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**CITIZENSHIP AND PARTICIPATION IN POST-COLD WAR GERMANY:
AUSSIEDLER MIGRATION AS A CHALLENGE TO GERMAN CITIZENSHIP**

**A Dissertation
submitted to the Faculty of the
Graduate School of Arts and Sciences
of Georgetown University
in partial fulfillment of the requirements for the
degree of
Doctor of Philosophy
in Government**

By

Amanda Klekowski von Koppenfels, M.A.

**Washington, D.C.
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GEORGETOWN UNIVERSITY
GRADUATE SCHOOL OF ARTS AND SCIENCES



The doctoral dissertation/master's thesis of Amanda Klekowski von Koppenfels entitled
"Citizenship and Participation in Post Cold War Germany: Aussiedler Migration
as a Challenge to German Citizenship"

submitted to the department/program of Government in partial
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**CITIZENSHIP AND PARTICIPATION IN POST-COLD WAR GERMANY:
AUSSIEDLER MIGRATION AS A CHALLENGE TO GERMAN CITIZENSHIP**

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Mentor: Samuel H. Barnes, Ph.D.

ABSTRACT

An examination of the integration and political participation and mobilization of German post-war expellees, post-Cold War Aussiedler and the non-citizen residents in Germany forms the basis for a discussion of citizenship in Germany. Citizenship in the Federal Republic of Germany has, like most other nation-states in Western Europe, undergone a shift in the post-war era. Where once membership in the nation-state – citizenship – was the crucial determinant for rights and belonging, now residence and social integration are the determining factors. Permanent resident status carries with it a number of civil, social and political rights. Consequently, the nearly 10% of the German population which does not have German citizenship enjoys many more rights than is generally thought. The study of another migrant flow – ethnic German migrants from Eastern and Central Europe (Aussiedler), who make up about 4% of the German population – offers another perspective on the issue. Although the *Aussiedler* have citizenship, their integration is not necessarily any smoother than that of the non-citizens; indeed, in many cases, it is more difficult.

This dissertation explores two aspects of the citizenship shift in Germany, suggesting that substantive aspects of citizenship – those aspects actually exercised – are more significant than are formal rights – the mere possession of such rights for integration. In this aspect, this study adds to the postnational citizenship or devaluation of citizenship literature. Nor is it only on the level of exercise of rights that German citizenship has shifted away from an ethnic model.

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CHAPTER 1: INTRODUCTION: Citizenship, Migration and the Post-War Era

Introduction

This study explores the development of post-war German citizenship in the context of Western European citizenship. What makes the German case unique? What is the future of German citizenship within the context of Europe? This dissertation takes issue with the prevalent notion that post-war German citizenship, based upon *jus sanguinis*, arises from a long exclusively ethno-cultural tradition. I argue that the explicit concept of German ethnicity was added into one aspect of citizenship acquisition in post-war Germany, largely in response to the bipolar situation of the Cold War, and, since the end of the Cold War, has undergone a trend toward de-ethnicization. I challenge the assertion that Germany is an outlier among Western European nation-states in societal inclusion of migrants. The investigation of these questions rests upon two arguments.

The first is that formal citizenship, in this case, specifically German citizenship, is not crucial for the acquisition and exercise of social, civil and political rights, or what is called substantive integration. This argument has been made before, most notably by Yasemin Soysal. However, Soysal, as well as others writing on this topic (David Jacobson; Peter Schuck), have based their arguments solely on the case of non-citizen residents. This dissertation proposes to support the hypothesis of the so-called "devaluation of citizenship" with arguments based upon a different group of migrants, namely what I have called "immigrant citizens" as the primary, but not sole, object of inquiry. Ethnic German migrants from Eastern and Central Europe and the

(former) Soviet Union to Germany (*Aussiedler*)¹ are eligible for German citizenship upon entry in Germany, but still undergo the same processes of social integration as other migrants: learning the language, settling in, finding housing, employment, etc.; hence, the term "immigrant citizens." I hope to show that, regardless of formal citizenship status, social integration remains a central predictor of a migrant group's subsequent organization and political mobilization. Using the case of the *Aussiedler*, this dissertation will support the Soysal-Jacobson-Schuck devaluation of citizenship literature by showing that German citizenship has shifted from immediate post-war exclusivity to an inclusivity reflected in other Western European states as well. Substantively, social integration is a more crucial step in the process than is the formal acquisition of citizenship.

The second argument builds upon the first – that the exclusivity of German citizenship has been exaggerated – by exploring the element of ethnicity contained in German citizenship. It is clear that the current citizenship law does indeed posit that, in order to acquire German citizenship at birth, one or both of an individual's parents must be German citizens, i.e., it follows the principle of descent. The recent revision of the citizenship law will take effect on 1 January 2000 and introduces limited *jus soli* for children of non-citizens who have lived in Germany for at least eight years and possess a residence permit. Ethnicity, whether German or any other, is not relevant. While this aspect of German citizenship cannot be said to be ethnically-determined, the granting of citizenship to *Aussiedler*, however, is based upon ethnicity (*Volkzugehörigkeit*). While critics contend that this ethnic component arises from a centuries-old ethno-cultural German tradition, I argue that geopolitical considerations have played a

¹ I will use the German term "Aussiedler" throughout this dissertation rather than attempt an inadequate

greater role in the introduction of ethnicity in the post-war era. The ideologically-charged Cold War was crucial in determining the creation of the post-war *Aussiedler* policy. Given its post-war division and the task of coming to terms with its previous national-socialistic dictatorship,² Germany was affected by the Cold War more than any other country. Far from ethnicity being an integral part of the history of German citizenship, it was

[t]he division of Germany in the aftermath of World War II and the founding of two German states, west and east, [which] laid the foundation for an ethnically-inclusive notion of citizenship, which included East Germans who were geographically not inhabitants of the West German state (Lemke 1998, 214).

The ideological considerations of providing residents of the Communist German Democratic Republic a way out from under Communism, while not granting legitimacy to the East German state, were paramount in post-war citizenship deliberations and resulted in the maintenance of the German citizenship law from 1913, the *Reichs- und Staatsangehörigkeitsgesetz* (RuStaG), or Imperial and State Citizenship Law (henceforth RuStaG). The provision of a safety valve for those regarded as German citizens living under a Communist regime was extended to former German citizens and ethnic Germans under all Communist regimes in the form of the *Aussiedler* policy.

These two arguments form the core of this dissertation, and they will be explored in the subsequent chapters. To set the stage, this introductory chapter will explore the concept of citizenship in general, the Western European norm and the specific case of German citizenship. This chapter will also place the arguments introduced above in the context of citizenship and immigration literature and show how this study will contribute to the literature. This introductory

English translation.

chapter will elaborate on the argument and evidence used and conclude by giving an overview of chapters.

***Aussiedler*: "Immigrant Citizens"**

Who are the *Aussiedler*? Why are they important for exploring post-war citizenship in Germany and in Europe? The term "Aussiedler" came into use in 1950 and refers to ethnic German migrants to Germany from "German Eastern regions currently under foreign administration, Danzig, Estonia, Latvia, Lithuania, the Soviet Union, Poland, Romania, Bulgaria, Yugoslavia, Albania or China" (BVFG 1957, §1). *Aussiedler* migration is closely related to the previous co-ethnic migration wave to Germany, namely, that of the *Vertriebene*, or expellees. The Allies concluded at the Potsdam Conference in July 1945, in an attempt to avoid instability in Eastern and Central Europe, that the estimated several million ethnic Germans remaining to the East of post-war Germany in Czechoslovakia, Silesia and other former German territories ceded to Poland, should be expelled to Germany in an "orderly and humane manner." The 8 million expellees who settled in West Germany settled in a newly-established state recovering from a devastating war and suffering from shortages of housing, employment and foodstuffs. Despite these infrastructural problems, great care was taken to speed the integration of the expellees in post-war German society. The expellees ultimately became a success story in

² This task was added to the German language, identified by its very own word: *Vergangenheitsbewältigung*.

integration, even organizing politically. They remain a strong pressure group within Germany today, unlike their successors, the *Aussiedler*.³

The conclusion of the expulsion measures in 1949 was accompanied by a change in terminology: ethnic Germans coming to Germany after 1950⁴ were no longer referred to as expellees, but rather "Aussiedler." The word "Aussiedler" reflects the historical reasons that Germans came to be located in Eastern Europe and the Soviet Union. Germans who moved to Eastern Europe between the 12th and 18th centuries were not referred to as "immigrants," but as "settlers." They were not emigrating from Germany, but settling in the East as representatives of German culture. This must be seen more from the German side than from the settlers' side, since many of them were undoubtedly fleeing religious persecution. Nonetheless, when the descendants of these settlers "return" to Germany, they are not seen as migrating to Germany, but as returning from settlement outside of the country. Hence, "out-settlers."

After World War II, the German *Bundestag* passed legislation to enable the return of ethnic Germans remaining in the East Bloc to Germany. This legislation is often interpreted as providing support for the concept of an ethnically-determined German nation-state, but, as I hope to show, this legislation was more determined by political considerations of the Cold War than considerations of ethnicity. It is important to note here that the term "Aussiedler" denotes a specific legal status and is not a collective term for ethnic German migrants. Some ethnic

³Chancellor Kohl's hesitation in 1990 in recognizing the Oder-Neisse border as the final post-war border of Germany is indicative of the influence of this domestic pressure group.

⁴As will be discussed in more detail in Chapter Four, the post-war expellees constitute a particular type of migration in Germany's history. Chapter Two will describe the historical background until 1950.

Germans may enter Germany and become German citizens without being eligible for the status of *Aussiedler*.⁵

The continued acceptance of *Aussiedler* after 1950 can be seen as arising from two causes: first, as noted above, it was an ideologically-determined provision and, second, it was an after-effect of the expulsions – to provide an option for those left behind in the East Bloc. The BVFG regulations for *Aussiedler* were largely instituted to ensure that any Germans remaining under Communist governments would have the legal right to be accepted in the Federal Republic as German citizens. The more political, rather than practical, nature of the policy is supported by the inclusion of the small number of ethnic Germans outside the major areas of settlement, which amounted to 1% of the total *Aussiedler* migration between 1950 and 1998 (See Figure A.3 in Appendix). Although the term "expellee" was no longer used, the assumption continued to be that *Aussiedler* were leaving their homes in East-Central Europe involuntarily, as a result of ethnically-based pressure to immigrate, or *Vertreibungsdruck*.⁶ Averaging no more than 40,000 per year from 1950 to 1986 (See Appendix, Table A.1), when restrictions upon travel in Eastern and Central Europe and the Soviet Union hindered emigration, it is clear that the *Aussiedler* in-migration until the mid-1980s was on a lesser quantitative scale than the in-migration of the eight million expellees who settled in Germany within the four immediate post-war years. The legal framework for accepting and incorporating *Aussiedler* into Germany was seen as an

⁵ As will be discussed in Chapter Five, this became particularly true after 1992, when the KfbG essentially restricted *Aussiedler* status to ethnic Germans from the former Soviet Union. Ethnic Germans from Poland may still claim German citizenship, but are no longer eligible for the benefits which *Aussiedler* receive.

⁶ Literally, "expulsion pressure." This term is widely used to mean the ethnically-based discrimination which theoretically made conditions in the country of origin impossible and caused ethnic Germans to return to Germany. Any other reasons for migration, such as poverty, were not compatible with *Aussiedler* status.

important tool in regulating treatment of ethnic minorities in East-Central Europe and shifted accordingly, as we will see, over the decades since World War II.

Contrary to widespread opinion, the basis for acceptance as an *Aussiedler* in Germany is not German ethnicity *per se*, but is rather *Vertreibungsdruck* resulting from German ethnicity (Ruhrmann 1994, 106-114; Sandvoß 1995, "Vertreibungsdruck"). Thus, the potential *Aussiedler* must have seen himself in his home as a German, represented himself as a German to others and, as a direct result, have suffered ethnically-based discrimination. This distinction between ethnicity and ethnically-based discrimination is a crucial one, insofar as it relates to governmental direction of admission of *Aussiedler* and the governmental understanding of the basis for this migration.

Citizenship in Germany, then, has, as do many Western European nation-states, a special provision for some migrants. *Aussiedler* have been regarded as representing the last remnant of Germany's colonies. Arriving late in the race for colonies, Germany did not achieve the wide holdings of Britain, France, the Netherlands, or Belgium, but instead spread its cultural sphere eastward into Eastern and Central Europe and Russia as German settlers moved eastward (Bade 1992). These were the ancestors of today's *Aussiedler*, who return to Germany with a privileged status, much as residents of former colonies do in Britain and elsewhere.

Citizenship

In modern times, citizenship denotes membership in a nation-state, membership in a political entity with its concomitant rights, privileges and duties. Belonging and territory are thus closely linked and, until World War I, were generally linked to at least gender, if not also

property ownership and race. Women were, for the most part, excluded from citizenship and thus excluded from participation in matters of state. Likewise, those who did not own property were often excluded as well. It is only in the post-World War II era that nearly all such restrictions have been removed.⁷

T.H. Marshall, whose path-breaking work, *Citizenship and Social Class* (1950), stirred new interest in the field of citizenship, was the first to move past the view that citizenship is represented by one status and to regard modern citizenship as a conglomeration of three sets of rights. Looking at the historical development of citizenship in England from the 18th to the 20th centuries, Marshall divided citizenship rights into three bundles: civil, political and social. Men gained civil rights (which could also be seen today as basic human rights) in the 18th century, as the rule of law and courts of justice were established. In the 19th century, political rights – broadly defined as the right to exercise political power either as voter or elected official – began to emerge as parliaments and local government developed. Finally, the third bundle of rights – social rights – were acquired by citizens in the 20th century, initially with the development of community associations and organizations, and later with the development of a welfare state.

As initially conceptualized in classical Athens, citizenship was defined by a strict division between the public and the private (Pocock 1995, 32) and rested upon the exercise of citizenship as a good in itself: "What matters is the freedom to take part in public decisions, not the content of the decisions taken" (Pocock 1995, 32). This "ideal" of citizenship, however, shifted over the centuries as the simple participation in decision-making was no longer sufficient

⁷ In Switzerland, women acquired voting rights on the federal level in 1972. Voting rights on the cantonal level were granted at various times; some cantons only granted women the right to vote in the 1990s. Other non-democracies maintain gender and ethnic restrictions, such as the Taliban regime in Afghanistan.

to address political and material developments. Marshall's recognition that citizenship – after the initial introduction in classical times – was introduced in sequential phases is reflected in later works. Pocock states that "A 'citizen' came to mean someone free to act by law, free to ask and expect the law's protection, a citizen of such and such a legal community of such and such a legal standing in that community" (Pocock 1995, 35-6), or what Marshall called civil rights. Likewise, political membership and social integration followed in the history of the expansion of citizenship rights.

As the age of the modern nation-state emerged, the need to formalize who belonged to which state, and which state was responsible for which individuals, increased in importance and formal membership status began to play a central role in citizenship. By the end of World War II, formal membership in a sovereign state with defined boundaries was a crucial component of an individual's status. However, the clear division between belonging and non-belonging began to break down in the post-war era. New aspects of citizenship emerged when formal citizenship was supplemented by substantive citizenship: "The formal, legalistic elements of citizenship need to be complemented by the economic (e.g., labor-market, fiscal and monetary policies, international trade), social (e.g., inequality-leveling, discrimination-delegitimizing), political (e.g., civil liberties, multiform participation, local or group prerogative-assuring), welfare and quality of life, and other dimensions" (Heisler and Schmitter Heisler 1991, 96).

Citizenship in Europe: The European Union and its Member States

This new citizenship is linked to some extent with the development of the European Union. Membership in the European Union provides rights and privileges. Within the three

distinct areas identified by Marshall, there are numerous rights and privileges to which EU citizens are entitled. In the sphere of civil rights, freedom of movement among and within the fifteen states of the EU, the freedom to work in any of the other EU member states, freedom of speech, the right to own property and the right to a fair trial – whether in a national court or at the European Court of Justice (ECJ) – is available to all EU citizens. Access to the welfare system and the right to organize – the central elements of social rights, according to Marshall – are also provided to citizens of other EU states. In the political sphere, EU citizens resident in any other EU state enjoy the right to vote and be elected in both European Parliament elections and local elections.⁴

One of the largest post-war migration flows was within Europe and was, notably, not intended to be permanent. The so-called "guestworker" phenomenon began in the 1950s, at the same time that the European Economic Community had its beginnings. Germany, Switzerland and other Western European countries recruited labor from southern Europe, south-eastern Europe and Turkey. These laborers were recruited until 1973, at which point the first OPEC oil crisis brought recruitment to a halt. In 1974, however, family members of these workers came to Western Europe in renewed force. Many of these so-called "guestworkers" did not return home, but started families in their new homes in Western Europe. Thus, these widespread rights for EU citizens began to take on more significance.

At the same time, the colonial past of many Western European states re-emerged in the form of migration. In Britain, the Netherlands, Belgium and France, colonial subjects from the Caribbean, North Africa and Asia took advantage of preferential migration policies to leave their

⁴See Elspeth Guild in *Citizenship, Nationality and Migration in Europe*, for a good graphical representation

homelands and seek employment in the more advanced Western Europe. Together with refugees and asylum-seekers, a significant portion of most Western European states came to be made up of non-citizens.

Table 1.1: Foreign Population in Western Europe, as Absolute Number and Percent of Total Population

	1960		1990	
	Absolute	%	Absolute	%
Denmark	17,000	0.4	161,000	3.1
Britain	–	–	1,875,000	3.3
Netherlands	118,000	1.0	692,000	4.6
Austria	102,000	1.4	413,000	5.3
Sweden	191,000	–	484,000	5.6
France	–	4.7	3,608,000	6.4
Germany	686,000	1.2	5,242,000	8.2
Belgium	453,000	4.9	905,000	9.1
Switzerland	495,000	9.2	1,100,000	16.3

Source: Yasemin Soysal *Limits of Citizenship: Migrants and Postnational Membership in Europe* 1994, 23

The family reunification of the guestworkers in the mid-1970s added to the foreign population, but at the same time, continued growth of the foreign population also depended upon whether states practiced *jus soli* – the acquisition of citizenship based upon place of birth – or *jus sanguinis* – acquisition of citizenship based upon descent. The majority of states in Western and Eastern and Central Europe practice *jus sanguinis*, with the exception of England and, to some extent, France. No states in Europe practice pure *jus soli*, in which a child born to two foreign parents would take on the citizenship of his country of birth, such as is the case in the United States; far more common is a combination of *jus sanguinis*, which means that children born of foreign parents retain the foreign citizenship, and *jus soli*. Traditionally, Belgium, the

of these rights. (p. 47-9).

Netherlands, Switzerland and Germany have been *jus sanguinis* countries while Britain and France have historically been *jus soli* countries.

While *jus soli* and *jus sanguinis* countries were initially in bi-polar contrast, in recent years, the two poles have begun approaching one another. France's citizenship law – a mixture of *jus soli* and *jus sanguinis* – initially granted French citizenship to children born in France at the age of 18 unless they explicitly rejected it (Wihtol de Wenden 1996, 140). Under pressure from Le Pen's *Front National*, however, the law changed in 1993, now requiring children to choose the French citizenship explicitly. In Great Britain, in the immediate post-war period, entry was unregulated for members of the Commonwealth, including Jamaica, Barbados, India, Pakistan, Ireland, Australia and New Zealand. Large migration of so-called "coloured" people, however, raised concerns among the British government, leading to a 1962 restriction of migration from the Caribbean and from the Indian subcontinent (Miles and Cleary 1996, 165). Citizenship in Britain was traditionally passed on by *jus soli*, yet the 1981 Nationality Act "stipulated that from 1986 only the British-born children of British-born or naturalized British people would inherit British citizenship" (Cesarani 1996, 67). Thus, the access of immigrants to citizenship was restricted and replaced by the principle of descent.

In Switzerland, a twelve-year waiting period is still required before application for citizenship may be considered, the longest such waiting period in Europe, while other conditions relating to assimilation, such as language and knowledge of local customs, vary from canton to canton (D'Amato 1999, 241). The related issue of dual citizenship emerges here as well. Surveys have shown that non-citizen residents would naturalize at a higher rate if dual citizenship were permitted, so that the ability to hold dual citizenship is as important for naturalization as are the

naturalization regulations themselves. Switzerland has permitted dual citizenship since 1990, while the Netherlands has permitted dual citizenship since 1991. The Netherlands allows those between 18 and 25 who have resided in the Netherlands since their birth to acquire Dutch citizenship by simply stating their wish to naturalize (de Rham 1990, 166). Children born in the Netherlands to non-citizens who were themselves born in the Netherlands are granted automatic citizenship. A five-year waiting period is required for all others, accompanied by the widespread requirements of no criminal record and some knowledge of the Dutch language. In 1991, Belgium, also traditionally a *jus sanguinis* country, passed a law granting citizenship automatically to all third-generation migrants in Belgium, thus introducing a strong element of *jus soli* (Soysal 1994, 26). A 1985 act granted citizenship to those born in Belgium if at least one of the parents had also been born in Belgium and the parents wished the child to take Belgian citizenship (de Rham 1990, 167).

German citizenship has long been regarded as an anomaly among Western industrialized states and is all too often seen as a conservative, unchanging and ethnically exclusive right (Brubaker 1992). Despite resistance among the center-right in Germany toward dual citizenship and the introduction of *jus soli*, the trend in German citizenship has been one of increasing liberalization. The 1990 revision of the Foreigners' Law, followed by a 1993 government decree, has had the effect of making naturalization for those aged 16 to 23 essentially automatic upon application: eight years' residence and six years' attendance in German schools are the basic requirements for youth naturalization. For adults to naturalize, until 1 January 2000, a ten-year waiting requirement is still required for discretionary naturalization, and fifteen for a right to naturalization. The new citizenship law revision reduces to eight years the requirement for a right

to naturalization. The revision also introduces limited *jus soli*, whereby a child born to foreign parents receives German citizenship, but would have to choose by age 23 between the German citizenship and that of his parents. Thus, German citizenship approaches the most liberal states in the European Union and surpasses the most conservative.

Even prior to this set of liberalizing laws, however, German citizenship did not necessarily conform to the inflexible system of ethno-culturally based citizenship critics asserted it to be. In one of the most influential and thorough texts on the subject, Rogers Brubaker argues that

[t]he ethnocultural, differentialist understanding of nationhood in Germany is embodied and expressed in a definition of citizenship that is remarkably open to ethnic German immigrants from Eastern Europe and the Soviet Union, but remarkably closed to non-German immigrants (Brubaker 1992, 3).

While this statement was undoubtedly accurate for immediate post-war Germany, it no longer holds true. Prior to World War II, German citizenship was based solely upon the RuStaG, while in the post-war period the RuStaG remains an important pillar of citizenship, but has been supplemented by several laws, including the Foreigners' Law in 1965, revised in 1990. The RuStaG is a law of descent, or *jus sanguinis*, whereby the parents' citizenship status determines the child's, but does not draw upon a specific ethnically-based status. Equating the two often leads to a misconception; the RuStaG is often mistakenly seen as creating a highly exclusive and ethnically-based German citizenship (see Chapter Three), while it does not, in fact, bar anyone from holding German citizenship.

Naturalization practices have become more uniform across Europe, largely as a result of the large guestworker migration and the subsequent family unification. In the past twenty years,

immigration and citizenship laws have become more restrictive in Great Britain and France in large part as a response to high immigration, while pro-integration forces, attempting to fall into line with prevailing European standards, have led to the easing of naturalization requirements in Switzerland, Germany and Belgium.

Significance of Research

These shifts in formal naturalization regulations make up only one aspect of the post-war changes in citizenship. A broad literature suggests that post-war citizenship has changed in more ways than one; more significant than the shifts in laws is a shift in the overall concept of what citizenship represents in advanced industrial societies. As suggested by Peter Schuck, the "devaluation" of citizenship is well underway; formal citizenship does not mean what it used to. More rights are available to individuals on bases other than citizenship, leading to lesser value placed on citizenship *per se*. Tomas Hammar first introduced the term "denizen" as an alternative to the appositional terms "citizen" and "non-citizen:"

Those who belong to this category have also in several countries been entitled to equal treatment in all spheres of life, with full access to the labour market, business, education, social welfare, even to employment in branches of the public service, etc. (Hammar 1990, 13).

Hammar argues that permanent residence in a state, that is to say, the membership in the society, if not in the polity, accords the resident a number of rights. Citizenship is no longer the crucial determining characteristic for enjoyment of what Marshall called civil, political and social rights. Whereas previously, membership in a nation-state, marked by citizenship, was the only way in

which to achieve a certain rights-based status, today rights can be acquired without the possession of this one particular status.

Yasemin Soysal built upon Hammar's and others' description of the wide range of rights available to denizens, but altered the focus somewhat, arguing that "rights and privileges once reserved for citizens of a nation are codified and expanded as personal rights, undermining the national order of citizenship" (Soysal 1994, 1). These rights, according to Soysal, are not granted on the basis of residence, but upon the basis of "personhood." She calls this new era, marked by the array of rights available to the non-citizen, the "post-national" age. In this post-national age, belonging to a nation-state has declined in significance while the rights ascribed to an individual on the basis of personhood have increased proportionately. The simple fact of personhood entitles an individual to certain bundles of rights. No longer is a specific membership in a nation-state crucial for the acquisition of such rights as the right to a fair trial or the freedom of speech. Even the access to the social welfare system and, to some extent, involvement in the political system, no longer rests upon citizenship as an entry requirement. Michael Ignatieff agrees with Soysal, stating that:

... it is also clear that the very notion of community is changing and becoming ever more global in its reach. There is a new politics about in the world since 1945 which takes the universal human subject as its subject and the doctrine of universal human rights as its chief demand. In such a politics, dramatically instanced in organizations like Amnesty International, the responsibilities of the citizen are held to cede before the obligation to be a human being. When a man is being tortured in another jurisdiction, I can no longer regard our difference in citizenship as grounds to leave it to someone else to protest (Ignatieff 1995, 175).

Precisely this point was invoked by the United States and NATO in the air attacks on Serbia in Spring 1999; the persecution of ethnic Albanians by the Serbian leadership made citizenship immaterial and human rights paramount.

Focusing on the American case, Peter Schuck coined the term: devaluation of citizenship (Schuck 1989). Citizenship's marginal value has been declining, Schuck says, as indicated by the following qualities: it "is notably easy to obtain, difficult to lose, and confers few legal or economic advantages over the status of permanent resident alien" (Schuck 1989, 51). Thus, the additional value of citizenship over permanent residence status may not offset the negatives of naturalization, such as reduced rights in the country of origin, cost and difficulty of naturalization and personal identity issues. Indeed, low naturalization rates in Western Europe and the United States remain the rule rather than the exception, although many non-citizens do, in fact, fulfill the requirements for naturalization. Thus, we can see that the trend of eased naturalization regulations in Western Europe is merely an attempt to keep pace with the expansion of substantive rights linked to personhood or residence status rather than citizenship status. David Jacobson draws upon the increase in international treaties and organizations as another factor in the decreasing importance of nation-states (Jacobson 1996).

Marshall's typology of citizenship, in which he divides rights into three categories of civil, political and social rights, as described above, is useful in clarifying the situation of many of today's non-citizen residents of Germany and other European countries. In the majority of cases, non-citizen residents have access to both civil and social rights whereas citizens alone

have access to the third bundle of political rights.⁹ Each bundle of rights can further be subdivided into formal and substantive rights. Formal political rights allow a citizen to take part in the election of representatives and to run for office himself.¹⁰ Second, substantive rights are – above and beyond the actual legal right to engage in some activity – those aspects of engaged political participation, and involve exercising one's rights to achieve some end (Bottomore 1992; Heisler and Schmitter Heisler 1991). Indeed, "[a] narrow or even primary focus on participatory rights, particularly voting rights, overlooks crucial aspects of membership in the political community of the modern welfare democracy" (Heisler and Schmitter Heisler 1991, 95). For non-citizens, substantive rights include any political activity for which full citizenship is not required; that is, activities which do not have a direct influence on electoral outcome, but may nonetheless have an impact, such as participation in local organizations, in pressure groups, or signing petitions.

Recent research on citizenship theory analyzes this sub-division of citizenship rights to suggest two converging trends: the expansion of rights for non-citizen residents (Bauböck 1994; Hammar 1990; Layton-Henry 1990; Miller 1981, 1989; Schoeneberg 1985) and the concomitant devaluation of citizenship (Jacobson 1996; Schuck 1989; Soysal 1994). The literature on expansion of rights emphasizes the wide variety of arenas in which non-citizens may participate and exercise some degree of influence on the native community: immigrant associations

⁹ European Union membership now provides limited political rights for all EU citizens resident within any of the fifteen member states of the EU. EU residents may vote and stand for election in local elections as well as in European Parliamentary elections. Hamburg and Schleswig-Holstein attempted to pass such a law for non-EU residents within Germany, but the *Bundesverfassungsgericht* (Federal Constitutional Court) struck the law down as unconstitutional in 1990.

¹⁰ In this dissertation, I will use the male pronoun for the sake of grammatical simplicity. The terms should be taken as referring to both males and females.

(Schmitter 1980; Schoeneberg 1985), the work-place through industrial rights (Schmitter 1981; Vranken 1990), consultative institutions (Andersen 1990), extraparliamentary opposition (Miller 1981; 1989), and even local voting rights for European Union residents (Rath 1990).

According to these arguments, this array of rights available to non-citizen residents – who would once have had to become citizens to acquire such rights – is said to have had a devaluing impact on citizenship. In Europe and the United States, the status of citizen is no longer a qualitatively different status than that of resident: as "[s]ocial, civil, economic, and even political rights have come to be predicated on residency, not citizenship" (Jacobson 1996, 9), the marginal value of citizenship has declined. The status of "personhood" has replaced the status of "citizenship," in part furthered by the international human rights code, as the vehicle through which rights are provided.

Thus, the argument is made that substantive participation is more crucial than formal citizenship for complete integration. For most of the population, formal citizenship and substantive citizenship overlap, yet if one status is to be present, the substantive is the more crucial of the two. Research on these two statuses focuses almost completely on individuals who do not possess formal citizenship, exploring their acquisition of substantive citizenship, with two notable exceptions. One branch of immigration research focuses on the immigration of Jews to Israel, who receive citizenship upon their arrival in Israel and could thus also be called "immigrant citizens." The second exception is the work of William Julius Wilson, whose work does not focus on an immigrant group, but on a marginalized segment of society, namely inner-city African Americans. In the so-called underclass in the United States, individuals possess full formal citizenship, but because of economic and social marginalization, or segregation, remain

underprivileged in many ways, including poor or lacking substantive political participation (Wilson 1996, 223-4). Wilson has arrived at the conclusion that their degree of social integration can, indeed, influence inclusion or non-inclusion in the polity (Wilson 1994, 1996). Neither the Jewish immigration literature nor Wilson's research touches on the devaluation of citizenship or post-national citizenship discussion.

My research seeks to bring the analysis of citizenship and the examination of the non-substantive formal citizen together. If formal citizenship is the determining characteristic for integration, the *Aussiedler* should be integrated a few weeks after their arrival. Indeed, the German government's official line on *Aussiedler* migration through at least 1995 was that integration took only as long as the processing of the citizenship application (Chrobog 1995). However, as the available data and my research show, this is not the case. Integration is a long and painful process for the *Aussiedler*, as it is for any migrant population. As we will see in Chapter Five, however, the process is even more complex for *Aussiedler* than for other migrants and may not end in successful integration. Indeed, the lack of *Aussiedler* integration supports the assertion that formal citizenship is not the most important element in integration. My dissertation examines the problematic *Aussiedler* integration process. I examine reasons for the poor integration of the *Aussiedler* in the context of the comparatively successful integration of other migrant groups, in particular the post-war expellees and non-citizen residents in Germany. Thus, my dissertation will fill a gap in the literature, providing an analysis of the future of German citizenship based not only upon studies of denizens in Germany, but upon a specific group of immigrant citizens in Germany, the *Aussiedler*, and will contribute to the wider literature on the changing dimensions of citizenship in the post-war world.

Argument and Evidence: Citizenship Then and Now*Devaluation of Citizenship*

My study of the exercise of citizenship rights, both in the case of the *Aussiedler* and of denizens in Germany supports the hypothesis of a changing conception of German citizenship. While these two groups differ in the manner and degree to which they make use of these rights to promote their interests, both *Aussiedler* and denizens have clearly defined and distinct sets of formal rights. That is, while *Aussiedler* have the formal right to participate in elections both as voter and as candidate, they largely restrict themselves to the role of voter and do not engage in more extended political participation; they do not exercise their rights in a substantive manner, in the Marshallian sense.

Among denizens who have no formal political rights,¹¹ however, we see a much higher level of substantive participation. It has been suggested that social citizenship is not the final phase of citizenship (Turner 1994; van Steenberg 1994). I would agree, and would posit that, in some cases, civil and social are the first two phases and the development of political rights the final. It appears that it is only through substantive integration into the social sphere that substantive political rights develop, both for citizens and non-citizens. In the case of the *Aussiedler*, formal civil, social and political rights are all acquired quickly after entry into Germany. While *Aussiedler* take full advantage of social rights in the form of welfare payments, they cannot be said to be fully integrated in a substantive way as long as they remain isolated and non-interactive with German society. Substantive political rights emerge only with stronger – or substantive – integration into this system. For denizens, much the same pattern is followed,

albeit with greater success. Denizens receive civil and social rights along with their German residence visas. As they integrate into the social system, substantive political rights may develop, even if no formal political rights exist. Denizens are often more integrated into the social system than are *Aussiedler* and, hence, often have a higher degree of exercise of substantive political rights. Citizenship is not static, but is rather an ongoing and never-ending process (Mushaben 1993).

Thus, we can argue that the exercise of rights could very well affect the substantive value of citizenship. My research has shown that *Aussiedler*, in large part, do not exercise the rights to which they are entitled (see Chapter Five). Denizens in Germany, on the other hand, do partake of many of the rights to which they are entitled as residents (see Chapter Six). What are the implications for German citizenship from this juxtaposition of citizens not exercising rights and non-citizens exercising rights? Does citizenship still matter? The conclusion could be drawn that formal citizenship is not the single most important criterion for exercise of rights. My hypothesis is that a new German citizenship is emerging, one in which social linkages are more important than ethnic background or citizenship status.

Bounded by the Cold War: Ethnicity in German Citizenship

The second argument of this dissertation, that German citizenship underwent an ethnicization at the beginning of the Cold War and has undergone a de-ethnicization at the end of the Cold War, is illustrated by an examination of the process of incorporation of two co-ethnic migration flows: ethnic German expellees at the end of World War II and ethnic German

¹¹ Here, I refer to non-citizens of the European Union as the only non-citizens who have no formal voting

migrants from Eastern and Central Europe at the end of the Cold War (*Aussiedler*). The expellees were included in the polity, as reflected in legal texts from 1949, 1952 and 1953, all of which show solid and increasing support for entry into Germany, acquisition of citizenship, integration and incorporation. The *Aussiedler*, on the other hand, have experienced a steady process of the restriction of the generous rights acquired by the expellees. Since 1989, the restrictions have increased each year.

As stated earlier, while the RuStaG did not introduce ethnicity into German citizenship, two key events during World War II did do so. Upon Hitler's invasion of the Soviet Union in 1941, Stalin feared that the ethnic Germans resident in Russia since the eighteenth century might grant their loyalty to Hitler. Accordingly, purely on the basis of their German ethnicity, Stalin deported these 500,000 ethnic Germans eastward to Kazakhstan and Siberia, where they remained in internment camps until 1956. At the end of World War II, a decision to expel Germans, westward this time, was again made on the basis of ethnicity. The Allies, fearing instability and ethnic conflict in East-Central Europe, determined at the Potsdam Conference in July 1945 that the estimated several million – estimates ranged from 1.5 million to five million – ethnic Germans remaining to the east of the four occupied zones of Germany, in Poland, East Prussia and Czechoslovakia were to be expelled in an "orderly and humane fashion" to Germany between 1945 and 1949. The Germans were to be expelled purely on the basis of, again, their German ethnicity.

This influence on German citizenship policy cannot be ignored. More than a "pronounced ethnocultural inflection in German self-understanding" (Brubaker 1992, 14), the

rights, since, as noted earlier, EU citizens are granted local and European Parliament voting rights.

beginning of the Cold War played a role in the ethnicizing of German citizenship. Indeed, I argue that the beginning and end of the Cold War can be seen as the rough boundaries of an ethnicized German citizenship. At the beginning of the Cold War, the concept of ethnicity was undeniably introduced into defining the boundaries of German citizenship. As will be discussed in greater detail in Chapter Four, various laws were passed which provided privileged entry for ethnic Germans and, at the same time, introduced the term *Volkszugehörigkeit* (ethnicity) into German legal language. I argue that a gradual shift in policies affecting *Aussiedler* and denizens since 1989 exemplifies a turning away from ethnicity as a primary determining characteristic.

Several changes in laws clearly exemplify this shift. When ethnic Germans apply for *Aussiedler* status, *Vertreibungsdruck* is no longer taken for granted. As the result of tougher laws and new court decisions, *Aussiedler* are no longer admitted to Germany as a matter of course. Additionally, the new Foreigners' Law (*Ausländergesetz*) of 1990 provides a new, somewhat simplified, process for naturalization of non-citizens. These changes, details of which will be provided in Chapter Six, help us identify a "de-ethnicization" of German citizenship policies, exemplified by the shift from the requirement of language-as-identity to language-as-integration. Indeed, in May 1999, a new citizenship law was passed, after a previous proposal was withdrawn. This new set of revisions now requires knowledge of the German language and of the Basic Law for naturalization, much as knowledge of the Constitution is required for naturalization in the United States. The law, which is another amendment to the RuStaG, as well as to other laws, introduces some aspect of limited *jus soli* into German citizenship for the first time since the 19th century.

Post-war German citizenship is evolving into a status that is integration- and language-linked and not, as is so widely presumed, purely ethnically linked. Individuals in Germany – whether citizens or non-citizens – who possess good language ability and achieve social integration – usually through employment – can achieve a thorough integration into German society and be the beneficiaries of a wide variety of social, civil and political rights. On the other hand, individuals who cannot communicate well in German and who do not possess skills needed in the German labor market have a difficult time achieving social integration. It is important to note that citizenship is not the most important determining factor in integration.¹²

This dissertation will pursue two arguments as outlined above: first, that formal citizenship is not crucial for the acquisition and exercise of social, civil and political rights, or what is called substantive integration and, second, that geopolitical considerations have played the most significant role in the introduction of ethnicity in the post-war era and its gradual disappearance in the post-Cold War era. This analysis will proceed by analyzing data from four sources which might best be referred to as the legal (analysis of legal texts), political (analysis of parliamentary debates and politicians' statements), popular (public opinion polls) and practical (expellee and *Aussiedler* socio-political participation).

Overview of Chapters

This first chapter has laid out the arguments used in the dissertation, which will be developed over the next chapters. Chapter Two provides historical background necessary for

¹² Non-citizens may not become civil servants (*Beamte*), but this is the only professional level for which a non-citizen is ineligible. This is a restriction, but is a specific one rather than a broad-based one, and is not restricted to Germany. That is to say, the lack of access to these specific jobs will not prevent integration.

understanding the situation of the *Aussiedler*. How did ethnic Germans come to be in Eastern and Central Europe? Why was it so important to the post-war German government that these ethnic Germans be provided with a safety valve from Communism? Chapter Three takes up the argument again with an historical survey of the development of German citizenship. The RuStaG is often regarded as an ethnically-based and exclusive law, still in effect today, yet this position is only defensible with difficulty. I will expand upon the passage of this law, and the subsequent revisions this law underwent, rendering it in many ways an altogether different law today. In Chapter Three, the laws which provided the expellees with the opportunity of acquiring German citizenship and integrating into the polity are presented, as are the laws restricting *Aussiedler* migration after 1989. These latter parts of the chapter show the introduction of ethnicity into German citizenship after World War II, and show the decreasing emphasis placed upon ethnicity after the end of the Cold War.

Chapter Four lays out the process of expellee integration, discussing the initial problems, the success stories and the generally positive impact of the laws (1949, 1952, 1953) upon expellee integration. The organization and political mobilization of the expellees is presented. Political opportunity structure (POS) and internal resource mobilization theory are introduced and used to explore reasons for the successful mobilization of the expellees. Chapter Five addresses the same issues with referenc to the *Aussiedler*, discussing their integration process. The generally negative impact of the post-Cold War laws (1989, 1990, 1993, 1996) upon *Aussiedler* integration is also addressed. The lack of organization and lack of political mobilization is analyzed once again using POS and internal resource mobilization. Comparisons are drawn throughout Chapter Five to the expellees, with an analysis of criteria important for the

successful mobilization of the expellees, and lacking in the *Aussiedler* case. Chapter Six draws more strongly upon the case of non-citizen residents in Germany, comparing their substantive participation with the *Aussiedler's* lack of participation. The theoretical conclusion of this discussion – that formal citizenship is not crucial for substantive integration and participation – is presented and supported in Chapter Six. Chapter Seven draws together the two arguments pursued throughout the dissertation of the devaluation of formal citizenship and the role of the Cold War in the introduction of ethnicity in German citizenship. The four areas of analysis introduced above – legal, political, popular and practical – are once again introduced, and their application throughout the dissertation is highlighted. These four areas of analysis are brought together to complete the two arguments introduced in Chapter One.

Ultimately, as we will see, German citizenship has moved increasingly closer to the Western European norm. It is no longer the outlier so often portrayed in citizenship and immigration literature. The case of the *Aussiedler* is neither the embodiment of an ethno-culturally inclusive state nor is the presence of some seven million non-citizens in Germany the representation of exclusivity.

CHAPTER TWO: HISTORICAL BACKGROUND: Migration and Settlement

Introduction

The presence of minority populations has long been a factor in East-Central Europe, indeed, the world, since the beginning of the age of the nation-state. Prior to the designation of arbitrary borders cutting across a people's or a tribe's homelands, different peoples lived in a multi-ethnic mix, but could not necessarily be spoken of as minority populations. However, with the coming of the nation-state, minority populations were created. In East-Central Europe, the decisive moment was at the end of World War I, when new nation-states were either created out of the multi-ethnic Habsburg, Romanov and Ottoman Empires or re-emerged: Lithuania, Poland, Czechoslovakia, Romania and Yugoslavia. These new nation-states were created largely on the basis of ethnicity and were planned as mono-ethnic states. Therefore, of necessity, smaller minority populations were also created. Hungarian minorities were created in Romania and Czechoslovakia and German minorities were created in Romania, Czechoslovakia and Poland.

The age-old mix of nationalities throughout East-Central Europe has a direct connection to Germany's post-war expellee and *Aussiedler* policy. Were it not for the spread of Germans throughout the territories to the east of Germany, there would have been no reason for Germany to concern itself with these Germans' future. In this chapter, I will first discuss the development of German colonization in East-Central Europe and Russia and then turn to the fate of the German communities in the post-war era. I will focus on Poland, Romania and Russia/Soviet Union. While German communities were established in other parts of East-Central Europe, their story does not differ significantly from the three cases discussed here.

The German patterns of settlement varied from state to state and through the centuries. The first German settlement in Romania in the twelfth century had different grounds than the eighteenth century settlement in Russia. Nonetheless, in both cases, the Germans were invited by a ruler (Geza in Romania, Catherine the Great in Russia). Germans were valued as skilled workers and as hard workers. Consequently, when cultivation of land was required, leaders knew to call on the Germans. The Germans were often offered special bonuses, such as a tax-free existence, or freedom from military service, and thus, enjoyed a status above that of other ethnicities farming the land. The settlement of Germans can be generalized into two categories: those areas which were once German territory and were therefore settled by Germans, or those areas under foreign governments which were settled by Germans who had been invited to cultivate the land. This latter group was often fleeing religious persecution as well; one of the many perks offered to German migrant workers was freedom of religion.

According to Hugh Seton-Watson, three different types of minority settlement can be differentiated: first, those minorities living in a border region which had been cut off from the mother country due to new borders. Second are the minorities who are cut off from their mother country by great distances. The third type of minority settlement is that which takes place within a mixed population (Seton-Watson 1945, 269-270). Each type of settlement could be found in different areas and each of the three types gave rise to different problems. The typology developed by Seton-Watson in reference to Eastern and Central Europe is useful for analyzing the history of German minorities in East-Central Europe and Russia.

Poland*The Settlement of Germans*

German settlement in Poland can be attributed to type one of Seton-Watson's typology. Most of the western provinces of today's Poland were German for centuries. These lands, particularly Silesia and Pomerania, were heavily settled with Germans by the 12th century (Magocsi 1993, 105). Consequently, when borders shifted after World War I and again after World War II, a rather large German population was left within the borders of Poland, forming the basis for the post-war expellees and *Aussiedler*.

The issue of the initial settlement of Silesia and Pomerania is a difficult and tendentious one. Each side in the debate claims to have had the earliest settlement. Some claim that Germanic tribes first occupied the land in the ninth century (Interview, Heimatgruppe Kreuzberg/Guhrau, 14 June 1997), while others claim that Slavic tribes had that distinction. After the debate on initial settlement, however, there is general agreement on the development of population in the border areas. In the twelfth century, Polish nobility, church leaders and rulers called for Germanic settlement in Silesia and Pomerania to help raise the low population density in the area. German farmers, monks, craftsmen and merchants answered the call and settled just to the east of the German lands, in Poland.

The military situation in twelfth century East-Central Europe was, furthermore, far from stable. The Poles and the Prussians had numerous conflicts, as did the Poles with various tribes in the area. Consequently, Conrad of Mazovia or, perhaps, Henry of Breslau, invited the Teutonic Knights in 1226 to protect the Polish borderlands (Zajaczkowski 1935, 19ff). After several years of negotiations and trickery, the Knights succeeded in achieving mastery of their

own city and spreading German colonization and cultural influence still further, gradually occupying most of what became known as East Prussia. Growing in influence until their decisive defeat by the Poles at Grünwald in 1410, the Teutonic Knights left their mark on Poland in the form of increased German colonization and noticeable architectural remnants, such as the castle at Malbork, or Marienburg, in northern Poland.

Meanwhile, German colonization in Silesia continued, and Silesia became a German territory in the 14th century and colonization was no longer regarded as such. Silesia passed into Habsburg rule in 1526 and remained part of the Austrian Empire until 1740, at which point it passed to Prussia. In addition, Polish nobility elsewhere in Poland also encouraged German peasants to migrate to Poland; new land had to be cultivated, and noble landowners did not want to spare their own serfs for the labor (Hagen 1980, 5). However, in an attempt to lure the Germans to Poland, the nobility granted the Germans many privileges, such as contractual claim to their lands and personal freedom. Fleeing religious persecution or lack of land to be cultivated in Germany, many German peasants in the sixteenth and seventeenth centuries took advantage of the privileges and migrated to Poland. In the eighteenth century, German peasants continued to migrate to Poland, now fleeing military conscription. The impact of the Swedish invasion of the seventeenth century had a devastating impact on Polish urban population, thus necessitating migrant labor in the cities as well. German labor in the eighteenth century rebuilt fifteen cities and built ten new ones (Hagen 1980, 6). The textile industry in Silesia, for instance, was almost completely appropriated by German laborers (Hagen 1980; Schofer 1975).

In 1772, Poland experienced the first of three partitions. Prussia, Russia and Austria-Hungary each took portions of Poland. Again in 1793, Prussia and Russia acquired new sections

of Poland and, finally, in 1795, Poland disappeared from the map as Russia, Prussia and Austria-Hungary divided the remaining Polish lands among themselves. While Polish nationalism and national pride flourished during the time of the partitions (1795-1918), the German presence increased as well. By the end of World War I, there is once again significant disagreement over the population. Polish and German populations had lived together and intermarried to the point that it was difficult to say who belonged to which nation.¹ Polonization had proceeded in some areas, while in other areas Poles had undergone some degree of Germanization. A Silesian plebiscite in 1920 on the question of Silesia's future – whether Germany or Poland – attempted to clarify the situation. An overwhelming choice for Germany – 97% – resulted in Silesia remaining a German province. In Upper Silesia, a similar plebiscite took place, with the majority (60%) again voting for Germany. However, significantly less than 60% of the population was regarded as German. Were they Germanized Poles, or Polonized Germans? Both these territories remained in German hands, but Pomerania, or West Prussia, was granted to Poland after World War I. While the settlements at the end of World War I attempted to solve the problems of multi-national empires, in fact, the situation was merely worsened.

When World War II broke out, serious concern was exhibited over whether the German minority in Poland would form a Fifth Column and aid the Nazis. Hitler annexed Silesia and parts of Poland to Germany and set about a Germanization campaign of Poles living in those areas. At the close of World War II, the Polish border was shifted some 150 miles to the west, so that Poland lost territory in the east and gained it in the west, regaining Silesia for the first time

¹ Here, I use the term "nation" in its Eastern and Central European sense, that of an ethno-national entity. "State" is the political-territorial entity, as used by Max Weber. Although many in the west use these terms interchangeably, I do not.

since the Middle Ages. About 3.5 million ethnic Germans living in Poland were expelled westward, to Germany. Many remained, however, either having escaped expulsion by speaking Polish, being married to a Polish spouse, or having a skill which post-war Poland felt was needed. Meanwhile, somewhere between 1.5 and two million Poles were expelled by the Soviets from post-war Ukraine and re-settled in Silesia, empty of a significant part of its population, the Germans.

Post-War Treatment of Germans in Poland

After the initial expulsion of the millions of ethnic Germans from Poland in 1945, Polish policy was directed at crafting a Polish national identity. Poland had been divided and occupied by Prussia, Russia and the Habsburg Empire since the 1700s. During the late 1940s and early 1950s, perhaps partially in retribution, a strong Polonization campaign was waged against the ethnic Germans: German speakers were not allowed to speak German in any public place and were forced to Polonize their names: Schultz, for instance, became Szulc (Stoll 1989, 62ff.). They were essentially shut out of Polish political, social and economic life (Rogall 1993a, 178). Here, those Germans who had previously spoken German in their families became afraid to do so and children began to lose the language of their parents (Interviews, 25 November 1996; 28 November 1996; 27 February 1997).

In seeming contradiction to the Polonization policy, there are reports of some German language schools in Poland in the 1950s (Berlinska 1991, 45; Ekiert 1992, 95). However, the schools remained under the close and watchful eye of the Ministry of Internal Affairs (McQuaid 1991, 19). Whatever schools there were remained active just until 1959, when the Polish

government determined that there were only 3,500 "recognized Germans" left in Poland after more waves of emigration (Rautenberg 1988, 18). The schools, moreover, were only allowed in Lower Silesia, which, it is agreed, has the lowest number of German speakers (Schneider 1990, 42). Most areas, including Upper Silesia, not coincidentally those with the highest concentration of German-speaking autochthons, were not permitted to have any German language instruction until January 1990 (McQuaid 1991, 20; Schneider 1990, 42).

A matter of semantics is important in this discussion also: the campaign was termed a "re-Polonization" campaign, rather than assimilation. That is, the Poles were simply re-Polonizing the ethnically Polish population that the Germans had Germanized (Stoll 1989, 62). "Assimilation" implies that there was a foreign element which had to be seamlessly integrated, yet this was not the image the Polish government wished to perpetuate. Hence, the re-Polonization campaign was developed. This campaign, while not officially continued past the mid-1950s, left its mark on the Germans in Poland, causing them to be insecure in expressing their Germanness: "[a] fear of declaring that one is German still persists throughout our minority. We know of many cases of Germans living in Poland being afraid to admit to their ethnic identity. We want to give them their identity" ("Problems of Opole Germans" 1994, 36-7), a phenomenon which I discovered in my interviews with *Aussiedler* as well. Many kept their Polonized names until the 1990s (Rogall 1993b, 37) or emigrated to Germany. Because of their Polonized names, however, the Polish government pegged the émigrés as Poles taking advantage of the economic opportunity in Germany. The Polish government continued to deny the existence of a significant German minority in Poland through the 1980s. Perhaps the best measure of the Poles' non-recognition of any minorities in Poland were the national censuses

under Communism: no information was provided on nationality or ethnicity (McQuaid 1991, 19).

Until the early 1950s, permission to leave Poland was easily granted to ethnic Germans, of whom there were a varied number, depending upon the source. One German source states that there were about 1.7 million German citizens left in Poland in 1950 after the four massive waves of expulsion from 1944 to 1948 (Rautenberg 1988, 15). A Polish source does not cite numbers, but says instead that:

the Federal Republic has created a theory that there is a German minority in Poland. ... The theory completely disregards the fact that this group in the overwhelming majority consists of these former German citizens who as Polish autochthons were not subject to the compulsory transfer from Poland (Janicki 1988, 305).

Janicki claims that, while they may have been former German citizens, in post-war Poland, they were Polish citizens who were, furthermore, ethnically Polish. Should any of the autochthons return to Germany, it was not because they truly felt themselves to be German, but because they, "for various, rather utilitarian reasons, have decided to make use of their partly German origin or German family ties" (Janicki 1988, 308), that is, to flee to the country of the *Wirtschaftswunder*. These émigrés have also been called *Volkswagendeutsche* (McQuaid 1991, 21), those who invoke their German ethnicity at various, historically and economically opportune moments.

After 1955, when family unification became the official Polish policy, many more Germans materialized and left for Germany than the Polish government had ever acknowledged were in Poland (Cholewa 1990, 75). About that time, furthermore, the Communist government instituted a policy which could be seen as getting rid of troublemakers: letting Polish autochthons emigrate, so emigration numbers continued to rise (Cholewa 1990, 78). In admitting

to an error of the Polish government, Janicki offers an explanation for the emigrations: "The errors committed during the verification² caused profound resentment among some autochthons and their later emigration from Poland under so-called the [sic] family reunion campaign" (Janicki 1988, 307). Thus, all the subsequent migrations were of autochthonous peoples, and not Germans: "one can assume that the migrations of Germans from Lower Silesia came to an end at the end of the 1950s and the beginning of the 1960s" (Cholewa 1990, 79). Although the Polish government might appear as fallible, there were still no Germans in Poland.

After 1959, the Polish government asserted that there were still a large number of autochthons in Poland, while the German government claimed that a substantial German minority remained in Poland. Until 1970, Polish and German policy toward the German minority remained fairly stable, although certain warming trends were to be seen. At the end of the 1960s, Willy Brandt, then German Chancellor, initiated his policy of *Ostpolitik*, the movement toward the East. Thus, relations started warming between East and West. In 1970, the German and Polish governments signed a normalization treaty, reaffirming borders, which also included among its articles one paragraph on the emigration of ethnic Germans (Rautenberg 1988, 20). The normalization treaty was further strengthened five years later, when the CSCE talks in Helsinki confirmed the treaty (Rautenberg 1988, 20).

Poland and Germany – unlike many post-Communist states – have, for the most part, settled their differences over the German minority and the German-Polish border. In 1989, 250,000 Germans left Poland for Germany and between 1990 and 1992, a further 170,000 left

²"Verification" refers to the process of "verifying" whether an individual was indeed a Pole or not.

(Mihalka 1994, 43), despite the official Polish claim that in 1989 there were only 2,500 Germans left in Poland (McQuaid 1991, 20). Until 1991, and the final signing of the post-war cooperation treaty, declaring the Oder-Neisse border to be the final Eastern frontier of Germany, Poland remained on edge, sure that it would lose out in German unification, either economically or territorially. Nonetheless, Lech Walesa sent a letter to voters in November 1989, officially and publicly stating the following:

With us living in Poland are Ukrainians and Byelorussians, smaller groups of Lithuanians, Jews, Slovaks, Germans, Czechs, Armenians, Tartars, Orthodox and Greek-Catholic believers and Protestants. At this moment of reawakening of national hopes we should revive the traditions of tolerance and respect in the name of our common past, but particularly in the name of our future. ... How to preserve their dignity without hiding as Poles, how to raise their children in the spirit of their own nation. ... That is our human and moral duty ... (qtd. in Suchocka 1990, 72).

This announcement by Walesa, together with the signing of the 1991 treaty, hastened the improvement of Polish-German relations.

Shortly after his appointment as the first post-war non-Communist prime minister, Tadeusz Mazowiecki removed minority affairs from the Ministry of Internal Affairs to the Ministry of Culture, where a new Task Force for National Minorities was created. German-language schools were greatly expanded and the right of minorities to organize was granted (McQuaid 1991, 20; Suchocka 1990, 72). Once the treaty was signed, which, among many other agreements, guaranteed equal rights for Poles in Germany and Germans in Poland, Poland and Germany have started working together. In Poland, over 300,000 have joined the Cultural-Educational Society of the German Minority and are "demanding the return of churches, the restoration of cemeteries, access to mass media and German language training, as well as

bilingual names for cities, streets, and institutions" (Rachwald 1993, 245). Polish law supports these demands: "the ethnicity of a citizen is his or her private affair and the state has no authority to verify declarations of ethnic origin" (Rachwald 1993, 245). As time has passed, German-language libraries, schools, church services and other social and cultural venues have been organized (Lintner 1991, 796-7; "Problems of Opole Germans" 1994, 36). The times have changed: as long as an individual does not overtly threaten the integrity of the Polish state, he or she may claim to be German. Merely claiming Germanness is no longer seen as an implicit threat in and of itself.

Thanks to the change in Polish policy, a new actor has emerged on the stage of the drama concerning the German minority in Poland: the German minority itself. The German minority has established political parties, including the Association of Polish Citizens of German Nationality and, more menacingly, the East Prussian Wolves (Bugajski 1995, 146-7). In 1991, the German minority achieved seven seats in the *Sejm* and one in the Senate (McQuaid 1991, 21). It has achieved a voice in the post-Communist state of Poland and will not allow itself to be a pawn of the Polish and German governments again. In the new age of political pluralism come to Poland, the German minority is one of the most organized and coherent political forces in Poland, as evidenced by its strong showing in the Opole region, where it won 26% of the vote in 1991, a stronger and more cohesive showing than any of the other parties in Poland (McQuaid 1991, 21). Neither the Byelorussian minority, numbering 250,000, nor the Ukrainian minority, numbering around 400,000, was able to attain seats in the *Sejm* (McQuaid 1991, 21-2; Rogall 1993b, 38).

The mere fact of the Germans' comparative political success illustrates the strong organizational capacity of the German minority as well as the importance of its backing from the Federal Republic. The expellee organizations set up camp in Silesia after 1990 and "made the politics of the German minorities in the 'Heimat' – the wider homeland – its business" (Hockenos 1991, 12). The support of the German expellees seems to have been as much a hindrance to the minority as a help. Initially, the expellee associations helped with much-needed basic organization, with which they had had first-hand experience. They also whipped up German nationalistic fervor among the minority, which subsided after the signing of the 1991 treaty (McQuaid 1991, 21).

Recently, however, the expellees' help is something that the minorities neither want nor need. Most of the minorities do not support the expellees' claims and find them amusing:

Adjusting borders, revanchist schemes – he [a Protestant Church reader in Silesia] has no interest in such things, and he only laughs at Herbert Czaja's Leagues of Expellees. What he wants sounds sensible rather than alarming: to speak the German language, to read German services, and last but not least, to sing – yes, sing – Schumann lieder! (Schneider 1990, 62).

Even an elected *Sejm* representative of the German minority laughs at the grandstanding of the expellee organizations:

Henryk Kroll acquainted the audience with the numerical strength of the German minority in Poland. 'Everyone paints a different picture,' he laughed. As far as Primate Glemp is concerned, we do not exist at all, while Czaja [German expellees' activist] believes that there are 2 million of us here. I would estimate our number at 70,000-80,000' ("Problems of Opole Germans" 1994, 37).

Whether the minority welcomes the expellees' help or not, "The dreams of [the expellee organizations] of course, are those of yesteryear and likely at most to be an irritating embarrassment in the new era of Polish-German relations" (Moody 1991, 24). Ironically, the

expellee efforts to "help" the minorities, i.e., further their own cause, has had more negative than positive effects.

Currently, extremists remain on both sides of the debate over the German minority in Poland, but for the most part, all parties involved have arrived at a consensus. The German-Polish border is guaranteed and the rights of national minorities are legally established in Poland. There seems to be no clear answer as to whether the Silesians are German, Polish or have developed a distinct identity as Silesians.

Romania¹

The Settlement of Germans

The area of most concentrated German settlement in Romania is Transylvania, an area, which, like Silesia, has been a border area for centuries. Transylvania was long a part of Hungary before passing to the Ottoman Empire in the seventeenth century. Under the Ottoman Empire, Transylvania became a semi-independent state, yet continued to owe political loyalty and admit Ottoman troops in fortifications in Transylvania. Under the Ottoman Empire, Romanian influences were quite strong, extending to Romanization of indigenous Magyar populations. German populations tended to be able to resist Magyarization, thus retaining a sense of German community. In the late eighteenth century, Transylvania was returned to Hungarian rule, this time under the auspices of the Austro-Hungarian Empire. Transylvania remained a part of the Austro-Hungarian Empire until its collapse during World War I when Romania's borders were

¹ Sources: *Aussiedler* (Iris Möckel and Horst Pötzsch); *National Minorities in Romania: Change in Transylvania* (Elemer Illyes); *Historical Atlas of East-Central Europe*; *Deutsche in Siebenbürgen*

expanded in 1919-20 to include Transylvania. Although historical Romania had not included Transylvania, in an effort to decrease ethnic minorities after World War I, Transylvania was granted to Romania by the victorious powers. Indeed, in 1920, Transylvania's population was majority Romanian: approximately 57% Romanian, 26% Hungarian and 11% German (Illyes 1982, 56-7). Ethnic uniformity was still not achieved, even despite the outflow of a large number of ethnic Hungarians in 1920. Transylvania was, and is, of a distinctly different character than historical Romania. A different history, culture, economic structure and political development continue to mark Transylvania today as a unique part of Romania. Returning to Seton-Watson's categorization of minority settlement, we can conclude that German settlement in Romania belongs to Seton-Watson's second category; that of the settlement of a minority far from its mother nation.

The first German settlement to the territory of today's Romania came in the twelfth century, under Hungarian leadership. King Geza II (1141-1162) invited German colonists to settle in Transylvania to defend the borders against recurrent invasions of the Turks. Although these settlers largely came from today's Hesse and Rhineland-Palatinate, they became known as Transylvanian Saxons (*Siebenbürger Sachsen*). Later, under King Endre II (1205-1235), the Teutonic Order received an invitation to settle in Transylvania as well, also as a bulwark against Turkish invasions. However, shortly thereafter, their ambitions of independent statehood, such as had been created in the Gdansk area in Poland, made them unwelcome and they were expelled from Romania. Nonetheless, despite the expulsion of the Order, increased German settlement remained in the Order's wake.

(Annemie Schenk); *The Politics of Identity: Transylvanian Saxons in Socialist Romania* (Marilyn

Endre II also granted special rights to the Transylvanian Saxons in the so-called "Golden Charter" of 1224, granting them a "privileged nation" status, in addition to the Magyars and Szeklers' (Illyes 1982, 13). Two centuries later, their privileges were expanded still further as King Matthias Corvinus (1458-1490) granted the Saxons a "University of the Saxon Nation," an institution which henceforth would be responsible for the Saxons and for managing the economy, justice and internal regulations. A freely elected Saxon Assembly was also created.

The acquisition of Transylvania by the Austro-Hungarian Empire resulted in a limitation of special privileges for the Transylvanian Saxons. Yet German settlement *per se* was not frowned upon; in the early eighteenth century, German settlers were called for once again to act in a dual capacity. Turkish invasions had severely depopulated areas of the Banat in southwestern Transylvania and, rather than allow the rival Romanians to increase their population, the early Habsburg rulers called for increased German settlement instead. Germans were again needed to serve as border guards, in exchange for a land grant. They would cultivate the land and at the same time, serve as a frontier guard against the omnipresent Turkish invaders. These German settlers came to be known as the Banat Swabians (*Banater Schwaben*). The Swabians developed their own economy, covering agriculture as well as middle-class artisanry and small landowning peasants. Also during the 18th century, Germans settled at the wish of the Habsburg government in the Sathmar region, becoming known as the Sathmar Swabians (*Sathmarer Schwaben*). Perhaps partially because they never had political representation, as had the Transylvanian Saxons, many Swabians underwent Magyarization, losing German as a main

McArthur).

⁴ Another group of settlers, Hungarian in origin.

language and gaining Hungarian. This tendency was later accentuated when the territory which the Swabians inhabited was divided after World War I between Romania, Hungary and Yugoslavia. The Saxons, on the other hand, retained a strong sense of German identity. Each group of Germans in Romania had an individual settlement history.

After World War I, Romania was re-created as a state and Transylvania was granted to Romania, remaining an ethnically mixed area. Hungarians and Germans both became ethnic minorities in a single multinational state, rather than ethnic groups in an ethnically heterogeneous Empire. The Germans were at somewhat of an advantage in that they had continued experience as a minority, whereas the Hungarians were accustomed to being in the majority. Consequently, the Germans were better able to form minority political organizations initially and the Hungarians lagged behind in organization. Additionally, the Hungarians were regarded as the enemies of Romania, whereas Germans were more neutrally, or even positively, viewed.

During the interwar period, the situation for ethnic minorities changed for the worse in Romania in relation to the Habsburg Empire. The 1923 constitution did not, despite the advice of the Allies, take into account minority protection. While Romanization of the minorities was not attempted in the inter-war period, disadvantages did grow for ethnic minorities in the inter-war period. The Germans, however, due to their previous experience as ethnic minority, succeeded in minimizing these disadvantages. Particularly in areas of contiguous German settlement, through high church taxes, German schools were maintained and even expanded until 1945. The post-war German organization, the *Verband der Deutschen in Rumänien*, which was founded in 1921, gradually replaced the role of the Saxon University, which was ultimately disbanded in 1938. As

time went by, the party grew ever more fascist until, in the mid-1930s, the party became a branch of the NSDAP. As Romania itself was also growing increasingly fascist, the German minority remained favored as Romania increased ties with the Hitler government in Germany. In this manner, the Germans retained an advantage over the Hungarians. By 1938, the Romanian government even officially recognized the "People's Community of the Germans in Romania" (Illyes 1982, 78).

In 1940, German military arrived in Romania, further improving the economic, cultural and social advantages of the German minority. Meanwhile, the relations of the Hungarian minority with Romania continued to grow increasingly antagonistic. However, 1940 was not altogether a good year for the German minority. In June 1940, the Soviet Union annexed Bessarabia, North Bukovina and part of North Moldavia. In August 1940, North Transylvania was divided between Romania and Hungary. Germans were left in all these areas and roughly 200,000 were resettled to parts of the then German Reich, largely what is now Poland.⁵ In 1944, Romania shifted alliances from German to what it perceived as the winning side of the war, the Soviet Union. Roughly 100,000 Romanian Germans fled to Germany, while another 80,000 were deported to the Soviet Union to work in labor camps.

Post-War Treatment of Germans in Romania

In 1945, immediately after the war, while wide-scale expulsions, such as in Poland, did not occur, the German minority lost all political and some civil rights. Only in 1950 did the ethnic Germans once again receive the right to vote. By 1956, they received the rights and

privileges of the minority protection laws and were guaranteed equality with ethnic Romanians. Also in 1956, their houses and farms were returned to them; the land that had accompanied the farms was not returned. While collectivization applied to all Romanian citizens equally, regardless of ethnicity, it can be said to have hit the Saxon population more strongly, as they had a higher percentage of people living from the land. Life slowly started to normalize in the late 1950s and German cultural and social life continued to thrive in Romania. Again, in contrast to Poland (and, as we will see, in Russia), Romanian Germans were largely permitted to practice their German culture, although the schools were removed from Saxon control to Romanian control, thus enabling the Communist leadership to exercise its power more efficiently. German-language schools were permitted to function, but the further development of the Saxon community did suffer. The social structure of the Saxons changed dramatically from a primarily agriculture-based society to one that was largely urban (Schenk 1992, 172). This shift, due to collectivization and industrialization in Romania, had the end effect of breaking down Saxon community ties (McArthur 1976, 1981; Verdery 1985). The resettlement of Romanians to Saxon villages also had the effect of weakening Saxon community ties. Inter-marriage between Saxons and Romanians rose, thus further weakening the community. In short, the German ethnic group was slowly disintegrating, aided by the small but steady flow of Saxons to Germany. Always in an unstable position, the ethnic Germans suffered from the nationalistic upwelling in Romania during the 1974 oil crisis. In 1978, Romanian leader Ceausescu and German Chancellor Helmut Schmidt reached an agreement on the return of ethnic Germans to Germany; the flow of returnees increased from approximately 7,000 per year in the 1970s to 14,000 per year in the first

⁵ These unlucky people were, thus, deported twice: once to Silesia and, very shortly thereafter, to post-war

half of the 1980s. By providing the option of emigration, this policy further broke down the integrity of the Saxon communities in Romania, giving Saxons still more impetus to leave, creating a cyclical effect with no end. It is said that during the 1970s and early 1980s ethnic Germans were Romania's most lucrative export, since the German government actually paid a price for each Romanian German who was permitted to return to Germany: "during the 1980s over 140,000 moved to West Germany, their freedom reputedly bought by the West German government at DM 8,800 a head" (Treasure 1991, 25).

Russia/Soviet Union

The Settlement of Germans

The history of the ethnic Germans in East-Central Europe has yet another twist with the settlement in Russia, and we can draw upon Hugh Seton-Watson's third category of minority settlement: that which takes place within a mixed population, as, for instance, within the multi-ethnic Russia and later Soviet Empire. Although German migration had been known since the seventeenth century, the single largest wave of German settlement to Russia came in 1763. Prior to 1763, German craftsmen had already migrated to Russia either for a short time or on a longer-term basis, even forming a German community outside Moscow. In 1763, just one year after her accession to the throne, Catherine the Great, herself of German origin, issued a manifesto with the intention of improving the cultivation and economic situation of Russia. Particularly given the high percentage of Russians in serfdom, Russia's population was not sufficient to cultivate

Germany.

Russia's vast landholdings, nor were they trained in various crafts. Thus, a vast expanse of the country's resources lay untapped:

We perceive that, among other things, no small number of such regions still lie unimproved that could be employed with lucrative ease for a most productive settlement and occupation by mankind, most of which regions conceal within their depths an inexhaustible wealth of multifarious precious ores and metals; and since the selfsame [regions] are richly endowed with forests, rivers, seas and oceans convenient for trade, so they are also exceptionally well adapted for the establishment and growth of many types of mills, factories and various other plants (qtd. in Koch 1977, 13)

Catherine, as so many rulers before and after her, saw foreign labor as the solution to the present, but unattainable natural resources:

We permit all foreigners to enter Our Empire in order to settle down in any government wherever it may suit each of them. ... In order, however, that the foreigners who wish to settle in Our Empire may become apprised how far Our benevolence extends to their interest and advantage, this then is Our will: (1) To grant all foreigners entering Our Empire the unhindered freedom of religious worship in accordance with their church dogmas and practices ... We grant permission to build churches and campaniles ... (2) None among such foreigners coming to settle in Russia shall be compelled to pay the least in taxes into Our treasury ... (7) Such foreigners who have settled in Russia shall, during the entire time of their living here, be enlisted against their will in neither the military nor civil service. ... All the aforementioned benefits and accommodations shall be enjoyed not only by those themselves who have come into Our Empire to make their homes, but also their surviving children and descendants, even though they were born in Russia (qtd. in Koch 1977, 13-17).

While this invitation was open to all foreigners, Catherine instituted aggressive recruitment particularly within German lands. The promise of the freedom of religion was a welcome one to many Germans, who still were not free to practice their religion. While the Peace of Westphalia (1648) had solved some problems, it had succeeded in creating others. The Seven Years' War was waging in parts of Germany at the time, and emigration to Russia offered not only freedom of religion, but freedom of profession, a land grant, and freedom from taxes. Families wishing to pursue agriculture were granted 60 acres each (Eisfeld 1991, 10), while those wishing to pursue

trades were automatically granted admission to the guilds as well as being granted burgher status within the cities (Koch 1977, 14). Nearly 30,000 Germans took advantage of Catherine's offer between 1764 and 1767, settling either in the Volga region or near St. Petersburg. In 1803, the German colonies in the Volga region achieved an autonomous status. Meanwhile, German colonists slowly continued to settle in the Black Sea region, where each family was granted 130 acres of land to cultivate. The settlement in Russia corresponds roughly to events in German lands: in the early nineteenth century, taxes in Germany were raised drastically to cover the destruction resulting from the Napoleonic Wars. Hence, migration toward the generous policies of the Russian Empire seemed a viable option to many.

During this time period, Germans became an ever-increasing and integral part of Russia. Known for their grains and breads, the Germans created a niche within the Russian economy, particularly with the development of the railroad. While the German communities had been granted autonomy in the early 1800s, a growing Slavic nationalism fostered distrust of the Germans and a fear of Germanization. Even though some Germans showed their support of the Russian motherland by voluntarily providing non-combat services in the Crimean War, anti-German feeling slowly gained a foothold. In the interests of avoiding Germanization, attempts at the Russification of the German community were made. In 1891, German schools were Russified and some privileges were curtailed. In the years leading up to World War I, anti-German sentiment increased and, in 1915, Germans were removed from border areas for fear that they would support German troops. Germans who were in the Russian forces were removed from the Russian-German front and sent to fight the Turkish forces. After World War I and the Russian Revolution, the situation for the Germans began to normalize and, in 1924, the Volga Region

was granted the status of Autonomous Soviet Socialist Republic. The Volga Republic was born, where German was not only the vernacular, but also the language of schooling and of administration. The success of the German community in forming its own republic was short-lived, however. When Hitler came to power in Germany in 1933, Germans became, once again, potential enemies of the state. Some measures were taken against Germans then, while in 1935, the German districts, or *rayons*, began being dissolved. Arrests and deportations of Germans on trumped-up charges of spying began occurring. The *Anschluss* of Austria and the annexation of (parts of) Czechoslovakia worsened the situation for ethnic Germans within Russia; in 1938, German-language schools were closed. The generous provisions within the Volga ASSR were gone; many young Germans born within the ASSR spoke only German and, in 1938, were suddenly placed in Russian-language schools. Hitler's declaration of war against Stalin in 1941 was the final impetus to destroy completely the German community within Russia. Stalin feared not only that ethnic Germans might side with Hitler against the Russian Motherland, but also that they might incite ethnic Russians to the same goal. After all, Stalin's purges, which had killed around 20 million Russian citizens, lay only 15 years back. Consequently, Stalin's initial response was to remove the Germans as far away as possible as quickly as possible. In the interests of creating a reason to deport the over 600,000 ethnic Germans, the Presidium issued the following:

According to trustworthy information received by the military authorities, there are among the German population living in the Volga area thousands and tens of thousands of diversionists and spies, who on a signal being given from Germany are to carry out sabotage in the area inhabited by the Germans of the Volga.

The decree went on to state that, in the case of such actions being taken by the Germans, the Soviet government would be forced to take punitive action. Thus, to avoid having to take such strict steps,

the Presidium of the Supreme Soviet of the USSR have found it necessary to transfer the whole of the German population living in the Volga area into other areas, with the promise, however, that the migrants shall be allotted land and that they should be given assistance by the State in settling in the new areas (Giesinger 1974, 305).

This decree resulted in the forced deportation of over 600,000 ethnic Germans from various parts of the Soviet Union to internment camps in Kazakhstan and Siberia. Meanwhile, Germans who had been in the Soviet armed forces were removed and put to work in the so-called "Labor Army" (*Trudarmee*). The 100,000 men in this "army" built railroads, canals and roads and worked in factories and mines during the war.

Post-War Treatment of Germans in the Soviet Union

The ethnic Germans remained in internment camps during World War II. Restricted to these camps during this time period, the Germans were also prohibited from owning land or from publicly speaking German. They were released only in 1955, when a government decree was issued, setting them free. However, the decree neither acknowledged wrongdoing on the part of the Soviet government, nor offered any compensation for suffering. The statement was merely made that they should be released from the camps. Indeed, on the other hand, the decree made clear that

It is laid down that the revocation of the restrictions on the Germans connected with Special Settlement does not imply the return of the property confiscated in connection with the deportation, and further that they do not have the right to return to the regions from which they were deported (Giesinger 1974, 317).

It has been suggested (Fleischhauer and Pinkus 1986, 110) that the absence of any fight by the Germans to return to the Volga Region played a role; the Chechens were similarly deported, but agitated to return home, and were ultimately permitted to do so. Not until 1972 would Germans be permitted to live anywhere within the Soviet Union they chose. By this point, of course, the majority had managed to make a life for themselves in the areas of deportation. Consequently, many chose to stay.

After the release from the internment camps, German youth had not had official instruction in their mother tongue for almost twenty years. Starting in the late 1950s, German began to be offered as a subject in some Russian schools, although it was often restricted to one or two hours per week – a severe departure from the generous pre-war provisions. Some German publications and radio broadcasts slowly began to be seen and heard in some locations, but were quite limited and did not reach a fraction of the estimated 1.5 million Soviet Germans. As the Soviet Union discouraged religion altogether, the Germans' religious services were either entirely abandoned or practiced in private homes. As part of the normalization of Soviet Germans, they were, as of 1956, required to serve in the military – never before required of Russian Germans. Many of the Germans were Mennonites and had a religious objection to serving in the military. A number of families emigrated to the United States, to Canada and back to Germany.

While the German post-war experience in the Soviet Union differed somewhat from area to area, some commonalities remain: partially due to the effective war-time propaganda of the Soviet government, Germans continued to be reviled as the People's Enemy. The sound of the German language often brought forth the cry "fascist pig" from nearby Russians. Consequently,

the habit of speaking German publicly died out. Many parents hesitated to teach their children German for fear they would be targeted by schoolyard bullies. The Germans' struggle to maintain a cultural identity distinct from the Russian or Kazakh remained a difficult one. As we can see from Table 2.1, the percentage of ethnic Germans reporting German as their mother tongue dropped significantly over the post-war era. Of course, not all Germans had been deported. Some remained in small isolated communities, where they had even less opportunity to speak German, owing to the poor communications and isolation. These communities had too small a German population to start a German-language newspaper or school and were too isolated to receive radio broadcasts. These problems surface again today, as Germans living in isolated areas struggle to learn German to apply for *Aussiedler* status.

Table 2.1: Percent of Ethnic Germans Reporting the German Language as their Mother Tongue

Year	Percent Reporting German as Native Language
1926	95%
1959	75%
1970	70%
1979	58%
1989	49%

Source: Eisfeld 1991, 19

Ethnic Germans were consistently under-represented in political organs (*soviets*) and in the Communist Party. However, as we shall see (Chapter Five), this actually became a benefit to the ethnic Germans who wished to migrate to Germany as *Aussiedler*.

With the coming of glasnost and perestroika, the ethnic Germans' life became somewhat easier. New German associations were formed, including the association *Wiedergeburt*, or Rebirth, German churches could be founded and the German language began to be taught more

often. Since 1993, the German government has started an initiative to create and support German communities in Russia; so-called "Islands of Hope," an attempt to encourage ethnic Germans to stay in the former Soviet Union. Since the election of the SPD government, less money is being given to these communities, but they remain a part of the German government consciousness.

The post-war fate of the Russian Germans was undeniably on a different scale than that of any of the other settlements of Germans in Eastern and Central Europe. The Russian Germans were deported and incarcerated solely on the basis of their ethnic identity. They fell from the position of privileged minority to one of despised and persecuted minority. This sudden descent is well-documented and is recognized by the German government, which today restricts admission of ethnic Germans almost exclusively to the former Soviet Union.

Conclusion

It is clear that the Germans across Eastern and Central Europe had different experiences depending upon the area in which they were living. Until World War II, however, all of them maintained the concept of themselves as German and lived in German communities and even in German regions. Many observers of the *Aussiedler* phenomenon regard the *Aussiedler* as migrants who left Germany centuries ago and have no ties to Germany. It is certainly true that the *Aussiedler* have few ties to contemporary Germany, but until World War II, German communities – cultural, ethnic and linguistic – were maintained. Today, older *Aussiedler* speak a fluent German, but are overwhelmed by the modernity of the society. Younger *Aussiedler* – born during or after World War II – were not, as described above, permitted to speak German in post-war Eastern and Central Europe, and thus speak little, if any, German, but are more able to come

to terms with the modern German society. The history of the German settlers in Eastern and Central Europe sets the stage for the experiences of the *Aussiedler* in Germany.

CHAPTER THREE: CITIZENSHIP IN GERMANY: Legal Background of Ethnic German Migration

Introduction

Just as the creation of the United States' *jus soli* citizenship law was influenced by the need to include Black Americans in the post-Civil War polity, so Germany's *jus sanguinis* citizenship policy has been affected by its history and the need to include certain populations. The centuries-old division of Germany into different states, accompanied by the migration of Germans, both within German states and outside of German lands, played a central role in the reliance of the 1913 RuStaG upon the basis of descent as well as in the subsequent amendments and additional laws.

Today's German citizenship policy is often mistakenly regarded as an ethno-culturally restrictive law which arose from exclusively ethnic bases. One of the factors feeding into this widespread viewpoint is the continuing reliance in Germany upon the 1913 German citizenship law, the *Reichs- und Staatsangehörigkeitsgesetz* (Imperial and State Citizenship Law, or RuStaG). However, this law was not written with the explicit intention of being restrictive, nor is it maintained today for exclusive reasons. As we will see, the 1913 citizenship law was written largely in the interests of Germans who had left their German state of origin – those settlers discussed in Chapter Two – in an attempt to retain their loyalty. While the 1913 law does continue to form a basis of the current citizenship policy in Germany, the RuStaG does not represent the maintenance of an ethnically exclusive law.

In this chapter, I will discuss the passage of the 1913 law, which was closely linked to Germany's history of emigration, including the circumstances surrounding its passage and the

central issues debated. When Germans left for the easternmost parts of Germany, and still further east, many generations ago, they were not viewed as immigrating, but as "settling" or "colonizing." Consequently, as noted earlier, their descendants, the *Aussiedler*, are viewed as "returning" to Germany. Thus, as we will see, one of the important elements in citizenship law became a means of maintaining these settlers as German citizens, both for their own welfare and as a source of soldiers for the German military, or loyal supporters of Germany living abroad. This background forms the basis for the 1913 law.

Second, this chapter will address the continued relevance of the 1913 law in post-war Germany. I will argue that, while the RuStaG is *de jure* maintained in post-World War II Germany, this law was not maintained for nationalistic reasons. Thirdly, I will argue that, while this law does persist today as the general basis for German citizenship policy, it has not only been amended numerous times, but also supplemented by other laws, such as the Foreigners' Law and the Law for the Regulation of Questions on Citizenship, so that, in the post-war period, we can no longer refer to one single German citizenship law, and that the RuStaG is, *de facto*, no longer the same law. No one law covers the different aspects of the regulation of citizenship in Germany. To the contrary, there are three areas of citizenship policy which are covered by a number of laws: birthright acquisition of citizenship; discretionary naturalization; and the right to naturalization, including the special case of the *Aussiedler*. Even the wide-sweeping reform of German citizenship initially proposed by the current SPD-led government¹ would not have replaced the RuStaG, but altered it and two other laws: the 1990 Foreigners' Law (*Ausländergesetz*, AuslG) and the 1955 Law for the Regulation of Questions of Citizenship

(*Gesetz zur Regelung von Fragen der Staatsangehörigkeit*, or StaReG). This aspect of German citizenship regulation is often overlooked or regarded as insignificant, as it was by Rogers Brubaker when he said that "[t]he 1913 system of pure *jus sanguinis*, with no trace of *jus soli*, continues to determine the citizenship status of immigrants and their descendants today" (Brubaker 1992, 165). While the 1913 law certainly determines the basic concept of German citizenship – that a child born to at least one parent with German citizenship receives German citizenship – other aspects of German citizenship are regulated by a host of other laws.

Finally, I will propose an alternate way of regarding German citizenship. It was not, I will argue, in 1913 that ethnicity became a significant element of German citizenship, but, rather, after World War II. After World War II, German citizenship became ethnicized, and new laws were passed, introducing German ethnicity as a determining factor in granting citizenship. This ethnically-influenced citizenship remained the status quo until the late 1980s, as the Cold War began to come to an end, at which point a trend toward de-ethnicization in German citizenship can be observed. I do not argue that German citizenship has changed overwhelmingly, but rather that certain *de facto* trends can be seen, first introducing ethnicity at the end of World War II – the beginning of the Cold War – and de-emphasizing ethnicity at the end of the Cold War.

Citizenship Development in Germany

German citizenship, both historical and contemporary, is often seen as ethnically determined, exclusionist and even racist due to its ascription of citizenship on a *jus sanguinis* basis. However, today's distinction between *jus soli* and *jus sanguinis* is artificially

¹ A first draft of the law was released on 13 January 1999.

dichotomized. Even citizenship in the United States, regarded as the ideal type of immigration countries, is not based on a pure *jus soli* principle. Indeed, an element of *jus sanguinis* persists: if children are born to American citizens abroad, the child becomes an American citizen, not because it was born on American soil, but because it was born to an American citizen. By definition, *jus sanguinis*. On the basis of this example, we can argue that the dichotomy of *jus soli* versus *jus sanguinis* is an artificial one. It is clear that states do tend toward one extreme or the other, but the characterization of any one state as a "pure" case generally reflects exaggeration. Germany does fall at the *jus sanguinis* end of the spectrum, which was introduced in the first all-German citizenship law of 1913, but there are other aspects of citizenship policy in Germany.

Until 1913, there was no single German citizenship. Germany's individual states granted citizenship to their residents, but Germany did not do so as a single political entity until the passage of the RuStaG, and even then, it must be noted that the law is referred to as the Imperial and State Citizenship Law, reminding us that the Empire was made up of different states. Its history since the Middle Ages has been one of divided states and separate governments. Numerous principalities, archbishoprics, duchies and other forms of government characterized the German states in the seventeenth century. It was only with the first partition of Poland in 1772 that Prussia began to take a leading role among the German states, which ultimately led to Germany's unification in 1871. However, even then, all of Germany was not a single unified state, but rather a loose confederation led by Prussia. Over twenty states made up the German Empire unified in 1871. This loose federal agglomeration has even been maintained in today's Germany, with its highly federal structure and sixteen individual states.

Citizenship in the German states in the eighteenth and early nineteenth centuries had tended to be based upon territorial affiliation. Indeed, although the word "citizen" first emerged in 1800, the term "subject" continued to be much more widely used, referring to the concept of belonging in the feudal state (Grawert 1973, 22). Belonging rested on the most basic level – citizenship in a state was based upon membership in a city. However, as migration among the German states increased, city membership began to be more problematic than anything else. Indeed, "the position as subject ... ended when the subject left the territory, regardless of whether the territory was left with permission or without permission, voluntarily or through forced deportation" (Grawert 1973, 90). Thus, any subject who was either forced to leave or who chose to leave his home city was rendered stateless. This status was particularly catastrophic in the case of poor relief, which was under municipal jurisdiction.

According to laws based on domicile or residence, each city, town or village was responsible for the poor relief of its residents. Should a resident move to another city or state, then, the new state was under no obligation to naturalize him or, subsequently, to support him. Indeed,

all paupers without the right of settlement in the particular municipality where they happened to be were liable to be deported to their home town, the next village, or anywhere else, as poor relief was a purely municipal affair (Fahrmeir 1997, 726).

The town would be willing to undertake the costs of transport, but no more. This division of duties marked "[t]he initial attempt of the state to define "who its poor were" (Grawert 1973, 134) [and] provided a criterion of belonging and marked the beginning of the practice of distinguishing legally between *Inländer* and *Ausländer*" (Barbieri 1998, 22). In an age of increasing mobility, a new means of determining membership rapidly became necessary. To

quote Dieter Gosewinkel, "[i]n the light of inter-state migration, birth within the borders of a state no longer represented a sufficiently stable criterion by which to define adherence to a state. In contrast to the older criteria, the quality of physical "descent" from a citizen of the state was held to be less ambiguous" (Gosewinkel 1998, 127). While a territorial marker is sufficient in states with clearly defined borders and little immigration, in a fractured political entity with high immigration, descent became the best means of determining citizenship and of reducing the number of paupers for which a state might be responsible.

The principle of descent – still independent from ethnicity – was first introduced into German citizenship law in Prussia in 1842. According to §2 of the Law Regarding the Acquisition and Loss of the Status as Prussian Subject as well as the Entry into the Service of Foreign Governments (*Gesetz über die Erwerbung und den Verlust der Eigenschaft als preußischer Untertan sowie über den Eintritt in fremde Staatsdienste*) was passed in 1842, any child born to a Prussian received Prussian citizenship (Franz 1992, 238). Ethnicity is not mentioned. Taken up by the 1870 North German Confederation Law on the Acquisition and Loss of Federal and State Citizenship (*Gesetz über die Erwerbung und den Verlust der Bundes- und Staatsangehörigkeit*), descent remained the primary basis for the acquisition of citizenship. The purpose of introducing descent was to clarify inclusion and belonging, as a means of avoiding the problems of those on poor relief. However, we note that both the 1842 law and the 1870 law include in their titles the concept of the loss of citizenship. Citizenship was not yet regarded as a status that, once achieved, remained permanent, as it is in the German Basic Law and in most other states.

The addition of descent as the basis for citizenship acquisition did not solve all problems. The new age of mobility was marked not only by Germans moving from one city to the next, or from one state to the next, but by Germans leaving German lands altogether. While Germans had a long history of traveling as merchants, farmers or hired soldiers, according to the 1870 law, any who left Germany – or the North German Confederation – for more than ten years without having registered at a German consulate lost their citizenship (1870 Law on the Acquisition and Loss of Federal and State Citizenship, §13). Farmers who had left Germany during a difficult economic period and, perhaps answering Catherine the Great's invitation in 1763 and a promise of a better life in Russia, remained away from Germany for ten years or more without registering would automatically lose their citizenship. These Germans conceived of themselves as settlers, and were generally seen as such by the German states. Indeed, they were known as *Auslandsdeutsche*, or Germans living abroad. They did not reject the idea of returning to a more economically robust Germany, or a Germany which might offer more freedom of religion. However, according to the North German Confederation's citizenship law of 1870, any German who lived abroad for more than ten years would return as a foreigner (Hansen 1999). Were any German to have been gone from his home state for more than ten years, his home city was under no obligation to re-naturalize him and provide him with welfare. This German could consequently find himself stateless with no means of financial support. While citizenship was granted on the basis of descent, this status was by no means permanent. Once having lost his citizenship, a North German had no claim to re-naturalization in his home state, and naturalization in other states was a long and involved process, including a fifteen-year minimum residence in some states, and was not always successful (Fahrmeir 1997, 745). The end result

was that a German could lose his citizenship in ten years, but not be eligible for another one for another five years.

The citizenship situation prior to 1913, then, was a precarious one. As migration among the German states increased, the possibility increased that a German residing in another German state would have no formal citizenship anywhere, having lost his citizenship in the first state by non-residence and not yet acquired the citizenship of the second state. Nor had the German states yet all acquired the same basis for granting citizenship and naturalization. According to Brubaker,

Before 1913, German citizenship law was internally inconsistent. It stood between two models – an older model of the citizenry as a territorial community, and a newer model of the citizenry as a community of descent, the former a product of the absolutist territorial state, the latter of the emerging national state (Brubaker 1992, 115).

Not surprisingly, the ultimate decision to base the Imperial German law on descent was not a straightforward one, indeed, "[t]his ethnocultural understanding of nationhood was not the only or even the dominant one in Imperial Germany" (Brubaker 1992, 126). Even in the cases when they did use the principle of descent (what Brubaker refers to as the "ethnocultural understanding"), however, the Germans were by no means consistent: "While Germans appealed to the principle of nationality to justify the incorporation of ethnocultural Germans in Alsace-Lorraine, they flouted this principle in the Prussian East" (Brubaker 1992, 127). This situation speaks not only of different policies in different German states – Alsace-Lorraine and Prussia – but also of a lack of clarity as to the policy that was to be followed.

The Passage of the RuStaG in 1913

The debates on the passage of a new all-German citizenship law took place with both these issues – poor relief and *Auslandsdeutsche* – playing a role. As we know from today's political debates, passing a new law can be a difficult and highly politicized process. The twenty-year debate leading to the passage of the RuStaG was no exception, and touched on many of the same issues central to the citizenship debate today. While today's discussions of the "ethno-culturally based" and "exclusionist" citizenship policy in Germany might lead a scholar to believe that an ethnically-based citizenship represented the sole political opinion in Imperial Germany when the RuStaG was passed, this is far from the truth. Indeed, the political debate that has thus far prevented the passage of a new citizenship law in contemporary Germany also complicated the political process in 1913. In contemporary Germany, "[t]he wide range of party political positions on naturalisation and attribution, combined with the "semisovereign" and consensus-oriented nature of policy-making in Germany (Katzenstein 1987) makes any sweeping reforms difficult." (Green 1997, 22). In 1913, the situation was no different.

The passage of the 1913 law was not a foregone conclusion. Germany in 1913 was not an entirely unified state, although Prussia was by far the largest of the German states and exerted the most power, holding well over half of the total seats in the parliament. The North German Confederation consisted of several states, while there were another dozen states with seats at the German parliament, who for the most part retained their own sovereignty. This loose confederation, then, met in the *Reichstag* to debate a new, all-German, citizenship law. Within the loose political patchwork that met to discuss an all-German citizenship law, there were at least two political factions. One – the left-leaning Social Democrats – supported a German-wide

return to the *jus soli* of the feudal tradition, while the other faction – the Conservatives and National Liberals – called for a shift to a German-wide descent-based law, such as had been introduced in restricted forms in Prussia in 1842 and the North German Confederation in 1870. Even Rogers Brubaker – the main proponent of the scholarly school arguing for Germany's ethnically-based exclusivity – offers the following quote from a debate about the proposed RuStaG in the *Reichstag*:

While the tendency of the government proposal is to facilitate the preservation and hinder the loss of citizenship on the part of Germans living abroad and their descendants, the discussions [in the *Reichstag*] manifested for a certain time the opposite tendency, [namely] to ease the acquisition of citizenship on the part of ethnically foreign [*staatsfremde*] elements (Brubaker 1992, 137).

The debate was not one which resorted wholly to the primacy of descent, but one which considered different viewpoints and nuances. The conservative faction wanted, more than any other goal, to ensure the inclusion of the *Auslandsdeutsche*, as evidenced by this quote from a *Reichstag* representative of the Conservative party: "We see the main purpose of this law in those regulations which enable the maintenance of *Deutschtum* (Germandom) abroad" (Hansen 1999). Excluding "undesirables" from German citizenship was only a second, or even third, goal: "the law wants to win Germans back for us, and therefore makes the resumption of German citizenship easier ... the third purpose of the law is to prevent those foreigners who would not be welcome here from becoming German citizens" (Hansen 1999). This viewpoint was restricted to the conservative faction in the *Reichstag*; the Social Democrats, on the other hand, called for free and secure naturalization for all, even "for those who do not belong to recognized religions" (Hansen 1999), specifically referring to Jews, whom the Conservatives wished to exclude from citizenship. The national liberal coalition had, in 1895, introduced another proposal into the

Reichstag, namely the Complication of the Naturalization of Foreigners (*Erschwerung der Einbürgerung von Ausländern*). This goal was, however, finally abandoned in 1908 after sufficient support could not be found (Gosewinkel 1995, 368).

Truly, the exclusion of foreigners does seem to have been of secondary importance. While the conservative parliamentarians debating the 1913 law – a debate begun in 1893 – certainly also regarded the restriction of foreigner migration to Germany as an issue and "[t]he literature on the citizenship law focuses on the issues of exclusion of non-Germans, ... the documents show that the central point of contention in the debate was how best to retain the loyalties of the Germans abroad while not unduly burdening the state" (Sargent 1998, 3). Indeed, as noted above, the exclusion of non-Germans was of secondary importance in the debate over the creation of a new citizenship law. Under the RuStaG, if an abandoned child was found (*Findelkind*), the child was assumed to be descended from a German unless it was proven otherwise (Franz 1992, 241). While derived from the descent principle, this case supports the argument that the parliamentarians were primarily concerned with providing for Germans rather than excluding non-Germans.

The problematic issue of loss of citizenship was finally addressed in the 1913 law. The RuStaG was the first all-German law, consequently removing the problem of inner-German migration leading to loss of citizenship and creating a stable basis for a unified population. The law no longer addresses loss of citizenship in its title, and, indeed, long-term residence outside of Germany no longer resulted in the loss of citizenship. Passed on the eve of World War I, the RuStaG did, however, require males living abroad to serve in the Imperial Army before completing their thirty-first year (§26). Thus, according to one voice in the debate, at least

Germans living abroad would learn something about their home in this manner (Hansen 1999). The ties to Germany were to remain if citizenship was to remain. Germans and their children living abroad who had lost their citizenship were given the option of regaining their citizenship, enabling any who might wish to return to do so. These aspects of the RuStaG also helped to ensure that the number of Germans living abroad and sympathetic toward Germany increased (Fahrmeir 1997, 752). The passage of the rusting ensured that the settlers who moved to Eastern and Central Europe remained German citizens, increasing the number of Germans in relation to Eastern Europeans, a goal in the settlement of Eastern and Central Europe. The *Ansiedlungskommission für die Provinzen Posen und Westpreussen* (Settlement Commission for the Provinces Poznan and West Prussia) was founded nearly thirty years earlier, in 1886, as the Germans were becoming increasingly concerned about the national proportions in the Prussian East. The Poles already constituted a majority in most of the governmental areas in the provinces of Poznan and West Prussia, but the Polish share of the total population was increasing at the expense of the German share, for three reasons: a high Polish birth rate, German emigration, and Jewish flight from the Prussian East (and the Jews were always counted as Germans). The *Ansiedlungskommission*, with the support of national societies such as the *Deutscher Ostmarkenverein*, tried to foster the settlement of Germans in the Prussian eastern provinces, even subsidizing this process. The policy was designed to strengthen the German national community in the East, and to make the population figures more equitable (at the expense of the Poles).² The anti-Semitic and anti-Eastern European trends in the administration of the RuStaG

²My thanks to Elizabeth A. Drummond for this information, whose dissertation, (tentatively) entitled "Protecting Poznan: Germans, Poles, and National Identity 1886-1914," examines the German-Polish national conflict in the province of Poznan (Poznan, Posen) before World War I.

were not unique to Germany, but had been preceded by the British Alien Act of 1905 and by a French citizenship reform in the 1880s (Fahrmeir 1997, 752). Germany was not an outlier, but rather in line with the anti-Eastern European and anti-Semitic tendencies in Western Europe.

With the 1913 RuStaG, the patchwork of German states was finally brought together, creating a uniform basis for belonging which included all Germans of the different German states. The disagreement over the form of the law continued even after the law had been agreed upon: "[i]n the decisive phase of the legislation in 1912/1913, there were attempts at easing the strict principle of descent" (Gosewinkel 1995, 370). The Social Democrat faction maintained its attempt at permitting immigrants' children to be born German citizens, but was unsuccessful, just as the Social Democratic factions lost this parliamentary fight in other Western European states.

The selection of descent as the criterion for citizenship acquisition was historically appropriate. Like Italy, Germany had a late national unification – Germany unified in 1871, Italy in 1870. Even then, Germany remained a jigsaw puzzle created from several large pieces, as did Italy. Italy and Germany both subsequently developed descent-based citizenship laws. The link between a late national unification and a reliance upon descent, rather than territory, for citizenship attribution is clear. With a fractured political state, the Germans turned to other criteria to indicate belonging. Language, music and literature, including the Grimm Brothers' fairy tales, and Germanic myths, handed down from generation to generation, remained elements in common. Denied a common political existence, Germans drew upon cultural aspects as a means of identification. As legislators sought to draw the loosely-unified Germany ever closer together, they needed some means by which to mark belonging. Descent became that marker.

Continuity of the RuStaG

In today's Germany, the RuStaG remains the basis for birth acquisition of citizenship in the Federal Republic. However, numerous changes have been made, rendering the RuStaG more relevant to contemporary Germany. The amendments have, among other changes, reduced the number of ways a German can lose his or her citizenship: the only reason for loss of citizenship is the acquisition of a foreign citizenship or if a German chooses to renounce his German citizenship. However, in this case, he may not become stateless; he must have another citizenship waiting for him. He must also be legally competent; these provisions are to protect the individual and minimize problems of statelessness. The following no longer result in the loss of German citizenship: marriage to a foreigner¹ (which was originally a reason for loss of citizenship for a German woman); non-fulfillment of military service for Germans living abroad; and official decision (§17). In addition, whereas, originally, a legitimate child acquired the citizenship of its father at birth, and an illegitimate child that of its mother, now, a legitimate child receives German citizenship if either parent is German, and an illegitimate child receives the citizenship of the mother, unless the father can be identified "by a legitimation recognized by German laws." (§5) This process needs to be initiated before the twenty-third year of the child's life.

Perhaps more crucial than the amendments to the RuStaG are the laws supplementing it. These may be summed up to belong to the three categories mentioned above: birth acquisition of citizenship, legal right to naturalization, and discretionary naturalization. Over the years, the additions have altered naturalization from an act once seen almost exclusively as an exception to

¹ This change in policy reflects a change in the legal status of women. Previously, a woman – whether German or foreign – acquired the citizenship of her husband upon marriage. She had no choice in the matter.

a policy of inclusion. All of these changes, however, do not replace the RuStaG. It is maintained as the legal basis for citizenship, although the maintenance of this law is much like the story of the 100-year-old axe, whose handle has been replaced three times and its head twice.

Table 3.1: Summary of Laws and Acts Affecting Citizenship Acquisition and Naturalization in Germany

Birthright	Legal Right to Naturalization	Discretionary Naturalization
1913 RuStaG jus sanguinis; A legitimate child acquires German citizenship from its father; an illegitimate child citizenship from its mother.	1949 Art 116 Basic Law	
1964 RuStaG amendment: An illegitimate child acquires German citizenship from its mother if it would be stateless without this citizenship.	1953 Federal Expellees and Refugees' Law	
1975 RuStaG amendment: A legitimate child acquires German citizenship if one parent is a German citizen	1955 Law for the Regulation of Questions of Citizenship	1965 Foreigners' Law
	1956 Second Law for the Regulation of Questions of Citizenship	1977 Guidelines to Naturalization
	1957 Third Law for the Regulation of Questions of Citizenship	
	1990 Aussiedleraufnahmegesetz	1990 Foreigners' Law
	1993 Kriegsfolgenbereinigungsgesetz	1993 Governmental Decree
	1996 BVerwG decision	1993 RuStaG amendment
1999 Citizenship Law	1999 Citizenship Law	1999 Citizenship Law

Nonetheless, the prime element of the RuStaG that has been retained throughout its eighty-five year history is its most basic element: descent. Children born to one or two German

citizens receive German citizenship at birth; all others must naturalize. These German citizens need not be ethnically German, but could be French or Polish or Turkish. The law is one of descent, not of ethnicity. Just as West Germany chose not to acknowledge the East German state out of pure political considerations, so the RuStaG was maintained throughout the Cold War for political considerations. To underscore the decision not to legitimize East Germany as a state, the 1913 RuStaG was never replaced: as long as the Federal Republic never created its own citizenship law, even after the Federal Republic recognized the existence of a second state in Germany, the 1913 law was regarded as the legal basis for a single German citizenship, including East Germany. Consequently, East Germany could not claim that its citizens were not eligible for West German citizenship. All East Germans fleeing to West Germany were granted citizenship according to the 1953 BVFG; indeed, they were seen as West German citizens. The 1913 law had been equally applicable in the territory of East Germany and of West Germany prior to World War II and, not replaced by any subsequent law, remained applicable. This maintenance of the RuStaG is more accurately seen as a means of protecting the 16 million Germans living behind the Iron Curtain in East Germany and was a statement against Communism and against the division of Germany.

In the decade since the end of the Cold War, however, the call for a change to the citizenship law has been sharpening and a decision has been reached. The RuStaG remained in place from the end of the Cold War until now largely because of interlaced and de-centralized power-making structures within Germany which have a tendency to slow down decision-making in Germany (Katzenstein 1987). The political coalitions within the *Bundestag* as they existed in the 13th legislative period were also such that no decision on a new immigration law could be

reached (Green 1997). The main issue of disagreement was that of dual citizenship, with the Social Democrats supporting dual citizenship and the Christian Democrats opposing it. An attempt by the newly-elected SPD government in January 1999 to introduce widespread dual citizenship in a revision of the RuStaG failed as the CDU collected 5,000,000 signatures in protest of dual citizenship.⁴ Forced to abandon its initial ambitious plans, largely as a result of the lost Hesse *Land* election in February 1999, thus losing the SPD majority in the upper house of parliament, the *Bundesrat*, the SPD nonetheless pushed ahead with a revised version of the law. This version introduces limited *jus soli*, and, as well as reducing the time of residence required for a legal right to naturalization from fifteen to eight years, will change the name of the law to the "Staatsangehörigkeitsgesetz," (StaG) or Citizenship Law. This StaG has wide support from the Greens and the FDP, and was passed on 7 May 1999 and approved in the *Bundesrat* on 21 May 1999 to take effect 1 January 2000. Polls have shown, however, that many more foreigners would naturalize in their host country if they were able to retain their initial citizenship, thus suggesting that new naturalization regulations not including dual citizenship will have limited appeal. Tomas Hammar cites a survey of Finns living in Sweden, of whom ten percent said they would undergo Swedish naturalization. If dual citizenship were an option, however, over fifty percent expressed interest (Hammar 1985, 441). The CDU opposes both *jus soli* and dual citizenship. On the former they oppose forcing anyone to take German citizenship, in opposition to the Nazi policy of granting collective citizenship based on residence (*Zwangseinbürgerung*) (Interview, 1 October 1997). They ask rhetorically, "Who are we to force a Turkish family to have a German son?" The CDU also rejects dual citizenship for reasons of

⁴ It is notable that the total amount of signatures collected, while hailed as an enormous referendum on the

loyalty, stating that in the case of a far-right shift in Germany, for instance, a person with dual citizenship would be privileged over those with only one citizenship, and could simply leave (Interview, 1 October 1997).

The Ethnicization of German Citizenship

From 1913 until the period of Nazi dictatorship, German citizenship was based purely on the 1913 German citizenship law, the RuStaG. The RuStaG is a law of descent, or *jus sanguinis*, but does not draw upon a specific ethnically-based status. Nonetheless, the RuStaG is often mistakenly seen as creating a highly exclusive and ethnically-based German citizenship. While the RuStaG cannot be said to play this role, two key events during World War II, however, did have the effect of ethnicizing German citizenship. When Hitler invaded Russia in 1941, Stalin, fearing that the ethnic Germans resident in Russia since the eighteenth century might be loyal to Hitler, deported 500,000 ethnic Germans eastward to Kazakhstan and Siberia purely on the basis of their German ethnicity, where they remained in internment camps until 1956. After the end of World War II, at Potsdam, a decision to expel Germans, westward this time, was again made on the basis of ethnicity. In both cases, the Germans were expelled purely on the basis of their German ethnicity.⁵

Deportation and expulsion played a large role in the inclusion of ethnicity per se in laws affecting West German citizenship. The new role of ethnicity and its connection to the 1941

matter, still adds up to less than two-thirds of the total non-citizen population of Germany.

⁵ During the period of Nazi dictatorship, the passage of the Nuremberg Laws in 1935, more than any other law passed during that period, did impose ethnic and racial restrictions on German citizenship. I have chosen to follow in the footsteps of Friedrich Meinecke and Gerhard Ritter in regarding the Nazi period as an aberration of German history rather than a part of the continuity of German history.

deportations and the 1945 expulsions becomes clear when we examine three post-war legal texts: Article 116, Paragraph 1 of the Basic Law (*Grundgesetz*; 1949); the Federal Expellees' and Refugees' Law (*Bundesvertriebenen und -Flüchtlingsgesetz* (BVFG), 1953); and the Law for the Regulation of Questions of Citizenship (*Gesetz zur Regelung von Fragen der Staatsangehörigkeit* (StaReG), 1955). These laws were crafted to include the expellees in post-war Germany and to provide options for the estimated three to four million ethnic Germans remaining in the East Bloc. The BVFG also explicitly included and provided for the 16 million Germans in East Germany, as identified in §3 "Refugees from the Soviet Zone of Occupation."

Table 3.2: Laws Including Ethnic Germans (Expellees, Refugees, Aussiedler)

1949	Basic Law, Article 116, Paragraph 1	"A German in the sense of this Basic Law is – pending other regulation – a person who possesses German citizenship or who, as an ethnically German refugee or expellee, spouse or child found refuge in the area of the German Empire in its borders of 31 December 1937."
1953	§1 BVFG	(1) "An Expellee is someone who, as a German citizen or ethnic German..." left the East Bloc.
1953	§6 BVFG	"An ethnic German is, in the sense of this law, someone who acknowledged himself to belong to the German people, insofar as this acknowledgement can be confirmed through such specific characteristics as descent, language, upbringing or culture."
1955	Par 1 §6 StaReG	§6, Par 1: "Whoever is a German on the basis of Article 116 of the Basic Law without possessing German citizenship must be naturalized upon his application, unless his naturalization would compromise the domestic or external security of the Federal Republic."

Article 116

In the wake of the 1945-1949 expulsions, the citizenship status of the eight million ethnic German expellees was legally unclear. Some were German citizens, while others were Polish or Czech citizens. Three distinct groups of Germans made up the membership of the expellees: *Reichsdeutsche*, or those who had been German citizens in the territories since ceded to Poland; *Sudetendeutsche*, those Germans from the Sudetenland and who had become German citizens by

the annexation of the Sudetenland in 1938; and so-called *Volksdeutsche*, ethnic Germans, but not German citizens, who had been expelled from their Eastern European homes (Schoenberg 1970, 36). While the citizenship status of the 4.4 million *Reichsdeutsche* was clear – they were indubitably German citizens – the status of the 2 million *Sudetendeutsche* and 1.6 million ethnic Germans had to be resolved. Article 116, Paragraph 1 of the Basic Law clearly included all expellees as full members in the German polity (see Table 3.2), setting expellees equal to native Germans with no differentiation between them. A similar "status citizenship" was also created in Great Britain at about the same time: "Since 1948, the Irish Republic is not a member of the Commonwealth, and Irish immigrants in Britain are not British subjects, but according to the British Nationality Act of 1948 they shall be treated as if they were" (Hammar 1990, 24). To assure the legal equality of the expellees, the phrase *deutsche Volkszugehörigkeit*, roughly translated as "(German) ethnicity," but literally meaning "belonging to a people," was explicitly introduced into the text of Article 116 (Parlamentarischer Rat, Hauptausschuß; 19 January 1949, 45th session, 596). This phrase is a direct result of Stalin's and the Allies' use of German ethnicity as the determining factor for deportation and expulsion.

The growing ideological conflict of the Cold War also played a key role in Germany's policy toward ethnic Germans in the East Bloc, as reflected in these legal texts. Some estimated three to four million ethnic Germans remained in East-Central Europe and the Soviet Union after the expulsions.⁹ An additional 16 million ethnic Germans also resided in the Communist Bloc, in

⁹Some areas (Romania, Hungary, Soviet Union) were not subject to the widespread expulsions. In addition, a number of ethnic Germans were able to escape expulsion in Poland and Czechoslovakia; those who were of use to the Communist governments, such as miners or skilled craftsmen, were not permitted to leave, and those who had Polish or Czech spouses could often avoid expulsion.

East Germany. West German parliamentarians felt that both these groups of Germans were owed a special debt, particularly as they continued to suffer ethnically-based discrimination within the East Bloc, directly resulting from the Nazi activities in the East. In the *Parlamentarischer Rat*, in the debates over the drafting of the Basic Law, prior to the founding of the Federal Republic, this topic arose from the SPD ranks: "I propose here and now that we insert the words 'all Germans,' so that it is quite clear that we do not want to differentiate between Germans on that side and this side of the Iron Curtain" (Parlamentarischer Rat, Hauptausschuß 6th sitting, 19. November 1948, p. 574). Thus, we see that the importance of the ideological conflict is mentioned quite clearly here. Consequently, West Germany provided a safe welcome to all of these ethnic Germans as a means of registering political protest against the East Bloc. The status of ethnic Germans in the East Bloc is codified in Article 116 as well as in the second, more extensive legal text relevant for post-war citizenship developments, the BVFG.

While the 1949 Basic Law (Art. 116) had established that expellees were set equal to full German citizens and, as such, subject to all rights, obligations and privileges of German citizenship, the Basic Law did not address the issue of integration nor did it actually grant them citizenship. Article 119 of the Basic Law clearly provides the basis for additional legislation, stating that "...the Federal Government may, with the consent of the *Bundesrat*, issue regulations having the force of law, pending the settlement of the matter [of expellee integration and distribution among the *Länder*] by federal legislation." The BVFG served many purposes in one, providing for the integration of the expellees as well as the continued acceptance of (including the granting of West German citizenship to) ethnic Germans remaining in East-Central Europe and refugees from East Germany. The BVFG fulfilled this role and was in force until 1993, when

it was replaced by the Law Dealing with the Consequences of the War (*Kriegsfolgenbereinigungsgesetz*, or KfbG).

BVFG/Providing for the Expellees

The BVFG established a legal basis for the integration and equality of the expellees in all spheres – economic, professional, social, educational and residential. Their integration was to be aided where necessary, even if it appeared that expellees were privileged over native Germans.⁷ One of the means of aiding the expellees was to distribute them more evenly throughout Germany. This distribution would be fully voluntary (§27) and was intended to help them find housing and jobs in the destroyed Federal Republic. Expellees were explicitly set equal to native Germans in all *Sozialversicherung* (social insurance) issues; pensions, unemployment and health insurance were to be paid as if the expellees had been born and had worked in the Federal Republic all their lives. Explicit means of integration, such as language courses or job retraining programs, were not emphasized. Rather, emphasis was placed on equal representation of expellees in all spheres of German society. Ultimately successful in promoting integration, the BVFG provided a legal framework which enabled the expellees to take control of their own future.

Provisions for the continued acceptance of *Aussiedler* and refugees from East Germany, again reflecting West Germany's political positioning during the Cold War, were contained in the BVFG. It is worth noting that the BVFG was not a proactive law. It was, rather, the West

⁷Among the Bundestag members, great concern was exhibited that the expellees not be treated as second-class citizens in any way. See, e.g. Stenographische Berichte, 12th Session, 20 October 1949, p. 285ff; 250th Session, 25 February 1953, p. 11971ff.

German reaction to expulsion and discrimination. As the expulsions were based upon ethnicity, it seemed only logical that the reacting German law should be based upon ethnicity as well, the better to include all those affected by Communism, the deportations and the expulsions. The term *Volkszugehörigkeit* figures more prominently in the BVFG than it did in the Basic Law, even being explicitly defined (§6). This definition of German ethnicity which, it is important to note, is a purely legal definition and is not an ethnological concept, provides a clear legal basis for the acceptance of ethnic Germans. The Basic Law merely provided the basis for a new clause of citizenship in the Federal Republic, whereas the BVFG specifically addressed the integration of the expellees and continued acceptance of ethnic Germans.

The 1955 *Gesetz zur Regelung von Fragen der Staatsangehörigkeit* explicitly draws on Article 116 of the Basic Law, stating that "whoever is a German in the sense of Article 116 without being a German citizen must be naturalized upon his application," unless his naturalization would compromise the domestic or external security of the Federal Republic (§6). German law distinguishes between two types of naturalization: *Ermessenseinbürgerung*, or discretionary naturalization, and *Anspruchseinbürgerung*, a legal right to naturalization. The 1955 StaReG indicates that Germans in the sense of Article 116 have a legal right to naturalization with the use of the phrase "must be naturalized." Together with two later amendments, the StaReG is the last of the post-war regulations that explicitly include the post-war expellees and ethnic Germans remaining in the East Bloc.

BVFG/Continued Acceptance

The BVFG was written with the intent of helping Germans achieve higher living standards, culturally, politically and economically. By enabling ethnic Germans to return to West Germany, then experiencing rapid economic growth, the German government fulfilled its duty. As persecution of ethnic minorities was widespread in post-war Communist countries, the German government was correct in fearing for the well-being of ethnic Germans. Furthermore, there was a second element that other ethnic minorities did not have to contend with: the reprehensible actions of German Nazis in Eastern Europe during World War II. The post-war German government suspected, correctly, that some measure of revenge would be taken against ethnic Germans for the atrocities committed in the name of the German Reich against the populations of Eastern Europe (Delfs 1993, 5; Kurthen 1995, 922). Consequently, the Bonn government put a great deal of effort into "rescuing" ethnic Germans from Eastern Europe, as was succinctly expressed in the *Bundestag* by a CDU member "[t]he acceptance of these people is not only a moral commandment, but a consequence of our self-understanding. ... Who would, world-wide, come into question as a place of refuge for these Germans, if we don't do so in the Federal Republic of Germany" (Deutscher Bundestag, StPr, 11/179, 13813). Although these ethnic Germans had, in some places, been resident in East-Central Europe for centuries, the two-fold factors of Communism and the aftermath of Nazism made the post-war situation quite different.

Why was the German government suddenly so concerned about ethnic Germans?

Admittedly, they were persecuted on the basis of their ethnicity. However, previous decades' policy had been reactive, accepting German émigrés, rather than proactive, soliciting them. What

had changed? The underlying basis for the German nation-state had not changed, nor had the importance of unity increased for the German people. As of the 1950s, however, there was suddenly a very large lobby group within Germany for the rights of ethnic Germans in Eastern Europe: the *Vertriebene*, or expellees. Over 16 million ethnic Germans had been expelled from the so-called Eastern territories and Eastern European countries as part of the 1945 Potsdam and Yalta Accords, 12 million of whom settled in West Germany and four million in East Germany (Kurthen 1995, 919). The establishment of the 1953 BVFG was heavily influenced by these *Vertriebene*, who had quickly become a strong conservative political force within Germany. The expellees had two political aims: first, they wanted to keep the possibility open of someday returning to what they still saw as their homes in Eastern Europe.⁴ Second, they wanted the millions of *Auslandsdeutsche* who had evaded the post-war expulsion to have the option of returning to Germany. To cite Kay Hailbronner, "Some of the intricacies of German citizenship law and immigration policy, then, are products of World War II and the imposed division of Germany" (Hailbronner 1989, 73).

The 1913 citizenship law was written in the interests both of allowing Germans to return to Wilhelmine Germany and of avoiding non-German immigration to Germany. As we have seen, however, the 1913 law was maintained in post-war Germany for geo-political reasons rather than nationalistic ones. The 1953 BVFG is, likewise, not based upon a deep-seated belief

⁴In 1990, just prior to German unification, Poland was pushing for German recognition of the Oder-Neisse line as the final Polish-German border. However, in part to gain votes in the first all-German election of March 1990 from the substantial *Vertriebene* population – increased again by the substantial expellee population in East Germany – Chancellor Kohl delayed the official recognition of the Oder-Neisse line for several months. As late as 1990, books such as *Ostpreußen: Ein Lesebuch* have been published. This book is a collection of stories and poems by well-known German authors "about their East Prussian home."

that all Germans could only fully realize their German identity by coming to Germany. Rather, so the argument went, ethnic Germans could avoid ethnically-based persecution and find a home with other Germans. The German state acknowledged a responsibility for all Germans in Eastern Europe, in part necessitated by the actions of the Nazi and Wilhelmine governments, but the BVFG was not central to the continued existence and development of Germany as a nation-state. Based in part upon the option provided in the RuStaG for *Auslandsdeutsche* to return to Germany, the BVFG continues in the tradition of regarding *Auslandsdeutsche* as settlers. Nonetheless, it is clear that the Cold War is the single most important factor in the return of these ethnic Germans. A *Bundesverwaltungsamt* official pointed this out when he said that the policy of admission is not for all ethnic Germans: the policy is "independent of German ethnicity, when you think, for instance, that in Chile or Namibia there are German minorities; in the USA, too. The law does not even take the admission of such persons into consideration. So the policy is not simply about German ethnicity" (Interview, 2 October 1997).

Prior to World War II, German minorities in Eastern and Central Europe and the Soviet Union had autonomous communities, regions, and even, in the Soviet Union, an autonomous republic. German language and culture were maintained. However, in the post-war era, as described in Chapter Two, this lifestyle came to an end. In an effort to compensate these Germans for their suffering, the RuStaG was maintained and other laws passed.

The Post-Cold War De-Ethnicization of German Citizenship

In the post-World War II period, the West German government provided the opportunity to its co-ethnics to "return" to Germany from the Communist regimes. While proponents of

Germany as an ethnically-based citizenship would argue that it is still the co-ethnics to whom this privilege was extended, I have argued that the return policy for *Aussiedler* was only one example of Germany's ideologically-determined policy, and that it is thoroughly logical, according to this principle, that *Aussiedler* be offered a return to Germany. Similarly, for the logic of an ideologically-determined, rather than ethnically-determined, policy to hold, it would mean that, when the ideological polarization of the Cold War began to break down, the post-war ideologically determined policies should, likewise, be restricted.

As I will show in this section, this shift in policies is indeed the case. The *Aussiedler* policies have been, in the time period 1989 – 1996, severely curtailed to the point that we can talk about an impact on the concept of German citizenship. While no new laws affecting *Aussiedler* have been passed since 1996, the last laws passed and policy decisions made have been constructed so that they can continue to have an ever-more restrictive impact on *Aussiedler* migration. The assumption that ethnic Germans in Eastern and Central Europe needed protection from ethnic discrimination is now an assumption of the past. In this section I will show, drawing upon legal texts and data, that there has indeed been a shift away from ethnicity in the bundle of laws which constitute German citizenship in the post-Cold War era.

The Legal Situation: Post-Cold War Changes in Policy

Even in the mainstream American press, the curtailment of the *Aussiedler* privileges is being recognized and associated with the restriction of other post-war policies: "[Germany] has curtailed one of the world's most liberal asylum policies [and] discouraged the resettlement of ethnic Germans from eastern countries" (Drozdiak 1997). Indeed, increasingly more analysis can

be found which argues that the post-war policies, designed to deal with both the past Nazi and the contemporary Communist regimes, are declining in importance for Germany (Kurthen 1995; Tönnies 1994, 106).

Dissenters might argue that, if *Aussiedler* policy is so strongly ideologically-defined, why was it not simply removed at the end of the Cold War? Two factors played, and continue to play, a significant role in this matter. As noted in Chapter One, during the years of the Cold War, relatively few ethnic Germans succeeded in getting permission to emigrate from their homes in Eastern and Central Europe to Germany. There were some moments at which emigration for some ethnic Germans was made possible, such as through the 1975 Helsinki Final Act⁹ (Interview, 19 Feb 1997). However, even then it was more difficult for ethnic Germans to receive permission to receive even a visitor's visa to Germany than for others. Thus, in large part, the German government's *Aussiedler* policy, like the West German policy of considering all East Germans to be holders of West German passports, was more a symbolic move than an actual policy of admission. Nonetheless, this symbolic move undoubtedly helped improve the situation of the ethnic Germans in Eastern and Central Europe. When the Iron Curtain began to rust and holes began to appear, *Aussiedler*, some of whom had been raised on fairy-tale-like stories of the German "homeland," came to Germany in a largely unanticipated flood. At a time when Germany was scrambling to adapt and expand *Aufnahmelager*, or reception centers, previously used for East German refugees in the pre-1961 era, the most the German government could do in 1988 (202, 673 *Aussiedler* came in 1988) was to appoint as *Aussiedlerbeauftragter* (Commissioner of *Aussiedler* Affairs) Horst Waffenschmidt, who held the post until the election

of the SPD in September 1998, when he was replaced by MdB Jochen Welt (SPD), to begin to create policy to deal with the influx of ethnic Germans. It was simply not practically possible to close the gates at the precise moment in time when ethnic Germans first had the opportunity to take advantage of the generous *Aussiedler* policy, and came in the largest numbers since the 1940s. The second, inter-linked, factor which made the immediate removal of the *Aussiedler* policy impossible was domestic politics. The constellation in the *Bundestag* which prevented the passage of a new citizenship law (Green 1997) also prevented the outright abandonment of the *Aussiedler* policy. The more conservative elements in the *Bundestag* firmly believed that ethnic Germans should at all costs be permitted to continue coming to Germany, while other political elements pulled for a restriction on the *Aussiedler* migration, saying that the time for protecting ethnic Germans was past. Ultimately, the political situation came to a head in 1992, and was resolved in what became known as the asylum compromise:

On the basis of the asylum compromise of 6 December 1992, the mediation committee agreed on the following points: the number of *Aussiedler* admissions per year will be limited; a final date for cutting off applications is not established; anyone born after the passage of the KfzG can no longer be a Spätaussiedler; for applicants from the former Soviet Union, the *Kriegsfolgeschicksal* [fate of suffering the consequences of the war] will be legally assumed; all others must prove *Kriegsfolgeschicksal*. (Haberland 1994b, 55).

The *Aussiedler* policy still has not yet been fully shut down, although an end date of 2010 has been set.¹⁰ The SPD government elected in 1998 honored the admission policies of its CDU predecessors, while placing more focus on integration than had the CDU.

⁹ See Appendix, Figure 1 for a graphic representation of the various steep rises in *Aussiedler* numbers in, for instance, 1975.

¹⁰ Individuals born after 1992 may not come to Germany after 2010 as *Aussiedler*. They may come as family members of individuals born before 1992, in which case they could be eligible for German citizenship, but would not qualify for *Aussiedler* benefits.

The first part of this section will discuss the legal devolution of *Aussiedler* policy since 1989, the year in which the first restrictive law was passed. I will argue that the restrictive elements of the laws which have been passed indicate a de-ethnicization of German citizenship. I will also address the evolution in several other relevant laws.

Aussiedler/Acceptance

The expulsion measures were officially concluded by the Allies in 1949, but the German responsibility of taking in ethnic Germans from Eastern and Central Europe continued. It was not until 1953 that the BVFG was created as a law. The BVFG took into account that some ethnic Germans who did want to go to Germany had not been able to during the time of the expulsions. Some were either required to stay, such as those who were judged to be of use to the Communist government, such as miners or skilled craftsmen. Other women and children chose to stay, hoping that their husbands would one day return from the Eastern front, although few did. For these individuals in the *Vertreibungsgebiete*¹¹ as well as for the ethnic Germans in areas which were not subject to expulsion, such as the Soviet Union, the option of returning to Germany remained, by virtue of the BVFG and Article 116.

The conclusion of the expulsion measures was accompanied by a change in terminology: ethnic Germans coming to Germany after 1950 were no longer referred to as "Vertriebene," or expellees, but rather "Aussiedler." From the discussion in Chapter Two, we saw that emigration and settlement has played a crucial part in German history. Many of the Germans who sought employment in Poland or Russia in previous centuries were not viewed as emigrating, but as

temporarily migrating. This viewpoint is perhaps one reason that prior to 1913 there was the ten-year limit for settlers to maintain German citizenship. The ethnic Germans in post-war Eastern and Central Europe are the descendants of these initial settlers. Hence, in recognition of their right to return home, they are called "out-settlers," or those returning from settlement. It is important to note here that "Aussiedler" is used to denote a particular legal status rather than being a collective term for ethnic German migrants. Ethnic Germans from Minnesota can certainly migrate to Germany, but will be treated as Americans, receive no special treatment, and would certainly not be granted the legal status of *Aussiedler*.

The continued acceptance of *Aussiedler* after 1950 can be seen as arising from two causes: first, as discussed above, it was largely an ideologically-determined provision. Second, it can be seen as an after-effect of the expulsions – it provided an option for those left behind. The BVFG regulations for *Aussiedler* were primarily instituted to ensure that any Germans remaining under Communist governments would have the legal right to be accepted in the Federal Republic as German citizens. The more political, rather than practical, nature of the policy is supported by the inclusion of the small number of ethnic Germans in China in the BVFG after 1957. The non-inclusion of other dictatorships in other parts of the world shows that the *Aussiedler* policy is restricted to Communist states in regions adversely affected by World War II. Although the term "expellee" was no longer used, the assumption continued to be that *Aussiedler* were leaving their homes in Central and Eastern Europe involuntarily, as a result of ethnically-based pressure to

¹⁰ Individuals born after 1992 may not come to Germany after 2010 as *Aussiedler*. They may come as family members of individuals born before 1992, in which case they could be eligible for German citizenship, but would not qualify for *Aussiedler* benefits.

¹¹ The *Vertreibungsgebiete*, or areas of expulsion, are those areas from which Germans were expelled at the end of World War II: Czechoslovakia, Poland and Hungary.

immigrate, or *Vertreibungsdruck*.¹² Ethnic Germans in the United States suffered no such pressure, being accepted as immigrants in an immigrant culture. Averaging no more than 40,000 per year from 1950 to 1986, it is clear that, numerically, the immediate post-war *Aussiedler* migration flow was secondary to the eight million expellees who settled in West Germany within the four immediate post-war years. Toward the end of the Cold War, however, the numbers begin to rise until they were at a level ten times that of the 1950s.

Table 3.3: Numbers of *Aussiedler* entering Germany

Year	(Average) Number	Year	Number
1950-1954	23,293	1989	377,055
1955-1959	64,351	1990	397,073
1960-1964	17,814	1991	221,995
1965-1969	26,489	1992	230,565
1970-1974	24,909	1993	218,888
1975-1979	46,264	1994	222,591
1980-1984	48,816	1995	217,898
1985	38,968	1996	177,751
1986	42,788	1997	134,419
1987	78,523	1998	103,080
1988	202,673	1999 (through June)	39,758

Source: *Info-Dienst Deutsche Aussiedler*, August 1996; March 1998.

While the number of *Aussiedler* who succeeded in coming to Germany during the Cold War was comparatively low, the legal framework accepting and incorporating *Aussiedler* into Germany was seen not only as a means of providing ethnic Germans with an escape valve, but was also an important tool in regulating treatment of ethnic German minorities in Central and Eastern Europe. By maintaining the policy of accepting ethnic Germans, West Germany forced the

¹² Literally, "expulsion pressure." This term is widely used to mean the ethnically-based discrimination which theoretically made conditions in the country of origin impossible and caused ethnic Germans to return to Germany. Any other reasons for migration were not compatible with *Aussiedler* status.

Communist regimes to accept that minority rights, including language rights and emigration permission, were of major concern. The 1975 Helsinki Final Act, for example, was certainly influenced to some degree by the German policy.

Although many believe that the basis for acceptance as an *Aussiedler* in Germany is merely German ethnicity, it is, in fact, *Vertreibungsdruck* arising as a result of German ethnicity in particular countries: "The KfbG has the straightforward purpose of bringing to Germany people, and in some cases their children also, who experienced particular adversities because of their German nationality as a result of the Second World War, " (Interview, 2 October 1997). Thus, the potential *Aussiedler* must have seen himself in his home as a German, represented himself as a German to others and, as a direct result, have suffered ethnically-based discrimination. The distinction between ethnicity and ethnically-based discrimination is a crucial one and one that is generally not well understood in scholarly and journalistic literature. Indeed, the case of the *Aussiedler* is often incorrectly used to "prove" that Germany is a racially-based, exclusionist state. For example, Miriam Feldblum makes the following comment:

In Germany, citizenship traditionally has been based on lineage criteria or the rules of *jus sanguinis*, whereby one is automatically attributed German citizenship if one's parents or ancestry are German; if not, then a procedure of naturalization must be undertaken. Thus, 'ethnic Germans' from Russia and other parts of eastern Europe are granted citizenship automatically upon entry into Germany. (Feldblum 1998, 246).

In the quote above, there are several errors. If one's ancestry is German, one is **not** automatically attributed German citizenship, as many Americans of German descent seeking an EU work permit must reluctantly acknowledge. The person in question must come from the former Soviet Union or, until 1993, Eastern Europe and have suffered ethnically-based discrimination. Furthermore, ethnic Germans are not automatically granted citizenship, but must fill out a

complicated application form, fulfill several prerequisites and pass a language test. These are not new regulations; Feldblum had adequate time to familiarize herself with these policies. However, Feldblum is by no means the only author, academic or otherwise, who improperly uses the case of the *Aussiedler* to argue for Germany's exclusivity. A *Washington Post* article in 1996, for instance, incorrectly states that Germany "grants naturalized citizenship to only about 10,000 non-ethnic Germans a year" (Atkinson 1996). The number of non-*Aussiedler* naturalizations in 1993 was 29,108, in 1994, 42,984 and in 1995, 53,383 (*Daten und Fakten...* 1997, 33). In addition, many more non-citizens are eligible for naturalization than apply for naturalization. An article in *The Nation* also incorrectly argues that

By law and tradition, German citizenship is based on *jus sanguinis* - or blood - which means that if you were born in Germany to a Turk brought there under the guestworker program of the 1960s, attended German schools, speak fluent German with a Bavarian accent and think of yourself as at least as German as you are Turkish, you are not entitled to German citizenship; whereas, if you were born in, say, Kazakhstan and retain only the most vestigial ties to Germany and its language but can prove your German ancestry (by means, for example, of your father or grandfather's Nazi party card), then you are entitled to German citizenship (Talbot 1994, 834).

Again, this article was written the year after Germany created easier citizenship requirements precisely for children of guestworkers who had been born in Germany and attended school there. The misconceptions remain.

The basis for acceptance as *Aussiedler*, although it has changed significantly over the years, has generally been understood as the following: a German citizen or ethnic German who fled from one of the Eastern and Central European countries and sought refuge in Germany. An ethnic German is defined "in the sense of this law [BVFG] as someone who let himself be known as a German in his home, insofar as his letting himself be known as a German was confirmed by

certain characteristics such as descent, language, upbringing, culture" (§ 6 BVFG). In the legal literature, these requirements are composed of two components: the subjective acknowledgement of being German and the objective proof of being German. Both components need to be present in order for an individual to receive *Aussiedler* status and, furthermore, the individual must suffer ethnically-based discrimination. While this requirement consisted largely of policy and court cases rather than actual legal language, in §13 BVFG it is made clear that "anyone who is integrated into economic and social life [in his home in Eastern and Central Europe or the former Soviet Union] at a level corresponding to that of his previous conditions" may not be accepted in Germany as an *Aussiedler* since it is clear that he is not suffering in his current home.

However, until the late 1970s, in keeping with the ideological climate of the time, ethnically-based discrimination was generally taken for granted by the German authorities. No proof needed to be offered as to whether each ethnic German was suffering on the basis of being a German. Thus, during the height of the Cold War, it could be said that ethnicity and ethnically-based discrimination were indeed essentially synonymous; any ethnic German from the East Bloc could be virtually guaranteed admission as an *Aussiedler*. At the same time, however, it is clear that Germany was committed to providing refuge for any individuals suffering persecution under any regime. In 1971, a full 57% of those who applied for asylum were accepted in Germany. Throughout the 1970s, the acceptance ranged from as high as 57% to as low as 10%, averaging 26.6 percent. In the 1980s, the number of applicants rose by a factor of over four. The range of acceptance was at a high in 1985 with 29.2% and a low in 1982 with 6.8 percent. The average remained fairly high, at 13.5 percent. As the Cold War neared an end, the acceptance numbers dropped: to 4.4% in 1990, 6.9% in 1991, 4.3% in 1992 and 3.2% in 1993 (Andersen and

Woyke 1995, 710). Germany's commitment to persecuted individuals, however, particularly with regard to those suffering ethnically-based discrimination, remains strong. In the Kosovo crisis in spring 1999, Germany accepted more Kosovo Albanian refugees fleeing from the ethnic persecution of the Serbs than any other country.

Germany, however, like every other country, has its limits. Where no true need exists, Germany does not see the need for acceptance. Hence, Germany's contested policy of returning Bosnian refugees in 1995. This policy persists not only with the asylum-seekers, but also with the ethnic Germans. In the post-Cold War world, they were no longer as threatened as during the Cold War. Not only did the concept of whether ethnic discrimination was required for entry shift, in the legal texts but the concept of what constituted being a German changed as well. As noted above, in order to be admitted as an *Aussiedler*, the "subjective acknowledgement of belonging to the German *Volk*" (*Bekennnis zum deutschen Volkstum*) was required, as were certain confirming "objective characteristics," such as the following: German descent, language, upbringing or culture – as expressed in the retention of certain German dishes, songs, fairy tales or religious practices – (§6 BVFG). Until the late 1970s, this requirement was also interpreted rather loosely. Not only was ethnically-based discrimination taken for granted, but the subjective acknowledgement and objective characteristics were as well. In general, documents showing German descent were regarded as sufficient and, furthermore, knowledge of the German language was not required (Ruhmann 1994). The courts and other relevant authorities saw the situation in the following light: one of the distinguishing characteristics of the ethnically-based discrimination in Central and Eastern Europe was that Germans, as part of the forced assimilation policy of the Central and Eastern European governments, were not permitted to

speaking German. Consequently, therefore, it was not reasonable to ask that they be conversant in German (Ruhrmann 1994, 108). Various court cases establish what sorts of documents were and were not acceptable to show German ancestry; belonging to the Waffen-SS is not acceptable, since non-Germans were permitted to become members; likewise, marrying a German proves nothing. Merely going to German organizations once in a while proves nothing; really becoming involved in the life of the association would be required (Ruhrmann 1994, 90-91).

Starting in the late 1970s, however, the situation shifted somewhat, not owing to any change in the laws, but rather to court decisions altering the interpretation of the relevant laws in reaction to changes in the political landscape (Ruhrmann 1994, 108). Rather than *Vertreibungsdruck* being taken for granted in all situations, certain factors were now regarded as a refutation of *Vertreibungsdruck*. These included an active turning away from German *Volkstum*, a high-level political or professional employment which implied supporting the (Communist) political system, and an application for asylum in Germany that would imply a reason for migrating to Germany, such as economic, other than ethnically-based discrimination (Ruhrmann 1994, 111). Thus, the connection is made: if a German wishes to migrate to Germany because he is German and wishes to be in a country where he will not be persecuted on an ethnic basis, then he may be accepted as an *Aussiedler*. If he is simply seeking relief from poverty, no *Aussiedler* status can legally be granted. The link between admission and ethnic discrimination is, thus, strengthened.

When Gorbachev came to power in the Soviet Union in 1985, the political landscape of Eastern and Central Europe began to change even more. In recognition of this shift in the poles of the Cold War, the German Federal Administrative Court decided in 1986 that there could be

exceptions to the rule: the legislature should develop new regulations to adapt to the new political developments (Ruhrmann 1994, 111). However, in practice, the policy was the following: if the investigating authorities could not explicitly disprove the assumed *Vertreibungsdruck*, then the potential *Aussiedler* had to be accepted into Germany. This generous admission policy continued along roughly these lines until the end of 1992 and the passage of the 1992 *Kriegsfolgenbereinigungsgesetz*, or Law Dealing with the Consequences of the War, henceforth KfbG. The KfbG severely curtailed *Aussiedler* migration as of 1993, and will be discussed in a later section.

Aussiedler/Benefits

The various benefits to which *Aussiedler* were entitled in the Cold War era fell into two categories: first, the acquisition of German citizenship and the accompanying rights, primarily the right to social insurance coverage. The second category is the right to specific integration-related benefits. In the first category, *Aussiedler* received pensions at the same level as did native Germans (as regulated by the FRG; *Fremdrentengesetz*, or Foreign Pensions Law), health insurance (§90 BVFG) and unemployment benefits (§ 62a AFG; *Arbeitsförderungsgesetz*, or Work Promotion Law) at the same level as native Germans. Second category benefits consist of two sub-categories: those which are professional, and those which are specifically related to the move to Germany. These benefits provided *Aussiedler* with the necessary means of integrating into German society. Participation in a job re-training program (§§44,59 AFG) entitled the participant to Integration Help as a means of support. Language training and support during language training and job re-training were both of limited duration, with a maximum upper limit

on Integration Help of eleven months. Many *Aussiedler* took advantage of the re-training programs available and became full and active members of society. *Aussiedler* were generally seen as valued members of society and were welcomed as refugees from Communism and as Germans.

Table 3.4: Summary of Benefits Received by *Aussiedler* until 1992

Social Insurance	Integration-Related Benefits	
	Professional	Move-Related
Pension – at same rate as native Germans for equivalent work (FRG).	Integration Help – paid during job re-training or further education (§§ 44,59 AFG). Limited duration.	Subsidized Loans for Building and Furniture up to 10,000 DM (Interior Ministry Guideline).
Health Insurance – at same level as native Germans (§90 BVFG).	Language training – Cost of course and support in the form of Integration Help (§§62 ff AFG). Limited duration.	Lump Sum Payments – in some cases, <i>Aussiedler</i> are entitled to a lump sum payment to compensate for suffering (various laws).
Unemployment benefits – replaced by Integration Help, which is set at the level of welfare payments (dropped to 70% of welfare payments in 1989) (§62 AFG).	Wide-ranging benefits to aid <i>Aussiedler</i> in integration in schooling and various professions.	

Source: 'Hilfen für Spätaussiedler,' *Info-Dienst Deutsche Aussiedler* June 1991. Pp. 2-8.

Benefits related directly to the move to Germany included building loans and subsidized loans for furniture and other household items. Finally, various *Aussiedler* were entitled to a lump sum payment, either as compensation for internment in a labor camp or other ethnic discrimination-related issues ("Hilfen für Spätaussiedler" 1991, 2-8).

Devolution of Privilege

As emigration restrictions were eased in Central and Eastern Europe in the late 1980s, the *Aussiedler* migration flow rose correspondingly steeply (See Table 3.3 and Appendix). On a

purely practical level, West Germany was simply not equipped to accept the ca. 380,000 *Aussiedler* who arrived in 1989 and the 400,000 *Aussiedler* who arrived in 1990. In addition, as the East Bloc opened up, the situation for ethnic minorities improved and opportunities for ethnic Germans to remain in their homes increased as ethnic discrimination lessened. Germany and the Soviet Union signed a bilateral agreement which also provided for the protection of ethnic minorities in 1990, Germany and Poland signed a similar agreement in 1991, and Germany and Romania, Hungary and the Czech and Slovak Republics did so in 1992 (Haberland 1994c, 21). However, *Aussiedler* policy could not be abolished completely. As discussed above, domestic considerations played a large role in maintaining the *Aussiedler* regulations: not only did conservative factions still believe in the concept of protecting co-ethnics, but the post-war expellees, who supported the maintenance of the *Aussiedler* policy, still exercise a certain amount of power within Germany.

Nonetheless, starting in 1989, a number of laws were passed which began to control and restrict the acceptance and integration of *Aussiedler* without wholly abolishing the practice. The *Wohnortzuweisungsgesetz* (Residence Assignment Law, WoZuG) of 1989 was the first law affecting *Aussiedler* and called for the even distribution of *Aussiedler* within West Germany according to a quota system; each *Land* receives a percentage based upon area and population. The *Länder* are then responsible for distributing the *Aussiedler* evenly within each *Land*. When the quota is filled for the year, even if it is in June, the *Land* is not required to accept any more

Table 3.5: Laws Affecting Acceptance and Distribution of Aussiedler

1989	Wohnortzuweisungsgesetz: §1 "In the interests of achieving a sufficient standard of living for <i>Aussiedler</i> ...," §2 " <i>Aussiedler</i> and <i>Übersiedler</i> ... can be assigned to a temporary residence." Intended to remain in effect for three years.
1990	Aussiedleraufnahmegesetz: Requires potential <i>Aussiedler</i> to apply for admission from their countries of origin. In conjunction with WoZuG, <i>Aussiedler</i> are assigned to a particular <i>Land</i> . This <i>Land</i> must also agree that potential <i>Aussiedler</i> fulfill all admission requirements.
1992	<p>Kriegsfolgenbereinigungsgesetz:</p> <p>§4: Creates new legal category: "Spätaussiedler" (late <i>Aussiedler</i>); not all spouses or children are included in this category.</p> <p>§5: Lists grounds for exclusion from Spätaussiedler category.</p> <p>§6: Creates new "definition" of German ethnicity:</p> <p>"(2) Anyone born after 31 December 1923 is an ethnic German if:</p> <ol style="list-style-type: none"> 1. he is descended from a German citizen or an ethnic German, 2. his parents, one parent or other relatives have passed confirming characteristics, such as language, upbringing on to him, and [my emphasis] 3. he declared himself, up until he left the area of German settlement, to be of German nationality, or recognized himself as German in some other manner or belonged to the German nationality according to the law of his country of origin. <p>The requirements according to Number 2 are seen as fulfilled if the passing on of such confirming characteristics was not possible, or cannot be seen as reasonable because of the conditions in the country of origin. The requirements of Number 3 are seen as fulfilled if the recognition as a German would have endangered life and limb, or would have been connected with grave professional or economic disadvantages..."</p> <p>§27: Sets limit at an average of the numbers of <i>Aussiedler</i> migration of 1991 and 1992 ± ten percent</p>
1992	WoZuG extended for another six years
1995	WoZuG extended for another eleven years
1996	WoZuG extended to 2007; Non-residence in assigned Bundesland for the first two years of residence in Germany now results in non-payment of all benefits from Work Promotion Law, Federal Welfare Law for that time.
1996	Language test introduced as fully institutionalized method of checking "objective characteristics;" nearly one-third fail.
1997	WoZuG: restriction in effect until year 2000; this means that it can affect some <i>Aussiedler</i> up to four years.

Aussiedler. Unlike the distribution of expellees, this distribution is not voluntary, but required for both *Länder* and *Aussiedler*.¹³ Initially valid for three years, this law was intended to lessen the impact of *Aussiedler* migration on any particular *Bundesland*. The *Aussiedler* migration had concentrated primarily in Lower Saxony, Northrhine-Westphalia, Baden Württemberg and Bavaria, largely due to family-determined network migration and higher possibility of employment. The WoZuG did not, however, take into account the negative impact that this law would have on *Aussiedler* integration, concentrating instead on the good of the state and the indigenous Germans (see Part II of this chapter). The WoZuG was revised and strengthened in successive versions (will be addressed later in this section). The WoZuG bears a striking resemblance to a law passed in the mid- to late 1970s restricting percentage of non-citizen children in schools to 20 to 30 percent, and of non-citizens in residential areas to 9 to 12 percent. One of the main reasons cited for this law was "protection of the social infrastructure from the costs of foreigners" (Wilpert 1991, 52) which is the same argument used in the case of the *Aussiedler*. In neither case were the needs or best interests of the affected group considered.

The *Aussiedleraufnahmegesetz* (AAG) (*Aussiedler* Acceptance Law) of 1990 shifted part of the burden of determining *Aussiedler* status outside the borders of Germany. As of 1990, potential *Aussiedler* were required to fill out a form establishing both information about the applicant and their families. In the so-called "Drucksache" (printed item) giving the Reasoning (*Begründung*) for the law, we read that any *Vertreibungsdruck* which was supposed to exist does not exist any longer, and that therefore it is not unreasonable to ask ethnic Germans to wait in

¹³ As noted earlier, §27 of the BVFG calls for a distribution of expellees within Germany and notes that the distribution is voluntary on the part of the expellees as well as of the *Länder*.

their countries of origin to apply for *Aussiedler* status. They are no longer fleeing for their lives, and so do not need to be accepted immediately upon their application (Drs 11/6937, p 5).

In this application, the applicant must supply the following information on his family: birthdates, places of birth, place of residence later in life, "nationality," including the nationality entered in the domestic Soviet passport, and maintenance of German language and customs. Applicants are also asked to provide information on German language knowledge. Which languages were spoken at home: German, Russian, other? At what age did the applicant start speaking German? From whom did the applicant learn German: the mother, father, grandmother, grandfather or other relative? How often (never, seldom, often, exclusively) are the following languages currently spoken by the applicant: German, Russian, other? How well does the applicant understand German (not at all, little, almost everything, everything)? How well does the applicant speak German (not at all, only single words, enough for a simple conversation, fluently)? Does the applicant write German (yes, no)? (Bundesverwaltungsamt 1993 1993). The application is handed in at a German consulate in the country of origin, then forwarded on to Germany for the decision-making process, which can take three or more years. Upon arrival in Germany, the statement of language ability is tested in a brief oral exam consisting of a simple conversation. If it appeared that the potential *Aussiedler* had misrepresented his German abilities in the application form, he could be denied entry and returned to his country of origin.¹⁴ No statistics are available on the number of potential *Aussiedler* rejected. However, many would-be *Aussiedler* have often sold their house and land in preparation for moving to Germany, and returning is not a feasible option. Some *Aussiedler* claim that the mafia in Kazakhstan forces

Aussiedler moving to Germany to sell their houses, cars, etc. to them at very low prices. The mafia allegedly prevents *Aussiedler* from retaining their houses in the case of a possible return to Kazakhstan (Interview, 28 November 1996). It is not known what has happened to many rejected *Aussiedler* who have dropped out of official record-keeping – whether they returned home, or remained unofficially in Germany. The AAG and its necessary application proved effective immediately; the numbers of *Aussiedler* dropped by fifty percent from nearly 400,000 in 1990 to around 222,000 in 1991. While the number of 222,000 was apparently not a set number, but rather the number of applications "which the civil servants could feasibly process" in one year (Interview, 2 October 1997), this was the number that was ultimately used to set a quota. From 1990 on, ethnic Germans who migrated to Germany on tourist visas, rather than follow the prescribed path, forfeited their *Aussiedler* status. They could, however, in some cases claim German citizenship, but were not eligible for pensions, language courses or job re-training.

The passage of the KfbG in 1992 (to take effect in 1993) as part of the so-called asylum compromise marks the end of the era of loose regulations on *Aussiedler* admission. During the late 1980s and in the early 1990s, Germany was a haven for three groups of migrants: East German refugees (*Übersiedler*) or, later, simply moving from East to West, asylum seekers and *Aussiedler*. These three groups resulted in a total migration to West Germany of nearly 6 million within 9 years. In the table below, the impact of the restrictive laws as well as of German unification can clearly be seen.

¹⁴ The applicant is, in fact, warned of this possibility on the application form that the permission to settle in Germany can be taken back if it is determined that the information given is untrue or incomplete.

Table 3.6: Migration to Germany

	<i>Aussiedler</i>	<i>Übersiedler</i>	Asylum-seekers	Total
1987	78,523	22,838	57,379	158,740
1988	202,673	43,314	103,076	349,063
1989	377,055	388,396	121,318	886,769
1990	397,073	395,343	193,063	985,479
1991	221,995	249,743	256,112	727,850
1992	230,565	199,170	438,191	867,926
1993	218,888	172,386	322,599	713,873
1994	222,591	163,034	127,210	512,835
1995	217,898	168,336	127,937	514,171
Total	2,167,261	1,802,560	1,746,885	5,716,706

Sources: *Info-Dienst Deutsche Aussiedler* September 1998. Pp. 4-5; *Datenreport* 1998, 43-45; Zimmermann 1998, 522-523.

The CDU wanted to restrict the privilege of asylum. In some measure as a means of checking right-wing violence against asylum-seekers, the CDU sought to reduce the numbers of incoming asylum-seekers (Schäuble 1994, 112). The SPD, on the other hand, argued that Germany's liberal asylum law, written into Article 16 of the Basic Law, was a part of Germany's past and could not be removed. It was in part to compensate for the Nazi history of persecution that persecuted peoples were to be permitted entry into Germany (Tönnies 1994, 106). Although the CSU thought otherwise, this privilege could not be withdrawn. While the asylum debate was raging loud and furiously in the *Bundestag* and the German media, little was said in the media about the proposed restrictions on *Aussiedler* rights. Indeed, the *Aussiedler* law was passed on 22 December 1992, late at night – too late to go into the papers the next day – to go into effect just 8 days later, on 1 January 1993. This method ensured that no Polish or Romanian Germans would realize that their permission to enter as *Aussiedler* was about to be withdrawn and would not storm the border between Christmas and New Year (Münz 1999). The CDU would have

preferred to maintain the *Aussiedler* policy as it was, but the SPD exerted great pressure to reduce the influx of *Aussiedler* (Hämmerle 1994, 125). Even so, there seems to have been more consensus on the *Aussiedler* issue than on the asylum issue. In what has come to be known as the asylum compromise (*Asylkompromiß*), both the right to asylum and the rights of *Aussiedler* to migrate to Germany were restricted starting in 1993. The CDU recovered quickly, however, stating that the KfbG was for the good of *Aussiedler* and Germany alike (Waffenschmidt 1994, 129).

The 1993 KfbG includes a revised version of the BVFG, replacing any previous version. The most significant change in the law is a restriction of countries of origin. The law accepts only ethnic Germans from the former Soviet Union, who are still said to be suffering under *Vertreibungsdruck* and who, furthermore, suffered the most under Communism, having been deported eastward to Siberia or Kazakhstan. In the *Begründung* for the 1992 KfbG, it is noted that the German language and self-identification as German are important, however, not as a means of determining that someone is "German enough," but that they suffered ethnically-based discrimination: "This lived awareness implies a fate as the result of the war. Whoever lived with this awareness in the areas of *Aussiedlung*, had, as a general rule, a part in carrying the burdens placed upon the entire German ethnic group. The link of these prerequisites with a deadline ensures that only people will be included who are still today affected by the results of the Second World War and its after-effects" (Drs 12/3212 p. 22). All others, from other Eastern and Central European countries, must prove explicitly that they still suffer ethnically-based discrimination or the after-effects of earlier such discrimination. This policy in effect restricts the bestowing of *Aussiedler* status to ethnic Germans from the former Soviet Union only, as minority rights have

been significantly improved in the Eastern and Central European countries. Spouses may come as *Aussiedler* only if the marriage has existed for three years at the time of application. The data since 1993 show that only a few ethnic Germans from other formerly Communist countries can prove ethnic discrimination to the satisfaction of the examiners in the *Bundesverwaltungsamt* (See Table A.1 in Appendix). Ethnically-based discrimination is no longer taken for granted in Eastern and Central Europe, and is certainly no longer synonymous with ethnicity. After 1992, only some ethnic Germans from the former Soviet Union are eligible for *Aussiedler* status. Not even all Soviet Germans are eligible for *Aussiedler* status. In a significant procedural change, the KfbG now specifically lists bases for exclusion from *Aussiedler* status (§5). Having aided the national socialist or other totalitarian government is now grounds for not receiving *Aussiedler* status, as is having acted in a manner contrary to basic human rights. Likewise, anyone who used his position to his own advantage or to others' disadvantage is excluded, as is anyone who held a high-level position, such as could have only been achieved through a personal connection with the totalitarian system (§5 BVFG 1993). The KfbG also sets an end to *Aussiedler* migration, stating that those who were born after 1992 may not enter as *Aussiedler* after 2010.

In June 1996, a more elaborate language test was introduced, to be administered in the country of application. Whereas previously, the applicant only had to state his level of German ability, as of 1996, he had to demonstrate this ability. Before the introduction of these tests, the language tests took place only in Germany. Now, even before the potential applicant can file an application, he must pass such a test. These tests, now required before the submission of the application, were formally introduced as a means of testing German abilities, thus shifting yet another part of the application process outside Germany. There was essentially no media

coverage of the introduction of the language test, save the official monthly press releases by the Ministry of the Interior and the publication *Info-Dienst Deutsche Aussiedler*. A few editorials have since surfaced, but no real issue has been made of the introduction of language tests.

The language test is administered in the country of origin by a civil servant who starts with a relaxed conversation and then moves to the actual test. According to the *Bundesverwaltungsamt*, "the applicant must be capable of carrying on a conversation about the simple facts of daily life" ("Fragen und Antworten zum "Sprachtest" 1998, 32-37). The conversation could be about professional life in Kazakhstan or the life of a German in the former Soviet Union and may be either in high German or in dialect. The questions are not rote questions, but are improvised by the examiner for each case. On the language examination form, the examiner writes down which language the applicant learned as a child and from what age (German, other language). From whom did the applicant learn German (father, grandfather, mother, grandmother, outside the family home) and where? Which language does/did the applicant speak at home (German: never, seldom, often, only; Other language: seldom, often, only). Finally, a series of question blanks follows where the examiner writes down which questions were posed, whether the applicant understood the question, and whether the question was answered in German or in Russian. The last page calls for the examiner to state how much German the applicant understands: not at all, little, almost everything, everything. How much German does the applicant speak? Not at all, only single words, enough for a simple conversation, fluent, dialect. Finally, was communication possible without an interpreter? ("Anhörungsprotokoll zur Überprüfung der Sprache," *Bundesverwaltungsamt*). While passing the language test does not guarantee admission as an *Aussiedler*, passing the test is required for entry. Partially explained by the increase in mixed

German-Russian marriages, the German language competence of the post-Cold War *Aussiedler* is at a much lower level than that of their predecessors. Thus, these tests are a means of ensuring that ethnic Germans have the linguistic tools to ease their integration into contemporary German society; forty percent do not appear to a scheduled test and, of those who appear, between thirty and forty percent fail the language test ("Aktuelle Daten zur Aussiedlerpolitik" 1997, 1; "Jahresbilanz Aussiedlerzahlen 1998).

The official German government line on the language tests is that too many potential *Aussiedler* were misrepresenting their knowledge of German on the application forms and, as a result, "having" to be sent back to their country of origin ("Nicht mehr stumm wie ein Fisch" 1998, 65; "Rauhe Sitten" 1996, 60). The language test, conducted in the country of origin, determines the applicant's level of German well before he enters Germany. A Federal Administrative Court (*Bundesverwaltungsgericht*) decision in November 1996 lent extra support to this decision, declaring that ethnicity or descent alone does not suffice for claiming *Aussiedler* status; some basic grasp of the German language must also persist: "[a]nyone who has only inadequate German knowledge and speaks Russian as a mother tongue or prefers to speak Russian as the colloquial language generally belongs to the Russian cultural circle" (BVerwG 9 C 8.96) and is, thus, not eligible for *Aussiedler* status. Furthermore, the court argues, the subjective acknowledgement as a German is the crucial element of being admitted as an *Aussiedler*. In the case of Germans from the former Soviet Union, the entry in the so-called domestic passport is a crucial piece of evidence: if a German had his nationality¹⁵ entered as

¹⁵ While in the language of international law, "nationality" is interchangeable with "citizenship," in Eastern and Central Europe, "nationality" is essentially interchangeable with ethnicity. It is in this sense that I use the word.

"German," he is halfway to *Aussiedler* status. On the other hand, if his nationality was listed as "Russian," in almost all cases, he will be denied entry (BVerwGE 9 C 392.94; BVerwGE 9 C 391.95). The reasoning is two-fold: first, the BVFG (and, later, KfbG) states that entry is granted to those who acknowledged themselves to be German, and, second, entry is offered to those who suffered ethnic discrimination as Germans. If a person is officially listed as Russian, he can hardly have suffered ethnic discrimination on the basis of his official nationality. In this particular *Bundesverwaltungsgericht* (Federal Administrative Court) case, an ethnic German from the former Soviet Union had been denied admission as an *Aussiedler* and was claiming that his rights had been violated. However, as the case moved to the highest level, his case was lost on the basis that he did not fulfill the requirements as cited in the law. This court decision, which even went a step beyond the law in requiring knowledge of the German language, has been hailed by politicians and *Aussiedler* case workers as a significant step toward integration.

There is some dispute among officials as to the exact purpose of the language tests. According to some, the German tests determine whether the potential *Aussiedler* learned German as a native language. In this set-up, only German learned as a native language is acceptable; therefore, an individual who speaks fluent German learned from a year abroad at Tübingen could theoretically fail the language test. An Interior Ministry official maintained that of course the examiners – trained by the Foreign Ministry – can tell if the applicant learned German as a native language or as a second language (Interview, 10 October 1997). The purpose of the language test is allegedly to determine, particularly in the face of the emergence of forged documents, true German identity. However, in the confusion which marks the German government's *Aussiedler* policy, others agree that the language tests will have a substantial effect on the *Aussiedler*'s

integration into German society and may have been instituted for this purpose (15 October 1997). Either dialect or high German learned as a non-native language suffices. According to official publications ("Informationen zur Durchführung von Sprachtests" 1996), the language tests do not represent a restriction of *Aussiedler* entry, but are simply a new way of processing entry. This is not entirely true; while the knowledge of German language has been one of the confirming characteristics of the subjective acknowledgement of German ethnicity since the passage of the BVFG in 1953, earlier it was not required, but knowledge was assumed or ignorance excused (Ruhmann 1994). An examination of court cases shows that the knowledge of the German language has played an increasingly central role over time, particularly since the end of the Cold War (BVerwGE 9 C 9.86), with the knowledge of German often being a decisive factor in admission. Furthermore, *Aussiedler* counselors have indicated in interviews that, prior to the institution of language tests, many *Aussiedler* spoke little if any German (Interviews, 19 February 1997; 27 February 1997; 10 February 1998). I would argue that the institution of language tests can be interpreted as testing for integration capacity rather than ethnic identity. There are many contradictions in the German policy for *Aussiedler*, and this is but one of them.

The shift in time toward language exams, taken together with court cases and evidence collected in interviews, suggests that the German government has used the introduction of language tests to restrict the numbers of *Aussiedler* entering Germany. Despite the claim that the language test does not represent a shift in policy, the fact remains that fewer applications are being sent in and fewer are being accepted than before the institution of the language tests (See Appendix, noting difference in admission after 1996). The press also sees the introduction of language tests in this way: "The government has long regretted what it once set in motion.

Officially they still announce that the gate remains open for Russian Germans. In reality, they are trying to stop the flow of those seeking to come "Heim ins Reich" (home to the empire) – and any deterrent will do" ("Nicht mehr stumm wie ein Fisch" 1998, 65). The German government has restricted entry, on the basis of integration, to those who can best integrate into Germany society. The emphasis once placed on language as a carrier of identity has shifted to an emphasis on the significance of language for integration and communication.

By the late 1990s, it became apparent that the 1989 *Wohnortzuweisungsgesetz* (extended in 1992 until 1998) was not working according to plan; *Aussiedler* would be assigned to a *Land*, but promptly move to, for instance, Lower Saxony to be near family or friends. Accordingly, a new version of the WoZuG was passed in 1996 which linked social services to place of residence. For two years after entry to Germany, the *Aussiedler* must remain in the *Land* of assignment, or else forfeit all social services such as language courses, welfare, unemployment benefits, job retraining programs, etc. Since the majority of *Aussiedler* are on some form of public assistance during their first two years, this law has been successful in ensuring that *Aussiedler* remain in the assigned *Land*, thus evening out the burden on the *Länder*.

However, this law raises questions about restrictions of the basic civil rights of *Aussiedler*, since their freedom of movement, as guaranteed in Article 11 for all Germans, is no longer guaranteed within the German border. On this issue, one of the government officials who wrote the law claims that no one is forcing the *Aussiedler* to remain in one place (Interview, 2 October 1997). When I pointed out in the interview that the reliance upon social services essentially does force them to do just that, he merely re-iterated his point. In the WoZuG itself, §2 does state that the freedom of movement of the *Aussiedler* is restricted; however, this restriction by law is

permitted in Article 11, Paragraph 2 of the Basic Law "if sufficient living conditions are not available and specific burdens would arise for the general population." Article 19 of the Basic Law further regulates restrictions of the basic rights by saying that rights cannot be restricted on a case by case basis, but must be generally valid. Thus, the question arises as to whether the *Aussiedler* are a single case, or are seen as a general situation. Article 3 of the Basic Law, moreover, prevents discrimination on the basis of, among other criteria, "home and origin." While the freedom of movement of the *Aussiedler* is being legally restricted, they are also possibly being discriminated against as a single group, such as is prohibited in Article 3 of the Basic Law. The Basic Law specifically restricts freedom of movement to Germans; asylum seekers, for instance, are placed where the government wishes. In this case, the *Aussiedler* are not treated as the Germans the government steadfastly maintains them to be, but in the same manner as asylum seekers.

In legal literature, no debate has emerged over this restriction of a basic right that should be available to all Germans. The literature has been far more concerned over the possibility that *Aussiedler* might be overly privileged in contrast to indigenous Germans or to East German refugees with respect to pensions and other monetary benefits (Binne 1991, 493; Preis and Steffan 1991, 12). Some authors make an attempt to convince readers that *Aussiedler* are not overly privileged (Löffler 1989, 139), while even the previous Commissioner for *Aussiedler* Affairs, Horst Waffenschmidt, said in a 1992 address to the *Bundestag* that all appearances of privileging *Aussiedler* over the regular German citizen should be avoided (Waffenschmidt 1994, 130). This treatment suggests that *Aussiedler*, in fact, constitute a group that is declining in

importance in Germany and whose admission is being maintained for reasons other than those of ethnic privilege.

Changes in Benefits to Aussiedler

Aussiedler benefits have changed dramatically since the early 1990s. Monetary benefits have largely been cut back, while social programs have been added. *Aussiedler* now draw pensions at levels that are 60% of the native German level rather than corresponding to the normal level. Additionally, if both husband and wife draw pensions, their combined income may not exceed 1.6 times the amount of "Integration Help" (*Eingliederungshilfe*), which is calculated at 60% of the average pension. Thus, a couple would, *together*, then earn no more than 96% of the average pension. In 1994, 1.6 times the Integration Help varied between 1060 DM and 1536 DM per month, thus setting the upper limit for a dual pension-receiving couple. Integration help itself has been limited to six months, as have German language courses (Haberland 1994c, 260-261; *Hilfen für Spätaussiedler* 1997, 25).

Benefits are also now linked to specific groups, emphasizing assistance to young *Aussiedler* and the long-term unemployed (more than one year). Job re-training and further education have now been re-oriented toward young adults while programs such as "Sports with *Aussiedler*" and a number of programs have been instituted to address general cultural and social integration. Other job re-training programs remain, but participation is no longer guaranteed; an application must be made and costs of the course may or may not be covered.

Table 3.7: Summary of Benefits Received by *Aussiedler* after 1992

Social Insurance	Integration-Related Benefits	
	Professional	Move-Related
Pension – at 60% of native German rate for equivalent work. Non-German spouses may not be eligible. Upper limit on payment (FRG).	Integration Help – paid during job re-training or further education. Six-month limit; may be then taken up by welfare (§62 AFG).	Lump Sum Payments – in some cases, <i>Aussiedler</i> are entitled to a lump sum payment to compensate for suffering (various laws).
Health Insurance – at same level as native Germans (§11 BVFG, 1993 version).	Language training – Cost of course and support in the form of Integration Help. Six-month limit (may not be added to six months of re-training) (§§62 ff AFG).	Subsidized loans for building and house-furnishing remain.
Unemployment benefits – replaced by Integration Help, which is set at the level of 60% of welfare payments. Six-month limit (§62 AFG).	Fewer benefits to aid <i>Aussiedler</i> in integration in schooling and various professions, but more local programs (also EU-funded) to aid social and cultural integration.	

Source: 'Hilfen für Spätaussiedler,' *Info-Dienst Deutsche Aussiedler* October 1997. Pp. 19-30.

Foreigners' Law

The *Ausländergesetz* (Foreigners' Law) was first instituted in 1965 to systematize visa regulations, deportation and sundry issues relating to non-Germans living in Germany. Guest-worker recruitment had been in full swing since 1955, and some of the first guest-workers had remained in Germany since then. Thus, some sort of legal text needed to be created for addressing the issues of non-citizen residents. The *Ausländergesetz* of 1965 devotes considerable space to detailing all the possible reasons for which a "foreigner" might be deported as well as to various infringements of laws ("*Ordnungswidrigkeiten*") which affect only foreigners (AuslG). There is no mention of naturalization, schooling or any other integration measure. The guest-

workers fit the pattern of other temporary migrants, usually admitted for labor market purposes, who acquire their rights through the labor market rather than being granted special rights by the state. The 1965 law does not include any regulations on naturalization, which were then covered in separate 1977 guidelines (Kurthen 1995, 932). This law was completely reasonable, given the point of departure of the original recruitment drives for guest-workers – that they would go home after they had worked in Germany for a few years, saving up money to bring home to their families in Anatolia or Sicily.

The increasing exclusivity of the policies toward *Aussiedler* at the end of the Cold War is paralleled by the new 1990 version of the *Ausländergesetz*. In 1990, the *Ausländergesetz* was expanded, liberalized and includes provisions for naturalization. When these changes and additions of the *Ausländergesetz* are taken into account, we see a clear trend away from the importance of ethnicity as a determining factor for acceptance and a parallel shift toward integration and language as determining factors. Provision is made in the 1990 *Ausländergesetz* for the immigration (*Nachzug*) of family members and, most importantly, the 1990 law allows for easier naturalization of young non-Germans. "Young foreigners" between 16 and 23 years old who apply for citizenship are "*in der Regel einzubürgern*" (are to be naturalized as a rule) as long as they have lived in Germany for eight years and attended a German school for six of those years, give up their previous citizenship, and have not been convicted of any crimes. In 1993, a revision to the Foreigners' Law removed the words "*in der Regel*," ("as a rule") thus making naturalization for young foreigners a matter of course (BGBl I 30 June 1993, 1072). The requirement of schooling in Germany shows the emphasis placed on education, the acquisition of the German language and socialization in German society. Naturalization is becoming easier for

non-German residents of Germany and some measure of *jus soli* was introduced as of 1 January 2000. From the 1977 rules, non-citizen residents of Germany were required to live in Germany at least ten years in order to put in a request for the so-called discretionary naturalization (*Ermessenseinbürgerung*). After 15 years' residence, a non-citizen has a claim to citizenship (*Anspruch auf Einbürgerung*) provided that he or she has not committed any crimes and gives up his or her previous citizenship.

However, the new citizenship law eases these restrictions for all non-citizens, showing a trend toward liberalization or a recognition of the change in the status quo, reducing the time of residence required for the legal right to citizenship to eight years (§85, Par. 1). The spouse and children of an applicant may be naturalized as well, even if they have not lived in Germany for eight years (§85, Par. 2). In the United States, the traditional immigration country, the time of residence required is five years. Limited *jus soli* is introduced in this law as well. A child born in Germany to parents, at least one of whom has lived in Germany for at least eight years, and who has a permanent residence visa, acquires German citizenship at birth although he must later choose between the German and any other citizenship.

Effect of Changes in Laws on Aussiedler

Unlike the laws designed to help the integration of the expellees and Cold War *Aussiedler*, the changes in the laws concerning post-Cold War *Aussiedler* have complicated their integration. The reduction of language courses to six months and the reduction in eligibility for job training programs are likely the most serious objective hindrances to integration. Post-Cold War integration programs are designed to cover – at low cost – the failure of the reduced job-training

programs. Rather than increasing language programs to compensate for the lower German level of the post-Cold War *Aussiedler*, language testing now takes place outside the German borders to screen out those who do not speak German. *Aussiedler* are tested for their ability to integrate and contribute to the society, rather than being offered a retreat from Communism.

On a subjective level, the *Aussiedler* have had a very different experience than their predecessors, the expellees. Rather than being included in the policy process as co-decision makers, the post-Cold War *Aussiedler* have been the recipients of a federal decision-making process every step of the way. The introduction of the language test was a step which gave the government the final say: questions on the language test are not prescribed, but may be improvised by the examiner. Hence, the government has the complete regulation of *Aussiedler* admission under its complete control and can gradually restrict the policy without any legal changes or even policy statements.

The laws designed to protect ethnic Germans under Communism and offer them the possibility of migration to Germany were passed at the beginning of the Cold War, as seen in Article 116 of the Basic Law (1949), the BVFG (1953) and the StaReG (1955). In court cases, it is clear that, while in the 1970s, ethnically-based discrimination was taken for granted, by the late 1980s, this was no longer the case. Indeed, ethnically-based discrimination in Eastern and Central Europe had declined by the 1980s. The inclusion of minority rights in various bilateral treaties hastened the end of ethnic discrimination. Thus, we can make the statement that, as the Cold War drew to an end, the necessity of protecting German co-ethnics declined. Concurrently, however, large waves of *Aussiedler* migrated to Germany. In the face of conservative groups' support for the *Aussiedler* policy, including expellee support, the German government could not

abolish the *Aussiedler* policy completely, but instituted significant changes as part of the asylum compromise of 1992, as well as subsequent policy decisions.

The changing *Aussiedler* policy in Germany could be summed up in the following table. Only at the moment of transition, at the end of the 1980s and early 1990s, was there little regulation of the movement of ethnic Germans on either side of the Iron Curtain. Prior to the late 1980s, the countries of origin controlled the migration flow and as of 1990, Germany controlled the flow.

Table 3.8: The *Aussiedler* Journey: Exit and Entry

late 1940s – mid-1980s	late 1980s – early 1990s	1993 –
<ul style="list-style-type: none"> •Complex application process (almost impossible) to leave host country; •Easy to enter Germany 	<ul style="list-style-type: none"> •Easier to leave host country; •Easy to enter Germany 	<ul style="list-style-type: none"> •Easy to leave host country; •Complex application process (almost impossible for ethnic Germans not from former Soviet Union) to enter Germany

This analysis of laws affecting *Aussiedler* as well as the *Ausländergesetz* lead to the conclusion that German citizenship has shifted since World War II. While the RuStaG, which represents *de jure* citizenship in Germany, remains in place, the changes in the previous laws suggest a *de facto* shift in German citizenship. While, at the immediate point of German unification,

[w]hen east and west Germany were unified, the historical notion of citizenship that had become a pillar of postwar politics prevailed over liberal proposals to adjust citizenship regulations to the new realities of an ethnically-diverse united Germany (Lemke 1998, 214),

I conclude that the sum total of the changes made in *Aussiedler* policy and resident non-citizen policy since unification has indeed led to a change in the concept of German citizenship.

Conclusion

It is important to put the development of these laws privileging ethnic Germans in the context of privileges extended to other groups. When we contextualize these sets of laws – post-war and post-Cold War – it becomes clear that these laws bracket a time frame in which certain issues played a role, and were not put in place purely to privilege ethnic Germans. In the post-war period, not only ethnic Germans were privileged. In the construction of its post-war polity – institutions, laws and policies – Germany was largely concerned with making right the wrongs of the Nazi period. Certain basic measures such as the introduction of a 5% clause to hinder splinter parties entering the *Bundestag* were introduced, along with other measures designed to limit the probability of "another Hitler" coming to power. Likewise, ethnic Germans in Communist regimes who suffered ethnic discrimination largely because of the Nazis' atrocities in Eastern and Central Europe were welcome in Germany, as outlined in Article 116, Paragraph 1. The less-quoted but equally valid Paragraph 2 of Article 116 also offers German citizenship to individuals, and their children, stripped of German citizenship between 30 January 1933 and 8 May 1945 for political, racial or religious reasons, who have returned to Germany after the end of the war. More recently, as of 1990, Soviet Jews are permitted to migrate to Germany where they receive widespread benefits including language training, welfare payments, job re-training and access to German citizenship (Harris 1997). Likewise, anyone suffering persecution at home could come to Germany under its liberal asylum law, Article 16 of the Basic Law, which was judged to be the most liberal in all of Western Europe. Even today, after the more restrictive version of the law passed in 1993, Germany still receives 50% of all asylum applications in the EU.

All of these post-war laws or policies were designed with the two-fold goal of compensating for the Nazi past and providing an escape from totalitarian governments. The ideological component is thus, I argue, more fundamental than the ethnic component. Nonetheless, it was this ideological influence which led to the introduction of ethnicity into the post-war citizenship laws and the shift in the geo-political situation which has led to the lessening importance placed upon ethnicity.

The post-Cold War period has seen many changes in these post-war policies. No longer is the ideology of the Cold War a factor in the admission of *Aussiedler* or of refugees from East Germany. The end of the Cold War and German unification not only ended the need for laws granting ethnic Germans from Eastern and Central Europe privileged access to West Germany, but also placed a great amount of stress upon German identity as well as financial strain, creating the need to cut costs where possible. The *Aussiedler* policy, no longer ideologically defensible, was one of these areas.

CHAPTER FOUR: Expellees in Post-War Germany

Introduction

In the post-war era, German citizenship has undergone transitions on several levels. As we have seen in the *de jure* development of German citizenship – illustrated by laws affecting expellees, *Aussiedler* and non-citizen residents in Germany – an ethnicization after World War II and a de-ethnicization at the end of the Cold War can be identified. The shift in the legal development of citizenship is accompanied by *de facto* shifts in citizenship; the exercise of citizenship, for instance, can be shown to have changed in this same period. Examining expellees and *Aussiedler* once again, this chapter and Chapter Five will examine the post-war evolution in the exercise of participatory citizenship which, it is universally agreed, is a central aspect of citizenship as a whole.

The first part of this chapter will address the integration process of the expellees and their successful mobilization, while the first part of Chapter Five will turn to the less successful integration process of the *Aussiedler* and their lack of mobilization. The discussions of the integration process will illustrate how participatory citizenship differs for these two groups. Each chapter will then turn to possible explanations for the presence or absence of mobilization. As we will see, mobilization (or lack thereof) cannot be ascribed solely to group-internal aspects, but is also dependent upon the surrounding polity. The shift in the participatory exercise of citizenship is, thus, also a function of the changes in the German polity over time. The shift in participatory exercise of citizenship, or what I have called the "practical" area of analysis, is a result of many of the same factors which also affected the legal development of citizenship. This

argument will be developed further in Chapter Six, drawing upon our third group of actors, non-citizen residents in Germany.

The laws passed in the immediate post-war era formed one part of a circular process: the laws were both the result of strong expellee mobilization and involvement as well as being, in turn, the impetus for subsequent successful expellee integration. The parliamentary debates around these laws are instructive as well as the actual legal texts. The law represents the outcome of the debate, but the debate provides us with an encapsulated view of each party's view on each particular point. We thus have insight into the spectrum of views on the expellee issue, providing us with the general governmental and political attitude toward expellees.

Initial Problems

While the widespread conception today is that the *Aussiedler* are a more "foreign" group of migrants, in comparison to the expellees, the reality is that the expellees were not as seamlessly integrated into indigenous German¹ culture and society as is widely believed today. Indeed, the problems experienced, including housing crises and unemployment, in the early years of living in Germany are unparalleled even by the *Aussiedler* experiences of today. Nonetheless, the expellees' success in, first, mobilizing, and, second, in achieving their aims through this mobilization, followed by their subsequent integration into German society and culture, is undisputed. As will be discussed in the second section of this chapter, the laws

¹ Expellees must be distinguished from the population residing in what became the Federal Republic after 1949 in some way. The terms "expellees" and "Germans" would imply that expellees were not German. In German sources, two terms are used for the German population residing in the area of the Federal Republic before 1945: "bodenständige Deutsche" (local Germans) or "einheimische Deutsche." This term translates roughly as "indigenous Germans," which will be used throughout this dissertation.

addressed in Chapter Three are indicative of the positive political climate for expellees within the German polity. The indigenous German politicians' support of the expellees, along with the activism of a certain number of expellees, led to the passage of these privileging laws, which then, in turn, helped the expellees integrate at a higher level and strengthened their ability to participate in the society as equals. Despite their ultimate success once this circular path was begun, the expellees' initial experiences were difficult.

In contrast to the *Aussiedler*, who came into a financially prosperous and politically stable state, the expellees came into an occupied territory that had no government, no established political system and no institutional infrastructure. In the late 1940s, Germany had barely begun to recover from the effects of a massive war, including rebuilding heavily bombed urban areas, establishing a new political system and re-developing an industrial base. While all of Germany was in a precarious position in the first post-war years, expellees were more likely to be unemployed or underemployed, to live in temporary housing or barracks, even in tents and barns, and to be socially marginalized. Nonetheless, by the late 1940s and early 1950s, the expellees had overcome many of the social and psychological problems relating to their uprooting, were on their way to equal employment and were even active in local, *Land* and federal politics, despite a ban on expellee political organizations lasting until the late 1940s.

Unemployment, Housing, Job Skills

Unemployment was high all around in 1940s Germany. While the economy and industry had to be rebuilt to some degree before employment could expand, a large number of jobs were available in reconstructing the bombed cities. However, the scarcity of housing in industrial

areas often meant a lack of workers in precisely the areas where they were most needed. Unemployment was three times higher among expellees than among the indigenous German population in 1950 (Klessman 1991, 224). Another segment of the expellee population was underemployed, working in jobs well below their qualification level. While many expellees came from areas formerly part of Germany, qualifications and credentials were not entirely equal, leading to a reluctance on the part of employers to employ some expellees. Additionally, employers felt a responsibility to those men returning from the war, and no such responsibility to the expellees. One of the articles of the 1953 BVFG, however, mandated equal hiring of expellees and indigenous Germans. Table 4.1 shows that, while indigenous Germans were working at qualification levels nearly identical to their pre-war levels in 1950, the number of expellees working as unskilled workers jumped a full twenty-five percent from the pre-war level. Nonetheless, as early as 1961, the qualification levels of expellee employment approached their pre-war levels, even surpassing them, in the case of civil servants. The 1953 BVFG had established that, if any sort of permission were required to practice a certain profession, expellees were to be privileged. This regulation was to be in force until the expellees and the refugees were employed at the same levels as indigenous Germans (BVFG 1953, § 69 Par 1). Subsequent articles (BVFG 1953, § 70-81) outlined further measures intended to bring expellees and refugees up to indigenous German levels of employment. The German *Wirtschaftswunder* (economic miracle) was in full swing by the mid-1950s, having well surpassed pre-war levels of production by the mid-1950s (Klessman 1991, 475), so it comes as no surprise that employment for both indigenous and expellee Germans was rising. It is important to note that, despite earlier fears to the contrary, expellees were rising with the new German state, as mandated by the

BVFG, and did not remain an underclass, despite the restrictions on money and goods that they were permitted to bring with them. Indeed, by 1959, six years after the BVFG, unemployment was equal between the expellee and the indigenous German populations (Lüttinger 1986, 23).

Table 4.1: Employment Ratios of Indigenous Germans and Expellees

Occupation	Pre-War: 1939		1950		1957		1961	
	Later FRG	Areas of expulsion	Indigenous German	Expellee	I.G.	Expellee	I.G.	Expellee
Self-Employed	17.4	15.4	16.5	5.2	14.6	6.2	13.3	6.0
Civil Servant	6.9	4.5	4.0	3.7	4.5	5.6	4.5	5.7
Employee	13.0	10.3	16.3	14.3	17.7	17.3	24.4	24.6
Worker	51.7	50.2	46.5	75.0	51.3	68.1	46.5	60.6

Source: Marion Frantziach, *Die Vertriebenen: Hemmnisse und Wege ihrer Integration*, p. 209.

One of the problems contributing to the high unemployment among the expellees was their unequal distribution throughout Germany. The Allies had gone by the rule of thumb of placing expellees in sparsely populated areas as well as in those areas least damaged by bombing – most often non-industrial areas (Frantziach 1987, 99) – so as to place the least burden on the indigenous population. Indeed, 85% of expellees lived in rural areas (Frantziach 1987, 117) with many expellees commuting 25 miles or more to work each day, sometimes by bicycle (Carey 1951, 193). Much of the available work was the reconstruction of war-damaged buildings, precisely in the areas where little housing was available. Twenty-two percent of all previous housing had been destroyed (Frantziach 1987, 90), leading to severe housing shortages. Adding to the problem was the reluctance of the French, as they had not been a signer of the Potsdam Agreement, to accept any expellees in the French zone until 1948, thus leaving expellees concentrated primarily in the British and American zones of occupation. In 1947, 3.2 million

expellees were in the American zone, 2.9 in the British zone and 50,000 in the French zone (Klessmann 1991, 355).

As reasonable as the policy of placement in rural areas may have been in terms of lessening impact on the indigenous Germans, the unintended result was that employment and housing remained hard to find for expellees. By 1950, nearly one-half of all expellees still lived in communities with fewer than 3000 inhabitants – not areas with an elastic labor demand or abundant housing (Bauer 1993, 22). Three *Länder* were disproportionately burdened by expellees, leading to the call for their re-distribution, both for the sake of the expellees as well as that of the *Länder*. Expellees formed 38.2% of the population of Schleswig-Holstein in 1951, 30.5% of Lower Saxony and 23.6% of Bavaria (Carey 1951, 192). These high percentages made integration more problematic: the numbers of jobs and housing that needed to be found were simply staggering. Not having housing from pre-war Germany to fall back on, as did many indigenous Germans, expellees were more likely to be lodged in emergency housing – in tent cities or in damaged buildings – thus deepening their sense of alienation from their new home. Eleven percent of expellees were still housed in emergency housing in 1950, as compared to four percent of the indigenous population (Frantzioch 1987, 204). In 1955, camps were still in existence for those who had no other housing; expellees made up 65% of the 300,000 still living in camps (Frantzioch 1987, 205).² The majority of expellees had, however, found housing by then, and the planned re-distribution of expellees had, to some extent, been implemented.

It is often said of the *Aussiedler*, as a point of contrast to the expellees, that they are not German-speakers, whereas the expellees were. Thus, the argument goes, the *Aussiedler* are not

as accessible to the indigenous German population, whereas the expellees were able to settle in socially quite easily. While this widespread opinion serves to heighten the impression that the expellee integration was an easier one from the beginning, this is not the case. Indeed,

[t]he indigenous population invariably [sic] treated the Germans from the East with reservation, if not resentment or hostility. The expellees were poor and lacked social identity ... they seemed to be Germans of a different kind. They spoke strange dialects and did things in unfamiliar ways (Schoenberg 1970, 38).

Although the expellees were German-speakers, many spoke a strong dialect which identified them as easily as outsiders and intruders on the post-war recovery as the *Aussiedler's* Russian does them (Frantziach 1987, 229). Expellees faced a certain amount of exclusion and resentment in both rural and urban environments, as well as discrimination in finding jobs and housing. The dialects were so strong in some cases as to hinder understanding between expellees and indigenous Germans. As recently as the 1980s, expellees were still referred to as the "newcomers" in some villages. More pervasive still were psychological problems that arose from a sudden relocation as well as the feeling of unjust forcible relocation. The sense of having been wronged persisted with the expellees throughout the post-war period, meeting its first serious opposition with Willy Brandt's *Ostpolitik* in the 1970s. Both these stumbling blocks to integration began to be addressed in informal associations as early as 1945.

Impact of Laws on Expellee Integration

While the 1953 BVFG was the final law which covered every aspect of the expellees' integration and provided a standardized expellee law across Germany, it was by no means the

²It is perhaps interesting to note here that 1955 was the year in which the Germans were to some extent redeemed in the Soviet Union and began to be released from the internment camps.

first law aimed at easing the expellees' integration. The first regulation which affected the more than four million expellees in the British zone was issued 21 November 1945 (Wlaschek 1983, 13), just a few months after the end of the war and the take-over by the Allied occupation forces. This particular regulation covered the institution of expellee councils, which were intended to deal with all issues arising with regard to expellees. By June 1946, a further regulation was issued, which stated that all such councils should consist of at least 50% expellees, who should, furthermore, be elected by the expellees themselves and not be appointed by German authorities (Wlaschek 1983, 15). Thus, the British occupation forces took the necessary steps, already in mid-1946, to ensure that the expellees be integrated into the society, and, more importantly, play a role in their own integration.

In the American zone, which in 1947 had 3.2 million expellees (Klessmann 1991, 355), representatives of the *Länder* met together in October 1945 to discuss what legislative and administrative steps ought best to be taken to address the expellee issue (Schoenberg 1970, 45). Each *Land* did subsequently pass regulations for the admission of expellees, and special departments were established to oversee the integration measures. Early in 1947, a new law provided "uniform integration criteria and implementation procedures on a zonal rather than a state or local basis" (Schoenberg 1970, 45). This law also, as in the British zone, called for expellee councils to be composed of equal numbers of expellees and indigenous Germans. In both zones, the expellees were, early on, involved in their own fate. While they were not, as we will see, permitted to establish their own political organizations, they were not excluded from the process of integration, and managed to find ways to participate despite the ban.

Measures such as the integration law continued to be passed in the British and American zones of occupation on both the local and the *Land* level. This plethora of laws on separate levels, some laws repeating each other, some laws in some regions covering aspects not covered in other regions, etc., was not conducive to a transparent implementation of expellee policy. The expellees themselves had as a central goal the passage of a uniform law such as the BVFG, which was achieved in 1953. Prior to the passage of the BVFG, however, there were two important, Germany-wide laws which had great repercussions on expellee integration. The *Soforthilfegesetz*, or Immediate Help Law, passed in early 1949, was the first such law and was one of the last laws passed before the official establishment of the Federal Republic of Germany. This was intended, as the name suggests, to give the expellees immediate help in achieving equal financial status with the indigenous Germans. Able to distribute 4.2 billion DM in the three years between 1949 and 1952, of which two-thirds was to go to expellees and the rest to indigenous Germans negatively affected by the currency reform (Middelmann 1959, 293), the SHG provided for the relief of the most pressing emergency situations; this relief included help for accommodation, for education, job retraining, finding housing – including payment of mortgages – and establishing households (Wlaschek 1983, 49). The SHG can be regarded as the first step in the process of integration for the expellees, which was to be followed by subsequent steps, to be determined later.

The next step after the SHG was the *Lastenausgleichgesetz*, or the Equalization of Burdens Law, in 1952, just one year before the passage of the BVFG, the final step in the process of the legal struggle of the expellees. The LAG picked up where the SHG had left off, no longer filling in with the most urgent monetary supplements, but intended to provide "a certain

equalization for those who lost capital as a result of the Second World War and its consequences, and to help with their integration" (Haberland 1994a, 83). This aid was designed not as stop-gap relief, but as an attempt to achieve long-term equality for expellees and refugees with indigenous Germans. The money earmarked for the *Lastenausgleich* was held separate from the *Bundeshaushalt*; that is to say, it would not come up for renewal every year, but the funds would continue to be available without debate (Spitaler 1959, 402). This measure was, however, taken under the guise of making the *Bundeshaushalt* easier to manage in the immediate post-war years and lasted only until 1967. The LAG, however, dealt only with monetary compensation for lost property, and did not address social, cultural or political integration. These tasks were dealt with in the BVFG which, passed in 1953, completed the legal framework of the expellee integration. It provided for the thorough integration of the expellees into the German polity and society, including all aspects of work, education, housing, etc.

Each of these laws addressed the needs of the expellees at the time. Taken together, these three laws greatly increased the transparency of the integration process, allowing expellees across Germany to be better and more consistently treated. These laws spurred on economic, social and even political integration by filling in gaps where needed. Furthermore, these laws enabled the expellees to feel that they were being treated with dignity and respect by the Allied occupation forces and, after 1949, by the German government. They were, thus, not only given the practical tools with which to succeed, but were also encouraged by the positive passage of laws.

Organization

The expellees were a matter of concern for the Allied occupation forces from the very beginning. From the arrival of the first expellees in Germany, the Allied occupation forces were concerned with their potential political behavior. Would they be particularly more or particularly less susceptible to or supportive of either Communism or Nazism? Would they want to form expellee parties, and if so, what should the Allied response be? What political aims might such a party have? Perhaps the expellees would not become politically engaged at all, but would withdraw into the private sphere, concentrating on their personal losses, in itself a potentially destabilizing factor (Steinert 1990b, 63). All of these questions were political unknowns for the Allied command in Germany, the importance of which was intensified by the large numbers of the expellees – one-sixth of the post-war German population.

Thus, the Allied government's attitude toward the expellees was essentially the same as had prompted the expulsion initially. The expellees were viewed warily as a potentially destabilizing force in post-war Germany, indeed, a force which could upset the carefully-established balance in a Germany on the path to democracy. The fear that the expellees would advocate aggressive irredentist measures to repossess their homelands of Silesia and the Sudetenland led the Allies to take measures to hasten the integration process. One of the principles guiding the framers of the Basic Law and the first German government was to make the expellees feel a part of their new home, in an attempt to prevent minority group formation as well as to prevent any irredentist actions on the part of the expellees. The Allied government included the expellees in the legislative process as early as 1945 in so-called *Beratende Ausschüsse*, committees which could make recommendations to the government on policy (Frantzioch 1987, 145). Although the Allied

intention may have been to control the expellees by including them, the end result was that the expellees were made a part of the law-making process.

Self-Help Organizations

One of the initial, and most fundamental, questions concerning the expellees was whether they would become involved in politics and society at all, or would retreat into the private sphere in an attempt to deal with their personal crises. When the first expellees arrived in Germany in 1945, the private sphere was indeed paramount: food, housing and employment were of foremost importance while political organization occupied a place of much lesser importance.

Nonetheless, despite the desperate housing and employment situation, expellee organization quickly began on several levels. As early as 1945, in some cases even before the Potsdam Agreement regulated the bulk of the expulsions, groups of families met informally, exchanging addresses of friends, former neighbors and relatives, seeking to re-establish the ties and close communities that had existed prior to expulsion. These groups developed into informal support networks. Families expelled from the same towns reached out to each other across Germany, establishing networks for finding one another, as well as trading information in so-called *Heimatblätter*.

Other groups developed as more formal self-help organizations at the same time. Local and regional organizations developed with the function of helping expellees settle in economically, socially and legally. Individuals who had been leaders among the German community – either secular or religious – prior to expulsion took a leading role in bringing the expellees together to further their integration. The first such large-scale organization was

founded as early as June 1945 – even before the Potsdam Conference. Linus Kather¹ founded the "Notgemeinschaft der Ostdeutschen" (Emergency East German Association) in Hamburg, an organization dedicated to serving the needs of all the expellees in Hamburg (Steinert 1990a, 57). Expellee leaders such as Kather recognized the needs of the expellees and worked to meet those needs, working to find expellees housing and employment, and providing a social center for the expellees (Steinert 1990a, 57). Basic legal services were also provided, helping the expellees establish their vocational and educational credentials, deal with tenant-landlord disputes, eligibility for pensions and other such issues. The Hamburg group filled a niche and expanded rapidly, including 15,000 members at its peak (Steinert 1990a, 57). The organization provided counseling on a large scale, meeting with up to 100 expellees per day. Kather's organization was not the only such one in Germany, but provided a valuable example for others. Region-specific groups emerged as well, tying together, for instance, North Silesians, across Germany. Thus, expellee groups developed which were based in one town, or spread across Germany, creating a dense network of expellee organizational ties.

Mobilization

When it became obvious to the Allies that the expellees were not going to remain an unengaged force in post-war Germany but were indeed going to become politically active, the Allies acted quickly to forestall any potential irredentist action by putting a ban on expellee political organizations in 1946 (Chapin 1997, 30). At least one of the questions posed earlier about the expellees was now answered; the expellees were not retreating into the private sphere.

¹ Linus Kather had been a lawyer in Königsberg/Kaliningrad prior to 1945.

However, the other questions remained. Two fears were paramount in the Allies' decision-making process: first, that the expellees would withdraw into their own organizations and become a minority group within Germany, remaining marginalized. Second, and perhaps most importantly of all, the Allies were concerned about the political orientation of the expellees in the new context of the Cold War: would they be Communists? Would they exhibit irrendentist tendencies, shifting their wish of having their homelands of Silesia and the Sudetenland returned to Germany to a more aggressive level? Accordingly, the Allied occupation government issued the so-called "Koalitionsverbot" (Coalition Ban) in both the American and the British zones in 1946, which prevented expellees from organizing in any formal political grouping (Stöss 1986, 1425).

Other would-be political parties in Germany were also placed under restraints: all parties were required to be approved and licensed by the Allies, and were permitted by the Allies at first only on the district, and then on the *Land* level. The first licenses for parties were issued in the American zone in August 1945, in the British zone in September and in the French zone in December. It was not until 1946 and 1947 that elections were permitted on the *Land* level (Braunthal 1996, 38). While they were identified as one single potentially problematic group, the expellees were not the only group placed under restrictions in post-war Germany. The political system in Germany, thus, allowed expellees many points of access to the system as it was forming, rather than presenting new migrants with a closed and completed system.

The expellees, faced with a quickly evolving system in which they could potentially play a role, did not cease organization when banned. As is so often the case when an already-existent

organizational structure is banned,⁴ the expellee organization carried on underground and, rather than being forced out of existence, merely grew stronger. Linus Kather's group, for instance, underwent a quick name change, becoming the "Aufbaugemeinschaft der deutschen Kriegsgeschädigten" (Reconstruction Association of Germans Harmed by the War) a move which changed the group from being an expellee group *per se*, but did not change the membership by much. New non-expellee members joined the organization, but ninety percent of the members remained expellees (Frantziach 1987, 144). Churches also served an important function as meeting places and for support during the nearly two years of the "Koalitionsverbot," as they did during the period of the ban on Solidarity in Poland. As noted, the expellees had developed extensive local networks through such church meetings and other informal social gatherings, thus laying the all-important groundwork for the success of an eventual federal expellee party.

Ultimately, the expellees wanted to be subjects in the process of their own integration, rather than passive objects, receiving whatever integration help the Allies provided. The "Charta der deutschen Heimatvertriebenen" (Charter of the Germans Expelled from their Homes), issued by the *Bund der Heimatvertriebenen und Entrechteten* (The Organization of those Expelled from their Homes and Deprived of their Rights), or BHE, the new expellee political party, in 1950, included the demand that the expellees have "[e]qual rights as citizens in day-to-day reality as well as legally." In other words, the expellees wanted to be able to exercise the formal rights which they were granted along with citizenship and the removal of the ban, and not simply possess an empty right to participation. They wanted to have control of their own destiny rather

⁴ For instance, when Solidarity was banned in Poland in 1981, the organization continued with an even

than be the passive object of law-making.

The Allies' aim had to be to prevent an expellee party from winning elections on a potentially irredentist platform, but the Allies could do nothing about individuals running for *Land* parliament, and even for the *Bundestag*, under the auspices of other parties. As the German party system was new and still in flux, it was possible for expellees to join the parties as members and as candidates. In a move that established once and for all the expellees' determination in becoming politically integrated into Germany, such "independent" candidates won between thirteen and twenty percent of the vote in *Land* elections in Bavaria, Hesse and Württemberg-Baden in 1947 and 1948 (Chapin 1997, 31). The BHE was founded shortly after the Allies removed the licensing requirement in 1950, but had already existed on the local and *Land* levels by 1947 (Frantziach 1987, 150). Despite the lack of an expellee party in the first federal election, the expellees were well-represented in the first German *Bundestag*. The three main parties, aware that nearly twenty percent of the German voters were expellees, courted expellee votes by promising the revision of the Oder-Neisse border (Chapin 1997, 33). The CDU, SPD and FDP all made efforts to include expellees in the political process and, indeed, seventy-seven expellees were in the 1949 *Bundestag*, thirty-three as members of the SPD, fifteen of the CDU and thirteen of the FDP (Chapin 1997, 33).

When the ban on expellee political organization was lifted in 1948, several organizations emerged which grew quickly, drawing on the local organizational network that had been established between 1946 and 1948. Yet another hurdle stood in the way of the formation of an expellee party: the *Lizenzierungszwang*. Although parties could be formed, only parties licensed

stronger fervor, spurred on by the imprisonment of most of its leaders.

by the Allies were permitted to run for seats in the *Bundestag* (Braunthal 1996, 38). This restriction was imposed on all would-be parties in Germany, not just the expellees. Nonetheless, local organizations exercised influence over the political process. The "Zentralverband vertriebener Deutschen" (ZvD) – the expellee interest group – was established in 1949 and finally permitted to be licensed as an organization in 1950. Its charter emphasized the wish of the expellees to be fully and actively integrated into Germany. The expellees wanted not just formal incorporation, but a complete and substantive integration into the political system. Like the Greens in the 1980s, the ZvD and the BHE had influenced the major parties' campaigns through electoral victories on the *Land* level, receiving up to twenty-five percent of the vote in Schleswig-Holstein. This restriction remained in place until 1950, in other words, past the election of the first *Bundestag*. Linus Kather, first head of the BHE, maintains in his book *Die Entmachtung der Vertriebenen* (The Disempowerment of the Expellees) that the first *Bundestag* elections should have been, on the basis of this licensing restriction, declared invalid (Kather 1964, 70). The Allies maintained the right to permit only licensed parties to run for the *Bundestag*, thus avoiding any Nazi-linked parties.

The BHE stood for two main issues: first, the thorough integration and acceptance of the expellees as full German citizens, not as partial or second-class citizens. Second, substantiating the earlier Allied fears, the BHE did push for the return of the so-called "German territories currently under Polish administration;" however, peaceful means were emphasized. The CDU, SPD and FDP parties did indeed pick up this issue in their party platforms as a move toward gathering expellee support. In the 1953 *Bundestag* campaign, every major party expressed support in one form or another for the revision of the Oder-Neisse border. The expellees –

seventeen percent of the population – made up eighteen percent of the 1953 *Bundestag*, both as representatives in the BHE as well as in the major parties (Chapin 1997, 34). Expellees were also well-represented in the subsequent governments, although the 1953 *Bundestag* was the only one in which the BHE gained seats.

Due in large part to the influence of the expellees, the *Lastenausgleich* was passed in 1952, which narrowed the gap between property-owning indigenous Germans and expellees who had lost everything, as well as giving restitution to refugees and other Germans who had lost property in the war. Finally, in 1953, the BHE achieved its crowning victory – the passage of the *Bundesvertriebenen- und Flüchtlingsgesetz*, which addressed the concerns of the 1950 Charter of the ZvD. The BVFG had two main parts: First, the expellees should be in no way disadvantaged in post-war Germany; their integration in all spheres – economic, professional, social, educational and residential – should be assured and aided where necessary, even if this led to the appearance of privileging the expellees at the cost of indigenous Germans. Among the *Bundestag* members, great concern was exhibited that the expellees not be treated as second-class citizens in any way; that even though they were to be distributed across the *Länder*, this was to help them find housing and jobs in the destroyed Federal Republic rather than treating them as objects of policy, and would be fully voluntary (§ 27).

Second, the BVFG provided for the thorough integration of these expellees into Germany, as well as establishing the organizational structure that would care for the expellees and ensure that they were treated equally by the officials. A quota system for expellees was established by §77, whereby the Federal office for employment was charged with ensuring that expellees were represented numerically in each profession in a percentage corresponding to their

proportion in society (*Deutscher Bundestag*, StPr 1/250, 25. February 1953, 11972). By the time of the next *Bundestag* election in 1957, the BHE had run out of steam. While the BHE had been the engine for expellee political integration, once the expellees were a representative part of the decision-making body in the main parties, were employed at equal levels and housed adequately, the BHE's job was done.

As the Federal Republic matured, the expellees came to be known as a far-right group. However, as noted above, they were over-represented in the SPD and in the *Bundestag* in the 1949 *Bundestag* – before the establishment of the BHE – representing 25% of all SPD seats, 19% percent of the *Bundestag* and 16% of the overall population. Indeed, even in the fourteenth *Bundestag* elected in 1998, the thirty-four expellees in the *Bundestag* are spread across the political spectrum, with twenty in the SPD, twelve in the CDU/CSU, one in the FDP and two in the PDS (*Kürschners Volkshandbuch Deutscher Bundestag*, 14. Wahlperiode, 1998). How did this perception of the rightward shift in political orientation occur? After 1953, the BHE's narrow platform of integrating the expellees and revising the Oder-Neisse line was co-opted by the CDU and left largely alone by the other major parties. Despite the decline of the BHE, the expellees continued to be represented by the *Bund der Vertriebenen* (BdV), the successor to the ZvD, an interest group which maintained as its *raison d'être* the revision of the Oder-Neisse line. While this view had been expressed by the majority of the parties in the immediate post-war years, once Germany signed treaties with Poland and the Soviet Union in 1970, the parties dropped any mention of the revision of the Polish border. With the development of *Ostpolitik* in the 1970s, even the CDU/CSU stopped calling for the revision of the border. Feeling abandoned by Germany with the signing of the Polish and Soviet treaties, the BdV increased its own calls

for the revision of the Oder-Neisse line.

After the Berlin Wall fell and German unification became a certainty, the ongoing impact of expellees on German politics became obvious. Chancellor Kohl, wary of losing the right wing of the CDU/CSU, with a large expellee electorate, to the far-right *Republikaner*, delayed a final decision on the Oder-Neisse border as the eastern-most border of a united Germany until 1991, well after the first all-German federal elections.

Regardless of the politics of the expellees, they represent a great success story in integration. While their rights to organization were curtailed from 1946 to 1950, they succeeded in the face of opposition. They were recognized as a voting block and courted accordingly. As late as 1990, the expellees' votes were still sought after. By the mid-1960s, the expellees were employed at nearly the same levels – at jobs with nearly the same status – as prior to expulsion and were integrated into communal, social and political life in Germany. In short, even laboring under severe disadvantages, the expellees "used their equal political rights, which granted them voting rights and the right to found their own organizations and parties, in order to peacefully and actively represent their interests in the law-making process" (Delfs 1993, 4). The expellees represent a success story of (forced) migrant integration.

It is clear that the expellees became a significant group within post-war Germany, even a pressure group whose interests were given consideration throughout the post-war period. The delayed recognition of the Oder-Neisse border in 1990 was the clearest example of the continued courting of expellee votes (Frantziach 1987, 155-6). More importantly, however, they became a political force at a time when they could, and did, influence domestic and foreign politics in Germany in the process of smoothing the path to their own integration. The influence of the

expellees can be said to have finally subsided when, in February 1999, Chancellor Gerhard Schröder (SPD) finally concluded that German-Czech relations were more important than maintaining good relations with the expellees, a move that previous chancellors were unwilling to make. However, this "concluded chapter," as Schröder had referred to the Sudeten German expulsion, may not be over even yet. The *Landsmannschaft* of the Sudeten Germans condemns Schröder's statement and plans to lodge a legal complaint with the Federal Constitutional Court, calling for recognition of the expellees' claims in the Czech Republic ("Trachten und Ansprüche" 1999, 2). The chapter in German history which Schröder had hoped to close remains open.

Explanation of Mobilization

What factors made this extraordinary transition from underprivileged migrant group to integral part of the political system possible? Expellees are treated here as an "ethnic group" distinct from indigenous Germans although they are generally regarded as being either former German citizens or ethnic Germans and are thus ethnically the same as the majority group, indigenous Germans. However, ethnic group mobilization does not rely upon legal definitions, but upon the perception of the group itself and the reaction of the majority to the group. The indigenous German population regarded expellees as a separate group and the expellees regarded themselves as a separate group (Frantzioch 1987, 127). They also identified as a group that had been unwillingly displaced (Boehm 1959, 522). The identification as a group followed not only on the basis of place of origin, but also on the basis of a sense of injury. According to Fredrik Barth, two of the crucial characteristics of an ethnic group are "shared fundamental cultural values" and "a membership which identifies itself, and is identified by others, as constituting a

category distinguishable from other categories of the same order" (Barth 1969, 11). Thus, we can refer to expellees as an ethnic group. Self-identification as a unique group tends to enhance internal cohesiveness, and the expellees were no exception. Groups were not formed that addressed all those affected by uprooting and displacement during World War Two,¹ but specific expellee groups were formed. Given these elements, we may proceed with the analysis based on ethnic group mobilization, despite the ethnic ties between expellees and indigenous Germans.

Likewise, *Aussiedler* are treated as a separate "ethnic group" in Chapter Five for similar reasons: they constitute a group which has undergone a similar experience. They are regarded by the indigenous Germans as one group and undeniably make up an identifiable immigration flow. However, the *Aussiedler* do not seem to self-identify as one group, although they do have a sense of "otherness" from the indigenous population, a phenomenon which, as we will see, has a negative effect on the mobilization chances of the *Aussiedler*.

Literature specifically addressing ethnic organization and mobilization tends to concentrate on **what** is developed (Brubaker 1989; Hammar 1990; Layton-Henry 1990; Miller 1981, 1989; O'Brien 1990; Schoeneberg 1985; Soysal 1994), and less on **why** networks and associations are established. Within literature that does explore the mechanisms of mobilization, two related theories emerge: political opportunity structure (POS) (Wayland 1993; D'Amato, Ögelman and Santel 1997) and resource mobilization theory (Drury 1994; Marks and McAdam 1996; Ragin 1979). These two theories offer related perspectives on the contrast of mobilization versus non-mobilization in the two cases of post-war expellees and post-Cold War *Aussiedler*. Briefly stated, political opportunity structures "help explain why a challenger's chances of

¹Except in the cases where expellee groupings were banned by the Allied occupation government.

engaging in successful collective action vary over time – and why powerful movements sometimes fail whereas weak groups have been known to make gains" (Wayland 1993, 103).

Resource mobilization theory, on the other hand, states that

a group which is internally cohesive, bonded together by shared socio-cultural values, has an effective leadership and high levels of organisational solidarity (measured by membership, density, inclusivity, etc) is more likely to mobilise and take collective action than one which lacks such resources (Drury 1994, 19).

These two theories taken together thus account for group-external factors as well as group-internal factors. The structure of political opportunity was favorable to the post-war expellees, an injured minority who arrived in a state in the process of institutional and political rebuilding, and why it has been less favorable for post-Cold War *Aussiedler*, a group who arrived in an established, if recently unified, nation-state. Thus, mobilization was the outcome in one case and not in the other.

Internal resources, as described by resource mobilization theory, however, must also be present for successful mobilization. While the fundamental point of approach differs between the two theories, the elements that POS and resource mobilization theory both require for successful mobilization are similar. The factors which, according to POS, are a factor in successful mobilization include: grievances; common purpose and solidarity; access to resources; points of access to system; governmental responsiveness; presence of influential allies; low state capacity for repression; perception of success. These factors have been compiled from the main texts on political opportunity structure and are seen as the most crucial elements in determining POS. The presence of grievances and a perception that mobilization would be successful are emphasized. Resource mobilization, on the other hand, rather than saying that the presence or absence of such

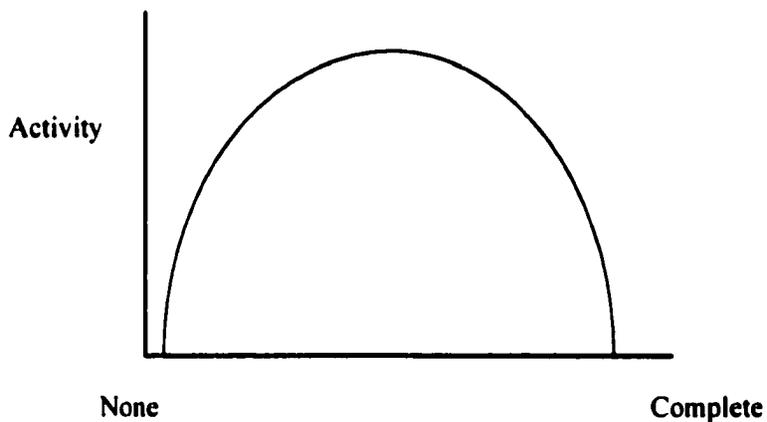
factors makes the situation for mobilization favorable or unfavorable, states that a certain number of factors must be present in order for mobilization to take place. As noted in the quote above, internal cohesion, shared socio-cultural values, leadership and organizational solidarity are all seen as necessary for mobilization. Rather than the emphasis being placed upon grievances, however, the aggregation of resources – which is also one of the factors in POS – is seen as key. Resource mobilization theorists draw again upon Mancur Olson, in contrast to the earlier social movement theorists, agreeing that few individuals will contribute their own resources to the movement, so outside resources – primarily funding – must be accumulated (McCarthy and Zald 1987, 18).

Political Opportunity Structure

The protests of the 1960s caught many social scientists unaware. Adherents to Mancur Olson's free-rider principle, for whom political protest was an unusual event, were surprised by the extent of the riots, demonstrations and organizations of the 1960s in the United States and in Europe. Peter Eisinger introduced the concept of political opportunity structure in 1973, as part of a study of mobilization in American cities in the late 1960s. He concluded that a mild linkage between protest and political opportunity structure exists, which he "conceived [of] as a function of the degree to which groups are likely to be able to gain access to power and to manipulate the political system" (Eisinger 1973, 25). When the POS is favorable, protest is somewhat more likely to occur than when the POS is such that the political system is not accessible to groups outside of the system. Eisinger identified three different elements of the political context which affect the structures of political opportunity in various situations: 1) governmental

responsiveness, 2) level of community resources, 3) environmental elements imposing constraints or opening avenues for citizen action. The opportunities for action or entry into the political system are curvilinear; action occurs only rarely in an extremely open or an extremely closed system. He hypothesized that protest can occur either in a moderately closed system as a move of frustration (Eisinger 1973, 15), such as protests in Indonesia in the late 1990s, or in a system that is in the process of opening, such as in Eastern and Central Europe in 1988 and 1989.

Figure 4.1: Curvilinear Relationship of Activity as a Function of Access to System



Before Eisinger's introduction of POS, and to some extent even afterward, collective action was best known for the free-rider problem (Olson 1965). Mancur Olson, assuming the rationality of actors, famously argued that no rational actor would join an interest group or other collective action unless he were forced to do so, as in a labor union, or if there were selective benefits of membership. A member of a collectivity would be eligible for all benefits that others would achieve through their action, so why would a rational actor needlessly expend time and energy? Collective action theory, resting upon the fait accompli of the social movements of the 1960s, turned away from the free-rider problem and turned to questions of social organization.

Emphasis shifted to the question of how mobilization can be coordinated and under what circumstances it can be successful. The introduction of POS was an attempt to answer this re-formulated collective action problem.

Eisinger's original conception of POS has been retained and adapted over the years so that POS now consists of very distinct elements. Sidney Tarrow expanded upon POS in 1994, defining POS as the "consistent – but not necessarily formal or permanent – dimensions of the political environment that provide incentive for people to undertake collective action by affecting their expectations for success or failure" (Tarrow 1994, 85). Tarrow takes Eisinger's proposition one step further, stating that it is not simply the constellation of elements which is crucial, but it is the potential actors' *perception* of their success in mobilization: whether it will be worth their time and effort to undertake this action. Pure rational choice theories of political mobilization rely solely upon this criterion to determine action: do the benefits of acting outweigh the costs of acting?

The structure of political opportunities obviously varies from system to system: what is possible in a federal system with a fragmented party system will not be an option in an authoritarian system with one-party rule or even in another democratic system with a different form of government. Furthermore, POS is sometimes applicable to only one specific group within society, such as the women's movement, or the civil rights movement in the United States, and sometimes to an entire society, as in the 1989 protests in Eastern and Central Europe. POS is useful for explaining why mobilization did or did not occur at a particular point in time, in a particular political configuration.

Resource Mobilization Theory

Resource mobilization theory, also a theory of collective action which emerged in the wake of the demonstrations of the 1960s, has a different theoretical point of departure, arguing that "[g]roup organization ... [is] the major determinant of mobilization potential and patterns" (Jenkins 1983, 527). The emphasis on group organization is a shift from the social movement and POS emphasis upon grievances as a motivating factor. Resource mobilization theory further explicitly takes issue with POS on several points, representing a shift in emphasis in the field of social movement theory:

The resource mobilization approach emphasizes both societal support and constraint of social movement phenomena. It examines the variety of resources that must be mobilized, the linkages of social movements to other groups, the dependence of movements upon external support for success, and the tactics used by authorities to control or incorporate movements (McCarthy and Zald 1977, 1213).

Rather than examining the constellation of factors that enables a movement to succeed in a given environment, resource mobilization theory turns more to linkages within the group and among related groups. The state, or authorities representing the state, continue to play a controlling role in resource mobilization theory. While this element is not a factor for most movements, in movements potentially a threat to the state, it is central.

While both resource mobilization theory and POS have points in common, they differ both in the underlying hypothesis and in several central factors. Resource mobilization theory argues that Mancur Olson's free-rider problem is not eliminated, even after "the turbulence of the 1960s caused many to rethink the issue" (Gamson 1975, 5), and is still regarded as a problem which must be addressed. Successful movements do succeed in gathering enough supporters and resources – both tangible, such as money, and intangible, such as time – to achieve their goals.

POS theorists discard Olson as irrelevant for social movement theory, as exemplified by this quote from Tarrow: "A more fundamental question was whether social movements actually fit Olson's theory. I will argue that they do not, and that the real problem for social movements is social" (Tarrow 1994, 14). Resource mobilization theory returns to Olson, arguing that the contribution of resources must be explained in some manner. How is the goal of accumulating resources reached? According to resource mobilization theory, "The major method is the development of programs that offer the *collective incentives* of group solidarity and commitment to moral purpose" (Jenkins 1983, 537). That is, individuals will offer their time and money if the benefits they receive are intangible rather than material.

Resource mobilization theory finds that individuals and institutions grant their support to a movement from a sense of moral obligation, and even in some cases when "they have no commitment to the values that underlie specific movements" (McCarthy and Zald 1977, 1216). The success of a movement, according to resource mobilization, depends upon the success of the organizers in convincing supporters to give their time and money. Thus, the strategy and tactics in resource mobilization theory – "mobilizing supporters, neutralizing and/or transforming mass and elite publics into sympathizers, achieving change in targets" (McCarthy and Zald 1977, 1217) – is much different than that called for in traditional social movements – "bargaining, persuasion, or violence to influence authorities to change" (McCarthy and Zald 1977, 1217). The difference lies in acquiring more influential and persuasive allies – the agglomeration of resources – rather than persuading the authorities to change.

Second, grievances are an element of all potential movements, say the resource mobilization theorists, and the mere presence of grievances is not a sufficient condition for

mobilization: "A number of studies have shown little or no support for expected relationships between objective or subjective deprivation and the outbreak of movement phenomena and willingness to participate in collective action" (McCarthy and Zald 1977, 1214). Indeed, "the formation and mobilization of movements [must] depend on changes in resources, group organization, and opportunities for collective action" (Jenkins 1983, 528), rather than upon the presence of grievances. Resource mobilization theory takes grievances as even more of a given than does POS theory, showing that in some cases, mobilization even occurs when the status of a group improves, because "these changes reduce the costs of mobilization and improve the likelihood of success" (Jenkins 1983, 532). Finally, the perception of success so pivotal to Sidney Tarrow's later model is explicitly rejected as a factor in resource mobilization theory. The presence of grievances, along with the perception that mobilization will help eliminate these grievances, one of the central explanatory factors in POS, is regarded as a redundant category: resource mobilization theory "stresses the structural conditions that facilitate the expression of grievances" (McCarthy and Zald 1987, 337).

Resource mobilization theory offers a perspective on mobilization that supplements the perspective proposed by POS. The two approaches to social movements have fundamentally different points of departure and differ in their underlying suppositions, but many of the factors regarded as important for mobilization are similar in both cases. As noted, POS generally regards the following factors as playing a role in creating a favorable opportunity for political movements: grievances; common purpose and solidarity; access to resources; points of access to system; governmental responsiveness; presence of influential allies; low state capacity for repression; perception of success. Resource mobilization theory does not factor in grievances or

perception of success, but focuses on "rational actions towards clearly defined, fixed goals with centralized organizational control over resources and clearly demarcated outcomes that can be evaluated in terms of tangible gains" (Jenkins 1983, 529). The aggregation of resources is seen as crucial, along with a high degree of group organization and development of social networks. Integration into other organizations is an important predictor for later involvement in social movements and protests. POS relies upon factors that are state-reliant while resource mobilization theory focuses more upon a highly-organized and networked group, or primarily internal factors.

The Expellees in Post-War Germany: The Right Time with the Right Stuff

The POS at the time of the expellee mobilization turns out to have been highly advantageous to the formation of an expellee special interest party. In the wake of World War II, Germany was a restructuring state that had room for new actors to emerge on the political stage. Indeed,

[a]ny shift in the political system, any 'restructuring of existing power relations' – be it through events such as wars or processes such as great demographic change – causes a shift in the political opportunity structure. Such shifts have the potential to indirectly encourage or discourage challenging groups (Wayland 1993, 103).

There was no established system that benefited the indigenous groups and, as noted above, the expellees were given special consideration by the Allies. The system, such as it was, was in flux, and the expellees found the entry point for an arena in which to air their grievances and help change the situation. While both the expellee and the *Aussiedler* migration flows have been great demographic changes and both were preceded by significant geo-political shifts – the expellee

flow was preceded by World War II and the *Aussiedler* flow by the Cold War – it appears that the post-Cold War era was not as structurally conducive to the mobilization of an ethnic German minority as was the immediate post-war era. Chapter Five will address these poor structural conditions for *Aussiedler* mobilization and organization.

Political Opportunity Structure: Factors

Grievances

The expellees had, without a doubt, a well-developed sense of grievance. They had been forcibly removed from their homes on the command of the Allied forces, a decision made at Potsdam in July 1945. Despite the Potsdam Agreement's decision to expel the ethnic Germans in an "orderly and humane manner," some 5 million arrived by 1946 as the result of so-called "wild" flight and expulsion (Schoenberg 1970, 36-7). Approximately 2.5 million more were subsequently expelled. The ethnic Germans were expelled out of the best of intentions; the new, post-war Europe should be minimally heterogeneous. Ethnic heterogeneity, particularly the wide dispersal of Germans throughout Eastern and Central Europe, had factored largely in both the Second and the First World Wars. The Allied victors believed that if this heterogeneity were reduced, the basic stuff of future conflict would also be reduced. Their supposition has not altogether been proven incorrect. The areas from which Germans were expelled, as well as the areas from which Poles were expelled,⁶ resulting in higher ethnic homogeneity, have experienced no ethnically-based conflict since the end of World War II. Areas such as the former Soviet

⁶At the close of World War II, Poland was essentially shifted 150 miles to the west. Thus, ethnic Germans were removed from what was once Germany, but became Poland, and ethnic Poles were expelled from

Republic of Georgia and the former Yugoslavia, however, both very ethnically heterogeneous, have witnessed violent conflicts. Nonetheless, the eight million ethnic Germans who entered the British and American zones of occupation were a numerically heavy burden both for the leadership and for the expellees themselves.

Common Purpose and Solidarity

The expellees can be divided into two large groups: those from former German territories, namely Silesia, Brandenburg, Pomerania and East Prussia, or *Reichsdeutsche*, who numbered about 3,280,000 and the Sudeten Germans, who numbered around 1,600,000 (Frantziach 1987, 94). These groups each had a different legal status: the "Reichsdeutsche," or former German citizens, were a different category than the Sudeten Germans. Another group, that of the so-called "ethnic Germans," those expelled from elsewhere in Eastern and Central Europe, were numerically less meaningful, numbering about 1,100,000.

These groups were further broken down into smaller units – the *Reichsdeutsche* came from four distinct areas, further subdividable into smaller groupings, and the ethnic Germans came from at least eight distinct areas, again further subdividable. Indeed, even today, twenty distinct *Landsmannschaften* maintain separate offices ("Anschriften der Vertriebenenorganisationen" 1998, 41-4). As noted above, in large part because of the Allied *Koalitionsverbot*, expellee organizations began first on the local level. One of the characteristics of the expellee distribution was that expellees of the same origin tended to be more densely settled in the same general area (Frantziach 1987, 108-15). Thus, on a local or *Land* level, groups

what was once Poland, but became the Ukraine. The Polish expulsion figures almost as largely in Polish

formed almost naturally. On the *Land* and federal levels, the search groups mentioned above helped to tie expellees in different areas of Germany together.

Despite the different origins of the expellees, there was still remarkable unity. Unlike the *Aussiedler* from different areas, who had different experiences of living as an ethnic minority, the expellees could be unified in their experiences of expulsion and need for integration in Germany. Indeed, the expellees agreed on at least two central points which tied them together: "The only refugee political groups which have [in 1951] emerged have thus far been bound together by their grievances and not by any positive political program" (Carey 1951, 212). The two main, although seemingly contrasting, aims, which became part of the program of the expellees' political party, the BHE, were "Heimatrecht im Osten" and "Lebensrecht im Westen" – Right of the Homeland in the East, and Right of Living in the West (Stöss 1986, 1439). While the expellees' main goal remained returning home, they agreed that, as long as their return home did not seem likely, concentrating on integration and equal treatment in Germany was a worthy goal. Despite the regional distinctions among the expellees, on these two points, at least, unity was achieved.

The failure of the BHE to achieve seats in the *Bundestag* in 1957 and its subsequent failures at the *Land* level indicate, more than any other data, the overwhelming importance to the expellees of the law passed in 1953, the *Bundesvertriebenen- und Flüchtlingsgesetz*. Until this law was passed, the expellees banded together. After its passage, the most crucial questions for expellees had been resolved and the expellees gave their votes to other parties, thus indicating a step forward in their integration. Expellees did not become politically inactive after the passage

political culture and literature as the German expulsion does in Germany.

of the BVFG but remained active on the federal, *Land* and local level under the auspices of other parties. Fifty-three expellees and refugees were members of the 1957 *Bundestag*, forty-nine in the 1961 *Bundestag* and forty-eight in the 1965 *Bundestag* (Schoenberg 1970, 135), although not as members of the BHE.

Access to Resources

Resources can be widely defined as anything which is necessary for organization: access to the media, contact to one another, time, and, of course, financial backing. Despite the widespread poverty among the expellees, the expellees' organization still managed to achieve financial support. Organizers of expellee conventions, conferences and other functions charged a small fee for attendance, as well as charging for booklets, etc. (Schoenberg 1970, 120). These dues were then used to pay for posters, other meetings, and similar organization-related expenses. Jane Carey, writing in 1951, says that

[t]he expensive pre-election [prior to the 1949 *Bundestag* election] activities of the DG/BHE make it [sic] seem clear that there is some financial support outside of party dues which are normal. There is some belief that funds are coming from rightist industrialists but as yet there is no substantiation of this report (Carey 1951, 211).

Time and energy were resources that were tapped heavily, both in terms of debating issues and recruiting others to support the expellee activities. Driven initially by the search for relatives, neighbors and simple daily necessities, the groundwork for organization was already laid by the time the *Koalitionsverbot* was lifted in 1948. Thus, when the Allied occupation forces granted the permission to organize, the expellees were ready to take advantage of the situation. In

contrast to the *Aussiedler*, as we will see, expellees had a high degree of social contact within the expellees, making the contacts necessary for mobilization easier to establish.

The expellees, drawing upon a well-developed history of German-language press in their countries of origin, wasted no time in establishing their own press. As early as 1945, church groups and other small groups sent out mimeographed newsletters, followed by other small newspapers and newsletters. The expellees even developed their own news service, the *Pressedienst der Heimatvertriebenen*, established in 1947. The lifting of the ban on expellee political organizations served as a signal to would-be expellee publishers, and numerous papers and journals appeared after 1949 (Schoenberg 1970, 123). The *Pressedienst* and the subsequent papers enabled the expellee organizations to reach a wide number of expellees, informing them of solutions to the problems they all suffered as well as general informational material. It has been estimated that between 280 and 350 such publications were active between 1950 and 1960 (Schoenberg 1970, 124). Support for the organizations could thus be garnered and membership expanded. A reliable means of reaching the potential constituency greatly increased the chances of achieving expellee representation at the local, *Land* and federal level. Thus, we see that the expellees, thanks to their organization in terms of small, neighborhood-type groups, were able to achieve a quite high level of organization.

Points of Access to System

A basic element of mobilization and formal participation is that a group wishing to achieve representation and strive for political aims must be able to find a means of entry to the system. With many different points of access to the system, a challenging group has more

likelihood of entering the system and exerting influence from within than from without. A system with few points of access to the system forces challengers to seek representation and influence by unconventional or extra-legal means, such as a strike or a demonstration. While such participation may have more of a public impact in some ways, groups which engage in formal means of participation have a greater chance of being able to participate in policy-making and influence the course of political events.

Although the West German political system (and after 1990, the German political system) has remained essentially the same⁷ since 1949 in terms of actual institutional rules, the social system has not remained the same. The five percent hurdle, whereby parties must achieve at least five percent of the vote in order to receive seats in the *Bundestag*, instituted in 1949 as a barrier to fringe groups achieving power, was an effective barrier to parties other than the SPD, CDU/CSU and FDP from entering the *Bundestag* from the later 1950s until 1983, when the Greens broke into the *Bundestag* with 5.6 percent of the vote. However, in the first post-war election in 1949, the political and the social systems alike were still very much in flux. While, in 1980, the percentage of the vote given to the CDU/CSU and the SPD together topped eighty-seven percent, in 1949, these two parties together accumulated just 60.2 percent of the vote, with the FDP accounting for another twelve percent, for a total of seventy-two percent of the vote (Dalton 1988, 137).

The twenty-eight percent of the vote given to other parties was in part due to the persistence of special interests. The German Communist Party received just under six percent of

⁷In the first all-German elections in 1990, a special consideration was issued, whereby any party receiving at least 5% of the vote in the former East Germany would be admitted to the *Bundestag*. This temporary ruling benefited the eastern branch of the Greens/Alliance '90.

the vote (5.7%) and, judging from the electoral outcomes, the societal habit of giving votes only to established parties – for there were no established parties in this new state – was not yet entrenched. The ban on expellee political organizations until 1950 very likely sparked interest in mobilizing among expellees, rather than quashing interest altogether. As Eisinger noted, a partially restrictive system is most conducive to mobilization (see Figure 1). Thus, the expellee party of the BHE was able to take advantage of the volatility in the system and claim 5.9 percent of the German vote in 1953. It is a mark of the eventual success of the BHE in achieving its goals, not an electoral failure, that it was not re-elected in 1957.

Governmental Responsiveness

The government's role in mobilization of minority groups is a crucial one. By giving support, either direct or indirect, or by placing barriers in the path of a group, the government can, in many cases, help or hinder mobilization. In the case of the expellees, we have already seen that the Allies' and, later, the German government's, reactions to the expellees were not straightforward. While encouraging integration and participation, the Allies nonetheless issued the *Koalitionsverbot* from 1946 to 1948. However, after the initial restrictions were lifted, both the Allies and then the Germans were supportive of the expellees.

The debates over the laws discussed earlier give us insight into the attitudes toward the expellees. In the *Parlamentarischer Rat*, which met in 1948 and 1949 to discuss the Basic Law, the expellees surface on numerous occasions. Much concern is exhibited, among all parties, that the expellees not be disadvantaged in comparison to other Germans. The expellees should not become a "second-class population" (Plenum, 5th sitting; 29 September 1948, 130). The

expellees, along with women, even enter the conversation on how to set up the electoral system. A straight majority system would, it was felt, disadvantage such minority groups (Plenum, 8th sitting 24 February 1949, 344; 359; 366-7). Including the expellees in the political process was seen as a very important task, particularly, as was said, given that the first *Bundestag* would be the one to decide on expellee issues (Plenum, 8th sitting 24 February 1949, 380; Plenum, 19th sitting 16 December 1949, 586).

The integration of the expellees is mentioned numerous times, each time in a manner which proposes that equality for the expellees should be striven for along with integration (Plenum, 3rd sitting 9 September 1948, 146). The question of citizenship is also raised, and in the discussions, suggestions are made on how best to include all the expellees, including those who are already German citizens and those who are not (Plenum, 5th sitting 29 September 1948, 110).

In general, the tone in the *Parlamentarischer Rat* is an inclusive and very practical one. The expellees have many problems which need to be solved. How should this solution best be reached? The necessity of including the expellees in the political process and in their own fate is almost taken for granted, but concern is expressed that the expellees might not be able to win seats, and thus would need assistance (Plenum, 19th sitting 16 December 1949, 586). The importance of expellees representing expellees, of those who have suffered being represented by people who have suffered similarly, is emphasized in support of one particular suggestion for an electoral plan:

This suggestion has the great advantage that ... the expellees will have the possibility of being represented by people who have themselves experienced the harsh fate of the

expelled, and will be able to judge from their own experience what the tasks and wishes of the expellees are (Plenum, 20th sitting 18 January 1950, 624).

By the election of the first *Bundestag*, these issues were resolved, and only the passage of all-German laws affecting the integration of the expellees remained. The issue of how best to establish the system to best accommodate the expellees had been addressed, but the question of how to accommodate them in a new system remained. The distribution of the expellees produced a fair amount of debate, particularly over the necessity of the redistribution to be voluntary (*Deutscher Bundestag*, StPr 1/124, 8 March 1951, 4736). The comments are more or less equally divided among comments that the unequal distribution was unfair to the *Länder* in which the expellees were concentrated (*Deutscher Bundestag*, StPr 1/106, 13 December 1950, 3917), and that the integration of the expellees could proceed only poorly if they were not redistributed (*Deutscher Bundestag*, StPr 1/124, 8 March 1951). Specifically, the three *Länder* Bavaria, Northrhine-Westphalia and Schleswig-Holstein were over-burdened with expellees, and the debate over the redistribution to the other *Länder* was complicated. The problem was expressed as follows:

In the Committee for Expellee Issues, but particularly in the Apartment Construction Committee, it was clear that the first order of business was to place those to be re-settled in areas where work could be given to them. However, precisely in these areas, no housing is available, while in the areas where there is housing, there are no jobs, or the jobs are so far away that they cannot be reached or can be reached only with difficulty (*Deutscher Bundestag*, StPr 1/124, 8 March 1951, 4736).

The attempt to resolve this problem was as follows: housing must be built near available work. As discussed earlier, this problem had to be solved: "After every lost war, there are floods of refugees. You have to take that into account, and have to take responsibility for that, as we have to take responsibility for the Nazi war, even if the individual is not at fault" (*Deutscher*

Bundestag, StPr 1/106, 13 December 1950, 3921). Solving the dual problem of housing and work in the same area is the largest stumbling block, solved, as noted above, by building housing where work is to be found.

The discussion over the BVFG itself was more or less a debate over details. The general idea that the expellees will be included in the polity and every reasonable measure will be taken to include them is accepted by all the participants in the process. In the government's draft of the BVFG, the reasoning (so-called *Begründung*) of the law is also laid out (*Deutscher Bundestag*, Drs. 1/2872, 26 November 1951, 28). As stated in the *Begründung* for the BVFG, the regulations affecting expellees had long been established on the *Land* level, and it only remained to gather these laws together in one federal-level law which addressed all the relevant issues of integration. Thus, debates over the philosophy behind the law are not entered into. In the general introductory comments of the *Begründung*, the specific wishes of the expellees are mentioned: "The expellees rightfully expect that ..." (Drs. 1/2872, 22) and "The expellees place value upon ..." (Drs. 1/2872, 22). Thus, we see that the law-makers are particularly aware of and sensitive to the expellees' own wishes and requests. Indeed, the law-makers make special mention of the work already done by expellees: "With all recognition of the valuable work of the large organizations of the expellees and refugees, there is still a need in the Ministry for Expellees and in the central *Länder* agencies for a consultative board in the form of an advisory committee for expellee questions, so that the advice of particularly competent personalities can be put into movement" (*Deutscher Bundestag*, Drs. 1/2872, 26 November 1951, 28). As we will see, this awareness is lacking in the legislation on the *Aussiedler*.

In the opening of the debate on the BVFG, Minister of Expellees Lukaschek touched on many issues. He justified the seeming privileged status of the expellees in contrast to indigenous Germans who had suffered as a result of bombings (*Deutscher Bundestag*, StPr 1/250, 25. February 1953, 11971) and emphasized that any favor given to the expellees in hiring would only last until parity was established between expellees and indigenous Germans. He stressed that they were the victims of the Cold War, saying that their flight to the west was a clear vote for the freedom of the west (p. 11972). Other members of the *Bundestag*, offering comments on the debate, did not dispute the necessity of the BVFG. Indeed, all the members were supportive of the expellees and their integration, however, debates naturally arose over the exact means by which the integration should be furthered. The basic point was expressed by a CSU member: "But we need to find a common policy orientation so that the gap between indigenous Germans and refugees will not be deepened and strengthened, but that a possibility is created so that we can co-exist in a reasonable and just way" (*Deutscher Bundestag*, StPr 1/251, 26 February 1953, 12036).

Presence of Influential Allies

The occupation forces and the main German political parties were concerned about the expellees' potential political activities and aims in the immediate post-war years, as indicated by United States Secretary of State Marshall's comment that "[o]ur problem is ... to avoid unjustified *economic upset* and to minimize *irredentist pressure* [italics in original] in Germany" (Schoenberg 1970, 42). In an attempt to solve these problems, the expellees were not only forbidden from forming political organizations, but specific regulations were set into force to

guide expellee integration, although the German authorities had full responsibility for the actual integration of the expellees. These regulations included the granting of citizenship with all associated civil and political rights – the granting of citizenship was a condition laid down by the Allied occupation government, not by the German government itself (Schoenberg 1970, 44). The very concern about the expellees paradoxically led to the establishment of guidelines leading to their quicker integration. The Allies, then, despite banning the political organization of the expellees, were not inherently against their integration or life in Germany. Indeed, the attitude of the Allies toward the expellees meant that they were immediately noticed as potential political actors, and not dismissed.

Indeed, despite the ban on political organization, as expellees became more interested in having a voice in politics, they found a way to do so, as noted above. As soon as the parties realized that the expellees represented one-sixth of the population and, hence, a significantly-sized voting population, they began to court the expellees. Thus, parties welcomed expellees into their ranks as candidates, in hopes of bringing expellee voters into the fold. In the 1949 federal election, although the expellees were still prohibited from establishing their own political party, seventy-seven expellees won *Bundestag* seats under the auspices of other parties. These seventy-seven expellee *Bundestag* members then helped develop awareness of the situation of the expellees, winning over support for their cause. Indeed, when the BHE entered the second *Bundestag* in 1953 with twenty-four representatives, the other parties, still with expellee representatives themselves, remained, for the most part, respectful and supportive of the expellees, even taking over their dual party platform of return to the East and integration in the

West. It was not until 1972, and the begin of then-Chancellor Willy Brandt's *Ostpolitik*, that the support across the political spectrum for the expellees' return "home" diminished.

State Capacity for Repression

When faced with the question of whether or not to mobilize, groups must take into account the possible reactions of the state. It may safely be said that, when "[f]aced with pressures for change states have three options. They may *ignore* them, they may *accede* to them, or they may *repress* the groups demanding them [italics added]" (Barbalet 1988, 110).⁴ In some cases, repression is not a necessarily negative move for the group in question, since the repression may spur others into action. Being ignored by the state is certainly the most non-productive of the three options. In any case, the state capacity for repression in post-war Germany remained quite strong. The Allied occupation forces could, and did, institute various laws and regulations in the name of creating the new post-war order. Nonetheless, the enforcement of these laws does not seem to have been accomplished with force. Indeed, the main regulation affecting the expellees, the *Koalitionsverbot*, was abandoned as the Allies made two realizations. First, the expellees were not, as feared, a destabilizing force within Germany. Nor were they supporting any Communist or Fascist political factions. Indeed, while they continued to seek a return home, they also, in 1950, in the *Charta der Heimatvertriebenen*, established that they rejected revenge and violence as basis for and means of returning home. Eventually, the second goal of integration in the west became the main goal of the expellees, which was a stabilizing force for Germany, rather than a destabilizing one.

Perception of Success

The expellees had a very well-developed perception that they could succeed in their quest for representation and in achieving their goals. The determination to succeed appears to have been present and, as such, provided a great deal of impetus for the movement. The expellees' success was also a gradual one, proceeding from small local and *Land* organizations to electoral successes on the local and *Land* level, to electoral success and successful implementation of the BVFG on the federal level. Thus, successes at the previous level spurred them on to seek out successes at the next level.

Conclusion

Thus, according to POS theorists, the expellee organization had no fear of not succeeding. They entered an extraordinarily open system, a system in the process of forming. They pursued integration and an eventual return to the "homeland" of Silesia and the Sudetenland single-mindedly. Grievances, regarded as central by the POS theorists, were well-developed and uniform; the expellees arrived in Germany nursing a grudge and proceeded to set their disgruntlement into action. The surprise would have been if the expellees had not succeeded in mobilizing and entering the political system.

Resource Mobilization Theory: Multi-Layer Organization

The undisputed success of the expellees can also be explained in somewhat different terms, according to resource mobilization theory. The aggregation of resources is seen as crucial

¹ We may note that the three options available to states when faced with opposition are similar to those

for successful mobilization, along with a high degree of group organization and development of social networks both to enable the resource aggregation and to put these resources to best advantage.

Group Organization

As noted above, the expellees began organizing very early, first on a local level and then on the state and federal level. The organization was wide-spread and the social networks well developed. The expellees established networks for purposes other than political mobilization – support networks, finding relatives – which then made the shift to political organization a smaller step. A high degree of organization certainly did persist among the expellees, easily fulfilling the primary requirement of resource mobilization theory for successful mobilization.

Aggregation of Resources

The aggregation of resources is the sine qua non of resource mobilization theory. Grievances are not regarded as an element in resource mobilization theory, but some factor must explain mobilization. In resource mobilization theory, it is the access to and aggregation of resources. This aggregation of resources is made easier by a high degree of organization, such as that exhibited by the expellees. Under resources, resource mobilization theorists distinguish

tangible assets such as money, facilities, and means of communication from the *intangible* or "human" assets that form the central basis for movements. Intangible assets include both specialized resources such as organizing and legal skills, and the unspecialized labor of supporters (Jenkins 1983, 533).

options available to the citizen when faced with repression: exit, voice and loyalty (Hirschman 1970).

The expellees gathered, as noted above, the tangible assets necessary for mobilization – money, newspapers, meeting places – from their supporters. The intangible assets were also readily available, given such leaders as Linus Kather, who had the specialized skills necessary for organization and dealing with the Allied occupation.

Overcoming Olson

Olson's free-rider problem is regarded as a very real problem in resource mobilization theory. The means by which it may be overcome is the replacement of expectation of tangible gain with intangible outcomes. In the case of the expellees, both material gain and intangible aspects played a role: the return to the homeland would have constituted a tangible gain. However, the singlemost important reason for mobilizing was an intangible one: the expellees wanted to play a role in their own integration. There could not be a better reason for mobilizing: the mobilization was for its own sake (Frantziach 1987, 143). The solution to Olson's free-rider problem, which is to "generate solidarity and moral commitments to the broad collectivities in whose name movements act" (Jenkins 1983, 538), was easily reached in the case of the expellees. The moral commitment to integration and the return of the homelands – "Heimatrecht im Osten" and "Lebensrecht im Westen" (Right of the Homeland in the East, and Right to Life in the West) (Stöss 1986, 1439), existed even before organization began.

Interaction of Expellees and Authorities

Another factor regarded as central to organization is the interaction of the protesters and the authorities. Do the authorities see the protesters or organizers as a potential threat? What

measures might be taken as a means of restricting the mobilization of the movement? In the case of the expellees, as noted above, the Allied occupation force took seemingly contradictory steps by, first, banning expellee organization and, second, ensuring that the expellees played a role in the political process by establishing the *Beratende Ausschüsse*. The role played by authorities in the case of the expellees was ultimately a supportive one.

Conclusion

These two theories help us understand the case of the successful mobilization of the expellees. While POS and resource mobilization rest upon different basic theories, they arrive at the same general conclusion: the high degree of organization of the expellees and their moral commitment, or, in the POS language, their common purpose and solidarity, were a key factor in the successful mobilization. Not to be overlooked is the positive support from the government. Perhaps the most crucial factor is one which would not figure in a resource mobilization analysis of expellee mobilization, namely the chaotic and rebuilding status of post-war Germany.

The expellee case clearly shows the enormous strides a migrant group can make given an opportunity and the organization and resources to take advantage of the opportunity given. The expellees were a dispossessed migrant group forcibly expelled from their homes at the end of a destructive war. Faced with the prospect of finding their place in a society and polity that was likewise faced with the task of rebuilding, the expellees succeeded in mobilizing and integrating. They made extensive use of the newly-instituted citizenship clause of the Basic Law; they exercised their citizenship to its fullest degree, not only possessing formal rights of citizenship,

but actively exercising their rights. The new post-war German democracy was off to a good start with the successful inclusion of the expellees as active citizens.

CHAPTER FIVE: *Aussiedler* in Post-Cold War Germany

Introduction

Where the expellees were active citizens, the *Aussiedler* must be said to be passive citizens. They possess all formal citizenship rights, but do not exercise these rights in a substantive manner, remaining, politically speaking, non-members of the polity. In terms of practical exercise of citizenship rights, it is clear that there has been a shift from the era of the expellees to that of the *Aussiedler*. What is it, though, that distinguishes one case of successful mobilization and action from another of non-starter mobilization? Chapter Four explored the bases of the impressive organization of the expellees, arguing that group organization and political opportunity played key roles in the process. As we know, the *Aussiedler*, however, have not mobilized nor have they indicated any signs of doing so. Using the same theories discussed in Chapter Four, this chapter will address the lack of action among *Aussiedler*, discussing the changes in the post-war German polity and the differences among these two migrant groups as factors.

As we have seen, the burden placed upon post-war Germany of integrating the twelve million expellees who had come to Germany in the space of just four years was a heavy one. Many expellees lived in the barnyards and farm buildings of indigenous rural German families while they struggled to get on their feet. Some would argue that expellee integration proceeded quickly, while others have argued that the wrong done to them was so immense that no amount of time could compensate, whether they have been completely integrated or not. In any case, it is clear, as discussed in Chapter Four, that the expellees were ultimately successful both at integrating and at influencing domestic and foreign politics in Germany. The process of

integration and participation began quite quickly; the first expellee organizations had been formed even before the formal expulsion measures began in the summer of 1945, while the ultimate steps in integration were somewhat slower, but still successful.

The post-Cold War *Aussiedler*, however, have not experienced the same success. The *Aussiedler* remain marginalized in today's Germany, ten years after the large influx of *Aussiedler* began. They are often discriminated against and live well below the standards of indigenous Germans, a situation exacerbated by the reduction of language courses to six months, drastic cuts in pensions, and reductions in job re-training. The few success stories are under-reported by the media, who prefer to focus on the sensational stories of Russian-German gangs in conflict with Turkish youth. The problem is complicated by the data situation: in any official surveys, *Aussiedler* are regarded as Germans. No one with German citizenship is differentiated from any other German citizen in surveys, whereas Turkish citizens, Russian citizens or citizens of the United States are. According to one debate in the *Bundestag*, not even the government keeps records on *Aussiedler* after the point of entry, complicating policy decisions affecting *Aussiedler* (Deutscher Bundestag, Drs. 12/3498, 22 October 1992). The naturalized *Aussiedler* are merely included with the indigenous Germans in polling and data. While some government officials agree that *Aussiedler* problems could better be addressed were *Aussiedler* to be distinguished in a separate category (Interviews, 1 October 1997; 15 October 1997), others steadfastly maintain that *Aussiedler* are German and, as such, should not be treated any differently (Interviews, 2 October 1997; 10 October 1997). Even in unemployment statistics, *Aussiedler* are only separated out for the first five years after their entry into Germany. Reasons for this abbreviated record-keeping are not given. One official suggested that perhaps *Aussiedler* were integrated within five

years and statistics were no longer needed (Interview, 28 November 1996). Despite the official government line, which states that since *Aussiedler* are German, they have no troubles integrating – they are given jobs and homes and settle down in just a few easy steps (Chrobog 1995), the government also acknowledged long ago that *Aussiedler* are having as much difficulty adapting to life in Germany as any other immigrant group and are often regarded as foreigners by indigenous Germans. Klaus Bade cites an Interior Ministry report of 1990 which stated that "There is a strong interdependence between the integration of *Aus-* and *Übersiedler* and that of foreigners; the capability of the indigenous population to integrate *Aus-* and *Übersiedler* cannot be separated from the capability of integrating strangers in general" (Bade 1992, 18).

The first section of this chapter will address different aspects of the process of integration and will explore the impact that the changes in laws discussed above have had on *Aussiedler* integration. Some of the *Aussiedler* success stories that can be identified will also be addressed. Finally, this section will turn to the (lack of) socio-political participation of the *Aussiedler* and, in the next section, turn to a discussion of the reasons for the low level of socio-political participation, drawing on the literature of political opportunity structure and resource mobilization as explanatory theories.

Post-Cold War *Aussiedler* Integration

Acceptance

In the 1970s, *Aussiedler* were generally welcome in Germany as co-ethnics suffering under Communism who were persecuted on the basis of being German. The *Bundeszentrale für politische Bildung* (Federal Center for Political Education), an institution dedicated to informing

the public on various issues, has produced several publications on *Aussiedler*. The first was an edited volume in 1977, a year in which 54,251 *Aussiedler* came to Germany – the majority from Poland (32,857) and Romania (10,989),¹ and fewer from the Soviet Union (9,274). This volume, with the title *To Live as Germans Among Germans: The Integration of the Aussiedler*, brought together the articles in the paper *Das Parlament*, whose 3 September 1977 issue was dedicated to the integration of *Aussiedler*. Despite one typographical error in the volume, in which the word "Ausländer" (foreigner) replaces "Aussiedler" (Bohmann 1977, 15), the volume offers a good overview of the *Aussiedler* situation and makes an obvious effort at representing the problems of the *Aussiedler* in the areas of origin, the reasons for their migration, and cites cases of the willingness of the indigenous Germans to help *Aussiedler*. Tips are given as to how indigenous Germans can be helpful to the *Aussiedler*, finishing with the sentence "The German *Aussiedler* from the East want to come (despite great difficulties) and want to fit in here!" (Fuchs 1977, 43).

While Germany's economy remained powerful and the Cold War ideology strong, the issue of *Aussiedler* integration was not an insurmountable one. The *Aussiedler* of the 1970s and 1980s from Romania spoke much better German to begin with, while they, along with the Polish Germans, had skills which were more applicable in Germany than those of the Kazakh and Russian Germans. For those whose German was not very good, state-sponsored language courses ranging from twelve to eighteen months, available in a number of levels, depending on level of German knowledge, along with job re-training programs, solved most problems. As noted above, the legal framework accepting the *Aussiedler* was also more strongly built in their favor,

¹ This was the year in which the Federal Republic began "buying" ethnic Germans from the Romanian government; only 3,766 Romanian Germans entered Germany in 1976, but 10,989 did so in 1977, 12,120 in 1978 and 9,663 in 1979. The numbers remained at about 15,000 in the years afterward (See Appendix).

welcomed them and helped them integrate. These *Aussiedler* joined the organizations of the expellees slightly more often than the post-Cold War *Aussiedler* have done and, more often than not, were able to become integrated and absorbed into the German society without significant difficulty. The numbers remained small enough (See Appendix) that integration was not a problem bureaucratically. Network migration played a significant role in this era of migration, with many *Aussiedler* moving near friends and relatives, who then provide assistance in settling in and finding employment. Bauer and Zimmermann found that, in their sample, 73% of *Aussiedler* lived near relatives and friends and 77% had friends of the same origin (Bauer and Zimmermann 1996, 5). The positive effects of network migration, however, have been lost since the institution of the WoZuG and its linkage of social benefits to place of residence.

As noted above, integration benefits were generous throughout the duration of the Cold War – language instruction and job re-training were priorities. The *Aussiedler* numbers remained low enough that these generous benefits and neighborly gestures neither imposed on the tax-payers nor overtaxed the bureaucracy. As the Cold War neared an end, however, Germany was simultaneously a goal for East German refugees, for asylum-seekers and for *Aussiedler*. Public opinion went steadily downhill from a point in the 1970s and early 1980s where indigenous Germans were either undecided – or didn't care one way or the other – or felt positively toward *Aussiedler*.

In November 1988, before the financial strain of unification, and after just one year of a heavy inflow of *Aussiedler*, 35% of those Germans asked had a "good opinion" of *Aussiedler*, while 14% did not. Fifty-one percent were undecided or did not know (Noelle-Neumann 1993, 524). Of the greatest concerns about *Aussiedler* migration in November 1988 was the fear,

expressed by 76% of those surveyed, that the *Aussiedler* would worsen the already bad housing situation in Germany, followed by 75% of people agreeing that the state has to support the *Aussiedler* (Noelle-Neumann 1993, 525).

Indigenous Germans' attitudes toward *Aussiedler* migration to Germany has shifted steadily over the years. The steadily decreasing support of Germans for the *Aussiedler* policy can be clearly seen in this data collected from ALLBUS surveys . An Allensbach survey confirms

Table 5.1: West German Attitudes Toward *Aussiedler* Migration

	1991	1992	1996
Should Continue Without Restriction	22%	19%	15%
Should be Restricted	68%	71%	74%
Should be Discontinued	10%	10%	12%

Source: *Datenreport* 1998, 458

this trend: in October 1990, after another 800,000 *Aussiedler* had come to Germany since 1988, just twenty percent said that *Aussiedler* should continue to be accepted while 68% said the migration should be restricted. Only 12% did not have an opinion (Noelle-Neumann 1993, 526). Six years later, in March 1996, 61% of the German population answered that they had the impression that there were too many *Aussiedler* in Germany. Twenty-six percent said they did not think there were too many *Aussiedler* and thirteen percent did not express an opinion (Noelle-Neumann 1998, 639). Indeed, post-Cold War *Aussiedler* report that, while they were called Germans in the former Soviet Union, they are now called Russians in Germany (Interviews, Winter 1996 and Spring 1997). Earlier, *Aussiedler* were welcomed as Germans; beginning with the large influx of *Aussiedler* in the late 1980s and early 1990s, the tide turned, as the reality of migration began to overpower those Germans who had previously supported the

concept of migration for *Aussiedler*. While the earlier *Bundeszentrale für politische Bildung* publication had emphasized not only origin but also integration, highlighting stories of help from indigenous Germans, the next publication in 1990 (reprinted 1991 and 1992), focused more on the history of Germans in Eastern and Central Europe and gave an overview of the institutions of integration, leaving aside the exhortations to "Help your *Aussiedler* neighbor" (Möckel and Pötzsch 1991). Empowered by public opinion, the government and opposition agreed to restrict *Aussiedler* admission and benefits, starting with the *Wohnortzuweisungsgesetz* in 1989 – to even out *Aussiedler* burden on the *Länder* – and the *Aussiedleraufnahmegesetz* in 1990 – requiring potential *Aussiedler* to apply for *Aussiedler* status before entering Germany, a measure which reduced in-migration from its high of 400,000 in 1990 to about 220,000 in 1991.

Language

As discussed in Chapter Two, ethnic Germans from different countries had widely differing experiences, including the degree to which they were permitted to speak German. While in Romania, German-language schools were banned only for a few years, continuing almost uninterrupted after the war, in both Poland and the Soviet Union, the situation was worse. These different histories have had an impact on integration in Germany. According to an analysis of the 1995 Socio-Economic Panel, 96% of Romanian Germans said they spoke either very good or good German, whereas only 46% of Polish Germans and 57% of Russian Germans placed themselves in this category (Buechel and Wagner 1996). The older *Aussiedler* – born before World War II – from both the Soviet Union and from Poland are usually German native-speakers, having been born and gone to school before the post-war restrictions against Germans

took hold. However, after 1993, essentially no more Romanian Germans were permitted to enter Germany, thus removing the group that is most able in German. Likewise, the age structure is such that only about 10% of the *Aussiedler* are still old enough to have spoken German as a native language and to have attended a German school ("Altersstruktur der *Aussiedler* (in %)" 1998, 23).

One of the significant factors in the shift in public opinion in the late 1980s against *Aussiedler* has been their poor German skills. In 1988, sixty percent of Germans named "speaking poor German" as a characteristic they associate with *Aussiedler* (Noelle-Neumann 1993, 524). Whereas previously, these poor German skills were rectified in the extensive language courses, cutbacks have made the poor language situation continue. A survey of young *Aussiedler* who had arrived in Germany between 1990 and 1994 carried out in 1996 showed that only 3% characterized their German as "very good," another 30% as "good," 52% as "mediocre" and 14% as "bad" or "very bad" (Dietz and Roll 1998, 178). Thus, a combination of shift in countries of origin and cutback in language courses has worsened the language situation of the *Aussiedler*.

The language course is no longer guaranteed; only 38,000 *Aussiedler* were in an officially-supported language course in 1997, constituting just 28% of the *Aussiedler* who had migrated to Germany in that year ("Bestand an *Aussiedlern* in Deutsch-Sprachlehrgängen" 1998, 33). Many *Aussiedler* who do not receive language courses from the government have a feeling of abandonment and hopelessness and consequently see little point in attempting to find a low-cost German course on their own (Interview, 13 December 1997). While some German language courses are offered free of charge or at low cost, these are few in number and are usually offered

only once a week, often by untrained teachers, which is not sufficient for intense language study. Every social worker, teacher and integration counselor agrees: the poor command of the German language is the single-most important stumbling block to *Aussiedler* integration. When the government does not supply such language courses, the process of integration is made more difficult.

The institution of the language test as a prerequisite for entry to Germany has aimed to restrict the *Aussiedler* in-migration to those with higher German skills as well as reducing the necessity for language courses in Germany. Indeed, the failure rate, ranging from 30% to 40%, suggests that the test will have removed those speaking poorer German – or none at all – from the migration group. While the official government platform maintains that the test is to establish "Germanness," it is clear that another purpose, that of increasing the integration ability of *Aussiedler*, is served as well. Many officials and politicians, such as a member of the Lower Saxony *Landtag* and the CDU Commissioner for *Aussiedler* Affairs in Lower Saxony, which has one of the highest concentrations of *Aussiedler*, agree that the language test has an important integrative function (Grundmann 1998).

Work/Unemployment

Unemployment and underemployment are two of the most serious issues affecting *Aussiedler*, often exacerbated by poor language skills. Other factors playing a role are age, quality of previous training and location within Germany – many *Aussiedler* are placed in rural areas, where the employment situation is not good. Not only does unemployment affect the financial situation of the family, but it also prevents thorough integration into German society.

Integration into the labor market is a significant part of integration into German society, aided by the aspects of participation offered such as union membership. Many *Aussiedler* are also underemployed, accepting, for instance, positions as "Bauhelfer" (building site assistant) where they were once engineers (Interview, 28 November 1996) and nurse's aide where they were once doctors (Interview, 13 December 1997). Educated *Aussiedler* can become social workers or translators in place of almost anything (Interview, 25 November 1996; 27 February 1997), while uneducated *Aussiedler* often land in janitorial or recyclable-sorting positions. *Aussiedler* counselors proudly report that "their" *Aussiedler* have no trouble finding jobs, since they work hard and will accept any employment (Interviews, 28 November 1996; 27 February 1997; 5 March 1997), yet underemployment is particularly difficult for educated workers who have been trained to a much higher level and must be content with labor not at the level of their training.

Underemployment led to strikes and demonstrations among post-Cold War Russian Jewish migrants in Israel who were frustrated at not being able to contribute to Israeli society, which has, in turn, led to attempts at some improvements in their situation. However, *Aussiedler* have not demonstrated on this – or any other – point, and continue to work in their low-wage and low-status jobs. Underemployment offers *Aussiedler* little opportunity to enjoy either a higher standard of living or self-worth from a job well done. Particularly since *Aussiedler* are willing to take under-the-table employment, many of these jobs are poorly (if at all) unionized, thus placing many of the benefits otherwise available to workers in the German labor market out of these workers' reach. While numbers of *Aussiedler* working under-the-table, or taking *Schwarzarbeit* (black work) is statistically not known, and not likely to be established any time soon, it has been suggested that this work is significant (Bade 1999).

The willingness of *Aussiedler* to work hard and take poorly-paid jobs can be explained by two mechanisms. First, say many academics and social workers, *Aussiedler* are merely good, hard-working, simple people. They work hard and are happiest when they are working.² The data, however, suggest a different picture. One study found that the most often named reason for migration was to ensure the future for their children, mentioned by 68% of *Aussiedler*; this same study found that, as a second factor, 47% named living in their ancestors' home (Ködderitzsch 1996, 143). The SOEP data from 1995 found that most *Aussiedler* (41%) named living in freedom as the main reason for migration; another 37% named having a better life, and only 28% named living in Germany. Of young *Aussiedler*, 40% named material improvements as the main reason for migration, with family unification the second reason with 27 percent. Living in the German homeland was third, with 20% (Dietz and Roll 1998, 159). My data show approximately equal emphasis on better material circumstances (23%), living near immediate relatives (23%), living with Germans (23%) and a better future for the children (20%). Despite the governmental protestations to the contrary – that most *Aussiedler* came to Germany to "live as Germans" – the majority came for a better life, either for themselves or – more often – for their children. Consequently, finding work, any work, is a means to achieving a goal.

Secondly, after a longer time period of searching for a job with no success, even the most industrious of *Aussiedler* lose their drive. "What's the difference? I earn more on welfare anyway," said one man in his mid 40s, educated as an engineer in and last employed as an under-the-table construction site assistant for 5 DM/hour. He travelled over an hour from his home in

² The exception to this general attitude was one social worker who told me that of course *Aussiedler* were happy in Germany, even if they were unemployed, since the welfare here pays much more than the job in Kazakhstan (Interview, 24 November 1996).

the outskirts of the former East Berlin, Hohenschönhausen, to the construction site, leaving at 6 AM, worked all day and returned home too tired to eat. He worked for about six months before deciding that the small amount of money he earned, as well as the potential problems with the Unemployment Office, wasn't worth his effort (Interview, 28 November 1996).

Another man in his early 50s told me he wanted to work, he had strong muscles and was willing to use them. In order to receive unemployment benefits, he had to be actively searching for work. In great frustration, he showed me his list; over forty applications for work at building sites, warehouses and other unskilled labor. No luck. If it weren't that pensions had been recently cut by 40%, he would, he said, go directly into early retirement. He may have to anyway, he said, since no one wants to hire him (Interview, 3 June 1997). These cases are not unusual; those who are no longer young have a more difficult time in the job market. Those who are younger, even if trained in a different field, have better chances.

Likewise, the second problem most often cited by social workers and by *Aussiedler* themselves is job re-training. Places in job re-training programs have become more difficult to receive in the wake of government cut-backs, and are often now only granted with support if the *Aussiedler's* original job – such as combine-operator – does not exist in Germany (Interview, 14 April 1997). However, many other jobs – such as nurse – do exist in both countries, but the Kazakh or Russian training as nurse is not accepted in Germany. Thus, even women who had worked for some years as nurses must undergo a three-year training program in Germany, during which time they receive no additional support from the government. Many *Aussiedler* prefer to accept lower employment rather than undergo such arduous re-training, thus remaining at a lower income level, but earning money more quickly. I heard the story of a veterinarian who

arrived from Kazakhstan and whose credentials were not recognized. After much effort on the part of social workers and other officials, he was offered a place in a training program to enable him to have his degree recognized more quickly. However, in the meantime, he had found work as a technician, and needed the work to feed his family (Interview, 1 October 1997). Finally, without job re-training, many *Aussiedler* have no chance at all in the German job market, particularly the 45-55 age bracket. Those above 50 often choose to go straight into early retirement rather than searching in vain for a job. Here, too, the benefits have been cut, so that the *Aussiedler* receive only 60% of the pension that Germans receive, making day-to-day living more difficult, and such luxuries as German courses nearly impossible.

It is difficult to state accurately the percentage of unemployed *Aussiedler*. The *Bundesanstalt für Arbeit* maintains data on *Aussiedler* only for five years after their entry into Germany. After five years, the *Aussiedler* are considered integrated, and are not distinguished from other Germans³ in the unemployment statistics. This data reporting system alone represents a great change from the case of the expellees. In the post-war case, careful records were kept to chart the expellees' progress in Germany, the better to provide assistance. Today, the statement "but the *Aussiedler* are German" is repeated mantra-like in *Amt* after *Amt* as an explanation for not maintaining separate records.⁴ This distinction alone between the two groups is indicative of a shift in governmental attitude toward the two groups of migrants. Expellees were separated out in statistics the better to help them; *Aussiedler* are included in the general statistics the better to strengthen the myth that they are German and are integrating as Germans.

³ Other naturalized citizens – such as Turks – also included in the general German unemployment figures. Only those who have a different citizenship are separated out.

A rough approximation of Germany-wide *Aussiedler* unemployment can be calculated despite the general lack of statistical information. About 53% of all *Aussiedler* are regarded as potentially searching for employment, that is, those who are between the ages of 16 and 65, are not in school, are not home-makers, and are not handicapped to an extent that would preclude participation in the labor market. Of these, at the end of 1996, twenty-seven percent of the *Aussiedler* who had arrived in the last five years were unemployed – nearly three times the indigenous German unemployment rate. Data from the 1995 Socio-Economic Panel also offers a figure of 30% unemployment for *Aussiedler*, and the most recent data from the *Bundesanstalt für Arbeit* (December 1998) confirms an approximate 22% unemployment of those employable. This number does not, furthermore, include the *Aussiedler* who are in language courses, job retraining programs, part-time work or other further education programs, and is thus an underestimate of at least an additional ten to twenty percent. This figure does not include those who have gone into early retirement, but who were counted as employable upon their entry to Germany.

It is hard to know what the figure is for *Aussiedler* who have been in Germany for more than five years, and for whom data are no longer maintained. Many of the make-work positions (ABM) created specifically for *Aussiedler* and East Germans are limited to one year or eighteen months, while other employment done on a contract basis, such as construction work, is also not indefinite. For those who then seek employment again after the age of thirty-five, either because an ABM position expired or because of age at time of immigration, the situation shifts yet again. The German labor market, due to the apprenticeship system as well as the pension system, discriminates against those older than the late thirties or forty. Many of those *Aussiedler* who are

⁴ Cf. Ulrich Mammey "Das BiB-*Aussiedler*panel" for more on the difficulty of gathering representative

between the ages of thirty-five and sixty – approximately twenty-five percent of all *Aussiedler* – may receive one or two time-limited jobs, but will likely not receive permanent full-time employment. The remaining options are either under-the-table work or welfare. Many *Aussiedler* also no longer qualify for job re-training programs, which have been restricted, and even a job re-training program is no guarantee of subsequent employment (Koller 1993, 18; 1994, 16).

Schooling

While children adapt much more quickly than adults, learning the language more easily and adjusting to new surroundings without too much difficulty, the problem with *Aussiedler* children is spatial – while the WoZuG has effectively distributed *Aussiedler* among the *Länder*, achieving an even distribution within the *Länder* or cities is more problematic. In some school systems, for instance in Marzahn in Berlin or in some areas in Lahr in Baden-Württemberg, *Aussiedler* children can make up about a third to a half of some school classes, particularly where special classes have been introduced for *Aussiedler*. In these cases, the *Aussiedler* do not speak German with their classmates, but continue to speak Russian, thus hindering their German language acquisition. Adding to this situation is the statistical reality that between 27% and 36% of *Aussiedler* are under the age of 20, whereas only 22% of the indigenous German population are under the age of 20 ("Altersstruktur der *Aussiedler*..." 1998, 26).

According to one survey, 67% of *Aussiedler* youth speak Russian with their friends rather than German (Dietz and Roll 1998, 180). Fifty-four percent report that the majority of their friends are *Aussiedler* (Dietz and Roll 1998, 190). Because of their poor German skills when

data on *Aussiedler*.

they arrive in Germany, most *Aussiedler* children do not attend the grade level which would correspond to their age, but are placed in a different school or in a lower grade level. Thus, *Aussiedler* are generally at a lower educational level than other students in Germany, including non-citizens: while 12.6% of all students at high schools in Germany are in a *Hauptschule*, the lowest track of the German high school, 27.6% of all *Aussiedler* are in a *Hauptschule*. Of all high school students in Germany, 22.9% attend the *Gymnasium*, preparation for the university, but only 7.1% of *Aussiedler* attend the *Gymnasium* (Dietz and Roll 1998, 66). That is to say, 41% of *Aussiedler* school-goers attend *Hauptschule*, and only 15% the *Gymnasium* (Dietz and Roll 1998, 67). This distribution suggests that the next generation of *Aussiedler* – even those who migrate to Germany at a very young age – may also remain at a lower socio-economic level than the overall level in Germany. While it is theoretically possible to finish *Hauptschule* after the 10th grade, move on to the *Realschule* (the middle track) until 11th grade and then shift to the *Gymnasium* for 12th and 13th grades, thus achieving the prerequisites for studying at the university, only 4.3% of *Aussiedler* youth in this study were at a university, in comparison to 16.6% of indigenous German youth (Dietz and Roll 1998, 183).

Apprenticeships/Young Aussiedler as a Particular Problem

Counselors and government officials agree (Interviews, 27 February 1997; 23 March 1997; 15 October 1997; 10 February 1998) that the *Aussiedler* who migrate between the ages of 14 and 18 years, making up about 5-10% of all post-Cold War *Aussiedler* or 130,000 to 260,000 individuals, constitute a particular problem. The 14- to 18-year olds are more likely than their older or younger counterparts to have been against the move to Germany. Thirty-seven percent

of 15- to 17-year-olds either did not want to go to Germany, did not play a role in the family decision, or were not asked.⁵ In contrast, 27.4% of 18- to 21-year-olds fall into this category, as do 19.5% of 22- to 25-year-olds (Dietz and Roll 1998, 158). Those older than 18 were more often consulted about the path the family would take and also had the option of remaining in the former Soviet Union, not an option available to teenagers under 18. Often having to leave a first boyfriend or girlfriend,⁶ many of these teenagers come to Germany with no wish to be German or to live in Germany. Although many younger children may come to Germany with a similar attitude, they are required to attend school. The specific problem for 14- to 18-year-olds emerges because, after the age of sixteen in Germany, there is no longer a *Schulpflicht*, or requirement to attend school. Consequently, these 14- to 18-year olds either have a very abbreviated stay in a German school or are not required to attend German school at all. Not having the language skills, they are also not eligible for apprenticeship positions, very scarce in Germany in the late 1990s in any case. Thus, *Aussiedler* counselors and government officials fear, this age cohort will remain a permanent welfare generation.

The situation of these teenagers is difficult to ascertain. Social workers and counselors state that there is not much hope of success, even for governmental programs, since these teenagers are notoriously difficult to persuade to attend any sort of organized function and seem to have a tendency to join gangs and remain on the fringes of society (Interviews, 25 February 1997; 1 October 1997; 15 October 1997; 10 February 1998). In the Dietz/Roll study, 65.4% of

⁵ Eighteen and a half percent of the *Aussiedler* teenagers did not play any role in the decision to leave for Germany; 6.2% specifically did not want to go, and 12.3% of the 15- to 17-year-olds were not asked (Dietz and Roll 1998, 158).

⁶ Of the 15- to 17-year-olds, 38.3% had a steady boyfriend or girlfriend in the former Soviet Union (Dietz and Roll 1998, 189).

the 15- to 17-year-olds surveyed were in school and 13.6% in apprenticeship, further education or re-training programs (Dietz and Roll 1998, 182). Of German indigenous youth, in comparison, 61.4% were in school and 27.3% – nearly twice the *Aussiedler* percentage – in apprenticeship, further education or re-training programs. The *Aussiedler* youngsters had, however, arrived in Germany early enough that schooling was mandated. Their older counterparts who migrated earlier may be more marginalized.

Indeed, of the 22- to 25-year-olds in the Dietz/Roll study, nearly a quarter were either on welfare or unemployment benefits – ten times the 2.4% rate of welfare and unemployment benefits for indigenous Germans in that age group (Dietz and Roll 1998, 187) and 23.4% employed, only slightly below the 26.5% of indigenous Germans employed. Nearly twenty percent of 22- to 25-year-old *Aussiedler* were in apprenticeship, further education or re-training programs, comparing to over twenty-five percent of indigenous youth (Dietz and Roll 1998, 182). The major difference between *Aussiedler* and indigenous Germans in this age group is university study: only 6.5% of the 22- to 25-year old *Aussiedler* are at university, but 37.3% of indigenous 22- to 25-year olds.

Housing

Two issues emerge as problematic in the situation of *Aussiedler* housing: first, distribution, and, second, income level. Prior to the passage of the WoZuG, the housing situation was not good; *Aussiedler* were concentrated in Lower Saxony, Rhineland-Palatinate and in Bavaria and Baden-Württemberg and were concentrated in particular areas within those *Länder*, placing heavy burdens on some housing markets. Even two years after the passage of the revised

WoZuG, in Lower Saxony in the district of Osnabrück, consisting of thirty-four communities, *Aussiedler* made up 21.8% of one community and between fifteen and twenty percent in another five communities (as of 31 December 1997). Including these figures, *Aussiedler* made up over ten percent of the population in fourteen of these thirty-four communities ("Aussiedler im Landkreis Osnabrück" 1998). It is likely that these data are not unusual for Lower Saxony or, indeed, for the other *Länder* mentioned.

One study conducted in 1990 and 1991 found that 90% of those surveyed had been living in *Übergangswohnheime*, or temporary dormitories, longer than the officially permitted six months, largely due to the shortage of affordable apartments in the rural areas where *Übergangswohnheime* are generally found (Saring 1993, 84). Another study sought reasons for the long stays in *Übergangswohnheime*, surveying residents who had lived in a Berlin *Übergangswohnheim* for at least two years (8% had lived in the *Übergangswohnheim* for 24 months, 37% for 28 months and 18% for 38 months) (Findeis and Botzian 1996, 173). The majority of those surveyed were at least satisfied with their experience in the *Übergangswohnheim* (12% said they found the situation "very good," 34% "good," and 46% "average") (Findeis and Botzian 1996, 199). Ninety-one percent did want their own apartment, but generally could not specify exactly what it was in an apartment that they sought, and were disappointed both by the poor condition of potential apartments and by the cost (Findeis and Botzian 1996, 200-202). Over ten percent of the residents had not applied for even a single apartment, and a further five percent had applied for only one or two apartments (Findeis and Botzian 1996, 201). Many of the *Aussiedler* are either on pensions or welfare, thus making them eligible for *Sozialwohnungen*, or socially-supported apartments, which often requires more

bureaucracy and longer waiting periods. The low success rate of the *Aussiedler* in the job market is closely related to their difficulty in finding apartments; those on welfare or unemployment have a limited range of apartments available to them. Of the youth surveyed in the Dietz/Roll study, 20% lived in a *Übergangswohnheim*, 31% in a *Sozialwohnung* and 36% in an apartment. Of those in Germany between four and six years, only 6% still lived in a *Übergangswohnheim*, but 37% lived in a *Sozialwohnung* and 33% in an apartment (Dietz and Roll 1998, 175).

Within certain areas, cheap housing is plentiful and *Aussiedler* do succeed in leaving the *Übergangswohnheim*, yet the situation outside the *Übergangswohnheim* may be more negative. Within *Übergangswohnheime*, there are social workers and counselors on site. In areas of high *Aussiedler* concentration, such establishments may emerge, but are not matter of course. In Berlin, *Aussiedler* are concentrated in Marzahn and Hohenschönhausen, areas of the former East Berlin in which many apartments in large *Plattenbausiedlungen*⁷ became available after unification. Some *Aussiedler* choose to live there because "the wide avenues remind us of home" (Interview, 28 November 1996). In Marzahn, about 6,000 *Aussiedler* have moved from the *Übergangswohnheim* in Marzahn into apartments in Marzahn, while other *Aussiedler* find affordable and appropriate apartments only in Marzahn and Hohenschönhausen or want to live near friends or relatives already there (Interview, 13 November 1997). Altogether, the *Bezirksamt* (City District Office) estimates that the percent of *Aussiedler* in Marzahn is at least 5%, although the official told me in the same sentence that this is a serious underestimate, including only those moving from the Marzahn *Übergangswohnheim* into apartments in

⁷ These large-scale housing developments were constructed of prefabricated panels by the East German government as a means of providing cheap housing.

Marzahn. There is no way – other than anecdotal evidence – to know how many move from other parts of the city to Marzahn (Interview, 13 November 1997).

Likewise, the departure in 1994 of many American, Soviet, British, French and Canadian forces from Germany made a large number of apartments available. Clustered together, these so-called *Alliiertenwohnungen* (allied apartments) foster segregation and ghetto formation. In these areas, such as Lahr in Baden-Württemberg, formerly the Canadian air force base, *Aussiedler* live in close proximity to one another and do not learn German quickly. The former military bases have become *Aussiedler* ghettos, where, according to anecdotal evidence, unemployment is particularly bad, while problems of youth gangs, prostitution and alcoholism and drug abuse are mentioned again and again by social workers, politicians, *Aussiedler* themselves and academics. While data are hard to come by, one study offers an analysis of criminality data: in districts in Lower Saxony with high *Aussiedler* in-migration, the criminality rate rose by 15.3%, but in districts with low *Aussiedler* migration, the rate rose by only 0.7% between 1990 and 1996, showing a startlingly high link between *Aussiedler* migration and the crime rate. Drug offenses rose even more strongly – rising by 161.5% as opposed to 6.6 percent (Pfeiffer, Brettfeld and Delzer 1997, 32). These data suggest that the anecdotal evidence can be substantiated. Schools can be up to one-half or even three-quarters *Aussiedler* children, where the language on the playground is Russian. Paradoxically, some choose to stay in this setting because they would rather live with other *Aussiedler* than be isolated among native Germans, who have become increasingly unwelcoming and, in some cases, hostile toward *Aussiedler*. However, only when they move out of such ghetto situations can the situation ever hope to improve.

Although the WoZuG sought to solve problems of regional concentration of *Aussiedler*, the law assigns *Aussiedler* to a *Land*, but not to an area within a city – this aspect of distribution depends on the availability of apartments. Within one city, if affordable apartments are available in one area, *Aussiedler* will move there. The *Übergangswohnheime*, as well as other areas of settlement, are usually located at the edge of towns, away from industry and service sector jobs, which is the sector in which most *Aussiedler* find employment. Consequently, employment is either hard to come by and long commutes are common.

Adjustment to Germany/Identity

The most crucial element of integration is what has been called the "psycho-social" element. *Aussiedler* were regarded as foreigners or as outsiders in Eastern and Central Europe and many emigrated in search of the one country where they thought they would be accepted as insiders. This acceptance has not, however, been forthcoming. Anecdotal evidence suggests that, while *Aussiedler* were not accepted in their countries of origin, neither are they accepted in Germany. One study of Russian Germans and Polish Germans shows that 35% of the Russian Germans surveyed faced discrimination in comparison to 21% of the Polish Germans surveyed (Graudenz and Römhild 1995, 50). In a 1992 study, nearly forty percent of *Aussiedler* felt unwelcome in Germany (Dietz and Hilkes 1994, 85). A 1990-1991 study showed that nearly 75% had experienced discrimination (Saring 1993, 133). These numbers are substantiated by surveys of indigenous Germans: 57.1% of German youth thought that *Aussiedler* were only partially welcome in Germany and 29.4% thought that *Aussiedler* were not welcome at all (Dietz and Roll 1998, 173). In interviews I conducted, many Russian Germans complain that "there we were the

fascist pigs; here we are the Russians." Indeed, interviews collected in a volume entitled "we are always the foreigners" expresses this view again and again (Ferstl and Hetzel 1990). The social situation of *Aussiedler* – segregated living areas, poor language skills, low educational level and high unemployment – is both a factor in the "Fremdsein" (being foreign) of the *Aussiedler*, as well as resulting from the marginalization of the *Aussiedler*.

The question of identity is another difficult one for many *Aussiedler*. In my survey,⁴ 42% of the *Aussiedler* surveyed either felt Russian or simply "foreign" upon their migration to Germany. Of these, two-thirds had felt German in their country of origin. The image that most *Aussiedler* have of Germany is of a pre-war, traditional Germany, an image which is dispelled almost immediately upon entry into Germany. The *Aussiedler* are known for a closely-knit, patriarchal family structure, which quickly comes into conflict with modern-day Germany. Norms and social expectations are different than expected, requiring a mental readjustment in order to participate fully. Most damaging of all, ethnic Germans have often been raised in the belief that they are Germans and their true home is Germany. Brought up on stories of the ancient German homeland and raised in the German ethno-cultural tradition, *Aussiedler* often arrive in Germany only to determine that while they may not be Russian, neither are they German. The *Aussiedler* undergo serious problems of adjustment when they arrive in Germany only to discover that they fit in better in Kazakhstan than in Kassel. In one study, 76.3% of the respondents felt German before their migration, and only 57.9% felt German after their migration (Findeis and Botzian 1996, 174,185). The mental adjustment involved in the move to Germany is considerable.

⁴ See Appendix for a discussion of my survey, conducted with 24 *Aussiedler* in Berlin in 1996 and 1997.

All of these factors feed into what appears to be a growing trend in Germany: the development of an *Aussiedler* parallel society. There are discos that cater specifically to *Aussiedler* – about a third say they spend their free time in discos (Dietz and Roll 1998, 192) – just as there are discos catering exclusively to Turkish youths. Nineteen Russian-language papers have sprung up in Germany, most addressed at *Aussiedler*. For those *Aussiedler* who are actively religious – 56%, according to one 1992 study (Dietz and Hilkes 1994, 86) and 37% according to another (Ködderitzsch 1996, 111) – Russian-language churches have emerged. The Mennonite community in Germany, well on its way to extinction, has received a new infusion of church members and is in many places, such as Berlin, composed almost exclusively of *Aussiedler*. I attended one Mennonite religious service and, while resisting attempts at conversion, discovered that many *Aussiedler* there were not particularly spiritual, but saw in the Mennonite church a connection to their ancestors and to Germany and enjoyed the sense of community with other *Aussiedler* of similar background (Interview/Observation, 1 June 1997). The development of pillarization in German society, such as that described by Arend Lijphart in the Netherlands, is new for Germany, although it had been widely feared that Turkish communities would develop in this direction. However, the problems of poor language skills, low educational level and unemployment among *Aussiedler* remain.

Impact of post-1989 Laws on *Aussiedler*

These problems have often been exacerbated by the spate of laws affecting *Aussiedler* admission and *Aussiedler* benefits. Unlike the expellee situation, where integration was helped by a series of laws, the legislation affecting *Aussiedler* since 1990 places *Aussiedler* in a

different context. Until the early 1990s, the *Aussiedler* were treated in an inclusive manner, while other migrants to Germany were, comparatively speaking, excluded (Brubaker 1992). However, *Aussiedler* of the 1990s are being treated in a qualitatively different fashion than were their predecessors. One of the main driving forces behind the passage of Article 116 and the BVFG – the ideological – fell with Communism. Members of the ethnic German minority in Eastern Europe are now permitted to speak German, organize, be religiously active and, in general, no longer suffer as ethnic minorities under Communism, but only as individuals under a poor economic system – not a basis for *Aussiedler* status, since the Germans do not suffer particularly more than anyone else. Indeed, since the mid-1990s, Germany has sent millions of Deutschmarks every year to help develop these areas. The Foreign Ministry reached a decision in December 1998 to stop the approximately 2.8 million Deutschmark (\$1.7 million) annual subsidy to the *Verein für das Deutschtum im Ausland* (VDA – Association for Germandom Abroad), largely used for the so-called "cultural projects" in the former Soviet Union. Other institutes, such as the Goethe Institutes, will take up the slack in providing German classes ("Schluß mit Zuschuß" 1998), but the VDA, occasionally accused of being of the right-wing persuasion, will no longer play a leading role. In June 1999, an announcement was made that housing for Russian Germans in St. Petersburg would no longer be financed by the German government ("Aussiedlerbeauftragter Jochen Welt..." 25 June 1999).

The WoZuG has had perhaps the most negative impact on *Aussiedler* employment and general integration. Prior to 1989, when the law was introduced, and after 1989, when the law merely affected initial distribution, *Aussiedler* could freely choose where to live. However, after 1996, when the law became linked to social services, *Aussiedler* could no longer do so. Although

the officials assigning places of residence try to take personal choice into account, if the quota for Northrhine-Westfalia is already full, no more *Aussiedler* will be accepted to that *Land*. Since 1990, twenty percent of incoming *Aussiedler* have been assigned to the former East Germany, which many protest, saying they want to be in the "proper" Germany. For the initial *Aussiedler* sent to the former East Germany, there were no support networks established. Most counseling positions to help *Aussiedler* cope with legal issues, consumer problems, find employment and simply cope with day-to-day life were occupied by former East Germans in make-work positions, who had little or no counseling experience, no experience with migrants of any sort and who had little experience with the laws and regulations of the united Germany (Interview, 13 November 1997). Further, these make-work positions are often only for one year, so as soon as any on-the-job training takes place, the counselor is either replaced with another inexperienced person or not replaced at all. My interview partner in the Marzahn District Office told me she had to leave her position two weeks later, although she had gathered a great deal of information which could have been of further assistance to *Aussiedler*.

One study has shown that networks are of great benefit to *Aussiedler* (Bauer and Zimmermann 1997); this phenomenon has long been confirmed in studies of other migrant groups (Boyd 1989; Gurak 1992; Portes and Böröcz 1989). In the former East Germany, these networks, which had been developed in West Germany from the 1950s on, were non-existent. However, the officials who wrote the law say that the WoZuG will be the best for the country and the *Aussiedler* in the long run (Interviews, 2 October 1997; 10 October 1997). The current generation – the short run – is in many ways written off as a lost group.

In an attempt to even out the burden on the *Länder* as well as to prevent high concentrations of *Aussiedler* in any one area (Interview, 10 October 1997), the 1990 *Aussiedleraufnahmegesetz* assigned *Aussiedler* to a *Land* by a key similar to that used to apportion asylum seekers in Germany. Last amended by Article 8 of the KfbG, the distribution now adheres to the following key:

Table 5.2: Distribution of *Aussiedler* according to Article 8, KfbG

Baden-Württemberg	12.3%	Lower Saxony	9.2
Bavaria	14.4	Northrhine-Westfalia	21.8
Berlin	2.7	Rhineland-Palatinate	4.7
Brandenburg	3.5*	Saarland	1.4
Bremen	0.9	Saxony	6.5*
Hamburg	2.1	Saxony-Anhalt	3.9*
Hesse	7.2	Schleswig-Holstein	3.3
Mecklenburg-Vorpommern	2.6*	Thüringen	3.5*

* Indicates *Länder* in the former East Germany. Berlin is not included in this accounting, but does consist of Western and Eastern parts.

Aussiedler could, however, move freely after their initial registration. Twenty percent were assigned to the new *Länder* in Eastern Germany, but some twenty to forty percent of this twenty percent of *Aussiedler*, some four to eight percent of all *Aussiedler*, chose not to stay in the Eastern *Länder* and settled instead in western *Länder* – primarily Northrhine-Westfalia, Bavaria, Baden-Württemberg and Lower Saxony – where the labor market was better, housing was more plentiful and family members were already living (*Bericht über die Durchführung des Zweiten Gesetzes zur Änderung des Gesetzes über die Festlegung eines vorläufigen Wohnortes für Spätaussiedler vom 26. Februar 1996 (BGBI. I S.223) 1997, 2*). The process of assignment was not having its desired effect.

Accordingly, the *Wohnortszuweisungsgesetz* was revised in 1996, linking social services

to place of residence. For two years after entry to Germany, the *Aussiedler* must remain in the *Land* of assignment, or must forfeit all social services such as language courses, welfare, unemployment benefits, job retraining programs, etc. Since the majority of *Aussiedler* are on some form of public assistance during their first two years, this law has been successful in ensuring that *Aussiedler* remain in the assigned *Land*, thus evening out the burden on the *Länder*. According to the Ministry of Interior's report, this goal has been achieved ("*Bericht...*" 1997, 2). *Aussiedler* are remaining in the new *Länder*.

However, the report also states that unemployment figures among *Aussiedler* doubled between February 1996 and February 1997: "the generally difficult situation in the labor market is reflected in the unemployment figures of *Aussiedler* in the new *Länder*," which jumped from 9,000 in February 1996 to 17,000 in February 1997 ("*Bericht...*" 1997, 10). With doubled unemployment – and hence, higher reliance on welfare – it is no surprise that the *Aussiedler* overwhelmingly remain where they are. The second professed goal of the WoZuG, that of helping integration, has met with correspondingly less success. Higher concentrations of *Aussiedler* are indeed avoided in the western *Länder*, but the temporary housing in the Eastern *Länder* is not sufficient, resulting in over-crowding, while jobs are even less readily available. The WoZuG also is not always successful in placing *Aussiedler* where their previous employment might be useful; I know of one case where a farmer was sent to Berlin, and there are likely many other such stories.

Freedom of movement is guaranteed to all German citizens under Article 11 of the Basic

Law⁹, but *Aussiedler*, full German citizens, are not permitted to live where they choose if they are drawing any form of public assistance. Given the high unemployment – and reliance on welfare and unemployment benefits – among *Aussiedler*, the 1996 WoZuG amounts to an infringement of *Aussiedler*'s civil rights, as discussed in Chapter Three. Even the government's report on the effectiveness of the WoZuG states that "[i]n the event that employment or other means of support is not available, then the *Land* makes an assignment of place of residence that is legally binding and restricts freedom of movement" ("*Bericht...*" 1997, 2).

The expellees were resettled in 1953 to ease the problems of unemployment and housing throughout Germany. However, participation in this resettlement was completely voluntary (BVFG 1953, §27) both on the part of the *Länder* as well as the expellees. The expellees were encouraged to act in their own interests, whereas the WoZuG orders the *Aussiedler* to live in a particular *Land*, distributing them across Germany as mute objects of government policy.¹⁰ Indeed, according to the government report on the subject, unemployment has actually worsened among *Aussiedler* in the new *Länder*. This development may, however, change over time, as well as being tied to the overall increasing rate of unemployment. The legislation affecting the expellees – *Soforthilfegesetz*, *Lastenausgleich* and *Bundesvertriebenengesetz* – were all measures designed to help the expellees integrate in Germany and regain control over their own lives. The BVFG also specifically provided for ethnic Germans to "return" from Eastern Europe to Germany.

⁹ Article 11 includes a clause which permits the Article to be amended by law, but this clause has not been mentioned in any interview (Bundesverwaltungsamt, Köln, October 2, 1997; Bundesinnenministerium, Bonn, October 10, 1997). Rather, the argumentation has followed the line that the *Aussiedler* are not being forced to remain in any one place; the residence requirement is merely linked to social services that they receive.

Not only the WoZuG, but, as discussed in Chapter Three, the laws cutting language courses, job re-training programs and pensions have had grave repercussions on *Aussiedler* integration. It is agreed in theoretical literature on integration of migrants that language skills and gainful employment are among the most crucial steps on the path to integration and participation in the host society. Unlike other immigrant communities, which have – both in the United States and in Europe – developed their own infrastructure and consequently have the ability to help new arrivals in job acquisition, there is as yet little such development in the *Aussiedler* case, perhaps because the *Aussiedler* feel that the German government, which invited them to come, has the responsibility for caring for them. However, in the last years, even though the number of *Aussiedler* needing integration help has increased, government help has decreased.

An overall view of post-cold war *Aussiedler* policy suggests that these policies have been focused more upon slowing the in-migration rather than helping *Aussiedler* integrate. This general aspect of the policy has had severe repercussions on the group of *Aussiedler* who have migrated to Germany since 1989. As all those involved with *Aussiedler* agree, language skills are the most significant problem facing *Aussiedler*. Thus, it is somewhat paradoxical that the Kohl government has cut language training, a savings in the short run, rather than increasing it, which would greatly ease long-term problems of unemployment and social integration. The Kohl government's *Aussiedler* policy appears to have functioned on the premise of cutting benefits in an attempt to reduce the motivation of *Aussiedler* to migrate to Germany. While this policy was of questionable efficacy,¹¹ the simultaneous tightening of admission policy quite efficiently

¹⁰ Asylum-seekers are distributed in a similar manner across Germany.

¹¹ Interviews I conducted with *Aussiedler* indicated that no matter the number of negative letters written to family members and friends in Kazakhstan, potential *Aussiedler* continued to want to migrate to Germany.

reduced the influx of *Aussiedler* to 103,080 in 1998. Meanwhile, however, the Kohl government maintained the rhetoric of stating that "the door will remain open;" all *Aussiedler* who fulfill the requirements will be able to migrate to Germany. However, despite the government's seeming conviction that welcoming a (reduced) number of *Aussiedler* to Germany was one of Germany's necessary tasks, ever-more reduction took place in integration programs, such as reductions in language training, job re-training and other programs, thus reducing the chances of success of the *Aussiedler* who did migrate to Germany. I conducted an interview with an SPD member of the *Bundestag* in October 1997 who argued that the SPD placed emphasis on integration instead of continued acceptance. What steps should Germany take to ensure the integration of the *Aussiedler* already in Germany? The Schröder government declared that *Aussiedler* policy in 1999 would place much greater emphasis on integration, not just putting more money into the integration equation, but calling for more efficient and coordinated integration policy, including language training, particularly for young *Aussiedler*, seen as the most at-risk group of all *Aussiedler*, who did not want to come to Germany and who are not required to attend school after age 16, but rarely qualify for apprenticeship programs because of poor German skills. The government also calls upon *Aussiedler* to play a role in their own integration, a step the Kohl government never took ("Jahresbilanz *Aussiedler*zahlen 1998," 4 January 1999). These steps alone continue the trends illustrated in laws affecting *Aussiedler*: *Aussiedler* are finally beginning to be treated as a migrant group like the Turks or the Italians by social workers and government officials alike, leading to a shift in the way a German is defined and is regarded. Indeed, several studies have cited the fact that, if data are calculated on the basis of being born

The reduced numbers of applications submitted in 1998 suggests that the stories of woe in Germany may

outside the country, rather than being born as a foreigner in Germany, *Aussiedler* now make up the second-largest migrant group in Germany after Turks and before Yugoslavs (Dietz and Roll 1998, 13; Münz 1999).

Success Stories

Despite the bleak picture painted above and generally reported in the media, there are *Aussiedler* success stories. These are generally under-represented by the media, who prefer to concentrate on the more sensational and conflict-oriented stories, or on stories based on Interior Ministry press releases crafted to relieve indigenous Germans' fears, such as "Fewer *Aussiedler* this Month" or "Still Fewer *Aussiedler* File Application this Year." As no official governmental data are gathered on *Aussiedler*,¹² private data collection is the only means of building an empirical picture of *Aussiedler* integration. However, qualitative sources indicate that *Aussiedler* integration differs greatly from city to city and even from district to district. Some neighborhoods are particularly bleak in terms of unemployment, youth problems, criminality, etc., while others have developed a self-helping community and have sources of employment. Thus, it is clear that gaining a representative sense of *Aussiedler* integration, including employment, language skills, criminality, etc. through systematic empirical data collection is nearly impossible (Mammey and Schiener 1996). Likewise, media stories do not reflect the true picture. Case studies, however, can serve to supplement the picture received through media representation and empirical studies.

finally be believed in Kazakhstan.

Niedergörsdorf

One of the more controversial attempts at *Aussiedler* integration has also been one of the most successful overall, but is still not without its problems. The AAG of 1990 assigned some twenty percent of all *Aussiedler* to the so-called "new *Länder*," the former East Germany. This settlement posed particular problems. Not only did the former East Germany not have the infrastructure to house 44,000 *Aussiedler* in the early 1990s, but the former East Germans had particularly negative associations with Russian-speakers. Consequently, the placement of *Aussiedler* in the new *Länder* was even more difficult than in West Germany. In literature on integration of migrants, there is some debate as to whether individual integration into the host country is a more positive influence, or whether the formation of an ethnic neighborhood helps more with the process (Breton 1964; Schoeneberg 1985). A supportive ethnic community can provide a support network that helps find employment, build self-confidence and develop skills needed to succeed in the host country. On the other hand, the danger exists that the migrant will never leave this community, preferring to remain within its protection (Findeis and Botzian, 1996).

The airfield at Niedergörsdorf was one attempt to create such an *Aussiedler* community in Brandenburg where *Aussiedler* might have a chance to develop a community away from the native German communities. Some 60 kilometers south of Potsdam, Niedergörsdorf had a Soviet base and airfield nearby until 1992, when the troops were removed to the former Soviet Union and the airfield added to the community of Niedergörsdorf. Two Mennonite pastors, Johann and

¹²As noted above, employment data are maintained on *Aussiedler* for the first five years of their residence in Germany, but no other individual data are collected (or, if collected, are not made available to anyone outside the government.)

Peter von Niessen, planned to acquire the airfield, renovate it, and create a Mennonite community of *Aussiedler* (Hauk and von Hoerschelmann 1996, 21). Pastor von Niessen made arrangements with an investor, Andreas Seehafer, who in turn contacted contractors. The work began in 1993, with *Aussiedler* helping in the construction work, the infrastructure was developed, and as of 1996, the population of the "Ortsteil Flugplatz" (Airfield District) had reached 800 people, of whom 500 were *Aussiedler*. Only a few were Mennonites. While the original plan of having 1000 to 1200 Mennonite *Aussiedler* settle the area did not become a reality, in part abandoned because of the danger of the formation of a ghetto (Hauk and von Hoerschelmann 1996, 25), the community has slowly become a unified whole with schools, a supermarket, various small stores and even a fitness studio and a community center, where courses such as pottery and sewing are offered. Permanent employment has been offered to approximately 50% of the inhabitants; other positions are either make-work positions or temporary (Hauk and von Hoerschelmann 1996,49). Apartments were offered to (East) Germans, who took up the attractive offer of newly-renovated buildings and low base rent (Hauk and von Hoerschelmann 1996, 25). The leadership of the area, political, educational and economic, is all German. No *Aussiedler* are involved in the actual leadership. In contrast to other settlements, *Aussiedler* were consulted in some capacity, but, in general, the trend of native Germans (or, in this case, also Canadian Mennonites) determining what they benevolently believed to be the best for the *Aussiedler*, continues. Nonetheless, according to some of those involved with the project, the Niedergörsdorf settlement is a more positive influence on *Aussiedler* than many other similar settlements (Interview, 21 February 1997).

The original idea was that *Aussiedler* should be able to populate an area and then play a role in the infrastructure, for instance, learning to repair shoes and opening a shoe-repair store, or baking bread and opening a bakery. While this has not materialized in precisely the way envisioned, a stable community has developed where *Aussiedler* are a numerical majority. The Airfield settlement is different from temporary dormitory settlements, for instance in the former Canadian barracks at Lahr, in Baden-Württemberg, and countless other areas of high concentration of *Aussiedler* (Interview, 1 October 1997). In such temporary housing settlements, no sense of community is fostered by organizers, as it is intended to be a temporary settlement (although stays in such settlements often extend to two or more years). Furthermore, there is no infrastructure within the settlement itself, such as schools, stores or employment.

While infrastructure and employment do play a role at Niedergörsdorf, the usual problems do persist, as they seem to anywhere with a high concentration of *Aussiedler*. High unemployment persists – within a closed community, even one which takes particular efforts to provide employment, a high employment ratio is not likely – as do problems in schooling. In employment as in schooling, special measures are taken to improve the situation. In Niedergörsdorf, rather than assign *Aussiedler* children as being permanent under-achievers, the school provides between four and eleven extra hours per week of German classes to bring the *Aussiedler* children up to class level (Hauk and von Hoerschelmann 1996, 57), a tactic that has been praised by social workers (Interview, 10 February 1998) as helping the children without marginalizing them in, for instance, a "special" class situation. Nonetheless, the high percentage of *Aussiedler* children in the schools has various outcomes. Conflict between *Aussiedler* and German children is common, while the *Aussiedler* children often remain among themselves if

given the opportunity.

The seemingly most persistent problem of *Aussiedler* in Germany is present in Niedergörsdorf as well – the issue of socio-political participation. Two *Aussiedler* have been selected by the local council as so-called "expert residents," who acquaint the council with various issues in the community. However, as Herr Galwas, one of these expert residents, says, most *Aussiedler* do not care what happens in the community – whether there is a bus stop or a public telephone. Many people are active in sports teams, but that is the limit of community participation, even if people do complain about various issues (Hauk and von Hoerschelmann 1996, 69). There is no political activity in Niedergörsdorf and no representation of political parties. Even here in Niedergörsdorf, where *Aussiedler* are a majority of the population, they continue to be in passive roles, playing essentially no leading role in the community whether as member of the local council, as the head of a business, or as a leading figure at the school. *Aussiedler* do play roles as counselors, and as workers, but not as wide-scale organizers or leaders. As will be discussed in the second section of this chapter, there are various explanations for this quiescence

Individual Success Stories

More encouraging are the success stories of individuals who are not associated with any settlement or continued counseling. While these individuals certainly benefited from the services of Caritas or Diakonisches Werk at the beginning of their stay in Germany, they have, as a whole, benefited more from the programs offered by the federal government, such as language courses. One family, consisting of two young parents, two children and the grandmother, are

well on their way. They arrived late in 1993 and now, by mid-1997, are both employed. They took architectural jobs through a temporary agency and, through hard work, turned their positions into permanent ones. The children, aged ten and four, are doing well in school and already speak a near-fluent German. This family will be a success story (Interview, 1 June 1997).

Another young architect from Kazakhstan, Vladimir, has found employment and has made German friends and will not feel restricted to choosing a girlfriend or eventual wife from among other *Aussiedler*. Another family is a mixed situation. The parents, the father of German descent and the mother of Russian descent, are both unemployed. The father, an engineer in Russia, took a *Schwarzarbeit* (under-the-table work) job once in Germany as a laborer's assistant; the 6 AM start of work coupled with the 5 DM per hour wages were too much for him. He said he'd prefer to live off welfare, which he does. His wife is trying to learn German by going once a week to the local community center for two hours of German, but, her daughter says, "Mama is Russian, so it's hard for her." But that's all right, the father says; they came to experience new things, and that's what they are doing. The older daughter had already completed her legal studies in Russia, but chose to come with her parents to Germany. While her studies were not recognized in Germany, she has set to work to study law a second time, and hopes to be successful. Her younger sister does not speak much and wishes she were still in Russia. Perhaps, in time, she, too, will adapt and strive to succeed (Interview, 28 November 1996).

Many other young *Aussiedler* – those who arrived when they were old enough to recognize that hard work was necessary to succeed – are studying such diverse topics as architecture, translation (Russian to German) and political science. They will join Germany's diverse young generation and help to change Germany's image of what a German is. This

generation, and their much younger siblings, is the future of the *Aussiedler*. However, their future also depends upon Germany's economic health; at present, even native Germans with a perfect command of the German language have great difficulty in finding jobs. The question of the *Aussiedler's* future is still unclear.

Despite the encouraging aspects of these success stories, there is no way of knowing how common these individual success stories are. It is also worth noting that all these individuals either had a fairly high level of education when they arrived in Germany or were already planning to study in Russia when they moved to Germany. The overall education level of *Aussiedler* is not high; according to one case study, 3% had less than four years of schooling, 20.5% had completed only elementary school, for a total of 23.5% with elementary school or less, and another 48.5% had attended school only through the 10th grade – a combination of academic and vocational training. Nearly twenty percent had been accepted to university or technical college, but only 7.3% had received a degree (Saring 1993, 73). The same rough outline of educational attainment is seen in another set of data of Russian Germans interviewed in 1989/1990 directly after their migration: 18.4% had completed elementary school or less, 35.6% the 10th grade and 9.5% had received a degree in higher education (Dietz and Kloos 1991, 10). Thus, even if three out of four *Aussiedler* with a university-level degree are successful¹³ – which is an overestimate to begin with – the number amounts to only 7.5% of *Aussiedler* overall. For other *Aussiedler* with non-university qualifications, re-qualifying in Germany is often difficult and age is a great limiting factor in the German labor market. Here, the under-supply of apprenticeship places affects the *Aussiedler* disproportionately.

Socio-Political Participation

The most significant difference between *Aussiedler* and other migrants is citizenship status. *Aussiedler* are eligible for German citizenship and hence may vote, run for office or become otherwise politically involved. However, even for *Aussiedler* who have been in Germany for several years, political interest and involvement remain low. The socio-political participation of the *Aussiedler* has been, to date, quite limited. In the early 1980s, *Aussiedler* were only a small group, consisting of a maximum of 50,000 average per year, and the current issues, namely high unemployment, groups of children speaking Russian together instead of German, conflict between *Aussiedler* gangs and Turkish gangs and alcoholism and drug use were not yet problems. In the last ten years, however, the number of *Aussiedler* who have migrated to Germany has topped 2.5 million, or about 3% of the German population (See Appendix). The *Aussiedler* now constitute a significant minority group in Germany and could make their voices heard. Nonetheless, despite the restriction of admission, and the ever-decreasing benefits, thus hindering integration, *Aussiedler* have not organized with their own political agenda, or even made a nation-wide plea for recognition. Indeed, *Aussiedler* are generally treated as objects of policy, thus restricting them to passive roles. The best-meaning *Aussiedler* counselors and social workers reinforce this situation. However, it is true that certain problems must be addressed, and other organizations are – for the time being – better suited for doing so.

¹³ Here, I take "successful" to mean receiving employment at the level of previous training in the same general area of specialization.

Dealing with Problems

The first step on the road to socio-political participation is addressing these problems that line the path. Every new migrant group has initial problems it must solve in order to proceed with the dream of economic success or of ideological freedom which has driven the migration. Problems of language, of housing, of unemployment and of schooling must be solved. The numerous daily battles, from tasks as mundane as shopping lists and parking tickets to eviction and more complex legal issues, must all be addressed. It is in the process of the development of this network that organization most often evolves. This first, crucial step in the *Aussiedler's* integration does seem to be proceeding.

Help for the *Aussiedler* in dealing with these wide-ranging problems is offered primarily by the large welfare organizations: Caritas, Diakonisches Werk, and the German Red Cross. These organizations have offices in each *Landesaufnahmestelle*, city, town and *Kreis*, and offer assistance in filling out forms, dealing with legal issues and the day-to-day crises of insurance, rent, being caught on the bus with an improperly stamped ticket, and so forth. These organizations also offer social evenings for the *Aussiedler* – musical evenings and Christmas parties – as well as so-called *Aufbauwochen*, week-long retreats with informational talks on the state of health care in Germany, legal issues, identity issues, etc. *Aussiedler* have played essentially no role in organizing these associations, although some of the social workers are *Aussiedler* who have found jobs after re-training (Interviews, Winter 1996 and Spring 1997). None of the fifteen different associations and organizations where I conducted interviews had *Aussiedler* in organizational or leadership positions.

Another source of assistance to the *Aussiedler* is offered by the *Landsmannschaft der Russlanddeutschen*, revamped and renovated since it was founded in the 1950s. The *Landsmannschaft* publishes a bi-lingual monthly magazine, *Volk auf dem Weg* (A People Underway), one of the fixtures of which is a "Suchdienst" wherein recently-migrated family members can find those who came years ago. Local branches of the *Landsmannschaft* offer various services such as lectures (translated into Russian) on health care in Germany, how best to find a job, legal status of non-German spouses, etc. Counseling – often by *Aussiedler* of past years – is a fixture of the *Landsmannschaft*. These *Aussiedler* often begin to realize that organization will be necessary for *Aussiedler* to have a real voice; complaints that remain unheard will not solve any issues. The problem remains, however, convincing the non-involved *Aussiedler* to become active. Organization toward a political end does not seem to be a part of the mission of the *Landsmannschaft*, although information on political parties was given at one such lecture and is given if asked for (Johann Warkentin, 30 October 1997; Interview, 5 March 1997). Other *Landsmannschaften* – for instance, those of the East Prussians, the Pomeranians, the Silesians or the Banat Schwabians – have very limited contact with post-1989 *Aussiedler* for the main reason that the numbers of *Aussiedler* from these areas after 1989 is quite minimal (See Appendix).

More important for the future of *Aussiedler* organization is a whole host of small, often volunteer-run associations (*Vereine*) that are springing up. In a survey of 1,865 *Aussiedler* in Berlin, 20% knew of such self-help organizations in their neighborhood (Ködderitzsch 1996, 111). These small organizations, often run by a combination of Germans and *Aussiedler*, offer services to *Aussiedler*, sometimes helping with legal issues, sometimes offering joint German-

Aussiedler sports programs, language training, seminars on a variety of issues or lectures or addressing issues relevant to *Aussiedler* and foreigners. Funding is available from the federal government on a competitive basis to support some such groups. In other cases, though, funding is difficult to come by and is always a problem. Nonetheless, these small groups, meeting once a week or holding office hours two afternoons per week, are the necessary groundwork before any organization can begin. A sense of common purpose and identity must develop.

Political Interest/Political Involvement

The *Aussiedler* seem to not yet have made the connection that involvement in politics is one means of solving non-political problems in Germany. Several studies substantiate a lack of interest in politics among *Aussiedler*, even noting the striking contrast to the post-war expellees (Münz and Ohliger 1997, 24; Dietz and Roll 1998, 128). One 1992 study found that 30.2% of all *Aussiedler* are either very strongly or strongly interested in politics (Dietz and Hilkes 1994, 88). In comparison, 48% of Germans expressed the same interest in 1990 (Noelle-Neumann 1998, 784). My survey showed that not quite 10% of *Aussiedler* expressed strong or very strong interest in politics, and another 38.1% expressed some interest in politics in Germany. Even for young *Aussiedler*, who will make up the second generation of ethnic German migrants, political interest lags behind that of their German peers. The Dietz/Roll study of youth found that 34.8% of *Aussiedler* youth expressed an interest in politics, as compared to 56% of indigenous German youth (Dietz and Roll 1998, 196). When education is controlled for, indigenous German youth still show more interest than *Aussiedler* youth: 65.4% of *Aussiedler* who had completed *Abitur*

(high school leaving certificate) showed political interest, in comparison to 78.9% of indigenous German youth (Dietz and Roll 1998, 130).

Length of stay in Germany does have an effect on political interest. Interest has risen somewhat among young *Aussiedler* who migrated to Germany earlier: for those who migrated between 1993 and 1994, 31.2% showed political interest, and for those who migrated between 1990 and 1992, 39.1% showed interest (Dietz and Roll 1998, 196). Another study showed that of *Aussiedler* who had been in Germany for less than 15 months, only 18% expressed strong or very strong interest in politics. For those who had been in Germany over 28 months, 29% expressed the same interest (Ködderitzsch 1996, 108). These data do suggest at least a slight improvement over time of stay in Germany, but still does not approach indigenous German levels.

Why is there, relatively speaking, such low political interest? One qualitative survey, largely surveying Polish Germans, indicated that "in the course of discussions about politics and political views, we had the impression that it was less that political disinterest was the result of the Socialist socialization in Poland, but that it became a habit not to talk to strangers about politics. Particularly with a running tape recorder, only a few were willing to express their political views" (Gesellschaft für Politik- und Sozialforschung 1990, 167). Indeed, when asked specific questions of a political nature, the *Aussiedler* I surveyed had definite opinions. The majority certainly showed an interest in politics and were quite knowledgeable about current political issues, although they did not express – when asked directly – political interest. It is possible that they may not have been capable of distinguishing political issues from non-political issues, or, as suggested above, may not have wished to express a direct interest in politics. Furthermore, 86% of the *Aussiedler* in my survey said they did not feel capable of expressing

opinions in a group dealing with political issues, although 63% said that they had expressed their opinion either with friends or with colleagues and another 21% said they had taken part in public discussions.

Organization

The lack of political interest – or the unwillingness to express it – has hindered political organization. However, the self-help organizations discussed above are slowly paving the way for other, more politically-active *Aussiedler*. While no *Aussiedler* party as such has emerged, as was the case with the post-war expellees, and no *Aussiedler* sit in the *Bundestag*, as did 77 expellees in the 1949 *Bundestag*, and 27 in the 1953 *Bundestag*, (Schoenberg 1970, 135), there are stirrings of political activity on the local level. I attended a conference organized for *Aussiedler* in Lower Saxony who were interested in politics.¹⁴ According to the main driving force behind the conference, Frau Anna-Marie Jauk, herself an *Aussiedler* elected to the Osnabrück city council with about 2000 votes in 1996, there are approximately 60 *Aussiedler* who have been elected to town or village councils in Lower Saxony. She is the only one who has been elected in a larger city, she says. It is unclear how many are active in other *Länder*; the *Landsmannschaft* asserts that there are many, but does not give even an approximate figure (telephone inquiry). Although Frau Jauk was elected as a CDU candidate in 1996, she is not a member of the party, and believes that there is much work to be done within the CDU. She suggested to the Konrad Adenauer Stiftung, the educational wing of the CDU, that they sponsor

¹⁴ Konrad Adenauer Stiftung conference, Hannover, 6-7 Feb 1998. The information following, unless otherwise cited, was gathered from interviews conducted during the two days of the conference as well as participant observation during the sessions.

a seminar for *Aussiedler* involved in politics. Twenty *Aussiedler*, either themselves elected to a town council or active as *Aussiedler* advisor to a town council, attended the seminar in February 1998, along with one American doctoral candidate whose Polish name caused great amusement to the attendees of the conference. Frau Jauk's hope that the *Aussiedler* would join forces and share tips dissolved as the meeting disintegrated into the usual collection of uncoordinated complaints.

While Frau Jauk has a great deal of drive to mobilize *Aussiedler* and get them involved in politics, she volunteers the statement that she is an exception. She even dismisses the other *Aussiedler* at the seminar as ineffectual. Indeed, these other town council representatives say that they are ignored at town council meetings by the other representatives, or even laughed at. Meanwhile, the *Aussiedler* of the towns come to them in great numbers with many problems and complaints that they – elected officials of their own – should solve. The *Aussiedler* on the town council are caught in the middle, between indigenous Germans who disregard them, and *Aussiedler* who demand too much. While the *Aussiedler* demand a great deal, lower unemployment, better language courses, etc., they do not, these conference members all agree, care about politics, as indicated by the data above. Half of my sample agreed completely with the statement "The politicians don't care about people like me anyway." A further 22% agreed slightly with this statement. Fully 58% of the *Aussiedler* in my survey felt that they couldn't have any influence on the government anyway. One respondent to my survey offered the statement "We should keep out of it all, since we're not welcome here." There are several further points upon which all of these present at the Hannover meeting agreed. While the majority agreed with the passage of the WoZuG as a good means of reducing ghettoization which, they all agreed,

leads to problems such as criminality and increased unemployment, the formation of gangs, alcoholism and drug abuse, they disagreed with the way in which the law was passed. No *Aussiedler* were consulted in the passage of the law; two civil servants, one at the Interior Ministry and one at the *Bundesverwaltungsamt*, relied on second-hand information about the situation and regarded the *Aussiedler* as objects of policy, not individuals whose lives would be impacted by the law. This treatment of the *Aussiedler* by the government as passive objects – like patients treated by a doctor, she says – is one of the driving forces behind Frau Jauk's determination to engage *Aussiedler* in the political process. Yet, as she and some others agree, *Aussiedler* are notoriously difficult to organize. These representatives of the *Aussiedler* feel that *Aussiedler* are simply missing out on opportunities and they will continue striving to engage *Aussiedler*. Yet, they are quick to realize that the *Aussiedler* have other problems, such as unemployment, the son who is in a gang and the grandmother who does not qualify for retirement benefits. Only when these issues are resolved can *Aussiedler* become engaged – this despite the irony that engagement might be the very catalyst needed to improve the situation.

A second point upon which the attendees at the Adenauer conference agree is that more governmental support should be given to integration. In a small group, I asked about the phenomenon of young *Aussiedler* who do not wish to attend school, to expend the energy to learn German, find a job, etc. At first, one woman, a teacher, denied any such phenomenon and maintained that the government was at fault for poor integration help. When contradicted by another woman, however, she soon agreed that poor motivation, both on the part of the students and of their parents, is fairly widespread. There was widespread complaint that the SPD was, in 1998, suddenly giving more money towards *Aussiedler* integration, and suspicion that this was

only done as an election ploy. They still remember what Lafontaine said in 1996 – that he would rather admit a persecuted African than a Russian German – and have not forgotten this statement, although the decreasing emphasis of the Kohl government upon *Aussiedler* admission and integration dismays them as well, making some consider shifting support to the SPD. The post-election promise of the SPD in 1998 to concentrate upon *Aussiedler* integration seems to have invalidated their suspicion; a large-scale study of *Aussiedler* post-election political opinions would be of great value.

Finally, but of the utmost importance, is the belief that German must be spoken if anything is to be accomplished. In some small towns, such as Gifhorn in Lower Saxony, one woman reports, the *Aussiedler* unemployment rate is 60%, largely because of poor language skills. Language is the key to integration and success. It is only by speaking German, these *Aussiedler* believe, that they can achieve the status they desire – being German. If they segregate themselves into unemployment-ridden Russian-speaking ghettos, the Germans cannot be blamed for calling them "Russen." Many voice support for the language tests as requirement for *Aussiedler* status, believing that this will at least make the first few steps of integration easier. The attendees of the conference speak to one another in German, sometimes in a broken German, but fall into Russian only as a last resort. They talk of various ways of best bringing the children up to grade level in German skills, so that the children, at least, may move on in the integration process.

One man, who attended the conference only for the first day, spoke only Russian. His Russian was almost drowned out by the calls of "Gavaryu pa niemiecki! Sprich deutsch!" It turns out that this man was a representative of the new group "Heimat," an organization of which the

majority of the *Aussiedler* at this conference are deeply distrustful. This self-styled political party, founded in 1997 by several recent Russian German immigrants, and expanding into 10 *Land* branches and 40 local branches, had as its goal to gain *Aussiedler* as members and to field an *Aussiedler* candidate for the 1998 federal election. The birth of *Heimat* made it clear that there is a division within the group of Russian-German *Aussiedler*, who number some 1.7 million. There is the Russian-speaking camp, which devoutly maintains that Russian is their language and the Germans should accept them as a linguistic minority among Germans (Interviews, 6–7 February 1998; "Nicht mehr stumm wie ein Fisch" 1998). This view appears to represent a minority among *Aussiedler*, however. The opposing view is as follows: "What do we need our own party for, if we are Germans?" ("Nicht mehr stumm wie ein Fisch" 1998, 64). Indeed, in my own survey, 28% indicated that they would not, under any circumstances, vote for an *Aussiedler* party, with some respondents (two) saying that there are no special circumstances for *Aussiedler* since "we are Germans." Only 17% said they would vote for an *Aussiedler* party, to "share my story." When asked if they would vote for an *Aussiedler* candidate, only 5% responded with an unequivocal yes. Another 47% indicated that they might, under certain conditions, such as if the candidate had come to Germany when he was a baby (16%).

The majority of *Aussiedler* I interviewed believed that as long as they make the effort to speak German, Germany in turn ought to acknowledge them as Germans and give them more help in integrating. Only one person interviewed (5%) stated that he would vote for an *Aussiedler* party. Indeed, as it turned out in September 1998, *Heimat* did not achieve any noticeable vote. While *Aussiedler* representation is slowly becoming necessary, the separate-and-different program was not successful.

Participation

Some studies show that the *Aussiedler* vote at slightly higher levels than indigenous Germans, of whom 80% voted in the 1994 national elections, while other studies suggest about the same participation level. The *Aussiedler* do, in any case, vote at higher levels than would be suggested by the comparatively low levels of political interest, but do not engage in other forms of participation. It has been said that *Aussiedler* vote at such high levels – 90% according to one study – because of their Soviet socialization, where every citizen was required to do so and that participation thus indicates conformity and an adherence to duty rather than political interest (Dietz and Hilkes 1994, 88). This analysis would further explain why the *Aussiedler* do not participate in any unconventional political action. Yet, there is another factor which plays a role. The *Aussiedler* generally feel a gratitude to the country that has accepted them. Another study shows that 80% would vote, with 5% saying they would not, and 14% did not know (Findeis and Botzian 1996, 209). In my own survey, 68% said that they would vote, while 27% said they would not. Just 4% did not know. Forty-seven percent had already taken part in a vote. Of those who said they would vote, not quite a third said they would vote out of duty; other reasons included simply wanting to vote and a feeling of contributing. Of those who said they would not vote, two-thirds said they did not like the options available. These data suggest that *Aussiedler* are reflecting on the options and arriving at a conclusion rather than not voting out of laziness or indifference.

Political Orientation

When official election results are broken down into numerous categories, *Aussiedler* never emerge as a category. Does the German government not want to know how the *Aussiedler* vote? Exit polls can establish gender, ask age, ask employment status and religion, which are then used in statistics declaring, for instance, that 36% of all Catholics and 46% of all Protestants voted SPD in September 1998, or that 49% of all workers voted SPD, but farmers overwhelmingly (69%) voted CDU (Wahlanalyse 1998, 34). While *Aussiedler* make up just three percent of the population nation-wide, they make up considerably higher proportions on the Land and local level, suggesting that a study of voting patterns would be useful.

One possible explanation for the lack of data on *Aussiedler* is that the pollsters believe that the *Aussiedler* uniformly vote CDU/CSU. Another explanation might be a fear that the data would reveal far-right tendencies. The Commissioner for Foreigners' Affairs of Berlin, Barbara John, suggested to me that *Aussiedler* probably support the *Republikaner* (Interview, 29 November 1996). Either of these scenarios would serve to intensify negative feelings against *Aussiedler*. However, while the assumption that *Aussiedler* are quite conservative is widespread, this undifferentiated statement does not seem to hold true. Indeed, in my survey, not a single *Aussiedler* mentioned even the possibility of voting for a right-wing party.

Although state-sponsored surveys do not include *Aussiedler*, several private surveys have done so, although their representativity is questionable. While, at a first glance, it appears that 75% of the *Aussiedler* questioned in the 1995 SOEP panel state that they support the CDU, there are several items worth noting. First, the survey did not include the so-called "Sunday question," or, "If the election were held next Sunday, for which party would you vote?" but read "Do you

have a long-standing party affiliation?" Only twenty percent of the *Aussiedler* answered this question, and, of those twenty percent, eighty percent answered CDU. Thus, the percentage of *Aussiedler* who actually said that they have an affiliation with the CDU drops to sixteen percent and the largest response rate was that of "No party affiliation" with 80 percent.

The Dietz/Roll study of young *Aussiedler* substantiates the "don't know" group as the largest group: 56.8% of *Aussiedler* youth either didn't know (28.2%) or had no party affiliation (28.6%), compared with 46.8% of indigenous German youth who either didn't know (11.1%) or had no affiliation (35.7%) (Dietz and Roll 1998, 196). Of those who did respond, the CDU was the front-runner with 32.5% of the responses and SPD a far second with 7.9% (Dietz and Roll 1998, 196). In a study of *Aussiedler* in Berlin, just 39% of those surveyed expressed support for one particular party. Of this 39% who did express support for a party, 73% supported the CDU and 14% the SPD (Ködderitzsch 1996, 109).

Nonetheless, the interpretation of the SOEP question raises the issue of reasons for party support. It is often widely assumed that the *Aussiedler* are solidly conservative people, as indicated by the following quote: "Due to the rural and agrarian origin of many *Aussiedler*, their orientation to Christian and traditional values and an aversion for left-leaning parties established in the countries of origin, the majority of *Aussiedler* support (insofar as they show any preference at all) the CDU or CSU" (Münz and Ohliger 1997, 23). While this analysis doubtless can be substantiated to some degree, my own research suggests an alternative explanation, which is also mentioned by Dietz and Hilkes (1994, 89) and Ködderitzsch (1996, 110): the *Aussiedler* support the party that enabled them to come to Germany. The CDU, in the figure of Helmut Kohl, who took the position of Chancellor in 1982, holding it until 1998, represented Germany

more than any other figure.

Of those asked in my survey who they would vote for if the election were held next Sunday, 36% responded that they would vote CDU and did not give an explanation of their motives when asked. An additional 18%, for a total of fifty-four percent supporting the CDU, said they would support the CDU in the next election. However, their explanations did not mesh with the traditional explanation that *Aussiedler* are simply conservative. One said that Adenauer and Erhard were good men, and he was a firm CDU voter because of their deeds. Another didn't know the names of any parties, but told me to write down that she would vote for the party with Kohl. Why Kohl? He's on television a lot; we know him. Another specifically said that he voted for the CDU because the party had enabled them to come to Germany. An article in *Der Spiegel* corroborates this statement, declaring that "The Russian Germans voted CDU or CSU out of pure gratitude – a reliable source of votes for Helmut Kohl" ("Nicht mehr stumm wie ein Fisch" 1998, 65). Finally, nine percent said they would vote SPD and nine percent, while not giving a party they would vote for, said they would not vote for the SPD because of Oskar Lafontaine's statements about *Aussiedler*.

Given the reasons for supporting the CDU – some degree of ideological support for the CDU, gratitude for admission to Germany and simple face and name recognition – it is a reasonable hypothesis that *Aussiedler* had a role in keeping Chancellor Kohl in office in the close election of 1994. However, by 1998, the 1.5 million *Aussiedler* who had come in between 1988 and 1994 had become more aware of the political situation in Germany. Kohl, the familiar face, was also the one who was cutting back on their pensions; he was the one who was making their friends and relatives still in Kazakhstan pass a language test in order to come to Germany.

Suddenly, Kohl was not the simple choice he had seemed before, as another nine percent of those in my survey suggested. It is even possible that the *Aussiedler*, who may have played a role in keeping Kohl in office in 1994, likewise played a role in removing him from office in 1998. In areas with a high population of *Aussiedler* – ten percent or more – the CDU lost votes in 1998, compared to 1994, suggesting that *Aussiedler* did, in fact, shift their support as their protector shifted his support.

Conclusion

The above discussion of the poor development of *Aussiedler* integration and participation is directly linked to the laws discussed in Chapter Three. The post-war expellees were included in the society (if not, initially, in the polity) and were helped to achieve a standard of living as high as, if not higher than, the one they had enjoyed before the war. This initial assistance had the outcome that the expellees were well-incorporated into the society and the polity. The opposite is true in the *Aussiedler* case.

We have seen that the legal framework is entirely different in its general intentions: it tends to hinder migration rather than speed integration. Indeed, *Der Spiegel* states that "The government has regretted for a long time what it once set in motion. Officially, the government says that the door will remain open for Russian-German *Aussiedler*. In reality, the government is trying to stop the influx of *Aussiedler* flooding home – with the use of every possible deterrent" ("Nicht mehr stumm wie ein Fisch" 1998, 65). This simple difference – wanted versus unwanted – has had its impact in the slow integration and non-participation of the post-Cold War migrants. The September 1998 election of a Social Democratic government, whose members profess to be

more supportive of integration than their Christian Democratic counterparts, likewise seems likely to be a great boon to the *Aussiedler* population.

Explanation of Lack of Mobilization

As has been demonstrated, *Aussiedler* are experiencing numerous difficulties in integrating into German society, but have not organized or mobilized in any attempt at solving these problems. Their predecessors, the expellees, did mobilize successfully, achieving their aims, and became well integrated into the German polity. Explanations for the remarkable expellee success were explored in Chapter Four using political opportunity structure and resource mobilization theory as theoretical constructs. The non-mobilization of the *Aussiedler* will be similarly explored here, again using POS and resource mobilization as explanatory tools. The Communist socialization process must have played a role in the lack of political mobilization, yet that cannot be the full explanation: Russian Jews immigrating to Israel since the end of the Cold War have overcome this same background, mobilized and organized successfully, winning 7 (out of 120) seats in the Knesset in the 1996 elections, and winning 11 seats in the May 1999 elections. This comparison alone leads us to seek other explanations of the *Aussiedler's* non-mobilization.

Political opportunity structure enables us to examine the availability of options for mobilization. To construct a picture of these opportunities, the following points are considered: grievances; common purpose and solidarity; access to resources; points of access to system; governmental responsiveness; presence of influential allies; state capacity for repression. In addition, one more point will be considered with respect to the *Aussiedler* which was not considered for the expellees: specific aspects of co-ethnic migration.

Political Opportunity Structure***Co-Ethnic Migration***

Co-ethnic immigration is a subset of immigration in general; what is a primary distinguishing factor? As noted above, the *Aussiedler* are granted a privileged status in relation to other migrant groups. They also have a different perception of their new – and ancestral – home. Ethnic Germans in the East Bloc were raised on glowing stories of their homeland of Germany and heard the stories passed down in the family of an eighteenth century Germany. Ethnic Germans, discriminated against on ethnic bases in the East Bloc, dreamed of "returning" to a homeland where they would be welcomed with open arms and accepted as belonging to the same group. However, in Germany today, Germans recognize two groups of residents: foreigners and Germans. Given the poor command of German among the *Aussiedler*, *Aussiedler* are often identified as foreigners rather than Germans. Mobilizing to air grievances would only serve to heighten this perception, rather than allay it, and is simply not viewed as an option by many *Aussiedler*, who would best like to fit in.

Grievances

The presence of grievances is assumed as a prerequisite in mobilization literature. No group will mobilize, indeed, few groups would form, without having specific grievances. However, as numerous authors have stated (Eisinger 1973; McAdam, McCarthy and Zald 1996; Wayland 1993), the mere existence of grievances is not enough to spark mobilization. Grievances constitute a necessary but not sufficient condition for mobilization. A perception that collective mobilization can help solve the problem is necessary as well. As we saw, expellees

certainly had grievances, as do the *Aussiedler*. What significant differences are there between these groups on the basis of grievances, if any?

Germany accepted co-ethnic migrants as citizens even before its official founding as the Federal Republic of Germany in 1949. However, as noted above, the numbers were fairly low throughout the Cold War – over the thirty-seven years between 1950 and 1986, 1.3 million Germans emigrated to Germany, after an initial very high level of immigration in the late 1940s when 8 million ethnic Germans were expelled to Germany in the time period from 1945 to 1949. The expellees, as we have seen, experienced their own great difficulties. After the expellees' initial migration, *Aussiedler* migration remained fairly low and infrastructure was developed to deal with those low numbers. In the eleven years between 1987 and 1997, 2.5 million Germans emigrated to Germany, which caused a rapid downward turn in integration capability.

In Germany, *Aussiedler* arriving after 1950¹⁵ were eligible for immediate citizenship and for a number of special privileges, including German language instruction, job re-training and low-interest housing loans. They remained in an initial acceptance center for about a week and were then moved to temporary housing, where they remained for the duration of their language instruction and while they found housing, sometimes a year or more. The *Aussiedler* of the 1950s to 1980s were mostly from Poland or Romania, where they had been able to maintain the German language to some extent. In terms of employment, while statistics are difficult to come by, the general anecdotal evidence suggests that early *Aussiedler* did not have great difficulties in finding jobs; their language level upon entry was sufficient, particularly when supplemented by

¹⁵ In one of the terminological complexities of the situation, ethnic Germans coming to Germany from Eastern and Central Europe were regarded as expellees, or *Vertriebene*, until 1949. After 1950, they are

up to eighteen months of German language instruction, to enable them to find employment. Similarly, their previous job training was not entirely foreign to Germany and could often be easily adapted to German standards. Furthermore, the pressing labor market problem in post-war Germany was lack of labor, not unemployment: to supplement the labor force. Germany even began recruiting foreign labor in 1955. The labor situation worsened in the 1970s, with the OPEC oil crises, and has become particularly problematic since German unification in 1990, which has negatively influenced the labor situation for *Aussiedler*.

In the late 1980s, the *Aussiedler* acceptance centers became overburdened. Germany had maintained the *Aussiedler* policy out of political reasons – largely because of the Cold War. When the Cold War ended and ethnic Germans could actually leave the East Bloc in large numbers, neither the German infrastructure nor the German people were ready to accept them. Thus, we arrive at the same situation in post-Cold War Germany as in immediate post-war Germany with a large influx of ethnic German migration.

It is clear that the problems that had existed among a minority of *Aussiedler* prior to the end of the 1980s have now become more widespread in the 1990s. While not all *Aussiedler* are unhappy with their new existence, many are. In a 1992 survey with multiple answers possible, 31% complained of few or poor personal relationships and 25% of *Aussiedler* complained about societal and community problems. Nearly fifty percent had experienced rejection by the indigenous population at work, an equal percent in their neighborhoods and nearly a third in governmental offices. Thirty-six percent felt that they are, as *Aussiedler*, not welcome in

referred to as *Aussiedler* and after 1993, and the passage of the KfBG, as *Spätaussiedler* (or late *Aussiedler*.)

Germany and fifty-five percent felt that they were only partially welcome in Germany (Dietz and Hilkes 1994, 79-85).

It is clear that the *Aussiedler* have grievances. It is important, however, to put the grievances in context. The expellees' situation was one in which they had been forcibly removed from their homes. They hoped to return home and, accordingly, organized around this issue, as well as around the issue of achieving a basic standard of living during their "exile" in Germany, including decent housing and some employment equivalent to pre-expulsion employment. For the *Aussiedler*, in comparison to the situation in their countries of origin, the circumstances in Germany are not necessarily worse. Food and shelter can be paid for with the welfare payments, even if a job is not forthcoming. They do have significant problems, as discussed above; however, they do not share, as a group, any one overwhelming identifiable grievance. Indeed, 76% of the *Aussiedler* in my survey agreed with the statement "All in all, one can live well in a country like Germany." Another study from 1992 with the same statement showed that 78% of the *Aussiedler* agreed with this statement (Dietz and Hilkes 1994, 83).

Common Purpose and Solidarity

The lack of one unifying grievance feeds into the lack of a common purpose and solidarity among the *Aussiedler*. Whereas the expellees had several unifying goals, the *Aussiedler* in post-Cold War Germany do not. For the expellees, national origin played somewhat of a role, as we saw; yet the overarching goals "Heimatrecht im Osten" and "Lebensrecht im Westen" bound them together. There is little contact between *Aussiedler* of different national origin; they may have ethnicity in common, as indeed they do with the

indigenous Germans, but they have no language, identity or history in common. As Klaus Bade pointed out, "Altogether, the Aussiedler are economically, socially and even in terms of their religious and world views a highly diverse group" (Bade 1990, 135). Even among the *Aussiedler* from the former USSR, a common identity is difficult to discern. Some *Aussiedler* say that they are German and want to be regarded as such, while others believe that their distinctive *Aussiedler* identity, or even their Russian identity, as suggested by the 1997 emergence of *Heimat*, should be recognized by Germany. The history of the *Aussiedler* of previous years is not publicized in Germany, so many post-Cold War *Aussiedler* believe that the German government has done all it can to help them and the rest is up to them. Others, in contrast, maintain that their initial acceptance was fine, but complain that their German language course was inadequate and they do not qualify for job re-training, particularly with such poor German skills. A more fundamental difference in identity is between those who believe they should attempt to learn German and speak German among themselves and those who believe in maintaining Russian as their primary communication and identity vehicle.¹⁶ This lack of common identity makes a transfer to a common purpose, such as improvement in integration or continued immigration, difficult. The differences in integration philosophies among *Aussiedler* hinder them from organizing on that basis. While some *Aussiedler* believe that ethnic Germans should be continued to allow to migrate to Germany, others feel that enough is enough. One study showed that only 62% of recently migrated *Aussiedler* believed that all ethnic Germans from Eastern and Central Europe and the former Soviet Union should be able to come to Germany (Findeis and Botzian 1996, 209). My own survey showed similar disagreement among the *Aussiedler*: 23%

¹⁶This information was gathered from numerous interviews with *Aussiedler* and counselors in 1996 and

believed that all *Aussiedler* from the former Soviet Union should be able to come; another 18% thought that all *Aussiedler* from the former Soviet Union and Eastern and Central Europe should be able to come, while 32% said that only those who are really ethnically German and speak German should be able to come. Here again, there is no overwhelming consensus in one direction or another. If anything, the common identity and purpose in the *Aussiedler* case is simply a wish to fade away and fit in, which is not conducive to mobilization.

Access to Resources

Resources can be widely defined as anything which is necessary for organization: access to the media, contact with one another, time, and, of course, financial backing. For *Aussiedler*, access to the media is quite limited and often negative, as noted above. The majority of the newspaper stories revolve around the poor German skills of the *Aussiedler*, unemployment, alcoholism and, increasingly, conflicts between unemployed *Aussiedler* youths and Turkish or Bosnian youths. The number of success stories is unknown, as the negative stories receive the majority of the press coverage. Indeed, the coverage of *Heimat* ("Nicht mehr stumm wie ein Fisch" 1998) – one article – was written in a tone which suggested that the *Aussiedler* were not really Germans and that their political party, as such, was a hopeless case. Such media coverage has hurt the *Aussiedler's* chance to have their problems taken seriously rather than increasing the

sympathy for their cause. The general German view is that the *Aussiedler* are lucky to have been admitted to Germany at all, and that they are already being given far too much.¹⁷

The availability of the resource of time is a scarce good. For those *Aussiedler* who are unemployed, language skills are often a problem, creating communication and psychological barriers with the government institutions. Those with jobs often only find cleaning jobs or other low-paying jobs. Such employment is often based on long hours and is exhausting, particularly to a person highly qualified and accustomed to white-collar employment. These jobs leave little time over for political organization. Nonetheless, the expellees – similarly employed in the early years, precisely when mobilization occurred – managed to find the time to organize, while the *Aussiedler* have not. Likewise, the Russian Jewish migrants to Israel, similarly burdened with language problems, long hours and exhausting jobs, have done so as well.

Social contact, as a basis for potential organization, is poor among the *Aussiedler*. Various social organizations for *Aussiedler* in Germany offer social settings as well as practical information, but are generally attended by the elderly; those who are of working age, whether employed or unemployed, seldom come to meetings. Here, the perception of the *Aussiedler* is decisive. In Germany, the general expectation among the *Aussiedler* themselves, as well as among the indigenous German population, is that the *Aussiedler* are "returning home." Thus, everything should be second nature to them – with no acculturation required. This attitude, as well as resignation, contributes to the unwillingness of *Aussiedler* to frequent such organizations. The lack of social contact contributes, according to McAdam, McCarthy and Zald, to non-

¹⁷Indeed, much of the legal literature on *Aussiedler* benefits addresses the question of whether the granting of pensions and integration funds to *Aussiedler* goes against the equality clause in the Basic Law. (Binne 1991; Preis and Steffan 1991) Little is made of the restrictions on *Aussiedler's* freedom of movement.

mobilization: social isolation contributes to a "tendency of people to explain their situation as a function of individual deficiencies rather than as features of the system" (1996, 9). That is to say, *Aussiedler* could think that protest would achieve nothing, since they perceive problem to be not with the system, but with the individual.

Small *Vereine* are slowly taking off, however, offering a wide array of services from language training to assistance with legal matters to seminars on basic matters of integration. Such *Vereine* are increasingly staffed – if not organized – by at least one *Aussiedler*, thus slowly increasing the perception that *Aussiedler* are helping *Aussiedler*. Perhaps the situation of poor social contact will turn around; as noted above, in one study, 20% of those *Aussiedler* surveyed knew of such associations in their neighborhoods (Ködderitzsch 1996, 111). As contact improves, the sense of having a unifying grievance, or a common purpose, may also develop.

Points of Access to System

The most critical difference between the post-war German system and the post-Cold War German system is that the post-war system was in a state of flux while the post-Cold War system is a static system, resisting new entrants. In the 1949 *Bundestag*, the CDU/CSU and SPD accounted for only 67% of the vote, but topped 87% in 1980. In the immediate post-war years, the voters had not yet decided upon a lasting party affiliation, thus allowing other parties a chance to win votes. After the war, party platforms were in flux; new parties were being founded and old parties reinstated. Face and name recognition did not play as large a role as in later years. Consequently, special interest parties – such as the expellee party – were more likely to have a chance to win votes and seats in the *Bundestag*.

Post-Cold War Germany's system is essentially the same as the post-war system, with a 5% hurdle for representation and the possibility of achieving three so-called "Direktmandate," or direct mandates. By this system, if a party wins three local voting districts outright, it will then be allocated the percentage of seats in the *Bundestag* accorded to it by the percentage of votes it received, even if under five percent. In post-war Germany, only two new parties have succeeded in breaking into the system – the Greens in 1983, and the PDS in 1994. Established as a national level party in 1979, the Greens first entered the *Bundestag* four years later with 5.6% of the vote. The PDS, the successor of the SED in East Germany, did not achieve 5% in 1994, but did win three voting districts outright, thus entering the *Bundestag* with 4.4% of the national vote. In 1998, the PDS again won three districts, but also achieved 5.1% of the vote. The PDS had a well-established organizational background, along with a solid constituency of four voting districts in East Berlin and a potential constituency of 16 million, or 20% of the total German population, while the Greens had been active on the local and *Land* level for many years prior to their entrance on the national scene.

The *Aussiedler*, on the other hand, make up only 3% of the German population and would not be able break through the 5% hurdle on the national level. In order to achieve three voting districts, the *Aussiedler* would, first, need to make up a high percentage of the population in three or more voting districts. While this percentage might, in fact, exist in several areas, the lack of accurate data prevents *Aussiedler* or others from being aware of what possibilities exist in which areas. This option would, further, be possible only if the *Aussiedler* had detailed knowledge of the political system and if they believed that they could achieve success, which they do not.

The success which the *Aussiedler* have achieved on the local level – where just a few hundred votes are needed for a town council seat and where campaigning is done on foot from door to door – does not seem to be able to be translated to a higher level of representation. The *Aussiedler* represent a high percentage of the vote in some small towns and cities. In these towns, they are aware of their high representation and can use this awareness to present candidates for office. This awareness is, however, lacking in larger cities and in regional electoral districts. Thus, the conclusion must be reached that points of access for *Aussiedler* politicians or an *Aussiedler* party are greatest at the local level and are restricted to the local level.

Governmental Responsiveness

As Tarrow notes (1994, 85), a political opportunity is sometimes available to the whole society, sometimes only to a segment. The role of the government is crucial in the case of these co-ethnic migrants. As already discussed, the *Aussiedler* are somewhat different from other migrants in that they expect to be welcomed and to be easily integrated in their new home. When the government provides support and the framework for further action, co-ethnic migrants will respond, as happened in the case of the expellees. In the *Aussiedler* case, however, government responsiveness has taken the form of continuing to treat the *Aussiedler* as objects of policy, and, among many cut-backs, has approved some different forms of benefits attempting to improve integration. The *Aussiedler* were not consulted in any case. *Aussiedler* policy is not well-loved in Germany, representing, as it does, the last remnant of past German regimes: "German-ness among ethnic Germans meant an intergenerative mental link keeping groups and families

together. ... What they interpret to be their German-ness in the FRG, however, often brings back memories of ethnic-nationalistic aberrations in German history" (Bade 1994, 7). Thus, the government – whether CDU or SPD – prefers to remain as silent on the issue as possible. The SPD is more likely to allocate more funds and effort to the integration of *Aussiedler* as they believe in the support of marginalized individual and societal groups (Interview, 12 October 1997; "Pressemitteilung" 4 March 1999), where the CDU government focused more on continued admission and less on integration.

Parliamentary debates leading up to the passage of the laws affecting *Aussiedler*, along with the Printed Documents (*Drucksachen*) released, show us a picture of governmental attitudes toward *Aussiedler*. The most noticeable aspect of the debates is the lack of any *Aussiedler* voice in the debates. In the debates over expellee laws, expellees were always present in the *Bundestag*. No *Aussiedler* has a voice in the actual *Bundestag* debates, however, and the *Aussiedler* do not have a role as equal members of the polity.

The first law related to the increased stream of *Aussiedler* migration at the end of the Cold War was the first draft of the *Wohnortzuweisungsgesetz* (WoZuG) passed in 1989. In the debate on the passage of the government's proposal of the WoZuG, the positions of the four parties in the *Bundestag* becomes clear, as does an overall attitude toward *Aussiedler*. Of the four parties, the CDU is clearly the strongest proponent of the continuation of *Aussiedler* policy, although they appear to be no fan of the individual *Aussiedler*. In this debate, the CDU representative justified with six points the passage of the WoZuG, admitting that, while the WoZuG would restrict the freedom of movement of the *Aussiedler*, this restriction applied only

to those on social assistance. Much emphasis was placed on preserving the dignity of the *Aussiedler*, as mandated in the Basic Law for all Germans.

The SPD contribution expressed concern that the *de facto* privileging of the *Aussiedler* finally be removed by the passage of this law (*Deutscher Bundestag*, StPr 11/145, 1 June 1989, 10920). The FDP stressed that *Aussiedler* do enjoy freedom of movement, except in the cases where they are on social assistance. It is worth noting, however, that no statistics are quoted on numbers of *Aussiedler* receiving unemployment benefits or welfare, so the impression is left that there are only a few *Aussiedler* affected. Even the most conservative figures, however, show that about half of all *Aussiedler* are either unemployed or attending a language course during much of their first two years in Germany. The FDP member cited having talked to community leaders of all political parties, who agreed that the WoZuG was necessary. Consultation with any *Aussiedler* was not mentioned. The Greens expressed concern about the restriction of the basic right of freedom of movement, and that this restriction would only be strengthened in years to come. As it turned out, the Greens were absolutely correct, as shown in the 1996 version of the law. They also highlighted the hypocrisy of the government, stating that "either the *Aussiedler* are Germans, and are entitled to come unconditionally, or they are foreigners, and are subject to different laws ... this bill is only intended to hide the complete lack of policy orientation of this government" (*Deutscher Bundestag*, StPr 11/146, 1 June 1989, 10922) and called for a complete integration program for the *Aussiedler*. These statements are consistent with the general party platforms and philosophies of these parties.

In the discussions leading up to the 1990 *Aussiedleraufnahmegesetz* (AAG), two related issues surface. The first is general agreement that the so-called *Vertreibungsdruck* in Eastern and

Central Europe could not be said to exist anymore. Consequently, the potential *Aussiedler* could reasonably be asked to wait in their countries of origin until the paperwork was processed. The introduction of an application adds a filter by which any applicants not fulfilling the requirements would be prevented from entering Germany – the second concern brought up in the discussion on the AAG. This concern of false applicants is also stated in the printed Reasoning for the law: "By granting the *Aufnahmebescheid*¹⁸ before the individual leaves the country of origin, it is ensured that only those individuals who really meet the prerequisites of this law enter the Federal Republic of Germany as *Aussiedler*" (*Deutscher Bundestag*, Drs. 11/6937, 21 April 1990, 6). Thus, we see that the law-makers are willing to complicate the process for *Aussiedler* in order to filter out those who do not qualify, rather than showing concern for the individual migrants.

In the discussion prior to the actual debate on the law, two sides of the argument emerge. The CDU/CSU's members were primarily concerned with maintaining the *Aussiedler* policy, but nonetheless thought "...that we ... must find provisions that make it possible for hundreds of thousands of Germans and those of German origin to no longer want to give up their homes" (*Deutscher Bundestag*, StPr 11/197, 15 February 1990, 15210). While the policy should be kept alive, the numbers should be restricted as much as possible. Members of the SPD, on the other hand, argued that an entirely new expellees' and *Aussiedler* law should be passed, particularly since to talk of "expulsion" is no longer the case (*Deutscher Bundestag*, StPr 11/197, 15 February 1990, 15196; 15205; 15217). The FDP indicated that it would agree with a similar law (*Deutscher Bundestag*, StPr 11/197, 15 February 1990, 15205). Ultimately, of course, the SPD

¹⁸ The permission to enter Germany as an *Aussiedler*.

achieved this aim with the KfbG, as an outcome of the asylum compromise. The Greens argued that the willingness to help of the indigenous Germans as well as their acceptance of *Aussiedler* should not be endangered, particularly not by financing *Aussiedler* programs with cuts in programs for indigenous Germans (*Deutscher Bundestag*, StPr 11/179, 30 November 1989, 13815). The FDP agreed with this sentiment, stating that it is difficult for indigenous Germans to accept the *Aussiedler* when they feel disadvantaged in comparison (*Deutscher Bundestag*, StPr 11/179, 30 November 1989, 13818).

In the actual debate over the law, the CDU/CSU declared that it had decided to continue accepting *Aussiedler* because of the "Kriegsfolgeschicksal" (Fate of the results of the war) that they have suffered, but that the process should be regulated and every *Aussiedler* should go through the *Bundesverwaltungsamt* (*Deutscher Bundestag*, StPr 11/201, 14 March 1990, 15544). As it turns out, the revised citizenship law taking effect on 1 January 2000 does shift full responsibility for *Aussiedler* to the BVA away from the local naturalization authorities. The possibility of a complete revision of the expellees' law was not dismissed out of hand, but it was said, rather, that the time for the passage of such a law has not yet come (*Deutscher Bundestag*, StPr 11/206, 25 April 1990, 16191). The SPD argued that if the *Vertreibungsdruck* is lessened enough to allow potential *Aussiedler* to stay in their countries of origin long enough for the application to be processed, then the *Vertreibungsdruck* has also lessened enough for the whole law to be replaced (*Deutscher Bundestag*, StPr 11/206, 25 April 1990, 16192). The Greens argued even more strongly that the BVFG should be eliminated and not replaced (*Deutscher Bundestag*, StPr 11/206, 25 April 1990, 16194). Statements given at the time the law came into force are even more strongly worded. Both the CDU/CSU and the FDP mentioned misuse of the

system by individuals not qualifying as *Aussiedler*, and emphasized the importance of controlling such misuse of the system. The CDU/CSU emphasized "our national and Christian solidarity towards our fellow countrymen who have been particularly tormented by the disturbances and crimes of this century" (*Deutscher Bundestag*, StPr 11/214, 31 May 1990, 16904). The FDP stated that "The process of migrating as an *Aussiedler* must remain the exception. This is our political goal. But if the *Aussiedler* wishes to come to us, he is welcome. It will remain so" (*Deutscher Bundestag*, StPr 11/214, 31 May 1990, 16906). The SPD renewed its call for the replacement of the BVFG, and the Greens repeated their accusation that the CDU/CSU was keeping the *Aussiedler* policy alive out of electoral purposes, and would remove it when it suited the electoral purposes (*Deutscher Bundestag*, StPr 11/214, 31 May 1990, 16907).

With the passage of the AAG, the first restrictive law and filter upon *Aussiedler* entry was established. The 1992 debate on the *Kriegsfolgenbereinigungsgesetz* (KfbG) completed this process. Replacing the BVFG, as the SPD and Greens had called for, the KfbG is, as we have seen, a radical shift in policy. The Reasoning of the law reiterates Germany's duty to those who have suffered in the wake of the Nazi era, yet recognizes that in the wake of German unification and treaties signed with Poland and the four occupying powers that the post-war period is at an end. The expellees' law should be rewritten to suit the new era (*Deutscher Bundestag*, Drs. 12/3212, 7 September 1992, 19). In accepting *Aussiedler*, privileging them in contrast to indigenous Germans is to be avoided, while help for integration should still be given.

In the debates, we are reminded once again by the CDU that "these people suffered particularly as a result of the Second World War and its consequences, only because they were

Germans and wanted to remain Germans" (*Deutscher Bundestag*, StPr 12/117, 5 November 1992, 9906). The CDU maintained, on this basis, that the door should remain open to the *Aussiedler*, yet the admission should be carefully regulated. The SPD, in contrast, stated that the *Aussiedler* migration is, in fact, another portion of general immigration to Germany. This immigrant flow in particular is open to criticism from the indigenous Germans. A quota and a final date for applying for *Aussiedler* status would be ideal (*Deutscher Bundestag*, StPr 12/117, 5 November 1992, 9908).

The debate over the 1996 revision of the *Wohnortzuweisungsgesetz* (WoZuG) took on a more practical tone. The CDU's most ardent supporter of *Aussiedler*, Hartmut Koschyk, said that the *Aussiedler* assigned to the new *Länder* are not staying there, but are migrating to the west. They should be told in their countries of origin that they should think about where they want to live, and, while they're waiting for the *Aufnahmebescheid* (acceptance), should work on their German. He responded to the argument of restrictions of the freedom of movement, and said that the needs of the communities who must support these welfare recipients is primary. He argued that the proper distribution of *Aussiedler* will help their integration (*Deutscher Bundestag*, StPr 13/84, 2 February 1996, 7414). The SPD representative, who became the SPD's *Aussiedlerbeauftragter* in 1998, Jochen Welt, argued that the CDU government has no real *Aussiedler* integration policy and argued that the new WoZuG is a step in the right direction (*Deutscher Bundestag*, StPr 13/84, 2 February 1996, 7415). The Greens' representative argued likewise that the cutting back of integration benefits is irresponsible and would lead to many problems in the *Aussiedler* communities. Only the PDS representative found the restriction of

freedom of movement unacceptable. All others said that it is acceptable to restrict individuals on welfare and that the communities need the relief from the burden of too many *Aussiedler*.

The CDU, in general, continued to take the stance that all *Aussiedler* who wish to come to Germany should be permitted to do so, that is, provided that they really are ethnically German, that they speak German – whether learned as a mother tongue or more recently – that they are willing to be placed in Germany where it suits the government and that they are willing to live with reduced benefits. The SPD, on the other hand, does not have an ideological connection to bringing *Aussiedler* back to Germany, and argued that it would be much more sensible to accept fewer *Aussiedler*, but to treat them well once they arrive in Germany. In neither case – on one hand, the government (CDU), and on the other, the opposition (SPD) – are the needs of the *Aussiedler* taken into account. Budgets and campaign promises work against the *Aussiedler*, and only a sense of responsibility – in the case of the CDU, a responsibility toward Germans, which grows ever more vague, and in the SPD case, a responsibility toward individuals – works in their favor.

Presence of Influential Allies

It would seem that on this point, *Aussiedler* would have an advantage over the expellees, as the *Aussiedler* have the organizations formed by the expellees to draw upon, and the expellees started with no base. However, the expellees do not have a good reputation in Germany, being known as irredentist nationalists who would prefer that Silesia and the Sudetenland were (still) German. The organization does not have the clout, nor the standing among the *Aussiedler* themselves, to lead an effective movement. As the *Aussiedler* are not a beloved cause in

Germany, no member of the *Bundestag* or other high-placed official would risk his career to support the political aspirations of a group of migrants many feel should never have been admitted in the first place and who are, as noted above, often seen mistakenly as far-right supporters. As we saw in the discussion of parliamentary debates, while there is little blatant anti-*Aussiedler* sentiment within the government, neither is there any un-qualified *Aussiedler* support. Aside from the German Red Cross, *Caritas* and *Diakonisches Werk*, which offer basic support to many groups, and political support to none, there are no established organizations, large or small, that offer support to the *Aussiedler*.

State Capacity for Repression

State capacity for repression is often cited as a factor in the mobilization of indigenous peoples in quasi-dictatorial regimes. Why have I included it here? Germany is hardly likely to move against people it has voluntarily included in the polity. In this case, perception instead of reality is the determining factor. These migrants came from a state where state repression was very much a part of life. Many of the *Aussiedler* still remember their internment, or their parents' internment, in Soviet camps until 1956 and have a blanket distrust for governments, whether Soviet, Russian, Kazakh or German. Thus, potential *Aussiedler* fear of state repression as a role in their non-mobilization must be acknowledged.

Conclusion

This section has attempted to give more theoretical depth to the non-mobilization of the *Aussiedler*. Simple explanations can be offered, but in the light of other successful mobilizations,

such as the post-war expellees and the post-Cold War Russian Jewish migrants to Israel, a more theoretical explanation is helpful. Social movement theorists agree that the perception of probable, or even possible, success is a crucial prerequisite for mobilization. Without this perception of potential success, mobilization would only be a waste of resources. *Aussiedler* do not possess this crucial element. Indeed, given the factors examined above – an amorphous concept of grievances, lack of common purpose, no influential allies, poor, or negative, governmental responsiveness, limited access to resources and limited points of access to the system – it comes as no surprise that *Aussiedler* have, thus far, remained outside the system. These same factors were, for the most part, advantageous in the case of the expellees.

Table 5.3: Factors influencing Mobilization/Non-mobilization: POS

	Grievances	Access to System	Common Identity	Governmental Support	Allies
Post-War Germany	Yes	Yes	Yes	Yes	Yes
Post-Cold War Germany	Yes	Somewhat	No	No	No

The presence of grievances, governmental support, allies, access to the system and a common identity are decisive factors in the identification of the political opportunity structure for co-ethnic mobilization. Ultimately, governmental responsiveness toward the migrants in part determines many other factors, such as the support of allies, the emergence of leadership, the perception of potential for success and the willingness of immigrants to mobilize and become a public presence. The discussion of governmental responsiveness in this chapter and in Chapter Four showed that the *Aussiedler* have been treated as passive objects of policy and as a problem that must be resolved. The expellees were regarded more as partners in solving a common problem.

Resource Mobilization Theory: Poor Organization, Low Resource Aggregation

While POS tells us that the opportunities of the *Aussiedler* for mobilization are low, the group-internal aspects of *Aussiedler* must be addressed as well. Resource mobilization theory offers us yet another means of examining *Aussiedler* non-mobilization. As noted in Chapter Four, resource mobilization theory states that

a group which is internally cohesive, bonded together by shared socio-cultural values, has an effective leadership and high levels of organisational solidarity (measured by membership, density, inclusivity, etc) is more likely to mobilise and take collective action than one which lacks such resources (Drury 1994, 19).

It is argued that every group possesses grievances of some nature, but that these grievances do not lead to action in each case:

even if feelings of deprivation exist, personal and political resources and situational factors affect the probability that deprivation will lead to action. The importance of these resources and situational factors is the reason why indicators of absolute deprivation – that is, quantitative measures of material well-being – have seldom been useful predictors of political protest (Barnes and Kaase 1979, 16).

Indeed, we have seen that both the expellees and the *Aussiedler* suffered severe "absolute deprivation," yet political action resulted in one case and not in the other. It appears that the *Aussiedler* are lacking in resources which would positively affect mobilization.

Group Organization

In comparison to the extensive network that the expellees had developed, pulling together expellees from different areas of origin and those in different regions of Germany, the *Aussiedler* organization remains in the form of local-level self-help groups and churches, while networks among these groups are non-existent. Only the federal-level *Landsmannschaft der Russlanddeutschen* has the organizational capacity to achieve a voice. However, as noted by

Aussiedler at the Hannover conference in February 1998, the *Landsmannschaft* has done nothing publicly and does not seem likely to do so.

Aggregation of Resources

The *Aussiedler* possess neither the so-called tangible nor intangible resources needed to spur on mobilization. They do not have a source of income, nor do they excel at fund-raising. If statistics were maintained, it would likely be seen that a high percentage of *Aussiedler* are reliant upon either unemployment benefits, welfare or pension payments. These are not high-level positions from which resources can be gathered. The average *Aussiedler* educational level is low, so there is little likelihood of the intangible asset of an inspired leader. The only individuals with political and organizational experience in the former Soviet Union – Communists – are not permitted to enter Germany as *Aussiedler*. Likewise, anyone who held a high position is seen as having collaborated with the Soviet regime and is likewise restricted from entering as an *Aussiedler*. This policy has had the effect that the *Aussiedler* have low political interest and no political experience, except at the receiving end of discrimination or persecution. There are no potential political leaders; even those who founded post-Cold War ethnic German groups in Kazakhstan or Georgia are intimidated and unwilling to initiate a political movement in Germany (Interviews, 1 June 1997; 6 February 1998).

Language skills, as noted above, tend to be poor. While German language skills are not important for campaigning or organizing among *Aussiedler*, as the *Aussiedler* elected to town councils in Lower Saxony have discovered, poor German skills limit their effectiveness. This resource, too, is lacking for *Aussiedler*.

Overcoming Olson

POS calls for common purpose and solidarity and resource mobilization theory for a moral commitment to an issue as a means to overcoming Olson's free-rider issue. On both these points, *Aussiedler* simply cannot measure up to any standard. As noted above, the *Aussiedler* do not have a common purpose. Neither does a moral commitment to an issue exist. While unemployment is high, and other problems rampant, these issues are not ones that *Aussiedler* seem to feel that organization would help. Especially as parallel institutions, such as churches, develop that cater specifically to *Aussiedler*, there is no real reason for protesting. The expellees were bound together by an overarching wish to return home and, in the meantime, to be integrated. The *Aussiedler* largely chose to leave and, with some exceptions, choose to stay, whatever that decision entails. There is no agreement as to whether the government should do more or has already done enough, nor is there a deeply committed feeling to one or the other viewpoint.

Interaction of Aussiedler and Authorities

The interaction of *Aussiedler* and the authorities is a purely one-sided affair. The authorities process the potential *Aussiedler* claims for admission and point them in the right direction for language courses and job re-training. The *Aussiedler* are not regarded as a potential political partner; indeed, it was only in the September 1998 elections that they were even addressed as potential voters when the CDU handed out Russian-language election leaflets in Marzahn in Berlin.

Conclusion

Resource mobilization theory offers a solid explanation for *Aussiedler* quiescence. Grievances alone do not suffice for mobilization; resources must be present as well. The basis for group organization, namely, a cohesive group structure, is also necessary. It is clear that, in the *Aussiedler* case, the resources needed for mobilization are simply not available, nor do they appear to be forthcoming. Internal cohesiveness and a high degree of organization are also not present among the *Aussiedler* as they were among the expellees. Likewise, while the expellees did have several common beliefs uniting them, the *Aussiedler* do not. According to all factors relevant for mobilization according to resource mobilization theory, the *Aussiedler* compare poorly to the expellees, making it no surprise that organization has not occurred.

Table 5.4: Factors influencing Mobilization/Non-mobilization: Resource Mobilization Theory

	Group Organization	Aggregation of Resources	Overcoming Olson	Interaction of Expellees/ <i>Aussiedler</i> and Authorities
Post-War Germany	Yes	Yes	Yes	Good
Post-Cold War Germany	No	No	No	Non-existent

The post-Cold War wave of *Aussiedler* has introduced a new phase in German post-war history. The inclusive nature of immediate post-war Germany, where expellees were extended citizenship and included as equals, where they mobilized, integrated, and became active members of the polity, is a phenomenon of the past. The expellees exercised their citizenship rights in many different ways; they participated in unconventional politics and in parliamentary politics. They voiced their displeasure with parliamentary actions and took a role in the parliament themselves.

The *Aussiedler*, however, while they have been extended citizenship, do not have the necessary tools to take advantage of these citizenship rights. Nor do they have the support from the government that will enable them to do so. While maintaining – or achieving – freedom of movement for Germans from the Soviet Union to Germany during the Cold War was an important point for the CDU/CSU as expressed in September 1989 (Deutscher Bundestag StPr, 11/158, 14 September 1989, 12007), the concern expressed about the restrictions on the freedom of movement within Germany has been comparatively minimal, suggesting once again that the ideological nature of the problem is more crucial than the concern with the ethnic Germans either as individuals or as Germans. The restrictions placed upon *Aussiedler*, such as restricted income and restriction to one *Land* as part of the WoZuG, are reminiscent of the restrictions placed upon asylum-seekers. Likewise, the parallels between the WoZuG itself and the law in the 1970s limiting non-citizens' agglomeration cannot be missed.

The *Aussiedler* are not an overprivileged migrant group. They are an underprivileged group of citizens. Their social and political marginalization should be a cause of concern for German politicians who face having a group of citizens who are, practically speaking, disenfranchised. Much focus is placed in Germany on integrating non-citizen migrants into the German polity and society. However, it has only recently begun to be recognized that the *Aussiedler* are also a migrant group whose integration process has broken down (Bade 1999). In the sense of actual meaningful participation in the society, as I will argue in the next chapter, non-citizen residents of Germany are in some ways more privileged.

CHAPTER SIX: The Informal Citizen: *Aussiedler* and the Devaluation of Citizenship

Introduction

The two cases of the expellees and the *Aussiedler* reflect two aspects of the post-war evolution of German citizenship and the subsequent integration process of the expellees and the *Aussiedler*. The inclusion of the expellees was clearly established with the explicit addition of *Volkszugehörigkeit*, or ethnicity, into legal texts. The *Aussiedler*, however, rather than continuing to benefit unreservedly from the laws passed to include the expellees, have faced increasingly more exclusive policies, with the outcome that less and less emphasis is placed upon ethnicity. A parallel development in the practice, or exercise, of citizenship may be seen; expellees exercised their political rights to the fullest, protesting, becoming involved and affecting policy. *Aussiedler*, on the other hand, have remained uninvolved in the polity and, for the most part, seemingly uninterested in changing their circumstances.

Thus, these two case studies clearly show an evolution in the post-war development of German citizenship. A third factor feeds into this equation as well, namely the presence – and integration – of nearly 8 million non-citizen residents in Germany. These non-citizens are clearly not full formal citizens. They do, however, enjoy many other rights, both formal and substantive, with the end effect that they are effectively a more integral part of the polity than are the *Aussiedler*. This case study, which will be discussed in full below, completes the triad of groups which reflect the dramatic changes in post-war and post-Cold War Germany.

Citizenship, it has been said, is not a passive category, but an active one: "rights are created through being exercised, and ... it is the exercise of rights which generates the capacities

associated with them" (Barbalet 1988, 16). The status of citizen implies not only the passive possession of rights, but the exercise of these rights as well as the carrying out of duties related to citizenship. Many theorists of citizenship expect of citizenship holders that they will not merely collect the benefits to which they are entitled as passive citizens, but will also exercise the rights to which they are entitled by benefit of being citizens: "Citizenship is constituted by the possession and exercise of political rights, by participation in the business of rule, not by common rights and obligations (Brubaker 1992, 41). Citizenship rights mean nothing if they are rights only on paper. Indeed, governments expect of their citizens that they will vote, serve on juries, serve in the military (in some states), and, perhaps even more importantly, that they will take part in the society which is an integral part of the nation-state of which they are citizens. These duties are expected of citizens, both birth-right citizens and naturalized citizens.¹ While critics of the contemporary German state point to the formal disenfranchisement of the approximately 10% of the German population who are not German citizens as anti-democratic, the argument has been made many times that these non-citizens do in fact participate in substantive ways in the polity. In short, to cite Bernhard Santel, the concept of "who is a German" is changing. Not restricted by descent, citizenship in Germany is more and more "someone who stands up for the constitution, for liberal ideals, someone who is actively engaged in the civic life of the country." (Santel 1999).

¹ In some ways, even more is expected of naturalized citizens, as they specifically *choose* to become members of the polity. Birthright citizens do not have a choice in the matter, but are, as the name suggests, born to the status.

The Globalization of Rights

T.H. Marshall

Citizenship is not a single straightforward status which is conferred upon an individual, but is complex and multi-layered. Citizenship rights are often portrayed as concentric circles (Brubaker 1989; Layton-Heny 1990), with each progressive step toward the central circle representing a higher degree of privilege and rights endowed. These rights are, on the basis of T.H. Marshall's classic work, *Citizenship and Social Class* (1950), civil, political and social rights. Many (Barbalet 1988; Bottomore 1992; Bulmer and Rees 1996; van Steenberg 1994) have taken issue with Marshall on various aspects of his discussion. In his classic work, he only wrote about white working men in England; he addressed neither women (Finch 1996; Vogel 1994), minorities (Wilson 1994, 1996) nor the unemployed (Adriaansens 1994; Meade 1996). Nor did he take into account political systems or states other than the British system (Mann 1987; Turner 1986, 1990, 1994). Some questions about his designation of social rights as the final phase of citizenship have also been raised (Fraser and Gordon 1994), while in some cases it may be seen now that social rights precede political rights. It has been suggested that other phases, such as cultural citizenship, are subsequent to social rights (Turner 1994). These critiques show that Marshall was absolutely right fifty years ago to recognize that citizenship is not a single status but rather an evolving entity. This entity has evolved further since the publication of *Citizenship and Social Class*, and should not serve to lessen his relevance. Marshall still provides a valuable reference point from which to approach any study of citizenship rights.

Marshall's division of citizenship rights into three bundles was based on an historical analysis of the extension of citizenship in England. He saw a gradual extension of these sets of citizenship rights, rather than an across the board granting of all rights. Each bundle of rights was, according to Marshall, granted at a different historical time. Thus, civil rights were acquired in the eighteenth century, political in the nineteenth and social in the twentieth.

Following Marshall, the bundle of civil rights was the first set of rights acquired by citizens and was

composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. This last ... is the right to defend and assert all one's rights on terms of equality with others and by due process of law (Marshall 1992, 8).

The institutions responsible for the carrying out of these rights were the courts of law. As of the eighteenth century, every citizen had the right to turn to this institution. Every citizen was henceforth regarded as an individual who had control of his own person. He was no longer the property of a landlord or employer, but was equal with all others and had the recourse to a court of law to establish this equality in any cases of dispute. These rights are today enshrined in national constitutions, such as in the United States constitution and the German Basic Law, as well as in the documents of supra-national institutions, such as those of the United Nations and the European Union. According to the German Basic Law, the basic rights of freedom of religion, of association, freedom of movement and equality under the law, apply to all persons and are not restricted to citizens (Basic Law, Articles 1 – 19).

Civil rights are judged to be one of the most basic sets of rights for individuals, yet are not always granted equally. The American Civil Rights movement in the 1960s, for example, had

as its goal the extension of basic civil equality to African Americans, who did not enjoy equal civil rights. In South Africa, until the early 1990s, civil rights were likewise not extended to black citizens. While restrictions do remain upon certain ethnic minorities (e.g. Kurds in Turkey; Albanians in Yugoslavia), nonetheless, in the majority of the world's democratic states, civil rights are today extended to all persons, regardless of any of their descriptive characteristics.

In Marshall's schema, the set of political rights was the next bundle of rights for which citizens became eligible, as the franchise was extended beyond the landed classes. By political rights, Marshall meant "the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body" (Marshall 1992, 8). These rights were embodied in the parliament and local government councils; for Marshall, the local level of political activity was as important as the national level. Today, the local level of activity is often overlooked in favor of the national voting rights, yet, particularly in Germany, the local government plays a decisive role in schooling and utilities. Education, welfare and naturalization are all administered on the local level or, in Berlin, Bremen and Hamburg, on the city district level. Meanwhile, that which is included under political rights has shifted in the post-war period, and is now seen to cover a broader spectrum of rights and participatory elements.

The social element, according to Marshall, did not emerge until the twentieth century and the introduction of the welfare state. Represented by the educational system and social services, Marshall regarded the social element as including "the whole range from the right to a modicum of economic welfare and security to the right to share in the full in the social heritage and to live the life of a civilised being according to standards prevailing in society" (Marshall

1992, 8). Marshall's definition thus is not a fixed one, but shifts, depending upon what the "standards prevailing in society" are at any given time in any given state. What sufficed for a "civilised being" in pre-World War I England is certainly not the same in post-Cold War Germany. "Sharing in the social heritage," or participating on a daily basis, is quite central to the notion of social rights.

Marshall's recognition that citizenship is not a unitary right, but a wide-ranging set of rights, was a significant theoretical point and marked the beginning of a rich citizenship literature. To the triad of civil, political and social rights have been added cultural, economic, and industrial rights (Layton-Henry 1990; van Steenberg 1994). These various bundles of rights add to the richness of an individual's life, but are no longer linked to the legal acquisition of citizenship. Likewise, civil, social and even political rights are no longer irretrievably linked to formal citizenship acquisition.

Formal versus Substantive Citizenship Rights

Does the acquisition of citizenship rights automatically transfer into full membership and belonging in a nation-state? The answer, obviously, is no. The mere possession of citizenship rights is only the right to pursue integration and belonging, to paraphrase the Constitution of the United States. The distinction between the access to these rights in principle, which does not automatically entitle one to the full exercise of these rights, or the access to these rights in practice, applies to all three areas of rights: civil, political and social. Even from the beginning of the establishment of a formal category of citizenship, a distinction between formal membership and substantive participation has been drawn, as evinced by Marshall's description of the

phenomenon in his historical analysis. According to Marshall, the courts, educational establishments, parliaments, councils and other institutions embodying the rights of citizenship "combined to decide, not merely what rights were recognised in principle, but also to what extent rights recognised in principle could be enjoyed in practice" (Marshall 1992, 10). The possession of formal rights might have been recognized, but the recognition of rights need not necessarily translate into their practical application by an individual. Thus, in a time period when the majority of residents in a state were also citizens, formal citizenship was extended to all, and substantive citizenship was, in turn, actively acquired by some, but not all, of these citizens.

Thus, Marshall's characterization of citizenship as three distinct bundles – civil, political and social rights – is further sub-divided into formal and substantive citizenship rights. Formal, or legal, possession of citizenship gives the holder these rights in principle, but not absolutely. Substantive citizenship, which involves the exercise of the rights to which one is entitled as a matter of principle is, thus, the higher status of membership. Nor is substantive citizenship limited to those who are formal citizens. That is to say, citizens are sometimes excluded in practice from the exercise of certain rights, while non-citizens are, under certain conditions, included in the substantive practice of some rights. Tom Bottomore, in a companion piece to a reprint of Marshall's essay, clarifies this point as follows: "Citizenship in its formal, legal sense, is clearly a major factor affecting the attribution of rights, even though it is neither a necessary nor a sufficient condition for the effective possession or exercise of various rights" (Bottomore 1992, 83). Some rights, such as national voting rights, are available only to citizens, yet other rights – such as basic human rights, inclusion in the welfare system and demonstrating for better working conditions – are available to all (permanent) residents in a state.

Marshall argued that since citizenship rights rendered men equal on the level of citizenship status, the inequalities caused by the system of social class were reduced. Marshall optimistically claimed that, once citizenship rights had become established in the social system, these inequalities practically disappeared. Nonetheless, as an interpreter of Marshall says, Marshall gives "a warning about the difficulty of reconciling equality of condition with equality of opportunity" (Runciman 1996, 49):

A property right is not a right to possess property, but a right to acquire it, if you can, and to protect it, if you can get it. But, if you use these arguments to explain to a pauper that his property rights are the same as a millionaire, he will probably accuse you of quibbling. Similarly, the right to freedom of speech has little real substance if, from lack of education, you have nothing to say that is worth saying, and no means of making yourself heard to say it. But these blatant inequalities are not due to defects in civil rights, but to lack of social rights (Marshall 1992, 21).

While Marshall believed that these inequalities were reduced over time with the granting of citizenship rights, he also recognized the crucial importance of social rights in determining all other rights. Civil rights themselves are certainly available to all individuals, but social rights, such as education, influence the exercise of these rights. Social rights, then, determine not only the exercise of political rights, but the exercise of civil rights – for instance, the freedom of speech and the right to own property – as well. As Marshall stated, if, for some reason, such as poor infrastructure in a particular area, some citizens do not receive an education – one of the rights of the social sphere – their right to the civil right of free speech means little.

The right to a fair trial in a court of law was likewise a valuable step forward in the granting of rights. Yet, even this right is not inalienable:

It would be absurd to contend that the civil rights enjoyed in the eighteenth and nineteenth centuries were free of defects, or that they were as egalitarian in practice as

they professed to be in principle. Equality before the law did not exist. The right was there, but the remedy might frequently prove to be out of reach (Marshall 1992, 22). Marshall contends that as social rights were extended, the inequality before the law was reduced. However, Marshall only considered white working men. While these rights undoubtedly became more uniform for them, the right of equality before the law did not always hold true for such groups as the unemployed, women, minorities or immigrants for whom the law was sometimes interpreted differently.

Today, while all individuals have to the right to bring suit, it is not clear that all have the material resources to do so or the educational background necessary for preparing them to do so. Likewise, it is clear that social standing continues to play an important role in the right to a fair trial; a wealthy man can hire expensive defense attorneys while a poor man must make do with a court-appointed defense attorney. In his discussions of the lesser access to rights of citizenship among what he has called the underclass, William Julius Wilson maintains that differences in social and civil rights remain. Despite the formal extension of all civil rights to African Americans in the 1960s, serious discrepancies in the exercise of rights still arise. Again, emphasis is placed upon social integration as a prerequisite for integration into the economic and political systems: "In short, the inner-city ghettos in large American cities feature a population, the underclass, whose primary predicament is joblessness reinforced by a growing social isolation" (Wilson 1994, 55). Poor social integration, primarily poor education, hinders the acquisition of gainful employment, while the exclusion from the labor force also perpetuates the lack of social integration, which in turn hinders the exercise of other civil rights. However, in the case of African-American males, another issue enters the picture, namely disenfranchisement because of felony convictions; it is estimated that approximately 13 percent of all African-

American males are disenfranchised (Cose 1999, 71). Thus, political rights can be restricted as well.

In the area of the rule of law, crime rates and incarceration rates are much higher among African Americans than among white Americans; is this a case of higher criminality or of differential treatment by the police? The right to bring a case to trial remains a civil right as well. However, few African Americans can be convinced to bring suit against powerful white Americans, for instance police officers who have handled them roughly, just as few women were, for a long time, unwilling to bring sexual harassment suits against male superiors. Although the civil right to equal treatment before the law exists in principle, it cannot be said to be equal for all in practice.

In the course of this discussion of formal versus substantive rights, it becomes clear why citizenship is regarded as an active category. The mere formal possession of rights which remain unused does not help to extend equality among classes and groups of individuals. Jürgen Habermas emphasizes the importance of active involvement as a step to ensure that the possession of the formal status of citizenship does indeed become the substantive status: "Legally guaranteed relations of recognition do not, however, reproduce themselves of their own accord, but rather require the cooperative efforts of the active praxis of citizens, something in which no one can be compelled to take part" (Habermas 1994, 26). Formal citizenship can be ascribed, but substantive must be acquired.

The Post-War and Postnational Rights Regime

In the post-war period, the migration regime shifted both in quantity and in quality. While previously, migration had often, although not always, represented a one-way migration to a new home, the large post-war migration represented a new type of recruited labor migration that was explicitly intended to support the families remaining at home, and was, furthermore, originally intended to be temporary, both by recruiting country and by recruited workers. In Europe, the recruited workers migrated from Turkey, south-eastern Europe (Yugoslavia) and southern Europe (Portugal, Spain, Italy and Greece) to Germany, France, Belgium, Great Britain, Switzerland and the Netherlands. This migration occurred between 1955 and 1973, at which point recruitment was stopped, but family unification was then permitted. By 1990, about 14 million non-citizens lived in these latter countries, ranging from about 16% of the population in Switzerland to just over 3% in Great Britain. In the Americas, post-war migration was largely represented by Central American, primarily Mexican, migration into the United States. The so-called guest-workers in Europe, rather than returning home after a few years' labor, as expected, have stayed in northern and central Europe, yet have not, in some cases, chosen to become citizens, or in other cases, are not eligible to become citizens.

As noted in Chapter One, many countries have a descent-based citizenship system, so that children of non-citizens remain non-citizens. In the wake of the permanent residence of the workers and their families, including the birth of their non-citizen children, a disparity of rights has arisen. While earlier, all residents were citizens, this state of affairs no longer holds true. The correspondence between the status of resident and that of citizen began breaking down. Not all residents are citizens, yet, these non-residents, in many cases, have begun to enjoy substantive

citizenship. Thus, a new element enters into the equation of formal and substantive citizenship. Despite lacking formal membership, non-citizen residents can nonetheless enjoy substantive citizenship.

Various steps have been taken internationally as well as nationally, largely in response to the widespread post-war migration, to provide for the substantive exercise of citizenship rights for non-citizen residents, thus evening out the inequality of rights between citizens and non-citizen residents. First, the introduction of clauses protecting civil rights in the Charter of the United Nations and the European Convention on Human Rights takes no notice of citizenship status, but refers only to what Yasemin Soysal calls "personhood:" simply on the basis of being a person, all persons are to be granted the same basic equality. Soysal notes that these substantive rights are granted independently of membership in national states, indeed, that "the logic of personhood supersedes the logic of national membership" (Soysal 1994, 164). Because these rights can be spoken of as having moved past the nation-state, she refers to these rights as "postnational," saying that "it is essential to recognize that national citizenship is no longer an adequate concept upon which to base a perceptive narrative of membership in the postwar era" (Soysal 1994, 167). While individual states also include basic human or civil rights in their constitutions, further solidifying the basis for equal treatment and access to rights, the supernational treaties now have the higher authority. A wide array of international treaties and agreements has created an international net of requirements for civil and social rights (Jacobson 1996). Second, the status of permanent resident now includes an even more extensive array of civil, social and – to some extent – political rights than provided in constitutions and treaties. Indeed, "[s]ince the new citizenship provides considerable protection to long-term (legal) foreign

residents, the advantages of full, formal citizenship are reduced" (Heisler and Schmitter Heisler 1991, 116). This "new citizenship" includes such an extensive array of rights that the acquisition of formal rights would result in an only marginal increase in value (Feldblum, 1997, 1998; Jacobson 1996; Schuck 1989; Soysal 1994). Tom Bottomore poses the question of whether it might be theoretically more useful to conceive of a different conceptual framework for examining membership and extension of rights:

We should therefore go on to consider whether the idea of citizenship now provides the most useful conceptual framework within which to examine the development of individual rights. The alternative would be to conceive a body of human rights which each individual should possess in any community in which he or she lives and/or works, regardless of national origins and formal citizenship (Bottomore 1992, 85).

Bottomore's argument is very similar to that of Yasemin Soysal, saying that individual-based rights regimes are more applicable to the postwar era than is the concept of single nation-states linked to single sets of citizenship rights. Indeed, not only human and civil rights – the rights to freedom, to free speech, to justice, to association and freedom of religion – are available to non-citizens, but an array of social and political rights are available as well. Bottomore's alternative conceptual framework can be expanded by two steps.

These substantive rights, now available to non-citizen residents either on the basis of their "personhood" or their permanent residence status, have shifted the concept of citizenship away from a pure belonging versus non-belonging dichotomy. While formerly legal, or formal, citizenship was the only reference point for the attribution of rights, we can now talk about a substantive citizenship, a status where the rights and privileges of citizenship are enjoyed for which the formal, legal status of citizen, i.e. passport holder, is not a necessary condition. The development of a significant non-citizen permanent resident population in Western Europe – in

Germany, the non-citizens make up approximately 10% of the population² – makes purely substantive citizenship a reality. While what I call a "purely substantive" citizenship is certainly supported by a range of laws and regulations, it is not defined by actual formal membership in the polity in the form of national citizenship. This distinction has become increasingly significant in recent research on immigration, citizenship and immigrant incorporation research. No longer is legal membership in a polity, as defined by citizenship status, the determining factor for inclusion in the polity. Indeed, as we will see below, it is often the case that substantive social integration plays a greater role in determining political activity.

What exactly is covered by the concept of "substantive rights?" While the rights for which citizens and permanent residents are eligible approach one another, they are granted on different legal bases. What differences remain between formal and substantive membership? While "formal membership may be required for certain components of substantive citizenship (e.g., voting in national elections), other components ... are independent of formal state-membership" (Brubaker 1992, 36-8, qtd. in Bottomore 1992, 66). Thus, while formal and substantive citizenship may have points of correspondence, they do not have identical categories.

The introduction of a purely substantive status has given rise to several new ways of thinking about citizenship, as represented below. One of the two main determining factors in our grid is citizenship. While national or state citizenship *per se* is, as we have seen, no longer the single determining factor for acquisition or exercise of rights, it remains a key determining factor in establishing what type of rights any given individual will enjoy, that is, whether formal or

² As of 31 December 1997, 7.4 million non-citizens lived in Germany, making up 9.3% of the German population (*Daten und Fakten...* 1998, 21).

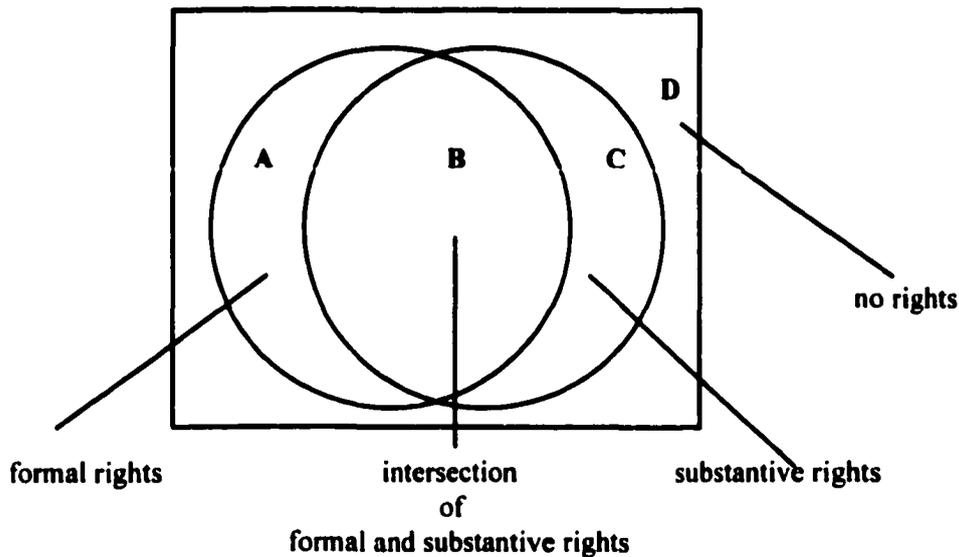
substantive. The second key element is participation or non-participation in the polity, which can also be called active or passive citizenship.

Table 6.1: Representation of formal and substantive citizenship

	Citizen	Non-Citizen
Non-Participatory (passive)	formal, not substantive (A)	not formal, not substantive (D)
Participatory (active)	formal, substantive (B)	not formal, substantive (C)

By active citizenship, I mean an interactive and engaged participation in social, economic and political institutions. Passive citizenship implies, correspondingly, the lack of participation in social, economic and political institutions in the country of residence. From this four-cell schema, we can see that the citizen remains potentially privileged over the non-citizen. Every citizen has formal rights; no non-citizens have formal rights of citizenship. All those who are active enjoy substantive citizenship, while all those who are passive do not. Thus, the burden rests upon both the non-citizens as well as the citizens to exercise actively their rights of citizenship, and to get the most out of their rights.

Diagrammatically, these four cells might best be portrayed as two overlapping circles with four areas identified. The intersection of formal and substantive rights gives rise to four categories of rights: formal only (A); substantive only (C); formal and substantive (B); neither formal nor substantive (D). These rights identified mesh with citizenship and social inclusion status. Formal rights are extended only to citizens; substantive (social and political) rights are acquired by those who are socially integrated.

Figure 6.1: The Intersection of Formal and Substantive Rights

Likewise, certain substantive rights are not available to all of those who possess formal rights. Those who, while being formal citizens, are socially marginalized will not have access to the same sorts of education, employment and other social opportunities as socially integrated individuals. It is hard to say what exactly falls into the intersection of formal and substantive rights, since the overlap is not universal. While even the socially marginalized citizens have access to welfare, some may be so discouraged as to reject applying for benefits. Likewise, as Marshall so astutely pointed out, the right to free speech means little if, through lack of education or ignorance of the common language spoken, there is nothing to say. Nonetheless, we can say that these two sets of rights do overlap, even if the exact elements of the overlap cannot consistently be determined.

There are almost no cases that belong to the fourth category, D. Theoretically, this category would include those migrants who are not citizens, do not possess a permanent

residence visa and are not privileged in any other legal manner – primarily illegal immigrants. However, the Californian referendum, Proposition 187, which would have placed restrictions upon illegal residents, was deemed to be unconstitutional on the basis that all children, even the children of illegal immigrants, have a right to education, and that any individual who needs emergency medical care, regardless of legal status, should be treated. Even in Germany, which exerts a great deal of effort in keeping illegal immigrants out and preventing unlicensed work (*Schwarzarbeit*), it is estimated that about 500,000 illegal immigrants live and work in Germany (Bade 1999). Thus, even those who would theoretically belong in this category move into – to some extent – category C. As we have seen, the once diametrically opposed categories of citizenship and non-citizenship are no longer placed in a dichotomous opposition, but the rights regime has moved into a continuum.

The Substantive Non-Formal Citizen

These rights, then, stand at the disposal of the non-citizen residents in Western Europe. Their exercise of these rights is described in a well-developed literature (Bauböck 1994; Feldblum 1997, 1998; Guiraudon 1998; Hammar 1990; Jacobson 1996; Layton-Henry 1990; Miller, 1981, 1989; Rex and Drury 1994; Schmitter 1980, 1981; Schmitter Heisler 1986; Schuck 1989; Soysal 1994) which discusses the extension of rights to non-citizens and their use of these rights. As is the case with formal citizens, it is the exercise of these substantive rights by non-citizens, rather than the mere availability of said rights, that has resulted in the shift from the era of nation-states to the so-called postnational era. When examining the exercise of substantive

rights by non-citizens, it is useful to return to T.H. Marshall's categorization of citizenship as three bundles of rights.

Civil Rights

Civil rights remains the first set of rights that non-citizens acquire, as Marshall posited in his work. The set of formal civil rights is, to draw once again upon Marshall,

composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice (Marshall 1992, 8),

or the most basic "personhood" rights, as noted above. Civil rights are, for the most part, daily rights which are enjoyed without substantial effort. The freedom of worship and the freedom of speech, for instance, are exercised every day in a number of different ways. As noted above, however, there is a difference between formal and substantive rights. While formal civil rights are granted to non-citizens on the basis of other rights systems, the ability to take advantage of these rights must still persist. To what extent do non-citizens exercise these rights?

As noted above, the attitude of the majority population has, to some extent, an impact on a minority's exercise of civil rights, for instance in a court of law. The attitude of indigenous Germans has been steadily improving toward non-citizens in Germany. Whereas in 1982, 39% of Germans thought Turks would "take away our jobs," by 1993 only 15% expressed this belief. Likewise, while in 1982, 20% believed that Turks were "not as intelligent as we are," this belief was given by only 8% in 1993 (Thränhardt 1996, 23). These attitudes of Germans toward Turks, the most numerous and the most visible minority group, show a distinct shift toward awareness of difference and acceptance. The percent of Germans who believe that "one can sometimes be

afraid of Turks" has likewise dropped from 31% in 1982 to 20% in 1993, showing a drop in the identification of negative concepts with foreigners. Meanwhile, the percent of Germans saying that one could learn something from Turks has risen from three percent to 12% (Noelle-Neumann 1998, 629). These figures suggest that the right to a fair trial – as a factor of the openness of the indigenous population – is more likely in today's Germany than in earlier years. Simple prejudice is no longer as likely to influence the process of a trial. The corollary to this statement is that the increasing negativity toward *Aussiedler* discussed in Chapter Five might negatively affect their right to a fair trial.

The freedom to practice whatever religion one wishes is perhaps not completely clear in Germany. While the Turkish population or, indeed, any other religious minority, can freely practice its religion, according to Article 1 of the Basic Law, Islam is not recognized as a so-called *Körperschaft des öffentlichen Rechts* (Corporation of Public Law). Three religions – Protestantism, Catholicism and Judaism – are recognized as such official religions in Germany, which means that these three religions then have the right to receive a tax (*Kirchensteuer*) from all those officially registered as church members as well as to have confession-specific religion classes in schools. Islam – so say the German authorities – is not one religion, but many religions who cannot agree on basic principles. If they were to agree on these principles, then they could become what amounts to an official religion.

Nonetheless, despite the lack of the official status, Muslims do not suffer any restrictions. The most visible sign of difference – the wearing of headscarves by Muslim women, as mandated by the Koran – is freely permitted and no controversy has arisen, such as was the case in France, where church and state are firmly divided. Furthermore, a decision was reached

in Berlin to offer Islamic religious instruction in the public schools, alongside the already existing religion classes, thus granting unofficial status to Islam. Additionally, a number of private afternoon schools offer the study of the Koran, where Turkish children are sent after the usual school day. We can conclude that, particularly for Muslims, the freedom to exercise religion is unrestrained. This freedom could be constrained either by government restrictions or by the community inability to pool its resources and construct places of worship, etc., but these situations are not the case in Germany. It is worth noting that some of the religious groups which have undergone a renaissance since the arrival of the *Aussiedler*, such as the Mennonites, also do not have the official *Körperschaft* status and, furthermore, do not possess the institutional strength of the Muslims to achieve any sort of national awareness.

Non-citizens, like Germans, have the right to own property – whether private or business – although only a minority exercise the right to own their own home, and the right to conclude valid contracts, an integral part of property ownership. In 1995, 90% of non-citizens lived in a rented apartment or house, with 6.5% owning either their own apartment or house (*Bericht der Beauftragten ... 1997*, 67). The figure of 6.5% represents a three-fold increase in non-citizen property ownership over 1980, so an upward trend is clearly seen. These figures contrast with the indigenous German rates of homeownership, namely 43% (*Bericht der Beauftragten ... 1997*, 67), whereby it must be noted that twice as many non-citizens live in the large metropolitan areas in the former West Germany as in rural areas, and cities have nearly three times as many non-citizens as do rural areas. In the new *Länder*, quite rural, the proportion of non-citizens in the population is only about 1.5 percent (*Bericht der Beauftragten ... 1997*, 23). Indeed, 48% of the non-citizen population lives in cities as opposed to 31% of the total population living in cities

(*Datenreport* 1998, 42). Thus, we see that the non-citizen population is concentrated in urban areas, whereas the indigenous German population is more evenly distributed. The opportunity to own a house, including the various incentives given to home-owners in Germany, are more easily taken advantage of in rural areas than in cities. The generally lower average income of non-citizens is also doubtless a factor in their low rate of home ownership. In 1995, 30% of non-citizens, compared to 45% of Germans, had a net income of over DM 4000, while 29% of non-citizens – compared to 21% of Germans – had to make do with between DM 1800 and DM 2500 per month (*Bericht der Beauftragten ...* 1997, 53). These differences are not so large as to speak of serious disadvantages, yet do speak of a potential role in lower home ownership among non-citizens. The lack of data concerning *Aussiedler* on both home ownership and net income makes any comparison here between *Aussiedler* and non-citizens impossible.

In the business sector, there are no data on actual business ownership, yet data on the self-employed can be found. The number of self-employed non-citizens among total self-employed has risen from 7.1% in 1991 to 12.1% in 1997 (Hillmann 1999, 271), of whom half had employees, suggesting small business ownership. Non-citizen small business owners are a visible presence in many German cities, particularly in Berlin, where non-citizen-run fruit and vegetable stores, grocery stores, restaurants and snackbars are on every corner. One study estimates that there are about 5,000 Turkish enterprises in Berlin alone, employing 20,000 workers. In the Kreuzberg district alone, it is estimated that one-third of all enterprises in the late 1980s were run by people of Turkish origin (Hillmann 1999, 272). About 5 to 10% of the Turkish businesses in Berlin are run by women; these women run hair salons, restaurants, travel agencies and businesses in the textile sector (Hillmann 1999, 276-77). These businesses are more

likely to employ non-citizens than they are to employ Germans, yet their suppliers and clients are more likely to be German than Turkish (Hillmann 1999, 277-279), showing an interaction between majority and minority society. Again, there are no data available concerning *Aussiedler* self-employed status, so a comparison is not possible.

One factor playing a leading role in furthering the extension of civil rights is the activity of the responsible government in promoting non-citizen integration. While the German government is just now realizing that it needs to spend more money and organization on *Aussiedler* integration, rather than less, the monies available for non-citizen integration from the Ministry for Labor and Social Order (BMA) increased at a great rate between 1968 and the early 1980s: from 1968 to 1985, the outlays for non-citizen integration jumped from 3.2 million DM to 89.7 million DM. Of the monies allocated in 1985, 50 million DM was ear-marked for language and vocational education ("Ausländer in Deutschland..." 1997, 23). The level of spending by the BMA has remained at approximately the same level – about 87 million – since then, with the same proportion of funding going to language and vocational education. As education, training and employment levels rise among non-citizens, they become more able to exercise the right to own property, and to have a reason to conclude valid contracts.

Some civil rights, such as freedom of speech, may be inhibited by the lack of an infrastructure among a migrant community or, in the majority community, the lack of language skills. The established nature of the Turkish community, who make up the largest single group of foreigners in Germany,¹ however, have a well-established network of newspapers, associations

¹Although the Turks are the largest group of foreigners in Germany, the *Aussiedler* from the former Soviet Union (entry 1989-1998) are a close second with 1.6 million, as pointed out by Rainer Münz.

and television channels and, most recently, an all-Turkish radio station in Berlin that simplifies reaching other members of the community. The capture of the Kurdish PKK leader, Abdullah Öcalan, in February 1999, and the well-coordinated response to this capture by Kurds resident in Europe, has shown quite clearly both the organization of the Kurds in Europe, and in particular in Germany, as well as the organization of the Turks in Germany who have responded in the media to the Kurdish demonstrations. The civil rights are being exercised.

While, due to the large numbers of Turks living in Germany, the Turkish media are most developed, other national groups in Germany also have access to their own media. The emergence of satellite television has greatly simplified the reception of television channels directly from Turkey, Italy, etc. Likewise, the access of the non-citizens to German media is growing. Language could be the largest stumbling block to this media, but the German abilities of non-citizens do not appear to be problematic: one 1996 survey found that nearly 30% of the non-citizens interviewed spoke, according to the interviewer, perfect German, another 36% spoke German very well, and 29% spoke sufficient German. Only 6.8% were judged to have little understanding (*Deutsch Lernen (K)ein Problem* 1997, 33). Thus, 63.9% of non-citizens speak either perfect or very good German. In another survey, between 86% and 94% of non-citizens stated that their German was sufficient for the work place. According to the interviewer, about half spoke either perfect or good German (*Bericht der Beauftragten ...* 1997, 151). These data compare positively to the 58% of *Aussiedler* who judged their own German to be very good or good (Buechel and Wagner 1995).

At the same time, however, one restriction, which has always been present, has emerged through the protests at the capture of Öcalan: permanent residents are only permitted to stay in

Germany if they do not undertake activities which are detrimental to the democratic nature of the German state. The German chancellor, Gerhard Schröder, made a public statement that any Kurds protesting violently against Öcalan's capture would be deported.

As noted earlier, integration into the social system, including education, plays a significant role in the exercise of civil rights. As Marshall observed, if lack of education limits what individuals have to say, the right to freedom of speech is of limited value. Likewise, while non-citizens have the right to own property, this right is meaningless without the capital to buy property. As we will see, however, education and level of employment have been steadily rising among non-citizens.

Social Rights

Education – a social right – is the most basic right which helps leads to the more in-depth exercise of civil rights, including freedom of speech and the right to justice. As we will see, educational advances among non-citizens are taking hold. Thus, the substantive exercise of these more elaborate civil rights – taking a case to court, for instance, rather than living with injustice – is more likely.

Defined by Marshall as "the whole range from the right to a modicum of economic welfare and security to the right to share in the full in the social heritage and to live the life of a civilised being according to standards prevailing in society" (Marshall 1992, 8), social rights for non-citizens have been expanded as the welfare system has been expanded and as non-citizen residents have gained in education.

In Germany, while the initial "guestworkers" were less educated than the average German, the educational level and professional standing of their children has been steadily rising. The initial "guestworkers" were recruited for low-level work in manufacturing, either unskilled or skilled, but not highly technical, an element which is often not adequately included in analyses of non-citizen educational attainment. The "guestworkers" were recruited for work in the 1950s for which not enough willing German workers could be found. Today, there are jobs which Germans regard as "foreigners" jobs, and ones which, even in a time of high unemployment, remain unfilled by Germans and non-citizens alike. Later migrants and their children, while not yet achieving the level of indigenous Germans, are increasingly moving away from these low-status and low-pay jobs, and are rising in status. If the educational attainments of the non-citizen children are seen as the achievements of the children of workers, rather than being placed in a direct comparison to Germans overall, the situation is more accurate. In this light, the attainments of the non-citizens are quite impressive. A steady improvement is shown in any case.

The German school system is a mixture of academic preparation and vocational training. The *Hauptschule* ends with the 10th grade and is the preparation either for further education, unskilled labor or other low-level jobs. The *Realschule* goes through the 11th grade and is the basis for apprenticeships in offices and trades, or can lead to further training at a technical school. The *Gymnasium*, finally, continues into a 13th year, and is the required prerequisite for college studies. The *Gesamtschule* is roughly parallel to the American-style high school, and the

Sonderschule is a "special school," originally intended for children with learning disabilities, and then used additionally for non-citizen children whose German abilities were shaky.⁴

Table 6.2: Non-Citizen School Attendance in (West) Berlin in the *Mittelstufe* (8th-10th grade)

	1987	1991	1994
Hauptschule	27.2	25.8%	24.7%
Realschule	18.5%	19.9%	20.9%
Gymnasium	18.8%	20.3%	21.1%
Gesamtschule	29.9%	28.7%	29.9%
Sonderschule	5.7%	4.7%	3.4%
	100%	100%	100%

Source: *Bericht zur Integrations- und Ausländerpolitik*, Senat von Berlin 1995, 11.

Of students in the 8th to 10th grades in Berlin, there has been a steady, if small, increase in the percentage of non-citizen students attending the *Gymnasium* and the *Realschule*, and at the same time, a decline in the percentage of non-citizens attending the *Hauptschule* and *Sonderschule*. The educational situation for non-citizens in Berlin is slightly better than in the rest of Germany. In 1994, of non-citizen pupils in all of Germany (excluding elementary school), 43.4% attended *Hauptschule*, 16.3% *Realschule* and 17.4% *Gymnasium*.⁵ Of 13-year-old German pupils in 1995, 30% attended *Hauptschule*, 23% *Realschule* and 31% *Gymnasium* (*Datenreport* 1998, 53), reflecting a higher attendance rate at *Hauptschule* and lower rate at *Gymnasium* for non-citizens.

One study in Northrhine-Westfalia, a *Land* with high migration of *Aussiedler* and with a high population of non-citizens, showed that non-citizens had higher educational attainment than *Aussiedler*: while 22.9% of all students attended *Gymnasium*, only 7.1%

⁴ I myself was placed in a *Sonderschule* during my first visit to Germany as an American professor's daughter. The teachers had little patience and did not take the business of teaching seriously. Luckily for me, I had resources to draw upon and left for another school. My classmates could not.

of *Aussiedler* children attended *Gymnasium*, in comparison with 10.8% of non-citizens.

Table 6.3: Attendance of *Aussiedler*, Non-Citizens and all Students in Northrhine-Westfalia

	All Students	<i>Aussiedler</i>	Non-Citizens
Elementary School	37.4%	39.0%	41.4%
Hauptschule	12.6%	27.6%	22.5%
Realschule	12.9%	14.2%	8.2%
<i>Gymnasium</i>	22.9%	7.1%	10.8%

Source: Dietz and Roll 1998, 66.

It must be noted that the decision to place a child in either the *Hauptschule*, *Realschule* or *Gymnasium* ultimately rests with the parents. Indigenous German parents, even those without higher education themselves, are well aware of the benefits of education and so are more likely to place their children in *Gymnasium*. Non-citizen and *Aussiedler* parents, on the other hand, are not as familiar with the German educational system and may even fear the "upper track" of *Gymnasium*. Thus, as the familiarity with the system increases, as those who have attended school in Germany send their own children to school in Germany, it is likely that *Gymnasium* attendance will increase for both *Aussiedler* and non-citizens. This supposition is borne out already in the higher attendance figures of non-citizens – many born in Germany – at the *Gymnasium* in comparison with the lower figures of *Aussiedler*.

The graduation rates among non-citizens and Germans show similar gaps. No data are available for *Aussiedler* on graduation rates. Three times as many German students achieved the diploma necessary for applying to university as did non-citizens. About 44% of non-citizen students achieved only a *Hauptschule* diploma, as compared to about a quarter of Germans. These data suggest that the general education level of the non-citizens remains below that of

⁵ Figures were calculated from other data (*In der Diskussion: Integration oder Ausgrenzung* 1997, 8).

Germans in general, yet there have been upward trends which are promising. Many non-citizens attend university; 7.6% of all students studying at universities in Germany in 1995/96 were non-citizens. The percentage of non-citizens at German universities – 7.6% – approaches the percentage of non-citizens in Germany in 1995 – 8.8% – suggesting a more equal educational attainment than expected (*Datenreport* 1998, 40).

Table 6.4: Graduation Rates

	Non-Citizens	Germans
No Diploma	20.8%	7.8%
Hauptschule Diploma	43.6%	25.6%
Realschule Diploma	26.6%	40.4%
Permission to Enter university	8.3%	25.4%
Permission to Enter Technical University	0.6%	0.8%
	99.9%	100%

Source: *Im Blickpunkt* 1995, 67

The inclusion in the social welfare system is also crucial for the exercise of social rights. Particularly in Germany, where workers have a relatively privileged position, the inclusion in the social system has taken on a new level of meaning. The inclusion in the social security system, including unemployment and retirement benefits, is one of the greatest steps taken toward including foreign workers in the complete socio-economic system. According to Soysal, in some countries, receiving welfare money may result in the loss of the right of residence. Germany, however, "has a preferential treatment agreement with Turkey, under which being unemployed or receiving welfare does not jeopardize Turkish migrants' resident status in Germany" (Soysal 1994, 124). That is to say, the Turks – as well as other non-citizens – are no longer merely workers, but are also a part of society. If they become unemployed, they need not have an insecure status, but can rely upon the social system, which is more developed in Germany than in Turkey. In short, in this respect, they are entitled to the same benefits as are citizens. Indeed, the

new citizenship proposal does not regard the reliance on welfare as grounds for non-naturalization.

A sub-section of social rights can be identified as "industrial rights," which include "the right to belong to a trade union, to participate in elections for trade-union offices, to participate in elections to companies' councils and the right to strike" (Layton-Henry 1990, 12). Layton-Henry points out that these rights are particularly important for labor migrants, who came to Germany, and other countries, specifically to work. Thus, their full inclusion in the labor market is an important step toward making them equal members in the society. As one citizenship theorist pointed out, "Citizenship means primarily social participation and integration and the best way to achieve this goal is to increase the level of labor participation, since work may be the most important integrating factor in society (van Steenbergen 1994, 5).

These industrial rights merge together with political rights in some ways. For instance, the right to strike certainly belongs under the rubric of industrial rights, but a large strike can have political ramifications as well. For instance, the workers' strike at the Cologne Ford plant in 1974 focused national and international attention on the situation of foreign workers. While this strike arose from the industrial right to strike, the outcome had definite political overtones.

However, the trade unions had already played a large role in furthering the rights of foreign workers, as for instance the equal pay and equal social security rights were assured from the mid-1950s on, the result of work by the trade unions (Vranken 1990, 57). By the 1960s, as the realization dawned that foreign workers and their families were becoming a permanent part of the German economy and society, the DGB (*Deutsche Gewerkschaftsbund*), the umbrella organization of all German unions, issued a publication stressing the importance of social

integration for the workers and their families, as well as granting more positions of authority to foreign workers, such as shop steward and places on works councils (*Betriebsräte*). Membership in unions among foreign workers is high – on average, rising to 35.8% in 1984 from 33.4% in 1980 of the total working population (Vranken 1990, 61). Compared to data which show the overall figure of work force participation in union to be 35%, this figure suggests that approximately the same percentage of non-citizens and Germans are members of unions (*Datenreport* 1998, 172). Nonetheless, the number of foreign workers in positions of leadership in the unions remained low: in IG Metall in 1979, foreigners made up 12.3% of the members, but only 7.4% of the mediators (Vranken 1990, 65).

Although a higher percentage of non-citizens are unemployed than are native Germans, the figure is still considerably lower than that of *Aussiedler* who have an official 30% unemployment rate. At the end of 1997, approximately 20% of non-citizens were unemployed as compared to an 11% general unemployment figure (*Daten und Fakten zur Ausländersituation* 1998, 49). Data from SOEP show that, for workers who have no completed apprenticeship, non-citizens are more often employed than Germans. These data suggest that this segment of the non-citizen population is more likely than is this segment of the German population to accept any employment. Just 40% of Germans with no completed training had a full-time job in 1995, while 50% of non-citizens were employed. Although the unemployment rate of 16% for non-citizens was twice as high as that of 8% for Germans, the rate of "not employed for other reasons" was considerably lower for non-citizens: 25% compared to 37% for Germans (*Datenreport* 1998, 482). Thus, more of the non-citizens of this segment were in the labor market than were Germans.

As noted, many of the original workers recruited to Germany were workers, either skilled or unskilled. While the second generation of non-citizens⁶ remains below the German rate, a significant improvement in status can be seen both over time for the original migrants and for their children. While in 1989, 64% of non-citizens were either skilled or semi-skilled workers, by 1995, only 27% of the second generation fell into these categories, with 42% falling into the category of employee. While the non-citizens do remain at a lower level than the Germans, the improvement in employment status is quite clear.

Table 6.5: Employment of Non-Citizens and Germans by Position

	1989	1991	1995
Non-Citizens			
Unskilled Worker	20	22	16
Semi-skilled Worker	44	40	39
Skilled Worker	23	24	23
Employees	9	11	18
Second Generation Non-Citizens			
Unskilled Worker	15	10	2
Semi-skilled Worker	35	33	25
Skilled Worker	28	33	30
Employees	22	22	42
Germans			
Unskilled Worker	4	3	3
Semi-skilled Worker	12	11	8
Skilled Worker	17	18	16
Employees	46	48	52

Source: *Datenreport* 1998, 580.

To cite Brubaker once again, "Clearly, citizenship status is not what matters most in the economic and social sphere. What really matters, as a determinant of the life chances of immigrants, is their position – all too often a weak one – in the labor market, the housing market, and the educational system" (Brubaker 1989, 146). Indeed, integration appears to be the crucial

⁶ The second generation was defined, for these data, as non-citizens maximally 25 years old who had

element determining success. As integration proceeds – which it appears to be doing, judging from the educational and employment data above – the "life chances" of non-citizens will no doubt increase.

Political Rights

While, as noted above, journalists and academics alike contend that the "taxation without representation" of the approximately ten percent of Germany's population who are non-citizens is undemocratic. However, this contention neglects a crucial aspect of citizenship. The allusion to no representation is generally made with reference to formal rights only, and substantive rights are overlooked. While the considerable civil and social rights to which non-citizen residents are entitled have been granted formally through the passage of laws, it is most particularly in the arena of political rights that the non-citizen residents have gone above and beyond the formal boundaries. It is in the political sphere that non-citizens have exercised substantive rights, sometimes even in excess of the exercise of these rights by citizens. Participation in organizations, the exercise of free speech and of association, and demonstrating and petitioning are all politically-motivated actions undertaken by non-citizens.

What exactly is representation? What is the benefit that the average citizen receives from his formal voting rights? Zig Layton-Henry asserts that "[t]he crucial element of political rights is the right to participate in the exercise of political power and the decision-making process" (Layton-Henry 1990, 11). This well-grounded assertion does not refer only to formal rights, but includes substantive rights as well. The emphasis here is on the outcome itself, namely influence,

attended a German school.

not the process to the outcome. Whether through formal or substantive, parliamentary or extra-legal rights, the result of the action taken is the crucial element. In many cases, non-citizens do exercise political power from the bottom up and undoubtedly play a role in the decision-making processes in various Western European countries, as in the case of the strike at the Cologne Ford plant mentioned above.

In the discussion of political rights, there is one distinction of which we must be cognizant, namely the distinction between European Union citizens and non-European Union citizens. The distinction between EU and non-EU citizens is crucial in one aspect, that of local voting rights. Citizens of other EU countries are permitted to vote in local elections and in the elections for the European Parliament. Included by T.H. Marshall in his identification of political institutions, local government councils can play a significant role. They are responsible for education, social services, welfare and a series of other duties (Layton-Henry 1990b, 190), all items affecting non-citizens as well as citizens, and, most importantly for non-citizens, naturalization is handled on the local level in Germany. Aside from the important aspects of society dealt with by local governments, the extension of even one level of the franchise has made the non-citizens part of the polity and, as such, they must be courted like any other voter. In this way, non-citizens become included in the representative process:

The extension of the local franchise means that local politicians, at least, will have to take account of the needs of denizens and ensure that they are treated in a fair and civilised way. It may draw foreign migrants into the local political process and become a precursor to naturalisation. It may also reduce native hostility to denizens because as voters they must be wooed by local parties, politicians and the media (Layton-Henry 1990b, 191).

The extension of just local voting rights could have a snowball effect, whereby local politicians, now answerable to their in part non-citizen constituency, take their appeal for policy implementation to the *Land* level.

Non-EU citizens do not have these rights. In 1990, the German *Länder* of Schleswig-Holstein and Hamburg attempted to introduce local voting rights for non-EU citizens who had lived in Germany for eight years or more. The provision of local voting rights for non-EU citizens was, however, declared unconstitutional by the Federal Constitutional Court (*Bundesverfassungsgericht*). However, local voting rights remained in place for EU citizens. Thus, when analysts speak of the lack of voting rights of non-citizens, they are generally referring to non-European Union citizens, of whom the largest group by far is composed of approximately 2 million Turks.

Thus, the discussion of participation for EU citizens and for non-EU citizens is a two-part one. As seen above, the EU citizens have certain rights and privileges that non-EU citizens do not. In the political sphere, the non-EU citizens have no formal political rights whatsoever. For these non-citizens, then, the exercise of substantive rights – or unconventional political action – becomes truly significant. In response to the concerns of those who fear that non-citizens are not represented in the polity, Virginie Guiraudon says

[p]erhaps one should not discount what James Scott has called the 'weapons of the weak' (1985): unorganized action outside the boundaries of institutionalized politics and other forms of group mobilization. They constitute an important tool for lower-status groups who need to counteract the greater resources of the mighty (Guiraudon 1998, 276).

Indeed, the extra-parliamentary or extra-legal dimension is where the non-citizens truly begin to exercise their substantive rights. In this dimension, the distinction between EU citizen and non-

EU citizen is not significant. Indeed, the distinction between citizen and non-citizen is not only blurred, it is absent altogether. As noted earlier, strikes are one medium of expression open, as are methods such as demonstrations, petitions, marches, public campaigns and joining with voluntary organizations. Tomas Hammar looks at the wide range of such extra-legal rights used by non-citizens and concludes that

In other words, denizens have in fact made use of political rights, which they formally have not possessed, and the political process has in this way become somewhat more representative than what might have been expected. This demonstrates a lack of realism in the line drawn between citizens with political rights on the one hand and foreign citizens without such rights on the other. Even with respect to political rights denizens have obtained a status between the two, through extraparliamentary opposition and through a gradual extension of their rights of opinion. (Hammar 1990, 139).

Hammar agrees with other theorists that citizenship is not the defining characteristic for participation in the political system. Far more crucial are such elements as integration into the civil and social spheres which, as we noted earlier, is proceeding apace. An individual must be employed at a certain level in order to participate in a (meaningful) strike, must be educated to some degree in order to join a public information campaign, and must be socially linked in order to participate in an organized demonstration or march. Indeed, even on a theoretical level, Barbalet emphasizes that "In the absence of the educational and economic resources required to exercise civil or legal and political rights citizenship remains empty for all practical purposes" (Barbalet 1988, 69).

As we have already seen in the areas of civil and social rights, the non-citizen residents of Germany (and the rest of Western Europe) exercise a certain number of rights, indeed, "Not everybody agrees either that migrant workers are a passive political force or that they are completely denuded of political rights" (Layton-Henry 1990, 20). Despite lacking the formal

right to vote, they find their way into influencing both domestic and international politics. A number of institutional measures aside from formal voting rights have also been taken to include non-citizens in the political sphere in Germany.

In part to replace the lack of representation before local voting rights were extended to EU citizens in 1994, *Ausländerbeiräte*, or foreigners' councils, were created. These councils were established as consultative institutions to establish the needs of non-citizens and to give them a forum to air political and social problems and issues. These are widespread, with 40% of local communities in 1983 having such a council (Andersen 1990, 116) at the local level. In 1995, nearly a third of all communes still had a *Beirat*, although the addition of local voting rights for EU citizens had just come into effect (*Bericht der Beauftragten...* 1997, 106). In 1995, however, only about a third of those non-citizens surveyed knew what the *Beirat* did, but of those, the majority thought of it positively, with 37% saying it improved the situation for non-citizens, another 33% stating that it improved understanding and 29% saying that it helped publicize the concerns of non-citizens (*Bericht der Beauftragten...* 1997, 106). At the *Land* and federal level in Germany, instead of *Beiräte*, there are *Ausländerbeauftragten*, or Commissioners of Foreigners' Affairs, an office which can be either very useful or merely a gesture in the right direction. Thus, although the *Beiräte*⁷ and the *Ausländerbeauftragten* are, for the most part, consultative institutions and not legally binding, the non-citizens are nonetheless represented.

In Berlin, the *Ausländerbeauftragte*, Barbara John, has been very active in encouraging naturalization, doing publicity work and calling for understanding and cooperation between

⁷The *Beiräte*, moreover, were used first – as noted in Chapter Four – for the post-war expellees. In this manner, the expellees were represented in addition to their voting rights. In the case of the non-citizens, the *Beiräte* replace voting rights.

Germans and non-citizens, and among non-citizens. Her work started in 1982 and can unequivocally be said to have been successful. The naturalization rate in Berlin is nearly seven times higher than in the rest of Germany. In 1992, 1.1% of the non-citizen population in Germany (37,042) naturalized, in contrast to 7.2% of the non-citizen population in Berlin (8,767). These data represent a 280% increase for German data from 1985, when 0.6% (13,266) of the non-citizen population in Germany naturalized, and an 890% increase in Berlin from the 1985 data, when 1.5% (984) of the population in Berlin naturalized (*Bericht zur Integrations...* 1995, 41). The great difference between the increase in Berlin's naturalization rate and in Germany's overall naturalization rate shows that the multi-lingual publicity work done by Frau John's office has been effective. Another 46,000 applications for naturalizations in Berlin are currently being processed. Naturalization generally takes about two years, a length of time which Frau John states is simply not acceptable (John 1999).

The right of political organization was explicitly guaranteed for labor migrants in Germany under Article 6 of the 1965 *Ausländergesetz* (Foreigners' Law), as long as the basic democratic order of the Federal Republic was not undermined by such organization. Thus, labor migrants could enjoy the rights of freedom of association and organization, but not those of formal political participation. While the 1965 Foreigners' Law includes this clause that could potentially serve as a brake upon foreigners' organization, it must be noted that the right of organization for Germans, as provided for in Article 9 of the Basic Law, also includes a clause that the organizations which "are directed against the constitutional order or are directed against the principles of international understanding are forbidden." This restriction is not directed exclusively at non-citizens. It must be noted, however, that a non-citizen who violates this

restriction can be deported whereas a German citizen cannot. However, this restriction does not seem to have hindered organization; there are nearly 200 Islamic cultural centers in Germany in addition to other self-help organizations, while Italians, Poles, Greeks and Yugoslavs have formed similar organizations in great numbers (Fijalkowski 1994, 127).

Conclusion

Non-citizen life in Germany is not at the same level of educational, professional or political attainment as the indigenous German. It is at a high level, however, and is improving steadily both within generations and from one generation to the next – the hallmark of immigrants. While the situation of non-citizens is not perfect, it is better than that of *Aussiedler*, whose passport is not a guarantee of integration into the polity or the society. Non-citizens have carved out niches for themselves in German society and – against all expectations – in the polity. Non-citizens "pay taxes, own businesses and homes, work in factories and in the service sector, receive welfare, rent government-subsidized apartments, and attend schools. They form political associations, join unions and political parties, organize protests, formulate platforms, and advance claims" (Soysal 1994, 166). In short, non-citizens are a part of every aspect of life in Germany, and are becoming more so. Citizenship is not a necessary factor for social and political organization and participation. But is citizenship a sufficient factor for such integration?

The Non-Substantive Formal Citizen: Devaluation of Citizenship

The case of the *Aussiedler* suggests that citizenship is neither a sufficient factor for integration into the society nor into the polity. The corollary to the substantive participation of non-citizens is the lack of substantive participation by a group of citizens. The implications for the specific polity, and for citizenship in general, are troublesome when a group of citizens, identifiable by some common aspect, do not participate in the polity beyond the minimum. This non-participation has a negative impact upon the concept of citizenship in general and reduces the value of citizenship in that particular nation-state. Indeed, "if democracy is rule [sic] by the people, as we and many others maintain, then the notion of political participation is at the center of the concept of the democratic state" (Kaase and Marsh 1979, 28). More disturbing than the formally disenfranchised in Germany, then, particularly for democratic theorists, are the *Aussiedler*. The *Aussiedler* may be formally full citizens, but are, more importantly for this discussion, German citizens who do not participate, who do not exercise their citizenship rights and who remain marginalized in the German polity and society.

The substantive exercise of rights by non-citizens has been said to contribute to the devaluation of citizenship in that many of the rights formerly available only to citizens are now much more widely available to non-citizens (Feldblum 1998; Jacobson 1996; Schuck 1989; Soysal 1994). This devaluation is further supported by the lack of exercise of substantive rights by the *Aussiedler*: if substantive rights are exercised with more vigor and result among non-citizen groups than among a citizen group, citizenship truly has less value. Non-citizens tend to be more integrated into the civil and social spheres than the *Aussiedler*, although *Aussiedler* are catching up. While Turkish self-help associations and organizations are more developed than

those of the *Aussiedler*, *Aussiedler* organizations are developing as well. However, while the non-citizen organizations seem to have developed for cultural or mobilization purposes, the *Aussiedler* groups are much more oriented toward problem-solving, as the integration process is growing more and more problematic.

The average monthly household income of non-citizens is higher than that of *Aussiedler*; the average non-citizen household earns a net income DM 3,800 per month, with an average family size of 2.8 persons. *Aussiedler* households, on the other hand, earn less with a net income of DM 3,400 per month, and have larger families, with an average of 3.5 persons (*Datenreport* 1998, 568; 575). More *Aussiedler* draw on welfare than do non-citizens, with 12.6% compared to 5.5 percent (*Datenreport* 1998, 575). Unemployment is higher among *Aussiedler* than among non-citizens. As noted above, non-citizen pupils have a somewhat higher educational attainment in Germany than do *Aussiedler* pupils. However, when adult *Aussiedler* are compared to adult non-citizens, *Aussiedler* have a slightly higher educational status: 70% of *Aussiedler* have a mid-level academic diploma when compared to 61% of non-citizens, and 45% of *Aussiedler* have a mid-level technical diploma, as compared to 36% of non-citizens (*Datenreport* 1998, 572). Nonetheless, the employment rate of non-citizens is higher – according to 1995 SOEP data, 53% of non-citizens were employed full-time, another 6% part-time. Only 44% of *Aussiedler*, on the other hand, had full-time employment, and another 8% part-time (*Datenreport* 1998, 573). Thus, it appears that the *Aussiedler's* higher educational level does not play a significant role in employment. For all *Aussiedler* migrating as adults, it must be noted that their education was completed in their countries of origin, which is, in many cases, neither accepted by government offices nor by employers. For non-citizens, however, while the overall educational level may be

lower, the education was in many cases completed in Germany, giving the non-citizens an advantage over the *Aussiedler*, both in language – non-citizens speak German better than do *Aussiedler* – and in training.

The new government's Commissioner for *Aussiedler* Affairs, Jochen Welt, has acknowledged the social marginalization of the *Aussiedler*, as well as their language and unemployment problems. For the first time, the *Aussiedler* are called upon to play a role in their own integration: "You must do your part. Speak German! ... Think about it: if you speak Russian here, how can you be recognized as German here? ... Do not form spatial and social ghettos!" (Welt 1999, 4-5). This acknowledgement will go a long way to solving the problems within the *Aussiedler* community.

The non-participation of the *Aussiedler* on the substantive level is not a new phenomenon. As was discussed earlier, there are groups of formal citizens in every society who do exercise the rights to which they are entitled. These are often groups which are economically underprivileged or suffer ethnic discrimination. The case of the *Aussiedler* is – with the exception of Israel – the only situation where a group of immigrants from the same ethnic group as the majority is to be included in the polity. As we have seen in Chapter Five, the *Aussiedler* do not exercise substantive rights nor even the full formal citizenship rights to which they are entitled.

Like inner-city African-Americans, as discussed by Wilson, *Aussiedler* simply do not have the economic or social resources to take advantage of the rights which are legally theirs. As we saw above, non-citizen residents enjoy in practice not only the rights which are theirs by right, but a significant amount of extra-legal rights as well, thus expanding their range of

substantive rights significantly. The *Aussiedler*, however, do not even fully take advantage of the rights which are theirs by law, let alone enter into extra-legal activities.

Civil Rights

As discussed earlier vis-à-vis non-citizens, every citizen and resident has claim to the same bundle of civil rights. However, these rights must be accompanied by language skills and education for the full exercise. The *Aussiedler* do not have the language skills to take full advantage of the rights to which they are entitled nor do they appear to have the trust in governmental institutions or in their own ability to influence the course of events: fifty-eight percent in my survey said they didn't think they had any influence over the government anyway. Language skills are the most important element in developing civil rights for the *Aussiedler*, indeed, for any group, and German language capability among entering *Aussiedler* has worsened during the 1990s. While the language tests required for entry have improved the situation somewhat, family members still do not need to take the test. As bi-national marriages have risen among *Aussiedler*, the number of purely Russian-speaking spouses and children has increased as well. Thus, the right to freedom of speech is only a formal right in the case of the *Aussiedler*. While the local-level Commissioners for Foreigners' Affairs are themselves often non-citizens or naturalized German citizens, thus granting them one more arena for publicity, the Commissioners for *Aussiedler* Affairs tend to be indigenous Germans, thus giving *Aussiedler* themselves little, if any, access to the public sphere.

The right to justice is a growing problem among the *Aussiedler* community. While the *Aussiedler* certainly have the formal right to a fair trial, the prejudices in the German society

against *Aussiedler*, particularly in areas with high concentrations of *Aussiedler*, are growing and are such that any *Aussiedler* youth, in particular, would be viewed as guilty long before any trial began. In terms of equal protection under the law, many *Aussiedler* are not familiar with the system in Germany, whereas non-citizens resident in Germany have a better chance of knowing the system. *Aussiedler* are often taken advantage of by people selling completely needless insurance, for instance, or other exploitative measures. Rarely, if ever, do they seek legal redress (Interview, 27 February 1997). While organizational networks appear to be developing in the *Aussiedler* community which would help inform *Aussiedler* and avoid such situations, these networks do not help those who have only recently arrived and are not yet integrated into any *Aussiedler* network of any sort.

The most significant restriction upon civil rights in the case of the *Aussiedler* is the restriction of the freedom of movement. The WoZuG limits the freedom of movement of *Aussiedler* drawing on social services. As noted, the unemployment rate, particularly in the first two years of residence in Germany, is very high for *Aussiedler*, while those on welfare and in language courses are not counted in unemployment figures, but are also affected by this law restricting freedom of movement. It is not an overestimate to say that well more than half of all *Aussiedler* are limited in this manner.

Social Rights

As noted above, education plays a significant role in the exercise of other rights. *Aussiedler* youth currently in school have a lower level of achievement than their peers, either indigenous German or non-citizen. Prognoses for the future of *Aussiedler* education are difficult

without data. Evidence suggests that those who arrive between the ages of 14 and 17 will have severe difficulty integrating. In Germany, the elementary school ends at age 10, at which point a choice must be made between *Hauptschule*, *Realschule* and *Gymnasium*, a decision which the parent may ultimately make. It is likely that *Aussiedler* parents, not familiar with the system, rest upon the recommendation of the teacher, which appears to often be *Hauptschule*. Thus, for all children who migrate at age 9 or older and speak little German, the chances of a higher school remain low. Those who are younger should integrate more easily and reach higher achievements. However, if, as suggested above, the parents, who have ultimate decision-making power for placement of children in *Hauptschule*, *Realschule* or *Gymnasium*, still do not understand the system or do not place emphasis upon education, it is likely that the situation will also not improve for the younger children.

The last aspect of social rights, namely participation in organizations and associations, is mixed in the *Aussiedler* case. A number of small self-help associations are emerging, and church membership appears to be relatively high. The issue of social isolation, however, remains very problematic, as noted by the new Commissioner of *Aussiedler* Affairs, in an address to *Aussiedler*: "Do not form ghettos!" (Welt 1999, 5). This problem must be addressed for the full enjoyment of social rights.

Political Rights

The *Aussiedler* are formal citizens. As such, they possess voting rights and the right to run for office. As persons, possessors of personhood, to draw upon Soysal, and residents in Germany, they are also eligible to participate in any of the many more substantive elements of

the political sphere, including parliamentary activities and extra-parliamentary ones. The *Aussiedler* do vote at a high level, but my research shows that *Aussiedler* do not participate beyond voting (47% had voted, and 68% said they would do so) and discussing issues with friends or colleagues, which 63% said they had done. Just 21% said they had attended a public discussion. Despite their voting participation, which appears to be slightly higher than the general voting rate in Germany, they remain, for the most part, isolated from political life in Germany. As Heisler and Schmitter Heisler have stated,

[a] narrow or even primary focus on participatory rights, particularly voting rights, overlooks crucial aspects of membership in the political community of the modern welfare democracy. Such a focus is, thus, inadequate and may mislead, since it often misses key relationships between the state and its members and among the latter (Heisler and Schmitter Heisler 1991, 95).

Heisler and Schmitter Heisler refer here to the substantive citizenship of non-citizens, but this concept is equally applicable to the *Aussiedler*. If we place our focus on voting rights, the *Aussiedler* are politically integrated. However, the Turks – less numerous in Germany than *Aussiedler*¹ – have a higher representation than the *Aussiedler* in the *Bundestag*, at the *Land* level and even on the local level, which is the only level where *Aussiedler* are represented. It is important to note here that, while there are two million Turkish non-German citizens in Germany, many of them were born in Germany and, thus, have a greater chance of being well-integrated into the socio-economic sphere and polity than do the newly-arrived *Aussiedler*. So, even though the *Aussiedler* exercise the right to vote, they do not exercise the passive voting right – the right to be elected. Furthermore, they do not, following Heisler and Schmitter Heisler,

¹About 2 million Turks live in Germany; about 2.6 *Aussiedler* have entered Germany since 1989.

exercise many other aspects of membership in the political community in a way that other minority and non-citizen groups in the Federal Republic do with demonstrations, strikes, etc.

Other similar cases do exist, with both the group-internal factors of low mobilization as well as group-external factors of prejudice playing a role:

A substantial citizenship, with full and equal rights and opportunities, does not automatically follow from a formal citizenship, and we might quote Britain as one example of this. New Commonwealth immigrants were early on recognized as British subjects, but formal membership in the state and even full political rights have not been enough to provide them guarantees against unequal treatment. Formal citizenship could not protect against discrimination, but it has removed one obstacle which in other countries effectively keep some residents out as non-members of the state (Hammar 1990, 3).

In the case of the *Aussiedler*, discrimination was not initially a problem, but has worsened over time. As noted earlier, while discrimination against non-citizens was originally higher than discrimination against *Aussiedler*, the data show that this gap is closing. Particularly in areas with a high *Aussiedler* concentration, the indigenous Germans as well as the non-citizens often harbor resentment against the *Aussiedler*, who have become a very noticeable Russian-speaking minority group in Germany.

We see from the case of the *Aussiedler*, or immigrant citizens, that Brubaker was correct when he said "[t]he possession of full political rights does not guarantee their effective exercise, particularly by groups poorly endowed with organizational and financial resources" (Brubaker 1989, 146). The *Aussiedler* are certainly "poorly endowed" with various resources and, as the analysis in Chapter Five showed, this lack of resources has played a role in hindering organization.

Conclusion

The case of the *Aussiedler* shows that formal citizenship is not the panacea for integration that immigration scholars sometimes hold it to be. Citizenship does not solve all problems; language acquisition, educational level and job training are more important for integration than is citizenship. As we have seen, non-citizen residents in Germany enjoy substantive rights above the level of the *Aussiedler*. Citizenship is not a factor. Formal citizenship retains two advantages in Germany: first, foreign spouses joining a German citizen in Germany receive a work permit immediately, while foreign spouses joining a German non-citizen resident must wait four years. Second, citizens cannot be deported, whereas non-citizens who are judged to endanger the democratic order in Germany may be. However, these differences are apparently not enough to encourage higher rates of naturalization; forty percent of the non-citizens in Germany have lived in Germany for more than fifteen years and thus have a right to naturalization,⁹ but the annual naturalization rate is one of the lowest in Europe at 1.1% of the foreign population.

Citizenship in Germany has undergone a shift in the post-war era. Citizenship is no longer the ticket which determines belonging and integration. In Germany today, non-citizens are socially and economically integrated, playing a role in the society and in the polity. We have seen that citizenship has not necessarily helped ease the integration of the *Aussiedler*, who are excluded both from the polity and from the society. The *Aussiedler*, furthermore, have not been treated equally by the German government, but have been subjected to a number of restrictions,

⁹ When the new law takes effect on 1 January 2000, requiring only 8 years' residence for a right to naturalization (the US requires 5 years' residence), 54% of the non-citizens will have a right to naturalization.

both in terms of civil and social rights. German citizenship is a different concept in the post-Cold War era than in the immediate post-war period, when granting the expellees citizenship was an all-important goal. The expellees exercised their citizenship rights; the *Aussiedler* have not.

CHAPTER SEVEN: CONCLUSION: The End of an Era

Introduction

German citizenship today, in the post-Cold War period, has a fundamentally different character than German citizenship in the immediate post-war period. The passage in May 1999 of what was hailed as a new citizenship law was not the sole representation of these changes, but was rather the culmination of a long process of formal and substantive shifts in citizenship. German citizenship has, in the post-war period, undergone a steady shift away from an ethnically-based formal citizenship and toward a code of membership based upon social integration.

This dissertation has shown, first, that German citizenship, while clearly adding ethnicity as a determining factor for one means of citizenship acquisition – though only as one special case, that of the expellees and the *Aussiedler* – at the end of World War II, has since shifted away from ethnicity. Second, this dissertation has demonstrated that German citizenship is not the exclusive status so often described by critics of Germany. Both on a substantive basis and on the basis of access to formal citizenship, post-war Germany is marked by an inclusive polity and society.

The Decreasing Importance of Ethnicity and Increasing Relevance of Activity

The departure of ethnicity from German citizenship has not left a void behind, but has been replaced by a more individual-level basis for inclusion, both in the sense of political and social integration and of language knowledge and communication. The post-war inclusiveness on the basis of ethnicity was accompanied by activity on the part of the expellees, marking their

complete inclusion in the German polity and society. However, the formal inclusion of *Aussiedler* has not been accompanied by any substantial political or social activity on their part. Indeed, as been shown, the *Aussiedler* have remained marginalized in their new home. At the same time, non-citizens have been shown to be full citizens in substantive terms.

An analysis of legal texts – of laws, guidelines and the reasoning (*Begründung*) behind laws – left a paper trail of the actions of the German government, showing the introduction of *Volkszugehörigkeit* in German citizenship regulations. While the ethno-cultural concept of German citizenship did exist before World War II, it did not play as central a role in this explicit addition of ethnicity into German citizenship as did the Cold War and ideological considerations stemming from the Cold War.

Likewise, an analysis of post-Cold War legal texts shows a trend toward less emphasis placed upon ethnicity as well as an increasing tendency to treat *Aussiedler* as an independent group, not as Germans among Germans. Indeed, several laws in particular highlight this tendency: the WoZuG restricts the freedom of movement for *Aussiedler*, while the 40% cut in pensions represents a recognition that *Aussiedler* are immigrant citizens, not only German citizens. Governmental decrees and court decisions play a role as well; the November 1996 Federal Administrative Court decision that German language competence must be present for *Aussiedler* status and the introduction in Summer 1996 of language tests require potential *Aussiedler* to speak German. It can be argued that these language tests are testing for Germanness, as required by the KfbG, yet the fact remains that these tests were introduced once it became clear that poor German language skills were hindering the integration of the post-Cold War *Aussiedler*. These tests ensure that those *Aussiedler* entering Germany speak German to

some extent, thus lessening the burden upon Germany to take up the slack in language instruction. I have argued that the introduction of these language tests represents a shift from language-as-identity to language-as-communication. I believe I have shown that there has been a clear shift away from ethnicity at the end of the Cold War, with an increasing reliance on other factors for admission, such as language. Meanwhile, *Aussiedler* are increasingly being treated differently from other German citizens, in a distinct contrast to the emphasis placed upon equal treatment for the expellees.

Not only have the laws themselves been changed, but the underlying attitudes have shifted as well. Whereas the expellees were present in the post-war government, and played a role in the passage of the BVFG, which ultimately governed every aspect of the expellees' integration, the *Aussiedler* have been treated by the government as a passive minority. There has been no inclusion of *Aussiedler* in the decision-making process at any level; no *Aussiedler* were consulted about the passage of the WoZuG, for instance, the most significant law affecting integration. The KfbG, the law with the most impact on admission, was passed on Tuesday, 22 December 1992, late at night, to take effect 1 January 1993, and was the last act of the *Bundestag* before the Christmas break. No newspapers would be published until Monday, 28 December 1992, just three days before the law went into effect. The purpose of the short span of time between passage and the law taking effect can only have been to exclude *Aussiedler* in Germany from protesting and potential *Aussiedler* in Poland or Romania, henceforth excluded from admission, from storming the border.

Parliamentary debates reveal as well that the expellees and *Aussiedler* have been treated in very different ways; the expellees were welcomed as equals while the *Aussiedler* have been

grudgingly accepted as a responsibility stemming from World War II. This responsibility is reflected in the name of the law, the *Kriegsfolgenbereinigungsgesetz*, which was seen as the final law concluding *Aussiedler* legislation: The Law Dealing with the Consequences of the War, or, more literally, the Law Cleaning up the Results of the War. In the post-war *Bundestag*, concern was expressed that the expellees have a political voice both in the process of passing an expellees' law as well as in the everyday government; the *Aussiedler* have not even been consulted about laws and decisions affecting aspects of their social sphere, let alone general political decisions. While means were expressly taken to include all expellees equally in the German society and polity, the post-Cold War efforts appear to have been aimed at keeping as many *Aussiedler* out of Germany as possible. Ensuring equality for *Aussiedler* has not been an issue; the primary issues has been taking steps to ensure that *Aussiedler* are not overly privileged. The shift from willing inclusion of co-ethnic migrants to the obligation of including co-ethnic migrants on the part of the government is clear.

No democratic state can make unilateral decisions; the populace must always play some role in the process. The case of the *Aussiedler* is no exception. Both the post-war expellees and the post-Cold War *Aussiedler* entered an overburdened state; post-war Germany was rebuilding an economy and creating a state, while post-Cold War Germany had other migrant flows (asylum-seekers, *Übersiedler*) to integrate and unification to finance. The post-war expellees were not welcomed with open arms by the indigenous German population; they were seen as Nazi sympathizers and seen as a burden upon the population. However, while the expellees were accepted with suspicion, with an eye toward their presumptive Nazi background, their Germanness and the necessity of accepting them never came into question. The *Aussiedler*

entering during the height of the Cold War were likewise accepted without hesitation. They were neither suspected of a Nazi past nor were they accused of exploiting the German state. The ideological considerations of taking in refugees from Communism were paramount.

Aussiedler today, however, are seen as economic refugees, as people taking advantage of a policy hearkening back to the Nazi period, rather than as Germans who have been persecuted precisely because of their Germanness. Fewer and fewer indigenous Germans see them as Germans, and more and more see them on a level with non-citizens and asylum-seekers. During the Cold War, even if the policy was not popular, there was a clearly defined reason for *Aussiedler* migration – the flight from Communism. Today, there is no clearly defined basis for the migration, leading to a general dislike of the policy. Earlier, with the expellees and the Cold War era *Aussiedler*, integration proceeded more smoothly. Today, as integration is a slow and rocky process, and problems such as crime, drugs, and prostitution have emerged among the young *Aussiedler*, the general consensus toward *Aussiedler* has become even more negative.

Attitudes and behavior of both the government and the indigenous Germans toward co-ethnic migrants in Germany have shifted in the post-war era. Whereas the expellees and Cold War *Aussiedler* were accepted with more or less enthusiasm by the government, politicians and the population, post-Cold War *Aussiedler*, on the other hand, have clearly not been granted the same level of acceptance. The laws passed since the end of the Cold War are designed to stop *Aussiedler* migration and give less emphasis to integration. The political rhetoric surrounding the admission regulations shows a lesser willingness to accept the *Aussiedler* as well. Finally, the German population – including non-citizens – has turned away from the *Aussiedler*, rejecting their claim to be German.

As noted above, the *Aussiedler* are in stark contrast to the expellees in their lack of participation. The shift from the participation of the post-war expellees to the non-participation of the *Aussiedler*, along with the substantive participation of the non-citizen residents in Germany, shows clearly that formal citizenship no longer has the significance it once did. Formal citizenship no longer guarantees equal rights, if indeed it ever did.

How important is a perceived feeling of belonging for participation? Have the shifts in attitudes, both within the government and among the population, toward *Aussiedler* had an impact upon their lack of participation? The expellees responded to their positive welcome by becoming – and remaining – full members of society. The *Aussiedler*, on the other hand, can also be said to have responded to the welcome they have received – by withdrawing and remaining as inconspicuous as possible. The eastward expansion of the EU might have a similar effect on those Eastern Europeans living in Germany. Currently regarded as somewhat inferior to Western Europeans, Eastern Europeans would gain a sense of belonging through the eastward expansion of the EU, which could very well play out into increased social status. The further deepening and broadening of the EU will not only undoubtedly continue to affect the inclusion of non-citizens throughout Europe, but it has also already had a considerable influence on German citizenship policy.

The Future of German Citizenship and *Aussiedler* Policy

Rather than being a representation of nationalism in Germany, the *Aussiedler* policy exemplifies a policy driven by political considerations. While the post-war considerations have faded in importance in Germany, as reflected in the decreasing importance placed upon the

Aussiedler policy, new factors have arisen in their place, in turn affecting German citizenship. The development of the European Union brings with it a host of interlinked policies and practices. While this dissertation has addressed issues of European citizenship in the sense of citizenship practices that apply in all Western European nation-states, we can also speak of the future of a Europe-wide citizenship, namely formal belonging in the European Union. All citizens of any member state of the EU are already European Union citizens, and are entitled to an array of rights in other member states, but a pure EU citizenship has not yet been created. This means that non-citizen residents in Germany are not treated as Germans when they wish to travel to France or Spain, but as Turks or Romanians or Moroccans and must endure the same visa procedure as those Turks, Romanians and Moroccans still living in their countries of origin. A truly unified European citizenship will remove these last disparities between citizens and non-citizens within the European Union. Meanwhile, for *Aussiedler* who migrate to Germany, a member state of the European Union, when they acquire the formal German citizenship, they have become members of the European Union. In this sense, too, the *Aussiedler* policy has been overtaken by history; it is no longer only Germany which welcomes the *Aussiedler*, but the European Union.

Particularly given the development of the European Union, what is the future of such country-specific policies such as the *Aussiedler* policy? As the states of the European Union have moved closer together, *Aussiedler* migration has been restricted, although this restriction has not been linked directly to European Union membership. The EU control over migration is ambiguous, says Rey Koslowski: "EU regulation of migration can be characterized as not quite that of a federation but also more than that of an international regime" (Koslowski 1998, 179). It

may be that restricting specialized migrations will be one of the hallmarks of the development of the European Union. Indeed, over the years, the 1992 KfbG essentially restricted *Aussiedler* migration to the former Soviet Union, while the language test with no fixed questions ensures that the flow can be stopped at any time with no change in law. The end of *Aussiedler* policy is already set: after 2010, no one born after 1993 can enter Germany as an *Aussiedler* himself. The KfbG was also accompanied by a substantial policy to provide other options to ethnic Germans in the former Soviet Union. The previous German government hoped to convince ethnic Germans that they have a future in the former Soviet Union. Entry to Germany has been made more difficult, while so-called "islands of hope," or German communities, were developed in the former Soviet Union in the mid-1990s. While joint Kazakh- and Russian-German (financially supported by the German government) attempts were made in Kazakhstan and Siberia to establish cultural resources such as German-language schools and newspapers, these were viewed with great suspicion by the *Aussiedler*, who would have preferred to have that money spent on their integration into Germany (Interviews, Winter 1996 and Spring 1997). The SPD government elected in 1998 cut back on the funding of such projects in the former Soviet Union and, in 1999, appeared likely to eliminate all such funding. For all intents and purposes acknowledging that substantive citizenship is more important than formal citizenship, the SPD government turned its funding toward providing a basis for the substantive integration of the *Aussiedler* in Germany.

Issues for Further Research: Comparative Cases

While the numbers of *Aussiedler* migration have gone down in recent years, and are expected to continue sinking, the integration of the 2.6 million post-Cold War *Aussiedler* is by no means completed, but will remain an issue for many years to come. One of the most interesting issues for further research would be a large-scale panel survey of *Aussiedler* political orientation and participation. If the *Aussiedler* migration continues at its current rate for just another four years, as it is expected to do, this migration will constitute over 3 million new citizens, representing a significant single group of voters. Israel already collects data on the voter activity of its post-Cold War Russian Jewish migrants. These data reflect high political participation and bloc voting. A comparison of these two groups in terms of participation and orientation would be a second project to be undertaken. Finally, a third subject which would be valuable for immigration and citizenship literature would be a comparison of the integration processes of several post-Cold War migrations: *Aussiedler*, Russian Jews in Israel, Finns from the former Soviet Union in Finland and Greeks from the former Soviet Union in Greece. A study of integration success compared to benefits received would be most informative. To what degree do monetary benefits aid integration? Job retraining? Language courses? Attitude of the migrants? Attitude of indigenous residents? Formal citizenship rights?

A comparative study of the successful or failed integration of groups such as *Aussiedler* or Russian Jews migrating to Israel would help identify which benefits granted to “immigrant citizens” are crucial for successful integration in the society and polity. Migration will become a more important global phenomenon in the 21st century, not a less important one. Successful integration will be crucial as migration among nation-states increases. In an attempt to determine

what elements are important for integration, further studies, both theoretical and empirical, on "immigrant citizens" in various nation-states would be helpful. The importance of formal citizenship for integration is disputed in any case, and comparative studies of immigration and citizenship will shed further light on other aspects of integration, providing insight for non-privileged migrant immigration and integration. A well-integrated immigrant population is a more valuable asset to any state than a poorly-integrated one.

Another important project would be to investigate the bases for such privileged migration programs. For instance, both Germany and Israel developed laws providing privileged migration in the wake of World War II. The Israeli law "is generally regarded as a fundamental principle of the State of Israel, possibly even its very *raison d'être* as a Jewish state" (Kretzmer 1990, 36). All Jews may emigrate to Israel, where they are assured citizenship and other preferential treatment. Both the Israeli and the German laws arose out of a wish to provide protection and a homeland for those suffering ethnically-based discrimination.

The 1953 BVFG is, however, not a cornerstone of the German nation-state. It was developed primarily in response to a key domestic pressure group, the expellees, and external geopolitical realities. The German sense of ethno-nationalism was doubtless a part of the package, but was not the primary determinant for the development of the Law. When Israel was founded as a state in 1948, it was on a religious and national basis. Israel was, furthermore, established specifically as a Jewish state: "the basic symbols of the state: its name, flag, anthem and political rituals were all emphatically Jewish national symbols" (Cohen 1989, 69). It was, therefore, quite natural that Israel should, as one of its first acts, enable all Jews to emigrate to Israel. Hebrew, "which became the cultural common denominator in the Yishuv and in Israel"

(Horowitz and Lissak 1989, 6), was put in place as a national language, an ideologically-motivated move. In place of a constitution, Israel enacted three so-called fundamental laws:

The Law of Return gives all Jews the right to settle in Israel. The Law of Citizenship states the requirements for citizenship. The World Zionist Organization/Jewish Agency (Status) Law authorizes the World Zionist Organization to carry out the central task of the state, specified as "gathering in the exiles" (Tekiner 1991, 48).

The Law of Return was to be used specifically "so as to pursue the traditional goals of Zionism: promotion of Jewish immigration and ownership of land" (Kretzmer 1990, 35). In Germany, on the other hand, the anti-Communist ideological basis of the *Aussiedler* policy is clear. Both Israel and Germany experienced quite high post-Cold War migration, with Israel taking in over one million and Germany 2.6 million. In Israel, where these migrants make up about one-fifth of the population, there have been no restrictions placed upon entry. In Germany, however, entry has been severely restricted. These contrasting reactions to high migration show the different bases for the policies.

Other cases of ethnically privileged migration exist as well. Finland and Greece have experienced post-Cold War waves of co-ethnic migrants from the former Soviet Union similar to those of Germany and Israel, and likewise provide benefits and easier access to citizenship. In other, non-Cold War-related migrations, Japan, traditionally a country unwelcoming of outsiders, has recently introduced privileged entry for *nikkei*, foreigners of Japanese descent. *Nikkei*, primarily Brazilian Japanese, can take advantage of simplified procedures for acquiring work permits in Japan. Ireland, France, Hungary and Italy also all provide privileges of varying degrees to co-ethnics, ranging from language courses and integration benefits to work permits and easier access to citizenship rights.

Conclusion

The case of *Aussiedler* migration can not only be used to make important statements about German citizenship, but could also be the basis for a series of studies on immigration, ethnically- or religiously-privileged migration and citizenship in the European Union. A case study that offers a unique view on European citizenship, the *Aussiedler* policy will soon be as forgotten a remnant of the Cold War as the Berlin Wall. Its implications for German citizenship and the self-identity of Germans, however, is timeless.

APPENDIX

A. Survey Information

The survey I conducted for this dissertation was an interview of closed-ended questions administered to 22 Aussiedler living in Berlin. Interviews started in March 1997 and were completed by June 1997. Each lasted between 60 minutes and 90 minutes. The first wave of Aussiedler was selected by approaching social workers in various counseling stations. A second wave was selected upon recommendation of the first group of Aussiedler. Fifteen came from the former Soviet Union; two from Romania and five from Poland. The language of the survey was German. I conducted all of the surveys.

Additionally, during 1996 and 1997, I talked with four Aussiedler families (one from Romania, three from the former Soviet Union) on several occasions. I interviewed fourteen counselors or social workers and eleven civil servants and politicians.

B. Abbreviations

AAG	Aussiedleraufnahmegesetz (<i>Aussiedler</i> Acceptance Law)
AFG	Arbeitsförderungsgesetz (Work Promotion Law)
AuslG	Ausländergesetz (Foreigners' Law)
BHE	Bund der Heimatvertriebenen und Entrechteten (The Organization of those Expelled from their Homes and Deprived of their Rights)
BVFG	Bundesvertriebenen- Und Flüchtlingsgesetz (Federal Expellees and Refugees Law)
FRG	Fremdrentengesetz (Foreign Pension Law)
KfbG	Kriegsfolgenbereinigungsgesetz (Law Dealing with the Consequences of the War)
LAG	Lastenausgleichsgesetz (Equalization of Burdens Law)
RuStaG	Reichs- und Staatsangehörigkeitsgesetz (Imperial and State Citizenship Law)
SHG	Soforthilfegesetz (Immediate Help Law)
StaG	Staatsangehörigkeitsgesetz (Citizenship Law)
StaReg	Gesetz zur Regelung von Fragen der Staatsangehörigkeit (Law for the Regulation of Questions of Citizenship)
WoZuG	Wohnortzuweisungsgesetz (Residence Assignment Law)

C. Table and Figures

Table A.1: *Aussiedler* Migration 1950-1998

	(former) SU	Poland	Romania	USSR/PL/RO	Other	Total
1950	0	31,761	13	31,774	15,723	47,497
1951	1,721	10,761	1,031	13,513	11,252	24,765
1952	63	194	26	283	13,086	13,369
1953	0	147	15	162	15,248	15,410
1954	18	664	8	690	14,734	15,424
1955	154	860	44	1,058	14,730	15,788
1956	1,016	15,674	176	16,866	14,479	31,345
1957	923	98,290	384	99,597	12,349	111,946
1958	4,122	117,550	1,383	123,055	9,173	132,228
1959	5,563	16,252	374	22,189	6,261	28,450
1960	3,272	7,739	2,124	13,135	6,034	19,169
1961	345	9,303	3,303	12,951	4,210	17,161
1962	894	9,657	1,675	12,226	4,189	16,415
1963	209	9,522	1,321	11,052	4,431	15,483
1964	234	13,611	818	14,663	6,179	20,842
1965	366	14,644	2,715	17,725	6,617	24,342
1966	1,245	17,315	609	19,169	9,024	28,193
1967	1,092	10,856	440	12,388	14,087	26,475
1968	598	8,435	614	9,647	13,750	23,397
1969	316	9,536	2,675	12,527	17,512	30,039
1970	342	5,624	6,519	12,485	6,959	19,444
1971	1,145	25,241	2,848	29,234	4,403	33,637
1972	3,420	13,482	4,374	21,276	2,619	23,895
1973	4,493	8,903	7,577	20,973	2,090	23,063
1974	6,541	7,825	8,484	22,850	1,657	24,507
1975	5,985	7,040	5,077	18,102	1,555	19,657
1976	9,704	29,364	3,766	42,834	1,568	44,402
1977	9,274	32,857	10,989	53,120	1,131	54,251
1978	8,455	36,102	12,120	56,677	1,446	58,123
1979	7,226	36,274	9,663	53,163	1,724	54,887
1980	6,954	26,637	15,767	49,358	2,713	52,071
1981	3,773	50,983	12,031	66,787	2,668	69,455
1982	2,071	30,355	12,972	45,398	2,772	48,170
1983	1,447	19,121	15,501	36,069	1,856	37,925
1984	913	17,455	16,553	34,921	1,856	36,459
1985	460	22,075	14,924	37,459	1,509	38,968
1986	753	27,188	13,130	41,071	1,717	42,788
1950-1986	95,107	799,297	192,043	1,086,447	252,993	1,339,440

	Soviet Union	Poland	Romania	USSR/PL/RO	Other	Total
1987	14,488	48,423	13,994	76,905	1,618	78,523
1988	47,572	140,226	12,902	200,700	1,973	202,673
1989	98,134	250,340	23,387	371,861	5,194	377,055
1990	147,950	133,872	111,150	392,972	4,083	397,055
1991	147,320	40,129	32,178	219,627	2,368	221,995
1992	195,576	17,742	16,146	229,464	1,101	230,565
1993	207,347	5,431	5,811	218,589	299	218,888
1994	213,214	2,440	6,615	222,269	322	222,591
1995	209,409	1,677	6,519	217,605	293	217,898
1996	172,181	1,175	4,284	177,640	111	177,751
1997	131,895	687	1,777	134,359	60	134,419
1998	101,550	488	1,005	103,043	37	103,080
1999 (est.)	78,614	282	612	79,508	8	79,516
Total						
1987-1999	1,765,250	642,912	236,380	2,565,928	17,467	2,662,009
Total						
1950-1999	1,860,357	1,442,209	428,423	3,730,989	270,460	4,001,449

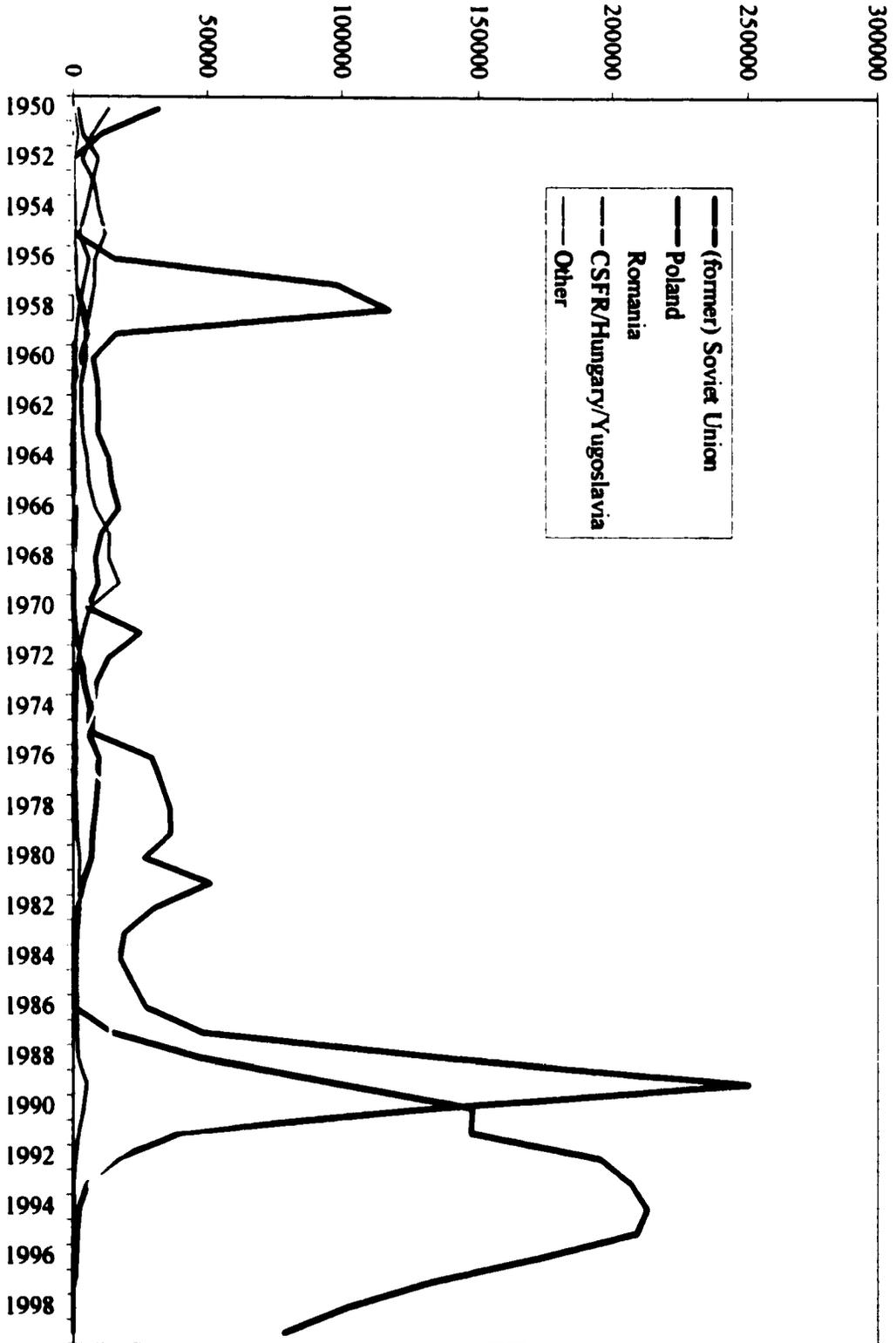


Figure A.1: Ausiedler Migration by Country of Origin 1950-1999

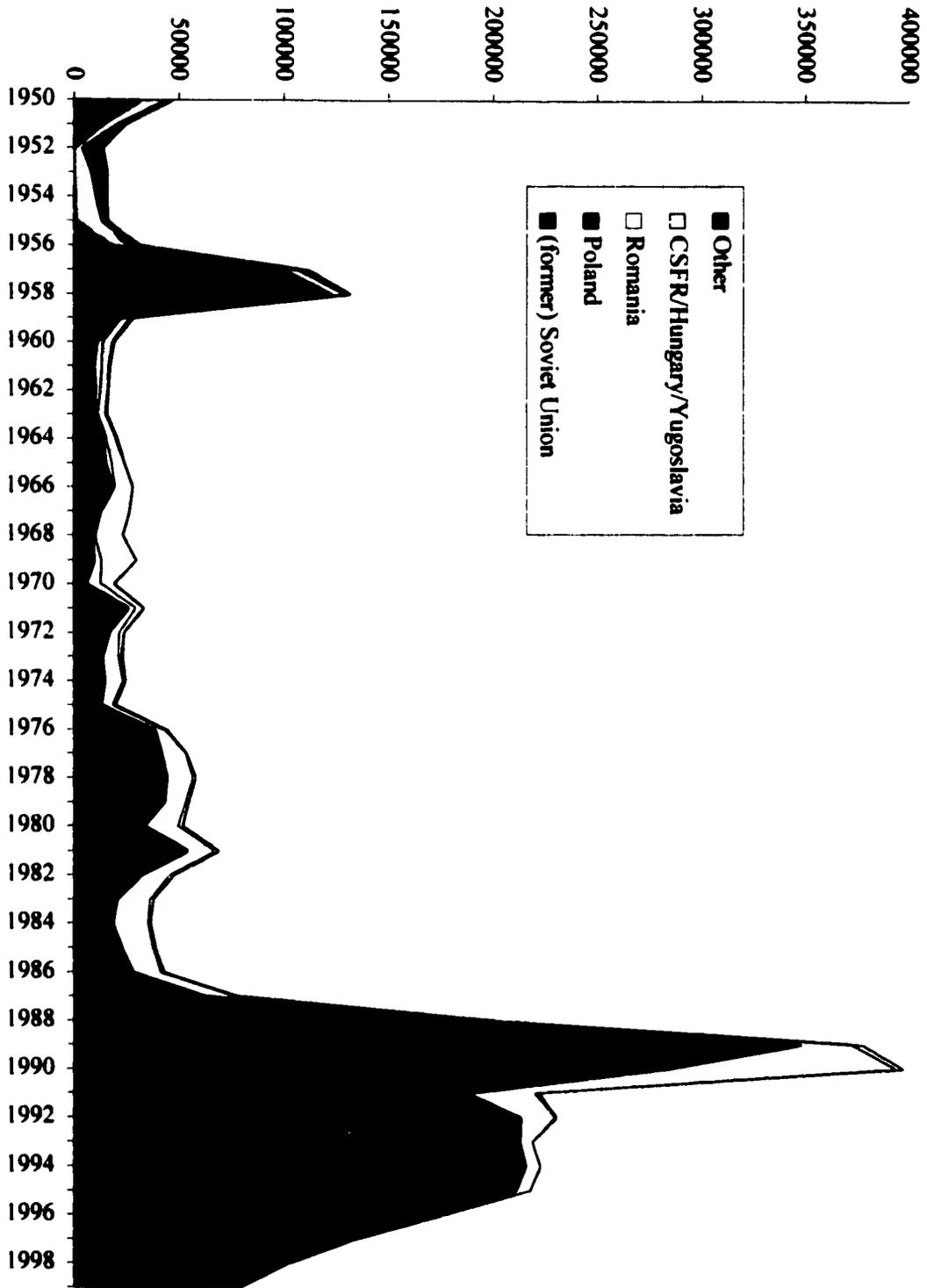
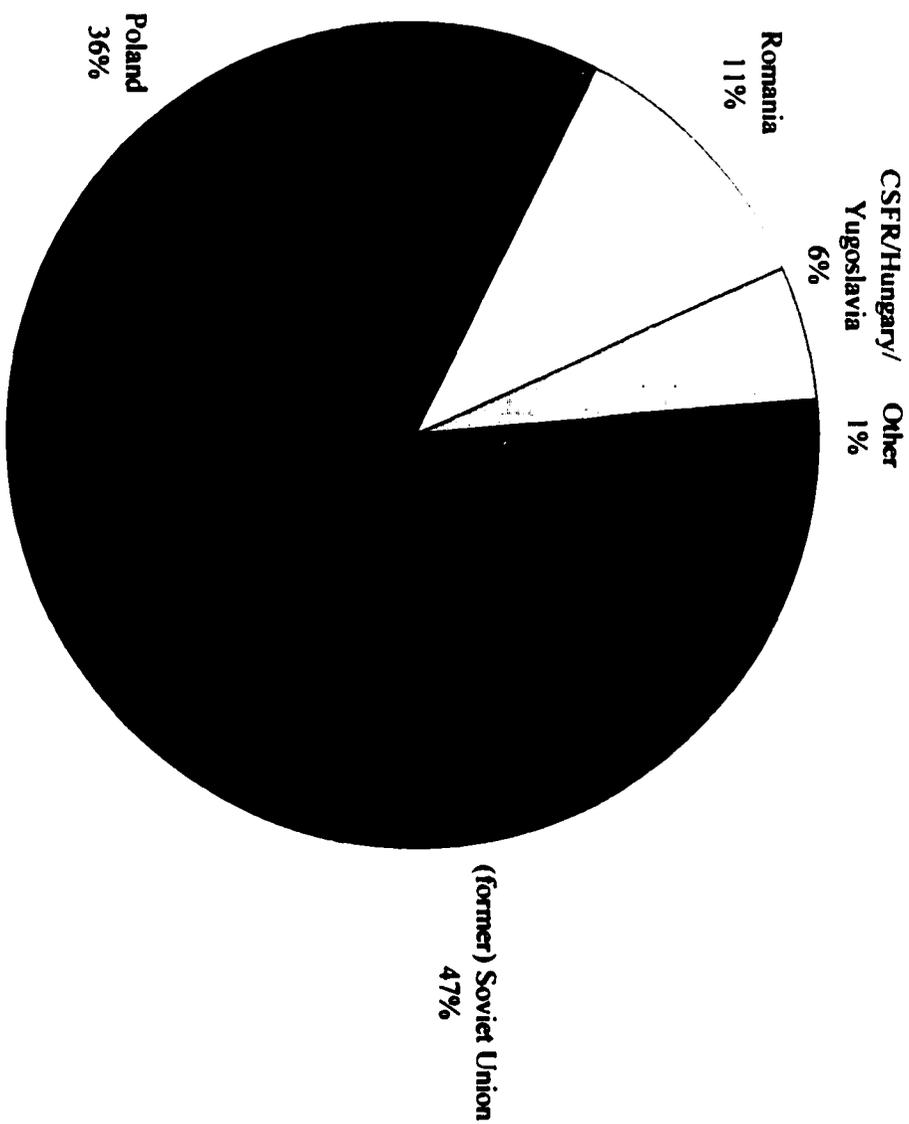
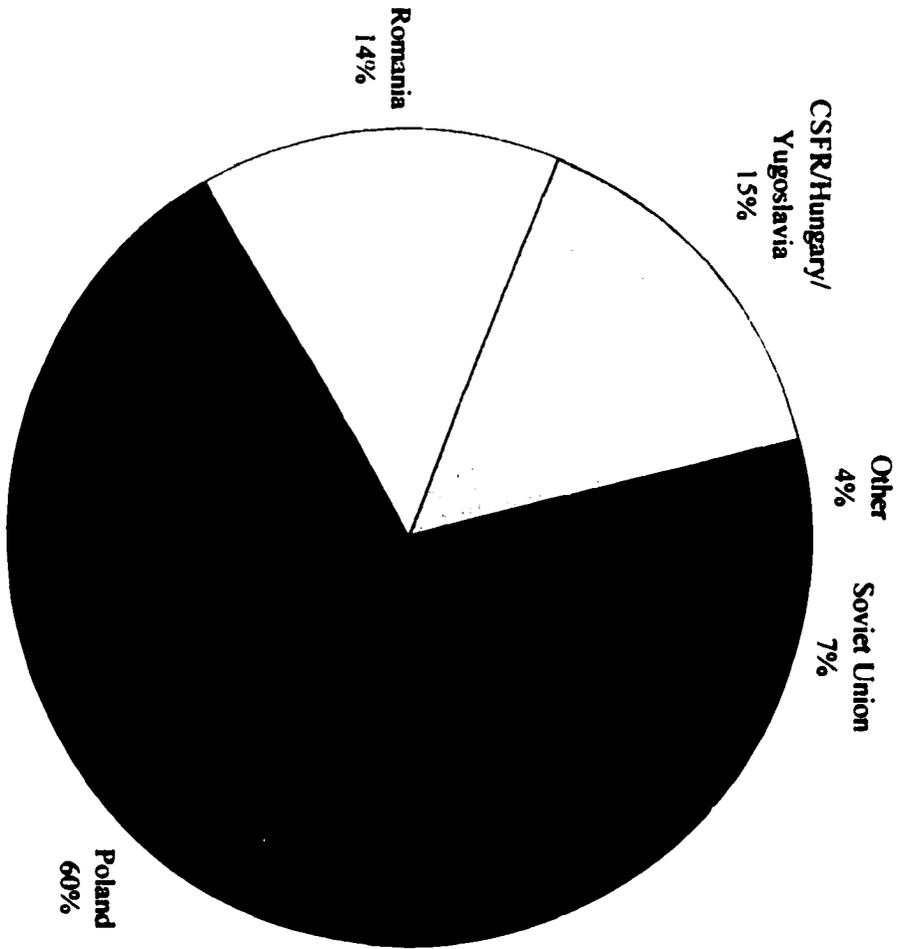


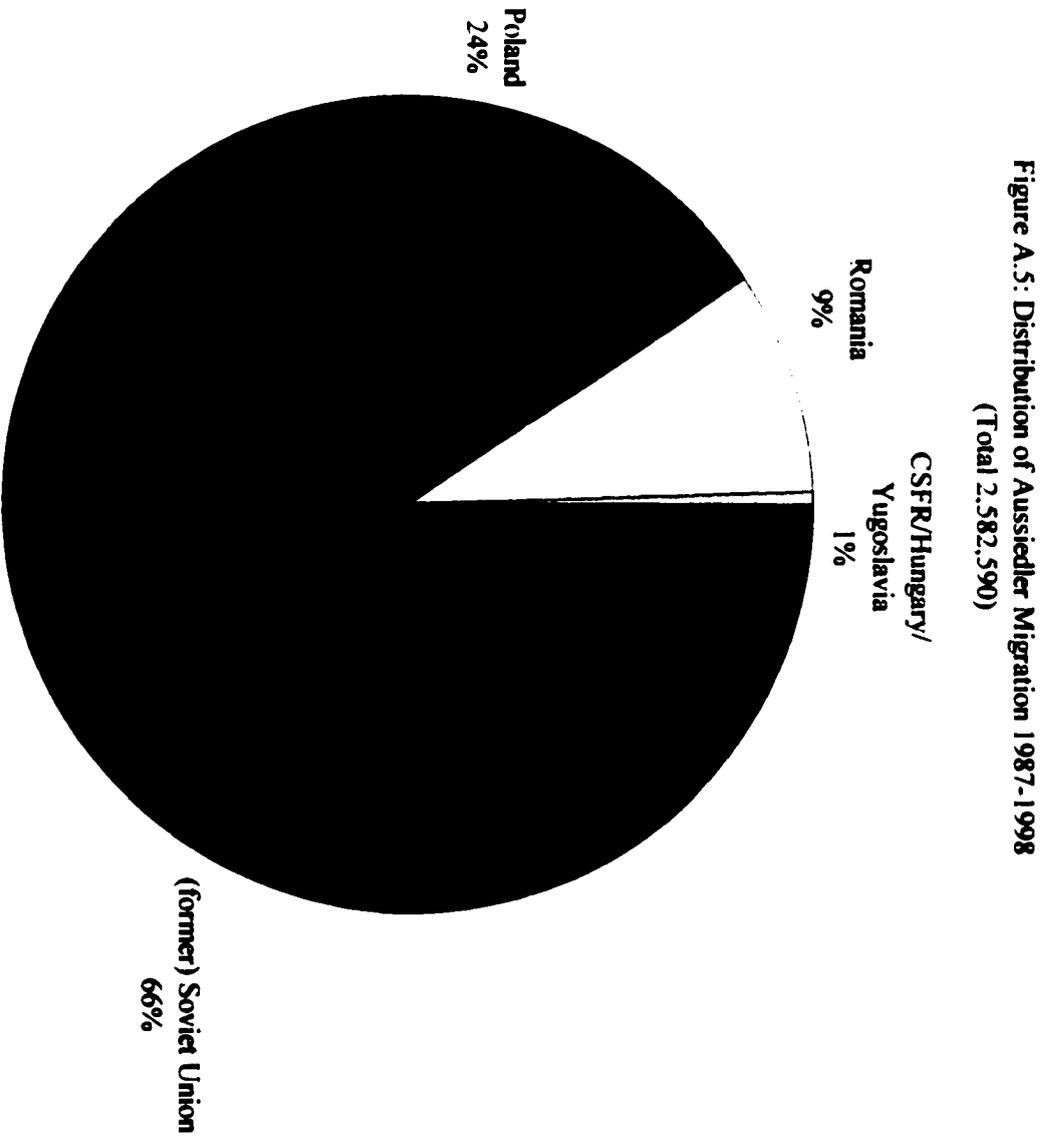
Figure A.2: Ausiedler Migration 1950-1999

**Figure A.3: Distribution of Aussiedler Migration 1950-1998
(Total 3,922,030)**



**Figure A.4: Distribution of Aussiedler Migration 1950-1986
(Total 1,339,440)**





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