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O'Brien, P. (1997). Germany's newest aliens: The east Germans. *East European Quarterly*, 30(4), 449-470.

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GERMANY'S NEWEST ALIENS: THE EAST GERMANS

Peter O'Brien
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INTRODUCTION

Before 1989, Germans used the term "*Wende*" (the turn) to refer to the transition from the Schmidt to the Kohl government in 1981-82. This meaning disappeared overnight between November 9 and 10, 1989. The real *Wende* became the revolution in the GDR and the subsequent unification of the two Germanys. Doubtless this shift in meaning was justified. By October 1990, Germany had experienced far more than a change in political leadership. It now had new expanded borders, 17 million new citizens, and a mountain of challenges to overcome.

Among the myriad problems confronting Germany, migration was paramount. Indeed, it seems fair, in retrospect, to claim that migration (or the threat of it) inspired the revolution and determined the collapse of the GDR. Nor is it outlandish to suggest that migration set the pace and terms of unification. Once the Krenz regime opened the Berlin Wall and let its people vote with their feet, it had no real chance of surviving. Similarly, had Helmut Kohl not quickly promised reunification, he would have likely faced massive emigration from East Germans.

A new nation-state was formed under the pressure of migration. In addition to the 17 million newcomers produced by unification on October 3, 1990, the FRG already had over 5 million foreign workers and refugees. Moreover, unusually large numbers of refugees from East Europe and elsewhere (nearly 500,000 in 1992, alone¹) sought to take advantage of Germany's liberal laws regulating political asylum. These numbers imply that well over one quarter of united Germany's residents are migrants or newcomers of one sort or the other. There can be no denying that Germany has become a land of immigration.

Anxiety has surfaced that Germany is reviving and reverting to an aggressive and atavistic racism in response to large-scale emigration. Hundreds of books, articles and conferences in recent

years have addressed this theme.² Both the number and intensity of criminal acts hostile to foreigners increased after unification (2426 in 1991 to 6336 in 1992).³ According to the Agency for the Protection of the Constitution, the number of right-wing extremist groups rose from 76 in 1991 to 82 in 1992, encompassing an estimated 41,900 members.⁴ One recent survey found that three quarters of polled Germans view the "foreigner problem" as the most important issue in Germany.⁵ In response to growing xenophobia, the *Bundestag* recently amended the constitution to toughen its article (16) regarding political asylum. Germany again seems a place neither comfortable nor safe for non-Germans.

This essay contends that these fears are exaggerated. I do not deny signs of resurgent racism or rising xenophobia. However, I insist that they do not signal a return to a Nazi or Nazi-like Germany. Rather, I argue that such sentiments have found little realization in legislation hostile to foreigners, particularly those living in the FRG. On the contrary, I show that much legislation has been passed or proposed which is beneficial to foreigners and even more which is hostile to (some) Germans both inside and outside the FRG. Put differently, if Germany needs a systematic policy of exclusion to deal with its migrant problem, there is not much evidence which points to a deliberate racist strategy.

Does this mean there is no politics of exclusion evolving in Germany? No! I aim to show that the emerging politics of exclusion rests more on the principles of liberalism than on racism. In a recent essay Etienne Balibar discerns an emerging shift in the instruments and justifications of discrimination:

It may well be that the current variants of neo-racism are merely a transitional ideological formation, which is destined to develop towards discourses and social technologies in which the aspect of the historical recounting of genealogical myths (the play of substitutions between race, people, culture and nation) will give way...to the aspect of psychological assessment of intellectual aptitudes and dispositions which a battery of cognitive, socio-psychological and statistical sciences would then undertake to measure, select and monitor, striking a balance between heredi-

tary and environmental factors.... In other words, that ideological formation would develop towards a "post-racism."⁶

Building off Balibar, I suggest that a "post-racial" discrimination founded on liberalism is discernible in the new Germany.

EUPHORIC NATIONALISM AND RESURGENT RACISM

"What belongs together grows together." These *volkisch*-sounding words uttered shortly after the fall of the Berlin Wall by Willy Brandt – a man who fought much of his life against racism – reveal the nearly irresistible appeal of German nationalism in November of 1989. One nation forcibly divided for four decades could again forge together. And most Germans felt, like Brandt, that it was only natural that Germans unite. The West Germans were as willing to welcome their eastern brethren as the East Germans were eager to visit the West. As the latter first crossed over they were met with much pageantry and 100 crisp D marks. The generosity persisted and intensified. The roughly 2.5 million Germans east of the FRG who decided to move to the West received extensive and expensive public assistance to help them resettle (over 10 billion DM in 1992).⁷ Moreover, they gained immediate and automatic citizenship as stipulated in Article 116 of the Basic Law. The Germans who stayed in the GDR were offered an extraordinarily favorable exchange rate for their East German marks in July of 1990. Later on October 3, the day of unification, they became *de facto* citizens of the FRG rather than the mere *de jure* citizens they had been since 1949. In addition, the Kohl administration announced after the general elections of 1991 that it would allocate some 100 billion DM (roughly one quarter of the federal budget) for reconstruction and improvements in the eastern provinces.

Foreigners watched these developments with deep frustration. Integration had commenced in the Seventies but had progressed slowly. Foreigners (55% of whom have lived in the FRG for more than 10 years, over one million of whom were born in the FRG, and all of whom combined pay roughly 90 billion DM annually in taxes) had been told time and again by Bonn that it would take a long time before they would "catch up" socio-economically with the West Germans.⁸ But the Chancellor promised East Germans, before any

of them paid a single tax, that he would bring West German socio-economic standards to them in 5 short years. Although foreigners received some purely consultative political representation in various "Foreigners Councils," the German government had steadfastly refused for two decades to grant them even municipal voting rights.⁹ Restrictive requirements for naturalization left the FRG with the lowest rate of naturalization in the industrial world.¹⁰ Yet, according to Article 116 of the Basic Law, the estimated 8 million Germans living in the former Soviet bloc enjoyed a right to immediate German citizenship.

Put differently, the legislation aimed at Germans from the east was blatantly discriminatory and racist. Article 116 grants citizenship on the basis of ethnicity rather than territory. The right of citizenship belongs to "everyone...who, as a refugee or expellee of German ethnicity, or as a spouse or descendent of such persons, has been admitted to the territory of the German Reich as it existed on December 31, 1937."¹¹ In 1937, German ethnicity was defined by the racist Nuremberg Laws of 1935. This law and the practices it sanctioned also helped to fuel the increasing hostility toward foreigners after unification. As Germans began to realize that the costs of unification would far exceed the optimistic projections of Chancellor Kohl in 1990, many began entertaining ideas of targeting foreigners as the ones who should bear the greatest hardships. Germans for whom unification turned sour (particularly youths in the east) looked to foreigners as scapegoats and began verbally to demand and even physically to ensure their elimination from the land. Although neither the government nor the constitution ever sanctioned the maltreatment of foreigners, both sanctioned preferential treatment of Germans. Had the government further pursued or strengthened this policy, a systematic policy of discrimination based on race would have developed. But it did not.

REVIVED LIBERALISM

Opposition and limitations to racism soon sprang up from various quarters. Esteemed President Richard von Weizsäcker led the way by frequently condemning xenophobic acts and attitudes. In the summer of 1991, Liselotte Funcke, Kohl's Commissioner for Alien Affairs, resigned in bitter and public protest over the unfair treatment of foreigners. Kohl himself called the riots in Rostock "a

national disgrace." Hundreds of other prominent personalities publicly condemned xenophobia and praised the idea of a "multicultural society."¹² Average German citizens organized demonstrations for foreigners far larger in numbers than those against them (such as the mass candlelight marches against racist violence).

Practical considerations also discredited a purely racist approach. Demographic and economic studies commissioned by the government have consistently concluded that Germany's economy will continue to depend on the long-term presence of foreign labor into the foreseeable future.¹³ Furthermore, poorly trained East German workers could hardly be expected productively to replace foreigners who had been on the job for years. Countless studies reported rates of productivity among East German workers far below rates in counterpart industries in the west (on average, 50%).¹⁴ Nor could resident aliens simply be sent home. At the time of unification, for example, 70% of them possessed the irrevocable residence entitlement.¹⁵ Diplomatically, the government's hands were tied as well. Article 48 of the Treaty of Rome guarantees all members of the European Union the right to work and reside in Germany. Moreover, the Maastricht Treaty provided for local voting rights for these 1.5 million EU members residing in the FRG. Meanwhile, the European Council took steps in 1993 to make dual citizenship easier (and therefore migrant naturalization more likely) in member states.¹⁶ EU members are not the only ones well protected. A Treaty signed with Turkey in 1972 prohibits Germany from forcibly deporting any of the nearly 2 million Turks in the land (so long as they do not violate laws). A treaty signed with Poland in 1991 allows Poles to travel in Germany without a visa. Most importantly, the Basic Law has many protections for foreigners. The basic civil liberties of the first 19 Articles are guaranteed to all persons, not just to Germans, and the courts have consistently struck down policies which violate foreigners' rights.¹⁷ If Germany needed a strategy to deal with its migration crisis, in other words, an overtly racist one proved neither feasible nor desirable.

In fact, the only legislation passed since 1990 which is blatantly hostile to foreigners is the revision of the asylum laws in July of 1993. However, this is designed adversely to affect primarily refugees residing outside the FRG after July. All applicants for political asylum who enter Germany from countries complying with the Geneva Convention for Refugees and the European Rights

Convention will automatically be sent back to the departed country. In addition, the German government has stipulated the same policy for all countries which it deems politically "safe;" and all nine of the FRG's contiguous neighbors have earned the distinction. Practically, this means that all refugees who enter Germany via land routes are turned away. Moreover, all applicants in foreign countries must now apply at the German Embassy in their country and await a decision there. The policy is clearly designed to stop refugees before they enter the FRG, since 95% of them are on average denied asylum. The new law appears to be working. During the first year after it went into effect, the number of new applicants dropped from 438,191 in 1992 to 322,600 in 1993 to 127,210 in 1994.¹⁸

The new law, however, is not nearly as tough on the roughly one million applicants already in the FRG. Their basic welfare must, under Article 16 of the constitution, be guaranteed until their application is complete. And even once rejected – a process which often takes years to complete – appeals and stays are not impossible. For instance, during the winter of 1994-95, the Ministry of Interior placed a three-month moratorium on the expulsion of rejected Kurdish refugees and established a bilateral commission with Ankara to monitor the treatment of Kurdish returnees.¹⁹ Of course, the new law affects in no way the nearly 6 million resident aliens in the FRG.

Recently, regulations regarding ethnic Germans living outside the FRG have tightened. For instance, after July, 1991, ethnic Germans have been required to apply for visas to Germany in their homelands rather than simply show up at the border claiming the rights of Article 116. The Supreme Administrative Court has ruled that ethnic Germans living in lands which guarantee the rights of German minorities (for instance, Poland) should no longer expect to receive automatic asylum or citizenship based on Article 116. And in 1992, the Kohl administration established an annual limit of 220,000 ethnic Germans permitted to naturalize. Social services available to the German newcomers were also reduced to six months of language training and no more than 15 months of social welfare payments. These new measures have discouraged German immigration; the rate in 1994 was 56% of the figure for 1992 and 90% for 1993.²⁰

As for new legislation aimed at non-German immigrants, it is mostly beneficial to them. On January 1, 1991, a new Aliens Law went into effect. The law substantially liberalizes the requirements for citizenship. Under its provisions, aliens under the age of 23 (over

2 million) have a right to naturalize so long as they have resided in Germany at least 8 years, attended school there for 6, and not been convicted of a felony (Paragraph 85). Those 23 and older have to have lived in Germany at least 15 years, not have been convicted of a felony, and not be collecting social assistance (Paragraph 86). Moreover, in the wake of the fatal arson attack on a refugee dormitory in Solingen in 1993, the Kohl government responded with a proposal to grant automatic German citizenship to children under 18 whose parents have lived in Germany for at least 10 years and one of whose parents was born in the FRG. The youngsters (roughly one million) are allowed to possess dual citizenship until they turn 18, at which time they must relinquish one or the other.

Efforts to curb xenophobia have increased. Since 1989, state and federal governments have banned 10 neo-Nazi organizations,²¹ and in 1995, a state court in Karlsruhe sentenced Günter Deckert, the leader of the far right-wing National Democratic Party of Germany, to two years imprisonment for inciting fear. A year earlier, the Federal Constitutional Court ruled that denial of the Holocaust is not protected under freedom of expression. A year before that, parliament amended the Victims Indemnity Law to make foreign victims equal to Germans for benefits. In 1994, Kohl's government successfully proposed that the *Bundestag* expand the powers of the police and intelligence service to apprehend even more right-wing extremists as well as ban neo-Nazi symbols from public. The measures have proven effective. From 1993 to 1994, the number of reported hostile acts against foreigners halved.²²

We should be careful not to conclude from these developments that foreigners enjoy an equal status with West Germans. Statistically, their standard of living continues to lag behind that of West Germans.²³ Resident aliens cannot enjoy full rights of political participation unless they naturalize. Nevertheless, it is undeniable that most of the legislation passed since unification concerning foreigners in Germany has been based on liberal principles which condemn discrimination on the basis of race, nation, or creed.

INTEGRATION

No group, save the convicted neo-Nazis, experienced the minimal racial solidarity in Germany after unification more than the East German newcomers. What was originally celebrated as the

coming together of a divided people soon became experienced as a takeover by foreign invaders. And words like "invasion" and "colonization" are now commonly heard in reference to unification. Like foreigners, East Germans live below the West German standard of living (for example, 70% of the average West German household income²⁴ and 27% of the average household's total assets²⁵) and now hear from officials that this is likely to persist for at least a generation. Like foreigners, East Germans suffer higher rates of unemployment than West Germans (13.5% and 8.2% respectively at the close of 1994²⁶). And as foreigners did throughout the Seventies and Eighties, East Germans have begun to organize among themselves to protest their situation. Nearly 20% of them voted for the successor party to East Germany's Communist Party (PDS) in the federal elections October, 1994.

These similarities are not superficial. They stem from the fact that East Germans and foreigners are both the objects of deliberate campaigns of integration, and as such politically subordinate to West Germans. The politically subordinate position of foreigners is obvious and easy to explain: as aliens they do not enjoy full rights of political participation. The subordination of East Germans is more complicated because they are citizens. However, unification involved the systematic political subordination of East Germans. In the first place, West German political parties and personalities dominated the first free election in the GDR (spending a total of 40 million DM). The CDU and SPD captured over 60% of the vote compared to 2.9% for New Forum and Democracy Now. Referring to the influence of the West German parties, former East Berlin mayor Pfarrer Albertz remarked: "An invasion would have been more honest."²⁷

Dominating both regimes, Christian Democrats were able to structure unification as they wanted. The choice to annex the eastern provinces, as allowed in Article 23 of the Basic Law, meant not only that no new constitution would be drafted, but also that the conditions of unification would not have to be ratified in a national plebiscite. Moreover, the East Germans were integrated into a federal structure in which they represented a minority vis-à-vis West Germans in both the *Bundestag* and *Bundesrat*. A survey taken in Berlin in December of 1990 found that 42.4% of polled East Germans felt shut out of the unification negotiations, while another 36.7% felt they were merely onlookers.²⁸

The Treaty of Unification gave sweeping power to Bonn. Most notably, Article 25 placed under the auspices of the Finance Ministry the Trust Agency, which controlled all East German industry. The entire civil service was to be changed so as to emulate the West German public sector (Article 20). Furthermore, the Treaty stipulated that East German public servants could be dismissed if they were deemed incompetent, were no longer needed, had violated internationally recognized principles of humanity, or had worked for the GDR's Ministry of State Security or Office of National Security.²⁹ The Treaty opened the way for a total restructuring of East Germany.

Although this process of integrating East Germany and East Germans into the Federal Republic has been far more dramatic and drastic than the process of integrating foreigners, the two processes share significant similarities. After the recession of 1966-67, the West German government decided to terminate its practice of "rotating" guest-workers back to their homelands after two years. Businesses had complained that their investment in foreign laborers only really paid off after a year or two of training. The Ministry of Labor then initiated the practice of liberally awarding long-term and unlimited work permits to foreigners. Thus began the gradual process of integrating foreigners into the labor market as permanent workers. And although this integration has proceeded slowly at times, it has proceeded steadily.³⁰

East Germans too had to be integrated into the West German labor market after October 3, 1990. Although the campaign often has entailed the full-scale absorption of East German organizations and enterprises into their West German counterparts (for instance, in the case of the media³¹ or organized labor³²), its most consequential feature has been the systematic de-industrialization of the eastern provinces. Between 1989 and 1991, the GDP in what some have termed Germany's *Mezzogiorno*³³ declined 40%, industrial production 70%, employment 40%. While East Germans comprise over 20% of Germany's population, East German GDP by 1994 constituted only 7.9% of the total GDP, 2% of exports.³⁴ As the Trust Agency privatized its roughly 13,000 firms, the new owners typically "down-sized" the personnel.³⁵ By 1993, more than half of the jobs which existed in 1989 in East Germany had disappeared.³⁶ By 1992, only 31% of East Germans had continued working uninterruptedly in the same position they held before unification. In 1989,

9.5 million people were employed in East Germany; in 1994 6 million. 13.5% of eligible workers are officially unemployed; yet another 20% work in the various "job-creation" positions slotted for eventual termination. Over 1 million East Germans have fled west and about 500,000 commute to the west.³⁷

Integrating the public sector into the FRG has likewise entailed massive changes. The overwhelming majority of East German laws and procedures were invalidated overnight. Courts and police offices had to enforce new laws. Welfare agencies had to provide different services. Schools and universities had to adopt new curricula. Generally, this has taken place by retraining, replacing or terminating personnel. And for the most part, it has been West Germans who have made these critical decisions. By late 1992, roughly 1400 western federal and 8400 western state administrators were working in leadership positions in the east.³⁸ By 1993 in Brandenburg, for example, 52% of high-level civil servants were West Germans, 73% in the Chancellery, 72% in the Ministry of Justice, 67% in the Ministry of Finance. Each of the eastern provinces have West German "partner provinces" which regularly send public servants to the east to provide aid and assistance. During 1993, for instance, North Rhine-Westphalia sent 22% (956) of its top civil servants to help in Brandenburg.³⁹ On the inverse side, 200,000 East Germans left their public-service jobs by October, 1992.⁴⁰

The education system has witnessed similar changes. The Science Council and the Commissions on High School Structure in each province, all of which became dominated by West Germans, were charged with remaking the system of higher education and scientific research in East Germany after the image of West Germany. With the powers granted them by Article 38 of the Treaty of Unification, the two bodies launched extensive reforms in curricula and personnel. Entire disciplines in the humanities and social sciences deemed to be "close to the regime" of the GDR were either eliminated or fully restructured. In these disciplines, one study concluded, "today there are hardly any professors from the east left." The other disciplines experienced major personnel, if not curricular changes. The same study estimates that in these disciplines roughly one-third of the academic positions are held by West Germans.⁴¹ The number of positions available in the many non-teaching research institutes of East Germany dropped from 31,000 in 1991 to 13,500 in 1994.⁴² Similar drastic changes took place in the

secondary and primary schools as well as the public cultural and athletic institutions.⁴³

West Germans wound up possessing and wielding far more power in East Germany than most East Germans originally expected. In September of 1990, roughly 7% of polled East Germans opposed the importation of West German elites; by November of 1992, the figure had risen to 34%. Indeed, West Germans residing in the east tied with Turks in the survey for the least liked newcomers in the eastern provinces.⁴⁴ As early as 1991, 49% of questioned East Germans felt that most of their erstwhile compatriots viewed unification as a mistake.⁴⁵ By 1995, 16% of polled East Germans (in contrast to 47% of polled West Germans) said they were satisfied with Germany's corpus of laws;⁴⁶ 53% claimed unification had turned out "worse than I expected;" and 72% considered themselves "second-class citizens."⁴⁷

Although far less drastic than the campaign aimed at East Germans, West German elites initiated a campaign in the early Seventies to get control of foreigners' institutions. After the dramatic wildcat strike in the Ford Factory in Cologne in 1973, during which Turkish workers broke off contact with IG Metal, the DGB made a conscious effort to integrate foreign workers into the German unions. By 1982, Turkish workers were more unionized than Germans (48% to 40%; 33.6% for all migrant laborers).⁴⁸

Once the Labor Ministry stopped the practice of rotating guest-workers back to their homelands, the number of foreigners in Germany increased dramatically (from 1.3 million in 1966 to 4.5 million in 1980). Now permanently employed, foreign workers naturally wished to bring their families to West Germany. By 1971, 35% of foreigners (more than 1 million) were dependents. In 1972, the Ministry of Labor launched an official campaign for the "Integration of Foreign Workers and their Families." The policy largely involved extending the wide net of the welfare state to take in foreigners.⁴⁹ By roughly 1980, foreigners enjoyed the same social welfare benefits as West Germans.⁵⁰

In the late Seventies, much public concern surfaced over the existence of some 1000 mosques and Koran schools in Germany. Officials feared that Muslim pupils were being taught norms and values there which were anathema to the liberal democratic principles taught in the public schools. In 1980, North Rhine-Westphalia became the first province to offer Islamic alongside Catholic and

Evangelical instruction in the public schools. Most provinces with large foreign populations soon followed suit. Indeed, all schools in Germany with large numbers of foreign pupils now utilize a special "foreigner pedagogy" to integrate the migrants into the general curriculum. Local and provincial governments have also since the late Seventies offered governmental subsidies to Islamic (and other migrant) organizations which agree to operate in accordance with the liberal principles enunciated in the Basic Law.⁵¹

LIBERAL AND ILLIBERAL CITIZENS

Both foreigners and East Germans receive considerable social, economic and cultural support from the Federal Republic as target groups of integration, but at the price of political equality, whether *de facto* or *de jure*, with West Germans. West German leaders can tolerate (and rationalize) this inequality because they cast East Germans and foreigners as different, deviant, deficient. Both campaigns of integration, in other words, create and rely on the proverbial negative "Other." "Integration," "assimilation," "incorporation" – all common terms applied to both campaigns – make no sense unless there is a foreigner – someone different from West Germans – who needs to be integrated. And what makes them different is an alleged absence of an internalized commitment to the liberal principles on which the republic is founded.

Since unification, West German social scientists (often with the financial support of government) have carried out numerous studies of the political culture of East Germans. During the Seventies and Eighties, West German social scientists (often with the financial support of government) carried out numerous studies of the political culture of foreigners. These studies share unmistakable similarities and produce virtually identical images of their subjects. First, foreigners and East Germans are persons who have been socialized in authoritarian political cultures outside the FRG. Second, they are persons experiencing rapid social change. Third, they suffer from a number of social and psychological pathologies, one of which is a tendency toward anti-democratic political extremism. And fourth, they represent a threat to the "basic free democratic order" of the FRG and must be re-socialized to respect the liberal democratic values of West German political culture before they can be fully trusted.

Kurt Sontheimer's analysis of East German political culture typifies the view common among West German social scientists. He insists that the old pre-war authoritarian political culture survived in the GDR despite the transformation to communism: "This official political culture sanctioned by the Party and State thus built off German traditions...of the leading Party and of the State with a decided priority over the needs and tendencies of the individual." Furthermore, their political culture was "tainted more strongly than that of the Federal Republic with traditional attitudes which came out of German history. Thus the GDR society appeared in the judgment of some observers 'more German' than the quickly modernizing and Americanizing Federal Republic."⁵²

West German studies invariably note the major differences between the predominant norms and values in the FRG and in the GDR and emphasize the great difficulties East Germans face in adapting to their new society. "There exists a significant discrepancy," concluded a study commissioned by the Federal Agency for All-German Efforts, "between the behavioral repertoire of the erstwhile GDR citizens and the new challenges. The mental demands which pluralistic democracy and social market economy place on social actors are totally different."⁵³ Another study implored readers to keep in mind "that 16 million GDR citizens have with the regime and system transformation lost their identity overnight."⁵⁴ Both studies conclude that East Germans suffer from various social and psychological problems such as a "collapse of a holy, ordered world," "anomie," "culture shock," "identity vacuum" which stem from feeling like "a foreigner in one's own land." They exhibit such symptoms as "depression," "GDR nostalgia," "self-doubt," "suicide," "excessive consumption" and "criminality."

But the most disturbing deviance is a tendency to support political extremism, far right or left. Thus countless studies interpret the rise in neo-Nazi activities and organizations in East Germany as a reaction against rapid social change combined with deficient appreciation of liberal democratic norms and values. For example, Hans-Gerd Jaschke writes: "the reasons for the increase in the number of right-wing extremists seem to be...the feeling of social discrimination, the lack of other traditionally established political orientations, the lack of experience in dealing with strangers and practical everyday problems."⁵⁵ "The sum total of all the frustrations," concludes another study, "becomes vented in slogans like

'Germany for the Germans – Foreigners out!' Violent hooligans and applauding observers do not want to accept that indigent refugees, victims of political persecution or religious minorities are being integrated into the commonwealth. Instead, the alleged uniform, homogeneous society is preferred."⁵⁶ Others see persistent support for the PDS as evidence that the "authoritarian-repressive structures of the society have not yet really been overcome."⁵⁷ The same holds true for "GDR nostalgia." "This can be interpreted as a 'new myth of the social welfare in the former GDR' and hints at a political instability in the eastern part of Germany, comparable to the one in the FRG in the 1960s."⁵⁸ The conclusion to be drawn from these various studies is that East Germans have yet to become genuine liberal democrats:

Citizens of the former GDR have already developed affective ties to their new political community. However, these are not overflow consequences from satisfaction with politics and democracy or primarily politically motivated. On the contrary, they are either rooted in historical experience and social relations or closely linked to the economic benefits that are expected from belonging to this political community. With regard to this latter aspect these ties will be affected by any disappointment of economic hopes.⁵⁹

This image of East Germans mirrors the one of foreigners produced by social scientists during the Seventies and Eighties. The many scholars who moved into so-called "foreigner research" in those decades diagnosed foreigners with virtually the same socio-psychological illnesses and pathologies discussed above. Moreover, the root cause was understood to be the rapid transformation from traditional agricultural societies to the modern industrial society of the FRG. Thus Ursula Neumann in a prominent study of migrant families argued that their tendency to cling to tradition in Germany:

is not to be understood as a natural continuation of the lifestyle in the homeland, rather as a defense against the changed environment. The

confrontation with the divergent ways of the surrounding world creates in every case a sense of uncertainty, a strain on the personality. [This leads] to signs of retreat and compensation, such as exaggeration of traditional norms and values, idealization of the homeland, avoidance of contact with the German environment.⁶⁰

And as later with East Germans, political extremism among foreigners, particularly Turks, became a major concern of West Germans.⁶¹ Several Turkish migrant organizations were placed under surveillance by the Agency for the Protection of the Constitution during the Eighties just as several East German organizations have been since unification. Both major political parties took hard stances against political extremism as well as suffrage for migrants. The SPD demanded that "the activities of anti-democratic and criminal migrant organizations...be monitored with all available legal and organizational means" and concluded that "the introduction of municipal voting rights [for foreigners] does not seem sensible at this time."⁶² The CDU declared:

If the franchise were granted, the participation of foreign national parties in elections could not be avoided. Whoever in recent months has pursued the excesses of foreign extremism in the Federal Republic – the buzzwords Kurdish terrorism and the appearance of fanatical Turkish nationalists suffice – knows that the last thing we need is campaign battles between left-wing and right-wing extremist foreign parties in the Federal Republic.⁶³

Although such repressive and restrictive measures are appropriate in the short-run, they will not do in the long-run. Only thorough re-socialization of newcomers can fully secure the democratic order. In 1978, the Federal Commissioner for Aliens announced that education would represent the "focal point" of the Schmidt administration's immigration policy. The reason, he explained, was that the internalization of liberal democratic norms and values was essential if foreigners were to reside in Germany

permanently; and only the schools could be expected to teach these norms and values.⁶⁴ The CDU insisted that full integration ultimately had to mean an internalized respect for "the human dignity and value structure of our constitution" and urged making the distinction between superficial "outer assimilation" and genuine "inner assimilation." The latter could only come after a long process of socialization in the public schools.⁶⁵ It is not surprising, then, that both parties support more liberal naturalization requirements for young foreigners schooled in Germany than for older ones schooled in the homeland.

The re-socialization of East Germans can also be expected to take a long time, West Germans insist. Hans-Joachim Maaz writes in his study of East German political culture: "Democracy cannot...be put on like a coat, rather it must take root in the minds and hearts.... Democracy can only prevail...if it begins in the souls of men."⁶⁶ Katharina Belwe argues that "it will take a longer individual and collective learning process before the East German citizens can be made equal to the citizens of the old federal states in competition for jobs but also political and social positions."⁶⁷

Such rationalizations of postponed equality for East Germans sound unmistakably similar to those resident aliens have heard for years. Delaying full sovereignty to newcomers seems natural to West Germans. After World War II, they were welcomed into the western alliance of liberal democratic nation-states, but not as fully sovereign members. As the Allies built the Federal Republic and integrated it into the western alliance, they only gradually relinquished sovereignty to West Germany. They first had to be satisfied not only that liberal democratic structures and institutions were in place, but that a liberal democratic political culture was widely internalized by the citizenry. West Germans are simply doing to East Germans and foreigners what was once done to themselves. And since the latter is generally understood as a grand success story, there seems no good reason not to repeat (actually extend) the process of converting more newcomers to the nation state to its core liberal democratic values. This mode of thinking receives clear expression in the following passage of a major study on East German political culture commissioned by the Federal Ministries for Technology and Research and for Labor and Social Order:

The development of a stable democracy needs time. So it was after the Second World War in West Germany. Democratization is a long-term process. This is true in particular for the development of a democratic political culture.... The population of the former GDR initially oriented itself mainly around the living standards of the old Federal Republic...and not very much around the democratic values. The development of a democratic value system will demand considerable time. These developments thoroughly correspond to the experiences in the old Federal Republic following the war.⁶⁸

CONCLUSION

I have stressed the similarities in the treatment and perception of foreigners and East Germans with two points in mind. First, since East and West Germans do have race and nation in common and East Germans and foreigners do not, racism or *volkisch* nationalism cannot be the ideological source of the inequality both experience vis-à-vis West Germans. Second, if, as I have argued, it is the alleged illiberalism of East Germans and foreigners which distinguishes them from West Germans, then liberalism (more accurately, the conviction on the part of West German leaders that they are genuine liberals and the others are not) ideologically motivates and rationalizes the inequality between the groups. And this suggests that Balibar's "post-racism," in this case based on a distinction between liberal and illiberal traits, is operating in united Germany as an "ideological formation" rationalizing inequality.

A focus on post-racism can significantly change the way we view united Germany and its relations with the many non-Germans in and around it who wish to reside there. From the popular premise of enduring German racism, we should expect united Germany to show preference toward Germans both inside and outside the FRG and disdain toward non-Germans both inside and outside of the FRG. But as I have argued, this simplistic reading fails to account for the real statuses of privileged and under-privileged enjoyed or suffered in united Germany.

A post-racist premise, by contrast, offers a more nuanced reading which more accurately reflects the actual distinctions and discriminations being made. Put differently, if we view Germany as a state endeavoring to protect and promote its liberal identity (that is, as a predominantly liberal rather than German nation state), the distinctions governing formal and informal access to the socio-economic, political and cultural privileges in Germany become clearer and more comprehensible.

The least privileged group comprises those currently residing outside the FRG. For the most part, they are to be kept out because they are seen to represent a potential strain on the economy and threat to the liberal democratic political system. This policy has its origins in the halt in the recruitment of foreign workers in 1973 and has found most recent expression in the Schengen Agreement and the revision of the law governing political asylum. However, as we saw, the policy has also been directed at ethnic Germans living outside the FRG through the annual limit placed on the number admitted.

Not all "outsiders," however are unwelcome. Those deemed beneficial to the economy enjoy superior rights of access. All members of the EU may work and reside in Germany at will because, as members, they are assumed already to have been integrated into liberal societies in their homelands. Still other outsiders receive selective access based on changing economic needs. For instance, the Friendship Treaty with Poland in 1991 made provision for the granting of a specified number of temporary work permits for Poles to fill seasonal labor shortages. Nor is economic gain the only criterion used to distinguish between welcome and unwelcome outsiders. The revised asylum law, for instance, still grants political refuge to anyone who qualifies as a political as opposed to an economic refugee. And this is because offering a safe haven for the politically persecuted is seen as one defining characteristic of a liberal society. Similarly, the immediate family members of resident aliens enjoy the right to immigrate under Article 6 of the Basic Law which protects the sanctity of the family – yet another integral value of a liberal society.

Further distinctions based on liberal traits apply to those already residing in the FRG. As we saw, neither resident aliens nor East Germans (as groups) enjoy full *de jure* or *de facto* political and socio-economic equality with West Germans. And this is because they are seen (portrayed) as persons who have yet completely to

internalize the requisite norms and values of liberal citizens. They are to be assisted (often at considerable expense to the state) in becoming *bona fide* liberals (better students, better workers, better democrats, better neighbors, etc.) but should neither expect nor be allowed to enjoy all the same rights and privileges of West Germans until the liberalizing mission is complete.

This leaves, of course, the West Germans, understood as those who were citizens of the FRG before the major changes stemming from the revolutions of 1989 commenced. Their rights and privileges are to be endangered and disturbed as little as possible as Germany adjusts to the dramatically new environment in Europe. Yet this group is not unchanging. It would appear to include East Germans who can convincingly demonstrate their liberal credentials through rapid assimilation to West German ways (for instance, in the marketplace or in politics) but also increasing numbers of non-Germans. The New Aliens Law of 1991 has made naturalization (and thus equal rights of political participation) for non-Germans much easier as has the toleration of dual citizenship since 1993. Furthermore, if strides toward genuine European citizenship continue to be made by the EU, Germany stands either directly or indirectly to add millions of non-German citizens to its ranks. United Germany, in other words, is not likely to become a predominantly *German* nation-state in the future. It is likely to remain, however, a predominantly liberal nation state in which key distinctions and statuses are increasingly determined not on the basis of race, nation, or creed, but rather on the post-racist basis of (il)liberal traits and aptitudes.

NOTES

1. *The Week in Germany*, January 13, 1995, p. 2.
2. See, for instance, Peter Glotz, *Die deutsche Rechte* (Munich: Wilhelm Heyne, 1992); Klaus Farin and Eberhard Seidel-Pielen, *Rechtsruck* (Berlin: Rotbuch, 1992).
3. Thomas Ohlemacher, "Public Opinion and Violence Against Foreigners in the Reunified Germany," *Zeitschrift fuer Soziologie*, 23 (June, 1994), p. 227.
4. *New York Times*, October 21, 1993.
5. Claus Leggewie, *Druck von rechts* (Beck: Munich, 1993), p. 165.
6. "Is There a 'NeoRacism'?" in Etienne Balibar and Immanuel Wallerstein, *Race, Nation, Class* (London: Verso, 1991), p. 26.
7. *Frankfurter Allgemeine Zeitung*, October 29, 1992, p. 3.
8. See *Bericht der Beauftragten der Bundesregierung für die Integration der ausländischen Arbeitnehmer und Ihrer Familienangehörigen 1993* (Bonn:

Beauftragte der Bundesregierung für die Integration der ausländischen Arbeitnehmer und Ihrer Familienangehörigen, 1994).

9. Lutz Hoffmann, *Beiräte-Wahlrecht-Bürgerrecht* (Frankfurt: Dagyeli Verlag, 1986).

10. 37. *Bundesparteitag der Christlich Demokratischen Union Deutschlands: Niederschrift* (Bonn: Union Betriebsrat, 1989), p.374.

11. Quoted in Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), p. 169.

12. See, for example, *Das Manifest der 60* (Munich: Beck, 1994).

13. See *Wachsender Bedarf an ausländischen Jugendlichen* (Bonn: Die Beauftragte der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen, 1987; or Statistisches Bundesamt (ed.), *Datenreport 1989* (Bonn: Bundeszentrale für politische Bildung, 1989), pp. 47 ff.

14. A summary of the studies appears in Gert Leptin, "Systemvergleich: Wirtschaftssystem," in Werner Weidenfeld and Karl-Rudolf Korte, eds., *Handbuch zur deutschen Einheit* (Frankfurt: Campus, 1993), pp. 621-29.

15. H. Heyden, "South-North Migration," *International Migration*, 29(1991), pp. 281-90.

16. Council of Europe, "Second Protocol Amending the Convention on Reduction of Cases of Multiple Nationality," *European Treaty Series*, No. 149 (Strasbourg: Council of Europe, 1993).

17. See Gert Hammer, "Handlungsspielraum deutscher Ausländerpolitik," in Heiner Geissler, ed., *Ausländer in Deutschland* (Munich: Gunter Olzog, 1982), pp. 148-155.

18. See *Die Zeit*, August 26, 1994; *The Week in Germany*, May 28, 1993, November 4, 1994, and January 13, 1995.

19. *The Week in Germany*, March 17, 1995.

20. *The Week in Germany*, November 25, 1994.

21. *The Week in Germany*, March 3, 1995.

22. *Migration News Sheet*, March, 1995.

23. *Bericht der Beauftragten der Bundesregierung für die Integration der ausländischen Arbeitnehmer und Ihrer Familienangehörigen* (Bonn: Beauftragte der Bundesregierung für die Integration der ausländischen Arbeitnehmer und Ihrer Familienangehörigen, 1994 and 1991).

24. For a thorough comparison of West vs. East German living standards, see Klaus Asche, "Zur wirtschaftlichen Lage in den östlichen Bundesländern," *Deutschland Archiv*, March 1994, pp. 232-237.

25. *The Week in Germany*, February 17, 1995.

26. *The Week in Germany*, January 13, 1995.

27. Quoted in Michael Schneider, *Die abgetriebene Revolution* (Berlin: Elefanten Press, 1990), pp. 94-122.

28. Jürgen Hoffmann, "Abgesprungen, aber (noch) nicht angekommen," *Berliner Linke*, June 3-9, 1991, p. 10.

29. See Gregg O. Kvistad, "Accommodation or 'Cleansing': Germany's State Employees from the Old Regime," *West European Politics*, 17/4 (October 1994), pp. 52-73.

30. See, for instance, Dieter Thraenhardt, "Ausländer als Objekt deutscher Interessen und Ideologien," in Hartmut Griesse, ed., *Der gläserne Fremde* (Leverkusen: Leske und Budrich, 1984), pp. 115-32.

31. See Richard L. Meritt, "Normalizing the East German Media," *Political Communication*, 11(1994), pp. 49-66.

32. See Detlef Perner, "Gewerkschaften," in Weidenfeld and Korte, *Handbuch*, pp. 233-34.

33. John Hall and Udo Ludwig, "Creating Germany's *Mezzogiorno*?", *Challenge* (July-August, 1993), pp. 38-41.
34. Rudolf Hickel and Jan Prieue, *Nach dem Fehlstart* (Frankfurt: S. Fischer, 1994), p. 21.
35. For a thorough account of the Trust Agency's practices, see Siegbert Preuss, "Die Treuhandanstalt," *Fhw forschung*, April 22, 1993, pp. 87-135.
36. Friederike Maier, "Frauenerwerbstätigkeit in der vereinigten Bundesrepublik," *Fhw forschung*, April 22, 1993, p. 23.
37. Horst Berger and Annett Schultz, "Veränderung der Erwerbssituation in ostdeutschen Privathaushalten und Befindlichkeit der Menschen," *Aus Politik und Zeitgeschichte*, April 22, 1994, pp. 3-15; also see Hickel and Prieue, *op. cit.*
38. Klaus Goetz, "Rebuilding Public Administration in the New German Länder," *West European Politics* (October 1993), p. 454.
39. Siegfried Grundmann, "Zur Akzeptanz und Integration von Beamten aus den alten in den neuen Bundesländern," *Deutschland Archiv* (January 1994), pp. 31-42.
40. Goetz, "Rebuilding," p. 461.
41. Wolfgang Schluchter, "Die Hochschulen in Ostdeutschland vor und nach der Einigung," *Aus Politik und Zeitgeschichte*, June 24, 1994, pp. 12-22.
42. Gerhard Neuweiler, "Das gesamtdeutsche Haus für Forschung und Lehre," *Aus Politik und Zeitgeschichte*, June 24, 1994, pp. 3-11.
43. For documentation of these changes see the three volumes of *Weissbuch: Unfrieden in Deutschland* (Berlin: Kolog Verlag, 1992, 1993, 1994).
44. Grundmann, "Akzeptanz," pp. 36-37.
45. *Der Spiegel*, July 22, 1991.
46. *The Week in Germany*, April 7, 1995.
47. *Der Spiegel*, July 3, 1995.
48. See Hammer, "Handlungsspielraum," pp. 150-151.
49. Peter O'Brien, *Beyond the Swastika* (London: Routledge, 1996), pp. 52-58.
50. Kai Hailbronner, "Die Rechtstellung von Ausländern in der Bundesrepublik Deutschland," in J.A. Frowein and T. Stein, eds., *Die Rechtstellung von Ausländern nach staatlichem Recht und Völkerrecht* (Berlin: Springer, 1987), pp. 148-155.
51. See O'Brien, *Swastika*, pp. 63-64 for details.
52. *Grundzüge des politischen Systems der neuen Bundesrepublik Deutschland* (Munich: Piper, 1993), pp. 171-172; or for the exact same argument see Walter Gagel, "Geschichte der politischen Bildung in der alten Bundesrepublik bis 1989," in Adolf Noll and Lutz Reuter, eds., *Politische Bildung im vereinten Deutschland* (Opladen: Leske & Budrich, 1993), p. 13.
53. Katharina Belwe, *Befindlichkeit der Menschen in den neuen Bundesländern im ersten Jahr der deutschen Einheit (Teil II)* (Bonn: Gesamtdeutsches Institut, 1991), p. 3.
54. Ulrich Becker, Horst Becker and Walter Ruhland, *Zwischen Angst und Aufbruch* (Düsseldorf: ECON, 1992), p. 51.
55. "Subcultural Aspects of Right-Wing Extremism," in Dirk Berg-Schlösser and Ralf Rytlewski, eds., *Political Culture in Germany* (New York: St. Martin's, 1993), p. 132.
56. Manuela Glaab and Karl-Rudolf Korte, "Politische Kultur," in Weidenfeld and Korte, *Handbuch*, p. 554.
57. Hans-Joachim Maaz, "Psychosoziale Aspekte im deutschen Einigungsprozess," *Aus Politik und Zeitgeschichte*, May 3, 1991, p. 4.
58. Bettina Westle, "Changing Aspects of National Identity," in Berg-Schlösser and Rytlewski, *Political Culture*, p. 281.

59. *Ibid.*, p. 291. For a similar argument, see U. Feist, "Zur politischen Akkulturation der vereinten Deutschen," *Aus Politik und Zeitgeschichte*, vol. 11-12, 91(1991), pp. 21-32.

60. *Erziehung ausländischer Kinder* (Düsseldorf: Pädagogischer Verlag Schwann, 1980), p. 23; for similar views of foreigners, see Alexis Albrecht and Christian Pfeiffer, *Die Kriminalisierung junger Ausländer* (Munich: Juveta Verlag, 1979), or Hartmut Esser, Eduard Gaugler and Karl-Heinz Neumann, *Arbeitsmigration und Integration* (Königstein: Hanstein, 1979).

61. See, for instance, *Hintergründe türkischer extremistischer islamischer Aktivitäten in der Bundesrepublik Deutschland* (Düsseldorf: Deutscher Gewerkschaftsbund, 1980).

62. "Leitlinien der SPD zur Ausländerpolitik, Beschluss des Parteivorstandes vom 28. Juni 1982," in *Ausländerpolitik* (Bonn: Sozialdemokratische Partei Deutschlands, 1984), p. 8.

63. *CDU/CSU Fraktion im Deutschen Bundestag Pressedienst* (August 5, 1987).

64. Heinz Kuhn. "Stand und Weiterentwicklung der Integration der ausländischen Arbeitnehmer und ihrer Familien in der Bundesrepublik Deutschland," reprinted in Karl-Heinz Meier-Braun, ed., *Gastarbeiter oder Einwanderer* (Frankfurt: Ullstein, 1980), pp. 30-46.

65. 37. *Bundesparteitag*, p. 471.

66. "Psychosoziale Aspekte," p.4.

67. *Befindlichkeit*, p. 3.

68. Hiltrud Nassmacher, "Transformationsprozesse aus regionaler und lokaler Perspektive," in Hiltrud Nassmacher, Oskar Niedermayer, and Helmut Wollman, eds., *Politische Strukturen im Umbruch* (Berlin: Akademie Verlag, 1994), p. 1.