INTRODUCTION

Assessing the Consequences of the 1999 German Citizenship Act

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This special issue of *German Politics and Society* offers a retrospective look at the German Citizenship Act (*Staatsangehörigkeitsgesetz*, StAG), which passed in 1999 and came into force in 2000.¹ The law was and continues to be understood by many academics, policymakers, and lay commentators as constituting a “paradigm shift” in German citizenship policy and, by extension, prevailing conceptions of German nationhood. The introduction of the law of territory (*jus soli*), in particular, was greeted as a welcome acknowledgement of Germany’s de facto status as a modern immigration country. Children born and raised in Germany would no longer be rendered permanent foreigners as a consequence of the dominance of the law of descent (*jus sanguinis*) in the *Reichs- und Staatsangehörigkeitsgesetz* (RuStAG), 1913. Proponents assumed that the reduction of the residency requirement for naturalization would also allow greater numbers of long settled immigrants to assume the rights and privileges of German nationality. Just as importantly, Germany would join the European mainstream as regarded citizenship policy. The stigma associated with its traditionally ethnic conception of nationhood would give way to a more positive, civic identity.

The passage of more than a decade since the law’s introduction has enabled the contributors to this special issue to test these assumptions. How novel was the 1999 reform? Did it truly mark a shift in paradigms? Has it brought Germany into the European mainstream as regards citizenship policy? How well has it functioned as a means of integrating immigrants? Has it helped shape a more welcoming political culture, in which migrants are provided the opportunity to truly belong to Germany as Germans? Do the circumstances surrounding the passage of the law offer us insights into the politics of citizenship policymaking more generally?

The articles collected in this special issue explore these questions from a variety of disciplinary perspectives and methodological approaches. Together they help us better understand the origins and consequences of the 1999 law, as well as its relation to the history of citizenship policy in Germany. The remainder of this introduction proceeds in three parts. I begin by contextualizing the 1999 citizenship reform, briefly recounting Germany's postwar migration history and the pressures that drove the liberalization of membership policy in Germany. I then summarize the principle features of the StAG and note subsequent amendments to it following the passage of the Residence Act, 2004 (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet* [Aufenthaltsgesetz]) and the Act on the Implementation of European Union (EU) Directives on Immigration and Asylum Law, 2007 (*Gesetz zur Umsetzung aufenthalts- und asylrechtlicher Richtlinien der Europäischen Union* [EU-Richtlinienumsetzungsgesetz]). I conclude with brief synopses of the articles in this special issue, highlighting their principal contributions to the literature on German citizenship policy.

Citizenship Policy in a Non-Immigration Country: Towards the 1999 Reform

Germany is Europe's foremost immigration country, with a foreign population of some 7.1 million constituting 8.8 percent of its total population of 81.8 million.² Individuals with a "migration background," i.e., immigrants and second-generation descendants of immigrants, make up 19.6 percent of the total population.³ As of 2008, 34.4 percent of children under the age of five have a migration background, as do some 32.7 percent of the children under ten and 27.3 percent of the population under the age of thirty-five.⁴ The proportion of children with a migration background under five in Nuremberg is 67 percent; it is 65 percent in Frankfurt/Main and 64 percent in Düsseldorf and Stuttgart.⁵ While annual admissions have declined over the past decade, they remain significant ranging from 361,562 in 2006 to 394,596 in 2008 and 475,840 in 2010.⁶

Yet, until very recently, German officials went out of their way to declare that Germany was "not an immigration country."⁷ This curious position was tied to the nature of migration in postwar West Germany. From 1955 to 1973, the Federal Republic relied on temporary foreign workers to propel its economy.⁸ So-called "guest workers" (*Gastarbeiter*) were drawn from Italy, Spain, Greece, Turkey, Portugal, and the former

Yugoslavia in staggering numbers. On the eve of the November 1973 “recruitment stop,” Germany was host to some 2.6 million guest workers. The postwar “economic miracle” was driven in part by massive flows of foreign laborers, whose contributions facilitated upward mobility among German workers and the expansion of the welfare state.

As is well known, millions of Germany’s temporary foreign workers opted to settle in the Federal Republic and become *de facto* immigrants. Their ability to do so was based on Germany’s decision to reject compulsory rotation. Employers were loath to retrain new cohorts of foreign employees and pressured governments to allow them to extend guest workers’ stays. German governments were also keen to distance themselves from Germany’s horrific wartime experience by cultivating the Federal Republic’s identity as a progressive, European liberal democracy. They concluded that the implementation of a compulsory rotation policy would likely not assist in this cause. Hence, a combination of economic and political considerations ensured that guest workers who opted to stay in Germany would be allowed to do so.⁹

The halting of guest worker recruitment in the wake of the 1973 “oil shock” did not lead to a hoped-for decline of Germany’s foreign population. While millions of temporary foreign workers did return to their countries of origin, many opted to remain in the Federal Republic and eventually were joined by their spouses and minor children through family reunification.¹⁰ Courts reinforced migrants’ rights to family reunification and residency in the late 1970s and 1980s.¹¹ Citizens of European Economic Community (EEC) member states, such as Italy, also enjoyed freedom of movement and did not fall under the terms of the November 1973 recruitment stop. As a result, Germany’s foreign population continued to grow, reaching 4.5 million or 7.4 percent of the total population in 1983.¹²

Flows of asylum seekers and ethnic German repatriates (*Spätaussiedler*) from the former Soviet Union and Eastern Europe in the 1980s and 90s continued to drive the growth of Germany’s foreign-born population. Inflows of both categories of migrants increased massively in the late 1980s and early 1990s, as a result of the loosening of restrictions to exit among citizens of former Communist regimes and the violent breakup of the former Yugoslavia. Between 1988 and 1993, Germany received an astounding 1,434,360 applications for asylum.¹³ Hundreds of thousands of ethnic German repatriates were also admitted during this period, and family reunification continued apace.

Ethnic German repatriates enjoyed a constitutionally protected access to the Federal Republic and automatic citizenship and settlement assis-

tance upon entry.¹⁴ Similarly, Article 16 (2) of the Basic Law granted asylum seekers “persecuted on political grounds” a right to make a refugee claim in the Federal Republic. The so-called “asylum compromise” of 1993 narrowed these points of access by amending the Basic Law to restrict asylum seekers’ rights and placing controls on ethnic German repatriates’ admission to the Federal Republic.¹⁵ Despite these shifts, Germany’s foreign population continued to expand, reaching 6.8 million, or 8.4 percent of the total population, by 1993.

Little thought was given to the integration of immigrants throughout this period. Although refugees and ethnic German repatriates had access to some settlement programs (such as financial support, housing assistance, and language training for ethnic German repatriates), integration measures for temporary foreign workers and their families were limited to modest programs on the part of the federal and state governments and settlement assistance proffered by non-governmental welfare organizations under the auspices of the Catholic and Protestant churches and the labor movement.¹⁶ While some political elites argued that Germany ought to acknowledge the social consequences of de facto immigration by devising a more coherent approach that would include improved access to German citizenship via naturalization, their voices were overwhelmed by those who insisted that Germany was not an immigration country.¹⁷

In the area of citizenship policy, the 1913 *Reichs- und Staatsangehörigkeitsgesetz* (RuStAG) remained firmly in place, effectively withholding citizenship to children of foreign parents born in the Federal Republic through its elevation of *jus sanguinis*. The 1977 Naturalization Regulations similarly maintained very narrow limits to migrants’ access to citizenship via naturalization. Would-be German citizens would have to demonstrate proficiency in spoken and written German, renounce their former citizenship, and provide evidence of their voluntary and lasting orientation toward Germany as reflected in their “entire attitude toward German culture.” The fee for naturalization was also set at a punitive three months’ salary. Naturalization was to be an exception, offered only where it was in the interest of the Federal Republic to do so.¹⁸

Yet it would be wrong to suggest that restrictions on migrants’ access to German citizenship were based on an elite consensus concerning the inviolability of Germany’s ethnic conception of nationhood.¹⁹ On the contrary, by the mid-1980s the grounds of membership had become hotly contested among Germany’s political parties, with the SPD, Greens, FDP, and some members of the CDU supporting the easing of naturalization requirements, while conservatives in the CDU/CSU pushed for tighter restrictions on family

reunification and asylum, and the maintenance of the RuStAG.²⁰ Advocates of liberalization won a partial victory in 1990, through the passage of a new Foreigners Act that reduced residency and other requirements for naturalization for immigrant youth. Changes to citizenship policy agreed to in the 1993 “asylum compromise” also eased naturalization requirements for select cohorts of immigrants. Yet, more decisive changes were eschewed by Helmut Kohl and the CDU. Citizenship policy continued to be based on the law of descent as set out in the RuStAG, 1913.

The murder of Turkish-German children in Mölln in 1992 and Solingen in 1993 highlighted the perversity of a citizenship law that rendered children born and socialized in Germany as foreigners, while granting ethnic repatriates automatic access to nationality regardless of their proficiency in German or familiarity with life in the Federal Republic. Citizenship reform became a rallying cry for progressive politicians and civil society actors, including churches, trade unions, academics, and public intellectuals.²¹ Critics demanded the introduction of *jus soli*, the liberalization of naturalization requirements, and the toleration of dual citizenship. Global public opinion also came down hard on the Kohl administration, leading the CDU/CSU-FDP to promise to reform Germany’s citizenship law after the 1994 election.²² Their efforts along these lines proved woefully inadequate and progress stalled.²³

The SPD’s victory in the 1998 federal election and decision to form a coalition government with the Green Party created an opportunity for thoroughgoing reform.²⁴ Chancellor Gerhard Schröder’s cabinet acknowledged that Germany had been transformed by immigration and pledged to modernize the Federal Republic’s citizenship law so that it accorded to this reality.²⁵ The proposed reform would grant citizenship to children born in Germany through the principle of territory (*jus soli*) and tolerate dual citizenship for those wishing to naturalize. In a speech to the Bundestag on 10 November 1998, Schröder maintained that the proposed law marked a long overdue response “to ... realities in Europe. Our national consciousness depends not on some ‘law of descent’ of Wilhelmine tradition but on the self-assured democracy we now have.”²⁶

The opposition CDU/CSU rejected the proposal and channeled its resistance through a signature campaign against dual citizenship, aimed to coincide with the Land election in Hesse set for 7 February 1999.²⁷ The CDU/CSU maintained that the citizenship reform would unfairly privilege migrants, drastically expand immigration, and grant full membership to undeserving and potentially dangerous foreigners. The tactic proved enormously successful; the campaign accumulated over 3.5 million signatures

and helped mobilize grassroots conservative support for the CDU in the Hessen state election. The CDU thus prevailed, denying the SPD-Green government its majority in the Bundesrat. Badly stung by its defeat in Hesse and keen to salvage its reform, the SPD entered into negotiations with the FDP in March 1999. The revised law that emerged out of these negotiations was passed by the Bundestag on 7 May 1999, cleared the Bundesrat on 21 May 1999, and came into effect on 1 January 2000.

The Citizenship Act, 1999

The 1999 reform introduced important changes to Germany's citizenship policy. The StAG included a *jus soli* provision under Section 4, Part 3, according to which children born in Germany of non-German parents were to be granted German citizenship from birth, so long as one parent: a) had been legally resident for a period of eight years; and b) held either an unlimited residence permit (*unbefristete Aufenthaltserlaubnis*) for at least three years, or a residence entitlement (*Aufenthaltsberechtigung*).²⁸ A transitional clause would allow children born in Germany after 1 January 1990 to gain citizenship under the terms of the *jus soli* provision.²⁹ Moreover, the residency requirement for naturalization was reduced from fifteen to eight years to encourage the naturalization of long-settled migrants and "foreigners" born and raised in Germany prior to the introduction of the StAG.

Yet, each of these liberalizing moves was accompanied by a restrictive analogue. All naturalization candidates would now have to declare loyalty to the "free and democratic character of the Constitution" and demonstrate "adequate knowledge" of the German language.³⁰ Previously, naturalization candidates between the ages of sixteen and twenty-three enjoyed a right to German citizenship under the terms of an amendment to the Foreigners Act of 1990 (*Ausländergesetz*), agreed to by the CDU/CSU-FDP and SPD in the 1993 asylum compromise.³¹ As neither requirement was clearly spelled out in either the law or its accompanying secondary legislation, Länder governments were given wide latitude in interpreting and implementing the conditions (as in many other policy areas). As noted below, some Länder governments used this leeway to make naturalization more difficult.

The StAG also maintained Germany's longstanding rejection of dual citizenship. This came as a result of the compromises agreed to by the SPD to gain the support of the FDP in passing the law. Whereas the Red-Green coalition had intended to tolerate dual citizenship to encourage the natu-

ralization of long settled former guest workers, the 1999 law reversed this position and only allowed for multiple nationality in exceptional cases—as a rule, naturalization candidates would have to renounce their previous nationality. Moreover, according to the *Optionsregelung* set out in Section 29, children who acquire German citizenship through the principle of *jus soli* must formally declare whether they wish to maintain their German citizenship or that of their non-German parents between the ages of eighteen and twenty-three or forfeit their German citizenship. Thus, a child born with German nationality and raised with that status must decide on whether to “remain” German upon reaching adulthood.³² Failure to provide evidence of the revocation of their parents’ nationality results in the loss of their German citizenship.³³

The StAG also closed a loophole in Germany’s nationality policy which had enabled Turkish migrants to renounce their Turkish citizenship, apply for German citizenship, and then, upon gaining German nationality, reacquire their Turkish citizenship (with the approval and assistance of the Turkish state). As Rainer Bauböck has noted, this change in the law led to the disenfranchisement of an estimated 20,000 German-Turkish voters prior to the 2005 federal election.³⁴ An estimated 48,000 Turkish migrants were believed to have taken advantage of the loophole and thus left themselves vulnerable to denaturalization under the terms of the amended law.³⁵

The StAG’s commitment to maintaining Germany’s rejection of dual citizenship did not apply to citizens of European Union member states. On the contrary, the 1999 law allowed for the maintenance of EU citizens’ prior nationality, so long as German citizens wishing to naturalize were granted a reciprocal right to do so in the naturalization candidates’ former home countries.³⁶ Hence, Germany’s policies on dual citizenship grew considerably more complicated: while dual citizenship for non-EU, “third country nationals,” was rejected in principle, discretionary exceptions to the rule were possible, allowing for the toleration of multiple nationalities in a significant number of cases.³⁷ Conversely, dual citizenship for citizens of EU member states was tolerated in principle, though what counted as “reciprocity” varied across the Länder, given their discretion in interpreting and implementing federal citizenship laws.³⁸

Changes to Germany’s Citizenship Policy Since 1999

The passage of the Residence Act in July 2004 prompted further changes to Germany’s citizenship policy. The new law set itself to effectively regu-

late immigration, simplify residency policies, and advance the aim of integrating immigrants through integration courses that combined 600 hours of language training and thirty hours of civics instruction.³⁹ According to the law, immigrants wishing to secure permanent residence in Germany would now be required to attend an integration course. This change in policy governing the conferral of residency prompted a related shift in citizenship law, in that successful completion of an integration course could now reduce the residency requirement for naturalization from eight to seven years. The Residence Act also stipulated that all applications for naturalization be forwarded to the Federal Office for the Protection of the Constitution (*Bundesverfassungsschutz*) to determine whether applicants constituted a threat to Germany's constitutional order.⁴⁰

More generally, the introduction of the courses, tests and standards that marked the CDU/CSU-SPD Grand Coalition's integration initiative came to influence citizenship policy as well. Baden-Württemberg and Hesse used the freedom granted to them under the StAG, 1999, to develop new instruments for determining whether naturalization candidates had accepted the free and democratic order of the Basic Law. The now infamous interview guide (*Gesprächsleitfaden*) introduced by Baden-Württemberg on 1 January 2006 consisted of thirty questions aimed at divining Muslim naturalization candidates' "internal dispositions" by querying their positions on patriarchy, same-sex relations, forced marriages, and a bevy of other sensitive issues.⁴¹ Hesse's test was based on a bank of 100 questions aimed at determining naturalization candidates' positions on social values and knowledge of Germany's history, as well as its political, legal, and social order. The test required naturalization candidates to explain "constitutional principles such as freedom of religion, free speech, and equality" and "name German composers, musicians, athletes, and philosophers."⁴²

Interpretations of the language requirement also varied markedly across the Länder.⁴³ Whereas most states required that candidates be able to engage in rudimentary conversation and understand written texts concerning daily life in Germany, others set the bar on facility in German significantly higher, insisting that candidates also be able to express themselves effectively in writing.⁴⁴ Although the Federal Administrative Court's October 2005 decision overruling Baden-Württemberg's efforts along these lines appeared to have settled matters,⁴⁵ the issue of standards was further complicated by the fact that the pass mark for integration courses (stipulated under the Residence Act) was set at the intermediate level (B1) of the Common European Framework of Reference. Hence, the language requirement in the federal law governing the conferral of

residency rights was more rigorous than some Länder criteria for conferring citizenship.

A meeting of the federal and state ministers of the interior in May 2006 set about developing a uniform approach to citizenship testing, as regarded both knowledge and language competency. As Ricky van Oers has noted, the interior ministers agreed that naturalization candidates would henceforth “be required to have both an oral and a written command of the German language at level B1 of the Common European Framework of Reference.”⁴⁶ The interior ministers also decided that all Länder would provide naturalization courses “in which basic civic knowledge as well as basic principles and values of the German constitution would be taught.”⁴⁷

The Act on the Implementation of EU Directives on Immigration and Asylum Law, 2007, included several important amendments to the StAG, 1999, including an unconditional acceptance of dual citizenship for naturalization candidates from EU member states and Switzerland and a clarification of what counts as adequate knowledge of German for naturalization. With regard to the language requirement, the law now demands that naturalization candidates provide proof that they have attained oral and written competency in German at the B1 level. Thus, the standard of language competency for the conferral of citizenship now mirrors that required for permanent residency. The new standard also applies to spouses of German nationals, “who were previously required only to be able to ‘express themselves in daily life without experiencing considerable difficulties’.”⁴⁸ Applicants who demonstrate language skills at the B2 level can be granted naturalization after six years of residency.

The 2007 law also formalized the knowledge requirement for naturalization by demanding that applicants either provide proof of having passed the citizenship test or having earned a secondary school diploma (*Hauptschulabschluss*) in Germany. The citizenship test is based on a catalogue of 300 questions pertaining to Germany’s legal framework, political institutions, history, geography, national symbols, civic culture, and popular customs (e.g., painting eggs at Easter). Each state is also entitled to draw up ten questions pertaining to its own institutions and history. To pass, candidates must answer seventeen out of thirty-three multiple choice questions drawn from the catalogue of 300 questions within sixty minutes.⁴⁹ The Federal Ministry of the Interior was given responsibility for the administration and monitoring of the citizenship test; formulation of the test questions was contracted out to the Institute for Quality Development in Education (IQB) of the Humboldt University in Berlin. The citizenship tests were put into practice on 1 September 2008.⁵⁰

In contrast to Baden-Württemberg's *Gesprächsleitfaden*, the standardized citizenship test does not delve into the inner dispositions of naturalization applicants. Ines Michalowski notes that Germany's test is similar to that of the United States in that questions related to "the political system, democracy and rights account for at least 50 percent of all questions. Questions related to history, geography, and national symbols cover a large percentage of remaining questions."⁵¹ The few questions that do pertain to "lifestyle" issues are limited to testing applicants' knowledge of the law (as, for example, regarding the right to request divorce and the prohibition of polygamy). The applicant's opinions as to the morality of divorce, polygamy, same-sex marriage and other issues are not probed.⁵² Rather, according to Michalowski, the German citizenship test aims to "educate future citizens about democracy, rights, the political system and [Germany's] history, geography and national symbols."⁵³ Conversely, Liav Orgad maintains that Germany's embrace of naturalization tests reveals a preference for "forced cultural assimilation."⁵⁴ Similarly, Sara Wallace Goodman notes that the civic integration requirements in Germany's naturalization policy reinforce the Federal Republic's traditionally "prohibitive" citizenship regime, thus affirming a historically defined path, rather than marking a new turn.⁵⁵

The 2007 amendments also tightened restrictions on naturalization applicants with a criminal record. Whereas sentences of up to six months did not exclude candidates from seeking citizenship in the past, under the 2007 amendments the threshold was lowered to three months; a number of lesser offenses (including revocations of one's driver's license) were also added to the list of offences which might be considered in naturalization decisions.⁵⁶ The rule holding that naturalization candidates be capable of providing for themselves and their dependents and not receive social assistance was also extended to apply to individuals between the ages of eighteen and twenty-three—a group that had hitherto been granted a dispensation in this regard under the 1993 asylum compromise.

A 2009 amendment to the StAG clarified rules regarding the revocation of citizenship in cases of fraud.⁵⁷ The addition of Section 35 came on the heels of decisions of the Federal Constitutional Court and the Federal Administrative Court. Drawing on the courts' rulings, the amended law authorizes authorities to withdraw citizenship in cases where it has been "obtained under false pretences, by threat or bribery or by providing incorrect or incomplete information" (Section 35, Part 1), even where the "subsequent statelessness of the person concerned" would arise (Part 2). The withdrawal of citizenship, however, could only occur within five

years after the conferral of citizenship (Part 3). Furthermore, as per Section 35, Part 5, “authorities now have to make an independent discretionary decision for each person affected.”⁵⁸ In particular, authorities must balance the state’s interest in combating fraud and preserving the sanctity of naturalization against the interests of affected third persons, particularly children.⁵⁹

The Contributions to this Special Issue

In his lead essay to this special issue, Andreas Fahrmeir challenges the notion that the citizenship reform of 1999 marked a historically unique turn in German nationality law and policy. Drawing on scholarly research provoked in part by Rogers Brubaker’s seminal *Citizenship and Nationhood in France and Germany*, Fahrmeir maintains that many of the assumptions undergirding debates over the reform of the RuStAG in the 1980s and 1990s were misconceived. In particular, Fahrmeir rejects the notion that German citizenship policy operated in a uniformly exclusionary manner in the years leading up to and following the adoption of the RuStAG in 1913. Rather than being a story of historical continuity and radical rupture in 1999, the history of German citizenship policy is marked by periods of surprising openness (at least for some categories of foreigners) and tightening restrictions. Modifications to the RuStAG implemented after World War II made citizenship policy in the Federal Republic rather more restrictive than it had been during the imperial era. While the absence of *jus soli* was indeed a longstanding feature of policy prior to 1999, political actors’ fixation on the conferral of citizenship by birth neglected important differences over time in attitudes and practices toward naturalization. Fahrmeir suggests that the 1999 reform’s failure to deal more adequately with naturalization has much to do with the Federal Republic’s continuing ambivalence regarding its status as an immigration country.

Marc Morjé Howard’s article confirms that German citizenship policy in the years after 1945 was considerably more exclusionary than the policies of its European neighbors. His “Citizenship Policy Index” allows us to compare German policy vis-à-vis other European states in the years before the reform and, importantly, to also determine the degree to which the reform of 1999 changed Germany’s ranking in this regard. Here Howard confirms that the StAG did indeed bring Germany into the mainstream of European approaches to citizenship. He also emphasizes the importance of political parties in shaping the contours of the 1999 reform,

suggesting that had the Red-Green government of Chancellor Schröder proceeded more cautiously in its citizenship reform initiative, Germany may have gone from being a citizenship laggard to having Europe's most liberal and open membership regime. As it stands, the successful mobilization of the CDU/CSU against nationality reform helps us understand some of the peculiar features of the StAG, including its awkward combination of *jus soli* and principled rejection of dual citizenship. Howard's article provides scholars of citizenship politics and policymaking with a powerful means of conducting cross-national research in a manner that combines case study and multi-country comparative analysis.

Triadafilos Triadafilopoulos and Karen Schönwälder's article probes the consequences of the 1999 reform as regards the incorporation of immigrants. They point out that the compromises agreed to by the SPD in order to pass the law, as well as subsequent amendments enacted during the period Grand Coalition government (2005-2009) have weakened the StAG's potential role as a motor of incorporation. While the addition of a *jus soli* provision has indeed helped check the perpetuation of permanent foreigners, the *Optionsregelung* presents a formidable challenge both in terms of the fairness and constitutionality of the law and its administrative functioning. Although these defects are widely acknowledged, the deep and enduring differences on citizenship policy that prompted the compromise in the first place have not softened, making it likely that it will persist into the future. Triadafilopoulos and Schönwälder go on to argue that a combination of legal, administrative, and symbolic impediments in the law and low incentives for citizenship on the part of immigrants from the EU and other industrialized states help explain the significant drop in Germany's naturalization rate since the implementation of the StAG in 2000. Ironically, those who would most benefit from obtaining citizenship have been effectively barred by income and integration requirements, while those granted expedited access to German nationality have tended to turn down the opportunity.

Sandra Bucerius' article offers a refreshingly different take on the 1999 reform, eschewing institutional and legal analysis in favor of focusing on the meaning of citizenship for second-generation young men who form the dangerous "parallel societies" so feared by advocates of integration and social cohesion.⁶⁰ Drawing on extensive fieldwork in Frankfurt/Main, Bucerius reveals how citizenship is understood by individuals who have no realistic hope of successfully naturalizing—drug dealers operating in the informal economy. Bucerius' findings are both surprising and poignant. While the young men she interviewed believe that their choices were

influenced, in part, by what they took to be an unwelcoming and exclusionary society, they also expressed a longing for the security of residency and, more interestingly, belonging, that formal citizenship entails. Their access to a form of postnational citizenship which allowed for access to core social institutions (such as schools and vocational programs) was clearly insufficient in their eyes. Even among those for whom citizenship is an impossible dream, formal nationality matters.

Taken together the articles in this special issue help continue a long-standing debate on the politics of citizenship, membership, and belonging in the Federal Republic of Germany by providing new information and analyses and advancing arguments that will inform ongoing empirical research and normative/philosophical analysis. What should be clear from this special issue is that we are far from having uttered the final word on the 1999 reform. The authors look forward to continuing to take part in what has become a compelling, cross-disciplinary conversation.

Notes

1. Given that the law was passed in 1999, but did not come into effect until 2000, authors have used both dates. For the purposes of consistency, this special issue uses 1999 to date the law.
2. Bundesamt für Migration und Flüchtlinge, *Das Bundesamt in Zahlen 2010. Asyl, Migration, ausländische Bevölkerung und Integration* (Nuremberg, 2011), 100.
3. Statistisches Bundesamt Deutschland, "Erstmals mehr als 16 Millionen Menschen mit Migrationshintergrund in Deutschland," 14 July 2010; available at <http://www.destatis.de/>.
4. Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, *8. Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration über die Lage der Ausländerinnen und Ausländer in Deutschland* (Berlin, 2010), 2.
5. Statistisches Bundesamt Deutschland, "New Data Available on Migration in Germany," 5 April 2007; available at <http://www.destatis.de/>.
6. Bundesamt (see note 2), 75.
7. Christian Joppke, *Immigration and the Nation-State: The United States, Germany, and Great Britain* (Oxford, 1999); Laura Murray, "Einwanderungsland Bundesrepublik Deutschland? Explaining the Evolving Positions of German Political Parties on Citizenship Policy," *German Politics and Society* 33 (1994): 23-56.
8. For background see John Bendix, *Importing Foreign Workers: A Comparison of German and American Policy* (New York, 1990); Karin Hunn, "Nächstes Jahr kehren wir zurück..." *Die Geschichte der türkischen "Gastarbeiter" in der Bundesrepublik* (Göttingen, 2005); Ulrich Herbert, *Geschichte der Ausländerpolitik in Deutschland. Saisonarbeiter, Zwangsarbeiter, Gastarbeiter, Flüchtlinge* (Munich, 2001); Karen Schönwälder, *Einwanderung und ethnische Pluralität: Politische Entscheidungen und öffentliche Debatten in Großbritannien und der Bundesrepublik*

- von den 1950er bis zu den 1970er Jahren (Essen, 2001); Rita Chin, *The Guest Worker Question in Postwar Germany* (Cambridge, 2007).
9. Triadafilos Triadafilopoulos and Karen Schönwälder, "How the Federal Republic Became an Immigration Country: Norms, Politics and the Failure of West Germany's Guest Worker System," *German Politics and Society* 24, no. 3 (2006): 1-19.
10. Stephen Castles, "The Guests Who Stayed—The Debate on 'Foreigners Policy' in the German Federal Republic," *International Migration Review* 19, no. 3 (1985): 517-34.
11. Gerald L. Neuman, "Immigration and Judicial Review in the Federal Republic of Germany," *New York University Journal of International Law and Politics* 23, no. 1 (1990): 35-86; Joppke (see note 7), 73.
12. Peter Katzenstein, *Policy and Politics in West Germany: The Growth of a Semisovereign State* (Philadelphia, 1987), 231.
13. Herbert (see note 8), 263.
14. Rainer Münz and Ralf Ulrich, "Changing Patterns of Immigration to Germany, 1945-1995," in *Migration Past, Migration Future: Germany and the United States*, ed., K. Bade and M. Weiner (New York, 1997); Andreas Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept* (New Haven, 2007).
15. Simon Green, "Immigration and Integration Policy: Between Incrementalism and Non-Decisions," in *Governance in Contemporary Germany: The Semisovereign State Revisited*, eds., S. Green and W. Patterson (Cambridge, 2005).
16. It is worth noting that foreign workers did enjoy social rights on par with German citizens and could join labor unions. See Yasemin Nuhoglu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, 1994); Armin Laschet, "Neue Impulse für das deutsche Integrationsmodell," *Zeitschrift für Ausländerrecht und Ausländerpolitik* 27, no. 1 (2007): 1-6; Joyce Marie Mushaben, "A Crisis of Culture: Social Isolation and Integration among Turkish Guestworkers in the German Federal Republic," in *Turkish Workers in Europe: A Multidisciplinary Study*, eds., I. Basgöz and N. Furniss (Bloomington, 1985), 125-150.
17. Schönwälder (see note 8); Chin (see note 8).
18. Simon Green, "Citizenship Policy in Germany: The Case of Ethnicity over Residence," in *Towards a European Nationality: Citizenship, Immigration, and Nationality Law in the EU*, eds., R. Hansen and P. Weil (London, 2003): 30-31. Also see Eli Nathans, *The Politics of Citizenship in Germany: Ethnicity, Utility and Nationalism* (Oxford, 2004), 245-47; Simon Green, *The Politics of Exclusion: Institutions and Immigration Policy in Contemporary Germany*, (Manchester, 2004), 39-41; Gerald L. Neuman, "Nationality Law in the Federal Republic of Germany: Structure and Current Problems," in *Paths Toward Inclusion: The Integration of Migrants in the United States and Germany*, eds., P. Shuck and R. Münz (New York, 1997), 265.
19. This argument was famously advanced in Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, 1992). Brubaker's thesis, and reactions to it among historians, is discussed in Andreas Fahrmeir's contribution to this special issue.
20. Thomas Faist, "How to Define a Foreigner? The Symbolic Politics of Immigration in German Partisan Discourse, 1978-1992," in *The Politics of Immigration in Western Europe*, eds., M. Baldwin-Edwards and M. Schain (London, 1994); Green (see note 18); Michael Minkenberg, "The Politics of Citizenship in the New Republic," *West European Politics* 26, no. 4 (2003): 224-25; Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany* (Vancouver, 2012), Ch. 5.
21. Triadafilopoulos (see note 20).
22. James Ingram and Triadafilos Triadafilopoulos, "Rights, Norms, and Politics: The Case of German Citizenship Reform," *Social Research* 77, no. 1 (2010): 353-382.
23. Green (see note 18), 90-95.
24. *Ibid.*, 95-103; Randall Hansen and Jobst Koehler, "Issue Definition, Political Discourse and the Politics of Nationality Reform in France and Germany," *European Journal of*

- Political Research* 44 (2005): 623-644; Thomas Janoski, *The Ironies of Citizenship: Naturalization and Integration in Industrialized Countries* (Cambridge, 2010), 155.
25. An excerpt of the coalition agreement between the SPD and Greens concerning citizenship is included in The Federal Ministry of Interior, *Policy and Law Concerning Foreigners in Germany* (Berlin, 2000), 166-167; Rainer Münz and Ralf Ulrich, "Deutschland: Rot-Grün bringt Reform des Staatsbürgerschaftsrechts, aber kein Einwanderungsgesetz," *Migration und Bevölkerung*, November 1998, 1.
 26. Cited in Marc Morjé Howard, *The Politics of Citizenship in Europe* (New York, 2009), 133.
 27. For background see Alice Holmes Cooper, "Party Sponsored Reform and the Movement Society: The CDU/CSU Mobilises Against Citizenship Law Reform," *German Politics* 11, no. 2 (2002): 88-104; Andreas Klärner, *Aufstand der Ressentiments: Einwanderungsdiskurs, völkischer Nationalismus und die Kampagne der CDU/CSU gegen die doppelte Staatsbürgerschaft* (Cologne, 2000); Oliver Schmidtke, "From Taboo to Strategic Tool in Politics: Immigrants and Immigration Policies in German Party Politics," in *Germany on the Road to "Normalcy": Policies and Politics of the Red-Green Federal Government (1998-2002)*, ed., W. Reutter (Basingstoke, 2004); Green (see note 18), 97-101.
 28. Simon Green, "Beyond Ethnoculturalism? German Citizenship in the New Millennium," *German Politics* 9, no. 3 (2000): 113. Green notes that the high proportion of immigrants who only held a temporary residency permit limited the overall effect of the StAG's *jus soli* provision.
 29. The transitional regulation expired on 31 December 2000.
 30. Howard (see note 26), 138.
 31. The principal requirement was eight years residency—neither German language proficiency nor the declaration were required of naturalization candidates who fell under the terms of the provision. See Alice Ludvig, "Why Should Austria be Different from Germany? The Two Recent Nationality Reforms in Contrast," *German Politics* 13, no. 3 (2004): 507.
 32. The *Optionsregelung* is discussed in Schönwälder and Triadafilopoulos' article in this special issue.
 33. Kay Hailbronner, "Country Report: Germany," EUDO Citizenship Observatory, April 2010, 7.
 34. Rainer Bauböck, "Studying Citizenship Constellations," *Journal of Ethnic and Migration Studies* 36, 5 (2010): 850.
 35. *Ibid.*, 850.
 36. Canan Topçu, *EinBÜRGERung: Lesebuch über das Deutsch-werden. Portraits, Interviews, Fakten* (Frankfurt/Main, 2007), 48. The exception also held for Switzerland.
 37. Daniel Naujoks, "Dual Citizenship: The Discourse on Ethnic and Political Boundary-making in Germany," *Focus Migration Policy Brief*, no. 14 (2009): 1; available at www.bpb.de/files/EKQGB0.pdf.
 38. Claus Hofhansel, "Citizenship in Austria, Germany, and Switzerland: Courts, Legislatures, and Administrators," *International Migration Review* 42, no. 1 (2008): 180-181.
 39. Joyce Marie Mushaben, "From Ausländer to Inlander: The Changing Face of Citizenship in Post-Wall Germany," *German Politics and Society* 94, no. 1 (2010): 155-56. The language and civics components were increased to 900 and forty-five hours respectively.
 40. Hailbronner (see note 33), 9.
 41. Ricky van Oers, "Citizenship Tests in the Netherlands, Germany and the UK," in *A Re-definition of Belonging? Language and Integration Tests in Europe*, ed., Ricky van Oers, Eva Ersbøll, and Dora Kostakopoulou (Leiden, 2010), 75-76; Christian Joppke, *Citizenship and Immigration* (Cambridge, 2010), 128-29; Christian Joppke, "Beyond National Models: Civic Integration Policies for Immigrants in Western Europe," *West European Politics* 30, no. 1 (2007): 15; Liav Orgad, "Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe," *The American Journal of Comparative Law* 58, (2010): 66-67.
 42. Orgad (see note 41), 67-68.

43. Ulrike Davey, "Einbürgerung in Deutschland—blinde Flecken in einem Rechtsstaat," *Die Verwaltung* 41, no. 1 (2008): 33.
44. Hofhansel (see note 38), 180. .
45. Ibid., 180.
46. Van Oers (see note 41), 77.
47. Ibid., 77.
48. Ibid., 79.
49. Orgad (see note 41), 68; Jan Bergmann, "Einführung," in *Staatsangehörigkeitsgesetz. Textausgabe mit ausführlichem Sachverzeichnis und einer Einführung von Professor Dr. Jan Bergmann*, 1. Auflage (Munich, 2009), xiv-xv. The catalogue of questions is available in the same text (50-125).
50. Van Oers (see note 41), 80.
51. Ines Michalowski, "Required to Assimilate? The Content of Citizenship Tests in Five Countries," *Citizenship Studies* 15, nos. 6-7 (2011): 758.
52. Ibid., 759.
53. Ibid., 765; Also see Christian Joppke, "Immigration and the Identity of Citizenship: The Paradox of Universalism," *Citizenship Studies* 12, no. 6 (2008): 533-46.
54. Orgad (see note 41), 70;
55. Sara Wallace Goodman, "Integration Requirements for Integration's Sake? Identifying, Categorising and Comparing Civic Integration Policies," *Journal of Ethnic and Migration Studies* 36, no. 5 (2010): 765.
56. Hailbronner (see note 33), 10-11.
57. This section draws on Andrea Kirsch, "The Loss of Citizenship by Revocation of Naturalization or *ex lege*: Overview of German Case Law and Legislative Changes of 2009," *German Law Journal* 12, no. 8 (2011): 1659-1680; Hailbronner (see note 33), 13-14; and the Federal Ministry of the Interior's unofficial English translation of the Nationality Act (as last amended by Article 1 of the Act Amending the Nationality Act of 5 February 2009); available at www.bmi.bund.de.
58. Kirsch (see note 57), 1672.
59. Hailbronner (see note 33), 15.
60. In this respect, Bucerius' article nicely complements and makes an important contribution to work on how citizenship is experienced by particular members of a national society. See also Cynthia Miller-Idriss, "Everyday Understandings of Citizenship in Germany," *Citizenship Studies* 10, no. 5 (2006): 541-570.