11 'He's the Swiss citizen, I'm the foreign spouse': Binational marriages and the impact of family-related migration policies on gender relations

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11.1   Introduction

In Switzerland, like other European countries, family-related migration remains the main means of immigration. Nearly 40 per cent of the immigrants who entered Switzerland between 1998 and 2007 did so for reasons of marriage or family reunification, while only a quarter entered because of employment (SFS 2008). One of the reasons the ratio of family-related immigration to labour immigration is so high is that the Swiss government has traditionally limited the number of employment immigrants, whereas family immigration has not been so tightly controlled.

As in other European countries (Grillo 2008; Kofman, Kraler, Kohli & Schmoll and Grillo this volume), public debates within Switzerland over migrant families and marriage migration have intensified in recent years and become a major issue in policymaking. In these debates, the 'migrant family' is often represented as an obstacle to integration, characterised by patriarchal relationships and illiberal practices. The idea that the values and practices of migrant families are embedded in gender inequalities and thus are at odds with values embodied by the supposed 'Swiss family' is prevalent in these debates.

In this ongoing controversy, 'migrant families' are often imagined to solely comprise individuals of the same ethnic origin and citizenship. In the Swiss case, this assumption no longer holds. Nearly a third of the immigrants who enter the country for reasons of marriage or family reunification do so to join a Swiss citizen (SFS 2008). Indeed, since the 1990s, binational marriages, involving women and men of diverse national and ethnic backgrounds, have become a main form of family-related migration: in 2007, 37 per cent of all marriages in Switzerland were between a Swiss citizen and a foreigner. Over two thirds of these marriages were between a Swiss man and a foreign woman (SFS 2008). The majority of these female foreign spouses are Europeans (60 per cent), followed by Asians (15.4 per cent) and Latin Americans (15 per cent) (SFS 2008). Marrying a Swiss man has become a principal mechanism for the migration of women to Switzerland, particularly for those from countries not formally part of the European Union ('third-country states'). An expression

of this trend is the dramatic increase in the numbers of migrant women in recent years: whereas in 1980 only 48 per cent of all Latin American immigrants were women, by the year 2008 the portion had increased to 64 per cent. In the case of Asian immigrants, the percentage of women increased from 46 per cent in 1980 to 50 per cent in 2008 (SFS 2008). Transnational marriages to a European have also become an increasingly prevalent form of family-related migration in many other European countries, as researchers in the Netherlands, Germany, Austria and Spain have reported (Digruber & Messinger 2006; Roca 2007; Suksomboon, Fleischer and González-Ferrer this volume). Thus, contrary to what is widely assumed, so-called 'migrant families' do not necessarily consist of individuals having the same national and ethnic origin. Rather, they increasingly consist of transnational family units, often comprising a national of a European country and foreign family members (i.e. a spouse and children).

The phenomenon of family-related migration, including binational marriages, has received relatively little attention in the literature despite being the predominant mode of legal entry into most European receiving countries for the last three decades (OECD 2003; Timmerman 2008; Kofman et al. this volume). In Switzerland, studies of marriages between a Swiss national and a foreigner have mostly focused on family relations and intercultural communication (Albert, Ossipow, Outemzabet & Waldis 2000). At the international level, researchers initially interpreted them as the strategy of women from low-income countries to move to higher-income countries in order to improve their material conditions in life and that of their families (Oshima & Francis 1989; Cahill 1990; Truong & Del Rosario 1994; Gorny & Kepinska 2004). Recent studies have presented a more nuanced view showing that, contrary to popular belief, foreign spouses in binational marriages are not necessarily poor, they do not categorically marry men who are above them on the socio-economic ladder, and they do not experience migration solely as a form of empowerment (Waldis 2001; Piper & Roces 2003; Constable 2004; Riaño 2011). Foreign spouses have also been portrayed as victims of global marriage and sex markets (Kofman et al. this volume). This representation is increasingly contested by researchers who highlight women's active role in deciding when, where and how to migrate and what strategies to use to improve their labour market participation (Riaño 2011; Erel 2009). Furthermore, the common view that foreign women living in countries outside Europe marry a European partner merely for economic reasons is far too simplistic (see also Constable 2004; Kofman et al. and Suksomboon this volume). Such binational marriages are rather an expression of the global phenomenon of shifting gender relations (Riaño 2003). Many foreign women have become critical of gender inequalities in their countries of origin, and some imagine marriage to a European as a more

equal relationship than one with a man in their own country. A the same time, some European men have difficulty adjusting to shifting gender roles in their home countries and they seek a more 'traditional' arrangement through marrying a foreigner (Riaño & Baghdadi 2007a).

From the above discussion, we gather that public debates on family migration have mainly focused on the migrant families themselves, portraying them as unwilling to integrate and characterised by unequal gender relations. The aim of this chapter is to shift that perspective of analysis by investigating how the state facilitates integration of foreign spouses and promotes more equal gender relations within transnational couples. So far, we still have limited understanding of how family-related migration policies affect the social integration of foreign spouses (Collet 2000; Kofman 2004; Spescha 2007) or gender relations between members of the transnational couple (Riaño & Wastl-Walter 2006; Van Walsum & Spijkerboer 2007).

Understanding this issue is important for two reasons. First, migration policies are not inconsequential, but are opportunity structures that limit or empower immigrants towards full social participation. As Cyrus, Gropas, Kosic and Vogel (2005) have noted, immigrants face very different opportunity structures depending not only on the country in which they live, but also on the rights linked to their specific country of origin, to their individual status and to the implementation of rights on the local level. Second, migration policies, as any form of state policies, directly or indirectly affect gender relations by virtue of how they impact the nature and distribution of resources, social roles and power relations between women and men (Daly & Rake 2003). Besides, understanding how state policies impact power relations between men and women is of much current importance, as gender equality has become a priority for most European countries. In Switzerland, gender equality has been embodied as a principle since 1981 in the Swiss Constitution. The Gender Equality Act (GEA) that came into effect in 1996 stated one of its main aims as being 'to promote gender equality in all areas of society, particularly in the work place, and to eliminate any form of direct or indirect gender-based discrimination'. These legal efforts have been complemented by the creation of the Federal Office for Gender Equality, which directs a great part of its endeavours to gender equality within the family by promoting the compatibility of family responsibilities and professional activity.

The aim of this chapter is to contribute to furthering our understanding of family-related migration and social integration in contemporary European societies by examining: a) how Swiss migration and integration policies shape the social integration of foreign spouses from countries outside the EU and b) the compatibility of such policies with Switzerland's aim towards the equality of women and men in all areas of society. The following questions are specifically addressed: what views regarding

family norms and gender roles are inherent in family-related migration policies? What rights are granted to foreign spouses, and for what specific purposes? Do these rights provide an adequate basis for equal gender relations among members of cross-border families?

The chapter is divided into four parts. The first part introduces the concepts of economic citizenship, state discourse and gender culture, which are used to assess the impact of family-related migration policies on the social integration of foreign spouses. The second part presents and evaluates the framework that Swiss migration and integration policies provide towards the equal participation of foreign spouses in society. The third part interprets the results in the context of persisting patriarchal values and gender inequality. Finally, the conclusions put the results in a wider context and formulate questions for the future.

11.2   Economic citizenship, state discourse and gender culture

The questions posed in this chapter are addressed from the threefold conceptual perspective of economic citizenship, state discourse and gender culture.

Economic citizenship
This section examines the implications of family-related migration policies for the social integration of foreign spouses, which raises the question of how integration is to be understood. In this section, integration is addressed from the perspective of citizenship, a perspective founded on the principles of human rights, and defined by Marshall (1950) as 'full membership in the community'. From this perspective, integration is understood as the ability for immigrants to participate on an equal basis in the various spheres of society. The contested nature of citizenship is also emphasised by this approach. Although most contemporary European democracies claim that citizenship is an inclusive position to which everybody should, in principle, have access, studies have shown how, in practice, there exist formal and informal processes of inclusion and exclusion that lead to the unequal positioning of community members vis-à-vis the state and society; these unequal positionings often fall along the lines of gender, class, ethnicity or legal status (e.g. Yuval-Davis 1997).

According to Marshall (1950), citizenship encompasses civil, political and social rights. Although Marshall's notion of social rights includes the right to social protection against poverty, he does not fully elaborate on economic rights. In my view, the notion of citizenship needs to include the right to equal access to spaces of economic participation, a right that I propose to understand as 'economic citizenship'. In the case of migrants, labour market participation is a particularly important aspect of citizen-

ship because their residence status and naturalisation is often contingent on their employment. Further, several authors have recognised that participation in the labour market is the key to social integration (Dahinden, Fibbi, Moret & Cataccini 2004). As perceptions of immigrants from non-European countries are often based on negative stereotypes, securing entry to the labour market is a pivotal opportunity for them to disprove stereotypes and obtain recognition from members of the host society (Riaño & Baghdadi 2007). Feminist authors argue that women's equal access to paid employment is the key to their citizenship (Pateman 1989; Kessler-Harris 2003). In order for women to acquire or maintain their autonomy, they must be able to have equal access to sources of income and/or material support outside of their family relations – that is, to paid employment and/or social benefits (Gill & Sharma 2007). Thus, the perspective of economic citizenship that I propose here combines the principles of human rights and gender equality, and will be used to assess the extent to which family-related migration policies facilitate equal participation of foreign spouses in all spheres of society and particularly in the workforce.

State discourse

Access to the labour market for immigrants is controlled by immigration legislation. Studying immigration legislation is thus essential for understanding economic citizenship. Studying immigration legislation requires understanding state discourse. The notion of discourse refers to the system of knowledge composed of ideas, attitudes, courses of action, beliefs and practices that systematically construct the subjects and the worlds of which they speak and shape the social practices and agency of groups and individuals (Foucault 1980). Discourse is powerful because it is productive. Discourses 'naturalise' and often implicitly universalise a particular view of the world and position subjects within it (Gregory 2002). State discourses – the ways of portraying citizens and those unsuitable for citizenship, via official documents, white papers, legislation, political rhetoric and other documents, texts and forms of representation (McDowell 2003) – are particularly powerful discourses. Their dominance occurs 'because their legislative or policy-making positions place them in the crucible of discursive power and influence, namely there where discourse is not merely empty words, but has the direct force of law and regulation' (Van Dijk 2004: 15). Studying state discourse is, for Van Dijk, an important means of understanding how discrimination, racism and inequality are reproduced.

The Swiss case illustrates how immigrant policies construct discourses that serve to discriminate against an ethnically different 'Other'. Since the 1930s, Swiss immigration policies have been designed around the concept of *Überfremdung*, the idea that foreign 'overpopulation' threatens

Swiss identity, and that immigration policies must strictly control the numbers of foreigners allowed into the country as well as the extent of their socio-economic and political participation in society. Swiss legislation on citizenship (Bürgerrechtsgesetz BüG 1952), which is based on the principle of blood-based descent (jus sanguinis) rather than on place of birth (jus solis), is also restrictive. A foreigner willing to obtain Swiss citizenship must have lived a minimum of twelve uninterrupted years in Switzerland and prove to be 'integrated into Swiss society', 'familiar with the Swiss lifestyle, morals and customs', 'obedient to the Swiss legal system' and 'not represent a danger to Switzerland's internal and external security' (BüG art. 15). This request for citizenship must be approved at three levels: municipal, cantonal and federal, a stipulation that is unique worldwide. At 22 per cent, Switzerland has one of the highest proportions of foreigners in the world. To a large extent, this apparently high rate simply reflects its restrictive naturalisation policies. In fact, 54 per cent of the 1.7 million 'foreigners' living in Switzerland were either born and raised in the country, or have lived there for more than fifteen years (SFS 2008).

The admission and settlement of foreigners to Switzerland was regulated until 2007 by the Federal Law on the Residence and Settlement of Foreiegners 1931 (Bundesgesetz über Aufenhalt und Niederlassung der Ausländer, ANAG). Its aims were to avoid the entry and settlement of 'undesirable' people into the country, to stabilise the job market, to protect Swiss nationals from unemployment and to control the foreigner-to-Swiss ratio within the population (Federal Assembly of the Swiss Confederation 1932). Since the 1990s, foreigner policies have considered the national origin of immigrants and used the notion of 'cultural distance' to classify immigrants according to those who are 'more likely' or 'less likely' to integrate into Swiss society. Foreigners were divided into three groups: first, an inner circle comprising EU nationals given immigration priority because of their cultural proximity to the Swiss; a middle circle for nationals from the United States and Canada, who were deemed 'halfway' there in terms of cultural distance; and a third circle for 'all other states', which were defined as being 'culturally distant' from the Swiss, and thus to be allowed into the country only in exceptional cases (Federal Council 1991). In 1998, the Swiss government replaced the three-circle model with a two-circle model, which improved the civic rights of EU immigrants, while restricting the entry of non-EU immigrants to highly skilled personnel.

The conceptualisation of foreigners from the EU as more valuable than non-EU citizens and the introduction of a dual system of immigrant rights was accentuated by the conclusion of the 2001 bilateral agreement between Switzerland and the EU on the free movement of individuals (the Swiss population accepted it by popular vote in 2000). From then onwards, official discourse no longer defined EU nationals as foreigners. The

agreement gave EU nationals, in a system that was to be gradually introduced until 2007, the same living and working rights as the Swiss, with the exception of voting rights (European Community 2002). Thus, legislation on foreigners no longer applies to EU citizens but to individuals from countries outside the EU. In 2005, the new Federal Act on Foreign Nationals (Bundesgesetz über die Ausländerinnen und Auslander, AuG), which replaces the outdated 1931 ANAG and made the two-circle policy official, was approved by Swiss Parliament and by popular vote in 2006 (Federal Assembly of the Swiss Confederation 2005). The new AuG legislation, which came into effect in January 2008, creates a dual system of immigrant rights that allows freedom of movement to EU nationals, whereas the entry of non-EU immigrants is restricted to highly skilled individuals. Because of tight restrictions on the number of immigrants from non-EU countries (a maximum quota of 4,000 per year has been set), and the fact that the prospective employer of a non-EU immigrant must prove to the foreign police that no Swiss or EU citizen can fill the job, the only realistic means of immigration into Switzerland for many non-EU citizens is through marriage.

Researchers interested in studying immigration law in European countries are pointing to the importance of a gender perspective. Immigration law is based on specific notions of family norms and gender roles (Riaño & Wastl-Walter 2006; Mullaly 2007). For Van Walsum and Spijkerboer (2007), immigration law reveals how relevant patriarchal relations are thus showing the increasing intersection between ethnic and gendered discourses in European countries' immigration law. Through a gendered representation of the alien Other, immigration law is increasingly constructing contrasting representations of gender relations. European societies are being drawn in terms of gender equality and women's autonomy, while male 'third-country nationals' are being represented as archaic, patriarchal and/or violently misogynist, and female 'third-country nationals' as passive, vulnerable and oppressed (Van Walsum & Spijkerboer 2007: 6). A gender perspective is necessary to understand what ideas of family norms and gender roles are contained in immigration policies, and how they intersect with ethnic discourses, to facilitate or hinder the socio-economic participation of marriage migrants.

Gender culture
Though much progress has been made in Switzerland's legal system towards gender equality, true equality of the sexes is still far from being a reality. While more women than ever before work outside the home, they remain disproportionately responsible for child-care and domestic work and are more likely to be employed on a part-time basis and to earn lower wages than men (Strub, Hüttner & Guggisberg 2005). Formal politics continued to be a male domain until 2010, a phenomenon partly resulting

from the fact that women in Switzerland first got the right to vote in 1971.[1] Women's economic citizenship in Switzerland is still precarious by international standards. The Global Gender Gap Index Report 2007, a 58-nation survey published by the World Economic Forum, which assesses how well countries divide resources and opportunities between their male and female populations, ranked Switzerland in 40th place, far behind most Western European countries and behind lower-income countries such as Cuba (22nd), Colombia (24th) and Costa Rica (28th). At the time of the report's production, Swiss women's estimated earned income was reported as being US$ 25,000 and men's as US$ 41,000, resulting in a ratio of 0.61 (Hausmann, Tyson & Zahidi 2007). By 2010, however, Switzerland, had advanced in the Gender Gap Report to 10th place, largely owing to a significant increase in female representation in government.

How can we explain the prevalence of gender inequalities in Switzerland, despite official efforts to promote the equality between women and men? German sociologist Pfau-Effinger (2000) has argued that in order to understand the gendered labour arrangements in Europe, it is necessary to examine local gender cultures and move beyond structures of economic opportunity, economic cycles and welfare state provisions. Comparing different nation-states in Western Europe, she found significant differences in prevailing ideals and values about the 'normal' gender division of labour, the desirables spheres for bringing up children or the accepted dependencies and power relations between women and men. She argues that these values and ideals constitute a gendered cultural system that forms a key framework for the social agency of individuals. Bühler and Meier Kruker (2002) have shown how institutional arrangements in Switzerland reflect prevailing gender cultures. Of all European countries, Switzerland has the second-highest proportion of women working part time (of all working women, 56 per cent work on a part-time basis); only the Netherlands is higher where 69 per cent of female employees work part time. Using this economic data, Bühler and Meier Kruker examined the correlation between local gender cultures and gender inequality on the Swiss labour market. By examining the results of popular votes on gender-relevant issues (e.g. women's right to vote, family and marital laws, regulation of abortion) between 1959 and 2004, they showed that Switzerland has significant regional differences in the cultural values and norms concerning motherhood and employment and the role of the welfare state. Gender equality issues are given much more importance in French and Italian cultural discourses than in Swiss-German ones. There is close correlation between regional gender cultures, gender inequality structures and welfare state policies. The more women-friendly voting results in the French- and Italian-speaking parts of Switzerland correspond with an overall comparatively lower degree of gender inequality. They also correspond with better supply of day care institutions as well as

school schedules that make it possible for both parents to combine a professional career with family life.

This chapter will therefore use the approach of gender culture to understand the extent to which immigration policies, as state discourses, are formulated from the perspective of a specific gender culture, and the influence that such discourses and regulations may have on the participation of foreign spouses in Swiss society.

11.3   The impact of family-related migration policies on the social integration of foreign spouses

This section examines how family-related migration policies, such as gendered state discourses, shape the social integration of foreign spouses in Swiss society and the gender relations between members of the transnational couple. As explained earlier, the evaluation is carried out from the perspective of economic citizenship, which strives for the equal access of foreign spouses to spaces of social participation. It also emphasises that for women to acquire or maintain their autonomy, they must have equal access to sources of income and/or material support outside their family relations, i.e. to have paid employment and/or social benefits.

This study's methodology consists of examining the legal texts and policy documents that may potentially impact the social integration of foreign spouses. Five federal laws are examined: the federal law that regulated the conditions for admission and settlement of foreigners to Switzerland up until 2007 (ANAG 1932), the new Federal Act on Foreign Nationals that replaced the ANAG on 1 January 2008 (AuG 2005), the resolution on the integration of foreigners 2000 (Verordnung über die Integration von Ausländerinnen und Ausländern, VIntA), the directives on so-called 'law-breaking marriages and partnerships' (Weisungen: Rechtsmissbräuchliche Eheschliessungen und Partnerschaften, EAZW, 5 December 2007, Zivilgesetzbuch, ZGB) and the Swiss citizenship law (Bürgerrechtgesetz, BüG, 1952). Federal programmes to support the integration of foreigners are also included (Integrationsförderungsprogramme, IFP, 2004-2007 and 2008-2011). Table 11.1 summarises the rights of, and stipulations for, foreign spouses from third-country states, depending on whether they are married to Swiss- or non-Swiss citizens. Since over two thirds of foreign spouses in Switzerland are women, it must be kept in mind that the situation described below mostly applies to women. An analysis of Table 11.1 reveals five important points regarding the kind of framework that Swiss family-related migration policies create for the social integration of foreign spouses.

Table 11.1 *Family-related migration legislation: Rights of, and stipulations for, foreign spouses from third-country states*[2]

Regulations	Type of marriage	Rights	Stipulations
Residence permit (AuG 2005, in force 2008)	To a Swiss citizen	One-year residence permit (Type B) to 'remain with the spouse'	-Conditional to successful marriage -Living under the same roof (art. 42-43) -Not involved in a sham marriage (art. 51; ZGB 97a) -May be conditional to attending language or integration course (art. 54)
	To a permanent resident	Settlement permit (Type C)	-Marital union still exists (art. 42-43) -Five years of marital life and five years of 'orderly' uninterrupted life in Switzerland (art. 42-43) -Proven 'successful integration' (art. 34) -Foreign spouse must not be a threat to public security and order (art. 62)
	To a resident with a yearly permit	One-year residence permit (Type B) to 'remain with the spouse'	-Conditional to successful marriage -Living under the same roof (art. 44) -Not involved in a sham marriage (art. 51; ZGB 97a) -Having an 'adequate' home and the resident partner not being dependent on welfare (art. 43) -May be conditional to attending language or integration course (art. 54)
		Settlement permit (Type C)	-Marital union still exists (art. 44) -Resident partner lives in Switzerland -Ten years of 'orderly' uninterrupted life in Switzerland (art. 42-43) -Proven 'successful integration' (art. 34) -Foreign spouse must not be a threat to public security and order (art. 62)
Work permit (ANAG 1932, AuG 2005)	All foreign spouses ANAG until 2008		The residence permit granted to foreign spouses did not include a work authorisation. A work permit was granted only if it could be proven that no Swiss citizen was available for the job applied for. No change of job or canton of residence was authorised.
	All foreign spouses AuG 2008 onwards		The new law grants the right to work to foreign spouses (art. 46). Before they obtain a work permit, however, foreign spouses must prove that there is no Swiss or EU citizen who can fill the job (art. 21).
Integration (VIntA 2000, IFP 2004-2007)	All foreign spouses		- Integration measures 'need to take account of the special needs of foreign women, children and youth' (VIntA, art. 2) - Support for language courses is aimed at 'difficult-to-reach target groups such as economically inactive mothers with children, shift workers or other persons who have lived in Switzerland for many years and still have a rudimentary knowledge of a national language' (IFP)
Naturalisation (BüG 1952)	Foreign spouses married to a Swiss		- Swiss citizenship after 5 years of uninterrupted residence in Switzerland and three years of marriage to a Swiss citizen'
	Not married to a Swiss		- Swiss citizenship after 12 years of uninterrupted residence in Switzerland

Source: Author's compilation based on federal legislation concerning the entry, family reunification, integration, marriages and naturalisation of foreign spouses (ANAG 1932; AuG 2005; VIntA 2000; IFP; ZGB 2007; BüG 1952)

First, the above policies create a stratification of rights among married couples in Switzerland. Whereas foreign spouses from third-country states and their partners are subjected to many stipulations regarding their marriage and common lives, Swiss couples or couples from countries belonging to the EU are free to choose their motives for marriage and the length of their union. Moreover, foreign spouses are not equal before the law. Depending on whom they marry, whether a Swiss citizen, a person with permanent residency or a person with a year-round renewable permit, their rights to live and work in Switzerland and obtain Swiss citizenship vary significantly. Many such boundaries, or systems of civic stratification (Morris 2002), have been erected by the family-related migration policies of several European countries, thus leading to an increasing fragmentation of family rights in Europe (Kofman et al. and Bonizzoni this volume).

Second, foreign spouses from third-country states have a precarious residence status in their first five years in Switzerland. During that period they are granted a yearlong residence permit and are legally dependent on their partners. Their permits state that the purpose of their residence in Switzerland is 'to remain with their spouses', and the renewal of their residence permits is contingent on marriage status. Thus, in the case of foreign spouses married to Swiss citizens, the latter enjoy full rights of social, economic and political participation in Swiss society, whereas the former lack an independent status. Foreign spouses depend on their partners' will to remain married to them, and to live with them under the same roof, so they can stay in the country. The superior legal position of Swiss and resident spouses allows them to discard their immigrant spouses at will by simply moving out of the common residence, by filing a divorce or by leaving the country during the first five years of marriage. An exception to this is when violence by the Swiss or resident partner can be proven, in which case only three years of marriage under the same roof are required before an independent permit is granted to the immigrant spouse.

Third, family-related migration policies allow public authorities to intrude on the private sphere of the family. To prove if a sham marriage has taken place, or is about to, the marriage officiant or an official from the foreigners police, can visit the binational couple at their home, or request a meeting, to inquire into how the couple met, their age difference, the length of their marriage, where they live and possible payments that could have been made by the foreign spouse to the Swiss partner. These legal instruments given to government officials by the new AuG law to 'fight against abuses of marriage regulations' can be interpreted as a serious threat to the basic right of a protected private family life (Spescha 2007). Family migration policies are designed on the assumption that foreign spouses will try to abuse the Swiss system.

Fourth, family-related migration policies hinder the economic citizen-

ship of foreign spouses because they indirectly put them in a situation of economic dependence on their Swiss spouses. Residence permits for foreign spouses are mainly designed to allow them 'to remain with their spouses' but not to generate economic activity. Such permits allow foreign spouses to work as long as it can be proven that there is no Swiss or EU citizen who can fulfill the job. Foreign spouses from third-country states receive a Type B residence permit that must be renewed every year. Because most Swiss employers require permanent residence, obtained on a Type C settlement, especially for skilled positions, in practice it is very difficult for foreign spouses holding an annually renewable permit to obtain jobs, especially of a skilled nature, during their first five years of residence. After such a long period of precarious employment, immigrant women inevitably may lose their skills and the prospects for obtaining quality jobs in their professions of origin are drastically reduced (Riaño & Baghdadi 2007b). Their Swiss spouses, on the other hand, have much better prospects of obtaining good jobs because they are protected under the Foreigner Law, they are Swiss citizens, they speak the local language and they have Swiss qualifications and access to a professional network. Foreign spouses inevitably earn much less than their Swiss husbands and thus become not only dependent on them, but also in a much weaker power position within the couple. Within the context of economic inequality, it is difficult to think of equal gender relations among transnational couples. The precarious situation of immigrant women on the labour market is illustrated by the fact that in terms of economic participation and salary level (SFS 2007), they occupy the lowest position (64.1 per cent), behind Swiss men (86.3 per cent), foreign men (83.3 per cent) and Swiss women (73.6 per cent).

Fifth, immigration and integration policies, such as the AuG and VIntA, are founded on traditional ideas about the division of labour between men and women. Such laws view foreign women as mothers and wives, not as workers. The VintA law (art. 2), for example, specifically states that integration measures 'must take account of the special needs of (foreign) women'; however, 'special needs' is not intended to address the discrimination that foreign women experience on the Swiss labour market because of their gender and origin (Riaño & Baghdadi 2007b), but to the supposedly self-inflicted problem of their isolation and limited knowledge of the local language. As explained earlier, the 2004-2007 federal programme to support the integration of foreigners (IFP) states that language courses are aimed at 'difficult-to-reach target groups such as economically inactive mothers with children, shift workers or other persons who have lived in Switzerland for many years and still have a rudimentary knowledge of a national language'. The 2008-2011 integration programme is conceived under similar premises: foreign women with pre-school children need to be specially supported because their child-care

tasks isolate them and hinder their learning the local language. However, as shown above, this policy misses the underlying reasons for the isolation of many women. In fact, current policies governing family-related migration promote the isolation of foreign mothers by confining them to the role of 'mothers and wives', hence impeding their professional integration. Further, integration policies consider only those women who have rudimentary language knowledge. There is also need for perfection courses that will enable educated foreign women to obtain skilled jobs. Although current integration policies at first sight seem to address 'gender-specific needs', in practice, they not only project a negative view of foreign women, but also consolidate their social position in Swiss society to 'caregiver' and that of their husbands to 'breadwinner'.

11.4 Immigration regulations, patriarchal values and gender inequality

This analysis of Swiss immigration and integration policies shows that rather than creating favourable conditions for foreign spouses to participate in Swiss society, such policies create a constraining framework for women's social and economic citizenship. Their citizenship is best characterised as precarious, particularly in the initial phase of settlement. Family-related migration policies construct foreign spouses as having to fulfil the reproductive role of mothers and spouses. They place foreign spouses in direct and indirect legal and economic dependency on their partners, thus creating a situation of unequal power relations between members of the transnational couple. Contradicting Switzerland's current efforts towards gender equality, family-related migration policies are shaped by a patriarchal gender culture. By combining representations of home, domesticity and part-time paid employment with ideas about femininity, this culture identifies migrant women rather than men – notably, Swiss men – as caregivers and domestic workers. Ideas about masculinity are reflected in notions of a male 'breadwinner' and the suitability of men – notably, Swiss men – rather than migrant women to participate in the workforce. Immigration policies are further oriented by ethnic discourses that view foreign spouses from non-EU countries in a negative light: as possible violators of the law and as posing problems of integration because of their low education, situation of isolation and low knowledge of the local language.

The precarious residence status of foreign spouses from third-country states is the result of a Foreigner Law that does not give marriage migrants the intrinsic right to live in Switzerland. It gives them only a 'derivative' right, in which marital life is their sole purpose for staying in the country. Such a law is for Spescha (2007) an expression of 'structural violence' –

a concept created by the peace studies scholar Johan Galtung – which denotes a form of violence by a given social structure or institution that systematically harms people by preventing them from fully satisfying their basic human needs. Laws that cause discrimination, unequal distribution of resources or the obstruction of emancipatory efforts can be interpreted as forms of structural violence.

Family-related migration policies in Switzerland can be interpreted as containing two parallel but contradictory discourses. On the one hand, family reunification policies are based on a human rights discourse that legitimates opening Switzerland's borders to marriage migrants for reasons of family reunion. At the same time, such policies are also based on an ethnically biased discourse that interprets marriage migrants as potential abusers of Swiss immigration regulations, a discourse that legitimates the restriction of their civil rights and the policing of family relations. Once marriage migrants are allowed into Swiss society, their civil rights of residence, work and freedom of movement are restricted, and made contingent on continued marriage to their Swiss partners. Immigration law thus confers legitimacy on women who enter as citizens' wives, but then only to the extent that they are prepared to give up their autonomy. Further, migrant women lose their legitimacy by leaving their citizen husbands. Swiss immigration law is by no means an isolated case: feminist researchers report the same trend as seen in the Swiss case for several countries belonging to the EU (Van Walsum & Spijkerboer 2007; Raissiguier 2007; Gill & Sharma 2007).

Binational marriages are a particular case of asymmetric power relations within the family: whereas the Swiss husband enjoys full citizenship rights, those of the foreign spouse are limited. Swiss immigration regulations do not foresee supporting the economic citizenship of foreign spouses because they are expected to 'remain with their husbands'. An empirical study carried out by Riaño and Baghdadi (2007b) on the professional integration of 57 skilled migrant women from countries outside the EU – the majority of whom entered Switzerland as marriage migrants – shows that foreign spouses experience considerable pressure from Swiss society (families, neighbours and employers) to conform to a child-rearing role. Traditional gender roles are thus, directly or indirectly, set: the Swiss man as breadwinner and the foreign woman as homemaker. In this sense, binational families can be interpreted as sites where patriarchal relations are perpetuated.

Switzerland is no exception. Van Walsum (2004) has revealed how contradictory, Eurocentric views are inherent in the immigration and integration laws of many European countries. 'Western culture' is exemplified by the liberal, secular norms of universal human rights, equal treatment of men and women and individual freedom. In contrast to these norms, the cultural norms of non-Western immigrants and of Is-

lamic immigrants, in particular, are perceived to be religiously inspired, patriarchal and having no place for the emancipated woman. As already stated, assumed ethnic differences – and the desire to prevent ethnic deviance – serve to legitimate the policing of family relations in the context of immigration law.

Unequal gender relations within migrant families can thus not simply be interpreted as resulting from supposedly 'backward' ethnic values, as often contended in integration debates. Rather, they should be seen as an outcome of the patriarchal gender culture that underpins immigration regulations, in particular, and Swiss society, in general.

11.5   Conclusion

This chapter has analysed family-related migration policies in Switzerland, trying to understand the kind of framework that they create for the social integration of foreign spouses in binational marriages and for gender relations among members of the transnational couple. The analysis has focused on the views and values that are inherent in such policies – interpreted here as state discourses – regarding gender roles and the value of immigrants for Swiss society. Furthermore, addressed here has been the question of whether the rights and obligations that are contained in family migration policies provide an adequate basis for equal gender relations among members of the binational couple.

This chapter concludes that family-related migration policies stand in opposition to Switzerland's current efforts towards gender equality. While Swiss men and women have acquired at least formal equality within the Swiss Constitution, and many efforts are currently being made by the Swiss state to promote gender equality in all spheres of society, developments in family-related migration legislation have been less emancipatory. To win autonomy, this chapter stated, migrant women must have access to economic citizenship – that is, to paid employment and social benefits outside family relations; however, in order to do that, migrant women must struggle with the migration regulations that provide little or no scope for gaining access to paid employment. To the extent that they are committed to the responsibility of childrearing, and are constrained by migration regulations to compete on an equal basis on the labour market, they remain dependent on their Swiss husbands.

Three arguments are put forward in this chapter. First, it seems paradoxical that many efforts are being made to promote more gender equality among Swiss couples, but at the level of binational couples – made up by a Swiss national and a foreign spouse – this aim is actually being hindered by Swiss migration policies. Single-nationality Swiss couples are definitely more equal than transnational ones. Second, we need to chal-

lenge the simplistic, Eurocentric view that sees migrant women in transnational marriages as victims of poverty and backwardness, who escape to a wealthy and advanced West to achieve gender emancipation. Third, we need to question the problematic idea, often contended in European integration debates, that sees unequal gender relations among migrant families as supposedly resulting from their 'backward' ethnic values. Clearly, the patriarchal values that underpin Swiss family migration policies play a main role in hindering the possibility of gender equality within binational couples. Van Walsum and Spijkerboer (2007: book synopsis) interpret this phenomenon as 'Europe's unresolved gender conflict'. For them, immigration policies in many European states situate gender conflicts outside of the national order, projecting them onto non-western countries, exotic cultures, clandestine labour and criminal organisations. In doing so, immigration law sustains the illusion that gender conflicts have moved beyond the pale of European experience.

The impact of family-related migration policies on gender relations in Swiss and European societies needs to be further investigated. The issue of whether transnational marriages between a Swiss national and a foreigner promote more equal gender relations or, rather, the persistence of patriarchal structures needs to be looked at in much more detail. An analysis of variations across Swiss cantons and among European countries would be most useful for drawing regional comparisons.

Notes

1   Women in the Swiss Canton of Appenzell Innerroden first got the right to vote in 1990, when Federal Supreme Court judges decided to interpret the Constitution in a way that women were included in the term 'citizens' and were thus entitled to vote.
2   This regulation has been in place since 1990. Before then, citizenship law gave privileged rights to Swiss men. Those who married a foreign citizen were able to pass Swiss nationality on to their wives and children, whereas Swiss women were not entitled to the same right.

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