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edited by

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TRANSFORMATIONS OF
THE NEW GERMANY

EDITED BY

RUTH A. STARKMAN

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CHAPTER NINE
GERMANY'S COMING OUT:
CITIZENSHIP AND IMMIGRATION
REFORM SINCE UNIFICATION

Hermann Kurthen

Nations are defined as populations endowed by specific citizenship rights within a bounded territory under the control of a political regime. The degree of existing rules of inclusion and exclusion, the shared collective self-definitions, and popular practices determine the easiness of how boundaries can be crossed by insiders and outsiders.

Most populations and countries that originate from historic roots grounded in ethnic, religious, linguistic, or other cultural particularities assert their national identity and right to self-determination and sovereignty by claiming a territorial, legal, and political identity between ethno-cultural "nation" and "state" (Staatsvolk). Naturally, such countries made the incorporation of minorities and of immigrants more difficult than more recent settler or immigrant nations (such as the U.S.), which derive their unity, identity, and laws primarily from shared civic principles and universalistic liberties; or states like France, which superimposed a secular political culture won in a revolution against older feudal-aristocratic orders on top of an ethnic nation.

Germany belongs to the group of nonsettler and nonrevolutionary countries that arose out of territorial feudal regimes that pre-date its modern existence as a nation. Germany's particular historical fragmentation during centuries of the Holy Roman Empire, the specifics of her comparatively belated national unification, and attempts to legitimate her late nineteenth century rulers' imperial claim as a rising world power encouraged a more stringent "voelkisch" ethnocultural nation-building project.

Then, in the twentieth century, for many reasons, Germany as a large, powerful, and envied country in the center of Europe, experienced

extraordinary historical ruptures and regime changes. It started with Germany's defeat in World War I, continued with the political and economic failure of the liberal democratic experiment of the Weimar Republic (1919–1933), the extremely racist period of the Third Reich (1933–1945), and ended with the country's almost total destruction in World War II, followed by foreign occupation, dismemberment, and division into hostile camps during the Cold War.

In 1948/1949, the newly created semi-sovereign West German Federal Republic maintained references to its ethno-cultural origins (ironically reinforced by the imposed stigmatization of all things German by the victims of National Socialism and the victors alike) AND created a democratic polity based on universal principles and a liberal constitution (Basic Law).

The decision to retain elements of "ius sanguinis," or more specific, parentage-based citizenship law (1913) of the Imperial period for persons born in prewar and postwar Germany and expellees/refugees/resettlers from the East was supported for various reasons: the need to integrate post-World War II ethnic German expellees mostly from Eastern Europe and the Soviet Union; the rising number of refugees from Stalinist East Germany; and the wish to re-naturalize forcefully expatriated Nazi victims. On the other hand, the wish to compensate for the digressions of the Nazi regime motivated the conception of one of the most generous and liberal asylum laws in the world and a constitution that enshrined elementary principles of the U.S. bill of rights. Moreover, to avoid the impression of forced ethno-cultural assimilation, naturalization required a voluntary and permanent desire to remain in Germany, basic knowledge of the polity and a pledge to the newly democratic foundations of the Federal Republic. It also demanded active command of the German language, fifteen years residency in Germany, a secure job, legal competence and no criminal record. But it did in no way prescribe an applicants, genealogical, ethnic, national, racial, religious, or other ascriptive characteristics or origins.

Then, at the turn of the twenty-first century after fifty years of a slow evolutionary process, Germany's ethno-national foundations gave way to a more civic and inclusive self-definition of the German nation guided by universalistic principles of an open and pluralist society. This shift was advanced by the dynamics of the postwar decades, in particular, prudent leadership, reeducation of the population, a broadened democratic political culture, and economic growth. But the shift also was forced by the long-term and unintended consequences of guestworker immigration, of raising global refugee flows, of the logic of European integration, and of the worldwide groundswell of post-national and universalistic human and citizenship rights. Finally, German unification and decisive political events in the 1990s helped to advance the decoupling of nation and state and led to

reforms of immigration and naturalization policies. With it a new valuation of diversity and multiculturalism is developing also unearthing Germany's previously suppressed history and experience of religious, ethnic, and cultural pluralism in central Europe as a result of manifold inward and outward migration movements and mixing of populations since the beginning of history (Kurthen, 1997).

Germany's Postwar Immigration Experience

Over the past fifty years Germany has experienced several phases of large migrations, among them the movement of over twenty million ethnic Germans and the immigration of about 8 million foreigners (Bade and Muenz, 2000, Motte et al., 1999).

The World War II and Cold War movement of Germans meant

- the successful integrating of an estimated 12.5 million persecuted and expelled ethnic Germans (Vertriebene) from lost pre-World War II Eastern German territories and from Eastern European German enclaves between 1945 and 1949. About 8 million settled in the territory that became the Federal Republic of (West) Germany and West Berlin in 1948.
- providing safe haven for an estimated 4 million refugees from the communist East German Democratic Republic (GDR), most of which arrived between 1949 and the building of the Berlin Wall in August 1961.
- aiding 4.1 million ethnic German resettlers (Aussiedler) from Eastern Europe and the former Soviet Union to become (West) German citizens between 1950 and 2000. Half of all resettlers arrived after German unification until their overwhelming influx was limited in the mid-1990s (see table 9.1).

Upon arrival in West Germany, expellees, GDR refugees, and resettlers all had a constitutional claim to German citizenship plus access to social benefits, ranging from language and job training to subsidized housing, pensions, and health care.

Non-German immigrants ("Ausländer" or foreigners) also were made up of distinct groups arriving at different periods.

The first group is comprised of the original "guestworkers" from southern Europe. Italians arrived first in the mid-1950s to satisfy the growing demand for labor, followed by Spaniards, Greeks, Portuguese, Yugoslavs, and Turks. After the worker rotation and recruitment stopped in 1973, West Germany's family reunification laws allowed for large and continuous

Table 9.1 Selected characteristics about immigrants and immigration in Germany 1990–2000

	1990 ^a	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Immigrant population in Germany in 1,000	5,343	5,882	6,496	6,878	6,991	7,174	7,314	7,366	7,320	7,344	7,297
Immigrant as % of total population	8.4	7.3	8	8.5	8.6	8.8	8.9	9	8.9	8.9	8.9
"Guestworker" immigrants in 1,000	3,452	3,680	3,989	4,154	4,158	4,333	4,370	4,414	4,425	4,527	4,277
Turkish immigrants in 1,000	1,695	1,780	1,855	1,918	1,966	2,014	2,049	2,107	2,110	2,054	1,999
Net immigration of Turks in 1,000	+49	+46	+40	+22	+18	+30	+30	+10	+3	+6	N/A
Unemployment ratios of foreigners (Germans)	10.1 (6.6)	10.6 (6.0)	12.3 (6.5)	15.3 (8.3)	15.5 (8.8)	16.2 (9.0)	18.6 (10.0)	19.7 (10.7)	18.3 (9.8)	19.7 (11.2)	18.0 (10.0)
Persons employed in foreigner owned businesses in 1,000	N/A	169	N/A	213	246	239	251	248	250	263	258
Discretionary naturalizations of foreign born in 1,000	20	27	37	45	62	72	86	83	107	143	187
Criminal acts w. anti-foreigner background	389	2426	6336	6721	3491	2468	2232	2953	2644	2283	3594
Net influx of family/labor migrants in 1,000	+376	+423	+593	+277	+153	+225	+149	-22	-33	+118	+86
Immigrant children born in Germany in 1,000	86	90	101	103	101	100	106	107	100	95	95 ^b
Immigration of German resettlers in 1,000	397	222	231	219	223	218	178	134	103	105	96
Immigration of asylum seekers in 1,000	193	256	438	323	127	128	116	104	99	95	79
Refugees with temporary protected status from former Yugoslavia in 1,000	0	0	0	97	287	350	345	243	92	76	40
Jews from the former Soviet Union admitted for humanitarian reasons in 1,000	3	6	8	9	9	15	16	19	18	18	17
Non-EU seasonal labor migrants in 1,000	100 ^b	129	212	181	138	177	198	206	208	119	100 ^b
Non-EU temporary contract labor migrants in 1,000	27	74	95	70	41	49	46	38	33	30 ^b	30 ^b
Sum of annual net immigration, births, resettlers, asylum-seekers, Kontingenz/temporary refugees, seasonal/contract laborers	806	777	1085	1002	926	1037	1005	829	620	538	457

Notes

^a 1990 data for West Germany, 1991–2000 data for united Germany^b author's estimates.

Source: Bundesanstalt für Statistik; Bericht der Beauftragten der Bundesregierung für Ausländerfragen über die Lage der Ausländer in der Bundesrepublik Deutschland. Berlin und Bonn 1999ff; Harald W. Lederer. 1997. Migration und Integration in Zahlen. Bamberg: Europäisches Forum für Migrationsstudien (efms).

family migration and the long-term settlement of former guestworker migrants and their families (see table 9.1). Attempts to promote the return of guestworkers in the mid-1980s failed. Overall an estimated 26 million foreigners moved into West Germany and about 19 million foreigners left the country in the last 45 years.

The second group was asylum-seekers and refugees. Originally their numbers were small but applications skyrocketed particularly between 1988 and 1993 and created a huge backlog of unresolved cases and those permitted to stay on welfare. Because these unexpected developments and a parallel huge influx of resettlers and other migrants (see table 9.1) immediately after the costly unification created resentment and hostility in the early 1990s, all political parties agreed to an overhaul of the asylum law in 1993. After that, asylum numbers declined significantly. Since 1950 about 260,000 asylum requests were positively decided, and of those 120,000 between the years 1990 and 2000. In the 1990s some new categories were created, such as persons admitted out of humanitarian considerations (Jews from the former Soviet Union) and persons receiving a temporary protected status (mostly civil war refugees from former Yugoslavia).

The third group results from the expansion of the European Union and the subsumption of national sovereignty rights under European law. This meant that citizens from EU member states, including former guestworkers from Italy, Spain, and Portugal, became denizens of Germany, with privileged residency, employment, trade, and voting rights at local and European Parliament level elections. Similar rights were granted to citizens of other non-EU countries of the European Economic Area and to Switzerland. Turkish citizens also had an easier entry to the German labor market and permanent resident status because of a 1963 Association Agreement between the EU and Turkey. Currently about 25 percent of all foreigners in Germany are EU citizens and have almost the same rights as native-born German citizens.

A fourth group arrived after the painful lesson of the early post-unification years, when the old asylum law had become a loophole for "economically driven" immigration. In the early 1990s, the conservative Kohl government devised four new foreign workers programs to recruit laborers, primarily from Poland and the Czech Republic. These programs were as follows: temporary contract or project-tied workers for up to three years; seasonal workers for agriculture, construction, and service jobs for up to three months; cross-border commuters in jobs for which no local workers were available for up to two nights weekly; and training programs for up to eighteen months (see table 9.1). All four programs were considered beneficial because they addressed micro labor shortages and provided needed income/remittances and skill training to neighboring Eastern European

countries. At the same time they avoided costly long-term integration measures.

The final, more heterogeneous group, consists of temporary migrants, such as students, trainees, managers, and employees of transnational companies, au-pairs, and persons working in entertainment or service industries.

Currently the country hosts 5.6 million legal first generation immigrants with foreign citizenship (about 9 percent of the total population) plus an unknown number of undocumented persons (see table 9.1). If one adds asylum seekers, naturalized foreign born immigrants, and ethnic German expellees/resettlers (but excluding German refugees from the former communist GDR), the total number of foreign-born first generation immigrants living in united Germany in the year 2000 adds up to more than 12 million or 15 percent of the population, clearly refuting the notion that Germany is NOT an immigration society. The reality of immigration becomes even more visible when one considers persons with foreign citizenship who were born and educated in Germany. In 2000 about 1.66 million (750,000) or 23 percent (37 percent) of 7.4 million (2 million) registered immigrants with foreign citizenship (immigrants with Turkish citizenship) were born in Germany and would be considered the second or even third generation of immigrants if they had received citizenship upon birth ("ius soli"). Among foreigners under age 18, estimated at 1.64 million persons, two out of three were born in Germany.

Germany at the Crossroads in the 1990s

To domestic and foreign observers, the first years after unification did not bode well for immigrants. Many commentators evoked the ghosts of the past to predict a return to ugly nationalism, ethnocentrism, and xenophobia. The economic downturn in the early 1990s in combination with the raising costs of integrating East Germany and a continuous influx of resettlers, civil war refugees and asylum seekers mostly from the Balkans, Turkey/Kurdistan, Iraq, Iran, Afghanistan, Vietnam, Sri Lanka, and other areas helped to stoke a wave of resentment. Particularly in economically deprived smaller communities in East Germany confronted with the sudden relocation of asylum seekers, violent clashes, arson, and murder were the order of the day (Kurthen, Bergmann and Erb, 1997). Initial clumsy, populist and ambiguous reactions of the Kohl government, media sensationalism inside and outside of Germany, bureaucratic inertia, and legal tinkering did not help to break the fire early on.

Only after strong domestic public protests and pressure from world opinion did the conservative government take measures to curb the violence

more effectively. Extremist groups and propaganda was prohibited and severely punished, a discussion was set in motion to streamline the asylum law, and asylum requests were processed more effectively. But the conservatives were still hesitant to begin a serious political debate about needed changes in the citizenship law, immigration policies, and public attitudes.

The controversial four-party compromise on asylum in 1993, which required a change of the German constitution, revoked unconditional access to formal asylum by turning aliens back at the borders and airports or by returning them to previous "safe" third transit states. In addition, a list of states "free of persecution" was drawn up. Requests for asylum were not accepted from applicants of these states unless additional proof was given. The reform also brought Germany's policy more in line with the less generous policies of its European neighbors, and with the EU and International Law (Meier-Braun, 2001).

But the immediate effects of the new asylum policy in curbing the influx of refugees and asylum seekers to pre-unification levels were somewhat blurred by the conflict in the Balkans, which not only led to the exodus of up to 350,000 Bosnians seeking temporary refugee status in Germany, but also prompted legal migrants already residing in the country to bring their family members to Germany. Therefore the net numbers of persons moving into Germany did not significantly abate until 1997 (see table 9.1).

Because the influx of ethnic resettlers and their entitled family members (since 1993 called "Spät-Aussiedler" or late resettlers) also skyrocketed in the early 1990s, the German government also streamlined admission criteria, set quotas (1993), and required a language test abroad before resettler applicants would receive entry permits (1996). These measures reduced the numbers of admitted resettlers to about 100,000 at the end of the decade (see table 9.1).

Looking back ten years later, the xenophobic wave and heinous acts of violence and arson in the early 1990s not only darkened the bright image of the peaceful reunification of Germany, but also helped to hasten necessary changes in Germany's national self-identity as well as its citizenship and immigration policy and law.

The sheer numbers of new immigrants and the integration challenges posed by these developments, made the German public in general, and businesses, churches, unions, civic associations, and democratic political parties in particular, recognize that Germany's immigrants and their offspring were here for good. It also became clearer that a continuous influx of qualified and motivated immigrants for the foreseeable future was necessary and beneficial to maintain Germany's social security system, provide the economy with sufficient labor, and maintain a healthy demographic balance. In Germany, without future immigration, the population is projected

to fall from 82 million today to 58 million in 2050. This process will mainly affect the younger members of the population leading to a sharp decrease in the working age population. At the same time the proportion of people older than 60 would rise from today's level of 23 percent to 40 percent in 2050.

A first attempt to address the integration of rising numbers of second and third generation foreigners born in Germany (and also a departure from ethnonational principles) was the 1991 reform of the Alien Law. It offered easy naturalization to offspring of labor migrants in Germany if they were under the age of 23, had lived at least for 8 years in Germany and had been educated in Germany. The naturalization fee was reduced to a symbolic US\$50. Neither fifteen years residence, nor the proof of German language knowledge, a secure job, or identification with the polity was any more a necessary prerequisite. Only for foreigners older than age twenty-three the fifteen years residence requirement remained and proof of a guaranteed subsistence (employment, pension) in Germany.

Then in 1993, parallel with the asylum reform, naturalization requirements were relaxed even further for long-term foreign residents and their children. Foreigners between the ages of sixteen and twenty-three could apply for naturalization if they had resided legally in Germany for eight years, had attended a school in Germany for six years, had given up their previous citizenship, and had not been convicted of a major felony. Foreigners legally residing for fifteen years had a claim to naturalization if they gave up their previous citizenship, had not been convicted of a major felony, and were able to support themselves and their family or received public assistance for obvious reasons not in their responsibility. Spouses and underage children could be naturalized together with the original applicant without having to fulfill the fifteen-year residency requirement.

After the departure of the conservative Kohl government in 1998, the newly appointed Red-Green coalition who had campaigned on a recognition of immigration, ended the piecemeal approach of their predecessors and began to more boldly implement a reform of immigration and integration (citizenship) that would stand its time.

The first step was a complete overhaul of the naturalization law in 1999. It accepted *de facto* what had already been in the making for quite some time, namely that Germany was becoming a multicultural "immigration society" and that the only effective solution to integrate the large and still growing second and third generation of German born immigrants was to institutionalize the territorial "ius soli" (birth right) principle, thereby paving the way for a new, republican understanding of nation and citizenship independent of parentage or ethnocultural belonging.

The original proposal to automatically grant dual citizenship was modified after pressure of a voter mobilization by the Christian Democrats and electoral setbacks. Now children born in Germany to legal immigrants with eight years residence and underage children residing five years with at least one parent holding unlimited residence receive German citizenship but have to decide between age 18 and 23 if they want to continue it. Naturalization of foreign born also has been relaxed to a minimum of 8 years of residence instead of 15 years. Multiple nationality is only permitted if the country of origin poses unreasonable conditions or does not release an applicants petition in time. Prerequisites to naturalization are a German language proficiency test and the ability to sustain oneself (German Citizenship and Naturalization, 1997).

The significance of this new integration policy cannot be underestimated. About 100,000 migrant children born annually in Germany and about 4 million foreigners (1.2 million Turks) who have lived in Germany for more than ten years are now eligible for citizenship. The steady rise of naturalizations after the 1991/1993 relaxation of discretionary naturalizations, and the acceptance of dual or multiple citizenship in particular, indicate that immigrants are increasingly identifying with Germany and are willing to make a long-term commitment. Naturalizations of non-ethnic German immigrants increased more than 13-fold from about 20,000 in 1990 (0.4 percent of all foreigners) to 187,000 (including 83,000 or 44 percent dual or multiple citizenship) cases in 2000 (2.6 percent of all foreigners, see table 9.1). Between 1980 and 1999 an estimated 800,000 persons, of which 340,000 were Turks, received German citizenship. And an additional half million naturalizations (including 100,000 children) occurred in the past two and a half years after the birthright was put into law (Beauftragte der Bundesregierung für Ausländerfragen, 2002).

The second reform step focused on immigration and led to the establishment of a Green Card Program (2001) which provides temporary and limited residence permits for up to five years to 20,000 computer specialists and other highly skilled experts—primarily recruited from Eastern Europe/Russia and Asia/India annually. This program resembles efforts of other Western nations, namely the United States and Canada, to make up for a deficit in hi-tech workers and to gain a competitive edge in global markets. Although the program encountered resistance from the unions and conservatives for reasons of unwelcome job competition and perhaps some ethnocultural fears, particularly against Asians; by Spring 2002 about 12,000 German green cards had been issued.

Finally, the third reform step planned to combine immigration and integration and to develop a comprehensive policy. It began with the establishment

of an independent federal commission on immigration reform in July 2000, headed by Rita Süßmuth, former speaker of the German lower parliament and prominent member of the Christian Democratic Party (CDU). The commission was set up to make proposals for a comprehensive law, administrative institutions, and research facilities as well as to garner public and multi-partisan input and support. In its report published in July 2001, the so-called Süßmuth commission argued that Germany will need immigrants throughout the twenty-first century and therefore should embrace its status as an immigration country. The most important recommendations of the report were (Muenz and Ulrich, 1999ff.):

- a program allowing migrants to apply for immigration to Germany and their subsequent selection based on criteria such as qualification, professional skills, age, German proficiency, etc. Successful applicants would be granted a permanent residence permit.
- a program allowing German employers to recruit a limited number of foreign laborers for up to five years if jobs cannot be filled with Germans or immigrants already in Germany. During their stay the labor migrants would be entitled to apply for a permanent resident status and selected according to criteria mentioned above.
- active recruitment of foreign students and trainees with a later choice to apply for permanent residence status.
- an immigrant entrepreneur and investor program based on the quality of their business plans.
- a comprehensive integration policy including 600 hours language and civics courses for newly arriving immigrants and some foreigners already residing in Germany. Easier access to German citizenship would be granted to those who successfully finish courses.
- easy access to employment and jobs for immigrants age 16+.
- more liberal family reunification policies for children of immigrants below age eighteen.
- more efficient processing of asylum requests and extradition of those denied asylum.
- the establishment of federal agencies responsible for the administration and research on migration, asylum, and immigrant integration.

The report created a lively debate and all major political parties, trade unions, employers' associations, and religious organizations came up with comments and alternative proposals in 2001. What was most important was the participation of the conservatives. The so-called Müller commission, headed by the CDU prime minister of the state of Saarland, made suggestions that came close to those of the Süßmuth commission report.

After some modifications to his original proposal, Otto Schily, Germany's federal minister of the interior, published a draft for a new law regulating immigration, asylum, and integration in August 2001. The bill included most of Süßmuth's original proposals; including the recruitment of permanent and temporary migrants (Muenz, 2002). Schily's bill was, however, more restrictive on family unification, reducing the children's immigration age to twelve years in order to facilitate their integration, except for new immigrants, who would be entitled to bring their children up to age eighteen. Similarly, asylum seekers would be up for review after a three-year period and public subsidies would be reduced for undecided cases after two years though allowing third party sponsors (churches) to sponsor and support non-recognized asylum seekers until they found employment. On the other hand, the bill allowed certain unsuccessful asylum seekers for humanitarian reasons to improve their status if they could not be sent back to their country.

The proposal, oriented to a large part at the Canadian model, was criticized both by the Christian Democrats (CDU/CSU) and parts of the Green party for opposite reasons. The conservatives argued that the proposal would not reduce and control immigration but eventually increase it. The Greens, on the other hand, were unwilling to accept restrictions for asylum seekers and for children.

Originally the coalition government had planned to discuss Schily's proposal on September 26, 2001, then vote on it in the lower and upper houses of the parliament (Bundestag and Bundesrat) later that Fall. But the events of September 11 in New York City and Washington, DC derailed the political schedule of Germany's immigration reform. German public was shocked and officials embarrassed by the fact that two of the terrorists had immigrated to Germany before entering the United States. Similar to the public reaction in the United States, anti-Arab and anti-Muslim resentment increased significantly although most politicians, media, and public intellectuals cautioned against a simplistic equalization of Islam or Arabs with "terrorism."

To comply with political necessity and as a show of solidarity with the United States, in December 2001 the German parliament underwrote an antiterror legislation (limited to five years) that gave police and other government agencies new powers to investigate and prosecute persons or organizations involved in terrorism.

For political observers it looked as if the immigration reform had been sacrificed in the face of adverse events outside domestic control. But the Red/Green coalition was unwilling to give up an important part of their 1998 election platform and continued to push for a vote on the immigration bill. After some amendments and compromises, a close parliamentary vote

in the Bundestag and a controversial voting procedure in the Bundestag (a review by the Federal Constitutional Court of the legality of the voting is pending), the new Immigration and Integration Bill (*Zuwanderungsgesetz*) was passed in March 2002. When German President Rau put his signature on the law in June 2002, the bill became law to be enacted in January 2003 (Schmidt-Fink, 2002).

As it stands now, the "*Zuwanderungsgesetz*" will streamline existing regulations, authorities, and procedures related to asylum and immigration of foreigners and ethnic Germans. And it creates new institutions and responsibilities, such as the Federal Migration and Refugee Office and the Federal Institute for Population Research. In addition it will provide substantial immigrant integration provisions such as language and training programs outlined above. The law makes Germany the first country in Europe actively recruiting immigrants on a broader base and officially defining itself as a country of immigration.

Although mainstream political parties reached a silent consensus to refrain from dragging the emotional issues of immigration and terrorism into the summer 2002 election campaign and using it for populist gain, the conservatives have not given up their opposition against some details of the new law. During the election campaign for the upcoming German national elections in September 2002, the conservative Bavarian opposition leader, Edmund Stoiber, vowed to delay the enactment of the law for one year and make amendments toward a stricter immigration policy if his party wins the elections. However, what is remarkable is that his conservative Christian Democrats (CDU) and the Bavarian Christian Social Union (CSU) no longer reject outright the definition of Germany as an immigration country nor do they pledge to abolish the immigration law completely. Rather, the conservative amendments promise to make the law "more efficient" and curb abuse or unwanted immigration, as feared by conservative voters. Stoiber also was silent about the "Leitkultur" debate triggered by his CSU party fellows in 2001 about the predominance of German identity, values, customs, language, and "cultural heritage," a debate targeted mainly against non-European and Muslim (Turkish) immigrants who often visibly stand out or are segregated from "mainstream" German society.

While it seems self-evident to a neutral observer that cultural assimilation cannot be simply politically prescribed, especially since the notion of a "lead culture" is elusive given the changing character of "culture," whatever its definitions, the debate (which has abated as of now) reflects a continuous rift in German political culture. The German Right still believes in the concept of ethnocultural dominance, the liberal center holds on the model of civic citizenship, and the Left prefers synergistic multiculturalism or even cultural relativism. While some aspects of the reforms of the 1990s are still

contested, the character of the debate has changed significantly. A broad majority will no longer ask "if" but rather "how" Germany should incorporate millions of ethnic German and foreign newcomers and how far this requires a redefinition of identities and cultural boundaries.

Conclusion

As a result of changes in the character of immigration and of generational shifts in the German populace (expressed in a regime change from Center-Right to Center-Left), the 1990s altered fundamentally Germany's attitude and policies toward immigration and immigrants.

Slowly but continuously the new German republic dismantled or moved away from exclusive self-conceptions and citizenship regulations that date back to the heyday of European imperialism and nationalism at the turn of the nineteenth century. Germany overturned

ethno-cultural provisions in the Basic Law and the Federal Expellee Law [that] were designed as a temporary remedy for the consequences of World War II, namely the division of Germany and the expulsion of ethnic Germans from territories under Soviet control. The temporary character of the law finds its expression in the fact that, after the end of the Cold War and with no apparent oppression of those ethnic Germans who remain in Eastern Europe, the central provisions granting citizenship rights were gradually being dismantled. (Levy and Weiss, 2002: 269)

The improvement of economic and political conditions in Eastern Europe and the former Soviet Union and the changes in the asylum and expellee laws significantly reduced the numbers of ethnic German resettlers and asylum seekers in the second half of the 1990s. And the temporary rise of Balkan refugees with temporary protected status in the mid-1990s abated after the pacification of the Yugoslav conflict. These developments reduced the attraction of right-wing populists playing on the fear of "Ueberfremdung" (foreignization, identity loss), labor market competition, xenophobic resentment, and ethnocentrist nationalism. Instead among the economic and political elite and the general population the multifaceted demographic, economic, social, and cultural benefits of immigration and pride in the maintenance of a cosmopolitan and more tolerant society gained ground. A growing consensus sees immigration as a solution rather than a problem.

In retrospect, the 1990s were the most important years in forming a new legal, political, and public mainstream consensus on immigration and citizenship in Germany. The feared political stagnation, blockade of reforms, or predicted ideological regression of Germany into the mindset of ethnic

nationalism did not materialize. Instead inclusive immigration reforms toward civic citizenship came faster and more vigorously than most had expected, putting Germany, in many respects, ahead of its European neighbors without compromising central tenets of its liberal democracy.

It was German unification that finally undermined the fragile balance of the postwar arrangement that for forty years upheld elements of both universalism and ethnonationalist particularism in Germany's self-perception and practice of citizenship and immigration. This was most visible in the contradiction between ever-growing numbers of second-generation "foreigners" born and socialized in Germany and the quasi-automatic citizenship granted to hundreds of thousands of "ethnic Germans" born and socialized in Eastern Europe or the former Soviet Union. Faced with the task of integrating substantial numbers of non-German immigrants, the government was eventually forced to return to the much older territorial "ius soli" principle, to ease naturalization, and to tolerate dual/multiple citizenship. Once "nation" and Staatsvolk became increasingly decoupled, ethnocultural membership lost its importance compared to civic-territorial criteria (Joppke, 1999: 638), equal social and political citizenship rights, and the reality of increasing diversity and multiculturalism.

Consequently, the meaning of German nationhood also underwent a transformation that was already embedded in the universalist basic principles of the postwar constitution and enshrined in the historical lesson not to assimilate ("Germanize") foreigners against their will. As Joppke wrote in 1999, commenting and correctly predicting the reform underway in Germany, the "... German case thus carries a double message for citizenship theory. First, citizenship in liberal states is malleable. States are not slaves of their 'cultural idioms' (Brubaker) of nationhood, but may devise flexible citizenship policies in response to immigration pressures.... Secondly, national citizenship remains indispensable for immigrant integration" (Joppke, 1999: 645) in a world which is still governed by nation states and by rights as well as benefits which are distributed and controlled by territorial organizations. Third, Germany shows that within a framework of globalization and European integration, of growing interaction and interdependency, the immanent logic of regimes based on civic principles and universalistic liberties by necessity induces shifts in citizenship and ethnocultural identity toward a more pluralist and open society. Only if the global or regional framework and/or the regime type is reverting would one see again a movement toward more closure and a "re-nationalization" of societies.

Regardless of the progress made, in the political realm the conflict between the Left and the Right about details of implementation of the new immigration and citizenship law will not wither. Whereas the former focus

prominently on the enriching cultural or positive economic and demographic aspects of immigration and stress the inclusive and universal character of secular political values of equality, liberty, and rule of law, the latter are more cautious and promote some form of acculturation or at least advanced integration. They also want to preserve the continental European and Western Judeo-Christian outlook of the country, and its traditions and lifestyles as much as possible, and they are skeptical about opening the "floodgates" to global immigration from non-Western cultures, civilizations, religions, languages, ethnic, and racial groups. Obviously the tension between post-nationalism/post-materialism and cultural nationalism will continue to dominate the political discussions.

Another reason why the debate will continue is the fact that the social, economic, and cultural integration of the first and 1.5 generation of the former guestworker immigrants and of ethnic Germans who arrived in the 1980s and 1990s, particularly those from the former Soviet Union, remains an unfinished task. Although Germany has made important reform steps, many details of how to control immigration and implement integration or to deal with the emergence of multiculturalism and ethnic diversity remain contested. Questions that will most likely dominate disputes in the future are (Muenz et al., 1999):

- How many immigrants from what areas with what profiles should be admitted? What requirements and criteria should be used to select and admit applicants? How to deal with visa overstayers and illegal immigrants? How to avoid that the raising number of foreign students become a brain drain for the sending countries?
- How can the cultural heritage of immigrants optimally fuse with that of the German mainstream? What policies, practices, and funds are needed to ease incorporation of newcomers? How can older immigrants' needs be accommodated? Does Germany need to expand its antidiscrimination legislation and implement equal opportunity policies to protect immigrants and newly naturalized citizens?
- How can the high unemployment rate of migrants, particularly second and third generation immigrant youth, be significantly reduced? (See table 9.1). What educational and training programs should be instituted to reduce the gap between native and immigrant educational achievements and the high drop-out rate (currently at 20 percent) of migrant children without secondary education degree?
- Should bilingual programs be implemented as early as preschool and kindergarten? What are the best means to improve German language reading and writing proficiency of elderly, women, and adolescents?

- How can local, state, national, and supranational European needs and interests efficiently and lawfully synchronized with universal rights and obligations as well as global and transnational pressures, developments, and demands?

But besides these questions and unfinished integration problems, there are also good reasons to be optimistic. Positive signs of incorporation are the increase of naturalizations, active participation of migrants on all levels of civil society, a strong identification of second and third generation immigrants with the German political and social system, rising entrepreneurial activity of migrants (see table 9.1), and an increase of native-migrant intermarriages from three to four percent of all marriages in the last decade, with 2 million persons now living in multiple or bi-national marriages (Fuecks, 2002: 80).

With the adopted path toward more inclusive politics toward minorities and immigrants, Germany has good prospects to develop in the twenty-first century a new pluralist, over time perhaps even a post-national and pan-European identity. Given Germany's geopolitical anchoring within Europe and the lack of external enemies, a parochial focus on national borders and exclusive ethnonational ideologies seems more than remote and unlikely. Yet, ultimately not only domestic but also global developments will determine a country's collective self-definitions, the predominant rules of its in- and exclusion, and the easiness of how its boundaries can be crossed.

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