THE CHALLENGE OF BECOMING A MULTICULTURAL SOCIETY:
THE CASE OF GERMANY

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
THE MIDDLE EAST TECHNICAL UNIVERSITY

BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREEOF MASTER OF SCIENCE
IN
THE DEPARTMENT OF INTERNATIONAL RELATIONS

DECEMBER 2005

Approval of the Graduate School of Social Sciences

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ABSTRACT

THE CHALLENGE OF BECOMING A MULTICULTURAL SOCIETY: THE CASE OF GERMANY

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December 2005, 169 Pages

This thesis seeks to trace the process of Germany' becoming a multicultural society through the politico-historical analysis of the matter of immigration to Germany. The working assumption while projecting this study is as follows; there is a close relation between the policies and implementations of Germany in practice and becoming a multicultural society during the process in question. Germany became a multinational society with its composition of different ethnic, religious and cultural groups; but it is clearly seen that Germany is not moving toward becoming a multicultural society, at least in the near future, considering its policies and implementations in practice. At the same time, considering the main arguments and effects of these new immigration and citizenship laws concerning immigrants will provide an essential ground for recognizing whether Germany is a multicultural society or not.

Keywords: Multiculturalism, Political-legal Framework concerning Immigrants in Germany, Integration/Assimilation, Social Inclusion/Exclusion, Discrimination, Identity Politics, Public Participation, Nation State, Homogenous vs. Heterogeneous Perception of Culture, Xenophobia,

ÖZ

ÇOKKÜLTÜRLÜ BİR TOPLUM OLABİLMENİN ZORLUKLARI:
ALMANYA ÖRNEĞİ

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Yüksek Lisans, Uluslararası İlişkiler Bölümü

Tez Yöneticisi: Doç. Dr. Mehmet Okyayuz

Aralık 2005, 169 Sayfa

Bu tez Almanya'nın tarihsel ve politik süreç içinde göç olgusunu inceleyerek, çokkültürlü bir toplum olabilme sürecini incelemektedir. Bu çalışmaya yön verecek olan temel varsayım ise şudur: ele alınacak dönemde yapılan politikalar ve uygulamaları ile çokkültürlü bir toplum olabilme arasında yakın bir ilişki vardır. Almanya farklı etnik, dinsel ve kültürel grupların bir bileşimi sonucu çokmilletli bir toplum olmuştur. Ancak, politikalarını ve uygulamalarını göz önünde bulundurduğumuzda Almanya'nın çokkültürlü bir toplum olabilme doğrultusunda ilerlemediği açık bir şekilde görülmektedir, en azından yakın gelecekte. Aynı zamanda temel fikir ve etkilerine baktığımızda yeni göç ve vatandaşlık yasaları Almanya'yı çokkültürlü bir toplum olup olmadığını tanımlamada gerekli zemini oluşturmaktadırlar.

Anahtar Kelimeler: Çokkültürlülük, Almanya'daki Göçmenlerle ilgili Politik/Yasal Çerçeve,Entegrasyon/Asimilasyon, Sosyal Kabullenme/Dışlama, Ayrımcılık, Kimlik Politikaları, Ulus-Devlet, Kamusal Katılım, Homojen ve Heterojen Kültür Algılaması, Yabancı Düşmanlığı

To my family

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I. INTRODUCTION

With the end of the Cold War, the world has witnessed complex effects of international migration and globalization processes. 'Globalization' and international migration, two interrelated processes have totally and significantly reshaped economical, political and cultural patterns of the 'world society'.

Today, migration is more 'complex', 'multi-dimensional' and 'multi-directional' than ever. A steadily increasing number of people leave their countries due to poverty, political and social crises, religious and ethnic conflicts, and civil wars. They seek to enter illegally or legally the economically developed and politically more secured European countries.

As a result of the impact of globalization and current international migration, Western European countries have been confronted with controversial issues regarding the position of different ethnic and cultural minority groups (asylum seekers, refuges, immigrants) and equal social, economic and political rights for those groups as well as "the virtues, practices and responsibilities of citizenship in their societies".[1] Besides, there is a growing debate on the legitimacy and sovereignty of the nation-state over its territory, on national identity and citizenship and multiculturalism. Traditionally, those countries sought to create their ethnically homogeneous societies in order to maintain their national unity and consistency. However, nowadays ethnic and cultural diversity is a usual feature of the societies of Western European countries. In this respect, Jürgen Habermas argues that "new minorities are arising through immigration" and the nations are faced with the dilemma of accommodating the integration of different ethnic, religious and cultural foreign groups or maintaining their societies' "historical-cultural" connection. (Jürgen, Habermas, 1994: 116) After World War two, many Western European countries temporarily recruited immigrants for their economic growth. In fact, with their descendants, those temporary workers became permanent residents of those receiving countries.

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[1] See Will Kymlicka and Wayne Norman, "Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts" <http:// www.oup.co.uk/pdf/0-19-829644-4.pdf>

Immigration and ethnic-cultural diversity are increasingly interrelated in Western European countries. Within this context, one of the forceful challenges for Western European countries is how to maintain the unity of their communities while extending equal rights to different ethnic and cultural minority groups.

At this point, the issue of multiculturalism has emerged as a central issue concerning the state's migration and integration policies. The term 'multiculturalism' is defined in many different ways. Furthermore, it has a multitude of meaning. In general, it reflects the coexistence of different ethnic, cultural, economic and social minority groups within the same society. Such a multicultural society would thereby include individuals whose race, ethnicity, geographical origin, gender, sexual orientation, physical ability, religion, economic class and age are dissimilar. In this sense, multiculturalism envisages not only the recognition of diversity, but also respect for different identities and practices as well as offering equal rights to all individuals. However, in this thesis the focus will be limited on the cultural and political rights of different ethnic and cultural immigrant groups within Western European countries, particularly in Germany.

The issue of 'multiculturalism' is a controversial issue. The definition and function of multiculturalism is discussed within various areas; such as the constitutional, legislative or parliamentary affirmation, school curriculum, public and private realms, media, dress-codes, dual citizenship, bilingual education or mother-tongue as well the multicultural organizations or activities. It is important to emphasize that different ethnic and cultural minority groups have been perceived as a threat to national traditions or values of Western European countries throughout their history. Many Western European countries are still suspicious of extending equal citizenship rights, especially political rights to those groups. Therefore, each state applies different policies to minority groups emphasizing the concept of multiculturalism.

At this point, one of the main aims of this thesis will be the binding together of these interrelated debates, mentioned above, that have developed independently of one another in a logical way. In the process of Germany's becoming a multicultural society concerning the rights of different ethnic and cultural minority groups it will be pointed out a wide range of public policies, legal rights and constitutional

provisions. In this sense, the social and political accommodation of Turkish immigrants in Germany will be an important sample in this thesis. Within this context, it will be mainly focused on the linguistic, educational, religious problems of Turkish immigrants in Germany as well as their political participation in political life.

Germany has always been and is still an attractive country for immigrants. The first period of the immigration process in Germany did start with the recruitment of foreign workers from Southern European and North African countries. After the collapse of the Soviet Bloc, the Federal Republic of Germany faced with large-scale influx, legally or illegally, from all over the world, especially from the developing countries and the countries of the former Soviet Bloc. What's more, the temporary foreign workers and their family members have become long established residents of Germany. All of these factors made it clear that academicians, political parties, especially the SPD (Social Democrat Party) and the Greens have progressively turned their attention to the issues concerning immigration and extension of citizenship rights associated with the economic, social especially political rights of immigrants. However, the matter of immigration has always constituted one of the important controversial issues of German political agenda. It has been discussed whether Germany is a country of immigration or not for several times. Nowadays, Germany is officially defined as a country of immigration. Besides, it has been discussed whether or not the citizenship rights associated with equal social, economic and political rights may be extended to immigrants. Within this context, important steps have been taken in terms of reforming citizenship law in favor of long-term immigrants. However, there are still important gaps in terms of full public and political recognition of immigrants as equal citizens of Germany as well as defending different ethnic and cultural minority groups against discrimination and xenophobia.

Today, the Federal Republic of Germany is composed of different cultural and ethnic minority groups whose race, religion, gender, attitude, language, tradition and lifestyle are in reality dissimilar. Namely, they are immigrants, refugees, asylum seekers and illegal migrants. In this context, the perceptions of German state as a "monocultural" and "uninational" entity (Ramon Maiz and Ferran Requejo, 2005: 1)

experiences numerous significant changes. Nevertheless, the policy-makers in Germany have been facing with the dilemma of preserving homogeneity of German culture or accepting 'living together' irrespective of the cultural and ethnic differences.

First of all, it is important to emphasize that the presence of these ethnic and cultural minority groups is a reality in Germany. Those minority groups reshape the societal structure of German society or their new home country by their different languages, cultural and religious customs, values, etc. However, there are potential tensions between German society and the ethnic and cultural minority groups. The integration of immigrants, especially Turkish immigrants still remains as a problematic issue. Minority groups consider themselves being excluded from dominant culture. In fact, Germany, along with other nation-states, represents the interests of its citizenries in policies and implementations. Though all immigrant groups enjoy some civil and social rights, such as the public education, health care, family allowances, and unemployment and retirement benefits, with the exception of political rights, governments, especially the conservative parties have neglected focusing on the integration problems of ethnic and cultural immigrant groups related to linguistic, educational, housing, and economic within its territory for several years. In Germany, authorities have failed to promote the integration of different ethnic and cultural minority groups into the mainstream society. The German state has introduced the exclusionist integration policies rather than inclusionist integration policies. In fact, considering the expectation of governments and public discourse, foreign workers so-called 'guest' or 'temporary' workers would sooner or later return to their home countries. However, it does not mean, of course, those immigrants; especially Turkish immigrants have always been willing to integrate into German society; furthermore they are successful in their needs and claims accepted. Due to their strong sense of belongness to their national cultures, they do not need either learning German language, or adopting the cultural virtues of German society. Nevertheless, in recent years, some immigrant communities have claimed for their interests in recognition, language, education, religion, and political membership in Germany.

Furthermore, the immigrants in Germany have faced with prejudice, discrimination and racist attacks. Since the early 1980s, the right-wing violence against foreigners and other minorities has become a serious problem in Germany. After the fall of the Berlin Wall, the number of members in extreme-right organizations and parties as well as their xenophobic crimes against foreigners has dramatically risen, especially in the East. It is important to note that those organizations and parties implicitly opposed to a 'multicultural society'. According to Koopmans and Olzak the dramatic rise in extremist-right tendencies stems from "socio-economic deprivations such as high unemployment, community disintegration, and ethnic competition between natives and immigrants". (Ruud Koopmans and Susan Olzak, 2002:1) Different ethnic and minority groups feel threatened due to these discriminative and racist attitudes in Germany. Considering all mentioned developments, ethnic and cultural immigrant groups, especially Turks choose to live in their own districts where they preserve their cultural practices and languages. In addition, a big number of young immigrants become marginalized to the rest of the society and resort to violence and crime due to lack of education, language, job, and conservative family customs. Nevertheless, there are young immigrants who integrate successfully and interact with the rest in the German society.

Meanwhile, it is important to note that there is a growing interest in mainstream institutions, associations, organizations and minority communities to promote the development of interaction among cultures in many ways. Within this context, these institutions and organizations have jointly organized multicultural festivals, exhibitions and established language and integration courses. However, it is difficult to see how reciprocal and long term stereotypes and misunderstandings could be overcome.

Considering all above-mentioned developments, Germany undergoes significant revisions in its state policies. Firstly, Germany has made progressive revisions in its citizenship law on behalf of long-term immigrants and their descendant in accordance with polices of the European Union. Furthermore, Germany has embarked on making comprehensive migration policies to control immigration and illegal migration flows. Germany has two sets of acts, which are relevant for this study. The first set of act is the new immigration act and the other one is the new

citizenship act. Apart from these mentioned acts, the Aliens Act of Germany came into effect in 1991.

The aim of this study is to explore whether or not Germany is becoming a multicultural society considering its initiations regarding the new citizenship and immigration acts. In this study, the process of Germany's becoming a 'multicultural society' associated with the historical process of immigration of Germany will be analyzed. The arguments and effects of these new immigration and citizenship laws will provide an essential ground for recognizing Germany as a multicultural society.

The main assumption of this thesis is that Germany has become a 'multinational' society with its composition of different ethnic, religious and cultural groups; but Germany is not moving toward becoming a 'multicultural' society, at least in the near future, considering its policies and implementations in practice. In Germany the conservative parties and a number of people perceive the cultural, ethnic and religious diversity as a 'threat' to the common values of German society. Though it was taken reformist steps considering German citizenship law as well as immigration law, the German state tends to adopt an assimilationist approach in the policy making process.

This thesis consists of four chapters. Chapter 1 focuses on theoretical framework of the notion of 'multiculturalism'. Setting a theoretical framework provides making a constructive analysis of the claims for recognition of ethnic and cultural minorities. The notion of multiculturalism will be explained by different theoretical approaches. However, there are conceptual distinctions considering the use of 'multiculturalism'. There are disagreements between the ideas of individual autonomy and cultural identity, between the neutral state and interventionist state, between the public and the private spheres related to the limits of tolerance and the priority of the national preferences over social, economic and political equality of all individuals irrespective of ethnic and cultural diversity, and so on.

Furthermore this chapter discusses the policies related to the integration processes of the immigrants and minorities who are living within Western European societies. Since the early years of 1980s, the issue of multiculturalism, which envisages the

economic, social and political recognition of minorities within the societies of Western European countries, has become an important discussion subject for the academicians. What's more, the issue of multiculturalism has emerged as a central issue on the state's migration and integration policies. It can be said that each country has different experiences, ideological approaches and policies with their immigration and integration processes. Therefore, different types of integration policies and their possible convergence will be outlined. Whilst examining different integration policies, it will be explored to what extent modern democratic societies have the capability of accepting and respect for different ethnic, cultural and religious groups within their societies.

At the end of the first chapter, the core question of whether Germany is becoming a multicultural society will be discussed. It will be analyzed whether the processes of policymaking and implementation run parallel to the process of integration of different ethnic and cultural immigrant groups. Within this context, it is important to find the answers of these questions: 'Is Germany willing to accept and respect for all diverse ethnic, cultural and religious groups composed of different ethnic and cultural immigrants, refugees, etc. in the light of the theoretical framework of multiculturalism?' 'How does Germany regulate its policies concerning the rights of ethnic and cultural immigrants?' 'Is this term multiculturalism a clear and a present threat to German culture? Or is Germany following an assimilationist path rather than a multiculturalist path?

The second chapter discusses the relation between the concept of citizenship and the nation-state. This chapter looks at the citizenship institution from the national and post-national perspectives. This study answers these questions: 'Does the recognition of rights for the ethnic and cultural minorities erode the traditional virtues and practices of national citizenship institution?' and 'do the interventions of transnational institutions and international human rights institutions and conventions regarding the minority rights bring about the deterioration of nation state's legitimacy and control within its border?

In the third Chapter, the historical developments of German national citizenship and the history of immigration to Germany are explained. In fact, there is a clash between

the traditional ethno-cultural understanding of German citizenship and the transformation of the virtues, practices and responsibilities of the institution of citizenship. The notion of German national citizenship within the context of its nation-state building process will be described. The German citizenship was based on the idea of German culture, language and homogeneity of German race. At this point, the first citizenship law, the 1913 Imperial and State Citizenship Act, the 1990 Aliens Act and recent Citizenship Act --came into effect on January 1, 2000-- constitute important parts of this chapter. Furthermore, this chapter points out the new immigration act of Germany, which came into force on January 1, 2005. The new immigration law is significant also; because it makes clear the situation of Germany as a country of immigration considering the proceedings and progresses of immigration within the historical process. This new immigration act symbolizes an important shift in terms of the official conceptualization of immigration. Nowadays, Germany officially regards itself as a country of immigration. Moreover, this chapter discusses certain aims of the new immigration law in terms of the integration of immigrants in Germany.

The fourth chapter deals with the position of Turkish immigrants within the German society in terms of both in the physical sense (a house, a job and income, access to educational and health facilities, etc.), but also in the social and cultural sense. This chapter discusses the social, cultural, economic and political integration problems of Turkish immigrants in the German society stemming from their educational, linguistic and religious differences. The main focus will be on the political rights of Turkish immigrants associated with the German citizenship; such as the right to vote, to assemble, to be elected in the national and local elections, etc. as well as the active participation of Turkish immigrants in the decision-making process of the German state policies. Within this framework, these following questions will be explored: 'Do Turkish immigrants along with the majority group enjoy some civil, social and political rights? 'Do Turkish immigrants face with the linguistic, religious and cultural problems of in terms of their integration into German society? 'How Germany sees the Turkish immigrants? And also 'To what extent do the politicians and governments address these issues? Furthermore, the main focus will be on the aspiration of the Turkish Communities such as the TGD (Türkische Gemeinde in Deutschland e.V.) and FÖTED - the umbrella organization of several Turkish Parents

Associations - for acquiring a recognized place in their new home country and becoming accepted under the new immigration law of Germany. Since, at present Turkish immigrants in Germany constitute a heterogeneous group in terms of ethnicity (Kurds, Turks) and religion (Sunni, Alevi...). These organizations are working as the umbrella organizations which gather round other organizations as well as represent the linguistic, educational, social, economic and political interests of all immigrants in Germany irrespective of ethnic, religious and cultural differences. Besides, these organizations seek to fight against all kind of discrimination and xenophobia.

CHAPTER I

THEORETICAL FRAMEWORK OF MULTICULTURALISM

2.1. The New Faces of Globalization and International Migration

With the end of the Cold war, the world has experienced a number of important changes as a result of the rapidly enlarging impact of globalization processes. 'Globalization' has deeply and crucially reshaped economical, political and cultural patterns of the 'world society'. Globalization has intensified flows of capital, goods, information and labor across state boundaries. By widening communication networks, people became more aware of living standards, cultural and linguistic patterns of economically advanced countries. The technological developments in transportation and reduction in transportation costs facilitate the movement of people. Impacts of globalization have triggered off the transformation of current international migration policies and practices. The issues of globalization and international migration have, without doubt, become interconnected processes.

Since the earlier period of history, people have been either voluntarily or compulsorily mobilized for several reasons. However, within this context, it will not be resorted to the details about the historical process of mass migration and its consequences. Migration is now more 'complex', 'multi-dimensional' and 'multi-directional' than ever. In a globalized world, the route, volume and type of migrants have changed. Hence, international migration and its consequences have become one of the major questions of governments in all countries. People are no longer merely moving to developed and industrial countries of Europe, the United States, Canada and Australia. The world's different regions have witnessed uncontrolled mass migration movements. Migrants, either legally or illegally, have migrated not only between north and west countries; but also between south and east countries.

The number of "trans-state migrants" in the world has increased from 76 million in the 1960s to 154 million in the 1990s. As a result of the collapse of the USSR the

number of migrants increased by 27 million. According to estimates, today almost 175 million people are living outside their country of origin. Out of this total; nearly 30 million people are residing illegally. (Mehmet Okyayuz, 2005: 240-256).

In terms of general approaches called as 'push and pull factors', individuals decide to migrate to industrialized countries due to the "lack of economic opportunities, demographic growth and low living standards". (Stephan Castles and Mark J. Miller, 1993: 19) Thus, economic destination, for pursuit of better living standards appears as a dominant factor for international migration.

However, the motives of current international migration are different from the past. In addition, there are several economic, demographic, environmental and political factors- steering international migration. The extreme gap between wealth and poverty, political and social crises; religious and ethnic conflicts, civil wars in Central America, Northern Iraq, Afghanistan, former Yugoslavia, Chechnya, Somalia, Liberia, Angola, and Rwanda in the 1990s; ecological deterioration and natural catastrophes generate international migration. (Reinhard Lohrmann, 2000: 4)

As for the qualifications of foreign workers, the foreign workers were mainly unskilled laborers; in addition, their educational levels were quite low and they were unable to speak the language of their host countries. However, the governments of receiving countries did not require any apparent criteria for professional skill, language and education. Related to international migration, another developmental concern is the recruitment of highly skilled professionals from developing countries called as "brain drain". Important social and economic opportunities are offered to highly skills professionals in developed countries, which they could not find in their home countries. Today, developed countries need trained and educated highly skills professionals due to the cost of training and insufficient education level of unemployed workers for high-qualified sectors. Therefore, Europe, North America and Australia have recruited many doctors and engineers from India, Malaysia, Hong Kong and similar countries. (Castles and Miller, 1993: 161)

Another aspect of international migration is the "feminization" of migration. Today, women are migrating alone and taking part essentially in labor market, particularly in

the service and manufacturing sector. However, women are subject to various kinds of discrimination. Women as well as children are exploited not only as a 'cheap source of labor'; but also as 'sex slaves'. (Nikos Papastergiadis, 2000: 42)

The impact of globalization and current international migration flow has raised new questions regarding the 'recognition and rights of immigrants', understanding of identity and culture in plural societies. There is a growing debate on the legitimacy and sovereignty of nation-state over its territory, national identity and citizenship and multiculturalism.

The Beginning of a New Era? From Homogeneous Societies to Multicultural Societies

Western European countries are becoming more heterogeneous in terms of ethnic and cultural multiciplicity than ever. Today, Western European countries are composed of different cultural and ethnical societies. On the other hand, Western European states created a sense of belonging to an ethnically homogeneous society in order to maintain their national unity and consistency. However, it is seen impossible to consider the states as 'homogeneous'. Many Western European countries recruited immigrants so that these immigrants could contribute to their post-war economic reconstruction. Britain, France and Netherlands recruited workers from their former colonies as well as southern Europe and Asia. Some of them as Germany preferred temporary foreign labor recruitment. However, these countries faced with large-scale influx at that time. Immigrants called as 'guest workers' did not return to their home country. With their descendants, guest workers became permanent residents of receiving countries.

Until the 1980s, foreign workers and migration issue had not been yet emerged out as a serious problem. There was no need for the establishment of a comprehensive legal framework in terms of integration and citizenship for immigrants and new comers. Governments regulated simply the entry, work and residence permits of foreign workers. Enduring the cultural homogeneity was the main objective rather than promoting the integration of immigrants into their societies. Policy approaches did not focus on the endowment of full civic and political participation- such as voting

rights, military service, running for office, etc. - to these foreign workers in the host countries. The immigrants called as 'guest worker' were perceived as desirable contributor for their economic growth. During the 1980s, the policy approaches focused on the social integration of immigrants and the recognition of different ethnic and cultural immigrant groups. Though many states tended to get better the social and economic situation of immigrants, those states did not encourage the political participation of immigrants.

Since the early 1980s, the right-wing violence against foreigners and other minorities has become a serious problem in most of the hosting countries. For instance, the xenophobic violence[2] appeared in Germany[3] was mainly directed towards the Turkish minority.

By the fall of the Berlin Wall in 1989, Western European countries witnessed a noticeable increase in migrants, asylum seekers and refugees. Hence, states sought to restrict illegal entry. They embarked on the establishment of comprehensive

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[2] A dramatic rise in the overall number of acts officially reported as xenophobic crimes first occurred in 1991. From an average of about 250 in 1990 to 2,426 crimes in 1991, in 1992 to 6,336 and again in 1993 to 6,721; see <**http://www.ojp.usdoj.gov/nij/specialissue/8EwaldFeltes.pdf**> Total member-ship of Germany's three right extremist political parties, the DVU, the NPD and the Republikaner, rose to 39,000 in 1998, compared to 34,800 in 1997. At the end of 1998, according to the BfVS, there were 114 extreme right organizations and groups, compared to 109 in 1997, with a total of 54,000 members, up about 11 percent from the previous years. The total number of extreme right-wing crimes in 1998 remained very high despite a decrease of 376 criminals acts, to 7,414; see <http://www.tau.ac.il/Anti-Semitism/asw98-9/germany.html.> There was a steady growth in the number of extreme right organizations and groups in 2003, but a decline in overall membership. Violence of the extreme right increased, especially in Berlin. In 2003 there was a steady growth in the number of extreme right-wing organizations and groups although overall membership decreased by 8 percent, from 45,000 in 2002 to 41,500 in 2003, according to the Federal Office for the Defense of the Constitution (BfV). The number of neo-Nazis increased by 15 percent to 3,000 compared to 2,600 in 2002, as well as the number of groups from 72 in 2002 to 95 in 200). This parallels a decline in extreme right-wing violent incidents, from 772 in 2002 to 759 in 2003. The results showed that rightist attitudes increased among the population from 19.6 percent in 2002 to 25 percent in 2003, see <http://www.tau.ac.il/Anti-Semitism/asw2003-4/germany.htm>

[3] According to authorities, there is an increasing influence of organized right-wing extremists and neo-Nazis. Those groups oppose without a doubt a 'multi-cultural' society. The German authorities seek to fight against violence and xenophobia; so the German authorities have put into effect the relevant paragraphs coping with the prohibition of groups and parties that practice illegal extreme right-wing activities, by outlawing many of them. <http://www.tau.ac.il/Anti-Semitism/asw98-9/germany.html>furthermore, the Minister of the Interior training gives a great importance the training of police force on the subject of coping with right-wing extreme violence at both national and local level. According to reports, police today are more highly trained than ever before. Nevertheless, the police mistreatment against foreigners is higher in East. Since, in Germany there are 16 different states; hence, there is not a certain police training system and practice; see <http://www.police.gov.il/pdf/police_society/77.pdf>

migration policies to control immigration and illegal migration flows. In fact, many Western European countries including Germany perceive cultural, ethnic and religious diversity as a 'threat' to their common values of their own society. Taking into consider the cultural and ethnic multiplicity of Western societies, globalization and international migration flows caused a "new form of racism", Alain Touraine explains this "new form of racism'' as below;

> …certain cultures are so different that they cannot merge with or even understand one another; they must keep apart in different territories or placed within a clearly defined relationship of domination-subordination. That is important and dangerous only when it becomes defensive ideology for populations who feel that their social position and cultural identity is under threat. (Alain Touraine, 2000: 170)

On the other hand, globalization and international migration together activate the debates on "embracement" of different cultural and ethnic groups and recognition of these different groups within the mainstream society. (Papastergiadis, 2000:83) Governments in Western Europe have recognized the need to respond to cultural diversity in their immigration and integration policies. Hence, the issue of multiculturalism has emerged as a central issue on the state's migration and integration policies. The debates focus mainly on the economic, social and political rights and positions of different cultural and ethnic minority groups (namely, immigrants, national minorities, refugees) within the state. Each state applies different policies to minority groups emphasizing the concept of multiculturalism.

At this point, prior to examining the challenge of Germany for becoming a multicultural society, it is important to focus on different definitions of the 'multiculturalism' in order to understand what multiculturalism is. Whilst examining different multiculturalism approaches, whether modern democratic societies have the capability to accept and respect for the different ethnic, cultural and religious groups composed of different national minorities, immigrants, refugees, etc. will be questioned.

2.2. Theoretical Approaches to Multiculturalism

The issue of 'multiculturalism' as a concept still remains controversial. Hence, it is valuable to give some explanations to understand and scrutinize common ground and differences between different aspects of 'multiculturalism'.

In the study of Ayalet Shachar, Iris Marion Young defines multiculturalism as the "participation and inclusion of groups with different circumstances or forms of life… without shedding their distinct identities'' (Shachar, 1999: 88). Christian Joppke defines multiculturalism as "culture in the plural, not in the singular''. (Christian Joppke, 1999: 3) Some argue that, such as Will Kymlicka, Jeff Spinner, multiculturalism is a "preservation of difference cultural practices by consistency with liberal principles of freedom and equality''. (Kymlicka, 2001: 21) For Chin Liew Ten, multiculturalism appears as the "undeniable reality of all societies in which different groups adhere to different ways of life''. (Chin Liew Ten, 1993: 59) Alain Touraine asserts that multiculturalism "is the existence of cultural differences which must be respected''. (Touraine, 2000: 172)

In general terms, the basic notion of multiculturalism consists of accepting the coexistence of social groups whose ethnic, cultural and religious ways of life is different. However, there is not any precise agreement on defining the principles of equality and tolerance in the context of multiculturalism. Despite multiculturalism's irrefutable situation, the construction and functioning of multicultural society is still questioned.

Multiculturalism is also perceived as the 'effort' for a peaceful coexistence of culturally different groups. In this sense, essential discussion revolves around the notion of citizenship associated with the political recognition of minorities as well as the issue of their social and economic position within the society. This perspective raises several questions. Which active initiatives are to be implemented to eliminate the disadvantages of minority groups? How can we determine the limits of the liberal concept of tolerance for full satisfaction of both the society and the minority groups? How we can draw the line between the public and the private sphere regarding the

liberal democratic states' political attitudes and practices? Firstly, it is important to scrutinize the recognition claims of minorities in the liberal democratic states.

2.3. Multicultural Recognition Claims

It is obvious that all ethno-cultural groups, not only immigrant minorities, but also non-immigrant national minorities insist to be full and equal participants of the societies in which they inhabit. From Kymlicka's perspective, minority groups want at least, 'public recognition and support for their language, practices and identities'. (Kymlicka, 2001: 21) According to Christian Joppke and Steven Lukes, the multiculturalists claim to "accommodate and institutionalize" all their ethnic, cultural, and religious differences within the liberal states. (Joppke and Lukes, 1999:p.1)

In fact, minority groups consider themselves being excluded from the dominant culture and want to be equal and free participants of society; hence, the minorities struggle for legitimizing their different ethnical and cultural practices.

According to Jeff Spinner, there are two kinds of multiculturalist claims; firstly, some groups demand for "seclusion" from the rest of the society in order to preserve their cultural ways of life. This kind of claim threatens the notion of 'state' citizenship. Spinner calls this as "strong forms of multiculturalism''. On the other hand, Horace Kallen coined the term "cultural pluralism'' to define this kind of claim. "Cultural pluralism" specifically means that minority groups prefer coexistence with the majority by conserving their own way of life and identities without sharing cultural practices with the rest of the society. (Spinner- Halev, 1999: 66)

However, cultural pluralism is inadequate to take into account the transforming feature of culture stemming from interaction. Furthermore, Spinner calls these kinds of groups "partial citizens'', by illustrating the Amish minority living in USA. Spinner assumes that these kinds of cultural groups are allowed to maintain their practices within their community whereas they are not allowed to exempt from the state regulations and rules. (Spinner- Halev, 1999: 66-72)

Secondly, according to Spinner there are some other minority groups who want to preserve their cultural practices in consistence with the mainstream society. Their differences are accepted within the society. Spinner categorizes this kind of claim as "inclusive multiculturalism". (Spinner- Halev, 1999: 66-72)

Joppke and Lukes categorize three kinds of minority rights: the first kind of rights requires some exceptions from legal principles and duties, such as religious freedom. However, these kinds of toleration do not offer any privilege or supremacy to the minorities over the values of majority. The second kind of minority rights will give some encouraging grants to some minorities, such as educational and legal arrangements for immigrants and refugees. The third kind of minority rights gives the rights of "self-government" to national minorities within their own residential territory. However, Kymlicka judges 'self-government rights' as the threatening aspect of demands, which separate groups, rather than integrate them into the dominant culture. (Joppke and Lukes, 1999: 13-15)

In general, minority cultural groups claim that they require the recognition and rights so that they can preserve their cultural practices and values in order to transfer them to their children. Minority groups are not willing to leave their cultural and ethnic differences; moreover, they are anxious about the pressure of majority's cultural standards. Thus, minority groups firmly claim that state has to provide opportunities for the preservation of the cultural traditions, and has to respect for their different life styles. In addition, the state has to avoid not only economic discrimination against minority social groups but also social and political discrimination towards them. In fact, minority groups base their claims on ground of the principles of justice and equality of individuals in terms of the rights and opportunities. Since all citizens, including national citizens, immigrants and ethnic minorities, would like to benefit equally from all opportunities provided by the national governments. This is one of the essential components to construct a liberal society.

Minority groups wish not to be excluded from economic, social and politic resources provided by the state. Minority groups also desire to be exempted from irritating biases of the mainstream society. However ambiguities over the concept of justice cause conflicts not only between different minority groups but also conflicts between

minority groups and the mainstream society. Members of the multicultural society belong to different ethnic, religious and cultural groups. These different groups need to strongly emphasize a sense of belongingness to their ethnic, religious and cultural identity. When the state tends to disregard this diversity, the members of minority groups perceive this propensity as an assault toward their very existence. What's more, the state's suspicious attitudes towards minority groups raise tension within the society. That's why; e minority groups take a "defensive" position. Furthermore, it paves the way for a marginalization of minority groups. (Parekh, 2000: 235)

In the same way, Mikael Hjerm refers to three different types of multiculturalist formation of Agnes Heller.

> Defensive multiculturalism is a form that offers awareness of the assimilation danger and allows different cultures to coexist without segregating minority ethnic groups. Protective multiculturalism is a form of multiculturalism that actively defends every culture from discrimination. Offensive multiculturalism is a form of multiculturalism that equals freedom with obligation, where a person does not have the option to assimilate to a certain culture of his/her choice. The promotion different but coexistent cultures uniting under a common civic society may have made it impossible, especially for newcomers, to choose whether they want to keep practicing their indigenous cultures or not. This would be a situation where people become marginalized and segregated due to their cultural practices and where such a situation could constitute a great hindrance for natural integration into any form of the civic society. (Mikael Hjerm, 2000: 375)

If the state takes measures to resolve conflict stemming from prejudices and provides "justice, social integration and harmony'", the interaction between majority group and the members of other cultures could enhance. (Parekh, 2000: 196-211)

Concerning the minority rights, some scholars focus merely upon the importance of 'respect for the other's identity which provides "emotional satisfaction" as well as a security without ignorance by the dominant society. (John Rex, 1996: 82 and Parekh, 2000: 143) They insist that minority rights are important both to preserve the cultural practices and to transfer them to the next generations. However, neither identity nor culture is unrelated to each other. Since, "identity as the agent of culture" has significant effect on social and political position of minority groups. (Rex, 1996 and

Parekh, 2000) It seems that there are uncertainties to configure a definite multicultural theory.

So far, a general account has made concerning different kinds of the claims of cultural and ethnic groups for the recognition of their language, history, and cultural and religious way of lives. It is important to mention that each member of different cultural and ethnic groups deserve to be equal and free participants of mainstream society arising from being human. Whereas, considering the regulations and rules, the states tend to be oppressive over different cultural and ethnic minority groups so that those minority groups adopt the cultural lifestyle of mainstream society. However, it is important to note that neither members of minority groups nor members of mainstream society would choose to assimilate to culture of each other. They would want to practice their original cultures or not. Within this context, the state should embrace different cultural and ethnic minority groups as one of the most important parts of its mainstream society. The state should unite all individuals under its common civic society. In this sense, the state should encourage minority groups not only for preserving their cultural way of life; but also adapting to cultural, economic and political practices of the mainstream society. What's more, the state should secure its all individuals against any social, economic and political discrimination within its society.

Within this framework, it is significant to give a general explanation for two major approaches to better understand the concept 'multiculturalism'. These approaches are 'communitarian multiculturalism' and 'liberal multiculturalism'.

2.3.1. Communitarian Multiculturalism Approach

According to communal ideology, there is no neutral state concerning its implementations and justifications. The nation validates its survival via its own language, customs, and legal systems under its government whose legitimacy is approved by individuals living within its territory. On the one hand, the state authority both takes into account the national preferences and represents its cultural identity. On the other hand, the state authority forces minority groups with its regulatory policies to conform to the mainstream culture. By that way, the state

maintains its legitimacy with its own society and culture. Thus, the society tends to be "homogeneous"; so society shows no tolerance towards different cultural traditions. (Touraine, 2000: 159-164)

For communitarians, culture plays an essential role in the identity formation. The term 'identity' itself shapes the social environment of individuals and make available of being a member of social groups. Every social group possesses their own culture differentiating them from other social groups. The communitarian approach insists that ethno-cultural minorities can be protected within a communal way of life in which their harmony will be provided through its own social organizational structure, cultural practices and political power; accordingly, it creates its own unitary society. (Paul Kelly, 2002)

As a result of this understanding, Alain Touraine states that the communitarian ideology reflects "homogeneity" within itself; that is, this kind of ideology ignores not only the interaction among cultures; but also transforming function of cultures. The communitarianist ideology is by its atmosphere "political [but] not cultural". (Alain Touraine, 2000: 165)

Kymlicka argues that 'communitarians' are against the "individual autonomy''. As he argues 'individual autonomy' provides people the right to choose freely their values, preferences, and way of life. On the other hand, communitarians insist that the choices and interests of individuals have to be shaped in the communal way of life. Individuals cannot decide their choices alone. For communitarians, "individuals are the product of social practices". (Kymlicka, 1999: 19)

As for an illustration, the Amish society in the United States can be as an example for a communitarian group. They completely ignore the moral principles of liberalism. They set evident spaces between the mainstream society and their distinct way of life. They do not demand to take part in the state's public realm (such as schools, institutions). They have their own educational, religious and social structures. (Spinner, 1994)

Bhikhu Parekh, as a communitarianist multiculturalist, finds all national implementations and functions both "unitary and divisive". According to him, individuals are the members of their ethnic and cultural communities whose history, social structure and language are oppressed by the common culture. He also accepts that the nation-state unites its members through forming a common sense of belonging. However, the nation-state, by favoring the majority, may disregard different kinds of ethnic and cultural practices and values. Hence, through promoting a sense of unity, a state could damage the ethnic and cultural comminutes by limiting their freedom of expression. Thus, a common sense of belonging to a nation derives from the "monocultural" view. According to such a monocultural view, individuals become blind to differences of ethnical and cultural values, beliefs due to their prejudices; so they ignore the existence of others. (Bhikhu Parekh, 2000: 232-235)

In fact, he argues that the multicultural education terminate the biased attitudes towards other groups and cultures. Multicultural education enables individuals to view the world from a wider perception. (Bhikhu Parekh, 2000:230)

According to the communitarianist multiculturalist view, the state both in its private and public realms should be supportive and flexible so that different cultural values and practices can interact with and influence each other. By achieving above-mentioned condition, it would be possible to maintain the unity within society. The tension between majority and minority groups would decrease. (Parekh, 2000 and John Rex, 1996)

In conclusion, the nation-state always represents the interests of its individuals who share the common language, history, and customs within its territory under its certain authority. The nation state tends to create homogeneous society. However, it is impossible to create such a homogeneous society or a homogeneous community. Both minority groups and majority groups within the same society would, sooner or later meet. The members of different ethnic and cultural minority groups not only influence the customs of mainstream culture; but also they are influenced from the common way of life. Nobody could resist any change. Here, in order to reduce the conflict among minority groups and majority groups stemming from different kinds

of ethnic and cultural practices and values, the state has to unite its members through forming a common sense of living together.

2.3.2. Liberal Multiculturalism Approach

Liberals are suspicious about bestowed several privileges to certain communities that constrict liberty of the rest of the society. On the contrary, liberal approach bases its main assumptions on the 'autonomy of individual'. Joseph H. Carens determines the principles of liberalism as below;

> Liberal democratic principles entail a deep commitment to freedom of religion, of conscience, of thought, and of opinion. For that reason, a liberal democratic state cannot require intellectual and moral conformity, not even to its own ideals, although the state may legitimately try to incalculate key elements of the public democratic culture through the educational system and may establish a legal order that reflects its basic principles. Furthermore, a commitment to individual autonomy entails the recognition of some sort of private and personal sphere that the state may not regulate. (Joseph h. Carens, 2000: 145)

Liberals argue that each individual is capable of shaping its personal and social identity without any strict suppression of society. Liberals also claim that different ethnic, cultural and religious identities should be tolerated. The state has to guarantee civic and political rights of each social group.

Although liberals do not deny the significance of different cultural, religious and ethnic groups, they support the separation of the private and public spheres. Liberals argue that the public realm should be free of any discrimination based on different identities, races, and religious believes of individuals. All citizens should equally benefit from social and economic rights as well as political rights. In the private realm, individuals could maintain their ethnic, cultural and religious practice without any reservation.

2.3.2.1. Limits of Liberal Toleration

All liberals agree that the concept of toleration is a vital part of liberalism that allows different individuals and groups to express themselves freely in the culturally diverse

society. The liberal state should not promote inequalities and cultural, racial, religious exclusions. The state should support the development of a type of common sense that tolerates the differences.

On the other hand, there is an evident tension between the principles of liberalism and the limits of tolerance concerning the rights of minority groups. Minority groups complain about the supremacy of cultural practices of the mainstream society. Minority groups insist on recognizing their language, practices and identities within the both public and private spheres.

For Jeff Spinner, the members of minority groups do not want to renounce their cultural practices in favor of the mainstream culture. They demand some particular recognition rights and equal participation rights. (Spinner, 1994)

Even if liberty provides autonomy and toleration for other cultural groups, why they are still insisting on particular rights is controversial issue.

Some liberals emphasize that the claims of minority groups derive from a sense of need. Minority groups want to feel themselves valuable through their differences *vis-à-vis* the majority. When minority groups possess this kind of confidence and respect, their inclusion within the society will be easier. Furthermore, they will have a chance to carry out their cultural practice. (Seyla Benhabib, 1999; Bhikhu Parekh, 2000)

According to liberals, the members of different cultural groups should be totally free from any oppression during their inclusion into the mainstream culture. Yet, some members of minority groups defy the principles of liberalism and mainstream culture to preserve the transparency of their culture. On the other hand, majority groups in the state always have some privileges that favor them for capitalizing their political and economic opportunities. Besides, the majority does not always enthusiastically welcome different cultures. Moreover, the majority does not generally accept the equal distribution of resources with minority groups. The majority tends to subordinate the rights of minorities on behalf of advancing their interests.

Some liberals argue that some particular minority rights are consistent with the liberal principle of freedom and equality should be given to minority groups. This idea is called 'liberal culturalist' view. The liberal culturalists stress that "…minority rights are consistent with liberal culturalism if they protect the freedom of individuals within the group; they promote the relations of equality (non-dominance) between groups." (Kymlicka, 2001: 22)

From the liberal culturalist point of view, the state has to approve variety kinds of rights – such as language and religious rights, accommodation, recognition and representation within the institutions- and has to revise the regulations by reducing the prejudices and discriminative attitudes of some social groups, and officials. Taking the cultural and ethnic differences into consideration the integration of minority groups into the mainstream society will likely to facilitate a creation of a set of shared liberal values and consciousness within a multicultural society. Thus, no group will obtain any supremacy over other groups. In addition, the disadvantages that minority group faces will turn into advantage for minorities to maintain their cultural practices. (Kymlicka, 2001: 42)

Kymlicka explains the separation of public and private realms in a different way by proposing that individuals and groups should "…share common language and institutions rather than share common personal and group belief and cultural practices." He defines this as a "societal culture''. (Kymlicka, 2001: 25) In fact, individuals alongside an adherence to a membership of group have to stick on the legal requirements of a liberal democratic state in order to obtain political, economical, and educational rights. Only after such diversity is realized, the tensions will lessen; and the integration within the society is supposed to improve the relations among all members of society. Neither minority groups nor majority groups will feel threatened by each other's constraints. (Kymlicka, 2001)

Furthermore, as Kymlicka argues, in the near future it is not foreseen to create a 'societal culture' in which both minority and majority groups will share common values, language and institutions without any ignorance of cultural and ethnic diversity. It is important to establish a common ground for lessening tension between majority group and immigrants.

Yet some scholars disagree with Kymlicka's 'societal culture' concept. They argue that there is no one culture in the whole society. The cultural values and beliefs of each individual vary within the same society. Individuals are the members of different cultural groups within the society. The cultural entities- language, symbols, tradition and customs- not only constitute the social existence of individuals, but also reflect their choices and sense of belonging. It is impossible to genuinely recognize any cultural group without disregarding their history, language and practices. However, some cultural groups may be reluctant to integrate into the society if these mentioned rights are not granted. Therefore, they may oppose to perform the legal requirements of state. Any repression of state over the minority groups to unify them through sharing a common language and culture will accelerate the division within the society.

Another liberal thinker Jeff Spinner emphasizes that people may take part in the mainstream culture without leaving their cultural values and practices. Yet, some members of minority groups leave their own cultural practices as a result of strong relationship with the mainstream culture. Language is also other controversial issue. Some minority groups might insist on preserving and using their language with a hope that their language would be legitimated eventually in the public sphere. Spinner argues that the recognition of minority language is essential. The members of minority groups could learn other languages as well as the public language. In addition, he recommends that learning one or two public language cannot destroy the common language. On the contrary, the shared common language will promote intercultural dialogue and awareness of other's knowledge and insight. (Jeff Spinner, 1994: 178-185)

Fostering a "plural atmosphere" in schools would encourage the students to respect different cultural groups. Also students from different cultural and ethnic groups could express themselves much more easily. Furthermore, this would provide a sense of confidence for such students. To sum up, Spinner calls this long but not unfeasible process as the "pluralistic integration" that includes the differences all over the society. The pluralistic integration enables a possibility of equal and full citizenship for the minority groups without leaving their cultural practices. (Jeff Spinner, 1994: 74-85)

Each liberal state adopts different multiculturalist policy approaches in terms of their state implementations. However, in general, the liberal democratic states should not promote any separation between the members of majority groups and minority groups within its society. The liberal democratic state is supposed to guarantee the freedom of religion, conscience, thought, and opinion for both the ethnic and cultural minority groups and majority groups within both its private and public realms. Individuals should not become subject to any discrimination due to their cultural, racial and religious differences. What's more, in liberal democratic state, each individual could equally benefit from social, economic, and political rights; such as the language and religious rights, accommodation, recognition and representation within the institutions. Especially, each individual could actively participate in decision-making process in order to affect the state policies, which concern their interests.

However, toleration cannot mean that the cultural and religious minority groups should be exempted from the legal principles of state within its public realms. For instance; the matter of wearing headscarf in public realms emerges as a serious discussion issue in the secular and democratic states. I think that the matter of wearing headscarf within the public realm is a 'politicized' issue by the Muslim communities. The demands of Muslims related to wearing headscarf in the public realms might be seen as a threat to the secular structure of the state. The religious life is a personal matter. Therefore, individuals should exercise their religious practices within their private realms. In many European countries, Muslim teachers are banned from wearing headscarf in schools. For many European countries, wearing headscarf is perceived as an ideological symbol, which violates the neutrality of state in religious issues. Wearing headscarf and using other religious symbols are also banned within all other public realms.

On the other hand, the state should not tolerate for using another religious symbols of Christians or Jews within all its public realms. Yet, if the freedom of worship and the freedom of conscience which let every citizen the right freely to select his or her religion, even in their private realms is restricted by the state; furthermore, if individuals are excluded from all social, economic and political rights due to their

religious differences; here, we can say that the state does not tolerate any cultural, ethnic and religious diversity.

Neither the members of ethnic, religious and cultural minority groups nor the members of majority groups could violate the basic rules and principles of state constitution in which they are living. Each individual have to commit the principles and rules of state constitution within its public realms.

2.3.2.2. Importance of Culture

Culture, not only shapes the structure of the society in which individuals realize their identities and to construct their sense of belongness, but also arranges the social relations among different cultural groups. We can observe several components of culture embodied with its symbols, myths, languages, rituals and institutions. Culture, as some scholars argue is not a static structure. (Parekh, 2000; Benhabib, 1999) The values and institutions of culture are subject to transformation. In addition, in this transformation process, culture through its changing base influences and reconstitutes the values, choices, and practices of individuals.

Culture, not only affects other cultures, but also it is affected by other cultures. Both historical developments and migration has a great effect on this transformation process. For instance, in the global age, the communication networks and technology extended all over the world. At present, all individuals are informed of each other. On the other hand, people migrate from their home country due to high rates of unemployment, low standards in education, unequal distribution of social justice in their home countries. During this process of mass migration, immigrants carry out their all cultural identities -religion, identity, language, and customs- along with them in receiving countries. However the scope of interaction and dialogue between immigrating individuals *vis-à-vis* the hosting countries' citizens and cultures is achieved for only certain extent. Hence, Alain Touraine defines multiculturalism as "an encountering between cultures and communities." (Alain Touraine, 2000: 190) Furthermore, Bhikhu Parekh argues "the multiculturalization of existing traditions and the emergence of multiculturally constituted new ones, are closely related and reinforce each other." (Bhikhu Parekh, 2000: 220)

Besides, the interaction causes tension among the members of cultural communities and between the cultural communities. However, in some cases, the members of some cultural groups are resisting to these changes. They are not willing to resign their values and practices. Culture plays a significant role in the identity formation of individuals. According to identification theory, emerging from "psychological and social security", each person need to identify their attitudes from several sources – such as; language, religion, traditional practices and symbols, etc.- and "all identifications are, to a lesser or greater degree, shared". (William Bloom, 1990: 23 and 39) Individuals usually need to belong to a group so that they may share the common perceptions, values, and interests.

A state that is composed of different cultural communities has to make necessary arrangements to establish the peaceful coexistence among these different cultural and ethnic communities. Hence, a state should balance the multiplicity of demands of different cultural and ethnic groups; otherwise, specific demands of any cultural group could impede on the rights of other groups.

The unity of states is not based on the idea of cultural superiority of mainstream society over other cultures. For the development of the intercultural dialogue, individuals should respect for the rights of different ethnic and cultural groups. It can be said that the ethnic and cultural groups will keen to integrate into the cultural and legal lifestyles of mainstream society without any pressure of mainstream culture over themselves.

2.4. Implementations of Nation States

Recently, many liberal democratic states whose principles, rules and implementations may differ, have partaken in their nation-building processes throughout the history. Germany is an exception for this process. William Bloom describes this process as below;

> By nation building, we mean both the formation and establishment of the new state itself as a political unit, and the processes of creating viable degrees of unity, adaptation, achievement, and a sense of national identity among the people. A state has been created and that the nation, or

community of solidarity, is to be built within it. Nation building is concerned; the functional society may become a homogeneous community. A state constructs the legitimating cultural structure between a state and society while building the concord between a culture and its polity. Nation-building requires that the mass of individuals make an identification made with such a symbol-be they individuals, ideas or rituals- may then be reinforced by informal and formal social rituals in which people communicate together about the commonly held identification. These rituals and communications socialize the child into being a national citizen. (Bloom, 1990: 55-56, 61-62)

Once the state mobilizes individuals for constructing the national identity and cultural values in order to strength its power and legitimacy, the state usually disregards the interests and benefits of individuals who have been integrated into this structure in advance. Hence, during the nation building and the following processes, the state may exclude 'other' either externally or internally.

However, the defenders of multiculturalism argue that it is almost impossible to construct a totally 'homogeneous' society. Main obstacles for constructing a totally homogeneous society are essentially the multiplicity of identity formations, cultural values and practices competing with each other within the same society. The state appears as the united colors of rainbow. The state is composed of multitude of individuals and communities whose race, religion, gender, attitude, language, tradition and lifestyle are in reality dissimilar. The state is responsible to form a common cultural values and practices in favor of its citizens. A liberal state could not disregard the existence of minority groups either they are national minorities or immigrant minorities.

Despite diversity, the states employ numerous different approaches and implementations for sustaining their unified structure and authority. In some cases, the states have denied the long settled status of minority groups. How does a state could achieve to emphasize the diversity of several communities within its society? This is still an uncertain process. Which arrangements and policies are suitable regarding the recognition of different identities and cultures? The states frequently resort to assimilationist attitudes. In addition, cleaning prejudices against the minority communities, in relation to the multiplicity of the society is still stands as an unanswered question.

2.4.1. Integration Approaches

The modes of integration vary among the states concerning degree and type. From the point of the integration and multiplicity, Bhikhu Parekh bases upon four arguments as below;

2.4.1.1. Proceduralist Argument

The proceduralist argument bases its main assumptions on the neutrality of state; and suggests that the state should have function as the guarantor for establishing peace. The society is composed of highly divergent cultural and ethnic groups. There are no strict bordering lines among the multiple social groups. That's why; the state should not involve to the cleavages among different social groups. Bhikhu Parekh discusses the proceduralist argument as below;

> If the state were to pursue substantive goals of its own, it would violate the moral autonomy of, and discriminate against, those taking different views of the good life. According to proceduralist, the formal and informal and minimal state combines maximum political unity with maximum political diversity; the former because it stays clear of its citizens' moral and cultural disagreements and makes no controversial demands on them, the latter because it imposes the fewest constraints on their choices. Decisions on the structure of political authority are purely instrumental or pragmatic in nature and easily arrived at. (Parekh, 2000: 199 and 201)

As for the proceduralist argument, stability is guaranteed by the political power, which is morally and culturally neutral. The state should arrange minimum duties and responsibilities for its society. Furthermore the state should provide the right of "freedom of self-chosen" for its people without leaving its moral and cultural neutrality. (Parekh, 2000: 202)

2.4.1.2. Assimilationist Argument

According to Parekh, the "assimilationist approach" is promoted by conservatives, nationalist, some communitarians and proponents of comprehensive liberalism inherently unsuited to it." (Parekh; 2000: 196)

The assimilationist approach suggests that any authority of the state should not be neutral. All the purpose of the state is to promote the shared identity, ideas, values, attitudes and practices. Only after people unite around such a collectivity, the state creates a stable space in favor of its national objectives.

As Rogers Brubaker argues the 'assimilation' as a notion evokes the "similarity rather than diversity''. According to Brubaker, the state, via its objectives and policies, pursues an assimilationist approach in order to integrate irrefutably into the dominant society over different and problematic individuals or groups. The dominancy of major social group and culture derives from historical facts. This dominancy usually suppresses the so-called "other" cultural and ethnic minority groups. That's why; the dominant power obliges the minority for assimilating minorities into the "commonality" of major society by removing differences among different social groups. (Brubaker, 2001: 534-539)

As for Parekh, the assimilationist view appears certainly in opposition to any sort of differences among social groups. Parekh explains the assimilationist view and implementations of nation-state as "...either a highly abridged or distorted view of national culture or equates it with that of the dominant group". (Parekh, 2000:197)

Parallel with Parekh's assumptions, Michael Alexander argues the assimilationist approach as "fundamental change" and as "one dimensional process". The "otherness" will sooner or later melt away throughout the process of assimilation of minority groups into the dominant culture. (Michael Alexander, 2003: 419)

In fact, the minorities are subject to adopt vulnerably the superiority of mainstream society in both the private and public realms. Their all precious entities; a sense of belongness, self confidence, beliefs, symbols, languages and customs, are perceived conspicuously by the dominant culture. The minorities will select either to integrate into the mainstream society by leaving their peculiarities behind or to witness discriminative attitudes. However, they will certainly hesitate in replacing the old establishment by the new one. Mostly, they claim more "politicized'' respect and recognition, for their cultural differences. (Parekh, 2000)

2.4.1.3. Bifurcationist or Civic Assimilationist Argument

The bifurcationist or civic assimilationist argument stresses the necessity of a unity in the public realm. On the other hand, to some degree, this approach suggests the acceptance and protection of different moral practices in the private realm.

This argument is modified by John Rawls. John Rawls describes justice as the "basic structure of society". According to him, justice bases on "freedom of thought and liberty of conscience" which each person acquire the rights of autonomy and self-expression. The justice as a "way'' provides the distribution of economic, social and political rights equally for each people without any interference in their moral differences. By referring to the concept of "social cooperation" Rawls assumes that an efficient "public conception of justice" could be preceded only when different kinds of views are respected within the society. Once this process is achieved society will reconcile around the idea of "common good", as will be discussed below;

> That is, it is a society in which (1) everyone accepts and knows that others accept the same principles of justice and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. They are prepared to affirm a characteristic set of principles for assigning basic rights and duties and for determining what take to be the proper distribution of the benefits and burdens of social cooperation. (John Rawls, 1999: 410)

Each people voluntarily agree on the "publicity of the rules and institutions" which assigns the duties, rights, interests and the boundaries of their actions within the public sphere. Moreover, as soon as each person tolerates the other's actions, plans, and moral sensitivities, a sense of confidence will advance among different members of social groups. Thus, this voluntarily agreement on public realm supplies the stability of society. Rawls describes this stability by commitment to moral associations;

> There is a morality of association in which the members of society view one another as equals, as friends and associates, joined together in a system of cooperation known to be for the advantage of all and governed by a common conception of justice. The content of this morality is characterized by the cooperative virtues: those of justice and fairness, fidelity and trust, integrity and impartiality. (Rawls, 1999: 413)

Citing from Walzer, Joseph H. Carens, refers to "non-interventionist" aspect of the state while insisting that culture and community could only construct justice.

> We are (all of us) culture-producing creatures; we make and inhabit meaningful worlds. Since there is no way to rank and order those worlds with respect to their understanding of social goods, we do justice to men and women by respecting their particular creations… justice is rooted in the distinct understandings of places, honors, jobs, things of all sorts that constitute a shared way of life. To override those understandings is (always) to act unjustly. (Joseph Carens, 2000: p.24)

According to Young and Benhabib, the state provides justice within all institutions and its policies. That is to say that justice should endorse "practices of differentiated citizenship in equal circumstances than by insisting on identical formal rights." The significant role of state is merely here to create suitable and equal circumstances for all individuals within the society. (Joseph H. Carens, 2000: p.8)

According to Carens, the state by its nature cannot be non- interventionist. The state has its own cultural norms and practices. The state has to create a shared common culture and institutions without being germane to any particular culture. His understanding of 'justice' is to acknowledge "some range of morally permissible implementations on any given account of the principles and some range of reasonable disagreement about how to interpret the principles themselves…" (Carens, 2000: 28)

Furthermore, Carens accepts that justice is highly relative and critical that it cannot be taken as a "shared thought"; since, one's policies, practices; institutions in the name of justice may not concern the other. (Carens, 2000: 34)

According to Parekh, the civic assimilationist approach blurs the separation between the private and public realms. For instance, the education system obsesses a creative and transferable function regarding moral, political and cultural values for both the majority and minority groups. If the education system is located in the public realm, the vitality of education is neglected. In contrast, when the education is pursued simply by ethnic and cultural experiences, the essential functions of the public education are overlooked. (Parekh, 2000:p. 202-203)

In the same way, the recognition in the private realm cannot provide an entire satisfaction for the minority groups in order to adopt the common values and practices of the society. That is, the recognition within the public dimension as a desire will provide a more flexible integration into the society without any conflict.

2.4.1.4. Pluralistic Argument

According to the pluralistic argument, sharing commonality within the public realm marginalizes the minority rather internalizing them; since, there is no open space for any recognition in the public realm.

The separation between the public and private spheres, even to some extent, leave the minority groups free in their self-chosen belief, values and practices in the private realm, cannot provide certain guarantee of minority groups' rights. Minority groups object deliberately or reluctantly to participate within the mainstream society. However, a pressure on minority groups, (this pressure emerges from their desire for respect and recognition within the society regarding their sense of identical and cultural belongness and the otherness of these groups; on the other hand, their objection to adopt the commonality that they feel not any sense of belongness) results in not only deep and disordered sentiments in their personality, but also raises a tension amid the members of majority and minority groups.

According to the pluralistic argument, whatever the 'other' is called, a sense of being threatened should be left behind, and the 'existence of other' should be considered as 'permanent' fact. Thus, this fact could turn into a positive aspect in favor of both majority and minority groups.

The pluralistic argument does not totally deny the distinction between the private and public realms. However, it argues that there has to be a harmonizing political and social structure and instruments.

Minority groups are to be encouraged to participate in the public realm without any subjection to discriminative disadvantages. For Michael Alexander, the pluralist

policies are often pertaining to a 'community-based' approach and he determines pluralist policies (including 'multicultural' and 'intercultural' policies) as below;

> Pluralist policies range from accommodating specific cultural needs (e.g. religious practices) to pro-active empowerment of minority communities (e.g. supporting ethnic organizations). Pluralist policies also target the dominant society, propagating the acceptance; even 'embrace' of difference… (Michael Alexander, 2003: 420-421)

Alain Touraine stresses that multicultural society emerges as the sum of "plural of interests, opinions and values'' endorsed by "cultural communication''. (Alain Touraine, 2000: 195-196)

That is to say that, pluralistic policies should set up an appropriate basis for people, whatever their race, ethnic identities and cultural practices in order to work together, communicate and live in harmony with each other. Political participation should be facilitated in order that each person can get a chance for not only expressing themselves, but also contributing to deflate the societal common dilemmas. This kind of approach will reduce several challenges derived from the demands of the minority groups. (Parekh, 2000)

Moreover, the pluralistic approach assumes that the public recognition of minorities is so significant that they will integrate into the mainstream society devoid of disagreement with the general principles of public unity.

For Bhikhu Parekh, a multicultural society binds its people for the common lifestyles via a "shared culture" including multiple cultural interactions, and tolerance. (Parekh, 2000:221)

The 'shared culture' assumption presupposes that none of the member of minority groups is to be forced to give up their values, beliefs and way of lives. On the contrary, along with their different opinions, experiences and customs they will lay the foundations for an open-minded societal structure in which each person equally agrees upon pursuing common goal for their common good.

Here, it is not explored which integration approach is better. Basically, the integration policies and processes in different countries are related to the historical developments, their traditional understanding of ethnic and cultural minority groups or ideological background. Each state resort to different integration approaches in order to integrate their different ethnic and cultural minorities into their mainstream societies. The common feature of those nation-states is in essence 'non-acceptance' of ethnic and cultural diversity. However, the central aim of those states is to create their homogeneous societies for the preservation of their national unity via shared the common language, religion, history, flag, customs, and identity. In this sense, as many scholars argues, the neutrality of state is not seen possible. Nevertheless, it is impossible to create such homogeneity.

On the other hand, the matter of recognition of ethnic and cultural minority groups appears as a serious discussion issue on the public agenda of nation states. The states do not fit to present the situation of ethnic and cultural minority groups. Therefore, the states should create comprehensive integration policies rather than repressive and inefficient integration policies. The state should take efforts to develop more inclusionist integration policies. The state cannot disregard the complex composition of different cultural lifestyles and values, ethnicities, religions, opinions, ideas, interests, etc. Therefore, the state should not compel so-called the 'other' to accept the shared identity, ideas, values, attitudes and practices of its mainstream society. The ethnic and cultural minority groups will oppose to share the commonality of the mainstream society. Hence, the ethnic and cultural minorities would marginalize. Only when the multiplicity of individuals, cultural and ethnic lifestyles and values could be perceived as a 'wealth' rather than as a 'threat' to the societies of democratic states may be called more civilized and liberal. If the state pays attention on the needs, interests, opinions and values of the ethnic and cultural minority groups as well as majority groups within the same society, each individual would want to integrate. At this point, the state should guarantee equal distribution of resources among all citizens irrespective of the ethnic and cultural diversity. The state should set barrier against all kinds of discriminative attitudes and polices within its hospitals, schools, parliament and courts, etc.

2.5. Immigrant Multiculturalism

Currently, the issue of immigration is appearing inevitably as *de facto* or as *de jure* phenomenon. (Kymlicka, 2001: 30; and John Rex, 1997: 208) Mostly, the issue of accommodation of immigrants causes ambiguities with regard to the states' responses.

At first, the foreign workers planned to stay temporarily, to save money and return their home country; this temporary labor recruitment had not yet turned into the permanent characteristic during 1960s and early 1970s. Besides, the temporary workers were planned to send back to their home countries in few years by the recruiting governments. That's why; the foreign workers came to the host countries without their families. In this sense, the foreign workers' movement was primarily induced by economic and social pull and push factors. Lack of economic and social opportunities, low wages in their home country pushed these workers to migrate to the receiving countries. What's more, high wages, demand for labor and social justice system made attractive these receiving countries for foreign workers. Considering those mentioned reasons above, it is the fact that temporary immigrants and their descendants decided to settle down their receiving countries. However, it is uncertain whether or not they are perceived as equal members of the mainstream societies of receiving countries.

Rogers Brubaker argues that, all receiving countries agree on the economic, and even the cultural contribution of immigrants; on the other hand, there is common discourse upon the "…unassimilability of immigrant, the dangers of excessive cultural heterogeneity, the social strains and economic costs of immigration, and the prospects of Islamic fundamentalism and interethnic strife'. (Rogers Brubaker: 1992: 76)

Some states attempt to aggravate the conditions for immigrant groups on the matter of their integration into the mainstream society. The conditions of Turks in Germany can be considered as an illustrative example. So far German government for integration into the German society has not adequately supported Turks. The

integration still remains as a problematic issue. Turks are considered as unassimilability among the other immigrant groups.

Furthermore, some states compel immigrant groups in an assimilative manner for integrating them in the major cultural and social group. On the other hand, there are some states that employ the multiculturalist policies.

Most of the receiving countries expect from immigrant minorities to learn the dominant language, to adopt the dominant societies' cultural, legal and economical norms, rules and practices so that the state can preserve the interests and rights on behalf of its own citizens. Hence, the minority immigrants are economically, politically and socially disadvantageous compared to the dominant society.

In general, immigrant minority groups feel themselves as getting stuck in both their own cultural preferences and the mainstream culture's requirements. The members of immigrants need to cling together due to a sense of confidence and security. When the state operates restrictive, assimilative or discriminative implementations, uncertainties and tensions emerge out; thus, immigrants tend to demonstrate defensive attitudes.

Immigrant minority groups complain about the state, because generally the states are reluctant to provide linguistic and cultural institutions. Even immigrants have been resided in the receiving country for long years, they are not managed to get respect and recognition due to their different ethnic identities, cultural values and practices. Rather, some states still perceive immigrant minorities as temporary guest workers. [For instance, even Turks have settled in Germany nearly for 45 years).

Kymlicka argues that the settlement of immigrant minorities in the receiving state is a ''voluntary decision''. The states merely provide language-training programs and make anti-discrimination laws so as to integrate them into the 'common societal culture'. On the other hand, minority groups might prefer staying 'marginalized'. Moreover, the implementations of receiving state could be considered as a ''cultural assimilation.'' However, some cultural practices could be realized without any conflict with the mainstream culture. (Kymlicka, 2001: 26, 28, 51)

Contrary to these arguments of Kymlicka, immigrant minority groups do not prefer voluntarily to inhabit in the receiving countries. Owing to the aspiration for high standards in the economical, political, social conditions, minority groups have to consider deeply the pros and cons of living in a foreign country. They immigrated to foreign countries by leaving their past and ties to their home country behind. Moreover, the receiving country invites immigrants so that they contribute to the state's economic and technologic progress. Immigrant minorities are deprived of equal social, economic, and politic opportunities, due to their poor knowledge in local languages, acknowledgement of the legal procedures, and they are subjected to discrimination in economic sectors, schools and relations with the rest of the society compared to citizens of the receiving countries.

It is not denied that the minorities should learn the dominant language, rules and legal produces in order to benefit from the educational, economical and social opportunities. Nevertheless, immigrant minority groups want to maintain their cultural practices; for instance, they demand for the right to education in their mother tongues in schools besides dominant language. Using mother tongue is one of the most essential elements in one's identity formation. (Kymlicka, 2001: 217; John Rex, 1996: 24) Considering the importance of language, Kymlicka argues, "a group without such language rights will feel enormous pressures to assimilate". (Kymlicka, 2001: 252) For John Rex, the state can finance the mother tongue language courses.

Kymlicka explains the claims of immigrant minorities for freedom and equality within mainstream institutions by dual process as below;

> Firstly, it involves promoting the linguistic and institutional integration, so that immigrant groups have equal opportunity in the basic educational, political and economic institutions of society; and second, it involves reforming those common institutions so as to accommodate the distinctive ethno-cultural practices of immigrants, so that linguistic and institutional integration does not require denial of their ethno-cultural identities. (Kymlicka, 2001: 54)

Besides, some scholars argue that the second and third generation immigrants are no longer immigrants. Since, they were born, grew up in the receiving country and getting their education, being employed and got married in their host countries. They

acquire the legal citizenship of settled country so that they have the political participation rights as well. Yet, they do feel neither a sense of belongness to their traditional identity and homeland nor a sense of belongness to the common shared of identity and culture in which they live. Accordingly, they dip acutely into the uncertainties.

It is obvious not only the values, lifestyles and ideas of immigrant groups shift by associating with the mainstream culture; but also they influence the rest of society by their linguistic, historical, and cultural differences. (Spinner, 1994) However, neither immigrants nor majority group could enthusiastically adhere to this progress.

Both Kymlicka and Norman Wayne divide immigrants into three categories regarding their recognition situations in their host countries, as follows;

> With citizenship or rights to become citizens: these are people who arrive under an immigration policy that gives them the right to become citizens after a relatively short period of time subject only minimal conditions. This has been the traditional policy governing immigration in the major countries of immigration, namely the USA, Canada and Australia. Without rights to become citizens (metics): some migrants such as guest workers, when they entered the country, were not conceived of as future citizens or even as long term residents. They face enormous obstacles to integration and so tend to exist at the margins of larger society. Where such marginalized communities exist, the danger arises of the creation of a permanently disfranchised, alienated and racially defined underclass. (Kymlicka and Wayne Norman, 2000**:** 21)

In the same way, Michael Alexander refers to labor immigrants and their families as "stranger" who intends to marginalize due to "assimilationist" or "exclusionist'' ideologies and by implementations of their receiving countries. Since, he states that the relations between immigrants and the receiving country evoke "power" versus "powerlessness" fact. (Michael Alexander, 2003: 414) He portrays the responses of the state as follows,

> If, however, the local authority assumes the migrant presence to be permanent, the policy reaction may be 'assimilationist' or 'pluralist'. The former expresses a modernist view of Strangers, aimed at reducing and eventually eliminating their Otherness (including segregation); the latter expresses a postmodernist view that tolerates and possibly supports their Otherness, including a certain tolerance for segregation. (Michael Alexander, 2003: 416)

John Rex discusses three kinds of alternatives for the states so as to operate multicultural policies regarding the immigrant minorities.

> Although the immigrant communities and their cultures are seen as having a right to exist they are not necessarily accorded equal rights, and may be regarded as culturally inferior. The second, however, is that some ideal of equal citizenship, previously negotiated between the classes ad status groups in the host country, is extended to the immigrant groups, even though their right to retain their own culture is recognized. Thirdly, without threat to the overall political unity of the national society, to recognize that minorities have the right to their own language in family and community contexts, the right to practice their own religion, the right to organize domestic and family relations in their own way, and the right to maintain communal customs. (John Rex, 1996:90-91)

John Rex stresses that each individual and group should not be deprived of any political participation. He states the necessity of integration of immigrants within equality of opportunities by citing the definition of Jenkins as follows; "integration is not a flattening process of uniformity, but of cultural diversity, coupled with equality of opportunity in an atmosphere of mutual tolerance." (John Rex, 1996: 55)

In this section, it is aimed to set the theoretical framework of multiculturalism. The works of scholars on the functioning of the multiculturalism those bases on their discussion were explored. The theoretical approaches, as mentioned above, demonstrate us how to understand the issue of multiculturalism. Since the early years of 1990s, the notion of citizenship associated with the political recognition of minorities as well as the issue of their social and economic position within the society has become important discussion subject for both the academicians and politicians. First of all, it is evident that there is a not clear definition of the multiculturalism as a concept. In this context, the states resort to assimilationist or separationist approaches regarding the recognition of their cultural and ethnic minority groups considering their historical and ideological motivations. The concept of multiculturalism appears here as the counter progress against the assimilationism and segregationism. It is important to note that the multiplicity of national minorities, immigrants, refugees, etc. with their cultural values and practices within the same society is irrefutable situation. Nevertheless, to be composed of different ethnic, religious and cultural groups could not make states a multicultural society, as this perception will be explained within the rest of this study. Briefly, for becoming a

multicultural society, a state is supposed to adopt diversity and to make its laws in favor of all individuals within its territory.

At this point, the major focus will be on Germany and its realizing process and practices of a modern democratic society, which includes an enthusiasm and a capability to accept and respect for all diverse ethnic, cultural and religious groups composed of different national minorities, immigrants, refugees, etc. Whilst examining different multiculturalism approaches, it will be analyzed if Germany is recognizing itself as a 'multicultural society' or not.

2.6. Germany: the Challenge of Becoming a Multiculturalist Society

In general, the multiculturalism envisages 'living together' and 'being equal member' of society despite all cultural and ethnic differences. One of the most important components of becoming a multicultural society should be considered as the 'adoption the diversity'. The regularization of resident status or providing equal opportunities for easier integration becomes another important prerequisite.

It will be focused here to what extent Germany is willing to accept cultural diversity at its home. It is important to find answers to following questions: How the term of multiculturalism is defined in the German state policies? Is Germany moving through becoming a multicultural society in view of its new citizenship and immigration laws? How does Germany regulate its policies concerning the rights of ethnic and cultural immigrants? However, it will be dealt with the legal regulations on the citizenship and immigration issues in the fourth chapter under the title of 'is Germany keeping its doors open to multiculturalism? Or, are minorities subject to a range of policies intended to assimilate or marginalize them? Is this thing we call multiculturalism a clear and present threat to German culture? Does the naturalization pave the way for a sense of 'being German'? Is Germany taking step to avoid from racism and anti-discrimination?

During the 1980s, many European countries have questioned the issue of 'multiculturalism'. Some of them tended to recognize the ethnic and cultural diversity in their country. They took decisions in favor of integrating ethnic and cultural groups into their mainstream societies without disregarding the ethnic and cultural

distinctiveness. Further, those countries regulated polices for granting the right to citizenship to long-established resident immigrants.

In contrast, for years, the issue of multiculturalism has remained a simple discourse in the political arena in Germany. In Germany neither governments nor the political parties, with the exception of Greens party, drew attention for improvement of any multiculturalist policies. The political intention of Greens party has been to advocate the recognition of ethnic diversity, the integration of immigrants into German society and to endow the immigrant the right to vote, at least in the local elections. However, the conservative parties were reluctant for regarding Germany as a country of immigrants. Furthermore, the issues of immigration and citizenship in Germany were attached to the ethno-cultural basis of citizenship. Adherence to the ethno-cultural idea obstructed the movement toward liberalization of immigration and citizenship policies.

By the early 1990s, Germany along with other Western European countries witnessed new immigration flows. The impacts of globalization have triggered off the transformation of current migration policy and practices of Germany. Therefore, it was taken steps in order to revise the citizenship and immigration laws. By the new citizenship and immigration laws, it was intended not only to fill the gaps in the regulations in terms of long-settled immigrants and new comers; but also to ease the integration of immigrants. Moreover, Germany sought to find solutions for the illegal migration.

Before the revision of German new citizenship law, the long-term settled immigrants and their descendants could not obtain the German citizenship due to the principle of *ius sanguinis* based on the blood. By the new citizenship law, the children of immigrants are allowed to obtain the German citizenship at their birth in Germany. Although Germany has taken important steps for easing conditions in accession to German citizenship and in the integration process of immigrants, the conservative parties in Germany refuse to tolerate the dual citizenship of immigrants.

The conservative parties initiated a nation-wide campaign against the dual citizenship that privileges second and third generation immigrants. By this campaign,

more than 5 million signatures were collected. Dual nationality is tolerated up to the age of 23-years for children of immigrants. At the age of 23, the children of immigrants should decide whether they renounce their nationality of parents or acquire German citizenship.

In this sense, these regulations pose an important difficulty for becoming a 'multicultural society'. The immigrants are forced by the state to choose their citizenship without their free will. The immigrants will either choose to keep their previous citizenship or obtain full citizenship rights of Germany by renouncing their previous citizenship. However, due to the legal obstacles most of the immigrants, especially Turks prefer retaining their national citizenships. They refuse to integrate into the German society.

The Idea of Ethnic Homogeneity of German Culture and Assimilationist Integration Policies

The arguments of the governments in Germany, especially the conservative governments, about the homogeneity of German society resemble to communitarian ideology. As mentioned before, a state seeks to maintain its legitimacy with its own society and shared a common national culture. A state authority forces the minority groups with its regulatory policies to make them conform to the "homogenized" society where the unity is privileged over diversity". (Parekh, 2000:197)

The German society considered itself as a homogeneous society. Germany has boasted of its 'ethnic homogeneity' and German culture. The concept of German national citizenship and German immigration polices have based on the principles of the ethno-cultural national identity. Therefore, non-ethnic Germans were excluded from the accession to German citizenship. Yet, considering the arguments of multiculturalists, it is practically impossible to construct such a homogeneous society. Germany as well as many Western European countries faces with the growing multiplicity of different cultural and ethnic groups. Therefore, Germany could no longer disregard the heterogeneity of German society.

Bearing in mind the argument of Parekh on 'assimilationist approach', the conservative parties in Germany seek the assimilation of immigrants by the fulfillment of certain criteria of naturalization.

According to the conservative parties, non-German immigrants could obtain the German citizenship only after they assimilate into the major culture. The conservatives emphasize that if immigrants want to access to German citizenship through naturalization they must commit themselves "voluntarily" to the German culture. (Simon Green, 2001: 31). Related to the sense of German cultural superiority, the conservative parties advocate the idea of 'assimilation'. Hence, the conservative parties do not tolerate any privilege for different cultural and ethnic minority groups in Germany. The conservative parties have resort to assimilationist implementations by disregarding the social and legal necessities of the cultural and ethnic minority groups.

The conservative parties lack confidence in different cultural and ethnic immigrant groups. According to the conservatives, different ethnic and cultural minority groups may deteriorate the German culture by their different ways of life.

Moreover, the conservatives are suspicious of any toleration of dual citizenship and the extension of equal rights to immigrants. The conservatives perceive toleration of nationality of homeland as a threat to the constitution of Germany and German culture. If immigrants have dual citizenship, they could maintain cultural and political ties to their homeland. According to the conservatives, the immigrants may not be assimilated into German culture if they preserve their homeland national identities.

Contrary to the conservatives, such as the Greens party have sought to extend equal social, economic and political rights of citizenship to immigrants without questioning their ethnic and cultural differences. For the Greens party, the German society is a heterogeneous society, because, the German society includes many different cultural and ethnic immigrant groups, refuges and asylum seekers.

Germany has taken important steps to develop integration and immigration laws in recent years. On the other hand, taking into account the amendments in the new nationality law, the German naturalization regime requires its applicants for obtaining German citizenship to be 'assimilated' in terms of being able to speak German language, express commitment to the Basic Law and to renounce the previous country of citizenship. Regarding the concept of German citizenship, it is important to emphasize that Germany has no historical tradition of assimilation. Germany has been a country with "ethno-cultural exclusionist citizenship". (Koopmans and Statham, 2000: 197) In fact, the legal revisions demonstrate Germany's tendency towards assimilationist notion of citizenship. Even if this cannot be determined as assimilationist in itself, together with the unsecured political-legal framework conditions explained above this creates an atmosphere of discouragement preventing the foreigners to perceive themselves as an essential part of the German society.

Considering the interaction between the German society and immigrant groups, different cultural groups influence each other. Yet, the sense of superiority of German culture leads to a conflict between immigrants and German society. Furthermore, a sense of cultural superiority reveals anti-foreigner sentiments and racist attitudes towards immigrants. Due to the fear of losing cultural identity, immigrants refuse to adopt the social and cultural practices of German society. In this sense, as Parekh argued before, the opposition to cultural diversity retards the 'multiculturalization processes' of German society. (Parekh, 2000)

Moreover, it is still uncertain that Germany is anxious to recognize itself a heterogonous society. However, until recent revisions, Germany has not regarded itself as a country of immigration. Hence, Germany has not sought to take steps for reforming its immigration and nationality laws.

Suffice it to say that Germany is typically a country of immigration considering the number of immigrants living and increasing flow of population within its territory. Moreover, the ethnic and cultural multiplicity makes Germany a multinational country in terms of demographic results. However, as for the implementations in

practice, many politicians and parties are not anxious to regard Germany as a multicultural society.

The European Union Policies for the Integration of Immigrants in EU Member States

Today, the European Union agrees that the residence of non-citizens became permanent and the number of long term immigrants and foreigners legally settled in the European Union member states is rising. The Parliamentary Assembly emphasizes that "the presence of immigrants and foreign residents is an enriching and positive factor in our societies and everyday life".
(http://www.assembly.coe.int/documents)

EU points out that "…the lack of integration can be a source of social tension and conflict and marginality of immigrants. The society, as a whole, should adopt this new situation and overcome the obstacles to the integration of migrants". EU has given high priority to the improvement the social, economic and political situation of immigrants in receiving the EU member countries. The EU has aimed at achieving greater unity between its members. For this reason, the EU has taken recommendation decisions on the integration of the migrant workers into the society of their host countries as regards the education and cultural development, the participation of immigrants and foreign residents in the political life, and on the situation of young migrants in Europe. In this sense, the European Union encourages member states to respect for the cultural, social and religious differences. Member states should provide easer integration of immigrants into their mainstream societies by offering access to basic services such as health, housing and legal advice as well as funding the language tuition and integration courses on the way of life and customs of their societies. Meanwhile different ethnic and cultural immigrant groups could preserve their cultural and ethnic identities. Within this context, the EU advises member states to sponsor the activities to develop the intercultural dialogue between immigrant and non-immigrant communities According to EU, the creation of pluralistic atmosphere in schools is quite important so that all young people to take a positive, tolerant view of cultural diversity, and to refuse racist or xenophobic attitudes. Additionally, the EU recommends member states to take clear and transparent legal measures for

fighting against discrimination based on racial or ethnic origin in all fields. Moreover, the EU promotes member states to reorganize their policies regarding job training, fighting illegal employment; creations of new jobs at low skill levels and guaranteed equality of opportunity. Concerning the political rights, the EU encourages member states to grant immigrants who have been legally living in their countries, for at least three years the right to vote and stand in local election. Thus, those immigrants might have a chance in order to influence on the decision making process. Moreover; 'dual citizenship' might be tolerated. (http://assembly.coe.int/documents)

In accordance with the EU recommendations as mentioned above, my main questions here are whether or not Germany perceive immigrants who have resided for long years as one of 'us'; and whether or not Germany became successful to integrate its immigrants concerning the needs of ethnic and cultural immigrants.

Germany Failed to Integrate its Immigrants?

In Germany, the conservative parties have not attempted to recognize the cultural and ethnic differences of immigrants within its territory. In Germany immigrants have seen as 'temporary guest workers', the 'outsiders', the 'other', 'stranger', 'alien', 'they' or 'refugees'. The governments, especially the conservatives have perceived immigrants only as economic tools of the growth. The governments presupposed that immigrants would return to their home countries after few years. Hence, immigrants have been excluded from key economic, social and political rights associated with the German citizenship arising from ethno-cultural perception. The governments in Germany have not promoted the process of naturalization of immigrants into the whole society. In Germany, the authorities denied easy accession of immigrants to the German citizenship until progressive initiatives in its new citizenship law.

In Germany, temporary foreign workers and their descendants have resided nearly for 50-years. The ethnic and cultural immigrant groups became permanent residents of Germany. Besides, some scholars argue that the second and third generations are no longer immigrants, because, they were born, grew up in the receiving countries and getting their education, being employed and got married in the host countries;

they acquire the legal citizenship of those countries so that they have political participation rights as well. Yet, they do feel neither a sense of belongness to their traditional identity and homeland nor a sense of belongness to the shared of identity and culture in which they live. Accordingly, they dip acutely into the uncertainties.

Immigrants and their children are often accused of not being integrated into the mainstream societies. Yet, Germany failed to integrate its immigrant population and their children. Until the recent arrangements in citizenship and immigration laws, there have been not any concrete initiatives for easier integration of immigrants into the German society due to the adherence to ethno-cultural understanding of the German national identity.

Although immigrants in Germany could benefit from some social rights such as social aid, unemployment aid, and children aid as the other German citizens, they do not have equal opportunities in vocational and lingual education, employment, and housing. They are not informed about their legal rights and opportunities. The EU encourages member states in order to grant immigrants who have been legally living in their countries, for at least three years the right to vote and stand in the local elections so that immigrants could participate actively in the decision-making process which concerned with their problems. However, immigrants are excluded from the right to vote in local elections as well as other political rights- such as the right of political speech, the right to establish political party, and the right of assembly.

Segregationist Approaches in Education and Religion

Taking into account its policies and attitudes on language and education, Germany accepts the principle of "mono-lingualism". (Castles and Miller, 1993: 222) The conservative governments in Germany did not intend to foster 'plural atmosphere' in schools. Those governments adopted "segregationist" approach in the educational system. (Koopmans and Statham, 2000) The students from different cultural and ethnic groups got the right to education, but in separate classes. They were intended to be separate from the German students; because foreign students were perceived and --are still for many teachers and people-- as a 'deteriorating threat' to the

dominant culture and language of Germany. Hence, the alienation between the dominant culture and culture of immigrants causes the rise of intolerance, misunderstanding and racist ideas.

For instance, by the 1980s, the Bavarian governments merely established policies for "segregating immigrant children", especially Turkish children in their schools. Yet, the governments had not planned the integration of immigrants into the German society. The main objective of the governments was different. Rather, the governments planned immigrants to return to their home countries. Hence, those governments supported the language and culture of immigrants in "segregated" classes. (Peter Kivisto, 2002:163) Most of the immigrants in Germany have still poor German language skills and the children of immigrants are unable to have success in schools due to the lack of knowledge of German language, the differences in cultural and religious customs, low educational levels of the parent, complexity of German education system for foreign children as well as the prejudice and stereotypes against foreign children in the German schools. The immigrants, even second and third generation in Germany are still accepted as 'guest'.

As for the religious education, Bavaria became only associated with the Turkish Ministry to institute the Islamic education for the students from Turkey in public schools, but in separate classes. Koopmans and Statham define this mentioned approach as "ethnic segregationism". (Ruud Koopmans and Paul Statham, 2000: 22-23) However, these kinds of approaches, mentioned above, hindered moving toward becoming a multicultural society.

Although there are different approaches in education system in principle, each child of immigrants have opportunity in attending mixed educational facilities. Furthermore, bilingual education also exists in Germany. It is clear that a support for the acceptance of mother tongue of immigrants in schools as well as dominant language of Germany is essential for the integration of immigrants into the German society. In principal, bilingual education is offered for the second or third foreign language. While different languages are offered, the teaching of English play major role, followed by French. Spanish, Italian, Dutch, Russian and Czech play a more minor role. There are positive initiatives concerning successful integration of the

children of immigrants into German educational system and successful learning of German language, the authorities in the German federal government has developed various projects concerning educational systems to help those children for overcoming the crucial language barriers.

Marginalization of Immigrants

Taking the categorization of Joppke and Lukes into consideration, the second kind of minority rights as mentioned before, immigrants in Germany require their recognition of their cultural and ethnic diversity which was guaranteed by the state polices. Immigrants claim that the state could actively support them for the preservation of their educational, linguistic and cultural practices without any discrimination within the mainstream society. The German state policies should offer opportunities to express, to participate in political decision-making and eliminate the social and economic disadvantages related to ethnicity and culture.

Regarding the Agnes' categorization of multiculturalism mentioned before, there might be individuals and officials among the institutions of German state and society who are willing to accept cultural diversity. Considering the principles of German Citizenship Law of 1913, citizenship was based on the linguistic and cultural affinity. According to this law, the non-ethnic Germans were defined as foreigner due to their "alien tongues and races". (Dieter Gosewinkel, 2001: 278) That's why; in Germany foreigners were excluded from accession to German citizenship through naturalization.

In this context, the conservative governments in Germany have not intended immigrants to share the common language and cultural practices of German society. The conservative governments neither attempted financially for motivating immigrants to preserve their cultural heritages, languages or histories. Nor there were considerable pressure on immigrants for renouncing their own cultures. Nevertheless, in Germany due to lack of citizenship status, the ethnic and cultural minorities were severely limited access to the whole range of rights associated with German citizenship. By the re-arrangements in the citizenship laws, immigrants are subjected to renounce their former citizenship in favor of obtaining German citizenship.

Further, immigrants have to commit themselves to abide by the principles of German constitution, language and culture. They are not permitted to possess dual citizenship. Without German citizenship, it is impossible to possess the right to vote in the local and general elections or the right to be a member of any political party, to run for office, to serve in the army, and so on.

Meanwhile, immigrants in Germany face with prejudice, discrimination and racist attacks. Anti-immigrant groups and the extreme right parties, such as the Republikaner and the National Democratic Party (NPD), have encouraged German youth groups, called as 'neo-Nazi' and 'skinheads', for resorting to terrorism and violence against foreigners. The factors of anti-immigrant sentiments, deficiencies in the education and socialization, lack of experience and contact with foreigners/foreignness, the economic recession and high unemployment, the ideology and symbols of past resulted in extremist tendencies.

The prejudiced and racist attitudes among the institutions of state and society lead to 'marginalization of immigrant'. Furthermore, as some people within the German society those immigrants are unwilling to coexist with different cultural and religious values and practices. Therefore, many immigrant groups choose to live together in their own districts where they could preserve their cultural practices and languages. The immigrants initiate to set up their own social and economic structures in their districts.

For instance, Turks in Germany are marginalized immigrant groups, alienated and racially defined underclass in terms of their language, identity, religion and cultural practices. So far, the German governments for integration into the German society have not adequately supported Turks. The integration still remains as a problematic issue. Turks are considered as an unassimilability group among other immigrant groups. For instance; most of the first generation Turkish immigrants and some of the second/third generations are unable to integrate into German society. Turkish youth are experiencing many problems in their education and social relations. Further they face with the chronic unemployment. Moreover, Turkish youth feel themselves pressed between their traditional identity of parents and the traditions of German society. Hence, due to this kind of dilemma in their identity formation

associated with xenophobic attitudes towards them, Turkish youth resort to violence and crime. The integration process of Turkish immigrants in Germany will be discussed in the fifth chapter.

To sum up, insufficient knowledge of the dominant language; uncertainties for the future; exclusion and discrimination against immigrants, dissatisfaction with school and weak social relations have all raised several aggressive attitudes of young immigrants towards the majority groups, and vice versa. Violence related to the extremist tendencies increases the tensions and promotes the fear between immigrants and German society. That's why; the social and cultural interaction between immigrants and German society is getting worse.

Anti-Discrimination

Anti-discrimination policy has also become a significant part of the integration process as well as the citizenship and immigration laws of the immigrant receiving countries. The term of discrimination refers to unequal treatments of an individual or group of people on the grounds of ethnicity, sex, and age within both private and public realms of state. (Gisela Will, Stefan Rühl, 2004:8) Today, the immigrants in many immigrant-receiving countries are subject to social, economic and political discrimination and exclusion. In fact, anti-discrimination policies guarantee equality of the rights and opportunities for immigrants as well as prohibit the racist attitudes against foreigners.

The European Union institutions have realized the dramatic increase in racist violence since the beginning of 1990s. That's why; the EU institutions have taken steps for developing effective anti-discrimination policies for the protection of immigrants and ethnic minorities.

Within this context, in 1993 the first Summit of Heads of State and Government of Council of Europe member States, 'the European Commission against Racism and Intolerance (ECRI) was established. Within the Council of Europe, the ECRI aims at fighting against racism, xenophobia, anti-Semitism and intolerance on the basis of the protection of human rights. The ECRI recommends the member states for

adopting a comprehensive anti-discrimination legislation related to the following items;

> ■ Discrimination in all fields of life including employment, education, housing, health, goods and services intended for the public, access to public places, access to public and social services, contractual relations between individuals, exercise of economic activity; and
> ■ Discrimination on grounds such as: race, color, religion, language, nationality, national and ethnic origin.
> ■ Restrictions on the establishment and operation of political parties, which will violate the right of minority and other groups. (http://www.coe.int/ecri)

Furthermore, the Council of European approved 'the Race Equality Directive', two guiding principles in 2000 in parallel with 'anti-discrimination clause' of 1997 Treaty of Amsterdam. According to these guiding principles, the government of Germany along with the other EU member states has to introduce an anti-discrimination legislation in conformity with the EU's guiding principles and put it into practice until the end of the year 2003. (http://www.lbr.nl)

By these principles, the council of the European Union has intended not only for combating discrimination based on racial or ethnic origin, religion or belief in a wide range of areas including employment, vocational training, education, social security and healthcare, access to goods and services and housing; but also, the EU has promoted providing equal opportunities for immigrants in terms of political, social and economic participation. These guiding principles are as follows:

> 1.The "Directive on establishing a general framework on the realization of the principle of equal treatment in the employment sector and in professional fields", should, on one hand handle ethnic discrimination due to the place of origin, and on the other side, unequal treatment due to a particular religion, opinion, disability, age or sexual orientation.
> 2. The "Directive on implementing the principle of equal treatment irrespective of Race or ethnic background" should be legally applicable in relevant aspects of life. (http://www.lbr.nl)

Until the recent revisions in Germany's citizenship laws, the immigrants are excluded from accession to German citizenship. Immigrants could not benefit from equal rights and opportunities as the citizens of Germany. Further, immigrants are subject to racist attacks against them and discrimination due to their ethnic, religious

and cultural differences. Although Germany has needed an extensive law against discrimination, Germany has not yet a specific legislation concerning discrimination on the basis of racial or ethnic origin.

In February 2002, the Federal Ministry of Justice has presented a draft on "Civil Law Anti-Discrimination Bill" in order to provide a legal protection against discrimination in parallel with the two directives of the EU on anti-discrimination. Besides, it was intended to take measures for fighting against the activities of right-wing extremists, xenophobic and anti-Semitic violence. According to the definition of the federal law proposal on the Anti-discrimination law, racial discrimination refers to actions of "unlawful differentiation", "exclusion" or "other limitation" based on the grounds of ethnic background, nationality, color, descent and religion. (http://www.ilo.org)

By the civil law of anti-discrimination bill, it is planned to introduce the following paragraphs under the subtitle "Prohibited discrimination"; (Gisela Will, Stefan Rühl, 2004: 20-21)

> 1. Section 319a Prohibited discrimination refers to ban of all kind of discrimination based on "race", ethnicity, sex, religion and other beliefs, disability, age or sexual identity.
> 2. Section 319b Definition of terms refers to differentiation between direct and indirect discrimination.
> 3. Section 319c Regulation of the burden of proof refers to the assumption that a certain person has violated the discrimination ban, the person who is accused due to this accusation has to proof that this is not a case of discrimination.
> 4. Section 319d Accepted differentiation refers to permissible differentiation, which is situated for contractual associations between employer and employee of law. Furthermore, equal access to organizations, whose members belong to a particular profession, is guaranteed.
> 5. Section 319e Legal Claim for avoiding discrimination, elimination of results and compensation for damage refers to the legal consequences of the ban of discrimination.

Even if it was planned to adopt an anti-discrimination legislation in the end of 2003, according to rules of the European Court of Justice regarding Germany in April 2005; Germany has failed to implement the EU's 'race and anti-discrimination' law. The draft legislation for the implementation of the Directive is being discussed by the German Parliament, but has not yet been adopted.

According to the reports of the ECRI; despite noticeable initiatives relating to immigration, the status of non-citizens, naturalization criteria, immigrants and second/third generation born in Germany still remain 'foreigner' in German statistics and the public discourse even if they possess German nationality. The ECRI notes that the immigrants are still perceived as 'guests'. The ECRI notes that the long-term non-citizen immigrants are excluded from the political rights such as the right to vote in local elections. Furthermore, immigrants face with the language barriers, lack of information on opportunities and the disadvantaged position in schools in terms of academic success and intercultural dialogue.

Further, the ECRI underlines the increasing xenophobic and anti-Semitic violence against asylum seekers, members of the Jewish communities, Roma and Sinti in Germany. According to the ECRI; racist, xenophobic and anti-Semitic violence is one of the "most dangerous expressions of racism" in Germany. (http://www.coe.int/ecri)

That's why; Germany should guarantee providing all immigrants to enjoy equal opportunities in all fields of the public life as the rest of the population in Germany. In this respect, Germany is required for the regulation of the legal framework in order to fight against racism and racial discrimination. (ECRI, Third Report on Germany adopted on 5 December 2003, http://www.coe.int/ecri)

2.7. Concluding Remarks

So far, it was explored to what extent Germany is willing to accept cultural diversity at its home. It is evident that Germany has set new citizenship and immigration laws concerning the rights of ethnic and cultural immigrants. However, it is certainly argued that Germany is not moving toward becoming a multicultural society considering its policies and implementations in practice. In spite of the reformist policies related to easy naturalization of immigrants, the issues of the recognition of cultural and ethnic diversity and respect for the differences cause problems in both public and private spheres.

It is possible that there might be insensitive and oppressive attitudes towards foreigners in public areas of German state; such as schools, court, parliament, police stations, etc. The conservative governments and parties in the German state do not intend to extend equal rights to different ethnic and cultural immigrant groups. Even if the Basic Law of Germany, in principle guarantees accession to such institutions, immigrants could not have the equal opportunities for benefiting from these institutions, in practice. Nevertheless, there are positive institutional arrangements in the educational system, labor markets, health and housing. Though some officials of government negotiate with the leaders of different ethnic and cultural immigrant groups for their problems or expectations, there is not any reinforcement in roles of immigrants in the political life. What's more, the government and political parties have not yet developed any clear political principles related to the protection of the immigrants against discrimination.

Considering the new immigration law of Germany, there is a strong tendency toward assimilation. By this new law, the former immigrants and the newcomers are supposed to commit the legal and cultural values of German state. The immigrants feel a strict pressure over themselves under the new immigration law.

According to the new immigration law, foreigners must have a visa, a temporary residence permit or a permanent settlement permit. In order to enter and take residence or settlement permits in Germany, they must fulfill a range of requirements. However, the details concerning the new immigration law of Germany will be given in chapter four.

Furthermore, immigrants are obliged to attend the German language and integration courses according to the immigration law, even if they have already lived in the country for a long time. Those who fail to prevail over the language barrier are threatened with the loss of social benefits and limitations on their residency permits. In practice, different ethnic and cultural immigrant groups do not have secure residence rights as well as the ethnic Germans and the citizens of the European Union.

On the other hand, the new immigration law, which came into force on January 1, 2005, is not aimed at promoting the integration of immigrants. The politicians have always accused immigrants for lack of adequate understanding of the German language and for no commitment to the cultural and legal values of German state.

However, as it was explained before, the governments, especially conservatives did not fostered the integration of immigrants; but also, these governments did not intend to resolve the social, economic and political problems of different ethnic and cultural immigrant groups. Rather, those governments applied the segregationist polices in their integration polices. Further, they encouraged immigrants for returning to their home countries. In its traditional understanding of German culture, immigrants do not have a place or they are not respected. Different cultural and religious values and way of life was –is still-- perceived as a 'threat' to the 'German culture' and the values of 'Christianity'.

Different ethnic and cultural immigrants desire to be recognized both by state polices and the German society. However, they will remain as 'other' or 'alien' due to their ethnic, cultural religious differences. The conservatives have always hesitation in accepting Germany as a multicultural society. In order to protect the homogeneity of German culture, the immigrants are not accepted as one of the German citizens. Here, it is argued that Germany is a multinational society but not a multicultural society.

According to the Basic Law of German state, no one can be disadvantaged or favored based on his parentage, race, language, homeland and origin, faith, or religious or political opinion. The Basic Law refers to the protection of individuals against any discrimination, in general.

However, immigrants especially from the third world countries and Turkey are still subject to a range of discrimination in practice. Those immigrants in Germany are in a disadvantaged situation due to their ethnic, cultural and religious differences. They always experience all kind of discrimination in their daily life. The laws legally must protect the foreign workers; and generally they could work in equal conditions as well as the citizens of receiving country; however, such workers face some wage

discrimination. Foreigners are affected more the unemployment when compared with the native workers. First of all, they are still perceived as 'foreigner', 'uneducated', and 'second-class' workers. Most of them have not adequate language skills and professional job certifications. In practice, foreigners, especially to many Turks and the immigrants from third world countries have not better housing and jobs.

What's more, immigrants in Germany face with prejudice, discrimination and racist attacks in their daily life. According to the reports in the presses, there exists violence against foreigners, particularly against Africans and Turks by German police. There might be also a hate against the minorities within the police staff. At this point, the German politicians do not totally take efficient measures for protecting the immigrants from violence and combating against anti-racist attitudes. The conservative parties take advantage of the spread of xenophobia and racism. By creating anti-foreigner atmosphere, the conservative parties intend to gain the votes of anti-foreigners in the elections.

Germany has not defined itself as a country of immigration and Germany has ignored the cultural and social dimensions of mass migration or support for the interaction between different ethnic and cultural immigrant groups and the mainstream German society via avoiding the alienation and hatred. On the other hand, the exclusionary and prejudiced attitudes and policies, inefficiencies in the legal provisions and anti-foreigner sentiments have negative effects on the integration processes of immigrants into the mainstream society. Hence, immigrants have not felt any sense of belongness to the German society. In addition, these attitudes cause counter-reactions of immigrants against xenophobic attitudes. Thus, many less educated and unemployment young immigrants marginalize; namely they are barely are in contact with the rest of the society and resort to violence and crime.

In Germany, temporary foreign workers and their descendants have resided nearly for 50-years. Their status of temporary residency has turned into permanent residency. However, the critical question here is whether or not immigrants are regarded as full member of the political community. Looking at the legal situations and the developments in the politics of immigrants, we can learn much about how

efficiently and practically the institutions of Germany deal with the social needs and political objectives of immigrants.

The concrete indications illustrate that immigrants, non-German citizens in Germany are excluded from some social, economic rights and the political participation. The Basic Law of Germany grants the right to assembly, the right to form associations, the right to be a member of political party or the right to be elected in the national and local elections. These rights are only granted to Germans. Besides, the EU citizens living in Germany in principle have the right to run for office vote in elections. However, different ethnic and cultural immigrant groups do not have equal political rights as the German citizens have; such as the right to vote, the right to member of political parties or the right to be candidate in both national and local elections, the right to demonstrate or strikes, etc. The non-German foreigners are only permitted to form private associations under the rules of constitutional law without any violation to basic rights. However, the governments in the German state avoid supporting the establishment of religious associations.

Germany reformed its citizenship law from a *jus sanguinis* to a *jus soli* system, allowing the right to citizenship at birth. However, immigrants have still faced with the obstacles for obtaining dual nationality. Until the recent citizenship reforms, the non-German immigrants could not easily acquire the national citizenship of Germany; so, they could not access to formal political system.

Moreover, the conservative parties are suspicious for extending the political rights for greater access to the electoral process. Hence, immigrants who have been resident of Germany for several years do not have the right to vote at least in local elections. Immigrants do not have the right to be elected in local and national elections without obtaining German citizenship. In addition, immigrants are kept off the local decision-making process. Therefore, they do not have any chance so as to express their interests and opinions. Unfortunately, the collective interests and rights of non-citizen immigrants are not represented within both national and local levels. Within this context, it is seen that the German state polices are only set in favor of the interests of German citizens.

In the end of the 1980s, in some cities of Germany, such as Hamburg, Schleswig-Holstein and Berlin took important steps to grant the right to vote in local elections for the non-German EU citizens who were living for eight years in Germany. (Rath 1990: p. 132) However, the conservative parties appealed to the Federal Constitutional Court for rejection of extending the rights to foreigners. In 1990, the Court ruled that the endowment of voting rights for resident foreigners violated the Basic Law. Here, considering the decision of the Federal Constitutional Court, the judiciary played leading role in terms of setting legal barriers for extension of the political right to non-citizen immigrants. However, the judiciary has to be independent from any politic view.

Some of the Turkish immigrants have been elected to the parliament after they are granted for the German citizenship. For instance, Cem Özdemir became the first elected representative of Turkish descent to parliament in 1994. Nevertheless, few minorities were represented in the government. Unfortunately, it is unsatisfactory in terms of representation and participation in order to voice for their interests in the decision-making process as well as improving their situation within the public areas, such as education, housing, the labor market, health care and social services. The ethnic and cultural immigrant groups need the public support for their cultural and religious activities. However, even if it is taken positive steps for social integration and opportunities for immigrants --there are institutions and organizations have played roles in not only creating intercultural activities, exhibitions and seminars-- but also those organizations offer the counseling, language and computer courses for women, children, youth, and elderly, there is a lack of interest on both sides.

Nevertheless, some immigrant communities have been voicing their opposition for their exclusion from full citizenship rights. Those institutions have addressed the claims for the 'recognition of the right to vote in local elections'. Those communities define the politics of conservative parties as racist. It is important to note, while the conservative parties here are suspicious of granted privileges to immigrants, the ring-wing extremist parties severely oppose to a 'multicultural society'. Those immigrants complain about the governments for not taking efficient measures against discrimination and racism. However, they are aware that without taking German

citizenship, the political parties and governments will disregard the needs and interests of different ethnic and cultural immigrant groups.

To sum up, Germany is not still willing to welcome a multicultural society. As Parekh stated, without any establishment of the common ground for communication and living in harmony with each other, the process of being a multicultural society appears as an unforeseen process, at least in the near future. (Parekh, 2000)

Each different cultural and ethnic group deserves benefiting from social, economic and political opportunities without suppression and discrimination of state. To become a multicultural society depends on the willingness of Germany as a whole to absorb different ethnic and cultural minority groups. Further, in Germany, authorities could secure the social, economic and political situation of cultural and ethnic minority groups. As long as in Germany different cultural practices of immigrants are seen as a threat to its culture, the cultural diversity might not be tolerated in Germany. The governments, politicians and society in Germany should recognize the cultural and ethnic diversity. Moreover, those in Germany should respect for different linguistic, cultural, religious, historical differences of immigrants. In this view, governments and politicians could develop a more successful integration strategy dealing with the social, cultural, economic and political needs. In the same state, the preservation of cultural practices of immigrants should be guaranteed. The recognition of the cultural diversity coupled with equality of opportunity for each people will create suitable atmosphere of mutual tolerance.

CHAPTER II

THEORIZING CITIZENSHIP

3.1. The Concept of Citizenship

The Western European states generally accept both the *de facto* and *de jure* situation of immigrants. It is important to note that, the non-citizen immigrants have resided for the long term in those states became permanent foreigners. Since the beginning of the 1990s, the Western European states have dealt with the roles and responsibilities of immigrant groups within their societies. The Western European states have discussed the following questions; whether the non-citizens immigrants have the right to access the status of national citizenship of the receiving countries, whether the status of national citizenship is granted by birth to the children of non-citizens, whether the dual citizenship is tolerated for the naturalized immigrants.

In many European nation-states, the concept of citizenship has any longer an exclusive position, which attributes to the special rights and privileges for the citizens of their states. Many Western European states tend to revise their policies in favor of immigrants for granting the right to citizenship by birth to the children of immigrants. Besides, those states facilitate the naturalization requirements for immigrants so that they could obtain the citizenship status. What's more, some states tend to tolerate the 'dual citizenship' of naturalized immigrants. Although, some states facilitate the accession of non-citizen immigrants to social and economic rights, those states are suspicious for extending the citizenship rights to those immigrants, closely associated with the political rights. In order to both participate in the decision- making process of state policies and enjoy equal rights and duties, immigrants seek to easily access to the national citizenship of those states. On the other hand, while tolerating the 'dual citizenship' for their former ethnic citizens; those states employ the restrictive policies over the long-term immigrants within their societies for access to the legal citizenship right. Therefore, prejudiced policy

approaches and lack of equal social, economic and political rights cause conflicts among minority and majority groups.

Here, one of the focuses will be the close relation between the concept of citizenship and the nation-state. The details about the historical transformation of the virtues and practices of the concept of citizenship will be given in order to understand the function of the institution of citizenship. Within this context, it is important to question whether the claims for the extension of citizenship right to the ethnic and minority immigrant groups do erode the traditional virtues and practices of national citizenship as well as minimize the capacity of nation states.

The concept of citizenship challenges both the solidarity of nation state and the multiplicity of the society. Nevertheless, the national citizenship remains as an essential institution for a sense of unity. By its unjust characteristic feature, the institution of citizenship marginalizes minority groups so-called as the 'others'.

The institution of citizenship takes its members legitimately into its political community; but also it may exclude individuals called as the 'others' or the 'aliens' who are not considered as the genuine parts of the whole community.

In this above-mentioned perception, the territory and membership is linked interdependently with the institution of citizenship. Since, within the territory of the nation state, the citizenship institutions amalgamate individuals socially and culturally, which emerges as the essential instrument of the nation state system. The members of nation-state enjoy the rights of entry, residency, serving in the army and running for office and voting.

The institution of citizenship transformed historically. The institution of citizenship at first emerged as a concept that excludes the non-citizens from several social and cultural rights. Non-citizens were prohibited to enter the territory of nation state and were deprived of some basic citizenship rights. However, the recent developments on the concept of citizenship provide non-citizens several rights of entry and residency, but still exclude them from several political and civic rights.

Bauböck explains the legal status of citizenship by attributing to different perspectives of the concept. Firstly, citizenship requires a membership in a national community and excludes the non-citizens by permitting only temporary residency or limited rights but not full membership to them. Thus, the national conception of citizenship refers to 'quasi-membership'. Secondly, the republican conception of citizenship naturalizes permanent foreigners throughout the process of assimilation. Thirdly, the societal conception of citizenship requires the right of residency, learning of dominant language for first generation immigrants to acquire citizenship. This conception of citizenship supports the "transmission of citizenship by ius soli for native born second and third generation." In this model 'dual citizenship' could be tolerated only after voluntarily naturalization of immigrants. On the other hand, if long-term non-citizen immigrants do not chose to naturalize, they, labeled as 'denizens', and they are unable to benefit from the same civil and social—though not political—rights as full citizens. (Rainer Bauböck, 1998: 33-35)

The citizenship as an idea demonstrates one's equal and legal adherence to a society. Acquiring a citizenship provide someone keeping their membership status within the society and benefiting from definite advantages of economic, social and significant political rights.

According to Keith Faulks, the concept of citizenship means not only to obtain a "set of favorable rights". She describes citizenship as a "reciprocal" and "social idea". She portrays her consideration as follows;

> Rights always require a framework for their recognition and mechanisms through which they can be fulfilled, such a social framework, which includes courts, schools, hospitals and parliaments, requires that citizens all play their part to maintain it. This means that citizenship implies obligations and duties, as well as rights. (Keith Faulks, 2000: 4-5)

Individuals need agents to regulate the economic and social relations among them. And they need a power for equal allocation of the whole material or emotional recourses without conflicts. Hence, this regulative authority, created voluntarily by individuals, develops a set of politics from which each individual would benefit. Individuals have to obey and take responsibility for this set of politics as well. In this sense, the concept of citizenship is considered as significant instrument of this set of

politics for preventing the violation of individuals' civil and constitutional rights and for handling the distribution of resources equally and justly among individuals. (Karen Faulks, 2000)

Kymlicka and Norman refer to William Galston's, 'responsible citizenship' version, which requires following four types of civic virtue:

- o General virtues: courage, law- abidingness; loyalty;
- o Social virtues: independence; open-mindedness;
- o Economic virtues: work ethics; capacity to delay self-gratification; adaptability to economic and technological change;
- o Political virtues: capacity to discern and respect the rights of others; willingness to demand only what can be paid; ability to evaluate the performance of those in office; willingness in public discourse. (Kymlicka and Wayne Norman, 2000: p.7)

Consequently, the membership within a nation-state system seems to legitimize a privileged access to the modern societies while entitlements resulting from membership in non-political social systems are not supported by some constructions of community. (Jost Halfmann, 1997: 265)

3.2. Citizenship from the Nation State Perspective

Today, several European states have endeavored to modify their citizenship, immigration and integration criterions. The unitary position of nation states is eroded due to the deep impacts of the processes globalization and international migration influx. The concept of traditional citizenship signifies the unity of nation state over the issues of shared sense of ethnic and cultural belongness, certain rights, benefits, duties and obligations. As some scholars stress, the concept of citizenship inherit nationalistic connotation.

Citizenship, in order to achieve the unitary legitimacy, has been ideologically institutionalized by the modern nation states. Hence, within the territory of nation state, citizenship means "single membership''. The nation state manages and regulates the rights, benefits, and duties of the citizens. Furthermore, each nation state locates the members of its political community within its national boundary and

identity. Thus, by this bounded citizenry, the nation state distinguishes between its citizens and non-citizens. (Miriam Feldblum, 1998: 234)

The process of the nation state building is a realization process of the "political integration'' as William Bloom suggests (William Bloom, 1990: 55). The legitimacy of nation state has roots in the assertion of its autonomy and sovereignty. The nation state exercises its authority by setting functional and regulative systems. On the other hand, the nation state appears as interventionist. The nation state controls its territory by forming legal citizenship institution. This institution includes the acquirement of membership status and political, economic and social benefits of the state system. John Halfmann defines this kind of membership as the "political inclusion of individuals into the state" (Jost Halfmann, 1997:263).

Only after acquiring the national citizenship status, citizens receive variety kinds of rights and advantages (rights of entry, residence, serving in military, running for office, voting, education, social security system) from the political community. Throughout this process, the state emerges as the sponsor of its citizens. According to Liza Schuster and John Solomos, "only citizenship guarantees the right of access to the territory of the state and protection from deportation, at least a degree of representation." (Liza Schuster and John Solomos, 2002: 50)

Furthermore, Halfmann deals with the problematic dimension of the concept of national citizenship as follows:

> During the history of the nation states the semantics –referring to citizens of the community in other word 'ethnos' and the other demos- which reflected the creation of the nation states either conceived the idea of a community of citizens in terms of a socio-political contract or of cultural and blood bonds. In terms of the logic of inclusion, those persons who enjoy political and state-mediated inclusion may perceive themselves as members of a nation. (Halfmann, 1997: 264)

This kind of acknowledgement brings other dimension of exclusion into light. Beside Halfmann, Rogers Brubaker states that people of the nation states acquire citizenship by birth. He continues;

Rules of ascription vary among states, but most use birthplace or parental citizenship or both as indicators of membership. The presumption of membership is strongest in the case of persons born on the territory of the state to a parent or parents possessing the citizenship of the state. (Rogers Brubaker, 1992: 32)

The exclusion in this sense appears as a counter-balance of inclusion on behalf of the state's citizenry, in spite of its preservation of political and legal sovereignty. Rogers Brubaker emphasizes that the "state embraces its citizens as 'insiders' appropriate to explicit, formally articulated criteria; however, non-members labels as 'outsiders' negatively and residually." (Rogers Brubaker, 1992: 29)

Damian Tambini presumes the concept of citizenship as the mixture of all social, cultural, political accomplishments through common interest and as the "national collective good", and he explains the improvement of national citizenship as below;

Once national citizenship was institutionalized, it firmly structured not only political action and organization, but also the discursive field, particularly the family of 'nationalist' concepts such as ethnie, nation, identity, culture and society. (Damian Tambini, 2001: 197)

In sum, today the nationality laws express the "characteristic national aims" of administrative agents of the state. (Elaine R. Thomas, 2002: 9) Today, all countries face with both legal and illegal rising international immigration flow. Furthermore, the existence of immigrants and extension of citizenship rights is ongoing political issue. Hence, different factor plays an important role in shaping the nationality laws. In general, most of them aimed at limiting new immigration flows. Citizenship process had resulted in thousands of immigrants being naturalized. However, it is evident that there are long-term differences between resident populations and "eligible voters". Some of the nation states seek to avoid "ethnically- linked inequalities" of rights among citizens and new potential citizens to defend their democratic legitimacy. In this sense, the nation states have to reassure their publics concerning social and political integration of those new citizens. (Elaine R. Thomas, 2002: 9)

3.3. Citizenship from the Post-National Perspective

Today, many significant shifts in the world system have influenced the nature of citizenship. The intensified political and financial supremacy of the international organizations over the politics of nation states as well as irreversible substantial migratory flows endorse adamantly the codification in universal values such as "democracy and human rights" for women, children, minorities and immigrants. Some scholars clarify this progress as "post-nationalism". So called 'post-nationalist' argument stresses the dynamics of post-war especially on the issue of transcendence of the traditional basis of citizenship beyond the national barriers. Thus, the sovereignty is distributed and shared by local, national and transnational political institutions. (Yasemin Soysal, 2001: 5)

Yasemin Soysal argues that new transnational institutions spread the participation and the claims of people for civic and political rights beyond the national borders. The long-term non-citizen immigrants cannot be deprived of the "rights and privileges" based on universal rights of "human right" derived from international human rights institutions and conventions, unless their formal nationality status is disapproved. This process enables to acquire dual citizenship. (Soysal, 2001: 5-7) Thus, the legitimate claims for civic and political rights, reinforced by transnational organizations and international legal institutions, in some respects overwhelmed the concept of 'national' citizenship.

According to Ruud Koopmans and Paul Statham, two important progresses have shaken up the principally organized structure of the nation state and deteriorated its legitimacy and control within its border, "firstly, by external forces of globalization and the shift of the locus of power from the national to supra- and transnational levels and secondly, due to increasing pluralization supported by a multitude of collective actors who emphasize their cultural differences from the rest of society. (Koopmans and Statham, 1999:653)

Likewise, Damian Tambini explains that a range of shifts by following progresses impinges nation state and its integrative component 'national citizenship';

▪ *Economic globalization*: it is the fact that the growing mobility of capital and superiority of global financial institutions and transnational organizations bring about lessening the intervention of the state on the 'national economy', and its capacity in assisting 'social mobility'.

▪ *Cultural denationalization:* The aim of the state is to engine homogeneity by promoting the linguistic and cultural harmony. Recently, however, the state has been compelled so as to preserve its "monocultural" structure owing to widening mass communication networks drastically monopolized by the globalization process.

▪ *Migration:* People migrate as a result of wide range of reasons. The presence of immigrants reveals the multiplicity of societies. Immigrants are aware of the benefits of media and their power in order to claim some sort of politic, economic and cultural rights. In this respect, even if the states are unenthusiastic to recognize the plurality, they are obliged to modify their immigration and citizenship policies.

▪ *Transnational institutions:* There are valuable and highly institutionalized global institutions that might limit the nation state's "monopoly on rights and practices on the concept of citizenship" via implementing the human rights and democracy discourses. (Tambini, 2001:199)

It is no doubt that, the drastic impacts of globalization on transportation, free flows of finance and information and the movement of people invalidate the capacity of nation states on the control over its boundaries, political, economic and social institutions. This new form of transformation is called as the process of "trans-nationalization". In this respect, the trans-nationalization process encompasses different societies into a "single global society" and restructures the traditional citizenship institution. The resident foreigners enjoy the advantages of possessing double citizenship. (Rainer, Bauböck, 1998: 28 and 43) Thus, the classic sovereignty of nation state regarding national citizenship has been faded away.

3.4. The Nation State versus the Recognition of Immigration

The prevalence of immigrant groups in the countries of their residence justifies determining form of cultural recognition and political rights via inexorable

association of international organizations and legal institutions. Thus, the core idea of citizenship and the nation state is under pressure of transformation inevitably although citizenship is still upheld by the nation state.

Stephan Castles explains the weakening integrative capability of nation-state to ensure a sense of shared national interests and responsibilities by referring to Dominique Schnapper's approach as below;

> Today we are experiencing the weakening of civic and political bonds. There is nothing to guarantee that the modern nation will in future have the capability of maintaining the social bond, as it has done in the past. In democracy there is no longer any supreme sacrifice: the individuals and their interests have taken the place of their citizens and their ideals. (Stephan Castles, 1995: 11)

With regard to this respect, the social, political, economic claims of individuals are no longer fully expressed at the nation state level. People pass the borders not only by migrating to one country; but also by the effects of dynamics of globalization- such as; dense communication network, economic, political and cultural interaction. There is comprehensive assertion for both individual and group autonomies surpassing the sovereignty of the nation state.

According to Castles, "citizenship should be a political community without any claim to common cultural identity." (Castles, 1998: 242-243) At all levels, citizenship should be base on equality of individuals and the recognition of different identities of immigrants, refugees, and ethnic groups.

The admission of long settled immigrants into citizenship could pose problems for the nation state. However, the receiving process for labor recruitment has been started voluntarily by the nation state in order to improve their economic and technologic insufficient conditions. (Joppke, 1998)

Many scholars agree on that the nation-state still plays an important role in regulating and controlling the entry and residence of foreigners; furthermore, the nation state requires "boundness" of its citizens. (Schuster and Solomos, 2002: 43) Thus, the national citizenship appears as the essential element for the survival of the nation-state and for maintaining the stability within its society.

However, under the human rights regulations, social, civic and some political rights of immigrants are guaranteed considering their personhood, rather than their citizenship status. Hence, the nation-state is subject to make laws under the strain of human rights conventions. (Saskia Sassen, 1998: 71) In this respect, it may be argued that the nation-states no longer act totally free on behalf of their national interests due to the interventions of global legal institutions. Despite the challenges of global legal institutions on the issues of citizenship, immigration and the recognition of cultural and ethnic rights of minority groups, some states, as Germany, implement restrictive citizenship and naturalization laws for the long-settled immigrants and newcomers.

According to Kymlicka, the defenders of immigrant's rights declare that "the national institutions are in fact implicitly tilted towards needs, interests, and identities of the majority group, and this creates a range of burdens, barriers, stigmatization, and exclusions for the members of minority groups." (Kymlicka, 1999: 112) Some states still consider immigrants as 'aliens', despite the trans-nationalization of immigrant rights.

Additionally, some defenders of nation state stress that immigrants threaten the norms and practices of responsible citizenship, and thus the stability and security of their democratic societies. Here, the idea of democracy appears as the shield for the legitimacy of the states rather than being the guarantor for equality and liberty of immigrants.

3.5. Conclusion

Throughout this chapter, a general framework concerning the norms and practices of the institution of citizenship is tried to draw. Many nation-states perceive different ethnic and cultural immigrants as possible threat to the norms and virtues of their national citizenship institution. As long as the nation-states seek to exclude immigrants from access to national citizenship associated with the social, economic and political rights, the nation-state will feel itself threaten.

On the other hand, many Western democracies have abandoned their former policies, shifted towards a more accepting approach to the permanent existence of immigrants. Hence, they have agreed on the extension of rights to immigrants. What's more, the institutions of European Union have initiated to set the general rules and principles on behalf of giving the right to national citizenship status of its member states to immigrants.

Moreover, the claims for the recognition of social, civic and some political rights of immigrants transcend the national borders. The institutionalized global institutions compel the nation- states to set the rules for the guaranteed rights of immigrants. Moreover, the superiority of global financial institutions and transnational organizations and international migration flow reduce the functions of the nation-state.

It is important to emphasize that the authority of nation-state plays an essential role for the distribution of certain basic goods and services to its citizenry; and for securing the stability and peace within its society. However, the authority of nation-state should also guarantee equality of all individuals within its territory with regardless of different ethnic and cultural immigrants. In fact, the nation-states have to accept the presence of immigrants and their descendant as permanent residents of their societies. It is true that, immigrants have different histories, experiences, languages, cultural and religious values, norms, and lifestyles. Nevertheless, it does not mean that they are second-class, uncivilized, fundamentalist or potential criminals. All different ethnic and cultural immigrants groups deserve enjoying equal opportunities as a result of being human. The nation-state has to do justice to all individuals within its all-public areas, such as courts, schools, hospitals and parliaments.

CHAPTER III

WILL GERMANY KEEP ITS DOORS OPEN TO MULTICULTURALISM?

Since the 1980s, the issues of immigration and citizenship have been paradoxical issues in Germany. The German political agenda has been busy with the delayed process of nation state building of Germany. Furthermore, in Germany policy-makers have faced with the dilemma of becoming immigration country and the assimilationist or multiculturalist citizenship notion. There is a political clash over the transformation of ethno-cultural understanding of citizenship into contemporary and multicultural basis of citizenship.

In this chapter, the historical developments of German national citizenship, the dilemma of Germany as a country of immigration associated with the citizenship status of foreigners, and whether the foreigner laws and new immigration law is attributing to assimilationism or multiculturalism will be examined.

4.1. A Struggle for Building of German Nation-State

Simon Green describes Germany as a "young nation state". (Simon Green, 2001: 24) When compared to other major Western countries' construction of nation state, the building of German state is seen quite deferred. Until 1871, the territorial unity could not been completed. Ulrich K. Preuss argues that the German country appeared as "fragmented and weak political set up". (Ulrich K. Preuss, 2003: 37) Before being transformed into nation state, Germany was composed of "fragmented of region", "religion" (Catholic and Austrian versus Protestant and Prussian), and "class". (Konrad H. Jarausch and Micheal Geyer, 1997: 223) The Germans lived within a "plurality of territories and were ruled by a "plurality of princes" under the "loosen administration" rather than "centralized". (Ulrich K. Preuss, 2003: 40)

Throughout the process of building of the nation state, the states require territorial integrity as well as shared descent, institutions, language, and history. In this process,

the states set up constitutional political system in order to institutionalize their sovereignty over their territories and individuals. The nation-state is defined with its citizenries as individuals who live within its drawn boundaries and have the right to access legal membership status of its political community. Thus, the nation-state aims at uniting its citizenries via its common national symbols (language, art, history, traditions, flag etc.). On the other hand, nation-state excludes the 'other' who is not one of its citizenry.

Until Bismarck established Germany as a nation-state in 1871, there was no observable "sovereign", "united" and "homogeneous" German state due to the unclear territorial borders, the clash among religion and the lack of particular authority, which was uniting all Germans. Educated middle class shaped the idea of "German-hood" or "Germanness". This class struggled for the emergence of the consciousness of German citizen on the basis of constitutional German state. Yet, the sprit of Germanness was based on the German language and literature associated with culture. Thus, the German state appeared as "cultural unity" rather than as "political unity". (Preuss, 2003: 37-43)

After the foundation of German nation-state, the unity of Germany is symbolized by its "authoritarian" and "ethnically homogeneous" or "racist" character, which disregards the universalistic values; such as democracy, freedom, and equality. (Preuss, 2003: 43) In this sense, Germany excluded non-ethnic Germans who lived permanently within its territory. What's more, Germany did not pave the way non-Germans for easy accession to German citizenship.

Peter Steinbach doubts the process of German nation-state building as follows;

> The German Empire cannot be explained by its authoritarian character and social rigidity alone. It was only in the retrospect of Prussian historiography that the making of the German Empire in 1871 appeared as the longed for keystone of internal political developments. In reality a number of unresolved problems stemming from the Empire's past history influenced political values and opinions after 1871. Thus, the unity of the nation state proclaimed and symbolized by the Emperor could only gradually become reality despite a common constitution, the German army and navy and the German flag, not to mention universal franchise. (Peter Steinbach, 1993: 29)

Considering German "nationness", Peter Longerich distinguishes the German nation-state building process from other modern nation-state construction associated with its "national sentiments" (culture, identity, and national citizenship) and "modernization of economy and society". Citing from of Reinhart Koselleck, he argues that Germany lacked the efficient political organization as follows,

> The lateness of German unification in 1871, the troubled record of a unified Germany in Europe, the division of 1945, and surprising reunification of the successor states in 1990, suggest that the combination of 'nationness' and statehood in Central Europe cannot be taken for granted. (Jarausch and Geyer, 1997: 222)

4.2. Emergence of German National Citizenship

The German national citizenship became exclusive and Germany pursued ethno-cultural tradition without considering the modern idea of nationality. The notion of nationality is composed of territorial borders, sharing sense of social, economic and political belonging, agreement on state sovereignty. In reality, Germany did not have any process of nation-state building as other European nation-states.

Ulrich K. Preuss emphasizes that the idea of citizenship recognizes individuals as members of its political community. She defines the features of membership as below;

> During the historical process, individuals turned into active citizens who constituted the state as a nation. The quality of membership to this state attained a socio-cultural, identity-engendering coloring in that the subjects needed additional properties in order to qualify as a constituent component of the nation state. (Preuss, 2003: 39)

According to Rogers Brubaker, the membership of German state represents the "participatory citizenship" and "ethno-cultural nation-membership" which is expressed by different terms in German language; "Staatsangehörigkeit", "Staatsbürgerschaft", and "Nationalität" or "Volkszugehörigkeit". Those terms refer to "state building", "nationalism" and "democracy". (Brubaker, 1992: 50)

In the same way, Rogers Brubaker defines the notion of German citizenship as below;

> …externally bounded' membership status, was not the product of the internal development of the modern state. Rather, it emerged from the dynamics of interstate relations within a geographically compact, culturally consolidated, economically unified, and politically (loosely) integrated state system. (Brubaker, 1992: 70)

According to Preuss, these terms, Staatsangehörigkeit, Staatsbürgerschaft, and Nationalität or Volkszugehörigkeit refer to the notion of "state and people". (Preuss, 2003: 38) She defines the German state as "constitutionally disunion" and "divided into a multitude of particularistic states". (Preuss, 2003: 45)

It is important to emphasize that the idea of German citizenship was institutionalized without any integrative instruments of nation state; such as common sense of belongness to the state membership or nationality. As Christian Joppke argues that the notion of German citizenship is based only on the "ethnic model of a linguistically and culturally unified group". (Joppke, 1996: 467)

4.2.1. The 1913 Imperial and State Citizenship Act

The legal framework of citizenship based upon the Reichs- und Staatsangehörigkeitsgesetz (RuStaG) of 1913 (Imperial and State Citizenship Act) that is the first and primary for the German Nationality Laws. In the 1913 law, it was introduced the principle of *ius sanguinis* (the principle of descant) which citizenship passed on the descendant by blood. The principle of descent originates from the 'Prussian Vassals Law' of 1842. Considering this law, the institution of citizenship was based on the ground of 'being born as a Prussian'. (Alice Ludwig, 2000; Preuss, 2003; Brubaker, 1992)

Without a doubt, the 1913 law indicates the clear separation between the German citizens and individuals whose 'descent' was different; even they were born in the German land. The German citizenship has always been granted to the descendants of German people. According to Joppke, the 1913 Citizenship Law based on the principle of *ius sanguinis* appears as "defensive". By this principle, it was intended to

take measures against the mass migration flows from the "East", especially the entry of Slavic and Jewish immigrant. (Joppke, 1996: 467)

According to the 1913 law, former citizens of Germany and their descendant called 'ethnic Germans' were naturalized abroad could not lose their German citizenship. They could also re-acquire the 'former German citizenship'. However, 'foreigners' were not allowed to naturalize. The central aim was to preserve "Germandom" abroad. (Brubaker, 1992: 117) In order to preserve "homogeneity" of German society linked to race, the presence of ethnic and cultural minority groups were disregarded. Moreover, the attitudes of German state towards minorities were aggressive. Hence, Halfmann argues that citizenship was based on the "ethno-racist'' ground rather than "ethno-culturalist". (Halfmann, 1997: 269)

Considering the 1913 Citizenship Law of Germany, the second and third generation immigrants who were born and grew up in Germany as well as other foreigners have not automatically acquired citizenship due to ethno-cultural understanding of naturalization policy.

4.2.2. The Post-War Reconstruction of Citizenship

After the Nazi regime collapsed in 1945, Germany was divided as the Federal Republic of Germany and the German Democratic Republic. As a result of collapse, ethnic Germans were deported from Eastern Europe and Soviet Union. Hence, the status of the ethnic Germans re-arranged under the Basic Law in 1949. The clause of "German ethnicity" was introduced in Article 116 of the Basic Law in 1949. Furthermore, two groups of Germans were entitled to citizenship: "German citizens" and "Germans who resided abroad without German citizenship". (Brubaker, 1992: 169) According to Article 116 of the Basic Law in 1949, the ethnic Germans were recognized as citizens of Germany. According to Article 116 of the Basic Law, a "German is a person who possesses German citizenship or who was admitted to the territory of the German Reich within the boundaries of 31 December 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such a person". (http://www.bmi.bund.de) During the Cold War, ethnic Germans were seen as citizens of the Federal Republic of Germany. What's more, the ethnic Germans

had some privileges which non-Germans could not obtain; such as the right to residency in Germany without permits, right to work and travel freely and right to vote as citizens, right to housing and social assistance. (Shannon Roesler, 2001: 114)

In 1953, the Federal Expellees and Refugees Act came into force so that those expellees could integrate into German society as well as they could enjoy equal economic, social, educational and residential rights as other Germans. In 1955, the Regulating Questions of Citizenship Act was introduced. According to Act Regulating Questions of Citizenship "whoever is a German" without being a German citizen "must be naturalized" under the Article 116. (Ingrid Tucci: 10) That is, all foreigners (temporary residents and labor migrants, even second and third generation permanent immigrants) who did not become German were remained outside of the naturalization process. In addition, they were restricted to acquire German citizenship.

4.2.3. The Acquisition of Citizenship: German Naturalization Laws

There are two types of naturalization model: discretionary naturalization, and a legal right to naturalization. German law distinguishes between two types of naturalization. Considering the naturalization as a legal right, the citizenship is granted by birth. Furthermore, it is necessary a legally minimum residency and a "good moral character" of permanent resident; such as the ability to learn the dominant language of receiving country, compliance with rules, and basic knowledge of civic principles. (Shannon Roesler, 2001: 111).

The naturalization policy of Germany based on the discretionary model. In this model, Germany facilitates the criteria of naturalization only for ethnic Germans. Hence, naturalization of ethnic Germans was considered as an "exception". (Hermann Kurthen, 1995: 930) Even if a foreigner fulfilled the minimum criteria of naturalization, s/he who wished to naturalize could not obtain German citizenship owing to adherence to principle of *ius sanguinis*. The foreigners had just the right to reside, work and educate in Germany.

4.2.4. Immigration to Germany

The German state has not officially defined itself as a 'country of immigration', except for the new immigration law. Furthermore, "German state does not intend to increase the number of foreigners through naturalization". (Annick Devynck, 2000: 8).

Although Germany has received immigrants since the 1950s, the integration of foreigners has been problematic due to anti-immigration view and the traditional ethno-cultural understanding of citizenship.

After World War II, Germany was overcame and divided; furthermore, Germany witnessed the need of labor force in order to restructure its economy. By the recruitment of foreign workers, it was considered to fill the gap in the economy. It is important to note that the need of labor force has paved the way for flows of immigrants.

Between 1950 and 1999 nearly 30 million people immigrated to Germany: ethnic Germans (Aussiedler), expellees, labor or guest workers, asylum seekers and refugees. The first period of immigration movement was started with the emigration of ethnic Germans and expellees from the Eastern part of Germany; Poland, Czechoslovakia, Hungary and Yugoslavia. (Andreas Ette, 2003; Rainer Münz and Ralf Ulrich, 1997) Until the construction of the Berlin Wall in 1961, immigration from east to west continued. The labor migration was started, firstly in 1955 by signing the agreement of 'guest worker' with Italy. Throughout the 1960s, similar agreements were signed with Greece (1960), Spain (1960), Turkey (1961), Portugal (1964), and Yugoslavia (1967) as well as with two North African countries; Morocco (1963) and Tunisia (1965). (Münz and Ulrich, 1997)

The establishment of the recruitment offices in sending countries organized the recruitment of workers. The function of these offices was to prepare all necessary papers (contract, work- and residence permit) in order to systematize the issue of transportation and accommodation in the guest countries. (Annick Devynck, 2000: 10)

The recruitment policy was arranged according to the rotation model. The work and residence permits of workers were considered temporarily. At first, the workers called as 'guest' would come single and work for one year. The guest workers accepted willingly low wages and poor housing conditions.

Although the temporary recruitment policy was well organized at first, the foreign workers did not return to their home countries after one or two years, as it was planned. The foreign workers stayed for saving much money. Besides, they became aware of the social benefits of German state. What's more, many employers did not want to lose their trained foreign workers. After their residence and work permits were renewed for at least five years, the guest workers decided to bring their families to Germany in the 1970s. Thus, the period of family unification started.

In these years, only ethnic Germans and expellees were naturalized under the Article 116 of the Basic Law. There was not any initiative to integrate the non-German immigrants. In 1965, the federal government only made some revisions in the Aliens Act (Ausländergesetz) on behalf of the foreign workers and their family members; such as the work and residence permits, deportation reasons, family unification, legal and equal accession to the social security system (health, unemployment, and retirement. Moreover, the Aliens Law states "…a work could be granted if the presence of a foreigner did not damage the interests of the Federal Republic". (Barbara Marshall, 2000: 11) However, there was not any special emphasis on extension of the political participation of foreign workers- such as the right of political speech, the right to associate freely, and the right of assembly, voting rights, military service, running for office. (Kurthen, 1995: 931)

Due to the economic crisis and boost in oil prices, the recruitment of foreign worker stopped in 1973. Since 1977, foreigners were encouraged to return to their home countries, the social benefits were lowered. At first, although many workers left Germany, the foreign population continued to increase until the early of the 1980s due to family unification. Due to the growth of the foreign populations, the right parties took anti-foreigner position in the early of 1980s.

It was evident that the process of family unification demonstrated that foreigners with their spouses and children became the permanent residents of Germany; but also it was significant sign on the road of becoming an immigration country. The issue of 'naturalization of foreign workers' was moved on the political agenda. Within this context, in 1977 SPD/FDP put forward government a proposal for 'Guidelines on Naturalization' (Einbürgerungsrichtlinien). However, the CDU opposed this proposal. According to this proposal, an applicant might be granted a German citizenship, if s/he resided at least ten years, had enough language knowledge. Furthermore, an applicant had to resign her/his former nationality and commit him/herself "voluntarily" to German culture. However, the naturalization rates remained noticeably low due to the criteria of commitment to German culture. (Simon Green, 2001: 30-31)

Meanwhile, in September 1979, the Minister President of North-Rhine-Westphalia, the SPD member Kühn proposed that "Germany 'as a country of immigration' should take integration measures, to make available the right to naturalization for second generation foreigners and the right to vote in local elections". (Barbara Marshall, 2000: 13, Mehmet Okyayuz, 1999) However, this proposal was opposed by the CDU, once more.

In these years, the Greens also proposed the 'integration of foreigners' and 'endowment of citizenship rights to foreigners after 8 years residence'. (Marshall, 2000: 146) However, until 1990s, there was not any consensus regarding extension the 'right to naturalization for foreigners'.

4.2.5. Post-1990 and the Aliens Act

Until 1990, the 1913 Law was the legal basis for naturalization. In 1990, the 'Aliens Act' was reformed in order to ease naturalization procedures for permanent foreigners and their second and third generation children.

After revision in the Aliens Act, young immigrant between the ages of 16 to 23 could apply for German citizenship. Furthermore, s/he had to fulfill the following conditions; one of his/her parent resided at least for eight years in Germany, s/he was

educated in a German school for at least six years, s/he was not sentenced to any criminal offences and s/he was ready to give up his/her former citizenship. (Heike Hagedorn, 2001: 253) According to this act, 'dual citizenship' for naturalized immigrants might be tolerated if an applicant was not permitted for renouncing his/her former citizenship by home country. Yet, the issue of dual citizenship has been officially controversial issue. The conservative parties have perceived the issue of dual citizenship as a 'threat' in terms of the integrative interests and legitimacy of state.

Although it was made substantial revisions on behalf of easier naturalization of the long settled immigrants, the principle of *ius sanguinis* or traditional ethno-cultural understanding of citizenship maintained its essentiality in terms of accession to German citizenship.

However, even if temporary status of immigrants shifted, Germany disregarded the permanent status of long-term immigrants as well as becoming an immigrant country. That's why; Germany has not sought to encourage full integration of immigrants into the mainstream German society. Considering these mentioned facts, Germany is far from pursuing a liberal path.

In this sense, Rainer Bauböck explains the effects of migration on society in terms of two different models as below;

> The model of permanent immigration deems migration is one-way road from origin to destination and implies ultimate settlement and full integration into the receiving country. The other model is temporary migration, which supposes that migrant come only for a limited purpose and a limited time and will ultimately return to their sending societies. (Bauböck, 1998:26)

By the 1990 Aliens Act, although the naturalization procedures were eased for the permanent foreigners with their second/third generation children, most of the foreigners hesitated to renounce their previous nationality in order to acquire German citizenship owing to the extremist tendencies and cultural intolerance. In contrast, a small number of immigrants, especially the second/third generation was willing to commit themselves to integrate into German society. During 1995, the

debates revolved around 'dual citizenship'; it was proposed that 'dual nationality' might be tolerated provisionally; as it would possibly facilitate foreigners to integrate into society. (Rainer Hofmann, 1998: 151-152) However, the CDU was certainly against the tolerance of 'dual citizenship'. According to the CDU, a tolerance for dual citizenship would make foreigners "privileged" and emerge "ghettos of unintegratable Moslems". (Jarausch and Geyer, 1997: 197)

Apart from the issue of naturalization of foreigners, the issue of refugees and arrival of ethnic Germans from Russia appeared as serious problem on the political agenda. Considering the statistics, from 1986 to 1989, about 380,000 refugees were admitted in West Germany. By comparison, in the 1990-92 periods, nearly 900,000 people applied for being refuge in Germany. (Philip L. Martin, 1998: 21) What's more; in these years, the xenophobia and fatal violence were intensified against foreigners and asylum seekers. Hence, it was numerous proposals were presented on the new refuges law.

After fierce discussions, on July 1 1993, the refugee law came into effect. In this law, the residency and citizenship rights of refugees was arranged. However, this law involved restrictions on granting asylum and refugee. Firstly, the new law defined some countries as 'safe' countries. Asylum-seekers who applied from the 'politically safe' countries were any longer admitted, and the durations of asylum-seekers in Germany were shortened. They were granted for two years temporary permit with the possibility of renewal. Under this law, some refugees were protected from deportation due to risks to their life in their home countries. According to this law; the refuges were allowed to obtain German citizenship after seven years of legal residence in Germany. After 8 years they might receive a permanent residence permit only when they fulfilled certain conditions. Under this law, the status of refugees was categorized as the political asylum and economic refugees. Another important change was that the accession of economic refuges to labor market along with the financial aid was provided for the refugees' living expenses, was limited. After these revisions, it was observed considerable fall in the number of asylum-seekers.

As for the ethnic Germans, after the collapse of the Soviet Block, the number of ethnic Germans from Russia (*Aussiedler)* doubled. In 1990, nearly 400,000 ethnic

Germans came to the Federal Republic. (Martin, 1998: 23) The Aussiedler were granted automatically to German citizenship due to blood linkage. As in the past, the ethnic Germans have some rights and they have become the advantaged groups in contrast to other foreigners in Germany, although the ethnic Germans are alien to the mainstream German culture and most of them lack the ability of German language.

4.2.6. Post- 1998 and Political Process for the New Citizenship Law

After the SPD-Green coalition was established in 1998, the new government initiated to prepare two important reforms; the new immigration and citizenship laws. This coalition took progressive and reformist steps towards a shift in the discourse of 'Germany is a country of immigration' as well as the ethno-cultural based naturalization principles. The coalition regarded Germany as a country of immigration. What's more, the SPD-Green coalition agreed on those guest workers became permanent residents. For this coalition, it was necessary to ease long-term resident foreigners to acquire German citizenship. Therefore, the SPD-Green coalition decided to revise the 1913 citizenship law based on the principle of *ius sanguinis* (of the blood).

Firstly, the SPD/Green coalition proposed the shift of the principle of *ius soli* citizenship (by birth on German soil) on behalf of third generation immigrants (at least one parent was born in Germany or resided for eight years). Furthermore, it was proposed that naturalization as a right should be entitled for the foreigners after at least five years residence. In addition, 'dual citizenship' might be tolerable. However, the CDU-CSU rejected 'dual citizenship' proposal. The CDU-CSU insisted upon the proposal 'optional model' of the FDP. According to the optional model, a child could acquire the German citizenship by birth; however, at the age of 23, he/she would have to choose either renouncing previous nationality or becoming a German citizen. (Alice Ludvig, 2000; Simon Green, 2001; Joppke, 1999; 640)

4.2.7. The New Nationality Act

> *Admittedly, the new framing of German nationality law cannot bring about integration 'by order'. What it does do, however, is give those fellow citizens from abroad who live here permanently a clear sign of our care and concern and of our resolve to foster the peaceful co-existence of all men and women, irrespective of their cultural origin.* **Otto Schily (1999)**

In spite of all refusals, the new nationality act came into force on January 1, 2000. This act enables a child to become a German at birth if only one parent permanently resided in Germany at least for eight years. A child will have to decide whether to keep the nationality of his/her parents at the age of 23. A child will have to either renounce his/her previous nationality or acquire German citizenship. Thus, dual nationality will not be tolerated.

To sum up the citizenship right by birth, the naturalization criteria under the nationality act for foreigners have been amended as follows;

- o A minimum residence of eight years,
- o Possession of a residence permit or entitlement to residence,
- o Express commitment to the Basic Law,
- o No activities hostile to the constitution,
- o A secured income,
- o No criminal record, minor offences excepted,
- o Adequate command of the German Language,
- o The renunciation of former citizenship and,
- o Integration. (http://www.bundesregierung.de)

4.3. The New Immigration Law

The new government took another significant step toward by reforming a new immigration law. By this new immigration law, it was intended to fill the gaps in the regulations and the current laws. Moreover, it was tried to find solutions for intense illegal migration.

Until now, the immigration policies have had "nationally-driven utilitarian" tradition. (William Hiscott, 2004: 2) Immigrants have been dynamically recruited for the economic need of Germany. However, immigrants with their families have been considered as a social burden as for their integration into society.

By the new immigration law, Germany has officially regarded itself as a 'country of immigration'. Yet, the draft was fiercely discussed several times; the right parties, the CDU and the CSU, continuously obstructed it. Nearly 40 years, the CDU and the CSU have ideologically insisted on Germany is not a country of immigration.

The reformation process began on July 4, 2000 by the establishment of a working group, consist of the Independent Commission on Migration to Germany, parliamentary group of the SPD, CDU, the Greens, and FDP, local government organizations, various associations and other social organizations in order to discuss and agree on new immigration draft. The draft called "Draft Law for the Management and Limitation of Immigration and for the Regulation of the Abode and Integration of Citizens of the European Union as well as Foreigners" was presented by Otto Schily', Minister of Interior Affairs on August 3, 2001. (http:/www.tu-dresden.de)

Today, Germany has 7.3 million foreign residents. Between 1954 and 2001, 31 million foreigners arrived in Germany; besides 22 million foreigners left. A total of 5,576 persons appealed for political asylum in Germany. (Efms Migration Report, January 2003) It is the fact that Germany obviously is a country of immigration. Taking into account those developments, as mentioned above, SPD/Green coalition realized the fact that it was needed to revise the immigration law.

It is significant to bear in mind that German population is ageing; national birth rate is decreasing. It is the fact that Germany needs foreign workers for its sustained economic development.

The draft on the immigration law had three major features. Firstly, it was intended not only to regulate the residence and work permits of both current resident foreigners and new immigrants; but also to take new measures for limiting both the legal and illegal immigration to Germany.

As for the labor migration, it was stated that German economy required directly the high-skilled labor force. Hence, the high-skilled immigrants should be recruited. On the other hand, it was planned that the unemployment residents should be trained. It was proposed that the permanent residence and work permits should be granted only for high-skilled persons (such as engineers, computer scientists, mathematicians, etc.) who would fulfill some criteria; for instance; German language skills, guaranteed employment, and job experience in Germany. Furthermore, temporary labor force should be accepted according to available jobs those domestic workers did not satisfy.

Besides, the new immigration law draws attention on the integration problems of foreigners. In fact, most of the immigrants, especially the family members have insufficient German language knowledge. Moreover, they prefer alienation from German society's common way of life due to lack of integration policies. Therefore, it was proposed to facilitate the integration of foreigners into German society. That is, permanent residents who did not have sufficient German language knowledge would attend language courses as well as the integration courses. Only after a newcomer guaranteed their basic German language and the legal system knowledge, he/she would receive a permanent right of residence.

The government presented a new immigration law draft to the lower house of parliament, the Bundestag, on March 1, 2002 along with in the upper house, the Bundesrat, on March 22, 2002. Although it was passed in the Bundestag, on June 20, 2002 for the first time, the opposition parties in the Bundesrat blocked it where the CDU/CSU had a majority. It was declared as 'invalid' by the Federal Constitutional Court on December 18, 2002 due to procedural error in the voting. According to Federal Constitutional Court, after it was traditionally negotiated, it should be approved by either 'yes' or 'no' votes in Brandenburg.

After the SPD-Green coalition was re-elected in the fall 2002, they re-presented the immigration law without any change, on January 15, 2003. The immigration draft was passed again in the lower house on May 8, 2003. However, the conservative majority in the upper house rejected it. Hence, it was established a reconciliation commission. This commission had met for three times. After the latest meeting of

debate on January 16, 2004, the SPD/Green coalition and CDU reconciled. Thus the new immigration law (*Zuwanderungsgesetz*) took effect on January 1, 2005.

In sum, the new immigration law has wide a range of changes as follows;

- **Residence**: The residence titles are granted in the form of a visa, residence permit or settlement permit. In order to enter and stay in the Federal territory, foreigners shall require a residence title. Firstly, under the new law, a person will take residence permits for two years. The granting residence permits have been limited regarding different reasons; for instance, studies or vocational training, work, human rights, humanitarian, political, familial, etc. Moreover, only after person has resided for five years and has paid into the retirement insurance system for 60 month, he/she will take permanent residence permit.

- **Labor migration:** the new law enables the high-skilled labor migrant with their families to immigrate to Germany. Entrepreneurs will take permanent residence permit if they invest at least one million Euro and are willing to employ at least ten persons. Besides, if foreign students decide to seek for a job, they can take a temporary residence permit for duration of one year after graduation; otherwise they have to leave Germany after graduation.

- **Asylum:** the asylum seekers and refugees have been tolerated for years. However, under the new law, those are given temporary protection as well as three-year work and residence permits. After three years, if the conditions in their countries of origin do not change, they will be granted for a permanent residence permit. If they do not need any protection, they will have to leave Germany.

- **Security Aspects***:* if a foreigner takes place in whichever antagonistic activity to the constitution, belongs to or supports a terrorist organization, and is sentenced to prison by criminal trials for three years or more, he/she will be deported. A foreigner assumed to be threat to the political stability

of Germany can be deported if a "prognosis of danger based on facts" is determined by a special court. If a foreigner cannot be deported owing to legal barrier, certain civil rights and benefits can be limited.

- **Integration and language courses:** not only all new immigrants but also legally resident immigrants who do not have adequate German language knowledge, even unemployment immigrants, have to attend language course. If a foreigner denies attending, the temporary residence permit will not be renewed. After approximately 300 hours of language courses and 30 hours of orientation, the residence permit can be granted.

- **EU Citizens:** the EU citizens will be granted for temporary residence permit after they register with the police; they will have permanent residency after five years. Furthermore, even if they are unemployment they will continue to reside. (Hiscott, 2004: 4-8)

Although Marianne Takle supposes that the tendency is seen towards a "more inclusive and rights-based", (Takle, 2004: 7), the new law does not refer to equal and legal membership of the foreigners in the German society. Rather, it still excludes the non-EU immigrants by defining them as foreigner in many perspectives.

Germany has not had legal provisions for immigrants for several years. Hence, Germany has coped with ambiguities and discussions on 'becoming a country of immigration'. Nevertheless, the SPD/Greens coalition took positive steps and initiate to reform the new immigration law.

4.4. The Attitudes of Political Parties

4.4.1. The SPD (Social Democrat Party of Germany)

Since the 1980s, the SPD has supported the idea of integration of foreigners. According to the SPD, everyone should have the equal opportunities for access to civil rights and liberties, the political rights of participation and basic social rights. Besides, everyone should have the right to preserve their ethnic identity, language and

culture. Hence, the German society should leave anti-foreigner attitudes and respect for different cultures. That is, the German society should be willing to coexist peacefully with different ethnic and cultural groups. (http://www.spd.de)

Several times, the SPD has put forward proposals for the liberalization of naturalization procedures so that foreigners could take German citizenship easily. Moreover, foreigners could have the right to dual citizenship. However, the opposition parties have blocked these proposals.

The SPD won the elections in 1998 and set up a coalition government with the Greens. A new era started in terms of the policy changes after 16-years of coalition between the conservatives parties CDU/CSU and the Liberal Party FDP. As soon as the new government was established, it pursued reformist and liberal path through focusing on new citizenship and immigration laws.

The SPD firstly aimed at simplifying the naturalization in order to pave the way for the integration of immigrants. The SPD defines Germany as a country of immigration. Therefore, as a country of immigration, both the members of majority and immigrants should obtain equal rights and duties; such as the right to pay taxes, the right to serve in military, the right to run for officials, the right to vote, education, the right to benefit from social security system. All citizens should tolerate each other.

The SPD and the Greens together emphasize their aim concerning the importance of integration as below;

> We recognize that an irreversible process of immigration has taken place in the past and set our hopes on the integration of those immigrants who live here on a permanent basis and who accept our constitutional values. The focal point of our integration policy will be the creation of a modern nationality law…acquisition of German citizenship is not dependent on renunciation of the previous citizenship…To promote integration, those foreigners living here who do not possess the citizenship of an EU Member State shall also receive the right to vote in district and local elections. (http://www.spd.de)

Taking into consideration the integration, both the long-term resident immigrants and newcomers should attain language and integration courses if they do not have enough German language knowledge and basic principles of the constitution. According to the SPD, the German Foreigners Law should offer automatically the German citizenship to a foreign child at birth in Germany. What's more, dual citizenship should be tolerated, especially for Turkish minority.

In this sense, Chancellor Gerhard Schröder underlined the necessity of learning German language in his statement such as "integration is only possible through language". (Agence France Presse, November 29, 2000).

Interior Minister Otto Schily underlined the important contribution of foreigner as follows;

> The new citizenship law is a contribution to inner peace in our land... Foreigners who have lived here a long time work hard. They pay taxes. They create jobs.... We would really be very badly advised if we left these people as so-called second-class citizens... The vast majority of these people are going to stay here permanently. We can no longer afford to treat them as foreigners outside state society...Of the 7.3 million foreigners living in Germany, 50 percent have been here for at least 10 years and 20 percent for 30-years. (Michael Adler, Agence France Presse, January 13, 1999)

The SPD wanted to make regulations in labor market. It is the fact that Germany needs foreign workers for sustaining economic growth. Hence, the SPD proposed 'The Green Card' system, which would allow the non-EU high-skilled workers and professionals to reside and work for five years in Germany. By this system, it was intended to satisfy the demands of labor market via qualified workers. In addition, the SPD proposed to reduce the benefits for unemployment as well as to increase the health and pension benefits payments. (The 2000 tax reform act and the 2001 pension reform)

To sum up, the Social Democratic Party has aimed at development of general prosperity and social security, an expansion of the social infrastructure, equal distribution of opportunities at work and in life as well as between men and women. According to the SPD, education and continuing education or training is offered for

all individuals. Furthermore the SPD promotes organization of cultural activities as well as participation in cultural life. (http://www.spd.de/english/politics)

4.4.2. The CDU (Christian Democratic Union of Germany)

Since the early 1980s, the issue of the integration of foreigners has appeared 'as a problem' on the political agenda of the CDU. In contrast to the SPD's proposal for 'a right to settlement', the CDU encouraged 'guest-workers' to return to their home countries. (Thomas Faist, 1994: 56) According to the CDU, if they chose to stay, they had to assimilate culturally. The foreigners were perceived as a 'danger' for German culture due to their different cultural way of life. The CDU has used the ethno-cultural argument as for the integration of immigrants into German culture. The CDU has pursued an aggressive attitude against the foreigners in order to mobilize German people.

Besides, the CDU has always opposed to the liberal initiatives of the SPD party and the Greens party; such as the voting rights for the foreign residents in local elections, easier naturalization, equal rights in education, social system, etc.

The CDU emphasizes its opposition as the following statement;

> …an immigration policy and integration policy can only succeed if we are certain of our national and cultural identity ¼ We Germans have developed our national identity and culture on the foundation of European civilization in the course of history, which finds expression in our language and in arts, in our morals and customs, and in our understanding of law and democracy, of freedom and civic duty. (Douglas Klusmeyer, July 2001: 522)

The CDU considers that many immigrants especially Turks cannot be integrated. What's more, the CDU takes defensive position against Muslims. According to the CDU, Muslims called as 'other' contaminate the unique values of Christianity, enlightenment, humanism, etc. Thus, the CDU rejects obviously the idea of 'respect for differences'; namely the idea of 'multicultural society'. For the CDU, even if the foreigners integrate successfully into the German society, they will remain 'foreigner' and be subject to exclusion.

On the other hand, the CDU does not regard Germany as a country of immigration. Although the CDU accepts the economic contribution of foreigners in growth of Germany, the CDU accuses the foreigners due to the increasing crime rates. Besides, foreign workers are accused of taking jobs of natives. Thus, they cause increasing unemployment rates among domestic workers. However, considering the statistics, the unemployment rates among foreigners are higher than domestic workers.

After 1998 electoral defeat, the CDU pursued anti-immigrant attitudes. The CDU blocked the reform proposals of the SPD/Greens government; and opposed exactly the proposal of 'dual citizenship'. Moreover the CDU forced the government to accept the proposal of FDP 'optional model'. For this aim, the CDU launched campaigns against foreigners and the proposal of dual citizenship and the CDU succeeded. The CDU along with the CSU argue that dual nationality:

> 1.   Gives foreigners more privileges than Germans because they could carry two passports and;
> 2.   That dual nationality will increase immigration and lead to divided loyalties. (Martin, 1999: 9)

On the other hand, the CDU criticized the initiatives of new government for integration. In this sense, the CDU has underlined the 'essentiality of sense of belongness to German nation' and 'German culture'. According to the CDU, if the foreigners want to take German citizenship, they have to commit themselves to the German culture, language, history and constitution. Even if the foreigners sooner or later integrate into the society successfully, in fact, they will keep their foreignness. Thus, the CDU clearly opposes to becoming a multicultural society.

4.4.3. The CSU (Christian Social Union of Bavaria)

The CSU, small partner of CDU, follows the same political tactics as the CDU on certain issues. Considering the position of the CSU, the CSU is a conservative and an opposition party. However, some of the leaders of immigrant organizations like Hakki Keskin regard the CSU as well as the CDU as a "racist" "anti-multicultural"

party. (Hakki Keskin, Hürriyet, 27.11.2002) According them, the statements of these parties triggers off the increasing anti-foreigner sentiments.

During the 1980s, the CDU insisted on the issue of returns of the guest workers to their home country as the CDU. Furthermore the CSU supported the restriction of immigration. Today, the CSU still proposes for taking strict measures against the immigrants and asylum seekers. The CSU, especially, rejects more recruitment of the high-skilled foreign workers from the non-EU countries.

The CSU underlines that Germany is not a country of immigration. The CSU argues that the foreign workers and asylum seekers should sooner or later return to their home countries. Moreover, the CSU strictly opposed to the citizenship reform and the issue of 'dual citizenship' of foreigners due to the ethno-cultural understanding of citizenship. The CDU denies to the extension of the right to political participation to the non-EU foreigners.

The chancellor candidate of CSU, Edmund Stoiber mentioned that integration of foreigners was "heavy additional burden for Germany'. (Associated Press, June 18, 2002)

The CSU accuses the guest workers, especially from the non-EU countries for eroding the 'stability' and 'homogeneity' of German culture and society in its electoral campaigns. On the other hand, the CSU announces that foreigners cause high unemployment.

In addition, as the CDU, the CSU claims for preserving the values of Christianity. For the CSU, only after the foreigners adopt the values of Christianity and voluntarily commit themselves to the laws, traditions and values of German society, they may be tolerated. Stoiber states that "the Muslims of Germany must accept the Christian norms of Germany… A divided loyalty, which puts ethnic or religious affinity higher than faith in the constitution, is unacceptable for us". (Steven Erlanger, New York Times, January 23, 2002.) In this sense, Stoiber says that "Germany must maintain its identity" which means that foreigners should not be allowed to build "parallel societies". (William Boston, 5)

4.4.4. Alliance 90/the Greens

Since 1980s, the Greens party has defended the 'equal rights' for resident foreigners along with German citizens by attributing to the 'human rights' and 'democracy'. The Greens proposes that the foreigners should have a right to education, social benefits, vote in local elections, and access to the German citizenship.

For the Greens, each individual should have freedom in order to shape their own lives as well as decide their own will. Besides, the individuals should not become subject to discrimination owing to their political, cultural and social differences. The free individual should not be deprived of political, social, economic and cultural rights. Therefore, the Greens party rejects all anti-racist tendencies. According to the Greens party, it is necessary to set the liberal and multicultural policies.

In this sense, the Foreign Minister Fischer opposes the assertion of conservatives on "German nationhood" defined by "blood'' and "resistance to an immigrant culture''. He argues that "this idea of 'Leitkultur' today, in a post-national Europe, is completely crazy." (Roger Cohen, New York Times, November 5, 2000)

According to the Greens party, in order to facilitate the integration of immigrants and their democratic participation in political life, it is important to promote the equal opportunities in education and language course as well as the intercultural dialogue.

The Greens party regards Germany as a country of immigration. According to the Greens party, the old 'guest workers' myth should be left. Instead, Germany should introduce effective reforms for managing the immigration. The permanency of immigrants should no longer be disregarded. The long-term resident immigrants and new comers are a sign for Germany's being a country of immigration. Therefore, Germany should be open to the idea of cultural diversity.

The Greens party advocates the idea of 'tolerance for otherness' and 'preserving different cultural way of lives'. The Greens party considers that the constitutional democracy will evolve within a multicultural society. For the Greens party, the multicultural society refers to the equality, justice and peace within the society.

That's why; the German state should recognize the ethnic, religious and cultural diversity and should be responsible for guaranteeing of freedom of religious belief, cultural values and practices of the different ethnic and cultural minority groups within the both public and private realms. The state should take effective legal measures to protect the all individuals against discrimination and unequal treatment via introducing its anti-discrimination laws.

Furthermore, the Greens party does not see immigrants only as the economic contributors of sustainable economic growth. The Greens party considers immigrants as human being. For the Greens party, each individual deserve better life of conditions, equal rights to work, education, organization and vote, freedom of speech, beliefs etc. on the ground of being human.

4.4.5. The FDP (Free Democratic Party)

The FDP seeks to take both social-liberal oriented and national-liberal oriented position. That is, the FDP takes on a middle position between CDU and SPD.

The FDP supports the integration of immigrants. According to the FDP, the foreigners have to attend language courses, educational programs as well as accept the German social and democratic values. As the new government, the FDP proposed to simplify the naturalization procedures.

However, the FDP does not advocate the 'dual citizenship'. Guido Westerwelle, chairman of the FDP states that the "dual citizenship creates 'half-half citizens, double loyalties, double duties and sometimes double costs". (Laura Laubeová: 8) Therefore, the FDP proposed 'optional model' in order to promote reconciliation between the government and the CDU/CSU.

Furthermore, the FDP agreed on implementing an effective immigration law. The FDP accepts that Germany needs immigrants. Nevertheless, the resident permits should be granted temporarily in the first stage. The FDP proposed for making a differentiation between "skilled occupation" and "other occupation". In addition, the FDP supports the revisions of "annual migration quota" for foreign labor foreign

workers should be employed according to demands of labor market. (Imke Kruse, Henry E. Orren and Steffen Angenendt, 2003: 136)

To sum up, in terms of the area of labor immigration, the FDP demands the creation of more favorable conditions for foreign students and scholars. The FDP proposes an immediate work permit for accompanying spouses. For the FDP, a centralized federal Immigration and Naturalization Service should be created as it exists in the US as well as a Council to consult the German government on immigration policy and to suggest quotas. (Walter Klitz, 2001:4)

4.5. Conclusion

In this section, the historical developments of the German national citizenship as well as the immigration adventure of Germany in the post-second world war period will be analyzed. It is the fact that, Germany has always a dilemma in terms of becoming a country of immigration. Germany has always avoided regarding itself as a 'country of immigration'. However, the immigration process started in the mid-1950s. In spite of the ban of the recruitment of new foreign worker in 1973, the arrival of foreigners continued from the mid-1970s onward. With the end of the Cold war, Germany along with the other European countries witnessed with the uncontrolled mass migration movements. Considering the statistics, today, Germany consists of the largest foreign population when compared with the other European Union countries. However, Germany took never steps for setting any comprehensive immigration act until the recent initiatives. There are two sets of acts, or laws, which are relevant for this analysis. The first set of act is the new immigration act and the other one is the new citizenship act.

In fact, Germany necessitates an effective immigration act considering the economic and demographic reasons. After the fierce discussions, the new immigration act came into effect on January 1, 2005. It is important to note that the new immigration act can be seen as the turning points in terms of the official conceptualization of immigration and the policies of Germany. Nevertheless, it is important to emphasize that the new immigration law is reasonably restrictive and oppressive in terms of

rules and principles. The new immigration law does not aim certainly at promoting integration of immigrants in Germany.

Meanwhile, foreign workers with their descendant became the permanent residents of Germany. The issue of integration of immigrants has little importance on the political agenda. Germany has failed to integrate the immigrants into the German society. Germany's traditional ethno-cultural understanding of citizenship functions as an ideological state apparatus in the Germany policymaking process.

As it was mentioned, the German culture and race became the constitutive elements of the making of the state and national identity. The ethnically based German citizenship is always playing exclusionist role. Until the recent reformist initiatives, foreigners have been excluded from accession to German citizenship. The new citizenship act symbolizes the important shifts in the principle *ius sanguinis*. Without the German citizenship, immigrants will be deprived of equal social, economic and political rights. There is no consensus among the political parties regarding the acceptance of ethnic and cultural diversity. While some parties, such as the SPD and the Greens are promoting the equal distribution of opportunities for all individuals irrespective of the different and ethnic cultural immigrant groups within all public areas as well as the peaceful coexistence of individuals; the conservative parties the CDU and CSU represent an opposition stance. Those conservative parties are still suspicious of granting any privilege to immigrants. Although those conservative parties argue that different ethnic and cultural minority groups may deteriorate the German culture by their different ways of life, all of different ethnic and cultural immigrant groups "make and inhabit meaningful worlds". (Carens, 2000: p.24) Nevertheless, it is evident that even if immigrants could acquire the status of German citizenship, they will remain as 'foreigner'.

CHAPTER V

THE INTEGRATION PROCESS OF TURKISH IMMIGRANTS IN GERMANY

Germany is composed of many different immigrant and ethnic minority groups. Today, around 7, 3 million foreign populations live in Germany. Nearly 2, 4 million Turks are living in Germany. They constitute one of the larger immigrant groups in Germany. It is important to note that Turkish immigrants do not constitute a homogeneous community. Today Turkish immigrants in Germany constitute a heterogeneous group in terms of ethnicity (Kurds, Turks) and religion (Sunni, Alevi...). These different ethnic and religious groups have formed different associations and organizations within Turkish community related to home country. However, in this chapter, different ethnic and religious groups within Turkish community will not be examined. Rather, the main focus will be the social and economic problems of Turkish immigrants, which they face in their daily life in Germany, in general.

The movement of the Turkish labor to Germany has started by signing bilateral recruitment agreement between Germany and Turkey in 1961. Turkish workers were recruited temporarily as well as other foreign workers. Turkish workers were defined as 'guest workers'. Turkish workers intended to work at least 1-2 years for earning money and to return their home country. However, during the mid-1970s they brought their families into Germany. Family re-unification is completed by 1980s. Due to the arrival of their families, lack of the democratic conditions and deficiencies in their home country's economy, education of children they decided to stay in Germany. In the 1980s, the German governments sought to encourage Turkish immigrants and their families for returning to their home country. However, many Turkish immigrants and their families chose to stay in Germany.

It is clear that Turkish guest workers and their families have become permanent residences of Germany. Moreover, many second and third generation Turks were born in Germany. Turkish immigrants have resided in Germany for nearly 45 years. However, Turkish immigrants, even second and third generation Turkish immigrants are still perceived as 'foreigner' due to their different cultural way of live. Turkish immigrants face with anti-foreigner attitudes against them. According to Faruk Şen, these negative attitudes lead to the "ghettoization" of immigrants. (Faruk Şen, 2002: 31) Turkish immigrants choose living in their own districts, which they could preserve, their cultural and religious practices.

Turkish immigrants along with majority group enjoy some civil and social rights; such as the public education, health care, family allowances, and unemployment and retirement benefits. Nevertheless, they may be subject to the economic, political and social discrimination. Furthermore, they have been excluded from full citizenship rights until recent revisions in the new citizenship law. Nevertheless, they still have not political rights such as right to vote and right to be membership of a political party without accession to German citizenship.

Here, one of the aims of this chapter will be the linguistic, religious and cultural problem of Turkish immigrants in terms of their integration into German society. Within this context, it will be examined what the cultural, religious problems and political disadvantages which Turkish immigrants face in Germany. Furthermore, to what extent the politicians and government address these issues. Furthermore, the recognition claims of Turkish immigrants under the new immigration law of Germany will be scrutinized.

5.1. Social Problems of Turkish Immigrants

Turkish immigrants have had several problems in terms of integration into the German society due to their educational, linguistic, cultural and religious differences. Several years, most immigrants did not feel the need to integrate into German society; because, as mentioned before, Turkish immigrants did not decide to stay longer in Germany. In the same way, the conservative governments did not need to improve comprehensive integration policies for immigrants. In fact, considering the

political discourse, Germany was not a country of immigration. But also, those governments hoped immigrants sooner or later would return to their home countries. Throughout the immigration movement of Turkish immigrants to Germany, the German society witnessed different cultural and religious practices. Yet, some people within the German society might be unwilling to coexist with those different values and practices. On the other hand, Turkish immigrants also were not ready to adopt the German cultural practices, which were obviously alien to them. They participated in their neighborhood social life due to the fear of "loss of their identity among Germans". (Monika Mazur-Rafał, 2003: 8) Turkish immigrants feel a strong sense of belongness to their national culture. For example; many Turkish children were sent back to Turkey to live with their relatives in Turkey so that they wouldn't lose their Turkishness and Turkish language.

The majority of first generation Turkish immigrants came from the rural areas of Anatolia. They did not possess the educational or linguistic skills. Those Turkish immigrants have not still adequate German language knowledge. Hence, they are less able to communicate successfully with the rest of German society. On the other hand the authorities and employers did not demand Turkish immigrants to speak the German language; because, they were just expected to contribute the economic growth of Germany and return to Turkey in one or two years. However, the majority of those Turkish immigrants did not need to improve their knowledge of German language. They preferred the use of their native languages in their daily life. Nevertheless, it is important to note that linguistic ability is the one important part of integration and better understanding to each other. What's more, the majority of Turkish immigrants had never lived in big towns in Turkey prior to arrival in Germany. Those immigrants had a conservative Turkish family structure and most of them still cling to their traditional cultural values and religious rules in their daily life. These people had never experienced "European culture" or "language". (http://www.flwi.ugent.be)

Among German society there is openly hostility toward Turkish immigrants, and vice versa. People among German society might not accept the existence of Turkish immigrants related to their stores, headscarves, mosques, etc in all of their cities. Meanwhile, many Turkish immigrants barely interacted with Germans; so they tend

to isolate themselves from the rest of the society. Hence, those Turkish immigrants live in their own districts. However, many Germans feel themselves as minority in some areas. In some cities, the native population is becoming the minority. For instance; by about 30 percent, Turkish immigrants constitute the majority in Berlin. Today, they have highly concentrated in Kreuzberg called little Istanbul. (Merih Anil, 2004:7)

In the same way, due to the restrictive citizenship laws, unclear integration policies and ongoing hostility to foreigners the majority of Turkish immigrants choose to live in their isolated districts. Those who are less educated and conservative Turkish immigrants tend to "nationalist" or "fundamentalist Islamic ideologies"[4]. Furthermore, a good number Turkish girls and women are kept in houses under pressure due to the conservative family traditions. Those girls and women are forced to marry with their kin or other Turkish men. Those are also not permitted to educate. According to the research of Canan Topçu, nevertheless many daughters of Turkish migrants are very anxious to educate. For instance, Topçu says that the number of female students increased almost tenfold from 1980 to 1996, whereas the number of male students only increased 2.5 times. (http://www.qantara.de)

Although those Turkish immigrants, mentioned above, have lived in Germany for several years, they do not make an effort to improve their lifestyle in Germany. They continue to live in Germany as they lived in Turkey prior to their arrival in Germany. To take steps through modernizing in terms of both mentality and practice cannot mean to forget or lose the cultural and religious values or customs. In contrast, making contact with other cultures different cultures and intercultural exchanges pave the way for personal enrichment.

On the other hand, despite all negative developments as mentioned above, in many Turkish families there has been a shift in attitudes in favor of accepting the liberal values; younger children in these families enjoy a degree of freedom. Some of the first generation and the majority of second/third generation Turkish immigrants are willing to integrate and use the German citizenship to improve their life and chances

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[4] See Barbara Weber, <http://www.umich.edu/~iinet/journal/vol2no3/ozdemir.html>

within German society; because, the majority of those Turks feel themselves as at home in Germany. They have friends regardless of their cultural backgrounds. Many young Turks are well integrated into the social structure of Germany. They are highly educated and want to be successful. Some of them have opportunity for an alternative career such as academic, criminal, artistic etc. What's more, they do not want to maintain their parent's traditional experiences. Hence they have created their own lives by moving away conservative and strict ideas of their parents. Nevertheless, most of them have not emotional belongness to Germany or Turkey.

On the other hand, there are positive relationships between Turkish immigrants and the rest of society in Germany. Various institutions and organizations have played roles in creating intercultural activities for social integration and equal opportunities for immigrants who live and work in German society. Those institutions and organizations have offered the counseling, language and computer courses for women, children, youth, and elderly. These organizations have organized cultural activities, exhibitions and seminars. What's more, they have aimed at fighting racism and xenophobia. These organizations have funded by German state; such as German foreigner "meeting places", private welfare organizations (e.g., Arbeiterwohlfahrt; Diakonisches Werk, administrated by the Protestant Church; and Caritas Verband, administrated by the Catholic Church), and community organizations, foundations which support social initiatives, and self-organized immigrant groups. (Emily Voelckers Powell, 1996)

Meanwhile, Turkish organizations actively could organize meeting facilities for Turkish girls and boys, German language courses or reading/writing courses for women, etc. as well as the services of the public libraries. In most German public libraries in big cities there are adequate materials in their mother language for the children and young adults of immigrants who have not sufficient German language knowledge.

Moreover, in many cities, the municipalities have initiated to organize comprehensive integration policies in order to facilitate the process of integration of immigrants. For instance, the city of Stuttgart, the rural community of Belm and the district of Hersfeld-Rotenburg, Solingen were awarded by the German Federal

Ministry of the Interior due to their successful integration implementations. It is important to emphasize that it is possible with the cooperation of immigrant groups. (http://www.goethe.de)

However, though many multicultural projects are created in order to bring people of different nationalities together and develop intercultural dialogue and remove stereotypes, there is a lack of interest.

In sum, emphasize that it is expected that both Germans and Turkish immigrants along with other different and ethnic minority groups were prepared for living together and accepting the cultural values and practices of each other. It is important to note that Turkish immigrants as well as immigrant groups from the third world countries have experiencing difficulty much more as compared to other immigrants in terms of integration into the German society. In fact, Germans and foreigners have different cultural customs and religious rituals. However, the German policymakers ignored all of these problems for long years. To ignore the problems for so long has just made matters worse. In fact, on both sides there are stereotypes to enter into an open dialogue and insufficient knowledge about each other's culture. Within this context, the educational, religious problems of the Turkish immigrants will be explained when compared with the members of the host society.

5.1.1. Language and Education Rights of Turkish Immigrants

It is evident that there are clear distinctions between the first generation Turkish immigrants and the second and third generation Turkish children considering the language ability and education. Comparing to the first-generation Turkish immigrants, a big number of second and the majority of third generation Turkish children were born in Germany. The members of the second and third generation are better educated and frequently prefer speaking the German language. The language skills of first-generation Turkish immigrants are still inadequate. Furthermore, they are uneducated. Moreover, in their families, Turkish immigrants speak mostly Turkish as well as with their friends. Turkish immigrants mostly do not speak German at home.

Taking into account the policies on language and education, in the German educational system, the principle of "bilingual education" for immigrants was not supported in principle, except for the developed bilingual programmes in city of Berlin. (Sigrid Luchtenberg, 2002: 52) The German language is the national language of Germany. Germany accepts the principle of 'monolingual education' considering the cultural and linguistic unity of Germany.

In this sense, there are different approaches in the education system between the federal states of Germany. In Berlin, "submersion programme" is introduced. Only after the foreign pupils develop their knowledge of German language in special classes they could attend German classes. According to Eric Beck, though it is aimed at "integration'' by this programme, it causes "segregation". Furthermore, it is unclear whether the foreign pupils could develop their German language skills. (Eric Beck, 1999:7)

In Bavaria, the foreign pupils are offered training in their mother tongue in the 'separated classes'. The foreign pupils could learn German language as their first foreign language. This programme is called as "bilingual'' programme. (Eric Beck, 1999:7) However, it is planned immigrants to return their home by supporting the language and culture of immigrants in the 'separated' classes. (Kivisto, 2002) Furthermore, the level of the final exams is high. Hence, Turkish pupils could not have any success in the improvement of their German language skills as well as the academic understanding for transferring to German classes. (Böcker, 2004: 16) Hence, most of Turkish pupils leave schools without any diploma.

In North-Rhein Westphalia, the pupils are offered training in their mother tongue in separated classes as in Bavaria; however, in the lessons of art, music and sports, both foreign pupils and German pupils meet in mixed classes. The foreign pupils will chose German language as the second language. This programme is called as "transitional bilingual approach". According to Beck, by this programme, a "gradual assimilation" into German classes is planned. (Beck, 1999: 8) However, Turkish pupils have problems in integrating into German classes. Therefore they could not be successful in schools. Furthermore, they face with social problems outside their communities.

Although there are different approaches in education system as mentioned above, each Turkish child has opportunity in attending mixed educational facilities. For easier integration of Turkish children into Germany and successful learning of German language, the German federal government has developed "educational support systems" that now help Turkish children acquire the crucial language skills. Furthermore in the federal cities, many projects are created for successful integration of the children of immigrants. For instance, in Hesse it is created a new project so-called "Frühstart", the aim of this project is to promote 'early start' of children of immigrants in kindergarten through integrating them into Germany with German lessons and intercultural education. Furthermore, kindergarten teachers will get additional training in both language teaching and intercultural education. However, in order to make real this project, there is a need of joint state-and-private funds. (Roger Boyes, 2004: 42)

It is important to note that education is the most important key for successful economic, social and political integration of immigrants in Germany. However, children of Turkish immigrants are particularly disadvantaged in the educational system. Turkish pupils are unable to have success in schools. The education system is complex and 65% of Turks have little education and only achieve low-level diplomas. Most of the second-generation Turkish pupils mostly leave school. They do not usually continue high education. Many Turkish youth participate in the apprentice system for getting job qualifications and experience. According to research of Maurice Crul and Jens Schneider almost two thirds (63%) of second-generation Turkish girls in the age category 15-24 are studying on a middle level (middle vocational education) or higher. Of the second generation Turkish men only 55% reached these levels. (Maurice Crul and Jens Schneider: 17) According to another research, in the winter of 2002/2003 there were 24000 Turkish citizens studying at German Universities, 9300 of who were female. (http://www.qantara.de)

Taking into account lower success of Turkish children in schools, there are several reasons stemming from both the Turkish cultural customs as well as low educational levels of the parents and the prejudice and stereotypes in the German schools.

In general, the majority of Turkish parents tend to maintain their traditional cultural practices in their own communities instead of keeping in touch with the rest of the society. The children of those Turkish parents are mostly taking part in Turkish community. They are not encouraged for the adaptation to the German culture and learning the German language. Most of the members of Turkish parents are unable to speak German. Nevertheless, a big number of the second and the majority of the third generation children speak German language well. Moreover, they are in contact with the rest of the society.

The teachers complain about the "incapability" of Turkish pupils for integrating into German way of life. (Sabine Mannitz, 2003: 94) Moreover, Turkish pupils as well as other foreigners from the third world countries are considered as the source of "social division" and the "danger of backlash" in German society due to their cultural and religious differences. (Mannitz, 2003: 95) That's why; the children of immigrants are subject to prejudice in schools due to their differences. Meanwhile, most of the Turkish teachers are inadequate to educate Turkish children in parallel with the curriculum of German classes. Further, Turkish teachers are mostly alien to the German culture, and language. Due to the lack of German knowledge and cultural discrimination, the children avoid keeping in contact with German pupils and teachers. (Beck, 1999) Thus, Turkish pupils attach tightly to their cultural traditions and language.

The ability of speaking German language is playing an important role for the development of communication between Turkish immigrants and German society as well as to understand each other. The supports for education in the integrated classes with German pupils without any ignorance of the cultural differences of Turkish pupils may facilitate the integration of Turkish children into the German society. Turkish children should not be deprived of using their mother tongue. The language along with the religion, traditions, shared history, experiences and the family values constructs one's identity. Learning mother tongue is important for a child's development of "self-identity" and her/his "self-confidence". (Memet Kilic, 2005: 3)

According to the proposal of Tove Skutnabb-Kangas on the declaration of linguistic human rights for children in 1986, each child has the right to learn completely her/his

mother tongue(s) and to choose if/when she/he wishes to use her/his mother tongue in official situations. (Beck, 1999: 4)

By reforming the new immigration law, not only newcomers but also legally the resident immigrants who do not have adequate German language knowledge, even if they are unemployment, have to attend language course; otherwise, they may face deportation.

Within this context, Friedrich Behrens, a member of the German Social Democratic Party (SPD) and Interior Minister for the state of North-Rhine Westphalia declared that "it must be made compulsory for Turks to learn German. One should think about using cuts in social support, for example housing benefits, as a means of exerting pressure."[5]

5.1.2. Religious Tolerance

The German Constitution (Grundgesetz) provides the freedom of religion and freedom of worship for all individuals. (Daniela Modonesi, 2003: 22) The Muslims along with other religious groups have freedom of religious faith. Furthermore, the Muslims[•] could build mosques as well as they have freedom of associate. Islam constitutes one of the parts of Turkish immigrants culture. There are about 2,200 mosques in Germany. As for the role, the mosques have significant influences in terms of answering the religious needs of the majority of Sunni Turkish immigrants and their families. The mosques play an important role in integrating young Turkish immigrants into their community by providing religious lessons, cultural and sportive activities. Further, the mosques contribute to retaining religious practices of Turkish immigrants. The mosques serve to build the social relations among Turkish immigrants.

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[5] See Elizabeth Zimmermann, <http://www.wsws.org, 2001>

[•] It is important to bear in mind that apart from Sunni Muslim, there are Alevi groups who are religious minority. Alevi groups constitute about 30 percent of the Turkish immigrants in Germany. There are differences Alevis and Sunni Muslims in terms of practice of religion, place of prayer and political tendency (Alevis are left-oriented religious groups). Several years Alevis have subject to discrimination in Turkey under the authority of Sunni Islam. There is a still prejudice against Alevis in Turkey. However, nobody should be deprived of freedom of his/her own religious faith, nor should be discriminated his/her religious identity.

Despite the acceptance and protection of different religious practices in the private realm, Muslim organizations insistently demand for the recognition of the religious needs and interests by the German state. They require a permission and support to build mosques as well as financial support for the social and cultural activities of mosques. Moreover, they claim for educating Turkish children according to Muslim beliefs, values and ways of life plus the teaching of Islam in either its public or private schools.

It is evident that there are wide distances between Turkish immigrants and the German society due to the differences in religious practices and behaviors. However, it is important to emphasize that all persons coming from Turkey are not the Muslim faith or believers. Among Turkish immigrants there are Sunni Muslims, Alevis, Christians as well as other religious minority groups. Most of the Turkish immigrants are Muslim in Germany. Here, the main focus will be on the situation of Sunni Muslims in Germany.

However, Islam is perceived as one of the serious problems considering the integration of Turkish immigrants into the German society. It is important to emphasize that some cultural or religious practices cause any conflict between different ethnic and cultural minority groups and the mainstream culture. It is possible, Islam has not positive image among Germans along with the members of other religious groups. In the same way, Turkish Muslims might not share any religious customs with the Christians or other religious groups, and vice versa. The mosques may create contrast with churches or other prayer centers. Hence, the majority of Turkish immigrants are considered as 'unintegrable' immigrants in Germany due to the religious differences and Islamic political tendencies. Within this context, Angela Merkel, the CDU leader emphasized her religious tolerance by this following statement; "about 75 percent of the Turks in the world who live outside Turkey are in Germany. We don't say that they should not be Muslims. But we do say that we are a country with a Christian background, and Turks must understand this..." (http://www.migration.ucdavis.edu.)

On the other hand, as for the religious education, in some federal states, Islamic religious education in the schools is tolerated. For instance, in Baden-Württemberg,

Schleswig- Holstein, Berlin and Saarland, Turkish pupils may take religious education as well as Turkish language lessons in cooperation with Turkey. However, many conservative Sunni Muslims also send their children to "Koranic Courses" so that their children could learn peculiar religious customs. (http://dbacon.igc.org)

In the same way, a big number of Turkish Muslim immigrants complain about religious intolerance in Germany. For instance; a Turkish mother of two 14- and 15-year old girls appealed to the local administrative court in Hamburg for her daughters being exempted from sex-education lessons. She emphasized that her daughters had to experience sex when they married considering the rules of Islam. However, the administrative court refused the appeal of mother. The court stated that any religious exemption could not be accepted. The court underlined the compulsory lesson of sex education• for all pupils in schools. (Efms Migration Report, January 2004)

Furthermore, the Turkish Muslim associations insist on toleration of Muslim women for wearing headscarves in the public realms[6]. There is a visible conflict between the constitutional guarantee of the religious freedom and the court decisions about the free practice of religion in the public realms. Wearing headscarf is perceived as an ideological symbol, which violates the neutrality of state in the religious issues. Wearing headscarf and using other religious symbols are also banned within all other public offices. Lower Saxony and Baden-Wuerttemberg approved to prohibit the Muslim teachers from wearing Muslim headscarves. In addition, in Hesse, Bavaria and Saarland, the lawmakers have proposed to prohibit wearing headscarves in schools. A federal court advocates German states' right to ban the wearing of headscarves in the public schools by ascribing to the principle of the neutrality of religion and belief. (http://www.hrwf.net)

However, as it was mentioned before, the matter of wearing headscarf within the public realm is a 'politicized' issue by the Muslim communities as in Turkey. The

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• Considering the mentioned example, Turkish families, especially conservative families in rural areas of Turkey as in Germany hesitate in sex-education lessons in schools due to their religious and cultural custom. In contrast, in big cities, it is given a sex education in schools; however, given sex education lessons are neither common nor compulsorily in schools in Turkey.

2 See Country Reports on Human Rights Practices, Released by the Bureau of Democracy, Human Rights, and Labor February 28, 2005, <http://usa.usembassy.de/etexts/humanrights2004.pdf >

religious life should be a personal matter. Therefore, individuals should exercise their religious practices within their private realms. The demands of Muslims related to wearing headscarf in the public realms could be seen as a threat to the secular structure of the state as in Turkey. Both the members of ethnic, religious and cultural minority groups and the members of majority groups have to commit the principles and rules of state constitution within its public realms.

It is clear that the majority of conservative Turkish immigrants have tended to educate their children according to the principles of the Islam. In this sense, the religion provides continuity in their own culture regarding the customs and behaviors. In this sense, Turkish immigrants do not need for developing closer social relations with the rest of the German society. Therefore, most of the Turkish community still considered as "disparate community" in Germany. (Jenny B. White, 1997: 755)

In sum, in Germany, each person has freedom of religious faith. Muslims could build mosques in order to practice their religious ritual. Furthermore, even if there are stereotypes and misunderstanding between Islam and Christianity as well as negative political discourse against Islam in Germany, and vice versa, the values of those two religions are same despite differences in ritual in daily life.

However, as Rawls argues, though justice bases on "freedom of thought and liberty of conscience", "the rights of autonomy and self-expression" (John Rawls, 1999: 410) does not mean that the actions, plans or demands of each religious group could be tolerated or supported by the states. That is, each person has to accept a set of principles and duties within the public sphere of the states in which they voluntarily or involuntarily live. As Carens argues some range of practices could be permissible. (Carens, 2000: 34) The significant role of state is merely here to create suitable and equal circumstances for all individuals to exercise their religious practices the society. It is important to emphasize that as Carens argues the recognition in the private realm cannot provide an entire satisfaction for the minority groups in order to adopt the common values and practices of the society.

5.2. Political Rights of Turkish Immigrants

Despite their long-term residency in Germany, Turkish immigrants are excluded from the political rights at both local and national levels; such as the right to vote, run for office and the right to be member of political party of Germany. Turkish immigrants might benefit from political rights only after they are granted for the German citizenship. However, it is essential for Turkish immigrants to be granted, at least, the right to vote at local level so that they could express their opinions on local politics. Only the EU-citizens could enjoy voting rights in local elections and the European parliament. Although the SPD/Greens coalition proposed that the non-EU citizens should also have the voting rights in local elections, this proposal was rejected by the CDU/CSU.

On the other hand, some of the Turkish immigrants have been elected to the parliament after they are granted for German citizenship. For instance, Cem Özdemir became the first elected representative of Turkish descent to parliament in 1994. The naturalized Turkish immigrants generally vote for the SPD and the Greens party. Most of the 160,000 Germans of Turkish origin voted for the SPD in the September 1998 election. Ekin Deligöz who was born in Turkey was elected to parliament for the Greens in September 1998, after she became a German citizen. (http://www.australia-travel-visaimmigration.com) Lale Akgün became a member of the Federal Parliament for the Social Democrats. Vural Öger became a social-democratic member of the European Parliament as well as Cem Özdemir for the Greens Party member of the European parliament. (Cyrus, 2005: 51)

Meanwhile, though Turkish immigrants are not permitted to establish political parties in Germany, they have freedom to establish cultural, social and religious associations.

5.2.1. Participation in Associations and Trade Unions

Turkish immigrants are allowed to establish cultural, social and religious associations and take part in any political activities. If these political activities are dangerous to

the political stability of Germany and cause the use of violence, these activities may be banned. (Norbert Cyrus, 2005: 18) According to the new immigration law, if foreigners support or belong to a terrorist organization as well as are sentenced to prison by the criminal trials for three years or more, they will be deported.

As it was mentioned Turkish immigrants are not a homogeneous community. Each religious group (Sunni, Alevi…) and ethnic (Kurd…) has established its associations and organizations related to Turkey. The majority of Turkish immigrants take part in religious associations•. Turkish Muslim associations—either Sunni or Alevi--assist Turkish immigrants in several fields, such as religion, education, economy, health, political issues, women issues, sport and so on.

In Germany, the majority of religious associations are perceived as "fundamentalist". Germany avoids supporting the establishment of Sunni religious associations. Hence, those religious associations do not sufficiently benefit from the funds of German state in general. (Modonesi, 2003: 26) According to the German governments, those religious associations lead to alienation of immigrants rather than integration. For instance, the Islamic association "Milli Görüş" is defined as "fundamentalist" by the German authorities. (Cyrus, 2005: 24) The Office for the Protection of the Constitution (Landesverfassungsschutz) defined Milli Görüş as a 'threat' to the constitution as below;

> The threat of Islamism for Germany is posed … primarily by Milli Görüş and other affiliated groups. They try to spread Islamist views within the boundaries of the law. Then they try to implement … for all Muslims in

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• Apart from Sunni Islamist Organizations, for instance, Alevis have established their associations since the late 1980s due to their different religious, cultural and political perception and practices among Sunni Muslims in Germany just like in Turkey. Within this context, it was the 'Alevi Culture Week' that was arranged in October 1989 in Hamburg for the demand of equality of Alevism and Sunni Islam as well as recognition as a "specific" and "separate cultural group" (Martin Sökefeld, 2004:8) among the Turkish immigrants in Germany. The Federation of Alevi Communities in Germany (Almanya Alevi Birlikleri Federasyonu) is the largest and most significant in Germany. It organizes about one hundred local Alevi associations. Alevi associations employ various activities in order to facilitate and develop the social participation and integration of Alevis in Germany. Furthermore, this associations focus on the educational and linguistic problems of Alevi youth. These associations run language courses for Alevis. (Sökefeld, 2004: 8-16) Cemevleri as mosques is not only a place of prayer but also they serve to build the social relations among Alevi immigrants in Germany. However, according to Alevis Cemevleri is different from mosques. For them, in Cemevleri, apart from mosques, Alevi women, men, and children get together for worship and cultural activities.

In this sense, Otto Schily also warned severely immigrants to integrate into the German society without any resort to hostile activity against the constitution and legal framework by following statement, "anyone not doing so, and maybe believing that his religious convictions entitle him to invoke the Koran or Shari'ah law to put himself above our laws, has no place in Germany". (Welt am Sontag, July 21, 2002)

On the other hand, some immigrant associations benefit from the funds of German state if they are sponsor of the language or the professional training courses. For instance; 'Turkish Parent Association' founded by Turkish teachers and parents in Berlin, gets annual Euros 100,000 fund from the Berlin Senate. Turkish Parent Association collaborates with the non-government organizations and the government structures. This association assists the students, parents and school administrators in improving the education level of Turkish children. This association promotes the language courses in mother tongue and provides information on the bilingual education. Furthermore, this association endeavors for the development of dialogue between local people and Turkish immigrants.[7]

As for the participation in trade unions, Turkish workers as well as other foreign workers have the right to participate in trade unions. According to the 1972 industrial constitutional law, each non-citizen foreigner has active and passive voting rights in the workers councils regardless of their residence status. About 40 percent of Turkish workers are organized in trade unions and they are represented at work councils. (Norbert Cyrus, 2005: 17) Some immigrants like Nihat Öztürk and Safter Cinar became the prominent representatives of Turkish workers in work councils of the trade unions.

As for the objectives, trade unions represent the economic interests of workers. Trade unions bargain on the issues of wages and the hours of work with associations of employers. What's more, some trade unions engage in protection of the rights of immigrants and anti-discrimination. For example; IG Metall seeks to fight against the

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[7] See, World Migration Report 2003, International Organization for Migration (IOM)

discrimination. The problems and needs of immigrant workers are discussed at works councils. The works councils help to resolve these problems. Turkish workers along with other foreign workers could actively participate in IG Metall. (http://geogate.geographie.unimarburg.de)

5.3. Citizenship Rights of Turks in Germany

The Imperial Citizenship Law of 1913 was the only legal basis for naturalization in Germany. The legal framework of German citizenship based on the *ius sanguinis* principle (nationality stemming from blood ties). According to the citizenship law, the non-members of German people should not acquire German citizenship. However, the German descent *(Aussiedle*r) called as the 'ethnic Germans' have had some privileges; such as the residency in Germany without permits, work and travel freely, and voting as citizens, right to housing and social assistance. What's more, after the demise of the Soviet Union the 'ethnic Germans' were given a right to automatic citizenship despite their linguistic differences and distinct cultural way of life. Most of them have social and economic integration problems among Germans as other immigrants in the FRG. However, they are regarded by the German state as the "ethno-cultural minority" and the "returnees" who "come to live as Germans among Germans". (Koopmans, Statham, and Marco Giugni: 26)

Since the end of the 1970s the issue of the 'recognition of presence of immigrants' has been questioned on the political agenda. In the era of social democrat/liberal coalition, it was proposed to grant the political rights to immigrants; such as easier access to German citizenship of foreigners including Turkish immigrants after at least ten years residency and the right to vote at local level. Yet, after the conservative party the CDU won the 1983 election, Turkish immigrants and other immigrants experienced the restrictive citizenship policies. The conservative parties have promoted Turkish immigrants and their families for returning to their homeland. What's more, the conservative parties have obstructed the integration of immigrants into German society and culture by disregarding the social problems and the cultural differences of Turkish immigrants.

Turkish immigrants were excluded from acquiring German citizenship due to *ius sanguinis* (blood) principle of citizenship. Although Turkish immigrants became permanent residents of Germany, Turkish immigrants were deprived of accession to the political rights; such as the right to be member of a political party, right to vote, right to serve in military service, right to run for office, right to assemble.

On the other hand, the conservative parties agreed to certain conditions on accession to German citizenship. If a Turkish immigrant as other foreigners was granted for access to German citizenship, s/he should reside for fifteen years in Germany, at least. Furthermore, s/he should perform a range of criterion; such as having enough language knowledge, and commitment to the German culture.

However, the naturalization rates of Turkish immigrants remained noticeably low. Most of the first generation Turkish immigrants did not feel the need for naturalization. Their ties to Turkey were strong and their option of returning to home country was open instead of the commitment to integration into the German culture. In addition, high fees charged for naturalization discouraged the applicants for citizenship. For instance; in Berlin, the usual fee charged in 1987 for naturalization petition was 1,800 DM. (Eli Nathans, 2004: 248)

Until the 1990s, there was not any progressive revision in the policies in order to extend the legal status of foreigners. Some legislative changes were made in 1990 Alien's Act in order to ease the naturalization of permanent foreigners and their second/third generation children. Thus, the minimum number of years of the residence to apply for naturalization was lowered to 10 years. The fee for naturalization was reduced. Nevertheless, Germany's citizenship regime remained restrictive.

The Federal Republic of Germany introduced a new citizenship law on January 1, 2000. Prior to reforms in the new citizenship law, the ethno-cultural understanding of citizenship was retained. By the new citizenship law, accession to German citizenship has become much easier. Now, the German citizenship is based on *ius soli* principle of citizenship. This law enables Germany-born immigrants to become German citizens whose parents have lived in Germany for eight years or longer and

have an unlimited residence permit for at least three years. Children who are born in Germany prior to 1 January 2000 could also acquire German citizenship if they are less than ten years of age. The relevant child's legal guardians must submit a corresponding application by 31 December 2000. The children who receive German citizenship when they reached 23 years of age will decide on whether they want to retain their German or their foreign citizenship.

Under the new citizenship law, Turkish immigrants are allowed for the naturalization if they have resided legally in Germany for eight years or longer. Moreover, they have to hold a residence permit or the right of unlimited residence. They have to abide by the democratic rules and principles of the German constitution. They should not been involved in any activities which are hostile to the constitution. They could assure their economic activity without the welfare benefits or unemployment assistance. They must have basic German language ability. Turkish applicants have to decide on whether or not renounce their previous citizenship versus German citizenship.

5.3.1. Dual Citizenship Debates

Germany has approved 'The Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality [ETS 43]' in 1963. Many Western European states have agreed on the principle of "undesirable" and "avoiding" dual (multiple) nationality. According to the Council of Europe's 'Convention on the Reduction of Cases of Multiple Nationality (Council of Europe 1963)', "a national of one contracting state who acquired the nationality of another state should lose his/her previous nationality". (http://www.conventions.coe.int)

During the 1980s and 1990s, the issue of dual (multiple) citizenship has been discussed by many European countries due to facing with large-scale immigrant influx, a need for the integration of permanent immigrants, the marriages between the spouses of different nationalities. In this sense, the issue of dual (multiple) citizenship was legally interpreted in the 1997 European Convention on Nationality. The European Convention on Nationality was opened for signature on November 6, 1997 and came into force on March 1, 2000. However, Germany approved the

convention on September 1, 2005. By this convention, the general rules and principles have been established with respect to uncertain issues in nationality laws of European states. By this convention, it is intended that the European states could revise their nationality legislation.

According to the Article 15 of this convention, if individuals acquire the nationality of another state, they will retain their nationality or lose it. Furthermore in the case of the acquisition or retention, their nationality is subject to the renunciation or loss of another nationality. According to Article 16, individuals should have the same rights and duties as other nationals of the state after they acquire the nationality of other state. (http://conventions.coe.int)

In relation to dual (multiple) nationality, each state freely chooses whether to tolerate dual (multiple) citizenship without applying in a "discriminatory way". There are different legal regulations in terms of dual (multiple) nationality. For instance, some states adopt "recognition of dual (multiple) citizenship of immigrants in all cases or in individual cases". Some states apply "non-recognition principle of dual (multiple) citizenship for the citizens of the country and providing for certain exceptions from this rule some states adopt the prohibition for the citizens of the country to have dual (multiple) citizenship without providing for individual exceptions or prohibition for citizens of the country to have dual (multiple) citizenship with certain exceptions from this rule". In some states, persons who have citizenship of different countries have only the citizenship of the country in "legal relations with the country". (Mykola Rudko, 109: 2001)

For some European countries, dual (multiple) nationality is no longer perceived as "dual loyalty", or "less loyalty of the citizen to their country of residence". (Rudko, 2001:111)

In Germany, many politicians, especially the conservatives oppose 'dual citizenship' of immigrants. It is claimed that the dual citizenship leads to dual rights and thus privileged status *vis-à-vis* the majority German population. The issue of dual citizenship is perceived as a threat to the "solidarity" of German nationals as well as

a "threat" to the basic values of German constitution and cultural norms. (Nora Rathzel, 2002: 151)

However, immigrants who have dual nationality are not exempt from the taxes and social security contributions. They have to abide by the German laws. Nevertheless, they are deprived of the political rights.

Until 1993, the number of naturalized Turkish immigrant was low due to the provision on renouncing the previous citizenship versus acquiring German citizenship. After 'dual citizenship' became generally tolerated in terms of the administrative practice, the number of naturalizing Turkish immigrants increased from around 2,000 in 1990 to more than 31,500 in 1995. (Joppke, 2000) Furthermore, Turkish government revised Turkish Citizenship Law in favor of Turkish emigrants who naturalized abroad could retain their citizenship rights (except for political rights) in Turkey. Thus, Turkish emigrants could keep their rights to residence, employment, acquisition of real estate, inheritance, etc.

Yet, the conservative ruling parties the CDU/CSU were against tolerance of dual citizenship. In parallel with the traditional perspective, the conservative ruling party CDU stated its opposition to the dual citizenship as below;

> Granting citizenship cannot be an instrument of integrating foreign residents. Instead, naturalization requires that the integration of the respective foreigner has already occurred. A foreigner who wants to acquire German citizenship must commit himself to our national community. Tolerating double citizenship would lead the formation of permanent national minorities. (Joppke, 2000: 155)

In this sense, the CDU/CSU refused the proposal of dual citizenship for Turkish immigrants before the new citizenship law came into affect on January 1, 2000. Although it is indicated in the Article 3 of Basic Law that no one should be favored or subject to any discrimination owing to gender, descent, race, language, homeland and origin, belief or religious and political opinions, this kind of exclusionary policies toward Turkish immigrants, mentioned above, can be seen as "institutional discrimination". (Rathzel, 2002: 151)

On the other hand, Germany has tolerated dual nationality among ethnic Germans emigrating from Eastern Europe and Russia without any restriction on renouncement of their previous citizenship.

5.4. Hesitation versus Challenge for Integration

The number of naturalized Turkish immigrants increased significantly before the New Citizenship Law came into affect on January 1, 2000. Considering the statistics, 103,900 of Turkish immigrants were naturalized in 1999. According to the research of Ayhan Kaya, up to now approximately 700 thousand of Turkish immigrants have accessed to German citizenship. In addition, 1.5 million of Turkish immigrants intend to access to German citizenship. (Ayhan Kaya, 27-28 February 2004: 8).

On the other hand, there is a reasonable decrease in terms of the number of Turkish immigrants who were naturalized. In 2000, the number went down to 82,862; in 2001 the number was 76,573 and in 2002 64,631.

Naturalization rates of Turkish immigrants in the Federal Republic of Germany Between 1982 and 2003

Year	Turkish citizens naturalized in the FRG	Turkish citizens in the FRG	Year	Turkish citizens naturalized in the FRG	Turkish citizens in the FRG
1982	580	1,580,700	1993	12,915	1,918,400
1983	853	1,552,300	1994	19,590	1,965,600
1984	1,053	1,425,800	1995	31,578	2,014,300
1985	1,310	1,401,900	1996	46,294	2,049,100
1986	1,492	1,434,300	1997	42,240	2,107,400
1987	1,184	1,481,400	1998	59,664	2,110,200
1988	1,243	1,523,700	1999	103,900	2,053,600
1989	1,713	1,612,600	2000	82,862	1,998,500
1990	2,034	1,675,900	2001	76,573	1,947,900
1991	3,529	1,779,600	2002	64,631	1,912,200
1992	7,377	1,854,900			

Source: Statistisches Bundesamt, Statistisches Jahrburg für die Bundesrepublik Deutschland

Before 2000, although many Turks renounced their Turkish citizenship, they could reacquire their Turkish citizenship only when they obtained their German citizenship. Even if the new citizenship law facilitates the naturalization of Turkish immigrants who have lived in Germany for many years, the new citizenship regime has required the renunciation of previous nationality in order to naturalize. Under this new law, dual citizenship will not be tolerated.

The majority of Turkish immigrants, especially first generation, prefer retaining their Turkish nationality rather than applying for naturalization. If they renounce their Turkish citizenship in favor of obtaining German citizenship, they will lose their property and inheritance rights in Turkey. The new citizenship law simply permits the children of Turkish immigrants to have dual citizenship for a certain period of time.

Majority of the Turkish immigrants still expect unrealistically that they will sooner or later return to their home to retire. Today, however, most of the first generation Turkish immigrants who are above 60 as well as second/third generation no longer consider returning to their home country. Although the emotional ties of first generation Turks to Turkey are stronger than the second/third generation, the first generation Turks do not want to leave their children in Germany. What's more, they do not want to lose their pension benefits.

On the other hand, most of the first generation Turkish immigrants do not feel a need for greater integration into the German society. In contrast to the second/third generation, the first generation is less in contact with the German society. They do retain their cultural and religious practices in their isolated communities. Hence, most of them are more "communitarian", "religious" and "conservative" than the second/third generation. (Kaya, 2004: 14)

Moreover, the majority of the first generation Turkish immigrants have a sense of belonging to Turkish identity. The Turkish nationality is rationally meaningful for preserving their "Turkishness" and emotional ties with Turkey. (Jeffrey Jurgens, 2000: 97) Furthermore, there are main distinctions between Germans and Turks stemming from the differences in religious rituals in daily life, social and family

values. Adherence tightly to Turkish identity, cultural and religious differences as well as intolerance of dual citizenship appears as a major obstacle on their integration into the German society. That's why; those immigrants do not want to take German citizenship.

Nearly 50.5 percent of Turks are between 14-29 years old and about 680.000 (36%) were born in Germany. 33.8 percent of Turks are between 39-49 years old. (Faruk Sen, Turkish Daily News 31 October 2001) In contrast to the first generation, the second/third generation Turks is well educated and speaks German language well. A big number of the second generation and the majority of the third generation Turks along with some first generation Turks are keen to integrate into the German society and accept the German society' cultural way of life of. They could communicate with majority of German society out of their districts. Most of them perceive Germany as their home. Most of those regard themselves as one of the parts of the German society. Nevertheless, there have been still important cultural differences between the second/third generation Turks and German society. Even if they were born and grew up in Germany, they complain about that they are still perceived as 'alien'.

5.5. Turkish Immigrant Organizations

On the other hand, since the mid-1980s, the Turkish immigrant institutions have been challenging for taking measures against discrimination and racism; also they have been voicing their opposition to exclusion of Turkish immigrants from full citizenship rights. Those institutions have addressed the claims for the recognition of the right to vote in local elections for Turkish immigrants. Those institutions have promoted Turkish immigrants to take the German citizenship so that they could participate actively in the German society. It is important to bear in mind that Turkish immigrants do not constitute homogeneous groups in Germany. The organizations of Turkish immigrants are diverse in Germany related to homeland politics. However, it will be focused on particular organizations; Turkish Community in Germany (Türkische Gemeinde in Deutschaland (TGD)) and FÖTED. It will be especially dealt with these organizations; because, these organizations is working as an umbrella organization which gather round other organizations as well as represents the linguistic, educational, social, economic and political interests of all

immigrants in Germany irrespective of ethnic, religious and cultural differences. Besides, these organizations seek to fight against all kind of discrimination and xenophobia.

Turkish Community in Germany (Türkische Gemeinde in Deutschland e.V. (TGD)) was founded in Hamburg, in 1995. TGD is organized in terms of both regional and local levels in Germany. TGD has been an organization both independent from political parties and pressure group. TGD gathers different immigration organizations which represent different opinion, religious faith, professions and social classes under its umbrella- for instance Turkish Union in Berlin, Brandenburg (Türkischer Bund Berlin-Brandenburg (TBB)), Baden-Württemberg Turkish Society (TGBW), Bavaria Turkish Society (BTT), Rhein-Main Turkish Society (TGRM), and FÖTED.

However, TGD focuses on the social, legal and political rights of all Turkish immigrants in Germany regardless of any religious or political affiliation. TGD regard Germany as new home country of the Turkish immigrants. Within this context, the main aim of TGD is a peaceful co-existence of all people in Germany. Hence, TGD supports the immigrants from Turkey and other countries for having equal social, legal and political rights. TGD demands for the integration of cultural minorities into German society without disregarding the development of their cultural identities. In this sense, TGD claim the governments to take efficient measures for fight against xenophobia and any kind of discrimination. (http://www.tgd.de)

Considering those mentioned objects, TGD runs for the integration courses in order to provide cultural and language training for Turkish immigrants. Furthermore, TGD informs them about their rights and duties in Germany. TGD holds conferences and workshops to inform public opinion about the political developments, which affect the situation of Turkish immigrant in Germany. In addition, TGD launches campaign to influence public opinion corresponding to their objectives. (http://www.tgd.de)

In this sense, Prof. Dr Hakkı Keskin[8], the president of Turkish community and the new representative of the Leftist Party PDS in Bundestag, has focused attention on certain problems of Turkish immigrants stemming from the new citizenship and immigration laws. According to him, there are restrictive provisions on the issues of the receiving secured settlement permits, equal rights and the integration of immigrants under the new immigration law, although the draft of immigration law was composed of a range of positive regulations in favor of immigrants who resided in Germany for decades. He argues even if SPD/Greens assured progressive and reformist policies in favor of the immigrants prior to the general elections, the SPD/Greens could not become adamant against the counter claims of the CDU/CSU. (Hakkı Keskin, Hürriyet, 31.01.2002)

With respect to the attitudes and politics of the CDU towards immigrants, especially Turkish immigrants in Germany, Hakkı Keskin regards CDU as "cultural racist". Hakkı Keskin defines 'racism' as the claim of one nation's superiority over other nations. By this way, the cultural racist excludes the norms and values of other cultures in "an absolutist, essentialist sense". (Ramón Grosfoguel, 1999: 413) According to him, the CDU emphasizes that "we are so different; minorities belong to a different culture, history and religion that does not understand the cultural norms of our country" without attributing to cultural inferiority of foreigners. In order to take the votes of anti-foreigner electorate, the CDU resorts to provocative statement concerning the refugees, immigrants and particularly Turkish immigrants in the national campaigns. (Hakki Keskin, Hürriyet, 27.11.2002)

Within this context, he emphasizes that Turkish immigrants who do not have permanent settlement permit and residence right should apply to foreigner's office without delay for the receiving secure residence permit. Hakkı Keskin argues unless Turkish immigrants and other immigrants acquire the German citizenship, they could not eliminate the social, legal and political obstacles. What's more, the political parties and the governments will disregard the needs and interest of Turkish immigrants and other immigrants without German citizenship. That's why, Hakkı

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[8] Hakkı Keskin arrived in Germany to educate and support for leftist tendencies in the 1970. He did not return Turkey after 1980 coup. He became a leadership for establishing Federation of Immigrants in Germany.

Keskin emphasizes that Turkish immigrants should access to German citizenship for enjoying social, economic and political rights. (http://www.tgd.de)

Moreover, Hakkı Keskin focuses on the importance of school education of Turkish immigrant children. According to him, the children of Turkish immigrants should learn the German language in order to succeed at schools. He underlines that most of the children do not have adequate German language knowledge when they attend schools. Children should have German language knowledge; otherwise children witness failure in both school and their social relations. Hence, most of them leave school without any diploma. Furthermore, Hakkı Keskin states that the children should learn their mother tongue Turkish well and they should select Turkish as second/third foreign language at schools. (http://www.tgd.de)

As Hakkı Keskin, Kenan Kolat[9], the vice president of Turkish Community has informed Turkish immigrants concerning the solution of their problems stemming from the new citizenship and immigration laws. In parallel with these problems, he meets Federal Migration Commissioner about the deficits of citizenship and immigration laws. Kolat advises Turkish immigrants to take German citizenship for benefiting from the equal rights in Germany. He suggests that the children under the age of 18 whose parents lost German citizenship by reacquiring Turkish citizenship after the new citizenship act entered into force on January 1, 2000 should retain their dual citizenship. Furthermore, he argues that Turkish immigrants within the framework of the 1963 EU-turkey Association Agreement should not be charged for compulsorily integration and language courses which were planned to provide the participants adequate German language knowledge and knowledge of legal system, culture, and history of German state under the new immigration act. Besides, he emphasizes that those Turkish immigrants who will not attend these courses should not be deprived of any residence permits or social benefits cuts by ten percent. On the other hand, Kolat recommends all Turkish immigrants to attend the German language courses. (http://www.tgd.de)

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[9] As Hakki Keskin, Kenan Kolat arrived in Germany to educate. He has been in Germany since 1980. He has both Turkish and German citizenship. He became the president of Turkish Community after Hakki Keskin was elected to parliament. Kenan Kolat worked for social integration of Turkish immigrants in Germany. Furthermore, he negotiates with the officials of the government concerning equal rights and opportunities of all immigrants in Germany.

Another organization FÖTED, the umbrella organization of several Turkish Parents Associations was established in Berlin in 1995. These organizations focus attention on the linguistic and educational rights of Turkish immigrant children as well as improving the educational standards of the second/third generation immigrants at schools. Dr. Ertekin Özcan, the director of FÖTED, underlines that the educational standards of Turkish children are low due to the principal of 'mono-lingual education' in the German education system. He suggests that introduction to 'bilingual education system' may provide Turkish children to have opportunities for developing their language capacity and academic knowledge in Germany. In this sense, FÖTED developed a project called as 'Ana Dil İnsan Hakkıdır' (mother tongue is a human right). With this the project, first of all easier accession to pre-school education and easing economic barriers in the education system for young children in favor of low-income and migrant families is targeted. According to this project, in Germany, German government might invest much more the intercultural education. FÖTED supports the German language as a second language for Turkish children. By this FÖTED claims for the recognition of mother tongue languages in education curriculum as well as the Turkish teachers to educate children in their mother tongue; (Cicek Bacik, 10-11)

Apart from Turkish Community and FÖTED, the Center for Studies on Turkey has organized and initiated many activities both in Germany and in Europe. The Center for Studies on Turkey informs the public opinion about the situation of the immigrant workers, the situation of elderly foreigners and Islam in Europe, particularly in Germany. This center focuses on the socio-economic questions and problems of immigrants in Germany. Prof. Dr. Faruk Sen, the director of Center for Studies on Turkey in Germany (Stiftung Zentrum für Türkeistudien) argues that the local voting rights for the non-EU third- country citizens should be recognized in Germany at present and the non-EU immigrants should be entitled to the same legal rights as the EU citizens. (Faruk Şen, Turkish Daily News 31 October 2001)

It is important to bear in mind that, on February 5, 1992, the Council of Europe Committee of Ministers approved the "Convention on Participation of Foreigners in Public Life at a Local Level (ETS n° 144) in order to provide civil and political rights at local level to the foreign residents. According to the Convention, the

consultative bodies or other institutional arrangements may be created to represent the foreign residents on local level. Moreover, the foreign residents who have been legally living in the country for at least three years may have the right to vote and the right to be a candidate in the local elections. It was opened for signature and entered into force on May 1, 1997. Up to now, nine countries have signed this Convention. However, Germany has not still approved this Convention. (http://conventions.coe.int)

5.6. CONCLUSION

In fact, the conservative governments and in Germany were hesitant to accept the reality of being a 'multicultural immigration country'. The German governments have not adequately supported Turks for integration into the German society. On the contrary, the conservative governments in Germany resorted to the strict naturalization and citizenship polices. The conservatives have considered Turkish immigrants as guest workers, but as not permanent residents. Hence, the conservatives have tended to obstruct the integration of permanent settlement of Turkish immigrants by both their attitudes and institutional practices.

Moreover, considering the public discourse, there is a clear opposition to Turkish immigrants in terms of the right-wing media. For instance, Ulrich Reitz, one of the editors of the Rheinische Post newspaper reflects his opposition to 'multiculturalism' in his column as below;

> Multiculturalism is an illusion, even an undesirable one, because parallel societies would emerge and a bloody fight for social dominance might even ensue". The *Leitkultur* was consequently considered a protective shield against cultural over-foreignization, creeping Islamization and civil war. (Christoph Butterwegge, 2003: 8)

Nevertheless, the parties such as the SPD and the Greens support for the idea of multicultural society. In this sense, the chairwoman of Bündnis90/Greens Claudia Roth emphasizes that "different cultures, languages, and religions should be understood as a wealth and not as a threat". (http://www.dw-world.de)

On the other hand, it is taken significant steps for easing naturalization criteria and accession to German citizenship. Moreover, there are positive initiatives for the social integration of immigrants and the development of intercultural dialogue. However, the integration of the majority of Turkish immigrants still remains as a problematic issue. It is evident that the majority of Turkish immigrants are experiencing many problems in their education and social relations. However, especially the majority of Turkish youth feel themselves pressed between their traditional identity of parents and German society's cultural ways of life of. Hence, due to the dilemma in their identity formation, the failure in educational, economic and social relations as well as the xenophobic attitudes against them, those Turkish youth resorts to violence and crime.

On the other hand, even if most of the first generation Turkish immigrants are unable to integrate into German society as well as access to German citizenship due to strict adherence to Turkishness, a big number of the second generation and the majority of third generation Turkish immigrants along with some first generation well integrated socially, economically and politically into the German society. Nevertheless, Turks are still considered as an unassimilability group among other immigrant groups.

Meanwhile, various Turkish immigrant organizations have appeared in order to struggle for the equal social, economic and political rights of Turkish immigrants. These organizations inform Turkish immigrants about their duties and rights in Germany. These organizations demand for equal social, economic, especially political opportunities for Turkish immigrants along with other immigrant groups. Within this context, those organizations promote Turkish immigrants to acquire German citizenship in order to voice their needs and interests. Considering the recent elections in Germany, the naturalized Turkish voters are rising as a "powerful minority voting bloc" in Germany. According to the estimations, more than half-million Turkish-Germans were entitled to vote in recent election. (http://service.spiegel.de) Moreover, although some of the Turkish immigrants have been elected to the parliament after taking German citizenship, it is nevertheless unsatisfactory and inefficient progress in terms of representation of the majority of Turkish immigrants in the parliament.

In sum, for peaceful coexistence as well as better integration, both sides should take mutual responsibility to one another. Only when each person tolerates the other's actions, plans, and moral sensitivities, (Rawls, 1999) a sense of confidence will advance among different members of social groups. It is important to note that each person has to accept a set of principles and duties within the public sphere of the states in which they voluntarily or involuntarily live.

VI. CONCLUSION

The main hypothesis of this thesis was that Germany is far from becoming a multicultural society and that the new immigration law of Germany functions in an assimilationist manner rather than an integrationalist one in the German policy making process. It is argued that by this new law, the former immigrants and newcomers are supposed to commit the legal and cultural values of German state as well as they are obliged to attend the German language and integration courses. Even if this cannot be determined as assimilationist in itself, together with the unsecured political-legal framework conditions explained above this creates an atmosphere of discouragement preventing the foreigners to perceive themselves as an essential part of the German society. This law threatens those who fail to prevail over the language barrier by the loss of social benefits and limitations on their residency permits. When compared with the past intentions and initiatives concerning the immigrants there are reasonable progressive amendments in terms of constitutional, legislative and parliamentary affirmation. Nevertheless, there are not satisfactory improvements with regard to an equal recognition of different ethnic and cultural immigrant groups as other Germans or EU citizens in the legal provisions. Namely, those immigrant groups could not have equal chance for having secure residence rights as well as the ethnic Germans and the citizens of the European Union.

It is argued that the idea of 'homogeneous culture' is a constitutive element of the making of the German nation-state and national identity. However, it is almost impossible to construct a totally 'homogeneous' society; because the German state is composed of a multitude of individuals and communities whose race, religion, gender, attitude, language, tradition and lifestyle are dissimilar in reality. The state appears as the united colors of rainbow. Today, around 7.3 million foreign populations live in Germany and nearly 2.5 million Turks are living in Germany. They constitute by far the largest immigrant group in Germany.

As it is argued that the process of German state building differs from other nation-state constructions. Throughout the process of making of the German nation-state,

the German state was established as cultural unity rather than as political unity. (Preuss, 2003) without setting up constitutional political system as well institutionalizing citizenship on the basis of universalistic values, such as the democracy, freedom and equality. In fact, those universalistic values play an important role in shaping the thought of freedom of the state. Until the recent revisions in the German citizenship law, the 'cultural unity' is preserved with the principle of *ius sanguinis* that the citizenship passes on the descendants by blood. Hence, foreigners were excluded from accession to German citizenship. The exclusion from the accession to German citizenship also means the exclusion from equal social, economic and political opportunities and rights. After the recent revisions, immigrants are entitled to access to German citizenship. However, immigrants will either choose to keep their previous citizenship or obtain full citizenship rights of Germany by renouncing their previous citizenship. Since, the conservatives are suspicious of toleration of dual citizenship and extension of equal rights to immigrants. The conservatives insist on the assimilation of foreigners into the German culture. Unfortunately, adherence to the ethno-cultural idea has obstructed the movement toward liberalization of immigration and citizenship policies.

As it is discussed, the cultural and religious values and practices of ethno-cultural immigrant groups could be preserved without any oppression of the dominant German culture as well as any limitation over their freedom of expression and active participation in the political life. The liberal democratic principles involve freedom of religion, conscience, thought, and opinion as well as an individual autonomy. In fact, each state authority takes into account the national preferences in its policies and implementations; so they may disregard the linguistic, religious, cultural, economic and political needs of ethnic and cultural immigrant groups within their societies. Though all immigrant groups, also Turks along with the majority group enjoy some civil and social rights; such as the public education, health care, family allowances, and unemployment and retirement benefits, it is supposed that the authorities in the German state did not make adequate efforts to improve physical conditions of the immigrants. Hence, immigrants might face with discrimination while benefiting from these institutions, in practice.

The majority of immigrant's children, especially Turkish children along with children from third world countries are not so successful as compared with the German children. What's more, those foreign pupils leave schools without any diploma. There are several reasons for linguistic and educational incapability of foreign children in schools; such as the differences in cultural and religious customs, low educational levels of the parent, complexity of German education system for foreign children as well as the prejudice and stereotypes against foreign children in the German schools. However, there are many foreign pupils who are well integrated into the German education system. Those are highly educated and have the opportunity for making an alternative career, such as academic, criminal, artistic etc. It is important to emphasize that to learn the language and basic principles of the host countries, in other words new home countries of immigrants is significant in order to understand the values of the society and interact. On the other hand, a support for one or more languages of different ethnic and cultural immigrant groups may not destroy the common language of Germany, vice versa. In Germany, even if 'monocultural' and 'mono-lingual' approach is accepted in its education system as other nation-states adopted, children of immigrant have the right to use their mother tongues in schools. Moreover, bilingual education also exists in Germany. In principal, bilingual education is offered for the second or third foreign language. While different languages are offered, the teaching of English play major role, followed by French. Spanish, Italian, Dutch, Russian and Czech play a more minor role.

Meanwhile, there are positive initiatives concerning successful integration of the children of immigrants into German educational system. Moreover, within this context the German federal government has developed, with the collaboration of the immigrant organizations, educational support systems for children of immigrants who do not have adequate German language skills so that those children could overcome crucial language barriers.

It is argued that the state should not promote the inequalities and cultural, racial and religious discrimination. As Rawls argues that 'justice' must be the "basic structure of the society" and the state provides the distribution of economic, social and political rights equally for each people irrespective of all kind of diversity on the

ground of justice (Rawls, 1999). However, ethnic and cultural immigrant groups might be subject to the economic, political and social discrimination. In Germany, policies towards foreigners were always based on the assumption that they would one day go back to their home countries. There was--is also--absolutely no understanding of the concept of integration and coexistence of different cultures. Though Germany guarantees basic rights for all individuals within the society, as for things like respect, tolerance, etc, there are still intolerance and gaps in the regulations. Negative attitude towards foreigners exists especially in eastern Germany. The authorities in the German state do not take efficient measures in order to reduce the prejudices and the discriminative attitudes of some social groups, and officials. Hence, immigrants in Germany have faced with prejudice, discrimination and racist attacks. Since the fall of the Berlin Wall, dramatic rise in the overall number the right-wing violence against foreigners and other minorities has become a serious problem in Germany. There was a steady growth in the number of extreme right organizations and groups in the 2000s, but a decline in overall membership. Those groups oppose without a doubt a 'multi-cultural' society. Although Germany has needed an extensive law against discrimination, Germany has not yet specific legislation concerning the discrimination on the basis of racial or ethnic origin. Even if it is planned to adopt draft legislation for anti-discrimination in end of 2003, it has not yet been adopted. Nevertheless, the German authorities seek to fight against violence and xenophobia; so the German authorities have put into effect the relevant paragraphs coping with the prohibition of groups and parties that practice illegal extreme right-wing activities, by outlawing many of them. Furthermore, the Minister of the Interior gives a great importance the training of police force on the subject of coping with right-wing extreme violence at both national and local level. However, there is not certain police training system and practice. Furthermore, the mistreatment among police staff and stations against foreigners is higher in the East. Even if there are positive improvements for fighting against xenophobia and discrimination, these initiatives are ineffective and unsatisfactory in order to overcome possible insensitive and discriminative attitudes towards foreigners in some areas; such as schools, employment, court, parliament, police stations, etc.

Moreover, in Germany the conservative parties are hesitant in extending the political rights to non-EU immigrants. In this respect, the long-term resident immigrants do

not have the right to vote, at least, in the local elections. Immigrants do not have the right to be elected in the both local and national elections without German citizenship. In addition, the immigrants are kept off the local decision-making process. Therefore, they do not have any chance so as to express their interests and opinions. It is the fact that, the position of immigrants is less secured under the new immigration act.

It is the fact that there are differences among cultures. All ethnic and cultural social groups have different language, history, religion, custom, opinion, etc. Nevertheless, there might be suspicion or fear toward the foreigners so-called 'other' due to lack of confidence, insufficient knowledge, prejudice about the foreigners' cultural way of life. For instance, many Germans might be suspicious of an Islamic lifestyle. The building of mosques, slaughtering according to Islamic rituals may cause conflict in many communities. In the same way, Christianity might not have a positive image among the Muslim society. Without doubt, there are differences in terms of rituals in daily life. Despite stereotypes and misunderstandings between Islam and Christianity as well as negative political discourse against Islam in Germany, the values of those, two religions are same. However, it is important to note that the Basic Law of Germany guarantees the freedom of religion, conscience, thought, and opinion as for both the ethnic and cultural immigrant groups and the majority groups. However, it is important to emphasize that the religious life should be a personal matter. Individuals should exercise their religious practices within their private realms.

On the other hand, there are ethnic and cultural immigrant communities who barely interacted with Germans, such as many Turkish immigrants. In this thesis, it is discussed the position of Turkish immigrants as well as linguistic, educational, social and political problems so as to integrate in German society. It is argued that many Turkish immigrants, especially first generation immigrants most of who are less educated, conservative and strongly cling to their traditional cultural values and religious rules in their daily life as well as their national identity, tend to isolate themselves from the rest of the society. However, it is important to note that, they also choose to live in their own districts where they could preserve their cultural and religious practices due to facing with anti-foreigner attitudes against them and discrimination.

Although those Turkish immigrants have lived in Germany for several years, they did not make an effort to improve their lifestyle in Germany. They continue to live in Germany as they lived in Turkey prior to their arrival in Germany. Those immigrants have not needed to integrate into German society so that they could not forget or lose the cultural and religious values or customs; because, those immigrants have hoped to return to Turkey one day. Whereas, making contact with different cultures and intercultural exchanges pave the way for personal enrichment. On the other hand, the immigrants and their children are often accused of not being integrated into mainstream societies. Yet, Germany failed to integrate its immigrant population and their children.

Despite all developments, mentioned above, in many Turkish families there has been a shift in attitudes in favor of accepting the cultural values of German society. Some of the first generation and most of the second/third generation Turkish immigrants are willing to integrate and use the German citizenship to improve their life and chances within the German society. Those Turkish immigrants are well integrated into the social structure of Germany. They are highly educated and successful. What's more, they have created their own lives by moving away often conservative and strict ideas of their parents. Nevertheless, the majority of those immigrants have not emotional belongness to Germany or Turkey.

Moreover, there are positive relationships between Turkish immigrants and the rest of society in Germany. Various institutions and organizations have played roles in creating intercultural activities for social integration and equal opportunities for immigrants who live and work in German society. Those institutions and organizations have offered the counseling, language and computer courses for women, children, youth, and elderly. These organizations have organized cultural activities, exhibitions and seminars. What's more, they have aimed at fighting racism and xenophobia. These organizations have been financed by the German state. What's more, in many cities, the municipalities have initiated to organize comprehensive integration policies in order to facilitate the integration process of immigrants with the cooperation of immigrant groups. However, though many multicultural projects are created in order to bring people of different nationalities

together and develop intercultural dialogue and remove stereotypes, there is a lack of interest.

In sum, despite all the attempts to establish healthy relations between different groups within the society, it is apparent that foreigners are still perceived as a threat to the 'homogeneity' of German cultural values. Officials now tend to accept Germany as a country of immigration. Nevertheless, the long-term resident immigrants remain as 'alien', 'foreigner', 'other', 'second-class', 'uncivilized' etc. In this sense, it can be presumed that their "foreignness" will not change in the near future. It is important to emphasize that neither Germans nor Turkish immigrants along with other ethnic and cultural minority groups were prepared for living together and accepting the cultural values and practices of each other. In fact, on both sides there are stereotypes, misunderstandings and insufficient knowledge about each other's culture. Hence, those negative developments pose important challenge for entering into an open dialogue. It is evident that there are clear differences between the dominant German culture and other ethnic and cultural ways of life. Hence, some members of ethnic and cultural immigrant groups might prefer 'marginalization'. That is, they might want to practice their ethnic, religious and cultural way of life in different territories or places. In addition, the German policymakers have ignored all of these problems for a long time. However, to ignore the problems for long years has just made the matters worse. Yet, a multicultural society binds its people for the common lifestyles via a "shared culture" including multiple cultural interactions, and tolerance. (Parekh, 2000)

Despite positive regulations and attitudes in favor of immigrants, in some institutions, the authorities might force immigrants for the commitment to the cultural and legal values of German state. Those immigrants are not tolerated to have 'dual citizenship'. What's more, immigrants who have lived for long years in Germany are deprived of political rights. They are not permitted to vote or stand at least in local elections in order to influence the political decisions. Hence, those immigrants choose their citizenship without their free will.

To sum up, weak social relations, aggressive attitudes and extremist tendencies, lack of anti-discrimination law, and restrictive provisions in both citizenship and immigration laws pose an important difficulty for becoming a 'multicultural society'.

In this sense, the state could construct its proper democratic space by endorsing the policies and practices of political power on behalf of the common good and the equality of all individuals within its society.

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THE TEXT OF THE NEW GERMAN IMMIGRATION ACT

Significant parts of the text of new Immigration Act have been used in this thesis as reference points

Chapter 1

General provisions

Section 1 Purpose of the Act; scope

(1) This Act serves to control and restrict the influx of foreigners into the Federal Republic of Germany. It enables and organizes immigration with due regard to the capacities for admission and integration and the interests of the Federal Republic of Germany in terms of its economy and labor market. At the same time, the Act also serves to fulfill the Federal Republic of Germany's humanitarian obligations. To this end, it regulates the entry, stay and economic activity of foreigners and promotion of the integration of foreigners. The provisions contained in other acts shall remain unaffected.

(2) This Act shall not apply to foreigners,

1. whose legal status is regulated by the Act on the General Freedom of movement for EU Citizens, in the absence of any legal provisions to the contrary,

2. who are not subject to German jurisdiction according to the provisions of Sections 18 to 20 of the Judicature Act,

3. who, by virtue of treaties on diplomatic and consular intercourse and on the activities of international organizations and institutions, are exempt from immigration restrictions, from the obligation to notify the foreigners authority of their stay and from the requirement for a residence title, and when reciprocity applies, insofar as this may constitute a prerequisite for such exemptions.

Section 2 Definitions;

(1) A foreigner is anyone who is not German within the meaning of Article 116 (1) of the Basic Law.

(2) Economic activity is self-employment and employment within the meaning of Section 7 of Book Four of the Social Code.

(3) A foreigner's livelihood is secure when he or she is able to earn their living, including adequate health insurance coverage, without recourse to public funds. For the purposes of this definition, such funds do not include child benefits, child raising benefits and public funds which are based on contributions or which are granted in order to enable residence in the Federal territory. Contributions to the household income by family members shall be taken into account in connection with the issuance or extension of a residence permit in the context of the subsequent immigration of dependents.

(4) The space, which is required to accommodate a person in need of accommodation in state-subsidized welfare housing, shall constitute sufficient living space. Living space, which does not comply with the statutory provisions for Germans with regard to condition and occupancy, is not adequate for foreigners, either. Children up to the age of two are not included in calculation of the sufficient living space for the accommodation of families.

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Chapter 2

Entry into and residence in the Federal territory

Part 1

General

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Passport obligation Section 3

1) Foreigners may only enter or stay in the Federal territory if they are in possession of a recognized and valid passport or passport substitute, unless they are exempt from the passport obligation by virtue of a statutory instrument.

Requirement for a residence title Section 4

(1) In order to enter and stay in the Federal territory, foreigners shall require a residence title, in the absence of any provisions to the contrary in the law of the European Union or a statutory instrument and except where a right of residence exists as a result of the agreement to establish an association between the European

Economic Community and Turkey of 12 September 1963 (Federal Law Gazette 1964 II, p. 509) (EEC/Turkey Association Agreement). The residence titles are granted in the form of a

1. visa (Section 6),

2. residence permit (Section 7) or

3. settlement permit (Section 9).

(2) A residence title shall entitle the holder to pursue an economic activity insofar as this is laid down in this Act or the residence title expressly permits pursuit of an economic activity. Every residence title must indicate whether the pursuit of an economic activity is permitted. A foreigner who is not in possession of a residence permit for the purpose of employment can only be permitted to take up employment if the Federal Employment Agency has granted its approval or a statutory instrument stipulates that taking up the employment concerned is permissible without the approval of the Federal Employment Agency. Any restrictions imposed by the Federal Employment Agency in granting approval are to be specified in the residence title.

(3) Foreigners may only take up employment if the residence permit so allows, and may only be employed by employers if they possess such a residence title. This restriction shall not apply if the foreigner is permitted to pursue an economic activity without holding a residence title, by virtue of an inter-governmental agreement, a law or a statutory instrument.

(4) A residence permit shall also be required by foreigners who are employed as crewmembers of an ocean-going vessel, which is entitled to fly the German flag.

(5) A foreigner who possesses a right of residence in accordance with the

EEC/Turkey Association Agreement is obliged to furnish evidence of the existence of said right of residence through the possession of a residence permit. Said residence permit shall be issued on application.

General preconditions for the granting of a residence title Section 5

(1) The granting of a residence title shall generally require fulfillment of the passport obligation in accordance with Section 3 and shall further presuppose

1. that the foreigner's livelihood is secure,

1a. that the foreigner's identity is established, and also their nationality, if they are not entitled to return to another state,

2. that no grounds for expulsion apply and

3. insofar as the foreigner has no entitlement to the granting of a residence title, that foreigner's residence does not compromise or jeopardize the interests of the Federal Republic of Germany for any other reason.

(2) The granting of a residence permit or a settlement permit further presupposes that the foreigner

1. has entered the country with the necessary visa and

2. has already furnished the key information required for granting of the title in his or her visa application.

These requirements may be waived if the prerequisites qualifying a foreigner for the granting of a residence title are met or if special circumstances relating to the individual case concerned render a subsequent visa application procedure unreasonable.

Residence permits Section 7

(1) The residence permit is a temporary residence title. It is issued for the purposes of residence stated in the following Parts of this Act. In justified cases, a residence permit may also be issued for a purpose of residence, which is not covered by this Act.

(2) The residence permit shall be subject to a time limit which takes due account of the intended purpose of residence. Should a vital prerequisite for issuance, extension or the duration of validity cease to apply, subsequent shortening of the validity period shall also be possible.

Extension of the residence permits Section 8

(2) As a general rule, the residence permit shall not be extendable if the competent authority has excluded an extension in the case of a stay, which is of only a temporary nature in accordance with the purpose of residence or at the time of the last extension of the residence permit.

(3) If a foreigner breaches his or her obligation to duly attend an integration course pursuant to Section 44a (1), sentence 1, no. 1, this shall be taken into account in the decision on extension of the residence permit. If the foreigner is not entitled to a residence permit, extension of the residence permit may be refused. The duration of lawful stay, the foreigner's legitimate ties to the Federal territory and the

consequences for dependents of the foreigner who are lawfully resident in the Federal territory shall be taken into account in the decisions pursuant to sentences 1 and 2.

Settlement permits Section 9

(1) The settlement permit is a permanent residence title. It entitles the holder to pursue an economic activity, is not subject to any time limits or geographic restrictions and must not incorporate any subsidiary provisions. Section 47 remains unaffected.

(2) A foreigner shall be granted the settlement permit provided that

1. he or she has held a residence permit for five years,

2. his or her livelihood is secure,

3. he or she has paid compulsory or voluntary contributions into the statutory pension scheme for at least 60 months or furnishes evidence of an entitlement to comparable benefits from an insurance or pension scheme or from an insurance company; time off for the purposes of child care or nursing at home shall be duly taken into account,

4. he or she has not been sentenced to a term of youth custody or a prison term of at least six months or a fine of at least 180 daily rates due to an intentionally committed offence,

5. he or she is permitted to be in employment, insofar as he or she is in employment,

6. he or she is in possession of the other permits which are required for the purpose of the permanent pursuit of his or her economic activity,

7. he or she has an adequate knowledge of the German language,

8. he or she possesses a basic knowledge of the legal and social system and the way of life in the Federal territory and

9. he or she possesses sufficient living space for himself or herself and the members of his or her family forming part of his or her household.

The requirements of sentence 1, nos. 7 and 8 shall be deemed to be fulfilled if an integration course has been successfully completed. These requirements shall be waived if the foreigner is unable to fulfill them on account of a physical, mental or psychological illness or handicap. The requirements of sentence 1, nos. 7 and 8 may also be waived in order to avoid hardship. The aforesaid requirements shall further be waived if the foreigner is able to communicate verbally in the German language at a basic level and has not been entitled to participate in an integration course pursuant

to Section 44 (3), no. 2 or has not been obliged to participate in an integration course pursuant to Section 44a (2), no. 3. The requirements of sentence 1, nos. 2 and 3 shall also be waived if the foreigner is unable to fulfill them due to the grounds stated in sentence

Part 3
Residence for educational purposes

Further education; language courses; school education Section 16

(1) A foreigner may be granted a residence permit for the purpose of applying to study and studying at a state or state-recognized university or comparable educational establishment, including preparatory measures for a course of study. The period of validity should not exceed two years when the residence permit is issued for the first time in connection with preparatory measures for a course of study. For study purposes, the residence permit shall be issued for two years and shall be extendable by subsequent periods of up to two years if the purpose of the stay has not yet been achieved and is achievable within a reasonable period. The maximum permissible duration of residence for a foreigner applying for a place to study is nine months.

(2) As a general rule, no residence permit for another purpose of residence shall be granted or extended during the stay in accordance with sub-section 1, unless a legal entitlement applies. Section 9 shall not apply.

(3) The residence permit entitles the holder to take up employment totaling no more than 90 days or 180 half-days per year, and to take up spare-time student employment.

(4) After successful completion of the studies, the residence permit may be extended by up to one year for the purposes of seeking a job commensurate with this qualification, provided that it is permissible to fill the vacancy concerned with foreigners in accordance with the provisions contained in Sections 18 to 21. Section 9 shall not apply.

(5) A foreigner may be granted a residence permit to attend language courses which do not serve to prepare him or her for a course of study and, in exceptional cases, for the purpose of attending school education. Sub-section 2 shall apply mutatis mutandis.

Part 4

Residence for the purpose of economic activity

Employment Section 18

(1) The admission of foreign employees shall be geared to the requirements of the German economy, according due consideration to the situation on the labor market and the need to combat unemployment effectively. International treaties shall remain unaffected.

(2) A foreigner may be granted a residence title for the purpose of taking up employment if the Federal Employment Agency has granted approval in accordance with Section 39 or if a statutory provision in accordance with Section 42 or an intergovernmental agreement stipulates that such employment may be taken up without approval from the Federal Employment Agency. Any restrictions imposed by the Federal Employment Agency in granting approval are to be specified in the residence title.

(3) A residence permit for the purpose of taking up employment pursuant to subsection 2 which does not require a vocational qualification may only be issued if regulated by an inter-governmental agreement or if issuance of approval for a residence permit for the said employment is permissible by virtue of a statutory instrument in accordance with Section 42.

(4) A residence title for the purpose of taking up employment pursuant to sub-section 2 which requires a vocational qualification may only be issued for employment in an occupational group which has been approved by virtue of a statutory instrument in accordance with Section 42. In justified individual cases, a residence permit may be issued for the purpose of taking up employment when there is a public interest, and in particular a regional interest or an interest relating to the economy or the labor market

(5) A residence title in accordance with sub-section 2 and Section 19 may only be issued if a concrete job offer exists.

Settlement permits for highly qualified foreigners Section 19

(1) A highly qualified foreigner may be granted a settlement permit in special cases if the Federal Employment Agency has granted approval in accordance with Section 39 or if a statutory provision in accordance with Section 42 or an inter-governmental

agreement stipulates that the settlement permit may be granted without approval from the Federal Employment Agency in line with Section 39 and there are justifiable grounds to assume that integration into the way of life which prevails in the Federal Republic of Germany and insurance of the foreigner's subsistence without state assistance are assured. The Land government may stipulate that issuance of the settlement permit pursuant to sentence 1 requires the approval of the supreme Land authority or a body to be designated by the latter.

(2) Highly qualified persons in accordance with sub -section 1 are, in particular,

1. scientists with special technical knowledge,

2. teaching personnel in prominent positions or scientific personnel in prominent positions, or

3. specialists and executive personnel with special professional experience who receive a salary corresponding to at least twice the earnings ceiling of the statutory health insurance scheme.

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Part 6

Residence for family reasons

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Subsequent immigration of children Section 32

(1) The minor, unmarried child of a foreigner shall be granted a residence permit if

1. the foreigner possesses a resident permit in accordance with Section 25 (1) or

(2) or a settlement permit in accordance with Section 26 (3) or

2. both parents or the parent possessing the sole right of care and custody hold a residence permit or settlement permit and the child relocates the central focus of its life together with its parents or the parent possessing the sole right of care and custody to the Federal territory.

(2) A minor, unmarried child who is 16 years of age or older shall be granted a residence permit if he or she has a command of the German language or if it appears on the basis of the child's education and way of life to date that he or she will be able to integrate into the way of life which prevails in the Federal Republic of Germany and both parents or the parent possessing the sole right of care and custody hold a residence permit or settlement permit.

(3) A minor, unmarried child of a foreigner who is under 16 years of age shall be granted a residence permit if both parents and the parent possessing the sole right of care and custody possess a residence permit or settlement permit.

(4) A minor, unmarried child of a foreigner may otherwise be granted a residence permit if necessary in order to prevent special hardship on account of the circumstances pertaining to the individual case concerned. The child's well being and the family situation are to be taken into consideration in this connection.

Birth of a child in the Federal territory Section 33

By way of derogation from Sections 5 and 29 (1), no. 2, a child who is born in the Federal territory shall be granted a residence permit as standard procedure if the mother possesses a residence permit or settlement permit. A child born in the Federal territory whose mother possesses a visa or is permitted to stay in the Federal territory without a visa at the time of the birth shall be permitted to stay in the Federal territory until such time as the visa or the period of stay without a visa expires.

Children's right of residence Section 34

(1) By way of derogation from Section 5 (1), no. 1 and Section 29 (1), no. 2, the residence permit granted to a child shall be extended as long as a parent possessing the right of care and custody holds a residence permit or settlement permit and the child lives together with the said parent in a family household, or if the child would have a right of return pursuant to Section 37 in the event of him or her leaving the Federal territory.

(2) Upon a child coming of age, the residence permit granted to the child shall become an independent right of residence, which is unrelated to the purposes of the subsequent immigration of dependents. The same shall apply in the case of the granting of a settlement permit or if the residence permits is extended accordingly pursuant to Section 37.

(3) The residence permit may be extended for as long as the conditions for granting of the settlement permit have yet to be met.

Children's independent, unlimited right of residence Section 35

(1) By way of derogation from Section 9 (2), a minor foreigner who possesses a residence permit in accordance with this Part shall be granted a settlement permit if he or she has been in possession of the residence permit for five years on reaching the age of 16. The same shall apply if

1. the foreigner is of age and has been in possession of the residence permit for five years,

2. he or she possesses an adequate knowledge of German and

3. his or her livelihood is secure or he or she is undergoing education or training which leads to a recognized academic or vocational qualification.

Part 7

Residence title for former Germans Section 38

(1) A former German

1. shall be granted a settlement permit if he or she had been ordinarily resident as a German in the Federal territory for five years when he or she lost his or her German nationality,

2. shall be granted a residence permit if he or she had been ordinarily resident in the Federal territory for at least one year when he or she lost his or her German nationality.

The application for a residence title pursuant to sentence 1 shall be filed within six months of obtaining knowledge of the loss of German nationality. Section 81 (3) shall apply mutatis mutandis.

(2) A former German who is ordinarily resident abroad may be granted a residence permit if he or she possesses an adequate knowledge of German.

(3) In special cases, the residence title pursuant to sub-section 1 or 2 may be granted by way of derogation from Section 5.

(4) The residence permit in accordance with sub -section 1 or 2 entitles the holder to pursue an economic activity. The pursuit of an economic activity is permitted within the period for filing an application specified in sub-section 1, sentence 2 and, upon an application being filed, up to the time of the foreigners authority's decision on the application.

(5) Sub-sections 1 to 4 shall apply mutatis mutandis to a foreigner who, for reasons beyond his or her control, has been treated as German-by-German bodies to date.

Chapter 3
Promotion of integration

Integration course and integration programme Section 43

(1) The integration of foreigners living lawfully in the Federal territory on a permanent basis into the economic, cultural and social life of the Federal Republic of Germany shall be promoted.

(2) Integration efforts by foreigners are supported by a basic package of measures to promote integration (integration course). The integration course covers measures to acquaint foreigners with the language, legal system and culture in Germany and Germany's history. These measures are intended to acquaint foreigners with the way of life in the Federal territory to such an extent as to enable them to act independently in all aspects of daily life, without the assistance or mediation of third parties.

(3) The integration course comprises a basic and advanced language course of identical duration to provide an adequate knowledge of the language and an orientation course to impart knowledge of the legal system, culture and history in Germany. Successful attendance is documented by a certificate confirming that the final test has been passed, to issue by the body responsible for carrying out the course. The integration course is coordinated and carried out by the Federal Office for Migration and Refugees, which may enlist the services of private or public organizations to this end. Reasonable costs are to be charged for attending the integration course, according due consideration to the ability to pay. The person who is obliged to ensure the foreigner's subsistence shall also be obliged to pay such a charge.

(4) The Federal Government is authorized to regulate further details of the integration course, in particular the basic structure, the duration, the contents and implementation of the courses, the criteria relating to the selection and approval of organizations carrying out the courses and the requirements and general conditions pertaining to attendance and proper organization of the courses, including arrangement for the payment of costs and the necessary transmission of data between the bodies involved, via a statutory instrument without the approval of the Bundesrat.

(5) The Federal Government shall submit a progress report on implementation and financing of the integration courses to the German Bundestag on 1 July 2007.

Entitlement to attend an integration course Section 44

(1) A foreigner who is resident in the Federal territory on a permanent basis shall be entitled to attend an integration course

1. on receiving a residence permit for the first time

a) for employment purposes (Sections 18, 21),

b) for the purpose of subsequent immigration by dependents (Sections 28, 29, 30, 32, 36),

c) on humanitarian grounds pursuant to Section 25 (1) or (2) or

2. on receiving a settlement permit pursuant to Section 23 (2).

Permanent residence is generally to be assumed if the foreigner receives a residence permit of over one year's duration or has held a residence permit for more than 18 months, unless the stay is of a temporary nature.

(2) The attendance entitlement pursuant to sub-section 1 shall lapse two years after granting of the residence title establishing the entitlement or upon said title lapsing.

(3) The entitlement to attend an integration course shall not apply

1. to children, juveniles and young adults who take up school education or continue their previous school education in the Federal Republic of Germany,

2. when the need for integration is discernibly minimal or

3. when the foreigner already possesses an adequate knowledge of the German language. The entitlement to attend an orientation course shall remain unaffected in cases covered by this proviso.

(4) A foreigner who does not possess or no longer possesses an attendance entitlement may be allowed to attend, according to the available number of places on the course concerned.

Obligation to attend an integration course Section 44a

(1) A foreigner shall be obliged to attend an integration course, if

1. he or she is entitled to attend in accordance with Section 44 and is unable to communicate verbally in the German language at a basic level or

2. the foreigners authority requests him or her to attend an integration course on the basis of the availability of places on a course located within a reasonable distance and he or she

a) receives benefits in accordance with Book Two of the Social Code and the body approving the benefits has proposed attendance or

b) has special integration needs.

In cases covered by sentence 1, no. 1, the foreigners authority shall ascertain whether the foreigner is obliged to attend on issuing the residence title.

(2) The obligation to attend an integration course shall not apply to foreigners

1. who are undergoing vocational training or any other form of training or education in the Federal territory,

2. who furnish evidence of attendance of comparable education measures in the Federal territory or

3. for whom attendance on a sustained basis is unfeasible or unreasonable.

Integration programme Section 45

The integration course may be complemented by further integration measures, in particular migration advisory services. The Federal Ministry of the Interior or the body appointed by the said Ministry shall develop a nationwide integration programme which, in particular, shall identify the existing integration measures for foreigners and repatriates of German ancestry which are available from the Federal government, Länder, local government authorities and private organizations and put forward recommendations on the further development of the integration measures. The Länder, local government authorities, the commissioners of the Federal government, Länder and local government authorities for issues relating to foreigners and the Federal Government Commissioner for Matters Relating to Repatriates shall be involved in the development of the nationwide integration programme and in compiling informational materials on existing integration measures. Religious communities, trade unions, employers' associations, voluntary welfare organizations and other social interest groups should also be involved.

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Chapter 4

Administrative provisions

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Prohibition and restriction of political activities Section 47

(1) Foreigners may pursue political activities within the bounds of the prevailing general statutory provisions. A foreigner's political activities may be restricted or prohibited if they

1. impair or endanger the development of informed political opinion in the Federal Republic of Germany, the peaceful co-existence of Germans and foreigners or of different groups of foreigners in the Federal territory, public safety and law and order or any other substantial interests of the Federal Republic of Germany,

2. may be counter to the interests of the Federal Republic of Germany in the field of foreign policy or to the obligations of the Federal Republic of Germany under international law,

3. contravene the laws of the Federal Republic of Germany, particularly in connection with the use of violence,

4. are intended to promote parties, other organizations, establishments or activities outside of the Federal territory whose aims or means are incompatible with the fundamental values of a system of government which respects human dignity.

(2) A foreigner's political activities shall be prohibited if they

1. endanger the free and democratic constitutional system or the security of the Federal Republic of Germany or contravene the codified standards of international law,

2. publicly support, advocate or incite to the use of violence as a means of enforcing political, religious or other interests or are capable of inciting such violence or

3. support organizations, political movements or groups within or outside of the Federal territory which have initiated, advocated or threatened attacks on persons or objects in the Federal territory or attacks on Germans or German establishments outside of the Federal territory.

BASIC LAW FOR THE FEDERAL REPUBLIC OF GERMANY•

Significant parts of the text of Basic Law for the Federal Republic of Germany have been used in this thesis as reference points.

BASIC RIGHTS

Article 1 (Protection of human dignity)

1. The dignity of man inviolable. To respect and protect it is the duty of all state authority.
2. The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.
3. The following basic rights bind the legislature, the executive and the ****

Article 2 (Rights of liberty)

1. Everyone has the right to the free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral code.
2. Everyone has the right to life and to inviolability of his person. The freedom of the individual is inviolable. These rights may only be encroached upon pursuant to a law.

Article 3 (Equality before the law)

1. All persons are equal before the law.
2. Men and women have equal rights.

• Promulgated by the Parliamentary Council on 23 May 1949, as amended by the Unification Treaty of 31 August 1990 and Federal Statute of 23 September 1990

3. No one may be prejudiced or favored because of his sex, his parentage, his race, his language, his homeland and origin, his faith or his religious or political opinions.

Article 4 (Freedom of faith, of conscience and of creed)

1. Freedom of faith and of conscience, and freedom of creed religious or ideological, is inviolable.
2. The undisturbed practice of religion is guaranteed.
3. No one may be compelled against his conscience to render war service as an armed combatant. A Federal law will regulate details.

Article 5 (Freedom of expression)

1. Everyone has the right freely to express and to disseminate his opinion by speech, writing and pictures and freely to inform himself from generally accessible sources. Freedom of the press and freedom of reporting by radio and motion pictures are guaranteed. There shall be no censorship.
2. These rights are limited by the provisions of the general laws, the provisions of law for the protection of youth and by the right to inviolability of personal honor.
3. Art and science, research and teaching are free. Freedom of teaching does not absolve from loyalty to the constitution.

Article 5 (Freedom of expression)

1. Marriage and family enjoy the special protection of the state.
2. Care and upbringing of children are the natural right of the parents and a duty primarily incumbent on them. The state watches over the performance of this duty.
3. Separation of children from the family against the will of the persons entitled to bring them up may take place only pursuant to a law, if those so entitled fail in their duty or if the children are otherwise threatened with neglect.
4. Every mother is entitled to the protection and care of the community.

5. Illegitimate children shall be provided by legislation with the same opportunities for their physical and spiritual development and their position in society as are enjoyed by legitimate children.

Article 7 (Education)

1. The entire education system is under the supervision of the state.
2. The persons entitled to bring up a child have the right to decide whether they shall receive religious instruction.
3. Religious instruction forms part of the ordinary curriculum in state and municipal schools, excepting secular schools. Without prejudice to the state's right of supervision, religious instruction is given in accordance with the tenets of the religious communities. No teacher may be obliged against his will to give religious instruction.
4. The right to establish private schools is guaranteed. Private schools as a substitute for state or municipal schools require the approval of the state and are subject to the laws of the Lander. This approval must be given if private schools are not inferior to the state or municipal schools in their educational aims, their facilities and the professional training of their teaching staff, and if a segregation of the pupils according to the means of the parents is not promoted. This approval must be withheld if the economic and legal position of the teaching staff is not sufficiently assured.
5. A private elementary school shall be admitted only if the educational authority finds that it serves a special pedagogic interest or if, on the application of persons entitled to bring up children, it is to be established as an interdenominational or denominational or ideological school and a state or municipal elementary school of this type does not exist in the community
6. Preparatory schools remain abolished.

Article 8 (Freedom of assembly)

1. All Germans have the right to assemble peacefully and unarmed without prior notification or permission.
2. With regard to open-air meetings this right may be restricted by or pursuant to a law.

Article 9 (Freedom of association)

1. All Germans have the right to form associations and societies.

2. Associations, the objects or activities of which conflict with the criminal laws or which are directed against the constitutional order or the concept of international understanding, are prohibited.

3. The right to form associations to safeguard and improve working and economic conditions is guaranteed to everyone and to all trades and professions. Agreements, which restrict or seek to hinder this right are null and void; measures directed to this end are illegal.