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Tracing the Historical Politicization of Migration and the Commodification of Social Protection Claims in Switzerland: Dilemmas of Mobility and Citizenship for Immigrants with Disabilities

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Neuchâtel, le 23 juin 2023

Le doyen
Louis de Saussure

Abstract

Migrants entering Western Europe have been heavily scrutinized by host states. In some cases, this has resulted in discrimination, which is not prohibited by international law. The case of people with disabilities is different. International treaties guarantee 'fundamental rights' for disabled people that ensure the application of principles providing them a dignified life. However, access to various social rights and protections which over time has gradually been commodified via welfare retrenchment policies. Therefore, making it more difficult for persons with disabilities to fulfil wide range of criteria that are attached to certain social rights and protections; which consequently creates an inherent policy tension when disability and migration control intersect; specifically as it pertains to social protections enshrined in both Swiss Constitutional law (Article 8) and the "Reasonable Accommodation" provision (Article 2) of Convention on the Rights of Persons with Disabilities (CPRD) versus state interests.

The legal complexity involved in the balancing act between the rights of the individual and state interests can be particularly delicate, given the different layers of governance practices (i.e. mentalities, rationalities, and techniques) through which subjects are governed. Practices that government actors utilize within their own institutional or 'internal heuristics that shape and frame expectations that operate within a broader governmental framework. In turn, these internal heuristics that direct different practices utilized by state actors can have an impact on individuals; especially those vulnerable groups and live their daily lives since they are more likely to encounter the state and its mechanisms. The following dissertation, which consists of three articles, seeks to examine the overarching themes of migration, governance, narratives, and their evolution over time; in particular, the narratives pertaining to the accessibility of social rights and protections by non-citizens.

Therefore, the goal of this dissertation is to examine: (i) How have social rights and protection in Switzerland changed over time, and to what extent have they become commodified? (ii) Furthermore, what types of narratives have been used to justify this process and have these justification narratives evolved/changed over time? By examining the intersection of disability and migration within the framework of the welfare state, by applying mixed methods, this dissertation highlights the extent to which social rights and protections have been both commodified and politicized, alongside the narratives used justify their commodification.

Keywords: migration, mobility, disability, social protection, reasonable accommodation, commodification, narratives, law, Switzerland.

Résumé

Les migrants entrant en Europe occidentale ont fait l'objet d'un examen minutieux de la part des États d'accueil. Dans certains cas, cela a donné lieu à des discriminations, qui ne sont pas interdites par le droit international. Le cas des personnes handicapées est différent. Les traités internationaux garantissent aux personnes handicapées des "droits fondamentaux" qui assurent l'application de principes leur assurant une vie digne. Toutefois, l'accès à divers droits et protections sociaux qui, au fil du temps, a été progressivement banalisé par des politiques de réduction de la protection sociale. Par conséquent, il est plus difficile pour les personnes handicapées de remplir un large éventail de critères liés à certains droits et protections sociaux, ce qui crée une tension politique inhérente lorsque le handicap et le contrôle des migrations se croisent, en particulier en ce qui concerne les protections sociales inscrites dans le droit constitutionnel suisse (article 8) et la disposition relative aux "aménagements raisonnables" (article 2) de la Convention relative aux droits des personnes handicapées (CPRD), par rapport aux intérêts de l'État.

La complexité juridique de l'équilibre entre les droits de l'individu et les intérêts de l'État peut être particulièrement délicate, étant donné les différentes couches de pratiques de gouvernance (c'est-à-dire les mentalités, les rationalités et les techniques) par lesquelles les sujets sont gouvernés. Les pratiques utilisées par les acteurs gouvernementaux au sein de leurs propres institutions ou "heuristiques internes" façonnent et encadrent les attentes qui s'inscrivent dans un cadre gouvernemental plus large. À leur tour, ces heuristiques internes qui orientent les différentes pratiques utilisées par les acteurs de l'État peuvent avoir un impact sur les individus, en particulier les groupes vulnérables, et sur leur vie quotidienne puisqu'ils sont plus susceptibles de rencontrer l'État et ses mécanismes. La thèse suivante, qui se compose de trois articles, vise à examiner les thèmes généraux de la migration, de la gouvernance, des discours/narrations, et leur évolution dans le temps ; en particulier, les narrations relatives à l'accessibilité des droits sociaux et des protections par les non-citoyens.

Par conséquent, l'objectif de cette thèse est d'examiner : (i) Comment les droits sociaux et la protection en Suisse ont-ils changé au fil du temps, et dans quelle mesure sont-ils devenus des marchandises ? (ii) En outre, quels types de récits ont été utilisés pour justifier ce processus et ces récits de justification ont-ils évolué/changé au fil du temps ? En examinant l'intersection du handicap et de la migration dans le cadre de l'État-providence, en appliquant des méthodes mixtes, cette thèse met en lumière la mesure dans laquelle les droits sociaux et les protections ont été à la fois marchandisés et politisés, ainsi que les récits utilisés pour justifier leur marchandisation.

Mots-clés: migration, mobilité, handicap, protection sociale, aménagements raisonnables, marchandisation, récits, droit, Suisse.

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During my dissertation project, I have been able to benefit greatly from the professional and personal support of colleagues, friends, and family, who deserve my deepest appreciation. Since this dissertation project was embedded within the NCCR on the move that is funded by the Swiss National Science Foundation, I was able to benefit immediately from a resourceful interdisciplinary network of other PhD students, postdocs, and project leaders. Being able to relate to the experience of other PhD students, benefiting from their expertise and feedback and exchanging ideas has been an invaluable asset, since writing a PhD can also be the most challenging endeavour. During this program I have been able to make deep and meaningful relationships. Not to mention the intense self-reflection that the research topics has pushed me to confront and overcome. and I am convinced that they will persist also after the PhD. Thus, I wish to express my deepest gratitude to those who supported and guided me.

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List of Tables and Figures

List of Abbreviations

SFSC	Swiss Federal Supreme Court
BGER (number)	Swiss Federal Supreme Court case #
BGer	Online database of the Swiss Federal Supreme Court
SC	Swiss Constitution
OASI	Old-Age and Survivors' Insurance
DI	Disability Insurance
CB	Supplementary/Complimentary Benefits
EO	Loss of Earnings Benefits
OBI	Occupational Benefits Insurance
FLGI	Federal Law on the General Part of Insurance of October 6, 2000
EIAPD	Federal Act of December 13, 2004, on the Elimination of Inequalities Affecting Persons with Disabilities
CPRD	The Convention on the Rights of Persons with Disabilities
FMPS	Free Movement of Persons Switzerland in 1999
LRSF	The Federal Law on the Residence and Settlement of Foreigners of March 26, 1931
LoF	Law on Foreigners of May 05, 2004
LFI	Federal Law on Foreigners and Integration of 16 December 2005
OIE	Ordinance on the Integration of Foreigners of August 15, 2018
ALSN	Federal law on the acquisition and loss of Swiss nationality of September 29, 1952
SNL	Swiss Nationality Act of June 20, 2014
OLN	Ordinance on Nationality of June 17, 2016
NZZ	Neue Zürcher Zeitung
SOM	Support and Opposition to Migration
NCCR	National Centre of Competence in Research
SFM	Swiss Forum for Migration and Population Studies
SNSF	Swiss National Science Foundation
UNDIS	UN Disability Inclusion Strategy
ILO	International Labor Organization
WHO	the World Health Organization
OHCHR	the Office of the High Commissioner for Human Rights
SDG	17 Sustainable Development Goals
IGO	Intergovernmental Organization
CDS	Critical Disability Studies
CLS	Critical Legal Studies
DLS	Disability Legal Studies
ICD	Classification of Diseases
PTSD & CPTSD	Post Traumatic Stress Disorder & Complex Traumatic Disorder

Note on Page Numbers

This dissertation consists of one main document, a resume that aims to describe and connect each of the three academic articles that make up this dissertation. Encompassed in this document are both the resume (pgs. 1-101) and its attached references and appendices (102-150). The reader will find that I have included the original PDFs of both the two published articles (Articles 1 and 2), as well as the last Article (Article 3) that is to be submitted to either of the following academic journals: Sozialpolitik, Disability & Society, Citizenship Studies, JEMS, or Advances in Social Science and Culture. Due to technical limitations each of the articles are listed in the section of "Sub-Appendices" at the end of this document, which each have their own numbering. This has some minor stylistic consequences as the page numbers of the PDFs do not correspond to the page numbers of the rest of the manuscript.

The page numbering thus mirrors the following scheme:

Title pages : i - xv

Main Document : 1- 83

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Note sur les numéros de page

Ce mémoire se compose d'un document principal, un résumé qui vise à décrire et à relier chacun des trois articles académiques qui composent ce mémoire. Ce document comprend à la fois le résumé (p. 1-83) et les références et annexes qui y sont jointes (116-128). Le lecteur constatera que j'ai inclus les PDF originaux des deux articles publiés (Articles 1 et 2), ainsi que le dernier article (Article 3) qui doit être soumis à l'une des revues académiques suivantes : Sozialpolitik, Disability & Society, Citizenship Studies, JEMS, ou Advances in Social Science and Culture. En raison de limitations techniques, tous les articles sont répertoriés dans la section "Sous-annexes" à la fin de ce document, qui ont chacun leur propre numérotation. Cela a quelques conséquences stylistiques mineures, car les numéros de page des PDF ne correspondent pas aux numéros de page du reste du manuscrit.

La numérotation des pages reflète donc le schéma suivant :

Pages de titre : i - xv

Document principal : 1-83

Références : 84-115

Annexes : 116-128

Sous-annexes : Articles 1-3

1. Introduction

On June 12th, 2012, the Swiss Federal Supreme Court (SFSC) handed down a ruling regarding an appeal made on the basis of prohibition of discrimination (Art. 8 para. 2) and the prohibition of arbitrariness (Article 9) in relation to the continued rejection of an application for naturalization. The plaintiff asserted that this was due to the prejudices of the electors towards the applicant's 'Balkan' origins. This assertion was compounded by the applicant's long-term disability obtained in childhood, which caused an additional layer of issues related to social or professional life (BGER_1D_6/2011 2012). After the multiple attempts made by the applicants to apply for naturalization in 2007 and in 2009, the Naturalization Council Department of the Interior of the Canton of St. Gallen continued to refer the case back to the municipality to reconsider their decision. However, on each occasion the municipality continually refused to naturalize the applicant, to which the applicant filed a constitutional complaint. This complaint continued to the federal court in 2011. By that time, the law on citizenship included a new clause that would hold the electors accountable given that they now had to provide "an obligation to justify negative naturalization decisions" as found under Art. 15b of the Federal law on the acquisition and loss of Swiss nationality of September 29, 1952 (ALSN). In the end, the SFSC side-stepped the issue of discrimination by shifting the focus to 'integration-based arguments', given that the applicant withdrew from both professional and social activity. This included workshops for persons with disabilities (BGER_1D_6/2011 2012). Thus, rejecting the applicant's claims; given that social integration is obligatory even if the local environment is hostile:

> *"The assessment made by a voter at the citizens' meeting that the complainant could participate in an association for the disabled or work in a workshop for the disabled in the interest of integration is not discriminatory. Rather, the vote is based on the idea that the local integration required of applicants is (also) expressed through participation in clubs or other organizations in the community" (BGER_1D_6/2011 2012, para 3.4).*

It should also be noted that while the SFSC made this argument, they did recognize that having a disability could complicate matters but did not find the logic behind the rejection to be discriminatory in any form (i.e., neither direct nor indirect):

> *"There is no denying that it can sometimes be more difficult for people with disabilities to take part in village life and in general public activities. However, this does not justify equating accusations that there is a lack of efforts towards integration and not participating in public life with discrimination. Negative naturalization decisions are*

> *considered tenable if non-discriminatory statements are made in addition to discriminatory statements. That is the case here, since the objection raised at the meeting about the lack of local integration does not in itself show any discriminatory element. The application does not dispute these findings of fact. Rather, he confirms it indirectly when he admits that he has withdrawn from village life because he has experienced rejection from the local population"* (BGER_1D_6/2011 2012, para 3.4-4).

However, the SFSC attempted to signal that they in spirit, not in action, recognize the everyday challenges that persons with disabilities, especially non-nationals, face and that certain aspects should be considered, but only to a certain point:

> *"The complainant's withdrawal from social life seems understandable given the overall circumstances. Also, as the lower court rightly considered, it cannot be denied that the complainant's physical disability means that he has only limited opportunities to participate in village life, which is why the complainant must be agreed that the demands on his willingness to integrate must not be set too high"* (BGER_1D_6/2011 2012, para 4.4).

Such decisions made by the SFSC highlight the legal complexity involved in the balancing act between the rights of the individual and state interests. This can be particularly delicate when approaching legal questions about social protections and rights that are enshrined in both national and international law. It remains a subject for further negotiations between the international norms of social protection and national sovereignty. These negotiations are an integral part of how a nation state governs via the organized practices (i.e. mentalities, rationalities, and techniques) through which subjects are governed (Burchell et al. 1991; Bevir and Rhodes 2010). Those practices are used by a variety of government actors within their own institutional scope, along with their own 'internal heuristics or expectations that operate within a broader governmental framework. In turn, these internal heuristics that direct different practices utilized by state actors can have an impact on individuals; especially those vulnerable groups. Whose daily lives are more likely to encounter the state and its mechanisms, as illustrated in the excerpt above that involves an individual that is both a foreigner and disabled. Both identities and legal categories[1] carry a great weight in terms of what norms, principles, and social protections are attached to them.

The following dissertation, which consists of three articles, seeks to examine the overarching themes

[1] In this paper, identity, and category as separate entities because some identities are self-subscribed, whereas legal categories are assigned or imposed.

of migration, governance, discourse/narratives, and their evolution over time (as illustrated in the case above). Specifically, focusing on the narratives pertaining to the accessibility of social rights[2] and protections by non-citizens[3]. Therefore, the goal of this dissertation is to examine: (i) How have social rights and protection in Switzerland changed over time, and to what extent have they become commodified? (ii) What types of narratives have been used to justify this process and have these justification narratives changed over time? By examining the intersection of disability and migration within the framework of the welfare state, we can highlight the extent to which social rights and protections have been both commodified and politicized, and the narratives that justify these processes. The intersection of migration and disability within the welfare state and the scope of social protections is the focus in two of three articles. Despite the articles being diverse in character, they share commonalities in themes and methodological elements. Each of article examines the ways in which certain categories of immigrants are perceived or treated and under which conditions in Switzerland. While each of these topics have their own bodies of literature and may speak to one another on occasion, they have rarely been examined simultaneously together, which shows the importance of these research questions being analysed.

Each of these articles examine the Swiss case and its different historical and policy contexts, emphasizing the critical significance of 'discourses' in order to comprehend how immigration is becoming both commodified and politicized. While also becoming deeply ingrained in institutions and laws, whether in the media, the legal system, or courtrooms. In our first article, which was the cornerstone of our research, examined the politicization of immigration in Switzerland during the 1970s oil crisis and the financial crisis of the late 2000s. One of the main aspects of this article which proved critical to our research were the various reactions made by actors in the form of claims and the different discursive frames used via the use of Koopmans's claims-making analysis. While Article 2 takes this a step further by looking at a specific group of government actors (i.e., judges) and what legal themes or narratives are used to justify their interpretation of the law involving foreigners with disabilities. Specifically, focusing on their access to social rights or protections. Whereas, the last article examines the narratives or themes that exist within the law on citizenship and if there are any exemptions for foreigners with disabilities.

This dissertation corresponds to the historical-comparative angle of the NCCR – on the move's IP 22

[2] We define social rights in the Marshallian sense which includes access to citizenship, family reunion, rights to reside etc.
[3] In this paper we intend to focus on only non-citizens given that the academic literature on welfare state, migration, and disability either together or separate mostly focus on the reduction of rights for citizens.

project as well as to work conducted as part of the SOM project (Van der Brug et al. 2015);[4] which was funded by the Swiss National Science Foundation (SNSF) and associated with the Swiss Forum for Migration and Population Studies (SFM) at the Université de Neuchâtel.

In the following section, an introductory chapter will provide a brief overview of the three overarching topics of Migration, Welfare State, Disability and Social Protection. This will be followed by a conceptual and theoretical chapter which outlines the concepts and terminologies used to try and answer the research questions in conjunction with the various methodologies used. The methodological chapter will describe both the 'umbrella method' of content analysis and the various forms of analysis used within each of the written articles. Shortly followed by a reflexivity section, where the challenges that were encountered while conducting the research for this dissertation. The final two chapters provide a summary of the results of the three papers and concluding remarks.

2. Migration, Welfare State and Social Protection

As previously noted, the academic literature on Migration, Welfare State and Social Protection co-exists but has yet to be used or examined concurrently, despite the various instances where all three topics intersect or overlap. Hence, why it is fundamental to examine this categorical intersection. As both categories are 'fluid' and reciprocally ignored in their respective literatures. One of the areas of overlap is in the policy area of social protection for vulnerable persons, such as foreigners with disabilities. Both groups or legal categories of persons have various forms of protection or rules that apply to them. More specifically, how the various parts of the Swiss legal system treats this categorical overlap, in relation to accessing social rights and protections. Along with what norms or rules govern their access and how these norms have evolved over time. Thereby, contributing to academic literature by providing both an intersectional and historical legal perspective. This dissertation will also propose new theoretical heuristics and highlight nexuses to use when approaching the intersection of disability, migration, and the welfare state. These polarizing fields of study remain salient in both political and institutional discourses. The first of these is migration and its impact upon nation states as well as their various subsystems (i.e., economy, identity, culture, political structures, social security systems etc.).

2.1 Migration

In the current academic literature on migration there are various existing theoretical frameworks on how scholars explain the multifaceted aspects and phenomena that are linked to migration. This is what

[4] The project titled "Mobility, Diversity, and the Democratic Welfare State: Contested Solidarity in Historical and Political Comparative Perspective" ran from 2018 to 2022 and contributed to the NCCR's second phase. Published in: Journal of Ethnic and Migration Studies, 47(17), 3864-3890

Castles refers to as the global theory of mobility. According to Castles, the term 'Global Theories of Mobility' should replace the term of migration since, in its current state, migration has a tendency to have 'sedentary bias's that ignores the fluidity and complexity of the various steps, stages or processes that are linked to migration or migratory flows (Bakewell, 2007; Castles, 2010a). Migration is no longer the permanent (or long term) movement from one nation-state to another, it is much more complicated. This complexity stems from the reasons why or how a person migrates, for not everyone can migrate or be 'mobile.' The term mobility is a loaded one and is typically linked with migration. This connection is not surprising given the terms and it's various incarnations within migration literature. At times mobility can be movement between spaces (spatial mobility) or the improvement of one's status or class in their society's socioeconomic hierarchy (social mobility); which is another theme that is often found within the discussion around migration (Bauman, 2000; Cresswell, 2006). Therefore, it is no wonder these terms are used synonymously or, on occasion, in strict opposition to each other. Migration can be theorized as a sub-form of mobility (i.e., a mobility that applies to human spatial rather than social, long-term rather than short-term, and essentially linked to the historical rise of the nation state). In any case, it essential to highlight that both terms represent different points on a spectrum, which is the reasoning behind, the purpose of this dissertation, we consulted the NCCR's migration-mobility-nexus (MMN). In particular, we looked at the four distinct conceptualizations of: enablement, continuum, hierarchy and opposition. These categories aided us in situating our research with the broader understandings of migration and mobility; especially in establishing migration within a space perspective and mobility with a flow perspective. Our research in each of the three articles can easily be connected to both the continuum and hierarchy conceptualizations associated with the MMN. Each of the articles take a historical perspective (i.e., continuum) of the laws and their evolution over time, alongside their discourses and the various hierarchies.

The complexity and fluidity of migration or the ability to be mobile can also be examined via the lens of Globalization, or Globalization Theory. Castels defines Globalization Theory as: "A network of production, culture, and power that is constantly shaped by advances in technology, which range from communications technologies to genetic engineering" (Castells, 2009a; Castells, 2009b; Castles, 2010a). It is within these various areas of change that scholars often use the Globalization Theory framework in tandem with the Social Transformation framework, which is a variation of Karl Polanyi's observation about the relationship between the economy and society. In particular, he notes how certain 'transformations' or conceptualizations of the market can perhaps be the underlying cause of a 'crisis' (Holmwood, 2000; Polanyi, 2001; Block and Polanyi, 2003). According to Polanyi, it is this 'transformation' or commodification of 'public goods' or resources (i.e. land, money and labour) or as

he calls them 'false commodities' that, once commodified, can undermine social relationships and the 'embeddedness[5] of an economy causing social instability, for: "When these public goods and social necessities are treated as if they are commodities produce for sale on the market, rather than protected rights, our social world is endangered and major crisis will ensue" (Polanyi 1944, pp. 159-163; Polanyi, 1944, pp.233-36). Since humans, in Polanyi's point of view, are primarily social beings, rather than economic ones, this embeddedness is a necessary and a basic condition of the economy. Once this embeddedness is undermined by the over emphasis on the market (i.e., crude fictions) and becomes (dis) embedded, this opens the door for exploitation, or as Polanyi eloquently stated:

> " *To allow the market to be the sole director of the fate of human beings and their natural environment, indeed even of the amount and use of purchasing power, would result in the demolition of society….Robbed of the protective covering of cultural institutions, human beings would perish from the effects of social exposure; they would die as victims of acute social dislocation through vice, perversion, crime, and starvation. Nature would be reduced to its elements, neighbourhoods and landscapes defiled, rivers polluted, military safety jeopardized, the power to produce food and raw materials destroyed…No society could stand the effects of such a system of crude fictions even for the shortest stretch of time unless its human and natural substance as well as its business organization was protected against the ravages of this satanic mill* "(Polanyi, 1944, pp. 77-78).

In sum, it is the constant oscillation between the expansion of protections against the market and the withdrawal of these protections over time, as well as their re-introduction is what Polanyi calls the *double movement, –* a protective countermovement to re-subordinate the economy to society (Polanyi, 2001; Block and Polanyi, 2003; Dodd, 2016). The *double movement* can be interpreted as a manoeuvre to counter the forces of the market or the over commodification of goods and resources, which can come in the form of social protections. Specifically, for those within society that are more likely to be exposed to exploitation and the crude fictions of the market (Polanyi, 1944 pp. 132-144 Polanyi, 1944 pp. 154-182). These interlinked processes aided in the promotion of economic globalization and the reshaping of political and military power relationships since the end of the Cold War. These represent a momentous change, a new 'great transformation,' that is closely interwoven with a transformation of social, economic, and political relationships. Such shifts according to Polanyi can be seen in the social transformation in developed countries that manifest in : the closure of older industries, the restructuring

[5] Refers to the interconnections between economic functions in society and other broader social relationships. These would consist of social obligations, protections, limits on the market, solidarity, reciprocity etc. all which existed before capitalism when the role of the market was limited.

of labour forces, and the erosion of welfare states (Castles, 2010a p.11). Each of the consequences from social transformations can cause or provide reasons for people to become more mobile, especially if they feel that they have no security or economic opportunities. However, as Bauman pointed out, the right to be mobile is class-specific and selective (Bauman, 1998; S. Castles et.al., 2013; Haas et al., 2019). National border controls or immigration policy have become more restrictive over time, especially after various crises in the 2000s with the Great Recession of 2008, the 2010 Euro Crisis and then the 2015 Refugee Crisis (Kriesi et al., 2016; Eurostat, 2019; Gago and Maiani, 2022). Each of these events evaluated the capacity of nation states and the boundaries of both membership and solidarity within nation states. One of the ways nation states define or outline membership is citizenship in both the normative sense and in the legal sense, as a status that is accompanied by differing rights.

2.1.1 Citizenship

The concept of citizenship and who qualifies or belongs has remained a salient and contentious topic within academic literature with the differing variations or emerging models of citizenship ranging from: republican, liberal, and the ethno-nationalist (Stahl, 2020). Each model of citizenship emphasizes certain aspects that are deemed essential: the republican model places the focus on collective civic activity, liberalism focusses upon natural rights and market freedom, and the ethnic-nationalist model places the emphasis on identity (or solidarity). Citizenship can therefore be either inclusionary or exclusionary or somewhere in between, depending on the type or conditions of membership (Lister, 2003; Cohen, 2009).

The 'current' perception of citizenship is that it is about 'membership' in or to a 'community' which serves as basis for a formal legal status as a citizen, accompanied by the rights, identity and participatory obligations that are connected with such a status (Delanty, 2000). According to Stokke, there are four essential dimensions in understanding the 'politics of citizenship,' which consist of: membership, legal status, rights, and participation. He asserts these dimensions "as contentious interactions over the institutionalization and realization of four key dimensions of citizenship" (Stokke, 2017 p. 204.). In addition, he elaborates further by arguing that there are three interrelated dilemmas that can be found within the 'politics of citizenship.' These are fundamental tensions, specifically within liberal nation-states, which are: the politics of recognition for cultural inclusion, the politics of redistribution for social justice, and the politics of representation for political inclusion (Stokke, 2017). Each of these issues are connected to the ongoing cultural and global changes of the understanding of citizenship within liberal nation-states.

This argument echoes T.H Marshall's work on citizenship and it's fluidity: "the meaning of citizenship

is not fixed; it is a developing institution" (Marshall, 1992 p. 18). In Marshall's understanding of citizenship there are three interconnected types of rights: civil, political, and social rights (Marshall,1950; Marshall, 1992). Civil rights are tied to the individual freedoms that are protected or enhanced by political rights via the 'equity before the law' principle, which should provide the "drive to further equality—political equality." Thus, establishing that "certain privileges and rights should not be dependent upon class" (Marshall, 1950, pp 46-70; Cohen, 2009 p. 60). This latter aspect serves as the basis for the social rights which Marshall defines broadly to include: "…a whole range of rights a modicum of welfare and security to the right to share to the full in the social heritage and live the life of a civilized being according to the standards prevailing in society (Marshall, 1950 pp. 49-59)." In theory, the main goal of social rights is to "mitigate inequalities generated by market economies without abolishing markets" (Marshall, 1950 p. 59). This 'social citizenship' has become one of the most discussed aspects of citizenship, which has been the basis for the expansion of rights regarding citizenship for those whose 'statuses or membership' are legally precarious, given the ever-evolving understanding of citizenship.

Specifically, Cohen's research on 'semi-citizenships' and how some citizens have rights but not *all* citizenship rights and are caught somewhere in between (e.g., those with criminal records) (Cohen, 2009). Some may argue that this can be the case for those with disabilities, given their impairments that have historically prevented them from being categorized as 'beneficial' citizens to society. (i.e., Walmsley, 1991; Meekosha and Dowse, 1997; Prince, 2009; Halvorsen et al., 2018). Consequently, this excludes disabled individuals and obstructing them from accessing or exercising social rights as classified by Marshall.

In recent years, there has been an increased interest in citizenship as a vehicle to understand disability (Marks, 2001; Carey, 2003; Beckett, 2006; Duffy, 2012; Halvorsen and Hvinden, 2013; Lid , 2015), Whilst others have focused on citizenship and disability (Sépulchre, 2017). However, it was Rioux and Valentine that made the paradigm-changing assertion that "citizenship is a strategically important and contentious idea that is central to an understanding of disablement" (Rioux and Valentine, 2006, p.58). However, the citizenship concept, in itself, is a 'fluid concept' since the notions of belonging or boundaries are 'frequently' disputed or challenged (Bussemaker and Voet, 1998; Lister, 2003). It is this debate about belonging and boundaries that has given rise to the discussion about where and how these boundaries are to be drawn, in conjunction with criteria or values that are deemed 'essential' for prospective members. What aspects or traits are directly or indirectly preferred by nation-states for immigrants to obtain citizenship? For some, this may be the duration of residency in the country; others

might prefer linguistic or cultural criterion[6]. In recent years, new sets or types of criteria have slowly been added; that of 'economic sustainability or self-sufficiency' (Arrighi and Bauböck, 2017; Stadlmair, 2018). According to Stadtlmair, among others, many European countries' criteria for naturalization now include a certain degree of 'economic sustainability' or 'economic self-sufficiency' from applicants. The reasoning behind this requirement is that it prevents the potential citizen from becoming a 'burden to the state' via 'welfare dependency', as this is perceived to be a 'potential barrier' to citizenship (Koopmans et. al., 2012; Stadlmair 2018). This notion has been eagerly endorsed by 'welfare chauvinists' and populist/far right parties alike in the effort to 'protect the welfare state' from the 'undeserving' applicants (Jeene et. al., 2013; Afonso and Papadopoulos, 2015; Jensen and Petersen, 2017; Ataç, 2019; Laenen, 2020; Knotz et al. 2021; Chueri, 2022). It is this continued fear of 'welfare dependency' or 'welfare tourism' that has provoked various political discussions about who should or should not have access to the welfare state (Mantu and Minderhoud, 2016; Barbulescu and Favell, 2020; Gago and Maiani, 2022).

The ongoing concerns about 'welfare tourism' and 'welfare dependency has triggered a fierce debate within political discourse about how to protect the welfare state from potential abuse. Such discussions are intertwined with the normative conceptualizations of citizenship, which have been shaped by various expectations and certain conditions (Lister, 2003; Cohen, 2009; Anderson, 2015a; Anderson 2015b). Understanding these conditions is essential in forming differentiated citizenship and the norms that frames it. In addition, the conditions to citizenship establish the rights and opportunities given to all citizens, creating an idealized conception of citizenship. It is this idealization of citizenship which asserts that everybody is fairly and equally treated is as what Anderson calls 'fantasy citizenship' (Anderson, 2015b, p.47). While citizenship promises equality and inclusion this is not always the case. In fact, the inequalities caused by 'fantasy citizenship' can be seen not only in how the naturalization process is used as a tool of immigration control, but also how this conceptualization of citizenship acts as a form of 'quality control' for its own citizens. This is attained through the differentiation made between working and non-working citizens in their accessibility to social rights (Anderson, 2015a, pp.181-83). One such form of 'quality control' is the access to welfare benefits or social protection mechanisms that are in principle guaranteed to citizens because of their legal status as citizens.

In practice, this is not consistently applied to all citizens since requesting any social benefits (i.e. unemployment) is considered a 'failed citizen' since they have failed in meeting the normative

[6] Citizenship definition for the scope of this paper is based upon the *Loi du 20 juin 2014 sur la nationalité suisse (LN)* & Article 37 of the SC.

standards of what it means to be a citizen. This is due to the fact that they, unlike the immigrant, have a 'duty to work' and to be 'self sufficient' (Anderson, 2015a, p. 187; Anderson,2015b, p.52). Both cases illustrate the various forms of both internal and external exclusions based upon a 'self sufficiency fallacy.' Thus, indicating the return to the pre-Marshallian understanding of citizenship and the 'citizen worker' model. This reversion back to this model of citizenship highlights various dimensions of exclusion for both citizens and immigrants. However, what happens when this model encounters more complex categories that poses normative challenges to the emphasis on 'self sufficiency' over human rights as in the case of foreigners with disabilities? Which norms are or are not applied? This is a vital question, since it reflects one of the fundamental flaws in the 'citizen worker' model, which is that it does not take into consideration or is unable to accommodate complex realities posed by intersectional groups or the intersectional discrimination that can occur because of it. One such example is the case of foreigners with disabilities. Based upon this model, individuals who fall into both categories are effectively victims of "double exclusion," since they are neither citizen nor worker because of their inability to fulfil the criteria established by the 'citizen worker' model. Therefore, this model not only creates inequalities via exclusion to the welfare state, but reinforces false 'narratives' and shows the weaknesses of neo-liberal economics. This is because both disability and citizenship works negatively against the individual: the disabled (even if they are citizens) are unable to work due to discrimination or physical limits; however, citizenship leads to an expectation of an individual to contribute in order to be 'accepted' as a citizen. It is this dual-layered vulnerability posed by the intersection of migration and disability that highlights the limitations of the citizen worker model and the gaps it creates in not only how citizenship is understood, but also the limits of bounded solidarity within the welfare state. More specifically, the ways in how the distribution of benefits should only benefit those who have contributed.

The prioritization of contribution and deservingness is reflective of a broader socio-political debate about in which the value of a person is solely based upon their capacity and ability to contribute rather than their humanity. It is this disregard of an individual's humanity in favour of the potential capital an individual can produce that reinforces the commodification of social rights and protections that citizenship once provided, which are no longer accessible to certain populations who are neither citizen nor worker. It is this form of double vulnerability, often caused by the intersection of two overlapping categories, highlights the relevance of Soysal's 'post-national citizenship' approach, which advocates for citizenship to be made on the basis of 'humanity' not 'nationality' (Soysal 1994; Hort, and Therborn, 2012; Soysal 2012). The post-national citizenship, unlike other models recognizes the 'interconnectedness and interdependence' between individuals and their societies, which is why

citizenship should not be solely based on 'nationality or legal status' (Soysal 1994; Soysal 2012). By using this model of citizenship, it aids in moving beyond the traditional understanding of citizenship and its methodological nationalism by emphasizing more on the supranational institutions and the transitional entities in the formation of an individuals' rights and identities (Soysal 1994). Therefore, providing a more fluid, flexible, and more inclusive understanding of citizenship that takes into account the complex empirical realities of a progressively more interconnected world (Hort, and Therborn, 2012; Soysal 2012; Soysal 2012).

Another scholar that poses a similar argumentation to Soysal's post-national citizenship, is that of Will Kymlicka and his call to move away from the paradigms posed by the 'progressive's dilemma' as pertains to the welfare state (Kymlicka 2001; Bating 2010; Kymlicka 2015; Bauböck and Scholten, 2016).[7] According to Kymlicka, nation states should opt for a form of inclusive multiculturalism that is attached to "an ethnic of social membership: that is, a form of multiculturalism that enables immigrants to express their culture and identity as modes of participating and contributing to the national society" (Kymlicka, 2015, p.12). Thus, he is advocating for a more positive and inclusive form of solidarity, which is multicultural liberal nationalism. This form of solidarity, Kymlicka hypothesizes would strengthen the nation-states because it evades the 'toxic suspicions' posed by welfare chauvinism and narratives of deservingness can supply a utilitarian resolution to the welfare state, assuming that most immigrants wish to integrate and become citizens (Kymlicka 2001; Kymlicka, 2015, p. 16). However, this suggestion does not consider the differences in the role of the welfare-states in the identity of other countries, such as in Switzerland.

2.2 Welfare State

One of the most influential authors on welfare states and their structural variations is Gøsta Esping-Anderson and his establishment of welfare systems typology in his ground-breaking work, *The Three Worlds of Welfare Capitalism.* Anderson created and outlined a typology of welfare capitalism to categorize and classify contemporary Western welfare states that are a part of the 'worlds of welfare capitalism.' According to Esping-Andersen there are three 'ideal' types of welfare systems that are characterized by specific labour market regimes and by a specific post-industrial employment tracks (Esping-Andersen 1990). The three systems include liberal regimes (e.g., United States), conservative regimes (e.g., Germany, France, or Switzerland), and social democratic (e.g., Scandinavian) regimes. Each of these categories are differentiated by assessing the level of 'de-commodification'[8] and 'de-

[7] Defined as: The trade-off or conflict between immigration and the welfare state, via the choice between inclusivity vs. national solidarity (Banting 2010)

[8] How independent the individual is from the market via the welfare benefits given by the state.

stratification.'[9]

In the case of the liberal states, it is both commodified and stratified: there is a modest system that encourages market solutions to social problems[10] and is characterized by means-tested assistance for low-income workers with strict entitlement rules that have some form of stigma attached. Conservative regimes are 'de-commodified' but 'stratified.'[11] Namely, there are safety-nets with social insurance and benefits, but these exclude non-working wives; such policies are aimed to promote motherhood. However, these resources are only available when the family's capacity to help its members is exhausted, which makes it difficult to move up the societal latter. The last type of welfare regime is that of the social democratic regime, which is universalistic and places emphasis on equality instead of minimal need; which leads to de-commodifying welfare services. Decommodification results in the reduction of costs, easier access to welfare services, and pre-emptively socializing the costs for those who are seen as social risks before family resources are depleted. This leads to a heavy social service burden, which induces a focus on minimizing social problems, thereby aligning the system's goals with the welfare and emancipation (Esping-Andersen 1990).

However, this balancing act between decommodification and stratification for a nation's welfare state is a precarious one, especially when it comes to welfare benefits and how they are distributed. This has often led to tensions or difficulty in balancing the benefits of a diverse or talented workforce that can provide cheap labour versus a stricter immigration regime, which only allows entry based upon certain eligibility criteria (Cochrane et. al., 2001; Kirkham, 2022). It is the latter aspect about stricter immigration regimes that are used to impose certain 'eligibility criteria' in order to, at least in theory, protect the welfare state from those who would 'abuse' welfare benefits and are not deserving of accessing these privileges. In this view, such privileges should be reserved for those who deserve or earned these benefits via period and are a part of the community, such as citizens or workers who have contributed economically via taxes or into various social 'safety nets.' Such a perception of the welfare state also leads to disparities, as immigrants are not legally allowed to access these social rights and protections, which is further reinforced by the social attitudes towards foreigners who seek such assistance in time of need.

2.2.1 Explaining disparities: Attitudes towards Welfare State in law and practice

One of the plausible answers that have appeared in migration, disability, and welfare state literature is

[9] Amount of opportunity there is for upward mobility.
[10] Encourages directly subsidizing private welfare schemes.
[11] According to Cochrane there are also two other welfare state models: Southern European models and that of the post-Soviet models.

that of welfare chauvinism and economic determinism. While these terms carry heavy connotations, what we found interesting is that both concepts appear in each of the bodies of literature used to design our dissertation. In the disability literature, welfare chauvinism manifests itself in how it evaluates both the extent of 'disability' and the level impairment or incapacity of a disabled individual in order to assess how much they can or cannot contribute to society. It is this emphasis upon capacity-based assessments which reflects not only ableist attitudes but also the focus on the economics and the ability to earn or make income or capital. It is this latter aspect that Oliver and Barnes categorizes as 'economic determinism', which often underlies the motivation to include 'means testing' within the law in order to access social benefits which coincides with welfare retrenchment policies and the gradual re-commodification of social rights (Huber et al., 2001; Oliver and Barnes, 2010; Oliver and Barnes, 2012; le Court 2014¸Dukelow, 2021; Lin,2021). Here, we can start to see the overlap between the different bodies of literature as both elements of welfare chauvinism and economic determinism appear in both the welfare state and migration literature. In particular, the research on welfare retrenchment policies and the gradual restriction of access to certain social rights for both citizens and non-citizens (Timonen, 2001; Anderson,2013b). It is this steady erosion of rights that helps us understand the several types of discrimination and their key intersections, such as the one we see with disability and migration. This important junction of these two concepts highlights the nature of, as Balibar put it, 'racism without race,' which can be interpreted as intersectional discrimination. This specific form of discrimination can manifest in many forms, including welfare chauvinism and deservingness, which will go further in depth in the next section.

2.2.2. Welfare Chauvinism

These restrictive policies are often linked to welfare chauvinistic or xenophobic attitudes of the far right or populists to understand how neo-nationalist groups and racist parties utilize the welfare state and benefits to draw a demarcation line between 'us' vs, 'them.'; the 'us' being the perceived ones who deserve the benefits, whereas the 'them' are portrayed as not deserving and even exploiting the welfare system to the detriment of the 'rightful citizens' (Andersen and Bjørklund, 1990; Keskinen, Norocel, and Jørgensen, 2016; Kitschelt and McGann, 1997).[12] As such, these nationalists or populists advocate the restriction access to welfare benefits from foreigners and 'undeserving' applicants that abuse the welfare system (Jeene, van Oorschot, and Uunk, 2013; Laenen, Rossetti, and van Oorschot, 2019). Current research on welfare chauvinism in recent years has become less of a normative debate and has 'shifted' to examining attitudes towards the welfare benefits and the right of migrants to receive such

[12] This project will only focus on the empirical aspects of welfare chauvinism, not the normative debates.

benefits (Keskinen, Norocel, and Jørgensen, 2016). Keskinen, Norocel, and Van Oorschot have contributed greatly to this growing amount of literature on examining the normative aspects of welfare chauvinism, as well as how it has become a part of the political discourse surrounding welfare reform and the distribution of welfare benefits. Furthermore, according to Jørgensen, Reekens, and Van Oorschot, welfare chauvinism is closely related on how 'society' categorizes individuals based on whether or not they 'deserve' of receiving welfare benefits from the state (Andersen and Bjørklund, 1990; Keskinen, 2016; Keskinen, Norocel, and Jørgensen, 2016; Kitschelt and McGann, 1997). This definition originates from the studies on far-right wing populism (FRRP) as way to grasp how neo-nationalists and cultural racists parties use the welfare state and benefits to create a distinction between 'us' vs 'them'- the natives vs the immigrants or the 'outsider (Andersen and Bjørklund, 1990; Kitschelt and McGann, 1997; Mudde, 2007; Keskinen, 2016).' This creates a polarizing dynamic between the 'rightful citizens', who are hardworking and *deserve* the fruits of the their labour, and the 'others', who are seen as *undeserving* of any assistance from the welfare state since they only will exploit the system, taking previous resources from the 'rightful citizens' (Andersen and Bjørklund, 1990; Mudde, 2007; Keskinen, 2016; Keskinen, Norocel, and Jørgensen, 2016) . It is this line of logic that has been promoted in the past amongst FFRPs who have 'ethicized' the discussion about the welfare state and social policies; especially in relation social assistance programs and immigrant's access to these programs (i.e., pensions, unemployment, social assistance etc.(de Koster et. al, 2013; Reeskens and van Oorschot, 2012; Schumacher and van Kersbergen, 2016). Therefore, the term welfare chauvinism has become a part of broader discussions by main stream political parities within public policy in regards to the welfare state and the types of narratives that are used justify welfare retrenchment and commodification of rights (Häusermann, 2010; Careja et al., 2016; Enggist & Michael Pingger, 2022; Loxbo, 2022). These narratives often consist of but are limited to protection against welfare abuse, the promotion of self-sufficiency and fairness to those who have contributed (i.e., taxpayers). But in reality, these narratives mask the real intention of cost cutting measures via the exclusion of those who are seen as unproductive, too costly, or undeserving. (Timonen, 2001; Anderson, 2015a; Tuohy, 2018: Attewell, 2021). It is with this development in public policy and political discourse that has led researchers to develop a 'sister' concept to welfare chauvinism, Welfare deservingness.

2.2.3 Welfare deservingness

While our collection of articles may not have explicitly utilized the concepts of welfare chauvinism or deservingness, both concepts have served as underlying or 'supporting' theoretical frameworks in how we interpreted the results of our data that came from examining the intersection between disability and

migration within the context of the welfare state. More specifically, how these theoretical frameworks connect the attitudes, views, and narratives found in our research functioned as justifications within a politicized context for the commodification and gradual restriction of social rights and safeguards applicable to people with disabilities. One of the most prominent of these is Welfare deservingness. Welfare deservingness has been used to explain how welfare chauvinism as an 'attitude' has seeped into public policy and political discourse by looking at the 'perceived deservingness' of the beneficiaries of welfare programs. This aspect of deservingness has become a major factor that has shaped public welfare attitudes (Petersen et al., 2011; Petersen et al., 2012; Aarøe and Petersen, 2014). To examine public welfare attitudes, Welfare deservingness has been defined as: those who are entitled to a fair distribution of social welfare funds, which is based upon five criteria, otherwise known as the CARIN criterion (Control, Attitude, Reciprocity, Identity and Need). The CARIN criteria provide an analytical framework to examine how society makes the distinction between those who are 'deserving' and 'undeserving' of welfare benefits state. (Van Oorschot, 2000; Clasen and van Oorschot, 2002; van Oorschot, 2006; van der Waal et al., 2010; Svallfors, 2012; van Oorschot and Roosma, 2015; Keskinen, Norocel, and Jørgensen 2016; van Oorschot et al., 2017; Reeskens and van der Meer, 2019; Laenen, Rossetti, and van Oorschot, 2019)

However, according to Knotz and others, the literature connecting welfare chauvinism and deservingness lacked what Gerring calls 'insufficient differentiation' and 'internal coherence' given that certain terminologies are vague, ambiguously defined, or have large overlaps in conceptual definitions (Gerring, 1999; Reeskens and van der Meer, 2019, pp.172; Knotz et al., 2021). Such is the case with the criteria of attitude and reciprocity, alongside other criteria which are loosely defined due the fact that certain definitions encompass several distinct aspects that should be separated to gain a full understanding of the phenomena.

This is the reason Knotz et. al. argue that the redefinition of RICE/ CARIN to NICER (i.e., Need, Identity, Control, Effort and Reciprocity) criteria is more accurate given that certain criteria, such as attitude, have no real effect in how deservingness is assessed (Knotz et al., 2021). According to Knotz, the result is quite ironic given that both welfare chauvinism and deservingness as theoretical concepts are variations of the same types of attitudes. Both are intricately linked to other defensive attitudes (i.e., welfare nationalism, xenophobia, racism etc.) that emerge when discussing aspects of the welfare state.

The CARIN, RICE or the newer NICER criteria is one of the key heuristics that helps us to explain or understand the logic behind certain social policies that seek to 'police' access to various welfare benefits in order to prevent these benefits from being 'abused'. Furthermore, in this dissertation, these heuristics

and frameworks functioned as a guide as to what frames and justifications could be found within the political discourse. In addition, other possible variables could exist but have yet to be operationalized to tease out the logic behind the claims made by actors about the welfare state, disability, and migration. Specifically, when it comes to the various questions of security and access to social benefits (i.e., pensions and types of social assistance etc.) and rights by foreigners and the tensions that arise from these discussions.

2.3 Tensions in Social Protection systems: International vs. National

At the national level, social protection is normally reserved for its citizens, long term residents, and workers. It is at the international level that we see a move towards a more universalist understanding of social protection in conjunction with the aim of widening the scope of protection. This has come in the form of various conventions, human rights treaties, UN resolutions or various 'development goals' that aims to provide and ensure that all individuals everywhere have access to basic social protections (i.e., health, education, housing, water and sanitation, etc.) However, these goals become difficult to reach when nation states are unable or unwilling to provide basic protections or refuse to expand the scope of protection to certain groups of individuals that do not fit into traditional legal categories. Thus, providing an opportunity for domestic actors to participate in political debates regarding the 'practical' dimensions of implementing policies that would ensure social protections as outlined in international conventions and treaties. However, while such discussions can yield productive results, they also carry this risk of becoming politicized and polarizing opinions.

2.3.1 International: Social Protection and CPRD

This dilemma of intersecting identities and inequalities has posed several challenges to both national and international systems that are aimed at protecting vulnerable populations and providing and ensuring some form of social protection. At the national level in most countries this would consist of the welfare state or some sort of 'safety net' that provides basic services for those in need. However, at the international level, the structure is much more complex given the various networks of Intergovernmental Organization's (IGO) and their actors. Some of these entities include but are not limited to the International Labor Organization (ILO), the World Health Organization (WHO), and the Office of the High Commissioner for Human Rights (OHCHR). However, while each of these supranational institutions may focus on different policy areas (i.e., health, human rights, labour market etc.), each of them seems to share a similar[13] baseline definition of what constitutes as a 'safety net.'

[13] Differences in definition are not large, just ordering of words based upon the goal. WHO looks at access to protecting all people against poverty, vulnerability, and social exclusion throughout their life cycles (UNDP, 2023; Behrendt et al. 2021, pp.1-2)

The ILO was responsible for outlining the baseline definition. In this context, the term 'social protection' is loosely defined by this organisation and other intergovernmental bodies as:

> *"Systems (such as labour market interventions, social assistance, and insurance) concerned with preventing, managing, and overcoming situations that adversely affect people's well-being. Social protection consists of policies and programs designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people's exposure to risks, and enhancing their capacity to manage economic and social risks, such as unemployment, exclusion, sickness, disability, and old age*" (Bangura, 2010, p.122).

This definition proposed by the ILO reflects the focus on both health and various dimensions or levels of 'risk,' which make up what they have dubbed the first level of the social protection floor (SPF). This includes access to essential services that are provided at the national level, which, in theory, are expanded further as economies grow (Giroud-Castiella and van Panhuys, 2018; 'SOCPRO', 2021). This baseline definition encapsulates and illustrates the interplay between the market system and the 'protective' countermovement's that are necessary in a capitalist society. This definition of social protection has also been translated into different types of frameworks which have subsequently been translated into the Agenda 2030 goals (better known as the 17 Sustainable Development Goals (SDGs) (DESA, 2022). These include goals on eradicating poverty (no.1) and reducing inequalities (no. 10). Both goals are interlinked given their focus on ensuring social protection of populations who do not have access to such protection or have difficulties in accessing it such as disabled persons and non-nationals (i.e., migrants, asylum seekers, and refugees).

However, it should be noted that these SDGs are not treaties or conventions, thus they are not legally binding *(if ratified*) like the CPRD, or the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Both bodies offer a broad range of protections, but the CPRD is unique in how it is written, and its aims to promote and protect disabled persons across the world by protecting and ensuring a wide range of rights. These rights can include but are not limited to: Reasonable accommodation (Art.3), Equality and non-discrimination (Art. 5), Accessibility and to life (Art. 9 and10), Equal recognition before the law and Access to justice (Art.12 and13), Liberty of movement and nationality (Art,18) and Living independently and being included in the community (Art.19). Thus, CPRD is one of the most comprehensive treaties in relation to the universal promotion of social rights, equality, and protection for those with disabilities. Yet, while most states signed or ratified the CPRD in its inception in 2007, some states like Switzerland and others were latecomers to the ratification of

the treaty. Switzerland only ratified the CPRD on April 15th, 2014, thus incorporating these conventions into the bodies of Swiss law.

2.3.2 National Level: Swiss Case Study

One of the best 'case studies' to examine such tensions is Switzerland, given its unique and dynamic profile of having both a strong human rights tradition, as well as an economic utilitarian approach to migration. This approach to migration is evident in Switzerland's prominence as a long-standing country of immigration. On the other hand, Switzerland also has an active right-wing populist political party and a history of politicizing and polarizing the issue of migration which has contributed to the emergence of differentiated legislation on immigration since WWI (Ruedin and D'Amato, 2015; Ruedin, Alberti, and D'Amato, 2015b; D'Amato and Ruedin, 2019; Bitschnau et al., 2021). Therefore, Switzerland provides a rich case study to examine such policy tensions in the field of migration, certain vulnerable groups whose statuses can potentially overlap, such as foreign nationals/immigrants with disabilities.

It is essential to study and analyse these intersectional categories since it provides an opportunity to measure the use of 'universal models' of both migration and citizenship from the point of view of newcomers, as well as to which extent they are protected by national and international laws. Switzerland, unlike most countries, is unique in the sense that it is not only a 'direct democracy', but also a nation that allows both the federal and local entities (i.e., cantons and municipalities) to establish and regulate naturalization criteria as established in the new Federal Constitution of 1999 and the Swiss Nationality Act of June 20, 2014. Simultaneously, Switzerland is also able to promote a monist legal system that allows the Swiss state to incorporate various legal principles ranging from: international agreements and bilateral or multilateral treaties into the national legal framework.

This often poses a particular challenge for most nation states, especially when certain principles from external bodies of law contradict or come in conflict with national norms and interests. One potential area of policy contention is that of social protection, particularly in the Swiss case given their historical and political tendencies. More specifically, the tendency to politicize certain policy issues such: border security, limiting migration, naturalization, integration, and access to social rights that are often translated into popular initiatives or national referendum campaigns. Some of the famous of thee campaigns include: Schwarzenbach Initiatives of the 1970s; the initiatives 'Initiative populaire fédérale 'contre les abus dans le droit d'asile' in 2002; failed referendum 'Halte aux abus dans l'assurance-invalidité' in 2003 that alleged mass abuse of DI benefits by foreigners; the foreigner criminality initiative or Ausländerkriminalität in 2010; and the controversial 'Initiative contre l'immigration de masse' in 2014. According Pelinka, this tendency can *arguably* be attributed to the

governmental structure of being a direct and consociational democracy, which can accommodate what Müller would call 'populist tendencies' (Pelinka, 2013; Müller, 2016).

2.4 Tensions within Swiss Welfare State: National vs. International Social Protections

Each of these initiatives or referendums and the policy issues liked to them have often been at the centre of Swiss politics, given that they help outline the rules, expectations, or boundaries of belonging. It is the latter point that has often been a preoccupation of various Swiss political parties throughout time; specifically, during periods of crisis or large migratory waves, which can place pressure on pre-existing policy systems or sub-systems. It is those systems which provide aid or protection to citizens and workers alike through services such as: healthcare, pension systems, social assistance, and social insurance.

2.4.1 Swiss Social Insurance and Pillar System

The Swiss pension system is organized into three pillars that aims is to guarantee financial security for people in Switzerland in their old age, in case of disability, and in death cases. The pillar system dates back to the establishment of Old-Age and Survivors' Insurance (OASI), Disability Insurance (DI), and Loss of Earnings Benefits (EO) in 1948. This three-pillar system has been enshrined in the Federal Swiss constitution since 1972 (Tschudi, 1985; Armingeon et al., 2004; CCO, 2022). The Swiss pension system consists of three pillars: the OASI and DI is the state protection of basic livelihood and aims to ensure basic standards of living in old age first pillar. The second pillar consists of Occupational Benefits Insurance (OBI.) that are used during a person's working life. Finally, there is the private pension provision, the third pillar. Both the first and second pillar rely on contributions from working people throughout the duration of their time working, whereas Pillar 3 is a voluntary one that allows an individual to build up private pension (Tschudi, 1985; Armingeon et. al., 2004 ; Obinger et al., 2010 ; Piecek et al., 2017). It is the interaction between each of these pillars that supports the Swiss pension system.

However, this interaction is quite delicate, for if one pillar is compromised the others are weakened, which is why the two parts of the first pillars are heavily regulated and monitored in terms of access. Such is the case with the DI part of the first pillar that acts as a 'safety net' in "case … a physical, mental or psychological impairment" should occur as stated in articles 7 and 8 the Federal Law on the General Part of Insurance of 6 October 2000 (FLGI). Nevertheless, when pillar one fails there are other pools of support: that of the Supplementary Benefits (CB) and if one can no longer work due to a

disability, there is the option of applying for an DI pension.[14]

Yet, being able to obtain or to be eligible for a DI pension is also quite difficult given how the Swiss pension system is organized. The DI office, which decides who is eligible for such pensions, differentiate between various types of disability, which is often determined or categorized by the cause of disability that no longer allows a person to work (Tabin et al., 2009; Tabin and Togni, 2013; Piecek et al., 2017). Disability in this context is defined as: "A person is considered to be disabled when he is unable - partially or totally - to make a living because of permanent impairment of his physical, mental or mental health, or as a result of a congenital condition, of an illness or an accident" ('Assurance-Invalidité' 2019, pp. 6 - 20). As a result, the definition of disability is closely tied to an individual's 'incapacity to work', thereby justifying the state to 'monitor' and regulate an individual's lifestyle if they seek assistance (Nikora et al., 2004 ; Tabin et al., 2009 ; Tabin and Carola, 2013 ; Donovan, 2016 ; Probst et al., 2016 ; Piecek et al., 2017 ; Tabin et al., 2019a; Tabin et al., 2019b ; Tabin et al., 2019d; Assurance-Invalidité,' 2019; Tabin, 2021). This type of definition of disability is not limited to the bureaucratic branches or governmental entities that are tied to the Swiss welfare state but is also found in federal anti-discrimination legislation such as the Federal Act of December 13, 2004, on the Elimination of Inequalities Affecting Persons with Disabilities (EIAPD). The EIAPD defines disability (Art.2 al. 1) as:

> "*A person with a disability is any person whose presumed long-term physical, mental or psychological impairment prevents him or her from carrying out the activities of daily life, maintaining social contacts, moving about, receiving training or further training or carrying out a professional activity, or hinders the performance of these activities"* (EIAPD, 2004).

As we can see above each of these support pools are heavily regulated which encompass large institutional barriers in terms of accessibility. The same can be said for PC benefits are heavily means-tested based, especially for foreigners, which is reflected in the overlap between the rules found in both the FLGI and the Federal Law on Foreigners and Integration of 16 December 2005 (LFI).

2.4.2 Interwoven systems: Social Insurance and the Law on Foreigners

Theoretically this type of benefit may be a means to ensure 'human dignity', but access to this source of support is 'conditional' and risky to use for foreigners. The risk is that, if used at any point or for long periods it could not only constrain their right to apply for Swiss citizenship, but can also result in

[14] There are various versions of these: ordinary pension and extraordinary.

expulsion under the Ordinance on Nationality of June 17, 2016 (OLN), art. 7, para. 3. It could also result in the termination of a foreigner's right of to stay as seen in Article 63c of the Federal Law on Foreigners and Integration of 16 December 2005 (LFI) for both third country EU and EFTA nationals, despite the agreement that came into force in 2002.

In addition to this risk, there is also the matter of the duration of residence and periods contribution.[15,16] Both of which are also tied to certain social and political rights. It is with these requirements in Swiss domestic law that establishes what Castel and Tabin call 'complex temporalities' based upon duration of residence, assumption of accumulation of endemic capital, or the amount of contributions; which is made difficult given the fact that all migrants/foreign nationals do not have a 'single belonging' deepening the difference between citizens, residents and non-citizens (Castel, 1995; Huysmans, 2000; Tabin and Ader, 2022).

These deep differences can also be seen in forms: the recognition of years of contribution, depending on whether the person has identity documents from an EU or EFTA country, and how the distribution or granting of Supplementary Benefits (CB) to foreign nationals. Unlike the DI pensions, CB benefits are even more 'policed.' In other words, it is 'means tested' (in a similar fashion to the DI pension), given that these benefits are funded and distributed by the cantons, municipalities and communes, who have discretionary power in deciding if an applicant 'deserves' or needs these benefits (Borrelli et al,. 2021; Tabin and Ader ,2022). Similar logics can be found under a variety of the LFI; Article 5 paragraph b (i.e., financial means clause), Article 29a (no access to assistance for family reunion or job seekers), Article 43 (long term dependence upon social assistance).[17]

As shown in the example above, the basis for excluding populations from the DI funds is linked various conditions of to the length of contribution, which varies according to the territory of origin, or to the capital of autochthony if the first condition is not met. Therefore, illustrating the tension between social rights and migration control (Borrelli et al., 2021). In order to restrict access to social citizenship, the legislator has made various provisions to prevent people of foreign nationality from being, becoming, or remaining dependent on Swiss social assistance (Borrelli et al., 2021). Thus, people who migrate are

[15] DI requires a minimum of three years of contributions as stated in Art. 36 to be eligible for a pension and least one year of contribution. Other requirements can include ten years of uninterrupted residence in Switzerland for other benefits which also applied to disabled children born and who are living or have lived in CH without interruption for at least one year or since their birth (Art. 9, para. 3). However, this right is dependent on their parents meeting similar criteria (Art. 6, para)

[16] Nationality/citizenship also dictates the rules or extent of them since these are tied to the types of Bilateral Treaties or Social Insurance agreements made between CH and other nations.

[17] Until 2016, Art. 63, para. 2 LoF did not permit for the revocation of the settlement permit of a foreign national who had been residing in Switzerland legally and continuously for more than fifteen years solely on the grounds of a significant and lasting dependence on social assistance. The 15 years plus with a C permit provision was changed in 2008 and taken out in 2019. However, the withdrawal besides the exemption was always possible.

therefore under increasing scrutiny, which proves that borders as a selection device are not only still with us, but are reinventing themselves (Mau, 2021). By highlighting such arguments one can better understand how certain interpretations of the law emphasize or reinforce certain temporalities (i.e., disability, application, type of insurance and territoriality/country of origin (Castel, 2003; Tabin and Ader, 2022). Each of these temporalities within the context of Swiss law can have a huge influence on one's mobility and capacity to integrate into the Swiss labour market or to naturalize.

2.5 Citizenship and Integration

Due to the structure of 'direct democracy,' both the federal and local entities (i.e., cantons and municipalities) are permitted under the Federal constitution to establish and regulate naturalization criterion if these rules do not violate the overall principles of the Swiss Constitution and Federal level legislation. Legislation at the federal level is confined to setting 'minimum standards' for naturalization which limited to: minimum language and residence requirements, as well as a candidate's 'aptitude' for naturalization (Achermann, et al., 2013; Carrel and Wichmann, 2013). While cantons and municipalities have much more 'room' to create and set out requirements for the naturalization process for applicants (i.e., language level or duration of residence), most cantons have followed the 'guidelines' at the federal level. However, the laws regulating immigration[18] and naturalization[19] at the federal level have been subject to many changes throughout Swiss political history from the beginning of the 19th century until the modern day. The more recent campaigns and reforms of the 2000's and 2010's, often initiated by the populist 'Swiss People's Party', have mostly focused on adding and harmonizing 'integration criterion' whilst restricting further access to citizenship (Mazzoleni, 2008; D'Amato, 2009; D'Amato et. al., 2009; Achermann et al., 2013; Carrel and Wichmann, 2013; Wichmann, 2013). The results of these referendums have had mixed results: additional integration criterion may have been added (i.e., higher language requirements[20], economic criterion[21], no criminal records[22] etc.) in certain areas of the law, but the subject of naturalization/citizenship has remained a contested area (Carrel and Wichmann, 2013).

The tension between the motives or goals behind the changes in the law via referendum become evident

[18] First sense of regulation of immigration at federal level was in 1910, then reformed again resulting in the Residence and Settlement of Foreigners of 26 March 1931 (LRSF), then the Foreigners Act of du 05 Mai 2004 (LoF) and the current law in force Federal law on Foreigners and Integration of 16 December 2005 (LFI)

[19] First law at federal level was the 1848 via art. 42 of the Swiss Federal Constitution, the changed again w/ Federal Law on Acquisition and Loss of Swiss citizenship was introduced in 1903, then the post WWII changes w/the 'Federal Act on the Acquisition and the Loss of Swiss Citizenship' of 29 September 1952 (ASLN) and the current law in force Law on Swiss nationality of 20 June 2014 (SNL)

[20] In some cantons it was increased from A2 or B1 – written and/or oral.

[21] Art. 12 let d & Article 15 let. c (SNL) *also cross-referenced* in Art.58a al. 1-3 (LFI)

[22] Art. 12 al. 1 let. a (SNL) *also cross-referenced* in Art.58a al. 1-3 (LFI)

in 2003, after the Federal Court's decision about certain 'procedures' regarding the naturalization process and the scope of protection that the Swiss Constitution provides. The SFSC ruled that the Swiss Constitution does in fact extend protection to foreigners even as subjects of naturalization decisions. This prompted a dramatic backlash by the SVP who perceived this decision as undermining the "Swiss tradition of direct democracy and that it must be countered" (D'Amato, 2009b, pp. 63–74; D'Amato et. al., 2009, pp. 78–92). This difference in opinion set the stage for SVP's oppositional positions from within the consociational government by politicizing/using migration policy, especially citizenship as a major policy issue in their campaigns from the Expulsion of Foreigners (2010), Against Mass Immigration campaigns (2010 and 2014), and the more recent Self Determination Initiative (2018) (D'Amato et al., 2009; Volksinitiativen Der SVP, 2022).

However, these events do not occur in a vacuum. It is not uncommon for political events to pressure or even influence the court and its interpretation of the law (Kälin and Rothmayr, 2007, pp.181). This is particularly true in the Swiss context, where the topic of migration and migrants' rights has historically been politicized by referenda or by external pressures that have provoked a national response. These responses are visible in the types of questions posed by popular initiatives or federal referendums and their outcomes. This can be seen in the Swiss judicial system, since the Swiss Supreme Court, whose judges are nominated by the parties and confirmed by the legislature, have decision-making power via the power of their interpretation of the law; which allows them to raise concerns on the implementation of certain legal principles (Bourdieu, 1987, pp. 817; Kälin and Rothmayr, 2007; Swiss Federal Supreme Court, 2019). As Kälin states:

> *"However, the highest courts do not limit their activism to supporting the legislature. Through constitutional review, the courts check the constitutionality of legislation and, in the case of constitutional violations, they defy the will of the legislature by annulling the law or parts of it"* (Kälin and Rothmayr, 2007, pp. 181).

It is this political activism from the Swiss federal court that has raised concerns in recent years, especially, when certain types of cases reach the court that pertains to legal questions about specific policies, which are heavily contested. Such case topics include, but are not limited to, citizenship cases (i.e., on the basis of discrimination or the prohibition of arbitrariness and proportionality) and access to certain social rights[23] (i.e., social assistance, family reunion and the right to stay). The complexity of some of these issues stems from the fact that certain policy issues are regulated by overlapping bodies of law and are interwoven into the institutional structure. It is the interpretations of these laws that

[23] Social Rights defined or understood as T.H. Marshall's defined them in Social Citizenship

contribute to a set of precedents that reinforce expected societal norms or criteria for accessing certain areas of inclusion (Borrelli et al., 2021; Bourdieu, 1987; Soysüren, 2018), providing the legal framework for other legal and institutional actors to use in interpreting future cases. Therefore, this allows the legal system and its laws to establish, reinforce, and legitimize power relations that become 'accepted factual realities' (Bourdieu, 1987, pp. 817). It is by the reinforcement of these 'accepted factual realities and their interpretations by various state actors that play a critical role in determining the access to social rights and protections. Consequently, it is essential to analyse this construction process and in which specific context it takes place, including how certain narratives or framing of policy issues are accepted, as well as its consequences. This is particularly the case for intersectional groups, who may experience greater difficulty within the legal system given their complex legal status.

2.6 Intersectionality

Kimberly Crenshaw first introduced this heuristic term in the 1980s as a way of studying how inequalities persist in today's world. According to this theory, categories like gender, race, and class can be overlapping, mutually constitutive, or solely distinct; especially when discrimination (such as racism, sexism, and classism) intersect in the everyday experiences of marginalized individuals or groups (Cho et al., 2013; Crenshaw, 1991). This then creates a 'fluid' concept of understanding when constant changes are present within power dynamics in relation to identities, power structures of exclusion and inequalities. These concepts can be influenced by the discourse of actors within institutions (Cho et al., 2013; Crenshaw 1991; Crenshaw, 1994). Therefore, creating or perpetuating social hierarchies can be seen in how certain 'types' of categories exist within societies and how these categories of persons are treated within legal systems; especially if complex categories intersect, which produces a unique but intricate reality, such as the case with foreigners with disabilities. In particular, when it pertains to the 'economic' expectations that are imposed upon this specific category of person in which normative values clash. These tensions are evident when social policies fail to take into consideration the legal obligation to accommodate "protected" individuals who would be otherwise adversely affected.

2.7 Disability

However, this assumption or expectation of economic contribution can come into conflict when such preferences have not considered one group of 'protected' persons that would be impacted by such restrictive policies: persons with disabilities (Stadlmair, 2018; Dermaut et al., 2020). Disability as a concept can be understood, studied, and defined in many ways. Some disability professionals, academics, and self-advocates opt for defining disability in an emancipatory manner, which situates

most of the current disability literature within the Frankfurt School of thought or the dimension of 'Critical Studies.' Various theoretical frameworks exist within the Critical Studies umbrella that consist of, but not limited to: Critical Disability Studies (CDS), Critical Legal Studies (CLS) and Disability Legal Studies (DLS). Each of these theoretical structures aims to de-construct and critique how society and the legal system define or address disability. This is particularly the case when approaching or studying disability, since there are various definitions or understandings of disability: the charity model, the medical model, and the social and rights-based model (i.e., human rights). According to CLS and DLS scholars, both the charity and medical model of disability are outdated models based upon sentiments of pity by wider society that has been used to exclude persons with disabilities (Barnes, 1991; Lawson and Gooding, 2005; Goodley et al., 2019). The charity model views persons with disabilities as an object of pity since people with disabilities are *assumed* to not have the capacity to live independently, which would required them to be 'cared' for in separate facilities (Carey, 2003; Shyman, 2016; Refugees, 2018). The medical model echoes a similar understanding of disability in that it treats disability as a defect or impairment within the individual that is abnormal and must be treated. Under the medical model, disabled bodies are depicted as deviant and pathologically defective, therefore are to be only understood and or treated medical terms by medical professionals (Waldschmidt, 2005; Oliver and Barnes, 2010; Oliver and Barnes, 2012; Shyman, 2016; Scuro, 2017). We often see this aspect of 'defect' or 'impairment' from the medical model being used and legitimized via various actors that range from: healthcare professionals, social insurances, and other governmental institutions. Each of these institutions heavily rely on the medical model in how disability is defined or approached given institution's heavy reliance on medical professionals' categorization and typology of 'diagnoses' rather than the individual themselves. One of the most common situations where we can see this phenomenon are questions surrounding bodily autonomy, functional capacities, and the debates over conservatorship[24] or guardianship, where persons with disabilities voices are absent due to the medical that are 'attributed' to them. This model shows how the power remains with the medical professionals and gives no autonomy to the person with a disability (Potter et al., 1993; Thomas, 2007; Refugees, 2018). Additionally, the medical model systematically deprives persons with disabilities of any assemblance of agency or autonomy[25] (Carey, 2003; Shyman, 2016; Barnes, 2016).

In contrast, the social model moves the focus from 'impairment' to focusing on the 'everyday lived

[24] Guardianship: prevents disabled people from making decisions themselves and places this power into the hands of others for day-to-day decisions. Conservatorship specifically applies to financial decision-making by another person on the behalf of a disabled person.

[25] In this context defined as: are capable of asserting their rights and making choices that will affect their daily life.

experiences' of disabled person, by asserting that disability "is the consequence of the interaction of the individual with an environment that does not accommodate that individual's differences" (Waldschmidt, 2005, pp 21; Barnes, 2013, pp. 468). This shifts the responsibility to society to remove the barriers (i.e., physical, social and communication) that exist for persons with disabilities and that persons with disabilities should have the same opportunities (Shakespeare and Watson, 1997; Goering, 2015; Retief and Letšosa, 2018; Lawson and Beckett, 2021). In addition to empowering disabled persons, the social model also aims to encourage those with disabilities to embrace their impairments as part of their 'identity' as a means to combat ableist attitudes and structures" (Shakespeare and Watson, 2002 Barnes, 2013; Scuro, 2017). While the social model may empower individuals with disabilities by re-framing their impairment as a positive trait rather than a negative one, this emancipation narratives does have limits .One of the limitations of the social model that has been raised is how the social model does not adequately address the 'intersectionality' of the interconnected nature of discrimination and oppression (Barnes, 2013; Goering, 2015). While the social mode highlights the institutional and societal barriers encountered by those with disabilities, it overlooks the individual or impairment specific realities for individuals with disabilities (Barnes 2013¸Goering 2015; Degener, 2016). This is mostly due to the overemphasis on the 'structural' and societal factors which often overlook individualized experiences; this diminishing the 'agency' of individuals with disabilities (Shakespeare, 2010; Barnes 2013; Goering, 2015).

While the social model has served as a basis for emancipation, the last model of disability, the rights-based model, or human rights model of disability, has formulated this emancipation on a universal scale. Unlike the previous models, the human rights model of disability focuses neither on impairment or social stigma and is based on basic human rights principles. The human rights model emphasizes the inclusion and rights of disabled persons which can include but are not limited to: equal rights (i.e., political, civic, economic etc.), capacity, autonomy, and it is everyone's obligation to uphold and defend these rights (Rioux and Valentine, 2006; Degener, 2014; Degener, 2016; Refugees, 2018; Retief and Letšosa, 2018). Another goal of this approach is to combat ableist stigmas and to provide nation states a legal basis to ensure a universalistic understanding human dignity in relation to disability (Kanter , 2011; Degener, 2014; Goodley, 2017; Lawson, 2020; Lawson and Beckett 2021,).[26] These principles and their protections are to implemented 'theoretically' by all signatories of the CPRD which

[26] Human Rights Approach: Focuses on the inherent dignity of the human being and subsequently, but only, if necessary, on the person's medical characteristics. It places the individual centre stage in all decisions affecting him/her and, most importantly, locates the main 'problem' outside the person and in society (Lawson & Beckett, 2021pp 349). Therefore universalist social protection systems which ensure "that disabled people are not excluded from generic schemes while at the same time guaranteeing that provision is made for additional disability-related costs (Lawson, 2020 pp.582)."

has been signed by 164 countries and ratified by 185 countries[27] including Switzerland (OHCHR, 2006; Degener, 2016; OHCHR, 2022; '*United Nations Treaty Collection: Signatories of the CPRD*' , 2022). Therefore, disability is legally understood *as part of* the human experience, not as a *deviation from the norm* or a social problem to be cured. Scholars within both the CDS and DLS claim that the best way forward is to utilize the rights-based approach to disability since it can encompass various aspects of previous models; this makes the human rights model both feasible and multi-functional (Degener, 2014; Goodley 2017;Retief and Letšosa 2018; Lawson and Beckett 2021). However, while this model may be promoted for its feasibility and functionality, when in reality this model has been quite difficult to implement due to several structural and conceptual issues (Lawson and Beckett 2021; OHCHR 2022). One of the biggest limitations is that of the structural or legal institutional barriers in translating these universalist principles into legal practice, particularly if the nation states do not have the 'resources' to implement the model or have difficulty in harmonizing domestic laws to those of international conventions (Kanter, 2022; Hannum et. al., 2023). Since this newer model of disability advertises universality, but textually emphasizes only civil and political rights, it leaves the socioeconomic rights to be clarified in their scope (Hannum et. al., 2023). Therefore, this leaves a large margin of which discrimination can occur even when nation states are signatories to the CPRD; which uses the human rights model of disability.

Unfortunately, disabilities are still seen and treated as a social problem or deviancy, even within countries that have ratified these conventions. Discriminatory attitudes against based upon the misconception of normalcy still exist and we can see how such attitudes are not only written into the law, but also in their interpretation as in the cases where there is a question of autonomy or capacity. It is this vital connection or intersection of these two concepts that have shaped how society and the law approach disability.

2.7.1 Capacity Contract:

In recent years, the increased awareness about the everyday experiences of persons with disabilities has led to the re-examination of social and political norms that historically excluded them, *de jure* or *de facto*. This re-examination has encouraged states to adopt a human rights-based approach that focuses on inclusion and empowerment, not just one's ability to produce social capital as Bourdieu describes (Bourdieu, 1986). However, at the national level, states still essentially rely upon conceptions of capacity and contribution (Wolbring, 2008; Kymlicka and Donaldson, 2017; Goodley and Lawthom, 2019; Waldschmidt and Sépulchre, 2019). Both expectations are deeply embedded into institutions and

[27] Signatories is promissory action whereas ratification allows such principles to be legally binding.

their discourse, which is reflected in the understanding of citizenship and the responsibilities or duties tied to membership. It is this aspect that places citizens with disabilities in precarious situations where the expectation of citizens is to participate or to contribute in some way to the community, despite an individual's limitations. The tension between these elements is highlighted clearly in the 'Social Contract' as posed by John Locke, especially as it pertains to persons with disabilities; which highlights the emphasis from bodily capacities to one's ability to contribute to society and the state (Vorhaus, 2005; Tambakaki 2009; Kanter, 2011; Soldatic and Grech, 2014; Shyman, 2016; Degener, 2016; Heyer, and Mor 2019; Lawson, 2020; Lawson and Beckett, 2021). Locke famously highlighted the disability symbols of "both shared human vulnerability and the outer skirts of personhood due to the doubt over human capacity, thus invoking both solidarity and exclusion" (Simplican 2014, pp. 97-99 ; Simplican 2015, pp. 27).

Exclusion can be seen in what Locke calls the capacity contract, which emphasizes an individual's ability to be autonomous and it is this emphasis on one's capacity if not confirmed that has historically lead to both *direct* or *indirect* forms of discrimination or exclusionary treatment of disabled individuals (Goodley, 2013, 2014; Oliver and Barnes, 2012; Siebers et al., 2017). The rationale for such exclusion finds its roots in historical biopolitical prejudices perpetuated by eugenic movements that assert that disabled persons do not fit into the 'neurotypical or abled bodied expectations'; therefore making these persons worth less given the 'cost' of including or accommodating disabled persons (Beckett, 2006; Campbell, 2009; Halvorsen and Hvinden, 2013; Lid, 2015; Sépulchre, 2016; Sépulchre, 2017; Beckmann, 2017; Dermaut et al., 2020). It is the point about 'costs' that has posed the largest barrier for the inclusion of those with disabilities, for it is based off ableist logics tied to the medical model that inclusion or accommodation[28] is too expensive or is an 'unnecessary' social expense. Unnecessary, given that the baseline assumption is that disability is a deficit and thus a person's ability to contribute or participate equally diminishes their worth (Jenkins, 2021; Layte, 2012; Oliver and Barnes, 2010; Sépulchre 2018). Yet at the same time, persons with disabilities are still expected to fulfil expectations of participating and contributing to the state as whole; despite the state's inability or political unwillingness to address the institutional barriers or to understand complexities of disability (Devlin and Pothier, 2006; Oliver and Barnes, 2010; Rowe, 2015; Halvorsen and Beadle-Brown, 2018; Goodley and Lawthom, 2019; Jenkins, 2021;).

One of the key theoretical approaches that aids in highlighting the extent of ableist prejudices is that of

[28] Such inclusion or accommodation can take various forms such as: wheelchair accessible transport or access to buildings, education, or language aides (i.e., for deaf or blind persons) and access to healthcare (i.e., inclusive health insurances, access to competent professionals etc.)

Critical Disability Studies (CDS). CDS refers to a group of interdisciplinary set of theoretical approaches that seek to examine disability as a phenomena that transcends biology and is: cultural, historical, relative, social, and political phenomena (Meekosha and Shuttleworth, 2009; Vehmas and Watson ,2014; Schalk, 2017). This is done by viewing disability as more than a medical deficit, by highlighting the various social prejudices and forms of discrimination (i.e. ableism) that reinforces the notion that disabled persons are inferior since their abilities do not conform to normal standards (Campbell, 2009; Masson, 2013; Goodley, 2013; Goodley, 2014; Primerano, 2020). To some, ableism still remains an everyday challenge for disabled persons in all aspects of life since ableism has a tendency to be 'wrapped up' in commodified ideals or conceptions, which provides the environment for ableism to prosper in the "vortex of neoliberalism that feeds off the ablest citizenry" (Goodley, 2014, p. 236; Goodley and Lawthom, 2019).While legal recognition and protection for disabled persons has been gradual with increased anti-discrimination legislation and international treaties, states can still limit the rights of disabled persons in the forms of guardianship or conservatorship; which can prevent disabled persons the right to participate in society and politics (Sépulchre, 2018; Sépulchre,2019; Waldschmidt and Sépulchre, 2019; Sépulchre, 2020).

This is where disability, citizenship, and at times the welfare state intersects given how these policy systems are interwoven in certain national contexts. However, there is a mix of what 'principles' can be applied, given that disability itself is a 'fluid' concept and is not mutually exclusive and can accompany or intersect with other identities or other legal categories (Goodley, 2017; Hughes, 2017; Schalk, 2017).

2.7.2 Disability Law or Disability Legal Studies

The goal of Disability Law or Disability Legal Studies' [29] is to examine 'disability' within the law. One must consider not only the textual meaning of Disability Law, but also the contextual meaning, which has changed over time along with the numerous approaches or treatment of 'disability' within the law. This ranges from interpreting 'disability' as a disadvantage as stated in the medical model; as an oppressed group or as a unique 'identity' as seen in the social model (Kanter, 2011; Lawson, 2020; Lawson and Beckett, 2021). While the CPRD considers each of the previous models used, each falls short of a universalistic understanding, thus the designers of the CPRD have created a new model, which is the human rights approach to disability. This new model is used and endorsed by CPRD given

[29] Lawson asserts that "These two terms can be used interchangeably" Indeed, purposes the terms 'Disability Law' and 'Disability Legal Studies' can be used interchangeably (i.e. Disability legal studies) to denote the broader, more fluid pool of scholarship within which it sits (i.e. what is the focus: activism, disability-law relationships in society or laws on disability) (Kanter, 2011 p. 426; Lawson, 2020 p.561)."Since our study looks at both, law and interaction we used both terms in the text.

that it is more 'universal ' in how it defines or understands disability, at the same time and encompass all the previous model in the same manner (Degener, 2016; Kang and Kendall, 2019; Lawson, 2020; Lawson and Beckett, 2021; Waddington and Priestley ,2021).' Furthermore, this new model is to be 'in theory' implemented by all signatories of the CPRD which includes several EU countries, the United Kingdom and Switzerland (Degener, 2016; OHCHR, 2006; '*United Nations Treaty Collection: Signatories of the CPRD*' 2022). This acts as an attempt for "us to see disability as part of the human experience and to understand how the law, and society, in general, views difference as a deviation from an unstated norm" (Lawson, 2020 p.14). Therefore, to examine disability from a legal approach is twofold: (i) question the role of law and in perpetuating, reinforcing, resisting or contesting 'disablement'(Lawson, 2020, p.586) and therefore (ii) deepen the analysis of legal concepts such as: normalcy, competency, rationality, citizenship and autonomy (Heyer and Mor, 2019, p.948). Furthermore, as stated by Kanter reciting Aristotle, "Law is the ultimate conservative authority in any given society" (Kanter, 2011, p.439). This view makes cases related to foreign nationals/immigrants with disabilities complex and challenging in interpreting the law given that this specific combination of 'legal categories' intersects in contentious policy areas. All of these points highlight the tensions between the human-rights based approach and the pressures to restrict the access to social rights and protections to foreigners. This is especially relevant when it comes to immigrants with disabilities, who are part of an intersectional group; therefore, creating complex challenges within the Swiss system, whether by the text of the law or its interpretation. Therefore, it is essential to examine these issues in more depth by posing the research questions posed at the introduction of this dissertation (i) How have social rights and protection in Switzerland changed over time, and to what extent have they become commodified? (ii) Furthermore, what types of narratives have been used to justify this process and have these justification narratives evolved/changed over time?

3. Theoretical Framework: Politization of Migration, Critical Disability and Law

To conduct this analysis and to answer these research questions, we utilized various theoretical frameworks across multiple disciplines to aid us in finding: the aforementioned construction process, the context under which it is built, the accepted narratives or frames, and their consequences. One of these theoretical frameworks is that of Politization Theory and its processes, which served as the theoretical baseline for this dissertation. In particular, the politicization of migration in Switzerland and the various claims that have emerged from this process. Politization is defined by Zürn as a process if when events or objects are both polarizing and acquire salience (Zürn, 2019). In the case of Switzerland, migration has remained a salient subject and, at times, a polarizing one alongside multiple policy issues

such as: border security or entry, integration, citizenship, access to social rights or the welfare state, etc. This is especially the case in times of great disruption or crisis, when previous understandings of reality have changed and leave us attempting to translate these changes into something understandable. Such reactions can be seen or reflected in the attitudes or perceptions that can change over time and can be translated into public policy. This link between these elements are clearly illustrated within the Swiss case, given both the nature of direct democracy and the reactions to the various migratory waves that Switzerland had encountered over time (Pelinka, 2013; Ruedin, Alberti, and D'Amato, 2015b; Linder and Mueller, 2021; D'Amato and Ruedin, 2019). This is in conjunction to the multiple changes to the law across different policy areas and the level of access to certain rights. Therefore, our interest stems from this line of inquiry on how politicization can impact the accessibility to certain social rights, as defined by T.H Marshall (Marshall, 1992). In addition, we seek to examine how or when these social rights become politicized within the context of migration and crisis. This anyalzed through a claims-making perspective in how actors assert or make claims about certain policy topics in specific ways, in conjunction with how these claims are communicated by media or civil society.

3.1 Politicization of Migration

Politization as a theory slowly emerged into prominence according to Zürn since the 2000s to understand how certain issues or institutions which were not initially political become political. Therefore, making these actors more salient allows us to notice that "when more actors and people participate in the debate, the more likely positions are to become polarized, and the more politicized a decision or institution is" (Zürn, 2019, pp. 977-978). Scholars like Hooghe and Mark who examined politization within the context of political discussion on European Integration assert that the concept of politicization is to describe a trend of a more widespread dispute over various aspects of European integration (Statham and Trenz, 2013; Hutter and Grande, 2014; Hurrelmann, Gora, and Wagner, 2015; de Wilde and Schmidtke, 2016; Rauh, 2016; Hoeglinger, 2016). Therefore, politization is a process in which an issue or institution is both salient and polarizing (Hooghe and Marks, 2009). However, it is not only institutions or issues that can be politicized. Politicization can also apply to specific events as shown by the work of Hutter and others who indicate that politicization can be triggered by (at least in the case of Europe) "a patchwork of politicizing moments' rather than a uniform trend towards ever more politicization which can intensify during predicable institutional and policy-related events" (Hutter et. al., 2016, p 23; Hutter and Kriesi, 2019, p. 997). Furthermore, these moments of intensification can flare up temporarily at critical moments or crises depending on political actors and their mobilization strategies. According to Hutter, recent examples of this phenomena can include

moments of 'crisis' such as the Euro crisis and the Refugee Crisis (Hutter and Kriesi, 2019).

Politicization can also be observed within the Swiss context in how certain events or policy issues have or become politicized by various actors during periods of crisis, alongside the various claims made by these actors. In the Swiss context, such policy issues can include integration, citizenship and security, which are often framed or communicated to the public in identarian frame or an instrumental one (Ruedin, Alberti, and D'Amato, 2015b; Bitschnau et al,. 2021). It is this aspect of claims-making, how certain issues are communicated via 'frames and the politicization of migration that served as a starting point for this dissertation. Each of the academic articles written as part of this dissertation utilizes the theoretical framework of politicization and examines the various areas or sub areas of public policy that historically have been politicized or could be considered a contentious topic, especially during periods of disruption or crisis.

One subject that remains a policy area of interest is that of the Swiss welfare state and the rules that regulate the accessibility to certain social rights such as: old age or disability pensions, social assistance, and citizenship. Specifically, how the levels of access are regulated and implemented in conjunction with how it can overlap with other areas of public policy. This includes what we observed from our data in the case of citizenship. Particularly, the claims and justifications provided by actors as to why certain rules or norms apply or do not apply to them. From the outset, access to the welfare state has a long-standing reputation of being a contentious topic within Swiss public or political discourses, given the various external or internal elements pressures placed upon the Swiss welfare state (Armingeon 2003; Engeli and Varone, 2012; Häusermann, 2012; Häusermann, Kurer, and Schwander, 2015; Sager and Thomann, 2017). However, what was missing from the academic literature, as previously mentioned, was the various levels of overlap between policy areas and the categories of persons, such as foreigners with disabilities seeking access to social rights and how they are treated within the Swiss legal system. Certain policy tensions may emerge when examining both levels of overlap and the claims or justifications made by actors in how the Swiss legal system approaches these intersections. Particularly, if a certain part of the system is constantly under strain, which has been categorically stated about the Swiss welfare system by various actors in different ways over time to justify securitizing or restricting access to certain social rights. All in the name of security or public interest as seen with various terms like *Überfremdung* and 'overpopulation' found within the various aforementioned referendums or popular initiatives campaigns.

It is against this politically charged background that we seek to discover what types of claims or narratives that have been made about the Swiss welfare state. In particular, claims made about the

various parts of the first pillar and who can have access to the different pensions schemes or support systems that are aimed at protecting vulnerable populations, such as disability pensions or social assistance. One way in which we began this search was to utilize other theories to aid in our search, especially those that are used to understanding the various conceptualizations and definitions of disability.

3.2 Critical Disability

One of the key theoretical frameworks that allows us to examine and dive deeper into the subject disability and its various layers or dimensions is that of the theoretical framework of Critical Disability Studies (CDS). CDS is an academic field that is interdisciplinary which provides researchers versatility in their approach to disability. CDS allows us to utilize and operationalize the framework for this dissertation across disciplines with different methods. On the other hand, it fills the gap in academic literature about intersectionality and the various claims and frames made by actors about disability in relation to the overlap between migration and the welfare state; especially in times of crisis when resources are limited or perceived to be scarce. It is this critical perspective that allows us to engage, operationalize, and perhaps critique various definitions of disability. It also acts as a voice for individuals with disabilities and their experiences, which is the key aim of CDS (Meekosha and Shuttleworth, 2009; Serlin, Reiss, and Adams, 2015; Schalk, 2017). An important benefit in using the theoretical framework of CDS, especially in our research, is that it directs attention to widen the spectrum of experiences of disabled persons and becomes an integral aspect of what scholars seek to learn and understand. It is the deconstruction of assumed knowledge, stigma, and bias that are integral to the field with a focus on unravelling the boundaries between 'normal' and 'abnormal.' CDS provides a particular focus on the politics of how these terms are formed, what these terms actually mean, and the basis for their construction (Serlin, Reiss, and Adams, 2015). The term 'disability,' or (dis) ability, has evolved throughout history and continues to change as seen with the various constructs of disability. It is this examination the various definitions of disability which can function as a methodological approach to studying power, privilege, and oppression of bodily and mental norms, which is not dependent upon the presence of disabled people. Yet it is informed by social perspectives, practices, and concerns about disability (Serlin, Reiss, and Adams, 2015; Schalk, 2017). These include the deeply engrained prejudices, misconceptions, or stereotypes of disabled persons that are the basis for various types of discriminatory attitudes towards disabled persons. Such attitudes are exemplified in welfare chauvinistic attitudes that are tied to the charity models of disability, ableism, or *capacitism/handicapology*.

3.2.1 Ablism

CDS scholars define Ableism as: "… a form of discrimination on the basis of ability, perceived or is framed a specific 'form' or 'type of discrimination' given that this attitude is based upon able-bodied-ness " (Campbell, 2009, p. 5; Goodley, 2014, p. 236). This form of discrimination rests upon the basis of ability or lack thereof which can be perceived or an actual fact (Campbell, 2008; Campbell,2009; Goodley, 2014a; Goodley, 2017). Ableism as a prejudicial attitude that prefers and prioritizes the features of a person that is based upon the hollow subject that Garland-Thomson calls 'normalcy' which serves as basis for systematically excluding those who do not fit into this normative definition of person (Garland-Thomson, 1999). This then raises the vital question about how the definition of normal or concept of normalcy is constructed and who lays outside the scope of normalcy; being those who have some form of disability or impairment. The concept of impairment and its relationship with disability is that it assists researchers in the further deconstructing disability and the ableist attitudes are that have been formed; which starts and ends with the differentiation between impairment and disability. The key difference made between impairment and disability mainly rests upon "impairment being seen as natural whereas disability is or has become social construct by society" (Meekosha and Shuttleworth, 2009, pp. 50; Tremain, 2017, pp. 93-115). This differentiation between impairment and disability highlights the power dynamics and how certain concepts are used or misused to construct categories or labels that can be used to exclude those who are different or undesirable by society (Tremain, 2017, pp. 93-115). Hence, the obligation to deconstruct the concept of normalcy and how it is used within or across various contexts. One context that is of interest of this dissertation is that of the Swiss context and how 'normalcy' is defined, constructed, or used within or by Swiss institutions and actors. According to Tabin and others, the definition of normalcy is a key concept in deciding who and when a person can access or be granted social assistance or the various pensions within the Swiss legal system: "It is the re-examination of current pensions awarded on the grounds of a syndrome without clear pathogenesis or etiology, and without finding an organic deficit" (Tabin et al., 2019b, p 121; Tabin et al., 2019d, p.5). Therefore, normalcy is based upon the ability to contribute in some form, especially if one is able to contribute economically. It is the latter exception that poses the biggest challenge to persons with disabilities migrant or otherwise, which can be embodied in what Robert Castel has labelled *handicapology*.

3.2.2 Handicapology/Capacitism

Handicapology was first introduced by Robert Castel (Castel, 1995) in order to understand and examine the link between social rights and the right to work. Castel asserts that "social policies differ

according to whether they are 'aimed at people who are able to work or not' and for those who cannot work or are deemed unfit to work are treated differently because they for some reason cannot work" (Castel, 1995, p. 21)." Under this concept, Castel is posing a crucial question regarding social policy: should the state provide aid to those who cannot work? If so, to what extent should to state provide support and on what basis (Castel, 1995, p. 29)? It is this policy tension within social policy which has manifested itself because of the creation of a capacity-based boundary in the context of social policy, where the access to social or social security benefits is based off one's duration of contribution[30] (Assurance-Invalidité' 2019). However, this requirement has been challenged by various international conventions, such as the UN Convention on the Rights of Disabled Persons, which mandates that states must provide to disabled or non-abled persons *Reasonable Accommodation* as stated within Article 3 of the convention. States also have other legally binding obligations to ensure the human dignity of disabled persons in relation to an adequate standard of living and to social protection under Article 28. These rights under the CPRD are *universal* and apply to *both* citizens and non-citizens[31], which becomes another complication for states; especially when the category of migrant and disability overlap regarding social security schemes. Thus, states in the past have resorted to using and reinforcing a 'capacitive social relationship' due this intersection thus placing disabled person once again in an and inferior status or position (Campbell, 2009; Goodley, 2013; Goodley,2014a; Tabin et al., 2019c; Tabin and Ader, 2022).

It is this intersectional social relationship between migrant and disability which can result in the form of intersectional discrimination or 'racism without race' as stated by Balibar (Balibar, 2007; Michel, 2015). It is this complex and interlinked social relationship that shows how certain pressures on the guarantees of social protection and social rights, provided by international and bilateral conventions are quite limited in practice. This is especially the case when a disabled individual comes from a 'non-indigenous European country.' Thus, giving credence to the concept of '*handicapology*' as outlined by Robert Castel in which social rights are linked to a type of relationship or status of worker. According to Castel, social policies differ fundamentally according to whether they are: "aimed at people who are able to work or not, and they are treated quite differently according to this criterion"(Castel, 1995, p. 3). Following Castel's argumentation, aide to people with 'disabilities' would be *consensual* by the state since it should not 'pose a problem of principle', which cannot be said for 'able-bodied people' requesting aide (Castel, 1995, p. 29; Castel, 2003). Therefore, international conventions that outline

[30] Specified in detail under OASI, under chapter 2 and FLGI chapter 3.
[31] This clause is essential since both foreigners and citizens with disabilities are subject to "deservingness" for welfare benefits, as well as some disabled people will be perceived as deserving benefits.

social protection at the international level, like the CPRD, which entered into force in Switzerland in 2014, ensures specific rights and protections for people with disabilities. Yet, according to the law's current form and application in case law, the intersection of disability, migration, and access to social rights are still very much tied to capacity and the ability to work. Additionally, the law not only reinforces capacity-based requirements to access social rights and protections, but also stigmatizes those who attempt to seek aide; which contradicts the Marshallian concept of citizenship. (Campbell, 2009; Goodley, 2013; Goodley et al., 2019; Tabin et al., 2019b)It is this concept of capacity and its linkage to the right to access social protections that provides the most interest, since it combines these elements together. Therefore, by examining these linkages from both a politicization and critical disability perspective, we can examine these linkages more proficiently since these tensions do exist as illustrated by Castel. More importantly, this allows us to ask: how did such norms or commodification become institutionalized into law? What is the logic or justification given behind such ableist concepts that remain within the law, despite the international convention (s) that provide the basis for social protection? One body of literature provides a plausible answer to these questions; one that can be found within welfare state literature and the various questions about accessibility in conjunction with what logic or arguments states or actors use to justify the reluctance to adhere to international norms of social protection in cases of foreigners with disabilities.

3.3 The Law and its Interpretation: Disability and Citizenship

One of the key sources of data for Article 2 is that of the 'text' of the law and its relevant case law at the highest court in Switzerland: The Swiss Federal Court (SFSC). As we will discuss in our second article, the Swiss judicial system, like most modern democracies retain a check and balance system of power that is distributed between the different branches of government. However, the Swiss case is most unique in the sense that the Swiss Federal court only has the power to recommend legal solutions to various constitutional questions based off their interpretation of the law. While at the same time, these interpretations have far reaching policy consequences in terms of which rules or norms are to be applied in the practice of the law by various state entities (Kälin and Rothmayr, 2007). Therefore, making the 'text' of the law an area of great interest, especially the interpretation in relation to the intersection of two identities, disability, and foreigner. It is essential to remember that the category of disability carries certain norms of social protection that are rooted not only in international law, but also within Swiss law under the EIAPD and other anti-discrimination or equity provisions found within the Swiss constitution. Therefore, this particular context provides a unique legal puzzle about which rules or norms either from international or domestic are or not applied. More specifically, the limits of social

protections and the legal logic behind this scope of limitation, which we started to investigate in Article 2[32]. This then brings us back to the general question posed at the beginning of this dissertation: (i) How have social rights and protection in Switzerland changed over time, and to what extent have they become commodified? (ii) Furthermore, what types of narratives have been used to justify this process and have these justification narratives evolved/changed over time?

In order to answer these questions, it is necessary to seek and use an additional body of literature that can assist in understanding the logic behind certain judicial decisions. Specifically, how judges arrive at their decisions in cases where there is a delicate balance between a protected groups rights versus the interest of the state.

3.3.1 Neo materialism in Law

In law there are different ways to understand what is 'valuable' or deemed 'legal material' that is worth considering in a case, whether it is verbal testimony or 'material objects' as evidence. It is the latter that scholars have taken interest in regards to how this can be applied in the law or its interpretation (Gamble, Hanan, and Nail 2019; Kang and Kendall, 2019). According to Kang and Kendall, any material object can be considered a 'legal object,' but only when an object has a meaning in the law, and it is 'meaning is retained' whilst also providing a purpose to the courts. It is this process of 'legal materialization' of: "*how* legal difference manifests or more importantly *when* and under *what context* does it qualify" (Kang and Kendall, 2019, p.8) that is essential in this theory. This context of meaning is being built or constructed by discursive or non-discursive practices of 'problematization' in law that create a 'true of false' dichotomies in which the object has meaning (Gamble et al., 2019; Kang and Kendall, 2019). In essence, it is the relationship between objects and it's legal meaning that allows objects to have legal relevance such as the 'quantity of money or contributions' or 'lack thereof ' or even the 'assumed cost', which therefore becomes evidence or provides relevant context to a case before the court (Clarkwest, 2008; Kang and Kendall, 2019; Lawson and Beckett, 2021; Layte, 2012; Maciocco, 2005). Such objects can develop meaning, especially in cases where there is a strict understanding of the law and which principles are to be retained, making it harder for some to 'earn' their new citizenship.

It is with this solidification of differentiating groups and their level of rights, which has been reinforced by *artificially created* hierarchies via categories and sub-categories. This differentiation stems from the desire for 'clear-cut' legal categories that are not only present in judicial discourse but also are

[32] Initially in Art. 3 (see Sub-Appendices 3) we have a dataset looking at the same intersection and questions on citizenship but was cut due to "word count" limits for journals. Therefore, leaving out of the 'scope' of this dissertation piece. However, we intend to use this dataset for future articles.

reinforced by judicial actors with their decisions. Therefore, these judgements become as Bourdieu states: "the quintessential form of authorized, public and official speech which is spoken in the name of and to everyone by simultaneously refusing and delegitimizing other points of view" (Bourdieu, 1987, p. 838). Therefore, it is essential for judges to decide in an unarbitrary manner, which strikes a balance between each party's interest or rights, especially if certain limitations or protections apply to one of the parties. Such is the case for those with disabilities in that certain legal tests may not always be either proportionate or applicable in their case because of their disability.

3.3.2 Disability in Law and Legal Protections: Reasonable Accommodation

In order to examine 'disability' within the law and to assess disability by a legal approach which has two key goals (i) to question the role of law and in perpetuating, reinforcing, resisting or contesting 'disablement' (Lawson, 2020, p.586) and (ii) to deepen the analysis of legal concepts such as: normalcy, competency, rationality, citizenship and autonomy (Heyer and Mor, 2019, p.948). However, to deepen this analysis of disability within the law, one must establish how disability is defined on a 'textual' level and the understanding of disability at a contextual level. At the textual level, the definition of disability depends on which model of disability the court or the judge uses. The definition of disability has changed over time, as well as the approaches and treatment of 'disability.' This ranges from interpreting 'disability' as a 'they advantage' as stated in the medical model; as an oppressed group as in the social model; to being seen as an 'identity or special group' (Kanter, 2011; Lawson, 2020; Lawson and Beckett, 2021). Each of these models can influence judges in how they interpret disability as either a protected group given the level of discrimination or an object of charity and pity. In theory, judges are obliged by international conventions, like CPRD, to interpret or treat disability within the human rights model of disability. This model of disability allows a pragmatic balance between previous understanding disability as both a 'protected group' due to both the medical challenges posed by disability and the types of discrimination that can occur because of a disability (Degener, 2016; *OHCHR*, 2006; *OHCHR*,2022 ; '*United Nations Treaty Collection: Signatories of the CPRD,*' 2022). One benefit of the human rights approach to disability is that lays out certain protections or in some cases exemptions are *obligatory* for signatory states of the CPRD to follow such as the reasonable accommodation principles as listed under Article 2 of the convention. Article 2 states that 'reasonable accommodation' must be given to those who identify or claim to have a disability. This provision is crucial in facilitating persons with disabilities to exercise their rights on an 'equal basis with others, which goes in tandem with the principles non-discrimination and equity found within Article 1 and 3 of the treaty (Motz, 2015). However, in reality such principles have been difficult to implement given

that nation-states are the responsible party to 'administer and enforce' these rights originating in international conventions, but are still subject to domestic negotiations (Withers, 2012; Oliver and Barnes, 2012a; Halvorsen and Beadle-Brown, 2018). Such difficulties can be seen in how the states and their institutions define or re-define 'disability' through advocacy groups or judicial process. One area that remains a point of contention in the understanding of disability within societies or states are the questions of capacity and autonomy, which are still viewed through the lens of medical model of disability; especially in regards to naturalization and citizenship (Vorhaus, 2005; Lid, 2015; Soldatic and Grech, 2014; Sépulchre and Lindqvist, 2016; Dermaut et al,. 2020).

3.3.3 Earned Citizenship

One of the vital achievements for the disability rights movement at the international level was that of the adoption of CPRD in 2006. The adoption of this convention provided a legal lifeline to those with disabilities (Lang, 2009). This not only showed the widespread political support for the rights of disabled persons but also guaranteed their rights to full inclusion and participation in society (Flynn, 2016). While at the same time, these rights are being undermined by the 'budget cutting' goals and reduction of public expenses as espoused by neoliberal and austerity measures (Taylor-Gooby, 2005; Isin and Turner, 2007). It is the slow erosion of the welfare state that has negatively impacted the lives of disabled people (Garthwaite 2011; Hauben et al. 2012; Briant et al., 2013; Grover and Soldatic, 2013; Harwood, 2014; Hande and Kelly, 2015; Dodd, 2016; Altermark, 2017; Sépulchre, 2018). Neoliberal principles have re-shaped how states create or form membership criterion and who 'deserves' citizenship based off an individual's abilities or contribution that immigrants can provide to the host society. It is this 'market fundamentalism' that leads to what Sachar and Hirschel call the 'marketization' of citizenship. This dual transformation has reduced citizenship to become a 'commodity' and that 'belonging' is no longer about shared culture, language, or history but one of market logic (Shachar and Hirschl, 2014; Shachar, 2018). Examples of this shift of the emphasis on 'economic value' of an individual and what they can support the state can be seen with the emergence of Olympic citizenship or Human-capital citizenship. Both concepts highlight the burden that is placed upon the individual by the state. An individual can gain rights and privileges if they provide or offer a specific trait or talent that benefits the state, more specifically a skill that can allow them ability to be self-sustainable (Ellermann, 2019). According to Ellerman, such policies are deeply rooted in neoliberal market fundamentalism that not only blurs the distinctions between economics and cultural attributes but also, in turn, accommodates an 'axis of exclusion' which eases the commodification of traits of a person. This commodification in turn transforms individuals into human capital rather than a being with

inherent dignity. This aspect is also emphasized given that in certain areas of immigration policy, economic immigration is generally seen as a 'discretionary area' that is not hindered by legal or moral obligations such as humanitarian and family immigration (Ellermann, 2019, pp. 6-7). Thus, with the combination of the marketization of citizenship and the discretionary powers of the state to regulate economic immigration, the result is the partial convergence in logic in how institutions create differentiated immigration streams (Ellermann, 2019). In other words, there are different routes for citizenship to be earned by individuals, but only if they are deemed worthy or deserving by the state.

In his previous work, Joppke describes citizenship as a: "combination of status, rights and identity (Joppke, 2007, p. 38)." Status implies the formal membership and the rules that regulate its access, while rights speak to the capacities and privileges that come with status; finally identity can be translated into behavioural and cultural expectations that come along with membership (Joppke, 2007). Citizenship then becomes an 'ever-evolving' concept along with the rules in how to earn citizenship. This indicates a 'sharp turn' away from previous rules governing citizenship to a more restrictive or narrow understanding of citizenship (Joppke, 2021). These changes can be encapsulated under the 'umbrella of earned citizenship', given the value of citizenship as a well-guarded privilege that has gone from a protective form, to one of that has been accompanied by various logics of deservingness. Therefore making citizenship much more difficult to obtain than to lose (Joppke, 2008; Joppke, 2010; Joppke, 2016; Meuleman et al., 2020; Joppke, 2021, p.3 ; Borrelli et al., 2021; Knotz et al., 2021). This is in clear contrast to the Marshallian understanding of citizenship where certain rights are to be granted at the 'origin' not to be earned or given to privileged class (Marshall, 1950). Citizenship as an 'earned' privilege according to Joppke is due to attributes of both neo-liberalism and nationalism converging to create instances of neoliberal nationalism; which is: "neither ethnic nor civic but is including on the basis of merit and desert" (Joppke, 2021 pp. 2-30). Such conceptualizations of citizenship hold true, especially for 'newcomers' when trying to access or 'earn' citizenship. This can only be gained or earned via fulfilling specific criteria (Joppke, 2021; Stadlmair, 2018). Failure to fulfil these criteria or retain a means to contribute to the welfare state can increase an individual's deportability based upon the perceptions of lack of deservingness from the perspective of the state (Lafleur and Mescoli 2018, pp. 484-486).

It is this expectation of fulfilling specific criteria as posed by the state which allows individuals to be eligible for a wide range of social rights which is the 'core' of our research and aides us in answering our research questions. Specifically, when certain criteria or requirements apply to protected groups, such as persons with disabilities, which are legally entitled to exemptions or accommodations? Each of the academic articles that are part of this dissertation seeks to answer this question by utilizing various

methodologies and applying them within the relevant policy areas.

4. Methodology

The subjects of Migration, Social Protection, Politicization, and Welfare State each have their own bodies of literature including a variety of interdisciplinary approaches and methodologies. However, none of these subjects have been examined together in one unifying methodological approach. This dissertation seeks to fill that gap by studying each of these topics under the 'umbrella' methodological framework of content analysis. Each of the articles produced in this dissertation retain differing variations of content analysis from both the quantitative or qualitative methodologies such as: Claims-making Analysis, Thematic Content Analysis, and Historical Analysis of the Law. The overarching goal is to use each of these methods in conjunction with the various theoretical frameworks presented above. Due to the variation in methodologies, further investigation was conducted to provide an answer to our research questions. In doing so, the goal is to provide a basis for fruitful theoretical and policy-based discussions in future works.

4.1 Claims-making Analysis

Claims-making as a methodology was created by Koopmans and Paul Statham's study on protests and social movements as a critique to the traditional methodology of discourse analysis. Their critique sought to expand the scope of discourse analysis in a manner, which would allow them to examine both the discursive and organizational aspects of social movements (Koopmans and Statham. 1999). By redefining these research objects into an act of political claims-making, this allowed researchers to code the various elements tied to social movements and protests. These elements included, but are not limited to: "political opportunities (contextual factors), mobilizing structures (organizational resources), and framing processes (discursive resources) is an accepted tenet of much social movement research" (Koopmans and Statham, 1999, p. 18; Koopmans, 2005, p. 254). This extension of the discourse analysis methodology includes this coding of both the discourse or claims made by various types of actors (i.e., institutional, civil society actors, media, movement actors or protesters etc.) into a specific standard format in conjunction with their discursive action or 'forms' (Koopmans and Statham, 1999). It was this variation of discourse analysis that was picked up Van der Brug and others in their study of the politization of migration across various countries (Koopmans and Statham,1999; Van der Brug et al., 2015).

A claim is defined as: "a unit of strategic action in the public sphere. It consists of the purposive and public articulation of political demands, calls to action, proposals, criticisms, or physical attacks, which,

actually or potentially, affect the interests or integrity of the claimants or other collective actors" (Koopmans and Statham, 1999, p. 19). Claims can be broken down into various elements (Koopmans et al. 2005):

1. Location of the claim in time and space (WHEN and WHERE is the claim made?)
2. Claimant: the actor making the claim (WHO makes the claim?)
3. Form of the claim (HOW is the claim inserted in the public sphere?)
4. Addressee of the claim (AT WHOM is the claim directed?)
5. Substantive topic of the claim (WHAT is the claim about?)
6. Object actor: who would be affected by the claim if it is realized (FOR/AGAINST WHOM?)
7. Justification for the claim (WHY should this action be undertaken?).

Koopman and Van de Burg et.al. note that claims tend to be incomplete and consist of only several of the abovementioned aspects (Van der Brug et al., 2015; Koopmans and Statham, 1999). Other studies and previous research provide a more elaborate discussion of the composition of political claims (e.g. Appendix in: Koopmans et al., 2005). Therefore, claims-making defines any intentional actions and statements made about a specific topic. Thus, making claims-making as a method a valid methodology to measure polarization and salience, which are key components in defining politicization. The number of claims per period measures the salience, while polarization is indicated by the extent to which actors take diverging positions on issues. It is this latter aspect that provided the most interest for this dissertation, for this would allow us to examine the 'frames or justifications that actors provide when speaking about various areas of social policy. This provides a 'surface level understanding' of agenda setting in social policy and the types of arguments we could potentially find in our data.

4.1.1 Relevance to dissertation: Basis for thematic expectations of institutional discourse

It was this methodology and the results tied to the frames made used by the different institutional actors which provided our study a thematic basis as to what to find when examining the intersections of disability, migration, and welfare state. One expectation in using this approach was that we would find ties between politization and the Swiss welfare state in conjunction with the wide range of concerns about its use by non-citizens. This includes assumptions made about immigrants such as: welfare state always in crisis, fear of deficits caused by overspending, certain groups incur costs to the state, welfare abuse by non-citizens, cost of pensions, welfare abuse by non-citizens and lack of integration. Each of these 'frames' or 'themes' were anticipated to be in our dataset, based upon the academic literature

available on the diverse topics and from the results of the claims-making article. This acted as our entry point into the subject matter via the examination different newspaper articles during the two crises. Furthermore, the claims-making analysis as designed by Koopmans functioned as an excellent bridge between quantitative and qualitative methodologies, showing that both epistemologies can be used together to help understand complex realities.

While the claims-making methodology may have provided an excellent baseline for this dissertation, it still was unable to provide the historical or the socio-political context that is needed to answer our research questions dealing with sensitive or politically charged topics.

4.2 Qualitative Content Analysis: Conceptual-Thematic coding

One of the other methods that we decided to employ for this dissertation was that of conceptual-thematic analysis, which is a specific form of qualitative content analysis. This type of content analysis is often used to aide in answering questions such as: what, why and how, and is used to detect patterns within the data (Berelson, 1952, p.18; Hsieh and Shannon , 2005). Content Analysis in the past has been used as a research tool to apply "an objective, systematic, and quantitative description of the manifest content of communication" (Berelson, 1952, p.18). In addition, content analysis aims to organize written or oral materials into similar categories or clusters of similar meanings that can represent either explicit or inferred communication (Moretti et al., 2011). This method can be approached either inductively or deductively to a wide range of data that is 'communication-based' materials such as: narrative responses, open-end survey questions, interviews, focus groups, observations, printed media such as articles, books, or manuals (Abrahamson, 1983; Finders, 1996; Hsieh and Shannon ,2005 ; Braun and Clarke, 2006; Moretti et al., 2011). However, qualitative content analysis differs from other methods such as data analysis in grounded theory because the data collection procedure is different: " In grounded theory, data collection and analysis are done in tandem, whereas this is not the case with content analysis; since there is often no theory involved in or guiding the data collection or sampling" (Cho and Lee, 2014 p.7). This is due to the fact that content analysis is aimed at "finding certain words, themes, or concepts within some given qualitative data (i.e., text), one limitation to this method is its subjectivity in the interpretation of data. Therefore it is essential to have systematic and consistent coding system (i.e., themes or patterns), in order to prevent concerns related to validity" (Hsieh and Shannon, 2005, p. 127 ; Schreier, 2012, p.122). This can usually done by using a consistent set of codes to organize a text with similar content (Heikkilä and Ekman, 2003, p. 138). In this way, researchers can easily quantify and analyse the meanings and relationships of certain words, themes, or concepts. Coding and interpretation depends on which approach within content analysis is used.

There are two general types of content analysis: relational analysis and conceptual analysis. Relational analysis develops conceptual analysis further by examining the relationships among concepts in a text. Each type of analysis may lead to different results, conclusions, and interpretations and meanings (Hsieh and Shannon 2005). To begin a conceptual content analysis, one must first identify the research question and decide the level of analysis: word, word order, phrase, sentence and themes. By deciding which aspects to code, this aides the research in breaking down, the text into manageable categories or codes for analysis (Berelson, 1952; Holsti, 1969). These codes can consist of but are not limited to: specific words, themes or patterns that inform the research questions (Berelson, 1952; Krippendorff, 1980). By breaking down the data into smaller more manageable categories, this will aid the researcher in deciding what type of samples should be collected for analysis or what to remove from the initial phase of analysis. It is at this point within the coding process that the researcher can decide whether to have an additional layer of analysis by applying 'thematic analysis.' Content analysis itself acts as an initial analysis and seeks to find specifications within the codes. In particular, redundant similar codes, which can consist of: frequency, relationships, or themes. In establishing or discovering a theme within the data creates: "a way to link the underlying meanings together in categories" (Graneheim and Lundman, 2004, p.107). If the first phase of data coding reflects certain themes, it is then possible to conduct thematic analysis as an additional aggregate layer of analyses that derive from major concepts or themes within the data. One of the benefits of using thematic analysis is that it allows the researcher the ability to conduct an in-depth examination of various concepts via thematic codes. These thematic codes aide in extracting the rationale behind specific argumentation and rules in application (Hsieh and Shannon, 2005; Moretti et al,. 2011; Cho and Lee ,2014). These argumentations, in conjunction with the legal heuristics used in applying the 'rules' by SFSC judges, it was what proved to be the most interesting and telling in this dissertation. However, a specific variation of conceptual-thematic content analysis was required to critically approach a very legalistic context. The method of choice was that of the Historical Analysis of the Law.

4.3 Historical Analysis of the Law

The Historical Analysis of the Law, situates itself within the ontology of Critical Studies in that it can provide a powerful tool to critique and test the legitimacy of legal practices and norms (Dubber 1998). According to Dubber, the point of 'historical analysis of law' is to critique the legitimacy of a past or present legal norms and practices (Dubber, 1998; Gordon, 1997; Dubber, 2015). Historical analysis of the law as a method aims to monitor the emergence and developments of the law alongside legal practices and their legitimation processes. In this context, legal practice can be defined as or consist of

including varied degrees of: generality in attitudes, practices, and norms or principles (Gordon, 1984; 1997; Dubber, 1998; Ibbetson, 2005). Nevertheless, these practices and norms are distinguished from 'legitimating principles' which act as guidelines within the law. Therefore, when applying this methodology, it is essential to have an additional theoretical or evaluative framework that provides:

> *"A critical analysis intent on going beyond internal guidelines to external critique with a purpose needs a theory or an account of legitimacy or justice, morality, right—whatever the relevant critical register happens to be. It needs to specify the norm against which it measures the legitimacy (justice, morality, rightness) of the action or state of affairs in question. In the case of critical analysis of law, and therefore also of historical analysis of law, this account emerges out of an analysis of the object of analysis itself: law"* (Dubber, 2015, p. 13).

Historical analysis draws this prescriptive theory from history and its critical perspective is immanently historical since it considers entirely the *recovery* of past legitimacy problems and their solutions (Gordon, 1984; Gordon, 1997). The point of historical analysis of law is to critique, not to reform or to make 'critical history.' Hence, why this method fits to this study since we seek to examine 'past and present practices' applied to historically marginalized groups within a legal context that entails a 'critique.' It is with the combination of theoretical apparatuses and their ascribed elements that assisted in the analysis of both the laws regulating citizenship and integration as they apply to cases involving foreign nationals with disabilities.

4.4 Justifications of the variations of Conceptual-Thematic coding

While the first article of this dissertation used a quantitative variation of content analysis as designed by Koopman, the two other articles that make up this dissertation opted to use both the inductive and deductive approaches when using content analysis's conceptual-thematic coding. This was primarily due to the type of questions asked by each of the articles and the nature of both the data collected and the results it presented. In the second article, on 'territory and capacity,' the inductive approach was used based upon the combination of the literature gathered on the various topics within the Swiss context and the 'frames' discovered in the first article. Moreover, the second article was key in answering where disability, migration and welfare state intersect as well as mapping them within a legal context. In addition, the second article allowed us to collect a large database of laws and court cases tied to the intersection of these subjects, as well as their interpretations by the SFSC. It was the latter element that provoked the most interest, given that by applying this specific method we were able to discover the types of 'frames or arguments provided by the court. After discovering these arguments,

we were then able to organize this data into themes which were tied to the legal jurisprudence. It was after this thematic coding, that we were able to highlight the legal heuristics of evaluation used by SFSC and which judges from the various Swiss political parties have used them. This last part of the assessment was the most critical, provided that it not only showed how certain legal categories intersect, but also illustrates the commodification of social rights and protection through the institutionalization of these legal conditionalities.[33]

During the analysis, two key themes emerged frequently within the data, which was that of 'deservingness' and 'earning' access to social rights. It was here where the overlap between disability, migration and the Swiss welfare state was identified. The most intriguing was the recurring 'sub-themes' that was found within the law and the justifications provided by SFSC in their interpretations of Swiss law as we see in Article 2. These sub-themes consisted of but were not limited to citizenship and eligibility criteria, duration of residence or contribution to access welfare state. These sub-themes were what guided the authoring of the last article of this dissertation, which focused on the 'text' of the law and its evolution. However, what remained unanswered is the following questions: Would these same sub-themes or eligibility requirements be present in the various versions of the citizenship law? If so to what extent?

It was the data provided by the second article and these questions that acted as our starting point for the last article of this dissertation. This time, we opted to utilize a deductive approach based off previous data and what theories could act as a guide in our next study to answer this query. Based off the data and literature collected, the three key theories used in the last article consisted of: Earned Citizenship, Disability Law, or Disability Legal Studies. Each of these theories provides a clear basis for the scope of study via the specific conceptual definitions [34] in conjunction with a 'legal' variation of conceptual content analysis and the historical approach to law. It was this method, as designed by Dubber, that allowed us to operationalize the different definitions and concepts provided by each of the theories into an analytical framework to critique the legitimacy of legal norms and practices. In addition, this method was essential in allowing us to examine the evolution of the law and its norms over time. This method, provided additional layers of complexity to the research which were missing in academic literature by both a legal and historical context to the formation of 'rules or norms in relation to the adherence to rights of social protection that are guaranteed by CPRD which Switzerland as a signatory is obliged to follow. The last chapters will discuss these results and their policy implications further in depth.

[33] Another more 'direct term' for this is judicial activism by judges.
[34] Another concept we found within our second article on pensions was that of ableism.

4.5 Limitations

In conducting this research, we willingly acknowledge the various limitations to each of the studies conducted. The first limitation that could be considered would be that of the type of methodology applied in Article 2, as well as Article 3, which examined court cases from the SFSC and the evolution of two bodies of law over time, respectively. One of the key limitations in using qualitative methods is that it subjective and refers to "any type of research that produces findings not arrived at by statistical procedures or other means of quantification" (Flick, 2014, p.542). Therefore making it essential to provide definitional clarity via the use of a theoretical framework to avoid shortcomings of interpretivism, given the all-encompassing nature of the various interpretive techniques tied to qualitative research (Maanen, 1979, p. 520 ; Denzin and Lincoln, 1998).

Another limitation that a researcher must be aware of when encountering intertextual discourses is that of the Translation Agency. According to Translation Studies Theory, there is a 'cultural hermeneutics' in the aspect of 'agency' when translating intertextual discourses (Baker, 2006; Baker,2016; Angelelli, 2014; Baker and Saldanha, 2009; Voellmer and Abdel, 2013; Paloposki, 2009). According to Wolf, "*There is always a context in which a translation takes place, always a history from which a text emerges and is transposed* " (Voellmer and Abdel, 2013). When one is translating a text, there is an inherent 'socially contextual' or 'cultural bias's as translators are subject to their own cultural or social values when translating texts. This is especially so when certain terms have similar meanings or specific words for specific contexts, but different uses between languages. This was one of the challenges posed when translating specific words from French to English without losing the connotation of the words. One example of this would be that of the French terms ascribed to the concept of disability. In French, the terms '*invalidité*' and '*incapacité*' can both be attributed to 'disability' or 'handicap' in English. However, these terms 'connotation in their original textual form for English speakers retain more negative connotations of 'invalid' or 'incapacity.' Both terms are cautiously used in English since these terms are considered to be ableist and discriminatory. Fortunately, such challenges of translation agencies can be easily overcome by the use of advanced translation applications such as DeepL in conjunction with native speakers. Each of the articles presented in French have been professionally translated and edited by native Francophone speakers.

The last limitation that we seek to address is the limited sample size used for Articles 2 and 3 for this dissertation. While there may be several excerpts of court judgement available from both the BGer and Fedlex[35] online databases we only sought to examine specific policy areas for a certain population. By

[35] Used the: Recueil systématique and the Feuille fédérale (i.e., used the available digitized versions of the law).

using relevant keywords from academic literature. Thus, resulting in the number of cases examined from *certain* period of time alongside which versions of the law were in force. We also acknowledge this time limitation in our analysis as well as our conclusions, as it impacts the relevance of our critique.

4.6. Research Challenges: Life Experience and Reflexivity

"Setting goals is the first step into turning the invisible into the visible."

- Tony Robbins

As researchers, it is our professional obligation to be as transparent and as reflexive as possible when approaching our research. This not only is a matter of professionality, but it is also a matter personal credibility. This dissertation was not only about discovering, collecting data, or testing theories, it was also a personal journey. One that I was very hesitant to take given the sensitivity or closeness of the topic to my own reality living with Autism. When starting this dissertation, I thought I would be embarking on a transformative and intellectual process to provide meaningful and impactful transfer of information. Never did I guess that I would be confronted with re-dressing previous traumas and begin the healing process by applying the various methodologies utilized in this doctoral dissertation.

4.6.1 Disability as a subject of study vs. lens of reality

The challenging aspect of (dis) ability is that it can be both a subject of study and a theoretical lens[36]. In addition to the complexity of how of (dis) ability can be defined, it can also function as an identity. It is this fluidity that makes it challenging to approach (dis) ability as a subject of study. Another layer of difficulty in researching (dis) ability is the risk of unintentionally reinforcing ableist attitudes or stereotypes. This is why it is essential for the researcher to remain transparent about their methodologies and remain aware of these different contexts or limitations, which builds credibility for both the researcher and the research conducted. This can be done by utilizing various tools such as: reaching out to experts, keeping a diary of reflections to prevent being guided by 'lived experience,' utilizing different theories and methodologies to interpret data.[37] Each of these listed techniques were used while conducting and interpreting the data for this dissertation. One of the key challenges was the amount of time and energy put into collecting or interpreting data, especially when the topic or the data are too close to one's own lived experience. This was the case when it came to interpreting the data for the last two articles, which focused on case law and access to certain social rights, when it came to certain

[36] Both Disability and Migration can be used as both theoretical lenses and as "subjects" but how to make them intersect is outside the scope of this dissertation. We aim only highlight their complexity and how both these elements are multi-layered concepts.
[37] This exercise was utilized during the specific interpretation of legal data (i.e., judicial arguments) to ensure each hypothesis was evaluated with methodological rigor via the different methods to properly triangulate data.

argumentations or justifications provided by the SFSC. Arguments, which eerily echoed a 'lived reality' for those who are in a perpetual categorical 'limbo' between belonging and non-belonging. In other words, an existence that does not fit the typical demographic or categorical box. It is this latter aspect, which is the most challenging for the researcher, for it blurs the line between lived experience and theoretically based assumptions or hypothesis. Here is where the researcher must place confidence in their methods and let the results speak for themselves. In my mind, the benefit of engaging with the claims or narratives is that one can use counter-factual or other logic games to 'test' how far an argument can go or the motive behind it. This can be the case with claims, as Koopman defines them, especially to legal claims, which play a part in a larger narrative of politization or crisis. The first article hinted at this, but the latter two articles provided more specific details on these elements and how it relates to disability, given that the last two articles focused on various policy areas and periods. Each of these articles speak to several aspects of the Swiss welfare state and its perception during crisis, the levels of access and the narratives formed around the differentiated levels of access and their justifications for it. This particularly applies when examining how these justifications are formed and how they are used by different actors at specific times.

One of the benefits of coming from a 'critical' background is that by nature I am on already in the mindset is one of de-construction and reconstruction in order to provide a critique. However, a critique alone is not enough unless it has some logical basis in this is when a researcher depends on their methodology and what results it can provide. This is also in addition to having supplementary layers of analysis in case certain interpretations of results are unclear or uncertain, especially when a researcher has familiarity with the subject. In the case of this dissertation, the subject of disability was quite close, and it was essential to provide an additional form of verification, especially when working with the law that can have many interpretations. This is where previous critical approaches or familiarity with logic games aided me in being able to not only apply rigorous 'testing' of possible interpretations, but also as another verification process. A verification process is for both the interpretation of the data, but also as a personal toolkit that can be used on a daily basis. This toolkit acted as a therapeutical means to aide and 'manage' certain interpersonal challenges, biases or individual crises that came with studying a subject that retained certain personal similarities. These personal similarities found within the research and the tools to manage them are listed in the table below. This table shows which scientific skill within this 'methodological toolkit' was used when the overlap between scientific data and personal experience became too close, which was technique used to aid in overcoming this closeness.

Table 1: Process Mapping - Overlap between Scientific and Personal Variables

Scientific Variables	**Personal Variables**
History or periods of xenophobia	Migrant Status
Disability and reasonable accommodation norms (selectively applied)	disability diagnosis
Goals of Social cohesion within various policy areas	Social Anxiety and trigger avoidance
Various dimensions of integration: social, cultural, linguistic, and economic	'masking' or hiding feelings of shame or fear
Ableism and dehumanization effect 'othering process' of those who do not meet 'normalcy criteria'	Asperger's /Neurodivergence
Claims making, Narrative policy framework (NPF), Discourse Historical Approach DHA, thematic coding, and frequency analysis	Distrust due traumatic 'core memories' like discourses found in research (i.e., gaslighting, exclusion, passive aggressive, denied social rights in home country) • Claims-making detection of sincerity in people or media, tool for social awkwardness or 'testing genuine-nesses of people (additional heuristic used) • NPF how to understand my own story and become the survivor not the victim but to understand of how 'stories' are made and weaponized. • DHA and thematic coding: help trace the origins of stories or claims and how they are reinforced or valued. • Frequency analysis: how many times these are used and helps sort out how to interact with people based on what is most consistent
Defining crisis	Constant 'reptile brain' fight or flight

4.6.2 Neurodiverse insights

Initially, I wanted to avoid conducting research on disability given how close it could be to my personal experience. Some may say that being diagnosed with 'disability' at an early age can be a benefit due to 'early detection' or 'early intervention' to fix or repair of an issue. However, what escaped from those who advocate for such measures is that these methods of early detection have lifelong consequences and can leave scars. This refers not just to the stigma attached to the diagnostic label, but lifelong feelings instilled into an impressionable child of 'lifelong difference' and the lesson that one must 'mask' or 'manage' a difference to survive. To survive once has to adapt and learn the 'rules' or suffer the negative outcomes attached to noncompliance. Therefore, placing oneself into *perpetual* if not consistent crisis that is composed of many 'episodes' that focus on re-defining one's meaning, identity, and purpose in life. Or just the everyday efforts and energy in combatting systematic gaslighting because something you see or say becomes uncomfortable for society. This is more concisely described by Dr. Bessel van der Kolk as a cognitive process: "When your reality is broken or threatened you

mentally try to create a framework to find where you fit" (Van der Kolk, 2014, p.106).

So, the framework I designed for myself and found that it had the most positive impact was to find and highlight patterns or inconsistencies, especially when approaching social norms or rules. Therefore, my inherent tendency to be critical is not just academically rooted but, it is based upon long-term exercises in observing various patterns of behaviour. Certain traits, like the diversity in how the 'othering processes' occur regardless of country context, are shared. What is this shared trait? It is the impact of the 'othering process' or as some in the field of Peace-Conflict Studies or Psychology would call it the 'dehumanizing effect' of those who are perceived not belong due to some form of difference, whether it be disability or nationality. Those who are different are suspicious and must be either 'managed' or they are a threat. This has also been my life experience, which made it harder to place trust into institutions, government actors, or even people in general. However, just as in science, as well as our own data collected there are always 'outliers.' These are rare, but they do exist. This is where the various methodologies used in academia can be implemented as means to understand real life situations or redress personal trauma.

While distrust can be gained by long sustained periods or short 'traumatic' episodes, the combination with a complex or intersectional status of being both (dis) abled and a foreigner can be challenging. On the surface, it may seem like a disadvantage to have all this 'baggage' attached to a person, when in reality can provide insight into unspoken topics as well as the dedication to authenticity or as Dr. Ramani Durvasula 'truth telling (Durvasula, 2019).' Particularly in relation to highlighting the specific kinds of positive or negative attitudes that have been translated into institutional discourse and norms. This can become a roadmap to others on a personal or at an academic level. In taking on this research challenge, it provided an opportunity to address and even redress certain traumatic experiences. In order to be the one of outliers within the community, to show how one can harness personal trauma and turn it into something helpful, which can help or support those who feel unseen or unheard.

However, what I did not expect was not only the source of how re-dressing trauma could come from learning to use certain theories which would echo my own doubts, but also how this dissertation would push me to new limits whilst providing deeper insight. My own personal disposition or status mirrored the focus group I was to study, but also the 'plausible' situations I could find myself in the future, if I were not careful and did not play by the 'rules.' Given that my status, when drafting this dissertation, was that of being both a foreigner of third country origin and person with a disability trying to find my way within the Swiss system. This was not made easier in the fact that my 'disability' is one that has fluid boundaries in how it manifests and is identified. It could be easily undermined or contradicted if

a medical professional were to say so, thus possibly depriving me of the legal 'protections' that are given, but also my own identity that I have managed to cultivate and retain. It is this 'tenuous' status that forces a person to be constantly aware of one's limits and the societal norms or expectations that have become part of everyday 'functionality.' Therefore, failure in meeting these expectations is made more impactful or painful. Particularly when the inability to meet these expectations is due to or indirectly tied to personal limitations (i.e., comorbidities tied to my diagnosis). This 'daily mental exercise' on my part, has always existed, but because of the kindness of family and *very* patient mentors I was able to see I could operationalize these mental exercises into countless opportunities to advocate for self-improvement and the factual basis to advocate for more inclusion and more awareness for those with disabilities. In short, the use of the norms, rules, or prejudices (i.e., both positive and negative) to one's advantage to protect or improve a situation. This is why I always 'out myself' or remain open about my Autism since I refused to adhere to the ableist stigmas attached to it. Not all of 'us' on the spectrum or those with disabilities are the same and each one's life experience is different, which should be recognized and celebrated. Everyone has a different talent or skill, no different than those who are not able bodied and are not neurodivergent. My community and I are not victims to be pitied or more importantly, underestimated. This was another reason as to why this dissertation was difficult. Difficult to see that my inherent experience or understanding of the world had merit and some basis in reality.

Furthermore, the theories acquired like Politization, Critical Disability Studies, CARIN/RICE and others, helped explain how and why some certain patterns continue to happen. Each one of these theories helped explain aspects of my own life experience and ways to understand them. Methods such claims making, critical discourse analysis, narrative policy framework, historical approach to law and others, were essential in giving me not only the analytical tools for data, but to use in everyday life. Every one of these methods was another tool in my arsenal of 'self-protection' and 'emotional management' to help manage different challenges.

In particular the claims-making relation to the narratives aspect, for in trauma therapy there exists a similar technique used to aide those who suffered severe trauma or prolonged trauma (PTSD or CPTSD), which is that cognitive narrative therapy (Walker, 2013; Rosenberg, 2017; Haruvi-Lamdan, Horesh, and Golan, 2018; Decker, 2021a; Reuben, Self-Brown, and Vinoski Thomas, 2022; Michna et al., 2022). This is why inherently, I think the project on crisis, politization of migration and claims-making 'spoke to me' in a sense that it was both interesting and holistically enriching as a starting point to enter my facet of research. At the same time, this research forced me to deal with previous prolonged traumas or even possibly finding what the International Classification of Diseases (ICD) would call CPTSD. According to the ICD, CPTSD can be caused by: ongoing trauma or traumatic event(s),

harmful events that happen simultaneously in a specific period and the feeling that they are being re-lived again (Foa et al., 2008; Haruvi-Lamdan et al., 2018; Health Organization, 2022; Decker,-2021a; Reuben et al., 2022). Another way of describing as Dr. Jonathan Decker states that CPTSD is "a construct to describe something real and you cannot choose when it hits you can only learn how to manage reaction cannot avoid it" (Decker 2021b, 3:45). Therefore, trauma can place a person in a constant state of crisis management or vigilance that does take a toll on the both the brain and body. Dr. Bessel van der Kolk's expertise on trauma and its physiological impact states that "There is a *connectedness* of body mind and brain. After trauma, the world is experienced with a different nervous system. The survivors energy becomes focused on suppressing or controlling the inner chaos at the expense of spontaneous involvement in their life" (Van der Kolk, 2014, p.223). So, to be both disabled and an immigrant carries its own 'risk' which is another reason this dissertation was not only a personal exercise in self-growth or management, but one learning how to fight the 'reptile brain' instinct.

On the emotional level, it was a constant battle between the intense push to be seen as credible and competent. As an individual living with Autism is never easy, you always run the risk of being 'othered' or excluded, even if you do everything to 'mask' or manage how you approach different situations. Like those in my dataset, there is a realistic and rational reason for the intense desire to 'fit in' and feel 'accepted.' Of course, there are always the positive and negative stereotypes that float around in the everyday discourse about Asperger's, from the 'little professor syndrome' stereotype to the extremely negative ones about being unable to understand empathy or emotions. I grew up with these socially constructed stereotypes and prejudices, but unfortunately too many people believe them. Thus, making it harder to change them when confronted with evidence that runs contrary to another's perception. Then there is the constant and exhausting effort to self-advocate for legal protection, which in theory are guaranteed but not always implemented.

Therefore, it was difficult at times to take distance from the data and not internalize or attach it to my own individual experiences; especially when seeing similar trends that echo my own life story as a female on the spectrum. I emphasize this latter point, for it speaks to the dangers of non-reflexivity by researchers who did not keep their own biases in check. Until the mid-1990s, Autism was never applied or thought to exist in females (Haney, 2016; Loomes, Hull, and Mandy, 2017; Young, Oreve, and Speranza, 2018) . This was due to gender-bias in Autism research, which was only noticed based on the critiques made by successful self-advocates like Dr. Temple Grandin. She overcame these prejudices and biases by using her 'intense' interest in the humane treatment of livestock to study and expand our knowledge on animal behaviour (Montgomery, 2012).

While these experiences are my own, they are worth noting to emphasize that personal experience can help in ensuring reflexivity to a contentious subject of research due to an awareness of consequences (in an anthropological sense). This is why during this dissertation I took particular care when coding and interpreting the data collected while always 'testing' it against my own assumptions via the various methods learned. Thus, ensuring that the information gathered is accurate and precise. As we have seen with the example noted above, how continued bias within research has consequences in everyday life.

Although my disability is and will always be part of me, it does not define or limit my ability to grow or progress. If given the right tools and support one can overcome challenges and prejudice that comes along with being the 'other' or 'different.' It was this experience from being 'othered' that has driven my academic interests since childhood to try understanding how and why such processes occur, especially what the arguments are given to justify these processes. Therefore, this dissertation and the subsequent academic articles may have been challenging to complete but proved to be rewarding and yielded insightful results in answering our research questions about: (i) How have social rights and protection in Switzerland changed over time, and to what extent have they become commodified? (ii) Furthermore, what types of narratives have been used to justify this process and have these justification narratives evolved/changed over time?

5. Empirical Evidence: Summary and Discussion of Articles

Examining this intersection between disability and migration allows us to examine how social rights and protections, particularly citizenship, become commodified over time and what narratives are used to justify their commodification by different state institutions. To provide a holistic approach to this subject, this dissertation approached this from a historical perspective to illustrate the historical evolution of the conceptualization or understanding of social rights and protections by various state actors, as well as within what context. It is this latter aspect of context which was essential to highlight; especially given the history of Switzerland and the various reactions or claims made from the different Swiss state institutions on the subjects of migration, social rights, and protections. More specifically, who and under what conditions can non-citizens access or be eligible for such rights and protections.

Each of the articles presented in this dissertation look at the following elements: perceptions of immigrants, their depiction in media, as well as the discourses or claims made by different state actors. By focusing on these elements, we were not only able to answer our research questions but provide insight as to how certain norms attached to social rights and protections have shifted between commodification and non-commodification, like Polanyi's *double-movement,* and the rationale behind these shifts by different state actors or bodies. Our first article reflects this by showing how crisis can

'facilitate' the politization process as we have seen with the politicization of migration. Moreover, this process provides opportunity for a wide range of actors to try and manage a crisis via narratives of legitimation to cope with a crisis. Both these findings provided our research with the socio-political context to understand how the politicization of migration can encompass the framing of migration within political discourses and policy agendas, which can include but is not limited to the various debates and claims made by political actors and institutional responses to migration. One of these being the various legitimation narratives that gain salience during periods of crisis as we observed in Article 1 with the variations of identarian-based narratives surrounding a large range of policy topics or sub-topics[38] (e.g., immigration, integration, border control, access to labour market, housing, use of welfare state or illegal use of, citizenship, etc.). These findings in Article 1 provided us a baseline for what topics were potentially politicized within the Swiss context. One of these topics being the issue of various social rights, access to welfare state and who is eligible to access those benefits.

The second article builds upon this aspect by looking at a specific group of state actors, in this case the SFSC judges, in how they (i) interpret the law and (ii) the legal heuristics of 'territory-capacity' used in cases involving foreigners with disabilities seeking specific types of social rights and protections (i.e. social assistance and disability pensions). By looking at the intersection of these legal categories we can observe in both law and practice how accessibility to certain social rights and protections has been commodified on the basis of both 'territory' and 'capacity.' This leads us to our last article that follows a similar thematic thread, but looks at the history and text of the law has gradually become less ableist over time with the development of an exemption regime for specific criterion required to acquire citizenship. Furthermore, it highlights what norms and values are 'expected' from prospective citizens. Overall, the empirical results from each article show how the conceptualization of social rights, including citizenship, shifts over time, and provides the groundwork for future research on the evaluation of social rights and protection norms.

5.1 Politicization of Immigration in Switzerland during the Oil and Financial crisis

Our initial piece served as the foundation for our research and helped to provide historical and political context by examining the politicization of immigration in Switzerland during periods of crisis. More specifically, the oil crisis of the1970s and the financial crisis of the late 2000s, which allowed us to discover which issues were politicized, their frames and which actors participated in this process. Furthermore, the results of this article allowed us to see which policy issues were at the centre of this politicization, as well as what types of narratives or identarian frames exist about immigration within

[38] These were a few of the policy issues were listed as Sissues in our coding and can be found in the codebook.

the context of crisis. This last element of crisis is critical, since by looking at periods of crisis we can then observe the 'full' extent of how a subject is or is not politicized (i.e., othered) , as well as provide a hint as to what type of frames we could expect to see towards other types of immigrants within Swiss institutional discourse.

By looking at politization of migration during a *specific* historical period such as the Oil Crisis of the 1970s in Switzerland and Financial Crisis of the late 2000s provided an excellent starting point to examine the relationship between the politization of migration, crisis, and the claims, as defined by Koopmans et. al.(Koopmans et al., 2005 p. 254), that are made around these elements. How societies find ways to cope with crisis and the narratives that are formed around them by certain actors. Our initial step in our investigation into this research was to first establish the definitional scope of crisis and how we intend to operationalize the concepts of crisis and politization as it applies to migration. Our definition of crisis was left very broad , but mirrors Habermas and others conceptualization's of crisis in that crisis is: " […] as a collective awareness that the inner mechanics of the complex economic and social machineries that structure our everyday lives and provide us with meaning [that] have suddenly stopped working the way they are supposed to" (Sellnow and Seeger, 2016, p. 8). Consequently, this causes "a distribution in the flow of things in the process, which is typically characterized by: three general attributes: surprise, significant ambiguity, and threat (Sellnow and Seeger, 2016, p. 10; Bitschnau et al., 2021, p. 3866). Habermas asserts there are different types of crisis, one that focuses on a 'system' or an 'identity based' (Habermas 1988). Both are both interlinked to conceptualizations made from a 'broader distinction between system and lifeworld' to which this 'system-based' crisis only develops when a system's integrative ability reaches its limits; thus causing it to weaken and ultimately collapse (Habermas 1988; Thompson 2012 p. 61). According to Habermas and Thompson, there are distinct kinds of crises. One type is material in nature, whereas an identity crisis focuses on a 'collective identity' that people have constructed, symbolically. However, if or when this construction is threatened, this induces a response that expects a potential collapse (Habermas, 1988; Thompson, 2012; Bitschnau et al,. 2021). While there may be a duality in the types of crises, there are not by any means a non-static phenomena, as they can change over time due to changes from other factors. One relevant example of this would be when governing institutions can no longer maintain their legitimacy; which could trigger both an entire systematic crisis that can then evolve into an identity-based crisis (Bitschnau et al., 2021). Another characteristic of crises that has been observed, is that crises are usually accompanied by the contention of norms and values that were once retained by the previous system. However, this previous system managed to lose credibility due to the erosion of trust within the system or the inability to resolve underlying concerns (Siegenthaler, 1993;

Tanner, 2014). This loss of trust exacerbates the feelings of worry which can increase the possibility of contestation about previously clear boundaries between one's own in-group and visible out-groups that in the past has allowed people to comprehend a crisis that allowed them to regain control. One example of this is the link highlighted by Mair and Kriesi between larger societal changes and the politicization of issues like crises (Tajfel and Turner, 1986; Kriesi et al., 2008; Bukowski et al., 2017; Fritsche et al., 2013; Fritsche et al., 2017). In this sense, crisis can be interpreted to be a collection of moments in which intricate processes are squeezed into a short time period (Bitschnau et al., 2021). Therefore with this deduction, one could assume that the various debates around immigration can become more salient and more polarized under crisis conditions given that it is centred around the opposition of a natives (i.e., in-group) and immigrants (i.e., out-groups) (Triandafyllidou, 1998, pp. 601-603). Therefore, based on these theories presented we sought test key expectations in relation to politicization:

i. Salience: increase of immigration claims during crisis periods than in noncrisis periods.
ii. Polarization: the differences between claims made Claims during periods of crisis periods than in noncrisis periods (i.e., greater polarization).

By its nature, crisis can cause great doubt about previously undisputed beliefs and values, but crises can provide an *opportunity* for other voices to promote their messages or views that can change the dynamics within public debate. As Kebo and others have observed these opportunities have often enabled the formation of social movements and issue-driven civil society organizations to launch themselves onto political stage, along with their various narratives or justifications (i.e., frames) on certain policy issues (Kerbo, 1982; Entman, 1993; t'Hart, 1993, p.40; McAdam, McCarthy, and Zald, 1996). Therefore, this promoted us to pose an additional three expectations in relation to the types of actors that could participate in public debate, alongside the possible 'frames' that could be used such as instrumental frames or identity-based (Habermas, 1988; Imhof, 1993; Tanner, 2014). Thus, allowing these actors to remain salient within the broader debate.

iii. Actor diversity: there is a more diverse variety of actors making claims during crisis periods compared to non-crisis.
iv. Identity expectation: there is to be a higher amount of identity focused frames during crisis periods.
v. Instrumentality expectation: there will be a lower number of instrumental frames in crisis versus non crisis.

In order to test these expectations we utilized methodological approach Van der Brug et al. with limited

adaptations to ensure our research efficiency (Van der Brug et al., 2015). Our data corpus consisted of selectively chosen print articles via the use of keywords (e.g., Appendix 1) to preselect relevant articles in a digital repository, which expanded from the original one used by Van der Brug et al. to include data from two additional periods (1970 to 1976 and 2010 to 2018) based off the crisis periods chosen (Van der Brug et al., 2015) . However, there was some debate about dates, but was resolved by combining the various definitions of these crises and key points from a crisis chronology compiled by Guillén (Guillén, 2011) (see Appendices 2, Tables A2.1 -A2.4; Figures A.2.1-2.3). This resulted in a total of 2,853 claims which consisted of all the various print media and tabloids from Switzerland's two most linguistic regions.[39] We then used the four different aspects of politicization, of salience and polarization as well as actor diversity and frames, as outcome variables. Salience was operationalized as a claim frequency, and polarization as the extent to which different claimants agree or disagree with each other, which was evaluated by a five-point scale to classify claims as positive (i.e., pro-immigration; multicultural) or negative (i.e., anti-immigration; monocultural). These were the further evaluated by using an adjustment Van der Eijk's measure (Van Der Eijk, 2001).[40] In order to calculate actor diversity, we used the Herfindahl-Hirschman index on different actor types, when the *si* stood for the share of all claims in a period made by a certain type:

$$H = \sum_{i=1}^{N} s_i^2$$

In order to compare claims within and outside of the two crises, descriptive statistics[11] are combined with multivariate regression analysis, which add additional control variables (Van Der Eijk, 2001; Bitschnau et al., 2021). To get useful results, we aggregate the claims into 119 quarters of the year using ordinary least squares (OLS) models, to which the outcome variable *yi* depends on the element of politicization being studied (i.e., claims (Berkhout and Ruedin 2017; Bitschnau et al. 2021) . The predictor variables assess the effects of the financial and oil crises (X*oil*) (X*fin*). We reported the kernel densities of the regression coefficients 1 and 2 over 7,524 linear regression models. As previously states we also use a variety of control variables, including the decade in which the claim was made (to account for uncertain time effects) and significant events (such as important court decisions or political movements) (e.g. Appendix 3) (Bitschnau et al., 2021).

[39] This included: Le Matin and Le Temps (with its predecessors Journal de Genève and Gazette de Lausanne) from the French-speaking region and Blick and the Neue Zürcher Zeitung from the German-speaking region.
[40] Ranged from 0 to 1: a theoretical value of 0 indicates universal agreement (i.e., all actors share the same position) and a value of 1 universal disagreement (i.e., all actors hold diametrically opposed positions).

$$y_i \sim \text{Normal}\,(\text{m},\ \text{s})\ \text{B}$$

$$\text{m}_i = \text{a} + \text{b}_1\, X_{oil} + \text{b}_2\, X_{fin} + \text{b}\, \text{X}_{control}$$

Since we are interested in the distribution of the coefficients from the differentregression models, which reflects the multiple definitions of crisis, we opted not use not use hierarchical models (Bitschnau et al., 2021; Berkhout and Ruedin, 2017). The coefficients are *unbiased*, but what we also included was the different aspects of the claims and their levels with respect to the various actor types[41] , share of frames[42] and share of claims[43] with a focus on integration as observed by Berkhout and Ruedin (Berkhout and Ruedin, 2017). Our results, as displayed in the tables below show that while claims-making on immigration was more salient (e.g. Figure 1), polarized (e.g. Figure 2), and has great actor diversity (e.g. Figures 3,4, 5, and Appendix 4) during the oil crisis (Bitschnau et al., 2021).

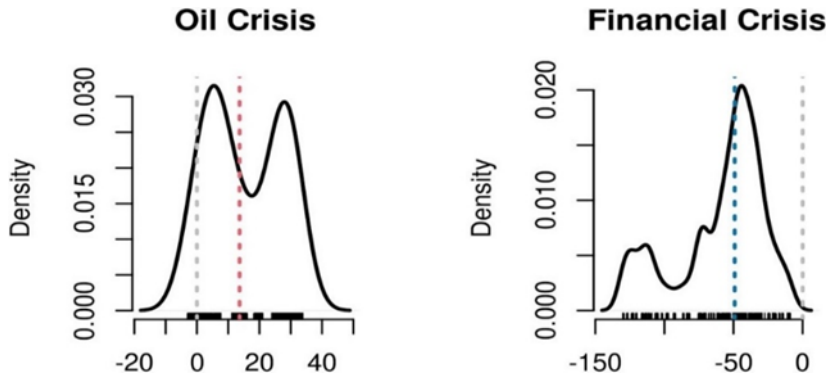


Figure 1: Salience of immigration in Switzerland during the oil crisis and financial crisis

Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 5. Higher values indicate more coefficients with a given estimate. The outcome variable is the number of claims per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −38 (median: −20; standard error: 32).

[41]Actor types [not when actors are the outcome variable, e.g., governments; reference = other],
[42] Share of claims not when frames are the outcome variable, e.g., identity; reference = other]
[43] Claims focus on integration [reference = immigration].

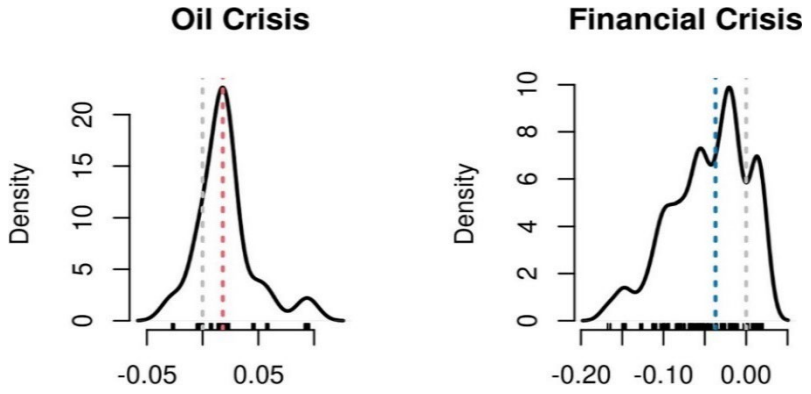


Figure 2: Polarization over immigration in Switzerland during the oil crisis and financial crisis

Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.01. Higher values indicate more coefficients with a given estimate. The outcome variable is the degree of polarization per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.05 (median: −0.04; standard error: 0.04).

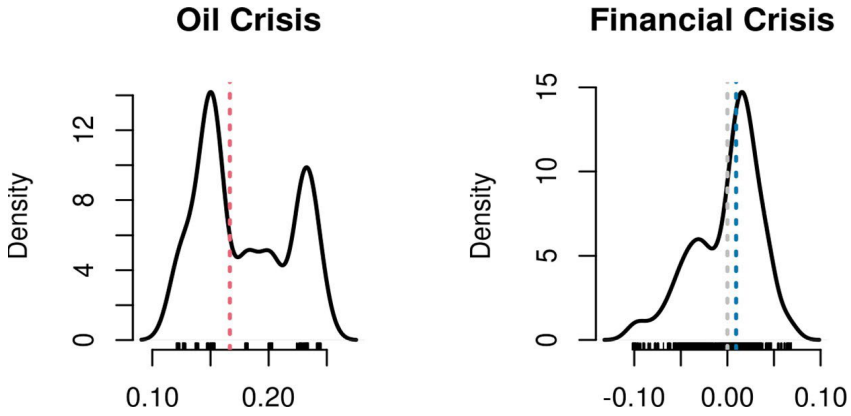


Figure 3: Actor diversity of immigration in Switzerland during the oil crisis and financial crisis

Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth =0.01. Higher values indicate more coefficients with a given estimate. The outcome variable is actor diversity in claims per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.01 (median: −0.01; standard error: 0.05).

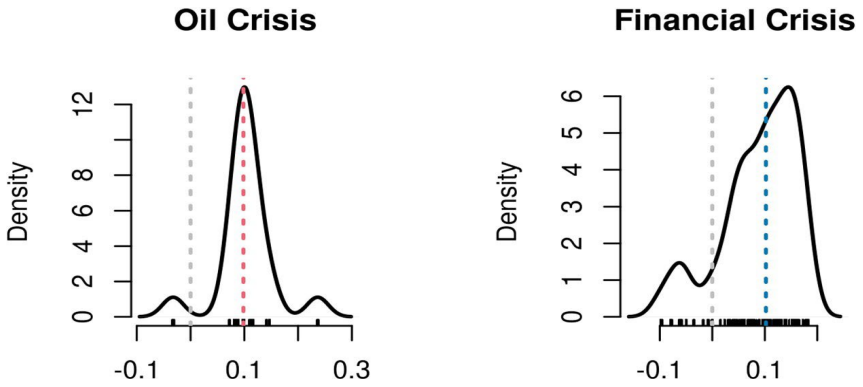


Figure 4: Claims by government actors on immigration in Switzerland during the oil and financial crisis

Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.01. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims by government actors per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.06 (median: 0.06; standard error: 0.08)

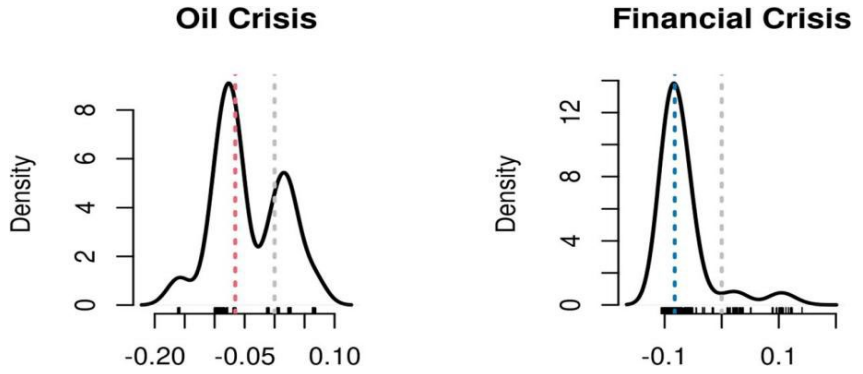


Figure 5: Claims by party actors on immigration in Switzerland during the oil and financial crisis

Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims by party actors per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.01 (median: −0.03; standard error: 0.08

However, the same could not be said for the financial crisis, for each of these expectations, for the data was inconclusive or showed a slight decrease in these areas (e.g., Figures 6, 7, and Appendix 4). Yet,

we did find an increase in the use of identity frames in both the oil and financial crisis versus (e.g., Figure 6, and Appendix 5).

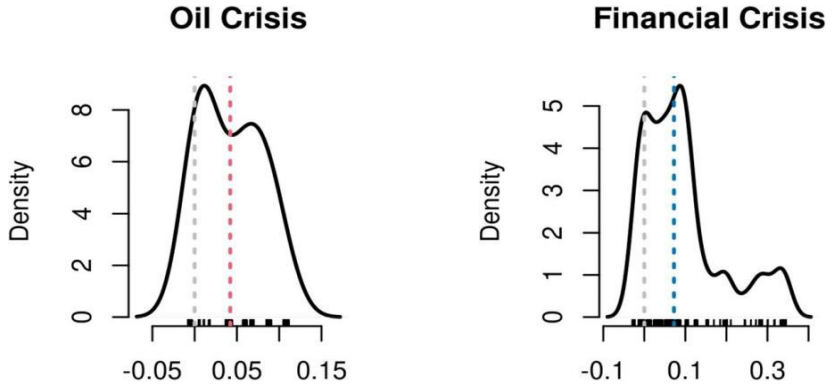


Figure 6: Identity frames in claims on immigration in Switzerland during the oil crisis and financial crisis

Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth =0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims with an identity frame per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.10 (median: 0.06; standard error: 0.10)

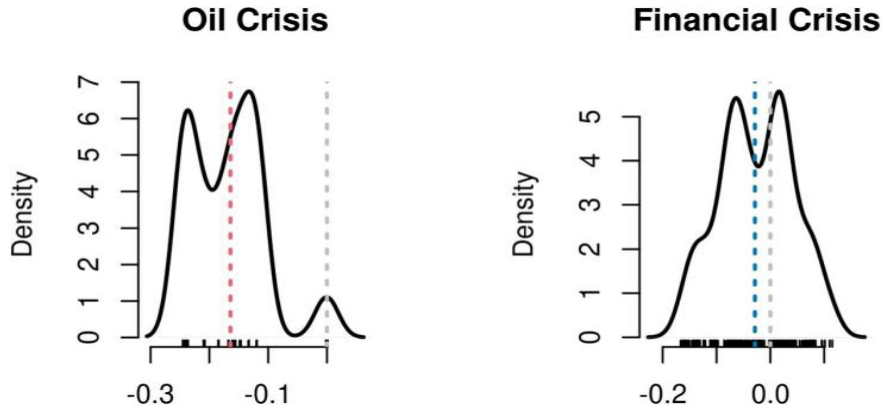


Figure 7: Instrumental frames in claims on immigration in Switzerland during the oil crisis and financial crisis

Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with band- width = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims with an instrumental frame per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.01 (median: 0.04; standard error: 0.08).

While our salience expectation, in contrast to our assumptions there was an increased salience for the oil crisis but not for the Euro crisis. This could be due the nature of each crisis and how they may have impacted immigrants differently. The oil crisis would have impacted seasonal workers that were expendable (Flückiger, 1998) compared to the financial crisis with EU nationals who were less 'expendable' due to their status as EU nationals who are entitled to certain legal protections due to bilateral agreements between Switzerland and the EU (Steiner and Wanner, 2019). As for the result of our second expectation of actor diversity, we had a similar result. Our results showed that there was a much more of a diverse pool of actors that participated in the claims-making during the oil crisis (i.e., roles of NGOs and unions) versus the financial crisis (e.g., Appendix 4). In both crisis government actors made most of the claims, which is not unusual given their roles in trying to manage the crisis via narratives of legitimation (i.e., identarian crisis) (Bitschnau et al., 2021). However, the framing of these narratives of legitimation were most interesting in that, during both crises' identity frames were higher than instrumental ones (e.g., Appendix 5 &6). This provides validity to the argument that crisis can undermine stability and provoke questions about belonging. More particularly, the questions surrounding how and when 'belonging' is determined; as well as the arguments that are used to justify belonging.

Based upon the results from our analysis, we concluded that crises could influence claims-making about immigration and therefore can impact the politicization of a specific topic and its appropriate links (i.e., the specific immigrant groups). Therefore, we concluded that "crises themselves do not necessarily increase politicization but can provide an opportunity to facilitate the politicization process" (Bitschnau et al., 2021 p.3876). Opportunities that some actors have used, as reflected in our data to 'problematize' or 'politicize' certain policy issues and which types of claims were more salient.[44] This where Article 1 provided an ideal starting point for our research as it effectively mapped out which areas of social policy would be most relevant to our research aims; particularly focusing on the claims about the economy and welfare state, along with the concerns over the 'abuse' or misuse of welfare benefits or pensions. These claims mirror the academic literature on 'welfare abuse' and in the various initiatives or referendums on this contentious policy issue. This is what we sought to explore further in the next two articles about: (i) where these restrictions have occurred, (ii) what kind of restrictions or limitations have been put into the law for specific types of immigrants and (iii) what narratives have been used to justify these changes and by which state actors.

[44] Refer to the codebook used for this article, these were the codes under 'Sissue' which was a sub-set of ISSUE which only consisted of: immigration, integration, security, and crime, economy, and welfare state, politics, and institutions, and finally society and culture.

5.2 Territory and Capacity: Criteria for Inclusion within the Swiss Welfare State

In the previous article, we observed that crises do not necessarily cause an increase in politicization but provide an opportunity to accommodate politicization. One such topic that has been politicized in Swiss political discourse was that of social insurance and disability pensions (i.e., Pillar 1) reform. One example was the *Halte aux abus dans l'assurance-invalidité initiative* in 2003, which triggered discussions about alleged 'abuses' of social insurances, particularly the 'misuse' of disability pensions by foreigners; ore specifically, claims and discussion about who is deemed eligible or 'deserving' to access certain social rights or benefits and under which conditions in cases of foreigners with disabilities via the interpretation of the law by SCFC judges. It was in their interpretations of the law by SFSC judges that we found our first legal intersection between migration and disability in conjunction with the various laws and legal agreements that regulate a foreigner's access to certain social rights encompassed within the Swiss welfare state. These include benefits or entitlements such as: disability benefits or pensions and social assistance (e.g. Appendix 7 and 8). Therefore reinforcing commodification or restrictive access of social right and protections, thus promoting 'self-sufficiency' logic to justify these new reforms (i.e. percentage of contribution or duration of residence) as seen in the 'citzen worker' model posed by Anderson (Anderson, 2015b). Furthermore, by examining this legal intersection, we were also able to find the distinct types of argumentations (i.e., frames) and legal heuristics used by the SFSC judges in their interpretations of the law. Thus, resulting in a 'territory-capacity' heuristic that aide in their interpretations of the law; that not only reinforces 'unwritten hierarchies' but also illustrates how certain normative understandings of citizenship and belonging are 'fallacies.'

5.2.1 Intersection of Disability and Migration: Who is eligible to access disability benefits?

Our first key finding from the research conducted in the second article was not just the legal intersection between disability and migration, but links that occur within this intersection and how they are interpreted by the SFSC. Particularly, the link between disability and territory. We were able to discover this link by utilizing thematic content analysis of 17 SFSC judgements between 1984 and 2019. Each of these 17 SFSC cases were obtained via two key legal databases, Swisslex and the BGER site by using relevant keywords[45] (e.g. Appendix 9). Our results showed that the SFSC has continuously based

[45] Database: BGer www.bger.ch/ext/eurospider/live/fr/php/clir/http/index.php?lang=fr. Keywords used: "disability pension + foreigner" (N = 59); "supplementary benefits + foreigner" (N = 34): only 20 cases explicitly concerned our object (the others are false positives). We excluded 3 cases from this initial database: one discusses the question of belonging to the disabled category and the other two deal with reaching retirement age, which implies a change of insurance regime, i.e., from DI to OASI.

their interpretations of the law upon these two factors, which allowed them to formulate a legal heuristic or framework to aide them in how to determine the a foreigner with a disability's eligibility to the different types of disability benefits, pensions (i.e., extraordinary or ordinary) and social assistance. The first being that of the 'territory' which determines the right or the extent of access for disability benefits, due to the existence of (or lack thereof) bilateral agreements on social insurance between Switzerland and the country of origin (e.g., Figure 8 and Appendix 8). Another condition that is also tied to the territory is that of the 'date of recognition' for a disability, for if disability is diagnosed outside Switzerland access to benefits for that disability is limited; given that its pre-dates the entry into Swiss territory.

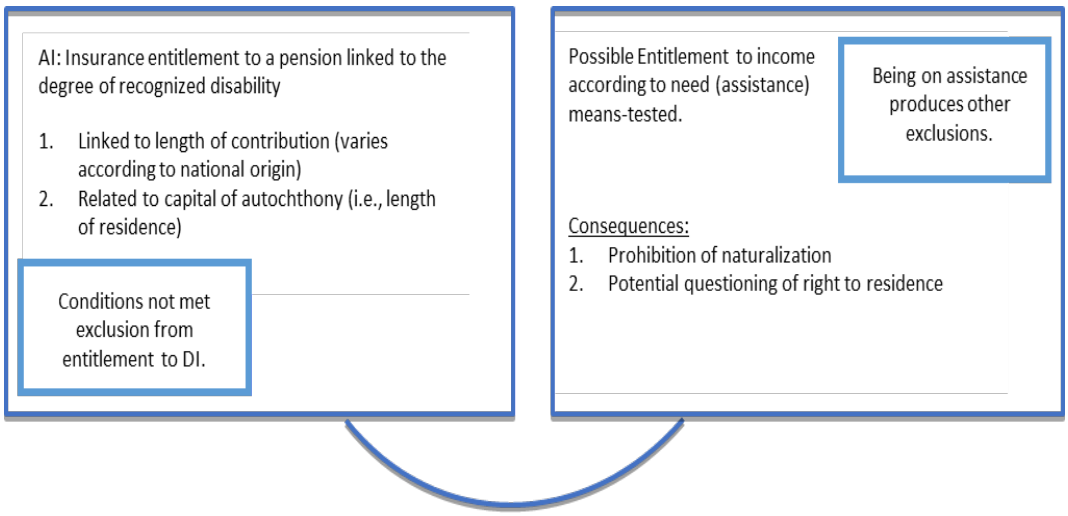


Figure 8: Legal Eligibility Heuristics

Similar logic was also applied by the SFSC to cases requesting extraordinary pensions, which is aimed to aid those who had a disability since birth. Since having a disability can pose some difficulties in having the *ability* or capacity[46] to contribute to the first pillar of the Swiss insurance system. This is where we also began to see the emergence of the second factor of 'disability' and how this plays a role in the justifications provided by the judges in their interpretation of the law. What is most striking is how disability is inherently connected to the concept of capacity within judicial argumentation. It is this dependence on the concept of capacity by the SFSC, that resembles the discussions within the literature about the *capacity contract* and its role in determining the rights of those with disabilities. Capacity acts as prerequisite to obtain some form of capital. By acquiring capital an individual can prove their

[46] Is assessed by Disability Office in %s based off the possible income lost due to disability.

capacity, or more bluntly their ability to work and earn an income that can economically *contribute to* the state. Based upon the arguments provided by the SFSC we can begin to outline how the court defines uses a neo-materialist approach in how they define as capital or what counts as a contribution to the state (Clarkwest, 2008; Layte, 2012). This can include but are not limited to: eligibility (i.e., bilateral agreements with country of origin), duration of residence in Switzerland (i.e., time living or contributing to Swiss welfare state),[47] onset of disability (i.e., birth or accident) and the *status* of either an autonomous individual or the guardian of the disabled individual. It is this last aspect of *status* of 'guardian' that also plays a key role in determining accessibility to social rights for those with disabilities. In some of the cases examined when a disabled foreigner is under 'guardianship' the decisions made by the court tend to result in more positive results, which hints at a more traditional or medical approach to disability taken by the court (e.g., Appendix 3). Traditional wisdom was based upon the assumption that if a disabled person is unable to retain their capacity, they cannot retain their autonomy (i.e., right to make decisions) and therefore should be placed under guardianship. Since the guardian acts in *loco parentis* for a disabled individual, thus legally ensuring capacity but at the price of a disabled individual's personal autonomy. It is this trade off that has concerned disability scholars and advocates since this line of logic is based in a binary 'black and white' ableist logic in how the law and the judges who interpret the approach disability. Unfortunately, this logic does not only apply to the laws regulating a foreigner's eligibility and access to the welfare state but also other social rights like citizenship, which we will explore further in our last article.

Based off the data we collected and presented we concluded that the following (i) there is an intersection migration and disability that can be found within the legal framework regulating access to the welfare state and (ii) that this legal framework is based upon and reinforced by the link between the elements of 'territory and capacity.' Territory acts as the first determining factor in evaluating a foreigners right to access disability benefits. This in conjunction with the identification of a 'disability' and the care attached to this condition that enables Castel's analysis to be qualified given that "according to cultural criteria, institutionalized in these structuring structures, such as borders, international agreements, and laws, that social benefits are granted" (Tabin and Ader, 2022, p.609). Such processes have resulted in a form of groupism (Brubaker, 2002) that allows and justifies the 'othering' of certain people whose individual traits are perceived to be problematic, which that may in itself lead to their expulsion from the territory. Thus, emphasizing their non-belonging to a national group that is comprised of only Swiss nationals, who do have the right to certain benefits or privileges. This intense

[47] This especially applies to extraordinary disability pension which is not given even if there is a disability at birth since the person concerned lives or was born outside Switzerland.

focus on the element of territory, which has little to do with disability itself or the treatment of disability, has somehow been woven into the law and serves as a cornerstone for legal arguments made by the SFSC. Therefore, we can deduce one of two things: that it is either inconvenient for the SFSC to utilize international or domestic protection clauses that do exist for foreigners with disabilities which is within their 'discretionary power' as judges; or that this territory criterion is a manifestation of 'social chauvinism' that now characterizes the law on Swiss Social Security (Huysmans, 2000; Kälin and Rothmayr, 2007). In either scenario, it is clear that the there is a motivation to 'protect' or 'reserve' certain social rights for those who belong in order to provide a sense of security for citizens on the basis of both capacity and territorial origins; which reflects the institutionalization of methodological nationalism within the Swiss legal system (Wimmer & Schiller, 2003; Walters, 2004).

It is with this solidification of differentiating specific groups and their degree of access to social rights that has been reinforced by both the internal hierarchies within the law and the heuristics used by judges (i.e., territory and capacity) to provide an interpretation of the law. It is their interpretation of the law that becomes "the quintessential form of authorized, public and official speech which is spoken in the name of and to everyone by simultaneously refusing and de-legitimizing other points of view" (Bourdieu 1987 p. 833). Therefore, placing federal judges in a powerful position to be able outline what norms and rules do or not apply; especially constitutional ones which can provoke controversy.

While the role of the Swiss federal court is to be the arbitrator of the law, the court can at times find itself at the centre of controversy when ruling on constitutional questions. One vivid example of this in Swiss legal history is that of the SFSC ruling on the Emmen case in 2003. This case was particularly controversial given that it addressed constitutional questions surrounding specific naturalization practices (i.e., public interviews and voting), which was deemed to be discriminatory and unconstitutional, given that these procedures was found to negatively discriminate against a specific group of Yugoslav nationals who sought to become naturalized Swiss citizens (Skenderovic, 2009; Linder and Mueller, 2021). It was this court case that triggered the Swiss Parliament in December of 2007 to outlaw the practice of using the ballot box to decide on applications for Swiss citizenship ('Ballot Box Votes on Citizenship Outlawed', 2007; Linder and Mueller, 2021). In reaction to this decision the right wing, Swiss People Party called for referendum on the matter as to counter act this new change to naturalization law. The *Emmen* case highlights how citizenship and fair access to it is core to constitutional norms but has become a politicized policy issue within Swiss politics and discourse. We had an initial suspicion based off our results from the previous articles that there may be a point of intersection between migration and disability within the policy area of citizenship. More specifically, it is focused on the policy tensions between the norms of *Reasonable Accommodation* as

enshrined in the CPRD versus those of Swiss sovereignty to regulate 'state interests' as it pertains to the laws on integration and citizenship.

5.3 History of the Law on Disability and Citizenship: Inclusive or Exclusive Criteria

As we found in the Article 2, we also found another overlap between migration and disability in the realm of citizenship, as well as the various integration criteria that accompanies the naturalization process. Once again, this intersection manifested itself within a legal context, in how certain norms or values of a community is translated into legal criteria for citizenship. This intersection, as highlighted in the previous article, shows that there was a clear linkage made between 'territory and capacity' by the SFSC and how they determine foreigners with disabilities' eligibility to social insurance benefits. We were curious if the same logic applied to other areas of policy such as citizenship, especially as if it applied to foreigners with disabilities. Foreigners with disabilities under international law are guaranteed certain legal protections, such as Reasonable Accommodation as stated in Article 2 of the CRPD. This legal article legally manifests itself in the form of 'exemption (s)' to certain rules, which are aimed to be more *inclusive*; whereas the absence of an exemption or the absence of the application of an exemption can be more *exclusive* (DESA, 2006; Motz, 2015). This dynamic is what we wanted to look at. Furthermore, we wanted to discover if the texts of the laws have always been the same or if they have changed over time in tandem with the adoption of human rights conventions like the CPRD, in how disability is treated within the context of migration. To do this, we decided to utilize the theories of Joppke's Earned Citizenship and Critical Disability in conjunction with Markus Dubber's Historical analysis of law methodology. By using each of these theories, these methods would allow an examination of the overlap of legal categories within a historical perspective.

5.3.1 Theoretical Considerations

Based on the results from the previous article, which illustrated the influence of biopolitics and its impact on public policy, we decided to use the theories of Earned Citizenship and Critical Disability to help us answer our research question. It was with both theories and others like the welfare deservingness heuristic (e.g. CARIN,RICE and NICER),[48] such as Earned citizenship's concepts of capacity and integration criteria, that contained useful conceptual elements that would help assess the law and its evolution. This is in conjunction with Critical Disability's concepts of: Reasonable Accommodation's exemption principle and the prohibition of discrimination as stated in the CPRD. Both theories gave

[48] This refers to the previously mentioned CARIN & RICE heuristic formulated by van Oorschot (2000), Petersen et al. (2014), Laenen (2019), Meuleman (2017), Knotz et al. (2021) as found in our theoretical chapter.

us concepts that we could operationalize and use as variables to examine and evaluate the law (e.g., Figure 9).

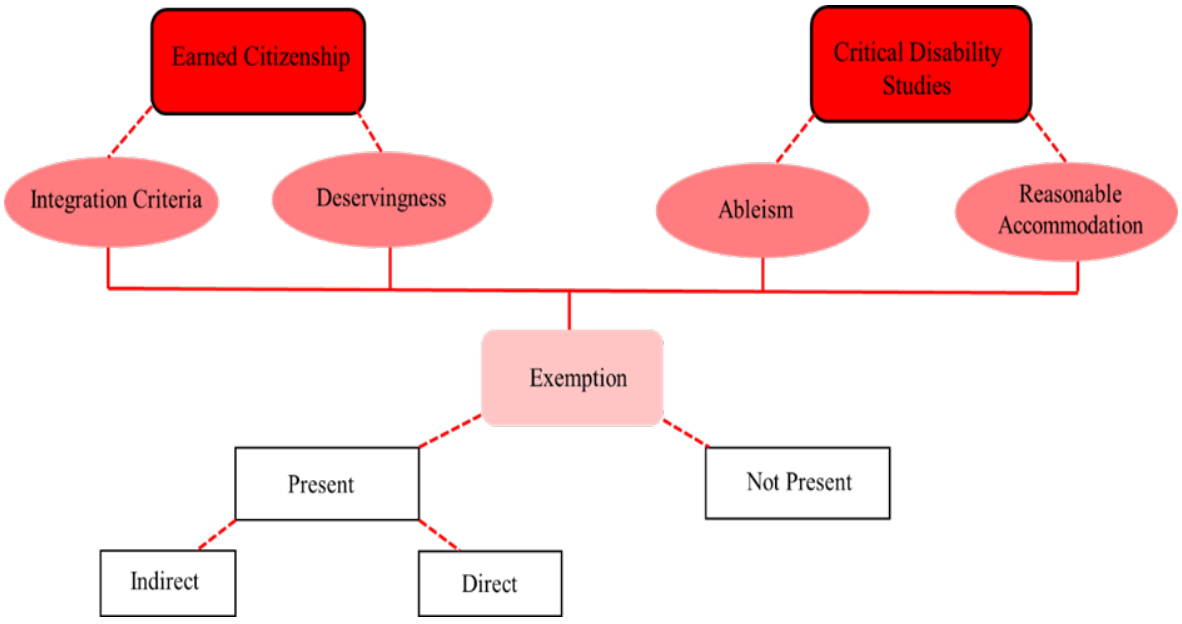


Figure 9: Conceptualization and Operationalization

Specifically, exemptions were the main component being assessed, whether they were present or not, thus resulting in either *direct* or *indirect* forms of discrimination. We used Tarek Naguib's definition of the different types of discrimination (Naguib, 2008; Naguib, 2010). Naguib defines direct discrimination to occur "when someone is treated less favourably than another person in a comparable situation on grounds of prohibited criteria or are unlawful. It is clearly visible, even displayed or claimed" (Naguib, 2008, p.2; Naguib, 2010, pp.233- 237). Indirect discrimination refers "to practices, policies or legal rules which appear to be neutral but nevertheless still lead to certain or disadvantaged people compared to others unless, objectively justified" (Naguib, 2008, p.2 ; Naguib, 2010, p. 240). Each of these forms of discrimination can be expressed either in a *positive* or *negative* manner, negative discrimination which can work against the disabled individual (i.e., ableist expectations or requirements). Whereas *positive* discrimination, can be in the form of an exemption to specific criteria or necessary conditions that is required to fulfil to obtain the right to reside or to acquire Swiss nationality (e.g., Tables 2, Appendix 10 and 11).

Table 2: Operational Terminology

Content-related questions	**Determinant** (helps determine whether a provision is weak or strong)
Does disability serve as a ground for exemption?	o Does the exemption exist in primary legislation (i.e., constitution and treaties) or secondary legislation (i.e., ordinances)? o What are the criteria when or does it apply?
Positive discrimination	A form of discrimination that favours someone by treating them differently in a positive way. Example: An organization or institution appointing a disabled person to a role without considering whether they have the right skills for the post. This can also come in the form of an exemption, e.g., if X has a particular trait, X does not have to fulfil certain criteria due to having that specific trait.
Negative discrimination	When a person is judged based on their individual attributes, skills, and capabilities. This can also include stereotypes, prejudice, or assumptions. Example: X has a psychosocial disability and was denied a job because they were deemed 'slow' for the job[49] (Naguib, 2008 p.2; 2010 pp. 233 &236).
Direct discrimination:	"Occurs wen someone is treated less favourably than another person in a comparable situation on grounds of prohibited criteria or are unlawful" (Naguib 2008 p.2; 2010, pp. 233 &237). Example: Due to Y's disability or retardation, they would not be capable of learning a language.
Indirect discrimination:	"Practices, policies or legal rules which appear to be neutral but nevertheless still lead to certain or disadvantaged people compared to other unless, objectively justified" (Naguib, 2008 p. 2; 2010 p 240.). Example: Individuals who incur welfare costs or use social assistance are prohibited from entering the territory.

These exemptions, if present and implemented, are in line with the legal obligations of states like Switzerland who have signed and ratified the CPRD to provide '*Reasonable Accommodation'* as stated under Article 2 of the Convention (DESA ,2006; Motz, 2015). Whereas if they are absent this could indicate a reinforcement of ableist conceptions and institutional structures, which only value an individual who has the capacity to participate and contribute to their host society (Linton, 1998). Therefore, it is imperative to continuously re-evaluate previous norms, legal practices, and their legitimacy. This is why we chose to operationalize these concepts and apply the Historical Analysis of law methodology, since this particularly method examines both 'past and present practices' and highlights the evolution of a society's norms which are translated into the law. Therefore, this provides

[49] Use of phrasing in this table is used as *clear* example of discriminatory language and does not reflect the views of the author. See footnote 1.

a critique to both societal norms and how these norms are reinforced within the law.

5.3.3 Data collection

Our data consists of the laws relevant to the intersecting group (i.e., foreign-nationals with disabilities) that are seeking to naturalize in Switzerland, which span from 1930-2021 which was obtained via the Recueil systématique and the Feuille fédérale's digitized archives from the Swiss Fedlex database (e.g. Table 3).[50] The two main bodies of laws that were examined consist of the laws on naturalization and those of the laws on integration of foreigners, alongside their ordinances.

Table 3: Laws Examined

Law	**Policy Area:**	**Period***
The Federal Law on the Residence and Settlement of Foreigners of 26 March 1931 (LRSF)	Laws on Integration	1931-2006
Federal law on the acquisition and loss of Swiss nationality of September 29, 1952 (ASLN)	Laws on Nationality	1952-2014
Law on Foreigners of 05 May 2004 (LoF)	Laws on Integration	2006-2018
Swiss Nationality Act of June 20, 2014 (SNL)	Laws on Nationality	2014-current
Ordinance on Nationality of June 17, 2016	Ordonnance on Nationality	01.01. 2018-current
Federal Law on Foreigners and Integration of 16 December 2005 (LFI)	Laws on Integration	2019-current
Ordinance on the Integration of Foreigners of August 15, 2018.OIE)	Ordonnance on Integration	01.01.2019-current

We were particularly interested in these laws and their evolution over time, via the various amendments made to various these bodies of law at the federal level. In our second step, we searched for specific provisions that either explicitly mention 'disabled persons' or ones that intertextual or can be tied to such provisions via using various keywords used to describe disability.[51] Once these provisions were found, they were recorded and tracked to observe their development over time; especially in regards to the presence of legal exemptions, if present within the law (see Appendix 10 and 11). These exemptions consist of but is not limited to cultural/moral, economic, linguistic, and duration of residence (Achermann et al., 2010; Oliver and Barnes, 2012; Carrel and Wichmann, 2013; Achermann, et al., 2013; Sépulchre and Lindqvist, 2016; Tabin and Ader, 2022). Examining the law over time allowed us to gain a holistic understanding of

[50] https://www.fedlex.admin.ch
[51] Keywords used within the text of the law (to help our search): Disability / naturalisation / disablement /handicap/ invalidité/capacité, autonomie/mental, retardé/maladie mentale.

the evolution of the legal framework and whether it has become more inclusive or exclusive/ablest over time for foreigners with disabilities who are trying to access citizenship.

5.3.4 Immigration and Citizenship Laws: Direct vs. Indirect Discrimination

After compiling and coding each of our bodies of data and their subsequent amendments, we found that there was a continued oscillation between *indirect* discrimination and *direct discrimination* within both bodies of law, depending on the time period. Another pattern we found was the variation of '*how*' and '*when*' disability was found within the various forms of these two bodies of law. Disability was either *explicitly* mentioned within the text of the law or was implicitly referenced via the links to certain social problems like criminality or poverty, more specifically the use of social assistance; which we interpreted this as an *implicit* reference to disability, given the established connection between poverty or use of social support systems and disability within the literature (Elwan, 1999; Yeo, 2001; Lustig and Strauser, 2007; Goodley, 2013; Waldschmidt, 2014; UNPRPD, 2020). This implicit connection between poverty and use of social support systems by those with disabilities is arguably a reflection of the commodification of human capital and the (dis) embeddedness of the market with the erosion of social structures and protections.

In the earliest version of the Federal Law on the Residence and Settlement of Foreigners of 26 March 1931 (LRSF) we were able to obtain and code we found both *directly* and *indirectly* mentions to disability of which were negative in nature. The LRSF *explicitly mentions* disability as it pertains to the grounds for expulsion of foreigners. Specifically, connecting mental illness to criminality and lack of economic self-efficiency or financial dependence on social assistance under Art 10 al.1 letr (s). b-c (e.g., Appendix 11) (FF 1929_929). However, such negative language or stereotyping of disability is not uncommon during the inter-war period given the commonly accepted eugenic understanding of disability, as displayed by connection of mental illness to criminality, security and use of social assistance meet (Kaufmann 1990; Moser, 1976; Kühl 2002; Wecker, 2012; Goodley, 2014). This of course, intertwined with Swiss attitudes of *Überfremdung* alongside the various discriminatory prejudices of the period that are linked to questions about naturalization or the integration of foreigners. Both of these prejudices are arguably based on a perception of 'cultural closeness' as well as a foreigner's ability or capacity to 'assimilate'; which will act as the 'cornerstone' concept to Swiss naturalization policy that continues until today (Achermann and Gass, 2003). It was only after the Second World War did, we start to small but crucial changes within the law regarding the connection between mental illness security and use of social assistance.

We observed these small changes to the LRSF during the post-war period when Switzerland came under economic pressure to accommodate guest workers via the rotation model, whilst trying to establish a delicate balance between state interests (D'Amato, 2009a; Piguet and Mahnig, 2003). This attempt to balance such factors are reflected in the legislative changes made to the LRSF and the establishment of the Federal law on the acquisition and loss of Swiss nationality of September 29, 1952 (ALSN). On the one hand you have slight changes made to Art. 10 of LRSF which is slightly more inclusive given that under Art. 10 al. 1 letr. c[52] makes the differentiation between pre-existing use of social assistance to continuous usage (e.g., Appendix 11). This minor change is slightly more positive, given the change in duration of those using social assistance and that there is no explicit or implicit exemption present (RO 1949 225, p. 17 and p. 227). Another change that shows a much more positive shift is that is that of the *indirect* exemption to deportation for foreigners with disabilities as found in Art.10 al. 2 (e.g., Appendix 11). This provision indirectly provides a thin line of protection that could be interpreted as one of the first 'exemptions' in that the expulsion of a foreigner, disabled or not, must be *reasonably* required (RO 1949 225, p. 227). This clause provides a *thin* blanket of protection from expulsion and shifts the burden of proof from the individual to the state, in that the state must valid reason (s) for an individual's expulsion.

Similar clauses were also found within the Swiss citizenship, the Federal law on the acquisition and loss of Swiss nationality of September 29, 1952 (ALSN) under Article 14 al. 2 of ASLN (e.g., Appendix 10). It is under this provision that again can provide an *indirect* form of protection for those seeking citizenship by placing the burden upon the relevant decision-making institutions to do their due diligence in assessing an applicant (RO 1952 1115, p. 1118). This principle also applies to the refusal of an applicant's naturalization on the basis of integration or re-integration must be 'substantiated' under Article 37 al. 3 (e.g., Appendix 10) (RO 1952 1115, p. 1123). Each of these provisions are *indirect* but *positively discriminatory* and can act as 'safeguard mechanisms' to protect candidates from arbitrary or prejudicially based decisions, due to the 'weighty matter' of citizenship for both the state and the individual (L'Assemblée fédérale de la Confédération suisse, 1952; Secrétariat d'État à la migration, 2010). All these changes in both the LRSF and ALSN initially provided small form of protection for foreigner, but particularly for foreigners with disabilities who at this point in time still sought to gain more legal recognitions. However, this would become even more difficult in time, with the internal and external pressures the Swiss state would face in the coming years.

During the 1990s onwards until the late 2000s, our results showed how difficult of a balance it was for

[52] Art. 10 al.1 letr.c would change to Art. 10 al. 1 letr. d:

the Swiss state to balance the recognition of rights with the spill over effects of multiple global conflicts that resulted in large migratory flows. The concerns over security and humanitarianism were mounting and it became extremely difficult to manage migration, economic stability and guaranteeing the rights of immigrants entering Switzerland. The Swiss state adopted an approach that would accommodate the delicate balancing act, which was twofold: the first was to update the inadequate legal frameworks to reflect new legal norms and to resulting in the acceptance of the Swiss Constitution of 1999 (SC), Switzerland's entrance as a member to the UN in 2002, the ratification of the Free Movement of Persons Switzerland in 1999 (FMPS) and its subsequent expansions tied to EU Enlargement in 2004 and in 2007 (Mahnig and Wimmer, 2003; Ruedin, Alberti, and D'Amato, 2015a; Ruedin and D'Amato, 2015; Bitschnau et al., 2021). Simultaneously, the Swiss created and reinforced social cohesion by encouraging the integration of foreigners into Swiss society. We saw the evidence of this from the various changes to both bodies of the law, as well as, how the law was interpreted; particularly as it applied to foreigners with disabilities. Our focus group during this period, based upon the laws and caselaw provided, would face various forms of discrimination simultaneously. On the one hand, there would be small forms of protection via exemptions we found to be *indirectly positive*, but this would be juxtaposed to various integration requirements, which contradicted and undermined these exemptions.

The law would soon become caught between two poles of logic, to either implement humanitarian principles or give into the calls for increased of security against the alleged 'abusing' of the system by immigrants[53]. This legal dilemma was reflected in the changes made to both LRSF with its replacement with the Law on Foreigners of 05 May 2004 (LoF), as well as the ASLN in 1991. The Law on Foreigners (LoF)'s main aim may have been to promote social cohesion by integrating foreigners, but also to addressed other policy concerns such as: public security, limiting admission of foreigners and integration of foreigners (Secrétariat d'État aux migrations, 2013). These policy aims are clearly reflected in this version of the law. Specifically, in relation to promoting the integration of foreigners as seen in Art. 53 al (s). 1-3 (e.g., Appendix 11) (L'Assemblée fédérale de la Confédération suisse, 2008; Secrétariat d'État aux migrations ,2013). However, the main factor responsible for the promotion of integration in this is the state note, which has previously had not been the case. This was a substantial change, especially in the cases of those would have more difficulty in fulling these integration criteria, like foreigners with disabilities. This change also came alongside a declaration of intent, "to promote mutual understanding and co-existence between foreigners and citizens" (Secrétariat d'État aux

[53] In this context we used this term generally since it can also include other categories of persons such as refugees and asylum seekers

migrations, 2013, p.16). Yet, this intent while open came with a specific expectation in return for this coexistence, to prohibit any foreigner that could incur costs or use social assistance as listed in Art. 67 al. 1 letr. b (L'Assemblée fédérale de la Confédération suisse, 2008). It is here we begin to see again the concerns about the lack of economic self-efficiency or financial dependence upon social assistance by foreigners come back into the law indirectly by stating the 'preferred traits' of a foreigner, namely that they are economically self-sufficient and will not cause a 'burden to the state.' This 'burden' is suggested by the wording of the provision with the phrase 'incurring costs in social assistance' which again can impact certain groups of vulnerable persons. Specifically, it would impact foreign nationals with disabilities who are more likely to receive social assistance or welfare given institutional or economical prejudice because they are not 'able-bodied' to earn a living. This is something we saw seen in our previous article and became a reoccurring theme within the law and its interpretation, which reflects the neoliberal and biopolitical understanding of migration and the law.

By having such criterion in the law this can reinforce ableist or 'able-bodied' prejudices that can undermine if not, contradict the few exemptions within the law; thus causing various policy tensions (Achermann and Gass 2003; Achermann, et al. 2013; Wichmann 2013). We observed such tensions within the citizenship law as well, when it came to outlining integration meant and the extent of what was expected. One example was that of the new provisions made to the ALSN such as the removal of Art.37 safeguards in relation to applicant rejections in 1991[54] while at the same time adding another protection of an applicant's private life under Article 15c al.1 (L'Assemblée fédérale de la Confédération suisse, 2009; Le Conseil fédéral Suisse, 2005; Secrétariat d'État aux migrations, 2005). Both provisions were introduced in 2009 to function as safeguards for candidates during their naturalization process. This was an essential change given the risk of local bodies abusing their 'discretionary power' in evaluating a candidate's integration under Art. 14 letr. a-d, which was a provision in the law since 1991 (e.g., Appendix 10). (Loi Sur La Nationalité, Modification, 1992). It was this exact provision 1991 that began the gradual process of legally outlining the concept of integration and what it means, as well as providing decision-making bodies guidelines as to what individuals must fulfil during the naturalization process (L'Assemblée fédérale de la Confédération suisse, 2009; Le Conseil fédéral Suisse, 2005; Secrétariat d'État aux migrations, 2005; Secrétariat d'Etat aux migrations, 2007). Certain criteria would become the focal point of political tension, given that the term 'integration' was still quite vague in wording and in its interpretation.

After reforming, the LRSF/LoF and ASLN saw the beginning of an exemption regime by focusing on

[54] This provision does reappear in 2009 as Art. 15b al.1-2.

to goals of cohabitation and integration via social cohesion. While at the same time we also observed a slow move toward a small but significant presence of an 'exemption regime.' This came in conjunction with the adoption of international treaties; one of them being the CPRD in 2014, and bilateral treaties or directives with the EU (Secrétariat d'État aux migrations, 2011). Therefore, providing an opportunity to legally clarifications what 'integration' means, and the expectations attached to it. We observed numerous changes to these bodies of law from 2009 onward, which can arguably be tied to various referendums or popular initiatives that *politicized* these policy areas.[55] Each of these initiatives placed more domestic pressure on institutions to find a balance between security from unwanted migration and human rights principles via exemptions for vulnerable groups. These tensions are reflected in the various provisions within the newest Swiss Nationality Act of June 20, 2014 (SNL), the series of revisions to the Law on Foreigners of 05 May 2004 (LoF) and its replacement with the Federal Law on Foreigners and Integration of 16 December 2005 (LFI). Not to mention, the ordinances that accompany the SNL and LFI to aid officials in implementing the law. We observed that in both LFI and SNL, the previous 'conditions' of integration came to full fruition in these versions of the law. In the previous versions of the law, these conditions were only alluded to as underlying expectations, not formal requirements explicitly stated in the law, which would have helped in harmonizing legislation.

An example of this was the LFI, which was aimed at achieving 'social cohesion' via the 'integration' of foreigners in Switzerland. Integration as a concept had not been formalized until the LFI, which provided a legal definition and the criterion in which integration was to be assessed under Art. 58a al. 1 let. a-c (e.g., Appendix 11) (Secrétariat d'État aux migrations, 2018). One of the most provocative clauses was that of the economic sustainability criterion, which was highlighted in previous versions of both immigration and citizenship law, but was never formalized into a formal requirement. It is this provision that would become a big point of contention within the caselaw, given how it can *indirectly* and *negatively discriminate* against foreigners with disabilities. In that this economic requirement is tied to an able-bodied conceptualization of capital (Tabin and Ader, 2022). Fortunately, there are two keys 'exemptions' within the law under Art.49a al.2 (e.g., Appendix 11) which outlines how certain disabilities can limit the ability in fulfilling specific integration criteria (Secrétariat d'État aux migrations, 2018). Both clauses within Art.49a al.2 outline the scope of 'exemption' based on disability and where or when it is necessary to provide such exemptions. The same could be said for Article 8 para 2. of the Ordinance on the Integration of Foreigners of August 15, 2018 (OIE), (e.g., Appendix 11) which reiterates the need for exemptions or reasonable accommodation to enable integration for persons

[55] Such as: The Expulsion of Foreigners (2010), Against Mass Immigration campaigns (2010 & 2014), and the more recent Self Determination Initiative (2018)

with disabilities (Le Conseil fédéral suisse, 2019).

While these new exemptions within the law are in line with both domestic and international law, exemptions are difficult to implement, especially when other provisions within the same body of law contradict them. Such as the case for the entry ban conditions listed under Article, 67al.2 let b and Art., 67 para' 3 (e.g., Appendix 11) (Secrétariat d'État aux migrations, 2011). Both clauses within the law also can be *indirectly* and *negatively*' discriminate against foreigners with disabilities, to those who "cause costs in terms of social assistance" or are deemed to be a 'security threat.' The only limitation to these entry bans would be that of the so called 'humanitarian reasons' which is summarized in Art., 67 para 5 (e.g., Appendix 11) (Secrétariat d'État aux migrations, 2011).

In sum, these provisions from the LEI show that, while *direct* and *indirect* exemptions do exist, there are provisions that can undermine them. This is in clear contrast to the provisions in the *Swiss Nationality Act of June 20, 2014 (SNL)* as well as its ordinance, the *Ordinance on Nationality of June 17, 2016 (OLN).* Both pieces of law illustrate how the concept of integration is translated into the law and what it means to be successfully integrated, as illustrated in Art. 12 al.1 letr. c – d. (e.g., Appendix 11). While simultaneously, proving explicit exemptions these criteria on the basis of disability as stated in Art. 12 al. 2 of the SNL alongside Art. 9 let. a-c of the OLN (e.g., Appendix 10) (Secrétariat d'État aux migrations, 2016). Each of these provisions in the law do reflect the harmonization between domestic anti-discrimination law (i.e., EIAPD and SC) and the social protections provided by international conventions, such as the principles of *'Reasonable Accommodation'* from Art. 2 of Convention on the Rights of Persons with Disabilities (CPRD).

Nevertheless, as it usually is with the law as it pertains to non-discrimination, it is the interpretation of these provisions which are pitted against the interests of the state as well as the possible caveats to the law. One of these *potential* caveats to both exemption provisions that is that of the argumentations of "local autonomy or sovereignty" as listed under Art. 12 al.2-3 of the SNL (e.g., Appendix 10) (L'Assemblée fédérale de la Confédération suisse, 2018). We begin to see, at least in the text of the law, an emerging exemption regime that mirrors the reasonable accommodation principle, which are to be universally applied. On the other hand, this accommodation can be conditional, or fragile, due to the 'built-in' contradictions within the law, which over time have been re-introduced into the into law.

After examining the various versions of the Law on Foreigners and Citizenship, we could observe how the law has changed over time. More specifically, if the text of the laws has become more or less ableist over time and whether they *directly* or *indirectly* discriminate against foreigners with disabilities in a *negative* or *positive* manner. Our main findings are as follows: (i) immigration and citizenship policies

have placed and continue to place value on an individual's capacities to participate in or contribute to society, thus forming a capacity–contribution nexus within text of the law, which has the potential to reinforce ableist power structures that can be used by a variety of state actors (ii) the law from the onset, in the case of the Law on Foreigners was *explicitly* ableist (e.g. social assistance provisions and the connection of mental illness with criminality), but over time it has become *indirectly ableist* with the addition of specific integration criteria (e.g. cultural or moral, economic, linguistic requirements) that places value on forms of contribution and capacity, which contradicts the evolving exemption regime; (iii) the opposite can be said about the laws on citizenship, there was no *explicit* exemption regime in the original forms of the law, but developed one over time and only has *indirectly* ableist characteristics (e.g. integration criteria). However, these integration criteria also have limits as manifested in the newer versions of the law with the emergence of an *explicit* regime of exemptions, which can provide some form of legal protection. Both bodies of law and their subsequent revisions reflect a larger normative legal tension of the delicate balance between human rights with an exemption regime and the political pressures of Swiss direct democracy.

These contradictions within the law produce rich body of data that shows how certain norms attached to social rights and protections present within the law are conditional and only given when they are 'earned or deserved' by the fulfilment of specific criteria. Highlighting these provisions demonstrate not only how certain social rights and protections are no longer guaranteed, but are subject to certain conditions, commodifying them in some form as a result. The vacillation between the commodification and de-commodification of social rights and protections can be interpreted as a reflection of a politicized context that stems from the politicization of migration, especially in relation to the types of 'frames or legitimizing narratives employed by the state in reaction to internal or external pressures.

5.4 Implications of Results

In each of our articles, we examined various aspects of migration, discourses, and the reactions of the Swiss state in different areas of social policy. Article 1 focused on the politicization of migration in Switzerland during periods of crisis, which showed us which issues were politicized, their frames, the types of actors that participated in this process. However, the most important finding was that crises themselves do not necessarily increase politicization but can provide an ideal environment to aide the politicization process. However, it is this politicization process and the opportunities it provides that allows us to observe and evaluate or even re-evaluate the underlying normative assumptions that a society or various state actors have about specific policy issues.

As we have observed this in Article 1, the types of claims about immigration that are made and by

whom and how each actor frames a policy issue during periods of crisis. In the end, our initial expectation was partially confirmed in that we found increased salience for one crisis (i.e., oil crisis) and not the other (i.e., expectations one and two). Also, our results confirmed that our expectations of increased actor diversity during both crises was confirmed (i.e., expectations three), especially in the case of the oil crisis. Moreover, our expectation on framing (other (i.e., expectations four and five) of claims showed that there were fewer instrumental frames for both the oil and financial crisis. Each of these result helps illustrate the political context, particular the last result about the 'type' of frames that emerged during periods of crisis, which were increasingly identarian based. While crisis may not cause politization it certainly draws out the identitarian nature of media discourse about immigration and other politicized issues, such as access to social rights and protections within the welfare state.

We dover further into this topic in Article 2, where we examined the various bodies of law that govern access to the different 'safety nets' (e.g., social assistance and DI pensions) found within the first pillar of the Swiss insurance system. Additionally, we looked at the various legal heuristics judges use to aid them in determining the eligibility of applicants; particularly foreign applications who sought to access to either social assistance of the Swiss DI pensions. We specifically chose this intersectional group to 'test' if there were any special conditions tied to this intersectional status, which resulted in the discovery of the legal heuristic used by judges in their interpretation of the law in determining eligibility for DI pensions or use social assistance.

The key findings in Article 2 were found while dissecting each case in not just the rulings (i.e., positive, negative, partial) made by the SFSC but also their argumentations and rationale as to how the court made their decisions via the use of a legal heuristic. This heuristic provides an immense amount of insight into how and what logic the court uses or the tools that aid in their interpretations of the law, especially when approaching applicants who belong to specific legal status or categories, like foreigners with disabilities. We discovered that SFSC judges used a legal heuristic based on 'territory and capacity' to determine eligibility of those seeking to request either a DI pension or some sort of social assistance (i.e., supplementary assistance). This heuristic that is used is based upon the various legal realities or factors that are tied to each applicant, namely their country of origin or 'territory' and their 'capacity.' The first is tied to both the various treaties or bilateral agreements of the applicant's country of origin and a calculation of how long they have been within the Swiss territory before their request. This latter factor is also taken into consideration when determining 'capacity' which is based off both length within Swiss territory and calculation of contribution (e.g., calculation of periods of work or contribution vs. calculation of disability). Based upon this heuristic created and utilized by the judges, we can begin to see what rules and components are most important in their interpretation of law, as well

what kind or type of evidence that is taken into consideration when making a decision.

By looking at these aspects, we can make several deductions. First, there seems to be a an 'unwritten' hierarchy of preference, based on which countries of 'origin' have bilateral agreements with Switzerland, therefore providing the nationals of those countries with more privileges to certain social rights or protections found within the Swiss welfare state than citizens of other countries. Thus, this hierarchy is not only reinforcing the Global North-South divide but institutionalizes a form of methodological nationalism. Another concerning element is that of how disability, or more accurately impairment, is linked to capacity. This not only reflects the judges' heavy reliance on the medical model of disability, but the emphasis on the extent of impairment and how it is used to 'calculate' the assumed loss of capacity. Such methods of calculation of capacity based off an assumed loss of capacity is not only ableist but commodifying an individual's well-being by placing an arbitrary value on their presumed ability to work, which is also used to in determining if the applicant's 'deservingness' or the extent of 'need' for the use of the DI pension or assistance. This, in combination with the applicant's 'foreign' background (i.e., not naturalized Swiss), provides an excellent opportunity for the state to assert 'care and control' in their regulation of social rights and protections that the first pillar of the Swiss welfare state provides. Thus, this linkage of 'territory' with 'capacity' utilized by judges is twofold: this heuristic not only accommodates the regulating access and safeguarding of social rights and protections of the Swiss welfare state from potential 'abuse,' but it also reinforces the normative values, morals, and beliefs of society via their interpretation of the law. Consequently, this 'interpretation' of the law contributes to the preservation of a legal system that upholds the values endorsed by the society they serve.

While our results from Article 2 highlight how the current legal framework allows judges to use their 'discretionary powers' of interpretation of the law, which illustrates via their decisions in caselaw how social rights and protections are: (i) conditional given that they are tied to certain factors that legally determine an individual's eligibility and that (ii) this eligibility is contingent upon factors that are indicative of the reinforcement of a self-sufficiency' fallacy, as expressed in the 'citizen worker' model; which runs contrary to the aims and goals the Swiss state had signed onto in their ratification of the CPRD (Art. 25 letr. e). However, while the data collected in Article 2 shows how the judges interpret the law in cases related to DI pensions and social assistance, it cannot be said entirely for other bodies of law; more specifically, the laws on Citizenship and integration, which perfectly illustrates the complex empirical reality of the intersection of disability and migration within Switzerland.

The laws on citizenship and integration were quite interesting in that they were reflective of both the

legal complexity of the naturalization processes over time, as well as outlining and formalizing the concept of 'integration,' among other values. One of the most consistent 'values' that was observed in the article was that of economic self-sufficiency, for this appeared in each variation of both the laws on citizenship and integration. The only difference was in how it was expressed explicitly or not and if there were any exemptions. The main difference between the two bodies of law is that, in the case of the Law on Foreigners, the 'text of the law' was explicitly ableist from the very beginning but has become indirectly ableist over time with the additions of specific integration criteria. One of them, which is both the individual's ability and capacity to contribute (i.e., linguistically, culturally, morally, and economically), indicates the existence of a 'capacity-contribution nexuses within the law. However, these integration requirements are subject to limitations such as the current exemption regime, which developed over time. The opposite can be said about the laws on citizenship, for although there was not an explicit exemption regime in the original forms of the law, one was developed alongside indirectly ableist characteristics (e.g., integration criteria) with the text of the law, but like the current law on foreigners these integration criteria also have the same limitations in the form of disability-based exemptions as manifested in the newer versions of the law. It is this emergence of an explicit regime of exemption in both bodies of law that at least in 'text' aligns Swiss law with the principles of the CPRD.

In any case, these differences and similarities, along with the various oscillations in the law during different periods, reflect the constant policy tension between contesting norms. One such oscillation is the tension between the human rights approach to disability that protect vulnerable individuals from discrimination versus the utilitarian state interests of cost-benefit alongside the fears about welfare abuse as politicized by political actors from the various referendums in Swiss history. It is within this politically tense context that we observe that immigration and citizenship policies have placed and continue to place value on an individual's capacities to participate in or contribute to society, thus forming a capacity–contribution heuristic that lays out ableist power structures in the law that can be used by a variety of state actors, especially when approaching intersectional groups, such as foreigners with disabilities. Thus, the oscillation within the Swiss laws on foreigners and citizenship could be an example of how commodification occurs and is justified within a context in which migration has been historically politicized. This can be due to the 'embedded' narratives or fears reflected within the clauses of the law, which can indicate the influence of the politicization of migration. This influence can be seen in how it can provoke other processes, such as the commodification of social rights and protections in the guise of 'deservingness' and 'self-sufficiency' to safeguard the welfare state. In other words, this could be a representation of what Polanyi described as the continued oscillation between embeddedness and (dis) embeddedness of the market.

What each of the articles presented in this dissertation shows are the different layers and aspects of the overlap between migration, disability, and the welfare state within the Swiss context. In our first article, we examined the role of crisis in the politicization of migration and found that crises provide an environment that can accommodate the politicization process and what types of 'frames' have been used about immigration. Article 2 further elaborates on this aspect, but within specific legal contexts for an intersectional group, namely foreigners with disabilities, which reveals how the fears of welfare dependency and abuse are translated into a legal heuristic, like territory and capacity, which is used by judges to determine eligibility for DI pensions or social assistance. Whereas, in Article 3, we observed a similar pattern, within the text of the various versions of the laws on foreigners and citizenship, which placed a great emphasis on capacity and contribution, but with varying degrees given the emergence of a new exemption regime. The findings from each of the three articles in this dissertation provide a comprehensive picture highlighting the commodification and politicization of social rights and protections within the Swiss welfare state, along with the claims used to justify these trends. These are important observations, especially when looking at the situation of foreigners with disabilities within the Swiss territory.

6. Conclusion

The entry point to this dissertation may have started with the examination of the diverse types of claims surrounding the politicization of migration during periods of crisis, which not only provided us with a wide range of social policy issues to explore in-depth but the socio-political backdrop to our research. In particular, the results provided us with evidence to suggest a link between the politicization of migration and the commodification of social rights. The connection between the two is that the politicization of migration can be influence on how social rights are commodified. This is due to how policies that monitor access to social rights for foreigners could be shaped by how migration issues are framed within political and social discussions. Furthermore, political decisions (ex. Schwarzenbach Initiatives, Halte aux abus dans l'assurance-invalidité, 'Initiative contre l'immigration de masse etc.) can also contribute to the commodification of social rights and protections by the hierarchization of access to social benefits based on legal status. This politicization-commodification overlap aided us in answering the research questions posed at the beginning of this dissertation. The first question of this dissertation was: How have social rights and protection in Switzerland changed over time, and to what extent have they become commodified?

Based on our results, we found that social rights and protections have become commodified, as reflected in the normative values that are tied to the neoliberal understanding of citizenship or other social rights found within the text of the law: one example of this is the use of the capacity contribution nexus or the

legal heuristic of territory and capacity by SFSC judges in order to assess a claimant's eligibility to various social rights and protections. This commodification of social rights and protections via the emphasis on 'self-sufficiency' within the text of the law is reminiscent of the 'citizen worker' model, which pre-dates the Marshallian understanding of citizenship and social rights; particularly as it shows when migration and disability intersect within the context of the welfare state. Both of these illustrate the embeddedness and (dis) embeddedness of the market as posed by Polanyi, just as much as his warnings of the 'satanic mill' and its social risks if the proper counter-balancing actions like those of the social protections reinforced by the CPRD are not implemented, which will impact the most vulnerable since they neither belong to the country as a foreigner nor are they able to work and contribute due to their disability.

In turn, the answer to our second research question (What types of narratives have been used to justify this process and have these justification narratives changed over time ?), is found within Swiss law and case law. Just as we have seen in the case of foreigners with disabilities seeking citizenship posed at the beginning of this dissertation, there is a reinforcement of historically held "fear-based" discourses, whether in the media, the law, or courtrooms, of welfare abuse and dependency that both commodify and politicize (if not further so) the social rights or protections that vulnerable people seek. Such narratives and norms undermines the current exemption regime, which aims to reduce this inequality but have entrenched ableist norms into Swiss institutions and laws, creating tensions between the human-rights norms and state interests. However, this leaves room for further research to examine if the current exemption regime as found within the laws on foreigners and citizenship offers a sufficient 'counterbalance' to the market forces as part of what Polanyi called a 'double movement' or institutionalizes ableism and the commodification of rights.

This dissertation and its findings not only contribute to the literature of Critical Disability Studies and Citizenship, but also to those of Migration Studies and Legal Studies. It is imperative for future studies to not only continue to evaluate the accessibility of social rights and protections by vulnerable populations, but also to investigate and analyse the impact of politicization or commodification on intersectional groups, especially during periods of crisis or active conflict.

References:

Aarøe, Lene, and Michael Bang Petersen. 2014. 'Crowding Out Culture: Scandinavians and Americans Agree on Social Welfare in the Face of Deservingness Cues'. *The Journal of Politics* 76 (3): 684–97.https://doi.org/10.1017/S002238161400019X.

Abrahamson, Mark. 1983. *Social Research Methods*. Englewood Cliffs, N.J.: Prentice-Hall.

Abts, Koen, Emmanuel Dalle Mulle, Stijn Kessel, and Elie Michel. 2021. 'The Welfare Agenda of the Populist Radical Right in Western Europe: Combining Welfare Chauvinism, Producerism and Populism'. *Swiss Political Science Review*, 27 (1): 21–40. https://doi.org/10.1111/spsr.12428.

Achermann, Christin, and Stefanie Gass. 2003. *Staatsbürgerschaft Und Soziale Schliessung: Eine Rechtsethnologische Sicht Auf Die Einbürgerungspraxis der Stadt Basel*. Sozialer Zusammenhalt Und Kulturelle Pluralismus. Zürich: Seismo.

Achermann, Alberto, Christin Achermann, Gianni D'Amato, Martina Kamm, and Barbara Von Rütte. 2013. 'Country Report: Switzerland'. Country Report RSCAS/EUDO-CIT-CR 2013/23. Badia Fiesolana, San Domenico di Fiesole (FI), Italy: EUDO Citizenship Observatory: Robert SchumanCentre for Advanced Studies in collaboration with Edinburgh University Law School with Edinburgh University Law School. file:///C:/Users/lesli/Desktop/Naturalization%20cases%20only/JT%20hmk%20reading/FINI/GLOBALCIT%20Report/Switzerland2013%20EUDO%20Citzrenship%20Report%202013.pdf.

Afonso, Alexandre, and Yannis Papadopoulos. 2015. 'How the Populist Radical Right Transformed Swiss Welfare Politics: From Compromises to Polarization'. *Swiss Political Science Review*, 21 (4): 617–35. https://doi.org/10.1111/spsr.12182.

Altermark, Niklas. 2017. "Hur Legitimeras Socialpolitiska Besparingar? How Are Social Political Savings Legitimated?." *Socialvetenskaplig Tidskrift*, no. 2: 107–26.

Andersen, Jørgen Goul, and Tor Bjørklund. 1990. 'Structural Changes and New Cleavages: The ProgressParties in Denmark and Norway'. *Acta Sociologica*, 33 (3): 195–217. https://doi.org/10.1177/000169939003300303.

Anderson, Bridget. 2015a. "Heads I Win. Tails you Lose." Migration and the Worker Citizen. *Current Legal Problems*, *68* (1), 179–196. https://doi.org/10.1093/clp/cuv012

Anderson, Bridget. 2015b. "Immigration and the Worker Citizen." In *Citizenship and Its Others*, edited by Bridget Anderson and Vanessa Hughes, 41–57. Migration, Diasporas and Citizenship Series. London: Palgrave Macmillan UK. https://doi.org/10.1057/9781137435088_5.

Angelelli, Claudia V. 2014. *The Sociological Turn in Translation and Interpreting Studies* .Benjamins Current Topics (Vol. 66). Amsterdam: John Benjamin's Publishing Company. https://doi.org/10.1075/bct.66.

Armingeon, Klaus. 2003. 'Renegotiating the Swiss Welfare State'. In G. Lehmbruch, and F.van Waarden (Eds.), Renegotiating *the Welfare State: Flexible Adjustment through Corporatist Concertation*, (1st ed.). (pp. 181–200.) Routledge. https://doi.org/10.4324/9780203380352-15.

Armingeon, Klaus, Fabio Bertozzi, and Giuliano Bonoli. 2004. 'Swiss Worlds of Welfare'. *West European Politics*, 27 (1): 20–44. https://doi.org/10.1080/0140238041233128079 3.

Arrighi, Jean-Thomas, and Rainer Bauböck. 2017. 'A Multilevel Puzzle: Migrants' Voting Rights in National and Local Elections: A Multilevel Puzzle'. *European Journal of Political Research*, 56 (3): 619–39. https://doi.org/10.1111/1475-6765.12176.

'Assurance-Invalidité'. 2019. Swiss Disability Office (AI). 2019. https://www.ch.ch/fr/assurance-invalidite/.

Ataç, Ilker. 2019. 'Deserving Shelter: Conditional Access to Accommodation for Rejected Asylum Seekers in Austria, the Netherlands, and Sweden'. *Journal of Immigrant & Refugee Studies*, 17 (1): 44–60. https://doi.org/10.1080/15562948.2018.1530401.

Attewell, David. 2021.Deservingness perceptions, welfare state support and vote choice in Western Europe, West European Politics, 44 (3): 611-634, DOI: 10.1080/01402382.2020.1715704

Baker, Mona. 2006. *Translation and Conflict: A Narrative Account*. New York City New York: Routledge.

Baker, Mona, and Gabriela Saldanha. 2009. *Routledge Encyclopaedia of Translation Studies*. Routledge. Baker Mona. 2016. *Translating Dissent: Voices from and With the Egyptian Revolution - Google Books*. New York City New York: Routledge & Taylor Francis.

Bakewell, Oliver. 2007. 'Keeping Them in Their Place: The Ambivalent Relationship between Developmentand Migration in Africa'. Oxford, United Kingdom : International Migration Institute.

Balibar, Étienne. 2007. 'Le retour de la race'. *Mouvements*, 50 (2) : 162-171 https://doi.org/10.3917/mouv.050.0162.

'Ballot Box Votes on Citizenship Outlawed'. 2007. SWI Swissinfo.Ch. 19 December 2007. https://www.swissinfo.ch/eng/ballot-box-votes-on-citizenship-outlawed/6326034.

Bangura, Yusuf. 2010. *Combating Poverty and Inequality: Structural Change, Social Policy and Politics*. Geneva: United Nations Research Institute for Social Development.

Barbulescu, Roxana, and Adrian Favell. 2020. 'Commentary: A Citizenship without Social Rights? EU Freedom of Movement and Changing Access to Welfare Rights'. *International Migration*, 58 (1): 151–65. https://doi.org/10.1111/imig.12607.

Barnes, Colin. 1991. *Disabled People in Britain and Discrimination: A Case for Anti-Discrimination Legislation*. C. Hurst & Co. Publishers.

Barnes, Colin. 2012, Re-thinking Disability, Work and Welfare. *Sociology Compass*, 6 (6): 472-484. https://doi.org/10.1111/j.1751-9020.2012.00464.x

Barnes, Colin. 2013. 'Understanding the Social Model of Disability'. In *Routledge Handbook of Disability Studies*. New York City New York: Routledge. https://doi.org/10.4324/9780203144114.ch2.

Barnes, Elizabeth. 2016. *The Minority Body: A Theory of Disability*. First edition. Studies in Feminist Philosophy. Oxford, United Kingdom: Oxford University Press.

Banting, Keith. G. 2010. Is There a Progressive's Dilemma in Canada? Immigration, Multiculturalism, and the Welfare State: Presidential Address to the Canadian Political Science Association, Montreal, June 2, 2010. *Canadian Journal of Political Science/Revue Canadienne De Science Politique*, 43(4) : 797–820. http://doi.org/10.1017/S0008423910000983

Bauböck, Rainer, Scholten, Peter. 2016. Introduction to the special issue: "Solidarity in diverse societies: beyond neoliberal multiculturalism and welfare chauvinism" Comparative Migration Studies, 4 (4): 1-7. https://doi.org/10.1186/s40878-016-0025-z

Bauman, Zygmunt. 1998. *Globalization: The Human Consequences*. European Perspectives. New York: Columbia University Press.

Bauman, Zygmunt.2000. Tourists and Vagabonds: Or Living in Postmodern Times. In: Davis, J. E. (ed.), *Identity and Social Change*, (pp. 13–26). London: Routledge

Beckett, Angharad E. 2006. *Citizenship and Vulnerability; Disability and Issues of Social and Political Engagement*. Basingstoke: Palgrave Macmillan.

Beckmann, Lisa. n.d. 'Undoing Ableism: Disability as a Category of Historical and Legal Analysis'. *GEB-IDN/12993*. Accessed 17 April 2022. http://geb.uni-giessen.de/geb/volltexte/2017/12993/.

Behrendt, Christina, Bierbaum, Mira, and Schmitt, Valérie. 2021. "UNEN: Thematic Brief: on Social Protection". New York: United Nations.https://www.un.org/sites/un2.un.org/files/2021/04/a-tb_on_social_protection.pdf

Berelson, Bernard. 1952. *Content Analysis in Communication Research.* Glencoe, Illinois: Free Press.

Berkhout, Joost, and Didier Ruedin. 2017. 'Why Religion? Immigrant Groups as Objects of Political Claims on Immigration and Civic Integration in Western Europe, 1995–2009'. *Acta Politica*, 52 (2): 156–78. https://doi.org/10.1057/ap.2016.1.

Bevir, Mark, & Rhodes, R. A. W. 2010. *The State as Cultural Practice*. Oxford, United Kingdom: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199580750.001.0001

Bigo, Didier. 2002. 'Security and Immigration: Toward a Critique of the Governmentality of Unease'. *Alternatives: Global, Local, Political*, 27 (1): 63–92. https://doi.org/10.1177/03043754020270S105.

Bitschnau, Marco, Leslie Ader, Didier Ruedin, and Gianni D'Amato. 2021. 'Politicising Immigration in Times of Crisis: Empirical Evidence from Switzerland'. *Journal of Ethnic and Migration Studies*, *47*(17): 3864–90. https://doi.org/10.1080/1369183X.2021.1936471.

Block, Fred, and Karl Polanyi. 2003. 'Karl Polanyi and the Writing of "The Great Transformation". *Theory and Society*, 32 (3): 275–306.

Borrelli, Lisa Marie, Stefanie Kurt, Christin Achermann, and Luca Pfirter. 2021. '(Un)Conditional Welfare? Tensions Between Welfare Rights and Migration Control in Swiss Case Law'. *Swiss Journal of Sociology*, The Sociology of Migration in Switzerland: Past, Present and Future, 47 (1): 73–94. https://doi.org/10.2478/sjs-2021-0008

Bourdieu, Pierre. 1986. 'The Forms of Capital'. In J. G. Richardson (Ed.)*, Handbook of Theory and Research for the Sociologyof Education*, (241-258). New York: Greenwood Press.

Bourdieu, Pierre. 1987. 'The Force of Law: Toward a Sociology of the Juridical Field'. *Hastings Law Journal*, 38 (5): 804-882.

Bowles, Samuel, and Gintis, Herbert. 2000. 'Reciprocity, Self-Interest and the Welfare State'. *Nordic Journal of Political Economy* 26: 33-5.

Braun, Virginia, and Victoria Clarke. 2006. 'Using Thematic Analysis in Psychology'. *Qualitative Research in Psychology*, 3 (2): 77–101. https://doi.org/10.1191/1478088706qp063oa.

Briant, Emma, Nick Watson, and Gregory Philo. 2013. 'Reporting Disability in the Age of Austerity: TheChanging Face of Media Representation of Disability and Disabled People in the United Kingdom and the Creation of New "Folk Devils"'. *Disability & Society* 28 (6): 874–89. https://doi.org/10.1080/09687599.2013.813837.

Brubaker, Rogers. 2002. 'Ethnicity without Groups'. *European Journal of Sociology*, 43 (2): 163–89. https://doi.org/10.1017/S0003975602001066.

Bukowski, Marcin, Soledad de Lemus, Rosa Rodriguez-Bailón, and Guillermo B. Willis. 2017. 'Who's to Blame? Causal Attributions of the Economic Crisis and Personal Control'. *Group Processes & Intergroup Relations*, 20 (6): 909–23. https://doi.org/10.1177/1368430216638529.

Burchell, Graham, Gordon, Colin, Miller, Peter, and an Interview with Michel Foucault, (Eds.) 1991. *The Foucault Effect: Studies in Governmentality*. Chicago, IL: University of Chicago Press. https://press.uchicago.edu/ucp/books/book/chicago/F/bo3684463.html.

Bussemaker, Jet, and Rian Voet. 1998. 'Citizenship and Gender: Theoretical Approaches and Historical Legacies'. *Critical Social Policy*, 18 (56): 277–307. https://doi.org/10.1177/026101839801805602.

Campbell, Fiona Kumari (2008). 'Refusing Able(ness): A Preliminary Conversation about Ableism'. *M/C Journal,* 11 (3). https://doi.org/10.5204/mcj.46.

Campbell, Fiona Kumari. 2009. *Contours of Ableism: The Production of Disability and Abledness*. London: Palgrave Macmillan UK. https://doi.org/10.1057/9780230245181.

Carey, Allison C. 2003. 'Beyond the Medical Model: A Reconsideration of "Feeblemindedness", Citizenship, and Eugenic Restrictions'. *Disability & Society*, 18 (4): 411–30. https://doi.org/10.1080/0968759032000080977.

Careja Romana, Elmelund-Præstekær Christian, Baggesen Klitgaard Michael, Gahner Larsen , Erik. 2016. Direct and Indirect Welfare Chauvinism as Party Strategies: An Analysis of the Danish People's Party. *Scandinavian Political Studies,* 39 (4): 435–457

Carrel, Noemi, and Nicole Wichmann. 2013. 'Naturalisation Procedures for Immigrants. Switzerland'. *Florence: European University Institute, Robert Schuman Centre for Advanced Studies, EUDO Citizenship Observatory.*

Castells, Manuel. 2009a. *The Rise of the Network Society*. Oxford, United Kingdom: Wiley-Blackwell.

Castells, Manuel. 2009b, *The Power of Identity*. (2nd Ed.). Oxford, United Kingdom: Wiley-Blackwell.

Castells, Manuel. 2010c. *End of Millennium*. (2nd Ed.). Oxford, United Kingdom: Wiley-Blackwell.

Castles, Stephen. 2010a. 'Understanding Global Migration: A Social Transformation Perspective'. *Journalof Ethnic and Migration Studies,* 36 (10): 1565–86. https://doi.org/10.1080/1369183X.2010.489381.

Castles, Stephen, Hein de Haas, and Mark J. Miller. 2013. *The Age of Migration: International Population Movements in the Modern World*. (5th Ed.). Basingstoke : Palgrave Macmillan.

Castel, Robert. 1995. *Les métamorphoses de la question sociale : une chronique du salariat*. L'espace du politique. Paris: Fayard.

Castel, Robert. 2003. *From Manual Workers to Wage Laborers: Transformation of the Social Question*. (1st ed.) New York: Routledge.

Central Compensation Office (CCO). 2022. 'Three-Pillar System'. Government Website. 2022. https://www.zas.admin.ch/zas/en/home/bases-legales-et-coordination-internationale/avs_ai_systeme_suisse_securite_sociale/systeme_trois_piliers.html.

Cho, Sumi, Kimberle Williams Crenshaw, and Leslie McCall. 2013. 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis'. *Signs*, 38 (4): 785–810. https://doi.org/10.1086/669608.

Cho, Ji, and Eun-Hee Lee. 2014. 'Reducing Confusion about Grounded Theory and Qualitative Content Analysis: Similarities and Differences'. *The Qualitative Report*, October. https://doi.org/10.46743/2160-3715/2014.1028.

Chueri, Juliana. 2022. 'An Emerging Populist Welfare Paradigm? How Populist Radical Right-Wing Parties Are Reshaping the Welfare State'. *Scandinavian Political Studies*, 45 (4): 383–409. https://doi.org/10.1111/1467-9477.12230.

Clarkwest, Andrew. 2008. 'Neo-Materialist Theory and the Temporal Relationship between Income Inequality and Longevity Change'. *Social Science & Medicine*, 66 (9): 1871–81. https://doi.org/10.1016/j.socscimed.2007.12.034.

Clasen, Jochen, and Wim Van Oorschot. 2002. 'Changing Principles in European Social Security'. *European Journal of Social Security*, 4 (2): 89–115. https://doi.org/10.1023/A:1020520321533.

Cochrane, Allan, Clarke, John, and Gewirtz, Sharon. (2nd Ed.) 2001. *Comparing Welfare States.* Washington: Sage Publishers.

Cohen, Elizabeth F. 2009. *Semi-Citizenship in Democratic Politics*. (pp. 13-150). Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9780511642333.

Connolly, William E. 1995. *The Ethos of Pluralization*. Minneapolis: University of Minnesota Press. https://www.cambridge.org/core/journals/american-political-science-review/article/abs/ethos-of-pluralization-by-william-e-connolly-minneapolis-university-of-minnesota-press-1995-243p-4995-cloth-1995-paper/E20858E93C77E3083499BA5215B72142.

Cosmides, Leda, H. Clark Barrett, and John Tooby. 2010. 'Adaptive Specializations, Social Exchange, and the Evolution of Human Intelligence'. *Proceedings of the National Academy of Sciences*, 107:9007–9014. https://doi.org/10.1073/pnas.0914623107.

le Court, Alexandre. 2014. "De-Commodifying Social Rights: Welfare State Policies in a Multi-Level Perspective." *Doctoral Thesis*, Barcelona : Universitat Pompeu Fabra. https://www.tdx.cat/bitstream/handle/10803/283752/tadlc1.pdf;jsessionid=47883629827F602C7BBBD826B4A7532F?sequence=4

Crenshaw, Kimberlé. 1991. 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color'. *Stanford Law Review*, 43 (6): 1241–99. https://doi.org/10.2307/1229039.

Crenshaw, Kimberlé Williams. 1994. 'Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color'. In M. A. Fineman and R. Mykitiuk, *The Public Nature of Private Violence*, (93–118). New York: Routledge.

Cresswell, Tim. 2006. On the Move: Mobility in the Modern Western World. London: Routledge.

Dahinden, Janine, and Bridget Anderson. 2021. "Exploring New Avenues for Knowledge Production in Migration Research: A Debate Between Bridget Anderson and Janine Dahinden Pre and After the Burst of the Pandemic." *Swiss Journal of Sociology* 47 (1): 27–52. https://doi.org/10.2478/sjs-2021-0005

D'Amato, Gianni. 2009a. 'Chapter 7: Switzerland: A Multicultural Country Without Multicultural Policies?' In S. Vertovec and S, Wessendorf, *The Multiculturalism Backlash: European Discourses, Policies and Practices*, (pp.130–51). London; New York: Routledge.

D'Amato, Gianni. 2009b. 'Swiss Citizenship. A Municipal Approach to Participation?' In J. L. Hochschild and J. Mollenkopf (Eds.)*, Bringing Outsiders in. Transatlantic Perspectives on Immigrant Political Incorporation.*, (pp. 63–74). Ithaca and London: Cornell University Press.

D'Amato, Gianni, Damir Skenderovic, and Marcel Alexander Niggli. 2009. 'From Outsider to Playmakers: Radical Right-Wing Populist Parties and Swiss Migration Policy'. In *Right-Wing Extremism in Switzerland.*, (2nd Ed). (pp. 78–92). Baden, Germany: Nomos.

D'Amato, Gianni, and Didier Ruedin. 2019. 'Chapter 3 Immigration and Populist Political Strategies: TheSwiss Case in European Perspective'. In G. Fitzi, J. Mackert, and B. S. Turner, *Populism and the Crisis of Democracy. Volume 3: Migration, Gender and Religion*, (1st Ed.). London New York: Routledge, Taylor & Francis Group.

Decker, Jonathan. 2021a. 'CPTSD vs PTSD'. 10 May 2021. https://www.facebook.com/watch/.

Decker, Jonathan. 2021b. 'Can You Get Post Traumatic Stress Disorder from Emotional Abuse (PTSD)?' Mended Light. 20 September 2021. https://youtu.be/1bNw2ypVprA.

Degener, Theresia. 2014. 'A Human Rights Model of Disability'. https://www.academia.edu/18181994/A_human_rights_model_of_disability.

Degener, Theresia. 2016. 'Disability in a Human Rights Context'. *Laws*, 5 (3): 35. https://doi.org/10.3390/laws5030035

De Genova, Nicholas. 2007. "The Production of Culprits: From Deportability to Detainability in the Aftermath of 'Homeland Security.'" *Citizenship Studies*, 11 (5): 421–48. https://doi.org/10.1080/13621020701605735.d

Delanty, Gerard. 2000. *Citizenship in a Global Age: Society, Culture, Politics*. Issues in Society; Philadelphia: Open University Press.

Denzin, Norman K., and Yvonna S. Lincoln. 1998. *The Landscape of Qualitative Research: Theories and Issue*. London: SAGE Publications.

Department of Economic and Social Affairs Sustainable Development. 2022. 'UN Department of Economic and Social Affairs: Sustainable Development'. Department of Economic and Social Affairs Sustainable Development. 2022. https://sdgs.un.org/.

Dermaut, Vanessa, Tineke Schiettecat, Stijn Vandevelde, and Griet Roets. 2020. 'Citizenship, Disability Rights and the Changing Relationship between Formal and Informal Caregivers: It Takes Three to Tango'. *Disability & Society*, 35 (2): 280–302. https://doi.org/10.1080/09687599.2019.1634521.

Devlin, Richard F., and Dianne Pothier, eds. 2006. *Critical Disability Theory: Essays in Philosophy, Politics, Policy, and Law*. Law and Society Series. Vancouver: UBC Press.

Dodd, Steven. 2016. 'Orientating Disability Studies to Disablist Austerity: Applying Fraser's Insights'. *Disability & Society*, 31 (2): 149–65. https://doi.org/10.1080/09687599.2016.1152952.

Donovan, Rich. 2016. 'Return on Disability: The Global Economics of Disability'. Annual Report. Return on Disability. Return on Disability Group. https://www.rod-group.com/sites/default/files/2016%20Annual%20Report%20-%20The%20Global%20Economics%20of%20Disability.pdf.

Dubber, Markus Dirk. 1998. 'Historical Analysis of Law'. *Law and History Review*, 16 (1): 159–62. https://doi.org/10.2307/744325.

Dubber, Markus D. 2015. 'New Historical Jurisprudence: Legal History as Critical Analysis of Law'. *Critical Analysis of Law*, 2 (1): 1-18. https://cal.library.utoronto.ca/index.php/cal/article/view/22512.

Dubber, Markus D. 2016. 'Critical Analysis of Law: New Historical Jurisprudence &New Legal Science'. June. https://www.academia.edu/25949569/Critical_Analysis_of_Law_New_Historical_Jurisprudence_and_New_Legal_Science.

Duffy, Simon. 2012. 'The Limits of Personalisation'. *Tizard Learning Disability Review* 17 (3): 111–23. https://doi.org/10.1108/13595471211240951.

Durvasula, Ramani. 2019. *Don't You Know Who I Am? How to Stay Sane in an Era of Narcissism, Entitlement, and Incivility*. New York: Post Hill Press.

Enggist, Matthias and Michael Pinggera. 2022. Radical right parties and their welfare state stances – not so blurry after all?, *West European Politics*, 45 (1): 102-128, DOI: 10.1080/01402382.2021.1902115

Ellermann, Antje. 2020. 'Human-Capital Citizenship and the Changing Logic of Immigrant Admissions'. *Journal of Ethnic and Migration Studies*, 46 (12): 2515–32. https://doi.org/10.1080/1369183X.2018.1561062.

Elwan, Ann. 1999. 'Poverty and Disability: A Survey of the Literature'. *Social Protection Discussion Papers and Notes*, Social Protection Discussion Papers and Notes, December. https://ideas.repec.org//p/wbk/hdnspu/21315.html.

Engeli, Isabelle, and Frédéric Varone. 2012. Morality Politics in Switzerland: Politicization through Direct Democracy. In: Engeli, I., Green-Pedersen, C., Larsen, L.T. (eds) *Morality Politics in Western Europe*. Comparative Studies of Political Agendas Series, (pp.88–1139), London: Palgrave Macmillan.,. https://doi.org/10.1057/9781137016690_6

Entman, Robert M. 1993. 'Framing: Toward Clarification of a Fractured Paradigm'. *Journal of Communication*, 43 (4): 51–58. https://doi.org/10.1111/j.1460-2466.1993.tb01304.x.

Esping-Andersen, Gøsta. 1990. *The Three Worlds of Welfare Capitalism*. Princeton, NJ: Princeton University Press.

Eurostat. 2019. 'Gini Coefficient of Equivalized Disposable Income.' Luxembourg : Eurostat. https://ec.europa.eu/eurostat/databrowser/view/tessi190/default/bar?lang=en.

Finders, Margaret J. 1996. 'Queens and Teen Zines: Early Adolescent Females Reading Their Way toward Adulthood'. *Anthropology & Education Quarterly*, 27 (1): 71–89. https://doi.org/10.1525/aeq.1996.27.1.04x0642r.

Flick, Uwe. 2014. *An Introduction to Qualitative Research*. (5th Ed.). Los Angeles: Sage Publishers.

Flückiger, Yves. 1998. 'The Labour Market in Switzerland: The End of a Special Case?' *International Journal of Manpower*, 19 (6): 369–95. https://doi.org/10.1108/01437729810233190.

Flynn, Eilionóir. 2016. *Access to Justice and the UN Convention on the Rights of Persons with Disabilities*. London: Routledge. https://doi.org/10.4324/9781315577432.

Foa, Edna B., Terence M. Keane, Matthew J. Friedman, and Judith A. Cohen. 2008. *Effective Treatmentsfor PTSD, Second Edition: Practice Guidelines from the International Society for Traumatic Stress Studies*. Guilford Press.

Fritsche, Immo, Eva Jonas, Catharina Ablasser, Magdalena Beyer, Johannes Kuban, Anna-Marie Manger,and Marlene Schultz. 2013. 'The Power of We: Evidence for Group-Based Control'. *Journal of Experimental Social Psychology*, 49 (1): 19–32. https://doi.org/10.1016/j.jesp.2012.07.014.

Fritsche, Immo, Miguel Moya, Marcin Bukowski, Philipp Jugert, Soledad de Lemus, Oliver Decker, Inmaculada Valor-Segura, and Ginés Navarro-Carrillo. 2017. 'The Great Recession and Group-Based Control: Converting Personal Helplessness into Social Class In-Group Trust and CollectiveAction'. *Journal of Social Issues*, 73 (1): 117–37. https://doi.org/10.1111/josi.12207.

Gago, Angie, and Francesco Maiani. 2022. '"Pushing the Boundaries": A Dialogical Account of the Evolution of European Case-Law on Access to Welfare'. *Journal of European Integration*, 44

(2):261–75. https://doi.org/10.1080/07036337.2021.1887860.

Gamble, Christopher N., Joshua S. Hanan, and Thomas Nail. 2019. 'What Is New-Materialism?' *Angelaki,* 24 (6): 111–34. https://doi.org/10.1080/0969725X.2019.1684704.

Garland-Thomson, Rosemarie. 1999. 'Integrating Disability, Transforming Feminist Theory'. In T. Powell (Ed.), *In Beyond the Binary*, (pp.81–106). New Brunswick, NJ: Rutgers UniversityPress.

Garthwaite, Kayleigh. 2011. '"The Language of Shirkers and Scroungers?" Talking about Illness, Disability and Coalition Welfare Reform'. *Disability & Society*, 26 (3): 369–72. https://doi.org/10.1080/09687599.2011.560420.

Gerring, John. 1999. 'What Makes a Concept Good? A Criterial Framework for UnderstandingConcept Formation in the Social Sciences'. *Polity*, 31 (3): 357–93. https://doi.org/10.2307/3235246.

Giroud-Castiella, Victoria, and Clara van Panhuys. 2018. 'Social Protection Floor'. International Labour Organization (ILO). https://web.archive.org/web/20180622162253/http://www.socialsecurityextension.org/gimi/gess/ShowTheme.do?tid=1321.

Goering, Sara. 2015. 'Rethinking Disability: The Social Model of Disability and Chronic Disease'. *Current Reviews in Musculoskeletal Medicine*, 8 (2): 134–38. https://doi.org/10.1007/s12178-015- 9273-z.

Goodley, Dan. 2013. 'Dis/Entangling Critical Disability Studies'. *Disability & Society*, 28 (5): 631–44. https://doi.org/10.1080/09687599.2012.717884.

Goodley, Dan. 2014. *Dis/Ability Studies: Theorising Disablism and Ableism*. (1st Ed.). New York: Routledge, Taylor & Francis Group.

Goodley, Dan. 2017. *Disability Studies: An Interdisciplinary Introduction*. (2nd Ed.). Thousand Oaks, CA: Sage Ltd.

Goodley, Dan, Antonios Ktenidis, Anne Marcellini, Jean-Pierre Tabin, Monika Piecek, and Céline Perrin. 2019. *Repenser la normalité. Perspectives critiques sur le handicap.* Latresne : Bord De l'EauEditions.

Goodley, Dan, and Rebecca Lawthom. 2019. 'Critical Disability Studies, Brexit and Trump: A Time of Neoliberal–Ableism'. *Rethinking History*, 23 (2): 233–51. https://doi.org/10.1080/13642529.2019.1607476.

Gordon, Robert W. 1984. 'Critical Legal Histories'. *Stanford Law Review*, 36 (1): 57. https://doi.org/10.2307/1228681

Gordon, Robert W. 1997. 'Foreword: The Arrival of Critical Historicism'. *Stanford Law Review*, 49 (5): 1023–29.

Graneheim, U. H., and B. Lundman. 2004. 'Qualitative Content Analysis in Nursing Research: Concepts,Procedures and Measures to Achieve Trustworthiness'. *Nurse Education Today* 24 (2): 105–12. https://doi.org/10.1016/j.nedt.2003.10.001.

Grover, Chris, and Karen Soldatic. 2013. 'Neoliberal Restructuring, Disabled People and Social (in)Security in Australia and Britain'. *Scandinavian Journal of Disability Research*, 15 (3): 216–32. https://doi.org/10.1080/15017419.2012.724446.

Guillén, Mauro F. 2011. 'The Global Economic and Financial Crisis: A Timeline'. Philadelphia: The Lauder Institute, Wharton School of the University of Pennsylvania. http://www.management.wharton.upenn.edu/guillen/2011_docs/crisis_financiera_formato_nuevo.pdf.

Haas, Hein, Mathias Czaika, Marie-Laurence Flahaux, Edo Mahendra, Katharina Natter, Simona Vezzoli,and María Villares-Varela. 2019. 'International Migration: Trends, Determinants, and Policy Effects'. *Population and Development Review*, 45 (4): 885–922. https://doi.org/10.1111/padr.12291.

Habermas, Jürgen. 1988. *Legitimation Crisis*. Cambridge: Polity Press.

Halvorsen, Rune, and Bjørn Hvinden. 2013. '"Introduction: What Do We Mean by Active Citizenship?"' In *Active Citizenship for Persons with Disabilities – Current Knowledge and Analytical Framework – A Working Paper*. DISCIT. http://discit.eu/publications.

Halvorsen, Rune, Bjørn Hvinden, and Julie Beadle-Brown, eds. 2018. *Understanding the Lived Experiences of Persons with Disabilities in Nine Countries: Active Citizenship and Disability in Europe. Volume 2*. Routledge Advances in Disability Studies. London; New York: Routledge, Taylor & Francis Group.

Halvorsen, Rune, Hvinden, Bjørn, and Julie Beadle-Brown. 2018. *Understanding the Lived Experiences of Persons with Disabilities in Nine Countries. Active Citizenship and Disability in Europe Volume 2 Volume 2*.

Hande, Mary Jean, and Christine Kelly. 2015. 'Organizing Survival and Resistance in Austere Times: Shifting Disability Activism and Care Politics in Ontario, Canada'. *Disability & Society* 30 (7): 961–75. https://doi.org/10.1080/09687599.2015.1069731.

Haney, Jolynn L. 2016. 'Autism, Females, and the DSM-5: Gender Bias in Autism Diagnosis'. *Social Work in Mental Health*, 14 (4): 396–407. https://doi.org/10.1080/15332985.2015.1031858.

Hannum, Hurst. S., Anaya, James., Shelton, Dina, L. and Celorio, Rosa., 2023. *International human rights: problems of law, policy, and practice*. Boston, Massachusetts: Aspen Publishing.

Hart, Paul't. 1993. 'Symbols, Rituals and Power: The Lost Dimensions of Crisis Management'. *Journal of Contingencies and Crisis Management*,1 (1): 36–50. https://doi.org/10.1111/j.1468-5973.1993.tb00005.x.

Haruvi-Lamdan, Nirit, Danny Horesh, and Ofer Golan. 2018. 'PTSD and Autism Spectrum Disorder: Co-

Morbidity, Gaps in Research, and Potential Shared Mechanisms'. *Psychological Trauma: Theory, Research, Practice, and Policy*, 10: 290–99. https://doi.org/10.1037/tra0000298.

Harwood, Rupert. 2014. '"The Dying of the Light": The Impact of the Spending Cuts, and Cuts to Employment Law Protections, on Disability Adjustments in British Local Authorities'. *Disability& Society*, 29 (10): 1511–23. https://doi.org/10.1080/09687599.2014.958132.

Hauben, Harald, Michael Coucheir, Jan Spooren, Donal McAnaney, and Claude Delfosse. 2012. 'Assessing the Impact of European Governments' Austerity Plans on the Rights of People with Disabilities.' Brussels, Belgium: European Foundation Center. http://www. enil.eu/wp-content/uploads/2012/12/Austerity-European-Report_FINAL.pdf.

Häusermann, Silja. 2010. *The Politics of Welfare State Reform in Continental Europe: Modernization in Hard Times*. Cambridge, UK: Cambridge University Press.

Häusermann, Silja .2012. The Politics of Old and New Social Policies. In: Bonoli, Giuliano; Natali, David. *The Politics of the New Welfare State*. (pp. 111-132). Oxford, United Kingdom: Oxford University Press, DOI: https://doi.org/10.1093/acprof:oso/9780199645244.003.0009

Häusermann, Silja, Thomas Kurer, and Hanna Schwander. 2015. 'High-Skilled Outsiders? Labor Market Vulnerability, Education and Welfare State Preferences'. *Socio-Economic Review*, 13 (2): 235–58.https://doi.org/10.1093/ser/mwu026.

Heikkilä, Kristiina, and Sirkka-Liisa Ekman. 2003. 'Elderly Care for Ethnic Minorities--Wishes and Expectations among Elderly Finns in Sweden'. *Ethnicity & Health*, 8 (2): 135–46. https://doi.org/10.1080/13557850303559.

Heyer, Katharina, and Sagit Mor. 2019. 'Special Issue Guest Editors' Introduction: Disability Legal Studies'. *Law & Society Review*, 53 (4): 948–49. https://doi.org/10.1111/lasr.12452.

Hoeglinger, Dominic. 2016. 'The Politicisation of European Integration in Domestic Election Campaigns'. *West European Politics*, 39 (1): 44–63. https://doi.org/10.1080/01402382.2015.1081509.

Hoffmeyer-Zlotnik, Paula. (2020). Between Flows and Places: Conceptualizing the Migration-Mobility-Nexus. NCCR Working Paper, No.25

Holmwood, John. 2000. Three Pillars of Welfare State Theory: T.H. Marshall, Karl Polanyi and Alva Myrdal in Defence of the National Welfare State. *European Journal of Social Theory*, *3*(1): 23–50. https://doi.org/10.1177/13684310022224660

Holsti, Ole R. 1969. *Content Analysis for the Social Sciences and Humanities*. Reading, Mass.: Addison-Wesley Pub. Co.

Hooghe, Liesbet, and Gary Marks. 2009. 'A Post-functionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus'. *British Journal of Political Science* 39 (1): 1–23. https://doi.org/10.1017/S0007123408000409.

Hort, Sven, and Göran Therborn. 2012. "Chapter 32: Citizenship and Welfare: Politics and Social Policies." In *The Wiley-Blackwell Companion to Political Sociology*, edited by Edwin Amenta, Kate Nash, and Alan Scott. (1st ed.), (pp. 360–72). London, United Kingdom*:* Wiley Blackwell. https://doi.org/10.1002/9781444355093

Hsieh, Hsiu-Fang, and Sarah E. Shannon. 2005. 'Three Approaches to Qualitative Content Analysis'. *Qualitative Health Research*, 15 (9): 1277–88. https://doi.org/10.1177/1049732305276687.

Hughes, Bill. 2017. 'Impairment on the Move: The Disabled Incomer and Other Invalidating Intersections'. *Disability & Society*, 32 (4): 467–82. https://doi.org/10.1080/09687599.2017.1298991.

Dukelow, Fiona. (2021). Recommodification and the Welfare State in Re/Financialised Austerity Capitalism: Further Eroding Social Citizenship? *Social Policy and Society*, 20 (1): 125-141. https://doi:10.1017/S1474746420000494

Huber, Evelyne, and Stephens, John D. 'Welfare State and Production Regimes in the Era of Retrenchment', in P. Pierson (ed.), *The New Politics of the Welfare State* (Oxford, 2001; online Ed., Oxford Academic, 1 Nov. 2003), https://doi.org/10.1093/0198297564.003.0005, accessed 17 May 2023.

Hurrelmann, Achim, Anna Gora, and Andrea Wagner. 2015. 'The Politicization of European Integration: More than an Elite Affair?' *Political Studies*, 63 (1): 43–59. https://doi.org/10.1111/1467- 9248.12090.

Hutter, Swen, and Edgar Grande. 2014. 'Politicizing Europe in the National Electoral Arena: A Comparative Analysis of Five West European Countries, 1970-2010: Politicizing Europe in the National Electoral Arena'. *JCMS: Journal of Common Market Studies,* 52 (5): 1002–18. https://doi.org/10.1111/jcms.12133.

Grande, Edgar, and Swen Hutter. 2016. "Beyond Authority Transfer: Explaining the Politicisation of Europe." *West European Politics*, 39 (1): 23-43. https://doi.org/10.1080/01402382.2015.1081504

Hutter, Swen, and Hanspeter Kriesi. 2019. 'Politicizing Europe in Times of Crisis'. *Journal of European Public Policy*, 26 (7): 996–1017. https://doi.org/10.1080/13501763.2019.1619801.

Huysmans, Jef. 2000. 'The European Union and the Securitization of Migration'. *JCMS: Journal of Common Market Studies*, 38 (5): 751–77. https://doi.org/10.1111/1468-5965.00263.

Ibbetson, David. 2005. 'Historical Research in Law'. In M. Tushnet and P. Cane, *The Oxford Handbook of Legal Studies*, (0.) Oxford, United Kingdom: Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199248179.013.0038.

Imhof, Kurt. 1993. 'Vermessene Öffentlichkeit – Vermessene Forschung? Vorstellung Eines Projekts."'. In K. Imhof, H. Kleger, and G. Romano, *Zwischen Konflikt Und Konkordanz. Analyse von Medienereignissen in Der Schweiz Der Vor Und Zwischenkriegszeit*, (11–60).Zurich: Seismo.

Isin, Engin F., and Bryan S. Turner. 2007. 'Investigating Citizenship: An Agenda for Citizenship Studies'. *Citizenship Studies*, 11 (1): 5–17. https://doi.org/10.1080/13621020601099773.

Jeene, Marjolein, Wim van Oorschot, and Wilfred Uunk. 2013. 'Popular Criteria for the Welfare Deservingness of Disability Pensioners: The Influence of Structural and Cultural Factors'. *SocialIndicators Research*, 110 (3): 1103–17. https://doi.org/10.1007/s11205-011-9974-7.

Jenkins, Stephanie. 2021. 'Constructing Ableism'. *Genealogy,* 5 (3): 66. https://doi.org/10.3390/genealogy5030066

Jensen, Carsten, and Michael Bang Petersen. 2017. 'Replication Data for: The Deservingness Heuristic and The Politics of Health Care'. Harvard Dataverse. https://doi.org/10.7910/DVN/TIXGF8.

Joppke, Christian. 2007. 'Transformation of Citizenship: Status, Rights, Identity'. *Citizenship Studies*, 11(1): 37–48. https://doi.org/10.1080/13621020601099831.

Joppke, Christian. 2008. 'Comparative Citizenship: A Restrictive Turn in Europe?' *Law and Ethics of Human Rights* 2 (1): 1–41. https://doi.org/10.2202/1938-2545.1018.

Joppke, Christian. 2010. 'The Inevitable Lightening of Citizenship'. *European Journal of Sociology / Archives Européennes de Sociologie*, 51 (1) : 9–32. https://doi.org/10.1017/S0003975610000019.

Joppke, Christian. 2016. 'Terror and the Loss of Citizenship'. *Citizenship Studies*, 20 (6–7): 728–48. https://doi.org/10.1080/13621025.2016.1191435.

Joppke, Christian. 2021. 'Earned Citizenship'. *European Journal of Sociology*, April 1–35. https://doi.org/10.1017/S0003975621000035.

Kälin, Walter, and Christine Rothmayr. 2007. 'The Swiss Judicial System'. In U. Klöti *Handbook of Swiss Politics*, (2nd Ed). (pp.172–195). NZZ Libro. Zürich: Neue Zürcher Zeitung.

Kang, Hyo, and Sara Kendall. 2019. 'Contents, Introduction & Contributors, Law Text Culture, Volume 23'. *Law Text Culture*, 23 (1): 1–15.

Kanter, Arlene. 2011. 'The Law: What's Disability Studies Got to Do with It or An Introduction to Disability Legal Studies'. *Columbia Human Rights Law Review* 42 (2): 80.

Kanter, Arlene. 2022. Potential Benefits and Limitations of the New Human Rights Indicators for the Convention on the Rights of People with Disabilities. *AJIL Unbound*, (1) 116: 69-73. doi:10.1017/aju.2022.10

Kerbo, Harold R. 1982. 'Movements of "Crisis" and Movements of "Affluence": A Critique of Deprivation and Resource Mobilization Theories'. *Journal of Conflict Resolution*, 26 (4): 645–63.https://doi.org/10.1177/0022002782026004004.

Keskinen, Suvi. 2016. 'From Welfare Nationalism to Welfare Chauvinism: Economic Rhetoric, the Welfare State and Changing Asylum Policies in Finland'. *Critical Social Policy*, 36 (3): 352–70. https://doi.org/10.1177/0261018315624170.

Keskinen, Suvi, Ov Cristian Norocel, and Martin Bak Jørgensen. 2016. 'The Politics and Policies of Welfare Chauvinism under the Economic Crisis': *Critical Social Policy*, February. https://doi.org/10.1177/0261018315624168.

Ketola, Maekus, and Nordensvard, Johan. 2018. "Eight: Social policy and populism: welfare nationalism as the new narrative of social citizenship". In *Social Policy Review 30*. Bristol, UK: Policy Press. https://doi.org/10.51952/9781447350019.ch008

Kirkham, Ksenia. 2022. 'The Welfare State Regime as a Theoretical Account: From Welfare State to Gramsci'. In K. Kirkham, *The Political Economy of Sanctions: Resilience and Transformation in Russia and Iran.* International Political Economy Series. (pp. 33–48). Cham: Springer International Publishing. https://doi.org/10.1007/978-3-031-04055-9_2.

Kitschelt, Herbert, and Anthony J. McGann. 1997. *The Radical Right in Western Europe: A ComparativeAnalysis*. University of Michigan Press.

Knotz, Carlo Michael, Mia Katharina Gandenberger, Flavia Fossati, and Giuliano Bonoli. 2021. 'A Recast Framework for Welfare Deservingness Perceptions'. *Social Indicators Research*, Vol. 159, August, (927–943). https://doi.org/10.1007/s11205-021-02774-9.

Koopmans, Ruud, and Paul. Statham. 1999. 'Political Claims Analysis: Integrating Protest Event and Political Discourse Approaches'. *Mobilization. International Journal of Research and Theory about SocialMovements, Protest and Collective Behavior*, 4 (2): 203–21. https://doi.org/10.9999.

Koopmans, Ruud and Paul, Statham. 1999. "Political Claims Analysis: Integrating Protest Event and Political Discourse Approaches". *Mobilization: An International Quarterly* 2 (4): 203–21.

Koopmans, Ruud, Paul, Statham, Marco, Giugni, and Florence, Passy. 2005. *Contested Citizenship: Immigration and Cultural Diversity in Europe*. Minneapolis: Minnesota University Press.

Koopmans, Ruud, Ines Michalowski, and Stine Waibel. 2012. 'Citizenship Rights for Immigrants: National Political Processes and Cross-National Convergence in Western Europe, 1980–2008'. *American Journal of Sociology*, 117 (4): 1202–45. https://doi.org/10.1086/662707.

Koster, Willem de, Peter Achterberg, and Jeroen van der Waal. 2013. 'The New Right and the Welfare State: The Electoral Relevance of Welfare Chauvinism and Welfare Populism in the Netherlands'. *International Political Science Review*, 34 (1): 3–20. https://doi.org/10.1177/0192512112455443.

Kriesi, Hanspeter, Edgar Grande, Romain Lachat, Martin Dolezal, Simon Bornschier, and Timotheos Frey. 2008. *West European Politics in the Age of Globalization*. Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9780511790720.

Kriesi, H., Pappas, T. S., Aslanidis, P., Bernhard, L. and Betz, H.-G. (Eds). 2016. *European Populism in the Shadow of the Great Recession*. Paperback edition. ECPR - Studies in European Political Science. Colchester: ECPR Press.

Krippendorff, Klaus, 1980. 'Validity in Content Analysis'. *Computerstrategien Für Die Kommunikationsanalyse*, (January, 69–112).

Kühl, Stefan. 2002. *The Nazi Connection: Eugenics, American Racism, and German National Socialism*. New York: Oxford University Press.

Kymlicka, Will. 2010. The rise and fall of multiculturalism? New debates on inclusion and accommodation in diverse societies. *International Social Science Journal*, 61(199): 97-112. https://doi.org/10.1111/j.1468-2451.2010.01750.x

Kymlicka, Will. 2015. 'Solidarity in diverse societies: Beyond neoliberal multiculturalism and welfare chauvinism'. *Comparative Migration Studies*, 3 (1): 1-19. https://doi.org/10.1186/s40878-015-0017-4

Kymlicka, Will, and Sue Donaldson. 2017. 'Inclusive Citizenship Beyond the Capacity Contract'. In A. Shachar, R. Bauböck, I. Bloemraad, and M. Vink, *The Oxford Handbook of Citizenship*, (pp. 837–860). Oxford, United Kingdom: Oxford University Press. https://doi.org/10.1093/oxfordhb/9780198805854.013.36.

Laenen, Tijs, Federica Rossetti, and Wim van Oorschot. 2019. 'Why Deservingness Theory Needs Qualitative Research: Comparing Focus Group Discussions on Social Welfare in Three Welfare Regimes'. *International Journal of Comparative Sociology*, 60 (3): 190–216. https://doi.org/10.1177/0020715219837745.

Laenen, Tijs. 2020. *Welfare Deservingness and Welfare Policy: Popular Deservingness Opinions and Their Interaction with Welfare State Policies*. Northampton: Edward Elgar Publishing.

Lafleur, Jean-Michel, and Elsa Mescoli. 2018. 'Creating Undocumented EU Migrants through Welfare: AConceptualization of Undeserving and Precarious Citizenship'. *Sociology*, 52 (3): 480–96. https://doi.org/10.1177/0038038518764615.

Lang, Raymond. 2009. 'The United Nations Convention on the Right and Dignities for Persons with Disability: A Panacea for Ending Disability Discrimination?' *Alter*, Current Trends and Development in Global Disability Research / Mondialisation et recherche sur le handicap: courants actuels, 3 (3): 266–85. https://doi.org/10.1016/j.alter.2009.04.001

Lawson, Anna, and Gooding, Caroline. 2005. *Disability Rights in Europe*. (1st Ed). *Essays in European Law*. Oxford, United Kingdom: Hart Publishing. https://www.bloomsburyprofessional.com/uk/disability-rights-in-europe-9781847310804/.

Lawson, Anna. 2020. 'Disability Law as an Academic Discipline: Towards Cohesion and Mainstreaming?' *Journal of Law and Society* 47 (4): 558–87. https://doi.org/10.1111/jols.12258.

Lawson, Anna, and Angharad E. Beckett. 2021. 'The Social and Human Rights Models of Disability: Towards a Complementarity Thesis'. *The International Journal of Human Rights*, 25 (2): 348–79.https://doi.org/10.1080/13642987.2020.1783533.

Layte, Richard. 2012. 'The Association Between Income Inequality and Mental Health: Testing Status Anxiety,Social Capital, and Neo-Materialist Explanations'. *European Sociological Review* 28 (4): 498–511. https://doi.org/10.1093/esr/jcr012.

Lid, Inger Marie. 2015. 'Vulnerability and Disability: A Citizenship Perspective'. *Disability & Society*, 30 (10): 1554–67. https://doi.org/10.1080/09687599.2015.1113162

Linder, Wolf, and Sean Mueller. 2021. *Swiss Democracy: Possible Solutions to Conflict in Multicultural Societies*. Springer Nature. https://doi.org/10.1007/978-3-030-63266-3.

Linton, Simi. 1998. *Claiming Disability: Knowledge and Identity*. Cultural Front. New York: New York University Press.

Lin J, Nguyen. 2021. The cycle of commodification: migrant labour, welfare, and the market in global China and Vietnam. *Global Public Policy and Governance*, 1 (3): 321–39. https://doi.org/10.1007/s43508-021-00021-y. 2021.

Lister, Ruth. 2003. *Citizenship: Feminist Perspectives*. In J. Campling (Ed.). 2nd Ed. Basingstoke, UK: Macmillan International Higher Education.

Loomes, Rachel, Laura Hull, and William Polmear Locke Mandy. 2017. 'What Is the Male-to-Female Ratio in Autism Spectrum Disorder? A Systematic Review and Meta-Analysis'. *Journal of the American Academy of Child & Adolescent Psychiatry*, 56 (6): 466–74. https://doi.org/10.1016/j.jaac.2017.03.013.

Loxbo, Karl. 2022. The varying logics for supporting populist right-wing welfare politics in West European welfare regimes. *European Political Science Review*, 14 (2), 171-187. doi:10.1017/S175577392200011X

Lustig, Daniel C., and David R. Strauser. 2007. 'Causal Relationships Between Poverty and Disability'. *Rehabilitation Counseling Bulletin* 50 (4): 194–202. https://doi.org/10.1177/00343552070500040101.

Maanen, John Van. 1979. 'Reclaiming Qualitative Methods for Organizational Research: A Preface'. *Administrative Science Quarterly*, 24 (4): 520. https://doi.org/10.2307/2392358.

Maciocco, Gavino. 2005. 'Health Inequalities within a Nation: A Review of Two New Theories'. *HealthPolicy and Development*, 1 (1): 40–45.

Mahnig, Hans, and Andreas Wimmer. 2003. 'Integration without Immigrant Policy: The Case of Switzerland'. In *The Integration of Immigrants in European Societies*, edited by Friedrich Heckmann and Dominique Schnapper, 135–64. De Gruyter. https://doi.org/10.1515/9783110507324-007.

Mair, Peter. 1998. *System Change: Approaches and Interpretations.* Oxford, United Kingdom: Oxford University Press. Mantu, Sandra, and Minderhoud. 2016. 'Exploring the Limits of Social Solidarity. Welfare Tourism and EU Citizenship'. *Unio. EU Law Journal*, 2 (2): 4–16.

Marks, Deborah. 2001. 'Disability and Cultural Citizenship: Exclusion, "Integration" and Resistance'. In *Culture and Citizenship Culture and Citizenship*, 167–79. 1 Oliver's Yard, 55 CityRoad, London, United Kingdom: SAGE Publications Ltd. https://doi.org/10.4135/9781446217665.n11.

Marshall, Thomas H. 1950. *Citizenship and Social Class and Other Essays.* (1st Ed). (pp.1-128), New York, NY: Cambridge University Press

Marshall, Thomas H. 1992. 'Citizenship and Social Class'. In T.H. Marshall and T. B. Bottomore, *Citizenship and Social Class*, (3–51). London: Pluto Press.

Masson, Dominique. 2013. 'Femmes et handicap'. *Recherches féministes,* 26 (1) : 111–29. https://doi.org/10.7202/1016899ar.

Mau, Steffen. 2021. *Sortiermaschinen : Die Neuerfindung Der Grenze Im 21. Jahrhundert*. Originalausgabe. Edition Mercator 4600. München : C.H. Beck.

Mazzoleeni, Oscar. 2008. *Nationalisme et Populisime En Suisse : Le Radicalisation de La « nouvelle : UDC.* Lausanne : Presses polytechniques et Universitaires Romandes.

McAdam, Doug, John D. McCarthy, and Mayer Zald N. 1996. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. Cambridge Studies in Comparative Politics. Cambridge [England]: Cambridge University Press. http://catdir.loc.gov/catdir/toc/cam026/95008940.html.

Meekosha, Helen, and Leanne Dowse. 1997. 'Enabling Citizenship: Gender, Disability and Citizenship inAustralia'. *Feminist Review*, 57 (1): 49–72. https://doi.org/10.1080/014177897339650.

Meekosha, Helen, and Russell Shuttleworth. 2009. 'What's so "Critical" about Critical Disability Studies?' *Australian Journal of Human Rights*, 15 (1): 47–75. https://doi.org/10.1080/1323238X.2009.11910861.

Meuleman, Bart, Femke Roosma, and Koen Abts. 2020. 'Welfare Deservingness Opinions from Heuristicto Measurable Concept: The CARIN Deservingness Principles Scale'. *Social Science Research* 85 (January): 102352. https://doi.org/10.1016/j.ssresearch.2019.102352.

Michel, Noemi. (2015). Sheepology: The Postcolonial Politics of Raceless Racism in Switzerland. Postcolonial Studies, 18 (4): 410–426. https://doi.org/10.1080/13688790.2015.1191987

Michna, George A., Sierra M. Trudel, Melissa A. Bray, Jessica Reinhardt, Jessica Dirsmith, Lea Theodore, Zheng Zhou, Ishani Patel, Paul Jones, and Matthew L. Gilbert. 2022. 'Best Practices and Emerging Trends in Assessment of Trauma in Students with Autism Spectrum Disorder'. *Psychology in the Schools*. https://doi.org/10.1002/pits.22769.

Mona Baker. 2006. *Translation and Conflict: A Narrative Account*. London, United Kingdom: Routledge.

Montgomery, Sy. 2012. *Temple Grandin: How the Girl Who Loved Cows Embraced Autism and Changed the World*. Boston: Houghton Mifflin Books for Children/Houghton Mifflin Harcourt.

Moretti, Francesca, Liesbeth van Vliet, Jozien Bensing, Giuseppe Deledda, Mariangela Mazzi, Michela Rimondi, Christa Zimmermann, and Ian Fletcher. 2011. 'A Standardized Approach to Qualitative Content Analysis of Focus Group Discussions from Different Countries'. *Patient Education and Counseling,* 82 (3): 420–28. https://doi.org/10.1016/j.pec.2011.01.005.

Motz, Stephanie A. 2015. 'The Persecution of Disabled Persons and the Duty of Reasonable Accommodation: An Analysis under International Refugee Law, the Eu Recast Qualification Directive and the ECHR'. *Seeking Asylum in the European Union*, January (pp.141–94). https://doi.org/10.1163/9789004290167_006.

Mudde, Cas. 2007. *Populist Radical Right Parties in Europe*. 1st edition. Cambridge, UK; New York: Cambridge University Press.

Müller, Jan-Werner. 2016. *What Is Populism?* Philadelphia: University of Pennsylvania Press.

Naguib, Tarek. 2008. 'Einbürgerungsverweigerung wegen fehlender wirtschaftlicher (Selbst)Erhaltungsfähigkeit'. *Jusletter*, no. 454.
https://jusletter.weblaw.ch/juslissues/2008/454/_6185.html___ONCE&login=false.

Naguib, Tarek. 2010. 'Mehrfachdiskriminierung: Analysekategorie Im Diskriminierungsschutzrecht'. *Schweizerische Juristen-Zeitung,* 106 (10): 233–43.

Nikora, Linda Waimarie, Karapu Rolinda, Huhana Hickey, and Ngahuia Te Awekotuku. 2004.'Disabled Maori and Disability Support Options'. https://pdfs.semanticscholar.org/719b/f7b45f56edee3ec4234af68952305c307c45.pdf?_ga=2.150308598.1122169920.1568826641-9876370.1568826641.

Obinger, Herbert, Starke, Peter Moser, Julia Bogedan, Claudia Gindulis, Edith and Leibfried, Stephan. 2010. 'Switzerland: From Liberal to Conservative Welfare State — a Pattern of Late Maturation?' In H. Obinger, P. Starke, J. Moser, C. Bogedan, E. Gindulis and S. Leibfried, *Transformations of the Welfare State: Small States, Big Lessons,* (pp. 191–244). Oxford, United Kingdom: Oxford Academic. https://doi.org/10.1093/acprof:oso/9780199296323.003.0004.

Oliver, Michael, and Colin Barnes. 2010. 'Disability Studies, Disabled People and the Struggle for Inclusion'. *British Journal of Sociology of Education,* 31 (5): 547–60.

Oliver, Michael, and Colin Barnes. 2012. *The New Politics of Disablement*. Houndmills, Basingstoke; New York, NY: Palgrave Macmillan.

Oorschot, Wim van. 2000. 'Who Should Get What, and Why? On Deservingness Criteria and the Conditionality of Solidarity among the Public'. Text. 1 January 2000. https://doi.org/info:doi/10.1332/0305573002500811.

Oorschot, Wim van. 2006. 'Making the Difference in Social Europe: Deservingness Perceptions among Citizens of European Welfare States'. *Journal of European Social Policy*, 16 (1): 23–42. https://doi.org/10.1177/0958928706059829.

Oorschot, Wim van, and Femke Roosma. 2015. 'The Social Legitimacy of Differently Targeted Benefits'. *Herman Deleeck Centre for Social Policy,* 15 (11). https://ideas.repec.org/p/hdl/improv/1511.html.

Oorschot, Wim van, Roosma, Femke, Meuleman, Bart and Reeskens, Tim (Eds). 2017. *The Social Legitimacy of Targeted Welfare: Attitudes to Welfare Deservingness*. Globalization and Welfare.Cheltenham, Glos, UK; Northampton, Massachusetts, USA: Edward Elgar Publishing, Inc.

Paloposki, Outi. 2009. 'Limits of Freedom: Agency, Choice and Constraints in the Work of the Translator'. In J. Milton and P. Bandia *Benjamins Translation Library*. (pp.189–208). Amsterdam: John Benjamins Publishing Company. https://doi.org/10.1075/btl.81.09pal.

Pelinka, Anton. 2013. 'Right-Wing Populism: Concept and Typology'. In R. Wodak, M. Khosravinik, and B. Mral (Eds.), *Right-Wing Populism in Europe: Politics and Discourse*, (pp. 3–22). London, UK: Bloomsbury Academic.

Petersen, Michael Bang, Rune Slothuus, Rune Stubager, and Lise Togeby. 2011. 'Deservingness versus Values in Public Opinion on Welfare: The Automaticity of the Deservingness Heuristic: Deservingness versus Values in Public Opinion on Welfare'. *European Journal of Political Research.* 50 (1): 24–52. https://doi.org/10.1111/j.1475-6765.2010.01923.x.

Petersen, Michael Bang. 2012. 'Social Welfare as Small-Scale Help: Evolutionary Psychology and the Deservingness Heuristic'. *American Journal of Political Science*, 56 (1): 1–16. https://doi.org/10.1111/j.1540-5907.2011.00545.x.

Petersen, Michael Bang, Daniel Sznycer, Leda Cosmides, and John Tooby. 2012. 'Who Deserves Help? Evolutionary Psychology, Social Emotions, and Public Opinion about Welfare: Who Deserves Help?' *Political Psychology*, 33 (3) : 395–418. https://doi.org/10.1111/j.1467-9221.2012.00883.x.

Petersen, Michael Bang. 2015. 'Evolutionary Political Psychology : On the Origin and Structure of Heuristics and Biases in Politics'. *Political Psychology*, 36 (1) : 45–78. https://doi.org/10.1111/pops.12237.

Pièce, Monika, Jean-Pierre Tabin, Céline Perrin, and Isabelle Probst. 2017. 'La normalité en société capacitiste Une étude de cas (assurance invalidité suisse) /Normality in an ableist society. A case study (disability insurance in Switzerland)'. *Association internationale des sociologues de languefrançaise (AISLF)*, Novembre, 18.

Piguet, E., and Mahnig, E. 2003. ' « La politique d'immigration suisse de 1948 à 1998 : évolutionet effets »'. In H.-R. Wicker, R. Fibbi, andW. Haug (Eds.), *Les migrations et la politique suisse : résultats du Programme national « Migrations et relations interculturelles »*, (63-103). Zurich: Seismo.

Polanyi, Karl. 1944.. *The Great Transformation*. (1st ed.) New York, New York: Farrar & Rinehart.

Polanyi, Karl. 2001.*The Great Transformation: The Political and Economic Origins of Our Time*. (2nd ed.) Boston. Massachusetts: Beacon Press.

Potter, Jonathan, Derek Edwards, and Margaret Wetherell. 1993. 'A Model of Discourse in Action'. *American Behavioral Scientist,* 36 (3) : 383–401. https://doi.org/10.1177/0002764293036003008.

Primerano, Adrien. 2020. 'La fabrique des in/capables. Ethnographie de l'accompagnement en institution spécialisée pour adolescent-es désigné-es autistes'. Text, EHESS (SIÈGE), Paris, France : Institut de recherche interdisciplinaire sur les enjeux sociaux - IRIS. http://iris.ehess.fr/index.php?4620.

Prince, Michael J. 2009. *Absent Citizens: Disability Politics and Policy in Canada*. Toronto: University of Toronto Press.

Probst, I., Tabin, J-P., Piecek-Riondel, M. and Perrin, C. (2016). 'L'invalidité : uneposition dominée'. *Revue française des affaires sociales*, 4 (1) : 89–105. https://doi.org/10.3917/rfas.164.0089.

Rauh, Christian. 2016. *A Responsive Technocracy? EU Politicisation and the Consumer Policies of the European Commission*. ECPR Press Monographs. Colchester, United Kingdom: ECPR Press.

Reeskens, Tim, and Wim van Oorschot. 2012. 'Disentangling the "New Liberal Dilemma": On the Relation between General Welfare Redistribution Preferences and Welfare Chauvinism'. *International Journal of Comparative Sociology,* 53 (2): 120–39. https://doi.org/10.1177/0020715212451987.

Reeskens, Tim, and Tom van der Meer. 2019. 'The Inevitable Deservingness Gap: A Study into the Insurmountable Immigrant Penalty in Perceived Welfare Deservingness'. *Journal of European Social Policy*, 29 (2): 166–81. https://doi.org/10.1177/0958928718768335.

Refugees, United Nations High Commissioner for. 2018. 'Models of Disability'. UNHCR. 2018. https://www.unhcr.org/publications/brochures/629626c94/handout-2-models-of-disability.html.

Retief, Marno, and Rantoa Letšosa. 2018. 'Models of Disability: A Brief Overview'. *HTS Theologise Studies / Theological Studies,* 74 (1). https://doi.org/10.4102/hts.v74i1.4738.

Reuben, Katherine E., Shannon Self-Brown, and Erin Vinoski Thomas. 2022. 'PTSD in Autistic Adults: Correlates of Meeting DSM–5 Criteria and Predictors of Professional Diagnosis'. *Psychological Trauma: Theory, Research, Practice, and Policy*, No Pagination Specified-No Pagination Specified. https://doi.org/10.1037/tra0001365.

Rioux, Marcia H, and Fraser Valentine. 2006. '"Does Theory Matter? Exploring the Nexus between Disability, Human Rights, and Public Policy'. In *Critical Disability Theory – Essays in Philosophy, Politics, Policy and Law*, edited by D. Pothier and R. Devlin, (pp.47–69) Vancouver,Canada: UBC Press.

Rosenberg, Stanley. 2017. *Accessing the Healing Power of the Vagus Nerve: Self-Help Exercises for Anxiety, Depression, Trauma, and Autism*. Berkeley, California: North Atlantic Books.

Ruedin, Didier, Camilla Alberti, and Gianni D'Amato. 2015b. 'Immigration and Integration Policy in Switzerland, 1848 to 2014'. *Swiss Political Science Review*, 21 (1): 5–22. https://doi.org/10.1111/spsr.12144.

Ruedin, Didier, and Gianni D'Amato. 2015. 'Chapter 8: Politicisation of Immigration in Switzerland: TheImportance of Direct Democracy'. In *The Politicisation of Migration*, edited by Wouter van der Brug, Gianni D'Amato, Didier Ruedin, and Joost Berkhout. Routledge Studies in Extremism and Democracy. London; New York: Routledge.

Sager, Fritz, and Eva Thomann. 2017. 'Multiple Streams in Member State Implementation: Politics, Problem Construction and Policy Paths in Swiss Asylum Policy'. *Journal of Public Policy*, 37 (3):287–314. https://doi.org/10.1017/S0143814X1600009X.

Schalk, Sami. 2017. 'Critical Disability Studies as Methodology'. *Lateral*, 6 (1). https://doi.org/10.25158/L6.1.13.

Schreier, Margrit. 2012. *Qualitative Content Analysis in Practice*. Los Angeles: SAGE Publishers.

Schumacher, G., & van Kersbergen, K. 2016. Do mainstream parties adapt to the welfare chauvinism of populist parties? *Party Politics*, *22* (3): 300–312. https://doi.org/10.1177/1354068814549345

Scuro, Jennifer. 2017. *Addressing Ableism: Philosophical Questions via Disability Studies*. Lanham, MD:Lexington.

Sellnow, Timothy L., and Matthew Seeger. 2016. *Narratives of Crisis: Telling Stories of Ruin and Renewal*. Stanford: Stanford University Press.

Sépulchre, Marie, and Rafael Lindqvist. 2016. 'Enhancing Active Citizenship for Persons with Psychosocial Disabilities'. *Scandinavian Journal of Disability Research,* 18 (4): 316–27. https://doi.org/10.1080/15017419.2015.1105288.

Sépulchre, Marie. 2017. 'Research about Citizenship and Disability: A Scoping Review'. *Disability and Rehabilitation,* 39 (10): 949–56. https://doi.org/10.3109/09638288.2016.1172674.

Sépulchre, Marie. 2018. 'Tensions and Unity in the Struggle for Citizenship: Swedish Disability Rights Activists Claim "Full Participation! Now!"' *Disability & Society,* 33 (4): 539–61. https://doi.org/10.1080/09687599.2018.1440194.

Sépulchre, Marie. 2019. 'This Is Not Citizenship. Analyzing the Claims of Disability Activists in Sweden'. http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-381299.

Sépulchre, Marie. 2020. *Disability and Citizenship Studies*. Routledge. New York: New York.

Serlin, David, Benjamin Reiss, and Rachel Adams. 2015. *Keywords for Disability Studies.* Edited by Rachel Adams, Benjamin Reiss, and David Serlin. Keywords 7. New York: University Press. https://doi.org/10.18574/9781479812141.

Shachar, Ayelet, and Ran Hirschl. 2014. 'On Citizenship, States, and Markets: On Citizenship, States, andMarkets'. *Journal of Political Philosophy*, 22 (2): 231–57. https://doi.org/10.1111/jopp.12034.

Shachar, Ayelet. 2018. 'The Marketization of Citizenship in an Age of Restrictionism'. *Ethics & International Affairs,* 32 (1): 3–13. https://doi.org/10.1017/S0892679418000059.

Shakespeare, Tom, and Nicholas Watson. 1997. 'Defending the Social Model of Disability'. *Disability &Society,* 12 (2): 293–300.

Shakespeare, Tom. 2010. 'The Social Model of Disability.' In L. J. Davis (Ed.)*, The Disability Studies Reader* (266-273). New York: Routledge.

Shyman, Eric. 2016. 'The Reinforcement of Ableism: Normality, the Medical Model of Disability, and Humanism in Applied Behavior Analysis and ASD'. *Intellectual and Developmental Disabilities,* 54 (5): 366–76. https://doi.org/10.1352/1934-9556-54.5.366.

Siebers, Tobin, Andreas Sturm, and Arta Karāne. 2017. 'Disability, Pain, and the Politics of Minority Identity'. In *Culture – Theory – Disability*, edited by Anne Waldschmidt, Hanjo Berressem, and Moritz Ingwersen, Encounters between Disability Studies and Cultural Studies. (pp.111–36). Bielefeld: Transcript Verlag. https://www.jstor.org/stable/j.ctv1xxs3r.11.

Siegenthaler, Hansjörg. 1993. *Regelvertrauen, Prosperität Und Krisen*. Vol. 81. *Die Einheit Der Gesellschaftswissenschaften.* (1st Ed.) Tübingen: Mohr Siebeck.

Simplican, Stacy, Clifford. 2014. 'The Capacity Contract: Locke, Disability, and the Political Exclusion of "Idiots". *Politics, Groups, and Identities,* 2 (1): 90–103. https://doi.org/10.1080/21565503.2013.876918.

Simplican, Stacy, Clifford. 2015. *The Capacity Contract: Intellectual Disability and the Question of Citizenship*. Minneapolis; London: University of Minnesota Press.

Skenderovic, Damir. 2009. *The Radical Right in Switzerland: Continuity and Change, 1945-2000*. New York: Berghan Books. https://www.berghahnbooks.com/title/SkenderovicRadical.

'Social Protection Floor (SOCPRO)'. 2021. Intergovernmental. 18 May 2021. https://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang--en/index.htm.

Soldatic, Karen, and Shaun Grech. 2014. 'Transnationalising Disability Studies: Rights, Justice and Impairment'. *Disability Studies Quarterly,* 34 (2). https://doi.org/10.18061/dsq.v34i2.4249.

Soysal , Yasmein, N. 1994.. *Limits of citizenship: Migrants and postnational membership in Europe*. (1st Ed.) Chicago: University of Chicago.

Soysal, Yasmein, N. 2012. Chapter 34: Post-national Citizenship: Rights and Obligations of Individuality. In E. Amenta, K. Nash, and A. Scott (Eds.), *The Wiley-Blackwell companion to political sociology* (pp. 383–397). Oxford, United Kingdom : Wiley-Blackwell.

Soysüren, İbrahim. 2018. *L'expulsion des étrangers en France, en Suisse et en Turquie : pour une sociologie comparative de l'expulsion des étrangers*. Neuchâtel: Editions Alphil-Presses universitaires suisses.

Stadlmair, Jeremias. 2018. 'Earning Citizenship. Economic Criteria for Naturalisation in Nine EU Countries'. *Journal of Contemporary European Studies,* 26 (1): 42–63. https://doi.org/10.1080/14782804.2018.1437025.

Stahl, Kenneth A. 2020. 'Three Models of Citizenship'. In *Local Citizenship in a Global Age*, (pp. 21–39). Cambridge: Cambridge University Press. https://doi.org/10.1017/9781316661352.003.

Stasiulis, Daiva K. 1997. 'International Migration, Rights, and the Decline of "Actually Existing Liberal Democracy"'. *Journal of Ethnic and Migration Studies,* 23 (2): 197–214. https://doi.org/10.1080/1369183X.1997.9976586.

Statham, Paul, and Hans-Jörg Trenz. 2013. *The Politicization of Europe: Contesting the Constitution in the Mass Media*. Routledge Studies on Democratising Europe. New York: Routledge.

Steiner, Ilka, and Philippe Wanner. 2019. *Migrants and Expats: The Swiss Migration and Mobility Nexus*. Vienna: Springer Nature. https://doi.org/10.1007/978-3-030-05671-1.

Stokke, Kristian. 2017. 'Politics of Citizenship: Towards an Analytical Framework'. *Norsk Geografisk Tidsskrift - Norwegian Journal of Geography,* 71 (4): 193–207. https://doi.org/10.1080/00291951.2017.1369454.

Svallfors, Stefan. 2012. Contested Welfare States: Welfare Attitudes in Europe and Beyond. Stanford: Stanford University Press.

Swiss Federal Supreme Court. 2019. 'The Paths to the Swiss Federal Supreme Court an Overview of Switzerland's Judicial System'. Swiss Federal Court. 2019. https://www.bger.ch/files/live/sites/bger/files/pdf/en/BG_Brosch%C3%BCreA5_E_Onl.pdf.

Tabin, Jean-Pierre, Arnaud Frauenfelder, Carola Togni, and Véréna Keller. 2009. 'The Recipients of Public Welfare: The Example of Two Swiss Cantons around 1890'. *Social History* 34 (3) : 321–38. https://doi.org/10.1080/03071020902981766.

Tabin, Jean-Pierre. 2010. *Temps d'assistance : le gouvernement des pauvres en Suisse romande depuis la fin du XIXe siècle*. Lausanne : Editions Antipodes.

Tabin, Jean-Pierre., and Probst, Isabel. 2012. L'impensé du discours sur l'abus. *Revue Suisse de Travail Social,* 13(12) : 51–63.

Tabin, Jean-Pierre, and Carola Togni. 2013. 'L'assurance chômage en Suisse. Une sociohistoire (1924-1982)'. *Revue belge de Philologie et d'Histoire*, 91 (4) : 1368–69.

Tabin, Jean-Pierre, Monika Piecek, Céline Perrin, and Isabelle Probst. 2019a. 'Bien Disposé, Pacifié, Rebelle ' : *Repenser La Normalité : Perspectives Critiques Sur Le Handicap*. https://hesso.tind.io/record/3717.

Tabin, Jean-Pierre, Piecek, M., Perrin, C. & Probst, I. 2019b. 'Repenser La Normalité'. *Reiso : revue d'information sociale*, mis en ligne 12 août., (pp.1-135)

Tabin, Jean-Pierre, Monika Piecek, Céline Perrin, and Isabelle Probst. 2019c. 'Rethinking Normality'. *Critical Perspectives on Disability Water's Edge.* (pp.7–9).

Tabin, Jean-Pierre, Monika Piecek, Céline Perrin, and Isabelle Probst 2019d. 'Three Dimensions in the Register of Shame'. *Review of Disability Studies: An International Journal,* 15 (3): 1–19.

Tabin, Jean-Pierre. 2021. The dark side of the social state. In Caritas Switzerland (Ed.), *Social Almanac: Poverty Excludes* (pp. 71–84). Geneva, Switzerland: Caritas Switzerland.

Tabin, Jean-Pierre and Ader, Leslie. 2022. Territories, Abledness and Temporalities. *Swiss Journal of Sociology*,*48* (3), 593–612. https://doi.org/10.2478/sjs-2022-0029

Tajfel, Henri, and John C. Turner. 1986. '"The Social Identity Theory of Intergroup Behavior."' In *Psychology of Intergroup Relations,* edited by Stephen Worchel and William G. Austin, (pp.7–24). Chicago: Nelson-Hall. https://doi.org/10.4324/9780203505984-16.

Tanner, Jakob. 2014. '"Krise." In C. Dejung, M. Dommann, and D. Speich *(Eds.) Auf Der Suche Nach Der Ökonomie: Historische Annäherungen,* (pp. 153-182). Chassé, Tübingen:Mohr Siebeck.

Taylor-Gooby, Peter, 2005. *New Risks, New Welfare: The Transformation of the EuropeanWelfare State*. Oxford, United Kingdom: Oxford University Press.

The United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD). 2020. 'Considering the Disability-Related Extra Costs in Social Protection'. International Labour Organzation (ILO). https://www.social-protection.org/gimi/gess/ShowRessource.action?id=56925.

Thomann, Eva, and Carolin Rapp. 2018. 'Who Deserves Solidarity? Unequal Treatment of Immigrants inSwiss Welfare Policy Delivery: Who Deserves Solidarity?' *Policy Studies Journal,* 46 (3): 531– 52. https://doi.org/10.1111/psj.12225

Thomas, Carol. 2007. *Sociologies of Disability and Illness: Contested Ideas in Disability Studies and Medical Sociology*. New York: Palgrave Macmillan.

Thompson, John. 2012."The Metamorphosis of a Crisis"'. In *Aftermath: The Cultures of the Economic Crisis*, M. Castells, J. Caraca, and Gustavo Cardoso (Eds.) (pp. 59–81). Oxford, United Kingdom: Oxford University Press.

Timonen, Virpri, ed, 2001. *Earning welfare citizenship: Welfare state reform in Finland and Sweden*. SAGE Publications Ltd, https://doi.org/10.4135/9781446220993

Tremain, Shelley. 2017. *Foucault and Feminist Philosophy of Disability*. Corporealities: Discourses of Disability. Ann Arbor: University of Michigan Press.

Triandafyllidou, Anna. 1998. 'National Identity and the "Other". *Ethnic and Racial Studies,* 21 (4): 593–612. https://doi.org/10.1080/014198798329784.

Tschudi, Hans-Peter. 1985. 'Swiss Social Policy Since 1950'. In R. Girod, P. de Laubier, and A. Gladstone (Eds.), *Social Policy in Western Europe and the USA 1950–80*, (pp. 57–70.) London: Palgrave Macmillan UK. https://doi.org/10.1007/978-1-349-07576-8_4.

Tuohy, Carolyn Hughes. 2018. Welfare State Eras, Policy Narratives, and the Role of Expertise: The Case of the Affordable Care Act in Historical and Comparative Perspective. *J Health Polit Policy Law*, 43 (3): 427–453. https://doi.org/10.1215/03616878-4366172

United Nations Department of Economic and Social Affairs (DESA). 2006. 'Convention on the Rights of Persons with Disabilities'. United Nations. https://www.un.org/development/desa/disabilities/convention- on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities- 2.html.

United Nations Development Program (UNDP).2023. Glossary of definitions: “What is Social Protection?”. https://socialprotection.org/learn/glossary/what-is-social-protection

United Nations Human Rights Office of the High Commissioner (OHCHR). 2006. ‘Convention on the Rights ofPersons with Disabilities’. OHCHR. https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx.

United Nations Office of the High Commissioner (OHCHR). 2022. ‘Article 2 of the Convention on the Rights of Persons with Disabilities (CPRD)’. OHCHR |Convention on the Rights of Persons with Disabilities. Accessed 23 February 2022. https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#2.

‘United Nations Treaty Collection: Signatories of the CPRD’. 2022. Accessed 23 February 2022. https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&clang=_en.

Van der Brug, Wouter, Gianni D’Amato, Joost Berkhout, and Didier Ruedin. 2015. *The Politization of Migration*. Abingdon, Oxon; New York: Routledge. https://www.routledge.com/The-Politicisation-of-Migration-1st-Edition/van-der-Brug-DAmato-Ruedin-Berkhout/p/book/9781138852792.

Van Der Eijk, Cees. 2001. ‘“Measuring Agreement in Ordered Rating Scales.”’ *Quality and Quantity,* 35(3): 325–41. https://doi.org/10.1023/A:1010374114305.

Van der Kolk, Bessel A. 2014. *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma*. New York: Viking.

Vehmas, Simo., & Watson, Nick. 2014. Moral wrongs, disadvantages, and disability: A critique of critical disability studies. *Disability & Society*, 29 (4): 638–650. https://doi.org/10.1080/09687599.2013.831751

Voellmer, Elena and Khalifa, Abdel. 2013. ‘Translators Have Their Day? Translation and the Power of Agency’ (PP.1–205). Gratz, Austria: University of Gratz.

‘Volksinitiativen Der SVP’. *SVP Schweiz* (blog). Accessed 24 February 2022. https://www.svp.ch/kampagnen/eigene-volksinitiativen/.

Vorhaus, John. 2005. ‘Citizenship, Competence and Profound Disability’. *Journal of Philosophy of Education,* 39 (3): 461–75. https://doi.org/10.1111/j.1467-9752.2005.00448.x.

Waal, Jeroen van der, Peter Achterberg, Dick Houtman, Willem de Koster, and Katerina Manevska. 2010.‘“Some Are More Equal than Others”: Economic Egalitarianism and Welfare Chauvinism in the Netherlands’. *Journal of European Social Policy,* 20 (4): 350–63. https://doi.org/10.1177/0958928710374376.

Waddington, Lisa, and Mark Priestley. 2021. 'A Human Rights Approach to Disability Assessment'. *Journal of International and Comparative Social Policy* 37 (1): 1–15. https://doi.org/10.1017/ics.2020.21.

Waldschmidt, Anne. 2005. 'Disability Studies: Individual, Social and / or Cultural Model of Disability?' *Psychology and Social Criticism,* 29 (1): 9–31.

Waldschmidt, Anne. 2014. 'Does the Difference Perspectives of Disability Studies on Diversity, Intersectionality and Social Inequality'. *Social Problems*, 25 (2): 173–193.

Waldschmidt, Anne, and Marie Sépulchre. 2019. 'Citizenship: Reflections on a Relevant but Ambivalent Concept for Persons with Disabilities'. *Disability & Society,* 34 (3): 421–48. https://doi.org/10.1080/09687599.2018.1543580.

Walker, Pete. 2013. *Complex PTSD: From Surviving to Thriving: A Guide and Map for Recovering from Childhood Trauma*. CreateSpace Independent Publishing Platform.

Walmsley, Jan. 1991. '"Talking to Top People": Some Issues Relating to the Citizenship of People with Learning Difficulties'. *Disability, Handicap & Society*, 6 (3): 219–31. https://doi.org/10.1080/02674649166780261.

Walters, William. 2004. 'Secure Borders, Safe Haven, Domopolitics'. *Citizenship Studies*, 8 (3): 237–60.https://doi.org/10.1080/1362102042000256989.

Watson, Nick. 2004. 'Chapter 7: The Dialectics of Disability: A Social Model for the 21st Century?' In *Implementing the Social Model of Disability: Theory and Research*, edited by Colin Barnes and Geof Mercer, (pp.101–17). Leeds, United Kingdom: The Disability Press.

Wecker, Regina. 2012. 'Eugenics in Switzerland before and after 1945 – a Continuum?' *Journal of Modern European History / Zeitschrift Für Moderne Europäische Geschichte / Revue d'histoire Européenne Contemporaine*, 10 (4) : 519–39.

Wichmann, Nicole. 2013. 'Reforming the Swiss Citizenship Act Mission Impossible'. SFM Discussion Paper 29. University of Neuchâtel: Swiss Forum for Migration and Population Studies. file:///C:/Users/lesli/Desktop/Naturalization%20cases%20only/JT%20hmk%20reading/FINI/GLOBALCIT%20Report/Wichman2013_Reforming%20the%20Swiss%20Citizenship%20ActMission%20Impossible.pdf

Wilde, Pieter de, Anna Leupold, and Henning Schmidtke. 2016. 'Introduction: The Differentiated Politicisation of European Governance'. *West European Politics*, 39 (1): 3–22. https://doi.org/10.1080/01402382.2015.1081505.

Wimmer, Andreas., & Schiller, Nina. Glick. (2003). Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology. *The International Migration Review*, 37(3), 576–610.

Withers, A. J. 2012. *Disability Politics and Theory*. Fernwood Publishing. Wolbring, Gregor. 2008. 'The Politics of Ableism'. *Development,* 51 (2): 252–58. https://doi.org/10.1057/dev.2008.17.

World Health Organization. 2022. 'Complex Post Traumatic Stress Disorder'. ICD-11 for Mortality and Morbidity Statistics. Accessed 1 January 2023. https://icd.who.int/browse11/l-m/en#/http%253a%252f%252fid.who.int%252ficd%252fentity%252f585833559.

Yeo, Rebecca. 2001. *Chronic Poverty and Disability*. Manchester: Chronic Poverty Research Centre. Young, H., M. -J. Oreve, and M. Speranza. 2018. 'Clinical Characteristics and Problems Diagnosing Autism Spectrum Disorder in Girls'. *Archives de Pédiatrie ,*25 (6) : 399–403. https://doi.org/10.1016/j.arcped.2018.06.008.

Zürn, Michael. 2019. 'Politicization Compared: At National, European, and Global Levels'. *Journal of European Public Policy,* 26 (7): 977–95. https://doi.org/10.1080/13501763.2019.1619188.

Government Documents:

Le Conseil fédéral suisse .1929. "Message du Conseil fédéral à l'Assemblée fédérale concernant un projet de loi fédérale sur le séjour et l'établissement des étrangers. (Du 17 juin 1929) ". FF_1929 I_929. https://www.fedlex.admin.ch/eli/fga/1929/1_914_929_741/fr

L'Assemblée fédérale de la Confédération Suisse.1949. " Loi fédérale modifiant et complétant la loi sur le séjour et l'établissement des étrangers. " FF_1949_225. https://www.fedlex.admin.ch/eli/oc/1949/221_225_225/fr.

Secrétariat d'État aux migrations.2002. "Message concernant la loi sur les étrangers. (Du 8 mars 2002). " FF_2002_2024.https://www.sem.admin.ch/dam/sem/fr/data/buergerrecht/auslaendergesetz/botschaft_aug_f.pdf.download.pdf/botschaft_aug_f.pdf

Secrétariat d'État aux migrations. 2002. "Message concernant la loi sur les étrangers (Du 8 mars 2002). " 2002. FF_2002_3469. https://www.fedlex.admin.ch/eli/fga/2002/541/fr

Secrétariat d'État aux migrations. 2005. " Initiative Parlementaire. Loi Sur La Nationalité : Modification. Rapport de La Commission Des Institutions Politiques Du Conseil Des Etats. (Du 27 Octobre 2005). " Avis Du Conseil Fédéral. FF_2005_6655. Vol. Numéro du Parlement 03.454. https://www.fedlex.admin.ch/eli/fga/2005/1153/fr.

Le Conseil fédéral suisse. 2005. "Initiative Parlementaire. Loi Sur La Nationalité. Modification. Rapport de La Commission Des Institutions Politiques Du Conseil Des Etats. " FF_ 2005_6495. Vol. Numéro du Parlement 03.454. https://www.fedlex.admin.ch/eli/fga/2005/1097/fr.

L'Assemblée fédérale de la Confédération Suisse.2005. " Loi fédérale sur les étrangers (LEtr). " FF_2005_6885. https://www.fedlex.admin.ch/eli/fga/2005/1178/fr

Secrétariat d'Etat aux migrations (SEM). 2007. "La Modification Évoquée de La Loi Sur La Nationalité, Du 21 Décembre 2007, Est Entrée En Vigueur Le 1er Janvier 2009." Secrétariat d'Etat aux migrations. FF_2007_1009. https://www.sem.admin.ch/dam/sem/fr/data/rechtsgrundlagen/weisungen/buergerrecht/hb-

buegkap2-f.pdf.download.pdf/hb-bueg-kap2-f.pdf

L'Assemblée fédérale de la Confédération Suisse.2008. "Loi fédérale sur les étrangers (LEtr). Compléments apportés dans le cadre de la mise en oeuvre des accords d'association à Schengen et à Dublin. " FF _2008_5407. https://www.fedlex.admin.ch/eli/oc/2008/756/fr

L'Assemblée fédérale de la Confédération Suisse.2008. Loi fédérale sur les étrangers (LEtr). "Compléments apportés dans le cadre de la mise en oeuvre des accords d'association à Schengen et à Dublin." FF_2008_4791. https://www.fedlex.admin.ch/eli/oc/2008/756/fr

L'Assemblée fédérale de la Confédération suisse. 2009. "Initiative Parlementaire Loi Sur La Nationalité. Modification Rapport de La Commission Des Institutions Politiques Du Conseil Des Etats. (Du 27 Octobre 2009). " Avis Du Conseil Fédéral. Numéro Du Parlement 03.454. https://www.fedlex.admin.ch/eli/fga/2009/1153/fr.

Secrétariat d'État à la migration (SEM). 2010. " Introduction Loi Fédérale Sur Les Étrangers (LEtr). " Secrétariat d'État à la migration. file:///C:/Users/lesli/Downloads/introduction_letrf%20(2).pdf.

Secrétariat d'État aux Migrations (SEM) .2011. " Introduction Loi sur les étrangers (LEtr). https://www.sem.admin.ch/sem/fr/home/sem/rechtsetzung/archiv/aug.html.

Secrétariat d'État à la migration (SEM). 2013. "Introduction Loi Fédérale Sur Les Étrangers (LEtr). " Secrétariat d'État à la migration. https://www.sem.admin.ch/dam/sem/fr/data//Downloads/introduction_letrf%20(2).pdf.

Secrétariat d'Etat aux migrations (SEM). 2013. "La Modification Évoquée de La Loi Sur La Nationalité, Du 21 Décembre 2007, Est Entrée En Vigueur Le 1er Janvier 2009. " Secrétariat d'Etat aux migrations. https://www.sem.admin.ch/dam/sem/fr/data/rechtsgrundlagen/weisungen/buergerrecht/hb-buegkap2-f.pdf.download.pdf/hb-bueg-kap2-f.pdf.

Laws :

L'Assemblée fédérale de la Confédération Suisse .1931. *Loi Fédérale Du 26 Mars 1931 Sur Le Séjour et l'établissement Des Étrangers (LSEE)." RS 142.20*. https://www.fedlex.admin.ch/eli/cc/49/279_279_293/fr.

L'Assemblée fédérale de la Confédération Suisse. 1934. *Loi fédérale du 26 mars 1931 sur le séjour et l'établissement des étrangers (LSEE). RS 142.20. RO 49_279*. https://www.fedlex.admin.ch/eli/cc/49/279_279_293/fr.

L'Assemblée fédérale de la Confédération suisse. 1952.Loi *fédérale du 29 septembre 1952 sur l'acquisition et la perte de la nationalité suisse (ALSN).* RO 1952_1115. https://www.fedlex.admin.ch/eli/oc/1952/1087_1115_1119/fr.

L'Assemblée fédérale de la Confédération suisse, 1952. *Loi Fédérale Sur l'acquisition et La Perte de La Nationalité Suisse (ALSN). RO 1952_1115.*

https://www.amtsdruckschriften.bar.admin.ch/detailView.do?id=10092892#1.

L'Assemblée fédérale de la Confédération Suisse. 2002. *Loi Fédérale Du 13 Décembre 2002 Sur l'élimination Des Inégalités Frappant Les PersonnesHandicapées (EIAPD)*. *RS 151.3*. Vol. RO 2003_4487. https://www.fedlex.admin.ch/eli/cc/2003/667/fr.

L'Assemblée fédérale de la Confédération suisse. 2005.Loi *fédérale sur les étrangers du 16 décembre 2005 (LEtr)*.
https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/oc/2007/758/fr/doc/fedlexdata-admin-ch-eli-oc-2007-758-fr-doc.doc

Secrétariat d'État aux migrations .2016. *Ordonnance du 17 juin 2016 sur la nationalité suisse (OLN). RS 141.01.* https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2016/405/20190709/fr/pdfa/fedlex-data-admin-ch-eli-cc-2016-405-20190709-fr-pdf-a.pdf.

L'Assemblée fédérale de la Confédération Suisse. 2018. *Loi du 20 Juin 2014 Sur La Nationalité Suisse (LN). RS 141.0*. https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2016/404/20190709/fr/pdfa/fedlex-data-admin-ch-eli-cc-2016-404-20190709-fr-pdf-a.pdf.

L'Assemblée fédérale de la Confédération Suisse. 2018. *Loi Fédérale Du 16 Décembre 2005 Sur Les Étrangers et l'intégration (LEI).RS 142.20. RO 2007* 5437.https://www.fedlex.admin.ch/eli/oc/2007/758/fr.

Secrétariat d'État aux migrations.2018. *Loi Fédérale Du 16 Décembre 2005 Sur Les Étrangers et l'intégration (LEI). RS 142.20*. https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2007/758/20220901/fr/pdfa/fedlex-data-admin-ch-eli-cc-2007-758-20220901-fr-pdf-a-3.pdf.

L'Assemblée fédérale de la Confédération suisse .2018. *Loi du 20 juin 2014 sur la nationalité suisse (LN). RS 141.0.* https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2016/404/20190709/fr/pdfa/fedlex-data-admin-ch-eli-cc-2016-404-20190709-fr-pdf-a.pdf.

Le Conseil fédéral suisse .2019. *Ordonnance du 15 août 2018 sur l'intégration des étrangers (OIE). RS 142.205.*https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2018/511/20190501/fr/pdfa/fedlex-data-admin-ch-eli-cc-2018-511-20190501-fr-pdf-a.pdf.

L'Assemblée fédérale de la Confédération Suisse.2022. *Loi fédérale sur la partie générale du droit des assurances sociales (FLGI). R.S. 830.1*. https://www.fedlex.admin.ch/eli/cc/2002/510/fr.

L'Assemblée fédérale de la Confédération Suisse. 2023. *Loi fédérale sur l'assurance-vieillesse et survivants (OASI). R.S 831.10.* https://www.fedlex.admin.ch/eli/cc/63/837_843_843/fr.

Decisions by the Swiss Federal Supreme Court SFSC

110 V 278, 19.12.1984

111 V110, 13.06.1985

118 V 79, 11.05.1992

126 V 5, 25.1.2000

131 V 390, 26.09.2005

P 39/06, 06.07.2007

134 V 236, 14.04.2008

1D_6 /2011, 12.06.2012

140 V 246, 06.06.2014

9C_423/2013, 26.08.2014

9C_36/2015, 29.04.2015

9C_259/2016, 19.07.2016

9C_307/2016, 29.03.2017

9C_849/2016, 19.07.2017

9C_97/2017, 20.09.2017

9C_291/2018, 03.08.2018

8C_660/2018, 07.05.2019

9C_885/2018, 16.08.2019

Appendices

Appendix 1 : Keywords

For the articles in French (1970 to 1976) : migrant*, migration*, xénophob*, xénophobie*, travail-leur étranger*, réfugié*, saisonnier*, droits sociaux

For the articles in German (1970 to 1976): migrant*, zuwander*, ausländ*, fremdenfeind*, auslän- derfeind*, überfremd*,
flüchtling*, saisonarbeit*, gastarbeit*, soziale rechte

For the articles in French (2010 to 2018): migrant*, migration*, xénophob*, mosquée*, minaret*, burqa*, réfugié*, asile*

For the articles in German (2010 to 2018): migrant*, migration*, fremdenfeind*, moschee*, min- arett*, burka*, flüchtling*,asyl*

Depending on the language area and the decade, we used slightly different keywords to identify relevant newspaper articles. For example, religion-based keywords, such as minaret* or mosquée* (German: minarett* and moschee*), reflect a discursive continuum between immigration and Islam. Given that there were no mosques in Switzerland until 1963 and most immigrantsduring the oil crisis period came from Southern Europe rather than the MiddleEast, using the same keywords would have been inefficient.

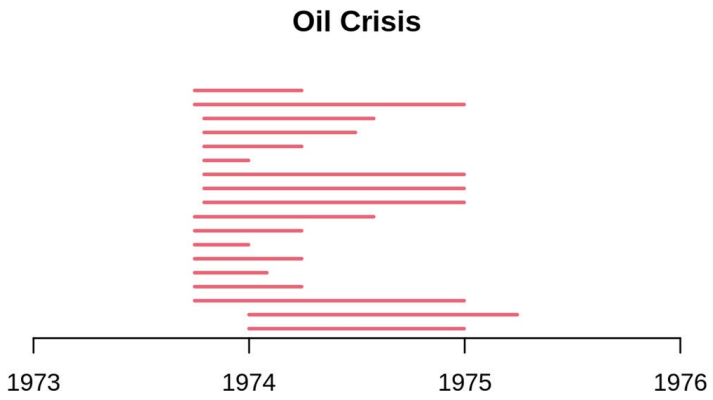
Appendix 2: Dates for Crisis:

Whenever a date was not clearly defined in the literature, we included the entire month (i.e., the start date 'Jan 1973' was interpreted as 1973-01-01 and the same end date as 1973-01-31) or the entire year (i.e., the start date '1973' was interpreted as 1973-01-01 and the same end date as 1973-12-31). For start dates referring to 'mid' (e.g., 'mid-January'), we used day 15 of thecalen- dar month. Quarters of the calendar year were set to be inclusive ('Q1/1973' begins on 1973- 01-01), and End 1973 (Venn I) or End 2009 (Necker and Ziegelmeyer) were assumed to indicate the last day of the calendar year (1973-12-31 and 2009-12-31).

Table A.2.1: Definitions of the Oil Crisis

Beginning	End	Source	Remarks
Oct 1973	1974	Lieber	Additionally, calls it *the 1973–74 oil crisis*.
Oct 1973	Mar 1974	Licklider	End date: embargo temporarily lifted.
Oct 1973	Jan 1974	Corbett (I)	January 1974 as end date in the headline.
Oct 1973	Mar 1974	Corbett (II)	March 1974 as end date in the text.
Oct 1973	Dec 1973	Issawi (I)	Relates to the core of the crisis, the period during which 'a highly dramatic and momentous event occurred' (3).
Oct 1973	Mar 1974	Issawi (II)	End date: embargo temporarily lifted.
Oct 1973	Jul 1974	Issawi (III)	End date: embargo fully lifted.
1973-10-17	1974	Mitchell	Additionally, calls it the *1973–74 oil crisis*.
1973-10-17	1974	Painter	Additionally, calls it the *1973–74 oil shock*.
1973-10-17	1974	Hamilton	Additionally, calls it the *events of 1973-74*.
1973-10-17	*End* 1973	Venn (I)	'By the end of 1973, the main part of the crisis was over' (21); also refers to the political crisis.
1973-10-17	Mar 1974	Venn (II)	End date: embargo temporarily lifted.
1973-10-17	Jun 1974	Venn (III)	End date: embargo fully lifted ('June/July').
1973-10-17	Jul 1974	Venn (IV)	End date: embargo fully lifted ('June/July').
Oct 1973	1974	Alpanda and Peralta-Alva	Focus on major drops in the stock market 'throughout 1974' (824). Additionally, calls it the *energy crisis of 1973-74*.
Oct 1973	Mar 1974	Willner	End date: embargo temporarily lifted.
1974	Q4/1974	Davis (I)	Interprets crisis as recession; Q4/1974 as trough.
1974	Q1/1975	Davis (II)	Interprets crisis as recession; Q1/1975 as trough.

Table A.2.1: Definitions of the Oil Crisis



Explanation: Definitions of the oil crisis as listed in Table A2.1

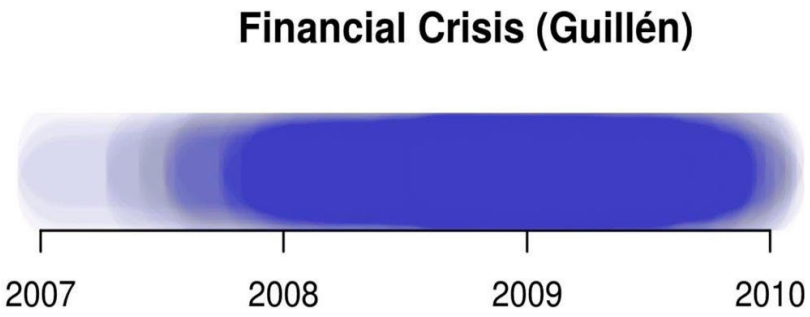
Table A2.2. Definitions of the start of the financial crisis (Guillén)

Beginning	Event
2007-02-07	The earliest date mentioned in the list; HSBC announces losses linked to U.S. subprime mortgages.
2007-06-20	First hedge funds run into large losses; trouble spreads to major Wall Street firms.
2007-08-09	BNP Paribas announces valuation problems; the European Central Bank begins to pump money into the market.
2007-09-14	Largest run on a British bank (Northern Rock) in more than a century.
2007-09-18	The U.S. Federal Reserve cuts its main interest rate in half.
2007-10-01	UBS and Citibank report massive losses from subprime related investments.
2007-12-06	The U.S. government announces a plan to help homeowners facing foreclosure.
2007-12-13	Concerted action by five leading central banks to improve market liquidity.
2008-01-09	The World Bank predicts that global economic growth will slow down in 2008.
2008-01-21	Global stock markets suffer their greatest fall since 9/11.
2008-01-22	The U.S. Federal Reserve cuts interest rates by three quarters of a percentage point – the largest cut in more than 25 years.
2008-02-10	Reports that worldwide crisis losses could reach USD 400bn.
2008-03-07	The largest single intervention of the U.S. Federal Reserve in history takes place (USD 200bn).
2008-04-08	The IMF warns that global losses could cross the symbolic USD 1trn threshold.
2008-07-11	U.S. federal regulators seize IndyMac Bank; new oil price record.
2008-07-14	U.S. authorities step in to save Fannie Mae and Freddie Mac.
2008-08-30	Alistair Darling claims in the 'Guardian' that *this is the worst crisis in 60 years.*
2008-09-07	The U.S. government rescues Fannie Mae and Freddie Mac.
2008-09-10	The U.S. government seizes Fannie Mae and Freddie Mac.
2008-09-11	Lehman Brothers (LB) announces huge financial losses.
2008-09-15	Lehman Brothers files for bankruptcy; stock market crashes.
2008-09-25	The first Eurozone state, Ireland, falls into a recession.

Table A2.3. Definitions of the end of the financial crisis (Guillén)

End	Event
2009-03-01	The earliest end date mentioned in the literature.
2009-03-25	Barack Obama sees the first *signs of economic recovery* but asks for more patience.
2009-05-29	The U.S. economy shrinks at a slower pace than expected, thereby calming investors. Other economies grow again.
2009-06-16	The U.S. economy shows continued signs of improvement.
2009-06-24	According to the OECD, the *world economy is near the bottom of the recession.*
2009-06-26	Consumer confidence in June rises to its highest level since February 2008, thus suggesting that the worst may be over.
2009-06-29	A CBI survey shows further signs of recovery coming from the financial sector.
2009-08-12	The U.S. Federal Reserve is confident that the worst is over and that the economy will recover soon.
2009-08-13	France and Germany are no longer in a recession.
2009-08-21	Ben Bernanke: *The global economy is starting to recover.*
2009-09-14	Forecasts of the European Commission confirm that the Eurozone is recovering.
2009-09-23	The U.S. Federal Reserve: *Economic activity is picking up.*
2009-10-01	According to the IMF, the world economy is growing again.
2009-10-14	Chinese export figures show significant improvement in economic growth around the world.
2009-10-28	Norway becomes the first European/Western country to raise its interest rates again.
2009-11-13	The Eurozone has officially emerged from recession.
2009-11-23	Economic activity in the Eurozone rises at its fastest pace in more than two years.
2009-11-30	Further signs of economic recovery in the Eurozone; rising consumer prices and more exports.
2009-12-11	The U.S. House of Representatives approves major new regulations for the financial sector.

Figure A2.2: Distribution of definitions of the financial crisis

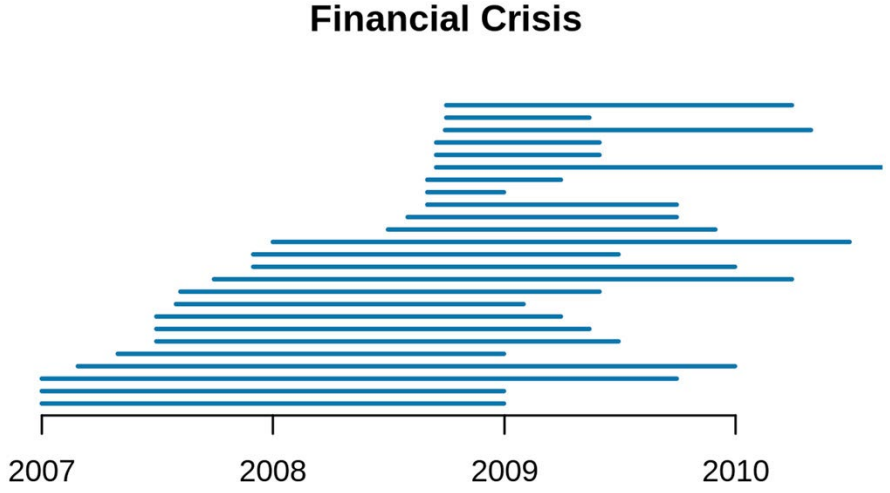


Explanation: Definitions of the financial crisis as listed in Table A2.2 and A2.3. Here, we use transparency and have overlaid the many lines of the different combinations so that the most common dates become visible as darker patches.

Table A2.4. Alternative definitions of the financial crisis (literature)

Beginning	End	Source	Remarks
2008-09-15	2010-12-31	Own attempt, based on GDP	End date denotes the quarter of the calendar year during which the global GDP reached precrisis levels.
2007-08-07	May 2009	Mishkin (I)	Starting with the 'first and more limited phase' (51).
2008-09-15	May 2009	Mishkin (II)	Starting with the 'far more virulent phase' (Abstract).
2008-09-01	Sep 2009	Birdsall	Starting date: September 2008; source also refers to LB.
2008-09-15	May 2009	Kazi and Salloy	End date: case study related.
2007	2008	McManus	Differentiation between precrisis (1990-2007) and postcrisis (2008-2013) periods.
2008	Q2/2010	Vis *et al.*	Reference to unemployment.
May 2007	2008	Helleiner (I)	Starting with the collapse of several hedge funds (69).
Sep 2008	2008	Helleiner (II)	Starting with a 'total collapse of market confidence' (69).
Dec 2007	*End* 2009	Necker and Ziegelmeyer	Case study related.
2007-07-01	2009-06-01	Adrian *et al.*	Case study related.
2007	2008	Overbeek	Refers to the financial crisis as a 'credit crisis' (31).
Dec 2007	Jun 2009	NBER	Interprets crisis as recession.
Sep 2008	Mar 2009	Frankel and Saravelos (I)	Case study related.
Jul 2008	Nov 2009	Frankel and Saravelos (II)	Case study related; refers to countries requesting IMF aid.
2007-02-27	2009	FRB St. Louis	-
Q1/2007	Q3/2009	Devos *et al.*	Case study related.
Aug 2008	Sep 2009	Teng and Liu	Case study related.
Jul 2007	2009-05-15	Dungey *et al.* (I)	Starting with the beginning of the first crisis phase.
Oct 2008	2009-05-15	Dungey *et al.* (II)	Starting with the beginning of the second crisis phase (LB).
2008-09-29	2010-04-30	Xu and Hamori	Case study related.
Aug 2007	Jan 2009	Fatum and Yamamoto	Case study related.
Jul 2007	Mar 2009	Beuselinck *et al.*	Case study related.
Q3/2007	Q1/2010	Kapan and Minoiu (I)	Case study related; starting with the 'early stage' of the crisis.
Q4/2008	Q1/2010	Kapan and Minoiu (II)	Case study related; starting with the 'global stage' of the crisis.

Figure A2.3. Distribution of alternative definitions of the financial crisis



Explanation: Alternative definitions of the financial crisis as listed in Table A2.4.

Appendix 3: Control Variable Data

Decades: 1970s, 1990s, 2000s, 2010s.

Migration flows: Bosnian refugees (1995), Kosovan refugees (1999), European 'refugee crisis' (2015, 2016) [reference: none].

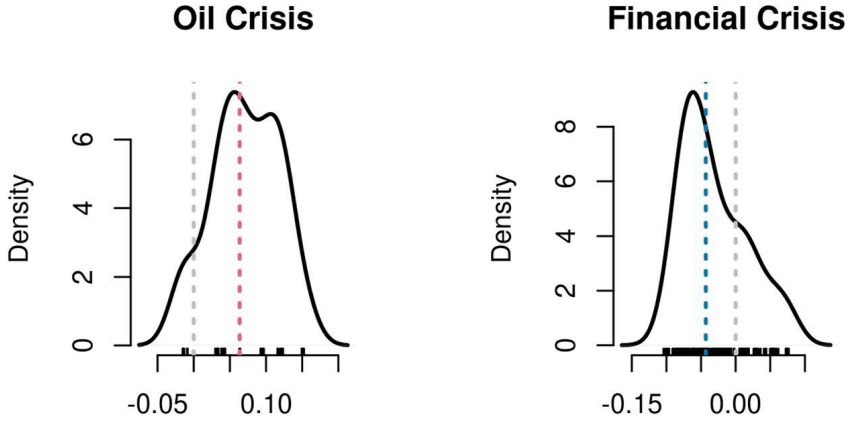
Political events: Schwarzenbach initiatives (1970, 1974); referendum on bilateral treaties with theEuropean Union(2000); popular initiative on limiting immigration (2000); *Emmen* court decision on naturalisation decisions at the ballot (2003); popular initiative on the prohibition of new min- arets (2009); popular initiative on the automatic expulsion of 'criminal foreigners' (2010); popularinitiative 'against mass migration' (2014) [reference: none].

Frame: instrumental; identity; moral [reference: other or none].

Actors: governmental and judicial; legislative and parties; media and journalists; minority, pro-immigrant, and religious; anti-immigrant; civil society organisations [reference: other or none]. Topic: integration [reference: immigration].

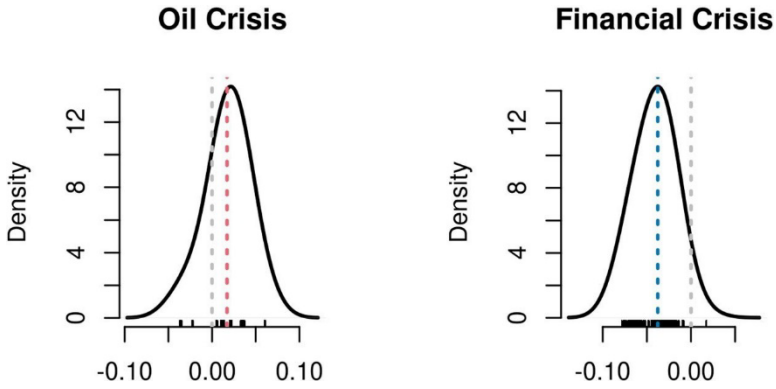
Appendix 4: Actor Types (additional)

Figure A4.1: Claims by media actors on immigration in Switzerland during the oil crisis and financial crisis (regressionanalysis).



Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth =.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims by media actors per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.05 (median: −0.06; standard error: 0.05).

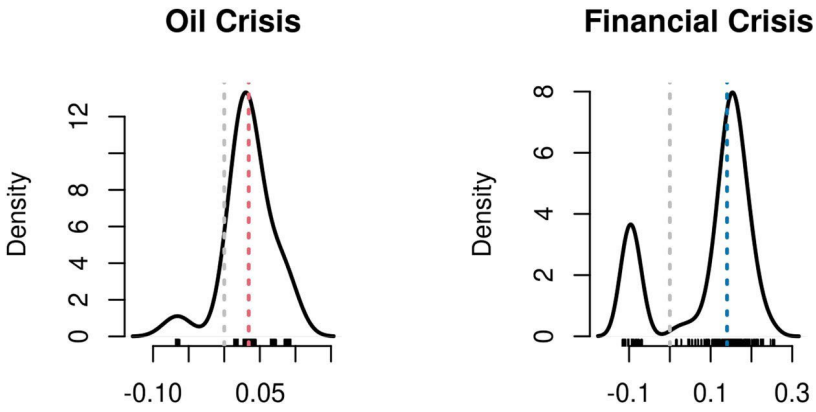
Figure A4.2: Claims by CSO actors on immigration in Switzerland during the oil crisis and financial crisis (regressionanalysis).



Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies ondifferent dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rugplot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth =0.02. Higher values indicate more coefficients witha given estimate. The outcome variable is the share of claims by CSO actors per quarter of the calendar year. The grey dashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, andevents) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.04 (median: −0.04; standard error: 0.02).

Appendix 5: Frames (additional)

Figure A5.1. Claims with moral frames during the oil crisis and financial crisis (regression analysis).



Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies ondifferent dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rugplot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effectof the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficientswith a given estimate. The outcome variable is the share of claims with a moral frame per quarter of the calendar year. The greydashed line indicates zero, i.e., no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics,and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.09 (median: 0.12; standard error: 0.11).

Appendix 6: Description of Claims Making

Figure A6.1: Description of claims-making during crisis periods compared to noncrisis periods (without control variables).

		1970s		2000s/2010s	
Period		noncrisis	oil crisis	Noncrisis	Financial Crisis
Salience (claims/day)		0.13 (0.02)	0.43 (0.09)	0.51 (0.03)	0.29 (0.19)
Polarization [0...1]		0.13	0.26	0.37	0.34
Actor diversity [0...1]		0.73	0.71	0.75	0.71
Frame (%)	None	28.9	32.5	25.6	34.1
	Instrumental	43.6	33.2	53.8	40.3
	Identity	8.6	11.4	6.2	10.6
	Moral	18.9	22.9	14.4	15.0

Description of claims-making during crisis periods compared to noncrisis periods (without control variables).

Explanation: Mean values across the 18 definitions of the oil crisis and 25 definitions of the financial crisis derived from the literature. These values do not account for the control variables listed in Appendix 3.

Appendix 7: Chronology of Legislative Changes

Entry into force	Legislative change	Date of popular vote and percentage of yes
Period 1: LSEE (1984-2007)		
1.7.1987	2nd Revision of the Invalidity Insurance (IV) of 19.6.1959.	-
1.1.1988	Federal law on the residence and settlement of foreigners (LSEE) of 26 February 1931.	5.4.1987 : 65,7 %.
1.1.1988	Revision of the Asylum Act of 5 October 1979.	5.4.1987 : 67,3 %.
1.1.1992	3rd Revision of the Invalidity Insurance (IV) of 19.06.1959.	-
1.2.1995	Federal law on coercive measures in the field of foreigners' law of 18 March 1994.	4.12.1994 : 72,9 %.
1.7.1998	Federal Decree on emergency measures in the field of asylum and foreigners (AMU) of 26 June 1998.	13.6.1999 : 70,8 %.
1.10.1999	New Asylum Act (LAsi) of 26.6.1998.	13.6.1999 : 70,6 %.
1.6.2002	Agreement between the Swiss Confederation and the European Community and its Member States on the Free Movement of Persons (FMPA) of 21 June 1999.	21.5.2000 : 67,2 %.
1.1.2003	Law on the general part of social insurance (LPGA).	-
1.1.2004	4th Revision of the Invalidity Insurance (IV) of 19.6.1959.	-
Period 2: LEtr (200	8-2017)	
1.1.2008	Federal law on foreigners (LEtr) of 16.12.2005 (replaces the LSEE of 26.02.1931).	24.9.2006 : 68 %.
1.1.2008	Revision of the Asylum Act (LAsi) of 26 June 1998.	24.9.2006 : 67,8 %.
1.1.2008	5th revision of the Invalidity Insurance (IV) of 19 June 1959.	17.6.2007 : 59,1 %.
1.3.2008	Bilateral agreements on association with the Schengen and Dublin areas.	5.6.2005 : 54,6 %.
28.11.2010	Federal popular initiative "For the deportation of criminal foreigners".	28.10.2010 : 52,3 %.
1.1.2012	6th revision of the Invalidity Insurance (IV) of 19 June 1959.	-
29.9.2012	Revision of the Asylum Act of 26 June 1998.	9.6.2013 : 78,4 %.
9.2.2014	Federal popular initiative "Against mass immigration".	9.2.2014 : 50,3 %.
15.4.2014	Convention on the Rights of Persons with Disabilities of 13 December 2006.	-
1.10.2016	Revision of the Asylum Act of 26 June 1998.	5.6.2016 : 66,8 %.
Period 3: LEI (from 2018)		
1.1.2018	Revision of the Foreign Nationals Act (LEtr) of 16.12.2005, becomes the Foreign Nationals and Integration Act (LEI).	-
1.6.2018	Nationality Act (LN) of 20.06.2014 (replaces the Act on the Acquisition and Loss of Swiss Nationality of 29.9.1952).	-
12.2.2017	Federal Decree of 30.9.2016 on the facilitated naturalisation of third-generation foreigners.	12.2.2007 : 60,4 %.
1.10.2019	Revision of the APG of 6 October 2000 (legal basis for the supervision of insured persons).	25.11.2018 : 64,7 %.

Appendix 8: Countries (outside the EU/EFTA) with which Switzerland has concluded a social security agreement concerning DI)

Type of Agreement	Year
Recognizing equal treatment, export, and totalization	
Bosnia and Herzegovina (Yugoslavia)	1962
Brazil	2019
Japan	2012
Kosovo	2019
Liechtenstein	1990
Montenegro	2019
Philippines	2004
Serbia	2019
Turkey	1972
Uruguay	2015
USA	2014
Recognizing equal treatment, export but not totalization	
Australia	2008
Canada	1995
Chile	1998
Israel	1985
Northern Macedonia	2002
Recognizing neither equal treatment, nor export, nor totalization	
China	2017
South Korea	2015
India	2011

Appendix 9: The 17 rulings of the Federal Court

N°	Date	Nationality	Number of years in Switzerland at time of judgement	Reason for appeal	Result of the appeal	Judgement No.
1	19.12.1984	Spain	11	Request for DI pension after to an illness.	Instruction complementary	110 V 278
2	13.6.1985	A countryof Europe, became Swiss. in 1974	16	Request for medical and medical and rehabilitation measures due to epilepsy	Partially accepted	111 V110
3	11.5.1992	Serbian	4	Application for DI benefits following. an accident at work (wrists)	Accepted	118 V 79
4	25.1.2000	State without agreement of social security	12	Application for a pension DI of a person who suffers from asthma "mental retardation", and psychological problems following episodes. of torture.	Rejected	126 V 5
5	26.9.2005	Portugal	9	Application for a pension because of after-effects in adulthood of a polio (at 7 months).	Rejected	131 V 390

6	6.7.2007	Peru and USA	11	Application for a pension DI and supplementary benefits, complementary retroactive.	Rejected	P 39/06
7	14.4.2008	France	8	Application for a pension for epilepsy, “pervasive behavioural disorder” and “borderline intelligence”	Accepted	134 V 236
8	6.6.2014	Kosovo	9	Application for DI benefits due to physical and psychological and psychic consequences of a road accident.	Instruction complementary	140 V 246
9	26.8.2014	Kosovo	8; to DI for 2 years; who died attime of the judgment	Application for PC DI.	Rejected	9C_423/2013
10	29.4.2015	Nigeria, now Swiss woman to 2013	19	Application for DI benefits due to neurological disorders	Accepted	9C_36/2015
11	19.7.2016	France	3	Application for a pension DI on the basis of "mental impairment disability", psychological disorders, autistic disorder", child psychosis	Rejected	9C_259/2016
12	29.3.2017	Republic Dominican Republic, married to a Switzerland	10 years, applied for DI	Application for CB & DI.	Rejected	9C_307/2016
13	19.7.2017	EU	DI between 2013-2014	Recourse against sup-performance pressure DI because the parents are no longer. subject to the OASI.	Instruction complementary	9C_849/2016
14	20.9.2017	Bolivia, mother married to a Portuguese in 2011	3	Request for DI pension for a child who has a "mental retardation sincehis birth".	Rejected	9C_97/2017
15	3.8.2018	Brazil	33 (since 1985)	Application for a DI pension DI due to “chronic bipolar schizophrenia.”	Rejected	9C_291/2018
16	7.5.2019	India, bride to a Swiss	Lived in Germany	Application for a pension from the DI, refusal of entry in the matter.	Accepted: And has right to DI f	8C_660/2018
17	16.8.2019	Portugal	6	Application for a CB & DI	Accepted	9C_885/2018

Appendix 10: Laws on Citizenship (1952-2021)

Law	Period	Provisions	Text of Provision
Federal Law on the Acquisition and Loss of Swiss Nationality of September 29, 1952 (ALSN)	1952–1991	Article 14 al. 2	The investigation must provide as complete a picture as possible of the applicant's personality and that of his or her family members.
	1952–1985	Article 37 al. 3	Decisions of the federal authorities refusing naturalization or reintegration must be substantiated.
	1991–2013	Art. 14 letr (s). a, b, c, d	Before the permit is granted, the applicant's suitability for naturalization will be checked. In particular, it will be examined whether the applicant: a) has integrated into the Swiss community, b) has become accustomed to the Swiss way of life and customs c) conforms to the Swiss legal system; and, d) does not compromise the internal or external security of Switzerland.
	2009–2013	Art. 15b al.1-2	1. Reasons must be given for any rejection of an application for naturalization. 2. An application for naturalization may not be rejected by the voters unless a proposal for rejection has been made with reasons.
	2009–2013	Art. 15c al. 1	"The cantons shall ensure that cantonal and communal naturalization procedures do not infringe on the private sphere."
Swiss Nationality Act of June 20, 2014 (SNL)	2016–current	Art. 12 al.1 letr (s). c & d	Successful integration is manifested in particular by: c) the ability to communicate in everyday life in a national language, both orally and in writing d) participation in economic life or the acquisition of an education
	2016–current	Art. 12 al. 2	2. Appropriate account must be taken of the situation of persons who, due to disability or illness or other significant personal circumstances, are unable or only able with difficulty to meet the criteria for integration set out in paragraph 1 letters c and d.
	2016–current	Art. 12 al. 3	"The cantons may provide for other integration criteria."
Ordinance on Nationality of June 17, 2016 (OLN)	2016–current	Art. 9 let. a-c	The competent authority shall take appropriate account of the particular situation of the applicant when assessing the criteria listed in Articles 6, 7 and 11, paragraph 1, and. b. Thus, it is possible to derogate from these criteria in particular when the applicant b. These criteria may be waived, for example, if the applicant cannot meet them or can only meet them with difficulty: a) because of a physical, mental, or psychological disability. b) because of a serious or long-term illness c) for other major personal reasons, such as: 1. major difficulties in learning, reading, and writing, 2. poverty despite employment, 3. family care responsibilities, 4. dependence on social assistance resulting from a first formal education in Switzerland, provided that the dependence was not caused by the applicant's behaviour.

Appendix 11: Laws on Integration (1931-2021)

Law	Period	Provisions	Text of Provision
The Federal Law on the Residence and Settlement of Foreigners of 26 March 1931 (LRSF)	1931–1948	Art 10 al.1 letr (s). b-c	1. A foreigner may only be expelled from Switzerland or a canton for the following reasons: b) if, as a result of mental illness, it compromises public order. c) if he, or a person to whose needs he is required to provide have already fallen or are certainly on the verge of to fall under the charge of public or private assistance.
	1948–2007	Art. 10 al. 1 letr (s).c-d	1. A foreigner may only be expelled from Switzerland or a canton on the following grounds: c) If, as a result of mental illness, he or she endangers public order. d) If he or she, or a person for whom he or she is responsible, is continuously and substantially dependent on public assistance.
	1948–2007	Art.10 al. 2	2. The expulsion provided for in article 1, letter c or d, may only be ordered if the return of the expelled to his country of origin is possible and can be reasonably required.
Law on Foreigners of 05 May 2004 (LoF)	2008–2019	Art. 53 al (s). 1-3	1. In the accomplishment of their tasks, the Confederation, the cantons and the municipalities should take into account the objectives of the integration of foreigners. 2. They create conditions conducive to equal opportunities and the participation of foreigners in public life. 3. In particular, they encourage language learning, professional promotion, and preventive health measures; they support the efforts made to promote mutual understanding between Swiss and foreign populations and to facilitate coexistence.
	2008–2018	*Art. 67 al. 1 letr. b	1. The office [of migration control] can forbid the entry of a foreigner into Switzerland in the following cases: b) He/she has incurred costs in social welfare
Federal Law on Foreigners and Integration of 16 December 2005 (LFI)	2019–current	Art. 49a al.2	Exception to the requirement to prove language skills: 2. Major reasons include a disability, illness, or other incapacity that severely impairs the ability to learn a language.
	2019–current	Article 58a al (s).1-2	1. To assess integration, the competent authority shall take into account the following criteria: a) Respect for security and public order. b) respect for the values of the Constitution. c) language skills. d) participation in economic life or the acquisition of training. 2. The situation of people who, due to a disability or illness or for other major personal reasons, do not meet or hardly meet the integration criteria provided for in para. 1, let. c and d, is taken into account appropriately.
	2019–current	Art. 67 al.2 letr. b	2. The SEM may prohibit a foreigner from entering Switzerland when the latter: b) caused costs in terms of social assistance
	2019–current	Art. 67 al (s).3 & 5	3. The entry ban is imposed for a maximum period of five years. She may be pronounced for a longer period when the person concerned poses a serious threat to security and public order. 5. For humanitarian or other important reasons, the authority responsible for the decision may exceptionally refrain from issuing an entry ban or temporarily or permanently suspend an entry ban. In doing so, the reasons for the entry ban and the protection of public security and order or the maintenance of Switzerland's internal and external security must be taken into account, and these must be weighed against the private interests of the person concerned in the decision to lift the ban.

Ordinance on the Integration of Foreigners of August 15, 2018 (OIE)	2018–current	Article 8 al. 2	Exemptions for immigrant with special integration needs: 2. For persons with special integration needs, the cantons shall provide for appropriate integration measures within the regular structures or within the framework of specific integration promotion.

Sub-Appendices: Articles 1-3

Article 1: Politicising immigration in times of crisis: empirical evidence from Switzerland

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Abstract:
This article investigates the politicisation of immigration in Switzerland during two major socioeconomic crises: the oil crisis of the 1970s and the financial crisis of the late 2000s. Based on 2,853 newspaper claims from 1970 to 1976 and 1995 to 2018, we measure and compare differences in salience, polarisation, actor diversity and frame use between crisis and non-crisis periods. We find that while claims-making on immigration was indeed more salient, polarised, and diversified during the oil crisis, the empirical data for the financial crisis are inconclusive or show a slight decrease. Nonetheless, we still find a noteworthy increase in the use of identity frames during both periods. We conclude that while crises may influence claims-making about immigration and thus affect the politicisation of the matter, their contextual links to particular immigrant groups appear to be of importance as well. Crises do not increase politicisation automatically but may provide important opportunity structures that foster it.

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Politicising immigration in times of crisis: empirical evidence from Switzerland

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Politicising immigration in times of crisis: empirical evidence from Switzerland

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ABSTRACT

This article investigates the politicisation of immigration in Switzerland during two major socioeconomic crises: the oil crisis of the 1970s and the financial crisis of the late 2000s. Based on 2,853 newspaper claims from 1970 to 1976 and 1995 to 2018, we measure and compare differences in salience, polarisation, actor diversity and frame use between crisis and noncrisis periods. We find that while claims-making on immigration was indeed more salient, polarised, and diversified during the oil crisis, the empirical data for the financial crisis are inconclusive or show a slight decrease. Nonetheless, we still find a noteworthy increase in the use of identity frames during both periods. We conclude that while crises may influence claims-making about immigration and thus affect the politicisation of the matter, their contextual links to particular immigrant groups appear to be of importance as well. Crises do not increase politicisation automatically but may provide important opportunity structures that foster it.

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Introduction

We live in a world of massive social and economic transformations (Beck, Giddens, and Lash 1994; Crouch 1999; Beck 2016), the rhythm and pace of which are largely dictated by the repeated occurrence of sudden events of disruption – crises. While these crises may vary in form and scope, they have in common their substantial impact on both public opinion and institutional agency. From a systemic perspective, they pose challenges that a society has to overcome; from a discursive perspective, however, they constitute valuable opportunity structures that render some issues more pressing than they were before the crisis onset (Wieviorka 2012). As a result, these issues draw more attention (i.e. they become more salient) and are discussed more controversially (i.e. they become more polarised). Both are aspects of a phenomenon commonly referred to as politicisation (e.g. Hutter and Grande 2014; Hutter, Grande, and Kriesi 2016; Van der Brug et al. 2015; Green-Pedersen 2012).[1]

All issues can become politicised if the circumstances are right, but some issues are more prone to politicisation than others. Immigration is such an issue. Finding itself at

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the heart of public debate in Western Europe (Fumarola 2020; Green-Pedersen and Otjes 2019; for Switzerland see Skenderovic and D'Amato 2008) and having galvanised support for right-wing politics across the continent (Campani 2019; Inglehart and Norris 2019; Vieten and Poynting 2016), it has become a popular object of contestation whose susceptibility to politicisation is reinforced by the fact that immigrants, border crossers, and related out-groups have a long history of being scapegoated for all kinds of social ills. History books are full of such cases, crossing countries and centuries and constituting a troubling legacy (Castles, de Haas, and Miller 2020; Kleinschmidt 2003).

However, there are surprisingly few empirical data on the politicisation of immigration (notable recent exceptions include Grande, Schwarzbözl, and Fatke 2019 and Van der Brug et al. 2015),[2] whether in times of normalcy or of crisis. We want to help fill this research gap by examining the politicisation of immigration during two distinct crisis periods: the oil price shock of 1973 (the 'oil crisis') and the crash of the U.S. subprime mortgage market in the late 2000s (the 'financial crisis'). Although both crises were principally economic in nature, they soon turned into watershed moments that went on to define much of their respective decades and permanently change the social, political, and cultural climate in Europe and beyond. In fact, few – if any – other crises over the last fifty years were as devastating and strongly felt as those two.[3]

Our analysis of claims appearing in major Swiss newspapers reveals an increase in the salience and polarisation of immigration during the oil crisis but not the financial crisis. Because of greater actor diversity and a higher share of identity frames during both crises, we nonetheless suggest a more general pattern of politicisation or at least a relevant change in the discursive treatment of the issue. In short, we find systematic evidence that crises affect claims-making on immigration and, therefore, the politicisation of the matter. While these findings are significant, the scope of the crisis effect appears to be context dependent, thus limiting their generalisability and necessitating a closer look at individual cases. It is of crucial importance that the conditions are right, but if they are, crises can indeed constitute valuable opportunity structures to politicise immigration and recast the discourse about it.

Immigration and periods of crisis

Most scholarly accounts of immigration to Europe consider it both the cause and result of the deep-seated adjustments and transformations that the continent had to undergo in recent history (Castles, de Haas, and Miller 2020; Lucassen and Lucassen 2013). Its modern-day origins can be traced back to the emerging immigration regimes of the 19th and early 20th centuries: political arrangements that were anchored in narratives of nation building and international competition. In the wake of the two World Wars that followed and reshaped Europe's political map, these regimes were subjected to substantial overhauls (Messina 2007). Most initial postwar immigration policies, for instance, were tailored to ensure a constant supply of labour from Southern Europe and the postcolonial periphery – a workforce the reindustrialising cities of the North desperately craved (e.g. Akgündüz 2012; Soysal 1994). Starting in the 1960s, further policies were implemented that improved the legal status of these labour migrants and began to integrate them gradually into the expanding national welfare regimes. Viewed as indispensable to the economic interests of their host societies (Hoffmann-Nowotny 1973),

they were not only allowed to stay but also to embark on a journey that would, in numerous cases, end with the acquisition of citizenship.

A first departure from these times of steady growth and progress, the *trente glorieuses*, as the French economist Jean Fourastié called them, came with the oil crisis of 1973. Being the first major economic disruption in postwar Europe, it accelerated the disintegration of the labour-based *Fordist* consensus and ushered in an era of diversified immigration policies that would unfold against the backdrop of large-scale societal transformations, such as globalisation, securitisation, and human rights institutionalisation (Castles, de Haas, and Miller 2020). Concomitantly, the dominant view on immigration also changed, with questions of border control or worker quotas becoming first supplemented and then replaced by those of long-term immigrant integration. It did not take too long before these integration matters, cherished by some as emancipatory and progressive but scorned by others as strategies to legitimise repressive policies, began to cause controversy in their own right (for the Swiss case, see e.g. D'Amato and Ruedin 2019; Ruedin, Alberti, and D'Amato 2015). In fact, from the 1990s onwards, the epicentre of most immigration-related debates in Europe had incrementally shifted towards issues such as language acquisition and the display of religious (i.e. Islamic) symbols in the public sphere (Van der Brug et al. 2015).

The analytical lens through which we approach this trajectory is the concept of crisis. We define crisis in rather broad terms, namely, as a collective awareness that the inner mechanics of the complex economic and social machineries that structure our everyday lives and provide us with meaning have suddenly stopped working the way they are supposed to. In so doing, they cause a moment of disruption that is usually characterised 'by three general attributes: surprise, high uncertainty, and threat' (Seeger and Sellnow 2016, 10; see also Seeger, Sellnow, and Ulmer 2003). According to Habermas (1988), one may further distinguish between system crises and identity crises, two different but closely interlinked concepts based on a 'broader distinction between system and lifeworld' (Thompson 2012, 61). A system crisis is material in character and arises when the integrative capacity of a system has reached its limits, thus causing it to falter and eventually collapse. In contrast, an identity crisis is mainly concerned with the collective identity that people have symbolically appropriated and now perceive as being threatened by the looming demise of the existing order. Despite this apparent dichotomy, crises are not static entities; they may evolve, seep into other areas, or change their shape over time. For example, a system crisis may develop into an identity crisis once governing institutions cannot mount enough support to sustain their legitimacy anymore.

What is characteristic of crises is that they are usually accompanied by a contestation of norms and values that were consented to by society before. As trust in established institutions erodes and the inability of the system to placate discontent becomes more apparent (Siegenthaler 1993; Tanner 2014), the twin principles of exclusion and inclusion grow in significance. Clear-cut boundaries between their own in-group and visible out-groups allow people to make sense of the crisis and regain control (Tajfel and Turner 1986; see also Bukowski et al. 2017; Fritsche et al. 2013; 2017) after their life-worlds have crumbled under its immense pressure. Authors such as Mair (1998) and Kriesi et al. (2008) have long pointed to the immanent link between larger societal developments and the politicisation of certain issues – crises, in this sense, can be regarded as moments in which this intricate process is squeezed into a very narrow

time interval. As the immigration debate is primarily organised around the opposition of a (native) in-group and (immigrant) out-groups, one could assume that it becomes both more salient and more polarised under crisis conditions (see also Triandafyllidou 1998, 601–603).[4]

Salience expectation: There are more claims on immigration in crisis periods than in noncrisis periods (greater salience).

Polarisation expectation: Claims differ from each other more strongly in crisis periods than in noncrisis periods (greater polarisation).

Since they cast doubt on previously uncontested beliefs and values, crises provide marginalised voices with opportunities to popularise their message and take part in shaping the public debate. Historically, this has enabled social movements and issue-driven civil society organisations to establish themselves on the political stage (Kerbo 1982; McAdam, McCarthy, and Zald 1996). We consider it possible that new actors emerge during the two crises examined but do not necessarily expect it. Rather, we expect existing actors to exploit these crises by making claims that they would perhaps not make otherwise. Because crises structurally advantage nonestablished actors who are given a nontrivial chance to push for change successfully, getting involved may appear as a strategically prudent move. After all, there is a 'multivalence of crises' that 'opens up the opportunity for rallying people behind visions of a new order' (t'Hart 1993, 40).

Actor diversity expectation: A more diverse range of actors makes claims in crisis periods than in noncrisis periods (greater actor diversity).

When actors engage in discourse and make claims about an issue, they usually give a rationale or justification for their arguments. In other words, they use *frames*, i.e. communicative tools that highlight particular aspects of reality as a means to enhance their salience (Entman 1993). Making claims about immigration, actors can decide if they want to foreground frames that relate to instrumental considerations (e.g. cost–benefit ratios), collective identity, or moral principles.[5] Due to the link between crisis and identity (Habermas 1988; see alsoTanner 2014), one could assume that claims with identity-related framing appear more frequently during crises.[6] Because the contrast between in-group and out-groups is at their core, immigration issues seem particularly susceptible to such frames. To give but a few of many possibilities, anti-immigrant activists may perceive the presence of foreigners not only as an economic burden which their crisis-stricken nation should not have to shoulder any longer but also, in more populist terms, as a policy failure of irresponsible elites who have failed in reuniting the people behind an identitarian top-down crisis narrative (Imhof 1993). Progressive voices, on the other hand, may view the crisis as a critical juncture that entails the opportunity to develop and popularise inclusive narratives of belonging. With matters of identity presumably surging during the crisis, one would expect instrumental frames to become, in turn, less relevant. A society so occupied with renegotiating categories of inclusion and exclusion may tend to disregard these more rational arguments until the crisis is over and new norms have been established (or old norms revitalised).

Identity expectation: There is a higher share of identity frames in crisis periods than in noncrisis periods.

Instrumentality expectation: There is a lower share of instrumental frames in crisis periods than in noncrisis periods.

Data and methods

We employ the methodological approach of Van der Brug et al. (2015) with inconsequential modifications to increase our research efficiency. Rather than identifying articles by manually searching through printed newspapers, we work with an extensively tested set of keywords (see Appendix 1) to preselect potentially relevant articles in a digital repository. This does not affect the selection of articles or the coding process, however, which are both performed in the same way and by applying the same criteria. For the original dataset of Van der Brug et al. is limited to the period from 1995 to 2009, we extend it with data from two additional periods (1970 to 1976 and 2010 to 2018), encompassing both crises and yielding a total of 2,853 claims. As in Van der Brug et al., we use a fully randomised list of dates and include broadsheets and tabloids from Switzerland's two most important language regions: *Le Matin* and *Le Temps* (with its predecessors *Journal de Genève* and *Gazette de Lausanne*) from the French-speaking region and *Blick* and the *Neue Zürcher Zeitung* from the German-speaking region. Not only does this make our study more consistent, but the exclusive focus on newspapers also allows for greater comparability across time and helps to avoid the rather limited substance of most social media data (e.g. Edwards et al. 2013).[7]

We use our two crises, namely, the oil crisis of the early 1970s and the financial crisis of the late 2000s, as predictor variables. As there is a lack of agreement about their duration, we work with a set of plausible dates derived from the literature and use model averaging while making the boundaries of all definitions and the corresponding uncertainty transparent. This set consists of 18 definitions of the oil crisis and 25 definitions of the financial crisis. In addition to the latter, we also select 22 starting points and 19 end points from a crisis chronology compiled by Guillén (2011), thereby deriving 418 combinations (see Appendix 2). Instead of attempting to identify the best definition, we use the aforementioned model averaging. Consequently, we work with 7,524 (18×418) combinations based on Guillén's list[8] and 450 (18×25) more combinations based on the literature, which we employ as a robustness check to ensure that our findings do not rely on only one source but match the scholarly consensus.

We use four different aspects of politicisation, namely, the two core elements of salience and polarisation as well as actor diversity and frames, as outcome variables. Following the rather broad understanding outlined in Koopmans et al. (2005, 254), we define claims as 'purposive and public articulation of political demands, calls to action, proposals, criticism, or physical attacks, which, actually or potentially, affect the interests or integrity of the claimants and/or other collective actors.' According to this reading, a claim consists of up to four elements (but not all claims consist of all elements): an actor (claimant) who makes the claim, an issue that is addressed by the claim, an object actor who is affected by the claim, and a frame that provides justification for the claim. Claimants are divided into six types: governmental and judicial actors;

legislative and party actors;[9] media actors and journalists; minority, pro-immigrant and religious actors; anti-immigrant actors; and civil society actors.[10] Frames are divided into the three types listed above: instrumental, identity, and moral frames.

Salience is operationalised as claim frequency, and polarisation as the degree to which different claimants agree or disagree with one another. For the latter, we employ a positional variable that uses a five-point scale to classify claims as *positive* (i.e. pro-immigration; multicultural) or *negative* (i.e. anti-immigration; monocultural). We then evaluate them by adjusting Van der Eijk's (2001) measure A to a range from 0 to 1: a theoretical value of 0 indicates universal agreement (i.e. all actors share the same position) and a value of 1 universal disagreement (i.e. all actors hold diametrically opposed positions). To calculate actor diversity, we use the Herfindahl-Hirschman index on different actor types, where s_i stands for the share of all claims in a period made by a certain type:

$$H = \sum_{i=1}^{N} s_i^2$$

Our analytical strategy combines descriptive statistics[11] that compare claims inside and outside the two crises with multivariate regression analyses that introduce additional control variables. We employ ordinary least squares (OLS) models, with the outcome variable y_i depending on the aspect of politicisation examined (i.e. the share of claims fulfilling a certain criterion), and aggregate the claims into 119 quarters of the calendar year to obtain meaningful results. The predictor variables measure the impact of the oil crisis (X_{oil}) and financial crisis (X_{fin}). Given our many crisis definitions, we present the kernel densities of the regression coefficients β_1 and β_2 over 7,524 linear regression models. As stated, we also use different control variables, namely, the decade in which the claim was made (to account for unspecified time effects) and major events (e.g. landmark court rulings; popular initiatives) that may have affected claims on immigration independently of the crisis context (see Appendix 3):

$$y_i \sim \text{Normal}\,(\mu, \sigma)$$

$$\mu_i = \alpha + \beta_1 X_{oil} + \beta_2 X_{fin} + \beta X_{control}$$

Because we are interested in the distribution of the coefficients from the different regression models (reflecting multiple definitions of crisis), we do not use hierarchical models. The coefficients are *unbiased*. As suggested by Berkhout and Ruedin (2017), we also include differences at the claims level with respect to the share of actor types [not when actors are the outcome variable, e.g. governments; reference = other], share of frames [not when frames are the outcome variable, e.g. identity; reference = other], and share of claims with a focus on integration [reference = immigration].

Findings

First, we analyse the salience of immigration, with the outcome variable measuring the number of claims made per quarter of the calendar year (Figure 1). Our regression framework enables us to statistically adjust for noncrisis effects and compare the salience of immigration in crisis to that in noncrisis periods. However, the results match our *salience*

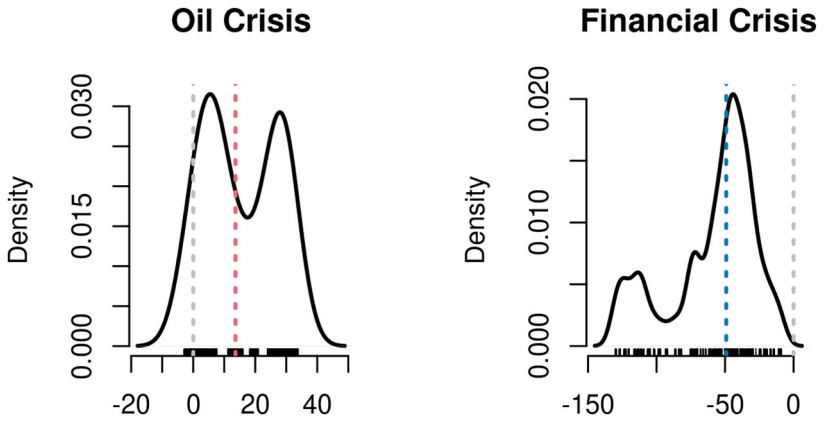

Figure 1. Salience of immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 5. Higher values indicate more coefficients with a given estimate. The outcome variable is the number of claims per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −38 (median: −20; standard error: 32).

expectation only in parts. As expected, we find greater salience for the oil crisis but, surprisingly, lower salience for the financial crisis. Our most common estimate for the oil crisis lies between 5 and 20 additional claims per quarter (mean: 15; median: 14; standard error: 12), with many definitions suggesting even greater salience (as shown by the second peak in Figure 1). In contrast, the estimate for nearly all financial crisis definitions is visibly to the left of the grey zero line. The most common results indicate 50 articles fewer per quarter (mean: −59; median: −49; standard error: 32), but since there is a second negative peak at approximately −120 articles per quarter, there are quite a few definitions for which the salience of immigration is even substantially lower.

We keep this regression framework but change our outcome variable to polarisation: a higher value implies more polarisation, while a lower value implies less polarisation (Figure 2). The results are not particularly clear, as we see regression coefficients to both the left and right of the zero line. The larger part of the oil crisis coefficients is to its right, thus possibly hinting at slightly higher levels of polarisation (mean: 0.02; median: 0.02; standard error: 0.03). However, most financial crisis coefficients fall to its left, thus suggesting less polarisation and greater actor agreement (mean: −0.05; median: −0.04; standard error: 0.05). As both effects are rather small, our findings remain too inconclusive to confirm our *polarisation expectation*.

Second, we ask if the composition of claimants is more diverse in times of crisis. Here, higher values indicate more diversity, while lower values indicate less diversity (Figure 3). We find substantially more diversity for the oil crisis, with no single crisis definition

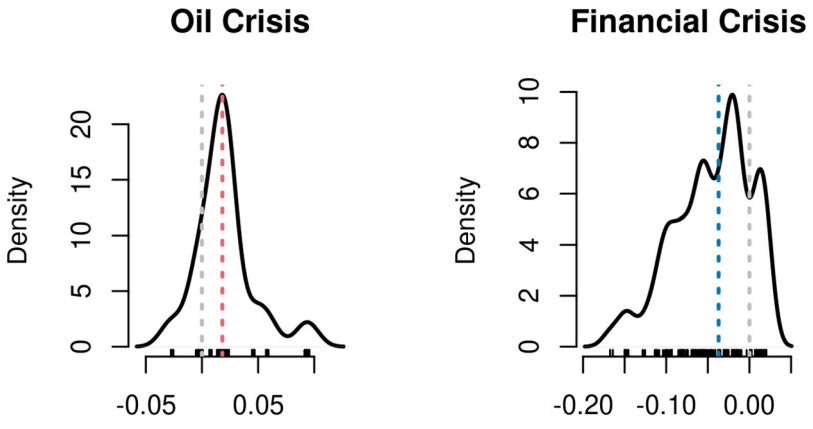

Figure 2. Polarisation over immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.01. Higher values indicate more coefficients with a given estimate. The outcome variable is the degree of polarisation per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.05 (median: −0.04; standard error: 0.04).

yielding a negative estimate (mean: 0.18; median: 0.17; standard error: 0.04). In contrast, there is no clear statistical effect for the financial crisis, as the coefficients on both sides of the zero line are roughly equal, and the peak is only barely to its left (mean: 0.00; median: 0.01; standard error: 0.04). Because of these conflicting findings, our *actor diversity expectation* is only confirmed for the oil crisis.

To further enhance our understanding of the claimants, we run regression models where the share of claims made by an actor type is the outcome variable (Figures 4 and 5).[12] We find that the share of government actors (often members of the Federal Council or executive agencies) is around 10 percentage points higher during both the oil crisis (mean: 0.10; median: 0.10; standard error: 0.05) and the financial crisis (mean: 0.09; median: 0.10; standard error: 0.07) than during noncrisis periods. This is still true when we use the financial crisis dates from the literature in lieu of those derived from Gullién's list. Furthermore, the share of party actors is lower in crisis periods than in noncrisis periods, although more so during the financial crisis than during the oil crisis. Similar models for media and civil society actors are more ambiguous and point to fewer claims during the financial crisis but more claims during the oil crisis. Lastly, anti-immigrant actors seem to play a major role in neither crisis. We assume that this is mostly a byproduct of the coding operationalisation we inherited from Van der Brug et al. (2015, for a discussion, see Meyer and Rosenberger 2015).

Third, we want to know whether there are more identity frames and less instrumental frames in times of crisis. As mentioned before, identity frames refer to symbolic aspects

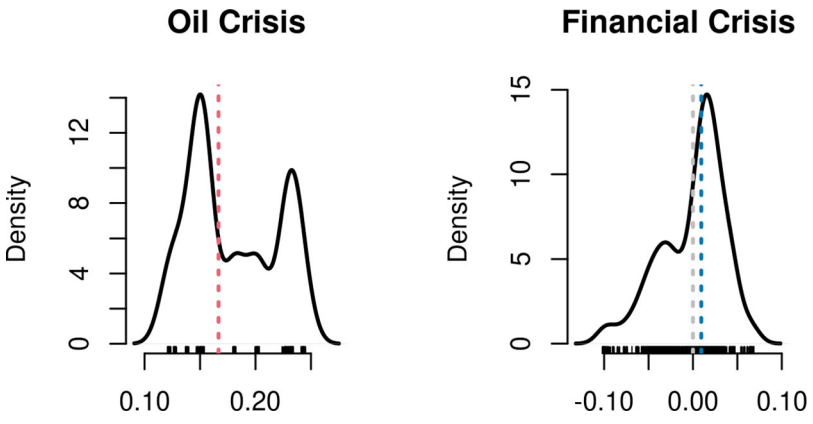

Figure 3. Actor diversity of immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.01. Higher values indicate more coefficients with a given estimate. The outcome variable is actor diversity in claims per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.01 (median: −0.01; standard error: 0.05).

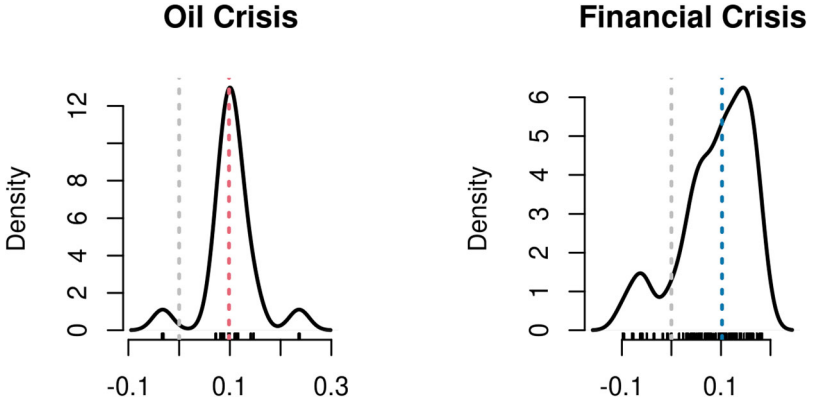

Figure 4. Claims by government actors on immigration in Switzerland during the oil and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims by government actors per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.06 (median: 0.06; standard error: 0.08).

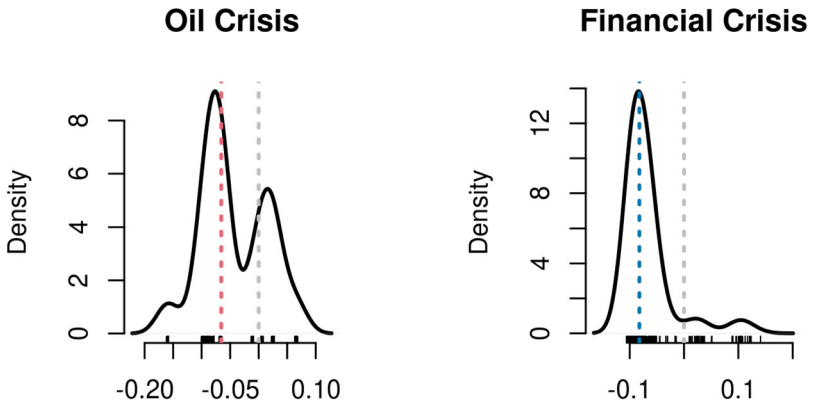

Figure 5. Claims by party actors on immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims by party actors per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.01 (median: −0.03; standard error: 0.08).

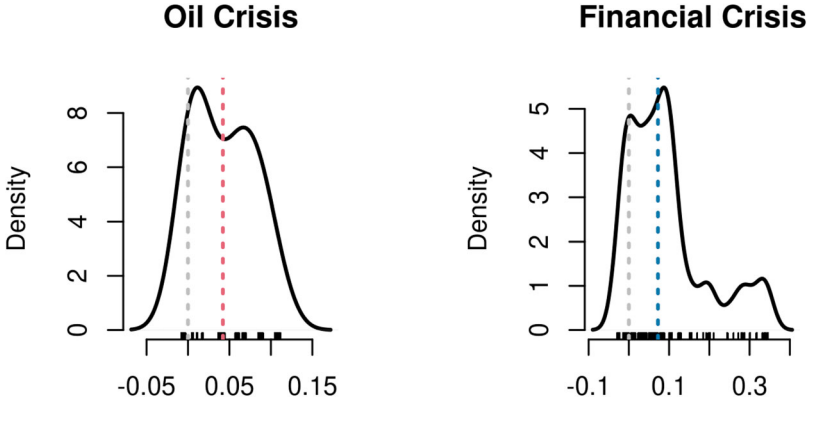

Figure 6. Identity frames in claims on immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims with an identity frame per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.10 (median: 0.06; standard error: 0.10).

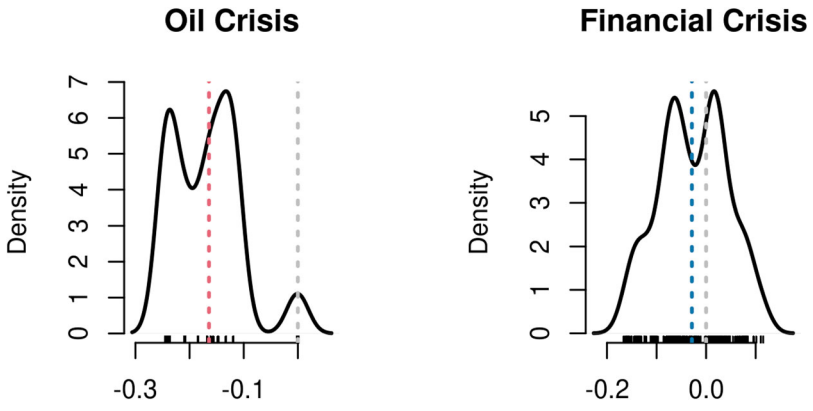

Figure 7. Instrumental frames in claims on immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims with an instrumental frame per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.01 (median: 0.04; standard error: 0.08).

of collective identity, such as traditions, mores, values, or beliefs held by the in-group. Instrumental frames follow pragmatic or utilitarian arguments instead. They either appeal to the public interest or emphasise issue-oriented policies (e.g. to reduce crime, propel growth, or enhance government efficiency).[13] In our first regression model, the outcome variable is the share of identity frames, which is higher in crisis periods than in noncrisis periods (Figure 6). The effect is a little stronger for the financial crisis (mean: 0.09; median: 0.07; standard error: 0.10) than for the oil crisis (mean: 0.04; median: 0.04; standard error: 0.04) but statistically sound in either case, thus validating our *identity expectation*. In our second regression model, we measure instrumental frames and find a reverse pattern: their share is consistently lower in crisis periods than in noncrisis periods (Figure 7). Once again, there are differences between the oil crisis (mean: −0.17; median: −0.16; standard error: 0.06) and the financial crisis (mean: −0.03; median: −0.03; standard error: 0.07), but we still find enough evidence in both crises to confirm our *instrumentality expectation*.

Discussion and conclusion

Examining the politicisation of immigration during two major crises in Switzerland, this article investigated (i) the salience and polarisation of the issue, (ii) the diversity of the claimants, and (iii) the nature of the frames used. Contrary to our initial expectation concerning (i), we found increased salience for the oil crisis but not for the financial crisis. In

retrospect, we consider this divergence to be based largely on the degree to which immigrants were affected by both crises. Many of the claims from the oil crisis relate to the fate of seasonal workers, who were deemed useful in times of prosperity but considered expendable once the economy began to contract. Even though Switzerland lost 330,000 jobs because of the oil crisis, the number of unemployed increased by only a meagre 25,000 persons (Flückiger 1998) – the rest consisted of immigrants whose permits were simply not renewed and who were therefore forced to leave the country at a moment's notice.[14] In both discourse and practice, their fate was inextricably linked to the parameters of the oil crisis, how long it would last, and how much damage it would cause.

By the time of the financial crisis, however, the Swiss labour market had become more liberal, and immigrants from the European Economic Area found themselves in a rather secure position (e.g. Steiner and Wanner 2019). They enjoyed residence rights and social security benefits that their predecessors did not, shielding them from the fallout of the crisis and disincentivising political attacks – which may also explain the inconclusiveness of our *polarisation expectation*. Of course, one might ask why these privileges did not become a source of backlash from those eager to use the crisis as an opportunity structure. The answer is that they were (and still are) an essential part of Switzerland's bilateral treaties with the European Union and thus protected by the so-called *guillotine clause* (if one agreement is terminated, all others are invalidated as well). In the face of substantial uncertainty, even adamant critics of the status quo showed limited appetite for triggering this 'nuclear option' and refrained from bringing up the issue of EU immigration. As Hutter and Kriesi remarked, Switzerland saw its 'most politicised struggle about Europe in campaigns *before 2008*' (Hutter and Kriesi 2019, 1007; see also Taggart and Szczerbiak 2018 for the comparatively low crisis impact on Swiss Euroscepticism).

This interpretation is consistent with the different impact of both crises. Being the first moment of significant disruption after almost thirty years of steady growth shocked the Swiss economy to the core, whereas the same economy proved more resilient during the financial crisis. While it did not escape unscathed from the turmoil that followed the bankruptcy of Lehman Brothers,[15] the labour market remained relatively robust and initial discrepancies were 'quickly compensated by solid real GDP growth' (Afonso and Visser 2014, 241). In this situation, the opportunity to denounce foreigners as 'job takers' whose deportation would provide an instant economic remedy was rather limited.[16] Not that this is the only explanation – McMahon (2018) found no traces of negative politicisation even in countries where the crisis coincided with high unemployment (i.e. Spain and Italy), thus suggesting that further contextual factors, such as the stability of the political system or discursive entry barriers for new actors, do matter as well. The financial crisis may have provided an important opportunity structure, but not every opportunity can be taken advantage of easily.

Similarly, our expectation on (ii) was largely borne out for the oil crisis but not for the financial crisis. Again, it makes sense to highlight the link between the crises and the immigrant context. Because the labour migrants of the 1970s were in a quite vulnerable situation, their traditional champions (civil society organisations and centre-left parties, see Carvalho and Ruedin 2018; Katzenstein 1987) saw themselves forced to speak out in their favour. With the future of several hundreds of thousands at stake, public action

became a necessity and previously hesitant actors were pushed to take a clear position. Notable among them were churches and trade unions, but also journalists themselves: media actors made many more claims during the oil crisis than during the financial crisis, often in the form of opinion pieces or brief commentaries. More consistent but not less conspicuous is the considerably higher share of claims by government actors and lower share of claims by party actors across both crises. We believe that this reflects a typical feature of crises, namely, the attempt of the executive to calm the aroused populace by publicly conveying the impression of control. Doing so can help to contain the disruptive potential of the crisis, prevent other actors from giving critical accounts, and confine the crisis impact to the material (systemic) level. Once a material crisis has evolved into a legitimation (identity) crisis, the situation is usually much harder to control.[17]

The clearest link is between crises and frames. In accord with our *identity* and *instrumentality expectations*, we found a higher share of identity frames but a lower share of instrumental frames in both crises. This bolsters the argument that crises undermine the stability of the social edifice and raise issues of belonging. With different groups fighting for their place in the postcrisis order, the question of *who is in* and *who is out* becomes central to the discursive process – and as members of a prominent outgroup, immigrants are common reference objects in this battle for identity.[18] That the increase in identity frames was more marked during the financial crisis than during the oil crisis (a counterintuitive result in light of our other findings) could correlate with the heightened presence of identity entrepreneurs who racialise immigrants to raise the spectre of an inescapable outside threat. In this sense, it would also mirror the important role of identity for the securitisation of immigration (e.g. Bourbeau 2011; Toğral 2016).

In sum, our findings support the assumption that crises affect the politicisation of immigration, but the various empirical differences between the oil crisis and the financial crisis suggest that contextual factors beyond the crisis/noncrisis dichotomy must be considered as well. Most importantly, it seems that the more directly a crisis is linked to a certain immigrant group, the better the chances that this group (and immigration as such) becomes politicised. Given the rather early emergence of right-wing populist actors in Switzerland and the country's distinctive direct democratic features, the Swiss case may have provided us with slightly different results for the 1970s than other European countries would have. To enhance our understanding of the role of social change and country context, more research is required still. Such research may also reassess the objects of comparison and include more recent crises, such as the COVID-19 pandemic – an event that entails severe mobility restrictions around the globe (e.g. Piccoli, Dzankic, and Ruedin 2021) and promises to alter our perspective on human movement for many years to come.

Notes

1. Some conceptualisations of politicisation add further dimensions, such as actor expansion (e.g., Grande and Hutter 2016; Hutter and Grande 2014), while others define it merely 'as a matter of saliency' (Green-Pedersen 2012, 117). We conceptualise politicisation rather narrowly as a combination of salience and polarisation and cover actor diversity separately.

2. An earlier piece on politicisation processes in the European Union (with a focus on Italy and the United Kingdom) has been provided by Buonfino (2004), whereas the work of Carvalho and Carmo Duarte (2020) is a good example of a more current single-country study.
3. One could think of major political events, such as 9/11, but our understanding of crisis is more holistic and implies institutional failure and a lasting socioeconomic impact. Other possible crises (e.g., the second oil crisis in 1979, the Asian financial crisis in 1997, and the dot-com bubble crash in 2000) were considerably less powerful and limited to only one region or sector – they did not engender the same degree of socioeconomic disruption. This may not hold for the COVID-19 pandemic whose economic impact is, however, still too early to evaluate.
4. It is also imaginable that the salience of immigration declines rather than grows, thus becoming superseded by the material consequences of the crisis (e.g., unemployment; poverty; chaos) and generating less support for actors seeking to politicise the issue (Knigge 1998). However, since the two crises examined in this article go beyond the material dimension, we still regard an increase as the more likely scenario.
5. Distinguishing between these three kinds of frames goes back to Habermas (1993, 3–8) and has been used, for instance, in European Union policy studies (e.g., Lerch and Schwellnus 2006; Sjursen 2002).
6. Hierro and Rico (2019) have experimentally shown that a sense of economic crisis can trigger feelings of national pride, especially among lower-class individuals (who are usually among those most affected by the crisis fallout). In such cases, the economic difficulties caused by the crisis are compensated for through an increased feeling of national attachment.
7. While actors can make claims in different contexts, most empirical studies rely on newspapers to document politically relevant claims (for a discussion, see Van der Brug et al. 2015). Here, selection bias is a rather limited problem (Earl et al. 2004; Mügge 2012).
8. The dates from this list receive preference by virtue of their depth and internal consistency.
9. Claims by representatives of political parties are coded as belonging to the second category, regardless of the party's position on immigration (see Van der Brug et al. 2015).
10. Each claimant was assigned to only one group. Therefore, we categorised a member of the Swiss *Nationalrat* (National Council) with anti-immigrant positions as a legislator (2) and not an anti-immigrant actor (5). The same principle applies, e.g., to a journalist (3) leading a civil society organisation (6) or a government actor (1) simultaneously holding a party office (2).
11. For details, see Appendix 6.
12. Figure 4 shows the share of government actors and Figure 5 shows the share of party actors. Further regression models for both media actors and civil society organisations can be found in Appendix 4.
13. The third type – moral frames, for which we had no clear theoretical expectation – pivots on the concept of human rights and moral principles that exist (or should exist) independently of one's national or cultural background. A regression model can be found in Appendix 5. However, the results are less conclusive and depend, at least in the case of the financial crisis, quite heavily on the crisis definition employed.
14. In general, the oil crisis forced most European governments to reformulate at least parts of their immigration policy from scratch. Castles (2011, 321) is thus right when he describes this crisis as an event of 'enormous consequences' that effectively ended the era of guest worker migration and rang in a turn towards long-term settlement. The financial crisis had a more limited, and certainly less transformative impact.
15. According to the World Bank, Swiss GDP shrunk by 2.2% in 2009 (compared to +2.1% in 2008), the largest decrease since 1975.
16. This argument aligns with *ethnic competition theory*, which stipulates an innate connection between the perception of increased labor market competition and the development of anti-immigrant attitudes (e.g., Scheve and Slaughter 2001; Lancee and Pardos-Prado 2013). However, even though Billiet, Meuleman, and De Witte (2014) have suggested that there

is a more holistic relationship between economic crises and ethnic threat, we should be careful not to confuse threat perception with issue politicisation. They are separate variables, and while there may be a directional effect, politicisation is driven mainly by those steering the debate in established media outlets.

17. Despite government actors making more claims during the oil crisis, this strategy worked better during the financial crisis. Responsibility for this crisis was effectively transferred to financial market actors, allowing governments to maintain and even strengthen their own legitimacy.
18. A corollary might be that identity-based discrimination against immigrants is also higher in times of crisis (see Baert et al. 2015; Zschirnt and Ruedin 2016).

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Author contributions

MB, LA, DR, and GD designed and conceptualised the study; MB, LA, and DR collected the data; DR performed the statistical analysis; MB, LA, DR, and GD wrote the article.

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References

Afonso, Alexandre, and Jelle Visser. 2014. "The Liberal Road to High Employment and Low Inequality? The Dutch and Swiss Social Models in the Crisis." In *European Social Models from Crisis to Crisis: Employment and Inequality in the Era of Monetary Integration*, edited by Jon Erik Dølvik, and Andrew Martin, 214–245. Oxford: Oxford University Press.

Akgündüz, Ahmet. 2012. "Guest Worker Migration in Post-War Europe (1946-1974): An Analytical Appraisal." In *An Introduction to International Migration Studies: European Perspectives*, edited by Marco Martiniello, and Jan Rath, 181–210. Amsterdam: Amsterdam University Press.

Baert, Stijn, Bart Cockx, Niels Gheyle, and Cora Vandamme. 2015. "Is There Less Discrimination in Occupations Where Recruitment Is Difficult?" *Industrial and Labor Relations Review* 68 (3): 467–500.

Beck, Ulrich. 2016. *The Metamorphosis of the World: How Climate Change is Transforming Our Concept of the World*. Cambridge: Polity Press.
Beck, Ulrich, Anthony Giddens, and Scott Lash. 1994. *Reflexive Modernization: Politics, Tradition and Aesthetics in the Modern Social Order*. Stanford: Stanford University Press.
Berkhout, Joost, and Didier Ruedin. 2017. "Why Religion? Immigrant Groups as Objects of Political Claims on Immigration and Civic Integration in Western Europe, 1995–2009." *Acta Politica* 52 (2): 156–178.
Billiet, Jaak, Bart Meuleman, and Hans De Witte. 2014. "The Relationship Between Ethnic Threat and Economic Insecurity in Times of Economic Crisis: Analysis of European Social Survey Data." *Migration Studies* 2 (2): 135–161.
Bourbeau, Philippe. 2011. *The Securitization of Migration. A Study of Movement and Order*. Abingdon: Routledge.
Bukowski, Marcin, Soledad de Lemus, Rosa Rodriguez-Bailón, and Guillermo B. Willis. 2017. "Who's to Blame? Causal Attributions of the Economic Crisis and Personal Control." *Group Processes and Intergroup Relations* 20 (6): 909–923.
Buonfino, Alessandra. 2004. "Between Unity and Plurality: The Politicization and Securitization of the Discourse of Immigration in Europe." *New Political Science* 26 (1): 23–49.
Campani, Giovanna. 2019. "The Migration Crisis Between Populism and Post-Democracy." In *Populism and the Crisis of Democracy, Vol. 3: Migration, Gender and Religion*, edited by Gregor Fitzi, Jürgen Mackert, and Bryan S. Turner, 29–47. Abingdon: Routledge.
Carvalho, João, and Mariana Carmo Duarte. 2020. "The Politicization of Immigration in Portugal between 1995 and 2014: A European Exception?" *Journal of Common Market Studies* 58 (6): 1469–1487.
Carvalho, João, and Didier Ruedin. 2018. "The Positions Mainstream Left Parties Adopt on Immigration: A Cross-Cutting Cleavage?" *Party Politics* 26 (4): 379–389.
Castles, Stephen. 2011. "Migration, Crisis, and the Global Labour Market." *Globalizations* 8 (3): 311–324.
Castles, Stephen, Hein de Haas, and Mark J. Miller. 2020. *The Age of Migration: International Population Movements in the Modern World*. New York: Guilford Press.
Crouch, Colin. 1999. *Social Change in Western Europe*. Oxford: Oxford University Press.
D'Amato, Gianni, and Didier Ruedin. 2019. "Immigration and Populist Political Strategies: The Swiss Case in European Perspective." In *Populism and the Crisis of Democracy, Vol. 3: Migration, Gender and Religion*, edited by Gregor Fitzi, Jürgen Mackert, and Bryan S. Turner, 48–66. Abingdon: Routledge.
Earl, Jennifer, Andrew Martin, John D. McCarthy, and Sarah A. Soule. 2004. "The Use of Newspaper Data in the Study of Collective Action." *Annual Review of Sociology* 30: 65–80.
Edwards, Adam, William Housley, Matthew Williams, Luke Sloan, and Malcolm Williams. 2013. "Digital Social Research, Social Media and the Sociological Imagination: Surrogacy, Augmentation and Re-Orientation." *International Journal of Social Research Methodology* 16 (3): 245–260.
Entman, Robert. 1993. "Framing. Toward Clarification of a Fractured Paradigm." *Journal of Communication* 43 (4): 51–58.
Flückiger, Yves. 1998. "The Labour Market in Switzerland: The End of a Special Case?" *International Journal of Manpower* 19 (6): 369–395.
Fritsche, Immo, Eva Jonas, Catharina Ablasser, Magdalena Beyer, Johannes Kuban, Anna-Marie Manger, and Marlene Schultz. 2013. "The Power of We: Evidence for Group-Based Control." *Journal of Experimental Social Psychology* 49 (1): 19–32.
Fritsche, Immo, Miguel Moya, Marcin Bukowski, Philipp Jugert, Soledad de Lemus, Oliver Decker, Immaculada Valor-Segura, and Ginés Navarro-Carrillo. 2017. "The Great Recession and Group-Based Control: Converting Personal Helplessness Into Social Class In-Group Trust and Collective Action." *Journal of Social Issues* 73 (1): 117–137.
Fumarola, Andrea. 2020. "Making the Government Accountable: Rethinking Immigration as an Issue in the European Union." *European Politics and Society* 22 (1): 140–159.

Grande, Edgar, and Swen Hutter. 2016. "Beyond Authority Transfer: Explaining the Politicisation of Europe." *West European Politics* 39 (1): 23–43.
Grande, Edgar, Tobias Schwarzbözl, and Matthias Fatke. 2019. "Politicizing Immigration in Western Europe." *Journal of European Public Policy* 26 (10): 1444–1463.
Green-Pedersen, Christoffer. 2012. "A Giant Fast Asleep? Party Incentives and the Politicisation of European Integration." *Political Studies* 60 (1): 115–130.
Green-Pedersen, Christoffer, and Simon Otjes. 2019. "A Hot Topic? Immigration on the Agenda in Western Europe." *Party Politics* 25 (3): 424–434.
Guillén, Mauro F. 2011. *The Global Economic and Financial Crisis: A Timeline*. Philadelphia: The Lauder Institute, Wharton School of the University of Pennsylvania. Accessed July 15, 2020. http://www.management.wharton.upenn.edu/guillen/2011_docs/crisis_financiera_formato_nuevo.pdf.
Habermas, Jürgen. 1988. *Legitimation Crisis*. Cambridge: Polity Press.
Habermas, Jürgen. 1993. *Justification and Application: Remarks on Discourse Ethics*. Cambridge: MIT Press.
Hierro, María José, and Guillem Rico. 2019. "Economic Crisis and National Attitudes: Experimental Evidence from Spain." *Ethnic and Racial Studies* 42 (5): 820–837.
Hoffmann-Nowotny, Hans-Joachim. 1973. Soziologie des Fremdarbeiterproblems: Eine theoretische und empirische Analyse am Beispiel der Schweiz. Stuttgart: F. Enke.
Hutter, Swen, and Edgar Grande. 2014. "Politicizing Europe in the National Electoral Arena: A Comparative Analysis of Five West European Countries, 1970-2010." *Journal of Common Market Studies* 52 (5): 1002–1018.
Hutter, Swen, Edgar Grande, and Hanspeter Kriesi, eds. 2016. *Politicising Europe: Integration and Mass Politics*. Cambridge: Cambridge University Press.
Hutter, Swen, and Hanspeter Kriesi. 2019. "Politicizing Europe in Times of Crisis." *Journal of European Public Policy* 26 (7): 996–1017.
Imhof, Kurt. 1993. "Vermessene Öffentlichkeit – Vermessene Forschung? Vorstellung Eines Projekts." In *Zwischen Konflikt und Konkordanz. Analyse von Medienereignissen in der Schweiz der Vor- und Zwischenkriegszeit*, edited by Kurt Imhof, Heinz Kleger, and Gaetano Romano, 11–60. Zürich: Seismo.
Inglehart, Ronald, and Pippa Norris. 2019. *Cultural Backlash: Trump, Brexit, and Authoritarian Populism*. Cambridge: Cambridge University Press.
Katzenstein, Peter J. 1987. *Corporatism and Change: Austria, Switzerland, and the Politics of Industry*. Ithaca: Cornell University Press.
Kerbo, Harold R. 1982. "Movements of "Crisis" and Movements of "Affluence": A Critique of Deprivation and Resource Mobilization Theories." *Journal of Conflict Resolution* 26 (4): 645–663.
Kleinschmidt, Harald. 2003. *People on the Move: Attitudes Toward and Perceptions of Migration in Medieval and Modern Europe*. Westport: Praeger.
Knigge, Pia. 1998. "The Ecological Correlates of Right-Wing Extremism in Western Europe." *European Journal of Political Research* 34 (2): 249–279.
Koopmans, Ruud, Paul Statham, Marco Giugni, and Florence Passy. 2005. *Contested Citizenship: Immigration and Cultural Diversity in Europe*. Minneapolis: University of Minnesota Press.
Kriesi, Hanspeter, Edgar Grande, Romain Lachat, Martin Dolezal, Simon Bornschier, and Timotheos Frey. 2008. *West European Politics in the Age of Globalization*. Cambridge: Cambridge University Press.
Lancee, Bram, and Sergi Pardos-Prado. 2013. "Group Conflict Theory in a Longitudinal Perspective: Analyzing the Dynamic Side of Ethnic Competition." *International Migration Review* 47 (1): 106–131.
Lerch, Marika, and Guido Schwellnus. 2006. "Normative by Nature? The Role of Coherence in Justifying the EU's External Human Rights Policy." *Journal of European Public Policy* 13 (2): 304–321.
Lucassen, Jan, and Leo Lucassen. 2013. "European Migration History." In *Routledge International Handbook of Migration Studies*, edited by Steven J. Gold, and Stephanie. J. Nawyn, 52–63. Abingdon: Routledge.

Mair, Peter. 1998. *Party System Change: Approaches and Interpretations*. Oxford: Oxford University Press.
McAdam, Douglas, John D. McCarthy, and Mayer N. Zald, eds. 1996. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. Cambridge: Cambridge University Press.
McMahon, Simon. 2018. "The Politics of Immigration During an Economic Crisis: Analysing Political Debate on Immigration in Southern Europe." *Journal of Ethnic and Migration Studies* 44 (14): 2415–2434.
Messina, Anthony M. 2007. *The Logics and Politics of Post-WWII Migration to Western Europe*. Cambridge: Cambridge University Press.
Meyer, Sarah, and Sieglinde Rosenberger. 2015. "Just a Shadow? The Role of Radical Right Parties in the Politicization of Immigration, 1995–2009." *Politics and Governance* 3 (2): 1–17.
Mügge, Liza M. 2012. "Ethnography's Contribution to Newspaper Analysis: Claims-Making Revisited." *CES Paper – Open Forum* 12: 1–24.
Piccoli, Lorenzo, Jelena Dzankic, and Didier Ruedin. 2021. "Citizenship, Migration and Mobility in a Pandemic (CMMP): A Global Dataset of COVID-19 Restrictions on Human Movement." *PLoS ONE* 16 (3): e0248066.
Ruedin, Didier, Camilla Alberti, and Gianni D'Amato. 2015. "Immigration and Integration Policy in Switzerland, 1848 to 2014." *Swiss Political Science Review* 21 (1): 5–22.
Scheve, Kenneth F., and Matthew J. Slaughter. 2001. "Labor Market Competition and Individual Preferences Over Immigration Policy." *The Review of Economics and Statistics* 83 (1): 133–145.
Seeger, Matthew W., and Timothy L. Sellnow. 2016. *Narratives of Crisis: Telling Stories of Ruin and Renewal*. Stanford: Stanford University Press.
Seeger, Matthew W., Timothy L. Sellnow, and Robert R. Ulmer. 2003. *Communication and Organizational Crisis*. Westport: Praeger.
Siegenthaler, Hansjörg. 1993. *Regelvertrauen, Prosperität und Krisen. Die Ungleichmässigkeit wirtschaftlicher und sozialer Entwicklung als Ergebnis individuellen Handelns und sozialen Lernens*. Tübingen: Mohr Siebeck.
Sjursen, Helene. 2002. "Why Expand? The Question of Legitimacy and Justification in the EU's Enlargement Policy." *Journal of Common Market Studies* 40 (3): 491–513.
Skenderovic, Damir, and Gianni D'Amato. 2008. *Mit dem Fremden politisieren: Rechtspopulismus und Migrationspolitik in der Schweiz seit den 1960er Jahren*. Zürich: Chronos.
Soysal, Yasemin N. 1994. *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago: University of Chicago Press.
Steiner, Ilka, and Philippe Wanner, eds. 2019. *Migrants and Expats: The Swiss Migration and Mobility Nexus*. Cham: Springer.
Taggart, Paul, and Aleks Szczerbiak. 2018. "Putting Brexit Into Perspective: The Effect of the Eurozone and Migration Crises and Brexit on Euroscepticism in European States." *Journal of European Public Policy* 25 (8): 1194–1214.
Tajfel, Henri, and John C. Turner. 1986. "The Social Identity Theory of Intergroup Behavior." In *Psychology of Intergroup Relations*, edited by Stephen Worchel, and William G. Austin, 7–24. Chicago: Nelson-Hall.
Tanner, Jakob. 2014. "Krise." In *Auf der Suche nach der Ökonomie: Historische Annäherungen*, edited by Christof Dejung, Monika Dommann, and Daniel Speich Chassé, 153–182. Tübingen: Mohr Siebeck.
t'Hart, Paul. 1993. "Symbols, Rituals and Power: The Lost Dimensions of Crisis Management." *Journal of Contingencies and Crisis Management* 1 (1): 36–50.
Thompson, John B. 2012. "The Metamorphosis of a Crisis." In *Aftermath: The Cultures of the Economic Crisis*, edited by Manuel Castells, João Caraça, and Gustavo Cardoso, 59–81. Oxford: Oxford University Press.
Toğral, Burcu. 2016. "Convergence of Securitization of Migration and 'New Racism' in Europe: Rise of Culturalism and Disappearance of Politics." In *Security, Insecurity, and Migration in Europe*, edited by Gabriella Lazaridis, 219–238. Farnham: Ashgate.

Triandafyllidou, Anna. 1998. "National Identity and the 'Other'." *Ethnic and Racial Studies* 21 (4): 593–612.
Van der Brug, Wouter, Gianni D'Amato, Joost Berkhout, and Didier Ruedin, eds. 2015. *The Politicisation of Migration*. Abingdon: Routledge.
Van der Eijk, Cees. 2001. "Measuring Agreement in Ordered Rating Scales." *Quality & Quantity* 35 (3): 325–341.
Vieten, Ulrike M., and Scott Poynting. 2016. "Contemporary Far-Right Racist Populism in Europe." *Journal of Intercultural Studies* 37 (6): 533–540.
Wieviorka, Michel. 2012. "Financial Crisis or Societal Mutation?" In *Aftermath: The Cultures of the Economic Crisis*, edited by Manuel Castells, João Caraça, and Gustavo Cardoso, 82–104. Oxford: Oxford University Press.
Zschirnt, Eva, and Didier Ruedin. 2016. "Ethnic Discrimination in Hiring Decisions: a Meta-Analysis of Correspondence Tests 1990–2015." *Journal of Ethnic and Migration Studies* 42 (7): 1115–1134.

Appendix 1. Keywords

For the articles in French (1970 to 1976): migrant*, migration*, xénophob*, xénophobie*, travailleur étranger*, réfugié*, saisonnier*, droits sociaux

For the articles in German (1970 to 1976): migrant*, zuwander*, ausländ*, fremdenfeind*, ausländerfeind*, überfremd*, flüchtling*, saisonarbeit*, gastarbeit*, soziale rechte

For the articles in French (2010 to 2018): migrant*, migration*, xénophob*, mosquée*, minaret*, burqa*, réfugié*, asile*

For the articles in German (2010 to 2018): migrant*, migration*, fremdenfeind*, moschee*, minarett*, burka*, flüchtling*, asyl*

Depending on the language area and the decade, we used slightly different keywords to identify relevant newspaper articles. For example, religion-based keywords, such as minaret* or mosquée* (German: minarett* and moschee*), reflect a discursive continuum between immigration and Islam. Given that there were no mosques in Switzerland until 1963 and most immigrants during the oil crisis period came from Southern Europe rather than the Middle East, using the same keywords would have been inefficient.

Appendix 2. Crisis periods

Whenever a date was not clearly defined in the literature, we included the entire month (i.e. the start date 'Jan 1973' was interpreted as 1973-01-01 and the same end date as 1973-01-31) or the entire year (i.e. the start date '1973' was interpreted as 1973-01-01 and the same end date as 1973-12-31). For start dates referring to 'mid' (e.g. 'mid-January'), we used day 15 of the calendar month. Quarters of the calendar year were set to be inclusive ('Q1/1973' begins on 1973-01-01), and *End* 1973 (Venn I) or *End* 2009 (Necker and Ziegelmeyer) were assumed to indicate the last day of the calendar year (1973-12-31 and 2009-12-31).

Dates of the oil crisis

Based on extensive literature research.

Table A2.1. Definitions of the oil crisis.

Beginning	End	Source	Remarks
Oct 1973	1974	Lieber	Additionally, calls it *the 1973–74 oil crisis*.
Oct 1973	Mar 1974	Licklider	End date: embargo temporarily lifted.
Oct 1973	Jan 1974	Corbett (I)	January 1974 as end date in the headline.
Oct 1973	Mar 1974	Corbett (II)	March 1974 as end date in the text.
Oct 1973	Dec 1973	Issawi (I)	Relates to the core of the crisis, the period during which 'a highly dramatic and momentous event occurred' (3).
Oct 1973	Mar 1974	Issawi (II)	End date: embargo temporarily lifted.
Oct 1973	Jul 1974	Issawi (III)	End date: embargo fully lifted.
1973-10-17	1974	Mitchell	Additionally, calls it the *1973–74 oil crisis*.
1973-10-17	1974	Painter	Additionally, calls it the *1973–74 oil shock*.
1973-10-17	1974	Hamilton	Additionally, calls it the *events of 1973-74*.
1973-10-17	*End* 1973	Venn (I)	'By the end of 1973, the main part of the crisis was over' (21); also refers to the political crisis.
1973-10-17	Mar 1974	Venn (II)	End date: embargo temporarily lifted.
1973-10-17	Jun 1974	Venn (III)	End date: embargo fully lifted ('June/July').
1973-10-17	Jul 1974	Venn (IV)	End date: embargo fully lifted ('June/July').
Oct 1973	1974	Alpanda and Peralta-Alva	Focus on major drops in the stock market 'throughout 1974' (824). Additionally, calls it the *energy crisis of 1973-74*.
Oct 1973	Mar 1974	Willner	End date: embargo temporarily lifted.
1974	Q4/1974	Davis (I)	Interprets crisis as recession; Q4/1974 as trough.
1974	Q1/1975	Davis (II)	Interprets crisis as recession; Q1/1975 as trough.

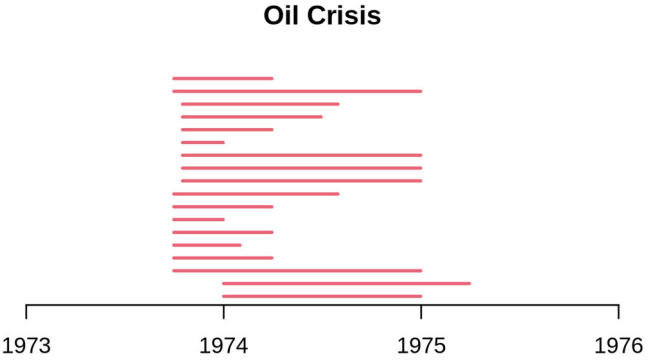

Figure A2.1. Distribution of definitions of the oil crisis. Explanation: Definitions of the oil crisis as listed in Table A2.1.

Dates of the financial crisis I

Based on Guillén (2011).

Table A2.2. Definitions of the start of the financial crisis (Guillén).

Beginning	Event
2007-02-07	The earliest date mentioned in the list; HSBC announces losses linked to U.S. subprime mortgages.
2007-06-20	First hedge funds run into large losses; trouble spreads to major Wall Street firms.
2007-08-09	BNP Paribas announces valuation problems; the European Central Bank begins to pump money into the market.
2007-09-14	Largest run on a British bank (Northern Rock) in more than a century.
2007-09-18	The U.S. Federal Reserve cuts its main interest rate in half.
2007-10-01	UBS and Citibank report massive losses from subprime related investments.
2007-12-06	The U.S. government announces a plan to help homeowners facing foreclosure.
2007-12-13	Concerted action by five leading central banks to improve market liquidity.
2008-01-09	The World Bank predicts that global economic growth will slow down in 2008.
2008-01-21	Global stock markets suffer their greatest fall since 9/11.
2008-01-22	The U.S. Federal Reserve cuts interest rates by three quarters of a percentage point – the largest cut in more than 25 years.
2008-02-10	Reports that worldwide crisis losses could reach USD 400bn.
2008-03-07	The largest single intervention of the U.S. Federal Reserve in history takes place (USD 200bn).
2008-04-08	The IMF warns that global losses could cross the symbolic USD 1trn threshold.
2008-07-11	U.S. federal regulators seize IndyMac Bank; new oil price record.
2008-07-14	U.S. authorities step in to save Fannie Mae and Freddie Mac.
2008-08-30	Alistair Darling claims in the 'Guardian' that *this is the worst crisis in 60 years.*
2008-09-07	The U.S. government rescues Fannie Mae and Freddie Mac.
2008-09-10	The U.S. government seizes Fannie Mae and Freddie Mac.
2008-09-11	Lehman Brothers (LB) announces huge financial losses.
2008-09-15	Lehman Brothers files for bankruptcy; stock market crashes.
2008-09-25	The first Eurozone state, Ireland, falls into a recession.

Table A2.3. Definitions of the end of the financial crisis (Guillén).

End	Event
2009-03-01	The earliest end date mentioned in the literature.
2009-03-25	Barack Obama sees the first s*igns of economic recovery* but asks for more patience.
2009-05-29	The U.S. economy shrinks at a slower pace than expected, thereby calming investors. Other economies grow again.
2009-06-16	The U.S. economy shows continued signs of improvement.
2009-06-24	According to the OECD, the *world economy is near the bottom of the recession*.
2009-06-26	Consumer confidence in June rises to its highest level since February 2008, thus suggesting that the worst may be over.
2009-06-29	A CBI survey shows further signs of recovery coming from the financial sector.
2009-08-12	The U.S. Federal Reserve is confident that the worst is over and that the economy will recover soon.
2009-08-13	France and Germany are no longer in a recession.
2009-08-21	Ben Bernanke: *The global economy is starting to recover.*
2009-09-14	Forecasts of the European Commission confirm that the Eurozone is recovering.
2009-09-23	The U.S. Federal Reserve: *Economic activity is picking up*.
2009-10-01	According to the IMF, the world economy is growing again.
2009-10-14	Chinese export figures show significant improvement in economic growth around the world.
2009-10-28	Norway becomes the first European/Western country to raise its interest rates again.
2009-11-13	The Eurozone has officially emerged from recession.
2009-11-23	Economic activity in the Eurozone rises at its fastest pace in more than two years.
2009-11-30	Further signs of economic recovery in the Eurozone; rising consumer prices and more exports.
2009-12-11	The U.S. House of Representatives approves major new regulations for the financial sector.

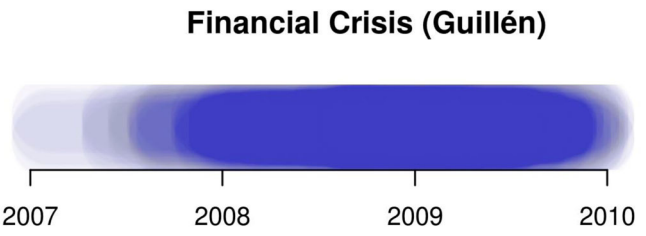

Figure A2.2. Distribution of definitions of the financial crisis. Explanation: Definitions of the financial crisis as listed in Table A2.2 and A2.3. Here, we use transparency and have overlaid the many lines of the different combinations so that the most common dates become visible as darker patches.

Dates of the financial crisis II

Alternative dates based on extensive literature research.

Table A2.4. Alternative definitions of the financial crisis (literature).

Beginning	End	Source	Remarks
2008-09-15	2010-12-31	Own attempt, based on GDP	End date denotes the quarter of the calendar year during which the global GDP reached precrisis levels.
2007-08-07	May 2009	Mishkin (I)	Starting with the 'first and more limited phase' (51).
2008-09-15	May 2009	Mishkin (II)	Starting with the 'far more virulent phase' (Abstract).
2008-09-01	Sep 2009	Birdsall	Starting date: September 2008; source also refers to LB.
2008-09-15	May 2009	Kazi and Salloy	End date: case study related.
2007	2008	McManus	Differentiation between precrisis (1990-2007) and postcrisis (2008-2013) periods.
2008	Q2/2010	Vis *et al.*	Reference to unemployment.
May 2007	2008	Helleiner (I)	Starting with the collapse of several hedge funds (69).
Sep 2008	2008	Helleiner (II)	Starting with a 'total collapse of market confidence' (69).
Dec 2007	*End* 2009	Necker and Ziegelmeyer	Case study related.
2007-07-01	2009-06-01	Adrian *et al.*	Case study related.
2007	2008	Overbeek	Refers to the financial crisis as a 'credit crisis' (31).
Dec 2007	Jun 2009	NBER	Interprets crisis as recession.
Sep 2008	Mar 2009	Frankel and Saravelos (I)	Case study related.
Jul 2008	Nov 2009	Frankel and Saravelos (II)	Case study related; refers to countries requesting IMF aid.
2007-02-27	2009	FRB St. Louis	-
Q1/2007	Q3/2009	Devos *et al.*	Case study related.
Aug 2008	Sep 2009	Teng and Liu	Case study related.
Jul 2007	2009-05-15	Dungey *et al.* (I)	Starting with the beginning of the first crisis phase.
Oct 2008	2009-05-15	Dungey *et al.* (II)	Starting with the beginning of the second crisis phase (LB).
2008-09-29	2010-04-30	Xu and Hamori	Case study related.
Aug 2007	Jan 2009	Fatum and Yamamoto	Case study related.
Jul 2007	Mar 2009	Beuselinck *et al.*	Case study related.
Q3/2007	Q1/2010	Kapan and Minoiu (I)	Case study related; starting with the 'early stage' of the crisis.
Q4/2008	Q1/2010	Kapan and Minoiu (II)	Case study related; starting with the 'global stage' of the crisis.

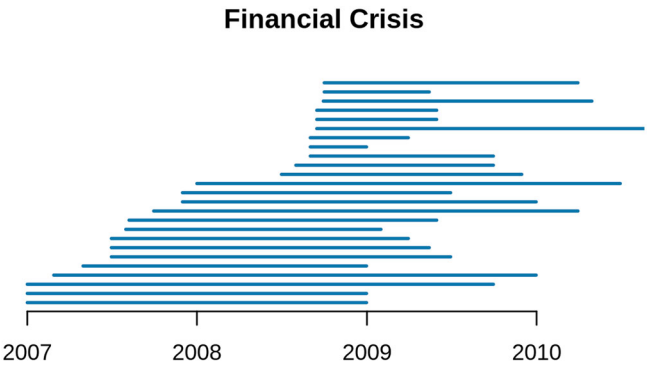

Figure A2.3. Distribution of alternative definitions of the financial crisis. Explanation: Alternative definitions of the financial crisis as listed in Table A2.4.

Appendix 3. Control variable data

Decades: 1970s, 1990s, 2000s, 2010s.

Migration flows: Bosnian refugees (1995), Kosovan refugees (1999), European 'refugee crisis' (2015, 2016) [reference: none].

Political events: Schwarzenbach initiatives (1970, 1974); referendum on bilateral treaties with the European Union (2000); popular initiative on limiting immigration (2000); *Emmen* court decision on naturalisation decisions at the ballot (2003); popular initiative on the prohibition of new minarets (2009); popular initiative on the automatic expulsion of 'criminal foreigners' (2010); popular initiative 'against mass migration' (2014) [reference: none].

Frame: instrumental; identity; moral [reference: other or none].

Actors: governmental and judicial; legislative and parties; media and journalists; minority, pro-immigrant, and religious; anti-immigrant; civil society organisations [reference: other or none].
Topic: integration [reference: immigration].

Appendix 4. Actor types (additional)

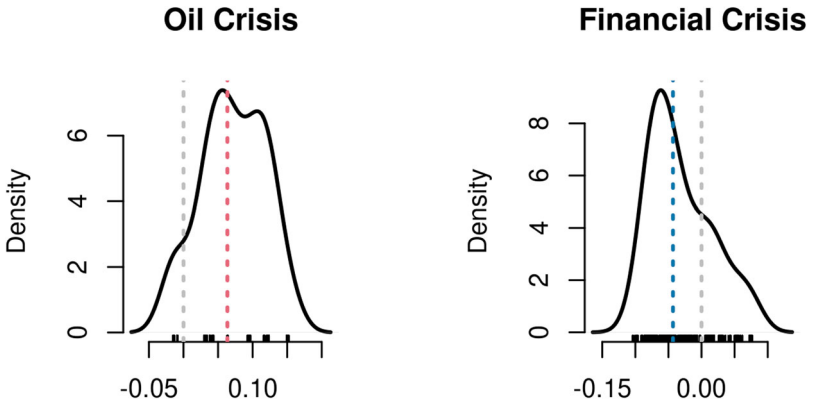

Figure A4.1. Claims by media actors on immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims by media actors per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.05 (median: −0.06; standard error: 0.05).

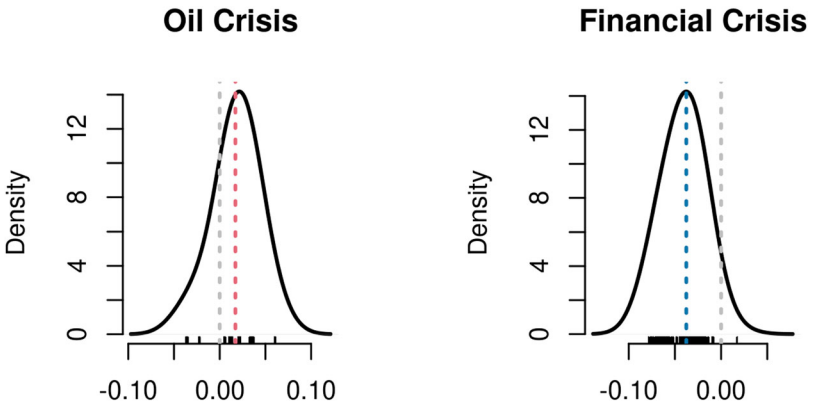

Figure A4.2. Claims by CSO actors on immigration in Switzerland during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims by CSO actors per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to −0.04 (median: −0.04; standard error: 0.02).

Appendix 5. Frames (additional)

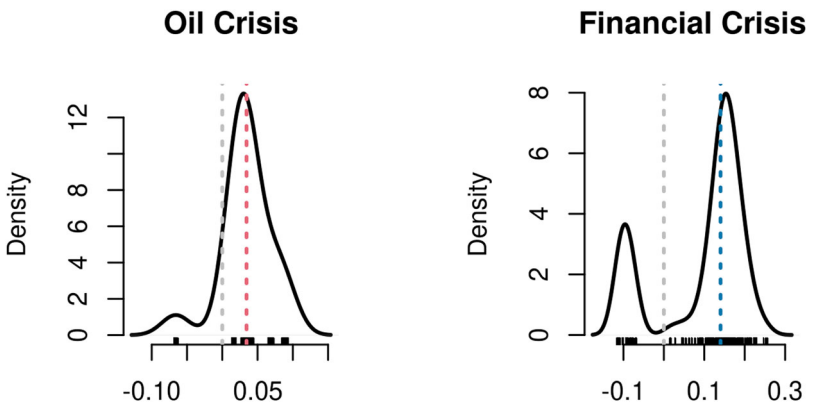

Figure A5.1. Claims with moral frames during the oil crisis and financial crisis (regression analysis). Explanation: The two panels show the distribution of the coefficients from N = 7,524 regression models – each model relies on different dates to define the period of the two crises. Only the coefficient of the crisis indicated is shown in each panel. The rug plot at the bottom shows the distribution of the estimates, while the black line gives the kernel distribution of the statistical effect of the oil crisis (left panel) and financial crisis (right panel), with bandwidth = 0.02. Higher values indicate more coefficients with a given estimate. The outcome variable is the share of claims with a moral frame per quarter of the calendar year. The grey dashed line indicates zero, i.e. no difference in salience for the crisis, and the red and blue dashed lines show the median coefficients as a single-number summary across the different models. Control variables (decade fixed effects, migration flows, actors, topics, and events) are not shown. With the alternative set of definitions of the financial crisis, the mean estimate changes to 0.09 (median: 0.12; standard error: 0.11).

Appendix 6. Description of claims-making

		1970s		2000s/2010s	
Period		*noncrisis*	oil crisis	*noncrisis*	financial crisis
Salience (claims/day)		0.13 (0.02)	0.43 (0.09)	0.51 (0.03)	0.29 (0.19)
Polarization [0...1]		0.31	0.26	0.37	0.34
Actor diversity [0...1]		0.73	0.71	0.75	0.71
Frame (%)	None	28.9	32.5	25.6	34.1
	Instrumental	43.6	33.2	53.8	40.3
	Identity	8.6	11.4	6.2	10.6
	Moral	18.9	22.9	14.4	15.0

Figure A6.1. Description of claims-making during crisis periods compared to noncrisis periods (without control variables). Explanation: Mean values across the 18 definitions of the oil crisis and 25 definitions of the financial crisis derived from the literature. These values do not account for the control variables listed in Appendix 3.

Article 2 : Territoires, capacités et temporalités

Status: *Accepted* (November 2022)

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Abstract :

The social relationship that devalues and freezes in an inferior otherness those people whose abilities do not conform to the standards produces a consensus on the help to be given to people considered as disabled. But a second social relationship, based on territorial belonging, justifies unequal treatment of natives and people of foreign nationality. But how are these two criteria articulated when the disability concerns a person of foreign nationality? This is the question that is the focus of this article.

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Swiss Journal of Sociology, 48 (3), 2022, 593–612

Territoires, capacités et temporalités

Jean-Pierre Tabin* et Leslie Ader**

Résumé : Le rapport social qui dévalue et fige dans une altérité inférieure les personnes dont les capacités ne sont pas conformes aux standards produit un consensus sur l'aide à apporter aux personnes considérées comme invalides. Mais un second rapport social, fondé sur l'appartenance territoriale, justifie un traitement inégal des autochtones et des personnes de nationalité étrangère. Mais comment ces deux critères s'articulent-ils lorsque l'invalidité concerne une personne de nationalité étrangère ? C'est la question qui est au centre de cet article.

Mots-clés : Politique sociale, invalidité, personne de nationalité étrangère, temporalités, racisme sans race

Territories, Abledness and Temporalities

Abstract: The social relationship that devalues and freezes in an inferior otherness those people whose abilities do not conform to the standards produces a consensus on the help to be given to people considered as disabled. A second social relationship, based on territorial belonging, justifies unequal treatment of natives and people of foreign nationality. But how are these two criteria articulated when the disability concerns a person of foreign nationality? This is the question that is the focus of this article.

Keywords: Social policy, disability, foreign nationals, temporalities, racism without race

Territorien, Kapazitäten und Zeiträume

Zusammenfassung: Das soziale Verhältnis, das Menschen, deren Fähigkeiten nicht den Standards entsprechen, abwertet und in einer minderwertigen Andersartigkeit festschreibt, führt zu einem Konsens über die Hilfe für Menschen, die als behindert angesehen werden. Ein zweites soziales Verhältnis, das auf territorialer Zugehörigkeit beruht, rechtfertigt die ungleiche Behandlung von Einheimischen und Ausländer:innen. Wie aber verhalten sich diese beiden Kriterien zueinander, wenn die Behinderung eine Person mit ausländischer Staatsangehörigkeit betrifft? Dies ist die Frage, die im Mittelpunkt dieses Artikels steht.

Schlüsselwörter: Sozialpolitik, Behinderung, Menschen mit ausländischer Staatsangehörigkeit, Temporalitäten, Rassismus ohne Rasse

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Seismo

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1 Introduction[1]

Selon Robert Castel, la cible la plus consensuelle des dispositifs de la sécurité sociale est constituée des personnes qui relèvent de ce qu'il nomme, au sens au sens métaphorique du terme, la « handicapologie ». Selon lui, l'aide aux personnes considérées comme invalides « ne pose pas de problème de principe » (Castel 1995, 29). Thomas Humphrey Marshall (1950) a quant à lui mis en lumière la dimension sociale de la citoyenneté. Son analyse repose sur l'idée que la sécurité sociale cible d'abord les autochtones, puisque la citoyenneté est leur privilège.

Seul·es les autochtones considérés comme invalides répondent aux deux critères de citoyenneté et d'appartenance au domaine de la handicapologie. Mais comment ces deux critères s'articulent-ils lorsque l'invalidité concerne une personne de nationalité étrangère ? C'est la question qui est au centre de cet article.

Pour y répondre, nous allons mobiliser principalement trois cadres théoriques. D'abord, celui des *Critical disability studies*, qui permet de comprendre que le consensus autour de la handicapologie repose sur un rapport social. Il est fondé sur le processus de différenciation et de hiérarchisation qui dévalue et fige dans une altérité inférieure les personnes dont les capacités ne sont pas conformes aux standards (Campbell 2009 ; Masson 2013 ; Goodley 2014 ; Primerano 2020). C'est au nom de cette reconnaissance d'une moindre aptitude à performer les normes de la capacité (le *capacitisme*) que les personnes sont aidées. Ensuite, celui de l'analyse du rapport social fondé sur l'appartenance territoriale (Brubaker 1999 ; 2015), une forme de racisme sans race (Fassin 2006) très présent dans le droit (Liebscher 2021) et qui justifie un traitement inégal des autochtones et des personnes de nationalité étrangère. Enfin, la théorie de l'imbrication (intersectionnalité) des rapports sociaux (Crenshaw 1994), qui nous permet de comprendre comment s'articulent le rapport social fondé sur les capacités et celui fondé sur l'appartenance territoriale.

L'article est organisé de la manière suivante. Après avoir présenté nos sources, nous étudions les conditions d'ouverture du droit de la sécurité sociale en Suisse, puis nous examinons systématiquement comment sont traitées en droit social les personnes de nationalité étrangère relevant de la handicapologie, en relevant systématiquement les différences non seulement avec les autochtones, mais encore entre pays, ce qui nous permet de faire ressortir quatre types de temporalités excluantes.

1 Contributions de chacun des auteur·es : Idée de travailler sur le lien entre rapports sociaux de capacité et d'appartenance territoriale : LA ; conception de la recherche : JPT, LA ; collecte des données : LA ; analyse des données : JPT, LA ; rédaction de l'article : JPT.

2 Sources

L'analyse que nous proposons repose sur un examen de la législation de la sécurité sociale, en particulier de l'assurance invalidité (AI) concernant les personnes de nationalité étrangère, ainsi que de l'ensemble des conventions de sécurité sociale que la Suisse a ratifiées début 2021 et d'arrêts du Tribunal fédéral (TF) concernant le droit à l'AI ou aux prestations complémentaires (PC) de l'AI de personnes de nationalité étrangère : nous avons systématiquement examiné les thèmes abordés et pour faire ressortir leur implicite (Hsieh et Shannon 2005 ; Flick 2014).

Les 17 arrêts du TF retenus (annexe I) ont été sélectionnés à partir de mots-clés dans la base de données du TF entre 1984 à 2019[2] : ils représentent l'état actuel de l'interprétation juridique des lois concernant à la fois l'invalidité et l'immigration en Suisse. « La référence à un corpus de précédents reconnus fonctionnant comme un espace de possibles à l'intérieur duquel la solution peut être recherchée est ce qui fonde en raison, en la faisant apparaître comme le produit d'une application neutre et objective d'une compétence spécifiquement juridique, une décision qui peut s'inspirer en réalité de tout autres principes » (Bourdieu 1986, 10–11). Nous cherchons à les mettre au jour dans cet article, car le *stare decisis* contribue à re/produire les normes sociales concernant l'intégration (Soysüren 2018 ; Borrelli et al. 2021). Relevons que la jurisprudence doit être remise dans un contexte lié à des modifications de loi, à des initiatives et à des votations (annexe II) qui font que les arrêts que nous avons recueillis peuvent être regroupés en trois périodes distinctes, les juges n'ayant pas de pouvoir de décision, mais uniquement d'interprétation (Kälin et Rothmayr 2007). Dans une perspective néomatérialiste, nous nous intéressons dans l'analyse aux faits pris en compte par les juges pour asseoir leur décision (Gamble et al. 2019; Kang et Kendall 2019), afin de comprendre quels éléments sont retenus comme ayant une pertinence juridique dans les arrêts (Maciocco 2005 ; Clarkwest 2008 ; Layte 2011 ; Kang et Kendall 2019).

Relevons encore que les décisions du TF se font par votes de 3 ou 5 juges (si l'affaire soulève une question juridique de principe ou si un·e juge le demande) choisis parmi les 38 juges nommés par le Parlement en fonction de la force des partis politiques. La base de données du TF nous indique la composition des cours qui ont pris les arrêts seulement après l'an 2000 : 16 juges différents (6 femmes, 10 hommes) ont siégé dans les 13 arrêts pris depuis cette date, dont 7 font partie de l'Union démocratique du centre, 4 du Parti socialiste suisse, 2 du Parti libéral-radical, 2 du Parti démocrate-chrétien et un des Verts. La composition des cours est donc

2 Base de données : BGER www.bger.ch/ext/eurospider/live/fr/php/clir/http/index.php?lang=fr. Mots-clés utilisés : « rente d'invalidité + étranger » (N = 59); « prestations complémentaires + étranger » (N = 34) : seuls 20 arrêts concernant explicitement notre objet (les autres sont de faux positifs). Nous avons exclu de cette base de données de départ 3 arrêts : l'un discute de la question de l'appartenance à la catégorie invalide et les deux autres portent sur l'arrivée à l'âge de la retraite, qui implique un changement de régime d'assurance, i. e. le passage de l'AI à l'AVS.

essentiellement située à droite de l'échiquier politique. 8 arrêts ont été pris par une cour composée de 5 juges et 5 par une cour composée de 3 juges.

3 Les conditions d'ouverture du droit

L'empilement de dispositifs qui compose la sécurité sociale helvétique peut être divisé en deux grands types.

D'une part, les dispositifs d'assurance dits « contributifs », principalement financés par des cotisations ou des primes, comme l'assurance maladie, l'assurance vieillesse et survivants (AVS) ou l'assurance invalidité (AI) qui fait l'objet de cet article. L'AI intervient en cas de diminution de la capacité de gain présumée permanente ou de longue durée suite à une atteinte à la santé « physique, mentale ou psychique » (Loi sur la partie générale du droit des assurances sociales (LPGA) du 6 octobre 2000, art. 7–8). Le consensus postulé par Castel concernant l'aide à cette catégorie de personnes semble donc a priori plus fort que le ciblage national, puisque faire valoir un droit à l'AI n'a aucune influence sur le permis de séjour en Suisse.

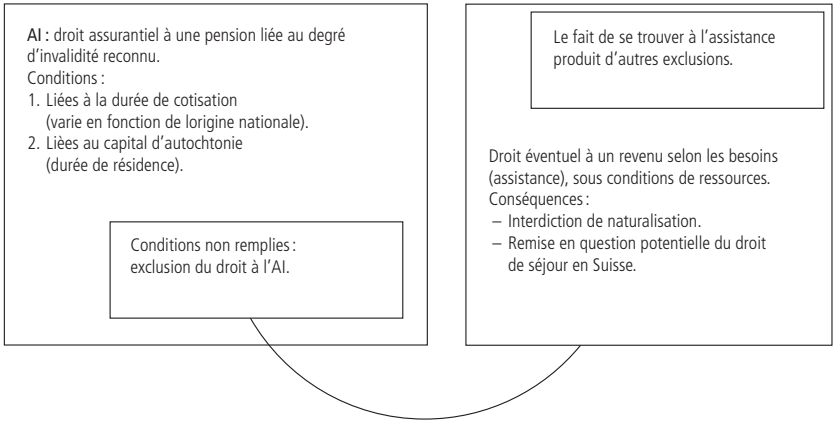
D'autre part les dispositifs d'assistance, dits « non-contributifs » parce que financés par l'impôt, comme l'assistance sociale (ou aide sociale). Cette dernière repose également sur le rapport social fondé sur les capacités, puisque c'est le fait de n'être « pas en mesure de subvenir à son entretien » (Constitution fédérale du 18 avril 1999, art. 12) qui fonde le droit. Mais faire valoir ces droits a des conséquences pour les personnes de nationalité étrangère. L'assistance non seulement restreint leur droit de demander à acquérir la nationalité suisse (Ordonnance sur la nationalité suisse du 17 juin 2016, art. 7, al. 3), mais peut encore conduire à l'extinction de leur droit de séjour (Loi sur les étrangers et l'intégration du 16 décembre 2005, art. 63c), y compris si elles sont venues dans le cadre des accords avec l'UE et l'AELE entrés en vigueur en 2002. Ces dispositions impliquent qu'elles n'ont pas pleinement accès à la citoyenneté sociale, puisque faire valoir leurs droits sociaux assistantiels peut conduire à leur exclusion du territoire.

Le problème que rencontrent les personnes de nationalité étrangère relevant de la handicapologie, c'est que le droit à des prestations de l'AI est soumis à des exigences de temporalité qui concernent soit la durée de cotisation à l'assurance, soit la résidence en Suisse, et que la reconnaissance des années de cotisation dans un pays varie selon l'origine nationale. L'AI pose ainsi comme condition d'ouverture du droit à une pension une durée de cotisation de 3 ans au minimum (art. 36), et au moins une année de cotisation – ou dix ans de résidence ininterrompue en Suisse – sont exigés pour les autres prestations (art. 6, al. 2), les personnes mineures n'y ayant droit que si leurs parents remplissent ces conditions, et encore uniquement si elles sont nées invalides en Suisse ou que, lors de la survenance de l'invalidité, elles y résident sans interruption depuis une année au moins, ou depuis leur naissance (art. 9, al. 3).

Des temporalités complexes sont ainsi instaurées, qui réfèrent soit à la durée de résidence en Suisse, dans une logique d'accumulation de capital d'autochtonie (Huysmans 2000), et soit à la durée de cotisation, dans une logique assurantielle, complexifiées par le fait que toutes les personnes de nationalité étrangère ne sont pas logées à la même enseigne. Il existe en effet par rapport à la reconnaissance des années de cotisation des différences de droit notables selon que les personnes sont en possession de documents d'identité d'un pays de l'UE ou de l'AELE, d'un pays avec lequel la Suisse a conclu une convention de sécurité sociale, ou d'un autre pays. Des groupes territoriaux sont institutionnalisés : autochtones, européen·nes, personnes issues d'un pays qui a signé une convention de sécurité sociale avec la Suisse (tableau N° 1), selon le type de convention, et les autres. Ces groupes sont recomposés en fonction du contexte social, historique et politique, puisqu'aussi bien l'AI, les conventions de sécurité sociale que la législation helvétique sur les personnes de nationalité étrangère évoluent (annexe II).

Cela signifie qu'une personne migrante de nationalité étrangère considérée comme invalide n'a pas forcément droit à des prestations de l'AI, parce que son droit assurantiel découle non seulement de la handicapologie (les conséquences de l'atteinte à la santé sur sa capacité d'emploi), mais encore de son origine territoriale ; si elle se trouve dépourvue de revenu et sans droit à l'AI, elle risque de perdre son autorisation de séjour en Suisse si elle demande l'aide sociale ; et si elle a droit à une pension de l'AI, mais que cette dernière ne lui permet pas d'atteindre le minimum vital et qu'elle demande à bénéficier de prestations complémentaires à l'AI (PC) –

Figure 1 Citoyenneté sociale des personnes de nationalité étrangère considérées comme invalides



l'aide sociale spécifique pour les pensionné·es AI –, la même chose peut lui arriver (ATF 135 II 265). Les sommes versées par l'AI ou par l'aide sociale sont en outre de nature différente. L'AI sert des pensions, dont le montant, réglé au plan fédéral, est lié au degré d'invalidité reconnu, tandis que les montants de l'assistance dépendent des revenus et de la fortune et sont fonction des besoins reconnus. Les logiques à l'œuvre sont présentées dans la figure suivante.

Comme on le voit ci-dessus, les logiques d'exclusion de l'AI sont liées à la durée de cotisation, qui varie selon le territoire d'origine, ou au capital d'autochtonie si la première condition n'est pas remplie. Sans droit à l'AI, demeure le droit à l'aide sociale, qui n'est pas lié à la handicapologie, mais à des conditions de ressources. Mais faire valoir ce droit remet en question celui de la naturalisation (qui pourrait ouvrir des droits à l'AI), voire celui même de séjourner en Suisse (exclusion totale de la sécurité sociale).

4 La sécurité sociale des personnes migrantes de nationalité étrangère

Il existe de fait une tension (Borrelli et al. 2021) entre les droits sociaux et le contrôle de la migration. Pour restreindre l'accès à la citoyenneté sociale, le législateur a ainsi prévu différentes dispositions pour empêcher que les personnes de nationalité étrangère ne soient, ne deviennent ou ne demeurent à charge de l'aide sociale helvétique.

Les personnes qui migrent font l'objet d'un examen de plus en plus minutieux, preuve que les frontières comme appareil de sélection non seulement sont toujours bien là, mais se réinventent (Mau 2021). Il s'agit notamment de vérifier leur indépendance financière. En Suisse, l'article 3 de la Loi fédérale sur les étrangers et l'intégration (LEI) du 16 décembre 2005 prévoit que « l'admission d'étrangers en vue de l'exercice d'une activité lucrative doit servir les intérêts de l'économie suisse » et l'article 5, al. b précise que « pour entrer en Suisse, tout étranger doit […] disposer des moyens financiers nécessaires à son séjour ». La LEI prévoit en outre que les personnes de nationalité étrangère qui viennent s'établir en Suisse pour chercher un emploi, ainsi que leur famille, n'ont aucun droit à l'aide sociale (LEI, art. 29a) et que l'aide éventuelle se limite à ce qui est nécessaire pour assurer la survie afin de ne pas être abandonné à la rue et réduit à la mendicité[3], que le regroupement familial est interdit en cas de dépendance importante et de longue durée de l'aide sociale (LEI, art. 43), ceci quel que soit le nombre d'années de séjour en Suisse[4], et enfin, qu'une fois admises, pour demeurer en Suisse, les personnes de nationalité étrangère

3 Voir par exemple ATF 8C_681/2008 du 17 mars 2009 et https://skos.ch/fr/les-normes-csias/juridique/baseslegales et https://artias.ch/artias_type_veille/listes-des-arrets-du-tf.

4 Jusqu'en 2016, l'art. 63, al. 2 LEtr ne permettait pas de révoquer l'autorisation d'établissement d'une personne de nationalité étrangère qui séjournait en Suisse légalement et sans interruption depuis plus de quinze ans au seul motif d'une dépendance importante et durable à l'aide sociale. Cette disposition a été abrogée.

ne doivent pas émarger durablement et dans une large mesure à l'aide sociale : c'est un motif de renvoi (LEI, art. 63c)[5].

À première lecture, ces dispositions concernent principalement les « indigents valides », ce que semble confirmer le traitement spécifique des pensions de l'AI qui ne sont pas prises en compte en ce qui concerne la révocation du permis de séjour, au contraire elles sont considérées comme un revenu et doivent être prises en compte pour calculer si la personne a des moyens financiers suffisants pour résider en Suisse (ATF 135 II 265 et Conseil fédéral 2016, 2865 ; Secrétariat d'Etat aux migrations SEM 2021). Une analyse approfondie dément toutefois cette première impression.

4.1 L'AI et l'appartenance nationale

En effet, l'AI pose depuis 2008[6] comme condition d'ouverture du droit une durée minimale de cotisation de trois ans. Les nouveaux migrant·es en Suisse qui relèvent de la handicapologie ne sont donc pas traités de la même manière que les autochtones, et leur traitement varie en fonction de leur territoire d'origine. Si ce territoire est extra-européen, ou se rapporte à un pays qui n'a pas ratifié de convention de sécurité sociale avec la Suisse, le droit à l'assurance en cas de survenance du risque avant cette durée de cotisation est dénié : en cas de besoin, il ne reste que le recours à l'aide sociale, qui comme nous venons de le voir est notamment motif de révocation du permis de séjour.

Si ce sont des personnes qui ont des documents d'identité issus d'un pays européen (UE/AELE), le principe dit de « totalisation des périodes » s'applique en vertu des accords bilatéraux, qui signifie que les années de cotisation dans les différents pays sont prises en compte afin de reconstituer « l'unité de la carrière des migrants au regard de la sécurité sociale, malgré leur assujettissement successif à diverses législations » (Greber 2014, 84). La temporalité assurantielle est donc identique pour les personnes de nationalité suisse et celles qui ont une nationalité d'un pays membre de l'UE/AELE. Les autres principes qui fondent l'accord multilatéral UE/AELE sont l'égalité de traitement ainsi que l'exportation des prestations.

Ces principes sont également appliqués dans 11 des conventions bilatérales de sécurité sociale ratifiées par la Suisse en 2020 (cf. tableau N° 1), la principale différence avec l'accord UE/AELE étant que la prise en compte des périodes ne vaut chaque fois que pour deux systèmes nationaux de sécurité sociale (Greber 2014). Ces 11 conventions concernent six pays membres du Conseil de l'Europe, deux pays d'Amérique latine, les USA, les Philippines et le Japon. Cinq autres conventions bilatérales reconnaissent l'égalité de traitement et l'exportation des prestations, mais pas la totalisation des périodes de cotisation, tandis que les trois dernières ne reconnaissent aucun de ces principes.

5 La Loi sur le séjour et l'établissement des étrangers de 1931 (en vigueur jusqu'en 2005) prévoyait déjà des dispositions de cette sorte (Bolzman et al. 2002).

6 Ve révision de l'AI.

Tableau 1 Pays (hors UE/AELE) avec lesquels la Suisse a conclu une convention de sécurité sociale concernant l'AI

Type de convention	Année
Reconnaissant l'égalité de traitement, l'exportation et la totalisation[a]	
Bosnie-et-Herzégovine (Yougoslavie)	1962
Brésil	2019
Japon	2012
Kosovo	2019
Liechtenstein	1990
Monténégro	2019
Philippines	2004
Serbie	2019
Turquie	1972
Uruguay	2015
USA	2014
Reconnaissant l'égalité de traitement, l'exportation mais pas la totalisation	
Australie	2008
Canada	1995
Chili	1998
Israël	1985
Macédoine du Nord	2002
Ne reconnaissant ni l'égalité de traitement, ni l'exportation, ni la totalisation	
Chine	2017
Corée du Sud	2015
Inde	2011

[a] La réponse « non » signifie que l'ouverture du droit à l'AI, le calcul et le montant d'une rente suisse se basent uniquement sur les cotisations versées au régime suisse de sécurité sociale.

C'est comme nous l'avons vu en 2008 que le gouvernement helvétique a introduit une nouvelle temporalité assurantielle en triplant la durée minimale de cotisation. Le but de cette mesure était « d'éviter que des personnes s'inscrivent par précaution à l'AI après seulement un an de séjour en Suisse » (Conseil fédéral 2005, 4291), et le gouvernement se réjouissait du fait que cette mesure n'allait pas impacter les ressortissant·es européen·nes, ni les personnes venant d'un pays avec lequel la Suisse a conclu une convention de sécurité sociale incluant la totalisation. La décision était censée avoir un effet sur d'autres, sur les personnes dans la procédure d'asile et plus généralement sur les personnes ayant un passeport d'un pays des Suds.

Cette forme explicite d'exclusion fondée sur la temporalité fonctionne également pour les PC, qui est rappelons-le l'aide sociale fournie aux personnes qui reçoivent une pension de l'AI lorsque cette dernière ne leur permet pas d'atteindre

le minimum vital fixé par la loi. D'abord, les PC ne sont accessibles sans délai que pour les personnes de nationalité suisse ou qui sont ressortissantes d'un État membre de l'UE/AELE ; pour les autres, il faut avoir habité en Suisse de manière ininterrompue durant dix ans (art. 5 de la loi sur les PC AVS/AI du 6 octobre 2006). Pour les réfugié·es et les apatrides, ce délai est de cinq ans. Les personnes reconnues comme invalides, touchant une pension de l'AI, qui ne viennent pas d'un pays de l'UE/AELE et ne résident pas en Suisse depuis 10 ans au moins, se trouvent donc dans une situation similaire à celle décrite plus haut : demander l'aide sociale pour atteindre le minimum vital peut mettre en cause leur séjour en Suisse.

La temporalité assurantielle comme on le voit inclut et exclut de la citoyenneté sociale en traçant des cercles sur la carte du monde. Le nom de la race, pour parler comme Etienne Balibar (2007), même s'il n'est jamais évoqué, fonctionne à plein : c'est en effet une sémiotique de l'« autre » qui fonde le rapport social fondé sur les territoires (Hall 1980 ; Zoubir et Murji 2020).

Comment cette temporalité liée aux territoires s'imbrique-t-elle avec le rapport social fondé sur les capacités ? Nous allons l'examiner à partir de la jurisprudence du TF.

4.2 Les 17 arrêts du TF

L'analyse des 17 arrêts du TF de notre corpus (annexe I) fait d'abord ressortir que cette imbrication relève de la biopolitique qui régit le gouvernement des frontières (Mau 2021). En effet, ces arrêts se focalisent sur l'éligibilité au droit en lien avec l'origine nationale, conjuguée tantôt avec le lieu où l'atteinte à la santé s'est produite (temporalité de l'invalidité), tantôt avec le séjour effectif sur le territoire au moment de la demande de prestation (temporalité de la demande), tantôt avec le nombre d'années de cotisations (temporalité assurantielle), et tantôt avec le capital d'autochtonie accumulé (temporalité sur le territoire).

La première temporalité (de l'invalidité) renvoie à la question de la propriété du problème, pour parler comme Joseph Gusfield (1980) : est-ce ou non à l'AI helvétique de fournir des prestations pour ces situations ? Pour y répondre, les juges se posent la question de savoir si l'atteinte à la santé invalidante a eu lieu avant ou après l'arrivée en Suisse. Si elle a eu lieu avant, et ceci même si la situation relève clairement de la handicapologie, le droit à des prestations est dénié. Les quatre arrêts suivants discutent de situations de cette sorte.

› Arrêt N° 2 (1985) : Un homme européen, né au Mexique, puis naturalisé en Suisse se voit refuser des mesures médicales de l'AI pour soigner son épilepsie au motif qu'il est « entré en Suisse en qualité d'étranger » alors qu'il était déjà « porteur d'une affection congénitale ». Le TF, tout en reconnaissant le bien-fondé du refus de prestations médicales de l'AI au motif que cette personne n'était pas assurée en Suisse au moment de la survenance de la maladie, estime qu'un droit à l'AI existe éventuellement, mais uniquement depuis la date de

la naturalisation et s'il s'agit d'une infirmité congénitale. Il demande une instruction complémentaire pour le déterminer.

› Arrêt N° 4 (2000 : Un homme, au bénéfice d'un permis B depuis 1997, qui souffre depuis son enfance d'un asthme grave, « d'un retard mental d'origine probablement organique » et de séquelles d'épisodes de tortures subies dans son pays d'origine (où il est reconnu comme invalide), demande des prestations de l'AI qui lui sont refusées au motif que la survenance de l'invalidité est antérieure à l'entrée en Suisse. Le TF confirme ce refus.

› Arrêt N° 10 (2015), 3 juges (PLR ; PSS ; UDC) : Une femme nigériane de 44 ans, arrivée en Suisse en 1996 et devenue Suissesse vers 2013, reconnue comme invalide en 1997 mais sans droit à des prestations car ne pouvant pas faire valoir à la survenance de l'invalidité une année entière de cotisation. Souffrant de « troubles neurologiques » depuis 2011, elle demande des prestations de l'AI qui lui sont refusées au motif que le moment déterminant quant à la survenance du cas d'assurance pour la rente est le 1er septembre 1997, date à laquelle l'assurée ne répondait pas aux conditions d'assurance. Le TF considère que la demande « repose sur une affection totalement nouvelle » et qu'elle doit être acceptée car elle est survenue en Suisse.

› Arrêt N° 15 (2018), 3 juges (1 PSS et 2 UDC) : Une femme brésilienne née en 1954, arrivée en Suisse en 1985, mariée à un Suisse en 1986. Souffre de « schizophrénie bipolaire chronique » depuis 1983, demande une pension de l'AI. Le TF, constatant que l'invalidité est antérieure à l'arrivée en Suisse, rejette la demande.

Le lien entre l'incapacité et le territoire où s'est produit l'enchaînement de faits qui a conduit à ce que la personne soit considérée comme relevant de la handicapologie est flagrant dans chacun de ces cinq arrêts. Le processus d'altérisation qui est à l'œuvre permet, tout en reconnaissant l'écart à la normalité capacitiste qui justifie l'aide, de ne pas en tenir compte au lorsque la temporalité de l'évènement se situe hors de Suisse. L'arrêt N° 2 est particulièrement intéressant, puisqu'il fait directement le lien entre la naturalisation et le droit aux prestations (c'est également le cas plus bas dans l'arrêt N° 6). Il indique que le fait d'acquérir la citoyenneté donne bien accès à un privilège social, comme l'ont montré Choffat et al. (2020).

Si l'invalidité s'est produite sur le territoire national, un deuxième type de temporalité est parfois mobilisée par les juges, à savoir si la personne qui demande des prestations séjourne effectivement en Suisse (temporalité de la demande). La question de la domiciliation est ainsi au cœur des 3 arrêts suivants :

› Arrêt N° 7 (2008), 5 juges (3 UDC ; 1 PDC ; 1 PLR) : Une femme française de 26 ans, « atteinte depuis son enfance d'épilepsie et présent[ant] des troubles envahissants du développement et une intelligence limite », vit dans une institution spécialisée en Suisse, mais ses parents sont domiciliés en France. Elle demande à recevoir une rente extraordinaire de l'AI qui lui est refusée

parce que cette dernière considère que le fait de vivre dans une institution en Suisse n'établit pas le domicile. Le TF au contraire estime qu'il y a des indices « sérieux de l'intention de faire de la Suisse le centre de ses intérêts » : outre le fait qu'elle y est née, qu'elle y a fait scolarité et son préapprentissage. Le recours est accepté.

› Arrêt N° 13 (2017), 5 juges (1 Les Vert·es ; 2 UDC ; 1 PSS ; 1 PLR) : Une fille, ressortissante d'un État membre de l'UE, qui « présente un trouble du spectre autistique », reçoit pour cette raison des prestations de l'AI depuis 2013. Dès 2014, les parents en tant que fonctionnaires internationaux ne sont plus soumis à l'AVS/AI, ce qui conduit l'AI à cesser ses prestations. Le TF estime qu'il faut clarifier le statut de la fille au regard de l'assujettissement à l'AVS/AI pour prendre une décision, le statut des parents n'étant pas à lui seul déterminant.

› Arrêt N° 16 (2019), 5 juges (1 PDC ; 2 PSS ; 2 UDC) : Une femme indienne née en 1959, arrivée en Suisse en 1992, mariée à un Suisse en 2002. Elle a déposé une demande de prestations de l'AI en 2010, qui lui a été refusée au motif qu'elle n'habite pas en Suisse, mais en Allemagne. Le TF estime que cette femme, de par son mariage, fait partie de la famille du citoyen suisse et qu'elle a droit à une pension au même titre qu'un·e citoyen·ne suisse. L'office doit donc évaluer son droit à l'AI.

La question du domicile effectif en Suisse de la personne relevant de la handicapologie est donc tranchée dans l'arrêt N° 7 en fonction de la primauté du territoire helvétique par rapport à un territoire étranger (la France). C'est un raisonnement temporel qui renvoie à la question des territoires d'appartenance. Dans l'arrêt N° 13, c'est l'extraterritorialité des parents qui est cause : tout en étant domiciliés en Suisse, ils ne sont pas assujettis à la sécurité sociale helvétique à cause de leur statut de fonctionnaires internationaux. L'arrêt N° 16 renvoie à une autre forme d'appartenance, celle qui découle de l'alliance familiale d'une étrangère avec un autochtone : la conjugalité permet d'ouvrir des droits. Ces droits ont toutefois des limites bien précises, comme on le lit dans le résumé de l'arrêt suivant qui montre que le groupe familial ne s'étend pas aux enfants du conjoint :

› Arrêt N° 14 (2017), 5 juges (1 Les Vert·es ; 2 UDC ; 1 PSS ; 1 PLR) : Un enfant bolivien, qui souffre d'un « d'un retard mental depuis sa naissance […] et des troubles de l'adaptation avec perturbation mixte des émotions et des conduites qui empêchaient l'assuré de suivre une formation ou un cursus professionnel ordinaire » a rejoint sa mère en Suisse en 2014, portugaise par mariage depuis 2011. Une rente extraordinaire de l'AI est demandée pour l'enfant en 2015. Le TF, comme l'enfant est bolivien, estime qu'en tant « en tant qu'enfant du conjoint d'un ressortissant d'un Etat membre de l'Union européenne », il ne peut être considéré comme un membre de la famille et n'a pas droit à cette pension, car il ne satisfait pas aux conditions concernant la durée de résidence.

La troisième temporalité mobilisée par les juges concerne la durée effective de résidence en Suisse, un décompte qui renvoie à la recherche de la preuve que la personne a suffisamment contribué, par ses cotisations et par ses impôts, au financement de l'État social (temporalité assurantielle). C'est par exemple le cas, outre l'arrêt des deux arrêts suivants :

› Arrêt N° 5 (2005) : Une femme portugaise de 46 ans, qui souffre de séquelles d'une poliomyélite qu'elle a eu à l'âge de 7 mois, et qui a rejoint son époux en Suisse en 1996, demande des prestations de l'AI qui lui sont refusées. Le TF, constatant qu'elle n'a pas cotisé au moins une année en Suisse avant la réalisation du risque, lui dénie le droit à une pension ordinaire et refuse également de lui octroyer une pension extraordinaire au motif qu'elle n'a pas le même nombre d'années de cotisation que sa classe d'âge.
› Arrêt N° 11 (2016), 3 juges (2 UDC ; 1 PLR) : Une femme française de 35 ans, qui « souffre depuis l'enfance d'une déficience mentale légère, de troubles psychiques, de troubles autistiques et d'une psychose infantile », en Suisse depuis 2013 pour y suivre ses parents demande une pension extraordinaire de l'AI qui lui est refusée parce qu'elle n'a pas « un nombre d'années d'assurance en Suisse égal à celui des personnes de sa classe d'âge ». Le TF rejette le recours.

Dans l'arrêt N° 5, qui porte sur le fait qu'il faut avoir le nombre d'années de cotisation de sa classe d'âge pour pouvoir bénéficier d'une pension extraordinaire de l'AI, le TF relève qu'il n'y a pas de discrimination dans cette manière de procéder parce qu'« une Suissesse se trouvant – abstraction faite de la nationalité – dans la même situation qu'elle, ne pourrait pas non plus prétendre à une rente extraordinaire ». Il note qu'« il est clair cependant que cette dernière condition peut être remplie plus facilement par des ressortissants suisses que par des étrangers ». L'inégalité reconnue d'accès à un droit relevant de la handicapologie n'est pas problématique pour le TF qui l'estime « objectivement justifié[e] ». Relevons que le TF procède à ce type de raisonnement dans trois arrêts (N° 5, N° 8, N° 11). C'est l'intériorisation par le TF de la hiérarchie des droits motivée sur le rapport social fondé sur l'appartenance ou non à au territoire suisse qui lui permet de tenir ce raisonnement.

Un quatrième type de temporalité est mobilisé dans 7 autres arrêts, qui réfère à la durée de séjour sur le territoire, donc au capital d'autochtonie accumulé.

› Arrêt N° 1 (1984) : Une femme espagnole se voit refuser des prestations pour « cas pénible » de l'AI au motif qu'elle n'a pas résidé de manière ininterrompue en Suisse pendant cinq années au moins fixées par la convention hispano-suisse. Elle a en effet quitté la Suisse le 12 juillet 1978 pour se rendre en Espagne dans l'intention d'y faire des vacances, mais elle n'est rentrée en Suisse que le 26 septembre 1980 à cause d'une maladie de longue durée. Elle a donc passé nettement plus de temps en Espagne que les 3 mois en principe autorisés par année. Le TF considère qu'une absence de Suisse d'une durée supérieure sans interrompre la résidence est possible lorsque l'interruption du

séjour est motivée par des raisons de santé. Le TF demande une instruction complémentaire pour déterminer si la maladie effectivement empêchait cette personne de revenir en Suisse.

› Arrêt N° 6 (2007) : Une femme américano-péruvienne arrivée en Suisse à l'âge de 3 ans (1966), ayant résidé aux USA au début des années 1990, puis étant revenue en Suisse en 1993 où elle s'est naturalisée en 2000, qui vit au Pérou au moment du jugement et qui est au bénéfice d'une pension AI depuis 1995, demande que cette dernière soit versée rétroactivement depuis 1988, ainsi que des prestations complémentaires depuis cette date. Le TF n'entre pas en matière concernant la pension. Pour les PC, il constate qu'avant sa naturalisation, elle devait avoir 10 ans résidence ininterrompue en Suisse à partir de 1993, mais que cette condition n'est plus applicable depuis sa naturalisation en 2000.
› Arrêt N° 8 (2014), 5 juges (2 UDC ; 1 Les Vert·es ; 1 PLR ; 1 PSS) : Une femme de 22 ans de nationalité kosovare venue rejoindre ses parents en Suisse en 2005. En raison de séquelles d'un accident de la route survenu en 2009, elle demande des prestations de l'AI, notamment une pension. L'AI refuse faute pour l'assurée de réaliser les « conditions générales d'assurance », i. e. d'avoir obtenu des mesures de réadaptation avant ses 18 ans, faute d'être invalide. Le TF demande une instruction complémentaire pour savoir si l'assurée aurait pu, vu son état de santé, bénéficier de prestations de réadaptation entre 18 et 20 ans.
› Arrêt N° 12 (2017), 5 juges (1 Les Vert·es ; 2 UDC ; 1 PLR ; 1 PSS) : Une femme de République dominicaine, mariée à un Suisse en 2007 (et résidant depuis cette date en Suisse), au bénéfice d'une rente AI se voit refuser le droit aux PC en 2015 parce qu'elle n'a pas les 10 ans de résidence requis. En l'absence de convention de sécurité sociale qui réduirait le délai de 10 ans, le TF conclut qu'elle n'a pas droit aux PC.

Comme on le voit dans ces quatre premiers arrêts, la temporalité sur le territoire varie selon le type de prestation recherchée et selon l'existence ou non d'une convention de sécurité sociale avec le pays d'origine : ce sont autant de groupes avec des droits différents, sur lesquels les personnes impactées sont sans pouvoir. On relève, dans l'arrêt N° 6, l'insistance sur le caractère « interrompu » du séjour en Suisse, qui renvoie à une obligation qui va bien au-delà de la contribution à la sécurité sociale : celle de la permanence du séjour sur le territoire, à laquelle une infidélité (supérieure à 3 mois) n'est pas tolérée, signe qu'un engagement profond est requis. Cet engagement sur la durée n'est toutefois pas requis de toutes les nationalités : nous avons ainsi vu plus haut que cette exigence n'existe pas pour les personnes issues de l'UE/AELE. On peut dès lors en conclure que l'ajustement du droit à la durée du séjour sur le territoire suisse est cohérent avec l'idée non pas de la contributivité évoquée plus haut, mais avec le fait que le droit à des prestations dépend de la quantité de capital d'autochtonie possédé. Les personnes de nationalité suisse ainsi que celles qui ont une nationalité européenne sont considérées comme détentrices via leur seul

passeport de ce type de capital, que les autres doivent accumuler, de manière plus ou moins importante en fonction de l'existence de conventions de sécurité sociale.

Les trois autres arrêts qui réfèrent à ce quatrième type de temporalité (sur le territoire) traitent de personnes sans papiers en Suisse. Ils confirment cette analyse :

- Arrêt N° 3 (1992) : Un homme serbe, sans permis de travail, accidenté aux poignets sur le chantier sur lequel il était employé, et pour cette raison mis au bénéfice d'une pension d'invalidité de l'assurance accident et d'une atteinte à l'intégrité corporelle demande des prestations de l'AI. Elles lui sont refusées au motif qu'il est sans permis de séjour. Le TF, sur la base de la convention de sécurité sociale conclue avec la Yougoslavie, intime à la caisse d'examiner à quelles prestations il a droit.
- Arrêt N° 9 (2014), 3 juges (UDC ; Les Vert·es ; PSS) : Une femme veuve de 43 ans de nationalité kosovare, légalement en Suisse depuis 2006 (mais en fait travaillant depuis 1992) pensionnée AI depuis 2012, demande à pouvoir bénéficier des PC. Le droit aux PC lui a été refusé parce qu'elle n'a pas séjourné légalement en Suisse sans interruption avant la demande de PC (tout en s'acquittant de ses cotisations sociales). Le TF confirme la décision. Il refuse sans davantage argumenter de prendre en considération les années de cotisations, donc la temporalité assurantielle, pour ne tenir compte que de la temporalité liée au domicile légal.
- Arrêt N° 17 (2019), 3 juges (2 UDC, 1 PSS) : Un homme portugais, né en 1960 et séjournant en Suisse depuis 2003. Suite à un accident de travail en 2003, il reçoit une rente AI depuis 2004. Il demande les PC, qui sont refusées au motif qu'il a « bénéficié pendant toute cette période d'un permis L originellement octroyé pour travailler puis renouvelé de façon régulière pour des raisons médicales et que la transformation de son permis L en permis B lui avait été refusée à l'époque dans la mesure où il n'en remplissait pas les conditions. […] Toutes les années durant lesquels le recourant était titulaire d'un permis L ne [peuvent] pas être assimilées à un séjour ‹ légal › ou ‹ conforme au droit › en Suisse ». Le TF n'est pas d'accord avec cette décision et la casse : la notion de séjour « légal » n'a été introduite qu'en 2016 dans la LEI, elle ne s'applique selon lui pas ici.

Ces trois arrêts montrent des manières différentes de considérer l'illégalité. En particulier, les deux premiers arrêts sont contradictoires, l'arrêt N° 3 estimant qu'il n'est pas « contraire à l'ordre public suisse d'allouer des prestations […] de l'assurance invalidité, à un ressortissant étranger entré illégalement en Suisse et néanmoins obligatoirement assuré en raison de l'exercice d'une activité lucrative », l'arrêt N° 9 estimant au contraire que « non può rendere conforme all'ordinamento giuridico una situazione di illegalità. » Dans le premier, le fait qu'il s'agisse d'un accident de travail déjà protégé par l'assurance accidents (qui ne se soucie pas du statut de séjour) joue sûrement un rôle. Mais on ne peut exclure ici que le fait que ces deux arrêts

aient été rendus à 22 ans d'intervalle, dans un contexte qui a vu se renouveler la question des frontières (Mau 2021), joue également un rôle. En effet, la question de la légalité du séjour sur le territoire versus celle du séjour effectif a été traitée par le législateur qui a introduit la notion de séjour « légal » dans la Loi sur les étrangers et l'intégration de 2016 comme on l'a vu dans l'arrêt N° 17. Il s'agit d'un durcissement des conditions d'accès, une tendance que l'on a également relevée par rapport au triplement de la durée de séjour en Suisse introduite dans l'AI en 2008.

5 Conclusion

La législation comme la jurisprudence que nous avons analysées dans cet article s'expliquent par le fait que la rationalité de la gouvernementabilité en matière de droit à l'AI pour les personnes de nationalité étrangère repose sur une citoyenneté sociale s'adressant en priorité aux propriétaires du foyer national, qui les protège en cas d'handicapologie. Les autres personnes relevant de la handicapologie sont soumises à des conditions liées à quatre types de temporalités (temporalité de l'invalidité ; de la demande ; assurantielle ; sur le territoire) qui font système et sont autant de moyens d'exclusion, plus ou moins radicaux suivant les pays d'origine. Ces conditions relèvent du « chauvinisme social » (Huysmans 2000), en ce sens que des critères qui n'ont rien à voir avec le risque protégés sont introduits. Si l'aide aux personnes qui relèvent de la handicapologie est consensuelle car « elle ne pose pas de problème de principe », en fait c'est seulement l'aide aux autochtones qui l'est. Cela montre que la « question sociale », pour reprendre les termes utilisés par Castel, ne peut pas se penser uniquement en regard du rapport social fondé sur les capacités, car le rapport social lié à l'appartenance territoriale est prépondérant.

C'est le groupisme (Brubaker 2002) qui permet l'altérisation de personnes relevant de la handicapologie. Des « différences » construites sur l'origine sont ainsi mises au service de discriminations racistes dans l'accès aux prestations sociales (Liebscher 2021). En effet, étant donné que les personnes venant d'un pays des Suds, globalement, ont dans ce processus encore moins de droits que les autres personnes de nationalité étrangère, il produit une forme de racisme sans race, en ce sens que le discours de l'exclusion (celui de la loi comme celui de la jurisprudence), tout éloigné qu'il soit de toute relation directe avec un sujet racial précis, a pour effet de systématiquement davantage exclure les personnes éloignées de l'Europe que les autres.

6 Références bibliographiques

Balibar, Etienne. 2007. Le retour de la race. *Mouvements* 50(2) : 162–171. https://doi.org/10.3917/mouv.050.0162.

Bolzman, Claudio, Poncioni-Derigo, Raffaella, Rodari, Sophie et Tabin, Jean-Pierre. 2002. *La précarité contagieuse. Les conséquences de l'aide sociale sur le statut de séjour des personnes de nationalité étrangère : L'exemple des cantons de Genève et Vaud.* Lausanne et Genève : Cahiers de l'EESP et IES.

Borrelli, Lisa M., Stefanie Kurt, Christin Achermann, and Luca Pfirter. 2021. (Un)Conditional Welfare? Tensions Between Welfare Rights and Migration Control in Swiss Case Law. *Revue suisse de sociologie* 47(1) : 73–94.

Bourdieu, Pierre. 1986. La force du droit. Eléments pour une sociologie du champ juridique. *Actes de la recherche en sciences sociales* 64(64) : 3–19.

Brubaker, Roger. 1999. The Manichean Myth: Rethinking the Distinction Between "Civic" and "Ethnic" Nationalism. Pp. 55–72 in *Nation and National Identity. The European Experience in Perspective,* edited by Hanspeter Kriesi, Klaus Armingeon, Hannes Siegrist, and Andreas Wimmer. Coire : Rüegger.

Brubaker, Roger. 2002. Ethnicity without Groups. *European Journal of Sociology* 43(2): 163–189. https://doi.org/10.1017/S0003975602001066.

Brubaker, Rogers. 2015. *Grounds for Difference*. Cambridge : Harvard University Press.

Campbell, Fiona Kumari. 2009. *Contours of Ableism. The Production of Disability and Abledness*. Camden : Palgrave Macmillan.

Castel, Robert. 1995. *Les métamorphoses de la question sociale : Une chronique du salariat*. Paris : Fayard.

Choffat, Dietrich, Marta Roca i Escoda et Hélène Martin. 2020. A certifier conforme. Les couples binationaux face à la loi helvétique. *Revue européenne des Migrations Internationales* 36(2–3): 281–304. https://doi.org/https://doi.org/10.4000/remi.16000.

Clarkwest, Andrew. 2008. Neo-Materialist Theory and the Temporal Relationship Between Income Inequality and Longevity Change. *Social Science & Medicine* (66) : 1871–1881.

Conseil fédéral. 2005. Message concernant la modification de la loi fédérale sur l'assurance invalidité (5e révision de l'AI). *Feuille fédérale :* 4215–4356.

Conseil fédéral. 2016. Message du 4 mars 2016 relatif à la modification de la loi fédérale sur les étrangers (Gestion de l'immigration et amélioration de la mise en œuvre des accords sur la libre circulation des personnes). *Feuille Fédérale :* 2836–2906.

Crenshaw, Kimberlé. 1994. Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. Pp. 93–118 in *The Public Nature of Private Violence,* edited by Martha Fineman and Roxanne Mykitiuk. London : Routledge.

Fassin, Didier. 2006. Nommer, interpréter. Le sens commun de la question raciale. Pp. 17–36 in *De la question sociale à la question raciale,* édité par Didier Fassin et Eric Fassin. Paris : La Découverte.

Flick, Uwe (Ed.). 2013. *The SAGE Handbook of Qualitative Data Analysis.* New York : SAGE.

Gamble, Christopher. N., Joshua S. Hanan, and Thomas Nail. 2019. What is New Materialism? *Angelaki* 24(6) : 111–134. https://doi.org/10.1080/0969725X.2019.1684704.

Goodley, Dan. 2014. *Dis/ability Studie : Theorising Disablism and Ableism*. London : Routledge.

Greber, Pierre-Yves. 2014. La continuation par la Suisse de la coordination bilatérale des systèmes de sécurité sociale. *Cahiers genevois et romands de sécurité sociale* (50) : 73–134.

Gusfield, Joseph. R. 1980. *The Culture of Public Problems. Drinking-Driving and the Symbolic Order*. Chicago : The University of Chicago Press.

Hall, Stuart. 1980. Race, Articulation and Societies Structured in Dominance. Pp. 305–345 in *Sociological Theories: Race and Colonialism*, edited by UNESCO. Genève : UNESCO.

Hsieh, Hsiu-Fang and Sarah E. Shannon. 2005. Three Approaches to Qualitative Content Analysis. *Qualitative Health Research* 15(9) : 1277–1288. https://doi.org/10.1177/1049732305276687.

Huysmans, Jef. 2000. The European Union and the Securitization of Migration. *Journal of Common Market Studies* 38(5) : 751–777.

Kälin, Walter and Christine Rothmayr. 2006. Justiz. Pp. 177–200 in *Handbook of Swiss Politics,* edited by Ulrich Klöti, Peter Knoepfel, Hanspeter Kriesi, Wolf Linder, Yannis Papadopoulos and Pascal Sciarini. Zürich : NZZ Verlag.

Kang, Hyo Yoon and Sara Kendall. 2019. Contents, Introduction and Contributors. *Law Text Culture* (23) : 1–15.

Layte, Richard. 2011. The Association between Income Inequality and Mental Health: Testing Status Anxiety, Social Capital, and Neo-materialist Explanations. *European Sociological Review* 28(4) : 498–511. https://doi.org/10.1093/esr/jcr012.

Liebscher, Doris. 2021. *Rasse im Recht – Recht gegen Rassismus. Genealogie einer ambivalente rechtlichen Kategorie*. Frankfurt : Suhrkamp Verlag.

Maciocco, Gavino. 2005. Health Inequalities Within a Nation: A Review of Two New Theories. *Health Policy and Development* 1(1) : 40–45.

Marshall, Thomas Humphrey. 1950. Citizenship and Social Class. Pp. 1–51 in *Citizenship and Social Class* (1996 ed.), edited by Thomas Humphrey Marshall and Tom Bottomore. London : Pluto Press.

Masson, Dominique. 2013. Femmes et handicap. *Recherches féministes* 26(1) : 111–129. https://doi.org/10.7202/1016899ar.

Mau, Steffen. 2021. *Sortiermaschinen. Die Neuerfindung der Grenze im 21. Jahrhundert*. Verlag C. H. Beck.

Primerano, Adrien. 2020. *La fabrique des in/capables : ethnographie de l'accompagnement en institution spécialisée pour adolescent·es désigné·es autistes* http://www.theses.fr/2020EHES0060/document.

Secrétariat d'Etat aux migrations SEM. 2021. *Directives et commentaires I. Domaine des étrangers (Directives LEI).* https://www.sem.admin.ch/dam/sem/fr/data/rechtsgrundlagen/weisungen/auslaender/weisungen-aug-f.pdf.

Soysüren, İbrahim. 2018. *L'expulsion des étrangers en France, en Suisse et en Turquie : pour une sociologie comparative de l'expulsion des étrangers*. Neuchâtel : Alphil.

Zoubir, Zacharias and Karim Murji. 2020. Beyond Marxism versus Cultural Studies. Critical Theories of Racism and Political Action from Migrant Workers to Black Lives Matter. Pp. 28–37 in *Routledge International Handbook of Contemporary Racisms*, edited by John Solomos. London : Routledge.

Annexe I

Tableau A1 Les 17 arrêts du TF

N°	Date	Nationalité	Nb années en Suisse au moment du jugement	Motif du recours	Résultat de la demande de prestation	Arrêt
1	19.12.1984	Espagne	11	Demande de pension AI suite à une maladie.	Instruction complémentaire	110 V 278
2	13.6.1985	Un pays d'Europe, devenu Suisse en 1974	16	Demande de mesures médicales et de réadaptation AI à cause d'une épilepsie.	Partiellement acceptée	111 V 110
3	11.5.1992	Serbe	4	Demande de prestations de l'AI suite à un accident de travail (poignets).	Acceptée	118 V 79
4	25.1.2000	État sans convention de sécurité sociale	12	Demande de pension AI d'une, personne qui souffre d'asthme, de « retard mental », et problèmes psychiques suite à des épisodes de torture.	Rejetée	126 V 5
5	26.9.2005	Portugal	9	Demande de pension à cause de séquelles à l'âge adulte d'une poliomyélite (à 7 mois).	Rejetée	131 V 390
6	6.7.2007	Pérou et USA	11	Demande de pension AI et de prestations complémentaires rétroactives.	Rejetée	P 39/06
7	14.4.2008	France	8	Demande de pension AI à cause d'une épilepsie, de « troubles envahissants du comportement », et d'« intelligence limite ».	Acceptée	134 V 236
8	6/6/2014	Kosovo	9	Demande de prestations de l'AI suite aux séquelles physiques et psychiques d'un accident de la route.	Instruction complémentaire	140 V 246

Suite du Tableau A1 sur la page suivante.

Continuation du Tableau A1.

N°	Date	Nationalité	Nb années en Suisse au moment du jugement	Motif du recours	Résultat de la demande de prestation	Arrêt
9	26.8.2014	Kosovo	8 ; à l'AI depuis 2 ans ; décédée au moment du jugement	Demande de PC AI.	Rejetée	9C_423/2013
10	29.4.2015	Nigeria, devenue Suissesse vers 2013	19	Demande de prestations AI en raison de troubles neurologiques.	Acceptée	9C_36/2015
11	19.7.2016	France	3	Demande de pension AI pour raison de « déficience mentale légère », de troubles psychques, de « troubles autistiques », de psychose infantile.	Rejetée	9C_259/2016
12	29.3.2017	République dominicaine, mariée à un Suisse	10, à l'AI	Demande de PC AI.	Rejetée	9C_307/2016
13	19.7.2017	UE	À l'AI entre 2013–2014	Recours contre suppression de prestations AI parce que les parents ne sont plus assujettis à l'AVS.	Instruction complémentaire	9C_849/2016
14	20.9.2017	Bolivie, mère mariée à un Portugais en 2011	3	Demande de pension AI pour un enfant qui a un « retard mental depuis sa naissance ».	Rejetée	9C_97/2017
15	3.8.2018	Brésil	33 (1985)	Demande de pension AI suite à une « schizophrénie bipolaire chronique ».	Rejetée	9C_291/2018
16	7.5.2019	Inde, mariée à un Suisse	Habite en Allemagne	Demande de pension de l'AI, refus d'entrée en matière.	Acceptée : l'AI doit entrer en matière	8C_660/2018
17	16.8.2019	Portugal	6	Demande de PC AI	Acceptée	9C_885/2018

Annexe II

Tableau A2 Chronologie des changements législatifs

Entrée en vigueur	Changement législatif	Date votation populaire et pourcentage de oui
Période 1 : LSEE (1984–2007)		
1.7.1987	2e révision de l'assurance invalidité (AI) du 19.6.1959.	–
1.1.1988	Loi fédérale sur le séjour et l'établissement des étrangers (LSEE) du 26.02.1931.	5.4.1987 : 65,7 %.
1.1.1988	Révision de la Loi sur l'asile du 5.10.1979.	5.4.1987 : 67,3 %.
1.1.1992	3e révision de l'assurance invalidité (AI) du 19.06.1959.	–
1.2.1995	Loi fédérale sur les mesures de contrainte en matière de droit des étrangers du 18.3.1994.	4.12.1994 : 72,9 %.
1.7.1998	Arrêté fédéral sur les mesures d'urgence dans le domaine de l'asile et des étrangers (AMU) du 26.6.1998.	13.6.1999 : 70,8 %.
1.10.1999	Nouvelle Loi sur l'asile (LAsi) du 26.6.1998.	13.6.1999 : 70,6 %.
1.6.2002	Accord entre la Confédération suisse et la Communauté européenne et ses États membres sur la libre circulation des personnes (ALCP) du 21.6.1999.	21.5.2000 : 67,2 %.
1.1.2003	Loi sur la partie générale des assurances sociales (LPGA).	–
1.1.2004	4e révision de l'assurance invalidité (AI) du 19.6.1959.	–
Période 2 : LEtr (2008–2017)		
1.1.2008	Loi fédérale sur les étrangers (LEtr) du 16.12.2005 (remplace la LSEE du 26.02.1931).	24.9.2006 : 68 %.
1.1.2008	Révision de Loi sur l'asile (LAsi) du 26.6.1998.	24.9.2006 : 67,8 %.
1.1.2008	5e révision de l'assurance invalidité (AI) du 19.06.1959.	17.6.2007 : 59,1 %.
1.3.2008	Accords bilatéraux d'association à l'Espace Schengen et à l'Espace Dublin.	5.6.2005 : 54,6 %.
28.11.2010	Initiative populaire fédérale « Pour le renvoi des étrangers criminels ».	28.10.2010 : 52,3 %.
1.1.2012	6e révision de l'assurance invalidité (AI) du 19.6.1959.	–
29.9.2012	Révision de la Loi sur l'asile (LAsi) du 26.6.1998.	9.6.2013 : 78,4 %.
9.2.2014	Initiative populaire fédérale « Contre l'immigration de masse ».	9.2.2014 : 50,3 %.
15.4.2014	Convention relative aux droits des personnes handicapées du 13.12.2006.	–
1.10.2016	Révision de la Loi sur l'asile (LAsi) du 26.06.1998.	5.6.2016 : 66,8 %.
Période 3 : LEI (dès 2018)		
1.1.2018	Révision de la LEtr du 16.12.2005, devient Loi sur les étrangers et l'intégration (LEI).	–
1.6.2018	Loi sur la nationalité (LN) du 20.06.2014 (remplace la loi sur l'acquisition et la perte de la nationalité suisse du 29.9.1952).	–
12.2.2017	Arrêté fédéral du 30.9.2016 concernant la naturalisation facilitée des étrangers de la troisième génération.	12.2.2007 : 60,4 %.
1.10.2019	Révision de la LPGA du 6.10.2000 (base légale pour la surveillance des assurés).	25.11.2018 : 64,7 %.

Disability Rights and Swiss Citizenship: The Dimensions of Inclusive and Exclusive Integration Criteria

Status: Submitted (Sole authored article)

To be submitted to: Sozialpolitik Journal's Special Issue: Swiss Disability Policies at the Crossroads?

Abstract:
International treaties guarantee 'fundamental rights' for disabled people that ensure the application of principles providing them a dignified life. However, access to citizenship is subject to specific criteria, which can be difficult to fulfil for people with disabilities and consequently there exists an intersecting policy tension between the exemptions of disabled people from citizenship criteria and migration control. Specifically, we examine the intersection of migration and disability within the Swiss legal context in relation to the right to acquire citizenship and the evolution of the law over time, as well as the policy tensions these changes have presented between the social protections enshrined in both Swiss Constitutional law and Article 2 "Reasonable Accommodation" of Convention on the Rights of Persons with Disabilities (CPRD). Furthermore, this study of the Swiss case compiles and examines both the historical evolution of both the laws on naturalization and immigration, as well as highlighting the gradual development of an exemption regime and it's potential limitations by posting the following questions: (i) How has the legal framework that regulates access to Swiss citizenship through naturalisation of immigrants with a disability evolved over time? (ii) Has said legal framework become inclusive over time? In order to answer these questions this study utilized, the historical analysis of the law as a methodology. By posting these questions, we assert that there are various normative tensions between fundamental human rights norms and the interests of the state which has resulted in the development of an (i) indirectly ableist regime of law where (ii) within the both texts of immigration and citizenship law, there is a continued placement and emphasis on an individual's capacity to contribute to society, which can contradict or undermine the various exemptions that can be found within the law.

Keywords: Disability, Citizenship, Ableism, Historical Analysis, Law

Points of interest 100-150 w:

- The aim of this article is to analyse both past and present texts of Swiss Immigration and Citizenship law, and how the laws approach disability when linked with migration.
- To understand the context of the two bodies of law, the article sketches the legal history of the immigration and citizenship in Switzerland.
- This text analyses laws written between 1931-2021 collected from the Swiss Fedlex databases and the various parts of the law that discuss disability and integration criteria for naturalisation.
- Although each body of the law come from different periods od history, each of the laws on immigration and citizenship, which illustrates the oscillation between *explicitly* or *implicitly* ableist criteria within Swiss law.
- The article suggests that, despite the historical evolution of the laws and their subsequent legal revisions, there still remains *implicit* ableist criteria with both bodies of law that can pose potential barriers for foreigners with disabilities who seek to acquire Swiss citizenship.

Introduction

In the first half of the twentieth century, discrimination against foreigners with disabilities was commonplace in the immigration and nationality rules of liberal democracies. For instance, the US Immigration Act of 1917 restricted immigration for those "likely to become a public of charge", which included "all idiots, imbeciles, feebleminded persons, epileptics, insane persons […] persons of constitutional psychopathic inferiority, mentally or physically defective"[1] (Powell, 2009, pp. 136–137; Bromberg, 2015). Such explicit eugenic terminology may have disappeared, but immigration and citizenship policies continue to highlight individual capacities. This configuration reinforces able-bodied, or ableist, power structures in contemporary societies.

Recent scholarship has highlighted the ongoing 'restrictive turn' in immigration and naturalisation policy which increasingly emphasises 'self-sufficiency', more specifically, economic self-sufficiency criteria (Cohen, 2009; Stokke, 2017; Dermaut et al., 2020). This trend reinforces a focus on the notion of a meritocracy and performance within a neoliberal context, which places more emphasis on individuals and their abilities. However, scholars like Anderson, argue that these trends have larger policy implications regarding how states view citizenship and migration in relation to what a prospective citizen *should* be as much as what they *must* be to obtain this legal status. This promotion of the 'fantasy citizenship' reflects how much emphasis is placed on the economic contributions and capacity of both the citizen and the immigrant, disabled or otherwise (Anderson, 2015).

Simultaneously, the rights of citizens with a disability have been increasingly recognised and legally enshrined, both in international law and in the domestic constitutions of liberal democracies. For example, in 2006, the United Nations (UN) adopted the Convention on the Rights of Persons with Disabilities (CRPD), which reaffirms, promotes, and protects the rights of all persons with disabilities, as well as their fundamental freedoms that ensure inherent dignity. Switzerland ratified the CRPD in 2014, ensuring these fundamental rights and freedoms regardless of status or origin. Here, I inquire if this recognition has been extended to foreigners with a disability. The dual movements of legal restriction and the expansion of accommodation create a policy tension between the protection of 'state interests' and the protection of those with disabilities (Tremain, 2002; Hughes, 2005; Lid, 2015; Sépulchre and Lindqvist, 2016; Sépulchre, 2017; 2018a; Jenkins, 2021b). However, very few studies have examined the intersection between migration, citizenship, and disability and how the current trends in naturalisation law can affect individuals at this intersection. This article explores the policy tensions between the ableist conceptions of citizenship and the recognition of the rights of persons with a disability in liberal democracies.

On an empirical level, this article examines the intersection of immigration and disability in Swiss law. Switzerland has a long-standing history of immigration and an equally long-standing politicisation of immigration and fear of "overforeignization", *Überfremdung*. The focus of this article is on three intersecting policy areas: immigration, or the right to immigrate into the country; residence, or the right to stay in the country; and naturalisation, or the right to acquire Swiss nationality. These policy areas overlap and are essential for an in-depth analysis using Dubber's method of Historical Analysis of Law.

The textual evolution of the law over time will be examined and the legitimacy of past and present legal norms will be evaluated. I investigate whether the legal framework in its *textual form*[2] that regulates Swiss citizenship and integration has become more or less ableist over time. To that end, I examine the text of the various laws to ascertain whether there is a direct or an indirect recognition of disability as a ground for exemption from certain legal requirements. My dataset will consist of the various provisions concerning foreigners and naturalisation from 1931 to 2021 (see Table 1). This provides us with a clear

[1] While today we differentiate between intellectual, cognitive, neurological, and psychiatric disabilities, in this paper, the phrase "mental disability" is used to identify a variety of conditions which were historically referred to as "retardation", "mental defects", etc. When specific labels or and terminology are used, this is for historical accuracy or for an example of discrimination as seen in Table 2.

[2] The emphasis is on the text of the law, but how it appears, or is manifested in words, terms and rules, changes over time.

illustration of how and when the law has changed over time. Additionally, this method allows the tracing of whether the law has become increasingly ableist regarding the type of criteria used or whether the Swiss legal framework has opted to counteract such forms of exclusion of (foreign) people with disabilities via a 'regime of exemption' which the principles established in the CRPD can provide.

Conceptual Clarifications

Disability

In recent years, the increased awareness of the everyday experiences of persons with disabilities has led to the re-examination of social and political norms that historically excluded them, *de jure* or *de facto*. This re-examination has encouraged states to adopt a human rights-based approach that focuses on inclusion and empowerment, not just on one's ability to produce social capital, as described by Bourdieu (Bourdieu, 1986). However, at the national level, states still essentially rely on conceptions of capacity and contribution (Walmsley, 1991; Wolbring, 2008; Kymlicka and Donaldson, 2017; Goodley and Lawthom, 2019; Waldschmidt and Sépulchre, 2019). Both expectations are deeply embedded into institutions and their discourse, which is reflected in the understanding of citizenship, and the responsibilities or duties tied to membership. This places citizens with disabilities in precarious situations where the expectation is that citizens will participate in or contribute to the community, despite an individual's limitations. The tension between these elements is highlighted clearly in the 'Social Contract' described by John Locke, especially as it pertains to persons with disabilities; which highlights the shift from bodily capacities to one's ability to contribute to society and the state (Lawson & Gooding, 2005; Vorhaus, 2005; Kanter, 2011; Soldatic & Grech, 2014; Degener, 2016; Shyman, 2016; Lawson, 2020; Lawson & Beckett, 2021). Locke famously highlighted disability as symbols of "both shared human vulnerability and the outer skirts of personhood due to the doubt over human capacity, thus invoking both solidarity and exclusion" (Simplican, 2014, pp.97-99; Simplican,2015, p. 27).

Exclusion can be seen in what Locke calls the capacity contract, which emphasises an individual's ability to be autonomous. This emphasis on one's capacity, has historically led to both direct and indirect forms of discrimination or exclusionary treatment of disabled individuals (Goodley, 2013; 2014; Oliver & Barnes, 2012; Siebers et al., 2017). The rationale for such exclusion finds its roots in historical biopolitical prejudices perpetuated by eugenic movements which assert that disabled persons do not fit with neurotypical or able-bodied expectations and thus they are lesser persons (Beckett, 2006; Campbell, 2009; Halvorsen & Hvinden, 2013; Lid, 2015; Sépulchre 2016; Beckmann, 2017; Sépulchre 2017; Dermaut et al., 2020). Over time these prejudices may have slowly diminished, they still remain embedded in societal fabric via specific expectations when it comes to various forms of participation and contributions to society or the state (Carey, 2003; Devlin & Pothier, 2006; Oliver & Barnes, 2010; Layte, 2012; Rowe, 2015; Schandelmaier et al., 2015; Halvorsen et. al, 2017; Sépulchre, 2018; Goodley & Lawthom, 2019; Jenkins, 2021). This is key for understanding the field of Critical Disability Studies and others that highlight the various social prejudices and forms of discrimination, such as ableism, which assert that disabled persons are inferior since their abilities do not conform to 'normal' standards (Campbell, 2009; Masson, 2013; Goodley, 2014a; Primerano, 2020). Ableism, or ableist conceptions, still remains an everyday challenge for disabled persons in all aspects of their life, since ableism has a tendency to be 'wrapped up' in commodified ideals or conceptions that provide the environment in which ableism can prosper (Goodley, 2014a; Goodley and Lawthom, 2019). While legal recognition and protection for disabled persons has been gradual via anti-discrimination legislation and international treaties, states can limit the rights of disabled persons in the forms of guardianship or conservatorship,[3] which can prevent disabled persons from participating in society and politics (Sépulchre, 2018b; 2019; Waldschmidt and Sépulchre, 2019; Sépulchre, 2020). This is where disability and citizenship overlap

[3] Guardianship prevents disabled people from making day-to-day decisions and places this power in the hands of others. Conservatorship specifically applies to financial decision-making.

and have mixed results in terms of what 'principles' apply (Goodley, 2017; Hughes, 2017; Schalk, 2017).

Citizenship

Marshall (1950) highlighted the social dimension of citizenship and the privileges it carries in the welfare state. In particular, the paradigm shifts away from the human rights-based principles created at the end of World War II (WWII) towards ideas that slowly became embedded in market-focused neoliberal principles and welfare retrenchment. Such principles have reshaped how states create membership criteria and who 'deserves' citizenship, which are based on an immigrant's abilities or the contribution they can make to the host society. This 'market fundamentalism' leads to what Sachar calls the "marketization" of citizenship (Shachar, 2018, p.4). This dual transformation has reduced citizenship to a 'commodity', and 'belonging' is no longer about a shared culture, language or history but about market logic (Shachar and Hirschl, 2014; Shachar, 2018).

Examples of this shift to an emphasis on the 'economic value' of an individual and what they can give to the state can be seen in the emergence of Olympic citizenship, or a human-capital based citizenship (Shachar and Hirschl, 2014). Both conceptualizations of citizenship highlight the burden that is placed upon the individual by the state. An individual can gain rights and privileges if they provide or offer a specific trait or talent that benefits the state, more specifically a skill that enables them to be self-sustainable (Ellermann, 2020). According to Ellermann, such policies are deeply rooted in neoliberal market fundamentalism that not only blurs the distinctions between economic and cultural attributes but also accommodates an 'axis of exclusion,' which facilitates the commodification of a person's traits, thus transforming individuals into human capital rather than beings with inherent dignity. Especially as in certain areas of immigration policy economic immigration is generally seen as a discretionary policy that is not hindered by legal or moral obligations in the way that humanitarian and family immigration policies are (Ellermann, 2020, pp.6-7). Thus, the combination of the marketization of citizenship and the discretionary powers of the state to regulate economic immigration results in a partial convergence in the logic of how institutions create differentiated immigration flows (Ellermann, 2020). Put differently, there are different pathways to citizenship that individuals can earn only if they are deemed worthy or deserving by the state. It is this conceptualisation of citizenship that Joppke calls 'earned citizenship'(Joppke, 2021).

In his previous work, Joppke describes citizenship as a "combination of status, rights and identity." Status implies formal membership and the rules that regulate access to it; rights speak to the capacities and privileges that come with status; identity can be translated as behavioural and cultural expectations that come with membership (Joppke, 2007). This makes citizenship an ever-evolving concept that sits alongside the rules concerning how to earn citizenship, indicating a sharp turn away from previous rules governing citizenship to a more restrictive, or narrow, understanding of citizenship (Joppke, 2021). These changes can be encapsulated under the umbrella of 'earned citizenship,' given that the value of citizenship as a well-guarded privilege has changed from being a protective form to one of reform. However, these reformist aspects have been accompanied by various logics of deservingness that have made citizenship much more difficult to obtain than to lose (Joppke, 2008; 2010; 2016; Meuleman, Roosma, and Abts, 2020; Joppke, 202,1 p.3 ; Borrelli et al., 2021; Knotz et al., 2021). This is in clear contrast to the Marshallian understanding of citizenship, where certain rights are to be granted at the 'origin' and cannot be earned or given to a privileged class (Marshall, 1950). The concept of citizenship as an 'earned' privilege, according to Joppke, is caused by attributes of both neoliberalism and nationalism converging to create instances of neoliberal nationalism, which is "neither ethnic nor civic but is including on the basis of merit and desert" (Joppke, 2021, pp. 2 &30). Such conceptualisations of citizenship hold true, especially for newcomers when they are attempting to access or 'earn' citizenship. It can only be gained or earned by fulfilling specific criteria (Stadlmair, 2018; Joppke, 2021). Failure to fulfil these criteria or to retain a means of contributing to the welfare state can increase an individual's 'deportability' because of the state's perspective on the perceptions of a lack of

deservingness (DeGenova, 2007; Lafleur and Mescoli, 2018, pp. 484-486). As a result of this principle, states have legally negatively discriminated against foreign immigrants (Dahinden and Anderson, 2021). However, what happens when an individual who is seeking social rights or citizenship is an immigrant with a disability? How does the state address these two categories when they exist simultaneously? Our study seeks to answer these questions by examining how disability, migration and citizenship overlap in a historical perspective.

The Swiss position on the Rights of Persons with Disabilities

Switzerland is a unique case, given its ability to balance various governance challenges ranging from its geographical and linguistic complexities to its liberal consociational democracy. One example in the legislation regarding migration and citizenship, which has a history of being politicised by an active right-wing populist political party, thus resulting in the emergence of differentiated legislation on immigration since WWI (D'Amato, et al. 2009; Skenderovic, 2009a; Achermann, et al., 2013; Carrel and Wichmann, 2013b; Wichmann, 2013; DEMIG, 2015; Ruedin et al., 2015; Ruedin and D'Amato, 2015; D'Amato and Ruedin, 2019; Bitschnau et al., 2021). This also seems to be partially the case in relation to laws that regulate accessing the benefits of the first pillar of Swiss Social Insurance, which includes but is not limited to Old Age and Survivors' Insurance (OASI) and Disability Insurance (DI), and its corresponding body of legislation, the Law on General Part Social Insurance (*FLGI*). Each of these bodies of legislation acts as *contingency planning* at federal level and regulates who is entitled to specific pensions or benefits, especially in regard to disability.[4] DI has been revised multiple times since 1990, with the fourth (2003), fifth (2008) and sixth (2012) revisions of the law (Probst et. al., 2015; Fernández and Girod, 2018; Fernández and Abbiate, 2018). The Law on the Elimination of Inequalities Affecting Persons with Disabilities (EIAPD) is complementary legislation to the new Swiss Constitution (SC) that came into force in January of 2004, aims to ensure non-discrimination based on disability, that shares similar provisions found in the Convention on the Rights of Persons with Disabilities (CPRD).[5,6] The CRPD itself is a culmination of the multi-level advocacy efforts of both international and national actors since the 1970s. This resulted in multidimensional protections currently enshrined in the CRPD's principles of: Respect for inherent and human dignity, individual autonomy, reasonable accommodation, non-discrimination. Switzerland signed and ratified this convention on April 15, 2014 (Degener, 2016; Halvorsen, et al., 2018). Therefore, Switzerland is a rich case study for examining the policy tension, especially the 'neoliberal turn', between the norms of protecting those with disabilities, as required by the ratification of the CRPD, to ableist expectations about earned citizenship that focus on the individual's capacity to demonstrate their deservingness by contributing to the host society and not becoming a burden on the state. This places more pressure on immigrants, especially immigrants with a disability. Therefore, it is important to understand *to what extent the legal structure of Swiss citizenship has become more or less ableist over time* and *whether the Swiss legal framework recognises disability as a ground for exemption – directly or indirectly – that can be applied in the laws on foreigners and naturalisation.*

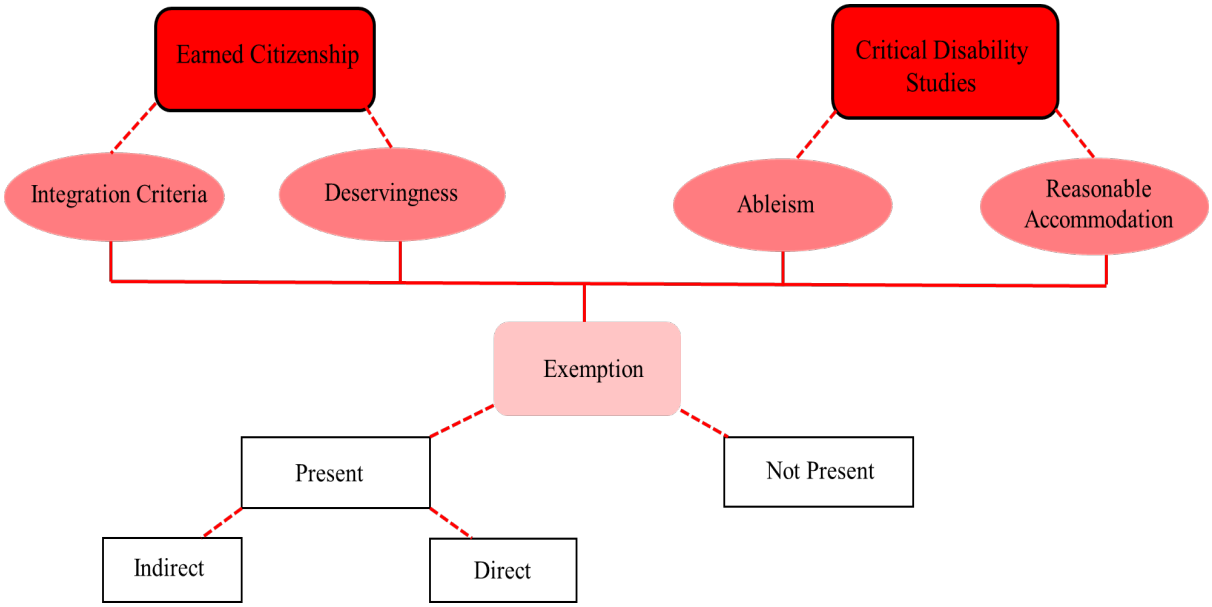
Methodology: The Historical Analysis of Law

To answer our research questions, we will utilise, combine, and operationalise the above-mentioned theories of Earned Citizenship and Critical Disability to examine the overlap of legal categories caused by the influence of biopolitics and its impact on public policy.

[4] For the purposes of this study, we did not include the various legal definitions of disability or the history of social insurance legislation since it lies outside the scope of this article.
[5] It should be emphasized that this anti-discrimination legislation contains a crucial co-opt out in the prevention of discrimination of the basis of disability due to "cost " under Art. 11 al. 1 letr. a.
[6] There are similar definitions of disability in the EIAPD and the CRPD that follow the social, or human rights, model of disability, whereas the DI differs in that it uses the medical model of disability.

First, we will link the conceptual elements of each of these theories, such as capacity, deservingness, and integration criteria, to Critical Disability's *reasonable accommodation* and the prohibition of ableism and other types of discrimination (see Figure 1).

Figure 1: Conceptualisation and Operationalisation



Each of these elements helps us to find legal exemptions in Swiss law at the federal level. Exemptions are a key part of our study since they will be the main component that is assessed; they may or may not be present, thus resulting in a *direct* or *indirect* form of discrimination, respectively. Direct discrimination "occurs when someone is treated less favourably than another person in a comparable situation on grounds of prohibited criteria or are unlawful. It is clearly visible, even displayed or claimed" (Naguib, 2008; Naguib, 2010). Indirect discrimination refers "to practices, policies or legal rules which appear to be neutral but nevertheless still lead to certain or disadvantaged people compared to other unless, objectively justified" (Naguib, 2008; Naguib, 2010; Naguib, 2018). Discrimination can be *positive* or *negative*. Negative discrimination works against the disabled individual (i.e., it involves ableist expectations or requirements), whereas positive discrimination comes in the form of an exemption from meeting specific criteria or conditions that are required to obtain the right to reside in Switzerland or to acquire Swiss nationality (see Table 2).

Table 2: Operational Terminology

Content-related questions	**Determinant** (helps determine whether a provision is weak or strong)
Does disability serve as a ground for exemption?	○ Does the exemption exist in primary legislation (i.e., constitution and treaties) or secondary legislation (i.e., ordinances)? ○ What are the criteria when or does it apply?
Positive discrimination	A form of discrimination that favours someone by treating them differently in a positive way based on a specific trait.
Negative discrimination	When a person is judged based on their individual attributes, skills, and capabilities. This can also include stereotypes, prejudice, or assumptions.

Direct discrimination:	"Occurs wen someone is treated less favourably than another person in a comparable situation on grounds of prohibited criteria or are unlawful" (Naguib 2008; Naguib, 2010).
Indirect discrimination:	"Practices, policies or legal rules which appear to be neutral but nevertheless still lead to certain or disadvantaged people compared to other unless, objectively justified" (Naguib, 2008; Naguib, 2010).

Such exemptions, if present and implemented, are in line with the legal obligations of states like Switzerland that have signed and ratified the CRPD to provide reasonable accommodation, as stated in Article 2 of the Convention (United Nations Department of Economic and Social Affairs, 2006; Motz, 2015). This contrasts with the reinforcement of ableist conceptions and institutional structures, which only value an individual who has the capacity to participate in and contribute to their host society (Linton, 1998). Therefore, it is imperative to continuously re-evaluate previous norms and legal practices and their legitimacy. This is why this study will utilise the historical analysis of law method conceived by Markus Dubber (Dubber, 1998; Dubber, 2016) and Robert Gordon (Gordon,1984; Gordon,1997).

According to Dubber, the point of the Historical Analysis of Law is to critique the legitimacy of a past or present legal practice. In the case of our study, practice comes in the forms of legislation and its interpretation by the judicial system. The goal of the Historical Analysis of the 'law' is to monitor the emergence and development of legal practices and their legitimation or their legitimation processes. For the purpose of the critical analysis of law, legal practice can be defined as attitudes, behaviours, and norms/principles of varying levels of generality. In this view, these practices and norms are distinguished from 'legitimating principles.' Therefore, it is necessary to have an additional theoretical or evaluative framework that provides the normative context *(Dubber, 2015, p. 13).*

Historical analysis draws this prescriptive theory from the field of history, and its critical perspective is immanently historical as it considers the recovery of previous legitimacy problems and their principled solutions (Gordon, 1984; 1997). The point of the historical analysis of law is to critique, not to reform or to make 'critical history', as is the case in this study, where we examine past and present practices applied to historically marginalised groups within a legal context that provides a critique. Combining our theoretical apparatuses and their ascribed elements will help us to assess our data, which will consist of the laws regulating citizenship and the legal residence of foreigners such as the: Federal Act on the Acquisition and Loss of Swiss Nationality of September 29, 1952 (ALSN) and the Swiss Nationality Act of June 20 2014 (SLN), Law on the Residence and Settlement of Foreigners of 26 March 1931 (LRSF), the Law on Foreigners of 05 May 2004 (LoF) and the Law on Foreigners and Integration of 16 December 2005 (LFI) (see Tables 3 & 4 in Appendices). We review the *text* of each of these bodies of law and examine how and when the subject of disability emerges and what rules or requirements are related or tied to it, which helps us to assess whether the legal provision is either direct or indirect regarding how it involves the subject of disability and whether the provision could have a positive or a negative impact on an individual who is both an immigrant and a person with a disability.

Data Collection and Data

Our data consists of laws relevant to members of the intersecting group (i.e., foreign nationals/immigrants with disabilities) who are seeking to naturalise in Switzerland from 1930 to 2021, which we obtained via the *Recueil systématique* from the Swiss Fedlex database and its archives.[7] We were particularly interested in the various legal provisions that focus or define integration criteria their exemption, if present within the law, which consists of but is not limited to cultural/moral, economic, linguistic, and duration of residence (Achermann et al., 2010; Oliver and Barnes, 2012; Carrel and Wichmann, 2013; Achermann, et al., 2013; Sépulchre and Lindqvist, 2016; Tabin and Ader, 2022). For

[7] https://www.fedlex.admin.ch

each of these laws we searched for specific provisions that either explicitly mention 'disabled persons' or ones that intertextual or can be tied to such provisions via using various keywords [8] used to describe disability. The identified provisions were recorded and tracked to find and determine the development of the exemptions which can be found within the law. Examining the law over time allowed us to gain a holistic understanding of the evolution of the legal framework and whether it has become more inclusive or exclusive/ablest over time for foreigners with disabilities who are trying to access citizenship.

Analysis

Evolutions in Immigration and Citizenship Laws

Initially, we found very few direct mentions of disability in the Citizenship Law; however, the opposite was true for the earliest version of the Law on Foreigners (LRSF), which explicitly mentions disability as it pertains to the grounds for the expulsion of foreigners. It specifically connects mental illness to criminality and a lack of economic self-efficiency or financial dependence on social assistance in Art 10 al.1 letr (s). b-c:

> *"A foreigner may only be expelled from Switzerland or a canton: (b) if he or she, as a result of mental illness, it compromises public order; (c) if he or she as a person to whose needs who is required to provide have already fallen or are certainly on the verge of to fall under the charge of public or private assistance"* (FF 1929_929).

However, such direct and indirect negative language or stereotyping/prejudice of disability is not uncommon during the inter-war period given the commonly accepted eugenic understanding of disability. This of course, intertwined with Swiss fears of *Überfremdung* at this time make an illustrative example of the various discriminatory prejudices of the period, manifesting itself in the question of naturalization or integration of foreigners; which was not to integrate them in a meaningful way but based on a perception of 'cultural closeness' and their ability or capacity to assimilate, a concept that acts as 'cornerstone' to Swiss naturalization policy that has continued to this day (Achermann & Gass, 2003). This policy focus can be seen clearly in the law on the Residence and Settlement of Foreigners (LRSF), which makes specific references to the criteria that foreigners, even those with disabilities, who intend to settle in Switzerland must meet (Moser, 1976; Kaufmann, 1990; Kühl, 2002; Wecker, 2012; Goodley, 2014). It is this connection made between mental illness, security and the use of social assistance that has remained in the law. Few minor but significant changes were made to the LRSF and its various revisions since the start of the post-war period.

Citizenship, Immigration, and Indirect Protections

The changes made to the LRSF in the post-war period happened alongside the political and economic revival of neighbouring countries. This put pressure on Switzerland to accommodate guest workers via the rotation model whilst trying to balance state interests and human rights (Piguet & Mahnig, 2003; D'Amato, 2009). The evidence that this delicate balancing was taking place can be seen in the few changes made to the LRSF and the creation and passage of the 1952 Federal Act on the Acquisition and Loss of Swiss nationality (ALSN). Certain clauses that reinforced the concept of social cohesion via the assimilation of foreigners were being completed in a 'proportional manner,' or a new, slightly more inclusive aspect, was added to the law in relation to social assistance and disability. In the case of the LRSF, one minor but telling change to the law was made to Art. 10 al. 1 letr. c[9]: it changed from saying "*have already fallen or are certainly on the verge of to fall under the charge of public or private assistance*" to reading "*for whom he or she is responsible, is continuously and substantially dependent on public assistance*" (RO 1949 225 pp. 17 & 227). This slight change in wording hints at a change in

[8] Keywords used within the text of the law (to help our search): Disability / naturalisation / disablement /handicap/ invalidité/capacité, autonomie/mental, retardé/maladie mentale.

[9] Art. 10 al.1 letr.c changed to Art. 10 al. 1 letr.d.

attitude about the type of and the duration of those using social assistance, given that there is no explicit or implicit exemption present. However, this version of the law yielded another change: there is a positive but indirect exemption from deportation for foreigners with disabilities in Art.10 al. 2 that states: "*The expulsion provided for in article 1, letter c or d, may only be ordered if the return of the expelled to his country of origin is possible and can be reasonably required*" (RO 1949 225, p. 227). This provision indirectly provides a thin line of protection that could be interpreted as one of the first exemptions in that any expulsion of a foreigner, disabled or not, must be *reasonably* required. This shifts the burden of proof from the individual to the state, which must provide valid reason(s) for an individual's expulsion.

Similar provisions can be found in the law on Swiss citizenship and in the 1952 Federal Act on the Acquisition and Loss of Swiss Nationality (ALSN), such as in Article 14 al. 2 of the ASLN: "*The investigation must provide as complete a picture as possible of the applicant's personality and that of his or her family members*" (RO 1952 1115, p. 1118). This provision can also provide an *indirect* form of protection for those seeking citizenship by placing the burden on the relevant decision-making institutions to do their due diligence when assessing an applicant. Furthermore, this principle is reinforced by Article 37 al. 3, which states, "*Decisions of the federal authorities refusing naturalization or reintegration must be substantiated*" (RO 1952 1115, p. 1123). Both provisions are *indirect* but *positively discriminatory* since they can act as safeguarding mechanisms to protect candidates from arbitrary or prejudice-based decisions by either local or federal decision-making bodies, given that citizenship is a 'weighty matter' for both the state and the individual (L'Assemblée fédérale de la Confédération suisse, 1952; Secrétariat d'État à la migration SEM 2010). These changes in both bodies of law may have provided a form of protection for foreigners in general but particularly for foreigners with disabilities, who were part of a particular disadvantaged group which would continue to gain recognition. However, these new protections would continue to encounter various challenges in the coming years because of internal and external challenges that the Swiss state was facing.

The Balancing Act: Humanitarianism vs. Security

During the 1990s and into the early 2000s large migratory flows provoked questions about how to balance humanitarianism and security. For Switzerland, this meant trying to manage migration and economic stability whilst ensuring the rights of immigrants arriving in the country. The way the Swiss state approached this balancing act was twofold. First, it updated the inadequate legal frameworks to reflect new legal norms, resulting in the acceptance of the Swiss Constitution of 1999 (SC), Switzerland's membership of the UN in 2002, and the ratification of the Free Movement of Persons Switzerland Agreement in 1999 (FMPS) and its subsequent expansions that were tied to EU enlargement in 2004 and 2007 (Mahnig & Wimmer, 2003; Ruedin & D'Amato, 2015; Ruedin et al., 2015). Second, it emphasised the creation or reinforcement of social cohesion by promoting the integration of foreigners into Swiss society; we can see this in the recent changes made to both bodies of law, particularly regarding foreigners with disabilities, who faced various forms of discrimination simultaneously. Although both laws provided a form of protections or exemptions that were *indirectly positive*, they also contained various integration requirements which contradicted these exemptions. These integration requirements have great potential to negatively discriminate against foreigners with disabilities. The law would soon become caught between two poles of logic, the pressure to implement humanitarian principles versus the increasing demand of security against or protection from immigrants 'abusing' the system. This legal dilemma can be seen in the variety of changes made to the LRSF and its eventual replacement with the LoF in 2006, as well as in the creation of the ASLN in 1991.

One of the main goals of the LoF was to promote social cohesion via the integration of foreigners, but it also aimed to address various concerns about public security, limiting the admission of foreigners, and the integration of foreigners (Secrétariat d'État aux migrations, 2013). These policy aims are clearly reflected in this version of the law, specifically in relation to promoting the integration of foreigners, as seen in Art. 53 al (s). 1-3:

> *"(1) In the accomplishment of their tasks, the Confederation, the cantons and the municipalities should take into account the objectives of the integration of foreigners (2) create conditions conducive to equal opportunities and the participation of foreigners in public life (3) In particular, they encourage language learning, professional promotion and preventive health measures; they support the efforts made to promote mutual understanding between Swiss and foreign populations and to facilitate coexistence"* (L'Assemblée fédérale de la Confédération suisse, 2008; Secrétariat d'État aux migrations, 2013).

It is worth noting that these provisions place the burden of promoting integration on the state, not the individual, which was an innovation, especially in cases involving those who would have more difficulty in fulling this expectation in comparison to others, such as foreigners with disabilities. Another original aspect is the declaration of intent to promote mutual understanding and coexistence between foreigners and citizens, but this has its limits, as seen in Art. 67 al. 1 letr. b: "*The office [of migration control] can forbid the entry of a foreigner into Switzerland in the following cases: […] (b) He/she has incurred costs in social welfare*" (L'Assemblée fédérale de la Confédération suisse, 2008). It is here we begin to see again the concerns/thematic of the lack of economic self-efficiency or financial dependence upon social assistance by foreigners come back into the law, therefore *indirectly* stating 'preferred traits' of a foreigner being that they are economically self-sufficient and will not cause a 'burden to the state.' The phrases 'burden' and "incurring costs in social assistance" within this provision is suggestive in that it can exclusively apply to certain groups. This is specifically the case for foreign nationals with disabilities, who are more likely to be receiving social assistance and welfare benefits because of institutional or economics-related prejudice; they are deemed not 'able-bodied' enough to earn a living. This approach reflects the neoliberal understanding of migration via the law, which can reinforce ableist prejudices and undermine or contradict exemptions in the law. This tension between the concerns of the Swiss population and Switzerland's international obligations to protect human rights started to emerge and would grow over time.

Additionally, the introduction of and the emphasis on the concept of integration and its role in the acquisition of citizenship can raise an institutional barrier for those who are not deemed able-bodied (Achermann and Gass, 2003; Achermann, et al., 2013; Wichmann, 2013). This can be observed by examining the new provisions made to the ALSN such as the removal of Art. 37 safeguards in relation to applicant rejections in the 1991 law, which only reappear in 2009 as Art. 15b al.1-2, with similar wording: "*(i) Reasons must be given for any rejection of an application for naturalisation (ii) An application for naturalization may not be rejected by the voters unless a proposal for rejection has been made with reasons*" (L'Assemblée fédérale de la Confédération suisse, 2009; Le Conseil fédéral suisse 2005; Secrétariat d'État aux migrations 2005). This is followed by an additional layer of protection under Article 15c al.1: "*The cantons shall ensure that cantonal and communal naturalization procedures do not infringe on the private sphere*." Both provisions were introduced in 2009 to function as safeguards for candidates during the naturalisation process, in which local decision-making bodies have discretionary power regarding how they evaluate candidates in relation to certain criteria, as dictated under Art. 14 letr (s). a-d:

> *"Before the permit is granted, the applicant's suitability for naturalisation will be checked. In particular, it will be examined whether the applicant: (a) has integrated into the Swiss community, (b) has become accustomed to the Swiss way of life and customs c) conforms to the Swiss legal system; and (d) does not compromise the internal or external security of Switzerland"* (Loi Sur La Nationalité, Modification, 1992).

This key provision had already appeared in 1991, and it began the gradual process of legally outlining the concept of integration and what it means, as well as providing decision-making bodies with guidelines regarding what criteria individuals must meet during the naturalisation process (L'Assemblée fédérale de la Confédération suisse, 2009; Le Conseil fédéral suisse 2005; Secrétariat d'État aux migrations, 2005; Secrétariat d'Etat aux migrations, 2007). These specific criteria would

become the focal point of political tension, since the meaning of 'integration,' or, more importantly, how it was to be interpreted, was still vague, especially when it came to examining foreigners with disabilities who were seeking to become Swiss.

Exemptions and Caveats

The onset of the reforming of the LRSF/LoF and the ASLN also saw the beginning of an exemption regime when goals concerning cohabitation and integration via social cohesion were focused on. However, we can begin to see how, during this period, these policy goals came into conflict with the adoption of international treaties, such as the CRPD in 2014, and bilateral treaties or directives of the EU (Secrétariat d'État aux migrations,2011). One such contentious policy area was that of integration and its interpretation, which had been asserted before but remained vague and undefined. It is thus in this period that there were clarifications of what 'integration' means and the expectations attached to it, as this concept is found in the law on nationality and in those regulating immigration. In tandem with these policy shifts, numerous changes were made to these bodies of law during this period. These changes were partly tied to the referendums, or popular initiatives, that politicised these policy areas.[10] All of these voting initiatives placed more pressure on institutions to find a balance between human rights principles via exemptions for vulnerable groups and the maintenance of security from unwanted migration, which is reflected in the new 2014 Citizenship Law (SLN) and the revisions of the LoF and its eventual evolution into the Law on the Integration of Foreigners (LFI) and its ordinances. In the case of both the LFI and the SLN, previous 'conditions' of integration were alluded to as underlying expectations, but they were not written into the law as formal requirements. This was an attempt to harmonise the national laws, which manifested itself in certain formalised expectations in the form of specific legal requirements or criteria that were accepted at both cantonal and federal levels.

The purpose of the LFI was to achieve 'social cohesion,' and one of its main goals was to achieve this via the integration of foreigners; a legal definition of integration was refined and clarified via specific criteria. These criteria are listed in Art. 58a al. 1 letr (s). a-c: "*1. To assess integration, the competent authority shall take into account the following criteria: (a) Respect for security and public order; (b) respect for the values of the Constitution; (c) language skills; (d) participation in economic life or the acquisition of training*" (Secrétariat d'État aux migrations, 2018). The element of economic sustainability, one of the newer provisions that was added to this version of law, has become an area of contention, particularly how it can *indirectly negatively* discriminate against foreigners with disabilities. However, two key exemptions can be made on the basis of disability, as seen in Article 49a al.2:

"*Exception to the requirement to prove language skills: […] (2) Major reasons include a disability, illness, or other incapacity that severely impairs the ability to learn a language*", and in Article 58a al.2, "*The situation of people who, due to a disability or illness or for other major personal reasons, do not meet or hardly meet the integration criteria provided for in al. 1, let. c and d, is taken into account appropriately*" (Secrétariat d'État aux migrations, 2018).

Both provisions outline the scope of the exemptions based on disability when the government sees the need to allow such exemptions. An additional body of evidence can be found in the law's ordinance, more specifically in Article 8 para 2. of the Ordinances on the Application of the Law on Foreigners (OIE), which reiterates the need for exemptions/reasonable accommodation: "*Exemptions for immigrants with special integration needs: […] 2. For persons with special integration needs, the cantons shall provide for appropriate integration measures within the regular structures or within the framework of specific integration promotion*" (Le Conseil fédéral suisse, 2019). However, such exemptions are difficult to implement, because other provisions within the same law contradict or *indirectly* undermine them. This is the case for the entry bans listed under Article, 67 al.2 letr. b: "*2.*

[10] Such as The Expulsion of Foreigners (2010), Against Mass Immigration campaigns (2010 & 2014), and the more recent Self Determination Initiative (2018).

The SEM may prohibit a foreigner from entering Switzerland when: […] (b) caused costs in terms of social assistance." This coincides with Art. 67 para 3: "*The entry ban is imposed for a maximum period of five years. It may be pronounced for a longer period when the person concerned poses a serious threat to security and public order*." In addition, para 5 states:

"*For humanitarian or other important reasons, the authority responsible for the decision may exceptionally refrain from issuing an entry ban or temporarily or permanently suspend an entry ban. In doing so, the reasons for the entry ban and the protection of public security and order or the maintenance of Switzerland's internal and external security must be taken into account, and these must be weighed against the private interests of the person concerned in the decision to lift the ban."* (Secrétariat d'État aux migrations, 2011).

Both provisions retain the possibility of *indirectly* and *negatively* discriminating against foreigners with disabilities, in particular those who "incur costs in terms of social assistance." This is in clear contrast to the tone set by the SFSC when linking *direct discrimination* to welfare dependency. In sum, these provisions in the law show that although exemptions do exist, some provisions can undermine them.

There are also provisions that are aimed at granting exemptions or accommodations in contrast to the discriminatory provisions. However, the same cannot be said for the 2014 Citizenship Law (SLN) and its ordinance, the Ordinance on Nationality (OLN). The SLN provides a clear definition of what successful integration means and what criteria must be fulfilled to achieve it, as stated in Art. 12 al.1 letr (s). c – d: "*Successful integration is manifested in particular by: […] (c) the ability to communicate in everyday life in a national language, both orally and in writing, (d) participation in economic life or the acquisition of an education*."

There is an exemption from the requirement to meet these criteria, however, on the basis of disability under Art. 12 al. 2: "*Appropriate account must be taken of the situation of persons who, due to disability or illness or other significant personal circumstances, are unable or only able with difficulty to meet the criteria for integration set out in paragraph 1 letters c and d*." A parallel exemption can be found in Art. 9 let. a-c of the OLN:

"The competent authority shall take appropriate account of the particular situation of the applicant when assessing the criteria listed in Articles 6, 7 and 11, paragraph 1, and. b. Thus, it is possible to derogate from these criteria[…]. These criteria may be waived, for example, if the applicant cannot meet them or can only meet them with difficulty:(a) because of a physical, mental or psychological disability; (b) because of a serious or long-term illness (c) for other major personal reasons, such as: 1. major difficulties in learning, reading and writing, 2. poverty despite employment, 3. family care responsibilities, 4. dependence on social assistance resulting from a first formal education in Switzerland, provided that the dependence was not caused by the applicant's behaviour" (Secrétariat d'État aux migrations, 2016).

Both provisions provide a *clear* and *explicit* exemption on the basis of disability, and this emerged in 2016, just two years after the ratification of the CRPD, which contains the principles of reasonable accommodation in Art. 2. However, there is a *potential* caveat to both of these provisions that comes in the guise of 'local autonomy or sovereignty' that is noted in Art. 12 al.2-3: "*The cantons may provide for other integration criteria*" (L'Assemblée fédérale de la Confédération suisse, 2018). We begin to see, at least in the text of the law, an emerging exemption regime that mirrors the reasonable accommodation principle, which are to be universally applied. On the other hand, this accommodation can be conditional, or fragile, due to the 'built-in' contradictions within the law, which over time have been put back into the into law in indirect ways. This fragile balance between human rights via the existence of an exemption regime and the political pressures of direct democracy of the Swiss case illustrate legal contradictions between a recently formalized exemption regime and their limitations.

These results in a rich body of data which shows that reasonable accommodation is present but is *conditional* and only given when it is 'earned or deserved' via the fulfilment of certain criteria.

Conclusion

After examining the various versions of the Law on Foreigners and Citizenship, we could observe how the law has changed over time. More specifically, we analysed the text of the laws to see whether they have become more or less ableist over time and whether they *directly* or *indirectly* discriminate against foreigners with disabilities in a *negative* or *positive* manner. To that end, we investigated (i) the development of the various Swiss laws on foreigners and (ii) the laws on citizenship over time as they relate to foreigners with disabilities who are seeking to access the right to reside or to acquire Swiss nationality. Specifically, we combined the theories of Earned Citizenship and Critical Disability's conceptualisation of ableism and reasonable accommodation as established in the CRPD with the historical analysis of the law methodologies, which have never been used before to examine these categorical overlaps between migration and disability.

Our main findings are as follows: (i) immigration and citizenship policies have placed and continue to place value on an individual's capacities to participate in or contribute to society, thus forming a capacity–contribution heuristic which lays out in text form ableist power structures that can be used by a variety of state actors when approaching this intersectional group; (ii) the law from the very beginning in the case of the Law on Foreigners was *explicitly* ableist, but over time it has become *indirectly ableist* with the additions of specific integration criteria that place value on capacity and contribution, whilst at the same time it has developed an exemption regime, although its legal application is limited; (iii) the opposite can be said about the laws on citizenship, for although there was not an *explicit* exemption regime in the original forms of the law, over time they developed *indirectly* ableist characteristics via the addition of integration criteria. However, in the more recent versions of the law we can also observe the emergence of an *explicit* exemptions regime as well as the potential to provide some form of legal protection or to cause inherent legal tensions between conflicting principles. It is this latter aspect that should be examined further in future academic literature provided that it illustrates the possible difference between the text of the law and its practice.

This study and its findings not only contribute to the literature of Critical Disability Studies and Citizenship, but also to those of Migration Studies and Legal Studies. It is imperative for future studies to not only continue to evaluate and monitor the implementation of the CRPD and its principles by nation states but also to continue to investigate and examine the legal rationale behind judicial decisions, particularly regarding how they can apply to intersectional groups.

Appendices:

Table 1: Laws Examined

Law (ENG)	Loi (FR)	Policy Area	Period*
The Federal Law on the Residence and Settlement of Foreigners of March 26, 1931 (LRSF)	Loi fédérale du 26 mars 1931 sur le séjour et l'établissement des étrangers (LSEE)	Laws on Integration	1931–2006
Federal Act on the Acquisition and Loss of Swiss Nationality of September 29, 1952, (ASLN)	Loi fédérale du 29 septembre 1952 sur l'acquisition et la perte de la nationalité suisse (ASLN)	Laws on Nationality	1952–2014
Law on Foreigners of May 05, 2004 (LoF)	Loi sur les étrangers du 05 Mai 2004 (LEtr)	Laws on Integration	2006–2018
Swiss Nationality Act of June 20, 2014 (SNL)	Loi sur la nationalité du 20 juin 2014 (LN)	Laws on nationality	2014–current
Ordinance on Nationality of June 17, 2016 (OLN)	Ordonnance sur la nationalité suisse (Ordonnance sur la nationalité, OLN) du 17 juin 2016	Ordonnance on Nationality	01.01.2018–current
Federal Law on Foreigners and Integration of December 16, 2005 (LFI)	Loi fédérale sur les étrangers et l'intégration du 16 décembre 2005 (LEI)	Laws on Integration	2019–current
Ordinance on the Integration of Foreigners of August 15, 2018 (OIE)	Ordonnance sur l'intégration des étrangers du 15 août 2018 (OIE)	Ordonnance on Integration	01.01.2019–current

Table 3: Laws on Citizenship (1952–2021)

Law	Period	Provisions	Text of Provision
Federal Law on the Acquisition and Loss of Swiss Nationality of September 29, 1952 (ALSN)	1952–1991	Article 14 al. 2	The investigation must provide as complete a picture as possible of the applicant's personality and that of his or her family members.
	1952–1985	Article 37 al. 3	Decisions of the federal authorities refusing naturalisation or reintegration must be substantiated.
	1991–2013	Art. 14 letr (s). a, b, c, d	Before the permit is granted, the applicant's suitability for naturalization will be checked. In particular, it will be examined whether the applicant: a) has integrated into the Swiss community, b) has become accustomed to the Swiss way of life and customs c) conforms to the Swiss legal system; and, d) does not compromise the internal or external security of Switzerland.
	2009–2013	Art. 15b al.1-2	1. Reasons must be given for any rejection of an application for naturalization. 2. An application for naturalization may not be rejected by the voters unless a proposal for rejection has been made with reasons.
	2009–2013	Art. 15c al. 1	"The cantons shall ensure that cantonal and communal naturalisation procedures do not infringe on the private sphere."
	2016–current	Art. 12 al.1 letr (s). c & d	Successful integration is manifested in particular by:

Swiss Nationality Act of June 20, 2014 (SNL)			c) the ability to communicate in everyday life in a national language, both orally and in writing d) participation in economic life or the acquisition of an education
	2016–current	Art. 12 al. 2	2. Appropriate account must be taken of the situation of persons who, due to disability or illness or other significant personal circumstances, are unable or only able with difficulty to meet the criteria for integration set out in paragraph 1 letters c and d.
	2016–current	Art. 12 al. 3	"The cantons may provide for other integration criteria."
Ordinance on Nationality of June 17, 2016 (OLN)	2016–current	Art. 9 let. a-c	The competent authority shall take appropriate account of the particular situation of the applicant when assessing the criteria listed in Articles 6, 7 and 11, paragraph 1, and. b. Thus, it is possible to derogate from these criteria in particular when the applicant b. These criteria may be waived, for example, if the applicant cannot meet them or can only meet them with difficulty: a) because of a physical, mental, or psychological disability. b) because of a serious or long-term illness c) for other major personal reasons, such as: 1. major difficulties in learning, reading, and writing, 2. poverty despite employment, 3. family care responsibilities, 4. dependence on social assistance resulting from a first formal education in Switzerland, provided that the dependence was not caused by the applicant's behaviour.

Table 4: Laws on Integration (1931-2021)

Law	Period	Provisions	Text of Provision
The Federal Law on the Residence and Settlement of Foreigners of 26 March 1931 (LRSF)	1931–1948	Art 10 al.1 letr (s). b-c	1. A foreigner may only be expelled from Switzerland or a canton for the following reasons: b) if, as a result of mental illness, it compromises public order. c) if he, or a person to whose needs he is required to provide have already fallen or are certainly on the verge of to fall under the charge of public or private assistance.
	1948–2007	Art. 10 al. 1 letr (s).c-d	1. A foreigner may only be expelled from Switzerland or a canton on the following grounds: c) If, as a result of mental illness, he or she endangers public order. d) If he or she, or a person for whom he or she is responsible, is continuously and substantially dependent on public assistance.
	1948–2007	Art.10 al. 2	2. The expulsion provided for in article 1, letter c or d, may only be ordered if the return of the expelled to his country of origin is possible and can be reasonably required.
Law on Foreigners of 05 May 2004 (LoF)	2008–2019	Art. 53 al (s). 1-3	1. In the accomplishment of their tasks, the Confederation, the cantons and the municipalities should take into account the objectives of the integration of foreigners. 2. They create conditions conducive to equal opportunities and the participation of foreigners in public life. 3. In particular, they encourage language learning, professional promotion, and preventive health measures; they support the efforts made to promote mutual understanding between Swiss and foreign populations and to facilitate coexistence.
	2008–2018	*Art. 67 al. 1 letr. b	1. The office [of migration control] can forbid the entry of a foreigner into Switzerland in the following cases: b) He/she has incurred costs in social welfare
Federal Law on	2019–current	Art. 49a al.2	Exception to the requirement to prove language skills:

Foreigners and Integration of 16 December 2005 (LFI)			2. Major reasons include a disability, illness, or other incapacity that severely impairs the ability to learn a language.
	2019–current	Article 58a al (s).1-2	1. To assess integration, the competent authority shall take into account the following criteria: a) Respect for security and public order. b) respect for the values of the Constitution. c) language skills. d) participation in economic life or the acquisition of training. 2. The situation of people who, due to a disability or illness or for other major personal reasons, do not meet or hardly meet the integration criteria provided for in para. 1, let. c and d, is taken into account appropriately.
	2019–current	Art. 67 al.2 letr. b	2. The SEM may prohibit a foreigner from entering Switzerland when the latter: b) caused costs in terms of social assistance
	2019–current	Art. 67 al (s).3 & 5	3. The entry ban is imposed for a maximum period of five years. She may be pronounced for a longer period when the person concerned poses a serious threat to security and public order. 5. For humanitarian or other important reasons, the authority responsible for the decision may exceptionally refrain from issuing an entry ban or temporarily or permanently suspend an entry ban. In doing so, the reasons for the entry ban and the protection of public security and order or the maintenance of Switzerland's internal and external security must be taken into account, and these must be weighed against the private interests of the person concerned in the decision to lift the ban.
Ordinance on the Integration of Foreigners of August 15, 2018 (OIE)	2018–current	Article 8 al. 2	Exemptions for immigrant with special integration needs: 2. For persons with special integration needs, the cantons shall provide for appropriate integration measures within the regular structures or within the framework of specific integration promotion.

Works Cited:

Achermann, Christin, and Stefanie Gass. 2003. *Staatsbürgerschaft Und Soziale Schliessung: Eine Rechtsethnologische Sicht Auf Die Einbürgerungspraxis der Stadt Basel*. Sozialer Zusammenhalt Und Kulturelle Pluralismus. Zürich: Seismo.

Achermann, Alberto, Christin Achermann, Gianni D'Amato, Martina Kamm, and Barbara von Rütte. 2010. "Country Report: Switzerland." Country Report RSCAS/EUDO-CIT-CR 2010/25. Badia Fiesolana, San Domenico di Fiesole (FI), Italy: EUDO Citizenship Observatory: Robert Schuman Centre for Advanced Studies in collaboration with Edinburgh University Law School with Edinburgh University Law School. file:///C:/Users/lesli/Desktop/Naturalization%20cases%20only/JT%20hmk%20reading/FINI/GLOBALCIT%20Report/Switzerland2013%20EUDO%20Citzrenship%20Report%202013.pdf.

Achermann, Alberto, Christin Achermann, Gianni D'Amato, Martina Kamm, and Barbara von Rütte. 2013. "Country Report: Switzerland." Country Report RSCAS/EUDO-CIT-CR 2013/23. Badia Fiesolana, San Domenico di Fiesole (FI), Italy: EUDO Citizenship Observatory: Robert Schuman Centre for Advanced Studies in collaboration with Edinburgh University Law School with Edinburgh University Law School. file:///C:/Users/lesli/Desktop/Naturalization%20cases%20only/JT%20hmk%20reading/FINI/GLOBALCIT%20Report/Switzerland2013%20EUDO%20Citzrenship%20Report%202013.pdf.

Anderson, Bridget. 2015. "Immigration and the Worker Citizen." In *Citizenship and Its Others*, edited by Bridget Anderson and Vanessa Hughes, 41–57. Migration, Diasporas and Citizenship Series. London: Palgrave Macmillan UK. https://doi.org/10.1057/9781137435088_5.

Beckett, Angharad E. 2006. Citizenship and Vulnerability; Disability and Issues of Social and Political Engagement. Basingstoke: Palgrave Macmillan.

Beckmann, Lisa. 2017. "Undoing Ableism: Disability as a Category of Historical and Legal Analysis." GEB-IDN/12993. Accessed April 17, 2022. http://geb.uni-giessen.de/geb/volltexte/2017/12993/.

Bitschnau, Marco, Leslie Ader, Didier Ruedin, and Gianni D'Amato. 2021. "Politicising Immigration in Times of Crisis: Empirical Evidence from Switzerland." Journal of Ethnic and Migration Studies 47 (17): 3864–90. https://doi.org/10.1080/1369183X.2021.1936471.

Borrelli, Lisa Marie, Stefanie Kurt, Christin Achermann, and Luca Pfirter. 2021. "(Un)Conditional Welfare? Tensions Between Welfare Rights and Migration Controlling Swiss Case Law." Revue Suisse de Sociologie 47 (1) : 73–94.

Bourdieu, Pierre. 1986. 'The Forms of Capital'. In *Handbook of Theory and Research for the Sociology of Education*, edited by J. G. Richardson, Pp. 241-258. New York: Greenwood Press.

Bromberg, Howard. 2015. "Immigration Act of 1917." Online Archive. Immigration to the United States. November 22, 2015. https://immigrationtounitedstates.org/588-immigration-act-of-1917.html.

Campbell, Fiona Kumari. 2009. Contours of Ableism: The Production of Disability and Abledness. London: Palgrave Macmillan UK. https://doi.org/10.1057/9780230245181.

Carey, Allison C. 2003 "Beyond the Medical Model: A Reconsideration of 'Feeblemindedness', Citizenship, and Eugenic Restrictions." Disability & Society 18 (4): 411–30. https://doi.org/10.1080/0968759032000080977.

Carrel, Noemi, and Nicole Wichmann. 2013. "Naturalisation Procedures for Immigrants Switzerland." Naturalisation Procedures Report RSCAS/EUDO-CIT-NP 2013/1. Badia Fiesolana, San Domenico di Fiesole (FI), Italy: EUDO Citizenship Observatory Migration Policy Group in collaboration with Robert Schuman Centre for Advanced Studies. file:///C:/Users/lesli/Desktop/Naturalization%20cases%20only/JT%20hmk%20reading/FINI/GLOBALCIT%20Report/Naturalisation%20Procedures%20for%20Immigrants_Wichman_Carell_2013.pdf.

Carrel, Noemi, and Nicole Wichmann. 2013. "Naturalisation Procedures for Immigrants. Switzerland." *Florence: European University Institute, Robert Schuman Centre for Advanced Studies, EUDO Citizenship Observatory.*

Cohen, Elizabeth F. 2009. *Semi-Citizenship in Democratic Politics*. 1st ed. Cambridge University Press. https://doi.org/10.1017/CBO9780511642333.

Dahinden, Janine, and Bridget Anderson. 2021. "Exploring New Avenues for Knowledge Production in Migration Research: A Debate Between Bridget Anderson and Janine Dahinden Pre and After the Burst of the Pandemic." *Swiss Journal of Sociology* 47 (1): 27–52. https://doi.org/10.2478/sjs-2021-0005

D'Amato, Gianni, Damir Skenderovic, and Marcel Alexander Niggli. 2009. "From Outsider to Playmakers: Radical Right-Wing Populist Parties and Swiss Migration Policy." In Right-Wing Extremism in Switzerland., 2nd ed., 78–92. Baden (Germany): Nomos.

D'Amato, Gianni, and Didier Ruedin. 2019. "Chapter 3 Immigration and Populist Political Strategies: The Swiss Case in European Perspective." In Populism and the Crisis of Democracy. Volume 3: Migration, Gender, and Religion, edited by Gregor Fitzi, Jürgen Mackert, and Bryan S. Turner, 1st ed., 3:204. New York: Routledge, Taylor & Francis Group.

Degener, Theresia. 2016. "Disability in a Human Rights Context." Laws 5 (3): 35. https://doi.org/10.3390/laws5030035.

De Genova, Nicholas. 2007. "The Production of Culprits: From Deportability to Detainability in the Aftermath of 'Homeland Security.'" *Citizenship Studies* 11 (5): 421–48. https://doi.org/10.1080/13621020701605735.

DEMIG. 2015.*DEMIG Policy, version 1.3, Online Edition*. Oxford: International Migration Institute, University of Oxford. www.migrationdeterminants.eu

Dermaut, Vanessa, Tineke Schiettecat, Stijn Vandevelde, and Griet Roets. 2020. "Citizenship, Disability Rights and the Changing Relationship between Formal and Informal Caregivers: It Takes Three to Tango." Disability & Society 35 (2): 280–302. https://doi.org/10.1080/09687599.2019.1634521.

Devlin, Richard F., and Dianne Pothier, eds. 2006. Critical Disability Theory: Essays in Philosophy, Politics, Policy, and Law. Law and Society Series. Vancouver: UBC Press.

Drake, Stephen, and Christopher Kliewer. 1998. "Disability, Eugenics and the Current Ideology of Segregation: A Modern Moral Tale." Disability & Society 13 (1): 95–111. https://doi.org/10.1080/09687599826939.

Dubber, Markus Dirk. 1998. "Historical Analysis of Law." *Law and History Review* 16 (1): 159–62. https://doi.org/10.2307/744325.

Dubber, Markus D. 2016. "Critical Analysis of Law: New Historical Jurisprudence &New Legal Science." June.https://www.academia.edu/25949569/Critical_Analysis_of_Law_New_Historical_Jurisprudence_and_New_Legal_Science.

Ellermann, Antje. 2020. "Human-Capital Citizenship and the Changing Logic of Immigrant Admissions." *Journal of Ethnic and Migration Studies* 46 (12): 2515–32. https://doi.org/10.1080/1369183X.2018.1561062.

Fernández, Eva G., and Délia Girod. 2018. "Switzerland: Law and Public Policies in the European Union." In Solidarity as a Public Virtue? edited by Veronica Federico and Christian Lahusen, 147–78. Nomos Verlagsgesellschaft mbH & Co. KG. https://doi.org/10.5771/9783845290058-148.

Fernández G.G., Eva, and Tania Abbiate. 2018. "Switzerland: Vulnerable Groups and Multiple Solidarities in a Composite State." Edited by Veronica Federico and Christian Lahusen. Solidarity as a Public Virtue? Law and Public Policies in the European Union, 421–68.

Goodley, Dan. 2013. "Dis/Entangling Critical Disability Studies." Disability & Society 28 (5): 631–44. https://doi.org/10.1080/09687599.2012.717884.

Goodley, Dan. 2014a. Dis/Ability Studies: Theorising Disablism and Ableism. 1st Edition. New York: Routledge, Taylor & Francis Group.

Goodley, Dan. 2017. Disability Studies: An Interdisciplinary Introduction. 2nd edition. Thousand Oaks, CA: Sage Ltd.

Goodley, Dan, and Rebecca Lawthom. 2019. "Critical Disability Studies, Brexit and Trump: A Time of Neoliberal–Ableism." Rethinking History 23 (2): 233–51. https://doi.org/10.1080/13642529.2019.1607476.

Gordon, Robert W. 1984. "Critical Legal Histories." *Stanford Law Review* 36 (1): 57.

Gordon, Robert W. 1997. "Foreword: The Arrival of Critical Historicism." *Stanford Law Review* 49 (5): 1023–29. https://www.jstor.org/stable/1229246.

Halvorsen, Rune, and Bjørn Hvinden. 2013. "'Introduction: What Do We Mean by Active Citizenship?'" In Active Citizenship for Persons with Disabilities – Current Knowledge and Analytical Framework – A Working Paper. DISCIT. http://discit.eu/publications.

Halvorsen, Rune, Bjørn Hvinden, Jerome Bickenbach, Delia Ferri, Ana Marta, and Guillén Rodriguez. 2017. *The Changing Disability Policy System: Active Citizenship and Disability in Europe*. 2nd ed. Vol. 1. 5 vols. London & New York: Routledge. https://www.routledge.com/The-Changing-Disability-Policy-System-Active-Citizenship-and-Disability/Halvorsen-Hvinden-Bickenbach-Ferri-Guillen-Rodriguez/p/book/9781138652880.

Halvorsen, Rune, Bjørn Hvinden, and Julie Beadle-Brown, eds. 2018. *Understanding the Lived Experiences of Persons with Disabilities in Nine Countries: Active Citizenship and Disability in Europe*. Volume 2. Routledge Advances in Disability Studies. London; New York: Routledge, Taylor & Francis Group.

Hammar, Tomas. 1985. *European Immigration Policy: A Comparative Study*. 1st ed. Cambridge University Press. https://doi.org/10.1017/CBO9780511898143.

Hughes, Bill. 2005. *Foucault and the Government of Disability*. Edited by Shelley Tremain. Corporealities. Ann Arbor: University of Michigan Press.

Hughes, Bill. 2017. "Impairment on the Move: The Disabled Incomer and Other Invalidating Intersections." Disability & Society 32 (4): 467–82. https://doi.org/10.1080/09687599.2017.1298991.

Jenkins, Stephanie. 2021. "Constructing Ableism." Genealogy 5 (3): 66. https://doi.org/10.3390/genealogy5030066.

Joppke, Christian. 2007. "Transformation of Citizenship: Status, Rights, Identity." Citizenship Studies 11 (1): 37–48. https://doi.org/10.1080/13621020601099831.

Joppke, Christian. 2008. "Comparative Citizenship: A Restrictive Turn in Europe?" Law and Ethics of Human Rights 2 (1): 1–41. https://doi.org/10.2202/1938-2545.1018.

Joppke, Christian 2010. "The Inevitable Lightening of Citizenship." European Journal of Sociology / Archives Européennes de Sociologie 51 (1) : 9–32. https://doi.org/10.1017/S0003975610000019.

Joppke, Christian. 2016. "Terror and the Loss of Citizenship." Citizenship Studies 20 (6–7): 728–48. https://doi.org/10.1080/13621025.2016.1191435.

Joppke, Christian. 2021. "Earned Citizenship." European Journal of Sociology, April 1–35. https://doi.org/10.1017/S0003975621000035.

Knotz, Carlo Michael, Mia Katharina Gandenberger, Flavia Fossati, and Giuliano Bonoli. 2021. "A Recast Framework for Welfare Deservingness Perceptions." Social Indicators Research, August. https://doi.org/10.1007/s11205-021-02774-9.

Kühl, Stefan. 2002a. The Nazi Connection: Eugenics, American Racism, and German National Socialism. New York: Oxford University Press.

Kymlicka, Will, and Sue Donaldson. 2017. "Inclusive Citizenship Beyond the Capacity Contract." In The Oxford Handbook of Citizenship, edited by Ayelet Shachar, Rainer Bauböck, Irene Bloemraad, and Maarten Vink, 837–60. Oxford, United Kingdom: Oxford University Press. https://doi.org/10.1093/oxfordhb/9780198805854.013.36.

Lafleur, Jean-Michel, and Elsa Mescoli. 2018. "Creating Undocumented EU Migrants through Welfare: A Conceptualization of Undeserving and Precarious Citizenship." Sociology 52 (3): 480–96. https://doi.org/10.1177/0038038518764615.

Lawson, Anna, and Caroline Gooding. 2005. Disability Rights in Europe. 1st ed. Essays in European Law. Oxford, United Kingdom: Hart Publishing. https://www.bloomsburyprofessional.com/uk/disability-rights-in-europe-9781847310804/.

Lawson, Anna. 2020. "Disability Law as an Academic Discipline: Towards Cohesion and Mainstreaming?" Journal of Law and Society 47 (4): 558–87. https://doi.org/10.1111/jols.12258.

Lawson, Anna, and Angharad E. Beckett. 2021. "The Social and Human Rights Models of Disability: Towards a Complementarity Thesis." The International Journal of Human Rights 25 (2): 348–79. https://doi.org/10.1080/13642987.2020.1783533.

Layte, Richard. 2012. "The Association Between Income Inequality and Mental Health: Testing Status Anxiety, Social Capital, and Neo-Materialist Explanations." European Sociological Review 28 (4): 498–511. https://doi.org/10.1093/esr/jcr012.

Lid, Inger Marie. 2015. "Vulnerability and Disability: A Citizenship Perspective." Disability & Society 30 (10): 1554–67. https://doi.org/10.1080/09687599.2015.1113162.

Linton, Simi. 1998. Claiming Disability: Knowledge and Identity. Cultural Front. New York: New York University Press.

Marshall, Thomas H. 1950. *Citizenship and Social Class and Other Essays.* 1st ed. New York, NY: Cambridge University Press.

Masson, Dominique. 2013. "Femmes et handicap." Recherches féministes 26 (1) : 111–29. https://doi.org/10.7202/1016899ar.

Meuleman, Bart, Femke Roosma, and Koen Abts. 2020. "Welfare Deservingness Opinions from Heuristic to Measurable Concept: The CARIN Deservingness Principles Scale." Social Science Research 85 (January): 102352. https://doi.org/10.1016/j.ssresearch.2019.102352.

Motz, Stephanie A. 2015. "The Persecution of Disabled Persons and the Duty of Reasonable Accommodation: An Analysis under International Refugee Law, the EU Recast Qualification Directive and the ECHR." Seeking Asylum in the European Union, January, 141–94. https://doi.org/10.1163/9789004290167_006.

Naguib, Tarek. 2008. "Einbürgerungsverweigerung wegen fehlender wirtschaftlicher (Selbst-) Erhaltungsfähigkeit." Jusletter, no. 454. https://jusletter.weblaw.ch/juslissues/2008/454/_6185.html__ONCE&login=false.

Naguib, Tarek. 2010. "Mehrfachdiskriminierung : Analysekategorie Im Diskriminierungsschutzrecht." Schweizerische Juristen-Zeitung 106 (No.10): 233–43.

Naguib, Tarek. 2018. "Racial Discrimination in Switzerland 2018 Report of the Service for Combating Racism." 2018. Annual Report. Federal Department of Home Affairs General Secretariat. file:///C:/Users/Leslie/Desktop/Bericht%20FRB%202018_EN%20FINAL.pdf.

"OHCHR | Background to the Convention." 2022. OHCHR. Accessed September 8, 2022. https://www.ohchr.org/en/treaty-bodies/crpd/background-convention.

Oliver, Michael, and Colin Barnes. 2012. The New Politics of Disablement. Houndmills, Basingstoke ; New York, NY: Palgrave Macmillan.

Pfeiffer, David. 1994. "Eugenics and Disability Discrimination." Disability & Society 9 (4): 481–99. https://doi.org/10.1080/09687599466780471.

Powell, John.2009. " Immigration Act of 1917." *Encyclopaedia of North American Immigration*. New York, New York: Infobase Publishing. 134-137. ISBN 978-1-4381-1012-7

Primerano, Adrien. 2020. "La fabrique des in/capables. Ethnographie de l'accompagnement en institution spécialisée pour adolescent-es désigné-es autistes." Text, EHESS (SIÈGE), Paris, France : Institut de recherche interdisciplinaire sur les enjeux sociaux - IRIS. http://iris.ehess.fr/index.php?4620.

Probst, Isabelle, Jean-Pierre Tabin, and Nelly Courvoisier. 2015. "De La Réparation à La Réversibilité. Un Nouveau Paradigme Dans l'assurance Invalidité ?" Swiss Journal of Sociology 41 (January) : 101–17. file:///C:/Users/Leslie/Desktop/Published%20version.pdf

Rowe, Michael. 2015. *Citizenship and Mental Health*. 1st ed. Oxford, United Kingdom: Oxford University Press.

Ruedin, Didier, Camilla Alberti, and Gianni D'Amato. 2015. "Immigration and Integration Policy in Switzerland, 1848 to 2014." Swiss Political Science Review 21 (1): 5–22. https://doi.org/10.1111/spsr.12144.

Ruedin, Didier, and Gianni D'Amato. 2015. "Chapter 8: Politicisation of Immigration in Switzerland: The Importance of Direct Democracy." In The Politicisation of Migration, edited by Wouter van der Brug, Gianni D'Amato, Didier Ruedin, and Joost Berkhout, 250. Routledge Studies in Extremism and Democracy 25. London ; New York: Routledge.

Schalk, Sami. 2017. "Critical Disability Studies as Methodology." Lateral 6 (1). https://doi.org/10.25158/L6.1.13.

Sépulchre, Marie, and Rafael Lindqvist. 2016. "Enhancing Active Citizenship for Persons with Psychosocial Disabilities." *Scandinavian Journal of Disability Research* 18 (4): 316–27. https://doi.org/10.1080/15017419.2015.1105288.

Sépulchre, Marie. 2017. "Research about Citizenship and Disability: A Scoping Review." *Disability and Rehabilitation* 39 (10): 949–56. https://doi.org/10.3109/09638288.2016.1172674.

Sépulchre, Marie. 2018. "Tensions and Unity in the Struggle for Citizenship: Swedish Disability Rights Activists Claim 'Full Participation! Now!'" Disability & Society 33 (4): 539–61. https://doi.org/10.1080/09687599.2018.1440194.

Sépulchre, Marie. 2019. "This Is Not Citizenship. Analysing the Claims of Disability Activists in Sweden." http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-381299.

Sépulchre, Marie. 2022. Disability and Citizenship Studies. 1st Edition. New York: Routledge, Taylor & Francis Group

Shachar, Ayelet, and Ran Hirschl. 2014. "On Citizenship, States, and Markets: On Citizenship, States, and Markets." *Journal of Political Philosophy* 22 (2): 231–57. https://doi.org/10.1111/jopp.12034.

Shachar, Ayelet. 2018. "The Marketization of Citizenship in an Age of Restrictionism." *Ethics & International Affairs* 32 (1): 3–13. https://doi.org/10.1017/S0892679418000059.

Shyman, Eric. 2016. "The Reinforcement of Ableism: Normality, the Medical Model of Disability, and Humanism in Applied Behaviour Analysis and ASD." Intellectual and Developmental Disabilities 54 (5): 366–76. https://doi.org/10.1352/1934-9556-54.5.366.

Siebers, Tobin, Andreas Sturm, and Arta Karāne. 2017. "Disability, Pain, and the Politics of Minority Identity." In Culture – Theory – Disability, edited by Anne Waldschmidt, Hanjo Berressem, and Moritz Ingwersen, 111–36. Encounters between Disability Studies and Cultural Studies. Transcript Verlag. https://www.jstor.org/stable/j.ctv1xxs3r.11.

Simplican, Stacy, Clifford. 2014. 'The Capacity Contract: Locke, Disability, and the Political Exclusion of "Idiots"'. Politics, Groups, and Identities 2 (1): 90–103. https://doi.org/10.1080/21565503.2013.876918.

Simplican, Stacy, Clifford. 2015. The Capacity Contract: Intellectual Disability and the Question of Citizenship. Minneapolis ; London: University of Minnesota Press.

Skenderovic, Damir. 2009. The Radical Right in Switzerland: Continuity and Change, 1945-2000. New York: Berghahn Books. https://www.berghahnbooks.com/title/SkenderovicRadical.

Stokke, Kristian. 2017. "Politics of Citizenship: Towards an Analytical Framework." *Norsk Geografisk Tidsskrift - Norwegian Journal of Geography* 71 (4): 193–207. https://doi.org/10.1080/00291951.2017.1369454.

Tabin, Jean-Pierre, and Leslie Ader. 2022. "Territoires, Capacités et Temporalités [Special Issue]." *Revue Suisse de Sociologie,* 48 (3).

Tremain, Shelley. 2002. "On the Subject of Impairment." In *Disability Postmodernity: Embodying Disability Theory*, edited by Corker and Shakespeare, 32.

United Nations Department of Economic and Social Affairs (DESA). 2006. "Convention on the Rights of Persons with Disabilities." United Nations. https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html.

Vink, Maarten Peter, and Rainer Bauböck. 2013. "Citizenship Configurations: Analysing the Multiple Purposes of Citizenship Regimes in Europe." *Comparative European Politics* 11 (5): 621–48. https://doi.org/10.1057/cep.2013.14.

Vorhaus, John. 2005. "Citizenship, Competence and Profound Disability." Journal of Philosophy of Education 39 (3): 461–75. https://doi.org/10.1111/j.1467-9752.2005.00448.x.

Waldschmidt, Anne, and Marie Sépulchre. 2019. "Citizenship: Reflections on a Relevant but Ambivalent Concept for Persons with Disabilities." Disability & Society 34 (3): 421–48. https://doi.org/10.1080/09687599.2018.1543580.

Walmsley, Jan. 1991. "'Talking to Top People': Some Issues Relating to the Citizenship of People with Learning Difficulties." Disability, Handicap & Society 6 (3): 219–31. https://doi.org/10.1080/02674649166780261.

Wecker, Regina. 2012. "Eugenics in Switzerland before and after 1945 – a Continuum?" Journal of Modern European History / Zeitschrift Für Moderne Europäische Geschichte / Revue d'histoire Européenne Contemporaine 10 (4) : 519–39.

Wichmann, Nicole. 2013. "Reforming the Swiss Citizenship Act Mission Impossible." SFM Discussion Paper 29. University of Neuchâtel: Swiss Forum for Migration and Population Studies. file:///C:/Users/lesli/Desktop/Naturalization%20cases%20only/JT%20hmk%20reading/FINI/GLOBALCIT%20Report/Wichman2013_Reforming%20the%20Swiss%20Citizenship%20ActMission%20Impossible.pdf.

Wolbring, Gregor. 2008. "The Politics of Ableism." Development 51 (2): 252–58. https://doi.org/10.1057/dev.2008.17.

Government Documents :

Le Conseil fédéral suisse .1929. "Message du Conseil fédéral à l'Assemblée fédérale concernant un projet de loi fédérale sur le séjour et l'établissement des étrangers. (Du 17 juin 1929) ". FF_1929 I_929. https://www.fedlex.admin.ch/eli/fga/1929/1_914_929_741/fr

L'Assemblée fédérale de la Confédération Suisse.1949. " Loi fédérale modifiant et complétant la loi sur le séjour et l'établissement des étrangers. " FF_1949_225. https://www.fedlex.admin.ch/eli/oc/1949/221_225_225/fr.

Secrétariat d'État aux migrations.2002. "Message concernant la loi sur les étrangers. (Du 8 mars 2002). " FF_2002_2024.https://www.sem.admin.ch/dam/sem/fr/data/buergerrecht/auslaendergesetz/botschaft_aug_f.pdf.download.pdf/botschaft_aug_f.pdf

Secrétariat d'État aux migrations. 2002. "Message concernant la loi sur les étrangers (Du 8 mars 2002). " 2002. FF_2002_3469. https://www.fedlex.admin.ch/eli/fga/2002/541/fr

Secrétariat d'État aux migrations. 2005. " Initiative Parlementaire. Loi Sur La Nationalité : Modification. Rapport de La Commission Des Institutions Politiques Du Conseil Des Etats. (Du 27 Octobre 2005). " Avis Du Conseil Fédéral. FF_2005_6655. Vol. Numéro du Parlement 03.454. https://www.fedlex.admin.ch/eli/fga/2005/1153/fr.

Le Conseil fédéral suisse. 2005. "Initiative Parlementaire. Loi Sur La Nationalité. Modification. Rapport de La Commission Des Institutions Politiques Du Conseil Des Etats. " FF_ 2005_6495. Vol. Numéro du Parlement 03.454. https://www.fedlex.admin.ch/eli/fga/2005/1097/fr.

L'Assemblée fédérale de la Confédération Suisse.2005. " Loi fédérale sur les étrangers (LEtr). " FF_2005_6885. https://www.fedlex.admin.ch/eli/fga/2005/1178/fr

Secrétariat d'Etat aux migrations (SEM). 2007. "La Modification Évoquée de La Loi Sur La Nationalité, Du 21 Décembre 2007, Est Entrée En Vigueur Le 1er Janvier 2009." Secrétariat d'Etat aux migrations. FF_2007_1009. https://www.sem.admin.ch/dam/sem/fr/data/rechtsgrundlagen/weisungen/buergerrecht/hb-buegkap2-f.pdf.download.pdf/hb-bueg-kap2-f.pdf

L'Assemblée fédérale de la Confédération Suisse.2008. "Loi fédérale sur les étrangers (LEtr). Compléments apportés dans le cadre de la mise en oeuvre des accords d'association à Schengen et à Dublin. " FF _2008_5407. https://www.fedlex.admin.ch/eli/oc/2008/756/fr

L'Assemblée fédérale de la Confédération Suisse.2008. Loi fédérale sur les étrangers (LEtr). "Compléments apportés dans le cadre de la mise en oeuvre des accords d'association à Schengen et à Dublin." FF_2008_4791. https://www.fedlex.admin.ch/eli/oc/2008/756/fr

L'Assemblée fédérale de la Confédération suisse. 2009. "Initiative Parlementaire Loi Sur La Nationalité. Modification Rapport de La Commission Des Institutions Politiques Du Conseil Des Etats. (Du 27 Octobre 2009). " Avis Du Conseil Fédéral. Numéro Du Parlement 03.454. https://www.fedlex.admin.ch/eli/fga/2009/1153/fr.

Secrétariat d'État à la migration (SEM). 2010. " Introduction Loi Fédérale Sur Les Étrangers (LEtr). " Secrétariat d'État à la migration. file:///C:/Users/lesli/Downloads/introduction_letrf%20(2).pdf.

Secrétariat d'État aux Migrations (SEM) .2011. " Introduction Loi sur les étrangers (LEtr). https://www.sem.admin.ch/sem/fr/home/sem/rechtsetzung/archiv/aug.html.

Secrétariat d'État à la migration (SEM). 2013. "Introduction Loi Fédérale Sur Les Étrangers (LEtr). " Secrétariat d'État à la migration. https://www.sem.admin.ch/dam/sem/fr/data//Downloads/introduction_letrf%20(2).pdf.

Secrétariat d'Etat aux migrations (SEM). 2013. "La Modification Évoquée de La Loi Sur La Nationalité, Du 21 Décembre 2007, Est Entrée En Vigueur Le 1er Janvier 2009. " Secrétariat d'Etat aux migrations. https://www.sem.admin.ch/dam/sem/fr/data/rechtsgrundlagen/weisungen/buergerrecht/hb-buegkap2-f.pdf.download.pdf/hb-bueg-kap2-f.pdf.

Laws

L'Assemblée fédérale de la Confédération Suisse .1931. *Loi Fédérale Du 26 Mars 1931 Sur Le Séjour et l'établissement Des Étrangers (LSEE)." RS 142.20*. https://www.fedlex.admin.ch/eli/cc/49/279_279_293/fr.

L'Assemblée fédérale de la Confédération Suisse. 1934. *Loi fédérale du 26 mars 1931 sur le séjour et*

l'établissement des étrangers (LSEE). RS 142.20. RO 49_279. https://www.fedlex.admin.ch/eli/cc/49/279_279_293/fr.

L'Assemblée fédérale de la Confédération suisse. 1952.Loi *fédérale du 29 septembre 1952 sur l'acquisition et la perte de la nationalité suisse (ALSN).* RO 1952_1115. https://www.fedlex.admin.ch/eli/oc/1952/1087_1115_1119/fr.

L'Assemblée fédérale de la Confédération suisse, 1952. *Loi Fédérale Sur l'acquisition et La Perte de La Nationalité Suisse (ALSN)*. *RO 1952_1115.* https://www.amtsdruckschriften.bar.admin.ch/detailView.do?id=10092892#1.

L'Assemblée fédérale de la Confédération Suisse. 2002. *Loi Fédérale Du 13 Décembre 2002 Sur l'élimination Des Inégalités Frappant Les PersonnesHandicapées (EIAPD)*. *RS 151.3*. Vol. RO 2003_4487. https://www.fedlex.admin.ch/eli/cc/2003/667/fr.

L'Assemblée fédérale de la Confédération suisse. 2005. *Loi fédérale sur les étrangers du 16 décembre 2005 (LEtr)*. https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/oc/2007/758/fr/doc/fedlex-data-admin-ch-eli-oc-2007-758-fr-doc.doc

Secrétariat d'État aux migrations .2016. *Ordonnance du 17 juin 2016 sur la nationalité suisse (OLN). RS 141.01.* https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2016/405/20190709/fr/pdfa/fedlex-data-admin-ch-eli-cc-2016-405-20190709-fr-pdf-a.pdf.

L'Assemblée fédérale de la Confédération Suisse. 2018. *Loi du 20 Juin 2014 Sur La Nationalité Suisse (LN). RS 141.0*. https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2016/404/20190709/fr/pdfa/fedlex-data-admin-ch-eli-cc-2016-404-20190709-fr-pdf-a.pdf

L'Assemblée fédérale de la Confédération Suisse. 2018. *Loi Fédérale Du 16 Décembre 2005 Sur Les Étrangers et l'intégration (LEI).RS 142.20. RO 2007* 5437.https://www.fedlex.admin.ch/eli/oc/2007/758/fr.

Secrétariat d'État aux migrations.2018. *Loi Fédérale Du 16 Décembre 2005 Sur Les Étrangers et l'intégration (LEI). RS 142.20*. https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2007/758/20220901/fr/pdfa/fedlex-data-admin-ch-eli-cc-2007-758-20220901-fr-pdf-a-3.pdf.

L'Assemblée fédérale de la Confédération suisse .2018. *Loi du 20 juin 2014 sur la nationalité suisse (LN). RS 141.0.* https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2016/404/20190709/fr/pdfa/fedlex-data-admin-ch-eli-cc-2016-404-20190709-fr-pdf-a.pdf.

Le Conseil fédéral suisse .2019. *Ordonnance du 15 août 2018 sur l'intégration des étrangers (OIE). RS 142.205.*https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2018/511/20190501/fr/pdfa/fedlex-data-admin-ch-eli-cc-2018-511-20190501-fr-pdf-a.pdf.

L'Assemblée fédérale de la Confédération Suisse.2022. *Loi fédérale sur la partie générale du droit des assurances sociales (FLGI). R.S. 830.1*. https://www.fedlex.admin.ch/eli/cc/2002/510/fr.

L'Assemblée fédérale de la Confédération Suisse. 2023. *Loi fédérale sur l'assurance-vieillesse et survivants (OASI). R.S 831.10.* https://www.fedlex.admin.ch/eli/cc/63/837_843_843/fr