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Making in-Justices Visible
The Blindness of Bureaucracy

> Facts have a tendency to carry abstract legal codes into the realm of real human drama. Facts spawn stories. And stories are not easily bred in captivity, much less in the lab. They are part of our everyday lives, and they permeate the popular culture in which we live.
>
> R. Sherwin

1. Introduction

The main thesis formulated by Goodrich in *Visiocracy* is that the *law's authority depends upon its visibility*:

> [t]he visual is the primary means and medium for transmitting law because, like law, it touches all – quod omnes tangit in a maxim that Bracton uses and that can be seen most directly in an emblem ad Omnia from 1642[2].

Nevertheless, as further explained by the Author in his recent book *Legal emblems and the art of law,* the visibility of the law is overlooked:

> […] the most obvious and manifest dimension of law, its physical and visible forms – the architecture, the costumes, the inscriptions, the murals and paintings, the trials, the libraries, the books, the tomb-like tomes – are so familiar, so structural, and thence natural that they get overlooked […][3].

In fact, lawyers are familiarised to the basic and immutable schemes of law – made of persons, things and actions – through social structures, symbols and orders that are transmitted over time:

> […] lawyers are trained to apprehend the social and the personal by way of structures, via the long-term schemata of ordering devices, the symbolic unities, and trans-temporal transmission of personae and norms. Structures develops but the basic schema, I argue here, remains the classical tripartite division of Roman law, the fond trinity set out by Gaius noster in his exemplary Institutes, that of persons, things, actions, or in the jargon of visibilities, im-

1 Researcher of Philosophy of Law, University of Neuchâtel.

2 P. Goodrich, "Visiocracy: On the Futures of Fingerpost", *Critical Inquiry* 39 (3) pp. 498-531 (fig. 5, p. 19)

3 P. Goodrich, *Legal Emblems and the Art of Law,* Cambridge University Press, Cambridge 2014, p. 23.

ages, realities, and relations. These structures, which emerge historically from law, are still the frame through which the social is perceived, encountered, and legality recognized[4].

Nevertheless, despite this «visibility per se», in most classical representations, justice is represented as «blinded». Goodrich interprets this blindness as a way to keep it distance from humans:

> The blindfold on Justice would seem to signify that it is not for humans to see. If Justice herself will not look but has bandages over her eyes, then how much more will it be the case that mortals are neither to look upon nor attend to appearances? The image of Justice signals: do not look. It acts as a prohibition. It also marks exclusion, and the blindfold, as developed later, is an indication that mortals should keep out[5].

He also explains the blindness of justice as a symbol of its interior eye that has precedence over the exterior, as in the case of «unwritten law – custom and use from time immemorial, the law of nature and of God». The interior eye of justice, in some sense, is an expression of spirituality and morality, finding its roots in uses and customs as well as natural law:

> If Justice is blind, that does not necessarily mean that she cannot see. As I argue later, Justice is more than capable of seeing through a bandage and indeed of seeing without eyes. [The delegates can in any event depend upon their principal, their sovereign. It is this dependency, this insertion into the hierarchy of images, into the visiocracy, that will transpire to be the most lasting effect of the Reformist conception of the image.] The blindness of Justice is emblematic. This mean as dream in interpretation that we the viewers are also somehow blind. The spiritual meaning of the images becomes much more apparent when we realize that justice is blindfolded but can still see metaphorically, weigh and render (daub) judgement. The simple point is that the eye of the spirit, the interior eye, has precedence over the exterior, just as, in common law, it is unwritten law – custom and use from time immemorial, the law of nature and of God – that has precedence over ratio scripta, written law, namely legislation and its various failing attempts to intervene in a law that only the learned can properly apprehend[6].

Moving from Goodrich's representations of law and justice, I propose analogies between the «blindness of justice» and the «blindness of bureaucracy», showing – through case analyses – how this blindness, in keeping a distance from humans, tends to favour more the interests of the States rather than those of individuals.

Thus, the aim of this contribution is twofold: to argue, at a theoretical level, how imagines are part of a social construction process in contributing to shape some invisible aspects of the culture in which the law is embedded; to show, through case analyses what effects those images – as a part of a broader story – have on lay people legal paths. It is divided in two parts. In part one, I propose a documentary analysis – also based on images – as a counterpart to a human testimony, according to a kind of an ethnographic approach to legal *storytelling* that aims to trace the influence of culture – meant in a

4 Id., 207
5 Id., 16
6 Id., 16

wide meaning, including political aspects – in law. Finding inspiration in *action research* and *clinical law* approaches, I emphasise the need to give «voice» to human beings as active protagonists of their cases, on the one hand, and of joining goals of social justice – making their voices heard within legal procedures, on the other. In part two, I reconstruct stories of people who are confronted by a specific legal system, the Swiss one, in order to describe – including through the presentation of visual documents – their ways to interact with legal institutions as well as deal with Swiss bureaucracy.

2. Visualizing Culture in Law

Starting from the 1970s, the social sciences and humanities experienced a significate change in their understandings of the relationships between individuals and the law, in re-orienting human and socio-legal research towards « the unofficial, non-professional actors' participation – citizens, legal laymen », and so on[7]. This change is usually described as the «cultural turn»[8].

Since «culture» is a highly complex concept to define, with cultural meanings being both explicit as well as implicit, conscious or unconscious, arising in everyday practices as well as in institutional discourses, it is very difficult to describe the influence of culture in law[9].

Recently many scholars have become aware that *the visual* is central to the cultural construction of social life in contemporary societies, since social categories are not natural but are constructed, with these constructions often taking a visual form[10].

According to Haraway, for example, visuality [in law] may contribute to producing specific visions of social difference – of hierarchies of class, 'race', gender, sexuality and so on – with it claiming not to be part of that hierarchy and thus to be universal. Thus, as Haraway suggests, it would be interesting to examine in detail

7 G. Rose, *Visual Methodologies*, Sage London, Thousand Oaks, New Delhi 2007.

8 S. Silbey, "Legal culture and cultures of legality", in: J.R. Hall, L. Grindstaff and M-C. Lo (eds.), *Sociology of Culture: A Handbook*, 2010, pp. 470-479.

9 For an in depth analysis of the relationship between *law and culture*, see my working paper F. Di Donato, "Narratives in Cultural Contexts: The Legal Agentivity of the Protagonists", 2014 http://ssrn.com/abstract=2469436)

10 As Rose explains: "the narrative of the increasing importance of the visual to contemporary Western societies is part of a wider analysis of the shift from pre-modernity to modernity, and from modernity to postmodernity (…). It is often suggested – or assumed – that in pre-modern societies, visual images were not especially important, partly because there were so few of them in circulation. This began to change with the onset of modernity. […] Barbara Maria Stafford (1991), a historian of images, […] has argued that the construction of scientific knowledge about the world has become more and more based on images rather than on written texts; Jenks (1995) suggests that it is the valorization of science in Western cultures that has allowed everyday understandings to make the same connection between seeing and knowing." Finally, the use of the term of "visual culture" refers to the "plethora of ways in which the visual is part of social life". See Rose (id., 3-4). For the use of the visual in legal studies, see R. Sherwin. "Visual Jurisprudence", in: 57 *N.Y.L. Sch. L. Rev.* 11, 2012-2013; A. Wagner & R. Sherwin, *Law, Culture and Visual Studies,* Springer 2014.

how certain institutions mobilize certain forms of visuality to order the world and in imposing specific visions of the functioning of society[11].

Moving in this direction, my proposal is to consider «the agency of the image» as a part of a broader story about human beings' specific legal paths. Moving from a *law and culture perspective*, my main concern is to make the relationship between facts, people legal and institutional actions more visible or less opaque.

Thus, in order to focus on the relationship between law and culture, the main question is «how to conciliate the vagueness of the concept of culture with the call for objectivity of the law»?

Both culture and law are permeated by invisible meanings that take shape in human relationships and daily exchanges. Thus, my proposal is to trace the implicit cultural meanings undermined by the law and make them "visible" following a double method: listening to human testimonies, on the one hand, while "objectifying" them through official documents (files, newspaper journal, images including transcripts of interviews), on the other. Both testimonies and legal documents contain traces of the culture in which they are produced[12].

2.1. Documents and Images to Trace Culture in Law: Visual Ethnography

It is typical of sociology and ethnography to combine the goal of tracing and objectifying culture partly through (legal) documents that are examined in the context in which the (legal) trouble occurs; partly through testimonies (surveys, interview) that aim to humanise the research on the ground; partly by re-writing their observations. In fact, documents maintain their own objectivity despite the interpretation of the researcher in contributing to the process of institutional social construction[13].

Visual ethnography is part of this new trend to constitute ethnographic knowledge[14]. According to Knowles and Sweetman, the use of visual methods in social

11 D. Haraway, (ed.), *Simians, Cyborgs and Women: The Reinvention of Nature,* Free Association Books, London 1991.

12 According to Ferraris, documents are the tool to pass from nature to culture, from abstract to concrete: they contain traces of passages from a state to another. See M. Ferraris, *Documentalità. Perchè è necessario lasciare tracce*, Laterza, Roma-Bari 2009, p. 256.

13 About the objectivity of documents, see V. Ferrari, *Prima lezione di sociologia del diritto*, Laterza 2012 Roma-Bari, p. 112) and for a typology of legal documents, see R. Treves, *Sociologia del diritto. Origini, ricerche, problemi*, Einaudi, Torino 1988.

14 As Pink writes: "In the late 1980s proponents of then 'new ethnography' introduced idea of ethnography as a fiction and emphasised the centrality of subjectivity to the production of knowledge. Anthropology […], experienced a 'crisis' through which positivist arguments and realists approaches to knowledge, truth and objectivity were challenged (se Clifford and Marcus 1986). These ideas paved the way for the visual to be increasingly acceptable in ethnography as it was recognised that ethnographic film or photography were essentially no more subjective or objective than written texts and thus gradually became acceptable to (if not actively engaged with by) most mainstream researchers.[…]. Traversing then social sciences and humanities these developments grew from social anthropology (…) sociology (…) and geography (…)". See S. Pink, *Doing Visual Ethnography*, Sage, London, Thousand Oaks, New Delhi, Singapore 2013, p. 3.

research may be framed according to three key theoretical approaches, with images being used as 1) evidence; 2) tools to construct and manage reality; 3) texts.

> Under the realist paradigm exemplified by early anthropological fieldwork and the classical tradition of photo–journalism, images are regarded as *evidence* – as representations of reality and un uncomplicated record of already existing phenomena or events. From a broadly poststructuralist perspective, however, images helps to *construct* reality: they operate as a part of a regime of truth, while performing a central role in surveillance and managements of individuals and populations. This second perspective is perhaps illustrated by Tagg's (1998) discussion of the role of photography in the management and control of 'problematic' groups in the nineteenth century, orphans and psychiatric patients. When viewed from the vantage point of the third key paradigm – semiotic or semiology – already existing images are regarded as texts which can be read uncover their wider cultural significance and the ideological and other messages they help to communicate, naturalize and maintain[15].

In my own case reconstruction methodology, images are considered as part of the social and institutional construction of a reality process in dealing with the «materiality» of the world, on the one hand, and in complying with the «need» for «objectivity» of facts, on the other. They are parts of a multi-voiced story about reality that takes into account the voices of laypeople as well as institutions and public opinion[16].

2.2. Narratives and Human Testimony: to Make Individuals «Heard»

Since the «cultural turn», in order to achieve a «bottom up» analysis, legal scholars have plead to further integrate lay people into research so as to increase social justice programs and make their 'voices' heard in decision making processes. To reach this goal, especially *clinicians* tend to conduct research «with people rather than on people», moving from the client's needs and working together to find solutions. In fact, clinical inquiry takes one further step in respect to *action research*[17] by including «the gathering of data in clinical settings that are created by people seeking help. The researcher in these settings is called in because of his or her helping skills and the subject matter is defined by the client»[18].

15 C. Knwoles, & P. Sweetman, *Picturing the Social Landscape*, Routledge London and New York 2004, pp. 5-6.

16 See F. Di Donato, F. & F. Scamardella, F. (2013), "Epistemologia e processo. Un approccio di *socio-clinical law* per l'analisi narrativa di casi giudiziari", in: "Sociologia del Diritto", 3 2013, pp.75-109 and F. Di Donato, & F. Scamardella, "La ricerca della verità tra diritto, realtà, cultura. Note a margine di un caso giudiziario", in: F. Casucci & M.P. Mittica (eds.), *Il contributo di Law & Humanities nella formazione del giurista. Atti del quarto convegno nazionale della Società Italiana di Diritto & Letteratura (Benevento 31 maggio-1 giugno 2012), ISLL Papers, The Online Collection,* vol. 6, 2013, pp. 184-208.

17 About *action research*, see P. Reason, & H. Bradbury, *Handbook of Action research*, Sage, London, Thousand Oaks, New Delhi 2001; about the *Clinical* law approach, see A. G. Amsterdam, "Clinical Legal Education. A 21st Century Perspective", in: 34 *Clinical Law Review,* 1984, p, 612, S. Elmann, S., "*What we are learning?*", in 56 NYLSLR 2011/2012 171.

18 About the Clinical Inquiry/Research, see E. H. Schein, "Clinical Inquiry/Research",

Since the beginning of the movement, with the aim of actively involving lay-people in the research and making them the protagonists of the case reconstruction, *clinicians* have adopted *storytelling* as the main tool to investigate the facts and case re-construction[19].

In fact, in a *socio-epistemological* perspective, narrative is the natural attitude of human beings to organize the knowledge of reality as well as the main tool to share meanings about reality[20]. According to a socio-cultural perspective, human beings actively construct social reality through narrative negotiations of daily (legal) meanings that are deeply rooted in culture[21]. Stories may have both a conservative as well as subversive or transformative value of the social order[22] in «maintaining» a given order or in subverting it, in shaping collective representations of the law and social life[23]. Thus, following an *ethnographic* approach to legal storytelling, narratives may be considered in their dynamic dimension, located within social practices and specific action contexts (business, organizational, etc.)[24]. The ethno-pragmatic approach takes into account the interactive and relational dimensions of narratives that deal

in: P. Reason, & H. Bradbury (eds), *Handbook of Action research*, *cit.*, pp. 228-237.p. 228.

19 For a psychoanalytic and deconstructionist approach to narrative within the humanities, see M. Andrews, C. Squire, & M. Tamboukou, (eds.), *Doing Narrative Research*, Sage, London, Thousand Oaks, New Delhi, Singapore 2008. About *legal storytelling and fact construction*, see F. Di Donato, *La costruzione giudiziaria del fatto. Il ruolo della narrazione nel processo,* Franco Angeli, Milano 2008; F. Di Donato, *La realtà delle storie. Tracce di una cultura,* Guida, Napoli 2012, F. Di Donato, F., "Constructing Legal Narratives. Client-Lawyer Stories", in: A. Wagner, and Le Cheng (eds.), *Exploring Courtroom Discourse,* Ashgate, Farnham 2011, pp. 111-131. Over the years I have adopted a psycho-socio-cultural perspective that considers stories as «a way of world-making» in given contexts. A major source of inspiration for an epistemological approach to the study of legal narratives has been the works by Jerome Bruner – also in collaboration with Anthony Amsterdam: A. G. Amsterdam and J. Bruner, *Minding the Law: How Courts Rely on Storytelling and How Their Stories Change the Ways We Understand the Law and Ourselves*, Harvard University Press, Cambridge MA 2000. The adoption of the legal storytelling approach to reconstruct facts and analyse the trial has inspired further researches within the European legal debate. See for example, M. Taruffo, *La semplice verità. Il giudice e la costruzione dei fatti,* Laterza, Roma-Bari 2009; R. Taranilla, *La justicia narrante: un estudio sobre el discurso de los hechos en el proceso penal,* Aranzidi, Barcellona 2012 and for a more analytical approach W. Twining, *Rethinking Evidence,* Cambridge University Press, Cambridge (MA) 2006.

20 See J. S. Bruner, "The Narrative Construction of Reality", in: 18 *Critical Inquiry* 1991, p. 1-21; H. White, "The Value of Narrativity in the Representation of Reality". In: T.W.J. Mitchell, (ed.), *On Narrative*. The University of Chicago Press, Chicago and London 1981.

21 See Bruner, "The Narrative Construction of Reality", cit.; J. S. Bruner, *Making Stories*, Harvard University Press, Cambridge (MA) 2003.

22 See Amsterdam and Bruner , *cit.* and P. Ewick, & S.S. Silbey. *The Common Place of Law. Stories from Everyday Life*. The University of Chicago Press, Chicago and London1998.

23 See R. Cover, "The Supreme Court, 1982 – Term-Foreword: Nomos and narrative", in: 97 *Harvard Law Review* (1983-1984), p. 4.

24 Regarding narratives and contexts, Ochs and Capps conceptualize "conversational narratives" in order to emphasize the interactive and collective nature of narration. See Ochs & Capps (2001). About "Narratives in Cultural Context", see my working paper, "Narratives in Cultural Contexts: The Legal Agentivity of the Protagonists", cit.

with communicative exchanges. This kind of contextual dimension of the narrative analysis deals with a dimension of the inter-activity of human beings.

Finding inspiration in these approaches to legal storytelling[25], I am going to reconstruct two stories tracing the cultural and political background in which they are shaped.

3. Following the Path of Foreigners Asking for Permits and Naturalization in the Canton of Neuchâtel. Laws and Procedures

This second part of my contribution is based on case analyses. It gives an account of the obstacles encountered by the protagonists of two cases, while asking for permits and naturalization in the canton of Neuchatel, in Switzerland.

First, it reconstructs the Swiss legislative framework of the naturalization procedure within the current political and legislative debate. Second, it proposes the stories of two foreigners living in Switzerland – on the basis of an interview with them and the legal documents that support the story. The two protagonists, Mme N.M.* and Mr. Bruno, were contacted within the framework of a scientific project that dealt with the *integration trajectories of foreigners in Switzerland*[26].

3.1. A Brief Account of the Historical-political Evolution of the Naturalization Procedure in Switzerland

Since its origins – between the end of the 1800s and the early 1900s – the naturalization procedure was conceived as a political act, linked to the power of the local bourgeoisie of the Swiss cantons and commons. Subsequently, at the time of the creation of the State-Nations, around the 1920s, the naturalization procedure was considered as «vital» to dealing with the «invasive» presence of immigrants in Switzerland[27]. Due to the large number of foreigners in the territory, the Federal Council proposed a form of «forced naturalization» linked to the principle of *ius soli*. In the second half of the 1900s, the Federal Act on the Acquisition and Loss of Swiss Nationality (the Citizenship Act of 1952) was emended. Art. 14 of this Act provided that before granting permission for the naturalization of a foreigner, the competent authority had to check the «attitude» of the applicant for naturalization[28]. Further revisions of art. 14 (emended in 1990) have explained the concept of «attitude», in requiring that the applicant: a) is «integrated» into the Swiss community b) has be-

25 For a more extended analysis of the relationship between *law and narrative*, see Di Donato *La realtà delle storie*, cit.; Di Donato & Scamardella "Epistemologia e processo", cit.

26 The research project is developed by the University of Neuchâtel (Faculty of Law and Faculty of Arts): for more, see the following link http://p3.snf.ch/Project-147287

27 On this topic, see G. Sauser-Hall, *La nationalisation des étrangers en Suisse*, Paris, Leipzig 1914. G. Sauser-Hall, *La nationalité en droit suisse*, Berna 1921.

28 For the ratio of art. 14 Act of National Citizenship, see the notes of the Federal Council (FF 1951 II 665).

come «accustomed» to the Swiss lifestyle and customs[29] c) complies with Swiss law and d) does not affect the internal or external security of Switzerland»[30].

Whether in a first phase (under the Citizenship Act of 1952), emphasis was placed – through art. 14 – on the subjective qualities of the candidate (his/her *attitude* to becoming Swiss), in a second phase (under the revisions of 1990), the *integration* of the candidate within the Swiss local community has been required[31]. In fact, «being accustomed» is considered as a consequence of the integration process as well as the adoption of a Swiss way of life and traditions by foreigners[9].

Furthermore, since the beginning of the 2000s, *integration* goes beyond the right of citizenship, becoming a «duty» in the daily life of «ordinary» foreigners, those who simply want to live in Switzerland without necessarily applying for citizenship. Thus, «degrees of integration» are required not only to people who wish to be naturalized but even for those who wish to be granted residence permits[32].

3.2. Three Levels of Procedure

According to the Swiss Federal system, the naturalization procedure is articulated in three steps (*trois degrès*): the federal level, the cantonal level and the municipal level. At the federal level, the authority linked to the Federal Department of Justice and Police (SEM)[33], checks the prior conditions to grant naturalization, as established by art. 14 of LN and article 15 LN. Even if the federal authorization is a prior condition to being granted naturalization by cantons and commons and the general requirements are established at the Federal level, the naturalization procedure may differ from one canton to another[34]. As a consequence of the broader power of appreciation of the local authorities, applications of article 14 (particu-

29 On the meaning of «being» or «becoming» Swiss, see P. Centlivres, 1990, *Devenir Suisse*, Georg Editeur. On «the right to be Swiss», see the recent work of B. Studer, G. Arlettaz, R. Argast, *Le droit d'être suisse*, Lausanne. 2013. Several accounts about the Swiss culture, including the film «Les faiseurs de Suisse» by Rolf Lissy in 1970, highlighted the degree of discretion of the authorities in interpreting the notion of «integration».

30 For the meaning of integration and accustomation see the notes of the Federal Council (FF 1987 III 285).

31 From the project revisions of the Law, according to art. 14 (a, b), *integration* is the capacity of the candidate to be inserted into Swiss social life: «integration today is meant as a mutual process of rapprochement between foreigners and Swiss». See the FF 2011 2639 and the FF 1987 III 285.

32 For the historical evolution of the concept of integration within the Swiss legal system, see F. Di Donato, (in preparation), *La genesi e l'evoluzione dei significati di integrazione nell'ordinamento giuridico svizzero*, Mimesis, Milano 2015. See also F. Di Donato, & P. Mahon, "Federalism and 'Cultural' Identities: Some Remarks on the Naturalization Procedure in Switzerland", in: *Ratio Iuris*. 22 (2) 2009, pp. 281-294

33 The SEM is a Federal Office that is competent for the harmonisation of cantonal and federal policies about naturalisation and integration: https://www.bfm.admin.ch/content/bfm/it/home.html

34 For the description of this procedure, see D. Sow and P. Mahon, "Ad Art. 14 LN", in C. Amarelle and M.S. Nguyen (eds), *Code annoté de droit des migrations, vol. V: Loi sur la nationalité* (LN), 2014 pp. 45-60.

larly the conditions a. e b.) in addition to having raised many legal and political debates, provoked over the years, disparate practices by the cantonal authorities[35].

A role of objectification has been absolved by the Federal Supreme Court in evaluating refusals of naturalization. In fact, although there is no «right to naturalization» that can be enforced in the courts, the federal Court has repeatedly been called upon to act on these non-uniform interpretations and applications, especially in light of art. 8 (par. 2) of the Constitution which prohibits discrimination[36]. Thus, since 2012, a «duty of motivation» for the refusal of naturalization has been introduced (art. 15 LN, let. b) and a consequent «right to appeal against arbitrary and discriminatory decisions» has been recognised[37].

4. Re-constructing Cases

4.1. Case 1: the Naturalization of N.M.* as a «Political Act»

The case of N.M.* is framed by the Citizenship Act (The Federal Act on the Acquisition and Loss of Swiss nationality of 1990) and is set in the Canton of Neuchatel.

Framed within the legal-political and cultural scenario outlined above, the naturalization path of N.M* has been problematic from the point of view of a) the evaluation of N.M.*'s integration process by the cantonal Swiss authorities (art. 14 LN); b) the fact findings and truth acquiring within the administrative and judicial procedures.

N.M* arrived in Switzerland from Cambodia, in 1979, at the age of 11, with her parents, as asylum seekers. In 1989, she married a doctor from Pakistan and converted to Islam. They have two children.

In 1999, N.M.* asked to be granted naturalization for her and her children. The answer of the municipal committee was negative since it evaluated that N.M* did not show any signs of integration to the Swiss uses and customs, as she wore Pakistani clothes to the naturalization test; showed signs of affection to Islam; the children were not inserted in the public schools and so on.

In 2006, a new naturalization application was made by N.M* and new obstacles arose: irregularities in tax payments were presumably found by the cantonal justice department that suspended the procedure. In 2009, the State Council refused nat-

35 See Wichmann et al. *Les marges de manœuvre au sein du fédéralisme: La politique de migration dans Le cantons,* 2011, www.bundespublikationen.admin.ch

36 A resounding ruling of the Federal Court of 9 July 2003 (ATF 129 I 217, Einwohnergemeinde Emmen) recognised the right to appeal for applicants and, on this matter, upheld their appeal, considering the popular decision which rejected their naturalisation as discriminatory. Similar cases include the ruling of the Federal Court (ATF 134 I 49, Gemeinde Buchs) which regarded the rejection of naturalization to a Muslim woman on the grounds that wearing an Islamic headscarf at the time of the naturalization exam as discriminatory on the basis of art. 8 and 15 of the Constitution. The judges considered, in this case, that wearing the veil is not a sign of non-integration.

37 See the ruling ATF 138 I 305. On the «quasi right» to naturalization, see D. Sow and P. Mahon, "ad Art. 14 LN", *cit.*

uralization and N.M* was invited to re-start the procedure once she had fulfilled all the naturalization conditions (included tax payments). Thus N.M* petitioned against the decision of the State Council, claiming that the financial situation had not been correctly evaluated by the cantonal authorities. Finally, after several administrative and judicial steps (administrative appeal to the State Council, subsidiary Constitutional petition to the Cantonal Tribunal), the Federal Court recognized problems in the fact finding procedure by the naturalization committee. The Federal Court sent the case to the lower Court as well as the State Council, asking them to re-examine the case, in respect of the constitutional principles, as well as the Swiss law, and to establish the correct personal and financial situation of N.M.* and her family, in order to give them the opportunity to accomplish the naturalization path.

4.2. Listening to the Story

In a first phase of the case reconstruction, the story was narrated by N.M*'s husband, Mr. M.M*. The narration starts with the description of the naturalisation law in Switzerland that is represented by him largely as discriminatory in its formulation, since it makes distinctions between «facilitated» naturalization (for people married with nationals or for children born from a Swiss parent) and «ordinary» naturalization for the others[38].

The story is presented by Mr. M.M* as the story of his wife, his wife's family, finally presenting it as «their story»:

> My wife and I have been in Switzerland for 27 and a half years, since 1979. She was ten years old when she came with her parents. So, there's my wife's story, my story, and then her family's story, as well as those of other foreigners who live here, so I have a lot of experience (…).

Mr. M.M.* describes his wife's first attempt to be granted naturalization:

> (...) my wife arrived in 1977 in Switzerland, at the age of ten – she is a second generation since she arrived with her parents. She studied here and then in 1998, she applied for ordinary naturalization, and at that time, the municipal authorities said: 'Listen, you wear Islamic clothes because you are influenced by your husband and you dress like a Muslim' – she converted to Islam, it's normal – [says doctor M.M*] 'so we believe that you are not integrated into society'.

He tells about the obstacles encountered, the first time, during the three levels of the naturalization procedure: municipal, cantonal and federal.

> This is the decision! It is municipal. We could not move this case to a Cantonal level, when the local authorities have made this decision and it was negative.

38 The distinction between ordinary and facilitated naturalization (for those who are married to a Swiss person) was introduced with the Citizenship Act of 1952.

After I spoke with the Head of the Naturalization Service, Ms. Z * – this is the cantonal level – she told me: 'Listen, you can wait a while and then appeal'. She didn't tell me to re-apply, no, no, no. So I waited until 2004 and I wanted to appeal and this time I phoned Mrs. T* who said 'no, you need to make a new application'.

So I said: 'you had told me that ...'. She answered: 'no, I didn't, I never said that'.

Subsequently, he describes his wife's second attempt to obtain naturalization:

In 2006, I made a new application for my wife and children, it was also refused with them saying 'you do not pay taxes'. But, I've regularly paid my taxes, I had an arrangement with the taxes that I paid regularly. Then they said 'no, you don't pay taxes'...

(...) then there was a suspension of the proceedings. The Tax Office (Canton) said 'either you pay or it's cancelled'. Otherwise take out legal action. They did not want to wait and legal action was taken.

After the refusal by the cantonal authorities they decided to petition against the decision of the State Council (at a Cantonal and Federal Level):

I did appeal at a cantonal level (Court) who confirmed the administrative decision, appealing to the Federal Court which overruled the decision and returned it to the Cantonal level, which also changed it and now there is no news.

According to Mr. M.M.*'s testimony, the major obstacles encountered during the naturalization procedure came from the cantonal authorities: the head of the naturalisation office seemed to suggest withdrawing the decision of the Federal Tribunal – that was in their favour – and restart the bureaucratic procedure:

Just one day before the decision of the federal Court, I received a call from Ms. Z*. She said: 'Withdraw your federal appeal and write to us to reconsider to the State Council and then apply'.

This is the coda of the story:

For me, it is the law of jungle because she knew that the Federal Tribunal had quashed the decision of the State Council. If she was right, she would not have called for the withdrawal. Everyone has the right to do it, but if I applied to the Federal Court – because the cantonal Tribunal refused and gave us the right to do so – we followed the law, okay? We comply with the laws of Switzerland, she should also respect the laws. The next day I received a letter from the Federal Court which quashed the decision of the Cantonal Court and that was a sound slap to her xxx. So, that's why she was embarrassed.

And Mr. M.M.* adds:

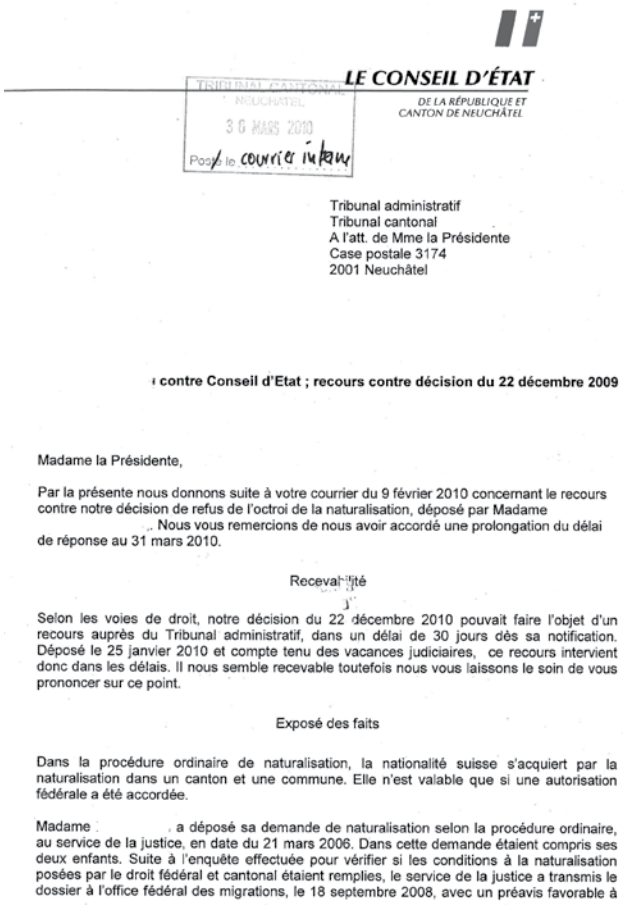
[...] They're playing on my time, with my life, I think... I don't understand... I haven't killed anyone! If, for example, I had killed someone, very well! This is something else! But then we made an effort to pay everything, although...There you have it! I think it is scary, it become exhausting.

Actually:

The Naturalization commission has not given me any news since January 24, 2012 (...). 6 years have passed since the naturalization application, the second![39].

4.3. Analysing The Legal Documents

This part of N.M.*'s story is supported by legal documents in order to analyse the different positions of the parts: N.M.* as a private actor; the Canton of Neuchatel (Justice Department) as counterpart and the Federal Court as *super partes* institution. The documents reported here – under the form of images – contribute to emphasizing the power of the bureaucracy by adopting symbols to represent institutions (i.e. the flag of the Canton of Neuchatel), on the one hand, and by using a kind of impersonal and authoritative or threatening language (see as example image 1), on the other.



LE CONSEIL D'ÉTAT
DE LA RÉPUBLIQUE ET CANTON DE NEUCHÂTEL

TRIBUNAL CANTONAL NEUCHATEL 30 MARS 2010 Posé le courrier interne

Tribunal administratif
Tribunal cantonal
A l'att. de Mme la Présidente
Case postale 3174
2001 Neuchâtel

contre Conseil d'Etat ; recours contre décision du 22 décembre 2009

Madame la Présidente,

Par la présente nous donnons suite à votre courrier du 9 février 2010 concernant le recours contre notre décision de refus de l'octroi de la naturalisation, déposé par Madame . Nous vous remercions de nous avoir accordé une prolongation du délai de réponse au 31 mars 2010.

Recevabilité

Selon les voies de droit, notre décision du 22 décembre 2010 pouvait faire l'objet d'un recours auprès du Tribunal administratif, dans un délai de 30 jours dès sa notification. Déposé le 25 janvier 2010 et compte tenu des vacances judiciaires, ce recours intervient donc dans les délais. Il nous semble recevable toutefois nous vous laissons le soin de vous prononcer sur ce point.

Exposé des faits

Dans la procédure ordinaire de naturalisation, la nationalité suisse s'acquiert par la naturalisation dans un canton et une commune. Elle n'est valable que si une autorisation fédérale a été accordée.

Madame a déposé sa demande de naturalisation selon la procédure ordinaire, au service de la justice, en date du 21 mars 2006. Dans cette demande étaient compris ses deux enfants. Suite à l'enquête effectuée pour vérifier si les conditions à la naturalisation posées par le droit fédéral et cantonal étaient remplies, le service de la justice a transmis le dossier à l'office fédéral des migrations, le 18 septembre 2008, avec un préavis favorable à

Fig. 1.

39 The passages are extrapolated from the interview with Mr. M.M.*

In order to face this «supremacy» *per se* of the bureaucracy, the documents addressed by N.M.* contain both requests of clarifications and attempts to menace judicial actions (see as example image 3) as ways to claim their truth about their dealing with Swiss law on the one side and uses and customs on the other side.

As narrated by Mr. M.M.* in the interview, in 1998, N.M* applied for the naturalization procedure for her and her children (under the LN of 1992). At this stage of the procedure, the answer of the naturalization committee was negative based on the following arguments:

- N.M* attended the obligatory school and worked in a factory when she was young (Swiss factory).
- She converted to Islam (the same religion as her husband) and she wears traditional Pakistani clothes;
- Her motivations for the request to be naturalized are «badly motivated»: she is worried about the future of her children;
- She refuses the idea that the uncertainty for her children could derive from the Muslim tradition and from the fatherhood of her husband;
- Her children are not inserted into the public school.

Thus, the conclusion of the commission was the following:

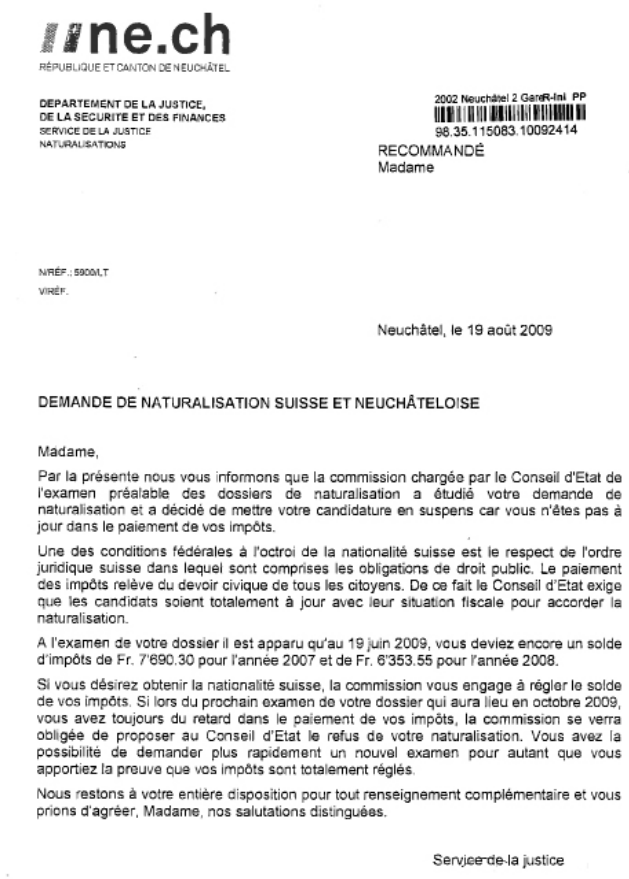
> the Naturalization and Aggregation Commission finds that the applicant does not give the impression of being integrated or assimilated to our uses and customs and decided, unanimously, to give a negative answer to her application. She could reapply when Mr. M.M.* will also be entitled to do so. In the meantime, time will allow the M* family, through the integration of their children at school, to demonstrate their integration[40].

A new application was presented by N.M.* in 2006. This time a new obstacle within the naturalization path arose: irregularities in tax payments were presumably found by the Cantonal Justice Department that threaten N.M* to interrupt the procedure if she did not pay the entire amount required. The following is a passage from the document issued by the Justice Office[41]:

> Madam,
> We hereby inform you that the committee appointed by the State Council to examine the naturalization applications has decided, upon studying your naturalization request, to suspend your application because you have not paid taxes.
> One of the federal requirements for issuing Swiss citizenship is to respect the law in Switzerland which includes the obligations of public law. Tax payment is the civic duty of all citizens. Thus, the State Council requires that candidates be fully up to date with their tax payments in order to grant naturalization. [...]

The following image presents what is stated above:

40 Extract from a Naturalization Committee document (municipal level)
41 The letter was sent by the Department of Justice of the Canton of Neuchâtel.



ne.ch
RÉPUBLIQUE ET CANTON DE NEUCHÂTEL

DEPARTEMENT DE LA JUSTICE,
DE LA SECURITE ET DES FINANCES
SERVICE DE LA JUSTICE
NATURALISATIONS

2002 Neuchâtel 2 GareR-Ind. PP
98.35.115083.10092414

RECOMMANDÉ
Madame

N/RÉF.: 5900/LT
V/RÉF.

Neuchâtel, le 19 août 2009

DEMANDE DE NATURALISATION SUISSE ET NEUCHÂTELOISE

Madame,

Par la présente nous vous informons que la commission chargée par le Conseil d'Etat de l'examen préalable des dossiers de naturalisation a étudié votre demande de naturalisation et a décidé de mettre votre candidature en suspens car vous n'êtes pas à jour dans le paiement de vos impôts.

Une des conditions fédérales à l'octroi de la nationalité suisse est le respect de l'ordre juridique suisse dans lequel sont comprises les obligations de droit public. Le paiement des impôts relève du devoir civique de tous les citoyens. De ce fait le Conseil d'Etat exige que les candidats soient totalement à jour avec leur situation fiscale pour accorder la naturalisation.

A l'examen de votre dossier il est apparu qu'au 19 juin 2009, vous deviez encore un solde d'impôts de Fr. 7'690.30 pour l'année 2007 et de Fr. 6'353.55 pour l'année 2008.

Si vous désirez obtenir la nationalité suisse, la commission vous engage à régler le solde de vos impôts. Si lors du prochain examen de votre dossier qui aura lieu en octobre 2009, vous avez toujours du retard dans le paiement de vos impôts, la commission se verra obligée de proposer au Conseil d'Etat le refus de votre naturalisation. Vous avez la possibilité de demander plus rapidement un nouvel examen pour autant que vous apportiez la preuve que vos impôts sont totalement réglés.

Nous restons à votre entière disposition pour tout renseignement complémentaire et vous prions d'agréer, Madame, nos salutations distinguées.

Service de la justice

Fig. 2.

In December 2009, N.M* petitioned against the negative decision of the State Council claiming that the financial situation had not been accurately evaluated by the authorities. The answer of the State Council was negative based on the main argument that the naturalization act has «a strong political component»:

> The act of naturalization has a strong political component. The State Council therefore has a broad power of appreciation in the decisions taken under the ordinary procedure.[42.]

In 2010, N.M* petitioned against the decision of the State Council at the administrative cantonal Court. The decision of the cantonal Court was negative based on the following arguments:

> Despite these unfortunate gaps in education and record keeping, it is, however, worth recalling that the appellant did not fulfil the attitude conditions for ordinary naturalization required by the cantonal government, since the payment of taxes for the year 2007 has not

42 See the beginning of par. 2.

being recognized to date. It is therefore appropriate to assume that the contested decision, which led to the rejection of the appeal, must be confirmed.

Thus, in 2011, N.M.* introduced a subsidiary Constitutional petition to the Federal Court against the «arbitrary decision» of the Tribunal Cantonal claiming a violation of constitutional rights, some of them concern the violation of art. 9 Cost. (1. Protection against arbitrary and 2. Good faith)[43]:

Violation of art. 9 Cost. (1. Protection against arbitrary and 2. Good faith) was claimed by N.M* on the basis of two main legal arguments:

1) Violation of the law because of an incomplete decision:

In its decision of 14 April 2011, *the court violated the law by making an incomplete decision, it also inaccurately and incompletely notes relevant facts. The Court in its decision ignored a relevant part of my life,* retaining the year of my marriage as my starting point of integration into Swiss society. I arrived in Switzerland at a young age (1979) and my compulsory education (primary and secondary I) seems, in my opinion, to be essential to understand the path of my integration into Swiss society, and gives me the right to naturalization within the meaning of art. 34 of the Convention relating to the Status of Refugees, above all that I am part of the 2nd generation present in Switzerland and my friends of the era are Swiss women. Evidence: certificate of 24.08.1979, the Federal Office of Police (...).

2) No evidence established the facts:

- *The court recognized in its decision (...) that «no evidence in the file establishes the allegation that all the taxes in 2009 were billed in arrears at the time of the contested decision»* (...). Evidence (...).
- Although the Court itself recognized in its decision (...) having noted the «unfortunate gaps in education and record keeping 'by the cantonal authorities, it is guided by ambiguous motives to uphold the contested decision'.
- For this reason I consider its decision on the basis of these findings shocking and arbitrary and therefore it must be annulled».

Even cultural-emotional arguments were afforded by N.M* within the constitutional petition to affirm the «the violation of good faith (n. 2)»:

The principle of good faith in its simplified requirement is a sense of trust in the authorities and institutions, a trust affecting declarations and behaviours. Thus, it is a sense of security given by the citizen to the administration.

My children and I have always upheld the image of the Swiss as being welcoming, open to each other and appreciative of newcomers who offered their best for the well-being of the Swiss and Neuchateloise society. This commitment is not strange for me nor for my children because I was 11 when I arrived in Switzerland (I am a 2nd generation of immigrants in Switzerland), and my children were born *here (3rd generation). This sense of security, to feel at home has regrettably been touched in this case, we have applied for naturalization for the 2nd time (the first in 1998).*

43 Even if there is no real right to appeal against the refusal of granting naturalization, is it possible to appeal in the case of a violation of constitutional rights. See Sow and Mahon (2014).

This situation has marked the lives of my children over the years, my children felt disappointed for a period and have raised the question of their identity, citizenship and future. This is true on the one hand, even without naturalization, Switzerland provides good living conditions, and social insurance, but the issue is deeper, because it touches a feeling of belonging that is consolidated by naturalization. • Evidence: (omitted)

Conclusions:

Violating my constitutional rights, the contested decision cannot, therefore, only be annulled.

The Federal Tribunal recognized N.M*'s reasons in claiming that «it is not possible to refuse naturalization on the basis of such a lacunar truth acquiring procedure». Thus, it sent the appeal to the lower Court, the Cantonal Court, for a new decision. The Cantonal Court recognizes problems in the *fact finding procedure* by the naturalization committee, that did not acquire the correct information on the case of N.M*. It asked the State Council to re-examine the case.

The decision of the Federal and Cantonal Court has still to be executed by the cantonal authorities. In fact, since naturalization is a political act, the administrative authorities are not obliged to take a decision that would conform to the position of the judicial institutions. Currently, the naturalization path of N.M* has yet to be accomplished: a further deadline to the authorities was recently set by N.M*. See the document below:

COPIE

Recommandée
Office cantonal de la Population
Naturalisation
Mme,
Tivoli 22
2001 Neuchâtel

Bevaix, le 20.05.2013

V/Réf : 5900/LT

Concerne : Demande de naturalisation

Madame,

En référant votre courrier du 07mai 2012 et fortement surprise que je n'ai une nouvelles de votre part à ce jour.

Je vous prie de bien vouloir me parvenir votre décision finale **jusqu'au 03.06.2013** au plus tard, au défaut je serai dans obligeance de faire démarche auprès de l'autorité compétente contre **déni de justice** selon art 46a :

- B^{bis}. Déni de justice et retard injustifié.
- Le recours est recevable si, sans en avoir le droit, l'autorité saisie s'abstient de rendre une décision sujette à recours ou tarde à le faire.

En comptant sur votre bonne compréhension et dans l'attente de vos nouvelles, veuillez agréer, Madame, mes salutations les meilleures

Fig. 3.

As an answer to the letter sent by N.M.*, the Department of Justice threatened them to pay the amount due if she wanted to obtain naturalization. The following passage is extrapolated from the last part of the document below:

> *We can only confirm that your application will be considered at the end of May 2014 and that if during the exam you do not fulfil the naturalization conditions were described in the letter dated January 23, the State Council will certainly refuse your naturalization.*

4.4. Discordances between Law and Human Lives

While the legal story was reconstructed with the collaboration of Mr M.M.* and on the basis of the document that he provided, Mrs N.M.* also accepted to do an interview being the protagonist of the story.

Her testimony is full of emotional dimensions. She explains the legal, political and identitary reasons that motivated her to claim for naturalization and the consequences on her life of the refusal by the Swiss authorities.

a) First, she explains the reasons of her arrival in Switzerland and her feeling like a «Swiss person»:

> *came here as a political refugee with my entire family*. It's true that after 4-5 years I never thought I would apply to be Swiss! But, after a long time, it's true that I work here, so I did as everybody else who pays their taxes, they... that is to say I grew up here, I finished my studies here. Uh... I thought being here at least the Swiss would recognise me for what I am: *a Swiss citizen*! *But the first time I applied, it is true that they refused me because I wore a veil* and they told me that I was not very suitable, despite the many years I had been in Switzerland...[44]

b) She explains her not being recognised as existing in the country by the Swiss authorities

> What can I do? it means I'll die without being recognised. *Me, all I want is for the Swiss law to recognise me for what I am, a citizen*[45].
>
> [...] I think it's always the same thing. It's the same thing. It always goes back to the same…I have the impression that the law denies me to admit that I already exist in this country. That's it[46].

c) She describes her feelings in relation to being refused naturalization:

> [...] What can I say, Swiss law has massacred us. Completely! (laughs) It's true! The way they...
>
> [...] It's more like a massacre... it's hard to swallow. I just can't accept it! I don't know how to explain it! I'm not someone who has been here only 2-3 months and is applying

44 Extracted from the p. 1 of the interview with N.M.*
45 Id. p. 4
46 Id. p. 14

for citizenship! It's very long, you know, I'm adapted here! I don't know! I couldn't go and live in another country! I think it's true that there are a lot of advantages here, I grew up here! Where do I go, frankly? I have all my friends, family here! I couldn't![47]

d) She explains the refusal of naturalization for religious reasons:

I1: Sorry, if I come back to this issue, to measure the effect between what happened the first time and the second. The first time, it was language reasons, children ... I2: clothing?
N.M.*: Yes.
I1: clothing, what did they say?
N.M:* Since I wore a veil, so I'm not integrated[48].

e) In facts, N.M.* feels like a Swiss citizen!

I say, as and when, the law changes. It changes all the time. But on the other hand they're playing with a person, it's been a long time that it's there, they swing from right to left. But again, if it goes like this, I think 'why did you call a person here? Worse after you leave the [...]', for me it's like that. I feel like that. Where's the law? Freedom? Our rights as citizens[49].

f) She describes the obstacles encountered in everyday life: looking for a job!

For example, now I'm looking for work, they say 'Oh, but you've been here for such a long time and you're still not Swiss? Why?' See, there is another behaviour at a work level. Even at the level of morality, my own morality, I think it's heavy. Because we are always foreigners.

[...] Yes that's it! It is as if someone is looking at me 'but you want to be Swiss? *Well no, if you don't want to be Swiss you can't be employed!'* See? This is everyday life! If you want to work, you need the piece of paper![50]

f1) …travelling

remember, I was travelling with my children. They have a Pakistani passport and I have a document! It hurt me so much. We booked into a 5 star hotel, my children they hated me in that moment. Because they couldn't go to the hotel because of their mother, because they are still young, so they asked me 'Mummy, why did you choose this hotel?' I'm not allowed to leave the airport! We stayed at the airport![51]

Coda:

There are some people who are make a lot of effort and then there are those who close the door completely.

47 Id. p. 9
48 Id. p. 28
49 Id. p. 33.
50 Id. p. 48
51 Id. pp. 51-52

> And there is no humanity, nothing. Where is the freedom? It isn't free here! If someone phones me, 'ah, but it isn't free here! Closed inside four walls!' You say Muslims close their woman inside four walls, I say no it's here in Switzerland, we are closed inside 4 walls![52]

Case 2: The Story of Bruno and the «Deaf Administration».

The second story is that of Bruno who arrived in Switzerland at the age of 18 as an asylum seeker at the time of the war in his own country, Iraq.

During his thirty years of living in Switzerland, he has encountered a lot of obstacles in passing from one permit to another and as a consequence in looking for a job and in reaching his life's goals. The Swiss authorities have threatened to expel him from the country since he has lost his job and no longer has the right to be granted a permit to stay.

Bruno's testimony focuses on his encounter with the Swiss bureaucracy that he defines as «deaf and incompetent», with a wide discretionary power:

> *I chose this country initially believing that it was welcoming. And over the years, I've seen that it's a country which unfortunately destroys people's lives!* Because I had some real opportunities, during those years. And if I had had a permit that allowed me to take those opportunities, I'd be on another level today.

> That means that not only are you afraid of your life here *because of an incompetent administration, a deaf administration, that does everything to step on your feet and you put up with it, of the twisted laws that are not very clear. At the end of your life, they tell you, "You know what? We'll send you home!".* [...] Because the problem is not over! The problem still persists, after 30 years my problem with the administration isn't over. I'll tell you one last thing about the administration. I think it's crucial. *Is this, an official at the cantonal level, for example, can make your life miserable.* And there is no control over him!

The Swiss bureaucracy is also depicted as "impersonal" since employees try to avoid any contact with the person who claims for the permit, Bruno in this case.

> You can't say anything, you can't go there, he writes you a letter that says, "Send us a letter." Always send us a letter! There is no interaction with the person. And if you come across the wrong people, they can make your life difficult! You know I've had civil servants, after 30 years, calling my doctor to see if I was telling the truth, if I was sick for example. Or they call my chiropractor if I really need to... at this point, after 30 years! And worse, you know, the person who is dealing with my case now wasn't even born the problem the first day I set foot here. It means that my case is being dealt with by someone who is 28 or 29 years old…undoing everything. It means, the person, who is currently handling my case wasn't even been born when I first set foot in Switzerland. This is nonsense! How do you want me to have a relationship with such a person! I'll say to him, "Listen, you weren't even born, the day I came here!" Or

52 Extracted from the last page of the interview.

> "You were just a baby drinking milk when I was working here, me !" Ah ah. And that person, is taking care of my case. Voilà.

Since Bruno was very afraid about his own story, he refused to provide the documents supporting his story.

5. Conclusions

The aim of this contribution was to show how images are part of the social construction of reality in supporting, in case reconstructions, the positions of both laypeople and institutions.

Thus, the main concern was methodological, looking for a scientific path capable of including the visual – intended as the use of images – within a reconstructive process of cases.

The main tool that I have adopted – as part of the case analyses – is the *legal storytelling*. I have used storytelling with a double meaning: first, as an epistemological tool in order to reconstruct the knowledge of facts, characters and actions that give shape to a story. Second, as a methodological tool: legal stories have been framed within a specific cultural and political setting, the Swiss one, dealing with the procedures of granting naturalization and permits to foreigners in the Canton of Neuchâtel.

Finding inspiration, especially in ethopragmatic approaches, with the aim of analysing conversational exchanges in given settings, two cases have been analysed on the basis of an interview with the protagonists and the documents exchanged with the administration. Thus, documents – partly presented under the form of images – gave support to the case reconstruction, in representing the position of the protagonist – especially in *Case 1* – and of the administration.

To justify the uses of images in case reconstruction, I recalled visual ethnography as a method developed under the shift of the «cultural turn» to face the call for objectivity typical of anthropology as well as cultural legal studies. The use of images has also been adopted as a part of a *clinical* inquiry that emphasises the client's voices in the case reconstruction.

Moving from these approaches and including the collaboration of the client as layperson, I reported two stories dealing with procedures of naturalization and permits in the Canton of Neuchâtel: the story of Mrs. N.M.* and that of Mr. Bruno. In order to trace the relationship between the law and its cultural meanings – this was one of my concerns from the start – I framed these two stories within specific laws and procedures, also giving a historical and cultural account of the evolution of the naturalization procedure in Switzerland.

In narrating the stories and reconstructing one of them in detail – *Case 1* – I showed a kind of conflict of visions between the people and the administration – meant as bureaucracy in a wider sense. The picture of bureaucracy that arises from the narrations is of «blindness» or «deafness» – to use the expression of Bruno, the protagonist of *Case 2* – respect of people's needs, as it seems to deal much more with the politics of the State than with individual wishes. In fact, in both cases, to

be granted naturalization and permits, there seems to be a series of obstacles for the protagonists. These obstacles in some sense are an expression of the selective integration of foreigners policies imposed from above, by the Federal State to the Cantonal administration, since the second half of 1900s, for the candidates to the naturalization and in extending this selectiveness to foreigners who wish to be established on the Swiss territory by asking permits.

In the cases reported, people's life paths and needs – meant also as feelings, emotions and life wishes (to work, to travel) – and administrative procedures seem to be going in opposite directions.

In the two cases, the claim of the protagonists to be recognized as being Swiss or to have the residence permit – considering they have spent most of their life in Switzerland – is not only part of an identity claim, a «struggle for recognition», but is also linked to practical aspects. In fact, if they are not recognized as Swiss – as in the case of Mrs. N.M* – or they are not granted the permit to be resident in Switzerland – as in the case of Mr. Bruno –, they cannot progress in their jobs, they cannot travel, they cannot go forward in their lives!

In this sense – as I showed through the case analyses – *storytelling* also based on the use of images to support the narrative re-construction of characters, facts and places – may be adopted as a useful tool to make individual stories heard and read.