Otto-Friedrich-Universität Bamberg

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Working Paper 2016

Arbeitsstelle Parlamentarismus- und Repräsentationsforschung

Unit for the Study of Parliaments and Representation

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Paper prepared for delivery at the

2016 ECPR Joint Sessions of Workshops, Pisa

Workshop 22:

The Representation of Citizens of Immigrant Origin

in Established Democracies

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The authors gratefully acknowledge the financial support for this work for this work given by the German Research Foundation (DFG, grant no. SA 2160/3-1). This grant is part of the larger ORA+ project "Pathways to Power: The Political Representation of Citizens of Immigrant Origin in Seven European Democracies (PATHWAYS)", which is co-funded by the Agence nationale de la recherche (ANR, principal investigator: Manlio Cinalli), the Deutsche Forschungsgemeinschaft (DFG, principal investigator: Thomas Saalfeld) the Economic and Social Research Council (ESRC, principal investigator: Laura Morales) and the Nederlandse Organisatie voor Wetenschappelijk (NWO, principal investigator: Jean Tillie).

Abstract: This paper will use data collected from the PATHWAYS project and other information to provide a concise introduction to the institutional context, dynamics and evolution of the representation of citizens of immigrant origin in the Federal Republic of Germany. Despite broadly similar levels of immigration, the descriptive representation of citizens of immigrant origin in Germany has lagged behind countries such as The Netherlands, the United Kingdom and Belgium. This constitutes the puzzle we seek to address. Our argument is that the gap between Germany and others is the result of a combination of developments. Firstly, the structure of immigration to Germany contributed to discrimination between German refugees from Central and Eastern Europe and subsequent cohorts of 'guest workers' from Southern Europe and Turkey. Secondly, German immigration and naturalization policy worked against easy civic incorporation of immigrants. As a result, the ratio between citizens of immigrant origin and foreign-born population was relatively low. Naturalization rates have also been comparatively low. Although there have been several proposals to liberalise naturalization, significant changes occurred only in the early 1990s and, particularly, 1999/2000. Our explanation is based on Katzenstein's model of Germany as a 'semisovereign state' and Tsebelis' veto player theory focusing on the combination of decentralized political institutions, coalition government and the distribution of the preferences of the partisan veto players.

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1. Introduction

When the eighteenth German Bundestag was elected in 2013, approximately 16.5 million of the Federal Republic's residents (20.52 per cent of the total population) were immigrants or the descendants of at least one immigrant parent (Statistisches Bundesamt 2014: 41). Not all of them were German citizens. Citizens of immigrant origin accounted for approximately 6.2 per cent of the total population and 8.2 per cent of the electorate (Mediendienst Integration 2013). The percentage of immigrants or immediate descendant of immigrants amongst Members of the German Bundestag, however, was less than 4 per cent in the 2009-2013 Bundestag. Regarding the descriptive representation of citizens of immigrant origin, Germany thus lagged behind Belgium (around 7 per cent in the 2010-14 legislative period), the United Kingdom (11 per cent in the 2010-15 Parliament) and the Netherlands (13 per cent in the Second Chamber elected in 2012). The 2013 Bundestag election resulted in a considerable adjustment with 37 citizens of immigrant origin being elected to the legislature constituting 5.9 per cent of the chamber's total of 631 Members. However, despite the advances of 2013 the pathway to the legislative elite in Germany was (and is) highly selective and statistically biased against citizens of immigrant origin. The selectivity is particularly noticeable with regard to 'guest workers' and their descendants and for parties right of the centre of the ideological spectrum. This poses at least two inter-related empirical puzzles: *First*, why has Germany been a laggard behind comparable countries? *Second*, what explains the group-based variations we observe in the German data?

2. Dependent Variables: Descriptive and Substantive Representation

How do we define our target population in view of the peculiarities of German history since 1945? Following practice of the German Statistical Office (Statistisches Bundesamt) in its Microcensus, we coded Members of the Bundestag as having an immigration background if they met one of the following criteria: the legislator was born *(a)* outside the Federal Republic of Germany's present territory with foreign nationality at birth and moved to Germany after 1949 (first generation); *(b)* in Germany with foreign nationality at birth; or *(c)* in Germany with German nationality and at least one parent of foreign nationality at birth (second generation). According to this definition,

ethnic German refugees and expellees fleeing to Germany in the immediate post-war years (1945-49) are not counted as having immigrant origin; ethnic Germans moving to Germany after 1949, by contrast, were coded as being of immigrant origin for the purposes of this study. Legislators born abroad with German nationality at birth were counted as not being of immigrant origin. Our data cover all Members of the German Bundestag (MdBs) since the twelfth legislative period (1990-1994). Information about the ethnic and migratory background of member of parliaments was extracted from publicly available sources including official parliamentary websites, biographical handbooks, websites of the parliamentary party groups, personal websites, news articles and other sources.

Table 1: Descriptive Representation of Citizens of Immigrant Origin in the German Bundestag, 1990-2013

		Parliamentary party											
		CDU/CSU		FDP		SPD		Greens		Left		Total	
Election year	Legislative Period	N	%	N	%	N	%	N	%	N	%	N	%
1990	12	4	1.2	0	0.0	3	1.2	0	0.0	1	5.3	8	1.1
1994	13	4	1.3	0	0.0	5	1.9	1	2.0	2	6.5	12	1.7
1998	14	4	1.5	0	0.0	5	1.6	2	4.0	2	5.1	13	1.9
2002	15	5	2.0	0	0.0	5	1.9	4	7.0	0	0.0	14	2.2
2005	16	4	1.7	0	0.0	7	3.1	5	8.9	4	7.33	20	3.1
2009	17	4	1.6	4	4.0	4	2.6	7	9.3	7	9.0	26	3.9

Source: *Pathways* WP1 data 1990-2013

The parliamentary presence of citizens of immigrant origin has increased steadily since 1990 in the national and regional parliaments (for snapshots on regional parliaments, which are not reported here, see Alba and Foner 2009, 2015; Schönwälder 2013). Table 1 demonstrates a clear upward trend (which continues in the legislative period 2013- with a percentage of 5.9). Although this increase is discernible for all parliamentary parties, there are clear cross-party variations. Like in many other European countries, the presence of citizens of immigrant origin is more pronounced for parties left of the political centre. In the 2009-2013 Bundestag, for example, MdBs of immigrant origin were more strongly represented in the parliamentary party groups of the Greens (9.3%) and the Left (9.0%), whereas they made up just a small portion of the Christian Democratic CDU/CSU (1.6%). This variation in descriptive representation demonstrates that political parties are crucial elements of the political opportunity structure facing politically active citizens of immigrant origin. One peculiarity of representation in Germany is the fact that different political parties attract different groups of voters of

immigrant origin (Wüst 2002) and, hence, different types of representatives. While naturalized immigrants from Italy, Turkey and Yugoslavia have traditionally supported the SPD by a considerable margin, ethnic German resettlers have always been more likely to vote for the CDU/CSU. This pattern is partially replicated in the origin of MdBs with a migratory background in the different parties. Immigrant-origin legislators belonging to left-wing parties are more likely to originate from former guest worker countries; immigrant-origin MdBs descending from ethnic Germans in Central and Eastern Europe are represented more strongly amongst the Christian Democrats.

Table 2: Legislators with a Migratory Background on the Regional Level, 2011

Federal state	MPs with migratory background		Total Population	Population with migratory background (%)
	N	%		
Baden-Württemberg	3	2	10.8	26
Bavaria	1	0.5	12.5	19
Berlin	15	10	3.4	24
Bremen	7	8	0.7	26
Hamburg	10	8.3	1.8	27
Hessen	3	2.5	6.0	25
Lower Saxony	3	2.0	7.9	17
North Rhine-Westphalia	9	5.0	17.9	24
Rhineland Palatinate	1	1.0	4.0	19
Saarland	0	0.0	1.0	17
Schleswig-Holstein	1	1.1	2.8	13

Source: Schönwälder (2013: 640); Population data Micro Census 2009

The strong nexus of partisanship and descriptive representation can also be observed on the regional level where citizens of immigrant origin in regional assemblies predominantly belong to political parties on the left. In 2011, 34 of all regional legislators of immigrant origin were Social Democrats. Nevertheless, even the SPD parliamentary parties at the regional level were far from being descriptively representative: only 3.2 per cent of the seats held by the SPD were occupied by citizens of immigrant origin. By contrast only 0.6 per cent of the Christian Democrats' total number of regional deputies were of immigrant origin (Schönwälder 2013: 639). Earlier studies (e.g., Alba and Foner 2009; Donovan 2007) suggest that descriptive representation at the regional level has risen in the past decade. Yet, Schönwälder (2013) shows that the growing number of representatives of immigrant origin is concentrated in the three city states of Bremen, Hamburg and Berlin. In 2011, 60 percent of the regional parliamentarians of immigrant origin had been elected in these states. Possible factors accounting for these variations include the capacity for political mobilization which depends on the size of the group and their collective identity (Bird et al. 2011); institutional factors like the electoral system and regional naturalization

regimes; party competition; and, according to Schönwälder (2013), variations in the cultural and political dynamics across the federal states.

Table 3: Socio-demographic characteristics, roles and experiences of non-CIO and CIO MdBs in comparison, 1990-2013

	Non-CIO MdB	CIO MdB	Total
Total MPs	3,918	93	4,011
% born abroad	1.9	35.5	2.7
% second generation	-	64.5	1.5
% visible minority	NA	NA	NA
% women	29.2	38.7	29.4
Average age	49.3	45.5	49.3
% with university education	78.9	79.6	78.9
CIOs originally from*			
Europe	-	86.0	99.5
America	-	-	-
Africa	-	-	-
Asia	-	14.0	0.3
Oceania	-	-	-
% elected first time	30.6	44.1	30.9
Min. years in Parl.**	1	1	1
Max. years in Parl.**	37	22	37
Mean years in Parl.**	15.25	13.78	
% since inauguration	95.8	96.8	95.8
% completed term	93.3	96.8	95.5
% in migration related committee 1***	29.0	47.3	29.4
% in migration related committee 2***	27.7	44.1	28.1
% with roles any committee	31.2	23.5	30.9
% with parl. leader roles	19.6	16.1	19.9
% in other elected offices prior (local, reg., EU)	60.7	55.9	60.6
% in gov't. positions prior (nat. or reg. gov't)	2.2	1.1	2.1
% in nat. party position	17.6	18.3	17.7

Note: The unit of analysis is a Member of the Bundestag by legislative period. Immigrant origin was determined through the *Pathways* CIO2 method. *Origin refers to the place of birth of the MP or the origin of their parents.

**Number of years refer to years served in terms prior to the legislature under analysis.

***For each Member of the Bundestag we coded his or her first and second committee membership.

Definition of '*migration related*': Committees with a higher probability of dealing with policies relating to immigration or which can have an influence on immigrants' integration. This category includes housing, social policy, education, employment, immigration, equality, health.

Source: Own calculations from *Pathways* dataset WP1. It includes the legislative terms from 1990 to 2013.

Table 3 provides some cumulative socio-demographic statistics for all MdBs elected between 1990 and 2013. Members both with and without immigrant origin were predominantly middle-aged men with higher education (first or second stage of tertiary education) at the time of their election. MdBs of immigrant origin, by contrast were significantly more likely to be female and younger than their colleagues without such origin (chi^2 tests with p-values < 0.05). Almost two-thirds of all MdBs of immigrant origin were the descendants of immigrants ('second generation immigrants'). Even if we take the different sizes of the pool of first- and second-generation candidates into account, 'first-generation' immigrants had markedly lower chances of being represented in the Bundestag than second-generation immigrants. Most MdBs of immigrant origin had ancestral roots in Eastern (Poland, Russian Federation, and Czech Republic) and Western Europe (Austria, Switzerland). Only few MdBs of immigrant origin originated from Southern Europe, although many immigrants had come to Germany as 'guest workers' from Italy and Spain. Also, relatively few MdBs originated from Asia, especially Western Asia (Turkey) and Southern Asia (Iran).

Comparing the parliamentary seniority of MdBs with and without immigrant origin reveals a higher share of newly elected MdBs amongst legislators of immigrant origin (44 compared to 30 per cent), which is unsurprising given their steady growth in numbers. Nevertheless, more than half of them had prior political experience in elected office (55.9 per cent compared to 60.7 per cent of MdBs without immigrant origin). Once elected, the average duration of service of MdBs of immigrant origin was slightly below the average parliamentary service of their colleagues without immigrant origin (13.78 compared to 15.25 years). Almost all immigrant-origin MdBs stayed in parliament for the whole legislation period they were elected for; they were typically re-elected for at least two further terms, which is only slightly below the average for MdBs without immigrant origin. Amongst those with prior political experience, most had held elected office at the local level, followed by the regional and European levels before getting elected to the Bundestag. Immigrant-origin parliamentarians were not disadvantaged in terms of roles and positions in the parliament and the government. On the contrary, their share of positions in national party leadership roles was slightly higher than those of MdBs without immigrant origin. Thus MdBs of immigrant origin tend to be the descendants of immigrants. They are similarly professionalized as their counterparts without immigration background and have comparable career chances once they are elected to the chamber.

The German Bundestag is very much a committee-based parliament where committees occupy a relatively strong position in the legislative process (Mattson and Strøm 1995; Saalfeld 2003). The composition of committees is in proportion to the partisan composition of the chamber overall. The parliamentary parties decide on their representatives in committees (Ismayr 2004:8). Thus the committee membership of MdBs of immigrant origin is neither merely an indicator of descriptive representation nor can it be accepted as a valid indicator of individual preferences or role orientations. MdBs typically do not simply 'self-select' to committees. Rather, committee assignments in the German Bundestag reflect the internal division of labour within parliamentary parties and the policy expertis particular MdBs acquire within their parliamentary parties' distribution of responsibilities. In short, committee assignments reflect, above everything else, the parliamentary parties' needs in organizing legislative work and demonstrate collective (rather than merely individual) policy-specific expertise and issue ownership vis-à-vis potential voters.

For each committee, coders assessed whether the committee had a higher or lower probability of dealing with policies relating to immigration, or a higher or lower probability that the policies in the committee's jurisdiction have an influence on immigrants' integration. Under one-third of all committee memberships of all MdBs irrespective of their immigration status (for both the first and the second most important committee) were in committees with high relevance for immigration or integration. A little over two-thirds were of low relevance. Amongst MdBs of immigrant origin, however, the percentages are markedly different. Almost one-half of these representatives were members of high-relevance committees. Over one-half were members of low-relevance committees. In both cases, a chi-square test suggests that the probability of independence is less than 1 per cent. In short, MdBs of immigrant origin are almost equally likely to join committees of high and low relevance for immigration and integration policy. Nevertheless, the probability for MdBs without immigration background to be member of such a committee is significantly lower.

Table 4: Counts and Average Number of Parliamentary Questions for Written Answer ('Schriftliche Fragen') Tabled By MdBs in the 17th Bundestag

Written Parliamentary questions	N/ column %	Average N per MdB	Average N of immigrant-related PQs per MdB[a]
All MdBs	20,133 (100%)	50.5	1.3
~ of immigrant-origin	1,308 (6.5 %)	68.8	6.7
~ without immigrant-origin	18,825 (93.5%)	49.5	1
CDU/CSU MdBs	847 (100%)	12.5	0.3
~ of immigrant-origin	6 (1%)	6	0
~ without immigrant-origin	841 (99%)	12.5	0.3
SPD MdBs	7,461 (100%)	50.8	1
~ of immigrant-origin	247 (0.0 %)	61.8	7
~ without immigrant-origin	7,214 (99.9%)	50.5	0.8
FDP MdBs	421 (100%)	11.7	0.3
~ of immigrant-origin	0 (0%)	0	0
~ without immigrant-origin	421 (100%)	11.7	0.3
The Greens MdBs	5,830 (100%)	77.7	2.1
~ of immigrant-origin	413 (7.1%)	59	7
~ without immigrant-origin	5,417 (92.9%)	79.7	1.6
The Left MdBs	5,574 (100%)	73.3	2.6
~ of immigrant-origin	642 (11.5%)	91.7	7.3
~ without immigrant-origin	4,932 (88.5%)	71.5	2.1

Source: Extracted from http://www.bundestag.de

Note: Figures relate to MdBs who have authored at least one written parliamentary question over the course of the 17th Bundestag. [a] Immigrant-related Parliamentary Questions were identified by using a dictionary described in Appendix 1.

But do MdBs of immigrant origin differ from their colleagues without immigrant background in their legislative behaviour? Since the delivery of Bundestag speeches is subject to extreme selection bias (speech time is allocated exclusively to parliamentary parties, there is no individual right to take the floor in legislative debate) (Proksch and Slapin 2014), debates cannot be taken to provide unbiased individual statements of preferences. Nevertheless, first studies have sought to employ quantitative text analysis to investigate the content of legislative speeches of MdBs of immigrant origin linguistically (Blätte 2014b), searching for subtle markers in the language used by MdBs. *Pathways* is seeking to make a contribution to this. Other forms of text have been subjected to first analyses.

Due to the selection bias characteristic of speeches, scholars have focused on the parliamentary questions. Individually, MPs have the possibility to submit questions to the government. These questions can be seen as tools for MdBs to signal their policy priorities to the interested public. Both types are predominantly tools of the opposition (Saalfeld 2013).

Table 4 presents cross-tabulations of all 20,133 written parliamentary questions for written answer (Schriftliche Anfragen, PQs) submitted to the government during the 17th Bundestag. This is broken down by party, immigrant-origin and whether the question had a distinctive focus on matters relating to migration. In his analysis of various types of interpellation and questioning, Wüst (2011) formulated two expectations: At the individual level he expected immigrant-origin MdBs to ask more questions on 'migration-related issues' than other MdBs. However, according to Table 4, the differences between MPs with and without immigrant-origin vary a lot depending on those MPs' party affiliations. If we compare both groups without taking into account party affiliations (first row of Table 4), MPs of immigrant-origin seem not only to submit more PQs relating to migration, but they also tend to be strikingly more active in general (on average). However, if we control for party, we see that, although constituting a majority in the parliament, MPs of the *governing* parties CDU/CSU and FDP submitted less than 1,300 PQs in total or 6.3 % of all 20,133 PQs in that legislative period. Like in other European democracies, PQs are predominantly an instrument of the opposition. Moreover, comparing MPs with and without immigrant origin in those parties suggests that MPs of immigrant origin are substantially less active in the usage of PQs than their fellow party colleagues and do not show any interest at all to use those tools as a means to put matters on the political agenda that relate to migration. On the other hand, looking at the parties left of the centre, we find corroborating evidence for Wüst's expectations: MPs of immigrant origin are more active authors of PQs (with the exception of the Greens) and use this tool a lot more frequently to highlight matters relating to migration. Unfortunately, the present empirical base does not allow us to tell whether these striking differences are a function of political ideology, government-opposition, or both dimensions. Nevertheless, this simple cross-tabulation of parliamentary activities by party does suggest that such mechanisms are far too complex as that they could be attributed to the simple distinction between MPs with and without immigrant origin.

3. Supply-Side Explanations: Patterns of Immigration and Immigrant Incorporation in Post-War Germany

Why has Germany lagged behind the Netherlands, the United Kingdom, Belgium and some other countries in the descriptive representation of immigrants? One explanation for this question might be found in the patterns of immigration since the end of the Second World War. The nature of immigration to the Federal Republic and policy

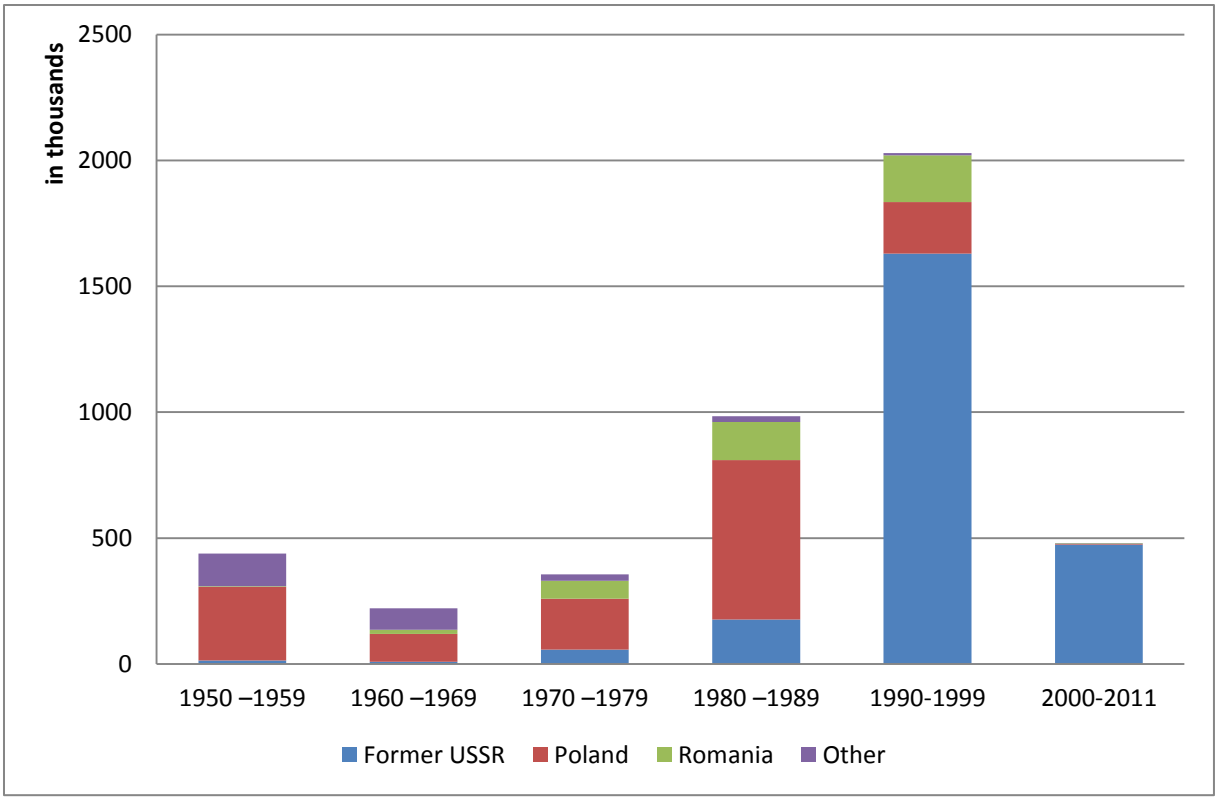
makers' responses have created several classes of immigrants and led to significant inequalities between these groups, which will be described below. These inequalities could be argued to have shaped the opportunities for descriptive representation and the incentives for substantive representation.

Between 1945 and 1949 both the emerging West and East German states were faced with considerable population movements resulting from the Second World War. The vast majority of the huge army of forced workers (Zwangsarbeiter or, euphemistically, 'Fremdarbeiter'), who had kept the German war economy going, returned to their home countries. Conversely, all four occupational zones had to absorb approximately 12 million Germans fleeing from the defeated Reich's former territories in Central and Eastern Europe. This huge population exchange did not create any major problems of democratic representation, however. Persons without German citizenship were liberated and returned to their home countries more or less voluntarily, whereas the expellees from Central and Eastern Europe overwhelmingly held German citizenship.

The German refugees and expellees from Central and Eastern Europe had the right to vote and stand for election from the very beginning. Given the size of this group (approximately 8 million in the Federal Republic), they were an electoral force to be reckoned with (Herbert 2001: 192-201). In fact, throughout much of the 1950s they maintained a certain 'political identity' and were represented in the Bundestag by their own political parties, the Economic Reconstruction Association (Wirtschaftliche Aufbauvereinigung, 1949-53) and the All-German Block (Gesamtdeutscher Block/Bund der Heimatlosen und Entrechteten, 1953-57). The latter was part of the second coalition cabinet under Federal Chancellor Konrad Adenauer and eventually absorbed by the German Christian Democrats (CDU/CSU) (Saalfeld 2000, 2005). Importantly in our context, these groups and parties generally supported the ethno-national definition of citizenship and did not advocate policies to include the subsequent cohorts of 'guest workers'. This established a long-term alignment of Christian Democrats and expellees, which was reinforced by the strong opposition to the SPD-FDP coalition's policy of détente with the Czechoslovakia and Poland during the early 1970s.

The success of the economic, social and political incorporation of expellees, which was partially based on the ethno-national definition of German citizenship reinforced the legitimacy of this very conception (Brubaker 1992: 168). This definition was entrenched in the Basic Law through Article 116 and reinforced by policy makers with the Bundesvertriebenen- und Flüchtlingsgesetz of 1953 as a means to grant citizenship to expellees and Germans fleeing the GDR and other Eastern Bloc countries (Green 2000: 109).

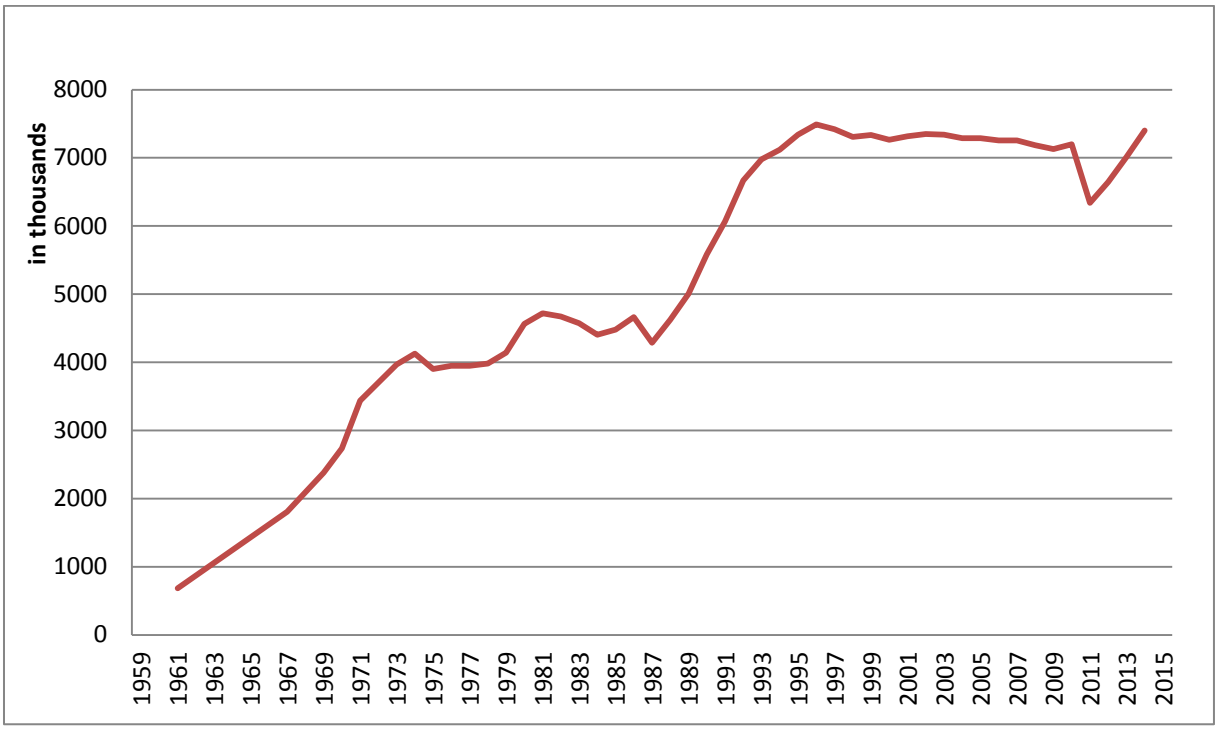
Figure 1: Immigration of Ethnic German Resettlers by Decade and Country of Origin, 1950-2011



Source: Bundesverwaltungsamt Köln (data taken from Bundeszentrale für politische Bildung 2013, 13)

Not only did the *ius sanguinis* principle provide the legal basis for the rapid incorporation of German expellees in the immediate aftermath of the Second World War, it offered a mechanism for the integration of 4.5 million 'resettlers' of German ancestry between 1950 and 2011 who were treated like Germans although most of them did not have 'any direct link with Germany, given their ancestors have emigrated centuries earlier' (Green 2000: 109). Figure 1 provides information on the inflow of so-called 'resettlers' and (from 1993) 'late resettlers' by decade and main country of origin. While there was a steady inflow of less than half a million per decade between 1950 and 1979, the 1980s (especially the late 1980s) and the 1990s witnessed considerable immigration mostly from the territory of the successor states of the Soviet Union but also from Poland and Romania. In total, approximately 4.5 million resettlers were incorporated between 1950 and 2011.

Figure 2: Foreign Nationals Residing in Germany, 1961-2015



Source: (Lederer 1997, 47-51; Statistisches Bundesamt 2015a, 26-7)

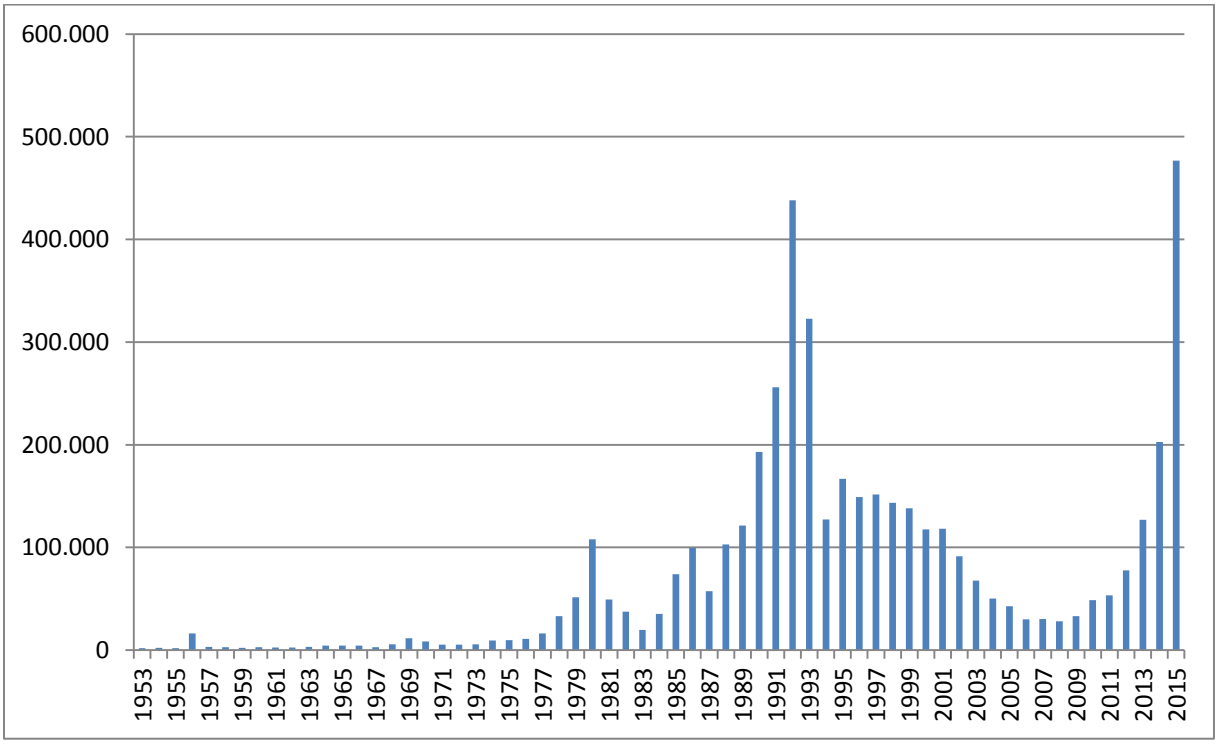
Resettlers were never counted as aliens ('Ausländer') in the Federal Republic's official statistics. They were Germans according to Article 116 of the Basic Law. Figure 2 provides some information of the inflow of the second major source of immigration to the Federal Republic since the late 1950s and early 1960s, namely so-called 'guest workers' and, from the late 1980s onwards, asylum seekers.

The extraordinary pace of the Federal Republic's economic recovery after 1948 on the one hand and the successful attempts of the East German government to seal off its Western border and to stem the hemorrhage of skilled labour to the West in 1961 created labour shortages that had to be filled with foreign workers from the mid-1950s onwards. The recruitment of foreign 'guest-workers' was intended to be temporary. The intention was to create a flexible reserve which could be increased in times of economic expansion and reduced in times of slow growth. The temporary presence of usually young, single, male manual workers was thought to be beneficial for the funding of Germany's welfare systems (Herbert 2001). Recruitment was based on inter-governmental agreements with various states in Southern Europe, Turkey and Northern Africa. Recruitment agreements were concluded with Italy (1955), Greece and Spain (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1964) and Yugoslavia (1968) (Green 2001: 87; Herbert 2001: 208). Figure 6.2 demonstrates a steep increase of foreign nationals residing in Germany from 686,000 in 1960 to around 4.127 million in 1974 (Herbert 2001: 198-199). A slowdown can be discerned from 1973 onwards when the Federal Government enacted a ban on all further labour recruitment in response to rising unemployment after the oil crisis of 1973-1974.

However, the halt was only temporary mostly due to the fact that fewer 'guest workers' returned to their ancestral homelands and family reunification became an important source of immigration. Between the mid-1980s and the early 1990s, the share of foreign nationals residing in Germany increased sharply to over 7 million, partly due to the fact that the children and grandchildren of immigrants largely remained foreign nationals in line with German legislation. Until the early 1990s the obstacles to naturalization were formidable, and from the reforms of the early 1990s onwards, the ban on dual citizenship continued to discourage the large-scale civic incorporation of the descendants of the 'guest workers'.

In socio-economic terms the 'guest workers' and their descendants were generally closer to the typical Social Democratic voter base. On average, levels of educational attainment and socio-economic status were, and have remained, relatively low at the point of immigration. Due to the social selectivity of primary and secondary education in Germany, the occupational status of these groups remained lower in the second and third generations. This made it less likely for members of these groups to develop the resources needed to participate directly in Germany's representative democracy, if we apply the logic of the 'resource model' of political participation (Brady, Verba, and Schlozman 1995; Verba et al. 1993). However, some direct participation and representation was possible on the shop floor of big companies via the trades unions and in cultural associations or political groups involved in homeland politics. This alignment was reinforced through the stronger emphasis on integration demonstrated by SPD leaders and election manifestoes since the 1980s.

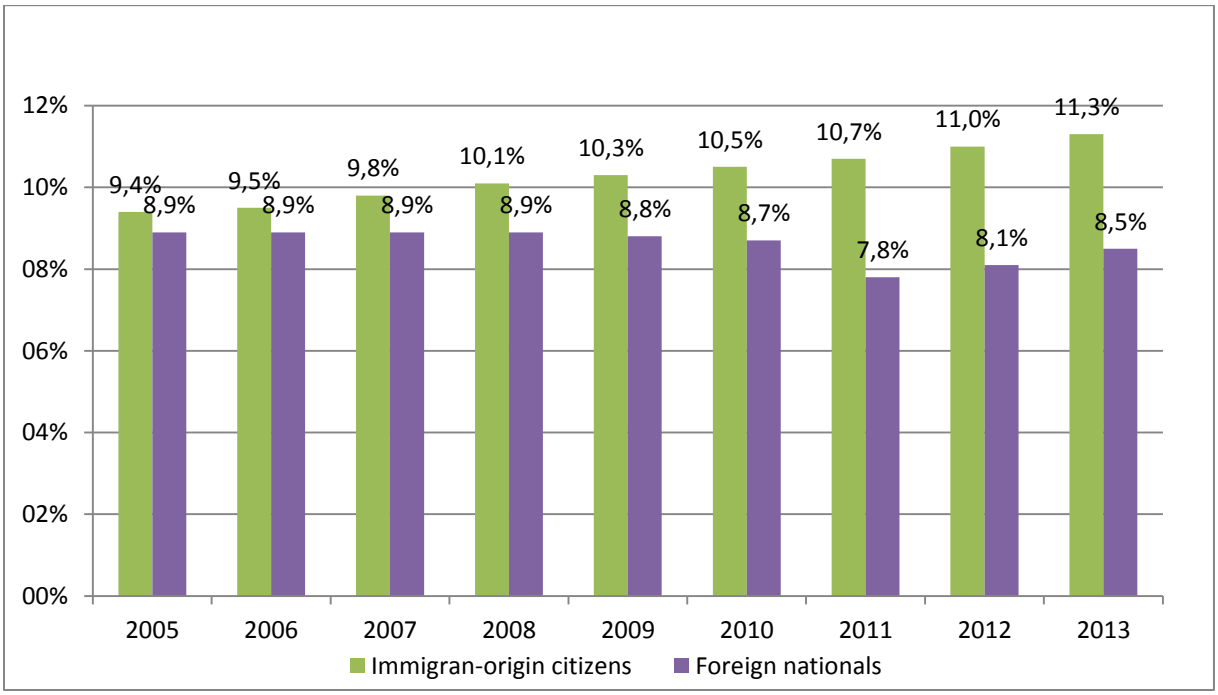
Figure 3: Applications for Political Asylum in the Federal Republic of Germany, 1953-2015



Source: (Bundesamt für Migration und Flüchtlinge 2015, 3)

From the 1980s onwards, immigration to Germany grew also in response to political and humanitarian crises elsewhere resulting in an increasing number of refugees and asylum seekers from Turkey, the Middle East, former Yugoslavia, Africa and Asia. The exponential increase in asylum seekers was reduced through an amendment to the Basic Law in 1993 and the definition of 'safe countries', but has increased again dramatically since 2009 as a result of wars, civil wars and the growth of failing states in Central Asia, Africa, Northern Africa and the Middle East, especially Afghanistan, Iraq, Somalia and Syria (see Figure 6.3). Asylum seekers have a particularly precarious status and are excluded from political participation in the German political process.

Figure 4: Citizens of Immigrant Origin and Foreign Nationals as Percentage of the German Population, 2005-2013

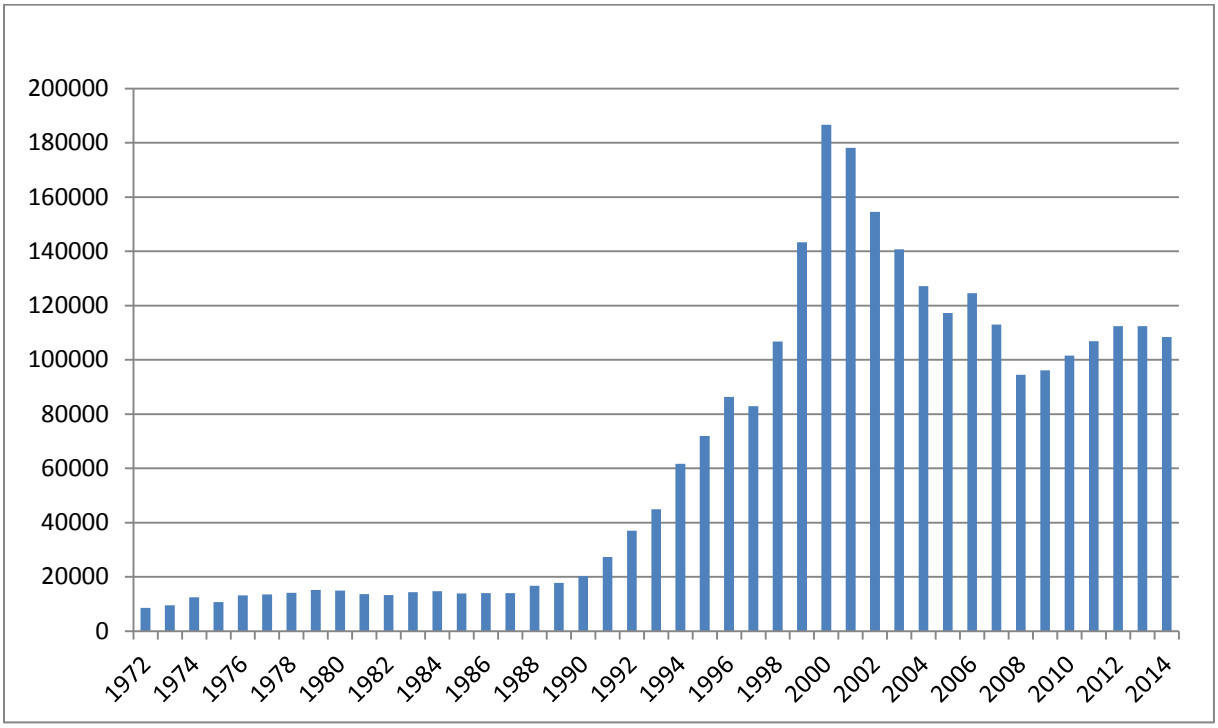


Source: (Statistisches Bundesamt 2014, 80–81)

Figure 4 demonstrates one of the structural problems of democratic representation in Germany. The bars represent the shares of citizens of immigrant origin and foreign nationals in Germany between 2005 and 2013. In 2005, the percentage of foreign nationals was just under 9 percent, the percentage of citizens of immigrant origin was just over 9 per cent. In other words, approximately half of the residents with a migratory background did not have citizenship. The figure also shows that the ratio of immigrant-origin citizens steadily shifted in favour of persons with citizenship rights, which may partially be an effect of the 2000 reform of Germany's naturalization laws under the Schröder government and the efforts to facilitate the naturalization of long-standing

residents (see Figure 5).[2] Nevertheless, the shift from ius sanguinis to a modified ius soli did not affected the amount of naturalizations in the long term as the naturalizations decreased by more than 40 percent in the first decade after the reform of naturalization legislation of 2000 (Hailbronner 2012, 21). One reason for the relatively low level of naturalizations might be the continued ban on dual nationality that (in combination with easy access to welfare rights) makes the acquisition of German nationality unattractive. Dual nationality is common for EU nationals and German repatriates, while immigrants from Turkey have to give up their Turkish nationality (Williams 2015).

Figure 5: The Naturalisations of Foreign Nationals in Germany, 1972-2014



Note: in order to exclude ethnic Germans, which were partly included in the naturalisation figures until 1999, the data presented here include only those naturalizations where authorities had statutory discretion to grant or deny citizenship ('Ermessenseinbürgerungen') until 1993. For the period 1994-1999 the data include simplified naturalisations under procedures first introduced in the 1990 Aliens Act (Ausländergesetz). From 2000 onwards all naturalisations are included as reported by the Statistisches Bundesamt.
Sources: (S. Green 2001; Lederer 1997; Statistisches Bundesamt 2015b)

One further problem regarding the political integration of immigrants – turning objects of immigration policy into subjects of the democratic process – are the comparatively low rates of naturalization even among those residents who would be entitled to

[2] The changing attitude amongst policy makers is indicated by the introduction of the category of „immigrant origin" (Migrationshintergrund) in the German Census and Micro Census in 2005.

naturalization. Writing in 2005, Green (2005: 197) observes that 'Germany's naturalization rates remain among the lowest in the EU … it is still likely to take decades before the share of non-nationals in the total population is reduced from its 2003 level of 8.9 per cent to the EU average of around 5 per cent. … it is easy to underestimate the barrier to inclusion in Germany represented by naturalization: as well as granting the right to vote, most key public sector positions are only open to German or EU nationals.'

In combination with legislation on the acquisition of citizenship, the nature of immigration to Germany had several direct implications for the representation of persons of immigrant origin: *First*, it created a highly stratified system of such persons in terms of their political rights: (a) German-origin resettlers from Central, Eastern and South Eastern Europe who migrated to the Federal Republic; these were granted citizenship immediately and have leant to the political right; (b) 'guest workers' and their descendants were not entitled to citizenship until 1999; since 2000, the children of such immigrants have had German citizenship at birth; those with dual nationality had to decide about their citizenship status by the age of 23; these groups are still largely aligned with the political left; (c) citizens of the member states of the European Union who have a secure residence status, enjoy voting rights in local elections and are entitled to dual nationality; (d) asylum seekers, illegal immigrants and persons with precarious residence status and without any citizenship rights at all.

4. Citizenship, Immigration and Incorporation Policies – and Their Implications for Representation

The opportunities for descriptive representation in Germany are framed by a number of statutory provisions which, in turn, are part of a path dependent policy trajectory. Descriptive representation has been affected by at least two factors: *First*, one reason for Germany's status as a laggard in the descriptive representation of citizens of immigrant origin in its national and regional parliaments are the restrictive laws on naturalization that prevailed until the turn of the millennium. This is in sharp contrast to the immediate naturalization of a large percentage of migrant workers in France, the Netherlands and the United Kingdom. This created large number of citizens with full voting rights from the 1950s and 1960s onwards. *Second*, the statutory framework created several classes of residents, including 'guest workers' and ethnically German resettlers from Central and Eastern Europe with full citizenship rights.

Despite a large number of immigrants, the Federal Republic of Germany did not have an Immigration Act until 1 January 2005. Prior to the *Zuwanderungsgesetz* of 2005, there was a complex web of laws including the Aliens Act (*Ausländergesetz*) of 1965 (revised in 1990); constitutional and statutory provisions on political asylum; the legislation pertaining to ethnic Germans from Central and Eastern and South-Eastern Europe; and, increasingly, international obligations under the European Union and United Nations human rights legislation.

Between 1990 and 2013 (our window of observation for the dependent variable), Germany underwent significant changes in its policies regarding immigration and immigrant incorporation. In most academic accounts, the country was seen as being unusually restrictive in terms of encouraging, or at least facilitating, the transition from immigrant to citizen …. An ethno-national conception of citizenship, enshrined in German law since the passage of the German *Reichs- und Staatsangehörigkeitsgesetz* of 1913 (Herbert 2001), had framed the political debate over citizenship and the incorporation of immigrants since the 1950s. A deeply held conviction that Germany never could (and should) be a 'country of immigration' came close to the definition of a 'deep core belief' of the majority of German policy makers in the terminology of Jenkins-Smith and his coauthors (2014: Kindle pos. 4175). The ethno-national definition of citizenship found its legal expression in the *ius sanguinis*, i.e., … Although this 'deep core belief' had been challenged on occasion from the second half of the 1970s (e.g., in the first report of the first Aliens Commissioner appointed by the Federal Government in 1976), it was not until the 1990s that the political debate over the incorporation of immigrants began polarize around questions of citizenship, nationhood (in the context of German unification and a wave of East European immigrants of German ancestry) and asylum.

The ethno-national conception of citizenship was an obstacle to the chances of many post-war immigrants to advance from objects to subjects of German representative democracy, it served one important purpose: not only did it facilitate the rapid political incorporation of German expelled from Central and Eastern Europe in the immediate aftermath of the Second World War, it also facilitated the inclusion of around 1.36 million ethnic Germans from Central, Eastern and South-East European countries between the 1950s and late 1980s and over 3 million Russian citizens of German descent claiming German citizenship rights under Article 116 of the Basic Law as a result of the collapse of the Soviet Union and the Warsaw Pact (Hoerder 2010: 114).

Importantly from the perspective of democratic representation, the ethnic German resettlers from Central, Eastern and South-Eastern Europe had the right to vote and stand for election from the time they arrived in the Federal Republic. The swift political incorporation of German refugees in the aftermath of the Second World War and of so-called 'resettlers' since the 1950s presents a stark contrast to the defensive approach taken to those immigrants that were actively recruited for work in the booming German economy from the mid-1950s. Since the explicit intention was to create a flexible labour market reserve (Herbert 2001), the residential status of non-nationals remained extremely uncertain. The Aliens Act (*Ausländergesetz*) of 1965 introduced a number of different residence titles which reflected the intended temporary nature of labour migration to Germany. It provided criteria that helped authorities to limit residence titles to predefined periods and did not provide any clear pathway to naturalization or incorporation. Between the mid-1950s and the end of 1973 14 million persons immigrated to Germany, 12 million returned to their homelands after a number of years in Germany. Whereas citizens of EEC/EU member states (especially Greece, Italy,

Portugal and Spain) acquired equal rights in the labour market and a secure residence status as a result of European treaties, citizens of non-EU states still faced serious consequences regarding their legal position and opportunities for social and political incorporation: Of the 2.1 million Turkish citizens residing in Germany in 1998, for example, only 52 per cent had a secure residence status that amounted to indefinite leave to remain. The situation was even worse for Yugoslavs (37 per cent) and Poles (21 per cent) (Herbert 2001: 291). In total, over 7.3 million German residents (9.0 per cent of the population) had no citizenship rights in 1998 (Herbert 2001: 233). This large and growing group of immigrants faced poor conditions for political incorporation, which tends to be a longer term process of political engagement, socialization and – in the case of elected representatives – recruitment.

In 1990 the Kohl government had made first hesitant steps towards relaxing the conditions for naturalizations (Herbert 2001: 283-284). However, the new Aliens Act of 1990 (replacing the *Ausländergesetz* of 1965) still included one major obstacle to large-scale naturalizations: the ban on dual citizenship for most of the groups that would have benefited from an easier route to citizenship in line with practice in other European democracies. Hence the effect of the law was miniscule. Amongst those longer-term residents entitled to naturalization under the new legislation, only one per cent actually applied for it by 1997 (Herbert 2001: 291). It was not until 1999 when the newly-elected SPD-Green coalition government under Chancellor Gerhard Schröder sought to facilitate the integration of long-term residents by introducing dual nationality for the children of long-term residents that did not hold German citizenship. However, the legislation was stopped by a blocking majority of Christian Democrat states in the Bundesrat. Ultimately a compromise could be reached which granted the right to German citizenship to all persons born in Germany whose parents fulfilled certain residence qualifications. However, they only enjoyed this right up to the age of 23 when they had to choose a nationality. In 2004, the SPD-Green government secured the passage of Germany's first piece of legislation that carried the name 'Immigration Act' (*Zuwanderungsgesetz*). However, the new act (which came into force in 2005) was mostly a systematization of existing legislation. Nevertheless, it did simplify the myriad of residence titles, created new provisions for the immigration of highly skilled labour, expanded the range of persons able to claim refugee status, guaranteed the provision of courses for integration and language instruction for all immigrants and incorporated sections on international crime, terrorism and security (S. Green 2012: 177).

Why did it take so long for Germany ultimately to converge to a model of naturalization and citizenship that was largely in line with the majority of other West European democracies? In the literature on German citizenship policy, historical institutionalism has been one influential explanation. Policies in relation to citizenship and immigrant incorporation have been strongly influenced by longer-term path-dependent developments (Joppke 1999; Tilly and Brubaker 1993). Brubaker's work, in particular, identifies a particular historical path that German policy regarding citizenship has followed since the 1880s. He argues that Germany in the nineteenth century had been a

'nation in search of a state', which 'was conceived not as the bearer of universal political values, but as an organic cultural, linguistic, or racial community–as an irreducibly particular *Volksgemeinschaft*. On this understanding, nationhood is an ethnocultural, not a political fact' (Tilly and Brubaker 1993). This conception has shaped the thinking of German policy makers to the present day and has found its expression in the institutional framework including the constitution and immigration laws. References to the historical roots of citizenship policy in Germany help to elucidate the source of the belief systems of decision makers beyond simple notions of 'left' or 'right'. They also demonstrate why immigrants have generally occupied a marginal place in institutionalized German politics. Yet theoretically and methodologically they do not offer any means to measure and explain changes.

5. Group Mobilization and Other Forms of Immigrant Representation

Apart from the electoral channel, representation in pluralist democracies relies on the system of interest intermediation and other forms of mobilization and deliberation (Saward 2010). The key characteristic of immigrant representation via non-electoral forms of participation is its remarkable fragmentation. Mainstream interest groups such as the German Federation of Trades Unions (DGB), the German Federation of Employers Associations (BDA), the Christian churches and various welfare associations have been participants in the policy networks around ministries dealing with the integration of immigrants (e.g. The Federal Ministry for Employment and Social Affairs), although they remained marginal to the key ministry responsible for immigration, the Ministry of Home Affairs (S. Green 2005; Herbert 2001; Katzenstein 1987). However, with the exception of the trades-union movement and the very influential associations of German expellees from Central and Eastern Europe, immigrants were objects rather than subjects of interest-group activity.

Nevertheless, immigrants have increasingly been able to exploit some of the opportunities for participation and direct representation in Germany's relatively formalized system of interest intermediation. To some extent, this compensated for the comparatively high hurdles preventing them and their descendants to participate in the electoral forms of representation. Early forms of immigrant representation were enabled under the umbrella of general welfare associations (such as the Arbeiterwohlfahrt or Christian associations). These, however, tended to be 'paternalistic' in their approach and often stifled independent social and political activities by immigrants themselves (Puskeppeleit and Thränhardt 1990: 115-119). From the 1970s, however, immigrants increasingly organized independently outside the control of such welfare associations. However, these new organizations largely formed along national and ethnic lines and reinforced the stratification of German immigrants by status groups. In the 1970s and 1980s, most immigrant associations focused on homeland politics and the socio-cultural situation of immigrants in Germany. It was only since the 1990s that more and more immigrant organizations were formed to exert

political influence in Germany (Hunger 2002: 8). Immigrant associations formed umbrella organizations to represent their interests at the national level, such as the Turkish Community in Germany and the Federal Association of Immigrant Groups (Hunger and Candan 2009: 27). As a result, political actors increasingly recognized immigrant organizations as important partners in civil society for the integration of immigrants (Sachverständigenrat 2004: 324; Beauftrage 2012: 48). Since 2006, Islamic groups have participated in the German Islam Conference and, since 2007, in the so-called 'National Integration Summits' ('Nationaler Integrationsgipfel'). These developments granted immigrants limited access to the policy-process outside the electoral process of democratic representation. Immigrant organizations grew increasingly similar to German interest groups as they increasingly gained access to the formal channels of policy-making, along with the established mainstream interest groups (trades unions, employers' associations, welfare organizations etc.). Nevertheless, as Blätte (2014a: 247-278) found, their incorporation in the policy process appears to have been largely symbolic (Blätte 2014a: 247-278). The presence of interest groups representing immigrants has improved in the areas of integration policy, but there has been criticism of the representativeness of such groups and their continued marginalization in the general policy process (Linden 2014). Green (2005) identifies four main reasons why immigrant interest groups have generally remained weak in influence:

> 'First, foreigners themselves are poorly organized into a myriad of local organisations, often structured by nationality, and their formal involvement in policy-making is restricted to the local level, where most towns in Germany now operate consultative councils (*Ausländerbeiräte*). Second, neither unions, churches or welfare organisations have foreigners as their primary clientele. Third, the bargaining power of non-nationals and interest groups vis-à-vis the state is low because … they are not central to policy implementation. Fourth, as foreigners cannot vote in *Land* or federal elections, the political incentive to heed their wishes is correspondingly low.' (S. Green 2005: 206).

Table 6.5: Protests in Opposition to and Support of Immigrants in Germany, 1950-1997

	Opposed to immigrants %	In support of immigrants %	Total	
			%	N
1950-59	75.0	25.0	100	4
1960-69	12.1	87.9	100	33
1970-79	3.8	96.3	100	80
1980-89	17.4	82.6	100	184
1990-99	48.0	52.0	100	886
1950-97	39.3	60.7	100	
N	467	720		1,187

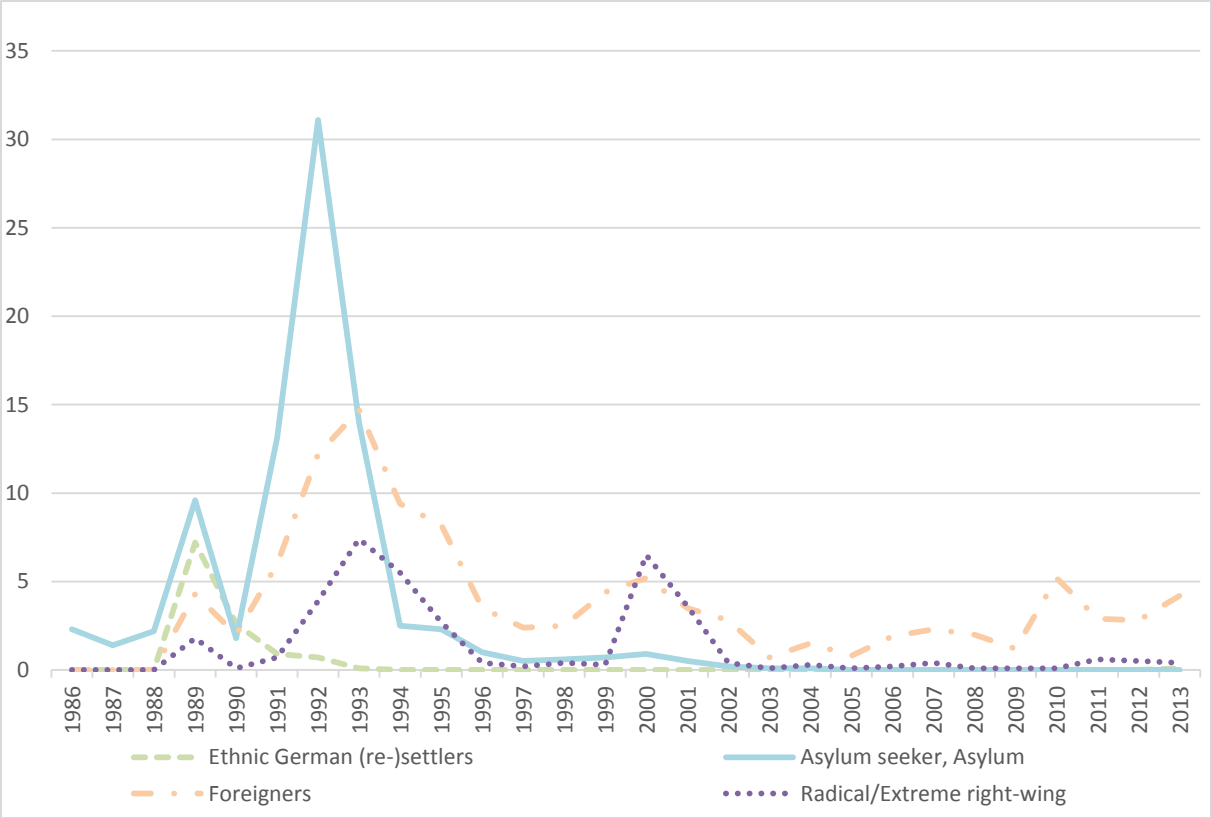
Source: Rucht and Heitmeyer 2008: 589

The restrictiveness of Germany's citizenship legislation did not prevent immigrants to participate in less institutionalised non-electoral forms of participation such as political protests. However, their capacity to mobilize was impeded by their stratification into different classes of legal and socio-economic status groups (Rucht and Heitmeyer 2008: 574, 577) and the fact that collective identities have often been defined by their ethnic or national identity (Rucht and Heitmeyer 2008; Simon 2011). Political claims have often been based on ethnic categories and referred to the ancestral homelands of immigrants (Koopmans and Statham 2000). Protest activities that related to Germany have often focused on demonstrations in support of immigrants as a response to xenophobic collective action and violent attacks on immigrants by extreme right-wing or xenophobic groups. There are no reliable data on the extent to which immigrants participated in such organized protests. Nevertheless, available data for the period 1950 to 1997 show that the numbers of protest events was low and overwhelmingly in support of immigrants during the 1960s, 1970s and 1980s. The 1990s, by contrast, reveal a strong increase in protest events and a more balanced pattern of protest events in support and against immigrants. This demonstrates a certain polarization in German society in the context of the first major wave of asylum seekers from former Yugoslavia during the 1990s. Although systematic empirical studies are not available for the time after 1997, the evidence suggests that this polarization has reoccurred after the dramatic increase of refugees arriving in Germany since 2009. Insofar immigrant groups are involved in such protest events, they are overwhelmingly joining alliances of organizations opposing xenophobia and Islamophobia in Germany.

6. The Structure of Public Opinion

One reason for the reluctance of policy makers to bring Germany's citizenship legislation in line with some more advanced West European democracies and to create better conditions for the democratic representation of immigrants in Germany might be the structure of public opinion. Immigration did not evoke strong resentment until the 1970s. The influx of German refugees and expellees after the Second World War had not always been popular, but it was accepted by most Germans because these groups were seen as compatriots (Cooper 2012: 73–75). Initially, the 'guest workers' constituted a flexible labour market reserve and were overwhelmingly accepted for pragmatic reasons. Not least, they were believed to remain a temporary feature of German society (Herbert 2003: 222). Immigration policy was not a contested area of publicly debate until the 1970s (Katzenstein 1987; Howard 2008).

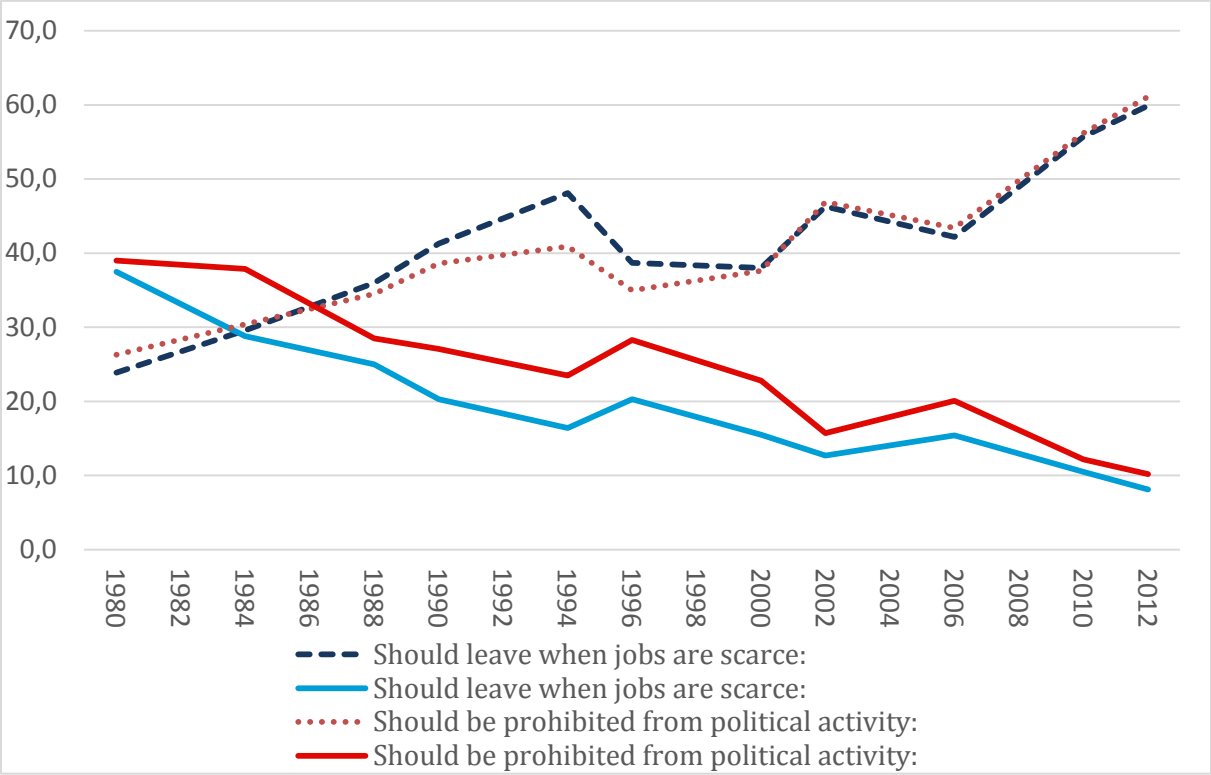
Figure 6: Salience of Immigration-Related Policy Issues in Germany, 1986-2013
(Percentage of respondents identifying item as 'the most important problem')



Source: Forschungsgruppe Wahlen (2015): Politbarometer 1986-2013 (Partial Cumulation) (ZA2391)

Apart from some 'peaks', immigration has not been widely considered to be one of the most important policy issues in German public opinion. However, the issue can be politicized dramatically around the contentious issue of political asylum. This can be inferred plausibly from a comparison of Figures 3 and 6. There seems to be a strong correlation between the number of applicants for political asylum on the one hand and the percentage of respondents indicating concern not only with asylum and asylum seekers but also with foreigners in general. During the late 1980s and early 1990s the number of ethnic German resettlers was also considered to be an important issue. Figure 6 demonstrates that immigration, especially refugees and political asylum can be a very volatile issue, which attracts a considerable amount of public attention quickly but drops in salience equally quickly. For the political parties, the issue is one of considerable electoral risk when the issue acquires a high level of salience and is exploited by immigration-sceptic parties on the far right. It has been argued that immigration is a correlate of globalization and Europeanization. In this view the 'winners' and 'losers' of globalization and other forms of socio-economic modernization are aligned along a new cultural cleavage, which can be politicized by ethno-nationalist parties (Kitschelt and McGann 1995; Kriesi et al. 2006).

Figure 7: Public opinion on restrictive measures against foreigners



Note: German citizens were requested to state their agreement or disagreement with the principles 'When jobs are scarce, foreigners should be sent home again' and 'Foreigners should be prohibited from taking part in any kind of political activity' on a scale from 1 to 7, while 1 means 'completely disagree' and 7 means 'completely agree'. Before 1994, the statements referred to 'guest workers' not foreigners;
The two lower and upper categories on the scale were added to 'disagreement' and 'agreement'.
Source: Calculated from the German General Social Survey (ALLBUS) – Cumulation 1980-2012 (ZA4578)

Despite quick but short-lived increases in the salience immigration in the context of asylum and refugee crises, public opinion shows a growing willingness to accept foreigners as a permanent part of German society over the last decades (see Figure 7). In the 1980s, a majority of respondents were in favour of treating immigrants as a flexible labour market reserve that should be repatriated when jobs are scarce. This sentiment has declined steadily since the 1980s (and at an accelerated pace since the early 2000s). Conversely, the percentage of respondents objecting to such treatment increased. A similar development – growing acceptance of immigrants as a permanent part of German society and the body politic – can be discerned from the graphs relating to attitudes relating to restrictions on political activities. The percentage of respondents in favour of such restrictions has declined, whereas the percentage of respondents objecting to them increased.

In the late 1980s and early 1990s and from 2015, immigration (especially rapidly growing numbers of refugees and asylum seekers) led to electoral advances of various extreme right-wing anti-immigrant parties (Saalfeld 1997). Confronted with such 'niche parties' the mainstream parties had choices to respond using a 'dismissive strategy' of not taking position on the niche party's main issue (here: immigration), an 'accommodative strategy' taking up positions similar to those of the niche party and an 'adversarial strategy' of expressing hostility to the niche party's main goals (Meguid 2005, 2008). Especially during the very adversarial debates over an amendment of Article 16 of the Basic Law on political asylum from the late 1980s to the early 1990s, the Greens, in particular, took an adversarial approach vis-à-vis the extreme right whereas the Christian Democrats employed a mixture of dismissive and accommodative strategies. Overall, this led to strong polarization over the issue of asylum and immigration (Herbert 2001), also amongst the mainstream parties, reducing the scope for the sort of longer-term 'grand' policy compromise inherent to the German system of interlocking federalism (see also Green 2005).

In sum, public opinion on matters of immigration (especially refugees and asylum) is very volatile and can be used by anti-immigrant parties on the far right to mobilise support at the expense of the established parties. Hence, the issue is considered to be a high-risk issue for the mainstream political parties, contributing to strategies of depoliticisation, structural conservatism and incremental adjustment.

7. Inter-party Bargaining in Germany's Semisovereign Polity

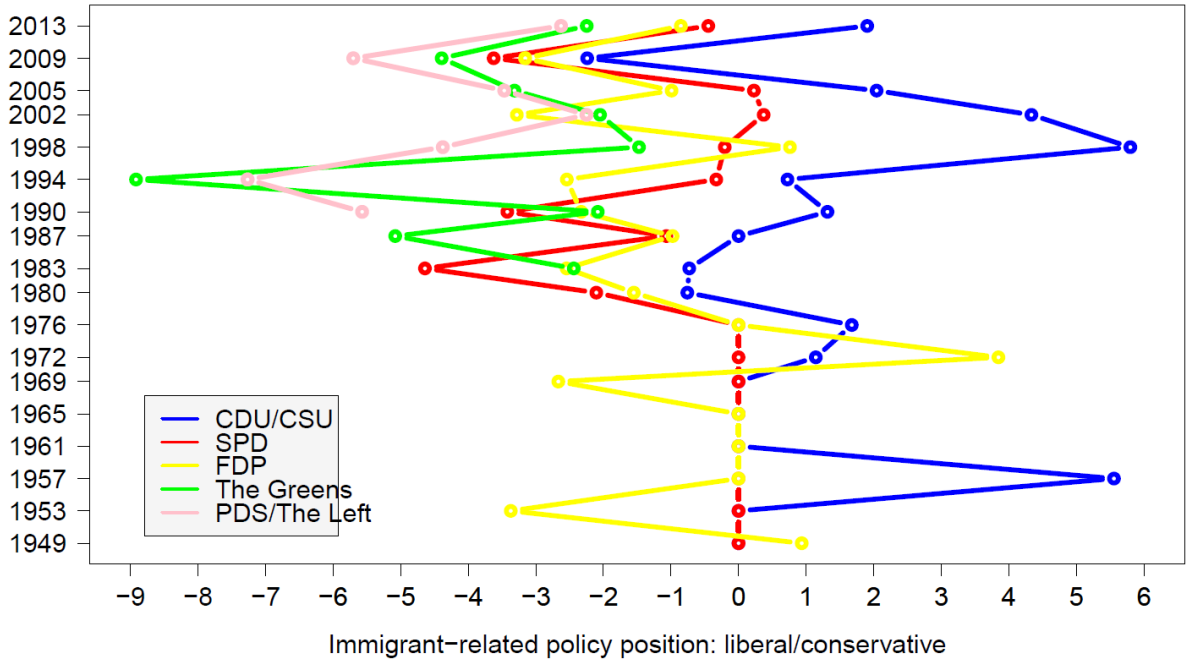
In his seminal analysis of policy-making in the Federal Republic, Katzenstein (1987) used immigration as one of the policy areas that lent themselves particularly well to corroborate his claim of a 'semisovereign' state where a specific combination strong parties, interlocking federalism and a system of relatively autonomous 'parapublic institutions' contributed to highly incremental policy-making and frequent gridlock. This view has been supported by scholars working from a veto-player framework in the tradition of Tsebelis (König, Tsebelis, and Debus 2010; Tsebelis 2002).

In addition to the need to form coalitions (and find coalition compromises) in the national legislature, Germany's interlocking federalism and bicameralism often requires super-majorities if the legislative status quo is to be changed. This is particularly true for areas where national legislation requires Bundesrat consent, including questions of citizenship and asylum.[3] If partisan veto players disagree, if they are positioned on opposite sides of the policy status quo or if the status quo is attractive for at least one of the partisan veto players, a change of policy is very unlikely unless there are side payments or package deals (Tsebelis 2002). Empirically, ideological congruence between the Bundestag's and the Bundesrat's majorities have been rare since the 1970s

[3] Re-check this.

(Saalfeld 2005: 62-65). Thus, German policy-making has generally been by inter-party bargaining and incremental adjustment (Schmidt 2002).

Figure 8: Policy Positions on issues relating to immigration in Germany, 1949-2013



Note: the policy positions shown are constructed using data provided by the Comparative Manifesto Project (CMP). In accordance to Alonso and Fonseca (Alonso and Fonseca 2012) the policy positions are based on the CMP codes per602 (national way of life: negative) per607 (multiculturalism: positive), and per705 (favourable references to underprivileged minorities) as liberal stances on 'immigrant matters', while the codes per601 (national way of life: positive) per608 (multiculturalism: negative) are used as conservative stances on 'immigrant matters'. The final positions were calculated by subtracting liberal from conservative stances such that negative scores represent more liberalism on 'immigrant matters'. However, in difference to the Alonso and Fonseca, the positions presented in this figure do not include the code per605 (law and order: positive), given it can be considered too broad a category linked to many more policy dimensions than just to 'immigrant matters'.
Sources: own calculations on the basis of the Comparative Manifesto Project (Volkens et al. 2015)

Although the Christian Democrats and Free Democrats have been ideologically close to one another in economic policies and the (usually dominant) socio-economic left-right axis, a second axis of partisan conflict can, on occasion, become relevant. This dimension is often thought to be 'cultural' ranging from policies emphasizing traditional values, national identity and autonomy on the right to policies embracing cosmopolitan values, immigration and cultural pluralism on the left. On this second dimension, the CDU/CSU are clearly right of the centre, whereas the Left Party and the Greens position

themselves on the left with the SPD and FDP occupying an intermediate position (Hornsteiner and Saalfeld 2014: 93-95; Kitschelt and McGann 1995; Kriesi et al. 2006).

Figure 8 presents the main five parties' policy positions on 'immigrant matters' since 1949, which we have constructed with data provided by the Comparative Manifestos Project (CMP). The CMP scores were initially designed to capture issue salience but also have codes for 'positive' or 'negative' statements, which adds a certain spatial dimension. As found in data on public opinion, 'matters relating to immigration' were not a very salient dimension of policy conflict up until the late 1960s/ early 1970s. Afterwards, however, inter-party clear (an, on occasion, sharp) differences emerge if the CMP scores are tracked across time covering all election manifestos between 1949 and 2009, with the Social Democrats and Liberals generally taking at most times a more liberal position than the CDU/CSU.

The ideological dynamics need to be seen in conjunction with Germany's nature as a 'semisovereign' (Katzenstein 1987) or 'grand-coalition' (Schmidt 1982) state. When the CDU/CSU sought (a) to reduce the previous Schmidt government's growing emphasis on the integration of long-term residents and (b) to create financial incentives for immigrants to return to their ancestral homelands in 1983 (*Rückkehrförderungsgesetz* 1983, Herbert 2001: 250-256), it met with resistance from its liberal coalition partner as a partisan veto player in Tsebelis' (2002) terms. For example, the attempt of Christian Democratic Interior Minsters to restrict family reunification during the 1980s were largely frustrated by the FDP (Herbert 2001: 257-258). From the 1980s onwards the ideological differences grew. Increasingly conflictive debates between all parties arose around a number of themes: *(a)* the notion of integration and 'the extent to which non-nationals should be expected to assimilate … and how the norms to be accepted by all immigrants … should be defined' (S. Green 2005: 199); *(b)* the question of dual citizenship, which was strictly rejected by the CDU/CSU; *(c)* the prevention of new labour migration from outside the EU and from EU accession states; and *(d)* the question how political asylum should be defined and whether it should be restricted to reduce the number of asylum seekers in Germany, especially during the late 1980s and early 1990s (S. Green 2005; Herbert 2001; Katzenstein 1987). [4]

The need for a super-majority is even more acute in the case of constitutional amendments. Since the right to asylum is entrenched in the Basic Law, the Christian Democrats' attempt to restrict the right to asylum in the wake of the conflicts in former Yugoslavia required a compromise with the oppositional Social Democrats. One part of the eventual policy compromise was the amendment of the Basic Law to allow courts to deny asylum to persons reaching Germany from a 'safe' country. Yet the constitutional amendment forced the Kohl government coalition to agree to the SPD's proposal to introduce simplified naturalisation procedures, which included a statutory entitlement to naturalization for foreign residents between the ages of 16 and 23 years and had resided in Germany for at least eight years as well as for older foreign residents who had

[4] The debate on asylum has erupted again during the refugee crisis of 2015-16.

resided in Germany for at least 15 years (S. Green 2000: 110; Herbert 2001: 316-319; Janoski 2010: 147-49). Thus, although the constitutional provisions for asylum were restricted, there was a breakthrough regarding the naturalization of long-term residents.

The SPD-Green coalition (1998-2005) government's attempt of a root-and-branch reform of German legislation around immigration provides a final example of the need to find super-majorities in Germany's 'grand-coalition state'. While the Schröder government's draft bill (including provisions substituting *ius soli* for *ius sanguinis* and the acceptance of dual nationality) was passed with the government's majority in the Bundestag, it was blocked by the Bundesrat after the government lost its majority in the Second Chamber in February 1999. One federal state needed to be won over for a reform. This state was Rhineland-Palatinate, which was governed by an SPD-FDP coalition. Hence a compromise was agreed on along the FDP's proposal. As a consequence, the initial bill proposal was watered down to an *ius soli* principle conditional on some parental residence requirements and an 'optional' dual citizenship model such that young persons of immigrant origin would be obliged to take a final decision ab out their citizenship at the age of 23(Green 2001: 97; Janoski 2010: 154-55).

At least to some extent, therefore, the slow progress in naturalizations and the low ratio of citizens of immigrant origin to citizens (where Germany clearly lags behind most West European democracies) (Howard 2009; Janoski 2010; Koopmans, Michalowski, and Waibel 2012) results from Germany's decentralized institutional structure combined with the configuration and preferences of the partisan veto players described above. One possible explanation for the growing descriptive representation of citizens of immigrant origin since the early 2000s is that one of the main veto players, the CDU embarked on a process of modernization in response to the demographic changes referred to above. Despite considerable internal disagreement, the CDU embraced some programmatic reforms under Angela Merkel's leadership since 2002-2003. After the rejection of Merkel's proposals for radical economic liberalization made at the 2003 party conference in Leipzig, the CDU leader's modernization drive turned to 'softer' topics such as family policy and women (Wiliarty 2013), to discussions about the longer-term viability of military conscription and, not least, immigration. While some authors are skeptical about the reality of real reforms and a clear agenda for reform (Clemens 2009; Zolleis and Bartz 2010), others have emphasized CDU's sensitivity to the socio-demographic composition of its electorate (Debus and Müller 2013) and the importance of these chances for the overall ability of German policy makers to bring about change in relation to the citizenship of residents of immigrant origin:

> '… after going into opposition in 1998, the CDU gradually moved away from the notion that Germany was "not a country of immigration". And although the CDU has stopped short of embracing the notion of cultural pluralism, it was responsible for some important institutional innovations, including the first Land-level ministry for integration (in Northrhine-Westphalia in 2005) and the first national integration plan' (S. Green 2013: 52).

In the language of veto-player theory, the policy position of one major partisan veto player shifted away from defending the status quo. Indeed, Figure 8 suggests that – after the stark inter-party differences between partisan veto players during 1990s and early 2000s – the ideological distance between the five major parties been greatly reduced. With Merkel in government at the national level, there is considerable skepticism on the conservative wing of the CDU/CSU (especially the CSU) but little opposition to further incremental reforms of citizenship laws in the democratic spectrum left of the CDU. Even in the highly contentious asylum issue of 2015-16 Merkel and her followers adopted a position of openness that had been largely absent from CDU/CSU responses during the 1980s and early 1990s.

8. Conclusions

This work demonstrates that the descriptive representation of citizens of immigrant origin in Germany has increased since the 1990s, although it lags behind countries such as the Netherlands or the United Kingdom. In comparative term, descriptive representation is clearly higher than in Southern European democracies and broadly in line with countries such as Belgium or France. Getting nominated by the main political parties in winnable constituency races or on sufficiently 'safe' places on the party lists is the decisive hurdle. Once they are Members of the Bundestag, legislators of immigrant origin do not fare worse – and often better – than legislator without such a background.

The puzzle addressed in this paper is why Germany is a laggard behind other democracies in Western Europe, although the patterns of immigration seem to be quite similar at first glance. In the contribution we highlight for main explanatory factors: First, the structure of immigration in Germany differs from former colonial powers such as the United Kingdom. Labour migrants coming to the United Kingdom in the 1950s and 1960s were largely British citizens and had citizenship rights almost immediately. The bulk of immigrants to Germany during the 1940s and 1950s were German nationals escaping communist regimes and the expulsion of Germans from Central and Eastern Europe. Their integration as voters and potential members of the political elite was relatively unproblematic. The labour migrants from Southern Europe and Turkey, who came to Germany during the 1960s and early 1970s were recruited as 'guest workers', however. Many did not settle in Germany permanently and never became citizens. Many were ill-equipped to even engage in the race for political recruitment to elite positions due to their lack of language and the necessary skills. Many maintained a strong homeland orientation, which was supported by official policy.

This condition was exacerbated by the comparatively rigid laws governing the acquisition of German citizenship, which were only relaxed from the early 1990s onwards. Policy reforms remained difficult. We sought to argue in this contribution that Katzenstein's assessment of the reasons for (then West) Germany's policy stability in the area of immigration policy and citizenship laws stems from its institutional structure

as a 'semisovereign state' (Katzenstein 1987). Tsebelis' veto player theory captures the strategic reasons as at least one veto player always sought to defend the constitutional and legislative status quo in this area. The conditional possibility of dual citizenship for persons born in Germany in 2000 constituted a significant reform, but will affect only cohorts of potential candidates in the future.

An important factor that needs to be considered in explaining the reluctance of parties to embrace potentially new citizens more proactively is the small number of voters (partly due to the restrictive citizenship laws), relatively low electoral turnout amongst citizens of immigrant origin in Germany and the relative loyalty of such voters to specific parties which created few incentives for political parties to compete for immigrant votes through the nomination of candidates who share such backgrounds. Public opinion towards the naturalization of foreign citizens of Germany was very skeptical until the late 1990s, and political parties (especially those on the centre-right and right) reflected this skepticisim. However, this has been subject to significant change in recent years, which may transform the incentive structure in the future.

Finally, the position of the main political parties were divided sharply over immigration, naturalization and integration, with particularly stark differences during the 1980s and 1990s. Especially the Christian Democrats softened their position only during the 1990s and, at an accelerated pace, under the influence of 'modernizers' such as Angela Merkel or Christian Wulf (when minister president and CDU leader in Lower Saxony). In Germany's system of interlocking federalism, policy change (such as the reform of citizenship laws) is extremely difficult to achieve. In this system policy change can be achieved following exogenous shocks (such as unification) and if compromises and package deals are possible in inter-party bargaining. However, the issue of immigration touches upon questions of national identity, which is an issue that is often not 'negotiable'.

Thus, a combination of factors has worked against a proportional descriptive representation of immigrants in Germany. Some of these factors are affected by demographic change. The result is stronger competition of the main parties for the vote of the descendants of immigrants. The concern over the political integration of these growing groups in the German population has also contributed to institutional reforms, which have begun to affect descriptive representation, as the 2013 Bundestag election demonstrates where the percentage of citizens of immigrant origin increased from 3.9 per cent elected in 2009 to 5.9 elected in 2013 with significantly higher shares in the parties left of the political centre.

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Appendix 1

Dictionary used to distinguish immigrant-related Parliamentary Questions in Table 4

Migr/ migr
Immigr/ immigr
Einwander/ einwander
Zuwander/ zuwander
eingewander
zugewander
Flüchtl/ flüchtl
Asyl/ asyl
Auslä/ auslä
Aussied/ aussied

Note: all search words are truncated