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William Rhoads April 17, 2013

The Political Shift of the CDU in Citizenship and Immigration Policy from Reunification to the Implementation of an Immigration law in 2005

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Abstract

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The Christian Democratic Union is one of the largest and most influential *Volkspartei* (national people's party, or catch-all party) in Germany. Despite being a center-right party, the CDU has a broad constituency; thus, in order to be the representative of the German people as a whole and to be their voice, the CDU must be in touch with political discourses and opinions at the center of German society. Despite Germany's long history of migration and immigration, as late as 1998, the CDU was claiming that Germany was "not a country of immigration." However, following the legislation of Citizenship Law in 1999 and the implementation of Germany's first ever Immigration law in 2005, the CDU underwent political shift that acknowledged Germany's need for immigration. What were these issues that drove the CDU to make this policy change? Was this shift a genuine response to changing demographics and the need for immigrant labor, or was it a way to bolster its image to voters? This study explores the political, economic, and social factors from German Reunification in 1990 to the promulgation of the Immigration Law in 2005 in order to evaluate how the party has reacted to these pressures in respect to its shift on immigration naturalization policy.

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Introduction

As a mainstream center-right party, the CDU, the Christian Democratic Union, is one of the largest *Volkspartei* (national people's party, or catch-all party) in Germany and still consistently receives around 33% of the vote for national and state-level positions.[1] Given its status as a *Volkspartei* in the center-right, the CDU strives to be the representative of the German people as a whole and to be their voice; in effect, this forces the CDU to be in touch with political discourses and opinions at the center of German society. Under the leadership of West Germany's first Chancellor Konrad Adenauer, the CDU directed the country to its *Wirtschaftswunder* (economic miracle), participation in NATO and the west, and membership in the European Community.[2] In addition, the CDU led the integration of refugees and expellees of German ethnicity after World War II until the early 1950s from the lands comprising the former Third Reich, Poland, and then Czechoslovakia.[3] Around twelve million Germans were removed from their homes, of which more than 9 million settled in West Germany, and they became an important labor source for its *Wirtschaftswunder*.[4] Under the CDU government, the expellees

[1] Based on the 2009 and previous election results and taken from the official website of the Federal Returning Officer: http://www. www.bundeswahlleiter.de/ (Accessed 17 April 2013).
[2] The CDU has led or participated in the ruling coalition between 1949 and 69, 1982-95, and since 2005. From 1966 to 69, the CDU's coalition partner was the SPD, known as the "grand coalition", and again after the 2005 elections and still currently. SPD-led coalitions with either FDP or Green party partners have otherwise governed.
[3] Peter Radunski, *West German Political Parties*, ed. Robert Gerald Livingston (Washington D.C.: The American Institute for Contemporary German Studies, 1986), 16-19.
[4] Rita Chin, *The Guest Worker Question in Postwar Germany* (Cambridge: Cambridge University Press, 2007), 34-35.

were quickly incorporated into the nation, and became an integral part of the CDU's constituency.[5]

In contrast to ethnic German migrants, *Gastarbeiter* (guest workers) have not met the same success and acceptance towards integration. *Gastarbeiter* were brought to Germany as a result of the *Wirtschaftswunder*, which created a demand for temporary labor that the German population alone could not satisfy. Beginning in 1955 and up until 1968, agreements with several Mediterranean countries including Italy, Turkey, and Yugoslavia were made to fill the labor shortage. Their stay was meant to be temporary, but *Gastarbeiter* found it more beneficial to stay, and many continued to live in Germany. With the economic downturn of 1973, recruitment of *Gastarbeiter* ended, and the question turned to what Germany should do with the immigrants who stayed in the country.[6] Germany has since been home to millions of *Gastarbeiter* and other migrants, but unlike the ethnic Germans, they had no path to naturalization. This became increasingly apparent with the rise in *Gastarbeiter* and the ethnic German population during the 1980s. German reunification in 1990 marked the end of the post-war era in Germany, and it had to construct a new national identify and address its policy regarding immigrants and foreigners.

Despite the CDU's central role in the integration of large numbers of expellees into German society and the economy, the CDU had long been the political party claiming that Germany was "not a country of immigration" and remained steadfast in its policies for strict adherence to an ethnocultural definition of the nation and citizenship laws. During the 1990s, the

[5] West Germany recognized itself as the legal successor state of the Third Reich. The West German government worked quickly and efficiently to incorporate these groups into the population. See Rainer Ohliger and Rainer Münz, "Minorities into Migrants: Making and Un-Making Central and Eastern Europe's Ethnic German Diasporas," *Diasporas* 11 (2002): 45-83.

[6] For a general history of *Gastarbeiter* in Germany, see especially Rita Chin, *The Guest Worker Question in Postwar Germany* (Cambridge: Cambridge University Press, 2007); also Chapter 2 of Joyce Marie Mushaben, *The Changing Faces of Citizenship: Integration and Mobilization Among Ethnic Minorities in Germany* (New York: Berghahn Books, 2008).

CDU has been highly criticized by its rival political parties to its left, the SPD (Social Democratic Party), the FDP (Free Democratic Party), and the Greens, for its highly restrictive stances on immigration and naturalization policy in regard to foreign migrant labor. For the CDU, this frame of mind showed little regard for the permanence of the existing foreign labor migrants present in Germany today. However, following reunification, the CDU has since taken major steps in recognizing the need for renewed policy on immigration and naturalization. This was the result of numerous political, social, and economic pressures following reunification, which this study seeks to identify and explore. The CDU's policy had to address the changing framework of the nation, the change in demographics, and the realignment of its new identity within a post-unification Germany. International concern about a new, powerful united Germany into the European community ignited new fears of a potentially emerging German nationalism and ethnic chauvinism. The impacts of these factors were reflected in a new citizenship law effective since 2000. Germany, for the first time in history, implemented simple *ius soli*, citizenship based on place of birth. Germany had previously used *ius sanguinis* (citizenship based on descent). Successively in 2005, Germany's first immigration law came into effect, and although critics called the immigration law as still being too restrictive, it promoted work permits for highly skilled professionals and created programs for the integration of immigrants. The CDU's influence in German politics had a significant impact in the discourse for both laws, but the discourse has also shown that the party as a whole has neither completely departed from ethnocultural conceptions of "German" identity that promote an anti-foreigner position of the CDU nor shown a disposition toward opening up its restrictive policy on immigration regulation and stance against dual citizenship.

That the CDU is the largest *Volkspartei* in Germany means that its leaders played a defining role as a driving political force to actively provide solutions to existing challenges. To be a *Volkspartei* is to be a party that has a broad constituency base that encompassed many broad ideas. The CDU drew in supporters of those of Christian denominations and members who supported ideals such as freedom and democracy.[7] Having accepted Germany's status as a country of immigration means that in some degree, the CDU has undergone a policy change. What were these issues that drove the CDU to make this policy change? Was it a genuine response to changing demographics and the need for immigrant labor? Was it to bolster its image to voters? This study, then, intends to explore the political, economic, and social factors since reunification, and how the party has reacted to these pressures towards a changing policy perspective on immigration and citizenship law.

In the currently available scholarly literature, there is little analysis that provides a comprehensive and specific look at the CDU and its internal shifts in immigration and naturalization as a result of factors from the time period of reunification to the promulgation of the immigration law in 2005. Existing literature focuses on changes in these policies in Germany as a nation and as a whole, and discusses only the CDU's shifts in the context of Germany's overall shift in as illustrated by the drafting of the citizenship law and immigration law. That is to say, the CDU is described only as a case-in-point in comparison to the other German political parties, which play only a small part in the analysis of Germany as a nation. Most scholars argue that the CDU, due to its powerful political influence, has had a large impact on the restrictive

[7] Sarah Elise Wiliarty, *The CDU and the Politics of Gender in Germany: Bringing Women to the Party* (Cambridge: Cambridge University Press, 2010), 30-31.

nature of the citizenship law of 1999 and the immigration law of 2005.[8] Thus, this study will consider the scholarship regarding reunification, migrating populations, demographics, developments in the CDU's constituency and leadership, and other such factors in order to make an argument that shows the CDU's evolving policy on immigration and naturalization.

Aside from examining existing scholarly literature, primary documents in the form of newspaper articles and editorial commentary, such as from *Die Zeit, Der Spiegel*, and the *Frankfurter Allgemeine Zeitung*, will be used to capture the atmosphere and outline key developments in the CDU's development of in policy change at varying points of the study's time period. Articles from both German and English will be used. I will also use primary documents published and distributed by the CDU and its Konrad Adenauer Stiftung (a CDU think-tank and research and policy institute).

This study is divided into three chapters, each exploring the CDU's immigration and naturalization policy in the context of one of three major events: reunification, the drafting of the 1999 Citizenship Law, and the 2005 Immigration Law. Chapter I examines Germany and its need for a new national identity as it responded to the social, political, and economic results immediately following reunification. The CDU-led government saw the integration of over 16 million East Germans into West German society, who for forty years had had a separate government, ideology, and identity under a socialist regime. The chapter will show that Reunification represented a point of departure from the postwar era, and will explore the

[8]See for example Imke Kruse, Henry Edward Orren, and Steffen Angenendt, "The Failure of Immigration Reform in Germany," *German Politics* 12 (2003): 129-45; Merih Anil, "No More Foreigners? The Remaking of German Naturalization and Citizenship Law, 1990-2000," *Dialectical Anthropology* 29 (2005): 453-470; Karen Schönwälder and Triadafilos Triadafilopoulos, "A Bridge or Barrier to Incorporation? Germany's 1999 Citizenship Reform in Critical Perspective" *German Politics and Society* 30 (2012): 52-70; Marion Schmid-Drüner, "Germany's New Immigration Law: A Paradigm Shift?" *European Journal of Migration & Law* 8 (2006): 191-214.

pressure the new united German was facing from concerns about growing nationalism. The integration of Russian Jewish immigrants and ethnic Germans from the former Eastern Bloc (*Aussiedler*) demonstrated their preferential treatment and relatively quick and easy access to German citizenship.[9] Juxtaposing this are the second- and third-generation descendants of non-EU *Gastarbeiter*, who, despite having lived in Germany for decades (*Gastarbeiter* from EU member states lived in Germany as EU citizens), were still excluded from naturalization and had an incredibly difficult path to naturalization. [10] Further underscoring this was their long history of residency, with third-generation immigrants already participating in Germany. Finally, the chapter will explore the xenophobic violence of the early 1990s and how it affected the perception of the Germany's restrictive policies and emphasis of an ethnocultural society, and how this in turn affected the CDU as a political party.[11]

Chapter II will explore the various political and social pressures that affected the CDU's policy on naturalization and citizenship leading to the 1999 citizenship law. The chapter begins with explaining the demographic crisis facing Germany in the years to come. A declining birthrate and the retirement of the baby-boomer generation posed a threat to the future of the German economy, particularly to its social benefits and welfare systems. This demographic issue was highlighted by the resulting social security crisis following reunification. East Germans, having not paid into the system, placed enormous stress on West Germany's social security system, in which the unification process sought to merge the two states' social systems 1:1.

[9] This was a result of the GDR's late attempt to deal with its failure to acknowledge Jews as special victims of the Holocaust.
[10] Prior to 2000, a revised edition of the 1965 Aliens Act in 1990 and foreign labor laws regulated the inflow of migrants. The citizenship law included a lessening of naturalization restrictions.
[11] In particular, the events of Rostock (1992), Mölln *(*1992*),* and Solingen (1993) were outbursts of violence towards the growing influx of asylum seekers. Immigrants were also unfortunately targeted in these events with numerous injured and several dead. These events were heavily denounced by the German public.

Increased immigration and liberalizing the citizenship law in order to bolster the economy became thus became a central component of the discourse surrounding immigration and naturalization reform. The EU and its role as an external pressure in creating a general framework for migration, immigration, and security policies was one of the political pressures driving this discussion. In addition, election politics, especially the CDU as the opposition party during the SPD-Green (also Red-Green) led coalition, is another factor that will be explored.

Finally, chapter III will examine the development of the CDU's immigration policy in regards to the development of the 2005 immigration law. Former Bundestag President Rita Süssmuth of the CDU, acting as the chair of the Immigration Commission (or Süssmuth Commission), and its report played an important role in the dialogs of the CDU's policy stance on immigration. At the same time, the Green Card proposal and the controversy surrounding the *"Leitkultur*" debate sparked additional reaction for the party's need to re-examine its role and identity in the nation.[12] Election politics such as the failure to pass the immigration law in 2002, the role the 9/11 terrorist attacks had on security measures in the new law, and the negotiation process when the law passed in 2004 further illustrate factors that drove policy change in the CDU. Chapter III concludes by analyzing the CDU's constituency and how the current Chancellor, Angela Merkel of the CDU, who was elected in 2005, provides the opportunity for the CDU to have further evolutions on its policies.

[12] *Leitkultur* (or "guiding culture") was a motion among the CDU after 2000. *Leitkultur* stressed the importance of "German" culture being the dominant trait of being a German citizen, thus calling for the cultural assimilation and a highly structured immigration process with the importance of learning German. It came under heavy scrutiny as being far too exclusionary and ethnocentric.

Chapter I: Reunification, Migration, and National Identity

Reunification was a crucial moment that marked the transition from the postwar era into a new modern era and an event that influenced the conception of the new German identity. The reuniting of East German and West Germany ended a long history of separation, yet it introduced both successes and unintended consequences. The implosion and collapse of the Soviet Bloc triggered mass migrations of Eastern Europeans, many of whom made their way to the new German state. The integration of East Germans into West German society, coupled with the influx of *Aussiedler* and other migrants, posed a new challenge in the construction of Germany's new identity and what constituted being "German." This section does not seek to provide a comprehensive historical background of East Germans, migrant groups, and xenophobic violence as a result of reunification and the influx of migrant populations. Rather, each group and subject will be analyzed in the context of addressing Germany's conception of the German "identity." The goal is to provide a basic framework that illustrates who was eligible to receive citizenship, how these issues became highlighted during reunification, and to what extent these factors affected the CDU's policy in subsequent chapters.

East German Integration and Redefining the German National "Identity"

The sudden deterioration of East Germany in 1989 - 1990 took many by surprise, yet the end result was that reunification suddenly became a reality. The issue of reunification posed a heavy financial dilemma for West Germany's social security and welfare systems. It also brought up the issues regarding the German concept of ethnocultural citizenship and the question of immigrants and the place migrant populations had in belonging to the new Germany. Foremost was the political hurdle of constructing a new nation and integrating East Germans into the West German economy and society. In order to do so, Germany had to fulfill its obligations both in the postwar era treaties and in West Germany's own provisions in the Basic law that governed the process and framework of reunification. In his November 28, 1989 addressing of his ten-point plan for reunification, Chancellor Helmut Kohl of the CDU stated, "We understand the process leading to the recovery of the German unity to be of European concern."[13] Kohl argued for incremental steps towards reunification; instead, rapid reunification became favored due to public pressure, which would later have unforeseen consequences on Germany's social system.[14] The true mark of the end of the post-war period was the signing of the so-called Two-Plus-Four Treaty on Germany on September 12, 1990. The treaty was an agreement between West and East Germany and the winning allied powers which acknowledged a combined Germany's new borders and membership in NATO and the international community.[15]

The prospect of reunification, specifically the merging of two different nations and identities into one nation-state, posed problems for West Germany. On the one hand, in

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[13] As cited in Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany: Negotiation Membership and Remaking the Nation* (New York: Berghahn Books, 2009), 147.
[14] *Ibid.,* 147.
[15] Federal Republic of Germany, *et al.,* "Treaty on the Final Settlement with Respect to Germany," Washington, D.C.: US Department of State, 1991, http://chnm.gmu.edu/1989/items/show/290 (Accessed 17 April 2013).

consideration of Germany's past with nationalism during the Nazi period, the issue of German nationalism as a guiding principle in German reunification was highly charged. Yet on the other hand, the very act of reunifying was in and of itself a process of rejoining the ethnic German community, a principle already codified in the Basic Law.[16] Despite the separation of East and West Germany and their respective people, a historical and cultural link bound the two identities even before the beginning of the post-war era. That is to say, the shared sense of community shared on the historical and cultural level between West and East Germans would be able to remain a guiding principle in German reunification, despite the difference in government and ideology.[17] However, practical matters, such as economic prosperity, drove a wedge in the mutual feelings of pride in reunification. With a weak economy in East Germany and the prospect of merging 1:1 with West Germany economically, many East Germans held unfavorable opinions and disloyalty towards West Germany. Further fueling this was the lack of continuation of East German institutions in West Germany.[18] At some level, it would be hard for East Germans to feel at ease in the new Germany, especially knowing of the economic and social disparity between the two Germanys.

A resurging, chauvinistic German nationalism resulting from reunification was also a matter of concern in the international community. Many members of the EU were apprehensive about the entrance of a powerful, unified Germany, and that Germany could possibly undermine the concept of a shared European identity, especially in terms of expanding its member nations in

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[16] Mary Fulbrook, *German National Identity after the Holocaust* (Malden: Blackwell Publishers Inc., 2002), 183-184.
[17] *Ibid.,* 203, 210.
[18] Mi-Kyung Kim and John D. Robertson, "Analysing German Unification: State, Nation and the Quest for Political Community," *German Politics* 11 (2002): 12-13.

Eastern and East-Central Europe.[19] Others in the media voiced their opinions regarding a unified, resurgent German nation. The American conservative commentator and syndicated columnist Charles Krauthammer was quick to define the source of this fear. This fear, as he states, originates from what he describes as the "belief" in a "German national character," wherein the Germans would return to a Nazi-like nationalist fervor and reclaim its pre-1939 borders. In addressing this fear, Krauthammer quipped, "Beside this fear, forty years of democracy, forty years of peaceful accommodation to neighbors—in short, forty years of history—count for little." [20] Krauthammer certainly makes a valid point. The efforts in which West Germany spent peacefully cooperating and integrating into the European framework were genuine facts. The international community still feared the influence of Germany's Nazi past, and this translated to, perhaps, unfounded fears of a resurgence of intolerant German nationalism.

There was no process of political integration for the East Germans into the new Germany as legal citizens since Basic Law long ago established those living in East Germany as German citizens. The basis of German citizenship law during reunification was an adapted form of the 1913 Nationality Law (*Reich- und Staatsangehoerigkeitgesetz,* or RuStAG), wherein ascription of German citizenship was based solely on descent. East Germany had its own citizenship law, and prior to reunification the two states competed against one another to be the legitimate nation of the German people.[21] West Germany, through its law, wanted to be the state which connected the German lands to the German people abroad that were unable to be a part of the state.[22] West

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[19] *Ibid.,* 15.
[20] Charles Krauthammer, "The German Revival," *New Republic*, 26 March 1990, 18-20, http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3002 (Accessed 17 April 2013).
[21] Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 83.
[22] Marc Morje Howard, "An East German Ethnicity? Understanding the New Division of Unified Germany," *German Politics and Society* 13 (1995): 54.

Germany's Basic Law, Article 116 Section 1, however, was specifically written to consider anyone who held German citizenship prior to December 31, 1937, as a refugee, ethnic German expellee, or spouse or descendant to be a German citizen. This included East Germans and paid respect to Germany's troubled past and the victims of it. Not creating a separate West German nationhood established the legitimacy of having an ethnocultural citizenship law and that, as long as East Germany still existed, necessitated this version of the citizenship law to be in effect.[23] This historical argument suggests that until reunification had taken place, non-German immigrants and foreigners would never be considered in the overall framework of German citizenship and belonging. In explaining this argument, sociologist Christian Joppke stated, "As long as Germany was divided…Germany could tolerate immigrants only as 'guest workers' who were expected to stay out of the nation's own unfinished business."[24]

In the absence of reunification having taking place when it did in 1990, could this argument have prevented the promulgation of any law that would have provided broader access to citizenship and immigration? As the political party in office, the CDU had the responsibility of beginning the process of German reunification. The issue of East Germans belonging in the greater German identity was quickly dashed in the euphoria and pride of reunification. As legal citizens, they simply became integrated into the economy and society. How, then, did guest workers and other migrants and immigrants fit into the larger issue of belonging to the collective German identity?

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[23] Simon Green, "Immigration, asylum and citizenship in Germany: The impact of unification and the Berlin republic," *Western European Politics* 24 (2001): 85.
[24] Christian Joppke, *Immigration and the Nation-State: The United States, Germany, and Great Britain* (Oxford University Press, 1999), 261.

Ethnic Germans (Aussiedler) and Russian Jews

Aussiedler, or ethnic Germans, had access to a path of citizenship by virtue of the Basic Law, Article 116. *Aussiedler* had been immigrating into West Germany since the end of World War II, but there was a distinction between the *Vertriebene* as expellees between the years of 1945 to 1949, who had been expelled from Eastern Europe, and other *Aussiedler*, who had been migrating from Eastern Europe from the 1950s on.[25] In the context of reunification, the years immediately leading up to 1989 saw a large influx of *Aussiedler* from Eastern Europe. The collapsing of the Eastern Bloc and the lifting of travel restrictions paved the way for immigrating *Aussiedler*, 203,000 in 1989 and 397,000 in 1990. The period of 1988 to 1994 saw a total of 1.9 million *Aussiedler* immigrating to Germany.[26]

Although the number of *Aussiedler* immigrating was rather small, restrictions were implemented in a way that did not severely hinder the core principle and duty behind Germany's decision to immigrate ethnic Germans from the East. In 1989, the government began to implement the first of a series of laws that would eventually restrict the influx to a manageable level. The "Law for Establishing a Provisional Place of Residence for *Spätaussiedler*" established the classification of *Spätaussiedler* (those who came after January 1, 1993), which allowed the government to assign temporary public housing for up to two years and had the effect of allowing for the concentration of *Aussiedler* living in isolated communities to be more visible to the public. In the hopes of slowing down admission rates, the *Aussiedler* Admittance Act of 1990 restricted the unlimited right to immigration, forced the admittee to apply from his

[25] Klaus J. Bade and Myron Weiner, eds., *Migration Past, Migration Future: Germany and the United States* (Providence: Berghahn Books, 1997): 69.
[26] *Ibid.,* 71.

or her country of origin, and imposed a fifty-page questionnaire in German and an accompanying German language test.[27] Finally a fixed quota of 220,000 *Aussiedler* was enacted in 1992, which resulted in 222,000 in 1994.[28]

Reunification also saw an influx of immigrant Russian Jews. Between 1991 and 2004, around 255,000 applications were submitted by Russian Jewish living in the former Soviet Union, with 217,000 ultimately accepted.[29] Although they were non-Germans, their entry into Germany was a result of a number of unique factors, most important of which was Germany's Nazi past. Given the legacy of the Holocaust, Germany could not afford to mistreat Jews, and many leaders such as Chancellor Kohl recognized Germany's moral obligation of allowing the admission of Russian Jewish refugees. At the same time, they were not of German ethnicity like the *Aussiedler*. However, it was actually East Germany that originally initiated Russian Jewish immigration. According to East Germany, West Germany was the successor of the Third Reich, and as a result of this, East Germany had never acknowledged moral responsibility for the Holocaust nor provided reparations in light of it.[30] Shortly before the eventual collapse of East Germany in July 1990, the East German parliament passed legislation granting Russian Jews asylum based on persecution. Russian Jewish immigration continued after reunification. However, after November 1991, Russian Jews could only apply for refugee status from their country of origin, wherein after being cleared to move, they had continued access to work

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[27] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany*, 183. Also Simon Green, *The Politics of Exclusion* (Manchester: Manchester University Press, 2004), 84.
[28] Klaus J. Bade and Myron Weiner, *Migration Past, Migration Future: Germany and the United States*, 76.
[29] Yinon Cohen and Irena Kogan, "Jewish Immigration from the Former Soviet Union to Germany and Israel in the 1990s," *LeoBaeck Institute Yearbook* 50 (2005): 252.
[30] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany*, 190-91.

permission, welfare access, assistance from the resident Jewish community, and other such programs.[31]

Like *Aussiedler*, the Russian Jews had a fast and relatively easy path to citizenship, but unlike the *Aussiedler*, they were not granted automatic citizenship on arrival. Under the Jewish Refugee Quota law of 1991, proof of Jewish ancestry was a requirement for this process. This law placed "Jewish ancestry" at the center of what helped the immigrants to be admitted. It defined someone "Jewish" as one who had at least one Jewish parent and allowed for his or her immediate family and even a non-Jewish spouse.[32] Russian Jews then had to reside in Germany for a period of 6-8 years, depending on the state, before having access to the right of citizenship.[33] In terms of economic integration, while Russian Jews receive considerable assistance from the government, successful employment and increases in median income have been lower than expected. In a research project funded by the German-Israeli Foundation for Scientific Research and Development, the first 6-10 years of residence was compared between Russian Jewish immigrants in Israel and Germany in terms of participation rates and employment. Russian Jews in Germany have a lower participation rate and a higher unemployment rate compared to Russian Jews that migrated to Israel. The Russian Jew's median income was 62% of the earning rate of native Germans, in addition to a marked dependency on social benefits.[34]

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[31] Barbara Dietz, "German and Jewish Migration from the Former Soviet Union to Germany: Background, Trends, and Implications," *Journal of Ethnic and Migration Studies* 26 (2000): 639, 644.
[32] *Ibid.,* 640.
[33] Yinon Cohen and Irena Kogan, "Jewish Immigration from the Former Soviet Union to Germany and Israel in the 1990s," 252.
[34] *Ibid.,* 263-64.

Most challenging for Russian Jews was the cultural integration into German society. Jewish immigration was partly intended to ease the postwar legacy of Germany and the Jews. Russian Jewish immigration served as a symbol of remembrance of the Nazi. However, this was not without its problems. The government and the German-Jewish community initially expected the Russian Jews to help revitalize Jewish communities in Germany.[35] Unfortunately, being Jewish under the communist Soviet Union was a distinctly different experience from being Jewish in Germany. In a regime where religion was not practiced, being Jewish was considered an ethnicity, and 90% of all Jews in Russia neither practiced Judaism nor were able to speak any language other than Russian.[36] This only served to increase tensions between the mainly secular Russian Jewish population and German Jews who participated in the Orthodox community. As it stood, many Russian Jews, especially among the young, would not attend and participate with the Jewish community, leaving only older age groups to take part as a community and undermining the intent of allowing Russian Jews to immigrate in the first place.[37]

Against this backdrop, one particular study notes that there was a fundamental misunderstanding in the minds of the Russian Jews. "Soviet Jews thought they were immigrating into Germany," but "the German society assumed they were immigrating into Germany's Jewish communities."[38] Ultimately, this underscores the idea of belonging in Germany's national identity. Germany used the immigration of the Russian Jews as an opportunity to show the international community that it was still paying homage to its Nazi past. However, the fact that

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[35] Barbara Marshall, *Europe in Change: The New Germany and Migration in Europe* (Manchester: Manchester University Press, 2000), 34.
[36] Larissa Remennick, "'Idealists Headed to Israel, Pragmatics Chose Europe': Identity Dilemmas and Social Incorporation among Former Soviet Jews who Migrated to Germany," *Immigrants & Minorities* 23 (2005): 33.
[37] *Ibid.,* 37.
[38] Franziska Becker, *et al*., "Holocaust-Memory and Multiculturalism. Russian Jews in German Media after 1989," *New German Critique* 92 (2004): 19.

the Russian Jews were unable to fit into the German-Jewish community, much less German society at large, shows the contradiction in allowing Russian Jews a fast track to German citizenship. If the Russian Jews did not fit to the standards expected of an immigrant to integrate into German society, what did this say about Germany's willingness, or perhaps unwillingness, to let other migrant groups access to citizenship? Kohl and the CDU's intentions on allowing for Russian Jewish migration was certainly understandable, but this policy ignored the situation of other migrant groups who had no easy access to citizenship.

Gastarbeiter and their Descendants

Guest workers, unlike *Aussiedler*, had no path to citizenship at all. As mentioned previously, guest workers are the immigrant workers that were a part of several agreements with Mediterranean countries during Germany's economic boom in the late 1950s and the 1960s. These agreements were made with Italy (1955), Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965), and Yugoslavia (1968). As the name suggests, guest workers were originally meant to be guests, as was outlined and understood when the program was in its initial phase. Accordingly, this served to underscore German government's intentions behind the Guest worker program, that is, the guest worker's limited role as temporary workers to assist in labor needs during the *Wirtschaftswunder*. Additionally, the term "guest" inherently excluded the guest workers from forming a German identity and preventing them from access to German citizenship.[39] Thus, "the rhetorical figure of the guest worker thus made the policy of importing

[39] Chin, *The Guest Worker Question,* 47-48.

strange and unknown foreigners relatively uncontroversial."[40] Standing out among the Guest worker population and their descendants are the Turks, who make up the largest foreign population in Germany with a population of approximately 1.7 million in 1990.[41] Although a detailed historical background surrounding the growth and treatment of the Turkish population is unnecessary for this study, several key points will be discussed insofar as highlighting the situation where guest workers, in particular the Turks, had limited access to naturalization in stark contrast to *Aussiedlers* during the time of reunification.

At the conceptual level, guest workers were meant to be temporary and never be a part of Germany's permanent population. However, employers soon realized that rotating workers and having to continually train new workers was a costly endeavor. Thus, permanent residence became an option, and many guest workers chose to stay in Germany to work.[42] With the recession of the 1970s, Germany had begun to question whether guest workers should continue to stay in Germany, thus turning to evaluating their cost-effectiveness in regards to high unemployment. As such, the dichotomy presented by the support structures and access to citizenship between Russian Jews and *Aussiedler* and the large population of Turkish migrants that has been living in Germany for decades shows the slow and integral steps Germany took to address the so called "Foreigner Problem."

On commenting on the effects that reunification had on addressing the topic of immigration in Germany, one argument suggest that "Immigrants were not only treated as distant onlookers in the reunification process…Casting German reunification as merely a step toward the broader unification of European peoples did not translate into audacious new

[40] *Ibid.,* 48.
[41] Faruk Sen, "The Historical Situation of Turkish Migrants in Germany," *Immigrants & Minorities*, 22 (2003): 209-210.
[42] *Ibid.,* 221.

commitments."[43] Ultimately, how does this type of argument represent Germany as a modern industrial nation that allows foreigners the opportunity to work and make a living in Germany, more so how Germany as a country treats the guest workers? The guest workers are certainly not ethnic-Germans, and in this respect their feelings towards unification were different than the West and East Germans that were long separated. While unification was a momentous occasion for Germany in the post-war era, it nonetheless had to address the issue of guest workers not fitting into the shared identity of the country.

Xenophobic Violence in the Early 1990s and National Identity

The rise of anti-foreigner feeling and violent attacks came as a shock not only Germans, but to the international community. The resulting tragedies conjured frightful images of Nazi atrocities, and this brought into question the effect reunification had on the outlook towards foreigners and the notion of an ethnocultural "German" identity. Although most Germans renounced the violent acts, it nonetheless highlighted the aggressive attitudes of some Germans towards the large influx of migration following reunification. Analysis will focus on the result the violence had on constructing a new post-unification "German" identity.

According to the Human Rights Watch in a 1994 report, in 1991 2,370 violent criminal attacks again foreigners occurred, which included arson, threats, and murder.[44] Among the perpetrators were youth, skinheads and neo-Nazi members, and other right-wing extremist participants. The first of a series of truly horrifying and saddening attacks occurred in

[43] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany,* 154.
[44] Human Rights Watch. *"Foreigners Out:" Xenophobia and Right-Wing Violence in Germany* (New York: Human Rights Watch, 1992), http://www.hrw.org/reports/pdfs/g/germany/germany92o.pdf (Accessed 17 April 2013), 7.

Hoyerswerda in September 1991. A similar tragedy occurred in Mölln on November 23, 1992, when an arson attack on a Turkish family's home took the lives of two children and one grandparent. On August 22, 1992, a housing complex for asylum seekers was continually attack for several days.[45] Regarding the tragedy in Mölln, an article in the *The Independent on Sunday (London)* described how the recent public display of anti-foreigner violence introduced new fears into the Turkish community. A 19-year pensioner and Turk Naim Yilmaz explained, "I am not worried for myself…but I fear for my children, they have built their entire lives here."[46] Turks who had been living peacefully in Germany, simply trying to provide a life for their children, were discriminately attacked in the bouts of violence. It did not matter whether they could speak German well or how well integrated into society they were; these foreigners were attacked simply on the basis of being 'outsiders.' The article highlights this particular fact by noting that although only a small minority supported the xenophobic violence and that the majority of Germans were silent, local media did not seek the opinions of Turks, instead seeking the opinion of the local Jewish community. Partially understanding the German community's avoidance to seek and understand the feelings of Turks and other foreigners, Mert Ersin, who after a two-year wait had just recently receive his German passport, said in regards to leaving Germany, "I am off to Belgium. It is time to get out."[47]

With such violent and contemptible acts taking place so shortly after the triumph of reunification, one would be inclined to ask why they occur, and how did this affect the national conversation on foreigners living in Germany? The acts of violence were by no means supported

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[45] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany*, 151.
[46] *The Independent on Sunday (London),* "Fear and Loathing in the New Germany," 29 November 1992, http://global.factiva.com.proxy.library.emory.edu/aa/?ref=indos00020011123dobt003bx&pp=1&fcpil=en&napc=S&sa_from (Accessed 17 April 2013), 10.
[47] *Ibid.,* 10.

by the vast majority of the population, as millions protested against the violent acts. The scholar Mary Fulbrook argues that the violence was not similar to the violence that the Nazis instigated. Fulbrook mentions Germany's reluctance to address what she cites as the "foreigner problem," wherein groups such as "Guest workers" lived in Germany but had no path to citizenship.[48] The economic disparity between East and West Germans could have also been a factor in the triggering of violence. Rita Chin suggests that xenophobic attacks were a "grassroots refusal to accept the primary lesson of migrant presence: Germany had become a multiethnic society during the postwar period and the ideal of a reconstituted homogeneous German *Volk* was no longer possible."[49] The violence called into question the direction in which the "identity" of Germany was headed. In the midst of the triumph of unification, some Germans still reacted to the influx of foreigners and immigrants by embracing a heavily ethnocultural notion of German "identity." Germany, in recognizing the challenges and new political, social, and economic problems as a result of reunification, also has its tie with its historical ethnocultural conception of German citizenship and belonging. It is within this context that my research will subsequently focus on the CDU and how as a political party and a representative of its constituents would break from the ethnocultural-centric notion of identity and begin to make strides in its immigration and naturalization policies as a result of reunification.

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[48] Mary Fulbrook, "Aspects of Society and Identity in the New Germany," *Daedalus* 123 (1994): 226-27.
[49] Chin, *The Guest Worker Question in Postwar Germany*, 257.

Chapter II: The CDU and the 1999 Citizenship Law

Reunification brought new changing dynamics into Germany. How did the CDU react to these developments in the following years? Xenophobic violence against foreigners in the early 1990s raised national and international concerns about the direction of the united Germany and if it would re-embrace its ethnocultural nationalism. Due to the mass migrations during reunification, the idea of Germany "not a country of immigration" was no longer sustainable. Migrants and the children of guest workers were still treated as temporary residents that had no path to citizenship despite decades of residency. This chapter will evaluate how CDU policy on immigration and citizenship was affected by economic, social, and political factors following reunification on the road to a long suggested reform of Germany's citizenship law in 1999. On the one hand, the demographic dilemma of a shrinking and aging population introduced the discussion of immigration to boost the population and fill the gap in the economy. Likewise, political pressures, from the EU formation of a so-called "European Citizenship" and policies concerning migration to election politics, introduced new considerations for the CDU. It is

against this backdrop of the lead-up to the 1999 citizenship law that CDU policy will be examined.

Germany's Demographic Crisis – A New Pressure on the CDU's Immigration Policy

Germany and other advanced industrial European nations similar future demographics issues: a declining reproduction rate and an increasing life-expectancy. The result is that more people are living longer and drawing upon social systems, while fewer will be entering the workforce to offset the imbalance. In a 1995 study, Max Wingen of the Federal German Ministry for Family and Senior Citizen Affairs looked at the connection among Germany's baby-boomer population, a shrinking reproduction rate, and immigration. On immigration, he noted that the inflow of *Aussiedler* and the growing population of the resident *Gastarbeiter* also contributed to the growth of the immigrant population.[50] Wingen also added, "Demographic deficits of an aging population can only be corrected to a limited extent through immigration." The implication is that while a shrinking labor supply will initiate the need for skilled immigrants, issues relating to immigrant integration into the welfare system would be an issue of political contention. [51]

Although the reproduction rate in Germany had been decreasing for quite some time, a 2006 study showed that in 2003, Germany's population-level had declined to the point where the current net flow of migration no longer compensated for the birth and reproduction rate. At the current level of life expectancy in Germany, even if immigration levels were at 200,000 people

[50] Max Wingen, "Immigration to the Federal Republic of Germany as a Demographic and Social Problem," *International Migration Review* 29 (1995): 711.
[51] *Ibid.,* 710.

per year, a decrease in population would still occur, and between the period of 2005 and 2050 a decrease in population would happen without major changes in Germany's demographic situation.[52] Similarly, a 2007 study showed that "low fertility and increasing life expectancy both reverse the age pyramid, leading to a shrinking number of younger people, an aging and eventually shrinking work force, and an increasing number and share of older people."[53] This is reinforced by a lower reproduction rate, wherein the calculated average woman bears 1.4 children in a lifetime, which fell below 1.3 in 2005; the required number for a country's population to be self-sustaining is 2.1.[54] Low birthrates, coupled with advances in medical science, higher rates of female participation in the workforce, and longer life spans, are among many contributing factors that will lead to future working-age population shortages.[55] Barry Edmonston argues that the issue of an increasingly higher retirement aged population will be a leading factor to in making Germany and other advanced industrial nations into what he calls a future "pension time bomb."[56]

Aside from a fundamentally drastic shift in the reproduction rate in Germany, one viable option to curb the declining birthrate is to increase immigration beyond present levels. One scholar suggests that "Pro-active immigration policies will have to address potential migrants at working age. If successful, such policies will inevitably lead to much larger ethno-cultural and

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[52] Matthias Eisenmenger, *et al., Germany's Population by 2050—Results of the 11th Coordinated Population Project* (Berlin: Federal Statistical Office, 2006), 13-17.
[53] Rainer Münz, *Ageing and Demographic change in European Societies: Main Trends and Alternative Policy Options*, Special Protection Discussion Paper (Washington, D.C: The World Bank, 2007), 5.
[54] Matthias Eisenmenger, *et al., Germany's Population by 2050—Results of the 11th Coordinated Population Project*, 27-31.
[55] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany*, 240.
[56] Barry Edmonston, "Population dynamics in Germany: the role of immigration and population momentum," *Population Research and Policy Review* 25 (2006): 542.

religious heterogeneity." [57] Another opinion states, "The desired consequence of such immigration will be to cushion, if not stop, the trend toward population decline. It will be essential to assure political measures to overcome xenophobia and antiforeigner behavior wherever these develop."[58] In order for this to happen in Germany would have to change its policy on immigration and naturalization. The CDU, which had been resistant to reform that liberalized any current legislation, would have to undergo an internal shift from the "Germany is not an immigration country" mindset. However, the argument of demographics in conjunction with immigration reform did not enter into the political arena until the report by the Independent Commission on Migration to Germany in 2001. [59] Demographics entered the debate for immigration and naturalization reform in the form of addressing the integration of immigrant populations following reunification. A subsequent section further looks at the CDU's role and response to the demographics issue in the context of the debate for the 1999 citizenship law.

Political Pressures Influencing the CDU

Adhering to EU Policies on Immigration, Migration, and Naturalization

German reunification introduced new problems within the framework of the European Union. First, with the collapse of the Soviet Union, Germany was situated between the democratic Western Europe and the formerly socialist Eastern Europe. Germany was at the

[57] Rainer Münz, *Ageing and Demographic change in European Societies: Main Trends and Alternative Policy Options*, 11.
[58] Barry Edmonston, "Population dynamics in Germany: the role of immigration and population momentum," 519-520.
[59] The commission was headed by Rita Süssmuth of the CDU in the SPD-Green coalition. The commission will be discussed in detail in the following chapter.

cross-roads of these two spheres, and man Eastern Europeans came through Germany on their way to migrating to Western Europe. Second was the question of a powerful, unified Germany taking an active role in European affairs following reunification. Chancellor Helmut Kohl, understanding this fear in the international community, wanted to prove that German unification and its integration into the (then) European Community was genuine.[60]

The Maastricht Treaty went into effect on November 1, 1993, which Germany ratified. Article 8 of the treaty introduced a form of "Citizenship of the Union." Article 8, paragraph 1 and 2 states that, "every person holding the nationality of a Member State shall be a citizen of the Union."[61] Accordingly, the law did not create a supranational form of citizenship; rather, it created a purely symbolic form of citizenship that signified "citizenship" of an EU member state.[62] EU citizens were given further rights, which included the right to move and reside freely within the territory of the Member States, the right to vote at municipal elections and in elections of the European Parliament in the Member State of residence under the same conditions as nationals of that state, and a number of other rights. These rights were not extended to third-country nationals.[63] On the subject of this form of citizenship, Marco Martiniello writes that this was "nothing more than a *functional* semi citizenship" which only served as a supplement to already existing nationality laws.[64] EU "citizenship" under Article 8 was "designed to be subsidiary to the national citizenship of the member states" which backs the importance of

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[60] Michael J. Baun, "The Maastricht Treaty as High Politics: Germany, France, and European Integration," *Political Science Quarterly* 110 (1995): 661.
[61] European Community, *The Maastricht Treaty: Provisions Amending the Treaty Establishing the European Economic Community With A View to Establishing the European Community* (Maastricht: EC, 1992), www.eurotreaties.com/maastrichtec.pdf (Accessed 17 April 2013), 5.
[62] David Cesarani and Mary Fulbrook, eds., *Citizenship, Nationality, and Migration in Europe* (New York: Routledge, 1996), 33.
[63] *Ibid.* 5.
[64] T. Alexander Aleinikoff and Douglas Klusmeyer, eds., *From Migrants to Citizens: Membership in a Changing World* (Washington, DC: Carnegie Endowment for Peace, 2000), 351-353.

having nationality in a EU member state to begin with.[65] This concept of "European citizenship" opened up the debate for liberalization of existing laws, and in the case of the CDU, was a means to open up a path to citizenship for non-ethnic German migrants living in Germany.

Realpolitik and the CDU on Crafting the 1999 Citizenship Law

The fear among the international community regarding German nationalism manifested by xenophobic violence against foreigners and the dilemma of non-ethnic German immigrants not having a path to citizenship were some of many factors leading to a renewed debate on liberalizing Germany's existing citizenship legislation. Under an emerging public discourse, a shift within the CDU had also begun to occur. The other major player was the CDU's coalition partner, the FDP (Free Democratic Party). The FDP, despite being the favored coalition partner of the CDU since 1982, championed a liberal access to citizenship in order to aid in the integration of foreigners based on international legal rights and economic growth.[66] At the time, as a smaller party and coalition partner it had little room to maneuver besides standing with the CDU. On the other side of the spectrum from the SPD (Social Democratic Party) and Greens was the CSU (Christian Social Union), the Bavarian sister-party of the CDU. Just prior to reunification, Interior Minister Friedrich Zimmermann of the CSU held a highly restrictive view of citizenship, and opposed proposals from the FDP and SPD on liberalization of the citizenship law. Chancellor Helmut Kohl dismissed Zimmerman and replaced him with Wolfgang Schäuble,

[65] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany*, 160.
[66] *Ibid.,* 198-199.

also of the CDU. Holding a stance more liberal compared to Zimmermann, Schäuble hoped to create a system of naturalization based on fair and objective criteria.[67] Finally, a more open, moderate, and somewhat FDP-leaning group (and thus more liberal in terms of internal position in the party) among the CDU was beginning to emerge against the conservative CDU/CSU faction that was against liberalizing immigration and naturalization legislation. Many influential members such as former *Bundestag* President Rita Süssmuth, former CDU General Secretary Heiner Geissler, Angela Merkel, and others, supported positions such as allowing for dual-citizenship and allowing for greater access to naturalization and immigration. Conservatives in the CDU, then, describes those who sided with the equally or more so conservative and traditional CSU, and they generally promoted policies of not changing the existing legislation, or failing that, heavy restrictions.

The debate for citizenship reform started back up following the 1994 elections and the reinstitution of the CDU/FDP coalition. The resulting coalition agreement laid out plans to reduce qualifying residence periods from fifteen years to ten years based on the existing naturalization legislation. Most important, however, was the introduction of the so-called *Kinderstaatszugehörigkeit* reform.[68] The proposal would allow foreigners born in Germany, who have at least one parent born in Germany and both parents with ten provable years of residence, equal legal status to German children just short of the rights granted by full citizenship. The child would then receive access to full citizenship on the condition of his or her former citizenship was revoked within one year of reaching eighteen years of age.[69] The promotion of this proposal was based on the problems of the coalition itself. The CDU, already disinclined to accept the

[67] Laura Murray,"Einwanderungsland Bundesrepublik Deutschland? Explaining the Evolving Positions of German Political Parties on Citizenship Policy," *German Politic and Society* 33 (1994): 30.
[68] Roughly translated as the "child citizenship law."
[69] Simon Green, *The Politics of Exclusion*, 91.

prospect of codifying dual citizenship and a form of *ius soli* into law, would only allow a concession as was outlined in its citizenship proposal, and the FDP was unable to influence the CDU due to the FDP having agreed to the promotion of the *Kinderstaatszugehörigkeit* during the coalition negotiations. Chancellor Kohl, knowing that the party was already split and having made a previous promise to discuss the liberalization of citizenship law, used this as a political maneuver to avoid angering the conservatives in the CDU.[70] The rift in the CDU divided the conservatives and those who were more liberal, essentially those favoring reform on the level proposed by the FDP and those maintaining the rigid definition of citizenship alongside the CSU.[71] The resistance met by the FDP and the SPD-Green opposition, in addition to the split in the CDU, provided a unique chance to provide an alternate voice in the citizenship debate and triggered a response led by the opposition.

In January 1995, the SPD opposition submitted its own proposal for citizenship law reform in response to the CDU's *Kinderstaatszugehörigkeit* proposal; with a CDU-led coalition with a majority, the bill had no chance of passing successfully, but it nonetheless initiated a new discourse. The SPD's proposal called for a reduction in residency requirements and greater toleration for dual citizenship. The proposal mirrored a previous bill submitted by the commissioner for Foreigners Affairs Cornelia Schmalz-Jacobsen of the FDP, which instilled fears of a possible split of FDP members from the CDU coalition and signaled a tactical move against the CDU.[72] On October 6, 1995, three younger CDU parliament members holding policy views similar to the FDP's, Peter Altmaier, Eckart von Kläden, and Norbert Röttgen, known as

[70] Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany* (Vancouver: University of British Columbia Press, 2012), 147.
[71] Simon Green, *The Politics of Exclusion,* 91.
[72] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany*, 200.

the "junge Wilden," (literally the "young wilds") produced an internal paper with their own vision of citizenship reform. They promoted their aptly named *KinderstaatsANgehörigkeit* proposal, which included allowing automatic *ius soli* for third-generation immigrants, though on the topic of dual citizenship, it was mixed between acceptance and dismissal. Sympathetic members of the CDU, including Interior Minister Wolfgang Schäuble, supported and embraced the "junge Wilden" position.[73] Over 150 CDU members supported the position, which included 30 members of the parliament.[74] However, key members of the CDU, including Interior Minister Manfred Kanther, and the entire CSU protested against the platform, leaving the proposal to be torpedoed.[75] On November 10 and 11, 1997, the *KinderstaatsANgehörigkeit* proposal as originally submitted was ultimately rejected by the CDU/CSU in favor of an amended version *Kinderstaatszugehörigkeit* proposal. The amended version provided a guarantee of naturalization for foreign-born children in Germany after reaching eighteen years of age, with the condition of good conduct and the revoking of the child's previous citizenship.[76]

The onset of the renewed citizenship debate saw a divided CDU, where half stayed resolute in their conservative and restrictive form of citizenship, while a small portion leaned more towards the side of the CDU's coalition partner, the FDP. Meanwhile, the FDP held a position supporting easier access to dual citizenship and naturalization, but was bound by its size and its coalition agreement with the CDU, rendering them unable to protest. The CDU had already shown signs of an internal change in their policy stance. This very change is a telling sign of an evolving policy within the CDU. With prominent members of the CDU having

[73] Marc Morje Howard, "The Causes and Consequences of Germany's New Citizenship Law," *German Politics* 17 (2008): 48-49.
[74] Barbara Marshall, *Europe in Change: The New Germany and Migration in Europe,* 147.
[75] No Author, "CSU lehnt Vorschläge zum Staatsbürgerschaftsrecht ab." *Frankfurter Allgemeine Zeitung*, 17 April 1996, 6.
[76] Simon Green, *The Politics of Exclusion,* 94.

vocalized support for a policy that acknowledged immigration and looked toward legislation reform, the makings of a shift could be seen within the party. Although not a complete shift within the party, it nonetheless showed that the party was no longer rigidly adhering to the policy of Germany as "not a country of immigration."

Thus, for the first time since 1982, the CDU became the opposition. The federal elections on September 1998 elected in an SPD-Green coalition. Gerhard Schröder took office on October 27 as Chancellor, signaling a possible change in terms of enacting reforms on citizenship and naturalization. Schröder pledged to reform radically the citizenship law and to break from the ethnocultural nationalism of Germany's past.[77] The new government immediately went to work to push through reforms. The government admitted for the first time in paragraph 7 of the Coalition Agreement of October 26th that Germany accepted that it had become a country of immigration. The government also immediately amended the 1990 Foreigners Law, according to which foreign born-children could obtain German nationality if one parent had been born there or arrived in Germany when under fourteen years of age and held a permanent residence permit.[78] The new government's proposed citizenship law pledged to reduce residency requirements for naturalization from fifteen to eight years for foreign children and from eight to five years for those born or raised in Germany, introduced the principle of *ius soli*, and admitted to allow dual citizenship.[79]

In a speech to the Bundestag on November 10, 1998, Schröder said "This government will modernize the law on nationality…Integration clearly requires the full and active

[77] Robert Carle, "Citizenship Debates in the New Germany," *Sociology* 44 (2007): 152-153.
[78] Barbara Marshall, *Europe in Change: The New Germany and Migration in Europe,* 150.
[79] Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany*, 149.

commitment of those who are to be integrated. But we will reach a hand…."[80] *Die Zeit* also expressed acceptance of dual citizenship. As one article describes, "Millions of people have two passports. Is this problematic? Not at all. Dual citizenship is not a danger but an opportunity."[81] The SPD-Green coalition also brought the citizenship and naturalization debate to the public realm of discourse, which the CDU had kept to the elite-level of discourse as a matter of policy. As Howard argues, the motion to liberalize legislation had always been an elite-led process, which had rarely left parliamentary discussions due to fears of rousing anti-immigrant sentiment among the public.[82] The argument suggests that the CDU refrained from bringing the discussion to the public realm in order not to rouse undue anti-immigrant and anti-foreigner sentiment. Was this representative of the democratic system and a political party, especially for the CDU as an important *Volkspartei*? The implication is that the CDU's constituency still had a significant percentage that held anti-immigration sentiments. Nonetheless, the CDU had suffered an embarrassing defeat was now the opposition.

The state elections of Hesse on February 7, 1999, would be the deciding factor for the CDU as the opposition against the ruling SPD-Green coalition. The CDU and party leader Wolfgang Schäuble, soon after learning the intentions of Schröder, initiated a populist campaign alongside the CSU. According to one scholar, Germany had since become a "social movement society," wherein a populist movement could affect political outcomes, and a petition drive was initiated by the CDU in order to stir opposition against the legislation.[83] The CDU rallied and publicly

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[80] Quoted in Marc Morje Howard, "The Causes and Consequences of Germany's New Citizenship Law," 49-50.
[81] Roger De Weck, "Pro: Zwei Pässe," *Die Zeit*, 7 January 1999. In Deniz Göktürk, *et al., Germany In Transit: Nation And Migration 1955-2005* (Berkley: University of California Press, 2007), 173-174.
[82] Marc Morje Howard, "Germany's Citizenship Law in Comparative Perspective," *German Politics and Society* 30 (2012): 45.
[83] See especially Alice Holmes Cooper, "Party-Sponsored Protest and the Movement Society: The CDU/CSU Mobilises Against Citizenship Law Reform," *German Politics* 11 (2002): 88-104.

criticized the SPD-Green proposal, arguing that dual citizenship would lead to foreigners having divided loyalties and hinder their ability to integrate into German society.[84] In December 1998, Schäuble and the CSU leader, Edmund Stoiber, endorsed Roland Koch as the CDU representative running for office in Hesse, and in addition ran a signature petition against dual citizenship.[85] The signature drive, which began in January 1999, collected over 3.5 million signatures within a short period of six weeks, and mobilized enough popular support in opposition against dual citizenship that Roland Koch succeeded in gaining office, which allowed for the CDU to be in position to block legislation.[86] The events of Hesse showed that while a more liberal coalition was in power, the German people were divided on the topic of dual citizenship for the CDU to win the office. As a political party, this shows that the rousing of anti-immigrant sentiment and the blocking of the vote was more important than passing legislation that would bring new reforms to the naturalization process. This also meant that support for substantial naturalization reform was still a minority position in the CDU.

With the growing momentum of the CDU and having lost its majority in Hesse, the SPD-Green coalition worked with the CDU on producing a new citizenship law. The *Optionsmodell*, which mirrored the proposals of the "junge Wilden" where dual citizenship was limited and had a model of *ius soli,* was presented to the Bundestag for consideration. The final version of the bill, which passed in May 1999, allowed for limited dual nationality for children of foreigners born in Germany until they reached twenty-three years of age.[87] The new law also introduced *ius soli* for the first time in citizenship legislation. Under this provision, a child who had at least one

[84] Marc Morje Howard, "The Causes and Consequences of Germany's New Citizenship Law," 51.
[85] Simon Green, *The Politics of Exclusion,* 98.
[86] Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany*, 150-151.
[87] Barbara Marshall, *Europe in Change: The New Germany and Migration in Europe,* 152.

parent who had resided in Germany for at within eight years, as well as said parent holding a residence permit describing the length of their stay in Germany, would be eligible for citizenship. The citizenship law in general, however, was considered to be still highly restrictive. The bill, as one critic argues, made naturalization even more restrictive, since it barred access to those on unemployment and social security.[88] The law went into effect on January 1, 2000.

The passing of the citizenship reform nonetheless marked the beginning of a transition for Germany and the CDU that was firmly implanted in legislation. Howard argues, liberalization occurred in that it departed from a stricter ethnocultural notion of citizenship compared to its previous versions. In addition, the CDU and its movement to mobilize sentiment against dual citizenship showed that there were still those among the population who held anti-immigrant feelings.[89] Regarding the CDU's role in the politicization of the dual citizenship issue, although Schäuble and the CDU, which was split between a conservative camp sided with the CSU and a more liberal camp siding with the FDP, used the populist movement in Hesse to its political advantage in gaining leverage in the citizenship debate, it came at the cost of alienating foreigners and the moderates. To use such a tactic shows that the party was willing to use whatever means possible to block legislation. As a leading political party, this showed the CDU's irresponsibility towards the German people who earnestly seek to reform legislation on naturalization.

The CDU thought it better to mount a populist movement instead of compromising.[90] Another study argues that the restrictive nature of the additions of dual citizenship and

[88] Robert Carle, "Citizenship Debates in the New Germany," 152.
[89] Marc Morje Howard, "The Causes and Consequences of Germany's New Citizenship Law," 58.
[90] Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany,* 152.

naturalization was sending the wrong message to foreigners.[91] Merih Anil adds that even countries that have both components of *ius soli* and *ius sanguinis* will not have ethnic and racial discrimination eliminated, especially in the case of a country that had been accustomed to an ethnocultural concept of citizenship.[92] Concerning Anil's conclusion, while that may be apparent among the German population, the CDU as a political party had already began to break from the singularly ethnocultural concept of German citizenship. Election politics between 1994 and 1999 showed that policy stance on naturalization and immigration had split between a strict stance and a liberal stance closer to the FDP's. The 1999 citizenship law represented only the initial break from its position of Germany being "not a country for immigration." Although the CDU led the German nation through reunification and brought pride to the German people, immigrant groups such as guest workers were still largely excluded from belonging to the German identity. Despite the growing evidence that immigration would have to be a serious policy consideration in the future, the CDU chose keep a restrictive stance toward immigration and naturalization. Thus, as a *Volkspartei*, the CDU reflected a sizable portion of its electorate, which translated to questioning a policy of liberalizing legislation towards foreigners.

[91]Karen Schönwälder and Triadafilos Triadafilopoulos, "A Bridge or Barrier to Incorporation? Germany's 1999 Citizenship Reform in Critical Perspective," *German Politics and Society* 30 (2012): 54-55.
[92] Merih Anil, "No More Foreigners? The Remaking of German Naturalization and Citizenship Law, 1990-2000," *Dialectical Anthropology* 29 (2005): 446.

Chapter III: The Beginnings of a Policy Shift? The CDU and the 2005 Immigration Law

The previous chapter illustrated how the CDU started to depart from the notion that Germany was "not a country of immigration" in the context of political, economic, and social pressures. This break was initiated in 1998 by the newly elected SPD-Green coalition government when the government coalition formally recognized that Germany was a country of immigration with a reform of the citizenship law. However, the CDU managed to influence the form of the final law. Despite the new law only having gone into effect on January 1, 2000, the discussion for a full-scale immigration law began in the same year. This chapter explores the evolution of the CDU's stance on immigration from 2000 to the promulgation of the new immigration law of 2005. Like the lead up to the 1999 citizenship law, a variety of political and social factors affected not only the national discourse on immigration in Germany but the CDU's own internal debates. The Green Card initiative, the criticism of the CDU's notion of a "guiding culture" or *Leitkultur*, and the Süssmuth Commission report provided the initial spark to the development of the immigration debate. This chapter subsequently evaluates how election politics affected the crafting and passing of the immigration law, in particular the CDU's political considerations in the lead up to the promulgation of the 2005 Immigration Law. To put

these developments into historical context, the chapter ends with an analysis of the CDU's constituency and how Chancellor Angela Merkel's ruling style may affect the development of the CDU's towards immigration and naturalization policy in the future.

Challenging the Historic CDU Platform on Immigration

The Green Card and the CDU's Ethnocultural "Leitkultur"

On February 23, 2002, at the CeBIT (Center for Office Automation, Information Technology and Telecommunication) electronics and IT show, a call was made for the government to initiate program where up to 30,000 foreign professionals would be hired to fill what was estimated around 75,000 vacancies in the field of computer programming and engineering. With not enough German IT specialists available to fill these vacancies, employers turned to the idea of hiring highly-skilled foreign IT specialists.[93] In regards to this, SPD Chancellor Gerhard Schröder iterated his support for a "Green Card" program, which would draw in roughly 20,000 highly skilled workers outside of the EU to come to Germany for employment up to a period of five years. The proposed Green Card program was not be confused

[93] *Migration News,* "Germany: Green Cards?," 7 April 2000, http://migration.ucdavis.edu/mn/more.php?id=2068_0_4_0 (Accessed 17 April 2013).

with the US Green Card, however, which granted a permanent working visa.[94] Given that the German Green card would only last five years, why would it be named after the permanent US Green Card? In one sense, it was false advertisement; by linking the program to the American namesake, the scheme likely attempted to draw more applicants. Adding to its flawed name, an already high national unemployment rate made the program unpopular and it subsequently received mixed opinions, with one poll noting that 56% of Germans opposed it while only 37% agreed with the proposal.[95] The Green Card proposal passed but was only in effect until December 31, 2004. The program was ultimately unsuccessful, with only 14,876 work permits issued from August 2000 to July 2003, noticeably short of the initial 20,000 quota.[96]

Although only initiated to fill vacancies in the IT sector, the Green Card program initiated a broad discussion on comprehensive immigration policy. The initiative underscored two important aspects of the immigration discourse. The first was the understanding of whether Germany recognized itself as an immigration country or not was no longer an issue. The Green Card program showed that despite only being limited to five years, the recognition of needing to fill vacancies in the German IT workforce through immigration became a an important part of the immigration discussion; acknowledging the necessity immigration was no longer a question whether Germany should allow immigration or not, but 'how much immigration?' This shift marked the change in discourse from whether Germany needed immigration to begin with to the conversation of how much immigration it needed to be competitive economically in the future.[97] As the most powerful economic power in Europe and in the backdrop of future demographic

[94] Therefore, the German Green Card's closest equivalent is the U.S. H-1B visa.
[95] *Migration News,* "Germany: Green Cards?," 7 April 2000, http://migration.ucdavis.edu/mn/more.php?id=2068_0_4_0 (Accessed 17 April 2013).
[96] Holber Kolg, "The German 'Green Card," *Focus Migration*, November 2005, http://focus-migration.hwwi.de/index.php?id=1198&L=1 (Accessed 17 April 2013).
[97] Simon Green, *The Politics of Exclusion,* 112.

issues that would weakening the future economy, Germany would have to adopt programs and legislation that would promote future economic growth; the Green Card program and future immigration reform was a step towards that direction. The second was the growing importance of demographic implications itself on the German economy and to what effect immigration specifically would play a role. As outlined in the previous chapter, the declining birthrate, increasing longevity and the shrinking workforce illustrated the necessity of immigrant labor migration in the short and medium term as an option to counter-balance high unemployment. Obviously, the Green Card was one such solution. Such developments required a response from the CDU, especially in that the CDU was now in the opposition and had to take a clear stance in relation to the ruling SPD-Green coalition.

In response to the Green Card initiative, both the CDU and the FDP criticized the plan in that it only addressed the highly specialized IT sector and was not a part of a greater framework of immigration policy. As a result, the FDP, seeing an opportunity for passing real immigration legislation, reintroduced its proposal for comprehensive immigration that featured quotas based on unemployment levels and the capacity of integration into the workforce.[98] On principle, the CDU agreed with its FDP coalition partner to both introduce a limit in who could immigrate and its preference for those who could quickly assimilate into German society. Public opinion on the Green Card erred on the side of the opposition. A February/March 2000 FORSA (Institute for Social Research and Statistical Analysis) poll asked whether entry requirements should be eased in the case of well qualified migrants, to which 44% of voters (35% East Germans and 47% West

[98] *Migration News*, "Germany: Green Cards," 7 June 2000, http://migration.ucdavis.edu/mn/more.php?id=2116_0_4_0 (Accessed 17 April 2013).

Germans) wanted to ease the restrictions.[99] Members of the press were equally skeptical of the Green Card. The introduction of the Green Card debate questioned if the renewed immigration debate was actually the beginning of the discussion of serious reform in light of demographic and economic considerations. The temporary nature of the Green Card also may have created a situation where migrant laborers were exploited, e.g. no extensions of work permits, for the duration of their stay and quickly sent back home.[100] With noticeable support leaning on the side of the CDU, party discourse turned towards criticism of the Green Card program.

Two important discussions followed in the subsequent CDU discourse in response to the renewed immigration debate. The first was within the context of the Green Card program. In a political move to differentiate himself from the SPD in the 2000 state elections in North Rhine-Westphalia, CDU candidate for the position of premier Jürgen Rüttgers made critical remarks against the Green Card issue. India was one of the participating countries sending highly-skilled IT specialists to Germany. Rüttgers highlighted this point in his campaign slogan *Kinder statt Inder* (Children instead of Indians) during his campaign for office as premier of North Rhine-Westphalia.[101] The slogan intended to contextualize the CDU's policy of prioritizing the training of German youth to fill vacancies in the workforce instead of importing foreign workers. Unfortunately for Rüttgers, the slogan was blatantly racist and affected his credibility. Such inconsiderate rhetoric coming from the CDU caused many to question the party's commitment to non-ethnic Germans, much less the international image of Germany as a destination for foreign

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[99] FORSA, "Meinungen zur 'Green Card' für ausländische Spitzenkräfte," (29.02.2000-01.03.2000), 1.Cited in Duncan Cooper, *Immigration and German Identity in the Federal Republic of Germany from 1945to 2006* (Berlin: Lit Verlag, 2012), 412.

[100] Florian Schneider, "Der Kartentrick," *Süddeutsche Zeitung*, 27 February 2000. In Göktürk, *et al. Germany In Transit: Nation And Migration 1955-2005,* 51-53.

[101] Associated Press Online, "Foreign Workers Plan Criticized," 1 April 2000, http://global.factiva.com.proxy.library.emory.edu/aa/?ref=asp0000020010804dw4100ypa&pp=1&fcpil=en&napc=S&sa_from (Accessed April 16 2013), 1.

labor, especially when the xenophobic violence of the early 1990s was still fresh on many people's minds.

Facing heavy criticism, Rüttgers promptly changed his slogan to *Mehr Ausbildung stattt mehr Einwanderung* (More training instead of immigration), but the damage was irreparable. The CDU only received 37% of the vote in the May 14 elections in North Rhine-Westphalia, while the SPD received 43% and the FDP 10%.[102] With a population of roughly 18 million, making it the most populous in Germany, the CDU defeat set the tone for the 2002 national elections. Though likely being one of many reasons for the CDU's defeat in the state, the episode nonetheless casted the CDU in a negative light. As a mainstream political party, it was hypocritical for the CDU to hold a stance that allowed immigration, regardless of how restrictive it was with small quotas and emphasizing integration, yet at the same time hold a staunch anti-foreigner position. This in part correlates to the CDU's loss in North Rhine Westphalia and the loss of voter support from its constituency.

On the one hand, Rüttgers had a valid claim in preferring to train German youth to fill vacancies as an alternative to labor immigration. Unfortunately, the inclusion of Indian workers (with it the inherent stereotype related to the number of IT specialists in India) into the debate only made matters worse for the CDU by adding a component of racism and anti-foreigner sentiment to the discourse, and shows irresponsibility in not recognizing the situation of other foreigners living in Germany. This position also affected international perceptions of the CDU and Germany as a whole. Eighteen year-old IT specialist Ramashish commented that because of the anti-foreigner sentiment and comments coming from Germany, he had no interest in

[102] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany,* 230.

participating in the Green Card program and would rather go to the USA. Citing better work opportunities, he later said, "[I] will have a great career…Why go to Germany?"[103] As a political party, the CDU lost an opportunity to articulate clearly its stance on prioritizing the long-term benefit of training the youth before seeking immigration alternatives; however, this does not mean that the CDU could avoid the issue of immigration either.

The second important development in the CDU's discourse on immigration was the *Leitkultur* or "guiding culture" controversy. The term *Leitkultur* was originally coined by the political scientist Bassam Tibi in 1998. Instead of embracing multiculturalism, which created separate communities that did not interact with one another, Tibi embraced a sort of "guiding culture" that aligned itself with European association of cultural identity, modernity, democracy, and other broad topics. The term was strictly used in the broad European sense and had nothing to do with a specific German ethnoculture.[104] The first major iteration of the *Leitkultur* debate came from a proposal by then Bundestag member and CDU faction chair from 2000 to 2002, Friedrich Merz. For Merz, immigration and integration could be successful only by respecting the rules of cultural coexistence. Coexistence meant the embracing of Germany as a member of a greater European identity, social market economy, democracy, and German language, which were all inclusive of what he notes as the liberal guiding culture.[105] In response to the renewed discourse on immigration and integration policy, the CDU published a position paper regarding

[103] Karin Steinberger, "Der Campus, der niemals schläft," *Süddeutsche Zeitung,* 1 August 2000 In Göktürk, *et al. Germany In Transit: Nation And Migration 1955-2005,* 54-55.
[104] Hartwig Pautz, "The politics of identity in Germany: the Leitkultur debate," *Race & Class* 46 (2005): 43-44.
[105] Friedrich Merz, "Friedrich Merz zum Thema: Einwanderung und Identität—Zur Diskussion um die ‚freiheitliche deutsche Leitkultur," *Die Tageszeitung*, 25 October 2000. Published in Göktürk, et al., *Germany In Transit: Nation And Migration 1955-2005,* 313-314.

its working principles for the upcoming immigration commission on November 6, 2000.[106] The paper echoes the same sentiments of Merz, citing many of the same characteristics of the *Leitkultur* argued to be inherent to Germany.

The document begins by underlining that "Germans" have a national identity and culture with deep historical ties to European civilization, as evidence of language, the arts and democratic freedoms.[107] From the outset, the CDU's notion of the guiding principles was exclusionary in respect to national belonging, as it inherently limited "national identity" to European elements. This particular idea also contradicted centuries of European conflict on religion, political association, and national identity.[108] An example in Germany history points to the *Kulturkampf* during the 1870s in the Second German Empire. In describing the attempted marginalization of the Catholics by the Protestant elite and its subsequent failure, a parallel can be drawn to the *Leitkultur* debate in that the CDU defined certain conditions that defined national identity, a "German" identity.[109]

The paper further argues how learning the German language and cultural assimilation were key component and sign of faith to embracing German identity, which is tied to the acceptance of Western Christian culture, i.e. Christianity, Judaism, ancient philosophy, humanism, Roman law, and the Enlightenment.[110] The inherently exclusionary aspect of the guidelines was compounded heavily by the recognition of Judaism and Christianity into the

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[106] Published as the *Arbeitsgrundlage für die Zuwanderungs-Kommission der CDU Deutschlands*, translated as the "Working Principles for the Immigration Commission of the CDU Party of Germany."
[107] Christian Democratic Union, "Working Principles for the Immigration Commission of the CDU Party of Germany," 6 November 2000. In Göktürk, *et al. Germany In Transit: Nation And Migration 1955-2005.* 181.
[108] Douglas Klusmeyer, "A `guiding culture' for immigrants? Integration and Diversity in Germany," *Journal of Ethnic and Migration Studies* 27 (2001): 522.
[109] *Ibid.,* 522-23.
[110] Christian Democratic Union, "Working Principles for the Immigration Commission of the CDU Party of Germany," 6 November 2000. In Göktürk, *et al. Germany In Transit: Nation And Migration 1955-2005.* 181-182.

accepted culture, but not Islam. Underscoring the CDU's concept of Leitkultur is the situation of the third-generation descendants of *Gastarbeiter*. As previously illustrated, the Turks make up the largest population among foreigners in Germany. The construction of the CDU's *Leitkultur* inherently excludes Muslims and other groups outside of the Western, Judeo-Christian tradition and culture. The argument of a *Leitkultur* ultimately showed that the CDU as a whole had not completely broken from a traditional ethnocultural notion of collective identity, despite having acknowledged that immigration on some level had become a necessity.[111]

The Süssmuth Commission and the CDU

Following the Green Card initiative, Interior Minister Otto Schily of the SPD moved to issue out formal legislation on immigration and legislation before the next elections in 2002. In preparation, Schily formed an independent commission that would research and oversee the formulation of a new immigration policy. To legitimize the independent commission and to make it non-partisan, Schily named former speaker of the *Bundestag* Rita Süssmuth of the CDU (1988-1998). Rita Süssmuth had long been a member of the more liberal and FDP leaning wing of the CDU; by having a major player of the CDU as the chair, it gave much more authority to the voice and results of the independent commission. Schily noted that the goal of the commission was to find pragmatic solutions for immigration and integration reform. In light of this, the CDU, failing to put pressure on her to resign from her position, set up its own partisan

[111]See Ulrich von Deupmann, *et al.*, "Kulturkampf ums Vaterland," *Der Spiegel,* 6 November 2000, 26-27. Then chair of the CDU/CSU coalition Angela Merkel, for instance, was critical of the term *Leitkultur*.

commission on migration in July 2000 with Minister-President of Saarland, Peter Müller. [112] The CDU report was published in June 2001, followed by the publishing of the Süssmuth commission's report in July 2001.

Foremost, the Süssmuth commission acknowledged the now well-known fact that Germany had become a "country of immigrants." The report recognized that it had to depart from the previous notion of being a "non-immigration country" in light of new developments affecting Germany.[113] The report cited demographic changes: offsetting a low birthrate, an aging population, and a strained retirement and social welfare system. Although these problems have been long recognized, the commission report brought this development up as a primary reason to ensure Germany's continued economic benefit.[114] Central to the promotion of an immigration and integration plan was not only the economic and demographic advantages, but fostering a "cultural enrichment" on the part of Germany.[115] The fundamental argument of inclusion to the national identity was inherently different from the prerequisite embracing of a *Leitkultur* to belong to the collective German identity; however, the report was not necessarily on the opposite end of the spectrum from the CDU and the argument of *Leitkultur*. As it stood, the report suggested that the basis of integration should neither be completely assimilationist nor allow for the splintering and isolation of ethnic groups. To this end, the report pressed the importance of learning the German language and accepting the democratic values outlined in the Basic Law. The report further adds that integration is dependent on both parties, the immigrant and the host

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[112] No Author, "Deutschland: Bericht der Süssmuth Kommission," *Migration und Bevölkerung,* July 2001, http://www.migration-info.de/mub_artikel.php?Id=010401 (Accessed April 16 2013), 1-2.
[113] Independent Commission on Migration to Germany, *Structuring Immigration, Fostering Integration* (Berlin: Druckerei Conrad GmbH, 2001), http://www.bmi.bund.de/SharedDocs/Downloads/EN/Broschueren/Structuring_Immigation_-_Fostering_Id_66078_en.html (Accessed April 16 2013), 13.
[114] *Ibid.,* 13
[115] *Ibid.,* 195.

citizen, allowing for equal acknowledgment at the social, cultural, political, and economic level.[116]

With both the Süssmuth commission report and the CDU's report having been released in close proximity, an assumption based on the previous discussion of *Leitkultur* might have suggested polarizing results between the two commission reports. The two reports had similar proposals on a number of common suggestions for future immigration and integration reform. Regarding high-skilled labor migration, both the CDU and the Süssmuth commission advocated the implementation of a points-based system using the Canadian points-based immigration law as a model (higher education and qualifications lead to a higher number of points), but the CDU would use it only when immigration was necessary. The Süssmuth commission differed in its initial quota for 20,000 migrant labors per year. In regards to low-skilled labor migration, both commissions did not recognize the need for any more immigration. In addition, both commissions called for 600 hours of compulsory integration classes and German language instruction, which echoed the Süssmuth commission's acknowledgment of needing greater language teaching and skill to help facilitate the integration process.[117]

The Süssmuth commission's suggestions were criticized by the majority of the CDU, which was aligned with the conservative CSU, as being too liberal and that a law with these proposals would result in a large amount of unnecessary immigration and did not suggest any limitations.[118] The results of Peter Müller's CDU commission report, however, suggested that the Süssmuth commission report was not the far-reaching departure to the left as suggested. Both

[116] *Ibid.,* 196.
[117] See Simon Green, *The Politics of Exclusion*, 122.
[118] Imke Kruse, Henry Edward Orren, and Steffen Angenendt, "The Failure of Immigration Reform in Germany," *German Politics* 12 (2003): 131-132.

recognized the importance that demographics now had in the short-term need of immigration to fill labor vacancies. Yet the CDU commission report was comparatively more restrictive than the Süssmuth commission report, which is not surprising given the CDU's policy emphasis on integration and limiting immigration. At this time, however, the CDU was the opposition to the SPD-Green coalition. With competing visions outlined in the respective commission reports, the upcoming elections proved to be the stage where the new immigration law would be discussed.

The CDU and the Effect of Election Politics on the 2005 Immigration Law

The CDU, despite being in the opposition, still held considerable influence against the SPD-Green coalition. This was already proven with the Citizenship Law of 1999, where the CDU was able to win the elections in Hesse, which ultimately lent a hand to the CDU having a large enough force to disrupt the proposed SPD-Green Citizenship Law with a more restrictive one. The passing of the citizenship law nonetheless proved a significant change from the years of the CDU's Kohl government, which had avoided the project of full-scale immigration. With the 2002 elections in mind and having spent his political capital on creating the Süssmuth commission, Interior Minister Otto Schily made the first move to shift the policy debate towards the crafting of legislation.

On August 2001, the Interior Ministry published the draft of the immigration law. The law diverged from the Süssmuth commission's suggestions on family reunification policy, which leaned more towards the suggestions made by the CDU commission. Nonetheless, the CDU rejected the pitch by the SPD and Schily was forced to make concessions with the Greens, the

SPD's coalition partner, in order to gain their support.[119] However, before much else in the governmental debate on immigration could be initiated, Germany was hit with the news of the September 11, 2001, terrorist attacks in New York and Washington. The terrorist attacks had the immediate consequence of introducing heightened security measures into the immigration debate. The situation was further heightened by the realization that some members of the terrorist cell responsible had operated in Germany prior to carrying out the attacks in the US. To counteract the possibility of the immigration debate imploding, Schily quickly included additional security measures aimed against terrorism.[120] As a consequence, the addition of stricter security measures denied entrance and residency to possible immigrants considered threats to the country, including those guilty of participating in violent crimes, and such immigrants already living in Germany were subsequently deported.[121]

By the beginning in 2002, the SPD had entered dialogues with the CDU-led opposition to find a compromise on the bill, but neither party was able to reach a consensus. The opportunity to find such a consensus ended on January 11, 2002, when the CSU leader Edmund Stoiber won the race determining the joint CDU/CSU chancellor candidate for the 2002 election, of which Angela Merkel was also a candidate. Given that the CSU was in even stronger opposition to the SPD-Green bill than the CDU, the chance at reaching a consensus was eliminated.[122] As it stood, the SPD-Green coalition's majority in the *Bundestag* had a clear chance at passing the law, but the *Bundesrat* would prove to be a problem since the coalition did not hold the majority. A number of concessions were made to the CDU in Brandenburg, which was not only the *Land*

[119] Leersch von Hans-Jürgen, "Den grossen Otto ausgehebelt," *Die Welt,* 30 October 2001, http://www.welt.de/print-welt/article484283/Den-grossen-Otto-ausgehebelt.html (Accessed 17 April 2013), 1.
[120] Simon Green, *The Politics of Exclusion*, 124.
[121] Imke Kruse, *et al.,* "The Failure of Immigration Reform in Germany," 132.
[122] Simon Green, *The Politics of Exclusion*, 124.

(state) which had the deciding four votes needed to pass the immigration law, but was a state where the CDU was governing in a "grand coalition" with the SPD. Furthermore, senior CDU minister of Brandenburg, Jörg Schönbohm, had also shown signs of voting in favor of the law pending certain concessions. Exerting his influence as a current candidate in the running for Chancellor, the CSU's Stoiber and the CDU in conjunction placed enormous pressure on Schönbohm not to fold.[123]

As was expected, the law passed in the *Bundestag* on March 1, but the result of the *Bundesrat* vote on March 22 was a shock to all parties. According to voting procedures, all representatives of each *Land* had to vote unanimously. Given that Brandenburg was ruling in a "grand-coalition," the vote was given separately, which resulted in a split vote in favor of passing the law with a final 35 to 34 vote. Although the law initially passed due to a technicality on December 18, 2002, the Constitutional court later declared the law unconstitutional due to the split vote breaking the rules.[124] The SPD-Green coalition then attempted to pass the law as it was originally written on May 2003, but the CDU coalition prevented progress in the *Bundesrat*. This signaled the need for negotiation in order for the immigration law to pass.

The publication of the CDU commission paper, which came out a month before the Süssmuth commission report, had shown that on some level, the CDU was open to more liberal concessions in the immigration debate. The events surrounding the striking down of its initial draft, however, resulted in the CDU taking a harder, more conservative stance. This is indicated by its posturing towards various aspects that the immigration law would promulgate into a cohesive law. In regards to labor market immigration, the CDU viewed it as being necessary

[123] *Ibid.,* 125-126.
[124] For a more detailed explanation, see Simon Green, *The Politics of Exclusion,* 126-127.

only in the condition that qualified workers were urgently needed, and that addressing the unemployed domestic labor force took priority. On the same note, the CDU was wary of labor immigrants draining the social security system a result of increased immigration. On the issue of integration, the CDU argued that a comprehensive system of integration was lacking for immigrants that had already been living in Germany for a long time. [125]

Over the course of 2003 and 2004, negotiations took place and the resulting compromises allowed for the new immigration law to pass the *Bundestag* on July 1, 2004, and the *Bundesrat* on July 9, 2004. The new law went into effect on January 1, 2005. Although a detailed analysis of the 2005 Immigration Law lies beyond the scope of this study, some key points can be analyzed regarding the law's promulgation in context to the immigration debate from 2000 to 2005.[126] Section 1 of the law outlines how its purpose is to restrict the movement of foreigners into Germany, though it also mentions that it allows immigration in consideration of economic labor-oriented interests.[127] The new immigration law, in regards to non-EU nationals, did not adopt the point system, and in its place preserved the recruitment ban of 1973. However, exceptions for certain immigrants were made in the law, and only highly qualified workers such as scientists, foreign students, and investors were allowed to immigrate under the new law.[128] Ultimately, the immigration law has been argued by many to be highly restrictive and a large departure from what the initial draft had been, given that the CDU had more influence in the negotiations following elections. The immigration law was needed to outline a cohesive labor

[125] Imke Kruse, et al. "The Failure of Immigration Reform in Germany," *German Politics* 12 (2003): 135-6.
[126] For an analysis that compares the 2005 Immigration Law to previous Foreigner Laws, see Marion Schmid-Drüner, "Germany's New Immigration Law: A Paradigm Shift?" European Journal of Migration & Law 8 (2006): 191-214; In comparison to the Süssmuth commission report Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy In The Federal Republic of Germany,* 262-272.
[127] Federal Republic of Germany, "Act to Control and Restrict Immigration and to Regulate the Residence and Integration of EU Citizens and Foreigners (2005)." Published in Göktürk, et al., *Germany In Transit: Nation And Migration 1955-2005,*190.
[128] *Ibid.*

migration and integration template, but the overall result created a law that focused on national security.[129] The law has also been criticized as taking a having done little to open Germany to immigration, and instead focusing more on integration.[130]

The adoption of the law also reflects upon the CDU during the period leading to the 2005 immigration law. The *Leitkultur* debate showed that the CDU as a whole has not completely departed from an ethnocentric value system and concept of collective identity. This was compounded by political pressures affecting the CDU in the lead up to the law's promulgation. Despite the opportunity posed by the Süssmuth Commission's report, the conservative bloc of the CDU used political pressure to prevent any concessions to the opposing coalition. As a *Volkspartei*, the CDU was hurt by these factors in regards to the public image of the party. The *Leitkultur* debate and the *Kinder statt Inder* slogan painted the CDU as a party with outdated anti-foreigner sentiments. As a leading player in German politics, the CDU, despite having gone undergone a significant change from the late 1990s from denying immigration, has shown slow and incremental progress on change in immigration policy. By focusing on integration, the CDU is sending the message that it has not completely embraced Germany's need to import migrant labor to support the economy and alleviate Germany's demographic crisis.

Evaluating the CDU's Constituency

[129] Marie Joyce Mushaben, *The Changing Faces Of Citizenship: Integration and Mobilization Among Ethnic Minorities in Germany*, 37.
[130] Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany,* 156.

Given the CDU's nature as a *Volkspartei*, an important component of this study and to the overall understanding of the CDU is an analysis of its constituency. A 2007 study on the CDU's constituency by the KAS (Konrad-Adenauer Stiftung), the CDU think-tank and research organization, found that 75% of the electorate were male while 25% were female.[131] The study also compared the age group of the CDU in 2007 with membership allocation in 1993. The results showed a developing shift in its constituency. For example, people between the ages of 16 and 24 remained at 2% of the electorate in both years. In contrast, the 70 and older numbers were 13.6%, with the number escalating up to 23% in 2006. Incidentally, besides the previous two figure ranges, membership in all other respective age groups declined except for the 60 – 69 age range.[132] Regarding immigration policies, the study outlines that the core membership of the CDU believes that integration of migrants with heavy emphasis on language acquisition is the best policy.[133] Overall, the results showed that the CDU's constituency is large made up of baby-boomers, an age group that is soon to enter retirement. At the same time, participation from younger age groups had not shown much signs of improvement. Could the CDU remain a powerful force in German politics if it could not attract a more even distribution of the electorate?

In the context of the naturalization and immigration debate, changes in the CDU's constituency had an impact in the events that led to the CDU's change in policy. Christian Democratic parties have been subject to declining memberships in the decade between 1990 and

[131] Viola Neu, *Die Mitglieder der CDU – Eine Umfrage der Konrad-Adenauer-Stiftung* (Berlin: Konrad Adenauer Stiftung, 2007), http://www.kas.de/wf/de/33.12166/ (Accessed April 16 2013), 7.
[132] *Ibid.,* 10.
[133] *Ibid.,* 52.

2000.[134] A study researching the other possible factors of this drop in membership pointed to issues such as increased party competition. Over time, with more people entering the electorate, a greater social and economic diversity consequentially had a hand in lowering the core number of voters.[135] Further, The SPD winning the 1998 election showed that in trying to catch the so-called "new center," the SPD, which offered a different set of policy goals from those of then Chancellor Kohl, was able to draw in enough of an electorate to beat the CDU.[136]

More recently, a study exploring the participation and result of catch-all parties (*Volksparteien*, the CDU and SPD) in the 2005 federal elections revealed that the CDU, despite having won the Chancellorship with Angela Merkel, received its lowest overall voting score since 1949 which prompted a "grand coalition" between the CDU and the SPD.[137] Accordingly, the CDU/CSU bloc's voting score as a representative of the entire German electorate has generally been on the decline since 1983, when it attained roughly 45% of the vote, whereas in the 2005 election that number had dropped only to 35%. The study notes the leading factors of this decline had to do with the task catch-all parties have in maintaining broad-base appeal. In dealing with such a broad base, a catch-all party deals with competition from smaller parties with more focused policies. A second factor points to limitations of catch-all parties to use their budgets to provide programs and incentives for the broad base that they represent.[138]

Considering the facts from the various studies of the CDU's constituency, a clearer picture can be seen overall regarding the CDU's policy change in naturalization and immigration.

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[134] Fraser Duncan, "A Decade of Christian Democratic Decline: The Dilemmas of the CDU, OVP and CDA in the 1990s," *Government and Opposition* 41 (2006): 470.
[135] *Ibid.,* 474.
[136] *Ibid., 477.*
[137] James Sloam, "Catch-All Parties Catching Less: The 2005 Election and the Decline of the German Volkspartei," in Alister Miskimmon, William E. Paterson and James Sloam, *Germany's Gathering Crisis: The 2005 Federal Election and the Grand Coalition* (Hampshire: Macmillan Publishers Limited, 2009), 123.
[138] *Ibid.,* 134-135.

In the case of the Kohl government, despite Kohl having been associated with the euphoria behind German unification, the realization of Germany's increasingly over-burdened social security system and subsequent strain on the economy contributed to his ousting in 1998 with the SPD replacing him. The earlier cited KAS report explained that the majority of its constituency preferred integration and increased language skill among immigrants to increasing immigration, yet the CDU's shift from Germany being "a non-immigration country" placed the party in a position in between acknowledging the necessity of attracting highly-skilled labor and sticking to its policy of being restrictionist on immigration. As such, this puts strain on the CDU's core constituency as it is divided between a center-right block and a more left-leaning.[139] This divide is unique to the CDU given its status as a *Volkspartei*. Its broad voting base has created a situation and realization that two competing paths on immigration policy are being advocated. Despite both groups obviously wanting a more effective system of immigrants integration in conjunction to language instruction, more liberal-minded members of the CDU such as Rita Süssmuth and Angela Merkel are at odds with the conservative wing, which only seeks to block immigration. The overall decrease in support for the CDU as a *Volkspartei* is a consequence of such a divide in the party.

Angela Merkel: A New Direction for the CDU?

The 2005 election not only saw the promulgation of Germany's first immigration law, but also marked the election of Germany's first female Chancellor, Angela Merkel of the CDU.

[139] Christina Boswell and Dan Hough, "Politicizing Migration: Opportunity or Liability for the Center-Right in Germany?" *Journal of European Public Policy* 15 (2008): 343, 345-46.

Additionally, Merkel was not only the first former East German to hold the office, but she was formally educated as a physicist, giving Angela Merkel a distinct background. A short analysis of Merkel's background and leadership methods will help contextualize this historical study's goal of evaluating policy change in the CDU from 1990 to the year Merkel won the Chancellorship in 2005.

Regarding Merkel's style of governance, political and gender scholar Joyce Marie Mushaben notes how Merkel, when it comes to integration policy, initiates a "social dialogue" that brings in various national, state, and societal actors together. In turn, this allows her merely to take part in the discussion as just another member as opposed to taking the leading role of the moderator. Similarly, Merkel typically forms circles of policy advisors and media spokespersons as a way to hear more opinions.[140] Mushaben also notes how Merkel's upbringing in the East German political system proved to be an important factor in her ruling style. Merkel's "female negotiation skills" were a result of the nature of East German politics, where the "alpha male" politician did not exist. In the prism of East German collectivism, it was necessary to work with others in order to attain a collective goal, which accounts for her particular interest in those seeking political, economic, and social freedoms.[141]An attribute of East German policy was the gender equality women had in the workforce. Merkel was therefore brought up in a system of politics that did not hinder her professional rise among the ranks.[142] Whether this was true or not, Merkel nonetheless has so far had a successful career. Merkel's training as a physicist is similarly an integral part of her leadership style. Merkel studied at the University of Leipzig and

[140] Joyce Marie Mushaben, "Citizenship and Migration Policies under Merkel's Grand Coalition," *German Politics* 20 (2011): 378.
[141] *Ibid.,* 379.
[142] Louis K. Davidson-Schmich, "Gender, Intersectionality, and the Executive Branch: The Case of Angela Merkel," *German Politics* 20 (2011): 333.

earning a PhD in physics at East Germany's Academy of Sciences in Berlin, thus her extensive training in the natural sciences led to the development of problem-solving skills befitting a scientist. This approach is one of problem analysis, gathering data on a subject, and constructing evidence to tackle issues.[143]

Regarding integration, Merkel views integration as a problem made up of many complex issues, as opposed to a singular issue with which simple legislation could be prescribed. Integration was a long process that required reform in not just language instruction, but childcare and secondary education.[144] Already, this diverges from the CDU's policy as explored throughout this study. As explained earlier, the CDU preferred a policy of more efficient integration and language training as opposed more immigration. Thus, Merkel's ruling style draws an interesting comparison to the CDU. In the immigration debate, the CDU did not lead by example to address the need for more labor migrations and immigration. Rather, it defended its position on restriction and integration of foreigners. Merkel, as the Chancellor of Germany and the leader of the CDU, acknowledged Germany's stake in the economic context, and her ruling style suggests that she will further lead the CDU towards greater policy change on immigration. This was evident during the first National Integration Summit in June of 2006. Merkel leadership principles apply in her decision to divide the summit into six task forces, each made up of government authorities, business leaders, and members of the non-ethnic German community, with Merkel participating in the discussion. This stands in contrast to Gerhard Schröder, who in convening the Süssmuth Commission, gave the Interior Minister Otto Schily the authority to decide the outcome of the Commission's decisions.[145] Merkel's new direction

[143] *Ibid.,* 334.
[144] Joyce Marie Mushaben, "Citizenship and Migration Policies under Merkel's Grand Coalition," 378.
[145] *Ibid.,* 383.

in this regard shows signs of positive change for the CDU. The CDU, as the leader in German politics and representing Germany's national identity as its biggest *Volkspartei*, is a positive signal of change that the CDU has undergone in immigration and naturalization policy since Reunification.

Conclusion

The purpose of this study was to evaluate the causes for changes in the CDU's immigration and naturalization policies from unification in 1990 to the promulgation of the 2005 immigration law. More pointedly, it explores how political events and social and economic issues forced the CDU to change its perspective from being "not a country of immigrants" to a country that understood that it needed immigration to maintain its wealth and sought the pass of legislation allowing non-ethnic Germans to permanently become part of German society. The CDU was the party that brought West Germany into economic prosperity through the *Wirtschaftswunder* and at the same time successfully incorporated millions of refugees and displaced persons immediately following World War II. The CDU was also the party of reunification. Thus, the CDU had an enormous stake in driving the post-war legacy of the German nation and its historical identity. As outlined in the study, as a major democratic force in Germany, CDU-leadership proved to the international community that a unified Germany was not a force to be feared, but a force that would remain a peaceful, yet vital asset to the European community.

Since reunification CDU did undergo a change in its immigration and integration policy; for example, the Green Card debate showed that Germany no longer thought about no

immigration, but rather "how much" immigration. The question, then, is to what extent was this change a result of politics and to what extent was this due to a genuine realization of changing realities in society, the economy, and demographics? After all, the CDU is, despite being the one of the most popular political parties, a *Volkspartei*, and it can only continue to remain powerful and influential with the help of its constituency. Therefore, the CDU by definition as a *Volkspartei* has to draw a wide base of support. As this study has helped illustrate, the CDU was motivated by both the changing discourse of politics towards the reform of citizenship law and creating a comprehensive immigration law. Similarly, it has shown that it draws on the popular opinion of its constituency in order to enact more restrictive legislation. The case of the 1999 Hesse elections and its campaign of rousing populist sentiment against dual citizenship proved that the CDU was politically motivated to prevent legislation put forth by the SPD-Green coalition.

This study points to Germany's demographic crisis of shrinking birth rates, increased longevity, and labor shortages that would endanger the future of Germany's social security and welfare systems as an underlying trigger of the CDU's policy change. The reality that if nothing was done, Germany's population would significantly decrease in the coming decades sparked renewed conversation for the open immigration policies. Although the CDU now recognizes Germany as having become a country of immigration, it is still restrictive in its policy towards immigration, instead championing more efficient legislation on integration. Drawing up populist sentiment against dual citizenship during the discourse for the citizenship law showed that the CDU was still against change in policy despite evidence suggesting the need for future immigration. Similarly, the *Leitkultur* debate illustrated how charged the topic of the ethnocultural base of "German" identity still was. Racist overtones against foreigners, as

illustrated by the *Kinder statt Inder* stance, only served to hurt the credibility of the CDU. What place did this sort of divisive rhetoric have in a modern society where many people of different cultures live together? The post-unification identity of the CDU must not harken back to the racist discourse of Germany's Nazi past; the CDU has the responsibility of holding a policy that is not only fair to the immigrants that have long lived in Germany, but to project an image of strength of character and forward-moving policy.

However, is a policy of integration and seemingly one-sided assimilation to German culture truly a sustainable policy stance? As long as the CDU continues to have a heavy influence in German politics and remain a powerful *Volkspartei*, it will have to maintain a stance that draws in a large constituency from a broad political spectrum. Towards embracing immigration and labor migration that is inclusive and capable of offsetting Germany's coming demographic crisis, however, the CDU has shown a lack progress. Despite this, the CDU is ideologically split, and liberal-minded members such as Angela Merkel and Rita Süssmuth, who lean toward open policies of more like those of the SPD and FDP, have changed and driven the CDU's internal debate for a more inclusive immigration and naturalization policy. Although the current implemented immigration and naturalization legislation does not reflect the suggestions as illustrated by the independent Süssmuth commission, discussion within the CDU will likely continue to be a driving force in the CDU's future outlook on these policies. As such, future scholarly analysis would do well in evaluating the progress and direction the CDU under the leadership of Angela Merkel.

Ultimately, the way in which Germany and the CDU will regard non-ethnic Germans will become a part of Germany's national identity in a post-unification era. Mary Fulbrook argues

that collective identity is something that is constantly changing and does not necessarily remain static. To search for specific factors and traits that centrally define the meaning of national identity denies the historic process; rather than an inherited legacy, national identity should reflect moral and political choices made by the people.[146] The descendants of guest workers do not necessarily feel the same burden of guilt that Germany and the Germans have institutionalized upon itself. At what point will this no longer be necessary? Will non-ethnic Germans truly belong to the nation and national identity despite not being a part of the German Holocaust legacy? Just as Charles Krauthammer noted that forty years of history was proof enough that the international community had nothing to fear in terms of a resurging German nationalism, the politics and concerns of the new German nation following unification must choose the destiny of non-ethnic Germans. In the end, it is up for the German people to decide whether foreigners have a place of belonging in the German nation. Germany certainly has a long and complicated history of immigration, even long before World War II. Yet as Fulbrook mentions, the politics affecting Germany today should decide how foreigners fit into the German national identity, not the long history and tradition of Germany and the legacy that has been left behind. As long as the CDU remains a powerful force in German politics, it will continue to have a say in the development of Germany's immigration and naturalization policy.

[146] Mary Fulbrook, *German National Identity after the Holocaust*, 238-240.

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