

4 ♦ Citizenship and Naturalization in France and Germany

Citizenship, we have seen, is inherently bounded; it is everywhere an instrument and object of social closure. Yet the bounds of belonging are drawn differently in different polities. This was true in ancient Greece where, as Aristotle observed, "the man who is a citizen in a democracy is often not one in an oligarchy."¹ And it remains true in modern Europe, where the immigrant who would be a citizen in France would often not be one in Germany—unless he happened to be of ethnic German origin. The rate of civic incorporation for migrant workers and their descendants is more than ten times higher in France than in Germany. And the gap is even greater for second- and third-generation immigrants. A generation of young Franco-Portuguese, Franco-Algerians, and Franco-Moroccans is emerging, claiming and exercising the rights of French citizenship. In Germany, by contrast, nearly half a million second-generation Turkish immigrants, born and raised in Germany, remain outside the community of citizens.

The sharply differing definitions of citizenship are particularly striking in view of the similar French and German experiences with migrant labor in the last quarter-century.² In both countries foreign workers were recruited in large numbers in the 1960s and early 1970s in response to labor shortages. Organized recruitment was suspended in 1973–74, partly in response to the oil shock and ensuing recession, partly in response to the growing concern about the social and political consequences of large-scale immigration. Nonetheless, populations of immigrant origin have continued to grow in both countries, largely through family reunification.

Immigrants in both countries have become dramatically more visible in everyday life during the last two decades. During the 1950s and early 1960s most foreign workers were either single or separated from their

families. Many lived in isolated workers' hostels. Outside the workplace they were largely invisible, participating little in the social, cultural, or political life of the host society. In the last two decades, however, the sojourners have become settlers. Single workers were joined by their families, or formed new families. Immigrants became neighbors, schoolmates, and joint users of public spaces. An increasingly vocal second generation emerged, tenuously rooted in the culture of the parents' generation, yet economically and socially marginalized in the country of residence. Groups marked by dress, language, religion, and custom as "culturally distant" comprised the fastest-growing segment of the immigrant community. Immigrants in both countries have clustered in particular regions and, within cities, in particular neighborhoods.³ All these developments made immigrants much more visible.

In both countries immigrants comprise a substantial fraction of the manual working class and are overrepresented in dirty, dangerous, unpleasant, ill-paid, and menial occupations. They are also overrepresented among the unemployed. As a relatively young group, with comparatively high fertility rates, immigrants play a similar demographic role in France and Germany, which share concerns about low fertility and aging populations. This has implications for the labor market, the social security system, and, in the longer run, for military conscription—if peacetime conscription survives the great geopolitical reconfiguration now under way.

Discourse about immigration and immigrants follows similar patterns in both countries. There is an inclusionary discourse that stresses the economic and cultural contribution of immigrants to the host society and the values of tolerance and diversity. And there is a counterdiscourse stressing the unassimilability of immigrants, the dangers of excessive cultural heterogeneity, the social strains and economic costs of immigration, and the prospect of Islamic fundamentalism and interethnic strife. Finally, there are striking similarities in immigration policies. Since the mid-1970s all French and German governments, left and right, have pursued the same threefold policy, seeking to impose strict limits on further immigration, to encourage voluntary return migration, and to facilitate the integration of second-generation immigrants.⁴

There are of course significant differences between French and German experiences with immigration. Many immigrants to France have come from former French colonies and protectorates, while immigration to Germany has lacked this colonial connection. Both countries have been concerned with undocumented immigration and with an upsurge

In the number of persons seeking political asylum, but the French have been particularly preoccupied with the former, the Germans with the latter. Jean-Marie Le Pen's National Front has fared much better in France than any far-right xenophobic party in Germany. France is particularly concerned about migration from the south, from the Maghreb and sub-Saharan Africa, Germany about migration from the east, especially from Poland and the ex-Soviet Union. And since the massive exodus thirty years ago of colonial settlers from postindependence Algeria, there has been no French analogue to the great migration of ethnic Germans from Eastern Europe and the Soviet Union, which brought over a million immigrants to Germany between 1988 and 1991.

Patterns of Naturalization and Definitions of Citizenship

Despite these differences, the overall picture is one of similar migration processes, comparable immigrant populations, and converging immigration policies. In the context of these thoroughgoing similarities, the sharply differing policies and politics of citizenship stand out as a striking anomaly. In the first place, German naturalization policies, although recently liberalized, remain more restrictive than those of France. Ten years' residence is ordinarily required in Germany, five years in France. More important, candidates for naturalization must ordinarily renounce their original citizenship in Germany, but not in France.⁵ Besides these specific differences in requirements, there are more general differences in attitudes toward naturalization. Germany lacks a political culture supportive of naturalization. This is clearly expressed in the administrative regulations governing naturalization, which state unambiguously that "the Federal Republic is not a country of immigration [and] does not strive to increase the number of its citizens through naturalization."⁶ In countries of immigration like the United States and Canada naturalization is expected of immigrants; the failure to naturalize is anomalous. In France too, which alone in Continental Europe has a tradition of immigration for purposes of permanent settlement, naturalization has been considered the normal and desirable outcome of permanent settlement. In German self-understanding, by contrast, one cannot join the nation-state by voluntary adhesion (the North American model) or state-sponsored assimilation (the French model).

Immigrants' attitudes toward naturalization, moreover, differ in France and Germany. In 1985 only 6 percent of German migrant workers and family members, and 9 percent of those aged fifteen to twenty-four,

intended to naturalize, while about a quarter of young foreigners in France intend to become citizens.⁷ The very low propensity to naturalize among German immigrants, many of whom clearly would qualify for naturalization, reflects a desire to retain their original citizenship.⁸ Beyond this, though, the differential interest in naturalization may reflect different understandings of what naturalization means in France and Germany. To a greater extent in Germany than in France, it appears, naturalization is perceived as involving not only a change in legal status, but a change in nature, a change in political and cultural identity, a social transubstantiation that immigrants have difficulty imagining, let alone desiring. Evidence of this blurring, in the minds of immigrants, between legal citizenship and a richer, more diffuse notion of ethnocultural nationality can be found in France as well. In France, however, a larger fraction of the immigrant population seems to have adopted a more instrumental, "desacralized" understanding of citizenship, seems to have divorced the legal question of citizenship from broader questions of political loyalty and cultural belonging.⁹

These differences in policies and attitudes toward naturalization are reflected in naturalization rates that are four to five times higher in France than in Germany for the main groups of migrant workers and their dependents (see Tables 1 and 2).¹⁰ Italians naturalize at rates five times higher, Spanish at rates ten times higher in France than in Germany. And Tunisians and Moroccans in France naturalize at rates nearly ten times higher than that of Turks in Germany. Of the 1.5 million Turks in Germany, over 1 million of whom have resided there ten or more years, and more than 400,000 of whom were born there, only about 1,000 acquire German citizenship each year. Even if rates increased tenfold, naturalizations would still be far outweighed by the 25–30,000 new Turkish citizens born each year in the Federal Republic.¹¹

The German government has been saying since the mid-1980s that it favors the naturalization of second-generation immigrants, observing that "no state can in the long run accept that a significant part of its population remain outside the political community."¹² And in 1990 the legal provisions governing naturalization were liberalized for persons brought up in Germany and educated at German schools, as well as for persons having resided more than fifteen years in Germany.¹³ Over time, a modest increase in naturalization rates is to be expected as the immigrant population becomes increasingly settled. Yet patterns of naturalization are unlikely to change dramatically. The most important obstacle to naturalization—the requirement that candidates give up their original citizenship—was not touched by the 1990 reform. Moreover, the

Table 1. Naturalizations in France by original citizenship, core immigrant groups, 1981–1989.

Original citizenship	A Resident population, 1982 Census	B Resident population with 7+ years' residence (1982)	C Annual naturalizations	D Average annual naturalizations per 1,000 residents	E Average annual naturalizations per 1,000 residents with 7+ years' residence
Algerians	800,000	700,000	2,787	3.5	4.0
Moroccans	430,000	310,000	3,528	8.2	11.4
Tunisians	190,000	150,000	1,883	9.9	12.6
Portuguese	760,000	680,000	7,145	9.4	10.5
Spanish	320,000	300,000	5,109	16.0	17.0
Italians	330,000	310,000	3,644	11.0	11.8
Total for these groups	2,830,000 (three-fourths of total foreign population)	2,450,000	24,096	8.5	9.8

Source: Recensement Général de la Population de 1982, *Les étrangers* (Paris: La Documentation Française, n. d.), pp. 20, 106; *Journal Officiel*, Assemblée Nationale, Débats parlementaires, Nov. 3, 1986, pp. 4019–4021. Written questions, response to questions no. 4033 and 10393; Sous-Direction des Naturalisations, Direction de la Population et des Migrations, Ministère des Affaires Sociales et de la Solidarité, Annual Reports, 1984–1989; *Annuaire Statistique de la France* (Paris: Institut National de la Statistique et des Etudes Economiques, 1990), p. 87.

a. This includes acquisitions of citizenship by declaration on the part of spouses of citizens and French-born children of foreign parents. Since the breakdown of such declarative acquisitions by original citizenship has been available only since 1984, the figures in this column, and the rates in columns D and E, represent the 1981–1989 annual averages for discretionary naturalizations plus the 1984–1989 averages for declarative acquisitions. Column C also includes "reintegrations," meaning reacquisitions of French citizenship on the part of persons formerly possessing it and subsequently having lost it. This category is significant for Algerians, accounting for 52 percent of all voluntary acquisitions of nationality by Algerians between 1985 and 1989; but it is negligible for all other core immigrant groups.

barriers to naturalization lie not only in the restrictiveness of legal provisions but equally in the political culture of naturalization, embodied in attitudes of Germans and immigrants alike. Without a changed understanding of what it is to be—or to become—German, the liberalization of naturalization policy will not produce a dramatic surge in naturalization.

Naturalization rates then are four to five times higher in France than

Table 2. Naturalizations in the Federal Republic of Germany by original citizenship, core immigrant groups, 1981–1988.

Original citizenship	A Resident population (1985)	B Resident population with 10+ years' residence (1985)	C Annual naturalizations	D Average annual naturalizations per 1,000 residents [C/A]	E Average annual naturalizations per 1,000 residents with 10+ years' residence [C/B]
Turks	1,400,000	760,000	1,021 [1,244 ^a]	0.7 [0.9 ^a]	1.3 [1.76 ^a]
Yugoslavs	590,000	450,000	2,194	3.7	4.9
Italians	530,000	350,000	821	1.5	2.3
Greeks	280,000	220,000	247	0.9	1.2
Spanish	150,000	130,000	206	1.4	1.6
Total for these groups (two-thirds of total foreign population)	2,950,000	1,930,000	4,489	1.5	2.3

Source: Heinrich Meyer, "SOPEMI 1986. Federal Republic of Germany" (Organization for Economic Co-operation and Development. *Système d'observation permanent sur les migrations internationales*), p. 16; Deutscher Bundestag, 10. Wahlperiode, Drucksache 10/863, p. 40; Henning Fleischer, "Einbürgerungen 1982," *Wirtschaft und Statistik* 2/1984, pp. 95–97, and "Entwicklung der Einbürgerungen seit 1983," *Wirtschaft und Statistik* 1/1987, pp. 46–51; Bundesminister des Innern, "Ermessenseinbürgerungen nach ausgewählten Staatsangehörigkeiten," 30. F.; *Statistisches Jahrbuch 1990 für die Bundesrepublik Deutschland* (Stuttgart: Metzler-Poeschel Verlag, 1990), p. 60.

a. 1984–1988 annual averages.

b. Figures are not yet available for naturalizations of Greeks and Spanish in 1988; hence columns C, D, and E give 1981–1987 averages.

in Germany. But patterns of civic incorporation diverge even more sharply than this suggests. It is not enough to consider the voluntary acquisition of citizenship by naturalization or individual declaration. We must also consider the attribution of citizenship by the state. Naturalization patterns and policies must be understood in conjunction with the rules specifying whom states unilaterally define as citizens. Working invisibly and automatically, independently of the will—and sometimes even the knowledge—of the persons concerned, the rules governing the ascription of citizenship have been all but ignored by the meager literature on immigration and citizenship. Yet they are more important than

naturalization rules in shaping patterns of civic incorporation in France and Germany. Ascription constitutes and perpetually reconstitutes the citizenry; naturalization reshapes it at the margins. The striking difference in the civic incorporation of immigrants in France and Germany is chiefly a consequence of diverging rules of ascription. Differing naturalization rules and rates reinforce this difference but are not its fundamental source.

The central difference between French and German ascription rules turns on the significance attached to birth and prolonged residence in the territory. While French citizenship is ascribed, at birth or majority, to most persons born on French territory of foreign parents, German citizenship is ascribed only on the basis of descent. Birth and prolonged residence in Germany have no bearing on citizenship status. French citizenship law automatically transforms most second- and third-generation immigrants into citizens; German citizenship law allows immigrants and their descendants to remain foreigners indefinitely.

In both France and Germany, to be sure, as throughout Continental Europe, citizenship is ascribed to children of citizens, following the principle of *jus sanguinis*. In Britain and the Americas, by contrast, citizenship is ascribed to all persons born in the territory, following the principle of *jus soli*.¹⁴ What I want to highlight here is the sharp difference in the extent to which France and Germany, sharing the same basic principle of *jus sanguinis*, supplement this principle with elements of *jus soli*. France and Germany represent polar cases: French citizenship law includes a substantial territorial component; German citizenship law includes none at all. Most other Western European *jus sanguinis* countries include some complementary elements of *jus soli*, without going as far as France.¹⁵

Although based on *jus sanguinis*, French citizenship law incorporates substantial elements of *jus soli*. Thus, French citizenship is attributed at birth to a child born in France if at least one parent was also born in France—including Algeria and other colonies and territories before their independence. This means that the large majority of the roughly 400,000 children born in France of Algerian parents in the quarter-century following Algerian independence are French citizens.¹⁶ Moreover, citizenship is acquired automatically at age 18 by *all* children born in France of foreign parents, provided they have resided in France for the last five years and have not been the object of certain criminal condemnations. By this means roughly 300,000 persons became French between 1973 and 1991.¹⁷ More than a million foreign residents are under age 18. At least

two-thirds of them were born in France and are destined to become French at age 18.¹⁸ Thus, although the citizenship law of the United States is based on *jus soli*, while that of France is based on *jus sanguinis*, the result—as far as second-generation immigrants are concerned—is similar: almost all persons born in France and residing there at majority have French citizenship. German citizenship law, in contrast, is based *exclusively* on *jus sanguinis*. Birth in the territory, even coupled with prolonged residence, has no bearing on citizenship. Second-generation and even third-generation immigrants can acquire German citizenship only through naturalization.

Table 3 shows the combined effects of differing rules of ascription and rates of naturalization on the civic incorporation of the major immigrant groups (excluding ethnic German immigrants to Germany). Of the nearly three million foreign residents from the core immigrant groups in Germany, fewer than 5,000 acquire German citizenship each year, and nearly half of these are Yugoslavs. France, on the other hand, gains more than 53,000 new citizens each year from a slightly smaller core immigrant population. This includes about 16,600 persons defined as French at birth each year by virtue of birth in France in conjunction with the birth of at least one parent in preindependence Algeria, and another 12,700 persons born in France and defined as French on attaining legal majority. The overall rate of civic incorporation for these core immigrant groups is thus more than ten times higher in France than in Germany.

For second- and third-generation immigrants, the difference in rates of civic incorporation is greater still. In both France and Germany new immigration declined precipitously after 1973. As a result, a steadily increasing fraction of the population of immigrant origin consists of persons born in France or Germany. In France almost all of these persons are either defined as French at birth or programmed to become French automatically at age 18. In Germany, which lacks any mechanism of automatic civic incorporation, second- and third-generation immigrants will have to naturalize if they want to become citizens. And there is no indication that they will do so in large numbers.

One further peculiarity of German citizenship law should be noted. While the citizenry is defined restrictively vis-à-vis non-German immigrants, it is defined expansively vis-à-vis ethnic Germans. This ethnic inclusiveness has two aspects. First, the citizenry recognized by the Federal Republic of Germany always included the citizens of the German Democratic Republic. As far as citizenship law is concerned, the division of Germany never happened. Or rather it happened only from

Table 3. Combined effects of naturalization and the ascription of citizenship on the civic incorporation of core immigrant groups in France and Germany (annual averages).^a

Manner of becoming a citizen	France	Germany
Naturalization and declarative acquisition	24,100 ^b	4,500 ^c
Attribution of citizenship to persons born in country, one parent also born in country	16,600 ^d	—
Attribution of citizenship at majority to persons born in country and residing there for last five years	12,700 ^e	—
Total acquiring citizenship or having it attributed to them	53,400	4,500

Source: Tables 1–2, except as otherwise indicated.

a. The core immigrant groups include Algerians, Moroccans, Tunisians, Portuguese, Spanish, and Italians in France, and Turks, Yugoslavs, Italians, Greeks, and Spanish in Germany.

b. 1981–1989. Includes reintegrations (see note to Table 1).

c. 1981–1988.

d. 1981–1986, calculated from André Lebon, "Attribution, acquisition et perte de la nationalité française: un bilan (1973–1986)," *Revue européenne des migrations internationales* 3 (1987): 10.

e. Lebon's estimate of 16,930 annually for 1981–1986 (*ibid.*, p. 12) is for the foreign population as a whole. Since core immigrant groups account for three-fourths of the total foreign population, I have assumed that they account for three-fourths of these cases.

the East German side. From 1967 through 1990, there was a separate East German citizenship, but there never was a separate West German citizenship. Not wanting to validate the division of Germany, the West German authorities insisted on the continued validity of a single German citizenship. As the two Germanies consolidated their separate statehoods, this insistence on a single citizenship came to seem increasingly anomalous. Yet it took on dramatic new meaning in the fall of 1989 and spring of 1990, for it was the common German citizenship that guaranteed every East German, as a German citizen, the constitutional right to enter, reside, and work in West Germany. Common citizenship paved the way for the reestablishment of common statehood.

The second aspect of the ethnic inclusiveness of German citizenship pertains to the ethnic German immigrants from Eastern Europe and the Soviet Union. These immigrants are treated very differently from non-

German immigrants. They are legally defined as Germans and immediately accorded all the rights of citizenship.¹⁹ The liberalization of emigration and travel policies in Eastern Europe and the Soviet Union has engendered a great exodus of ethnic Germans from this region, particularly from Poland, Romania, and the Soviet Union, reversing the centuries-old *Drang nach Osten* of Germans into Slavic lands. Over a million ethnic Germans arrived in Germany between 1988 and 1991; at this writing, the flow continues unabated.

The policies and politics of citizenship are strikingly different in France and Germany. Naturalization policies and practices are more liberal and naturalization rates four to five times higher in France. French citizenship, moreover, is automatically attributed to French-born children of immigrants at their majority, while German citizenship is based solely on descent. As a result, the rate of civic incorporation for migrant workers and their families is more than ten times higher in France than in Germany. Yet while German citizenship is closed to non-German immigrants, it is remarkably open to ethnic German immigrants from Eastern Europe and the Soviet Union. The following chapters seek to explain the origin and persistence of these sharply differing definitions of citizenship.

5 ♦ Migrants into Citizens

The Crystallization of *Jus Soli* in Late-Nineteenth-Century France

The expansiveness of French citizenship vis-à-vis immigrants, we have seen, rests less on liberal naturalization policies and practices than on a system of *jus soli* that automatically transforms second- and third-generation immigrants into citizens. Commentators have suggested that demographic and military interests led the French state to establish *jus soli*. Yet although concern with the "anguishing problem of natality" did play a crucial role in the liberalization of naturalization provisions in 1927,¹ neither demographic nor military concerns were decisive in 1851, when *jus soli* was introduced for third-generation immigrants,² and the when it was extended to cover second-generation immigrants,³ and the system of 1889 remains in place today. *Jus soli* was not the product of a deliberate effort by the state to enlarge the population and the pool of military recruits.³ The problem to which the government responded by introducing and extending *jus soli* was ideological and political, not demographic or military.

The crux of the problem was the politicized resentment, in frontier departments, of the exemption of long-settled foreigners from military service. That resentment intensified in the 1870s, as the military induction rate increased among French males, and especially in the 1880s, as Republican doctrines of universal and equal military service gained ground. The impulse behind the extension of *jus soli*, then, was social resentment, not demographic or military concern. But why did resentment of the privileged situation of established immigrants lead to a more inclusive definition of citizenship? Why did it not lead to a military service requirement for foreign residents,⁴ to a more restrictive immigration policy, or to an exclusive xenophobic nationalism? The decisive extension of *jus soli* in 1889 can be explained only with reference to a distinctively state-centered and assimilationist understanding of nation-