

CONTINUITY AND CHANGE IN THE FIELD OF PUBLIC PARTICIPATION
OF NON-EU CITIZENS IN GERMANY

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

BY

AYBİKE KERPIŞÇİ

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF SCIENCE
IN
THE DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC
ADMINISTRATION

JANUARY 2022

Approval of the thesis:

**CONTINUITY AND CHANGE IN THE FIELD OF PUBLIC
PARTICIPATION OF NON-EU CITIZENS IN GERMANY**

submitted by **AYBİKE KERPIŞÇİ** in partial fulfillment of the requirements for the degree of **Master of Science in Political Science and Public Administration, the Graduate School of Social Sciences of Middle East Technical University** by,

Prof. Dr. Yaşar KONDAKÇI
Dean
Graduate School of Social Sciences

Prof. Dr. H. Tarık ŞENGÜL
Head of Department
Department of Political Science and Public Administration

Assoc. Prof. Dr. Mehmet OKYAYUZ
Supervisor
Department of Political Science and Public Administration

Examining Committee Members:

Assoc. Prof. Dr. Fahri BAKIRCI (Head of the Examining Committee)
TOBB University
Department of Law

Assoc. Prof. Dr. Mehmet OKYAYUZ (Supervisor)
Middle East Technical University
Department of Political Science and Public Administration

Assist. Prof. Dr. Asuman GÖKSEL
Middle East Technical University
Department of Political Science and Public Administration

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Name, Last Name: Aybike KERPiŒÇi

Signature:

ABSTRACT

CONTINUITY AND CHANGE IN THE FIELD OF PUBLIC PARTICIPATION OF NON-EU CITIZENS IN GERMANY

KERPIŐCI, Aybike

M.S., The Department of Political Science and Public Administration

Supervisor: Assoc. Prof. Dr. Mehmet OKYAYUZ

January 2022, 184 pages

In the contemporary context, migration management has evolved immensely complexly and involved many actors. This thesis aims to analyze the characteristics of current German foreigners and immigration regimes within their historical context. Throughout the nation-building process, the German state considered immigrants a potential threat and developed restrictive policy tools to manage and control immigration flows. In a complementary way, foreign residents have been designated a limited scope of rights and subordinated/secondary social status within German society. Therefore, especially certain groups of foreigners have been significantly deprived of public and political participation opportunities. This thesis aims to illustrate the patterns of continuity and change concerning the definitions of German nationhood and constellations of rightful membership in the polity. In this regard, this thesis revisits relevant literature to present the normative grounds of determining insiders and outsiders. Theoretical foundations of substantive and alternative forms of citizenship, legitimate boundaries concerning political participation are discussed in relation to the role of the nation-state and the ideological standpoints of political

parties. It is our aim to illustrate the social reality shaped by immigration and its outcomes within the political realm. Stances of political parties regarding citizenship, naturalization, and enfranchisement of foreigners are analyzed through a qualitative case study on parliamentary discourses. This research points out that parties' approaches are closely related to their understandings of Germanness, integration, and ideal German society.

Keywords: political participation, citizenship, naturalization, immigration policies in Germany, parliamentary discourses

ÖZ

ALMANYA'DA AB VATANDAŞI OLMAYANLARIN KAMUSAL KATILIMI ALANINDA SÜREKLİLİK VE DEĞİŞİM

KERPİŞÇİ, Aybike

Yüksek Lisans, Siyaset Bilimi ve Kamu Yönetimi Bölümü

Tez Yöneticisi: Doç. Dr. Mehmet OKYAYUZ

Ocak 2022, 184 sayfa

Çağdaş bağlamda, göç yönetimi son derece karmaşık bir şekilde gelişmiştir ve birçok aktörü içermektedir. Bu tez, günümüz Almanya'sının yabancılar ve göç rejimlerini tarihsel bağlamları içinde analiz etmeyi amaçlamaktadır. Ulus oluşturma süreci boyunca, Alman devleti göçmenleri potansiyel bir tehdit olarak görmüş; göç hareketlerini yönetmek ve kontrol etmek amacıyla kısıtlayıcı politika araçları geliştirmiştir. Bunu tamamlayıcı nitelikte, yerleşik yabancılarla Alman toplumu içinde dar kapsamlı haklar ve ikincil sosyal statü verilmiştir. Bu nedenle, özellikle bazı gruplara mensup yabancılar, kamusal ve siyasi katılım olanaklarından önemli ölçüde mahrum kalmışlardır. Bu tez, Alman ulusal kimliğinin tanımlarıyla bağlantılı olarak kısmi ve asli vatandaşlık modelleri ile ilgili süreklilik ve değişimleri göstermeyi amaçlamaktadır. Bu bağlamda, bu tez, toplumdaki asli üyeleri ve yabancıları belirlemenin normatif temellerini sunmak için ilgili literatürü yeniden gözden geçirmektedir. Vatandaşlığın asli ve alternatif biçimlerinin teorik temelleri, siyasi katılıma dair sınırlamaların meşruiyeti; ulus-devletin rolü ve siyasi partilerin ideolojik bakış açılarıyla bağlantılı olarak tartışılmaktadır. Amacımız, göçün şekillendirdiği sosyal gerçekliği ve bunun siyasi alandaki sonuçlarını göstermektir. Siyasi partilerin vatandaşlık, vatandaşlığa kabul ve yabancılarla oy hakkı verilmesine ilişkin tutumları, parlamenter söylemler üzerine nitel bir vaka incelemesi yoluyla analiz edilmektedir.

Bu arařtırma, partilerin yaklařımlarının Almanlık, entegrasyon ve ideal Alman toplumu anlayıřlarıyla yakından iliřkili olduđuna iřaret etmektedir.

Anahtar Kelimeler: Siyasal katılım, vatandaşlık, vatandaşlıđa alma, Almanya'nın göç politikaları, parlamenter söylemler

To the beautiful spirit of Hikmet Kerpişçi...

ACKNOWLEDGEMENTS

Firstly, I would like to express my deepest gratitude to Assoc. Prof. Dr. Mehmet Okyayuz for his guidance, support, patience, encouragement and never losing faith in me even in the most challenging times. I could never imagine completing this thesis without him, as he was the one who lit the sparkle in my mind, which led me to the ideas that are conveyed by this thesis.

I was 19 years old when I first took his lecture. I learned Albrecht Dürer, Jan Hus, Oliver Cromwell, Bertolt Brecht and many others from him. The education I received from him completely transformed how I perceived life, morality, modernity and politics. I attended FU and Humboldt Uni, improved my German language skills through this vision. With his help, I overcame the fascistic ideas which used to capture my mind. Beyond all the academic labels and any sort of worldly status, I would like to thank him for being a good human under all circumstances and for his gentle discipline.

I would like to thank Assist. Prof. Dr. Asuman Göksel and Assoc. Prof. Dr. Fahri Bakırcı for their understanding, tolerance and valuable criticism.

Additionally, I would like to thank my father, Mustafa Kerpişçi, who inspired and encouraged me in all my endeavors in life. He has been much more than a father to me, a friend, a child, a comrade. Thank you for prioritizing me in your life and giving me excessive love. I will keep trying to accomplish what you couldn't. I owe you probably everything, I am so lucky to have you.

Moreover, I would like to thank all family members who are dead or alive for passing over a spiritual legacy which paved the way for me to develop a bold and ambitious personality. Therefore, I was able to survive the darkest days of my life. I have seen multiple dimensions of my character throughout this period. Passionate, obedient, brave, helpless and among all, a woman with sparkling eyes.

Furthermore, I would like to thank Gamze Sarı for her endless suggestions and irreplaceable friendship. She has been closer to me than my siblings on my best and worst days. Undoubtedly, without her support on a daily basis, I would fail. Therefore, I wish we could stand by each other's side until the end of our lives, my dear friend.

I want to thank my mom Sibel Kerpişçi for having the warmest heart, unconditional love and tolerance. To my cousin Mert Yazal for providing me the tools which reminded me who I really was. To Ada for being the most beautiful inside and out, to my brothers Aydın Nazif and Kaan, to Niyazi Karabulut, Beyza Hatun Kızıltepe, Alparslan Özkan, Elisa Armando, Will Crisp, Emily Hunyor, Subutay Kırkpınar and all others who gave me motivation, the joy of life, perseverance and tips throughout the last four years and the previous 160 days. Last but not least, I would like to thank Tolunay Turhan, Dr. S.Barış Gülmez, Dr. Henrik Lebuhn who still make me believe in the kindness of strangers.

TABLE OF CONTENTS

PLAGIARISM	iii
ABSTRACT	iv
ÖZ	vi
DEDICATION	viii
ACKNOWLEDGEMENTS	ix
TABLE OF CONTENTS	xi
LIST OF TABLES	xiv
LIST OF ABBREVIATIONS	xv
CHAPTERS	
1. INTRODUCTION	1
1.1 Development of Migration Research Paradigms in German Social Science	1
1.2. Migration Regimes	3
1.3. Research Objectives, Argumentation and Methodology of the Study	6
2. HISTORICAL DEVELOPMENT. OF. IMMIGRATION POLICIES AND FOREIGNERS' PUBLIC PARTICIPATION	14
2.1. Before German Unification	15
2.2. Kaiserreich Period	17
2.3. Weimar Republic Period	22
2.4. Period of Fascist Dictatorship	25
2.5. Period of Cold War	31
2.6. Context of Reunified FRG	41
2.7. Concluding Remarks	46
3. THEORETICAL AND CONCEPTUAL FRAMEWORK	47

3.1. Modes and Terms of Political Participation in a Liberal Democracy	47
3.1.1. Rethinking Non-citizens as the Rightful Participants	55
3.2.1. Prerequisites of Legitimate Membership in a Transnational Society	67
3.2.2. Ideas of Integration in a Country of Immigration	74
3.2.3. Role of Immigration & Asylum Regulations	78
3.2.4. Active Citizenship: A Way of Contestation	82
3.3 Concluding Remarks	84
4. STANDPOINTS OF POLITICAL ACTORS REGARDING TO THE PUBLIC PARTICIPATION OPPORTUNITIES OF NON-CITIZENS: A CASE STUDY ON THE PLENARY DISCOURSES OF POLITICAL PARTIES	86
4.1. Role of Political Parties and the Significance of Parliamentary Debates in terms of Shaping Migration Regimes and Relevant Policy Fields.....	86
4.2. Political Party Alignments regarding to Immigration Policies and Public Participation Opportunities of Non-Citizens.....	93
4.3. Analysis of Plenary Debates concerning the Local Voting Rights of Non- Citizens.....	100
4.3.1. Determining the Legitimate Political Participants in Contemporary German Polity	101
4.3.2. Improvement of Direct Democracy and Approaches concerning the Enfranchisement of Non-Citizen Residents	105
4.4. Analysis of Plenary Debates regarding to Naturalization and Dual Citizenship Rights	111
4.4.1. Position of the Federal Government in terms of Compulsory Choice (<i>Optionspflicht</i>) and its Abolition	111
4.4.2. Enhancement of <i>jus soli</i> Elements in the Citizenship Law: Expansionist Approaches	116
4.4.3. Expectations of the Opposition Parties and the Realities.....	125
4.4.4. AfD's Restrictive Approaches towards the Citizenship Law.....	131
5.CONCLUSION	135

REFERENCES.....	148
APPENDICES	
A. ARTWORKS PRESENTED IN THE GERMAN PARLIAMENT.....	168
B.TURKISH SUMMARY/TÜRKÇE ÖZET.....	169
C. THESIS PERMISSION FORM/TEZ İZİN FORMU.....	184

LIST OF TABLES

Table 4.1.: Relevance of speeches given in the German Bundestag, in the field of civil rights: migration flows, asylum and naturalization (1949-2020)	89
Table 4.2.: Ideological Alignments of German political parties (1998-2017).....	92
Table 4.3.: Developments in German party competition since 1990.....	94
Table 4.4.: Most recent shifts regarding to party positions in comparison to 2017.....	95
Table 5.1.: Citizenship regime inclusiveness in 2019 of Germany in comparison to other EU countries and an estimate for 2022.....	145
Table 5.2: Inclusiveness of Germany's citizenship law between 1980-2019.....	146

LIST OF ABBREVIATIONS

AfD	Alternative für Deutschland
BAMF	Bundesamt für Migration und Flüchtlinge
CDU/CSU	Christlich Demokratische Union / Christlich-Sozialen Union
ECHR	European Convention of Human Rights
EU	European Union
FDP	Freie Demokratische Partei
FRG	Federal Republic of Germany (Bundesrepublik Deutschland)
FRONTEX	European Border and Coast Guard Agency
GAL	Green, alternative, liberal
GDP	Gross Domestic Product
GDR	German Democratic Republic
Greens	BÜNDNIS 90/ DIE GRÜNEN
MdB	Mitglied des Deutschen Bundestages
NSDAP	Nationalsozialistische Deutsche Arbeiterpartei
PRR	Populist radical right-wing party
RSHA	Reichssicherheitshauptamt
RuStAG	Reichs-und Staatsangehörigkeitsgesetz

SPD	Sozialdemokratische Partei Deutschlands
SVR	Sachverständigenrat deutscher Stiftungen für Integration
TAN	Traditionalist, authoritarian, nationalist
TCN	Third-country national
USA	United States of America
USSR	Union of Soviet Socialist Republics
WW1	World War 1
WW2	World War 2

CHAPTER 1

INTRODUCTION

1.1 Development of Migration Research Paradigms in German Social Science

In the 21st century, studies in the field of migration are in a differentiated nature. As it is a very complex and diverse area, there is no unified migration theory. Instead, theoretical conceptualizations deal with different dimensions of migration. Political science investigates the role of the nation-state on immigration control, aspects of citizenship, sovereignty, and migration governance. Migration research is utilized to forecast flows, make assumptions, evaluate the anticipated impacts of mobility, and shape corresponding policy tools in modern democratic societies (Sardoschau, 2020, p.9).

Far from being impartial, migration scholarship played an integral role in shaping the social and political dynamics of migration. Therefore migration research and the political discourses reflexively impacted each other (Thranhardt & Bommers, 2010, p.127). According to Bommers, trajectories of early migration research were slightly different from today (2006, p.165). The state institutions funded migration research to function as a tool of knowledge production (Heckmann & Wiest, 2015, p.183). As a response to the immigration influx of refugees, expellees, and ethnic Germans in the aftermath of WW2, FRG pursued ways to integrate and incorporate the newcomers. The orientation of the research was to maintain social cohesion and to prevent political radicalization in this period. Legal aspects of integration, housing problems, regional distribution of newcomers were some of the main concerns. Migration was not a central research field.

According to Casas-Cortes et al., *Auslaenderforschung* (foreigner research) was designed as a branch of applied science in the Cold War period (2015, p.67). It was mainly focused on the social costs and problems that arose due to the gradual

settlement of labor migrants. Return migration, social integration, aspects of family reunification, migrant education were the research objectives. The main frame of reference was the nation-state and the German culture; in other words, *methodological nationalism*¹ was the predominant research paradigm. Migration and migrants were considered unintended external factors, not as integral, permanent parts of the social structure and change (Bommes, 2006, p.174).

The influence of *Ausländerpolitik*, the dominant discursive approach to foreigners in the political realm, was traceable on this research tradition. Although the state did not exclusively fund studies, there was explicit bias in several studies. The line between politics and social sciences was blurred. According to Thränhardt & Bommes , researchers adopted a unilateral understanding of integration, that they were prone to blame immigrants for their insufficient integrative capacity (2010, p.142). In several anthropological research, cultural difference was presented from a perspective considering Turkish culture inferior and less valuable compared to German culture. In this regard, the education system was designed mono-culturally, neglecting the specific needs of immigrant youth. Dohse criticized *Ausländerforschung* scholarship that it was inadequate/reluctant to identify the uncertain legal status of labor migrants as the reason for discrimination at workplaces (1981, p.520). Similarly, citizenship debates were purposefully excluded from the literature in this period, which had been a significant absence (Bauböck et al., 2006, p.65).

The establishment of the core schools of thought transformed the characteristics of migration research in Germany. New research paradigms considered migration as an internal phenomenon that transforms the existing structures of the polity from the inside. In addition to that, the migrant is considered as an intelligible actor instead of a passive receiver. Her background and social ties are taken as a determinant for

¹ Wimmer and Glick Schiller formulated methodological nationalism, which is a sociological conceptualization derived from the concept of methodological individualism, criticizing disciplines of social sciences that assume a particular nation-state as the central unit of analysis in migration studies (2002, p.305). According to this theoretical frame, societies are under the impact of transnational migration in the era of globalization. It would be misleading and inadequate to consider the nation-state as the leading driver/actor of social changes caused by immigration. Bommes finds the theoretical devices of methodological nationalism approach vague; therefore, he believes the concept should be clarified further in-depth (2006, p.194). Most of the critiques assert that the significance of the nation-state's role in steering migration is still indisputable.

societal integration and participatory trajectories. Transnational approaches gained importance. The end of the Cold War marked the change of perspectives, as it caused cross-border migration flows in unusual forms and magnitude (Heckmann & Wiest, 2015, p.185-187). From this point onwards, migration scholars contributed to the liberalization of the policy field.

According to Geier & Mecheril, the foundations of contemporary migration research should be taken as the dynamic relations between individuals and collective actors and the order of affiliation/ belongingness (2021, p.175). These orders are established and negotiated through economic, political, legal, scientific, and cultural discourses, which lead the discussion to the migration regimes.

1.2. Migration Regimes

Contemporary migration movements are controlled and shaped through several actors, which constitutes migration regimes. “Regime” is the appropriate notion in this context to underline the performativity, possibility of political action, and negotiation in heterogeneous, differentiated societies (Cvajner et al., 2018). Institutional actors, such as state apparatuses, international, supranational, national, and branches of the local government, act in various roles in making and implementing migration policies² (Pécoud, 2021, p.104). Norms, values, and constructions which form migration management are developed under the impact of partial and impartial interests, far from being neutral (Geddes, 2021, pp. 31-33). Non-governmental organizations, migrant networks, and migrants themselves are also involved. The migration regime reflects the balance of power relations between the stakeholders, exerted through formal and informal means. Moreover, migration control appears in dispersed, polycentralized nature. It can be traced at different levels in the various realms of the public sphere, which will be discussed in detail in the scope of the third chapter.

It is possible to investigate the governance of migration management through political science by utilizing migration regimes as a conceptual tool. As illustrated by Oltmer,

² See (Gravelle et al., 2012, p.66) for the detailed description of the roles of institutional actors concerning migration governance.

each migration regime produces and categorizes its own migration, therefore the migrant and the potential migrant in a different way (2018, pp. 5-8). This is an understanding way beyond the traditional push/pull factors conceptualization utilized to explain the objectives of migration. Although the traditional push/pull logic is still relevant to explain migration trajectories to some extent, population movements are not determined simply by individual choice or supply-demand dynamics anymore. On the contrary, it is closely related to the tension between social actors.

Migration has the capacity to create new spaces; it is unpredictable in terms of quantity and impact (Papadopoulos & Tsianos, 2007, p.226). As Vollmer argued, binary models, are inadequate to classify migratory subjects, as their incentives are shaped through a complex/interrelated web of networks, socio-economic and structural determinants, including a proliferated number of actors (2021, p.158). In addition, realities concerning migration and the migrant are distorted/framed through discursive elements, hence increasingly politicized. Framing is done by political actors as well as media and other ideological apparatuses within the society. Pluralized constellations of standpoints, interests, concerns, and emotions shape the variety of frames regarding migration and related subfields.

The migration regime is subject to constant change through paradigm shifts and economic, social, and environmental transformations. Concepts, perspectives, realities, and understandings related to migration are constructed and deconstructed through it. Information, rules, regulations, conditions are produced within it. The paradigm shift in Germany in terms of admitting being a country of immigration is an example of the recently changing aspects of the migration regime of this country. Migration became a realm of normalcy instead of the exception, therefore. Boundaries, definitions of insider and outsider tremendously changed. The term "*Migrationshintergrund*" (migration background) is an ideological tool that conveys the characteristics of the state-led integration project. It could be interpreted as a political construct, therefore.

Mannitz & Schneider argue that this term recently took over the functionality of the old inadequate terms of "otherness" in society (2014, p.85). Although this term is invented for statistical necessities, as stated by the formal incentives, Bauböck, (2003)

argues that it is unfair to label citizens born and raised in Germany as such, only because they have grandparent(s) who immigrated from abroad decades ago. "*Asylum/refugee crisis*" is another term that is charged with ideological sentiments. It functions as a discursive tool that has been widely used since 2015, codifies the migration flow as problematic within the collective memory.

Migration can be perceived as a risk/threat for society or an opportunity for expansion. Such views are promoted in public opinion through the channels of the migration regime. Migration should be understood in line with the far-reaching flux to all layers of the receiving society as an integral part of a broader social change. In addition to that, a continuous adaptive response to social change. Complex realities instead of rigid categorizations characterize migration (de Haas, 2021, p.1). De Haas argues that the predominance of methodological nationalist perspectives in migration policy research is misleading/inadequate in the current context; therefore, it should not be the primary research paradigm.

Eule et al., emphasize the Kafkaesque nature of bureaucracy and its impact on the implementation of migration laws (2019, p.39). Accordingly, migration is never completely controllable, it is inconsistent, and the policy outcomes never appear as expected. Eule and his co-authors (2019) demonstrate the peculiarities of the Dublin Convention, which are to be filled by national migration policies. Furthermore, they present the distortion of the regulations through the administrative discretion of street-level bureaucrats and the implementation gaps. Vagueness of the relevant legal framework, relatively low impact of exaggerated rhetoric, and discourses of politicians in the practical realm, characterize the most recent German migration regime. Eule et al. pave the way for the migrant agency, although they still consider the nation-state the most relevant actor in migration control (2019, p.66). From a similar perspective with Eule et al., Oltmer (2018) asserts that the nation-state predominantly defines migration regimes.

Migration regimes are not defined through a unified theoretical approach as discussed above. Scholars conceptualize them in different ways and scopes, according to their relevant contexts. There is a widening gap between current migration control practices and traditional systems of state governance (Cvajner et al., 2018, p.75). All in all,

migration regimes provide the theoretical lens that will be utilized throughout this thesis to interpret the roles of various actors in shaping the policies and discourses concerning foreigners' public participation.

Public participation consists of civic, social, as well as political realms. Accession to health care, accommodation, labor market, education, legal services are crucial aspects of such engagement. One of the primary hurdles to fair involvement in these domains is legal instability and discriminatory access due to citizens' various legal statuses (Hinger, 2020, p.31). From the Arendtian perspective of active citizenship, one should distinguish participation from attendance as participation highlights an active role, which is not scripted from above, instead shaped by the internal actors themselves, transforming the structures from within.

1.3. Research Objectives, Argumentation and Methodology of the Study

The involvement of citizens of a polity in the public realm is the basic description of public/civic participation. Participation is defined as the total of interactions, interplays, and networks between individuals and systems. Public engagement encompasses a wide range of contacts, all aspects of social life, and may be observed in various ways; therefore, it consists of a series of subbranches. Accessibility of education and health care services, utilization of various means of public administration, integration into the labor market and welfare regime, and lastly, equitable representation in the political realm are the significant aspects of public participation. Political participation is inherently linked to citizenship or legal status, which designates the terms of rightful residence in a polity. This thesis places its particular focus on the political participation conditions of non-citizens in Germany. Political participation opportunities are crucial determinants for the eligibility requirements, constraints, sustainability, and quality of all other dimensions regarding public participation.

Equal involvement in the allocation of power and resources fosters identification with the political system and serves as the foundation for its legitimacy. From a normative standpoint, the democratic legitimacy of the polity can only be assured by the

involvement of all affected parties under the jurisdiction of an administration, apart from minors, those with weak cognitive capacities, and the mentally challenged population. In this regard, liberal democracies need to ensure the political participation of the highest possible proportion of residents. However, in Germany, a significant proportion of the permanent residents are deprived of substantive political rights although they are provided a large set of civic and social rights, almost equal with citizens (Geddes, 2016).

On the other hand, polities set boundaries through which they label and exclude outsiders to sustain themselves as meaningful political entities. National identity, culture, traditions, values are produced and reproduced within a continuity. Aliens pose a threat to social cohesion and order as they do not recognize the system's characteristics, and they might change the balance of power in the political realm (Walzer, 1983, p.62 ; Bauböck, 2018). Therefore, they are perceived as potentially disruptive for the idealized integrity of the polity. In modern nation-states, citizenship and other legal status provide lawful residence to individuals who fulfill certain conditions. In other words, citizenship functions as an abstract boundary utilized by the nation-states to define the insiders and outsiders of the polity (Rygiel, 2011; Koopmans&Statham 1999).

Germany has been exposed to regular and irregular flows of cross-border immigration for several hundred years. As a response, throughout modernization, the state developed specific mechanisms and structures to steer and control the population influxes. In addition to the external border practices, namely building fences and controlling passports, there had been tangible and intangible restrictions/hurdles when the immigrants wanted to be a permanent part of German society (Lebuhn, 2013b). Therefore, immigration and citizenship laws complemented each other in restricting the undesired's territorial access and limiting public engagement opportunities for those who have already entered polity. They functioned simultaneously, constituting the migration regimes.

Means of production and modes/forms of capitalism have always had a tremendous impact on immigration policies and conditions of immigrant incorporation. Approaches towards foreigners within the majority society, foreigners' assigned roles,

rights, and visibility in the public sphere were transformed through the paradigm shifts of capitalism, although each administration left particular traces to their predecessors. On the very basis, through the times of crisis and expansion, the German state developed appropriate measures to manage migration flows in line with the economic and societal interests (O'Brien, 1988; Okyayuz, 2012). This thesis argues that the necessities of the labor market have been influential on the characteristics of the migration regimes adopted by Germany. Furthermore, immigrants were considered a reserve army of labor to be utilized or expelled concerning the economic conjuncture.

The establishment and unification of the German nation-state uniquely took place and relatively late compared to European counterparts. Rapid industrialization and belated development of capitalism are essential indicators in this regard. An emphasis should be laid on the significance of federalism and the relative autonomy of *Laender* (federal states) in German public administration, which are built on a substantive historical background. As a result of the Napoleonic Wars, two World Wars, devastation, division, and reconstruction of the country, there had not been an uninterrupted, unilinear nation-building process of Germany (Brubaker, 1992). Therefore, there had never been a single definition of German nationhood. Instead, multiple constellations of Germanness became dominant in various periods. A specific definition of nationhood constituted the ideological core of the state in each period. These definitions transformed in relation to the conjunctures of the relevant era, concerning the international political balances as well.

The legal framework and means of public administration have been systematically utilized in the German context to enforce/impose the relevant set of rules and regulations to discipline and control the migrant subjects. (Brubaker, 2001, p.537). Immigration and citizenship laws are crucial in this regard, supported by bureaucratic means in terms of implementation. Nation-state still acts as the sovereign power in the contemporary German context, although this power has been challenged and considerably constrained by local governments, EU and other influential supranational/international organizations, (extra)parliamentary opposition, and grassroots social movements.

Migrants in the globalized, transnational world have various trajectories; therefore, foreigners are categorized through various residence permits. Categorizations are designated according to the particular features of migrant subjects, predominantly linked to their ability to integrate into the labor market. Origins of foreigners are still relevant to determine their statuses, although not in a categorically racist or exclusionist way as it was before. Refugees, asylum seekers, tolerated and illegalized³ populations constitute the vulnerable/precarious immigrants, whose legal status and affiliated regime of rights are subject to political controversy. Although these categorizations match with general definitions provided by international law and social science theory, their legal scope and the public participation frameworks attached to them are regulated in a very complex and detailed way. In addition, regulations in this realm are constantly changing in line with the latest requirements. Significant irregular immigration flows in 1992/1993 and 2015/2016 brought about significant amendments to the legal frameworks. Attitudes towards foreigners were also affected in these particular periods, which imposed pressure on lawmakers (Ellermann, 2009).

Roles of local administrations, alternative forms of membership (partial and post-national forms of citizenship), transforming constellations of integration, and chances of interplay will be discussed through theoretical and conceptual frameworks related to accession to public resources and participation/visibility trajectories in the contemporary context. Foreigners who possess EU citizenship are primarily left out of the scope of this study as they are already equipped with a more extensive set of civic and political rights, and they are not the primary subject of the current political struggles of immigrant incorporation. Qualified labor migrants from developed countries are also largely left out of the discussion because of similar reasoning.

Strikingly, the citizenship law, made in 1913 (RuStAG), was still in use until 2000, without significant changes. Although the foreigners' regime was adapted mainly to liberal democratic principles, ethnocultural aspects of the nationhood were persistent. Therefore, even in the most recent citizenship law, substantial membership is

³ It is ethically incorrect to label human beings as *illegal*, therefore illegitimate or illegalized will be the preferred terms to describe non-status migrants throughout this study. Directly quoting from Nyers, several conceptualizations are observable among the relevant literature: “‘undocumented, ‘irregular migrant’, lack of visibility, clandestine workers, lack of social status, ‘shadow population’, ‘excluded among the excluded’, ‘lacking a name’ ” (2008, p.166).

designated primarily through the *jus sanguinis* principle, whereas elements of *jus soli* remain exceptional. Electoral participation of non-citizens in all levels is categorically restricted due to the interpretation of Basic Law in a way that designates the sovereignty to German citizens exclusively (Joppke, 1999, p.63). As a result, disenfranchisement of a significant population of permanent residents, who pay their taxes and fulfill their societal responsibilities, remains problematic in 21st century Germany. Party politics is the most crucial and effective means to shape and construct the related policy fields. In addition, multiple views are expressed through political parties.

Therefore, this thesis aims to reveal how the restrictive approaches regarding non-citizen political participation are still advocated/sustained/reproduced by the discourses of right-wing political parties in Bundestag, namely by CDU/CSU and AfD, through the discursive analysis which is presented in the fourth chapter of this thesis. It is our argument that these parties sustain and convey the elements of past ethnocultural understandings of nationhood to some extent (both through different ways and to a different extent) through their constellations of citizenship and integration.

CDU/CSU and AfD consider citizenship as a result of a successful integration process and impose an assimilative sort of integration to potential citizens. Acquisition of adequate language skills and shifting loyalties are seen as crucial. Emphasizing that citizenship is inherently irrevocable, right-wing parties describe citizenship as intertwined with German values. Therefore, they prescribe the renouncement of previous citizenships as a prerequisite for naturalization. The stances and roles of all political parties represented in the parliament will be compared and contrasted with tracing the patterns of different understandings of nationhood and their impacts on the development of policy framework shaping the trajectories of migrant participation.

It is our argument that CDU/CSU has a crucial role in shaping the foreigners' regime as they constitute the central power in the political realm. Therefore, although not precisely, CDU/CSU ideology is congruent with today's German nation-state's ideological core regarding immigration-related political themes. Neglecting the roles of external factors such as humanitarian obligations and the economic conjuncture,

this research tries to pursue the patterns and principles through which political parties shape their policies regarding immigrants' incorporation in German society, attributed roles of foreigners, and the general public constellations of an immigration society.

This study recognizes the immense and inherent complexity of migration regimes. Immigration influxes are shaped through international dynamics which are not fully controllable by the nation-state. One should also consider the fact that restrictions in terms of citizenship are necessary to maintain social coherence, order, and national identity. Considering all these, this thesis aims to illustrate the transformation of the social reality in Germany shaped by immigration and its long-term repercussions on the publicity of the migrant subject.

Given this framework, this thesis aims to find out to what extent and how the definitions of German nationhood impacted and continue to impact the conditions of membership and public+political participation opportunities designated to foreigners. In order to answer this question, meanings attached to integration, citizenship, partial/substantive membership, and the prerequisites/hurdles to acquiring the permanent legal status will be contemplated both in theoretical and discursive dimensions. Partial liberalization and improvement of membership conditions and their impacts on participatory trajectories of non-citizens will be investigated.

It is noteworthy that German public opinion admitted the fact of being a country of immigration very recently. Even in the context of post-migration society, there are rigidities and path dependencies among the legal and administrative frameworks. Overall, the effort to recognize immigration as a normal phenomenon instead of an exception is a significant development in the field. This study covers a larger period to reveal the political struggle that paved the way for the development/empowerment of progressive and emancipatory approaches towards migratory subjects in Germany. It should be kept in mind that progress does not follow a linear path, but inconsistencies exist. Development of the current political standpoints and the gradual evolution of the policies concerning the rightful public appearance of non-citizen populations are explained in this thesis to build a comprehensive perspective.

Recently, computer-aided analysis tools facilitate finding the debates relevant to various research objectives by allowing searches in the database of plenary minutes through keywords. This thesis utilizes *opendiscourse.de* (Richter et al., 2020) to select relevant debates for the case study. “*Kommunales Wahlrecht für Ausländer*” (local voting rights for foreigners), “*Politische Partizipation von Migranten*” (political participation of immigrants), “*Doppelte Staatsbürgerschaft*” (dual citizenship), “*Einbürgerung*” (naturalization), “*Optionspflicht/Optionszwang*” (mandatory choice in between two citizenships) constitute the most important keywords to reach the appropriate content. In addition, the frequency of speeches given in the German Bundestag, in civil rights: migration flows, asylum, and naturalization are classified within this online tool, among all other speeches conducted at the parliament. This tool's advantages and relative weaknesses will be identified and discussed in the fourth chapter and conclusion. Speeches were translated from German to English by the author. Emphasis was added, and original expressions were included when required.

As of qualitative methodology, plenary speeches will be summarized and analyzed in detail in terms of wording, style, points of emphasis, and references compared to other deputies' speeches concerning the issue. As stated in the relevant literature, there is an inadequate number of qualitative studies conducted on the parliamentary discourses so far. Although plenary debates contain fruitful data in terms of the ideological stances of political parties, it requires a lot of effort and resources to find out the valuable parts concerning the research interests. In this regard, this thesis presents an analysis of an understudied set of data, therefore, offers a modest contribution to literature.

The second chapter of this thesis covers the historical evolution of the immigration policies and the public appearances of foreigners in German society within its historical coherence to highlight the patterns of continuities and change to relate the characteristics of the most recent context. Starting from the eve of German unification, the chapter presents an analysis of the Kaiserreich, Weimar, the fascist dictatorship, Cold War, and the contemporary periods consecutively to present a perspective.

The third chapter of the thesis presents a theoretical and conceptual framework of the forms and modes of public and political participation and questions where the

legitimate boundaries of a liberal democratic Western European society start and end in terms of designating the rightful members of the society, hence aims to depict who the legitimate political participants are. Therefore, post-national and partial forms of membership, *denizenship*, restrictive and inclusive aspects of citizenship constellations, and immigration regimes in contemporary Germany are discussed through the critical review of contemporary political science and sociology literature. Furthermore, theoretical standpoints which point out the characteristics of successful/desired social integration in a country of immigration will be investigated in relation to the ideological expectations. The significance of local administrations' role in shaping the public engagement of migratory subjects and chances of interplay will be discussed.

In the first two sections of the fourth chapter, the significance of political parties in reflecting the various interests and preferences in the pluralist environment maintained through liberal democracy will be underlined. The political party system and parliamentary procedures in Germany will be briefly explained. Chapter proceeds with the presentation of political parties and their ideological standpoints. Shifts in between periods are also to be demonstrated. The parliamentary presence of AfD in the 19th term and the substantial transformation they brought about to party politics will be discussed. The impact of the 2015/2016 asylum crisis on the politicization of migration-related issues will be touched upon.

The last two sections of the fourth chapter consist of a case study conducted as a comparative qualitative analysis on the parliamentary discourses of political parties represented in the federal parliament, German Bundestag, throughout the 18th and 19th legislative periods. The case study is limited to the period between 2013-2021 due to the major developments concerning the policy field, namely the recent asylum crisis and the partial abolishment of the mandatory choice. Relevant meetings from the 18th and 19th legislative periods are chosen as they reflect the ideas of deputies from different parties.

Finally, in the conclusion section, findings will be evaluated and discussed in relation to the arguments of the thesis.

CHAPTER 2

HISTORICAL DEVELOPMENT OF IMMIGRATION POLICIES AND FOREIGNERS' PUBLIC PARTICIPATION

In the contexts of Kaiserreich and fascist dictatorship, foreigners of non-German descent were confined to second-class membership conditions. They were categorized and hierarchized with respect to their origins and occupational status. German national self-understanding was based on ethnocultural principles. In this regard, Germany predominantly desired to remain culturally singular as a political entity. In a similar vein, foreigners were perceived as a potential threat who could disrupt the integrity of German cultural identity. Anti-immigrant sentiments were pervasive and constantly promoted through political and intellectual means. Democracy and human rights were not the priority in terms of policy making in the field of immigration and migrants' rights. State-society relations were designed in a completely different way than today, which aggravated the inferiority and unquestionability/incontestability of non-citizens' roles.

In the context of the Cold War, German nationhood was redefined with the social market economy, which omitted ethnicity from national identity. This marked the transition to civic nationalism from ethnic nationalism. Atrocities of the fascist dictatorship encouraged such a distinction and transition as well. German society primarily accepted the definition affiliated to the social market economy; however, this definition lacked cultural aspects and values. Therefore, social market economy could not be a perfect replacement for some of the ethnocultural elements inherently linked to national identity. As a result, ethnocultural elements could not be completely separated from citizenship constellations and principles of rightful presence in the contemporary German polity. Before moving on to the theoretical perspectives on determining the principles of legitimate political participation and the boundary setting

aspects of citizenship, historical foundations of these constellations and the ideological standpoints of previous administrations will be discussed in detail.

The national and religious identities of the foreigners who settled in Germany have changed throughout history. However there had been certain patterns in terms of the conditions of the public appearance of non-citizens. This section aims to pursue the dynamics of continuity and change regarding to the participatory trajectories and the designated roles of migrant subjects in German society since the 17th century. Therefore, institutional and ideological path dependencies, formation/evolution of the definitions of German nationhood will be traced through the relative historical narrative, in the scope of this chapter.

2.1. Before German Unification

According to Härter, since the late 17th century, especially in the aftermath of the Thirty Years' War, there have been attempts to regulate labor migration, residence and naturalization of foreigners, and emigration in German provinces. As there was not a unified nation-state yet, rules and regulations varied between territories. Foreigners' status was left to the discretion of each state individually. The rights and duties of the subjects (*Untertanen*) were determined through certain legal frameworks initiated through the monarch's will. (2015, p.60).

Foreigners were mainly deprived of many rights of the subjects; they were only given temporary residence according to their ethnic and religious identity. Particularly Jews were exposed to extra restrictive precautions, such as the prohibition of property rights (Härter, 2015, p.55). Forms of exclusion against immigrants were traceable back then. Undesired profiles of immigrants were clearly described in the regulatory acts. Certain foreigners were labeled as "useless," "suspicious," and precautions were taken to keep them away from the territory. "Vagabond", "beggar", "deviant", "criminal", "poor who would not work" were some categories to determine the people who would use the resources of the country, therefore harming the economy. They would be banned or fined (Härter, 2015, p.57). During the early 18th century, monarchial administrative law and centralization of bureaucracy were introduced as the early steps of gradual

transformation to the rule of law. There was no legal equality as there were still legally privileged subgroups such as nobles (Brubaker, 1992, p.56).

Germany had a unique approach to national identity. In response to the political disintegration of the dying Holy Roman Empire, a German-speaking cultural elite, including poets, philosophers, and authors, developed interests in German nationalism, or Pan-Germanism, in the 18th century. This elite created German nationhood as a counter-nation to France, based on ethnocultural rather than political affiliation. German *Volk* was defined as a language rather than a political community in the first place. In the aftermath of Napoleon Bonaparte's invasion of German-speaking districts in 1806, a strong sense of German national identity emerged. In the absence of a functional, unified German state, the political elite turned to *Volk*-centered nation-building politics. German nationalism was developed as a significant driver for political change during the 1848 revolution. (Bauder & Semmelroggen, 2009, pp. 2-3).

In the early 19th century context, citizenship meant eligibility to become a civil servant, inheritance, access to poor support, emigration right, and obligation of taxation and military service. In addition to that, there were multiple forms of membership -municipal, local, not a state-membership in the contemporary sense (Brubaker, 1992, p.66). Individual states were making an effort to protect themselves from the increasingly mobile poor. This was one of the main objectives in terms of making immigration policy. As Fahrmeir states in his article, since the early 19th century, German states had the intention to maintain border security through passport controls, precisely identifying people (2015, p.223). It is very controversial to what extent these precautions were efficient given the fact that infrastructures and instruments were very inadequate to implement such policies.

In 1842, the law on acquisition and loss of Prussian subjecthood formally excluded the foreign and the poor. Other states also had citizenship laws mostly based on the Prussian context with minor differences (Barbieri, 1998). For example, the naturalization of Jews was prohibited in Bavarian citizenship law, whereas Prussia allowed it, although it was strictly limited (Nathans, 2004, p.48). Regarding 1842 law, citizenship was exclusively linked to descent, and the significance of residence was

reduced. Emigrants were to be expelled from citizenship immediately. It brought radical changes to the definition of the membership until then, paving the way to establish the characteristics of modern German citizenship in the unified context:

As a legal institution regulating membership of the state, citizenship was now established. Citizenship had crystallized as a formally defined and assigned status, distinct from residence. The citizenry was externally exclusive as well as internally inclusive. Citizens, regardless of Stand, town, or province, stood in an immediate relationship with the state (Brubaker, 1992, p.71).

In the aftermath of the revolutionary incidents in 1848, ideas of national citizenship became more significant in the German political realm. Unity and Right and Freedom (*Einigkeit und Recht und Freiheit*) were the great ideals, but the free movement wasn't possible between the states. These were issues that were supposed to be dealt with novel approaches. Revolutionary ideas started shaping the notion of nationalism in German politics in this period. There was a climate of tolerance but also the immature seeds of chauvinism and hostility in the political realm at the same time. It was known that some leaders of the revolution considered certain ethnic minorities as inferior. The optimistic prospects of peaceful cultural assimilation were already seemingly unattainable (Nathans, 2004, pp. 82-83).

2.2. Kaiserreich Period

From 1871 to 1910, there had been a more than 500% increase in the total number of foreign populations in unified Germany (Bade& Oltmer, 2004, p.10).⁴ It wouldn't be wrong to claim that this was highly unexpected and left the administrative tools inadequate to cope with it. In other words, immigration flow exceeded the state capacity to some extent. Such a migration phenomenon was mainly caused by the economic transformation through rapid industrialization. It wouldn't be possible for Kaiserreich to achieve the transition from an agricultural-based settlement to a strong industrial economy in a relatively short period without foreign labor (Bade&Oltmer, 2004, p.18. ; Barbieri, 1998). However, such a paradigm shift brought unpredictable

⁴ In 1870 there were 207,000 immigrant workers in agricultural and industrial sectors whereas in 1910 the number was increased to 1,259,880 (Bade&Oltmer, 2004, p.10; Brubaker,1992, p.118; pp.124-125; O'Brien,1988).

changes to all layers of society, hence, unanticipated consequences. In times of crisis, hostility towards immigrants escalated. They were considered disposable when there was high unemployment. Unpleasant measures, such as deportation/ expulsion, were taken to manage and control the flows. These were the early seeds of the fascist dictatorship of the upcoming decades.

Accelerated industrialization and emigration to the USA initiated severe labor shortages in the Prussian agricultural sector (Bade, 1995, p.516). Polish seasonal workers from Prussian border regions, namely *Preussengaenger*, were employed in the agricultural field to fulfill the lack of working-age population, as they were less costly than Germans and were willing to work. These workers were subjected to strict rules and regulations. They were predominantly unable to choose their employer or tasks in practice.

Conditions were burdensome, accommodation and nutrition were poor, they had to work for 16-18 hours per day. Poles were given the tasks German workers would refrain. Getting pregnant was prohibited, and it was a valid reason for expulsion. They constituted the lowest layer of the society that they were even called *sub-proletariat* (Bade&Oltmer, 2004, pp. 16-17). Poles were exclusively employed in the agricultural sector; it was prohibited for them to work in industry or travel West to seek jobs in industry zones -although this couldn't be prevented ideally in practice. Ruhr Poles were officially Prussian citizens, notwithstanding that they were granted limited scope of rights compared to Germans (Bade, 1995, p.517).

According to the compulsory rotation principle, seasonal workers were expelled to Poland every year before Christmas, and they traveled back to Germany in the summer. There was an annual population fluctuation (p.517). This was an essential part of the defense policy (*Abwehrpolitik*) executed by the Wilhelmine administration. Accordingly, the government desired to prevent the Polonisation of the East of Prussia, as they didn't want Poles to be permanent in Germany.

During the nation-building period, there were romantic-ethnonationalist, mythical definitions of Germanness in the intellectual sphere (Oltmer, 2015c, p.483). According to these approaches, Germans were superior compared to other nations, they were

divine, and this was to be perceived beyond territorial residence, birthplace, tradition, or language (Barbieri, 1998). Ideologies as such were closely linked to expansionist ideas as well. They were influential to some extent on the constellations of citizenship.

Bismarck had an ethnocultural understanding of nationhood. He initiated Kulturkampf, an inherently anti-Polish and anti-Semitic campaign, aiming to annihilate distinct elements of Polish culture and assimilate Poles. As narrated by Brubaker (1992, pp. 130-131) and Nathans (2004, pp 128-129), in the beginning, Kulturkampf wasn't intended to be hostile, that Prussians believed they could Germanize the Poles peacefully. However, as Germans considered Polish culture subordinate and secondary, Poles refused to obey. They built their own nationalism and pursuit of independence as a response. In this regard, instruction and usage of the Polish language in the public realm were strictly restricted (O'Brien, 1988). Bismarck struggled with the Polish clergy of the Catholic church and Polish nobility.

Prussia was hesitant of the possibility of political destabilization as a result of uncontrolled immigration flow from the East. Following fierce debates in the parliament (Nathans, 2004, p.118), Bismarck gradually restricted the rights granted to Poles and Jews, prevented their naturalization through exclusionary rules and bureaucratic hurdles. They could only be naturalized if this was compatible with state interests. Paperwork procedures were designed to exclude undesired profiles. There was a growing fear that there could be an invasion of people who are not of German descent, which was conceptualized as *Überfremdung* (Gosewinkel, 2002, p.72). In line with this, there was a rising flow of anti-Semitism at the same time. Although Bismarck labeled Jews as usury and economic parasites, they were prosperous, intellectual, and had prestigious positions in society. This evoked fear in German counterparts:

In almost all respects the demographic, economic, cultural and political profile of German Jews stood in sharp contrast to that of the German Poles. (...) German Jews played leading roles in the commercial sector of the economy and were, on average, wealthier than other Germans. They attended universities in disproportionate numbers, and the same applied to the numbers of Jews in professions like law, medicine and journalism. Unlike most Poles, German Jews avidly sought cultural integration into German life. But the high level of Jewish integration prompted more hostility than Polish efforts to remain separate (Nathans, 2004. p.115).

Finally, Bismarck expelled Polish immigrants in 1885 and 1886, believing they weren't transferring their loyalties to Prussia. Further immigration of Poles and Jews was prohibited. Despite the technical difficulties in implementing such a decision, deportation caused severe reactions in public opinion. It was harshly criticized by the leftist and liberal parties in the parliament. In 1890, Germans had to invite the expelled population back, as Bismarck's term of office ended, because there was an extreme labor shortage (Bade, 2003, p.163).

Immigration policies were relaxed after Bismarck left, but foreign workers were kept under strict supervision (Nathans, 2004, p.125). Kaiserreich was reluctant to legitimize the emigration of Germans in the same period in order to prevent labor shortage. However, these efforts were mostly inconclusive. Therefore, the number of immigrants inevitably grew during Kaiserreich that number of German workers was not enough to satisfy the needs of the labor market (Bade, 1995, p.532).

According to Brubaker's theoretical discussion presented in his book, the Kaiserreich era was when the German state and nationhood were developing in the modern sense (1992, pp 118-119). *Verstaatlichung* and *Verrechtlichung* have been carried out congruently that rule of law was also founded within nation-building. Prussia mostly dominated other regions with its authoritarian and rule-oriented political culture (Bade, 1995, p. 508). Brubaker believes that the notion of citizenship was incomplete and inconsistent then, that there were still marks of territorial membership instead of exclusive nation-state citizenship. Germany needed a neat and centralized framework to describe its external boundaries on the eve of WW1 as the core of its *Weltpolitik*. Existing laws were inadequate and partial. The number of foreigners was higher than anticipated, and conditions were different from the 1870s.

1913 RuStAG marked the "*long-term civic exclusion of non-German immigrants*" (Bade, 1995, p.114). Although there have been amendments, it is crucial to note that this law remained mainly effective until the early 21st century. Acquisition of citizenship was based on genealogical ties instead of residence. There was an ethnocultural and ethnonational construction of nationhood; therefore, the principle of descent, *jus sanguinis*, was adopted (Bade, 1995, p.522; Barbieri, 1998). *Jus soli* was not even a topic of discussion that *jus sanguinis* was accepted as a fixity in the legal

system even before Kaiserreich was formed. Non-Germans born and raised in Germany were not allowed to claim citizenship. The administration desired to keep the right to expel “burdensome” foreigners when necessary (Brubaker, 1992, p.119).

Inlaender/Auslaender distinction became more concrete in the essence of German public administration as bureaucratic tools were being established to function predominantly differentiated in terms of delivering services. The naturalization of foreigners was still in the competence of individual states but was more centralized that consultation of other states was required. It is important to mention that there were democratic socialist politicians who opposed, but their views were not being considered. Previously emigrants were expelled from citizenship when they left the country (Nathans, 2004, p.169; p.208). The new law allowed them to keep their German citizenship if they didn’t acquire another citizenship. This was mainly to preserve loyalty to the military community (Oltmer, 2005, p.44).

During WW1, more than 13 million German men were mobilized in the army, which resulted in an enormous labor shortage in all sectors of the war economy (Bade, 2003, p.167). Both qualified and unqualified workers were desperately required in order to sustain the total war (Bade&Oltmer, 2004, p.18). As the number of willing workers did not satisfy the need, systematical *forced labor (Zwangsarbeit)* came into the agenda. This was a brand-new phenomenon, which opened a new chapter in the labor force policy framework of Kaiserreich, which was effective until 1914. Not departing from the basic principles of the previous approaches to foreign labor, the extremity of war conditions increased the already existing authoritarian state influence on the labor market in general (Thiel, 2015, p.385). 500,000- 600,000 Polish workers were recruited mostly in agriculture, but they were not allowed to leave the country contrary to the past (Oltmer, 2015a, p.517; Bade, 2003, p.172). Approximately 100,000 Belgian workers from occupation zones were “*deported*” to Germany to forcefully work, predominantly in the defense industry.

Prisoners of war from various nations – more than 1,500,000, were also forced to work for the German economy. Treatment, nutrition, hygiene standards and accommodation were primarily “*catastrophic*”. There have been numerous casualties due to epidemic diseases among forced workers. In addition to that, willing workers from neutral

neighbor countries from the West constituted an important source of labor during the war (Bade & Oltmer, 2004, pp 19-20). One in seven of all workers in Germany in the final year of the war were foreign workers (Bade, 2003, p.171).

Such practices created the baseline for the more complex and brutal forced labor system of fascist dictatorship during WW2. Although these two contexts are incomparable in terms of quantity, experiences from the WW1 period were transferred to the fascist context. WW1 was even considered a "test-run" of forced labor implementations which opened the pathway for the future. The distinction between voluntary and forced labor became ambiguous (Thiel, 2015, pp.413-414).

2.3. Weimar Republic Period

The end of WW1 marked the downfall of Kaiserreich and the establishment of the brand-new Weimar Republic. In this regard, there have been changes and transformations in all fields, including foreigners' policy. In the aftermath of the war, approximately 10 million people crossed borders until half of the 1920s. The defeat of Germany, the consequences of the Versailles Treaty, and the civil war in Russia created displaced masses seeking shelter. It is essential to mention the significant wave of emigration heading overseas, predominantly to the USA. Many among them were Jewish (Bade,1995; Bade&Oltmer, 2004, p.39-40).

Nevertheless, Germany had the highest number of refugees in the post-war context. The state was incapable of controlling the borders; also, immigrants lacked coherent identity documents. Precisely, there was an irregular immigration flow departing from the demographic patterns of the Wilhelmine labor migration plot. Determining the boundaries of the German community and the profile of "insider" was a crucial problem. Prussia continued to be the leading actor in immigration and border policy-making in the Weimar Republic, even though there have occasionally been controversies with southern states (Sammartino, 2013, p.26).

Post war immigrants fled from famine, disorder and chaos. Almost 2 million German citizens from former German territories (*Reichsdeutsche*) (Oltmer, 2015b, p.443) - which were lost to other countries as a result of WW1-, were primarily moving to

Germany (Oltmer, 2015c, p.463). Lack of housing and food shortage were the major issues of Weimar that these immigrants were hosted in warehouses where forced workers used to stay during the war. Many were unable to work and supported by the charity. This wasn't a helpful immigration flow in terms of state finances.

All in all, they had the privilege of naturalization among other groups as they were considered "*Inlaender*", namely, insider (Oltmer, 2015c, p.474). Besides that, ethnic Germans from Russia who didn't possess German citizenship (*Volksdeutsche*) immigrated to Germany in masses. In Wilhelmine's discourse, they were the desired population, however the state had unsuccessful strategies to replace them with Polish seasonal workers back then. When they arrived in the Weimar Republic after the war, they were supposed to be naturalized according to 1913 RuStAG. Nevertheless, this contradicted the state's economic interests. Due to labor market shrinkage, there was structural unemployment. As a result, they waited in limbo until the fascist regime came to power (Oltmer, 2015a, p.500).

The devastation of the economy-initiated efforts to protect the labor market and the welfare state during the crisis period. Therefore, a restrictive immigration policy came to the agenda. It was restrictive but fragmented in terms of administration that it lacked infrastructure (Oltmer, 2005, pp.87-88). Kaiserreich did not have a comprehensive legal framework on migration. It was dealt with only on a partial basis, focusing on the labor market. Weimar inherited neither an asylum law nor institutional background to handle massive migration. (Oltmer,2005, p.57). Numerous undesired Russian and East Jewish immigrants arrived in the exceptional conditions of the post-war settlement. The Weimar Republic generally respected the humanitarian aspect of the case. However, these immigrants were labeled as national security threats and given to the discretion of the Ministry of Interior (Oltmer, 2005, p. 87). The administration was willing to reconstitute a modern regulatory system of asylum in cooperation with international organizations, but this could not be possible due to conjuncture (Bade, 1995, p.524).

As a result, foreign immigrants in Weimar were only precariously tolerated, vulnerable in terms of deportation risk. Prussia neither carried out mass deportations nor could they seal the borders as they refrained from the reaction of Allied states, but

immigrants (predominantly Jews) were mostly on insecure residence permits (Nathans, 2004, p. 206). *Abwehrpolitik* legacy of Kaiserreich wasn't abandoned (Bade&Oltmer, 2004, p.28). Especially East Europeans were discriminated through ethnonational categorization and untransparent procedures, although this was officially denied. Naturalization remained an exception during this period (Oltmer, 2005, p.88). There were plenty of bureaucratic hurdles to discourage the applicants. For example, ten years of residence was a prerequisite to claim citizenship in Prussia for immigrants of non-German descent. (Nathans, 2004, p.208). Prussia had relatively liberal administrative practices, that citizenship was not defined on race, unlike the fascist period (Palmowski, 2008, p.551). An insignificant population of Jews was granted citizenship despite the objections from southern states; however, these brand-new citizens were immediately expelled when the fascist dictatorship came to power (Nathans, 2004, p.205).

Xenophobia was a significant element in the political realm. Theoreticians like Schmitt began to draw attention in public. Due to intensified nationalism, anti-Semitism reached a peak after the war. Jews were accused of taking advantage of the hyperinflation to profit, being burdensome, and spreading Bolshevism in Germany. They were considered as both economic and cultural threats. The state lacked stability, authority, and legitimacy in general. There was increasing right-wing pressure on policymaking, foreshadowing the fascist regime. German people were constantly agitated and triggered against Jews (Sammartino, 2013, p.29; p.41). Strikingly, the significance of rising anti-Semitism was underestimated by the left-wing (Herbert, 2000).

Due to the severe economic crisis, the necessity of foreign labor declined. The country leaving ban on Polish workers was lifted, and they started to work on a seasonal basis as they did before the war. The government set quotas; therefore, the number of foreign workers diminished steadily in agricultural and industrial sectors every year (Oltmer, 2015, p.504-505; Bade&Oltmer, 2004, p.30).

Ethnocultural aspects were prominent for recruitment. Immigrants of German descent were given priority (*Inlaendervorrang*). Through restrictive bureaucratic tools such as work permits, foreign labor was steered and managed. Recruitment was held

exclusively by state-run agencies instead of the partially state-run agencies of the pre-war period. As a result, most foreign workers in industry and 1/3 in the agricultural sector were of German descent (Bade, 2003, p.207). Authorities were using a lot of discretion in the Weimar context. Foreigners were functioning as a “conjunctural reserve army of workers” in various phases of the evolution of German economy (Herbert, 2001, p.121).

2.4. Period of Fascist Dictatorship

Twelve years of fascist dictatorship was a unique experience in modern German history in terms of many aspects, including the exacerbation of immigration policies and the general attitude towards foreigners. As the dictatorship came to power in 1933, they inherited Weimar's economic and social wreck. There had been a controversy between German historians, which is named *Historikerstreit* (historians dispute) in the social sciences literature during the 1980's. The discussion's main topic was whether the legacy of Kaiserreich and Weimar directly resulted in the atrocities of fascism or not.

In other words, whether the fascist regime was the anticipated successor of previous contexts. It is beyond the scope of this section to determine how much past experiences were influential on the flourishing of evil. However, Germany's defeat in WW1, repercussions of the Versailles Treaty, political instability, and condensed nationalist sentiments within the public opinion paved the way for the conditions on which German fascism arose.

Palmowski (2008, p.551) and Gosewinkel (2002) state that 1935 Nuremberg laws marked a rupture, caesura in the historical development of citizenship in Germany. Elements of civic nationalism in previous regulations were abandoned. Membership was primarily based on the ethnocultural ideal of Volk. According to Gosewinkel, Nuremberg law destroyed the idea of civil society based on equality and hierarchized citizenship based on racial criteria (2002, p.72). He considers 1913 RuStAG a means of potential exclusion; however, 1935 law functioned as the absolute exclusion of foreigners and undesired groups. Brubaker underlines that it is crucial to distinguish

the nuances between the ethnoculturalism of the Wilhelmine context and the ethnoracial constellation of citizenship of the fascist regime (1992, p.166).

Gosewinkel believes that Kaiserreich and the Weimar Republic never intended to promote racial segregation (2002). Accordingly, they made an effort to make citizenship more inclusive within the limits of conjuncture. Although restricted, they have always left an open door for assimilation; however, in the fascist context, there were absolutely no chances of interplay, negotiation, integration, or naturalization. Possibilities of inclusion for the excluded were equal to null. The worthy who deserved to exist were unilaterally defined and determined by the state mechanisms (Nathans, 2004, p.247).

Referring to Nuremberg law, first-class citizenship, the title of "*Reichsbürger*," was exclusive to the people of German descent, and second-class citizenship was prescribed to Jews and other undesired communities, such as the non-German local people of annexed territories. Only first-class citizens were allowed to hold public office and were granted political rights (Nathans, 2004, p.219; Brubaker, 1992, p.167). Nuremberg law codified complex and very detailed categorizations for persons of mixed races. Sets of rights and restrictions were allocated accordingly. Marriages and sexual intercourses between second-class citizens and Germans were not allowed in principle. Breaking this law would lead the second-class citizen to capital punishment (Herbert, 2001). Therefore, mobilization between citizenship categories became practically impossible. Gosewinkel states that this law meant the mass expulsion of opponents of the regime and the racially undesirable from the national community (2002).

Germanness/ German nationhood was redefined as the negation of the unwanted masses and their characteristics. Within the scope of Nuremberg Law, Germans who lived abroad were expelled from citizenship. The emigration flow of Jews and political dissidents took place until its prohibition in 1941. From 1941 onwards, they were also expelled from German citizenship, deprived of inheritance, and their properties in Germany were confiscated. This meant a permanent state of emergency for the emigrants abroad, as most of them were left stateless for a long time, locked in uncertainty and limbo. The fascist regime was preparing the ground for physical,

moral, and spiritual eradication of the remaining Jews and other populations marked as inferior (Schmiechen-Ackermann, 2015, pp.599-600).

Another vital feature of the Nuremberg Law is that it centralized the notion of citizenship. There were no longer sub-citizenships linked to states (Laender) as Germany was reestablished as a unitary state (Hailbronner, 2010, p.2). Central authorities made decisions of granting and expelling citizenship. States no longer had competence in this realm. The fascist regime eliminated the competition of partial interests in this policy field, as it did in almost all branches of public administration. The autonomy of the state apparatus converged to null in this distinctive form of the capitalist state.

German fascism meant the total consolidation and restructuring of all segments of the state and society in the direction of a singular *Weltanschauung* (philosophy of life, a comprehensive ideology) which was prescribed from above. NSDAP monopolized state authority in its own body by dismantling the parliament and all legitimate forms of opposition; that state and the single political party were almost merged. Bureaucracy was functioning as the tool to serve and realize the regime's aims. Fascist domination practices had no ethical limits; they regulated every tiny detail to prevent individuals from breaking the rules.

The first six "peaceful" years of the authoritarian regime were characterized by rapid industrialization -prevalently due to armament and the economy's improvement. According to Rass, the government was preparing for the war, adapting the necessary frameworks (2015, p.554). Until 1935, protectionism was dominant in the economy, later expansionist policies were adopted. Migration goals were redesigned in line with the labor market needs. German people migrated from agricultural settlements to industrial cities in masses.

There have been unemployment and housing problems, but the government achieved a relatively successful welfare regime compared to other European countries at that time. There was a social security system, and safety regulations in rapidly modernizing workplaces. However, these were not meant to cover foreign workers (Spoerer & Fleischhacker, 2002, p.173). One of the reasons why Gypsies and disabled people were

eliminated during the regime was that they could not contribute to the economy, hence considered as a burden on the welfare system (Schmiechen-Ackermann, 2015, p.619).

State intervention into the economy was prevailing. The economy was supposed to be reinforced in order to compete with the primary capitalist European industries again. State corporatism was an essential part of the fascist dictatorship until the end. The political regime was relatively autonomous from the leading industrialists. Seasonal migration of Poles in agriculture continued in 1933-1939 period, that government made agreements with Poland and some other neighboring states for labor migration. There was an intensity of migration movements within the emerging influence zone (*Deutschen Machtbereich*) around the eastern border of Germany. Work assignments (*Arbeitseinsatz*) and the restraint of freedom of movement were the crucial steps towards the forced labor regime of the forthcoming war economy (Rass, 2015).

According to Ulrich Herbert (2000), a securitarian, defensive approach towards the aliens was substantial during the entire fascist regime. The inevitable uptrend of xenophobia, accusations of spreading Bolshevism, and various pejorative attributions, radicalized the Anti-Semitist discourses continuously. There was rising immorality among German society regarding human rights and minorities. Consequently, Jews were segregated from the public sphere, forced to live parallel lives. Later they were persecuted, put into ghettos, but this wasn't sustainable due to practical reasons. There were epidemic diseases; more important, it was costly to treasury. At Wannsee Conference, RSHA, the paramount security and intelligence service of the state, overtook the full responsibility to plan and manage the liquidation of Jews in the scope of *Final Solution*. Practical measures were organized with the cooperating institutions (Herbert, 2000, p.40). In addition to that, RSHA had a significant role in allocating all other foreign workers in the country, which highly securitized immigration management. Aliens were kept under total surveillance (O'Brien, 1988, p.131). Ministry of Armament and War Production (RMRuK) and the Administration of Economy (WVHA) shared joint competence with RSHA in this policy field to implement the economic/production-related aspects.

Schmiechen and Ackermann state that Genocide could only be realized in an advanced industrial setting, as it required a very complex, broad, and functioning public

administration system (2015, p.613). Moreover, the cooperation of multiple actors from various realms and levels was necessary. Involvement/ mobilization of all segments of the society makes Genocide a complicated social phenomenon to comprehend. Pre-conditions, implementation, and devastating consequences of the Genocide are shaped through the aggregation of manifold structural and institutional elements rather than the individual preferences of party elites.

During the fascist regime, the exception was the norm. According to Barbieri (1998), juridification (*Verrechtlichung*) was perpetuated in this period in a different way than Kaiserreich, which paved the way for a legal framework to serve the partisan goals of fascist political order instead of plain justice. There has been controversy in the 1933-1945 period and contemporary jurisprudence whether the rule of law existed in fascist Germany. Although some scholars stated that it was a “traditional Germanic” or “anti-liberal” sort of rule of law, it is incomparable with the notion of the rule of law which was constructed in the aftermath of the WW2. In addition to the inhumane and partial legal system, numerous extra-legal practices, arbitrariness, and inconsistencies occurred within the fascist context. Further arguments could be discussed; however, it would be beyond the scope of this research. One final note on the legal background of fascism and its historical ties:

Agamben notes, for example, that the legal basis of the Nazi camps was not criminal or penal law, but an older Prussian martial law from 1851 related to the state of siege, which authorized the state to take any person into custody even if they had broken no law (Owens, 2011, p.417).

NSDAP elites desired to replace Polish/Jewish migrant workers in Prussian agriculture with ethnic Germans from abroad, as they were ideologically the best fit. Almost 1.2 million undesired people were expelled to be replaced until the final emigration prohibition in 1941 (Bade, 2003, p.211-212). Approximately 450.000 Ethnic Germans immigrated to Germany in this period. Newcomers were embraced by the regime and promoted within the society through propaganda tools such as “*heim ins Reich*”. They were collectively naturalized and treated as Germans in principle. Moreover, rapidly employed in agriculture, industry, or recruited in the army, police, and other fascist organizations (Hailbronner, 2010, p.2).

All in all, economic aspirations built on their contributions were too utopian. Indicators could not meet the goals (Owens, 2011). Non-German foreign labor was required; however, one of the most profound contradictions between fascist ideology and practice was underlined. Fascism was intrinsically incoherent, shaped by political utopianism and hypocrisy (Herbert, 2000). The administration aimed a homogeneous demographic structure to reduce the dependence on foreign labor. They had no choice other than to utilize foreign workers to sustain the war economy for six years. Germany's declaration of war on the USSR meant the mobilization of productive, skilled, young, male German workforce in the military for an unpredictable time frame (Bade, 2003, pp.208-209).

As the war conditions became severe, labor shortages and the dependence on foreign labor steadily increased (Herbert, 2001). The number of Polish and Soviet workers in the German economy has multiplied exponentially from the beginning of the war. The primary task of the people living under occupation was to serve the German war economy with their labor force and resources (Herbert, 2000, p.44; Bade&Oltmer, 2004). The ideological roots of German fascism were founded on plunder, depletion, and terror. Fascist regime adapted aggravated conditions and a differentiated racial segregation regime to manage and exploit foreign labor in the most efficient ways:

The German occupants also mobilized an unknown number of civilians in the occupied territories. (...) they lured or deported several million foreign civilians, POWs, and concentration-camp inmates into the Reich to support the German war economy. Only a small fraction of these men and women worked voluntarily. They faced a highly differentiated regulatory framework that determined their conditions of life—a system that was a hybrid of racial prejudice and political consideration. (...) Most other foreigners were divided into Axis and non-Axis aliens. At the bottom of the scale were Poles, Soviet citizens, Gypsies, and Jews. Among the Polish and Soviet citizens, tens of thousands died of malnutrition, disease, and violence. The Jews and Gypsies were facing annihilation. (...) Estimates of all foreign laborers—civilians, pows, and inmates—range from 10 to 15 million (Spoerer & Fleischhacker, 2002, p.171).

As explained by Spoerer and Fleischhacker, the boundaries between forced and voluntary work schemes were blurred during the war. There were complex and fluid categories and sub-categories of foreign workers, which were constantly updated by decrees and orders according to the latest administrative requirements during the chaos

of war. Rotations and various work assignments made it challenging to keep track of foreign workers. Accordingly, researchers could not determine how many of them survived the war. Although Germanic aliens possessed certain civil rights, - such as having a voice to challenge the work conditions, none of the aliens were allowed to change their workplace during the war. Polish agriculture workers were not officially forced labor; however, they were underpaid compared to German counterparts, had segregated accommodation, and labeled uniforms. Pregnant women were forced to have abortions, or their babies were taken away to be raised as Germans or slaves according to their racial appearances. Some of these were usual practices, resembling the patterns from WW1 (Herbert, 2001, p.137).

Foreign workers who were posited at the bottom of the racial hierarchy were theoretically less than slaves in most of the contexts during WW2 and they were kept alive only to be exploited more relentlessly (Herbert, 2000). Especially in concentration camps, inmates were excluded from the law, hence, had no rights or alternative chances of survival. They were humiliated and degraded constantly, as there was a continuous flow of new workers. Inmates were vulnerable against air raids and arbitrary massacres. Their right to exist was disqualified through the repertoires of the terror regime (Herbert, 2000). In the last year of the war, 20% of the working population in Germany was constituted by foreign workers. In the agricultural sector, almost half of all workers were aliens. In mining and even armament sectors – which was propagated as exclusively employing German workers- there was a significant presence of non-German labor (Herbert, 2001, p.145; Bade&Oltmer, 2004, p.45).

2.5. Period of Cold War

The downfall of the fascist dictatorship opened a brand-new chapter in German politics. Germany split into two countries following its capitulation, namely FRG and GDR. GDR also recruited foreign workers from communist countries during the Cold War, although much less in quantity than FRG. It couldn't be a social scientific research objective until unification, as related data was mostly confidential. Guestworkers of GDR were exposed to severe conditions, segregation, and a restricted set of rights (Barbieri, 1998; Geddes, 2016, p.78). Naturalization was not possible in

principle, as GDR also adapted 1913 citizenship law (Nathans, 2004, p.237). Resident permits strictly limited the period and place of foreigners' presence in the country. Labor migrants would be heavily sanctioned or resent to their countries in cases of dispute at the workplace (Bade&Oltmer, 2004, pp. 93-94). Within the scope of this section, immigration control, approaches to foreigners, and citizenship policies of FRG will be scrutinized.

An immediate outcome of the territory losses in WW2 was the immigration of expellees and refugees from the Eastern zones of the former "Third Reich". Between 1944-1950 approximately 12 million Germans were displaced due to deportation and expulsion from USSR, Poland, Czechoslovakia, Hungary, Rumania, Yugoslavia (Bade&Oltmer, 2004, p.53). This was an inevitable flow of immigration to both FRG and GDR. In addition to that, there were several millions of displaced people from various nations - former prisoners of war, concentration camp survivors, forced workers, which were treated fairly within the international refugee rights framework and gradually repatriated (p.66).

The first few years after the war, there had been poverty, famine, and housing shortage which severely impacted expellees and refugees, and the inhabitant population in Germany. As a result, barely any immigrants of different descents were present, as expellees and refugees already experienced unemployment in the war-torn labor market (Brubaker, 1992, p.169). Germany's economic and social reconstruction characterized the sixth decade of the 20th century. Newcomers were automatically granted citizenship (Green, 2005, p.926), and the government-initiated programs to integrate these people socially and economically, per the Allies (Bade&Oltmer,2004, p.64).

According to Brubaker, in the aftermath of unconditional surrender, FRG inherited a nation without a state; -likewise Kaiserreich in 1871, had the responsibility to build a state (1992, p.169). This meant restructuring institutions and legal frameworks, setting boundaries, and redefining nationhood. Atrocities of the past were admitted, and victims' losses were to be compensated. Therefore, Jews and other undesired communities' illegitimately revoked citizenship were restored (Nathans, 2004, p.235; Hailbronner, 2010). In contrast with Imperial Germany and Weimar, human rights

were given extreme importance and posited at the core of the new constitution of FRG. This promoted an extended, liberalized rights regime for foreigners (Palmowski, 2018, p.553). Although FRG constructed itself as distant as possible from the racially stratified societal constellations of the fascist regime, elements of ethnocultural self-understanding were still prominent instead of civic nationhood until the late 1990s (p.553).

In this regard, 1913 Wilhelmine citizenship law entered into force in FRG with minor changes. *Jus sanguinis* legally continued to be the sole principle to acquire German citizenship in the brand-new republic. Elements of *jus soli* were adapted as late as 2000 (Geddes, 2016; Hailbronner, 2010, p.2). Strikingly, “West-Germanness” was never emphasized in the constitution. FRG did not want to legitimize the separation of German people, that GDR citizens were accepted as *jure sanguinis* German citizens (Brubaker, 1992). In cases of flight from GDR to FRG, incoming persons were immediately naturalized. Thranhardt (2002) asserts that a reason for this was to present FRG as politically superior to GDR. Ethnic German refugees and expellees were also included in the definition of nationhood due to Article 116 of the constitution and provided German citizenship (Joppke, 1999, p.63).

Until Berlin Wall was built in 1961, immigration to FRG from GDR and Eastern Europe satisfied the need for the labor force to a large extent. Berlin Wall blocked the movement of workers from the East. However, FRG increasingly required additional labor in order to sustain rapid economic growth. There was a dramatic change in the characteristics of available foreign labor (Brubaker,1992). A crucial deviation from Kaiserreich and Weimar’s pathways of labor migration was marked, as these administrations never hired workers from most of the below-mentioned countries, which are geographically and culturally distant. The establishment of Bundeswehr, therefore mobilization of young men, lacking working-age population because of the war casualties, were other reasons which encouraged West Germany to receive labor migrants from a variety of countries, including Italy, Spain, Greece, Morocco, Tunisia, Portugal, and former Yugoslavia (Okuyayuz, 2012, pp.231-232). Many other Western European countries followed the same path to resolve labor shortages in their industries.

Foreign workers were recruited mainly through state agencies (resembling of Weimar foreign labor recruitment context). Workers mainly were chosen among the unskilled to be educated. According to the rotation model, experienced workers were supposed to return to their countries to contribute to the advancement of the industry, functioning as “human capital” (Okyayuz, 2012, p.234). However, after a particular while, German employers didn’t want to invest in new unskilled workers due to practical reasons. Instead, they continued with the experienced ones, so the rotation model was never implemented in Germany. As a result, guest workers’ stay in Germany prolonged for an uncertain while, which paved their gradual settlement.

There was an inadequate legal framework to regulate the status of guest workers in the first decade of their presence. Aliens Police Decree, which was made in 1938 by the fascists, functioned as the pillar of the foreigner rights regime in FRG until it was replaced in 1965. The aim was to liberalize the policies and facilitate processes. Nevertheless, this could only be partially achieved. According to 1938 law, immigrants could extend their residence permit “only if they are worthy of the hospitality shown them” (O’Brien, 1988, pp. 115-116; Joppke, 1999, p.66). 1965 law changed the subjective worthiness criteria with the prominence of objective state interest, which still emphasized the indisputable state sovereignty over foreigners. Also, the 1965 law followed the same path as the previous law in terms of considering foreigners as a potential threat. Residence permits were issued temporarily in principle until 1978, requiring constant renewal (Thränhardt, 2002, p.348). In line with Weimar tradition, there was significant discretion in highly developed, extensive, and complicated bureaucratic systems (Joppke,1999; Barbieri,1998; Bommers, 2006).

As Barbieri (1998) narrates, approaches to foreigners and immigration in FRG were essentially economically determined. Immigration control was mainly dealt with as a distinct policy field under the self-evident exclusionist category: policy concerning foreigners/*Ausländerpolitik*, prominently shaped by labor market interests (Bade,1995, p.527). There were neither comprehensive long-term plans nor cultural integration schemes. The main reason for this was, both labor migrants themselves and FRG considered guestworkers a temporary phenomenon. However, they constituted

an increasingly significant element of the labor market and a visible minority as early as the 1970s:

By 1973 there were 2.6 million foreign workers, comprising 11.9 percent of the labor force, and 4 million foreigners altogether, comprising 6.4 percent of the total population. Until around 1970, nobody thought that this labor migration would lead to settlement on a large scale (Brubaker, 1992, p.171).

According to Barbieri, foreign workers have not been exposed to exclusion likewise their counterparts in Kaiserreich or Weimar era. However, they had bad conditions in terms of accommodation and quality of available jobs (Bade&Oltmer, 2004, p.75). Being subordinated within the society, they were less integrated into the social life. Their language competence was inadequate. In this regard, labor migrants were less politically involved and took a disproportionate share from the prosperity considering their contributions to economic growth. There was a systematical inequality. O'Brien states that in the early years of immigration, foreign workers were devoted to their jobs (1988, p.117). Hence, they were even more efficient compared to local workers. However, they were positioned at the bottom of the German socio-economic hierarchy. Their confusion between two distinct cultural contexts was mostly not tolerated/understood by German employers (Thränhardt, 2002, p.357).

Max Frisch's well-known quote: "We wanted a labor force, but human beings came.", would be a perfect fit to describe the unanticipated characteristics of this unique wave of immigration. In the beginning, FRG aimed to sustain the Wilhelmine approaches to seasonal labor migration (Brubaker, 1992, p.175). Back in the 19th century, Polish workers were temporarily accepted in line with economic interests and rigidly excluded from German citizenship. There was much less ambivalence between the expectations and actual policy outcomes.

Unlike Kaiserreich, it was politically and practically impossible for FRG to take harsh measures on aliens, such as the expulsion of masses, as an advanced industrial liberal democracy in mid 20th century (Barbieri,1998). This marks an apparent rupture with the traditional ways of dispositioning foreign labor migrants in German society. Although it was a regular migration wave, unintended consequences came to the foreground following the recruitment ban (*Anwerbestopp*) in 1973 (Bommes,2006,

p.170). FRG's immigration goals became ambiguous and politically controversial (Brubaker, 1992, pp. 175-176). According to Joppke, foreign labor was considered conjunctural and disposable without bearing the social costs (1999). The government had to deal with inevitable long-term repercussions from this point onwards as immigrants were prone to settle.

As a response to the recession in 1966-67 and the subsequent oil crisis, which severely impacted the European economy in the early 1970s, recruitment of foreign workers was officially suspended in Germany by 1973. According to Hollifield, guest workers were the most vulnerable among the labor market as they had little political influence compared to local counterparts (1986, p.115-116). Resembling the Kaiserreich, foreign workers were presented as the scapegoat for crisis-related unemployment; also functioned as the "*shock absorber*" of the shrinking economy (Bade&Oltmer, 2004, p.72). They were the first group to be laid off. The neo-corporatist character of policy-making became visible in this period (Faist, 1994, p.469). Trade unions and interest groups in industrial sectors contested the recruitment ban, but the German state had a strong influence in the economic realm. However, the idea of a categorical ban on foreign labor force could not be realized.

Public agencies offered financial incentives in order to encourage guest workers to depart. However, these had limited/short-term impacts (Nathans, 2004, p.244). Repatriation campaigns eventually led to an insignificant number of returns. There has been a decline in the foreign population for a short period after the recruitment ban, but a steep increase was later observed (Bade, 1995, p.528). In addition, restrictive draft regulations triggered more immigrants to move to Germany in a hurry, although such restrictions were never enacted (O'Brien, 1988, pp. 125-126). The last resort to prevent a permanent foreign population largely failed. Churches, charities, trade unions, political opposition, and foreign worker associations supported immigrants as they were mostly unable to advocate their rights (O'Brien, 1988, p.122; Joppke,1999). Humanitarian aspects were brought to the foreground as immigrants increasingly had nowhere else to go. State interests were still prevalent in terms of foreigners' rights, but the judiciary prevented arbitrary bureaucratic practices over the legitimate

presence of aliens. In the 1970s, appeals on the refusal of residence permit extensions were won almost 100% (Joppke, 1999, p.120; Bommers, 2006).

For the first time, family reunification took place, which was a crucial step towards permanent foreign residents in Germany. According to Barbieri (1998), family reunification made immigrants more prone to settle as their children attended German schools. Hence, they became less mobile for job opportunities in different locations. In addition, family members gradually adapted to the labor market. Initially, there was a work ban for family members to discourage them from immigrating. However, their categorical exclusion from the labor market increased the federal states' financial burden, which evoked hefty reactions. Therefore, the ban was lifted. Hollifield underlines welfare chauvinism in this period as a factor that facilitated newcomers' entrance into the labor force. German public opinion was sensitive regarding the welfare dependency of aliens who were not entitled/capable of working. Moreover, the welfare system was inclusive for working migrants since the 1950s, and this was never publicly protested (Thränhardt, 2002, pp. 351-352). According to Joppke (1999) and Faist (1994, p.440), there was an unwillingness to share economic and social resources with immigrant groups labeled as others. Such tendency came to the foreground again when asylum applications skyrocketed in the early 1990s. Initially, there was a work ban of 5 years starting from 1987, which was lifted in 1991 due to severe reactions (Bade, 2003, p.270).

Migration evolved into a phenomenon that had its dynamics, and it was self-perpetual to some extent. Transition to the neoliberal paradigm made migration patterns more complex and difficult to manage/control. Accordingly, old means of migration management were inadequate, and new restrictive tools were supposed to be adopted by the state. Unforeseeable policy outcomes and the proliferation of actors became the characteristics of this period (Hollifield, 1986, p.126; Okyayuz,2012). Rapidly transforming production schemes led to structural and conjunctural changes in sectors, hence, demand for low or unskilled workers reduced (Bommers, 2006; Bade&Oltmer, 2004, p.102).

As Bade&Oltmer present with supporting statistical data, immigrants irreversibly became permanent in the country by the mid-1980s (2004, p.82). By the end of 1987, 45.8% of the aliens residing in FRG lived there for 10-20 years. More than 50% was settled for at least ten years. In the same regard, Brubaker asserts that the "not a country of immigration" (*Kein Einwanderungsland*) statement was socially and demographically incorrect; hence it reflected a counterfactual ideology (Geddes,2016). Nevertheless, the inner outsiders of the "immigration country against its will" were labeled under the oxymoronic phrases: "native foreigners", "Germans with a foreign passport," "foreign co-citizens". These discursive devices complemented German ethnocultural self-understanding in the 1980s (Bade, 2003, p.244; p.262; Brubaker, 2001, p.538).

Meanwhile, forms of membership and associated rights increasingly came into question in the political realm. Based on Joppke, foreigners in FRG were entitled to a large set of civic, social, and welfare rights, almost identical to German nationals (1999, p.70). They even had the constitutional rights to associate and unrestricted movement to some extent. However, they were excluded from political participation. There was a categorical distinction between the foreigners that EU citizens had more advantage in terms of permanent residence and local voting than non-EU counterparts. In order to keep the foreigners out of the national community, precarious forms of membership were suggested. In this regard, post-national citizenship/denizenship theories will be scrutinized in the scope of the next chapter (Geddes,2016). Brubaker finds the models of partial civic inclusion inadequate and emphasizes that no liberal democratic state could afford to exclude a significant population from the political realm for a long time.

Brubaker, states that naturalization largely remained an exception instead of an administrative routine, in line with the prescription of 1913 citizenship law (RuStAG) (1992, p.174). A symbolic number of foreigners (12.000-17.000) were naturalized each year between 1974-1989 (Bommes, 2006). The state was reluctant to increase the population through naturalization. Potential new citizens were considered as an additional burden. According to Nathans, citizenship law functioned as the last barrier to prevent the permanent settlement of foreigners, likely Kaiserreich and Weimar

(2004, p.237). The 1980s was a lost decade in which very little progress was made to improve immigrant rights and public and political participation opportunities.

Approaches of integration are located on a scale on which there are two opposite poles. Therefore, integration can function as a means of domination of the host society on immigrants and a pathway for democratic inclusion based on multiculturalism. Increasing heterogeneity of spaces creates a complex and multifarious perception of integration. Integration can be defined “as a set of normative assumptions, practices, policies and discourses that are always embedded in specific contexts and directed at particular groups or categories of people” (Collyer et al., 2020, p.2).

Integration of immigrants of foreign descent was not a part of the state's agenda until the 1990s. However, there had been integration programs for Ethnic Germans who moved to Germany in the postwar context. Those integration policies were designed in order to integrate these populations into the labor market, which were effective and successful at that time. For the labor migrants, integration was perceived unnecessary as they were thought to be sojourners. As narrated by Dohse (1981), the necessity for integration was emphasized for the first time in 1976 by Wolfgang Bodenbender, a bureaucrat at the Ministry of Labor and an expert on foreign workers. Bodenbender underlined that, second-generation migrants lacked the social and occupational skills to adapt themselves in the German labor market, and they were highly populated. What actually concerned him was the possibility of the emergence of a permanent sub proletariat class that could disrupt German society's social cohesion and stability. Ethno-national framing of integration, which considers non-citizens a threat to social order, is consistent/traceable in current integration policies.

Later on, a high-ranking politician of SPD, who was in charge of policy area of immigration, Kühn suggested a detailed framework to integrate labor migrants by including them in the polity gradually. An extended regime of rights and elaborated membership was rejected at that time. Approaches to integration were shaped with a top-down, legalized point of view. The state was the most prominent actor in the realm. In his article, Dohse illustrates the patterns of discrimination to which foreign labor migrants were exposed at their workplaces (1981, p.520). This was due to ethnocultural sentiments and the disoriented behavior of migrants. However, the most

crucial reason for the discrepancies was the insecure/uncertain legal status and limited rights designated to migrants. Although migrants worked efficiently, they were isolated and misbehaved.

Heinz Kühn published a memorandum as early as 1979. Kühn criticized the economic determinism of migration policies and proposed a framework to initiate the social as well as political integration of foreign populations to avoid segregation. Enhancement of their German language competence through administrative means, local voting rights for foreign residents, optional naturalization model for second-generation young immigrants were in the scope of his demands (Okyayuz, 2012, pp. 238-239). Kühn's vision was beyond his time that the citizenship reform he suggested would only be implemented in 2000. Although some states tried to grant local voting rights to non-citizen residents, it was revoked in 1990 that these decrees were ruled unconstitutional by the Federal Constitutional Court.

Amendment to citizenship law was required, which was in the competence of Federal Government (Joppke, 1999, pp.196-197; Green, 2005, p.936). Accordingly, in 1990, months before the Reunification, an amendment to Aliens Law was made which facilitated the naturalization of non-German residents to some extent. People who were not of German descent were being naturalized for the first time as a rule, not as an exception. Although leftist opposition found it inadequate, it paved the way for a liberal perspective before the radical change in 1999. Implementation altered in various states that even dual citizenship was permitted in certain cases (Nathans, 2004, pp. 248-249; Hailbronner, 2010, p.4; Morjé Howard, 2008, p.48). German politicians increasingly believed that Germany had a moral responsibility/obligation to include foreigners and accept their demands as legitimate because FRG invited them (Nathans, 2004, p.255; Geddes, 2016, p.78). Changes made in 1990 tightened the conditions for family reunification and recently arriving migrants, foreshadowing the upcoming restrictive turn in the field of asylum (Nathans, 2004, p.251; Kolb, 2015, p.1026).

Labor migration era was largely closed with the recruitment ban, although there have been small exceptions. In the last decade of Cold War, main locomotive of cross-border migration became family reunification, asylum seekers and refugees from various origins, and Ethnic Germans. Illegal immigration played a negligible role in

this period (Ette, 2017, p.129). The end of the Cold War and reunification of Germany marked a rapid acceleration of immigrant influx from all mentioned categories. The profound transformation of the legal statuses and affiliated set of rights was inevitable, in line with the evolution of the political and economic circumstances (Geddes, 2016, p.78).

2.6. Context of Reunified FRG

The end of the Cold War marked the collapse of the USSR and the dismantling of communist regimes. Two Germany's merged under the flag of FRG. Consequently, predominantly Western parts of Germany received unanticipated large-scale immigration flows in the first couple of years after Reunification. Immigrants from the former GDR, Ethnic Germans from USSR and non-German asylum seekers escaping from the Yugoslavian Civil War were the most populated groups. The state developed new approaches to deal with immigration; hence new legal frameworks and administrative measures were adopted for changing needs, which will be scrutinized in the scope of this section.

Until the early 1990's FRG had the most generous, liberal asylum regime all over Europe. In addition to international obligations based on the Geneva Convention of 1951, a constitutional guarantee (Basic Law/*Grundgesetz* Article 16) to apply for asylum was granted to all persecuted persons on political grounds in their country (Bade, 2003, p.287; Meyers, 2000, p.1247; p.1266). This was mainly to emphasize the importance of human rights and to compensate for the atrocities of fascist dictatorship.

As elucidated by Ette, this began to change as early as 1977. During the late 1980s and early 1990s, the logic of exclusion predominated the institutional developments in asylum management as a policy area. Restrictive policies were adapted gradually as a response to ever-increasing asylum applications. Therefore, administrative procedures became more complicated, the period to appeal rejections was shortened, some applications were rejected directly if found "manifestly unfounded" (Ette, 2017, pp.95-96; Palmowski, 2008, p.555; Kirchhoff & Lorenz, 2018, p.51).

In addition to bureaucratic precautions in national level, Germany changed its position in international arena as well: “Germany’s role in European asylum and refugee policy has shifted from vanguard to laggard “ (Hellmann et al., 2005, p.150). In this regard, Germany utilized its influence and lobbying power to shape the asylum policies at the European level. Schengen, Treaty of Maastricht, and Dublin Conventions restructured the framework on asylum and refugees as the common policy-making field of the EU in line with German interests. Although they were inadequate to be a permanent remedy, these conventions and the paradigm shift they brought about opened the pathway for “asylum compromise” in 1993 (pp.151-152).

In 1992, asylum applications reached a peak in FRG, exceeding 400.000 (Bade&Oltmer, 2004, p.106). German public opinion increasingly perceived asylum seekers as an unnecessary burden, source of unmanageable social and fiscal costs. Joppke argues that this was the biggest political crisis of FRG since WW2 (1999, p.94). Some of the applications were considered *bogus*, aiming to exploit the system. Bade and Oltmer believed that bogus applicants chose this pathway that there was no legitimate way of immigration after the recruitment ban, as there was no immigration law (2004, p.86).

Yet fears and xenophobic aggression continued to increase. They were kept alive, or awakened, through political campaigns against ‘bogus asylum seekers’ (*Scheinasyllanten*), ‘asylum spongers’ (*Asylschmarotzer*) and ‘economic refugees’, especially from the ‘Third World’ (Bade, 2003, p. 270).

Xenophobic hostilities came to the foreground as violent neo-Nazi attacks against foreigners in this period. Such reactions were collectivized under anti-immigrant grassroots movements, mainly in the districts of former GDR. As Ellermann narrates, right-wing politicians were unwilling to create nationwide instability to save the outsiders (2009). Despite the left-wing opposition, parliamentary debates resulted in the curtailing of the liberal asylum regime through the amendment of Basic Law Article 16. Political party positions in this debate will be briefly identified in the scope of the fourth chapter of this study.

Therefore, some countries were marked as safe countries of origin, and applications from their citizens were almost categorically dismissed. Safe countries were primarily

comprised of the neighbors of Germany. The list of the safe countries of origin is subject to constant updates regarding the latest requirements of the German asylum regime. One can argue that the asylum compromise has been a critical incident that brought about a paradigm shift to the German migration regime. It constituted the roots of discursive and practical elements that are still viable/influential in recent contexts. In addition to labeling the safe countries of origin, asylum seekers were largely excluded from receiving welfare benefits. Deportation of failed asylum seekers was required by law, but human rights organizations highly contested it. Toleration was utilized as a temporary solution, causing migrants to be trapped at precarious statuses, which will be discussed in detail in the scope of the following chapters. Irregular migration increasingly became an issue as the line between legality and illegality blurred/ambiguous. (Ette, 2017, pp.101-102; Ellermann, 2009, pp. 58-59).

As a result of the asylum compromise, number of asylum seekers reduced by two-thirds within two years (Bartl, 2019, p.25). Combined with low recognition rates, the end of the Balkan Civil War, further supranationalization of migration and asylum policies in the EU policy-making by the Treaty of Amsterdam, externalization of border regimes stabilized the number of asylum seekers until the recent wave of Syrian migration (Kirchoff&Lorenz, 2018, pp 52-55). Bade asserts that asylum compromise has symbolic meaning beyond the scope of asylum as a policy field (1995, p. 286). It presented the general approach towards migration in this period. Accordingly, immigration of Ethnic Germans from the former USSR was also restricted, even though they were previously considered the most advantageous group among the immigrants to FRG. A reason for this was that their German language competence and general adaptation to the society was worse than earlier generations of Ethnic German immigrants. Therefore, they were exposed to the risk of unemployment (Faist, 1994, p.442; Bommers, 2016, p. 154; Kolb, 2015, p.1029).

Although there have been political controversies, including the progressive members of right-wing parties since 1991, a far-reaching liberalization of citizenship law was only possible in 2000. The SPD-Green coalition, which came to power in 1998, brought about a paradigm shift in immigration policies. Obviously, 1913 RuStAG was overdue, and it was insufficient to respond to the needs of the de-facto immigration

country in the 21st century. The exclusionary nature of citizenship created a permanent class of politically disenfranchised pariahs, which was unsustainable in contemporary liberal democratic Germany (Faist, 1994, p.445).

Initially, chancellor Schröder planned a radical departure from the earlier pathways. As Morjé Howard explains, Schröder's discourse originally covered dual nationality and progressive elements of *jus soli*, for the ascription of citizenship. "Our national consciousness depends not on some 'law of descent' of Wilhelmine tradition but the self-assured democracy we now have" (2008, pp.49-50). This quote from Schröder highlights a rupture from historical ethnocultural understanding to a civic/republican conceptualization of citizenship (Geddes, 2016). Political rights were to be formally recognized as the complementary component of civil and social rights to maintain full integration in society. In this regard, it was a significant step towards improving pluralism and diversity.

However, the dual citizenship debate evoked latent anti-migrant sentiments in certain political environments. Previously elite-led discussions on immigrant inclusion were rapidly utilized as a populist propaganda tool by CDU/CSU, although this could lead to potentially dangerous reactions and damage FRG's reputation in the international arena. Opposition was mainly due to the concerns of transferring loyalties (Green, 2005, p.922). German public opinion was reluctant to include a large and homogeneous group of foreigners at once – namely Turks, that they could possibly disrupt the political equilibrium by influencing the voting patterns through acting as masses. *Aufnahmefähigkeit*, absorption capacity of the polity as a meaningful entity, and the potential effects on the composition of the population, were carefully considered. This was a challenge that demonstrated the difference of Germany from traditional resettlement countries like the USA and Canada, that they had immigrants of various origins. Kaya finds such an approach misleading in the German context as well. He emphasizes that immigrants who moved from Turkey were of various ethnic and religious origins; therefore, they reflected a diverse range of political alignments, far from being homogeneous from any perspective (2012).

All in all, political parties agreed on a compromise, that naturalized foreigners had to renounce their other citizenships in principle. Ethnic German repatriates were exempted from this requirement, that they could keep their previous citizenship as well. Although it was because of political reasons, it constituted one of the hypocritical aspects of German immigration policy. EU citizens also kept their second citizenship without much debate. This was even facilitated in 2007 (Palmowski, 2008, p.556).

Elements of *jus soli* were combined with *jus sanguinis* in the new citizenship law. Children born to foreigners in Germany were automatically granted dual citizenship, on the condition, one to be chosen in adulthood. (*Optionspflicht*). The required time of residence was shortened, conditions were facilitated in general. In the following five years, non-German naturalizations increased with a cumulative effect (Morje Howard, 2008, pp. 51-52; Hailbronner, 2010, pp. 6-7). Even though restrictive elements remained partially, the last barrier preventing the permanent settlement of foreigners was repealed. The profoundly liberalizing effect of the citizenship law as a legal framework is indisputable. However, its transformative impacts on the set of values and meanings associated with “being German,” aspects of identity, and taking an active part in the society remains controversial (Morje Howard, 2008, p.58).

Regarding the improvement of the immigration policy field in the first decade of the 21st century, all mainstream political fractions in the FRG, gradually admitted the fact that Germany was an immigration country. 2005 Act of Immigration became the official proof of it (Chemin et al., 2018, p.20). New discourses and concepts are invented to discuss the issues related to the population with migration background (*Migrationshintergrund*). Integration became the focus to manage the inner outsiders. Accordingly, in 2007, CDU proposed a vision to define Germanness, “*Leitkultur*”, which influenced the debates on integration. They offered a model of unilateral integration, requiring immigrants to adapt themselves to German culture with their own effort. This approach affected the formal expectations to be eligible for citizenship as well. Turks and Muslims were included in integration debates only at a symbolic level, which shows the top-down nature of the process (Palmowski, 2008, p.558). Language competence and other practical necessities may not be sufficient to accomplish integration. Efforts to integrate might turn into a means of domination as

well. Theoretical aspects of integration will be further discussed in the following chapter. Another component of the 2005 law was that FRG liberalized its regulations to recruit high-skilled labor migrants from outside the EU (Laubenthal, 2012, pp. 16-17; Kolb, 2015, p.1040).

2.7. Concluding Remarks

Cross-border immigration in various forms was observed in Germany for more extended periods in history. There had been flows of regular labor migration throughout history, due to the lack of working age population, in times of economic expansion. Irregular immigration took place as a consequence of exceptional incidents, such as wars, changing borders. Regardless of the forms of immigration, the German state was always reluctant to grant civil, social, and political rights in a holistic sense, to non-German immigrants, before the second half of the twentieth century. There has been a traditional path dependency in German institutions to make and implement repressive legal frameworks, to sustain subtle forms of domination and exploitation against foreigners (O'Brien, 1988). Economic interests of the state have always been the priority, whereas the needs of the foreigners came secondary.

This chapter of the thesis scrutinized the historical background of restrictive citizenship practices and administrative approaches to regular and irregular immigrants in different political contexts through modern German history. Nation-building processes and the definitions of German nationhood were relevant in setting the boundaries of the society and determining the outsiders. Ethno-cultural definitions of nationhood were predominant in earlier contexts, whereas contemporarily, the social market economy was set as the core of national identity in Germany. This chapter aimed to reflect both the continuities and ruptures in a comprehensive manner. In this regard, six periods of history were analyzed respectively, within their political dynamics and immigration characteristics. Immigration is contemplated as a modern phenomenon in this thesis; therefore, research began with the exclusionary practices before the unification of Germany.

CHAPTER 3

THEORETICAL AND CONCEPTUAL FRAMEWORK

In the scope of this chapter, normative grounds, definitions, modes, conditions, limits, and constraints of political participation will be explored. Engagement of non-citizens within the public sphere, especially in the political realm of their host polity, opportunities, and patterns of part-taking in the majority society (*Mehrheitsgesellschaft*), will be contemplated regarding the legitimacy of contemporary liberal democracies. Determinants concerning the allocation of rights, resources, and responsibilities within the contemporary German polity, objectives of continuity, and change concerning immigration, citizenship, and integration will be discussed around the dynamics of public participation.

Furthermore, this chapter investigates the theoretical perspectives in the realm of public participation of the non-EU citizens in Germany in relation to the conceptualizations of partial membership, denationalized, and post-national forms of citizenship. Therefore, specific frameworks will be identified and critically discussed through relevant literature.

3.1. Modes and Terms of Political Participation in a Liberal Democracy

“Who are the Germans? Who deserve more rights?” (Foroutan, 2016, p.235)

Public/civic participation indicates the involvement of members of a polity in the public sphere. Articus defines participation as the sum of interactions and networks between people and the systems (2010, p.161). Public participation covers a very large scope of interactions, all realms of social life and is observable in different forms. Therefore, it should be divided into a bundle of subbranches. This is necessary in order to identify a research focus. Accession to all levels of education, health care, legal and bureaucratic services; integration into the labor market; finding appropriate

accommodation in the housing market, accession to infrastructural services in urban settlements, adaption into the welfare regime, and finally; equal representation in the political sphere constitute the core dimensions of public participation (Scherr & Inan, 2018). Cultural aspects and identity are also relevant, however largely left out of the scope of this research.

Nieswand & Drotbohm build their arguments on public participation from a systems theory perspective (2014, p.14). Structural inequalities are largely reflected through the functioning of the political system. According to their consideration, public participation of individuals has an inconsistent and differentiated nature in the contemporary context. Therefore, participation doesn't have a holistic, comprehensive character anymore. It can be observed in temporary and fragmented forms for various categories of individuals. In this regard, Nieswand and Drotbohm assert that inclusion and exclusion follow different patterns in distinct realms of public life (2014). As discussed in the previous section, public participation functions as a selective inclusion mechanism. Opportunities of participation are not the same for all the individuals in the polity, but available through custom pathways. Social realms -which are stated above, are only partially overlapping and they are not necessarily linked to each other. This thesis places its focus on political participation; however, it does not completely disregard all other categories of public participation.

This section aims to investigate various perceptions, forms and ways of political participation referring to its foundations in political theory. Why should political participation be maintained for all individuals in a territory? What are the pre-conditions to be fulfilled in order to be a rightful participant? Is proportionality in terms of the representation of various groups a relevant/measurable phenomenon? are the questions to be discussed. Possibilities, limits and obstacles regarding the inclusion of non-citizens into the political sphere will also be covered in the scope of this section. Dimensions of political participation will be explored in relation to migration, citizenship and integration.

Political participation is explored in the social science literature in an interdisciplinary way, through theoretical and empirical lenses (Martiniello, 2006). It can be pursued by individuals as well as by groups. Making an addition to public participation

discourse, there is an emphasis on politics, political system, public policy, government and decision-making when conceptualizing political participation (Van Deth, 2014, p.356). Civic engagement and political participation are interdependent. In addition, they are indistinguishable in certain contexts.

By its mainstream definition, Verba considers political participation as an aggregation of certain processes, through which, citizens influence or control the decisions impacting their lives (1967, p.54). From a broader perspective, Milbrath describes political participation as the relations between individuals and the polity (1981, p.198). Fuchs develops his arguments from a rational-choice of the individual perspective and asserts that cost-benefit balance determines the patterns of political participation (1995, p.135). Therefore, in a democratic system, citizens convey their interests through the political system and aim to impact and control the constellations of power to some extent. Furthermore, citizens aim to develop the political system from inside as intelligible and internal actors. Political engagement, as an essential requirement of democratic regimes, has a key role as it paves the way for the exercise of other types of freedom.

It is not easy to make a single definition and draw clear-cut boundaries comprehending all possible contexts. Political participation is neither a means nor a goal to be accomplished. Instead, it should be understood as endless interactions between decision-makers and the citizens, which evolve through the conjuncture. Obviously, certain outcomes are desired by the stakeholders, which could be partially or fully reached as a result of decision-making. However, success in terms of the outcomes is not the main focus of the research in this field. According to Verba, political participation should not be perceived as “all or nothing” (1967). All consequences, including failure, should be evaluated as a contributive part of the process. Although it is the most desirable end from a normative perspective, equal participation of all citizens is not an achievable goal in practice.

On the other hand there are other consequentialist discourses, such as the “best-result” approach which place the focus on the success of outcomes (Teorell, 2006, p.791). In all cases, channels of participation are partially available for some of the members. Some groups have a central disposition in the polity whereas others remain at the

periphery. Proportionality/weight of representation within the political system is prone to be imbalanced on the advantage of privileged/dominant groups. There are structural and ideological means through which the ossified patterns of inequality are sustained. All in all, individuals who are under the jurisdiction of a state, are never fully included or never totally excluded from political realm.

Particularities of political environments, historical path dependencies, institutional structures, norms and values of societies have significant role in terms of determining the quality, and conditions of political participation. Far from being impartial, labor market interests and nation state sovereignty shape both the discursive and practical aspects of political participation of different groups in the society. As contemporary modern polity is increasingly more heterogeneous, questions regarding political participation are prone to appear in a complex, multifarious nature.

There are multiple modes and levels of political participation. Van Deth defines political participation as the actions done by people to fulfill the role of a citizen (2014, p.361). In this regard, political actions should be pursued voluntarily without the impact of authoritarian/ top-down directives. Thoughts and attitudes are not taken into account as participatory actions, although they might have indirect influence through quantitatively immeasurable channels. Van Deth divides political participation into three different major forms (2014). First, characteristics of institutional/minimalist types of political participation are presented in his article. Voting in the elections, running for office, membership in political parties are the core features of conventional political participation, which are realized through formal mechanisms. Scope and eligibility criteria of these mechanisms are mostly determined through the sovereign nation state authority. Conventional modes function indirectly, unlike other modes to be discussed below.

Secondly, Van Deth identifies the non-institutional types. Demonstrations, protests, strikes, peaceful ways of contestation (might take place without official permission), collecting signatures for a petition are the major ways of political participation under this category. This sort of participation takes places in the form of political activism, including attempts of visibility through various mediums. Being shaped through bottom-up incentives, they are directed towards realizing particular aims and the

representation of partial interests. Actors might fall into illegality in certain cases. Problem-solving oriented community-level association membership and dialogue-oriented consultation are classified under the unconventional definition as well.

Advisory boards (*Ausländerbeiräte*), consisting of non-citizens in Germany, exemplify this sort of political participation. Their impact may depend, whether if the decisions are binding for the administration. Immigrant councils had a relatively low political impact, mostly limited at the local level in the German context. They were designed as consultative bodies to substitute the lack of political rights granted to the non-citizen population (Heckmann, 2003,p.69). Integration and the problems of the immigrants were the main focuses of these organizations, which convey partial issues, not concerning the nation in a holistic manner (Vogel & Cyrus, 2008, p.15).

As explained by Mushaben Merkel administration brought a revision to immigrant advisory boards in the scope of National Integration Plans (2010, p.157). Accordingly, Merkel promoted a multi-level governance model adapted from the EU to the national level. Abandoning the traditional model, which had little to no effect at the local level, a migrant council with a rotating membership principle was designed. Expertise in relevant fields was required. In the recent context, as Roth illustrates, all federal states have recognized advisory boards representing the interests of migrants at the local level. They essentially perform consultative functions (2018, p.639).

Integration councils, regional advisory boards for foreigners, migration and integration can be counted in this regard. Institutional structure, independence and political influence of these bodies vary considerably from Land to Land. In some states, there are expert representatives who create institutions with their own budget and make autonomous political interventions whereas, in some states, framework is limited to non-binding advisory bodies. Furthermore, Roth argues that the elected committees whose competencies have been upgraded are more contributive in terms of political participation, however, they cannot compensate for the disenfranchisement at the parliamentary level (both local and federal) which is a persistent deficit of German democracy (2018).

Migrant organisations could also be classified under this category of political and social participation although they maintain participation mainly in the form of groups. They first emerged as self-help associations of labor migrants to facilitate their material adaptation, later developed to convey their own political, religious or regional particularities in the public sphere. The German government and public opinion approach these formations with scepticism as they promote the home country values, which could perform as obstacles decelerating the integration process of non-citizens (Roth, 2018, p. 645). Shaped and influenced through the ideological and formal incentives of the home countries, migrant organizations might lead to further segregation, isolation of non-citizens in the context of parallel societies, which Germany aims to prevent strictly. Self-ethnicization through the migrant organizations has been perceived as threat to the social cohesion and order of German society.

Throughout history, immigrant organizations reflected the political structure of the home countries, even imported violent political conflicts to Germany. All in all, they act as a bridge function between the less integrated non-citizens and the authorities. Moreover, migrant organizations were included in the National Integration Plan as well. Their significance as medium-scale political actors in a transnational context can not be disregarded. Migrant organizations allow political participation of non-citizens to be rethought with reduced impact of methodological nationalist approaches, which locate nation state at the center of discourses. For decades, German political participation research has focused on domestic political elements, notably the integration of migrants in Germany. Cross-border political actions of non-citizens were regarded as harmful for integration, therefore it has been politically problematized. Potential benefits of transnational political activities of foreigners were disregarded.

According to Hunger & Candan, international research reveals that transnationally operating migrant networks (may) play a significant role in international politics because of their strong international network (2010, p.31). One explanation for this is that migrants who participate in networks have knowledge and experience of both their home country's and host country's political cultures, which they apply in their political activities. This results in a blending of political cultures, from which both the host

nation's associations and institutions, as well as those of the country of origin, can benefit.

In a similar vein, trade union membership was relevant in the past context, however they lost their relative significance as political actors in general, regardless of the position of non-citizens (Fuchs, 1995). In the Federal Republic of Germany, the trade unions played a central role in the political integration of immigrants. They considered themselves solidarity organizations that represent employees regardless of their race, gender, age or country of origin (SVR, 2021, p.35).

In this regard, trade unions reached out to immigrant employees at an early stage. They were interested in enlisting foreign workers as members and incorporating them into collective bargaining procedures. The task of promoting/supporting the integration of foreign employees has been delegated to trade unions under the relevant legal framework. In addition, trade unions spend the effort to ensure diversity in the workplace and to fight potential discrimination.

According to the SVR research, roughly 20% of foreign employees were organized in trade unions in 1973; by 1991, the figure had risen to around 34%. This indicates they were organized to a similar extent as German employees. However, the level of unionization in both categories has declined dramatically since then. In 2011, around 13% of employees with a migrant origin were members of one union, which was somewhat lower than the employees without a migratory past.

Finally Van Deth describes motivational types of political participation which are namely, boycotts, -preferring (not) to consume certain products/brands in line with the political tendencies (2014). These are inherently non-political actions, however included as a part of political participation as they are pursued in order to express dispositions and to create certain consequences accordingly. Assassinations, all sorts of politically motivated violent actions, trespassing and harming property that takes place in the extra-legal context are categorized as violent political participation (Fuchs, 1995, p.137). Such ways of participation are condemned, discouraged and considered illegitimate in liberal democracies. Promoting violent, racist, sexist thoughts is

incongruent with the boundaries of freedom of speech, therefore prevented through legal enforcement.

Moreover, citizens may refrain from participation if the state does not maintain the secure, respectful, and lawful political environment for competition. It is the liberal state's responsibility to provide equal opportunities and protection for political actions including contestation (Bauböck, 2018, p.47). Collective belief in the functioning, transparency and fairness of the political system influences the tendency to participate as well. Aside from the requirement for equality, the nature of political participation is crucial. Even at the most basic level, participation instruments should be founded on a legal framework. Participation should be supported by deliberation and political education to maintain a democracy's viability. Acceptance of these ideas allows the monitoring of administration not exclusively by specialized groups but by the entire population, including disadvantaged groups and non-citizen residents.

What counts and what does not count as political participation is open to dispute in literature. Definitions are subject to change through social and technological developments (Hooghe et al., 2014, p.337). Classifications of modes of political actions alter, but in most of the relevant articles, they are placed in a similar logic with minor differences. Potential impacts, risks, costs and sanctions of all the modes of participation discussed above, range on a scale according to their nature. To make a simple comparison, voting is a blunt political action which is mostly riskless however has almost a negligible impact at the individual level.

It is difficult to convey partial interests by voting. Running for office may arise material costs. Non-conventional ways of political participation are more precise and effective to promote preferences, however, may contain risks, such as persecution, regarding the characteristics of political regime. Within the theoretical framework the rational-choice approach provides, individuals are free to make their informed choice to proceed with the behavior or not.

As illustrated by Gherghina & Geissel, the participatory model of democracy emphasizes the predominance of citizens' role in the decision-making procedures as an essential part of the legitimacy of an administration (2017, p.28). Consent of the

majority of residents is required to sustain democracy. Teorell, describes the same model as the responsive model of democracy as the responsiveness of the system concerning the preferences and needs of citizens are prioritized over the agendas set by bureaucrats (2006, p.789). Several scholars name this approach the populist model. Habermas presents the deliberative model, which underlines the deliberation process as the primary source of democratic legitimacy. To be able to realize deliberation in practice, the institutional and legal structure of the state should function in an inclusive form, conveying the plurality of interests within the polity (Benhabib, 2004).

On the contrary, the expert model points out the ideological impartiality and scientific expertise of technocrats as necessary in making more qualified decisions. The expert model is often criticized as being less inclusive, top-down directed, and elite-led. All approaches could be partially relevant regarding the specific necessities of a given policy realm. These three perspectives demonstrate the subjectiveness of democratic legitimacy through political participation. From a similar point of view, a country-wide referendum would not be an appropriate means of decision making for an issue concerning a municipality at a small village.

3.1.1. Rethinking Non-citizens as the Rightful Participants

From this point onwards, normative grounds of being a rightful participant in the political sphere come to the foreground. Political participation is an integral part of contemporary liberal democracies of Western Europe. Being inherently linked to citizenship, it is crucial to build a collective identity within the polity and to initiate various forms of agency (Bauböck et al., 2006). Equal participation in the distribution of power and resources is a prerequisite for people to feel like citizens and, thus, part of a democratic community with equal rights. It creates an identity with the political system and creates the basis for its legitimation. From a normative perspective, the democratic legitimacy of the polity can be ensured only through the participation of all the affected parties under the jurisdiction of an administration, apart from children, individuals suffering from inadequate cognitive skills and the mentally disabled population (Vogel & Cyrus, 2008, p.3).

In line with this, Bauböck adapts a Habermasian way of thinking, as he argues that decision making procedures should equally include all the affected individuals and be led through deliberation in principle. Long term exclusion of large masses would harm social cohesion and sustainable political order (Bauböck, 2008, p.47). He argues that long term disenfranchisement of non-citizens signifies the domination of citizens over non-citizens, members over aliens. According to Bauböck, no liberal state has the right to exclude a section of population from voting rights permanently (2003, p.10). Roth asserts that the overall integration process could be facilitated and improved by enabling political participation opportunities to all (2018, p.631). If the target groups of integration policies are not allowed to participate decision making procedures equally, they would practically become underprivileged citizens, which distorts the principle of equality and resembles the pejorative categorizations designated by the Nüremberg Laws.

Discrimination, stigmatization of disadvantaged groups, ghettoization, and the emergence of parallel societies (*Parallelgesellschaften*) within the urban contexts are the harmful consequences of limited political participation opportunities (Häußermann, 2018). Problematics disrupting social cohesion, such as criminality and unemployment, are prone to increase in segregation cases. Moving away from the formal constellation of citizenship, Bauböck (2003) conceptualizes citizen as a stakeholder in the political community who seek to maximize their preferences and interests rationally in an autonomous way. In this regard boundaries of political participation should exceed the limits of nation-state citizenship in inclusive regimes.

Thranhardt, argues that various integration and citizenship models produce distinct chances for immigrants to participate in politics (2013). As naturalization permits foreign nationals to vote and run for office, he evokes that citizenship policy is a key predictor of immigrant political involvement. Immigrants' engagement in non-electoral forms of political participation is also enhanced through the acquisition of host country citizenship.

On the other hand, Bauböck, et. al. approach dual citizenship from a critical perspective (2006, p.75). Dual citizenship is considered to be unfair to citizens who possess single citizenship, as it maintains additional privileges. In addition, political

representation in multiple countries simultaneously arises normative issues. Even though it is praised by the transnational approaches, being not actively informed about the political system, debates, candidates, issues and standpoints at the receiving country disrupt the legitimacy of voting rights of external citizens. Furthermore, legislation at the country of origin largely doesn't impact long term emigrants, which makes the theoretical grounds of their political participation more controversial, as their decision directly affects the resident members of the polity.

The process of transferring loyalties to the host country might be disrupted through the political engagements concerning the home country, as it might change the balance of commitments and ties. On the contrary, Faist argues that dual citizenship functions as a mechanism that enhances the political participation of immigrants, in other words, increasing their chances of being represented in various levels of policy making (2007, p.11). Faist regards the idea that granting political rights to *denizens* could also positively function as a tool to promote the diversity of interests in the political realm (2007). However, logically speaking, adding political rights to *denizenship* would dissolve the difference between citizenship and *denizenship* in the practical realm, apart from the permanency aspect of the status. Scope and limits of the political rights which could be acquired as a part of such framework would arise further political contradictions, as observed in the debates concerning local voting rights in Germany. Meanings and values attached to citizenship and nationality come to the foreground beyond the concrete dimensions of political participation and the societal perks affiliated to it.

Bauböck suggests urban citizenship as an alternative model of influential political participation at the local level and advocates the limited autonomy of the central government against the federal states (Laender) and their sub-institutions considering them as sub-polities (2003, p.18). He asserts that restrictions on the political membership of certain populations through the sovereign nation state are arbitrary.

Bauböck gives examples from earlier city-states and makes comparisons with the contemporary context. Furthermore, he argues that local authorities should grant their own compilation of membership, promoting the idea of derivative citizenship. The scope of Bauböck's conceptualization includes the right to freedom of movement and

settlement. From a general perspective, resident citizenship is perceived as a locally-specific anchoring of rights and obligations, which codifies and regulates the procedures of political participation and the recognition of cultural identities. (Lebuhn, 2013, p.234).

Local level political participation principally includes partial, small-scale interests or problem solving. When representation is defined as the application of equality on a broad range of political systems, local representation is seen as one of the closest administrative entities to the people, and municipal councils, made up of elected members, are the decision-making organs of municipalities. Although it does not allow direct political participation, the way referendums do, local politics narrows down the focus and target groups, hence offering a more intense involvement experience than the national level. Slightly less autonomous compared to Bauböck's model, local authorities in Germany design programs, policy frameworks to integrate all statuses of immigrants successfully to local-level decision making in the very recent context. *Integration findet vor Ort statt* (Integration takes place on site) has been the motto to underline the significance of the role of local administrations in terms of incorporating immigrants to the political realm as well as other dimensions of public participation (Kost, 2017, p.33).

Moreover, Yurdakul and Korteweg, illustrate the immigrant organizations which cooperate with local administrations to promote intersectional involvement of immigrant women in policy making (2020 p.203). Asylum seekers and refugees are prone to face more obstacles regarding to public and political participation as their freedom of movement is restricted by authorities. Moreover, the scope of humanitarian protection provided them is limited to existential protection and deportation ban, leaving rights regarding to social inclusion outside (Frings, 2017, p.100).

Conventional modes of political participation are exclusively linked to formal citizenship in principle. Individuals' own efforts are not adequate to facilitate this sort of participation. For non-citizens, voting and nomination in the parliamentary elections are not possible in Germany. Although some initiatives have struggled for local voting rights, this has been only possible for EU citizens under specific circumstances.

As explained by Sieveking, there had been attempts to grant voting rights to non-EU citizens in the scope of local elections and referendums in Germany (2010, p.637). In addition to the normative democratization, namely the legitimacy, which could be enhanced through the partial enfranchisement, the political involvement of larger proportions of the population has many practical benefits. Planning the infrastructural investments, scope, and quality of the public services delivered at the local level could be well improved by the inclusion of non-citizen residents, as they are stakeholders who are affected by the decisions of the local administration. Local electoral rights were not granted to non-EU residents in Germany, as it was found unconstitutional. The reason behind this decision of Constitutional Court was that they interpreted the constitution in a way, which designated sovereignty exclusively to the German citizens. Political controversies concerning the issue are discussed in detail in the scope of the next chapter, through the parliamentary discourses of political parties.

Sieveking argues that political exclusion of masses leads to their disintegration and formation of parallel societies consisting of migrants, which is a totally undesired outcome for all political parties. Those who do not support the expansion of political participation at the communal level assert that it could result in the consolidation of different ethnic groups, hence the reinforcement of the walls of parallel societies (2010). All in all, according to Sieveking, the introduction of local voting rights means a necessary step towards achieving an equal footing for migrants in terms of political participation. In a similar vein, bureaucratic hurdles complicating naturalization should be reduced. (2010).

Even though non-EU residents are completely disenfranchised in Germany, political party membership is an option for all legal residents, who are registered to an address at a municipality. Not being able to vote in elections, party membership remains symbolic or at a consultative level at most (Müssig & Worbs, 2012, p.19). As a result, a significant part of the resident population - namely the population that resides permanently in the national territory but does not have citizenship - is affected by politics or the laws without being able to influence them (Lebuhn, 2013, p.234).

Nonetheless, foreigners in Germany have political participation rights outside of voting, which are regulated at different legal levels. In the Basic Law, the right to

political activity derives primarily from the right to free development of the personality and freedom of opinion. Basic rights granted by the constitution are universal, therefore, apply to German citizens and foreigners in the same way. Furthermore, freedom of religion, the inviolability of the home, property right, and the right of the petition are the crucial legal bases for the political participation of non-citizens. In addition, freedom of assembly and freedom of association are important rights regarding political participation (Müssig & Worbs, 2012,p.11).

Therefore, political participation of non-citizens is possible mainly through non-parliamentary means. According to Vogel & Cyrus, extra-parliamentary ways of political participation allow only a second class participation opportunity to foreigners, which practically functions as a substitute for the substantial ways of participation (2008, p.30). Congruently, actual decision-making is designated to the group of individuals who are seen as the sovereign, namely the German citizens in the contemporary German context.

In this regard, party politics might choose to ignore or pay less attention to the needs and preferences of persons who do not hold bargaining power. Equal representation opportunities of the disenfranchised are limited as they have an ornamental role in the formalized system of interest mediation. Policies are not made, taking them into account. The example of honor-based violence in Germany and preventive policy-making are relevant in this realm (Schmuck et al., 2016, p.22; Yurdakul & Korteweg, 2020). As German public opinion considers this an issue largely concerning the immigrants, adequate attention has not been paid. Instead, the population with an immigrant background is criticized, more stigmatized as the issue is not perceived as the problem of German society as a whole.

In line with this, Donovan points out the characteristics of descriptive representation, which signifies the quantitative aspect of fair representation debate (2012, p.28). Accordingly, individuals with a minority background are nominated by political parties in order to promote diversity. However, such candidates may not represent/recognize the characteristics of their affiliated nominal identity. In other words, they might not pursue the emancipatory/alternative set of goals as expected by their original

community. Instead, these representatives choose to follow mainstream pathways approved by the majority society.

Governance feminism provides a theoretical framework in this context, which can be applied to non-citizens and citizens of immigrant descent in our context (Halley, 2006, p.340). Accordingly, Yurdakul, criticizes female and minority politicians who promote the elements of hegemonic state discourses, whereas they would be expected to support progressive and emancipatory approaches (2010). It is difficult to translate “showcase” representation into the substantive representation, which struggles for the concrete benefits of the non-citizens (Markard & Dähnke, 2017). The increasing appearance of disadvantaged groups in the public and political sphere might be misleading as it can be limited to symbolism, political correctness instead of enhancing their real influence on decision-making. Although not quantitatively measurable in all cases, underrepresentation is a rigid pattern that is difficult to overcome (Roth, 2018), leading to persistence, hence solidifying inequalities within the polity.

Individuals are required to possess certain resources and skills to be involved in the public sphere and the political realm, in addition to the formal prerequisites. Socio-economic, cultural, and educational inequalities/gaps among the members are relevant in terms of the invisible obstacles of political participation (Vogel & Cyrus, 2008, p.10). In addition to the institutional hurdles and anti-migrant sentiments in the society; inadequate language skills, lack of higher education or no formal education at all, lack of networks, low income, and lack of civic skills (knowledge of the institutional frameworks, political and legal system) constitute the structural determinants which negatively impact the participatory trajectories of lower segments of the population as well as the non-citizens of all statuses.

As a result of the above-mentioned structural deficits, segregation among the different sections of society is aggravated. Political networks oriented to the country of origin, political culture and participation practices which are learned at home, shape the tendencies of political participation of foreigners, and their expectations from the politics at their new country (Müssig & Worbs, 2012, p.19). Prescribed gender roles could be effective as well. Such structural differences and/or insufficiencies mostly have disadvantageous effects, discouraging individuals from public participation of all

sorts. In this regard, foreigners might refrain from pursuing their rights especially when they are elderly or disabled.

3.2. Postnational and Denationalised Forms of Citizenship: Alternative Modes of Membership Beyond Formal Citizenship

The past was static, the present is fluid; the past contained homogenous cultures while now we live in a world of hybridity and complexity (Wimmer&Glick Schiller, 2002, p.322).

Ideas and practices of citizenship began to emerge as an ancient phenomenon early in history; however, this study covers citizenship as a modern phenomenon. By its mainstream definition or from the constitutional approach, citizenship is a legal status granted by the nation state, allocating a bundle of rights and obligations to individuals (*Staatsangehörigkeit*) (Koopmans & Statham, 1999, p.654). Based on liberal constitutionalism, citizenship represents an egalitarian ideal, characterized by legal equality between individuals sharing the same status. Moreover, formal citizenship is an instrument/mechanism of the nation state to exert its exclusive sovereign power to set the legitimate boundaries of the polity (Rygiel, 2011). A group of people who are equipped with the desired features determined by the nation state is defined as the legitimate members/insiders, whereas others are labeled as outsiders and excluded (Bauböck et al., 2006, p.69). In the Ancient Greek and Roman context, women and slaves were excluded from citizenship. Likewise, in the fascist dictatorship context, individuals who were of undesirable descents were granted second-class citizenship by Nuremberg Law.

In a liberal democratic context, such logic of categorical exclusion has been abandoned in principle, although there are restrictive measures to determine who the legitimate members are. Carens, considers citizenship as a form of modernized caste, which is an innately assigned status characterized by stickiness, unlikely to be changed through the choices of individuals (1992, p.26).

Immigrants are prone to approach formal citizenship in a pragmatic way as it provides material benefits such as a passport, secure residence and unrestricted access to a privileged array of rights. Such a point of view separates citizenship from

belongingness and loyalty aspects, therefore, reduces it to a plain bureaucratic tool. In addition, it depoliticizes membership to some extent. “Who are the rightful subjects of citizenship in contemporary Germany?” remains as an inherently complex question that should be discussed through the manifold approaches to contemporary forms of citizenship and membership.

Papadopoulos & Tsianos, argue that citizenship regulates the balance between rights and representation within a polity (2013, p.179-182). Regarding to their citizenship status, individuals are assigned somewhere between complete invisibility/inexistence and legitimate holders of rights. If citizenship functions as a partial tool of politics, it will appear in the form of a wall. Theoretically, citizenship and nationality aren't the same, although they are closely related (Sassen, 2002, p.278). Citizenship is less rigid and can appear in resilient forms compared to the latter. The more citizenship converges to nationality, alienage and exclusion of non-citizens become more prevalent (Bosniak, 2007, p.2449). Isin argues that formal citizenship took its contemporary form through the combination of *ius sanguinis*, *ius domicili* and *ius soli* principles. All these principles operate as the tools of nation state to determine who the subject is and who is not (Isin, 2013, p.32). According to Isin, citizenship has always been dynamic and “in flux”, hence, no form of citizenship is final (Isin, 2008). He further develops his arguments on the transformation of citizenship and how it should be interpreted in relation to nation state:

(...)These insurgent forms are found, in other words, in struggles over what it means to be a member of the modern state – which is why I refer to them with the term citizenship. Membership in the state has never been a static identity, given the dynamics of global migrations and national ambitions. Citizenship changes as new members emerge to advance their claims, expanding its realm, and as new forms of segregation and violence counter these advances, eroding it (E. F. Isin, 2002, p.311).

As Isin mentions, there are multiple dimensions of citizenship beyond the scope of the legal framework (*Staatsbürgerschaft*), which evolved through the historical and political transformation of the modern nation state (2008). Although naturalization recently became an option for populations of foreign descents, there are continuous regular and irregular flows of immigration to Germany. This leads to the constant production of alien subjectivities. Dynamic and disarticulated forms of citizenship

should be perceived beyond the rigidity of formal citizenship in order to find the balance between successful immigrant incorporation and sustainable national identity. Borrowed from Isin, “What makes the citizen?” becomes the relevant question in this regard (2008). In this section, theoretical foundations of post-national and denationalized forms of citizenship will be discussed in terms of accession to rights/resources, public participation opportunities for non-citizens, and the role of nation state.

Referring to the liberal citizenship discourse of British sociologist T.H. Marshall, (1950), citizenship consists of three complementary pillars, which are civil, social and political. Civil rights consist of the rule of law, fundamental human rights, and liberties concerning individuals, such as freedom of speech, freedom of belief, and religious practices. Social rights involve accession to essential public services, such as welfare benefits, education, and health. Political rights indicate the right to associate, suffrage, and stand for elections. The gradual evolution of this bundle of rights is expected but not necessarily in a linear progressive sequence. In Germany, non-EU citizens were granted social and civil rights but not political ones (Tecmen, 2020, p.13).

Marshall was criticized for conceptualizing the citizen as worker. In this regard, accession to rights and participation were closely linked to their presence in the labor market (Mezzadra & Neilson, 2012, p.61) Dyadic conceptualization of citizen-worker had a significant impact on democratic socialist world view as well (Kofman, 1995, p.125) . In addition to that, Marshall conceptualizes citizenship as internally inclusive and externally exclusive. Non-citizens are not considered as subjects of the citizenship regime. Mezzadra and Neilson suggest such an approach is irrelevant in a globalized context (2012). Their constellation of citizenship functions beyond a binary inclusion/exclusion mechanism, rather a bundle of subordinate inclusion models, which are conceptualized under the umbrella term differential inclusion, lead to divergent articulations of membership (Yurdakul & Korteweg, 2020, p.209). In this regard, immigrant subjects are not completely excluded from membership and the labor market, although they are not full insiders.

As discussed in the previous section, Germany had an ethno-cultural understanding of nationhood earlier in history. Therefore, the citizen was mostly assigned a passive role,

almost indistinguishable from a subject. The state was the sole authority in the public sphere. International actors were too weak or insignificant, which reinforced the sovereign power of the state in all realms, including the rights' regime of foreigners. Exclusion, and even expulsion of foreigners who had vulnerable legal statuses were considered normal. After WW2 the nation state remained as the primary actor in the public sphere, but human rights, international organizations and global agents transformed the ways of exertion and the scope of sovereignty. Principles of civic citizenship have been gradually adopted in post-war Germany, although formal citizenship was provided solely through *ius sanguinis* principle until 2000's.

Unanticipated gradual settlement of labor migrants caused complexity in terms of membership issues (Brubaker, 1990, p.382). Naturalization was introduced to the legal framework relatively late; however, non-citizen labor migrants were granted partial membership. Labor migrants were included in the welfare regime and assigned a large scope of civil and social rights but were deprived of political rights. It is arguable how important political rights are, in terms of partial membership. According to Balibar, political rights constitute the most crucial component of active citizenship; therefore, the lack of political rights leads to erosion in terms of comprehensive/influential membership in the community (2004, p.59).

On the other hand, Habermas argues that German citizenship does not rely on nationality but on decision-making procedures instead (Tecmen, 2020, p.8). The exact opposite of the understanding of nationalism delineated in Benedict Anderson's *imagined communities*, Bommes emphasizes on the fact that FRG excluded nationalist discourses in regard to community building:

FRG described itself in relation to the implementation of the *Soziale Marktwirtschaft* (social market economy) and the *Sozialstaat* (social state = welfare state). The mantra of the Modell Deutschland (Model Germany) employed by Chancellor Helmut Schmidt during the election campaign of 1976 sums up this success story of the *Sozialstaat* and the newly gained and rather denationalised political identity (2006, p.176).

According to Soysal, (1994), *post-national citizenship / denizenship* is the relevant framework to define the partial inclusion model implemented for the labor migrants in Germany during 1970's and 80's. Soysal focuses on theoretical dimensions, omitting

the implementation gaps in practice (1994, p.134). She bases her topographic membership model on deterritorialized universal personhood and prevalence of human rights. In her discourse, identity and rights constitute the two pillars of citizenship. Rights are characterized as universalized and abstract, whereas identity is particular, rigid, and innate to some extent. Therefore, disparity and interplay between these two aspects shape understandings of citizenship. Post-national citizenship discourse has an evolutionary logic in terms of expanding the rights granted to non-citizen residents. However, the progress is not unilinear and constant. There have always been certain gains for migrants as well as erosion of rights (Morris, 2003).

Denizenship does not indicate a uniform formal status, hence its limits are not drawn by law. Nevertheless, it has restrictive dimensions as any sort of non-substantive membership; otherwise, the welfare system can not be able to sustain itself. Wimmer, argues that conditions of immigration become gradually more difficult for potential migrants as the scope of rights granted to *denizens* broaden (2002, p.267). Boundaries of *denizenship* are more fluid compared to formal citizenship. Membership models convey the relationship between state-individual and society. In Germany, the state had been the most significant actor in the public sphere; therefore, a corporatist model of membership and centrally organized/funded schemes of integration came to the foreground (Soysal,1994, p.62). It is arguable whether if *denizenship* is a rupture with nation state sovereignty. On the one hand, *denizens* are exposed to state jurisdiction as if they were full citizens. They have to fulfill obligations such as paying taxes and obeying the rules. Looking from Balibar's perspective, *denizens* are kept in a state of legal tutelage through partial incorporation (2004, p.40).

Soysal shapes her arguments from a methodological nationalist perspective, taking the nation-state's leading role for granted in prescribing the available set of rights for *denizens*. Although she leaves room for contestation, *denizenship* functions as a politically constructed device to enhance the welfare state and labor market interests. In addition, it is exclusively prescribed from above. Soysal's *denizenship* is a status that highlights the characteristics of the transitory period from ethno-cultural understanding of citizenship to civic. Reluctance in terms of accepting the permanent settlement of non-citizens is also a crucial determinant (1994).

On the other hand, Walzer, describes a communitarian model of citizenship (1983, p.35). Through the analogy of a club, he asserts that the liberal states have the right to exclude outsiders by imposing physical border control; however, all sorts of non-citizen residents should be offered naturalization to ensure political justice. He believes that the sovereignty of the nation state has been eroded.

Likely Soysal (1994), Walzer's discourse perceives political, social, economic, and national dimensions of membership as dispersed and incongruent. For Walzer (1983), political membership is closely related to social good. Long term disenfranchised populations arise concerns in terms of the legitimacy of the polity. In principle, there should not be any categorical restrictions affiliated with ethnicity, but there could be fulfillable requirements such as a certain period of residence or tangible proof of integration. These demands can be enforced through legal means (1983, p.62).

From a similar perspective, Bauböck argues that nation states have the right to determine who their citizens are (2018, p.8). In order to sustain democratic rule and cultural integrity, the state has the responsibility to set boundaries. Therefore, it is morally legitimate to privilege citizens over non-citizens. This especially applies when the population is not sedentary and when diverse identities and interests emerge within the society. The state must provide individuals a common space mostly immune from the impact of aliens. In this bounded sphere, members of the nation exclusively decide their destiny through their political preferences. Wellman makes an analogy between marriage and citizenship (2014, p.187). Therefore, he argues that nobody would like to marry a stranger after a short-term relationship, especially when it is impossible to divorce. Similarly, in the scope of freedom of associations, citizenship should not be granted to outsiders of a polity without taking the will of fellow citizens as it is almost irreversible.

3.2.1. Prerequisites of Legitimate Membership in a Transnational Society

Scope and terms of naturalization in Germany have been a controversial issue since its relative liberalization at the beginning of the 21st century. Politicians doubted if immigrants could completely transfer their loyalties to their new country. Citizenship

tests are utilized to measure the level of adaptation and practical skills of potential citizens. Citizenship tests convey an understanding of citizenship, focusing on the values and behaviors instead of public participation aspects. These tests function as ideological tools of differential inclusion to detect the potentially undeserving ones among the people who desire to acquire citizenship (Mouritsen, 2013, pp. 91-92). In the recent literature, there have been normative approaches criticizing the citizenship tests as they pose a threat to the principles of liberal democracies. Shachar asserts that citizenship tests are designed by the branches of local administrations, through the logic to evaluate the subjective judgements of the candidate citizens instead of their objective recognition of/ alignment to the values and norms of the host society (2014, p.118). Based on Shachar's point of view, citizenship tests could be considered liberal if they consist of factual and impartial information about the institutional system, which could be gathered by everyone.

According to Mannitz & Schneider, citizenship tests convey certain hypocrisy as the state is not involved in the private sphere of German citizens who acquired this status by birth. Their subjective beliefs and value judgements are not questioned through the means of public administration (2014). "Ever since Kant, it is a key precept of liberalism that law and public policy can regulate only the external behaviour of people, not their inner motivations" (Joppke, 2008, p.542). Joppke argues that the tests or other measures could be deceived and may not successfully reflect the orientation of individuals to the host country (2008).

From the ethical perspective, a liberal democratic state is obliged to guarantee legal certainty to everyone under their jurisdiction independent from their legal status. In this regard, state action should be predictable and consistent within the limits of the rule of law. In line with Walzer (1983), for Bauböck (2018), ideally, the majority of the residents are supposed to hold formal citizenship to ensure the legitimacy of an elected government. Citizenship should vest on *jus domicili* / residence principle, however if all residents are granted citizenship, the polity would cease to exist as it would lose its unique characteristics. In this case, society would be unrecognizable in terms of its values, norms, as an independent cultural complex. More precisely, the polity would not be sustainable as a meaningful aggregate of societal systems (Bauböck, 2018, p.65). German public opinion developed such fear since the

Kaisserreich, around the discussion of *Überfremdung* (loss of identity, alienation) potentially caused by immigrants. Accordingly, there have been continuous efforts to restrict the permanent participation opportunities of the aliens and to promote assimilative incentives. Such tendency is partially relevant in the current context, reflected through thoughts, attitudes, as well as in the form of policies.

Soysal believes indicators of the global economic system have a significant impact on the schemes of incorporation into membership. Also, she sees international migrant as a product of nation state system. Formal citizenship is not considered as a prerequisite to allocate rights and duties to individuals; therefore, the line between citizen and non-citizen is increasingly blurred (1994, p.130). Contemporary membership formations are beyond the binary classification of citizen and alien (Jacobson, 1996). Organizational and ideological change in the formation of nation states, the increasing influence of transnational discourses and structures inevitably convert the forms of membership. Baban, indicates that post-national understandings of citizenship are essential in non-sedentary societies in order to construct an alternative citizenship rights regime beyond the exclusive competence of the nation-state (2006, p.188).

In line with this, Sassen, builds her arguments on “de-facto transnationalisation of immigration issues” from a perspective that departs from methodological nationalism (1998, p.50). She distinguishes her theoretical standpoint from post-national citizenship and focuses on denationalization instead (Sassen, 2002, p.280). Moreover, she elaborates on globalization, the heterogeneity of global space, which resulted in the loosening sovereignty of the nation-state. Accordingly, she described how cross border migration evolved into a transnational form. Transnational migration points out the tremendous change in traditional understandings, which used to perceive migration as a unilinear phenomenon, ultimately leading to monistic assimilation into the host society (Bauböck et al., 2006, p.77).

Paradigm shift to a post-industrial economy, namely, neoliberalism, is highly relevant in terms of the transformation of migratory patterns, both before and after migration actually takes place (Sassen, 2002, p. 378). Changing mode of production altered the weight of sectors in advanced capitalist economies. The increasing proportion of finance and service sectors in the GDP brought about fragmented forms of labor,

therefore transformed organizational structures (Casas-Cortes et al., 2015 , p.77). The gap between incomes of the workers from different sectors enlarged. Especially the service sector had increased demand to employ non-citizens with precarious status – illegitimate immigrants as well. In this framework, the patterns of immigration, recruitment, and working conditions changed.

Major investments, production facilities, most of the significant economic activities, populations are agglomerated in metropolises. Due to spatial reorganization of labor, cities turn out to be relatively autonomous from their region and the nation state they belong to. Accordingly, the city transformed into a place of contestation and a site of construction for alternative modes of membership for non-citizens (Baubock, 2003, p.142). Sassen, (1998b, introduction xxx) claims that members of post-national societies are more prone to define themselves through partial identities rather than the national identity, including non-migrants. Overlapping identities,- such as gender, class, religion, culture etc., lead to diversity which makes membership more complex and multilayered.

All in all, Sassen’s discourse credits nation state as the core regulatory authority; although, its competence is shared with and challenged by transnational powers of the multinational financial corporations. In addition, she highlights the proliferation of sub and supranational actors in the public sphere. Interest groups, non governmental organizations, stakeholders, and political parties influence decision making in line with their partial interests. Moreover, immigration and related rights regimes are increasingly regulated and controlled under the supranationalised realm, by EU conventions and directives (Morris, 2003, pp.76-77). As an integral part of emerging European migration law, Maastricht Treaty covered the policy making in the realms of asylum and migration management as a matter of common interest. Within the scope of the Amsterdam Treaty, member states devoted themselves to constructing a Common European Asylum System. The main motivation behind this is to prevent illegitimate migration and to promote desired ways of migration (Schlee, 2021, p.134).

In this regard, the transformation of the characteristics of cross border movement created new categories of non-citizens. High skilled labor migrants moving between developed Western countries or within the EU were left out of this research’s context

as they already possess a generous set of rights, almost equal with German citizens. They are even entitled to vote in local elections after a period of residence, which enhances their chances of integration. On the other hand, irregular migration became an inevitable phenomenon. Individuals who flee from poverty and war-torn third world countries aim to seek better life opportunities are characteristic in the globalized context. Following their entry, they are subjected to a limited rights regime and segregation. In addition to being trapped in low segments of the society, they are vulnerable to exploitation in all social life realms (Gibney, 2009, p.2).

In the up-to-date German immigration regime, these groups are classified under several categories and sub-categories⁵, mainly: asylum seekers, refugees, individuals under subsidiary protection, toleration (*duldung*) and illegalized migrants. “Migrants with precarious legal status” is a comprehensive term covering all the peculiarities of different statuses stated above (Goldring & Landolt, 2013). Balibar describes all these types of precarious immigrants as “today’s proletariat” (2004, p.50). These categories of immigrants are initially accepted because of humanitarian reasons; however, they have a tremendous impact on labor market relations. It is challenging to distinguish migrants of precarious statuses from labor migrants in practice.

From a juridical point of view, Morris (2003) challenges the optimism conveyed by Soysal (1994) and transnational membership constellations of Sassen (2002) by underling the continuities of the restrictive role of the nation state. Morris’s approach is a considerable contribution to the literature, as the legal framework has been one of the most crucial aspects/means of Germany’s foreigner policies. Morris (2003) borrows the term *civic stratification regimes* to illustrate the classification of migrant statuses. She describes a system based on sustaining inequality mediated through the categorization of non-citizens. Accordingly, legal statuses function as formal devices to exclude or include populations who are deprived of permanent citizenship. Through

⁵ “A total of 22 different types of humanitarian residence rights exist in Germany, accompanied by three additional status categories which are bound to registration and administration of foreign nationals without a right to residence (i.e., exceptional leave to remain/”toleration”, preliminary entitlement to remain in the country and proof of arrival)” (Will, 2018, p.173). See also p.175 of the same article for the detailed explanations of all recent amendments on the relevant legal framework.

the inferior and intrinsically precarious legal statuses, TCNs are provided access to a limited set of rights. The nation state has exclusive competence in terms of prescribing these limits.

Along with the fact of administrative discretion, partial membership statuses are proliferated and characterized with insecurity in Germany. The fragmented nature of the statuses is a rupture with Soysal's discourse (Kraler, 2010, p.14) The relevant legal framework is complex, detailed and subject to constant amendments.⁶ Transition in-between statuses is difficult, which reflects a relatively rigid graduated system of rights (Morris, 2003. p.83). Therefore, individuals who are fallen outside of official migration management for whatever reason are to be trapped in a very limited bundle of rights for prolonged periods of time, which may even lead to their *civic death*, namely the total exclusion from all sorts of public participation opportunities.

Morris is cautious in terms of the role of international organizations. Universal basic human rights principles are mostly vague and inadequate to protect the ever-increasing quantity of foreigners of precarious status: "significant deterioration of health, threat against life and freedom, risk of inhumane and degrading treatment" are the only legitimate grounds to receive protection from European countries according to ECHR (2003, p.85). She argues that international conventions do not guarantee sustained residence status and access to welfare benefits in most cases, as these are mostly left to the scope of nation state competence. As stated by Owens, international organizations manage displaced populations in a way that does not challenge the nation state sovereignty (2011, p. 410).

From a slightly different perspective than Sassen, Scholten & Penninx argue that the EU policies concerning the field of immigration tend to evolve in an intergovernmental pattern (2016, p.96). Nation states act like local actors seeking cooperation with subsets of member states at the EU level; however, they avoid devoting the substantial level control and are prone to precede their own agendas. 2015 "Refugee Crisis" is a good example of such a tendency that several EU member states chose to suspend

⁶ "For example, while the German Residence Act (Aufenthaltsgesetz) was changed 28 times between its promulgation in 2005 and 2013, there were 25 changes to migration and asylum law since between summer 2015 and summer 2018 alone" (Eule et al., 2019, pp.41-42).

Dublin Regulations after the unprecedented wave of migration. Scholten and Penninx assert that the Europeanization of immigrant policies proceeds hesitantly and modestly (2016). Nationally, historically rooted rigidities are still relevant in this context.

Departing from Soysal (1994), Morris argues that social rights based on “universal personhood” are relatively narrow. The rights of foreigners are constructed on a political, fragile, and negotiated base in contemporary Europe (2003, p.88). Legal statuses of non-citizens are designed and allocated in a stratified, hierarchical way depending on their purpose of entry, requiring a different balance of rights and duties for various migrant types (Morris, 2003, p.80; Könönen, 2018, p.56). Demands and requirements of the labor market, steering of the welfare regime and specific sectoral needs are vital determinants. The qualifications of individuals also have a crucial role in determining their pathway to citizenship. Criminal record, health, accumulation of wealth, education level, country of origin is taken into consideration to decide on the persons’ deservingness of legal status. As a result of the assessment regarding to the bundle of criteria above, authorities determine the *Bleibeperspektive* (prospect to stay) of applicants. They are kept and mediated through arrival centers according to their result. Good or bad prospect to stay is decisive in terms of the accession to integration courses and the conditions of labor market entrance (Schultz, 2019).

Individuals who seem to have a bad prospect to stay are given restricted opportunities of integration to avoid the waste of public resources in the case of their deportation. In this regard, *Bleibeperspektive* operates as an apparatus of internal border regimes. It is designed to perform as a selectively permeable bureaucratic wall, as it classifies and distinguishes potential immigrants due to the desirability of their profiles/assets. The fairness of this mechanism is open to further discussion. According to Yurdakul & Korteweg, political actors determine the rules of membership, exclusively choosing who deserves protection or not (2020, p.191). Remaining outside of this scheme leads to exclusion from society.

One of the crucial requirements to acquire a legitimate residence in Germany is to be economically self-sufficient (Morris, 2003, p.80), which functions as a precaution to prevent migrants from creating an extra burden to the welfare system. Economic dimensions are relatively more significant in the current asylum regime's functioning

than the humanitarian aspects⁷ (Thielemann & Hobolth, 2016, p.646). Therefore, asylum seekers are increasingly more commodified. They are expected to integrate into the labor market as soon as possible (Altenried et al., 2018, p.308; Brücker et al., 2020; Degler et al., 2017, p.10; Etzold, 2017, p.92).

3.2.2. Ideas of Integration in a Country of Immigration

According to Collyer et al., instrumental approaches to integration are built on fixed and measurable requirements/goals described by policies to be implemented through public administration (2020). Constellations of integration that are to be presented and discussed in this section can be well criticized as they are shaped under the influence of *methodological nationalism*. Therefore, the nation state has been placed as the main point of reference to define the aims, scope and the methods of integration. It is uneasy to shift this paradigm, as the power of definition and implementation concerning the realm are primarily held by the federal state, which can't be disregarded. Nevertheless, there are integration studies that adapt transnational approaches.

Recent updates on the National Integration Plan are mostly focused on the facilitation/acceleration of the labor market integration of asylum seekers and individuals with toleration status while disregarding the illegalized populations (Hinger, 2020). Therefore, according to Hinger, illegalized individuals are purposefully pushed into disintegration. Right-wing German politicians (especially CDU/CSU members) consider the workplace the most crucial site for integration. Structural integration is prone to predominate other dimensions of integration in state discourse. Such an emphasis on labor market participation brings about the ideological exclusion of disabled or elderly individuals who are unable to join the workforce and contribute to the economy (Kötter, 2010, p.124).

⁷ See (Grote, 2018, pp. 36-47) for a brief outline of challenges and therefore responses and measurements taken by the federal government and the local administrations in order to regulate the recent sharp increase in the number of asylum seekers. Relevant policies, programs and statistics are presented in the scope of this policy paper.

Scherr & Inan, criticize the economy-oriented perspective of the official integration plans and incentives so far⁸ (2020). The reality of being a country of migration is widely recognized through formal means. The government aims to prevent segregation, marginalization and discrimination, hence spending effort to centralize migrants' position in the society. However, structural patterns of inequalities, poverty are not given adequate importance. The emphasis on categorical distinctions rooted by the securitarian discourses, and, more importantly, the power relations which are justified by them, clearly opposes an understanding of integration as equal access to participation in mutual recognition. Modernization of the migration policy in the official realm does not make the exclusionist approaches vanish overnight. One should consider there are persistent path dependencies that have been sustained for decades. In addition, new contradictions are generated regarding to immigration and related issues. Therefore, multiple factors confront the development of political discourses in an emancipatory way (Mannitz & Schneider, 2014, p.71).

In the current context, the social positioning of the migrant populations takes place as an assignment of disadvantaged positions as a part of the dominant culture in which migrants were perceived as tolerated minorities but not as fellow citizens with equal rights (Scherr, 2009, p.75). Accordingly, through discourses, migrants and minorities have been portrayed as the cause of social problems and crises in German society. Scherr argues that immigrants are affiliated with ideologically shaped enemy images. In addition, such representations are sustained and constantly updated in the collective memory (p.78). In this regard, Scherr and Inan (2020) suggest that integration should be approached comprehensively and not based on blaming immigrants for their incapability to adapt. Moving away from the vague and ambiguous definitions of integration made by the EU and other international institutions, which are practically very little helpful, migrants' responsibilities in terms of integration and the offers/opportunities that Germany could provide should be clarified through

⁸ See (Heckmann & Wiest, 2015, p.181) for an outline of the formal integration frameworks since 1995. Focus of the integration attempts moves away from the former labor migrants and their descendants to the recent asylum seekers, tolerated individuals and refugees.

See:https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBI&jumpTo=bgbl116s1939.pdf#_bgbl_%2F%2F*%5B%40attr_id%3D%27bgbl116s1939.pdf%27%5D_1634002541064 for the full text of National Integration Plan 2016 (retrieved: 11/10/2021). Tecmen (2020, p.40) summarizes the main objectives of the plan through bulletpoints, in English.

integration debates (Lebuhn, 2013, p.236). Therefore, instead of expecting a one-sided transformation, all members of the German polity should take responsibility, including non-migrants. The dominant culture (*Leitkultur*) of the majority society should not be set as the reference point (Joppke, 2007, p.3).

In line with Scherr and Inan (2020), Pries criticizes German public opinion as the society considers itself as an homogeneous entity, therefore, locates itself at a superior position among others (2015, p.12). Accordingly, full-scale socio-cultural, lingual and identificatory integration of immigrants is coerced as a condition for substantive membership. From a normative perspective, it is difficult for newcomers to adapt to an already established system of values, norms, rules and institutions. In this regard, it is important to mention that non-citizens aren't the only group who had orientation issues in Germany. Ethnic Germans of German descent and citizens of former GDR experienced difficulties adapting to the German way of living, as their perceptions of life, value judgements, and labor skills did not match with FRG initially.⁹ However, unlike the immigrants of non-German descent, they have not been stigmatized as the source of problems in the society.

Similar to Scherr and Inan (2020), Foroutan (2016) defines contemporary German society as a post-migrant context in which multiple identities co-exist. Post-migrant is a concept that is more inclusive compared to “*migration background*”, as it includes all acquaintances and the larger impact zones of individuals who have migrated themselves or the descendants of immigrants. Therefore, Foroutan's conceptualization signifies a transformation within the structures in which migration acts as an internal factor. Moreover, she argues that migrants should exclusively decide whether if they want to assimilate or preserve their own cultural identity. What she means by assimilation extracts the pejorative meanings attached to its politically discredited definition. Instead, she points out a normatively defensible, “lighter” form of assimilation, which is less state-centric. Flexibilising the classical theoretical

⁹ Offe, (1993) illustrates the integration difficulties which GDR citizens faced in the aftermath of reunification. Social market economy is defined as the core feature constituting the contemporary FRG identity. This is highly controversial and hard to accept for people who were raised at GDR regime, which was established on a completely different set of values and virtues. Deep discrepancies between two Germanys are still traceable in several realms. This impacts the patterns of political preferences, as well as the perceptions of immigrant reception. For example, there is a strong tendency to support AfD in former GDR regions.

classifications of integration, which Hartmut Esser initially conceptualized, Foroutan (2016) asserts that multiple identities could be combined, altered, or partially kept according to individuals' own will.

On the other hand, Esser, (2010) describes multi-level integration as a more comprehensive variation of assimilation in his empirical study. Assimilation signifies part taking in the host society, whereas multi-level integration indicates public participation in the social systems of both host and origin societies. In other words, multicultural integration is desirable to enhance democratic pluralism, and it is theoretically possible (Pries, 2015, p.17). However, it is difficult to realize it in the practical realm. The reason is that it requires a certain level of learning activities and opportunities that average labor migrants might not be ready to handle when their cognitive skills and living conditions are taken into account. Such perspective provided by Esser (2010) leads the integration question to the migrants' capability to integrate (*Integrationsfaehigkeit*), which had been a core element of the public policy debates considering integration as a formal prerequisite/responsibility of non-citizens, in relation to the opportunities for the acquisition of permanent membership status.

Luft, argues that the further promotion of naturalization is just one aspect of integration policy (2010, p.349). A policy of constitutional inclusion could not be helpful alone to integrate masses who are not ready in terms of language skills and are exposed to challenging socio-economic circumstances. Therefore, immature naturalization may result in severe exclusion as already observed in Great Britain example. In this regard, a model of inclusion that is limited in the legal realm does not guarantee a good placement in the functional systems for migrants. Luft (2010) asserts that *denizenship* is adequate in many cases that the abstract equality maintained through nationality status is empirically imperceptible in a differentiated society since it is not nationality that grants access to resources, but inclusion in the welfare state is more crucial. In general, the willingness to integrate, the degree of education, and the social and economic conditions that allow integration impact the success of integration. Only socially successful naturalization may be considered a worthy objective.

3.2.3. Role of Immigration & Asylum Regulations

Formerly man had only a body and a soul. Now he needs a passport as well for without it he will not be treated like a human being (Stefan Zweig, *The World of Yesterday*).

Moving on to the concrete/tangible aspects of differential inclusion, the role of the relevant legal framework should be scrutinized. Immigration law is located at the core of border construction as it determines the legality of immigrants' presence in a polity (Dauvergne, 2008, p.4). Therefore, civic stratification is closely related to the theoretical discussion on *border regimes*, a relatively recent critical approach to citizenship (Casas-Cortes et al., 2015, p.69). Border regime should be considered as a component of migration regimes which are discussed in the earlier sections. As explained by Cvajner et al., borders are reconstructed as a means to promote the idea of the controllability of migration flows (2018, p.75). Thus, departing from their classical function, borders operate between the state actors' efforts to maintain control and the fluidity of the strategies pursued by the potential migrants. As a result, the border is conceptualized both within and beyond its concrete meaning as it appears in abstract forms within the bureaucracy and daily life in the polity. Identification at border crossings, physical controls, applications of law enforcement are still relevant. In a complementary way, differential rights regime function as a prevalent tool of migration management (Kraler, 2010, p.13).

Physical borders increasingly appear in a porous form. Although this is partially related to the imperfection of policy implementation mechanisms, unequal distribution of welfare and global injustice is the main objective. Rygiel argues that border controls are less about keeping migrants away from the country, but they function to keep them in vulnerable statuses which facilitates their exploitation by labor market forces (2011, p.3). Therefore, the illegitimate migrant is a politically constructed subject, considered as an artifact of nation state system, who is tolerated to some extent regarding to various agendas of governments (De Genova, 2013).

The binary distinction between legality and illegality is increasingly blurred, which poses a challenge to the boundaries of membership and inclusion. Lebuhn, (2016)

suggests that there are over 1 million illegalized migrants in Germany, which indicates individuals possess fake documents of identity and hiding from authorities. In addition to that, there are grey areas of legality, such as toleration (*duldung*), which is an in-between status in Germany (Nieswand & Drotbohm, 2014, p.9). Asylum seekers whose application is denied are granted toleration, when their deportation is postponed for an indefinite period. Therefore it is an inherently precarious and temporary status could eventually lead to illegality (Schultz, 2019).

Fear of deportation, *deportability*, consequently invisibility characterizes the daily lives of these individuals (Nyers, 2008 , p.165; De Genova, 2013). As Ellermann, (2009) explains from multiple perspectives, deportation is a procedure which contains difficulties in terms of enforcement. Liberal states are reluctant to deport individuals as there are several moral, administrative, legal and practical constraints (Chemin et al., 2018, p.41; Frings, 2017, p.98-100). As a result, non-citizens of precarious status remain in limbo between inclusion and exclusion. Although not all of them, most of them are prone to stay in Germany for more extended periods. The legality of the residence is a crucial aspect to determine the conditions and levels of integration, however it is not ultimately decisive.

Although asylum seeker, refugee, tolerated and non-status migrant are distinct categories in the bureaucratic realm, they are prone to share similar socio-economic features, living spaces, and conditions. Therefore, the line separating these labels appears increasingly ambiguous (Casas-Cortes et al., 2015, p.84). Heckmann, describes the ways of illegal immigration as staying after the expiration of legitimate residence and unauthorized border crossing (2004, p.1106). Unlike other European countries, Germany does not have an amnesty or legalization procedure for this population. Heckmann asserts that it is very difficult to stay as a non-status individual in Germany for a long time due to the efficiency of controls (2004).

Lebuhn, (2013) adopts an altered version of Morris's discourse (2003) and presents it in relation to *differential inclusion* schemes to social and civil aspects of citizenship. He investigates the practical aspects of Morris's discourse and portrays how partial membership is performed through present-day German public administration. He asserts that, traditional border controls based on the approval or refusal of entry which

are executed at check points by police officers lost their significance (Lebuhn, 2013, p.38). In this regard, “graduated system of rights” functions as invisible borders through systematic controls and delivery of public services. Citizenship and controls are unbreakably tied to each other. Borders appear in a ubiquitous form, therefore almost omnipresent for asylum seekers, refugees, and non-status groups.

First, Lebuhn (2013) illustrates the transformation of the European border regime through the framework prescribed by Schengen acquis and EU directives. External border protection is reinforced through Dublin Regulations, readmission agreements, and FRONTEX in order to discourage and expulse potential irregular migration (Rygiel, 2011, p.5). Tangible aspects of border protection practices are complemented with internal aspects of the border regime, such as visas, residence, and work permits. It should be kept in mind that all sorts of residence permits maintain a specific bundle of rights and freedoms, as well as set certain limitations inherently (Hess & Lebuhn, 2014, p.19; Helbling & Leblang, 2019, p.250). As described by Balibar, (2004), external borders are fortified with internal borders. Technological means are utilized for surveillance and discipline. Personal data of TCNs are gathered and stored by authorities, which has tremendously impacted the power relations between authorities and migrants. Migrants are exposed to a strict control regime, not being able to distort the truth in line with their interests (Ataç et al., 2016, p.534). Non-citizens are constantly monitored by local state agencies and various public and private institutions in terms of the legitimacy of residence.

As illustrated by Bartl, (2019), asylum seekers are allocated to *Laender* through a quota system called *Königsteiner Schlüssel* (Chemin et al., 2018, p.28). Being shaped throughout a very long historical background, this key is developed on a logic that considers the budget and availability of resources in each federal unit and assigns asylum seekers proportionally. Although the responsibility of decision making on the refugee status, migration and citizenship officially rest on the federal government (The Federal Office for Migration and Refugees, *BAMF*); distribution of the welfare benefits, opportunities of social housing, language courses, daycare etc. are the vital services held by municipalities and branches of local governments. States must implement the federal laws on asylum and migration in principle, however the quality

and scope of the services they deliver are not evaluated in detail by the central government.

Lebuhn underlines the particularities immanent to different regions and institutions, which lead to the elaboration of non-citizen rights through implementation. In Germany, neither autonomous nor subordinate, *Laender* enjoy relative autonomy based on the federalist devolution in German public administration (Isin, 2002, p.308). Institutions function within their own frameworks shaped through their historical path dependencies as well as their political affiliations. Therefore, migration is governed in a differentiated and location specific nature (El-Kayed & Hamann, 2018, p.139).

Empirical studies demonstrate, that branches of local government, non-governmental organisations and charities develop strategies to include non-citizens who are disregarded by the central government, by creating spaces called the *urban sanctuary*. Eligibility criteria for services and bureaucratic procedures are facilitated in this regard (Wilcke & Manoim, 2019). In addition to that, civil servants use discretion and refrain from reporting irregular migrants especially in the realms of health and education (Bauder & Gonzalez, 2018, p.126). Civil servants who deliver these services are obliged to report the irregular residents if they spot them. Ideally, irregular migrants hold a very limited scope of rights. Being unable to register themselves in municipalities in Germany, they have restricted access to most of the public and private services; hence they are almost totally left out of the public sphere.

Remaining on the theoretical track, Lebuhn (2013) points out the loopholes and vague statements in directives as they open space for negotiation and agency against structure in terms of the outcomes of immigrant policies. At this point, Lebuhn's perspective challenges to Morris (2003), as Lebuhn paves the way for civic participation of individuals who lack formal status or who reside on precarious, temporary permits, through *urban citizenship* (Hess & Lebuhn, 2014, p.14). His point of view does not completely disregard the role of nation state; however, it demonstrates the ruptures and poses criticism to exclusionary rules and regulations. In addition, *entrepreneurial cities*, pose a potential detachment from ethno-cultural understandings of citizenship. This is essential to facilitate public participation of larger masses, namely disadvantaged populations of all sorts (Hinger, 2020, p.31). Hinger's perspective is

open to criticism, that not all municipalities or administrative branches have an inclusive agenda compared to the federal government. Their tendencies might be subject to change through political agendas or unexpected migration flows, making the sustainability of inclusive approaches unreliable for non-citizens in the long term. Cities under the administration of progressive political parties, such as SPD, Greens or The Left are prone to present enhanced policy approaches in terms of immigrant reception, compared to the cities with conservative administration.

3.2.4. Active Citizenship: A Way of Contestation

From this point onwards, *acts of citizenship* come to the foreground. Resembling Ranciere's quote: "Politics exists when the natural order of domination is interrupted by the institution of a part of those who have no part" (Rancière, 1999), Nyers, argues that substantive citizenship is not a prerequisite to be seen or heard within the political realm (2008, p.165). As conveyed by Bauböck's discourse (2003), formal citizenship is a meaningless legal status if its possessors don't have the adequate means for political participation. Moving away from the significance of legal statuses and the impact of methodological nationalism, any disadvantaged group or individual within society might engage in acts of citizenship to challenge the top-down prescribed limits of their existence. Therefore, LGBTQ+ individuals, members of ethnic minorities, women, subordinated classes, and all sorts of marginalized parties may arise conflict by the acts of citizenship. Individuals who are disqualified from being political actors for any reason, through vulnerable dispositions, may demand a more stable rights regime through contestation and acts of visibility.

Isin (2013, p.41) describes acts of citizenship, as the improvised acts of subjects, going off the roles scripted by the nation state. Papadopoulos & Tsianos, narrate how migrant subjects of various categories, develop their own strategies to challenge the bureaucratic decision-making procedures and border controls, to determine their own destiny themselves (2007, p.229). Therefore, citizenship is constructed and deconstructed in a non-totalised, disarticulated form. Scholars investigating acts of citizenship underline the inherently political nature of citizenship, which cannot be decomposed from social and civil rights. Lampedusa, a radical collective located in

Hamburg, founded by migrants and refugees of various statuses, (non-status ones as well) is an example of acts of citizenship in the practical realm. This collective and their performances have been widely investigated in recent German social science literature (Altenried et al., 2018, p.303; Hamann & Karakayali, 2016). Sea rescues executed and funded by non-governmental organisations can also be counted as a contribution to the acts of citizenship, which bypass the elements of the formal border regime through the acts which are coded within the grey zone of legality.

From a slightly different perspective Rose, argues that citizenship was understood as the possession of rights in earlier paradigms. He points out the shift towards an understanding which constructs citizenship as the capacity to act within the scope of relative autonomy provided by laws and regulations (2000, p.99). Accordingly, Rose asserts that individuals in a contemporary society pursue their own economic interests related to their rational choices, which undermines the significance of the political aspects and the role of the nation state in terms of the constellation of citizenship (2000). Rose's point of view underplays the formal aspects attached to citizenship, as it perceives acts as the relevant criteria of membership.

Although partial forms of membership give noncitizens the opportunity for public participation to some extent, formal citizenship still appears as the primary and the most secure status in terms of accessing the rights and benefits that modern European nation state provides (Abadan-Unat, 2011). Moreover, citizens enjoy the right to leave the territory for indefinite periods and resettle whenever they want, according to their own will; whereas non-citizens are required to remain in the country without long intervals in order to keep their rights. In addition, citizens have the right to seek consular protection in third countries. All in all, statuses granted to non-citizens rather than formal citizenship remain secondary and inferior in the contemporary context. The extent of the rights granted to them is inherently relevant to the nation state sovereignty and labor market interests. Even with permanent residence permit, non-citizens lack full access to political rights, which is a major absence in terms of democratic inclusion. Even though it is unlikely in contemporary liberal democracies, for non-citizens there is always the possibility of exclusion and expulsion from the polity (Eule et al., 2019). Ultimately, "To become a citizen is to become an insider" (Bloemraad, 2007, p.58).

3.3 Concluding Remarks

As a matter of fact, non-citizens of various statuses are excluded from the substantial rights or granted precarious/partial access, even if they reside in Germany for more extended periods. These are the set of rights that maintain the public and political participation opportunities. Namely, to vote, freedom of movement, access to educational institutions, welfare and public housing, and many others. It could be interpreted as unfair while their neighbors with the "right" passport take all these rights for granted. Immigration regulations which function as internal border regimes, restricted access to citizenship, ideologically charged convictions of integration, all sorts of formal and informal mechanisms of exclusion, arise concerns in terms of the future of social cohesion and political order in contemporary German society. However, it is precisely this perspective that is highly problematic.

Migrant and post migrant politics are shaped to validate, legitimize and sustain the structural inequalities, therefore, the privileges of designated rightful members over the undesired individuals. Contemporary European politics develop strategies, in other words, policy frameworks to control, steer and regulate immigration flows in line with the labor market interests and the agendas of nation states. Conceptualizations and scopes of citizenship, integration, public participation and migration are constantly transformed according to the most recent circumstances, both in the discursive and practical realms. An indefinite number of categorizations and legal statuses classify and confine immigrants within precarity and disenfranchisement. Boundaries of rightful membership are constantly reconfigured to determine the insiders and outsiders. Distinctions are increasingly characterized by ambiguity and blurriness, reflecting the heterogeneity of contemporary political spaces. Nevertheless, vagueness is primarily interpreted in a disadvantageous way for the migrant subjects, paving the way for implicit or explicit forms of discrimination.

This chapter investigates the theoretical foundations of public and political participation as the normative grounds of democratic legitimacy. Conditions, modes, and forms of political participation are discussed in relation to citizenship status. The rising influence of local level politics and the contestation opportunities are presented.

Alternative forms of citizenship and partial membership are described regarding to the set of civil rights they provide. The theoretical and conceptual background presented in the scope of this chapter aims to provide a critical lens and substance for the discourse analysis on plenary debates, which is demonstrated in the next chapter.

CHAPTER 4

STANDPOINTS OF POLITICAL ACTORS REGARDING TO THE PUBLIC PARTICIPATION OPPORTUNITIES OF NON-CITIZENS: A CASE STUDY ON THE PLENARY DISCOURSES OF POLITICAL PARTIES

4.1. Role of Political Parties and the Significance of Parliamentary Debates in terms of Shaping Migration Regimes and Relevant Policy Fields

“Das Volk tritt nur im Plural auf” (Jürgen Habermas).

At its most basic, political parties represent the political tendencies and views of public opinion. Political parties are formed as institutional structures, which act as a medium to maintain formal political participation opportunities for the citizens. Political parties constitute an integral part of liberal democracies. Their positions and actions are determined by internal procedures and mechanisms, which are shaped through internal rules and regulations. Historical pathways, customs are also relevant in terms of defining the aims, programs, and alignments of a party. Furthermore, parties function as relatively autonomous political actors in the public sphere vis a vis the state, constrained by the legal scope provided by relevant laws and the constitution.

Political parties appear in the political realm in the form of legal entities, which seek to present and maximize the partial interests and demands of their (potential) electorates. They aim to promote an ideological orientation and to enhance the political power of a section through gaining parliamentary representation opportunities via gaining popular vote at elections. In order to increase their popularity parties might try to address larger masses. Their standpoints might be rigid in certain policy fields although they are subject to change as society transforms. Parties are not formed as monolithic entities, and they might adapt to fragmented positions. Members may express partially autonomous opinions, within a range allowed by the constellations of

party discipline. Accountability and competencies of party elites determine the rigidity of discursive boundaries, hence the ideological heterogeneity allowed by intra-party dynamics. In addition, party positions may not perfectly comply with the popular views in public opinion. Parties may filter and selectively reflect ideas regarding to specific conjunctures and their scope of competence (Vollmer, 2021, pp. 152-153). Politicians convey their thoughts and ideas mostly through utilizing rhetorical means, namely by conducting speeches.

The second chapter of this thesis analyzed the historical foundations of the dispositions of non-citizen subjects in Germany. The third chapter of this study presented a theoretical and conceptual background in terms of the public and political participation opportunities for citizens and non-citizens. In addition, precarious modes of membership are analyzed through the lens of migratory movements. As the contemporary German political realm is constructed on the principles of democratic pluralism, the interests and preferences of the majority of the population are represented and mediated through the parliament. Although not every single vote count, because of the electoral threshold and other structural hurdles/deficits caused by electoral systems, broader coverage is aimed. In this way, the legitimacy of administration is maintained within the normative democratic principle.

Given this general framework on the roles of political parties in a liberal democracy, this chapter aims to explain the recent approaches to non-citizen presence/representation in German polity through the parliamentary discourses of political parties. According to (Odmalm, 2018), the emphasis has traditionally been on comprehending and explaining state responses to greater mobility and integration processes. However, this thesis argues that the roles of political parties as national actors are indispensable as they are the actors who ultimately determine and influence policy, particularly political parties and deputies, have either been missing or presented as playing small parts.

Debates at the local parliaments of federal states are also relevant, however left out of this research due to practical constraints and to sustain the coherence of discussion at a single level/context. Other actors influence the formation/implementation of

migration regimes and discourses, such as (neutral and party affiliated/biased) branches of media, bureaucrats/technocrats, public and private institutions, think tanks, non-governmental organizations, trade unions and church are not denied. However, their roles are difficult to measure and secondary compared to parliamentary actors. Informal discourses, such as tweets are also largely left out of scope in order to prevent ambiguity. It should be noted that extra-parliamentary discourse mediation is not necessarily less effective in terms of building public opinion, considering the lack of popularity of plenary debates within public opinion (Fernandes et al., 2021, p.10).

As stated by Bauder & Semmelroggen, social science scholarship has not paid significant attention to the link between the definitions/foundations of German nationhood, its impacts on immigrant policies and the conditional appearance of non-citizens in the public sphere (2009, p.5). Replacement of ethno-cultural understanding of nationhood brought a major change in terms of party politics as well. In the scope of this chapter, positions of the political parties which are represented in the German Bundestag, will be examined regarding to the public participation opportunities granted to non-citizen residents of Germany. As already discussed in earlier sections, public participation is a multi-dimensional field that covers several concepts; therefore contains different competitive dynamics and positions for the parties in the legislative debates by dealing with and emphasizing various aspects (Atzpodien, 2020, p.124).

Policy frameworks regarding to migration and integration can be analyzed through manifold perspectives. Economic, securitarian, social and moral dimensions regarding to these issues are covered by political discourses. Allocation of rights and resources, principles of citizenship are also relevant. Including all of these would distract our discussion, therefore, (dual) citizenship, naturalization, (local) electoral rights of non-citizen residents and the participatory aspects integration will constitute the frames, through which parliamentary debates will be analyzed in this chapter. Our aim to utilize frames is to highlight certain characteristics of a seen reality in a text. Speeches will be selected regarding to these frames in order to narrow down the focus and to be more precise. In addition, frames are helpful to specify descriptions, classifications, causal interpretations and to consolidate arguments. In this regard complexity of

migration and related policy issues will be overcome by ignoring irrelevant aspects (Weiß et al., 2021, p.46).

Affiliation of the political parties to the opposition or government coalition plays a decisive role in terms of shaping their ideological orientation and the dynamics of parliamentary politics. It should be kept in mind that opposition is a vague term in political science literature which should be argued with complementary elements to be more precise. Extra-parliamentary opposition is also relevant; however, this research places its focus on the parliamentary context. The institutional structure of the German parliament provides the democratic public space where political parties can express and promote their ideas and thoughts. Committee system which gathers groups of deputies from various parties to formulate policies regarding to specific issues, reinforces the parliamentary opposition opportunities (Franzmann, 2019, p.4).

Legislative debates have an integral role to sustain the deliberative aspect of democratic decision-making processes. Deputies may aim to persuade their opponents to shift their position, but more important, they represent the tendencies of their electorates. In addition, as an extension of the committee system (*Ausschüsse*) and a part of Bundestag tradition, members are specialized in certain policy realms/themes. Therefore, not all members are involved to the discussions regarding to migration. Each party assign several members according to their educational or occupational background and electoral interests. On the other hand, Debus & Tosun underline the fact that deputies are constrained by the parliamentary agenda and rules while formulating their speeches (2021, p.3). All in all, parliament is the central arena of the democratic system, where laws and policies concerning immigration, and immigrant rights are actually formulated and enacted (Kesting et al., 2018, p.78). In this regard parliament has a major role in terms of shaping the characteristics of migration regimes.

Plenary debates on draft legal framework provide a reliable and precise source to identify the political saliences reflected by the deputies. Functioning as a representative mechanism, legislative debates constitute an underrated research interest in the field of comparative politics (Fernandes et al., 2021, p.1). Legislative

debates at the German Bundestag since the Kaiserreich era provided an opportunity to trace the continuity and change in policy fields over the political discourses from a dynamic perspective (Vollmer, 2021, p.150).

In this regard, this chapter will examine the transcripts/ minutes of plenary speeches conducted by the members of the German parliament (*MdB*) to compare and contrast the views of their political parties, placing a specific focus on the policy fields stated above. The analysis will be based on the content; hence, predominantly qualitative approaches will be adapted. Quantitative methods, such as selective word counts conducted by utilizing statistical tools are quite popular in the relevant literature. Due to limited resources and other technical constraints, this research is unable to make use of such comprehensive methodological approaches. Party programs, manifesto texts and other textual materials available to the public, which display ideological stances, could also be relevant; however, they will not constitute the main sources of the case study in order to maintain the coherence.

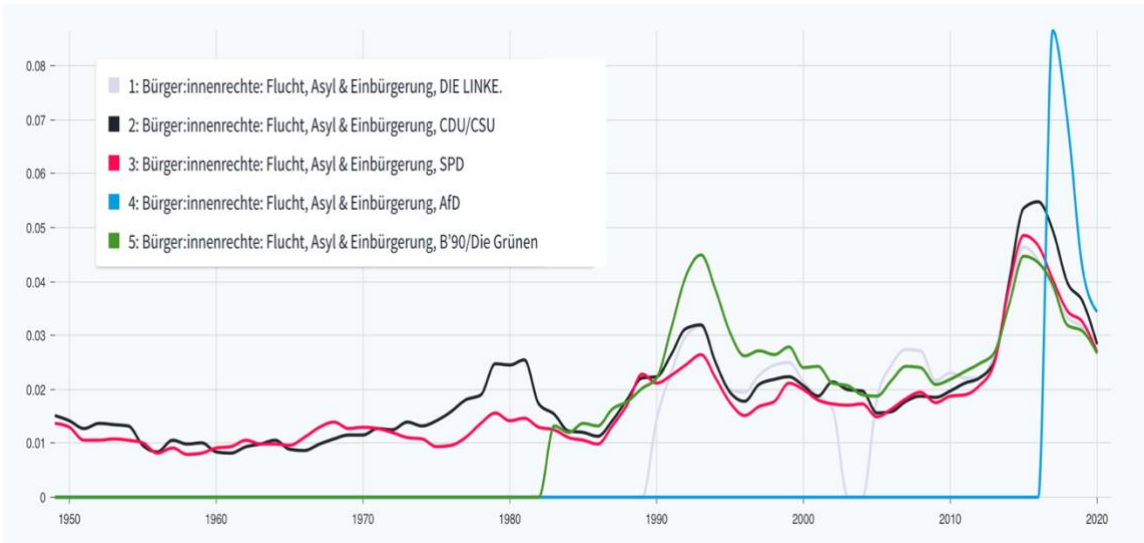


Table 4.1.: Relevance of speeches given in the German Bundestag, in the field of civil rights: migration flows, asylum and naturalization, (1949-2020). A macroscopic aggregation is used to examine the general context of citizenship policy aspects in parliamentary discourse. Y-axis shows the relevance of the theme in proportion to the absolute number of speeches conducted by a particular party. Dispersion of the relevance among the major political parties is demonstrated in different colors. Graph 1 is generated by utilizing *opendiscourse.de*, which provides a facilitative tool to gather statistical as well as discursive facts concerning the plenary debates in the German Bundestag since 1949. Designed and coded by Richter et al. (2020).

As demonstrated by Table 4.1., 1992-1994 was a time frame in which migration, asylum and relevant policy fields were frequently discussed in the parliament. Enormously increasing numbers of asylum applications and the consequent asylum compromise were the major reason for the popularity of these themes (Vollmer, 2021, p.151). Details of the process were identified and discussed in the historical background chapter, although the roles of the political parties in the parliamentary debates have not been discussed. Parties advocated different standpoints in terms of the constitutional foundations and the legitimate limits of claiming/defining asylum. Briefly, Greens constituted the major opposition against the conservative parties in this debate, as they underlined the humanitarian aspects of asylum rights and the vitality to maintain this life saving opportunity for people in need (Ellermann, 2009).

Table 4.1. shows Greens' effort to defend their stance by giving speeches in the parliament about the issue more than any other party. On the contrary, members of CDU/CSU addressed the costs, potential disruption of social cohesion and various undesired demographic consequences to solidify their arguments. Plenary debates acted the lead role in terms of both forming and reflecting the public opinion regarding to this issue. Meanwhile, another major development in the field was the amendment of citizenship law in an inclusive way, promoting the *jus soli* principle (Faist, 2007, p.54).

In this research, the time frame of the discursive analysis is set between 2013-2021, namely the 18. and 19. electoral periods of the German Bundestag are included. Research is limited to a certain time span in order to cover a condensed and accurate bundle of content, which are most relevant to the up-to-date context. Constraints in terms of time, space and resources are other structural issues that bound this study to a specific period. Moreover, within the stated time span, public participation of non-citizens has been increasingly politicized regarding to key incidents concerning this policy field. There have been major shifts in party alignments in general, through the impact of migration related issues on the political realm in a holistic way.

Since the early attempts of liberalizing the constellations of citizenship and integration in the early 2000's, the politics of migration has been in an ineradicable transformation

process. Formal approaches have been continuously developed to be more inclusive. Furthermore, year 2013 indicates a milestone from several aspects. As shown in the Table 4.1., an upward tendency to discuss the issues related to migration and immigrant incorporation is observed in the parliament since 2013. There are several reasons which heated up the public opinion and triggered policy making mechanisms to reshuffle their agendas of priority.

On 3 July 2014, the option model (*Optionspflicht*) for the naturalization of young individuals (aged between 18-23) who are of immigrant descent has been partially repealed as of the fulfillment of a condition for the coalition between CDU and SPD. In this regard, dual citizenship right was granted for the first time, to individuals whose both parents are of foreign descent. Accordingly, children who were born and raised in Germany are exempted from the mandatory choice in between two citizenships, if they spent 8 years in Germany until their 21st birthday or achieved diplomas as a result of at least 6 years of education in Germany. Such paradigm shift had a liberalizing impact on the naturalization of non-citizens who were born and raised in Germany, as it facilitated their access to the means of public and political participation. Dual citizenship had always been a taboo in German politics, as pointed out before. Highlighting a major step towards adapting the *jus soli* principle, this development transformed the German foreigners' regime, which has been reflected through party discourses.

Another vital phenomenon in this realm is the asylum/migration crisis. Suspension of the Dublin Regulation, consequent irregular migration flows to the European continent and undesired incidents concerning the newcomers (sexual harassment incident at Köln which took place on the New Years' Eve 2015/2016), mobilized the anti-migrant sentiments, hence promoting the controversy around immigration policies since 2015. The contentious arguments surrounding the so-called "immigration crisis" paved the way for the establishment and rise of AfD, Germany's first successful populist radical right wing party (PRR) (Heinze, 2021, p.136).

Although parties frequently struggle to change their stance on a given issue, they can nevertheless shape the political field by highlighting/promoting subjects that benefit

them and downplaying those that do not (Dancygier & Margalit, 2020, p.19). This chapter proceeds with a discussion on the alignments of political parties explained through the ideological spectrum. Shifts in terms of the saliences will be identified regarding to the positioning of non-citizens' within the society in order to pursue the patterns of continuity and change.

4.2. Political Party Alignments regarding to Immigration Policies and Public Participation Opportunities of Non-Citizens

German political parties have a significant role in terms of reflecting how contemporary German public opinion perceives the idea of being an immigration society, hence, sharing a heterogenous polity with non-German residents.

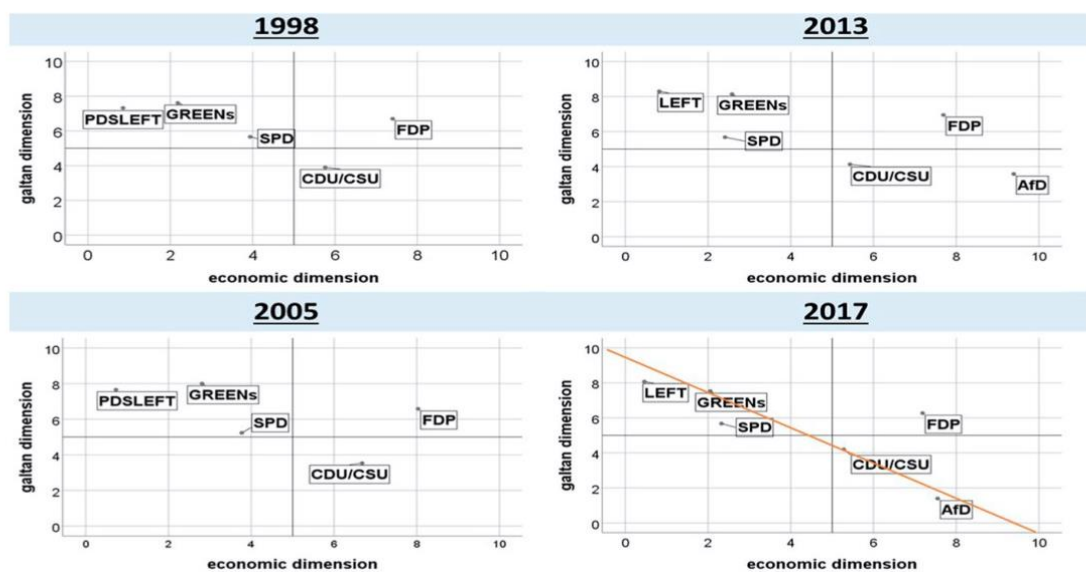


Table 4.2.: Alignments of German political parties on the ideological spectrum, demonstrating the shifts between 1998-2017 (Franzmann, 2019, p.5).

Table 4.2. demonstrates the ideological positioning of political parties on an economic left/right and socio-cultural GAL/TAN dimension. Often classified as new politics, green, alternative, and libertarian (GAL) viewpoints are placed on one side of the policy dimension and traditionalist, authoritarian, and nationalist (TAN) attitudes on the other. As the name of the first pole, GAL, implies, Green parties are mostly

connected with this viewpoint, which also encompasses civil and minority rights, as well as issues regarding to immigration and non-citizen participation (Debus & Tosun, 2021, p.2). As a party is further located to the left side, the more they support state-regulated economy, whereas right wing location signifies the dominance of free-market economy in a political viewpoint. According to Franzmann (2019), traditional economic left/right distinctions are not the single determinants in recent German politics as he emphasizes on the significance of GAL/TAN dimensions. He argues that a combination of economic and cultural aspects shapes the ideological content of political competition.

As explained by Franzmann, German political space had a relatively consolidated nature following the first years of reunification (2019, p.6). Economic aspects were predominant in terms of determining positions in party politics. As discussed before, German nationhood has been redefined through the significance of the “social market economy” (*Soziale Marktwirtschaft*). Therefore, politics had been shaped and characterized around this focus.

However, in 2013, when Merkel completed eight years as the chancellor, political alignments began to shift dramatically. Most importantly, the CDU/CSU posited themselves as the core party at the ideological center. SPD shifted to the left economically, abandoning the center, while the Greens went to the right to a little extent. The experience of electoral setbacks with Merkel's neoliberal agenda, combined with the success of the Grand Coalition's economically moderate strategy, reinforced CDU/CSU's central position. In this regard, an ideological space, a representation gap emerged at the bottom-right of the spectrum to be filled by AfD.

CDU/CSU's swing to the center created the need for a nationalist party promoting conservative values, which was supposed to be located at the further right beyond CDU/CSU's standpoint. This was precisely the terrain into which the AfD ventured in 2013. Initially, AfD's 2013 election campaign was driven by socioeconomic concerns, particularly discussions over the minimum wage and the Eurosceptic arguments which were formed through the process of Eurocrisis. Therefore, AfD became a serious alternative and opponent to FDP as AfD was also in favor of the competitive liberal

market economy. AfD appealed to the voters of FDP and other mainstream right-wing electorates in this period. In the 2013 elections, both AfD and FDP couldn't get any seats in parliament.

According to Franzmann (2019), on the eve of the 2017 elections, all political parties moved slightly leftwards economically. In addition, he argues that TAN tendencies generally increased as a response to asylum crisis and politicization of immigration related issues. Posing a rupture on the pattern, Greens slightly approached the opposite pole, GAL, which sharpened the division in terms of cultural politics. Franzmann suggests that cultural dimensions were decisive on the results of the election. He emphasizes on the anti-cosmopolitan impact of AfD which affected party politics as a whole (2019). FDP kept its focus on economic dimensions, in its traditional way. Infrastructure, digitalization, and the potential improvement strategies for the social market regulations, which have been historically defined as the core of contemporary German identity. In addition, FDP departed from AfD by supporting pro-EU discourses.

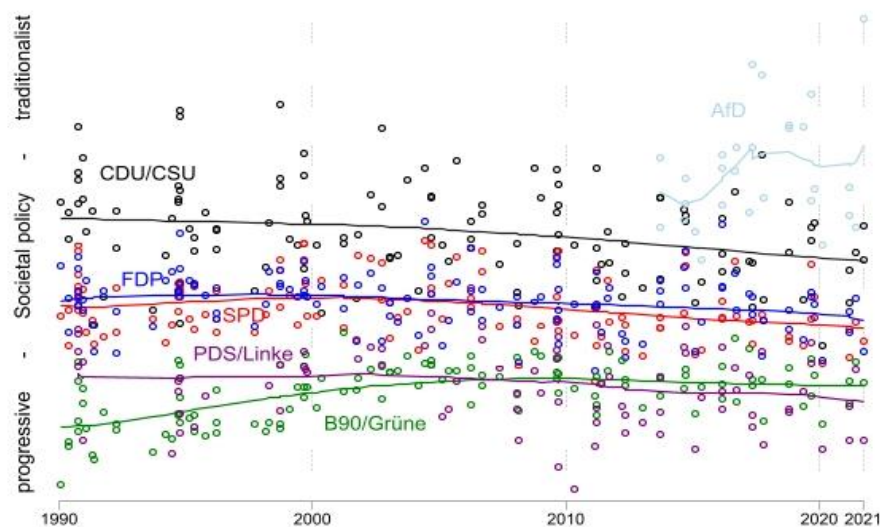


Table 4.3.: Developments in German party competition. CDU/CSU adapts an increasingly centrist societal policy position. Estimates are based on a Wordscores analysis of all federal and state party election manifestos since 1990 (Bräuninger et al., 2020).

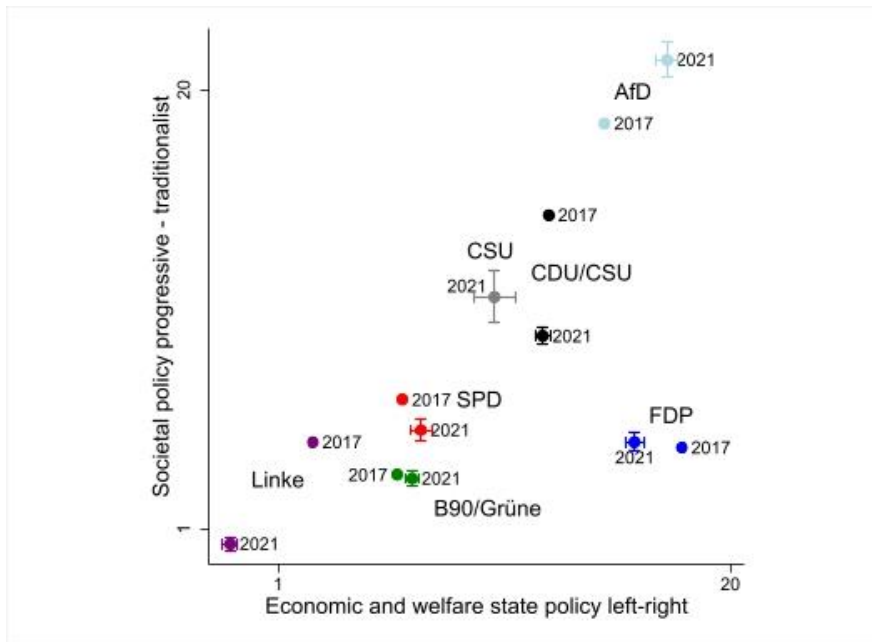


Table 4.4.: Most recent shifts regarding to party positions are demonstrated through their election manifestos, in comparison to 2017 (Bräuninger et al., 2020).

Moving on to the specific focuses regarding to immigration policy realm, CDU/CSU's priority is the preservation of German identity while shaping its party position concerning migration and integration. Promising integration capacity and higher educational background of newcomers, lack of cultural difference between the potential migrants and German society, are desirable for CDU/CSU. Therefore, the ideal migrant should be ready for integration and contribution to the economy by joining the labor force as soon as possible. In addition, migrants should prioritize German norms, values and culture as if it's their original identity.

CDU/CSU emphasize the *Leitkultur*, considering it as an indispensable element of integration. Adapting to *Leitkultur* is perceived as a prerequisite for the public and political participation of immigrants. Concerning the refugee crisis, the CDU/CSU parliamentary group focuses on the costly services offered for refugee reception and advocates for immigration regulation. Opposition parties, on the other hand, emphasize the deplorable conditions in the receiving camps and constantly underline human dignity, which must be safeguarded for the refugees despite the authorities' disproportional demands (Atzpodien, 2020a, p.140).

On the very contrary, Greens (*Die Bündnis 90/ Grünen*) aims for a comprehensive multicultural society, which is inclusive of various ethnic, religious, and cultural identities. It argues that immigration to Germany should take place without the restrictions affiliated with nationality. Therefore, Greens advocates the improvement of the rights of non-citizens, believing that all constraints in front of non-citizen participation should be lifted. The Left (*Die Linke*) shares a similar point of view with the Greens regarding to cultural politics, even more emancipatory and radical in certain aspects. The Left members do not refrain from harshly criticizing AfD. In addition, The Left is located at the farthest left position in terms of economy, in comparison to established parties represented in the parliament.

FDP also promotes heterogeneous, multicultural society in principle; however they suggest that non-citizens need to accomplish integration stages to be full members. Therefore, according to FDP, acquisition of German language skills, recognition of German institutional and legal system and compliance with the Basic Law should be compulsory for all long-term residents, whereas identificatory adaptation is not considered as necessary. Political participation of foreigners had never been a central issue in this party's program, as FDP deputies show little to no involvement within relevant parliamentary debates. This is presented in the analysis as well.

Until the recent context, SPD adopted an ambiguous language that highlights the importance of culture, in terms of migration policies. It was not the integrative character of the culture that is emphasized, but rather the dialogue between cultures. In addition to dialogue, the rules of coexistence in the framework of a democratic socialist perception of the heterogeneous society include learning the German language at an advanced level. Moreover, the constitution is set as the basis to prescribe the limits/definition of cultural diversity.

(Atzpodien, 2020a, p.131) argues that SPD had an ideological position closer to the Greens regarding to migration and refugee policies, however their coalition responsibilities forced them to adjust/ moderate their views in the way other coalition partners, namely CDU/CSU demanded. On the other hand, SPD had to justify its actions to satisfy its voters. In this regard, SPD acted a role in-between opposition and

government, which became indistinguishable in certain cases. Putting an emphasis on SPD's negotiation power, Atzpodien asserts that SPD has been the most influential party to promote pro-immigrant discourses, especially in the 18th term, although they have been confronted by several dilemmas which blunt their ability to act bolder (2020a).

According to Atzpodien, presence of AfD in both local and national parliaments deepened the cleavages between parties regarding to immigration, integration and related subjects (2020b, p.2). The dynamics of competitive party politics have been interrupted as the ordinary way of doing politics had been impacted. She argues that these policy realms were traditionally left out of mainstream party politics, as a result of a "silent agreement". The politicization of the issues related to foreigners resembled the atrocities of the past fascist regime. Therefore, as stated by Odmalm, radical right wing discourses were confined into the *niche* category instead of being represented in mainstream German party politics, before AfD (2018, p.9). Nevertheless, the policy field evolved in a highly politicized manner, as a response to recent developments. In the contemporary context, immigration constitutes a focal point of politics, through and within which *the political* is constructed and conveyed.

As a matter of fact, PRR ideologies transmitted by AfD brought about the restructuring of party politics. Reconfiguration of the stances of established political parties can be traced through the changing quality and nature of legislative debates (Kesting et al., 2018, p.77). Furthermore, Bräuninger et al., explain how AfD's involvement in mainstream politics complicated the formation of a coalition between SPD and CDU after the 2017 elections, in a way which has never been seen since the Weimar Republic (2019). Dissolving the parliament and calling for an early election were considered as the last resort in this regard. FDP participated in coalition negotiations as an alternative partner for the government, however, their efforts brought no result.

As discussed above, AfD was formed as a Eurosceptical political party. After 2015 AfD predominantly set preventive/restrictive approaches concerning the politics of immigration and integration as the core of its ideological discourse. In addition, AfD built a nativist standpoint on this basis. Their focus on the preservation of national

culture is complemented with an emphasis on the right-wing economic constellations. Most of the plenary speeches conducted by AfD members are linked to the policy realm of immigration, as demonstrated by Table 4.1. Although CDU/CSU spent the effort to cover the anti-migrant sentiments arising within the public opinion and the skeptical positions in accordance with non-citizens, it largely remained as an unsuccessful attempt to overwhelm the impact of AfD.

As Franzmann explains the formation process of AfD, he makes an emphasis on the role of Alexander Gauland and other former members of CDU/CSU who formed an alternative group called *Berliner Kreis* within the party (2019, p.9). They used to promote nationalist ideologies as members of CDU/CSU, however they were marginalized by Merkel and other mainstream members. Eventually these politicians resigned from CDU/CSU. They contributed to the institutionalization and development of AfD as very influential members until the 2017 elections. Some of the early high ranking administrators were replaced by AfD in this period as migration became the focal point of their political stances (Arzheimer & Berning, 2019, p.3).

In this regard, some AfD deputies drew attention early on due to their powerful symbolic staging rather than actual thematization or problem solution, which will be presented through the analysis in the following section. It became obvious over time that AfD worked with targeted provocations and utilized parliament as a "stage" to depict itself to its own followers to appeal to media attention. Against this backdrop, members of AfD rarely or never show up in (mainly non-public) committees but they speak passionately in the plenary debates. AfD constantly attempts to swing discussions in her favor and to abuse taboos by using harsh language and personal insults. The established parties gradually realized that AfD's parliamentary strategy consisted of targeted provocations and eventually profiting from media (Heinze, 2021, p.139).

According to Atzpodien, AfD still has a peripheral position compared to other established parties (2020b). Even though AfD presents itself as a legitimate alternative for coalitions, AfD is not taken as a serious alternative for government neither by the mainstream parties nor by public opinion, hence their influence remains at the

discursive level. They are mainly excluded from implementation power. In light of the brief discussion on political party alignments, this section proceeds with a comparative discursive analysis to present/clarify the standpoints through concrete examples.

4.3. Analysis of Plenary Debates concerning the Local Voting Rights of Non-Citizens

In Germany, non-citizens do not have active or passive voting rights neither in parliamentary elections nor in local elections or referendums. Local enfranchisement of non-citizens (*Kommunales Auslaenderwahlrecht*) has been a very crucial debate in terms of expanding the political participation opportunities of the long-term foreign residents in Germany. It is highly relevant to maintain equality in a society of immigration. As discussed in the previous sections, in 1990 some *Laender* tried to grant voting rights to non-citizens in the scope of local elections (Sieveking, 2010, p.627). In addition, in 1992, European Union also encouraged member states to enfranchise all residents at the local level, in the aftermath of 5 years of residence.

Local electoral rights of foreigners were however ruled out by the Constitutional Court that they interpreted Article 20 of the Basic Law in a way that vests the source of state sovereignty exclusively to *German people*. Such an interpretation has been congruent with CDU/CSU's standpoint and promoted by CDU/CSU parliamentary group. On the other hand, granting local voting rights to resident EU citizens is not considered unconstitutional or illegitimate, which posed sort of a hypocrisy. Therefore, the enfranchisement of non-citizens had been proposed to Bundestag multiple times by left wing political parties in the scope of various draft legislations (Approximately once in every three-four years/every legislative term). Although it was always rejected, there have been fruitful debates, demonstrating the most recent views concerning the social positioning of migrant subjects. It is noteworthy that plenary debates related to local voting rights are interrelated to the principles of citizenship/naturalization and dimensions of integration. More important, definitions regarding to the foundations of German nationhood are reflected through this debate.

4.3.1. Determining the Legitimate Political Participants in Contemporary German Polity

“Wer in unserer Zeit statt Volk Bevölkerung [...] sagt, unterstützt schon viele Lügen nicht.” (Bertolt Brecht)

On 9 June 2016, a plenary debate was held on the legislation proposal given by the members of Greens, regarding to granting local electoral rights to non-citizen residents in Germany.¹⁰ In addition, The Left proposed a constitutional amendment in Articles 8,9,11, and 12 concerning the freedom of assembly, freedom of association, freedom of movement, and freedom of occupation rights of non-EU residents. Two proposals were discussed at the same time. Halina Wawzyniak (The Left) conducted the first speech as being one of the members who signed the proposal. Accordingly, she clarified the standpoint of her party. In order to promote more direct and transparent democracy, they proposed granting full electoral rights to every individual who resided more than 5 years in Germany, regardless of their citizenship status. As she argued, Left Party advocated the idea that everyone should have a voice to be able to develop society. Wawzyniak underlined that the Constitutional Court decision in 1990 which reserves sovereignty for the German people, is basically outdated (Deutscher Bundestag, 2016a, p.17418).

The evolvement of the demographic structures in a multicultural way and naturalization rates lower than anticipated brought the requirement for immediate change. In the name of equality, prevention of discrimination, and enhancement of basic rights principles, Left Party proposed an update in the German Basic Law. Wawzyniak emphasized on the values and the legal framework of the European Union as well. She finalized her speech by criticizing Germany’s official approaches to foreigners’ rights: “Restriction of the stated fundamental rights and freedoms are in many places shockingly xenophobic. An ethnically and culturally homogeneous society is assumed.”

¹⁰ Der Fraktion BÜNDNIS 90/GRÜNEN eingebrachten Entwurfs eines Gesetzes zur Änderung des Grundgesetzes (Artikel 28 Absatz 1 - Kommunales Ausländerwahlrecht) Drucksache 18/2088 Berlin: Deutscher Bundestag, Der Fraktion DIE LINKE eingebrachten Entwurfs eines Gesetzes zur Änderung des Grundgesetzes Drucksache 18/6877 Berlin: Deutscher Bundestag

Helmut Brandt (CDU/CSU) conducted a speech on the contrary side (2016a, p.17419). He expressed criticism to leftist opposition that (local) voting rights for foreigners had been repeatedly proposed at the parliamentary level once every 4 years. He clearly posed the view of his party that according to CDU/CSU, the right to vote should be granted at the end of a successfully completed integration process: “Leftist parties assume that the mere opportunity to participate in elections automatically means the willingness to integrate, entails. I think that, with all due respect, is naive.”

Later he emphasized on the partial repealing of the *Optionspflicht*, namely the facilitation of dual citizenship opportunities for Turkish children born and raised in Germany. Admitting CDU/CSU was unwilling to take this progressive step, Brandt stated that he foresaw negative consequences regarding to this opportunity. Flexibilization of the conditions of dual citizenship was initiated by SPD, their coalition partner. Brandt supported the decision made by the Constitutional Court by denying both local and parliamentary electoral participation rights of non-citizens. He finalized his speech by asserting that rights are equally distributed to everyone who can legitimately claim them.

After Brandt, Volker Beck (Greens) underlined the importance of collaboration in terms of integration and the necessity to give people control of their own destinies in this regard (2016a, p.17420). Departing from The Left, Greens advocated voting rights for non-citizens only at the local level. Beck drew attention to the hypocrisy that EU citizens already had the local vote whereas non-EU were categorically excluded. CDU/CSU finds such a two-janus faced application legitimate due to the derivative citizenship granted by the EU. Beck argued that there are districts where the majority of the population consisted of non-EU citizens. According to his idea, in such electoral zones, administrations ceased to be legitimate on normative grounds, which worsened the already existing integration issues and reinforced the invisible walls of *Parallelgesellschaften*.

Therefore, disenfranchised individuals have been perceived as passive subjects in a way that their ideas are not asked. Beck believed that even at the municipal level, non-

citizens could shape their surroundings, hence participate in politics actively. He continued his speech by stating that he didn't consider constitutional amendment as a realistic option as a two-third majority is required. However, Greens advocated an amendment in the citizenship law, in order to shorten the periods for naturalization and abandon the ideological prejudices against dual citizenship. Beck's speech conveyed the ideas of transnationalism, that he discredited rigidities regarding to citizenship. Accordingly, individuals became increasingly more prone to be mobile in the conditions of the 21st century. He finalized his thoughts by expressing everyone should enjoy the basic rights in Germany no matter what legal status they possess.

In the scope of this debate, Gabriele Fograscher conducted a speech representing SPD (2016a, p.17421). She started her speech by highlighting the fact of being a country of immigration and flows of immigration would continue in the future. According to Fograscher, in 2015, 4 million EU citizens and 5 million non-EU foreigners lived in Germany. She argued that most of these fellow citizens (*Mitbürgerinnen und Mitbürgern aus Drittstaaten*) work, pay taxes and participate in public life. In addition, they are involved in migrant associations, local citizen initiatives and contribute to society. However, only EU citizens are allowed to have a say, and that is also limited to local elections. Therefore, 5 million TCNs are not allowed to have a say in whether their municipality has a new school or daycare center is being built and in which projects the municipality invested.

She stated that SPD demanded local voting rights for all foreigners, and this had been the case since it was involved in the party program in 1989. She reminded they failed to bring about a change in 1993 against CDU/CSU. As she referred to the 2013 electoral program, SPD aimed to change the constitution in a way every resident could claim local enfranchisement after five years of legitimate residence. However, this was left out of the coalition agreement. In addition, SPD had been in favor of increasing the number of naturalizations. Fograscher considered local voting rights as an opportunity to enhance integration, welcoming culture. Assigning responsibility to non-citizens to contribute to democratic development and peaceful coexistence could be possible by paving the way for their political participation.

Andrea Lindholz (CDU/CSU) expressed striking arguments after Fograscher's speech (2016a, p.17422). She emphasized on the text written at the entrance of the parliament building: *Dem Deutschen Volke* (to German people)¹¹. Although this was written in the context of Kaiserreich, it already conveyed the idea of popular sovereignty. Beck (Greens) interrupted at this point and stated this text meant the plain population (*Die Bevölkerung*). Lindholz formulated the draft legislations and came to the conclusion that these proposals required to change the definition of *people* conveyed by the Constitution. Therefore, foundations of German nationhood and the rightful subject/citizen affiliated to it. She stated that the international arena is based on nation state system and democracy is sustainable only if there is a stable political community bound with nationality.

As representing the Union (CDU/CSU), Lindholz argued that she didn't perceive *people* as the sum of individuals living in a polity regardless of citizenship, legal status, or willingness to integrate, although Wawzyniak (The Left) interrupted to say she perceives *people* this way to underline the rupture between the ideologies of two parties. Lindholz described Germany as a community of shared fate and responsibility. Therefore, full membership could be possible through obtaining formal citizenship, if one is eligible. She concluded her speech by rejecting the proposals and stating that the constitutional emphasis on Germanness referred very clearly to the democratic formation of will and popular sovereignty principles.

The last speaker of the debate was Karl-Heinz Brunner (SPD) (2016a, p.17423). He refuted Lindholz by claiming that the German constitution did not make an emphasis on Germanness apart from its first article. Brunner also highlighted that the text written on the entrance of Bundestag should be interpreted as the population, covering everyone living in Germany. Moreover, he did not support the constitutional amendment proposal by The Left as he argued that the existing article of the constitution already maintained an adequate set of rights to foreigners. In the name of SPD, Brunner advocated human rights and international conventions, however, underlined how crucial integration procedures are, in terms of obtaining permanent

¹¹ See Appendix A for the pictures of both writings/artworks mentioned in this paragraph.

residence in Germany. He believed that nationality, citizenship, and other assets are still relevant to decide the scope of rights granted to non-citizens.

Relevant to the same debate, on the same day, Tim Ostermann (CDU/CSU) argued that the right to vote required full legal capacity and German citizenship. Accordingly, anyone who is a citizen with all other rights and obligations could be eligible to vote. Ostermann invited anyone who did not yet have German citizenship but would like to vote at the federal level to become a German citizen first (2016a, p.17323). From a different perspective, Alexander Hoffmann (CDU/CSU) pointed out that he considered referendums and other elements which enhance the opportunities of direct democracy, as unnecessary, therefore waste of resources of the state. Wawzyniak (The Left) clearly opposed this idea. In addition, Hoffmann asserted that the right to vote and citizenship are inseparable (2016a, p.17334). Dr. Eva Högl (SPD) interrupted to say that such an approach would be invalid for local elections. Hoffmann reformulated his colleague Ostermann's (CDU/CSU) ideas:

What endeavor should someone still have to acquire German citizenship if, at the end of the day, you present them with one of the most important civic rights, namely the right to vote, on a silver platter? For me - and I say this quite frankly - it is hard to see why, if you want to change that, you do not insist on the criterion of reciprocity here.

In this regard, Hoffmann argued that civic rights and duties should be considered in a sense of reciprocity. Enfranchisement has been perceived as the most important part of citizenship. Therefore, according to CDU/CSU, obtaining this right before naturalization could discourage foreigners from completing integration requirements.

4.3.2. Improvement of Direct Democracy and Approaches concerning the Enfranchisement of Non-Citizen Residents

This section proceeds with the analysis of another plenary debate concerning the local voting rights of non-citizens, which took place in the 19th legislative period. On 14 June 2018, a debate was held on the draft legislation proposed by The Left, to reinforce the principle of direct democracy in the constitution by facilitating the initiation of

referendums.¹² Petra Pau (The Left) opened the debate as being one of the members who signed the proposal. She argued that opportunities for direct political participation should be enhanced for all. In addition, she emphasized that The Left would dare to do more to include younger individuals and *long-term fellow citizens without a German passport (langjährige Mitbürgerinnen und Mitbürger ohne deutschen Pass)* in the political realm (Deutscher Bundestag, 2018a, p.3890).

Philipp Amthor (CDU/CSU), who was a 26 years old young politician at that time, represented his party in this debate (2018a, p.3891). Accordingly, he explained that this motion had been proposed and discussed at Bundestag for the 13th time, which was a repetitive unsuccess for The Left. He argued that a population of 100.000 was a very low threshold to initiate a referendum at the local level, which eventually led to the waste of public resources. Amthor's wording and expressions had been particularly noteworthy as he adapted an aggressive manner and the use of informal language/idioms was often during his speech. Amthor found striking that The Left dared to propose voting rights at the federal level, for non-citizens who resided in Germany for at least five years. The discussion moved on to the basis of sovereignty again, that The Left justified this proposal with the idea which is inherent in the Basic Law that the sovereign is the population. Amthor refuted such an approach vulgarly and received applause from both his fellow party colleagues and the members of AfD:

I tell you: this is utter nonsense. The sovereign is not the population, you can rather see who the sovereign is when you drive here to work in the morning. You must open your eyes. (...) Here in the Bundestag, it is not written: "Those who have lived here for a long time", but rather: "The German people".

Amthor finalized his speech with a self-righteous style, underlining that the German people (*Deutsche Staatsvolk*) are the starting point of German state power, hence is set as the subject of CDU/CSU's politics. He solidly rejected cosmopolitan fantasies and defined citizenship as a correlation between rights and duties. Therefore, foreigners are excluded from the political community of fate. Amthors' standpoint could be

¹² Der Fraktion DIE LINKE eingebrachten Entwurfs eines Gesetzes zur Stärkung der direkten Demokratie im Grundgesetz. Drucksache 19/16 Berlin: Deutscher Bundestag

interpreted as radical and be located at the further right of the ideological spectrum compared to the average members of CDU/CSU, especially Merkel. This was also appreciated by Christian Wirth (AfD), who conducted a speech after Amthor (2018a, p. 3892).

Wirth admitted that the motion correctly pointed out the fact, referendums are effective means to promote participation in decision-making procedures, at a level which is not achievable through elections alone. He argued that direct democracy is a fundamental concern for AfD as well, as they see the people as the rightful source of sovereignty. However, Wirth alleged that The Left's proposal aimed to deprive the German people of their right of sovereignty and national identity. Adapting an exaggerated rhetorical style, Wirth blamed left wing parties as if they pursued anti-German policy agendas and as if they considered non-citizens as potential electorates to increase their votes. He continued developing his accusations by adding Merkel as she interpreted "the people" (*Volke* in Wirth's discourse) notion mentioned in the constitution as the residents of the country. According to Wirth, by opening borders to the refugees and asylum seekers, namely by suspending the Dublin Convention temporarily, Merkel realized/legitimized this idea on the legal as well as on the moral frameworks. Wirth asserted that naturalization procedures had been fairly facilitated and improved recently. If anyone rejected German citizenship, therefore they logically wouldn't have political participation rights as they would not deserve to have a voice or to be represented through formal politics.

For AfD, individuals who respected and internalized German values and traditions are the rightful political participants. In this regard, full scale cultural integration in an assimilative way is seen as a prerequisite for German citizenship and eventually, political involvement. Such a point of view conveys the fact that AfD still perceives/defines German society as a homogenous cultural entity. This resembles the ethno-cultural definitions of nationhood and the past regulations in line with that framework. The presence of AfD demonstrates that there are still tendencies to adapt such worldviews in public opinion, although the majority of the population condemns and rejects them.

Wirth underlined that, five years of residence was less than enough to prove loyalty, also, potential citizens should not enter the country illegally. In addition, he believed that applicants of legal statuses should not sue the state to claim rights. Moving on to further provoking anti-immigrant sentiments, Wirth presented statistics regarding to the presence of the non-citizen Muslim population in the country. He purported that almost half of this population did not internalize secular values, therefore he implied they would possibly deteriorate the voting patterns and the principles of German constitutional democracy. Wirth concluded his speech by addressing the potential threat of the formation of a “migrant party”, which could rupture the coherence of the established political realm. Elements of radical right wing populist politics are traceable in this context.

After Wirth, Lars Castellucci (SPD) took the floor to conduct his speech regarding to the proposal (2018a, pp.3893-3894). He started his speech by praising direct democracy and underlined how crucial the improvement of the opportunities of political participation was. Criticizing AfD and their populist discourses which conveyed hostility, Castellucci highlighted the importance of perseverance as a political virtue to tolerate AfD’s discourse. He promoted deliberation and reciprocal respect in the parliament for the sake of electorates who expect to be represented.

Posing a moderate approach towards the proposal, he offered a compromise at the level of commission of experts. SPD considered citizenship as the key in terms of enfranchisement both in terms of referendums and elections. Although not insisting on rigid, excluding models especially at the municipal level, they are sensitive in terms of preventing individuals to vote for two countries at the same time. Castellucci pointed out that electoral campaigns of third countries in Germany bothered them, therefore, new alternatives should be constructed. According to this point of view, the focal point of the lives of non-citizens should be decisive to determine where they should be able to fully participate. In the scope of this speech, Castellucci did not directly discredit dual citizenship, however, he posited himself reluctant.

Manuel Höferlin (FDP) started his speech by promoting the benefits of direct democracy opportunities as it gives the chance to actively shape the environment to

participants (2018a, p.3894). He proposed to keep the amendment simple, dismissing the constitutional amendment, and set the required population to initiate a referendum at a higher threshold. Höferlin did not mention the voting rights of non-citizens.

Canan Bayram, a member of the Greens advocated the protection of minority rights, in line with the enhancement of direct democracy (2018a, p. 3895). She argued that there is discrimination in terms of the exclusion of non-citizens from elections, as individuals who lived in Germany for their entire lives are not allowed to participate in politics in many cases. As a result, they are affected by the decisions that they have no voice over. At this point, Amthor (CDU/CSU) interrupted to say that these individuals should acquire German citizenship, assuming that it is their own choice to refrain from obtaining citizenship. Bayram concluded by challenging the members to discuss the issue in an extended format, beyond the plenary context, as it was certain that the majority of the House would reject the motion.

Michael Kuffer (CDU/CSU) praised the perks of referendums and direct democracy (2018a, p.3896). However, he rejected the motion as he was annoyed that The Left presented the issue with the specific framing of non-citizen enfranchisement. Kuffer found the advancement of direct democracy opportunities and the systematic lack of political participation of a significant part of the population irrelevant. He argued that citizenship and the vote are strictly inseparable. In addition, Kuffer strikingly denied the existence of discrimination in Germany as he thought non-citizens arbitrarily avoided acquiring citizenship even if they were eligible for naturalization. His speech could be considered typical in terms of reflecting the views of his party.

Helge Lindh (SPD) presented self-criticism by expressing the flaws and mistakes of his own party in terms of the historical roots of constraints narrowing political participation opportunities for certain groups in Germany (2018a, p. 3897). He pointed out that that part of the population of this country is not adequately represented. Also, he put the responsibility regarding to this deficit to representative democracy instead of direct democracy. Lindh implied the debates around the definition of the population, afterwards he referred to the artwork/writing by Hans Haacke placed at the courtyard of Bundestag: *Der Bevölkerung* to express his position at the debate. AfD members

interrupted Lindh to say that the population consisted of the people left wing invited.

As a response:

Lindh (SPD): “What about those who came generations ago? What about those who came many years ago, years ago, or now?”

(Philipp Amthor [CDU / CSU]: “Then they must become citizens!”)

Lindh (SPD): “We spend a lot of time explaining who can and shouldn't be in this country. But what about those who are here already, who live here? What notion do we have of their relationship to democracy, of their access to political education?”

In this part of his speech, Lindh went beyond the legal and formal aspects of citizenship and political participation. In addition to questioning the moral responsibility of German legislators and public opinion to the non-citizens who arrived many years ago, Lindh emphasized the deficit/ rupture on the legitimacy of German democracy and its institutions including the parliament itself, which is caused and reproduced by the persistent exclusion of a permanent part of the population by utilizing the mechanisms of the state. Discursive and ideological dimensions of sustained inequality are still normalized and advocated at the parliamentary level, although Germany admitted the fact of being a country of immigration. Lindh's speech was the most impressive one in the entire debate as he kindly revealed the truth regarding to the political participation deficit of foreign residents, which had been constantly concealed/distorted by the right-wing parties on purpose.

Lindh continued to deliver his speech by narrating his visits to areas which were largely populated with non-citizens of different statuses. These places had been considered as no-go areas, namely districts labelled as *Parallelgesellschaften* by the majority society. He highlighted that these areas are no-vote areas as they are by no means able to express democratic will. AfD members interrupted to say: “They are voting for Erdogan!” which was an ideologically charged, irrelevant fact, out of the context of this debate. Lindh concluded his speech by calling out to eradicate the no-vote areas from the map by using the means of direct and indirect democracy in the love of Germany, in order to promote its basic values and to serve the country. In this regard, one could argue that Lindh's position was further left as he delivered a bolder,

emancipatory discourse compared to his party colleagues who presented a moderate position.

Axel Müller (CDU/CSU) was the last speaker in the scope of the debate (2018a, p.3898). He repeated and clarified the position of his party within the debate, by harshly criticizing and rejecting the motion. In addition, he accused the opposition of trying to assemble their own electorate by changing the eligibility criteria for voting.

4.4. Analysis of Plenary Debates regarding to Naturalization and Dual Citizenship Rights

This section aims to present the plenary debates which demonstrate the significance of jus soli principle and the arguments concerning the expansion of naturalization and dual citizenship opportunities for non-citizens. Debates which are analyzed in the scope of this part are chosen from 18th and 19th legislative periods.

4.4.1. Position of the Federal Government in terms of Compulsory Choice (*Optionspflicht*) and its Abolition

On 14 March 2014, at the beginning of the 18th legislative period, a plenary debate was held to discuss the position of the Federal Government on the abolition of compulsory choice in the citizenship law (*Optionspflicht*). Greens demanded the debate (Deutscher Bundestag, 2014, p.1480). Volker Beck was the first among all speakers to express his party's position regarding to the issue. Later he signified SPD's role as the coalition partner who initiated the amendment, even though Beck found their efforts inadequate. As he narrated the negotiation procedures, at the beginning compulsory choice was to be completely repealed, but later CDU/CSU changed their mind.

According to Beck, imposition of the choice between two citizenships brought about serious drawbacks. He argued that the mandatory choice (*Optionszwang*) created

bureaucratic hurdles for young people, as it required an uninterrupted time span spent in the country. In addition to the unfair repercussions of such requirements, choice overloaded/wasted the administrative capacity of immigration offices and the municipalities. For Beck, evaluating almost 40.000 individual cases a year according to *absurd criteria* should not be the task of government branches.

On the other hand, Beck believed that the choice ruptured the integration goals. Beck underlined that young Germans were seen as “Germans on probation” instead of permanent, as a consequence of the mandatory choice. However, he found such an approach totally wrong: “Whoever was born here and grows up here belongs to us, with all rights and duties, we do not have to welcome them because they are already here and are part of our society”. Beck concluded that the option should be fully abolished in terms of an improvement of the immigration law. Therefore, he proposed the draft law shaped by the Greens to be taken as a framework. In this regard, he encouraged all the parties to promote integration opportunities and to respect the people in Germany.

Later in the debate, Beck’s party colleague Özcan Mutlu (Greens), reinforced Beck’s position. He criticized SPD as he found them weak in terms of not being able to convince CDU. Accordingly, CDU revealed its real motivations which were hidden behind their cosmopolitan mask, during the negotiations as they insisted to sustain the hurdles instead of facilitation. Mutlu argued that the young people who are obliged to make the choice could be loyal to Germany even if they keep their parents’ citizenship. He pointed out the contradiction between the transnational definitions of identity and the expectation of unilateral commitment. In addition, he asked for the full abolishment of the option instead of a reinterpretation by utilizing notions such as grew up/raised (*aufgewachsen*) in the draft.

Mutlu gave examples of people who were expatriated because of the administrative procedures, which brought about disastrous consequences to these individuals’ lives (2014, p.1485). In a similar vein, Christine Buchholz (The Left) highlighted that the choice did not apply children of EU citizens or Swiss. She argued that, essentially, the option obligation functioned as a tool of discrimination against children of Turkish

parents in Germany. Having pointed out the hypocrisy and racism she asked for the abolition of the law and gave examples of people who accidentally lost their German citizenship due to bureaucratic deadlines (2014, p.1487). While concluding her speech, Buchholz addressed heavy criticism to SPD.

Thomas Strobl (CDU/CSU) explained the ideal high-profile child of immigrant origin, according to his party's constellation. Such a young individual born and raised in Germany by foreign parents, who attended higher education in Germany could keep dual citizenship and vote in Germany as well, and that was the reason why CDU/CSU accepted to repeal the mandatory choice during coalition negotiations (2014, p.1481). On the contrary, Strobl narrated another case in which the young individual was born in Germany but raised elsewhere, not integrated into German society by any means. CDU/CSU rejected the naturalization of cases, therefore reluctant to fully abolish the obstacles in front of dual citizenship. He openly advocated bureaucratic hurdles as he considered citizenship not as a simple, ordinary status. Strobl presented the mainstream opinion of his party that he implicitly argued that the mandatory choice was just a formality. Although the debate was not directly related to enfranchisement, that was also a part of the discussion. Lastly, Strobl emphasized on the political nature of the question and the different constellations of citizenship presented by political parties:

The question is: How do we define our nation? The question is: who is a citizen here, who is a citizen here? The question is: who has rights and obligations in this country for life? Last but not least, the question is: Who is eligible to vote here? Who can elect Federal Chancellor here?

Heinrich Zertik (CDU/CSU) further developed Strobl's ideas later in the debate. As being an ethnic German who immigrated from the former USSR himself, he argued that the multiple citizenships were useless in daily life (2014, p.1486). Accordingly, Zertik referred to BAMF data to assert that the individuals who were obliged to make the choice (*ausländischen Mitbürgern*) were 90 percent in favor of German citizenship. Therefore, he considered the choice as a formality. Zertik clarified his standpoint in terms of the mandatory choice. As a typical presentation of CDU/CSU's constellation of successful integration and German citizenship, a potential citizen

should be fully integrated into the labor market and internalize German identity. In an assimilative way, Zertik argued that German culture, history, and values should be located at the core of the citizen's world, that there won't be the necessity/gap for their former identities. All in all, he considered the recognition of mother tongue as a contribution to diversity but not necessarily required.

In a similar vein, Andrea Lindholz (CDU/CSU) pointed out the connection between identity and the opportunities of citizenship, underlining the fact the choices regarding to identity are largely left to individuals in the liberal democratic German context (2014, pp. 1489-90). Beyond the debate of dual citizenship, she asserted that aspects such as language, socialization, family and place of residence were far more important than the passport. Determining the center of life constituted the core dimension of her discourse. Although Lindholz promoted the improvement of the relevant legal framework, she praised the mandatory choice as she presented the positive feedback received from public opinion. She utilized statistical data to reinforce her position.

Alexander Hoffmann (CDU/CSU) accused the opposition as if they had been framing the discussion in line with a bias shaped through their specific political agendas (2014, p.1495). He reinforced his standpoint by narrating hypothetical chaotic scenarios which could emerge as a consequence of unrestricted dual citizenship rights, resulting in individuals who are not connected to Germany obtaining German citizenship. On this framework, he argued that Germany welcomed people with immigration background without discrimination. Receiving criticism from the members of the left-wing opposition, Hoffmann declared that his wife was of Turkish origin. According to him, his Turkish family members experienced their identities beyond the formal identification papers and regardless of their roots.

Petra Pau (The Left) started her speech by highlighting the fact that the mandatory choice was introduced as a part of the transition to dual citizenship regime at the beginning of the 2000's, and her party advocated unconditional dual citizenship instead (2014, p.1483). She argued that CDU/CSU expected/forced young people to choose whether German citizenship or Turkish, but the left-wing would not impose a binary choice. Pau underlined the political conflict and located CDU/CSU and the left

wing at two opposite poles. She insisted on Germany's need for an open citizenship law instead of an exclusionary one. In addition, she presented the discriminative discourses and practices beyond passport and formal citizenship, by pointing out her concerns regarding to the NSU terror against individuals of foreign origin.

Eva Högl (SPD) began her speech by underlining that the Grand Coalition would certainly abolish the mandatory choice. However, it was no secret that there had been deep disagreements between CDU/CSU and SPD (2014, pp 1484-1485). Högl was constantly interrupted by the left-wing opposition that SPD was inadequate to advocate their position during negotiations. Högl argued that SPD had to make a compromise, however in principle they believed option obligation is harmful for integration and they wanted dual citizenship for more individuals with fewer hurdles. Left wing members emphasized the wording grew-up/raised on the draft law¹³, and asked for a clear definition. Högl presented SPD's emphasis on the integration of potential citizens, far from adopting the pure *jus soli* principle. Adaption of German language skills is important for SPD's discourse. Her party colleague Uli Grötsch (SPD), further developed the standpoint of SPD later. He expressed their loyalty to the coalition agreement, but in principle, they believed that the further modernization of the citizenship law is required, even overdue in the context of an immigration country (2014, p, 1488). Grötsch defined being German as something that one could feel inside herself, regardless of their roots.

Rüdiger Veit (SPD) conducted the final speech of his party in the scope of this debate. He genuinely expressed his concerns regarding to the draft law (2014, p.1494). He criticized Strobl as Strobl perceived and presented German citizenship as a gift, reward or privilege in comparison to other citizenships, namely Turkish citizenship. Veit advocated the idea that one should keep both of their citizenships regardless of their place of residence, which posed a clear rupture to CDU/CSU's arguments. He justified the wording grew up/raised in the draft against the left-wing opposition, as it was

¹³ As it is formulated in the coalition agreement: "For children of foreign parents born and raised in Germany, there will be no compulsory options in future and multiple nationality will be accepted." "*Für in Deutschland geborene und aufgewachsene Kinder ausländischer Eltern entfällt in Zukunft der Optionszwang und die Mehrstaatigkeit wird akzeptiert.*"

inherent in the 1999 regulations. Veit emphasized on the permanent residence rights of the individuals who were subjected to make a choice between citizenships. Therefore, he pointed out the fact that the aforementioned population was already integrated into German society.

4.4.2. Enhancement of *jus soli* Elements in the Citizenship Law: Expansionist Approaches

Another crucial plenary debate concerning dual citizenship and naturalization rights was held on 23 April 2015. During the 18th legislative period, Greens proposed a draft law regarding to the implementation of the birthright in nationality law.¹⁴ In this regard, Volker Beck (Greens) suggested the adaption of an improved version of the *jus soli* principle to the citizenship law of Germany. He emphasized that his party desired anyone born in Germany should be a part of the country from the very beginning (Deutscher Bundestag, 2015, pp 9520-9521). Advocating the full abolishment of the option model, Beck argued that the children born in Germany to parents who hold a legitimate residence permit should be granted citizenship.

Slightly more restrictive compared to the *jus soli* model implemented in the USA, this proposal was way beyond the limits for average German public opinion. Beck proceeded with questioning the definition of German nationhood: “How much German air do you have to breathe, how many veal sausages eat, how many polkas dance before you can become a German?” He briefly criticized the scope and definitions of the welcoming culture (*Willkommenskultur*), which had been largely promoted in Merkel Germany. Beck formulated his party’s goals in terms of improving naturalisation and multiple citizenship opportunities. Regulating local voting rights for third country nationals in the same way as it is already regulated for EU citizens, was also included in their agenda.

¹⁴ Der Fraktion BÜNDNIS 90/DIE GRÜNEN eingebrachten Entwurfs eines Gesetzes zur Verwirklichung de Geburtsrechts im Staatsangehörigkeitsrecht Drucksache 18/4612 Berlin: Deutscher Bundestag

Beck criticized the Minister of the Interior as he constantly spent an effort to prevent the implementation of the *jus soli* principle and municipal voting rights in order to restrict supply-oriented immigration. Beck implicitly referred to the autonomy of migration and administrative practices which function as internal border regimes. According to Beck, as a response to the acute immigration crisis in Europe, the ministry rigidified the legal statuses, in order to steer and control the flows. However, he asserted that such population movements had a temporary nature, whereas Germany needed to adopt a modernized migration regime to fulfill its high-skilled workforce deficit. Accordingly, lack of work force had been a structural problem of the German labor market, which could be overcome by improving immigration regulations.

Beck suggested a points system in this context. He believed that conditions for circular migration should be facilitated by the ministry to make Germany more appealing for qualified workers from developed non-EU countries. In addition, Beck drew attention to the increasing trend of emigration which posed a further threat to the economy. Moreover, Beck's party colleague Mutlu (Greens) posed criticism to CDU/CSU as they promoted the naturalization of *useful* individuals, whereas acting dismissively to anyone else. Mutlu argued that the quantitative measurements to detect the worthiness of individuals resembled the past pejorative administrative contexts regarding to foreigners' rights and he encouraged the members for a more inclusive set of civil rights for everyone without *ifs or buts*:

On the other hand, I would like you to finally understand that a person's worth is not measured by their abilities or their religion. Nor should he be determined based on his school leaving qualifications (2015, p. 9528).

Michael Frieser (CDU/CSU) praised the partial abolishment of the option regulation which was realized through the efforts of his party as a coalition partner (2015, pp.9521-9523). Therefore, he argued that the amendment allowed both the appreciation of roots located at home country and maintained the opportunity to participate/contribute to the development of the host country as a citizen. The idea he tried to convey was the requirement/ responsibility of the potential citizen to fulfill her part to accomplish integration successfully. Naturalization could take place only at the end of the integration process when commitment to the German state was undoubtedly

proven. Moreover, the CDU/CSU member prescribed the meanings attached to successful integration exclusively. Accordingly, being born in Germany was not considered enough, but also the length of stay, adaptation to the core values of the society was seen as crucial. As he rejected the law proposal, Frieser asserted that the left-wing pursued to increase their votes by facilitating naturalization, as the brand-new citizens could potentially vote for the left-wing. One could argue that Frieser presented the mainstream views of his party regarding to the issue, without posing any deviation.

Sevim Dağdelen (The Left) expressed her support to the draft law as her party advocated the abolishment of the dominance of blood law, the *ius sanguinis*, in German citizenship law for decades (2015, p. 9524). Dağdelen's standpoint could be interpreted as stable, that she repeatedly conducted speeches in the parliament concerning this issue, at different times, to draw the attention of the public opinion. She narrated the administrative discriminations she faced upon during her school years and she demanded the children of non-citizens to be able to grow up in Germany as citizens with equal rights. According to Dağdelen the citizenship law which was in force at that time determined very high requirements for the *ius soli*. Eight years of residence or the unlimited right of residence of foreign parents of children born in Germany were required to grant citizenship to the child. Furthermore, Dağdelen considered the reform on option model inadequate and suggested full abolishment of the conditions regarding to dual citizenship, in the name of her party. She asked for the high hurdles to be lowered in order to promote integration.

Lars Castellucci (SPD), conducted a speech within the scope of debate, to support the draft law. He even suggested extending the discussion to include children born from illegal residents, which presented an emancipatory standpoint, way beyond his party's discourses (2015, p.9526). Even Beck (Greens) expressed his astonishment as a response to such a striking approach. Castellucci proceeded his speech by asking rhetorical questions, in order to focus on the definitions of German national identity. He gave critical examples from the historical background of citizenship and naturalisation policies, as well as the general approaches towards foreigners. Castellucci emphasized the importance of naturalization opportunities in terms of

achieving the goal of social cohesion and the eradication of discrimination of any sort. He expressed his support for the best solution in order to prevent the eternal distinction between “they” and “we” and criticized the ideologically charged terms which are utilized to define outsiders:

Yes, (naturalization) is about the commitment to our state, especially to our Basic Law. But for me, it is also about a fundamental commitment to people. (...) Who are we? Who and what belongs to us? (...) Does Islam now belong to Germany? It's one of those debates. The countless terms through which we somehow incorrectly define Germans, clearly demonstrate: foreigners, migrants, citizens with a migration background, from one or two foreign parents, from the umpteenth generation, Germans with immigration history... We really don't make it easy for ourselves.

Castellucci pointed out the splits and deep ruptures between the historical periods and the endless debates on the definition of German nationhood, as the unified German nation state existed only since 1871. He argued that language, culture, populated territory, a figure of leader did not lead to a clear answer to his questions, as the reality was much more complex. Castellucci touched upon the 1913 RuStaG, and SPD's efforts to move away from it. Public admittance of being an immigration country took several decades in the same regard. Although he was dissatisfied with the limited scope of the latest reform regarding to the mandatory choice, he ensured the audience that SPD was on the right track and would manage the rest. He concluded by praising naturalization as the brand-new citizens achieved higher educational success, better labor market integration, so it should be considered as beneficial for the society as a whole.

Tim Ostermann (CDU/CSU) conducted a speech very similar to his colleague Frieser, in line with the mainstream standpoints of CDU/CSU (2015, p. 9527). Ostermann criticized Beck as he defined citizenship in a transnational way and he found Beck's approach unconstitutional as it posed a rupture to the constitutional description of nationality. Ostermann defined the state through the classification into state territory (*Staatsgebiet*), state authority (*Staatsgewalt*) and state people (*Staatsvolk*), and he emphasized on the importance of citizenship as a legal status, as it regulated the admissions to the nation. Beyond the extended scope of civil rights affiliated to nationhood, he underlined the commitment, values and the community of fate.

Ostermann asserted that the potential citizens should make a conscious choice to adapt all these cultural aspects and set Germany as the focal point in their lives. In order to prove that they should reside 8 years in the country and complete integration measures, which were definitely not considered as high hurdles by the CDU/CSU, unlike the left-wing discourses.

Mahmut Özdemir (SPD) conveyed the mainstream standpoint of his party, that he underlined SPD's ideals of improving *jus soli* principles and dual citizenship rights. However, he argued that the draft law proposed by Greens had been immature and unrealistic as it did not reflect the up to date social and political realities/requirements of Germany. Özdemir asserted that the young people who were born to foreign periods had to fulfill the waiting periods in order to be mentally and physically ready for the naturalization stage. Their identity, life situations and inner peace should be taken into account according to Özdemir. He advocated the legal transformation regarding to social change and the reinterpretation of the nationhood definitions staying loyal to the constitution in principle (2015, p.9530).

Another plenary debate concerning the facilitation of naturalization and dual citizenship was held on 23 September 2016 in the 18th legislative period, regarding to the draft law proposed by The Greens.¹⁵ This proposal was shaped as a preparation for the upcoming Brexit, as well as aimed to question the ties between integration and naturalization. Volker Beck (Greens) formulated the draft law as the first speaker (Deutscher Bundestag, 2016b, p.19040). Accordingly, Greens suggested to fundamentally moving away from the principle of avoiding multiple nationalities as they believed such taboo was irrelevant in a globalized, transnational world. A paradigm shift is required to ensure equal public participation for the people who work, live and pay taxes in Germany. Beck demanded the shortening of the waiting periods for naturalization, exceptions to proof of livelihood security income condition, most important, the abolishment of the conditions concerning the knowledge of the German

¹⁵ Der Fraktion BÜNDNIS 90/DIE GRÜNEN eingebrachten Entwurfs eines Gesetzes zur Erleichterung der Einbürgerung und zur Ermöglichung der mehrfachen Staatsangehörigkeit Drucksache 18/5631 Berlin: Deutscher Bundestag

language for people who cannot achieve the required language level due to illness, disability or old age. According to Beck, lack of language skills would not prevent them from getting involved as citizens of the country with equal rights. Strikingly, for recognized refugees, Greens demanded to reduce the minimum length of stay to three years in order to qualify for citizenship. Moreover, they suggested removing the distinctions between the legitimate residence titles.

Beck moved on to the discussion of loyalty issues affiliated with dual citizenship debates. Beck admitted that dual citizens could be politically articulated to their home country, however, this should not be perceived as a drawback. He asserted that the aforementioned populations are not monolithic entities, instead, they are plural that not all individuals share the same political tendencies. Beck argued that many dual citizens supported political ideas concerning their home countries, which are embraced by Germany.

Stephan Mayer (CDU/CSU) addressed criticism to Greens and the draft law, in a tone harsher than usual (2016b, pp.19041-19043). He accused Greens as if they wanted to create a new nation in a treacherous (*verraeterisch*) way. By demanding the greatest possible congruence between the people of the state and the population, Greens initiated a naturalization offensive/ immigration offensive according to Mayer. The political context shaped by the immigration crisis might have an impact on the way Mayer shaped his discourse and chose his wording. Increasing polarization concerning the immigration policies and the lack of AfD's presence in the parliament might be the complementary reasons why Mayer adopted such a nationalist point of view. Mayer proceeded with his speech by asserting that the majority of German people would not favor the suggestion presented by the Greens. He underlined that having multiple nationalities is perceived as an exception by CDU/CSU, whereas Greens wanted it to be the norm. Mayer pointed out that the proposed bill would discourage integration and reinforce the walls of parallel societies. Repeal of the language prerequisites and proof of independent livelihood security (being self-sufficient) would create an extra burden to the welfare system which would intensify the already existing undesired consequences of immigration. Mayer argued that the proposal was unacceptable for the public opinion:

Furthermore, you want to forego proof of German language skills for some groups of people. The same applies to this. This regulation would not promote integration either but would hinder integration. We want people who come to us to learn German as quickly as possible. Learning the German language is the basic requirement to gain a foothold in Germany, to be successful in Germany, to build up a circle of friends.

Mayer advocated the naturalization test as he believed that it was good if appropriate evidence had to be provided in the form of an examination before naturalization to prove that one had at least a basic knowledge of German history, German social structure and the institutions. He presented his dissatisfaction with the partial abolishment of the mandatory choice which he considered as a compromise to sustain the coalition. Accordingly, he believed that a fundamental change in the citizenship law had already been made in the 18th legislative period. In this regard, Mayer found the further liberalization attempts regarding to naturalization absolutely unnecessary at that point. Instead, he argued that the existing regulations should be tightened to deprive potential IS fighters of German citizenship. Mayer expressed his concerns that the potential citizens might experience loyalty conflicts between their two nationalities by giving examples of German citizens who were Erdogan supporters at the same time.

Sevim Dağdelen (The Left) criticized Mayer and the CDU/CSU parliamentary group. She argued that the vast majority of the migrants were more loyal to the country compared to NSU members and CDU/CSU politicians who knowingly exacerbated the debate against naturalization (2016b, p. 19044). She argued that the opportunities to attend integration courses were less than adequate due to the lack of quota and other organizational deficits. Dağdelen was constantly interrupted with the accusations of being arrogant, by the CDU/CSU members. She proceeded to clarify her standpoint concerning the enhancement of the public participation of non-citizens and naturalization in this regard:

Those who live in Germany permanently should also be able to participate equally in political life and must not be disadvantaged in their professional life. Migrants living here are no longer allowed to be second-class citizens, regardless of the time they have been living and working here. Anyone who lives and works here, completed an apprenticeship, or attended university, but does not have a German passport, may not, for example, become a civil servant or take on a lay judge's office. These are just two examples of discrimination, why facilitated naturalization is long overdue.

Dağdelen expressed her full support to the bill, in the name of her party, and she revealed that there were approximately 5.7 million foreigners who were eligible to apply for a German passport according to the integration commissioner of the federal government. These individuals were unable to cope with the bureaucratic hurdles or did not want to give up their previous citizenship. Dağdelen pointed out that the naturalization rate in Germany was below the European Union average and suggested that the facilitation of naturalization was required to Europeanize the country.

Dağdelen's party colleague Ulla Jelpke (The Left) elaborated on the same arguments as she made a comparison between the naturalization approaches of other EU countries and Germany (2016b, p.19046). Jelpke highlighted that Germany adopted a much more conservative set of rules, hence the naturalization rates were relatively low. She suggested the extension of naturalization opportunities for the people who have lived and worked in Germany for many years so that they could really be on an equal footing in society. Jelpke promoted multiple citizenship as many among the eligible would not give up their other citizenship due to practical reasons, instead of the unwillingness to integrate or lack of loyalty. Marian Wendt (CDU/CSU) intervened to say : "I can't have two wives either!", which was an irrelevant and inappropriate sentence, disgraceful for a parliamentary debate. Jelpke finalized her speech: "A German passport is neither a certificate of integration nor a certificate of democracy. It is simply a matter of democracy as a matter of course."

Marian Wendt (CDU/CSU) conducted a speech concerning the motion, adopting a vulgar rhetorical style similar to his party colleague Mayer (2016b, p.19052). He argued that the facilitation of naturalization would be harmful from manifold aspects. Accordingly, if German citizenship would become easier to acquire, then it would lose its identificatory content, therefore its substance. Wendt advocated the simple logic concerning German citizenship: "What doesn't cost anything is also worthless. (...) Nationality is not a candy that you simply take with you on the side." As he rejected the draft law, he perceived these attempts to liberalize the citizenship law as a challenge/ encouragement to set higher standards to acquire citizenship.

For me, applying for and obtaining German citizenship is ultimately a symbol of the final arrival in our country. I resist the very pragmatic consideration “I’ll just take the passport that gives me the greatest freedom”. Because that’s not what citizenship is for me. Citizenship is proof of the responsibility one takes on for a country - in this case for our country. Naturalization does not serve to create the greatest possible correspondence between the population living in Germany and the electorate.

Wendt argued that non-citizens who have lived in Germany for a long time were not excluded from political participation as it is possible to participate directly on many levels. The dimensions of political participation which require citizenship are rightfully restricted through hurdles, according to his point of view. Wendt considered the German identification to be set as the primary identity of the individual as a precondition to acquiring German citizenship. In line with this, carrying the responsibility of citizenship is required to be able to participate in political processes.: “Because only those who share and respect our basic values should participate politically.”

In a similar vein with CDU/CSU’s mainstream argumentation, Wendt promoted active personal efforts of immigrants towards integration, making an emphasis on legitimate formal status. For the people who could not meet the integration criteria, it must be impossible to obtain German citizenship. He asserted that the Integration Act provided exactly the right path for the incentives of integration. Wendt legitimized *pressure* towards integration and only successful integration could be *rewarded* with German citizenship according to him. In this regard, he undoubtedly promoted a rigid form of unilateral assimilation distanced from the idea of multiculturalism. As naturalization is an irreversible act, an expectation/hope of integration would not be adequate to grant the permanent substantial membership. Furthermore, Wendt elaborated on the ideal definitions of integration in his conviction, which clearly excluded Islam and diverse forms of identification:

(...) Otherwise there would be no pressure to integrate into our society. And for me integration means the recognition of our Christian-Jewish values, the recognition of the special history of our country and the acceptance of the responsibility that we bear with it, and of course also the recognition of our leading German culture.

In the scope of this debate, Rüdiger Veit of SPD conducted a speech, through which he expressed his moral support to the motion (2016b, p.19044). However, he, unfortunately (*leider*) had to reject it because of the balances of the Grand Coalition. Discursive and practical aspects of SPD's politics concerning the rights of non-citizens were inconsistent at that time, which led to hypocrisy especially during the 18th legislative period.

4.4.3. Expectations of the Opposition Parties and the Realities

On 28 May 2020, a plenary debate was held on the motions given by the Greens, AfD, The Left and FDP concerning the Citizenship Law and its various dimensions.¹⁶ This debate was in the scope of the 19th legislative period. Filiz Polat (Greens) demanded a similar set of emancipatory amendments regarding to dual citizenship and facilitation of naturalization, as Volker Beck did in 2015 and 2016. Following almost the same lines with Beck, Polat advocated the abolition of the so-called leading culture (*Leitkultur*) paragraph which was introduced in 2019 (Deutscher Bundestag, 2020, p. 20385). She argued that The Union undermined the necessity of modernized citizenship law and she asked for support from SPD. She made an emphasis on the cultural and ethnic diversity among the society and encouraged everyone for an inclusive, modernized citizenship law. In this regard, one could argue that the standpoint of Greens remained largely unchanged between the two parliamentary periods.

¹⁶ Antrag der Fraktion BÜNDNIS 90/DIE GRÜNEN: 20 Jahre modernes Staatsangehörigkeitsrecht – Das Fundament einer pluralen Gesellschaft erhalten und reformieren. Drucksache 19/19552 Berlin: Deutscher Bundestag,

Zweite und dritte Beratung des von der Fraktion der AfD eingebrachten Entwurfs eines Dritten Gesetzes zur Änderung des Staatsangehörigkeitsgesetzes (Drittes Staatsangehörigkeitsänderungsgesetz) Drucksachen 19/86, 19/3267. Berlin: Deutscher Bundestag

Antrag der Fraktion DIE LINKE: Für ein modernes Staatsangehörigkeitsrecht und eine Einbürgerungsoffensive. Drucksache 19/19484 Berlin: Deutscher Bundestag,

Antrag der Fraktion der FDP: Reform des Staatsangehörigkeitsrechts für Zusammenhalt, Integration und rechtsstaatliche Konsequenz. Drucksache 19/19513 Berlin: Deutscher Bundestag

Thorsten Frei (CDU/CSU) conducted a speech in a similar vein with his party colleagues who were deputies in the previous legislative period (2020, p.20387). He rejected the draft law in its entirety without any doubt as he defended the idea that the principle of preventing the acquisition of multiple nationalities should be maintained in the future. Frei contradicted Polat, that The Union clearly wanted dual citizenship to remain as the exception but not the rule. Not departing from the previous discourses, he highlighted their constellation of citizenship once more, which was defined as a special bond between the citizen and the state shaped by loyalty and identification. Frei advocated the “classification in German living conditions” (*Einordnung in die deutschen Lebensverhältnisse*) part of the citizenship law as he argued that such an emphasis was made to prevent the naturalization of people who had polygamist marriages.

Gottfried Curio (AfD)’s speech summed up the whole discourse of his party regarding to the public participation opportunities of non-citizens (2020, p.20388). In line with the fellow party members, Curio conveyed xenophobia, racism, anti-immigrant sentiments and almost hatred towards foreigners and the left-wing parties who promoted their rights. He adapted the usual vulgar rhetorical style of AfD members which did not accord with the parliamentary customs, and the deliberative environment of pluralist liberal democracies. Curio criticized the left wing as they demanded to extend citizenship opportunities in order to promote “equal participation” and “plurality and diversity”. He argued that the leftist parties shared the motto: “whoever lives here should vote here”, as he discredited the political participation of non-citizens. Curio continued to summarize the motion through a disgraceful, arrogant, and exaggerated language:

Measures for this: naturalization entitlement for every migrant with a residence permit - for so-called refugees already after three years - regular admission of multiple citizenships, no own livelihood security in principle, a worldwide invitation to social rip-offs in Germany. (...) Citizenship by bid in Germany. And integration? No more naturalization test, even the abolition of the requirement for classification in German living conditions.

Curio defined a tradition and culture affiliated to German nationhood, which was shaped over centuries and should be preserved. He accused the left wing of being anti-

nationalist and not letting Germans design sovereignty in their own country. He used an analogy of a property and a group of trespassers who have been around for a few years, to describe Germany and the refugees. Curio further accused the leftists as if they paved the way for the *abuse* of German resources to privilege the prosperity of illegal migrants over Germans. Curio discredited CDU/CSU and SPD as well as the left-wing for their liberalized immigration policies, and he promoted the exclusion of foreigners from political participation opportunities:

With the forced importation of foreign nationals and subsequent authorization to vote, The Left and the Greens differ only insignificantly from the Union and the SPD with their global migration pact which takes migration as the goal itself. Integration becomes more and more hopeless; you no longer need it. However, German citizenship is not a welcome gift; it is even an obstacle to integration. The traditional working population must remain master in their own home; no free entry to the German voting booth!

Curio asserted that the individuals who entered Germany illegally should never be naturalized in principle as they already broke the law. Moreover, he pointed out the importance of language skills, economic self-sufficiency, and the commitment to basic values such as freedom of religion, physical integrity, and equal rights for men and women in terms of naturalization. He generalized the foreigner populations and argued that Islam and Koran contradicted all the aforementioned core values of German society, as Islam inherently promoted violence according to his conviction.

Curio discredited diversity as he did not recognize Islam as a valuable enrichment for the cultural environment, instead found it incompatible with German culture. He labelled multiculturalism as the reason disrupting the social cohesion which led to segregation and the formation of parallel societies. Through a point of view which was charged with racist prejudice and discrimination, Curio argued that togetherness in society could only be achieved by sharing common origins in terms of history, language, values, mentality, and customs. Left wing members interrupted to say: "I have nothing in common with you.". Curio's ideas resembled the atrocities of the fascist past as he did not leave an open door for integration and categorically excluded certain groups. He adapted a threatening/disrespectful tone, not refraining to exacerbate the potential hostilities within public opinion. In this regard, one can argue

that the ideology reflected by AfD aims to disrupt the progress in terms of non-citizen rights and their involvement in the public realms. AfD could potentially evoke racist violence which makes their political legitimacy based on the rule of law principle questionable.

Josip Juratovic (SPD) credited the labor migrants who moved to Germany during the Cold War, as they contributed to the prosperity of the country (2020, p.20389). Given this framework, he contradicted Frei as CDU/CSU constantly demanded more identification and loyalty. Juratovic argued that this group was still imposed to second-class positions which had been legitimized through the sustained delusions of German superiority. He asserted that the labor migrants well *deserved* the citizenship rights as they had struggled for it. Therefore, in the name of justice, they should be given the opportunity of substantial membership on an equal footing, without the requirement to cut off their roots. Juratovic heavily criticized AfD as they attempted to shape the future with the atrocities of the past. He accused AfD as they tried to draw attention with populist arguments, and they lacked any sort of compassion.

Linda Teuteberg (FDP) conducted a relatively neutral speech concerning the reform of the citizenship law (2020, p.20390). She argued that citizenship was the most profound membership status in the context of a constitutional state, admitting that Germany was a cosmopolitan country. She underlined that naturalization should be taken seriously as it allows immigrants to be an integral part of the *Staatsvolk* and determine the political direction of the country through political participation. FDP's main privilege regarding to immigration and non-citizen rights is to attract a qualified labor force from developed countries. Therefore, Teuteberg advocated the preconditions in terms of naturalization.

She explained the cornerstone principles of FDP concerning citizenship law. Accordingly, citizenship was considered as the result of a successful integration process: "It is not an advance payment, not an advance payment in the hope of possible future integration achievements". Moreover, language skills, commitment to and respect for values and legal systems, and the ability to earn a living were the questionable conditions for FDP. Furthermore, FDP did not support dual citizenship as a norm, but considered it as an exception. Teuteberg perceived naturalization as an

advancement for the country if the requirements are fulfilled. Strikingly, she promoted symbolism to some extent, accordingly, naturalization should be accompanied by a ceremony including nationalist elements such as the German flag and singing the national anthem.

Gökay Akbulut (The Left) was in the opinion that the citizenship law was still restricted in many respects (fees, higher language requirements) and reform was overdue (2020, p.20391). She declared that on average, foreigners live in Germany for 17.3 years until they were naturalized. Akbulut considered the electoral participation aspect as the most crucial dimension of naturalization, and she argued that many among the eligible appreciate this. She touched upon the normative grounds of the democratic legitimacy of a political entity as she stated that: “no state can permanently accept that a numerically significant part of its citizens has been outside the state community for generations”. According to Akbulut, over 10 million people were still excluded from political participation in Germany at that time, which meant a major democratic deficit.

Michael Kuffer (CDU/CSU) heavily criticized all the parties involved in the debate as all the draft proposals were unconstitutional and imbalanced (2020, p.20391). He accused the leftist discourses as being utopian, whereas he considered AfD’s approaches unrealistic as they refrained compromise to legitimize their own existence and they suggested bringing the unconditional mandatory choice back for all non-EU citizens raised in Germany:

All your templates, regardless of whether they are from the left or the right, have one thing in common: they lack any degree of balance. Instead, you are giving the impression that you can only do extreme things. (...) Citizenship, dear colleagues, is - that is undoubtedly undisputed - the most intensive form of attachment to a state. A state cannot grant a person a more extensive right than this. Therefore, dear colleagues, this area of law is not an experimental field for ideological fantasies.

Kuffer explained the moral and spiritual meanings of citizenship once more and contradicted the left wing as they did not recognize the bond between citizenship and the set of national values. He underlined that the citizenship law always had been a

sensitive policy field, characterized with political disputes and hard-won compromises. Kuffer suggested that all the parties had to act more serious, mature and responsible, for the sake of common sense.

Helge Lindh (SPD) was the last speaker of the debate, who delivered a striking speech openly challenging AfD and Curio (2020, p.20393). He was bold enough to accuse Curio of “treason of the fatherland” (*Vaterlandsverrat*) because of his speech. Lindh argued that integration into German living conditions could fail fatally from the start, as proven by the AfD members themselves, that they did not meet the humanitarian, egalitarian values of contemporary German society. He gave examples from the racist wording in AfD’s motion and labeled such approaches as wretched (*erbaermlich*).

On 19/10/2018 Lindh conducted a speech in the parliament. There he accused AfD of posing a *totalitarian threat*, as they constantly attempted to repeal the elements of *jus soli*, to deport a significant mass of people, and to disrupt the progress which is consisted of the gains of years of struggle. Lindh argued that AfD conveyed the message to foreigners that they were inferior, unwanted, hence they can’t enjoy equal rights. Therefore, he openly challenged AfD back then, as he expressed that such an ideology/spirit is undesired in contemporary Germany and the parliamentary context: “We cannot be silent about this. We have to get a lot louder than we were before” (Deutscher Bundestag, 2018b, p.6607).

Back on 28/05/2020, Lindh criticized all the parties involved in the debate as they reified the subjects who were actually affected by the regulations, shifted the focus in order to show-off how tough and consistent their ideological standpoints were. Lindh moved on to promote the recognition of dual citizenship, emphasizing on the fact that Germany was a self-admitted immigration country, and the law was called the “Citizenship Act”, not the “Citizenship Prevention Act”. On the contrary, Germany spent more effort to prevent citizenship instead of enabling it. Lindh teased naturalization ceremonies as they were practically worthless/meaningless when the naturalized individuals were still imposed to racial profiling and discrimination, or still labeled as a *German with a migration background*.

In this debate, both Juratovic and Lindh acted bolder in comparison to the weaker SPD presence in the debates regarding to non-citizens' participation, which were held in the 18th legislative period. As a 19th legislative term SPD deputy, Castellucci also posed a significant profile to support the liberalization of migrant rights in different debates. Departing from the parties which are located at the further left of the ideological spectrum, SPD members adapted more moderate but (self) critical stances, being aware of the fact that they advocated the interests of a more mainstream electorate, covering individuals from various backgrounds. Refraining from the populist or radical discourses, they always spent an effort to maintain the balance for the sake of the Grand Coalition and expressed their original emancipatory ideas without hesitation at the same time.

4.4.4. AfD's Restrictive Approaches towards the Citizenship Law

On 12 February 2021, a plenary debate was held to discuss the draft amendment concerning the citizenship law, proposed by AfD.¹⁷ Gottfried Curio conducted a speech to present their proposal and clarify their standpoints as a party (Deutscher Bundestag, 2021, p.26543). Curio utilized provocative analogies in order to provoke populist sentiments in his speech, as he usually did. In this regard, AfD foresaw a restrictive amendment in the citizenship law, as they believed that too many radical Islamists obtained German citizenship and they posed a constant threat to public security.

Without citing proper references Curio asserted that every second an Islamist attacker entered Germany as a refugee. He moved on to accusing legislators as they allowed such individuals to be naturalized and they did not consider the extra burden they might create on the welfare state as a result of lacking integration. According to Curio, potential citizens should possess German language skills in order to understand the

¹⁷ Der Fraktion AfD eingebrachten Entwurfs eines Gesetzes zur Änderung des Staatsangehörigkeitsgesetzes Drucksache 19/26546 Berlin: Deutscher Bundestag,

Antrag der Fraktion AfD: Deutsche Staatsangehörigkeit nur gezielt vergeben – Klare Grenzen der Einbürgerung aufzeigen Drucksache 19/26547 Berlin: Deutscher Bundestag

political discourses as they would be enfranchised. He posed criticism to the potential extension of the political participation opportunities which had been promoted by the left-wing opposition. In this regard, he gave an example of a non-citizen politician who utilized illegitimate pathways to enter the country and argued that this politician could also run for MdB, hypothetically. Curio claimed that the existing version of the citizenship law was reality blind.

Philipp Amthor (CDU/CSU) conducted an impressive speech, in which he harshly criticized the motion and almost teased Curio as he blatantly distorted realities on purpose in order to draw attention and to promote anti-migrant sentiments within the public opinion (2021, p. 26544). Amthor pointed out that AfD's proposal was bad, incomplete and factually incorrect. First, Amthor argued that AfD put its focus on the wrong set of regulations, that the citizenship law was not concerned with the right of residence, or it did not function as a part of the external border regime to determine the entrance requirements to Germany. Instead, citizenship law was predominantly relevant to answer the questions affiliated with the processes of being a part of German society, which was not a categorically less patriotic concern than AfD's concerns:

How do we deal with the people who are already with us, on the way to full membership in the state community? In terms of migration policy, it is in our interest that people not only live here, but also become part of this state. I tell you: It is a genuinely patriotic concern if you want to belong to the German state people. (...) The Basic Law not only approves the patriotic wishes of Björn, Enrico and Philipp, but also the patriotic wishes of Pawel, Ibrahim and Chen-Lu to be part of this German state, and that is our understanding of a cosmopolitan patriotism, ladies and gentlemen.

Amthor reminded the large-scale reform which took place in 2019 through the collaboration of SPD and CDU/CSU. Therefore, polygamic marriages hindered naturalization, and falsified identifications brought about tangible consequences. Adapting an ironic style, Amthor asserted that AfD members would not be able to fulfill the requirements themselves before the potential citizens, as they did not act in line with the constitutional values, especially the commitment to free and democratic order. He contradicted the hypothetical horror stories which were produced by AfD to discredit and overexaggerate certain undesired profiles of foreigners: "I don't know

what kind of caricature you have. Nobody wants such naturalizations. What we do is concrete politics. What you are doing is superficial chatter, and people notice it.”

Volker Ullrich (CDU/CSU) further developed Amthor’s arguments and criticism against AfD (2021. p.26550). Accordingly, he pointed out that the incidents which took place at the Greek-Turkish border in March 2020, were included in the scope of the proposal, about mass migration and the flow of refugees. Ullrich highlighted that these were irrelevant and had nothing to do with German citizenship. He argued that AfD constantly brought their favorite topic on the political agenda, in order to evoke the fear of refugees and migration, regardless of relevance, which was a repulsive attempt. Ullrich did not advocate the compellation of singing the national anthem as he prioritized the respect for a cosmopolitan Germany, therefore he underlined the importance of constitutional order instead of empty symbolism.

Discursive maturity presented by CDU/CSU politicians within the scope of this debate should be appreciated, especially when the relatively nationalist standpoint of Amthor is taken into account. It was striking that CDU/CSU acted as the main opposition against the proposal made by AfD. In the 19th legislative term, the parliamentary presence of AfD shifted CDU/CSU to a more moderate/central position. In this regard, CDU/CSU politicians took the responsibility to calm down the extremities of AfD, in order to maintain the balance between the right-wing discourses, and the constitutional order. Promoting common sense might be another reason. As CDU/CSU aimed no longer to appeal to the extreme rightist electorate, moderating the discourses became an easier task. Rational sets of solutions concerning the refugee crisis reduced the popularity of AfD recently.

Filiz Polat (Greens) underlined that the traces of ethnic nationalism/ ethnocultural definitions of citizenship (*völkisch nationalistischen Denken*) were still sustained within the German parliament in the most recent context (2021, p.26549). She praised the historical development of the non-citizen rights, ensuring all the parties that Germany would find its way as a country of immigration. Polat referred to Hannah Arendt as she conceptualized citizenship within the scope of the essential right to belong, which was affiliated to “the right to have rights”.

Gökay Akbulut (The Left) accused AfD of escalating racist agitation and emphasizing on the aspects of ethnic nationalism (2021, p.26548). She set their standpoint as a party, at the contrary of AfD as she advocated for a modernized citizenship law to facilitate naturalization. Akbulut appreciated that many municipalities and federal states were successfully carrying out multilingual immigration campaigns. Moreover, these campaigns were supported by the largest migrant organizations, which also made corresponding demands.

CHAPTER 5

CONCLUSION

Hiermit schlieÙe ich mein Tagebuch, da ich für unsinnig halte, über so grausame Dinge, wie sie manchmal geschehen, Buch zu führen (Uwe Timm, Am Beispiel Meines Bruders).

Immigration and citizenship policies complement each other to steer and manage cross-border migration. However, population movements have never been completely controllable. Migration is prone to be characterized by unpredictability in the most recent frame. Therefore, even in the most authoritarian contexts, there is room for inconsistency and imperfection. Immigration law and the legal framework which designates the rights of lawful residents in Germany are increasingly complex and multilayered. Scope of the civic, social and political rights granted to foreigners are subject to constant change regarding to political and economic conjunctures. Restrictive measures are taken in order to sustain the unique identity and set of values that are intrinsic to the polity, in other words, ontological boundaries of the political community are prescribed.

In addition to external borders which are determined by the immigration law, ubiquitous borders exist within the territory, which regulates the rightful/legitimate accession to public and political participation opportunities. In the recent context, actors involved in policy making and implementation in the field of migration and immigrant incorporation are proliferated. Moreover, patterns and trajectories of migration are observed in a variety that has never been the case before. Therefore, the migrant subject appears in a heterogenous form which can not be contemplated as a monolithic entity. This thesis presents the central role of nation state in terms of defining the rightful members and the outsiders of contemporary German polity. In addition, formal citizenship continues to be the substantive form of membership as

other forms of citizenship do not maintain access to the full scope of rights. Residence permits and other sorts of legal statuses remain to be contingent and secondary.

This thesis aims to provide a comprehensive outlook of the migration and foreigners' regimes adapted in Germany, in relation to the theoretical foundations and practical aspects of citizenship, naturalization and integration. A specific focus is placed on the public and political participation opportunities granted to non-citizens as the scope and limits of public engagement of foreigners have been an issue/taboo of political controversy within German public opinion for a considerably long time. In this regard continuity and ruptures in terms of the dispositions of foreign subjects in the multiple realms of public life are identified.

Citizenship, post-national and partial forms of membership are discussed in a critical way, beyond the rigid frames of methodological nationalism. Paradigm shifts are highlighted. Aspects concerning ethics of migration and normative grounds of membership are included in the theoretical debate. Restrictive and inclusive elements of contemporary immigration and citizenship regimes are underlined regarding to categorizations, which are sustained through constantly updated legal frameworks. We argue that the categorizations and affiliated set of rights are designed to filter the foreigner population according to their deservingness, determined through their identities and abilities to contribute to the economy/society. Therefore, legal statuses constitute an intangible border regime that allows limited access to the means of public and political participation.

Approaches to integration in a post-migration society are analyzed. Accordingly, this thesis argues that central political actors advocated an assimilative form of integration as a prerequisite of substantive membership, whereas alternative approaches presented that successful integration can be achieved by keeping the elements of a foreigner's original culture. Recent National Integration Plans which are codified by the federal government demonstrate an effort to shift migrant subjects from margins to the center of the society. In addition, this thesis points out that mainstream integration incentives are mainly oriented to enhance the labor-market adaptation of the newcomers.

Modes and forms of public and political participation are defined from multifarious perspectives. The significance of equal political participation opportunities for all long-term residents in a liberal democratic order is highlighted. Accordingly, political participation transforms migrant subjects in a way they can act as internal actors who are able to shape, transform and determine the characteristics of the host society. Foreign residents can negotiate the agendas which directly influence their lives as well. Being an integral part of the society may contribute to their integration of all dimensions and facilitate transferring their loyalties in this regard. Moreover, patterns of political participation that are available to non-citizens in the German context are discussed. Electoral and extra-parliamentary forms of participation are distinguished and contrasted in terms of their scopes and effectiveness, by revisiting relevant perspectives in the political theory.

Consequences of long-term disenfranchisement of a significant proportion of the permanent population are investigated. The efficiency and relative power of immigrant councils and organizations are scrutinized in relation to transnationalism and integration objectives of the government. Recent improvements and persisting weaknesses are shown. Structural disadvantages of non-citizens concerning their presence and representation in the political realm are pursued in relation to failing aspects of integration, namely spatial segregation, absent or limited German language skills, inadequate knowledge of the system, incompatible value/moral judgements; and networks which consist of fellow native individuals. These obstacles are to be coped beyond the legal and administrative measures, moreover, discriminative, and pejorative attitudes of the majority society exacerbate the existing representation gaps/deficits.

Roles of local administrations and challenging acts of citizenship are demonstrated. Such alternative approaches are crucial in terms of transforming the traditional passive dispositioning of non-citizens to the form of active citizenship. Accordingly, regardless of their legal status, non-citizens are increasingly redefined as rightful stakeholders in local contexts and political communities.

This thesis demonstrates that, through the efforts of Laender, conditions of non-citizen public and political engagement are fairly improved, in an emancipatory way. In

addition, branches of local administrations contribute to the multifarious integration of foreigners of all statuses, beyond the incentives and legal frameworks provided by the nation state. The relative autonomy of the local governments has a long history in Germany. An independent budget from the central administration allows Laender to pursue their own agendas in several policy fields. Although not always officially, some local governments in Germany involve all residents in partial decision-making processes, to enhance the quality of their services, and to ensure their projects meet the requirements of the relevant audience.

Even though the means of public administration are exclusively utilized by the state to impose the imperatives concerning the roles of foreigners, implementation gaps and bureaucratic/administrative discretion are other determinant factors in terms of the rights regime of foreigners, which pose a disruption to nation state agendas. However, this thesis concludes that challenging practices have a limited impact on the immigration and foreigners' regime, therefore the nation state is still the indisputable sovereign.

Another major concern of this thesis is the definitions of German nationhood and the impact of these definitions in terms of determining the insiders and outsiders of the polity throughout history. Accordingly, this thesis diagnoses the patterns of German nation-building processes to find out how the converse meanings attached to Germanness and being a foreigner resident under the German jurisdiction were evolved. Therefore, immigration and citizenship policies are scrutinized within their inherent characteristics. Inferior roles attributed to labor migrants in the public sphere and their strictly limited participatory trajectories are illustrated. Until the end of WW2, foreign workers constituted the vast majority of non-citizen populations. They were mostly confined to their workplaces, as their labor justified their existence in the territory.

In the Cold War context, although labor migrants were granted a large scope of social and civic rights as *denizens*, they were disenfranchised. Furthermore, the continuity of their lawful residence was linked to their contributions. Foreign employees, who were formerly seen as part of the labor market, began to evolve into foreign fellow citizens and, eventually, German citizens. These new segments of the society had their own set

of norms and beliefs. This initiated a lengthy and contentious debate on whether and to what extent migrants are permitted to affect German civil society, what laws govern coexistence, and, most importantly, how German society should define itself in light of immigration procedures. The German parties made an important contribution to this debate (Tietze, 2008). Germany was very late to officially accept the fact of being an immigration country and to adopt the necessary measures to redefine the long-term foreign residents as an integral part of the society. Therefore, there are still persistent patterns of exclusion and reluctance to equip these populations with an adequate scope of rights, especially in terms of political rights.

It is important to investigate the transformation of perceptions of nationhood, because this research argues that the rightful and substantive member of contemporary Germany is still defined and legitimized through the different perceptions of nationhood. It is impossible to sustain the ethno-cultural or ethno-national understandings of nationhood in the contemporary context. These ideas predominantly shaped the ideological environment in the Kaiserreich era and the fascist dictatorship, as they were developed in line with the necessities of those political conjunctures, which are obsolete now.

In these historical periods, the state was the only significant actor to designate the roles/dispositions of an immigrant as the courts, parliamentary opposition, and the principles of human rights were effective to a very limited extent. Due to the acceptance of humanitarian values, liberal democratic principles and the requirements of the international political community, these understandings of nationhood are no longer acceptable. However, it is our argument that elements of ethno-cultural definitions of German nationhood are partially sustained through the political discourses of CDU/CSU and AfD.

Legal and ideological constellations of citizenship, naturalization, and enfranchisement of non-citizens are impacted through the definitions of nationhood made by the political parties. To discuss the validity of this argument, a case study on the political discourses of the parties which are represented in the parliament is conducted in the scope of this thesis. Political party discourses are crucial as they reflect and represent the sum of pluralized interests and points of view within the

society in an institutionalized way. Beyond that, political parties are the actors who actually shape the laws and regulations. Ideological standpoints of the political parties, political system and the procedures of Bundestag are identified before moving on to the case study.

This study appreciates that speeches conducted by deputies may not be precisely congruent with the party standpoints, however, although there were minor ruptures, our study concluded that they mostly reflected their party's stances. As a part of German parliamentary tradition, similar groups of deputies discuss particular themes and political issues, regarding to their occupational backgrounds and specializations. Therefore, in each parliamentary term, almost the same group of members from the political parties are involved in the debates which constituted the analysis. This is one of the reasons why the variety of points of view are relatively low.

Debates concerning the extension of the local voting rights of non-citizens and the improvement of dual citizenship and naturalization rights are chosen to pursue the standpoints. Computer-aided tools which conduct word counts are not utilized on purpose as they would distract the focus of research by including a very large number of speeches. The main focus of this study is not the rhetorical devices or conceptualizations, but the formation and delivery of ideological standpoints.

Constraints such as time, space, and resources prevented an analysis on a larger scope of themes or a larger set of plenary debates. More debates regarding different aspects of immigrant incorporation could have been included. Different categories of immigrants, dimensions of integration, debates concerning asylum could have been touched upon. Because of the vastness of agenda items presented in a single session, plenary protocols are seldom examined in the literature. As a result, it is difficult to extract particular data for qualitative analysis, making the study time-consuming and labor-intensive.

Therefore, the qualitative analysis presented through this case study constitutes a modest contribution to the literature. Another weakness of this study is the lack of the philosophical foundations which shaped the ideas of German nationhood throughout history. German romanticism and idealism could have been covered to deepen the

theoretical perspectives. Additionally, philosophical dimensions of citizenship, equal membership, and democratic legitimacy in accordance with fair political participation could have been scrutinized.

In 1992/93 and recently in 2015/2016, unanticipated asylum influxes drew the attention of German public opinion and marked immigration as a central issue of politics, in a problematic way. This thesis demonstrates that migration and public engagement of immigrants are increasingly politicized and have been frequently discussed at the parliament in the 18th and 19th legislative periods. Stances of the SPD, CDU/CSU, AfD, FDP, Greens, and The Left concerning immigration and the rights regime, which is imposed on migrant subjects of different categories, are identified comparatively. Change and continuities are traced in terms of the conceptions of a common society of Germans and migrants.

Strikingly in most of the analyzed debates, the legitimate scope of rights which are to be granted to long term non-citizen residents, are described through the definition of German nationhood. It is evident that all members of CDU/CSU, whose speeches take part in this analysis, conceptualize citizenship in affiliation to the recognition of German culture and values, beyond a formal status that maintains certain rights and obligations. Although they appreciate everyone who obtained formal citizenship as Germans, without any ethnic connotations, CDU/CSU deputies continue to sacralize citizenship and emphasize its symbolic value. Nationalistic and conservative sentiments are therefore sustained and reproduced through CDU/CSU's political discourse. Even though their deputies continuously refer to the text: *Dem Deutschen Volke*, their definition of German nationhood or their answer to the question: "What it means to be German?" can be located within the limits of civic nationhood, but with a strong emphasis on the culture, which resembles the elements of earlier definitions of nationhood.

Furthermore, CDU/CSU discourses give the impression that German citizenship is a gift, a blessing for those who possess *inferior* citizenships, in comparison to German citizenship. Therefore, they implicitly hierarchize nations and constellate German identity as superior. Accordingly, they legitimize the prolonged waiting periods and administrative hurdles to obtain this status, as they perceive citizenship as invaluable

and inherently linked to belongingness. CDU/CSU consider that all previous citizenships and attached identities should be revoked and the German way of life (*Leitkultur*) should be the main orientation/center of the potential citizens' lives. Therefore, CDU/CSU impose an assimilative understanding of integration, largely disregarding multiculturalist approaches.

In a similar vein, CDU/CSU highlight the importance of the acquisition of German language skills and the fulfillment of labor market adaptation as preconditions for naturalization. This means that a potential citizen must prove she is a deserving/useful part of German society. On the other hand, CDU/CSU categorically reject the enfranchisement of non-citizens as they consider voting and related political rights inherently linked to citizenship. FDP has a similar standpoint with CDU/CSU.

It is difficult to extract a consistent ideological stance out of AfD's plenary discourse. AfD has an external role in the political system as they do not have the implementation power or adequate influence on policy making. AfD adapts a deceitful, politically incorrect and provocative discourse to promote anti-immigrant sentiments within the society. Politicians of AfD justify themselves by abusing the sensitive political conjuncture, which emerged as a result of the asylum crisis. Therefore, AfD discourse contains some populist elements, however one should be careful when labelling AfD as a populist party as they do not fit the related theoretical structure precisely.

AfD's definition of nationhood seems to be congruent with ethno-cultural definitions as they largely, almost categorically reject the possibility of the adaption of Muslim/Middle Eastern subjects to German society. AfD constantly proposes law amendments to limit the scope of rights granted to migrants. Taking into consideration how Alexander Gauland downplayed the period of fascist dictatorship as he perceived it as a "birdshit in the German history", one could understand how AfD disregards the atrocities of the past. AfD members have a rhetorical style, which is far from being serious, mostly impolite, counterfactual, ridiculous, and inappropriate for the parliamentary context. Although they reflect an ethno-cultural understanding of nationhood, their nativist position is marginalized and widely condemned.

Left wing opposition, namely The Left and Greens define citizenship as completely neutral from nationalistic sentiments or sets of values. They advocate that it is a plain legal status that allows the accession to a larger scope of rights, and ideally should be granted on more facilitated terms. They generally argue that hurdles in front of the political participation of non-citizen residents should be repealed. The Left even argues that non-citizens should be able to vote in federal elections as well. Additionally, The Left and Greens believe integration could be completed after the acquisition of citizenship. Therefore, their understanding of nationhood is equal to the sum of all individuals in the polity, regardless of their legal status. The population, *Die Bevölkerung* is addressed as the rightful sovereign in German polity, which reflects a totally civic perception of nationhood. Beyond that, these parties promote transnational and multicultural approaches, which even surpass the concept of nationhood as the relevant/legitimate source of sovereignty.

SPD is one of the progressive political parties in the parliament, and they have a crucial role as the most powerful among the left-wing parties. SPD has been a part of the Grand Coalition for the two consecutive terms which are covered in our analysis. Therefore, SPD uses its negotiation power to transform the foreigners' and immigration regimes in an emancipatory way. In the 18th term, SPD has a reluctant standpoint in terms of advocating extended citizenship. Although they principally support the suggestions of other left-wing parties, they neither vote in that direction nor adopt a bolder position. However, in the 19th term, SPD politicians modify their balance policy in between the electorate and the coalition partner CDU/CSU, as they explicitly support the extensive proposals.

SPD impose the repeal of the mandatory choice in the coalition agreement at the beginning of the 18th term, and they act a crucial role in the amendment procedure which ended up with partial success. Moreover, SPD deputies of the 19th legislative term make the definition of German nationhood through *Die Bevölkerung*, namely, they openly choose the inclusive definition. Their ideas are flexible in terms of the integration measures. They are unwilling to sustain the hurdles concerning naturalization processes. Speeches conducted by SPD members are generally polite, well structured, appropriate with an institutionalized democratic socialist political party.

AfD's impact on the policy implementation will remain to be limited, although they may sustain their discursive power to a limited extent. It is very unlikely that the anachronic constellations of lawful membership, immigration, citizenship, and integration conveyed by AfD can be influential in the prospective regulations. It is evident that these approaches are not accepted by the majority of contemporary German society. From a complementary perspective, AfD's extravagant rhetorical devices and vulgar style, which violate the parliamentary order, are not prone to gain more popularity as the asylum crisis is largely handled.

Moreover, CDU/CSU, constitute the central political power in the most recent context. Their discourses highly influence the ideological core of the nation state throughout the whole Merkel administrations. In this regard, CDU/CSU negatively affect or decelerate the further expansion/emancipation of foreigners' regime as they insist on the restrictive measures in the realms of dual citizenship, naturalization, and electoral participation of non-citizens. It may not be possible to abandon the nationalist sentiments attached to the formal constellations of citizenship, if CDU/CSU remain a part of the government.

As a matter of fact, Germany needs qualified labor migrants to fulfill the work-force deficit in the labor market. Such deficit cannot be solely covered by the migrants from other EU countries or developed countries. Given all this framework, public and political participation pathways of migrant subjects, who are increasingly prone to stay in Germany for prolonged terms, constitute an up-to-date and significant source of political controversy, which should be contemplated beyond the obsolete or conservative constellations of nationhood.

As a result of the federal elections held on 26/09/2021, the Merkel administration and the Grand Coalitions of CDU/CSU and SPD came to an end. Traffic Light Coalition (*Ampelkoalition*) which entails SPD, Greens, and FDP will form the next government in Germany, which is expected to be in power between 2021-2025. SPD will be the major party of this coalition. A predominantly left-wing government signifies a major paradigm shift in terms of the ideological core of the state and promises substantive political progress. On 24/11/2021 coalition agreement between these parties is fixed and shared with the public. Accordingly, several policy fields will be liberalized in the

20th legislative period, including the policy realms integration, citizenship, public participation, migration and asylum. Although these reforms are not codified and solidified in the parliament yet, they are concrete and relatively binding promises.

As presented in the case study, left wing parties constantly suggest the improvement of dual citizenship, naturalization and political participation pathways of non-citizen residents. In a similar vein, coalition agreement foresees a facilitated and accelerated model of naturalization, within a modernized and more inclusive citizenship framework (SPD et al., 2021, p.118). Therefore, as early as 2022, naturalization will take place after five years of residence, or three years of residence when certain integration requirements are completed. The permanent residence permit will be granted after three years of residence. In addition, elements of *jus soli* will be extended. Children who are born in Germany to foreign parents will be given German citizenship by birth if one of the parents lawfully resided in Germany for at least five years. In order to facilitate the naturalization of labor migrant generations, language proficiency requirements will be facilitated. Dual citizenship will be possible in more cases although it will not be the norm. Civic elements of nationhood, multicultural and transnational perspectives concerning citizenship seem to surpass the conservative/nationalistic understandings according to the coalition agreement.

Furthermore, the federal government intends to make a participation law based on the notion of unity in diversity (*Einheit in Vielfalt*) in order to increase representation and participation of the immigrant populations (for example by introducing a participation council). A comprehensive diversity policy will be introduced which includes specific financial measures, objectives, and cultural change initiatives. Additionally, the federal government promises to provide assistance to the local migration advisory services (youth migration services, adult immigration counsel) and migrant self-organizations to improve integration opportunities.

Language education based on integration courses will be promoted. Accordingly, rapid and sustained labor market integration will be supported (SPD et al., 2021, p.137). The federal government suggests the loosening of civic stratification regimes which are inherently linked to the legal structures, as they promise to offer integration

opportunities to everyone. Moreover, accession to basic public services will be more inclusive and will be delivered regardless of the legal status.

Despite all these improvements, electoral participation of non-citizens is not included in the coalition agreement, as it requires a constitutional amendment. The coalition needs the support of CDU/CSU to change the constitution, therefore it seems difficult to initiate change concerning these fields. However, the suggested amendments mark a substantive transformation of the immigration and foreigners’ regimes of Germany. The foreseen regulations are overdue and necessary in the recent context. In this regard, this thesis predicts that participatory trajectories of non-citizens will be further improved in the near future and the ugly legacy of the past will be gradually abandoned, regardless of AfD and other right-wing discourses. Therefore, the brand-new coalition government promises historical opportunities for Germany and European politics.

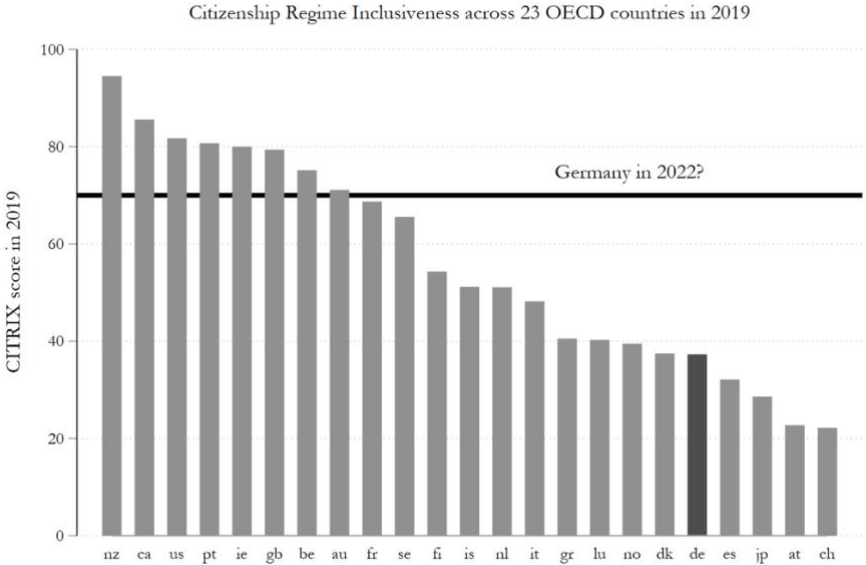


Table 5.1.: A prediction demonstrating how the citizenship regime of Germany will be improved after the aforementioned amendments come in force, in comparison to other EU countries (Schmid, 2021).

Germany's changing citizenship law regarding immigrants 1980-2019

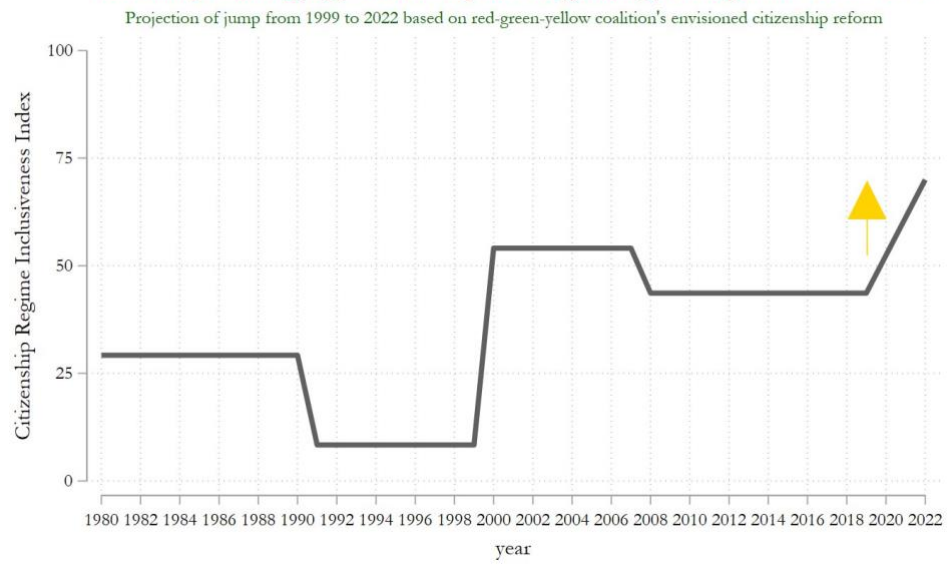


Table 5.2: Germany's citizenship law regarding inclusiveness, between 1980-2019 (Schmid, 2021).

REFERENCES

- Abadan-Unat, N. (2011). *Turks in Europe: From guest worker to transnational citizen* (English-language ed). Berghahn Books.
- Altenried, M., Bojadžijev, M., Höfler, L., Mezzadra, S., & Wallis, M. (2018). Logistical Borderscapes. *South Atlantic Quarterly*, *117*(2), 291–312. <https://doi.org/10.1215/00382876-4374845>
- Articus, S. (2010). Herausforderungen kommunaler Integrationspolitik. In S. Luft & P. Schimany (Eds.), *Integration von Zuwanderern* (pp. 159–186). transcript Verlag. <https://doi.org/10.14361/transcript.9783839414385.159>
- Arzheimer, K., & Berning, C. C. (2019). How the Alternative for Germany (AfD) and their voters veered to the radical right, 2013–2017. *Electoral Studies*, *60*, 102040. <https://doi.org/10.1016/j.electstud.2019.04.004>
- Ataç, I., Rygiel, K., & Stierl, M. (2016). Introduction: The Contentious Politics of Refugee and Migrant Protest and Solidarity Movements: Remaking Citizenship from the Margins. *Citizenship Studies*, *20*(5), 527–544. <https://doi.org/10.1080/13621025.2016.1182681>
- Atzpodien, D. S. (2020a). Die SPD im Spagat zwischen Regierungsverantwortung und Überzeugung – Migration im parlamentarischen Parteienwettbewerb. *Zeitschrift für Vergleichende Politikwissenschaft*, *14*(2), 123–148. <https://doi.org/10.1007/s12286-020-00445-6>
- Atzpodien, D. S. (2020b). Party Competition in Migration Debates: The Influence of the AfD on Party Positions in German State Parliaments. *German Politics*, 1–18. <https://doi.org/10.1080/09644008.2020.1860211>
- Baban, F. (2006). From Gastarbeiter to “Ausländische Mitbürger”: Postnational Citizenship and In-Between Identities in Berlin. *Citizenship Studies*, *10*(2), 185–201. <https://doi.org/10.1080/13621020600633119>

- Bade, K. J. (1995). From Emigration to Immigration: The German Experience in the Nineteenth and Twentieth Centuries. *Central European History*, 28(4), 507–535.
- Bade, K. J. (2003). *Migration in European history*. Blackwell Pub.
- Bade, K. J., & Oltmer, J. (2004). *Normalfall Migration*. Bundeszentrale für Politische Bildung.
- Balibar, É. (2004). *We, the people of Europe? Reflections on transnational citizenship*. Univ. Press.
- Barbieri, W. A. (1998). *Ethics of citizenship: Immigration and group rights in Germany*. Duke University Press.
- Bartl, W. (2019). Institutionalization of a Formalized Intergovernmental Transfer Scheme for Asylum Seekers in Germany: The Königstein Key as an Indicator of Federal Justice. *Journal of Refugee Studies*, fez081. <https://doi.org/10.1093/jrs/fez081>
- Bauböck, R. (2003). WESSEN STIMME ZÄHLT? THESEN ÜBER DEMOKRATISCHE BETEILIGUNG IN DER EINWANDERUNGSGESELLSCHAFT1 erscheint in: *Wiener Hefte - Migration Und Integration in Theorie Und Praxis, Jg. 1, Nr. 1*.
- Baubock, R. (2003). Reinventing Urban Citizenship. *Citizenship Studies*, 7(2), 139–160. <https://doi.org/10.1080/1362102032000065946>
- Bauböck, R. (Ed.). (2018). *Democratic inclusion*. Manchester University Press. <https://doi.org/10.7765/9781526105257>
- Bauböck, R., Kraler, A., Martiniello, M., & Perchinig. (2006). *The dynamics of international migration and settlement in Europe: A state of the art* (R. Penninx, M. Berger, & K. Kraal, Eds.). Amsterdam University Press.
- Bauder, H., & Gonzalez, D. A. (2018). Municipal Responses to ‘Illegality’: Urban Sanctuary across National Contexts. *Social Inclusion*, 6(1), 124–134. <https://doi.org/10.17645/si.v6i1.1273>

- Bauder, H., & Semmelroggen, J. (2009). Immigration and Imagination of Nationhood in the German Parliament. *Nationalism and Ethnic Politics*, 15(1), 1–26. <https://doi.org/10.1080/13537110802672321>
- Benhabib, S. (2004). *THE RIGHTS OF OTHERS: Aliens, Residents, and Citizens*. 265.
- Bloemraad, I. (2007). *Citizenship and Immigrant Incorporation* (G. Yurdakul & Y. M. Bodemann, Eds.). Palgrave Macmillan US. <https://doi.org/10.1007/978-1-137-07379-2>
- Bommes, M. (2006). Migration and Migration Research in Germany. In *International Migration and the Social Sciences*. Palgrave Macmillan UK. <https://doi.org/10.1057/9780230505841>
- Bosniak, L. (2007). *Varieties of Citizenship*. 75 Fordham L. Rev. 2449.
- Bräuninger, T., Debus, M., Müller, J., & Stecker, C. (2019). Party Competition and Government Formation in Germany: Business as Usual or New Patterns? *German Politics*, 28(1), 80–100. <https://doi.org/10.1080/09644008.2018.1538362>
- Bräuninger, T., Debus, M., Stecker, C., & Müller, J. (2020). *Parteienwettbewerb in den deutschen Bundesländern* (2., vollständig überarbeitete Auflage). Springer VS.
- Brubaker, R. (1990). Immigration, citizenship, and the nation-state in France and Germany: A comparative historical analysis. *International Sociology*, 5(4), 379–407.
- Brubaker, R. (1992). *Citizenship and nationhood in France and Germany*. Harvard University Press.
- Brubaker, R. (2001). The return of assimilation? Changing perspectives on immigration and its sequels in France, Germany, and the United States. *Ethnic and Racial Studies*, 24(4), 531–548. <https://doi.org/10.1080/01419870120049770>

- Brücker, H., Kosyakova, Y., & Vallizadeh, E. (2020). Has there been a “refugee crisis”? New insights on the recent refugee arrivals in Germany and their integration prospects. *Soziale Welt*, 71(1–2), 24–53. <https://doi.org/10.5771/0038-6073-2020-1-2-24>
- Carens, J. (1992). *Migration and morality: A liberal egalitarian perspective*.
- Casas-Cortes, M., Cobarrubias, S., De Genova, N., Garelli, G., Grappi, G., Heller, C., Hess, S., Kasperek, B., Mezzadra, S., Neilson, B., Peano, I., Pezzani, L., Pickles, J., Rahola, F., Riedner, L., Scheel, S., & Tazzioli, M. (2015). New Keywords: Migration and Borders. *Cultural Studies*, 29(1), 55–87. <https://doi.org/10.1080/09502386.2014.891630>
- Chemin, J. E., Hess, S., Kasperek, B., Nagel, A., Haensel, V., & Jakubowski, M. (2018). *Working Papers Global Migration: Consequences and Responses Paper – Country Report Legal & Policy Framework of Migration Governance Georg-August Universität Göttingen*.
- Collyer, M., Hinger, S., & Schweitzer, R. (2020). Politics of (Dis)Integration – An Introduction. In S. Hinger & R. Schweitzer (Eds.), *Politics of (Dis)Integration* (pp. 1–18). Springer International Publishing. https://doi.org/10.1007/978-3-030-25089-8_1
- Cvajner, M., Echeverría, G., & Sciortino, G. (2018). What Do We Talk when We Talk about Migration Regimes? The Diverse Theoretical Roots of an Increasingly Popular Concept. In A. Pott, C. Rass, & F. Wolff (Eds.), *Was ist ein Migrationsregime? What Is a Migration Regime?* (pp. 65–80). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-20532-4_3
- Dancygier, R., & Margalit, Y. (2020). The Evolution of the Immigration Debate: Evidence from a New Dataset of Party Positions Over the Last Half-Century. *Comparative Political Studies*, 53(5), 734–774. <https://doi.org/10.1177/0010414019858936>
- Dauvergne, C. (2008). *Making people illegal: What globalization means for migration and law*. Cambridge University Press.
- De Genova, N. (2013). Spectacles of migrant ‘illegality’: The scene of exclusion, the obscene of inclusion. *Ethnic and Racial Studies*, 36(7), 1180–1198. <https://doi.org/10.1080/01419870.2013.783710>

- de Haas, H. (2021). A theory of migration: The aspirations-capabilities framework. *Comparative Migration Studies*, 9(1), 8. <https://doi.org/10.1186/s40878-020-00210-4>
- Debus, M., & Tosun, J. (2021). The manifestation of the green agenda: A comparative analysis of parliamentary debates. *Environmental Politics*, 30(6), 918–937. <https://doi.org/10.1080/09644016.2020.1864130>
- Degler, E., Liebig, T., & Senner, A. (2017). *Integrating Refugees into the Labour Market—Where Does Germany Stand?* (p. pp 6-10). ifo DICE Report, ISSN 2511-7823, ifo Institut - Leibniz-Institut für Wirtschaftsforschung an der Universität München, München, Vol. 15, Iss. 3.
- Deutscher Bundestag. (2014). *Plenarprotokoll 18/19. Stenografischer Bericht der 19. Sitzung des 18. Deutschen Bundestags. Berlin, den 12. März 2014.*
- Deutscher Bundestag. (2015). *Plenarprotokoll 18/100. Stenografischer Bericht der 100. Sitzung des 18. Deutschen Bundestags. Berlin, den 23. April 2015.*
- Deutscher Bundestag. (2016a). *Plenarprotokoll 18/176. Stenografischer Bericht der 176. Sitzung des 18. Deutschen Bundestags. Berlin, den 09 Juni 2016.*
- Deutscher Bundestag. (2016b). *Plenarprotokoll 18/191. Stenografischer Bericht der 191. Sitzung des 18. Deutschen Bundestags. Berlin, den 23 September 2016.*
- Deutscher Bundestag. (2018a). *Plenarprotokoll 19/39. Stenografischer Bericht der 39. Sitzung des 19. Deutschen Bundestags. Berlin, den 14 Juni 2018.*
- Deutscher Bundestag. (2018b). *Plenarprotokoll 19/59. Stenografischer Bericht der 59. Sitzung des 19. Deutschen Bundestags. Berlin, den 19 Oktober 2018.*
- Deutscher Bundestag. (2020). *Plenarprotokoll 19/163. Stenografischer Bericht der 163. Sitzung des 19. Deutschen Bundestags. Berlin, den 28 Mai 2020.*
- Deutscher Bundestag. (2021). *Plenarprotokoll 19/210. Stenografischer Bericht der 210. Sitzung des 19. Deutschen Bundestags. Berlin, den 12 Februar 2021.*

- Dohse, K. (1981). *Ausländerpolitik und betriebliche Ausländerdiskriminierung*. *Leviathan*, 9(3/4), 499–526.
- Donovan, B. (2012). Intersectionality and the Substantive Representation of Migrant Interests in Germany. *German Politics and Society*, 30(4), 23–44. <https://doi.org/10.3167/gps.2012.300402>
- El-Kayed, N., & Hamann, U. (2018). Refugees' Access to Housing and Residency in German Cities: Internal Border Regimes and Their Local Variations. *Social Inclusion*, 6(1), 135–146. <https://doi.org/10.17645/si.v6i1.1334>
- Ellermann, A. (2009). *States Against Migrants: Deportation in Germany and the United States*. 215.
- Esser, H. (2010). Integration und »Multikulturalität«. In S. Luft & P. Schimany (Eds.), *Integration von Zuwanderern* (pp. 277–298). transcript Verlag. <https://doi.org/10.14361/transcript.9783839414385.277>
- Ette, A. (2017). *Migration and refugee policies in Germany: New European limits of control?*
- Etzold, B. (2017). Capitalising on asylum: The reconfiguration of refugees' access to local fields of labour in Germany. *Refugee Review*, 3, 82–102.
- Eule, T. G., Borrelli, L. M., Lindberg, A., & Wyss, A. (2019). *Migrants Before the Law: Contested Migration Control in Europe*. Springer International Publishing. <https://doi.org/10.1007/978-3-319-98749-1>
- Faist, T. (1994). Immigration, integration and the ethnicization of politics.: A review of German literature. *European Journal of Political Research*, 25(4), 439–459. <https://doi.org/10.1111/j.1475-6765.1994.tb00430.x>
- Faist, T. (Ed.). (2007). *Dual citizenship in Europe: From nationhood to societal integration*. Ashgate.
- Fernandes, J. M., Debus, M., & Bäck, H. (2021). Unpacking the politics of legislative debates. *European Journal of Political Research*, 60(4), 1032–1045. <https://doi.org/10.1111/1475-6765.12454>

- Foroutan, N. (2016). Postmigrantische Gesellschaften. In H. U. Brinkmann & M. Sauer (Eds.), *Einwanderungsgesellschaft Deutschland* (pp. 227–254). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-05746-6_9
- Franzmann, S. T. (2019). Extra-Parliamentary Opposition within a Transforming Political Space: The AfD and FDP under Merkel III between 2013 and 2017. *German Politics*, 28(3), 332–349. <https://doi.org/10.1080/09644008.2018.1512972>
- Frings, D. (2017). Flüchtlinge als Rechtssubjekte oder als Objekte gesonderter Rechte. In C. Ghaderi & T. Eppenstein (Eds.), *Flüchtlinge* (pp. 95–111). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-15741-8_6
- Fuchs, D. (1995). Die Struktur politischen Handelns in der Übergangsphase. In H.-D. Klingemann, L. Erbring, & N. Diederich (Eds.), *Zwischen Wende und Wiedervereinigung* (pp. 135–147). VS Verlag für Sozialwissenschaften. https://doi.org/10.1007/978-3-322-94218-0_6
- Geddes, A. (2016). *The politics of migration & immigration in Europe* (2nd edition). Sage Publication.
- Geddes, A. (2021). *Governing migration beyond the state: Europe, North America, South America, and Southeast Asia in a global context* (First edition). Oxford University Press.
- Geier, T., & Mecheril, P. (2021). Grenze, Bewegung, Beunruhigung. Skizze einer zugehörigkeitstheoretisch informierten Migrationsforschung. *Zeitschrift für Migrationsforschung*, Bd. 1 Nr. 1, 171-196 Seiten. <https://doi.org/10.48439/ZMF.V1I1.104>
- Gherghina, S., & Geissel, B. (2017). Linking Democratic Preferences and Political Participation: Evidence from Germany. *Political Studies*, 65(1_suppl), 24–42. <https://doi.org/10.1177/0032321716672224>
- Gibney, M. J. (2009). *Precarious residents: Migration control, membership and the rights of non-citizens*. (No. 10). UNDP Human Development Reports.
- Goldring, L., & Landolt, P. (Eds.). (2013). *Producing and negotiating non-citizenship: Precarious legal status in Canada*. University of Toronto Press.

- Gosewinkel, D. (2002). *POLITICS IN GERMANY IN THE NINETEENTH AND TWENTIETH CENTURIES. Challenging Ethnic Citizenship: German and Israeli Perspectives on Immigration.*
- Gravelle, M., Ellermann, A., & Dauvergne, C. (2012). Studying Migration Governance from the Bottom-Up. In B. Anderson, M. J. Gibney, & E. Paoletti (Eds.), *The Social, Political and Historical Contours of Deportation* (pp. 59–77). Springer New York. https://doi.org/10.1007/978-1-4614-5864-7_5
- Green, S. (2005). Between Ideology and Pragmatism: The Politics of Dual Nationality in Germany. In *The International Migration Review*, 39(4), (pp. 921–952).
- Grote, J. (2018). *The Changing Influx of Asylum Seekers in 2014-2016: Responses in Germany; Focussed Study by the German National Contact Point for the European Migration Network (EMN). (Working Paper / Bundesamt für Migration und Flüchtlinge (BAMF) Forschungszentrum Migration, Integration und Asyl (FZ), 79). Nürnberg.*
- Hailbronner, K. (2010). *Country report on citizenship law: Germany, [GLOBALCIT], EUDO Citizenship Observatory, 2015/02, Country Reports.* Retrieved from Cadmus, European University Institute Research Repository, at: <http://hdl.handle.net/1814/34478>
- Halley, J. (2006). From the international to the local in feminist legal responses to rape, prostitution/sex work, and sex trafficking: Four studies in contemporary governance feminism. *Harv. JL & Gender*, 29, 335.
- Hamann, U., & Karakayali, S. (2016). Practicing Willkommenskultur: Migration and Solidarity in Germany. *Intersections*, 2(4). <https://doi.org/10.17356/ieejsp.v2i4.296>
- Härter, K. (2015). Grenzen, Streifen, Pässe und Gesetze. Die Steuerung von Migration im frühneuzeitlichen Territorialstaat des Alten Reiches (1648–1806). In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert.* DE GRUYTER. <https://doi.org/10.1515/9783110345391-003>
- Häußermann, H. (2018). Behindern ‚Migrantenviertel‘ die Integration? In F. Gesemann & R. Roth (Eds.), *Handbuch Lokale Integrationspolitik* (pp. 393–406). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-13409-9_17

- Heckmann, F. (2003). From Ethnic Nation to Universalistic Immigrant Integration: Germany. In F. Heckmann & D. Schnapper (Eds.), *The Integration of Immigrants in European Societies* (pp. 45–78). De Gruyter. <https://doi.org/10.1515/9783110507324-004>
- Heckmann, F. (2004). Illegal migration: What can we know and what can we explain? The case of Germany. *International Migration Review*, 38(3), 1103-1125.
- Heckmann, F., & Wiest, D. (2015). *Integrating Immigrants in Europe: Research-Policy Dialogues* (P. Scholten, H. Entzinger, R. Penninx, & S. Verbeek, Eds.; 1st ed. 2015). Springer International Publishing: Imprint: Springer. <https://doi.org/10.1007/978-3-319-16256-0>
- Heinze, A.-S. (2021). Zum schwierigen Umgang mit der AfD in den Parlamenten: Arbeitsweise, Reaktionen, Effekte. *Zeitschrift für Politikwissenschaft*, 31(1), 133–150. <https://doi.org/10.1007/s41358-020-00245-0>
- Helbling, M., & Leblang, D. (2019). Controlling immigration? How regulations affect migration flows. *European Journal of Political Research*, 58(1), 248–269. <https://doi.org/10.1111/1475-6765.12279>
- Hellmann, G., Baumann, R., Bösche, M., Herborth, B., & Wagner, W. (2005). De-Europeanization by Default? Germany's EU Policy in Defense and Asylum: De-Europeanization by Default? *Foreign Policy Analysis*, 1(1), 143–164. <https://doi.org/10.1111/j.1743-8594.2005.00007.x>
- Herbert, U. (Ed.). (2000). *National Socialist extermination policies: Contemporary German perspectives and controversies*. Berghahn Books.
- Herbert, U. (2001). *Geschichte der Ausländerpolitik in Deutschland: Saisonarbeiter, Zwangsarbeiter, Gastarbeiter, Flüchtlinge*. Beck.
- Hess, S., & Lebuhn, H. (2014). Politiken der Bürgerschaft. Zur Forschungsdebatte um Migration, Stadt und citizenship. *Suburban. Zeitschrift Für Kritische Stadtforschung*, 2(3), 11–34. <https://doi.org/10.36900/suburban.v2i3.153>
- Hinger, S. (2020). *Politics of (Dis)Integration*. Springer.

- Hollifield, J. F. (1986). Immigration Policy in France and Germany: Outputs versus Outcomes. *The ANNALS of the American Academy of Political and Social Science*, 485(1), 113–128. <https://doi.org/10.1177/0002716286485001010>
- Hooghe, M., Hosch-Dayican, B., & van Deth, J. W. (2014). Conceptualizing political participation. *Acta Politica*, 49(3), 337–348. <https://doi.org/10.1057/ap.2014.7>
- Hunger, U., & Candan, M. (2010). *Die politische Partizipation von Migranten in Deutschland. Wo stehen wir?* Newsletter Wegweiser Bürgergesellschaft 20/2010.
- Isin, E. (2008). *Acts of citizenship* (E. F. Isin & G. M. Nielsen, Eds.). Zed Books Ltd. ; Distributed in the USA by Palgrave Macmillan.
- Isin, E. F. (2002). *Handbook of citizenship studies* (E. F. Isin & B. S. Turner, Eds.). SAGE.
- Isin, E. F. (Ed.). (2013). *Enacting European citizenship*. Cambridge University Press.
- Jacobson, D. (1996). *Rights across borders: Immigration and the decline of citizenship*. Brill.
- Joppke, C. (1999). *Immigration and the nation-state: The United States, Germany, and Great Britain*. Oxford University Press.
- Joppke, C. (2007). Beyond national models: Civic integration policies for immigrants in Western Europe. *West European Politics*, 30(1), 1–22. <https://doi.org/10.1080/01402380601019613>
- Joppke, C. (2008). Immigration and the identity of citizenship: The paradox of universalism. *Citizenship Studies*, 12(6), 533–546. <https://doi.org/10.1080/13621020802450445>
- Kaya, A. (2012). *Islam, migration and integration: The age of securitization*. <http://public.ebookcentral.proquest.com/choice/publicfullrecord.aspx?p=485352>

- Kesting, N., Reiberg, A., & Hocks, P. (2018). Discourse Quality in Times of Populism: An Analysis of German Parliamentary Debates on Immigration Policy. *Communication & Society* 31(3), 77-91.
- Kirchhoff, M., & Lorenz, D. (2018). Between Illegalization, Toleration, and Recognition: Contested Asylum and Deportation Policies in Germany. In S. Rosenberger, V. Stern, & N. Merhaut (Eds.), *Protest Movements in Asylum and Deportation* (pp. 49–68). Springer International Publishing. https://doi.org/10.1007/978-3-319-74696-8_3
- Kofman, E. (1995). Citizenship for some but not for others: Spaces of citizenship in contemporary Europe. *Political Geography*, 14(2), 121–137. [https://doi.org/10.1016/0962-6298\(95\)91660-V](https://doi.org/10.1016/0962-6298(95)91660-V)
- Kolb, H. (2015). Migrationsverhältnisse, nationale Souveränität und europäische Integration: Deutschland zwischen Normalisierung und Europäisierung. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-031>
- Könönen, J. (2018). Differential inclusion of non-citizens in a universalistic welfare state. *Citizenship Studies*, 22(1), 53–69. <https://doi.org/10.1080/13621025.2017.1380602>
- Koopmans, R., & Statham, P. (1999). Challenging the Liberal Nation-State? Postnationalism, Multiculturalism, and the Collective Claims Making of Migrants and Ethnic Minorities in Britain and Germany. *American Journal of Sociology*, 105(3), 652–696. <https://doi.org/10.1086/210357>
- Kost, A. (2017). Kommunalpolitik und Bürgerbeteiligung in der Einwanderungsgesellschaft. In C. Bieber, A. Blätte, K.-R. Korte, & N. Switek (Eds.), *Regieren in der Einwanderungsgesellschaft* (pp. 33–36). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-15714-2_5
- Kötter, M. (2010). Integration durch Recht? Probleme rechtlicher Steuerung infolge kultureller und sozialer Pluralität. In S. Luft & P. Schimany (Eds.), *Integration von Zuwanderern* (pp. 123–156). transcript Verlag. <https://doi.org/10.14361/transcript.9783839414385.123>
- Kraler, A. (2010). *Civic Stratification, Gender and Family Migration Policies in Europe*. International Centre for Migration Policy Development (ICMPD).

- Laubenthal, B. (2012). *Labour migration governance in contemporary Europe. The case of Germany*. 37.
- Lebuhn, H. (2013a). Migration – Recht – Citizenship Potentiale und Grenzen eines kritischen Diskurses. In P. Mecheril, O. Thomas-Olalde, C. Melter, S. Arens, & E. Romaner (Eds.), *Migrationsforschung als Kritik?* (pp. 231–244). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-531-19145-4_14
- Lebuhn, H. (2013b). Local border practices and urban citizenship in Europe: Exploring urban borderlands. *City*, 17(1), 37–51. <https://doi.org/10.1080/13604813.2012.734072>
- Lebuhn, H. (2016). Bürgerschaft und Grenzpolitik in den Städten Europas Perspektiven auf die Stadt als Grenzraum. *PERIPHERIE–Politik• Ökonomie• Kultur*, 32, (126-127).
- Leniger, M. (2015). ›Heim ins Reich‹: Deutsche Minderheiten als Objekte nationalsozialistischer Migrationslenkung. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-021>
- Luft, S. (2010). Staatsangehörigkeitspolitik und Integration. In S. Luft & P. Schimany (Eds.), *Integration von Zuwanderern* (pp. 325–354). transcript Verlag. <https://doi.org/10.14361/transcript.9783839414385.325>
- Mannitz, S., & Schneider, J. (2014). Vom „Ausländer“ zum „Migrationshintergrund“: Die Modernisierung des deutschen Integrationsdiskurses und seine neuen Verwerfungen. In B. Nieswand & H. Drotbohm (Eds.), *Kultur, Gesellschaft, Migration*. (pp. 69–96). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-03626-3_3
- Markard, L., & Dähnke, I. (2017). Contested discourses on diversity and practices of diversity incorporation in political parties in Germany. *Ethnic and Racial Studies*, 40(5), 809–829. <https://doi.org/10.1080/01419870.2016.1259490>
- Marshall, T. H. (1950). *Citizenship and social class* (Vol. 11). Cambridge.
- Martiniello, M. (2006). *Migration and citizenship: Legal status, rights and political participation* (R. Bauböck, Ed.). Amsterdam University Press.

- Meyers, E. (2000). Theories of International Immigration Policy-A Comparative Analysis. *International Migration Review*, 34(4), 1245. <https://doi.org/10.2307/2675981>
- Mezzadra, S., & Neilson, B. (2012). Between Inclusion and Exclusion: On the Topology of Global Space and Borders. *Theory, Culture & Society*, 29(4–5), 58–75. <https://doi.org/10.1177/0263276412443569>
- Milbrath, L. W. (1981). Political Participation. In S. L. Long (Ed.), *The Handbook of Political Behavior* (pp. 197–240). Springer US. https://doi.org/10.1007/978-1-4684-3878-9_4
- Morjé Howard, M. (2008). The Causes and Consequences of Germany's New Citizenship Law. *German Politics*, 17(1), 41–62. <https://doi.org/10.1080/09644000701855127>
- Morris, L. (2003). Managing Contradiction: Civic Stratification and Migrants' Rights. *International Migration Review*, 37(1), 74–100.
- Mouritsen, P. (2013). The resilience of citizenship traditions: Civic integration in Germany, Great Britain and Denmark. *Ethnicities*, 13(1), 86–109. <https://doi.org/10.1177/1468796812451220>
- Mushaben, J. M. (2010). From Ausländer to Inlander: The Changing Faces of Citizenship in Post-Wall Germany. *German Politics and Society*, 28(1), 141–164. <https://doi.org/10.3167/gps.2010.280108>
- Müssig, S., & Worbs, S. (2012). *Politische Einstellungen und politische Partizipation von Migranten in Deutschland* (Integrationsreport Teil 10). Bundesamt für Migration und Flüchtlinge.
- Nathans, E. (2004). *The politics of citizenship in Germany: Ethnicity, utility and nationalism*. Berg.
- Nieswand, B., & Drotbohm, H. (2014). Einleitung: Die reflexive Wende in der Migrationsforschung. In B. Nieswand & H. Drotbohm (Eds.), *Kultur, Gesellschaft, Migration*. (pp. 1–37). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-03626-3_1

- Nyers, P. (2008). *Acts of citizenship* (E. F. Isin & G. M. Nielsen, Eds.). Zed Books Ltd. ; Distributed in the USA by Palgrave Macmillan.
- O'Brien, P. (1988). Continuity and Change in Germany's 'Treatment of Non-Germans. *INTERNATIONAL MIGRATION REVIEW*, 26.
- Odmalm, P. (2018). *The Routledge Handbook of the Politics of Migration in Europe* (A. Weinar, S. Bonjour, & L. Zhyznomirska, Eds.; 1st ed.). Routledge. <https://doi.org/10.4324/9781315512853>
- Offe, C. (1993). Die Integration nachkommunistischer Gesellschaften: Die ehemalige DDR im Vergleich zu ihren osteuropäischen Nachbarn. *Lebensverhältnisse Und Soziale Konflikte Im Neuen Europa. Verhandlungen Des*, 26, 806-817.
- Okayuz, M. (2012). Continuity and change: Immigration policies in Germany from the sixties to the present. In *Turkey, migration and the EU: Potentials, challenges and opportunities*, 229.
- Oltmer, J. (2005). *Migration und Politik in der Weimarer Republik*. Vandenhoeck & Ruprecht.
- Oltmer, J. (2015a). ›Schutz des nationalen Arbeitsmarkts‹: Grenzüberschreitende Arbeitsmigration und Protektionismus in der Weimarer Republik. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-017>
- Oltmer, J. (2015b). Schutz für Flüchtlinge in der Weimarer Republik. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-014>
- Oltmer, J. (2015c). ›Volksdeutsche fremder Staatsangehörigkeit‹. Grenzen privilegierter Migration in der Weimarer Republik. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-016>
- Oltmer, J. (2015d). Zuwanderung von Deutschen aus den abgetretenen Gebieten: Aufnahme und Abwehr von ›Grenzlandvertriebenen‹. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-015>

- Oltmer, J. (Ed.). (2018). *Migrationsregime vor Ort und lokales Aushandeln von Migration*. Springer Fachmedien Wiesbaden. <https://doi.org/10.1007/978-3-658-18945-7>
- Owens, P. (2011). "Beyond 'Bare Life': Refugees and the 'Right to Have Rights.'" In A. Betts & G. Loescher (Eds.), *Refugees in international relations*. Oxford University Press.
- Palmowski, J. (2008). In search of the German nation: Citizenship and the challenge of integration. *Citizenship Studies*, 12(6), 547–563. <https://doi.org/10.1080/13621020802450635>
- Papadopoulos, D., & Tsianos, V. (2013). *The Autonomy of Migration: The Animals of Undocumented Mobility*. 15.
- Pécoud, A. (2021). Philosophies of migration governance in a globalizing world. *Globalizations*, 18(1), 103–119. <https://doi.org/10.1080/14747731.2020.1774316>
- Pries, L. (2015). Teilhabe in der Migrationsgesellschaft: Zwischen assimilation und Abschaffung des Integrationsbegriffs. *IMIS- Beiträge*, 47, 7–35.
- Rancière, J. (1999). *Disagreement: Politics and philosophy*. University of Minnesota Press.
- Rass, C. (2015). Wanderunglenkung und Kriegsvorbereitung 1933–1939. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-018>
- Richter, F., Koch, P., Franke, O., Kraus, J., Kuruc, F., Thiem, A., Högerl, J., Heine, S., & Schöps, K. (2020). *Open Discourse* [Data set]. Harvard Dataverse. <https://doi.org/10.7910/DVN/FIKIBO>
- Rose, N. (2000). *Democracy, citizenship, and the global city*. Routledge. http://www.123library.org/book_details/?id=96545
- Roth, R. (2018). Integration durch politische Partizipation. In F. Gesemann & R. Roth (Eds.), *Handbuch Lokale Integrationspolitik* (pp. 629–658). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-13409-9_29

- Rygiel, K. (2011). Bordering solidarities: Migrant activism and the politics of movement and camps at Calais. *Citizenship Studies*, 15(1), 1–19. <https://doi.org/10.1080/13621025.2011.534911>
- Sardoschau, S. (2020). *The Future of Migration to Germany. Assessing Methods in Migration Forecasting: DeZIM Project report – DPr #1/20*.
- Sassen, S. (1998a). *Challenge to the Nation-State: Immigration in Western Europe and the United States* (C. Joppke, Ed.). Oxford University Press.
- Sassen, S. (1998b). Whose City Is It? Globalization and the Formation of New Claims. In *Cities and Citizenship* (pp. 177–194). Duke University Press. <https://doi.org/10.1515/9780822396321-010>
- Sassen, S. (2002). *Handbook of citizenship studies* (E. F. Isin & B. S. Turner, Eds.). SAGE.
- Sassen, S. (2015). *The globalization and development reader: Perspectives on development and global change* (J. T. Roberts, A. Hite, & N. Chorev, Eds.; Second edition). Wiley Blackwell.
- Scherr, A. (2009). Leitbilder in der politischen Debatte: Integration, Multikulturalismus und Diversity. In: *Gesemann/Roth (Hg.): Lokale Integrationspolitik in Der Einwanderungsgesellschaft; VS Verlag Für Sozialwissenschaften*, 235-246.
- Scherr, A., & Inan, Ç. (2018). Leitbilder in der politischen Debatte: Integration, Multikulturalismus und Diversity. In F. Gesemann & R. Roth (Eds.), *Handbuch Lokale Integrationspolitik* (pp. 201–226). Springer Fachmedien Wiesbaden. https://doi.org/10.1007/978-3-658-13409-9_9
- Schlee, T. (2021). *Democratic Citizenship in Flux: Conceptions of Citizenship in the Light of Political and Social Fragmentation* (M. Bayer, O. Schwarz, & T. Stark, Eds.). transcript Verlag. <https://doi.org/10.14361/9783839449493>
- Schmid, S. D. (2021). Stagnated Liberalization, Long-term Convergence, and Index Methodology: Three Lessons from the CITRIX Citizenship Policy Dataset. *Global Policy*, 12(3), 338–349. <https://doi.org/10.1111/1758-5899.12903>

- Schmiechen-Ackermann, D. (2015). Rassismus, politische Verfolgung und Migration: Ausgrenzung und Austreibung ›unerwünschter‹ Gruppen aus dem nationalsozialistischen Deutschland. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-019>
- Schmuck, D., Geese, L., Saalfeld, T., & Wüst, A. (2016). *Germany: Inequalities of Immigrant Inclusion in a Gridlocked Party Democracy and a Divided Political Culture* (Unit for the Study of Parliaments and Representation). Otto-Friedrich Universität Bamberg.
- Scholten, P., & Penninx, R. (2016). The Multilevel Governance of Migration and Integration. In B. Garcés-Mascareñas & R. Penninx (Eds.), *Integration Processes and Policies in Europe* (pp. 91–108). Springer International Publishing. https://doi.org/10.1007/978-3-319-21674-4_6
- Schultz, C. (2019). *A prospect of staying? Differentiated access to integration for asylum seekers in Germany* [Preprint]. SocArXiv. <https://doi.org/10.31235/osf.io/x8hfy>
- Shachar, A. (2014). Introduction: Citizenship and the ‘Right to Have Rights.’ *Citizenship Studies*, 18(2), 114–124. <https://doi.org/10.1080/13621025.2014.886389>
- Sieveking, K. (2010). Zur Mobilisierung von politischen Beteiligungsrechten für nicht EU-angehörige Einwanderer. *Zeitschrift Für Parlamentsfragen*, 41(3), 623–637. <https://doi.org/10.5771/0340-1758-2010-3-623>
- Soysal, Y. N. (1994). *Limits of citizenship: Migrants and postnational membership in Europe*. University of Chicago.
- SPD, BÜNDNIS 90/DIE GRÜNEN, & FDP. (2021). *Koalitionsvertrag 2021 – 2025 zwischen der Sozialdemokratischen Partei Deutschlands (SPD), BÜNDNIS 90 / DIE GRÜNEN und den Freien Demokraten (FDP)*.
- Spoerer, M., & Fleischhacker, J. (2002). Forced Laborers in Nazi Germany: Categories, Numbers, and Survivors. *The Journal of Interdisciplinary History*, 33(2), 169–204. <https://doi.org/10.1162/00221950260208661>

- SVR. (2021). *Normalfall Diversität? Wie das Einwanderungsland Deutschland mit Vielfalt umgeht* (Jahresgutachten 2021). Sachverständigenrat für Integration und Migration.
- Tecmen, A. (2020). *Migration, Integration and Citizenship in Germany between 1990 and 2018: The State of the Art*. Zenodo. <https://doi.org/10.5281/ZENODO.3835345>
- Teorell, J. (2006). Political participation and three theories of democracy: A research inventory and agenda. *European Journal of Political Research*, 45(5), 787–810. <https://doi.org/10.1111/j.1475-6765.2006.00636.x>
- Thiel, J. (2015). Kriegswirtschaftliche Interventionen: Die Etablierung von Zwangsarbeitsregimen im Ersten Weltkrieg. In J. Oltmer (Ed.), *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*. DE GRUYTER. <https://doi.org/10.1515/9783110345391-012>
- Thielemann, E., & Hobolth, M. (2016). Trading numbers vs. rights? Accounting for liberal and restrictive dynamics in the evolution of asylum and refugee policies. *Journal of Ethnic and Migration Studies*, 42(4), 643–664. <https://doi.org/10.1080/1369183X.2015.1102042>
- Thränhardt, D. (2002). Include or exclude: Discourses on immigration in Germany. *Journal of International Migration and Integration / Revue de l'integration et de La Migration Internationale*, 3(3–4), 345–362. <https://doi.org/10.1007/s12134-002-1019-2>
- Thränhardt, D. (2013). *Migrantenorganisationen: Engagement, Transnationalität und Integration* (G. Schultze & Friedrich-Ebert-Stiftung, Eds.). Friedrich-Ebert-Stiftung, Abt. Wirtschafts- und Sozialpolitik.
- Thränhardt, D., & Bommers, M. (Eds.). (2010). *National paradigms of migration research* (1. Aufl.). V & R unipress : Universitätsverlag Osnabrück.
- Tietze, K. (2008). Migrantinnen und Migranten und die deutsche Bürgergesellschaft. Eine Analyse der Parteienprogrammatis. *Newsletter Wegweiser Bürgergesellschaft 17/2008 Vom 29.08.2008*.
- van Deth, J. W. (2014). A conceptual map of political participation. *Acta Politica*, 49(3), 349–367. <https://doi.org/10.1057/ap.2014.6>

- Verba, S. (1967). Democratic Participation. *The ANNALS of the American Academy of Political and Social Science*, 373(1), 53–78. <https://doi.org/10.1177/000271626737300103>
- Vogel, D., & Cyrus, N. (2008). Förderung politischer Integration von Migrantinnen und Migranten. Begründungszusammenhänge und Handlungsmöglichkeiten. *Oldenburg: Interdisciplinary Center for Education and Communication in Migration Processes (IBKM)*.
- Vollmer, B. A. (2021). Public Discourses and Politics on Migration: A Precarious Situation and Dismal Outlook? *Journal of Migration Studies*, 147-164 Seiten. <https://doi.org/10.48439/ZMF.V1I2.114>
- Walzer, M. (1983). *Spheres of Justice*.
- Weiß, T., König, M., Stecker, C., Müller, J., Blätte, A., & Lewandowsky, M. (2021). „Seit Köln“, und „nach Chemnitz“ – Schlüsselereignisse im parlamentarischen Diskurs. *Zeitschrift für Vergleichende Politikwissenschaft*, 15(1), 39–80. <https://doi.org/10.1007/s12286-021-00480-x>
- Wellman, C. H. (2014). *Liberal rights and responsibilities: Essays on citizenship and sovereignty*. Oxford University Press.
- Wilcke, H., & Manoim, R. (2019). Contested Health Care System in Berlin: Are Illegalized Migrants Becoming Urban Citizens? *Social Inclusion*, 7(4), 100–107. <https://doi.org/10.17645/si.v7i4.2331>
- Will, A.-K. (2018). On “Genuine” and “Illegitimate” Refugees: New Boundaries Drawn by Discriminatory Legislation and Practice in the Field of Humanitarian Reception in Germany. *Social Inclusion*, 6(3), 172–189. <https://doi.org/10.17645/si.v6i3.1506>
- Wimmer, A. (2002). *Nationalist exclusion and ethnic conflict: Shadows of modernity*. Cambridge University Press.
- Wimmer, A., & Glick Schiller, N. (2002). Methodological nationalism and beyond: Nation-state building, migration and the social sciences. *Global Networks*, 2(4), 301–334. <https://doi.org/10.1111/1471-0374.00043>

Yurdakul, G. (2010). Governance Feminism und Rassismus: Wie führende Vertreterinnen von Immigranten die antimuslimische Diskussion in Westeuropa und Nordamerika befördern. In G. Yurdakul & Y. M. Bodemann, *Staatsbürgerschaft, Migration und Minderheiten* (pp. 111–125). VS Verlag für Sozialwissenschaften. https://doi.org/10.1007/978-3-531-92223-2_5

Yurdakul, G., & Korteweg, A. C. (2020). State Responsibility and Differential Inclusion: Addressing Honor-Based Violence in the Netherlands and Germany. *Social Politics: International Studies in Gender, State & Society*, 27(2), 187–211. <https://doi.org/10.1093/sp/jxz004>

APPENDICES

A: ARTWORKS PRESENTED IN THE GERMAN PARLIAMENT



A.1. In 1916 *Dem Deutschen Volke* ("To the German People") was written on the entrance of the German Parliament



A.2. This artwork by Hans Haacke was placed to the North courtyard of the German Parliament in 2000, to symbolize the transition to *jus soli* from *jus sanguinis*

B.TURKISH SUMMARY/TÜRKÇE ÖZET

Çağdaş göç hareketleri, göç rejimlerini oluşturan çeşitli aktörler tarafından kontrol edilmekte ve şekillendirilmektedir. Devlet aygıtları, uluslararası, uluslar üstü, ulusal ve yerel yönetimin birimleri gibi kurumsal aktörler, göç politikalarının oluşturulmasında ve uygulanmasında çeşitli roller üstlenirler (Pécoud, 2021, s.104). Göç yönetimini oluşturan normlar, değerler ve yapılar, tarafsız olmaktan çok, kısmi çıkarların etkisi altında geliştirilir (Geddes, 2021, s. 31-33). Ayrıca, göç kontrolü dağınık, çok merkezli bir yapıda ortaya çıkar.

Göç ve göçmenle ilgili gerçekler söylemsel unsurlar aracılığıyla çarpıtılmakta/çerçevelenmekte, dolayısıyla giderek daha fazla politize olmaktadır. Çoğulcu bakış açıları göç ve ilgili alt alanlara ilişkin çerçeveleri çeşitlendirir. Göç, toplum için bir risk/tehdit veya genişleme için bir fırsat olarak algılanabilir. Katı kategoriler ve ikili sınıflandırmalar yerine karmaşık gerçekler göçü karakterize eder (de Haas, 2021, s.1). Göç hiçbir zaman tamamen kontrol edilemez, tutarsızdır ve politika sonuçları hiçbir zaman beklendiği gibi görünmez.

Toplumsal katılım, sosyal hayatın tüm yönleriyle geniş bir temas yelpazesini kapsar ve çeşitli şekillerde gözlemlenebilir; bu nedenle, bir dizi alt daldan oluşur. Eğitim ve sağlık hizmetlerine erişilebilirlik, çeşitli kamu yönetimi araçlarından yararlanma, işgücü piyasasına ve refah rejimine entegrasyon ve son olarak, siyasi alanda adil temsil, kamusal katılımın önemli yönleridir. Siyasal katılım, doğası gereği, bir ülkede meşru ikamet koşullarını belirleyen vatandaşlık veya yasal statüler ile bağlantılıdır. Bu tez, Almanya'da vatandaşlık statüsüne sahip olmadan ikamet edenlerin siyasi katılım koşullarına odaklanmaktadır. Siyasi katılım fırsatları, toplumsal katılıma ilişkin diğer tüm boyutların gerektirdiği ön koşullar, kısıtlamalar, katılımın sürdürülebilirliği ve kalitesi/etkisi açısından çok önemli belirleyicilerdir.

Siyasal katılım imkanına sahip olmak, siyasal sistemle özdeşleşmeyi teşvik eder ve sistemin meşruiyetinin temelini teşkil eder. Normatif bir bakış açısıyla, bir yönetimin demokratik meşruiyeti; reşit olmayanlar ve bilişsel kapasiteleri zayıf olanlar dışında,

idarenin yargı yetkisi altındaki tüm nüfusun katılımıyla sağlanabilir. Bu bağlamda, liberal demokrasiler, mukimlerin mümkün olan en yüksek oranda siyasi katılımını sağlamalıdır.

Öte yandan, yönetimler, kendilerini anlamlı siyasi varlıklar olarak sürdürmek için yabancıları dışlayıcı sınırlar belirlemek mecburiyetindedirler. Ulusal kimlik, kültür, gelenekler, değerler bir süreklilik içinde yeniden üretilir. Yabancılar, sistemin özelliklerini tanımadıkları için toplumsal bütünlük ve düzen için tehdit oluştururlar ve siyasi alandaki güç dengesini değiştirebilirler. Modern ulus-devletlerde, vatandaşlık ve diğer yasal statüler, belirli koşulları yerine getiren bireylere meşru çerçevede ikamet etme olanağı sağlar. Bu nedenle, asli üyeliğin kapsamının ve buna bağlı hak ve sorumlulukların belirlenmesinde önemli bir role sahiptirler. Başka bir deyişle, vatandaşlık statüsü, ulus-devletler tarafından siyasanın içindekileri ve dışındakileri tanımlamak için kullanılan soyut bir sınır işlevi görür.

Alman ulus devletinin kurulması ve birleşmesi benzersiz bir şekilde gerçekleşmiş ve Avrupalı emsallerine kıyasla nispeten geç olmuştur. Hızlı sanayileşme ve kapitalizmin geç gelişmesi bu konuda temel indikatörlerdir. Alman kamu yönetiminde eyaletlerin görece özerkliği de bu bağlamda vurgulanmalıdır. Napolyon Savaşları, iki Dünya Savaşı, ülkenin yıkımı, bölünmesi ve yeniden inşası sonucunda Almanya'nın kesintisiz bir ulus inşası süreci olamamıştır. Bu nedenle, hiçbir zaman Alman ulusunun tek bir tanımı olmamıştır. Bunun yerine, toplumda çeşitli dönemlerde Almanlığa dair farklı tanımlar ağırlık kazanmıştır. Her dönemde ilgili konjonktürlerle de bağlantılı olarak, devletin ideolojik temelini belirli bir ulus tanımı oluşturmuştur.

Bu tez, ulus-devletin her zaman Alman toplumundaki göçmen öznelerin rollerini ve eğilimlerini belirleyen baş aktör olduğunu iddia eder. Bunu tamamlayıcı bir şekilde, kamu yönetiminin yasal çerçevesi ve araçları, göçmenleri disipline etmek ve kontrol etmek için ilgili kural ve düzenlemeleri uygulamak için kullanılmıştır. (Brubaker, 2001, s.537). Ulus-devlet, çağdaş Almanya'da hâlâ egemen güç olarak hareket etmektedir, ancak bu güce yerel yönetimler, AB ve diğer ulusüstü/uluslararası örgütler, parlamento içinde ve dışındaki muhalefet unsurları ve tabandaki toplumsal hareketler ortaktır.

Etnokültürel, hatta etno-ulusal ulus anlayışının bir parçası olarak göçmenler, toplum içinde “içsel yabancılar” olarak etiketlenmiş, devlete büyük ölçüde tabi kılınmıştır. Göçmen karşıtı duygular siyasi ve entelektüel yollarla sürekli olarak desteklenmiştir. Soğuk Savaş bağlamında, Alman ulusu, etnisiteyi ulusal kimlikten ayırarak, sosyal piyasa ekonomisi vurgusuyla yeniden tanımlandı. Bu ayırım, etnik milliyetçilikten sivil milliyetçiliğe geçişi işaret ediyordu. Kamuoyu sosyal piyasa ekonomisine bağlı ulus tanımı büyük ölçüde kabul etti; ancak bu tanım kültürel yönlerden ve değerlerden yoksundu. Bu nedenle, yeni tanım, doğası gereği ulusal kimliğe bağlı olan bazı etnokültürel unsurların mükemmel bir ikamesi olamamıştır.

Bu tezin ikinci bölümü Almanya'nın göç ve vatandaşlık politikaları bağlamında tarihsel bir altyapı sunmayı amaçlar. Almanya'nın ulus inşası süreci Kaiserreich döneminden itibaren incelenmiştir. Bismarck'ın ulus olma konusunda etnokültürel bir anlayışı vardı. Bu bağlamda Polonyalıları asimile etmeyi amaçlayan, doğası gereği Polonya karşıtı ve Yahudi karşıtı bir kampanya olan *Kulturkampf*'ı başlattı. Kaiserreich dönemi, Alman devletinin ve ulusunun modern anlamda geliştiği dönemdir. Bu dönemde Alman vatandaşlığı için gereken koşullar yasalaştırılmıştır (1913- RuStAG). 1. Dünya Savaşında çeşitli kökenlerden yabancıların ağır koşullar altında zorunlu olarak çalıştırılması gündeme gelmiştir.

Faşist diktatörlük döneminde yapılan 1935 Nürnberg yasaları Almanya'da vatandaşlığın tarihsel gelişiminde bir kopuşa işaret etmektedir. Daha önceki düzenlemelerde yer alan sivil milliyetçilik unsurları tamamen terk edilmiştir. Vatandaşlık öncelikle milletin (*Volk*) etnokültürel idealine dayanmaktadır. Gosewinkel'e göre, Nürnberg yasası eşitliğe dayalı sivil toplum fikrini yıktı ve vatandaşlığı ırksal kriterlere göre hiyerarşik hale getirdi (2002, s.72). 1913'te yapılan vatandaşlık yasası yabancılar açısından kısmen bir dışlama aracı olarak görülebilir; ancak 1935 yasası, yabancıların ve istenmeyen grupların mutlak biçimde dışlanması işlevi görmüştür. Brubaker, Wilhelm dönemindeki etnokültürel millet tanımıyla ile faşist rejimin etno-ırksal yaklaşımları arasındaki nüansları ayırt etmenin çok önemli olduğunu altını çiziyor (1992, s.166).

Nürnberg yasası kapsamında, birinci sınıf vatandaşlık, *Reichsbürger* statüsü, Alman kökenli insanlara özeldi. Yahudilere ve ilhak edilmiş bölgelerdeki Alman olmayan yerel halk gibi diğer istenmeyen topluluklara ikinci sınıf vatandaşlık verildi. Yalnızca birinci sınıf vatandaşların kamu görevlerinde bulunmalarına izin verildi ve onlara siyasi haklar verildi (Nathans, 2004, s.219; Brubaker, 1992, s.167). Nürnberg yasası, karışık ırklardan kişiler için karmaşık ve çok ayrıntılı sınıflandırmaları kodlamıştır. Haklar ve kısıtlamalar buna göre tahsis edilmiştir. Farklı vatandaşlık kategorileri arasında geçişkenlik pratikte imkansız hale gelmiştir. Savaşın son yılında Almanya'da çalışan nüfusun %20'sini yabancı işçiler oluşturuyordu. Tarım sektöründe, tüm işçilerin neredeyse yarısı yabancıydı.

Brubaker'e göre, koşulsuz teslim olmasının ardından Federal Almanya, devletsiz bir ulus miras aldı; aynı şekilde 1871'de Kaiserreich bir devlet inşa etme sorumluluğuna sahipti (1992, s.169). Bu, kurumların ve yasal çerçevelerin yeniden yapılandırılması, sınırların belirlenmesi ve ulusun yeniden tanımlanması anlamına geliyordu. Geçmişteki vahşet kabul edildi ve kurbanların kayıpları tazmin edildi. 1961'de Berlin Duvarı inşa edilene kadar, Doğu Avrupa ve Doğu Avrupa'dan Federal Almanya'ya göç, işgücü ihtiyacını büyük ölçüde karşıladı. Berlin Duvarı, işçilerin Doğu'dan hareketini engelledi. Mevcut yabancı emeğin özelliklerinde çarpıcı bir değişiklik oldu (Brubaker, 1992). Kaiserreich ve Weimar'ın işçi göçü yollarından önemli bir sapma görüldü, çünkü bu yönetimler coğrafi ve kültürel olarak uzak olan ülkelerden işçi almamışlardı.

Faşistler tarafından 1938'de çıkarılan Yabancılar Polisi Kararnamesi, 1965'te değiştirilene kadar Federal Almanya'daki yabancı hakları rejiminin direği olarak işlev gördü. Reformdaki amaç, politikaları liberalleştirmek ve süreçleri kolaylaştırmaktı, fakat bu ancak kısmen gerçekleştirilebilmiştir. 1938 yasasına göre göçmenler, "ancak kendilerine gösterilen misafirperverliğe layık oldukları takdirde" oturma izinlerini uzatabilirlerdi (O'Brien, 1988, s. 115-116; Joppke, 1999, s.66). 1965 yasası, yabancılar üzerindeki tartışılmaz devlet egemenliğini vurgulayan nesnel devlet çıkarının öne çıkmasıyla öznel değerlilik kriterlerini değiştirdi.

Kaiserreich'in aksine, Federal Almanya'nın 20. yüzyılın ortalarında gelişmiş bir endüstriyel liberal demokrasi olarak kitlelerin sınır dışı edilmesi gibi yabancılar üzerinde sert önlemler alması siyasi ve pratik olarak imkansızdı (Barbieri,1998). Bu dalga esasında düzenli bir göç dalgası olmasına rağmen 1973 yılında yabancı işçi alma yasağının (Anwerbestopp) ardından istenmeyen sonuçlar ön plana çıkmıştır. Bu arada, göçmenlerin toplumla ilişkilene biçimleri ve bunlarla bağlantılı haklar rejimi giderek daha fazla sorgulanmaya başlandı. Entegrasyon yaklaşımları, iki zıt kutbun bulunduğu bir ölçekte yer alır. Bu bağlamda entegrasyon, bir yandan ev sahibi toplumun göçmenler üzerindeki egemenliğinin bir aracı diğer yandan çok kültürlülüğe dayalı demokratik katılım için bir yol işlevi görebilir. Yabancı kökenli göçmenlerin entegrasyonu 1990'lara kadar devletin gündeminin bir parçası değildi. İşçi göçmenler geçici olarak kabul edildikleri için entegrasyon gereksiz olarak algılanmıştı.

Vatandaşlık yasasının geniş kapsamlı olarak liberalleştirilmesi ancak 2000 yılında mümkün oldu. 1998'de iktidara gelen SPD-Yeşiller koalisyonu, göçmenlik politikalarında bir paradigma değişikliğini beraberinde getirdi. 1913 RuStAG miadını doldurmuştu ve 21. Yüzyılda fiilen göç ülkesi olan bir ülkenin ihtiyaçlarına cevap vermekte yetersizdi. Başlangıçta, Şansölye Schröder önceki yollardan radikal bir ayrılma planladı. "Ulusal bilincimiz, Wilhelm geleneğinin bir tür soy yasasına değil, şu anda sahip olduğumuz kendinden emin demokrasiye bağlıdır". Bu bağlamda, Schröder'in söylemi esasında çifte vatandaşlığı ve vatandaşlığa geçişte *jus soli* prensiplerinin ilerici unsurlarını kapsıyordu. Buna rağmen sağ muhalefetin baskısı nedeniyle ısrarla sürdürülen kısıtlamalar ve vatandaşlık sisteminin dışlayıcı doğası, siyasi olarak haklarından mahrum bırakılmış kalıcı bir paryalar sınıfı yarattı (Faist, 1994, s.445).

Tezin üçüncü bölümü kapsamında, siyasi katılımın normatif zeminleri, tanımları, biçimleri, koşulları, sınırları ve kısıtlamaları tartışılmıştır. Vatandaş olmayanların kamusal alana, özellikle de göç edilen ülkedeki siyasi alana dahil olması, çoğunluk toplumunda (*Mehrheitsgesellschaft*) yer alma ve temsil biçimleri, çağdaş liberal demokrasilerin meşruiyeti bağlamında açıklanmıştır. Çağdaş Alman siyasetinde hakların, kaynakların ve sorumlulukların tahsisine ilişkin belirleyiciler, göç, vatandaşlık ve entegrasyonla ilgili süreklilik ve değişim hedefleri, halkın katılımının

dinamikleri etrafında ele alınmıştır. Ayrıca, bu bölüm Almanya'daki AB üyesi olmayan vatandaşların kamusal katılımı alanındaki teorik perspektifleri, kısmi üyelik, ulustan arındırılmış ve ulus sonrası vatandaşlık biçimlerinin kavramsallaştırmalarıyla ilgili olarak incelemektedir.

Seçimlerde oy kullanma, aday olma, siyasi partilere üyelik, formel mekanizmalarla gerçekleştirilen geleneksel siyasi katılımın temel özellikleridir. Bu mekanizmaların kapsam ve uygunluk kriterleri çoğunlukla egemen ulus devlet otoritesi aracılığıyla belirlenmektedir. Kurumsal olmayan başlıca siyasal katılım çeşitleri; gösteriler, protestolar, grevler, barışçıl mücadele yolları (resmi izin alınmadan gerçekleştirilebilir), dilekçe için imza toplamak, olarak sıralanabilir. Bu tür katılım, çeşitli araçlar aracılığıyla görünürlük girişimleri de dahil olmak üzere siyasi aktivizm biçiminde gerçekleşebilir.

Almanya'da vatandaş olmayanlardan oluşan danışma kurulları (*Ausländerbeiräte*), bu tür bir siyasi katılımın örneğidir. Etkileri, kararların idare için bağlayıcı olup olmadığına bağlıdır. Göçmen konseyleri, Almanya bağlamında çoğunlukla yerel düzeyde sınırlı olmak üzere, nispeten düşük bir siyasi etkiye sahiptir. Vatandaş olmayan nüfusa tanınan siyasi hakların eksikliğini ikame etmek için danışma organları olarak tasarlanmışlardır (Heckmann, 2003, s.69). Milletini tamamını ilgilendirmeyen, kısmi konuları bütüncül bir şekilde aktarmak için çabalayan bu örgütlerin ana odak noktası entegrasyon ve göçmenlerin sorunlarıdır (Vogel ve Cyrus, 2008, s.15).

Alman hükümeti ve kamuoyu, bu oluşumlara, vatandaş olmayanların entegrasyon sürecini yavaşlatan engeller olarak işlev görebilecekleri için ve anavatana ait değerleri geliştirip yaydıkları için şüpheyle yaklaşmaktadır (Roth, 2018, s. 645). Kendi ülkelerinin ideolojik ve resmi teşvikleriyle şekillenen çeşitli göçmen örgütleri, Almanya'nın katı bir şekilde önlemeyi amaçladığı paralel toplumlar bağlamında vatandaş olmayanların daha fazla ayrışmasına, tecrit edilmesine yol açabilir.

Ayrımcılık, dezavantajlı grupların damgalanması, gettolaşma ve kentsel bağlamlarda paralel toplumların (*Parallelgesellschaften*) ortaya çıkması, sınırlı siyasi katılım fırsatlarının zararlı sonuçlarıdır (Häußermann, 2018). Suç oranlarının artması ve

işsizlik gibi sosyal uyumu bozan problemler, ayrımcılık vakalarında artma eğilimleri paralel toplumların yarattığı sorunlardır. Bauböck (2003) vatandaşlığın resmi tanımından uzaklaşarak, vatandaşı/yurttaşı, siyasi toplulukta tercihlerini ve çıkarlarını özerk bir şekilde rasyonel olarak en üst düzeye çıkarmaya çalışan bir paydaş olarak kavramsallaştırır. Bu bağlamda, siyasal katılımın sınırları, kapsayıcı rejimlerde ulus-devlet vatandaşlığının sınırlarını aşmalıdır.

Yerel düzeyde siyasal katılım, temel olarak kısmi, küçük ölçekli çıkarları veya sorun çözmeyi içerir. Temsil, eşitliğin geniş bir siyasal sistem yelpazesinde uygulanması olarak tanımlandığında, yerel temsil halka en yakın idari oluşumlardan biri olarak görülmektedir. Yerel siyaset, referandumlarda olduğu gibi doğrudan siyasal katılıma izin vermesinde odak ve hedef grupları daraltmakta, dolayısıyla ulusal düzeyden daha yoğun bir katılım deneyimi sunmaktadır. Bauböck'ün modeline kıyasla biraz daha az özerk olsa da Almanya'daki yerel yönetim birimleri, güncel bağlamda, tüm yasal statülerden göçmenlerin yerel düzeydeki karar alma süreçlerine başarılı bir şekilde entegrasyonu için programlar, politika çerçeveleri tasarlamaktadır. “Entegrasyon yerelde gerçekleşir”, yerel yönetimlerin göçmenlerin siyasal alana dahil edilmesindeki rolünün önemini altını çizmek için slogan olmuştur (Kost, 2017, s.33).

Geleneksel siyasal katılım biçimleri, ilke olarak yalnızca resmi vatandaşlıkla bağlantılıdır. Bu tür bir katılımı kolaylaştırmak için bireylerin kendi çabaları yeterli değildir. Vatandaş olmayanlar için Almanya'da parlamento seçimlerinde oy kullanma ve aday gösterme mümkün değildir. Nüfusun daha büyük oranda siyasal katılımının birçok pratik faydası vardır. Yerel düzeyde sunulan kamu hizmetlerinin altyapı yatırımlarının planlanması, kapsamı ve kalitesi, yerel yönetim kararlarından etkilenen paydaşlar oldukları için vatandaş olmayan sakinlerin dahil edilmesiyle iyileştirilebilir.

Bu bağlamda, vatandaş olmayanların siyasal katılımı esas olarak parlamento dışı yollarla mümkündür. Vogel ve Cyrus'a göre, parlamento dışı siyasal katılım yolları, yabancılara yalnızca ikinci sınıf bir katılım fırsatı tanır (2008, s.30). Buna uygun olarak, temel siyasal katılım, egemen olarak görülen bireyler grubuna, yani çağdaş Alman bağlamında Alman vatandaşlarına tanınmıştır. Parti siyaseti, oy verme hakkına ve pazarlık gücüne sahip olmayan kişilerin ihtiyaç ve tercihlerini görmezden gelmeyi

veya daha az dikkate almayı seçebilir. Siyasal haklardan mahrum bırakılmışların eşit temsil imkanları, kurumsal karar alma sisteminde yer bulamadıkları için sınırlıdır. Politikalar bu kişiler dikkate alınmadan şekillendirilir.

Göçmenler, pasaport, güvenli ikamet ve ayrıcalıklı haklar dizisine sınırsız erişim gibi maddi faydalar sağladığı için resmi vatandaşlığa pragmatik bir şekilde yaklaşmaya eğilimlidir. Böyle bir bakış açısı, vatandaşlığı aidiyet ve sadakat yönlerinden ayırmakta, dolayısıyla onu sade bir bürokratik araca indirgemektedir. Ayrıca, üyeliği bir dereceye kadar depolitize eder. “Çağdaş Almanya’da meşru yurttaşlar kimlerdir?” Çağdaş vatandaşlık ve üyelik biçimlerine yönelik çeşitli yaklaşımlar aracılığıyla tartışılması gereken, doğası gereği karmaşık bir soru olarak kalır.

Papadopoulos ve Tsianos, vatandaşlığın bir yönetim biçimi içinde haklar ve temsil arasındaki dengeyi düzenlediğini öne sürer (2013, s.179-182). Vatandaşlık statüleri bağlamında, bireyler tam görünmezlik/yokluk ile meşru hak sahipliği arasında bir yerde konumlanırlar. Vatandaşlık ne derece siyasal bir araç haline gelirse, o derece bir duvar işlevi görecektir. Teorik olarak vatandaşlık ve milliyet, yakından ilişkili olmalarına rağmen aynı şey değildir (Sassen, 2002, s.278). Vatandaşlık daha az katıdır ve ikincisine kıyasla daha esnek biçimlerde görünebilir. Vatandaşlık milliyete yaklaştıkça, vatandaş olmayanların dışlanması daha yaygın hale gelmektedir (Bosniak, 2007, s.2449). Işın, resmi vatandaşlığın çağdaş biçimini *ius sanguinis*, *ius domicili* ve *ius soli* ilkelerinin kombinasyonu yoluyla aldığını savunmaktadır. Işın’a göre yurttaşlık her zaman dinamik ve değişim halinde olmuştur, dolayısıyla hiçbir yurttaşlık biçimi nihai değildir (Işın, 2008).

Almanya’ya yönelik düzenli ve düzensiz göç akışının devam etme eğiliminde olduğu yadsınamaz. Bu, yabancı öznelliklerin sürekli yeniden üretimine yol açar. Başarılı göçmen katılımı ile sürdürülebilir ulusal kimlik arasındaki dengeyi bulmak için, dinamik ve belirgin olmayan vatandaşlık biçimleri resmi vatandaşlığın katılımının ötesinde algılanmalıdır. Tezin bu bölümünde, ulus-sonrası ve ulussuzlaştırılmış vatandaşlık biçimlerinin teorik temelleri, haklara/kaynaklara erişim, vatandaş olmayanlar için kamusal katılım imkanları ve ulus devletinin rolü açısından tartışılmıştır.

Soysal'a (1994) göre, post-ulusal vatandaşlık / *denizenship*, 1970'ler ve 80'ler boyunca Almanya'da işçi göçmenler için uygulanan kısmi üyelik modelini tanımlayan ilgili çerçevedir. Soysal, bu modeli evrensel kişilik ve insan haklarına dayandırır. *Denizenship*, tek tip bir resmi statü formatında şekillendirilmemiştir, dolayısıyla sınırları kanunla çizilmez. Üyelik modelleri, devlet-birey ve toplum arasındaki ilişkiyi yansıtmaktadır. Almanya'da devlet, kamusal alandaki en güçlü aktör olduğu için korporatist bir üyelik modeli ve merkezi olarak örgütlenmiş/finansmanlı entegrasyon planları ön plana çıkmıştır (Soysal,1994, s.62). Bir yandan, yerleşik yabancılar sanki tam vatandaşmış gibi vergi ödemek, kurallara uymak gibi yükümlülükleri yerine getirmek zorundadırlar. Soysal, argümanlarını metodolojik milliyetçi bir bakış açısıyla şekillendirir ve ulus-devletin yerleşik yabancıların haklarını belirlemedeki birincil rolünü kabul etmektedir.

Çağdaş üyelik oluşumları, vatandaş ve yabancı ikili sınıflandırmasının ötesindedir. Ulus devletlerin oluşumundaki örgütsel ve ideolojik değişim, ulusötesi söylemlerin ve yapıların artan etkisi, kaçınılmaz olarak üyelik biçimlerini dönüştürmektedir. Baban, ulus-devletin münhasır yetkinliğinin ötesinde alternatif bir vatandaşlık hakları rejimi inşa etmek için göç alan toplumlarda ulus-sonrası vatandaşlık anlayışlarının gerekli olduğunu belirtir (2006, s.188).

Post-endüstriyel bir ekonomiye, yani neoliberalizme doğru paradigma kayması, hem göçün fiilen gerçekleşmesinden önce hem de sonrasında göç modellerinin dönüşümü açısından oldukça önemlidir (Sassen, 2002, s. 378). Değişen üretim modelleri, gelişmiş kapitalist ekonomilerde sektörlerin ağırlığını değiştirdi. Finans ve hizmet sektörlerinin GSYİH içindeki artan oranı, parçalanmış emek biçimlerine ve dolayısıyla örgütsel yapıların dönüştürülmesine neden oldu (Casas-Cortes ve diğerleri, 2015, s.77). Farklı sektörlerden çalışanların gelirleri arasındaki uçurum büyüdü. Özellikle hizmet sektörü, vatandaş olmayan, güvencesiz statüye sahip gayri meşru göçmenleri istihdam etme talebini artırdı. Bu çerçevede uluslararası göç dinamikleri, işe alım ve çalışma koşullarının kalıplarıyla etkileşimli olarak evrildi.

Büyük yatırımlar, üretim tesisleri, önemli ekonomik faaliyetlerin çoğu ve dolayısıyla nüfus yoğunluğu metropollerde toplanmıştır. İşgücünün mekânsal yeniden örgütlenmesi nedeniyle, şehirler kendi bölgelerinden ve ait oldukları ulus devletten nispeten özerk hale gelirler. Buna göre şehir, vatandaş olmayanlar için alternatif üyelik biçimleri için bir mücadele yeri haline gelmiştir (Baubock, 2003, s.142). Sassen, (1998b, giriş xxx), ulus-sonrası toplumların üyelerinin, göçmen olmayanlar da dahil olmak üzere, kendilerini ulusal kimlikten ziyade kısmi kimliklerle tanımlamaya daha yatkın olduklarını iddia eder. Cinsiyet, sınıf, din, kültür vb. gibi kısmi kimlikler, üyeliği daha karmaşık ve çok katmanlı hale getiren çeşitliliğe yol açar.

Bu bağlamda, sınır ötesi göçün özelliklerinin değişmesi, vatandaş olmayanların farklı şekillerde kategorize edilmesi sonucunu doğurdu. Gelişmiş Batı ülkeleri arasında veya AB içinde hareket eden yüksek vasıflı işçi göçmenler, halihazırda Alman vatandaşlarıyla neredeyse eşit olan cömert haklara sahip oldukları için bu araştırmanın kapsamı dışında bırakılmıştır. Düzensiz göç kaçınılmaz bir olgu haline gelmiştir. Yoksulluktan kaçan ve savaşın harap ettiği üçüncü dünya ülkelerinden daha iyi yaşam fırsatları aramayı hedefleyen bireylerin düzensiz göçü, küreselleşen bağlamda karakteristiktir. Gayrimeşru göçmenler ülkeye girişlerinin ardından sınırlı bir hak rejimine ve ayrımcılığa tabi tutulurlar. Toplumun alt kesimlerinde sıkışıp kalmalarının yanı sıra, sosyal hayatın her alanında sömürüye açıktırlar (Gibney, 2009, s.2).

Güncel Alman göç rejiminde, bu gruplar başlıca: sığınmacılar, mülteciler, ikincil koruma altındaki bireyler, tolere edilenler (*geduldete*) ve gayrimeşru göçmenler olmak üzere çeşitli kategoriler ve alt kategoriler altında sınıflandırılır. Güvencesiz yasal statüye sahip göçmenler, yukarıda belirtilen farklı statülerin tüm özelliklerini kapsayan kapsamlı bir terimdir (Goldring & Landolt, 2013). Balibar, tüm bu tür güvencesiz göçmenleri “bugünün proletaryası” olarak tanımlar (2004, s.50).

Morris'e göre yasal statüler, kalıcı vatandaşlıktan yoksun bırakılan nüfusları dışlamak veya topluma kısmen dahil etmek için resmi araçlar olarak işlev görür. Yabancıların hakları, çağdaş Avrupa'da siyasi, kırılğan ve pazarlığa açık bir temel üzerine inşa edilmiştir (2003, s.88). Vatandaş olmayanların yasal statüleri, giriş amaçlarına bağlı olarak, çeşitli göçmen türleri için farklı bir hak ve yükümlülükler dengesi gerektiren

tabakalı, hiyerarşik bir şekilde tasarlanır ve tahsis edilir (Morris, 2003, s.80; Könönen, 2018, s. 56). İşgücü piyasasının talep ve gereksinimleri ve belirli sektörel ihtiyaçlar, bu bağlamda hayati belirleyicilerdir. Bireylerin nitelikleri de vatandaşlığa giden yolların belirlenmesinde çok önemli bir role sahiptir. Kişilerin yasal statüyü hak edip etmediğine karar vermek için sabıka kaydı, sağlık, servet birikimi, eğitim düzeyi ve geldikleri ülke dikkate alınır. Yukarıdaki kriterler göz önünde bulundurularak yapılan değerlendirme sonucunda, yetkililer başvuranların kalma ihtimalini (*Bleibeperspektive*) belirler.

Potansiyel göçmenleri profillerinin/varlıklarının arzu edilirliliği nedeniyle sınıflandırdığı ve ayırt ettiği için seçici geçirgen bir bürokratik duvar olarak işlev görecektir şekilde tasarlanmıştır. Bu mekanizmanın adaleti tartışmaya açıktır. Yurdakul & Korteweg'e göre, siyasi aktörler üyeliğin kurallarını belirlemekte ve kimin korumayı hak edip etmeyeceğini seçmektedir (2020, s.191). Mevcut sığınma rejiminin işleyişinde ekonomik boyutlar, insani yönlerden nispeten daha önemlidir (Thielemann & Hobolth, 2016, s.646). Bu nedenle sığınmacılar giderek daha fazla metalaştırılmaktadır. En kısa sürede işgücü piyasasına entegre olmaları beklenmektedir.

Belirsiz ve muğlak entegrasyon tanımlarından uzaklaşarak, göçmenlerin entegrasyon açısından sorumlulukları ve Almanya'nın sunabileceği imkanlar entegrasyon tartışmaları yoluyla netleştirilmelidir (Lebuhn , 2013, s.236). Bu bağlamda, tek taraflı bir dönüşüm beklemek yerine, göçmen olmayanlar da dahil olmak üzere Alman siyasetinin tüm üyeleri sorumluluk almalıdır. Çoğunluk toplumunun baskın kültürü (*Leitkultur*) referans noktası olarak alınmamalıdır (Joppke, 2007, s.3). Pries, Scherr ve İnan'a (2020) paralel olarak, kendisini homojen bir varlık olarak gördüğü ve diğerlerinden daha üstün bir konuma yerleştirdiği için Alman kamuoyunu eleştirir (2015, s.12). Göç sonrası toplumda asimile olma kararı bireyin kendisine bırakılmalıdır. Tercihe göre birden fazla kimlik kombine edilerek korunabilir ve bu durum toplumda yaratacağı kültürel çeşitlilik anlamında bir katkı olarak görülmelidir. Normatif bir bakış açısıyla, yeni gelenlerin halihazırda kurulmuş bir değerler, normlar, kurallar ve kurumlar sistemine uyum sağlaması zordur.

Lebuhn, uygulama yoluyla vatandaş olmayanların haklar rejiminin genişletilmesini sağlayan farklı bölgesel uygulamaların altını çizmektedir. Almanya'da federal eyaletler, Alman kamu yönetimindeki federal yetki devrine dayalı göreceli özerkliğe sahiptir. Kurumlar, siyasi aidiyetleriyle şekillenen kendi çerçeveleri içinde çalışırlar. Bu nedenle göç, farklılaştırılmış ve yerele özgü bir yapıda yönetilmektedir (El-Kayed ve Hamann, 2018, s.139). Ampirik çalışmalar, yerel yönetim birimlerinin, sivil toplum kuruluşlarının ve hayır kurumlarının, kentsel sığınak (*urban sanctuary*) alan adı verilen alanlar yaratarak, merkezi hükümet tarafından göz ardı edilen vatandaş olmayan grupları kamusal alana dahil etmek için stratejiler geliştirdiğini göstermektedir. Hizmetler ve bürokratik prosedürler için uygunluk kriterleri bu bağlamda esnetilmektedir. Buna ek olarak, memurlar özellikle sağlık ve eğitim alanlarında sağduyulu davranmakta ve düzensiz göçmenleri bildirmekten kaçınmaktadır. İdeal olarak, düzensiz göçmenler çok sınırlı haklara sahiptir.

Lebuhn'un yaklaşımı, resmi statüsü olmayan veya güvencesiz, geçici izinlerle ikamet eden bireylerin kentsel vatandaşlık yoluyla sivil katılımının önünü açmaktadır (Hess & Lebuhn, 2014, s.14). Onun bakış açısı ulus devletin rolünü tamamen göz ardı etmez; ancak, kopuşları gösterir ve dışlayıcı kural ve düzenlemelere yönelik eleştiriler sunar. Ayrıca girişimci şehirler, etno-kültürel vatandaşlık anlayışlarından potansiyel bir kopuş teşkil etmektedir. Bu, daha geniş kitlelerin, yani her türden dezavantajlı nüfusun katılımını kolaylaştırmak için gereklidir (Hinger, 2020, s.31). SPD, Yeşiller veya Sol gibi ilerici siyasi partilerin yönetimi altındaki şehirler, muhafazakar yönetime sahip şehirlere kıyasla göçmen kabulü açısından gelişmiş politika yaklaşımları sunmaya eğilimlidir.

Nyers, asli vatandaşlığın görülmek veya duyulmak için bir ön koşul olmadığını savunmaktadır (2008, s.165). Bauböck'ün söyleminde (2003) aktarıldığı gibi, resmi vatandaşlık, sahipleri siyasi katılım için yeterli araçlara sahip değilse anlamsız bir yasal statüdür. Yasal statülerin öneminden ve metodolojik milliyetçiliğin etkisinden uzaklaşarak, toplumdaki herhangi bir dezavantajlı grup veya birey, varlıklarının üstencil biçimde öngörülen sınırlarını zorlamak için vatandaşlık eylemlerine girebilir. Bu nedenle LGBTQ+ bireyler, etnik azınlıkların üyeleri, kadınlar, tabi kılınan sınıflar

ve her türlü marjinalleştirilmiş taraf, vatandaşlık eylemleriyle çatışmaya neden olabilir.

Işın (2013, s.41), vatandaşlık eylemlerini, ulus devlet tarafından yazılan rollerin dışına çıkarak öznelerin doğaçlama eylemleri olarak tanımlar. Vatandaşlık eylemlerini araştıran bilim adamları, vatandaşlığın doğası gereği siyasi hakların, sosyal ve sivil haklardan ayırıştırılmayacağını altını çizmektedir. Hamburg'da çeşitli statülerdeki (statüsü olmayanlar da dahil) göçmenler ve mülteciler tarafından kurulan radikal bir kolektif olan Lampedusa, pratik alanda vatandaşlık eylemlerinin bir örneğidir. Sivil toplum kuruluşları tarafından yürütülen ve finanse edilen deniz kurtarma çalışmaları da yasallığın gri bölgesi içinde yer alan eylemlerle resmi sınır rejimine meydan okuyan vatandaşlık eylemlerine katkı olarak sayılabilir. Kısmi üyelik biçimleri vatandaş olmayanlara bir dereceye kadar kamusal katılım imkanı sağlasa da, resmi vatandaşlık, modern Avrupa ulus devletinin sağladığı haklara ve faydalara erişim açısından hala birincil ve en güvenli statü olarak görünmektedir.

Federal hükümet tarafından yapılan Ulusal Entegrasyon Planları, devletin göçmenleri marjinal pozisyonlardan toplumun merkezine kaydırma yönündeki çabasını ifade etmektedir. Vatandaşlık, vatandaşlığa kabul ve vatandaş olmayanların oy hakkına sahip kılınmasının yasal ve ideolojik arkaplanı, siyasi partiler tarafından yapılan ulus tanımlarından etkilenir. Bu argümanın geçerliliğini tartışmak için bu tez kapsamında Alman parlamentosunda temsil edilen partilerin siyasi söylemlerine ilişkin nitel bir inceleme yapılmıştır. Siyasi parti söylemleri, toplumdaki çoğulcu bakış açılarını kurumsallaşmış bir şekilde yansıtmak açısından önemlidir. Bunun da ötesinde siyasi partiler kanun ve yönetmelikleri fiilen şekillendiren aktörlerdir. Örnek olay incelemesine geçmeden önce siyasi partilerin ideolojik konumları, Almanya'daki siyasi sistem ve Federal Meclis prosedürleri incelenmiştir. Alman parlamento teamüllerinin bir parçası olarak, benzer milletvekillerinden oluşan gruplar, mesleki geçmişleri ve uzmanlıklarıyla ilgili olarak belirli temaları tartışmaktadırlar.

İncelenen parlamento tartışmalarının çoğunda çarpıcı bir şekilde, vatandaş olmayan yurttaşlara tanınan hakların meşru kapsamı, Alman ulusunun tanımı üzerinden belirtilmektedir. CDU/CSU üyelerinin vatandaşlığı, belirli hak ve yükümlülükleri

koruyan resmi bir statünün ötesinde, Alman kültürü ve değerlerinin benimsenmesine bağlı olarak kavramsallaştırdıkları açıktır. CDU/CSU milletvekilleri, herhangi bir etnik çağrışım olmaksızın resmi vatandaşlık alan herkesi Alman olarak kabul etmelerine rağmen, vatandaşlığı kutsallaştırmaya ve sembolik değerini vurgulamaya devam etmektedirler. Milliyetçi ve muhafazakar duygular bu bağlamda sürdürülmekte ve CDU/CSU'nun siyasi söylemi aracılığıyla yeniden üretilmektedir. Milletvekilleri sürekli olarak parlamento girişinde yer alan *Dem Deutschen Volke* yazısına atıfta bulunsalar da, “Alman olmak ne demektir?” sorusuna verdikleri cevapların teoride sivil ulusluğun sınırları içinde yer aldığı yadsınamaz. Bununla beraber eski ulus tanımlarının öğelerini andıran bir biçimde milli kültüre güçlü bir vurgu yapılmaktadır.

CDU/CSU, vatandaşlığa kabul sırasında önceki tüm vatandaşlıklardan feragat edilmesi ve bunlara bağlı ulusal kimliklerden vazgeçilmesi gerektiğine inanır. Bu bağlamda, Alman yaşam biçiminin (*Leitkultur*) potansiyel vatandaşların yaşamlarının merkezi olması gerekmektedir. CDU/CSU, çok kültürlülükle alakalı yaklaşımları büyük ölçüde göz ardı ederek, asimilasyona dayalı bir entegrasyon anlayışını dayatmaktadır. Benzer bir şekilde, CDU/CSU, vatandaşlığa kabul için ön koşullar olarak Almanca dil becerilerinin edinilmesinin ve işgücü piyasasına uyum sağlanmasının önemini vurgulamaktadır. Bu, potansiyel bir vatandaşın Alman toplumunun hak eden/faydalı bir parçası olduğunu kanıtlaması gerektiği anlamına gelir. Öte yandan, CDU/CSU, oy verme ve diğer temel siyasi hakların vatandaşlığın doğası gereği ayrılamaz bir parçası olduğunu düşündüğü için, vatandaş olmayanlara herhangi düzeyde oy hakkı verilmesini kategorik olarak reddetmektedir.

AfD'nin yaptığı ulus tanımı, Müslüman/Orta Doğu kökenli insanların Alman toplumuna uyum sağlaması olasılığını büyük ölçüde, neredeyse kategorik olarak reddettiği için etno-kültürel tanımlarla uyumlu görünmektedir. AfD, göçmenlere tanınan hakların kapsamını sınırlamak için sürekli olarak yasa değişiklikleri önermektedir. Alexander Gauland'ın faşist diktatörlük dönemini “Alman tarihinde bir kuş pisliği” olarak tanımlayarak nasıl küçümsediği dikkate alındığında, AfD'nin geçmişin vahşetlerini nasıl görmezden geldiği anlaşılabilir. AfD üyeleri ciddiyyetenden uzak, karşı olgusal ve parlamenter bağlama uygun olmayan bir retorik üslup benimsemektedirler. Bu parti etnokültürel bir ulus anlayışını yansıtsa da, konumları

marjinaldir, geniş çapta kınanmakta ve anayasaya aykırı bulunmaktadır. Mülteci krizinin geniş ölçüde çözüme kavuşturulmasıyla AfD'nin Alman siyasetindeki rolü dışsal olarak kalmaya devam edecek, gördükleri destek gittikçe azalacaktır.

Sol muhalefet, yani Sol Parti ve Yeşiller, vatandaşlığı milliyetçi duygulardan veya değer dizilerinden bağımsız olarak tanımlamaktadır. Vatandaşlığın geniş bir haklar kapsamına erişime izin veren sade bir yasal statü olduğunu ve ideal olarak daha kolay koşullarda verilmesi gerektiğini savunmaktadırlar. Bu partilerin ulus anlayışları, atanmış yasal kategorilerine bakılmaksızın, idarenin etki alanındaki tüm bireylerin toplamına eşittir. Nüfus, *Die Bevölkerung*, Almanya'da tamamen sivil bir ulus algısını yansıtan meşru egemenlik kaynağı olarak tanımlanmaktadır. Bunun ötesinde, bu partiler, egemenliğin dayanağı olarak ulus kavramını bile aşan ulusötesi ve çok kültürlü yaklaşımları teşvik etmektedir. Bu tezin sonunda ise 24/11/2021 tarihinde yayınlanan koalisyon anlaşmasının vatandaşlık, vatandaşlığa alınma ve göçmenlerin kamusal katılımı bağlamındaki liberalleştirme vaatlerine yer vermiştir. Yeni kurulan SPD-FDP-Yeşiller koalisyonunun çok uzun zamandır tartışma konusu olan bu alanlardaki tabuları aşma çabaları vatandaşlık ve yabancılar rejimlerinde ciddi bir özgürleşme, artan kapsayıcılık ve Alman toplumunun kendini aşması anlamını taşımaktadır.

C. THESIS PERMISSION FORM/TEZ İZİN FORMU

ENSTİTÜ / INSTITUTE

- Fen Bilimleri Enstitüsü / Graduate School of Natural and Applied Sciences**
- Sosyal Bilimler Enstitüsü / Graduate School of Social Sciences**
- Uygulamalı Matematik Enstitüsü / Graduate School of Applied Mathematics**
- Enformatik Enstitüsü / Graduate School of Informatics**
- Deniz Bilimleri Enstitüsü / Graduate School of Marine Sciences**

YAZARIN / AUTHOR

Soyadı / Surname : KERPIŞÇİ
Adı / Name : AYBİKE
Bölümü / Department : Siyaset Bilimi ve Kamu Yönetimi / Political Science and Public Administration

TEZİN ADI / TITLE OF THE THESIS (İngilizce / English): CONTINUITY AND CHANGE IN THE FIELD OF PUBLIC PARTICIPATION OF NON-EU CITIZENS IN GERMANY

TEZİN TÜRÜ / DEGREE: Yüksek Lisans / Master Doktora / PhD

1. **Tezin tamamı dünya çapında erişime açılacaktır. / Release the entire work immediately for access worldwide.**
2. **Tez iki yıl süreyle erişime kapalı olacaktır. / Secure the entire work for patent and/or proprietary purposes for a period of two years. ***
3. **Tez altı ay süreyle erişime kapalı olacaktır. / Secure the entire work for period of six months. ***

** Enstitü Yönetim Kurulu kararının basılı kopyası tezle birlikte kütüphaneye teslim edilecektir. / A copy of the decision of the Institute Administrative Committee will be delivered to the library together with the printed thesis.*

Yazarın imzası / Signature **Tarih / Date**

*(Kütüphaneye teslim ettiğiniz tarih. Elle doldurulacaktır.)
(Library submission date. Please fill out by hand.)*

Tezin son sayfasıdır. / This is the last page of the thesis/dissertation.