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**Author(s):** Björk, Anna

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# **Accessing citizenship: The Conceptual and Political Changes of the German Naturalization Policy, 1999-2006**

**Anna Björk**

University of Jyväskylä

## **Abstract**

This article deals explicitly with the dimension of *access* in the concept of citizenship and is discussed from the point of view of migration. Access is analyzed in the context of the reform of German citizenship laws in 1999. The state of Hesse is singled out to be used as an example of parliamentary debate on the concepts of citizenship and integration. The point is to explicate the interrelations of the federal legislative reform and the conceptual implications thereof, using a state-level example (Hesse).

## **Keywords**

citizenship, Germany, Hesse, integration, naturalization

In this article, I concentrate on the dimension of access in the sense of naturalization, and in particular on the Hessian debate on naturalization tests. European nations such as the Netherlands, the United Kingdom, and Denmark employ testing practices in their immigration and naturalization policies and Germany introduced its naturalization test in 2008. Especially since the early 2000s, reformation of integration policies in these countries, as well as in Germany, has occurred and the general tendency has been to introduce new measures, such as integration courses and naturalization tests for immigrants and naturalization candidates. This development has also drawn attention from academic commentators on different cases from Baden-Württemberg to Canada and the United States.<sup>1</sup> In the case of Germany, the debates on naturalization tests were initiated by initiatives from

the federated states, and the case of Baden-Württemberg brought up the federal uproar on new naturalization practices.

The challenges of migration to citizenship in the German case have direct links to the status of the foreign labor force of the 1960s and 1970s: in West Germany, integration and migration were conceptually linked through the debates on guest workers (*Gastarbeiter*) that began in the 1960s.<sup>2</sup> Discussions about whether or not Germany is a country of immigration (*Einwanderungsland*), followed by the debate on the concept of a multicultural society (*multikulturelle Gesellschaft*) further marked the German dispute over migration politics.<sup>3</sup>

After World War II, the aftermath of the Nazi regime's atrocities and a divided Germany resulted in creating practices for dealing with refugees and expelled persons. In the latter part of the 1950s, West Germany and Italy signed an agreement to recruit a labor force from Italy and bring it to West Germany, creating a new migrant group. Since the 1960s, these individuals from Italy and elsewhere (such as Greece, and most notably in the 1970s, Turkey) became known in public discourse as *Gastarbeiter* (guest worker), which framed the status of the immigrants in West Germany as workers but not residents or citizens in a proper sense. By the 1970s, however, it became clearer that the workers would gradually settle in Germany, eventually bringing their families as well. It was at this time that integration of immigrants was brought forward into public discussion.<sup>4</sup> The official line in West Germany was that it was *kein Einwanderungsland* (not an immigration country), a point referred to in the 2006 debates, discussed in this article, emphasizing that in reality migration had deep roots in Germany from before the end of the 1990s and the reform of alien and citizenship legislations.

The concept of *multikulturelle Gesellschaft* (multicultural society), in turn, was brought to the debate on immigration in West Germany at the beginning of the 1980s. The goal was to propose a model where migrant groups were allowed to preserve some of their own cultural traditions while at the same time participating in the German polity and respecting the surrounding German culture.

This was conceived as a more desirable alternative for integration, which was associated with assimilation in a negative sense, and was disputed for the next two decades.<sup>5</sup>

In 1990, the Aliens Act (*Ausländergesetz*) became effective with the aim of making naturalization easier for guest workers and their families.<sup>6</sup> Finally, the simultaneous revision of the Citizenship Act and the Aliens Act in 1999 wove together, in legal and discursive senses, the issues of a multicultural society, the question of Germany being an immigration country, and the integration of migrants through legal means. These intermingled concepts of immigration, integration, and citizenship were constantly used as keywords in discussing naturalization in the Hessian debates in 2006.<sup>7</sup> Below, I will concentrate on integration and citizenship as key concepts for analysis. Albeit the concept of naturalization and its official German counterpart, *Einbürgerung*, would deserve a thorough reading in themselves, I limit myself here to interpreting citizenship through integration without widening the conceptual framework. Hence naturalization and *Einbürgerung* have not been put into focus here when it comes to problematizing concepts, but are treated as foundations for discussing citizenship and integration.

The background for debate about the naturalization procedure can be found in the 1999 Citizenship Act (*Staatsangehörigkeitsgesetz*; StAG) at the level of the federation (*Bund*), and in an election campaign of the Christian Democratic Union (CDU) related to the Act at the state (*Land*) level. My aim here is to show how the proposition for the 1999 Citizenship Act, first, has been important for conceptualizing access to citizenship via naturalization in Germany because this act in practice introduces the concept of integration into German citizenship legislation and thus reshapes the conditions of access to citizenship. Second, I will discuss the implications of the concept of integration for the debate on naturalization in Germany and, hence, to the German concept of citizenship, by examining a debate on a law in the federated state (*Land*) of Hesse in 2006. By focusing on parliamentary sources it is possible to connect individual drafts of the law to the

debates on the related issue, which emphasizes the way concepts are turned from contested objects and political tools into constitutive elements of legal documents.

To express the term in English, I am using *citizenship* and not *nationality* throughout the article. In German, the terms are *Staatsangehörigkeit* (literally meaning “belonging to a state”) and *Staatsbürgerschaft* (literally “state-citizenship”), which are both present in the primary sources used here. Gosewinkel<sup>8</sup> emphasizes that *Staatsangehörigkeit* is primarily a legal concept, used in drafting nationality legislation and referring, at its core, to the legal relationship between the individual and the state. *Staatsbürgerschaft* includes the element of participation and thus resembles more what is in T.H. Marshall’s analysis (discussed also in the Introduction to this group of articles) called *citizenship*.<sup>9</sup>

### ***The Conceptual and Political Interrelations of the Land and the Bund Levels in the German Federal System***

In late 2005 and early 2006, the *Länder* (states) of Bavaria, Baden-Württemberg, and Hesse introduced new administrative measures (Bavaria and Baden-Württemberg) and suggestions for a federal reform of naturalization procedures (Hesse). These suggestions were linked through party politics since each state was governed by the Christian Democratic Union (CDU), or its Bavarian counterpart, the Christian Social Union (CSU). The importance of these state level initiatives is due to the way German federalism works. On one hand, all sixteen states are legally defined entities that have their own constitutions and are subject to federal legislation and the German Basic Law (*Grundgesetz* 1949). On the other hand, the ruling parties in each state (*Länder*) send delegates to the “upper house”, the *Bundesrat* (the second chamber of the German parliament). The *Bundesrat* participates in the federal legislation process in matters that concern the states’ administrative

powers or constitutional changes. Because of this institutional link, state level debates have the potential to influence federal conceptualization and legislation.

The 1999 Citizenship Act and the 2006 state initiatives are linked both politically and discursively. In 1999, the Hessian Christian Democrats turned opposing the proposition for the new federal Citizenship Act into a successful election campaign at the state level, subsequently winning the state election in Hesse and influencing the proposition on the federal level. Furthermore, by 2006, the Christian Democratic Union had governed Hesse for several years, first in the coalition with the Free Democrats and, since 2003, as the single party in government. Hence, the key political figures initiating Hesse's proposal for federal naturalization reform in 2006 included the same actors who had run the 1999 election campaign, among them for example Roland Koch, the state prime minister (1999-2010). The Hessian proposal for federal naturalization reform in 2006 was again initiated at the state level, driven by Christian Democratic politicians with the aim of altering the federal legislation. The debates over the 1999 Act culminated in legislative initiatives within the federated states, most notably in Hesse.

From a conceptual history point of view, the temporally brief period from the late 1990s to early 2000 bears important legislative and discursive changes for accessing citizenship in Germany. First, there was a gradual shift from emphasizing the principle of *jus sanguinis* (citizenship granted on the basis of descent) toward adding elements of *jus soli* (citizenship granted due to place of birth) into the legislation. Second, there is a reinterpretation of loyalty less through military service and more through everyday practice and personal conviction. Finally, and this is the key point for this article, the concept of integration was introduced as a central condition for access to citizenship in legislative discourse. In defining integration in the sense of personal conviction and civic knowledge as a key for successful naturalization, as opposed to settling for certain prerequisites such as being able to provide for oneself or not having a criminal record which can easily be demonstrated and checked, the 1999 federal Citizenship Act marked a turning point in linking

citizenship and integration both conceptually and in practice. The role of the concept of integration became more centralized over the next few years, which can be seen in the implementation of the Immigration Act (*Zuwanderungsgesetz*) in 2005 and, most recently, the subsequent introduction of naturalization tests in 2008. Whereas in general the practice of testing had been applied to immigration and naturalization laws in Europe,<sup>10</sup> the German version was explicitly a naturalization test (*Einbürgerungstest*).

The most significant initiative concerning new naturalization requirements was introduced in Hesse in 2006. The Hessian advocacy for integration was rooted in the state elections of 1999, with links to the reform of the *Staatsangehörigkeitsgesetz*. Therefore, from a conceptual point of view, it is possible to analyze how access to citizenship in the sense of naturalization was shaped by the debate on integration in the German case by focusing on Hesse. The significance of the Hessian initiative rests first on the explicit purpose of providing a model for reform at the federal level instead of introducing a strictly local application. The original proposal was to be debated by the Conference of Senators and Ministers of the Interior of the *Bundesrat* on behalf of the Hessian Minister of Interior, Volker Bouffier (CDU). Second, the Hessian initiative was better received than the Baden-Württemberg proposal, the latter being a locally implemented, provocative questionnaire that could raise some objection. Chancellor Angela Merkel, for example, evaluated the Hessian effort in a positive way, welcoming the debate on the tests.<sup>11</sup> In the end, the state level initiatives and debates formed a basis for federal level reform of the naturalization and integration measures, including the introduction of a naturalization test in 2008.

The debate on conditions for access, especially in the sense of naturalization, directly concerns the ideals behind the concepts of citizenship. Indeed, in reference to the three other dimensions of citizenship presented in the Introduction to this group of articles, in the legal processes discussed here, the conditions for access form the basis for the debate, while the duties,

rights, and the question of active participation are the interwoven components constituting citizenship and thus also the conditions for it.

In the following, I will outline the legal changes in the German citizenship law since 1999 and then discuss the conceptual implications of these legal developments for the link between citizenship and naturalization, especially with regard to the concepts of *innere Hinwendung* (“inner leaning”) and *Gesinnung* (“basic conviction”).

### ***The 1999 Citizenship Act and Access to Citizenship***

The 1913 *Reichs- und Staatsangehörigkeitsgesetz* (RuStAG), later replaced by the 1999 Citizenship Act, acknowledged five ways for accessing German citizenship.<sup>12</sup> The fifth of these was *Einbürgerung* (naturalization), which at the time was a new concept for citizenship legislation. The German concept differs from its English counterpart in that it includes a direct reference to “citizen” (*Bürger*), and also carries a meaning for something to become “established”. In the 1912 debates on the drafting of the new law, *Einbürgerung* was explicitly referred to and criticized by the Social Democratic Party’s MP Bernstein, who claimed that *naturalization* or *Naturalisierung*, would suit better for two reasons. First, this choice would resonate with the international legal concept, and second, according to Bernstein, *naturalization* or *Naturalisierung* would have expressed an “active process” as opposed to the “passivity” of *Einbürgerung*.<sup>13</sup> The final draft of the 1913 bill, however, used *Einbürgerung* for the concept of naturalizing foreign citizens. The 1913 German citizenship law stayed in force until 1999, despite two breakdowns of the German political system.

The reformed Citizenship Act went into effect on 1 January 2000. At its core, the bill, introduced by the recently elected Red/Green Coalition (the Social Democratic Party and the Greens, in office from 1998 to 2005), proposed to the federal Parliament that access to German citizenship should be eased. The principle of *jus sanguinis*, dominant in German citizenship



legislation, became henceforth limited by the element of *jus soli*. In practice this meant that alongside the principle that gave a child of German parents automatic German citizenship, a child born in Germany to residents with other nationalities acquired German citizenship as well as the citizenship of his/her parents. The child then had dual citizenship until the age of eighteen, after which he/she had to decide which citizenship was to be maintained. This had to be done before the person turned twenty-three.<sup>14</sup>

Parallel to the discussion of access to citizenship through birth (either *jus sanguinis* or *jus soli*), accessing citizenship through naturalization was also debated. The Social Democratic Party and the Greens, advocates of the bill, believed that it was necessary for Germany to make naturalization a more accessible option. For example it was decided to cut the residence requirement for naturalization down from the former fifteen years to eight years. Furthermore, naturalization could be used as a tool for integrating immigrants.<sup>15</sup> In formulating justifications for the upcoming reform, the parties referred to the large number of permanent residents without German citizenship in the country. Especially in regard to “the so-called second and third generations of immigrants”, the SPD and the Greens argued that they “have to a large degree lost the ties to the state whose nationality they possess”. Furthermore, the reforms must respond to the situation where “a significant number of citizens [*Bürger*]... remain outsiders to the state community [*staatliche Gemeinschaft*] and are blocked from the rights and duties of the citizen”. Bringing residents (*Wohnbevölkerung*) and those enjoying “democratic political rights” into “congruence” was considered to be in line with “the idea of democracy”. Because of these issues, the parties maintained that naturalization should be made more accessible for long-term residents and their children. Accordingly, the “integration of the immigrant citizenry” needed to be promoted by limiting the dominating principle of *jus sanguinis* and expanding the principle of *jus soli* and promoting a wider acceptance of dual citizenship. It was claimed that “modern citizenship legislation is directed towards the goals of integration politics”. However, despite the willingness to

encourage people to naturalize, access to citizenship would have only applied to those who fulfilled certain prerequisites, which would in turn ensure that the task of guaranteeing integration was realized. Important elements for successful naturalization were declaring one's belief in the "liberal democratic constitutional order" (*freiheitlich demokratische Grundordnung*) and "mastering [the] German language, which then makes it possible to develop informed political opinions".<sup>16</sup> In commenting on the reform of 1999, van Oers argued that, due to the integration requirements, which have been added to conditions for naturalization, the reform of 1999 had a twofold character: the liberalization of citizenship laws came with an "integration price tag".<sup>17</sup>

The election campaign and the effect of the Hessian state election in 1999 was especially crucial for the Citizenship Act in relation to the question of dual citizenship. Originally, the issue of dual citizenship was to be reformed more radically by the Red/Green coalition. It proposed that dual citizenship would be fully accepted and the principle of *jus soli* would be applied to children of non-German parents when at least one of the parents had lived in Germany by the age of fourteen. The original proposal was, however, torpedoed by the Christian Democratic Union and the Christian Social Union who gained the majority in the *Bundesrat* in the middle of the reform process. This was at least partly due to the campaign against dual citizenship, launched by the CDU and its Bavarian counterpart, CSU, before the 1999 state election in Hesse. The campaign was called *Ja zur Integration–nein zur doppelten Staatsbürgerschaft* ("Yes to integration–no to dual citizenship") which became known as the *Unterschriftaktion* (the "signature campaign") because the parties encouraged people to sign a petition against wider acceptance of dual citizenship. This turned the question of dual citizenship into a rhetorical symbol of loyalty, integration, and immigration politics and intensified the debate on citizenship and naturalization. The 1999 election in Hesse had significant consequences to the drafting of the bill. In order to secure the vote for its proposition, the Red/Green coalition would have needed a majority in both in the *Bundestag* and in the *Bundesrat*. However, the balance shifted in the *Bundesrat* just before the vote on the proposition

because of the Hessian election. The Hessian CDU, led by Roland Koch who would later become the state Prime Minister in Hesse, won the election against the SPD and the Greens and thus gained representation in the *Bundesrat*. One of the concrete outcomes of this shift in the balance of power in the *Bundesrat* was the reference to dual citizenship in the final version of the bill: the principle that discouraged dual or multiple citizenships was retained in the *Staatsangehörigkeitsgesetz*.<sup>18</sup>

### ***Naturalization Procedure and the Claims for New Integration Requirements Since 2000***

In 2004, changes were introduced to the 1999 reforms when the Schröder government revised the Immigration Act (*Zuwanderungsgesetz*) making the new policies effective starting on 1 January 2005. The changes regarded new integration measures for permanent residence, such as a more difficult language test and an integration course.<sup>19</sup> At the *Land* level, Bavaria, Baden-Württemberg, and Hesse had different approaches to changing naturalization procedure. In Bavaria, the interviewers were given a list, effective from 1 March 2006, with names of organizations that were considered hostile to the German constitutional order. This was meant to “do away with any doubts about the constitutional loyalty of the candidate before naturalization”, which, according to the Bavarian government, was what contemporary citizenship legislation required of officials.<sup>20</sup> The questions about possible ties to the forbidden organizations could be answered with a simple yes or no. In Baden-Württemberg, a set of questions constituting “guidelines” for the interview between the naturalization candidate and the civil servant was introduced and applied to the local naturalization procedure. The questionnaire (*Fragebogen*) included questions about the applicant’s attitudes toward homosexuality, women working outside the household, and the principles of parliamentary democracy, for example.<sup>21</sup>

The CDU-led government in Hesse, however, aimed at opening up a federation-wide discussion about new naturalization requirements. It proposed introducing an integration course

followed by a naturalization test and an oath. The CDU-led government was to take the initiative to the Conference of Senators and Ministers of the Interior (*Innenministerkonferenz*) in May 2006 where the possibility of new naturalization requirements was to be discussed. This meant that the original proposal was not formulated as a legislative bill nor discussed point by point in the state parliament. The publication, which was presented as the basis for the initiative and put forward by the Hessian Ministry of Interior and Sport (2006), was called *Leitfaden: Wissen und Werte in Deutschland und Europa* (“Guidelines: Knowledge and values in Germany and Europe”) and included an introduction to the principles of naturalization in Germany and a hundred sample questions for a naturalization test. The outcome of the conference was that the sufficient integration of the candidates was to be ensured with an obligatory integration course, but no test at the end would be required. Furthermore, those states that would introduce a test would have the liberty to decide its form (that is, whether it should be taken orally, in writing, or in another form).<sup>22</sup> In legal terms, an integration course was not a new feature of the immigration laws, since anyone applying for permanent residence was required to attend such a course before the permit was granted. Furthermore, testing was already tied to permanent residence permits in the form of an obligatory language test.<sup>23</sup> In the context of naturalization laws and citizenship, a naturalization test and an integration course were novel introductions.

The bill introducing these amendments to the Citizenship Act was accepted by the *Bundesrat* in March 2007. The *Bundestag*, however, took the amendments a step further, which meant that in the end, the role of the naturalization course was to prepare the candidate for an obligatory test, thus contradicting what the Conference and the *Bundesrat* had proposed. As an alternative to the test, the candidate could demonstrate his/her sufficient knowledge about Germany by going through the German school system.<sup>24</sup> The law, which was originally drafted for the implementation of EU Directives on asylum and migration and thus only affected the Citizenship

Act as a “by-product”, became effective on 19 August 2007, and the added naturalization requirements came into force on 1 September 2008.<sup>25</sup>

### *The Conceptual Implications of Legislative and Political Changes*

One of the conditions for successful naturalization listed by the 1999 federal Citizenship Act, according to the justifications presented for it by the signers, was that the candidate demonstrate an “inner leaning towards the Federal Republic of Germany”. It was claimed that this *innere Hinwendung zur Bundesrepublik Deutschland*, as the German expression goes, was to be “documented” by expecting the candidate to acknowledge the liberal democratic constitutional system and to sign a declaration of loyalty.<sup>26</sup> Thus, together with language competency, residence requirements, the requirement to be able to provide for oneself, and to not have committed any felonies in Germany or any serious felonies abroad, *innere Hinwendung* constituted one of the aspects for integration, linking integration with ideas of loyalty and conviction.

The importance of the concept of integration was then further emphasized in the 2006 debates. In fact, the commitment to acknowledge the liberal democratic constitutional system, and thus the “inner leaning” desire to integrate, was one of the focal points on which the Hessian MPs agreed; the question of what this “inner leaning” meant was then under dispute. The concept of citizenship in this context became problematized first and foremost through the question of loyalty and its importance for the polity.<sup>27</sup>

The Hessian Greens and the Social Democrats opposed the Baden-Württemberg questionnaire and any attempt to reform or reapply the naturalization policies in Hesse or elsewhere in Germany. The leading party in Hesse, the CDU, and the Free Democratic Union (FDP), the CDU’s former coalition partner, were in favor of more explicit means of ensuring the candidate’s integration. From the start, the Christian Democrats strove for an outline of “a canon of knowledge

and values” (*Wissens- und Wertekanon*), which was to be used as a “building block” for ensuring the naturalization candidate’s sufficient commitment to the liberal democratic constitutional order.<sup>28</sup>

The basic dispute was the way integration was positioned in relation to naturalization: The Greens and the SPD saw naturalization as opening the door for deeper integration, whereas the CDU and the FDP emphasized that naturalization “can and must only take place at the end of the integration process”, as the CDU’s Christean Wagner put it.<sup>29</sup>

The meaning of *innere Hinwendung* was debated in Hesse by asking what was expected of the candidate to demonstrate this “inner leaning toward the Federal Republic of Germany”. This exchange of views, expressed through the idea of *Gesinnung* (roughly translated as *basic conviction*), referred directly to the difficulty of defining limits of common values. References to *Gesinnung* were present in the debates for the 1913 *Reichs- und Staatsangehörigkeitsgesetz* where it was used in relation to the citizenship status of Germans no longer living in Germany as an expression for “German-ness” (*deutsche Gesinnung*) that could be strengthened outside the German border.<sup>30</sup> The idea of *Gesinnung* included a sense of deep conviction and even essence. The *Gesinnung* of later debates relating to immigration, as suggested below, also referred to a deep conviction expected of anyone wishing to become a part of the German citizenry.

The Greens argued that an individual’s basic inner conviction belonged somewhere outside federal legislation and differed from an individual’s opinions. According to MP Al-Wazir (Greens), the questionnaire implemented in Baden-Württemberg erroneously confused basic conviction (*Gesinnung*) with opinion (*Meinung*).<sup>31</sup> At the other end of the spectrum, the CDU claimed that the whole point was to “test” a person’s basic conviction in order to secure the suitability of the candidate for naturalization. The speaker for the CDU, MP Wagner, recited the StAG and its reference to *innere Hinwendung*. MP Wagner stated that “to appreciate basic values and basic rights was an expression of basic conviction” and that, in the view of the CDU, this conviction was exactly what should be tested and anyone unsuitable needed to be prevented from becoming a

German (*Staatsbürger*).<sup>32</sup> Speaking for the Free Democrats, MP Hahn maintained that there was a fine but distinguishable line between the question of “how loyal am I to these values” and “*Gesinnung*” and that whereas the latter could not be comprehensively “tested”, it was possible to “observe if a person has internalized certain values and is ready to live up to them” in practice.<sup>33</sup> As these statements show, the discussions of “inner leaning” and basic conviction indicate that there is an extra element present in the discourse for accepting new citizens coded into the law, over and above the common requirements for being a socially integrated, financially independent individual without a criminal record. This “additional layer” of integration, which seems not to be so easily grasped or agreed on, provides fruitful leeway for politicization: To emphasize the depth of one’s attachment to the new homeland flirts with romanticized ideals of cultural unity and nationally conceived histories with the potential for catching a wider audience’s attention.

The “practical” side of ensuring sufficient “inner leaning” was also discussed in Hesse, where the dispute was over the possibility of a citizenship test or another form of guided questionnaire and a declaration of loyalty. The CDU and the FDP wished to turn the affirmation into a more explicit and festive oath, whereas the SPD and the Greens were content with a signed declaration. Both the test and the oath would “document” the “inner leaning” referred to in the *Staatsangehörigkeitsgesetz*. The CDU’s Wagner called it “assessing if the applicant feels bound by the laws and values of our state”.<sup>34</sup> This discussion consisted of expecting more explicit proof of local knowledge required of the candidate. According to MP Wagner, to go through the process of an integration course, a test, and an oath ensures that “whoever takes the oath, shows conviction and inner leaning”.<sup>35</sup> Hence the question of loyalty, which in the 1913 debates was linked with military service,<sup>36</sup> was bound with the new practices and the concept of integration, but also presented as a key to citizenship. On the part of the Christian Democrats, the debate on “inner leaning” and common values echoed with the party’s religious underpinning: the concept of *Leitkultur* (defining culture), which was introduced to the public in the German parliament by the CDU leader Friedrich

Merz in 2000, specifically included the reference to Christianity. The party's claim was that Germany was based on a "Christian-Occidental culture" that immigrants should accept.<sup>37</sup>

If the concept of *Einbürgerung* instead of *naturalization* seemed passive in 1913, in the reformed *Staatsangehörigkeitsgesetz*—and even more so in the Hessian debates in 2006—*Einbürgerung* has since been given an active connotation through the added element of integration. In the 2006 Hessian debates, the demand for adding an integration course and an oath to the naturalization process point to the requested documentation of the *innere Hinwendung*, turning the naturalization process into an occasion for the applicant to prove his/her willingness to fulfill the requisite cultural learning in addition to the other requirements. In Kostakopoulou's<sup>38</sup> analysis, this has been the tendency in the early 2000s on the wider European stage as well. The integration discourse and practices in Europe have changed over the past decade from emphasizing the structural and political adjustments of the receiving polity to stressing the responsibility of the candidate.

The "inner leaning" aspect is especially important when considering the conditions for access to citizenship. Whereas before the 1999 reform the concept of loyalty was tied to citizenship legislation through military duties, which constituted the limits to citizenship in the 1913 *Reichs- und Staatsangehörigkeitsgesetz* debates,<sup>39</sup> from 1999 onward it was conceived as loyalty toward the liberal democratic constitutional order. Thus integration, including the element of "inner leaning" toward the Federal Republic of Germany, became an additional factor in interpreting the relationship between loyalty and citizenship in the process of naturalization. Whereas the concept of assimilation in Germany has had a pejorative connotation, due to the experience of "Germanization" of eastern areas, integration as represented in the material analyzed here was an uncontested and positive goal for citizenship policy.<sup>40</sup>

## ***Conclusion***



Considering Koselleck's typology as presented in the Introduction to this group of articles, the reform of the *Staatsangehörigkeitsgesetz* in 1999 is a representation of a conceptual and political struggle around the concept of citizenship in a situation where (im)migration, integration, and naturalization policies are being challenged by the political and social reality of having a large number of second- and third-generation immigrants living in Germany without proper access to full political rights through citizenship. The 1999 Citizenship Act brings into the citizenship legislation the question of integration which was debated in the context of immigrants since the 1970s. The further integration measures introduced to immigration (integration course) and naturalization (citizenship test) procedures have further strengthened the relationship between the concepts of integration and naturalization and, thus, integration and citizenship.

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<sup>1</sup> See for instance, Amitai Etzioni, "Citizenship Tests: A Comparative, Communitarian Perspective," *The Political Quarterly* (78:3, 2007), 353-363; Christian Joppke, *Citizenship and Immigration*, (Cambridge: Polity Press, 2010). See also the debate on the EUDO Citizenship Forum titled "How liberal are citizenship tests?" <http://eudo-citizenship.eu/citizenship-forum/255?start=10>.

<sup>2</sup> Martin Wengeler, "Multikulturelle Gesellschaft oder Ausländer raus? Der sprachliche Umgang mit der Einwanderung seit 1945" [*"Multicultural Society or Foreigners Out? The Linguistic Treatment of Immigration since 1945"*] in *Kontroverse Begriffe: Geschichte des öffentlichen Sprachgebrauchs in der Bundesrepublik Deutschland [Controversial Concepts: History of Public Usage in the Federal Republic of Germany]*, Georg Stötzel and Martin Wengeler, eds. (Berlin & New York: De Gruyter, 1995), 711-750.

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<sup>3</sup> Ibid., 724-729.

<sup>4</sup> Ibid., 716, 724.

<sup>5</sup> Ibid., 726-727.

<sup>6</sup> Marianne Wiedemann, “Development of Dual Nationality under German Law,” in *Rights and Duties of Dual Nationals: Evolution and Prospects*, David A. Martin and Kay Hailbronner, eds. (The Hague, London, New York: Kluwer Law International, 2004), 336.

<sup>7</sup> Anna Björk, *The Politics of Citizenship Tests: Time, Integration and the Contingent Polity* (Jyväskylä: University of Jyväskylä, 2011).

<sup>8</sup> Dieter Gosewinkel, “Staatsbürgerschaft und Staatsangehörigkeit” [“Citizenship and Nationality”], in *Gesichte und Gesellschaft [History and Society]* (21:4, 1995), 533-556.

<sup>9</sup> Ibid., 534; see also Ingo von Münch, *Die deutsche Staatsangehörigkeit: Vergangenheit-Gegenwart-Zukunft [The German Citizenship: Past-Present-Future]* (Berlin: De Gruyter Recht, 2007), 18-19.

<sup>10</sup> For a summary of the European situation, see Ricky van Oers, Eva Ersbøll and Dora Kostakopoulou, “Mapping the re-definition of belonging in Europe,” in *A Re-definition of Belonging? Language and Integration Tests in Europe*, Ricky van Oers, Eva Ersbøll, and Dora Kostakopoulou, eds. (Leiden & Boston: Martinus Nijhoff Publishers, 2010), 307-332.

<sup>11</sup> Von Münch, *Die Deutsche Staatsangehörigkeit*, 257.

<sup>12</sup> *Verhandlungen des Reichstags*. 1912/14. XIII. Legislaturperiode, 1. Session. Band 301/Anlagen zu den Stenographischen Berichten. (Nr. 653 bis 965), *Drucksache* No. 962, 1464-1465.

<sup>13</sup> *Verhandlungen des Reichstags* 1913. XIII. Legislaturperiode, 1. Session. Band 290. Stenographische Berichte. 151.-173. Sitzung, 5294; Björk, *The Politics of Citizenship Tests*, 12.

<sup>14</sup> Wiedemann, “Development of dual nationality,” 340.

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<sup>15</sup> Deutsche Bundestag, *Drucksachen*, 14/533,

<http://www.bundestag.de/dokumente/drucksachen/index.html>.

<sup>16</sup> Ibid, 11-12.

<sup>17</sup> Ricky van Oers, “Citizenship Tests in the Netherlands, Germany and the UK,” in *A Re-definition of Belonging? Language and Integration Tests in Europe*, Ricky van Oers, Eva Ersbøll and Dora Kostakopoulou, eds. (Leiden & Boston: Martinus Nijhoff Publishers, 2010), 71.

<sup>18</sup> Wiedemann, “Development of Dual Nationality”, 340.

<sup>19</sup> Van Oers, “Citizenship Tests”, 70.

<sup>20</sup> Bayerischer Landtag. *Plenarprotokolle* 15/61, <http://www.bayern.landtag.de/de/441.php>, 4626.

<sup>21</sup> See for instance, von Münch, *Die deutsche Staatsangehörigkeit*, 253-254.

<sup>22</sup> Van Oers, “Citizenship Tests”, 78-79.

<sup>23</sup> Ines Michalowski, “Integration Tests in Germany: A Communitarian Approach?” in *A Re-definition of Belonging? Language and Integration Tests in Europe*, Ricky van Oers, Eva Ersbøll and Dora Kostakopoulou, eds. (Leiden & Boston: Martinus Nijhoff Publishers, 2010), 194-195.

<sup>24</sup> Van Oers, “Citizenship Tests”, 78-79.

<sup>25</sup> For a detailed discussion on the development of integration and naturalization requirements in Germany, see Michalowski, “Integration Tests in Germany.”

<sup>26</sup> Bundestag, *Drucksachen*, 15/433, 18.

<sup>27</sup> Ibid.

<sup>28</sup> Hessischer Landtag, *Drucksachen*, 16/5139.

<http://starweb.hessen.de/starweb/LIS/drucksache.htm>.

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<sup>29</sup> Hessischer Landtag, *Plenarprotokolle* 16/91,

<http://starweb.hessen.de/starweb/LIS/plenarprotokolle.htm>, 6290.

<sup>30</sup> *Verhandlungen des Reichstags* 1913, Band 290, 528.

<sup>31</sup> Hessischer Landtag, *Plenarprotokolle* 16/91, 6285-6286.

<sup>32</sup> *Ibid*, 6288-6289.

<sup>33</sup> *Ibid*, 6294.

<sup>34</sup> *Ibid*, 6288.

<sup>35</sup> Hessischer Landtag, *Plenarprotokolle* 16/99, 6828-6829.

<sup>36</sup> Dieter Gosewinkel, *Einbürgern und Ausschliessen: Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland [To Naturalize and Exclude: The Nationalization of Citizenship from the German Confederation to the Federal Republic of Germany]* (Göttingen: Vandenhoeck & Ruprecht, 2003).

<sup>37</sup> Christian Joppke, *Citizenship and Immigration*, 135.

<sup>38</sup> Dora Kostakopoulou, "Introduction", in *A Re-definition of Belonging? Language and Integration Tests in Europe*, Ricky van Oers, Eva Ersbøll and Dora Kostakopoulou, eds. (Leiden and Boston: Martinus Nijhoff Publishers, 2010), 7-8.

<sup>39</sup> For a more detailed discussion, see for example, Dieter Gosewinkel, *Einbürgern und Ausschließen*, 326.

<sup>40</sup> For a comment on the concept of assimilation and a comparison between the United States, France, and Germany, see Rogers Brubaker, "The Return of Assimilation? Changing Perspectives on Immigration and Its Sequels in France, Germany and the United States," in *Toward Assimilation and Citizenship*, Christian Joppke and Ewa Morawska, eds. (Hampshire and New York: Palgrave Macmillan, 2003), 39-58.