



Module « Constructions de l'identité et de la différence »

Dans ce module sont étudiés essentiellement le rôle, les activités et les discours des acteurs institutionnels dans les domaines de la politique, de la législation, de la justice et de l'opinion publique, qui contribuent aux processus d'intégration et d'exclusion. Est également abordé l'impact de l'action des institutions et des autorités sur l'identité des personnes concernées. Un certain nombre de travaux portent sur l'histoire des Yéniches, des Sinti et des Roms en Suisse. L'un des projets concerne l'intégration et l'exclusion des migrants. D'autres recherches sont consacrées aux migrants en détention.

Projets

La médiation interculturelle contribue-t-elle à l'inclusion? Stratégies et pratiques comparées dans les domaines de la santé, de l'éducation, du social et de la justice

Alexander Bischoff

Entre persécution et reconnaissance: formes de l'exclusion et de l'intégration des Roms, Sinti et Yéniches en Suisse du XIXe siècle à nos jours

Thomas Huonker

Les Yéniches dans les communes des Grisons aux XIXe et XXe siècles

Georg Jäger

Intégration et exclusion par les images de l'autre

Sabine Maasen, Cornelia Renggli

Intégration et exclusion sociale des femmes immigrées en Suisse

Yvonne Riaño, Doris Wastl-Walter

Gestion de dossiers et stigmatisation. Processus institutionnels d'exclusion: l'exemple de l'«Œuvre pour les enfants de la grand-route» entre 1926 et 1973

Roger Sablonier, Thomas Meier

La citoyenneté entre concepts du national et gestion du social: critères d'inclusion et d'exclusion du droit de cité suisse, de 1874 à nos jours

Brigitte Studer, Gérald Arlettaz

Les étrangers purgeant une peine en milieu carcéral: sécurité et resocialisation sur la base de la législation nationale, des mesures liées à la police des étrangers et de l'augmentation de la mobilité transnationale

Hans-Rudolph Wicker, Karl-Ludwig Kunz



Intercultural mediation: Does it contribute to inclusion? Comparing policies and practices in the sectors of health, education, social and legal services

Alexander Bischoff

Summary of the main results (extract from the final report)

Switzerland has, like all modern societies, been affected by a major cultural and social change, whose main sign is a pluralisation of lifestyles, ways of life, languages and value systems. For Swiss society as a whole and for its public institutions, this raises questions about how this plural society can be held together and, more specifically, how the integration of the incoming communities can be supported. Integration is to be understood here as the creation of an institutional framework for social pluralism and the anchoring of a firm basis for equal rights and non-discrimination. In practical terms, this means that everyone living in Switzerland should have equal access to the services of public institutions, and that the services that these institutions offer should take into account the needs of different communities.

One instrument that can contribute effectively to the inclusion of immigrant communities is intercultural mediation. By this we mean both linguistic and cultural mediation and also mediation when there is conflict.

Analysis of the research shows that practice in the different types of institutions differs both in form and in the degree to which it is integrated into the institution. Although there is a real need for conflict mediation, it is only rarely used; even when it is provided, through interpreting and intercultural mediation, it is sometimes available in a very formulaic way. In addition, expectations of linguistic and cultural mediation differ a great deal depending on the character of the institution concerned. While in the area of law people prefer to see an interpreter as a 'translation machine' an expectation that is bound to be disappointed in the hospital services people expect interpreters to be able to put things in context and will intervene to explain and to give information. Between these two extremes lie many different sub-forms of intercultural mediation activities, each affected by the different public institution legal, police, education, social and health in which they operate. In this summary we do not discuss the details of case studies and questionnaires in the different areas detailed descriptions of these activities and the challenges and opportunities that arise in the different areas are contained in the comprehensive report that is available. Rather we discuss a few conclusions.

Intercultural mediation offers a means of integrating immigrants

On the basis of our analysis we conclude that intercultural mediation offers a means of integrating immigrants. However it is important to be clear. Integration can mean two different things. In this article we call these 'assimilation adaptation in the hope of equal treatment and 'integration and empowerment'. These ideas are further discussed in the next two paragraphs.

In many cases, intercultural mediation seems to serve to confirm and maintain the power of the institution. It is the institution at the micro-level the doctor, the judge or the teacher rather than the immigrant, that has the power to decide whether an interpreter, cultural mediator (cultural broker) or conflict mediator should be brought in. The institutions therefore hold the key to whether the immigrant understands what is being said. They decide how the conflict will be dealt with. In many cases, the option of involving an intercultural mediator is only taken up if and

when the institution can no longer adequately do what it needs to do. An extreme example of this is when courts rely on interpreters in trials involving foreign language speakers in order to find out just those facts they need to know. Intercultural mediators are also often used to convey information to the immigrant but in one direction, that is, from the institution to the client. The institution aims to convey knowledge, eg, how the welfare system works, to the immigrant. The main expectation attached to this transfer of information is that the immigrants will change their behaviour accordingly and adapt. Such 'adaptation' can certainly be seen as a step in the direction of equal opportunities. Only when immigrants have access to the same information as the local population are the pre-conditions for equal treatment fulfilled. At the same time, in extreme cases, interpreting, cultural mediation (cultural brokerage) and conflict mediation can become a form of self-protection for the representatives of the institution, almost a 'legal' insurance, so that the institution cannot be called to account. Interpreting will achieve the linguistic understanding necessary for the objective discovery of the truth in court, so that the accused cannot later claim that he/she was misunderstood or misunderstood something. The doctor will not be accused of having given the immigrant too little information. Here, intercultural mediation serves almost as a defence against pluralism and as a form of self-protection. These conclusions are certainly not fully formulated here, but are offered as food for thought. They seem to us to lead to an important issue: they show the limitations of the new 'diversity' paradigm. Seen from this point of view, the tools of intercultural mediation are not a means of genuine integration but a means of assimilating immigrants and work towards achieving this type of integration. Social pluralism is introduced within institutions but, for immigrants, access to the institution is still only possible if they assimilate.

In contrast, genuine 'integration and empowerment' occur when intercultural mediation offers clients real options. We were able to identify the potential for empowerment in some of our case studies, mainly where the institution did not possess great power to sanction. The narrower the power gap between institution and client, the more likely the institution is to introduce conflict mediation, cultural mediation and interpreters, and to aim to 'empower' the immigrant. Such mediation involves more than the pure transfer of information. If, for example, the parents of immigrant children are to be shown how they can help their children succeed at school, this means that from the first school day, the parents will be informed in detail, with the help of intercultural mediators and interpreters, both at parents' evenings and during parent-teacher conferences, about how the school functions, their duties and rights as parents and their child's progress. It also means that the teacher and the parents with the help of intercultural mediators or interpreters pay careful attention to the 'school careers' of their children and that, when there are problems, they seek solutions together.

Carrying these ideas to their conclusion: Intercultural mediation activities are closely related to the type of institution. The idea that all such activities support integration must therefore be refined. Looking to the future there are at least two questions to be answered.

In institutions that have a sanctioning function, do the tools of intercultural mediation serve only to achieve equal treatment and assimilation, or can the potential of these tools for the integration and empowerment of clients also be developed even in these institutions? And the second question: how far do these different aspects of intercultural mediation call for the creation of different types of training in this field? Or, thanks to the increasing professionalism of intercultural interpreters, are there enough specialized people who can cover the whole range of intercultural interpreting and mediation activities? These questions offer interesting areas for further research.

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Entre persécution et reconnaissance: formes de l'exclusion et de l'intégration des Roms, Sinti et Yéniches en Suisse du XIXe siècle à nos jours

Thomas Huonker

Résumé des principaux résultats (extrait du rapport final)

Le projet du PNR 51 "Entre persécution et reconnaissance: formes de l'exclusion et de l'intégration des Roms, Sinti et Yéniches en Suisse du XIXe siècle à nos jours" analyse cette mutation sociale en tenant particulièrement compte du point de vue de personnes appartenant aux groupes concernés.

Exclusion et coresponsabilité familiale

En 1798, la Suisse connut une rupture révolutionnaire avec les anciens modèles sociaux. C'est ainsi que la torture fut abolie le 12 mai 1798. De plus, l'établissement de descriptions de personnes officiellement suspectées et non sédentaires fut modifié. Au XVIIIe siècle, les "tsiganes" indésirables et les "filous" se voyaient regroupés avec leur famille dans des listes dites "de filous". À partir de 1798, celles-ci furent remplacées par des signalements individuels valables pour toutes les personnes incriminées, sédentaires comme nomades, et qui n'étaient plus étendus aux membres de la famille au titre de coresponsabilité familiale. Cependant, au cours de la phase de restauration à partir de 1815, la torture fut en partie réintroduite et des répertoires officiels de familles de nomades furent à nouveau établis. Tel était encore le cas par exemple en 1844 dans le canton de Thurgovie.

Placés en institutions

Les nouvelles élites du XIXe siècle craignaient des attaques individuelles et collectives contre leurs valeurs matérielles et immatérielles de la part des "classes dangereuses" défavorisées. Elles considéraient qu'il fallait créer des institutions pour discipliner ces couches de la population. De telles revendications sont par exemple consignées dans les procès-verbaux de la Société suisse d'utilité publique (SSUP). Ses délibérations étaient mêlées de discours philanthropiques plus anciens, contenant eux aussi des idéologèmes discriminants, p. ex. les déclarations du pionnier de l'institutionnalisation Johann Heinrich Pestalozzi au sujet des "tsiganes". En Suisse comme dans d'autres pays, le XIXe siècle fut un "siècle des institutions", la plupart en liaison avec la contrainte (séparation des familles, internement, travail forcé). Un nombre disproportionné de non sédentaires - souvent appelés "vagabonds" dans les dossiers, qualificatif utilisé pour divers groupes de personnes - furent placés dans de telles institutions. Les premiers placements ciblés d'enfants de nomades en Suisse ont été pratiqués entre 1825 et 1859 par les sections de Lucerne et de Zurich de la SSUP.

Citoyens, mais victimes de discriminations

Dès avant les naturalisations forcées à partir de 1850, quelques familles yéniches avaient été naturalisées dans leur commune, d'autres suite à ce processus que les autorités appelaient "chasse aux vagabonds", d'autres encore avaient toujours été citoyens suisses. Pour ce qui est de l'utilisation des biens communaux et des possibilités de logement, les personnes nouvellement naturalisées étaient cependant traitées de différentes manières selon la région et souvent victimes de discriminations sévères. Les personnes indésirables en tant que nouveaux citoyens furent souvent poussées à quitter le pays. La naturalisation ordonnée par la loi sur l'heimatlosat (apatrides) du 3 décembre 1850 fut retardée pendant des dizaines d'années par la résistance opposée par les cantons et les communes, en particulier dans le sud, l'est et le centre de la Suisse. Le gouverne-

ment fédéral défendit cependant la naturalisation des anciens apatrides jusque vers 1900. Plus tard, la loi ne fut plus appliquée que rarement aux habitants de la Suisse présentant une situation similaire, et à partir de 1919 plus du tout.

Fermeture des frontières, interdiction d'entrer sur le territoire, séparation des familles

De 1848 à 1888, la libre circulation des personnes s'appliqua en Suisse également aux "tsiganes". Par contre, de 1888 à 1972, ceux-ci furent, comme avant 1848, à nouveau refoulés et expulsés.

En 1907, le fonctionnaire fédéral Eduard Leupold visita la "Centrale des Tsiganes" de Munich, créa un "registre des tsiganes" en Suisse, c'est-à-dire un nouveau registre spécial regroupant des familles entières d'un groupe social particulier, et il réalisa en 1913 son processus particulier de refoulement et d'expulsion des "tsiganes" étrangers: les femmes et les enfants furent placés dans des foyers de l'Armée du Salut, les hommes au pénitencier de Witzwil (canton de Berne). Ce n'est qu'une fois expulsés que les membres d'une famille pouvaient se réunir. Certaines familles sinti ne retrouvèrent jamais leurs enfants.

Castration et extradition aux mains des nazis

Un de ces enfants sinti, Josef Anton R., passa par plusieurs institutions et y souffrit de troubles psychiques. À l'âge adulte, il fut soumis à la castration en 1934. L'expertise fut rédigée par Herbert Jancke, un psychiatre allemand travaillant en Suisse et partisan du national-socialisme. Elle fut contresignée par Jakob Klaesi, professeur à l'Université de Berne et directeur de clinique. R. resta interné dans des institutions suisses jusqu'à sa mort en 1972.

Les Sinti, les Roms et les Yéniches qui cherchaient à se réfugier en Suisse pour échapper au fascisme et à l'holocauste étaient expulsés à chaque fois que c'était possible. C'est ce qui arriva encore en septembre 1944 au Sinto Anton Reinhardt. Il s'était enfui de l'hôpital de Waldshut, où il devait être stérilisé à l'âge de 17 ans, et avait traversé le Rhin à la nage. En avril 1945, les SS le fusillèrent.

Une "Œuvre" de persécution plutôt que d'aide

Dans les cantons des Grisons, du Tessin et dans une commune du canton de Saint-Gall, les autorités coopèrent particulièrement étroitement avec l'"Œuvre pour les enfants de la grand-route", créée en 1926, subventionnée par la Confédération de 1930 à 1967 et dirigée par Alfred Siegfried, un enseignant condamné pour abus sexuels sur personnes à charge. Le successeur de Siegfried à la tête de l'"Œuvre", Peter Döbeli, se rendit lui aussi coupable d'abus sexuels sur personnes à charge et fut condamné pour cette raison. La dernière directrice, Clara Reust, était une religieuse. Pour justifier ses activités de séparation des familles yéniches, Siegfried s'appuyait sur des arguments développés par des théoriciens de l'hygiène raciale tels que Josef Jörger, Robert Ritter et Rudolf Waltisbühl. L'"Œuvre" faisait partie de la fondation Pro Juventute, créée conjointement par la SSUP et Ulrich Wille (junior) en 1912. Wille dirigea la fondation jusqu'en 1958. Il était un ami personnel et mécène de Rudolf Hess et Adolf Hitler dès avant le putsch de Munich de 1923. Dans cette zone trouble de persécutions ciblées à laquelle les autorités avaient donné leur aval, les droits humains, de l'enfant et de la famille furent piétinés dans une telle mesure qu'on peut parler de génocide. Suite à des articles critiques du journaliste Hans Caprez (1972), Pro Juventute finit par dissoudre l'"Œuvre" quelques années plus tard. De même que d'autres Yéniches traités de la sorte par les autorités sous d'autres motifs, de nombreux pupilles yéniches de l'"Œuvre" demeurèrent par la suite dans des foyers ou des cliniques, souvent à vie.

De nombreux témoignages et une vue d'ensemble

Notre projet a étudié les phases de la reconnaissance - aujourd'hui encore incomplètement mise en œuvre - de l'égalité des droits des Yéniches, des Sinti et des Roms en Suisse, trois minorités longtemps persécutées avec la plus grande brutalité. À part les dossiers des autorités auteures des poursuites, nous avons en particulier étudié les témoignages de personnes membres des groupes concernés. Ces personnes relatent les poursuites ayant eu lieu et, à partir de 1972, les débuts et le développement de leurs organisations. Elles parlent aussi de la reconnaissance croissante des Yéniches, des Sinti et des Roms en tant que citoyens à part entière, mais aussi de

discriminations persistantes, parfois sous de nouvelles formes.
Les résultats détaillés de nos travaux de recherche seront publiés en trois parties.

Première partie: transcription des interviews (commentées et annotées). Cette partie va être la première publiée (en deux volumes).

Deuxième partie: témoignages écrits (commentés et annotés).

Troisième partie: présentation chronologique des formes et des points de vue sur l'intégration et l'exclusion des Yéniches, des Sinti et des Roms en Suisse de 1800 à nos jours.

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The Yenish in Graubünden communities during the 19th and 20th centuries

Georg Jäger

Summary of the main results (extract from the final report)

Subject and Problems

The Grisons, the Canton of Graubünden, is the native home of numerous Swiss Jenische, a minority people of traditional Travelers. Just as many of the non-Jenische people originating in the Grisons live beyond the borders of the canton, not all of the Jenische live there today. But their parents or grandparents lived in the little villages of the Grisons. In the nineteenth century, however, many Jenische families were still deprived of full citizenship. They were assigned to the groups of Beisässen, which meant that they had limited rights of use at their place of domicile. They were also called "dependents," "those that are merely tolerated," or even "the waifs and strays."

All these categories of temporary stopover or limited residence rights were abolished with the promulgation of the Heimatlosengesetz - the Swiss Law on Persons with No Citizenship of 1850. This federal policy was intended to create equality before the law, and it also sought to enforce bourgeois ideas of law and order. In fact, to complete the naturalization procedures of those days, the Jenische had to be prepared to assimilate to a very high degree. One main reason for this was that the civil right was connected to the obligation to provide national welfare assistance: The municipalities were required to support their destitute fellow citizens.

Against this setting, our project seeks to explore how the local and cantonal authorities dealt with the part of the population that was the Jenische. What kind of strategies did the authorities adopt towards these people? How did the rest of the population respond to their way of proceeding; who supported the official policy, and by what means and for what reasons? The bourgeois society had a specific image of the Travelers, the Jenische. What role did that image play? Did this image change over the course of time?

In addition, our interest focuses in particular on the Jenische themselves, their own perceptions, as far as can be captured today. According to the experiences and memories of those affected, what was the position of the Jenische in the rural area? What kind of structures and strategies did the Jenische families develop? Between family and village: In what ways could the people shape their own way of life and their future prospects? Where and how did individuals fully integrate, and to what extent? To what do we tie our own identity, and to what degree?

Sources and Main Results

The actions of the institutions are recorded in official files; institutions keep files as one of their most important tools. Yet, analyzing sources about members of a minority whose lives are recorded in such files requires great care and a critical eye, because the authorities used the files to "shape" lives according to their own views.

Already in the early nineteenth century the authorities of the Grisons strictly controlled the travelers and fought openly against the wandering, vagrant, or the semi-settled lifestyle of the Jenische. The local authorities instigated "repatriation" of the needy, or if they had the authority to do so, they proceeded to put Jenische in custody in communal almshouses or in cantonal orphanages or correctional institutions.

The Swiss federal policy on the Jenische was supported by a whole network of civil society organizations. In the nineteenth century, the activists of a bourgeois policy of reform had taken a special interest in the issues of poor relief and waifs - and it was these bourgeois that deemed it necessary to discipline the poor and the waifs. Local politicians, teachers, pastors, and doctors convened in "charitable" associations and implemented their ideas of care to the poor. The discussion on the poor and the Jenische was driven by these associations. From 1880, however, there was a marked trend towards professionalizing care and turning it into a new form of science. Still, the authorities continued close cooperation with private circles that launched initiatives for the needy. Hence, the Canton of Graubünden was one of the most important fields of action for the "relief organization for the children of the roads" (1927-1973).

The bourgeois associations also used printed material to disseminate their views of the policy on the Jenische. In the late nineteenth century, public perception focused on a few families and their places of origin, whose names were held to be synonymous with "tinkers and vagrants." The way that ordinary people perceived the "nature and character" of the Travelers corresponded to a negative of the bourgeois self-image. Thus, the reports on the allegedly specific behavior of the Jenische were all written in a very stereotype way: certain episodes are cited repeatedly and migrated through numerous accounts - no matter whether they were journalistic, literary, or scientific writings.

To correct the image the outside world had about them, the memories of the Jenische themselves are very valuable. Our research project changed its direction and now uses the methods of oral history to reconstruct the biographies of individuals and families from a Jenische background. Selected persons are invited to join oral discussion sessions and to tell about their lives.

Their remembered life stories show that the members of the Jenische minority should not be seen in a passive role exclusively, even though the state (and partly state-owned) exclusion and integration measures restricted their options. For example, large families could no longer make a living as traveling salesmen, once this was more and more strictly regulated starting from the late nineteenth century. In contrast, the family structures of the Jenische turned out to be very flexible: Children were temporarily put in care of relatives; the circle of the family members living together expanded or contracted.

In the narrated biographies, the family appears to be an important element of identification, in both the positive and the negative sense. In retrospective accounts, we find the tendency to identify with one's origins as a Jenische or to withdraw and distance oneself from kin. Dealing with one's own identity appears in all of the life stories. This is also connected with, logically, distancing oneself from other Jenische families or from Jenische families in other cantons but also from non-Jenische people and their lifestyles, or from one's own family and its traditions.

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Social inclusion and exclusion by images of the other

Sabine Maasen, Cornelia Renggli

Summary of the main results (extract from the final report)

The project "Social Inclusion and Exclusion by Images of the Other" was headed by Prof. Dr. Sabine Maasen and Cornelia Renggli. Together with collaborators Christine Bischoff, Torsten Mayerhauser and Karin Renold, we investigated how images are both based upon and advance processes of inclusion and exclusion. Our project focused on how, to a large extent, the other is represented in images, and how these representations and their reception are associated with imaginations and certain types of behaviours. More specifically, we examined the relationships between images, imaginations and behaviours, emphasising different "ways of seeing" in order to reveal the knowledge linked to images, the societal power of images and the including and excluding processes produced by images.

The analysis was based on different approaches comprising discourse theory, systems theory and visual culture studies and was conducted in the framework of two subprojects (A & B). Project A examined images of poverty as the social other (Torsten Mayerhauser), project B images of foreignness as the cultural/ethnic other (Christine Bischoff). Both subprojects revealed how images, imaginations, behaviours and "ways of seeing", institutions and discourses are interconnected by processes of inclusion and exclusion. We were specifically interested in the processes of standardisation, stereotypisation and stigmatisation by images. For the investigation of the complex relations between images and texts, we developed a method of understanding images based on discourse analysis. This analysis served as a multi-perspective approach that takes into consideration the dual function of the media (images as products and producers of inclusion and exclusion).

Subproject A on "Integration and Exclusion by Images of Poverty" focused on the question of how current forms of poverty are made visible by media images. We put forward the thesis that the emergence of statistical data indicating a rise in poverty concurrently produces new images of poverty. On the one hand, these new images of poverty activate the traditional sources of symbolic localisation, for instance the "top" or the "bottom" of society; on the other hand, these representations stand in stark contrast to merely traditional pictures: poverty has become increasingly "invisible", because it is represented as a societal phenomenon being part of an overall normalizing process. As a consequence it loses its distinct "face" as well as other striking bodily characteristics. Hence, the new images of poverty no longer label the body of the poor but instead indicate ephemeral abnormal ways of living and consuming by those who do not have access to certain resources. Reframed by sociological considerations these problematisations of the social produce visual knowledge about "society" as a differentiated subject/object and about the social positions of individuals within it. Through the lens of the sociological approach of governmentality studies, we conclude that the new images of poverty are part of a societal scheme of governing oneself and others by enabling orientation, cognition and action on the basis of visually produced in-sights on societal changes and empathy with people affected by unemployment or poverty.

Located at the core of subproject B on "Integration and Exclusion By Images of the Culturally Different" is the question as to what visualisation strategies form a basis for discussions on foreignness in the everyday media and what concepts of foreignness/ethnicity are resorted to. The goal was to identify the images of the other produced and communicated by the mass media as forms of visual and lingual constitution of reality. In so doing, we seek to explain more clearly the collective perception patterns and the impact of these pictures. The analysis shows that visual

material such as commercials or photos in the press make an essential contribution to the process of the creation, definition and implementation of the general public discourse concerning perceptions of foreignness. They are an instance of public representation, acclamation and critique, and as such, they standardize everyday awareness. These standard pictures play a particularly important role in the visual construction of cultural and ethnical otherness. As a part of ethno-semiotics - the construction of pictures of the foreign - there is reference to a long tradition of variable visual and textual character codes (for example, myths of conquest and dominance), which are then reworked and translated into new forms of picture language (for example, advertising, press photos). In this way, old myths can (unconsciously) continue to persist. The project thereby makes a contribution to filling the great gaps in the research on images in general, and specifically, it illuminates processes of inclusion and exclusion connected to images.

The project also contributes to the process of conscious reflection on how to cope with difference within Switzerland that the NRP initiates. We recommend critical assessment not only of the modes of speaking but also of images, for images co-constitute societal reality. Furthermore, people's abilities to deal critically with images have to be fostered and improved. Images are complex entities that are organised by certain rules and that can only be revealed through previous knowledge and certain visual abilities. These competencies should be strengthened as cultural skills in the same way as reading or writing.

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Social integration and exclusion of immigrant women in Switzerland

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Summary of the main results (extract from the final report)

Migration to Switzerland has become increasingly feminised, particularly in the case of immigrants from countries outside the European Union. For example, whereas in 1980 only 48% of Latin American immigrants were women, by the year 2003 the percentage had increased to 64%. In the case of Asian immigrants, the percentage of women increased from 46% in 1980 to 52% in 2003. The feminisation of migration flows from countries outside Europe is not an isolated phenomenon but part of a global trend whereby the number of female migrants from those countries is rapidly increasing.

Public, political, and media discourses have unfortunately cast immigrant women from countries outside Europe in a negative light. They are viewed as uneducated, as individuals for whom migration is the only way to improve their material quality of life and that of their families, as victims of exploitation, and as poorly integrated. Current research, as well as this research project, is drawing attention to the inadequacy of such generalisations and the immigration policies that they generate. Immigrant women are diverse in terms of their place of origin, their educational level, the standard of living in their country of origin, their urban or rural backgrounds, their religious background, their reasons for and experiences of migration, and the civil rights that they possess in Switzerland (depending on residence status and nationality). Both societal discourses and integration policies need to reflect the diversity of situations of immigrant women, but the knowledge-base needed to guide rethinking is lacking. Few studies have been conducted showing the variety of situations and the degree of social integration of immigrant women. Interest in issues of female migration and gender has only recently begun. Few studies have addressed the case of skilled female immigrants, despite the fact that their numbers are increasing. Besides, the new emphasis of immigration policies in Switzerland, and in Europe, is on acquiring skilled labour, because it is assumed that skilled labourers' knowledge will flow more easily into the local economy and that, because the immigrants are better educated, they will integrate rapidly. Thus, research on the possibilities of socio-economic integration of skilled immigrant women is urgently needed. Researchers in Europe and North America (such as Kofman, 2000; Preston, 2003; Raghuram, 2004) are also making the plea to take skilled immigrant women out of their invisibility and to examine the extent to which issues of gender play a role in the marginal position that migrant women occupy in the labour market. In addition to a lack of attention paid to women's diversity of skills and socio-economic backgrounds, the relationship between women's chances for social integration and their national origin, as well as the role that being perceived as "other" - because of a different cultural and religious background - may have in social integration have been given insufficient attention.

Detailed research is thus needed to describe and analyse the evidently differentiated reality of female immigrants in Switzerland and to understand the role that gender plays in processes of social integration. This project aims at contributing to filling the gaps in knowledge by examining the following issues from a gender perspective: (a) the processes of social integration and social exclusion of skilled immigrant women, (b) the strategies that migrant women adopt to strive for social integration, and (c) the contents and effects of societal discourses and official policies on immigrants and on their social integration. This case study includes 56 immigrant women from countries outside Europe, differentiated by national origin (countries in Latin America, the Middle East, and South East Europe) and religious background (Christian/Muslim). The study includes both 'skilled' - those having completed secondary education - and 'highly skilled' - those who have a university degree or equivalent - immigrant women.

The conceptual framework for the study of the socio-economic participation of skilled immigrant women builds on the theories of structuration (Giddens, 1984), social and cultural capital (Bourdieu, 1986), intersectionality of class, gender and ethnicity (Anthias, 2001, Knapp, 2005), and social constructivism and discourse (Foucault, 1980, Gregory, 2002). The methodological framework for the study is participatory research. Our specific approach combined the theoretical premises of educación popular (Freire, 1970), post-colonial theory (Said, 1978), and Third World feminist critique (Mohanty, 1991). The general aim was to include the analytical voice of immigrant women in the research process and to establish more equal relationships between academics and those outside academia. For this purpose, we designed a specific type of participatory workshop by the name of MINGA. In this method both academics and immigrant women jointly produce knowledge. The results of the MINGA workshops were complemented by biographical and problem-centred interviews that were carried out with each one of our research partners.

Our study has shown that when women move they are constructing and re-constructing gender and that gender shapes their migration patterns. Gender relations and constructions of difference between men and women, in terms of their attributes and the roles that they are to play in society, have a direct implication for women's decision to migrate and on their possibilities of integration in the countries of destination. Geo-graphical imaginations are a further important factor influencing the decision to migrate and the destination of migration. Positive images of Europe and Europeans, and of gender relations in Europe, have been very influential in women's decision to migrate to Switzerland. We argue that explanations of increased female migration from the perspective of conventional economic arguments are too narrow in their focus. We need to include a gender perspective that sees female migration as an outcome of global transformations in traditional gender roles. It is thus important to address the increased feminisation of migration from a global perspective that examines the implications of ongoing changes in gender relations in both countries of origin and destination.

We assessed the participation in the Swiss labour market of skilled immigrant women from Latin America, the Middle East, and South East Europe. Although these women have very good educational qualifications, often with professional experience prior to migration, and although they have mastered the German language, only a small minority have been able to obtain employment that is commensurate with their skills, and that has long-term prospects. A third of skilled immigrant women are not integrated in the labour market and a further half of the women have a precarious labour status, either because they work in positions below their skill level or because their employment is unstable and without long-term prospects. Our study puts forward an explanation for this situation, based on the interplay of class, ethnicity, and gender. We suggest that, at the structural level, three main factors directly influence the participation of skilled immigrant women in the labour market. These are (1) government policies and regulations in relation to immigration, (2) the conditions of the labour market, and (3) public discourses and social attitudes toward immigrants from countries outside the EU. We have identified discriminatory concepts that are embedded in migration policies and in the minds of many employers in Switzerland. Particularly important among these are the undervaluation of the personal and educational qualifications of non-EU immigrants, and patriarchal attitudes regarding the child-rearing role of immigrant women in society. These concepts combine to produce unequal opportunities for women to access the skilled labour market. Skilled immigrant women are not only faced with barriers to applying their educational resources in Swiss society, but they are also confronted with the associated de-skilling, loss of confidence, and loss of autonomy. Thus, for many skilled immigrant women, migration does result in an improvement but rather a loss of class status. This situation seems a paradox: whereas countries outside the European Union lose valuable resources through the migration of skilled personnel, Switzerland fails to provide an adequate framework for the development of women's social and cultural capital.

Our study has shown that immigrant women do not passively accept these unfavourable conditions. They mobilise many personal resources to facilitate their access or to improve their chances of participating in the labour market. Immigrant women's strategies and responses to the challenge of labour-market participation include re-skilling, taking up employment at a lower skill level, building new networks, and doing un-paid work in social and political institutions. Participating in voluntary social and political activities is of great importance to immigrant

women. On the one hand, it is a means of carrying out an activity beyond the home-making role imposed upon them by society. On the other hand, voluntary activity can be a means of using their professional qualifications as well as a stepping-stone for paid work. Skilled immigrant women perceive professional development as a principal aim and as central to their personal identity. Immigrating to Switzerland, however, implies for many of them a confrontation with new sets of norms and values regarding gender roles and the value of women's work. Having children and confronting new Swiss norms regarding motherhood causes personal strife and compels many immigrant women to transform, adapt, or struggle to maintain their pre-immigration level of professional activity.

If Switzerland wants to benefit from the social and cultural capital that skilled immigrants bring into the country, it needs to recognise that having skills is no automatic guarantee for successful socio-economic integration and needs to develop programmes that support the transfer and re-accreditation of such capital. These programmes need to take account of the gender- and ethnic specific factors that constrain the access of skilled immigrants to the labour market.

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File management and stigmatization. Processes of social exclusion: The „Children of the Open Road“ campaign 1926–1973

Roger Sablonier, Thomas Meier

Summary of the main results (extract from the final report)

Although files are considered to be the general form of documentation, memory aid, and justification used by institutions and bureaucracies, record keeping and file management themselves have so far attracted only marginal attention. As a matter of fact, only little research has been conducted on the correlation between file management and stigmatization.

Looking at the example of the campaign of the "Relief Organization for the Children of the Open Road" led by the Swiss Pro Juventute foundation, the role of records in processes of stigmatization resulting in discrimination and social exclusion was analyzed. The aim of the campaign, which ran between 1926 and 1973, was to fight vagrancy. With the help of the authorities, children of Yenish families were systematically taken from their parents and placed with foster families, homes, clinics, or institutions, or given away as farmhands or cheap labour in order to force them into a settled form of existence and turn them into "virtuous" human beings. Analyzing these records made it possible to gain deeper insight into the "relief organization." Although the campaign was unique in the way that it was conducted, it can be seen as characteristic of the Swiss welfare and minority policy of the twentieth century.

By investigating the correlation of file management and processes of stigmatization resulting in discrimination in the sense of a sequentially connected, accumulative exclusion from a number of societal areas (family, education, employment, etc.), the project also contributes to bureaucracy research in general. Furthermore, the topic is well suited to look at written acts and files and the way they and their contents are managed and used after their making. On a more general basis, the project also aims to add to the discussion of historical methodology.

By conducting interviews we attempted to find out what role written records played and are still playing for those directly affected by the campaign.

Methods

In accordance with the different aims of the project and the questions asked, a variety of methods were used. Besides following a critical-historical approach broadened by analytic criteria from the research field of writtenness, quantitative-statistical as well as methods from qualitative social research were adopted.

Databases with information about all people and families "cared for" by the organization offered the basis for numerous quantitative analyses.

However, many aspects of the case construction and management by the organization cannot be sufficiently explained. Therefore, additional qualitative evaluations of the records were conducted.

In order to analyse by whom, when, and for what purpose certain records were produced, kept and (re)used, 'file biographies', as they are called, were made from a sample of files. To achieve this, the documents are collected and analyzed according to certain criteria. This file biography method not only offers insight into the type of documents, their origin, intended addressee, and flow of records but also allows reconstruction of the career of certain documents or their often stigmatizing contents, respectively.

Additionally, the perspectives of those personally affected are taken into account by using biographical records and real life accounts from the interviews for the study.

Results

The project provides a substantial amount of new information about the "relief organization" and its clients. It is now possible to deliver firm data about various aspects, for instance, how many children and families were affected, their background, and what stages they went through. Furthermore, we now know much more about the procedures of the organization, its key players, and the institutional setting in which it acted.

There are also interesting findings in relation to the handling of written documents and the role of record keeping and file management. Using the file biographies not only made it possible to disclose the formal structures of the produced records and files but also to follow the flow of records within the network of the organization. In addition, we gained insight into the usage of certain documents or whole dossiers of records.

Finally, we were able to show how often and what kind of stigmata can be found in the records in question, and how this information circulated within the organization itself, was passed on to third parties, and in the course of this became fixed, leading to various forms of discrimination. As a result we were able to show that there clearly is a correlation between file management and stigmatization - a fact that is also true for other institutions.

Recommendations

The findings suggest that it is necessary to create concise laws for personal records concerning their making, updating, keeping, and retention periods as well as the use by and accessibility for the person him/herself and third parties. In doing so, it must be avoided that pro-secrecy arguments are used to monopolize data. Therefore, the protection of personal data as well as the interests of scientific research have to be taken into account. Ombuds departments will have to be created for the practical realization.

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Citizenship between concepts of nationhood and regulation of the social sphere: Criteria for the grant or refusal of „Swiss citizenship“, from 1874 to the present

Brigitte Studer, Gérald Arlettaz

Summary of the main results (extract from the final report)

The subject of this research is the history of Bürgerrecht (a specifically Swiss term signifying both nationality and citizenship) from 1874 to the present. The goal was to reconstruct diachronically the relationship of interdependence between the criteria for citizenship on the one hand and the construction and reinforcement of national self-understandings on the other. The project investigated how within the institutions of politics and government discursively available meanings were transformed into legal norms, and how these were applied in practice in the naturalisation process. It was hypothesized that the discursive articulation, normativization, legal implementation and application of concepts of naturalisation served as a means for the construction of shared understandings among the three tiers of the Swiss polity (confederation, canton, commune) and as a way of embedding principles of social regulation.

The grant of citizenship by naturalisation is the final "gate" in the process whereby the state (as legal and infrastructural power) and the national community (as historically constituted political and symbolic entity) control access to national resources and associated life-chances (rights and with them duties), or conversely, withdraw it. Naturalisation (and denaturalisation) policy has a double function in our conceptualisation. Firstly, it serves the political and cultural construction of the national space and evidences the concepts and practices mobilised to this end. Citizenship is a discursive site for the confrontation of the representations of the national. Secondly, in the criteria that it deploys, ascribing meanings and evaluations to social, ethnic, gender or other categories, naturalisation policy both embeds and reveals the principles by which the social is ordered (e.g. in regard to welfare or to citizenship rights).

Main Results:

In terms of chronology, it has been possible to identify the most important developmental stages and discontinuities in Swiss naturalisation policy. It appears that since 1874, when the new federal constitution for the first time granted the Confederation the right to exercise control over naturalisation, policy went through four phases, each marked by a relatively radical change in the discursive status and concrete function of naturalisation. It was only in the second phase, around the turn of the 20th century, that naturalisation became the subject of political debate. In the so-called Ausländerfrage Switzerland confronted the problem of whether and how growing numbers of resident foreigners were to be integrated. While the idea of "assimilation" (in the terminology of the day) through naturalisation found general favour, it was opposed by conservative and cantonalistic currents. The First World War, however, brought a change in perceptions, and a shift to a more defensive approach in 1917 found expression in the steady accretion of more restrictive measures at the national level, concluding with the adoption of the federal law on residence and settlement of 1931. Similar in their effect were the bio-political controls then or later embodied in cantonal citizenship legislation and communal naturalisation procedures, e.g. the requirement for health certificates or the adoption of eugenic criteria. The third phase, from the 1930s to the early 1980s, saw the definitive abandonment of the early 20th century's integrative approach in favour of an exclusionist paradigm, with the Second World War seeing also the adoption of legislation providing for the revocation of nationality. Until the 1960s, against the

backdrop of the "struggle against swamping by foreigners," ("Ueberfremdung") communal, cantonal and federal naturalisation practices became ever more restrictive. Only in the fourth phase, from 1984 onwards, were attempts made to facilitate naturalisation. These however encountered political resistance, and in recent years the question has become increasingly emotionally invested and instrumentalised in political discourse.

Higher-Order Conclusions:

- Concepts of nationality or citizenship and the modalities of naturalisation have always been connected in modern Switzerland, but the closeness of the relationship has varied through time, depending on a multitude of factors.
- The development of naturalisation policy at federal, cantonal and communal level has been characterised by an essential accord, although there have been time-lags and differences of emphasis as the three levels the communes more especially have pursued their particular interests through their naturalisation policies.
- The law of citizenship has always reflected current political and social problematics, as for instance in matters of ethnicity, the protection of "popular health," and cultural-political conformity. It also served as an instrument for their regulation. Particularly important and sensitive fields regulated through the right to citizenship were welfare, employment and family life.
- A key role has been played by the polysemic concept of "assimilation", variously defined at different times and complemented by criteria based on gender, marital status, social class or ethnicity.
- The criteria applied to applicants for citizenship also reveal the expectations of and demands on Swiss citizens, evidencing both the specific norms prevailing in each period and the self-image of the Swiss in general and of the cantons and communes in particular.
- Practice not infrequently anticipated or went beyond express legislative provision in the application of naturalisation criteria not yet or ever codified.

Recommendations

This research has shown that over the 20th century the naturalisation process has served time and again to play out conflicts of social-political interests and has been laden with normative expectations. The conclusions of our study lead to four recommendations and one suggestion:

- Firstly, the principle of the rule of law would require that the process be made more objective, i.e. that applications for naturalisation be treated in accordance with clearly defined criteria applicable throughout Switzerland, to the exclusion of any others, whether formal or substantive.
- Secondly, to avoid arbitrariness in decision-making, naturalisation should be categorized as an administrative act subject to the duty to give reasons, with a clearly regulated procedure.
- Thirdly, reconstruction of procedures at commune level and analysis of decision-making have shown that the power of interpretation and appreciation lies entirely with the administration. It would therefore be advisable, on condition of a statutory period of residence, to apply a presumption of integration, placing the onus on the administration to prove otherwise.

- Fourthly, historical comparison of Switzerland with neighbouring countries shows that it has since 1952 set the most restrictive conditions in Europe, more particularly in terms of the period of residence required. This should again be reduced to an appropriate level.
- And lastly, our research has shown that Switzerland's idiosyncratic three-tier naturalisation procedure has certain negative side-effects: firstly, it is a sluggish and unwieldy process, and secondly, of all three levels involved, it is the commune that is structurally the most liable to arbitrary judgment. The question is therefore raised, whether the Geneva model in which the commune's view is taken into consideration, though it has itself no sovereign decision-making power should not be adopted throughout Switzerland.

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Foreigners in Swiss closed prisons: Issues of their management and the problem of resocialization in the context of national law, migration control and transnational mobility

Hans-Rudolph Wicker, Karl-Ludwig Kunz

Summary of the main results (extract from the final report)

Prisoners with foreign citizenship are increasing in numbers in most European countries. With a share above 50%, Switzerland is among those European countries with the highest rates of foreign prisoners. In addition, these prisoners are unevenly distributed within the penitentiary system. Since inmates of foreign nationality can be repatriated by foreigners law (ANAG) and/or penal law (StGB) after release, the risk of escape is taken for granted. Therefore, in most cases foreign convicts are sent to closed prisons, producing a clear overrepresentation in this type of custody.

This interdisciplinary research uses an ethnographic approach in combination with a historical focus and a quantitative analysis of demographic processes to address five sets of questions in order to convey a holistic view of the situation of foreign inmates in closed prisons: (1) What are the juridical bases referring to foreign delinquents particularly as stipulated in the penal law and the foreigners law? (2) Who are these foreigners and how is their perception of doing time in Swiss closed prisons? (3) What are the challenges for prison facilities and for their staff vis-à-vis the heterogeneous and continuously changing body of inmates? (4) How does the high share of foreign prisoners affect the practice of the prison service and of the alien's police? (5) How do these changes influence the Swiss penal system as a whole and particularly the basic principles of resocialisation and normalization? Research was carried out over two years (2003-05) in two closed prisons in the Canton of Berne (Anstalten in Hindelbank for women and Anstalten Thorberg for men), with Berne's prison service (Abteilung für Straf- und Massnahmenvollzug), and Berne's alien's police (Migrationsdienst).

In Switzerland the penal system is regulated by Cantonal law and characterized by the heterogeneity of structures and practices. In addition, the director of a prison has great autonomy in providing basic rules and norms which guide all aspects of everyday life within the prison walls. Document analysis and interviews revealed that many decisions at different levels of the system regarding (foreign) prisoners are taken within a large scope of discretion; for instance in the case of the prison service concerning the criteria for assessing risk of escape, for referring to types of custody, and the provision of prison leave. This research suggests considering adjustments of the system in order to improve communication between the different administrative entities, to develop a transparent sequencing of routines in the administration of foreign prisoners, and to reduce administrative discretion in decision-making.

The presence of large groups of foreign inmates is not new. Our data show that in Thorberg Swiss inmates became a minority by the mid-1980s while in Hindelbank this happened ten years later. Despite many years of experience in dealing with an increasingly more heterogeneous group of inmates, the shifting composition of these groups and its effects on issues such as the multiplicity of languages, religious practices, and food preferences remains a major challenge for the prison. Because these changes can hardly be foretold the management is left with a reduced range of manoeuvring in the anticipation of appropriate action. Diversity management, used in coping with other plural settings, is not yet widely adopted in the prison context.

Communication, both verbal and intercultural, is the backbone of all facets of everyday life in prison. This was clearly confirmed by our research for instance in daily interactions, conflicts, and, most basically, in accessing information regarding rules, obligations and rights. Despite the many efforts we could observe, working towards increasing communication competences on all levels of the institution and of all involved individuals (inmates and staff alike) is crucial for smooth functioning of the prison system as a whole and must take centre stage in efforts of quality management.

A main goal of this research was to understand the complex process of interaction between the prison service and the alien's police in decision-making with regard to the deportation of an inmate after release. For many of those who will be deported, the decision becomes official only at the end of their stay in prison. We understand that both communication among involved agencies and transparency of decision-making can be improved. This would benefit the planning of an inmate's stay in prison and measures regarding her or his resocialisation. Even though a majority of inmates must leave Switzerland after release, resocialisation – being the major principle of the Swiss penal system – should not become neglected for this group of persons. Rather, new ways of transnationalising such efforts should be envisioned and discussed.

Our research also revealed that systematic data on the situation of foreign inmates in the Swiss prison system remain rather thin. Both a more efficient management of prisons and the future development of the Swiss penal system require systematic knowledge based on sustained social science research.

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