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Citizenship, Nationality and Immigration in Germany

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The reunification of Germany in 1990 settled one issue about German identity. Ethnic Germans divided in 1949 by the partition of the country into East and West Germany would all become citizens of a single Federal Republic of Germany. Left unresolved was the status of second and later generations of non-ethnic Germans born in the country whose parents or grandparents were invited to Germany as "guest workers" in the 1960s and 1970s to help build the post-1945 German "economic miracle". Although such labour migration ended in 1973, the place of these new Germans, most of Turkish origin and most Muslims, remained contested. Five years after Chancellor Angela Merkel's famous 2010 declaration that multiculturalism had "failed", in 2015-16, the influx of refugee claimants from outside of the European Union has only fuelled these ongoing debates over German national identity.

For generations the principle of jus *sanguinis* was the foremost route to citizenship in Germany. Those born of ethnic German parents, both in the country and outside it, could claim German citizenship. For others, naturalization was difficult. In West Germany after 1945, the concept of jus *sanguinis* also served as a place-holder for the citizenship rights of Germans living in East Germany. With reunification, the principle became less fundamental, allowing new attention to the reality of immigration to emerge as part of the often challenging process of national integration and rebuilding.

A change in government in 1998 opened the way to a reform of citizenship law in 2000. The principle of jus soli was introduced into law, meaning that children born into immigrant families could hold German citizenship. The process of integration since has not been smooth. Opposition to new Germans retaining dual nationality—German and that of their immigrant family's country of origin—arose from widespread suspicion of divided loyalties and security fears. Despite some official recognition of Islam as an "other religion", significant political opposition remains to the accommodation of

This is paper is part of a new publication series from the **Global Centre for Pluralism** called **Accounting for Change in Diverse Societies**. Focused on six world regions, each "change case" examines a specific moment in time when a country altered its approach to diversity, either expanding or eroding the foundations of inclusive citizenship. The aim of the series – which also features thematic overviews by leading global scholars – is to build global understanding of the sources of inclusion and exclusion in diverse societies and the pathways to pluralism.

religious diversity, from the wearing of the *hijab* to recognition of Islamic institutions and their participation as beneficiaries of and service providers in the welfare state. This intolerance partly reflects conservatives' fears of losing traditional German culture, but it is also found among liberals, who fear accommodating Islam will threaten cosmopolitan values—a phenomenon of liberal intolerance found increasingly across Europe.

Today, an ongoing tension exists between those Germans who define "integration" as adherence to strict norms of culture and behaviour and those who promote a more fluid understanding of nationality as citizenship. In commissioning this case, the **Global Centre for Pluralism** has sought to understand the catalysts for greater pluralism as well as the sources of resistance since Germany's reunification in 1990. What has been the public conversation—among conservatives and liberals—as access to citizenship has expanded and the number of immigrants and refugees has increased?

CASE NARRATIVE

The German experience with immigration and integration since reunification has differed in many ways from the post-1945 decades. In the 1950s and 1960s, an influx of invited "guest workers"—initially from Southern Europe but after 1961 primarily from Turkey—helped to rebuild the economy and create the German economic miracle. At the time, the socio-demographic effects of this migration were scarcely recognized in law or public discourse. The standard view that Germany was "not a country of immigration" was widespread, representing a failure to acknowledge that its residents had become much more diverse in terms of religion, culture and national origins.

In commissioning the German case, the Centre has sought to understand the catalysts for greater pluralism as well as the sources of resistance since reunification in 1990. What has been the public conversation—among conservatives and liberals— as access to German citizenship has expanded and the number of immigrants and refugees has increased?

An Alien Act regulated the presence of non-citizens, including those who had been living in the country for decades. Citizenship remained largely inaccessible to their German-born children and grandchildren. These limitations existed even as successive West German governments sought to re-establish the country's liberal credentials and to join the international liberal-democratic mainstream.

The prospect of major changes in Germany's approach to citizenship and immigration seemed remote throughout the 1980s and early 1990s. The principle of *jus soli*—whereby those born in Germany would automatically become full citizens irrespective of the national origins of their parents—contradicted the longstanding German practice of conflating citizenship with nationality. Perceived as nationals of other countries, with different

histories, languages, religions and ethnic make-ups, Turkish and other migrants and their offspring were considered foreigners by a majority of Germans. As such, it was thought they must be more preoccupied with the politics of their homelands than with their new country of residence.

Against this background, since German reunification, the transformation of citizenship policies and practices has been profound, thus demonstrating that even widely held views and established political paradigms can be challenged and revised. In 2000, the principle of *jus soli* was added to citizenship law. In 2005, the Alien Act was replaced with an Immigration Act. Other significant policy shifts have changed state objectives for governing diversity, with a new legal framework for anti-discrimination and a new focus on the integration of immigrants (now often considered "New Germans") into the institutions of the welfare state and the labour market. Germany is seeking to foster immigration to secure skilled workers and to counter the effects of an ageing population. Overall, the wave of refugees in 2015-16, and the relative leniency with which newcomers initially were treated would seem to indicate a much more inclusive trend in German political culture and law.

Nevertheless, it is also clear that German society has not fully embraced pluralism. Contradictions and contestation remain. Despite a new emphasis on civic bonds of belonging (rather than shared ethno-cultural traits), inclusive conceptions of German national identity that make room for unfamiliar cultural and religious practices have been slow to develop. "Integration" is frequently expressed as a synonym for cultural assimilation. Eurobarometer public opinion surveys find that immigration evokes more anxiety in Germany now that at any time in the last ten years. There is a disenchantment with government policies and a hardening of attitudes that have resulted in punitive actions against new arrivals, including right-wing and even neo-Nazi demonstrations against immigration and Islam. Increasing levels of social polarization, including between the former East and West Germanys, shape political debate about immigration, integration and the recent influx of refugees.

Since German reunification, the transformation of citizenship policies and practices has been profound, thus demonstrating that even widely held views and established political paradigms can be challenged and revised. Nevertheless, it is also clear that German society has not fully embraced pluralism.

Overall, progress towards pluralism is still uneven and incomplete in Germany, despite the undeniable gains that have been made. While German citizenship has become more accessible for immigrants and their off-spring and naturalization is somewhat easier, the question of dual citizenship still evokes considerable uneasiness. Efforts to extend this right to non-EU citizens still meet stiff public and political resistance due to security fears over divided loyalties.

Similarly, the established model of German church-state relations includes few opportunities for

non-Christian faiths to participate in important corporatist institutions of deliberation and in the provision of public services. Attempts to open up arrangements to Muslim organizations have been made in some German states but not others. At the same time, individual rights have sometimes been interpreted in ways that make it difficult for Muslim citizens to exercise these rights, but efforts to challenge restrictions—such as a recent Federal Constitutional Court judgement revoking a headscarf ban for teachers—are often resisted.

In recent years, the notion of a "welcoming culture" is often evoked in Germany. The phrase expresses the idea of cosmopolitan hospitality that now underpins many policies and much official discourse. But this idea—the idea of Germany as a pluralist society that recognizes and respects human differences—has not yet displaced established narratives about immigrant communities as low performing, crime ridden security threats. A newly welcoming attitude toward skilled immigration contrasts with the negative appraisal of unskilled migrants and refugees and doubts about the usefulness of long resident "immigrants". The strides made since the early 1990s show that it is possible for long-held beliefs and cultural norms to be changed to better accommodate diversity. For Germany to continue on its new path to pluralism will require continued efforts by civil society as well as the state to counter the growing presence of right-wing nationalist and Islamophobic movements.

THROUGH A PLURALISM LENS

Sources of Inclusion and Exclusion

The Global Centre for Pluralism asked each author in the Change Case series to reflect on the sources of inclusion and exclusion through a pluralism lens—that is, using the Centre's "drivers of pluralism" framework. Some highlights from the full Germany case are included here.

Livelihoods and Wellbeing

- Negative assumptions about immigrants, combined with very real inequalities between ethnic Germans and persons of immigrant origin, leave immigrants and refugees vulnerable to charges of over reliance on state welfare.
- These horizontal inequalities stem in part from low educational outcomes even among the German-born children of immigrants, due in part to lack of access to equal educational opportunities.

Law, Politics and Recognition

- Germany has taken a crucial first step toward pluralism through its citizenship reforms, which acknowledge minorities as members of the civic community and widen the terms of belonging.
- Uncertainty nonetheless remains about the standards required of immigrants to be accepted, with integration often confused with assimilation.
- The uneven status of minority associations within the corporatist state, and the association of Muslim associations with security concerns, reveal the current limits of citizenship reform.

- The state has a role to play in revising the symbols of national identity and promoting everyday understandings of difference within citizenship, though state practices can be uneven.

Citizens, Civil Society and Identity

- Resistance to civic interpretations of national identity leave new Germans vulnerable to right-wing and neo-Nazi mobilizations against immigrant communities and Muslims in particular.
- Although German society has mobilized in new ways to accommodate the influx of refugees in 2015-16, the principal mobilizations in response to diversity have come from opponents of change.
- At the same time, organizations created by newcomers and subsequent generations have not been passive, but have made claims for greater pluralism in the institutional and social spaces available.

CONCLUSION

The recent German experience with pluralism is one of change with contestation. On the one hand, there is much greater legal as well as symbolic acknowledgment of diversity within national identity; policies now exist to promote integration and practices of institutional incorporation among new communities; and examples of acceptance of difference occur in everyday settings. On the other hand, there is the continued prevalence of intolerance, stemming from both conservative populists and some liberals who—for different reasons and to different degrees—resist the policies, practices and acceptance of difference characteristic of pluralist societies in favour of xenophobic mobilization. A key lesson from the German transformation is the need for vigilance if moves towards pluralism are not to be pushed back by opponents of change. Spaces for greater pluralism also exist in situations traversed by contradiction.

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