

Anna Björk

# The Politics of Citizenship Tests

Time, Integration and the  
Contingent Polity



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The Politics of Citizenship Tests  
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Anna Björk

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## ABSTRACT

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The study examines how the dynamics of the polity play out in debates on citizenship tests with a special focus on the concept of integration. Whereas citizenship tests as a phenomenon form the overall framework for the research, the detailed analysis is focused on the state parliaments of Hesse, primarily, and Bavaria, where the possibility of introducing such a test was introduced in spring 2006. These cases are of importance because of the effect they had on the issue on the federal level: prompted by the provocative questionnaire of Baden-Württemberg at the end of 2005, the initiatives of these states, especially Hesse, mainstreamed the debate and invoked enough enthusiasm for turning the testing practice into a federal option. In 2008, Germany launched the official test for the whole federation, which unified the practices for naturalisation procedures in the country. The conceptual background for these cases is linked to the history of *Staatsangehörigkeit* as a legal institution in Germany, most notably to the legislative reformation of 1913. Central issues in the contemporary debates, such as the avoidance of dual citizenship, the principle of *jus sanguinis* and the link between loyalty and citizenship were already debated in *Kaiserreich*. Furthermore, the more recent topics of *Berufsverbot*, *Verfassungspatriotismus* and *Leitkultur*, play their roles as references and clarifications for the party political dynamics visible in the debates. Despite the brief considerations on the historical debates and institutional developments, the main focus remains in the ongoing and vivid academic debate on the citizenship testing practice. The distinct approach toward the primary material constructed from the Hessian and Bavarian debates is temporality. This means that time is considered as an important resource of doing politics, especially when the issues at stake explicitly regard national images. The empirical analysis of the debates in the *Länder* is thus conducted as a temporal reading of political rhetoric, out of which three central temporal figures are constructed. These three, i.e. stability, breakage and becoming are then implemented into another level of analysis, in which the concept of integration is given a more specific reading as a relational concept linking the polities of citizens, non-citizens and the state, utilising another temporal apparatus of the political vocabulary. The conclusive discussion concerns the role of the tests in relation to these polities and the nation building mechanisms in temporal terms.

Keywords: Citizenship tests, integration, time, temporality, rhetoric, Germany

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# 1 INTRODUCTION

## 1.1 Orientation

Citizenship tests have gained significant popularity in Europe over the past decade. By June 2011, the states having adopted a test as part of their immigration procedure include the Netherlands, Latvia, Denmark, the United Kingdom, Austria and Germany. Outside Europe the United States is the most prominent example of testing practices, having had a literacy test introduced already in the late 19<sup>th</sup> century, whereas Australia, a more recent case, established one in 2007. A significant amount of academic interest has also been shown toward this phenomenon, including studies about the reasons for introducing such tests and the outcomes of adopting such a practice (van Oers 2008), the contents of the test (Etzioni 2007; Adamo 2008), and the citizenship conceptions involved (van Oers 2010; Michalowski 2010). Not so much attention, however, is given to parliamentary debates explicitly, although they have been treated as part of the material in some cases (e.g. van Oers 2008&2010; Michalowski 2010).

The aim of this study is to provide a reading of citizenship test debates in Germany from a temporal point of view. Combined with rhetoric, the “politics of time” approach defines the theoretical reference points for the study. The outcome from the temporal analysis of the material is a discussion on the concept of integration and the contingency of the polity. The primary case to be dealt with is Hesse, where the Hessian *Landtag* (state parliament) debated the testing practice in spring 2006. At the same time, the state of Bavaria was also engaging in the debates on the test, which is why this case will be dealt with in relation to the Hessian one. The parliamentary debates from these state parliaments form the main corpus of the sources, and emphasise the approach to the tests as instruments and objects for politicking with concepts rather than as some applicable administrative measure. Adding to the parliamentary material are commentaries on the implementation of the testing practice, through which the Hessian and Bavarian cases are linked with a more general discussion on the issue (e.g. Etzioni 2007; Joppke 2010; Kiwan 2008; Kostakopoulou 2010;

Michalowski 2010; van Oers 2008 & 2010; White 2008; Wonjung Park 2008). Thus, the theoretical considerations of the latter part of the study are inspired by the constructions from this combination of materials.

The key concepts in the debates are *Staatsbürgerschaft/Staatsangehörigkeit* (citizenship), *Einbürgerung* (naturalisation) and *Integration*. The choice here is to take “integration” as the singularised form of these three: I argue that by relying on a reading focused on the temporal aspects of political concepts as a “method” of analysis, it is possible to construct how, in the debates, polity is understood through the claims for integration. In other words, the idea is to provide a reading on the temporal layers of the polity constructed in the material. In practice, the process starts with the construction of temporal figures from the debates, taking then a turn to focusing on “integration” and finally sketching an image about the role of the tests within the temporal picture.

## 1.2 The tests in Hesse and elsewhere

The idea of implementing a test in the naturalisation process has its roots in the United States, where a literacy test was firstly introduced in the late 1880s, and was later on accepted as part of the immigration policies. The last decades of the 19<sup>th</sup> century in the country were coloured by the intensification of anti-immigration attitudes, and the then newly restrictive measures had their advocates. The literacy test was deliberated by the National Board of Trade. By the mid 1890s a strict test had gained in support from various business organisations. (Higham 1988, 69-71; Etzioni 2007, 345). The arguments for the test leaned on intimidation, stating that there was a flow of “illiterates, madmen and criminals” coming from Southern and Eastern Europe, and that these people would endanger the “American character” and “American citizenship” (Higham 1988, 102-103).

In addition to the literacy test there were, in the United States, a practice of “preliminary hearings” for the citizenship candidates in order to establish whether they would qualify as citizens. In 1930s, this practice was greeted in a newspaper report as an “ingenious administrative device” (Gettys 1936, 288). It was complementary to the naturalisation process and meant that those willing to acquire U.S. citizenship were sent to be questioned by examiners designated by the federal district judges. These examiners were supervised by their “administrative superiors” and would in the end give recommendations to the court on whether the applicant should or should not be allowed to naturalise before she would be granted a final hearing before the court. (Ibid.). During the preliminary hearing, witnesses on behalf of the applicant were heard, after which “[...] the petitioner is questioned to determine whether or not he is mentally and morally qualified for citizenship. [...] The applicant is required to manifest attachment to the principles of the Constitution and sympathy for the government of the United States. [...] The essential requirement is a general understanding of the principles underlying our form of government, although

questions regarding national and local politics are often included (Gettys 1936, 290)". If the applicant failed to answer these points sufficiently, she could be allowed to try again in another preliminary hearing, after which a final hearing could be arranged.

Having had thus its original introduction in the United States and being employed also in Canada, the testing practice also became a more frequent feature of the European naturalisation procedures during the first decade of the 21<sup>st</sup> century. The German road toward the test began in December 2005, when the state of Baden-Württemberg claimed that it was going to introduce, as an administrative means, a questionnaire for immigrants coming from the Organisation of the Islamic Conference. It raised a vigorous debate in the press and was soon enough named "*Muslimtest*". A couple of months later, in March, the government of Hesse published their own proposal for a test, since individual German states had some leeway to decide on the administrative means concerning their procedures of naturalisation (although not introduce radically different policies from the rest of the federation) within their own borders. What the examples of the above-mentioned states did was that they eradicated the debate over the test and got responses to them on the federal level as well: *Bundeskanzlerin* Angela Merkel had welcomed the initiative of Hesse, stating that it is not too much to ask the applicants to know something about the state they are naturalising into<sup>1</sup>. The intensified debate over whether Germany should also implement a federation wide test led to an alteration in the naturalisation legislation from the year 2000: In August 2007, a test as a part of the naturalisation procedure was added into the legislation, and the testing practice became effective in September 1, 2008 (Michalowski 2010, 195; *Staatsangehörigkeitsgesetz*<sup>2</sup>)

In the cases of Hesse and Bavaria, the test is debated in relation to immigration in a more extensive sense, although the actual test in these cases is a part of the naturalisation process, and not the process of being granted a residence permit, for example<sup>3</sup>. Thus, in the initiatives discussed in the Hessian *Landtag*, the test was to be taken by a person who had already spent a considerable amount of time in the country, was able to support herself and had sufficient knowledge of the language. In the contemporary tests, the questions generally deal with issues that require knowledge of the history, culture and political institutions of the receiving country, which is claimed to measure the applicant's willingness and readiness to integrate into her new homeland. Hesse dealt with the case in the same way as well. Obviously, testing for cultural, legal and political knowledge includes other tests used in the history of the nation

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<sup>1</sup> "Da ist nicht zu viel verlangt, dass die Bewerber auch etwas über das Land wissen, dessen Bürger sie werden wollen", in *Frankfurter Allgemeine*, 19.3.2006; quoted in von Münch (2007, p.257)

<sup>2</sup> An updated online version of the German citizenship law can be found in <http://www.gesetze-im-internet.de/>, accessed November 8, 2011

<sup>3</sup> In the Netherlands, an immigrant is already required to take an "Immigration and citizenship test" before entering the country. In the process of naturalisation, the result of this test may suffice for an application so that no further testing is required. In Germany, those applying for a residence permit have had to take a language test since 1999.

state, i.e. literacy and language tests that presume the naturalisation candidate is able to read and write in the required language.

The conceptual choices vary according to the emphasis given to the test: In addition to the “citizenship” test (e.g. Etzioni 2007; Wonjung Park 2008) used in this study, the practice is also referred to as an integration test (e.g. Kostakopoulou 2010) or a naturalisation test (e.g. van Oers 2010). The contemporary German version is officially called *Einbürgerungstest*, which is also the term used in the Hessian and Bavarian debates. At the time of the citizenship reform of 1913, the concept of *Einbürgerung* was established into the bill after debates over the choice between the concepts of *Naturalisation*, *Verleihung*, *Aufnahme* and *Einbürgerung*. In the original formulation of the bill, a foreigner was given a chance to acquire German citizenship through naturalisation, expressed with the concept of *Aufnahme*. In the first reading of the bill in the appointed debating commission, this concept was, however, accused of confusingly including two different cases, i.e. that of a citizen of another German *Bundestaat* of the Empire, and of a foreigner. A proposition for reconstructing article 2, no. 4. was put forward. It introduced the concept of *Einbürgerung* as the one expressing the naturalisation of a foreigner as opposed to *Aufnahme* (for a citizen of another *Bundestaat*) or *Verleihung*, which was argued to have too specific a connotation of a certain kind of naturalisation (...). Although both proposals were rejected at this point, the latter of these, in which the concept of *Einbürgerung* was introduced, was later accepted in the final draft of the bill". (ibid. 1465). Afterwards in a plenary session, representative Bernstein (the Social Democratic Party) criticised this choice by arguing that the bill should have employed the word *Naturalisation* (or even *Naturalisierung*), which was an international legal concept and expressed an “active process” as opposed to the “passivity” of *Einbürgerung*, which merely “*bürgert sich eine Sache ein*”. (Ab. Bernstein (SPD), RT-Pro, Vol 290, p.5294, May 29th 1913). Thus the connotation of becoming a part of the “natural” ensemble was replaced with an expression, which implies a metaphorical gate between the inner and the outer. I, however, will use the English expression interchangeably with the German one, when referring to the process of acquiring citizenship.

The naturalisation process links the testing practice primarily with the institution of citizenship rather than as a “mere” condition for any other form of stay in the receiving country. Modern citizenship in Europe dates back to the French Revolution, which saw the new conceptualisations of citizenship and the emergence of the passport system. A more careful monitoring of movement was enabled with the new bureaucratic system, which recognised citizenship as locally bound. Despite the dismantling of the passport system and the diminishing of the control at the borders in the 1850s, the established bureaucracy was reintroduced and its role re-enforced after the First World War (Fahrmeir 2003; 301, in more detail: Fahrmeir et.al. 2003). Clearly, citizenship as a political concept and an institution has occupied its own, ongoing academic debate (e.g. Brubaker 1992; Fahrmeir 2007; Delanty 2000; Joppke 2010; Marshall 1950, Soysal 1994; and numerous other contributions). The extent of the debate precludes its

being attended to in detail here since the point of this research is to subordinate the concept of citizenship to the context of the tests.

The contemporary testing practices in Europe vary not only in content and cost, but also in what kinds of preparations are required and provided for the candidate before taking the test (for a recent and informative commentary see Van Oers et. al., 2010). The commentaries on the subject have been manifold between 2007 and 2010 (e.g. Etzioni 2007; Joppke 2010; Kiwan 2008; Kostakopoulou 2010; Michalowski 2010; Van Oers 2008 & 2010; White 2008; Wonjung Park 2008, Wright 2008), and the amount will no doubt gain in volume in the years to come. The debate goes on about such things as the liberality of the tests, the conceptualisations of citizenship provided by them, the role of the tests as a means of integration, the level of inclusiveness and exclusiveness the tests depict. There have been analyses on the contents, potential outcomes, reasons for their introduction, and levels of difficulty, respectively.

The take on the tests defended here is that, provided that preparatory material is available, they do not as such measure anything apart from certain level of language skills and the ability to learn the correct answers by heart. It is a test, in which the questions asked represent points for national self-understanding of the receiving state. More precisely, the questions represent the image the prevailing regime wishes to emphasise in relation to its historical distinctiveness. Thus the questions and the preparatory material, whether in the form of teaching material for an integration course or a book, are elements for constructing national narratives in the international world for all audiences, foreign and domestic.

Since the primary material is taken from the state parliaments, those in charge of the questions in the Hessian and Bavarian cases are the state governments. The possibilities of the other elected representatives have for shaping the questions is through debating and voting. In the case of Germany, the picture becomes more complex when the federal institutional structure of Germany is taken into account: Whereas the initiatives in these cases were made at the state level, the same parties occupy seats in the federal parliament as well. Thus the initiatives here cannot be reduced to isolated cases of differing *Länder*, but represent signals, which may echo some wider aspirations and purposes of differing political parties.<sup>4</sup> The parliaments and the administrative institutions such as the local bureaus are also institutions, through which this regime is able to practice political power gained through election. The constitution and the whole legal system are also potential resources for politicking, which makes them useful reference points and objects of reformation for the regime. While those in power are not the sole actors but necessarily practice their power in relation to the oppositions, the legislative force they possess still gives them the upper hand.

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<sup>4</sup> Having said this, it should be noted that this study will not be dealing with the inner dynamics and aims of individual parties or the federal debates, but merely the already mentioned initiatives.

In the case of Hesse, the test is in the form of a questionnaire, which is part of a publication called *Leitfaden Wissen und Werte in Deutschland und Europe*<sup>5</sup>, a suggested guideline for the naturalisation process. As of this writing in 2011, the test has not actually been applied as part of the naturalisation practice in Hesse, but it was this proposal which was introduced in the *Innenministerkonferenz* (IMK) in May 2006 (van Oers 2010, 76). The conference decided to drop the test put forward by Hesse, but agreed upon the introduction of an integration course. Furthermore, due to the demands of the CDU/CSU led states, the compromise that was finally accepted was that the test “could take place orally or in writing, or in another form, such as role-play” (ibid. 78). It included an introduction by the Hessian Minister Volker Bouffier, the leading advocate of the publication. In addition to this the German system for naturalisation was clearly presented, followed by the catalogue of a total of a hundred questions, which the candidate was supposed to be able to answer. These were divided into nine sets of questions, starting from “the Germans and Germany”, followed by sections on, for example, the constitution, Germany and the European Union, the party system and the parliament. The last section was on the national symbols of Germany.

In the introduction, Bouffier refers to the questions acknowledging that a person applying for a German citizenship has already lived in the state for several years and might have wondered why he now was required to take a test. The answer, according to him, was that the German citizens have a profound interest in expecting future citizens to support the frames of the state, to contribute to it and to not remain as outsiders in parallel communities.<sup>6</sup> In the latter part of the introduction he states that it is necessary for a new citizen to know and understand the German values, because it is only through this knowledge that he could decide if he should choose Germany as his new home. Otherwise, he should “choose a state, whose rules he could accept”<sup>7</sup>. This idea that any citizen would somehow approve of the “basic rules”, thus omits the debate on more radical dissidents and critics within the citizenry which occurred throughout the debates, as will be pointed out in the following chapters.

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<sup>5</sup> Hessisches Ministerium des Innern und für Sport, 2006 (henceforth also: *Leitfaden; LWWD*)

<sup>6</sup> “Als Bewerber für die deutsche Staatsbürgerschaft leben Sie bereits in Deutschland, und einige von Ihnen stellen sich vielleicht die Frage: Warum jetzt ein Test? Die Antwort lautet: Die Bürgerinnen und Bürger der Bundesrepublik Deutschland haben ein grundlegendes Interesse daran, dass künftige Mitbürger das Grundgerüst dieser Republik mittragen. Sie haben ein Recht darauf. Der Staat, und mithin seine Bürger, müssen sicherstellen, dass aus Einbürgerungsbewerbern Staatsbürger werden – und keine Außenseiter, die in Parallelgesellschaften zu Hause sind.” (LWWD, p. 2)

<sup>7</sup> “Wir erwarten deshalb, dass Sie sich mit den politischen, gesellschaftlichen, wirtschaftlichen und kulturellen Grundlagen und Überzeugungen unseres Staates intensiv auseinandersetzen, sie erlernen, und sie eindeutig bejahen. Nur so findet der vom Gesetz geforderte Prozess der inneren Hinwendung zu unserer Verfassung statt. Nur wer weiß, welche Werte hier das Miteinander bestimmen und nach welchen Regeln Staat und Gesellschaft organisiert sind, kann für sich entscheiden, ob er Teil dieses Miteinanders werden will. Andernfalls muss er sich für einen Staat entscheiden, in dem die Regeln gelten, die er akzeptiert”. (ibid.).



The foregoing example from Hesse indicates how the adopted position toward the tests provides an explanation for choosing the political analysis of the rhetorical uses of time as the theoretical starting point and the parliamentary debates as the primary material: Whereas the tests may serve a ceremonious purpose, the conceptualisations they advocate are still the outcome of political disputes and conceptual challenges. The significance of the Hessian debates, alongside with Bavaria and Baden-Württemberg, most notably, lie on the fact that the initiatives of the *Länder* became the basis for intensifying the debate on the federal practice as well (which was, actually, where the promoters of a test in Hesse were aiming at). The whole point of the study is to use this concept, or idea, or practice (whatever one may call it) of a “citizenship test” as the “nexus” of the issues that will be raised in the course of the analysis. The idea is that the test sets the limits for other central issues, i.e. integration and citizenship. The role of time is to act as a lens, through which the test will be examined, thus opening a spectrum of temporalisations in other concepts as well. Obviously, the premises of how I understand the relationship between time and politics, or rather the role of time in politics, sets up a framework for the lens. The conceptual and theoretical framework will be outlined in chapter two.

### 1.3 On the choices concerning the sources

As hinted above, the primary material to be analysed consists of debates, which took place in the Hessian *Landtag* during spring 2006. Initially these debates were prompted by the Baden-Württemberg case and the introduction of *Leitfaden*, which was debated in March of that year. The main support for the integration policy reformation came from the Free Democratic Party. In March 2006, a municipal election took place in Hesse, in which the Christian Democratic Union (CDU) won the largest number of *Landtag* seats, and the Social Democratic Party held the second largest number. The three debates from this period are those, to which the largest part of chapter three is devoted. There are additional primary sources, however, as some examples on the three debates from the Bavarian *Landtag* are taken to widen the scope. This relatively low number of debates is based on the limiting choice of concentrating only on those debates, in which the test was explicitly discussed, instead of including debates on naturalisation, other integration issues, or immigration in a wider sense. The density of the material manifests itself in the reading: the themes and concepts taken up as examples are rich in providing the analyst with various potential directions for interpretation. Moreover, the analysis itself is conducted without much emphasis on the question of *who* is speaking, apart from naming the representative and the party, which the speaker represents. Instead, the differences between the stands taken in respect to the main lines of arguments are given a general account.

This research is built around a case and a phenomenon, which in its contemporary degree and modes has a rather brief history in the European context.

The selection of academic commentaries are combined with my analysis on the Hessian key issues in chapter four, where they form the basis for discussing the concept of integration more extensively. “Extensively” here, however, refers only to the way the concept of integration in the original Hessian case is elaborated into a more general discussion. Yet, the context of the testing practice is maintained throughout the study, and the academic contributions on the issue are taken to form a specific “debate”, which can be constructed as a distinct part of more general debates on issues such as citizenship or immigration. The empirical analysis of the debates is a close reading of arguments, presented by a fairly small group of people within a relatively short period of time. The debates take place in a non-sovereign parliament, albeit that in the German federal system the state administrations and institutions have a considerable amount of influence on the federal policy through the *Bundesrat*.

The usage of parliamentary debates as a source has its advantages in a practical sense, of course: access tends to be easy and to limit one in terms of time periods, concepts or speakers, for example, which is convenient through advanced searches. However, the intellectual motivation here is to go to the source of an influential initiative, which the Hessian proposal undeniably was. In this case, the debates in the *Landtag* were taken up in the newspapers throughout the spring and as a part of a larger debate on immigration and the status of Muslims in Germany, intensified earlier by the Baden-Württemberg questionnaire. Thus the conceptualisations and arguments performed in the parliament according to its rhetorical potential for speaking *pro et contra* (Soininen & Turkka 2008) were linked with the public discussion. It should be noted for clarification, however, that using parliamentary sources does not in this study convert into research on parliamentarism in a broader theoretical sense, but takes the rhetorical aspect of the parliament seriously. The parliament here is a forum for conceptual contestation.

A more important reason for using the parliamentary sources, however, is the point of view of the political “regime” adopted here. Here “regime” refers to those parties, which have their members elected to the legislating institutions in a wider sense and not only to the elected representatives as individuals. As mentioned, the aim of the study is to provide a reading of the temporal image and its figurative layers, which refers to the politics of time in the construction of an idealised (nation) state. From the rhetorical point of view, I refer back to the statement about nature of the tests: In the debates, representatives of the parties in the *Landtag* have the opportunity to make claims about the past and the future, i.e. elements central to the construction of national narratives, in an institutionalised setting with rules in the form of parliamentary procedures regulating the debate. Furthermore, to discuss immigration and naturalisation is also to define and (re)construct the borders of the political entity, providing the regime with a further chance to posit itself within the wider contexts of the federation or Europe, for example. Therefore the argument is that the parliamentary debates are quite a useful source for constructing an interpretation of the imaginary of those with institutional power.

## 1.4 The research questions

Since the debates on citizenship tests form the basis of the study, the first question asked is about the contribution which “politics of time” perspective has on the tests, particularly, and on the politics of integration of the naturalisation candidates more generally. This will be tackled with by constructing an apparatus of temporal figures, which I consider to be the central layers in the material. Among the three examples mentioned here, i.e. Bavaria, Baden-Württemberg and Hesse, the latter is the only one which is singled out as the main object of analysis for the following reasons: Hesse arguably presented a test most resembling its international counterparts than the Bavarian “yes or no” practice ; or the albeit more test-like construction of the deliberately selective and discriminating questionnaire of Baden-Württemberg, which lacked the features of being required for all candidates. Additionally, the Hessian promoters of the test explicitly argued that their proposal for the new naturalisation policy had been designed following examples such as the United States or Switzerland, and was clearly meant to be a federal policy. Furthermore, Hesse lacked the provocativeness of the Baden-Württemberg case, which was aimed directly toward the candidates from the Muslim countries. The Bavarian case is used as an expanding reference point to the Hessian case, because it adds to the examples on the role that the concept of integration has in the debates. The point here is not, however, to engage in a comprehensive comparative approach, which is why the Bavarian debates is regarded sufficient for providing more examples on the “integration talk” as opposed to carrying out a detailed analysis on all three cases.

In addition to playing a role as one case in the series of test-like cases on the level of the *Länder*, the Hessian debates were one element in a wider network of federal debates instigated by these proposals in the press and commented on by prominent politicians, linking Hesse into the more extensive conceptual framework on integration and testing practices. Thus, in relation to the questions presented here, the Hessian debates are taken to include conceptual elements, which are relevant to the extended discussion as well. The operative construction of the temporal layers is conducted in chapter three, and the more general question about the potential contribution of the “politics of time” perspective will be assessed in the final chapter.

The purpose of the second main question is to problematise the concept of integration by asking *what kind of “integration” is expected of the naturalisation candidates*. The aim is to explore the potential variations and commonalities regarding the concept of integration employed by different parties. The question will be dealt with in chapter four, in which it is also applied to another analytical apparatus, i.e. the polit-vocabulary. A further operative question translates the discussion into the paradigm of contingency, in relation to which I ask what the input of my reading on the debates is for “polity” as a temporally constructed concept. This concept, explicated in chapter four, then brings together

the integration and the temporalities of the debates in order to discuss the temporal tensions of the tests. Through this concept, explicated in chapter four, I then bring together the concept of integration and the temporalities of the debates in order to discuss temporal tensions of the tests.

The structure of the study is: In chapter two, the context for the forthcoming analysis is outlined. It consists of a section on the theoretical approach, time and politics, in which the main temporal lexicon (stability, becoming, breakage and the polit-vocabulary) employed in the analysis is presented. In addition, the chapter includes a section of the conceptual framework, in which the study is embedded. This includes a brief overview on the legal institute of *Staatsangehörigkeit* in the German federal system and excursions to three debates (on *Berufsverbot*, *Verfassungspatriotismus*, and *Leitkultur*), which expose the reader to the background of the citizenship test and integration debates. Chapter three turns to the empirical analysis on the Hessian and Bavarian debates. The Hessian material, dominating the chapter, is structured around the triad of stability, becoming and breakage. The fourth chapter turns the focus onto the concept of integration, which is discussed in relation to the polit-vocabulary. In the fifth chapter, the attention is shifted back to the tests explicitly, before the conclusive remarks presented in the final section.

## 2 THE FRAMEWORK

This chapter presents the theoretical, historical and conceptual network for the forthcoming analysis. The purpose of this chapter is to establish the theoretical premises for conducting the analysis; and to introduce on the German framework for the Hessian and Bavarian debates, which in turn are linked more explicitly with the international discussion. The first subchapter focuses on the bundle of time, rhetoric and politics, which constitutes the theoretical tool for my reading. The second sub chapter introduces conceptual clarifications and limitations accompanied by an overview of the key phases in the history of *Staatsangehörigkeit* as a legal institution in Germany. In addition, a selection of preceding German debates, which loom in the background of the contemporary debates, will be elaborated on.

### 2.1 Time and politics

Time is a central element for political legitimating, albeit that it can also be easily ignored because it is a feature of constructing narrative. For clarification, an important distinction should be made: talking about time does not mean time in a metaphysical sense, i.e. the point is not to ask what time is outside of human experience or if it can time be perceived and how. Instead, the focus is on time as a social construction and in relation to human life through experience. Hoy makes a differentiation between "time" and "temporality", the former referring to universal time and the latter to "human time, as it manifests itself in human existence" (Hoy 2009, xiii). I, however, will be using both "time" and "temporality" with the reference only to the time linked to human life. The history of time as a part of human experience in Western thought dates back to the Greek world and the works of its poets and philosophers, where the "idea of the self and its temporal limitations as well as the idea of history of the existence of social order in time emerged" (Gunnell 1987, 72). Here, however, the focus is on more recent commentators on the relationship between time and politics: firstly,

the specific perspective of the “politics of time” will be defined; secondly, the triad of temporal figures (stability, becoming and breakage) as explicated in the debates will be outlined; and finally, the temporalised polit-vocabulary, which serves as the basis for the discussion on the concept of integration in chapter four, will be introduced.

A differentiation can be made between the politics of time and the time of politics. This line of thought makes a distinction between time as a resource for doing politics by using the various categorisations of time for politicisation. In turn, the time of politics means politicking with time (Lindroos & Palonen 2000, 12). In the following discussion, the main emphasis is on the first point, which means that less attention is given to the questions about political calendar or the question of timing, although both of these could be considered worthy of attention.

In this sense of the “politics of time”, as opposed to the “time of politics”, the focus is on the rhetorical points and the ways the expressions of time have an important role in constructing images of a given political situation. The political situation is judged through the (re)organisation of temporal elements, which then constitute the rhetorically constructed present. In this case, the “present” does not refer to a simple notion of a limited time space between the past and the future, but something which is created in political language. This representation expresses the claim(s) the speaker wants to make about the “political present” in order to legitimate her point.

In this rhetorical representation of the political situation, emphasising the present actually points to the link between the elements of the past and the future. This is based on the common understanding that social time is usually understood as a flow, in which the past is still lingering in the present while the future's anticipations are already noticeable, although the three categories remain differentiated (Hoy 2009; Rodemeyer 2006; Priban 2007). In any discussion about time, “experience” is also mentioned as a feature of human temporality, and also refers to the interplay between the past, the present and the future. Experience can be conceived as the link between the metaphysical notion of time and human temporality, but it can also be used by itself as a temporal figure in a rhetorical sense. One of the claims about the links between time, experience and language was written by Reinhart Koselleck (1979), who differentiated between the two conditions of *Erfahrungsraum* and *Erwartungshorizont*. These categories can also be interpreted as something, which the actor wishes to construct through rhetorical moves.

One way of thinking about this construction of narratives<sup>8</sup> in politics is to take the Benjaminian idea of understanding time as leaps from the present toward the past instead of understanding it as a movement from the past to the future (see Lindroos 1998; 2000, 65). This puts the present, again, into the spot-

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<sup>8</sup> The word “narrative” in the course of the analysis is used quite loosely in reference to the construction of political speeches. In other words, narrative here does not refer to any specific literary figure, for example, but to the ensemble of elements, which constitute the speaker's address.

light: in political terms especially, the interpretations of the past are made from the point of view of the present, where the past can be used as a resource for doing politics in the present. In practice this means the rhetorical actualisation of past events, or the reinterpretation of durations, intervals and ending points in the past.

The three chosen figures for this analysis are stability, becoming and breakage. These are based on my reading of the debates, i.e. there is no prefixed framework of figures applied to the material in order to see whether such thing would “fit into” it or what it could reveal. Moreover, it would undoubtedly be possible to construct other figures from the debates as well as provide a different analysis on the account, but I argue that these three are rather illustrative in terms of discussing the tension between integration and the three other central concepts, i.e. citizenship, naturalisation and immigration<sup>9</sup>. This is not to say, however, that this construction would take place in a theoretical vacuum; obviously, it is a combination of my reading of the material and theoretical inspiration from various writers on time, referred to accordingly.

### 2.1.1 Stability, Becoming, Breakage

Here, the three temporal figures explicated from the debates are defined in the sense they will be employed in the next chapter. A more theoretical overview of the three is provided here; in the empirical part, these figures are discussed in more detail and examples are given of their different aspects. It is clear that no such clarity between the lines of the figures exist as drawn here; stability, event and becoming overlap each other as much as they co-exist in the figures representing the differing temporalities of integration in the next chapters.

#### Stability

In this study, a “stable” temporal element is explicitly a “stabilised” element: the figure alludes to a possibility of contestation but denies this as an alternative. In other words, to use a stabilised temporal element in politics means to present its reference point as an accepted “fact” in a strong normative sense. Thus, stabilisation is not de-temporalisation in the sense that it would deprive the object of its temporal index. Rather, I interpret rhetorical stabilisation as a claim about a contestation having reached a point where an order has been agreed upon for a long time. In this sense stability can also be differentiated from eternity, which would rule out the possibility of a beginning or the threat of an ending. Stability here implies a set of fixed –for the time being– limits for minor changes to occur.

While stability often is, admittedly for good reasons, differentiated from change, and even as it is common to present these two as counter concepts, here I maintain it is more productive to discuss the two intertwined rather than separately. The reason lies in the logic of legitimating political statements: while the orator needs to construct new politicisations, having these politicisations

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<sup>9</sup> My stand on these concepts is explained in section 2.2.2.

rooted in a recognisable discourse within the polity remains a significant precondition for succeeding in pursuit of this (cf. Skinner 1974, 294). Thus a central feature of stability in this sense is that it is in relation to change, these two aspects being linked in a dynamic relationship.

In its most simplistic form, the claims for stabilisation point to the “protection” of whatever constitutes the core of the German polity. On the “macro” level, the attempt seems to be to stabilise the political situation in terms of the numbers of immigrants and raising of the status of German citizenship through the creation of hurdles that produce exclusiveness. On a more subtle level, however, stabilisation turns into the act of defining the limits of the core, even though there would be a consensus of some sort about what the core itself would be. The idea is that whoever wishes to gain the acknowledged status of a citizen, should be able to identify with the core in order not to willingly rock the boat.

### Becoming

Historically, becoming as a temporal idea first emerges in ancient Greece with a reference to time as movement. The relationship between being and becoming was already established in the discourse aimed at substituting “timelessness of episteme for the narrative of action in time” (Gunnell 1987, 134). A paradigm of becoming exists in differing fields of science, and the discussions include those about the above mentioned being/becoming relation as well as causality and becoming, for example (Mueller 1943; Dorato 1998; Freundlich 1973). On a more contemporary note, becoming in connection to citizenship is actually an established way of speaking about the practice of acquiring nationality, for example in the sense of becoming German/American/British or some other nationality. This pair of words can also imply a deeper sense of “becoming”, which points toward transformation. This is used especially in academic accounts on the formation of politically relevant units, such as “Europe” or “the United States”.

Becoming implies movement. This movement is commonly understood as flowing from one point in time into another. As one argument for the movement goes, assuming that there is “such a thing as temporal passage or flow, then it is a matter of logic that the flow is from the past to the future” (McCall 2001, 143; italics original), because “it would be absurd to suppose otherwise, and postulate that time might flow from future to past” (ibid). Following this line of argument, McCall goes on to argue that the existence of time flow “*ipso facto* (i) divides the time axis into a past end and a future end, and (ii) distinguishes the past-to-future direction as THE direction of time, in opposition to the future-to-past direction” (McCall 2001, 144; emphasis original). While the question of the existence or “reality” of temporal passage is outside the scope of this study, the point about the movement having a direction and flowing from the past into the future suits for the analytical purposes here as the notion of becoming constructed from the material emphasises the relations between these categories.



Further elaboration on what is meant by “becoming” in this context is based on Hoy (2001, 121), who argues that “in the early Greek thought, it was common to view change as a species of becoming and to fail to make a clear distinction between substances (individual things) and qualities”. The question here is whether becoming in this context implies that something “ceases to be”, i.e. perishes into the past. Again, the rhetorical point of politics suggests the understanding of the three categories (past, present, future) as intertwined and co-existing. When it comes to becoming, then, the point of departure here is that, while there might be claims for differentiation between these categories, the qualities marking them are contingent and can be re-arranged.

### Breakage

Temporal breakage indicates a spatial understanding of time in that it implies a break in a continuum, a rupture in duration, thus separating the categories of the past and the future. It is possible, however, to alter the emphasis slightly from the moving time to an explicit point by referring to the event, or break, itself and its highlighted role: in theory, it does not matter whether the break will happen in the future or occurred in the past; rather the point is to emphasise that the breakage is realisable and meaningful.

When the breakage is constructed through an event, the importance of that event can be either “private” or “public”, which means an event as a temporality can either have significance on the level of individual experience or as a political tool aimed at persuading a wider collection of people. In a temporal sense, an event is a part of a sequence of events, but with a characteristic that marks its singularity (Evans, 2004 s. 135). Event differs from moment, which would more explicitly point to time, because it makes a connection to experience: the reason an event is distinctive is that it contains features which differ from the background experience. The important element is this combination of a certain event as a reference point with the notion of experience. Event also implies a time frame, which serves as either an onset or an offset for an interval, and in this sense it is tied to the idea of time as motion (ibid. 136). The political point of the event lies precisely in its experiential dimension, much along the lines with any rupture turned into a resource of doing politics. Like a moment, which can be turned into a resource for doing politics by politicising it “through an ex-post interpretation of something as a timely phenomenon (Palonen, 2008, 25)”, an experience can be (re)interpreted for rhetorical purposes. The rhetoric of turning an event into a meaningful occasion redefines it as a key element among a series of events. The singularity of an event also makes the layers of past, present and future quite clear as its distinctiveness arises from the combination of its novelty with its roots in the past events. This line of thought about the individual experience and its collision with the wider structures can also be taken in the direction of *kairos/kronos* thinking (e.g. Lindroos 1998, Jordheim 2007): whereas the event points toward externality, i.e. to “an external occurrence, [...], something that happens” (Evans 2004, 137), here a *kairos* situation

refers more to the way the prevailing situation is challenged and an opportune moment for redefinitions and politicisations is at hand. Having said this, it should be noted that the use of experience as discussed below indicates its rhetorical construction and usage rather than any consideration to actual individual experiences as no such data is dealt with here. Thus the role of experience is a rhetorical figure with a strong temporal dimension.

### 2.1.2 The Polit-vocabulary

In addition to the three figures explicated above, Palonen's (2003) conceptualisation of four aspects of polit-vocabulary is an important formulation for the purposes of this study. Whereas stability, becoming and breakage are explicitly dealt with through the examples taken from the debates, the polit-vocabulary is employed in order to discuss the concept of integration more extensively. The reason for this importance is the way Palonen's article presents the understanding of *polity* as four differing forums of temporality, which allows one to understand the various "spaces" that can overlap through shared temporalities, as well as the other way around: differing temporalities can be brought together through shared spaces. In a sense, this means turning the spatial notion of historical human time linked with *polis* (Gunnell 1987, 110) into a more complex set of polities.

The starting point in Palonen's article in question is the differentiation between politics-as-sphere and politics-as-activity; the latter notion is the focus of his article and of the analysis conducted here. The background of this conceptualisation is in the Weberian notion of politics as an activity, which "has no substantive or purposes 'above' itself" (Palonen 2003, 172). For this activity, power is the decisive concept, through which it can take place, and this concept of power in turn is based on Chance. This refers to contingency as power is merely "a possibility, an occasion, or an opportunity to do something", thus only referring to a chance to act, not to a specific form of action (ibid. 173). Based on his analysis of the struggle for power as a contingent situation, in which plural agents wrestle over the power shares, there is always more than one possible way of acting in the situation (ibid. 174). Thus the four polit-concepts are formulated as follows:

"Politicisation names a share of power, opens a specified horizon of chances in terms of this share, while politicking means performative operations in the struggle for power with the already existing shares and their redistribution. Polity refers to those power shares that have already been politicised but have also created a kind of vested interest that tacitly excludes other kinds of shares, while policy means a regulation and coordination of performative operations by specific ends and means." (Palonen 2003, 175, italics original).

Even though "polity" is given the leading role in my analysis, a brief overview of the other concepts is also necessary to grasp a more in-depth view of the point. To begin with, policy has its orientation in the future, containing a teleological connotation as a "direction of activities". Furthermore, policy also has a normative character as it puts forward a set of criteria, against which political

action is judged. The normative aspect is in opposition to the teleological one as in the first case the potential flexibility of policy can be turned into a “doctrine of passive adaptation”, whereas the normative orientation can be turned into a “declaration of desirability”. Here, policy becomes “fixed ‘moral’ aims upheld independently of their realisability” (Palonen 2003, 175). Despite the sense of continuity characteristic of policy, understanding it calls for its interpretation in relation to the “temporal breaking points within it”. Furthermore, the teleology of the policy means that the realisation of the breaking points and their successful utilisation are, “up until the last point”, turned into a comprehensible part of the consistency of the policy (ibid. 176).

Politicking refers to doing politics with the emphasis on the action itself, which means that its results are never the only indicator of its successes or failures. The resources for politicking are the already existing power shares that are to be redistributed. Thus politicking is a performative aspect of politics, which “consists of performances that are both time-consuming and time-playing events.” (Palonen 2003, 177-8). This means that politicking employs the temporal index of duration and has a rhythm of its own. Politicking extends the “present time [...] into a performative unity that cannot be measured by consumed time, but, interrupts the time lapse for the duration of the performance.” The ability to turn the performance into independent temporal singularity independent of the ongoing time lapse and the returning to the time lapse at the end of the performance are two temporal dimensions, in relation to which the quality of the performance is to be judged (ibid. 178).

Of the remaining polit-concepts, politicisation is the one used as an analytical tool complementing the usage of “polity”. The meaning of the concept applied in Palonen’s article is that through politicisation, the object is named as political and thus turned into a playable resource for politicking. However, politicking can only take place after the phenomenon is politicised and the domain for politicking is opened. There are no elements in human life which would lack the potentiality for politicisation, which in turn means that in this sense polity (as a result of previous politicisations, see below) has nothing “natural” or predetermined in it. Still, for a successful politicisation to take place one should resort to more than mere declaration in order to gain an established status. An interrelated distinction can be made between the “inventive and disruptive moments of politicisation” (Palonen 2003, 183), as an invention is hardly possible without even a slightest change of perspective toward the established order (Palonen 2003, 182-3).

Finally, Palonen defines polity in relation to activity as “a temporalised space that has been politicised and commonly accepted as political, and that demarcates activity from that which is not accepted as political” and in which, due to the established status of the earlier politicisations “at least tacitly serves as an obstacle of new politicisations” (Palonen 2003, 179). Still, although the established power shares form the “paradigm for politicking”, this centre is constantly contested because of the existing power shares of the marginalised members of the polity. Thus the possibility of new politicisations and the pres-

ence of the power shares, albeit unequally distributed, construct the basis for the contingency of the polity. Moreover, “polity” can in principle refer to any “specific regimes of power shares” (Palonen 2003, 181), which can be interconnected and disconnected (ibid. 180-1).

As noted earlier, the concepts of polity and politicisation, with references to politicking and policy as well, will be employed in chapter four. The concept of integration, which is in the focus of these analytical concepts, is contextualised and explained below.

## 2.2 Conceptual self-limitations

My starting point in the following is the citizenship test. The testing practice is thus the phenomenon, which is read through the filter of time in politics. However, as indicated in the introduction, a paradigm has already been formed around the new European tests with references to the U.S. case, which means that there is a flourishing and ongoing debate revolving around certain key concepts. These are, first and foremost and quite unsurprisingly, immigration, integration, naturalisation and citizenship. These concepts are in use when the testing practice is reflected upon in such terms as education, social policies, rights, identities, minorities or legislative issues. Thus, certain justifications for the choices made here should be explicated.

The most obvious conceptual dimension in “citizenship test” is either citizenship or citizen. These concepts have a number of inter –and multidisciplinary debates devoted to them, which are constantly referred to in the debates about the tests. Neither citizenship nor citizen is given any specific weight as concepts in this study. The same goes with immigration and naturalisation, both of which are prominent concepts and objects of dispute among scholars. Integration, in turn, is singularised as an idea and concept in chapter four, although its status as an academic object of interest is no different from the other three. The reason for this choice is that, in my reading, integration seems to have a rather undisputed status in the debates as an aim of any policy. Of course there is a significant amount of disagreement about how it is or should be interpreted. The problematisation of this status through the question about its multiple temporalities is thus chosen as the main point of concentration here. Simultaneously, the question about these temporalities is a question about the times of the polity, as is argued in chapter four.

Even though integration is singled out from the other topics, there is no attempt to avoid the other key issues either, but to refer to them as important features of the debates whenever it seems necessary. However, and this is the most important limitation, these concepts as well as the concept of integration, are merely discussed as relational to the testing practice and the sources mentioned here. The only “meanings” or rather, readings, they will get as concepts are through temporality and in the context of tests. Furthermore, as this is a study of politics, I must distance myself from the dimensional divisions that, for ex-

ample Joppke (2010) outlines, but which are evident in other commentaries on citizenship as well. For this study, there are no dimensions of citizenship without the political, i.e. “political citizenship” cannot be separated from the dimensions of the social, cultural or the national. Talking about the status, the rights or the identity, as Joppke does, is not done in this study without the element of the political. Instead, here citizenship is inherently contingent, contested and historical, and of course as such can be approached from differing angles. This is, again, applied with the other concepts as well: immigration, integration and naturalisation, as presented here, are understood first and foremost as political constructions, i.e. contingent and contested institutions. And, finally, “political” is understood to refer to any issue, phenomenon, concept, or institution, for example, in which there is the element of power.

An important concept linked with integration is assimilation, i.e. the idea that the values of the host community are also to be embraced by the minorities in respect to religion and culture, for example (Kostakopoulou 2010, 5). In the literature, assimilation is often posed as a limiting and countering concept for integration and, in the German case, bears a negative connotation. These connotations are, however, context-bound and specific since, for example, a communitarian conception of citizenship presumes assimilation of the new members for re-enforcing the distinctive identity of the community (ibid.). Assimilation is a contested and complex concept<sup>10</sup>, but to point specifically to the German case, an example from Reichstag can serve as a starting point. In this instance, a representative of the Polish Fraction polemises against what he sees as assimilatory measures taken up by some German states, and argues that this can by no means be the way forward in the wake of the citizenship law reformation (1913):

“In einem kann ich freilich nicht dem Herrn Kollegen Dr. Blunck [Fortschrittliche Volkspartei] nicht folgen, wenn er nämlich im weiteren Verlaufe seiner Ausführungen bemüht war, von der Assimilierung von Mitgliedern anderer Nationalitäten zu sprechen. Meine Herren, das entspricht unserem Rechtsgefühl nicht. Wir lassen jeden seines Nationalität und wünschen nur, dass auch uns die unserige gelassen wird. Ich kann sehr wohl verstehen, wie z. B. den Dänen in Schleswig-Holstein zu Mute ist, wenn dort mit allen Mitteln versucht wird, sie zu assimilieren, zu germanisieren; denn ich empfinde es ja mit meinen Volksgenossen am eigenen Leibe, wie die preussische Regierung sich bemüht, bei uns die Germanisierung durchzuführen.” (Ab. Dombek (Polnische Fraktion), RT-Pro, Vol 290, p. 5287, May 28th 1913)

This idea of “Germanisation” (Germanisierung) Dombek refers to is the basis for the poor reputation assimilation has in the German context since it refers to the way the German Empire was trying to assimilate its eastern parts during the early twentieth century (Brubaker 2003, 41). Brubaker sees a slight “return” of assimilation in some respects in how German citizenship, educational and social policy has developed at work since the 1990s. An important point is, however, that assimilation in this sense does not refer to the questionable policies of Kaiserreich, but to assimilation in the meaning of “becoming similar, or treating as similar” (ibid. 47), which is in opposition with the segregating poli-

<sup>10</sup> A well-known and extensive discussion on assimilation and immigration policies: Joppke & Morawska (eds.) 2003.

cies employed in Germany in the abovementioned domains. Thus, Brubaker argues, foreigners and immigrants are slowly being taken into account as equal contributors and, regarding citizenship, given more possibilities for becoming members of the society instead of being granted more extensive rights without this acceptance (ibid. 45-47). In spite of Brubaker's insistence that assimilation in some sense and as an analytical concept would be useful and even necessary for discussing "integration", "adaptation" or "incorporation" (ibid. 43), I concentrate only on integration without regard to assimilation, even as a limiting concept. This choice aims to consciously problematise integration as an influential concept in the test debates. Although assimilation has a rich history and usage, it is not the focus because, as an explicit concept, it is obsolete in the primary material.

The point is not to write a conceptual history of the concept of integration, or to provide exhaustive definitions for integration, but to focus on this quite specific context. Furthermore, no discussion about what it means to be integrated, how integration could be measured, what the means to promote integration would be, or if integration is actually ever achieved, is provided. Instead, the overall aim is to contribute to the ongoing debate about the implications of the testing practice and provide an alternative reading of it from the temporal point of view. Furthermore, in using the commentaries as a source of inspiration, as I do in chapter four, the point is not to conduct a rhetorical analysis on these commentaries, but to use them as a resource for constructing the link between the tests and the concept of integration. The analysis of the Hessian and Bavarian debates is thus reflected in the light of these. In the European context especially, the development of the European Union within the last decades provides a number of possibilities for concentrating on the concept itself that to clearly distance myself from such an attempt seems appropriate, to say the least. However, as the tests promote the discussion on integration not only in parliaments but also in commentaries, adding my analysis on Hesse and Bavaria by picking up academic examples on how integration is linked with the tests seems a fair extension of the discussion.

### 2.2.1 *Staatsangehörigkeit* as a legal institution in Germany

*Staatsangehörigkeit* marks the legal background for the Hessian and Bavarian debates. Using the analysis of T.H. Marshall and Roger Brubaker as his starting point, Gosewinkel (1995, 534) argues that what Marshall means with the English word "citizenship", aims at including the aspect of active participation in the public sphere as one of its features. Drawing from this, he maintains that this notion of citizenship is compatible with the German translation of *Staatsbürgerrechten*, or *Staatsbürgersstatus*, but does not correlate with *Staatsangehörigkeit*, which points in German to the legally formalised state and,

importantly, is defined through exclusion and as opposite to other states<sup>11</sup>. Thus, he claims that a distinction needs to be made between the histories of *Staatsbürgerschaft* and *Staatsangehörigkeit* (ibid.).<sup>12</sup>

The history of the legal and political concept of *Staatsangehörigkeit* is tied to the development of the political institutions. There are 16 *Länder* in contemporary (2011) Federal Republic of Germany. In legislative terms this means that the states have their own constitutions (*Verfassungen*), which in turn are subjected to the German Basic Law (*Grundgesetz*; henceforth also: GG, Basic Law), ratified in 1949 by the existing states. Thus, the states as political entities are not “produced” by the Basic Law and the construction of the German Federal state, but rather can be said to be recognised by it (Gunlicks 2003, 74). After Prussia formed the North German Confederation in 1867, the outcome being three Germanies, the Prussian suggestions for the formation of a new constitutional order were accepted by the other regimes as well. The elected *Reichstag* finally approved of a constitution for the federation April 16<sup>th</sup>, 1867, in which the federal legal solution was adopted and the unitary solution left aside. This left the states with considerable legislative responsibilities within the federation, which, for Bismarck, was “legally less problematic, would grant the states considerable autonomy, and would serve as a barrier against parliamentary-democratic tendencies” (Gunlicks 2003, 25). The constitution of the German *Reich* followed the lines of the constitution of the North German Confederation, and included the legislative organs of *Reichstag* and the *Bundesrat*, the latter of which was the “carrier” of sovereignty in the federation, meaning that despite the considerable amount of autonomy left to the states, sovereignty was represented by the Kaiser, the Chancellor or the legislative *Reichstag* and the *Bundesrat*, among others (Gunlicks 2003, 28).

At the time of the founding of the German Empire in 1871, the debate over the framework of the state was that between those promoting a unitary solution and those striving for federalism. Eicher (1988) argues, that the concern of the loss of the power of the individual states also have their roots in these 19<sup>th</sup> century debates instead of having a more recent origin (Eicher 1988, 22). According to Eicher, four issues at the time of the unification receive more emphasis than the others: the division of the legislative powers between the *Reich* and the *Länder*, the status of the state assemblies in the framework of the finance treaty, the acquisition of the *Landtage* to the realm of influence of the *Reich* and pre-judging *Landtage* through inter-federal rulings (Eicher 1988, 23-30).

An important turning point for the institution of *Staatsangehörigkeit* in Germany dates back to this formation of the German Empire in 1871, in which

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<sup>11</sup> “Er [citizenship] meint indessen nicht die im Deutschen präzise mit *Staatsangehörigkeit* bezeichnete, rechtlich formalisierte Mitgliedschaft in einem (National-) Staat – in Abgrenzung nach außen, gegenüber andere Staaten.

<sup>12</sup> However, while understanding this distinction in the German linguistic and conceptual context is undeniably important, for the purposes of this study it is equally central to note that this does not, by any account, turn the concept of *Staatsangehörigkeit* into some “politically neutral” or “purely legal” institution (which is not Gosewinkel’s argument either).

German citizenship was constructed as a feature of a nation state. Even though discrimination against differing groups, such as those of Polish origin, was already taking place on the state level in the confederation preceding the *Kaiserreich*, *Staatsangehörigkeit* went through changes in the new, more nationally defined state. In its “pre-national” state, discrimination through the status of citizenship was based on two main ideas: first of all, both in Prussia and Austria, a state constituted a “mixed corpus” (Gosewinkel 2003, 177) of subjects (or members of the state); and then, the idea of the state was drawn from the tradition of enlightened absolutism, according to which the subjects were to be equal both in the relationships between each other as well as in their relationship to the state. As the German Empire was established, this basis gained in nationalistic weight (*ibid.*)<sup>13</sup>.

#### The reform of the *Staats-und Reichsangehörigkeitsgesetz* in 1913

One of the features of the German citizenship legislation is the principle of descent (*jus sanguinis*). Fahrmeir (1997) argues that while some traces of *Abstammungsprinzip* can be found on the level of the state legislation already in the 1820s, it was by no means the guiding principle in the citizenship legislation of the individual states. In a typical 1820s constitution, the ways for acquiring citizenship, according to Fahrmeir were “(i) by birth, i.e. a child inherited the citizenship of its father (or, if illegitimate, its mother) possessed at the time of the birth; (ii) by naturalisation (some laws added that naturalisation could be ‘explicit or implicit’); (iii) by marriage of a female alien to a male citizen; (iv) by employment as a civil servant” (Fahrmeir 1997, 731). What takes the weight off the principle of *jus sanguinis* here is the fact that citizenship would be lost by emigration: descent did not overcome the permanent or, at least, lengthy period of finding a residence outside the borders of the state (*ibid.*). However, the roots of legislating for *jus sanguinis* were already laid in 1842 by the state of Prussia, an influential part of the German Confederation, albeit the change was an administrative measure due to the absence of a parliament, and occurred when Prussia reformed its citizenship legislation by abolishing the territorial principle and decided in favour of the principle of descent in 1842. At the time, social rights were increasingly defined through the status of a citizen, which put the pressure on having clearer definitions of who was to be granted the status, but the aim for “rationalisation” of the administration also played its part. The principle of descent was taken from the Roman law and, as such, was later misinterpreted for the purposes of nationalistic politics. On legal terms, *jus sanguinis* merely automated citizenship for children born to parents with German citizenship. The “ethnic” origin of the parents did not play a part in the domain of the law before 1935 (Gosewinkel 2008, 97-99).

The first initiatives for reforming the citizenship legislation of the 1870’s came in 1894. As opposed to the previous occasions, citizenship legislation was

<sup>13</sup> On the wider level of Western Europe and the United States, Fahrmeir (2007, 189-123) calls this phase the “ethnic redefinition of citizenship.”



turned into the centre of political debate: the preceding legislative measures either had taken place in the context of wider administrative reformations or at the formation of a new state form (Gosewinkel 2003, 278). The core criticism, setting the agenda for the debate concerning citizenship legislation for the next 20 years, was the decree regulating the loss of German citizenship: Germans having emigrated stayed abroad for ten years without interruption and consular registration were automatically deprived of German citizenship (Gosewinkel 2003, 278-279; von Münch 2007, 23). Formally, the first initiative was introduced in *Reichstag* in March 1895, presented by a national liberal representative Ernst Hasse, a professor from the University of Leipzig, speaking as a member of the largest party in *Reichstag*. His arguments were based on the claim that a high number of citizens of non-German origin were a threat to the "homogeneity of the German people"<sup>14</sup> (Gosewinkel 2003, 280). In order to defend this homogeneity, Hasse argued for limiting naturalisation. According to Hasse, naturalisation should be avoided or at least taken to minimum, in addition to which the only ones having the privilege to naturalise were to be of German origin (*ibid.*). On the basis of this line of argumentation, Hasse was able to move on to the next claims, which were to hinder the loss of German citizenship and also to promote dual citizenship among Germans living abroad. With these suggestions he built his proposition for centralising German naturalisation politics and set the stage for the reforms of the coming years, aimed at the "inner and outer strengthening of an ethnically and culturally homogeneous community and its efficient centralised control through the nation state" (Gosewinkel 2003, 281).

The reform was debated in a situation, in which migration was shifting from being an interstate phenomenon into an intercontinental one. This meant that German citizenship now needed to be regulated between the unified Germany and its potential citizens abroad (Sargent 2005, 18). The more inclusive approach to ethnic Germans abroad was prompted by *Kaiser* Wilhelm II after the Bismarckian era as a part of the search for a more powerful role in world politics. However, this more inclusive nationalism instigated exclusion toward other ethnicities, especially the growing Polish-speaking population, but also toward Jewish people and the Slavs. Thus the change in emphasis was more inclusive toward emigrated Germans and more exclusive toward residents with foreign descent. After the 1897 emigration law reform, in which the government rejected extensive investing in emigrated citizens abroad but gave some latitude to foster the ties of these emigrants to their homeland through administrative means, the focus of the citizenship law reform was on tightening naturalisation for foreigners and making it easier for emigrated citizens to maintain their German citizenship (Sargent 2005, 25-26).

The next reform came in 1913. The debates on the bill of 1913 explicitly dealt with the acquisition and loss of German citizenship and loyalty, among other things, which obviously resemble the themes of the Hessian debates as

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<sup>14</sup> "... einen Angriff auf die 'Homogenität' des deutschen Volkes, das vom Andrang 'Sprach-und Rassenfremder' bedroht sei."

well. Thus a few examples on the Reichstag debates expand the historical dimension for the more contemporary case, which is why the references here are directly to the original sources. The examples are mainly taken from the first of the two sessions on the second reading of the bill in order to provide a brief outline of the main viewpoints toward these key issues. The first debates for the reform in Reichstag took place in February 1912, at the end of which a commission for drafting the bill was appointed. The commission, consisting of 21 members, debated the bill in two readings (RT-Pro, Band 301, Drucksache No. 962, p. 1412, April 24<sup>th</sup> 1913). The draft from the commission was debated again in Reichstag the following spring 1913, after which the proposal of the government was accepted. In the draft accepted by the commission, the first two articles define who is considered a German and what the means for acquiring the citizenship are (ibid. 1464-1465):

§ 1. Deutscher ist, wer die Staatsangehörigkeit in einem Bundesstaate (§§2 bis 28) oder die unmittelbare Reichsangehörigkeit (§§ 30 bis 30 b) besitzt.

§ 2. Die Staatsangehörigkeit in einem Bundesstaate wird erworben

1. durch Geburt (§ 3),
2. durch Legitimation (§ 4),
3. durch Eheschließung (§ 5),
4. für einen Deutschen durch Aufnahme (§§ 6, 10, 12),
5. für einen Ausländer durch Einbürgerung (§§ 7 bis 12)

After the debates that followed, *Reichstag* accepted the bill. The controversial issues during the years preceding the actual reform of 1913 were the already mentioned questions of: the acquisition and loss of German citizenship; the status of married women, who at the time lost their German citizenship automatically if they married a non-German national; and, in relation to the first issue, the way in which the possible naturalisation of foreigners and stateless individuals should be conducted, i.e. should it be more restrictively or generously regulated. As a starting point in 1913, after the revision of the bill in the commission, the *Berichterstatter* Richthofen outlines that the guiding principle throughout the reform is the identification of *Wehrgemeinschaft* and *Volksgemeinschaft*:

“Durch den ganzen Gesetzentwurf zieht sich [...] der Gedanke hindurch, dass Wehrgemeinschaft und Volksgemeinschaft identisch sind.

Wenn der Gesetzentwurf in der Form, wie ihn die Kommission beschlossen hat, angenommen wird, so werden in dieser Materie die Verhältnisse bei uns in Inlande selbst geklärt werden; insbesondere aber werden die Auslandsdeutschen besser gestellt werden als bisher, und dazu liegt unzweifelhaft ein großes und dringendes Bedürfnis vor.” (Ab. Richthofen, *Berichterstatter*, RT-Pro, Vol 290, p. 5270, May 28th 1913)

The reaction to retaining citizenship in the case of emigration is seen as a reform long overdue and the bill is greeted by the Catholic Centre Party as taking into account wishes from a wide audience. Improving the status of the emigrated Germans is seen as strengthening it both internally and externally (“[...]dass durch ihn das Deutschtum nicht nur innerhalb, sondern besonders noch außerhalb den Reichsgrenzen gestärkt wird.” (Ab. Belzer (Zentrum), RT-Pro, Vol 290, p. 5275, May 28th 1913)). This view is shared by the German Conservative Party’s representative Giese, who sees the reform as helpful for maintaining the German mindset and thus making Germanness abroad more solid (“das Gesetz dazu beitragen wird, deutsche Gesinnung zu erhalten und das Deutschtum namentlich im Auslande zu stärken.” (Ab. Giese (Deutsche-Konservativ), RT-Pro, Vol 290, p. 5282, May 28th 1913)). The National-Liberal Party’s representative Beck maintains that not only is it beneficial to bind the emigrated Germans into the future of their original homeland, but the possibility of regaining “loss elements” adds to this benefit, and also sees the reform in a positive light:

“Das Gesetz wird uns den Vorteil bringen helfen, den wir bezüglich einer Änderung des alten Gesetzes so lange Jahre hindurch haben entbehren müssen, den Vorteil, uns die Deutschen im Ausland nicht nur fest für die Zukunft zu binden und zu halten, sondern auch – der Hoffnung geben wir uns hin – verlorene Elemente wiederzugewinnen.” (Ab. Beck (National-liberal), RT-Pro, Vol 290, p. 5278, May 28th 1913)

More critical voices toward the proposal can be heard, for example, on the part of the Social Democratic Party, who is not objecting to a reform in general, but arguing for a more welcoming principle for the acquisition of German citizenship, emphasising the notion of the German citizenship as *Reichsangehörigkeit* instead of *Staatsangehörigkeit*:

“Meine politischen Freunde hoffen, dass in einer nahen Zukunft die unmittelbare Reichsangehörigkeit das Prinzip des Reichsangehörigkeitgesetzes sein wird. Wir behalten uns vor, dem Reichstag eine Resolution zu unterbreiten, die dieser unserer Hoffnung Ausdruck geben wird. Wir haben den lebhaften Wunsch, dass in naher Zukunft jeder Bürger des Reichs das Bewusstsein haben möge, unmittelbar Angehöriger des Deutschen Reichs zu sein.” (Ab. Landsberg (SPD), RT-Pro, Vol 290, p. 5270, May 28th 1913)

The Polish Fraction also expresses their disappointment toward the bill, which they see as “von allzu großer Engherzigkeit diktiert zu sein” (Ab. Dombek, (Polnische Fraktion) RT-Pro, Vol 290, p. 5286, May 28th 1913), and announce themselves in favour of the alterations suggested for the bill from the Left. Despite the claims that the Reich should take more responsibilities for its emigrated citizens, the reform accepted military service as the condition for retaining citizenship instead of registration at a German consulate every ten years. Making it more difficult, thus, to maintain German citizenship, the reform potentially hindered the enthusiasm of emigrants to foster the ties with Germany through citizenship (Sargent 2005, 30). However, since the citizenship law overlapped the legislation for serving in the military which was also under review, this aspect bears significance in another sense. Namely the military dimension offered a curious exception for the principle of descent because a foreigner with a per-

sonal history in either the German military or as a civil servant could become naturalised. Consequently, defence, without any reference to ethnicity, formed a defining dimension for the limits of citizenship (Gosewinkel 2003, 326). The duty to defend one's country was now emphasised, and, as dual citizenship was now explicitly prevented in the new act, loyalty as an undivided element was bound with citizenship (ibid.). The rejection of multiple citizenships is defended by the Centre Party with a reference to the international dimension of such cases and binds this question to the question about the military service:

“Dass eine doppelte Staatsangehörigkeit – ich meine hier natürlich nicht eine solche im Inlande, sondern eine Staatsangehörigkeit in Deutschland und in einem ausländischen Staate – sehr viel gegen sich hat, ist wohl klar. Ich brauche Sie nur an die internationalen Verbindungen zu erinnern, die dadurch entstehen können. Und was den Grundsatz anlangt, dass vorausgesetzt wird, dass der Betreffende, der dem Vaterlande angehören will, auch seine Wehrpflicht erfüllt, so ist in den Motiven des Gesetzentwurfs und auch in der ersten Lesung darüber so Vieles und Gutes gesagt worden, dass ich kein Wort mehr dazu zu verlieren brauche. Jedenfalls ist der viel gebrauchte Satz: ‚ohne Wehrgemeinschaft keine Volksgemeinschaft‘ richtig.” (Ab. Belzer (Zentrum,) RT-Pro, Vol 290, p. 5275-6, May 28th 1913)

The status of a German woman, who married a foreigner, was also one of the issues dividing the parties. The Social Democrats argue that the idea, that German women “stop feeling German” just because they are no longer in the possession of the status is absurd. For them, there are no true objections for having differing nationalities within one family, since to claim this would mean that women should also convert to their husband's religion as there could be no room for multiple religions either (Ab. Landsberg (SPD), RT-Pro, Vol 290, p. 5271, May 28th 1913):

“Wir haben zunächst die deutsche Frau von dem Druck befreien wollen, den das bisherige Gesetz für ihr bedeutet.[...] Die Frau wird also behandelt als ein Appendix des Mannes, mit dem sie den Bund für Leben einhegt. Dass wollten meine politischen Freunde beseitigen; wir wollten der Frau dasselbe Selbstbestimmungsrecht gewähren, dass der Mann nach dem bestehenden Gesetze und nach dem Entwurf haben soll. Die Mehrheit der Kommission hat unseren Antrag abgelehnt.

[...] Die Herren stehen auf dem Standpunkt, dass für Sie das Nationalgefühl das allerhöchste ist; sie haben infolgedessen den Verlust des Deutschtums als Strafe für den Fall bestimmt, dass jemand es ablehnt, sein Vaterland mit den Waffen zu verteidigen, und diese gleiche Rechtsfolge, den Verlust der Reichsangehörigkeit, der dort als Strafe vorgesehen ist, knüpfen die Herren an die Tatsache der Verehelichung mit einem Ausländer. Und das geschieht in einem Gesetze, dass nach der Erklärung seiner Väter dem Deutschtum Kräfte erhalten soll!” (Ab. Landsberg (SPD), RT-Pro, Vol 290, p. 5271, May 28th 1913)

Representing the Catholic Centre Party, Belzer in turn argues that the holiness of marriage and the unity of the family form the basis for the Christian state, and dismisses the protests from women's organisations, which have been campaigning against the loss of German citizenship through marriage to a foreigner. The argument for the dismissal is that the organisations have a tendency to “overreact”, which according to Belzer is the case here as well:

“Wir betrachten die Ehe als ein unlösbares geheiligtes Band, und wir erblicken in der Einheit und in dem Zusammenhang der Familie eine der Hauptgrundlagen unseres christlichen Staatswesens. Deshalb machen wir es so, wie die meisten Kulturvölker in ihrer Gesetzgebung es getan haben: wir verlangen, dass die Frau der Staatsangehörigkeit ihres Mannes folgt. Der Herr Kollege Landsberg hat dann darauf hingewiesen, dass die Frauenorganisationen sehr lebhaft für seine Forderung eintreten. Dass wissen wir auch. Wir wollen diese Frauenorganisationen weiter nicht angreifen; aber es ist bekannt, dass sie vielfach über das Ziel hinausschießen, auch in diesem Fall. Wir werden deshalb ihrem Rufe nicht folgen.” (Ab. Belzer (Zentrum), RT-Pro, Vol 290, p. 5276, May 28th 1913)

A significant change realised in the reform of 1913 was the strengthening of *jus sanguinis* as the basis of granting citizenship. The Polish Fraction argues for a more *jus soli* oriented approach, stating that the more extensive introduction of *jus sanguinis* is “barbaric”:

“Wir werden [...] für alle Anträge stimmen, nach denen die Staatsangehörigkeit durch Geburt und Erziehung im Reichsinlande erworben wird. [...] Auch ich möchte hervorheben, dass in allen Kulturländern das ‚jus soli‘ Rechtens ist und nicht das ‚jus sanguinis‘ [...]. Es ist von dem Herrn Kollegen Gr. Blunck bereits betont worden, dass die Einführung des ‚jus sanguinis‘ eine Neuerung in den Rechtsbegriffen der Kulturvölker darstellt, und dass diese Neuerung speziell von deutscher Seite beliebt worden ist. Als Herr Kollege Dr. Blunck diese Ausführung machte, wurde von den Bänken seiner Parteigenossen aus bemerkt, dass das eine barbarische Neuerung sei. Ich möchte mich dieser Kritik vollständig anschließen.” (Ab. Dombek, (Polnische Fraktion), RT-Pro, Vol 290, p. 5286, May 28th 1913)

On the Conservative side, however, the exclusive *jus sanguinis* is the only approvable solution for the acquisition of citizenship, as it serves the purpose of preserving the “German character” and thus they object to any attempts for introducing *jus soli*:

“Wir freuen uns, dass in dem Gesetz der Grundsatz des ‚jus sanguinis‘ rein durchgeführt worden ist, dass also in der Hauptsache die Abstammung, das Blut das Entscheidende für den Erwerb der Staatsangehörigkeit ist. Diese Bestimmung dient hervorragend dazu, den völkischen Charakter und die deutsche Eigenart zu erhalten und zu bewahren. Wir treten infolgedessen allen denjenigen Anträgen entgegen, die das ‚jus soli‘ in irgendeiner Weise einzuführen beabsichtigen. In der Kommission sind sehr viel Versuche in dieser Richtung gemacht worden, aber wir geben dem ‚jus sanguinis‘ den Vorzug und begrüßen es, dass diesen Grundsatz aufrechterhalten geblieben ist.” (Ab. Giese (Deutsche-Konservativ), RT-Pro, Vol 290, p. 5282, May 28th 1913)

In the legislation of 1871, being “German” meant that the individual was a citizen of a German state, which conferred upon them the rights and duties of a citizen in the German Empire (Fahrmeir 1997, 751). In 1913 the naturalisation procedure in individual *Länder* was made more restrictive because any minister of the interior in any state received a veto option over the naturalisation of individuals in any other state. The effectiveness of this measure was increased by the fact that the decision over who was granted citizenship was left to the bureaucrats in the local administration (*ibid.*). The Social Democrats argue against this trend and support a less restrictive procedure for naturalisation, which was a concept they wish was used in the bill instead of the “passive” concept of “*Einbürgerung*” (Ab. Bernstein (SPD), RT-Pro, Vol 290, p.5294, May

29th 1913), in which naturalisation would have been made possible at least to stateless individuals who married a German woman as well as to foreigners, who had been born in Germany and continuously lived in its territory since, maintaining that those falling into the latter category have no other homeland and are German, even if not by nationality:

“Schließlich haben wir den Kommission den Versuch gemacht, die Einbürgerung von Ausländern zu erleichtern, indem die Ausländern - selbstverständlich nur durchaus einwandfreien Personen - ein Recht auf Einbürgerung gewähren wollten, wenn sie eine gewisse Zeit hindurch in Deutschland gewohnt haben. Zum mindestens haben wir beantragt, solchen Ausländern einen Anspruch auf Einbürgerung zu gewähren, die aus die Ehe zwischen einem Staatslosen und einer bis zur Eheschließung deutsche Frau hervorgegangen sind, und solchen Ausländern, die in Deutschland geboren sind und sich bis zu Volljährigkeit ohne längeren Unterbrechung in Deutschland aufgehalten haben. Personen, die unter diese letztere Kategorie fallen, sind unzweifelhaft der Sache nach, wenn auch nicht der Staatsangehörigkeit nach, Deutsche. Sie haben nirgendwo eine Heimat als in Deutschland, [...]” (Ab. Landsberg (SPD), RT-Pro, Vol 290, p. 5273, May 28th 1913)

For the Catholic Centre Party, a naturalisation application could only be approved if it were clear that Germany would gain from the naturalisation in question, albeit that the naturalisation of a particular individual or family was desirable:

“Wir wünschen auch, dass einwandfreie, moralisch und wirtschaftlich tüchtige Leute, Leute die durch Intelligenz oder Vermögen hervorrage, in Deutschland eingebürgert werden, weil das einen Gewinn für unser Vaterland bedeuten würde. [...] Aber worin wir uns von den Herren auf der äußersten Linken trennen, das ist das, dass wir eine rechtliche Forderung eines Ausländers, in Deutschland naturalisiert zu werden, nicht zugestehen könne, selbst wenn dieser Rechtsanspruch mit allen möglichen Kautelen umgehen würde. Wir stehen auf dem Standpunkt, den glaube ich, ein Vertreter der Preußischen Regierung in der Kommission eingenommen hat: im Allgemeinen kann ein Naturalisierungsantrag nur dann akzeptiert werden, wenn der Zuwachs, der dadurch geschaffen wird, ein Gewinn für Deutschland ist.” (Ab. Belzer (Zentrum), RT-Pro, Vol 290, p. 5276, May 28th 1913)

The *Reichs- und Staatsangehörigkeitsgesetz* was abolished by the Nazis in 1935 but reinstated after World War II in 1949. Through the National Socialist influence, the German Empire banned the naturalisation of “non-Aryans” from August 1933 onward. Moreover, naturalisations granted by the previous governments were also reconsidered, and those with suspected left-wing sympathies and non-Christian or other than West European ancestors were deprived of their citizenship. German-born citizens, who resided abroad and considered traitors, were also denaturalised. In 1934, citizenship was removed from the legislative status of individual states and placed in a centralised institution. After the Nuremberg Party Rally in 1935, the German legislation recognised a difference between *Staatsangehörigkeit* and *Reichsbürgerrecht*, the latter of which referred to the form of full membership that only someone of German descent could possess (Fahrmeir 2007, 134-5). Thus *Reichsbürger* was introduced as a new category to the German citizenship law, and new legislative measures, the *Reichsbürgerrecht* and *Blutschutzgesetz*, which banned marriage “between Jews

and German citizens or an individual of related blood" and was implemented to target the Jewish population (von Münch 2007, 62-3).

According to Reutter (2007, 46-7), the years between the Second World War and the reunification of Germany can be divided into three phases of constitutional legislation in the *Länder*. In the first phase, eight states ratified their *Verfassungen* during 1946 and 1947, and had them already in place before the Basic Law. These are comprehensive constitutions, including the acknowledgement of the basic rights and the rules for the organisation of the governing authorities of the state. In the second phase, the five constitutions ratified between 1950 and 1953 already had the Basic Law as their background, due to which these constitutions concentrate on the governing of the states in question. Berlin had the basic rights listed, however, and thus marked the sole exception in this regard. The third phase begins with the unification in 1990, after which the new states ratified their constitutions. These are, again, comprehensive in style with the acknowledgement of the basic rights. The state constitutions have a dual function: on the one hand, they have to apply the federal Basic Law; on the other hand, they have to legitimize the distinctive role of the state as a part of the Federation (see e.g. Reutter 2007, 37). Thus the Basic Law and the constitutions of the *Länder* are intertwined: the Basic Law provides the framework, within which the regional legislation is realised. The states, in turn, are those implementing the Basic Law, having a varying range of liberties in terms of defining the administrative details for doing this. The first lines of the Basic Law mention the states involved in the ratification of the GG, thus establishing the federal nature of the state (*Grundgesetz*, Preämbe; see also Reutter 2007, 40).

The core components of the 1913 reformation, i.e. *jus sanguinis*, loyalty and the rejection of dual citizenship also characterised the next major reform of the naturalisation law in the late 1990s, which will be dealt with below.

#### The reform of the citizenship legislation in 1990s: The dual citizenship debate

The reformation of citizenship legislation was actualised after the reunification of Germany in 1990. In the first revision of the legislation since the fall of the Berlin Wall, *Ausländergesetz* was enforced in January 1991 and made acquiring German citizenship easier for young immigrants, long-term residents and those willing to maintain a dual citizenship (Von Münch 2007, 128-129). The coalition of CDU/CSU and FDP also expressed willingness for further revision of naturalisation law in the 12<sup>th</sup> legislative period, but this attempt was brought down by disagreement within the coalition over dual citizenship. More initiatives were to follow, among them the Hessian initiative for a shift in emphasis from *jus sanguinis* toward *jus soli* through reforming the Basic Law. This initiative, prompted by the governing SPD/the Greens coalition, was rejected in *Bundesrat* by a vote of seventeen for and twenty-two against (ibid., 130-131).

In 2000, Germany reformed its nationality legislation that introduced the principle of *jus soli* to be adopted alongside with the dominant *jus sanguinis*. A reform to the procedure was also the requirement that the candidate would

have to sign a declaration acknowledging the status of the constitution and appreciation of the *freiheitlich-demokratische Grundordnung* (i.e. the liberal democratic constitutional system). In addition it was stated that the administrative bureaus of naturalisation should display the portrait of the president of the Federal Republic of Germany and the national flag (Michalowski 2010, 195.). It was stated that the aim of the Bill was to promote naturalisation among long-term permanent residents as well as improve integration of this part of the population and their children (van Oers 2010, 71). The debate around the reform was polarised in Hesse due to the CDU election campaign, in which the party targeted the intended relief of the issue of dual citizenship. The coalition government of the SPD and the Green Party elected in 1998 took over in *Bundestag* after the coalition formed by the CDU/CSU and the Liberal Democrats. In March 1999, the coalition introduced a Bill for the reformation of nationality law in *Bundestag*, with the support of the FDP. During the election, the Bill's promoters presented it as one of the most important reforms and suggested a reduced residence requirement and more flexibility on the issue of dual citizenship (van Oers 2010, 70-71). The documented aim of the reform, according to its promoters, was to improve integration of long-term residents and their children by making German citizenship more accessible for them.

In the context of the Hessian *Landtagswahl*, dual citizenship became a subject of heated debate in the media, carrying the ideal of integration in its centre. In January 1999, the CDU in Hesse launched a campaign, known in German as die *Unterschriftenaktion*, against dual citizenship by collecting lists of names on the streets to be handed to the government as an expression against the planned reform. Led by Roland Koch, the CDU in Hesse claimed to be on the mission asking the German people how they felt about the question of accepting an individual with two or more nationalities. The campaign was supported, for example, with statements such as the following, which argues that it is the willingness that guarantees integration, not a passport and not the status of a dual citizen:

"Integration findet nicht durch die Vergabe eines Passes statt, sondern durch den Willen der Fremden, sich in unsere Gesellschaft einzugliedern. [...] Wir setzen also auf konkrete Integrationsmaßnahmen und Einbürgerung nach erfolgreicher Eingliederung statt symbolischer und integrationspolitisch schädlicher Gesetze wie der generellen Zulassung von Mehrstaatsangehörigkeit. Die Frage, ob diese unsere Vorstellungen den richtigen Weg zu Integration der auf Dauer in Deutschland lebenden Ausländer darstellen, wollen wir mit unserer Unterschriftenaktion dem Volk zur Entscheidung vorlegen. Deshalb verdient die Aktion Unterstützung." (MdB Erwin Marschewski in a press-release of the CDU/CSU fraction of Bundestag, 12.1.1999, underlining original)

Throughout the campaign material the audience is warned about a variety of issues: security (including common criminality, terrorism and foreign conflicts), a burst of immigration numbers (as "everyone" would be granted dual citizenship without having to "choose" Germany) and the failure of integration (because it would not be a precondition for German citizenship):



"Mit der doppelten Staatsbürgerschaft holt sich Deutschland verstärkt die politischen Konflikte anderer Länder ins Land. Deutschland importiert z.B. die Kurdenproblematik und das damit verbundene Gewaltpotential, wie wir es auf deutschen Straßen ansatzweise schon erlebten.

Die doppelte Staatsbürgerschaft erhöht die Gefahr, dass Ausländer

- die deutsche Staatsangehörigkeit missbrauchen, um in Deutschland die Interessen fremder Staaten zu verfolgen

- von ihren die Regierungen zur politischen Parteilichkeit aufgefordert werden [...]"  
(A CDU Hesse -newsletter from January 1999, emphasis original)

The campaign in Hesse had polarised the debate over citizenship and migration and set the scene for further developments in the region. The Christian Democrats campaign was apparently effective since the party won the election. While the Social Democrats and the Greens maintained their power in the Bundestag, they lost their majority in the *Bundesrat*. This put the reform under pressure and the outcome was that the reform was downplayed. As a novelty, it included a principle, according to which children born in Germany to immigrant parents were granted dual citizenship. After turning eighteen the children were, however, required to decide which citizenship they would choose and relinquish their other nationality.

### 2.2.2 "*Berufsverbot*", "*Verfassungspatriotismus*", "*Leitkultur*"

In addition to the historical phases of *Staatsangehörigkeit*, a further discussion of the three debates forming the background for the ones analysed here is needed. The discussion of these three debates adds historical texture to the more contemporary debates and makes some of the key issues more understandable. The first debate, *Berufsverbot* (prohibition to employment, rough translated), provides an earlier debate for making inquiries about the convictions of individuals considered a threat to the liberal democratic principles. The second debate, *Verfassungspatriotismus*, is referred to explicitly in the debates. The third debate, *Leitkultur*, follows the reformation proposal of the Red/Green Coalition referred to above.

#### *Berufsverbot*

*Berufsverbot* is actually a name given to a practice resulting from legislation put forward by the presidents of the *Länder* and later sealed by Willy Brandt in 1972. The joint declaration of the presidents, officially called *Extremisten-Beschluss* and also known as the *Radikalen-Erlass*, stated that those willing to serve in public office were to behave in in conformance with the liberal democratic constitutional order, and if the state authorities had any doubts about the loyalty of an employee, the state authorities could conduct a hearing to find out if the individual was a sympathiser of a hostile group. This legislative measure, taken to counter-act left-wing terrorism was aimed at communists and the left more

generally, and gave the *Länder* the authority to undertake the inquiries (Bontepelli 2003, 163). The practice extended to postal workers and train staff, for example, who were considered civil servants (Glees 1996, 165), and no differentiation was made between “behaviour which for one reason or another does not appear acceptable” and “beliefs and personal life style” (Narr 1976, 24).

*New German Critique*, a journal established in the early 1970s, published critical reports on the issue in the 1970s, and for the purposes of this brief section I have chosen to concentrate on one of the critiques written in 1976 as it resonates with the primary material. As its more general mission the journal claims to have “played a significant role in introducing US readers to Frankfurt School thinkers and remains an important forum for debate in the humanities”<sup>15</sup>. In issue number 7, 1976 the editors preface an article on *Berufsverbot* in which they state that

“The danger is apparent in West Germany today. The conformity of the conservative forces controlling the SPD government as well as those like the CDU/CSU placing pressure on the government from outside has allowed for the making of a wave of terror against those small groups who have taken a stand for critical judgment and change. As Grosser [a German historian] also stated in his speech [when he received the Peace Prize of the German Book Trade], there is no telling where this repression will lead if it continues unchecked. It is with this view in mind that the editors of the NGC have decided to publish the following historical sketch about the long tradition of the *Berufsverbot* in Germany. We intend to continue publishing reports about the present situation in the forthcoming issues of the journal in an effort to make known the American mass media consistently ignore. The Editors” (A preface for an article titled Political repression in West Germany: “*Berufsverbote*” in modern German history, by Brauns & Kramer, 1976).

Another example of a commentary on the issue is written in 1978 in which Jacobs takes up a gender perspective to the *Berufsverbot*, analysing in her article Civil rights and women’s rights in the Federal Republic of Germany today the relationship between terrorism as a phenomenon and women’s role in it, and the feminist movement. She points to the accusations made against the movement as being responsible for the significant number of women allegedly engaging in terrorist activism, and Jacobs concludes that when “women’s liberation” is associated with the rise of female terrorism and both are considered to criticise the established power, the “liberalised woman” is also seen as “politically suspect” (Jacobs 1978, 167).

In 1976, Wolf-Dieter Narr (1976), professor of Political Science at the Berlin Free University, discusses *Berufsverbot* in the context of a wider set of security measures taken up by the Federal Republic of Germany in an article titled *Threats to constitutional freedoms in West Germany*. He contrasts the economical, social and political situation of the country with other Western states, asking to what extent whatever is happening in West Germany is taking place elsewhere as well. He points out that Konrad Adenauer had taken a similar decree in the 1950s, the contemporary practice has been far more extensive, and has only

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<sup>15</sup> <http://www.dukeupress.edu/Catalog/ViewProduct.php?viewby=journal&productid=45622>, accessed on August the 5th, 2011

gained in intensity between 1972 and 1976, expanding into a “witch hunt” (Narr 1976, 24).

Narr argues, that the job applicant subjected to the inquiry can never know what the reasons for her rejection are since the criteria are not applied equally to all candidates: in some cases a mere membership in a group that criticised the university sufficed, in others membership in a forbidden communist party would be crossing the line (Narr 1976, 26). Furthermore, the employment practices varied among the states, depending on which party (i.e. CDU or SPD) was in parliament. Furthermore, the SPD had changed its approach as the years proceeded, and its practices had differences even between states governed by the same party. While the case of the *Berufsverbot* is, according to Narr, different from the Adenauer practice in the 1950s in that all cases are investigated and documented individually, the inconsistency of the criteria produced a great sense of insecurity and doubt among the citizens. Since “everyone is potentially jeopardised in these circumstances, although always individually and unpredictably” Narr argues, “the *Berufsverbot* isolates, eliminates and expatriates people” (ibid. 27). The consequences are not merely, however, the individual tragedies deriving from the Hamburg decrees<sup>16</sup> but also in the fear and insecurity spreading through the educational system and the expansion of the security sector. Moreover, the constitutional alterations appear to establish a bureaucracy for security in a “blank-check manner”, which may lead to a situation where the parties and parliament no longer are in charge of the security system (ibid. 28).

The way Narr deals with the role of the *Freiheitlich-demokratische Grundordnung* as a figure used to justify the implementation of the *Berufsverbot* presages some of the dimensions to be discussed in the next chapter. According to Narr, the Free Democratic Basic Order (FDGO), as the figure is translated in the text by Silverman and Harris, is interpreted to suit certain purposes. He bases this on a resolution from Lower Saxony, which represents the way the act was implemented in different states. In the resolution, the FDGO is not interpreted “in the sense of protecting the constitutional order laid down in the Basic Law”, as it could have been interpreted. Instead it is used, Narr argues, “to reverse the ‘responsibility of the government’ to a responsibility of the citizen and the civil service employee to the government” (Narr 1976, 32). Among the grounds for this claim, he presents this interpretation of the “spirit of the constitution”:

“1. The FDGO formula extracts only certain parts of the Constitution. For instance, it is much more explicit with respect to organisational principles than with respect to the specific fundamental rights of individuals. It relies generally on freedom and

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<sup>16</sup> The so-called Hamburg Decrees was a declaration, released on January 28, 1972 by the state of Hamburg and federal heads of government. In it was state that only those individuals, who were considered supportive of the free democratic basic order, could be employed by the state as public officials. Introduced under the Social Democratic leadership, this declaration subjected any individual applying for public office to investigation (Narr 1976, 22-23)

equality and emphasises the "right to personality" (cf. Article 2, Basic Law), but it omits mention of the democratic and social state (Section 20, Basic Law).

"2. This one-sided interpretation is set up as the "essence" or "spirit" of the Constitution and develops then into a kind of super-constitution. Explanation supersedes the Constitution itself.

"3. This one-sided reduction of the Constitution to its "spirit" contains yet another pitfall: first, the definition of the "spirit" remains very abstract and lends itself to interpretation according to the demands of the situation. What would happen if the principle of the sovereignty of the people or the principles of freedom and equality would be taken seriously? Second, this definition of the "spirit" in its prejudiced formulation is equated with the reality of the Bonn Republic here and now. Whoever questions the Constitution as it is interpreted and carried out here and no, whoever doubts that freedom and equality exist, whoever radically criticizes and asserts that the Constitution is not being followed (Adolf Arndt) is branded as a potential and real enemy of the Constitution. Constitution equals FDGO; FDGO equals the current application of the Constitution. Whoever interprets the FDGO differently comes under the FDGO guillotine." (Narr 1976, 32-33).

Despite the extensive introduction of Narr's article here, the point is not to compare the cases of the *Berufsverbot* and the test debates, but to refer to the usage of the liberal democratic constitutional order as a rhetorical figure and as a representative for the interpretation the current regime has of the constitution. In relation to the politics of suspicion and insecurity that the attempts to "normalise" relations with East Germany was thought to lessen the need to identify the domestic Social Democratic forces with the enemy, as the custom had become over the years, by differentiating more clearly with the East and the West left wing. However, Narr argues this had backfired in the sense that instead of being able to identify the "domestic enemy" with the "foreign enemy", the "image of the domestic political enemy" was now "reformulated" so that the "domestic opponent became the domestic enemy" (Narr 1976, 36). This was maintained by a "cartel of security", which ensured that any critique could be interpreted as hostile to the liberal democratic constitutional system, if needed, which in turn ensured that expression became restricted and consensus appreciated over dissensus (*ibid.*, 37). Thus the loyalty toward the order and its status as reference points in defining those who are valid citizens and who are not has a history, albeit that in this case those accused of being unpatriotic already have the legal status of a citizen.

### *Verfassungspatriotismus*

The concept of *Verfassungspatriotismus* is elaborated in reference to its original advocate, albeit that the concept has since been debated by various commentators, most notably by Jürgen Habermas. In his essay on West Germany thirty years after it was established, Dolf Sternberger, professor of political science at the University of Darmstadt, to whom representative Wagner from the Free Democrats refers explicitly, argues that since World War II, the *Nationalgefühl* remains "wounded", but that through the constitution, a new sense of "fatherland" could be found, which in turned meant a new sense of patriotism:

“Das Nationalgefühl bleibt verwundet, wir leben nicht im ganzen Deutschland. Aber wir leben in einer ganzen Verfassung, in einem ganzen Verfassungsstaat, und das ist selbst eine Art von Vaterland“.” (Sternberger 1990 [1979], 13)

Sternberger maintains that the strength of the *Grundgesetz* is the way in which it penetrates the dimensions of human life within the state. The importance of the constitution lies in this extensiveness: for example Sternberger says the constitution is an enabling institution, a kind of a guarantee which admittedly sets limits but also provides those influenced by it with the possibility for political action. *Verfassungspatriotismus* in Sternberger’s sense is decisively differentiated from nationalism, which he rejects as only relevant to a smaller part of the population. Moreover, he argues that the concept of the state should be used without hesitation and it should recognise that human rights and individual liberty can only become realised through the state. There would be no state without the people as they are those who choose the legislators and form the parties, for example. The *Grundgesetz* allows the people to change the government and the regime should they so wish, which makes the bureaucratic aspect of the state flexible, changeable and thus improvable (Sternberger 1990 [1979], 14-15). The well functioning constitution makes it possible for the voters to pose moderate criticism against the state, if they so wish, without considering the state illegitimate as such:

“Wir brauchen uns nicht zu scheuen, das Grundgesetz zu rühmen. [...] Eine gewisse maßvolle Unzufriedenheit ist der Staat förderlich. Sie mindert nicht die Treue, die der Verfassung geschuldet wird. Gegen erklärte Feinde jedoch muss die Verfassung verteidigt werden, das ist patriotische Pflicht” (Sternberger 1990 [1979], 16)

The appreciation for the Basic Law had already gained support before Sternberger’s explicit introduction of *Verfassungspatriotismus* as a concept. Whereas at the time of its formulation in 1949 the Basic Law was viewed suspiciously by some legal theorists, in the course of the year it became seen a more successful constitution. After the “Lüth-decision” of 1958, in which the Constitutional Court ruled that the “‘objective principles’ embodied in the Basic Rights permeated the entire legal order” (Müller 2008, 98) the role of the Court grew more important (ibid.). The Court, after obtaining the role of the “protector” of the constitution, emerged after the war in the atmosphere where, Müller argues, a lot of the German legal theorists were concerned about the institutional codification of the tension between “political identity and political stability” (ibid.), since the Weimar Constitution had failed. The decision of the Constitutional Court echoed the “integration theory” of the constitutional lawyer Rudolf Smend, who argued that political integration should be conceived as a dynamic process, realised through plebiscites and democratic symbols, but also importantly through belief in the political system. The Constitution was at the heart of these institutions, reflecting the traditions and values on which it was built, and the decisions of the Court were to express these values (Müller 2008, 99).

Considering this background, Sternberger's constitutional patriotism was a concept set against nationalism but alluding to the sensitive issue of loyalty. The distinction between nationalism and patriotism, in a more general sense, can be simplified into the claim that "patriotism means the political loyalty of citizens to the free polity they share, whereas nationalism is a matter of ethnicity and culture", as Canovan (2000, 415), referring to Habermas, does. The emphasis in relation to locality, cosmopolitanism, liberalism or republicanism may vary, but these variations are, according to Canovan, all set against ethnic nationalism. Furthermore, the common reference point as a model to consider is the United States, which thus is another common denominator (ibid. 417). The focus of this study, however, requires omitting the extensive debate on the concept of patriotism in a more general sense. Yet the emphasis put on the Loyalitätserklärung and the status of the Basic Law and the Liberal Democratic Constitutional Order referred to through the examples should be understood in the light of this brief conceptual clarification on the German case.

### *Leitkultur*

The concept *Leitkultur* as such was first put forward by Bassam Tibi in 1998. For him, the emphasis was on the European dimension as he suggested that Germany should posit itself within the democratic ideals of the integrating Europe, which could form the basic core for the German national identity and could also be fostered by those coming from outside Germany, thus echoing the idea of *Verfassungspatriotismus* proposed by Jürgen Habermas (Minnaard 2009, 43).

The *Leitkultur* debate was instigated when Friedrich Merz, at the time the parliamentary leader of CDU and thus in opposition to the Red/Green Coalition, was cited using the concept, first in a newspaper, and again less than a week later on October 16<sup>th</sup>, 2000, in *Bundestag* (Manz 2004, 482). He stated that one of the main issues in the upcoming federal elections would be *Ausländerpolitik* and integration more specifically. This had a link to the Hessian campaign against dual citizenship, which had already earned CDU electoral victory in state elections and won them the majority in Bundesrat (Pautz 2005, 40).

The concept received a significant amount of criticism, in which the German National Socialist past was referred to as an example of the politics of homogeneity and superiority, both of which implied in the claims for *deutsche Leitkultur* (Minnaard 2009, 44). The term *Leitkultur* was disputed by Islamic organisations and also individuals with backgrounds in the public arena<sup>17</sup>. The term has also been analysed in the context of racial discrimination (Pautz 2005; see also Manz 2004). For example Manz (2004) argues that, from a historical background, the strong reactions the concept invoked are understandable. According to Manz, the hierarchical connotation of *Leit-* in connection to *-kultur*, which "denotes the social glue that is traditionally meant to bind Germans together" (Manz 2004, 483), was a combination which included two established discourses that had been central to the German identity construction. This is

<sup>17</sup> For a more extensive discussion on the debate and various examples, see Manz 2004.

also one explanation of the fact that the concept stirred up considerably more debate than the claims and statements from the CDU camp toward the immigrant already put forward in the course of the 1990s. In the position paper of the CSU in 1996, Edmund Stoiber, in his role as the Bavarian *Ministerpräsident*, referred to the “concrete dangers” the Turkish values were supposed to pose to the German society as *Durchrassung* and *Überfremdung* (ibid.).

According to Joppke, *Leitkultur* includes two particularisms, which are the German language and a reference to Christianity. However, the latter reference did not appear in the “Merzian” version of it, but was introduced as part of it by the CDU Immigration Commission (Joppke 2010, 134) set up in 2000 as a counter force for the attempted Red/Green reform of immigration legislation (Pautz 2005, 40). Stoiber, for example, was quoted as demanding that “*die christlich-abendländische Kultur die Leitkultur bleibt, und nicht aufgeht in einem Mischmasch.*” (*Süddeutsche Zeitung* October 23th, 2000; quoted in Manz 2004, 485). On the religious side of *Leitkultur*, the notion of Germany being based on a “Christian-Occidental” value system that the immigrants should accept was prompted again in the headscarf laws passed by some of the Land governments in 2004 and 2005, in which the separation of the endorsed “Catholic wardrobe” on schoolteachers and the ban on Islamic headscarves was established based on the argument that Germany “is not just any state but a state shaped by the ‘Christian-Occidental’ tradition” (Joppke 2010, 136-7). This tradition was, then, something that the state “had not just license but the mandate to be partial about” (ibid.).

Thus, when Merz transferred into an operative concept of the CDU campaign and annexed with the prefix of “deutsche” the concept “encouraged a division of German self from cultural Others and ultimately legitimised the marginalisation of ‘foreigners’ on the basis of cultural criteria” (Minnaard 2009, 44). Moreover, the European element embedded in the original concept was compatible with the idea that Germany should step out of the discourse of exceptionality and regain national confidence as a European democracy (ibid.). In 2005, Norbert Lammert, the then CDU president of the German Federal Parliament, attempted to revoke the debate on the concept of *Leitkultur* without much success (Minnaard 2009, 44), and more recently in 2007, the concept has been reintroduced in a CDU Grundsatzprogramm (Joppke 2010, 135).

The theoretical perspective for this study is constructed on the basis of politics of time, with the elaborated figures of stability, becoming and breakage as the analytical tools. Another temporal aspect is constructed through the polit-vocabulary, with polity and politicisation at the centre. The historical framework for the study consists of the developments of *Staatsangehörigkeit* as a legal institution, and the debates on *Berufsverbot*, *Verfassungspatriotismus* and *Leitkultur* in the context of German federalism. On the academic level, the focus of the debate is citizenship tests, but without in depth discussions on citizenship, immigration or naturalisation, which would make the thesis impossibly large. Furthermore, the concept of assimilation, which is often discussed in relation to integration, is omitted because of its history in the German context, from

which “integration” in its 21<sup>st</sup> century form clearly differs; and more importantly because of the concept’s absence from the debates. In the following chapter, the temporal concepts discussed above will be applied to the Hessian and Bavarian cases.



### 3 DEBATING THE POLICY PROPOSALS IN THE *LÄNDER*

The legal setting, i.e. the institution of *Staatsangehörigkeit*, and the phases of the federal development form the background for the analysis in this thesis. The focus of the conceptual terms in the Hessian and Bavarian cases is explicitly in relation to the concept of integration, rather than on other established political concepts such as citizenship, immigration, or naturalisation. However, these concepts are referred to from the point of view of the concept of integration, which will be the main topic of chapter four. Chapter two briefly discussed the background of the Hessian and Bavarian cases: the German debates on *Berufsverbot*, *Verfassungspatriotismus* and *Leitkultur*. The theoretical considerations employed in this chapter include the idea of the politics of time as the point of departure for the analysis, and the more detailed figures of stability, becoming and breakage.

In this chapter, the analysis of the empirical material in the Hessian case is organised into sections according to the temporal figures. These sections are divided into subsections according to themes which, I argue, represent the three temporal figures: stability, becoming and breakage. The first of these temporal figures is stability, which forms the “basis” of the polity in the debates. The sub-themes of stability are the Basic Law, citizenship, and the “future talk”. The second of these temporal figures is the “process” of becoming a citizen. It is also constructed through three sub-themes: the responsibilities of the candidate, the idea of qualifying, and the dichotomy of “us and them”. The third of these temporal figures is breakage and it represents the “passage” between the status of a non-citizen and citizen. Breakage is divided into sub-themes of the naturalisation procedure, the notion of commitment, and the concepts of the loyalty and the oath. Before turning to the figures and the thematisation, this chapter presents a general overview on the basic setting points on the Hessian case. After the analysis of the Hessian debates, there is a brief reflection on its Bavarian counterparts which point out some of the characteristics of the debates there. In that section, the overview of the debates is given more explicitly from the point

of view of the concept of integration, with less emphasis on the temporal figures.

The role of the Bavarian examples are of significance in that they expand the discussion outside the Hessian borders and thus serve as an illustration about the way naturalisation and integration were debated in other states. The reason for choosing Bavaria is that the debate there actually refers back to the Hessian intentions for introducing a new policy for the naturalisation candidates instead of falling into the dispute about the Baden-Württemberg case. More notably, however, from the start, the debate over the questionnaire in Bavaria, though debating a local policy proposal, concentrates more widely on the issue of integration, whereas the debate in Hesse is tied to the form and content of the potential test and the integration course. Thus the Bavarian case also serves the purpose of constructing an explicit link between this section and the next, which moves from the level of the *Landtag* debates onto the realm of a wider discussion about the concept of integration and the testing practice.

### 3.1 The Hessian initiative

Since Baden-Württemberg had established in 2005 its own questionnaire for some of the naturalisation candidates, the debate on naturalisation practices intensified in other states, such as Bavaria and Hesse, as well. Whereas Bavaria had introduced a “yes or no” questionnaire for new candidates, the Hessian initiative aimed at a more comprehensive package with an integration course and a test. In the debates, the main orators were the speakers of the *Fraktionen*, i.e. the parliamentary groups. In practice, this means that the groups consist of members of one party, with the exception of the CDU/CSU *Fraktion* in the Bundestag. In the federal parliament, *Christlich Demokratische Union Deutschlands* and its Bavarian counterpart, *Christlich-Soziale Union in Bayern*, form one group.

The architect of the initiative in Hesse is the Christian Democratic government. In a press release of the Hessian Ministry of Interior and Sport dated March 21, 2006<sup>18</sup>, Minister Bouffier announces an invitation for the other parties to discuss *Leitfaden*, i.e. the suggested recommendation for implementing a testing practice into the German naturalisation procedure. He states that the door would be open for further suggestions. He calls the critique from the SPD and the Greens, who had presented their reservations in accordance to the testing practice in general in the Hessian state parliament, as “partly childish and ridiculous” and emphasises that the discussions of further improvements in the naturalisation reform are ongoing, but that so far none of the critics has provided any alternative proposals. All in all, Bouffier describes the response to his *Einbürgerungskonzept* as “generally positive”. Furthermore, the test, he says, will not be too difficult as the candidates will be well prepared for it by the course.

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<sup>18</sup> All press releases were found online by the specified date at: [www.hmdi.hessen.de/Startseite](http://www.hmdi.hessen.de/Startseite), accessed August 8, 2011

Finally, he describes avoiding the formation of the parallel communities as the main aim of the reformation proposal:

“Über das Verständnis von ‘Wissen und Werten’ schaffen wir eine gemeinsame Grundlage für neue und die angestammte Bevölkerung und wirken so den Parallelgesellschaften entgegen.” (Bouffier, press release March 21, 2006, the Hessian Ministry of Interior and Sport).

On March 30, the day of the plenary session in the Hessian *Landtag* dealt with below, Bouffier outlines his vision for the new naturalisation requirements with more detail. He maintains that a federation-wide debate over the Hessian initiative is “necessary, right and important”, and states that the “federal, partly international debate” that Hesse has set off, in the end seeks the answer to the question of “what must we expect of someone who wishes to become a German citizen” (Bouffier, press release March 30, 2006, Hessian Ministry of Interior and Sport). The six point proposal that Hesse wants as the basis of the reformation are, according to the Ministry:

Residence for a minimum of eight years

Sufficient fluency in German language

An obligation to attend a naturalisation course with the *Wissens- und Wertetest*

Prevention of anti-constitutional activities

A declaration of loyalty

Swearing an oath

(Press release of the Hessian Ministry of Interior and Sport, March 30, 2006).

Bouffier further stresses that the test is merely a part of a wider outline for naturalisation reform, and that *Leitfaden* also provides the candidate with useful knowledge about the rights and duties of a German citizen. He argues for the oath on the grounds that it “makes clear the great importance of naturalisation for both the new citizen and Germany” (Bouffier, quoted in the press release of the Hessian Ministry of Interior and Sport, March 30, 2006).

*Leitfaden* was not to be a governmental bill, but a basis for discussion, which is why the MPs are not discussing it point by point (with the exception of singularised questions). The Hessian plenary sessions taken in consideration here took place in January 25, March 30 and May 18 of 2006. The first debate (before *Leitfaden*) is based on the motion of the Christian Democrats and the initiative for a resolution from the Greens, which are debated together. The motion from the CDU encourages the state government to go on developing the *Wissens- und Wertekanon* and strive for a federal initiative (Drucksache 16/5139, January 17, 2006). The Greens, however, demand a dismissal of the Baden-Württemberg questionnaire as unconstitutional and claim that it should be withdrawn from practice. Furthermore, the Greens also aim at securing that the

contemporary obligations of the naturalisation candidates are sufficient (Drucksache 16/5132, January 17, 2006). The last debate in May 18, 2006 was a discussion about the outcome of the *Innenministerkonferenz* in the form of an *Aktuelle Stunde* (a debate on matters of topical interest), prompted by the CDU and titled “Kurs-Test-Eid: Hessen hat sich durchgesetzt” (Drucksache 16/5584, May 15, 2006).

“A federal solution”

In Hesse, the 2005 Baden-Württemberg questionnaire is the starting point for suggestions about the application of reminiscent measures in the whole federation. Having raised considerable fury among its critics, the Baden-Württemberg approach is not, however, seen as the way forward in Hesse. The Greens, represented by the speaker of their *Fraktion* Tarek Al-Wazir, state that the immigration policy in Germany suffers by being debated mostly in election campaigns, which focus on canvassing for votes, and maintain that Hesse should not follow the path taken in Baden-Württemberg:

“Die Einwanderungspolitik der Bundesrepublik Deutschland krankt daran, dass sie vor allem in Wahlkampfzeiten verändert worden ist. Das hat der Integration in diesem Land nicht gut getan, sondern geschadet. Ich fordere deshalb: Problemlösung statt Ideologie, und Baden-Württemberg darf auf keinen Fall ein Vorbild für Hessen werden.” (Tarek Al-Wazir, PIPro 16/91, January 25, 2006, p. 6287).

In opposition to this, the speaker of the CDU *Fraktion*, Christean Wagner, addresses the Baden-Württemberg case as having a “correct approach”, although it should not be adopted “1:1” for Hesse. Reacting to the way the Greens want to dismiss the Baden-Württemberg case, Christean Wagner moves to suggest that Hesse will have its own proposal for such a policy, thus distancing the Hessian proposal immediately from the criticised Baden-Württemberg case while, simultaneously, using it as the starting point for a debate in the Hessian *Landtag*:

“Herr Kollege Al-Wazir, allerdings habe ich weniger Verständnis dafür, dass Sie mindestens die Hälfte Ihrer Ausführungen mit baden-württembergischen Argumenten und Sachverhalten ausgefüllt haben. Wir sind hier im Hessischen Landtag. Wir haben eine klare Äußerung der Hessischen Landesregierung. Wir wollen zu diesem Thema unseren eigenen Weg gehen, wobei wir im Grundsatz sagen: Natürlich ist der Denkansatz von Baden-Württemberg richtig. Es wird aber nicht 1:1 übernommen.” (Christean Wagner, PIPro 16/91, January 25, 2006, p. 6287-8).

Referring to the idea that the naturalisation candidate needs to be tested or questioned about her views on the German value system expressed in the Basic Law, the Greens state that coming up with a questionnaire and policy proposal like that of Baden-Württemberg, in which a person’s religious views are put under scrutiny, is in fact against the spirit of the Basic Law:

“Meine sehr verehrten Damen und Herren, ich stelle fest, dass das baden-württembergische Innenministerium allein schon durch den ausgewählten Adressatenkreis für diesen Fragenkatalog –der eigentlich dafür gedacht ist, Verfas-

sungsfeinde aufzuspüren- unfreiwillig offenbart, dass er selbst nicht den Geist unserer Verfassung verstanden hat. [...]

“Wer angesichts einer solch klaren Verfassungslage und eines solch klaren Verfassungsauftrags ernsthaft auf die Idee kommt, bestimmte Fragen nur Angehörigen einer Religion zu stellen, der hat die Verfassung nicht verstanden.” (Tarek Al-Wazir, PIPro 16/9,1 January 25, 2006, p. 6285).

The Free Democrats representative, Jörg-Uwe Hahn, begins with the view that the theme, i.e. “citizenship, naturalisation procedure and also perhaps patriotism” is discussed in the *Landtag*:

“Herr Präsident, meine sehr verehrten Kolleginnen und Kollegen! Die FDP-Fraktion des Hessischen Landtags ist sehr dankbar, dass wir uns heute über die Themen Staatsangehörigkeit, Einbürgerungsverfahren, vielleicht auch über das Thema Patriotismus hinsichtlich der Verfassung du alles, was damit zusammenhängt, unterhalten.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6293).

They posit themselves as the natural advocates for the issue by claiming that, since the 1980s, it has been the liberals, who have argued that Germany needs to remain an open and tolerant place without falling into multiculturalism:

“Ich darf darauf hinweisen und daran erinnern, dass es zwei kämpferische Liberale gewesen sind, die, beginnend in den Achtzigerjahren, als Ausländerbeauftragte der Bundesregierung Deutschlands dafür geworben haben, dass man Deutschland als weltoffenes und tolerantes Land darstellt, dass man auf der andere Seite aber nicht einer Multikulti-Kultur hinterherlaufen soll. Vielmehr gilt für alle, die deutsche Staatsbürger sind oder werden wollen, dass sie Patriotismus hinsichtlich ihrer Verfassung haben müssen.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6293).

Hahn maintains that if liberal values are to be expected of the candidates, then the promoters of any questionnaire or test should follow the lines of those values, and that questions such as homosexuality (in the Baden-Württemberg questionnaire) cannot be approved of:

“Wenn es richtig ist, was wir Liberale sagen –wir meinen, die Werte des Grundgesetzes müssen von demjenigen, der deutscher Staatsbürger werden will, als Grundlage anerkannt werden-, dann muss das natürlich in ganz besonderer Weise für diejenigen gelten, die die Fragebögen entwerfen. Auch Sie müssen natürlich auf dem Boden des Grundgesetzes unserer freiheitlich-demokratischen Grundordnung, stehen. Die Frage zum Thema Homosexualität widerspricht einem der Werte, die ich vorhin nannte.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6294).

Thus the “Hessian initiative” is explicitly distanced from its provocative predecessor, although it utilises the attention its predecessor had gained. While the first debates in January are a reaction on the part of the Greens to dismiss the Baden-Württemberg example, the Social Democrats initially argue against tightening of the legislation claiming that the only reason for the proposals of the CDU is the election in March, and the Christian Democrats gain support for their initiative in the Conference of the Ministers of the Interior. However, the conference rejects the Hessian version of the *Leitfaden Wissen und Werte in Deutschland und Europa*, i.e. the “handbook” for naturalisation candidates

including the hundred questions proposed as a test. Instead, the idea of an integration course and its “successful” completion is endorsed for the future naturalisation policy.

#### The reasonable initiative

In addition to the explicit claims for a federal reformation, the debate in Hesse is, nevertheless, understood as an inevitable debate because all parties admit that there are at least a few problems with some of the immigrated population. Since the Hessian initiative is explicitly aimed at being a model for a federal practice instead of one on a state level, the test and the integration course are meant to be taken by all naturalisation candidates. In the Hessian debates, the provocative Baden-Württemberg questionnaire is criticised heavily by the representatives of the Greens, Social Democrats and the Free Democrats because Baden-Württemberg questionnaire is merely forced upon newcomers from certain countries and includes questions about personal matters such as sexual orientation. Whereas the rhetoric of instigating fears with descriptions of honour killings as well as the attempts to reduce this rhetoric are a part of the Hessian debates, another clear element is the “rationality element”. For example, the Free Democrats claim to strive for a “rational” debate and the Social Democrats maintain that, if questions are to be asked, they should at least be formulated “scientifically”. Even the Greens, who admit that there are some “problems”, argue for “problem solving instead of ideology” (“*Problemlösung statt Ideologie*”, Tarek Al-Wazir PlPro 16/91, January 25, 2006, p. 6287). Replying to Al-Wazir, the speaker of the Green *Fraktion*, Hahn argues that discussion of citizenship tests and the potential reform is a reasonable thing to do and not to be rejected without a fair treatment:

“Abschließend will ich sagen, dass man dazu keine 15 Minuten und auch nicht so viel Aggression braucht, die die Rede des Kollegen Al-Wazir und insbesondere seine Intervention begleitet hat. Man kann dieses Thema relativ emotionslos diskutieren und sollte dies auch tun.” (Jörg-Uwe Hahn, PlPro 16/91, January 25, 2006 p. 6295).

In March 2006, referring to the potential effects of the election campaigning, Hahn makes a further argument for rationality, stating that since there will be no further election in the following two years, there is actually a possibility to discuss this “difficult theme” with an open mind and “party politically neutrally”:

“Wir haben jetzt knapp zwei Jahre lang keine Wahlen. Also könnte sich der Hessische Landtag bemühen [...] über ein schwieriges Thema vorurteilsfrei und parteipolitisch neutral zu diskutieren. Ich glaube, wir würden dem Land Hessen, nein, unserem Vaterland, der Bundesrepublik Deutschland, damit helfen.” (Jörg-Uwe Hahn, PlPro 16/99, March 3, 2006, p. 6834).

Then on March 30<sup>th</sup>, speaker Hahn further emphasises the need for a “reasonable” (“*vernünftig*”) debate over the theme of an integration course and test. He continues to set his *Fraktion* in contrast with the Greens by referring to

their refusal on any reforms to naturalisation procedure. Hahn emphasises that, because the debate is about naturalisation candidates, to argue over the need for an integration course is hardly sensible:

“Die allergrösste Mehrheit des Hessischen Landtages –nur die Fraktion der GRÜNEN war dagegen, die anderen waren dafür – sagt, dass es erstens einen Staatsbürgerkurs geben muss. Darüber kann man nicht ernsthaft streiten, weil wir uns nicht mit Zuwanderung, sondern mit Einbürgerung beschäftigen, also mit Menschen, die die deutsche Staatsbürgerschaft haben wollen. Dann ist es mehr vernünftig und selbstverständlich, dass diese Menschen auch darin geübt sind, zu wissen, wie die Organisationsstruktur unseres Staates ist und wie die Werte und Grundlagen unseres Staates sind.” (Jörg-Uwe Hahn, PIPro 16/99, March 30, 2006, p.6833).

While the Free Democrats and the Christian Democrats argue that it is only reasonable to expect the candidates to adopt and follow the rules of the liberal democratic constitutional system, the Social Democrats adopt the view that, while a test is by no means an effective way for promoting integration, there is a practical argument to be made for integration courses. For example, Sabine Waschke states that the SPD shares the starting point of the CDU, who maintain that “the naturalisation candidates should immerse themselves profoundly in the [German] governmental system, history, economy, society and culture” (*“Einbürgerungswillige sollen sich ‘gründlich mit dem Staatswesen, der Geschichte, Wirtschaftsordnung, Gesellschaft und Kultur... auseinander setzen.”*, Sabine Waschke, PIPro 16/99, March 30, 2006, p. 6831). Waschke’s argument continues, however, that while this integration course could be considered helpful, the questions to be dealt with should be given careful consideration. According to her, the important questions, which would actually help the candidate to participate in everyday life, are questions about the education practices or social services. These issues should be dealt with in the integration course:

“Ob es weiterhilft, wenn er oder sie weiß, was das Wunder von Bern war, wage ich zu bezweifeln. Viel wichtiger ist nach unserem Dafürhalten, dass die Menschen unsere Strukturen und unsere Organisation kennen lernen. Wichtig sind Fragen wie folgenden: An wen kann ich mich wenden, wenn mein Sohn oder meine Tochter keinen Ausbildungsplatz findet? Warum ist es wichtig, an Elternabenden in der Schule teilzunehmen? Wer hilft mich, wenn es Probleme in der Familie gibt? Gerade solche Fragen halten wir in Bezug auf Integration und Teilhabe für wichtig, und solche Inhalte kann man sehr gut in Kursen vermitteln.” (Sabine Waschke, PIPro 16/99, March 30, 2006, p. 6832).

The problem, according to the Social Democrats representative Waschke, are not those wishing to naturalise in Germany, but those unwilling to let go of their country of origin in their minds despite lengthy stay:

“Wir müssen uns darum bemühen, die Einbürgerungszahlen entgegen dem Trend anzuheben und dürfen keine neuen Hürden aufbauen. [...] Schlussendlich liegen unsere Probleme nicht bei denen, die sich einbürgern lassen wollen, sondern eher bei denen, die zwar in Deutschland leben, aber ihre Heimat im Geiste nie verlassen haben.” (Sabine Waschke, PIPro 16/102, May 18, 2006, p.7023).

In terms of any questionnaire, Waschke points out that there are practical problems with the construction of a set of questions to be chosen. She proceeds

to list potential issues to be discussed if such a questionnaire or a test is introduced (PIPro 16/99, March 30, 2006, p. 6832). When it comes to the idea that a testing system would hinder the formation of parallel communities, Waschke repeats an earlier accusation that the CDU interest in the issue is to instigate fear and distrust because of the upcoming municipal election:

“Sie [CDU] wissen ganz genau, dass Sie damit die Angst der Menschen schüren. Deswegen werfe ich Ihnen auch heute wieder vor: Sei haben wieder einmal Wahlkampf auf dem Rücken unserer ausländischen Mitbürgerinnen und Mitbürger gemacht. Ich bin schon sehr gespannt darauf, welches Thema Ihnen dann 2007/2008 einfallen wird. Mit eine solchen Einbürgerungstest die Bildung von Parallelgesellschaften verhindern zu wollen, das halten wir als SPD wirklich für abenteuerlich.” (Sabine Waschke, PIPro 16/99, March 30, 2006, p. 6832).

The Social Democrats take the view that the Hessian initiative fails in providing the rest of the federation with a plausible solution as the questions in the test are not serving the purpose:

“Wenn man für sich in Anspruch nimmt, prüfen zu dürfen, was ein guter Deutsche, was eine gute Deutsche wissen muss, so darf man wohl davon ausgehen, dass die Fragen gewissenhaft ausgewählt, gründlich vorbereitet, unzweideutig formuliert und vor allem überprüft wird. Aber für Hessen: weit gefehlt.” (Sabine Waschke, PIPro 16/102, May 18, 2006, p. 7022).

Waschke lists a set of questions and answers, which she considers to be falsely and inaccurately formulated, and points to the *Innenminister* of Bavaria, Günther Beckstein, who in an interview has dismissed the Hessian plan for a test:

“Deswegen: Bayerns Innenminister Beckstein, CSU, ließ laut ‚FAZ‘ vom 05.05. keinen Zweifel daran, dass er sich für einen ausgeheilten Wissenstest, wie ihn Hessen erarbeitet hat, nicht verkrampfen werde. Für ihn kann es nur um die Vermittlung von – Zitat- ‚Kenntnissen über die wesentlichen Eigenheiten des Grundgesetzes‘ –gehen. Fragen nach Launen der Natur –gemeint scheint hier wohl der Kreidefelsen zu sein– halte er für entbehrlich.” (Sabine Wascke, PIPro 16/102, May 18, 2006, p. 7022).

Thus the Social Democrats end up with an argument that, while a test might be something that should be opposed, the proper preparation of the questions and their “scientific” assessment would make a test less objectionable. This implies that there is, indeed, some grounds to be found, on the basis which such a test or a questionnaire would be a tolerable option, especially when considering that the naturalisation candidate is already expected to go through interviews. While SPD does not, then, accept the proposals of the Christian Democrats as such, the Greens remain the only party consistently opposing the test throughout the spring. But even the Greens agree with the others on the basic principles that the candidates need to respect and acknowledge the status of the liberal democratic constitutional system and that integration is something that the naturalisation policy should promote.



## 3.2 The Basis: Stability

The “basis” consists of elements, which in the debates are presented as either “stable” elements in themselves, or elements reproducing stability. As pointed out in the previous chapter, the stable element here is predominantly a stabilised element, which contains the component of contingency as a possibility, but also refers to something shared or common. In the debates, the Basic Law and the liberal democratic constitutional system are the reference points for the foundations of the German polity, into which the newcomers are to be integrated. In turn, the idea of citizenship as membership in this polity plays the role through which the foundations can be re-enforced, as opposed to the possibility of weakened the foundation through the acceptance of unqualified individuals. Finally, the “future talk” refers to the insistence on maintaining the stability of the polity in a wider sense, on the one hand, while presupposing the stabilised foundations on the other.

### 3.2.1 The Basic Law and the value system

In the debates, the German Basic Law of 1949 and the “liberal democratic value system”, already mentioned in the 2000 legislation, stand for the stable element of the polity. From the temporal point of view, the stability of the constitution is the precondition for change, meaning that the limits of change are those under dispute. It is important to understand which changes are threatening the essential boundaries.

The idea of a common ground of shared values is given explicit acknowledgement by Hahn, the speaker for the Free Democrats, when he highlights the incontestable status of the “basic values”:

“Ich glaube, wir sind uns alle einig, dass wir gar nicht lange suchen müssen, was die Werte sind. Das ist die freiheitlich-demokratische Grundordnung. Das ist das Selbstbestimmungsrecht eines jeden Einzelnen. Das ist das Diskriminierungsverbot. Das sind die ersten Artikel unseres Grundgesetzes. Wir brauchen keine neue Debatte über eine Leitkultur oder deutsche Kultur zu führen, sondern das sind die Werte. Wir sind fast alle der Auffassung, dass diese Werte jedenfalls wissensmäßig vermittelt werden sollen –also unstrittig.” (Jörg-Uwe Hahn, PIPro 16/99, March 30, 2006, p. 6833).

The idealisation of the basic values is a stability constructing element in its most obvious form. If, indeed, there is a “core” to the political unit, and if this core seems to be agreed upon in that no MP challenges Hahn, then the defining element of that core is coherence. This also clarifies the way the “basic values” and “value system” is depoliticised throughout the debates. This depoliticisation should not, however, be taken to mean that the MPs might consider these values to exist self-evidently in time without a struggle. On the contrary, the argumentation seems to focus more on the protection of these values, thus putting aside potential disagreements over what these values are or should be. Hence by depoliticisation I refer to Palonen’s (2003) definition of it

and restate the point made above about depoliticisation not equalling detemporalisation. By depoliticising the value system and the basic values, the MPs are attempting to shift the debate on the quality of the liberal democratic constitutional system out of the agenda which, however, does not mean that the system is not used as a rhetorical reference point and thus politicised as such.

Agreeing upon the existence of a stable and uncontested core is, of course, in relation to the “other”. Embracing such a fixed ideal as the liberal democratic constitutional order is an effective way for constructing an image of an outer threat. Thus agreeing upon what is stable means agreeing upon what should not be subjected to change or weakened. Whereas one of the central reference points of the debates is the constitution, no agreed interpretation of these issues existed; as already noted in 2.2.2 dealing with the *Berufsverbot* debate. Rather, the dispute is about the usage of the Basic Law and the liberal democratic constitutional order as rhetorical figures and the potential interpretations and connotations. In relation to the idea of law in general, Brunner (2007) argues that Locke “aims to sketch a legal apparatus capable of coping with change, without changing its basic structure and procedures” (2007, 299). Brunner, however, notes that Locke establishes law as an “intersection of eternity and change” (ibid.), which, according to my previous statement differs from the way I have constructed stability as something, which necessarily does not imply eternity.

There are two Wagners in the debates: Christean Wagner of CDU and Ruth Wagner of the FDP. Ruth Wagner explicitly refers to the concept of *Verfassungspatriotismus* as she expresses her delight over the theme of patriotism in general, and constitutional patriotism in particular. In her words, the Sternberger version of *Verfassungspatriotismus* is precisely what should be expected of the new citizens as well:

“Ich bin sehr glücklich darüber, dass in diesem Lande über Patriotismus wieder geredet werden kann, aber in meinem Sinne über Verfassungspatriotismus, wie Dolf Sternberger ihn von uns verlangt hat. Dazu braucht es ein Bekenntnis, und zwar auch der neuen Staatsbürger.” (Ruth Wagner, PlPro 16/91, January 25, 2006, p. 6301).

The Christian Democrats wish to make a more explicit demand for the naturalisation candidates and claim that the expectation that the naturalisation candidates willingness to accept and follow the *freiheitlich-demokratische Grundordnung* should be given more weight in the naturalisation process and procedures. In reply to the speaker of the Greens, Christean Wagner states that the central question for the CDU is about how the receiving country could find out, to the extent that it is possible to find out, if the candidate actually “identifies” with the German constitutional system and values:

“Es geht um die Frage: Wie können wir mit größtmöglicher Sicherheit gewährleisten, dass sich derjenige, der deutsche Staatsbürger werden möchte, auch tatsächlich mit unserer Werteordnung identifiziert und damit in unsere Gemeinschaft integriert?” (Christean Wagner, PlPro 16/91, January 25, 2006, p. 6288).

Thus according to Christean Wagner, it is in the interest of the receiving state that the naturalisation candidate is tested for her “level of integration”, the

meaning of the concept here being the identification with the value system. The claim for identification and integration create an image of a more or less coherent system, whose stability can be ensured after the elements bringing about change are adjusted to it.

### 3.2.2 Citizenship as membership

Bearing in mind that the debate in question revolves around the act of naturalisation, as the representatives of the Greens and the Social Democrats emphasise, means that the test is aimed at those who have already resided in the country long enough to apply for a German citizenship. Thus the weight is specifically put on the procedures for becoming a “full member” of the polity instead of merely applying for permanent residence or even a residence permit for a shorter period of time. Stability as a figure implies potential finitude instead of eternity and also assumes a potential struggle or contestation. This applies to the status of the German citizen as well. Although, once granted, citizenship can only be removed under certain pre-announced circumstances, it nevertheless can be recinded by the authorities; or voluntarily surrendered by the individual, although in the current (2011) legislation this cannot result in the individual becoming stateless.

Although the debates presented the basic values and the Basic Law as commonly shared and agreed upon, it is the “quality” of citizenship which is, seemingly, at the centre of dispute. The Christian Democrats, and the Free Democrats, argue that the proposals of the Greens and the Social Democrats are insufficient to ensure the specificity of the status of citizenship, but give it away too easily. Hahn uses the idealised role of citizenship to argue that having the status of a (German) citizen carries a distinct status (*Besonderheit*), albeit no more distinct than “French or Moroccan” citizenship.

“Meine sehr verehrten Damen und Herren, deutscher Staatsbürger zu sein ist etwas genauso Hohes, wie französischer oder marokkanischer Staatsbürger zu sein. Ich will das überhaupt nicht besser oder schlechter stellen.

[...]Aber es ist nun einmal eine Besonderheit, und aus dieser Besonderheit heraus muss man klarstellen können, dass die Grundwerte, die unsere Gesellschaft zusammenhalten, von allen Beteiligten akzeptiert werden.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6295).

Thus there is the need to reform the procedure so that the basic values belonging to this distinctive status are understood and shared by the naturalisation candidates. These new procedures should, however, be based on the basic value system in itself rather than disregarding its spirit as had occurred in the Baden-Württemberg case:

“Deshalb sehen wir auch hier noch Handlungsbedarf, aber nicht nach dem Motto Baden-Württembergs: ‚Ich sprengte die Verfassung gleich selbst‘, sondern mit einem ruhigen, einem mit Fingerspitzengefühl zu entwickelten Paket.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6295).

Consequently the temporal picture of the link between the stabilised core and each member is that the foundation values remain stabilised in the sense that this continues unchanged, though historical and potentially finite, while the member (citizen) has a stabilising and active role as the one that has the power to maintain or reshape the core. Judging from the debates, the element that links the citizen to the value system is a sense of belonging or, rather, the willingness to accept the value system and be part of it. As Christean Wagner points out, the question is how this affection and respect could be tested, so that only suitable candidates would be granted the citizenship status. He dismisses the idea that one should not pursue the goal of ensuring identification on the basis that no absolute certainty could ever be achieved and concludes that to make this argument is like suggesting that the police force should be done away with because it cannot prevent every single crime or put every single criminal into prison (*„Wer sich aber aus diesem Grund dagegen ausspricht, bei dem Einbürgerungsvorgang genauer hinzusehen, kann mit dieser Argumentation, die ich eben dargestellt habe, gleichzeitig auch die Polizei abschaffen, weil sie nicht jede Straftat verhindern und jeden Straftäter fangen kann.“*) (ibid.). For the CDU, then, defining what a more effective naturalisation policy should aim at is far from problematic: the aim must be to ensure that the naturalisation candidate accepts the German value system, represented by the Basic Law, and that the applicant's knowledge of German history and culture is prerequisite for a successful naturalisation:

*“Meine Damen und Herren, deshalb ist es schon richtig, was in der Gesetzesbegründung des damaligen Gesetzentwurfs der rot-grünen Bundesregierung gestanden hat: Es muss die innere Hinwendung des Einbürgerungsbewerbers zur Bundesrepublik Deutschland deutlich werden. Eine solche innere Hinwendung setzt zwei Dinge voraus: das Grundlagenwissen über Geschichte, Kultur und dergleichen mehr, was ich gerade vorgetragen habe, und eine rechtsstaatliche Gesinnung.”* (Christean Wagner, P1Pro 16/91, January 25, 2006, p. 6288).

The word *“Gesinnung”* turns into an object and means of dispute. According to Al-Wazir on behalf of the Greens, people are entitled to their opinions and this should also be respected, and that it is misleading to mix opinions and convictions together. Al-Wazir states that the basis of the community is to consist of shared values but not shared convictions, and the variety of the opinions should be respected, recognised and differentiated from the idea of shared values:

*“Ich glaube, das Grundproblem in diesem Fragenkatalog ist, dass auf der einen Seite Grundwerte und auf der anderen Seite Gesinnung und Meinung verwechselt werden. Wir sind in diesem Land eine Wertegemeinschaft, aber wir sind keine Gesinnungsgemeinschaft. Meine sehr verehrten Damen und Herren, ich hoffe, dass wir alle miteinander dieselben Grundwerte über das Zusammenleben, die demokratischen Prinzipien und die Menschenrechte in diesem Land teilen. Ich hoffe, dass ich mit Roland Koch [the Hessian Ministerpräsident, CDU] in diesem Punkt keine Differenz habe. Aber ich lege Wert darauf, dass wir andere Meinungen haben –und das ist auch gut so.”* (Tarek Al-Wazir, P1Pro 16/91, January 25, 2006, p. 6285-6).

For the CDU's Christean Wagner, the question of what is to be tested is not about drawing the line between the idea of basic values as something more general, and conviction as something belonging to the realm of private viewpoints. He again separates himself from the argumentation of the Greens by asking for a stronger commitment on the part of the citizenship candidate. Christean Wagner argues that the attitude toward "basic values and the basic rights is an expression of conviction", which then indicates that it is this conviction that should be examined. He also mentions that these expectations are clear (*„Das macht deutlich, wie weit wir von einem einbürgerungswilligen Ausländer erwarten müssen, dass er mit diesem Staat voll und ganz konform geht.“*, PIPro 16/91, January 25, 2006, p. 6289) and those failing to fulfill them should not be naturalised:

„Meine Damen und Herren, die Haltung zu Grundwerten und Grundrechten ist Ausdruck von Gesinnung. Herr Al-Wazir, genau diese Gesinnung wollen wir überprüfen. Eine demokratische Gesinnung wollen wir überprüfen, eine rechtsstaatliche Gesinnung wollen wir überprüfen, und wir wollen jemanden, der nicht rechtsstaatlich, nicht demokratisch gesonnen ist, nicht zum Staatsbürger in Deutschland machen.“

„[...] Nein, wir wollen eine Überprüfung der Gesinnung derjenigen, die dauerhaft bei uns leben wollen.“ (Christean Wagner, PIPro 16/91, January 25, 2006, p.; 6288-9).

The Free Democrats' representative Hahn, in turn, argues that the word "*Gesinnung*" should not be used as a counterargument for a testing practice. Drawing from the driver's license analogy, Hahn states that, as is the case with the acquisition of the license, the naturalisation procedures should have two levels: a theoretical one; and a practical one. He states that there is a difference between the idea of having a conviction toward something and acting accordingly. Thus:

„Herr Kollege Al-Wazir, da muss man aufpassen, dass man zwischen dem Thema: ‚Wie loyal verhalte ich mich zu diesen Werten?‘, und der Gesinnung trennt. [...]"

„Die Gesinnung kann man nicht abprüfen. Aber man kann sich anschauen, ob der Mensch bestimmte Werte verinnerlicht hat und bereit ist, zu diesen Werten zu stehen. Bei der Prüfung muss man deshalb aufpassen, dass man beim praktischen Teil nicht überdreht.“ (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6294).

The driver's license analogy emphasises the idea of rules and the need to follow them. To link rules with the value system, however, can be interpreted as an attempt to emphasise the existence of "shared values" and, again, to present them as an accepted and rational norm. This highlights the active role of the citizen, who is thus put into the position of choosing whether to follow the rules (and produce stability through repetition) or challenge and break them (and cause unbalance and rupture). While in both cases the political subject can be understood to be actively engaging in the polity, the analogy of the driver's license, however, implies that to fail the test is either a result of the lack of effort,

or a choice to not seeing the pursuit through. In both case the basic system is, nevertheless, maintained.

According to the Greens' representative Al-Wazir, the problems, that admittedly exist, are not solved through naturalisation legislation as those applying for citizenship are not those causing the problems. Instead, the problem of parallel communities is more tied with those not willing to even consider applying for citizenship. Thus the parallel communities are kept up by those possessing a residence permit but having no desire to become German citizen or integrate in the first place, not those who are pursuing citizenship:

“Herr Innenminister, Sie haben gesagt, manche leben in Parallelgesellschaften. Ich stelle Ihnen einmal die Frage –den darum geht es eigentlich- Sind das eher diejenigen, die den Einbürgerungsantrag stellen, oder sind das eher diejenigen, die den Einbürgerungsantrag nicht stellen? Ich glaube, das Problem von Parallelgesellschaften – oder was man dafür hält- werden Sie mit dem Staatsangehörigkeitsgesetz nicht los. Denn bevor die Leute einen Antrag auf Staatsbürgerschaft stellen, müssen sie die Niederlassungserlaubnis oder die unbefristete Aufenthaltserlaubnis haben, sodass sie im Lande sind, ob sie eingebürgert werden oder nicht. Deswegen sage ich Ihnen: Da wird Ihnen eine Frage bei der Einbürgerung nicht weiterhelfen. Denn wenn Sie die Einbürgerung dann ablehnen, werden die Leute weiterhin da sein.” (Tarek Al-Wazir, PIPro 16/91, January 25, 2006, p. 6299-300).

Al-Wazir continues that the “concept of integration [of CDU] is absurd” in that the questions of the Hessian test about artists and geographical issues tell nothing about how “integrated” the individual is:

“Man kann ja über etliche Fragen streiten. Ich finde es schön, wenn auch Herr Boddenberg [CDU] weiß, was Caspar David Friedrich auf Rügen gemalt hat. Aber wenn er es nicht wüsste, wäre er kein schlechter Staatsbürger, und er wäre auch nicht schlecht integriert. Meine sehr verehrten Damen und Herren, dieser Begriff, den Sie da von Integration haben, ist doch absurd. [...]” (Tarek Al-Wazir, PIPro 16/99, March 30, 2006, p. 6831).

Al-Wazir points out that the those favour of the *Leitfaden* have not understood what integration is all about, and that naturalisation has no ties to either integration, parallel communities or immigration:

“Sie haben bis heute nicht verstanden, worauf es bei der Integration ankommt. Ich sage noch einmal: Einbürgerung hat weder mit Integration noch mit Parallelgesellschaft, noch mit Zuwanderung irgendetwas zu tun.” (Tarek Al-Wazir, PIPro 16/99, March 30, 2006, p. 6831).

Here, again, citizenship is taken to represent something stable as opposed to those unwilling to even apply for the membership. Furthermore, citizenship is not taken to be a question of knowledge on cultural specifics, but something else. The Greens' claim that naturalisation has nothing to do with integration clearly differs from the viewpoints of other parties, the farthest being the Christian Democrats and the Free Democrats.

### 3.2.3 The Future Talk

In relation to the triad of the past, present and future, the figure of stability can be seen as a rather past oriented figure, being the result of past struggles and representing fixed elements. The co-existence of these categories, however, in this case means that the future aspect of stability focuses on the possibility of change and the attempts to maintain the status quo. Imagining potential threats, therefore, is essential to the rhetoric of stabilisation in general, and, of course, to any debate regarding immigration in particular. Thus the Social Democrats' representative Jürgen Walter argues that the only reason the Christian Democrats are raising the issue of immigration is the upcoming municipal election in March 2006. According to the SPD's Walter, the whole issue of changing the legislation relies on the false assumption that something needs to be changed and dismisses the viewpoints of the CDU as offering little novelties for the legislation. Furthermore, the party claims that it would not have even brought the issue to the agenda and would not even debate the reform if the other parties had not initiated the discussion:

“Liebe Kolleginnen und Kollegen, die GRÜNEN haben den Tagesordnungspunkt gesetzt. Herr Wagner hat gesagt: wenn nicht die GRÜNEN; dann wir. Ich kann Ihnen sagen: Wir als SPD hätten das nicht als Setzpunkt gewählt, weil es sich tatsächlich um eine völlig banale Debatte handelt, die wir hier führen –außerhalb vielleicht der Metaebene, nämlich der Vorwürfe von mangelndem Rechtsstaatsverständnis und einer Debatte, die ein bisschen anklingen lässt: Jenseits von der eigentlichen rechtlichen Vorlage geht es uns um die Rettung des christlichen Abendlandes vor der Bedrohung durch islamistische Terroristen. [...]”

“Herr Kollege Wagner, mein Eindruck ist, Ihnen geht es nicht um die Rettung des christlichen Abendlandes. Ihnen geht es vielmehr um die Rettung der hessischen Christdemokratie vor einer Kommunalwahl, wie Sie in dieser Kommunalwahl ansonsten überhaupt keine Themen haben.” (Jürgen Walter, PIPro 16/91, January 25, 2006, p.; 6291).

In January 2006, the Social Democrats' Walter expresses doubt about whether something needs to be changed in the legislation, however, in the course of the spring they move to support an integration course for naturalisation candidates, albeit without an actual test in the end. According to the Social Democrats, the ongoing discussion is not about the wording in the contemporary legislation, but about the interpretation and implementation of the contemporary legislation:

“Lassen Sie mich begründen, warum ich dieses Thema für ein banales halte. Meine sehr verehrten Damen und Herren, wir streiten nicht um die Formulierung von Gesetzen, um die Auslegung von Gesetzen, sondern wir diskutieren über die Anwendung von Gesetzen. Wir diskutieren über die Anwendung von Paragraphen, die im Jahre 2000 verändert worden sind. [...] Diese Paragraphen sollen nicht verändert werden. Bislang habe ich jedenfalls keine Stimme aus der Union gehört, die gesagt hat: Das verändern wir. –Wir reden also über die Gesetzanwendung.” (Jürgen Walter, PIPro 16/91, January 25, 2006, p. 6291).

Consequently, the SPD's Walter asks the Hessian Minister of Interior, what had changed in the Hessian situation within the recent years so that a revision of the implementation or even a reform would need to be discussed, repeating his claim that the whole debate is "banal":

"Meine sehr verehrten Damen und Herren, ich frage als Erstes den hessischen Innenminister: Was war die letzten sechs Jahren in Hessen los? Warum muss jetzt etwas verändert werden? Wo sind die Probleme? Herr Wagner, wo scheitert diese Landesregierung und der Durchsetzung dieser Gesetze?"

"Wenn man es auf den Kern der Debatte führt, wird die Banalität dieser Diskussion klar." (Ibid.).

For the Social Democrats, then, the past and the present situation have not given reason for going as far as changing the legislation, which it considers sufficient. It should be noted here that legislation in this case differs from the idea of the stabilised core, i.e. the Basic Law and the *freiheitlich-demokratische Grundordnung*. Legislation is the expression for the change that the limits of the core allow. Therefore, Walter's argument implies that, while threats are perhaps underway from other directions, the issue at stake, i.e. the new citizens, are not the threat. Taking a similar stand to the SPD, the Greens' Al-Wazir expresses reluctance to change the legislation, arguing that the legislation in effect from 2000 provides sufficient tools for tackling integration and naturalisation. He again argues that those willing to naturalise are not the problem:

"Ich sage Ihnen ernsthaft: Seit dem 01.01.2000 haben wir in dem Bundesrepublik Deutschland ungefähr 800.000 Menschen auf dieser Gesetzgrundlage eingebürgert. Wenn man am bisherigen Verfahren etwas verändern möchte, dann möchte ich gerne wissen, bei wie vielen dieser Menschen es denn im Nachhinein herausgekommen ist, dass sie sich nicht an diese Werte gehalten haben." (Tarek Al-Wazir, PIPro 16/91, January 25, 2006, p. 6286).

Using France as an example of naturalisation policy that should be avoided on the grounds that, in France, a "not insignificant number" of young people responsible for violent acts there are French citizens but clearly not properly integrated ("*Ein nicht geringer Teil der gewalttätigen jugendlichen Franzosen sind längst französische Staatsbürger. Diese Jugendlichen sind aber nie richtig integriert worden.*") PIPro 16/91, January 25th 2006, p. 6290), Wagner (CDU) continues to clarify his view on what should be accomplished through integration is getting rid of "the Turks with a German passport". Instead, he argues, the future should belong to "Germans of Turkish descent":

"Der Türke mit deutschem Pass muss Vergangenheit sein. Zukünftig muss es der Deutsche türkischer Abstammung sein, der bei uns lebt. Das ist die Sprachregelung, auf die wir Wert legen." (PIPro 16/91, January 25, 2006, p. 6290).

Integration is here understood as the means for securing the status quo and controlling the potential change. Referring to the "young people" is to refer to the future course of the polity, and depicting this future as one with disruption



is to present its destabilisation should the policies fail. In defending the prospects for tightening the naturalisation policy, the *Minister des Innern und für Sport*, Volker Bouffier (CDU) replies to the accusations from the SPD's representative Walter that the debate is "banal" by stating that, in order to build a future for the society, one must be able to put aside petty ideologies and approach the problem in reasonably:

"Wenn wir uns dem Thema vernünftig nähern wollen, müssen wir zunächst einmal begreifen, dass wir auf keinen Fall erfolgreich sein werden, wenn wir uns entlang der Parteigeländer und der ideologischen Befestigungen entwickeln. Das ist lange Jahre falsch gewesen. Wer eine Zukunft bauen will, der muss bereit sein, sich der Kernfrage zu stellen." (Volker Bouffier, PlPro 16/91, January 25, 2006, p. 6295-6).

Bouffier claims, that the "main issue" (*Kernfrage*) is that, in the course of the preceding years, a significant number of people from various countries have migrated to Germany, who has in turn accepted them. The question now is how to shape this development in a way that would ensure a "safe and peaceful" process for everyone:

"Die Kernfrage lautet wie folgt. In den zurückliegenden Jahren sind viele Menschen aus aller Herren Länder zu uns gekommen. Wir haben sie aufgenommen. Die Gretchenfrage für diese Gesellschaft ist -deswegen ist die Frage nicht banal, sondern die Kernfrage für gedeihliche Entwicklung-: Wie können wir diese Entwicklung so gestalten, dass sie für alle Seiten friedlich und erfolgreich verläuft? - Das ist die Kernfrage." (Volker Bouffier, PlPro 16/91, January 25, 2006, p. 6296).

The future of the polity is depicted as dependent on this "development" (*Entwicklung*), of which integration is an important element. This turns integration into a part of the stabilisation struggle: the stability of the future depends on the way the struggle in the present is undertaken and who will gain the most power in the process. The sense of urgency in the arguments construct an image, according to which the struggle will be inevitably lost, or at least turned into a long and difficult one, should the appropriate measures cease to be taken. For the Free Democrats representative Ruth Wagner, the future vision revolves around the concepts of necessity and regulation:

"Wir sind in Hessen, wie in der gesamten Bundesrepublik, in einer Situation, dass wir in den nächsten Jahrzehnten eine schrumpfende Bevölkerung haben, sodass wir aufgrund der Arbeitsplatznotwendigkeiten Migration brauchen. Wir brauchen gezielte Einwanderung, und wir brauchen die Unterstützung der jungen deutschen Staatsbürgerfamilien, indem sie sich entscheiden, deutsche Kinder zu haben. Wir brauchen beides." (Ruth Wagner, PlPro 16/91, January 25, 2006, p. 6300).

Thus the argument for gaining in work-based migration is linked with the notion of encouraging German families to have "German children", as Ruth Wagner (FDP) mentions. Migration is, then, associated as a necessity for keeping the economic wheels turning, which in turn highlights a specified form of migration and limits the potential grounds for accepting migration as a wider phenomenon.

### 3.3 The Process: Becoming

Presuming stabilised foundations dissociates the given polity from the other potential ones. In this case, given that citizenship testing was to occur in the context of the naturalisation policies, the practice and hence the debates concern the conditions for becoming a member of that polity. As a temporal figure “becoming” is present in the first thematic example in the claims that emphasise how the naturalisation candidate should actively pursue for her new status as a citizen. Following this is the example on qualifying, which refers to the qualitative “transformation” the candidate is expected to undergo in order to reach the necessary competences for becoming a citizen. In the reading presented here, the division of the “Us and them” camps in the debates also expresses the figure of becoming as it segregates the polities, between which the transformative becoming and the movement from one polity to another occurs.

#### 3.3.1 Stretching for the status

The figure of becoming is evident in the idea that the naturalisation candidate should follow a more explicit procedure in pursuit of new citizenship. The driver’s license analogy, depicted by Hahn for the Free Democrats, not only put forward the need for learning the rules, as was argued in the previous section, but also emphasises the need to establish citizenship tests, which would force the candidate to become aware of the issues required for completing the test instead of just attending the course. According to Hahn, the point of having a course and subsequently a test at the end of the course is to emphasise further the actual need to learn the rules rather than merely signing for a declaration of loyalty:

“Stellen Sie sich vorn, Sie möchten gerne den Führerschein erlangen. Dazu müssen Sie eine Prüfung ablegen. Da reicht es nicht aus, auf einen Papier vor einem Notar zu unterschreiben, dass man, erstens, die Regeln der Straßenverkehrsordnung kennt und sich, zweitens, daran hält. Das ist aber das, was nach Meinung mancher offensichtlich für eine Einbürgerung ausreichen soll. Meine sehr verehrten Kolleginnen und Kollegen, das ist aber zu wenig.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6293).

This thinking implies a premise, that citizenship is something which needs to be earned<sup>19</sup> before it is granted, and that, despite the candidate’s country of origin, it is only reasonable that she goes through specific steps which signify the path to become a German citizen. To add an integration course and a test to the list of procedures to be followed in the process of becoming a German citizen is an obvious statement for a more complex acquisition process, but also a statement for raising the bar for the applicants so that only those having the willingness to reach for it are chosen. The need for “determined pursuit” (*entschiedenes*

<sup>19</sup> The explicit expression of “earned citizenship” has made its way into the British naturalisation policies. This will be referred to again in chapter four.

*Bemühen*) on the part of those having arrived in Germany is part of the narrative of securing the future by concentrating on the integration process. Bouffier argues that it is not enough merely to accept the liberal democratic constitutional system but one should also actively exercise its principles in one's own life:

“Diese Debatte gehört in den großen Zusammenhang der gesellschaftlichen Entwicklung Deutschlands und damit auch der Integration. [...] Integration bedeutet ein faires Angebot derer, die schon hier sind, und ein intensives und entschiedenes Bemühen derer, die hierhergekommen sind, um diese Integration erfolgreich werden zu lassen. Nun findet Integration nicht im Himmel statt.” (Volker Bouffier, PIPro 16/91, January 25, 2006, p. 6296).

“Wenn wir es richtig anstreben, genügt es nicht, bloß zu unterschreiben, dass man die freiheitlich-demokratische Grundordnung akzeptiert, sondern man muss auch verstehen, was sie bedeutet. Man darf sie nicht nur hinnehmen, sondern man muss sie aktiv leben, wenn das eine erfolgreiche Gesellschaft werden soll.” (Volker Bouffier, PIPro 16/91, January 25, 2006, p. 6297).

The idea of pursuing the status of German citizenship is contrasted with the length of the stay. This suggests the relation between being and becoming, with an added emphasis on the figure of becoming as an activity. The following argument from Christean Wagner indicates that the state should provide a framework this activity, but it must be the responsibility of the candidate to act accordingly instead of just spending time in the receiving state:

“Ich füge hinzu: Die bloße Länge des Aufenthalts kann nicht das entscheidende Kriterium für eine Einbürgerung sein. Die deutsche Staatsangehörigkeit kann man sich nicht ersitzen. Dazu sagen wir ein klares und deutliches Nein.” (Christean Wagner, PIPro 16/102, May 18, 2006, p.; 7021).

Integration in this sense is the name for a process, which has a beginning and an ending. Furthermore, each party present in the debate considered integration as the goal, although the means for reaching integration might be under dispute. An example from the Greens' representative Al-Wasir explains the status of “integration” as something unquestionably desirable while contesting the way the Christian Democrats have addressed the issue:

“Wir müssen dafür sorgen, dass Integration in diesem Land gelingt. Das gelingt aber nicht mit solchen Reden, wie Christean Wagner sie hier gehalten hat.” (Tarek Al-Wazir, PIPro 16/99, March 30, 2006, p. 6830).

The threat toward the polity is from the un-integrated individuals, who form groups living among their own, but according to Bouffier, the adoption of the new policy, which would expect more from these people, would help to diminish this threat:

“Jetzt reden wir über den Test. Ich bin schon der Auffassung, dass es notwendig ist, eine abschließende Bewertung vorzunehmen. Dem muss etwas vorgeschaltet sein. Diese Personen müssen verpflichtet werden, sich mit diesen Themen auseinander zu setzen. Wenn wir das tun, werden wir nicht der Situation beikommen, dass es Leute

gibt, die hier viele Jahre leben und kein Wort Deutsch sprechen." (Volker Bouffier, PIPro 16/99, March 30, 2006, p. 6836).

The idea that the naturalisation candidate needs to take part in an integration course and to do this "successfully" (*erfolgreich*) is another indication of the status of "integration" as the solution to the problems. In May 2006 Bouffier even stated that especially fierce attempts to integrate should be rewarded by offering a possibility for an earlier naturalisation, i.e. after less than eight years of residence (*"Wer sich besonderes anstrengt, wer eine besondere Integrationsleistung erbringt, bei dem sollten wir auch bereit sein zu sagen: Du musst nicht acht Jahre auf eine Einbürgerung warten, da können wir den Zeitraum verkürzen"*, Volker Bouffier, PIPro 16/102, May 18, 2006, p. 7026). Bouffier did not elaborate the criteria for naturalisation after a shorter period of residence. Instead he, arguing for the need to ensure that an integration course has fulfilled its function, turns the argument toward the relationship between the individual and the state, and the latter as the one providing the institutional setting for integration:

"Meiner Ansicht nach hat der Staat nicht nur das Recht, sondern es ist auch seine Pflicht, sich darum zu kümmern, ob derjenige, der einen solchen Kurs besucht hat, und diesem erfolgreich teilgenommen hat." (Volker Bouffier, PIPro 16/102, May 18, 2006, p. 7026).

Securing the future course of the polity requires, according to Bouffier, a clear core or basis for defining, what it is that naturalisation candidates should aim at and what the decisive values of the receiving state are. After all, Bouffier argues, tolerance toward others is only possible when the individual has a clear notion of where she is coming from, and it is in defining these foundations that the recent years have been lacking:

"Wir machen es uns nicht leicht. Es ist schon gar nicht banal. Aber es ist klug, wenn wir eine friedliche und erfolgreiche Zukunft bauen, und das geht nur, wenn wir auf einem gemeinsamen Fundament stehen." (Volker Bouffier, PIPro 16/91, January 25, 2006, p. 6297).

"Zum Schluss ist Toleranz gegenüber dem anderen nur dann möglich, wenn ich vorher einen eigenen Standort und einen eigenen Standpunkt für mich selbst definiert habe. Hier hatten wir in den vergangenen Jahrzehnten erhebliche Defizite festzustellen." (Christean Wagner, PIPro 16/99, March 30, 2006, p.; 6828).

The "basis" here represents the point that the citizenship candidate needs to aim at, i.e. the status of as a member of this stable basis (see previous section). While this basis is already realised for the accepted members of the polity, for the newcomer it means a future point to be reached. The arguments for introducing a citizenship test rely on the claim that there should be a way to ensure that the naturalisation candidate has, in fact, the willingness to commit to the abovementioned basis:

"Meine Damen und Herren, wer die deutsche Staatsbürgerschaft erwerben will, der soll sich zuvor intensiv mit unserem Land und unserer Werteordnung auseinander gesetzt haben[...]"

“Meine Damen und Herren, deshalb ist es richtig, dass am Abschluss des Kurses ein Test steht. Der Test soll diese erfolgreiche Auseinandersetzung mit unserem Land und seinen Werten dokumentieren.” (Christean Wagner, PIPro 16/91, January 25, 2006, p. 6828, 6829).

According to the Christian Democrats’ Bouffier, a federally unified policy would be a necessity, as there is no such thing as a “Hessian, Bavarian or Saxon citizenship”, but only “one German” citizenship (“*Es gibt eben keine hessische, bayerische oder sächsische Staatsbürgerschaft, sondern nur eine deutsche.*”, *ibid.*). Furthermore, the model for the new policy is to be taken, according to the CDU’s Bouffier, from the states with a lengthy background in immigration, such as the United States, Canada, Australia and Switzerland:

“Sie haben gefragt, was der Anlass gewesen sein könnte. Ich habe des Öfteren darauf hingewiesen. Da uns das Thema noch viele Jahre lang beschäftigen wird, empfehle ich jedem Kollegen, sich die öffentlich abgedruckte Begründung des Urteils in dem so genannten Kaplan-Prozess<sup>20</sup> durchzulesen. Wer das gelesen hat, kann die Frage, ob hier etwas geschehen muss, nicht mehr mit Nein beantworten. Die Zeugen, die dort erklärt haben, die deutsche Werteordnung sei völlig unmaßgeblich für sie, die Scharia sei der einzige Maßstab, waren alle eingebürgerte Deutsche. Dem darf und kann man nicht mit geschlossenen Augen begegnen. Deshalb halte ich zunächst einmal fest, dass es notwendig ist, eine Veränderung herbeizuführen. Wie sieht diese Veränderung aus? Wir haben uns an den Erfahrungen der klassischen Einwanderungsländer orientiert: an den Vereinigten Staaten von Amerika, an Kanada, an Australien, aber auch an der Schweiz.” (Volker Bouffier, PIPro 16/99, March 30, 2006, p. 6835).

In the quote above, Bouffier again points to the need for the integration process as one striving for a state where the value system is accepted as the one to be followed by all official members of the polity. Considering that the claims of the FDP and the CDU are that it should be possible to test whether the candidate in reality accepts and respects the liberal democratic constitutional order, becoming can be reflected as indicating the idea of transformation: the naturalisation applicant is expected to reject her original value systems and accept the German one, regardless of where she comes from. It should be noted, however, that the examples representing “problems” regarding the issues of citizenship, integration and immigration taken up by party representatives tend to be differentiations between the Christian and the Islamic world views. Thus, throughout the debates, the object of these measures enabling and promoting the transformation seems to be the members of any Islamic community (and the Turks especially) rather than other migrant groups.

### 3.3.2 Qualifying for citizenship

Logically, after having striven for citizenship, the applicant is expected to have reached the level of knowledge and the right attitude for becoming a member of

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<sup>20</sup> Metin Kaplan, a leader of a radical Islamist movement called *Kalifatsstaat* in Cologne. His aim was to establish an Islamic order to Turkey, and after the movement was outlawed and Kaplan arrested, he was extradited to Turkey in 2004. In 2005, he was sentenced to prison for life in Turkey.

the polity. The language of qualification and qualifying is present in the debates, and it signifies the end of the transformation process. For Hahn and the Free Democrats, there is no point in debating if there would be a way to know with absolute certainty if the naturalisation candidate has connections to extremists, or sympathises with them, but at least the state should ensure that the candidate is required to know what is expected of her and prove her knowledge with a test:

“Nicht nur Liberale im Hessischen Landtag, sondern wir Liberale weit darüber hinaus gehen davon aus, dass mit einer intensiven Beschäftigung mit den Menschen, die deutsche Staatsbürger werden wollen, nicht herausgefunden werden kann, ob es sich um Extremisten handelt. Wer das für möglich hält, ist töricht und dumm. Aber dadurch kann natürlich erreicht werden, dass ein größerer Zwang entsteht, sich mit den Werten unseres Grundgesetzes auseinander zu setzen. Es entsteht der Zwang, die Werte, die die Grundlage unserer Gesellschaft bilden, kennen zu lernen. Man muss über sie Bescheid wissen.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6293).

For the Free Democrats’ Hahn, the course and the test are equivalent to civic education, arguing that there is no need to put German citizens through a test just because naturalisation candidates are expected to do such a test, because German citizens have already been educated within the German system and are thus already in the possession of the necessary skills:

“Es hilft mir da nicht weiter, zu fragen, ob man das auch mit den deutschen Menschen machen sollte, die jetzt gerade auf dem Marktplatz herumlaufen. Diese Frage wurde mir während der Sitzung des Innenausschusses gestellt. Ich unterstelle, dass diese deutschen Menschen das deutsche Schulsystem durchlaufen haben. Dann haben sie sich mit diesen Fragen auseinander gesetzt. Zu der Frage, ob das dann auch alles hängen geblieben ist, kann ich nur sagen: Viele Grüße, das verhält sich genauso wie bei der Fahrprüfung.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6293).

Hahn maintains that it is “necessary to make sure that this person, who wishes to naturalise, knows what the basic values of our constitution are” (“*Es ist notwendig, festzustellen, dass der Mensch, diese Person, die eingebürgert werden will, weiss, welches die Grundwerte unsere Verfassung sind.*”, Jörg-Uwe Hahn, PIPro 16/91, January 25th 2006, p. 6293). For the Christian Democrats, qualifying for citizenship requires that the candidate is “fully integrated” in and “turned to” Germany “within”, and who also are willing to live “with us” rather than “alongside us”:

“Eine Einbürgerung, die das Ergebnis –wie es das Gesetz formuliert– ‚einer inneren Hinwendung zu einem anderen Staat‘ ist, also einer vollzogenen Integration in diese Staatsgesellschaft, ist ein Gewinn für den Staat. [...]”

“Eine qualifizierte Zuwanderung ist das Einzige, was wir brauchen. Wir brauchen keine Zuwanderung in unsere sowieso schon maroden Sozialsysteme. [...]”

“Vielleicht sind wir uns darüber einig, dass es in diesem Land eine Anzahl an Menschen gibt – nach meiner Auffassung sind es zu viele, es sollen weniger werden-, die nicht mit uns leben, sondern neben uns.” (Volker Bouffier, PIPro 16/99, March 30, 2006, p. 6836).

Arguing for the present need to change the procedures, Ruth Wagner (FDP) emphasises the need for sufficient schooling of immigrant children in order to ensure language skills, for example:

“Meine Damen und Herren, das sind auch Situationen. Die haben zwar nichts mit diesem Fragebogen zu tun; aber das Zusammenwirken von Situationen, in denen Menschen genau wissen, dass sie hier bleiben, dass sie ihr Leben hier verbringen – manchmal in der zweiten Generation-, und sich weigern, die Angebote des Staates über Schule, Kindergarten und Sonstiges anzunehmen, gehört auch in diesen Zusammenhang.” (Ruth Wagner, PPro 16/91, January 25, 2006, p. 6301).

Thus to finish the integration course “successfully” refers to the existence of a specific point in the process that signifies the attainment of sufficient knowledge and language skills. In this case, the role of the test would be a clear statement of what it is that one should be able to answer if one is to be a member of the polity. Here, Hahn’s claims for differentiating the mere attendance of the course from the discharging and completing it are to argue for the idea that there should be a congruent process of becoming a citizen for all and that it is possible to agree upon a fixed set of questions and requirements:

“Der Innenausschuss des Hessischen Landtages hat zum Zweiten beschlossen, dass dieser Kurs erfolgreich absolviert werden muss. Eines ist klar: ‚Erfolgreich absolvieren‘ heißt nicht, einfach nur da gewesen zu sein, wie wir das manchmal von den Universitäten her kannten, wo man diese blöden Sitzettel bekam. [...] Das ist nicht erfolgreich. Da heißt es nur: hat teilgenommen. Jetzt bin ich bereit und darf Ihnen sagen: Das ist eine Debatte, die in der FDP-Fraktion im Hessischen Landtag, aber auch in unserem Landesverband geführt wird, ob man dieses ‚erfolgreich‘ herausfindet, indem man einen Test durchführt oder ob man ein Gespräch führt. Das ist auch bei uns streitig. Dazu kann man verschiedener Auffassung sein. –Ich will wegdiskutiert wissen, dass man sagt: einfach nur da sein reicht. Wir möchten schon, dass irgendwo ein Erfolg nachgewiesen wird.” (Jörg-Uwe Hahn, PPro 16/99, March 30, 2006, p.6833).

In addition to the idea of introducing a test or a more comprehensive interview in the first place, the SPD and the Greens aim their critique also at the content of the intended tests. These parties contest the actual questions in the Hessian version and, after the meeting of the *Innenministers*, Al-Wazir greets the decision of the conference not to adopt the Hessian test as such, claiming that this is only formulated according to the idea that Bouffier “seeks the super German” (“*Denn das liefe eher nach dem Motto: Volker sucht den Superdeutschen.*”, Tarek Al-Wazir, PPro 16/102, May 18, 2006, p. 7024). He goes on to mention Günther Beckstein of Bavaria:

“Ich muss sagen, Herr Bouffier, da ist mir Herr Beckstein ausnahmsweise einmal sehr sympathisch gewesen. Herr Beckstein hat nämlich schon, nachdem sich die B-Innenminister, also die Innenminister von CDU und CSU, getroffen hatten, gesagt, mit diesem Test würde er nicht in Gesamt-IMK gehen, weil wir –wörtliches Zitat– nicht nur Akademiker einbürgern wollen.” (Tarek-Al Wazir, PPro 16/102, May 18, 2006, p.7024).

The criticism by the Greens and the Social Democrats toward the choice of questions in the *Leitfaden* turn to the analysis of the content. In the Greens’ case,

the actual aim of the content criticism is on ridiculing the whole practice. The time axis of becoming, i.e. from the past toward the future with points at both ends, is visible in the idea that the naturalisation candidate, operating from whatever point of origin in the past, is expected to actively aim at the transformation required for the acquisition of citizenship. The course as an educational process and the dispute over the question for the test supposedly ending this process are a statement of a unified image of which values constitute the polity.

### 3.3.3 "Us and them"

Due to the exclusive nature of citizenship as an institution, an inseparable part of any debate on naturalisation policy is the rhetoric of inclusion and exclusion, and Hesse is by no means an exception in this regard. Through the temporal lens, this conceptual pair has obvious links to the figures of stability and change through the preservation of the status quo versus the changing images of the polity, but here the link is to becoming. The thinking behind this is that the process of becoming a member is also dependent on the conditions of inclusion and exclusion relevant at the time, meaning that the terms of citizenship, or membership, can be renegotiated, in theory, at any given moment if the issue is sufficiently politicised<sup>21</sup>. Thus the processes of what it takes to be accepted as a member is a question of contingency. However, this contingency is dissipated in the rhetoric of "us and them" due to the construction of an image of a stable, institutional inside, and the fluctuating outside. In other words, the contingency of the "inside" is put aside and largely ignored, whereas the "outside" is only presented as contingent. However, the process of applying for membership remains a form of becoming or "growing into" the task, which is why it is dealt with here rather than in the previous section.

The Greens' Al-Wizir attempts to dilute the "us and them" division by pointing out that the alleged values that need to be respected by the naturalisation candidates are not, in the end, so indisputable, but that the questions employed in Baden-Württemberg would actually become problematic among those who are already considered to represent those values. The example Al-Wizir uses to argue this point is one on the Baden-Württemberg questionnaire asking about homosexuality. Al-Wizir points out that, according to the interpretation of the Greens, one of the Hessian CDU members has been cited in a newspaper to have labelled homosexuality as an illness:

"Wenn man diese Frage einmal ernsthaft auf fieses Plenum übertragen würde, dann würden mir einige Kandidaten einfallen, die große Probleme hätten, diesen Test zu bestehen. Herr Irmer [CDU] hat erst vor einem Jahr in seinem ‚Wetzlar-Kurier‘ gesagt, Homosexualität sei eine Krankheit, denn er hat geschrieben, wohin man sich wenden kann, wenn man ‚sich heilen lassen‘ möchte -wörtliches Zitat aus Ihrem ‚Wetzlar-Kurier‘, Herr Irmer." (Tarek Al-Wazir, PIPro 16/91, January 25, 2006, p. 6285).

<sup>21</sup> Here I use "politicisation" again in Palonen's (2003) sense, which will be concentrated more on in the discussion on integration, see next chapter.



The Greens' Al-Wazir also relativises the moral supremacy of the German legislation, but not the status of the Basic Law, by pointing out that marital rape has only become a criminal act since 1997, a point which is not so well received among the other parties who ridicule Al-Wazir for taking it up later on:

“Ich glaube, dass es völlig richtig ist, wenn wir in diesem Land darauf bestehen, dass Männer und Frauen gleichberechtigt sind und dass dies ohne jegliche Einschränkung und Begründung gilt. Ich warne aber davor, dass gerade wir in diesem Bereich zu arrogant werden sollten. [...] Oder haben Sie etwa vergessen, dass in diesem Land die Vergewaltigung in der Ehe erst am 01.07.1997 strafbar geworden ist? Haben Sie das vergessen?” (Tarek Al-Wazir, PIPro 16/91, January 25, 2006, p. 6286).

Claiming that the Greens are not serving the interest of the German state but are concentrating on the interests of the naturalisation candidates instead, Christean Wagner makes a clear distinction between Germany as a comprehensible political and moral entity and any outsider, be it an individual or a group of people, who tries to become part of this German entity. Commenting on the point the speaker for the Greens makes in his speech about Germany having only relatively recently recognised marital rape as a criminal act, Christean Wagner further explicates the differences between the two parties, which according to him lies in the idea that, whereas the Christian Democrats have the best interest of the German state in mind, the Greens advocate the interests of the naturalisation candidates:

“Meine Damen und Herren, beim heutigen Thema liegt dasselbe Staatsverständnis der GRÜNEN zugrunde. Sie wollen mehr das Interesse der einbürgerungswilligen Ausländer zur Geltung bringen als das Gesamtinteresse unseres deutschen Staates. Das unterscheidet uns im Grundsatz, im Fundament von Ihnen schon seit Jahren und heute bei diesem Thema ebenfalls.” (Christean Wagner, PIPro 16/91, January 25, 2006, p. 6289-90).

“Meine Damen und Herren, deshalb gibt es eine klare und deutliche Forderung unsererseits: Zuwanderung muss gesteuert werden, und dabei müssen die Interessen von Staat und Gesellschaft in besonderer Weise in der Blickpunkt genommen werden.” (Christean Wagner, PIPro 16/102, May 18, 2006, p. 7021).

The picture is constructed through an explicit division of those whose roots are in Germany and those whose roots are elsewhere. The issue of parallel communities (*Parallelgesellschaften*) is linked with this explicitness, which draws clear boundaries between groups of people and constructs the mysterious other within the territorial boundaries of the German state:

“Sie haben auch gefragt, ob es denn Handlungsbedarf gebe. Wir können doch nicht daran vorbeigehen, dass wir in Teilen unserer Republik Parallelgesellschaften haben, dass in unserem Land Menschen leben, ohne an dieser Gesellschaft wirklich teilzunehmen, und dass sie zum Teil ein Wertesystem vertreten, das mit der demokratischen Grundordnung nichts zu tun hat.” (Volker Bouffier, PIPro 16/91, January 25, 2006, p. 6297).

This argument alludes to the co-existing categories of the past, present and future, where the individuals are classified according to their past experiences into those willing and able to gain the shared future with the insiders and those

who remain outside. Obviously, the category of the present consists of the parallel existing pasts as well as the anticipated future course for polity of the insiders, but the present is also a potential horizon of unshared futures and the pasts, which remain differentiated. Thus becoming a member of the polity is, simultaneously, something to be promoted but also prevented, depending on which kind of individual it concerns. After listing some of the values Hahn considers to be of fundamental importance, he notes that these are by no means universal values, which would be appreciated globally, which is why they need to be outspokenly stated and the results of this process examined:

“All das gibt es nicht überall auf dieser Welt. Deshalb unterstelle ich, dass das nicht überall auf der Welt bekannt ist. Ich bin aber der Meinung, dass jeder, der deutscher Staatsbürger werden möchte, um die Rechte und Pflichten wissen muss, die damit zusammenhängen. Er muss vor der Einbürgerung wissen, um was es überhaupt geht und was die Grundlage unseres Zusammenlebens ist. Das kann man dann mit den Einbürgerungswilligen erörtern. Ich kann es auch etwas frech sagen: Man kann das auch abfragen. Dabei kann man zu dem Ergebnis kommen, dass es vernünftig ist, das mit einem Fragebogen zu erörtern.” (Jörg-Uwe Hahn, PIPro 16/91, January 25, 2006, p. 6294).

Similar to the Greens, the Social Democrats’ representative Walter asks the question of who the potential test would be for and conclude, that, instead of “asking terrorists at the border”, the questionnaires are aimed at individuals who have already spent a considerable amount of time in Germany (“– das heißt, wir reden nicht über die einreisenden Terroristen, die an der Grenze gefragt werden, sondern wir reden über Menschen, die im Regelfall mindestens acht Jahre mit einer Aufenthaltsgenehmigung in diesem Land leben”, Jürgen Walter, PIPro 16/91, January 25, 2006, p. 6291). Walter points to the seemingly unanimous stand of the *Landtag* that the liberal democratic constitutional system should be considered the basis for a German value system and that the naturalisation candidate should declare her loyalty to it. Walter states that it is not solely the virtue of the Christian Democrats to promote the respect of the liberal democratic constitutional system, but that this is the shared aspiration of the whole *Landtag*:

“Herr Wagner, Sie tun gerade so, als wären Sie dafür [Bekenntnis zur freiheitlich-demokratischen Grundordnung] und wir anderen dagegen. Natürlich sind auch wir der Auffassung, ein Bekenntnis zur freiheitlich-demokratischen Grundordnung muss bei den entsprechenden Personen erfolgen.

“Es geht darum, wie ich möglicherweise denjenigen entlarven kann, der dieses Bekenntnis nicht ablegt. Jetzt einmal vergegenwärtigt, über welchen Personenkreis wir reden, der acht Jahre in Deutschland ist –glauben Sie wirklich, wenn Sie die Personen fragen, die in diesem Fragenkatalog der Baden-Württemberger stehen – Darin sind ein paar ganz ‚gute‘ Fragen, z.B. wurde die Homosexualität angesprochen. Der Papst, der deutschstämmig ist, würde nach dem Baden-Württemberger Fragebogen nicht eingebürgert, denn er müsste diese Fragen anders beantworten.” (Jürgen Walter, PIPro 16/91, January 25, 2006, p. 6292).

Integration as a process is presented in the debates as an indispensable feature of a secure future in a polity, which has a clear view about the attributes of “us”

as a group. This refers to the question about whether something “ceases to be” and is replaced with something else in a qualitative sense through the process of becoming. If so, it could be argued that the ideal situation for the integrated individual is that the traces of the original tradition, even in terms of convictions, are in the past and that the elements desirable for entrance into the new polity are what constitute the present and the future of the individual. While making this claim would be quite unreasonable provided that the individual in question does not undergo total amnesia and the recreation of an identity, in which case the physical past would still be viscerally visible, the argument is still there in the debates, albeit in a less severe and more compromising form. The applicant is expected to give up any features of her past which contradict the liberal democratic constitutional system and prove her quality in order to complete the process. In the words of Bouffier:

“Ich will es ganz deutlich sagen, damit klar ist, was ich meine: Integration ist ein Prozess. Dieser Prozess ist außergewöhnlich schwer. Menschen, die andere Traditionen hochhalten –vielleicht auch solche, die mit unseren Grundwerten schwer in Einklang zu bringen sind-, sind deshalb keine schlechten Menschen. Vielmehr handeln sie aus ihrer Tradition, aus ihrer Überzeugung heraus. Wenn ein muslimischer Vater seiner Tochter, die älter als zwölf Jahre ist, nicht gestattet, einem Verein beizutreten oder auf eine Messe zu gehen, tut er dies in der Regel nicht, um diesem Kind zu schaden, sondern er handelt aus der Überzeugung heraus, dass er dies –aus welchen Gründen auch immer- nicht zulassen dürfe.” (Volker Bouffier, PlPro 16/91, January 25, 2006, p. 6297).

Hence Bouffier presumes that the transition from one culture to another includes the process of integration, which he claim to be difficult at times. He further maintains that a person having a high regard for some other tradition or culture is by no means a “bad human being”. Such a person cannot, however, be accounted as a German citizen as long as she follows practices which contradict the liberal democratic constitutional system.

### 3.4 The Passage: Breakage

The temporal “breakages” are constructed from the debates through: the themes of the naturalisation procedure, the idea of commitment, as well as the declaration of loyalty and the oath. The naturalisation procedure becomes a breakage when its importance as a rite of passage from long-term residence to the membership as a citizen is emphasised. The standards put forward in the procedures themselves become the gate differentiating citizens from others. The citizenship candidate is also expected to commit to her new home, which implies that previous commitments are predominantly relinquished. The declaration of loyalty and the oath actually represent a further, more explicit and event-like aspect of the breakage and are thus linked with the previous theme. All in all, I argue, the breakage aspect of the debates refers to the way the polity

of the citizenry is defined through the categories of the past and the future, in which the future concerns those being “taken in” and accepted as members.

### 3.4.1 Naturalisation procedure as a rupture

Kairos, at its most simplistic, understood as the Greek figure for a “decisive or possible fateful moment” (Jordheim 2007, 119), but is also more widely discussed as the times for action, alternative experience and politics (Lindroos 1998). In this thesis, I use kairos as a slightly unorthodox rhetorical figure for discussing rupture so as to combine the aspects of fixation and challenge. I argue that debating the naturalisation procedure can be interpreted as a debate on the institutional framework for the rupture. In other words: my reading of the tension between the legal setting for the naturalisation procedure and the individual action for the acquisition of citizenship signifies a case where an institutional setting is provided for the realisation of kairos. While this institutional setting could, admittedly, be discussed more extensively as a case of kronos, the usual counter figure for kairos, I will focus analysis of this tension with the emphasis on the challenge aspect. Thus in this thesis the idea of kairos as an “instant” is converted into a more extensive situational figure.

The reason for converting kairos into a more extensive situational figure is based on the division between the institutions of citizenship and permanent residence. This is related to the claims discussed above, which the representatives make about the need for the citizenship applicant to actively pursue citizenship, and also to the distinction between those who “live beside us” and those “living with us”. The debates also express the need to make German citizenship desirable to the eligible candidates. Furthermore there has to be a difference between the status of a permanent resident and a citizen, and this difference needs to be given visibility through the procedure of breakage. For example, according to Hahn, the speaker for the Free Democrats, German citizenship should not mean only the acquisition of a new passport but also require the active engagement of the candidate:

*“Ich glaube, daran sollte wir in der nächsten Zeit genauso verstärkt arbeiten, wie wir als Hessischer Landtag mit Erfolg daran gearbeitet haben, dass die Staatsbürgerschaft nicht nur den Besitz eines Passes bedeutet, sondern es auch um das Wissen, die Sprache und die Verantwortung für unser Land geht. Aber jetzt müssen wir dafür werben, dass viele dieses Angebot annehmen.” (Jörg-Uwe Hahn, PIPro 16/102, May 18·2006, p. 7024).*

Consequently, the procedure for acquiring citizenship is the institutionalised passage from mere residence into membership, signifying a breakage between the past and the future. From this perspective, this breakage can be read through the figure of kairos; a challenge of the prevailing institutional time, i.e. the duration of stay. The peculiarity of this case, however, is that kairos is constructed and maintained by the prevailing regime through legislation, suggesting the expectation that the experience of the individual going through the procedure is that of redefinitions.

While the SPD representative Walter opposes the Baden-Württemberg questionnaire and criticises the idea of having a test for the naturalisation candidates, he still argues that the contemporary policy, according to which the candidates are already subjected to a “discussion” with a civil servant, is on the right track. Walter emphasises that this procedure takes place in two sections and argues that anyone having doubts about the liberal democratic constitutional system is more likely to be uncovered during such a discussion rather than through a test of any kind:

“Liebe Kolleginnen und Kollegen, vielmehr ist es doch so: In den Ämtern sitzen Beamte, die diese Gespräche führen. Sie zeichnen hier das Bild, dass das alles völlige Idioten seine, die überhaupt keine Ahnung davon hätten, ob man da einmal nachfragen müsse. Die Praxis sieht aber so aus: Die Einbürgerungswilligen müssen mindestens zwei Gespräche führen. Sie müssen mindestens zwei Gespräche führen. Bereits in dem ersten Gespräch wird auf die Bedeutung dieser Loyalitätserklärung eingegangen. Das muss so sein. Da wird zu den Fragen berichtet: Was bedeutet das, dass wir einen demokratischen Staat habe? Welche Bedeutung hat es, dieser Staatsform zuzustimmen? Welche Werte sind damit verbunden? Ich glaube, dass jemand, der unsere Grundsätze nicht teilt, in einem Gespräch eher zu entlarven ist, als wenn er die Frage: ‚Lehnen Sie unsere Verfassung ab?‘ mit Ja oder Nein beantwortet.” (Jürgen Walter, PlPro 16/91, January 25, 2006, p. 6292).

Here, the form the procedure takes is considered to matter in terms of the individual experience. The procedure is there to regulate the experience and direct it into the desired direction through providing it with limits, and this experience is to be “measured” somehow. Another perspective for the meaningfulness of the procedure is Waschke’s (SPD) claim that there should be festivities at the end of the course rather than a test:

“Die Zahl der Einbürgerungen geht in den letzten Jahren kontinuierlich zurück. Das zeigt sehr deutlich, dass wir aufpassen müssen, keine Abschottungspolitik zu betreiben und damit junge qualifizierte Fachkräfte, die unsere Gesellschaft in Zukunft immer stärker brauchen wird, nicht abzuschrecken. Deshalb muss am Ende des Einbürgerungskurses anstatt eines Tests die Überreichung der Einbürgerungsurkunde stehen, die wir dann gemeinsam feiern. Am Ende eines Einbürgerungskurses sollten wir die Menschen hier wirklich herzlich willkommen heißen.” (Sabine Waschke, PlPro 16/99, March 30, 2006, p. 6833).

The parties dispute the part integration plays in the naturalisation procedure. According to the understanding of the Christian Democrats, integration and naturalisation need to be debated together –as opposed to the viewpoint of the Greens, who claim that there is no point in pursuing new integration measures for the naturalisation candidates and state that “integration is not naturalisation” (see above):

“Meine Damen und Herren, die Debatte der letzten Monate über Zuwanderung, Integration und Einbürgerung war und ist notwendig. Das Thema der Bedeutung der deutschen Staatsbürgerschaft hat nicht an Aktualität verloren. [...] Meine Damen

und Herren, das gilt für die Gesamtthematik, auch für die Frage der Integration. Die Ereignisse an der Rütli-Schule<sup>22</sup> oder Ehrenmordprozesse in Deutschland haben das Thema und die Problematik von Integration in unserem Lande noch einmal sehr deutlich werden. Meine Damen und Herren, insbesondere will ich in diesem Zusammenhang aber an die Adresse der GRÜNEN sagen: Zuwanderung, Integration und Einbürgerung müssen im Zusammenhang diskutiert werden." (Christean Wagner, PIPro 16/102, May 18, 2006, p. 7021).

Depending on whose view is adopted, integration either points toward immigration and the residence, or integration is the final barrier between the individual and naturalisation. However, this does not affect the suggestion that the procedural understanding of acquiring citizenship is, in my reading, an institutional expression for the construction of a breakage between the past and the future. Emphasising the need for a more explicit procedure consisting of the course, the test, and the oath (as the Christian Democrats claim) is to argue for more demanding steps in the immigrant's path toward the new status of citizenship.

### 3.4.2 Committing to the new home

The idea that the citizenship candidate needs to make a commitment to her new home is a continuance of the line of thought that the individual is provided with an institutional framework for redefining her status and challenging the mere length of stay by striving for something more. The citizenship procedure is expected to ensure that, in the end, the candidate is willing to make this commitment. This commitment would, then, mean an active break between the past and the future, a reorientation from the original tradition of the individual to the new one. According to CDU's Bouffier, the citizenship candidate always has a choice of not applying for a membership in Germany but, instead, can choose a more appropriate state to settle in, should she have a problem with accepting the German system:

"Wenn jemand sagt [...] ‚Ich kann die Regeln, die hier gelten, nicht akzeptieren‘, ist das kein schlechter Mensch. Dann besitzt er genauso viel Würde wie jeder andere. Aber dann müssen wir ihm ohne Schaum vor dem Mund und mit aller Klarheit sagen: Pass auf, dann musst du dorthin gehen, wo die Regeln gelten, die du für richtig hältst." (Volker Bouffier, PIPro 16/91, January 25, 2006, p. 6298).

Thus the breakage the candidate is supposed to go through is not merely that of symbolically settling with a new legal and political status. This goes back to the arguments about conviction and the applicant's beliefs in terms of democracy and liberty: the candidate is expected to not only follow the rules, but also to understand and respect them. This raises a question about the potentiality for criticism. Is the liberal democratic constitutional system open for differing opinions about what it should include or not, or is this something which is

<sup>22</sup> "Rütli-Schule" was a secondary school on Neukölln, Berlin. In 2006, the teachers of the school wrote a letter to the senator of education in Berlin, saying that the school should be closed because of the intolerable state of recurring violence on the part of the students. This prompted a federal wide debate on the educational system.

reserved for those not considered a “threat” originally, i.e. those born with the membership? Whatever the case (drawing conclusions on this on the basis of the debates would be an overextension), integration in this sense has an explicit experiential dimension aiming a specific breakage between the ties to the country of origin and the new one. The basic setting for differing accounts on integration is explicit in the argumentation of the CDU, as the representatives clearly emphasise the importance of integration as the prerequisite for naturalisation, as, for example, Christean Wagner states:

“Meine Damen und Herren, was wir nicht akzeptieren dürfen –ich höre in dieser Diskussion zuweilen entsprechende Töne-, ist, dass die Einbürgerung sozusagen ein Instrument der Integration sei. Dies halte ich im Grundsatz für völlig falsch. Meine Auffassung und die Auffassung und der CDU-Fraktion ist, dass wir als Deutsche unseren Beitrag zu Integration leisten müssen. Meine Auffassung ist aber auch, dass Integration keine Einbahnstraße ist, sondern dass Integration auch von denjenigen, die dauerhaft hier leben wollen, betrieben werden muss. Erst am Ende dieses Integrationsprozesses kann und darf die Einbürgerung stehen und nicht etwa am Anfang.” (Christean Wagner, PIPro 16/91, January 25, 2006, p. 6290).

Hence, according to the Christian Democrats, integration also has a role in relation to any long term residence, not just those wishing to naturalise. In this sense, then, integration is something expected of anyone, but those successfully going through the naturalisation procedure are the ones who get the benefits reserved for the members only. The Social Democrats’ Waschke also maintains that those willing to naturalise could be expected to respect and commit to the liberal democratic constitutional system, but that this is by no means achievable with a questionnaire or a test:

“Das Beispiel Frankreich zeigt sehr deutlich, dass der Rechtsstaat vor Ausgrenzung nicht schützt und dass Staatsangehörige, die sich ihrem Staat und Menschen als Feinde gegenüber sehen, der Worst Case für eine Gesellschaft sind. Das kann gerade ein Fragebogen nicht verhindern. Vielmehr brauchen die Menschen wirkliche Teilhabe an den Entscheidungsprozessen der Gesellschaft, und vor allen Dingen brauchen sie Lebensperspektive.

“Deswegen glauben wir, Einbürgerungskurse können sinnvoll sein. Nur wer weiß, wie unsere Gesellschaft organisiert ist, kann unsere Werteordnung akzeptieren. Aber einen Test, der fieses wie Sie abfragt und wie ein Führerscheinfragebogen angelegt ist –einen solche Test lehnen wir ab.” (Sabine Waschke, PIPro 16/99, March 30, 2006, p. 6832).

Waschke’s account emphasises the need for an acceptance on the level of the conscience, whereas, according to her, no testing system would promote or ensure this in any way. Nevertheless, the ideal of an “integrated individual” still looms in this line of argumentation as well, and the promotion of the integration course merely points to the need for stating the rules one is expected to accept explicitly. The idea that the citizenship applicant needs to be given information about the German system so that she would be able to decide whether to accept it or not has a tone, which resembles the claims that integration is a two-way process, where the willing naturalisation candidate is to be provided with a fair chance on the behalf of the receiving state.

Naturalisation or, depending on whose argumentation is under scrutiny, integration is a fair deal between two parties, which, like sealing a deal, presupposes that the parties commit to its conditions. And, to point to the temporal index of this interpretation, a deal signifies an onset for mutual commitment, i.e. the explicit point in time when the deal is sealed and from which moment on the rules of the deal apply, replacing previous conditions.

### 3.4.3 The declaration of loyalty and the oath

In the late 1990s, Hesse was already considering loyalty as something essential to the sense of belonging. This was at the time of an intense election campaign, during which the Christian Democratic Party specifically targeted the attempts of the Greens and the Social Democrats to change the existing citizenship legislation. For example, in January 1999, a CDU Hesse newsletter stated that dual citizenship puts people in a situation of divided loyalties (*gespaltene Loyalitäten*), in which the person has no reason to decide between two "worlds".

In the discussions in 2006, loyalty as a concept is connected with the act of acknowledging the status of the constitution (*Loyalitätserklärung*), this being a part of the naturalisation process. The accentuation of the oath as an important part of the process as opposed to a more administrative and flat occasion of signing a written acknowledgement of loyalty toward the Basic Law turns it into one of the central issues of the debate: the act is politicised into an issue with sudden significance. Even the Social Democrats, who reject the test but accept the course, do not argue against the oath:

“Wir haben immer gesagt: Einbürgerungswilligen sollen sich grundsätzlich mit dem Staatswesen, der Gesichte, der Wirtschaftsordnung, der Gesellschaft und der Kultur auseinander setzen. Deswegen befürworten wir einen Einbürgerungskurs, lehnen Tests aber nach wie vor ab.

“Auch einen Eid können wir akzeptieren. Genau das ist die Linie der Beschlüsse der Innenministerkonferenz.” (Sabine Waschke, PlPro 16/102, May 18, 2006, p. 7922).

What explicitly links the declaration of loyalty with the idea of an event as a temporal figure is the way the CDU and the FDP are suggesting that there should be a degree of certainty, or at least some sort of a mechanism for the monitoring of the way the candidates adopted and accepted the desired points. Christean Wagner, for example, in addition to maintaining that the Hessian policy proposal is a step in the right direction, also states that to get to the point when the oath is taken means that the candidate showed conviction:

“Deshalb weist der hessische Vorstoß in die richtige Richtung, nämlich: Kurs, Test und Eid. [...]”

“Wer einen Eid leistet, zeigt seine innere Überzeugung und Hinwendung.” (Christean Wagner, PlPro 16/99, March 30, 2006, p. 6828, 6829).

The claims that the citizenship candidate needs to declare loyalty and commitment to the German value system points to the realm of individual



experience in the sense that what is implied goes beyond the mere understanding of the legislative system or the rights and duties of a citizen. The external act of taking the oath is the final point of making the commitment. There are also voices for making the oath more ceremonial, as for example the speaker of the CDU party group, Christean Wagner notes. On more than one occasion, the idea of a signed declaration is labelled insufficient and ineffective („Meine Damen und Herren, um es gleich vorweg zu sagen: Uns reicht im Gegensatz zu den GRÜNEN eine bloße Unterschrift unter ein Formular nicht. [...] Wir wollen positiv wissen, dass Bürger, die das deutsche Staatsbürgerrecht erhalten, mit ihrer inneren Überzeugung voll und ganz zu unserem Land und seinen Werten stehen.“, Christean Wagner, PIPro 16/91, January 25, 2006, p. 6288). This emphasises the point of accentuating the singularity of the oath as an event by giving it specific characteristics as a ritual. Loyalty is connected with a specific act to be performed by the citizenship candidate. This can be interpreted as the tension between the temporal layers of repetition and singularity, which follows Koselleck (2000, 20-21) although here it would apply Koselleck's analysis out of its original context of historical time. In the case of the *Loyalitätserklärung*, this would mean that, establishing the practice of swearing an oath and accentuating its meaningfulness during the course of the naturalisation process, swearing the oath would be turned into a repetitive ritual. For the individual, who would only play the leading role in such an event once in her lifetime, this would constitute a singular experience and thus a distinct occasion.

For the Greens, to debate integration, migration and naturalisation is to mix two separate issues together (“*Einbürgerung ist nicht Einwanderung. [...] Einbürgerung ist nicht Integration.*“, Tarek Al-Wazir, PIPro 16/99, March 30, 2006, p. 6829). Instead, those having problems with integration are, according to the Greens, a specific group. This group has not in spite of the effective migration legislation from 2005, which requires the migrant to attend a course, integrated into Germany. In describing this situation, Al-Wazir uses the concept of *nachholende Integration*:

“Es geht aber um die, die durch das Raster gefallen sind, um das, was man nachholende Integration nennt. Diese nachholende Integration wird nicht funktionieren, wenn wir staatlichen Handeln gegen alle Zuwanderer –und gegen Muslime im Besonderen– einen Generalverdacht verankern. Die Folge wird eher sein, dass sich die Leute zurückziehen und glauben, dass sie nicht willkommen sind. Deshalb betone ich: Manche, die meinen, dass sie die Integration mit solchen Schritten befördern, bewirken in Wahrheit genau das Gegenteil.“ (Tarek Al-Wazir, PIPro 16/91, January 25, 2006, p. 6287).

The concept of *nachholende Integration* refers in this quotation to the idea of becoming integrated in the “late” stage of the process, or to be perhaps more precise, to “catch up” on the integration process, which has yet to become sufficiently realised. These individuals are, according to Al-Wazir, those who will suffer from setting further barriers against all immigrants as it will not encourage people to integrate.

### 3.5 Toward the concept of integration: Bavaria

Parallel to the initiatives and debate in Hesse, the course of policy chosen by Baden-Württemberg was also followed in Bavaria. During spring 2006, the *Land* introduced a questionnaire of its own, although differing in content from the two other examples. In Bavaria, the questions include those simply satisfied with a “yes” or “no”: the idea was to ask the naturalisation candidate if she had any contacts to or relations with certain organisations stated to be hostile to the German constitution and constitutional order. The possibility of introducing new measures for naturalisation candidates was taken up by Christine Stahl, representing the Greens, in a Question Time on February 1<sup>st</sup> 2006. She asks, how a recent press release from the Bavarian Ministry of Interior is to be interpreted, since the press release stated that the state government was “open toward” the idea of introducing a questionnaire even though it had earlier denied any plans to take such measures (Christine Stahl, PIPro 15/60, February 1, 2006, p. 4525). The answer from the government states that, whereas it will not be following the example of Baden-Württemberg, it is contemplating the options for scrutinising the loyalty of naturalisation candidates as thoroughly as possible (“Antwort der Staatsregierung”, PIPro 15/60, February 1, 2006, p. 4525). In an answer to a question from Christine Stahl on February 16, the Bavarian government describes the list of the unacceptable organisations as including “organisations with hostility to the constitution and the readiness to use violence” from a wide political spectrum:

“Das Gesetz schreibt vor, dass Einbürgerungsbewerber Zweifel an der Verfassungstreue zuverlässig vor der Einbürgerung ausräumen müssen. Deshalb wird Bayern ab dem 1. März 2006 einen Fragebogen einführen, der zu Ergänzung und Vervollständigung der Regelanfrage bei Einbürgerungen dient. Er enthält eine umfassende Liste extremistischer und extremistisch beeinflusster Organisationen. Aufgeführt sind insbesondere verfassungsfeindliche und gewaltbereite Organisationen des gesamten politischen und weltanschaulichen Spektrums, von rechtsextremistischen Kameradschaften über Islamisten bis zu linksextremistischen autonomen Gruppen.” (Antwort der Staatsregierung, PIPro 15/61, February 16, 2006, p. 4626).

The question of integration policy and the possibility of the test are debated in the Bavarian *Landtag* in the course of the spring. The Bavarian debates also begin with the reference only to immigration and integration, not with explicit discussion over naturalisation, although the questionnaire to come is aimed at naturalisation applicants and not at those arriving in the country. Integration and its promotion thus become the primary topic on the agenda more explicitly, whereas in Hesse the speakers arrive on the topic of integration through other issues such as naturalisation, citizenship tests and the new procedure, or loyalty oath. Much like in Hesse, the general agreement in Bavaria is that integration needs to be tackled with new means but, unsurprisingly, the suggested means varied along the party lines. Like the Green representatives in Hesse, the Greens in Bavaria are set against the growing amount of bureaucracy or “hindrances” to the naturalisation process, stating that Germany and the

individual *Länder* alike actually need an increase in the naturalisation numbers. The Social Democrats are also against the test but more strongly promote the idea of a citizenship course, which is also not totally opposed by the Green party.

In Bavaria, the debates occur in the form of a debate on matters of topical interest (*aktuelle Stunde*), and applications for urgency (*Dringlichkeitsanträge*), and the speakers come from the Social Democrats, the Christian Social Union (CSU), who forms the single party government, and the Greens. In February 2006, *Ministerpräsident* Edmund Stoiber names three focal points for better integration policy that he would like to see taking place at least in Bavaria (*Bavarnkurier*, Nr. 6, p. 2, February 12<sup>th</sup>). These are: a citizenship test and possibly a preparatory course; a language test; and the insurance that the naturalisation candidate does not work for or support any organisations hostile to the German constitution.

To open up the „Aktuelle Stunde“, Martin Sailer (CSU) describes the new integration policy of the CSU as consisting of three main principles: a two-way process; equal participation; and the principle of promotion and demand (*„Die Leitlinien sind gekennzeichnet von gegenseitigem Prozess, von gleichberechtigter Teilhabe und vom Prinzip des Forderns und Förderns.“*, Martin Sailer, PIPro 15/61, February 16<sup>th</sup> 2006, p.4537). Sailer goes on to state that the CSU has had these principles as its guidelines since 2003, and that according to these guidelines “integration” means “equal participation in the social, cultural, societal and economic life in Germany” (*„Danach bedeutet Integration gleichberechtigte Teilhabe am sozialen, kulturellen, gesellschaftlichen und wirtschaftlichen Leben in Deutschland.“*, *ibid.*). Furthermore, he refers to the motto of the Bavarian “integration forum”, set up by the state government in 2004, “integration in dialogue”, and maintains that this would also serve as guidelines for the policy under discussion. Based on this, he argues the aim of the government is to establish integration as a topic of public debate. Another goal of the government would be to make the idea that integration can only succeed through mutual engagement a more widely accepted principle:

“Es handelt sich hierbei um eine gegenseitigen Prozess den die Deutschen ebenso wie die Zuwanderer aktiv gestalten müssen. Gesamtgesellschaftliche Aufgabe sind Hilfestellungen insbesondere beim Spracherwerb, bei der Eingliederung in den Arbeitsprozess und bei der gesellschaftlichen Integration.

“Integration im Dialog‘ ist im Übrigen auch das Motto des von der Staatsregierung im Herbst 2004 ins Leben gerufenen Integrationsforums. Damit verfolgt die Staatsregierung das Ziel, das Thema Integration in der Öffentlichkeit zu verankern sowie Bewusstsein und Akzeptanz dafür zu gewinnen, dass Integration nur im gemeinsamen Bemühen zum Erfolg führen kann.” (Martin Sailer, PIPro 15/61, February 16, 2006, p. 4537)

Moreover, Sailer maintains that integration should start as early as possible, and refers to the need to provide immigrant children with German language tuition. At the end of this speech, he gives one more illustration of what integration is and means, i.e. the willingness to take responsibility of the rights

and duties on behalf of the migrant, and openness and acceptance on behalf of the majority. What is required from the immigrant is the ability to engage in the Middle European societal life through the acquisition of sufficient language skills and acknowledgement of the status of the local value system:

“Integration [...] bedeutet auf der einen Seite, Rechte und Pflichten zu erschließen, das heißt Wahrnehmung eigener Verantwortung für ein Gelingen der Integration. Integration bedeutet auf der anderen Seite, auf die Akzeptanz und Offenheit der einheimischen Bevölkerung angewiesen zu sein. Integrationspolitik darf aber die Integrationsfähigkeit eine Gesellschaft nicht überfordern.

“Integration erfordert drittens das Bewusstsein und die Bereitschaft der Zuwanderer, sich auf das Leben in der mitteleuropäischen Gesellschaft einzulassen. Entscheidend dafür sind aus unserer Sicht der Erwerb der deutschen Sprache sowie die Anerkennung unserer Werteordnung.” (Martin Sailer, PlPro 15/61, February 16, 2006, p. 4537).

The Greens, as stated above, are in favour of a language course which, according to Staatsminister Beckstein, are one and the same (“*Die Sprachkurse und Integrationskurse sind das eine*” PlPro 15/61, February 16<sup>th</sup> 2006). When it comes to the testing practice, the Greens in Bavaria use the same expression as in Hesse, *Gesinnungstest*, and argue that the planned tests in Bavaria evidently would follow the lines of Hesse and Baden-Württemberg, since the government has not sufficiently distanced itself from these examples:

“Worauf ich hier etwas genauer eingehen möchte, sind diese Gesinnungstests. In Ihrem Antrag sprechen Sie nicht von Gesinnungstests, sondern Sie sprechen von einer Reihe anderer Überprüfungen. Da Sie sich bisher aber von den baden-württembergischen und von den hessischen Tests nicht distanziert haben, da Sie nach wie vor die Leitkulturdebatte führen, müssen wir annehmen, dass Ihre Tests in einer ähnlichen Qualität sein werden wie die, welche wir bereits aus Hessen und Baden-Württemberg kennen. Das macht mir Sorge. Ich frage Sie: Was sagen diese Tests über die Einbürgerungsfähigkeit und -willigkeit der Betroffenen aus? -Sie sagen überhaupt nichts darüber aus.” (Christine Stahl, PlPro 15/64, March 30, 2006, p. 4847-8).

The take of the Social Democrats on the theme is to agree on the basic statement, “*Integration von Ausländern erfolgreich fördern und fordern*”, but they turn to criticise the way the CSU presents itself as the main promoter and finder of the theme despite the fact that the principle is already established in the *Zuwanderungsgesetz* of the previous year, thus arguing along the same lines with the Hessian SPD. Further criticism is aimed at what representative Rainer Volkmann calls “the new exaggerated activism of (Edmund) Stoiber toward a citizenship test”, which the Social Democrats do not wish to promote:

“In eine ähnliche Richtung zielt Stoibers neuer Aktionismus mit dem Einbürgerungstest, und das unterscheidet sich vom dem, was bisher stattgefunden hat. Ich möchte Sie wirklich bitten, sich das nochmals zu überlegen.[...]Vielleicht können Sie an diesem Punkt einen anderen Akzent setzen. Wenn im Einbürgerungstest verlangt wird, dass Sprachkenntnisse nachgewiesen werden, dass unsere Rechts- und Gesellschaftsordnung beim Zuwanderer bzw. bei dem, der eingebürgert werden will, bekannt ist, und dass die Regelanfrage beim Verfassungsschutz stattfindet, dann kann ich dazu nur sagen: Das alles steht bereits im Gesetz, zwar nicht bei der Einbürgerung.” (Rainer Volkmann, PlPro 15/61, February 16, 2006, p. 4538).

Volkman goes on to state that the SPD holds integration to be one of the important themes for the next years, because whether the development of the society takes a peaceful course or not depends on whether integration is successful or not. Like in Hesse, the Bavarian Social Democrats acknowledged that some problems exist and they blame them on the integration and immigration policy of the previous years. And as in Hesse the Bavarian Christian Democrats are acknowledged for abandoning the notion that Germany is not a country of immigration, the Bavarian CSU is also praised for their change in tone (*“Seit mindestens 30 Jahren ist bekannt, dass ein erheblicher Teil dieser Menschen hier bleibt. Trotz dieser Kenntnis[...] hat die CSU immer wieder gesagt, Deutschland sei kein Einwanderungsland. Ich bin froh darüber, dass Herr Sailer diesen Satz nicht verwendet hat.”*, Rainer Volkman, PIPRo 15/61, February 16, 2006, p. 4538). Volkman further points to this policy of the previous years by arguing that the CDU’s claim that Germany was not a country of immigration has a twofold implication, to the Germans on the one hand, and to the immigrants on the other. Because of this statement, he argues, the German population remains confused due to the contradiction between the reality they see when they look around themselves and the official policy. The other side of the story is, in turn, that the legitimate immigrants do not feel welcome:

*“Dieser Satz hat eine doppelte Wirkung, zum einen in Richtung Deutsche. Bei den Einheimischen bewirkt diese Satz eine massive politische Desorientierung. Wer heute in München mit der Straßenbahn oder der U-Bahn fährt, hört fast immer eine Sprache, die er nicht versteht. Er nimmt täglich wahr, dass sich Ausländer hier aufhalten, hört aber von der Staatstragenden Partei immer den Satz: Wir sind kein Einwanderungsland, was natürlich zu einer ablehnenden Haltung gegenüber dem Ausländer führt. Zum anderen erweckt dieser Satz, wenn er regelmäßig und so dezidiert kommt, bei den Ausländern den Eindruck: Ich bin hier nicht erwünscht.”* (Rainer Volkman, PIPRo 15/61, February 16, 2006. p. 4538).

Volkman states that succeeding in immigration is not only in the interest of the immigrants but also in the interest of the whole society (*“Eine gelungene Zuwanderung –darüber sollten wir uns wirklich mit Nachdruck klar werden- ist eine Bereicherung nicht nur für die Zugewanderten, sondern für die gesamte Gesellschaft.”*, PIPRo 15/61, February 12th 2006, p. 4539). The Greens in Bavaria, on their part, attack the CSU by questioning its willingness to promote integration while, at the same time, introducing a questionnaire, which, according to the Greens, has the opposite implication of instigating fear toward foreigners. They accuse the CSU and Beckstein of hypocrisy and developing the questionnaire without exposing it to an open debate:

*“Es ist schon selten dreist, wie die CSU heute schöne Luftblasen über erfolgreiche Integration in die Welt setzt, aber gleichzeitig einen Fragebogen zu Einbürgerung herauslässt, der genau das Gegenteil bewirken wird, nämlich Ausgrenzung und Angst vor Ausländern. Wenn unsere Kollegin Christine Stahl Becksteins Fragebogen nicht öffentlich gemacht hätte, dann würden Sie heute wieder schöne Worte verlieren, und draußen ginge Beckstein in aller Ruhe seinen unschönen Taten nach. Das ist scheinheilig, aber diese Scheinheiligkeit lassen wir Ihnen nicht durchgehen.”* (Sepp Dürr, PIPRo 15/61, February 16, 2006, p. 4539).

According to the Greens' definition, integration extends from a mere minority question into one touching upon the population as a whole since no society can keep shutting part of its population out (*"Integration geht alle an. Sie ist kein Minderheitenproblem. [...] Keine Gesellschaft kann es sich leisten, dauerhaft einen erheblichen Teil ihrer Bevölkerung auszugrenzen."*, Sepp Dürr, PIPro 15/61, 4539). Again, the CSU is being accused of not being able to correctly assess the situation, which prevails in Bavaria in terms of the number of families with immigrant backgrounds. In opposition to this, the Greens maintain having had an integration policy suitable for this situation "for decades":

*"Wir GRÜNEN fordern seit Jahrzehnten eine Integrationspolitik, die die Lebenswirklichkeit unseres Landes als Einwanderungsland endlich berücksichtigt und ihr gerecht wird. Wir haben in all diesen Jahren verstärkte Sprachförderung gefordert. Wir haben Teilhabechancen für Eingewanderte gefordert, und wir haben uns immer wieder für die Grundrechte aller Bewohnerinnen und Bewohner Bayerns eingesetzt, insbesondere auch stets gegen die Gewalt gegen Frauen. Sie, Kolleginnen und Kollegen der CSU, interessiert dieses Thema ‚Gewalt gegen Frauen‘ doch nur, wenn Sie es als Mittel des politischen Kampfes missbrauchen können."* (Sepp Dürr, PIPro 15/61, February 16, 2006, p. 4540).

The Greens argue the need to concentrate on integration on an everyday basis, i.e. by promoting education for women's rights, and accuse the CSU of having concerns about integration merely when it suits the CSU's political purposes, i.e. during an election campaign or "whenever something terrible happens" (*"Sie kümmern sich das ganze Jahr nicht um Integration. Nur wenn gerade Wahlkampf ist oder wenn irgendwo auf der Welt etwas Schreckliches passiert, dann sind Sie sofort da [...]"*, Sepp Dürr, PIPro 15/61, 4540). Like the Greens in Hesse, their Bavarian counterparts argue, that there is no need to alter the naturalisation legislation as the situation in Germany has not changed since it has last been altered:

*"Warum wollen Sie die Einbürgerung immer wieder erschweren? Es gibt überhaupt keinen Anlass dafür. Es ist nichts passiert. Wir haben seit Jahren die gleiche politische Lage, absolut unverändert. Und trotzdem wollen Sie permanent noch höhere Hürden und noch höhere Hürden. Das ist doch Absurd."* (Sepp Dürr, PIPro 15/61, February 16, 2006, p. 4540).

The Greens want to facilitate naturalisation instead of creating more obstacles to it, as it was put, and maintain that because a third of the population in some Bavarian municipalities lack the right to vote, the parliament also has a legitimacy issue (*"Wenn in bayerischen Kommunen ein Drittel der Bevölkerung kein Wahlrecht hat, dann haben doch wir als Politiker, als Gesellschaft ein Legitimationsproblem. – Aber natürlich! No taxation without representation – Herr Minister, dieser Satz ist 200 Jahre alt."*, Sepp Dürr, PIPro 15/61, February 16, 2006, p.4540). In relation to this argument, Dürr also states that the Greens are proposing voting rights for immigrant residents in municipal elections in addition to the already noted easing of the naturalisation legislation. The acquisition of German citizenship should, in the view of the Greens, be given more emphasis on the basis of jus soli instead of the prevailing jus sanguinis, because the emphasis on the latter represents the idea that one cannot become

German, but merely born into being one, and that those having naturalised are actually worse off since the signal is that their citizenship can be taken away as opposed to the one acquired as a “birthright”:

“Sie halten am alten Blutrecht fest. Danach kann man nicht wirklich Deutscher werden; als Deutscher wird man geboren. Das glauben Sie heute noch. Ausländer bleibt für immer Ausländer, selbst wenn er einen deutschen Pass besitzt. Das ist Ihre Politik, und damit teilen und verstärken Sie die Vorurteile und die fehlende Integrationsbereitschaft eines Teils der Bevölkerung. Der neuen Fragebögen dienen Ihnen vor allem dazu, zu signalisieren –den Eingebürgerten genauso wie den deutschen Deutschen: Denen kann man die Staatsbürgerschaft wegnehmen, uns nicht! Das ist Ihr Signal.” (Sepp Dürr, PIPro 15/61, February 16, 2006, p. 4541).

As far as the questionnaires go, the Greens maintain that no questionnaire could ever prevent terrorists from becoming citizens, and that the integration policy which the CSU is promoting is, according to the Greens, threatening to endanger the societal peace in Bavaria. Furthermore, the Greens argue that if the government took care of the social problems and education, integration policy would also look better. Dürr’s address leads to the next speaker, Peter Welnhöfer from the CSU, who brings up the multicultural society argument, i.e. the argument that the Greens do not want integration but merely to promote multicultural society. Welnhöfer argues that the basis for successful integration is that the migrant accepts the German value system and “not bring here his own system”:

“Eine wesentlichen Grundbedingungen erfolgreicher Integration ist, dass beim jeweiligen Ausländer Integrationsfähigkeit, insbesondere solide Sprachkenntnisse, und auch Integrationswilligkeit vorhanden sind, also die Bereitschaft, sich in die deutsche Verfassungs- und Gesellschaftsordnung einzufügen und nicht seine eigene Ordnung hierher mitzubringen. Ausländer, die dauerhaft in Deutschland bleiben, müssen in unserer Gesellschaft ihren Platz finden und anerkannte Mitglieder dieser Gesellschaft werden. Es liegt auch in unserem Interesse, dass wir in Deutschland kein ethisches Minderheitsproblem und keine breit angelegte multikulturelle Gesellschaft bekommen.” (Peter Welnhöfer, PIPro 15/61, February 16, 2006, p. 4541-2).

Welnhöfer states that what the people expect from the politician is that “Germany stays Germany” (“*Wir müssen darauf achten, dass Deutschland Deutschland bleibt. Das erwartet unser Volk von uns.*” PIPro 15/61, February 16, 2006, p. 4542). On naturalisation, Welnhöfer defends the CSU from the Greens’ accusation by arguing that foreigners can be given a passport once they have become German, which means that they are German and not treated as outsiders, as the Greens claimed:

“Es ist nicht so, dass für uns ein Ausländer immer ein Ausländer bleiben würde, wie Sie behaupten, ganz unabhängig davon, ob er den deutschen Pass bekommt oder nicht. Das wäre so, wenn er nach Ihren Grundsätzen den Pass bekäme; denn Sie würden den Pass dem Ausländer geben, bevor er hier integriert und ein Bestandteil der deutschen Gesellschaft geworden ist. Das sind Ihre Grundsätze, ob Sie das heute nun zugeben oder nicht. So ist es auf jeden Fall. Nein, Wir sagen: Der Ausländer bekommt den Pass, wenn er ein Deutscher geworden ist, und dann wird er auch als solcher bei uns angesehen und voll akzeptiert.” (Peter Welnhöfer, PIPro 15/61, February 16, 2006, p. 4543).

The claims from the CSU resemble those from the Hessian CDU: more intensive language tuition, possibly an oath of allegiance at the end of the course, and securing the acceptance of the liberal democratic constitutional system and the German Basic Law through a federal policy instead of local solutions. What all the Bavarian parties refer to more often than in the Hessian debates, is education and the schooling system, which is regarded as a significant realm for promoting integration. Considerable emphasis is also put on the language issue, which is also the case in Hesse as well. In Hesse, the Greens criticised the CDU about searching for a “super German”, in Bavaria the claim is that the CSU is promoting a policy which divides the immigrants into the categories of the wanted and unwanted, as in the address of an MP from the Social Democrats:

“Eine Lebenslüge ist die des rentablen Ausländers. Sie spielt bei unseren Diskussionen im Parlament immer wieder eine Rolle; man unterscheidet zwischen wirtschaftlich nützlichen und unnützen Ausländern. [...] Aufgrund eines manchmal vermuteten, manchmal gegebenen, aber wirklich selten nachgewiesenen Bedrohungspotentials wird zwischen guten und bösen Ausländerinnen und Ausländern unterscheiden. Dabei verkennt man die Gefahr, dass damit die Grundrechte als Basis unseres zivilisatorischen Zusammenlebens zerstört werden können.” (Wolfgang Vogel, PlPro 15/61, February 16, 2006, p. 4547).

In a comment dealing with the questionnaire, *Staatsminister* Beckstein explains that the primary function of the questionnaire is to keep those individuals with ties to hostile organisations from naturalising in Germany. The discovery of such ties would not, however, automatically mean exclusion from naturalisation, but an interview to establish whether or not the candidate is “suitable” for German citizenship. Thus mere “ties” would not, as such, mean denial of citizenship, but the present existence and depth of these ties would be more decisive:

“Gemäß dem Staatsbürgerrecht ist die Regelanfrage vorzunehmen. Wir stellen fest, dass bei ausländischen Organisationen keine Mitgliedschaft vorhanden ist. Wollen wir denn einen Sympathisanten einer Organisation, die den Holocaust leugnet, als deutschen Staatsangehörigen einbürgern? Wollen wir Mitglieder der Hamas, die in Deutschland Millionenbeträge gesammelt hat und die das Existenzrecht Israels bestreitet und meint, Israel müsse vernichtet werden, einbürgern? Da er als Mitglied in Erscheinung tritt, kann er vom Verfassungsschutz nicht identifiziert werden. Darum befragen wir die Betreffend, ob jemand verfassungsfeindliche Organisationen unterstützt hat. Gibt er das an, führt das nicht automatisch zur Ablehnung, sondern man wird anhand eines Gespräches feststellen, ob es jemand ist, der zu uns passt und ob er sich an die Regeln in Deutschland hält. Wir wollen aber niemanden einbürgern, der die PKK oder die Hamas unterstützt. Deshalb ist der jetzt vorgesehene Fragebogen vernünftig.” (Staatsminister Beckstein, PlPro 15/61, February 16, 2006, p. 4550).

In the course of the spring of 2006, the positions of the parties in Bavaria remain the same. The Greens oppose any reform, but even they argue that if a reform should take place, it should be a federal one. The Social Democrats are for the integration course but oppose a test. The Christian Social Union wants a firm package of a course and a test, and potentially an oath. A lot of energy is placed on definitions of what integration is, but also on a debate over



educational means for solving the problems that, according to all parties, occur among a part of the migrant population.

The arguments on behalf of the CSU move between the abovementioned definitions over what integration means („*Die Definition von Integration heißt: Einbeziehen, Herstellen eines Ganzen, Zusammenschluss. Das ist nichts Negatives.*“ (Martin Neumeyer, PIPro 15/61, February 16, 2006)), to arguing for “long term” models for “successful migration politics”, which would mean the regulation of immigration, integration of those with residence permits and the naturalisation of those eligible and willing to stay („*Notwendig für eine dauerhaft erfolgreiche Migrationspolitik sind gleichermaßen Zuwanderungsbegrenzung, Integration Bleibeberechtigter und Einbürgerung der berechtigten Bleibewilligen, aber eben erst nach Abschluss einer gelungenen Integration.*“ (Peter Welnhöfer, PIPro 15/64, p. 4844). The emphasis on the willingness to integrate prevails in the rhetoric of the CSU, as it does in Hesse in the addresses of the CDU and the FDP politicians, as, for Martin Neumeyer, for example, “each integration starts in the head: do I want to integrate or not” (“*Jede Integration beginnt im Kopf: Will ich oder will ich nicht integriert werden?*” (Martin Neumeyer, PIPro 15/67, p. 5080).

Neumeyer clarifies the idea that some problems occur among the immigrant groups and argues, that Germany does not have a problem with foreigners in general, but does have a problem with some groups in particular those related to Islam and fundamentalism, and that the problem lies in the traditional thinking of these groups, which prevent their members from becoming integrated into the German society:

“Meine sehr verehrten Damen und Herren, Deutschland hat kein Ausländerproblem. Die beweise liegt da. Deutschland hat seit Kriegsende Italiener, Spanier und Griechen ohne Probleme integriert. Deutschland hat aber ein Problem mit einem Teil der Muslime, mit den Fundamentalisten, den Traditionalisten und den Islamisten. Diese arbeiten kontraproduktiv in Deutschland. Ihr wesentliches Ziel ist es, dass sich ihre islamischen Landsleute nicht in die deutsche Gesellschaft integrieren lassen.” (Martin Neumeyer, PIPro 15/67, April 26, 2006, p. 5080).

The Bavarian Social Democrats argue that the Hessian case should not serve as an example in Bavaria as the Hessian case uses the room of manoeuvre in implementing federal legislation, which the states are granted in the federal system, in an unacceptable way („*Mein Argument ist vielmehr, dass der Spielraum, den die Länder haben, eigene Regelungen zu treffen, relativ groß ist mit der Folge, dass er in Hessen so genutzt wird, wie ich es persönlich bedauere.*“ (Franz Schindler, PIPro 15/64, March 30, 2006, p. 4864). Franz Schindler says that while a unified federal policy needs to be the goal, it should not be formulated on the basis of Hesse and Baden-Württemberg:

“Diese bundesweit einheitliche Regelung kann aber nach meiner Überzeugung und dem, was wir für richtig halten, nicht so aussehen, wie es in Hessen oder Baden-Württemberg geplant ist und zum Teil schon praktiziert wird.” (Franz Schindler, PIPro 15/64, March 30, 2006, p. 4846).

The accusations against the CSU led politics of the *Landesregierung* include also the argument that the government has not done enough within its powers to

promote grassroots possibilities for those in need of integration, but has left the task for the municipalities and the churches („*Elternkurse, Hausbesuche, ‚Mama lernt deutsch‘ – wer hat das alles gemacht? –Das haben die Gemeinden gemacht, das haben die Kirchen gemacht, das haben Privatpersonen gemacht.*“ (Rainer Volkmann, PIPro 15/67, April 26, 2006, p. 5082). The SPD argues for a more positive account of immigration instead of presenting it as a danger and something problematic, which is the way they interpret the rhetoric of the CSU:

“Meine Damen und Herren, zahlreiche Ausländerinnen und Ausländer sind hier bestens integriert. Zum Abschluss habe ich deshalb die nachhaltige Bitte an Sie, wenigstens einmal anzufangen, Zuwanderung nicht nur als Gefahr und als etwas Schwieriges zu begreifen, sondern Zuwanderung auch als etwas zu begreifen, was die Gesellschaft heute, insgesamt gesehen, bereichert und in Zukunft bereichern kann.“ (Rainer Volkmann, PIPro 15/67, April 26, 2006, p. 5083).

The Greens argue for a sense of reality, and the acceptance of the plurality of the society instead of promoting the concept of a unified culture and value systems, which is what the CSU is doing according to their reading. The Greens claim that whoever fails to acknowledge the existence of the plural society “lives in a fantasy world” (*Wer immer noch glaubt, die plurale Gesellschaft leugnen zu können, meine Herren und Damen, der lebt schlicht und einfach in einer Phantasiewelt.*“ (Christine Stahl, PIPro 15/64, March 39, 2006, p.4849)).

In conclusion, the purpose of this chapter has been twofold. I have argued that the three central figures constructed in the debates are stability, becoming and breakage, which henceforth will be treated as times of integration. The application of these figures will be more explicitly discussed in the next chapter. I have also thematised the material around certain key issues, which in my view illustrate the temporal dimensions. These issues further serve as a basis for answering the second of my main research questions, i.e. “what kind of integration is expected of the candidates”.

The Hessian initiative was not adopted as such for the basis of a federal proposal, but it did gain in interest and was certainly more widely accepted than the Baden-Württemberg solution. The obvious problems of the latter made it a relatively easy one to oppose. In the Hessian case the Baden-Württemberg initiative was used as a failed example, on behalf of the Greens, the Social Democrats and the Free Democrats, and as a “step into the right direction” on behalf of the Christian Democrats, although they also condemned its form; what the Christian Democrats opposed was not so much the content, but the idea that the questionnaire was merely directed at a group of people from certain countries, and that there were no attempts to propose a federal solution. As it was, Hesse never implemented its own proposal because it was not federally accepted as such. In Bavaria, the principle of federalism was adopted differently, and the candidates were to be asked about their ties to specified set of organisations and parties regardless of whether the rest of the federation would follow this suggestion of the Bavarian *Landtag* or not.

## 4 INTEGRATION AND THE CONTINGENT POLITY

Chapter three introduced the Hessian and Bavarian debates in more detail and concentrated on the examples on stability, becoming and breakage. In this chapter, attention turns to the links between the integration concepts and the polities. The aim is to problematise the concept of integration by considering the premises behind the “integration talk”. The starting point for analysing the ways contingency is dealt with in the debates is the idea of the polity as a temporal constellation. To do this, integration is treated as the concept linking the individual naturalisation candidate (the non-citizen) and the citizens, the citizens and the political entity and, finally, the political entity and the non-citizen. The concept of integration could also be conceived as linking states with other states as well as intergovernmental organisations and NGOs, but this chapter focuses on the abovementioned triad. These are conceptual links, in which the differentiated aspects define and redefine each other according to their contextual usages. The claim is, however, that by reading these relations through the lens of the contingent polity, there will be something to be said about the image of the dynamics of the communities.

Thus the concept of *polity*, which has been elaborated on in chapter two, is the main analytical concept for this chapter. It can refer to differing constellations constructed through conceptual links. The framework here is: the background for this chapter is the analysis in chapter three, which is here treated as an example of the “integration talk”, i.e. about the way integration concepts are constructed in relation to the tests; the temporal figures of the previous chapter, i.e. stability, becoming and breakage are linked here with the concept of integration. Thus the operative questions are: how do these temporal dimensions of “integration” manifest themselves in the constructed polity-framework; and what kinds of contingencies can be opened up in the relations between the polities using these “times of integration”?

The material, from which the inspiration is drawn consists of the analysis of the previous chapter and the commentaries on the testing practice published between 2007 and 2010. The quotations are taken from a selection of commentaries. For example, Etzioni (2007) discusses the tests from a communitarian

point of view, arguing that whereas examples like that of Baden-Württemberg are completely unacceptable, a well-formulated test with sufficient and accessible preparatory courses does potentially increase integration of the immigrants. In addition to Etzioni, Kiwan (2008) also argues in favour of the test and introductory material with courses for naturalisation candidates and highlights the importance of citizenship education as a tool for promoting integration. In an introductory text to an edited volume of a book, Kostakopoulou (2010) outlines the contemporary European situation from the point of view of language and the various modes of the testing practice. In the same volume, Michalowski (2010) concentrates on the German case, outlining the legal and political developments of the testing practice from the language test to the federal naturalisation test introduced in 2008. In relation to the British case White (2008), concentrating on the preparatory material for the *Life in the U.K.* test, sees a turn from a citizenship celebrating rhetoric into a less welcoming tone. Wonjung Park (2008), in turn, criticises the reformed U.S. test (2007) as constructing an exclusive form of citizenship, which fails to sufficiently include migrant histories into it. Finally, Wright (2008) provides an overview of the European testing practice and its development in the first decade of the 21<sup>st</sup> century and the possible explanations for this.

In addition to these commentaries, a few contributions have also been of influence, albeit they remain more in the background here. These include Adamo's (2008) consideration of the Danish citizenship test in reflection of its Canadian counterpart and Kymlica's theory of multiculturalism. Van Oers (2008 & 2010) discussion of the Dutch case explicitly (2008) maps the turn from a liberal immigration model into a more restrictive one and searches for explanations as well as outcomes of this development. Van Oers more recent assessment (2010) expands the analysis from the Dutch case into the German and French examples, and considers these from the point of view of differing models of citizenship. Joppke initiated the debate on citizenship tests on EUDO Citizenship Forum<sup>23</sup> 2008, titled "How liberal are citizenship tests?". The list of contributors is substantial, but includes also the aforementioned Kostakopoulou, Michalowski, and van Oers.

The overall aim of the analysis here is not to concentrate on the commentaries as the main object of analysis, much less to claim that the sources chosen for my purposes would be an exhaustive picture of the lively academic debate on the issue. Integration here is linked to the tests, which defines the limits for this analysis. Integration as a concept has emerged in various disciplines, such as sociology and economics, in the 20<sup>th</sup> century and has been divided into differentiating dimensions accordingly. Hence one can talk about social, cultural, economic and political integrations, for example (Teune 1984, 235-6). Thus, historically, there has been a variety of definitions and usages for the concept, but none of these are in the specific focus of this study, although crossings may occur. In terms of immigration, integration was accepted in West Germany as a

<sup>23</sup> <http://eudo-citizenship.eu/citizenship-forum/255-how-liberal-are-citizenship-tests>, last accessed November 18, 2011.

part of the migration policy in the mid 1970s, when there was a turn toward integration of the already existing foreign workers and the willingness to restrict the entry of further immigrants (Wengeler 1994, 724). This policy has been described as “temporary integration” (Herbert 1986, 226), as the idea was that West Germany was not a “country of immigration” (*Einwanderungsland*). This integration policy was challenged with the idea of the multicultural society, which had been debated since the early 1980s (Wengeler 1994, 724). Thus, one could conduct a study, in which the concept was looked at through the specific relation with naturalisation policy and the tests in order to discover which kinds of links its contemporary usage in this context has with its historical formulations. While this will not be the aim of this chapter, one basic assumption, however, serves here as a starting point: to talk about integration is to talk about relation or a connection, as Teuner (1984) puts it, which can then point to either a “static” state of affairs, or a process, in which things are related through either integration or disintegration (Teuner 1984, 238). As this analysis is one in political rhetoric, the point to be made concerns the (temporal) quality of this relation, which is conceived here in terms of the abovementioned triad of the political entity, the immigrants and the members of the entity.

In the following, integration will be discussed in a wider sense from the point of view of contingency. This is conducted on the basis of Palonen’s article (2003), but with additional notes on the temporal figures mentioned in the previous chapter. The discussion is structured through conceptual points which can be argued to represent the stability-becoming-breakage dimensions of the polity-politicisation figure. The themes are suggestions for converting the analysis from the previous chapter into the realm of wider debate on the tests and integration, i.e. a proposal for an interpretation of how the primary sources of the debates resonates with the critical debate on the issue. As the commentaries are a source of inspiration rather than the object of the analysis, the interpretation here is based on the reading of the original debates and a selection of issues, which the debates and the commentaries have in common. The choice of issues is, primarily, based on the debates, and the differences between the rhetorical situations of the debates and the commentaries are acknowledged. However, as this is not a rhetorical comparison, or a comparison of rhetoric between these two realms, the situational question is left out. The link is nevertheless a conceptual one, which is why these two “polities” are being discussed together, thus referring to commentaries on other test cases as well.

In 4.1 the chapter begins with an outline of integration policies, after which the polit-vocabulary and its application on the basis of the analysis in chapter three will be discussed. Turning more explicitly to the commentaries, and thus a more general discussion, section 4.2 deals with the issues of requirements and rules, followed in 4.3 by the topic of education and a brief conclusion.

## 4.1 Shifting policies

If the former position of the Christian Democrats had been that Germany was no *Einwanderungsland*, this is no longer the case in the Hessian or Bavarian debates: it is accepted by all parties that the unified Germany certainly is a country for massive immigration and the idea of guest workers temporarily staying before returning to their country of origin is not fostered by anyone. In the wider context on the European level, the shift in emphasis that has taken place is that integration is now considered something which is not merely a requirement for the naturalisation candidates but also for those wishing for entry to a European country. In a recent (2010) assessment, Kostakopoulou argues that:

“Whereas, in the past, integration policy was aligned with (a liberal) citizenship policy and non-discrimination and governments insisted on the distinction between integration and migration, in the new millennium we have so far witnessed a deliberate alignment of migration and integration in official discourses and policies and the revaluation of national norms and values.” (Kostakopoulou 2010, 1).

This can be found in the dispute between the parties in the Hessian *Landtag* as well, where the Greens explicitly stated that the issues of migration, integration and naturalisation are not to be debated together but discussed separately whereas the Christian Democrats argued for an inseparable link between these issues. Thus the Greens recognise naturalisation as merely one option for the immigrant to choose from, since she can also refrain from applying for citizenship regardless of being otherwise “integrated”. Furthermore, there is also the option of rejecting both integration and naturalisation as well as applying for citizenship despite the willingness to integrate. All this implies that the bases for both integration and naturalisation lie on voluntariness instead of obligation. In the case of the Christian Democrats, however, immigration and integration seem to serve merely as intermediate stopping points on the road toward naturalisation.

According to Kostakopoulou, what is now argued for in the integration policies is “social cohesion”, which, judging from the official policies, can be “bolstered by requiring migrants to learn to speak the language of the host state and by re-educating them so that they can embrace a country’s history and institutions, its values and the national way of life” (Kostakopoulou 2010, 1). Further, now the emphasis is put on the responsibilities of the candidate, as seen in the Hessian case: she is expected to pursue the status of the member and finally make a commitment to the polity. At the European level, this is detectable in the way “integration is defined as two-way process or a contractual agreement between the migrant and the host society, from which a number of obligations ensue” (Kostakopoulou 2010, 7). This means that the migrant now “has the responsibility to integrate, or to assimilate in to the mainstream culture, which is often depicted as a unified ensemble, and to prove his commitment to the host society” (ibid.).

The contemporary emphasis is manifested in the adoption of the testing practice. As already noted in the introduction, the claim here is that, apart from the ability to memorise things, the test does not as such measure anything. Thus the function is to serve as a statement about the image the government wishes to present the state in relation to the contemporary political situation through highlighting its distinctiveness. The politicians have a role to play in constructing the narratives on national self-understanding through issues such as citizenship and national unity, which makes them party to the “integration problem” (Kostakopoulou 2010, 3). Indeed, the questions about the national histories or myths of origin, arts, culture, etc. can be seen as part of the reproduction of the “imagined community” (Wright 2008, 2), which merely emphasises the construction of the polity as a fixed –at least to some extent– entity. Whether this is “a return to muscular nation building” (Wright 2008, 2), is not a fully convincing argument because it is doubtful if this nation building as a viable way of doing politics has truly been dismissed at any stage. What these policy developments do imply, however, is that along the lines with the European integration and its expansion flying the flag of Europe as the home of democracy and human rights, politicking with citizenship has maintained its position as a suitable forum for debating national identity.

The central role of the concept of integration has not gone unnoticed by the commentators. Kostakopoulou, for example, notes that integration is a “derivative concept”, which “always presupposes something else, in other words, the entity into which something is to be integrated and the reason mandating the process of integration (Kostakopoulou 2010, 4). According to Wright, the concept has gone through a redefinition from alluding to some accommodation on behalf of the receiving state to the adjustments expected from the migrant (Wright 2008, 3). On this point, Kostakopoulou argues that, since the new millennium, models of integration have focused more on issues such as “conditional socio-political membership, the preservation of core national norms and values” instead of the preceding attention given to “multiculturalism and the politics of recognition” (Kostakopoulou 2010, 1).

The approach in this study emphasises the idea that the concept is both used as having an implied commonly understood meaning and simultaneously is given new definitions or re-emphasising the already existing ones through the speech act. However, which definitions of integration prevail at a given point in time is not the main goal in this study. Instead, the aim here is to focus on the abovementioned “derivates”, i.e. the polity, and the questions about what issues are being brought to the agenda by using the concept of integration, and which kinds of polities are there to be suggested for framing political action. Thus, the concept of integration is treated as an operational one rather than as an aim in itself, although it is presented as such in the debates. To put it simply, the question is not what integration *means*, or, most certainly not, what it *is* or *should be*, but what it is used for and how. And, of course, the main interest lies on the politics of time as a way of doing politics.

In the examples of the Hessian and Bavarian debates, integration is depicted as something quite reasonable, certainly possible to achieve and definitely positive. Even though the accounts of the Christian Democrats are not necessarily equivalent to the idea that “integration, [as opposed to assimilation] requires minority groups to identify with the common culture of citizenship in the public arena, while maintaining their cultural differences in the private sphere” (Kostakopoulou 2010, 6), and even though the CDU and the FDP were accused of having an “absurd” concept of integration, the overall view still prevails: integration is something to promote and to aim for. This consensus, given that there is no consensus over the definition of the concept, could seem strange if not contemplated from the operative point of view, through which it becomes obvious that it may not be so important what it means to have integrated migrants but what it says about the comprehension of the derivatives.

## **4.2 Polity as a temporal constellation**

The question of what is meant by integration in the context of the policy shifts, is the question which was also implied in the cases at hand. In the following section, the different integration concepts explicable from the Hessian and Bavarian cases are discussed in the light of the polit-vocabulary (see chapter two). Most attention here is dedicated to the concept of polity, with an added dimension through the concept of politicisation. Politicking and policy, in turn, are important reference points and dimensions of this conceptual set, but the role they are given here is a featuring one. Polity here is used to describe three differing constellations, which all bear their own temporal indexes: The state, the citizenry and the non-citizenry. The role of “integration” is to work as a conceptual link between the differing polities. Integration and these polities are then discussed from the points of view of requirements and rules (4.3), education (4.4) and political action (4.5).

### **4.2.1 The state, the citizenry and the non-citizenry and the integration concepts**

As stated above, “polity” can refer to any constellation, which consists of a set of established politicisations. In the following, the polities of citizens, non-citizens and state through the concept of integration are linked. Here the “integration narrative” is specified as the ways in which these polities are connected conceptually through the concept of integration when “integration” is understood as a temporal expression. Subsequently, the citizens, the non-citizens and the state are henceforth referred to in the sense of polities, i.e. established sets of politicisations potentially forming obstacles for new ones, accepted as political and under constant contestation on behalf of those with fewer power shares. These categories, which are rhetorically constructed in the material, are linked through the temporally tensioned processes of integration and naturalisation,



but also processes such as migration, or education, and institutions. For these polities, integration is about a shift in legal status: from a non-citizen into a citizen, from one polity to another, which also means a shift in relation to the state. This is a one-way process, in which the shift from citizenry to the non-citizenry does not occur. On the other hand, the integration process also implies measures on behalf of the state toward the citizenry and the non-citizenry in the form of policies and grass-roots initiatives, for example. In this respect, the integration process also shapes the institutional setting of the state, since accommodating new practices, such as an integration course, influences administrative structures.

The construction of the “state” in the debates needs to be differentiated from the way “regime” or “government” is used in the course of the analysis: Whereas the latter two refer to those who use political power through institutions and traditions conceived as the established way of governing a territory, the state here refers solely to the rhetorical figure in the debates as defined in relation to citizenry and the non-citizenry. The state-figure of the debates is an idealised and extended version of the regime with the elements of shared history, territory (including even the claim for the monopoly of legitimate violence in a Weberian sense), constitution and continuity at its heart. Moreover, the concept of the state is used here as an expression for this third polity-figure, as opposed to nation in order to emphasise the institutional dimension and avoid exaggerating the ethnic dimension. The state as an institutional setting can be altered, challenged or prevailed, but it still assumes a sense of temporal superseding in relation to the individuals concerned. The element, which provides the state with this sense of “continuity despite contestation”, is elusive, but the expressions for it are those referring to the national distinctiveness marked with the adjectives of “German” or even “European”, where the frame of reference is slightly wider.

The polities form a framework for inclusion and exclusion: the state-polity includes the polities of citizens and non-citizens, who are subjected to the legislation of the state, albeit not necessarily to the same extent. The members of the citizenry also have a chance to shift from the status of an “ordinary” citizen to the representatives, ministers or officials of the state, which is an option unavailable to non-citizens. Obviously, these polities are, by definition, mutually exclusive. Further, in certain respects the regime is exclusive toward the non-citizens (voting and other forms of participation) and inclusive toward the citizens regarding the same issues. The analysis below concentrates on the relations the non-citizens have with both regime and citizenry, because the debates in question only deal with naturalisation legislation, i.e. with the need for specific integration measures of the non-citizenry.

The claims for a reasonable debate and reasonable solutions for naturalisation policies illustrate the ways the status of integration is maintained throughout the debates. While it is clear, and also explicitly claimed, that the definitions for “integration” vary, the concept still is the one against which the success of any policy proposal is judged. Three possible and differing answers to the

“what kind of integration” –question can be categorised based on the analysis of chapter three. The starting point is the approaches that the differing parties have toward the concept. The following three concepts are presented in the form of “integration as...,” and the narratives will revolve around these types. The concepts are arranged according to their extent, beginning with the broadest concept of integration move toward the most constricted one. They are rhetorical conceptualisations explicated from the material and as such simplified, yet nevertheless important keys for understanding the “integration talk”. Far from suggesting that this simplistic categorisation would have a groundbreaking effect on the ways integration is theorised and conceptualised in the various analyses on the topic, the following is taken to be the frame of reference to the discussion in this chapter as well the next.

There are two common elements to be found in the concepts. Firstly, they all presume a political gap between the candidate and the citizens. The presupposition of the gap is a direct derivative from the concept of “immigrant” adopted in these debates. Secondly, they take a rather unproblematic approach to the idea that a stable core can be defined, and that it should be respected by the candidate. Variations occur among the suggested means for reaching a sufficient stage of integration, which also has an effect on the ways the differing temporal elements are emphasised.

The reading on the integration concept of the Greens can be described as “integration as *following* the rules and values”. This is a concept of integration, which still presumes the stable core, common for all three types, yet expects the integration candidate merely to follow the rules in terms of conduct. The question, whether the integration candidate has somehow cut the ties with her previous residence or has aspirations for an alternative world order is irrelevant in this respect as long as it does not manifest itself in the form of severe disobedience or total abandonment of the host society. This type presumes that the integration candidate has the acquired sufficient language and other skills for managing in everyday life and fulfilling the requirements that are expected of a naturalisation candidate, but “succeeding” in integration in this sense will not need any detailed understanding on the history or culture of the receiving polity. Furthermore, the receiving polity is to provide the potential naturalisation candidate, whether or not she chooses to apply for citizenship, with institutional possibilities for participation, integration and naturalisation.

The narrative can also be associated with the Social Democrats, although with slightly more weight put on the activity the integration candidate needs to employ in order to gain more knowledge on the host society through emphasising the need for something like an integration course. The emphasis is still on the “external” behaviour, as the naturalisation candidate is still considered to have the right to maintain her difference in relation to the norms and still be accepted as a full member of the polity, bringing a contractual element into the relationship between the integration candidate and the receiving state. The naturalisation candidate is thought to not just mechanically obey the rule of law, but to recognise the values tied to the law as having a valid status as a value

system. Here, acknowledging the right of the other to exist is mutual, and the consensual common ground can be constructed despite the differences of opinion the parties may have.

For the Free Democrats, the concept is “integration as *endorsing* the rules and values”. Thus the turn here is obviously toward what the representatives and the German legislation refer to as *innere Hinwendung*, as it implies that the naturalisation candidate not only follows and accepts the rules and the values but also prefers them to any other system. This endorsement is understood more in terms of non-questioning the normative system and the national narratives of the new homeland than merely recognising them as valid systems. Thus, the tradition from which the integration candidate is turning toward the new one needs not be surrendered, but redefined in terms of the new values and the new system given clear primacy. More extensive knowledge and political participation are also attributes to this acceptance as the significance given to the efforts of the naturalisation candidate also imply a presupposition of a wider gap.

Finally, the Christian Democrats in the analysis employ the concept of integration, which expects the integration candidate to *embrace* the rules and values of her new home, to transfer from a member of one system into a member of another. The difference to the Free Democrats is a clearer sense of belonging as opposed to a sense of loyalty and a tighter knitting of the new citizen with the future course of the national narrative. The supremacy of the receiving system in relation to the old one is now more evident and the naturalisation candidate is thought to perform the local citizenship in its idealised form. Whereas the elements of language, long-term residence, payment of taxes and actively engagement socially already exist in the broadest integration concept, they are intensified here.

As these examples show, the nuances on the differing concepts are quite subtle yet realisable. Putting more emphasis on the oath and the test as forms of ensuring more loyalty from the integration candidates also accentuates the sense of a break between the past tradition and the future course. The presupposition of the gap between the applicant and the citizenry is wider in the narratives employed by the Christian Democrats and the Free Democrats, which also intensifies the dimension of becoming as transformation, in which something partially ceases to be. As opposed to this, the first example of the Social Democrats and the Greens occupies a “softer” sense of becoming, in which the knowledge on the rights and duties is more in the direction of functionality than any qualitative turn.

The politics of state, citizenry and non-citizenry are all conceived in relation to each other through these various concepts of integration. The state-figure means coherence, which can be achieved through controlled pluralism. The policies are needed to enable the non-citizenry to engage in politicking in a regulated way as somehow the challenge of differing traditions, languages and value systems need to be accommodated within the normative system. The citizenry is constantly defined through the integration requirements presented for

the non-citizenry, which means that it is also constantly redefined against the non-citizenry and vice versa. The conditions for naturalisation set the bar for membership and, as citizenship is considered a privilege, creates asymmetry and subordinates the non-citizens. The “height of the bar” varies according to party lines in the debates, but it still exists. The established politicisations forming the centre of the citizenry are thus those, which are under dispute: which are the politicisations that can be debated and which are those left untouched. The possibility of new politicisations, i.e. introducing new elements to the institution of citizenship is the object of the debate, as is the possibility of cutting other elements out. The purpose of the differing rhetorical strategies is to limit this possibility by attempting to exclude some elements as undisputable.

The idealisation of the state does not mean the absence of dispute or dissensus. The suggestion here is by no means that having the “best interests” of the idealised state at the background would somehow imply that the parties of the debate would not acknowledge differences in opinions, or that the a consensus would be the most visible feature of the discussions. For the relationship between the citizen and the state this means that the state is presented as something, which supersedes the citizen, even though a state could not exist without citizens. This is, of course, a familiar part of nation building mechanisms, but the point here is how it is displayed in the debates in relation to the constellation: the state represents the institutional chronology with a common destiny and progress, while the citizenry has the dual role of both being a part of the greater narrative, on the one hand, and challenging its course through the individual life span. The terms of citizenry are presented in relation to this established chronology, while the individuals in the citizenry have the ability and the power to alter the power share constellation, if they will. Thus the state only exists as a rhetorical tool since no separation can be made between citizenry and its institutions. However, the role of the non-citizens within the state remain blurred, as its role in defining the institutions is reduced to being there, i.e. having granted rights by the very same institutions they cannot fully participate in<sup>24</sup>.

The gap assumed to exist between these polities is thus to be “amended” through integration, as the non-citizen has the possibility to become a member of the citizenry through predetermined steps. Whether she needs to become one in the sense of the shifting legal status or a more extensive qualitative sense depends on the concept of integration employed in the requirements. A transformation to some extent and a break in relation to the shift, however, is inevitable since there can be no concurrent belonging with both polities in a legal sense. Integration as a policy fulfils its purpose and its future-orientation becomes realised as the non-citizen becomes a citizen and is subjected to new policies. She is also provided with a new framework for politicking, as she is –according to

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<sup>24</sup> The category of the “EU-citizen” means that there is a specific status, in which those who are in the possession of a European Union passport are subjected to a distinct legislation within the borders of the region. On the relationship of “European borders” and migration, see Rigo 2006

the idealised notion presented in the debates - expected to participate using her new status as a citizen. The possibility of politicking against the regime or the norms of the citizenry is expected to be minimised if the individual candidate responds to the requirements.

### 4.3 Requirements and rules

One feature in the debates is the Free Democrats' attempt to present the question of the integration course and the test as something more practical than ideological. This is related to the idea that law is somehow the manifestation of the stability of the polity and represents "neutrality" or the minimum that the applicant should accept. Thus the polity of the German political system and the polity of the legal system are differentiated, or at least, the "legal dimension" becomes separated from the political. This, however, is hardly a Hessian or German specialty, as the idea of "following the rules as a minimum requirement" is also presented as the way forward by Etzioni:

"With regard to immigration to the United States, I join with those who see no compelling reasons to try to assimilate immigrants into one indistinguishable America blend. There is no need for Greek-Americans, Polish-Americans, Mexican-Americans or any other group to see themselves as plain Americans without any particular distinction, unique ethnic history or subculture. As long as they accept the core of shared values and institutions, they are free to diverge on other matters. Hence a proper citizenship test should establish both whether they are acculturated (on some key fronts) and are fully aware of their right to keep their differences in many other areas." (Etzioni 2007, 359).

While Etzioni is not explicitly talking about the law or the legal system, the assumption of "the undisputable core" is still there. Thus to integrate in this sense would mean to accept these rules while, adjusting to following the rules and trying to decide, which of her cultural specifics collide with the rules and which do not. To argue for such a distinguishable core is to "take it off the table" in terms of debate and dispute instead of allowing it to be part of the debate and accepting its contingency. Hence, the concept of integration here is used for politicking through depoliticisation, which in this case means the denial of the contingency of some "core".

Etzioni's point is not to claim that the concept of citizenship would be something indisputable, merely that there is one for any governing regime and that this should be reflected in the naturalisation policy if it is to be promoted (Etzioni 2007, 361). The problem with such a view is, however, that to assume such a "governing concept of citizenship" is to assume that there is an understanding, to some extent; of what this might be and that those in charge of the contents of the tests and integration courses would somehow be aware of this. Rather, I see the tests as directed and constructed more on the basis of how those suggested to pose a threat to the stable system of rules is conceived and not so much on how those already in it are seen to act upon their citizenship.

Thus the asymmetry starts with the idea that there are those, whose presence and pursuits prompt the need for creating a condensed set of rules, and those who somehow already follow these rules since they have been brought up to it. The fact that not all of those “integrated through the educational system” follow these rules or resemble the image of the promoted concept of citizenship tends to be put aside.

To make a point about the usage of the “rule of law” as the basis for the requirements, I take up Priban’s (2007) temporal reading on constitutions and legal systems. Priban argues that there are intersections between the interrelating moral, legal and political systems of communication:

“Laws control excessive political power but, despite legalistic attempts to equate the state with the system of laws, law cannot entirely take the place of politics. Constitution-making and legislative processes are institutionalised by the politics of representative democracy and, at the same time, are expected to symbolically represent the whole of the nation. The democratic political system is constituted by law; the system of positive laws is one of many reflections of the democratic nation’s search for moral fabric and collective unity; and the moral system uses law and politics to enhance its communication in modern society.” (Priban 2007, ix).

Priban’s interests lie in the constitution as form of symbolic communication, through which social systems construct their collective identities in relation to temporality. His discussion on time includes a variety of temporal figures, but here the focus is on stability as a feature of the contingent polity. In Priban’s analysis stability is discussed less explicitly and more from the point of view of the figure of (constitutional) change (e.g. 2007, 58-59). According to him, in constituting social memory “the past and the future become horizons of selection for different social systems so that the present condition may be temporarily stabilised and defined as meaningful (2007, 54)”. Priban focuses especially on the constitution-making processes of revolution and argues, that the “revolutionary process of codification and constitution-making shows that time and the concept of temporality are identified both with social *stability* and *change* (2007, 57, emphasis original)”. Through the social system approach, Priban makes his case for the concept of legal symbolism:

“I argue that the concept of legal symbolism signifies the operations whereby the legal system internalises the concept of identity and time as moral 'absolutes' and manipulates the within its internal temporal horizon. It thus constitutes the fictive experience of monumental time and history which informs political society about its moral fabric and identity.” (Priban 2007, x-xi)

The reason for applying some of Priban’s ideas on the temporal layers of constitution here does not, however, rest on the abovementioned system theory approach. On the contrary, by focusing on the usage of “constitution” the exclusive interest is in the viewpoint of the political, thereby not differentiating between the three systems Priban mentions. The thinking behind this study differs from the system theory approach in that time is treated as a distinct level of focus regardless of the differing polities it may refer back to. While the temporalities considered here have their basis in Priban’s approach, they are

only actualised here in political rhetoric, not as “(communicative) systems referring back to each other” (see Priban 2007, 3).

Another exemplary comment on the latest version of the U.S. citizenship test, introduced in 2008 and promoted as a more “meaningful” test, is given by Wonjung Park, who argues that despite being presented as a more inclusive test because it concentrates on “democratic values”, which “many people can identify with”, thus “promoting a universalist citizenship” (Wonjung Park 2008, 1002), the test “positions certain disfavoured groups as antithetical to democratic values” (ibid.). As far as the adjustments on the part of the new citizens go, Wonjung Park maintains that the claims for respecting the democratic principles are far from the ideals of universalist citizenship and rather mask the true exclusionary purpose of the test:

“In the current test, citizenship requires allegiance to the United States and its civic principles. The new test, by contrast, redefines citizenship as an assimilative process in which the immigrant must not only show loyalty to constitutional principles, but also internalise them in a manner that disavows the ‘alien’ (racial and cultural) aspects of their identity that have no place in the republican *civitas*. Citizenship defined in this manner renders the citizenship community into an abstract ideal that serves to exclude, rather than include, the immigrant from full membership.” (Wonjung Park 2008, 1011)

Wonjung Park further argues that the universalist ideal is constructed through the figure of law and the constitution, as the first of the questions in the test suggest, and that it is law which “acts as the great equaliser” (Wonjung Park 2008, 1011). This view resonates with the abovementioned point about the rhetorical separation of the legal domain as representing the acceptable set of rules to be followed. Thus it is diluted that the constitution and the law are also results of contestations and struggle and can also become objects of dispute from “within” the polity as well. The legal domain is merely “threatened” on behalf of those promoting alternative value systems, not considered to be free of values and norms.

The “neutralising” rhetoric of arguing for “the minimal requirements” is related to the idea of it being quite reasonable to ask the candidate to adjust to a certain set of reasonable conditions in exchange for the granting of citizenship. From the point of view of the polity of established politicisations, this means arguing for the preservation of the hegemony of those politicisations. This is congruent with the idea that a “stable” element is essentially a “stabilised” element referring back to the fact that the status quo of these politicisations is under contestation on behalf of the new ones. This contestation, however, is hardly visible in the naturalisation legislation and the integration policies as long as those having the most visible amount of institutionalised power are those dictating the course of this legislation. Thus the legal domain as a rhetorically stabilised dimension of the polity can have a dual function in doing politics: it can be used as a “neutral” and indisputable element, which is the ultimate referee of any dispute, albeit it may be disputable what the law should say, and in this sense it has an explicitly stabilised image; or legislation can be referred to as an erroneous account of the past politics, which must be altered in

order to enable the desired change. In both cases, however, the domain of law represents the fixed aspect of the polity, the expression of the normative system.

#### 4.4 Education

The Social Democrats in Hesse conceded that one of the positive features about the reformation of the naturalisation law was that it could provide the immigrants with useful knowledge about the practicalities concerning participation in social and political life of the new polity. This could have been reflected in the test as well, they argued, if only the right questions had been dealt with. The (civic) educational point is also one of the elements treated in an acceptable tone in Bavaria, certainly, but also in some of the commentaries, which why it is also considered here. The reason education is a useful aspect to deal with, I argue, is that it is one of the approved incarnations of integration policies, seen as an apolitical feature of the policies, even though curricula is hardly an unrecognised realm of politicking.

In discussing education, two opposing commentaries, Kiwan (2008) and White (2008) on the *Life in the United Kingdom* (LUK) preparatory material and the test are taken as points of discussion. The first (albeit obvious) temporal point to be made here is the reflection between becoming and the contingent polity. The first example links citizenship explicitly with the figure of education, arguing that

“not only are the content of the ‘citizenship test’ and the language and citizenship courses strongly influenced by the citizenship education programme of study offered in English secondary schools, but also that the very nature of the ‘assessment’ itself reflects contemporary thinking in the domain of education with regard to optimal approaches to teaching, learning and assessment. This form of assessment, in turn, has implications for how the acquisition of British citizenship is conceptualised, in relation to the broader debates on integration and diversity.” (Kiwan 2008, 65)

Kiwan presents the view, according to which the most important element of the preparatory material for the immigrants, *Life in the United Kingdom: A Journey to Citizenship* (Home Office 2004; 2005; 2007) already bears the most important notion in its title, i.e. “journey”, which portrays “citizenship as a continual process, and the formal acquisition of the legal status of citizenship as only the starting point” and educates the migrant in the institutions and practices of the British society. (Kiwan 2008, 66). Kiwan further argues that analysts concentrating on the contents of the test may give too much emphasis on it since the journey aspect implies specifically that the revised requirements are merely the beginning of this journey, not the ending point, and because the actual test can be taken as many times as the candidate likes. Furthermore, the assessment of the language requirements included in the revised policy is, according to Kiwan, beneficial for the candidate as the sufficient amount of language courses would ensure that the migrants are provided with sufficient



means for integration and full participation in the host society. (Kiwani 2008, 68, 70).

Linking naturalisation and integration policies with the wider realm of civic education and the educational policies of elementary schools implies that integration not only concerns immigrants but also native citizens. This could be interpreted as an argument for a reading, in which the tests and the integration courses would not be seen as merely statements for the politics of differentiation, but as placing immigrants and natives in the same category of individuals to be educated in matters of civic participation etc.. However, notwithstanding the fact that it equates immigrants with infants when it comes to the level of understanding the rules of democratic participation, this rhetoric suggests that the politics of introducing such policies does not lie in the realm of migration policies but in the completely differing domain.

Education is not, of course, an apolitical realm or outside the normative system, and to move the integration policy debates into the domain of education could potentially emphasise the politics of nation building, if it was to be given the attention. But reflecting this line of argumentation in the light of the *Landtag* debates, where schooling was seen as the most effective integrative measure for immigrants and the education in religion and on differing languages was such a disputed thing, I argue that to shift the discussion into the realm of education has the danger of depoliticising it. In fact, arguing for the education of the immigrants from the point of view of integration to some extent resembles the rationality aspect, i.e. that it is somehow reasonable to provide the immigrant with such an intensive schooling in how to most effectively help herself in integrating. Having said all this, it should be noted that Kiwan by no means tries to deny the politics at the heart of the integration policies but maintains that

“At a symbolic level, citizenship tests could be seen as part of this renationalisation trend. But this should not necessarily be interpreted as restrictive –at least in the UK context, but rather as part of a set of measures to promote the integration of newcomers and develop an inclusive understanding of national citizenship.” (Kiwani 2008, 72)

The second commentary presents a less enthusiastic reading on the preparatory material for the U.K. test, i.e. the LUK handbook, suggests a change in tone between the versions published in 2004 and 2007:

“There is a pervasive and subtle difference between LUK04 and LUK07. The former suggests a dynamic society in which everything is not as good as it could be but in which it is possible to change things and welcomes active citizens prepared to take civic initiatives. The latter tends to give the impression that the obedient rule-follower should be the norm.” (White 2008, 226).

The notion of “earned citizenship”, introduced in the British naturalisation policy, emphasises bluntly the responsibility the immigrant has in the acquisition of citizenship. From the temporal point of view, this can be discussed in more general terms through the models of moving time and

moving ego (Evans 2004, 60-61), in which temporal expressions are divided into those in which time is moving in relation to the experiencing ego, and to those in which the experiencing ego is moving in time. In speaking of educating individuals in living in a democracy, White says civic virtue comes above all:

“Both publications (though more emphatically LUK04) contained the reasonable aspiration that citizens need certain civic virtues to function in a democratic society. [...]

The British government has failed properly to understand the significance of what citizens need to know, the kind of civic virtues they need and how these different aspects of being a citizen might be acquired. It is also badly in error if it thinks that the citizenly virtues of decency, public-spiritedness, respect and concern for others and the like can be assessed by a multiple choice test. Or, alternatively, if it thinks that knowledge is all important and civic virtue is of little or no importance. A society that aspires to be a democracy needs to think as carefully about its procedures for admitting new citizens as it does about other issues of democratic principle and practice.” (White 2008, 230).

Applying this into the context of the contingent polity, it translates into the relationship between the individual and the historical polity, in which case the individual naturalisation candidate is moving toward the temporal point of naturalisation while, simultaneously the polity seems to have a calendar and social time of its own. Turned the other way around, the mapping reads the time of the polity as the historical narrative, in which the polity creates its own course in world history and which represents the unanimity of the polity in terms of its future destiny. I argue, that White’s point about how the role of the British political institutions are discussed in the material point to the direction of the construction of a polity with an inevitable movement in time:

“Characteristically, LUK04 discusses institutions as evolving from their historical context. [...] The civil service in the United Kingdom is given the same historical treatment, which brings out its neutrality and professionalism. In both cases, LUK07 simply gives a brief account of the current institution. LUK04 gives the impression of a living, evolving system, while LUK07 presents a static, if not rigid, structure.” (White 2008, 226).

Thus the educational aspect of the integration policy reflecting “becoming” also reinforces the established politicisations as it can be used to reproduce the history and the political claims of the governing regime. The historical image of the polity depends on the image of the established politicisations, and to challenge this image is to challenge the sense of the shared history and movement in time. To rhetorically depoliticise education is to depoliticise the historical as the idea of “educating one into the system” implies the ending point to the process or, to use the term from Kiwan, the journey. The inherent contingency of the polity is regulated through the politics of empowerment: the newcomers, i.e. those not sharing the same historical experience, are presented with more power shares if they only accept the conditions and use this power in an acceptable way. Hence the norms are maintained by educating those potentially in power into the established system by limiting the access of new elements into the prevailing discourses and agendas.

## 4.5 The politics and dimensions of political action

In the Hessian and Bavarian debates, the desired political action on behalf of the non-citizens is presented as the active participation through the established institutions, which means that the intended framework for politicking is set up in quite conventional terms. It is important, however, to consider the role of other possibilities for gaining in power shares and managing to alter the constellation, especially as it is the potential of politicking that the speakers aim at limiting. Thus in the following discussion, the point is to reflect on differing alternatives that the immigrants are left with in terms of possibilities for political action within the polity –framework.

Generalisation and categorisation is unavoidable in rhetoric, which means that these generalisations also need to be problematised to permit alternative dimensions for the debates. In this case, there are a huge number of individuals that are categorised into the same group when the only definitive differentiation they have in relation to the comparative group is that they were not born as the citizens of a certain state. Thus the “homogenising” rhetoric works on both sides: On the one hand, the citizenry is constructed as an idealised group of active, law-abiding group of individuals; on the other, the plurality of migrants is reduced to the mere attribute of a differing background (i.e. non-citizens).

This is not to say that, for example the Turks in the German case or more widely larger groups of Muslims are not put into a special spotlight. Probably every country has its own definitions for who should be the first targets of integration measures. The point is, rather, that the general debate still assumes, as it certainly did in Hesse and Bavaria, a simplified dichotomy between these two polities regardless of the shades of grey individual addressees may have in mind. From the temporal point of view, and in simplistic terms, the rhetoric of the two polities within the state can be interpreted as follows: the larger political entity, be it the German state in this case, has its chronological course, steered by those in power; the cairological element occurs, when the established order is challenged on behalf of a significant group of people, forming a polity which attempts to gain in power shares.

There are a number of arguments for legitimating a citizenship test, but one of the prominent ones is the security argument, which was also referred to in chapter three. The problem in the generalisation presented above is that it has a twofold effect of concealing and revealing in regard to what is considered as the threat. The representatives of the Christian Democrats and the Free Democrats are quite explicit about the way they consider the main threats posed by the parts from Muslim communities, and the examples used in the debates are mainly contrasting the Germans and the immigrants with an Islamic background. At the same time, however, the Baden-Württemberg questionnaire is widely condemned because it was directed merely to a certain group of immigrants and the claim in Hesse was that the policy should be the same for each candidate. Still, as the Greens and the Social Democrats pointed out, the natu-

ralisation policy only concerns those who, firstly fulfil the requirements and can thus be considered fairly “integrated”, and secondly wish to apply for citizenship in the first place. Thus the claim that these individuals are the ones toward whom the “integration measures” need to be intensified is implausible, specifically in the light of the security arguments.

The debates in Hesse and Bavaria, like so many other immigration related debates as well, revolved around the figures of “problems” and “threats”, which forces the question about the causes for these imagined threats – “imagined” since their implications are placed into the future and not the realisable present, which is used instead as providing some preliminary examples of the course the development will take. As was already referred to in relation to the expressed doubts about the tightening of the naturalisation requirements, the cause of this threat must come from another direction. In addition to the unavoidable politics of citizens and non-citizens, however, there are also the politics of the integrated and the non-integrated, the Muslims and the non-Muslims, the Christians and the non-Christians, and the immigrants and the non-immigrants, respectively. While these politics obviously overlap, they share the common feature of being defined through the backgrounds that individuals belonging to these categories are supposed to share.

As argued in chapter three, both the process and the actual act of naturalisation mark the breakage between the politics. In relation to the oath, an “event” has been used as a temporal figure for pointing to the politicisation of the oath as a ritualistic final stage of conceding to the new polity. “Politicisation” on behalf of the established polity here refers to the way the Hessian and Bavarian debates has given the oath added meaning as an event, whose significance to the whole process of naturalisation should receive more emphasis than it has been given in the past. As the the CDU and the FDP members emphasise in the debates, the oath is said to express more clearly the candidate’s willingness and readiness to submit to the new citizenship and act loyally than the previously used practice of signing a declaration of loyalty. From the point of view of the applicant, however, the oath becomes something, which as a part of the naturalisation process and in relation to the testing procedure is depoliticised into an act without any room for alternative choices. Hence, for the applicant the oath becomes an addition to the conditions, which she is expected to fulfil if she wishes to be granted citizenship.

In terms of the multiple politics, the idea that a politicised event is open to some members and closed for others becomes, again, the locus for reinforcing the difference. Consider, for example, the election: One of the most concrete differences between the individuals is the right to vote in national parliamentary elections. The campaign rhetoric often uses the resources of the past as its reference point, aiming at persuading the audience, and quite often this rhetoric utilises the national symbols, giving visible images for the state in campaign material from leaflets to huge posters. Thus the whole event of voting is regarded in terms of participation in the shaping of a “common” future as well as the symbolic act of either reinforcing or rejecting the governing regime. Ironi-

cally, immigration tends to be on the agenda of more than one party in contemporary Europe (2011), which makes the division of the power shares in terms of institutional say quite concrete: Those within the established polity of citizens have the voice and the upper hand in terms of politicisations and setting of the agendas in relation to those, who are left without a vote. Thus the event in this sense signifies the breakage between the polities and actualises the question about the shared existence.

The dynamics of political action in this context is an example of politicking with the past, or rather, with the pasts. As the polities in the debates are defined by the backgrounds of their members, and the acceptance of (or, at least, learning about) what is presented as the commonly shared past of the state-polity marks one of the cornerstones of becoming a member of the club, the significance of this temporal reference is obvious. I argue, however, that it is the politics of the past at play in integration policies that reinforces and maintains the limits of the citizen-polity and keeps it continues to shut out those with differing histories. In the debates and the commentaries, there are hints toward the constructible polity of naturalised citizens, who are expected to actively take part in their new citizenship and explicitly follow the rules. Thus the full membership is as idealised a notion as that of the state, and the assurances of the Bavarian the CSU members about the total acceptance of a naturalised German as a German are pieces in the nation state puzzle of concepts. From this it follows that while the promotion of integration as the goal of naturalisation or migration policies may be put forward through the idea that the individual is “enabled” to live in her new country, it is also posed as conditional to some extent. The backgrounds will remain differentiated. Thus the constructed and, as such, potentially contingent nature of membership is once more visible and certainly not fully tied with citizenship.

One of the acknowledged issues in the debates is that Germany actually needs immigrants to contribute to the labour force, but highlighted in relation to this is that the exact aim is to gain integrated immigrants, which in this context equals new citizens. It is also explicitly stated that German citizenship needs to be kept or turned, depending on the view, desirable as it would be in the best interest of the state that more individuals would choose naturalisation over mere long-term residence. Thus the decision to either apply or refrain from applying for citizenship is a form of politicking, and that enacted policies influence the decisions of the potential candidates. The figure used in arguing for this is that the immigrants should be made feel welcome instead of shut out. Thus the possibilities that the non-citizen has for political action is politicised, in relation to applying for citizenship, and to the forms the politicking may take if not given possibilities in more “acceptable” terms.

Taking up naturalisation legislation as the potential floor for reform, the institution of citizenship is politicised, as already argued. Linking integration explicitly with citizenship differentiates integration in this respect from the possibility of integrating through residence. Thus, integration and citizenship are politicised as being two sides of one coin, but also integration is accessible up as

something that the immigrant, the citizenship applicant and the regime can politick with: since integration is presented as something that the regime may regulate with policy and the naturalisation applicant is expected to pursue, it also must be something that can be denied or refused.

The politicisation of education and especially the references, and the extensive debates dedicated to it, to the potential banning of the Muslim head scarves also opens up a set of implied possibilities for politicking on behalf of the citizens, the non-citizens and the regime in respect to language. As it undeniably is one of the classic elements for the construction of national cohesion, the topics such as whether the public schools should provide religion classes in differing languages and in various religions are commonly linked with discussions on integration.

The link between restrictive immigration policies and naturalisation on the one hand, and the notion of integration on the other has been argued to be revealed in, for example, the way integration programmes are designed around “enforcement, punishment and disciplinary measures” (Kostakopoulou 2010, 9). Linking the problem of *Parallelgesellschaften* with naturalisation policy is an example of this. In the discussion about the U.S. test, Park argues that analysing the content of the test actually reveals the exclusionary nature of the concept of citizenship as it emphasises quite clearly the geographical borders of the United States and thus “reinforce the limits of American citizenship: immigrants may become legal U.S. citizens and are encouraged to assimilate [...], but at the same time, they are denied a deeper sense of historical integration and belonging to the land itself” (Park 2008, 1021). While the territorial dimension is obviously one of the main features of modern Western citizenship, and while the exclusionary nature of this institution has already been widely acknowledged (not least due to the influential writings of Brubaker; see 1992, 45), the debate over the level of restriction set up in naturalisation policies is one of the prominent features of testing debates as well.

In my understanding, there is no sense in denying exclusion when it comes to citizenship or integration; indeed, an explicit praise for inclusion merely redefines exclusion rather than doing away with it, and the differing degrees of inclusion and exclusion is always relative. However, whereas Wright (2008,4), for example, is willing to grant the testing practice the positive aspect of making exclusion transparent because it defines the basis for it, I argue that the happy endorsement of exclusion in terms of citizenship dilutes the exclusionary practices elsewhere. This is because defining the other means having definitions of the self, and the integration and citizenship test debates seem to argue that there would be some sort of shared basis. The fact that this argument is not surprising is precisely why it should be made, because it illustrates how the temporal thinking in terms of the shared past and future inherent to nation state ideals still prevail in the rhetoric on citizenship, integration and migration. In this chapter the concept of integration was combined with the politics of the state, the citizenry and the non-citizenry. The differing integration concepts of the Greens, the Social Democrats, the Free Democrats and the Christian Democ-

rats were outlined. The Hessian and Bavarian debates were reflected upon in the light of some of the recent commentaries on the testing practices. The politics and integration were discussed from the points of view of selected issues: rules and requirements, education and political action. The following chapter will return to the original phenomenon of the testing practice by placing it back to the centre of the argument.

## **5 CONCLUSION: THE POLITICS OF CITIZENSHIP TESTS**

The analyses of the concept of integration and the polities, discussed in chapter four, are based on the reading of the Hessian and Bavarian debates and the commentaries mentioned in that chapter. This conclusive chapter returns to the issue of the testing practice. In relation to this, the first main research question, “what are the potential contributions the “politics of time” perspective has for the debate on citizenship tests?” will be dealt with. It is argued that the testing practice and the debates thereof can be read in the wider context of constructing national distinctiveness. Regarded in this respect, the debates on the tests are both a matter of politics of internal affairs and international relations; and, in the Hessian and Bavarian cases, also matters of federal and local politics. The construction of narratives around which the national distinctiveness is built, needs temporal elements to legitimatise it with the polity’s past and imagined the futures. This rhetoric and its reference points change according to the global developments, and that especially the European integration has altered the emphasis in respect to this. However, even the globalising world still revolves around the old nation-state bound concepts and institutions, which have been constructed within their context, which in turn means that the rhetoric of distinction still has its nation-state dimension. In this chapter, the test and the idea of distinctiveness is briefly discussed, before turning to final remarks from the point of view of the previous analyses.

### **5.1 Citizenship tests and the mechanisms for distinctiveness**

Albeit that the view here toward the testing practice is that the arguments for it to serve as an integration measure are implausible, the fact remains that the representatives are actually discussing the possibility of testing the naturalisation candidates, and approach the test as a serious part of the naturalisation procedure to be delivered. Since it was the test that instigated



most discussion in the debates and despite the fact language tests and discussions with civil servants had already been in place in Germany before the introduction of the test, the “integration policy” will be dismembered and the focus will be on the idea of the exam as such.

Judging from the debates in Hesse, Bavaria and on the academic level, there is a possibility to look at the test as being about the basic knowledge and part of a wider education period, in which case it would have a resemblance with any exam taken at school at the end of a course. The parties in Hesse had quite different conceptions of the form the test should take. Whereas the Greens rejected the whole idea of a test, for the Social Democrats the only form the test should take, if they were forced to live with one, was a test in which the questions were put together based on scientific assessment. They argued that if it was truly the aim of the test to eliminate the candidates with anti-constitutional aims and background, the contemporary form of discussions with a civil servant were more efficient. The questions in the test were to serve the purpose of the integration course, which was to provide the candidate with enough knowledge on the rights, duties and possibilities the new citizenship would offer. Thus the suggested test and its proposed purpose of detecting extremist elements are argued to be incompatible, whereas the aim itself is approved of.

The Christian Democrats explicitly stated that the test should be implemented to test the applicant’s mindset. For the CDU the key question was, as Christian Wagner put it, to come up with the best possible way for testing how well the candidate would adjust to the German way of life, i.e. how well she was integrated. Of course, questioning a naturalisation candidate’s conviction in the form of the *Loyalitätserklärung* had already been introduced to German legislation beforehand and the practice of swearing an oath was familiar from other cases such as the United States. However, in the argumentation of the CDU, the conviction aspect is extended to include the testing practice instead of merely aiming at reforming the *Loyalitätserklärung* practice and enforcing a more explicit oath. Thus the test actually becomes a part of a process, in which all elements aim at putting more emphasis on conviction as the prerequisite for citizenship. The politicisation of conviction equalises the politics of citizenry and the integrated thus excluding the possibility of a “fully integrated” individual outside the citizenry. However, this interpretation puts the role of the test into a rather odd light: the questions presented in the *Leitfaden* include ones about painters and geography, which can only claim to test the dedication the citizenship candidate has put into preparing for the test. Moreover, considering that the *Leitfaden* was to contain a hundred sample questions, out of which the actual test was to be constructed, the effort to be put into memorising the answers was hardly immense. From this point of view, then, taking the test seems to play the role of a performance, which the naturalisation candidate must undergo before proceeding to the next control point.

The Free Democrats were the other party cheering for a reform. They claimed that it was the knowledge of the candidate on the key issues on German culture and institutions, which would be tested since this knowledge

would be the basis for integration and the appreciation of these values and institutions. The driver's licence analogy of the Free Democrats points to the direction of acquiring additional skills, with which the individual can manage in certain situations. This could, of course, be interpreted to refer to the idea that any resident, who wishes to drive, needs to attend a course and take the test, i.e. anyone wishing to participate in certain activity needs to perform accordingly, but in this case the point was to make sure that those who are to be given the rights of a full citizen would be able to live up to them. The role of the test as a part of the reform in this case is to ensure the adequate acquisition of knowledge, which is argued to ensure that the new citizens can know what they are supposed to be loyal to. The purpose of the test is more clearly separated from the *Loyalitätserklärung* and tied up with the preparatory course, which the applicant needs to attend in order to pass the test. While the FDP also wishes to get rid of the signature practice and turn the *Erklärung* into something more meaningful and explicit, the combined role of the course and the test, in whatever form it would take, refer again to the notion of citizenship as a contract between the individual and the regime: the terms of the contract need to be clear for both sides, who also have a choice of not accepting these terms.

Considered from the point of view of the statement made earlier, that the debates for the tests employ the familiar roles of nation-state thinking, the element of time (e.g. Bhabha 1990) and such figures as education (e.g. Eley & Suny 1996) and loyalty (e.g. Anderson 1983) become self-evident features of political rhetoric in this context. One of the more simplistic references to time and nationhood is Anderson's Benjaminian reference to the "empty calendar-time"<sup>25</sup>, which he argues to be one of the basic mechanisms for imagining the nation as "a solid community moving steadily down (or up) history" (Anderson 1983, 31). In this study, however, the notion of the calendar-time appears merely as a vague suggestion in the background. The more important issue, from the point of view of political action, are those temporal elements, which are at play when the actors are making claims for interpreting how this "imaginative calendar" should appear. It is not the argument here that the idea of a single official national history would even be desirable, let alone possible, in doing politics. What is argued, nonetheless, is that narrating in the sense of reorganising temporal references is what political rhetoric does, and that the attempt to construct the categories of the past, present and future resonates with a very basic understanding of movement in time. Hence the emphasis has been on the possibilities of the various temporal elements and figures as a resource for politics whether aimed at maintaining status quo, radical shifts in power balances or at something in between.

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<sup>25</sup> A more complex approach to time and national narratives is provided by Bhabha (1990), who constructs a temporal reading on the nation "as a narrative strategy" (1990, 292). Hence, even though a more comprehensive discussion on nationalism and nation building theories is excluded from this study, it should be noted that those debates also add to the list of potential contexts, in which the tests could be discussed in temporal terms.

There is a sense of yielding in any naturalisation policy that the individual is subjected to, as to go through the necessary steps means one accepts the requirements set up for acquiring citizenship. The introduction of the test adds another element, in which this sense of submission is reinforced since any examination in general includes the elements of keeping to the formalities and technicalities of the situation. The candidate also needs to reassure the examiner of her abilities and, in the case of multiple choice questions, tick the right boxes without any room for questioning the choices or elaborating on the topic.

In the case of citizenship tests, the only aim is to pass without any pursuit for an extraordinary performance, and in the case of the current (2011) German test, the applicant needs to get at least seventeen answers right out of the bulk of thirty-three questions. This could put the testing practice in the role of an entrance examination, in which the citizenship candidate prepares well, performs accordingly and is accepted after showing adequate procedural competence. However, to refine this slightly, I would argue that if the test was seen as an entrance examination, the emphasis would be more on the type of entrance into an institution which expects the naturalisation candidate not only to perform skilfully, but also to possess a certain amount of talent and a suitable disposition (an art college or a ballet school, for example). Thus to perform well in the test requires more than just knowing the techniques; it requires submitting to the procedures for displaying the technical skills.

Barker (2009) argues that, in the Western tradition, active citizenship is conceived to aim at reconciliation instead of appreciating conflict as its key element. He opposes active citizenship with institutional politics, claiming that conflict is the essential element for citizen participation in democracies. Furthermore, he argues that the formality of institutional politics has taken the need for dealing with conflict out of the focus. Reconciliation for Barker is derived from the Hegelian notion of *Versöhnung*, and interprets this as “being at home with the social world” (Barker 2009, 63). While the concept of “active citizenship” in its idealised form can be also found in the debates and is in this sense obviously normative and yet in an academic sense it is unclear. There is a temporal aspect worth noting on the basis of Barker’s discussion of reconciliation. As argued before, the politicking with the past at play in citizenship, immigration, integration and naturalisation politics keeps the differentiation between the polities alive. The need for application, submission and entrance can be interpreted through this idea of reconciliation in its relation to the future, as the citizenship candidate is, after being granted membership, expected to reconcile whatever conflicts her tradition may pose to the receiving system in order to participate in the future of the polity. There is even a hint of this sense of reconciliation in the example below, as the possibilities of institutional politics are considered the key for promoting the integration process, with institutional participation at its heart:

“The course route to citizenship... has the potential to fulfil the proposed integrative purpose of the ‘journey’ to citizenship, with its focus on social interaction and participation of learners. It also recognises the importance of being able to communicate verbally in the language of the receiving society in order to avoid exclusion, and to

facilitate and promote participation in social, economic and civic domains. Indeed, in the *Life in the UK* advisory group report, *The New and the Old*, we had intended that the test route would also entail some participative opportunities for applicants – either in the form of a short course, or through participation (Home Office 2003: 22-23). However, this part of our recommendation was not taken up by government. I would therefore argue that the test route to citizenship does not directly fulfil the proposed integrative function requirements, except implicitly by requiring knowledge and understanding of the designated chapters of the *Life in the United Kingdom* handbook.” (Kiwani 2008, 69)

The point on activating the new citizens through policies introduces, however, another aspect of considering the relationship between the institutional politics and active citizenship. Whereas Baker opposes these two, Kiwan makes explicit the political processes behind policies, which put institutions in place. Thus “institutions” hardly represent something fixed or even promote conformity, if the procedures linked with it are seen as reproducing certain values and norms instead of being something that has simply been agreed upon. The contingency of the institutions hence enables the practice of “active citizenship”, whatever one takes it to mean, if this contingency is simply being recognised as both an object and means for politicking.

Joppke, particularly in his discussion about citizenship and immigration, but also when speaking of the testing practice, states that when considered from the point of view of liberalism,

“Citizenship tests that ask for factual knowledge about a country’s history, culture and institutions are unproblematic in this respect, because such matter is merely cognitive: it can be learned and mechanically reproduced. Moving from knowledge to values, even a signed loyalty declaration or an oath to the constitution is unproblematic from a liberal point of view, because it consists of an external behaviour that, moreover, only actualises the contractual underpinnings of liberal citizenship. However, a citizenship test that scrutinises a candidate’s ‘inner disposition’ is problematic, precisely for transgressing the thin line that separates the regulation of behaviour from the control of beliefs.” (Joppke 2010, 141).

In the same book, Joppke also argues that the “national particularisms” that states put on display, in which the “ethnic minorities are asked to accept” are in fact merely “local versions of the universalistic idiom of liberal democracy” (Joppke 2010, 137). Here, however, more emphasis is put on the point which Joppke also acknowledges that this group of liberal democracies do define themselves in opposition with the Other of the outside, more specifically the immigrants from Islamic countries. While these particularisms may be defined within a set of states advocating corresponding ideals and thus may have a similar basis, in my reading and for my analytical purposes, it is the fact that the surface still seems to weigh as much as it does that raises my interest. Moreover, the idea that the tests are not such a radical move within naturalisation (and, in some cases, immigration) policies, or that they may be acceptable from a liberal point of view as long as certain limits apply, should not downplay the politics behind such a test. Rather, I take the tests and the debates thereof as a serious forum for constructing national narratives, no matter how subtle a variation it may have among its liberal democratic

counterparts. Since exclusion in these terms is inevitable and necessary, I would promote the idea that both analytic and more general discussions should be about the forms of exclusions and inclusions instead of to what extent they exist. It is also important to look at the level of discussion instead of just policies and legislative outcomes in order to gain a more comprehensive view about the categorisation of the individual naturalisation candidates.

As far as Germany is concerned, the introduction of the citizenship test in 2008 can be regarded as one of the developments in immigration policy, since a language test has already been introduced to immigrants applying for residence before and the integration course for newcomers has already been in place since 2000. While this may have been “brought about” in the form of “an incremental change” by “administrative actors and logics rather than a paradigmatic change provoked by conservative political entrepreneurs” (Michalowski 2010, 186), it still does not mean that there would not be politically important elements to the testing practice as a whole. As a sign of change in orientation one may take “the shift away from the communitarian approach of some of its regional predecessors” as the federal test “demonstrates [instead] a republican understanding of citizenship” (ibid.), but the approach to the issue here has emphasis on the appreciation of any citizenship test in a more general sense. Certainly, the advocates for the test in Hesse and Bavaria saw a test as an important element toward a more effective (in terms of integration) naturalisation policy with no less weight put on it than its opponents did when they argued for its rejection. Thus, as incremental as this development might have been, provoking and loud debates were stirred up because of it.

## 5.2 Concluding remarks

I have suggested a temporal reading on the concept of integration in a specific context. The benefit of temporalisation is that it insists on a dynamic notion on the relationship between the political subjects and the polities they constitute. The analysis has been situated in the context of the tests both in terms of the primary sources and the secondary commentaries on the academic level. Moreover, parliamentary sources are used explicitly as the material for analysing political rhetoric and turned the focus on the elements of time as a resource for doing politics. From these sources, three differing temporal figures were constructed, which (re)assembled the categories of the past, present and future. The ongoing debates refer to discussions on differing concepts such as citizenship, integration, immigration and naturalisation, for example. Specific emphasis was placed on the concept of integration on the basis of its central status in the Hessian and Bavarian cases.

The differing concepts of integration explicated from the material mark constructions of polities and their relations in regard to political action. Problematising the concept of integration also refers to this relationship as a contingent one and thus emphasises the potentiality of acting otherwise. As the the-

matisation of the primary sources in chapter three illustrates, the dimensions, in regard to which integration can be constructed, are numerous and raise questions about the politics of the processes, institutions and concepts linked with it.

The debates on citizenship tests are about constructing differentiated polities. The distinctiveness of the citizenry polity produces asymmetry, expressed through the concept of integration, in relation to the other potential polities. This unidirectional concept, which in this context can only work from the non-citizenry toward the citizenry, is then used as a basis for legitimating both the acceptance and rejection of the reform. In any case, whether the test is promoted or criticized, and despite any contestations of its meaning, integration remains the celebrated end against which all means for evaluating the membership candidates are measured.

Placing the temporal elements in the spotlight, I argue, makes it possible to gain more insight in the basic mechanisms, through which these distinctions work. Translating the agents and conditions, around which the argumentation in the debates revolves, into the language of time can shed light on the complexities of differentiations at work when the relations of the groups are given meanings. Problematising "integration" in this context has kept the focus on this relation, explicitly, since it is obvious that to construct such a group necessarily means connecting it with other agents and conditions functioning within the same framework. If polity is understood as a constellation of varying temporal experiences, "integration" reflects the temporal conditions for its membership.

Considered from the wider perspective, the "rhetorical move" of this study has been to concentrate on the language and argumentation of parliamentary agents on the level of a single case study. However, the aim has not been to merely discuss the cases of Hesse and Bavaria in the context of German politics, but to combine the findings from those with the academic discussion. Thus the conceptual constructions in the *Land* parliaments are embedded in a more extensive network of debates about naturalisation, integration, citizenship and immigration. The approach has been a thematic and conceptual one rather than striving for a comparative assessment between differing cases or the parliamentary agents and the academic commentators. Instead, the focus has been on temporality.

The principle of *jus sanguinis* has traditionally been mentioned as a signifying, albeit not the decisive, element of the German citizenship legislation (e.g. Brubaker 1992). However, and as the Hessian and Bavarian material also showed, the naturalisation policy has effectively shifted toward the fostering of *jus soli* elements in practice. The case of the dual citizenship debate from the late 1990s, after which the children born to non-German citizens in Germany must decide between German citizenship and parent's country of origin citizenship at the age of eighteen, is an example of the interplay between these principles in the German context. Debating the modes for entering German citizenship now has a new dimension in the form of the testing practice and the disputes over it,

which opens up further possibilities for conceptualisations. This study considers German citizenship politics in this new rhetorical situation.

Problematizing time in the integration and naturalisation debates enables a reading of policies, which define limits and links and are designed to produce desirable political action on behalf of the citizens and non-citizens alike. The centrality of the concept of integration in the naturalisation debate, dealing explicitly with this interplay and revolving around these principles, can hardly be overlooked. The discussion on the variety of the integration concepts and the elements of time thus refer to the conditions of political action from the perspective of the naturalisation candidate.

## TIIVISTELMÄ

Kansalaisuustestit ovat kasvattaneet suosiotaan ympäri Eurooppaa: yhä useammin ne otetaan osaksi kansalaistamisprosessia pelkkien kielitestien sijaan. Viimeisimpien testien käyttöön ottajien joukossa on myös Saksa, missä koko liittovaltion kattava testi lanseerattiin syksyllä 2008. Tämän tutkimuksen tarkoituksena on käyttää kansalaisuustestejä lähtökohtaan siten, että ensisijaisina lähteinä ovat parlamenttikeskustelut aiheesta, ja lisämateriaalina käytetään akateemisia kommentaareja. Käsitteellisellä tasolla tutkimus keskittyy integraation käsitteeseen, josta suomalaisessa keskustelussa käytetään myös käännettä ”kotouttaminen”.

Tutkimus siis keskittyy poliittiseen kieleen. Teoreettinen näkökulma analyysiin on ajan politiikka. Lähtökohtana on ajan keskeisyys kansallisten kertomusten rakentamisessa ja osana retoriikkaa. Menneen ja nykyisyyden kategorioiden tuottaminen poliittisessa puheessa on olennainen osa mitä tahansa legitimointia, ja kansalaisuuskeskusteluissa yhtäältä menneisyyden jatkuvuuden ja toisaalta tulevaisuuden uhkakuvien käyttö on voimakkaassa vuorovedossa.

Ensisijaisena tutkimuksen kohteena ovat Hessenin ja Baijerin maakunnissa keväällä 2006 käydyt maapäivädebatit. Baden-Württembergin, Baijerin ja Hessenin aloitteet erilaisista testikäytännöistä polarisoivat kansalaisuuskeskustelun koko liittovaltion tasolla ja johti vähitellen kansalaistamiskäytännön muutokseen. Hessenin tapaus on keskeisessä asemassa sen kunnianhimon vuoksi: Aloitteen tekijöiden tarkoitus oli saada koko maahan yhtenevä kansalaistamispolitiikka, eikä Baden-Württembergin syrjivän käytännön kaltaisiin ylilyönteihin haluttu sortua. Aloitteen esikuvana käytettiin mm. Kanadaa ja Sveitsiä, ja se keskittyi kotouttamiskurssin, kansalaisuustestin ja valan vannomisen yhdistelmään kotouttamisekeinona. Tutkimuksen toisen tason muodostavat esimerkit käynnissä olevasta akateemisesta keskustelusta. Tällä tavoin maakuntakeskusteluita arvioidaan laajemmasta kansainvälisestä näkökulmasta erityisesti integraation käsitteen kannalta.

Analyysi perustuu ajatukseen ajan eri kerrostumien päällekkäisyydestä ja ristipaineesta: Hessenin ja Baijerin maakuntapäivien keskusteluista luetaan esiin kolme erilaista aikakonseptiota (*stability, becoming, breakage*), jotka luennan mukaan edustavat erilaisia integraatioon ja kansalaistamiseen liittyviä ajallisuksia. Nämä konseptiot kietoutuvaan integraation käsitteen rooliin kansalaisten ja ei-kansalaisten sekä valtion kategorioiden suhteita kuvaavana käsitteenä.



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