

**Beyond Nationhood:**  
**Citizenship Politics in Germany Since Unification**

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**Abstract**

In the years since unification, citizenship politics in Germany has been driven by a clash of two variants of civic republicanism. Whereas liberal egalitarian republicans view citizenship as a means of facilitating immigrants' integration, statist communitarians argue that citizenship should only be awarded as a result of their successful integration. These divergent ideological positions have mapped onto existing party cleavages, with expansive liberal egalitarian positions on *jus soli*, dual citizenship, and integration being embraced by the Greens and the SPD and opposed by conservatives in the CDU/CSU. CDU moderates and the FDP have struggled to reconcile their affinity for liberal egalitarian principles with the demands of party and coalition solidarity. This politicization of intra-republican differences has led to strained solutions that awkwardly capture both sides' positions, most notably the 1999 citizenship law's peculiar combination of an extremely liberal *jus soli* provision and principled rejection of dual citizenship.

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In the early morning of January 1, 2000 baby Seyma Kurt was born in the Kreuzberg district of Berlin. The press throughout Germany deemed her birth a “symbol of a historical change,”<sup>1</sup> as Seyma, whose parents were both Turkish nationals, became the first child granted German citizenship under the principle of *jus soli* – the law of territory.<sup>2</sup> Prior to this, children of migrants born in Germany maintained their parents’ nationality and thus were officially classified as foreigners, according to the 1913 *Reichs-und Staatsangehörigkeitsgesetz*. The 1913 citizenship law’s elevation of the principle of descent (*jus sanguinis*) was meant to maintain bonds of citizenship with Germans who had emigrated abroad, while ensuring that foreign migrants and their children remained outside the German body politic, despite long-term residence and, in the case of the second and third-generations, birth and socialization in Germany. The introduction of *jus soli* in German citizenship law checked the perpetuation of “domestic foreigners” and promises to create many more German citizens of immigrant descent. However, the law also demands that Seyma choose between her German and Turkish nationality upon reaching the age of majority. As commentators have noted, this component of the law is extremely awkward and potentially unconstitutional.<sup>3</sup>

Our paper seeks to make sense of this peculiar outcome. We argue that the 1990s featured an important shift in thinking on citizenship among German political actors. The “elite consensus” on ethnoculturalism noted by Rogers Brubaker and others gave way to a general agreement on the need to facilitate the integration of former guest workers and their families.<sup>4</sup> This new stress on integration necessitated the introduction on new principles in German nationality law – principles that stood in stark contrast to ethnoculturalism and were reflective of a distinctly civic republican character.<sup>5</sup>

Yet, German political elites did not simply shift from one monolithic view of nationhood to another. Rather, since unification, citizenship politics in Germany has been defined by the clash of two distinct inflections of civic republicanism. On the one hand, *liberal egalitarians* have advocated a distinctly procedural understanding of democratic legitimacy. In their understanding, the state is responsible for facilitating the integration of immigrants by enacting policies that make the process less onerous and more rapid. Thus, liberal egalitarians view policies such as as-of-right naturalization, *jus soli*, and dual citizenship as essential means of integrating immigrants and their children and according them equal rights and standing. Measures for facilitating integration, such as language courses, are deemed a public good, to be paid for and provided by the state for immigrants who voluntarily partake of them.

Conversely, conservatives base their position on a more *statist communitarian* understanding of the relationship between individuals and the political community. Conservatives’ objections to *jus soli* and dual citizenship do not reflect an adherence to the principle of descent, but rather to the idea that the renunciation of applicant’s previous nationality demonstrates his or her willingness to enter wholeheartedly into his or her newly adopted political community. For conservatives, dual loyalties make a “common life” between new and old citizens difficult, if not impossible to nurture. Conservatives also maintain that individuals should prove that they have successfully integrated before naturalization “crowns” the integration process. The onus is therefore placed squarely on the individual. As the representative of the public good, the state’s role is limited to judging whether integration has indeed been achieved. The idea of facilitating integration through the conferral of citizenship is anathema to this point of view.

These divergent ideological positions have mapped onto existing party political cleavages. Liberal egalitarian positions on *jus soli*, dual citizenship, and integration have been embraced by the Greens and the SPD. Conversely, conservatives in the CDU/CSU have tended

to reject dual citizenship and question the merits of *jus soli*, while CDU centrists and members of the FDP have struggled to reconcile their preference for liberal egalitarian principles against the demands of party and coalition solidarity.<sup>6</sup> Changes in the German party system since unification, and especially the hardening of divisions between “governing blocks” made up of the CDU/CSU-FDP, on the one hand, and the SPD-Greens, on the other, have sharpened intra-republican differences, making it extremely difficult to craft mutually agreeable solutions.<sup>7</sup> Politics has delayed reforms and generated strained solutions that awkwardly capture both sides’ positions. Hence, the new citizenship law’s extremely liberal position on *jus soli* and rejection of dual citizenship.

While others have also noted the general shift among German political elites toward civic republicanism since unification, they either neglected or have been unable to explain the extreme polarization that has marked debates and impacted policymaking.<sup>8</sup> By disaggregating rival strands of civic republicanism we are able to explain this phenomenon. Our approach also has important ramifications that extend beyond the German case. It suggests that citizenship politics across Western Europe do not hinge on debates between advocates of ethnic versus civic nationalism, but between defenders of rival strands of civic republicanism. More exclusionary approaches are not necessarily founded on affinities to blood descent and ethnicity but on a statist communitarian conceptualization of political community. Thus civic republicanism need not translate into greater openness. As our discussion of Germany demonstrates, more restrictive policies in the areas of citizenship and integration can be pursued along distinctly civic republican lines – that is, without reference to the inviolability of ethnocultural nationhood. Our argument suggests that we need to adjust our language and concepts to better understand the character of contemporary citizenship politics in Europe – a character that the old ethnic/civic dichotomy and its attendant conceptual apparatus fails to capture.

We begin by accounting for the demise of the ethnocultural belief system in (West) Germany in the 1980s and 90s and the emergence of elite consensus on republican norms. We emphasize key events, including the sharply negative reaction to the murder of resident foreigners in the cities of Mölln and Solingen in the years immediately following unification. We then apply our argument regarding liberal egalitarian versus state communitarian positions to understand the course of citizenship policymaking in Germany from 1993 to 1998. Our narrative aims to demonstrate how differences in actors’ views concerning the role of citizenship policy in processes of immigrant integration mapped onto party-political cleavages, hampering efforts to forge consensus. The result was agreement on the need for reform but very little in the way of progress. We then turn to the debate over the citizenship reform of 1998-99, arguing that the content of Germany’s current citizenship law cannot be understood without reference to institutionally patterned political contestation, which rendered efforts to forge cross-party consensus futile. We conclude by summarizing our argument and considering how our approach might help make sense of citizenship politics in other European countries. We argue that the ethnic versus civic dichotomy should be abandoned in favour of a framework which recognizes that the actors driving contemporary citizenship politics are “all republicans now,” albeit republicans advocating different points of view and policy prescriptions.

## Explaining Germany's Civic Republican Turn

The “elite consensus” on Germany’s ethnocultural nationhood posited by Rogers Brubaker had already begun to give way well before the publication of *Citizenship and Nationhood in France and Germany* in 1992. Indeed, recognition that Germany’s citizenship laws needed to be amended in order to integrate guest workers and their families had been voiced decades earlier. Prefiguring Yasemin Soysal’s argument for postnational citizenship by almost 30 years, Eberhard de Haan argued that cross-border labour flows and European integration were eroding the conceptual bases of Germany’s guest worker system. De Haan claimed that guest workers were in fact the vanguard of a new European citizenship.<sup>9</sup> In 1972, no less a figure than Hans-Dietrich Genscher argued that Germany should accept its de facto status as an “immigration country” and seek to fully integrate long-term foreign residents.<sup>10</sup> According to Genscher, Germany had to offer a genuine opportunity for integration to individuals who had become estranged from their former homes and had accepted their new situation in Germany.<sup>11</sup> The Deputy Leader of the SPD’s parliamentary *Fraktion*, Hans Apel, also made it clear that the time had come to facilitate the acquisition of German citizenship for settled foreign workers and their families.<sup>12</sup> In 1979, the Federal Republic’s first Commissioner for the Integration of Foreign Workers and their Families, Heinz Kühn, explicitly rejected the continuing exclusion of foreign workers and called for the recognition of West Germany’s de facto status as an immigration country. Kühn recommended substantive reforms, including expedited naturalization procedures to facilitate the integration of first and second-generation migrants.<sup>13</sup> By the late 1980s, both the Greens and the left wing of the SPD had surpassed these demands and were agitating for even more radical changes to Germany’s citizenship policy, including the introduction of as-of-right citizenship for long-resident foreigners and *jus soli*. Critics argued that the presence of millions of disenfranchised foreigners simply did not accord to the Federal Republic’s commitment to fundamental liberal-democratic norms as expressed in the Basic Law – a point echoed by Chancellor Helmut Kohl in 1984.<sup>14</sup>

Several factors made the turn to a more civic republican conception of German nationhood more pressing in the early-1990s. For one, the end of the Cold War and unification of East and West Germany removed a long-standing excuse for not pursuing citizenship reform.<sup>15</sup> No longer could conservatives argue that citizenship reform would threaten the goal of German reunification. Furthermore, proposals aimed at extending local voting rights to resident “third country” nationals – and laws passed to that effect in Hamburg and Schleswig-Holstein – were struck down by the Federal Constitutional Court in 1990, thereby taking a major “post-nationalist” policy proposal off the table and increasing the salience of more civic republican alternatives on the German Left.<sup>16</sup> Perhaps most important were the brutal murders of long settled immigrant families by right-wing extremists in Mölln (1992) and Solingen (1993). For many, the events in Mölln and Solingen exposed the perverse workings of a system that made “foreigners” out of millions of long-settled migrants and their German-born children, while conferring instant citizenship to “ethnic Germans” whose only connection to the Federal Republic lay in their claim to German blood. The events served as a turning point in policy terms, as grief and indignation were channelled into demands for the abolition of the 1913 *Reichs- und Staatsangehörigkeitsgesetz* (RuStAG).

It is worth noting the range of opinion that came out in favour of citizenship reform in the early-1990s. Both the German Trade Unions Federation (*Deutscher Gewerkschaftsbund* – DGB) and Protestant Church Council of Germany demanded that *jus soli* be introduced to facilitate the incorporation of long-settled foreign workers and their families.<sup>17</sup> Similarly, leading academics

voiced their dissatisfaction with established citizenship and immigration policies and called for drastic changes that recognized Germany's de facto status as an immigration country.<sup>18</sup> High-ranking political elites also made their voices heard. The President of the Federal Republic, Richard von Weizsäcker (CDU), made an impassioned plea on behalf of citizenship reform in the wake of the Mölln tragedy arguing that despite their official categorization as foreigners, the victims were "our people."<sup>19</sup> The 1913 law's failure to recognize this fact demonstrated its incompatibility with Germany's liberal values and long-term interests.<sup>20</sup> Similarly, the Chief Justice of the Federal Constitutional Court, Roman Herzog, argued that individuals born and raised in Germany were already "German" in so far as they spoke German and were integrated into German society. They should therefore be offered easier means of acquiring German citizenship, even if this meant greater toleration of dual citizenship.<sup>21</sup> Several prominent German intellectuals and authors joined forces with the Green Party to mobilize grassroots support for nationality reform through a signature drive in support of dual citizenship.<sup>22</sup> The campaign also drew the support of the SPD, the FDP, trade unions, churches, immigrant associations, and a multitude of concerned individuals and groups.<sup>23</sup>

Domestic pressure was amplified by international condemnation of Germany's "blood-based" citizenship regime and the phenomenon of second- and third-generation "domestic foreigners." The American news magazine, *Newsweek*, pointed out the inherent injustice of Germany's "atavistic law of *jus sanguinis*," which enabled "[a] farmer in Kazakhstan whose ancestors left the Rhine Valley 250 years ago" to be granted German citizenship, while excluding "a second generation Berliner whose grandparents came from Ankara."<sup>24</sup> Syndicated columnist Gwynne Dyer likened Germany's ethnic nationhood to that of the Bosnian Serbs, arguing that the maintenance of a blood based law was scandalous for a country "like Germany, with its special historical burden."<sup>25</sup> Even more provocatively, the *New York Times*' William Safire argued that the 1913 RuStAG was "allied to Hitler's 'master race' fulminations and his search for polluting 'Jewish blood'."<sup>26</sup>

The governing CDU/CSU-FDP coalition responded to this domestic and international pressure. During a state visit to Turkey, Chancellor Helmut Kohl stated that he would consider the introduction of "temporary" dual citizenship and other measures to encourage Turkish migrants to naturalize.<sup>27</sup> The Cabinet also took steps to toughen laws against right-wing extremists and Kohl pledged to engage in discussions with civil society groups over how to improve the conditions of foreigners in Germany.<sup>28</sup>

Thus, by July 1993 there was general agreement between the government, opposition parties, and civil society groups regarding the need for substantive changes to Germany's citizenship law. Explicit support for the principle of blood descent had virtually disappeared in the wake of the tragedies in Mölln and Solingen. The overwhelming majority of mainstream political actors agreed that the way forward lay in incorporating civic republican principles into German nationality law. However, the translation of vaguely defined intentions into legislation would be a slow and fractious process.

## Intra-Republican Cleavages and Stasis: 1993-1998

Domestic and international reaction to the events in Mölln and Solingen generated a widely felt need to reform Germany's antiquated citizenship law. However, there was no consensus as to precisely what form changes should take. Whereas the SPD, Greens, FDP, and a minority in the CDU supported the introduction of dual citizenship and *jus soli*, the CSU and conservatives in the CDU rejected these options and argued instead for more modest reforms.

The limited changes to the naturalization provisions of the 1990 Foreigners Law, introduced by the government in July 1993, were in line with this more conservative, statist communitarian, approach. According to the new regulations, immigrants between the ages of 16 and 23, along with those with 15 or more years of residence would be granted a "right" to naturalization, subject to certain conditions, including release from former citizenship. This set clear limits on officials' discretion in the conferring of citizenship to eligible applicants.<sup>29</sup> In April 1994, the CDU/CSU-FDP government voted against a much more expansive initiative for dual citizenship advanced by the SPD. However, at the urging of the FDP and liberal elements in the CDU, Kohl argued that reform of the 1913 RuStAG would be a key objective after the 1994 election.<sup>30</sup>

Following its victory in the 1994 federal election, the CDU/CSU-FDP coalition government moved to honour its pledge to reform Germany's citizenship law. However, the key element in its reform package – the so-called "child citizenship law" (*Kinderstaatszugehörigkeitgesetz*) – was an unwieldy and unpopular contrivance that was ultimately abandoned. According to the scheme, foreign children born in Germany could, upon application before the age of twelve, obtain a legal status on a par with German children, providing one parent was born in Germany and both parents could prove at least ten years residence. If his or her application was accepted, the child would be granted a temporary status equal to, but distinct from, German citizenship; the child citizenship status could be converted to full nationality only if the child succeeded in obtaining release from his or her previous citizenship within one year of reaching the age of majority.<sup>31</sup> Failure to apply for full citizenship would lead to the automatic termination of the status once the child turned nineteen. The status was not recognized by international law and did not exclude children from the terms of the Foreigners Law, leaving them vulnerable to deportation.

Differences of opinion between liberal egalitarians and communitarians within the CDU/CSU-FDP coalition help explain the proposal's torturous complexity. Conservatives in the CSU were unwilling to accept dual citizenship and *jus soli* in any form and the child citizenship proposal represented their maximal concession to liberal forces. The FDP's poor result in the 1994 election limited its influence within the government and put it at a distinct disadvantage in negotiations over the agreement, thus weakening the voice of liberal egalitarians in the coalition. The CDU was also split, with progressives and conservatives disagreeing over the extent of reforms. Consequently, the child citizenship law offered Kohl a means of formally honouring promises to liberal forces within the coalition without losing the support of hardliners. The proposal was incoherent precisely because it tried to stitch together, Frankenstein-like, two distinct ideological positions.

Struggles between liberal egalitarians and statist communitarians over citizenship reform continued through the mid-1990s, as the opposition parties continued to press for more radical changes. In 1995, the SPD called for *jus soli* for third-generation foreigners, discretionary naturalization after five years, and acceptance of dual nationality.<sup>32</sup> In an appeal directed squarely at liberal egalitarians in the FDP and CDU, the SPD's Cornelia Sonntag-Wolgast called

for an “alliance of the reasonable” to rise above party politics and help pass the SPD’s proposal.<sup>33</sup> Legislation introduced by the Green Party was even more far-reaching and included a legal right to citizenship after eight years, *jus soli* for the second generation, and acceptance of dual nationality.<sup>34</sup> The Greens also settled a long-running internal party battle and came out in favour of an immigration law that regulated flows through annual quotas. This marked an important turn in the party’s approach to immigration policy and brought an end to earlier calls for “open borders.”<sup>35</sup> In both cases, the policies were defended in terms of facilitating immigrants’ integration in a just manner.

A group of young CDU parliamentarians dubbed the “*Junge Wilde*” tried to bridge the divide between liberal egalitarians and statist communitarians by proposing an alternative to the child citizenship scheme that included provisions for full *jus soli* and a compromise position on dual citizenship, whereby children would maintain their parents’ nationality along with their German nationality until they reached the age of majority, at which time they would have to choose one or the other.<sup>36</sup> According to the group’s leader, Peter Altmaier, the point was to allow children born in Germany to “grow up as German citizens,” thus facilitating their integration. The choice component of the proposal was offered as a way of bringing onboard CDU moderates who might otherwise have rejected an outright acceptance of dual citizenship.<sup>37</sup> The *Junge Wilde* proposal gained the support of 150 prominent CDU members, including 31 members of the CDU’s *Bundestag* caucus.<sup>38</sup> It was also welcomed by the FDP leadership as a way out of their commitment to the child citizenship proposal. Thus, by 1996, there existed a numerical majority within the *Bundestag* in favour of fundamental changes to German nationality law. The potential for a broadly acceptable cross-party consensus was tantalizingly real.<sup>39</sup>

Hardliners in the CDU and CSU, led by Bavaria’s Minister President Edmund Stoiber, quashed this development by pressuring the CDU leadership to veto the proposal. Kohl did so at the CDU’s party conference in October 1996.<sup>40</sup> This removed the possibility of working out a compromise with the opposition parties and made it clear that the Union would prefer a non-decision on citizenship to a law that included even the temporary toleration of dual citizenship.<sup>41</sup>

Thus, the impetus for reform reverted back to the opposition parties. A bill calling for dual citizenship for children born in Germany was introduced into the *Bundesrat* by the SPD-Green controlled governments of Hesse, Hamburg, and Lower Saxony in 1997. The SPD and Greens enjoyed a majority in the upper house and pressed for a vote on the bill in the *Bundestag*, thus forcing members of the FDP to choose between many of its members’ principled support for substantive reform and the party’s interest in preserving its partnership with the Union parties. Given the government’s thin majority in the *Bundestag*, a legislative defeat was quite possible. In an effort to ensure that this did not happen, the Union parties, at the urging of their more conservative members, made it clear that the failure of the FDP to vote against the opposition bill would lead to the dissolution of the government. Thus, the FDP leadership opted to enforce party discipline, with several of its members, including reformers such as Cornelia Schmalz-Jacobsen and Burkhard Hirsch, abstaining from the vote.<sup>42</sup> Once again, the institutional logic of coalition government blocked the will of a cross-party majority, thwarting their efforts to reform Germany’s citizenship law and granting a further lease on life to the 1913 RuStAG.

## The 1999 Citizenship Law

The SPD's victory in the 1998 federal election and its selection of the Alliance 90/Greens as its coalition partner created a unique opportunity to make fundamental reforms to Germany's citizenship policy. The parties now controlled both the *Bundesrat* and *Bundestag* and therefore could implement policies without negotiating with the CDU/CSU or FDP. Since there was no ready parliamentary opposition to either dual citizenship or *jus soli*, the way toward thoroughgoing political change along distinctly liberal egalitarian lines appeared to be clear.

As would be expected, the new government made the reform of Germany's citizenship law a legislative priority. A statement in its coalition agreement pledged to assist in the "integration of those immigrants who live [in Germany] on a permanent basis and... accept our constitutional values."<sup>43</sup> To this end, a new citizenship law would be introduced that include a reduction of the residency requirement for naturalization from fifteen to eight years for foreign-born applicants and from eight to five years for individuals born or raised in Germany.<sup>44</sup> Furthermore, dual citizenship would be tolerated in order to facilitate the naturalization of long-time foreign residents. The most significant reform mentioned in the coalition agreement addressed the attribution of citizenship for children born of foreign residents. According to the new government's plan, citizenship would be granted through the principle of *jus soli*: children of qualified foreign residents born in Germany would be conferred German citizenship at birth.<sup>45</sup> Moreover, the children could maintain their parents' nationality, thereby becoming dual citizens.

The proposed reforms promised to transform the institutional grounding of German nationhood. Children of qualified immigrant parents born in Germany would no longer be foreigners but rather German citizens with equal rights and responsibilities. The easing of barriers to dual citizenship would also make it much easier for the nearly three million immigrants who satisfied the new law's residency requirements to naturalize. This would help resolve Germany's democratic deficit and change the face of German politics by granting a hitherto weak segment of the population political power. In historical perspective, this would mark a revolutionary shift in German membership policy, a point emphasized both by Chancellor Gerhard Schröder and President Johannes Rau.<sup>46</sup>

The government was confident that the citizenship reform would be quickly passed into law and did not expect the proposal to generate a great deal of opposition.<sup>47</sup> These expectations were misplaced. Edmund Stoiber greeted the citizenship proposal with alarm, arguing hyperbolically that it presented a greater threat to Germany than the terrorism of the Red Army Faction.<sup>48</sup> His CSU colleague, Wolfgang Zeitlmann, shared his concern, warning that the reforms would provoke uncontrolled waves of immigration, thus undermining the integration of migrants already in the country.<sup>49</sup> Given the government's majority in both the *Bundestag* and *Bundesrat*, opponents of the proposed citizenship reforms sought to influence policymaking through extraparliamentary tactics, specifically, a signature drive modeled after the Greens' 1993 campaign for dual citizenship. The CDU's leader, Wolfgang Schäuble, accepted the idea. He and other party moderates felt that something dramatic had to be done to raise the Union's fortunes in the wake of its drubbing in the 1998 election. A populist campaign might motivate the party's core and ready them for the upcoming *Länder* elections in Hesse and Baden-Württemberg. The Union parties were also keen to "avoid ceding the issue of citizenship reform to the extreme right" and therefore moved to outflank the *Republikaner* and German People's Union (*Deutsche Volks Union* – DVU).<sup>50</sup>

The signature drive began in January of 1999, several weeks before the government had even introduced a bill, and accumulated over 3.5 million signatures in six weeks. It combined an



assortment of messages, including claims that the government's citizenship plan would unfairly privilege foreigners, threaten social peace by enabling foreigners with ulterior motives (e.g. Islamists) to claim the advantages of citizenship, and inevitably lead to an explosion of new immigration.<sup>51</sup> By far the most important message, however, was that the reform would hinder the integration of foreigners already in the country. Indeed, the anti-dual citizenship movement's motto was "Yes to Integration – No to Dual Citizenship." Thus, the campaign included a proposal for German language courses and a "naturalization guarantee" that facilitated citizenship acquisition for immigrant youth but did not include *jus soli*. The CDU/CSU went to great lengths to make clear that its aim was to ensure that the conferral of citizenship would only occur in light of applicants' successful integration into German society. In short, integration should proceed according to statist communitarian premises. Dual citizenship and *jus soli* should be rejected because they granted foreigners membership without proof of their successful integration. This was both unfair to natives and potentially dangerous.

The government was caught off-guard by these tactics and failed to mount an effective defence of its policies.<sup>52</sup> Although key actors including the Catholic and Protestant churches, unions, the liberal media, and even several members of the CDU came out in favor of the reform and against the referendum,<sup>53</sup> opposition to dual citizenship generated by the campaign succeeded in raising the Union parties' visibility and led to increased media coverage of the CDU's campaign in Hesse. To the delight of the CDU's candidate for Minister President in Hesse, Roland Koch, the signature drive succeeded in mobilizing CDU voters and improved turnout on election day.<sup>54</sup> In the end, Koch and the CDU carried the vote and found themselves in a position to block the government's reform in the *Bundesrat*.<sup>55</sup>

Without its majority in the upper house, the government was forced to enter into negotiations with the FDP to gain the necessary votes in the *Bundesrat*. Ultimately, the SPD adapted elements of an FDP proposal (modeled after the *Optionsmodell* of the *Junge Wilde*) that limited the scope of dual citizenship.<sup>56</sup> According to the revised law, which was passed by the *Bundestag* on May 7, 1999 and cleared the *Bundesrat* on May 21, 1999, children granted German citizenship under the principle of *jus soli* would maintain their parents' nationality until they reached the age of majority (18), at which time they would have until their twenty-third birthday to choose between the two. Dual nationality would be officially discouraged in the conferring of citizenship via naturalization and criteria pertaining to language competence and loyalty to the constitution would be required of applicants. Furthermore, the fee for naturalization was raised to a flat rate of DM 500.

The CDU/CSU's decision to oppose the government's citizenship reform reflected statist communitarians' principled objections to the introduction of *jus soli* and dual nationality. The decision to politicize the issue and risk what could have developed into a dangerous populist reaction was also driven by political reasoning. Less ideologically inclined members of the CDU and FDP were well aware that the absence of dual citizenship in Germany's nationality law had dissuaded hundreds of thousands of immigrants from naturalizing and thus becoming German voters. Given that research consistently revealed that current and potential immigrant voters overwhelmingly supported the SPD and Greens, there were very real political costs in enfranchising a large number of immigrants in a relatively short period of time.<sup>57</sup> Other political factors, including leadership issues, fears of being upstaged by the extreme right, and the desire among many in the CDU to do something to take the media attention off their 1998 election failure and multiple scandals made a populist move on the scale of the signature campaign more acceptable than it might otherwise have been. Finally, the prospect of using the immigration issue to unseat the SPD-Green coalition in Hesse and thus upset the federal government's

majority in the *Bundesrat* offered further incentives to reject compromise and opt instead for an aggressive populist strategy. In the final analysis, a combination of principled opposition to liberal egalitarianism and political machinations came together to block consensus. The result was a compromise solution that fell short of what the government had planned and many reform advocates had hoped for. Nevertheless, hardliners in the Union parties did not regard this as a victory and fought a pitched, if ultimately futile, final battle to block the implementation of the *Optionsmodell*.<sup>58</sup> Their continuing opposition to the new law and bitter disappointment with its passage illustrates that, for all its limitations, the citizenship reform of 1999 marked a crucial shift in Germany's membership policies.<sup>59</sup>

## Conclusion

We have argued that the politics of citizenship reform in Germany since unification has been driven by the clash of liberal egalitarian and statist communitarian variants of civic republicanism. Liberal egalitarians and statist communitarians differ with regard to their view of what integration ought to entail and how citizenship policy relates to it. Whereas liberal egalitarians view citizenship as a means of facilitating integration, communitarians argue that citizenship should only be granted as a result of successful integration. Liberal egalitarians' support of *jus soli* and dual citizenship reflects their belief that policy should aim at broadening the sphere of democratic equality to include all settled residents. Communitarians also claim to support the broadening of democratic equality, but place a greater premium on the interests of the community; new members must enter into the national family wholeheartedly and without reservations. Dual citizenship is therefore unacceptable because it impinges upon the community's interests and fails to ensure new members' loyalty. Similarly, conservative opponents of *jus soli* object to it because it grants citizenship automatically, thus neglecting to gain the consent of the child and failing to ensure that (s)he will indeed be successfully integrated into German society.

The mapping of these divergent ideological positions onto existing party-political cleavages made efforts to reach consensus positions on citizenship reform extremely difficult, thus delaying the introduction of a new law to replace the 1913 RuStAG and directly influencing the content of the new citizenship law of 1999. The contradictory nature of the law is a direct consequence of the battle between liberal egalitarians and statist communitarians.

Thus, while Germany has experienced significant changes in its citizenship and immigration policies since unification, these changes have been blunted by ideologically driven conflicts between liberal egalitarians and statist communitarians. The stasis that Brubaker claimed was a result of elite consensus on the inviolability of ethnocultural nationhood was in fact a consequence of differences between elites advancing distinct conceptions of civic republicanism. While the shift to *jus soli* in 1999 coincided with the victory of the liberal egalitarian side in the 1998 federal election, the rejection of dual citizenship in the new legislation came as a result of statist communitarians' successful exploitation of veto points in the German political system.

The liberal egalitarian/statist communitarian cleavage helps make better sense of membership politics right across Europe. Current debates over the terms of naturalization and immigrant integration in the Netherlands, Britain and elsewhere are difficult to understand under the terms of the older ethnic/civic framework but fall neatly into the intra-republican framework developed in this paper. Conservative opponents of multiculturalism do not seek to defend the

sanctity of ethnic nations, but rather to shape citizenship and integration policies according to their particular range of principles. Where they have succeeded, the result has been demands for integration, backed by threats of sanctions if immigrants fail to master the majority society's language, experience difficulty in finding work, or are suspected of contravening its socio-political norms, however they happen to be defined. Paradoxically, the objective of ensuring immigrants' integration has served as a means of prolonging their exclusion, through the imposition of onerous and expensive demands.

## Notes

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<sup>1</sup> Vera Gaserow, “Das Symbol trägt Baby-Strampler,” *Frankfurter Rundschau*, January 4, 2000; “Erste Einbürgerung nach neuem Staatsbürgerschaftrecht,” *Handelsblatt*, January 3, 2000.

<sup>2</sup> The principle of *jus soli* holds that citizenship is conferred to anyone born in a state’s territory. Conversely, the principle of *jus sanguinis* holds that citizenship is based on ‘blood ties’. In practice, most countries include elements of both principles in their citizenship regimes. The near total absence of *jus soli* in German citizenship law until the 1990s, despite the presence of millions of settled foreigners, made Germany exceptional even among continental European states with similar traditions.

<sup>3</sup> Christian Dornis, “Zwei Jahre nach der Reform des Staatsangehörigkeitsrechts – Bilanz und Ausblick,” in *Migrationsreport 2002. Fakten – Analysen – Perspektiven*, ed. Klaus J. Bade and Rainer Münz (Frankfurt: Campus Verlag, 2002): 171-172.

<sup>4</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, Massachusetts: Harvard University Press, 1992); Stephen Castles, “How Nation-states Respond to Immigration and Ethnic Diversity,” *New Community* VOL. 21, No. 3 (1995): 293-308.

<sup>5</sup> Civic republican membership differs from ethnoculturalism in that it does not posit ethnic “descent” as a precondition for political membership. Instead, factors such as residency and a willingness to affiliate with and be loyal to a politically defined community are key.

<sup>6</sup> Simon Green makes a similar argument in “Citizenship Policy in Germany: The Case of Ethnicity Over Residence,” in *Towards a European Nationality? Citizenship, Migration and Nationality Law in the European Union*, ed. Randall Hansen and Patrick Weil (Basingstock: Palgrave, 2001): 40-44.

<sup>7</sup> Thomas Saalfeld, “Political Parties,” in *Governance in Contemporary Germany: The Semisovereign State Revisited*, ed. Simon Green and William E. Paterson (Cambridge: Cambridge University Press, 2005): 46-77.

<sup>8</sup> Laura Murray, “Einwanderungsland Bundesrepublik Deutschland? Explaining the Evolving Positions of German Political Parties on Citizenship Policy,” *German Politics and Society* VOL. 33 (1994): 23-56.

<sup>9</sup> See “Integration, Assimilation oder was?” in *Arbeitsplatz Europa. Langfristige Perspektiven und europäische Aspekte zum Problem ausländischer Arbeitnehmer. Europäische Schriften des Bildungswerks Europäische Politik*, VOL. 11 (Cologne: Institut für Europäische Politik, 1966): 54.

<sup>10</sup> “Erste Vorschläge für langfristige Ausländerpolitik,” *Stuttgarter Zeitung*, October 17, 1972; also see Karen Schönwälder, *Einwanderung und ethnische Pluralität: Politische Entscheidungen und öffentliche Debatten in Großbritannien und der Bundesrepublik von den 1950er bis zu 1970er Jahren* (Essen: Klartext, 2001): 522.

<sup>11</sup> Interview with Saarländischen Rundfunk, October 10, 1972; cited in Schönwälder, *Einwanderung und ethnische Pluralität*, 548.

<sup>12</sup> Hans Apel, “Vorurteil überwinden,” *Neue Ruhr Zeitung*, June 12, 1971; cited in Schönwälder, *Einwanderung und ethnische Pluralität*, 549.

<sup>13</sup> Heinz Kühn, *Stand und Weiterwicklung der Integration der ausländischen Arbeitnehmer und ihrer Familien in der Bundesrepublik Deutschland*. Memorandum des Beauftragten der Bundesregierung (Bonn, 1979). For discussion see Bernd Geiß, “Die Ausländerbeauftragten der Bundesregierung in der ausländerpolitischen Diskussion,” in *Deutschland -- ein Einwanderungsland? Rückblick, Bilanz and neue Fragen* (Stuttgart: Lucias & Lucias, 2001).

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<sup>14</sup> Kohl's 1984 statement is cited in Heike Hagedorn, *Wer darf Mitglied werden? Einbürgerung in Deutschland und Frankreich im Vergleich* (Opalden: Leske & Budrich, 2001): 204.

<sup>15</sup> Christian Joppke, "Toward a New Sociology of the State: On Roger Brubaker's *Citizenship and Nationhood in France and Germany*," *Archives Européennes de Sociologie* VOL. 36, No. 1 (1995): 176.

<sup>16</sup> Christian Joppke, *Immigration and the Nation-State: The United States, Germany, and Great Britain* (New York: Oxford University Press, 1999): 197-199.

<sup>17</sup> Leo Monz, "Reform des Staatsangehörigkeitsrechts: Chancen für eine gleichberechtigte Zukunft aller Kinder," in *Deutsche Türken – Türkische Deutsche? Die Diskussion um die doppelte Staatsbürgerschaft*, ed. Andreas Goldberg and Faruk Şen (Münster: Lit Verlag, 1999): 47; "Rat der Evangelischen Kirche warnt vor Abschottung gegenüber Fremden," *Frankfurter Allgemeine Zeitung*, March 1, 1993.

<sup>18</sup> See for example Klaus J. Bade, ed., *Das Manifest der 60: Deutschland und die Einwanderung* (Munich: C. H. Beck, 1994).

<sup>19</sup> "Von Weizsäcker Calls for Easier Naturalization Laws," Agence France Presse, December 24, 1992.

<sup>20</sup> "Aufmacher Weizsäcker Weihnachtsansprache. Wir und die Anderen" *Süddeutsche Zeitung*, December 24, 1992.

<sup>21</sup> "SZ Interview mit dem Präsidenten des Bundesverfassungsgericht," *Süddeutsche Zeitung*, March 30, 1993.

<sup>22</sup> Olaf Mack, "Aktion Doppelte Staatsangehörigkeit Unterschriften statt Lichterkette," *Süddeutsche Zeitung*, March 1, 1993.

<sup>23</sup> Referendum Doppelte Staatsbürgerschaft, ed. *Referendum Doppelte Staatsbürgerschaft* (Archiv Grünes Gedächtnis, Bibliothek, 2000/2002).

<sup>24</sup> Karen Breslau, "Faultless to a Fault. After the Jewish Problem, the Polish Problem, and the Asylum Problem – What about the German Problem?" *Newsweek*, September 28, 1992.

<sup>25</sup> Gwynne Dyer, "Germany's Citizenship Law is Insupportable," *The Record* (Kitchener), June 21, 1993. The article was also carried in several other Canadian and British newspapers.

<sup>26</sup> William Safire, "Blood and Irony," *The New York Times*, June 17, 1993.

<sup>27</sup> "Doppelte Staatsbürgerschaft. Koalition diskutiert über Lex Türkei," *Süddeutsche Zeitung*, June 3, 1993.

<sup>28</sup> Christian Müller, "Trauerfeiern für die Mordopfer von Solingen," *Neue Zürcher Zeitung*, June 4, 1993.

<sup>29</sup> Simon Green, "Citizenship Policy in Germany: The Case of Nationality over Residence," 33-34.

<sup>30</sup> Simon Green, "The Politics of Exclusion: Immigration, Residence and Citizenship Policy in Germany, 1955-1998" (Ph.D. diss., University of Birmingham, 1999): 178.

<sup>31</sup> Green, "The Politics of Exclusion," 179; Joppke, *Immigration and the Nation-State*, 207.

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<sup>32</sup> See SPD, Bundestagsfraktion, *Dokumentation: Einbürgerung erleichtern – Integration fördern* (Bonn: 1995); Sozialdemokratische Partei Deutschland, Parteivorstand, Archiv, File X3 – Ausländer – K.

<sup>33</sup> Ibid.

<sup>34</sup> See Bundestag Drucksache, 13/423, 13/3472, 13/3719.

<sup>35</sup> Cem Özdemir, Interior Affairs Spokesperson Green Party parliamentary group, interview by author, March 15, 2002, Berlin; Klaus Geiger, Professor of Political Sociology, University of Kassel, interview by author, March 22, 2002, Kassel. See Bündnis 90/Die Grünen, *Fremd ist Fremde nur in der Fremde: Warum wir ein Einwanderungsgesetz brauchen* (Berlin, September 1991); Sozialdemokratische Partei Deutschland, Parteivorstand, Archiv, File X3 – Ausländer – September 1991.

<sup>36</sup> Peter Altmaier, “Reform des Staatsangehörigkeitsrechts – Ist die Hinnahme mehrfacher Staatsbürgerschaft überfällig?” *Civis* No. 3-4 (1996), available online at: <[http://www.peteraltmaier.de/Publikationen/Reform\\_Staats02.html](http://www.peteraltmaier.de/Publikationen/Reform_Staats02.html)>.

<sup>37</sup> Peter Altmaier, Member of the German *Bundestag* (CDU), interview by author, May 3, 2004, Berlin.

<sup>38</sup> Peter Altmaier, Member of the German *Bundestag* (CDU), interview by author, May 3, 2004, Berlin.

<sup>39</sup> Peter Altmaier and Norbert Röttgen, “Die Uhr läuft,” *Die Zeit*, No. 34, August 15, 1997.

<sup>40</sup> Barbara Marshall, *The New Germany and Migration in Europe* (Manchester: University of Manchester Press, 2000): 147.

<sup>41</sup> It should be noted that a reworked version of the child citizenship proposal, which offered a “guarantee of naturalization” for children of immigrants born in Germany, was introduced in November 1997. This proposal did not satisfy either liberals in the CDU or the opposition parties. See Green, “Citizenship Policy in Germany,” 41-42.

<sup>42</sup> Green, “The Politics of Exclusion.”

<sup>43</sup> An excerpt of the agreement with the relevant sections is included in The Federal Ministry of Interior, *Policy and Law Concerning Foreigners in Germany* (Berlin: Federal Ministry of the Interior, Public Relations Sector: Berlin, 2000): 166-167.

<sup>44</sup> *Policy and Law Concerning Foreigners in Germany*; Rainer Münz and Ralf Ulrich, “Deutschland: Rot-Grün bringt Reform des Staatsbürgerschaftsrechts, aber kein Einwanderungsgesetz,” *Migration und Bevölkerung*, November 1998, 1.

<sup>45</sup> “Children of foreign parents who are born in Germany will receive German nationality if one parent was born here or entered Germany before the age of 14 and possesses a residency permit.”

<sup>46</sup> Schröder proclaimed that the reform would bring German policy into line with its EU partners and correct a longstanding “modernity deficit.” Similarly, Rau claimed that the new citizenship provisions marked an end to Germany’s “special way” (*Sonderweg*).

<sup>47</sup> Dieter Wiefelspütz, Interior Affairs Spokesperson SPD parliamentary group, unpublished interview by Kaoru Iriyama, Berlin, April 24, 2002; Cem Özdemir, Interior Affairs Spokesperson Green Party parliamentary group, interview by author, March 15, 2002, Berlin.

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<sup>48</sup> “Alle Schwarzen gegen die doppelte Staatsbürgerschaft,” *die tageszeitung*, January 4, 1999.

<sup>49</sup> Wolfgang Zeitlmann, “Wir bekommen zweierlei Deutsche,” *Die Welt*, January 13, 1999.

<sup>50</sup> Alice Holmes Cooper, “Party Sponsored Protest and the Movement Society: The CDU/CSU Mobilizes Against Citizenship Law Reform,” *German Politics* VOL. 11, No. 2 (August 2002): 88-104.

<sup>51</sup> For a good summary and discussion of the campaign see the essays in Irene Götz, ed. *Zündstoff doppelte Staatsbürgerschaft: Zur Veralltäglicung des Nationalen*. (Münster: Lit Verlag, 2000).

<sup>52</sup> A point emphasized in interviews with Cem Özdemir, Sebastian Edathy, and Cornelia Sonntag-Wolgast.

<sup>53</sup> The Chair of the Council of the Protestant Church of Germany, Manfred Kock, noted that he was greatly disturbed by the CDU/CSU’s choice of tactics. Kock went on to say that such populism played into the hands of those “who have no interest in facilitating the integration foreigners” and advised the Union to avoid such strategies. See “Der Stammtisch darf nicht entscheiden,” *Süddeutsche Zeitung*, January 12, 1999. Also see F. Weckbach-Mara, “Weizsäcker: Unterschriften-Aktion schürt Ausländer-raus-Instinkte,” *Bild am Sonntag*, January 10, 1999.

<sup>54</sup> Rüdiger Schmitt-Beck, “Die hessische Landtagswahl vom 7. Februar 1999: Der Wechsel nach dem Wechsel,” *Zeitschrift für Parlamentsfragen* 31 (2000): 13.

<sup>55</sup> Randall Hansen, “The Problems of Dual Nationality in Europe,” *ECPR News*, VOL. 11, No. 2 (Spring 2000): 5; Götz, *Zündstoff doppelte Staatsbürgerschaft*; Cooper, “Party-Sponsored Protest and the Movement Society.”

<sup>56</sup> Martina Fietz, “Doppelpass: Schily strebt Kompromiss an,” *Die Welt*, March 5, 1999.

<sup>57</sup> See Sozialdemokratische Partei Deutschland, *Zuwanderer als Zielgruppe: Einstellungen und politischen Verhalten von EU-Bürgern und anderen Zuwandern* (Bonn, April 1997), Sozialdemokratische Partei Deutschland, Parteivorstand, Archiv, File X3 – Ausländer – K.

<sup>58</sup> Deutscher Bundestag, Stenographischer Bericht, 14. Wahlperiode, 40. Sitzung, May 7, 1999, 3413-3462.

<sup>59</sup> George Tsapanos, “Was heißt denn hier Fremd? Staatsangehörigkeit zwischen Ethnizität – Identität – Nationalität,” in *Staatsbürgerschaft in Europa: Historische Erfahrungen und aktuelle Debatten*, ed. Christoph Conrad and Jürgen Kocka (Hamburg: Edition Körber Stiftung, 2001): 321.