Extension of national membership: government promises, immigrant expectations and the impact on the foreign population in Germany

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EXTENSION OF NATIONAL MEMBERSHIP:

GOVERNMENT PROMISES, IMMIGRANT EXPECTATIONS AND THE IMPACT ON THE FOREIGN POPULATION IN GERMANY

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Honors Thesis in International Studies
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Colby College, 2005
Abstract

Germany has recently extended its national membership, seen by the 1999 reform of its 1913 citizenship law, which bound citizenship to notions of ethnicity, language and a common German destiny. In addition, after much political deliberation, the Federal Republic adopted the country's first ever immigration law in 2004. This extension of national membership represents a radical change from previous governmental policy, in that Germany has declared itself to now be a 'country of immigration'. These changes to the status-quo inevitably brought expectations of results, namely hopes of a higher naturalization rate of the country's large foreign population. Both the policymakers' and the foreigners' expectations, for the most part, have not been met. This study is an examination of the results of the 1999 citizenship reform and looks at possible factors that may have contributed to the gap between the expectations and the outcomes of the new law. It posits that the Federal Republic's political institutions, along with German society's understanding of itself as an ethno-cultural entity, were the two most influential factors in producing this gap.
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Acknowledgements

I did not initially believe that my Honors Thesis would turn out to be a project of such magnitude and that involved as many people as it did. Thus, the successful completion of its writing needs to be accompanied by many thanks.

First, I would like to thank all of my interviewees who were interested in my project and took the time to share their points of views and ideas, which were essential to the success of my study. In conjunction, I would like to thank friends in Berlin who shared their Wohnungen with me while I was conducting interviews.

This fieldwork would not have been possible without the generous support of Mr. David Hunt, benefactor of the International Studies Hunt Grant, to whom I graciously express gratitude. I am also thankful for the additional funding from Office of the Dean of Faculty. I am, in addition, grateful to the International Studies Department at Colby College, which deemed my project of high enough quality to allow and fund my independent research during January 2005. I thank also the members of the International Studies Honors Committee, who were always helpful when approached by my questions, and offered wise advice throughout the year.

My sincere thanks is extended to Professor Ulla Reidel, my respected and appreciated German Professor and second reader for this study, whose inside knowledge of Germany, along with genuine interest in my project, was to the highest degree valued.

Finally, I would like to humbly thank my advisor Professor Jennifer Yoder. Her interest in my research and in helping me coherently develop my thoughts and ideas are deeply esteemed and appreciated. It is her gentle and pertinent suggestions and criticisms that successfully guided me during the course of this academic year.
A 'German' in the meaning of this Basic Law, subject to other regulation, is a person who possesses German citizenship” (Article 116, Basic Law (Constitution)).

Chapter 1 – National Membership: the past trends and present circumstances in Germany

1.1 The Issue - The case of Citizenship in Germany

There are more than seven million foreigners in Germany. With a populace of 82 million, individuals with no German citizenship represent nine percent of the total population and until the recent leveling off of this number, the figure was growing annually.¹ In 1996, it was estimated that if the current trends remained constant, close to 17 percent of the total population would be foreigners by the year 2030 (Green, 2001(a): 29). Furthermore, 1996 data show that 40 percent of foreigners had lived in Germany for at least 15 years² (Hagedorn, 2001: 115), the necessary amount of time required to apply for Germany citizenship, yet approximately only four percent of the country’s foreign population received citizenship in the course of that same year (Bundesamt für Migration und Flüchtlinge, 2004: 86). Of these four percent, more than half of the naturalizations took place within the Aussiedler population, or in other words, the ethnic Germans coming mostly from Russia who have easy and direct access to citizenship based on their ethnic origin.³ In reality then, less than two percent of the foreign population was being naturalized in the years preceding 1996.

There was, and still is, however, no shortage of individuals that qualify for naturalization; 48 percent of foreigners in 1996 qualified to apply for citizenship (Green, 2001(a): 35), although in the same year, only a little more than 86 000 foreigners, or less

¹ See Appendix 1 for number of foreigner population since 1980.
² See Appendix 2 for complete data on length of stay of foreigners in Germany as of 2003
³ According to Article 116 of the German Basic Law (constitution), individuals of ethnic German descent have the right to take up residence in the Federal Republic.
than 1.2 percent, acquired German citizenship (Bundesamt für Migration und Flüchtlinge, 2004: 87). A 2000 study found that 57 percent of adult foreigners had interest in acquiring a German passport, although closer to two percent received it.  

In comparison to other countries, the Federal Republic has extremely low levels of naturalization. Canada had a naturalization rate of 68.2 percent for the 1.2 million immigrants that came between 1991-95 and 39.1 percent for the 0.4 million immigrants that landed in 1996-97, and there are few second generation foreigners in the country. In the USA and France, the naturalization rate of people who have been in the country for 15 years is closer to 20 percent. Germany, on the other hand, seems to be a black sheep within the western world with regards to its much lower rate of naturalization.

This lower rate was explained by Germany’s granting of citizenship only to ethnic Germans, only through blood descent or to foreigners who had legally resided in the country for at least fifteen years, a very long period in comparison to other nation-states, and the high cost of the naturalization process. When the first wave of foreigners entered the country after WWII, the Federal Republic did not think of integrating them into German society, as the foreigners represented a small portion of the total population and, more importantly perhaps, were thought to be temporary residents. Furthermore, the meaning of being ‘German’ was still very much tied to notions of ethnicity and language. Thus, there was no discussion within Germany to reform the naturalization guidelines.

These naturalization guidelines were not completely revamped until very recently. First of all, until the 1999 reform, the Federal Republic’s conservative citizenship law dated back to 1913. Furthermore, only last year, with the adoption of the country’s first

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4 See Marplan-Studie, Vgl. MARPLAN: Ausländer in Deutschland 2000.
5 A 2004 Statistics Canada study suggests that the countries of origin of immigrations may explain the varying rate of naturalization (Statistics Canada, 2004)
ever immigration law, did Germany officially declare itself to be a country of immigration, reversing what had been the Government's official 'the Federal Republic is not a country of immigration' policy. Germany's peer countries, such as France and the USA, never made such declarations of not being countries of immigration, although they experienced similar migration trends. Rather, they have adopted a national policy of accepting immigration as an important part of their national identity. For Germany, then, the past few years have brought a paradigm shift within the political world, from one of tolerating foreigners as guests to accepting them as part of German society; national membership, in the form of a reform of the citizenship law and an immigration law, albeit not as liberal as originally intended, has been extended to the foreign population. This is a radical change from previous governmental policy.

1.2 - Goal of the Study: Divergence between goals and outcomes

Even though there has been a far-reaching transformation in the Federal Republic's official rhetoric vis-à-vis foreigners, the tangible results within the foreign population have had limited and incremental, at best, results: the naturalization rate, after the adoption of the 1999 citizenship reform, still sits below two percent. The goal of this study is to identify the factors that have contributed to the discrepancy between stated citizenship policy and actual outcome. Cornelius and Tsuda (2004) propose a "gap hypothesis", stating that "significant and persistent gaps exist between official immigration policies and actual policy outcomes" (Cornelius and Tsuda, 2004: 4). Similarly to immigration policies, the reform of the citizenship law in Germany presents a case where a sizeable difference between the original governmental goals and what has

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6 The data concerning naturalization since the adoption of the reform will be explored in Chapter 2.
occurred since the law has come into effect exists. Naturalization and immigration, understood as areas of policy in which the government has specific quantitative and qualitative goals, and in many cases, in which the policies diverge with the results, can be analyzed correspondingly. This study will use Cornelius and Tsuda’s notion of the ‘gap hypothesis’ in immigration policy to identify the contributing factors to the goals-outcome gap in Germany’s recent citizenship reform.

Policy implementation

Cornelius and Tsuda suggest that policy gaps can result due to poor implementation or enforcement of the policies, or due to unintended results of them. Poor implementation, in the case of the 1999 reform, could be attributed to a lack of publication of the law in order to encourage foreigners to naturalize. It could also be ascribed to the ruling Red-Green coalition not having enough political will to effectively execute the required changes. For example, a goal of the reform was to make naturalization easier. In order to accomplish this, the formerly complicated bureaucratic process would need to be simplified. However, if no effort is exerted to implement change within the bureaucracy, the desired results will most probably not occur.

Another reason for a poor implementation may be that policymakers have relied on a flawed process to develop the law, meaning that outside information was not well enough examined before the drafting of the law. Citizenship reform is not unique to Germany; other European countries, Sweden for example, have recently also modified its policies. Poor implementation could then result if the information from outside countries was not adequately studied.

Unintended consequences/poor understanding of target group’s wishes
Unintended results, another proposed reason for the gap, of policies of the reform have not been seen until very recently. The recent case of Turkish citizens naturalizing in Germany, therefore giving up their Turkish passport, and then going to Turkey to regain Turkish nationality without informing German officials is one such unintended result. It will be some time before more results show themselves, most notably when the children born to foreigners reach the ages of 18-23, when they have to decide which of their nationalities to keep.

Unintended results may also appear if the policymakers do not understand the target group’s, the foreigners in the case of the citizenship reform, desires. Many organizations representing foreign nationals, both politically and socially, exist in the Federal Republic, that could potentially offer valuable information about foreigners to the policymakers. However, if the foreigners’ wishes are not well known or stated to the policymakers, they may consequently draft a law that is inadequate according to the target group.

Public pressure/domestic public pressure

Another contributing factor to the gap can be the public pressure of the country juxtaposed with international pressures. International conventions, such as the United Nations’ Convention on the Rights of Migrants may exert some stress on countries to liberalize their policies with respects to migrants. Sassen (1998), among others, maintains that international human rights limits national sovereignty. However, this pressure to liberalize from outside the national borders may be countered by a public pressure not open to foreigners.
Related to this, Joppke (1998) suggests that there is domestic pressure on the government, limiting the state's sovereignty, which may explain the gap between stated policies and actual outcomes by explaining why governments may not be fully committed to implementing their policies. If the government states goals that are not well accepted within society, there may be pressure from within the country to ensure that the goals are not met. The campaign against dual citizenship in Germany before the 1998 Federal elections can be seen as domestic pressure.

Another example supporting the domestic pressure hypothesis is seen with a glance at the history of the guest workers. Throughout the 1960s and 1970s, foreigners in Germany were viewed by Germans as workers, hence contributors to the economy. They were thus regarded as positive members of society. However, the economic depression in the early 1990s and the even more recent economic strains in the Federal Republic have led to immigrants being perceived as inactive, and thus a burden (Schönwaelder 1996). The higher unemployment of foreigners compared to German nationals undoubtedly plays a role in this shift of perceptions within German society. In addition, the historical conception of German national identity has been based on an ethno-cultural foundation, and the integration of foreigners is a relatively new policy in Germany and one that has not yet been fully accepted within society. Thus, by keeping an official anti-immigration rhetoric, the government was able to placate its population even though economically needed immigrants still enter the country. With respect to the 1999 reform and the 2004 Immigration Law, the Government has changed its rhetoric to one of Germany being a country of immigration. However, since the German public may not entirely accept this

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7 See Appendix 4 for data concerning unemployment.
8 For an excellent analysis of this notion, see Brubaker (1992).
paradigm shift, the Government may use its actions, in the form of maintaining low naturalization rates, to stay in favor with the public: Germany may be a country of immigration, but by pointing at the low naturalization rates, the Government can show the public that foreigners are remaining foreigners. It is then the public pressure that determines whether or not there is a gap.

Client groups

Freeman (1995) echoes Joppke in that he maintains there are domestic pressures, naming them 'client politics'. However, unlike Joppke, these client politics do not originate from within the bulk of society, but rather from smaller lobbying groups. These can include powerful employer groups, religious groups and pro-immigration groups, pressuring the government to grant foreigners more rights. Freeman discusses immigration rather than citizenship. However, his discussion is nevertheless relevant because he maintains that efforts from client groups can have a backlash. If the general public opinion turns against the Government granting more rights, the governmental policies are then watered down, as Joppke suggests, and the Government will not be fully committed to them. Hansen and Weil (2002) maintain that pro-immigration groups are active in pressuring European Union institutions to promote the extension of social rights to foreigners, suggesting that the state's sovereignty may be limited by 'client groups'. In the German citizenship case, client groups, such as the Turkish Community which is the biggest foreigner association in the country, may not have much influence in comparison to the general public opinion, as the latter, if mobilized, represents a much larger segment of society. It should be noted that foreigners in the Federal Republic have largely not
been well-integrated into society, thus are often perceived as being opposed to the general, larger public.

**Structure of political institutions**

Another explanation of a gap in policy and outcomes specific to Germany places shortcomings of policy on the institutional structure in Germany, namely the coalition government and intergovernmental relations. Katzenstein (1987) and Dyson (1982) write that these institutional factors lead to incremental results in Germany. Intergovernmental relations refer to the fact that the Bundestag must reach agreement with the states, represented in the Bundesrat, before any law that affects the Länder is passed. A coalition government in a multiparty system often needs to reach compromises among coalition partners before a bill has a chance to be adopted. In addition, the Federal Republic has a system of ongoing state (Landtag) elections. These can thus change the composition of the Bundesrat during the Federal Government’s term in office, which often forces it to seek a broad consensus. Thus, policy failures would appear due to Government’s inability to counteract the effects of the system in which it exercises power.

**Figure 1.1 – Possible contributors to gap between goals and outcomes**

<table>
<thead>
<tr>
<th>Possible contributors</th>
<th>Examples specific to 1999 Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure of political institutions</td>
<td>Loss of Bundesrat majority led to the need to compromise and to a watered-down version of the original proposal</td>
</tr>
<tr>
<td>Public pressure/domestic public pressure</td>
<td>Anti-dual citizenship campaign in Hesse leading to the loss of the Red-Green coalition’s majority in the Bundesrat; paradigm shift has not yet been accepted by German public</td>
</tr>
<tr>
<td>Client groups</td>
<td>Weak lobbying power</td>
</tr>
<tr>
<td>Policy implementation</td>
<td>Not enough publicity of the reform leading to the lack of awareness within the foreign population; Lack of political will to implement necessary policy changes</td>
</tr>
</tbody>
</table>
1.3 Background – The evolution of past citizenship policy in the Federal Republic

A quick glance at the history of citizenship in Germany sheds light on its evolution in the course of the past century, for it should be noted that the revamping of the citizenship law in 1999 was not the first attempt to provide more adequate guidelines to naturalizing foreigners in the country. The first national policy on citizenship was inscribed in the 1913 Citizenship Law (Reichs- und Staatsangehörigkeitsgesetz) in which citizenship was granted based on descent rather than on a republican notion that had arisen out of the French revolution. The German nation-state was relatively new, Bismark had unified the regions of the German Reich under the hegemony of Prussia only in 1871, and regional fragmentation still existed between the different realms of the territory. Thus, since the empire was founded on the loose conception of a Kulturnation, implying that identity was based on a common culture, language and destiny, it seemed logical to use the same notion in granting citizenship, and at the same time exclude non-ethnic Germans: “In addition to binding civil rights to the principle of ethnic descent, the law of 1913 aimed to prolong German citizenship for German emigrants and to limit the acquisition of German citizenship by foreigners to exceptional cases” (Bade, 1997: 17).

So prevalent was the idea of a common culture that needed to be kept intact that the Reich Migration Office, later renamed the Reich Emigration Agency, attempted to persuade Germans not to emigrate (Bade, 1997:18). Furthermore, theoreticians argued that if emigration had to occur, its destination should be South instead of North America, for those countries were deemed as culturally and economically poorer. Hence, German
emigrants, with the superior culture, would not be assimilated and retain their culture and language, and consequently then, their attachment to the German Reich.

This law, which originally aimed at including all ethnic Germans, even the ones who had emigrated, as well as excluding the increasing number of immigrants, mostly Poles, who were settling into the rapidly industrializing Ruhr region, was not changed during the Weimar Republic. Furthermore, not only did it survive the National-Socialist era in Germany, but its emphasis on a common unique German culture and destiny was utilized by the Nazis, who then added their own racist citizenship laws (Lemke, 2001: 5). These latter laws were dropped at the founding of the Federal Republic in 1949, but the 1913 citizenship law remained in force. To it were two provisions were added in the Basic Law, namely the granting citizenship to any individual who had been stripped of it during the Nazi rule and to anyone “who has been admitted to the territory of the German Reich within the boundaries of December 31, 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such person” (German Basic Law, Article 116). Hence, the continuity of defining the nation along ethnic lines entailed that all Germans living in the Eastern communist bloc were also entitled to citizenship in the Federal Republic.

The demographics in West Germany in the following decades challenged the notion of this ethno-cultural citizenship. In the late 1950s and early 1960s, in the midst of its ‘economic miracle’, the Federal Republic recruited and welcomed a host of guest workers; bilateral agreements were made with the governments of Italy (1955), Greece and Spain (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968). The German government’s initial intentions were to allow male guest
workers to work for a year or two before returning to their country of origin. The guest workers took, to a large extent, were unskilled, thus their income placed them in the Federal Republic’s lower income strata. There was a rotation of guest workers so that none would firmly establish themselves in the country. For the foreigners, it was a good opportunity to make money; West Germany’s economy was booming and the attractive wages would permit them to return to their families in their countries of origin within a short period of time. It was also supposed to be a mutually beneficial relationship for the Federal Republic, as the guest workers would be paying more in taxes and into pension plans than the Government expected to have to return to them in the long run. The events, however, did not unfold as planned. There was pressure from German employers in 1962 and 1963, after the important source of labor from East Germany was officially cut off in the early 1950s and effectively halted after the erection of the Berlin Wall in 1961, to abolish the two-year limit the guest workers had initially been permitted to stay. Thus, more workers came, stayed for a longer period of time and eventually members of their family joined them in Germany.9

Amidst a recession in 1973, Germany officially put a halt to the recruitment of guest workers (Anwerbestopp) and economic hardship in the following years fomented increased anti-guest worker feelings. However, the foreigners had effectively become members of society, although, to a large extent, segregated from the Germans. Thus, the Government tentatively adopted the Guidelines on Naturalizations (Einbürgerungsrichtlinien) in December of 1977. Whereas in the past, the individual Länder had much discretion in implementing the 1913 law that allowed for very little naturalization, the 1977 guidelines, not an official law, attempted to give, for the first

9 See Appendix 3 for data on number of foreigners and country of origin.
time, national, clear criteria that could be fulfilled to acquire German citizenship. However, even though criteria were established, merely fulfilling requirements did not guarantee naturalization because “the granting of German citizenship can only be considered if a public interest in the naturalization exists […]; the personal desires and economic interests of the applicant cannot be decisive” (1977 Guidelines on Naturalizations in Duyvene de Wit and Koopman, 2005: 6).

These official 1977 guidelines, resulting from negotiation between the SPD/FDP Government and the CDU-dominated upper house of the time, were supposed to direct the decisions for naturalization: if the prerequisites, such as the fifteen year residency period, were fulfilled, it still needed to be in the ‘public interest’ for a foreigner to be granted citizenship. However, since a section of the 1977 Guidelines on Naturalization reads “the Federal Republic of Germany is not a country of immigration; it does not seek to increase the number of its citizens through naturalization” (Green, 2004: 40), it was perceived that naturalizing foreigners was not in the ‘public interest.’ Individuals could then, by 1977, in practice satisfy the requirements, but Germany was not ready to change the definition of its membership based on ethno-cultural lines, and consequently, was reluctant to naturalize its growing foreign population. Further demonstrating that Germany was unwilling to grant citizenship to foreigners was the extremely high fee needed, often exceeding 2000 DM, to file a request, which was not refunded even if naturalization was denied. In addition, and important in the context of the 1999 Reform, is that foreigners were required to relinquish their previous citizenship before becoming a naturalized German.
The Law on Foreigners (Ausländergesetz) of 1991 was the next attempt by the Federal Republic to address the issue of its growing foreign population in the wake of unification. The 1991 law included provisions attempting to adequately modernize the citizenship process, and offered new avenues by which to acquire citizenship. These provisions constituted only a fraction of the law, and the 1991 law was therefore not a successor to the 1913 citizenship law still in force. The stipulations concerning citizenship were passed in the Bundestag in large part because of the repercussions of the fall of the Berlin Wall; the many foreigners seemed just as ‘German’ as the former East Germans after having lived under different circumstances for so many years. Furthermore, it was not seen as tenable, in a liberal country, to refuse citizenship to the already large foreign population. This was embodied in the new and more liberal Interior Minister, Wolfgang Schäuble of the CDU; although his party did not encourage the extension of citizenship nor the recruitment of foreigners, his appointment to the interior ministry in 1989 led directly to the liberalization of the law and brought the integration of foreigners, albeit not as a major theme, to the CDU policy agenda. Nevertheless, even if the 1991 law brought a threefold increase in naturalizations with its lower costs and special provisions for individuals between the ages of 16-24, adult foreigners still needed have lived in Germany 15 years before applying. In addition, it is suggested that the complicated application process discouraged most immigrants from applying for citizenship. Furthermore, recent “research in Germany has indicated that the most important factor - beyond bureaucratic delay and hassle - explaining the Turks’ low naturalization rate is their legal inability to retain their Turkish nationality when acquiring a German passport” (Hanson and Weil, 2002: 17). Thus, there seems to have been some
modernization of the citizenship issue in Germany seen by the increase in the naturalization rate. However, even when increased, the naturalization rate was low, which entailed that the vast majority of Germans were still ethnically defined. In addition, the low naturalization rate clearly demonstrates that some important concerns, such as the dual citizenship question, had failed to be addressed in order for the German citizenship to be attractive to foreigners in the country.

During the economic boom of the 1960s, the general population had not perceived these foreign workers as a problem, believing that they would temporarily be in the country. However, in a 1983 poll, 80 percent of West Germans said they desired the departure of foreign workers. It is to be noted that the unemployment rate in 1983 was 9.1 percent, compared to 3.8 percent just three years earlier (Nathans, 2004: 244). The Federal Government adopted a stance of encouraging the foreigners to depart from the country. Since the Länder governments had, to a large extent, the discretion to grant or deny renewal of working and residence permits, the realities of guest workers varied from state to state; some states offered monetary remuneration if guest workers left the country, while others made it difficult for family members to join the guest workers in Germany. Very few foreigners left Germany despite the Government’s efforts. In fact, the foreign population grew annually with family reunification schemes, and soon, a second generation of foreigners was born on German soil. It is interesting to note that within the foreign population in Germany today, the largest populations represent countries from which guest workers were recruited. The reality was clearer than in 1977 when the Naturalization Guidelines were adopted and even more obvious than in 1991 when easier provisions for naturalizations were passed: foreigners were going to stay in Germany, and  

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10 See Chapter 2.2 The realities since 1999 for complete data on naturalization.
Furthermore, due mostly to low birth rates among the German population, the Federal Republic was in need of them.

The reality of the presence of guest workers was not the only factor to have changed the reality of German society. Asylum seekers, especially at the start of the 1990s, arrived in the Federal Republic in considerable numbers, and was a second aspect putting to test the notion of Germany not being a country of immigration; other than the former guest workers and their descendants, this new group of foreigners was noticeable to the rest of society. Their entrance into the country was principally the result of the German constitution. Article 16a of the Basic Law stipulates that individuals suffering persecution on political grounds have the right of asylum in the Federal Republic if they did not travel through a safe country before arriving on German soil. There were 78,760 asylum applications in 2000, of which 13.5 percent were granted refugee status (BBC News, February 6, 2001). This has been drastically reduced since the 1990-92 period, during which close to 900,000 individuals sought refuge in the Federal Republic.

Although a small fraction of all applications are granted the right to stay in Federal Republic, the total number is significant, and the backlog in applications as well as the long application period means that many asylum seekers remain in the country for several years. This has forced both German citizens and policy makers to recognize them along with the guest workers and their families as part of German society. Whereas foreigners represented 4.3 percent of the population in 1970, this percentage has grown to 7.6 in 1982, 8.0 in 1992 and 8.9 in 2002 (Statistisches Bundesamt, 2003). Walking the streets

\[11\] It is to be noted that Germany before 1990 is understood here as West Germany. However, it should also be noted that foreigners represent less than two percent of the former East Germany, and that East Germany itself accounts for approximately 18 percent of the total German population. Thus, German unification on October 3, 1990, has little effect on percentage of foreigners in Germany.
in Berlin, Hamburg or Frankfurt, it is impossible not to see the heterogeneity of the multicultural populace. However, the past governments had not adopted policies favorable to the integration of foreigners into the wider German society, which was a reality that was challenged with the election of a new Government in the 1998 federal elections.

**Figure 1.2 - Important dates in the evolution of German citizenship policy**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1871</td>
<td>The German Reich is founded.</td>
</tr>
<tr>
<td>1913</td>
<td>First ever citizenship law based on <em>Kulturnation</em> and ethnic descent is adopted; very few provisions for naturalization exist.</td>
</tr>
<tr>
<td>1919-1933</td>
<td>The Weimar Republic comes and falls; no change in citizenship policy.</td>
</tr>
<tr>
<td>1933-1945</td>
<td>Nazism in Germany; the ethno-cultural basis of the 1913 law, along with new racial citizenship laws, is used by Hitler's regime to solidify idea of the 'pure' German nation.</td>
</tr>
<tr>
<td>1949</td>
<td>The Federal Republic is founded; citizenship policy remains unchanged, but is extended to all ethnic Germans not living in the territory.</td>
</tr>
<tr>
<td>1955</td>
<td>West Germany signs its first of multiple bilateral agreements to recruit guest workers.</td>
</tr>
<tr>
<td>1973</td>
<td>Amidst a recession, the recruitment of guest worker is officially put to an end.</td>
</tr>
<tr>
<td>1977</td>
<td>The Guidelines on Naturalizations are passed, offering minor provisions for the granting of citizenship to foreigners; the 1913 citizenship law remains in force. Very few foreigners naturalize.</td>
</tr>
<tr>
<td>1991</td>
<td>The Law on Foreigners is passed, in which further provisions for granting citizenship are present; the 1913 citizenship law remains in force. The naturalization rate increases threefold but stays below two percent.</td>
</tr>
<tr>
<td>1999</td>
<td>The 1913 citizenship law is reformed allowing for granting of citizenship based on birthright.</td>
</tr>
</tbody>
</table>

1.4 *Extension of national membership – the Reform to the Citizenship Law of 1999 and the 2004 Immigration Law*
The new citizenship law came into existence when the SPD-Greens (German Social Democratic Party-Green Party)\textsuperscript{12} coalition took power in the Bundestag's 1998 September elections. This represented a watershed in German politics, as the so-called Rot-Grün, or Red-Green, coalition, led by Gerhard Schröder, replaced the Helmut Kohl-led CDU/CSU (Christian Democratic Union and Christian Socialist Union)/FDP (Free Democratic Party)\textsuperscript{13} government. The former had been in power for the previous sixteen years and its policies had been characterized by social conservatism. The new government, on the other hand, placed social reform as essential to its agenda. Kohl's social spending cuts attempting to rectify the budget deficit and the unemployment of more than four million Germans, a rate greater than 10 percent, had led to significant discontent among the population. Schröder had different reforms in mind that included less radical social cuts than Kohl.

Schröder promised stability with his proposed reforms that Kohl had failed to deliver during the last years. This stability included not only economic aspects, such as maintaining Germany's 1.5 percent annual growth, nor merely political, such as retaining a key position in the European integration process, but in addition, consisted of a very important social aspect, namely facing the issue of foreigners in Germany.

The matter of foreigners was not one to be taken lightly, as there is a clear distinction within society between the large second and third generation of foreigners in the country with no German citizenship and the German citizens. Foreigners have higher birth rates, 1.8 percent as compared to 1.4 percent for German mothers (Roloff and

\textsuperscript{12} In German, the SPD is the \textit{Sozialdemokratische Partei Deutschlands} and the Green Party's official name is Bündnis 90/die Grünen. The acronym SPD and Greens, or Green Party will be used throughout this study.

\textsuperscript{13} In German, the federal CDU is the \textit{Christlich Demokratische Union Deutschlands}, and its sister party found only in Bavaria is the CSU, the Christlich Soziale Union Deutschlands. The FDP is the \textit{Freie Demokratische Partei}. The acronyms will be used throughout this study.
Schwarz, 2001). They also have higher unemployment rates (see Figure 1.1) and the income difference between Germans and foreigners is growing (Ausländerbeauftragte, 2002: 315). In addition, the crime rate within the foreign population is more significant compared to bearers of a German passport; in 2001, 19.3 percent of criminal acts were performed by foreigners (Ausländerbeauftragte 2002: 298), whereas they represent less than ten percent of the population.

Figure 1.3 – Unemployment in Germany since 1979

<table>
<thead>
<tr>
<th>Year</th>
<th>German Unemployment</th>
<th>Unemployment Of foreigners</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>3.2</td>
<td>3.9</td>
</tr>
<tr>
<td>1980</td>
<td>3.5</td>
<td>4.8</td>
</tr>
<tr>
<td>1981</td>
<td>5.4</td>
<td>8.5</td>
</tr>
<tr>
<td>1982</td>
<td>7.5</td>
<td>11.8</td>
</tr>
<tr>
<td>1983</td>
<td>8.6</td>
<td>13.7</td>
</tr>
<tr>
<td>1984</td>
<td>8.6</td>
<td>12.7</td>
</tr>
<tr>
<td>1985</td>
<td>8.7</td>
<td>13.1</td>
</tr>
<tr>
<td>1986</td>
<td>8.2</td>
<td>13.0</td>
</tr>
<tr>
<td>1987</td>
<td>8.4</td>
<td>14.1</td>
</tr>
<tr>
<td>1988</td>
<td>8.1</td>
<td>13.9</td>
</tr>
<tr>
<td>1989</td>
<td>7.3</td>
<td>11.2</td>
</tr>
<tr>
<td>1990</td>
<td>6.6</td>
<td>10.1</td>
</tr>
<tr>
<td>1991</td>
<td>6.0</td>
<td>10.6</td>
</tr>
<tr>
<td>1992</td>
<td>6.5</td>
<td>12.3</td>
</tr>
<tr>
<td>1993</td>
<td>8.3</td>
<td>15.3</td>
</tr>
<tr>
<td>1994</td>
<td>8.8</td>
<td>15.5</td>
</tr>
<tr>
<td>1995</td>
<td>9.0</td>
<td>16.2</td>
</tr>
<tr>
<td>1996</td>
<td>10.0</td>
<td>18.6</td>
</tr>
<tr>
<td>1997</td>
<td>10.7</td>
<td>19.7</td>
</tr>
<tr>
<td>1998</td>
<td>9.8</td>
<td>18.3</td>
</tr>
<tr>
<td>1999</td>
<td>11.2</td>
<td>19.7</td>
</tr>
</tbody>
</table>


These traits are not necessarily linked to citizenship, but the ruling Red-Green coalition held the view that citizenship would help foreigners integrate into society, eroding the distinction between those born of German parents and those born of non-German parents.
The potential of having an even greater foreign population was worrisome to individuals in both major political camps. For the left-of-center parties, the exclusion of foreigners from participation in the federal elections was unfair and created a two-tiered society. For right-of-center parties, the problem was more so the high percentage of non-Germans in the country; it was of utmost importance to preserve the German culture, which the conservatives perceived as being threatened by foreigners. In addition, with relatively high unemployment in Germany, the right-of-center parties maintained that the Federal Republic had attained a saturation point with regards to accepting more immigrants.

Furthermore, the anti-foreigner sentiment was on the rise in Germany and there was fear of conflict within the country, especially if the percentage of foreigners kept increasing as predicted. The year 2002 was the first in the last decade to have seen a decrease in the number of extreme right organizations, although it was estimated that in the same year, the number of individuals in organized neo-Nazi groups rose by fifteen percent (Bundesministerium des Innern, 2003: 32). The SPD regarded the reversal of the poor integration policies of the past as central to their vision of 'stability' and recognized that other European states granted citizenship more easily than Germany. As Otto Schily, the German Interior Minister said, “With the new German citizenship law the previous out-dated laws have been modernized and adapted to a European standard”14 (Schily speech, November 12, 1998). The European Union integration process added pressure to Germany to harmonize its laws with its neighbors. The 1997 European Convention on Nationality established “principles and rules relating to the nationality of natural persons to which the internal law of States Parties shall conform” (Council of Europe, 1997: 3).

14 European standard is understood as granting citizenship based on a mix of jus sanguinis (right of blood) and jus solis (place of birth). Both concepts are discussed in the next paragraphs.
However, the real impetus was that Germany could no longer deny the fact that foreigners were going to remain in the country. The CDU/CSU’s official position was that the Federal Republic should not admit more immigrants and that Germany’s 1913 Citizenship Law needed no amendment to help with the integration of foreigners already in the country. Nevertheless, with a left of center party leading the government, it seemed that Germany could finally come to terms with its foreign population and liberalize its laws.

However, the initial proposal for the reform of the citizenship law differed greatly from its final product. The Reform to the Citizenship Law of 1999 stipulates that the required length of legal residence in the country needed to apply for citizenship be reduced from fifteen to eight years, and children born or raised in Germany who have already been in the country for five years now qualify for German citizenship. Foreigners married to a German citizen must now wait three instead of the previous five years before applying for citizenship. The biggest reform concerns children born to foreign parents; if at least one parent has lived in Germany for at least eight years and has a ‘stable’ residence permit (right to stay (Aufenthaltsberechtigung) or unlimited residence permit (Aufenthaltserlaubnis)), the child automatically receives citizenship from the parents as well as German citizenship. This was ground-breaking for Germany, whose 1913 law was based only on jus sanguinis, blood descent. Thus, in the past, bearers of the German passport had to have at least one German parent. This meant that citizenship was intrinsically tied to ethnicity; to be German was to have a common heritage and a common language. The reform challenges this notion by allowing for the granting of citizenship based on the principle of jus sanguinis as well as the principle of jus soli, the
granting of citizenship according to the place of birth. However, the individual must decide between the ages of 18-23 which nationality to keep.

Dual citizenship had initially been proposed by the Green Party as integral to the law, but the CDU/CSU opposition campaigned hard against the allocation of it, arguing that German citizenship would be devalued because bearers of two passports would have divided loyalty, thus not regard German citizenship as highly as those individuals whose sole attention could be devoted to German citizenship. Another objection to dual citizenship was the fear that allowing it along with easier naturalization would lead to increased immigration, which is not desirable according to the Union. Furthermore, the CDU/CSU declared that individuals with more than one passport would be entitled to more than bearers of only the German passport.\textsuperscript{15} There was no concrete discussion about what these entitlements would be. Rather, the Union capitalized on the vagueness of its claims.

This campaign was especially successful and influential in the 1999 February \textit{Landtag} (state) elections in Hesse where the Red-Green coalition lost what was thought to be a secure state. The CDU state chairman, Roland Koch, made dual citizenship the central issue in his campaign, organizing a petition drive against dual-citizenship that collected five million signatures nation-wide. This anti-dual citizenship movement was central to mobilizing public opinion against both the proposal for the reform of the citizenship law and the Hesse state led SPD/Green alliance, whose coalition was proposing the law on the federal level. Ultimately, the Greens lost much support in Hesse which contributed to a CDU-led state parliament. The results had significant impact on the federal level because with the CDU electoral win in Hesse, the CDU/CSU gained the

\textsuperscript{15} The issue of dual nationality and the views of political parties will be further discussed in Chapter 2.
majority in the Bundesrat, Germany's upper house where the SPD-led coalition had previously ruled. Thus, the Red-Green coalition in the Bundestag would not be able to pass any law without the approval of the CDU/CSU in the Bundesrat. The desire for legalizing dual-citizenship was then dropped, and the FDP brought forth the Optionsmodell, or option model, which allows the decision to be taken between the ages of 18 to 23 concerning which nationality to keep.

It should be noted that the liberalizations of the reform, namely the reduction from fifteen to eight years of residence and the adoption of the jus soli principle, was accompanied by the necessity to have satisfactory German language skills, a requisite previously not needed.

**Figure 1.4: Major changes to the citizenship law for foreigners**

<table>
<thead>
<tr>
<th></th>
<th>Before 1999 reform</th>
<th>After 1999 reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary residency period before applying for citizenship</td>
<td>15 years</td>
<td>8 years</td>
</tr>
<tr>
<td>Dual citizenship</td>
<td>No</td>
<td>No, but children born on German soil of foreign parents having legally lived in Germany for 8 years receive both German and Parents' citizenship; between the ages of 18-23, the child will have to decide which citizenship to retain</td>
</tr>
<tr>
<td>Child is granted citizenship from:</td>
<td>The parents - blood descent (jus sanguinis) principle</td>
<td>The parents - blood descent (jus sanguinis) principle and the state - birthright (jus soli) principle - if parents have legally resided in Germany for 8 years</td>
</tr>
</tbody>
</table>

16 This is phrased as "ausreichende Kenntnisse der deutschen Sprache" and is found in paragraph 86 Nr. 1. It is up to the individual states to determine what ausreichende, or satisfactory, entails.
The other law signifying a paradigm shift within German politics was the adoption of the 2004 Immigration Law. However, even more so than with the Reform to the Citizenship Law of 1999, the adopted version of the Immigration Law was a far cry from what was initially proposed by the Red-Green coalition. All major changes proposed, namely adopting a point system to actively select desired economic migrants, the lifting of the 1973 recruitment ban of foreign workers and the non preferential treatment of German and European Union citizens, were all left out of the law. Even though the Immigration Law brings few alterations to the previous policies, it is nonetheless a change in that it is now recognized as a federal law. In this regard it can be seen as contributing to the paradigm shift in the country to an ‘immigration country.’ As recently as the Kohl chancellorship, the Government had resisted the notion of the Federal Republic as a country of immigration, maintaining that the ‘boat is full.’ Now that Germany has recognized itself as a country of immigration, the challenge that remains is to better integrate the foreigners into society. For the current left-of-center Government, that means making the foreigners into full, voting members of the country.18

1.5 Citizenship and citizenship policy – Literature review

Citizenship and its importance have been increasingly debated since the end of the 1980s. T.H. Marshall is generally seen as the originator of the debate on citizenship, attributing three elements to it, namely the civil, the political and the social. The civil element comprises the individual freedoms, such as that of speech and of religion.

17 Helmut Kohl was Chancellor in the Federal Republic from 1982 to 1998.
18 The goals of the Government for the Reform to the Citizenship Law of 1999 will be further discussed in Chapter 2.
Political participation, in the form of voting, defines the political element. The social element is explained by Marshall as “the rights to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society. The institutions most closely connected with it are the educational system and the social service” (Rees, 1996: 5). It is to be noted that Marshall concentrated on the three decades following WWII, focusing on Europe. The reality of the 21st century, with globalization and increased human mobility, has brought many more foreigners to the European continent, but studies concerning citizenship remained on the fringes of academia; the large part of migration was due to guest workers, and most people believed that they would return to their countries. Furthermore, the economic strength of Europe throughout most of the post war era also contributed to the initial lack of study of citizenship; the foreigners were seen as contributing to the economy, and it mattered not if they were citizens of another country. However, as the number of foreigners grew substantially more rapidly than the non-foreign population in the developed world, and as foreigners were seen less and less as assets to the economy, the subject of citizenship gained attention with Marshall’s as its basis.

In contemporary debate and for the purpose of our study, citizenship is understood as formal nationality status, and involves Marshall’s three elements. It is seen not only as a symbol of national attachment or loyalty, but in addition as a means to include, thus in addition exclude, members of society from civil, political or social processes. Furthermore, citizenship entails equality before the law. Specifically related to Germany, citizenship guarantees the right of residence in the country, allows for
participation in the political arena and gives access to some public-service employment reserved for citizens, such as civil servants within the governmental administration.

There are a number of scholars that believe that citizenship policies and practices are converging within liberal-democratic states. Patrick Weil (2001) maintains that there is convergence in citizenship policies of states, due to democratic values, established and secure borders and a similar immigrant experience within the states themselves. Cornelius and Tsuda (1998) also support a convergence hypothesis, but one which is based more on institutional similarities, such as comparable political systems and the influence of regional integration. They cite analogous domestic pressure and historical legacies in liberal democratic states, as well as the desire to copy policies of countries with positive immigrant experiences, such as Canada, as reasons for convergence. Brubaker (1992), in his extensive study of French and German citizenries, advocated that Europe’s laws concerning immigrants and naturalization were converging, but that fundamental differences, such as having *jus soli* in France and *jus sanguinis* in Germany, would remain due to the cultural understanding of nationhood.

*Germany’s historical and cultural understanding of citizenship*

Germany’s history, which was discussed earlier in this chapter, explains why Germans have been so reluctant to let go of their cultural understanding of nationhood. The states that formed Wilhelmine Germany in 1871 were bound by language and a sense of common ethnicity more than by national identity. The self-identification of being a German was thus founded on this language and ethnic heritage. For this reason, granting admittance to foreigners into German territory, initially Poles in the East for labor
intensive agriculture, potentially brought economic benefits for the country and was not perceived as problematic. Granting citizenship to foreigners, however, was an entirely different question, and was never seen as a German economic or demographic interest. Poles could not become German.

Brubaker maintains that the development of the state and its traditions have greatly shaped citizenship policies:

German states – Prussia and other states before unification, Imperial Germany, the Weimar Republic, the Third Reich, and both German states after 1949 – have relied exclusively on *jus sanguinis* ever since citizenship law was first codified in the early nineteenth century...France and Germany continue to define their citizenries in fundamentally different ways because they have been doing so for more than a century. (Brubaker 1992: 186)

Most other nation-states in Europe were born out of the French revolution, where access to citizenship was, in theory, open to all regardless of race or class; the primordial element was loyalty to the nation. However, in Germany, citizenship was not open to all.

Nathans (2004) writes that,

[citizenship law] became a final barrier to the permanent settlement of foreigners who had managed to reside for a long period within the state. The Federal Republic therefore initially found little reason to change those parts of the citizenship law that gave the state administration wide discretionary powers over the granting of naturalization petitions. As in the Weimar period, Land governments used their authority with respect to the naturalization of foreigners to prevent individuals who were not ethnic Germans from becoming citizens (Nathans, 2004: 237).

Germany’s notion of identity explains why the desire to exclude foreigners exists:

By contrast [to English speakers], Germans, like many other Europeans, more easily conceive of a nation (*Nation*) or people (*Volks*) as an aggregate existing independent of state organization, unified by certain commonalities such as language, religion, culture, history, and descent. (Neumann, 1998: 249-250)
Similarly, Brubaker (1992) thinks that the understanding of citizenship continues to reflect deeply rooted understandings of nationhood, basing his study on France and Germany. Thus, Germany's history of having a common language and culture still greatly influences the Germans' perception of their identity. However, there are some that believe this understanding is slowly changing. Klopp (2002), for example, maintains that the ethno-cultural notion of what it means to be German is progressively changing, seen with the adoption of the citizenship reform of 1999. Furthermore, the post-nationalists believe that since national citizenship is becoming less important, the idea of the 'nation' is fading and being replaced by loyalty to supranational institutions.

National or post-national citizenship?

There are two major schools of thought concerning citizenship. The first thinks that citizenship is still very much relevant and important to individuals in society. Joppke (1998) believes that the nation-state is still a sovereign actor with regards to the control of its borders and the pressure of international conventions, and that citizenship is important because of this; citizenship is what allows you to enter your country, or perhaps have freedom of mobility in other countries. Joppke uses the example of landing in Sydney's airport in Australia; without the proper documentation, namely a passport, it will be very difficult to enter the country. Hansen and Weil (2002) suggest that nationality laws, not international conventions or treaties, determine who has the right to receive a passport. The passport, in turn, entitles the bearer to the privileges extended by the nation-state, the most important being the right to vote and "the right to be free - as only nationals are - from expulsion and arbitrary changes to entitlements" (Hansen and Weil, 2002: 1). Thus, those without the passport are excluded from these benefits. Torpey (2000) supports not
only the claim that passports are important, but in addition that they are increasingly becoming so, as the nation-state’s ability to monitor its citizens and control its borders has increased in the last decades, thanks largely to technological developments.

Other scholars believe that the benefits offered by citizenship are essential for long-term foreign residents, as they will eventually resent their exclusion from the political sphere. As Klopp (2002) writes, “as the myth of return to the home country slowly fades for first-generation immigrants and is increasingly a nonissue among subsequent generations, denizens come to regard second-class membership without effective political representation as unacceptable” (Klopp, 2002: 19). This ‘unacceptable’ view may translate into outward revolt against the state or may force the foreigners to build up their own community within the state, which ultimately leads to further exclusion and may end up in confrontation.

The other school of thought advocates a post-modern approach to nationality, stipulating that globalization has rendered the national passport meaningless in a liberal democratic state. Soysal (1994) maintains that rights are granted to individuals now based on their personhood rather than on their nationality and that national membership is not necessary for membership in a state. She maintains that it is international conventions and codes that guarantee the rights of foreigners within a nation-state rather than the foreigners’ relation to the nation-state. Furthermore, she claims to have found a converging international trend towards the rights and status of foreigners within nation-states. Jacobson (1996) echoes Soysal in that he maintains that in a world of increased migration, rights are granted more on residency than on citizenship status. In Germany, for example, citizenship is not necessary to obtain social benefits, such as health care or
unemployment benefits. Hence, for him citizenship is on the decline. Hammar (1990) calls these long-term resident foreigners 'denizens', stipulating that due to their length of stay within a country, the state has granted them certain rights usually allocated to citizens, such as residential, working, social and legal rights. The denizens are nevertheless still left out of the political sphere.

Faulks (2000) brings the postnational thesis of citizenship a step further, declaring that global threats, such as a decaying environment, renders rights, responsibilities and political participation of all individuals important. Globalization has created a situation in which our interests do not only lie within our national borders, and therefore citizenship should then not be tied to a nation-state but rather to the global community. Castles and Davidson (2000) also believe that globalization has posited a challenge to the traditional understanding of citizenship, and that new forms of citizenship have started to develop. One such form is multiculturalism. The other is the establishment of supra-national political institutions in order for citizenship to still have importance, albeit on a different level.

The notion of multiculturalism often suggests that national policies, such as high social spending on minorities, have led to the inclusion of many different groups, be they ethnically, religiously or racially based, into the legislative process. Thus, social benefits have consequently been extended to members of these communities. Nevertheless, these benefits may be superficial to some, as the key political and economic institutions may still have the previous cultural biases.

The idea of a supra-national institution is most easily explained with the European Union. When the interests of different nation-states are closely linked, national borders
lose meaning and loyalty is then transferred to a higher body. The idea of a ‘European citizenship’ has yet to take hold but some argue that the increased integration and movement of population will eventually lead to it.

In order to adequately conduct this study, it is vital to understand how Germany views citizenship. The Government’s belief concerning citizenship may differ greatly from what the foreigners deem citizenship can offer. For example, the Government may believe that a passport is important because it offers its bearer the security of residence, whereas foreigners may believe it is important because it offers greater access to the job market. If the efforts of the Government are focused on one issue that they believe is important to the target population and if that target population’s beliefs do not coincide with the Government’s beliefs, this discrepancy might lead to a gap between stated policy goals and actual outcomes, and would be an example of the factor ‘poor understanding of target group’s wishes’. Fundamentally, it is Germany’s understanding of citizenship that determines the framework in which citizenship law is reformed in that citizenship law can only be reformed within Germany’s understanding of it. If the framework is a post-national understanding of citizenship, it will unlikely be changed, even if foreigners may view citizenship very differently.

**Policymaking in Germany**

Policymaking in Germany has been extensively studied in the last two decades. The most influential work stems from Katzenstein (1987), in which he suggests that the policymaking structure in Germany “makes large-scale departures from established policies an improbable occurrence” (Katzenstein, 1987: 35). In his explanation,
Katzenstein coined the term ‘semisovereignty’ with respect to the limitations the institutional infrastructure may place on Germany’s Government. Due to coalition governments, parapublic institutions and intergovernmental relations, the Government is never fully free to act according to its own will; the aforementioned factors limit its sovereignty.

Simon Bulmer (1989) concurs with Katzenstein in that policymaking in Germany is limited by certain factors, but points towards the institutions of the country as having the greatest influence. Thus, whereas Katzenstein suggests that party ideology in the form of coalition governments and intergovernmental relations may be a more significant factor in policy outcome, Bulmer believes that the influence of institutions such as the Federal Bank (Bundesbank) provides stability to public policy. For Bulmer, institutions such as the Federal Bank have great legitimacy among both the national and international policymakers, and in order to maintain this trust, it does not pursue radical policies. For this reason, Bulmer maintains, Germany is unable to pass legislature that produces more than incremental results. Dyson (1982) also believes that there is stability in public policy, but that this constancy is a product of Germany’s history. Since the historical legacies, namely the failure of the Weimar Republic and the brutality of the authoritarian regime of the Nazi dictatorship, were not positive experiences for the country, policymakers strive to distance themselves from the past. According to Dyson, this has made consensus politics, absent in the earlier periods, a key factor in policymaking. Roberts (1989) disagrees with Dyson, and maintains that consensus within German politics is a product of political parties rather than the country’s past. The political parties should be credited for having developed a party ideology incorporating consensus. Fundamentally, Roberts
opposes the view that consensus is 'natural' in German politics, and argues rather that stability is due to party ideology. Regardless of why consensus politics is present in the Federal Republic, it seems to be a determining factor in policymaking. As Manfred Schmidt (1996) writes:

the requirement of co-operative strategies inherent in Germany's majoritarian-cum-consensus democracy model have been among the major determinants of the debate on institutional reforms, and have narrowly circumscribed the options available to practically minded reformer. (Schmidt, 1996: 93).

The notion of having limited options for reform is important in the case of our study. There is very little literature on the effects of variables, such as political institutional structure or domestic pressure, limiting citizenship policy in Germany. Heike Hagedorn's (2001) extensive comparison on naturalization in Germany and France is an outstanding empirical analysis of citizenship in both countries, but only briefly alludes to factors that may affect policymaking. Hagedorn concludes that the policymakers' public dialogue still uses the notion of the German nation as an ethno-cultural entity, yet that the reality of dual citizenship in Germany contradicts this discourse. She also maintains that certain elements in the political arena have become more conservative since unification, offering a cogent opposition to the Red-Green coalition in recent years.

Green (2001, 2004) has worked extensively and published widely on the issue of citizenship in Germany. In a study on the Green Party's failure to pass laws containing major elements of party ideology, he points to both Germany's federal structure and the role of political parties as decisive factors. Green argues that cases in the past, such as the 1990 Law on Foreigners, "an election in one single state can dramatically limit the scope of a major government reform" (Green, 2001(c): 12). As for the other factor, he
maintains that the key decisions are taken within the political parties themselves, as that is where most of the debates are held. In suggesting that the parties are crucial to policy outcomes, Green downplays the importance of certain institutions in the Federal Republic, such as specific ministries, and opposes Bulmer’s insistence on the importance of institutions like the Federal Bank.

1.6 Research methods and hypothesis

Given strong evidence of consensus and incrementalism in the discussion of Germany’s policymaking, this study posits that the institutional structure of the Federal Republic will contribute significantly to the goals-outcomes gap. When the Bundestag and the Bundesrat are led by different parties, it limits the capability and probability of the Federal Government to implement major policy change. Furthermore, the Greens, in this case the junior coalition government, may have pushed for a version of the reform that fundamentally met political and public resistance.

Other factors may also have affected the outcomes of the reform, but it is anticipated that the country’s institutions, especially given intervening events such as state elections, will be the most important contributor to the gap between the goals and results of the Government.

In order to test the hypothesis, the dependent variable, namely the gap between the desired outcomes and the results of the citizenship will be shown and examined. The independent variables, or in other words the possible contributors to the gap discussed in section 1.4 and summarized in Figure 1.1, will be explained as they relate to the gap. Official Government, political party and immigrant organization documents, official
statistics, previous literature on the subject as well as newspaper articles will form the basis on which the independent variables can be tested. It is the goal of this study to determine which determinants have contributed the most to the gap in Germany’s recent citizenship law reform.

Furthermore, interviews conducted during the month of January 2005 supplement the research for this study. Three target groups were identified for interviews. The first were individuals associated with the political side of the reform. Thus, members of the Bundestag from different political parties who have worked in the immigration/citizenship areas were interviewed, as were aides working in governmental offices. The members of Bundestag interviewed have all served on the Committee on Internal Affairs, which is responsible for questions concerning citizenship. Also in the political participant group are individuals associated with the Federal Commission for Migration, Refugees and Integration, which is largely an executive branch of the government.

The second group interviewed is formed by analysts of policies and represent the academic side of the question. Immigration and citizenship has been a growing topic in the academic world as the patterns and processes of the last 30 years have been tracked and analyzed by academics themselves. These academics offer a well-informed opinion with no political pressure, and are themselves often consulted by the government.

The last group is the target population, namely the foreigners. This group gives the first hand account of the repercussions of the Reform to the Citizenship Law. Individuals interviewed were all at one point bearers of a non-German passport, although some have since naturalized. They are all individuals who still work with foreigners, thus
are familiar with the reform and its effect on the foreign population of the Federal Republic. For a complete list of individuals interviewed, see appendix.

As the title of this study suggests, it seeks to examine the gap between stated governmental goals and actual policy outcomes, and in doing so identify the most important determinants of the gap. It is therefore an assessment of political promises. In addition, this study adds to the virtually non-existent literature on the expectations of foreigners living in Germany and their perceptions of whether or not their expectations have been met with respect to the citizenship law reform. Most of the literature focuses on the government side of the question, or merely on the quantitative data since the adoption of the reform and does not explore the repercussions on or the satisfaction of the foreign population.

This study also attempts to shed light on the general quantitative results of the Reform to the Citizenship Law in Germany of 1999. Between the time of the 1998 federal elections and the adoption of the reform, debate concerning citizenship was rampant within society. However, since the adoption of the law, society’s attention has been drawn elsewhere, mostly to the unemployment crisis in the Federal Republic, and Agenda 2010, the Government’s reform plan. Although only five years have passed, it should be enough time to assess the impact on the foreign population in Germany, with respect to the statistical data concerning naturalization.
Chapter 2 – The Goals of the Policymaker

This chapter, divided into four sections, examines the initial goals and outcomes of the reform from the policymakers’ point of view. The first elicits the objectives of the different political parties for the reform. The second part examines the reality of naturalization in Germany since the adoption of the reform. By comparing the initial goals of the policymakers with statistical evidence of the actual results, it will be shown that to a large extent, the reform did not bring about the outcomes that the Government expected and desired. Part three discusses the parties’ assessment of the results produced by the reform. Since the outcomes did not lead to as many naturalizations as the Government had hoped, the fourth section attempts to analyze both why the goals for the reform may not have been met, and why the Government has maintained a rhetoric of success four years after the law’s coming into effect.

2.1 The goals of the political players

The Government

As stated when the SPD first came to power in 1998, the integration of foreigners is a very important topic for the party as well as being the major goal of the citizenship reform. As a matter of fact, Schröder’s addressed the issue of the citizenship law in his

first policy speech as Chancellor, saying that "Our feeling of national identity is based not on the traditions of ancestral rights but rather on our self-confidence as a democratic state" (Die Welt, November 11, 1998). This shows that as soon as the Red-Green coalition came into power, already it wanted to abandon the old principle of granting citizenship based on the parents' nationality in favor of birthright citizenship. A few months before the September 1998 elections when polls were showing the SPD being favored by 44 percent of the population, Cornelia Sonntag-Wolgast, the SPD interior-policy specialist, stated that the principle of the right of birth as well as the making naturalization easier for second generation foreigners would be "minimum goals" that would "at least" have to be implemented during the term (Frankfurter Allgemeine Zeitung, July 16, 1998). There was the belief within the party that the acquisition of a German passport would lead to closer and stronger identification and attachment to Germany. Furthermore, there was the desire by some within the party of ridding Germany of its völkisch identity, that is to say, of its identity based on ethnic lines, incorporating language, culture and religion.

The SPD sees German citizenship as a kind of guarantor of rights. It offers the security of legally residing in the country, removing any worry that a residence permit will be revoked or not renewed. That in itself, according to Dr. Vera Weissflog, an SPD legal expert, is enough incentive to apply for citizenship: "It may be a personal choice to participate in the democratic process in Germany but we [the SPD] think that it is an important thing to do. Without citizenship, uncertainty of being allowed to remain in the country is always at the back of the mind" (Interview Weissflog, January 15, 2005). Other interviewees echoed Weissflog, saying that participation in the political process
was a valuable and important thing to do because it demonstrated one's attachment to the country. Mark Holzberger, a Green Party expert on citizenship, emphasized that voting was the most vital act an individual could perform in a democracy because it is "possible to see the direct results of one's actions" (Interview, Mark Holzberger, January 14, 2005). Since citizenship is required to vote, it is then, by extension, also vital.

Another stated goal of the coalition was reducing the number of residents in the country not allowed to vote. There is the fear within all political parties that if the foreign population keeps growing and represents a large proportion of society, and if they are left out of the political process, it can lead to societal unrest. If the foreign population becomes large and politicized, yet as non-voters do not have lobbying power in the political arena, there is the fear that they will feel disfranchised. This feeling will work against integration, as there may be contempt for the citizens of the country.

The citizenship reform for the Greens was important for Germany's republican self-identity. "In the long run, no democratic society can afford an increasing gap between the resident population and the voting population" (Bilanz grüner Einwanderungs- und Flüchtlingspolitik, 2002: 3) This desire to make the Wohnbevölkerung, or the population living in Germany, to a Wahlbevölkerung, or population with voting rights in Germany, was repeated constantly in statements from Green and SPD politicians the preceding and following months of the reform. This goal was reiterated during interviews in January 2005. The argument holds that once one belongs to the voting population, one feels more attached to country and will therefore attempt to integrate.

On the ideological side, the liberal democratic norms of Germany, in contrast to the dated conservative citizenship law, as well as the harmonization of European Union law were cited by as motivations for the adoption of the reform. The Federal Republic could not hold declare itself a liberal democracy and carry on with practices that do not encourage the integration of foreigners. “This reform is aimed at closing the gap that has existed to date between social reality and citizenship status. This gap exists because, in practical terms, most of these people have become Germans. In legal terms however, they continue to be foreigners” (German Embassy in London, 2005). The perception that Germany had not integrated its foreigners well was prevalent, and liberal-democratic norms hold that all individuals should have the same opportunities. Citizenship, thus, should not create a barrier to have access to these opportunities, especially not for individuals who had lived in Germany for an extended period of time.

On the European level, Article 17 of the 1992 Maastricht Treaty stipulated that “Citizenship of the Union is hereby established. Every citizen holding the nationality of the Member State shall be a citizen of the Union.” However, national citizenship was not relegated to the back burner of the stove, which was embodied in an amendment in the Amsterdam Treaty of 1999 stipulating that “Citizenship of the Union shall complement and not replace national citizenship.” The reality was that integration of the European Union member states was increasing, and even if the treaties did not express that Germany needed to reform its citizenship law, being more closely integrated with the other countries put pressure on the Federal Republic to be like its peers. This is evident in Government publications with such phrases as: “Now, it will also be possible to acquire German citizenship as the result of being born in Germany (jus soli) as is the case in most
other European countries" (German Embassy in London, 2005) (italics added). The Office of the Federal Commissioner for Foreigners’ 2002 report resonates the European integration influence. “If all member states wanted to set their own exceptions and limits on the European level, the harmonization level would inevitably be low and it would be fatal to the political integration" (Ausländerbeauftragte, 2002: 25).

There was, in addition, a tactical motivation for the adoption of the law according to some interviewees, such as Dr. Tarik Taribba, the consultant for issues concerning foreigners in the office of the Federal Commissioner for Migrants, Refugees and Integration, who mentioned that it was to the coalition’s advantage to naturalize foreigners, as they tended to vote in favor of one of the coalition parties. As a matter of fact, Andreas Wuest (2002) demonstrates that within the naturalized Turkish population, 11 percent intended to vote CDU/CSU, 62 percent SPD and 22 percent Green Party. In a separate study conducted by the Essen Institute of Turkish Studies, it was estimated that 87 percent of the naturalized Turkish population in Germany would approve of an SPD-Green coalition (Die Tageszeitung, September 23, 1998).

When the Reform to the Citizenship law of 1999 was adopted, Marieluise Beck, as Federal Commissioner for Migrants, was the most outspoken politician regarding the positive effects it would bring. She stated that more than half of the foreigners in Germany, between three and a half and four million, would now have the right and opportunity to naturalize although not all would send in an application (Frankfurter Allgemeine Zeitung, December 30, 1999). In another statement, she said that the Government was hoping that there would be one million more Germans by the end of the

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21 Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration which is headed by Marieluise Beck, a Green member of Bundestag.
year 2000. Seven hundred thousand of these would be children under the age of ten who have a two year period during which their parents can apply for citizenship under the same rules as a child born in Germany after the adoption of the law. One hundred thousand of the new citizenships, according to Beck, would come from the children in Germany to foreign parents, being granted dual citizenship through the principle of *jus soli*. Between 200 000 and 300 000 naturalizations would be granted to individuals fulfilling the necessary requirements (*Frankfurter Allgemeine Zeitung*, October 26, 1999).

It is to be noted that it was the Green Party that demanded implementation of the right to multiple citizenships, which was reluctantly accepted by the SPD during coalition negotiations.\(^2^2\) However, once the reform was formulated and presented to the Bundestag, both the Greens and the SPD had similar goals. The Green Party may see itself more as the guarantor of rights for immigrants whereas the SPD desires to portray itself as a more practical party. It accepted the Greens’ position on multiple citizenship because fundamentally, the SPD did not believe the issue of dual citizenship would alienate its voters, and a small concession by the SPD on the issue of citizenship, very high on the Greens’ priority list, could bring them leverage for future coalition negotiations.

*CDU/CSU*

The CDU/CSU supported the status quo of citizenship in Germany. As a matter of fact, they had chosen successfully to largely avoid the subject during the previous sixteen years of rule under Helmut Kohl. Simply put, according to the CDU/CSU, ‘the boat is full’\(^2^3\) and Germany should not be making it easier for foreigners to naturalize. Indeed,

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\(^2^2\) For details on the negotiations between the SPD and Green Party, see p.95-97 Green (2004).

\(^2^3\) It should be noted that Schily, the SPD Interior Minister used a similar rhetoric in 2001.
naturalizations should be limited. Whereas the SPD and the Greens see citizenship as a component to integration, the Union believes that a German passport should be the final component of integration. The Union's argument is that Germany should not allow foreigners to become Germans if they are not well integrated in society, which means that they must have a strong command of the language, must work and contribute to the welfare state. Only those that demonstrate they are capable of this should be granted a German passport, as a kind of reward.

However, when the SPD made citizenship reform one of its campaign topics, the CDU/CSU answered by also introducing it to its 1998 campaign platform. The Union stated that if reelected, it would reduce the required residency time from fifteen to ten years, adding that the foreigners would have the right to German citizenship when they were "ready to integrate" (Migration News, 1998). In addition, the platform stated the possibility of easing naturalization requirements, but contained no specifications (Süddeutsche Zeitung, July 25, 1998). The Union rejected dual citizenship as well as the adoption of the citizenship through right of birth principle. Other than reducing the time to ten years, the Union was in practice proposing nothing new.

The Union does not see Germany as a country of immigration for two reasons: the first being that the Federal Republic has high population density and can therefore not accept more immigrants. The argument has recently been expanded by Angela Merkel, the CDU Chairwoman:

For the Union, essential among other things is security. After 9/11 in New York and bombing in Madrid on March 11, 2004, but also after the Watergate scandal of the Department of Foreign Affairs or the experience with the hate preacher, it would be irresponsible to leave things.

24 Merkel is referring here to Metin Kaplan, the so called 'Caliph of Cologne', who was deported from Germany in 2004 to his native Turkey, which he had fled twenty years prior. He had previously served four
unchanged. (Merkel, 2004)
Whereas the left-of-center parties understood change as liberalizing old laws, Merkel and
the CDU desired to make things more difficult for foreigners to enter and reside in the
country.

The other reason for which regarding Germany as a country of immigration was
problematic for the CDU/CSU was that too many foreigners dilute the German
‘dominant’ culture (deutsche Leitkultur). During interviews with CDU aides, the view
that foreign workers had always created problems was expressed. “As soon as the guest
workers arrived, they started to create problems. But not European guest workers”
(Interview, Anonymous, January 17, 2005). Former Chancellor Helmut Schmidt has
recently gone on record saying that recruiting guest workers was a mistake (National
Post, November 25, 2004). Foreigners of other EU member states, according to the
Union, do not create, nor have they created in the past, any problems in German society.
Their European culture allows them to easily integrate into society, and hence offers no
threat to German culture.

FDP

The major goal of the citizenship reform, according to the FDP, was integration of
foreigners. The German passport for them, like for the coalition, is important for
integration because it gives its bearers more rights, namely the right to vote in national
elections, and the assurance that they will not be thrown out of the country. Furthermore,
integration for the FDP is more important than the actual issue of citizenship; for the FDP,
the German passport is not the most important means for integration. Language skills, for

years in a German jail, accused under Schily’s new legislation to crack down on Islamic legislation of
enticing his followers in the mosque of murdering a rival for leadership.
example, were cited during interviews as more vital. This position varies a little with the SPD and Green, which view the passport as integral for integration. As a very small Fraktion, in the Bundestag, the FDP favored the reform as the liberalization of the law would help with integration but declared no major goals for it.

2.2 The realities since 1999

Figure 2.1: Naturalization rate of foreigners since 1994


Looking at the graph titled ‘Naturalization of foreigners’, it is clear that the number of naturalizations increased after the adoption of the Reform to the Citizenship Law of 1999. The biggest increase came in 2000, the year of the reform came into effect with 186 688 naturalizations. The number of foreigners living in Germany in 2000 was a
little under 7.2 million which makes the rate of naturalization of foreigners approximately 2.56 percent. The comparative rate in 2003 is 1.92 percent, when the number of naturalizations has diminished to 140,731 and the foreign population in Germany augmented to a little more than 7.3 million. Thus, the 2003 rate is lower than the 1999 rate of 1.95 percent, which itself was an increase from the 1.46 percent rate of 1998. In total, since the adoption of the law, there had been approximately 660,000 naturalized foreigners by the end of 2003.

An important fact to keep in mind is that there is no data available for the number of naturalization demands, only for successful naturalizations. Thus, the number of individuals applying could theoretically be much higher. However, the interviewees all agreed that if the basic requirements concerning legal residence and employment in the country are met, most demands would be accepted. “It is my understanding that most foreigners who apply are granted citizenship. The problem we [the Government] have seen is that not enough people wish to apply” (Interview, Holzberger, January 14, 2005). Holzberger, along with Dr. Tarik Tabbara, suggested that new language proficiency requirement may have created differences between states (Interview, Tabbara, January 10, 2005). It was suggested numerous times that some states, such as Bavaria, were much stricter with regards to language proficiency than others, such as Berlin.

Following the jus soli principle, 41,257 children received the German citizenship upon their birth in the year 2000. This number does not figure into the naturalization rate. They will have to decide between the ages of 18-23 which of their two passports to retain.

It should be noted that there was a special clause in the law with respect to foreign children in Germany that were born before the adoption of the law but that were less than

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25 See Appendix 1 for data on the number foreigners in Germany since 1980.
ten years old. Following the same guidelines of the requirement to have at least one parent who had legally resided in Germany for at least eight years, these children could file for naturalization if their request was received before December 31, 2000. This process led to 20,181 naturalizations in 2000 and 23,403 in 2001. Thus, if these naturalizations are subtracted from the totals, the number of naturalizations of long time adult resident foreigners is in reality lower than the 186,688 in 2000 and 178,098 in 2001 respectively.

The increase in naturalization has been minimal since the adoption of the law. Furthermore, it is difficult to prove that the increase in 2000 was necessarily due to the adoption of the reform because the trend in the last decade has been a general increase. In addition, since 2000, the rate of naturalization has been decreasing to the point where the 1999 rate, before the reform, is higher than the 2003. The high 1999 rate has been attributed by some policymakers (Tabbara, Holzberger) and academics (Scheidler, Ohliger) to the fear of some foreigners of not being able to satisfy the new language requirement that the reform introduced, or to the processing of a backlog of demands.

It is important to examine the breakdown of the nationality of the foreigners in Germany. One-fourth of foreigners are EU nationals, whereas approximately 28 percent have Turkish citizenship, which grants them many rights under the Association Agreement with the European Union. Of the individuals granted German citizenship in 2003, 40.0 percent were Turkish, and only less than 3 percent were nationals of an EU member state.²⁶

²⁶ It is to be noted that the EU had 15 member states in 2003—the data for the post-2004 expansion is not yet available.
The total number of foreigners that had already been in Germany eight years in 2000 when the reform was adopted is close to 4.1 million, or 56 percent. Seventy percent of Turks and Greeks, 75 percent of Italians, and 83 percent of Spanish in Germany fulfilled the eight year resident requirement at the time the reform was adopted (Green, 2005: 6).

In 1999, Marieluise Beck had said that the Government hoped for one million new Germans before the start of 2001. As of the end of 2003, there had not yet been one million. It was expected that close to 100,000 children born of foreign parents would be granted German citizenship on the *jus soli* principle. A little over 41,000 children were granted citizenship. Of the anticipated up to 700,000 children under the age of ten with the right to naturalization, less than 45,000 had acquired it at the end of 2001, when the one year period for application was ended. The period was then extended, demonstrating that the Government was hoping for greater numbers.

It is clear by looking at the first two sections of this chapter, that the goals of the policymakers and the results of the reforms do not coincide, except on one level, namely the general liberalization of the law, and the synchronization of national policies with other European nations. With the adoption of *jus soli*, Germany extended of national membership to a segment of the population that was previously excluded, that is children born on German soil. It also brought the Federal Republic in line with the rest of the European nations. The adoption of the reform, according to Green, is that “Germany has moved from the most restrictive fringes [in the EU] on citizenship law to the broad mainstream” (Green, 2000: 120).
However, with regards to the more specific goals, including desired number of naturalization, there is clearly a goals-outcomes gap. This is the dependent variable of this study. The next sections will attempt to determine the biggest contributors to this gap.

2.3 Party assessment of the reform's outcomes

Writing in 1992 about the 1990 Law on Foreigners, Brubaker states:

While this reform marks a significant change in direction, it is unlikely substantially to further the civic incorporation of immigrants. In the first place, the government rejected proposals to allow immigrants to naturalize, as in France, without giving up their original citizenship...More important, the rules governing the ascription of citizenship were not changed. The system of pure jus sanguinis remains in place. This, even more than restrictive naturalization rules, remains the chief obstacle to the civic incorporation of immigrants in Germany. (Brubaker, 1992:173)

In these comments from Brubaker, he isolates two factors that were hindering the 'civic incorporation' of foreigners. The more important element, according to him, was Germany granting citizenship based only on the principle of blood descent. This has been changed with the 1999 reform. The other factor, which has only partially been accepted in the 1999 reform, was the ban on dual citizenship. According to Brubaker, the issue of dual citizenship would be the key to increase naturalization rates, whereas abolishing descent by blood would improve 'civic incorporation', as all individuals born in the country would automatically be granted the same rights, thus erase any type of demarcation that exists now.

Much like Brubaker evaluated the 1990 law, this section depicts the assessment of the political parties four years after its implementation of the reform. However, whereas
Brubaker can call the law a failure, the Government will be reluctant to admit that its legislation failed.

**SPD**

Policy makers within the SPD admit that it has not necessarily gotten easier to naturalize because of the new language requirements, but the SPD is satisfied with the achievement of the paradigm shift. Individuals within the party repeatedly stated that the question of dual citizenship was not as important to them as the question of *jus soli*, as it had originally been the Greens that had advocated dual citizenship. There is also the belief that the law has been successful for the children born in Germany, but not as successful for those individuals that have resided in the country for many years. However, the reform was intended for both children born in the country and those already resident in Germany; the law was not meant to cater more to one group over the other, according to the party.

Sebastian Edathy, member of the Bundestag and party expert on the issue of citizenship, was the only individual interviewed that publicly stated that the Government had expected more people to naturalize and that it was disappointed with the results (Interview, Edathy, January 20, 2005). Other members of the party maintained that more time must pass before a complete evaluation of the reform can be performed. Furthermore, when asked if the Government had initially envisioned a specific number of foreigners being naturalized, the interviewees simply stated that more than before was their goal, even though the Federal Commissioner had officially stated what the Government had hoped for.
The biggest reason attributed to the low naturalization of foreigners was the necessity to give up one's previous passport; there is still, according to the interviewees, much attachment to the homeland.

As Edathy said, "For what was doable, the reform has been successful." He furthered this remark with an explanation that the loss of the Bundesrat majority made the full implementation of the original program impossible. The implication of not being responsible for the low rate of naturalization is clear; the Government had expected a greater number of naturalizations but the resulting low rate is out of the Government's hands. The policy makers did what they thought would lead to the greatest number of naturalizations within the framework in which they were working, and the low rate is attributed more to forces outside of the Government's control, namely public opinion in Hesse against dual citizenship that led to a CDU election victory, bringing them a majority in the Bundesrat.

The Greens

The Greens believe that the law was seen positively both at the time of its adoption and in the present. According to a party publication on immigration policy, the Greens see the passport as a means of integration. The success of the citizenship reform speaks for itself: in 2000 approximately 187,000 naturalization demands were accepted—30 percent more as before the reform. In addition, the introduction of the right of birth changed the statistics. Of the 91,000 children born in Germany of foreign parents in 2000, 40,000 of them received the German nationality thanks to the reform. (Bilanz grüener Einwanderungs- und Flüchtlingspolitik, 2002: 3)

However, although individuals within the Green Party uphold that the law had some successful elements, but that it was not entirely what the Party desired. The Greens'
loss in Hesse is cited as a major blow to both the Party and the citizenship reform. Another suggested downfall of the reform was that it was mainly an elite-led process; not many representatives of the foreign population were present to voice their opinions and concerns. Dr. Tarik Tabbara maintains that the reform has been successful, for close to one million foreigners have been granted German citizenship since its adoption.²⁷

However, according to Tabbara, changes could undoubtedly improve the reform. The most important change would be making the reform clearer; according to him, there is confusion with regards to who satisfies the eight year residency period, as well as unclear language as to what will happen to the children born to non-German parents. If they do not officially choose one of their two passports, will they automatically lose their German citizenship, which seems to be what the law suggests, although the Basic Law forbids the taking away of German citizenship.

The Greens also believe that the adoption of the *jus soli* principle was more important than the dual citizenship issue, thus on that level, the reform has been successful.

The overall outlook of the Greens is summarized well in the Federal Commissioner’s report: “Overall, the new Citizenship Law has proved itself valuable. Several particular groups still cause problems and will be dealt with either in the practical implementation or in the contributions to come from the right of citizenship” (Beauftragte der Bundesregierung fuer Auslaenderfragen, 2000: 63).

*CDU/CSU*

²⁷ The 2004 totals are not yet known.
The CDU still maintains that naturalization in Germany is too easy of a process to undertake. One CDU aide said that the SPD was allowing naturalization like it was a present (Interview, Anonymous, January 17, 2005). However, they believe that the reality has changed since 9/11; the dream that the SPD had of naturalizing the foreign population has been crushed, and any issues dealing with foreigners will also have security as a theme. For this reason, the number of naturalizations has not been extremely high; the Government, according to the CDU, realized after 9/11 that it did not desire to naturalize all of its foreigners, and has therefore not pursued the project as adamantly as previously.

FDP

According to the FDP, there are fewer people today, as opposed to the time period right after the adoption of the reform, who maintain that it has been successful. During interviews with FDP members, the reasons cited for the low level of naturalization in Germany were money and the desire not to give up their original nationality. Dr. Max Stadler, an FDP member of the Bundestag and one of the party experts on citizenship and immigration stated that “there is still much attachment to the ancestral land, even though most of the second and third generations have never been to their country of nationality” (Interview, Stadler, January 24, 2005).

The law, for the FDP, has a definite outlook towards the future; for them, the primary purpose of the law was to allow children born on German soil to become German citizens. Thus, the adoption of the *jus soli* principle was more important than the acceptance of the dual nationality, which is generally seen as a means by which to encourage established foreigners to apply for citizenship.
Stadler, declared that politicians often believe that the right to vote is more important to people than what the people in reality believe. For the everyday life of a foreigner, Stadler continued, the German passport does not necessarily add much other than security.

The CDU anti-dual citizenship Hesse campaign was successful, according to Stadler, because it played on irrational fear that with two passports, the other, namely the foreigner, would have more than the German citizen. Furthermore, the fact that it was happening in their own home country made the issue very tangible. However, the FDP believes that the German public is ready for the paradigm shift in the country, and that the actions of the CDU/CSU, referring to the anti-dual citizenship campaign in Hesse, are but exceptions.

According to the party, the law could have been more generous in terms of making the requirements for citizenship easier, such as an even shorter residence period as the eight years seems to have been taken quite arbitrarily. However, it was nonetheless a step forward in liberalizing Germany's law, and a step forward, according to the party, is a positive step.

The FDP was the only party with the belief that the subject of citizenship would return to the political arena in the next few years, and that a further liberalization would occur. A motive for this belief was that the German public is still greatly affected by the fear of terrorism, which is linked, according to the FDP, with foreigners. A cited and well-publicized example were individuals in the Hamburg Al Qaeda cell with ties to the 9/11 attack, who were not German born. Thus, when the memory of terrorism diminished,
the fear of foreigners would in turn decrease, paving the way for more liberalization of the citizenship law.

As Stadler stated, it has not necessarily become easier to naturalize, and therefore perhaps the goals of the Government have not been met.

2.4 An analysis of the rhetoric-explanations for the goals-outcomes gap

Marieluise Beck, the Federal Commissioner for Foreigners called for a decrease of the original 500 Mark naturalization fee six months after the coming into effect of the law because it seemed it had not created the desired results. In Berlin, for example, there had been a six percent decrease of naturalizations since the previous year (Sueddeutsche Zeitung, July 24, 2000). However, a year later, when the numbers were still very similar in some areas of the country like Berlin yet had risen a little in others like Munich, Beck had no reservations about heralding the law as a success (Federal Government Commissioner for Foreigners and Integration, July 5, 2001). Beck's statements represent well the Government's reaction to the results of the reform, namely that the Government will hold its own legislation as successful.

Only one individual member of the ruling coalition interviewed admitted that the reform had not met the Government's expectations. However, even he maintained that it was the best possible outcome for the framework in which the Government was working. This latter remark is representative of the Government. There is a definite emphasis on the qualification in the Government's rhetoric, meaning that the reform may not have produced all of the original desires, but it is still a positive step in citizenship policy. There is the refusal to a large extent of admitting that the policy has been a failure with
respect to the fulfillment of its goals. When one looks at the 1999 statements of
Marieluise Beck declaring that the government expected one million new Germans in the
next year, and then examines if this total will be reached after four years, the law seems
to not have produced the expected results. However, in the words of Edathy, echoing
many interviewees, “maybe the law has not produced everything that the Government
desired, but it cannot be seen as a failure because it is nonetheless a liberalization of the
previous situation” (Interview, Edathy, January 20, 2005).

If the law has had some shortcomings with regards to long-term resident
foreigners, it has been hailed as largely successful by the Government with regards to the
adoption of Jus soli. According to policymakers, “the automatic granting of German
nationality upon birth will help with their integration into German society” (Interview,
Tamm, January 10, 2005). However, even though close to two-thirds of foreigners have
resided in the country for at least the required eight years, only about 40 percent of them
satisfy the residence status provision, namely having the necessary legal documents for
those eight years, that needs to accompany it (Green, 2000).

There was much discussion regarding the success of the paradigm shift within the
country, even though the naturalization rate was still low. This low rate was blamed to a
large extent on the existing illegality of dual citizenship. The only other major factor that
was mentioned as having contributed to lower naturalization rates was society’s fear and
dislike of foreigners (Fremdenfeindlichkeit), although the FDP did not think that was at
all a factor, apparently placing more trust in the individual citizen’s character. Thus,

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28 There are different classifications of residence allowances (Aufenthaltsstatus), and only two of them,
namely Aufenthaltserlaubnis and Aufenthaltsberechtigung (residence permits) are adequate to satisfy the
eight year residency permit. Aufenthaltsbefugnis and Aufenthaltsbewilligung (residence authorizations) are
not considered satisfactory when applying for citizenship.
much like a refusal to admit the failure of the policy, there is the emphasis on placing more importance on the positive aspects of the law, namely the adoption of the *jus soli* principle, instead of looking at its shortcomings.

The 1999 reform that was passed was a watered-down version of the original draft. Thus, for many in the Government, the reform that was adopted could not produce the desired results, which would have included the right to multiple citizenships. The question that needs to be addressed is why the version of the reform that was adopted could not produce the desired results?

*Explanations/Causes for the gap between goals and outcomes*

Field research and analysis of official and party documents reveal that the following factors played a critical role in diverting governmental policy from its original goals. They are factors posited in Chapter 1 as possible contributors to this gap.

**Structure of Political Institutions**

As stated, low naturalization was largely blamed on the failure to pass the measure allowing dual citizenship. Indeed, most of the individuals interviewed agreed that legal dual citizenship would have increased the number of naturalizations. The extent of this increase, however, is impossible to know. "We have no idea how many people would apply for citizenship because we have no data on that, but in my mind, there would be a significant increase in application demands" (Interview, Tabbara, January 10, 2005). The original draft of the reform included dual citizenship, as it was an issue pushed by the Green Party during and after the 1998 federal election. Examining the independent variables outlined in Chapter 1, the institutions of the Federal Republic seem to have
played a big role in the dual citizenship clause not getting accepted. To begin, without the majority in the Bundesrat, it is very difficult for a federal government to implement a radical reform, such as the citizenship reform. Furthermore, with ongoing state elections, like the one the Red-Green coalition lost in Hesse, reforms must have a broad consensus, which usually only leads to an incremental change; reform is tempered by awareness of upcoming elections. Although the alterations to the citizenship law were significant, they nevertheless remain incremental with respect to what was originally proposed.

A second factor linked to Germany's institutions that had repercussions on the citizenship reform is Germany's structure of coalition governments. The Greens, being the junior coalition member, pushed strongly for dual citizenship and the SPD acquiesced to their demands. Fundamentally, it was the dual citizenship issue that instigated public outcry against the draft of the law in the form of the CDU Hesse campaign, which in turn led to a compromise by the ruling coalition looking for a wide consensus. As Dyson writes:

[Germany has] a style of negotiation and consensus building [that] is based on a conception of the interdependence of state and society and of the importance of consensus in policy. This style is rooted in the power-sharing that is implicit in the co-operative norms of the 'social-state' ideology, of German federal arrangement and of coalition politics. (Dyson 1982: 18)

Katzenstein (1987) echoes Dyson in his study of policymaking and politics in Germany, writing that "[g]overnment by coalition defines the structure of West Germany's party system. The prevalence of government by coalition encourages incremental policy change"(Katzenstein, 1987: 40). Whether it is the junior or the senior member of the coalition that desires more radical political change, the influence of the other member will ultimately bring the law more into the mainstream. Webber (1995), in his study on
German institutions in the post-unification era, summarizes these conclusions well: “If one were to search for a single expression to characterise the politics of the Bonn Republic, it would surely have to be cooperation” (Webber, 1995: 5).

Whereas these scholars have made the case for the institutional framework in Germany characterizing the manner in which policy is made, this study suggests that this same institutional framework explains incrementalism in the case of the citizenship reform in Germany. Hence, it is a major contributor to the goals-outcomes gap.

**Policy implementation**

As the interviews showed, policymakers within the Government will not admit that any of their policies were failures, preferring to concentrate on the positive aspects. The Government is able to do so because there was much ambiguity concerning the specific number of naturalizations they desired; it was cited once by the head of the Commissioner for Foreigners that the Government was hoping for one million new Germans within the first year, but other than that, no numerical goals were stated. With a general goal of naturalizing more foreigners than previously, the law can always be looked at successfully. Furthermore, the opposition CDU/CSU, who could benefit from pinpointing Government failures, has no real incentive to do so in the case of the citizenship reform because more individuals are getting naturalized now than before, even though the rate is still very low, and the Union is against this trend.

Ambiguous goals could have allowed the Government to put the citizenship reform on the back-burner of its agenda. As a matter of fact, not long after adopting the reform, the Government set to work on its immigration law and discussion about
citizenship was quickly dismissed. Its lack of political will, thus a failure in policy implementation, may have contributed to the gap. If the goals had been stated more clearly, the Government would have been under more political pressure to achieve them.

Another component of failed policy implementation comes in the Government’s development and drafting of the reform itself without seeking proper information about the target group. Even though 56 percent of foreigners in 1997 had lived in the Federal Republic for at least eight years, only 38 percent of this group held the appropriate residence permits that qualified their children to be granted German citizenship (Australänderbeauftragte, 2002: 54). These facts should have been known to the Government, especially the Federal Commissioner for Foreigners’ Affairs. It could have realized that the reform, in its requirement of specific residence permits, would not produce the desired results.

Public pressure/domestic public pressure

When we examine the issue of dual citizenship, or lack thereof, which is cited as having been the greatest contributor to low rates of naturalization, two factors for the extension of the status quo come to mind. The first is institutional and has been discussed above. By examining why the Greens lost support in the Hesse Landtag elections, the other factor contributing to the refusal to accept dual citizenship becomes clear. The campaign was based primarily on an anti-dual citizenship platform. There was a strong public outcry against allowing foreigners to have more than one passport. It should be noted however that close to 40 percent of the individuals being naturalized have dual citizenship, as there exist provisions for its allocation (Australänderbeauftragte, 2002:}
As a matter of fact, the CDU/CSU asked for a parliamentary enquiry about
dual citizenship, whose governmental answer stated that 43.3 percent of naturalized
individuals had acquired dual nationality in 2001. In contrast, the year before the
adoption of the reform saw 13.8 percent of naturalized individuals being granted dual
citizenship (Press Statement BMI, August 4, 2002). The Union complained of this rise in
dual citizenship (*Welt am Sonntag*, August 4, 2002) but was quickly answered by Schily,
the Interior Minister, who demonstrated that the rise was accounted for mainly by the
children being born on German soil with the right to dual citizenship until they reach the
age of 23 years. The general public is nevertheless not aware of this and the Government
does not seem to desire to enlighten its population, especially after what happened in
Hesse. Furthermore, recent opinion polls have shown that more than close to 65 percent
of the German population is against dual citizenship (Green, 2001(c): 11). Clearly, the
Government does not want to antagonize this section of the population by letting them
know that dual citizenship is tolerated to a large extent. The opposition in addition has
nothing to gain from this information getting out to the public, because a majority of
those in the past that have been granted dual citizenship are *Spätaussiedler*, the ethnic
Germans, who vote primarily for the CDU/CSU. Thus, public pressure, in this case a kind
governmental pressure imposed on the domestic population shaped by a lack of accurate
information about the realities of dual citizenship, has had a big role to play in the
outcomes of the reform. The Government, on the one hand, sees no objections to dual
citizenship, yet on the other, seems reluctant to let the realities of dual citizenship be
known to the general public so quickly.

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Refugees and *Spätaussiedler* are the two major groups that account for legal dual citizenship.
Brubaker attributes this reticence of accepting dual citizenship in the public as well within the circle of policymakers on Germany's political culture:

Germany lacks a political culture supportive of naturalization. This is clearly expressed in the administrative regulations governing naturalization, which state unambiguously that “the Federal Republic is not a country of immigration [and] does not strive to increase the number of its citizens through naturalization.” In countries of immigration like the United States and Canada naturalization is expected of immigrants; the failure to naturalize is anomalous. (Brubaker, 1992: 77)

Since the time of Brubaker's comments, Germany has experienced a paradigm change, officially understanding itself now as a country of immigration. However, this transition seems to have yet not fully taken effect. Germans still attach much importance to language and ethnicity, and the notion that “in German self-understanding...one cannot join the nation-state by voluntary adhesion (the North American model) or state-sponsored assimilation (the French model)” (Brubaker, 1992: 77).
"If liberty and equality, as is thought by some are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost."
- Aristotle, Politics

Chapter 3 – The foreigners speak out

When looking at the governmental goals for the 1999 Reform of increasing naturalizations in Germany, the liberalization of the citizenship law focused on two groups: the children of foreigners who were going to be born on German soil and the foreigners who were already in the Federal Republic. Even more targeted among the latter group were the foreigners who had already legally been in the country for at least eight years, and therefore fulfilled the residence requirement to apply for citizenship.

However, what were their expectations, how did the foreign population in Germany react to the adoption of the reform, and more importantly, how do they view the situation today?

Such are the questions that are addressed in the following chapter. Interviews were conducted with individuals who headed organizations for foreigners. These organizations did both cultural and political work with members of the foreign population, and all of the individuals interviewed had once also been among the foreign population in Germany before they applied and were granted German citizenship. These interviews, newspaper articles and official documents from organizations for foreigners in Germany form the basis of this analysis of the foreigners’ expectations of the 1999 Reform to the Citizenship Law and their assessment of policy outcomes.

3.1 - Expectations for the reform of citizenship

In Gerhard Schröder’s first policy speech after being elected Federal Chancellor in 1998, he declared that legal foreign residents who have been in Germany for a long time should no longer be called ‘guests.’ “This Federal Government will therefore
develop a modern citizenship law [...] We will therefore allow double citizenship.”

Furthermore, Schröder spoke not only for the Government, but continued by saying that Germans would reach out to “those who live, work and pay taxes here, so that they can become part of our democracy” (Speech, Berlin, November 10, 1998). Such promises were certain to evoke expectations among the foreign population of the country, who, like Schröder referred to, have been perceived as guests by a large part of the German population.

For many foreigners in the Federal Republic, German citizenship could remove any and all worries that may be attached to being a foreign national. It guarantees the right of residence whereas all other permits are temporary and subject to revocation, it gives access to public sector employment and allows for easy and hassle free travel within the European Union. Thus, it seems logical to think of German citizenship as attractive to non-nationals. A 1999 study by the Nordrhein-Westfälisches Landeszentrum für Immigration indicates that 56 percent of the immigrants interviewed had interest in German citizenship, and the number reached close to two thirds for Turkish citizens living in Germany. Furthermore, a study conducted by the Essen Institute of Turkish Studies demonstrated that 76 percent of Turkish citizens in Germany said they would apply for German citizenship if they could retain their original passport, and that 52 percent would be willing to trade their Turkish passport for a German one (FAZ, September 25, 1999). However, interest as has been demonstrated by the statistics since the reform of the citizenship law, does not necessarily translate into more naturalizations.

It is to be noted that these studies were conducted before the adoption of the reform of the citizenship law, and before the Hesse election which forced the Red-Green
coalition to abandon its plans for dual citizenship. To put matters into perspective, in a 1998 study by the same Essen Institute of Turkish Studies, two-thirds of naturalized Turks in Germany admitted that dual citizenship and naturalization had been important factors in their decision for whom to vote in the federal elections (*Tageszeitung*, September 23, 1998); with the pre-election promises from the SPD and Green Party concerning dual citizenship, it seems a segment of this group was attracted by the prospect of regaining their Turkish passport they had relinquished when they acquired German citizenship. Clearly, when foreigners were asked about their interest in acquiring a German passport, their notion, as had initially been stated by Schröder and his Government, was that they would be able to retain their old citizenship. Individuals interviewed who work with foreigners also expressed the view that the foreigners in Germany were expecting a law that would allow them to retain their nationality. Mr. Aktas, Director of the Kurdistan Kultur- und Hilfsverein, an aid and cultural organization for Kurds in Berlin said that he “thought we would be able to keep our passport” (Interview January 18, 2005). Employees at Bayouma Haus, an intercultural center offering services to foreigners in the Friedrichshain-Kreuzberg area in Berlin, stipulated that foreigners still felt attachment to their homeland, partly because they had never fully been accepted in Germany. It is clear that no individual desires to be a citizen of a country in which he does not feel comfortable or welcomed.

Other than the expectation of dual citizenship, the 1999 Reform to the Citizenship Law was in addition supposed to allow for easier naturalizations. The processing time of an application was to be shortened, and the civil servants processing the application were told to be more receptive to applications (Interview, Antje Scheidler, Director of
Humanity for Action Germany, January 17, 2005). On top of the Government’s proclamation of a paradigm shift within the country, namely of incorporating the former ‘guests’ into German society and adopting the birthright principle for citizenship, a massive informational campaign to get the new information out to the foreign population was undertaken. All individuals interviewed agreed that there was both enough general advertisement, in the shape of billboards and newspaper ads, as well as specific information sent to foreigner organizations, in the forms of brochures and phone contact, to adequately spread and publicize changes in the naturalization requirements.

With regards to the expectation of a paradigm shift within the country, the interviewees all agreed that Germans were not ready, in 2000, to accept an influx of naturalized citizens. Mr. Aktas, representing the Kurdish voice, spoke of a poisoning of the atmosphere in society during the CDU/CSU anti-dual citizenship campaign in Hesse. He continued by saying that the climate had improved but that the Government did not take enough initiatives to make this paradigm shift apparent. He noted how President Bush had acknowledged Islam’s celebration of the Id-al-Adha (Festival of sacrifice) whereas Schröder’s administration had nothing to say about it. Such some actions, according to Aktas, can produce a more accepting atmosphere for foreigners.

Natasha Garay, Director of Bayouma-Haus (Interview January 7, 2005), spoke of how the initial hope of the foreigners frequenting Bayouma-Haus was quickly lost when the requirements for naturalization were made known. Many of the foreigners Garay works with are poor and jobless, rendering them ineligible for application. She, along with Vo Cam Trang, a social worker for Vietnamese women in an organization called AWO/Arbeiterwohlfahrt maintained that a German passport was still attractive, most
importantly for easier access to the labor market (Interview January 8, 2005). Both pointed out, however, for these immigrants that have already been in the country for many years, there are no major incentives to apply for citizenship: foreigners receive the same unemployment and social benefits. Moreover, a recent ruling set the precedence that the renewal of a residence permit is quasi de facto guaranteed if the applicant's dossier has not changed, i.e. committed a serious crime. Thus, when residency is guaranteed, and a job or social benefits are secure, applying for German citizenship is seen as more of a hassle than a benefit. For these individuals, it appears the economic rights are more important than social, such as access to public sector employment, and political rights of citizenship, in contrast to what the Government seems to have believed.

There seems, then, to be differences in expectations between foreigners of different nationalities. The largest group, the Turks, albeit expressing in studies a strong desire to naturalize, also seem to have the closest attachment to their 'native' land, according to Rita Speck, a social worker and advisor for foreigners at Bayouma-Haus (Interview, January 7, 2005). Aktas also expressed a similar view, stating that it may be difficult for some foreigners, such as the Turks, to abandon their nationality as they most probably have ties and financial assets in Turkey. Furthermore, the 'myth of return' is much stronger within the Turkish population than other foreign populations, which, according to Aktas, is normal because Turkey is relatively close to Germany. However, for Kurds, who have no Kurdish nationality and are a minority that has greatly suffered in Turkey, Iran and Iraq, relinquishing one of these nationalities for German citizenship is very attractive (Interview, Aktas, January 18, 2005). The Vietnamese population,

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30 2002 ruling by the Federal Administrative Court in the case of 'Mehmet'. For more information, see US Department of State Country Reports on Human Rights Practices, p. 6. (http://www.bullen.demon.co.uk/cibef80.htm)
according to Trang, was also ready to let go of their passport in favor of a German one. Thus, when the issue of dual citizenship was abandoned by the Red-Green coalition, some groups still wished to naturalize, whereas the hopes of other groups, such as a large part of the Turkish population, seemed to have vanished.

3.2 - The perceptions of the law today

The Interkultureller Rat, an non-governmental umbrella organization working with different foreign organizations in Berlin to improve the dialogue between foreigners and Germans, summarizes well the general feeling among the foreign population in Germany: “by looking at the numbers at hand, the reform can only be spoken of conditionally as a success” (Interkultureller Rat, 2002). The organization would like to see further liberalization in the citizenship law, namely the granting of German nationality to children born in the country as long as one parent has legally been in the country for at least five years, instead of eight, allowing all children born in Germany between January 1990 and December 1999 the same option to naturalize as those now born in Germany, and decreasing their naturalization free to 100 DM from the current 500 DM (50€ from 250€); getting rid of the Optionsmodell, the clause in which children born to foreign parents must decide between the ages of 18 and 23 which of their two citizenships they will keep; allowing multiple citizenship; easing the language requirements; allowing for naturalization after five years of legal residence; and creating a naturalization-friendly atmosphere in society (Interkultureller Rat, 2002).
The interviewees thought that although the Government had proclaimed the law as successful, they believe the Government had desired and expected more naturalizations. Garay stated that “Schily goes around with a big smile on his face”, portraying the law as a success, even though so few foreigners have naturalized (Interview, Garay, January 7, 2005). There is also a consensus among the interviewees that the reform was a first step in the right direction, but that there is still much that can be improved, as the Interkultureller Rat’s position demonstrates. Aktas believes that language courses should be mandatory, which is actually a policy that has been implemented by Government since the recent adoption of the 2004 Immigration Law, and that they should be free of charge to foreigners. There is a definite notion according to both the policymakers and the foreigner organizations that language is a, if not the, key to integration.

The language proficiency requirement as well as the naturalization fee were cited by Trang and Garay as factors contributing against the decision to apply for naturalization since the 1999 citizenship reform. Furthermore, some pre-requisites for granting citizenship were added that affect a large section of the immigrant population. Recipients of welfare and unemployment benefits are no longer eligible for naturalization. The Federal Chairman of the Turkish Community, Hakki Keskin, stated in 1999 that due to the 23.2 percent unemployment rate within the foreign population, such requirements were sure to hinder the number of naturalizations (Frankfurter Rundschau, February 3, 1999). However, the objections by such associations as the Turkish Community appear to have been largely ignored. Similarly, many organizations spoke out against the anti-dual citizenship campaign and petition in Hesse to no avail. The Federal Foreigners Advisory
Board (Bundesausländerbeirat), a national grouping of the state level foreigners advisory boards, which are themselves associations comprised of individuals elected by foreigners and working with the Government in the interest of non-nationals, referred to the campaign as "malicious defamation of law-abiding foreign citizens in Germany" and declared that the CDU-led campaign had much greater negative effects on society than any foreigner in Germany (Frankfurter Rundschau, February 22, 1999). Welfare groups, labor unions and immigrant groups across the country condemned the petition. Scheidler, Director of Humanity in Action Germany, an association conducting research and education on human rights, believes that the fragmented approach of these organizations, as well as a lack of unity among the academics, who have in the past engaged themselves in societal debates, of the country rendered these efforts fruitless (Interview, Scheidler, January 17, 2005).

The topic of the acceptance of the paradigm shift, from a country not tolerating immigrants to a country of immigration, within German society was brought up in every interview. Aktas believes that the Germans are not ready to fully accept foreigners into their society, and spoke of parallel societies within the country, one being ethnically German and the other grouping all non-Germans. Rita Speck, social worker and advisor for foreigners at Bayouma-Haus, also suggested that even though there are clearly foreigners in Germany, the question of whether or not they are integrated into German society does not matter to the ordinary German. She suggested that the lack of discussion concerning the citizenship reform right after its adoption is representative of this trait (Interview, Speck, January 7, 2005). Garay pointed to the anti-dual citizenship campaign
in Hesse to demonstrate that the foreigners still feel like foreigners in the Federal Republic (Interview, Garay, January 7, 2005).

All interviewees agreed that the adoption of the *jus soli* principle was positive and had proved to be effective. In that sense, the law was seen more as directed to the children born in Germany in contrast to those already here. As Speck mentions, “it is a law with a vision for the future” (Interview, Speck, January 7, 2005).

With the adoption of the 2004 Immigration Law, the Government had an eye to the future and altered further the process of acquiring citizenship that had been reformed in 1999. As previously mentioned, there is now a language proficiency requirement that is stricter than previous policy. However, as Cornelia Schmalz-Jacobson, former Federal Commissioner for Migrants, stated (Interview January 23, 2005), it could be troublesome to set a high requirement for language when 80 percent of second grade children in Germany in some inner-city schools show difficulty in understanding German that is deemed to be at their level. Thus, expectations for foreigners should not be too high, if the standard of German schools cannot be met by the German population itself. However, due to this requirement, it has arguably become more difficult to qualify for naturalization. The other change is a simplification of residence permits. Whereas in the past there were many different types, there exists now only two, namely a temporary and an unlimited permit. This should make it easier for foreigners to satisfy the residency requirement, as previously, only particular residency permits\(^31\) could be counted as part of the eight year residency requirement.

3.3 *Analyzing the foreigners’ perceptions: the contributors to the gap*

\(^31\) See page 57.
Identifying possible contributors to the gap between stated goals of the 1999 citizenship reform and actual outcomes are not only present in the analysis of the policymakers' point of view, but also exist while examining the foreigners' responses. This section identifies the possible contributors revealed by the foreigners' discourse, and analyses which of them may have been the greatest determinant of the goals-outcomes gap.

Public pressure/domestic public pressure

The paradigm shift seems not to have yet anchored itself in society. The foreign population's dissatisfaction with the results of the reform demonstrates this very well; if there was general satisfaction with the shift, such an organization as the Interkultureller Rat would not have as many suggestions for the improvement of the reform. Thus, at least part of German society's understanding of itself, at least at the time of the 1999 Hesse election, may still be based on ethno-cultural lines, thus rejecting the statement that Germany is a country of immigration.

Unintended consequences/poor understanding of target group wishes

The abandonment of one's previous nationality was quoted as being important in not applying for citizenship by certain interviewees. As mentioned, many Turks are unwilling to give up their Turkish citizenship for a German one, and those that do apply for German citizenship do it for practical reasons, i.e. better access to the labor market. It had been the Government's goal of making the resident population into a voting population. However, it seems that a large component of the foreign population in Germany was less interested in acquiring political rights in Germany.

Client groups
With respect to client group pressure, one of the possible contributing factors to the gap, the experience of the fragmented opposition to the Hesse campaign is indicative of its weakness in contrast to domestic public pressure. The client groups may lobby for change, but the influence they have is small in contrast to a large segment of the population. Furthermore, the reform was drafted by the Interior Ministry with little consultation from outside sources, such as interest groups and NGOs. The original draft was straightforward in that it suggested adopting principles that were common to many other liberal democracies, such as the birthright principle and the allocation of dual citizenship. Consultation, thus, seemed unnecessary. Consequently, client groups seemed to have little or no influence before the initial proposal of the draft, exemplified by the pleas by Federal Chairman of the Turkish Community. In examining why the Green Party's lack of success in implementing legislation in their key party issues, Green writes:

there simply are no dedicated 'insider' interest groups for the interest of immigrant: churches and unions are principally restricted to providing counseling and welfare services. The key parapublic institution in this sector, the office of the Federal Commissioner for Foreigners' Affairs, is only advisory, has no formal access to the cabinet and is administratively located in the Labour Ministry, which lost the lead in immigration policy to the Interior Ministry once labour migration had ended in 1973. (Green, 2001(c): 7)

Workers' unions and church groups have traditionally been the most influential client groups in Germany, although the lobbying muscle of both have decreased in the last decade. Unions see the extension of national membership as a threat to the jobs of their members, whereas many church groups are conservative and are nationally based, thus do not seek to allow more foreigners into the country.32

32 Asylum seekers, for the church organizations, would be an entirely different issue, as a sense of Christian duty to help the weaker party may come into play. The organization Proasyl is a good example of this.
Another rationale for explaining client groups’ weak position is proposed by Veysel Özcan, expert on immigration issues and aid to former Green Bundestag member and present Green Party member of the European Parliament, Cem Özdemir. Özcan believes that there was a lack of organization among the foreigners’ groups, as well as a lackluster response to the anti-dual citizenship campaign by the academics, which according to Özcan could have mobilized students as well (Interview, January 21, 2005). The academics are not a client group per se, but have in the past participated in, as well as influenced, societal debate. Such an example was the Historikerstreit of the 1980s. Thus, the weak lobbying power of foreigners’ groups may be attributed to a lack of centralized organization as well as a lack in numbers. This can be contrasted to the CDU campaign in Hesse, which although not a client group, was successful precisely because of the solid organization and mobilization a large segment of the population.

Policy implementation

As has been mentioned earlier in this chapter, there appears to have been enough publicity of the citizenship reform, and rather than pointing to flaws in implementation, the foreigners’ discourse seems to direct the blame of the failure on the policy itself. Thus, implementation does not seem to have had a major influence on the citizenship policy failure.

The Government should have been more aware of the wishes of the foreign population and known that retaining citizenship was very important to many of them while economic anxiety outweigh any other type of concern. Studies demonstrating these opinions existed. This poor understanding of the target group is not as important of a determinant as public pressure because it is public pressure that ultimately affects
political culture and the understanding of foreigners. The Government seems to have started with the notion that foreigners would desire the passport because of the guarantee it offered with respect to legal residency and because they would be able to participate in the political arena of the country. Thus, to be a citizen was to live in Germany, to vote, as well as to speak German, which is a precondition of being granted citizenship. This would have conceivably been acceptable by a large part of the foreign population. However, German citizenship also entails having only one passport, at least according to the official policy. This national understanding of citizenship seems to not have been desired by many of the foreigners in the country.

In the national understanding of citizenship lies the irony of the citizenship reform, for although the reform seems to have liberalized Germany’s conservative principles of citizenship based on blood descent and an ethno-cultural and linguistic self-understanding of the nation, the principles have nevertheless been reformed within the national German framework. The ethno-cultural bias of belonging to one, unique group, and owing loyalty to only one entity is still present. It may appear surprising to some that the German population, who in 2004 spent the most amount of money per capita on traveling, is still reluctant to share the ownership of the country.

However, it is to be noted that the Government had initially proposed legislation including dual citizenship, thus citizenship not based it Germany’s traditional understanding of its identity as an ethno-cultural entity. In that sense, it seems the Government understood very well the desires of the foreign population. However, when it was no longer possible to adopt the law as was originally desired due to the loss of the Bundesrat majority, the Government claimed to still have a citizenship reform satisfying
the desires of the population. It in addition claimed that the reform had been largely successful, albeit the stated goals had not been met. The wishes of the foreign population may have coincided with the original draft of the citizenship reform, but it does not necessarily entail that the Government understood these wishes. It appears more likely that the wishes coincided with the proposed draft, for the Government should have been aware that the adopted version of the reform was not going to produce the desired results.
“I do not love the state, I love my wife.”
- 1969 declaration of Gustav Heinemann, President of Germany

“I love our country.”
- 2004 Inauguration speech of Horst Köhler, President of Germany

Chapter 4 – Conclusion: evaluating the hypothesis

This study posited that the gap between the governmental goals and actual outcomes of the Reform to the Citizenship Law of 1999 was produced by a variety of factors, the most influential one being the institutions of the Federal Republic. Other suggested variables were domestic public pressure and a failure in policy implementation. The earlier chapters of this study concluded that these three factors did in fact contribute to the goals-outcomes gap of the citizenship reform.

This chapter will elaborate on these conclusions, as well as examine and analyze the other factors that were presented as possible determinants to the goals-outcomes gap. This last section of the study will also suggest what could be further examined in order to better comprehend the complexity of citizenship in Germany.

4.1 Client groups

Chapter 3 concluded that foreigners’ client groups had no major impact on the goals-outcomes gap because virtually no such groups were consulted in the drafting of the reform. There was also limited impact due to the weak lobbying power of foreigners’ client groups, exemplified by the pleas for greater liberalization by the Turkish Community and the Interkultureller Rat, two major foreigners’ organizations, that were ignored. This lack of political strength was partly due to poor organization, as there was no united voice coming from the foreigners’ associations, and to the absence of a large
mobilization. Furthermore, the client groups with major lobbying power, such as professional associations, trade unions and religious groups, do not hold citizenship as an important question. In contrast to client groups, it was a large and mobilized regional section of the German population that lobbied the Government to oppose dual citizenship.

4.2 Poor understanding of target group's wishes

An additional contributor posited as a potential contributor to the goals-outcomes gap is the policymakers' understanding of the foreigners' wishes. When lacking, this understanding may contribute to the development of a law that will not satisfy the target group's wishes, leading to the law's poor performance. There has already been some discussion about foreigners holding a different notion of citizenship in Germany than the Government offered. Hence, many eligible foreigners have not applied for naturalization. For many foreigners, the German passport is not important; naturalization would not add to their quality of life as they already have access to all social welfare benefits under the Association Agreement with the European Union. Furthermore, as stated, having to give up one's previous nationality is unattractive to many foreigners. The Government thought that many more foreigners wanted the benefits conferred by citizenship, namely the right to vote, and that they would naturalize if the requisites were eased. There was clearly an overestimation from policymakers of the attractiveness to participate in the political arena and to have the legal security of not being deported.

Simon Green, a professor at the Institute for German Studies at the University of Birmingham and a widely published author on immigration and citizenship issues, especially related to Germany and the European Union, echoes this notion of poor
understanding of the foreign population's wishes. He speculates that the biggest contributors negatively affecting the foreigners' desire to naturalize are the fees and the process of the application (Interview, Green, February 26, 2005). This argument has two implications. The first is that the desire to obtain German citizenship is present within the foreign populace. However, and this is the second implication, the perceived benefits of acquiring German citizenship do not outweigh the perceived costs of application.

Green's ideas fall in line with the conclusion of this study. Neither Green nor this study make the claim that the desire to acquire citizenship is not present. Rather, both conclude that citizenship extended to foreigners, mostly because it does not allow for two passports, is undesirable to them. Where Green distances himself is in saying that the costs and the process of application outweigh the perceived benefits, whereas this study simply claims that the benefits of German citizenship are perceived as minimal. Thus, this study claims that a poor understanding of the target group wishes are a reason for which the foreigners perceive the reform as inadequate and the benefits of naturalization as minimal. Green, on the other hand, claims that bureaucratic sources, more in line with failure in policy implementation, result in the German citizenship not being attractive to the foreign population. Thus, Green supports the notion that the foreigners actually desire citizenship offered by the 1999 reform but are discouraged to apply by the application process, whereas this study stipulates that the adopted reform simply falls short of what foreigners wish for.

4.3 The Federal Republic's Political Institutional Structure
It was suggested that Germany’s political institutions may contribute to the goals-outcomes gap, in that the institutional arrangement limit the Government’s ability to pass major reforms. The political institutional structure contributed in that the CDU/CSU-led opposition contested the reform of citizenship proposed by the ruling coalition. Their resistance would not have been successful were it not for Germany’s model of federalism; after losing the majority in the Bundesrat, Germany’s upper house, the Federal Government was required to acquiesce to some opposition demands in order to pass the reform. The final version of the 1999 law was, then, a broad consensus among the political parties. Hence, it fell well short of what had originally been proposed, even though it was heralded as a step forward. These incremental changes, instead of having sweeping reforms, have been described in literature as characteristic of German politics (Katzenstein, 1987; Schmidt, 1995).

The coalition governmental system of the Federal Republic was also determined to be an institutional factor contributing to the goals-outcomes gap. The Greens, the junior coalition member, insisted on incorporating dual citizenship into the reform. Adopting dual citizenship in a country that had not significantly changed its citizenship law since 1913 and that only produces incremental change in the face of a proposal for a major reform was perceived as radical and was not received very well by the public. Furthermore, the opposition to drastic change was utilized by the opposition for their own agenda, namely winning the Hesse election. Thus, in light of what seems like limitations imposed on policy by the German governmental structure, in the form of the different composition of the upper and lower house as well as the existence of a coalition government, it should come as no surprise that not all of the major changes the 1999
reform originally proposed were adopted. Nevertheless, the coalition structure of German politics appears to have played a lesser role in the goals-outcomes gap than the federal system, in that even if the SPD had not reticently accepted the Greens' insistence on dual citizenship, they still would have been faced with the possibility of a loss of the Bundesrat majority; had it not occurred in the Hesse election, the Red-Green coalition could have lost their majority in one of the many state elections that take place throughout a federal government's term in office. Furthermore, there is no evidence demonstrating the relationship between the Greens pushing for dual citizenship and the Red-Green coalition's loss in the Hesse state election. Without a doubt, dual citizenship was the CDU's main campaign issue, but whether or not the Greens' loss of votes was directly related to their insistence on dual citizenship remains questionable. For instance, exit polls found that 36 percent of voters declared dual citizenship as the decisive issue in their choice whereas 43 percent named unemployment as a bigger worry (Migration International Australia, 2001).

Another contributing factor that was not posited in this study's hypothesis, yet that fits within the institutional framework of the country and relates to the coalition government, is the composition of the Federal Government. The cabinet, composed of the Federal Ministers, is named and headed by the Chancellor. There are independent federal commissioners who are named to lead a variety of offices, from the Federal Data Protection Commissioner to the Federal Commissioner for Foreign Investment. The role of the offices of the federal commissioners is to act as a link between the government and civil society, investigate any complaint brought to them, as well as support whichever group the office represents. The representative of foreigners' interests is the Office of
Federal Commissioner for Foreigners’ Affairs. It was the most outspoken governmental organ about the reform, mostly concerning its goals. The office is headed by Marieluise Beck, a Green Party member of the Bundestag. However, as stated earlier, since Beck is only a Federal Commissioner, she is not a member of the cabinet, thus has minimal influence in the Government. Furthermore, the office seems to hold only modest authority in immigrant affairs in comparison to the Interior Ministry, headed by SPD member Schily. Neither before nor after the reform’s adoption did Schily echo Beck’s goals for it. Furthermore, Schily was the main player in the negotiations with the opposition following the CDU’s win in Hesse, thus able to better represent the SPD’s stance rather than the Greens’ position. Since Schily had not publicly stated specific goals for the reform, there was less pressure on the SPD to demonstrate that the new citizenship law had produced quantifiable results. On the other hand, Beck and the Green Party seem to have lost support within the German public because the goals that Beck had announced had not been met. In addition, the Green Party was perceived as the weaker coalition partner because it, not the SPD, lost the decisive amount of support in Hesse that cost the coalition the election; the SPD received enough support to have two more seats in the state parliament, whereas the Green Party garnered support for five seats less than in the previous legislative period. It was natural for the Green Party to be more vocal about its goals, as immigrant issues are more of a cornerstone policy for it than for any other political party. Ironically, because of their political will to implement policy, the Green Party may have lost support within the population.

4.4 Policy implementation
It was suggested that flaws in policy implementation may have contributed to the goals-outcomes gap in the form of either a lack of willingness among policymakers or of developing the reform without adequate background research. In comparison to the Green Party's directness about its desires for the reform, it has been mentioned that the SPD was very vague with regards to stated goals. Essentially, this lack of specificity allowed the SPD to evade criticism and to industriously work towards a greater naturalization rate. This represents a lack of political will on the SPD's part, and is thus a policy implementation failure. Another disappointment of policy implementation, presented in Chapter 2, came in the form of the policymakers not recognizing that a large segment of the foreign population already living in Germany for at least eight years did not have the necessary residence permit to apply for naturalization. This should have been investigated and known prior to the adoption of the reform, as this information would have given policymakers the correct facts about the amount of foreigners actually qualified to apply for naturalization. The Government has since simplified the system of residence permits with the adoption of the 2004 Immigration Law, hoping to eliminate the complicated categories of residency authorization. This alteration should qualify more individuals to apply for citizenship. Time will tell if these individuals apply for naturalization.

4.5 Domestic public pressure

A possible reason for which the SPD was vague about its wishes for the reform is domestic pressure, another factor posited as a possible determinant of the goals-outcomes gap. It was posited that public pressure within the country may influence the Government's actions in its desire not to foment popular discontent. The Government, in
this case at the start of its term in office, may have worried about losing support for
upcoming reforms. Hence, it may have been its intentions to remain vague in order not to
create expectations that would need to be fulfilled. Since citizenship and immigration
issues are not the central issue within the SPD, it was possible for the party to maintain
imprecision with regards to the reform’s goals. With a greater drive from the party for
such an issue, the SPD may have alienated the more conservative segment of its
electorate. The Greens, on the other hand, were not about to lose support for immigration
issues, one of the pillars of party policy. On the contrary, if the party did not clearly state
its goals, its popular support, rooted itself in support of liberal policy for foreigners, may
have waned in favor of an even more left-of-center party, namely the PDS.

Domestic pressure appears in two forms. The first comes directly from the
population, thus is imposed from outside the policymaking process. This domestic
pressure can generally clearly be isolated, as it is present in the public sphere, and
ultimately, it influences governmental action. The anti-dual citizenship campaign in
Hesse is an example of domestic pressure imposed by the population that changed the
Government’s intentions because it altered the composition of the Bundesrat.13 Not only
did it limit the governmental action, but it may have influenced the Federal Government
to alter its policies in anticipation of other state elections. By losing support in one state
with a certain policy, it would be logical not to pursue the same policy elsewhere.

The other kind of domestic pressure comes from the Government itself, and is can
be very subtle. It is ‘domestic’ in that the Government imposes it on itself in order to
influence its population. This governmental domestic pressure is present in that dual

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13 It should be noted here that the motivation for opposition to dual citizenship within the population is not
known. Further study on the matter should be undertaken.
citizenship is officially banned and spoken against by the policymakers but is tolerated in a large percentage of naturalizations. It appears that the Government has avoided letting the population, whose majority opposes dual citizenship, know about the reality of naturalized individuals with two passports. The Government does not wish to antagonize this large segment of the population and consequently lose support; the lessons from Hesse have not been forgotten. Thus, it would seem that the domestic pressure from the population influences the governmental domestic pressure, in that the public outcry against dual citizenship has made the Government weary of addressing the issue. However, this study suggests the opposite, namely that the governmental domestic pressure, in the case of the citizenship, has created the circumstances in which domestic pressure from the population can be expressed.

Referring back to the first chapter of this study, this argument becomes clearer. It was suggested that in order to fully understand the goals-outcomes gap of the citizenship reform, it was necessary to understand the notion of citizenship that Germany holds. Does the Federal Republic believe that the national passport is still important in the global world, offering rights and privileges that are desired by its bearer? Or does Germany, with its experience of substantial immigration in the post World War II era and its history of not granting them citizenship, believe that its citizenship policy is still desirable? In other words, does Germany believe that foreigners are capable of living in the country, being granted economic and social rights, albeit excluded from the political arena?

What existed for the foreigners prior to the reform was a kind of postnational citizenship, with which they were granted most rights normally granted to a citizen minus
the right to vote and the guarantee of not being deported. However, with the advent of a new left-of-center government came a paradigm shift in immigration and citizenship policy. It was argued in Chapter 3 that this recent official paradigm shift to a country of immigration has not yet been accepted by a large part of society, let alone all political parties. Furthermore, this paradigm shift was a move away from a previous policy in that citizenship was extended to a wider array of individuals, namely foreigners who met the necessary requirements. That is, at least, how the Federal Republic perceived the reform. Policymakers believed that they were reinventing national citizenship in Germany and distancing citizenship policies from the past in which ethno-cultural lines were of utmost importance. Joppke agrees that “immigration does not render obsolete national citizenship, as postnational membership analysts would have it.” Furthermore, Joppke continues, “contrary to Brubaker’s diagnosis of long-entrenched models of nationhood determining citizenship laws and policies, immigration may trigger a redefinition of citizenship, in departure from traditional models of nationhood.” (Joppke, 1999: 187) Germany attempted to ‘redefine’ citizenship, and move away from the formerly accepted notion of the nation.

However, if it is phrased differently, the reform has a very dissimilar notion; instead of saying that citizenship was extended to a wider array of individuals, the reform can be understood as offering national membership to a community in Germany that has in the past lived with a postnational membership. This postnational membership grants them most non-political rights and has become part of the foreigners’ identity in Germany; it had become normal for foreigners not to have German citizenship and to be excluded from the political arena of the country while having full access to welfare.
benefits. Thus, by offering what the policymakers perceived as a liberalized national membership, namely citizenship that went beyond the previous understanding of the German 'nation', they thought they were offering a kind of postnationalistic citizenship to replace the foreigners' postnational membership, what some scholars, such as Hammar, have referred to as 'denizenship'. The Government's desire was to have the foreigners' loyalty to their postnational identity superseded by loyalty to the new citizenship.

Fundamentally, however, the new national membership was still rooted in the German ethno-cultural understanding of itself because it officially only allowed for a single citizenship, a central notion in German identity in the past.

Thus, Germany attempted to move away from what it saw as a nationalistic understanding of citizenship in liberalizing its citizenship law and extending nationality to foreigners. It seems that for policymakers, the official opposition to dual citizenship should not detract attention from the fact that there has been some liberalization of naturalization policies. Rather, attention should be given to the steps taken in new naturalization policies to distance them from the former ethno-cultural understanding of citizenship. Green agrees, and writes that "the avoidance of dual citizenship does not ipso facto produce an increase in ethno-culturalism" (Green, 2000: 117), but maintains that it may dissuade foreigners from applying for citizenship. However, without the allocation of dual citizenship, the foreigners who had lived in the country for a long period may have perceived the paradigm shift as still being anchored in German nationalism, especially since the Red-Green coalition had publicly stated that allowing dual citizenship was one of the reform's initial goals. Ultimately, the extension of national membership offered to the foreign population in Germany demands the acceptance of the
German notion of national membership, which is not desired by most foreigners in the country. It is undesirable for many foreigners because it retains relics, in the form of opposition to dual citizenship, from Germany’s ethno-cultural understanding of itself as nation. It is suggested that this, what this study shall refer to as national self-understanding, is a major contributor to the goals-outcomes gap.

With reference to this national self-understanding, it is now possible to clarify the above-mentioned statement that the governmental domestic pressure, in fact, created the domestic pressure from the population, and not vice versa as it may appear. The underlying question that this raises is: does the Government shape public opinion on the subject of immigration, or does the public opinion influence political party ideology? There is some definite overlap, but fundamentally, the Government, both Federal and State, has fashioned policy on foreigners since the creation of the Federal Republic. Referring to history, this can be clarified. Policymakers drafted the Basic Law that has served as the Federal Republic’s constitution since its creation in 1949. Furthermore, it was the policymakers who chose not to integrate foreigners into German society, even during the economic boom of the 1950s and 1960s when the foreign population was perceived very favorably. And it was the Government that, for decades, proclaimed Germany was not a country of immigration.

The culture of naturalization was neither developed nor fostered by policymakers in Germany. In comparison, in Canada where immigration and a multicultural society are cornerstones of national self-understanding, 84 percent of eligible foreigners have the Canadian passport (Statistics Canada, 2004). The expectation that foreigners will naturalize is accompanied by their desire to do so. In the United States, also a country
with a history of immigration, naturalization occurs at a ceremony headed by civil servants; it is seen as an event to celebrate and perhaps creates a greater attachment to the country. In comparison, the Federal Republic gives a naturalized citizen a piece of paper after the individual has declared its loyalty to the constitution. By declaring Germany not to be a country of immigration for so many years, the policymakers in Germany clearly did not foster a culture of naturalization. With the recent paradigm shift, it seems that policymakers may need to concretely undertake actions, in contrast to veiling the reality of dual citizenship, in order to instill the change within German society. If it is, in fact, the Government that shapes public opinion on foreigners, then why has the recent paradigm shift not been widely accepted in society?

There are two answers to this question. The first is that a paradigm shift, or more specific to the discussion a shift in opinion among the public, is slow in showing itself, particularly when the previous paradigm had been present longer than the country has existed. Secondly, the paradigm shift has not been widely accepted because the governmental policy does not reflect it. As has been demonstrated, the citizenship reform still contains ethno-cultural remnants. Furthermore, the other component of the paradigm shift within the country, the 2004 Immigration Law, brought no major changes to previous policy. Thus, when the realities on the ground do not change, it is more difficult to accept statements decreeing a paradigm shift.

This echoes one of Hagedorn’s ideas, namely that with regards to the issue of dual citizenship, there is a dichotomy between the real circumstances and what is discussed. Hagedorn, author of a monumental work on French and German naturalization, identifies such terms as ‘loyalty’, ‘national identity’ and ‘value of citizenship’ in the policymakers’
discourse in Germany during the last decade that are used to oppose dual citizenship (Hagedorn, 2001: 180-210). However, the reality is that many foreigners are actually being granted dual citizenship. Similarly, policymakers speak of a paradigm shift in Germany when, in fact, the reality is that the shift may not be paradigmatic at all. The difference between these two examples is that in the first, policymakers use their discourse to conceal something that is present, namely dual citizenship, whereas in the second example, the discourse attempts to hide something that is not there, namely the policy shift.

4.6 Future research

Since the reform of the citizenship law is only five years old, its results are just now starting to be observable. With a glance towards the future, some issues concerning citizenship in Germany should be closely monitored in the years to come. The first, and perhaps the most important, concerns the history of the Federal Republic. The national self-understanding was found to be rooted in Germany's past, yet this is a past that is much older than is immigration in Germany, let alone the claims of Germany being an immigration country. How long, then, does it take for a paradigm shift to occur? And does it ever fully occur, infiltrating all segments of society?

More research needs to be done specifically on the foreign population's perceived benefits of a German passport. This study has shed some light on the subject, but is limited in its scope in that a large, representative number of individual foreigners was not surveyed. Furthermore, an analysis of the results of the law should be undertaken when more time since the adoption of the reform has elapsed. This later investigation is
suggested for four reasons. Part of the paradigm shift entailed Germany becoming an immigration country, which was only officially proclaimed with the Immigration Law in 2004. Thus, more time needs to pass in order to see if this paradigm shift fully takes root within society. With a more positive acceptance of this shift, it may ultimately lead to an environment more conducive to naturalization.

The second impetus for future research concerns the Option Model, where children born of foreign parents decide between the ages of 18-23 whether they will retain their German or their parents' passport. If most opt for their parents' passport, it will represent a substantial shortfall to the reform. However, there has been some discussion with respect to the issue, questioning the constitutional legality of taking away the German passport if no choice is officially made, as the Basic Law guarantees that German citizenship cannot be taken away. As the results will not be seen for at least another decade, further reform to citizenship in Germany may yet change the present law.

Another rationale for further examination of citizenship in Germany in the future is that the composition of the foreign population will change. There is still a large component of first generation guest workers in the country who have lived there for a long period. Once this generation disappears, and the third and fourth generation population grows, there may be a greater tie to the German country since the symbols of the ancestral land, embodied and propagated more by the first generation than by any other source, will have decreasing influence. For the future generation of foreigners not being granted German citizenship at birth because their parents did not have the necessary residence permit, it might entice them to naturalize. For those individuals born in Germany and being granted two citizenships at birth, the decreasing influence and
presence of symbols of the ancestral land may lead to them to decide to retain the German instead of their parents’ passport.

Finally, German extension of national membership will be important in the coming years within the European Union context. With the proposed European Constitution waiting to be ratified in some member states, the EU has entered yet another realm of political and social inclusion. If the constitution is ratified, all states would be bound by the same supranational document that would supersede all national constitutions. Now that Germany has entered the mainstream with respect to citizenship policy, the status may remain unaltered for years to come. However, new developments, most notably the possible entry of Turkey into the Union, may have considerable effects in the Federal Republic, as its biggest foreign population is of Turkish origin. German citizenship may then not only become less attractive, to Turks in Berlin, but perhaps even irrelevant.

With the 1999 Reform to the Citizenship Law, Germany liberalized its previous outdated policy. The reality of having more than seven million foreigners in the country could no longer be denied. However, the results of the reform have largely fallen short of Government expectations. This study holds that the German institutional framework, as well as national self-understanding played a big role in this goals-outcomes gap. Failure in policy implementation and poor understanding of the foreign populations’ wishes are other, albeit weaker, contributing factors to the gap.

Germany’s case is unusual in that it was the only European country with substantial immigration that did not previously grant citizenship to foreigners born on the country’s soil, and is still the only one not to allow dual citizenship. As a case study of a
country trying to hold on to relics of its past in the face of pressure from globalization, in this case embodied by immigration and the presence of foreigners, it provides some useful lessons. Specifically, it demonstrates that it may be difficult to bring about radical change, both in policies and within society. Exclusive to Germany, the 1999 citizenship reform is representative of other policy reforms undertaken in the last three decades, in that it produced incremental change, due largely to limits imposed by the country’s institutional structure. The 2004 immigration law repeated much of the adoption process of the 1999 citizenship law. The initial draft of the 2004 law was not passed in the Bundesrat, and the final version of the law, which was then drafted through numerous compromises, virtually adds nothing new to old policies. For the time being, it appears that certain aspects of the country’s history, most notably its self-understanding, are still present. The desire to adapt to globalization fuelled the wish to naturalize foreigners and extend national membership, but it was ultimately national self-understanding, a key component of the country’s past, that led to the disappointing results.

As the quotations at the start of the chapter demonstrates, pride in the country is very much present in Germany, perhaps even more so than a few decades ago. The challenge for policymakers in the future may be to separate the notion of ‘nation’, from that of ‘country’, and finally bury the ethno-cultural remains of the Federal Republic.
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Rita Speck – Social worker and advisor for foreigners at Bayouma-Haus, an intercultural center offering services to foreigners in the Friedrichshain-Kreuzberg area in Berlin (January 7, 2005)

Vo Cam Trang – Social worker for Vietnamese women, a group in AWO (Arbeiterwohlfahrt) (January 8, 2005)

Mr. Aktas – Director of Kurdistan Kultur- und Hilfsverein e.V. in Berlin (January 18, 2005)

Aso Agace – Director of Hinbun, and educational and counselling center for women (January 30, 2005)

Fuat Sengül – Social Worker at Türkischer Band Berlin, a social and political organization for Turks. (January 29, 2005)

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Mark Holzberger – Green Party consultant on immigration and refugee issues (January 14, 2005)

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Cornelia Schmalz-Jacobsen - former FDP member of Bundestag and former Federal Commissioner for Foreigners’ Affairs (January 23, 2005)

Rainer Ohliger - former professor at the Humboldt University (January 23, 2005)

Antje Scheidler - Director of Humanity in Action, NGO that researches human rights issues in Europe (January 17, 2005)

Dr. Simon Green - leading author of citizenship reforms in Germany and professor at the University of Birmingham (February 26, 2005)

Sebastian Edathy - SPD Member of Bundestag specializing in citizenship/immigration issues (January 20, 2005)

Anonymous - CDU political aide (January 17, 2005)

Dr. Max Stadler - FDP Member of Bundestag specializing in immigration issues (January 24, 2005)

Dr. Tarik Tabbara – consultant on citizenship issues in the Office of the Federal Commissioner for Foreigners’ Affairs (also called Federal Commissioner for Migration, Refugees and Integration) (January 10, 2005)
Appendix 1 – Foreign population since 1980

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
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<td>1980</td>
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<td>2,576.2</td>
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<td>4,721.1</td>
<td>2,647.9</td>
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<td>1983</td>
<td>4,574.2</td>
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<td>2,060.2</td>
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<td>4,405.5</td>
<td>2,406.2</td>
<td>1,999.3</td>
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<td>1986</td>
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<td>1987</td>
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<td>2,366.1</td>
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<td>1988</td>
<td>4,623.5</td>
<td>2,537.2</td>
<td>2,086.3</td>
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<td>1989</td>
<td>5,007.2</td>
<td>2,741.1</td>
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<td>1990</td>
<td>5,582.4</td>
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<td>1996</td>
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<td>2003</td>
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<td>3,840.1</td>
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1 Reference day: 31.12.
Source: Results of current population statistics, Statistisches Bundesamt Deutschland.

Last updated on 22 February 2005
Appendix 2 – Length of stay of foreign population in Germany

<table>
<thead>
<tr>
<th>Length of stay</th>
<th>Foreign Population</th>
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<tr>
<td>Total</td>
<td>7,334,765</td>
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<td>under 1</td>
<td>314,428</td>
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<tr>
<td>1 – 4</td>
<td>951,645</td>
</tr>
<tr>
<td>4 – 6</td>
<td>576,885</td>
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<td>6 – 8</td>
<td>527,628</td>
</tr>
<tr>
<td>8 – 10</td>
<td>508,250</td>
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<tr>
<td>10 – 15</td>
<td>1,349,898</td>
</tr>
<tr>
<td>15 – 20</td>
<td>633,554</td>
</tr>
<tr>
<td>20 – 25</td>
<td>545,903</td>
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<tr>
<td>25 – 30</td>
<td>535,122</td>
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<tr>
<td>30 and more</td>
<td>1,391,452</td>
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</table>

Updated 15 April 2004

Source: Statistisches Bundesamt Deutschland
Appendix 3 – Foreign population by country of origin

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<th>Country of Citizenship</th>
<th>Total</th>
<th>born abroad</th>
<th>born in Germany</th>
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</tr>
<tr>
<td>Belgium</td>
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</tr>
<tr>
<td>Denmark</td>
<td>21 568</td>
<td>20 031</td>
<td>1 537</td>
</tr>
<tr>
<td>Finland</td>
<td>15 748</td>
<td>14 995</td>
<td>753</td>
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<tr>
<td>Greece</td>
<td>113 023</td>
<td>101 525</td>
<td>11 498</td>
</tr>
<tr>
<td>Ireland</td>
<td>15 478</td>
<td>14 662</td>
<td>816</td>
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<tr>
<td>Italy</td>
<td>601 258</td>
<td>428 074</td>
<td>173 184</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>6 904</td>
<td>5 996</td>
<td>908</td>
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<tr>
<td>Netherlands</td>
<td>118 680</td>
<td>83 330</td>
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<td>Austria</td>
<td>189 466</td>
<td>160 941</td>
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<td>Portugal</td>
<td>130 623</td>
<td>105 126</td>
<td>25 497</td>
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<tr>
<td>Sweden</td>
<td>19 404</td>
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<tr>
<td>Spain</td>
<td>125 977</td>
<td>96 026</td>
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<tr>
<td>United Kingdom</td>
<td>113 578</td>
<td>102 784</td>
<td>10 794</td>
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<tr>
<td><strong>EU states, total</strong></td>
<td>1 849 986</td>
<td>1 431 845</td>
<td>418 141</td>
</tr>
<tr>
<td>Albania</td>
<td>11 513</td>
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<tr>
<td>Bosnia and Herzegovina</td>
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1 Serbia and Montenegro.

Source: Central Register on Foreigners, Statistisches Bundesamt Deutschland

Last updated on 22 February 2005
Appendix 4 – Unemployment in Germany since 1979

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Appendix 5 - Foreign percentage of total population and naturalization rate since 1982

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Source: Statistisches Bundesamt