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# Becoming a citizen through marriage: how gender, ethnicity and class shape the nation

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## ABSTRACT

The role of marriage in accessing membership entitlements has been studied extensively in the context of marriage migration, but it remains under-researched in the literature on citizenship acquisition. This paper explores specific constructions of deservingness vis-à-vis the foreign spouses of citizens and their marriages in the context of facilitated naturalization in Switzerland. Based on an ethnographic investigation of the naturalization practices of street-level bureaucrats, we show that the politics of belonging in the context of access to citizenship is regulated by intersecting gendered, ethnicized and classed logics of desirability about how a marriage should be. Additionally, a patrilineal logic continues to guide street-level bureaucrats *de facto* even when legislation has introduced *de jure* gender equality. Finally, we demonstrate that it is not only immigration regimes, but also citizenship regimes that employ assumptions about what constitutes a ‘good marriage’ in order to draw the boundaries of the nation.

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## 1. Facilitated naturalization as a politics of belonging: drawing the gendered boundaries of the nation

This article scrutinizes the naturalization practices of street-level bureaucrats in Switzerland, demonstrating some of the ways in which citizenship becomes an important site of a politics of belonging. By *politics of belonging* we mean policies involved in ‘the maintenance and reproduction of the boundaries of the community of belonging by the hegemonic political powers’ (Yuval-Davis 2006, 205). Citizenship politics (re)produces the nation-state by defining who can and who cannot become a citizen. Naturalization policies provide an especially interesting locus through which to explore how the boundaries of the nation-state are drawn and reworked because they incorporate meanings and assumptions regarding good and bad future citizens (Brace 2015; Fischer and Dahinden 2017; Geddes and Favell 1999).

In this article, we examine one particular form of naturalization, namely what is referred to as *facilitated naturalization*, a fast-track citizenship process for foreigners married to Swiss citizens. Most European countries facilitate citizenship acquisition for the spouses of citizens. In Switzerland, the residence requirement and application fee are

reduced and the bureaucratic procedure is simplified for such applicants. This regime contributes to a politics of belonging in two different ways. First, like all naturalization politics, it maintains and reproduces the boundaries of the nation-state by indicating who *merits becoming a citizen* and who does not (Mazouz 2012). Second, the candidates obtain potential access to citizenship *through marriage to a citizen*. At the heart of the evaluation process are particular ideas about good or acceptable marriages. The literature on gender and nationalism has shown that ideas about proper forms of kinship, sexuality and reproduction were closely entangled with nation-building processes (Anthias and Yuval-Davis 1992). Marriage and gendered visions of kinship relations thus play a major role in the physical and cultural reproduction of the boundaries of the nation-state and the making of a good citizen (Andrikopoulos 2017; Duyvendak 2011). This is why the state has a hegemonic role in deciding upon acceptable forms of family and how citizens should behave towards each other in the intimate context of their marriages.

Historically, citizenship legislation has been used to restrict undesirable marriages, reflecting a patriarchal conception of citizenship and excluding undesirable migrant men (de Hart 2006). It has been argued that, as citizenship legislation in Europe came to incorporate gender equality, the protection of the nation from undesirable marriages and migrant men shifted from citizenship policy to immigration policy (de Hart 2015). The scholarship on spousal migration and mixed marriages has extensively explored the ways in which states define legitimate and fraudulent relationships (Bonjour and de Hart 2013; Eggebo 2013). It has also demonstrated how the legitimacy of relationships is evaluated by civil registrars (Wemyss, Yuval-Davis, and Cassidy 2018; Lavanchy 2015) and visa and immigration officers (Pellander 2015; Scheel 2017; Satzewich 2014; Alpes and Spire 2014). Legitimacy is assessed on the basis of the norm of love marriage (D'Aoust 2013), but it also cannot be separated from the way the national community is conceived (Bonjour and Block 2016).

In this article, we argue that the evaluation of marriage legitimacy remains crucial in citizenship policies, and especially in facilitated naturalization. Concretely, we examine bureaucratic practices in administrative offices in charge of naturalization procedures in Switzerland. Adopting a street-level-bureaucracy approach (Lipsky 1980; Hupe 2013), we focus on the discretionary power of naturalization caseworkers in the naturalization procedure. Considering that discretionary practices are shaped by a normative context consisting of both formal and informal rules (Buffat 2015), we demonstrate how the normative logics guiding naturalization caseworkers' practices shape their procedural discretionary power (Brodkin and Majmundar 2010). Scholarly work has shown that naturalization caseworkers assess applicants on the basis of gendered, racialized and ethnicized ascriptions, and that their practices rely on representations of (un)desirable citizens (Fassin and Mazouz 2009; Fortier 2013). To date, however, the research has not examined specific constructions of deservingness concerning the foreign spouses of citizens and their marriages or the role of marriage norms in naturalization practices.

Switzerland is an especially revealing case study for two reasons. First, the country maintained gender inequalities in citizenship legislation until far later than other European countries. Swiss women were only granted the right to vote in 1971, and they did not have the same rights as men to maintain or transmit their citizenship in the context of marriage until 1992. This traditional gender order continues to affect the country's citizenship regime. Second, Switzerland is well known for its restrictive

naturalization policy, and it ranks 31 out of 38 in the Migrant Integration Policy Index's access to citizenship index (MIPEX 2015). The country's facilitated-naturalization procedure for spouses of national citizens is also restrictive, as it is only open to heterosexual married couples, and these spouses do not have an automatic right to citizenship. Rather they must apply, and their applications are evaluated through a discretionary procedure.

We begin the paper by describing the Swiss facilitated procedure and our methodology. We then discuss our core findings. We first present caseworkers' gendered understanding of a 'good marriage' as a traditional heteronormative 'conjugal community'. Second, we identify four different logics through which street-level bureaucrats frame desirable citizens and thus define 'Swissness': the *ius sanguinis* principle of citizenship, patrilinearity, post-colonial representations of the West and the 'Rest' and social class. These logics intersect in complex ways and can co-constitute each other.

In the conclusion we argue that immigration regimes and citizenship regimes both employ assumptions about what constitutes a 'good marriage' in order to draw the boundaries of the nation. While the role of immigration regimes in this regard has been studied extensively, this article demonstrates that immigration and citizenship regimes are part of the same continuum relative to inclusion and exclusion based on marriage norms. Furthermore, we argue that, while the Swiss case exhibits a particular form of patriarchy and especially conservative marriage norms, it can nonetheless probably be considered paradigmatic of the current pattern of gendered, ethnicized and classed access to citizenship in Western Europe: although citizenship laws are formally gender equal, naturalization practices remain highly gendered and gender unequal.

## 2. Context and methodology

In Switzerland, facilitated naturalization is defined in the Federal Act on the Acquisition and Loss of Swiss Citizenship and the *Handbook on Nationality*.<sup>1</sup> Foreigners who have been married to a citizen for three years and have resided in the country for five years are eligible to apply for facilitated naturalization. The facilitated procedure is significantly easier than the ordinary procedure, to which all other citizenship applicants are subject. Application through the ordinary procedure is first possible after 12 years of residence (ten years since 2018), is much longer and more expensive and is subject to a decision involving all three levels – federal, cantonal and municipal – of the Swiss state. The legislation outlines the criteria according to which applications under either procedure must be assessed: candidates have to comply with the rule of law, they must not pose a threat to Switzerland's internal or external security and they must have become integrated. Additionally for the facilitated procedure, which is premised on marriage with a Swiss citizen, the spousal relationship must be judged to be effective and stable.

The State Secretariat for Migration (SEM), a federal body, alone is competent to make decisions regarding applications. But the SEM bases its decision on a report about the candidate produced by cantonal authorities. This report is informed by an administrative inquiry – which considers information from other state institutions, including tax authorities, social services and the police – and a personal interview with the candidate. During this interview, the candidate is questioned on several topics based on a model questionnaire issued by the SEM: their identity and life trajectory; their relationship with

their Swiss spouse; their children, if any, and their plans regarding children; criminal convictions and issues with the police or immigration services; their financial situation; and their social and professional integration. This last topic includes knowledge questions about Swiss institutions, politics, history, geography and habits. As part of their procedural discretionary power, naturalization caseworkers can extend the inquiry if they deem it necessary, for example by making a surprise visit to the candidate's home, asking for more documents or contacting individuals from their private or professional life.

This article is based on ethnographic fieldwork in 2016 and 2017 in administrative offices responsible for producing these reports in French-speaking Switzerland. In total, we conducted approximately five months of ethnographic fieldwork in two cantons. During fieldwork, we were granted permission to observe naturalization caseworkers' everyday routines, including interviewing naturalization candidates. This fieldwork allowed us to build trustworthy relationships with the caseworkers, with whom we then conducted eleven expert interviews. An additional interview was conducted at the SEM with a caseworker in charge of decision making.

The analysis in this article is based primarily on our field notes and the 12 interviews. It was not possible for us to follow individual applications from start to finish for two reasons. First, the procedure takes a long time in each individual case, and second, the inquiries are conducted by cantonal administrations, while the decision is made by the SEM. We were granted access to observe the former, but not the latter. We therefore focus here on the moments when caseworkers evaluated and processed applications, thus examining their procedural discretionary power.

### **3. What makes an 'acceptable marriage', and who merits Swiss citizenship?**

In this section, we examine the normative logics underlying street-level bureaucrats' practices regarding facilitated naturalization. We have identified a common overarching frame of 'acceptable couples' and four different logics that determine who is and is not a desirable Swiss citizen. Naturalization caseworkers mobilize this frame and these logics in their procedural practices, categorizing the candidates as more or less deserving of Swiss citizenship and their Swiss spouses as more or less legitimate Swiss citizens. These categorizations act as indicators for whether candidates should be questioned further, including about whether their marriage is a 'true' one and the spouses are integrated, for example.

The frame and logics intersect in complex ways. In some cases, they constitute each other intersectionally (Crenshaw 1991). In others, however, the logics are mutually exclusive. All naturalization caseworkers do not necessarily mobilize the same logics in similar cases. Additionally, certain normative logics may be shared by all caseworkers working in a given institution, while other logics may be mobilized only in a particular institution or by certain individuals. We first discuss each logic separately and then discuss how they do or do not intersect.

#### ***3.1. A common overarching frame: the normative definition of the 'acceptable' couple***

Only foreigners married to Swiss citizens have access to the facilitated-naturalization procedure, but contracting a legal union is far from sufficient for these individuals to have

their citizenship application accepted. First, same-sex partners of Swiss citizens do not have access to this facilitated procedure because same-sex marriage is not permitted in Switzerland, and only a registered civil partnership is open to homosexual couples.<sup>2</sup> Second, only couples who fit into what we call a ‘traditional’ understanding of marriage are granted Swiss citizenship through this procedure. This traditional understanding is operationalized through the SEM-issued questionnaire’s criterion of the ‘conjugal community’, which has been defined more precisely in a 2016 Federal Administrative Court (TAF) decision (TAF, F-5326/2014). According to that decision, the facilitated-naturalization procedure is based on a specific vision of marriage, one that involves spousal ‘fidelity and assistance’ and the intention ‘to found a family’ (p.8 point 4.3.3). Accordingly, having children out of wedlock, engaging in extra-conjugal relationships and ‘any attitude in contradiction with the traditional image of marriage’ can call into question the existence of a conjugal community (p.10, point 5.2.2). The TAF and the SEM consider both heterosexual marriage and monogamy moral imperatives to ensure both paternal filiation and the legitimacy of children, which are themselves necessary for the reproduction of the cultural and national community (Moret, Andrikopoulos, and Dahinden 2019).

But what formal criteria do naturalization bureaucrats rely on in evaluating applicants’ conjugal community, and hence their deservingness of Swiss citizenship? The model questionnaire mentions criteria caseworkers can take into account: the spouses are more than 15 years apart in age, have the intention to separate or divorce, already live separately or have contact with prostitution. In the report, caseworkers are required to declare whether they suspect a marriage of convenience. However, the questionnaire also states explicitly that caseworkers should address these suspicious criteria during the interview only ‘if necessary’ – pointing to their procedural discretionary power – and caseworkers are not provided with any guidelines for how to pursue these questions during the interviews. Our ethnographic data allows us to understand how state representatives themselves understand the conjugal community. Laetitia, a caseworker, commented on this evaluation as follows:

If I see ‘30 years’ age difference’, I find it difficult to understand. There are many cases where they don’t share anything. They’re unable to name shared hobbies. They say, ‘Yeah, our hobbies are watching TV and cleaning the house together’. They’ve never travelled together, not even for a weekend. They have no common friends. And if you add the 30 years’ age difference, it’s really hard to see a romantic story there.

In this quotation, the caseworker elaborates on elements that she considers inconsistent with the normative definition of a conjugal community. Age differences and the behaviour of the spouses in terms of things couples should share are the most important. Another normative criterion is also apparent: marriage should be based on romantic love. This criterion is not mentioned in the legislation, but it is a constituent element of ‘proper’ Swiss marriages.

This construction of Swiss marriages as based on romantic love affects caseworkers’ practices in evaluating the conjugal community. European or Western partners are assumed to have married for love. Regarding such partners, caseworkers’ questions tend to focus on the romantic dimension, as when a caseworker asked a French man whether it was ‘love at first sight?’ In contrast, non-European spouses are asked questions

regarding their autonomy, like the Vietnamese woman married to a Swiss man with Vietnamese parents, who was asked whether her family ‘organized the first meeting with [her] spouse?’ As we demonstrate in the next section, this norm also intersects with the logic of essentialized cultural distance.

The formal criteria of intention ‘to found a family’ and sexual fidelity are also relevant in caseworkers’ practices. If the couple does not have children at the time of the application, the caseworker usually directly asks whether they plan to have children in the future. Having children out of wedlock is also a cause for suspicion. We attended an interview that was part of a procedure intended to cancel a naturalization decision. The cancellation procedure was initiated because the man had a child out of wedlock less than two years after becoming naturalized. During the interview, the caseworkers attempted to determine whether the man had been having extra-conjugal relationships during his naturalization procedure, which would have compromised the conjugal community and made it possible to cancel the naturalization. Questions regarding children and monogamy not only point to a governance of intimacy, but also show how the state evaluates marriages according to traditional and restrictive marriage norms. These norms do not apply to Swiss citizens, who are never faced with these kinds of evaluations, but migrants and foreigners are forced to ‘traditionalize’ if they want to become Swiss.

In sum, in their daily practices these caseworkers mobilize a heteronormative definition of the good couple based on specific criteria: a conjugal community, romantic love, similar age, a lifestyle appropriate for couples, the desire to have children and sexual fidelity. The literature on marriage migration reveals similar normative criteria in many countries’ immigration and family-reunification regimes. Surprisingly, this normative logic also applies to citizenship acquisition: access to citizenship is more difficult for spouses in relationships that do not conform to these criteria. Spouses in such relationships are seen as illegitimate reproducers of the cultural and national group.

### **3.2. Logics framing the naturalization practices of street-level bureaucrats**

Beyond this common normative frame of an ‘acceptable marriage’, we have found four different logics that inform caseworkers’ discretionary power. These intersecting logics allows us to understand how these caseworkers construct Swissness.

#### **3.2.1. Essentialized cultural distance: ‘the West and the Rest’**

People from the European Union won’t do a sham marriage to get the passport, there’s no interest [in it for them ... When] the candidates are French, Italian, Spanish, we conclude quite quickly that there is no problem.

This was the spontaneous answer of Laetitia, a naturalization caseworker, when she was asked what kind of applications she considers problematic. In the quotation, she makes a clear distinction between candidates from Europe and those from elsewhere. Indirectly, she indicates that candidates from outside Europe are more readily suspected of concluding sham marriages with Swiss citizens. She and other caseworkers categorically distinguish between Europeans, or Westerners more broadly, and people from the rest of the world. Audrey, a caseworker in charge of producing naturalization reports, told us:

Nationalities [of spouses] closer to Switzerland, like the European Union, or Canada, whose mentality is close to ours, their base is very similar to Switzerland's. But the [Swiss] spouse is still an added value: he can transmit his or her love for Switzerland. So there, no problem [in becoming naturalized].

This idea of a supposedly shared 'mentality', the emic expression most street-level bureaucrats used, among Swiss and other Westerners implies an opposite, and unspoken, idea – that there is a greater 'cultural difference' between Switzerland and non-Western countries, where people have a different 'mentality'. The caseworkers referred to this idea when they stressed that 'socio-cultural differences' between the Swiss spouse and the foreign spouse are among the criteria that make them suspicious that a couple may not meet the definition of the conjugal community and even live a sham marriage. As Paul, the head of a naturalization section, told us:

A significant age difference, significant socio-cultural differences, we see that the language is poorly mastered, so we ask ourselves how the two people can engage with each other. It's these kinds of criteria [that make us suspect an ineffective conjugal community or sham marriage]. When I see someone with an MA who gets married to a guy who can hardly say three sentences in French. Well, maybe there are other criteria, other parameters, but there is such a difference between the people that we think: 'Why is this guy together with this girl? It's not possible; the differences are too big'.

Paul here defines the Swiss marriage norm – two spouses who are not culturally different. This construction of cultural difference intersects with ideas about social class, here exemplified by differences in educational levels. We develop the class dimension below, but the example of Paul here shows how cultural and class categories shape each other and produce the norm of 'Swiss marriages'.

This representation of the 'West and the Rest' is part of the colonial legacy (Hall 1992; Nader 1989) – a legacy that also exists in countries that, like Switzerland, were not formal empires (Purtschert, Lüthi, and Falk 2012). These imaginaries function as discursive legitimations of global power hierarchies that are reproduced by the street-level bureaucrats: they orientalize (Saïd 1978) and naturalize the organization of the population into distinct cultural groups, link them to particular nation-states and establish a global and spatial power hierarchy.

This normative and hierarchizing logic regarding a supposedly shared mentality among Western countries and essentialized cultural differences directly affects the ways in which naturalization caseworkers approach the applications. Caseworkers scrutinize non-Western candidates more closely, investigating whether their marriage is a sham marriage or corresponds to the traditional 'conjugal community', and whether their mentality is compatible with 'ours'.

### 3.2.2. *Ethnicization of Swiss citizenship*

An important aspect of the politics of citizenship and belonging is the fact that the 'imagined community' may not completely overlap with the actual citizenry. Possessing citizenship of a state does not always result in being considered a member of the political or national community of that state. Bonjour and Block (2016) refer to 'ethnicized citizenship' when explaining that formal citizens, unlike 'real citizens' (Ceuppens and Geschiere 2005), may be symbolically excluded from the nation. In

Switzerland, this distinction is demonstrated by the French term *citoyen de souche*, ‘citizen by origin’ and the German *Papierschweizer*, ‘Swiss by paper’, people who have formal citizenship but are excluded from the nation because of their ethnic or racial background (Reiter 2008).

The facilitated-naturalization procedure formally distinguishes between individuals who are *Swiss by birth* and those who are *Swiss by naturalization*: candidates are required to indicate whether their spouse is a Swiss citizen by birth or by naturalization. This distinction is justified by the requirement that facilitated naturalization is only available to the foreign spouses of individuals who were already Swiss at the time of their marriage. However, our data suggests that this distinction is not only made due to this formal requirement, but also reflects an understanding of Swiss citizenship as ‘ethnicized’ and based on a surprisingly strict form of *ius sanguinis*. This logic has concrete effects on the applications of foreign spouses with partners who are Swiss by naturalization.

In its explanation of the 1992 Federal Act on the Acquisition and Loss of Swiss Citizenship (Feuille Fédérale 1987 III 300ss), the Federal Council justified the creation of the facilitated-naturalization procedure for foreign spouses of Swiss citizens by affirming that such spouses would ‘adapt to the Swiss lifestyle and habits more quickly than a foreigner without a Swiss spouse’ (p. 301). This justification is based on the assumption that a ‘real’ Swiss partner, as a pillar of Swissness, can automatically support foreigners’ process of integration. Given the ethnicity-based understanding of the Swiss nation and the highly culturalist integration discourses that prevail in Switzerland (Dahinden 2014), a ‘real’ Swiss partner can only be someone who is not him or herself a naturalized citizen. Naturalization therefore implies that the foreign spouse becomes a member of the cultural group of ‘the Swiss nation’. At the same time, the ability of the Swiss spouse to transmit Swiss culture is also at the centre of the facilitated-naturalization procedure. Naturalized Swiss are therefore suspected of not being able to fulfil this role because they are not ‘truly’ Swiss. The following quotation by Jeanne, a caseworker discussing an interview we observed, illustrates this well:

So the Vietnamese, there he was, a Vietnamese man who obtained Swiss citizenship. He married a Vietnamese woman he met in his home country. And the problem with such cases is that the husband, who is Swiss, is the pillar for integration for his wife. And when the person is naturalized, the strength of the pillar, in my opinion, is weakened. Because the woman could opt for ordinary naturalization after 12 years, but here she can apply for naturalization after five years and three years of marriage. So this means that the husband has an important role to play [...]. At least in this specific case, the woman’s integration was incomplete. I think this is typical in such cases.

In this case, based on the logic of Swiss citizenship understood as based on *ius sanguinis*, the legitimacy of a Swiss spouse who is not Swiss ‘by blood’ is called into question because he is not considered a full member of the nation. Regula, another caseworker, demonstrated this same logic:

Well, if this Swiss person has been Swiss for centuries, so to speak, or if he’s only been Swiss for a few years, because he is naturalized, that makes a big difference. [...] The person who comes from another country, who becomes naturalized and gets married to someone of the same origin, it’s the same, even if he has a Swiss passport. It’s not mixing. It’s the same thing. It’s only the paper that changes.

In this statement, Regula clearly operationalizes the distinction between ‘true’ Swiss on the one hand and formal citizens, those who have become naturalized, on the other. Her words reflect the logic of an ethnicized Swiss citizenship in that she does not recognize naturalized Swiss as belonging to the Swiss ‘imagined national community’, but as merely having the administrative status of a Swiss citizen. According to this logic, the marriage between a naturalized citizen and a partner from their country of origin is seen as a marriage between two persons belonging to the same and essentialized non-Swiss cultural group. These marriages are not met with suspicion with regard to the existence of a conjugal community, but rather because they are seen as belonging ‘there’ rather than ‘here’. Hence, the inquiry in such cases focuses much more on integration than on the legitimacy of the union.

The ability to transmit ‘Swiss culture’ is subject to stricter scrutiny even in the case of the spouses of individuals who were born in Switzerland to immigrant parents. Caseworkers repeatedly frame these marriages as not being freely chosen by the spouses, but as forced or influenced by their parents or the community. These ‘bad’ marriages are interpreted as evidence that the Swiss-born spouse is not sufficiently culturally integrated (Charsley, Bolognani, and Spencer 2017; Moret, Andrikopoulos, and Dahinden 2019). The following quotation by Jeanne exemplifies this understanding:

Let’s take a Kosovo Albanian. [...] Even if he was born here, he will go to Kosovo all his life, in the summer, on holidays. He will end up understanding, or he might not understand it, that his parents might have played an indirect role in him meeting his wife there. [...] But the integration? There is a correlation between what is induced and unspoken and the [degree of] integration. [...] And it’s true that Kosovo Albanian women come here, because their husband is Swiss, and they have a lot of difficulty integrating. Or they integrate like him, very superficially. [...] So, in the end, these applications are not successful.

In such cases, a wife’s application for facilitated naturalization can only be seen as problematic.

This ethnicization of Swiss citizenship intersects with the logic of essentialized cultural distance that we addressed in the previous section. Only naturalized Swiss citizens of a non-European background, and especially those who marry someone from their parents’ country of origin, are constructed as not being truly Swiss.

### *3.2.3. Deserving citizenship based on class hierarchies*

Although, as we have just demonstrated, Swiss citizenship works according to an ethnicizing logic, our data also shows that street-level bureaucrats can also interpret naturalized Swiss citizens and their foreign spouses completely differently when categorized by street-level bureaucrats as belonging to the upper class.

During our fieldwork, we observed a facilitated-naturalization interview with a woman of Iranian origin who had previously acquired British nationality. Her husband, who was also born in Iran, came to Switzerland as an asylum seeker and acquired Swiss citizenship through the facilitated procedure because he had previously been married to a Swiss woman, with whom he also had a child. The man is an independent private wealth manager. The woman declared herself to be a housewife who spends most of her time taking care of their daughter, who attends a private international school. The couple owns a large property in the centre of one of Switzerland’s largest cities.

Laurent, the caseworker responsible, handled this case quite differently from others. The interview was significantly shorter, and it involved fewer questions regarding Switzerland and its political system, again revealing caseworkers' procedural discretionary power. When we asked Laurent after the interview why he had asked so few questions, he answered straightforwardly that he did not want to 'bother them too much by asking too much about the Swiss political system, as they contribute so much to society in other ways'. He later made it clear that he was mainly referring to their economic contribution.

In this case, the logic of class – belonging to the economic elite – shapes the other logics, with the result that neither the legitimacy of the naturalized Swiss husband with a non-European background nor the integration of the wife were questioned. By justifying the small number of questions he asked on the basis that 'they contribute [economically] so much to society', the caseworker demonstrates that, to him, their values or way of life were irrelevant. Bonjour and Chauvin (2018, 7) recently demonstrated some of the ways in which economic and identity rationales are fused in the case of migration. As this case shows, class can serve as an analytical connector between economic and national logics of belonging.

The stratification of deservingness according to a class logic is not specific to Switzerland, as it can also be found in recent national-citizenship trends in other countries, including cash-for-passports programmes (regarding the debates surrounding such trends, see the first section in Bauböck 2018). This logic also needs to be considered in relation to the logic of the welfare state in Switzerland and elsewhere, as it reflects a concern over who can profit from the national community of solidarity and long-established fears over granting citizenship to individuals who may need social benefits later (Niederberger 2004). In sum, classed dimensions and hierarchies are deeply rooted in the construction of citizenship, and it is clear that the economic elite is constructed as more desirable, including in the context of facilitated naturalization.

### **3.2.4. *The persistent logic of patrilineal nationality***

The facilitated-naturalization procedure was introduced with the 1992 Federal Act on the Acquisition and Loss of Swiss Citizenship and has been available to spouses of both genders from the beginning. As has happened in other countries (de Hart 2006; Nicolosi 2001), this legislation introduced a major change regarding the loss and acquisition of citizenship in the context of marriage, as Studer (2001) has demonstrated: before 1992, Swiss citizenship policy was formally shaped by a strong patrilineal logic. Swiss men (by 'nature') automatically passed citizenship to foreign women upon marriage. According to this logic, the Swiss citizen was first and foremost male, as men could benefit from all the rights associated with citizenship, including the rights to vote and marry without losing their citizenship (de Hart 2006). Until 1952, in contrast, Swiss women lost their Swiss citizenship when they married a foreigner. Between 1952 and 1992, women were able to retain their Swiss citizenship by filing a declaration stating their desire to do so upon marriage with a foreigner, but they continued not to have the right to transmit their nationality to foreigners or their children.

We understand this historical patrilineal citizenship consistently with scholars of gender and nationalism: women were seen as biological (re)producers of the national stock, and it was therefore important that they give birth to new members who conformed to ethnicized and racialized representations of the nation (Yuval-Davis 1993).

Additionally, women were seen as responsible for the continuation of the ‘cultural line’ of the national group and maintaining group boundaries. In this logic, women were implicitly reduced to their ‘natural’ function as birth-givers and educators of children (Yuval-Davis 1993).

Although the 1992 Federal Act on the Acquisition and Loss of Swiss Citizenship abolished foreign women’s automatic right to become Swiss upon marriage to a Swiss citizen, we were surprised to find that this logic of patrilineal citizenship continues to influence state representatives in charge of naturalization. While this logic has been widely identified in current spousal immigration regimes and practices (Wray 2006), scholarship on citizenship legislation has argued that gender equality has become well established in citizenship policies (de Hart 2015; Sainsbury 2018). However, our case study shows that this logic persists in citizenship regimes. Concretely, this patrilineal logic affects the different ways in which caseworkers handle the applications of foreign men and foreign women.

On the one hand, Swiss men are intrinsically seen as legitimate transmitters of their citizenship to their foreign spouse even when their marriage does not correspond to the ideal of love marriage described previously. For example, Myriam, a caseworker, elaborated on the kinds of applications that are usually successful:

Or women from Africa, for example, who lived in extreme poverty, they marry Swiss men who would otherwise often not find a spouse in Switzerland. Generally, these marriages work. And generally Swiss women would not stay with this type of men. These men are generally older, they are not very delicate, but they enable these women to have a better life than they had in their country. So these women are happy to be married. Often, they are happy to be mothers. So they continue along this trajectory and everything goes well.

In the quotation, foreign women are presented mainly as victims of poverty or as disadvantaged, achieving upward social mobility through marriage to a Swiss man. Being married and becoming a mother are the core elements of their new positive situation in Switzerland. These Swiss men are not seen as ideal partners for Swiss women, but their marriages with disadvantaged foreign women are acceptable – even when romantic love is missing. This is a marriage relationship that fits the traditional understanding of marriage perfectly, where the spouses conform to the patriarchal gender roles of the male breadwinner and the female mother. The legitimacy of Swiss men to transmit their citizenship is fundamentally anchored in this patrilineal logic of citizenship, and the intersection of marriage norms and ethnicized and classed dimensions of citizenship also contribute to shaping the legitimacy of Swiss men’s ability to transmit citizenship.

On the other hand, in the eyes of street-level bureaucrats, women are seen as less legitimate vehicles for transmitting Swiss citizenship to their foreign spouses. As the following example demonstrates, Swiss women who marry foreign non-Western men are often presented as passive, as victims, rather than as active citizens. Moreover, the figure of the Swiss woman appears as needing protection from an abusive marriage, a kind of moral panic about foreigners stealing ‘our’ women that has been well described in the literature on fraudulent marriages (Scheel 2017). The following statement by Laetitia exemplifies this:

There are many men who arrived as asylum seekers and find a much older Swiss woman. Sometimes it’s a shared agreement and then he gets naturalized, and then, well, he leaves her. But sometimes, some people use their partner to get a Swiss passport, and they even try to betray their partner financially. There are really difficult stories.

Marriages between Swiss women and non-European men are constructed as unacceptable, which reflects the persistence of a logic of control over women's intimate relationships. In the same vein, these foreign men are not seen as legitimate holders of Swiss citizenship. Male asylum seekers – and, more generally, non-Western males – are generally suspected of getting married to Swiss women out of interest rather than love: they are suspected of engaging in sham marriages, a suspicion that is blatantly absent in the case of non-European women who marry Swiss men. Marriages between Swiss women and younger asylum seekers are not seen as legitimate, because they have the potential of ending in separation or betrayal. They fall into the category of unacceptable marriages because of the age difference and the presumed absence of romantic love – a representation that has also been shown in other studies (Scheel 2017).

However, naturalization caseworkers construe these marriages as unacceptable on the basis of not only the ideal and acceptable romantic love marriage and the traditional conjugal community, but also representations of the foreign male's culture, which is deemed to be incompatible with Swiss values (Dahinden 2014), once again intersecting with the logic of 'the West and the Rest' described above:

This is a typical case. So, he's a Maghrebi, he's from Tunisia. We have this kind of case very often. The woman doesn't have a very high level of education, and him, he's much younger. And we don't know what the outcome will be. Maybe it's a little bit cliché; [...] it could be a true love marriage. But generally, Maghrebis don't marry someone older than them. That's not seen positively in their culture. It's not normal there. They do it here, because it's a way to come to Switzerland. And the family accepts, because it's a way for their son to go to Switzerland. And later, they'll have a real marriage with someone from their country of origin, whom they'll then bring here.

This quotation, from Jeanne, shows how caseworkers simultaneously mobilize orientalized and patrilineal logics of citizenship to declare these marriages unacceptable.

#### 4. Conclusion

In this article, we have demonstrated that it is through logics of desirability about how a marriage should be that a politics of belonging in the context of access to citizenship is governed. We have identified an overarching normative frame regarding the desired conjugal community – traditional, heterosexual and monogamous – and four logics that frame state representatives' procedural discretion in the context of facilitated naturalization of foreign spouses of Swiss citizens: the *ius sanguinis* principle of 'ethnicized citizenship', patrilinearity, post-colonial representations of 'the West and the Rest' and social class. Importantly, while these logics guide the ways in which street-level bureaucrats handle facilitated-naturalization applications, they are never referred to explicitly in their decisions. Based on these results, we conclude with four main points.

First, migrant marriages have recently become the target of state surveillance, an issue of public concern and an object of intense scholarly research (see, for instance, the special issue edited by Moret, Andrikopoulos, and Dahinden 2019). According to the literature, spousal migration and mixed marriages are the two sites where marriage legitimacy is constructed. Interestingly however, the role of marriage in naturalization processes has attracted much less scholarly attention. This neglect might partly be due to recent work on gender and nationalism, according to which control over undesirable marriages has shifted

from citizenship policies to immigration policies. And cross-border marriages have indeed become a target of immigration policy. It is therefore surprising that states evaluate the legitimacy of these couples again when they apply for naturalization. Our analysis addresses this empirical gap and shows how marriage and state-defined normative ‘marriageability’ (Charsley, Bolognani, and Spencer 2017) are at the core of facilitated-naturalization processes. In other words, immigration regimes and citizenship regimes both rely on assumptions about ‘good marriages’ in order to draw the boundaries of the nation, and both are therefore part of a politics of belonging. This article demonstrates that marriage is one of the strongest elements determining how the national community is reproduced and how it closes its ranks: so-called marriage migrants confront bordering practices from the moment they start envisaging joining their spouse abroad and again when they engage in facilitated naturalization. These are two different facets of the entanglement of marriage and national politics of belonging, and it is time to theoretically link the fields of immigration regimes and citizenship regimes, which are part of a continuum, as our case shows.

Second, our analysis is built around the logics that constitute ‘Swissness’. While the existing literature often only highlights one or two of these logics, our contribution addresses a wider range of logics and deconstructs each one separately. These logics operate intersectionally, are entangled, can shape each other and are even occasionally contradictory, as we have demonstrated in the case of class. Further research is needed to explore the complexity of their intersectional nature, however.

Third, the marriage norms we have identified seem particularly conservative from a European perspective. These norms are consistent with a conservatism regarding gender roles that is typical for Switzerland, and they are reflected in the country’s conservative public policies: the late introduction of women’s suffrage, the absence of parental leave and the lack of adequate childcare support. One of the paradoxical effects of this conservatism is that migrants are literally ‘traditionalized’ when they want to become Swiss. This topic also requires further research: what happens to couples that are modern in their gender norms – that, for example, do not live in a ‘conjugal community’ because they want to live in separate apartments, adopt an open sexual relationship or simply do not want to have children – when it comes to facilitated naturalization?

Finally, the existing literature has provided historical accounts of the patrilineal dimensions of citizenship policies and argues that contemporary European policies have incorporated the norm of gender equality. We have demonstrated that, in the Swiss case, citizenship continues to be *informally* influenced by a patrilineal logic, despite the fact that citizenship legislation is currently *formally* strictly informed by an adherence to gender equality. Further comparative research is needed in order to fully understand the force of such long-lasting patriarchal structures elsewhere.

## Notes

1. In this article, the procedure for applying for Swiss citizenship is described according to legislation that was in force at the time of the fieldwork. This legislation remains valid for all applications filed before the end of 2017, and a new and more restrictive Nationality Law entered into force on 1 January 2018.
2. Same-sex partners of Swiss citizens are subject to the ordinary citizenship procedure but benefit from a reduction in the required number of years of residence: instead of 12 years of

residence, they are eligible to apply for Swiss citizenship after five years of residence and three years of civil partnership.

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## References

- Alpes, M. J., and A. Spire. 2014. "Dealing with Law in Migration Control: The Powers of Street-Level Bureaucrats at French Consulates." *Social & Legal Studies* 23 (2): 261–274. doi:10.1177/0964663913510927.
- Andrikopoulos, A. 2017. *Argonauts of West Africa: Migration, Citizenship and Kinship Dynamics in a Changing Europe*. Amsterdam: Amsterdam University. <http://dare.uva.nl/search?identifier=030d3583-4c19-43e4-8ace-67327920138d>
- Anthias, F., and N. Yuval-Davis. 1992. *Racialized Boundaries: Race, Nation, Gender, Colour, and Class and the Anti-Racist Struggle*. London and New York: Routledge.
- Bauböck, R., ed. 2018. *Debating Transformations of National Citizenship*. IMISCOE Research Series. Springer. <https://link.springer.com/book/10.1007/978-3-319-92719-0>
- Bonjour, S., and L. Block. 2016. "Ethnicizing Citizenship, Questioning Membership. Explaining the Decreasing Family Migration Rights of Citizens in Europe." *Citizenship Studies* 20 (6–7): 779–794. doi:10.1080/13621025.2016.1191429.
- Bonjour, S., and S. Chauvin. 2018. "Social Class, Migration Policy and Migrant Strategies: An Introduction." *International Migration* 56 (4): 5–18. doi:10.1111/imig.12469.
- Bonjour, S., and B. de Hart. 2013. "A Proper Wife, A Proper Marriage: Constructions of "Us" and "Them" in Dutch Family Migration Policy." *European Journal of Women's Studies* 20 (1): 61–76. doi:10.1177/1350506812456459.
- Brace, L. 2015. "Reflections on the Good Citizen." In *Citizenship and Its Others*, edited by B. Anderson and V. Hughes, 10–27. Migration, Diasporas and Citizenship. Palgrave Macmillan UK. [www.palgrave.com/de/book/9781137435071](http://www.palgrave.com/de/book/9781137435071)
- Brodtkin, E. Z., and M. Majmudar. 2010. "Administrative Exclusion: Organizations and the Hidden Costs of Welfare Claiming." *Journal of Public Administration Research and Theory* 20 (4): 827–848. doi:10.1093/jopart/mup046.
- Buffat, A. 2015. "When and Why Discretion Is Weak or Strong: The Case of Taxing Officers in a Public Unemployment Fund." In *Understanding Street-Level Bureaucracy*, edited by P. Hupe, M. J. Hill, and A. Buffat, 79–96. Policy Press. <http://policy.bristoluniversitypress.co.uk/understanding-street-level-bureaucracy>
- Ceuppens, B., and P. Geschiere. 2005. "Autochtony: Local or Global? New Modes in the Struggle over Citizenship and Belonging in Africa and Europe." *Annual Review of Anthropology* 34 (October): 385–407. doi:10.1146/annurev.anthro.34.081804.120354.
- Charsley, K., M. Bolognani, and S. Spencer. 2017. "Marriage Migration and Integration: Interrogating Assumptions in Academic and Policy Debates." *Ethnicities* 17 (4): 469–490. doi:10.1177/1468796816677329.
- Crenshaw, K. 1991. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43 (6): 1241–1299. doi:10.2307/1229039.
- D'Aoust, A.-M. 2013. "In the Name of Love: Marriage Migration, Governmentality, and Technologies of Love." *International Political Sociology* 7 (3): 258–274. doi:10.1111/ips.12022.
- Dahinden, J. 2014. "'Kultur' Als Form Symbolischer Gewalt: Grenzziehungen Im Kontext Von Migration Am Beispiel Der Schweiz." In *Kultur, Gesellschaft, Migration*, edited by B. Nieswand and H. Drotbohm, 97–122. Wiesbaden: Springer.
- de Hart, B. 2006. "The Morality of Maria Toet: Gender, Citizenship and the Construction of the Nation-State." *Journal of Ethnic and Migration Studies* 32 (1): 49–68. doi:10.1080/13691830500335267.
- de Hart, B. 2015. "Regulating Mixed Marriages through Acquisition and Loss of Citizenship." *The ANNALS of the American Academy of Political and Social Science* 662 (1): 170–187. doi:10.1177/0002716215595390.
- Duyvendak, J. W. 2011. *The Politics of Home: Belonging and Nostalgia in Europe and the United States*. Basingstoke: Palgrave Macmillan UK. [www.palgrave.com/la/book/9780230293984](http://www.palgrave.com/la/book/9780230293984)
- Eggebo, H. 2013. "A Real Marriage? Applying for Marriage Migration to Norway." *Journal of Ethnic and Migration Studies* 39 (5): 773–789. doi:10.1080/1369183X.2013.756678.

- Fassin, D., and S. Mazouz. 2009. "What Is It to Become French? Naturalization as a Republican Rite of Institution." *Revue Française De Sociologie* 50 (5): 37. doi:10.3917/rfs.505.0037.
- Fischer, C., and J. Dahinden. 2017. "Gender Representations in Politics of Belonging: An Analysis of Swiss Immigration Regulation from the 19th Century until Today." *Ethnicities* 17 (4): 445–468. doi:10.1177/1468796816676844.
- Fortier, A.-M. 2013. "What's the Big Deal? Naturalisation and the Politics of Desire." *Citizenship Studies* 17 (6–7): 697–711. doi:10.1080/13621025.2013.780761.
- Geddes, J. A., and A. Favell, eds. 1999. *The Politics of Belonging: Migrants and Minorities in Contemporary Europe*. Aldershot: Ashgate.
- Hall, S. 1992. "The West and the Rest: Discourse and Power." In *Formations of Modernity*, edited by S. Hall and B. Gieben, 275–331. Cambridge: Polity Press.
- Hupe, P. 2013. "Dimensions of Discretion: Specifying the Object of Street-Level Bureaucracy Research." *Der Moderne Staat – Dms: Zeitschrift Für Public Policy, Recht Und Management* 6 (2). doi:10.3224/dms.v6i2.15317.
- Lavanchy, A. 2015. "Glimpses into the Hearts of Whiteness." In *Colonial Switzerland: Rethinking Colonialism from the Margins*, edited by P. Purtschert and H. Fischer-Tiné, 278–295. London: Palgrave Macmillan UK. doi:10.1057/9781137442741\_13.
- Lipsky, M. 1980. *Street-Level Bureaucracy. Dilemmas of the Individual in Public Services*. New York: Russel Sage Foundation.
- Mazouz, S. 2012. "Une Faveur Que Vous a Accordée La République." In *Economies Morales Contemporaines*, edited by D. Fassin and J.-S. Eideliman, 137–154. La Découverte. <https://www.cairn.info/economies-morales-contemporaines-9782707173096-p-137.htm>
- MIPEX. 2015. "Access to Nationality - Ranking 2014." *Migrant Integration Policy Index 2015*. <http://www.mipex.eu/access-nationality>
- Moret, J., A. Andrikopoulos, and J. Dahinden. 2019. "Contesting Categories: Cross-Border Marriages from the Perspectives of the State, Spouses and Researchers." *Journal of Ethnic and Migration Studies* 1–18. doi:10.1080/1369183X.2019.1625124.
- Nader, L. 1989. "Orientalism, Occidentalism and the Control of Women." *Cultural Dynamics* 2 (3): 323–355. doi:10.1177/092137408900200304.
- Nicolosi, A. M. 2001. "'We Do Not Want Our Girls to Marry foreigners': Gender, Race, and American Citizenship." *NWSA Journal* 13 (3): 1–21.
- Niederberger, J.-M. 2004. *Ausgrenzen, Assimilieren, Integrieren : Die Entwicklung Einer Schweizerischen Integrationspolitik*. Zürich: Seismo.
- Pellander, S. 2015. "'An Acceptable Marriage': Marriage Migration and Moral Gatekeeping in Finland." *Journal of Family Issues* 36 (11): 1472–1489. doi:10.1177/0192513X14557492.
- Purtschert, P., B. Lüthi, and F. Falk, eds. 2012. *Postkoloniale Schweiz: Formen Und Folgen Eines Kolonialismus Ohne Kolonien*. Postcolonial Studies. Transcript Verlag. <https://www.transcript-verlag.de/978-3-8376-1799-3/postkoloniale-schweiz/>
- Reiter, B. 2008. "The Perils of Empire: Nationhood and Citizenship in Portugal." *Citizenship Studies* 12 (4): 397–412. doi:10.1080/13621020802184283.
- Saïd, E. W. 1978. *Orientalism*. New York: Pantheon Books.
- Sainsbury, D. 2018. "Gender Differentiation and Citizenship Acquisition: Nationality Reforms in Comparative and Historical Perspective." *Women's Studies International Forum* 68 (May): 28–35. doi:10.1016/j.wsif.2018.01.005.
- Satzewich, V. 2014. "Visa Officers as Gatekeepers of a State's Borders: The Social Determinants of Discretion in Spousal Sponsorship Cases in Canada." *Journal of Ethnic and Migration Studies* 40 (9): 1450–1469. doi:10.1080/1369183X.2013.854162.
- Scheel, S. 2017. "Appropriating Mobility and Bordering Europe through Romantic Love: Unearthing the Intricate Intertwinement of Border Regimes and Migratory Practices." *Migration Studies* 5 (3): 389–408. doi:10.1093/migration/mnx047.
- Studer, B. 2001. "Citizenship as Contingent National Belonging: Married Women and Foreigners in Twentieth-Century Switzerland." *Gender & History* 13: 622–654. doi:10.1111/1468-0424.00246.

- Wemyss, G., N. Yuval-Davis, and K. Cassidy. 2018. "‘Beauty and the beast’: Everyday Bordering and “Sham marriage” Discourse." *Political Geography* 66 (September): 151–160. doi:[10.1016/j.polgeo.2017.05.008](https://doi.org/10.1016/j.polgeo.2017.05.008).
- Wray, H. 2006. "An Ideal Husband? Marriages of Convenience, Moral Gate-Keeping and Immigration to the UK." *European Journal of Migration and Law* 8 (3–4): 303–320. doi:[10.1163/157181606778882582](https://doi.org/10.1163/157181606778882582).
- Yuval-Davis, N. 1993. "Gender and Nation." *Ethnic and Racial Studies* 16 (4): 621–632. doi:[10.1080/01419870.1993.9993800](https://doi.org/10.1080/01419870.1993.9993800).
- Yuval-Davis, N. 2006. "Belonging and the Politics of Belonging." *Patterns of Prejudice* 40 (3): 197–214. doi:[10.1080/00313220600769331](https://doi.org/10.1080/00313220600769331).