

From Guest Workers to Permanent Foreigners:
German History, Citizenship Reform, and
Germany's Turkish Immigrant Population

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ABSTRACT

This paper explores the history and policies of German citizenship. Historical definitions of German citizenship over time are of particular importance because they have influenced policy and informed society's ideas of who belongs. These historical definitions will be traced from the Prussian era to today. A close examination of Germany's laws including the 1999 Reform of the State Citizenship Law reveals a shift in the legal definition of the German citizen. Previously distinguished through blood, the reform now emphasizes cultural German-ness. The paper then examines Germany's Turkish population, the nation's largest minority population, and asks how the reform has affected the group's naturalization and integration. In its findings, the paper argues that aspects of the reform largely disadvantage the Turkish population, placing preference on other foreign groups within Germany, and refusing the Turks of political and cultural rights. The reform's additional requirements, including mandatory classroom time, invasive examining, and refusal to grant dual citizenship to Turks, leave Turks less eligible for naturalization and discourage Turkish integration into German society. Finally, the paper looks at Germany's future and urges Germany to embrace its foreign population.

The idea of the true German has dictated the history of German citizenship from the Prussian era to today. For decades, bloodlines determined who could obtain German citizenship. As a result, German ethnicity became equated with citizenship, setting ethnic Germans apart from foreigners. Long before and after Hitler's extreme ideas of race and nationalism, Germans marginalized those with different blood, language, and culture. Access to German citizenship has served as a legal way to distinguish who has access to rights. The country's history reveals discriminatory citizenship policies as well as a refusal to acknowledge foreign populations through policy. Today, Germany's Turkish immigrant population is the latest in a long line of foreign groups struggling to gain access to political and cultural rights.

This paper asks how Germany's 1999 citizenship reform affects Germany's Turkish population, its naturalization, and its integration into German society. While most discourse focuses solely on either policy or history, this paper argues that the two must be looked at simultaneously: each influences the other and both mold public perceptions. The 1999 reform is important because it provides Germany's most current stance on foreign populations and reflects the country's modern ideals and values regarding immigration and German citizenship. Informed by past citizenship policies, Germany's reformed citizenship law superficially liberalizes citizenship and ultimately maintains the Turks' marginalized place within society, thus discouraging the naturalization and integration of Turkish immigrants.

THE HISTORY OF GERMAN CITIZENSHIP

While countries like France and Britain worked towards the creation of modern democracies beginning in the late 18th century, the Prussian territories remained a "politically fragmented assortment of minor kingdoms, princedoms, and dukedoms until 1871" (Green 2004: 27). The German language served as the common thread among the territories. Prussian officials

identified and expelled foreigners and beggars by their inability to speak German (Nathans 2004; Green 2004). In the 1820s and 1830s, a wave of German thinkers including Hegel and Fichte attempted to unify the fragmented Prussian territories. German writer and philosopher, Johann Gottlieb Fichte accused foreigners and foreign words as equally responsible for corrupting Germany and its citizens, and refused to use words of foreign origin in his *Addresses to the German Nation* (Martyn 1997). In the winter of 1807, Fichte announced that the German nation would extend only “as far as the German tongue was spoken,” making clear that the German language defined and unified Prussia’s fragmented territories (qtd. in Nathans 2004: 29).

Fichte’s sense of the German state was “universal” and “arose organically from local communities” (Nathans 2004: 29). Furthermore, Fichte’s writings and speeches “conveyed to the members of the nation the particular national personality and way of thinking (*Denkweise*) that was the [...] essential basis of life” (Nathans 2004: 29). In his works, Fichte planted “the seeds of future policies of ethnic exclusion” within Germany (Nathans 2004: 29). Unconditional loyalty, unity, and the racial superiority of the Germans appear at the forefront of Fichte’s speeches. For instance, Fichte proclaimed the German nation as “the highest and greatest and most comprehensive human society” (qtd. in Giesen 1998: 94). The thinkers of the day also emphasized nature, commonly comparing the nation to a living organism made up of citizens working towards a common destiny (Giesen 1998). “The nation has an urge towards unity, and this urge is like the growth of a tree, the blowing of the wind,” said the German writer Johann Joseph von Görres (qtd. in Giesen 1998: 94). This romantic ideal united the Prussian people by urging them to believe in and work towards Fichte’s “comprehensive human society.”

The concept of the German people (*das Deutsche Volk*) also originates from the Romantic period (Behr 2006). Brubaker (1992) defines the spirit of the German people

(*Volksgeist*) “by its infinitely ramifying expression in language, custom, law, culture, and the state” (Brubaker 1992: 9). According to Green (2004), the German *Volk* is “genetically distinct and biologically ‘alive,’ and its members formed a *Schicksalsgemeinschaft*, literally a ‘community of common destiny’” (28). The belief that only ethnic Germans contributed to the German nation and could live the German lifestyle spread throughout Prussia as truth. These ideas of privilege and superiority served as the basis for marginalizing other groups within society, especially foreigners. German blood became “synonymous with the cultural community” (Behr 2006: 468). Even today, calling someone “Prussian” in Germany refers to a distinct lifestyle and set of traits, including diligence, organization, obedience, and punctuality (Taylor 2006).

Fichte’s notion of the German state and its people influenced Prussia and its citizenship practices. The Prussian government labeled ethnic Germans as desirable, moral, and hardworking and expelled beggars, criminals, and foreigners (Nathans 2004; Green 2004). From 1820 to the 1840s, Prussian states published journals describing “vagabonds” and “criminals” in hopes that these individuals would be caught and expelled (Nathans 2004: 21). The Prussian government, weary of revolutionary ideas, excommunicated individuals who challenged current policies and the unity of the ethnic Germans (Nathans 2004). In the 1850s, Prussia attempted to rid the Prussian states of moral corruption by outlawing cohabitation by non-married adults (Nathans 2004). The motion was a thinly veiled attempt to rid Prussia of foreigners. Foreign men could not legally marry in Prussia and young, poor immigrants often cohabitated, leaving foreigners the only group vulnerable to expulsion. This marked the first time policy equated “foreigner” with “moral corruption.”

Bismarck, after uniting Germany in 1871, also expelled certain ethnic groups, including the Jews and the Poles (Taylor 2006). According to Nathans (2004), Bismarck feared these two groups for several reasons. First, due to their increased immigration rates, Bismarck worried these particular foreign populations might gain too much power and cultural influence within Germany. Second, Bismarck categorized the Jews and the Poles as unresponsive to the Prussian attempts to “Germanize” them. Bismarck also noted that these two groups voted for political parties in opposition with the current government, which led him to conclude that the Jews and the Poles did not possess the German spirit (112). Carle (2007) distinguishes this time period in Prussian history as “an era of nation-building that marginalized non-German ethnic and national groups” (148). The emphasis on German blood within the German territories is older than the nation itself, and policies continued to reflect Bismarck’s fears by favoring ethnic Germans long after his death.

In 1904, Prussia’s Interior Ministry signed a treatise that singled out Jews, Poles, Czechs, and Danes for “discriminatory treatment” upon attempts to naturalize (Nathans 2004: 146). The treatise was marked “secret” and urged local officials to discriminate against certain non-German groups (Nathans 2004: 140). The treatise also assumed “unworthiness or potential disloyalty based on ethnicity (or perhaps ‘race’) [as outweighing] all contrary evidence, even if the contrary evidence was overwhelming” (140). Since discriminated groups were not ethnically German, their race became synonymous with disloyalty to the German nation and served as a sound reason to deny them naturalization. The fear of betrayal became increasingly common and politically motivated. When one Austrian Jew, Hugo Aguilar, sought naturalization in 1913, the local government denied his application. The rejection stated that “his political conduct and party membership have given rise to questions, since one can assume that he – like most of those

belonging to the Jewish religion – belongs the Progressive Party” (Nathans 2004: 147). This marked the beginning of anti-immigration parties having an interest in limiting the naturalization of certain minority groups. Since citizenship is coupled with the right to vote, these groups would presumably support pro-immigration political parties (Green 2005). Conservative parties also have had an interest in preserving and promoting the ideal, ethnic German citizen as a way to marginalize minority groups and refuse them of political rights. While liberal Germans responded with criticism to these measures, conservative politicians and the conservative public outnumbered them. The 1904 treatise also assumed that foreigners cannot “be assimilated into the German nation” (Nathans 2004: 147). This assumption has persisted in both history and policy, reflecting the nation’s reactive approach towards immigrant integration.

The ideas of Fichte, Bismarck, and the German communities culminated in Germany’s 1913 Citizenship and Nationality Law.¹ The law served eighty-six years, witnessing the rise and fall of Hitler and the Berlin Wall. The law employs the *ius sanguinis* principle (the law of blood) (Carle 2007; Pautz 2005; Green 2004; Brubaker 1992). Under the law, German citizenship could be passed only through blood; “birth in the territory, even coupled with prolonged residence, has no bearing on citizenship” (Brubaker 1992: 82). Second, third, and even fourth-generation foreigners gained citizenship only through naturalization. The emphasis on blood relations, Green (2004) argues, “bears evidence of the gradual rise of ethnonational ideology as the underlying definition of membership of the German people. If the *Volk* is a genetic, biological entity, then it is only logical that membership of it may transferred only via blood, the purity of which may best be maintained through *ius sanguinis*” (29). The Citizenship and Nationality Law intended to discourage naturalization and immigration. This objective aligned with the nation’s unwillingness to harbor immigrants: the Federal Naturalization Guidelines of 1977 explicitly

¹ Appendix 1: 1913 Citizenship and Nationality Law

declared that Germany was *not* a country of immigration (Anil 2005).² In similar fashion, the 1913 law attempted to prevent the permanent residence of “undesirable migrants,” and only “as a last resort,” prevented their naturalization (Brubaker 1992: 235).

Additional restrictions within the 1913 Citizenship and Nationality Law included the inability to hold dual citizenship, the inability for German women to maintain German citizenship once married to a non-German citizen, and the inability of those women to pass their citizenship onto their German-born children (Nathans 2004). After marrying a non-German, many German women lost not only their citizenship, but also their employment because most professionals refused to employ non-citizens. By defining a woman’s citizenship through her relationship to a man, the law also reinforced a patriarchal society. The state controlled German women’s reproduction and encouraged Germans to procreate with each other to keep the German bloodline pure.

Under the law, foreigners residing and working in Germany for extended periods did not have legal claim to a German passport (Brubaker 1992). According to one source, “naturalization was far from being a ‘right’ of long-term [residents], as naturalization was realized (and only rarely) purely at the discretion of authorities;” Germany was “an exclusive club” (Sezgin 2008: 2). During World War I, however, German officials introduced a more hospitable approach to minority naturalization due to army shortages. By extending naturalization to resident aliens living in Germany and foreign Jews, the nation bolstered its ranks in the army. Between 1914 and 1916, naturalizations increased by 3,000 per year (Nathans 2004). In October of 1916, a questionable study by the German army confirmed a widespread rumor that Jewish soldiers were “not adequately represented in the most dangerous positions” (Nathans 2004: 186). As a result,

² This came in response to the growing immigrant population as a result of the government’s guest worker program that will be addressed later in the paper.

the army placed even more Jews at the front lines as cannon fodder. The government's system of ranking citizens illustrates the discrimination Jews faced and the way the state used power and citizenship to achieve their own ends.

Germany's history of citizenship defined by blood influenced Hitler's aim to create a pure racial state. In fact, Prussia's 1904 naturalization treatise and the 1913 definition of the ethnic German citizen suited the Third Reich's goals perfectly (Green 2004; Nathans 2004). After coming into power in 1933, Hitler attempted to prevent immigration and stopped naturalizations for all non-Aryans (Nathans 2004). Taking the 1904 treatise a step further, Hitler not only prohibited Jewish naturalization, but also expelled Jews already living in Germany's borders, calling them "disloyal and culturally a menace" (Nathans 2004: 218). Hitler also undid naturalizations granted by the previous regime. The 1933 Law on the Revocation of Naturalization and Denial of German Citizenship³ called to revoke any naturalization undesirable to the state. The denaturalizations affected German citizens without an ethnic German background. Officials labeled these citizens not "useful to German interests" or "harmful to the State or the *Volk*" (Göktürk, Gramling, and Kaes 2007: 155). The Nazis denaturalized over a thousand citizens each year between 1933 and 1940 (Nathans 2004). Hitler and the Nazis systematically murdered Jews, Slavs, Poles, Roma, homosexuals, religious and political opponents, the disabled, and other minority groups because they did not fit with Hitler's vision of the ideal German race. By the end of the Nazi state in 1945, the regime claimed an estimated fifty million lives (Green, Hough, Miskimmon, and Timmins 2008).

Following the demise of the Nazi regime, Germany attempted to recreate and rebuild itself as a nation. Citizenship laws and human rights were of immediate concern. The Basic Law

³ Appendix 2: *Law on the Revocation of Naturalization and Denial of German Citizenship*

of the Federal Republic of Germany in May of 1949⁴ reacted to Germany's past discrimination. The law proclaims all men "equal before the law" and that "no one may be disadvantaged or privileged as a result of his gender, origin, race, language, home or background, beliefs, or religious or political views" (Göktürk et al. 2007: 156). The law also outlawed denaturalization and forced labor. Under the law, previous citizens forced out by the Nazis gained the right to reclaim their citizenship and homeland (Carle 2007; Nathans 2004). While the Basic Law succeeds in stepping away from Germany's Nazi past, scholars remain critical. Rubio-Marín's (2000) close study of the German Basic Law points out that it still contains "a systematic demarcation" between the rights extended to German citizens and those extended to non-citizens (186). Carle (2007) calls the law a "curious mixture of ethno-national and post-national definitions of German citizenship" (149). The law also presupposes a male German citizen by presenting the paradox that "no one may be disadvantaged or privileged as a result of his gender." The Basic Law benefited ethnic Germans by extending citizenship to those who previously held citizenship through the 1913 law, yet does not address foreigners or immigrants living in Germany in regard to citizenship or rights.

GUEST WORKERS: OVERSTAYING THEIR WELCOME

The end of World War II also brought the creation of Germany's guest worker (*Gastarbeiter*) program. To keep Germany's postwar economy afloat, the German government recruited temporary guest workers from other countries for unpopular and low-skill jobs (Herbert 1990). By the 1960s, in response to Turkey's high unemployment at the time, the Turkish government allowed Germany to set up labor recruitment offices throughout Turkey (Carle 2007; Herbert 1990). Both countries acknowledged the Turkish workers as temporary, entering and leaving the market as necessary, and ultimately returning to Turkey on a rotational basis (Carle

⁴ Appendix 3: *The Basic Law of the Federal Republic of Germany*

2007; Behr 2006; Triadafilopoulos and Schönwälder 2006). Soon enough it became clear that both workers and employers did not utilize the rotation schedule because all parties benefited financially from the workers staying for extended periods of time (Behr 2006; Triadafilopoulos and Schönwälder 2006). German employers avoided having to train new workers, Turkey's unemployment rate decreased, and formerly unemployed Turks received a steady paycheck. Triadafilopoulos and Schönwälder (2006) cite German employers' refusal to use the rotational system as the reason for Germany's large immigrant population. At this time, "nothing [was] more permanent than temporary workers" (Martin 1998 qtd. in Behr 2006: 469). As a result, in 1965 Germany passed a new Foreigner Law enabling guest workers to hold extended residency permits if the contract benefited Germany (Carle 2007; Green 2004; Herbert 1990). According to Joppke (2001), the 1965 law granted guest workers no rights and put their ability to remain in Germany "at the mercy of a benign state" (45).

Post-1965, Turkish nationals stayed in Germany for longer periods, yet all aspects of German society continued to believe that the guest workers would soon return home, making integration unnecessary. German television stations introduced programs and whole channels in Turkish. This illustrates the growing Turkish-speaking population, the demand for Turkish programming, and Germany's goal to help "foreign workers retain ties with their homelands, to which they were supposed to eventually return" (Koopmans, Statham, Giugni, and Passy 2006: 62). Since the German language is the root of German culture, offering Turkish television illustrates Germany's overall refusal to integrate the Turks into German society. In fact, keeping the workers nonintegrated was in the economic interest of the government. A nonintegrated guest worker cost the state around DM 30,000 (about \$20,000) for necessities to live; infrastructural

resources for an integrated worker cost between DM 150,000 and DM 200,000 (\$100,000 and \$130,000) (Herbert 1990). No government funding went towards helping the workers integrate.

The workers' living conditions reflected their ostracized status in Germany. Living in hostels or barracks, it was not uncommon for six Turkish guest workers to live in a fifteen square meter room with beds stacked two and three high (Joppke 1999; Herbert 1990). In February 1967, a police report described six Turkish guest workers' barracks: "Trying to describe the toilet, you stand aghast. On the floor is a single filthy pool, the only fixture a limestone latrine without seat" (qtd. in Herbert 1990: 219). The workers' temporary status allowed Germans to separate themselves from the disgusting images associated with guest workers and immigrants.

Eager to escape the barracks lifestyle, Turkish workers sent for their families and moved into individual apartments. Since landlords refused to rent to Turkish families, many bought their own flats (Şen 2002). For many families, this finalized the permanent commitment to remain in Germany. By 1973, 73 percent of all foreigners who had been in Germany for ten or more years lived in their own apartment (Herbert 1990). Migration into separate homes, however, did not integrate Turkish guest workers into German society. Two trends solidified the Turks' isolation. First, the workers lived in cheap housing near factories or in the inner city. Second, as foreigners moved into certain neighborhoods, the value of real estate in surrounding areas decreased and the ethnic German population moved away. Over time, German society neglected neighborhoods with large immigrant populations leading to ghettoization (Herbert 1990). One 1973 *Der Spiegel* article title illustrates this phenomenon: *Die Türken kommen: rette sich wer kann!*, or in English, *The Turks are Coming: Save Yourself If You Can!*

When the guest worker program stopped after the 1973 global oil crisis, no fewer than 2.6 million guest workers worked in Germany (Göktürk et al. 2007). At this time, one in every

eight workers was foreign and the 605,000 Turks in Germany made up the largest group of guest workers (Behr 2006; Göktürk et al. 2007). In 1981, 1.4 million Turks represented the only foreign population in Germany that was growing rather than shrinking (Joppke 1999). Eager to stem the growth of the Turkish population, the German government offered a bonus of up to \$5,000 to departing families and social security refunds to departing guest workers (Martin 2004). This offer lasted two years and only slightly reduced the foreign population. Scholars conclude that the only foreigners who benefited from the bonuses planned to leave Germany regardless (Martin 2004). The remaining immigrants in Germany, regardless of the length of their residency or location of birth, assumed the title of foreigner (Göktürk et al. 2007). By 1986, only 8,166 of the almost 2 million Turks in Germany avoided the label by gaining German citizenship (Akturk 2007). As the Turkish population continued to grow in the late 1980s, the paradigm shifted from “the foreigner problem” to “the Turkish problem” (Joppke 1999: 78).

THE 1999 REFORM OF THE STATE CITIZENSHIP LAW

After the Social Democratic Party of Germany (SPD) and the Greens won the 1998 election under Gerhard Schröder, the coalition attempted to address the long-term problem of immigrant families in Germany through citizenship reform (Green et al. 2008). As originally presented, the reform proposed unlimited dual citizenship, reduced residential requirements leading up to naturalization, and suggested a form of *ius soli* (the law of soil) giving qualified children born in Germany the right to naturalization (Green et al. 2008). Opposition from the public and other parties, mainly the Christian Democratic Union (CDU) and the center-right Free Democratic Party (FDP), forced the SPD-Greens to compromise on the issue of dual citizenship (Green et al. 2008; Anil 2005; Takle 2007). The 1999 Reform of the State Citizenship Law,⁵ implemented on January 1, 2000, is the result of this compromise (Green et al. 2008; Anil 2005;

⁵ Appendix 4: *The Reform of the State Citizenship Law*

Nathans 2004). The law of soil and reduced residency requirements leading up to naturalization remained as originally presented, while the country's stance on dual citizenship did not change. The reform also added new requirements for naturalization applicants including expressing loyalty to the German constitution, supporting oneself and family without social services, and having command of the German language (Anil 2004).

Integration into German society is also required under the reform. By equating the naturalization requirements with integration, only integrated foreigners are eligible for German citizenship. In order to be politically and legally German, an immigrant must be culturally German. The eligibility requirements make this unspoken requirement clear: adequate command of the German language, the ability to support oneself and family, and the symbolic act of surrendering previous passports. Since Turks are less integrated into German society, they are less likely to be eligible for naturalization post-reform (Anil 2004). In the 86 years between the 1913 Citizenship and National Law and the 1999 Reform of the State Citizenship Law, the legal definition of the German citizen shifted from ethnic German to cultural German.

The new emphasis on culture, rather than race or familial ties, presents citizenship as attainable, even a personal choice. Yet the institutional discrimination foreign groups face remains the same distinct and institutionalized categories: citizen and foreigner. By presenting a tight link between the political status of foreigners, their citizenship, and their cultural status, the reform works towards a slightly revised but still homogeneous German nation focusing on culture rather than ethnicity. Countless multicultural countries successfully differentiate between legal citizenship and culture. Germany is unable to do this because the ideas the *Volk* filter through to nearly every aspect of the national consciousness, including its policies.

In addition to the 1999 reform, the 2004 Immigration Law introduced free yet mandatory integration and language courses for naturalization applicants leading up to an examination to test language proficiency and cultural knowledge. Completion of the courses and exam represents an additional requirement proving an immigrant is integrated and eligible for naturalization. The classes include six hundred hours of language instruction and 30 hours of integration classes focusing on German history, culture, and law (Green et al. 2008). Later, the paper will address the problems of the exam, particularly for Turkish applicants.

Although the reform appears to be a more liberal and welcoming version of the original 1913 law because it utilizes the *ius soli* concept, it is more limiting. Changes in naturalization policy, the lengthy required classes, the cost of the naturalization application, and the tedious, overwhelming process discourages and limits interested foreigners. The average duration of the naturalization process in 1989 was around nine months (Wernicke 1989). While none of the consulted sources offered a similar statistic regarding length of naturalization post-reform, it is probably much longer and certainly more labor intensive today, considering the more than 600 in-class hours. Compared to other similar European countries, such as the Netherlands, France, Switzerland, and Britain, Germany's naturalization process has "a notorious reputation" for the "bureaucratic complexity and long duration" as well as "informal barriers to naturalization in the form of uninvitingly long and complex procedures" (Koopmans et al. 2006: 38-9).

Germany's total foreign population, 7.3 million (8.9 percent of the total population) is very well settled: one-third have lived in Germany for over twenty years⁶ (Akturk 2007). As a result, the reform's reduced residency requirements leading up to naturalization, from 15 years to 8 years, have had little impact on naturalization numbers (Anil 2004). About 2.7 million Turks currently call Germany home and about 800,000 hold German citizenship (Pötzl 2008). While

⁶ Foreigners are those without German citizenship.

politicians expected an increase in all naturalizations post-reform, Turkish naturalizations peaked in 1999, with just over 100,000 naturalizations, the year before the reform went into effect, and continue to fall today. Conversely, all other foreign populations increased their naturalization practices after the reform went into effect on January 1, 2000 (Anil 2007; Nathans 2004).

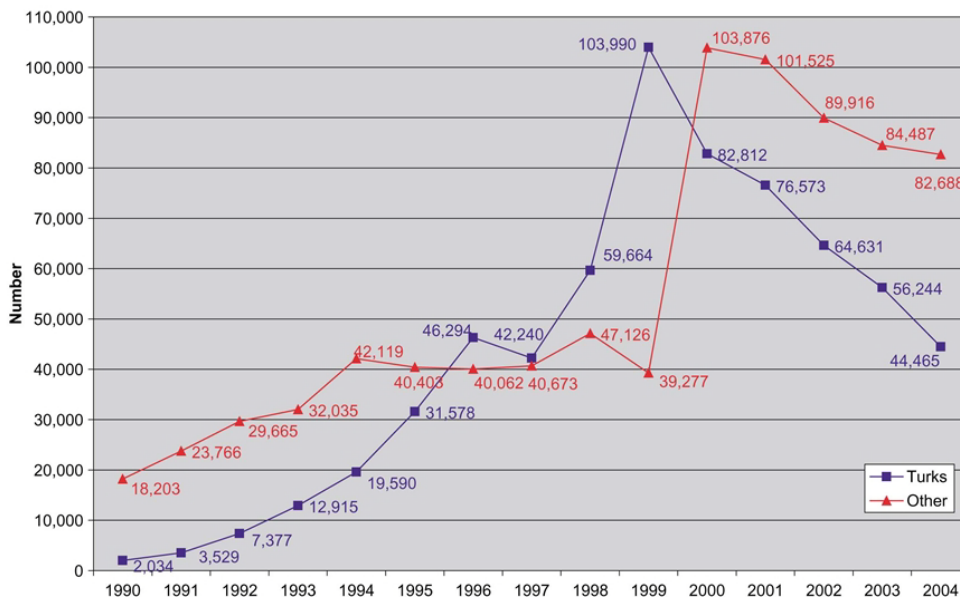


Figure 1. Naturalisation trends of Turkish immigrants and other groups, 1990–2004. (Source: Statistisches Bundesamt)

Between 1999 and 2003, Turks also reported a sharp increase in discrimination, perhaps resulting from the terrorist attacks of September 11, 2001 paired with the rhetoric of the citizenship reform (Salentin 2007). While other foreigners became more likely to naturalize post-reform, Anil (2007) found all interested Turkish foreigners “less likely to apply and less likely to be eligible to apply for German citizenship than before” the 1999 reform (1366). This paper asks why the reform has had a negative impact on the Turkish naturalizations.

PREPARING TO APPLY FOR NATURALIZATION

Before applying for naturalization, an applicant must denounce previous citizenship, complete the required classes, and secure the funds for the application fee. Simply gathering information about where and how to apply for citizenship can serve as a barrier to naturalization,

especially for foreigners who cannot speak German. First, surrendering a previous passport is not a simple task. Horror stories include release fees amounting to as much as one month's salary, inflexible deadlines, complicated paperwork, and an unhelpful Turkish consulate (Green 2005; Anil 2004). Second, the monetary costs of naturalization keep many foreigners from citizenship. The average Turkish family of four living in Germany reported a yearly net income of €2,118 (about \$2,700) (Şen 2002). Considering Germany's naturalization fee of €255 (about \$330) for an adult and €51 (\$65) for each minor dependent naturalized with a parent, naturalization for the entire family can cost nearly one-third of the average family's net income (Federal Ministry of the Interior 2009). Lastly, the need to take time off work or withdraw savings out of a bank to gain citizenship discourages a population plagued by low incomes and unemployment. Under the reform, people receiving unemployment benefits or social assistance are also ineligible for naturalization (Koopmans et al. 2006). The initial costs of naturalization discourage some foreigners while making others completely ineligible.

THE EXCEPTIONS & THE LAW OF SOIL

The 1999 reform aimed to ease naturalization and extend greater rights to more foreign groups living in Germany. It did for certain groups, namely foreigners hailing from the European Union. Foreigners from non-European Union countries, though, were less eligible to apply for German citizenship post-reform (Anil 2004). Since Turkey is not a member of the EU, this partially explains the significant decrease in Turkish naturalizations and the immediate increase in naturalizations of all other groups in Germany after 1999.

EU-nationals and other foreigners residing in Germany also enjoy certain rights not extended to Turkish immigrants. Upon joining the European Union, Germany agreed to abide by the Union's laws, including opening its borders to other EU citizens. According to EU law,

“every citizen has the right to move freely and reside anywhere within the Union” (Takle 2007: 182-3). To include the EU-foreigners in the German and European political community, the 1993 Maastricht Treaty granted all EU citizens in Germany the right to participate in local elections where he or she resides regardless of citizenship (Takle 2007; Koopmans et al. 2006). This right includes the ability to vote and run for office. Germany also grants ethnic German immigrants (*Aussiedler*) who return to Germany after living elsewhere these same political rights before regaining German citizenship (Takle 2007). Only the SPD attempted to extend local voting rights to all foreigners living in Germany as an act of integration through political participation (Takle 2007). This argument fell on silent ears. Turks and other non-EU foreigners still must obtain German citizenship before gaining the right to participate in their local government (Yurdakul 2006).

For a marginalized group like the Turks, gaining access to political participation is not enough incentive to go through the naturalization process. Since the German government extends social services and economic rights to non-citizens residing in Germany, foreigners only stand to gain political rights through naturalization. As one Turk told Anil (2004), “I think becoming a German citizen would have no positive impact on my future. I will still be a ‘black head’” (15). Voting trends also reveal political reasons behind refusing Turks the right to vote while allowing other non-citizens this same right. Reminiscent of the Austrian Jew Hugo Agular, who Germany refused citizenship because of his liberal politics, Turks face similar albeit more subtle discrimination. In 2002, only 11 percent of voting Turks intended to vote for Germany’s conservative party, the CDU/CSU, while 62 percent intended to vote for the liberal SPD and 22 percent for the center-left Greens (Wüst 2004). On the other hand, 73 percent of ethnic Germans returning from the Soviet Union, who have local voting rights without naturalization, intended to

vote for the CDU/CSU (Wüst 2004). Conservative politicians have no interest in granting the right to vote to populations who vote liberally, but have liberally offered this right to the ethnic Germans who tend to vote conservatively. Ultimately, political rights are essential to integration and lead to increased representation and power. Due to this exclusion, Turks are not represented in positions of power and will remain a marginalized group ineligible for naturalization.

Although it largely prohibits Turkish-German dual citizenship, Germany accepts dual citizenship in the case of naturalizing EU citizens and some asylum seekers (Takle 2007). Since EU citizens are “to be treated equally with German citizens” German parliament found it “not necessary to have them renounce their former citizenship in order to gain access to citizenship rights” (Takle 2007: 187). German law, however, does not permit ethnic Germans to hold dual citizenship (Green 2005). As far as dual citizenship is concerned, EU citizens enjoy superiority rather than equality compared to other German citizens. Naturalized asylum seekers are also occasionally permitted to take on dual citizenship. One hundred percent of refugee applicants from Afghanistan, Iran, Morocco, and Eritrea retained their previous nationalities when they gained German citizenship in 2003 (Green 2005). While Turks made up 40 percent of all naturalizations in 2003, only 14 percent of those naturalizations allowed dual citizenship (Green 2005). Further, the four German states with the most Turkish naturalizations in 2003 also had “below average” dual citizenship toleration rates (Green 2005: 932).

By 2004, the German government encouraged the naturalization of EU citizens and attempted to “ease the process” of their residence by excusing EU citizens from the required language and integration courses (Takle 2007: 188). The array of reform exceptions regarding dual citizenship, voting, and the integration classes flipped the paradigm of “the other” in Germany. EU citizens, once viewed as foreigners, now enjoy insider status while non-EU

immigrants remain outsiders (Takle 2007: 188). While some of the exceptions result from EU ordinances and asylum seeker laws, which enforce restrictions on dual citizenship less strictly, the exceptions disadvantage the Turks because they do not fit the criteria for any of the exceptions.

The paradigm of “the other” in Germany also shifted with the introduction of ethnic German immigrants living within Germany’s borders, such as citizens from former East Germany (DDR) and *Aussiedlers*. Employment opportunities illustrate the hierarchy of all individuals living in Germany. One male Turk told Anil (2004), “[...] after the reunification [of Berlin], it became very difficult to find a job. It is now much harder for Turks to find a job. Jobs go to native Germans, former DDR citizens, *Aussiedlers*, and EU nationals. If there are any jobs left, and if the Turks are qualified, they may get one” (13). Turks are at the bottom of German society. Another respondent living in Berlin since 1999 said he found it increasingly harder to find work he is qualified for, “because they prefer ethnic Germans, Polish, or Bulgarian immigrants to Turks” (14). The 1999 reform undoubtedly heightened Germany’s status hierarchy, making it virtually impossible for Turks to integrate and naturalize, two necessary steppingstones to getting ahead in German society.

The reform’s use of *ius soli* is a symbolic first in German citizenship laws. Germany’s version of *ius soli*, however, is impartial and still does not grant citizenship based on birth in Germany. This version extends only to children with one parent who has resided in Germany for at least eight years and holds the equivalent permanent residence status (Green 2005; Koopmans et al. 2005). Around two thirds of foreigners fulfill the residential requirement but “far fewer meet the [permanent] residence status provision, which has meant that the new *ius soli* has applied to only about 40 percent of live births to non-national parents between 2000 and 2002”

(Green 2005: 926). Even when foreign parents meet the *ius soli* requirements, their baby receives only temporary German citizenship. By the child's 23rd birthday, he or she must either naturalize as a German citizen (surrendering her parents' nationalities and meeting the other requirements, too) or he or she will lose German citizenship. In the coming years it will be interesting to see if a large number of children born to foreigners do indeed naturalize and claim their German nationality. Regardless, before age 23, foreigners' children must still complete the naturalization process. Like the guest workers before them, eligible children resume a temporary position within German society.

THE DUAL CITIZENSHIP DEBATE

"If today we give in to the demands for dual citizenship, we would soon have four, five, or six million Turks in Germany instead of three million," said German Chancellor Helmut Kohl (qtd. in Cornelius, Martin, and Hollifield 2004).

Germany's dual citizenship debate centers around the country's fear of the Turkish population and its growth. Politicians direct arguments against dual citizenship directly at Turkish immigrants. Opponents argue that dual citizenship creates a "conflict of loyalty" and is a "hindrance to successful integration" (Green 2005: 922). Denouncing previous citizenship, Germans say, serves as a symbolic first step in transforming a foreigner into a loyal and cultural German. This requirement demonstrates that the Germans still expect loyalty and unity within their nation, a remnant of Fichte's speeches.

Awakened by the reform, the dual citizenship debate dominated "the entire public and political agenda" between 1998 and 1999 (Green 2005: 924). In a point counter-point article published in *Die Zeit* in early 1999, two writers debated the issue. According to Roger De Weck (1999), who argues in favor of dual citizenship, politicians fear the Turks: "Nothing against the French, the dual-citizenship foes will argue, but the issue here is the Turks. So what? *What's the problem?*" (qtd. in Göktürk et al. 2007: 174). Jan Ross arguing against dual citizenship, states,

“One can certainly love two women. But one can be married only to one” (qtd. in Göktürk et al. 2007: 176). The restrictions on dual citizenship in the 1999 reform show the popularity of Ross’ position, but perhaps more revealing is De Weck’s argument suggesting that the nation’s rejection of the Turks was an attempt to discourage Turkish naturalization and keep Turks a powerless group.

On the surface, Germany’s stance towards dual citizenship has not changed post-reform. While the previous 1913 German citizenship law also did not allow dual citizenship, it had loopholes. Scholarly and anecdotal evidence reveal “some degree of tolerance of dual citizenship in practice” before reform (Anil 2006: 449). In 1993, for instance, 40 percent of all naturalizations in Germany accepted dual citizenship, although those practices seem to be inconsistent and vary by each German state (Anil 2006). Some estimate that at least two million Germans hold two or more passports, although no official records document this (Simon 2005).

German officials now strictly enforce surrendering previous citizenship in the case of Turks. One forty-four year old male Turk living and working in Berlin confessed:

During the Kohl period, it was easier to be naturalized. Now, with the new law, we cannot be dual citizens. It was not unlikely that a Turk, after gaining German citizenship, would apply for Turkish citizenship he had to renounce prior to his application for naturalization. This was tolerated before. But, now, with the new law it is not anymore. I would like to become a German citizen, but I am not sure if it would solve the problems we are now facing (Anil 2004: 13).

The inability to hold dual citizenship serves as a major barrier to naturalization for Turks in Germany. Denouncing previous citizenship requires a long process that demands two separate applications: one to denounce previous citizenship, and the second to naturalize in Germany (Anil 2004). Considering the many applicants allowed to keep their previous nationality, including EU citizens and asylum seekers, the second application exists almost exclusively for the Turks. One female Turk in Berlin told Anil (2004) that she was interested in becoming a German citizen, but because of the length of the process, she missed a few deadlines and never

reapplied (13). Two second-generation Turks in Anil's study experienced problems with the Turkish consulate. When they attempted to denounce their Turkish citizenship, the consulate suggested they wait until age eighteen, in which case they never reapplied because of the time commitment. Anil's 2004 study is significant because she found that many Turks interested in becoming German citizens did not want to surrender Turkish citizenship or were discouraged by the process.

The inability to hold dual citizenship impacts Turkish women more than men, while Turkish women also tend to be less eligible for naturalization. Since the guest worker program recruited Turkish men who were isolated from the German population, the workers often sent home for brides, wives, and family members. Family migration from Turkey to Germany continues to be a main source of immigration: today, women represent 45.8% of Germany's Turks (Green et al. 2008; Şen 2002). Family members, mainly women, gain their residency status in Germany through their relationship to a man. Brides and family members must wait two years to become eligible for their own residency permit (Goddar 1999). Turkish women often arrive without German language skills and tend to stay in traditional roles that prevent them from integrating, making them less likely to be eligible for naturalization post-reform (Goddar 1999). Instead of assisting in their integration, Germany silences a large part of its Turkish population.

Dependence on social services and refusal to denounce previous passports also serve as a barrier to German citizenship for Turkish women. One community center for Turkish women in Berlin reports that after having children, most Turkish women slip onto the welfare rolls indefinitely, never integrating or learning German (Goddar 1999). Battling the 23.2 percent unemployment rate among Turks in Berlin, 9 out of 10 Turkish women at the center receive social assistance (Goddar 1999). These women are ineligible for citizenship under the reform

because receiving any form of government assistance at the time of the naturalization application automatically makes the applicant ineligible. Turkish women entitled to inheritance, usually land in Turkey passed down through the daughter, face other incentives against denouncing their Turkish passport. Without their Turkish passport, these women forfeit their inheritance rights (Goddard 1999). Even when an integrated Turkish woman knows German and is not on welfare, inheritance in Turkey may keep her from denouncing her previous citizenship. Saadet Oezulusal, an employee at the community center, says the reform is a “two-class law: only those who can afford it become a German” (Goddard 1999: 173).

THE CULMINATION OF INTEGEGRATION: THE EXAM

The required naturalization examination is an invasive aspect of the reform that favors some applicants over others. Although Chancellor Angela Merkel attempted in 2005 to make a uniform exam to “test immigrants’ loyalty to the values of the Federal Republic,” the government gave up on the goal after months of heated debate between the parties (Carle 2007: 153). Failure to create a uniform exam granted government officials the permission to continue discriminating against Muslims, mainly Turks, in the naturalization office. In a 2006 edition of *Der Spiegel*, an article uncovered the variation of requirements, specifically regarding the language and integration courses, to naturalize from state to state:

“Conservative states” like Bavaria, Hesse, and Baden-Württemberg demand arcane knowledge that would trip up even most educated Germans. Questions include details on German mountain ranges, 19th century artwork, and discoveries by German scientists. Layered between questions on German geography, history, and music, are questions designed to weed out religious conservatives. Such questions, which are sometimes administered orally, grill applicants on attitudes towards gay relationships, women’s rights, arranged marriages, and Israel’s right to exist. “Imagine your adult son comes to you and explains that he is a homosexual and would like to live together with another man. How do you react?” reads one question. “In Germany swim classes are a part of the normal German school curriculum. Would you allow your daughter to participate?” (*Spiegel Online*, January 31, 2006 qtd. in Carle 2007: 153).

German officials cannot ask outright whether an applicant is Muslim, yet these questions distinguish Muslims from other applicants. Since Turks tend to be less educated and non-

Christian, they are less likely than their immigrant peers to pass a test that measures obscure knowledge or to give the “correct” answer to questions relating to the private sphere and personal convictions. The exam’s questions illustrate that meeting all the naturalization requirements, attending the mandatory classes, and applying for a German passport does not guarantee naturalization for Turks. Muslims’ religious differences, which conservatives see as incompatible with German culture, present a roadblock to naturalization and are an acceptable rationalization to rejecting an applicant (Green 2005; Klusmeyer 2001). Klusmeyer (2001) concludes that the CDU’s tendency to marginalize Muslims is “at best arbitrary” but nonetheless continues to “explicitly exclude adherents of the Muslim faith” (524). Invasive and degrading questioning also discourages applicants from initiating the naturalization process. By purposely preventing Turks’ naturalization, the German government also purposely prevents their integration.

The 1999 reform removes integration responsibilities from the state by expecting the transformation from foreigner to German citizen to arise from internal desire and dedication. Naturalization requirements “tactfully” expect foreigners “to assimilate” and “choose” to be German (Green et al. 2008: 101). Alfred Dregger, a conservative politician, articulated an ultimatum for immigrants unwilling to make this choice: “Whoever chooses not to or cannot become German also by language and inner conviction must live as a foreigner among us and subject himself to the appropriate rules and regulations” (qtd. in Green 2005). Muslims are especially expected to assimilate, or risk living as a permanent foreigner. Like Bismarck and Hitler before, Germans today fear that Muslims threaten German culture. The reform “requires assimilation to counteract any threat to German cultural identity from immigration, especially by Muslims,” the most numerous of which are Turkish nationals (Green 2005: 933). The red tape of

applying for naturalization, lack of resources, the inability to integrate, institutional discrimination, and disenchantment prevents Turks from naturalization regardless of their sincere inner conviction. The reform gives them little choice.

CONCLUSION: GERMANY NEEDS ITS IMMIGRANTS

Germany's 1999 reform, which the SPD-Greens intended to be more liberal than its predecessor, made more Turks less eligible for naturalization, decreased Turkish integration into German society, and discouraged eligible Turks from German citizenship. Working against the conservative parties and a conservative electorate forced the SPD-Greens to compromise their goals. Almost a decade post-reform, Turks have access to social and economic rights but still face political and cultural discrimination. Marginalization in German society results largely from the inability to access citizenship, or the inability to be German. Originally, blood and ethnicity defined the Germans. The reform shifted this definition by emphasizing integration into German culture. Since Turks tend to be less integrated, they are also less likely to be eligible for naturalization post-reform. Beyond this shift in definition, Germany has undergone little change in its stance towards immigration and foreigners. Bismarck's fears of foreign populations gaining too much power, voting for liberal political parties, and being essentially "un-Germanizable" echo throughout German law and keep foreigners marginalized today.

Germany faces one of the lowest birthrates in Western Europe. Demographic trends predict that by 2050 the German population will fall from 82 to 60 million (Akturk 2007). Sustaining the ethnic population is no longer a viable option. Germany is home to "the highest rate of childlessness in the world;" there are only 1.3 children per German woman (Carle 2007: 154). The German city Chemnitz has the lowest birthrate in the world (Carle 2007). Due to increased life expectancies, increased pensioners, and a grim birthrate, Germany needs its

immigrant population to sustain itself (Green et al. 2008). To maintain its standard of living, Germany requires an annual immigration rate of 350,000 (Carle 2007). To maintain its working population, Germany requires 458,000 immigrants per year (Green et al. 2008).

As the Germans have long expected of immigrants, perhaps it is Germany's chance to turn inward in order to accept a new lifestyle and a new country. Accepting their foreign population will allow Germany to assume a proactive approach towards its Turkish immigrants, helping integrate the population. Allowing Turkish nationals the right to vote and run for office in local elections will also aid in integration and equality among all groups. Facilitating a country where immigrants and minorities are in positions of power will mobilize young foreigners, reduce the fear associated with minority populations, and produce future policies to help rather than discourage minority populations. Although Fichte may not have predicted Germany's current state, embracing the immigrant population, encouraging a multicultural society, and allowing all members to work towards sustaining the nation like a living, breathing organism appears in Germany's best interest.

FURTHER RESEARCH

While this paper attempts to analyze Germany's 1999 reform and its effects on Germany's Turks, many questions remain unanswered. Further research should explore policy solutions to the problems presented, including concrete steps towards integrating Germany's Turkish population. Future research regarding citizenship rights in Germany should focus on the accessibility of naturalization for *Aussiedlers*, specifically ancestors of German Jews attempting to regain German citizenship. In the process of Hitler's denaturalizations and the Holocaust, many Jews lost everything including the paperwork their families need today in order to reclaim their German citizenship.

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Appendix 1.

EMPIRE-AND STATE-CITIZENSHIP LAW (1913)

Translated by Tes Howell

Section 1. A German is someone who possesses state citizenship in a federal state or direct imperial citizenship. [...]

Section 3. Citizenship in a federal state is acquired

1. By birth,
2. By legitimation,
3. By marriage,
4. For a German by acceptance,
5. For a foreigner by naturalization.

Section 4. Legitimate children of a German man acquire the citizenship of the father at birth; illegitimate children of a German women acquire the citizenship of the mother [...]

Section 8. A foreigner who has settled in a federal state can be naturalized by the federal state per application when he

1. Is legally competent according to the laws of his previous homeland or who be according to German laws, [...]
2. Has lived a morally upright life,
3. Has found his own dwelling or residence in the area of his settlement, and
4. Is able to care for himself and his family according to the circumstances prevalent in his chosen area.

Prior naturalization, requirements 2 to 4 must be discussed by the community of the area of settlement and, insofar as they do not also act as independent charity organizations, by the respective charity organizations.

Section 9. Naturalization into a federal state may occur only when the imperial chancellor has determined that none of the other federal states have objected to it; should a federal state object, then the Federal Council will decide. Objections can be based only on facts that justify concern that the candidate's naturalization would endanger the welfare of the Reich or a federal state [...]

Appendix 2.

LAW ON THE REVOCATION OF NATURALIZATIONS AND DENIAL OF GERMAN CITIZENSHIP (1933)

Translated by Tes Howell

Section 1. Naturalizations completed between November 9, 1918, and January 30, 1933, can be revoked if the naturalization is considered undesirable. Upon revocation, the naturalized individual loses not only his naturalized status but also German citizenship, which he would not have acquired without naturalization.

The revocation will take effect upon delivery of the revocation decree or at the time of its publication in the Imperial Index. [...]

Implementation provisions for Section 1:

1. Whether or not a particular naturalization is considered desirable will be adjudicated according to national principles. In the foreground are those racial, civic, and cultural factors that promote an augmentation of the German population through naturalization, conducive to the interests for Reich and *Volk*. In addition to considering the facts from the period prior to naturalization, a decision must also take into account the circumstances that developed after naturalization. Hereafter, the following are considered for revocation of naturalization:
 - a. Eastern Jews, unless they fought on the German front during the world war or have made themselves particularly useful to German interests,
 - b. Persons who are guilty of a serious misdeed or a crime or have otherwise behaved in a manner harmful to State of *Volk*. [...]

Appendix 3.

BASIC LAW OF THE FEDERAL REPUBLIC OF GERMANY (MAY 1949)

Translated by Tes Howell

Conscious of their responsibility before God and man,
Inspired by the determination to promote world peace as an equal partner in a united Europe, the
German people, in the exercise of their constituent power, have adopted this Basic Law. [...]

Article 3 [Equality before the Law]

All persons shall be equal before the law.

Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate those disadvantages that now exist.

No person shall be favored or disadvantaged on the basis of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disadvantaged because of disability. [...]

Article 12 [Occupational Freedom; Prohibition of Forced Labor]

All Germans shall have the right to freely choose their occupation or profession, their place of work, and their place of training. The practice of an occupation or profession may be regulated by or pursuant to law.

No person may be required to perform work of a particular kind except within the framework of a traditional duty of community service that applies generally and equally to all.

Forced labor may be imposed only on persons deprived of their liberty by the judgment of a court. [...]

Article 116

According to the Basic Law and subject to further legal regulations, a German is whoever possesses German citizenship or was accepted as a refugee or displaced person of German origin or as a said person's spouse or descendant in the territory of the German Reich as it stood on December 31, 1937.

Former German citizens, whose citizenship was revoked on political, racial, or religious grounds between January 30, 1933, and May 8 1945, and their descendants can be naturalized again per application. They are not considered expatriated provided they took up residence in Germany after May 8, 1945, and did not express contrary will.

*Appendix 4.***REFORM OF THE STATE CITIZENSHIP LAW (1999)****Translated by Tes Howell**

Article 1: Alteration of the Empire-and State-Citizenship Law

1. [...] A child born to foreign parents in domestic territory shall acquire German citizenship when one parent:
 - a. Has legally held permanent and consistent residence in the domestic territory for eight years and,
 - b. Possesses a residence permit or has possessed for three years a residence permit for an unrestricted period
2. [...] Where the person undertaking the obligations stipulated in Article 1 states a desire to keep his foreign citizenship, German citizenship will be revoked when the statement is received by the relevant authorities. It will also be lost when no statement has been made prior to his twenty-third birthday.
3. When the person incurring the obligation stated in paragraph 1 states a desire to keep his German citizenship, he must prove that he has given up or lost his foreign citizenship. If such proof is not provided by his twenty-third birthday, German nationality shall be lost unless the German government has already received per application the written approval of the relevant authorities to retain German citizenship [...]

Article 2: Alteration of the Foreign Law

1. [...] A foreigner who has legally had permanent and consistent residence in the domestic territory for eight years is eligible for naturalization per application when he:
 1. Acknowledges the liberal democratic order of the Federal Republic's Basic Law and declares that he has not pursued or supported any actions that are directed against this liberal democratic basic order, that stability or security of the federation or a state; which are intended as an illegal encroachment on the government or on constitutional institutions of the federation or a state or their members; or which endanger the external interests of the Federal Republic of Germany by application of or preparations for violence;
 2. Possesses a residence permit or right of residence;
 3. Can prove he can provide for himself and any family members entitled to aid without resort to social or unemployment assistance;
 4. Gives up or loses his previous nationality; and
 5. Has not been convicted of a crime.

The requirement in number 3 will be waived when the foreigner can show he is unable to provide without recourse to social or unemployment assistance for reasons beyond his control.

(2) The foreigner's spouse and underage children can be naturalized according to article 1 even if they have not had permanent residence in the domestic territory for eight years [...]

Appendix 5.

THE LANGUAGE OF GERMAN CITIZENSHIP

der Volksgeist – the spirit of the people

- ✦ defined by common culture, custom, and law

das Deutsche Volk – the German people

- ✦ defined by bloodlines and territory

die Denkweise – way of thinking

- ✦ particular national personality of the Germans – the way Germans think

die Schicksalsgemeinschaft – refers to the community of German people

- ✦ literally, community of common destiny

die Heimat – homeland

- ✦ no exact English translation exists, romantic yearnings for a sense of belonging, suggests pastoral landscapes and regionalism

der Ausländer – foreigner, a person without a German passport

- ✦ the origins of the word refers to someone who lives in misery

der Aussiedler – resettler, an ethnic German who returns to Germany after living outside of the country and has lost German citizenship.