datenschutzvereinbarung und Geheimhaltungspflicht in der wissenschaftlichen Forschung; Dissertationsprojekt 'Das Integrationskriterium Respektierung der Werte der Bundesverfassung'

Verantwortlich für die Durchführung des oben erwähnten Dissertationsprojektes ist Stefan Manser-Egli; das Projekt wird betreut von Prof. Janine Dahinden (Universität Neuchâtel) und Prof. Matteo Gianni (Universität Genf). Das Migrationsamt des [canton], vertreten durch [caseworker], unterstützt das Dissertationsprojekt 'Das Integrationskriterium *Respektierung der Werte der Bundesverfassung*' der Universität Neuchâtel (assoziiert an den vom SNF finanzierten nationalen Forschungsschwerpunkt zum Thema Migration und Mobilität, *nccr – on the move*).

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#### Datenschutz

Der Projektverantwortliche verpflichtet sich zu einer Arbeitsweise nach anerkannten wissenschaftlichen Standards und haftet damit auch für die Einhaltung des Datenschutzgesetzes. Erhobene Daten dürfen nur anonymisiert verwendet werden. Es darf kein Rückschluss auf Personen möglich sein, weder auf von staatlichem Handeln betroffene Ausländerinnen und Ausländer noch auf die Mitarbeitenden des Migrationsamtes.

Gemäss Art. [X] des Datenschutzgesetzes des [canton] über die Bearbeitung von Personendaten für einen nicht personenbezogenen Zweck verpflichtet sich der Projektverantwortliche insbesondere sämtliche Personendaten entsprechend dem Bearbeitungsstand zu anonymisieren; sicherzustellen, dass bei Bekanntgabe des Ergebnisses Rückschlüsse auf betroffene Personen ausgeschlossen sind; und die Personendaten nicht weiterzugeben.

Der Projektverantwortliche stellt sicher, dass Unbefugte keine Einsicht in die Akten nehmen können. Schliesslich verpflichtet er sich, die erhaltenen Akten nach Abschluss des Forschungsprojektes zu vernichten.

Diese Verpflichtung bleibt auch nach Beendigung der Forschung bestehen.

Neuchâtel, 18.05.2021

**Migrationsamt**  
[canton]  
[caseworker]

**Dissertationsprojekt**  
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