

## Migrants' rights and immigrant integration in German political party discourse

Gerdes, Jürgen

Veröffentlichungsversion / Published Version  
Arbeitspapier / working paper

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### Empfohlene Zitierung / Suggested Citation:

Gerdes, J. (2010). *Migrants' rights and immigrant integration in German political party discourse*. (COMCAD Working Papers, 90). Bielefeld: Universität Bielefeld, Fak. für Soziologie, Centre on Migration, Citizenship and Development (COMCAD). <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-413763>

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Jürgen Gerdes\*

## **Migrants' Rights and Immigrant Integration in German Political Party Discourse**

COMCAD Arbeitspapiere - Working Papers

General Editor: Thomas Faist

No. 90, 2010

Gerdes, Jürgen

Migrants' Rights and Immigrant Integration in German Political Party Discourse

Bielefeld: COMCAD, 2010

(General Editor: Thomas Faist; Working Papers – Center on Migration, Citizenship and Development; 71)

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University of Bielefeld  
Faculty of Sociology  
Centre on Migration, Citizenship and Development (COMCAD)  
Postfach 100131  
D-33501 Bielefeld  
Homepage: <http://www.uni-bielefeld.de/tdrc>

## Abstract

Meanwhile, immigrant integration is one of the top themes of the political and public discourse in Germany. The article explores – based on a content and argumentation analysis of policy documents and parliamentary debates – the political party conceptions of immigrant integration and asks for changing criteria of inclusion and exclusion and the redrawing of discursive as well as legal boundaries between citizens and non-citizens in Germany. By first applying Seyla Benhabib’s “paradox of democratic legitimacy” as a category of analysis and comparison of two parliamentary debates (concerning the 1990 Foreigner Law and the 2004 Immigration Law), it turns out that the formal “legitimacy quality” of arguments, in terms of justifying immigration and integration policies as balancing the interests of the national state with legitimate claims of immigrants, has decreased since Germany’s self-recognition as an immigration country. Second, by exploring how the term integration is defined, used and explained by political representatives and in official documents more recently, a growing inter-party consensus is visible, according to which integration is primarily related to education and employability, and corresponding competencies of individual persons. Because of obvious analogies with discourses and laws in social and labor market policies, it is finally argued that the most promising explanation of the current German integration regime places integration within a far-reaching transformation of the German welfare system toward an activation state, in which rights are increasingly made conditional on individual performances that are considered beneficial to collective goals such as the economic development of overall society. Such an interpretation, however, qualifies premature diagnoses regarding a “return of assimilation” or “retreat of multiculturalism” as well as old-fashioned accounts of still existing elements of a former ethno-cultural understanding in Germany and so-called postnational and rights-based approaches.<sup>1</sup>

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<sup>1</sup> Much of the empirical analysis on which this paper is based has been conducted within the DFG research project “Democratic Legitimation of Immigration Control Policies,” within the Collaborative Research Center 597 ‘Transformations of the State’ at Bremen University and, thereafter, the Collaborative Research Center 584 ‘The Political as Communicative Space’ at Bielefeld University. I would like to thank Eveline Reisenauer and Margit Fauser for helpful comments on earlier drafts of the paper.

## I. Introduction

The official government position that Germany is not a country of immigration was dominant until the late 1990s. This stance accounts for insufficient political inclusion of immigrants and the absence of official immigrant integration policies on the federal level until the enactment of a fundamental reform of citizenship law in 1999 and immigration law in 2004 despite the fact that what was initially thought of as temporary labor market immigration in the 1960s developed into a settlement process from the 1970s onward. Since the adoption of a new immigration law in 2004, and especially under the rule of a government coalition of Christian Democrats and Social Democrats since 2005, immigrant integration became one of the top issues of the political and public agenda in Germany. In politics as well as in migration research, the official recognition of Germany as a country of immigration, as it is overwhelmingly perceived with these policy reforms, has been interpreted as a paradigmatic shift and important progress (e.g. Kurthen 2006), even if some observers characterize it as partial and imperfect (e.g. Vogel & Wüst 2003; Schönwälder 2006). There are, however, contradictory scholarly interpretations of the current course in migration, integration and citizenship law policies in Germany. These interpretations range from assertions of a still dominant German ethno-cultural national self-understanding because of still existing restrictive measures (e.g. Green 2005; Hell 2005; Sarcinelli & Stopper 2005), based on the influential work of Brubaker (1992), to diagnoses of far-reaching transformations toward more liberal (Hagedorn 2001), universalist (Heckmann 2003), republican (Levy 2002; Gerdes, Faist & Rieple 2006) or post-national forms of integration (e.g. Soysal 1994) and from accounts contending a “return of assimilation” (Brubaker 2001) and a corresponding “retreat of multiculturalism” (Joppke 2004) to some stating the growing influence of intercultural and “diversity management” approaches (e.g. Döge 2004; Faist 2009). Still other viewpoints emphasize the influence of the EU level (e.g. Benhabib 2004; Carrera 2006) or point to changes of immigration and integration policies as a consequence of increasing transnational dissemination among European states (e.g. Jacobs & Rea 2007; Joppke 2007).

I argue that many of the inconsistencies in and between these approaches can be avoided if the changes in Germany’s party conceptions of integration and related policies are explained in a broader context of welfare state transformations toward activating social and labor market policies. This will be demonstrated with analysis of official policy papers and parliamentary debates on integration and citizenship. The first category of analysis is derived from what Seyla Benhabib (2004) has called the “paradox of democratic legitimacy” and asks whether and to what extent certain provisions and measures are justified with regard to both the legitimate claims of immigrants and the interests of the receiving state and society. As

described in the next section (II.), a comparison of the main arguments in the parliamentary debate over the 1990 Foreigner Law with those in the debate over the Immigration Law Reform of 2004 reveals that the ‘legitimacy quality,’ in terms of balancing the perspectives and interests of immigrants with those of the receiving society, was much higher in the first case than in the second. The following section (III.) explores how integration is defined and which levels and actors are involved. The immigrant integration in Germany, as I argue in the subsequent section (IV.), is best interpreted in the broader framework of a general shift toward an activating welfare state. That will be illustrated by pointing to similarities of themes, policies and modes of justification. Finally (in section V.), I consider briefly how these findings are related to concepts of assimilation and traditional notions of Germany’s ethno-cultural self-understanding as well as rights-based accounts.

## **II. The Liberal-Democratic Paradox: Immigrant Rights and National Interests**

In principle, liberal-democratic nation-states demarcated by territorial borders and membership boundaries face a fundamental dilemma with regard to immigration and immigrant integration. On the one hand, the principle of collective self-determination of existing nation-states includes control of the territorial borders and regulation of access conditions for newcomers. Although the right of each nation-state to control incidents of border-crossing is widely accepted, on the other hand, constitutional and democratic states are committed to basic principles of legitimacy, most importantly democracy and human rights (cf. Habermas 1996). A commitment to human rights, as enshrined in the constitutions of liberal states, comprises not only the rights of citizens but those of immigrants as well, because it refers to human beings irrespective of their national origin. In this sense, Seyla Benhabib (2004) speaks of a “paradox of democratic legitimacy”, consisting of a continuous tension between the interests of citizens within bounded nation states and the universal rights of immigrants who are not members but are still entitled to universal human rights. Other related studies, occasionally called the “liberal paradox” (Hollifield 1992), see the realm of state discretion as limited due to an increasing recognition of the human rights of immigrants, although there is considerable controversy over whether this is caused by international conventions and treaties (Jacobsen, 1996) and corresponding transnational discourses (Soysal 1994) or by internal developments of nation states such as collective actors, constitutions and courts (Joppke 1999).

Taking this liberal-democratic paradox as a formal structure of argument, I examine whether and to what extent politicians in parliament justify and criticize policy proposals in

terms of balancing national interests, claims of state sovereignty or important collective goods with legitimate claims and rights of migrants. I compare this within two parliamentary debates on important immigration law reforms: the 1990 Foreigner Law and the 2004 Immigration Law. The comparison shows an interesting shift. While in the beginning of the 1990s political representatives from different parties justified migration policy measures as adjusting the conflicting interests of migrants and the state, the partisan debate of the 2004 Immigration Law was merely oriented toward an adequate definition, interpretation and implementation of national and state interests.

### ***1990 Foreigner Law***

The Foreigner Law of 1990 was, at least partly, a policy reaction to some important rulings of the constitutional court, which derived legitimate claims of non-citizens in cases such as deportation refusals, residence permit prolongation and family unification from the protection of human rights enshrined in the Basic Law (cf. Joppke 1999: 72ff.; Davy & Cinar 2001). It replaced the 1965 Foreigner Law, according to which immigrants were considered mainly objects and means to satisfy labor demands.<sup>2</sup> The one-sided focus on national interests and administrative discretion was changed, and the new law provided for some individual rights of residence and the improvement of residence status over time, thus enhancing legal clarity, certainty and predictability (Davy 2005: 132). Although the new law upheld a clear distinction between Germans and non-citizens, foreigner now had statutory residence and family rights against the discretionary power of the state, as long as certain conditions were fulfilled. Furthermore, the law reduced the required period of legal residence for naturalization to fifteen years for the first immigrant generation and eight years for the second.

During the parliamentary debate in April 1990, both the governing coalition of CDU/CSU and FDP and the SPD in opposition presented their arguments in terms of considering the different perspectives of immigrants as well as those of the society of the existing nation-state.<sup>3</sup> However, it was contested whether or not the draft law provisions could be

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<sup>2</sup> According to the 1965 Foreigner Law, the granting of a residence permit was a matter of state discretion in accordance with national interests. According to that law, first-time applications and, crucially, renewals were handled on an equal basis, so that a consolidation of stay could be legally avoided (cf. Davy 2005).

<sup>3</sup> Alliance 90/The Greens was the only party in parliament who did not argue in terms of balancing different perspectives. They advocated strongly the interests and rights of immigrants because they perceived the bill as a continuation of favoring German interests exclusively. They condemned it as an expression of “institutional ra-

considered fair and not favoring one perspective disproportionately. Whereas the CDU/CSU and FDP presented the bill as an expression of a fair balance of the interests of immigrants and those of the state and its political community, the SPD criticized that the proposed regulations still predominantly benefited national interests. The Social Democrats argued that immigrants were still regarded according to their utilitarian usability as a cheap labor force or a solution to German demographic problems without their legitimate claims being taken seriously.<sup>4</sup> As before, foreigners in Germany were treated as objects of “blatant disadvantages”<sup>5</sup> and the draft law codified classifications of people with higher and lower individual rights.<sup>6</sup> The Social Democrats felt the draft law mirrored Germany’s lack of acceptance of its immigration reality and its consequences.

By contrast, the CDU/CSU and the FDP saw the provisions of the bill as an adequate result of balancing the interests of the state and immigrants. Both parties agreed that a foreigner law must consider both the legitimate claims of immigrants and the society’s readiness and capacity for admission. They argued that justice in immigration affairs requires avoiding the opposing extreme positions of cultural separation and open borders.<sup>7</sup> Nevertheless, there were different opinions in the two government parties about the two poles to be balanced. The main speaker of the FDP tried to mitigate the tension between these different interests by saying that many Germans would regard the treatment of minorities as a feature of the liberal and democratic state itself.<sup>8</sup> The Christian Democrats stressed the legitimate desire of the majority society to restrict immigration for the sake of preserving cultural identity. However, they did not view cultural identity as an end in itself but rather as a precondition for the functioning of a “solidarity community,” which had to be complemented with “solidarity beyond borders.”<sup>9</sup> Immigration restriction was deemed necessary because it was in the interest of the majority population and, hence, a precondition of successful immigrant integra-

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cism,” maintaining a “classification of people according to ethno-national criteria of descent” which was seen as a result of a still predominant ethno-cultural nationalist and colonialist spirit (Trenz, BT 11/207: 16289).

<sup>4</sup> Sonntag-Wolgast, BT 11/207: 16271ff.

<sup>5</sup> Bernrath, BT 11/207: 16292.

<sup>6</sup> Sonntag-Wolgast, BT 11/207: 16273.

<sup>7</sup> Gerster (CDU), BT 11/207: 16276; Schäuble (CDU, then Minister of the Interior) BT 11/207: 16281; Hirsch (FDP), BT 11/207: 16279.

<sup>8</sup> Hirsch, BT 11/207: 16280. In the context of the opening of borders in the countries of the former Eastern Bloc, he emphasized an alleged global tendency toward more open societies which could only proceed successfully step-by-step if weighed against the capacity and willingness of national societies to accept immigration (Hirsch, BT 11/207: 16279).

<sup>9</sup> Gerster, BT 11/207: 16274ff.

tion, essentially by preventing xenophobia and the growth of radical right-wing parties.<sup>10</sup> As to the claims of immigrants already living in Germany, the CDU Members of Parliament (MP) stressed that former administrative discretion was replaced in favor of individual rights of foreigners in many cases, which made their legal position and their life plans much more calculable.<sup>11</sup>

In sum, the debates about the 1990 Foreigner Law show that, irrespective of grave differences between the political parties in their policy proposals, all of the parties accepted in principle a framework of argumentation that national interests have to be weighed against migrants' claims and rights.<sup>12</sup>

### **2004 Immigration Law<sup>13</sup>**

The decision-making process of the comprehensive Immigration Law, which came into effect at the beginning of 2005, took a longer time. After an extra-parliamentary "Independent Commission 'Immigration'" presented their proposals in 2001, all of the parliamentary parties adopted guideline papers on immigration policy. These intensive policy efforts were a consequence of extensive political, public and academic debates about increasing economic globalization and a perceived nation-state-based competition among knowledge-based societies. In a climate of rising expectations of economic growth due to a boom in the "new economy" of the information and communication technology sectors, the idea emerged that Germany should join the "race for talent" (Shachar 2006) and canvass especially highly skilled migrants. After intensive debates and cross-party negotiations, a political compromise was reached which provided limited access to highly skilled immigrants on a permanent basis and temporary immigration permits for entrepreneurs willing to make substantial investments. Furthermore, the definitions of persecution of refugees were expanded, in accordance with the terms of the Geneva Convention. In addition, the new Immigration Law now defines explicitly the integration of immigrants as a responsibility of the state (Groß 2006) and ad-

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<sup>10</sup> Schäuble, BT 11/207: 16284.

<sup>11</sup> Gerster, BT 11/207: 16275.

<sup>12</sup> A similar cross-party logic of justification could also be demonstrated with regard to the parliamentary debates in the context of the Asylum Law reform 1992/93, in contrast to respective public debates. However, for reasons of space I cannot do that here.

<sup>13</sup> While the political and public debates around this law have happened by naming it "Immigration Law" (*Zuwanderungsgesetz*), the official and legal title is "Residence Law" (*Aufenthaltsgesetz*).

dresses the issue in a separate chapter providing for integration courses, including German language education and lessons on German politics and society.

Although the guideline papers of all the different parties contained arguments either balancing nation-state interests and immigrant claims or distinguishing in principle labor and humanitarian immigration, those kinds of arguments vanished in the course of parliamentary debates. Increasingly, the debates developed into a party competition about what had to be viewed as national interest. The Christian Democrats in opposition argued for a restrictive immigration policy as the core of national interests, thus putting under justification duress the government parties of SPD and Alliance 90/Greens, who tried to defend a gradual opening for additional labor immigration on economic as well as demographic grounds.

The orientation toward restriction and even reduction of immigration on the part of the CDU/CSU was closely connected to integration that was perceived as having failed in the past and was still considered insufficient in the present draft law.<sup>14</sup> These claims of failed integration were supported by the comparatively lower occupational qualification and higher unemployment rates, the above average use of social benefits, and higher crime rates among non-Germans.<sup>15</sup>

The Christian Democrats offered almost no support of immigrant claims or rights. In a remarkable contrast to the debate on the Foreigner Law in the early 1990s, they referred one-sidedly to the interests of the state or the perceived interests of the majority of society. CDU/CSU MPs in their speeches mostly ignored differences between immigration control and the claims of immigrants already residing in the country. The provisions of the draft law were evaluated predominantly according to what extent they created additional “moving in incentives” (*Zuzugsanreize*).<sup>16</sup> For instance, the proposed granting of a regular residence status for so-called tolerated migrants and de-facto refugees was criticized because that would pull an inflow of additional refugees and create new claims of family unification.<sup>17</sup> When finally a compromise with the governmental parties was achieved, the leading speaker

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<sup>14</sup> Marschewski, BT 14/208: 20529; cf. Bosbach, BT 14/208: 20515.

<sup>15</sup> Bosbach, 14/208: 20515, 15/31: 2323; Marschewski, BT 14/208: 20527; Uhl, BT 14/208: 20534; Koschyk, BT 15/31: 2333.

<sup>16</sup> Bosbach, BT 15/31: 2321; Bosbach, BT 14/208: 20513; Strobl, BT 15/31: 2343.

<sup>17</sup> Marschewski, BT 14/208: 20528.

of the CDU/CSU underlined their position as advocating a rather unqualified right of the state: “Every state – also the German Federal Republic – has the right to say clearly where the limits of admission capacity are, whom it will admit, whom it will retain and whom it will expel out of the country again.”<sup>18</sup>

In order to gain the necessary support of the second chamber (*Bundesrat*), where the Christian Democrats had the majority at that time, the red-green government, in the course of legislation, made significant concessions toward more restrictive contents than were provided in their initial draft law. Simultaneously, they also accepted the shifted burden of proof set by the Christian Union by confining their justifications largely to the national interest. In contrast to the restrictive standpoint of the CDU/CSU, they emphasized that a comprehensive political regulation was necessary to transform previous unregulated into regulated immigration and thereby to influence the “form” and “quality” of immigration in favor of the self-interest of the state.<sup>19</sup> The national interest was seen predominantly in beneficial consequences of high-skilled immigration for reasons of economic development and demographic problems. The SPD MPs even accepted to a large degree the restrictive definition of the national interest set by the Christian Democrats by arguing defensively that their own proposals regarding family unification and residence rights for de facto refugees would cause few or even no additional immigration in terms of numbers.<sup>20</sup> The Greens stressed that the adoption of an immigration law in itself had to be regarded as a “paradigmatic change” because it reflected an abdication of the “old sustained delusion (...) that Germany is no country of immigration”<sup>21</sup> that was seen as contributing to a more tolerant image of Germany in general.<sup>22</sup> The Greens, although previously one of the strongest advocates of immigrant rights, occasionally referred to international legal standards such as the European Convention on Human Rights<sup>23</sup> but did not elaborate on the importance of rights from the perspective of migrants. The assessment of legal rules based on pure quantitative criteria of expected additional immigration was not really questioned.

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<sup>18</sup> P. Müller, BT 15/118: 10710.

<sup>19</sup> Schily (Minister of the Interior, SPD) BT 15/31: 2319; Schily, BT 14/208: 20510. That was also the main argument of the Free Democrats, who supported the bill from the beginning (Stadler, FDP, BT 14/208: 20521).

<sup>20</sup> Schily (Minister of the Interior, SPD), BT 14/208: 20512; Veit (SPD), BT 15/31: 2341, BT 14/208: 20526; M. Beck (Greens), BT 14/208: 20531; Akgün (Greens), BT 15/31: 2347; K. Müller (Greens), BT 14/208: 20519.

<sup>21</sup> K. Müller (Greens), BT 14/208: 20518; Winkler (Greens), BT 15/31: 2345.

<sup>22</sup> M. Beck (Greens), BT 15/31: 2330.

<sup>23</sup> K. Müller (Greens), BT 14/208: 20519.

### III. Politicization and Societal Mobilization of Integration

The shift of the predominating argumentation structure in migration policy – from justifications balancing state interests with migrants’ claims to a one-sided focus on national interests – corresponds with a change of definitions and descriptions of immigrant integration across party lines. My content analysis of policy documents and parliamentary debates reveals three broad tendencies that will be illustrated in this section.<sup>24</sup> First, the structural and institutional conditions of integration as well as its designation as legal and political have been increasingly downplayed or even ignored in favor of an emphasis on the economic, social and cultural features of integration. Second, this shift of party conceptions was accompanied and further spurred by an increasing politicization of the issue and political efforts toward a mobilization of individual and collective actors. Third, in spite of occasional rhetorical commitments to an understanding of integration as a two-way process, these changes have obviously entailed rising expectations of integration-related orientations and performances of migrants.

The shift from legal and political aspects of integration toward its social and cultural dimensions is already visible when comparing the draft law outlines and the official justifications of the 1990 Foreigner Law with those of the 2004 Immigration Law. While the improved legal residence status of immigrants in the former was defended with reference to the “assurance of integration” by pointing to the importance of “legal certainty” of immigrants’ “life plans”<sup>25</sup> and this law also made easier some of the conditions of naturalization, the 2004 Immigration Law considered only the introduction of language and civic integration courses as related to integration. Also, political inclusion was not of relevance in the 2004 Immigration Law. This is attributable to the fact that under the reign of the red-green coalition a citizenship law reform in 1999 had already been enacted. During the parliamentary and public debates prior to this reform, a strong political cleavage line between these different understandings of integration emerged – social, economic and cultural vs. legal and political – combined with controversial views of the relationship between integration and citizenship acquisition. In these debates, the proponents of reform interpreted citizenship primarily as a legal and rights-based status to which permanent immigrants have a legitimate claim, while the oppo-

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<sup>24</sup> In addition to the debates about the 2004 Immigration Law, I have selected the parliamentary debates on the 2007 Immigration Law Reform and the “National Integration Plan” in 2007, and an integration-related parliamentary motion from The Greens and the official Report on the situation of foreigners in 2008 for analysis. For reasons of space I can only present selected results.

<sup>25</sup> BT-Drs. 11/6321: 40f.

nents referred to citizenship first and foremost as the crowning of a completed process of social integration consisting of a set of desirable orientations and activities, especially associated with individual capacities of self-reliance, personal responsibility and loyalty (cf. Gerdes, Faist & Rieple 2007).

During the debates on immigration law from 2001 until 2004 and after the Social Democrats built a grand coalition with the Christian Democrats in 2005, the cleavage line of different conceptions of integration increasingly blurred, although it did not vanish completely. The increasing role of German language proficiency was an aspect of integration upon which all of the political parties increasingly agreed. After the 1999 Citizenship Law Reform, the language requirement as a precondition of naturalization expanded due to administrative practices by CDU/CSU-led federal and state governments and more demanding interpretations of the rather vague stipulation of “sufficient” language skills (cf. Davy 2008). Finally, the Social Democrats accepted an oral and written test of language skills as a requirement of naturalization at the federal level. Furthermore, with the 2007 Immigration Law Reform<sup>26</sup> they approved more restrictive preconditions for naturalization<sup>27</sup> and the introduction of a nationwide standard citizenship test in September 2008.

During the rule of the grand coalition from 2005 onward, an increasing politicization and societal mobilization of immigrant integration contributed further to the shift of party conceptions. The grand coalition organized several high level “integration summits,” at which representatives of different government institutions, social groups and migrant organizations were invited to speak. One of the outcomes was the “National Integration Plan” (NIP), in which the actors involved agreed to several commitments. Interior Minister Schäuble also organized several “German Islam Conferences” to which representatives of Muslim organizations and so-called German Islam were invited. During this period, a consensus evolved among all of the relevant political parties in Germany, except The Left, about the most essential aspects of integration. Irrespective of minor interpretative differences, discrepancies in accentuation and concerning detailed questions, a basic agreement stretches across the

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<sup>26</sup> This policy reform in 2007 was induced by the requirement to implement a number of EU-guidelines; the grand coalition, however, took that as an occasion to change some other laws related to immigration and integration, which in the end accounted for about 50 percent of the total number of new or altered provisions.

<sup>27</sup> The more restrictive naturalization rules include, for example, that the marriage partners of German citizens now have to prove language skills in order to be eligible for gaining citizenship. Also, the requirement that naturalization applicants must not depend on welfare aid was expanded to include young persons under the age of 23, who previously were exempted from that provision. Further, the extent of criminal convictions precluding naturalization is decreased. Now, a prison sentence of more than three month suffices to deny naturalization.

conceptions regarding the involvement of different institutions, levels of government, the participation of different societal actors and the essential contents of integration.

In the parliamentary debates of 2007, speakers from both coalition parties emphasized that integration in Germany had reached the center of politics<sup>28</sup> and was a “task of national importance” (NIP 2007: 12). The Christian Democrats in their new party platform of 2007 denoted Germany as a “country of integration” (CDU 2007: 88)<sup>29</sup> in order to outmatch the “country of immigration” catchphrase celebrated for years by their political opponents. The significance of the issue was further illustrated by enumerating the real numbers of meanwhile so-called persons with “migration background”: about 15 million people, amounting to one fifth of Germany’s population and with an even higher share among the younger generation.<sup>30</sup> The different parties also agreed that integration must be viewed as a multi-level task comprising the federal, regional and local levels<sup>31</sup> and a cross-sectional task<sup>32</sup> involving several policy areas. Moreover, it was stressed by party representatives that integration cannot proceed if it is left solely to the state. The whole society has to be included<sup>33</sup> because integration requires committed people from all areas of everyday life, with or without a migration background, such as teachers, placement officers, civil servants, sports trainers and others, who can support individuals with migration backgrounds and who are sensitive to integration problems.<sup>34</sup> As a SPD MP put it: “It is always necessary to have a kind of social contract between politics, economics and (...) civil society so that integration will work.”<sup>35</sup>

Regarding the contents of integration, all political parties agreed that German language competence is of utmost importance. Speakers from different parties in parliamentary debates often referred to language as the “key of integration.”<sup>36</sup> They shared the view that language acquisition should be supported at all stages of life by means of adequate pro-

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<sup>28</sup> Bürsch (SPD), BT 16/123: 12746; Koschyk (CDU/CSU), BT 16/146: 15431.

<sup>29</sup> Böhmer (Integration Commissioner, CDU/CSU), BT 16/146: 15439.

<sup>30</sup> Körper (SPD), BT 16/123: 12739; Marks (SPD), BT 16/123: 12753.

<sup>31</sup> Böhmer (Integration Commissioner, CDU/CSU), BT 16/123: 12735, Körper (SPD), BT 16/123: 12738; Künast (Greens), BT 16/123: 12742; Grindel (CDU/CSU), BT 16/123: 12752; Marks (SPD): BT 16/123: 12753.

<sup>32</sup> Böhmer (Integration Commissioner, CDU/CSU), BT 16/146: 15439.

<sup>33</sup> Böhmer (Integration Commissioner, CDU/CSU), BT 16/123: 12735.

<sup>34</sup> Grindel (CDU/CSU), BT 16/123: 15447f.

<sup>35</sup> Bürsch (SPD), BT 16/123: 12747.

<sup>36</sup> Koschyk (CDU/CSU), BT 16/146: 15432; Laurischk (FDP), BT 16/146: 15434; Bürsch (SPD), BT 16/146: 15444; Winkler (Greens), BT 16/123: 12751; V. Beck (Greens), BT 16/146: 15431.

grams. Especially, language promotion in early childhood was emphasized, such as in kindergartens and through special assistance offers for children with language difficulties in schools and through parental education programs.<sup>37</sup> Party disagreements were mostly limited to the extent of federal subsidization of such measures.

This emphasis on German language skills was connected to the focus on education and vocational training. The main problems that speakers from all political parties addressed were the low school achievements and professional qualifications of young persons with migration backgrounds compared with the average performances of the youth in general. All parties agreed that this problem should be addressed by initiatives on all levels and by different actors.<sup>38</sup> This focus on education was strongly associated with job perspectives and labor market integration, especially of youth with migratory backgrounds,<sup>39</sup> and with a corresponding reduction of welfare state expenditures, because statements in these contexts often pointed to high unemployment and high welfare aid dependency rates of immigrants. As put succinctly by the then Interior Minister, “work is a major factor of integration.”<sup>40</sup>

The understanding of integration as a measure of the contributions of immigrants’ economic and social performances to state and society is perfectly reflected in the composition of the “National Integration Plan.” Its headings and key aspects are related to language acquisition, education, occupational training, working life, culture, science, sports, media, community volunteer work, gender equality and “integration on location.” While the terms “legal integration” and “political integration” are totally absent from the more than 200 pages of text, “social integration” is mentioned seventeen times and “cultural integration” fourteen times. Only in the chapter “integration through sports” does the curious term “everyday life political integration” (*alltagspolitische Integration*) emerge, connecting “general democratic experiences” in sports clubs to volunteer community work and emphasizing it as a “school of democracy” (NIP 2007: 140).

In this period the Social Democrats, the Free Democrats and the Greens related integration to immigrants’ economic and social performances to a greater extent than before.

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<sup>37</sup> Böhmer (CDU/CSU), BT 16/123: 12736; Wolff (FDP), BT 16/146: 15445; Marks (SPD), BT 16/123: 12753; Bürsch (SPD), BT 16/146: 15444.

<sup>38</sup> Böhmer (Integration Commissioner, CDU/CSU), BT 16/123: 12736; Körper (SPD), BT 16/123: 12739.

<sup>39</sup> Grindel (CDU/CSU), BT 16/123: 12572; Bürsch (SPD), BT 16/146: 15444.

<sup>40</sup> Schäuble (Minister of the Interior, CDU/CSU), BT 16/94: 9548.

Although during the parliamentary debate the Greens pointed vigorously to the missing elements of the “National Integration Plan” and demanded the incorporation of residence law, naturalization and anti-discrimination measures,<sup>41</sup> they later presented an integration concept in parliament according to which the first ten of fifteen guiding principles concerned language, education and the promotion of diversity. Only the last five pertained to legal and political integration.<sup>42</sup>

An expression increasingly used to justify certain rules of integration is “promoting and demanding” (*Fördern und Fordern*).<sup>43</sup> Although it is obviously aimed at portraying integration as a two-way process, a closer analysis of the contexts in which this phrase has been invoked reveals that the suggested reciprocity is mostly of symbolic and strategic utility, stressing the requirements and expected performances of immigrants. That can be demonstrated regarding both the contents of law provisions and related statements in parliamentary debates. In a more narrow sense, “promoting and demanding” has been tied to the language and integration courses<sup>44</sup> which initially were advocated as a right and an obligation at the same time. Although the “Independent Commission ‘Immigration’” recommended that penalties in cases of non-attendance should not be implemented, the 2004 Immigration Law introduced two sanctions. Non-attendance can lead first to the non-renewal of a temporary residence permit or the denial of a permanent one and second to a cutting of welfare aid. Within the 2007 Immigration Law Reform these sanctions in cases of “refusal of integration obligations” have been extended to cases of immigrants refusing to take or failing to pass a newly introduced final test after the integration course. In addition, the new law provides for monetary fines in these cases.

That “promoting and demanding” has increasingly served as justification for raising the liability of integration expectations and requirements shows a closer look at how it was used within parliamentary statements of party representatives. Three patterns stand out. First, the demanding aspects toward immigrants and their obligations were explained

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<sup>41</sup> Künast (Greens), BT 16/123: 12743.

<sup>42</sup> BT-Drs. 16/8183.

<sup>43</sup> Today it is mostly used in official documents and by CDU/CSU, SPD and FDP. The Left continuously objected to the use of this formula because they regarded it as an expression of a conservative ideology disguising a one-sided approach. The Greens, although they participated in its invention during the red-green period of government (1998-2005), are also critical of it since they are now in opposition again.

<sup>44</sup> According to the report of the Independent Commission “Immigration,” the state promotes integration by providing for integration and language courses, whereas immigrants “are obligated to make active efforts of language acquisition and integration” (p. 202).

throughout in much more detail than the promoting aspects, which were mentioned in general terms without further elaboration, if alluded to at all.<sup>45</sup> Second, in some cases obviously demanding aspects were re-interpreted as promoting integration. An example is this statement by the former Interior Minister during the debate of the 2007 Immigration Law Reform: “We will promote the ability to integrate by making a proof of language skills a precondition for subsequent immigrating spouses, because thereby the chances to communication (...), togetherness and becoming homelike will be enhanced considerably.”<sup>46</sup> Third, “promoting and demanding” has been used, in a wider understanding, in reference to the legal order and underlying basic values which have to be accepted by immigrants. However, the principles and rights of the German constitution were usually described as a fixed and absolute order of values not subject to political and juridical interpretation and adjustment where different persons are concerned.<sup>47</sup>

#### **IV. The Activation Paradigm**

The themes, dominating terms, the kind of certain laws and the justifications in current German integration policies resemble those which appeared in the areas of social and labor market policies during the rule of the red-green government. The Social Democrats, considerably inspired by Tony Blair’s “third way” of social democracy, devised with theoretical assistance from sociologist Anthony Giddens (1998) and documented by a common manifesto of Blair and then German chancellor Gerhard Schröder (Blair & Schröder 1999), made a far-reaching programmatic revision of their understanding of the welfare state toward what are usually called activation policies. The most important policies associated with this change are the Hartz Laws I-IV,<sup>48</sup> which were aimed at different aspects of labor market reforms such as transition to more flexible rules, improved and partially privatized employment services, expansion of training programs, transitions to self-employment, and support services and sanction systems for the unemployed.

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<sup>45</sup> E.g. Bürsch (SPD), BT 14/208: 20532; Schäuble (then Minister of the Interior, CDU/CSU), BT 16/94: 9547; Wolff (FDP), 16/94: 9549; Uhl (CDU/CSU), BT 16/103; Koschyk (CDU/CSU), BT 16/146: 15433; Wolff (FDP), BT 16/146: 15446.

<sup>46</sup> Schäuble (then Minister of the Interior, CDU/CSU), BT 16/94: 9545.

<sup>47</sup> E.g. Bürsch (SPD), BT 14/208: 20532; Uhl (CDU/CSU), BT 16/103.

<sup>48</sup> Peter Hartz, a former leading manager of VW, had been appointed by former chancellor Schröder as the head of an extra-parliamentary commission (Hartz-Commission), assigned to make proposals for labor market reforms.

Regarding key terms used, integration measures are presented occasionally as “active” or “activating” integration policy (NIP 2007: 13, 18). More importantly, the word “integration” – sometimes also called “incorporation” (*Eingliederung*) –and the term “promoting and demanding” (*Fördern und Fordern*) are used in labor market and immigrant integration policy to a similar extent. Concerning the contents and objectives of integration, labor market integration was presented in both policy areas as a core or precondition of all other kinds and general societal integration and participation (*Teilhabe*). In the broader area of social policies, promoting labor market participation was seen as prior-ranking vis-à-vis transfer payments, what at the peak of the related reform debates was often expressed by politicians of different parties with the slogan, “Social is that which creates work” (*Sozial ist was Arbeit schafft*). Although labor market deregulations in Germany led to an unprecedented rise of precarious (e.g. low paid, part-time, short-term, sub-contracted, leasing, and so-called mini) jobs, labor market participation was still promoted as the key to societal participation.<sup>49</sup> Related arguments have occasionally been made also during debates on immigrant integration policies. For example, then Interior Minister Schäuble, referring to the meaning of “promoting and demanding,” declared that the will to integrate on the part of migrants includes “that it is better to work and, if need be, to accept a lower paid job than to receive welfare benefits.”<sup>50</sup>

First, labor market integration, and second, qualification and training programs and the betterment of German education systems at all levels, including extension of preschools and encouragement of early as well as life-long learning, have been presented in both policy fields as key issues. Both aspects form the basis of a new activating welfare state philosophy, which has led to terms such as the “social investment state” and “preventive social state;” the latter term is meanwhile also used in the actual party platform of the German Social Democrats (SPD 2007: 55ff.). According to the basic preventive rationale of the activation philosophy, it is important to avoid the occurrence of the “social insurance event a priori” (Merkel 2001: 143), meaning especially that claims for social benefits as a consequence of unemployment should be minimized as much as possible by developing human capital and extending working opportunities. Correspondingly, the mobilization of labor force potential,

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<sup>49</sup> The Social Democrats have later reacted by making minimum wages a key issue of their political claims. They lost tremendously political support and influence in terms of votes, party members and government participations on the regional and local levels after these and other social policy reforms under the well-known title of “Agenda 2010” were introduced in 2003 (*cf.* Walter 2010). The most decisive consequence was that former SPD members found a new left party in the previous western part of Germany called “Voters’ Alternative Labor and Social Justice” which later fused with the PDS from the eastern part and is now called The Left.

<sup>50</sup> Schäuble (then Minister of the Interior, CDU/CSU), BT 16/94: 9547.

especially from those groups deemed as hitherto underutilized such as women and the elderly, is seen as a primary aim of activation, which is also a strategy promoted at the EU level (cf. Offe 2003; Lessenich 2008).<sup>51</sup> One crucial aspect of this shift from decommodification (cf. Esping-Anderson 1990) to recommodification is the promotion of political interventions relating to families, especially those from “education distanced classes,” in order to enhance overall educational performances from the very beginning (cf. Esping-Anderson 2002). The focus on skills and education is based on the widely shared assumption of a fundamental transformation to a knowledge-based society and a service economy as a matter of course (Bittlingmayer 2005). A significant impact that shifted the debates on both social policy and integration toward education can be attributed to the political and public repercussions of the PISA studies’ results in Germany, indicating a strong association between social background and educational performances. Against this background, many policy papers and political statements in the areas of social and labor markets as well as integration policies have emphasized that it is crucial to activate the “capacity potentials” of those groups of people considered problematic in their labor market participation. For instance, the term “potentials” (*Potenziale*) in the sense of activating and incorporating individual competencies was one of the most evoked words in the “National Integration Plan,” where it appears forty-five times (see NIP 2007). Accordingly, also the “Federal Office for Migration and Refugees” has undertaken significant efforts to evaluate integration courses and has introduced target group-specific language courses for parents, mothers, illiterates and longer-staying immigrants with special educational needs and has elevated the hourly quota of courses (cf. BAMF 2009).

A common feature of both integration and social policy fields is obviously a changing mode of political intervention focusing on influencing individual behavior toward educational orientation, pro-activity and flexibility. Institutional or legal reforms are only envisioned as far as they are considered to contribute to the activation of human capital. In both policy areas, individuals are expected to contribute and participate on a larger scale. Participation (*Teilhabe*), another key word in the integration discourse, beyond being a general term referencing participation in societal, cultural or economic life, has been related exclusively to educa-

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<sup>51</sup> These tendencies across many Western countries, especially in the context of welfare in the realm of social policies, indicate a far-reaching paradigmatic shift to a “contractualization of citizenship” which transforms previously “reciprocal but non equivalent rights and obligation between equal citizens” into market-like voluntary and revocable contracts between individual persons and states that are based on quid pro quo exchange of equivalent resources or performances, leaving and treating “those unable to be a party to an employment contract (...) as nothing less than contractual malfeasants.” (Somers 2009: 69, 72) With respect to social rights, these transformations of citizenship “from status to contract” (Handler 2004) amounts to a complete reversion of social citizenship, at least against the background of Marshall’s (1992: 40) account of social citizenship: “Social rights in their modern form imply an invasion of contract by status.”

tion, labor market inclusion and volunteer community activities (cf. NIP 2007). That integration requires a kind of mobilization of overall society was already advocated by the “Independent Commission ‘Immigration’” (2001: 200): “Integration is a social process, in which all persons living in a society are involved at any time. It is the will to integration that is indispensable. This will to integration manifests that everyone exerts by her own initiative to integrate oneself socially. That applies to natives as well as immigrants.” This has been repeated in other words in the “National Integration Plan” (NIP 2007: 10).

The issue of activating individual capacity potentials, however, was in many cases connected to what is frequently called “intercultural opening” or “diversity management” in institutions and organizations.<sup>52</sup> It was stated in the “National Integration Plan” as well as by representatives of all relevant parties that institutions, organizations and clubs should be more sensitive to cultural differences and, more importantly, to the utility of talents and competencies of people of different cultural backgrounds. In this context, the Commissioner of Integration has created a “Charta for Diversity” (*Charta der Vielfalt*), which can be signed by companies that accept related voluntary commitments. The central slogan of this campaign, however, reflects the instrumental character of the measure more than clear: “Advantage diversity: added value creation through esteem” (*Vorteil Vielfalt: Wertschöpfung durch Wertschätzung*).

In both policy areas, also similar types of policies based on conditionalities and sanctions are visible. As much as residence rights and citizenship acquisition of immigrants are made conditional on language acquisition and labor-related orientation, citizens’ social rights are dependent on their fulfilment of corresponding duties enhancing their employability (Lessenich 2008). For instance, longtime unemployed persons are forced to sign “integration agreements”<sup>53</sup> with the employment centers, which define their obligations concerning own efforts to enhance their employability, such as to use training services, submit a certain number of employment applications, be willing to accept low paying jobs, and other activities. If they neglect their duties, concretely defined by responsible case managers, their welfare aid will be curtailed successively. The new rules of the activation state do not pertain only to a re-definition of social rights. The persons concerned also experience serious limitations of civil rights, such as professional freedom and the prohibition of forced labor, because they

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<sup>52</sup> Laurischk (FDP), BT 16/94; Bürsch (SPD), BT 16/146: 15445.

<sup>53</sup> The introduction of “integration agreements” also in integration policy is envisaged by the new government coalition (CDU, CSU and FDP, 2009: 75).

now can be coerced to accept any work independently of their wishes and previous qualifications. Furthermore, as means-tested procedures might imply the administrative observation and control whether the persons concerned actually live in a “community in need” (*Bedarfsgemeinschaft*) together with other household members who are legally responsible for their support, selective encroachment on privacy protection is another likely consequence (cf. Gerdes 2006). This type of sanction-based policy, usually justified in the name of “promoting and demanding,” is also an essential part of integration policy. Another example is the requirement of language skills for wives in case of family reunification. The former Minister of the Interior has argued that language skills enhance the self-confidence of these women, which will make it more difficult for their family clans to oppress them.<sup>54</sup> Other CDU/CSU MPs stated that this rule is aimed at “not leaving these women to their fate” by enhancing their “self-determination” and individual “capacity to act.”<sup>55</sup> Interestingly, the mode of justification of this rule did not imply only a kind of paternalistic re-interpretation of how the persons concerned should understand their different individual rights and its ranking order. It was also argued that the provision should be seen as important for immigrant integration more generally; sometimes the rule was even denoted as a measure of “pre-emptive integration”<sup>56</sup> or “preparative integration.”<sup>57</sup> As it was justified, the clause would avoid a “relocation of parallel societies” as a consequence of family migration. In this sense, it was seen as one of several appropriate intervention strategies to influence immigrant families to speak German at home and thereby enhance the socialization conditions and education perspectives of their children.<sup>58</sup>

New rules concerning the problem of so-called “chain toleration” (*Kettenduldung*) of migrants without a regular residence status is another example. This problem of these mostly former civil war refugees who did not enter the usual asylum procedures or whose asylum applications had been rejected but who could not be expelled for factual (e.g. lack of identity papers, travel inability, admission refusal of the respective countries of origin) or humanitarian (actual threat to life or physical condition) reasons has not been sufficiently tackled by the 2004 Immigration Law. Those people usually receive only a limited exceptional leave to re-

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<sup>54</sup> Schäuble (CDU/CSU), 16/103: 10595.

<sup>55</sup> Grindel (CDU/CSU), 16/94: 9554.

<sup>56</sup> Grindel (CDU/CSU), BT 16/94: 9554;

<sup>57</sup> Böhmer (Integration Commissioner, CDU/CSU), BT 146: 15439.

<sup>58</sup> Grindel (CDU/CSU), BT 16/94: 9555.

main (*Duldung; Aufenthaltsgestattung*) which must be renewed every three or six months, even if they are already staying for long periods in Germany. Since November 2006 it is provided that these long-term tolerated migrants should be granted a regular residence permit if they fulfill certain conditions, especially if they have found a regular job or at least have a clear employment perspective.<sup>59</sup>

However, an activating re-interpretation of rights does not necessarily imply a curtailing or cutback of entitlements but can indeed lead also to a liberalization of policies in contexts where beneficial societal performances and higher economic productive contributions of migrants can be expected. One recent example is a cross-party consensus that substantial steps should be made toward easing the complicated regional differentiated, corporatist sector- and job-related German recognition procedures of foreign education degrees in order to facilitate an adequate labor market integration of well-educated immigrants according to their higher professional competencies. The new CDU/CSU/FDP-government has announced in their coalition agreement (2009: 78) that a respective draft law will be issued soon and a draft paper broadly outlining the aims has already been debated in Parliament in December 2009. The initiative was justified with actual skill shortages and envisages a right of migrants to a nationally uniform and accelerated recognition procedure and non-ambiguous standards of additional qualifications where required. Still another recent example pertains to the treatment of illegal migrants in Germany. The German state rejected for a long time any rights-based obligations vis-à-vis undocumented migrants on grounds that illegal behavior should not be rewarded and that any kind of subsequent legalization creates additional immigration incentives. Irregular status is still officially an offense and public authorities in general are required to inform the aliens departments.<sup>60</sup> The new CDU/FDP government, however, has announced in their coalition agreement that the obligation to report illegal migrants should be abolished in the case of school staff. However, that it should be canceled in the sphere of education only but not in areas such as health care and labor courts shows again the selectivity of migrants' rights recognition within integration policy reforms.

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<sup>59</sup> See § 104a/b of the Residence Law.

<sup>60</sup> § 87, Residence Law.

## **V. Conclusions**

The first part of this article showed that the enactment of a comprehensive Immigration Law in 2004, usually regarded as an important step toward Germany's official self-recognition as an immigration country, was accompanied with a substantial argumentative shift of emphasizing national interests at the expense of considering legitimate claims and rights of migrants. The following sections revealed the more concrete contents of integration as expectations regarding migrants' and citizens' activities and competencies which correspond with national interests such as domestic full employment, economic growth, knowledge-based innovation and international competitiveness. This way, the claims and rights of migrants are increasingly dependent on whether they are deemed as contributing to these national interests. These results might not be very surprising if compared to similar politics and policies of classical immigration states such as Australia, Canada and the US, which usually select immigrants according to their economic usability in terms of professional qualifications, language skills, age and the like. These results, however, are surprising against the background that many German migration research experts previously expected that such a paradigmatic change in Germany's self-understanding would in some way or other contribute to consolidating or even expanding immigrant rights vis-à-vis state interests (cf. Bade 1994). By contrast, an increasing amalgamation of the previously separate policies of migration control and immigrant integration (cf. Carrera 2006, Joppke 2007: 5, 8), as is now clearly visible in Germany, runs the risk of violating established principles of individual rights, the rule of law and human dignity, according to which human beings and their legitimate interests should not completely be used as means to collective ends.

Related normatively inspired approaches, which derive legitimate claims of migrants from essential legitimacy principles of liberal democracies such as a secure residence or citizenship status from factual "social membership" (Carens 2005) or from effective political dependency and a related "stakeholder principle" (Bauböck 1994; Bauböck 2009) can, nevertheless, contribute to explaining some advances toward legal and political inclusion of immigrants in Germany, as in the cases of the 1990 Foreigner Law and the 1999 Citizenship Law. Such accounts should be aware, however, of the variability of national interests that can be revised substantially according to historical and political circumstances. Therefore, the results of this study, on the one hand, relativize especially those postnational approaches which interpret the slow process of Germany's self-recognition as a country of immigration and related policy reforms as a kind of continuous and linear deployment of international human rights norms that gained increasing ground within Germany's domestic political culture (see recently Ingram & Triadafilopoulos 2010).

On the other hand, the results concerning the contents of the dominating national interests as tied to economic competitiveness and activating welfare state imperatives qualify seriously also those approaches which tend to attribute any restrictive tendency, policy or rule or any emphasis on national interests or state sovereignty in the field of immigration, integration and citizenship law to a sort of relic of Germany's former dominating ethno-cultural national self-understanding (e.g. Green 2005; Hell 2005, Sarcinelli & Stopper 2005). By contrast, the results presented here provide evidence that attitudes toward migrants in today's Germany are not based predominantly on claims to preserve internal cultural homogeneity per se but rather on supposed abilities and performances with which individual migrants or different migrant groups are regarded to be able to contribute to the welfare of overall society. Furthermore, in light of very similar developments in integration policies and discourses in other European countries (e.g. Joppke 2007; Jacob & Rea 2007), and also regarding the dominant view in Europe of naturalization as the crowning of a successful completed process of social integration (Bauböck et. al. 2006: 7), it seems inadequate to interpret Germany's way of integration policy as still exceptional.

To my view, the results of this study also qualify premature accounts of a return of assimilation and a corresponding retreat of multiculturalism. While it is obvious that the cultural adaptation of immigrants plays a pivotal role, there are significant changes regarding the kind of culture that it is expected to adapting to. At least, it is misleading to speak of a "return" of assimilation because the rather western and European culture and the corresponding individual competencies deemed to be required and activated in knowledge-based societies are somewhat different from the particular and homogeneous national cultures to which immigrants previously were expected to assimilate. Another rather new aspect of current integration conceptions is the often accentuated view that not only immigrants but also natives are expected to develop certain adequate knowledge, skills and individual competencies in order to obtain access to resources, services and benefits provided by modern organizations and institutions. Such an account of assimilation (cf. Bommers 2003), inspired by system theory, however, seems to perform better in this respect, even if it tends to underestimate the nation state-bounded character of the activation approach and its changing modes of political intervention.

Conversely, accounts proclaiming a retreat of multiculturalism also seem inadequate because the "activating approach" is not only compatible with cultural pluralism but promotes "managing diversity" concepts which are seen as contributing to the deployment of individual capacities and their usability in terms of functioning, effective production and competition advantages of companies and organizations (cf. Döge 2004). These concepts indeed have to

be distinguished from classical multiculturalism, which is primarily based on normative considerations justifying intrinsically individual and collective rights to cultural differences (cf. Faist 2009). However, the very fact that cultural pluralism is appreciated where it contributes to patterns of innovative mobility and flexibility speaks for a transformation of multiculturalism rather than its retreat.

To my view, Germany's current course in integration policy can be interpreted more adequately within the framework of a more general activation approach which cuts across different policy areas and which aims at facilitating labor-market participation of as many people in as many areas as possible. That can also be related to notions of justice, equal rights, equal opportunities, participation, anti-discrimination measures and cultural diversity, in contexts of conceptions and policies of immigrant integration as well as in other policy areas, as far as these rights are deemed to serve these prior-ranking collective aims. If not, it seems that rights will be re-interpreted, conditioned or even curtailed, depending on the clarity and robustness of rights-based provisions related to constitutions, court decisions, European guidelines and international conventions. If certain entitlements are conditional upon serving collective objectives instead of being a trump card against them (cf. Dworkin 1977), however, the question arises whether one should speak of rights at all.

More generally, I think that shifts toward activation and general "societal mobilization" (Lessenich 2008, 2009), in terms of policies as well as their ideological justifications, can be primarily interpreted in the context of national welfare states under pressures of economic globalization and Europeanization. In order to maintain the financial operability of social security systems in the face of serious demographic problems of an increasingly aging population and structural budget deficits, the German state, whose social security systems are constructed as depending on a high share of regularly working people, has to undertake everything to enhance overall labor market participation by promoting innovation, economic growth and competitiveness. However, because the opportunities of macroeconomic policies have decreased as a consequence of economic globalization and the still enduring dominance of "negative" market integration over "positive" political integration within the EU, especially in the area of social policy (cf. Offe 2003), nation-state-bound policy makers favor the strategy to engage in "micro-politics" oriented toward influencing individual behavior, attitudes and competencies. In this context, it is not surprising that the activating shift also has led to considerable efforts toward a reformulation of social justice as focusing more on chances and opportunities related to education and individual capacities than on unconditional rights and effective redistribution of certain goods and benefits (cf. Leisering 2004).

More theoretically, as Stephan Lessenich (2009) proposed, these developments can be best interpreted if one returns to an older theory of structural legitimacy dilemmas of the capitalist welfare state (Offe 2006). From this perspective, the activist approach is a quite logical response of policy makers caught between the dual imperatives of having to secure the conditions of capitalist accumulation, on which their scope of political regulation in terms of raised taxes crucially depends, and the legitimacy requirements toward their nation-state-bound constituencies, to whom they have to explain and justify their policies. Such an approach focusing on the basic structural imperatives of national welfare states seems to me adequate to explain not only migration control policies (cf. Boswell 2007) but also immigrant integration policies.

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