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Germany at the Crossroads: National Identity and the Challenges of Immigration¹

Hermann Kurthen

University of North Carolina at Chapel Hill

In both the nineteenth and twentieth centuries, German history was characterized by shifting political borders and territorial expansions and contractions. These changes correlate with extreme phases in the definition of nationhood: very broad, inclusive ones and very narrow, exclusive ones. Current problems with immigration and nationhood date back to the origins of the nation-building. They reflect unresolved contradictions between exclusive ideas of the nation-state and inclusive ideas of republican and universal principles of individual human and civil rights; between rigidly interpreted citizenship regulations and a liberal asylum law; and between the official notion of national homogeneity and increasing diversity created by immigration and refugee movements. The unforeseen consequences of unification, particularly increased immigration, have exacerbated existing tensions between exclusive and inclusive notions of nationhood. German democracy and political culture is challenged to readjust and redefine national interests and identity in the 1990s. In this process Germany must adapt to its status as an immigration society and the unavoidable consequences of increasing ethnocultural diversity.

At the end of this century the issue of immigration has become a battlefield on which different concepts of the future of the nation-state and of cultural and national identity are being fought. In Germany the discussion is taking place between two extreme positions, one that denies Germany is *de facto* an immigration country (Katzenstein, 1987:218, 239) and one that compares Germany with traditional immigration societies like the United States, Canada, or Australia. As will be demonstrated, both arguments are too simplistic. Neither is immigration a recent and temporary phenomenon in Germany nor can it be ignored that Germany's migration history is different from other nations with regard to the processes of nation-building, patterns of territorial expansion, the scale of immigrant settlement, national identity formation, and legal regulations of nationhood and immigration.

To illustrate the importance of migration movements for Germany's national fabric, first an overview of the history of pre- and postwar migrations and refugee movements as well as their effects on the domestic situation in

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Germany are presented. Next, the origins of the contradictory nature of the current asylum, citizenship and naturalization regulations and the need to redefine Germany's legal framework, immigration policy, and national identity after unification is discussed.

GERMANY: A NATION OF MIGRANTS

To understand the process of nation-building one cannot ignore migrations as forming conditions of peoples that later were defined as nations. Nation-states are results and causes of migrations and of population movements in times of peace and of war. Their inclusive and exclusive capacities by means of drawing boundaries and creating collective identities have fostered emancipatory and democratic movements as much as they have been sources of bloody wars among nations, civic conflicts, xenophobia, and ethnocentrist prejudice. In the case of Germany – located in the heart of Europe and lacking natural geographical boundaries as well as political centralization for centuries – invaders, refugees, migrants, and traders have contributed to the emergence of a unique economic, social, political, and cultural ensemble that has been defined incompletely and in simplified terms as the German nation.

The first migration movement sufficiently documented and laid down in popular narratives, myths, and tales since Germanic tribes settled 3,000 or 4,000 years ago in central European areas, occurred during the Great Migration of Peoples in 400 A.D., when dozens of tribes crossed central Europe on their way from the north and east to the south and west. In the following centuries the Huns and Goths attempted to overrun what the Romans had conquered, populated and 'civilized' since Caesar's acquisitions in the south and the west of Central Europe. In the second part of the first millennium the Vikings settled at the coast of the North Sea and the Baltic. Slavic tribes crossed the Elbe River before they mixed with German colonizers who since the thirteenth century, settled in the east along the Neisse and Vistula river and further on along the Baltic Coast (Bade, 1992). Parts of the Baltic coast were under Swedish domination and influence for centuries.

Massive intra and extra migrations happened particularly in the early Middle Ages and during the Germanic colonization of the east by the Hanse Union and Teutonic knights. More followed during and after the Lutheran Reformation period with its endless religious wars, when mercenaries from all destinies criss-crossed German territories and not only devastated the country and murdered its populations but also stayed or left illegitimate offspring behind them. Later, in the seventeenth and eighteenth centuries religious émigrés settled in various parts of Central Europe. Prussia, for example, attracted Lutherans in the seventeenth century from the Salzburg region of Austria, Huguenots from France (Edict of Potsdam, 1685), and Jews from Eastern Europe and Russia. The expansion of the Prussian Empire and its incorpora-

tion of parts of Poland also led to an increase of settlement activities supported by the government to Germanize the new Slavic conquest.

During the period of overseas colonization after the discovery of the New World, German-speaking emigrants settled in British, French, Spanish and Portuguese colonies, particularly in North America and Latin America. German mercenaries fought in America for the British as well as for American independence. When the hostilities ended, many stayed in North America, others returned.

With the beginning of industrialization, Germany became a passageway as well as a growing source and destination of emigration and immigration. At the end of the nineteenth century, with rapid domestic industrialization, the outflow of German emigrants was outweighed by the influx of labor migrants. Germany became an immigration rather than an emigration country. But these changes were also the result of political unification.

After the collapse of a succession of a multitude of feudal regimes, a modern German political entity emerged under Prussian hegemony in the late nineteenth century. In the age of nationalism, the new territorial and political entity constituted principles of citizenship and molded scattered tribal and cultural identities into a homogenized ethnocultural ensemble that became known as the German nation. The Wilhelminian empire also started to control effectively migration movements for the purpose of labor migration and colonization.

To support economic growth and the demand for labor, hundreds of thousands of labor migrants and seasonal workers from Italy, Russia, Poland, and the Eastern parts of Prussia were attracted to build industries on the Rhine, in Silesia and around Berlin, or to support the agrarian demand for cheap manual labor. Colonists, administrators and soldiers were sent out to settle in newly acquired African and Asian territories. But German colonies, annexed by the victorious allies after World War I, were too short-lived to create strong historical, political, and cultural bonds with peoples in Africa and Asia. In contrast to traditional outward colonizing countries like France and Britain, or inward colonizing countries like the United States and Canada, Germany gained virtually no experience in absorbing non-European people, cultures, languages, and religions. Further, the notion of national homogeneity was not challenged in Germany by massive postcolonial remigration movements of persons from former overseas colonies, in particular after World War II, as in the case of the United Kingdom, France, the Netherlands, or Belgium.

In the twentieth century new categories of migrations evolved. The mass mobilization of manpower during World War I and the redrawing of boundaries after the collapse of the German, Austro-Hungarian, Russian, and Ottoman empires led to the first forced migrations and refugee movements in this century (Herbert, 1986). Free as well as forced labor from abroad – in particular Poland – was used to help the German war effort. The cession of parts of

Germany following the 1919 Paris treaties led to the expulsion or remigration of a significant number of ethnic Germans to Weimar Germany. Additionally, the restless and impoverished postwar years led many to emigrate to countries overseas (Wehler, 1985).

The large emigration prior to and immediately after World War I was followed, after the demise of the short-lived Weimar Republic, by another politically enforced migration movement. In this case, émigrés had to leave Nazi Germany because of political, religious, ethnic, and so-called racial reasons. However, at the same time, the armaments industry in Germany was attracting labor migrants from Mussolini's Italy and other neighboring countries such as Austria, Poland, and Czechoslovakia. After the beginning of World War II the Nazis themselves, despite their racist, ethnocentric and xenophobic ideology and policies, contributed to a further wave of labor migration. Altogether about 8 million free and forced laborers, including 2 million prisoners and concentration camp inmates from all over Europe, had to work for the Nazi war effort in the Reich. The war and the division of Europe after World War II left millions of displaced persons from former Nazi prisons and camps (among them 200,000 Jews) without a homeland. These included members of East European military units fighting with the German army and East European refugees fleeing communist oppression. After a waiting period most left the occupied Western German zones for other overseas destinations. Only a fraction of those stayed in Germany itself (Bade, 1990).

Considering these facts the question remains as to why it was forgotten or ignored that Germany was for centuries a land that experienced vast immigrations and outmigrations contributing to religious, ethnic, and cultural diversity. The peculiarities of Germany's nation-building since the late nineteenth century may give an answer to that question. Germany's belated unification in 1871 and correspondingly nationalistic fervor trying to make up their neighbors imperialist advancement for 'a place in the sun' led to the suppression of elements of past and present diversity. Bismarck's domestic struggles to Germanize the Slavic minority in Prussia and to subdue cultural, political and religious resistance by the Catholic Church, the socialists, and minorities in Alsace-Lorraine and elsewhere, duplicated the pressures of homogenization that had been already successfully implemented in France or England during their much earlier attempts of nation-building in the seventeenth and eighteenth centuries (O'Brien, 1992). However, the Wilhelmine empire was belated insofar as these policies in the late nineteenth and early twentieth centuries had lost much of the legitimacy of its predecessors. Instead, *völkische Sammlung* (Pan-Germanism) juxtaposing *Gemeinschaft* versus *Gesellschaft*, *Kultur* versus Western *Zivilisation*, authoritarian law and order (*Obrigkeitsstaat*) versus liberal democracy became a trademark of illiberalism, chauvinism, and racism that left tracks in German political culture later revived by National-Socialism.

Taking into account century-old German regionalism and tribalism and the lingering class conflicts in the Wilhelmine Second Reich, the molding of Germany into a national homogenous unit might not have succeeded as quickly or as completely had World War I not given it new and potent nourishment. The grim warfare of the first World War, Germany's struggle to escape the perceived encirclement by hostile powers that were supposedly out to destroy Germany's status as a *Kulturnation* and great power, and Germany's humiliating defeat, combined with international isolation and ostracism, nurtured feelings of national kinship and a common fate that blurred ethnic, cultural, and class differences. The racist policies of the Nazis, built on the fertile ground of the political and economic instability of the Weimar Republic, of nationalistic humiliation and corresponding ethnocentric and racist hubris, further erasing a sober appreciation of diversity and pluralism. Certainly World War II as well as World War I left scars in postwar Germany's self-understanding as an imagined national homogenous entity or *Volks-und Schicksalsgemeinschaft*, i.e., a national community with a shared destiny in good and bad times.

Ironically, after unconditional surrender, expulsion of millions of German ethnics from former Eastern territories, and years of occupation regime, a partitioned country evolved under the supervision of the victorious allies that represented a nation 'ethnographically homogenous' to an extent even the Nazis had not dreamed about, though considerably decimated in number, size, and power status. The rebuilding of the divided country from the rubble helped to rebuild national pride, solidarity, and identity – this time bolstered by confidence in superior economic, monetary, and technological abilities that would peacefully conquer markets and win the confidence of consumers around the world. Comparably, the West Germans established in a very short time a stable political culture on the liberal foundations of their postwar constitution.

But the ghosts of the past had not completely dispersed. The economic miracle, emerging constitutional patriotism (Habermas, 1979), and the new cosmopolitan outlook of Germany hid the continued existence of *völkisch* definitions of nationhood embodied by the restrictive citizenship and naturalization regulations, next to very liberal, republican and universalistic principles, the latter represented most notably by the postwar constitution and its stipulation of an individual right of asylum.

The unresolved contradictions of inclusive individual and exclusive collective principles were exacerbated by postwar economic and political developments, as well as, particularly, migration movements. The influx of millions of war refugees, expellees, and East German refugees, later followed by waves of labor migrants, ethnic German resettlers, and asylum seekers contributed to making the Bonn Republic against its will a "culturally and ethnically pluralistic country of immigration" (Katzenstein, 1987:225). Between 1950 and 1994 about 5 million persons, including over 3.3 million resettlers claiming

German descent and about 1.67 million non-Germans (1.45 million naturalized persons and 211,000 granted asylum seekers) were integrated into a West German population of about 63 million (1988). Adding 7 million foreign residents, and 4.64 million East German émigrés this represents about 16.6 million or 25 percent of the population living in 1994 on the territory of West Germany.

Besides the groups mentioned, six categories of mostly temporary resident migrants have been distinguished: citizens of European Union (EU) member states (more than half a million persons living currently in Germany); invisible immigrants, *i.e.*, businesspeople, technicians, managers, professionals, academics; gap-fillers, *i.e.* seasonal, temporary, contract, or project-tied immigrants workers and trainees, particularly in service sectors and construction (estimated between 300,000 and 500,000 persons in 1994); about 100,000 transborder commuters mainly from Western European neighboring countries; until recently over half a million members and families of allied NATO forces stationed in West Germany; and until summer 1994 also Russian occupying military forces in East Germany. The number of undocumented illegals and moonlighting tourists with valid or expired visas was roughly appraised to be at least 600,000 persons in 1994 (*see* Böhning, 1991).

The presence of millions of laborers, commuters, resettlers, asylum seekers, and other types of migrants or residents dispute the dogma of not being an immigration society, as well as challenge the traditional definition of Germanness and the notion of ethnic and cultural homogeneity. In the following section, the origins, the extent, and the effects of the main postwar migrations into the Federal Republic are described in more detail.

WAR REFUGEES AND EXPELLEES: LEGACY OF WAR AND ETHNIC CLEANSING

World War II triggered the largest refugee and migration drama the world had ever seen. In central Europe and Germany itself, millions of German civilians became victims of revenge, expulsion, and foreign occupation in the last months of the war and during the postwar years until 1950. Following the Potsdam Agreements, German-speaking residents were forcibly expelled from the Sudetenland in Czechoslovakia; German provinces east of the Oder-Neisse rivers were occupied by Poland and the Soviet Union, areas which had been settled by German-speaking populations centuries ago. The first German postwar census in 1946 found that 9.7 million residents had been moved out of these disputed territories. Between 1946 and 1950, a total of 12 million *Vertriebene* (expellees) from Eastern German provinces and Eastern European settlements suffered from violent expulsion and ethnic cleansing (Heilig, Büttner and Lutz, 1990:24). About 1.6 to 2 million starved, were killed or perished during this exodus (Zayas, 1993). When West Germans were allowed to travel abroad again they left in search of better lives in North and South

America, South Africa and Australia. Over 2 million exhausted German emigrants fled war-devastated Germany between 1950 and 1960, 2.5 million emigrated abroad between 1960 and 1990.

REFUGEES FROM EAST GERMANY: THE HERITAGE OF THE COLD WAR

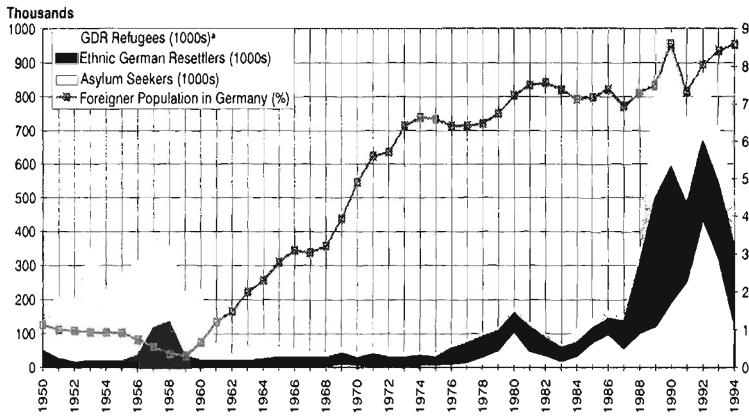
During the occupation of Germany by the four victorious allies, 1.3 million people moved from the Soviet zone of occupation into the three Western zones and the Western parts of Berlin. Since the 1950s, after the political partition of Germany, a total of about 3.8 million East Germans fled across the 'green border' from communist expropriation and oppression, while 500,000 pro-Communists moved into East Germany. Significant losses of population through migration to the West served to destabilize the East German system. Between 1950 and 1961, some 2.6 million people migrated from East to West, a considerable number considering the total East German population of 17 million (Heilig, Büttner and Lutz, 1990:24f).

The numbers of East-West migrants dropped to a trickle after the iron curtain was sealed with a concrete wall, barbed wire and mine-fields in August 1961. At the same time, however, moving across the border for 'family reunification' became legal, providing a limited number of East Germans the opportunity of legal transfers. Between 1962 and 1988, 560,000 people left, 68 percent with official papers and 32 percent as 'illegal' refugees. These numbers increased rapidly before and after the opening of the Berlin Wall and dropped slowly after unification. The most spectacular migration peak occurred in 1989, when 344,000 people, 2 percent of the East German population and 3 percent of the labor force, left for West Germany. This was a major factor in the dissolution of the communist regime in the East. It is estimated that during and in the aftermath of unification between 1989 and 1993 about 1.4 million East Germans and East Berliner's settled in the West (Figure 1). With the economic upswing in the East following unification a reverse internal migration occurred. The Federal Statistical Office estimates the number of West-East migrants between 1989 and 1993 totaling more than 350,000 persons, among them East Germans who left earlier.

ETHNIC GERMAN RESETTLERS: RETURN TO THE ROOTS AND FLESHPOTS

Another unresolved legacy of World War II and its aftermath are so-called ethnic German resettlers (*Aussiedler*). Since the relations between the Federal Republic, Eastern Europe and the Soviet Union improved through the West German *Ostpolitik* in the 1970s, ethnic Germans increasingly were allowed to leave homelands that were seized by Poland, Russia and the former Czechoslovakia (Figure 1). The largest group arrived from the former Soviet Union

FIGURE 1. Immigration to West Germany 1950–1994 (since 1990 United Germany)



Source: German Federal Office of Statistics, OECD-SOPEMI reports.

*After 1990, East-West migrants.

representing survivors of between 2 and 3 million ethnic Germans that were deported by Stalin from their century-old autonomous settlements during World War II. Together with the return of émigrés and resettlers from ethnic enclaves in Russia to Finland, Greece, Israel, and the remigration of colonial subjects to the United Kingdom, France, the Netherlands, Belgium, Portugal, Italy, and Spain, this resettlement program has been Europe's longest mass migration since the late 1940's (Böhning, 1991:448).

Ironically, the liberal-conservative Kohl government, which opposes defining Germany as an immigration country, strongly supported the immigration of ethnic Germans since the 1980s. Their admission was declared an act of patriotism and an alternative to the inclusion of ethnoculturally more distant and less easy or willing to integrate immigrants that were needed to compensate for low German birthrates and labor market shortages. The resettlement policy was legitimized by the West German postwar constitution (Basic Law, paragraph 116) and the war-related Compensation Act, which stipulate that German refugees and resettlers from the communist Eastern part of Europe and Russia with proof of personal or parental citizenship of the German Reich within the borders of 1937, or other reliable evidence of *Volkszugehörigkeit* (nationhood) cannot be refused application for naturalization.²

²The *Bundesvertriebenengesetz* (Expellee Law) from 1956 defines in Article 6 a member of the German people (*Volkszugehöriger*) as a person who professed in his or her former homeland to belong to the German people (*Volksstum*). This claim has to be certified by certain characteristics, for example, ancestry, language, education, cultural practice. Included are persons who became German citizens through collective naturalization proceedings (*Sammeleinbürgerungen*) between 1938 and 1945 and did not actively relinquish German citizenship since then.

Understandably, after the demise of the Soviet Union and the resulting increased turmoil in the East, the number of resettlers willing to emigrate to the affluent fleshpots of the 'fatherland' increased dramatically. Because of increasing costs (estimated to be US\$6 billion a year) and growing resentment against a mass influx of resettlers, the West German government started to control the resettlement program. In July 1990 a law was issued (*Aussiedler Aufnahmegesetz*) which required applications and a waiting period for a reception permit (*Aufnahmebescheid*) at German consulates or embassies in the country of origin (Pohl *et al.*, cited by Halfmann, 1993:17). Moreover, since 1992 an annual cap of 250,000 resettlers has been set to limit the influx. Additionally financial and other incentives have been implemented to make it more attractive for ethnic Germans to stay abroad.

Critics in and out of Germany (Halfmann, 1993; Lemke, 1993; Kantstroom, 1993) have suggested an end to the continuation of special preferences and privileges to ethnic German minorities from Eastern Europe and Russia since postwar communist oppression has disappeared. Yet, in the course of a search for national roots and cultural identity, particularly in Eastern Europe, the imagined or real ethnocultural bonds have not ceased to exist in the minds of the resettlers themselves and in the politics of the conservative Kohl government. The proponents of continued resettlement argue that, to compensate for its low birthrate, Germany needs to easily assimilate immigrants. Secondly, the proponents maintain that the country cannot continue to accept historical and moral responsibilities for victims of Nazi aggression on the one hand and at the same time ignore the plight of ethnic Germans who suffered as tokens of revenge against Nazi aggression during and after World War II.

LABOR MIGRANTS: WORKERS THAT BECAME NEIGHBORS

After its recovery from war damage West German industry developed a strong demand for manual labor that could not be supplied sufficiently by the domestic labor force, especially after the erection of the Berlin Wall had brought the constant flow of migrants from East Germany to the Federal Republic to a complete stop. The so-called *Gastarbeiter* rotation system was established in which foreign workers from mostly Mediterranean countries were supposed to stay for one to three years and then return to their home countries. Between 1960 and 1973 an estimated 18 to 19 million migrants worked in Germany; the high number of those who stayed permanently (estimated 4 to 5 million) illustrates that the system did not work as planned and was ultimately against the long-term interests of both the workers and their employers.

Ever since the first signs of world recession at the end of 1973, the German and other European governments imposed a virtual ban on new recruitment from outside the European Community. This led to a stabilization of the foreigner population in Germany (*see* Figure 1) but not to a decrease, as originally intended. Knowing that they might lose their work permits if they

left Germany for more than three months, many migrants decided to stay. Immigration based on family reunion, protected by the Basic Law and European Convention of Human Rights, became the largest immigration category, representing 90 percent of all immigrants after 1974 (currently about 50,000 to 100,000 annually). Additionally the number of births of foreigners' offspring continued to rise. In 1992, the annual foreigner birth number reached 100,000 (Turks 45,000). Consequently, despite the recruitment ban and an incentive scheme for voluntary departure in 1983–84, the overall foreign population increased after 1973 whereas the working population became stagnant. At the end of 1993 only 27 percent of 6.88 million foreigners (34 percent of 4.42 million former *Gastarbeiter* labor migrants) resided longer than 20 years in Germany, *i.e.*, arrived in the Federal Republic before the recruitment stop in 1973. In contrast, the number of foreigners from befriended socialist and Third World countries living in former East Germany remained comparatively small and insignificant, mainly because they were not allowed to stay and settle down with their families but had to return after a given period of time.

Currently almost 3.4 million foreigners (*Ausländer*) have lived more than ten years in united Germany and have long-term resident rights and work permits. Turkish migrants and their offspring now represent the largest immigrant group in Germany with roughly 1.97 million at the end of 1994. The next most numerous groups are ex-Yugoslavs (1.3 million), among them 249,000 Bosnians, 176,000 Croats, 16,000 Slovenians, 22,000 Macedonians, and 835,000 Serbs, Albanians, and other groups from rump-Yugoslavia. The groups following are Italians (572,000), Greeks (356,000), Spaniards (132,000), Portuguese (118,000), Moroccans (82,000), and Tunisians (27,000). These original guestworkers from Mediterranean areas make up about 4.55 million persons. An additional 2.44 million persons are from other European, American, Asian, and African countries, among them about 260,000 Poles, the largest group of nontraditional labor migrants. At the end of 1994 altogether about 7 million *Ausländer* or about 8.6 percent of united Germany's population were foreigners (10.1% in former West Germany and 1.8% in former East Germany). Foreigners in the East are mostly nationals from Romania, Bulgaria, Poland, Vietnam, Hungary, and some asylum seekers from former Yugoslavia.³

Neither the receiving German society nor the migrants were prepared for the accompanying problems of immigration or the sociocultural implications of ethnic and cultural diversity. The government nurtured for decades the perception that labor migrants were temporary guestworkers who could be sent home when jobs got scarce in Germany. Among many Germans this upheld the self-deceptive notion that the country is not and will not become an

³Data from Statistisches Bundesamt, December 31, 1994 (cited by *AID-Ausländer in Deutschland*, 1995).

immigration country (Zimmermann and Calhoun, 1991). Moreover, under the given conditions of an ambiguous and unreceptive environment, relatively few immigrants have felt encouraged to become integrated into German society.

It was not before the mid 1980s, with a new generation slowly taking over positions of power and intellectual discourse, that the political agenda changed in favor of a more realistic foreigner policy. A reform of the Alien Law was set in motion on the national level and some federal states with Left, Green, and liberal majorities considered giving voting rights to foreigners. But the strains and costs of unification in combination with a deep economic recession, inflation, rising taxes, a housing shortage, and unemployment brought tendencies towards postnationalist attitudes and more cultural pluralism to a temporary halt. The sudden increase of asylum seekers combined with increased East-West immigration led to a backlash in the public opinion although hundreds of thousands of East Germans had been welcomed enthusiastically when the wall came down.

ASYLUM: SUBSTITUTE FOR IMMIGRATION THAT BECAME A STUMBLING BLOCK

The asylum provisions in paragraph 16 of the Basic Law, which some called the most generous in the Western world, were a reaction to an excessive interpretation and practice of principles of nationhood that led to the expatriation of hundreds of thousands of citizens under the National-Socialist government after 1933. The writers of asylum law in 1949 stipulated that

- abuse of the law or fraudulent means to enter Germany (*e.g.*, deliberate destruction of documents, etc.) would be an exception;
- political refugees could be easily separated from so-called economic refugees;
- the numbers of applicants would remain small, therefore administrable; extraditions of false claimants would be enforced, thereby not creating a large number of *de facto* refugee immigrants.
- Finally, it was assumed that Germany and the German people would be able and willing at any time in the future to fulfill and heed the universalistic and liberal obligations and intentions of the asylum provision.

The practicability of these provisions, enacted in war-devastated Germany in 1949 as mainly a moral gesture to victims of Nazism (some of them involved in framing the law), was largely untested until the late 1970s and early 1980s. Also the potentially disruptive nature of Germany's asylum provisions in the context of rigid immigration policies was for a long period unrecognized. The idealistic assumptions of the German asylum law and the long and thorough legal process it required for considering asylum requests and legal objections

for individual cases (asylum quotas and other collective screening policies were not allowed) did not reflect sufficiently the postwar realities of worldwide refugee movements nor did they prevent abuse. The asylum law became for many applicants a substitute for immigration and a loophole to legally enter West Germany without a visa.

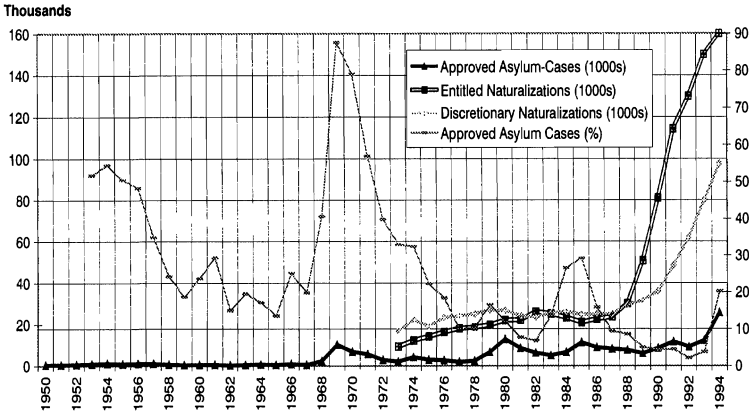
Several circumstances contributed since the late 1970s to an increase of undocumented immigration and a rise in the number in asylum seekers, particularly from poorer countries in Africa and Asia and – more recently – Eastern Europe and the Balkans. Besides acknowledged push factors such as political oppression, civil unrest and war, environmental pollution, high unemployment, and economic deprivation, particularly the easing of emigration restrictions in Eastern Europe after 1989–90 induced in some cases networks of commercial traffickers to exploit tales about the economic paradise in Germany and the desire to find an escape route into prosperity and security.

Not surprisingly the numbers of applicants for asylum skyrocketed after the fall of the Berlin Wall and the collapse of communism, when the sheltering of the Federal Republic from large East-West migration disappeared (Figure 1). When the approval ratio dropped significantly, it became clear that most applicants were *de facto* immigrants or temporary migrants seeking employment. Whereas in 1973, 57 percent of all applicants were granted refugee status, only 4 percent or about 9,000 of 438,000 asylum seekers were accepted as political refugees in 1992 as defined by the Geneva Convention and the German Asylum Law. Since then the number of asylum seekers dropped to 127,210 in 1994, and the number of approved refugees increased to about 20 percent (Figure 2).

Because the Asylum article in the 1949 constitution declared that no one arriving on German soil and claiming asylum could be turned away without a fair individual investigation, Germany allowed these people to stay. Rejected applicants could delay their extradition for two, three, or more years by legal appeals against extradition of the asylum administration. In the meantime the people had to be given a monthly allowance of a few hundred dollars, fed, schooled, housed in hostels or camps, and cared for at public expense, which until 1993 amounted to about US\$6.5 billion annually. Adding expenses for administration, health care, court trials, translation, extraditions by air or land, observers estimated costs to be about US\$22 billion annually in 1992–93.

The Kohl government tried to restrain the growing numbers of applicants and avoid a public debate about German immigration and asylum policies. Since 1982 procedures were reformed several times. Applicant benefits were regulated (now mostly foodstamps instead of cash), gainful employment was controlled, conditions for freedom of movement were set, and collective housing in local communities was reorganized. But these administrative amendments had no significant effect on waiting periods and the continuing influx, particularly because the courts and the judiciary did not comply with

FIGURE 2. Naturalizations and Approved Asylum Seekers in West Germany 1950–1994 (since 1990 United Germany)



Source: German Federal Office of Statistics, OECD-SOPEMI reports.

the policy measures. For example: extraditions of rejected asylum applicants were not enforced out of humanitarian considerations and a liberal interpretation of the Geneva Convention for *de facto* refugees; families and individuals who were undergoing medical treatment or applicants who married German citizens were not extradited; asylum seekers from third countries and with long-pending cases were spared from deportation. Moreover, court decisions were often prolonged due to the lack of cooperation of the country of origin, nonexisting documents, and backlog of court cases due to the shortage of qualified administrative personnel and translators.

In the end 60 to 70 percent of those rejected as *de jure* refugees were allowed to stay and work indefinitely as *de facto* asylum seekers; others stayed as undocumented illegals. For example, only 3,060 of 115,000 rejected asylum seekers cases were extradited in 1990. Two years later some 500,000 asylum seekers were thought to be in the *de facto* category, another 580,000 cases were *bona fide* asylum seekers pending or waiting for an appeal, about 40,000 were quota refugees, *i.e.*, mostly 'Boat People' from Indochina, 110,000 were accepted asylum seekers and 30,000 were categorized as stateless persons. Altogether about 1.26 million asylum seekers or 1.6 percent of the Germany population lived at that time in Germany. Additionally, more than 300,000 civil war refugees from former Yugoslavia who waived their rights for asylum were given temporary residence, work permits, and welfare support since the outbreak of the Yugoslav war of secession (Bielmeier and Stein, 1994).

The seemingly uncontrolled influx of asylum seekers, the supposedly lax handling of asylum administration and deportation, and postunification economic and social strains exacerbated latent feelings of xenophobia and

ethnocentrism (Küchler, 1994). In addition, media reports exaggerated and some politicians manipulated the issue of asylum, immigration, and right-wing violence. Sensational stories and rumors about taxpayers' costs, about abuse of the asylum law, and the fact that a small percentage of applicants became involved in drug trafficking, welfare fraud, petty crime, false marriages with Germans, or illegal labor, all incited existing distrust and fear of foreigners and asylum seekers, their assumed 'free rider' mentality and 'exploitation' of the generous German welfare system and its entitlements, normally reserved for life-time tax and premium payers and persons with citizenship (Tränhardt, 1993).

Right-wing groups and extremist parties like the 'Republican Party' articulated such fears and resentment after unification more successfully than in the years before. They propagated, for example, a drastic reduction of asylum seekers, foreigners and ethnic German resettlers as well, implying they were defending economic interests, cultural rights, national sovereignty, and self-determination of the native population. The right-wing agitated with *völkisch*, xenophobic, ethnocentric or racial slogans such as *Heimatverlust* (loss of home), *Balkanization* (fear of imported ethnic conflicts), *Überfremdung* (foreignization), and *Überflutung* (flooding). It was not before an increase of violent and heinous right-wing arson attacks in 1991–92, under the impression of a serious public polarization that questioned the stability of the political culture of the Federal Republic, and strong domestic and foreign protests threatening the image abroad, that the political establishment started to react more boldly. Political leaders began to talk of changing the Basic Law.

But the government response seemed to indicate that the law and the asylum seekers needed to be overhauled and not the resentment of the public towards aliens or the contradictory immigration policy and definition of nationhood. Political signals given to the public were weak and ambiguous, with some politicians instrumentalizing or overexposing growing ethnic tensions for shortsighted political gain. Instead of creating awareness about the issues at hand, the government focused continuously on the abuse of the law and concentrated on technical solutions and promises (Hoskin, 1991:7). By talking about an asylum crisis pointing, for example, at the lengthy and costly judicial appeal process through civil courts and the costs for administering, housing and feeding, the Christian-Liberal coalition was not sufficiently able to curb public resentment.

After a long and frustrating domestic political battle, the ruling Conservative-Liberal coalition and the opposing Social-Democrats finally found a compromise in winter 1992 and spring 1993 keeping the individual right of asylum and defining refugees on the basis of the Geneva Refugee Convention. An addendum to the asylum article in the Basic Law confirmed the continuous protection against political oppression but stipulated that applicants from nonoppressive (particularly neighboring) purported safe countries could be

turned back at the border unless they presented clear evidence of political, racial, or religious persecution. Enacted in July 1993, these regulations targeted primarily non-European Union countries in the south and east. This was not surprising since the Schengen Treaty of 1985 already provided measures to turn back rejected asylum seekers from EU countries. To enforce border controls, and the processing of rejected asylum seekers, bilateral and repatriation agreements between Germany and Austria, Poland, Romania (September 1992),⁴ Bulgaria (September 1994), and the Czech Republic (October 1994) followed in exchange for financial and economic assistance, a liberalization of the bilateral border regime, support for EU and NATO admittance, and most importantly, labor market access for transborder commuters, project-tied temporary workers, subcontractors, trainees, and seasonal workers from Eastern Europe.

Against criticism Germany's European neighbors supported the amendments because they feared that Germany would become a loophole for entry of illegals and economic refugees into the EU (Callovi, 1992). They feared that a continuation of Germany's asylum practices would have a destabilizing effect not only on the domestic situation in Germany but also on the consolidation of the European Union and its member states.

After the reform of the asylum law and a crackdown on hate groups, the number of violent right-wing anti-foreigner and anti-asylum-seeker incidents dropped between 1993 and 1994 30 percent to about 1,500 registered acts. Correspondingly (but not causal), the number of asylum applications fell from July to December 1993 to half of the numbers of 1992. The total number of asylum seekers went down from 438,000 in 1992 to 127,000 in 1994 and 58,700 during the first six months of 1995 (Figure 1). Although after 1992-93 the public debate and political actions marked a turn, leading to a clear distancing of the overwhelming majority of Germans from xenophobia, ethnocentrism, and racist prejudice, as demonstrated by poll results, surveys, and election results (Küchler, 1994; Thränhardt, 1993:352), the central question of what constitutes national identity has not been sufficiently answered. The contradiction of a *völkisch* definition of the nation versus a liberal asylum law based on universalist assumptions and human rights, as well as the fiction that in spite of immigration Germany can keep its 'homogenous' fabric, is not yet resolved and will surface again. Postunification developments demonstrate that a policy of procrastination has a polarizing effect for the German political culture and may deepen a schism in the traditional party system along a "New" and "Old Politics" axis (Kurthen and Minkenberg, 1995).

What makes the German discourse different from that in neighboring European or Western countries are its specific cultural traditions, historical

⁴Under the agreement, Romania took back all its apprehended citizens who lived illegally in Germany (about 60,000 gypsies and 40,000 Romanian citizens). Germany offered US\$20 million to pay for their transport and job-training programs in their homelands (*Migration World*, 1992:3).

experience with, lack of official acceptance of immigration, and its ethnocultural implications. The persisting assumption of ethnocultural homogeneity is particularly reflected in Germany's citizenship law and naturalization procedures. The following section examines the notion of a *völkisch* identity of ethnos and demos that underlie the German citizenship and naturalization regulations, in contrast to the liberal, humanistic, and individualistic principles of the asylum law, the constitution, and civil rights.

CITIZENSHIP AND NATURALIZATION: PROTECTING AN EXCLUSIVE ETHNOS?

The main contents of the present version of the German citizenship law can be traced back to the nineteenth century notion of an identity of territory, state (demos), and nation (ethnos, *Volk*), the latter ideal-typically defined as ethnocultural homogenous based on a common language, history, ancestry, moral principles, social values, and other commonalities. The importance of this idea is reflected in the struggle for national self-determination in the nineteenth and twentieth centuries and can still be found in almost every nation (Bovekerk, Miles and Verbunt, 1990:486; Miles and Rätzzel, 1993; Bös, 1993; Tränhardt, 1993). This concept goes back to philosophical origins of German Idealism and Romanticism, for example, Herder's romantic ideal that each nation has a distinctive identity based on a common language, history, ancestry, customs and culture, and therefore has natural rights to political self-determination (Fijalkowski, 1991:68f).

In contrast to the political concept of nation building – states born out of a political revolution or founded on immigration – the cultural nation-building concept assumes that primarily ethnocultural and ancestral ties should constitute the basis of a political civitas. Consequently, the granting of citizenship is related to the parental, ancestral principle or *ius sanguinis* in contrast to the reference to territory or political principles (*ius solis*). However, these concepts never existed in a pure form in reality. A third principle, the *ius domicilii*, i.e., the naturalization under certain conditions after a given period of residence, has been established in modern states.

It was not before 1842, in the aftermath of the national awakening that had occurred in German territories in the wake of the Napoleonic Wars, that Prussia switched from the feudal and much older principle of place of birth and residence to the ancestral principle. The German empire upheld the priority of ancestral principle and refined it in the *Reichs- und Staatsangehörigkeitsgesetz* of 1913, which is still valid with some modifications today (Funk, 1995). Although the National-Socialists perverted and racialized the *ius sanguinis* by enacting the Nuremberg Laws in 1935, the liberal founders of the German postwar constitution in 1948–49 did not abolish the ancestral citizenship principle in favor of the *ius soli*. The following considerations and political circumstances influenced their decision (Bös, 1993:626, 638):

- the referral to common ethnocultural bonds promised to guarantee national stability, identity, and continuity in times when Germany was still recovering from the devastating effects of World War II;
- the postwar policy of the allied victors themselves stipulated a collective and ethnic definition of Germanness. Germans were to be isolated and contained in the four occupation zones until 1949;
- not much thought was given to possible immigration of non-Germans into a defeated and war-devastated country that was more likely to be a source of immigration of German refugees from the East and of emigration abroad for a long time to come;
- the West German government tried to avoid under any circumstance an official recognition of the involuntary Cold War division of Germany. Therefore, East German citizenship claims were resisted. East Germans fleeing Stalinist oppression were automatically granted citizenship;
- additionally, West Germany wanted to be a safe haven for Germans suffering from either the postwar violent expulsion or ethnic cleansing and oppression, *i.e.*, first expellees, and those who were officially classified ethnic Germans by the Soviet and East European regimes, and later resettlers from these countries;
- finally, in contrast to prior policies under Bismarck and Hitler, the Federal Republic had no intention to Germanize as many non-Germans as possible via immigration or the *ius soli*. For example, automatic naturalization of persons born on German territory, such as the offspring of displaced persons waiting desperately to leave Germany once and for all, was avoided.

Accordingly, foreigners living in Germany were considered subjects of another state or nation. Only, if they had proven their willingness to assimilate to life, language, and culture of the German demos, could they apply for naturalization. In other words, the Federal Republic based its citizenship regulations on two principles: *ius sanguinis* and *ius domicilii*. Children with at least one parent holding German citizenship regardless of race, ethnicity, gender, and other ascriptive criteria were defined as Germans, *i.e.*, having a right to receive the same citizenship as their parents. Families from pre-World War II Eastern German provinces, or persons considered ethnic Germans in their East European homelands were granted German citizenship on application based on the war-related Compensation Act and paragraph 116, Basic Law (*see above*). Citizenship also could be acquired through adoption by parents with German citizenship or through naturalization, *i.e.*, according to *ius domicilii*.

Subsequently rights of temporary residents and labor migrants (euphemistically called guestworkers) were regulated by the Alien Law, which offered integration without naturalization. Because by definition *Ausländer* were seen as transient, their naturalization was considered as an exception. The Alien Law

and related regulations, reformed in 1990, determine the details of work and residence permits for workers and their family members, deportation reasons, family reunification, political participation, etc. It grants resident aliens formal legal equality as well as material access to the system of social security (health, unemployment, retirement). However, foreigners are not considered equal with regard to full political participation, voting rights, military service, and employment in tenured civil service jobs (Kissrow, 1992).

Later amendments were made to the Alien Law following supranational agreements or bilateral treaties. EU citizens, for example, are now not under the jurisdiction of Alien Law but EU law. Different work, residence and political participation regulations exist depending on length of residence, citizenship, family and occupational status (Dohse, 1981; Lenhardt, 1990). EU members need neither work nor residence permits. Voting rights of EU nationals in Germany are guaranteed by EU treaties. However, the attempt of two federal states to grant non-EU foreigners voting rights for state elections failed in 1989 because of legal objections of the German Supreme Constitutional Court and a lack of political will of the legislature. Yet, some municipalities have – as practiced in Sweden and the Netherlands – granted voting rights in local elections from 1994 on. According to a decision in 1995, EU residents have full local voting rights. The state of Saarland decided in summer 1995 also to allow foreigners the right to the ballot. Three of the most populous states, Berlin, Baden-Württemberg and North-Rhine Westphalia, have announced plans to follow this example, and it seems only a matter of time before this issue is resolved nationwide.

Unlimited residence permits are granted to non-EU citizens after five years if they have housing and are able to understand and speak German. Children under sixteen years of age do not need a residence permit. Also, citizens of states associated with the EU, for example Turkey, have been granted exceptions. Turks receive a limited work permit after four years residence, whereas other applicants have to wait eight years. Resident aliens married to German spouses need only a waiting period of five years for naturalization or only three years when the family members come from countries or areas in which the German language is spoken, *e.g.*, Romania, Italy, Switzerland, Austria, Belgium, Denmark, etc. Children not born in Germany adopted by parents with German citizenship are immediately naturalized.

Nevertheless, as a consequence of the doctrine of not being an immigration country, Germany has had a comparatively low level of naturalization. The German law distinguishes between entitled naturalizations, mostly used for spouses of German citizens, adoptions, etc., and discretionary naturalizations, which applies to regular naturalization of immigrants (Figure 2). In the latter case, the naturalization administration has greater latitude to reject applicants. Between 1973 and 1994, 30 percent of a total of 1.4 million naturalizations were discretionary and two-thirds entitled. Currently the annual naturalization

ratio is about three percent of the 7 million resident aliens living in Germany. This is in comparison with 6 percent in the United States and 8 percent in the Netherlands for 1994–95 and 1989 naturalization ratios of the resident alien population in Australia (8%), Sweden (4%), Canada (4%), United Kingdom (2.5%), and France (1.3%). The percentage of discretionary, *i.e.*, nonfamily reunification-related naturalizations is rapidly increasing in Germany after unification. For example, 88 percent or 8,100 of about 9,200 naturalizations in Berlin were of that nature in 1992. Considering a Berlin resident-alien population of 346,000 persons, the discretionary naturalization ratio was 2.3 percent.

Naturalization itself requires a voluntary and permanent desire to remain in Germany, basic knowledge of the polity, and a pledge to the democratic foundations of the Federal Republic. This implies also active command of the German language, a minimum of ten years residency in Germany (but see exceptions above), a secure job, legal competence, and no criminal record (Naturalization Regulations, Dec. 17, 1977, amended Jan. 20, 1987). German officials defend their policy with the argument that naturalizations should occur at the end of a successful integration process. Germany, it is argued, is not encouraging or assuming that foreigners and their offspring want in their majority citizenship. However, this is disputed by critics since the resettlement program reflects *de facto* an attempt to re-Germanize ethnic Germans that preserved in many cases only remote lingual bonds with Germany. Finally, as the argument of government officials continues (Kanström, 1993:13), any measure to encourage naturalization would be very unpopular with Germans and migrants themselves. This refers to polls that indicate that fewer than ten percent of all foreigners are interested in applying for German citizenship (Hoskin, 1991:37).

It may be true that not everybody living and working in Germany has a desire to become a German citizen. In fact, many older migrants seem to be reluctant to apply for German citizenship because of continuing identification with their home lands, cultures, languages, and religions; their preservation or development of a sense of national pride; and because of practical bonds and pressures from sending countries. However, this disinterest may also be a reaction to the rejection experienced by foreigners in Germany. There is little of an American style 'melting pot' or even 'salad bowl' atmosphere in Germany (Ardagh, 1991), even though more diversity and cultural pluralism are visible.⁵

The question of naturalization looks different for the so-called second and third generation of labor migrants, born or educated in Germany. In their majority, they lean towards assimilation into German society. Foreigners under age eighteen who were born in Germany or who became integrated over many years do not have a right to naturalization. On the other hand, a twenty-year-

⁵According to the Federal Statistical Office in 1991, 10% of all marriages were between Germans and foreigners but only 1% between Germans and (mostly Muslim) Turks.

old ethnic German from Kazakhstan, who speaks no or only broken German and who has never visited Germany receives preferential treatment in comparison to the offspring of a Turkish labor migrant born in Germany. Each year about 100,000 newborn foreigners are relegated to a future identity dilemma. (See Steger and Wagner, 1993:59.) In other words, the rigid interpretation of citizenship and naturalization contradicts the fact of immigration and the interests of a significant segment of the foreigner population to become citizens or to acquire dual citizenship status.

After several years of deliberations, the German lawmakers changed the naturalization regulations. A reformed Alien Law was passed July 7, 1990, and enacted in January 1991. The *Gesetz über die Einreise und den Aufenthalt von Ausländern im Bundesgebiet* regulates that the offspring of labor migrants in Germany can become naturalized if they are between the age of 16 and 23, have resided for at least eight years in Germany, have been educated in Germany for six years, and are willing to give up their former citizenship – although exceptions exist as to multiple citizenship. The naturalization fee is US\$60 (formerly about US\$3,000). Neither ethnic assimilation nor proof of German language knowledge or identification with German culture are any longer necessary prerequisites for becoming naturalized. Additional requirements exist for foreigners over the age of 23, *i.e.*, fifteen years residence and proof of guaranteed subsistence in Germany. Applications must be made prior to end of 1995, otherwise the regular naturalization conditions apply as mentioned above (*Deutsches Ausländerrecht*, 1991:10f).

The 1990 regulations and the recent debates about reforms are a sign that the German government is trying to close the gap between *de facto* immigration and the restrictive definition of naturalization for *Ausländer*. The new measures indicate a liberalization towards an opening of the principle of *ius domicilii*; the reform also incorporates an element of *ius soli* giving those born on German territory a privileged access to citizenship. In 1995, the debate about an immigration law, an extension of the 1995 deadline, and a reform of naturalization regulations sped up. For example, conservatives, until recently blocking sweeping reforms, are now advocating the general naturalization of all newborn children of foreigners in Germany and supporting a reduction of discretionary powers of the naturalization administration (*see Migration News*, 1995).

Moreover, the increasing number of persons with dual or multiple citizenship (mostly granted to ethnic Germans in Poland and immigrants from Turkey and former Yugoslavia) indicates a willingness to give up the state monopoly on the definition of citizenship and to share national sovereignty rights.⁶ Further suggestions propose an extension of *ius soli* rights (Däubler-Gmelin,

⁶In 1991 over 6,000 applicants in 27,295 discretionary naturalization cases were granted dual or multiple citizenship. About 60% of those with dual or multiple citizenship were of Turkish origin, 20% each were from Poland and former Yugoslavia. Of those persons granted single citizenship, 40% were from former Yugoslavia and Poland, and about 20% from former Czechoslovakia and Turkey. *Der Spiegel*, 24/1993:26f.

1994) and granting foreigners after a certain time of residence the option to choose between an active and a resting citizenship (Halfmann, 1993:18).

Yet, the continuing coexistence of inclusive and exclusive definitions of nationhood in law, rhetoric, and political practice still nurtures public confusion and political polarization surrounding the issues of citizenship, immigration, and asylum in the aftermath of unification. The *völkisch* notion of *ius sanguinis*, the official dogma of a homogenous ethnocultural *Volk* based on the identity of demos and ethnos, and, finally, the presumption that Germany is a nonimmigration country remain official dogma. Resettlers are counted not as immigrants but nationals returning to their ethnos, whereas labor migrants and asylum seekers, among them large numbers of de facto immigrants, are perceived de jure as temporary aliens. The only officially acknowledged immigrants in this design are naturalized persons, second and third generation descendants of labor migrants or resident aliens, and recognized refugees.

Such persisting contradictions date back to the German history of nation-building. Only recently the established parties and the legal system has adopted reforms that reflect current realities. But continuing formal and rhetorical advocacy of narrow national principles prevents the development of a discourse that is able to seriously assess, accept, and relish the new facts of immigration and the unavoidable consequences of increasing ethnic diversity and cultural pluralism. Even opponents of continuous immigration recognize that immigration is closely linked with beneficial trade relations, investments, savings, contributions to welfare, prosperity, and a high standard of living. With their labor, migrants perform essential jobs that natives do not want; and the migrants are engaged in trades and niches that enrich economy and society. In other words, the migrants are essential for Germany's wealth and well-being. Reversing these facts would have very harmful consequences for the Germans themselves and their neighbors (Loeffelholz, 1994).

It is not realistic to expect the idea of nationhood to disappear in a distant future because it seems to correspond with people's need for belonging, security, group formation, and collective identity. But the meaning of nationhood and belonging has to be modernized – for example by stressing constitutional and universalistic principles versus ethnic and national patriotism (Habermas, 1979), and by blending collective national identities with local, regional, supranational, and global elements of identification and feelings of responsibility (Schmid, 1993:183).

Political and legal action on the one hand and participatory and discursive politics on the other hand may have to be employed to define a controlled departure from the traditional ideas of the ethnocultural homogenous – and for that matter – sovereign nation-state. Opening the society for controlled immigration also has to take into account international law, domestic interests, integration capacities, and humanitarian concerns (Mehrländer and Schultze, 1994). Removing narrow definitions of nationhood could make it easier for

Germany to reap the economic, cultural, and demographic benefits of immigration instead of wasting its energies and intellectual resources in a struggle for an ethnocultural national homogeneity or purity that never existed and never will exist.

CONCLUSION: GERMANY AT THE CROSSROADS

The territories in Central Europe that in the nineteenth century became the German nation have been since the earliest historical records targets of extensive immigration and outmigration. In the age of nationalism, when Germany underwent extreme phases in defining nationhood, this history of migration, cultural and ethnic diversity was suppressed. The German experience with nation-state building led them to believe that it was necessary to draw exclusive boundaries to preserve unity against external threats and internal centripetal regional, religious, and social forces. The century-old history of migration in central Europe and the experience with cultural, ethnic, and religious diversity was forgotten or ignored for the higher good of homogenization for purposes of national advancement. *Völkisch* nationalism served to create segregation, cohesion, and solidarity (Bös, 1993:639). Exclusive and inclusive citizenship and naturalization regulations were used to mold a collective and overarching sense of national belonging.

The contradictory nature of the current regulations regarding citizenship, immigration, and asylum date back to this time. Huge migrations that occurred – against original intentions – in the aftermath of World War II and after German unification in 1990 have exacerbated the underlying tensions of universal versus *völkisch* and national principles in German law, culture, and society. It is estimated that – excluding immediate postwar population shifts – between 1950 and 1994 almost 17 million people, or a quarter of the population currently living in the former Federal Republic of West Germany, took continuous residence in that territory. In recent years, Germany has become the largest per capita immigration country among OECD countries and is at the top of global immigration and refugee statistics. During unification and in the early 1990s Germany has received annually more immigrants and refugees than the traditional immigration countries of Australia, Canada, and the United States combined.

To cope with the domestic and global challenges of migration, the German government and the people must undertake reforms redefining rules of citizenship and immigration within a larger European and global framework. The object is to regain a new stability and postnational identity that mirrors the realities of transnational migration and refugee flows, the development of new rights and supranational memberships (Soysal, 1994), and the adherence to the republican and universalistic principles of the German postwar constitution, democratic institutions, and liberal political culture. It is more likely that domestic and neighborly peace and the postwar democratic traditions and

liberal outlook of united Germany will be preserved in the long run by adapting its laws, politics, and attitudes to the realities of diversity, pluralism and shared national sovereignty. The emotionally charged issue of immigration and diversity may well constitute one of the most difficult tasks which united Germany will face for some time to come (Hoskin, 1991:146f).

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